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

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

JESSE WHITE
Secretary of State

(Printed by authority of the General Assembly of the State of Illinois.)
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date Information</td>
<td>iv</td>
</tr>
<tr>
<td>Executive Orders</td>
<td>5529</td>
</tr>
<tr>
<td>House Bills</td>
<td>v</td>
</tr>
<tr>
<td>Index to Public Acts</td>
<td>5955</td>
</tr>
<tr>
<td>Joint Resolutions</td>
<td>5497</td>
</tr>
<tr>
<td>Proclamations</td>
<td>5555</td>
</tr>
<tr>
<td>Public Acts by Effective Date (List)</td>
<td>6023</td>
</tr>
<tr>
<td>Senate Bills</td>
<td>xix</td>
</tr>
<tr>
<td>Compiled Statutes</td>
<td>5879</td>
</tr>
</tbody>
</table>
EFFECTIVE DATES OF PUBLIC ACTS

1970 CONSTITUTION, ARTICLE IV

"§ 10. Effective Date of Laws

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

5 ILLINOIS COMPILED STATUTES CHAPTER 75

75/1. Effective Date of Laws

"§1  (a) A bill passed after June 30 of a calendar year shall become effective on July 1 of the next calendar year unless the General Assembly by a vote of three-fifths of the members elected to each house provides for an earlier effective date in the terms of the bill; provided that if the effective date provided in the terms of the bill is prior to the date the bill becomes a law then the date the bill becomes a law shall be the effective date."

(b) A bill passed prior to July 1 of a calendar year that does not provide for an effective date in the terms of the bill shall become effective on January 1 of the following year, or upon its becoming a law, whichever is later.

75/2. Special Effective Dates

"§2  A bill passed after June 30 of a calendar year shall become effective on July 1 of the next calendar year unless the General Assembly by a vote of three-fifths of the members elected to each house provides for an earlier effective date in the terms of the bill; provided that if the effective date provided in the terms of the bill is prior to the date the bill becomes a law then the date the bill becomes a law shall be the effective date."
### HOUSE BILLS
#### 2005 SESSION
##### MAY 23, 2005 THROUGH JANUARY 20, 2006

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>H 0003</td>
<td>0281</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0015</td>
<td>0123</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0018</td>
<td>0442</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 0020</td>
<td>0443</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0023</td>
<td>0158</td>
<td>APPROVED</td>
<td>07/11/2005</td>
</tr>
<tr>
<td>H 0027</td>
<td>0401</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 0029</td>
<td>0684</td>
<td>AV-O</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0035</td>
<td>0071</td>
<td>APPROVED</td>
<td>06/23/2005</td>
</tr>
<tr>
<td>H 0043</td>
<td>0042</td>
<td>APPROVED</td>
<td>06/17/2005</td>
</tr>
<tr>
<td>H 0048</td>
<td>0282</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>H 0053</td>
<td>0283</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0055</td>
<td>0204</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>H 0056</td>
<td>0205</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 0060</td>
<td>0206</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0062</td>
<td>0244</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>H 0112</td>
<td>0346</td>
<td>APPROVED</td>
<td>07/28/2005</td>
</tr>
<tr>
<td>H 0114</td>
<td>0637</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0115</td>
<td>0557</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>H 0116</td>
<td>0032</td>
<td>APPROVED</td>
<td>06/15/2005</td>
</tr>
<tr>
<td>H 0120</td>
<td>0509</td>
<td>APPROVED</td>
<td>08/09/2005</td>
</tr>
<tr>
<td>H 0121</td>
<td>0159</td>
<td>APPROVED</td>
<td>07/11/2005</td>
</tr>
<tr>
<td>H 0128</td>
<td>0611</td>
<td>APPROVED</td>
<td>08/18/2005</td>
</tr>
<tr>
<td>H 0130</td>
<td>0638</td>
<td>APPROVED</td>
<td>08/22/2005</td>
</tr>
<tr>
<td>H 0132</td>
<td>0284</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
</tbody>
</table>

VIP - Approved with appropriation items vetoed.
IR - Approved with appropriation items reduced.
AV - Amendatory veto (returned to G.A. with recommendations for change).
P - General Assembly action pending.
O - Governor’s action overridden by General Assembly.
CERT - AV accepted by the G.A. and certified by the Governor.
NPA - NO positive action by the G.A.
* - Generally effective this date, some sections other dates.


<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>H 0156</td>
<td>0309</td>
<td>APPROVED</td>
<td>07/25/2005</td>
</tr>
<tr>
<td>H 0165</td>
<td>0514</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>H 0172</td>
<td>0160</td>
<td>APPROVED</td>
<td>07/11/2005</td>
</tr>
<tr>
<td>H 0173</td>
<td>0043</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0174</td>
<td>0206</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0175</td>
<td>0207</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0181</td>
<td>0481</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0188</td>
<td>0515</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>H 0190</td>
<td>0403</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0197</td>
<td>0017</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0203</td>
<td>0018</td>
<td>APPROVED</td>
<td>06/14/2005</td>
</tr>
<tr>
<td>H 0210</td>
<td>0124</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0211</td>
<td>0077</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0212</td>
<td>0354</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0215</td>
<td>0668</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0227</td>
<td>0612</td>
<td>APPROVED</td>
<td>08/18/2005</td>
</tr>
<tr>
<td>H 0229</td>
<td>0444</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0230</td>
<td>0724</td>
<td>APPROVED</td>
<td>01/20/2006</td>
</tr>
<tr>
<td>H 0237</td>
<td>0601</td>
<td>APPROVED</td>
<td>08/16/2005</td>
</tr>
<tr>
<td>H 0245</td>
<td>0404</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0264</td>
<td>0044</td>
<td>APPROVED</td>
<td>06/17/2005</td>
</tr>
<tr>
<td>H 0265</td>
<td>0245</td>
<td>APPROVED</td>
<td>07/01/2006</td>
</tr>
<tr>
<td>H 0270</td>
<td>0310</td>
<td>APPROVED</td>
<td>07/25/2005</td>
</tr>
<tr>
<td>H 0295</td>
<td>0060</td>
<td>APPROVED</td>
<td>06/20/2005</td>
</tr>
<tr>
<td>H 0298</td>
<td>0246</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0310</td>
<td>0247</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0312</td>
<td>0478</td>
<td>APPROVED</td>
<td>08/05/2005</td>
</tr>
<tr>
<td>H 0315</td>
<td>0639</td>
<td>APPROVED</td>
<td>08/22/2005</td>
</tr>
<tr>
<td>H 0316</td>
<td>0248</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>H 0324</td>
<td>0033</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0325</td>
<td>0405</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 0328</td>
<td>0002</td>
<td>APPROVED</td>
<td>05/31/2005</td>
</tr>
<tr>
<td>H 0330</td>
<td>0355</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0337</td>
<td>0003</td>
<td>APPROVED</td>
<td>05/31/2005</td>
</tr>
<tr>
<td>H 0340</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
<tr>
<td>H 0348</td>
<td>0125</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>Bill No.</td>
<td>Public Act 94-</td>
<td>Action</td>
<td>Effective</td>
</tr>
<tr>
<td>---------</td>
<td>----------------</td>
<td>--------</td>
<td>-----------------</td>
</tr>
<tr>
<td>H 0349</td>
<td>0547</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0350</td>
<td>0161</td>
<td>APPROVED</td>
<td>07/11/2005</td>
</tr>
<tr>
<td>H 0360</td>
<td>0640</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0361</td>
<td>0598</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0373</td>
<td>0356</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>H 0381</td>
<td>0126</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0383</td>
<td>0285</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>H 0384</td>
<td>0208</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>H 0386</td>
<td>0093</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0395</td>
<td>0602</td>
<td>APPROVED</td>
<td>08/16/2005</td>
</tr>
<tr>
<td>H 0396</td>
<td>0357</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0399</td>
<td>0347</td>
<td>APPROVED</td>
<td>07/28/2005</td>
</tr>
<tr>
<td>H 0404</td>
<td>0438</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 0406</td>
<td>0249</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>H 0413</td>
<td>0250</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>H 0414</td>
<td>0094</td>
<td>APPROVED</td>
<td>07/01/2005</td>
</tr>
<tr>
<td>H 0415</td>
<td>0251</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0433</td>
<td>0286</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>H 0438</td>
<td>0252</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0444</td>
<td>0127</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>H 0445</td>
<td>0045</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0457</td>
<td>0253</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0480</td>
<td>0631</td>
<td>APPROVED</td>
<td>08/19/2005</td>
</tr>
<tr>
<td>H 0488</td>
<td>0445</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0497</td>
<td>0446</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0504</td>
<td>0558</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0509</td>
<td>0613</td>
<td>APPROVED</td>
<td>08/18/2005</td>
</tr>
<tr>
<td>H 0511</td>
<td>0614</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0515</td>
<td>0358</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>H 0518</td>
<td>0359</td>
<td>APPROVED</td>
<td>07/01/2006</td>
</tr>
<tr>
<td>H 0521</td>
<td>0095</td>
<td>APPROVED</td>
<td>07/01/2005</td>
</tr>
<tr>
<td>H 0523</td>
<td>0641</td>
<td>APPROVED</td>
<td>08/22/2005</td>
</tr>
<tr>
<td>H 0524</td>
<td>0072</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0527</td>
<td>0491</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 0528</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
<tr>
<td>H 0529</td>
<td>0172</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>Bill No.</td>
<td>Public Act 94-</td>
<td>Action</td>
<td>Effective</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>H 0544</td>
<td>0311</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0551</td>
<td>0312</td>
<td>APPROVED</td>
<td>07/25/2005</td>
</tr>
<tr>
<td>H 0561</td>
<td>0254</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>H 0566</td>
<td>0615</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0577</td>
<td>0322</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0582</td>
<td>0173</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0583</td>
<td>0255</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0593</td>
<td>0162</td>
<td>APPROVED</td>
<td>07/11/2005</td>
</tr>
<tr>
<td>H 0594</td>
<td>0599</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0595</td>
<td>0406</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 0596</td>
<td>0323</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0598</td>
<td>0174</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0601</td>
<td>0061</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0603</td>
<td>0046</td>
<td>APPROVED</td>
<td>06/17/2005</td>
</tr>
<tr>
<td>H 0610</td>
<td>0175</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 0611</td>
<td>0128</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>H 0612</td>
<td>0407</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 0615</td>
<td>0447</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0617</td>
<td>0360</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0655</td>
<td>0616</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0657</td>
<td>0110</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0668</td>
<td>0617</td>
<td>APPROVED</td>
<td>08/18/2005</td>
</tr>
<tr>
<td>H 0669</td>
<td>0516</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>H 0672</td>
<td>0517</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0676</td>
<td>0176</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 0678</td>
<td>0642</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0690</td>
<td>0203</td>
<td>APPROVED</td>
<td>07/13/2005</td>
</tr>
<tr>
<td>H 0692</td>
<td>0700</td>
<td>APPROVED</td>
<td>06/01/2006</td>
</tr>
<tr>
<td>H 0700</td>
<td>0256</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>H 0701</td>
<td>0397</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0712</td>
<td>0643</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0715</td>
<td>0492</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0720</td>
<td>0361</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0721</td>
<td>0209</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0723</td>
<td>VETOED-NPA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H 0728</td>
<td>0177</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>Bill No.</td>
<td>Public Act 94-</td>
<td>Action</td>
<td>Effective</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>-------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>H 0729</td>
<td>0096</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0731</td>
<td>0082</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0733</td>
<td>VETOED-NPA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H 0741</td>
<td>0129</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>H 0744</td>
<td>0493</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 0748</td>
<td>0178</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0756</td>
<td>0448</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 0759</td>
<td>0034</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0760</td>
<td>0669</td>
<td>APPROVED</td>
<td>08/23/2005</td>
</tr>
<tr>
<td>H 0763</td>
<td>0324</td>
<td>APPROVED</td>
<td>07/26/2005</td>
</tr>
<tr>
<td>H 0766</td>
<td>0130</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>H 0767</td>
<td>0131</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>H 0769</td>
<td>0618</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0780</td>
<td>0179</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 0783</td>
<td>0087</td>
<td>APPROVED</td>
<td>06/30/2005</td>
</tr>
<tr>
<td>H 0785</td>
<td>0088</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0788</td>
<td>0073</td>
<td>APPROVED</td>
<td>06/23/2005</td>
</tr>
<tr>
<td>H 0793</td>
<td>0325</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0804</td>
<td>0180</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 0805</td>
<td>0181</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0806</td>
<td>0693</td>
<td>APPROVED</td>
<td>07/01/2006</td>
</tr>
<tr>
<td>H 0808</td>
<td>0182</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 0815</td>
<td>0583</td>
<td>APPROVED</td>
<td>08/15/2005</td>
</tr>
<tr>
<td>H 0816</td>
<td>0449</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 0823</td>
<td>0326</td>
<td>APPROVED</td>
<td>07/26/2005</td>
</tr>
<tr>
<td>H 0828</td>
<td>0019</td>
<td>APPROVED</td>
<td>06/14/2005</td>
</tr>
<tr>
<td>H 0829</td>
<td>0362</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>H 0832</td>
<td>0644</td>
<td>APPROVED</td>
<td>08/22/2005</td>
</tr>
<tr>
<td>H 0834</td>
<td>0450</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 0847</td>
<td>0257</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0864</td>
<td>0363</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>H 0866</td>
<td>0451</td>
<td>APPROVED</td>
<td>12/31/2005</td>
</tr>
<tr>
<td>H 0870</td>
<td>0408</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 0872</td>
<td>0258</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>H 0873</td>
<td>0020</td>
<td>APPROVED</td>
<td>06/14/2005</td>
</tr>
<tr>
<td>H 0875</td>
<td>0409</td>
<td>APPROVED</td>
<td>12/31/2005</td>
</tr>
<tr>
<td>Bill No.</td>
<td>Act 94-</td>
<td>Action</td>
<td>Effective</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>---------</td>
<td>-----------------</td>
</tr>
<tr>
<td>H 0876</td>
<td>0348</td>
<td>APPROVED</td>
<td>07/28/2005</td>
</tr>
<tr>
<td>H 0881</td>
<td>0410</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 0884</td>
<td>0183</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0885</td>
<td>0487</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0887</td>
<td>0111</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0888</td>
<td>0112</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0892</td>
<td>0590</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0900</td>
<td>0452</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0908</td>
<td>0210</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>H 0909</td>
<td>0259</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0911</td>
<td>0685</td>
<td>APPROVED</td>
<td>11/02/2005</td>
</tr>
<tr>
<td>H 0917</td>
<td>0078</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0918</td>
<td>0591</td>
<td>APPROVED</td>
<td>08/15/2005</td>
</tr>
<tr>
<td>H 0920</td>
<td>0494</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 0923</td>
<td>0184</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 0930</td>
<td>0132</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>H 0931</td>
<td>0062</td>
<td>APPROVED</td>
<td>06/20/2005</td>
</tr>
<tr>
<td>H 0942</td>
<td>0211</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>H 0947</td>
<td>0411</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0950</td>
<td>0083</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0956</td>
<td>0287</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0960</td>
<td>0185</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0973</td>
<td>0412</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 0984</td>
<td>0559</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 0991</td>
<td>0670</td>
<td>APPROVED</td>
<td>08/23/2005</td>
</tr>
<tr>
<td>H 0992</td>
<td>0016</td>
<td>APPROVED</td>
<td>06/13/2005</td>
</tr>
<tr>
<td>H 0996</td>
<td>0143</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1002</td>
<td>0364</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>H 1005</td>
<td>0021</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1009</td>
<td>0719</td>
<td>APPROVED</td>
<td>01/06/2006</td>
</tr>
<tr>
<td>H 1031</td>
<td>0084</td>
<td>APPROVED</td>
<td>06/28/2005</td>
</tr>
<tr>
<td>H 1039</td>
<td>0398</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 1051</td>
<td>0133</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>H 1058</td>
<td>0074</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1071</td>
<td>0413</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1074</td>
<td>0010</td>
<td>APPROVED</td>
<td>06/07/2005</td>
</tr>
</tbody>
</table>
# HOUSE BILLS
## 2005 SESSION
### MAY 23, 2005 THROUGH JANUARY 20, 2006

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>H 1077</td>
<td>0075 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1079</td>
<td>0022 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1081</td>
<td>0113 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1088</td>
<td>0701 APPROVED</td>
<td>06/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1095</td>
<td>0186 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1100</td>
<td>0013 APPROVED</td>
<td>12/06/2005</td>
<td></td>
</tr>
<tr>
<td>H 1106</td>
<td>0327 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1109</td>
<td>0560 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1125</td>
<td>0288 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1132</td>
<td>0114 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1133</td>
<td>0328 APPROVED</td>
<td>07/26/2005</td>
<td></td>
</tr>
<tr>
<td>H 1134</td>
<td>0399 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1142</td>
<td>0702 APPROVED</td>
<td>06/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1149</td>
<td>0518 APPROVED</td>
<td>08/10/2005</td>
<td></td>
</tr>
<tr>
<td>H 1151</td>
<td>0365 APPROVED</td>
<td>07/29/2005</td>
<td></td>
</tr>
<tr>
<td>H 1157</td>
<td>0023 APPROVED</td>
<td>06/14/2005</td>
<td></td>
</tr>
<tr>
<td>H 1173</td>
<td>0366 APPROVED</td>
<td>07/29/2005</td>
<td></td>
</tr>
<tr>
<td>H 1177</td>
<td>0414 APPROVED</td>
<td>12/31/2005</td>
<td></td>
</tr>
<tr>
<td>H 1181</td>
<td>0592 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1182</td>
<td>0047 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1197</td>
<td>0048 APPROVED</td>
<td>07/01/2005</td>
<td></td>
</tr>
<tr>
<td>H 1285</td>
<td>0289 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1301</td>
<td>0495 APPROVED</td>
<td>08/08/2005</td>
<td></td>
</tr>
<tr>
<td>H 1310</td>
<td>0024 APPROVED</td>
<td>06/14/2005</td>
<td></td>
</tr>
<tr>
<td>H 1311</td>
<td>0453 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1313</td>
<td>0067 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1314</td>
<td>0212 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1315</td>
<td>0025 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1316</td>
<td>0619 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1318</td>
<td>0290 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1321</td>
<td>0291 APPROVED</td>
<td>07/21/2005</td>
<td></td>
</tr>
<tr>
<td>H 1323</td>
<td>0454 APPROVED</td>
<td>08/04/2005</td>
<td></td>
</tr>
<tr>
<td>H 1324</td>
<td>0213 APPROVED</td>
<td>07/14/2005</td>
<td></td>
</tr>
<tr>
<td>H 1333</td>
<td>0496 APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>H 1334</td>
<td>VETOED-NPA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H 1336</td>
<td>0187 APPROVED</td>
<td>07/12/2005</td>
<td></td>
</tr>
</tbody>
</table>
## HOUSE BILLS
### 2005 SESSION
#### MAY 23, 2005 THROUGH JANUARY 20, 2006

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>H 1338</td>
<td>0316</td>
<td>APPROVED</td>
<td>07/25/2005</td>
</tr>
<tr>
<td>H 1339</td>
<td>0214</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1343</td>
<td>0497</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1344</td>
<td>0292</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1345</td>
<td>0498</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 1350</td>
<td>0671</td>
<td>APPROVED</td>
<td>08/23/2000</td>
</tr>
<tr>
<td>H 1351</td>
<td>0115</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1358</td>
<td>0499</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1368</td>
<td>0720</td>
<td>APPROVED</td>
<td>01/06/2006</td>
</tr>
<tr>
<td>H 1370</td>
<td>0488</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1383</td>
<td>0455</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 1384</td>
<td>0415</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 1386</td>
<td>0049</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1387</td>
<td>0519</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>H 1391</td>
<td>0686</td>
<td>AV-O</td>
<td>11/02/2005</td>
</tr>
<tr>
<td>H 1395</td>
<td>0144</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1402</td>
<td>0188</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 1403</td>
<td>0317</td>
<td>APPROVED</td>
<td>07/25/2005</td>
</tr>
<tr>
<td>H 1406</td>
<td>0416</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1411</td>
<td>0001</td>
<td>APPROVED</td>
<td>05/23/2005</td>
</tr>
<tr>
<td>H 1427</td>
<td>0417</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 1428</td>
<td>0050</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1430</td>
<td>0026</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1432</td>
<td>0482</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1434</td>
<td>0134</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1445</td>
<td>0367</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1458</td>
<td>0483</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 1469</td>
<td>0009</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1471</td>
<td>0329</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1480</td>
<td>0321</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1483</td>
<td>0330</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1486</td>
<td>VETOED-NPA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H 1487</td>
<td>VETOED-NPA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H 1500</td>
<td>0135</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>H 1511</td>
<td>0418</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 1517</td>
<td>0561</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>Bill No.</td>
<td>Public Act 94-</td>
<td>Action</td>
<td>Effective</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>-------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>H 1522</td>
<td>0368</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>H 1523</td>
<td>0293</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1527</td>
<td>0456</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 1529</td>
<td>0437</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1540</td>
<td>0189</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 1541</td>
<td>0190</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 1548</td>
<td>0215</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1549</td>
<td>0369</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>H 1550</td>
<td>0331</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1559</td>
<td>0548</td>
<td>APPROVED</td>
<td>08/11/2005</td>
</tr>
<tr>
<td>H 1562</td>
<td>0332</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1565</td>
<td>0239</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1569</td>
<td>0097</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1570</td>
<td>0419</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 1571</td>
<td>0260</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>H 1574</td>
<td>0457</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1575</td>
<td>0216</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>H 1581</td>
<td>0107</td>
<td>APPROVED</td>
<td>07/01/2005</td>
</tr>
<tr>
<td>H 1587</td>
<td>0191</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 1588</td>
<td>0333</td>
<td>APPROVED</td>
<td>07/26/2005</td>
</tr>
<tr>
<td>H 1589</td>
<td>0620</td>
<td>APPROVED</td>
<td>01/01/2007</td>
</tr>
<tr>
<td>H 1597</td>
<td>0294</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1633</td>
<td>0036</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1656</td>
<td>0295</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>H 1663</td>
<td>0370</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>H 1679</td>
<td>0562</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1716</td>
<td>0703</td>
<td>APPROVED</td>
<td>06/01/2006</td>
</tr>
<tr>
<td>H 1731</td>
<td>0704</td>
<td>APPROVED</td>
<td>12/05/2005</td>
</tr>
<tr>
<td>H 1870</td>
<td>0563</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 1919</td>
<td>0667</td>
<td>APPROVED</td>
<td>08/23/2005</td>
</tr>
<tr>
<td>H 1968</td>
<td>0645</td>
<td>APPROVED</td>
<td>08/22/2005</td>
</tr>
<tr>
<td>H 1971</td>
<td>0136</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>H 2004</td>
<td>0137</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2062</td>
<td>0163</td>
<td>APPROVED</td>
<td>07/11/2005</td>
</tr>
<tr>
<td>H 2077</td>
<td>0164</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2133</td>
<td>0723</td>
<td>APPROVED</td>
<td>01/19/2006</td>
</tr>
</tbody>
</table>
## HOUSE BILLS
### 2005 SESSION
#### MAY 23, 2005 THROUGH JANUARY 20, 2006

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>H 2137</td>
<td>0277</td>
<td>APPROVED</td>
<td>07/20/2005</td>
</tr>
<tr>
<td>H 2190</td>
<td>0584</td>
<td>APPROVED</td>
<td>08/15/2005</td>
</tr>
<tr>
<td>H 2222</td>
<td>0070</td>
<td>APPROVED</td>
<td>06/22/2005</td>
</tr>
<tr>
<td>H 2241</td>
<td>0145</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2242</td>
<td>0217</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2250</td>
<td>0334</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2260</td>
<td>0098</td>
<td>APPROVED</td>
<td>07/01/2005</td>
</tr>
<tr>
<td>H 2341</td>
<td>0500</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 2343</td>
<td>0027</td>
<td>APPROVED</td>
<td>06/14/2005</td>
</tr>
<tr>
<td>H 2344</td>
<td>0501</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 2345</td>
<td>0646</td>
<td>APPROVED</td>
<td>08/22/2005</td>
</tr>
<tr>
<td>H 2348</td>
<td>0218</td>
<td>APPROVED</td>
<td>07/01/2006</td>
</tr>
<tr>
<td>H 2351</td>
<td>0564</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>H 2375</td>
<td>0502</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 2379</td>
<td>0621</td>
<td>APPROVED</td>
<td>08/18/2005</td>
</tr>
<tr>
<td>H 2380</td>
<td>0634</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2386</td>
<td>0165</td>
<td>APPROVED</td>
<td>07/11/2005</td>
</tr>
<tr>
<td>H 2389</td>
<td>0192</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2404</td>
<td>0458</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 2407</td>
<td>0261</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2408</td>
<td>0262</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2411</td>
<td>0549</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2417</td>
<td>0647</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2421</td>
<td>0371</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2435</td>
<td>0479</td>
<td>APPROVED</td>
<td>08/05/2005</td>
</tr>
<tr>
<td>H 2441</td>
<td>0263</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2445</td>
<td>0484</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 2449</td>
<td>0318</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2451</td>
<td>0459</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2453</td>
<td>0335</td>
<td>APPROVED</td>
<td>07/26/2005</td>
</tr>
<tr>
<td>H 2455</td>
<td>0603</td>
<td>APPROVED</td>
<td>08/16/2005</td>
</tr>
<tr>
<td>H 2459</td>
<td>0705</td>
<td>APPROVED</td>
<td>06/01/2006</td>
</tr>
<tr>
<td>H 2460</td>
<td>0264</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>H 2461</td>
<td>0336</td>
<td>APPROVED</td>
<td>07/26/2005</td>
</tr>
<tr>
<td>H 2462</td>
<td>0489</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 2467</td>
<td>0503</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>Bill No.</td>
<td>Public Act 94-</td>
<td>Action</td>
<td>Effective</td>
</tr>
<tr>
<td>----------</td>
<td>---------------</td>
<td>------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>H 2470</td>
<td>0141</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2480</td>
<td>0372</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>H 2487</td>
<td>0565</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2490</td>
<td>0265</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2500</td>
<td>0266</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2509</td>
<td>0648</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2510</td>
<td>0319</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2515</td>
<td>0420</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 2525</td>
<td>0687</td>
<td>AV-O</td>
<td>11/03/2005</td>
</tr>
<tr>
<td>H 2527</td>
<td>0421</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 2528</td>
<td>0688</td>
<td>VETOED-O</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2531</td>
<td>0665</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2533</td>
<td>0460</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 2547</td>
<td>0146</td>
<td>APPROVED</td>
<td>07/08/2005</td>
</tr>
<tr>
<td>H 2550</td>
<td>0313</td>
<td>APPROVED</td>
<td>07/25/2005</td>
</tr>
<tr>
<td>H 2564</td>
<td>0461</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 2566</td>
<td>0099</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2572</td>
<td>0100</td>
<td>APPROVED</td>
<td>07/01/2005</td>
</tr>
<tr>
<td>H 2577</td>
<td>0462</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 2578</td>
<td>0629</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2580</td>
<td>0480</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2589</td>
<td>0566</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2593</td>
<td>0373</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2594</td>
<td>0490</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2595</td>
<td>0689</td>
<td>VETOED-O</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2611</td>
<td>0374</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>H 2612</td>
<td>0706</td>
<td>APPROVED</td>
<td>06/01/2006</td>
</tr>
<tr>
<td>H 2613</td>
<td>0622</td>
<td>APPROVED</td>
<td>08/18/2005</td>
</tr>
<tr>
<td>H 2689</td>
<td>0422</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 2693</td>
<td>0600</td>
<td>APPROVED</td>
<td>08/16/2005</td>
</tr>
<tr>
<td>H 2696</td>
<td>0037</td>
<td>APPROVED</td>
<td>06/16/2005</td>
</tr>
<tr>
<td>H 2697</td>
<td>0038</td>
<td>APPROVED</td>
<td>06/16/2005</td>
</tr>
<tr>
<td>H 2699</td>
<td>0039</td>
<td>APPROVED</td>
<td>06/16/2005</td>
</tr>
<tr>
<td>H 2700</td>
<td>0051</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2853</td>
<td>0567</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2892</td>
<td>0267</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
</tbody>
</table>
# HOUSE BILLS
## 2005 SESSION
### MAY 23, 2005 THROUGH JANUARY 20, 2006

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>H 2920</td>
<td>0147</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 2943</td>
<td>0707</td>
<td>APPROVED</td>
<td>06/01/2006</td>
</tr>
<tr>
<td>H 3022</td>
<td>0463</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 3033</td>
<td>0504</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 3045</td>
<td>0101</td>
<td>APPROVED</td>
<td>01/01/2008</td>
</tr>
<tr>
<td>H 3048</td>
<td>0138</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>H 3066</td>
<td>0268</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>H 3092</td>
<td>0052</td>
<td>APPROVED</td>
<td>06/17/2005</td>
</tr>
<tr>
<td>H 3095</td>
<td>0690</td>
<td>VETOED-O</td>
<td>11/02/2005</td>
</tr>
<tr>
<td>H 3121</td>
<td>0510</td>
<td>APPROVED</td>
<td>08/09/2005</td>
</tr>
<tr>
<td>H 3158</td>
<td>0708</td>
<td>APPROVED</td>
<td>12/05/2005</td>
</tr>
<tr>
<td>H 3258</td>
<td>0423</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 3272</td>
<td>0691</td>
<td>AV-O</td>
<td>11/02/2005</td>
</tr>
<tr>
<td>H 3415</td>
<td>0604</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3420</td>
<td>0102</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3449</td>
<td>0148</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3451</td>
<td>0219</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>H 3471</td>
<td>0511</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3472</td>
<td>0585</td>
<td>APPROVED</td>
<td>08/15/2005</td>
</tr>
<tr>
<td>H 3478</td>
<td>0697</td>
<td>APPROVED</td>
<td>11/21/2005</td>
</tr>
<tr>
<td>H 3480</td>
<td></td>
<td>AV-NPA</td>
<td></td>
</tr>
<tr>
<td>H 3485</td>
<td>0593</td>
<td>APPROVED</td>
<td>08/15/2005</td>
</tr>
<tr>
<td>H 3488</td>
<td>0193</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 3498</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
<tr>
<td>H 3504</td>
<td>0550</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3507</td>
<td>0551</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3515</td>
<td>0552</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>H 3526</td>
<td>0553</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>H 3531</td>
<td>0554</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3532</td>
<td>0555</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>H 3538</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
<tr>
<td>H 3544</td>
<td>0513</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3564</td>
<td>0119</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3576</td>
<td>0505</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 3595</td>
<td>0424</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 3597</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
</tbody>
</table>
# HOUSE BILLS
## 2005 SESSION
### MAY 23, 2005 THROUGH JANUARY 20, 2006

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>H 3622</td>
<td>0194</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 3628</td>
<td>0586</td>
<td>APPROVED</td>
<td>08/15/2005</td>
</tr>
<tr>
<td>H 3646</td>
<td>0220</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>H 3648</td>
<td>0375</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3651</td>
<td>0692</td>
<td>VETOED-O</td>
<td>11/03/2005</td>
</tr>
<tr>
<td>H 3678</td>
<td>0666</td>
<td>APPROVED</td>
<td>08/23/2005</td>
</tr>
<tr>
<td>H 3680</td>
<td>0439</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 3694</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
<tr>
<td>H 3724</td>
<td>0587</td>
<td>APPROVED</td>
<td>08/15/2005</td>
</tr>
<tr>
<td>H 3738</td>
<td>0464</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3740</td>
<td>0425</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>H 3742</td>
<td>0465</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>H 3749</td>
<td>0520</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>H 3755</td>
<td>0623</td>
<td>APPROVED</td>
<td>08/18/2005</td>
</tr>
<tr>
<td>H 3757</td>
<td>0221</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>H 3763</td>
<td>0296</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>H 3770</td>
<td>0139</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>H 3785</td>
<td>0222</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>H 3800</td>
<td>0223</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>H 3801</td>
<td>0709</td>
<td>APPROVED</td>
<td>12/05/2005</td>
</tr>
<tr>
<td>H 3812</td>
<td>0521</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3814</td>
<td>0713</td>
<td>APPROVED</td>
<td>06/01/2006</td>
</tr>
<tr>
<td>H 3816</td>
<td>0116</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3819</td>
<td>0308</td>
<td>APPROVED</td>
<td>07/22/2005</td>
</tr>
<tr>
<td>H 3821</td>
<td>0195</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>H 3822</td>
<td>0506</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>H 3831</td>
<td>0337</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3843</td>
<td>0466</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 3850</td>
<td>0297</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>H 3851</td>
<td>0269</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>H 3874</td>
<td>0338</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 4014</td>
<td>0568</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 4020</td>
<td>0512</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 4023</td>
<td>0315</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 4025</td>
<td>0710</td>
<td>APPROVED</td>
<td>12/05/2005</td>
</tr>
<tr>
<td>H 4030</td>
<td>0166</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
</tbody>
</table>
HOUSE BILLS
2005 SESSION
MAY 23, 2005 THROUGH JANUARY 20, 2006

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>H 4050</td>
<td>0280</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>H 4053</td>
<td>0388</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>H 4058</td>
<td>0588</td>
<td>APPROVED</td>
<td>08/15/2005</td>
</tr>
<tr>
<td>H 4067</td>
<td>0467</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>Bill No.</td>
<td>Public Act 94-</td>
<td>Action</td>
<td>Effective</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>-----------</td>
<td>-----------------</td>
</tr>
<tr>
<td>S 0001</td>
<td>0120</td>
<td>APPROVED</td>
<td>07/06/2005</td>
</tr>
<tr>
<td>S 0003</td>
<td>0196</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>S 0010</td>
<td>0507</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>S 0012</td>
<td>0121</td>
<td>APPROVED</td>
<td>07/06/2005</td>
</tr>
<tr>
<td>S 0013</td>
<td>0672</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0015</td>
<td>0392</td>
<td>APPROVED</td>
<td>08/01/2005</td>
</tr>
<tr>
<td>S 0021</td>
<td>0624</td>
<td>APPROVED</td>
<td>08/18/2005</td>
</tr>
<tr>
<td>S 0022</td>
<td>0569</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>S 0023</td>
<td>0079</td>
<td>APPROVED</td>
<td>01/27/2006</td>
</tr>
<tr>
<td>S 0025</td>
<td>0298</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0026</td>
<td>0570</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>S 0027</td>
<td>0004</td>
<td>APPROVED</td>
<td>06/01/2005</td>
</tr>
<tr>
<td>S 0040</td>
<td>0167</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0045</td>
<td>0149</td>
<td>APPROVED</td>
<td>10/01/2005</td>
</tr>
<tr>
<td>S 0046</td>
<td>0630</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0052</td>
<td>0508</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0053</td>
<td>0571</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>S 0054</td>
<td>0270</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0057</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
<tr>
<td>S 0058</td>
<td>0197</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>S 0061</td>
<td>0649</td>
<td>APPROVED</td>
<td>08/22/2005</td>
</tr>
<tr>
<td>S 0063</td>
<td>0085</td>
<td>APPROVED</td>
<td>06/28/2005</td>
</tr>
<tr>
<td>S 0064</td>
<td>0014</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0066</td>
<td>0522</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 0067</td>
<td>0725</td>
<td>APPROVED</td>
<td>06/01/2006</td>
</tr>
</tbody>
</table>

VIP - Approved with appropriation items vetoed.
IR - Approved with appropriation items reduced.
AV - Amendatory veto (returned to G.A. with recommendations For change).
P - General Assembly action pending.
O - Governor’s action overridden by General Assembly.
CERT - AV accepted by the G.A. and certified by the Governor.
NPA - NO positive action by the G.A.
* - Generally effective this date, some sections other dates.
<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>S 0069</td>
<td>0426</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0072</td>
<td>0117</td>
<td>APPROVED</td>
<td>07/05/2005</td>
</tr>
<tr>
<td>S 0074</td>
<td>0468</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>S 0075</td>
<td>0118</td>
<td>APPROVED</td>
<td>07/05/2005</td>
</tr>
<tr>
<td>S 0078</td>
<td>0053</td>
<td>APPROVED</td>
<td>06/17/2005</td>
</tr>
<tr>
<td>S 0087</td>
<td>0376</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>S 0088</td>
<td>0198</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0090</td>
<td>0063</td>
<td>APPROVED</td>
<td>06/21/2005</td>
</tr>
<tr>
<td>S 0092</td>
<td>0696</td>
<td>APPROVED</td>
<td>06/01/2006</td>
</tr>
<tr>
<td>S 0095</td>
<td>0089</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0096</td>
<td>0076</td>
<td>APPROVED</td>
<td>06/24/2005</td>
</tr>
<tr>
<td>S 0098</td>
<td>0377</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>S 0100</td>
<td>0170</td>
<td>APPROVED</td>
<td>07/11/2005</td>
</tr>
<tr>
<td>S 0101</td>
<td>0378</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0102</td>
<td>0339</td>
<td>APPROVED</td>
<td>07/26/2005</td>
</tr>
<tr>
<td>S 0104</td>
<td>0393</td>
<td>APPROVED</td>
<td>08/01/2005</td>
</tr>
<tr>
<td>S 0122</td>
<td>0278</td>
<td>APPROVED</td>
<td>07/20/2005</td>
</tr>
<tr>
<td>S 0123</td>
<td>0040</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0127</td>
<td>0299</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>S 0133</td>
<td>0142</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0139</td>
<td>0523</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0143</td>
<td>0320</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0157</td>
<td>0242</td>
<td>APPROVED</td>
<td>07/18/2005</td>
</tr>
<tr>
<td>S 0158</td>
<td>0726</td>
<td>APPROVED</td>
<td>01/20/2006</td>
</tr>
<tr>
<td>S 0159</td>
<td>0379</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0162</td>
<td>0199</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>S 0169</td>
<td>0572</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>S 0171</td>
<td>0469</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>S 0173</td>
<td>0150</td>
<td>APPROVED</td>
<td>07/08/2005</td>
</tr>
<tr>
<td>S 0189</td>
<td>0103</td>
<td>APPROVED</td>
<td>07/01/2005</td>
</tr>
<tr>
<td>S 0190</td>
<td>0243</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0201</td>
<td>0349</td>
<td>APPROVED</td>
<td>07/28/2005</td>
</tr>
<tr>
<td>S 0210</td>
<td>0240</td>
<td>APPROVED</td>
<td>07/15/2005</td>
</tr>
<tr>
<td>S 0211</td>
<td>0200</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>S 0214</td>
<td>0054</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0223</td>
<td>0151</td>
<td>APPROVED</td>
<td>07/08/2005</td>
</tr>
</tbody>
</table>
## SENATE BILLS
### 2005 SESSION
#### MAY 23, 2005 THROUGH JANUARY 20, 2006

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>S 0226</td>
<td>0028</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0229</td>
<td>0241</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0232</td>
<td>0524</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 0233</td>
<td>0238</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>S 0241</td>
<td>0314</td>
<td>APPROVED</td>
<td>07/25/2005</td>
</tr>
<tr>
<td>S 0244</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
<tr>
<td>S 0248</td>
<td>0470</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>S 0250</td>
<td>0573</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0251</td>
<td>0625</td>
<td>APPROVED</td>
<td>08/18/2005</td>
</tr>
<tr>
<td>S 0253</td>
<td>0471</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>S 0272</td>
<td>0679</td>
<td>VETOED-O</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0273</td>
<td>0694</td>
<td>APPROVED</td>
<td>01/15/2006</td>
</tr>
<tr>
<td>S 0274</td>
<td>0472</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0283</td>
<td>0574</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>S 0287</td>
<td>0080</td>
<td>APPROVED</td>
<td>06/27/2005</td>
</tr>
<tr>
<td>S 0288</td>
<td>0680</td>
<td>VETOED-O</td>
<td>11/03/2005</td>
</tr>
<tr>
<td>S 0292</td>
<td>0271</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0293</td>
<td>0714</td>
<td>APPROVED</td>
<td>07/01/2006</td>
</tr>
<tr>
<td>S 0297</td>
<td>0525</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0299</td>
<td>0064</td>
<td>APPROVED</td>
<td>06/21/2005</td>
</tr>
<tr>
<td>S 0301</td>
<td>0473</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0302</td>
<td>0224</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0309</td>
<td>0380</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>S 0311</td>
<td>0055</td>
<td>APPROVED</td>
<td>06/17/2005</td>
</tr>
<tr>
<td>S 0316</td>
<td>0673</td>
<td>APPROVED</td>
<td>08/23/2005</td>
</tr>
<tr>
<td>S 0319</td>
<td>0715</td>
<td>APPROVED</td>
<td>12/13/2005</td>
</tr>
<tr>
<td>S 0323</td>
<td>0485</td>
<td>APPROVED</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>S 0326</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
<tr>
<td>S 0327</td>
<td>0300</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>S 0328</td>
<td>0035</td>
<td>APPROVED</td>
<td>06/15/2005</td>
</tr>
<tr>
<td>S 0331</td>
<td>0698</td>
<td>APPROVED</td>
<td>11/22/2005</td>
</tr>
<tr>
<td>S 0341</td>
<td>0474</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>S 0350</td>
<td>0427</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0357</td>
<td></td>
<td>AV-NPA</td>
<td></td>
</tr>
<tr>
<td>S 0383</td>
<td>0225</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>S 0397</td>
<td>0526</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
</tbody>
</table>
# Senate Bills
## 2005 Session
### May 23, 2005 Through January 20, 2006

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>S 0406</td>
<td>0381</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>S 0411</td>
<td>0301</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0416</td>
<td>0400</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0417</td>
<td>0575</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>S 0426</td>
<td>0152</td>
<td>APPROVED</td>
<td>07/08/2005</td>
</tr>
<tr>
<td>S 0427</td>
<td>0201</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0431</td>
<td>0272</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>S 0445</td>
<td>0226</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0450</td>
<td>0527</td>
<td>APPROVED</td>
<td>12/31/2005</td>
</tr>
<tr>
<td>S 0451</td>
<td>0528</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 0452</td>
<td>0090</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0459</td>
<td>0056</td>
<td>APPROVED</td>
<td>06/17/2005</td>
</tr>
<tr>
<td>S 0460</td>
<td>0057</td>
<td>APPROVED</td>
<td>06/17/2005</td>
</tr>
<tr>
<td>S 0463</td>
<td>0108</td>
<td>APPROVED</td>
<td>07/01/2005</td>
</tr>
<tr>
<td>S 0465</td>
<td>0529</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 0468</td>
<td>0605</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0469</td>
<td>0340</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0471</td>
<td>VETOED-NPA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S 0475</td>
<td>0677</td>
<td>APPROVED</td>
<td>08/25/2005</td>
</tr>
<tr>
<td>S 0478</td>
<td>0382</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>S 0479</td>
<td>0227</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0485</td>
<td>0606</td>
<td>APPROVED</td>
<td>08/16/2005</td>
</tr>
<tr>
<td>S 0489</td>
<td>0273</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0501</td>
<td>0650</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0502</td>
<td>0576</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>S 0504</td>
<td>0607</td>
<td>APPROVED</td>
<td>08/16/2005</td>
</tr>
<tr>
<td>S 0506</td>
<td>0228</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0511</td>
<td>0530</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0516</td>
<td>0531</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0517</td>
<td>0391</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0518</td>
<td>0532</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 0519</td>
<td>0533</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 0521</td>
<td>0122</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0526</td>
<td>0011</td>
<td>APPROVED</td>
<td>06/08/2005 *</td>
</tr>
<tr>
<td>S 0528</td>
<td>0029</td>
<td>APPROVED</td>
<td>06/14/2005</td>
</tr>
<tr>
<td>S 0529</td>
<td>0229</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>Bill No.</td>
<td>Public Act 94-</td>
<td>Action</td>
<td>Effective</td>
</tr>
<tr>
<td>---------</td>
<td>--------------</td>
<td>--------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>S 0533</td>
<td>0394</td>
<td>APPROVED</td>
<td>08/01/2005</td>
</tr>
<tr>
<td>S 0538</td>
<td>0577</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0554</td>
<td>0383</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0559</td>
<td>0202</td>
<td>APPROVED</td>
<td>07/12/2005</td>
</tr>
<tr>
<td>S 0562</td>
<td>0556</td>
<td>APPROVED</td>
<td>09/11/2005</td>
</tr>
<tr>
<td>S 0568</td>
<td>0007</td>
<td>APPROVED</td>
<td>06/06/2005</td>
</tr>
<tr>
<td>S 0572</td>
<td>0546</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0574</td>
<td>0534</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0575</td>
<td>0676</td>
<td>APPROVED</td>
<td>08/24/2005</td>
</tr>
<tr>
<td>S 0599</td>
<td>0578</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>S 0635</td>
<td>0535</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 0658</td>
<td>0799</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>S 0661</td>
<td>0091</td>
<td>APPROVED</td>
<td>07/01/2005</td>
</tr>
<tr>
<td>S 0662</td>
<td>0058</td>
<td>APPROVED</td>
<td>06/17/2005</td>
</tr>
<tr>
<td>S 0676</td>
<td>0711</td>
<td>APPROVED</td>
<td>06/01/2006</td>
</tr>
<tr>
<td>S 0763</td>
<td>0536</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 0764</td>
<td>0384</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0766</td>
<td>0716</td>
<td>APPROVED</td>
<td>12/13/2005</td>
</tr>
<tr>
<td>S 0767</td>
<td>0153</td>
<td>APPROVED</td>
<td>07/08/2005</td>
</tr>
<tr>
<td>S 0768</td>
<td>0230</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0769</td>
<td>VETOED-NPA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S 0780</td>
<td>0537</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 0833</td>
<td>0302</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>S 0834</td>
<td>0475</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>S 0847</td>
<td>0681</td>
<td>VETOED-O</td>
<td>11/03/2005</td>
</tr>
<tr>
<td>S 0849</td>
<td>0428</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>S 0852</td>
<td>0721</td>
<td>APPROVED</td>
<td>01/06/2006</td>
</tr>
<tr>
<td>S 0926</td>
<td>0385</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>S 0930</td>
<td>0651</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 0945</td>
<td>0005</td>
<td>APPROVED</td>
<td>06/03/2005</td>
</tr>
<tr>
<td>S 0955</td>
<td>0092</td>
<td>APPROVED</td>
<td>06/30/2005</td>
</tr>
<tr>
<td>S 0966</td>
<td>0303</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>S 0973</td>
<td>0086</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1119</td>
<td>0304</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>S 1124</td>
<td>0717</td>
<td>APPROVED</td>
<td>12/19/2005</td>
</tr>
<tr>
<td>S 1180</td>
<td>0652</td>
<td>APPROVED</td>
<td>08/22/2005</td>
</tr>
<tr>
<td>Bill No.</td>
<td>Action</td>
<td>Effective</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>--------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>S 1208</td>
<td>APPROVED</td>
<td>01/06/2006</td>
<td></td>
</tr>
<tr>
<td>S 1209</td>
<td>APPROVED</td>
<td>08/18/2005</td>
<td></td>
</tr>
<tr>
<td>S 1210</td>
<td>APPROVED</td>
<td>08/16/2005</td>
<td></td>
</tr>
<tr>
<td>S 1211</td>
<td>APPROVED</td>
<td>08/22/2005</td>
<td></td>
</tr>
<tr>
<td>S 1213</td>
<td>APPROVED</td>
<td>12/30/2005</td>
<td></td>
</tr>
<tr>
<td>S 1219</td>
<td>APPROVED</td>
<td>07/29/2005</td>
<td></td>
</tr>
<tr>
<td>S 1220</td>
<td>APPROVED</td>
<td>08/02/2005</td>
<td></td>
</tr>
<tr>
<td>S 1221</td>
<td>APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1230</td>
<td>APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1233</td>
<td>APPROVED</td>
<td>08/22/2005</td>
<td></td>
</tr>
<tr>
<td>S 1234</td>
<td>APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1235</td>
<td>APPROVED</td>
<td>08/04/2005</td>
<td></td>
</tr>
<tr>
<td>S 1251</td>
<td>APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1267</td>
<td>APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1283</td>
<td>APPROVED</td>
<td>11/16/2005</td>
<td></td>
</tr>
<tr>
<td>S 1294</td>
<td>VETOED-NPA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S 1333</td>
<td>APPROVED</td>
<td>07/29/2005</td>
<td></td>
</tr>
<tr>
<td>S 1354</td>
<td>APPROVED</td>
<td>08/23/2005</td>
<td></td>
</tr>
<tr>
<td>S 1435</td>
<td>APPROVED</td>
<td>08/22/2005</td>
<td></td>
</tr>
<tr>
<td>S 1438</td>
<td>APPROVED</td>
<td>06/06/2005</td>
<td></td>
</tr>
<tr>
<td>S 1442</td>
<td>APPROVED</td>
<td>07/01/2005</td>
<td></td>
</tr>
<tr>
<td>S 1443</td>
<td>APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1444</td>
<td>APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1446</td>
<td>APPROVED</td>
<td>07/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1458</td>
<td>APPROVED</td>
<td>07/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1461</td>
<td>APPROVED</td>
<td>08/02/2005</td>
<td></td>
</tr>
<tr>
<td>S 1483</td>
<td>APPROVED</td>
<td>07/01/2005</td>
<td></td>
</tr>
<tr>
<td>S 1489</td>
<td>APPROVED</td>
<td>08/02/2005</td>
<td></td>
</tr>
<tr>
<td>S 1491</td>
<td>APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1493</td>
<td>APPROVED</td>
<td>08/02/2005</td>
<td></td>
</tr>
<tr>
<td>S 1495</td>
<td>APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1509</td>
<td>AV-O</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1548</td>
<td>APPROVED</td>
<td>07/01/2005 *</td>
<td></td>
</tr>
<tr>
<td>S 1623</td>
<td>APPROVED</td>
<td>01/01/2006</td>
<td></td>
</tr>
<tr>
<td>S 1626</td>
<td>APPROVED</td>
<td>07/28/2005</td>
<td></td>
</tr>
<tr>
<td>S 1627</td>
<td>APPROVED</td>
<td>08/15/2005</td>
<td></td>
</tr>
<tr>
<td>Bill No.</td>
<td>Public Act 94-</td>
<td>Action</td>
<td>Effective Date</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>S 1629</td>
<td>0538</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1637</td>
<td>0030</td>
<td>APPROVED</td>
<td>06/14/2005</td>
</tr>
<tr>
<td>S 1638</td>
<td>0231</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>S 1645</td>
<td>0395</td>
<td>APPROVED</td>
<td>08/01/2005</td>
</tr>
<tr>
<td>S 1649</td>
<td>0059</td>
<td>APPROVED</td>
<td>06/17/2005</td>
</tr>
<tr>
<td>S 1651</td>
<td>0342</td>
<td>APPROVED</td>
<td>07/26/2005</td>
</tr>
<tr>
<td>S 1654</td>
<td>AV-NPA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S 1660</td>
<td>0539</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 1665</td>
<td>VETOED-NPA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S 1666</td>
<td>0343</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1669</td>
<td>0344</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1676</td>
<td>0105</td>
<td>APPROVED</td>
<td>07/01/2005</td>
</tr>
<tr>
<td>S 1680</td>
<td>0433</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1693</td>
<td>0712</td>
<td>APPROVED</td>
<td>06/01/2006</td>
</tr>
<tr>
<td>S 1698</td>
<td>0632</td>
<td>APPROVED</td>
<td>08/19/2005</td>
</tr>
<tr>
<td>S 1699</td>
<td>0279</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1701</td>
<td>0580</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>S 1723</td>
<td>0540</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1734</td>
<td>0440</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>S 1750</td>
<td>0541</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1751</td>
<td>0305</td>
<td>APPROVED</td>
<td>07/21/2005</td>
</tr>
<tr>
<td>S 1752</td>
<td>0306</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1770</td>
<td>0232</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>S 1771</td>
<td>0233</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>S 1776</td>
<td>0581</td>
<td>APPROVED</td>
<td>08/12/2005</td>
</tr>
<tr>
<td>S 1787</td>
<td>0274</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1799</td>
<td>0041</td>
<td>APPROVED</td>
<td>06/16/2005</td>
</tr>
<tr>
<td>S 1814</td>
<td>0065</td>
<td>APPROVED</td>
<td>06/21/2005</td>
</tr>
<tr>
<td>S 1815</td>
<td>0069</td>
<td>APPROVED</td>
<td>07/01/2005</td>
</tr>
<tr>
<td>S 1821</td>
<td>0658</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1825</td>
<td>0307</td>
<td>APPROVED</td>
<td>09/30/2005</td>
</tr>
<tr>
<td>S 1826</td>
<td>0396</td>
<td>APPROVED</td>
<td>08/01/2005</td>
</tr>
<tr>
<td>S 1832</td>
<td>0390</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1842</td>
<td>0351</td>
<td>APPROVED</td>
<td>07/28/2005</td>
</tr>
<tr>
<td>S 1843</td>
<td>0699</td>
<td>APPROVED</td>
<td>11/29/2005</td>
</tr>
<tr>
<td>S 1851</td>
<td>0441</td>
<td>APPROVED</td>
<td>08/04/2005</td>
</tr>
<tr>
<td>Bill No.</td>
<td>Public Act 94-</td>
<td>Action</td>
<td>Effective</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>--------</td>
<td>----------------</td>
</tr>
<tr>
<td>S 1853</td>
<td>0234</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>S 1857</td>
<td>0542</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 1862</td>
<td>0275</td>
<td>APPROVED</td>
<td>07/19/2005</td>
</tr>
<tr>
<td>S 1876</td>
<td>0543</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 1878</td>
<td>0434</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1882</td>
<td>0435</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>S 1883</td>
<td>0659</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1884</td>
<td>0154</td>
<td>APPROVED</td>
<td>07/08/2005</td>
</tr>
<tr>
<td>S 1893</td>
<td>0582</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1897</td>
<td>0169</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1898</td>
<td>0140</td>
<td>APPROVED</td>
<td>07/07/2005</td>
</tr>
<tr>
<td>S 1907</td>
<td>0155</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1909</td>
<td>0066</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1910</td>
<td>0675</td>
<td>APPROVED</td>
<td>08/23/2005</td>
</tr>
<tr>
<td>S 1915</td>
<td></td>
<td></td>
<td>VETOED-NPA</td>
</tr>
<tr>
<td>S 1930</td>
<td>0627</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1931</td>
<td>0235</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>S 1932</td>
<td>0436</td>
<td>APPROVED</td>
<td>08/02/2005</td>
</tr>
<tr>
<td>S 1935</td>
<td>0633</td>
<td>APPROVED</td>
<td>08/19/2005</td>
</tr>
<tr>
<td>S 1943</td>
<td>0683</td>
<td>APPROVED</td>
<td>11/09/2005</td>
</tr>
<tr>
<td>S 1953</td>
<td>0345</td>
<td>APPROVED</td>
<td>07/26/2005</td>
</tr>
<tr>
<td>S 1960</td>
<td>0012</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1962</td>
<td>0006</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 1964</td>
<td>0636</td>
<td>APPROVED</td>
<td>08/22/2005</td>
</tr>
<tr>
<td>S 1965</td>
<td>0171</td>
<td>APPROVED</td>
<td>07/11/2005</td>
</tr>
<tr>
<td>S 1967</td>
<td>0236</td>
<td>APPROVED</td>
<td>07/14/2005</td>
</tr>
<tr>
<td>S 1968</td>
<td>0660</td>
<td>APPROVED</td>
<td>08/22/2005</td>
</tr>
<tr>
<td>S 1986</td>
<td></td>
<td></td>
<td>VETOED-NPA</td>
</tr>
<tr>
<td>S 2012</td>
<td>0661</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 2032</td>
<td>0106</td>
<td>APPROVED</td>
<td>07/01/2005</td>
</tr>
<tr>
<td>S 2038</td>
<td>0610</td>
<td>APPROVED</td>
<td>08/16/2005</td>
</tr>
<tr>
<td>S 2040</td>
<td>0276</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 2043</td>
<td>0597</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 2053</td>
<td>0662</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 2054</td>
<td>0628</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 2060</td>
<td>0635</td>
<td>APPROVED</td>
<td>08/22/2005</td>
</tr>
</tbody>
</table>
# Senate Bills

## 2005 Session

**May 23, 2005 Through January 20, 2006**

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Public Act 94-</th>
<th>Action</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>S 2062</td>
<td>0031</td>
<td>APPROVED</td>
<td>06/14/2005</td>
</tr>
<tr>
<td>S 2064</td>
<td>0352</td>
<td>APPROVED</td>
<td>07/28/2005</td>
</tr>
<tr>
<td>S 2066</td>
<td>0237</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 2072</td>
<td>0663</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 2082</td>
<td>0664</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 2085</td>
<td>0544</td>
<td>APPROVED</td>
<td>08/10/2005</td>
</tr>
<tr>
<td>S 2087</td>
<td>0682</td>
<td>VETOED-O</td>
<td>11/03/2005</td>
</tr>
<tr>
<td>S 2090</td>
<td>0156</td>
<td>APPROVED</td>
<td>07/08/2005</td>
</tr>
<tr>
<td>S 2091</td>
<td>0545</td>
<td>APPROVED</td>
<td>01/01/2006</td>
</tr>
<tr>
<td>S 2103</td>
<td>0387</td>
<td>APPROVED</td>
<td>07/29/2005</td>
</tr>
<tr>
<td>S 2104</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
<tr>
<td>S 2111</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
<tr>
<td>S 2112</td>
<td>0157</td>
<td>APPROVED</td>
<td>07/08/2005</td>
</tr>
<tr>
<td>S 2116</td>
<td></td>
<td>VETOED-NPA</td>
<td></td>
</tr>
</tbody>
</table>
AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by adding Section 18b-106.2 as follows:

(625 ILCS 5/18b-106.2 new)

Sec. 18b-106.2. Hours of service; utility service interruption emergencies.

(a) As used in this Section:
"Commercial driver's license" has the meaning set forth in Section 1-111.6 of this Code.
"Commercial motor vehicle" has the meaning set forth in Section 18b-101 of this Code.
"Utility service interruption emergency" means an outage or interruption of utility service in Illinois occasioned by a set of circumstances included in the definition of "emergency" set forth at 49 CFR 390.5.
"Utility service" means the repairing, maintaining, or operating of any structures or any other physical facilities necessary for the delivery of utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service.
"Utility service vehicle" has the meaning set forth in 49 CFR 395.2.

(b) Upon receipt of notification of a utility service interruption emergency by a utility service provider, the Illinois Department of Transportation shall declare that an emergency exists pursuant to 49 CFR 390.23. Should an audit by the Illinois Department of Transportation establish that there has been an abuse of the notification procedure by a utility service provider, the Illinois Department of Transportation may refuse to grant emergency declarations to that utility service provider in the future without further confirmation of the existence of a utility service interruption emergency.

(c) A utility service interruption emergency continues until:

(1) the necessary maintenance or repair work is completed; and

New matter indicated by italics - deletions by strikeout
(2) personnel used to perform necessary maintenance or repair work have returned to their respective normal work routines.

(d) An individual is exempt from any regulation of the maximum hours of service that an employee may work under 49 CFR 395 if he or she:

1. is the holder of a commercial driver's license;
2. is:
   (A) an employee;  
   (B) an employee of a contractor; or
   (C) an employee of a subcontractor;

of a utility service provider in an employment capacity in which the commercial driver's license is used; and

(3) operates a commercial motor vehicle as a utility service vehicle and engages in intrastate maintenance or repair work in response to a utility service interruption emergency.

(e) The exemption from maximum hours of service regulations provided under subsection (d) shall not exceed the duration of the utility service provider's or driver's direct assistance in providing utility service interruption emergency relief, or 5 days from the date of the initial declaration, whichever is less.

(f) Nothing in this amendatory Act of the 94th General Assembly shall be construed to contravene any federal law or to jeopardize State of Illinois entitlement to federal funding. If any provision of this amendatory Act of the 94th General Assembly or its application is found to jeopardize federal funding, that provision is declared invalid but does not affect any other provision or application. The provisions of this amendatory Act of the 94th General Assembly are declared to be severable.

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

Passed in the General Assembly May 12, 2005.
Approved May 23, 2005.
Effective May 23, 2005.

PUBLIC ACT 94-0002  
(House Bill No. 0328)

AN ACT concerning property.

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

Section 5. The Code of Civil Procedure is amended by adding Section 9-218 as follows:
(735 ILCS 5/9-218 new)

Sec. 9-218. Rent payments at business office.
(a) If the lessor, or agent of the lessor, of residential real property, containing 100 or more residential units in either a single building or a complex of buildings, maintains a business office on the premises of the building or complex that has regularly scheduled office hours, then the lessor, or agent of the lessor, must accept rent payments from a lessee of any of those residential units at that business office during the regularly scheduled office hours and the lessor may not impose any penalty, fee, or charge for making rent payments in this manner that are otherwise considered timely under the lease, but the landlord may refuse to accept payment by cash when rent payments are made in this manner.

(b) This Section applies to each lease and other rental agreement in effect on the effective date of this amendatory Act of the 94th General Assembly unless there is specific language in that lease or other rental agreement that conflicts with the provisions of this Section. If any provision of a lease or other rental agreement entered into, extended, or renewed on or after the effective date of this amendatory Act of the 94th General Assembly conflicts with the provisions of this Section, then that provision of the lease or other rental agreement is void and unenforceable.

Section 10. The Landlord and Tenant Act is amended by adding Section 3 as follows:
(765 ILCS 705/3 new)

Sec. 3. Rent payments at business office; cross-reference. Leases and other rental agreements may be subject to Section 9-218 of the Code of Civil Procedure (735 ILCS 5/9-218).

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

Approved May 31, 2005.
Effective May 31, 2005.
AN ACT concerning courts.

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

Section 5. The Judicial Circuits Apportionment Act of 2005 is amended by adding Sections 6, 11, and 21 as follows:

(705 ILCS 22/6 new)

Sec. 6. The 12th Judicial Circuit is divided into 5 subcircuits, with the numerical order 1, 2, 3, 4, and 5, as follows:

JUDICIAL SUBCIRCUIT 1
Census Tract 8803.01
Census Tract 8803.02
Census Tract 8804.04
Census Tract 8804.05
Census Tract 8804.07
Will County (Part)
VTD DU30
VTD DU31
VTD DU32
VTD DU34
VTD DU36
VTD PL04
VTD PL05
VTD PL07
VTD PL09
VTD PL20
VTD PL21
VTD WH10 (Part)
Tract 8801.03 / Block 1994

JUDICIAL SUBCIRCUIT 2
Census Tract 8812
Census Tract 8813
Census Tract 8814
Census Tract 8815
Census Tract 8816
Census Tract 8817
Census Tract 8818

New matter indicated by italics - deletions by strikeout
Census Tract 8819
Census Tract 8826
Census Tract 8827
Census Tract 8828
Census Tract 8829
Census Tract 8832.03
Census Tract 8832.04
Census Tract 8832.05
Census Tract 8832.06
Census Tract 8832.07
Will County (Part)
VTD JO46
VTD JO69
VTD PL12
VTD JO61 (Part)
Tract 8820.00 / Block 1000
Tract 8820.00 / Block 1001
Tract 8820.00 / Block 1002
Tract 8820.00 / Block 1003
Tract 8820.00 / Block 1004
Tract 8820.00 / Block 1005
Tract 8820.00 / Block 1006
Tract 8820.00 / Block 1007
Tract 8820.00 / Block 1008
Tract 8820.00 / Block 1009
Tract 8820.00 / Block 1010
Tract 8820.00 / Block 1011
Tract 8820.00 / Block 1012
Tract 8820.00 / Block 1013
Tract 8820.00 / Block 1014
Tract 8820.00 / Block 1015
Tract 8820.00 / Block 1016
Tract 8820.00 / Block 1017
Tract 8820.00 / Block 1018
Tract 8820.00 / Block 1019
Tract 8820.00 / Block 1020
Tract 8820.00 / Block 1021
Tract 8820.00 / Block 2003
Tract 8820.00 / Block 2004

New matter indicated by italics - deletions by strikeout
Tract 8820.00 / Block 2005
Tract 8820.00 / Block 2007
Tract 8820.00 / Block 2008
Tract 8820.00 / Block 2009
Tract 8820.00 / Block 2010
Tract 8820.00 / Block 2012
Tract 8820.00 / Block 2013
Tract 8820.00 / Block 2014
Tract 8820.00 / Block 2015
Tract 8820.00 / Block 3000
Tract 8820.00 / Block 3001
Tract 8820.00 / Block 3002
Tract 8820.00 / Block 3003
Tract 8820.00 / Block 3004
Tract 8820.00 / Block 3005
Tract 8820.00 / Block 3006
Tract 8820.00 / Block 3007
Tract 8820.00 / Block 3008
Tract 8820.00 / Block 3009
Tract 8820.00 / Block 3010
Tract 8820.00 / Block 3011
Tract 8820.00 / Block 3012
Tract 8820.00 / Block 3013
Tract 8820.00 / Block 3014
Tract 8820.00 / Block 3015
Tract 8820.00 / Block 3016
Tract 8820.00 / Block 3017
Tract 8820.00 / Block 3018
Tract 8820.00 / Block 3019
Tract 8820.00 / Block 3020
Tract 8820.00 / Block 3021
Tract 8820.00 / Block 3022
Tract 8820.00 / Block 3023
Tract 8820.00 / Block 3024
Tract 8820.00 / Block 3025
Tract 8820.00 / Block 3026
Tract 8820.00 / Block 3027
Tract 8820.00 / Block 3028
Tract 8820.00 / Block 3029

New matter indicated by italics - deletions by strikeout
Tract 8820.00 / Block 3030
Tract 8820.00 / Block 3031
Tract 8820.00 / Block 3032
Tract 8820.00 / Block 3033
Tract 8820.00 / Block 3034
Tract 8820.00 / Block 3035
Tract 8820.00 / Block 3036
Tract 8820.00 / Block 3037
Tract 8820.00 / Block 3038
Tract 8820.00 / Block 3039
Tract 8820.00 / Block 3040
Tract 8820.00 / Block 3041
Tract 8820.00 / Block 3042
Tract 8820.00 / Block 3043
Tract 8820.00 / Block 3044
Tract 8820.00 / Block 3045
Tract 8820.00 / Block 3046
Tract 8820.00 / Block 3047
Tract 8820.00 / Block 3048
Tract 8820.00 / Block 3049
Tract 8820.00 / Block 3050
Tract 8820.00 / Block 3051
Tract 8820.00 / Block 3052
Tract 8820.00 / Block 3053
Tract 8820.00 / Block 3054
Tract 8820.00 / Block 3055
Tract 8820.00 / Block 3056
Tract 8820.00 / Block 3057
Tract 8820.00 / Block 3058
Tract 8820.00 / Block 3059
Tract 8820.00 / Block 3060
Tract 8820.00 / Block 3061
Tract 8820.00 / Block 3062
Tract 8820.00 / Block 3063
Tract 8820.00 / Block 3066
Tract 8820.00 / Block 3067
Tract 8820.00 / Block 3075
Tract 8820.00 / Block 3076
Tract 8820.00 / Block 3077

New matter indicated by italics - deletions by strikeout
Tract 8820.00 / Block 3995
Tract 8820.00 / Block 3996
Tract 8820.00 / Block 3997
Tract 8820.00 / Block 3998
Tract 8820.00 / Block 3999
Tract 8821.00 / Block 1003
Tract 8821.00 / Block 1004
Tract 8821.00 / Block 1005
Tract 8821.00 / Block 1006
Tract 8821.00 / Block 1007
Tract 8821.00 / Block 1008
Tract 8821.00 / Block 1009
Tract 8821.00 / Block 1010
Tract 8821.00 / Block 1011
Tract 8821.00 / Block 1012
Tract 8821.00 / Block 1013
Tract 8821.00 / Block 2000
Tract 8821.00 / Block 2001
Tract 8821.00 / Block 2002
Tract 8821.00 / Block 2003
Tract 8821.00 / Block 2004
Tract 8821.00 / Block 2005
Tract 8821.00 / Block 2006
Tract 8821.00 / Block 2007
Tract 8821.00 / Block 3000
Tract 8821.00 / Block 3001
Tract 8821.00 / Block 3002
Tract 8821.00 / Block 3003
Tract 8821.00 / Block 3004
Tract 8821.00 / Block 3005
Tract 8821.00 / Block 3006
Tract 8821.00 / Block 3007
Tract 8821.00 / Block 3008
Tract 8822.00 / Block 1000
Tract 8822.00 / Block 1001
Tract 8822.00 / Block 1002
Tract 8822.00 / Block 1003
Tract 8822.00 / Block 1004
Tract 8822.00 / Block 1016

New matter indicated by italics - deletions by strikeout
Tract 8822.00 / Block 1017
Tract 8822.00 / Block 1018
Tract 8822.00 / Block 1019
Tract 8822.00 / Block 1020
Tract 8822.00 / Block 1021
Tract 8822.00 / Block 1022
Tract 8822.00 / Block 1023
Tract 8822.00 / Block 1024
Tract 8822.00 / Block 2000
Tract 8822.00 / Block 2001
Tract 8822.00 / Block 2002
Tract 8822.00 / Block 2003
Tract 8822.00 / Block 2004
Tract 8822.00 / Block 2005
Tract 8822.00 / Block 2006
Tract 8822.00 / Block 2007
Tract 8822.00 / Block 2008
Tract 8822.00 / Block 2009
Tract 8822.00 / Block 2010
Tract 8822.00 / Block 2011
Tract 8822.00 / Block 2012
Tract 8822.00 / Block 2013
Tract 8822.00 / Block 2014
Tract 8822.00 / Block 2015
Tract 8822.00 / Block 2016
Tract 8822.00 / Block 2017
Tract 8822.00 / Block 2018
Tract 8822.00 / Block 2019
Tract 8822.00 / Block 2020
Tract 8822.00 / Block 2021
Tract 8822.00 / Block 3000
Tract 8822.00 / Block 3001
Tract 8822.00 / Block 3002
Tract 8822.00 / Block 3003
Tract 8822.00 / Block 3004
Tract 8822.00 / Block 3005
Tract 8822.00 / Block 3006
Tract 8822.00 / Block 3007
Tract 8822.00 / Block 3008

New matter indicated by italics - deletions by strikeout
Tract 8822.00 / Block 3009
Tract 8822.00 / Block 3010
Tract 8822.00 / Block 3011
Tract 8822.00 / Block 3012
Tract 8822.00 / Block 3013
Tract 8822.00 / Block 3014
Tract 8822.00 / Block 3015
Tract 8822.00 / Block 3016
Tract 8822.00 / Block 3017
Tract 8822.00 / Block 3018
Tract 8822.00 / Block 3019
Tract 8822.00 / Block 3020
Tract 8822.00 / Block 3021
Tract 8822.00 / Block 3022
Tract 8822.00 / Block 3023
Tract 8822.00 / Block 3024
Tract 8822.00 / Block 3025
Tract 8822.00 / Block 3026
Tract 8822.00 / Block 3027
Tract 8822.00 / Block 3028
Tract 8822.00 / Block 3029
Tract 8822.00 / Block 3030
Tract 8822.00 / Block 3031
Tract 8822.00 / Block 3032
Tract 8822.00 / Block 3033
Tract 8822.00 / Block 3034
Tract 8822.00 / Block 3035
Tract 8822.00 / Block 3036
Tract 8822.00 / Block 3037
Tract 8822.00 / Block 3038
Tract 8822.00 / Block 3039
Tract 8822.00 / Block 3040
Tract 8822.00 / Block 3041
Tract 8822.00 / Block 3042
Tract 8822.00 / Block 3043
Tract 8822.00 / Block 3044
Tract 8822.00 / Block 3045
Tract 8822.00 / Block 3046
Tract 8822.00 / Block 3047

New matter indicated by italics - deletions by strikeout
Tract 8822.00 / Block 3048
Tract 8822.00 / Block 3049
Tract 8822.00 / Block 3050
Tract 8822.00 / Block 3051
Tract 8822.00 / Block 3052
Tract 8822.00 / Block 3053
Tract 8822.00 / Block 3054
Tract 8822.00 / Block 3055
Tract 8822.00 / Block 3056
Tract 8822.00 / Block 3057
Tract 8822.00 / Block 3058
Tract 8822.00 / Block 3059
Tract 8822.00 / Block 3060
Tract 8822.00 / Block 4005
Tract 8822.00 / Block 4006
Tract 8822.00 / Block 4007
Tract 8822.00 / Block 4008
Tract 8822.00 / Block 4014
Tract 8822.00 / Block 4015
Tract 8822.00 / Block 4016
Tract 8822.00 / Block 4017
Tract 8822.00 / Block 4047
Tract 8822.00 / Block 4048
Tract 8822.00 / Block 4071
Tract 8822.00 / Block 4078
Tract 8822.00 / Block 5024
Tract 8822.00 / Block 5025
Tract 8822.00 / Block 5026
Tract 8822.00 / Block 5027
Tract 8822.00 / Block 5028
Tract 8822.00 / Block 5029
Tract 8822.00 / Block 5030
Tract 8822.00 / Block 5031
Tract 8822.00 / Block 5032
Tract 8822.00 / Block 5033
Tract 8822.00 / Block 5034
Tract 8822.00 / Block 5035
Tract 8822.00 / Block 5036
Tract 8823.00 / Block 1000

New matter indicated by italics - deletions by strikeout
Tract 8823.00 / Block 1001
Tract 8825.00 / Block 1003
Tract 8825.00 / Block 1004
Tract 8825.00 / Block 3000
Tract 8825.00 / Block 3001
Tract 8825.00 / Block 4005
Tract 8825.00 / Block 4006
Tract 8825.00 / Block 4007
Tract 8825.00 / Block 4008
Tract 8825.00 / Block 4009
Tract 8825.00 / Block 4010
Tract 8825.00 / Block 4011
Tract 8825.00 / Block 4012
Tract 8825.00 / Block 4013
Tract 8825.00 / Block 4014
Tract 8825.00 / Block 4015
Tract 8825.00 / Block 4016
Tract 8825.00 / Block 4017
Tract 8825.00 / Block 4018
Tract 8825.00 / Block 4019
Tract 8825.00 / Block 4020
Tract 8825.00 / Block 4021
Tract 8825.00 / Block 4022
Tract 8825.00 / Block 4023
Tract 8825.00 / Block 4998
Tract 8831.00 / Block 3019
Tract 8831.00 / Block 3020
Tract 8831.00 / Block 3021
Tract 8831.00 / Block 3022
Tract 8831.00 / Block 3023
Tract 8831.00 / Block 3024
Tract 8831.00 / Block 3025
Tract 8831.00 / Block 3026
Tract 8831.00 / Block 3027
Tract 8831.00 / Block 3028
Tract 8831.00 / Block 3029
Tract 8831.00 / Block 3030
Tract 8831.00 / Block 3031
Tract 8831.00 / Block 3032

New matter indicated by italics - deletions by strikeout
Tract 8831.00 / Block 3033
Tract 8831.00 / Block 3034
Tract 8831.00 / Block 3035
Tract 8831.00 / Block 3036
Tract 8831.00 / Block 3037
Tract 8831.00 / Block 3038
Tract 8831.00 / Block 3039
Tract 8831.00 / Block 3040
Tract 8831.00 / Block 3041
Tract 8831.00 / Block 3042
Tract 8831.00 / Block 3043
Tract 8831.00 / Block 3044
Tract 8831.00 / Block 3045
Tract 8831.00 / Block 3046
Tract 8831.00 / Block 3047
Tract 8831.00 / Block 3048
Tract 8831.00 / Block 3049
Tract 8831.00 / Block 3050
Tract 8831.00 / Block 3051
Tract 8831.00 / Block 3052
Tract 8831.00 / Block 3053
Tract 8831.00 / Block 3054
Tract 8831.00 / Block 3055
Tract 8831.00 / Block 3056
Tract 8831.00 / Block 3057
Tract 8831.00 / Block 3058
Tract 8831.00 / Block 3059
Tract 8831.00 / Block 3060
Tract 8831.00 / Block 3061
Tract 8831.00 / Block 3062
Tract 8831.00 / Block 3063
Tract 8831.00 / Block 3064
Tract 8831.00 / Block 3065
Tract 8831.00 / Block 3066
Tract 8831.00 / Block 3067
Tract 8831.00 / Block 3068
Tract 8831.00 / Block 3069
Tract 8831.00 / Block 3070
Tract 8831.00 / Block 3071

New matter indicated by italics - deletions by strikeout
Tract 8831.00 / Block 3072
Tract 8831.00 / Block 3073
Tract 8831.00 / Block 3074
Tract 8831.00 / Block 3075
Tract 8831.00 / Block 3076
Tract 8831.00 / Block 3077
Tract 8831.00 / Block 3078
Tract 8831.00 / Block 3079
Tract 8831.00 / Block 3080
Tract 8831.00 / Block 3081
Tract 8831.00 / Block 3082
Tract 8831.00 / Block 3083
Tract 8831.00 / Block 3084
Tract 8831.00 / Block 3085
Tract 8831.00 / Block 3086
Tract 8831.00 / Block 3087
Tract 8831.00 / Block 3088
Tract 8831.00 / Block 3089
Tract 8831.00 / Block 3090
Tract 8831.00 / Block 3091
Tract 8831.00 / Block 3092
Tract 8831.00 / Block 3093
Tract 8831.00 / Block 3094
Tract 8831.00 / Block 3095
Tract 8831.00 / Block 3096
Tract 8831.00 / Block 3097
Tract 8831.00 / Block 3098
Tract 8831.00 / Block 3099
Tract 8831.00 / Block 3100
Tract 8831.00 / Block 3101
Tract 8831.00 / Block 3102
Tract 8831.00 / Block 3103
Tract 8831.00 / Block 3104
Tract 8831.00 / Block 3105
Tract 8831.00 / Block 3106
Tract 8831.00 / Block 3107
Tract 8831.00 / Block 3108
Tract 8831.00 / Block 3109
Tract 8831.00 / Block 3110

New matter indicated by italics - deletions by strikeout
Tract 8831.00 / Block 3111
Tract 8831.00 / Block 3112
Tract 8831.00 / Block 3113
Tract 8831.00 / Block 3114
Tract 8831.00 / Block 3991
Tract 8831.00 / Block 3992
Tract 8831.00 / Block 3993
Tract 8831.00 / Block 3994
Tract 8831.00 / Block 3995
Tract 8831.00 / Block 3996
Tract 8831.00 / Block 3997
Tract 8831.00 / Block 3998
Tract 8831.00 / Block 3999
JUDICIAL SUBCIRCUIT 3
Census Tract 8824
Census Tract 8830
Census Tract 8833.01
Census Tract 8833.02
Census Tract 8834
Census Tract 8835.06
Census Tract 8836.02
Census Tract 8836.03
Census Tract 8836.04
Census Tract 8837
Census Tract 8838.03
Census Tract 8838.04
Census Tract 8838.05
Census Tract 8838.06
Census Tract 8838.07
Census Tract 8839.01
Census Tract 8839.02
Census Tract 8840.01
Census Tract 8840.02
Will County (Part)
VTD JO39
VTD JO54
VTD JO56
VTD JO68
VTD JO60 (Part)

New matter indicated by italics - deletions by strikeout
Tract 8820.00 / Block 2000
Tract 8820.00 / Block 2001
Tract 8820.00 / Block 2002
Tract 8820.00 / Block 2006
Tract 8820.00 / Block 2011
Tract 8821.00 / Block 2008
Tract 8821.00 / Block 2009
Tract 8821.00 / Block 2010
Tract 8821.00 / Block 2011
Tract 8821.00 / Block 2012
Tract 8821.00 / Block 2013
Tract 8821.00 / Block 2014
Tract 8821.00 / Block 2015
Tract 8821.00 / Block 2016
Tract 8821.00 / Block 2017
Tract 8821.00 / Block 2018
Tract 8821.00 / Block 2019
Tract 8822.00 / Block 4000
Tract 8822.00 / Block 4001
Tract 8822.00 / Block 4002
Tract 8822.00 / Block 4003
Tract 8822.00 / Block 4004
Tract 8822.00 / Block 4066
Tract 8822.00 / Block 4079
Tract 8822.00 / Block 4080
Tract 8822.00 / Block 4081
Tract 8822.00 / Block 4082
Tract 8822.00 / Block 4083
Tract 8822.00 / Block 4084
Tract 8822.00 / Block 4085
Tract 8822.00 / Block 4086
Tract 8822.00 / Block 4089
Tract 8822.00 / Block 4090
Tract 8822.00 / Block 4091
Tract 8822.00 / Block 4092
Tract 8822.00 / Block 5023
Tract 8822.00 / Block 5037
Tract 8822.00 / Block 5038
Tract 8822.00 / Block 5039

New matter indicated by italics - deletions by strikeout
Tract 8822.00 / Block 5040
Tract 8822.00 / Block 5041
Tract 8822.00 / Block 5042
Tract 8822.00 / Block 5043
Tract 8822.00 / Block 5044
Tract 8822.00 / Block 5045
Tract 8823.00 / Block 1002
Tract 8823.00 / Block 1003
Tract 8823.00 / Block 1004
Tract 8823.00 / Block 1005
Tract 8823.00 / Block 1006
Tract 8823.00 / Block 1007
Tract 8823.00 / Block 1008
Tract 8823.00 / Block 1009
Tract 8823.00 / Block 1010
Tract 8823.00 / Block 1011
Tract 8823.00 / Block 1013
Tract 8823.00 / Block 1014
Tract 8823.00 / Block 1015
Tract 8823.00 / Block 1016
Tract 8823.00 / Block 1017
Tract 8823.00 / Block 1018
Tract 8823.00 / Block 1019
Tract 8823.00 / Block 1020
Tract 8823.00 / Block 1023
Tract 8823.00 / Block 1024
Tract 8823.00 / Block 1025
Tract 8823.00 / Block 1026
Tract 8823.00 / Block 1027
Tract 8823.00 / Block 1028
Tract 8823.00 / Block 1038
Tract 8823.00 / Block 1039
Tract 8823.00 / Block 1040
Tract 8823.00 / Block 1041
Tract 8823.00 / Block 1042
Tract 8823.00 / Block 1043
Tract 8823.00 / Block 1044
Tract 8823.00 / Block 1045
Tract 8823.00 / Block 1046

New matter indicated by italics - deletions by strikeout
Tract 8823.00 / Block 1047
Tract 8823.00 / Block 1048
Tract 8823.00 / Block 1049
Tract 8823.00 / Block 1050
Tract 8823.00 / Block 1051
Tract 8823.00 / Block 1052
Tract 8823.00 / Block 2008
Tract 8823.00 / Block 2009
Tract 8823.00 / Block 2017
Tract 8823.00 / Block 2020
Tract 8823.00 / Block 2021
Tract 8823.00 / Block 2022
Tract 8823.00 / Block 2023
Tract 8823.00 / Block 2024
Tract 8823.00 / Block 2025
Tract 8823.00 / Block 2026
Tract 8823.00 / Block 3005
Tract 8823.00 / Block 3006
Tract 8823.00 / Block 3007
Tract 8823.00 / Block 3008
Tract 8823.00 / Block 3010
Tract 8823.00 / Block 3029
Tract 8823.00 / Block 3030
Tract 8823.00 / Block 3031
Tract 8823.00 / Block 3032
Tract 8823.00 / Block 3033
Tract 8823.00 / Block 3034
Tract 8825.00 / Block 1000
Tract 8825.00 / Block 1001
Tract 8825.00 / Block 1002
Tract 8825.00 / Block 1005
Tract 8825.00 / Block 1006
Tract 8825.00 / Block 1007
Tract 8825.00 / Block 1008
Tract 8825.00 / Block 1009
Tract 8825.00 / Block 2000
Tract 8825.00 / Block 2001
Tract 8825.00 / Block 2002
Tract 8825.00 / Block 2003

New matter indicated by italics - deletions by strikeout
Tract 8825.00 / Block 2004
Tract 8825.00 / Block 2005
Tract 8825.00 / Block 2006
Tract 8825.00 / Block 2008
Tract 8825.00 / Block 2009
Tract 8825.00 / Block 2010
Tract 8825.00 / Block 2011
Tract 8825.00 / Block 2012
Tract 8825.00 / Block 2013
Tract 8831.00 / Block 1000
Tract 8831.00 / Block 1001
Tract 8831.00 / Block 1002
Tract 8831.00 / Block 1003
Tract 8831.00 / Block 1004
Tract 8831.00 / Block 1005
Tract 8831.00 / Block 1006
Tract 8831.00 / Block 1007
Tract 8831.00 / Block 1008
Tract 8831.00 / Block 1010
Tract 8831.00 / Block 1011
Tract 8831.00 / Block 1012
Tract 8831.00 / Block 1013
Tract 8831.00 / Block 1033
Tract 8831.00 / Block 1036
Tract 8831.00 / Block 1037
Tract 8831.00 / Block 1038
Tract 8831.00 / Block 1039
Tract 8831.00 / Block 2000
Tract 8831.00 / Block 2001
Tract 8831.00 / Block 2002
Tract 8831.00 / Block 2003
Tract 8831.00 / Block 2004
Tract 8831.00 / Block 2005
Tract 8831.00 / Block 2006
Tract 8831.00 / Block 2007
Tract 8831.00 / Block 2008
Tract 8831.00 / Block 2009
Tract 8831.00 / Block 2010
Tract 8831.00 / Block 2011

New matter indicated by italics - deletions by strikeout
Tract 8831.00 / Block 2012
Tract 8831.00 / Block 2013
Tract 8831.00 / Block 2014
Tract 8831.00 / Block 2015
Tract 8831.00 / Block 2016
Tract 8831.00 / Block 2017
Tract 8831.00 / Block 2018
Tract 8831.00 / Block 2019
Tract 8831.00 / Block 2020
Tract 8831.00 / Block 2021
Tract 8831.00 / Block 2022
Tract 8831.00 / Block 2023
Tract 8831.00 / Block 2024
Tract 8831.00 / Block 2025
Tract 8831.00 / Block 2026
Tract 8831.00 / Block 2027
Tract 8831.00 / Block 2028
Tract 8831.00 / Block 2029
Tract 8831.00 / Block 2030
Tract 8831.00 / Block 2031
Tract 8831.00 / Block 2032
Tract 8831.00 / Block 2033
Tract 8831.00 / Block 2034
Tract 8831.00 / Block 2035
Tract 8831.00 / Block 2036
Tract 8831.00 / Block 3000
Tract 8831.00 / Block 3001
Tract 8831.00 / Block 3002
Tract 8831.00 / Block 3003
Tract 8831.00 / Block 3004
Tract 8831.00 / Block 3005
Tract 8831.00 / Block 3006
Tract 8831.00 / Block 3007
Tract 8831.00 / Block 3008
Tract 8831.00 / Block 3009
Tract 8831.00 / Block 3010
Tract 8831.00 / Block 3011
Tract 8831.00 / Block 3012
Tract 8831.00 / Block 3013

New matter indicated by italics - deletions by strikeout
Tract 8831.00 / Block 3014
Tract 8831.00 / Block 3015
Tract 8831.00 / Block 3016
Tract 8831.00 / Block 3017
Tract 8831.00 / Block 3018
JUDICIAL SUBCIRCUIT 4
Census Tract 8801.05
Census Tract 8801.06
Census Tract 8801.07
Census Tract 8801.08
Census Tract 8801.09
Census Tract 8801.10
Census Tract 8801.11
Census Tract 8801.12
Census Tract 8801.13
Census Tract 8802.01
Census Tract 8802.02
Census Tract 8805.01
Census Tract 8805.02
Census Tract 8806
Census Tract 8807
Census Tract 8808
Census Tract 8809
Will County (Part)
VTD DU27
VTD DU33
VTD DU40
VTD DU42
VTD DU45
VTD DU14 (Part)
Tract 8801.03 / Block 2047
Tract 8801.03 / Block 2049
Tract 8801.03 / Block 2991
Tract 8801.03 / Block 2992
Tract 8801.04 / Block 1000
Tract 8801.04 / Block 1001
Tract 8801.04 / Block 1032
Tract 8801.04 / Block 1033
Tract 8801.04 / Block 1034

New matter indicated by italics - deletions by strikeout
Tract 8801.04 / Block 1035
Tract 8801.04 / Block 1036
Tract 8801.04 / Block 1037
Tract 8801.04 / Block 1038
Tract 8801.04 / Block 1039
Tract 8801.04 / Block 1040
Tract 8801.04 / Block 1041
Tract 8801.04 / Block 1042
Tract 8801.04 / Block 1082
Tract 8801.04 / Block 1083
Tract 8801.04 / Block 1084
Tract 8801.04 / Block 1085
Tract 8801.04 / Block 1086
Tract 8801.04 / Block 1087
Tract 8801.04 / Block 1088
Tract 8801.04 / Block 1089
Tract 8801.04 / Block 1090
Tract 8801.04 / Block 1091
Tract 8801.04 / Block 1092
Tract 8801.04 / Block 1093
Tract 8801.04 / Block 1094
Tract 8801.04 / Block 1095
Tract 8801.04 / Block 1096
Tract 8801.04 / Block 1097
Tract 8801.04 / Block 1098
Tract 8801.04 / Block 1099
Tract 8801.04 / Block 1100
Tract 8801.04 / Block 1101
Tract 8801.04 / Block 1102
Tract 8801.04 / Block 1103
Tract 8801.04 / Block 1104
Tract 8801.04 / Block 1105
Tract 8801.04 / Block 1106
Tract 8801.04 / Block 1107
Tract 8801.04 / Block 1108
Tract 8801.04 / Block 1109
Tract 8801.04 / Block 1110
Tract 8801.04 / Block 1111
Tract 8801.04 / Block 1112

New matter indicated by italics - deletions by strikeout
Sec. 11. The 16th Judicial Circuit is divided into 5 subcircuits, with the numerical order 1, 2, 3, 4, and 5 as follows:
JUDICIAL SUBCIRCUIT 1
Census Tract 8529.02
Census Tract 8529.03
Census Tract 8529.04
Census Tract 8529.05
Census Tract 8530.01

New matter indicated by italics - deletions by strikeout
Census Tract 8530.02
Census Tract 8530.04
Census Tract 8531
Census Tract 8532
Census Tract 8533
Census Tract 8534
Census Tract 8535
Census Tract 8536
Census Tract 8537
Census Tract 8538
Census Tract 8541
Census Tract 8542
Census Tract 8543
Census Tract 8544
Kane County (Part)
VTD AC401
VTD AC402
VTD AC403
VTD AC406
VTD AC504
VTD AC505
VTD AC507
VTD AC509
VTD AC510
VTD AC512
VTD AC506 (Part)
Tract 8530.03 / Block 3002
Tract 8530.03 / Block 3030
Tract 8530.03 / Block 3043
Tract 8530.03 / Block 3044
Tract 8530.03 / Block 3045
Tract 8530.03 / Block 3046
Tract 8530.03 / Block 3053
Tract 8539.00 / Block 1000
Tract 8539.00 / Block 1001
Tract 8539.00 / Block 1002
Tract 8539.00 / Block 1003
Tract 8539.00 / Block 1004
Tract 8539.00 / Block 1005

New matter indicated by italics - deletions by strikeout
Tract 8539.00 / Block 1006
Tract 8539.00 / Block 1007
Tract 8539.00 / Block 1008
Tract 8539.00 / Block 1009
Tract 8539.00 / Block 1010
Tract 8539.00 / Block 1011
Tract 8539.00 / Block 1012
Tract 8539.00 / Block 1013
Tract 8539.00 / Block 1014
Tract 8539.00 / Block 1015
Tract 8539.00 / Block 1016
Tract 8539.00 / Block 1017
Tract 8540.01 / Block 2001
Tract 8540.01 / Block 2002
Tract 8540.01 / Block 2003
Tract 8540.01 / Block 2005
Tract 8540.01 / Block 2006
Tract 8540.01 / Block 2007
Tract 8540.01 / Block 2008
Tract 8540.01 / Block 2009
Tract 8540.01 / Block 2010
Tract 8540.01 / Block 2011
Tract 8540.01 / Block 2012
Tract 8540.01 / Block 2013
Tract 8540.01 / Block 2015
Tract 8540.01 / Block 2016
Tract 8540.01 / Block 2017
Tract 8540.01 / Block 2018
Tract 8540.01 / Block 2019
Tract 8540.01 / Block 2020
Tract 8540.01 / Block 2021
Tract 8540.01 / Block 2022
Tract 8540.01 / Block 2024
Tract 8540.01 / Block 2025
Tract 8540.01 / Block 2039
Tract 8540.01 / Block 2040
Tract 8540.01 / Block 2041
Tract 8540.01 / Block 2042
Tract 8540.01 / Block 2044

New matter indicated by italics - deletions by strikeout
Tract 8540.01 / Block 3004
Tract 8540.01 / Block 3005
Tract 8540.01 / Block 3006
Tract 8540.01 / Block 3008
Tract 8540.01 / Block 3009
Tract 8540.01 / Block 3010
Tract 8540.01 / Block 3011
Tract 8540.01 / Block 3012
Tract 8540.01 / Block 3013
Tract 8540.01 / Block 3014
Tract 8540.01 / Block 3017
Tract 8540.01 / Block 3018
Tract 8540.01 / Block 3019
Tract 8540.01 / Block 3020
Tract 8540.01 / Block 3021
Tract 8540.01 / Block 3022
Tract 8540.01 / Block 3023
Tract 8540.01 / Block 3024
Tract 8540.01 / Block 3025
Tract 8540.01 / Block 3026
Tract 8540.01 / Block 3027
Tract 8540.01 / Block 3028
Tract 8540.01 / Block 3029
Tract 8540.01 / Block 3030
Tract 8540.01 / Block 3031
Tract 8540.01 / Block 3032
Tract 8540.01 / Block 3033
Tract 8540.01 / Block 3034
Tract 8540.01 / Block 3035
Tract 8540.01 / Block 3036
Tract 8540.01 / Block 3037
Tract 8540.01 / Block 3038
Tract 8540.01 / Block 3039
Tract 8540.01 / Block 3040
Tract 8540.02 / Block 1000
Tract 8540.02 / Block 1001
Tract 8540.02 / Block 1002
Tract 8540.02 / Block 1003
Tract 8540.02 / Block 1004
Tract 8540.02 / Block 1005

New matter indicated by italics - deletions by strikeout
Tract 8540.02 / Block 1006
Tract 8540.02 / Block 1007
Tract 8540.02 / Block 1008
Tract 8540.02 / Block 1009
Tract 8540.02 / Block 1010
Tract 8540.02 / Block 1011
Tract 8540.02 / Block 1012
Tract 8540.02 / Block 1013
Tract 8540.02 / Block 1014
Tract 8540.02 / Block 2000
Tract 8540.02 / Block 2001
Tract 8540.02 / Block 2002
Tract 8540.02 / Block 2003
Tract 8540.02 / Block 2004
Tract 8540.02 / Block 2005
Tract 8540.02 / Block 2006
Tract 8540.02 / Block 2007
Tract 8540.02 / Block 2008
Tract 8540.02 / Block 2009
Tract 8540.02 / Block 2010
Tract 8540.02 / Block 2011
Tract 8540.02 / Block 2012
Tract 8540.02 / Block 2013
Tract 8540.02 / Block 2014
Tract 8540.02 / Block 2015
Tract 8540.02 / Block 2016
Tract 8540.02 / Block 2017
Tract 8540.02 / Block 2018
Tract 8540.02 / Block 2019
Tract 8540.02 / Block 2020
Tract 8540.02 / Block 2021
Tract 8540.02 / Block 2022
Tract 8540.02 / Block 2023
Tract 8540.02 / Block 2024
Tract 8540.02 / Block 2025
Tract 8540.02 / Block 2997
Tract 8540.02 / Block 2998
Tract 8540.02 / Block 2999
Tract 8540.02 / Block 3000

New matter indicated by italics - deletions by strikeout
Tract 8540.02 / Block 3001
Tract 8540.02 / Block 3002
Tract 8540.02 / Block 3003
Tract 8540.02 / Block 3004
Tract 8540.02 / Block 3005
Tract 8540.02 / Block 3006
Tract 8540.02 / Block 3007
Tract 8540.02 / Block 3008
Tract 8540.02 / Block 3009
Tract 8540.02 / Block 3010
Tract 8540.02 / Block 3011
Tract 8540.02 / Block 3012
Tract 8540.02 / Block 3013
Tract 8540.02 / Block 3014
Tract 8540.02 / Block 3015
Tract 8540.02 / Block 3016
Tract 8540.02 / Block 3017
Tract 8540.02 / Block 3018
Tract 8540.02 / Block 3019
Tract 8540.02 / Block 3020
Tract 8540.02 / Block 3029
Tract 8540.02 / Block 4000
Tract 8540.02 / Block 4001
Tract 8540.02 / Block 4002
Tract 8540.02 / Block 4003
Tract 8540.02 / Block 4004
Tract 8540.02 / Block 4005
Tract 8540.02 / Block 4006
Tract 8540.02 / Block 4007
Tract 8540.02 / Block 4008
Tract 8540.02 / Block 4009
Tract 8540.02 / Block 4010
Tract 8540.02 / Block 4011
Tract 8540.02 / Block 4012
Tract 8540.02 / Block 4013
Tract 8540.02 / Block 4014
Tract 8540.02 / Block 4015
Tract 8540.02 / Block 4016
Tract 8540.02 / Block 4017

New matter indicated by italics - deletions by strikeout
Tract 8540.02 / Block 4018
Tract 8540.02 / Block 4019
Tract 8540.02 / Block 4020
Tract 8540.02 / Block 4021
Tract 8540.02 / Block 4022
Tract 8540.02 / Block 4023
Tract 8540.02 / Block 4024
Tract 8540.02 / Block 4025
Tract 8540.02 / Block 4026
Tract 8540.02 / Block 4027
Tract 8540.02 / Block 4028
Tract 8540.02 / Block 4029
Tract 8540.02 / Block 4030
Tract 8540.02 / Block 4031
Tract 8540.02 / Block 4032
Tract 8540.02 / Block 4033
Tract 8540.02 / Block 4034
Tract 8540.02 / Block 4035
Tract 8540.02 / Block 4036
Tract 8540.02 / Block 4037
Tract 8540.02 / Block 4038
Tract 8540.02 / Block 4039
Tract 8540.02 / Block 4040
Tract 8540.02 / Block 4041
Tract 8540.02 / Block 4042
Tract 8540.02 / Block 4043
Tract 8540.02 / Block 4044
Tract 8540.02 / Block 4045
Tract 8540.02 / Block 4046
Tract 8540.02 / Block 4047
Tract 8540.02 / Block 4998
Tract 8540.02 / Block 4999
Tract 8540.02 / Block 5000
Tract 8540.02 / Block 5001
Tract 8540.02 / Block 5002
Tract 8540.02 / Block 5005
Tract 8540.02 / Block 5007
Tract 8540.02 / Block 5008
Tract 8540.02 / Block 5009

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0003

Tract 8540.02 / Block 5010
Tract 8540.02 / Block 5011
Tract 8540.02 / Block 5012
Tract 8540.02 / Block 5013
Tract 8540.02 / Block 5025
Tract 8540.02 / Block 5026
Tract 8540.02 / Block 5027

JUDICIAL SUBCIRCUIT 2
Census Tract 8502.01
Census Tract 8502.02
Census Tract 8503.01
Census Tract 8503.02
Census Tract 8504
Census Tract 8505
Census Tract 8508
Census Tract 8509
Census Tract 8510
Census Tract 8511
Census Tract 8512
Census Tract 8513
Census Tract 8514
Census Tract 8515
Census Tract 8516
Census Tract 8517
Kane County (Part)
VTD DN004
VTD DN020
VTD DN022
VTD DN025
VTD DN026
VTD DN027
VTD DN031
VTD EL008
VTD EL010
VTD EL014
VTD EL015
VTD EL043
VTD EL046
VTD EL050

New matter indicated by italics - deletions by strikeout
VTD DN010 (Part)
Tract 8501.00 / Block 1000
Tract 8501.00 / Block 1001
Tract 8501.00 / Block 1002
Tract 8501.00 / Block 1003
Tract 8501.00 / Block 1004
Tract 8501.00 / Block 1005
Tract 8501.00 / Block 1006
Tract 8501.00 / Block 1007
Tract 8501.00 / Block 1008
Tract 8501.00 / Block 1009
Tract 8501.00 / Block 1010
Tract 8501.00 / Block 1011
Tract 8501.00 / Block 1012
Tract 8501.00 / Block 1013
Tract 8501.00 / Block 1014
Tract 8501.00 / Block 1015
Tract 8501.00 / Block 1016
Tract 8501.00 / Block 1017
Tract 8501.00 / Block 1018
Tract 8501.00 / Block 1019
Tract 8501.00 / Block 1020
Tract 8501.00 / Block 1021
Tract 8501.00 / Block 1022
Tract 8501.00 / Block 1023
Tract 8501.00 / Block 1024
Tract 8501.00 / Block 1025
Tract 8501.00 / Block 1026
Tract 8501.00 / Block 1027
Tract 8501.00 / Block 1028
Tract 8501.00 / Block 1029
Tract 8501.00 / Block 1030
Tract 8501.00 / Block 1031
Tract 8501.00 / Block 1032
Tract 8501.00 / Block 1033
Tract 8501.00 / Block 1034
Tract 8501.00 / Block 1035
Tract 8501.00 / Block 1036
Tract 8501.00 / Block 1037

New matter indicated by italics - deletions by strikeout
Tract 8501.00 / Block 1038
Tract 8501.00 / Block 1039
Tract 8501.00 / Block 1040
Tract 8501.00 / Block 1041
Tract 8501.00 / Block 1042
Tract 8501.00 / Block 1043
Tract 8501.00 / Block 1044
Tract 8501.00 / Block 1045
Tract 8501.00 / Block 1046
Tract 8501.00 / Block 2000
Tract 8501.00 / Block 2001
Tract 8501.00 / Block 2002
Tract 8501.00 / Block 2003
Tract 8501.00 / Block 2004
Tract 8501.00 / Block 2005
Tract 8501.00 / Block 2006
Tract 8501.00 / Block 2017
Tract 8501.00 / Block 2018
Tract 8501.00 / Block 2995
Tract 8501.00 / Block 2996
Tract 8501.00 / Block 2998
Tract 8501.00 / Block 3000
Tract 8501.00 / Block 3001
Tract 8501.00 / Block 3002
Tract 8501.00 / Block 3003
Tract 8501.00 / Block 3004
Tract 8501.00 / Block 3005
Tract 8501.00 / Block 3006
Tract 8501.00 / Block 3007
Tract 8501.00 / Block 3008
Tract 8501.00 / Block 3009
Tract 8501.00 / Block 3010
Tract 8501.00 / Block 3011
Tract 8501.00 / Block 3012
Tract 8501.00 / Block 3013
Tract 8501.00 / Block 3014
Tract 8501.00 / Block 3015
Tract 8501.00 / Block 3016
Tract 8501.00 / Block 3017

New matter indicated by italics - deletions by strikeout
Tract 8501.00 / Block 3018
Tract 8501.00 / Block 3019
Tract 8501.00 / Block 3020
Tract 8501.00 / Block 3021
Tract 8501.00 / Block 3022
Tract 8501.00 / Block 3023
Tract 8501.00 / Block 3024
Tract 8501.00 / Block 3025
Tract 8501.00 / Block 3026
Tract 8501.00 / Block 3027
Tract 8501.00 / Block 3028
Tract 8501.00 / Block 3029
Tract 8501.00 / Block 3030
Tract 8501.00 / Block 3031
Tract 8501.00 / Block 4047
Tract 8501.00 / Block 4057
Tract 8501.00 / Block 4058
Tract 8501.00 / Block 4059
Tract 8501.00 / Block 4060
Tract 8501.00 / Block 4061
Tract 8501.00 / Block 4062
Tract 8501.00 / Block 4063
Tract 8501.00 / Block 4064
Tract 8501.00 / Block 4065
Tract 8501.00 / Block 4066
Tract 8501.00 / Block 4067
Tract 8501.00 / Block 4068
Tract 8501.00 / Block 4069
Tract 8501.00 / Block 4070
Tract 8501.00 / Block 4071
Tract 8501.00 / Block 4072
Tract 8501.00 / Block 4073
Tract 8501.00 / Block 4085
Tract 8501.00 / Block 4086
Tract 8501.00 / Block 4087
Tract 8501.00 / Block 4088
Tract 8501.00 / Block 4089
Tract 8501.00 / Block 4095
Tract 8501.00 / Block 4096

New matter indicated by italics - deletions by strikeout
Tract 8501.00 / Block 4100
Tract 8501.00 / Block 4124
Tract 8501.00 / Block 4125
Tract 8501.00 / Block 4126
Tract 8501.00 / Block 4127
Tract 8501.00 / Block 4151
Tract 8501.00 / Block 4152
Tract 8501.00 / Block 4153
Tract 8501.00 / Block 4154
Tract 8501.00 / Block 4157
Tract 8501.00 / Block 4158
Tract 8501.00 / Block 4159
Tract 8501.00 / Block 4177
Tract 8501.00 / Block 4178
Tract 8501.00 / Block 4179
Tract 8501.00 / Block 4180
Tract 8501.00 / Block 4181
Tract 8501.00 / Block 4993
Tract 8501.00 / Block 4995
Tract 8501.00 / Block 4996
Tract 8501.00 / Block 4999
Tract 8506.00 / Block 2012
Tract 8506.00 / Block 2013
Tract 8506.00 / Block 2014
Tract 8506.00 / Block 2015
Tract 8506.00 / Block 2016
Tract 8506.00 / Block 3000
Tract 8506.00 / Block 3001
Tract 8506.00 / Block 3002
Tract 8506.00 / Block 3003
Tract 8506.00 / Block 3004
Tract 8506.00 / Block 3005
Tract 8506.00 / Block 3006
Tract 8506.00 / Block 3007
Tract 8506.00 / Block 3008
Tract 8506.00 / Block 3009
Tract 8506.00 / Block 3010
Tract 8506.00 / Block 3011
Tract 8506.00 / Block 3012

New matter indicated by italics - deletions by strikeout
Tract 8506.00 / Block 3013
Tract 8506.00 / Block 3014
Tract 8506.00 / Block 3015
Tract 8506.00 / Block 3016
Tract 8506.00 / Block 3017
Tract 8506.00 / Block 3018
Tract 8506.00 / Block 3019
Tract 8506.00 / Block 3020
Tract 8506.00 / Block 3021
Tract 8506.00 / Block 3022
Tract 8506.00 / Block 3023
Tract 8506.00 / Block 3024
Tract 8506.00 / Block 3025
Tract 8506.00 / Block 3026
Tract 8506.00 / Block 3027
Tract 8506.00 / Block 3028
Tract 8506.00 / Block 3029
Tract 8506.00 / Block 3030
Tract 8506.00 / Block 3031
Tract 8506.00 / Block 3032
Tract 8506.00 / Block 3033
Tract 8506.00 / Block 3034
Tract 8506.00 / Block 3035
Tract 8506.00 / Block 3036
Tract 8506.00 / Block 3037
Tract 8506.00 / Block 3038
Tract 8506.00 / Block 3039
Tract 8506.00 / Block 3040
Tract 8506.00 / Block 3041
Tract 8506.00 / Block 3042
Tract 8506.00 / Block 3043
Tract 8506.00 / Block 3044
Tract 8506.00 / Block 3045
Tract 8506.00 / Block 3046
Tract 8506.00 / Block 3047
Tract 8506.00 / Block 3048
Tract 8506.00 / Block 3049
Tract 8506.00 / Block 3050
Tract 8506.00 / Block 3051

New matter indicated by italics - deletions by strikeout
Tract 8506.00 / Block 3999
Tract 8518.01 / Block 1002
Tract 8518.01 / Block 1003
Tract 8518.01 / Block 1007
Tract 8518.02 / Block 1000
Tract 8518.02 / Block 1001
Tract 8518.02 / Block 1002
Tract 8518.02 / Block 1003
Tract 8518.02 / Block 1004
Tract 8518.02 / Block 1005
Tract 8518.02 / Block 1006
Tract 8518.02 / Block 1007
Tract 8518.02 / Block 1008
Tract 8518.02 / Block 1009
Tract 8518.02 / Block 1010
Tract 8518.02 / Block 1011
Tract 8518.02 / Block 1012
Tract 8518.02 / Block 1013
Tract 8518.02 / Block 1014
Tract 8518.02 / Block 1015
Tract 8518.02 / Block 1016
Tract 8518.02 / Block 1017
Tract 8518.02 / Block 1018
Tract 8518.02 / Block 1019
Tract 8518.02 / Block 1020
Tract 8518.02 / Block 1021
Tract 8518.02 / Block 1022
Tract 8518.02 / Block 1023
Tract 8518.02 / Block 1024
Tract 8518.02 / Block 1025
Tract 8518.02 / Block 1026
Tract 8518.02 / Block 2003
Tract 8518.02 / Block 2004
Tract 8518.02 / Block 2005
Tract 8518.02 / Block 2013
Tract 8518.02 / Block 2014
Tract 8518.02 / Block 2015
Tract 8519.03 / Block 1018
Tract 8519.03 / Block 1022

New matter indicated by italics - deletions by strikeout
Tract 8519.03 / Block 1023
Tract 8519.03 / Block 1025
Tract 8519.03 / Block 2000
Tract 8519.03 / Block 2001
Tract 8519.03 / Block 2002
Tract 8519.03 / Block 2003
Tract 8519.03 / Block 2004
Tract 8519.03 / Block 2005
Tract 8519.03 / Block 2006
Tract 8519.03 / Block 2007
Tract 8519.03 / Block 2008
Tract 8519.03 / Block 2011
Tract 8519.03 / Block 2012
Tract 8519.03 / Block 2013
Tract 8519.03 / Block 2014
JUDICIAL SUBCIRCUIT 3
Kendall County
Census Tract 17
Census Tract 18
Census Tract 19
Census Tract 20
Census Tract 21
Census Tract 8524.01
Census Tract 8545.01
Census Tract 8545.02
Kane County (Part)
Big Rock township
Kaneville township
Kane County (Part)
VTD AC501
VTD AC502
VTD AC503
VTD AT002
VTD AT009
VTD CA001
VTD CA003
VTD CA008
VTD MI01 (Part)
Tract 0003.00 / Block 2054

New matter indicated by italics - deletions by strikeout
Tract 0003.00 / Block 2055
Tract 0003.00 / Block 2056
Tract 0003.00 / Block 2057
Tract 0003.00 / Block 2058
Tract 0003.00 / Block 2059
Tract 0003.00 / Block 2060
Tract 0003.00 / Block 2061
Tract 0003.00 / Block 2062
Tract 0003.00 / Block 2063
Tract 0003.00 / Block 2064
Tract 0003.00 / Block 2065
Tract 0003.00 / Block 2066
Tract 0003.00 / Block 2067
Tract 0003.00 / Block 2068
Tract 0003.00 / Block 2069
Tract 0003.00 / Block 2070
Tract 0003.00 / Block 2071
Tract 0003.00 / Block 2072
Tract 0003.00 / Block 2073
Tract 0003.00 / Block 2074
Tract 0003.00 / Block 2075
Tract 0003.00 / Block 2076
Tract 0003.00 / Block 2077
Tract 0003.00 / Block 2078
Tract 0003.00 / Block 2079
Tract 0003.00 / Block 2080
Tract 0003.00 / Block 2081
Tract 0003.00 / Block 2082
Tract 0003.00 / Block 2083
Tract 0003.00 / Block 2084
Tract 0003.00 / Block 2085
Tract 0003.00 / Block 2086
Tract 0003.00 / Block 2087
Tract 0014.00 / Block 4029
Tract 0014.00 / Block 4030
Tract 0014.00 / Block 4031
Tract 0014.00 / Block 4032
Tract 0014.00 / Block 4033
Tract 0014.00 / Block 4034

New matter indicated by italics - deletions by strikeout
Tract 0014.00 / Block 4037
Tract 0014.00 / Block 4040
Tract 0014.00 / Block 4041
Tract 0014.00 / Block 4042
Tract 0014.00 / Block 4043
Tract 0014.00 / Block 4044
Tract 0014.00 / Block 4045
Tract 0014.00 / Block 4046
Tract 0014.00 / Block 4047
Tract 0014.00 / Block 4048
Tract 0014.00 / Block 4049
Tract 0014.00 / Block 4050
Tract 0014.00 / Block 4051
Tract 0014.00 / Block 4052
Tract 0014.00 / Block 4053
Tract 0014.00 / Block 4054
Tract 0014.00 / Block 4055
Tract 0015.00 / Block 3045
Tract 0015.00 / Block 3046
Tract 0015.00 / Block 3047
Tract 0015.00 / Block 3048
Tract 0015.00 / Block 3049
Tract 0015.00 / Block 3051
Tract 0015.00 / Block 3052
Tract 0015.00 / Block 3053
Tract 0015.00 / Block 3054
Tract 0015.00 / Block 3055
Tract 0015.00 / Block 3056
Tract 0015.00 / Block 3057
Tract 0015.00 / Block 3058
Tract 0015.00 / Block 3059
Tract 0015.00 / Block 3060
Tract 0015.00 / Block 3061
Tract 0015.00 / Block 3062
Tract 0016.00 / Block 1046
Tract 0016.00 / Block 1047
Tract 0016.00 / Block 1048
Tract 0016.00 / Block 1049
Tract 0016.00 / Block 1050

New matter indicated by italics - deletions by strikeout
Tract 0016.00 / Block 2086
Tract 0016.00 / Block 2087
Tract 0016.00 / Block 2092
Tract 0016.00 / Block 2093
Tract 0016.00 / Block 2094
Tract 0016.00 / Block 2095
Tract 0016.00 / Block 2096
VTD CA010 (Part)
Tract 8524.02 / Block 1000
Tract 8524.02 / Block 1001
Tract 8524.02 / Block 1002
Tract 8524.02 / Block 1003
Tract 8524.02 / Block 1004
Tract 8524.02 / Block 1005
Tract 8524.02 / Block 1006
Tract 8524.02 / Block 1007
Tract 8524.02 / Block 1008
Tract 8524.02 / Block 1009
Tract 8524.02 / Block 1010
Tract 8524.02 / Block 1011
Tract 8524.02 / Block 1012
Tract 8524.02 / Block 1013
Tract 8524.02 / Block 1014
Tract 8524.02 / Block 1015
Tract 8524.02 / Block 1016
Tract 8524.02 / Block 1017
Tract 8524.02 / Block 1018
Tract 8524.02 / Block 2000
Tract 8524.02 / Block 2001
Tract 8524.02 / Block 2011
Tract 8524.02 / Block 2012
Tract 8524.02 / Block 2013
Tract 8524.03 / Block 1000
Tract 8524.03 / Block 1032
Tract 8524.03 / Block 1033
Tract 8524.03 / Block 1034
Tract 8524.03 / Block 1035
Tract 8524.03 / Block 1036
Tract 8524.03 / Block 1037

New matter indicated by italics - deletions by strikeout
Tract 8524.03 / Block 1038
Tract 8524.03 / Block 1039
Tract 8524.03 / Block 1040
Tract 8524.03 / Block 1065
Tract 8524.03 / Block 1066
Tract 8524.03 / Block 1067
Tract 8524.03 / Block 1069
Tract 8524.03 / Block 1998
Tract 8524.03 / Block 1999
JUDICIAL SUBCIRCUIT 4
Census Tract 8520.01
Census Tract 8520.02
Census Tract 8520.03
Census Tract 8521
Census Tract 8522.01
Census Tract 8523
Census Tract 8525
Census Tract 8526.01
Census Tract 8526.02
Census Tract 8527
Census Tract 8528.01
Census Tract 8528.02
Kane County (Part)
VTD EL021
VTD EL024
VTD EL036
VTD EL038
VTD EL039
VTD EL049
VTD EL053
VTD EL055
VTD SC013
VTD SC019 (Part)
Tract 8522.02 / Block 1000
Tract 8522.02 / Block 1001
Tract 8522.02 / Block 1002
Tract 8522.02 / Block 1003
Tract 8522.02 / Block 1004
Tract 8522.02 / Block 1005

New matter indicated by italics - deletions by strikeout
Tract 8522.02 / Block 1006
Tract 8522.02 / Block 1007
Tract 8522.02 / Block 1008
Tract 8522.02 / Block 1009
Tract 8522.02 / Block 1010
Tract 8522.02 / Block 1011
Tract 8522.02 / Block 1012
Tract 8522.02 / Block 1013
Tract 8522.02 / Block 1014
Tract 8522.02 / Block 2000
Tract 8522.02 / Block 2001
Tract 8522.02 / Block 2013
Tract 8522.02 / Block 2014
Tract 8522.02 / Block 2015
Tract 8522.02 / Block 2016
Tract 8522.02 / Block 2017
Tract 8522.02 / Block 2018
Tract 8522.02 / Block 3005
Tract 8522.02 / Block 3006
Tract 8522.02 / Block 3007
Tract 8522.02 / Block 3008
Tract 8522.02 / Block 3009
Tract 8522.02 / Block 4000
Tract 8522.02 / Block 4001
Tract 8522.02 / Block 4002
Tract 8522.02 / Block 4003
Tract 8522.02 / Block 4004
Tract 8522.02 / Block 4005
Tract 8522.02 / Block 4006
Tract 8522.02 / Block 4007
Tract 8522.02 / Block 4008
Tract 8522.02 / Block 4009
Tract 8522.02 / Block 4010
Tract 8522.02 / Block 4011
Tract 8522.02 / Block 4012
Tract 8522.02 / Block 4013
Tract 8522.02 / Block 4014
Tract 8522.02 / Block 4015
Tract 8522.02 / Block 4016

New matter indicated by italics - deletions by strikeout
Tract 8522.02 / Block 4017
Tract 8522.02 / Block 4018
Tract 8522.02 / Block 4019
Tract 8522.02 / Block 4020
Tract 8522.02 / Block 4021
Tract 8522.02 / Block 4022
Tract 8522.02 / Block 4023
Tract 8522.02 / Block 4024
Tract 8522.02 / Block 4025
Tract 8522.02 / Block 4026
Tract 8522.02 / Block 4027
Tract 8522.02 / Block 4028
Tract 8522.02 / Block 4029
Tract 8522.02 / Block 4030
Tract 8522.02 / Block 4031
Tract 8522.02 / Block 4032
Tract 8522.02 / Block 4033
Tract 8522.02 / Block 4034
Tract 8522.02 / Block 4035
Tract 8522.02 / Block 4036
Tract 8522.02 / Block 4037
Tract 8522.02 / Block 4038
Tract 8522.02 / Block 4039
Tract 8522.02 / Block 4040
Tract 8522.02 / Block 4041
Tract 8522.02 / Block 4042
Tract 8522.02 / Block 4043
Tract 8522.02 / Block 4044
Tract 8522.02 / Block 4045
Tract 8522.02 / Block 4047
Tract 8522.02 / Block 4048
Tract 8522.02 / Block 4049
Tract 8522.02 / Block 4050
Tract 8522.02 / Block 4051
Tract 8522.02 / Block 4052
Tract 8522.02 / Block 5000
Tract 8522.02 / Block 5001
Tract 8522.02 / Block 5002
Tract 8522.02 / Block 5003

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0003

Tract 8522.02 / Block 5004
Tract 8522.02 / Block 5005
Tract 8522.02 / Block 5006
Tract 8522.02 / Block 5007
Tract 8522.02 / Block 5008
Tract 8522.02 / Block 5009
Tract 8522.02 / Block 5010
Tract 8522.02 / Block 5011
Tract 8522.02 / Block 5012
Tract 8522.02 / Block 5013
Tract 8522.02 / Block 5014
Tract 8522.02 / Block 5015
Tract 8522.02 / Block 5016
Tract 8522.02 / Block 5017
Tract 8522.02 / Block 5018
Tract 8522.02 / Block 5019
Tract 8522.02 / Block 5020
Tract 8522.02 / Block 5021
Tract 8522.02 / Block 5022
Tract 8522.02 / Block 5023
Tract 8522.02 / Block 5024
Tract 8522.02 / Block 5025
Tract 8522.02 / Block 5027
Tract 8524.02 / Block 1022
JUDICIAL SUBCIRCUIT 5
Census Tract 1
Census Tract 2
Census Tract 4
Census Tract 5
Census Tract 6
Census Tract 7
Census Tract 8
Census Tract 9
Census Tract 10
Census Tract 11
Census Tract 12
Census Tract 13
Census Tract 8507.01
Census Tract 8507.02

New matter indicated by italics - deletions by strikeout
Census Tract 8507.03
DeKalb County (Part)
Malta township
South Grove township
Virgil township
DeKalb County (Part)
VTD DK26
VTD DK27
VTD DK29
VTD DK31
VTD DK32
VTD DK34
Kane County (Part)
VTD DN029
VTD EL007
VTD EL016
VTD EL047
VTD EL048
VTD EL051
VTD EL052
VTD EL054
VTD EL056
VTD EL057
VTD MF01 (Part)
Tract 0003.00 / Block 1000
Tract 0003.00 / Block 1001
Tract 0003.00 / Block 1002
Tract 0003.00 / Block 1003
Tract 0003.00 / Block 1022
Tract 0003.00 / Block 1023
Tract 0003.00 / Block 1024
Tract 0003.00 / Block 1025
Tract 0003.00 / Block 1026
Tract 0003.00 / Block 1027
Tract 0003.00 / Block 1028
Tract 0003.00 / Block 1029
Tract 0003.00 / Block 1063
Tract 0003.00 / Block 1064
Tract 0003.00 / Block 1065

New matter indicated by italics - deletions by strikeout
Tract 0003.00 / Block 1066
Tract 0003.00 / Block 1073
Tract 0003.00 / Block 1074
Tract 0003.00 / Block 1075
Tract 0003.00 / Block 3000
Tract 0003.00 / Block 3006
Tract 0003.00 / Block 3007
Tract 0003.00 / Block 3008
Tract 0003.00 / Block 3009
Tract 0003.00 / Block 3010
Tract 0003.00 / Block 3011
Tract 0003.00 / Block 3012
Tract 0014.00 / Block 3000
Tract 0014.00 / Block 3001
Tract 0014.00 / Block 4000
Tract 0014.00 / Block 4001
Tract 0014.00 / Block 4002
Tract 0014.00 / Block 4003
Tract 0014.00 / Block 4004
Tract 0014.00 / Block 4005
Tract 0014.00 / Block 4006
Tract 0014.00 / Block 4007
Tract 0014.00 / Block 4009
Tract 0014.00 / Block 4014
Tract 0014.00 / Block 4015
Tract 0015.00 / Block 4000
Tract 0015.00 / Block 4001
Tract 0015.00 / Block 4002
Tract 0015.00 / Block 4003
Tract 0015.00 / Block 4004
Tract 0015.00 / Block 4005
Tract 0015.00 / Block 4006
Tract 0015.00 / Block 4007
Tract 0015.00 / Block 4008
Tract 0015.00 / Block 4009
Tract 0015.00 / Block 4039
Tract 0015.00 / Block 4040
Tract 0015.00 / Block 4043
Tract 0015.00 / Block 4044

New matter indicated by italics - deletions by strikeout
Tract 0016.00 / Block 1034
Tract 0016.00 / Block 1035
Tract 0016.00 / Block 1036
Tract 0016.00 / Block 1037
Tract 0016.00 / Block 1038
Tract 0016.00 / Block 1039
Tract 0016.00 / Block 1040
Tract 0016.00 / Block 1041
Tract 0016.00 / Block 1042
Tract 0016.00 / Block 1043
Tract 0016.00 / Block 1044
Tract 0016.00 / Block 1045
Tract 0016.00 / Block 2000
Tract 0016.00 / Block 2001
Tract 0016.00 / Block 2002
Tract 0016.00 / Block 2003
Tract 0016.00 / Block 2004
Tract 0016.00 / Block 2005
Tract 0016.00 / Block 2006
Tract 0016.00 / Block 2007
Tract 0016.00 / Block 2008
Tract 0016.00 / Block 2009
Tract 0016.00 / Block 2010
Tract 0016.00 / Block 2011
Tract 0016.00 / Block 2012
Tract 0016.00 / Block 2013
Tract 0016.00 / Block 2014
Tract 0016.00 / Block 2015
Tract 0016.00 / Block 2016
Tract 0016.00 / Block 2017
Tract 0016.00 / Block 2018
Tract 0016.00 / Block 2019
Tract 0016.00 / Block 2020
Tract 0016.00 / Block 2021
Tract 0016.00 / Block 2022
Tract 0016.00 / Block 2023
Tract 0016.00 / Block 2024
Tract 0016.00 / Block 2025
Tract 0016.00 / Block 2026

New matter indicated by italics - deletions by strikeout
Tract 0016.00 / Block 2027
Tract 0016.00 / Block 2028
Tract 0016.00 / Block 2029
Tract 0016.00 / Block 2030
Tract 0016.00 / Block 2031
Tract 0016.00 / Block 2032
Tract 0016.00 / Block 2033
Tract 0016.00 / Block 2034
Tract 0016.00 / Block 2035
Tract 0016.00 / Block 2036
Tract 0016.00 / Block 2037
Tract 0016.00 / Block 2038
Tract 0016.00 / Block 2039
Tract 0016.00 / Block 2040
Tract 0016.00 / Block 2041
Tract 0016.00 / Block 2042
Tract 0016.00 / Block 2043
Tract 0016.00 / Block 2044
Tract 0016.00 / Block 2045
Tract 0016.00 / Block 2046
Tract 0016.00 / Block 2047
Tract 0016.00 / Block 2048
Tract 0016.00 / Block 2049
Tract 0016.00 / Block 2050
Tract 0016.00 / Block 2051
Tract 0016.00 / Block 2052
Tract 0016.00 / Block 2053
Tract 0016.00 / Block 2054
Tract 0016.00 / Block 2055
Tract 0016.00 / Block 2056
Tract 0016.00 / Block 2057
Tract 0016.00 / Block 2058
Tract 0016.00 / Block 2059
Tract 0016.00 / Block 2060
Tract 0016.00 / Block 2061
Tract 0016.00 / Block 2062
Tract 0016.00 / Block 2063
Tract 0016.00 / Block 2064
Tract 0016.00 / Block 2065

New matter indicated by italics - deletions by strikeout
Tract 0016.00 / Block 2066
Tract 0016.00 / Block 2067
Tract 0016.00 / Block 2068
Tract 0016.00 / Block 2069
Tract 0016.00 / Block 2070
Tract 0016.00 / Block 2071
Tract 0016.00 / Block 2072
Tract 0016.00 / Block 2073
Tract 0016.00 / Block 2074
Tract 0016.00 / Block 2075
Tract 0016.00 / Block 2076
Tract 0016.00 / Block 2077
Tract 0016.00 / Block 2078
Tract 0016.00 / Block 2079
Tract 0016.00 / Block 2080
Tract 0016.00 / Block 2081
Tract 0016.00 / Block 2082
Tract 0016.00 / Block 2083
Tract 0016.00 / Block 2084
Tract 0016.00 / Block 2085
Tract 0016.00 / Block 2088
Tract 0016.00 / Block 2089
Tract 0016.00 / Block 2090
Tract 0016.00 / Block 2091
Tract 0016.00 / Block 2097
Tract 0016.00 / Block 2098
Tract 0016.00 / Block 2099
VTD DN030 (Part)
Tract 8501.00 / Block 4011
Tract 8501.00 / Block 4012
Tract 8501.00 / Block 4013
Tract 8501.00 / Block 4031
Tract 8501.00 / Block 4032
Tract 8501.00 / Block 4048
Tract 8501.00 / Block 4049
Tract 8501.00 / Block 4050
Tract 8501.00 / Block 4051
Tract 8501.00 / Block 4052
Tract 8501.00 / Block 4082

New matter indicated by italics - deletions by strikeout
Tract 8501.00 / Block 4083
Tract 8501.00 / Block 4084
Tract 8501.00 / Block 4097
Tract 8501.00 / Block 4098
Tract 8501.00 / Block 4099
Tract 8501.00 / Block 4101
Tract 8501.00 / Block 4102
Tract 8501.00 / Block 4103
Tract 8501.00 / Block 4104
Tract 8501.00 / Block 4105
Tract 8501.00 / Block 4106
Tract 8501.00 / Block 4107
Tract 8501.00 / Block 4108
Tract 8501.00 / Block 4109
Tract 8501.00 / Block 4110
Tract 8501.00 / Block 4111
Tract 8501.00 / Block 4112
Tract 8501.00 / Block 4113
Tract 8501.00 / Block 4114
Tract 8501.00 / Block 4115
Tract 8501.00 / Block 4116
Tract 8501.00 / Block 4117
Tract 8501.00 / Block 4118
Tract 8501.00 / Block 4119
Tract 8501.00 / Block 4120
Tract 8501.00 / Block 4121
Tract 8501.00 / Block 4122
Tract 8501.00 / Block 4123
Tract 8501.00 / Block 4128
Tract 8501.00 / Block 4129
Tract 8501.00 / Block 4130
Tract 8501.00 / Block 4131
Tract 8501.00 / Block 4132
Tract 8501.00 / Block 4133
Tract 8501.00 / Block 4134
Tract 8501.00 / Block 4135
Tract 8501.00 / Block 4136
Tract 8501.00 / Block 4137
Tract 8501.00 / Block 4138

New matter indicated by italics - deletions by strikeout
Sec. 21. The 19th Judicial Circuit is divided into 6 subcircuits, with the numerical order 1, 2, 3, 4, 5, and 6 as follows:

**JUDICIAL SUBCIRCUIT 1**

Census Tract 8603.01
Census Tract 8606
Census Tract 8617.01
Census Tract 8617.02
Census Tract 8618.03
Census Tract 8618.04
Census Tract 8618.05
Census Tract 8618.15
Census Tract 8619.01
Census Tract 8619.02

New matter indicated by italics - deletions by strikeout
Census Tract 8620
Census Tract 8621
Census Tract 8622
Census Tract 8623
Census Tract 8624.01
Census Tract 8624.02
Census Tract 8625.01
Census Tract 8627
Lake County (Part)
VTD WK319
VTD WK320
VTD WK321
VTD WK324
VTD WK325
VTD WK326
VTD WK331
VTD ZI380
VTD WK318 (Part)
Tract 0000.00 / Block 0994
Tract 0000.00 / Block 0995
Tract 0000.00 / Block 0996
Tract 8601.01 / Block 1002
Tract 8601.01 / Block 1003
Tract 8601.01 / Block 1004
Tract 8601.01 / Block 1005
Tract 8601.01 / Block 1006
Tract 8601.01 / Block 1007
Tract 8601.01 / Block 1008
Tract 8601.01 / Block 1009
Tract 8601.01 / Block 1010
Tract 8601.01 / Block 1011
Tract 8601.01 / Block 1012
Tract 8601.01 / Block 1013
Tract 8601.01 / Block 1014
Tract 8601.01 / Block 1015
Tract 8601.01 / Block 1016
Tract 8601.01 / Block 1017
Tract 8601.01 / Block 1018
Tract 8601.01 / Block 1019

New matter indicated by italics - deletions by strikeout
Tract 8601.01 / Block 1020
Tract 8601.01 / Block 1021
Tract 8601.01 / Block 1022
Tract 8601.01 / Block 1023
Tract 8601.01 / Block 1024
Tract 8601.01 / Block 1025
Tract 8601.01 / Block 1026
Tract 8601.01 / Block 1027
Tract 8601.01 / Block 1028
Tract 8601.01 / Block 1029
Tract 8601.01 / Block 1030
Tract 8601.01 / Block 1031
Tract 8601.01 / Block 1032
Tract 8601.01 / Block 1033
Tract 8601.01 / Block 1034
Tract 8601.01 / Block 1044
Tract 8601.04 / Block 2029
Tract 8601.04 / Block 2030
Tract 8602.00 / Block 2029
Tract 8602.00 / Block 2030
Tract 8602.00 / Block 2031
Tract 8603.02 / Block 1000
Tract 8603.02 / Block 1001
Tract 8603.02 / Block 1002
Tract 8603.02 / Block 1003
Tract 8603.02 / Block 1004
Tract 8603.02 / Block 1005
Tract 8603.02 / Block 1006
Tract 8603.02 / Block 1007
Tract 8603.02 / Block 1008
Tract 8603.02 / Block 1009
Tract 8603.02 / Block 1010
Tract 8603.02 / Block 1011
Tract 8603.02 / Block 1012
Tract 8603.02 / Block 1014
Tract 8603.02 / Block 1015
Tract 8603.02 / Block 1016
Tract 8603.02 / Block 1017
Tract 8603.02 / Block 2000

New matter indicated by italics - deletions by strikeout
Tract 8603.02 / Block 2001
Tract 8603.02 / Block 2002
Tract 8603.02 / Block 2003
Tract 8603.02 / Block 2004
Tract 8603.02 / Block 2005
Tract 8603.02 / Block 2006
Tract 8603.02 / Block 2007
Tract 8603.02 / Block 2008
Tract 8603.02 / Block 2009
Tract 8603.02 / Block 2010
Tract 8603.02 / Block 2011
Tract 8603.02 / Block 2012
Tract 8603.02 / Block 2013
Tract 8603.02 / Block 2014
Tract 8603.02 / Block 2015
Tract 8603.02 / Block 2016
Tract 8603.02 / Block 2017
Tract 8603.02 / Block 2018
Tract 8603.02 / Block 2019
Tract 8603.02 / Block 2020
Tract 8603.02 / Block 2021
Tract 8603.02 / Block 2022
Tract 8603.02 / Block 2023
Tract 8603.02 / Block 2024
Tract 8603.02 / Block 3000
Tract 8603.02 / Block 3001
Tract 8603.02 / Block 3002
Tract 8603.02 / Block 3003
Tract 8603.02 / Block 3004
Tract 8603.02 / Block 3005
Tract 8603.02 / Block 3006
Tract 8603.02 / Block 3007
Tract 8603.02 / Block 3008
Tract 8603.02 / Block 3009
Tract 8603.02 / Block 3010
Tract 8603.02 / Block 3011
Tract 8603.02 / Block 3012
Tract 8603.02 / Block 3013
Tract 8603.02 / Block 3014

New matter indicated by italics - deletions by strikeout
Tract 8604.00 / Block 1000
Tract 8604.00 / Block 1001
Tract 8604.00 / Block 1002
Tract 8604.00 / Block 1003
Tract 8604.00 / Block 1004
Tract 8604.00 / Block 1005
Tract 8604.00 / Block 1006
Tract 8604.00 / Block 1007
Tract 8604.00 / Block 1008
Tract 8604.00 / Block 1009
Tract 8604.00 / Block 1010
Tract 8604.00 / Block 1011
Tract 8604.00 / Block 1012
Tract 8604.00 / Block 1013
Tract 8604.00 / Block 1014
Tract 8604.00 / Block 1015
Tract 8604.00 / Block 1016
Tract 8604.00 / Block 1017
Tract 8604.00 / Block 1018
Tract 8604.00 / Block 1019
Tract 8604.00 / Block 1020
Tract 8604.00 / Block 1021
Tract 8604.00 / Block 1022
Tract 8604.00 / Block 1023
Tract 8604.00 / Block 1024
Tract 8604.00 / Block 1025
Tract 8604.00 / Block 1026
Tract 8604.00 / Block 1027
Tract 8604.00 / Block 1028
Tract 8604.00 / Block 1029
Tract 8604.00 / Block 1030
Tract 8604.00 / Block 1031
Tract 8604.00 / Block 1032
Tract 8604.00 / Block 1033
Tract 8604.00 / Block 1034
Tract 8604.00 / Block 1035
Tract 8604.00 / Block 1036
Tract 8604.00 / Block 1037
Tract 8604.00 / Block 1038

New matter indicated by italics - deletions by strikeout
Tract 8604.00 / Block 1039
Tract 8604.00 / Block 1040
Tract 8604.00 / Block 1041
Tract 8604.00 / Block 1042
Tract 8604.00 / Block 1043
Tract 8604.00 / Block 1044
Tract 8604.00 / Block 1045
Tract 8604.00 / Block 1046
Tract 8604.00 / Block 1047
Tract 8604.00 / Block 1048
Tract 8604.00 / Block 1049
Tract 8604.00 / Block 1050
Tract 8604.00 / Block 1051
Tract 8604.00 / Block 1052
Tract 8604.00 / Block 1053
Tract 8604.00 / Block 1054
Tract 8604.00 / Block 1055
Tract 8604.00 / Block 1056
Tract 8604.00 / Block 1057
Tract 8604.00 / Block 1058
Tract 8604.00 / Block 1059
Tract 8604.00 / Block 2000
Tract 8604.00 / Block 2001
Tract 8604.00 / Block 2002
Tract 8604.00 / Block 2008
Tract 8604.00 / Block 3000
Tract 8604.00 / Block 3001
Tract 8604.00 / Block 3002
Tract 8604.00 / Block 3003
Tract 8604.00 / Block 3004
Tract 8604.00 / Block 3005
Tract 8604.00 / Block 3011
Tract 8604.00 / Block 3012
Tract 8604.00 / Block 3013
Tract 8604.00 / Block 3014
Tract 8604.00 / Block 3015
Tract 8604.00 / Block 3016
Tract 8604.00 / Block 3017
Tract 8604.00 / Block 3018

New matter indicated by italics - deletions by strikeout
Tract 8604.00 / Block 3019
Tract 8604.00 / Block 3020
Tract 8604.00 / Block 3021
Tract 8604.00 / Block 3022
Tract 8604.00 / Block 3023
Tract 8604.00 / Block 3024
Tract 8604.00 / Block 3025
Tract 8604.00 / Block 3026
Tract 8604.00 / Block 3027
Tract 8604.00 / Block 3028
Tract 8604.00 / Block 3029
Tract 8604.00 / Block 3030
Tract 8604.00 / Block 3031
Tract 8604.00 / Block 3032
Tract 8604.00 / Block 3033
Tract 8604.00 / Block 3034
Tract 8604.00 / Block 3035
Tract 8604.00 / Block 3036
Tract 8604.00 / Block 3037
Tract 8604.00 / Block 3038
Tract 8605.00 / Block 1000
Tract 8605.00 / Block 1001
Tract 8605.00 / Block 1002
Tract 8605.00 / Block 1003
Tract 8605.00 / Block 1009
Tract 8605.00 / Block 1010
Tract 8605.00 / Block 1011
Tract 8605.00 / Block 1012
Tract 8605.00 / Block 1013
Tract 8605.00 / Block 1014
Tract 8605.00 / Block 1015
Tract 8605.00 / Block 1016
Tract 8605.00 / Block 1017
Tract 8605.00 / Block 1018
Tract 8605.00 / Block 1019
Tract 8605.00 / Block 2000
Tract 8605.00 / Block 2001
Tract 8605.00 / Block 2002
Tract 8605.00 / Block 2003

New matter indicated by italics - deletions by strikeout
Tract 8605.00 / Block 2004
Tract 8605.00 / Block 2005
Tract 8605.00 / Block 2006
Tract 8605.00 / Block 2007
Tract 8605.00 / Block 2008
Tract 8605.00 / Block 2009
Tract 8605.00 / Block 2010
Tract 8605.00 / Block 2011
Tract 8605.00 / Block 2012
Tract 8605.00 / Block 2013
Tract 8605.00 / Block 2014
Tract 8605.00 / Block 2015
Tract 8605.00 / Block 2016
Tract 8605.00 / Block 2017
Tract 8605.00 / Block 3000
Tract 8605.00 / Block 3001
Tract 8605.00 / Block 3002
Tract 8605.00 / Block 3003
Tract 8605.00 / Block 3004
Tract 8605.00 / Block 3005
Tract 8605.00 / Block 3006
Tract 8605.00 / Block 3011
Tract 8605.00 / Block 3012
Tract 8605.00 / Block 3016
Tract 8605.00 / Block 3017
Tract 8605.00 / Block 3018
Tract 8605.00 / Block 3019
Tract 8605.00 / Block 4000
Tract 8605.00 / Block 4001
Tract 8605.00 / Block 4002
Tract 8605.00 / Block 4003
Tract 8605.00 / Block 4004
Tract 8605.00 / Block 4005
Tract 8605.00 / Block 4015
Tract 8605.00 / Block 4016
Tract 8605.00 / Block 4017
Tract 8605.00 / Block 5000
Tract 8605.00 / Block 5001
Tract 8605.00 / Block 5002

New matter indicated by italics - deletions by strikeout
Tract 8605.00 / Block 5003
Tract 8605.00 / Block 5010
Tract 8605.00 / Block 5011
Tract 8607.02 / Block 1068
Tract 8607.02 / Block 1069
Tract 8607.02 / Block 1084
Tract 8607.02 / Block 1086
Tract 8607.02 / Block 1087
Tract 8607.02 / Block 1090
Tract 8607.02 / Block 1091
Tract 8607.02 / Block 1092
Tract 8607.02 / Block 1093
Tract 8607.02 / Block 1094
Tract 8607.02 / Block 1095
Tract 8607.02 / Block 1096
Tract 8607.02 / Block 1097
Tract 8607.02 / Block 2000
Tract 8607.02 / Block 2001
Tract 8607.02 / Block 2002
Tract 8607.02 / Block 2003
Tract 8607.02 / Block 2004
Tract 8607.02 / Block 2005
Tract 8607.02 / Block 2006
Tract 8607.02 / Block 2007
Tract 8607.02 / Block 2008
Tract 8607.02 / Block 2009
Tract 8607.02 / Block 2010
Tract 8607.02 / Block 2011
Tract 8607.02 / Block 2012
Tract 8607.02 / Block 2013
Tract 8607.02 / Block 2014
Tract 8607.02 / Block 2015
Tract 8607.02 / Block 2016
Tract 8607.02 / Block 2017
Tract 8607.02 / Block 2018
Tract 8607.02 / Block 2019
Tract 8607.02 / Block 2020
Tract 8607.02 / Block 2021
Tract 8607.02 / Block 2022

New matter indicated by italics - deletions by strikeout
Tract 8607.02 / Block 2023
Tract 8607.02 / Block 2024
Tract 8607.02 / Block 2025
Tract 8607.02 / Block 2026
Tract 8607.02 / Block 2027
Tract 8607.02 / Block 2028
Tract 8607.02 / Block 2033
Tract 8607.02 / Block 2034
Tract 8607.02 / Block 2035
Tract 8607.02 / Block 2036
Tract 8607.02 / Block 2037
Tract 8607.02 / Block 2038
Tract 8607.02 / Block 2039
Tract 8607.02 / Block 2040
Tract 8607.02 / Block 2041
Tract 8607.02 / Block 2042
Tract 8607.02 / Block 2043
Tract 8607.02 / Block 2044
Tract 8607.02 / Block 2045
Tract 8607.02 / Block 2046
Tract 8607.02 / Block 2047
Tract 8607.02 / Block 2048
Tract 8607.02 / Block 2049
Tract 8607.02 / Block 2050
Tract 8607.02 / Block 2051
Tract 8607.02 / Block 2052
Tract 8607.02 / Block 2053
Tract 8607.02 / Block 2054
Tract 8607.02 / Block 2055
Tract 8607.02 / Block 2056
Tract 8607.02 / Block 2057
Tract 8607.02 / Block 2058
Tract 8607.02 / Block 2059
Tract 8625.02 / Block 1000
Tract 8625.02 / Block 1001
Tract 8625.02 / Block 1002
Tract 8625.02 / Block 1003
Tract 8625.02 / Block 1004
Tract 8625.02 / Block 1005

New matter indicated by italics - deletions by strikeout
Tract 8625.02 / Block 1006
Tract 8625.02 / Block 1007
Tract 8625.02 / Block 1008
Tract 8625.02 / Block 1009
Tract 8625.02 / Block 1010
Tract 8626.05 / Block 1000
Tract 8626.05 / Block 1001
Tract 8626.05 / Block 1002
Tract 8626.05 / Block 1003
Tract 8626.05 / Block 1004

JUDICIAL SUBCIRCUIT 2

Census Tract 8615.04
Census Tract 8615.05
Census Tract 8615.06
Census Tract 8615.07
Census Tract 8615.08
Census Tract 8615.09
Census Tract 8615.10
Census Tract 8616.03
Census Tract 8616.07
Census Tract 8616.08
Census Tract 8628
Census Tract 8629.01
Census Tract 8629.02
Census Tract 8630.02
Census Tract 8631
Census Tract 8632.01
Census Tract 8636.01

Lake County (Part)
VTD LB169
VTD LB170
VTD LB171
VTD LB177
VTD LB182
VTD SH206
VTD SH208
VTD WK337
VTD WR261
VTD WR262

New matter indicated by italics - deletions by strikeout
VTD WR386
VTD WR397
VTD WR402
VTD WR263 (Part)
Tract 8611.06 / Block 2003
Tract 8611.06 / Block 2004
Tract 8611.06 / Block 2009
Tract 8616.05 / Block 2022
Tract 8616.05 / Block 2023
Tract 8616.05 / Block 2024
Tract 8616.05 / Block 2025
Tract 8626.03 / Block 2022
Tract 8626.04 / Block 2002
Tract 8626.04 / Block 2003
Tract 8630.01 / Block 1000
Tract 8630.01 / Block 1001
Tract 8630.01 / Block 1002
Tract 8630.01 / Block 1003
Tract 8630.01 / Block 1004
Tract 8630.01 / Block 1005
Tract 8630.01 / Block 1006
Tract 8630.01 / Block 1007
Tract 8630.01 / Block 1008
Tract 8630.01 / Block 1009
Tract 8630.01 / Block 1010
Tract 8630.01 / Block 1011
Tract 8630.01 / Block 1012
Tract 8630.01 / Block 1013
Tract 8630.01 / Block 1019
Tract 8630.01 / Block 1020
Tract 8630.01 / Block 1021
Tract 8630.01 / Block 1022
Tract 8632.02 / Block 3009
Tract 8636.03 / Block 1013
Tract 8636.03 / Block 1014
Tract 8636.03 / Block 1015
Tract 8636.03 / Block 1016
Tract 8636.03 / Block 1017
Tract 8636.03 / Block 1018

New matter indicated by italics - deletions by strikeout
Tract 8636.03 / Block 1019
Tract 8636.03 / Block 1020
Tract 8636.03 / Block 1021
Tract 8636.03 / Block 1022
Tract 8636.03 / Block 1023
Tract 8636.03 / Block 1024
Tract 8636.03 / Block 1025
Tract 8636.03 / Block 1026
Tract 8636.03 / Block 1027
Tract 8636.03 / Block 1028
Tract 8636.03 / Block 1029
Tract 8636.03 / Block 1030
Tract 8636.03 / Block 1031
Tract 8636.03 / Block 1032
Tract 8636.03 / Block 1033
Tract 8636.03 / Block 1051
Tract 8636.04 / Block 1000
Tract 8636.04 / Block 1001
Tract 8636.04 / Block 1002
Tract 8636.04 / Block 1003
Tract 8636.04 / Block 1004
Tract 8636.04 / Block 1005
Tract 8636.04 / Block 1006
Tract 8636.04 / Block 1010
Tract 8636.04 / Block 1998
Tract 8636.04 / Block 1999
Tract 8636.04 / Block 2000
Tract 8636.04 / Block 2001
Tract 8636.04 / Block 2002
Tract 8636.04 / Block 2003
Tract 8636.04 / Block 2008
Tract 8636.04 / Block 2009
Tract 8636.04 / Block 2010
Tract 8636.04 / Block 2011
Tract 8636.04 / Block 2012
Tract 8636.04 / Block 2013
Tract 8636.04 / Block 2014
Tract 8636.04 / Block 2015
Tract 8636.04 / Block 2016

New matter indicated by italics - deletions by strikeout
Tract 8636.04 / Block 2017
Tract 8636.04 / Block 2018
Tract 8637.01 / Block 1039
Tract 8637.01 / Block 1040
Tract 8637.01 / Block 1041
Tract 8637.01 / Block 1042
Tract 8637.01 / Block 1043
Tract 8637.01 / Block 1049
Tract 8637.01 / Block 1050
Tract 8637.01 / Block 1051
Tract 8637.01 / Block 1052
Tract 8637.01 / Block 1053
Tract 8637.01 / Block 1054
Tract 8637.01 / Block 1055
Tract 8637.01 / Block 1056
Tract 8637.01 / Block 1057
Tract 8637.01 / Block 1058
Tract 8637.01 / Block 1059
Tract 8637.01 / Block 1060
Tract 8637.01 / Block 1061
Tract 8637.01 / Block 1062
Tract 8637.01 / Block 1063
Tract 8637.01 / Block 1064
Tract 8637.01 / Block 1065
Tract 8637.01 / Block 1066
Tract 8637.01 / Block 2037
Tract 8638.01 / Block 1015
Tract 8638.01 / Block 1016
Tract 8638.01 / Block 1017
Tract 8638.01 / Block 1018
Tract 8638.01 / Block 1019
Tract 8638.01 / Block 1020
Tract 8638.01 / Block 1021
Tract 8638.01 / Block 1022
Tract 8638.01 / Block 1023
Tract 8638.01 / Block 1024
Tract 8638.01 / Block 1025
Tract 8638.01 / Block 1026
Tract 8638.01 / Block 1027

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Tract 8638.01 / Block 1028</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract 8638.01 / Block 1029</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1030</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1031</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1032</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1033</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1034</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1035</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1036</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1037</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1038</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1039</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1040</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1043</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1044</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1045</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1086</td>
</tr>
<tr>
<td>Tract 8638.01 / Block 1999</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1000</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1001</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1002</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1003</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1004</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1005</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1006</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1007</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1008</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1009</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1010</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1011</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1012</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1013</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1037</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1038</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1039</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1040</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1041</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1042</td>
</tr>
<tr>
<td>Tract 8641.01 / Block 1043</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Tract 8641.01 / Block 1044
Tract 8641.01 / Block 1045
Tract 8641.01 / Block 1046
Tract 8641.01 / Block 1047
Tract 8641.01 / Block 1048
Tract 8641.01 / Block 1049
Tract 8641.01 / Block 1050
Tract 8641.01 / Block 1051
Tract 8641.01 / Block 1052
Tract 8641.01 / Block 1053
Tract 8641.01 / Block 1054
Tract 8641.01 / Block 1055
Tract 8641.01 / Block 1056
Tract 8641.01 / Block 1057
Tract 8641.01 / Block 1058
Tract 8641.01 / Block 1059
Tract 8641.01 / Block 1060
Tract 8641.01 / Block 1061
Tract 8641.01 / Block 1062
Tract 8641.01 / Block 1063
Tract 8641.01 / Block 1064
Tract 8641.01 / Block 1065
JUDICIAL SUBCIRCUIT 3
Census Tract 8639.02
Census Tract 8639.04
Census Tract 8640.01
Census Tract 8640.02
Census Tract 8641.05
Census Tract 8641.06
Census Tract 8641.07
Census Tract 8641.08
Census Tract 8644.02
Census Tract 8644.03
Census Tract 8645.10
Census Tract 8645.11
Census Tract 8645.12
Census Tract 8645.13
Census Tract 8645.15
Census Tract 8645.16

New matter indicated by italics - deletions by strikeout
Census Tract 8645.17
Census Tract 8645.18
Census Tract 8645.19
Census Tract 8645.20
Lake County (Part)
VTD LB175
VTD LB189
VTD LB173 (Part)
Tract 8636.03 / Block 1049
Tract 8636.03 / Block 1050
Tract 8636.03 / Block 1052
Tract 8636.04 / Block 1007
Tract 8636.04 / Block 1008
Tract 8636.04 / Block 1009
Tract 8636.04 / Block 1011
Tract 8636.04 / Block 1012
Tract 8636.04 / Block 1013
Tract 8636.04 / Block 1014
Tract 8636.04 / Block 1015
Tract 8636.04 / Block 2004
Tract 8636.04 / Block 2999
Tract 8639.03 / Block 2001
Tract 8639.03 / Block 2011
Tract 8639.03 / Block 2012
Tract 8639.03 / Block 2013
Tract 8639.03 / Block 2014
Tract 8639.03 / Block 2015
Tract 8639.03 / Block 2016
Tract 8639.03 / Block 2017
Tract 8639.03 / Block 2018
Tract 8639.03 / Block 3000
Tract 8639.03 / Block 3001
Tract 8639.03 / Block 3002
Tract 8639.03 / Block 3003
Tract 8639.03 / Block 3005
Tract 8639.03 / Block 3006
Tract 8639.03 / Block 3007
Tract 8639.03 / Block 3008
Tract 8639.03 / Block 3009

New matter indicated by italics - deletions by strikeout
Tract 8639.03 / Block 3010
Tract 8639.03 / Block 3011
Tract 8639.03 / Block 3012
Tract 8641.01 / Block 1014
Tract 8641.01 / Block 1015
Tract 8641.01 / Block 1016
Tract 8641.01 / Block 1017
Tract 8641.01 / Block 1018
Tract 8641.01 / Block 1019
Tract 8641.01 / Block 1020
Tract 8641.01 / Block 1021
Tract 8641.01 / Block 1022
Tract 8641.01 / Block 1023
Tract 8641.01 / Block 1024
Tract 8641.01 / Block 1025
Tract 8641.01 / Block 1026
Tract 8641.01 / Block 1027
Tract 8641.01 / Block 1028
Tract 8641.01 / Block 1029
Tract 8641.01 / Block 1030
Tract 8641.01 / Block 1031
Tract 8641.01 / Block 1032
Tract 8641.01 / Block 1033
Tract 8641.01 / Block 1034
Tract 8641.01 / Block 1035
Tract 8641.01 / Block 1036
Tract 8641.01 / Block 1066
Tract 8641.01 / Block 1067
Tract 8641.01 / Block 1068
Tract 8641.01 / Block 1069
Tract 8641.01 / Block 1070
Tract 8641.01 / Block 1071
Tract 8641.01 / Block 1072
Tract 8641.01 / Block 1073
Tract 8641.01 / Block 1074
Tract 8641.01 / Block 1075
Tract 8641.01 / Block 1076
Tract 8641.01 / Block 1077
Tract 8641.01 / Block 1078

New matter indicated by italics - deletions by strikeout
Tract 8641.01 / Block 1079
Tract 8641.01 / Block 1080
Tract 8641.01 / Block 1081
Tract 8641.01 / Block 1082
Tract 8641.01 / Block 1083
Tract 8641.01 / Block 1084
Tract 8641.01 / Block 1085
Tract 8641.01 / Block 1086
Tract 8641.01 / Block 1087
Tract 8641.01 / Block 1088
Tract 8641.01 / Block 1089
Tract 8641.01 / Block 1090
Tract 8641.01 / Block 1091
Tract 8641.01 / Block 1092
Tract 8641.01 / Block 1093
Tract 8641.01 / Block 1094
Tract 8641.01 / Block 1095
Tract 8641.01 / Block 1096
Tract 8641.01 / Block 1097
Tract 8641.01 / Block 1098
Tract 8641.01 / Block 1099
Tract 8641.01 / Block 1100
Tract 8641.01 / Block 1101
Tract 8641.01 / Block 1102
Tract 8641.01 / Block 1103
Tract 8641.01 / Block 1104
Tract 8641.01 / Block 1105
Tract 8641.01 / Block 1106
Tract 8641.01 / Block 1999
Tract 8641.01 / Block 2011
Tract 8641.01 / Block 2018
Tract 8641.01 / Block 2019
Tract 8644.07 / Block 1000
Tract 8644.07 / Block 1003
Tract 8644.07 / Block 1004
Tract 8644.07 / Block 1005
Tract 8644.07 / Block 1006
Tract 8644.07 / Block 1060
Tract 8644.07 / Block 1065
Tract 8644.07 / Block 1066
Tract 8644.12 / Block 2000
Tract 8644.12 / Block 2001
Tract 8644.12 / Block 2002
Tract 8644.12 / Block 2003
Tract 8644.12 / Block 2004
Tract 8644.12 / Block 2022
Tract 8644.12 / Block 2023
Tract 8644.12 / Block 2024
Tract 8644.12 / Block 2025
Tract 8644.12 / Block 2026
Tract 8644.12 / Block 2027
Tract 8644.12 / Block 2028
Tract 8644.12 / Block 2029
Tract 8644.12 / Block 2030
Tract 8644.12 / Block 2031
Tract 8644.12 / Block 2032
Tract 8644.12 / Block 2033
Tract 8644.12 / Block 2034
Tract 8644.12 / Block 2035
Tract 8644.12 / Block 2036
Tract 8644.12 / Block 2037
Tract 8644.12 / Block 2038
Tract 8645.02 / Block 2077
Tract 8645.02 / Block 2084
Tract 8645.14 / Block 1000
Tract 8645.14 / Block 1001
Tract 8645.14 / Block 1002
Tract 8645.14 / Block 1003
Tract 8645.14 / Block 1004
Tract 8645.14 / Block 1005
Tract 8645.14 / Block 1006
Tract 8645.14 / Block 1009
Tract 8645.14 / Block 1010
Tract 8645.14 / Block 1011
Tract 8645.14 / Block 1012
Tract 8645.14 / Block 1013
Tract 8645.14 / Block 1014
Tract 8645.14 / Block 1015

New matter indicated by italics - deletions by strikeout
Tract 8645.14 / Block 1016
Tract 8645.14 / Block 1017
Tract 8645.14 / Block 1018
Tract 8645.14 / Block 1019
Tract 8645.14 / Block 1020
Tract 8645.14 / Block 1021
Tract 8645.14 / Block 1022
Tract 8645.14 / Block 1023
Tract 8645.14 / Block 1024
Tract 8645.14 / Block 1025
Tract 8645.14 / Block 1026
Tract 8645.14 / Block 1027
Tract 8645.14 / Block 1028
Tract 8645.14 / Block 1029
Tract 8645.14 / Block 1030
Tract 8645.14 / Block 1031
Tract 8645.14 / Block 1032
Tract 8645.14 / Block 1033
Tract 8645.14 / Block 1034
Tract 8645.14 / Block 1035
Tract 8645.14 / Block 1041
Tract 8645.14 / Block 1046
Tract 8645.14 / Block 1047
Tract 8645.14 / Block 1048
Tract 8645.14 / Block 1049
Tract 8645.14 / Block 1050
Tract 8645.14 / Block 1051
JUDICIAL SUBCIRCUIT 4
Census Tract 8633
Census Tract 8634
Census Tract 8635
Census Tract 8637.02
Census Tract 8638.02
Census Tract 8645.05
Census Tract 8645.21
Census Tract 8645.22
Census Tract 8646.01
Census Tract 8646.02
Census Tract 8647

New matter indicated by italics - deletions by strikeout
Census Tract 8648.01
Census Tract 8648.02
Census Tract 8649.01
Census Tract 8649.03
Census Tract 8649.04
Census Tract 8650
Census Tract 8652
Census Tract 8653
Census Tract 8654
Census Tract 8655.01
Census Tract 8655.02
Census Tract 8656
Census Tract 8657
Census Tract 8658.01
Census Tract 8658.02
Lake County (Part)
VTD LB184
VTD LB194
VTD SH209
VTD SH213
VTD SH214
VTD VE234
VTD VE235
VTD VE392
VTD SH207 (Part)
Tract 8630.01 / Block 1014
Tract 8630.01 / Block 1015
Tract 8630.01 / Block 1016
Tract 8630.01 / Block 1017
Tract 8630.01 / Block 1018
Tract 8632.02 / Block 3049
Tract 8632.02 / Block 3050
Tract 8632.02 / Block 3051
Tract 8632.02 / Block 3052
Tract 8637.01 / Block 1067
Tract 8637.01 / Block 2000
Tract 8637.01 / Block 2001
Tract 8637.01 / Block 2002
Tract 8637.01 / Block 2003

New matter indicated by italics - deletions by strikeout
Tract 8637.01 / Block 2004
Tract 8637.01 / Block 2005
Tract 8637.01 / Block 2006
Tract 8637.01 / Block 2007
Tract 8637.01 / Block 2008
Tract 8637.01 / Block 2009
Tract 8637.01 / Block 2010
Tract 8638.01 / Block 1014
Tract 8638.01 / Block 1041
Tract 8638.01 / Block 1042
Tract 8638.01 / Block 1046
Tract 8638.01 / Block 1047
Tract 8638.01 / Block 1048
Tract 8638.01 / Block 1049
Tract 8638.01 / Block 1050
Tract 8638.01 / Block 1051
Tract 8638.01 / Block 1053
Tract 8638.01 / Block 1059
Tract 8638.01 / Block 1060
Tract 8638.01 / Block 1084
Tract 8638.01 / Block 1984
Tract 8638.01 / Block 1985
Tract 8638.01 / Block 1992
Tract 8638.01 / Block 1995
Tract 8638.01 / Block 1996
Tract 8638.01 / Block 1997
Tract 8638.01 / Block 1998
Tract 8645.02 / Block 2067
Tract 8645.02 / Block 2068
Tract 8645.02 / Block 2069
Tract 8645.02 / Block 2070
Tract 8645.02 / Block 2071
Tract 8645.02 / Block 2072
Tract 8645.02 / Block 2073
Tract 8645.02 / Block 2074
Tract 8645.02 / Block 2075
Tract 8645.02 / Block 2076
Tract 8645.02 / Block 2078
Tract 8645.02 / Block 2079

New matter indicated by italics - deletions by strikeout
Tract 8645.02 / Block 2080
Tract 8645.02 / Block 2081
Tract 8645.02 / Block 2085
Tract 8645.02 / Block 2086
Tract 8645.02 / Block 2087
Tract 8645.02 / Block 2088
Tract 8645.02 / Block 2089
Tract 8645.02 / Block 2090
Tract 8645.02 / Block 2091
Tract 8645.02 / Block 2092
Tract 8645.02 / Block 2093
Tract 8645.02 / Block 2094
Tract 8645.02 / Block 2095
Tract 8645.14 / Block 1007
Tract 8645.14 / Block 1008
Tract 8645.14 / Block 1036
Tract 8645.14 / Block 1037
Tract 8645.14 / Block 1038
Tract 8645.14 / Block 1039
Tract 8645.14 / Block 1040
Tract 8645.14 / Block 1042
Tract 8645.14 / Block 1043
Tract 8645.14 / Block 1044
Tract 8645.14 / Block 1045
Tract 8645.14 / Block 1052
Tract 8645.14 / Block 1053
Tract 8645.14 / Block 1054
Tract 8645.14 / Block 1055
Tract 8645.14 / Block 1056
Tract 8645.14 / Block 1057
Tract 8645.14 / Block 1058
Tract 8645.14 / Block 1059
Tract 8645.14 / Block 1060
Tract 8645.14 / Block 1061
Tract 8645.14 / Block 1062
Tract 8645.14 / Block 1063
Tract 8645.14 / Block 1064
Tract 8645.14 / Block 1065
Tract 8645.14 / Block 1066

New matter indicated by italics - deletions by strikeout
Tract 8645.14 / Block 1067
Tract 8645.14 / Block 1068
Tract 8645.14 / Block 1069
Tract 8645.14 / Block 1070
Tract 8645.14 / Block 1071
Tract 8645.14 / Block 1072
Tract 8645.14 / Block 1073
Tract 8645.14 / Block 1074
Tract 8645.14 / Block 1075
JUDICIAL SUBCIRCUIT 5
Census Tract 8609.06
Census Tract 8612.01
Census Tract 8613.01
Census Tract 8613.03
Census Tract 8613.04
Census Tract 8614.03
Census Tract 8642.03
Census Tract 8642.04
Census Tract 8642.05
Census Tract 8642.06
Census Tract 8643.03
Census Tract 8643.05
Census Tract 8643.06
Census Tract 8643.07
Census Tract 8643.08
Census Tract 8644.08
Census Tract 8644.09
Census Tract 8644.10
Census Tract 8644.11
Lake County (Part)
VTD AV024
VTD EL099
VTD FR126
VTD GR140
VTD GR141
VTD GR143
VTD GR144
VTD GR145
VTD GR146
VTD GR142 (Part)
Tract 8609.03 / Block 1020
Tract 8609.03 / Block 1030
Tract 8609.03 / Block 1031
Tract 8609.03 / Block 2000
Tract 8609.03 / Block 2001
Tract 8609.03 / Block 2002
Tract 8609.03 / Block 2003
Tract 8609.03 / Block 2004
Tract 8609.03 / Block 2005
Tract 8609.03 / Block 2006
Tract 8609.03 / Block 2014
Tract 8609.03 / Block 2015
Tract 8609.03 / Block 2016
Tract 8609.03 / Block 2017
Tract 8609.03 / Block 2018
Tract 8609.03 / Block 2019
Tract 8609.03 / Block 2020
Tract 8609.03 / Block 2021
Tract 8609.03 / Block 2022
Tract 8609.03 / Block 2023
Tract 8609.03 / Block 2024
Tract 8609.03 / Block 2025
Tract 8609.03 / Block 2026
Tract 8609.03 / Block 2027
Tract 8609.03 / Block 2028
Tract 8609.03 / Block 2029
Tract 8609.03 / Block 2030
Tract 8609.03 / Block 2031
Tract 8609.03 / Block 2032
Tract 8609.03 / Block 2033
Tract 8609.03 / Block 2034
Tract 8609.03 / Block 2035
Tract 8609.03 / Block 2036
Tract 8609.03 / Block 2037
Tract 8609.03 / Block 2038
Tract 8609.03 / Block 2039
Tract 8609.03 / Block 2040
Tract 8609.03 / Block 2041
Tract 8609.03 / Block 2042
Tract 8609.03 / Block 2043
Tract 8609.03 / Block 2044
Tract 8609.03 / Block 2045
Tract 8609.03 / Block 2046
Tract 8609.03 / Block 2047
Tract 8609.03 / Block 2048
Tract 8609.03 / Block 2049
Tract 8609.03 / Block 2050
Tract 8609.03 / Block 2051
Tract 8609.03 / Block 2052
Tract 8609.03 / Block 2053
Tract 8609.03 / Block 2054

New matter indicated by italics - deletions by strikeout
Tract 8609.04 / Block 2055
Tract 8609.04 / Block 2056
Tract 8609.04 / Block 2057
Tract 8609.04 / Block 2058
Tract 8609.04 / Block 2059
Tract 8609.04 / Block 2060
Tract 8609.04 / Block 2061
Tract 8609.04 / Block 2062
Tract 8609.04 / Block 2063
Tract 8609.04 / Block 2064
Tract 8609.04 / Block 2065
Tract 8609.04 / Block 2066
Tract 8609.04 / Block 2067
Tract 8609.04 / Block 2068
Tract 8609.04 / Block 2069
Tract 8609.04 / Block 2070
Tract 8609.04 / Block 2071
Tract 8609.04 / Block 2072
Tract 8609.04 / Block 2073
Tract 8609.04 / Block 2074
Tract 8609.04 / Block 2075
Tract 8609.04 / Block 2076
Tract 8609.04 / Block 2077
Tract 8609.04 / Block 2078
Tract 8609.04 / Block 2079
Tract 8609.04 / Block 2080
Tract 8609.04 / Block 2081
Tract 8609.04 / Block 2082
Tract 8609.04 / Block 2083
Tract 8609.04 / Block 2084
Tract 8609.04 / Block 2085
Tract 8609.04 / Block 2086
Tract 8609.04 / Block 2087
Tract 8609.04 / Block 2088
Tract 8609.04 / Block 2089
Tract 8609.04 / Block 2090
Tract 8609.04 / Block 2091
Tract 8609.04 / Block 2092
Tract 8609.04 / Block 2093

New matter indicated by italics - deletions by strikeout
Tract 8609.04 / Block 2094
Tract 8609.04 / Block 2095
Tract 8609.04 / Block 2096
Tract 8609.04 / Block 2097
Tract 8609.04 / Block 2098
Tract 8609.04 / Block 2099
Tract 8609.04 / Block 2102
Tract 8609.04 / Block 2103
Tract 8609.04 / Block 2104
Tract 8609.04 / Block 2987
Tract 8609.04 / Block 2988
Tract 8609.04 / Block 2989
Tract 8609.04 / Block 2990
Tract 8609.04 / Block 2992
Tract 8609.05 / Block 3000
Tract 8609.05 / Block 3001
Tract 8609.05 / Block 3002
Tract 8609.05 / Block 3003
Tract 8609.05 / Block 3004
Tract 8609.05 / Block 3005
Tract 8609.05 / Block 3006
Tract 8609.05 / Block 3007
Tract 8609.05 / Block 3008
Tract 8609.05 / Block 3009
Tract 8609.05 / Block 3010
Tract 8609.05 / Block 3011
Tract 8609.05 / Block 3012
Tract 8609.05 / Block 3013
Tract 8609.05 / Block 3014
Tract 8609.05 / Block 3035
Tract 8609.05 / Block 3036
Tract 8609.05 / Block 3037
Tract 8609.05 / Block 3040
Tract 8609.05 / Block 3041
Tract 8609.05 / Block 3042
Tract 8609.05 / Block 3043
Tract 8609.05 / Block 3044
Tract 8609.05 / Block 3045
Tract 8609.05 / Block 3051

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Tract 8609.05 / Block 3986</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract 8609.05 / Block 3987</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 3988</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 3989</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 3990</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 3991</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 3995</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 3997</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 3998</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 3999</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4001</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4002</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4003</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4004</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4005</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4006</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4007</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4008</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4009</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4010</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4011</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4012</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4013</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4014</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4015</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4017</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4018</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4019</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4020</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4021</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4022</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4023</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4024</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4025</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4026</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4027</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4028</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4029</td>
</tr>
<tr>
<td>Tract 8609.05 / Block 4030</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Tract 8609.05 / Block 4031
Tract 8609.05 / Block 4032
Tract 8609.05 / Block 4033
Tract 8609.05 / Block 4034
Tract 8609.05 / Block 4035
Tract 8609.05 / Block 4036
Tract 8612.02 / Block 1012
Tract 8612.02 / Block 1013
Tract 8612.02 / Block 1014
Tract 8612.02 / Block 1015
Tract 8612.02 / Block 1016
Tract 8612.02 / Block 1017
Tract 8612.02 / Block 1018
Tract 8612.02 / Block 1045
Tract 8612.02 / Block 1046
Tract 8612.02 / Block 1047
Tract 8612.02 / Block 1048
Tract 8612.02 / Block 1049
Tract 8612.02 / Block 1050
Tract 8612.02 / Block 1051
Tract 8612.02 / Block 1052
Tract 8612.02 / Block 1053
Tract 8612.02 / Block 1054
Tract 8612.02 / Block 1055
Tract 8612.02 / Block 1056
Tract 8612.02 / Block 1998
Tract 8612.02 / Block 1999
Tract 8612.02 / Block 2000
Tract 8612.02 / Block 2001
Tract 8612.02 / Block 2002
Tract 8612.02 / Block 2003
Tract 8612.02 / Block 2004
Tract 8612.02 / Block 2005
Tract 8612.02 / Block 2006
Tract 8612.02 / Block 2007
Tract 8612.02 / Block 2008
Tract 8612.02 / Block 2009
Tract 8612.02 / Block 2010
Tract 8612.02 / Block 2011

New matter indicated by italics - deletions by strikeout
Tract 8612.02 / Block 2012
Tract 8612.02 / Block 2013
Tract 8612.02 / Block 2014
Tract 8612.02 / Block 2015
Tract 8612.02 / Block 2016
Tract 8612.02 / Block 2017
Tract 8612.02 / Block 2018
Tract 8612.02 / Block 2019
Tract 8612.02 / Block 2020
Tract 8612.02 / Block 2021
Tract 8612.02 / Block 2022
Tract 8612.02 / Block 2023
Tract 8612.02 / Block 2024
Tract 8612.02 / Block 2025
Tract 8612.02 / Block 2026
Tract 8612.02 / Block 2027
Tract 8614.02 / Block 1000
Tract 8614.02 / Block 1001
Tract 8614.02 / Block 1002
Tract 8614.02 / Block 1003
Tract 8614.02 / Block 1004
Tract 8614.02 / Block 1005
Tract 8614.02 / Block 1006
Tract 8614.02 / Block 1007
Tract 8614.02 / Block 1008
Tract 8614.02 / Block 1009
Tract 8614.02 / Block 1010
Tract 8614.02 / Block 1011
Tract 8614.02 / Block 1012
Tract 8614.02 / Block 1013
Tract 8614.02 / Block 1014
Tract 8614.02 / Block 1015
Tract 8614.02 / Block 1016
Tract 8614.02 / Block 1017
Tract 8614.02 / Block 1018
Tract 8614.02 / Block 1019
Tract 8614.02 / Block 1020
Tract 8614.02 / Block 1021
Tract 8614.02 / Block 1022

New matter indicated by italics - deletions by strikeout
Tract 8614.02 / Block 1027
Tract 8614.02 / Block 1030
Tract 8614.02 / Block 1031
Tract 8614.02 / Block 2006
Tract 8614.02 / Block 2007
Tract 8614.02 / Block 2008
Tract 8614.02 / Block 2009
Tract 8614.02 / Block 2013
Tract 8614.02 / Block 2021
Tract 8614.02 / Block 2022
Tract 8614.02 / Block 2023
Tract 8614.02 / Block 2024
Tract 8614.02 / Block 2025
Tract 8614.02 / Block 2026
Tract 8614.02 / Block 2027
Tract 8614.02 / Block 2028
Tract 8614.02 / Block 2029
Tract 8614.02 / Block 2030
Tract 8614.02 / Block 2031
Tract 8614.02 / Block 2032
Tract 8614.02 / Block 2044
Tract 8614.02 / Block 2045
Tract 8614.02 / Block 2046
Tract 8614.02 / Block 2047
Tract 8614.02 / Block 2067
Tract 8614.02 / Block 2068
Tract 8614.04 / Block 1000
Tract 8614.04 / Block 1001
Tract 8614.04 / Block 1002
Tract 8614.04 / Block 1003
Tract 8614.04 / Block 1004
Tract 8614.04 / Block 1005
Tract 8614.04 / Block 1006
Tract 8614.04 / Block 1007
Tract 8614.04 / Block 1008
Tract 8614.04 / Block 1009
Tract 8614.04 / Block 1010
Tract 8614.04 / Block 1011
Tract 8614.04 / Block 1012

New matter indicated by italics - deletions by strikeout
Tract 8614.04 / Block 1013
Tract 8614.04 / Block 1014
Tract 8614.04 / Block 1015
Tract 8614.04 / Block 1016
Tract 8614.04 / Block 1017
Tract 8614.04 / Block 1018
Tract 8614.04 / Block 1019
Tract 8614.04 / Block 1020
Tract 8614.04 / Block 1021
Tract 8614.04 / Block 1022
Tract 8614.04 / Block 1023
Tract 8614.04 / Block 1024
Tract 8614.04 / Block 1025
Tract 8614.04 / Block 1026
Tract 8614.04 / Block 1027
Tract 8614.04 / Block 1028
Tract 8614.04 / Block 1029
Tract 8614.04 / Block 1030
Tract 8614.04 / Block 1031
Tract 8614.04 / Block 1032
Tract 8614.04 / Block 1996
Tract 8614.04 / Block 1997
Tract 8614.04 / Block 1998
Tract 8614.04 / Block 1999
Tract 8614.04 / Block 2000
Tract 8614.04 / Block 2001
Tract 8614.04 / Block 2002
Tract 8614.04 / Block 2003
Tract 8614.04 / Block 2004
Tract 8614.04 / Block 2005
Tract 8614.04 / Block 2006
Tract 8614.04 / Block 2007
Tract 8614.04 / Block 2008
Tract 8614.04 / Block 2009
Tract 8614.04 / Block 2010
Tract 8614.04 / Block 2011
Tract 8614.04 / Block 2012
Tract 8614.04 / Block 2013
Tract 8614.04 / Block 2014

New matter indicated by italics - deletions by strikeout
Tract 8614.04 / Block 2015
Tract 8614.04 / Block 2016
Tract 8614.04 / Block 2017
Tract 8614.04 / Block 3003
Tract 8614.04 / Block 3004
Tract 8614.04 / Block 3005
Tract 8614.04 / Block 3006
Tract 8614.04 / Block 3007
Tract 8614.04 / Block 3008
Tract 8614.04 / Block 3009
Tract 8614.04 / Block 3010
Tract 8614.04 / Block 3011
Tract 8614.04 / Block 3012
Tract 8614.04 / Block 3013
Tract 8614.04 / Block 3014
Tract 8614.04 / Block 3016
Tract 8614.04 / Block 3017
Tract 8614.04 / Block 3018
Tract 8614.04 / Block 3019
Tract 8614.04 / Block 3020
Tract 8614.04 / Block 3021
Tract 8614.04 / Block 3022
Tract 8614.04 / Block 3023
Tract 8614.04 / Block 3024
Tract 8641.01 / Block 2000
Tract 8641.01 / Block 2001
Tract 8641.01 / Block 2002
Tract 8641.01 / Block 2003
Tract 8641.01 / Block 2004
Tract 8641.01 / Block 2005
Tract 8641.01 / Block 2008
Tract 8641.01 / Block 2009
Tract 8641.01 / Block 2010
Tract 8641.01 / Block 2012
Tract 8641.01 / Block 2013
Tract 8644.07 / Block 1024
Tract 8644.07 / Block 1025
Tract 8644.07 / Block 1026
Tract 8644.07 / Block 1027

New matter indicated by italics - deletions by strikeout
Tract 8644.07 / Block 1028
Tract 8644.07 / Block 1029
Tract 8644.07 / Block 1030
Tract 8644.07 / Block 1031
Tract 8644.07 / Block 1032
Tract 8644.07 / Block 1033
Tract 8644.07 / Block 1034
Tract 8644.07 / Block 1035
Tract 8644.07 / Block 1036
Tract 8644.07 / Block 1037
Tract 8644.07 / Block 1038
Tract 8644.07 / Block 1039
Tract 8644.07 / Block 1040
Tract 8644.07 / Block 1041
Tract 8644.07 / Block 1042
Tract 8644.07 / Block 1043
Tract 8644.07 / Block 1044
Tract 8644.07 / Block 1045
Tract 8644.07 / Block 1046
Tract 8644.07 / Block 1049
Tract 8644.07 / Block 1050
Tract 8644.07 / Block 1051
Tract 8644.07 / Block 1074
Tract 8644.07 / Block 1075
Tract 8644.07 / Block 1076
Tract 8644.07 / Block 1077
Tract 8644.07 / Block 1078
Tract 8644.07 / Block 1079
Tract 8644.07 / Block 1080
Tract 8644.07 / Block 1081
Tract 8644.07 / Block 1082
Tract 8644.07 / Block 1083
Tract 8644.07 / Block 1084
Tract 8644.07 / Block 1085
Tract 8644.07 / Block 2000
Tract 8644.07 / Block 2001
Tract 8644.07 / Block 2002
Tract 8644.07 / Block 2003
Tract 8644.07 / Block 2004

New matter indicated by italics - deletions by strikeout
Tract 8644.07 / Block 2005
Tract 8644.07 / Block 2006
Tract 8644.07 / Block 2007
Tract 8644.07 / Block 2008
Tract 8644.07 / Block 2009
Tract 8644.07 / Block 2010
Tract 8644.07 / Block 2011
Tract 8644.07 / Block 2012
Tract 8644.07 / Block 2013
Tract 8644.07 / Block 2014
Tract 8644.07 / Block 2015
Tract 8644.07 / Block 2016
Tract 8644.07 / Block 2998
Tract 8644.07 / Block 2999
Tract 8644.12 / Block 1000
Tract 8644.12 / Block 1001
Tract 8644.12 / Block 1002
Tract 8644.12 / Block 1003
Tract 8644.12 / Block 1004
Tract 8644.12 / Block 1005
Tract 8644.12 / Block 1006
Tract 8644.12 / Block 1007
Tract 8644.12 / Block 1008
Tract 8644.12 / Block 1009
Tract 8644.12 / Block 1010
Tract 8644.12 / Block 1011
Tract 8644.12 / Block 1012
Tract 8644.12 / Block 1013
Tract 8644.12 / Block 1014
Tract 8644.12 / Block 1015
Tract 8644.12 / Block 1016
Tract 8644.12 / Block 1017
Tract 8644.12 / Block 1018
Tract 8644.12 / Block 1019
Tract 8644.12 / Block 1020
Tract 8644.12 / Block 1021
Tract 8644.12 / Block 1022
Tract 8644.12 / Block 1023
Tract 8644.12 / Block 1024

New matter indicated by italics - deletions by strikeout
Tract 8644.12 / Block 1025
Tract 8644.12 / Block 1026
Tract 8644.12 / Block 1027
Tract 8644.12 / Block 1028
Tract 8644.12 / Block 1029
Tract 8644.12 / Block 2005
Tract 8644.12 / Block 2006
Tract 8644.12 / Block 2007
Tract 8644.12 / Block 2008
Tract 8644.12 / Block 2009
Tract 8644.12 / Block 2010
Tract 8644.12 / Block 2011
Tract 8644.12 / Block 2012
Tract 8644.12 / Block 2013
Tract 8644.12 / Block 2014
Tract 8644.12 / Block 2015
Tract 8644.12 / Block 2016
Tract 8644.12 / Block 2017
Tract 8644.12 / Block 2018
Tract 8644.12 / Block 2019
Tract 8644.12 / Block 2020
Tract 8644.12 / Block 2021

JUDICIAL SUBCIRCUIT 6
Census Tract 8601.03
Census Tract 8607.01
Census Tract 8608.05
Census Tract 8608.06
Census Tract 8608.07
Census Tract 8608.08
Census Tract 8608.09
Census Tract 8608.10
Census Tract 8608.11
Census Tract 8610.07
Census Tract 8610.08
Census Tract 8610.09
Census Tract 8610.10
Census Tract 8610.11
Census Tract 8610.12
Census Tract 8610.13

New matter indicated by italics - deletions by strikeout
Census Tract 8610.14
Census Tract 8611.04
Census Tract 8611.05
Census Tract 8616.04
Lake County (Part)
VTD AV034
VTD AV040
VTD AV041
VTD BE044
VTD BE045
VTD GR137
VTD GR138
VTD GR139
VTD GR384
VTD WR396
VTD ZI375
VTD ZI376
VTD ZI377 (Part)
Tract 8601.01 / Block 1000
Tract 8601.01 / Block 1001
Tract 8601.01 / Block 1035
Tract 8601.01 / Block 1036
Tract 8601.01 / Block 1037
Tract 8601.01 / Block 1038
Tract 8601.01 / Block 1039
Tract 8601.01 / Block 1040
Tract 8601.01 / Block 1041
Tract 8601.01 / Block 1042
Tract 8601.01 / Block 1043
Tract 8601.01 / Block 1045
Tract 8601.01 / Block 1046
Tract 8601.01 / Block 1047
Tract 8601.01 / Block 2000
Tract 8601.01 / Block 2001
Tract 8601.01 / Block 2002
Tract 8601.01 / Block 2003
Tract 8601.01 / Block 2004
Tract 8601.01 / Block 2005
Tract 8601.01 / Block 2006

New matter indicated by italics - deletions by strikeout
Tract 8601.01 / Block 2007
Tract 8601.01 / Block 2008
Tract 8601.01 / Block 2009
Tract 8601.01 / Block 2010
Tract 8601.01 / Block 2011
Tract 8601.01 / Block 2012
Tract 8601.01 / Block 2013
Tract 8601.01 / Block 2014
Tract 8601.01 / Block 2015
Tract 8601.01 / Block 2016
Tract 8601.01 / Block 2017
Tract 8601.01 / Block 2018
Tract 8601.01 / Block 2019
Tract 8601.01 / Block 2020
Tract 8601.01 / Block 2021
Tract 8601.01 / Block 2022
Tract 8601.01 / Block 2023
Tract 8601.01 / Block 2024
Tract 8601.01 / Block 2025
Tract 8601.01 / Block 2026
Tract 8601.01 / Block 2027
Tract 8601.01 / Block 2028
Tract 8601.01 / Block 2029
Tract 8601.01 / Block 2030
Tract 8601.01 / Block 2031
Tract 8601.01 / Block 2032
Tract 8601.01 / Block 2033
Tract 8601.01 / Block 2034
Tract 8601.01 / Block 2035
Tract 8601.01 / Block 2036
Tract 8601.01 / Block 2037
Tract 8601.01 / Block 2038
Tract 8601.01 / Block 2039
Tract 8601.01 / Block 2040
Tract 8601.01 / Block 2041
Tract 8601.01 / Block 2042
Tract 8601.01 / Block 2043
Tract 8601.01 / Block 2044
Tract 8601.01 / Block 2045
Tract 8601.01 / Block 2046
Tract 8601.01 / Block 2047
Tract 8601.01 / Block 2048
Tract 8601.01 / Block 2049
Tract 8601.01 / Block 2050
Tract 8601.01 / Block 2051
Tract 8601.01 / Block 2052
Tract 8601.01 / Block 2053
Tract 8601.01 / Block 2054
Tract 8601.01 / Block 2055
Tract 8601.01 / Block 2056
Tract 8601.01 / Block 2057
Tract 8601.01 / Block 2058
Tract 8601.01 / Block 2059
Tract 8601.01 / Block 2060
Tract 8601.01 / Block 2061
Tract 8601.01 / Block 2062
Tract 8601.01 / Block 2063
Tract 8601.01 / Block 2064
Tract 8601.01 / Block 2065
Tract 8601.01 / Block 2066
Tract 8601.01 / Block 2067
Tract 8601.01 / Block 2068
Tract 8601.01 / Block 2069
Tract 8601.01 / Block 2070
Tract 8601.01 / Block 2071
Tract 8601.01 / Block 2072
Tract 8601.01 / Block 2073
Tract 8601.01 / Block 2074
Tract 8601.04 / Block 1000
Tract 8601.04 / Block 1001
Tract 8601.04 / Block 1002
Tract 8601.04 / Block 1003
Tract 8601.04 / Block 1004
Tract 8601.04 / Block 1005
Tract 8601.04 / Block 1006
Tract 8601.04 / Block 1007
Tract 8601.04 / Block 1052
Tract 8601.04 / Block 1999

New matter indicated by italics - deletions by strikeout
Tract 8601.04 / Block 2032
Tract 8601.04 / Block 2035
Tract 8602.00 / Block 2000
Tract 8602.00 / Block 2001
Tract 8602.00 / Block 2002
Tract 8602.00 / Block 2003
Tract 8602.00 / Block 2004
Tract 8602.00 / Block 2005
Tract 8602.00 / Block 2006
Tract 8602.00 / Block 2007
Tract 8602.00 / Block 2008
Tract 8602.00 / Block 2009
Tract 8602.00 / Block 2010
Tract 8602.00 / Block 2011
Tract 8602.00 / Block 2012
Tract 8602.00 / Block 2013
Tract 8602.00 / Block 2014
Tract 8602.00 / Block 2015
Tract 8602.00 / Block 2016
Tract 8602.00 / Block 2017
Tract 8602.00 / Block 2018
Tract 8602.00 / Block 2019
Tract 8602.00 / Block 2020
Tract 8602.00 / Block 2021
Tract 8602.00 / Block 2022
Tract 8602.00 / Block 2023
Tract 8602.00 / Block 2024
Tract 8602.00 / Block 2025
Tract 8602.00 / Block 2026
Tract 8602.00 / Block 2027
Tract 8602.00 / Block 2028
Tract 8604.00 / Block 3006
Tract 8604.00 / Block 3007
Tract 8604.00 / Block 3008
Tract 8604.00 / Block 3009
Tract 8604.00 / Block 3010
Tract 8605.00 / Block 1004
Tract 8605.00 / Block 1005
Tract 8605.00 / Block 1006

New matter indicated by italics - deletions by strikeout
Tract 8605.00 / Block 1007
Tract 8605.00 / Block 1008
Tract 8607.02 / Block 1000
Tract 8607.02 / Block 1001
Tract 8607.02 / Block 1002
Tract 8607.02 / Block 1003
Tract 8607.02 / Block 1004
Tract 8607.02 / Block 1005
Tract 8607.02 / Block 1006
Tract 8607.02 / Block 1007
Tract 8607.02 / Block 1008
Tract 8607.02 / Block 1009
Tract 8607.02 / Block 1010
Tract 8607.02 / Block 1011
Tract 8607.02 / Block 1012
Tract 8607.02 / Block 1013
Tract 8607.02 / Block 1014
Tract 8607.02 / Block 1015
Tract 8607.02 / Block 1016
Tract 8607.02 / Block 1017
Tract 8607.02 / Block 1018
Tract 8607.02 / Block 1019
Tract 8607.02 / Block 1020
Tract 8607.02 / Block 1021
Tract 8607.02 / Block 1022
Tract 8607.02 / Block 1023
Tract 8607.02 / Block 1024
Tract 8607.02 / Block 1025
Tract 8607.02 / Block 1026
Tract 8607.02 / Block 1027
Tract 8607.02 / Block 1028
Tract 8607.02 / Block 1029
Tract 8607.02 / Block 1030
Tract 8607.02 / Block 1031
Tract 8607.02 / Block 1032
Tract 8607.02 / Block 1033
Tract 8607.02 / Block 1034
Tract 8607.02 / Block 1035
Tract 8607.02 / Block 1036

New matter indicated by italics - deletions by strikeout
Tract 8607.02 / Block 1037
Tract 8607.02 / Block 1038
Tract 8607.02 / Block 1039
Tract 8607.02 / Block 1040
Tract 8607.02 / Block 1041
Tract 8607.02 / Block 1042
Tract 8607.02 / Block 1043
Tract 8607.02 / Block 1044
Tract 8607.02 / Block 1045
Tract 8607.02 / Block 1046
Tract 8607.02 / Block 1047
Tract 8607.02 / Block 1048
Tract 8607.02 / Block 1049
Tract 8607.02 / Block 1050
Tract 8607.02 / Block 1051
Tract 8607.02 / Block 1052
Tract 8607.02 / Block 1053
Tract 8607.02 / Block 1054
Tract 8607.02 / Block 1055
Tract 8607.02 / Block 1056
Tract 8607.02 / Block 1057
Tract 8607.02 / Block 1058
Tract 8607.02 / Block 1059
Tract 8607.02 / Block 1060
Tract 8607.02 / Block 1061
Tract 8607.02 / Block 1062
Tract 8607.02 / Block 1063
Tract 8607.02 / Block 1064
Tract 8607.02 / Block 1065
Tract 8607.02 / Block 1066
Tract 8607.02 / Block 1067
Tract 8607.02 / Block 1070
Tract 8607.02 / Block 1071
Tract 8607.02 / Block 1072
Tract 8607.02 / Block 1073
Tract 8607.02 / Block 1074
Tract 8607.02 / Block 1075
Tract 8607.02 / Block 1076
Tract 8607.02 / Block 1077

New matter indicated by italics - deletions by strikeout
Tract 8607.02 / Block 1078
Tract 8607.02 / Block 1079
Tract 8607.02 / Block 1080
Tract 8607.02 / Block 1081
Tract 8607.02 / Block 1082
Tract 8607.02 / Block 1083
Tract 8607.02 / Block 1085
Tract 8607.02 / Block 1088
Tract 8607.02 / Block 1089
Tract 8607.02 / Block 2029
Tract 8607.02 / Block 2030
Tract 8607.02 / Block 2031
Tract 8607.02 / Block 2032
Tract 8609.03 / Block 3020
Tract 8609.03 / Block 3023
Tract 8609.03 / Block 3024
Tract 8609.03 / Block 3025
Tract 8609.03 / Block 3026
Tract 8609.03 / Block 3027
Tract 8609.03 / Block 3028
Tract 8609.03 / Block 3029
Tract 8609.03 / Block 3030
Tract 8609.03 / Block 3031
Tract 8609.03 / Block 3032
Tract 8609.03 / Block 3033
Tract 8609.03 / Block 3035
Tract 8609.03 / Block 3036
Tract 8609.03 / Block 3988
Tract 8609.03 / Block 3989
Tract 8609.03 / Block 3990
Tract 8611.06 / Block 1016
Tract 8611.06 / Block 1017
Tract 8611.06 / Block 1018
Tract 8611.06 / Block 1019
Tract 8611.06 / Block 1020
Tract 8611.06 / Block 1021
Tract 8611.06 / Block 1022
Tract 8611.06 / Block 1023
Tract 8611.06 / Block 1024

New matter indicated by italics - deletions by strikeout
Tract 8611.06 / Block 1025
Tract 8611.06 / Block 2051
Tract 8611.06 / Block 2052
Tract 8611.06 / Block 2061
Tract 8611.06 / Block 2062
Tract 8611.06 / Block 2063
Tract 8611.06 / Block 2064
Tract 8611.06 / Block 2065
Tract 8611.06 / Block 2067
Tract 8611.06 / Block 2068
Tract 8611.06 / Block 2069
Tract 8611.06 / Block 2070
Tract 8611.06 / Block 2071
Tract 8611.06 / Block 2072
Tract 8611.06 / Block 2073
Tract 8611.06 / Block 2074
Tract 8611.06 / Block 2075
Tract 8611.06 / Block 2076
Tract 8611.06 / Block 2077
Tract 8611.06 / Block 2078
Tract 8611.06 / Block 2079
Tract 8611.06 / Block 2080
Tract 8611.06 / Block 2081
Tract 8611.06 / Block 2082
Tract 8611.06 / Block 2083
Tract 8611.06 / Block 2084
Tract 8611.06 / Block 2085
Tract 8611.06 / Block 2086
Tract 8611.06 / Block 2087
Tract 8611.06 / Block 2088
Tract 8611.06 / Block 2089
Tract 8611.06 / Block 2090
Tract 8611.06 / Block 2091
Tract 8611.06 / Block 2092
Tract 8611.06 / Block 2093
Tract 8611.06 / Block 2094
Tract 8611.06 / Block 2095
Tract 8611.06 / Block 2096
Tract 8611.06 / Block 2097

New matter indicated by italics - deletions by strikeout
Tract 8611.06 / Block 2098
Tract 8612.02 / Block 1002
Tract 8612.02 / Block 1003
Tract 8612.02 / Block 1004
Tract 8612.02 / Block 1005
Tract 8612.02 / Block 1006
Tract 8612.02 / Block 1007
Tract 8612.02 / Block 1008
Tract 8612.02 / Block 1009
Tract 8612.02 / Block 1010
Tract 8612.02 / Block 1011
Tract 8612.02 / Block 1019
Tract 8612.02 / Block 1020
Tract 8612.02 / Block 1021
Tract 8612.02 / Block 1022
Tract 8612.02 / Block 1023
Tract 8612.02 / Block 1024
Tract 8612.02 / Block 1025
Tract 8612.02 / Block 1026
Tract 8612.02 / Block 1027
Tract 8612.02 / Block 1028
Tract 8612.02 / Block 1029
Tract 8612.02 / Block 1030
Tract 8612.02 / Block 1031
Tract 8612.02 / Block 1032
Tract 8612.02 / Block 1033
Tract 8612.02 / Block 1034
Tract 8612.02 / Block 1035
Tract 8612.02 / Block 1036
Tract 8612.02 / Block 1037
Tract 8612.02 / Block 1038
Tract 8612.02 / Block 1039
Tract 8612.02 / Block 1040
Tract 8612.02 / Block 1041
Tract 8612.02 / Block 1042
Tract 8612.02 / Block 1043
Tract 8612.02 / Block 1044
Tract 8614.02 / Block 2000
Tract 8614.02 / Block 2001

New matter indicated by italics - deletions by strikeout
Tract 8614.02 / Block 2002
Tract 8614.02 / Block 2003
Tract 8614.02 / Block 2004
Tract 8614.02 / Block 2005
Tract 8614.02 / Block 2048
Tract 8614.02 / Block 2049
Tract 8614.02 / Block 2050
Tract 8614.02 / Block 2051
Tract 8614.02 / Block 2052
Tract 8614.02 / Block 2053
Tract 8614.02 / Block 2054
Tract 8614.02 / Block 2055
Tract 8614.02 / Block 2056
Tract 8614.02 / Block 2057
Tract 8614.02 / Block 2058
Tract 8614.02 / Block 2059
Tract 8614.02 / Block 2060
Tract 8614.02 / Block 2061
Tract 8614.02 / Block 2062
Tract 8614.02 / Block 2063
Tract 8614.02 / Block 2064
Tract 8614.02 / Block 2065
Tract 8614.02 / Block 2066
Tract 8614.02 / Block 2069
Tract 8614.04 / Block 2018
Tract 8614.04 / Block 3000
Tract 8614.04 / Block 3001
Tract 8614.04 / Block 3002
Tract 8614.04 / Block 3015
Tract 8614.04 / Block 3025
Tract 8614.04 / Block 3026
Tract 8614.04 / Block 3998
Tract 8614.04 / Block 3999

(705 ILCS 22/5 rep.)
(705 ILCS 22/10 rep.)
(705 ILCS 22/20 rep.)

Section 10. The Judicial Circuits Apportionment Act of 2005 is amended by repealing Sections 5, 10, and 20.

New matter indicated by italics - deletions by strikeout
Section 15. The Circuit Courts Act is amended by changing Section 2f-9 as follows:

(705 ILCS 35/2f-9)
Sec. 2f-9. 16th judicial circuit; subcircuits.
(a) The 16th circuit shall be divided into 5 4 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 5 4 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(b) Of the 16th circuit's 16 existing circuit judgeships (7 at large and 9 resident), 5 4 of the 9 resident judgeships shall be allotted as 16th circuit resident judgeships under subsection (c) as (i) the first resident judgeship of DeKalb County, (ii) the first resident judgeship of Kendall County, and (iii) the first 2 resident judgeships of Kane County are or become vacant on or after the effective date of this amendatory Act of the 93rd General Assembly, and (iv) the first resident judgeship of Kane County (in addition to the 2 vacancies under item (iii)) is or becomes vacant after the effective date of this amendatory Act of the 94th General Assembly. These 5 4 resident subcircuit judgeships and the remaining 4 5 resident judgeships shall constitute all of the resident judgeships of the 16th circuit. As used in this subsection, a vacancy does not include the expiration of a term of a resident judge who seeks retention in that office at the next term.

(c) The Supreme Court shall allot the first DeKalb County vacancy, the first Kendall County vacancy, and the first 3 2 Kane County vacancies in resident judgeships of the 16th circuit as provided in subsection (b), for election from the various subcircuits. The judgeships shall be assigned to the subcircuits based upon the numerical order of the 5 4 subcircuits. No resident judge of the 16th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge elected from a subcircuit shall continue to reside in that subcircuit as long as he or she holds that office.

New matter indicated by italics - deletions by strikeout
(e) Vacancies in resident judgeships of the 16th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.  
(Source: P.A. 93-1102, eff. 4-7-05.)

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

Approved May 31, 2005.
Effective May 31, 2005.

PUBLIC ACT 94-0004
(Senate Bill No. 0027)

AN ACT concerning public employee benefits.

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

Section 5. The Illinois Pension Code is amended by changing Sections 2-124, 2-134, 14-108.3, 14-110, 14-131, 14-135.08, 15-125, 15-136, 15-155, 15-165, 16-128, 16-133, 16-133.2, 16-133.3, 16-152, 16-158, 16-176, 17-116.1, 18-131, and 18-140 and by adding Sections 1A-201, 2-162, 14-152.1, 15-198, 16-203, and 18-169 as follows:

(40 ILCS 5/1A-201 new)

Sec. 1A-201. Advisory Commission on Pension Benefits.

(a) There is created an Advisory Commission on Pension Benefits. The Commission shall consist of 15 persons, of whom 8 shall be appointed by the Governor and one each shall be appointed by the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives. Four of the persons appointed by the Governor shall represent different statewide labor organizations, of which 2 shall be organizations that represent primarily teachers and 2 shall be organizations that represent primarily State employees other than teachers. The Directors of the retirement systems established under Articles 14, 15, and 16 of this Code shall be ex officio members of the Commission.

(b) The Commission shall consider and make its recommendations concerning changing the age and service requirements, automatic annual increase benefits, and employee contribution rates of the State-funded retirement systems and other pension-related issues as determined by the Commission. On or before November 1, 2005, the Commission shall
report its findings and recommendations to the Governor and the General Assembly.

(c) The Commission may request actuarial data from any of the 5 State-funded retirement systems established under this Code. That data may include, but is not limited to, the dates of birth, years of service, salaries, and life expectancies of members. A retirement system shall provide the requested information as soon as practical after the request is received, but in no event later than any reasonable deadline imposed by the Commission.

(40 ILCS 5/2-124) (from Ch. 108 1/2, par. 2-124)
Sec. 2-124. Contributions by State.
(a) The State shall make contributions to the System by appropriations of amounts which, together with the contributions of participants, interest earned on investments, and other income will meet the cost of maintaining and administering the System on a 90% funded basis in accordance with actuarial recommendations.

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

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

For State fiscal years 1996 through 2005 2010, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2006 is $4,157,000.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2007 is $5,220,300.
For each of State fiscal years 2008 through 2010, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments from the required State contribution for State fiscal year 2007, so that by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

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

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and for fiscal year 2008 and each fiscal year thereafter, as calculated under this Section and certified under Section 2-134, shall not exceed an amount equal to (i) the amount of the required State contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act. In determining this maximum for State fiscal years 2008 through 2010, however, the amount referred to in item (i) shall be increased, as a percentage of the applicable employee payroll, in equal increments calculated from the sum of the required State contribution for State fiscal year 2007 plus the applicable portion of the State's total debt service payments for fiscal year 2007 on the bonds issued for the purposes of Section 7.2 of the General Obligation Bond Act, so that, by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

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

(40 ILCS 5/2-134) (from Ch. 108 1/2, par. 2-134)

Sec. 2-134. To certify required State contributions and submit vouchers.

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

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

On or before July 1, 2005, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to the System for State fiscal year 2006, taking into account the changes in required State contributions made by this amendatory Act of the 94th General Assembly.

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

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

(Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04.)

(40 ILCS 5/2-162 new)

Sec. 2-162. Application and expiration of new benefit increases.
(a) As used in this Section, "new benefit increase" means an increase in the amount of any benefit provided under this Article, or an expansion of the conditions of eligibility for any benefit under this Article, that results from an amendment to this Code that takes effect after the effective date of this amendatory Act of the 94th General Assembly.

(b) Notwithstanding any other provision of this Code or any subsequent amendment to this Code, every new benefit increase is subject to this Section and shall be deemed to be granted only in conformance with and contingent upon compliance with the provisions of this Section.

(c) The Public Act enacting a new benefit increase must identify and provide for payment to the System of additional funding at least sufficient to fund the resulting annual increase in cost to the System as it accrues.

Every new benefit increase is contingent upon the General Assembly providing the additional funding required under this subsection. The Commission on Government Forecasting and Accountability shall analyze whether adequate additional funding has been provided for the new benefit increase and shall report its analysis to the Public Pension Division of the Department of Financial and Professional Regulation. A new benefit increase created by a Public Act that does not include the additional funding required under this subsection is null and void. If the Public Pension Division determines that the additional funding provided for a new benefit increase under this subsection is or has become inadequate, it may so certify to the Governor and the State Comptroller and, in the absence of corrective action by the General Assembly, the new benefit increase shall expire at the end of the fiscal year in which the certification is made.

(d) Every new benefit increase shall expire 5 years after its effective date or on such earlier date as may be specified in the language enacting the new benefit increase or provided under subsection (c). This does not prevent the General Assembly from extending or re-creating a new benefit increase by law.

(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including without limitation a person who continues in service after the expiration date and did not apply and qualify for the

New matter indicated by italics - deletions by strikeout
affected benefit while the new benefit increase was in effect.
(40 ILCS 5/14-108.3)
Sec. 14-108.3. Early retirement incentives.
(a) To be eligible for the benefits provided in this Section, a person must:

1. be a member of this System who, on any day during June, 2002, is (i) in active payroll status in a position of employment with a department and an active contributor to this System with respect to that employment, and terminates that employment before the retirement annuity under this Article begins, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) receiving benefits under Section 14-123, 14-123.1 or 14-124, but only if the member has not been receiving those benefits for a continuous period of more than 2 years as of the date of application;

2. not have received any retirement annuity under this Article beginning earlier than August 1, 2002;

3. file with the Board on or before December 31, 2002 a written application requesting the benefits provided in is Section;

4. terminate employment under this Article no later than December 31, 2002 (or the date established under subsection (d), if applicable);

5. by the date of termination of service, have at least 8 years of creditable service under this Article, without the use of any creditable service established under this Section;

6. by the date of termination of service, have at least 5 years of membership service earned while an employee under this Article, which may include military service for which credit is established under Section 14-105(b), service during the qualifying period for which credit is established under Section 14-104(a), and service for which credit has been established by repaying a refund under Section 14-130, but shall not include service for which any other optional service credit has been established; and

7. not receive any early retirement benefit under Section 16-133.3 of this Code.

(b) An eligible person may establish up to 5 years of creditable service under this Article, in increments of one month, by making the contributions specified in subsection (c). In addition, for each month of
creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average compensation under Section 14-103.12 or the determination of compensation under this or any other Article of this Code.

The age enhancement established under this Section may not be used to enable any person to begin receiving a retirement annuity calculated under Section 14-110 before actually attaining age 50 (without any age enhancement under this Section). The age enhancement established under this Section may be used for all other purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of the level income option in Section 14-112, the reversionary annuity under Section 14-113, and the required distributions under Section 14-121.1.

The age enhancement established under this Section may be used in determining benefits payable under Article 16 of this Code under the Retirement Systems Reciprocal Act, if the person has at least 5 years of service credit in the Article 16 system that was earned while participating in that system as a teacher (as defined in Section 16-106) employed by a department (as defined in Section 14-103.04). Age enhancement established under this Section shall not otherwise be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a person must pay to the System an employee contribution to be determined by the System, based on the member's rate of compensation on June 1, 2002 (or the last date before June 1, 2002 for which a rate can be determined) and the retirement contribution rate in effect on June 1, 2002 for the member (or for members with the same social security and alternative formula status as the member).

If the member receives a lump sum payment for accumulated vacation, sick leave and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution must be paid by the employee by payroll deduction. If there is no such lump sum payment, or if it is less than the contribution required under this
Section, the member shall make an initial payment by payroll deduction, equal to the net amount of the lump sum payment for accumulated vacation, sick leave, and personal leave, and have the remaining amount due treated as a reduction from the retirement annuity in 24 equal monthly installments beginning in the month in which the retirement annuity takes effect. The required contribution may be paid as a pre-tax deduction from earnings. For federal and Illinois tax purposes, the monthly amount by which the annuitant's benefit is reduced shall not be treated as a contribution by the annuitant, but rather as a reduction of the annuitant's monthly benefit.

(c-5) The reduction in retirement annuity provided in subsection (c) of Section 14-108 does not apply to the annuity of a person who retires under this Section. A person who has received any age enhancement or creditable service under this Section may begin to receive an unreduced retirement annuity upon attainment of age 55 with at least 25 years of creditable service (including any age enhancement and creditable service established under this Section).

(d) In order to ensure that the efficient operation of State government is not jeopardized by the simultaneous retirement of large numbers of key personnel, the director or other head of a department may, for key employees of that department, extend the December 31, 2002 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than April 30, 2003 by so notifying the System in writing by December 31, 2002.

(e) Notwithstanding Section 14-111, a person who has received any age enhancement or creditable service under this Section and who reenters service under this Section and who reenters service under this Article (or as an employee of a department under Article 16) other than as a temporary employee thereby forfeits that age enhancement and creditable service and is entitled to a refund of the contributions made pursuant to this Section.

(f) The System shall determine the amount of the increase in the present value of future benefits resulting from the granting of early retirement incentives under this Section and shall report that amount to the Governor and the Commission on Government Forecasting and Accountability on or after the effective date of this amendatory Act of the 93rd General Assembly and on or before November 15, 2004. Beginning with State fiscal year 2008, the increase reported under this subsection (f) shall not be included in the calculation of the required State contribution under Section 14-131.
(g) In addition to the contributions otherwise required under this Article, the State shall appropriate and pay to the System (1) an amount equal to $70,000,000 in State fiscal years 2004 and 2005 and (2) in each of State fiscal years 2006 through 2015, a level dollar payment based upon the increase in the present value of future benefits provided by the early retirement incentives provided under this Section amortized at 8.5% interest.

(h) The Commission on Government Forecasting and Accountability (i) shall hold one or more hearings on or before the last session day during the fall veto session of 2004 to review recommendations relating to funding of early retirement incentives under this Section and (ii) shall file its report with the General Assembly on or before December 31, 2004 making its recommendations relating to funding of early retirement incentives under this Section; the Commission's report may contain both majority recommendations and minority recommendations. The System shall recalculate and recertify to the Governor by January 31, 2005 the amount of the required State contribution to the System for State fiscal year 2005 with respect to those incentives. The Pension Laws Commission (or its successor, the Commission on Government Forecasting and Accountability) shall determine and report to the General Assembly, on or before January 1, 2004 and annually thereafter through the year 2013, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early retirement of persons receiving early retirement incentives under this Section and (2) the net annual savings or cost to the State from the program of early retirement incentives created under this Section.

The System, the Department of Central Management Services, the Governor's Office of Management and Budget (formerly Bureau of the Budget), and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its reports under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about (1) the final earnings of former department employees who elected to receive benefits under this Section, (2) the earnings of current department employees holding the positions vacated by persons who elected to receive benefits under this Section, and (3) positions vacated by persons who

New matter indicated by italics - deletions by strikeout
elected to receive benefits under this Section that have not yet been refilled.

(i) The changes made to this Section by this amendatory Act of the 92nd General Assembly do not apply to persons who retired under this Section on or before May 1, 1992. (Source: P.A. 92-566, eff. 6-25-02; 93-632, eff. 2-1-04; 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05.)

(40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
Sec. 14-110. Alternative retirement annuity.

(a) Any member who has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 55, and any member who has withdrawn from service with not less than 25 years of eligible creditable service and has attained age 50, regardless of whether the attainment of either of the specified ages occurs while the member is still in service, shall be entitled to receive at the option of the member, in lieu of the regular or minimum retirement annuity, a retirement annuity computed as follows:

(i) for periods of service as a noncovered employee: if retirement occurs on or after January 1, 2001, 3% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 2 1/4% of final average compensation for each of the first 10 years of creditable service, 2 1/2% for each year above 10 years to and including 20 years of creditable service, and 2 3/4% for each year of creditable service above 20 years; and

(ii) for periods of eligible creditable service as a covered employee: if retirement occurs on or after January 1, 2001, 2.5% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 1.67% of final average compensation for each of the first 10 years of such service, 1.90% for each of the next 10 years of such service, 2.10% for each year of such service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30.

Such annuity shall be subject to a maximum of 75% of final average compensation if retirement occurs before January 1, 2001 or to a maximum of 80% of final average compensation if retirement occurs on or after January 1, 2001.

These rates shall not be applicable to any service performed by a member as a covered employee which is not eligible creditable service.
Service as a covered employee which is not eligible creditable service shall be subject to the rates and provisions of Section 14-108.

(b) For the purpose of this Section, "eligible creditable service" means creditable service resulting from service in one or more of the following positions:

(1) State policeman;
(2) fire fighter in the fire protection service of a department;
(3) air pilot;
(4) special agent;
(5) investigator for the Secretary of State;
(6) conservation police officer;
(7) investigator for the Department of Revenue;
(8) security employee of the Department of Human Services;
(9) Central Management Services security police officer;
(10) security employee of the Department of Corrections;
(11) dangerous drugs investigator;
(12) investigator for the Department of State Police;
(13) investigator for the Office of the Attorney General;
(14) controlled substance inspector;
(15) investigator for the Office of the State's Attorneys Appellate Prosecutor;
(16) Commerce Commission police officer;
(17) arson investigator;
(18) State highway maintenance worker

A person employed in one of the positions specified in this subsection is entitled to eligible creditable service for service credit earned under this Article while undergoing the basic police training course approved by the Illinois Law Enforcement Training Standards Board, if completion of that training is required of persons serving in that position. For the purposes of this Code, service during the required basic police training course shall be deemed performance of the duties of the specified position, even though the person is not a sworn peace officer at the time of the training.

(c) For the purposes of this Section:

(1) The term "state policeman" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.
(2) The term "fire fighter in the fire protection service of a department" includes all officers in such fire protection service including fire chiefs and assistant fire chiefs.

(3) The term "air pilot" includes any employee whose official job description on file in the Department of Central Management Services, or in the department by which he is employed if that department is not covered by the Personnel Code, states that his principal duty is the operation of aircraft, and who possesses a pilot's license; however, the change in this definition made by this amendatory Act of 1983 shall not operate to exclude any noncovered employee who was an "air pilot" for the purposes of this Section on January 1, 1984.

(4) The term "special agent" means any person who by reason of employment by the Division of Narcotic Control, the Bureau of Investigation or, after July 1, 1977, the Division of Criminal Investigation, the Division of Internal Investigation, the Division of Operations, or any other Division or organizational entity in the Department of State Police is vested by law with duties to maintain public order, investigate violations of the criminal law of this State, enforce the laws of this State, make arrests and recover property. The term "special agent" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

(5) The term "investigator for the Secretary of State" means any person employed by the Office of the Secretary of State and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

A person who became employed as an investigator for the Secretary of State between January 1, 1967 and December 31, 1975, and who has served as such until attainment of age 60, either continuously or with a single break in service of not more than 3 years duration, which break terminated before January 1, 1976, shall be entitled to have his retirement annuity calculated in accordance with subsection (a), notwithstanding that he has less than 20 years of credit for such service.

(6) The term "Conservation Police Officer" means any person employed by the Division of Law Enforcement of the Department of Natural Resources and vested with such law
enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. The term "Conservation Police Officer" includes the positions of Chief Conservation Police Administrator and Assistant Conservation Police Administrator.

(7) The term "investigator for the Department of Revenue" means any person employed by the Department of Revenue and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(8) The term "security employee of the Department of Human Services" means any person employed by the Department of Human Services who (i) is employed at the Chester Mental Health Center and has daily contact with the residents thereof, (ii) is employed within a security unit at a facility operated by the Department and has daily contact with the residents of the security unit, (iii) is employed at a facility operated by the Department that includes a security unit and is regularly scheduled to work at least 50% of his or her working hours within that security unit, or (iv) is a mental health police officer. "Mental health police officer" means any person employed by the Department of Human Services in a position pertaining to the Department's mental health and developmental disabilities functions who is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. "Security unit" means that portion of a facility that is devoted to the care, containment, and treatment of persons committed to the Department of Human Services as sexually violent persons, persons unfit to stand trial, or persons not guilty by reason of insanity. With respect to past employment, references to the Department of Human Services include its predecessor, the Department of Mental Health and Developmental Disabilities.

The changes made to this subdivision (c)(8) by Public Act 92-14 apply to persons who retire on or after January 1, 2001, notwithstanding Section 1-103.1.

(9) "Central Management Services security police officer" means any person employed by the Department of Central Management Services who is vested with such law enforcement
duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(10) For a member who first became an employee under this Article before July 1, 2005, the term "security employee of the Department of Corrections" means any employee of the Department of Corrections or the former Department of Personnel, and any member or employee of the Prisoner Review Board, who has daily contact with inmates by working within a correctional facility or who is a parole officer or an employee who has direct contact with committed persons in the performance of his or her job duties. For a member who first becomes an employee under this Article on or after July 1, 2005, the term means an employee of the Department of Corrections who is any of the following: (i) officially headquarter at a correctional facility, (ii) a parole officer, (iii) a member of the apprehension unit, (iv) a member of the intelligence unit, (v) a member of the sort team, or (vi) an investigator.

(11) The term "dangerous drugs investigator" means any person who is employed as such by the Department of Human Services.

(12) The term "investigator for the Department of State Police" means a person employed by the Department of State Police who is vested under Section 4 of the Narcotic Control Division Abolition Act with such law enforcement powers as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(13) "Investigator for the Office of the Attorney General" means any person who is employed as such by the Office of the Attorney General and is vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. For the period before January 1, 1989, the term includes all persons who were employed as investigators by the Office of the Attorney General, without regard to social security status.

(14) "Controlled substance inspector" means any person who is employed as such by the Department of Professional Regulation and is vested with such law enforcement duties as

New matter indicated by italics - deletions by strikeout
render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. The term "controlled substance inspector" includes the Program Executive of Enforcement and the Assistant Program Executive of Enforcement.

(15) The term "investigator for the Office of the State's Attorneys Appellate Prosecutor" means a person employed in that capacity on a full time basis under the authority of Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(16) "Commerce Commission police officer" means any person employed by the Illinois Commerce Commission who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act.

(17) "Arson investigator" means any person who is employed as such by the Office of the State Fire Marshal and is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. A person who was employed as an arson investigator on January 1, 1995 and is no longer in service but not yet receiving a retirement annuity may convert his or her creditable service for employment as an arson investigator into eligible creditable service by paying to the System the difference between the employee contributions actually paid for that service and the amounts that would have been contributed if the applicant were contributing at the rate applicable to persons with the same social security status earning eligible creditable service on the date of application.

(18) The term "State highway maintenance worker" means a person who is either of the following:

(i) A person employed on a full-time basis by the Illinois Department of Transportation in the position of highway maintainer, highway maintenance lead worker, highway maintenance lead/lead worker, heavy construction equipment operator, power shovel operator, or bridge mechanic; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the highways that form a part of the State highway system in serviceable condition for vehicular traffic.

New matter indicated by italics - deletions by strikeout
(ii) A person employed on a full-time basis by the Illinois State Toll Highway Authority in the position of equipment operator/laborer H-4, equipment operator/laborer H-6, welder H-4, welder H-6, mechanical/electrical H-4, mechanical/electrical H-6, water/sewer H-4, water/sewer H-6, sign maker/hanger H-4, sign maker/hanger H-6, roadway lighting H-4, roadway lighting H-6, structural H-4, structural H-6, painter H-4, or painter H-6; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the Authority's tollways in serviceable condition for vehicular traffic.

(d) A security employee of the Department of Corrections, and a security employee of the Department of Human Services who is not a mental health police officer, shall not be eligible for the alternative retirement annuity provided by this Section unless he or she meets the following minimum age and service requirements at the time of retirement:

(i) 25 years of eligible creditable service and age 55; or
(ii) beginning January 1, 1987, 25 years of eligible creditable service and age 54, or 24 years of eligible creditable service and age 55; or
(iii) beginning January 1, 1988, 25 years of eligible creditable service and age 53, or 23 years of eligible creditable service and age 55; or
(iv) beginning January 1, 1989, 25 years of eligible creditable service and age 52, or 22 years of eligible creditable service and age 55; or
(v) beginning January 1, 1990, 25 years of eligible creditable service and age 51, or 21 years of eligible creditable service and age 55; or
(vi) beginning January 1, 1991, 25 years of eligible creditable service and age 50, or 20 years of eligible creditable service and age 55.

Persons who have service credit under Article 16 of this Code for service as a security employee of the Department of Corrections or the Department of Human Services in a position requiring certification as a teacher may count such service toward establishing their eligibility under the service requirements of this Section; but such service may be used only

New matter indicated by italics - deletions by strikeout
for establishing such eligibility, and not for the purpose of increasing or calculating any benefit.

(e) If a member enters military service while working in a position in which eligible creditable service may be earned, and returns to State service in the same or another such position, and fulfills in all other respects the conditions prescribed in this Article for credit for military service, such military service shall be credited as eligible creditable service for the purposes of the retirement annuity prescribed in this Section.

(f) For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before October 1, 1975 as a covered employee in the position of special agent, conservation police officer, mental health police officer, or investigator for the Secretary of State, shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after July 31, 1987, regular interest on the amount specified in item (1) from the date of service to the date of payment.

For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before January 1, 1982 as a covered employee in the position of investigator for the Department of Revenue shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after January 1, 1990, regular interest on the amount specified in item (1) from the date of service to the date of payment.

(g) A State policeman may elect, not later than January 1, 1990, to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at
the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman may elect, not later than July 1, 1993, to establish eligible creditable service for up to 10 years of his service as a member of the County Police Department under Article 9, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 9-121.10 and the amounts that would have been contributed had those contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(h) Subject to the limitation in subsection (i), a State policeman or investigator for the Secretary of State may elect to establish eligible creditable service for up to 12 years of his service as a policeman under Article 5, by filing a written election with the Board on or before January 31, 1992, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 5-236, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 10 years of service as a sheriff's law enforcement employee under Article 7, by filing a written election with the Board on or before January 31, 1993, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 7-139.7, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(i) The total amount of eligible creditable service established by any person under subsections (g), (h), (j), (k), and (l) of this Section shall not exceed 12 years.

New matter indicated by italics - deletions by strikeout
(j) Subject to the limitation in subsection (i), an investigator for the Office of the State's Attorneys Appellate Prosecutor or a controlled substance inspector may elect to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3 or a sheriff's law enforcement employee under Article 7, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (1) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6 or 7-139.8, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (2) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(k) Subject to the limitation in subsection (i) of this Section, an alternative formula employee may elect to establish eligible creditable service for periods spent as a full-time law enforcement officer or full-time corrections officer employed by the federal government or by a state or local government located outside of Illinois, for which credit is not held in any other public employee pension fund or retirement system. To obtain this credit, the applicant must file a written application with the Board by March 31, 1998, accompanied by evidence of eligibility acceptable to the Board and payment of an amount to be determined by the Board, equal to (1) employee contributions for the credit being established, based upon the applicant's salary on the first day as an alternative formula employee after the employment for which credit is being established and the rates then applicable to alternative formula employees, plus (2) an amount determined by the Board to be the employer's normal cost of the benefits accrued for the credit being established, plus (3) regular interest on the amounts in items (1) and (2) from the first day as an alternative formula employee after the employment for which credit is being established to the date of payment.

(l) Subject to the limitation in subsection (i), a security employee of the Department of Corrections may elect, not later than July 1, 1998, to establish eligible creditable service for up to 10 years of his or her service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to security employees of the Department of

New matter indicated by italics - deletions by strikeout
Corrections, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.
(Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01; 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; 92-651, eff. 7-11-02.)

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

Sec. 14-131. Contributions by State.
(a) The State shall make contributions to the System by appropriations of amounts which, together with other employer contributions from trust, federal, and other funds, employee contributions, investment income, and other income, will be sufficient to meet the cost of maintaining and administering the System on a 90% funded basis in accordance with actuarial recommendations.

For the purposes of this Section and Section 14-135.08, references to State contributions refer only to employer contributions and do not include employee contributions that are picked up or otherwise paid by the State or a department on behalf of the employee.

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

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

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

(c) Contributions shall be made by the several departments for each pay period by warrants drawn by the State Comptroller against their respective funds or appropriations based upon vouchers stating the amount

New matter indicated by italics - deletions by strikeout
to be so contributed. These amounts shall be based on the full rate certified by the Board under Section 14-135.08 for that fiscal year. From the effective date of this amendatory Act of the 93rd General Assembly through the payment of the final payroll from fiscal year 2004 appropriations, the several departments shall not make contributions for the remainder of fiscal year 2004 but shall instead make payments as required under subsection (a-1) of Section 14.1 of the State Finance Act. The several departments shall resume those contributions at the commencement of fiscal year 2005.

(d) If an employee is paid from trust funds or federal funds, the department or other employer shall pay employer contributions from those funds to the System at the certified rate, unless the terms of the trust or the federal-State agreement preclude the use of the funds for that purpose, in which case the required employer contributions shall be paid by the State. From the effective date of this amendatory Act of the 93rd General Assembly through the payment of the final payroll from fiscal year 2004 appropriations, the department or other employer shall not pay contributions for the remainder of fiscal year 2004 but shall instead make payments as required under subsection (a-1) of Section 14.1 of the State Finance Act. The department or other employer shall resume payment of contributions at the commencement of fiscal year 2005.

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

For State fiscal years 1996 through 2010, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section; except that (i) for State fiscal year 1998, for all purposes of this Code and any other law of this State, the certified percentage of the applicable employee payroll shall be 5.052% for employees earning eligible creditable service under Section 14-110 and 6.500% for all other employees, notwithstanding any contrary certification made under Section

New matter indicated by italics - deletions by strikeout
14-135.08 before the effective date of this amendatory Act of 1997, and (ii) in the following specified State fiscal years, the State contribution to the System shall not be less than the following indicated percentages of the applicable employee payroll, even if the indicated percentage will produce a State contribution in excess of the amount otherwise required under this subsection and subsection (a): 9.8% in FY 1999; 10.0% in FY 2000; 10.2% in FY 2001; 10.4% in FY 2002; 10.6% in FY 2003; and 10.8% in FY 2004.

Notwithstanding any other provision of this Article, the total required State contribution to the System for State fiscal year 2006 is $203,783,900.

Notwithstanding any other provision of this Article, the total required State contribution to the System for State fiscal year 2007 is $344,164,400.

For each of State fiscal years 2008 through 2010, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments from the required State contribution for State fiscal year 2007, so that by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

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

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and for fiscal year 2008 and each fiscal year thereafter, as calculated under this Section and certified under Section 14-135.08, shall not exceed an amount equal to (i) the amount of the required State contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act. In determining this maximum for State fiscal years 2008 through 2010, however, the amount referred to in item (i) shall be increased, as a percentage of the applicable employee payroll, in equal increments calculated from the sum of the

New matter indicated by italics - deletions by strikeout
required State contribution for State fiscal year 2007 plus the applicable portion of the State's total debt service payments for fiscal year 2007 on the bonds issued for the purposes of Section 7.2 of the General Obligation Bond Act, so that, by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

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

(Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04.)

(40 ILCS 5/14-135.08) (from Ch. 108 1/2, par. 14-135.08)

Sec. 14-135.08. To certify required State contributions.

(a) To certify to the Governor and to each department, on or before November 15 of each year, the required rate for State contributions to the System for the next State fiscal year, as determined under subsection (b) of Section 14-131. The certification to the Governor shall include a copy of the actuarial recommendations upon which the rate is based.

(b) The certification shall include an additional amount necessary to pay all principal of and interest on those general obligation bonds due the next fiscal year authorized by Section 7.2(a) of the General Obligation Bond Act and issued to provide the proceeds deposited by the State with the System in July 2003, representing deposits other than amounts reserved under Section 7.2(c) of the General Obligation Bond Act. For
State fiscal year 2005, the Board shall make a supplemental certification of the additional amount necessary to pay all principal of and interest on those general obligation bonds due in State fiscal years 2004 and 2005 authorized by Section 7.2(a) of the General Obligation Bond Act and issued to provide the proceeds deposited by the State with the System in July 2003, representing deposits other than amounts reserved under Section 7.2(c) of the General Obligation Bond Act, as soon as practical after the effective date of this amendatory Act of the 93rd General Assembly.

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

On or before July 1, 2005, the Board shall recalculate and recertify to the Governor and to each department the amount of the required State contribution to the System and the required rates for State contributions to the System for State fiscal year 2006, taking into account the changes in required State contributions made by this amendatory Act of the 94th General Assembly.

(Source: P.A. 93-2, eff. 4-7-03; 93-839, eff. 7-30-04.)

(40 ILCS 5/14-152.1 new)

Sec. 14-152.1. Application and expiration of new benefit increases.

(a) As used in this Section, "new benefit increase" means an increase in the amount of any benefit provided under this Article, or an expansion of the conditions of eligibility for any benefit under this Article, that results from an amendment to this Code that takes effect after the effective date of this amendatory Act of the 94th General Assembly.

(b) Notwithstanding any other provision of this Code or any subsequent amendment to this Code, every new benefit increase is subject to this Section and shall be deemed to be granted only in conformance with and contingent upon compliance with the provisions of this Section.

(c) The Public Act enacting a new benefit increase must identify and provide for payment to the System of additional funding at least sufficient to fund the resulting annual increase in cost to the System as it accrues.

Every new benefit increase is contingent upon the General Assembly providing the additional funding required under this subsection.

New matter indicated by italics - deletions by strikeout
The Commission on Government Forecasting and Accountability shall analyze whether adequate additional funding has been provided for the new benefit increase and shall report its analysis to the Public Pension Division of the Department of Financial and Professional Regulation. A new benefit increase created by a Public Act that does not include the additional funding required under this subsection is null and void. If the Public Pension Division determines that the additional funding provided for a new benefit increase under this subsection is or has become inadequate, it may so certify to the Governor and the State Comptroller and, in the absence of corrective action by the General Assembly, the new benefit increase shall expire at the end of the fiscal year in which the certification is made.

(d) Every new benefit increase shall expire 5 years after its effective date or on such earlier date as may be specified in the language enacting the new benefit increase or provided under subsection (c). This does not prevent the General Assembly from extending or re-creating a new benefit increase by law.

(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including without limitation a person who continues in service after the expiration date and did not apply and qualify for the affected benefit while the new benefit increase was in effect.

(40 ILCS 5/15-125) (from Ch. 108 1/2, par. 15-125)
Sec. 15-125. "Prescribed Rate of Interest; Effective Rate of Interest":

(1) "Prescribed rate of interest": The rate of interest to be used in actuarial valuations and in development of actuarial tables as determined by the board on the basis of the probable average effective rate of interest on a long term basis.

(2) "Effective rate of interest": The interest rate for all or any part of a fiscal year that is determined by the board based on factors including the system's past and expected investment experience; historical and expected fluctuations in the market value of investments; the desirability of minimizing volatility in the effective rate of interest from year to year; and the provision of reserves for anticipated losses upon sales, redemptions, or other disposition of investments and for variations in

New matter indicated by italics - deletions by strikeout
interest experience; except that for the purpose of determining the accumulated normal contributions used in calculating retirement annuities under Rule 2 of Section 15-136, the effective rate of interest shall be determined by the State Comptroller rather than the board. The State Comptroller shall determine the effective rate of interest to be used for this purpose using the factors listed above, and shall certify to the board and the Commission on Government Forecasting and Accountability the rate to be used for this purpose for fiscal year 2006 as soon as possible after the effective date of this amendatory Act of the 94th General Assembly, and for each fiscal year thereafter no later than the September 1 immediately preceding the start of that fiscal year.

(3) The change made to this Section by Public Acts 90-65 and 90-511 This amendatory Act of 1997 is a clarification of existing law.
(Source: P.A. 90-65, eff. 7-7-97; 90-511, eff. 8-22-97.)

(40 ILCS 5/15-136) (from Ch. 108 1/2, par. 15-136)
Sec. 15-136. Retirement annuities - Amount. The provisions of this Section 15-136 apply only to those participants who are participating in the traditional benefit package or the portable benefit package and do not apply to participants who are participating in the self-managed plan.

(a) The amount of a participant's retirement annuity, expressed in the form of a single-life annuity, shall be determined by whichever of the following rules is applicable and provides the largest annuity:

Rule 1: The retirement annuity shall be 1.67% of final rate of earnings for each of the first 10 years of service, 1.90% for each of the next 10 years of service, 2.10% for each year of service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30; or for persons who retire on or after January 1, 1998, 2.2% of the final rate of earnings for each year of service.

Rule 2: The retirement annuity shall be the sum of the following, determined from amounts credited to the participant in accordance with the actuarial tables and the prescribed rate of interest in effect at the time the retirement annuity begins:

(i) the normal annuity which can be provided on an actuarially equivalent basis, by the accumulated normal contributions as of the date the annuity begins;

(ii) an annuity from employer contributions of an amount equal to that which can be provided on an actuarially equivalent basis from the accumulated normal contributions made by the participant under Section 15-113.6 and Section 15-113.7 plus 1.4

New matter indicated by italics - deletions by strikeout
times all other accumulated normal contributions made by the participant; and

(iii) the annuity that can be provided on an actuarially equivalent basis from the entire contribution made by the participant under Section 15-113.3.

With respect to a police officer or firefighter who retires on or after August 14, 1998, the accumulated normal contributions taken into account under clauses (i) and (ii) of this Rule 2 shall include the additional normal contributions made by the police officer or firefighter under Section 15-157(a).

The amount of a retirement annuity calculated under this Rule 2 shall be computed solely on the basis of the participant's accumulated normal contributions, as specified in this Rule and defined in Section 15-116. Neither an employee or employer contribution for early retirement under Section 15-136.2 nor any other employer contribution shall be used in the calculation of the amount of a retirement annuity under this Rule 2.

This amendatory Act of the 91st General Assembly is a clarification of existing law and applies to every participant and annuitant without regard to whether status as an employee terminates before the effective date of this amendatory Act.

This Rule 2 does not apply to a person who first becomes an employee under this Article on or after July 1, 2005.

Rule 3: The retirement annuity of a participant who is employed at least one-half time during the period on which his or her final rate of earnings is based, shall be equal to the participant's years of service not to exceed 30, multiplied by (1) $96 if the participant's final rate of earnings is less than $3,500, (2) $108 if the final rate of earnings is at least $3,500 but less than $4,500, (3) $120 if the final rate of earnings is at least $4,500 but less than $5,500, (4) $132 if the final rate of earnings is at least $5,500 but less than $6,500, (5) $144 if the final rate of earnings is at least $6,500 but less than $7,500, (6) $156 if the final rate of earnings is at least $7,500 but less than $8,500, (7) $168 if the final rate of earnings is at least $8,500 but less than $9,500, and (8) $180 if the final rate of earnings is $9,500 or more, except that the annuity for those persons having made an election under Section 15-154(a-1) shall be calculated and payable under the portable retirement benefit program pursuant to the provisions of Section 15-136.4.

Rule 4: A participant who is at least age 50 and has 25 or more years of service as a police officer or firefighter, and a participant who is
age 55 or over and has at least 20 but less than 25 years of service as a police officer or firefighter, shall be entitled to a retirement annuity of 2 1/4% of the final rate of earnings for each of the first 10 years of service as a police officer or firefighter, 2 1/2% for each of the next 10 years of service as a police officer or firefighter, and 2 3/4% for each year of service as a police officer or firefighter in excess of 20. The retirement annuity for all other service shall be computed under Rule 1.

For purposes of this Rule 4, a participant's service as a firefighter shall also include the following:

(i) service that is performed while the person is an employee under subsection (h) of Section 15-107; and

(ii) in the case of an individual who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department and who immediately after the elimination of that fire department transferred to another job with the University of Illinois, service performed as an employee of the University of Illinois in a position other than police officer or firefighter, from the date of that transfer until the employee's next termination of service with the University of Illinois.

Rule 5: The retirement annuity of a participant who elected early retirement under the provisions of Section 15-136.2 and who, on or before February 16, 1995, brought administrative proceedings pursuant to the administrative rules adopted by the System to challenge the calculation of his or her retirement annuity shall be the sum of the following, determined from amounts credited to the participant in accordance with the actuarial tables and the prescribed rate of interest in effect at the time the retirement annuity begins:

(i) the normal annuity which can be provided on an actuarially equivalent basis, by the accumulated normal contributions as of the date the annuity begins; and

(ii) an annuity from employer contributions of an amount equal to that which can be provided on an actuarially equivalent basis from the accumulated normal contributions made by the participant under Section 15-113.6 and Section 15-113.7 plus 1.4 times all other accumulated normal contributions made by the participant; and

(iii) an annuity which can be provided on an actuarially equivalent basis from the employee contribution for early
retirement under Section 15-136.2, and an annuity from employer contributions of an amount equal to that which can be provided on an actuarially equivalent basis from the employee contribution for early retirement under Section 15-136.2.

In no event shall a retirement annuity under this Rule 5 be lower than the amount obtained by adding (1) the monthly amount obtained by dividing the combined employee and employer contributions made under Section 15-136.2 by the System's annuity factor for the age of the participant at the beginning of the annuity payment period and (2) the amount equal to the participant's annuity if calculated under Rule 1, reduced under Section 15-136(b) as if no contributions had been made under Section 15-136.2.

With respect to a participant who is qualified for a retirement annuity under this Rule 5 whose retirement annuity began before the effective date of this amendatory Act of the 91st General Assembly, and for whom an employee contribution was made under Section 15-136.2, the System shall recalculate the retirement annuity under this Rule 5 and shall pay any additional amounts due in the manner provided in Section 15-186.1 for benefits mistakenly set too low.

The amount of a retirement annuity calculated under this Rule 5 shall be computed solely on the basis of those contributions specifically set forth in this Rule 5. Except as provided in clause (iii) of this Rule 5, neither an employee nor employer contribution for early retirement under Section 15-136.2, nor any other employer contribution, shall be used in the calculation of the amount of a retirement annuity under this Rule 5.

The General Assembly has adopted the changes set forth in Section 25 of this amendatory Act of the 91st General Assembly in recognition that the decision of the Appellate Court for the Fourth District in Mattis v. State Universities Retirement System et al. might be deemed to give some right to the plaintiff in that case. The changes made by Section 25 of this amendatory Act of the 91st General Assembly are a legislative implementation of the decision of the Appellate Court for the Fourth District in Mattis v. State Universities Retirement System et al. with respect to that plaintiff.

The changes made by Section 25 of this amendatory Act of the 91st General Assembly apply without regard to whether the person is in service as an employee on or after its effective date.

(b) The retirement annuity provided under Rules 1 and 3 above shall be reduced by 1/2 of 1% for each month the participant is under age
60 at the time of retirement. However, this reduction shall not apply in the following cases:

1. For a disabled participant whose disability benefits have been discontinued because he or she has exhausted eligibility for disability benefits under clause (6) of Section 15-152;
2. For a participant who has at least the number of years of service required to retire at any age under subsection (a) of Section 15-135; or
3. For that portion of a retirement annuity which has been provided on account of service of the participant during periods when he or she performed the duties of a police officer or firefighter, if these duties were performed for at least 5 years immediately preceding the date the retirement annuity is to begin.

(c) The maximum retirement annuity provided under Rules 1, 2, 4, and 5 shall be the lesser of (1) the annual limit of benefits as specified in Section 415 of the Internal Revenue Code of 1986, as such Section may be amended from time to time and as such benefit limits shall be adjusted by the Commissioner of Internal Revenue, and (2) 80% of final rate of earnings.

(d) An annuitant whose status as an employee terminates after August 14, 1969 shall receive automatic increases in his or her retirement annuity as follows:

Effective January 1 immediately following the date the retirement annuity begins, the annuitant shall receive an increase in his or her monthly retirement annuity of 0.125% of the monthly retirement annuity provided under Rule 1, Rule 2, Rule 3, Rule 4, or Rule 5, contained in this Section, multiplied by the number of full months which elapsed from the date the retirement annuity payments began to January 1, 1972, plus 0.1667% of such annuity, multiplied by the number of full months which elapsed from January 1, 1972, or the date the retirement annuity payments began, whichever is later, to January 1, 1978, plus 0.25% of such annuity multiplied by the number of full months which elapsed from January 1, 1978, or the date the retirement annuity payments began, whichever is later, to the effective date of the increase.

The annuitant shall receive an increase in his or her monthly retirement annuity on each January 1 thereafter during the annuitant's life of 3% of the monthly annuity provided under Rule 1, Rule 2, Rule 3, Rule 4, or Rule 5 contained in this Section. The change made under this
subsection by P.A. 81-970 is effective January 1, 1980 and applies to each annuitant whose status as an employee terminates before or after that date.

Beginning January 1, 1990, all automatic annual increases payable under this Section shall be calculated as a percentage of the total annuity payable at the time of the increase, including all increases previously granted under this Article.

The change made in this subsection by P.A. 85-1008 is effective January 26, 1988, and is applicable without regard to whether status as an employee terminated before that date.

(e) If, on January 1, 1987, or the date the retirement annuity payment period begins, whichever is later, the sum of the retirement annuity provided under Rule 1 or Rule 2 of this Section and the automatic annual increases provided under the preceding subsection or Section 15-136.1, amounts to less than the retirement annuity which would be provided by Rule 3, the retirement annuity shall be increased as of January 1, 1987, or the date the retirement annuity payment period begins, whichever is later, to the amount which would be provided by Rule 3 of this Section. Such increased amount shall be considered as the retirement annuity in determining benefits provided under other Sections of this Article. This paragraph applies without regard to whether status as an employee terminated before the effective date of this amendatory Act of 1987, provided that the annuitant was employed at least one-half time during the period on which the final rate of earnings was based.

(f) A participant is entitled to such additional annuity as may be provided on an actuarially equivalent basis, by any accumulated additional contributions to his or her credit. However, the additional contributions made by the participant toward the automatic increases in annuity provided under this Section shall not be taken into account in determining the amount of such additional annuity.

(g) If, (1) by law, a function of a governmental unit, as defined by Section 20-107 of this Code, is transferred in whole or in part to an employer, and (2) a participant transfers employment from such governmental unit to such employer within 6 months after the transfer of the function, and (3) the sum of (A) the annuity payable to the participant under Rule 1, 2, or 3 of this Section (B) all proportional annuities payable to the participant by all other retirement systems covered by Article 20, and (C) the initial primary insurance amount to which the participant is entitled under the Social Security Act, is less than the retirement annuity which would have been payable if all of the participant's pension credits
validated under Section 20-109 had been validated under this system, a supplemental annuity equal to the difference in such amounts shall be payable to the participant.

(h) On January 1, 1981, an annuitant who was receiving a retirement annuity on or before January 1, 1971 shall have his or her retirement annuity then being paid increased $1 per month for each year of creditable service. On January 1, 1982, an annuitant whose retirement annuity began on or before January 1, 1977, shall have his or her retirement annuity then being paid increased $1 per month for each year of creditable service.

(i) On January 1, 1987, any annuitant whose retirement annuity began on or before January 1, 1977, shall have the monthly retirement annuity increased by an amount equal to 8¢ per year of creditable service times the number of years that have elapsed since the annuity began.

(Source: P.A. 92-16, eff. 6-28-01; 93-347, eff. 7-24-03.)

(40 ILCS 5/15-155) (from Ch. 108 1/2, par. 15-155)
Sec. 15-155. Employer contributions.

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

The Board shall determine the amount of State contributions required for each fiscal year on the basis of the actuarial tables and other assumptions adopted by the Board and the recommendations of the actuary, using the formula in subsection (a-1).

(a-1) For State fiscal years 2011 through 2045, the minimum contribution to the System to be made by the State for each fiscal year shall be an amount determined by the System to be sufficient to bring the total assets of the System up to 90% of the total actuarial liabilities of the System by the end of State fiscal year 2045. In making these determinations, the required State contribution shall be calculated each year as a level percentage of payroll over the years remaining to and including fiscal year 2045 and shall be determined under the projected unit credit actuarial cost method.

For State fiscal years 1996 through 2005, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State
fiscal year 2011, the State is contributing at the rate required under this Section.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2006 is $166,641,900.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2007 is $252,064,100.

For each of State fiscal years 2008 through 2010, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments from the required State contribution for State fiscal year 2007, so that by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

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

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and for fiscal year 2008 and each fiscal year thereafter, as calculated under this Section and certified under Section 15-165, shall not exceed an amount equal to (i) the amount of the required State contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act. In determining this maximum for State fiscal years 2008 through 2010, however, the amount referred to in item (i) shall be increased, as a percentage of the applicable employee payroll, in equal increments calculated from the sum of the required State contribution for State fiscal year 2007 plus the applicable portion of the State's total debt service payments for fiscal year 2007 on the bonds issued for the purposes of Section 7.2 of the General Obligation Bond Act, so that, by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

(b) If an employee is paid from trust or federal funds, the employer shall pay to the Board contributions from those funds which are sufficient to cover the accruing normal costs on behalf of the employee. However,

New matter indicated by italics - deletions by strikeout
universities having employees who are compensated out of local auxiliary funds, income funds, or service enterprise funds are not required to pay such contributions on behalf of those employees. The local auxiliary funds, income funds, and service enterprise funds of universities shall not be considered trust funds for the purpose of this Article, but funds of alumni associations, foundations, and athletic associations which are affiliated with the universities included as employers under this Article and other employers which do not receive State appropriations are considered to be trust funds for the purpose of this Article.

(b-1) The City of Urbana and the City of Champaign shall each make employer contributions to this System for their respective firefighter employees who participate in this System pursuant to subsection (h) of Section 15-107. The rate of contributions to be made by those municipalities shall be determined annually by the Board on the basis of the actuarial assumptions adopted by the Board and the recommendations of the actuary, and shall be expressed as a percentage of salary for each such employee. The Board shall certify the rate to the affected municipalities as soon as may be practical. The employer contributions required under this subsection shall be remitted by the municipality to the System at the same time and in the same manner as employee contributions.

(c) Through State fiscal year 1995: The total employer contribution shall be apportioned among the various funds of the State and other employers, whether trust, federal, or other funds, in accordance with actuarial procedures approved by the Board. State of Illinois contributions for employers receiving State appropriations for personal services shall be payable from appropriations made to the employers or to the System. The contributions for Class I community colleges covering earnings other than those paid from trust and federal funds, shall be payable solely from appropriations to the Illinois Community College Board or the System for employer contributions.

(d) Beginning in State fiscal year 1996, the required State contributions to the System shall be appropriated directly to the System and shall be payable through vouchers issued in accordance with subsection (c) of Section 15-165, except as provided in subsection (g).

(e) The State Comptroller shall draw warrants payable to the System upon proper certification by the System or by the employer in accordance with the appropriation laws and this Code.
(f) Normal costs under this Section means liability for pensions and other benefits which accrues to the System because of the credits earned for service rendered by the participants during the fiscal year and expenses of administering the System, but shall not include the principal of or any redemption premium or interest on any bonds issued by the Board or any expenses incurred or deposits required in connection therewith.

(g) If the amount of a participant's earnings for any academic year used to determine the final rate of earnings exceeds the amount of his or her earnings with the same employer for the previous academic year by more than 6%, the participant's employer shall pay to the System, in addition to all other payments required under this Section and in accordance with guidelines established by the System, the present value of the increase in benefits resulting from the portion of the increase in earnings that is in excess of 6%. This present value shall be computed by the System on the basis of the actuarial assumptions and tables used in the most recent actuarial valuation of the System that is available at the time of the computation. The employer contributions required under this subsection (g) shall be paid in the form of a lump sum within 30 days after receipt of the bill after the participant begins receiving benefits under this Article.

The provisions of this subsection (g) do not apply to earnings increases paid to participants under contracts or collective bargaining agreements entered into, amended, or renewed before the effective date of this amendatory Act of the 94th General Assembly.

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

(40 ILCS 5/15-165) (from Ch. 108 1/2, par. 15-165)
Sec. 15-165. To certify amounts and submit vouchers.

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

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

On or before July 1, 2005, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to

New matter indicated by italics - deletions by strikeout
the System for State fiscal year 2006, taking into account the changes in required State contributions made by this amendatory Act of the 94th General Assembly.

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

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

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

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

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

New matter indicated by italics - deletions by strikeout
the optional retirement program established under Section 15-158.2 and to
the employer's portion of the normal costs of the System, as calculated in
accordance with Section 15-155(a-1).
(Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04.)

(40 ILCS 5/15-198 new)

Sec. 15-198. Application and expiration of new benefit increases.
(a) As used in this Section, "new benefit increase" means an
increase in the amount of any benefit provided under this Article, or an
expansion of the conditions of eligibility for any benefit under this Article,
that results from an amendment to this Code that takes effect after the
effective date of this amendatory Act of the 94th General Assembly.

(b) Notwithstanding any other provision of this Code or any
subsequent amendment to this Code, every new benefit increase is subject
to this Section and shall be deemed to be granted only in conformance
with and contingent upon compliance with the provisions of this Section.

(c) The Public Act enacting a new benefit increase must identify
and provide for payment to the System of additional funding at least
sufficient to fund the resulting annual increase in cost to the System as it
accrues.

Every new benefit increase is contingent upon the General
Assembly providing the additional funding required under this subsection.
The Commission on Government Forecasting and Accountability shall
analyze whether adequate additional funding has been provided for the
new benefit increase and shall report its analysis to the Public Pension
Division of the Department of Financial and Professional Regulation. A
new benefit increase created by a Public Act that does not include
the additional funding required under this subsection is null and void. If the
Public Pension Division determines that the additional funding provided
for a new benefit increase under this subsection is or has become
inadequate, it may so certify to the Governor and the State Comptroller
and, in the absence of corrective action by the General Assembly, the new
benefit increase shall expire at the end of the fiscal year in which the
certification is made.

(d) Every new benefit increase shall expire 5 years after its
effective date or on such earlier date as may be specified in the language
enacting the new benefit increase or provided under subsection (c). This
does not prevent the General Assembly from extending or re-creating a
new benefit increase by law.

New matter indicated by italics - deletions by strikeout
(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including without limitation a person who continues in service after the expiration date and did not apply and qualify for the affected benefit while the new benefit increase was in effect.

(40 ILCS 5/16-128) (from Ch. 108 1/2, par. 16-128)

Sec. 16-128. Creditable service - required contributions.

(a) In order to receive the creditable service specified under subsection (b) of Section 16-127, a member is required to make the following contributions: (i) an amount equal to the contributions which would have been required had such service been rendered as a member under this System; (ii) for military service not immediately following employment and for service established under subdivision (b)(10) of Section 16-127, an amount determined by the Board to be equal to the employer's normal cost of the benefits accrued for such service; and (iii) interest from the date the contributions would have been due (or, in the case of a person establishing credit for military service under subdivision (b)(3) of Section 16-127, the date of first membership in the System, if that date is later) to the date of payment, at the following rate of interest, compounded annually: for periods prior to July 1, 1965, regular interest; from July 1, 1965 to June 30, 1977, 4% per year; on and after July 1, 1977, regular interest.

(b) In order to receive creditable service under paragraph (2) of subsection (b) of Section 16-127 for those who were not members on June 30, 1963, the minimum required contribution shall be $420 per year of service together with interest at 4% per year compounded annually from July 1, preceding the date of membership until June 30, 1977 and at regular interest compounded annually thereafter to the date of payment.

(c) In determining the contribution required in order to receive creditable service under paragraph (3) of subsection (b) of Section 16-127, the salary rate for the remainder of the school term in which a member enters military service shall be assumed to be equal to the member's salary rate at the time of entering military service. However, for military service not immediately following employment, the salary rate on the last date as a participating teacher prior to such military service, or on the first date as a participating teacher after such military service, whichever is greater, shall
be assumed to be equal to the member's salary rate at the time of entering military service. For each school term thereafter, the member's salary rate shall be assumed to be 5% higher than the salary rate in the previous school term.

(d) In determining the contribution required in order to receive creditable service under paragraph (5) of subsection (b) of Section 16-127, a member's salary rate during the period for which credit is being established shall be assumed to be equal to the member's last salary rate immediately preceding that period.

(d-5) For each year of service credit to be established under subsection (b-1) of Section 16-127, a member is required to contribute to the System (i) 16.5% of the annual salary rate during the first year of full-time employment as a teacher under this Article following the private school service, plus (ii) interest thereon from the date of first full-time employment as a teacher under this Article following the private school service to the date of payment, compounded annually, at the rate of 8.5% per year for periods before the effective date of this amendatory Act of the 92nd General Assembly, and for subsequent periods at a rate equal to the System's actuarially assumed rate of return on investments.

(d-10) For service credit established under paragraph (6) of subsection (b) of Section 16-127 for days granted by an employer in excess of the member's normal annual sick leave allotment, the employer is required to pay the normal cost of benefits based upon such service credit. This subsection (d-10) does not apply to sick leave granted to teachers under contracts or collective bargaining agreements entered into, amended, or renewed before the effective date of this amendatory Act of the 94th General Assembly.

(e) The contributions required under this Section may be made from the date the statement for such creditable service is issued until retirement date. All such required contributions must be made before any retirement annuity is granted.

(Source: P.A. 92-867, eff. 1-3-03.)

(40 ILCS 5/16-133) (from Ch. 108 1/2, par. 16-133)

Sec. 16-133. Retirement annuity; amount.

(a) The amount of the retirement annuity shall be (i) in the case of a person who first became a teacher under this Article before July 1, 2005, the larger of the amounts determined under paragraphs (A) and (B) below, or (ii) in the case of a person who first becomes a teacher under this
Article on or after July 1, 2005, the amount determined under the applicable provisions of paragraph (B):

(A) An amount consisting of the sum of the following:

(1) An amount that can be provided on an actuarially equivalent basis by the member's accumulated contributions at the time of retirement; and

(2) The sum of (i) the amount that can be provided on an actuarially equivalent basis by the member's accumulated contributions representing service prior to July 1, 1947, and (ii) the amount that can be provided on an actuarially equivalent basis by the amount obtained by multiplying 1.4 times the member's accumulated contributions covering service subsequent to June 30, 1947; and

(3) If there is prior service, 2 times the amount that would have been determined under subparagraph (2) of paragraph (A) above on account of contributions which would have been made during the period of prior service creditable to the member had the System been in operation and had the member made contributions at the contribution rate in effect prior to July 1, 1947.

This paragraph (A) does not apply to a person who first becomes a teacher under this Article on or after July 1, 2005.

(B) An amount consisting of the greater of the following:

(1) For creditable service earned before July 1, 1998 that has not been augmented under Section 16-129.1: 1.67% of final average salary for each of the first 10 years of creditable service, 1.90% of final average salary for each year in excess of 10 but not exceeding 20, 2.10% of final average salary for each year in excess of 20 but not exceeding 30, and 2.30% of final average salary for each year in excess of 30; and

For creditable service earned on or after July 1, 1998 by a member who has at least 24 years of creditable service on July 1, 1998 and who does not elect to augment service under Section 16-129.1: 2.2% of final average salary for each year of creditable service earned on or after July 1, 1998 but before the member reaches a total of 30 years of creditable service and 2.3% of final average salary
for each year of creditable service earned on or after July 1, 1998 and after the member reaches a total of 30 years of creditable service; and

For all other creditable service: 2.2% of final average salary for each year of creditable service; or

(2) 1.5% of final average salary for each year of creditable service plus the sum $7.50 for each of the first 20 years of creditable service.

The amount of the retirement annuity determined under this paragraph (B) shall be reduced by 1/2 of 1% for each month that the member is less than age 60 at the time the retirement annuity begins. However, this reduction shall not apply (i) if the member has at least 35 years of creditable service, or (ii) if the member retires on account of disability under Section 16-149.2 of this Article with at least 20 years of creditable service, or (iii) if the member (1) has earned during the period immediately preceding the last day of service at least one year of contributing creditable service as an employee of a department as defined in Section 14-103.04, (2) has earned at least 5 years of contributing creditable service as an employee of a department as defined in Section 14-103.04, (3) retires on or after January 1, 2001, and (4) retires having attained an age which, when added to the number of years of his or her total creditable service, equals at least 85. Portions of years shall be counted as decimal equivalents.

(b) For purposes of this Section, final average salary shall be the average salary for the highest 4 consecutive years within the last 10 years of creditable service as determined under rules of the board. The minimum final average salary shall be considered to be $2,400 per year.

In the determination of final average salary for members other than elected officials and their appointees when such appointees are allowed by statute, that part of a member's salary for any year beginning after June 30, 1979 which exceeds the member's annual full-time salary rate with the same employer for the preceding year by more than 20% shall be excluded. The exclusion shall not apply in any year in which the member's creditable earnings are less than 50% of the preceding year's mean salary for downstate teachers as determined by the survey of school district salaries provided in Section 2-3.103 of the School Code.
(c) In determining the amount of the retirement annuity under paragraph (B) of this Section, a fractional year shall be granted proportional credit.

(d) The retirement annuity determined under paragraph (B) of this Section shall be available only to members who render teaching service after July 1, 1947 for which member contributions are required, and to annuitants who re-enter under the provisions of Section 16-150.

(e) The maximum retirement annuity provided under paragraph (B) of this Section shall be 75% of final average salary.

(f) A member retiring after the effective date of this amendatory Act of 1998 shall receive a pension equal to 75% of final average salary if the member is qualified to receive a retirement annuity equal to at least 74.6% of final average salary under this Article or as proportional annuities under Article 20 of this Code.

(Source: P.A. 90-582, eff. 5-27-98; 91-17, eff. 6-4-99; 91-887, eff. 7-6-00; 91-927, eff. 12-14-00.)

(40 ILCS 5/16-133.2) (from Ch. 108 1/2, par. 16-133.2)

Sec. 16-133.2. Early retirement without discount.

(a) A member retiring after June 1, 1980 and on or before June 30, 2005 (or as provided in subsection (b) of this Section), and applying for a retirement annuity within 6 months of the last day of teaching for which retirement contributions were required, may elect at the time of application for a retirement annuity, to make a one time member contribution to the System and thereby avoid the reduction in the retirement annuity for retirement before age 60 specified in paragraph (B) of Section 16-133. The exercise of the election shall also obligate the last employer to make a one time non-refundable contribution to the System. Substitute teachers wishing to exercise this election must teach 85 or more days in one school term with one employer, who shall be deemed the last employer for purposes of this Section. The last day of teaching with that employer must be within 6 months of the date of application for retirement. All substitute teaching credit applied toward the required 85 days must be earned after June 30, 1990.

The one time member and employer contributions shall be a percentage of the retiring member's highest annual salary rate used in the determination of the average salary for retirement annuity purposes. However, when determining the one-time member and employer contributions, that part of a member's salary with the same employer which exceeds the annual salary rate for the preceding year by more than

New matter indicated by italics - deletions by strikeout
20% shall be excluded. The member contribution shall be at the rate of 7% for the lesser of the following 2 periods: (1) for each year that the member is less than age 60; or (2) for each year that the member's creditable service is less than 35 years. If a member is at least age 55 and has at least 34 years of creditable service, no member or employer contribution for the early retirement option shall be required. The employer contribution shall be at the rate of 20% for each year the member is under age 60.

Upon receipt of the application and election, the System shall determine the one time employee and employer contributions required. The member contribution shall be credited to the individual account of the member and the employer contribution shall be credited to the Benefit Trust Reserve. The provisions of this subsection (a) providing for the avoidance of the reduction in retirement annuity Section shall not be applicable until the member's contribution, if any, has been received by the System; however, the date such contributions are received shall not be considered in determining the effective date of retirement.

The number of members working for a single employer who may retire under this subsection or subsection (b) Section in any year may be limited at the option of the employer to a specified percentage of those eligible, not less than 30%, with the right to participate to be allocated among those applying on the basis of seniority in the service of the employer.

(b) The provisions of subsection (a) of this Section shall remain in effect for a member retiring after June 30, 2005 and on or before July 1, 2007, provided that the member satisfies both of the following requirements:

1. the member notified his or her employer of intent to retire under this Article on or before the effective date of this amendatory Act of the 94th General Assembly under the terms of a contract or collective bargaining agreement entered into, amended, or renewed with the employer on or before the effective date of this amendatory Act of the 94th General Assembly; and
2. the effective date of the member's retirement is on or before July 1, 2007.

The member's employer must give evidence of the member's notification by providing to the System:

1. a copy of the member's notification to the employer or the record of that notification;

New matter indicated by italics - deletions by strikeout
(ii) an affidavit signed by the member and the employer, verifying the notification; and
(iii) any additional documentation that the System may require.

(c) Except as otherwise provided in subsection (b), and subject to the provisions of Section 16-176, a member retiring on or after July 1, 2005, and applying for a retirement annuity within 6 months of the last day of teaching for which retirement contributions were required, may elect at the time of application for a retirement annuity, to make a one-time member contribution to the System and thereby avoid the reduction in the retirement annuity for retirement before age 60 specified in paragraph (B) of Section 16-133. The exercise of the election shall also obligate the last employer to make a one-time nonrefundable contribution to the System. Substitute teachers wishing to exercise this election must teach 85 or more days in one school term with one employer, who shall be deemed the last employer for purposes of this Section. The last day of teaching with that employer must be within 6 months of the date of application for retirement. All substitute teaching credit applied toward the required 85 days must be earned after June 30, 1990.

The one-time member and employer contributions shall be a percentage of the retiring member's highest annual salary rate used in the determination of the average salary for retirement annuity purposes. However, when determining the one-time member and employer contributions, that part of a member's salary with the same employer which exceeds the annual salary rate for the preceding year by more than 20% shall be excluded. The member contribution shall be at the rate of 11.5% for the lesser of the following 2 periods: (1) for each year that the member is less than age 60; or (2) for each year that the member's creditable service is less than 35 years. The employer contribution shall be at the rate of 23.5% for each year the member is under age 60.

Upon receipt of the application and election, the System shall determine the one-time employee and employer contributions required. The member contribution shall be credited to the individual account of the member and the employer contribution shall be credited to the Benefit Trust Reserve. The avoidance of the reduction in retirement annuity provided under this subsection (c) is not applicable until the member's contribution, if any, has been received by the System; however, the date that contribution is received shall not be considered in determining the effective date of retirement.

New matter indicated by italics - deletions by strikeout
The number of members working for a single employer who may retire under this subsection (c) in any year may be limited at the option of the employer to a specified percentage of those eligible, not less than 10%, with the right to participate to be allocated among those applying on the basis of seniority in the service of the employer.

(Source: P.A. 93-469, eff. 8-8-03.)

(40 ILCS 5/16-133.3) (from Ch. 108 1/2, par. 16-133.3)

Sec. 16-133.3. Early retirement incentives for State employees.

(a) To be eligible for the benefits provided in this Section, a person must:

(1) be a member of this System who, on any day during June, 2002, is (i) in active payroll status as a full-time teacher employed by a department and an active contributor to this System with respect to that employment, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) receiving a disability benefit under Section 16-149 or 16-149.1, but only if the member has not been receiving that benefit for a continuous period of more than 2 years as of the date of application;

(2) not have received any retirement annuity under this Article beginning earlier than August 1, 2002;

(3) file with the Board on or before December 31, 2002 a written application requesting the benefits provided in this Section;

(4) terminate employment under this Article no later than December 31, 2002 (or the date established under subsection (d), if applicable);

(5) by the date of termination of service, have at least 8 years of creditable service under this Article, without the use of any creditable service established under this Section;

(6) by the date of termination of service, have at least 5 years of service credit earned while participating in the System as a teacher employed by a department; and

(7) not receive any early retirement benefit under Section 14-108.3 of this Code.

For the purposes of this Section, "department" means a department as defined in Section 14-103.04 that employs a teacher as defined in this Article.

(b) An eligible person may establish up to 5 years of creditable service under this Article by making the contributions specified in

New matter indicated by italics - deletions by strikeout
subsection (c). In addition, for each period of creditable service established under this Section, a person's age at retirement shall be deemed to be enhanced by an equivalent period.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average salary, the determination of salary or compensation under this Article or any other Article of this Code, or the determination of eligibility for or the computation of benefits under Section 16-133.2.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of a retirement annuity under Section 16-133(a)(A), a reversionary annuity under Section 16-136, the required distributions under Section 16-142.3, and the determination of eligibility for or the computation of benefits under Section 16-133.2. Age enhancement established under this Section may be used in determining benefits payable under Article 14 of this Code under the Retirement Systems Reciprocal Act (subject to the limitations on the use of age enhancement provided in Section 14-108.3); age enhancement established under this Section shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a person must pay to the System an employee contribution to be determined by the System, equal to 9.0% of the member's highest annual salary rate that would be used in the determination of the average salary for retirement annuity purposes if the member retired immediately after withdrawal, for each year of creditable service established under this Section.

If the member receives a lump sum payment for accumulated vacation, sick leave, and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution must be paid by the employee by payroll deduction. If there is no such lump sum payment, or if it is less than the contribution required under this Section, the member shall make an initial payment by payroll deduction, equal to the net amount of the lump sum payment for accumulated vacation, sick leave, and personal leave, and have the remaining amount due treated as a reduction from the retirement annuity in 24 equal monthly

New matter indicated by italics - deletions by strikeout
installments beginning in the month in which the retirement annuity takes effect. The required contribution may be paid as a pre-tax deduction from earnings.

(d) In order to ensure that the efficient operation of State government is not jeopardized by the simultaneous retirement of large numbers of key personnel, the director or other head of a department may, for key employees of that department, extend the December 31, 2002 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than April 30, 2003 by so notifying the System in writing by December 31, 2002.

(e) A person who has received any age enhancement or creditable service under this Section and who reenters contributing service under this Article or Article 14 shall thereby forfeit that age enhancement and creditable service, and become entitled to a refund of the contributions made pursuant to this Section.

(f) The System shall determine the amount of the increase in the present value of future benefits resulting from the granting of early retirement incentives under this Section and shall report that amount to the Governor and the Commission on Government Forecasting and Accountability on or after the effective date of this amendatory Act of the 93rd General Assembly and on or before November 15, 2004. Beginning with State fiscal year 2008, the increase in liability reported under this subsection (f) shall not be included in the calculation of the required State contribution under Section 16-158.

(g) In addition to the contributions otherwise required under this Article, the State shall appropriate and pay to the System (1) an amount equal to $1,000,000 in State fiscal year 2004 and (2) in each of State fiscal years 2006 through 2015, a level dollar-payment based upon the increase in the present value of future benefits provided by the early retirement incentives provided under this Section amortized at 8.5% interest.

(h) The Pension Laws Commission (or its successor, the Commission on Government Forecasting and Accountability) shall determine and report to the General Assembly, on or before January 1, 2004 and annually thereafter through the year 2013, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early retirement of persons receiving early retirement incentives under this Section and (2) the net annual savings or cost to the State from the program of early retirement incentives created under this Section.

New matter indicated by italics - deletions by strikeout
The System, the Department of Central Management Services, the Governor's Office of Management and Budget (formerly Bureau of the Budget), and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its reports under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about

(1) the final earnings of former department employees who elected to receive benefits under this Section, (2) the earnings of current department employees holding the positions vacated by persons who elected to receive benefits under this Section, and (3) positions vacated by persons who elected to receive benefits under this Section that have not yet been refilled.

(i) The changes made to this Section by this amendatory Act of the 92nd General Assembly do not apply to persons who retired under this Section on or before May 1, 1992.

(Source: P.A. 92-566, eff. 6-25-02; 93-632, eff. 2-1-04; 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05.)

(40 ILCS 5/16-152) (from Ch. 108 1/2, par. 16-152)

Sec. 16-152. Contributions by members.

(a) Each member shall make contributions for membership service to this System as follows:

(1) Effective July 1, 1998, contributions of 7.50% of salary towards the cost of the retirement annuity. Such contributions shall be deemed "normal contributions".

(2) Effective July 1, 1969, contributions of 1/2 of 1% of salary toward the cost of the automatic annual increase in retirement annuity provided under Section 16-133.1.

(3) Effective July 24, 1959, contributions of 1% of salary towards the cost of survivor benefits. Such contributions shall not be credited to the individual account of the member and shall not be subject to refund except as provided under Section 16-143.2.

(4) Effective July 1, 2005, contributions of 0.40% of salary toward the cost of the early retirement without discount option provided under Section 16-133.2. This contribution shall cease upon termination of the early retirement without discount option as provided in Section 16-176.

(b) The minimum required contribution for any year of full-time teaching service shall be $192.
(c) Contributions shall not be required of any annuitant receiving a retirement annuity who is given employment as permitted under Section 16-118 or 16-150.1.

(d) A person who (i) was a member before July 1, 1998, (ii) retires with more than 34 years of creditable service, and (iii) does not elect to qualify for the augmented rate under Section 16-129.1 shall be entitled, at the time of retirement, to receive a partial refund of contributions made under this Section for service occurring after the later of June 30, 1998 or attainment of 34 years of creditable service, in an amount equal to 1.00% of the salary upon which those contributions were based.

(e) A member's contributions toward the cost of early retirement without discount made under item (a)(4) of this Section shall not be refunded if the member has elected early retirement without discount under Section 16-133.2 and has begun to receive a retirement annuity under this Article calculated in accordance with that election. Otherwise, a member's contributions toward the cost of early retirement without discount made under item (a)(4) of this Section shall be refunded according to whichever one of the following circumstances occurs first:

1. The contributions shall be refunded to the member, without interest, within 120 days after the member's retirement annuity commences, if the member does not elect early retirement without discount under Section 16-133.2.

2. The contributions shall be included, without interest, in any refund claimed by the member under Section 16-151.

3. The contributions shall be refunded to the member's designated beneficiary (or if there is no beneficiary, to the member's estate), without interest, if the member dies without having begun to receive a retirement annuity under this Article.

4. The contributions shall be refunded to the member, without interest, within 120 days after the early retirement without discount option provided under Section 16-133.2 is terminated under Section 16-176.

(Source: P.A. 93-320, eff. 7-23-03.)

(40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

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

(a) The State shall make contributions to the System by means of appropriations from the Common School Fund and other State funds of amounts which, together with other employer contributions, employee contributions, investment income, and other income, will be sufficient to
meet the cost of maintaining and administering the System on a 90% funded basis in accordance with actuarial recommendations. The Board shall determine the amount of State contributions required for each fiscal year on the basis of the actuarial tables and other assumptions adopted by the Board and the recommendations of the actuary, using the formula in subsection (b-3).

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

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

On or before July 1, 2005, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to the System for State fiscal year 2006, taking into account the changes in required State contributions made by this amendatory Act of the 94th General Assembly.

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

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

If in any month the amount remaining unexpended from all other appropriations to the System for the applicable fiscal year (including the appropriations to the System under Section 8.12 of the State Finance Act and Section 1 of the State Pension Funds Continuing Appropriation Act) is less than the amount lawfully vouchered under this subsection, the

New matter indicated by italics - deletions by strikeout
difference shall be paid from the Common School Fund under the continuing appropriation authority provided in Section 1.1 of the State Pension Funds Continuing Appropriation Act.

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

(b-3) For State fiscal years 2011 through 2045, the minimum contribution to the System to be made by the State for each fiscal year shall be an amount determined by the System to be sufficient to bring the total assets of the System up to 90% of the total actuarial liabilities of the System by the end of State fiscal year 2045. In making these determinations, the required State contribution shall be calculated each year as a level percentage of payroll over the years remaining to and including fiscal year 2045 and shall be determined under the projected unit credit actuarial cost method.

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

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2006 is $534,627,700.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2007 is $738,014,500.

For each of State fiscal years 2008 through 2010, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments from the required State contribution for State fiscal year 2007, so that by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

New matter indicated by italics - deletions by strikeout
Beginning in State fiscal year 2046, the minimum State contribution for each fiscal year shall be the amount needed to maintain the total assets of the System at 90% of the total actuarial liabilities of the System.

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and for fiscal year 2008 and each fiscal year thereafter, as calculated under this Section and certified under subsection (a-1), shall not exceed an amount equal to (i) the amount of the required State contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act. In determining this maximum for State fiscal years 2008 through 2010, however, the amount referred to in item (i) shall be increased, as a percentage of the applicable employee payroll, in equal increments calculated from the sum of the required State contribution for State fiscal year 2007 plus the applicable portion of the State's total debt service payments for fiscal year 2007 on the bonds issued for the purposes of Section 7.2 of the General Obligation Bond Act, so that, by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

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

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

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

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

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

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

(2) Beginning July 1, 1999 and thereafter, the employer contribution shall be equal to 0.58% of each teacher's salary.

The school district or other employing unit may pay these employer contributions out of any source of funding available for that purpose and shall forward the contributions to the System on the schedule established for the payment of member contributions.

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

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

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

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

(f) If the amount of a teacher's salary for any school year used to determine final average salary exceeds the amount of his or her salary with the same employer for the previous school year by more than 6%, the teacher's employer shall pay to the System, in addition to all other payments required under this Section and in accordance with guidelines established by the System, the present value of the increase in benefits resulting from the portion of the increase in salary that is in excess of 6%. This present value shall be computed by the System on the basis of the actuarial assumptions and tables used in the most recent actuarial valuation of the System that is available at the time of the computation. The employer contributions required under this subsection (f) shall be paid in the form of a lump sum within 30 days after receipt of the bill after the teacher begins receiving benefits under this Article.

The provisions of this subsection (f) do not apply to salary increases paid to teachers under contracts or collective bargaining agreements entered into, amended, or renewed before the effective date of this amendatory Act of the 94th General Assembly.

(Source: P.A. 92-505, eff. 12-20-01; 93-2, eff. 4-7-03; 93-665, eff. 3-5-04.)

(40 ILCS 5/16-176) (from Ch. 108 1/2, par. 16-176)

Sec. 16-176. To adopt actuarial assumptions. For the 5-year period ending June 30, 1997 and every 5 years thereafter, the actuary, as technical advisor, shall make an actuarial investigation into the mortality, service and compensation experience of the members, annuitants, and beneficiaries of the retirement system. Based upon the result of that investigation, the board shall adopt such actuarial assumptions as it deems appropriate.

Beginning with the 5-year period ending June 30, 2012 and every 5 years thereafter, the actuarial investigation required under this Section
shall include the System’s experience under the early retirement without discount option established in Section 16-133.2, including consideration of the sufficiency of the member and employer contributions under Section 16-133.2 and the active member contribution under Section 16-152 to adequately fund the early retirement without discount option. The Board shall promptly communicate the results of the actuarial investigation to the Commission on Government Forecasting and Accountability. Based on the actuarial investigation, the Commission on Government Forecasting and Accountability shall, no later than February 1 of the next year, recommend to the General Assembly any proportional adjustment in the amounts of the member and employer contributions under Section 16-133.2 that it deems necessary. If the General Assembly fails to adjust the member and employer contributions under Section 16-133.2 in response to the Commission’s recommendations, then the early retirement without discount option under Section 16-133.2 is terminated and shall cease to be available at the end of the fiscal year in which the Commission made its recommendation to the General Assembly.

(Source: P.A. 89-136, eff. 7-14-95.)

(40 ILCS 5/16-203 new)

Sec. 16-203. Application and expiration of new benefit increases.

(a) As used in this Section, “new benefit increase” means an increase in the amount of any benefit provided under this Article, or an expansion of the conditions of eligibility for any benefit under this Article, that results from an amendment to this Code that takes effect after the effective date of this amendatory Act of the 94th General Assembly.

(b) Notwithstanding any other provision of this Code or any subsequent amendment to this Code, every new benefit increase is subject to this Section and shall be deemed to be granted only in conformance with and contingent upon compliance with the provisions of this Section.

(c) The Public Act enacting a new benefit increase must identify and provide for payment to the System of additional funding at least sufficient to fund the resulting annual increase in cost to the System as it accrues.

Every new benefit increase is contingent upon the General Assembly providing the additional funding required under this subsection. The Commission on Government Forecasting and Accountability shall analyze whether adequate additional funding has been provided for the new benefit increase and shall report its analysis to the Public Pension Division of the Department of Financial and Professional Regulation. A
new benefit increase created by a Public Act that does not include the additional funding required under this subsection is null and void. If the Public Pension Division determines that the additional funding provided for a new benefit increase under this subsection is or has become inadequate, it may so certify to the Governor and the State Comptroller and, in the absence of corrective action by the General Assembly, the new benefit increase shall expire at the end of the fiscal year in which the certification is made.

(d) Every new benefit increase shall expire 5 years after its effective date or on such earlier date as may be specified in the language enacting the new benefit increase or provided under subsection (c). This does not prevent the General Assembly from extending or re-creating a new benefit increase by law.

(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including without limitation a person who continues in service after the expiration date and did not apply and qualify for the affected benefit while the new benefit increase was in effect.

(40 ILCS 5/17-116.1) (from Ch. 108 1/2, par. 17-116.1)
Sec. 17-116.1. Early retirement without discount.

(a) A member retiring after June 1, 1980 and before June 30, 1995 and within 6 months of the last day of teaching for which retirement contributions were required, may elect at the time of application to make a one time employee contribution to the system and thereby avoid the early retirement reduction in allowance specified in paragraph (4) of Section 17-116 of this Article. The exercise of the election shall obligate the last Employer to also make a one time non-refundable contribution to the Fund.

(b) Subject to authorization by the Employer as provided in subsection (c), a member retiring on or after June 30, 1995 and on or before June 30, 2010 and within 6 months of the last day of teaching for which retirement contributions were required may elect at the time of application to make a one-time employee contribution to the Fund and thereby avoid the early retirement reduction in allowance specified in paragraph (4) of Section 17-116. The exercise of the election shall obligate
the last Employer to also make a one-time nonrefundable contribution to the Fund.

(c) The benefits provided in subsection (b) are available only to members who retire, during a specified period, from employment with an Employer that has adopted and filed with the Board a resolution expressly providing for the creation of an early retirement without discount program under this Section for that period.

The Employer has the full discretion and authority to determine whether an early retirement without discount program is in its best interest and to provide such a program to its eligible employees in accordance with this Section. The Employer may decide to authorize such a program for one or more of the following periods: for the period beginning July 1, 1997 and ending June 30, 1998, in which case the resolution must be adopted by January 1, 1998; for the period beginning July 1, 1998 and ending June 30, 1999, in which case the resolution must be adopted by March 31, 1998; for the period beginning July 1, 1999 and ending June 30, 2000, in which case the resolution must be adopted by March 31, 1999; for the period beginning July 1, 2000 and ending June 30, 2001, in which case the resolution must be adopted by March 31, 2000; for the period beginning July 1, 2001 and ending June 30, 2002, in which case the resolution must be adopted by March 31, 2001; for the period beginning July 1, 2002 and ending June 30, 2003, in which case the resolution must be adopted by March 31, 2002; for the period beginning July 1, 2003 and ending June 30, 2004, in which case the resolution must be adopted by March 31, 2003; and for the period beginning July 1, 2004 and ending June 30, 2005, in which case the resolution must be adopted by March 31, 2004; for the period beginning July 1, 2005 and ending June 30, 2006, in which case the resolution must be adopted by August 31, 2005; for the period beginning July 1, 2006 and ending June 30, 2007, in which case the resolution must be adopted by June 30, 2006; for the period beginning July 1, 2007 and ending June 30, 2008, in which case the resolution must be adopted by June 30, 2007; for the period beginning July 1, 2008 and ending June 30, 2009, in which case the resolution must be adopted by June 30, 2008; and for the period beginning July 1, 2009 and ending June 30, 2010, in which case the resolution must be adopted by June 30, 2009. The resolution must be filed with the Board within 10 days after it is adopted. A single resolution may authorize an early retirement without discount program as provided in this Section for more than one period.

New matter indicated by italics - deletions by strikeout
Notwithstanding Section 17-157, the Employer shall also have full discretion and authority to determine whether to allow its employees who withdrew from service on or after June 30, 1995 and before June 27, 1997 to participate in an early retirement without discount program under subsection (b). An early retirement without discount program for those who withdrew from service on or after June 30, 1995 and before June 27, 1997 may be authorized only by a resolution of the Employer that is adopted by January 1, 1998 and filed with the Board within 10 days after its adoption. If such a resolution is duly adopted and filed, a person who (i) withdrew from service with the Employer on or after June 30, 1995 and before June 27, 1997, (ii) qualifies for early retirement without discount under subsection (b), (iii) applies to the Fund within 90 days after the authorizing resolution is adopted, and (iv) pays the required employee contribution shall have his or her retirement pension recalculated in accordance with subsection (b). The resulting increase shall be effective retroactively to the starting date of the retirement pension.

(d) The one-time employee contribution shall be equal to 7% of the retiring member's highest full-time annual salary rate used in the determination of the average salary rate for retirement pension, or if not full-time then the full-time equivalent, multiplied by (1) the number of years the teacher is under age 60, or (2) the number of years the employee's creditable service is less than 34 years, whichever is less.

The Employer contribution shall be 20% of such salary multiplied by such number of years.

(e) Upon receipt of the application and election, the Board shall determine the one time employee and Employer contributions. The provisions of this Section shall not be applicable until the employee contribution, if any, has been received by the Fund; however, the date that contribution is received shall not be considered in determining the effective date of retirement.

(f) The number of employees who may retire under this Section in any year may be limited at the option of the Employer to a specified number of those eligible, not lower than 200, but the Employer and the collective bargaining agent for teachers may agree upon a greater limitation to the specified number of employees who may retire under this Section in any year. The 30%, with the right to participate in the early retirement without discount authorized under this Section shall to be allocated among those applying on the basis of seniority in the service of the Employer or on such other basis for allocation as the Employer and
the collective bargaining agent for teachers agree, in which case, such other basis may be employed among other eligible employees as well.
(Source: P.A. 90-32, eff. 6-27-97; 90-448, eff. 8-16-97; 90-566, eff. 1-2-98; 91-17, eff. 6-4-99.)

(40 ILCS 5/18-131) (from Ch. 108 1/2, par. 18-131)
Sec. 18-131. Financing; employer contributions.
(a) The State of Illinois shall make contributions to this System by appropriations of the amounts which, together with the contributions of participants, net earnings on investments, and other income, will meet the costs of maintaining and administering this System on a 90% funded basis in accordance with actuarial recommendations.

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

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

For State fiscal years 1996 through 2010, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2006 is $29,189,400.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2007 is $35,236,800.

For each of State fiscal years 2008 through 2010, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments from the required State contribution for State fiscal year 2007, so that by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

New matter indicated by italics - deletions by strikeout
Beginning in State fiscal year 2046, the minimum State contribution for each fiscal year shall be the amount needed to maintain the total assets of the System at 90% of the total actuarial liabilities of the System.

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and for fiscal year 2008 and each fiscal year thereafter, as calculated under this Section and certified under Section 18-140, shall not exceed an amount equal to (i) the amount of the required State contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act. In determining this maximum for State fiscal years 2008 through 2010, however, the amount referred to in item (i) shall be increased, as a percentage of the applicable employee payroll, in equal increments calculated from the sum of the required State contribution for State fiscal year 2007 plus the applicable portion of the State's total debt service payments for fiscal year 2007 on the bonds issued for the purposes of Section 7.2 of the General Obligation Bond Act, so that, by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

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

(40 ILCS 5/18-140) (from Ch. 108 1/2, par. 18-140)
Sec. 18-140. To certify required State contributions and submit vouchers.

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

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

On or before July 1, 2005, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to
the System for State fiscal year 2006, taking into account the changes in required State contributions made by this amendatory Act of the 94th General Assembly.

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

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

(Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04.)

(40 ILCS 5/18-169 new)

Sec. 18-169. Application and expiration of new benefit increases.

(a) As used in this Section, "new benefit increase" means an increase in the amount of any benefit provided under this Article, or an expansion of the conditions of eligibility for any benefit under this Article, that results from an amendment to this Code that takes effect after the effective date of this amendatory Act of the 94th General Assembly.

(b) Notwithstanding any other provision of this Code or any subsequent amendment to this Code, every new benefit increase is subject to this Section and shall be deemed to be granted only in conformance with and contingent upon compliance with the provisions of this Section.

(c) The Public Act enacting a new benefit increase must identify and provide for payment to the System of additional funding at least sufficient to fund the resulting annual increase in cost to the System as it accrues.
Every new benefit increase is contingent upon the General Assembly providing the additional funding required under this subsection. The Commission on Government Forecasting and Accountability shall analyze whether adequate additional funding has been provided for the new benefit increase and shall report its analysis to the Public Pension Division of the Department of Financial and Professional Regulation. A new benefit increase created by a Public Act that does not include the additional funding required under this subsection is null and void. If the Public Pension Division determines that the additional funding provided for a new benefit increase under this subsection is or has become inadequate, it may so certify to the Governor and the State Comptroller and, in the absence of corrective action by the General Assembly, the new benefit increase shall expire at the end of the fiscal year in which the certification is made.

(d) Every new benefit increase shall expire 5 years after its effective date or on such earlier date as may be specified in the language enacting the new benefit increase or provided under subsection (c). This does not prevent the General Assembly from extending or re-creating a new benefit increase by law.

(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including without limitation a person who continues in service after the expiration date and did not apply and qualify for the affected benefit while the new benefit increase was in effect.

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

Passed in the General Assembly May 29, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning liquor.

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

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-2 as follows:

Sec. 6-2. Issuance of licenses to certain persons prohibited.

(a) Except as otherwise provided in subsection (b) of this Section and in paragraph (1) of subsection (a) of Section 3-12, no license of any kind issued by the State Commission or any local commission shall be issued to:

(1) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.

(2) A person who is not of good character and reputation in the community in which he resides.

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

(5) A person who has been convicted of being the keeper or is keeping a house of ill fame.

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) A person whose license issued under this Act has been revoked for cause.

(8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

New matter indicated by italics - deletions by strikeout
(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.

(10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

(10a) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in Illinois.

(11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(12) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation.

(13) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city or village with a population of 50,000 or less, to any alderman, member of a city council, or member of a village board of trustees in relation to premises that are located within the
territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected. *Notwithstanding any provision of this paragraph (14) to the contrary, an alderman or member of a city council or commission, a member of a village board of trustees other than the president of the village board of trustees, or a member of a county board other than the president of a county board may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, a mayor, a village board president, or president of a county board. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor cannot participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor.*

(15) A person who is not a beneficial owner of the business to be operated by the licensee.

(16) A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

(17) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.

(18) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21.

(b) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of
any federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Commission shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated.

(Source: P.A. 92-378, eff. 8-16-01; 93-266, eff. 1-1-04; 93-1057, eff. 12-2-04.)

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

Approved June 3 2005.
Effective June 3, 2005.

PUBLIC ACT 94-0006
(Senate Bill No. 1962)

AN ACT concerning firearms.

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

Section 5. The Firearm Owners Identification Card Act is amended by changing the title of the Act and Sections 1, 1.1, 2, 3, and 3.1 as follows:

(430 ILCS 65/Act title)

An Act relating to the acquisition, possession and transfer of firearms, and firearm ammunition, stun guns, and tasers, to provide a penalty for the violation thereof and to make an appropriation in connection therewith.

(430 ILCS 65/1) (from Ch. 38, par. 83-1)

Sec. 1. It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms, and firearm ammunition, stun guns, and tasers within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those

New matter indicated by italics - deletions by strikeout
persons who are prohibited by Section 24--3.1 of the "Criminal Code of 1961", as amended, from acquiring or possessing firearms and firearm ammunition and who are prohibited by this Act from acquiring stun guns and tasers.

(Source: Laws 1967, p. 2600.)

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

Sec. 1.1. For purposes of this Act:
"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.
"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

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

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

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

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

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

"Stun gun or taser" has the meaning ascribed to it in Section 24-1 of the Criminal Code of 1961.

(Source: P.A. 91-357, eff. 7-29-99; 92-414, eff. 1-1-02.)

New matter indicated by italics - deletions by strikeout
Sec. 2. Firearm Owner's Identification Card required; exceptions.

(a) (1) No person may acquire or possess any firearm, stun gun, or taser within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act.

(2) No person may acquire or possess firearm ammunition within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms, and firearm ammunition, stun guns, and tasers do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using the firearms for ceremonial purposes with blank ammunition;

(5) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(6) Those hunters exempt from obtaining a hunting license who are required to submit their Firearm Owner's Identification Card when hunting on Department of Natural Resources owned or managed sites;

(7) Nonresidents while on a firing or shooting range recognized by the Department of State Police; however, these persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents while at a firearm showing or display recognized by the Department of State Police; however, at all other
times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents whose firearms are unloaded and enclosed in a case;

(10) Nonresidents who are currently licensed or registered to possess a firearm in their resident state;

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner's Identification Card;

(12) Color guards of bona fide veterans organizations or members of bona fide American Legion bands while using firearms for ceremonial purposes with blank ammunition;

(13) Nonresident hunters whose state of residence does not require them to be licensed or registered to possess a firearm and only during hunting season, with valid hunting licenses, while accompanied by, and using a firearm owned by, a person who possesses a valid Firearm Owner's Identification Card and while in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled, but in no instance upon sites owned or managed by the Department of Natural Resources;

(14) Resident hunters who are properly authorized to hunt and, while accompanied by a person who possesses a valid Firearm Owner's Identification Card, hunt in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled; and

(15) A person who is otherwise eligible to obtain a Firearm Owner's Identification Card under this Act and is under the direct supervision of a holder of a Firearm Owner's Identification Card who is 21 years of age or older while the person is on a firing or shooting range or is a participant in a firearms safety and training course recognized by a law enforcement agency or a national, statewide shooting sports organization.

(c) The provisions of this Section regarding the acquisition and possession of firearms, and firearm ammunition, "stun guns, and tasers do not apply to law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties.

(Source: P.A. 91-694, eff. 4-13-00; 92-839, eff. 8-22-02.)

New matter indicated by italics - deletions by strikeout
(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm, or any firearm ammunition, **stun gun, or taser** to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm, **stun gun, and taser** transfers by federally licensed firearm dealers are subject to Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm, **stun gun, or taser** shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm, **stun gun, or taser** if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

(Source: P.A. 92-442, eff. 8-17-01.)

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

Sec. 3.1. Dial up system. The Department of State Police shall provide a dial up telephone system which shall be used by any federally licensed firearm dealer who is to transfer a firearm, **stun gun, or taser** under the provisions of this Act. The Department of State Police shall utilize existing technology which allows the caller to be charged a fee equivalent to the cost of providing this service but not to exceed $2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

Upon receiving a request from a federally licensed firearm dealer, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms, **stun guns, and tasers** notify the inquiring dealer of any objection that would disqualify the transferee from acquiring or possessing a firearm, **stun gun, or taser**. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those

New matter indicated by italics - deletions by strikeout
of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

The Department of State Police shall promulgate rules to implement this system.

(Source: P.A. 91-399, eff. 7-30-99.)

Section 10. The Criminal Code of 1961 is amended by changing Section 24-3 as follows:

(720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

Sec. 24-3. Unlawful Sale of Firearms.

(A) A person commits the offense of unlawful sale of firearms when he or she knowingly does any of the following:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent.

(c) Sells or gives any firearm to any narcotic addict.

(d) Sells or gives any firearm to any person who has been convicted under the laws of this or any other jurisdiction.

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years.

(f) Sells or gives any firearms to any person who is mentally retarded.

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, or a stun gun or taser, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun, or a stun gun or taser for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer or a

New matter indicated by italics - deletions by strikeout
person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police; or (4) the sale of a firearm to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act; and (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(j) Sells or gives a firearm while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923). In this paragraph (j):

A person "engaged in the business" means a person who devotes time, attention, and labor to engaging in the activity as a regular course of trade or business with the principal objective of livelihood and profit, but does not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"With the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection; however, proof of profit shall not be
required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

(k) Sells or transfers ownership of a firearm to a person who does not display to the seller or transferor of the firearm a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act. This paragraph (k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of the Firearm Owners Identification Card Act. For the purposes of this Section, a currently valid Firearm Owner's Identification Card means (i) a Firearm Owner's Identification Card that has not expired or (ii) if the transferor is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923), an approval number issued in accordance with Section 3.1 of the Firearm Owners Identification Card Act shall be proof that the Firearm Owner's Identification Card was valid.

(B) Paragraph (h) of subsection (A) does not include firearms sold within 6 months after enactment of Public Act 78-355 (approved August 21, 1973, effective October 1, 1973), nor is any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of Public Act 78-355 subject to confiscation or seizure under the provisions of that Public Act. Nothing in Public Act 78-355 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of that Public Act.

(C) Sentence.

(1) Any person convicted of unlawful sale of firearms in violation of any of paragraphs (c) through (h) of subsection (A) commits a Class 4 felony.

(2) Any person convicted of unlawful sale of firearms in violation of paragraph (b) or (i) of subsection (A) commits a Class 3 felony.

(3) Any person convicted of unlawful sale of firearms in violation of paragraph (a) of subsection (A) commits a Class 2 felony.

New matter indicated by italics - deletions by strikeout
(4) Any person convicted of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

(5) Any person convicted of unlawful sale of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on a public way within 1,000 feet of any public park, on residential property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

(6) Any person convicted of unlawful sale of firearms in violation of paragraph (j) of subsection (A) commits a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(7) Any person convicted of unlawful sale of firearms in violation of paragraph (k) of subsection (A) commits a Class 4
felony. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony.

(D) For purposes of this Section:
"School" means a public or private elementary or secondary school, community college, college, or university.
"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(E) A prosecution for a violation of paragraph (k) of subsection (A) of this Section may be commenced within 6 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph (g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

(Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04.)

Approved June 3, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0007
(Senate Bill No. 0568)

AN ACT concerning health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Vital Records Act is amended by changing Section 25.1 as follows:

(410 ILCS 535/25.1) (from Ch. 111 1/2, par. 73-25.1)

Sec. 25.1. (a) When the State Registrar of Vital Records receives or prepares a death certificate the Registrar shall make an appropriate notation in the birth certificate record of that person that the person is deceased. The Registrar shall also notify the appropriate municipal or county custodian of such birth record that the person is deceased, and such custodian shall likewise make an appropriate notation in its records.

(b) In response to any inquiry, the Registrar or a custodian shall not provide a copy of a birth certificate or information concerning the birth record of any deceased person except as provided in this subsection (b) or as otherwise provided in this Act or as approved by the Department. When a copy of the birth certificate of a deceased person is requested, the

New matter indicated by italics - deletions by strikeout
Registrar or custodian shall require the person making the request to complete an information form, which shall be developed and furnished by the Department and shall include, at a minimum, the name, address, telephone number, social security number and driver's license number of the person making the request. Before furnishing the copy, the custodian shall prominently stamp on the copy the word "DECEASED" and write or stamp on the copy the date of death of the deceased person. The custodian shall retain the information form completed by the person making the request, and note on the birth certificate record that such a request was made. The custodian shall make the information form available to the Department of State Police or any local law enforcement agency upon request. A city or county custodian shall promptly submit copies of all completed forms to the Registrar. The word "DECEASED" and the date of death shall not appear on a copy of a birth certificate furnished to a parent of a child who died within 3 months of birth, provided no other copy of a birth certificate was furnished to the parent prior to the child's death.

(c) The Registrar shall furnish, no later than 60 days after receipt of a form used to request a birth certificate record of a deceased person, a copy of the form and a copy of the corresponding birth certificate record to the Illinois Department of Public Aid and the Department of Human Services. The Illinois Department of Public Aid and the Department of Human Services shall, upon receipt of such information, check their records to ensure that no claim for public assistance under the Illinois Public Aid Code is being made either by a person purporting to be the deceased person or by any person on behalf of the deceased person.

(d) Notwithstanding the requirements of subsection (b), when the death of a child occurs within 90 days of that child's live birth, the mother listed on the birth certificate of that child may request the issuance of a copy of a certificate of live birth from the State Registrar. Such request shall be made in accordance with subsection (b), shall indicate the requestor's relationship to the child, and shall be made not later than 9 months from the date of the death of the child. Except as provided herein, the Registrar shall conform to all requirements of this Act in issuing copies of certificates under this subsection (d).

(Source: P.A. 89-507, eff. 7-1-97.)

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

Passed in the General Assembly May 20, 2005.
PUBLIC ACT 94-0008
(Senate Bill No. 1438)

AN ACT concerning responsible fatherhood.

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

Section 5. The Council on Responsible Fatherhood Act is amended by changing Section 25 as follows:

(20 ILCS 3927/25)
(Section scheduled to be repealed on July 1, 2005)
Sec. 25. Repeal. This Act is repealed on July 1, 2005.
(Source: P.A. 93-437, eff. 8-5-03.)

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

Approved June 6, 2005.
Effective June 6, 2005.

PUBLIC ACT 94-0009
(House Bill No. 1469)

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by adding Article 10A as follows:

(720 ILCS 5/Art. 10A heading new)
ARTICLE 10A. TRAFFICKING OF PERSONS AND INVOLUNTARY SERVITUDE

(720 ILCS 5/10A-5 new)
Sec. 10A-5. Definitions. In this Article:
(1) "Intimidation" has the meaning prescribed in Section 12-6.
(2) "Commercial sexual activity" means any sex act on account of which anything of value is given, promised to, or received by any person.
(3) "Financial harm" includes intimidation that brings about financial loss, criminal usury, or employment contracts that violate the Frauds Act.

(4) "Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through:

(A) any scheme, plan, or pattern intending to cause or threatening to cause serious harm to any person;
(B) an actor's physically restraining or threatening to physically restrain another person;
(C) an actor's abusing or threatening to abuse the law or legal process;
(D) an actor's knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;
(E) an actor's blackmail; or
(F) an actor's causing or threatening to cause financial harm to or exerting financial control over any person.

(5) "Labor" means work of economic or financial value.

(6) "Maintain" means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type of service.

(7) "Obtain" means, in relation to labor or services, to secure performance thereof.

(8) "Services" means a relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity and sexually-explicit performances are forms of "services" under this Section. Nothing in this provision should be construed to legitimize or legalize prostitution.

(9) "Sexually-explicit performance" means a live, recorded, broadcast (including over the Internet) or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

(10) "Trafficking victim" means a person subjected to the practices set forth in subsection (a) of Section 10A-10 (involuntary servitude) or subsection (b) of Section 10A-10 (sexual servitude of a minor), or transported in violation of subsection (c) of Section 10A-10 (trafficking of persons for forced labor or services).
(720 ILCS 5/10A-10 new)
Sec. 10A-10. Criminal provisions.
(a) Involuntary servitude. Whoever knowingly subjects, attempts to subject, or engages in a conspiracy to subject another person to forced labor or services shall be punished as follows, subject to subsection (d):
(1) by causing or threatening to cause physical harm to any person, is guilty of a Class X felony;
(2) by physically restraining or threatening to physically restrain another person, is guilty of a Class 1 felony;
(3) by abusing or threatening to abuse the law or legal process, is guilty of a Class 2 felony;
(4) by knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person, is guilty of a Class 3 felony;
(5) by using intimidation, or using or threatening to cause financial harm to or by exerting financial control over any person, is guilty of a Class 4 felony.
(b) Involuntary servitude of a minor. Whoever knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity, a sexually-explicit performance, or the production of pornography, or causes or attempts to cause a minor to engage in commercial sexual activity, a sexually-explicit performance, or the production of pornography, shall be punished as follows, subject to the provisions of subsection (d):
(1) In cases involving a minor between the ages of 17 and 18 years, not involving overt force or threat, the defendant is guilty of a Class 1 felony.
(2) In cases in which the minor had not attained the age of 17 years, not involving overt force or threat, the defendant is guilty of a Class X felony.
(3) In cases in which the violation involved overt force or threat, the defendant is guilty of a Class X felony.
(c) Trafficking of persons for forced labor or services. Whoever knowingly: (1) recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or
obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services; or (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraphs (a) or (b) of this Section, subject to the provisions of subsection (d), is guilty of a Class 1 felony.

(d) Sentencing enhancements.

(1) Statutory maximum; sexual assault and extreme violence. If the violation of this Article involves kidnapping or an attempt to kidnap, aggravated criminal sexual assault or the attempt to commit aggravated criminal sexual assault, or an attempt to commit first degree murder, the defendant is guilty of a Class X felony.

(2) Sentencing considerations within statutory maximums.

(A) Bodily injury. If, pursuant to a violation of this Article, a victim suffered bodily injury, the defendant may be sentenced to an extended term sentence under Section 5-8-2 of the Unified Code of Corrections. The sentencing court must take into account the time in which the victim was held in servitude, with increased penalties for cases in which the victim was held for between 180 days and one year, and increased penalties for cases in which the victim was held for more than one year.

(B) Number of victims. In determining sentences within statutory maximums, the sentencing court should take into account the number of victims, and may provide for substantially-increased sentences in cases involving more than 10 victims.

(e) Restitution. Restitution is mandatory under this Article. In addition to any other amount of loss identified, the court shall order restitution including the greater of (1) the gross income or value to the defendant of the victim’s labor or services or (2) the value of the victim’s labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law, whichever is greater.

(f) Trafficking victim services. Subject to the availability of funds, the Department of Human Services may provide or fund emergency services and assistance to individuals who are victims of one or more offenses defined in this Article 10A.

New matter indicated by italics - deletions by strikeout
Sec. 10A-15. Forfeitures.

(a) A person who commits the offense of involuntary servitude, involuntary servitude of a minor, or trafficking of persons for forced labor or services under Section 10A-10 of this Code shall forfeit to the State of Illinois any profits or proceeds and any interest or property he or she has acquired or maintained in violation of Section 10A-10 of this Code that the sentencing court determines, after a forfeiture hearing, to have been acquired or maintained as a result of maintaining a person in involuntary servitude or participating in trafficking in persons for forced labor or services.

(b) The court shall, upon petition by the Attorney General or State's Attorney at any time following sentencing, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this Section. At the forfeiture hearing the people shall have the burden of establishing, by a preponderance of the evidence, that property or property interests are subject to forfeiture under this Section.

(c) In any action brought by the People of the State of Illinois under this Section, wherein any restraining order, injunction, or prohibition or any other action in connection with any property or interest subject to forfeiture under this Section is sought, the circuit court presiding over the trial of the person or persons charged with involuntary servitude, involuntary servitude of a minor, or trafficking in persons for forced labor or services shall first determine whether there is probable cause to believe that the person or persons so charged have committed the offense of involuntary servitude, involuntary servitude of a minor, or trafficking in persons for forced labor or services and whether the property or interest is subject to forfeiture pursuant to this Section. In order to make such a determination, prior to entering any such order, the court shall conduct a hearing without a jury, wherein the People shall establish that there is: (i) probable cause that the person or persons so charged have committed the offense of involuntary servitude, involuntary servitude of a minor, or trafficking in persons for forced labor or services and (ii) probable cause that any property or interest may be subject to forfeiture pursuant to this Section. The hearing may be conducted simultaneously with a preliminary hearing, if the prosecution is commenced by information or complaint, or by motion of the People, at any stage in the proceedings. The court may accept a finding of probable cause at a preliminary hearing following the filing of an information

New matter indicated by italics - deletions by strikeout
charging the offense of involuntary servitude, involuntary servitude of a minor, or trafficking in persons for forced labor or services or the return of an indictment by a grand jury charging the offense of involuntary servitude, involuntary servitude of a minor, or trafficking in persons for forced labor or services as sufficient evidence of probable cause as provided in item (i) of this subsection (c). Upon such a finding, the circuit court shall enter such restraining order, injunction or prohibition, or shall take such other action in connection with any such property or other interest subject to forfeiture, as is necessary to insure that such property is not removed from the jurisdiction of the court, concealed, destroyed, or otherwise disposed of by the owner of that property or interest prior to a forfeiture hearing under this Section. The Attorney General or State’s Attorney shall file a certified copy of the restraining order, injunction, or other prohibition with the recorder of deeds or registrar of titles of each county where any such property of the defendant may be located. No such injunction, restraining order, or other prohibition shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor, or other lien holder arising prior to the date of such filing. The court may, at any time, upon verified petition by the defendant or an innocent owner or innocent bona fide third party lien holder who neither had knowledge of, nor consented to, the illegal act or omission, conduct a hearing to release all or portions of any such property or interest that the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, or prohibition or other action. The court may release such property to the defendant or innocent owner or innocent bona fide third party lien holder who neither had knowledge of, nor consented to, the illegal act or omission for good cause shown and within the sound discretion of the court.

(d) Upon conviction of a person of involuntary servitude, involuntary servitude of a minor, or trafficking in persons for forced labor or services, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this Section upon such terms and conditions as the court shall deem proper.

(e) All monies forfeited and the sale proceeds of all other property forfeited and seized under this Section shall be distributed as follows:

(1) one-half shall be divided equally among all State agencies and units of local government whose officers or employees conducted the investigation that resulted in the forfeiture; and

New matter indicated by italics - deletions by strikeout
(2) one-half shall be deposited into the Violent Crime Victims Assistance Fund and targeted to services for victims of the offenses of involuntary servitude, involuntary servitude of a minor, and trafficking of persons for forced labor or services.

(720 ILCS 5/10A-20 new)

Sec. 10A-20. Certification. The Attorney General, State's Attorneys, or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this Article 10A has begun and the individual who is a likely victim of a crime described in this Article 10A is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims of a crime described in this Article 10A who are under 18 years of age. This certification shall be made available to the victim and his or her designated legal representative.

Passed in the General Assembly May 29, 2005.
Approved June 7, 2005.
Effective January 1 2006.

PUBLIC-ACT 94-0010
(House Bill No. 1074)

AN ACT concerning natural resources.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 10. The Fish and Aquatic Life Code is amended by changing Section 1-75 as follows:

(515 ILCS 5/1-75) (from Ch. 56, par. 1-75)

Sec. 1-75. Resident. "Resident" means a person who in good faith makes application for any license or permit and verifies by statement that he or she has maintained his or her permanent abode in this State for a period of at least 30 consecutive days immediately preceding the person's application, and who does not maintain permanent abode or claim residency in another state for the purposes of obtaining any of the same or similar licenses or permits covered by this Code actually resided in this State for at least the 30 consecutive days before the date of application and

New matter indicated by italics - deletions by strikeout
that his or her residence or permanent abode is, at the time of making application, in this State. A person's permanent abode is his or her fixed and permanent dwelling place, as distinguished from a temporary or transient place of residence. Domiciliary intent is required to establish that the person is maintaining his or her permanent abode in this State. Evidence of domiciliary intent includes, but is not limited to, the location where the person votes, pays personal income tax, or obtains a driver's license. Except for the purposes of obtaining a Lifetime License, any person on active duty in the Armed Forces shall be considered a resident of Illinois during his or her period of military duty.

(Source: P.A. 87-833.)

Section 15. The Wildlife Code is amended by changing Sections 1.2m and 2.26 as follows:

(520 ILCS 5/1.2m) (from Ch. 61, par. 1.2m)

Sec. 1.2m. "Resident" means a person who in good faith makes application for any license or permit and verifies by statement that he or she has maintained his or her permanent abode in this State for a period of at least 30 consecutive days immediately preceding the person's application, and who does not maintain permanent abode or claim residency in another state for the purposes of obtaining any of the same or similar licenses or permits covered by this Code actually resided in this State at least 30 days consecutively preceding the date of his application and that his residence or permanent abode is, at the time of making application, in this State. A person's permanent abode is his or her fixed and permanent dwelling place, as distinguished from a temporary or transient place of residence. Domiciliary intent is required to establish that the person is maintaining his or her permanent abode in this State. Evidence of domiciliary intent includes, but is not limited to, the location where the person votes, pays personal income tax, or obtains a driver's license. Except for the purposes of obtaining a Lifetime License, any person on active duty in the Armed Forces shall be considered a resident of Illinois during his or her period of military duty.

(Source: P.A. 81-382.)

(520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

Sec. 2.26. Deer hunting permits. In this Section, "bona fide equity shareholder" means an individual who (1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or

New matter indicated by italics - deletions by strikeout
is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership and (2) intends to retain the ownership of the shares of stock for at least 5 years.

In this Section, "bona fide equity member" means an individual who (1) (i) became a member upon the formation of the limited liability company or (ii) has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the LLC assets represented by the distributional interest in the LLC and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act and who (2) intends to retain the membership for at least 5 years.

In this Section, "bona fide equity partner" means an individual who (1) (i) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or (ii) has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership, (2) intends to retain ownership of the partnership interest for at least 5 years, and (3) is a resident of Illinois.

Any person attempting to take deer shall first obtain a "Deer Hunting Permit" in accordance with prescribed regulations set forth in an Administrative Rule. Deer Hunting Permits shall be issued by the Department. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed $15.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed $300 in 2005, $350 in 2006, and $400 in 2007 and thereafter $200 except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit consisting of not more than 2 harvest tags at a total cost not to exceed $325 in 2005, $375 in 2006, and $425 in 2007 and thereafter $225.

Permits shall be issued without charge to:

(a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt their land only,

(b) resident tenants of at least 40 acres of commercial agricultural land where they will hunt, and

(c) Bona fide equity shareholders of a corporation, bona fide equity members of a limited liability company, or bona fide

New matter indicated by italics - deletions by strikeout
equity partners of a general or limited partnership which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's, company's, or partnership's land only. One permit shall be issued without charge to one bona fide equity shareholder, one bona fide equity member, or one bona fide equity partner for each 40 acres of land owned by the corporation, company, or partnership in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company in any county shall not exceed 15, and shall not exceed 3 in the case of bona fide equity partners of a partnership.

Bona fide landowners or tenants who do not wish to hunt only on the land they own, rent, or lease or bona fide equity shareholders, bona fide equity members, or bona fide equity partners who do not wish to hunt only on the land owned by the corporation, limited liability company, or partnership shall be charged the same fee as the applicant who is not a landowner, tenant, bona fide equity shareholder, bona fide equity member, or bona fide equity partner. Nonresidents of Illinois who own at least 40 acres of land and wish to hunt on their land only shall be charged a fee set by administrative rule. The method for obtaining these permits shall be prescribed by administrative rule.

The deer hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued to a bona fide equity shareholder, bona fide equity member, or bona fide equity partner, the permit shall be valid on all lands owned by the corporation, limited liability company, or partnership in the county.

The standards and specifications for use of guns and bow and arrow for deer hunting shall be established by administrative rule.

No person may have in his possession any firearm not authorized by administrative rule for a specific hunting season when taking deer.

Persons having a firearm deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to sunset, and only during those days for which an open season is established for the taking of deer by use of shotgun, handgun, or muzzle loading rifle.

Persons having an archery deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of bow and arrow.

New matter indicated by italics - deletions by strikeout
It shall be unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use of salt or bait of any kind. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait. Nothing in this Section shall prohibit the use of a dog to track wounded deer. Any person using a dog for tracking wounded deer must maintain physical control of the dog at all times by means of a maximum 50 foot lead attached to the dog's collar or harness. Tracking wounded deer is permissible at night, but at no time outside of legal deer hunting hours or seasons shall any person handling or accompanying a dog being used for tracking wounded deer be in possession of any firearm or archery device. Persons tracking wounded deer with a dog during the firearm deer seasons shall wear blaze orange as required. Dog handlers tracking wounded deer with a dog are exempt from hunting license and deer permit requirements so long as they are accompanied by the licensed deer hunter who wounded the deer.

It shall be unlawful to possess or transport any wild deer which has been injured or killed in any manner upon a public highway or public right-of-way of this State unless exempted by administrative rule.

Persons hunting deer must have gun unloaded and no bow and arrow device shall be carried with the arrow in the nocked position during hours when deer hunting is unlawful.

It shall be unlawful for any person, having taken the legal limit of deer by gun, to further participate with gun in any deer hunting party.

It shall be unlawful for any person, having taken the legal limit of deer by bow and arrow, to further participate with bow and arrow in any deer hunting party.

The Department may prohibit upland game hunting during the gun deer season by administrative rule.

*The Department shall not limit the number of non-resident either sex archery deer hunting permits to less than 20,000.*

It shall be legal for handicapped persons, as defined in Section 2.33, to utilize a crossbow device, as defined in Department rules, to take deer.

Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.
(Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01; 92-651, eff. 7-11-02; 93-554, eff. 8-20-03; 93-807, eff. 7-24-04; 93-823, eff. 1-1-05; revised 10-14-04.)
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 27, 2005.
Approved June 7, 2005.
Effective June 7, 2005.

PUBLI-C ACT 94-0011
(Senate Bill No.0526)

AN ACT concerning safety.

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

Section 5. The Children's Product Safety Act is amended by changing Sections 10, 15, 20, 25, and 30 and by adding Sections 17, 26, and 27 as follows:

(430 ILCS 125/10)
Sec. 10. Definitions. In this Act:
(a) "Children's product" means a product, including but not limited to a full-size crib, non-full-size crib, toddler bed, bed, car seat, chair, high chair, booster chair, hook-on chair, bath seat, gate or other enclosure for confining a child, play yard, stationary activity center, carrier, stroller, walker, swing, or toy or play equipment, that meets the following criteria:
   (i) the product is designed or intended for the care of, or use by, any child under age 9 children under 6 years of age or is designed or intended for the care of, or use by, both children under 6 years of age and children 6 years of age or older; and
   (ii) the product is designed or intended to come into contact with the child while the product is used.

Notwithstanding any other provision of this Section, a product is not a "children's product" for purposes of this Act if:
   (I) it may be used by or for the care of a child under age 9 6 years of age, but it is designed or intended for use by the general population or segments of the general population and not solely or primarily for use by or the care of a child; or
   (II) it is a medication, drug, or food or is intended to be ingested.

(b) "Commercial dealer user" means any person who deals in children's products or who otherwise by one's occupation holds oneself out as having knowledge or skill peculiar to children's products, or any person

New matter indicated by italics - deletions by strikeout
who is in the business of remanufacturing, retrofitting, selling, leasing, subletting, or otherwise placing in the stream of commerce children's products.

(b-5) "Manufacturer" means any person who makes and places into the stream of commerce a children's product as defined by this Act.

(b-10) "Importer" means any person who brings into this country and places into the stream of commerce a children's product.

(b-15) "Distributor" and "wholesaler" means any person, other than a manufacturer or retailer, who sells or resells or otherwise places into the stream of commerce a children's product.

(b-20) "Retailer" means any person other than a manufacturer, distributor, or wholesaler who sells, leases, or sublets children's products.

(b-25) "First seller" means any retailer selling a children's product that has not been used or has not previously been owned. A first seller does not include an entity such as a second-hand or resale store.

(c) "Person" means a natural person, firm, corporation, limited liability company, or association, or an employee or agent of a natural person or an entity included in this definition.

(d) "Infant" means any person less than 35 inches tall and less than 3 years of age.

(e) "Crib" means a bed or containment designed to accommodate an infant.

(f) "Full-size crib" means a full-size crib as defined in Section 1508.3 of Title 16 of the Code of Federal Regulations regarding the requirements for full-size cribs.

(g) "Non-full-size crib" means a non-full-size crib as defined in Section 1509.2 of Title 16 of the Code of Federal Regulations regarding the requirements for non-full-size cribs.

(h) "End consumer" means a person who purchases a children's product for any purpose other than resale.

(Source: P.A. 91-413, eff. 1-1-00.)

(430 ILCS 125/15)

Sec. 15. Unsafe children's products; prohibition.

(a) On and after the effective date of this amendatory Act of the 94th General Assembly, no commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer may manufacture, remanufacture, retrofit, distribute, sell at wholesale or retail, contract to sell or resell, lease, or sublet, or otherwise place in the stream of commerce, on or after January 1, 2000, a children's product that is unsafe.
(b) A children's product is deemed to be unsafe for purposes of this Act only if it meets any of the following criteria:

(1) It does not conform to all applicable federal laws and regulations setting forth standards for the children's product.

(2) It has been recalled for any reason by or in cooperation with an agency of the federal government or the product's manufacturer, wholesaler, distributor, or importer and the recall has not been rescinded.

(3) An agency of the federal government or the product's manufacturer, wholesaler, distributor, or importer has issued a warning that a specific product's intended use constitutes a safety hazard and the warning has not been rescinded.

(b-5) The Department of Public Health shall do the following:

(1) Maintain create, maintain, and update a comprehensive list of children's products that have been identified as meeting any of the criteria set forth in subdivisions (1) through (3) of this subsection (b).

(2) Update the comprehensive list within 24 hours after a children's product has been identified as meeting any of the criteria set forth in subsection (b).

(3) Make The Department of Public Health shall make the comprehensive list available to the public at no cost and shall post it on the Internet, and encourage links. The Internet posting shall provide a link to www.recalls.gov or its successor and shall otherwise make available a link to the specific recall notice or warning concerning the children's product that has been recalled or for which a warning has been issued. The Department must review and update these links on a regular basis.

(4) Include information regarding the comprehensive list of unsafe children's products maintained under this Section in regular publications or mailings such as those sent to persons including, but not limited to: pediatricians; Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) clinics; and local health departments.

(c) A crib is presumed to be unsafe for purposes of this Act if it does not conform to the standards endorsed or established by the Consumer Product Safety Commission, including but not limited to Title 16 of the Code of Federal Regulations and the standards endorsed or
established by ASTM International American Society for Testing and Materials, as follows:

(1) Part 1508 of Title 16 of the Code of Federal Regulations and any regulations adopted to amend or supplement the regulations.

(2) Part 1509 of Title 16 of the Code of Federal Regulations and any regulations adopted to amend or supplement the regulations.

(3) Part 1303 of Title 16 of the Code of Federal Regulations and any regulations adopted to amend or supplement the regulations.

(4) The following standards and specifications of ASTM International American Society for Testing Materials for corner posts of baby cribs and structural integrity of baby cribs:
   (A) ASTM F 966-90 (corner post standard).
   (B) ASTM F 1169-88 (structural integrity of full-size baby cribs).
   (C) ASTM F 406-97 (non-full-size cribs).

The Department of Public Health shall make the requirements set forth in this subsection (c) available to the public.

(d) (Blank.) Cribs that are unsafe shall include, but not be limited to, cribs that have any of the following dangerous features or characteristics:

(1) Corner posts that extend more than one-sixteenth of an inch.

(2) Spaces between side slats more than 2.375 inches.

(3) Mattress support that can be easily dislodged from any point of the crib. A mattress segment can be easily dislodged if it cannot withstand at least a 25-pound upward force from underneath the crib.

(4) Cutout designs on the end panels.

(5) Rail height dimensions that do not conform to both of the following:
   (A) The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position is at least 9 inches.
   (B) The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the
top of the mattress support in its lowest position is at least 26 inches.

(6) Any screws, bolts, or hardware that are loose and not secured.

(7) Sharp edges, points, or rough surfaces, or any wood surfaces that are not smooth and free from splinters, splits, or cracks.

(8) Tears in mesh or fabric sides in a non-full-size crib.

(9) A non-full-size crib that folds in a "V" shape design does not have top rails that automatically lock into place when the crib is fully set up.

(10) The mattress pad in a non-full-size mesh/fabric crib exceeds one inch.

(e) An unsafe children's product, as determined pursuant to subdivisions (1), (2), and (3) of subsection (b) of this Section 15, may be retrofitted if the retrofit has been approved by the agency of the federal government issuing the recall or warning or the agency responsible for approving the retrofit is different from the agency issuing the recall or warning. A retrofitted children's product may be sold if it is accompanied at the time of sale by a notice declaring that it is safe to use for a child under age 9 6 years of age. The notice shall include: (1) a description of the original problem which made the recalled product unsafe; (2) a description of the retrofit which explains how the original problem was eliminated and declaring that it is now safe to use for a child under age 9 6 years of age; and (3) the name and address of the commercial dealer, manufacturer, importer, distributor, or wholesaler who accomplished the retrofit certifying that the work was done along with the name and model number of the product retrofitted. The commercial dealer, manufacturer, importer, distributor, or wholesaler is responsible for ensuring that the notice is present with the retrofitted product at the time of sale. A retrofit is exempt from this Act if:

(i) the retrofit is for a children's product that requires assembly by the consumer, the approved retrofit is provided with the product by the commercial dealer, manufacturer, importer, distributor, or wholesaler user, and the retrofit is accompanied at the time of sale by instructions explaining how to apply the retrofit; or
(ii) the seller of a previously unsold product accomplishes the repair, approved or recommended by an agency of the federal government, prior to sale.
(Source: P.A. 91-413, eff. 1-1-00.)
(430 ILCS 125/17 new)
Sec. 17. Product recalls.
(a) If a manufacturer, importer, wholesaler, or distributor of
children's products has placed into the stream of commerce in Illinois a
children's product for which a recall or warning has subsequently been
issued by one of those entities or by an agency of the federal government,
then the manufacturer, importer, wholesaler, or distributor must initiate
the following steps within 24 hours after issuing or receiving the recall or
warning:

(1) Contact all of its commercial customers, other than end
consumers, to whom it sold, leased, sublet, or transferred that
particular children's product in Illinois. This contact must include
providing the recall notice or warning and must be made to the
person designated by the retailer for that product.

(2) If the manufacturer, importer, wholesaler, or distributor
maintains a web site, the entity must place on the home page (or
the first entry point) of its web site a link to recall or warning
information that contains the specific recall notice or warning that
was issued for the product in question. The recall or warning
information must include a description of the product, the reason
for the recall or warning, a picture of the product, and instructions
on how to participate in the recall or warning. The information
may include only the product recall information and may not
include sales or marketing information on that product or any
other product, excluding return and exchange policies. The recall
or warning information must allow persons to participate in the
recall through the web site of the manufacturer, importer,
wholesaler, or distributor.

(3) If the manufacturer, importer, wholesaler, or distributor
sold directly to a non-commercial consumer, and the consumer
provided either a shipping address or e-mail address at the time of
sale, then the manufacturer, importer, wholesaler, or distributor
must send a notice of the recall or warning to the consumer at
either address provided. The notice must include a description of
the product, the reason for the recall or warning, and instructions

New matter indicated by italics - deletions by strikeout
on how to participate in the recall or warning. The notice may include only the product recall information and may not include sales or marketing information on that product or any other product, excluding return and exchange policies.

(b) If a retailer receives notice of a recall or warning regarding a children's product from a manufacturer, importer, wholesaler, or distributor, or, in the case of an involuntary recall, from a federal agency, and if the retailer at any time offered the product for sale in Illinois, then the retailer must do the following:

(1) Within 3 business days after receiving the recall or warning from the manufacturer, importer, wholesaler, or distributor by a person designated by the retailer, the retailer must remove the children's product from the shelves of its stores or program its registers to ensure that the item cannot be sold.

(2) If the product was sold through the retailer's web site, then within 3 business days after receipt of the recall or warning by the person designated by the retailer, the retailer must remove the children's product from the web site or remove the ability of a consumer to purchase the children's product through the web site.

(3) If an e-mail or shipping address was provided at the time a children's product, for which a recall or warning was subsequently issued, was purchased on the retailer's web site, the retailer must attempt to contact the purchaser at either address provided with the recall or warning information. The recall or warning information must include a description of the product, the reason for the recall or warning, and instructions on how to participate in the recall or warning. The information may include only the product recall information and may not include sales or marketing information on that product or any other product, excluding return and exchange policies. The retailer must comply with this paragraph (3) within 30 days after receiving the notice of the recall or warning from a manufacturer, importer, wholesaler, or distributor.

(4) Within 5 business days after receipt of the recall or warning by the person designated by the retailer from a manufacturer, importer, wholesaler, distributor, or from a federal agency in the case of an involuntary recall, the retailer must post in a prominent location in each retail store the recall or warning notice. This notice must remain posted for 120 days.
(5) If the children's product for which a recall or warning was issued was sold on the retailer's web site, the retailer must within 5 business days post on the home page (or the first entry point) of its web site a link to recall or warning information that contains the specific recall notice or warning that was issued for the product in question. The recall or warning information must include a description of the product, the reason for the recall or warning, a picture of the product (if one was provided), and instructions on how to participate in the recall or warning. The information may include only the product recall information and may not include sales or marketing information on that product or any other product, excluding return and exchange policies.

(c) Within 5 business days after a recalled children's product is placed on the Department of Public Health's comprehensive list maintained under Section 15, a retailer who is not a first seller must comply with subsection (b) of Section 17, except that such a retailer has 5 business days to comply with both subdivision (b)(1) and subdivision (b)(2) of Section 17.

(d) A manufacturer, importer, wholesaler, or distributor who is also a retailer must comply with both subsection (a) and subsection (b) of Section 17, except that a manufacturer, importer, wholesaler, or distributor who is also a retailer must, within 24 hours after issuing or receiving the recall or warning, post on the home page (or the first entry point) of its web site a link to recall or warning information that contains the specific recall notice or warning that was issued for the product in question.

(430 ILCS 125/20)
Sec. 20. Exception. The commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer user shall not be found in violation of Section 15 if the specific recalled product sold was not included on the Department of Public Health's list on the day before the sale.

(Source: P.A. 91-413, eff. 1-1-00.)

(430 ILCS 125/25)
Sec. 25. Penalty. Except as provided in Section 20, a commercial dealer, importer, distributor, wholesaler, or retailer user who willfully and knowingly violates this Act by failing to exercise reasonable care is subject to a civil penalty in an amount not to exceed $500 for each day that the violation continues. Section 15 is guilty of a Class C misdemeanor.

New matter indicated by italics - deletions by strikeout
Sec. 26. Issuance of recalls by other entities prohibited. Nothing in this Act shall be interpreted to allow a unit of State or local government or any other entity within the State to issue recalls.

Sec. 27. Federal requirements. Nothing in this Act relieves a commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer from compliance with stricter requirements that may be imposed by an agency of the federal government.

Sec. 30. Enforcement.

(a) The Attorney General, or a State's Attorney in the county in which a violation of this Act occurred, may bring an action in the name of the People of the State of Illinois to enforce the provisions of this Act.

(b) When (i) it appears to the Attorney General that a commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer has engaged in or is engaging in any practice declared to be in violation of this Act, or (ii) the Attorney General receives a written complaint from a consumer of the commission of a practice declared to be in violation of this Act, or (iii) the Attorney General believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in or is engaging in any practice declared to be in violation of this Act, the Attorney General may:

(1) Require that person to file, on terms that the Attorney General prescribes, a statement or report in writing under oath or otherwise, as to all information the Attorney General considers necessary.

(2) Examine under oath any person in connection with the conduct of any trade or commerce.

(3) Examine any merchandise or sample thereof, record, book, document, account, or paper the Attorney General considers necessary.

(4) Pursuant to an order of the circuit court, impound any record, book, document, account, paper, or sample of merchandise that is produced in accordance with this Act, and retain it in the Attorney General's possession until the completion of all proceedings in connection with which it is produced.

New matter indicated by italics - deletions by strikeout
(c) In the administration of this Act, the Attorney General may accept an assurance of voluntary compliance with respect to any practice deemed to be a violation of this Act from any commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer who has engaged in or is engaging in that practice. Evidence of the violation of an assurance of voluntary compliance shall be prima facie evidence of a violation of this Act in any subsequent proceeding brought by the Attorney General against the alleged violator with regard to the specific violation or violations addressed in the assurance of voluntary compliance.

(d) Whenever the Attorney General or a State's Attorney has reason to believe that any commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer has engaged in or is engaging in any practice in violation of this Act and that proceedings would be in the public interest, he or she may bring an action in the name of the People of the State against that commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer to restrain by preliminary or permanent injunction the use of that practice.

(e) Civil penalties paid under Section 25 shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties of the Attorney General, including, but not limited to, enforcement of any law of this State and conducting public education programs. Any moneys in the Fund that are required by the court or by an agreement to be used for a particular purpose must be used for that purpose, however.

(Source: P.A. 91-413, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law, except that the amendatory changes to Sections 25 and 30 of the Children's Product Safety Act take effect January 1, 2006.

Approved June 8, 2005.
Effective June 8, 2005 and January 1, 2006.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by adding Section 12-21.7 as follows:

(720 ILCS 5/12-21.7 new)

Sec. 12-21.7. Sale of yo-yo waterballs prohibited.

(a) It is unlawful to sell a yo-yo waterball in this State.

(b) Sentence. A person who sells a yo-yo waterball in this State is guilty of a business offense punishable by a fine of $1,001 for each violation. Each sale of a yo-yo waterball in violation of this Section is a separate violation.

(c) Definition. In this Section, "yo-yo waterball" means a water yo-yo or a soft, rubber-like ball that is filled with a liquid and is attached to an elastic cord.

Approved June 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0013
(House Bill No 1100)

AN ACT concerning regulation.

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


Section 1-1. Short title. This Act may be cited as the Payday Loan Reform Act.

Section 1-5. Purpose and construction. The purpose of this Act is to protect consumers who enter into payday loans and to regulate the lenders of payday loans. This Act shall be construed as a consumer protection law for all purposes. This Act shall be liberally construed to effectuate its purpose.

Section 1-10. Definitions. As used in this Act:

"Check" means a "negotiable instrument", as defined in Article 3 of the Uniform Commercial Code, that is drawn on a financial institution.

"Commercially reasonable method of verification" or "certified database" means a consumer reporting service database certified by the Department as effective in verifying that a proposed loan agreement is permissible under this Act, or, in the absence

New matter indicated by italics - deletions by strikeout
of the Department's certification, any reasonably reliable written verification by the consumer concerning (i) whether the consumer has any outstanding payday loans, (ii) the principal amount of those outstanding payday loans, and (iii) whether any payday loans have been paid in full by the consumer in the preceding 7 days

"Consumer" means any natural person who, singly or jointly with another consumer, enters into a loan.

"Consumer reporting service" means an entity that provides a database certified by the Department.

"Department" means the Department of Financial and Professional Regulation.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Gross monthly income" means monthly income as demonstrated by official documentation of the income, including, but not limited to, a pay stub or a receipt reflecting payment of government benefits, for the period 30 days prior to the date on which the loan is made.

"Lender" and "licensee" mean any person or entity, including any affiliate or subsidiary of a lender or licensee, that offers or makes a payday loan, buys a whole or partial interest in a payday loan, arranges a payday loan for a third party, or acts as an agent for a third party in making a payday loan, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party, and includes any other person or entity if the Department determines that the person or entity is engaged in a transaction that is in substance a disguised payday loan or a subterfuge for the purpose of avoiding this Act.

"Loan agreement" means a written agreement between a lender and consumer to make a loan to the consumer, regardless of whether any loan proceeds are actually paid to the consumer on the date on which the loan agreement is made.

"Member of the military" means a person serving in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States. "Member of the military" includes those persons engaged in (i) active duty, (ii) training or education under the supervision of the United States preliminary to induction into military service, or (iii) a period of active duty with the State of Illinois under Title 10 or Title 32 of the United States Code pursuant to order of the President or the Governor of the State of Illinois.
"Outstanding balance" means the total amount owed by the consumer on a loan to a lender, including all principal, finance charges, fees, and charges of every kind.

"Payday loan" or "loan" means a loan with a finance charge exceeding an annual percentage rate of 36% and with a term that does not exceed 120 days, including any transaction conducted via any medium whatsoever, including, but not limited to, paper, facsimile, Internet, or telephone, in which:

(1) A lender accepts one or more checks dated on the date written and agrees to hold them for a period of days before deposit or presentment, or accepts one or more checks dated subsequent to the date written and agrees to hold them for deposit; or
(2) A lender accepts one or more authorizations to debit a consumer's bank account; or
(3) A lender accepts an interest in a consumer's wages, including, but not limited to, a wage assignment.

"Principal amount" means the amount received by the consumer from the lender due and owing on a loan, excluding any finance charges, interest, fees, or other loan-related charges.

"Rollover" means to refinance, renew, amend, or extend a loan beyond its original term.

Section 1-15. Applicability.
(a) Except as otherwise provided in this Section, this Act applies to any lender that offers or makes a payday loan to a consumer in Illinois.
(b) The provisions of this Act apply to any person or entity that seeks to evade its applicability by any device, subterfuge, or pretense whatsoever.
(c) Retail sellers who cash checks incidental to a retail sale and who charge no more than the fees as provided by the Check Cashing Act per check for the service are exempt from the provisions of this Act.
(d) Banks, savings banks, savings and loan associations, credit unions, and insurance companies organized, chartered, or holding a certificate of authority to do business under the laws of this State or any other state or under the laws of the United States are exempt from the provisions of this Act.
(e) A lender, as defined in Section 1-10, that is an agent for a bank, savings bank, savings and loan association, credit union, or insurance company for the purpose of brokering, selling, or otherwise offering payday loans made by the bank, savings bank, savings and loan

New matter indicated by italics - deletions by strikeout
association, credit union, or insurance company shall be subject to all of the provisions of this Act, except those provisions related to finance charges.

Article 2. Payday Loans

Section 2-5. Loan terms.

(a) Without affecting the right of a consumer to prepay at any time without cost or penalty, no payday loan may have a minimum term of less than 13 days.

(b) No payday loan may be made to a consumer if the loan would result in the consumer being indebted to one or more payday lenders for a period in excess of 45 consecutive days. Except as provided under Section 2-40, if a consumer has or has had loans outstanding for a period in excess of 45 consecutive days, no payday lender may offer or make a loan to the consumer for at least 7 calendar days after the date on which the outstanding balance of all payday loans made during the 45 consecutive day period is paid in full. For purposes of this subsection, the term "consecutive days" means a series of continuous calendar days in which the consumer has an outstanding balance on one or more payday loans; however, if a payday loan is made to a consumer within 6 days or less after the outstanding balance of all loans is paid in full, those days are counted as "consecutive days" for purposes of this subsection.

(c) No lender may make a payday loan to a consumer if the total principal amount of the loan, when combined with the principal amount of all of the consumer's other outstanding payday loans, exceeds $1,000 or 25% of the consumer's gross monthly income, whichever is less.

(d) No payday loan may be made to a consumer who has an outstanding balance on 2 payday loans.

(e) No lender may charge more than $15.50 per $100 loaned on any payday loan over the term of the loan. Except as provided in Section 2-25, this charge is considered fully earned as of the date on which the loan is made.

(f) A lender may not take or attempt to take an interest in any of the consumer's personal property to secure a payday loan.

(g) A consumer has the right to redeem a check or any other item described in the definition of payday loan under Section 1-10 issued in connection with a payday loan from the lender holding the check or other item at any time before the payday loan becomes payable by paying the full amount of the check or other item.

New matter indicated by italics - deletions by strikeout
Section 2-7. Wage assignments. Any payday loan that is a transaction in which the lender accepts a wage assignment must meet the requirements of this Act, the requirements of the Illinois Wage Assignment Act, and the requirements of 16 C.F.R. 444.2(a)(3)(i)(2003, no subsequent amendments or editions are included). A violation of this Section constitutes a material violation of the Payday Loan Reform Act.

Section 2-10. Permitted fees.

(a) If there are insufficient funds to pay a check, Automatic Clearing House (ACH) debit, or any other item described in the definition of payday loan under Section 1-10 on the day of presentation and only after the lender has incurred an expense, a lender may charge a fee not to exceed $25. Only one such fee may be collected by the lender with respect to a particular check, ACH debit, or item even if it has been deposited and returned more than once. A lender shall present the check, ACH debit, or other item described in the definition of payday loan under Section 1-10 for payment not more than twice. A fee charged under this subsection (a) is a lender's exclusive charge for late payment.

(b) Except for the finance charges described in Section 2-5 and as specifically allowed by this Section, a lender may not impose on a consumer any additional finance charges, interest, fees, or charges of any sort for any purpose.

Section 2-15. Verification.

(a) Before entering into a loan agreement with a consumer, a lender must use a commercially reasonable method of verification to verify that the proposed loan agreement is permissible under this Act.

(b) Within 6 months after the effective date of this Act, the Department shall certify that one or more consumer reporting service databases are commercially reasonable methods of verification. Upon certifying that a consumer reporting service database is a commercially reasonable method of verification, the Department shall:

(1) provide reasonable notice to all licensees identifying the commercially reasonable methods of verification that are available; and

(2) immediately upon certification, require each licensee to use a commercially reasonable method of verification as a means of complying with subsection (a) of this Section.

(c) Except as otherwise provided in this Section, all personally identifiable information regarding any consumer obtained by way of the certified database and maintained by the Department is strictly confidential.
and shall be exempt from disclosure under Section 7(1)(b)(i) of the Freedom of Information Act.

(d) Notwithstanding any other provision of law to the contrary, a consumer seeking a payday loan may make a direct inquiry to the consumer reporting service to request a more detailed explanation of the basis for a consumer reporting service's determination that the consumer is ineligible for a new payday loan.

(e) In certifying a commercially reasonable method of verification, the Department shall ensure that the certified database:

(1) provides real-time access through an Internet connection or, if real-time access through an Internet connection becomes unavailable to lenders due to a consumer reporting service's technical problems incurred by the consumer reporting service, through alternative verification mechanisms, including, but not limited to, verification by telephone;

(2) is accessible to the Department and to licensees in order to ensure compliance with this Act and in order to provide any other information that the Department deems necessary;

(3) requires licensees to input whatever information is required by the Department;

(4) maintains a real-time copy of the required reporting information that is available to the Department at all times and is the property of the Department;

(5) provides licensees only with a statement that a consumer is eligible or ineligible for a new payday loan and a description of the reason for the determination; and

(6) contains safeguards to ensure that all information contained in the database regarding consumers is kept strictly confidential.

(f) The licensee shall update the certified database by inputting all information required under item (3) of subsection (e):

(1) on the same day that a payday loan is made;

(2) on the same day that a consumer elects a repayment plan, as provided in Section 2-40; and

(3) on the same day that a consumer's payday loan is paid in full.

(g) A licensee may rely on the information contained in the certified database as accurate and is not subject to any administrative
penalty or liability as a result of relying on inaccurate information contained in the database.

(h) The certified consumer reporting service shall indemnify the licensee against all claims and actions arising from illegal or willful or wanton acts on the part of the certified consumer reporting service.

Section 2-17. Consumer reporting services qualification and bonding.

(a) Each consumer reporting service shall have at all times a net worth of not less than $1,000,000 calculated in accordance with generally accepted accounting principles.

(b) Each application for certification under this Act shall be accompanied by a surety bond acceptable to the Department in the amount of $1,000,000. The surety bond shall be in a form satisfactory to the Department and shall run to the State of Illinois for the benefit of any claimants against the consumer reporting service to secure the faithful performance of its obligations under this Act. The aggregate liability of the surety may exceed the principal sum of the bond. Claimants against the consumer reporting service may themselves bring suit directly on the surety bond or the Department may bring suit on behalf of claimants, either in one action or in successive actions.

(c) The surety bond shall remain in effect until cancellation, which may occur only after 90 days' written notice to the Department. Cancellation shall not affect any liability incurred or accrued during that period.

(d) The surety bond shall remain in place for 5 years after the consumer reporting service ceases operation in the State.

(e) The surety bond proceeds and any cash or other collateral posted as security by a consumer reporting service shall be deemed by operation of law to be held in trust for any claimants under this Act in the event of the bankruptcy of the consumer reporting service.

(f) To the extent that any indemnity or fine exceeds the amount of the surety bond described under this Section, the consumer reporting service shall be liable for that amount.

(g) Each application for certification under this Act shall be accompanied by a nonrefundable investigation fee of $2,500, together with an initial certification fee of $1,000.

(h) On or before March 1 of each year, each consumer reporting service qualified under this Section shall pay to the Department a certification fee in the amount of $1,000.

New matter indicated by italics - deletions by strikeout
Section 2-20. Required disclosures.
(a) Before a payday loan is made, a lender shall deliver to the consumer a pamphlet prepared by the Secretary that:

(1) explains, in simple English and Spanish, all of the consumer's rights and responsibilities in a payday loan transaction;
(2) includes a toll-free number to the Secretary's office to handle concerns or provide information about whether a lender is licensed, whether complaints have been filed with the Secretary, and the resolution of those complaints; and
(3) provides information regarding the availability of debt management services.

(b) Lenders shall provide consumers with a written agreement that may be kept by the consumer. The written agreement must include the following information in English and in the language in which the loan was negotiated:

(1) the name and address of the lender making the payday loan, and the name and title of the individual employee who signs the agreement on behalf of the lender;
(2) disclosures required by the federal Truth in Lending Act;
(3) a clear description of the consumer's payment obligations under the loan;
(4) the following statement, in at least 14-point bold type face: "You cannot be prosecuted in criminal court to collect this loan." The information required to be disclosed under this subdivision (4) must be conspicuously disclosed in the loan document and shall be located immediately preceding the signature of the consumer; and
(5) the following statement, in at least 14-point bold type face:

"WARNING: This loan is not intended to meet long-term financial needs. This loan should be used only to meet short-term cash needs. The cost of your loan may be higher than loans offered by other lending institutions. This loan is regulated by the Department of Financial and Professional Regulation."

(c) The following notices in English and Spanish must be conspicuously posted by a lender in each location of a business providing payday loans:

New matter indicated by italics - deletions by strikeout
(1) A notice that informs consumers that the lender cannot use the criminal process against a consumer to collect any payday loan.

(2) The schedule of all finance charges to be charged on loans with an example of the amounts that would be charged on a $100 loan payable in 13 days and a $400 loan payable in 30 days, giving the corresponding annual percentage rate.

(3) In one-inch bold type, a notice to the public in the lending area of each business location containing the following statement:

"WARNING: This loan is not intended to meet long-term financial needs. This loan should be used only to meet short-term cash needs. The cost of your loan may be higher than loans offered by other lending institutions. This loan is regulated by the Department of Financial and Professional Regulation."

(4) In one-inch bold type, a notice to the public in the lending area of each business location containing the following statement:

"INTEREST-FREE REPAYMENT PLAN: If you still owe on one or more payday loans after 35 days, you are entitled to enter into a repayment plan. The repayment plan will give you at least 55 days to repay your loan in installments with no additional finance charges, interest, fees, or other charges of any kind."

Section 2-25. Right to cancel future payment obligations. A consumer may cancel future payment obligations on a payday loan, without cost or finance charges, no later than the end of the second business day immediately following the day on which the payday loan agreement was executed. To cancel future payment obligations on a payday loan, the consumer must inform the lender in writing that the consumer wants to cancel the future payment obligations on the payday loan and must return the uncashed proceeds, check or cash, in an amount equal to the principal amount of the loan.

Section 2-30. Rollovers prohibited. Rollover of a payday loan by any lender is prohibited. This Section does not prohibit entering into a repayment plan, as provided under Section 2-40.

Section 2-35. Proceeds and payments.

(a) A lender may issue the proceeds of a loan in the form of a check drawn on the lender's bank account, in cash, by money order, by debit card, or by electronic funds transfer. When the proceeds are issued
the form of a check drawn on the lender's bank account, by money order, or by electronic funds transfer, the lender may not charge a fee for cashing the check, money order, or electronic funds transfer. When the proceeds are issued in cash, the lender must provide the consumer with written verification of the cash transaction and shall maintain a record of the transaction for at least 3 years.

(b) After each payment made in full or in part on any loan, the lender shall give the consumer making the payment either a signed, dated receipt or a signed, computer-generated receipt showing the amount paid and the balance due on the loan.

(c) Before a loan is made, the lender must provide the consumer, or each consumer if there is more than one, with a copy of the loan documents described in Section 2-20.

(d) The holder or assignee of any loan agreement or of any check written by a consumer in connection with a payday loan takes the loan agreement or check subject to all claims and defenses of the consumer against the maker.

(e) Upon receipt of a check from a consumer for a loan, the lender must immediately stamp the back of the check with an endorsement that states: "This check is being negotiated as part of a loan under the Payday Loan Reform Act, and any holder of this check takes it subject to all claims and defenses of the maker."

(f) Loan payments may be electronically debited from the consumer's bank account. Except as provided by federal law, the lender must obtain prior written approval from the consumer.

(g) A consumer may prepay on a loan in increments of $5 or more at any time without cost or penalty.

(h) A loan is made on the date on which a loan agreement is signed by both parties, regardless of whether the lender gives any moneys to the consumer on that date.

Section 2-40. Repayment plan.

(a) At the time a payday loan is made, the lender must provide the consumer with a separate written notice signed by the consumer of the consumer's right to request a repayment plan. The written notice must comply with the requirements of subsection (c).

(b) The loan agreement must include the following language in at least 14-point bold type: IF YOU STILL OWE ON ONE OR MORE PAYDAY LOANS AFTER 35 DAYS, YOU ARE ENTITLED TO ENTER INTO A REPAYMENT PLAN. THE REPAYMENT PLAN
WILL GIVE YOU AT LEAST 55 DAYS TO REPAY YOUR LOAN IN INSTALLMENTS WITH NO ADDITIONAL FINANCE CHARGES, INTEREST, FEES, OR OTHER CHARGES OF ANY KIND

(c) At the time a payday loan is made, on the first page of the loan agreement and in a separate document signed by the consumer, the following shall be inserted in at least 14-point bold type: I UNDERSTAND THAT IF I STILL OWE ON ONE OR MORE PAYDAY LOANS AFTER 35 DAYS, I AM ENTITLED TO ENTER INTO A REPAYMENT PLAN THAT WILL GIVE ME AT LEAST 55 DAYS TO REPAY THE LOAN IN INSTALLMENTS WITH NO ADDITIONAL FINANCE CHARGES, INTEREST, FEES, OR OTHER CHARGES OF ANY KIND.

(d) If the consumer has or has had one or more payday loans outstanding for 35 consecutive days, any payday loan outstanding on the 35th consecutive day shall be payable under the terms of a repayment plan as provided for in this Section, if the consumer requests the repayment plan. As to any loan that becomes eligible for a repayment plan under this subsection, the consumer has until 28 days after the default date of the loan to request a repayment plan. Within 48 hours after the request for a repayment plan is made, the lender must prepare the repayment plan agreement and both parties must execute the agreement. Execution of the repayment plan agreement shall be made in the same manner in which the loan was made and shall be evidenced in writing.

(e) The terms of the repayment plan for a payday loan must include the following:

1. The lender may not impose any charge on the consumer for requesting or using a repayment plan. Performance of the terms of the repayment plan extinguishes the consumer's obligation on the loan.

2. No lender shall charge the consumer any finance charges, interest, fees, or other charges of any kind, except a fee for insufficient funds, as provided under Section 2-10.

3. The consumer shall be allowed to repay the loan in at least 4 equal installments with at least 13 days between installments, provided that the term of the repayment plan does not exceed 90 days. The first payment under the repayment plan shall not be due before at least 13 days after the repayment plan is signed by both parties. The consumer may prepay the amount due under the repayment plan at any time, without charge or penalty.
(4) The length of time between installments may be extended by the parties so long as the total period of repayment does not exceed 90 days. Any such modification must be in writing and signed by both parties.

(f) Notwithstanding any provision of law to the contrary, a lender is prohibited from making a payday loan to a consumer who has a payday loan outstanding under a repayment plan and for at least 14 days after the outstanding balance of the loan under the repayment plan and the outstanding balance of all other payday loans outstanding during the term of the repayment plan are paid in full.

(g) A lender may not accept postdated checks for payments under a repayment plan.

(h) Notwithstanding any provision of law to the contrary, a lender may voluntarily agree to enter into a repayment plan with a consumer at any time. If a consumer is eligible for a repayment plan under subsection (d), any repayment agreement constitutes a repayment plan under this Section and all provisions of this Section apply to that agreement.

Section 2-45. Default.

(a) No legal proceeding of any kind, including, but not limited to, a lawsuit or arbitration, may be filed or initiated against a consumer to collect on a payday loan until 28 days after the default date of the loan, or, in the case of a payday loan under a repayment plan, for 28 days after the default date under the terms of the repayment plan.

(b) Upon and after default, a lender shall not charge the consumer any finance charges, interest, fees, or charges of any kind, other than the insufficient fund fee described in Section 2-10.

(c) Notwithstanding whether a loan is or has been in default, once the loan becomes subject to a repayment plan, the loan shall not be construed to be in default until the default date provided under the terms of the repayment plan.

Section 2-50. Practices concerning members of the military.

(a) A lender may not garnish the wages or salaries of a consumer who is a member of the military.

(b) In addition to any rights and obligations provided under the federal Servicemembers Civil Relief Act, a lender shall suspend and defer collection activity against a consumer who is a member of the military and who has been deployed to a combat or combat support posting for the duration of the deployment.

New matter indicated by italics - deletions by strikeout
(c) A lender may not knowingly contact the military chain of command of a consumer who is a member of the military in an effort to collect on a payday loan.

(d) Lenders must honor the terms of any repayment plan that they have entered into with any consumer, including a repayment agreement negotiated through military counselors or third-party credit counselors.

Section 2-55. Information, reporting, and examination.
(a) A licensee shall keep and use books, accounts, and records that will enable the Secretary to determine if the licensee is complying with the provisions of this Act and maintain any other records as required by the Secretary.

(b) A licensee shall collect and maintain information annually for a report that shall disclose in detail and under appropriate headings:

(1) the total number of payday loans made during the preceding calendar year;

(2) the total number of payday loans outstanding as of December 31 of the preceding calendar year;

(3) the minimum, maximum, and average dollar amount of payday loans made during the preceding calendar year;

(4) the average annual percentage rate and the average term of payday loans made during the preceding calendar year; and

(5) the total number of payday loans paid in full, the total number of loans that went into default, and the total number of loans written off during the preceding calendar year.

The report shall be verified by the oath or affirmation of the owner, manager, or president of the licensee. The report must be filed with the Secretary no later than March 1 of the year following the year for which the report discloses the information specified in this subsection (b). The Secretary may impose upon the licensee a fine of $25 per day for each day beyond the filing deadline that the report is not filed.

(c) No later than July 31 of the second year following the effective date of this Act, the Department shall publish a biennial report that contains a compilation of aggregate data concerning the payday lending industry and shall make the report available to the Governor, the General Assembly, and the general public.

(d) The Department shall have the authority to conduct examinations of the books, records, and loan documents at any time.

Section 2-60. Advertising.
(a) Advertising for loans transacted under this Act may not be false, misleading, or deceptive. Payday loan advertising, if it states a rate or amount of charge for a loan, must state the rate as an annual percentage rate. No licensee may advertise in any manner so as to indicate or imply that its rates or charges for loans are in any way recommended, approved, set, or established by the State government or by this Act.

(b) If any advertisement to which this Section applies states the amount of any installment payment, the dollar amount of any finance charge, or the number of installments or the period of repayment, then the advertisement shall state all of the following items:

(1) The amount of the loan.
(2) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.
(3) The finance charge expressed as an annual percentage rate.

Article 3. Licensure

Section 3-3. Licensure requirement.
(a) Except as provided in subsection (b), on and after the effective date of this Act, a person or entity acting as a payday lender must be licensed by the Department as provided in this Article.

(b) A person or entity acting as a payday lender who is licensed on the effective date of this Act under the Consumer Installment Loan Act need not comply with subsection (a) until the Department takes action on the person's or entity's application for a payday loan license. The application must be submitted to the Department within 9 months after the effective date of this Act. If the application is not submitted within 9 months after the effective date of this Act, the person or entity acting as a payday lender is subject to subsection (a).

Section 3-5. Licensure.
(a) A license to make a payday loan shall state the address, including city and state, at which the business is to be conducted and shall state fully the name of the licensee. The license shall be conspicuously posted in the place of business of the licensee and shall not be transferable or assignable.

(b) An application for a license shall be in writing and in a form prescribed by the Secretary. The Secretary may not issue a payday loan license unless and until the following findings are made:

New matter indicated by italics - deletions by strikeout
(1) that the financial responsibility, experience, character, and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business will be operated lawfully and fairly and within the provisions and purposes of this Act; and

(2) that the applicant has submitted such other information as the Secretary may deem necessary.

(c) A license shall be issued for no longer than one year, and no renewal of a license may be provided if a licensee has substantially violated this Act and has not cured the violation to the satisfaction of the Department.

(d) A licensee shall appoint, in writing, the Secretary as attorney-in-fact upon whom all lawful process against the licensee may be served with the same legal force and validity as if served on the licensee. A copy of the written appointment, duly certified, shall be filed in the office of the Secretary, and a copy thereof certified by the Secretary shall be sufficient evidence to subject a licensee to jurisdiction in a court of law. This appointment shall remain in effect while any liability remains outstanding in this State against the licensee. When summons is served upon the Secretary as attorney-in-fact for a licensee, the Secretary shall immediately notify the licensee by registered mail, enclosing the summons and specifying the hour and day of service.

(e) A licensee must pay an annual fee of $1,000. In addition to the license fee, the reasonable expense of any examination or hearing by the Secretary under any provisions of this Act shall be borne by the licensee. If a licensee fails to renew its license by December 31, its license shall automatically expire; however, the Secretary, in his or her discretion, may reinstate an expired license upon:

(1) payment of the annual fee within 30 days of the date of expiration; and

(2) proof of good cause for failure to renew.

(f) Not more than one place of business shall be maintained under the same license, but the Secretary may issue more than one license to the same licensee upon compliance with all the provisions of this Act governing issuance of a single license. The location, except those locations already in existence as of June 1, 2005, may not be within one mile of a horse race track subject to the Illinois Horse Racing Act of 1975, within one mile of a facility at which gambling is conducted under the Riverboat Gambling Act, within one mile of the location at which a riverboat subject
to the Riverboat Gambling Act docks, or within one mile of any State of Illinois or United States military base or naval installation.

(g) No licensee shall conduct the business of making loans under this Act within any office, suite, room, or place of business in which any other business is solicited or engaged in unless the other business is licensed by the Department or, in the opinion of the Secretary, the other business would not be contrary to the best interests of consumers and is authorized by the Secretary in writing.

(h) The Secretary shall maintain a list of licensees that shall be available to interested consumers and lenders and the public. The Secretary shall maintain a toll-free number whereby consumers may obtain information about licensees. The Secretary shall also establish a complaint process under which an aggrieved consumer may file a complaint against a licensee or non-licensee who violates any provision of this Act.

Section 3-10. Closing of business; surrender of license. At least 10 days before a licensee ceases operations, closes the business, or files for bankruptcy, the licensee shall:

(1) Notify the Department of its intended action in writing.

(2) With the exception of filing for bankruptcy, surrender its license to the Secretary for cancellation. The surrender of the license shall not affect the licensee's civil or criminal liability for acts committed before or after the surrender or entitle the licensee to a return of any part of the annual license fee.

(3) Notify the Department of the location where the books, accounts, contracts, and records will be maintained. The accounts, books, records, and contracts shall be maintained and serviced by the licensee, by another licensee under this Act, or by the Department.


Section 4-5. Prohibited acts. A licensee or unlicensed person or entity making payday loans may not commit, or have committed on behalf of the licensee or unlicensed person or entity, any of the following acts:

(1) Threatening to use or using the criminal process in this or any other state to collect on the loan.

(2) Using any device or agreement that would have the effect of charging or collecting more fees or charges than allowed by this Act, including, but not limited to, entering into a different type of transaction with the consumer.
(3) Engaging in unfair, deceptive, or fraudulent practices in the making or collecting of a payday loan.

(4) Using or attempting to use the check provided by the consumer in a payday loan as collateral for a transaction not related to a payday loan.

(5) Knowingly accepting payment in whole or in part of a payday loan through the proceeds of another payday loan provided by any licensee.

(6) Knowingly accepting any security, other than that specified in the definition of payday loan in Section 1-10, for a payday loan.

(7) Charging any fees or charges other than those specifically authorized by this Act.

(8) Threatening to take any action against a consumer that is prohibited by this Act or making any misleading or deceptive statements regarding the payday loan or any consequences thereof.

(9) Making a misrepresentation of a material fact by an applicant for licensure in obtaining or attempting to obtain a license.

(10) Including any of the following provisions in loan documents required by subsection (b) of Section 2-20:

(A) a confession of judgment clause;

(B) a waiver of the right to a jury trial, if applicable, in any action brought by or against a consumer, unless the waiver is included in an arbitration clause allowed under subparagraph (C) of this paragraph (11);

(C) a mandatory arbitration clause that is oppressive, unfair, unconscionable, or substantially in derogation of the rights of consumers; or

(D) a provision in which the consumer agrees not to assert any claim or defense arising out of the contract.

(11) Selling any insurance of any kind whether or not sold in connection with the making or collecting of a payday loan.

(12) Taking any power of attorney.

(13) Taking any security interest in real estate.

(14) Collecting a delinquency or collection charge on any installment regardless of the period in which it remains in default.

(15) Collecting treble damages on an amount owing from a payday loan.

New matter indicated by italics - deletions by strikeout
Refusing, or intentionally delaying or inhibiting, the consumer's right to enter into a repayment plan pursuant to this Act.

Charging for, or attempting to collect, attorney's fees, court costs, or arbitration costs incurred in connection with the collection of a payday loan.

(18) Making a loan in violation of this Act.

(19) Garnishing the wages or salaries of a consumer who is a member of the military.

(20) Failing to suspend or defer collection activity against a consumer who is a member of the military and who has been deployed to a combat or combat-support posting.

(21) Contacting the military chain of command of a consumer who is a member of the military in an effort to collect on a payday loan.

Section 4-10. Enforcement and remedies.

(a) The remedies provided in this Act are cumulative and apply to persons or entities subject to this Act.

(b) Any material violation of this Act, including the commission of an act prohibited under Section 4-5, constitutes a violation of the Consumer Fraud and Deceptive Business Practices Act.

(c) If any provision of the written agreement described in subsection (b) of Section 2-20 violates this Act, then that provision is unenforceable against the consumer.

(d) Subject to the Illinois Administrative Procedure Act, the Secretary may hold hearings, make findings of fact, conclusions of law, issue cease and desist orders, have the power to issue fines of up to $10,000 per violation, refer the matter to the appropriate law enforcement agency for prosecution under this Act, and suspend or revoke a license granted under this Act. All proceedings shall be open to the public.

(e) The Secretary may issue a cease and desist order to any licensee or other person doing business without the required license, when in the opinion of the Secretary the licensee or other person is violating or is about to violate any provision of this Act or any rule or requirement imposed in writing by the Department as a condition of granting any authorization permitted by this Act. The cease and desist order permitted by this subsection (e) may be issued prior to a hearing.

The Secretary shall serve notice of his or her action, including, but not limited to, a statement of the reasons for the action, either personally

New matter indicated by italics - deletions by strikeout
or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. Mail.

Within 10 days of service of the cease and desist order, the licensee or other person may request a hearing in writing. The Secretary shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

If it is determined that the Secretary had the authority to issue the cease and desist order, he or she may issue such orders as may be reasonably necessary to correct, eliminate, or remedy the conduct.

The powers vested in the Secretary by this subsection (e) are additional to any and all other powers and remedies vested in the Secretary by law, and nothing in this subsection (e) shall be construed as requiring that the Secretary shall employ the power conferred in this subsection instead of or as a condition precedent to the exercise of any other power or remedy vested in the Secretary.

(f) The Secretary may, after 10 days notice by registered mail to the licensee at the address set forth in the license stating the contemplated action and in general the grounds therefore, fine the licensee an amount not exceeding $10,000 per violation, or revoke or suspend any license issued hereunder if he or she finds that:

   (1) the licensee has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation, or direction of the Secretary lawfully made pursuant to the authority of this Act; or

   (2) any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the Secretary in refusing to issue the license.

The Secretary may fine, suspend, or revoke only the particular license with respect to which grounds for the fine, revocation, or suspension occur or exist, but if the Secretary finds that grounds for revocation are of general application to all offices or to more than one office of the licensee, the Secretary shall fine, suspend, or revoke every license to which the grounds apply.

No revocation, suspension, or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any obligor.

The Secretary may issue a new license to a licensee whose license has been revoked when facts or conditions which clearly would have

New matter indicated by italics - deletions by strikeout
warranted the Secretary in refusing originally to issue the license no longer exist.

In every case in which a license is suspended or revoked or an application for a license or renewal of a license is denied, the Secretary shall serve the licensee with notice of his or her action, including a statement of the reasons for his or her actions, either personally, or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. Mail.

An order assessing a fine, an order revoking or suspending a license, or an order denying renewal of a license shall take effect upon service of the order unless the licensee requests a hearing, in writing, within 10 days after the date of service. In the event a hearing is requested, the order shall be stayed until a final administrative order is entered.

If the licensee requests a hearing, the Secretary shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

The hearing shall be held at the time and place designated by the Secretary. The Secretary and any administrative law judge designated by him or her shall have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that he or she considers relevant or material to the inquiry.

(g) The costs of administrative hearings conducted pursuant to this Section shall be paid by the licensee.

Section 4-15. Bonding.

(a) A person or entity engaged in making payday loans under this Act shall post a bond to the Department in the amount of $50,000 for each location where loans will be made, up to a maximum bond amount of $500,000.

(b) A bond posted under subsection (a) must continue in effect for the period of licensure and for 3 additional years if the bond is still available. The bond must be available to pay damages and penalties to a consumer harmed by a violation of this Act.

(c) From time to time the Secretary may require a licensee to file a bond in an additional sum if the Secretary determines it to be necessary. In no case shall the bond be more than the outstanding liabilities of the licensee.
Section 4-20. Preemption of administrative rules. Any administrative rule promulgated prior to the effective date of this Act by the Department regarding payday loans is preempted.

Section 4-25. Reporting of violations. The Department shall report to the Attorney General all material violations of this Act of which it becomes aware.

Section 4-30. Rulemaking; industry review.
   (a) The Department may make and enforce such reasonable rules, regulations, directions, orders, decisions, and findings as the execution and enforcement of the provisions of this Act require, and as are not inconsistent therewith. All rules, regulations, and directions of a general character shall be printed and copies thereof mailed to all licensees.
   (b) Within 6 months after the effective date of this Act, the Department shall promulgate reasonable rules regarding the issuance of payday loans by banks, savings banks, savings and loan associations, credit unions, and insurance companies. These rules shall be consistent with this Act and shall be limited in scope to the actual products and services offered by lenders governed by this Act.
   (c) After the effective date of this Act, the Department shall, over a 3-year period, conduct a study of the payday loan industry to determine the impact and effectiveness of this Act. The Department shall report its findings to the General Assembly within 3 months of the third anniversary of the effective date of this Act. The study shall determine the effect of this Act on the protection of consumers in this State and on the fair and reasonable regulation of the payday loan industry. The study shall include, but shall not be limited to, an analysis of the ability of the industry to use private reporting tools that:
      (1) ensure substantial compliance with this Act, including real time reporting of outstanding payday loans; and
      (2) provide data to the Department in an appropriate form and with appropriate content to allow the Department to adequately monitor the industry.
      The report of the Department shall, if necessary, identify and recommend specific amendments to this Act to further protect consumers and to guarantee fair and reasonable regulation of the payday loan industry.

Section 4-35. Judicial review. All final administrative decisions of the Department under this Act are subject to judicial review pursuant to
the provisions of the Administrative Review Law and any rules adopted pursuant thereto.

Section 4-40. No waivers. There shall be no waiver of any provision of this Act.

Section 4-45. Superiority of Act. To the extent this Act conflicts with any other State financial regulation laws, this Act is superior and supersedes those laws for the purposes of regulating payday loans in Illinois, provided that nothing herein shall apply to any lender that is a bank, savings bank, savings and loan association, credit union, or insurance company organized, chartered, or holding a certificate of authority to do business under the laws of this State or any other state or under the laws of the United States.

Section 4-50. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Article 90. Amendatory Provisions

Section 90-5. The Financial Institutions Code is amended by changing Sections 4 and 6 as follows:

(20 ILCS 1205/4) (from Ch. 17, par. 104)

Sec. 4. As used in this Act:
(a) "Department" means the Department of Financial Institutions.
(b) "Director" means the Director of Financial Institutions.
(c) "Person" means any individual, partnership, joint venture, trust, estate, firm, corporation, association or cooperative society or association.
(d) "Financial institutions" means ambulatory and community currency exchanges, credit unions, guaranteed credit unions, persons engaged in the business of transmitting money to foreign countries or buying and selling foreign money, pawners' societies, title insuring or guaranteeing companies, and persons engaged in the business of making loans of $800 or less, all as respectively defined in the laws referred to in Section 6 of this Act. The term includes sales finance agencies, as defined in the "Sales Finance Agency Act", enacted by the 75th General Assembly.
(e) "Payday loan" has the meaning ascribed to that term in the Payday Loan Reform Act.

(Source: Laws 1967, p. 2211.)

(20 ILCS 1205/6) (from Ch. 17, par. 106)

Sec. 6. In addition to the duties imposed elsewhere in this Act, the Department has the following powers:

(1) To exercise the rights, powers and duties vested by law in the Auditor of Public Accounts under "An Act to provide for the

New matter indicated by italics - deletions by strikeout
incorporation, management and regulation of pawners' societies and limiting the rate of compensation to be paid for advances, storage and insurance on pawns and pledges and to allow the loaning of money upon personal property", approved March 29, 1899, as amended.

(2) To exercise the rights, powers and duties vested by law in the Auditor of Public Accounts under "An Act in relation to the definition, licensing and regulation of community currency exchanges and ambulatory currency exchanges, and the operators and employees thereof, and to make an appropriation therefor, and to provide penalties and remedies for the violation thereof", approved June 30, 1943, as amended.

(3) To exercise the rights, powers, and duties vested by law in the Auditor of Public Accounts under "An Act in relation to the buying and selling of foreign exchange and the transmission or transfer of money to foreign countries", approved June 28, 1923, as amended.

(4) To exercise the rights, powers, and duties vested by law in the Auditor of Public Accounts under "An Act to provide for and regulate the business of guaranteeing titles to real estate by corporations", approved May 13, 1901, as amended.

(5) To exercise the rights, powers and duties vested by law in the Department of Insurance under "An Act to define, license, and regulate the business of making loans of eight hundred dollars or less, permitting an interest charge thereon greater than otherwise allowed by law, authorizing and regulating the assignment of wages or salary when taken as security for any such loan or as consideration for a payment of eight hundred dollars or less, providing penalties, and to repeal Acts therein named", approved July 11, 1935, as amended.

(6) To administer and enforce "An Act to license and regulate the keeping and letting of safety deposit boxes, safes, and vaults, and the opening thereof, and to repeal a certain Act therein named", approved June 13, 1945, as amended.

(7) Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request.

(8) To administer the Payday Loan Reform Act.

New matter indicated by italics - deletions by strikeout
Section 90-10. The Consumer Installment Loan Act is amended by changing Section 21 as follows:

(205 ILCS 670/21) (from Ch. 17, par. 5427)

Sec. 21. Application of act. This Act does not apply to any person, partnership, association, limited liability company, or corporation doing business under and as permitted by any law of this State or of the United States relating to banks, savings and loan associations, savings banks, credit unions, or licensees under the Residential Mortgage License Act for residential mortgage loans made pursuant to that Act. This Act does not apply to business loans. This Act does not apply to payday loans.

(Source: P.A. 90-437, eff. 1-1-98.)

Section 90-12. The Interest Act is amended by changing Section 4 as follows:

(815 ILCS 205/4) (from Ch. 17, par. 6404)

Sec. 4. General interest rate.

(1) In all written contracts it shall be lawful for the parties to stipulate or agree that 9% per annum, or any less sum of interest, shall be taken and paid upon every $100 of money loaned or in any manner due and owing from any person to any other person or corporation in this state, and after that rate for a greater or less sum, or for a longer or shorter time, except as herein provided.

The maximum rate of interest that may lawfully be contracted for is determined by the law applicable thereto at the time the contract is made. Any provision in any contract, whether made before or after July 1, 1969, which provides for or purports to authorize, contingent upon a change in the Illinois law after the contract is made, any rate of interest greater than the maximum lawful rate at the time the contract is made, is void.

It is lawful for a state bank or a branch of an out-of-state bank, as those terms are defined in Section 2 of the Illinois Banking Act, to receive or to contract to receive and collect interest and charges at any rate or rates agreed upon by the bank or branch and the borrower. It is lawful for a savings bank chartered under the Savings Bank Act or a savings association chartered under the Illinois Savings and Loan Act of 1985 to receive or contract to receive and collect interest and charges at any rate agreed upon by the savings bank or savings association and the borrower.

It is lawful to receive or to contract to receive and collect interest and charges as authorized by this Act and as authorized by the Consumer

New matter indicated by italics - deletions by strokeout
Installment Loan Act and by the "Consumer Finance Act", approved July 10, 1935, as now or hereafter amended, or by the Payday Loan Reform Act. It is lawful to charge, contract for, and receive any rate or amount of interest or compensation with respect to the following transactions:

(a) Any loan made to a corporation;

(b) Advances of money, repayable on demand, to an amount not less than $5,000, which are made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds or other negotiable instruments pledged as collateral security for such repayment, if evidenced by a writing;

(c) Any credit transaction between a merchandise wholesaler and retailer; any business loan to a business association or copartnership or to a person owning and operating a business as sole proprietor or to any persons owning and operating a business as joint venturers, joint tenants or tenants in common, or to any limited partnership, or to any trustee owning and operating a business or whose beneficiaries own and operate a business, except that any loan which is secured (1) by an assignment of an individual obligor's salary, wages, commissions or other compensation for services, or (2) by his household furniture or other goods used for his personal, family or household purposes shall be deemed not to be a loan within the meaning of this subsection; and provided further that a loan which otherwise qualifies as a business loan within the meaning of this subsection shall not be deemed as not so qualifying because of the inclusion, with other security consisting of business assets of any such obligor, of real estate occupied by an individual obligor solely as his residence. The term "business" shall be deemed to mean a commercial, agricultural or industrial enterprise which is carried on for the purpose of investment or profit, but shall not be deemed to mean the ownership or maintenance of real estate occupied by an individual obligor solely as his residence;

(d) Any loan made in accordance with the provisions of Subchapter I of Chapter 13 of Title 12 of the United States Code, which is designated as "Housing Renovation and Modernization";

(e) Any mortgage loan insured or upon which a commitment to insure has been issued under the provisions of the National Housing Act, Chapter 13 of Title 12 of the United States Code;

New matter indicated by italics - deletions by strikeout
(f) Any mortgage loan guaranteed or upon which a commitment to guaranty has been issued under the provisions of the Veterans' Benefits Act, Subchapter II of Chapter 37 of Title 38 of the United States Code;

(g) Interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, or registered under the Illinois Securities Law of 1953, approved July 13, 1953, as now or hereafter amended, on a debit balance in an account for a customer if such debit balance is payable at will without penalty and is secured by securities as defined in Uniform Commercial Code-Investment Securities;

(h) Any loan made by a participating bank as part of any loan guarantee program which provides for loans and for the refinancing of such loans to medical students, interns and residents and which are guaranteed by the American Medical Association Education and Research Foundation;

(i) Any loan made, guaranteed, or insured in accordance with the provisions of the Housing Act of 1949, Subchapter III of Chapter 8A of Title 42 of the United States Code and the Consolidated Farm and Rural Development Act, Subchapters I, II, and III of Chapter 50 of Title 7 of the United States Code;

(j) Any loan by an employee pension benefit plan, as defined in Section 3 (2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an individual participating in such plan, provided that such loan satisfies the prohibited transaction exemption requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d) (1)) of the Employee Retirement Income Security Act of 1974;

(k) Written contracts, agreements or bonds for deed providing for installment purchase of real estate;

(1) Loans secured by a mortgage on real estate;

(m) Loans made by a sole proprietorship, partnership, or corporation to an employee or to a person who has been offered employment by such sole proprietorship, partnership, or corporation made for the sole purpose of transferring an employee or person who has been offered employment to another office maintained and operated by the same sole proprietorship, partnership, or corporation;

New matter indicated by italics - deletions by strikeout
(n) Loans to or for the benefit of students made by an institution of higher education.

(2) Except for loans described in subparagraph (a), (c), (d), (e), (f) or (i) of subsection (1) of this Section, and except to the extent permitted by the applicable statute for loans made pursuant to Section 4a or pursuant to the Consumer Installment Loan Act:

(a) Whenever the rate of interest exceeds 8% per annum on any written contract, agreement or bond for deed providing for the installment purchase of residential real estate, or on any loan secured by a mortgage on residential real estate, it shall be unlawful to provide for a prepayment penalty or other charge for prepayment.

(b) No agreement, note or other instrument evidencing a loan secured by a mortgage on residential real estate, or written contract, agreement or bond for deed providing for the installment purchase of residential real estate, may provide for any change in the contract rate of interest during the term thereof. However, if the Congress of the United States or any federal agency authorizes any class of lender to enter, within limitations, into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, any person, firm, corporation or other entity not otherwise prohibited from entering into mortgage contracts or written contracts, agreements or bonds for deed in Illinois may enter into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, within the same limitations.

(3) In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on which the total indebtedness, with the exception of late payment penalties, is paid in full.

For purposes of this Section, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been paid in full.
made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to 1/360 of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act, but shall not apply to contracts or loans entered into on or after that date that are subject to Section 4a of this Act, the Consumer Installment Loan Act, the Payday Loan Reform Act, or the Retail Installment Sales Act, or that provide for the refund of precomputed interest on prepayment in the manner provided by such Act (Source: P.A. 92-483, eff. 8-23-01.)

Section 90-15. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the Payday Loan Reform Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, or the Automatic Contract Renewal Act commits an unlawful practice within the meaning of this Act.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0013
(Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04; 93-950, eff. 1-1-05.)

Article 99. Effective Date
Section 99. Effective date. This Act takes effect 180 days after becoming law.
Passed in the General Assembly May 27, 2005.
Approved June 9, 2005.
Effective December 6, 2005.

PUBLIC ACT 94-0014
(Senate Bill No 0064)
AN ACT concerning education
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5 The School Code is amended by changing Section 27-23
3 as follows:
(105 ILCS 5/27-23 3) (from Ch 122, par 27-23 3)
Sec 27-23 3 Education in steroid abuse prevention School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of study School districts shall also provide this instruction to students who participate in interscholastic athletic programs The Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development The State Board of Education may assist in the development of instructional materials and teacher training in relation to steroid abuse prevention
(Source: P A 86-828; 86-1028 )
Passed in the General Assembly May 4, 2005
Approved June 9, 2005
Effective January 1, 2006

PUBLIC ACT 94-0015
(Senate Bill No 1548)
AN ACT concerning appropriations.

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

ARTICLE 1

Section 5. “AN ACT making appropriations”, Public Act 93-0842, approved July 30, 2004, as amended, is amended by changing Sections 30 and 35 of Article 58 as follows:

(P.A. 93-842, Art. 58, Sec. 30)

Sec. 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from General Revenue Fund:
For the purchase of Illinois Community Care Program homemaker and Senior Companion Services................... 208,619,600
Senior Companion Services................... 188,619,600
For Grants and for Administrative Expenses Associated with Case Management......................... 27,278,000
For Grants for distribution to the 13 Area Agencies on Aging for costs for home delivered meals and mobile food equipment .... 6,969,600
Grants for Community Based Services including information and referral services, transportation and delivered meals.......................... 3,062,300
Grants for Community Based Services for equal distribution to each of the 13 Area Agencies on Aging............... 1,955,000
For Grants for Adult Day Care Services....... 15,852,000
For Purchase of Services in connection with Alzheimer's Initiative and Related Programs.......................... 104,700
For Grants for Retired Senior Volunteer Program.............................. 802,000
For Planning and Service Grants to Area Agencies on Aging............... 2,241,700
For Grants for the Foster
The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department on Aging for the ordinary and contingent expenses of the Senior Citizens Circuit Breaker and Pharmaceutical Assistance Program:

Payable from General Revenue Fund: 57,284,900
Payable from Tobacco Settlement Recovery Fund: 8,890,900
Payable from General Revenue Fund: For Pharmaceutical Refund: 146,600

ARTICLE 2

Section 5. “AN ACT making appropriations”, Public Act 93-0842, approved July 30, 2004, is amended by changing Section 65 of Article 52 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 65. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

<table>
<thead>
<tr>
<th>GRANTS-IN-AID</th>
<th>REGIONAL OFFICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAYABLE FROM GENERAL REVENUE FUND</td>
<td>PAYABLE FROM DCFS CHILDREN'S SERVICES FUND</td>
</tr>
</tbody>
</table>

| For Foster Homes and Specialized | $161,733,000 | $137,972,200 |
| Foster Care and Prevention | For Counseling and Auxiliary Services | $8,435,300 | $137,972,200 |
| Institution and Group Home Care and Prevention | For Institution and Group Home Care and Prevention | $92,620,700 | $19,263,600 |
| For Services Associated with the Foster Care Initiative | For Services Associated with the Foster Care Initiative | $7,613,800 | $7,613,800 |
| For Purchase of Adoption and Guardianship Services | For Purchase of Adoption and Guardianship Services | $175,745,500 | $175,745,500 |
| For Counseling and Auxiliary Services | | $8,435,300 | $8,435,300 |
| For Institution and Group Home Care and Prevention | | $92,620,700 | $92,620,700 |
| For Health Care Network | For Health Care Network | $4,328,300 | $4,328,300 |
| For Cash Assistance and Housing | For Cash Assistance and Housing | $3,632,000 | $3,632,000 |
| | Locating Service to Families in the Class Defined in the Norman Consent Order | $858,400 | $858,400 |
| For Youth in Transition Program | For Youth in Transition Program | $858,400 | $858,400 |
| For Children's Personal and Physical Maintenance | For Children's Personal and Physical Maintenance | $4,625,800 | $4,625,800 |
| For MCO Technical Assistance and Program Development | For MCO Technical Assistance and Program Development | $1,663,500 | $1,663,500 |
| For Pre Admission/Post Discharge Psychiatric Screening | For Pre Admission/Post Discharge Psychiatric Screening | $8,071,800 | $8,071,800 |
| For Assisting in the Development of Children's Advocacy Centers | For Assisting in the Development of Children's Advocacy Centers | $2,169,500 | $2,169,500 |
| For Psychological Assessments including Operations and Administrative Expenses | For Psychological Assessments including Operations and Administrative Expenses | $3,211,900 | $3,211,900 |
| Total | Total | $474,709,500 | $474,709,500 |

New matter indicated by italics - deletions by strikeout
Prevention.......................................................... 92,143,300
For Assisting in the development
of Children's Advocacy Centers.................... 1,505,400
For Services Associated with the Foster
Care Initiative........................................... 1,620,700
For Purchase of Adoption and
Guardianship Services......................... 121,754,000
For Family Preservation Services.............. 20,462,500
For Purchase of Children's Services.......... 710,000
Federal Compliance/Program Improvement
Plan Implementation........................... 19,550,000
For Family Centered Services Initiative..... 17,476,800
Total ......................................................... $432,458,500

ARTICLE 3
Section 5. “AN ACT making appropriations”, Public Act 93-0842,
approved July 30, 2004, as amended, is amended by changing Sections 10,
25, 35, 40 and 45 of Article 28 as follows:
(P.A. 93-842, Art. 28, Sec. 10)
Sec. 10. The following named sums, or so much thereof as may be
necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

GENERAL OFFICE
For Personal Services:
Payable from General Revenue Fund................. 6,903,300
Payable from State Boating Act Fund............. 584,200
Payable from Wildlife and Fish Fund........... 1,326,300
For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund............... 0
Payable from State Boating Act Fund............. 17,500
Payable from Wildlife and Fish Fund........... 39,800
For State Contributions to State
Employees' Retirement System:
Payable from General Revenue Fund........... 1,111,800
Payable from State Boating Act Fund............. 94,100
Payable from Wildlife and Fish Fund........... 213,600
For State Contributions to Social Security:
Payable from General Revenue Fund........... 528,100
PUBLIC ACT 94-0015

Payable from State Boating Act Fund.............. 44,700
Payable from Wildlife and Fish Fund.............. 101,500

For Group Insurance:
Payable from State Boating Act Fund.............. 181,100
Payable from State Boating Act Fund.............. 136,100
Payable from Wildlife and Fish Fund.............. 377,600
Payable from Wildlife and Fish Fund.............. 292,600

For Contractual Services:
Payable from General Revenue Fund.............. 1,796,700
Payable from State Boating Act Fund.............. 276,000
Payable from Wildlife and Fish Fund.............. 1,104,100

For Travel:
Payable from General Revenue Fund.............. 117,600
Payable from Wildlife and Fish Fund.............. 9,800

For Commodities:
Payable from General Revenue Fund.............. 64,500
Payable from Wildlife and Fish Fund.............. 60,100

For Printing:
Payable from General Revenue Fund.............. 79,700
Payable from State Boating Act Fund.............. 163,400
Payable from Wildlife and Fish Fund.............. 285,600

For Equipment:
Payable from General Revenue Fund.............. 5,100
Payable from Wildlife and Fish Fund.............. 124,300

For Electronic Data Processing:
Payable from General Revenue Fund.............. 164,200
Payable from State Boating Act Fund.............. 84,500
Payable from Wildlife and Fish Fund.............. 99,400

For Telecommunications Services:
Payable from General Revenue Fund.............. 251,800
Payable from Wildlife and Fish Fund.............. 79,200

For Operation of Auto Equipment:
Payable from General Revenue Fund.............. 42,500
Payable from Wildlife and Fish Fund.............. 22,900

For expenses incurred in acquiring salmon
stamp designs and printing salmon stamps:
Payable from Salmon Fund.......................... 10,000
For the purpose of publishing and
distributing a bulletin or magazine

New matter indicated by italics - deletions by strikeout
and for purchasing, marketing and distributing conservation related products for resale, and refunds for such purposes:

Payable from Wildlife and Fish Fund............. 480,500

For expenses incurred in producing and distributing site brochures, public information literature and other printed materials from revenues received from the sale of advertising:

Payable from State Boating Act Fund.............. 25,000
Payable from State Parks Fund..................... 50,000
Payable from Wildlife and Fish Fund.............. 50,000

For the coordination of public events and promotions from activity fees, donations and vendor revenue:

Payable from State Parks Fund..................... 47,100
Payable from Wildlife and Fish Fund.............. 47,100

For deposit into the General Obligation Bond Retirement and Interest Fund for costs associated with the debt service payments of rolling stock and capital equipment

Payable from the General Revenue Fund.............. 0

For the purpose of remitting funds collected from the sale of Federal Duck Stamps to the U.S. Fish and Wildlife Service:

Payable from Wildlife and Fish Fund.............. 23,600

For expenses of the OSLAD Program:

Payable from Open Space Lands Acquisition and Development Fund......................... 1,054,800

For furniture, fixtures, equipment, displays, telecommunications, cabling, network hardware, software, relays and switches and related expenses for new DNR Headquarters:

Payable from the General Revenue Fund....... 1,128,000

For expenses of the Natural Areas Acquisition Program:

New matter indicated by italics - deletions by strikeout
Payable from the Natural Areas Acquisition Fund........................................ 148,300

For expenses of the Park and Conservation program:

Payable from Park and Conservation Fund............................................. 4,278,800
Payable from Park and Conservation Fund............................................. 4,163,800

For expenses of the Bikeways Program:

Payable from Park and Conservation Fund............................................. 416,700

For Natural Resources Trustee Program:

Payable from Natural Resources Restoration Trust Fund.......................... 377,700

Total $24,247,600

(P.A. 93-842, Art. 28, Sec. 25)

Sec. 25. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF RESOURCE CONSERVATION

For Personal Services:

Payable from General Revenue Fund................. 3,972,100
Payable from Wildlife and Fish Fund................. 8,116,900
Payable from Salmon Fund.............................. 171,800
Payable from Natural Areas Acquisition Fund................................. 1,426,000

For Employee Retirement Contributions

Paid by State:

Payable from General Revenue Fund................. 0
Payable from Wildlife and Fish Fund................. 243,500
Payable from Salmon Fund.............................. 5,200
Payable from Natural Areas Acquisition Fund................................. 42,800

For State Contributions to State Employees' Retirement System:

Payable from General Revenue Fund................. 639,700
Payable from Wildlife and Fish Fund................. 1,307,300
Payable from Salmon Fund.............................. 27,700
Payable from Natural Areas Acquisition Fund.................................
<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For State Contributions to Social Security:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>303,800</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>620,900</td>
</tr>
<tr>
<td>Payable from Salmon Fund</td>
<td>13,100</td>
</tr>
<tr>
<td>Payable from Natural Areas Acquisition Fund</td>
<td>109,100</td>
</tr>
<tr>
<td>For Group Insurance:</td>
<td></td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>2,044,000</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>1,594,000</td>
</tr>
<tr>
<td>Payable from Salmon Fund</td>
<td>38,700</td>
</tr>
<tr>
<td>Payable from Natural Areas Acquisition Fund</td>
<td>329,500</td>
</tr>
<tr>
<td>For Contractual Services:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>776,100</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>2,156,100</td>
</tr>
<tr>
<td>Payable from Salmon Fund</td>
<td>2,900</td>
</tr>
<tr>
<td>Payable from Natural Areas Acquisition Fund</td>
<td>82,500</td>
</tr>
<tr>
<td>Payable from Natural Heritage Fund</td>
<td>59,200</td>
</tr>
<tr>
<td>For Travel:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>31,200</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>151,000</td>
</tr>
<tr>
<td>Payable from Natural Areas Acquisition Fund</td>
<td>32,200</td>
</tr>
<tr>
<td>For Commodities:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>209,900</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>1,253,600</td>
</tr>
<tr>
<td>Payable from Natural Areas Acquisition Fund</td>
<td>40,200</td>
</tr>
<tr>
<td>Payable from the Natural Heritage Fund</td>
<td>16,000</td>
</tr>
<tr>
<td>For Printing:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>17,700</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>218,700</td>
</tr>
<tr>
<td>Payable from Natural Areas Acquisition Fund</td>
<td>11,600</td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>9,000</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>299,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Payable from Natural Areas Acquisition Fund................................. 114,000
Payable from Illinois Forestry Development Fund............................ 121,800

For Telecommunications Services:
Payable from General Revenue Fund................................. 74,100
Payable from Wildlife and Fish Fund............................... 203,800
Payable from Natural Areas Acquisition Fund............................ 34,200

For Operation of Auto Equipment:
Payable from General Revenue Fund................................. 69,800
Payable from Wildlife and Fish Fund............................... 337,000
Payable from Natural Areas Acquisition Fund............................ 57,700

For the Purposes of the "Illinois Non-Game Wildlife Protection Act":
Payable from Illinois Wildlife Preservation Fund.......................... 500,000

For programs beneficial to advancing forests and forestry in this State as provided for in Section 7 of the "Illinois Forestry Development Act", as now or hereafter amended:
Payable from Illinois Forestry Development Fund.......................... 1,027,500

For Administration of the "Illinois Natural Areas Preservation Act":
Payable from Natural Areas Acquisition Fund............................. 1,216,400

For payment of the expenses of the Illinois Forestry Development Council:
Payable from Illinois Forestry Development Fund.......................... 118,500

For an Urban Fishing Program in conjunction with the Chicago Park District to provide fishing and resource management at the park district lagoons:
Payable from Wildlife and Fish Fund............................... 225,100

New matter indicated by italics - deletions by strikeout
For costs associated with the Rend Lake Water Supply Study:
  Payable from Wildlife and Fish Fund.............. 525,000

For workshops, training and other activities to improve the administration of fish and wildlife federal aid programs from federal aid administrative grants received for such purposes:
  Payable from Wildlife and Fish Fund.............. 11,400

For expenses of the Natural Areas Stewardship Program:
  Payable from Natural Areas Acquisition Fund................ 1,110,300

For expenses of the Urban Forestry Program:
  Payable from Illinois Forestry Development Fund................ 313,600

For expenses associated with the Inner City Urban Revitalization program:
  Payable from the Illinois Forestry Development Fund................ 240,900

For deposit into the General Obligation Bond Retirement and Interest Fund to retire bonds sold for the Conservation Reserve Enhancement Program:
  Payable from General Revenue Fund................ 0

Total $30,860,300

(P.A. 93-842, Art. 28, Sec. 35)

Sec. 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAW ENFORCEMENT

For Personal Services:
  Payable from General Revenue Fund.............. 5,083,400
  Payable from State Boating Act Fund........... 2,053,600
  Payable from State Parks Fund.................. 663,200
  Payable from Wildlife and Fish Fund........... 3,355,600

For Employee Retirement Contributions
Paid by State:

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Payable from General Revenue Fund............... 0
Payable from State Boating Act Fund.............. 61,600
Payable from State Parks Fund.................... 19,900
Payable from Wildlife and Fish Fund.............. 100,700

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund............... 818,700
Payable from State Boating Act Fund.............. 330,800
Payable from State Parks Fund.................... 106,800
Payable from Wildlife and Fish Fund.............. 540,500

For State Contributions to Social Security:
Payable from General Revenue Fund............... 102,400
Payable from State Boating Act Fund............... 25,400
Payable from State Parks Fund.................... 9,800
Payable from Wildlife and Fish Fund............... 29,600

For Group Insurance:
Payable from State Boating Act Fund.............. 339,000
Payable from State Parks Fund.................... 150,300
Payable from State Parks Fund.................... 107,300
Payable from Wildlife and Fish Fund.............. 687,300
Payable from Wildlife and Fish Fund.............. 537,300

For Contractual Services:
Payable from General Revenue Fund............... 152,600
Payable from State Boating Act Fund............... 76,100
Payable from Wildlife and Fish Fund............... 159,900

For Travel:
Payable from General Revenue Fund............... 80,300
Payable from Wildlife and Fish Fund............... 59,400

For Commodities:
Payable from General Revenue Fund............... 103,800
Payable from State Boating Act Fund............... 14,400
Payable from Wildlife and Fish Fund............... 44,200

For Printing:
Payable from General Revenue Fund............... 20,100
Payable from Wildlife and Fish Fund............... 5,800

For Equipment:
Payable from General Revenue Fund............... 18,300
Payable from State Boating Act Fund............... 112,800

New matter indicated by italics - deletions by strikeout
Payable from State Parks Fund.................... 122,200
Payable from Wildlife and Fish Fund.......... 218,300
For Telecommunications Services:
Payable from General Revenue Fund.......... 319,700
Payable from State Boating Act Fund........ 142,900
Payable from Wildlife and Fish Fund......... 197,000
For Operation of Auto Equipment:
Payable from General Revenue Fund.......... 172,900
Payable from State Boating Act Fund........ 178,700
Payable from Wildlife and Fish Fund......... 181,300
For Snowmobile Programs:
Payable from State Boating Act Fund......... 32,900
For Payment of Timber Buyers bond
forfeitures:
Payable from Illinois Forestry
Development Fund:.......................... 25,000
For use in enforcing laws regulating
controlled substances and cannabis on
Department of Natural Resources regulated
lands and waterways to the extent funds are
received by the Department:
Payable from the Drug Traffic
Prevention Fund.......................... 25,000
For use in alcohol related enforcement
efforts and training to the extent funds
are available to the Department:
Payable from the General Revenue Fund...... 14,400
Payable from State Boating Fund............ 20,000
Total  $16,774,500

(P.A. 93-842, Art. 28, Sec. 40)
Sec. 40. The following named sums, or so much thereof as may be
necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:
OFFICE OF LAND MANAGEMENT AND EDUCATION
For Personal Services:
Payable from General Revenue Fund........... 18,548,800
Payable from State Boating Act Fund......... 1,492,900
Payable from State Parks Fund............... 1,132,000

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>1,940,500</td>
</tr>
<tr>
<td><strong>For Employee Retirement Contributions</strong></td>
<td></td>
</tr>
<tr>
<td>Paid by State:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>0</td>
</tr>
<tr>
<td>Payable from State Boating Act Fund</td>
<td>44,800</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>34,000</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>58,200</td>
</tr>
<tr>
<td><strong>For State Contributions to State</strong></td>
<td></td>
</tr>
<tr>
<td>Employee's Retirement System:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>2,987,500</td>
</tr>
<tr>
<td>Payable from State Boating Act Fund</td>
<td>240,400</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>182,300</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>312,500</td>
</tr>
<tr>
<td><strong>For State Contributions to Social Security:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>1,419,000</td>
</tr>
<tr>
<td>Payable from State Boating Act Fund</td>
<td>114,200</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>86,600</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>148,400</td>
</tr>
<tr>
<td><strong>For Group Insurance:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from State Boating Act Fund</td>
<td>443,800</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>368,800</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>297,700</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>569,600</td>
</tr>
<tr>
<td><strong>For Contractual Services:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>2,423,900</td>
</tr>
<tr>
<td>Payable from State Boating Act Fund</td>
<td>436,200</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>2,616,500</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>293,700</td>
</tr>
<tr>
<td><strong>For Travel:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>8,700</td>
</tr>
<tr>
<td>Payable from State Boating Act Fund</td>
<td>5,900</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>49,700</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>14,700</td>
</tr>
<tr>
<td><strong>For Commodities:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>866,800</td>
</tr>
<tr>
<td>Payable from State Boating Act Fund</td>
<td>51,000</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>443,400</td>
</tr>
<tr>
<td>Purpose</td>
<td>Fund</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>246,700</td>
</tr>
<tr>
<td>For Printing:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>14,600</td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>53,100</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>711,800</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>287,300</td>
</tr>
<tr>
<td>For Telecommunications Services:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>94,200</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>304,800</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>32,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>371,300</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>258,100</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>147,700</td>
</tr>
<tr>
<td>For Illinois-Michigan Canal:</td>
<td></td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>118,000</td>
</tr>
<tr>
<td>For Union County and Horseshoe Lake Conservation Areas, Farming and Wildlife Operations:</td>
<td>466,100</td>
</tr>
<tr>
<td>For operations and maintenance from revenues derived from the sale of surplus crops and timber harvest:</td>
<td></td>
</tr>
<tr>
<td>Payable from the State Parks Fund</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Payable from the Wildlife and Fish Fund</td>
<td>1,000,000</td>
</tr>
<tr>
<td>For Snowmobile Programs:</td>
<td></td>
</tr>
<tr>
<td>Payable from State Boating Act Fund</td>
<td>46,900</td>
</tr>
<tr>
<td>For operating expenses of the North Point Marina at Winthrop Harbor:</td>
<td></td>
</tr>
<tr>
<td>Payable from the Illinois Beach Marina Fund</td>
<td>1,624,500</td>
</tr>
<tr>
<td>For expenses of the Park and Conservation program:</td>
<td></td>
</tr>
<tr>
<td>Payable from Park and Conservation Fund</td>
<td>4,858,800</td>
</tr>
<tr>
<td>Fund</td>
<td>4,728,800</td>
</tr>
<tr>
<td>For expenses of the Bikeways program:</td>
<td></td>
</tr>
<tr>
<td>Payable from Park and Conservation</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Wildlife Prairie Park Operations and Improvements:
   Payable from General Revenue Fund...................... 828,200
   Payable from Wildlife Prairie Park Fund.............. 100,000

For expenses of the Environment and Nature Training Institute for Conservation Education (E.N.T.I.C.E.):
   Payable from General Revenue Fund...................... 273,400

For Operations and Maintenance, including costs associated with operating new sites and facilities:
   Payable from General Revenue Fund...................... 0
   Payable from State Parks Fund.................. 1,500,000

For expenses associated with an outdoor education and recreation camp for inner-city youth known as Under Illinois Skies:
   Payable from General Revenue Fund...................... 0
   Payable from Wildlife and Fish Fund.............. 0

For expenses associated with Safety Education Programs:
   Payable from Wildlife and Fish Fund............... 0

Total $52,495,800

(P.A. 93-842, Art. 28, Sec. 45)

Sec. 45. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF MINES AND MINERALS

For Personal Services:
   Payable from General Revenue Fund.............. 2,295,100
   Payable from Mines and Minerals Underground Injection Control Fund...................... 246,100
   Payable from Plugging and Restoration Fund ...... 195,700
   Payable from Underground Resources Conservation Enforcement Fund...................... 284,500

New matter indicated by italics - deletions by strikeout
and Reclamation Fund.......................... 1,344,400
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund............................................. 1,787,800

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund............... 0
Payable from Mines and Minerals Underground
Injection Control Fund.......................... 7,400
Payable from Plugging and Restoration Fund ...... 5,900
Payable from Underground Resources
Conservation Enforcement Fund.................... 8,500
Payable from Federal Surface Mining Control
and Reclamation Fund........................... 40,300
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund............................................. 53,600

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund.............. 369,600
Payable from Mines and Minerals Underground
Injection Control Fund.......................... 39,600
Payable from Plugging and Restoration Fund ...... 31,500
Payable from Underground Resources
Conservation Enforcement Fund.................... 45,800
Payable from Federal Surface Mining Control
and Reclamation Fund........................... 216,500
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund............................................. 287,900

For State Contributions to Social Security:
Payable from General Revenue Fund.............. 175,600
Payable from Mines and Minerals Underground
Injection Control Fund.......................... 18,800
Payable from Plugging and Restoration Fund ...... 15,000
Payable from Underground Resources
Conservation Enforcement Fund.................... 21,800
Payable from Federal Surface Mining Control
and Reclamation Fund........................... 102,800

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Payable from Abandoned Mined Lands
Reclamation Council Federal Trust Fund.............................................. 136,800

For Group Insurance:
Payable from Mines and Minerals Underground Injection Control Fund............... 79,500
Injection Control Fund............................................................ 59,500
Payable from Plugging and Restoration Fund ...... 55,800
Payable from Plugging and Restoration Fund ...... 40,800
Payable from Underground Resources Conservation Enforcement Fund............... 107,000
Conservation Enforcement Fund................................. 79,000
Payable from Federal Surface Mining Control and Reclamation Fund.................... 334,800
and Reclamation Fund......................................................... 259,800
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund................................. 365,000
Fund................................................................. 300,000

For Contractual Services:
Payable from General Revenue Fund............. 188,300
Payable from Mines and Minerals Underground Injection Control Fund............... 27,700
Payable from Plugging and Restoration Fund ...... 13,100
Payable from Underground Resources Conservation Enforcement Fund............... 113,400
Payable from Federal Surface Mining Control and Reclamation Fund.................... 372,300
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund................................. 278,900

For Travel:
Payable from General Revenue Fund............... 32,600
Payable from Mines and Minerals Underground Injection Control Fund............... 1,000
Payable from Plugging and Restoration Fund ...... 1,400
Payable from Underground Resources Conservation Enforcement Fund............... 6,000
Payable from Federal Surface Mining Control

New matter indicated by italics - deletions by strikeout
and Reclamation Fund.......................... 31,400
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund........................................... 30,700

For Commodities:
Payable from General Revenue Fund............ 26,900
Payable from Mines and Minerals Underground
Injection Control Fund.......................... 2,200
Payable from Plugging and Restoration Fund .... 2,500
Payable from Underground Resources
Conservation Enforcement Fund.................. 9,600
Payable from Federal Surface Mining Control
and Reclamation Fund.......................... 15,400
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund........................................... 27,300

For Printing:
Payable from General Revenue Fund............ 4,200
Payable from Mines and Minerals Underground
Injection Control Fund.......................... 500
Payable from Plugging and Restoration Fund ..... 500
Payable from Underground Resources
Conservation Enforcement Fund.................. 3,300
Payable from Federal Surface Mining Control
and Reclamation Fund.......................... 11,200
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund........................................... 12,800

For Equipment:
Payable from General Revenue Fund............. 32,200
Payable from Mines and Minerals Underground
Injection Control Fund.......................... 15,200
Payable from Plugging and Restoration Fund ..... 35,300
Payable from Underground Resources
Conservation Enforcement Fund.................. 9,300
Payable from Federal Surface Mining Control
and Reclamation Fund.......................... 118,400
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing:
- Payable from General Revenue Fund: $20,500
- Payable from Mines and Minerals Underground Injection Control Fund: $3,900
- Payable from Plugging and Restoration Fund: $19,900
- Payable from Underground Resources Conservation Enforcement Fund: $12,800
- Payable from Federal Surface Mining Control and Reclamation Fund: $131,500
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund: $114,800

For Telecommunications Services:
- Payable from General Revenue Fund: $51,200
- Payable from Mines and Minerals Underground Injection Control Fund: $2,700
- Payable from Plugging and Restoration Fund: $9,500
- Payable from Underground Resources Conservation Enforcement Fund: $15,600
- Payable from Federal Surface Mining Control and Reclamation Fund: $29,900
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund: $45,100

For Operation of Auto Equipment:
- Payable from General Revenue Fund: $44,600
- Payable from Mines and Minerals Underground Injection Control Fund: $13,500
- Payable from Plugging and Restoration Fund: $19,000
- Payable from Underground Resources Conservation Enforcement Fund: $32,100
- Payable from Federal Surface Mining Control and Reclamation Fund: $30,800
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund: $40,200

For the purpose of coordinating training
and education programs for miners and laboratory analysis and testing of coal samples and mine atmospheres:

Payable from the General Revenue Fund............. 13,700
Payable from the Coal Mining Regulatory Fund......................... 32,800
Payable from Federal Surface Mining Control and Reclamation Fund............. 373,200

For expenses associated with Aggregate Mining Regulation:
Payable from Aggregate Operations Regulatory Fund................................. 338,700

For expenses associated with Explosive Regulation:
Payable from Explosives Regulatory Fund........... 139,700

For expenses associated with Environmental Mitigation Projects, Studies, Research, and Administrative Support:
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund......................... 400,000

For the purpose of reclaiming surface mined lands, with respect to which a bond has been forfeited:
Payable from Land Reclamation Fund.................. 350,000

For expenses associated with Surface Coal Mining Regulation:
Payable from Coal Mining Regulatory Fund.......... 324,200

For the State of Illinois' share of expenses of Interstate Oil Compact Commission created under the authority of "An Act ratifying and approving an Interstate Compact to Conserve Oil and Gas", approved July 10, 1935, as amended:
Payable from General Revenue Fund............... 6,600

For State expenses in connection with the Interstate Mining Compact:
Payable from General Revenue Fund............... 19,300

For expenses associated with litigation of
Mining Regulatory actions:
Payable from Federal Surface Mining
Control and Reclamation Fund....................... 15,000

For Small Operators’ Assistance Program:
Payable from Federal Surface Mining
Control and Reclamation Fund....................... 150,000

For Plugging & Restoration Projects:
Payable from Plugging & Restoration Fund........ 674,100

For Interest Penalty Escrow:
Payable from General Revenue Fund................... 500
Payable from Underground Resources
Conservation Enforcement Fund....................... 500

For the purpose of carrying out the
Illinois Petroleum Education and
Marketing Act:
Payable from the Petroleum Resources
Revolving Fund.................................. 625,000

Total $14,104,000

ARTICLE 4
Section 5. “AN ACT making appropriations”, Public Act 93-0842, approved July 30, 2004, is amended by adding new Sections 20A and 20B to Article 97 as follows:

(P.A. 93-842, Art. 97, Sec. 20A,new)

Sec. 20A. The following named sums or so much thereof as may be necessary are appropriated to the Department of Transportation from the Road Fund for the FY04 federal earmarks provided in Conference Report 108-401 which accompanies Public Law 108-199. Expenditures shall not exceed funds to be made available by the federal government.

Bridge Discretionary
North Avenue Bridge, Chicago....................... 5,000,000
National Corridor Planning & Development
City of Forsyth Frontage Road....................... 200,000
Ferry Boats/Terminal Facilities
Canal Corridor Association-Port of
LaSalle Project.................................. 400,000
Transportation & Community & System Preservation
Homewood, Illinois railroad station/
platform acquisition and improvement............ 200,000
Village of Glencoe, Green Bay

New matter indicated by italics - deletions by strikeout
247

*Trail – North Branch Trail Connection*.............. 200,000

*Section 115 Member Initiatives*

168th and State Streets Intersection

*Improvements*........................................ 200,000

Annie Glidden Road, DeKalb.......................... 500,000

Convocation Center Roadway.......................... 2,000,000

Grand Avenue Railroad relocation................... 500,000

Great River Road in Mercer County.................. 250,000

*Illinois Route 38 at Union Pacific*

Railroad Grade Separation.......................... 250,000

ITS – City of East Peoria.......................... 200,000

ITS – I-74 in Peoria................................ 750,000

Kaskaskia Regional Port District, access roads..... 220,000

Long Meadow Parkway Fox River Bridge

Crossing, Bolz Road................................... 3,000,000

Milwaukee Avenue Rehabilitation.................... 200,000

Rock Island County, Illinois Milan

Beltway Construction................................. 500,000

*Sauk Trail Reconstruction*

Improvements, Park Forest............................ 330,000

Sauk Village Industrial Park Access Road......... 600,000

Sheridan Road, Evanston............................ 800,000

St. Charles, Illinois, Fox River

Crossing at Red Gate Corridor....................... 2,000,000

US 51, Christian/Shelby Counties.................... 2,000,000

West Grand Avenue. (from North

Western to N. California Ave.)...................... 800,000

Widen Route 47 from Kreutzer Road?

to Reed Road, Huntley.............................. 1,000,000

Total................................................ 1,000,000

$22,100,000

(P.A. 93-842, Art. 97, Sec. 20B,new)

Sec. 20B. The following named sums or so much thereof as may be necessary are appropriated to the Department of Transportation from the Road Fund for the FY05 federal earmarks provided in Conference Report 108-792 which accompanies Public Law 108-447. Expenditures shall not exceed funds to be made available by the federal government.

*Bridge Discretionary*

North-South Wacker Drive Reconstruction

in Chicago............................................ 5,000,000

New matter indicated by italics - deletions by strikeout
**Interstate Maintenance Discretionary**

- I-55 South Barrier, Darien Illinois........... 1,400,000
- I-64 from IL 157 to Lincoln Trail at O’Fallon.... 1,000,000

**Section 117 Member Initiatives**

- 171st Street reconstruction, East Hazel Crest...... 400,000
- 67th Street Pedestrian Underpass, Chicago Lakefront... 400,000
- Camp Street upgrades, East Peoria........... 2,000,000
- Cermak and Kenton Avenues..................... 1,000,000
- Cicero Avenue lighting in University Park........... 200,000
- Des Plaines, Illinois alley, sidewalk Improvements........... 1,000,000
- Fulton County Highway 6........................ 1,000,000
- I-290 Cap, Oak Park........................ 1,000,000
- KBS Railroad Hazard Elimination, Kankakee County........ 300,000
- MacArthur Boulevard Extension, Springfield...... 500,000
- McHenry County / Crystal Lake Road............... 1,000,000
- Milwaukee Avenue, Grand to Gale, Chicago............ 1,250,000
- Route 178 relocation, Phase II Engineering....... 1,000,000
- Sheridan Road Improvements, Evanston........... 500,000
- Sidewalks near Ford Heights..................... 200,000
- Street improvements and streetlights, Lynnwood..... 150,000
- Street improvements, Bartonville............. 500,000
- Street improvements, Village of Armington........... 500,000
- Streetlights and salt dome for Markham........... 300,000
- U.S. 41/I-176 Interchange improvements
  - Phase I study............................. 800,000
- Winfield Pedestrian Tunnel..................... 1,000,000

**Total**................................... $22,400,000

Section 10. “AN ACT making appropriations”, Public Act 93-0842, approved July 30, 2004, is amended by changing Section 220 of Article 74 as follows:

(P.A. 93-842, Art. 74, Sec. 220)

Sec. 220. The following named sums, or so much thereof as may be necessary, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the ordinary and contingent expenses incident to the operations and functions of administering the provisions of

New matter indicated by italics - deletions by strikeout
the "Illinois Highway Code", relating to use of Motor Fuel Tax Funds by the counties, municipalities, road districts and townships:

MOTOR FUEL TAX ADMINISTRATION
OPERATIONS

For Personal Services.......................... 6,035,300
For Employee Retirement
Contributions Paid by State...................... 181,100
For State Contributions to State
Employees' Retirement System.................... 972,000
For State Contributions to Social Security ...... 440,000
For Group Insurance................................ 1,296,000
For Contractual Services.......................... 63,400
For Travel.............................................. 92,300
For Commodities.................................... 7,500
For Printing......................................... 38,000
For Equipment...................................... 12,800
For Telecommunications Services............... 23,200
For Operation of Automotive Equipment........... 7,400
Total                                                                 $9,169,000
Total................................................. $8,929,000

Section 15. “AN ACT making appropriations”, Public Act 93-0842, approved July 30, 2004, as amended, is amended by changing Section 230 of Article 74 as follows:

(P.A. 93-842, Art. 74, Sec. 230)
Sec. 230. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program under provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY

For Personal Services.......................... 973,600  661,600
For Employee Retirement Contributions
Paid by the State.............................. 12,500  0
For State Contributions to State
Employees' Retirement System............. 159,400  106,600
For State Contributions to Social Security ........... 72,400  49,500

New matter indicated by italics - deletions by strikeout
For Contractual Services.............
   346,300  331,500
For Travel..............................
   112,900  73,900
For Commodities.........................
   24,000
For Printing.............................
   34,300
For Equipment.........................
   81,400  47,600

For Equipment:
Purchase of Cars and Trucks............
   324,000
For Telecommunications Services........
   1,900
For Operation of Automotive Equipment.
   4,900
Total
   $2,147,600  $1,335,800

FOR THE DEPARTMENT OF STATE POLICE
For Personal Services...................
   4,745,700  4,592,400
For Employee Retirement Contributions
   Paid by the State......................
   4,300  0
For State Contributions to State
   Employees' Retirement System........
   739,100  714,400
For State Contributions to
   Social Security......................
   70,800  68,500
For Contractual Services...............
   457,100
For Travel...............................
   325,800
For Commodities.......................
   249,700
For Printing...........................
   89,800
For Equipment.........................
   818,000  618,300

For Equipment:
Purchase of Cars and Trucks...........
   741,000  595,100
For Telecommunications Services.....
   511,300  243,300
For Operation of Automotive Equipment.
   399,100  309,100
Total
   $9,151,700  $8,263,500

ARTICLE 5

Section 5. “AN ACT making appropriations”, Public Act 93-0842, approved July 30, 2004, as amended, is amended by changing Section 25 of Article 77 as follows:

(P.A. 93-842, Art. 77, Sec. 25)

Sec. 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF OPERATIONS
Payable from General Revenue Fund:
For Personal Services...................
   60,908,200

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
Paid by Employer................................. 0
For State Contributions to State
Employees' Retirement System.................. 9,048,600
For State Contributions to
Social Security...................................... 1,996,200
For Contractual Services......................... 4,343,800
For Travel........................................... 538,400
For Commodities................................... 556,900
For Printing......................................... 106,000
For Equipment.................................... 84,900
For Electronic Data Processing.................. 5,900
For Telecommunications Services............. 2,041,900
For Expenses Regarding Implementation
of the Statewide Radio
Communication System.......................... 0
For Operation of Auto Equipment.............. 7,874,900
For Expenses Associated with Project X........ 0
Total ................................................. $87,505,700

Payable from the Road Fund:
For Personal Services......................... 87,487,000
For Employee Retirement Contributions
Paid by Employer.................................. 0
For State Contributions to State
Employees' Retirement System................. 9,036,300
For State Contributions to
Social Security................................... 786,700
Total ................................................. $97,310,000

Payable from the Traffic and Criminal
Conviction Surcharge Fund:
For Personal Services......................... 3,024,500
For Employee Retirement Contributions
Paid by Employer.................................. 0
For State Contributions to State
Employees' Retirement System................. 386,600
For State Contributions to
Social Security................................... 63,500
For Group Insurance............................. 612,000
For Contractual Services....................... 480,300

New matter indicated by italics - deletions by strikeout
For Travel ........................................ 68,800
For Commodities ................................. 166,600
For Printing ...................................... 22,000
For Telecommunications Services .............. 108,200
For Operation of Auto Equipment ................ 186,800
Total ........................................... 5,137,600

Payable from the State Police Services Fund:
For Payment of Expenses:
Fingerprint Program ............................. 10,000,000
Fingerprint Program ............................. 8,000,000
For Payment of Expenses:
Federal & IDOT Programs ....................... 3,780,000
For Payment of Expenses:
Riverboat Gambling ............................. 9,300,000
For Payment of Expenses:
Miscellaneous Programs ....................... 3,270,000
Total .......................................... 26,350,000

Payable from the Illinois State Police
Federal Projects Fund:
For Payment of Expenses ....................... 15,350,000

Payable from the Motor Carrier Safety Inspection Fund:
For expenses associated with the
enforcement of Federal Motor Carrier
Safety Regulations and related
Illinois Motor Carrier
Safety Laws ................................. 2,400,000

ARTICLE 6
Section 5. “AN ACT making appropriations”, Public Act 93-0842,
approved July 30, 2004, as amended, is amended by changing Sections 5,
10 and 15 of Article 65 as follows:
(P.A. 93-842, Art. 65, Sec. 5)
Sec. 5. The following named sums, or so much thereof as may be
necessary, respectively, for the objects and purposes hereinafter named,
are appropriated from the General Revenue Fund to meet the ordinary and
contingent expenses of the following divisions of the Department of
Corrections.

FOR OPERATIONS
GENERAL OFFICE

New matter indicated by italics - deletions by strikeout
For Personal Services............  $14,404,000  $13,912,000
For Employee Retirement Contributions
  Paid by Employer.................................  0
For State Contributions to State
  Employees' Retirement System..................  $2,240,700
For State Contributions to
  Social Security...............................  $1,064,400
For Contractual Services.......................  $6,164,200
For Travel.......................................  $334,900
For Commodities..................................  $375,300
For Printing......................................  $47,500
For Equipment....................................  $234,300
For Electronic Data Processing.................  $7,684,500
For Telecommunications Services................  $2,805,400
For Operation of Auto Equipment..................  $255,500
For Sheriffs' Fees for Conveying Prisoners ......  $374,900
For support costs associated with the
  Criminal Law and Corrections Task Force..........  0
For payment of claims as provided by the
"Workers' Compensation Act" or the "Workers'
  Occupational Diseases Act", including
  Treatment, Expenses and Benefits Payable
  for Total Temporary Incapacity for Work.......  $2,698,600
Expenditures from appropriations for treatment and expense may be made after the Department of Corrections has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Corrections without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.
For Tort Claims.................................  $470,400
For the State's share of Assistant
  State's Attorneys' salaries -
  reimbursement to counties pursuant
to Chapter 53 of the Illinois
  Revised Statutes...............................  $418,200

New matter indicated by italics - deletions by strikeout
### SCHOOL DISTRICT

<table>
<thead>
<tr>
<th>Item</th>
<th>Old Amount</th>
<th>New Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Repairs, Maintenance and Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Improvements</td>
<td>552,300</td>
<td>1,452,300</td>
</tr>
<tr>
<td>Total</td>
<td>40,125,100</td>
<td>40,533,100</td>
</tr>
</tbody>
</table>

### FIELD SERVICES

<table>
<thead>
<tr>
<th>Item</th>
<th>Old Amount</th>
<th>New Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>16,526,000</td>
<td></td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>37,500</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,661,700</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Teachers' Retirement System</td>
<td>6,200</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,264,300</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>10,224,100</td>
<td></td>
</tr>
<tr>
<td>For Travel</td>
<td>81,500</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>788,100</td>
<td></td>
</tr>
<tr>
<td>For Printing</td>
<td>89,700</td>
<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td>92,900</td>
<td></td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>6,200</td>
<td></td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>13,000</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>31,791,200</td>
<td></td>
</tr>
</tbody>
</table>
For Operation of Auto Equipment.............. 1,890,860
Total $96,577,460 $95,077,400

(P.A. 93-842, Art. 65, Sec. 10)

Sec. 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund for:

**STATEVILLE CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th></th>
<th>60,857,000</th>
<th>58,715,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td></td>
<td>307,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>9,456,600</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>4,491,700</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>13,395,700</td>
<td></td>
</tr>
<tr>
<td>For Travel</td>
<td>74,900</td>
<td></td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>28,500</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,475,300</td>
<td></td>
</tr>
<tr>
<td>For Printing</td>
<td>81,600</td>
<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td>22,700</td>
<td></td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>370,200</td>
<td></td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>513,000</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$95,074,800</td>
<td>$92,932,800</td>
</tr>
</tbody>
</table>

**THOMSON CORRECTIONAL CENTER**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>For Travel and Allowances for</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Decatur</th>
<th>Dwight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committed, Paroled and Discharged Prisoners</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Commodities</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Printing</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Equipment</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Telecommunications Services</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Operation of Auto Equipment</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

DECATUR WOMEN'S CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$11,925,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$97,200</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>$1,892,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$898,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$3,145,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>$5,700</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$23,400</td>
</tr>
<tr>
<td>Commodities</td>
<td>$664,500</td>
</tr>
<tr>
<td>Printing</td>
<td>$15,400</td>
</tr>
<tr>
<td>Equipment</td>
<td>$71,500</td>
</tr>
<tr>
<td>Telecommunications Services</td>
<td>$58,300</td>
</tr>
<tr>
<td>Operation of Auto Equipment</td>
<td>$47,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$18,844,100</strong></td>
</tr>
</tbody>
</table>

DWIGHT CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$19,979,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$135,600</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>$3,148,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$1,495,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Service Type</th>
<th>Lincoln Correctional Center</th>
<th>Dixon Correctional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>$6,983,100</td>
<td>$5,240,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>$27,800</td>
<td>$4,300</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$15,900</td>
<td>$13,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$2,087,600</td>
<td>$1,064,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>$25,000</td>
<td>$14,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$96,100</td>
<td>$81,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$152,400</td>
<td>$80,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$176,100</td>
<td>$67,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$34,322,200</strong></td>
<td><strong>$21,244,600</strong></td>
</tr>
</tbody>
</table>

LINCOLN CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$11,819,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$216,800</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$1,791,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$850,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$5,240,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>$4,300</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$13,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$1,064,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>$14,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$81,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$80,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$67,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$21,244,600</strong></td>
</tr>
</tbody>
</table>

DIXON CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$26,910,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$446,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$4,088,100</td>
</tr>
<tr>
<td>For State Contributions to</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Amount</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Social Security</td>
<td>$1,941,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$9,521,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>$18,300</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$22,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$2,624,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>$26,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$112,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$145,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$197,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$46,055,900</strong></td>
</tr>
</tbody>
</table>

EAST MOLINE CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$13,626,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$290,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$2,092,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$993,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$3,352,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>$14,200</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$46,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$1,372,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>$13,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$90,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$75,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$78,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$22,047,000</strong></td>
</tr>
</tbody>
</table>

HILL CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$15,285,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$332,700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$2,401,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$21,413,000</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,140,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,243,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>7,700</td>
</tr>
<tr>
<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
<td>33,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,400,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>10,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>116,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>46,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>63,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$27,082,000</strong></td>
</tr>
</tbody>
</table>

**ILLINOIS RIVER CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>17,918,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>403,300</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,758,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,310,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,722,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>17,000</td>
</tr>
<tr>
<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
<td>27,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,986,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>16,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>103,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>69,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>60,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$30,393,300</strong></td>
</tr>
</tbody>
</table>

**DANVILLE CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>16,838,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>361,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,712,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
### PUBLIC ACT 94-0015

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security</td>
<td>1,288,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,664,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,500</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>10,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,030,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>22,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>111,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>89,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>155,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$28,294,400</strong></td>
</tr>
</tbody>
</table>

### JACKSONVILLE CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td><strong>23,661,300</strong></td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>466,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,598,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,709,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,912,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,800</td>
</tr>
<tr>
<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
<td>47,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,852,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>25,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>147,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>89,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>161,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$36,682,600</strong></td>
</tr>
</tbody>
</table>

### LOGAN CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>19,286,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>427,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,070,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For State Contributions to
  Social Security................................. 1,458,200
  For Contractual Services....................... 3,919,000
  For Travel........................................ 3,200
  For Travel and Allowances for Committed,
    Paroled and Discharged Prisoners............. 26,600
  For Commodities................................ 2,530,500
  For Printing...................................... 12,900
  For Equipment.................................... 117,300
  For Telecommunications Services.................. 130,500
  For Operation of Auto Equipment.................. 224,400
  Total $31,206,800 $30,981,800

PONTIAC CORRECTIONAL CENTER
  For Personal Services............................................. 33,279,300
  For Employee Retirement Contributions
    Paid by Employer.................................................. 0
  For Student, Member and Inmate
    Compensation.......................................................... 222,600
  For State Contributions to State
    Employees' Retirement System................................. 5,360,000
  For State Contributions to
    Social Security.............................................. 2,545,800
  For Contractual Services......................... 7,009,600
  For Travel.......................................................... 21,100
  For Travel and Allowances for Committed,
    Paroled and Discharged Prisoners....................... 10,000
  For Commodities................................................. 3,052,900
  For Printing....................................................... 45,100
  For Equipment...................................................... 146,800
  For Telecommunications Services.................... 171,700
  For Operation of Auto Equipment...................... 85,100
  Total $51,950,000

WESTERN ILLINOIS CORRECTIONAL CENTER
  For Personal Services.................. 19,116,500 18,640,500
  For Employee Retirement Contributions
    Paid by Employer.................................................. 0
  For Student, Member and Inmate
    Compensation...................................................... 355,600
  For State Contributions to State

New matter indicated by italics - deletions by strikeout
### Employees' Retirement System
- For State Contributions to Social Security: 1,425,900
- For Contractual Services: 5,042,700
- For Travel: 7,400
- For Travel and Allowances for Committed, Paroled and Discharged Prisoners: 43,000
- For Commodities: 2,211,600
- For Printing: 33,400
- For Equipment: 109,200
- For Telecommunications Services: 51,200
- For Operation of Auto Equipment: 98,900
- **Total**: $31,497,700

### CENTRALIA CORRECTIONAL CENTER
- For Personal Services: 18,442,900
- For Employee Retirement Contributions Paid by Employer: 0
- For Student, Member and Inmate Compensation: 292,100
- For State Contributions to Employees' Retirement System: 2,970,400
- For State Contributions to Social Security: 1,410,900
- For Contractual Services: 4,509,200
- For Travel: 14,100
- For Travel and Allowances for Committed, Paroled and Discharged Prisoners: 35,700
- For Commodities: 1,766,900
- For Printing: 20,200
- For Equipment: 84,200
- For Telecommunications Services: 80,400
- For Operation of Auto Equipment: 91,100
- **Total**: $29,718,100

### GRAHAM CORRECTIONAL CENTER
- For Personal Services: 22,211,800
- For Employee Retirement Contributions Paid by Employer: 0
- For Student, Member and Inmate Compensation: 273,900

New matter indicated by italics - deletions by strikeout
For State Contributions to State Employees' Retirement System.............. $3,398,700
For State Contributions to Social Security................................. $1,614,300
For Contractual Services....................................................... $7,428,000
For Travel................................................................. $16,400
For Travel and Allowances for Committed, Paroled and Discharged Prisoners.............. $16,400
For Commodities............................................................ $2,292,300
For Printing................................................................. $24,900
For Equipment................................................................. $96,900
For Telecommunications Services.......................... $74,500
For Operation of Auto Equipment.......................... $70,100
Total $37,517,200

MENARD CORRECTIONAL CENTER
For Personal Services.............. $41,699,100 $39,987,300
For Employee Retirement Contributions Paid by Employer............................... 0
For Student, Member and Inmate Compensation.............................................. $374,400
For State Contributions to State Employees' Retirement System.............. $6,440,400
For State Contributions to Social Security............................................ $3,059,100
For Contractual Services....................................................... $8,070,100
For Travel................................................................. $43,800
For Travel and Allowances for Committed, Paroled and Discharged Prisoners.............. $21,300
For Commodities............................................................ $4,759,800
For Printing................................................................. $32,800
For Equipment................................................................. $208,400
For Telecommunications Services.......................... $160,200
For Operation of Auto Equipment.......................... $115,500
Total $64,984,900 $63,273,100

PINCKNEYVILLE CORRECTIONAL CENTER
For Personal Services.............. $19,501,000 $18,814,000
For Employee Retirement Contributions Paid by Employer............................... 0
For Student, Member and Inmate

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>308,100</th>
<th>3,030,200</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Travel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Travel and Allowances for Committed,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paroled and Discharged Prisoners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Printing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>33,188,900</td>
<td>32,501,900</td>
</tr>
</tbody>
</table>

SOUTHWESTERN ILLINOIS CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>12,723,100</th>
<th>11,501,100</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>.</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>151,700</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Travel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Travel and Allowances for Committed,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paroled and Discharged Prisoners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Printing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>20,428,900</td>
<td>19,206,900</td>
</tr>
</tbody>
</table>

TAYLORVILLE CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>12,803,200</th>
<th>12,210,200</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Item</th>
<th>VANDALIA CORRECTIONAL CENTER</th>
<th>BIG MUDDY RIVER CORRECTIONAL CENTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$240,200</td>
<td>$19,219,200</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>$1,966,600</td>
<td>$2,246,700</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>$934,100</td>
<td>$22,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$4,733,200</td>
<td>$56,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>$2,900</td>
<td>$98,300</td>
</tr>
<tr>
<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
<td>$23,800</td>
<td>$49,000</td>
</tr>
<tr>
<td>Commodities</td>
<td>$1,119,400</td>
<td>$98,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>$12,400</td>
<td>$22,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$84,700</td>
<td>$56,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$57,100</td>
<td>$98,300</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>$54,200</td>
<td>$122,800</td>
</tr>
<tr>
<td>Total</td>
<td>$22,031,800</td>
<td>$32,075,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$360,800</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$2,999,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$1,424,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$7,778,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>$22,100</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$74,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$2,303,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>$23,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$116,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$140,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$101,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$34,563,200</strong></td>
</tr>
</tbody>
</table>

LAWRENCE CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$18,499,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$209,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$2,572,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$1,222,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$3,775,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>$9,300</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$23,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$2,849,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>$21,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$85,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$128,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$41,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$29,436,800</strong></td>
</tr>
</tbody>
</table>

ROBINSON CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$12,906,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>$12,217,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$235,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$1,967,700</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>$934,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$3,549,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>$17,000</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$11,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$1,490,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>$27,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$93,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$33,100</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>$82,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$21,347,800</strong></td>
</tr>
</tbody>
</table>

**SHAWNEE CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$18,155,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$402,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$2,812,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$1,335,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$5,830,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>$13,400</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$99,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$2,517,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>$19,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$93,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$85,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$84,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$31,446,900</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
**TAMMS CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>17,259,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>125,400</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,779,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,320,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,721,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>32,400</td>
</tr>
<tr>
<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
<td>1,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>961,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>13,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>96,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>127,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>68,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27,508,100</strong></td>
</tr>
</tbody>
</table>

**VIENNA CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>17,696,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>255,300</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,731,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,297,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,385,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,400</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>44,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,589,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>16,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>101,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>72,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>95,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
SHERIDAN CORRECTIONAL CENTER
For Personal Services.........................                                        17,670,100
For Employee Retirement Contributions
Paid by Employer......................................... 0
For Student, Member and Inmate
Compensation............................................. 404,700
For State Contributions to State
Employees' Retirement System.................... 2,846,000
For State Contributions to
Social Security............................................ 1,351,700
For Contractual Services........ 16,358,700 20,358,700
For Travel............................................... 50,500
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners........... 75,300
For Commodities................................. 1,768,400
For Printing............................................... 54,100
For Equipment............................. 288,000
For Telecommunications Services........... 231,900
For Operation of Auto Equipment........ 260,500
Total                                        $41,359,900 $45,359,900

(P.A. 93-842, Art. 65, Sec. 15)
Sec. 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund:

ILLINOIS YOUTH CENTER - CHICAGO
For Personal Services.............. 4,205,900 4,196,900
For Employee Retirement Contributions
Paid by Employer......................................... 0
For Student, Member and Inmate
Compensation............................................. 9,700
For State Contributions to State
Employees' Retirement System............... 676,000
For State Contributions to
Social Security........................................... 321,100
For Contractual Services............... 2,556,200
For Travel............................................. 6,700
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners........... 300

New matter indicated by italics - deletions by strikeout
### ILLINOIS YOUTH CENTER - HARRISBURG

<table>
<thead>
<tr>
<th>Description</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Commodities</td>
<td>207,800</td>
<td></td>
</tr>
<tr>
<td>For Printing</td>
<td>3,300</td>
<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td>49,800</td>
<td></td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>34,400</td>
<td></td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>24,900</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$8,096,100</strong></td>
<td><strong>$8,087,100</strong></td>
</tr>
</tbody>
</table>

### ILLINOIS YOUTH CENTER - JOLIET

<table>
<thead>
<tr>
<th>Description</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>12,676,300</td>
<td>11,782,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>62,900</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,897,700</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>901,300</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,247,300</td>
<td></td>
</tr>
<tr>
<td>For Travel</td>
<td>5,600</td>
<td></td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>4,200</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>269,400</td>
<td></td>
</tr>
<tr>
<td>For Printing</td>
<td>19,300</td>
<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td>67,700</td>
<td></td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>65,900</td>
<td></td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>36,100</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$18,253,700</strong></td>
<td><strong>$17,359,700</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Paroled and Discharged Prisoners................. 2,100
For Commodities.................................. 438,300
For Printing....................................... 7,900
For Equipment..................................... 69,200
For Telecommunications Services................... 60,300
For Operation of Auto Equipment................... 29,000
Total                                                                                       $15,662,600

ILLINOIS YOUTH CENTER - KEWANEE
For Personal Services............. 8,776,100 8,544,100
For Employee Retirement Contributions
Paid by Employer................................ 0
For Student, Member and Inmate
Compensation..................................... 11,100
For State Contributions to State
Employees' Retirement System............. 1,376,100
For State Contributions to
Social Security.................................. 654,800
For Contractual Services..................... 3,906,800
For Travel........................................ 7,800
For Travel Allowances for Committed,
Paroled and Discharged Prisoners.......... 1,100
For Commodities................................. 453,200
For Printing...................................... 7,900
For Equipment................................... 43,700
For Telecommunications Services......... 90,400
For Operation of Auto Equipment......... 29,000
Total                                                                                       $15,358,000

ILLINOIS YOUTH CENTER - MURPHYSBORO
For Personal Services............. 6,113,900 5,734,900
For Employee Retirement Contributions
Paid by Employer............................... 0
For Student, Member and Inmate
Compensation..................................... 16,600
For State Contributions to State
Employees' Retirement System............. 923,700
For State Contributions to
Social Security................................. 438,800
For Contractual Services..................... 1,129,100
For Travel....................................... 11,900

New matter indicated by italics - deletions by strikeout
For Travel Allowances for Committed, Paroled and Discharged Prisoners.......... 2,400
For Commodities............................................. 317,700
For Printing.................................................. 8,600
For Equipment.................................................. 58,100
For Telecommunications Services.............................. 39,200
For Operation of Auto Equipment.................................. 18,800
Total........................................................................ $9,078,800 $8,699,800

ILLINOIS YOUTH CENTER - PERE MARQUETTE
For Personal Services............................................ 2,358,600 2,309,600
For Employee Retirement Contributions Paid by Employer........................................ 0
For Student, Member and Inmate Compensation........................................... 15,700
For State Contributions to State Employees' Retirement System.................. 372,000
For State Contributions to Social Security......................................................... 176,700
For Contractual Services................................................... 394,600
For Travel.............................................................. 1,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners................. 1,400
For Commodities.......................................................... 174,000
For Printing............................................................ 5,200
For Equipment........................................................... 50,300
For Telecommunications Services......................................... 73,200
For Operation of Auto Equipment........................................... 17,100
Total........................................................................ $3,639,800 $3,590,800

ILLINOIS YOUTH CENTER - RUSHVILLE
For Personal Services.................................................. 0
For Employee Retirement Contributions Paid by Employer........................................ 0
For Student, Member, and Inmate Compensation........................................... 0
For State Contribution to State Employees' Retirement System.................. 0
For State Contributions to Social Security......................................................... 0
For Contractual Services.................................................. 0

New matter indicated by italics - deletions by strikeout
For Travel............................................. 0
For Travel Allowance for Committed, Paroled and Discharged Prisoners............... 0
For Commodities...................................... 0
For Printing........................................... 0
For Equipment......................................... 0
For Telecommunications............................... 0
For Operation of Auto Equipment....................... 0
For Deposit into Travel and Allowance Revolving Fund........................................ 0
Total $0

ILLINOIS YOUTH CENTER - ST. CHARLES
For Personal Services......................... 15,204,300
For Employee Retirement Contributions Paid by Employer...................................... 0
For Student, Member and Inmate Compensation.......................................... 68,400
For State Contributions to State Employees' Retirement System............... 2,448,800
For State Contributions to Social Security........................................ 1,163,100
For Contractual Services....................... 3,620,900
For Travel........................................ 41,600
For Travel and Allowances for Committed, Paroled and Discharged Prisoners......... 900
For Commodities..................................... 1,223,600
For Printing......................................... 19,200
For Equipment....................................... 101,500
For Telecommunications Services................ 132,600
For Operation of Auto Equipment.................. 148,600
Total $24,173,500

ILLINOIS YOUTH CENTER - VALLEY VIEW
For Personal Services................................ 0
For Employee Retirement Contributions Paid by Employer...................................... 0
For Student, Member and Inmate Compensation.......................................... 0
For State Contributions to State Employees' Retirement System....................... 0

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security............................... 0
For Contractual Services................................................. 0
For Travel........................................................................... 0
For Travel and Allowances for Committed, Paroled and Discharged Prisoners...................... 0
For Commodities.............................................................. 0
For Printing......................................................................... 0
For Equipment..................................................................... 0
For Telecommunications Services................................. 0
For Operation of Auto Equipment................................... 0
For Ordinary and Contingent Expenses............................ 0
Total                                                                                                         $0

ILLINOIS YOUTH CENTER - WARRENVILLE
For Personal Services.................................................. 5,420,600
For Employee Retirement Contributions Paid by Employer......................................................... 0
For Student, Member and Inmate Compensation.......................................................... 20,200
For State Contributions to State Employees' Retirement System................................. 873,100
For State Contributions to Social Security................................................................. 414,600
For Contractual Services........................................................................... 1,237,900
For Travel.................................................................................. 5,200
For Travel and Allowances for Committed, Paroled and Discharged Prisoners............... 100
For Commodities................................................................. 138,200
For Printing............................................................................. 6,900
For Equipment......................................................................... 66,900
For Telecommunications Services.................................................. 51,800
For Operation of Auto Equipment............................................... 28,800
Total                                                                                             $8,264,300

ARTICLE 7
Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Sections 5, 30, 35, 45, 50, 65, 70, 85, 120, 130, 165, 170, 175, 180, 185, 200, 205, 210, 220, 225, 235, 280, 305 and 310 of Article 54 as follows:
(P.A. 93-0842, Art. 54, Sec. 5)

New matter indicated by italics - deletions by strikeout
Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds as are made available by the Federal Government for the following purposes:

**DISTRIBUTIVE ITEMS**

**OPERATIONS**

Payable from the Special Purposes Trust Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>382,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>11,500</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>61,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>29,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>84,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>26,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>31,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>9,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>6,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$642,600</strong></td>
</tr>
</tbody>
</table>

**DISTRIBUTIVE ITEMS**

**GRANTS-IN-AID**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Aid to Aged, Blind or Disabled under Article III</td>
<td>28,430,000</td>
</tr>
<tr>
<td></td>
<td>27,352,300</td>
</tr>
<tr>
<td>For Temporary Assistance for Needy Families under Article IV and other social services</td>
<td>132,410,000</td>
</tr>
<tr>
<td></td>
<td>112,700,000</td>
</tr>
<tr>
<td>For Grants Associated with Child Care Services, Including Operating and Administrative Costs</td>
<td>398,819,100</td>
</tr>
<tr>
<td>For Emergency Assistance for Families with Dependent Children</td>
<td>445,700</td>
</tr>
<tr>
<td>For Funeral and Burial Expenses under Articles III, IV, and V, including prior year costs</td>
<td>9,650,000</td>
</tr>
<tr>
<td>For Refugees</td>
<td>1,658,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For New Americans Initiative.................. 3,000,000
For State Family and Children Assistance.......................... 1,409,500
For State Transitional Assistance.......................... 10,000,000 8,331,200
For Services to Non-Citizens pursuant to 305 ILCS 5/12-4.34................. 5,150,000
For a grant to Children's Place for costs associated with specialized child care for families affected by HIV/AIDS................................. 752,700
For costs related to the Illinois Equal Justice Act........................ 472,900
Total $569,742,000

The Department, with the consent in writing from the Governor, may reapportion not more than ten percent of the total appropriation of General Revenue Funds in Section 1 above "For Income Assistance and Related Distributive Purposes" among the various purposes therein enumerated, excluding Emergency Assistance for Families with Dependent Children.

The Department, with the consent in writing from the Governor, may reapportion not more than six percent of the appropriation "For Temporary Assistance for Needy Families under Article IV" representing savings attributable to not increasing grants due to the births of additional children to the appropriation from the General Revenue Fund in Section 39.1 in this Article for Employability Development Services.

(P.A. 93-0842, Art. 54, Sec. 30)

Sec. 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

TINLEY PARK MENTAL HEALTH CENTER
For Personal Services........... 16,581,200 15,956,500
For Employee Retirement Contributions
Paid by Employer.......................... 0
For Retirement Contributions... 2,622,100 2,569,900
For State Contributions to Social Security................................. 1,220,600
For Contractual Services.......................... 946,800

New matter indicated by italics - deletions by strikeout
For Travel........................................                                                 32,200
For Commodities................................                                         2,755,000
For Printing......................................                                                 11,300
For Equipment.....................................                                             75,100
For Telecommunications Services...............                                149,000
For Operation of Auto Equipment..................                                30,100
For Expenses Related to Living
Skills Program...................................                                               20,700
For Costs Associated with Behavioral
Health Services - Tinley Park Network...........                                               20,700
Total                                                                                       $23,941,400

(P.A. 93-0842, Art. 54, Sec. 35)
Sec. 35. The following named sums, or so much thereof as may be
necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenditures of the
Department of Human Services:
ADMINISTRATIVE AND PROGRAM SUPPORT
Payable from General Revenue Fund:
For Personal Services.........................                                        20,973,300
For Employee Retirement Contributions
Paid by Employer.....................................                                                0
For Retirement Contributions...............                                               3,378,000
For State Contributions to Social Security....                                         1,604,500
For Group Insurance................................                                         241,300
For Contractual Services......................                                      14,711,000
For Travel.......................................                                                282,200
For Commodities.....................................                                             1,552,900
For Printing.......................................                                                1,129,100
For Equipment.....................................                                             64,400
For Telecommunications Services...............                                1,566,100
For Operation of Auto Equipment..................                                202,700
For In-Service Training...........................                                         17,600
For Health Insurance Portability
and Accountability Act..........................                                                2,895,000
For Ordinary and Contingent Expenses of
Team Illinois.................................................                                                0
For Indirect Cost Principles/Interfund
Transfer Payable to the Vocational
Rehabilitation Fund..................................                                                3,329,300

New matter indicated by italics - deletions by strikeout
Total $51,947,400

Payable from the DHS Recoveries Trust Fund:
- For Personal Services $2,732,500
- For Employee Retirement Contributions
  - Paid by Employer $82,000
  - For Retirement Contributions $440,100
  - For State Contributions to Social Security $209,000
- For Group Insurance $720,000
- For Contractual Services $1,537,500
- For Travel $50,000
- For Commodities $16,800
- For Printing $7,600
- For Equipment $2,900
- For Telecommunications Services $15,000
Total $5,813,400

Payable from Vocational Rehabilitation Fund:
- For Personal Services $5,823,700
- For Employee Retirement Contributions
  - Paid by Employer $174,700
  - For Retirement Contributions $938,000
  - For State Contributions to Social Security $445,500
- For Group Insurance $1,434,000
- For Contractual Services $2,755,800
- For Travel $136,000
- For Commodities $136,500
- For Printing $37,000
- For Equipment $198,600
- For Telecommunications Services $226,500
- For Operation of Auto Equipment $28,500
- For In-Service Training $366,700
Total $12,701,500

Payable from DMH/DD Private Resources Fund:
- For Costs associated with the Health and Human Services Reform Activities funded by Private Donations from the Annie E. Casey Foundation $150,000
(P.A. 93-0842, Art. 54, Sec. 45)
Sec. 45. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

GRANTS-IN-AID

For Tort Claims:
- Payable from General Revenue Fund: 5,580,900
- Payable from Vocational Rehabilitation Fund: 580,900
- Total: 5,580,900

For Reimbursement of Employees for Work-Related Personal Property Damages:
- Payable from General Revenue Fund: 12,600

For Grants Associated with Systems Change Including Operating and Administrative Costs:
- Payable from the DHS Federal Projects Fund: 450,000

Sec. 50. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Department of Human Services for repairs and maintenance, roof repairs and/or replacements and miscellaneous at the Department's various facilities and are to include capital improvements including construction, reconstruction, improvements, repairs and installation of capital facilities, cost of planning, supplies, materials, and all other expenses required for roof and other types of repairs and maintenance, capital improvements and demolition.

No contract shall be entered into or obligations incurred for any expenditures from appropriations made in this Section of the Article until after the purposes and amounts have been approved in writing by the Governor.

For Repair, Maintenance and other Capital Improvements at various facilities: 1,095,700
For Miscellaneous Permanent Improvements: 250,700
Total: 1,346,400

Sec. 65. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

JACK MABLEY DEVELOPMENT CENTER

New matter indicated by italics - deletions by strikeout
For Personal Services.............. $7,319,600 6,876,600
For Employee Retirement Contributions
Paid by Employer........................................ 0
For Retirement Contributions........ $1,152,200 1,107,500
For State Contributions to
Social Security........................................ 526,000
For Contractual Services....................... 1,211,400
For Travel........................................ 3,900
For Commodities.................................. 407,200
For Printing....................................... 4,700
For Equipment..................................... 26,300
For Telecommunications Services............. 40,100
For Operation of Automotive Equipment....... 23,400
Total $10,227,100

(P.A. 93-0842, Art. 54, Sec. 70)

Sec. 70. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ALTON MENTAL HEALTH CENTER

For Personal Services.............. $15,453,200 13,899,800
For Employee Retirement Contributions
Paid by Employer........................................ 0
For Retirement Contributions........ $2,417,900 2,238,700
For State Contributions to Social Security........................................ 1,082,800 1,062,300
For Contractual Services....................... 1,548,300
For Travel........................................ 32,400
For Commodities.................................. 390,700
For Printing....................................... 15,500
For Equipment..................................... 86,900
For Telecommunications Services............. 120,400
For Operation of Auto Equipment............. 54,800
For Expenses Related to Living
Skills Program........................................ 3,300
For Costs Associated with Behavioral Health Services - Alton Network............. 4,858,000
Total $24,312,100

(P.A. 93-0842, Art. 54, Sec. 85)
Sec. 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**HOME SERVICES PROGRAM**

Payable from General Revenue Fund:
- For Personal Services............ 4,645,700 4,454,100
- For Employee Retirement Contributions
  - Paid by Employer...................................... 0
- For Retirement Contributions............ 733,000 717,400
- For State Contribution to Social Security................................. 340,700
- For Contractual Services......................... 141,600
- For Travel....................................... 123,200
- For Commodities.................................... 1,900
- For Printing....................................... 3,600
- For Equipment...................................... 1,000
- For Telecommunications Services.................... 4,900

Total $5,788,400

(P.A. 93-0842, Art. 54, Sec. 120)

Sec. 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

**ADDITION TREATMENT GRANTS-IN-AID**

Payable from the General Revenue Fund:
- For Costs Associated with Addiction Treatment Services For Special Populations................................. 8,793,600
- For Costs Associated with Community Based Addiction Treatment to Medicaid Eligible and KidCare clients,
  Including Prior Year Costs............ 48,913,500 50,713,500
- For Costs Associated with Community Based Addiction Treatment Services............. 81,483,700
- For Grants and Administrative Expenses Related to the Welfare Reform Pilot Project................................. 11,688,300

New matter indicated by italics - deletions by strikeout
For Costs Associated with Treatment of Individuals who are Compulsive Gamblers: $960,000

For Addiction Treatment and Related Services:
- Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund: $57,500,000
- Payable from Drug Treatment Fund: $5,000,000
- Payable from Youth Drug Abuse Prevention Fund: $530,000
  Total: $63,030,000

For underwriting the cost of housing for groups of recovering individuals:
- Payable from Group Home Loan Revolving Fund: $100,000

For Grants and Administrative Expenses Related to the Domestic Violence and Substance Abuse Demonstration Project:
- Payable from General Revenue Fund: $641,800

For Grants and Administrative Expenses Related to Addiction Treatment and Related Services:
- Payable from Drunk and Drugged Driving Prevention Fund: $3,082,900
- Payable from Alcoholism and Substance Abuse Fund: $22,102,900

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriation of General Revenue Funds in Section 15 above "Addiction Treatment" among the purposes therein enumerated.

Sec. 130. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Category</th>
<th>CLYDE L. CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER</th>
<th>CHICAGO-READ MENTAL HEALTH CENTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>26,057,600</td>
<td>23,876,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>24,676,000</td>
<td>22,331,700</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>4,105,500</td>
<td>3,782,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Travel</td>
<td></td>
<td>1,708,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td></td>
<td>2,526,500</td>
</tr>
<tr>
<td>For Printing</td>
<td></td>
<td>37,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td></td>
<td>733,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td></td>
<td>14,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td></td>
<td>64,300</td>
</tr>
<tr>
<td>For Expenses Related to Living Skills Program</td>
<td></td>
<td>177,800</td>
</tr>
<tr>
<td>For Costs Associated with Behavioral Health Services - Choate Network</td>
<td>41,300</td>
<td>31,700</td>
</tr>
<tr>
<td>Total</td>
<td>$34,074,800</td>
<td>$34,074,800</td>
</tr>
</tbody>
</table>

(P.A. 93-0842, Art. 54, Sec. 165)

Sec. 165. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

New matter indicated by italics - deletions by strikeout
For Costs Associated with Behavioral Health Services - Chicago-Read Network

Total $31,593,100

(P.A. 93-0842, Art. 54, Sec. 170)

Sec. 170. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

PROGRAM ADMINISTRATION - DISABILITIES AND BEHAVIORAL HEALTH

Payable from General Revenue Fund:

- For Personal Services.............. $11,813,600 $10,391,400
- For Employee Retirement Contributions Paid by Employer.......................... 0
- For Retirement Contributions....... $1,885,900 $1,673,600
- For State Contributions to Social Security ........ $873,500 $795,000
- For Contractual Services...........
- For Contractual Services:
  - For Private Hospitals for Recipients of State Facilities............... $925,900
- Total $35,804,300

Payable from the Prevention/Treatment - Alcoholism and Substance Abuse Block Grant Fund:

- For Personal Services....................... 2,223,300
- For Employee Retirement Contributions Paid by Employer......................... 66,700
- For Retirement Contributions............. 358,100
- For State Contributions to Social Security ....... 170,100
- For Group Insurance......................... 396,000
- For Contractual Services..................... 1,416,800

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Travel</td>
<td>200,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>53,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>35,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>14,300</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>300,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>117,800</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>20,000</td>
</tr>
<tr>
<td>For Expenses Associated with the Administration of the Alcohol and Substance Abuse Prevention and Treatment Programs</td>
<td>215,000</td>
</tr>
<tr>
<td>Loan Revolving Fund</td>
<td>100,000</td>
</tr>
<tr>
<td>Total</td>
<td>$5,686,900</td>
</tr>
</tbody>
</table>

Payable from the Vocational Rehabilitation Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>699,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>21,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>112,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>53,500</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>150,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>61,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>50,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>40,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>16,900</td>
</tr>
<tr>
<td>Total</td>
<td>$1,205,000</td>
</tr>
</tbody>
</table>

Payable from the Community Mental Health Services Block Grant Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>517,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>15,500</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>83,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>39,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>120,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>180,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,000</td>
</tr>
</tbody>
</table>
Total $975,700

Payable from the DHS Federal Projects Fund:
For Federally Assisted Programs............ 5,949,200

Payable from the Mental Health Fund:
For Costs Related to Provision of Support
Services Provided to Departmental and Non-
Departmental Organizations.................... 4,770,200

Payable from the Youth Alcoholism and Substance
Abuse Prevention Fund:
For Deposit into the Fund Which Receives All
Payments Under Section 5-3 of Act for
Alcoholic Liquors.............................. 150,000

Payable from the Rehabilitation Services
Elementary and Secondary Education Act Fund:
For Federally Assisted Programs............... 1,350,000

(P.A. 93-0842, Art. 54, Sec. 175)

Sec. 175. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Human Services:

SEXUALLY VIOLENT PERSONS PROGRAM

Payable from General Revenue Fund:
For Sexually Violent Persons
Program.......................... 17,488,900 18,988,900

(P.A. 93-0842, Art. 54, Sec. 180)

Sec. 180. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

H. DOUGLAS SINGER MENTAL HEALTH AND DEVELOPMENTAL CENTER

For Personal Services........... 9,196,400 8,868,600
For Employee Retirement Contributions
Paid by Employer......................... 0
For Retirement Contributions....... 1,458,300 1,428,400
For State Contributions to
Social Security........................... 678,500
For Contractual Services............. 2,294,400
For Travel................................. 7,600

New matter indicated by italics - deletions by strikeout
For Commodities............................... 396,000
For Printing.................................... 10,300
For Equipment.................................. 27,500
For Telecommunications Services............. 86,300
For Operation of Auto Equipment.............. 19,400
For Expenses Related to Living Skills Program................................. 3,800
For Costs Associated with Behavioral Health Services - Singer Network........... 38,200
Total                                                                                        $13,859,000

(P.A. 93-0842, Art. 54, Sec. 185)
Sec. 185. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ANN M. KILEY DEVELOPMENTAL CENTER
For Personal Services...................... 20,217,900 49,012,300
For Employee Retirement Contributions Paid by Employer........................................ 0
For Retirement Contributions............. 3,196,800 3,062,100
For State Contributions to Social Security................................................. 1,473,300
For Contractual Services.................... 2,037,500
For Travel....................................... 10,100
For Commodities............................. 916,600
For Printing.................................... 14,900
For Equipment.................................. 35,300
For Telecommunications Services.......... 114,900
For Operation of Auto Equipment.......... 69,100
For Expenses Related to Living Skills Program................................. 13,500
Total                                                                                        $26,759,600

(P.A. 93-0842, Art. 54, Sec. 200)
Sec. 200. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

JOHN J. MADDEN MENTAL HEALTH CENTER
For Personal Services...................... 18,237,500 47,278,300

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions........ 2,879,700 2,782,800
For State Contributions to Social Security...................................... 1,321,800
For Contractual Services................. 1,798,500
For Travel................................. 26,800
For Commodities........................... 524,300
For Printing................................. 18,700
For Equipment.............................. 31,200
For Telecommunications Services........ 143,900
For Operation of Auto Equipment.......... 14,500
For Expenses Related to Living Skills Program................................. 19,200
For Costs Associated with Behavioral Health Services - Madden Network............... 143,100
Total $24,103,100

(P.A. 93-0842, Art. 54, Sec. 205)
Sec. 205. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

WARREN G. MURRAY DEVELOPMENTAL CENTER
For Personal Services........ 23,353,900 22,054,200
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions........ 3,672,700 3,552,100
For State Contributions to Social Security...................................... 1,701,200
For Contractual Services................. 1,656,600
For Travel................................. 9,900
For Commodities........................... 1,388,000
For Printing................................. 10,000
For Equipment.............................. 122,300
For Telecommunications Services........ 56,000
For Operation of Auto Equipment.......... 33,900
For Expenses Related to Living Skills Program................................. 2,900
Total $30,587,100

New matter indicated by italics - deletions by strikeout
Sec. 210. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**ELGIN MENTAL HEALTH CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>44,102,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>6,953,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>3,141,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,157,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>45,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,173,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>34,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>131,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>309,100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>111,200</td>
</tr>
<tr>
<td>For Expenses Related to Living Skills Program</td>
<td>31,200</td>
</tr>
<tr>
<td>For Costs Associated with Behavioral Health Services - Elgin Network</td>
<td>7,388,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$64,198,000</strong></td>
</tr>
</tbody>
</table>

Sec. 220. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**CHESTER MENTAL HEALTH CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>24,720,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>3,941,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,895,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,652,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>69,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>633,500</td>
</tr>
<tr>
<td>For Costs Associated with Behavioral Health Services - Chester Network</td>
<td>7,388,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$64,198,000</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Printing........................................ 10,300  
For Equipment.................................... 50,300  
For Telecommunications Services............. 101,900  
For Operation of Auto Equipment............. 15,700  
For Expenses Related to Living Styles Program.................................. 4,600  
Total                                                                                       $33,847,000  

(P.A. 93-0842, Art. 54, Sec. 225)  
Sec. 225. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**JACKSONVILLE DEVELOPMENTAL CENTER**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>21,667,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>20,140,400</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>3,430,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,547,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,408,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>14,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,629,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>12,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>89,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>79,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>46,600</td>
</tr>
<tr>
<td>For Expenses Related to Living Skills Program</td>
<td>16,200</td>
</tr>
<tr>
<td>Total</td>
<td>$28,221,700</td>
</tr>
</tbody>
</table>

(P.A. 93-0842, Art. 54, Sec. 235)  
Sec. 235. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**ANDREW McFARLAND MENTAL HEALTH CENTER**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>11,330,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>10,849,800</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>1,780,300</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>1,747,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For State Contributions to
  Social Security.............................. 830,000
For Contractual Services...................... 1,733,300
For Travel...................................... 13,500
For Commodities.................................. 348,800
For Printing..................................... 6,800
For Equipment................................... 63,600
For Telecommunications Services............... 86,100
For Operation of Auto Equipment.................. 23,000
For Expenses Related to Living
  Skills Program.................................. 11,400
For Costs Associated with Behavioral Health
  Services - McFarland Network................ 146,800
Total................................................ $15,860,600

(P.A. 93-0842, Art. 54, Sec. 280)
Sec. 280. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Human Services
for the objects and purposes hereinafter named:

  COMMUNITY HEALTH
  GRANTS-IN-AID

Payable from the General Revenue Fund:
For Grants to Public and Private Agencies
  for Problem Pregnancies....................... 248,800
For Grants to Provide Assistance to Sexual
  Assault Victims and for Sexual Assault
  Prevention Activities.......................... 5,542,000
For Grants for Programs to Reduce
  Infant Mortality and to Provide
  Case Management and Outreach Services...... 16,836,600
For Grants for Programs to Reduce Infant
  Mortality and to Provide Case
  Management and Outreach Services for
  Medicaid Eligible Families.................... 27,598,600
For Grants for the Intensive Prenatal
  Performance Project......................... 3,136,300
For Grants to the Chicago Department of
  Health for Maternal and Child
  Health Services.............................. 295,000
For Grants and Administrative Expenses

New matter indicated by italics - deletions by strikeout
Related to the Healthy Families Program................................. 9,686,700
For Costs Associated with the Domestic Violence Shelters and Services Program.......................... 21,279,700
For Grants for After School Youth Support Programs.......................... 20,428,500
For Costs Associated with Teen Parent Services.......................... 7,122,400
For Grants to Family Planning Programs For Contraceptive Services.......................... 723,800
For a Grant to Mano a Mano Family Resource Center.......................... 50,000
For a Grant for Youth and Family Counseling.......................... 75,000
Payable from the Sexual Assault Services Fund:
  For Grants Related to the Sexual Assault Services Program.............. 100,000
  Total $113,123,400
Payable from the Special Purposes Trust Fund:
  For Costs Associated with Family Violence Prevention Services........... 5,000,000
Payable from the DHS Federal Projects Fund:
  For Grants for Public Health Programs.......................... 2,830,000
  For Grants for Maternal and Child Health Special Projects of Regional and National Significance............. 1,300,000
  For Grants for Family Planning Programs Pursuant to Title X of the Public Health Service Act............. 8,000,000
  For Grants for the Federal Healthy Start Program.......................... 4,000,000
  Total $21,130,000
Payable from the Special Purposes Trust Fund:
  For Community Grants.......................... 5,698,100
Payable from the Domestic Violence Abuser

New matter indicated by italics - deletions by strikeout
Services Fund:
For Domestic Violence Abuser Services........... 100,000
Payable from the Federal National
Community Services Grant Fund:
For Payment for Community Activities,
Including Prior Years' Costs................. 13,000,000
Payable from the USDA Women, Infants and Children Fund:
For Grants to Public and Private Agencies
for Costs of Administering the USDA Women,
Infants, and Children (WIC) Nutrition
Program.......................................... 42,000,000
For Grants for the Federal
Commodity Supplemental Food Program........ 1,400,000
For Grants for Free Distribution of Food
Supplies under the USDA Women, Infants,
and Children (WIC) Nutrition Program........ 197,000,000
For Grants for Administering USDA Women,
Infants, and Children (WIC) Nutrition
Program Food Centers.......................... 24,000,000
For Grants for USDA Farmer's Market
Nutrition Program............................. 1,500,000
Total ........................................ $260,698,100
Payable from the Maternal and Child Health
Services Block Grant Fund:
For Grants for Maternal and Child Health
Programs, Including Programs Appropriated
Elsewhere in this Section..................... 8,465,200
For Grants to the Chicago Department of
Health for Maternal and Child Health
Services........................................ 5,000,000
For Grants to the Board of Trustees of the
University of Illinois, Division of
Specialized Care for Children................... 7,800,000
For Grants for an Abstinence Education
Program including operating and
administrative costs......................... 2,500,000
Total ........................................ $23,765,200
Payable from the Preventive Health and Health

New matter indicated by italics - deletions by strikeout
Services Block Grant Fund:
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities.............. 500,000
For Grants for Rape Prevention Education Programs, including operating and administrative costs.................. 1,000,000
Total $1,500,000
Payable from the DHS State Projects Fund:
For Grants to Establish Health Care Systems for DCFS Wards.......................... 2,361,400
Payable from Domestic Violence Shelter and Service Fund:
For Domestic Violence Shelters and Services Program.......................... 1,000,000
For Grants in Children's Cancer Research:
Payable from Children's Cancer Fund............................................. 2,500
For Grants for Diabetes Research:
Payable from American Diabetes Association Fund.......................... 74,000
For Children's Health Programs:
Payable from Tobacco Settlement Recovery Fund......................... 2,000,000
For a Grant to the Coalition for Technical Assistance and Training:
Payable from Tobacco Settlement Recovery Fund.......................... 250,000
For a Grant to the Gilead Outreach and Referral Center:
Payable from the General Revenue Fund........... 250,000

Sec. 305. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

ELISABETH LUDEMAN DEVELOPMENTAL CENTER
For Personal Services........... 28,404,600 26,600,900
For Employee Retirement Contributions
Paid by Employer.......................... 0
For Retirement Contributions....... 4,490,800 4,284,300

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security…………………………. 2,048,100
For Contractual Services.......................... 2,528,100
For Travel.................................................. 3,500
For Commodities....................................... 598,700
For Printing.................................................. 9,200
For Equipment......................................... 96,900
For Telecommunications Services.................. 123,100
For Operation of Auto Equipment.................. 41,900
For Expenses Related to Living
Skills Program........................................ 24,700
Total                                                                 $36,359,400

(P.A. 93-0842, Art. 54, Sec. 310)
Sec. 310. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

WILLIAM A. HOWE DEVELOPMENTAL CENTER
For Personal Services............... 38,758,800 36,177,600
For Employee Retirement Contributions
Paid by Employer............................. 0
For Retirement Contributions........... 6,115,400 5,826,800
For State Contributions to Social Security.......................... 2,771,000 2,767,600
For Contractual Services...................... 4,685,800
For Travel.................................................. 34,100
For Commodities................................... 953,600
For Printing.................................................. 18,700
For Equipment......................................... 81,300
For Telecommunications Services........... 144,400
For Operation of Auto Equipment........... 186,600
For Expenses Related to Living
Skills Program....................................... 11,100
Total                                                                 $50,887,600

ARTICLE 9
Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Sections 110, 115 and 165 of Article 99 as follows:
(P.A. 93-842, Art. 99, Sec. 110)

New matter indicated by italics - deletions by strikeout
Sec. 110. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 110 of Public Act 93-0842, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER - MADISON COUNTY
(From Article 99, Section 110 of Public Act 93-0842)
For renovating the Forensic Complex and constructing two building additions, in addition to funds previously appropriated...... 3,900,000
For renovating the central dietary, Phase II, in addition to funds previously appropriated................................. 1,060,593
For constructing two building additions at the Forensic Complex......................... 7,180,592
For rehabilitation of the central dietary.............. 226,935

CHESTER MENTAL HEALTH CENTER
For completing the replacement of smoke and heat detectors, in addition to funds previously appropriated................. 440,000
For upgrading HVAC systems........................................ 590,176
For renovating support and residential areas, in addition to funds previously appropriated................................. 119,777
For replacing smoke/heat detectors....................... 177,589
For replacing sewer lines.............................. 189,335
For renovating support and residential area.................. 78,150

CHICAGO-READ MENTAL HEALTH CENTER - CHICAGO
For rehabbing absorbers, controls and valves................................. 398,432
For renovating residential units, in addition to funds previously appropriated................................. 236,520
For renovation of the West Campus shower and toilet rooms....................... 134,469

New matter indicated by italics - deletions by strikeout
CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER - ANNA
For renovating Sycamore Hall.......................... 2,652,585

ELGIN MENTAL HEALTH CENTER - KANE COUNTY
For replacing power plant and engineering building.............................. 7,942,071
For renovating the central dietary and kitchen.................................. 3,716,955
For construction of roads, parking lots and street lights.......................... 1,107,902

FOX DEVELOPMENTAL CENTER - DWIGHT
For upgrading fire alarm systems.......................... 950,000
For replacing and repairing interior doors, flooring and walls, in addition to funds previously appropriated.......................... 1,105,000
For planning and beginning replacement of interior doors and flooring and repairing walls in the Main and Administration Buildings.......................... 869,443

HARTE DEVELOPMENTAL CENTER - TINLEY PARK
For completing replacement of HVAC systems, in addition to funds previously appropriated.......................... 1,400,000
For upgrading plumbing in kitchen.......................... 735,000
For planning the replacement of absorption-type A/C.......................... 450,000
For replacing HVAC and duct work.......................... 39,704
For completing upgrade of tunnels, Phase II, in addition to funds previously appropriated.......................... 366,920
For renovating residences, in addition to funds previously appropriated.......................... 1,156,927
For renovation of residential buildings.......................... 76,450

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE
For renovating the High School Building Phase II.......................... 1,580,000
For renovating the health center.......................... 213,013
For replacing roof and upgrading the mechanical system at Burns Gym.......................... 1,968,986

New matter indicated by italics - deletions by strikeout
For replacing the visual alert system........... 466,084
For renovating High School Building........... 1,050,120
For replacing HVAC, upgrading electrical and replacing doors, in addition to funds previously appropriated........ 455,337

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE

For renovating auditorium, classroom and administration buildings........... 2,360,924
For renovating classrooms in Building 17........ 1,281,525
For renovating the Girls' Dormitory, in addition to funds previously appropriated........ 210,537

For renovations to the powerhouse, boilers and associated coal and ash equipment

For installation of individual package boilers, in addition to funds previously appropriated........ 400,000

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY

For planning and beginning the renovation of the powerhouse................................. 698,226

KILEY DEVELOPMENTAL CENTER - WAUKEGAN

For converting the facility to natural gas, in addition to funds previously appropriated.............................. 495,240
For renovating homes, Phase II, in addition to funds previously appropriated.............................. 105,008

LINCOLN DEVELOPMENTAL CENTER - LOGAN

For various capital improvements, including planning and construction of four ten-bed transitional or residential homes.............................. 7,000,000

LUDEMAN DEVELOPMENTAL CENTER - PARK FOREST

For upgrading the electrical panel............. 1,202,840
For repairing and replacing furnaces and duct work, in addition to funds previously appropriated.............................. 500,000
For renovating residential and neighborhood

New matter indicated by italics - deletions by strikeout
homes, in addition to funds previously appropriated................................. 1,195,960
For replacing plumbing, HVAC and boiler systems................................. 742,685
For renovation of residential buildings, in addition to funds previously appropriated................................. 648,823
For renovation of residences............................................. 35,293

MABLEY DEVELOPMENTAL CENTER - DIXON
For replacing mechanicals and upgrading the fire alarm systems......................... 371,005
For planning and beginning renovation of residential buildings...................... 1,453,648

MADDEN MENTAL HEALTH CENTER - HINES
For planning and beginning facility improvements to provide for patient safety and suicide prevention................................. 80,075
For renovating pavilions and administration building for safety/security, in addition to funds previously appropriated................. 1,200,000
For renovating dietary.................................................. 858,550
For renovation of pavilions, in addition to funds previously appropriated............ 350,503

MURRAY DEVELOPMENTAL CENTER - CENTRALIA
For completing the renovation of the boiler house, in addition to funds previously appropriated................. 3,400,000
For renovating the boiler house, in addition to funds previously appropriated......................... 591,566
For replacing the emergency management system, in addition to funds previously appropriated................................. 585,000
For planning and beginning boiler house renovation................................. 38,060
For replacing energy management system................................. 43,151

New matter indicated by italics - deletions by strikeout
SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE

For replacing the sewer system in south campus........................................ 2,112,880
For planning and beginning renovation of dietary...................................... 384,925
For work necessary to remedy fire damper deficiencies............................. 1,027,616
For replacing water mains and valves, in addition to funds previously appropriated.............................. 765,085
For replacing steam & condensate lines, in addition to funds previously appropriated.................................. 146,278
For upgrading HVAC systems in four residential buildings........................... 151,801
For planning and beginning the upgrade of steam and condensate lines.......... 98,347

SINGER MENTAL HEALTH CENTER - ROCKFORD

For upgrading fire alarm systems.................................................. 648,684
For renovating dietary and stores................................................... 833,103
For renovating patient units, Phase II, in addition to funds previously appropriated ........................................... 3,100,000
For renovating mechanicals and residential areas.................................... 731,508

TINLEY PARK MENTAL HEALTH CENTER – COOK COUNTY

For completing the upgrade of fire and life/safety issues in Oak Hall, in addition to funds previously appropriated............................... 600,000

TINLEY PARK MENTAL HEALTH CENTER/HOWE DEVELOPMENTAL CENTER

For renovation for accessibility in four buildings........................................ 74,856

TREATMENT AND DETENTION FACILITY - JOLIET

For improving the administration building for life safety............................ 160,000

STATEWIDE

For planning and beginning life

New matter indicated by italics - deletions by strikeout
safety/security systems........................1,500,000

For replacing roofing systems at
the following locations, at the
approximate costs set forth below.........2,526,737

   Chicago-Read Mental
   Health Center - Cook
   County..........................2,026,737

   Fox Developmental
   Center - Dwight.................200,000

   Kiley Developmental Center -
   Waukegan........................300,000

For replacing and repairing roofing systems
at the following locations, at the
approximate cost set forth below.........2,014,437

   Alton Mental Health Center -
   Madison..........................89,139

   Shapiro Developmental Center -
   Kankakee.........................115,000

   Ludeman Developmental Center -
   Park Forest......................14,087

   Madden Mental Health Center -
   Hines............................815,326

   Murray Developmental Center -
   Centralia.........................708,650

   Kiley Developmental Center -
   Waukegan........................272,235

For replacing and repairing roofing
systems at the following locations, at
the approximate cost set forth below........934,403

   Chicago-Read Mental Health
   Center............................421,632

   Howe Developmental Center -
   Tinley Park......................283,758

   Shapiro Developmental Center -
   Kankakee.........................42,393

   Illinois School for the
   Deaf - Jacksonville.............69,661

   Kiley Developmental
   Center - Waukegan...............116,959

New matter indicated by italics - deletions by strikeout
For repairing or replacing roofs at the following locations, at the approximate cost set forth below: $1,440,761

- Illinois School for the Visually Impaired - Jacksonville: $38,369
- Jacksonville Developmental Center - Morgan County: $60,000
- Lincoln Developmental Center - Logan County: $7,001
- Murray Developmental Center - Centralia: $79,136
- Shapiro Developmental Center - Kankakee: $1,256,255

For planning and beginning construction of a facility for sexually violent persons: $135,896

For replacing and repairing roofing systems at the following locations at the approximate cost set forth below: $270,007

- Choate Developmental Center - Anna: $7,628
- Chicago-Read Mental Health Center: $5,475
- Tinley Park Mental Health Center: $12,974
- Illinois School for the Visually Impaired - Jacksonville: $19,414
- Shapiro Developmental Center - Kankakee: $25,955
- Kiley Developmental Center - Waukegan: $19,284
- Ludeman Developmental Center - Park Forest: $179,277

For replacement of roofing systems at the following locations at the approximate costs set forth below: $150,811

- Lincoln Developmental Center: $37,702
- Murray Developmental Center: $37,703
- Elgin Developmental Center: $37,703
- Shapiro Developmental Center: $37,703

New matter indicated by italics - deletions by strikeout
Sec. 115. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 115 of Public Act 93-0842, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

**ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE**

(From Article 99, Section 115 of Public Act 93-0842)

For renovations to the powerhouse, boilers and associated coal and ash equipment
For installation of individual package boilers

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$224,019</td>
</tr>
</tbody>
</table>

Total $224,019

Sec. 165. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 165 of Public Act 93-0842, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

**CHICAGO FORENSIC LABORATORY**

(From Article 99, Section 165 of Public Act 93-0842)

For construction of a laboratory and parking facilities

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>84,737</td>
</tr>
</tbody>
</table>

**DISTRICT 13 HEADQUARTERS - DuQUOIN**

For constructing a district 13 headquarters

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>132,840</td>
</tr>
</tbody>
</table>

**DISTRICT 6 HEADQUARTERS - PONTIAC**

For planning, construction, reconstruction, demolition of existing buildings, and all costs related to replacing the facilities

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>196,259</td>
</tr>
</tbody>
</table>

**SPRINGFIELD ARMORY**

For planning and design of the rehabilitation

New matter indicated by italics - deletions by strikeout
and site improvements of the Springfield Armory, in addition to funds previously appropriated........................................ 1,216,439

STATEWIDE

For replacing communications towers equipment and tower buildings......................... 1,850,902
For upgrading generators and UPS systems.................. 39,996
For replacing roofing system at the following locations at the approximate cost set forth below............................. 297,191
   District 13 Headquarters,
       DuQuoin............................ 46,752
   Joliet Laboratory........................ 40,000
   District 6 Headquarters,
       Pontiac............................ 38,900
   District 9 Headquarters,
       Springfield........................ 109,510
   State Police Training Center,
       Pawnee............................ 10,000
   District 18 Headquarters,
       Litchfield........................ 45,000
   District 19 Headquarters,
       Carmi............................. 7,029

For replacing radio communication towers, equipment buildings and installing emergency power generators at the following locations at the approximate costs set forth below.................................. 1,109,792
   Harlem & Irving – Cook County......... 93,966
   Savanna – Carroll County............. 95,000
   Fairfield – Wayne County............. 225,000
   Niota – Hancock County............... 695,826
   Pecatonica, Elwood, Kingston, Mason City........................................... 1,109,792
Total $4,928,156

ARTICLE 10

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Section 5 of Article 51 as follows:

(P.A. 93-842, Art. 51, Sec. 5)

New matter indicated by italics - deletions by strikeout
Section 5. The following named sums, or so much thereof as may be necessary, are appropriated to the Supreme Court to pay the ordinary and contingent expenses of certain officers of the court system of Illinois as follows:

For Personal Services:

- Judges Salaries.............................. 132,909,000
- Judges Salaries.............................. 123,052,500

For Travel:

- Judges of the Supreme Court............... 29,600
- Judges of the Appellate Court............... 149,100
- Judges of the Circuit Court............... 767,400
- Judicial Conference and Supreme Court Committees............... 727,800
- Social Security................................ 2,140,100
- Social Security................................ 1,996,600

Total, this Section 136,723,000

Total, this Section 126,723,000

ARTICLE 11

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

To the President of the Senate............... 4,694,200
To the Speaker of the House of Representatives............... 7,845,100
Total $12,539,300

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

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

New matter indicated by italics - deletions by strikeout
For the ordinary and incidental expenses of legislative leadership and legislative staff assistants:
President...................................                                                  5,067,200
Minority Leader........................................ 5,067,200

For the ordinary and incidental expenses of committees, the general staff and operations, per diem employees, special and standing committees of the Senate and expenses incurred in transcribing and printing of Senate debate................. 3,865,900

For the ordinary and incidental expenses of the Senate, also including the purchasing on contract as required by law of printing, binding, printing paper, stationery and office supplies.............................. 205,200

For allowances for the particular and additional services appertaining to or entailed by the respective officers of the Senate named in and in accordance with the following schedule:
President................................................. 80,000
Minority Leader........................................... 80,000

For travel, including expenses to Springfield of members on official legislative business during weeks when the General Assembly is not in session.................................. 55,300

Total                                                                                       $14,420,800

Section 20. The sum of $2,012,300, or so much thereof as may be necessary, is appropriated for the use of the Senate standing committees for expert witnesses, technical services, consulting assistance and other research assistance associated with special studies and long range research projects which may be requested by the standing committees.

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

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary, incidental and contingent expenses of the House Majority and Minority Leadership Staff and Office operations:

For the Speaker............................. 4,551,300
For the Minority Leader...................... 4,551,300
Total $9,102,600

Section 35. The following named sums, or so much thereof as may be necessary, are appropriated to meet the ordinary, incidental and contingent expenses of the House Majority and Minority Leadership Staff and the general staff:

For the Speaker............................. 342,600
For the Minority Leader..................... 155,400
Total $498,000

Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, relating to the operation of the House of Representatives, are appropriated to meet its ordinary and contingent expenses:

For the ordinary and incidental expenses of
The general staff, operations, and special
And standing committees of the House,
for per diem employees and for
expenses incurred in transcribing and
printing of House debates............... 5,120,800

For the ordinary and incidental expenses of the
House, also including the purchasing on
contract as required by law of printing,
binding, printing paper, stationery and
office supplies, no part of which shall be
expended for expenses of purchasing,
handling or distributing such supplies and
against which no indebtedness shall be
incurred without the written approval of the
Speaker of the House of Representatives...... 91,000

Pursuant to the Legislative Commission
Reorganization Act of 1984, to the Speaker
of the House for
Standing House Committees............... 2,281,800
Total $7,493,600

New matter indicated by italics - deletions by strikeout
Section 45. The following named sum, or so much thereof as may be necessary, for the objects and purposes hereinafter named, relating to House membership, is appropriated to meet the ordinary and contingent expenses of the House:
For travel, including expenses to Springfield of members on official legislative business during weeks when the General Assembly is not in session............ 29,100

Section 50. The following named sums, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made for such purposes in Article 40 of Public Act 93-0842 as amended by this Act, are appropriated for expenses in connection with the planning and preparation of redistricting of legislative and representative districts as required by Article IV, Section 3 of the Illinois Constitution of 1970:
For the Speaker............................... 441,600
For the Minority Leader............................ 0
Total $441,600

Section 55. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Assembly Operations Revolving Fund to the Office of the Speaker, to meet the ordinary and contingent expenses of the House.

Section 60. The amount of $327,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the General Assembly to meet ordinary and contingent expenses. Any use of funds appropriated under this Section must be approved jointly by the Clerk of the House of Representatives and the Secretary of the Senate.

Section 65. As used in Sections 30 and 35 hereof, except where the approval of the Speaker of the House of Representatives is expressly required for the expenditure of or the incurring of indebtedness against an appropriation for certain purchases on contract, "Speaker" means the leader of the party having the largest number of members of the House of Representatives as of January 12, 2005, and "Minority Leader" means the leader of the party having the second largest number of members of the House of Representatives as of January 12, 2005.

Section 70. The sum of $315,000, or so much thereof as may be necessary, is appropriated to the Legislative Ethics Commission to meet the ordinary and contingent expenses of the Commission and the Office of the Legislative Inspector General.

New matter indicated by italics - deletions by strikeout
ARTICLE 12

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

For Personal Services:
  For Regular Positions......................... 4,349,900
For State Contribution to State Employees’ Retirement System..................... 579,500
For State Contribution to Social Security......... 323,600
For Contractual Services......................... 700,000
For Travel........................................ 71,100
For Commodities................................... 20,000
For Printing....................................... 22,000
For Equipment.................................... 65,000
For Electronic Data Processing..................... 90,000
For Telecommunications.......................... 75,000
For Operation of Auto Equipment................... $5,000
Total .................................. $6,301,100

Section 10. The sum of $14,817,000, or so much of that amount as may be necessary, is appropriated to the Auditor General from the Audit Expense Fund for audits, studies, and investigations.

ARTICLE 13

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

For Personal Services......................... 806,048
For Employee Retirement Contributions
  Paid by Employer......................... 32,242
For State Contributions to State Employees’ Retirement System...................... 109,093
For State Contribution to Social Security........................................ 61,662
For Contractual Services....................... 116,600
For Travel..................................... 5,100
For Commodities............................... 2,300

New matter indicated by italics - deletions by strikeout
For Printing......................................... 4,300
For Equipment........................................... 900
For Electronic Data Processing....................... 1,500
For Telecommunications Services...................... 8,800
For additional costs associated with
the assumption of duties of the
Pension Laws Commission............................. 174,895
Total                                                                                         $1,323,440

Section 10. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated for the objects
and purposes hereinafter named to meet the ordinary and contingent
expenses of the Legislative Information System:
For Personal Services............................ 2,167,100
For Employee Retirement Contributions
  Paid by Employer.................................... 86,700
For State Contribution to State Employees’
  Retirement System................................ 469,700
For State Contribution to Social
  Security.................................................. 165,800
For Contractual Services............................ 392,600
For Travel............................................. 6,000
For Commodities...................................... 5,200
For Printing............................................. 5,000
For Equipment......................................... 3,200
For Electronic Data Processing..................... 1,135,700
For Purchase, Maintenance, and Rental
  of General Assembly Electronic Data Processing
  Equipment, and any other operational
  purposes of the General Assembly................. 737,100
For Telecommunications Services................... 153,800
Total                                                                                         $5,327,900

Section 15. The following amount, or so much of that amount as
may be necessary, is appropriated to the Legislative Information System:
For Purchase, Maintenance, and
  Rental of Electronic Data Processing
  Equipment and Software relating to the
development and implementation of legislative
  systems, and for consulting, technical,
  and design services related thereto.......... 850,000

New matter indicated by italics - deletions by strikeout
Section 20. The following amount, or so much of that amount as may be necessary, is appropriated from the General Assembly Computer Equipment Revolving Fund to the Legislative Information System:
For Purchase, Maintenance, and Rental of General Assembly Electronic Data Processing Equipment and for other operational purposes of the General Assembly

Section 25. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Audit Commission:

Section 30. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Printing Unit:
For Commodities....................................                                          162,700  
For Printing........................................                                                 80,600  
For Equipment......................................                                            184,000  
For Telecommunications Services......................                                 7,500  
Total                                                                                         $2,340,975  

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

For Personal Services............................                                         1,196,600  
For Employee Retirement Contributions  
   Paid by Employer................................................. 47,900  
For State Contribution to State Employees'  
   Retirement System.............................................. 232,400  
For State Contribution to Social  
   Security...................................................... 91,600  
For Contractual Services............................... 591,000  
For Travel..................................................... 9,000  
For Commodities........................................... 12,800  
For Printing.................................................. 21,900  
For Equipment................................................ 57,900  
For Telecommunications Services.....................            27,900  
For New Member Conference............................. 0  
Total                                                                                         $2,289,000  

Section 40. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Illinois Legislative Research Unit for the following purposes:

For payment of expenses of the  
   Legislative Staff Intern program,  
   including stipends, tuition, and  
   administration for 20 persons................. 548,100  
For payment of expenses of the Zeke  
   Giorgi Memorial Intern Program, including  
   stipends, tuition, and administration  
   for 4 persons............................................. 106,800  
Total                                                                                         $654,900  

Section 45. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects

New matter indicated by italics - deletions by strikeout
and purposes hereinafter named, to meet the ordinary and contingent expenses of the Legislative Reference Bureau:

For Personal Services.......................... 1,720,300
For Employee Retirement Contributions
  Paid by Employer.................................. 66,900
For State Contributions to State Employees' Retirement System.......................... 362,300
For State Contribution to Social Security........................................... 131,600
For Contractual Services.......................... 107,100
For Travel........................................... 7,000
For Commodities..................................... 10,000
For Printing........................................... 67,300
For Equipment...................................... 170,000
For Telecommunications Services............... 12,000
Total $2,654,500

Section 50. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Office of the Architect of the Capitol:

For Personal Services.......................... 457,500
For Employee Retirement Contributions
  Paid by Employer.................................. 14,000
For State Contributions to State Employees' Retirement System.......................... 73,300
For State Contribution to Social Security........................................... 28,800
For Contractual Services.......................... 103,500
For Travel........................................... 3,800
For Commodities..................................... 3,500
For Printing........................................... 1,000
For Equipment...................................... 6,300
For Electronic Data Processing...................... 11,700
For Telecommunications Services............... 6,500
Total $709,900

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

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

For Personal Services..............................                                          806,000
For Employee Retirement Contributions
   Paid by Employer..................................                                            30,000
For State Contributions to State Employees'
   Retirement System................................                                          150,000
For State Contribution to Social
   Security..........................................                                                   55,000
For Contractual Services............................                                         35,000
For Travel..........................................                                                 16,000
For Commodities.....................................                                           11,000
For Equipment.......................................                                             19,000
For Telecommunications Services......................                                                  8,500
Total                                                                                         $1,130,500

Section 60. The sum of $108,900, or so much thereof as may be
necessary, is appropriated for the ordinary and contingent expenses of the
Senate Operations Commission including the planning costs, construction
costs, moving expenses and all other costs associated with the construction
and reconstruction of Senate offices in the Capitol Complex area.

Section 70. The amount of $64,514, or so much of this amount as
may be necessary and remains unexpended on June 30, 2005 from an
appropriation heretofore made for such purpose in Section 70 of Article 39
of Public Act 93-842, is reappropriated from the Capital Development
Fund to the Office of the Architect of the Capitol for plans, specifications,
and continuation of work pursuant to the report and recommendations of
the architectural, structural, and mechanical surveys of the State Capitol
Building. This is for the continuation of the rehabilitation of the Capitol
Building.

Section 75. The sum of $694,237, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2005, from appropriations heretofore made for such purposes in Section
75 of Article 39 of Public Act 93-42, is reappropriated from the Capital
Development Fund to the Office of the Architect of the Capitol for
remodeling, planning, relocation, permanent equipment, and other related
expenses, including architectural and engineering fees associated with
construction, for the remodeling of office space and other support areas
under the jurisdiction of the House of Representatives and the Senate.

ARTICLE 14

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

For Personal Services:
   Judges' Salaries............................ 143,469,500

For Travel:
   Judges of the Supreme Court...................... 12,700
   Judges of the Appellate Court..................... 99,700
   Judges of the Circuit Court..................... 350,000
   Judicial Conference and Supreme Court Committees....................................... 700,000

For State Contributions
   to Social Security............................ 2,080,300
   Total, this Section $146,712,200

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

For Personal Services........................... 6,764,000
For State Contributions
   to State Employees' Retirement........................ 527,000
   to Social Security............................... 517,400
   For Contractual Services.......................... 1,982,600
   For Travel........................................... 14,900
   For Commodities.................................... 41,000
   For Printing........................................... 189,900
   For Equipment....................................... 899,700
   For Electronic Data Processing...................... 16,600
   For Telecommunications............................ 120,100
   For Operation of Automotive Equipment.............. 6,900
   For Permanent Improvements........................ 32,700
   Total, this Section $11,112,800

Section 15. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Supreme Court to meet the ordinary and contingent expenses of the Judges of the Appellate Courts, and the Clerks of the Appellate Courts, and the Appellate Judges Research Projects:
   Administration of the First Appellate District
   For Personal Services............................ 6,980,200

New matter indicated by italics - deletions by strikeout
For State Contributions to State Employees' Retirement................. 543,800
For State Contributions to Social Security......................... 534,000
For Contractual Services........................................... 1,242,500
For Travel................................................................. 1,700
For Commodities.......................................................... 33,200
For Printing................................................................. 33,900
For Equipment.............................................................. 145,100
For Telecommunications.................................................... 81,100
Total.............................................................................. $9,595,500

Administration of the Second Appellate District
For Personal Services....................................................... 2,845,700
For State Contributions to State Employees' Retirement................. 221,700
For State Contributions to Social Security................................ 217,700
For Contractual Services.................................................... 1,023,000
For Travel........................................................................ 2,200
For Commodities.............................................................. 18,900
For Printing...................................................................... 5,600
For Equipment................................................................. 195,900
For Operation of Automotive Equipment.................................... 1,100
For Telecommunications....................................................... 79,700
Total.............................................................................. $4,611,500

Administration of the Third Appellate District
For Personal Services....................................................... 2,126,200
For State contributions to State Employees' Retirement.................. 165,700
For State contributions to Social Security.................................... 162,700
For Contractual Services....................................................... 744,700
For Travel........................................................................ 1,000
For Commodities.............................................................. 19,900
For Printing...................................................................... 7,200
For Equipment................................................................. 234,400
For Telecommunications....................................................... 64,100
Total.............................................................................. $3,525,900

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>District</th>
<th>Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fourth Appellate District</td>
<td>For Personal Services</td>
<td>2,170,200</td>
</tr>
<tr>
<td></td>
<td>For State Contributions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>to State Employees' Retirement</td>
<td>169,100</td>
</tr>
<tr>
<td></td>
<td>For State Contributions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>to Social Security</td>
<td>166,100</td>
</tr>
<tr>
<td></td>
<td>For Contractual Services</td>
<td>687,900</td>
</tr>
<tr>
<td></td>
<td>For Travel</td>
<td>3,900</td>
</tr>
<tr>
<td></td>
<td>For Commodities</td>
<td>19,100</td>
</tr>
<tr>
<td></td>
<td>For Printing</td>
<td>5,700</td>
</tr>
<tr>
<td></td>
<td>For Equipment</td>
<td>69,900</td>
</tr>
<tr>
<td></td>
<td>For Telecommunications</td>
<td>63,700</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$3,355,600</td>
</tr>
<tr>
<td>Fifth Appellate District</td>
<td>For Personal Services</td>
<td>2,176,400</td>
</tr>
<tr>
<td></td>
<td>For State Contributions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>to State Employees' Retirement</td>
<td>170,000</td>
</tr>
<tr>
<td></td>
<td>For State Contributions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>to Social Security</td>
<td>166,500</td>
</tr>
<tr>
<td></td>
<td>For Contractual Services</td>
<td>655,300</td>
</tr>
<tr>
<td></td>
<td>For Travel</td>
<td>3,900</td>
</tr>
<tr>
<td></td>
<td>For Commodities</td>
<td>8,900</td>
</tr>
<tr>
<td></td>
<td>For Printing</td>
<td>12,900</td>
</tr>
<tr>
<td></td>
<td>For Equipment</td>
<td>191,300</td>
</tr>
<tr>
<td></td>
<td>For Telecommunications</td>
<td>59,800</td>
</tr>
<tr>
<td></td>
<td>For Operation of Automotive Equipment</td>
<td>1,200</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$3,446,200</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Circuit Clerks' Additional Duties</td>
<td>663,000</td>
</tr>
<tr>
<td>For Mandatory Arbitration</td>
<td>803,000</td>
</tr>
<tr>
<td>For Sexually Violent Persons Commitment Act</td>
<td>312,000</td>
</tr>
<tr>
<td>For Probation Reimbursements</td>
<td>58,803,400</td>
</tr>
<tr>
<td>For Personal Services</td>
<td></td>
</tr>
<tr>
<td>Circuit Court Personnel</td>
<td>1,715,600</td>
</tr>
<tr>
<td>For State Contribution</td>
<td></td>
</tr>
<tr>
<td>to State Employees' Retirement</td>
<td>133,700</td>
</tr>
</tbody>
</table>
Section 25. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Supreme Court for ordinary and contingent expenses of the Administrative Office of the Illinois Courts:

For Personal Services............................ 5,508,400
For Retirement - Paid by Employer.............. 2,406,100
For State Contributions to
  State Employees' Retirement.................... 429,200
For State Contributions to
  Social Security.................................. 421,300
For Contractual Services......................... 3,242,500
For Travel......................................... 189,900
For Commodities..................................... 64,600
For Printing........................................ 79,800
For Equipment...................................... 355,000
For Electronic Data Processing................... 2,989,700
For Telecommunications............................. 210,500
For Operation of
  Automotive Equipment............................ 16,700
For Probation Training............................. 391,300
For Contractual Services: Judicial Conference
  and Supreme Court Committees.................... 701,400
For Judges' Out-of-State
  Educational Programs............................... 32,500
For Training of Circuit Court Officers
  and Personnel..................................... 49,000
Total, this Section                           $17,087,900

Section 30. The sum of $52,000, or so much thereof as may be necessary, is appropriated to the Supreme Court for the contingent expenses of the Illinois Courts Commission.
Section 35. The sum of $12,792,000, or so much thereof as may be necessary, is appropriated from the Mandatory Arbitration Fund to the Supreme Court for Mandatory Arbitration Programs.

Section 40. The sum of $116,800, or so much thereof as may be necessary, is appropriated from the Foreign Language Interpreter Fund to the Supreme Court for the Foreign Language Interpreter Program.

Section 45. The sum of $728,000, or so much thereof as may be necessary, is appropriated from the Lawyers' Assistance Program Fund to the Supreme Court for lawyers' assistance programs.

Section 50. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Reviewing Court Alternative Dispute Resolution Fund to the Supreme Court for alternative dispute resolution programs within the reviewing courts.

ARTICLE 14A

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

For Personal Services............................                                          285,700
For State Contributions to State Employees' Retirement System.............................. 22,300
For Retirement - Pension pick-up...............                                  10,900
For State Contributions to Social Security........                               20,900
For Contractual Services.......................... 321,900
For Travel........................................                                                 20,600
For Commodities....................................                                            1,500
For Printing.......................................                                                  6,900
For Equipment........................................                                               500
For EDP................................................                                                     0
For Telecommunications.............................                                       7,500
For Operations of Auto Equipment.....................                                 3,000
Total                                          $701,700

ARTICLE 15

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

For Personal Services.............................                                         12,734,200

New matter indicated by italics - deletions by strikeout
For State Contribution to State Employees' Retirement System.............................. 992,100
For State Contributions to Social Security.............................................. 974,200
For Contractual Services........................................... 3,171,700
For Travel............................................................. 70,600
For Commodities.................................................... 58,200
For Printing.............................................................. 36,800
For Equipment.......................................................... 40,600
For Electronic Data Processing................................. 499,100
For Telecommunications................................................. 149,800
For Intern Program.................................................... 0
Total, This Section                                                                 $18,727,300

Section 10. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated from the General Revenue Fund to the Office of the State Appellate Defender for the ordinary and contingent expenses of the Post Conviction Unit:

For Personal Services.......................... 840,100
For State Contribution to State Employees' Retirement System.............................. 65,500
For State Contributions to Social Security.............................................. 64,300
For Contractual Services........................................... 279,500
For Travel............................................................. 20,000
For Commodities.................................................... 2,900
For Printing.............................................................. 3,000
For Equipment.......................................................... 5,500
For Electronic Data Processing................................. 7,300
For Telecommunications................................................. 149,800
For Intern Program.................................................... 0
Total, This Section                                                                 $1,305,000

Section 15. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Office of the State Appellate Defender for expenses related to federally assisted programs to work on systematic sentencing issues appeals cases to which the agency is appointed, to provide statewide training and services to Illinois Public Defenders, and to enhance the capability of public defenders in rural counties to effectively represent their clients in appropriate cases, making available expert witnesses and investigative services to them:

New matter indicated by italics - deletions by strikeout
Section 20. The amount of $2,782,600, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Office of the State Appellate Defender for expenses incurred in providing assistance to trial attorneys under subdivision (c)(5) of Section 10 of the State Appellate Defender Act.

Section 25. The amount of $160,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Appellate Defender for expenses incurred to operate the Expungement Information Program.

ARTICLE 16

Section 1. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the State's Attorney Appellate Prosecutor for the objects and purposes hereinafter named to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2006:

For Personal Services:
Payable from General Revenue Fund for Collective Bargaining Unit.................... 2,386,300
Payable from General Revenue Fund for Administrative Unit............................. 817,600
Payable from State's Attorney Appellate Prosecutor's County Fund......................... 641,100

For State Contribution to the State Employees' Retirement System Pick Up:
Payable from General Revenue Fund for Collective Bargaining Unit....................... 95,500
Payable from General Revenue Fund for Administrative Unit.............................. 32,700
Payable from State's Attorneys Appellate Prosecutor's County Fund........................ 26,000

For State Contribution to the State Employees' Retirement System:
Payable from General Revenue Fund for Collective Bargaining Unit...................... 185,900

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Administrative Unit</th>
<th>63,700</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund</td>
<td>50,000</td>
</tr>
<tr>
<td>For State Contribution to Social Security:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund for Collective Bargaining Unit</td>
<td>182,600</td>
</tr>
<tr>
<td>Payable from General Revenue Fund for Administrative Unit</td>
<td>62,600</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund</td>
<td>49,100</td>
</tr>
<tr>
<td>For County Reimbursement to State for Group Insurance:</td>
<td></td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund</td>
<td>144,900</td>
</tr>
<tr>
<td>For Contractual Services:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>421,700</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund</td>
<td>614,700</td>
</tr>
<tr>
<td>For Contractual Services for Tax Objection Casework:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>0</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund</td>
<td>33,300</td>
</tr>
<tr>
<td>For Contractual Services for Rental of Real Property:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>217,800</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund</td>
<td>126,400</td>
</tr>
<tr>
<td>For Travel:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>16,700</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund</td>
<td>9,100</td>
</tr>
<tr>
<td>For Commodities:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>14,900</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund</td>
<td>9,400</td>
</tr>
<tr>
<td>For Printing:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>4,900</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund</td>
<td>3,600</td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>25,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 30,900

For Electronic Data Processing:
Payable from General Revenue Fund.......................... 16,200
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 31,400

For Telecommunications:
Payable from General Revenue Fund.......................... 20,900
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 34,700

For Operation of Automotive Equipment:
Payable from General Revenue Fund.......................... 10,600
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 8,300

For Law Intern Program:
Payable from General Revenue Fund.......................... 100
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 27,400

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

For Legal Publications:
Payable from General Revenue Fund.......................... 3,500
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 13,900

For expenses for assisting County State's Attorneys for services provided under the Illinois Public Labor Relations Act:
For Personal Services:
Payable from General Revenue Fund.......................... 84,600
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 47,400

For State Contribution to the State Employees' Retirement System Pick Up:
Payable from General Revenue Fund.......................... 3,400
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 1,900

For State Contribution to the State Employees' Retirement System:
Payable from General Revenue Fund.......................... 6,600

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from State's Attorneys Appellate</td>
<td>3,700</td>
</tr>
<tr>
<td>Prosecutor's County Fund</td>
<td></td>
</tr>
<tr>
<td>For Contribution to Social Security:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>6,500</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate</td>
<td></td>
</tr>
<tr>
<td>Prosecutor's County Fund</td>
<td>3,500</td>
</tr>
<tr>
<td>For County Reimbursement to State for Group Insurance:</td>
<td></td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate</td>
<td>13,800</td>
</tr>
<tr>
<td>Prosecutor's County Fund</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>6,300</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate</td>
<td></td>
</tr>
<tr>
<td>Prosecutor's County Fund</td>
<td>251,300</td>
</tr>
<tr>
<td>For Travel:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>1,200</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate</td>
<td></td>
</tr>
<tr>
<td>Prosecutor's County Fund</td>
<td>1,200</td>
</tr>
<tr>
<td>For Commodities:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>600</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate</td>
<td></td>
</tr>
<tr>
<td>Prosecutor's County Fund</td>
<td>800</td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>600</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate</td>
<td></td>
</tr>
<tr>
<td>Prosecutor's County Fund</td>
<td>1,200</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>1,100</td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate</td>
<td></td>
</tr>
<tr>
<td>Prosecutor's County Fund</td>
<td>1,100</td>
</tr>
<tr>
<td>For expenses pursuant to</td>
<td></td>
</tr>
<tr>
<td>Narcotics Profit Forfeiture Act:</td>
<td>0</td>
</tr>
<tr>
<td>Payable from Narcotics Profit Forfeiture Fund</td>
<td></td>
</tr>
<tr>
<td>For Expenses Pursuant to Drug Asset</td>
<td></td>
</tr>
<tr>
<td>Forfeiture Procedure Act</td>
<td></td>
</tr>
<tr>
<td>Payable from Narcotics Profit Forfeiture Fund</td>
<td></td>
</tr>
<tr>
<td>Forfeiture Fund</td>
<td>1,350,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
training programs for Illinois State's Attorneys, Assistant State's Attorneys and Law Enforcement Officers on techniques and methods of eliminating or reducing the trauma of testifying in criminal proceedings for children who serve as witnesses in such proceedings; and other authorized criminal justice training programs:
   Payable from General Revenue Fund................. 80,000

For Expenses Related to federally assisted Programs to assist local State's Attorneys including violent crimes, drug related cases and cases arising under the Narcotics Profit Forfeiture Act on the request of the State's Attorney:
   Payable from Special Federal Grant Project Fund......................... 2,800,000

For Local Matching Purposes:
   Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 0

For State Matching Purposes:
   Payable from General Revenue Fund................. 138,500

For Expenses Pursuant to Grant Agreements For Training Grant Programs:
   Payable from Continuing Legal Education Trust Fund.......................... 200,000

For Expenses Pursuant to the Capital Crimes Litigation Act:
   Payable from the Capital Litigation Trust Fund.......................... 400,000

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

For Appropriation to the State's Attorneys Appellate Prosecutor for a grant to the Cook County State's Attorney for expenses incurred in filing appeals in Cook County...... 2,700,000

New matter indicated by italics - deletions by strikeout
ARTICLE 17

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated for the ordinary and contingent expenses of the Office of the Governor:

EXECUTIVE OFFICE

Payable from the General Revenue Fund:

For Personal Services............................... 5,259,200
For Employee Retirement Contributions
  Paid by Employer.................................... 0
For State Contributions to State
  Employees' Retirement System.................... 409,700
For State Contributions to
  Social Security..................................... 376,000
For Contractual Services........................... 680,000
For Travel............................................ 140,000
For Commodities.................................... 75,000
For Printing.......................................... 50,000
For Equipment....................................... 5,000
For Electronic Data Processing..................... 160,000
For Telecommunications Services................... 450,000
For Repairs and Maintenance....................... 32,000
For Expenses Related to Ethnic Celebrations,
  Special Receptions, and Other Events............ 70,000
Total $7,706,900

Section 10. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Governor's Grant Fund to the Office of the Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Governor.

ARTICLE 18

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Office of the Lieutenant Governor:

GENERAL OFFICE

For Personal Services.............................. 960,000
For Employee Retirement Contributions
Paid by Employer................................. 0
For State Contributions to State
   Employees' Retirement System................. 74,800
For State Contributions to
   Social Security............................... 73,500
For Contractual Services....................... 410,000
For Travel........................................ 74,000
For Commodities................................. 25,000
For Printing...................................... 25,000
For Equipment................................... 7,500
For Electronic Data Processing................... 40,000
For Telecommunications Services................ 72,000
For Operational and Grant Expenses of the
   Rural Affairs Council......................... 364,000
For Ordinary and Contingent Expenses of
   The Illinois River Coordination Council...... 190,000
Total                                       $2,315,800

Section 10. The sum of $100,000, or so much thereof as may be
necessary, is appropriated from the Agricultural Premium Fund to the
Office of Lieutenant Governor for all costs associated with the Rural
Affairs Council including any grants or administration expenses.

Section 15. The sum of $50,000, or so much thereof as may be
necessary, is appropriated from the Lieutenant Governor's Grant Fund to
the Office of Lieutenant Governor to be expended in accordance with the
terms and conditions upon which such funds were received and in the
exercise of the powers or performance of the duties of the Office of the
Lieutenant Governor

ARTICLE 19

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

GENERAL OFFICE

For Personal Services......................... 29,632,500
For State Contribution to State
   Employees' Retirement System.............. 2,308,700
For State Contribution to Social Security.... 2,266,900
For Employees' Retirement Contributions
   Paid by Employer.......................... 297,200

New matter indicated by italics - deletions by strikeout
For Contractual Services....................... 2,470,000
For Travel....................................... 350,000
For Commodities.................................. 125,000
For Printing..................................... 120,000
For Equipment.................................... 375,000
For Electronic Data Processing............... 1,450,000
For Telecommunications.......................... 690,000
For Operation of Auto Equipment........... 120,000
For Operational Expenses, Office
of the Inspector General.................... 300,000
Total                                                                 $40,505,300

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

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

ENVIRONMENTAL ENFORCEMENT-ASBESTOS LITIGATION DIVISION

For Personal Services....................... 1,217,500
For State Contribution to State
   Employees' Retirement System............... 95,000
   For State Contribution to Social Security.... 93,100
   For Employees' Retirement Contributions
      Paid by the Employer..................... 12,200
   For Group Insurance....................... 303,600
   For Contractual Services................ 430,000
   For Travel................................ 45,000
For Operational Expenses.................. 60,000
Total                                                                 $2,256,400

Section 20. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund to the Office of the Attorney General for use, subject to pertinent court order or agreement, in the performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.
Section 25. The amount of $950,000, or so much thereof as may be necessary, is appropriated from the Illinois Charity Bureau Fund to the Office of the Attorney General to enforce the provisions of the Solicitation for Charity Act and to gather and disseminate information about charitable trustees and organizations to the public.

Section 30. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Whistleblower Reward and Protection Fund to the Office of the Attorney General for State law enforcement purposes.

Section 35. The amount of $900,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Attorney General for financial support under the Capital Crimes Litigation Act.

Section 40. The amount of $750,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Attorney General for the funding of a unit responsible for oversight, enforcement, and implementation of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96L13146), for enforcement of the Tobacco Product Manufacturers' Escrow Act, and for handling remaining tobacco-related litigation.

Section 45. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General's State Projects and Court Ordered Distribution Fund to the Attorney General for payment of interagency agreements, for court-ordered distributions to third parties, and, subject to pertinent court order, for performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 50. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Attorney General's Grant Fund to the Office of the Attorney General to be expended in accordance with the terms and conditions upon which those funds were received.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the Attorney General:

OPERATIONS
Payable from the Violent Crime Victims Assistance Fund:
For Personal Services............................                                          787,500

New matter indicated by italics - deletions by strikeout
For State Contribution to State Employees' Retirement System
   ...........................................  61,400
For State Contribution to Social Security........  60,300
For Employees' Retirement Contributions
   Paid by the Employer.......................  7,900
For Group Insurance............................  234,600
For Operational Expenses,
   Crime Victims Services Division.............  110,000
For Operational Expenses,
   Automated Victim Notification System.........  800,000
For Awards and Grants under the Violent Crime Victims Assistance Act............  7,800,000
Total ........................................ $9,861,700

Section 60. The amount of $280,000, or so much thereof as may be necessary, is appropriated from the Child Support Administrative Fund to the Office of the Attorney General for child support enforcement purposes.

Section 65. The amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Attorney General Federal Grant Fund to the Office of the Attorney General for funding for federal grants.

Section 70. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Sex Offender Management Board Fund to the Sex Offender Management Board for the purposes authorized by the Sex Offender Management Board Act including, but not limited to, sex offender evaluation, treatment, and monitoring programs and grants. Funding received from private sources is to be expended in accordance with the terms and conditions placed upon the funding.

Section 75. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Statewide Grand Jury Prosecution Fund to the Office of the Attorney General for expenses incurred in criminal prosecutions arising under the Statewide Grand Jury Act.

Section 80. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Attorney General for costs related to the Illinois Equal Justice Act.

ARTICLE 20

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Office of the Secretary of State

New matter indicated by italics - deletions by strikeout
to meet the ordinary, contingent, and distributive expenses of the following organizational units of the Office of the Secretary of State:

EXECUTIVE GROUP

For Personal Services:

For Regular Positions:
  Payable from General Revenue Fund ........................................ 4,921,500
  Payable from Securities Audit and Enforcement Fund ...................... 0

For Extra Help:
  Payable from General Revenue Fund ........................................... 39,100

For Employee Contribution to State Employees' Retirement System:
  Payable from General Revenue Fund ........................................... 2,494,700
  Payable from Road Fund ....................................................... 3,392,400
  Payable from Securities Audit and Enforcement Fund ...................... 0
  Payable from Vehicle Inspection Fund ........................................ 0

For State Contribution to State Employees' Retirement System:
  Payable from General Revenue Fund ......................................... 679,600
  Payable from Securities Audit and Enforcement Fund ...................... 0

For State Contribution to Social Security:
  Payable from General Revenue Fund .......................................... 369,800
  Payable from Securities Audit and Enforcement Fund ...................... 0

For Group Insurance:
  Payable from Securities Audit and Enforcement Fund ...................... 0

For Contractual Services:
  Payable from General Revenue Fund .......................................... 567,100

For Travel Expenses:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund........................................... 68,500
For Commodities:
Payable from General Revenue Fund........................................... 27,300
For Printing:
Payable from General Revenue Fund........................................... 11,900
For Equipment:
Payable from General Revenue Fund........................................... 9,400
For Telecommunications:
Payable from General Revenue Fund........................................... 146,300

GENERAL ADMINISTRATIVE GROUP
For Personal Services:
For Regular Positions:
Payable from General Revenue Fund........................................... 45,532,000
Payable from Road Fund.................................................. 0
Payable from Lobbyist Registration Fund........................................... 256,100
Payable from Registered Limited Liability Partnership Fund..................... 69,900
Payable from Securities Audit and Enforcement Fund............................ 4,134,300
Payable from Department of Business Services Special Operations Fund........... 1,739,100
For Extra Help:
Payable from General Revenue Fund........................................... 902,200
Payable from Road Fund.................................................. 0
Payable from Securities Audit and Enforcement Fund............................ 13,800
Payable from Department of Business Services Special Operations Fund........... 123,500
For Employee Contribution to State Employees’ Retirement System:
Payable from Lobbyist Registration Fund........... 10,200

New matter indicated by italics - deletions by strikeout
Payable from Registered Limited Liability Partnership Fund................. 2,800
Payable from Securities Audit and Enforcement Fund......................... 163,100
Payable from Department of Business Services Special Operations Fund........ 74,500
For State Contribution to State Employees' Retirement System:
  Payable from General Revenue Fund........................................ 6,361,400
  Payable from Road Fund.................................................... 0
  Payable from Lobbyist Registration Fund.................................... 35,100
  Payable from Registered Limited Liability Partnership Fund............... 9,600
  Payable from Securities Audit and Enforcement Fund...................... 568,300
  Payable from Department of Business Services Special Operations Fund..... 255,200
For State Contribution to Social Security:
  Payable from General Revenue Fund........................................ 3,505,600
  Payable from Road Fund.................................................... 0
  Payable from Lobbyist Registration Fund.................................... 21,800
  Payable from Registered Limited Liability Partnership Fund............... 5,100
  Payable from Securities Audit and Enforcement Fund...................... 312,100
  Payable from Department of Business Services Special Operations Fund..... 140,200
For Group Insurance:
  Payable from Lobbyist Registration Fund........... 74,300
  Payable from Registered Limited Liability Partnership Fund............... 27,600
  Payable from Securities Audit and Enforcement Fund...................... 1,117,800
  Payable from Department of Business Services

New matter indicated by italics - deletions by strikeout
Special Operations Fund....................... 598,200

For Contractual Services:
Payable from General Revenue Fund................................. 13,117,800
Payable from Road Fund................................. 1,140,200
Payable from Motor Fuel Tax Fund................. 800,000
Payable from Lobbyist Registration Fund................................. 101,200
Payable from Registered Limited Liability Partnership Fund................. 600
Payable from Securities Audit and Enforcement Fund...................... 1,971,900
Payable from Department of Business Services Special Operations Fund................. 665,000

For Travel Expenses:
Payable from General Revenue Fund................................. 339,700
Payable from Lobbyist Registration Fund................................. 0
Payable from Securities Audit and Enforcement Fund...................... 3,800
Payable from Department of Business Services Special Operations Fund................. 11,000

For Commodities:
Payable from General Revenue Fund................................. 838,100
Payable from Lobbyist Registration Fund................................. 0
Payable from Registered Limited Liability Partnership Fund................. 2,000
Payable from Securities Audit and Enforcement Fund...................... 900
Payable from Department of Business Services Special Operations Fund................. 25,000

For Printing:
Payable from General Revenue Fund................................. 429,100

New matter indicated by italics - deletions by strikeout
Payable from Road Fund............................... 0
Payable from Lobbyist Registration Fund.................. 2,000
Payable from Securities Audit and Enforcement Fund........ 25,000
Payable from Department of Business Services Special Operations Fund......... 55,000

For Equipment:
Payable from General Revenue Fund.......................... 412,300
Payable from Road Fund.................................. 0
Payable from Lobbyist Registration Fund.................. 9,000
Payable from Registered Limited Liability Partnership Fund........ 0
Payable from Securities Audit and Enforcement Fund.......... 450,000
Payable from Department of Business Services Special Operations Fund.......... 50,000

For Electronic Data Processing:
Payable from General Revenue Fund....................... 244,200
Payable from Road Fund................................. 0
Payable from the Secretary of State Special Services Fund............... 9,000,000

For Telecommunications:
Payable from General Revenue Fund................. 374,200
Payable from Road Fund................................. 0
Payable from Lobbyist Registration Fund................. 4,600
Payable from Registered Limited Liability Partnership Fund........ 600
Payable from Securities Audit and Enforcement Fund.......... 118,700
Payable from Department of Business Services Special Operations Fund........ 108,600

For Operation of Automotive Equipment:
Payable from General Revenue Fund....................... 429,500
Payable from Securities Audit and Enforcement Fund.......... 50,000
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from Department of Business Services Special Operations Fund</td>
<td>50,000</td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>14,000</td>
</tr>
<tr>
<td>Payable from Road Fund</td>
<td>2,674,200</td>
</tr>
</tbody>
</table>

**MOTOR VEHICLE GROUP**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>11,465,700</td>
</tr>
<tr>
<td>Payable from Road Fund</td>
<td>78,159,200</td>
</tr>
<tr>
<td>Payable from the Secretary of State Special License Plate Fund</td>
<td>461,700</td>
</tr>
<tr>
<td>Payable from Motor Vehicle Review Board Fund</td>
<td>262,300</td>
</tr>
<tr>
<td>Payable from Vehicle Inspection Fund</td>
<td>1,214,100</td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>69,100</td>
</tr>
<tr>
<td>Payable from Road Fund</td>
<td>5,385,000</td>
</tr>
<tr>
<td>Payable from Vehicle Inspection Fund</td>
<td>35,600</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>857,300</td>
</tr>
<tr>
<td>Payable from Road Fund</td>
<td>5,851,900</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Payable from the Secretary of State
Special License Plate Fund.................. 34,400
Payable from Motor Vehicle Review
Board Fund......................................... 20,000
Payable from Vehicle Inspection Fund........ 96,500

For Group Insurance:
Payable from the Secretary of State
Special License Plate Fund.................. 179,800
Payable From Motor Vehicle Review
Board Fund......................................... 41,400
Payable from Vehicle Inspection Fund........ 476,400

For Contractual Services:
Payable from General Revenue Fund.......... 2,531,600
Payable from Road Fund....................... 12,769,000
Payable from CDLIS/AAMVAnet Trust Fund
Trust Fund........................................... 575,000
Payable from the Secretary of State
Special License Plate Fund.................. 500,000
Payable from Motor Vehicle Review
Board Fund......................................... 95,000
Payable from Vehicle Inspection Fund........ 611,100

For Travel Expenses:
Payable from General Revenue
Fund.................................................... 26,000
Payable from Road Fund....................... 522,300
Payable from the Secretary of State
Special License Plate Fund.................. 600
Payable from Motor Vehicle Review
Board Fund......................................... 4,000
Payable from Vehicle Inspection
Fund.................................................... 200

For Commodities:
Payable from General Revenue
Fund.................................................... 75,700
Payable from Road Fund....................... 1,867,800
Payable from the Secretary of State
Special License Plate Fund.................. 3,000,000
Payable from Motor Vehicle
Review Board Fund.................................. 3,000

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>For Printing:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund.................................................</td>
<td>601,400</td>
</tr>
<tr>
<td>Payable from Road Fund.........</td>
<td>2,692,200</td>
</tr>
<tr>
<td>Payable from the Secretary of State Special License Plate Fund..............</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Payable from Motor Vehicle Review Board Fund.....................................</td>
<td>3,000</td>
</tr>
<tr>
<td>Payable from Vehicle Inspection Fund...............................................</td>
<td>43,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Equipment:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund.................................................</td>
<td>0</td>
</tr>
<tr>
<td>Payable from Road Fund.........</td>
<td>450,000</td>
</tr>
<tr>
<td>Payable from CDLIS/AAMVAnet Trust Fund...........................................</td>
<td>488,800</td>
</tr>
<tr>
<td>Payable from the Secretary of State Special License Plate Fund..............</td>
<td>100,000</td>
</tr>
<tr>
<td>Payable from Motor Vehicle Review Board Fund.....................................</td>
<td>8,500</td>
</tr>
<tr>
<td>Payable from Vehicle Inspection Fund...............................................</td>
<td>1,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Telecommunications:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund.................................................</td>
<td>52,300</td>
</tr>
<tr>
<td>Payable from Road Fund.........</td>
<td>1,885,400</td>
</tr>
<tr>
<td>Payable from the Secretary of State Special License Plate Fund..............</td>
<td>250,000</td>
</tr>
<tr>
<td>Payable from Motor Vehicle Review Board Fund.....................................</td>
<td>3,500</td>
</tr>
<tr>
<td>Payable from Vehicle Inspection Fund...............................................</td>
<td>3,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Operation of Automotive Equipment:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund.................................................</td>
<td>20,000</td>
</tr>
<tr>
<td>Payable from Road Fund.........</td>
<td>453,500</td>
</tr>
</tbody>
</table>

Section 10. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for any operations, alterations, rehabilitation, and nonrecurring repairs and

New matter indicated by italics - deletions by strikeout
maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Office of the Secretary of State, including sidewalks, terraces, and grounds and all labor, materials, and other costs incidental to the above work:

From General Revenue Fund.......................... 450,000

Section 15. The sum of $1,000,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Office of the Secretary of State for new construction and alterations, and maintenance of the interiors and exteriors of the following facilities under the jurisdiction of the Secretary of State: Chicago West Facility, 5301 N. Lexington Ave., Chicago, Illinois 60644; Roger McAuliffe Facility, 5401 N. Elston Ave., Chicago, Illinois 60630; Charles Chew Jr. Facility, 9901 S. King Drive, Chicago, Illinois 60628; and Capitol Complex buildings located in Springfield Illinois.

Section 20. The sum of $125,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2005 from appropriations heretofore made for such purposes in Section 20 of Article 44 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for new construction and alterations, and maintenance of the interiors and exteriors of the following facilities under the jurisdiction of the Secretary of State: Chicago West Facility, 5301 N. Lexington Ave., Chicago, Illinois 60644; Roger McAuliffe Facility, 5401 N. Elston Ave., Chicago, Illinois 60630; Charles Chew Jr. Facility, 9901 S. King Drive, Chicago, Illinois 60628; and Capitol Complex buildings located in Springfield, Illinois.

Section 25. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the State Parking Facility Maintenance Fund to the Secretary of State for the maintenance of parking facilities owned or operated by the Secretary of State.

Section 30. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:

For annual equalization grants, per capita and area grants to library systems, and per capita grants to public libraries, under Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

From General Revenue Fund...................... 16,668,400
From Live and Learn Fund..................... 16,004,200
Section 35. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for library services for the blind and physically handicapped:

From General Revenue Fund.................. 2,427,200
From Live and Learn Fund................... 300,000
From Accessible Electronic Information Service Fund.................. 40,000

Section 40. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:
For annual per capita grants to all school districts of the State for the establishment and operation of qualified school libraries or the additional support of existing qualified school libraries under Section 8.4 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

From General Revenue Fund.................. 375,000
From Live and Learn Fund................... 1,025,000

Section 45. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for grants to library systems for library computers and new technologies to promote and improve interlibrary cooperation and resource sharing programs among Illinois libraries:

From Live and Learn Fund................... 274,000
From Secretary of State Special Services Fund.. 226,000

Section 50. The following amounts, or so much of these amounts as may be necessary, are appropriated to the Office of the Secretary of State for annual library technology grants and for direct purchase of equipment and services that support library development and technology advancement in libraries statewide:

From General Revenue Fund.................. 644,900
From Live and Learn Fund................... 700,000
From Secretary of State Special Services Fund.. 1,600,000
Total $2,944,900

Section 55. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of making grants to libraries for construction and renovation as provided in Section 8 of the Illinois

New matter indicated by italics - deletions by strikeout
Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

From Live and Learn Fund:......................... 370,800

Section 60. The sum of $100,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2005 from appropriations heretofore made for such purposes in Section 65 of Article 44 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for a grant to the Chicago Public Library for planning a new library for Grand Crossing.

Section 65. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes: For library services under the Federal Library Services and Technology Act, P.L. 104-208, as amended; and the National Foundation on the Arts and Humanities Act of 1965, P.L. 89-209. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:

From Federal Library Services Fund:.............. 7,454,500

Section 70. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for support and expansion of the Literacy Programs administered by education agencies, libraries, volunteers, or community based organizations or a coalition of any of the above:

From General Revenue Fund:...................... 4,650,000
From Live and Learn Fund:......................... 500,000
From Federal Library Services Fund:
From LSTA Title IA:.............................. 1,000,000
From Secretary of State Special Services Fund 1,300,000

Section 75. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for tuition and fees for Illinois Archival Depository System Interns:

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

Section 80. The sum of $250,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for the Penny Severns Summer Family Literacy Grants.

Section 85. In addition to any other amounts appropriated for such purposes, the sum of $1,700,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of Secretary of State for a grant to the Chicago Public Library.
Section 90. The sum of $325,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for all expenditures and grants to libraries for the Project Next Generation Program.

Section 95. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of promotion of organ and tissue donations:

From Live and Learn Fund................................. 1,750,000

Section 100. The sum of $50,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special License Plate Fund to the Office of the Secretary of State for grants to benefit Illinois Veterans Home libraries.

Section 105. The amount of $75,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Master Mason Fund to provide grants to the Illinois Masonic Foundation for the Prevention of Drug and Alcohol Abuse Among Children, Inc., a not-for-profit corporation, for the purpose of providing Model Student Assistance Programs in public and private schools in Illinois.

Section 110. The amount of $500, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Pan Hellenic Trust Fund to provide grants for charitable purposes sponsored by African-American fraternities and sororities.

Section 115. The amount of $30,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Park District Youth Program Fund to provide grants for the Illinois Association of Park Districts: After School Programming.

Section 120. The amount of $45,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Route 66 Heritage Project Fund to provide grants for the development of tourism, education, preservation and promotion of Route 66.

Section 125. The sum of $80,000, or so much of this amount as may be necessary, is appropriated from the Police Memorial Committee Fund to the Office of the Secretary of State for grants to the Police Memorial Committee for maintaining a memorial statue, holding an annual memorial commemoration, and giving scholarships to children to police officers killed in the line of duty.
Section 130. The sum of $160,000, or so much of this amount as may be necessary, is appropriated from the Mammogram Fund to the Office of the Secretary of State for grants to the Susan G. Komen Foundation for breast cancer research, education, screening, and treatment.

Section 135. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for such purposes in Section 3-646 of the Illinois Vehicle Code (625 ILCS 5), for grants to the Regional Organ Bank of Illinois and to Mid-America Transplant Services for the purpose of promotion of organ and tissue donation awareness. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:

From Organ Donor Awareness Fund................                    200,000

Section 140. The amount of $500, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Chicago and Northeast Illinois District Council of Carpenters Fund to provide grants for charitable purposes.

Section 145. The amount of $30,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the U.S. Marine Corps Scholarship Fund to provide grants for scholarships for Higher Education.

Section 150. The sum of $110,000, or so much of this amount as may be necessary, is appropriated from the Pet Overpopulation Fund to the Office of the Secretary of State for grants to humane societies to be used solely for the humane sterilization of dogs and cats in the State of Illinois.

Section 155. The amount of $125,000, or so much of this amount as may be necessary, is appropriated from the SOS Federal Projects Fund to the Office of the Secretary of State for the cost incident to augmenting the Illinois commercial motor vehicle safety program by assuring and verifying the identity of drivers, including CDL operators, prior to licensure.

Section 160. The amount of $657,100, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Securities Investors Education Fund for any expenses used to promote public awareness of the dangers of securities fraud.

Section 165. The amount of $100,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Secretary of State Evidence Fund for the purchase of evidence,
for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence.

Section 170. The amount of $225,000, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Office of Secretary of State for the cost of administering the Alternate Fuels Act.

Section 175. The amount of $14,000,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special Services Fund to the Office of the Secretary of State for office automation and technology.

Section 180. The amount of $13,875,000, or so much of this amount as may be necessary, is appropriated from the Motor Vehicle License Plate Fund to the Office of the Secretary of State for the cost incident to providing new or replacement plates for motor vehicles.

Section 185. The sum of $2,090,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State DUI Administration Fund to the Office of Secretary of State for operation of the Department of Administrative Hearings of the Office of Secretary of State and for no other purpose.

Section 190. The amount of $75,000, or so much thereof as may be necessary, is appropriated from the Secretary of State Police DUI Fund to the Secretary of State for the payments of goods and services that will assist in the prevention of alcohol-related criminal violence throughout the State.

Section 195. The amount of $100,000 is appropriated from the Secretary of State Police Services Fund to the Secretary of State for purposes as indicated by the grantor or contractor or, in the case of money bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director of Police, Secretary of State in administering the responsibilities of the Secretary of State Department of Police.

Section 200. The amount of $300,000, or so much of this amount as may be necessary, is appropriated from the Office of the Secretary of State Grant Fund to the Office of the Secretary of State to be expended in accordance with the terms and conditions upon which such funds were received.

Section 205. The amount of $20,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the State Library Fund to increase the collection of books, records, and holdings; to hold public forums; to purchase equipment and resource
materials for the State Library; and for the upkeep, repair, and maintenance of the State Library building and grounds.

Section 210. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for any operations, alterations, rehabilitation, new construction, and maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Secretary of State to enhance security measures in the Capitol Complex:

From the General Revenue Fund................. 4,715,000

ARTICLE 21

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the following divisions of the State Comptroller for the Fiscal Year ending June 30, 2006:

Administration
For Personal Services.........................   4,107,900
For Employee Retirement Contributions
  Paid by the Employer...........................  0
For State Contribution to State
  Employees' Retirement System...............   320,100
For State Contribution to
  Social Security.............................   314,300
For Contractual Services.....................   1,602,000
For Travel.................................   45,300
For Commodities.............................   122,100
For Printing..................................  35,000
For Equipment...............................   12,800
For Telecommunications.......................  241,000
For Electronic Data Processing................  0
For Operation of Auto
  Equipment.................................  8,900
  Total $6,809,400

Statewide Fiscal Operations
For Personal Services.........................   4,831,800
For Employee Retirement Contributions
  Paid by the Employer........................  0
For State Contribution to State
  Employees' Retirement System...............  376,500

New matter indicated by italics - deletions by strikeout
For State Contribution to
Social Security.................................. 369,600
For Contractual Services................. 339,400
For Travel........................................... 4,300
For Commodities................................. 0
For Printing............................................. 0
For Equipment................................. 0
For Electronic Data Processing.............. 0
Total $5,921,600

For Personal Services........................ 4,082,600
For Employee Retirement Contributions
Paid by the Employer......................... 0

For State Contribution to State
Employees' Retirement System............... 318,100
For Social Security............................ 312,300
For Contractual Services.................... 2,211,700
For Travel........................................... 8,000
For Commodities............................... 119,000
For Printing....................................... 338,300
For Equipment................................. 0
For Electronic Data Processing.............. 1,649,200
Total $9,039,000

For Personal Services........................ 1,846,200
For Employee Retirement Contributions
Paid by the Employer......................... 0

For State Contribution to State
Employees' Retirement System............... 143,800
For Social Security............................ 141,300
For Contractual Services.................... 75,400
For Travel........................................... 70,500
For Commodities............................... 0
For Printing....................................... 0
For Equipment................................. 0

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing........................................ 0
For Expenses of Local Government
  Officials Training............................................. 12,500
For Contractual Services for auditing
  and assisting local governments......................... 25,000
Total  $2,314,800
Merit Commission
For Merit Commission Expenses.............................. 93,000

  Section 10. The sum of $1,200,000, or so much thereof as may be
  necessary, is appropriated to the State Comptroller from the Comptroller's
  Administrative Fund for the discharge of duties of the office, pursuant to
  Public Act 89-511.

  Section 15. The amount of $50,300, or so much thereof as may be
  necessary, is appropriated to the State Comptroller from the State Lottery
  Fund for expenses in connection with the State Lottery.

  Section 20. The amount of $200,000, or so much thereof as may
  be necessary, is appropriated to the State Comptroller to meet the ordinary
  and contingent expenses for the Office of Inspector General.

  Section 25. The amount of $100,000, or so much thereof as may be
  necessary, is appropriated to the State Comptroller for expenses and the
  administration of Section 15-125 of the Pension Code.

ARTICLE 22

  Section 5. The following named amounts, or so much thereof as
  may be necessary, respectively, are appropriated to the State Comptroller
  to pay the elected State officers of the Executive Branch of the State
  Government, at various rates prescribed by law:
  For the Governor........................................... 150,700
  For the Lieutenant Governor......................... 115,300
  For the Secretary of State......................... 133,000
  For the Attorney General......................... 133,000
  For the Comptroller................................. 115,300
  For the State Treasurer......................... 115,300
  Total .................................................. $762,600

  Section 10. The following named amounts, or so much thereof as
  may be necessary, respectively, are appropriated to the State Comptroller
  to pay certain appointed officers of the Executive Branch of the State
  Government, at the various rates prescribed by law:
From General Revenue Fund
Department on Aging

New matter indicated by italics - deletions by strikeout
For the Director.................................
Department of Agriculture
For the Director.................................
For the Assistant Director....................... 96,100
Department of Central Management Services
For the Director................................. 120,900
For 2 Assistant Directors....................... 205,600
Department of Children and Family Services
For the Director................................. 127,600
Department of Corrections
For the Director................................. 127,600
For 2 Assistant Directors....................... 217,000
Department of Commerce and Economic Opportunities
For the Director................................. 120,900
For the Assistant Director....................... 102,800
Environmental Protection Agency
For the Director................................. 113,200
Department of Financial and Professional Regulation
For the Secretary............................... 120,900
For the Director................................. 98,200
For the Director................................. 113,200
For the Director................................. 105,400
Department of Human Services
For the Secretary............................... 127,600
For 2 Assistant Secretaries..................... 206,100
Department of Labor
For the Director................................. 105,400
For the Assistant Director....................... 96,100
For the Chief Factory Inspector................... 44,400
For the Superintendent of Safety Inspection
and Education..................................... 48,800
Department of State Police
For the Director................................. 112,600
For the Assistant Director....................... 96,100
Department of Military Affairs
For the Adjutant General......................... 98,200
For two Chief Assistants to the
Adjutant General............................... 167,400
Department of Natural Resources

New matter indicated by italics - deletions by strikeout
For the Director................................... 113,200
For the Assistant Director......................... 96,100
For six Mine Officers................................ 79,800
For four Miners' Examining Officers............... 43,900
Illinois Labor Relations Board
For the Chairman.................................... 88,700
For four State Labor Relations Board members.................................................. 319,200
For two Local Labor Relations Board members.................................................... 159,600
Department of Healthcare and Family Services
For the Director................................... 120,900
For the Assistant Director......................... 102,800
Department of Public Health
For the Director................................... 127,600
For the Assistant Director......................... 108,500
Department of Revenue
For the Director................................... 120,900
For the Assistant Director......................... 102,800
Property Tax Appeal Board
For the Chairman.................................... 55,000
For four members................................... 177,300
Department of Veterans' Affairs
For the Director................................... 98,200
For the Assistant Director......................... 83,700
Civil Service Commission
For the Chairman.................................... 26,900
For four members................................... 82,300
Commerce Commission
For the Chairman.................................... 113,900
For four members................................... 397,700
Court of Claims
For the Chief Judge................................. 55,200
For the six Judges.................................. 305,400
State Board of Elections
For the Chairman................................. 49,700
For the Vice-Chairman............................. 40,800
For six members................................... 191,500
Illinois Emergency Management Agency

New matter indicated by italics - deletions by strikeout
For the Director....................................                                               98,200
For the Assistant Director..........................                                         98,200
Department of Human Rights
For the Director....................................                                               98,200
Human Rights Commission
For the Chairman....................................                                            44,400
For twelve members........................................                                               478,700
Illinois Workers’ Compensation Commission
For the Chairman....................................                                           106,400
For nine members....................................                                          916,200
Liquor Control Commission
For the Chairman....................................                                            33,100
For six members....................................                                           173,600
For the Secretary...................................                                              32,000
For the Chairman and one member as
designated by law, $200 per diem
for work on a license appeal
commission........................................                                                55,000
Executive Ethics Commission
For nine members.....................................                                          293,600
Pollution Control Board
For the Chairman....................................                                           102,900
For four members.....................................                                           397,700
Prisoner Review Board
For the Chairman....................................                                           81,500
For fourteen members of the
Prisoner Review Board..................................                                        1,021,300
Secretary of State Merit Commission
For the Chairman....................................                                           14,700
For four members.....................................                                           43,900
Educational Labor Relations Board
For the Chairman....................................                                           88,700
For four members.....................................                                           319,200
Department of State Police
For five members of the State Police
Merit Board, $207 per diem,
whichever is applicable in accordance
with law, for a maximum of 100
days each..............................................                                               101,000
Department of Transportation
For the Secretary................................. 127,600
For the Assistant Secretary...................... 108,500
Office of Small Business Utility Advocate
For the small business utility advocate............. 0
... Total, General Revenue Fund $10,789,900
Office of the State Fire Marshal
For the State Fire Marshal:
  From Fire Prevention Fund.................. 98,200
Illinois Racing Board
For eleven members of the Illinois Racing Board, $300 per diem to a maximum 10,712 as prescribed by law:
  From the Horse Racing Fund............. 117,100
Department of Employment Security
Payable from Title III Social Security and Employment Service Fund:
For the Director................................. 120,900
For five members of the Board of Review........... 75,000
  Total $195,900
Department of Financial and Professional Regulation
Payable from Bank and Trust Company Fund:
For the Director.................................. 115,700
Subtotals:
  General Revenue......................... 10,789,900
  Fire Prevention.......................... 98,200
  Horse Racing............................. 117,100
  Bank and Trust Company Fund........... 115,700
  Title III Social Security and Employment Service Fund........... 195,900
  Total $11,316,800

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain officers of the Legislative Branch of the State Government, at the various rates prescribed by law:
Office of Auditor General
For the Auditor General........................ 112,600
For two Deputy Auditor Generals............. 209,300

New matter indicated by italics - deletions by strikeout
Officers and Members of General Assembly
For salaries of the 118 members of the House of Representatives
6,914,300

For salaries of the 59 members of the Senate.........................
3,514,800

For additional amounts, as prescribed by law, for party leaders in both chambers as follows:
For the Speaker of the House, the President of the Senate and Minority Leaders of both Chambers................. 93,600
For the Majority Leader of the House....................... 19,800
For the eleven assistant majority and minority leaders in the Senate............. 193,000
For the twelve assistant majority and minority leaders in the House........... 184,200
For the majority and minority caucus chairmen in the Senate.................. 35,100
For the majority and minority conference chairmen in the House................. 30,700
For the two Deputy Majority and the two Deputy Minority leaders in the House........ 67,300
For chairmen and minority spokesmen of standing committees in the Senate except the Rules Committee, the Committee on Committees and the Committee on the Assignment of Bills..................... 315,800
For chairmen and minority spokesmen of standing and select committees in the House.................. 666,600

For per diem allowances for the members of the Senate, as provided by law....................... 324,000
For per diem allowances for the members of the House, as provided by law....................... 709,000

New matter indicated by italics - deletions by strikeout
For mileage for all members of the General Assembly, as provided by law................. 405,000
Total .................................................. $1,438,000

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the State Comptroller in connection with the payment of salaries for officers of the Executive and Legislative Branches of State Government:

For State Contribution to State Employees' Retirement System:
- From General Revenue Fund................. 841,700
- From Horse Racing Fund...................... 9,400
- From Fire Prevention Fund................... 7,900
- From Bank and Trust Company Fund.......... 9,300
- From Title III Social Security and Employment Service Fund........ 15,500
- Savings and Residential Finance Regulatory Fund................ 0
- Real Estate License Administration Fund........ 0
Total .................................................. $883,800

For State Contribution to Social Security:
- From General Revenue Fund.................. 943,200
- From Horse Racing Fund..................... 9,000
- From Fire Prevention Fund................... 6,900
- From Bank and Trust Company Fund......... 7,200
- From Title III Social Security and Employment Service Fund........ 13,000
- From Savings and Residential Finance Regulatory Fund............... 0
- From Real Estate License Administration Fund........ 0
Total .................................................. $979,300

For Group Insurance:
- From Fire Prevention Fund.................. 13,800
- From Bank and Trust Company Fund......... 13,800
- From Title III Social Security and Employment Service Fund........ 82,800

New matter indicated by italics - deletions by strikeout
Savings and Residential Finance
Regulatory Fund................................. 0
Real Estate License Administration Fund........... 0
Total                                       $110,400

Section 25. The amount of $440,000, or so much thereof as may be necessary, is appropriated to the State Comptroller for contingencies in the event that any amounts appropriated in Sections 5 through 20 of this Article are insufficient and other expenses associated with the administration of Sections 5 through 20.

ARTICLE 23

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Office of the State Comptroller for the fiscal year ending June 30, 2006:

For Personal Services:
  Official Court Reporting....................... 36,827,900
For State Contributions to the State
  Employees’ Retirement System.................. 2,869,300
For State Contributions to Social
  Security.......................................... 2,817,400
For Travel:
  For Official Court Reporting................... 167,900
For Contractual Services:
  For Transcript Fees for Official
  Court Reporting............................... 4,046,700

Section 2. The amount of $750,000, or so much thereof as may be necessary, is appropriated to the State Comptroller for ordinary and contingent expenses associated with the payment to official court reporters pursuant to law.

ARTICLE 24

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the State Comptroller in connection with the Illinois Global Partnership Act:

From General Revenue Fund...................... 2,500,000
From Agricultural Premium Fund............... 1,006,200
From International Tourism Fund............... 2,500,000
Total                                       $6,006,200

ARTICLE 25

New matter indicated by italics - deletions by strikeout
Section 1. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Office of the State Treasurer to meet the ordinary and contingent expenses of the Office of the State Treasurer:

For Personal Services:
- From General Revenue Fund....................... 4,667,700
- From State Pensions Fund......................... 2,565,300

For Employee Retirement Contribution (pickup):
- From General Revenue Fund....................... 186,700
- From State Pensions Fund......................... 102,700

For State Contributions to State Employees’ Retirement System:
- From General Revenue Fund....................... 639,500
- From State Pensions Fund......................... 351,500

For State Contribution to Social Security:
- From General Revenue Fund....................... 347,300
- From State Pensions Fund......................... 194,100

For Group Insurance from State Pensions Fund:
- From General Revenue Fund....................... 814,200

For Contractual Services:
- From General Revenue Fund....................... 1,016,300
- From State Pensions Fund......................... 3,021,100

For Travel:
- From General Revenue Fund....................... 121,100
- From State Pensions Fund......................... 110,000

For Commodities:
- From General Revenue Fund....................... 47,600
- From State Pensions Fund......................... 35,400

For Printing:
- From General Revenue Fund....................... 25,900
- From State Pensions Fund......................... 18,900

For Equipment:
- From General Revenue Fund....................... 56,200
- From State Pensions Fund......................... 18,900

For Electronic Data Processing:
- From General Revenue Fund....................... 948,000
- From State Pensions Fund......................... 1,019,100

For Telecommunications Services:
- From General Revenue Fund....................... 160,100

New matter indicated by italics - deletions by strikeout
From State Pensions Fund........................ 63,100
For Operation of Automotive Equipment:
From General Revenue Fund......................... 7,600
From State Pensions Fund........................ 2,700
Total, This Section                           $16,541,000

Section 2. The amount of $8,100,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Bank Services Trust Fund for the purpose of making payments to financial institutions for banking services pursuant to the State Treasurer's Bank Services Trust Fund Act.

Section 3. The amount of $9,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of overpayments of estate tax and accrued interest on those overpayments, if any, and payment of certain statutory costs of assessment.

Section 4. The amount of $6,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of accrued interest on protested tax cases.

Section 5. The amount of $27,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Transfer Tax Collection Distributive Fund for the purpose of making payments to counties pursuant to Section 13b of the Illinois Estate and Generation-Skipping Transfer Tax Act.

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

Section 7. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the State Treasurer for the payment of interest on and retirement of State bonded indebtedness:

For payment of principal and interest on any and all bonds issued pursuant to the Anti-Pollution Bond Act, the Transportation Bond Act, the Capital Development Bond Act of 1972, the School Construction Bond Act, the Illinois Coal and Energy Development Bond Act, and the General Obligation Bond Act:
From the General Obligation Bond Retirement and Interest Fund:
Section 8. The amount of $450,900, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the State Treasurer's costs to administer the Capital Litigation Trust Fund in accordance with the Capital Crimes Litigation Act.

Section 9. The amount of $2,691,200, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of expenses of the Cook County State's Attorney in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 10. The amount of $1,625,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of expenses of the Cook County Public Defender in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 11. The amount of $1,200,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of compensation and expenses of court appointed defense counsel, other than the Cook County Public Defender, in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 12. The following named amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of compensation and expenses of court appointed counsel other than Public Defenders incurred in the defense of capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

Section 13. The following named amount of $500,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of expenses of Public Defenders incurred in the
defense of capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

Section 14. The following named amount of $300,000, or so much of thereof as may be necessary, is appropriated from the General Revenue Fund to the State Treasurer for expenses related to an Inspector General position.

ARTICLE 26

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF THE EXECUTIVE OFFICE

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services..............................</td>
<td>646,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions paid</td>
<td>0</td>
</tr>
<tr>
<td>by Employer...........................................</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>50,300</td>
</tr>
<tr>
<td>Employees' Retirement System........................</td>
<td>49,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>50,000</td>
</tr>
<tr>
<td>For Travel...........................................</td>
<td>33,600</td>
</tr>
<tr>
<td>For Commodities......................................</td>
<td>500</td>
</tr>
<tr>
<td>Total</td>
<td>$829,700</td>
</tr>
</tbody>
</table>

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF FINANCE AND ADMINISTRATION

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services..............................</td>
<td>1,013,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>2,100</td>
</tr>
<tr>
<td>Paid by Employer......................................</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>78,900</td>
</tr>
<tr>
<td>Employees' Retirement System........................</td>
<td>77,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>324,200</td>
</tr>
<tr>
<td>For Travel...........................................</td>
<td>10,000</td>
</tr>
<tr>
<td>For Commodities......................................</td>
<td>21,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>120,400</td>
</tr>
<tr>
<td>For Equipment........................................</td>
<td>15,200</td>
</tr>
<tr>
<td>For Telecommunications..............................</td>
<td>69,800</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Operation of Auto Equipment.................. 3,400
Total $1,736,400

Payable from Services for Older Americans Fund:
For Personal Services.......................... 388,400
For Employee Retirement Contributions Paid by Employer......................... 1,700
For State Contributions to State Employees' Retirement System........ 30,300
For State Contributions to Social Security ...... 29,700
For Group Insurance............................. 121,500
For Contractual Services......................... 77,400
For Travel........................................ 10,000
For Commodities................................. 500
For Group Insurance............................. 121,500
For Contractual Services......................... 77,400
For Travel........................................ 10,000
For Commodities................................. 500
For Operations of Auto Equipment............... 2,400
Total $698,000

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF HOME AND COMMUNITY SERVICES

Payable from General Revenue Fund:
For Personal Services.......................... 721,800
For Employee Retirement Contributions Paid by Employer......................... 1,500
For State Contributions to State Employees' Retirement System........ 56,200
For State Contributions to Social Security ...... 55,200
For Travel........................................ 20,000
For Commodities................................. 500
Total $855,200

Payable from Services for Older Americans Fund:
For Personal Services.......................... 1,112,000
For Employee Retirement Contributions Paid by Employer......................... 7,000
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF PLANNING RESEARCH AND DEVELOPMENT

Payable from General Revenue Fund:
- For Personal Services........................... 261,400
- For Employee Retirement Contributions
  Paid by Employer..................................... 0
- For State Contributions to State
  Employees' Retirement System..................... 20,400
- For State Contributions to Social Security ...... 20,000
- For Travel........................................ 20,000
- For Commodities...................................... 500
- Total $322,300

Payable from Services for Older Americans Fund:
- For Personal Services........................... 345,200
- For Employee Retirement Contributions
  Paid by Employer..................................... 600
- For State Contributions to State
  Employees' Retirement System..................... 26,900
- For State Contributions to Social Security ...... 26,400
- For Group Insurance............................... 94,500
- For Contractual Services.......................... 15,000
- For Travel........................................ 10,000
- Total $518,600

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF COMMUNICATIONS AND OUTREACH

Payable from General Revenue Fund:
- For Personal Services........................... 375,900
- For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by Employer</td>
<td>400</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>29,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>28,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>60,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>24,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>500</td>
</tr>
<tr>
<td>For Printing</td>
<td>23,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$543,000</strong></td>
</tr>
</tbody>
</table>

Payable from Services for Older Americans Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>183,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>14,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>14,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>67,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$290,300</strong></td>
</tr>
</tbody>
</table>

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

**DISTRIBUTIVE ITEMS**

**OPERATIONS**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Expenses of the Provisions of the Elder Abuse and Neglect Act</td>
<td>10,041,400</td>
</tr>
<tr>
<td>For Expenses of the Intergenerational Programs</td>
<td>60,900</td>
</tr>
<tr>
<td>For Expenses of the Illinois Department on Aging for Monitoring and Support Services</td>
<td>296,900</td>
</tr>
<tr>
<td>For Expenses of the Illinois Council on Aging</td>
<td>12,200</td>
</tr>
<tr>
<td>For Expenses of the Alzheimer's Task Force And Conference</td>
<td>12,400</td>
</tr>
<tr>
<td>For Expenses of Home delivered meals distribution, and mobile equipment</td>
<td>250,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Expenses of the Senior Employment Specialist Program.......................... 264,300
For Expenses of the Grandparents Raising Grandchildren Program............... 136,500
For Expenses of the Senior Meal Program........... 34,500
For Expenses of the Alzheimer’s Initiative and Related Programs............... 104,700
For Administrative Expenses of the Red Tape Cutter Program...................... 9,800
For Expenses of the Senior Helpline................ 468,400
Total $11,692,000

Payable from Services for Older Americans Fund:
For Expenses of Senior Meal Program................ 52,100
For Purchase of Training Services.................... 148,300
For Expenses of the Discretionary Government Projects......................... 6,405,000
Total $6,605,400

Payable from the Department on Aging’s Special Projects Fund:
For Expenses of Private Partnership Projects................................. 45,000

Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from General Revenue Fund:
For the purchase of Illinois Community Care Program homemaker and Other Home Based Services, including prior year costs.......................... 234,564,500
For the Purchase of Emergency Home Response And other Home Monitoring Services........ 1,800,000
For Grants and for Administrative Expenses Associated with Case Management, including prior Year costs................................. 27,877,800
For Grants for distribution to the 13 Area

New matter indicated by italics - deletions by strikeout
Agencies on Aging for costs for home
delivered meals and mobile food equipment .... 6,969,600
Grants for Community Based Services
including information and referral
services, transportation and delivered
meals................................................. 3,062,300
Grants for Community Based Services for
equal distribution to each of the 13
Area Agencies on Aging......................... 1,955,000
For Grants for Adult Day Care Services,
Including prior year costs...................... 16,276,100
For Grants for Retired Senior
Volunteer Program............................... 782,000
For Planning and Service Grants to
Area Agencies on Aging........................ 2,241,700
For Grants for the Foster
Grandparent Program............................ 342,100
For Expenses to the Area Agencies
on Aging for Long-Term Care Systems
Development................................. 276,000
For Grants for Suburban Area Agency
on Aging for the Red
Tape Cutter Program............................ 251,700
For Grants for Chicago Department on Aging
for the Red Tape Cutter Program............. 603,600
For the Ombudsman Program................... 391,000
Total ........................................... $297,393,400

Payable from the Tobacco Settlement
Recovery Fund:
For Grants and Administrative
Expenses of Senior Health
Assistance Programs....................... 1,100,000

Payable from Services for Older Americans Fund:
For Grants for Social Services............... 27,164,000
For Grants for Nutrition Services............ 24,475,800
For Grants for Employment Services......... 3,397,000
For Grants for USDA Adult Day Care........ 1,200,000
For Grants for the USDA Elderly
Feeding Program............................ 6,500,000

New matter indicated by italics - deletions by strikeout
Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department on Aging for the ordinary and contingent expenses of the Senior Citizens Circuit Breaker and Pharmaceutical Assistance Program:

Payable from General Revenue Fund: ........................................ 51,978,600
Payable from Tobacco Settlement Recovery Fund: ................................. 8,890,900
Payable from General Revenue Fund: For Pharmaceutical Refund: ......................... 146,000

ARTICLE 27

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

FOR OPERATIONS
ADMINISTRATIVE SERVICES

Payable from General Revenue Fund:
For Personal Services: .................. 1,386,300
For Employee Retirement Contributions
  Paid by Employer: .................. 12,000
For State Contributions to State Employees' Retirement System: .................. 108,000
For State Contributions to Social Security: .................. 106,000
For Contractual Services: .................. 345,600
For Travel: .................. 13,000
For Commodities: .................. 28,400
For Printing: .................. 14,600
For Equipment: .................. 36,800
For Telecommunications Services: .................. 44,300
For Operation of Auto Equipment: .................. 7,600
For Refunds: .................. 9,500
Total: 2,112,100

Payable from Wholesome Meat Fund:
For Personal Services: .................. 500,000
For Employee Retirement Contributions
  Paid by Employer: .................. 10,000
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System .................. 39,000
For State Contributions to
Social Security ................................. 40,000
For Group Insurance ............................. 150,000
For Contractual Services ....................... 50,000
For Travel ........................................ 20,100
For Commodities .................................. 1,100
For Printing ..................................... 1,100
For Equipment .................................... 28,000
For Telecommunications Services ............... 20,000
For Operation of Auto Equipment ............... 0
Total ............................................... $859,300
Payable from the Illinois Rural
Rehabilitation Fund:
For Illinois' part in administration
of Titles I and II of the federal
Bankhead-Jones Farm Tenant Act:
For Operations .................................... 5,000

Section 10. The sum of $11,840,000, or so much thereof as may
be necessary, is appropriated from the Agricultural Premium Fund to the
Department of Agriculture for deposit into the State Cooperative
Extension Service Trust Fund.

Section 15. The sum of $1,693,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Agriculture for deposit into the State Cooperative
Extension Service Trust Fund.

Section 17. The sum of $5,000,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Agriculture for operational expenses and programs of the
University of Illinois Cook County Cooperative Extension Service.

Section 20. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Agriculture for:

COMPUTER SERVICES
Payable from General Revenue Fund:
For Personal Services ............................ 348,000
For Employee Retirement Contributions
Paid by Employer ................................. 10,300
For State Contributions to State

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees' Retirement System</td>
<td>27,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>27,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>568,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>73,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>21,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,077,600</strong></td>
</tr>
</tbody>
</table>

Payable from Agricultural Premium Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>133,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>4,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>10,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>10,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>109,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>29,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>5,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$302,500</strong></td>
</tr>
</tbody>
</table>

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

**FOR OPERATIONS**

**AGRICULTURE REGULATION**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,551,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>25,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>198,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>197,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>37,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>234,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>36,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>4,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Equipment................................. 12,100
For Telecommunications Services.............. 32,800
For Operation of Auto Equipment............... 25,100
Total $3,355,300

Payable from the Agricultural
Federal Projects Fund:
For Expenses of Various
Federal Projects.............................. 100,000
Total $100,000

Section 30. The sum of $500,000, or so much thereof as may be
necessary, is appropriated from the Fertilizer Control Fund to the
Department of Agriculture for Fertilizer Research.

Section 35. The sum of $1,000,000, or so much thereof as may be
necessary, is appropriated from the Feed Control Fund to the Department
of Agriculture for Feed Control.

Section 40. The following named sums, or so much thereof as may be
necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Agriculture:

MARKETING

Payable from General Revenue Fund:
For Personal Services......................... 448,000
For Employee Retirement Contributions
  Paid by Employer............................. 8,000
For State Contributions to State
  Employees' Retirement System............... 34,900
For State Contributions to
  Social Security............................. 36,000
For Contractual Services...................... 8,800
For Travel..................................... 5,700
For Commodities.............................. 1,900
For Printing.................................. 5,900
For Equipment............................... 5,400
For Telecommunications Services............. 15,200
For Operation of Auto Equipment............. 2,800
Total $572,600

Payable from Agricultural
Premium Fund:
For Expenses Connected With the Promotion

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

and Marketing of Illinois Agriculture and Agriculture Exports.......................... 1,956,000
For Implementation of programs and activities to promote, develop and enhance the biotechnology industry in Illinois.......................... 140,000
For expenses related to a contractual Viticulturist and a contractual Enologist................................. 150,000
Payable from Agricultural Marketing Services Fund:
For administering Illinois' part under Public Law No. 733, "An Act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products"............ 4,000
Payable from Agriculture Federal Projects Fund:
For expenses of various Federal Projects........ 750,000

Section 45. The sum of $5,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Agriculture Assembly.

Section 50. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Illinois AgriFIRST Program.

Section 53. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois AgriFIRST Program Fund for AgriFIRST value added economic development grants.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES

Payable from General Revenue Fund:
For Personal Services......................... 2,900,000
For Employee Retirement Contributions Paid by Employer................................. 30,000
For State Contributions to State Employees' Retirement System...................... 225,900

New matter indicated by italics - deletions by strikeout
For State Contributions to
  Social Security.............................. 222,000
For Contractual Services........................ 651,500
For Travel........................................ 30,000
For Commodities................................. 365,000
For Printing...................................... 10,000
For Equipment.................................... 50,000
For Telecommunications Services.................. 50,000
For Operation of Auto Equipment................... 60,000
For Swine Disease Research........................ 37,700
For Bovine Disease Research....................... 17,900
  Total                                    $4,650,000
Payable from the Illinois Department
  of Agriculture Laboratory
  Services Revolving Fund:
  For Expenses Authorized
    by the Animal Disease
    Laboratories Act............................. 700,000
Payable from the Agriculture
  Federal Projects Fund:
  For Expenses of Various
    Federal Projects............................. 1,285,000
  Section 60. The following named amounts, or so much thereof as
  may be necessary, respectively, are appropriated to the Department of
  Agriculture for:
    MEAT AND POULTRY INSPECTION
Payable from the General Revenue Fund:
  For Personal Services........................ 2,825,000
  For Employee Retirement Contributions
    Paid by Employer............................. 12,000
  For State Contributions to State
    Employees' Retirement System............... 220,100
  For State Contributions to
    Social Security........................... 216,500
  For Contractual Services..................... 0
  For Travel..................................... 0
  For Commodities............................... 0
  For Printing.................................. 0
  For Equipment................................ 0

New matter indicated by italics - deletions by strikeout
For Telecommunications Services................. 10,000
For Operation of Auto Equipment.................. 10,000
Total                                           $3,293,600

Payable from Wholesome Meat Fund:
For Personal Services.......................... 2,800,000
For Employee Retirement Contributions
    Paid by Employer.............................. 10,000
For State Contributions to State
    Employees' Retirement System............... 218,100
For State Contributions to
    Social Security............................. 214,000
For Group Insurance............................. 715,000
For Contractual Services........................ 90,000
For Travel......................................... 150,000
For Commodities.................................. 20,000
For Printing....................................... 3,000
For Equipment..................................... 200,000
For Telecommunications Services............... 70,000
For Operation of Auto Equipment................. 110,000
Total                                           $4,600,100

Payable from Agricultural Master Fund:
For Expenses Relating to
    Inspection of Agricultural Products........ 425,000
  Section 65. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Agriculture for:

  WEIGHTS AND MEASURES

Payable from the General Revenue Fund:
For Personal Services........................... 587,000
For Employee Retirement Contributions
    Paid by Employer.............................. 17,000
For State Contributions to State
    Employees' Retirement System............... 45,700
For State Contributions to
    Social Security............................. 44,900
For Contractual Services......................... 2,000
For Travel......................................... 5,000
For Commodities.................................. 1,000
For Printing....................................... 1,000

New matter indicated by italics - deletions by strikeout
For Equipment................................. 2,000
For Telecommunications Services............... 4,000
For Operation of Auto Equipment............... 23,000
For Expenses of a Motor Fuel and Petroleum Standards Program pursuant to P.A. 86-0232............... 73,700
Total........................................... $806,300

Payable from the Agriculture Federal Projects Fund:
For Expenses of various Federal Projects............... 100,000
Total........................................... $100,000

Payable from the Weights and Measures Fund:
For Personal Services.......................... 1,313,000
For Employee Retirement Contributions Paid by Employer............... 40,000
For State Contributions to State Employees’ Retirement System........... 102,300
For State Contributions to Social Security...................... 100,400
For Group Insurance........................... 364,000
For Contractual Services......................... 150,000
For Travel..................................... 95,000
For Commodities............................... 15,000
For Printing.................................... 13,000
For Equipment................................. 300,000
For Telecommunications Services............... 20,000
For Operation of Auto Equipment............... 150,000
Total........................................... $2,662,700

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:
Environmental Programs
Payable from the General Revenue Fund
For Personal Services.......................... 700,000
For Employee Retirement Contributions Paid by Employer............... 13,000
For State Contributions to State Employees’ Retirement System........... 54,500

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security.......................... 53,600
For Contractual Services........................... 1,600
For Travel........................................ 17,300
For Commodities...................................... 800
For Printing......................................... 900
For Equipment........................................ 800
For Telecommunications Services............... 9,600
For Operation of Automotive Equipment......... 4,600
For the Detection, Eradication, and Control of Exotic Pests, such as the Asian Long-Horned Beetle and Gypsy Moth................................. 204,200
Total.................................................................. 1,060,900

Payable from Agriculture Pesticide Control Act Fund:
For Expenses of Pesticide Enforcement Program.... 800,000

Payable from Pesticide Control Fund:
For Administration and Enforcement of the Pesticide Act of 1979............... 2,550,000

Payable from the Agriculture Federal Projects Fund:
For expenses of Various Federal Projects............ 787,000

Payable from Livestock Management Facilities Fund:
For Administration of the Livestock Management Facilities Act................ 30,000

Payable from the General Revenue Fund:
For Administration of the Livestock Management Facilities Act............... 285,300

Payable from the Used Tire Management Fund:
For Mosquito Control................................. 40,000

Section 75. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

LAND AND WATER RESOURCES

Payable from the Agricultural Premium Fund:
For Personal Services............................... 795,700
For Employee Retirement Contributions Paid by Employer......................... 23,900
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees’ Retirement System....................... 62,000
For State Contributions to Social Security...................... 60,900
For Contractual Services........................................ 110,100
For Travel.............................................................. 22,800
For Commodities...................................................... 7,000
For Printing............................................................. 7,900
For Equipment.......................................................... 39,900
For Telecommunications Services..................... 20,500
For Operation of Automotive Equipment........... 15,000
For the Ordinary and Contingent Expenses of the Natural Resources Advisory Board................................... 2,000
Total                                                                                         1,167,700

Payable from the Agriculture Federal Projects Fund:

For Expenses Relating to Various Federal Projects.............................. 815,000

Section 80. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated to the Department of Agriculture from the Conservation 2000 Fund for the Conservation 2000 Program to implement agricultural resource enhancement programs for Illinois’ natural resources, including operational expenses, consisting of the following elements at the approximate costs set forth below:

Conservation Practices
  Cost Sharing Program........................... 2,000,000
Sustainable Agriculture Program..................... 250,000
Soil and Water Conservation Grants............... 1,500,000
Streambank Restoration......................... 250,000

Section 85. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

SPRINGFIELD BUILDINGS AND GROUNDS

Payable from General Revenue Fund:

For Personal Services.............................. 2,486,700
For Employee Retirement Contributions
  Paid by Employer............................... 50,000
For State Contributions to State
  Employees' Retirement System................... 193,700

New matter indicated by italics - deletions by strikeout
For State Contributions to
  Social Security ............................... 194,100
For Contractual Services ....................... 1,724,000
For Payment to the City of Springfield
  for Fire Protection Services at the
  Illinois State Fairgrounds ................... 132,700
For Commodities ............................... 75,200
For Equipment ................................... 114,000
For Telecommunications Services .............. 55,000
For Operation of Auto Equipment ............... 6,000
For preparation and setup for the
  2006 National High School Finals
Rodeo ............................................... 203,000
Total  ............................................... $5,234,400

Section 90. The sum of $1,500,000, or so much thereof as may be
necessary, is appropriated from the Illinois State Fair Fund to the
Department of Agriculture to satisfy obligations related to the
development, use, and operation of a multi-purpose outdoor theater, and to
promote and conduct activities at the Illinois State Fairgrounds at
Springfield other than the Illinois State Fair, including administrative
expenses. No expenditures from the appropriation shall be authorized
until revenues from fairground uses sufficient to offset such expenditures
have been collected and deposited into the Illinois State Fair Fund.

Section 95. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Agriculture for:

**DUQUOIN BUILDINGS AND GROUNDS**

Payable from General Revenue Fund:
For Personal Services ............................ 1,221,300
For Employee Retirement Contributions
  Paid by Employer ............................... 17,900
For State Contributions to State
  Employees' Retirement System ............... 95,200
For State Contributions to
  Social Security ............................... 107,000
For Contractual Services ....................... 701,700
For Travel ......................................... 6,900
For Commodities ............................... 100,500
For Equipment ................................. 121,700

New matter indicated by italics - deletions by strikeout
For Telecommunications Services................. 45,000
For Operation of Auto Equipment.................. 22,100
Total                                            $2,439,300

Section 100. The sum of $500,000, or so much thereof as may be
necessary, is appropriated from the Agricultural Premium Fund to the
Department of Agriculture to conduct activities at the Illinois State
Fairgrounds at DuQuoin other than the Illinois State Fair, including
administrative expenses. No expenditures from the appropriation shall be
authorized until revenues from fairgrounds uses sufficient to offset such
expenditures have been collected and deposited into the Agricultural
Premium Fund.

Section 105. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Agriculture for:

DUQUOIN STATE FAIR
Payable from General Revenue Fund:
For Personal Services......................... 345,300
For Employee Retirement Contributions
  Paid by Employer........................... 5,000
For State Contributions to State
  Employees' Retirement System............ 26,900
For State Contributions to
  Social Security............................ 27,550
For Contractual Services...................... 408,600
For Travel.................................... 5,600
For Commodities............................... 22,800
For Printing.................................. 8,100
For Equipment................................. 6,500
For Telecommunications Services............. 33,200
For Operation of Auto Equipment............. 1,000
For Entertainment at the
  DuQuoin State Fair......................... 460,400
Total                                      $1,350,950

Payable from the Agricultural Premium Fund:
For Financial Assistance for the
  DuQuoin State Fair......................... 455,200

Section 110. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Agriculture for:

ILLINOIS STATE FAIR

New matter indicated by italics - deletions by strikeout
Payable from the Illinois State Fair Fund:
For Operations of the Illinois State Fair
Including Entertainment and the Percentage
Portion of Entertainment Contracts............ 4,000,000
Total $4,000,000

Section 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

COUNTY FAIRS AND HORSE RACING

Payable from the Agricultural Premium Fund:
For Personal Services............................ 169,900
For Employee Retirement Contributions
   Paid by Employer............................... 3,000
For State Contributions to State
   Employees' Retirement System............... 13,200
For State Contributions to
   Social Security............................... 12,300
For Contractual Services....................... 35,900
For Travel........................................ 3,500
For Commodities................................ 2,000
For Printing...................................... 3,500
For Equipment................................... 11,300
For Telecommunications Services.............. 4,900
For Operation of Auto Equipment.............. 2,000
Total $261,500

Payable from Illinois Standardbred Breeders Fund:
For Personal Services............................ 0
For Employee Retirement Contributions
   Paid by Employer............................... 0
For State Contributions to State
   Employees' Retirement System............... 0
For State Contributions to
   Social Security............................... 5,400
For Contractual Services....................... 113,900
For Travel........................................ 5,000
For Commodities................................. 2,000
For Printing...................................... 3,000
For Operation of Auto Equipment.............. 4,000

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from Illinois Thoroughbred Breeders Fund:</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>187,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>2,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>14,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>19,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>171,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>6,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>28,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>15,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>6,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$456,800</strong></td>
</tr>
</tbody>
</table>

Section 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**ADMINISTRATIVE SERVICES PROGRAMS**

Payable from the Illinois Rural Rehabilitation Fund:

For Illinois' part in administration of Titles I and II of the federal Bankhead-Jones Farm Tenant Act:

For Programs, Loans and Grants:

**Total** $3,547,400

Payable from the General Revenue Fund:

For the Agricultural Leadership Foundation:

For distribution of institutional agricultural research grants to public universities authorized by the Food and Agriculture Research Act to include administrative costs incurred by the Department of Agriculture pursuant to Section 15 of the Food and Agriculture Research Act (Public Act 89-182):

**Total** $3,547,400

New matter indicated by italics - deletions by strikeout
Section 125. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES PROGRAMS

Payable from General Revenue Fund:
For awards for destruction of livestock, as provided by law.............................. 4,700

Section 130. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Agriculture for:

LAND AND WATER RESOURCES PROGRAMS

Payable from the General Revenue Fund:
For Soil Surveys in Mapping Illinois
Soil and operational expenses.................. 375,000
For grants to Soil and Water Conservation Districts for clerical and other personnel, for education and promotional assistance, and for expenses of Water Conservation District Boards and administrative Expenses.................................... 5,545,600
Total $5,920,600

Section 135. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

ILLINOIS STATE FAIR PROGRAMS

Payable from the General Revenue Fund:
For Awards to Livestock Breeders and related expenses.................. 160,500
For Awards and Premiums at the Illinois State Fair and related expenses.................. 297,000
For Awards and Premiums for Grand Circuit Horse Racing at the Illinois State Fairgrounds and related expenses.................. 138,000
Total $595,500

Payable from the Illinois State Fair Fund:
For Awards to Livestock Breeders and related expenses.................. 57,400
For Awards and Premiums at the Illinois State Fair and related expenses.................. 173,200

New matter indicated by italics - deletions by strikeout
For Awards and Premiums for Grand Circuit Horse Racing at the Illinois State Fairgrounds and related expenses......................... 49,400
Total $280,000

Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN STATE FAIR PROGRAMS Payable from General Revenue Fund:
For awards and premiums to the DuQuoin State Fair and related expenses....... 139,200
For harness racing at the
DuQuoin State Fair and related expenses........ 29,500
Total $168,700

Section 145. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

COUNTY FAIRS AND HORSE RACING PROGRAMS Payable from the Illinois Racing Quarterhorse Breeders Fund:
For promotion of the Illinois horse racing and breeding industry.................... 71,200
Payable from the Illinois Standardbred Breeders Fund:
For grants and other purposes............... 1,473,200
Payable from the Illinois Thoroughbred Breeders Fund:
For grants and other purposes............... 2,007,900
Total $3,552,300
Payable from the Agricultural Premium Fund:
For distribution to encourage and aid county fairs and other agricultural societies. This distribution shall be prorated and approved by the Department of Agriculture......................... 2,146,100
For premiums to agricultural extension or 4-H clubs to be distributed at a uniform rate....................... 762,000
For premiums to vocational

New matter indicated by italics - deletions by strikeout
agriculture fairs................................. 179,500
For rehabilitation of county fairgrounds....... 2,602,000
For grants and other purposes for county fair and state fair horse racing............... 413,000
Total $6,102,600

Payable from the General Revenue Fund:
For distribution to county fairs for premiums and rehabilitation as set forth in the Agriculture Fair Act.............. 666,000
Total $666,000

Payable from Fair and Exposition Fund:
For distribution to County Fairs and Fair and Exposition Authorities ........... 1,357,400
Total $1,357,400

Section 150. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for grants, contracts, and administrative expenses associated with the development of the Illinois Grape and Wine Industry, including prior year costs.

ARTICLE 28

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF ADMINISTRATIVE OPERATIONS
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services......................... 2,828,700
For Employee Retirement Contributions
    Paid by Employer............................... 4,800
For State Contributions to State Employees' Retirement System.................. 220,400
For State Contributions to Social Security.............................. 216,800
For Contractual Services......................... 399,900
For Travel........................................ 61,000
For Commodities.................................. 17,100
For Printing........................................ 24,900
For Equipment.................................... 14,100
For Electronic Data Processing................... 294,900

New matter indicated by italics - deletions by strikeout
For Telecommunications Services.................  58,100
For Operation of Auto Equipment..................  1,200
For Refunds........................................  1,800
Total                                                                                         $4,143,700

PAYABLE FROM STATE GARAGE REVOLVING FUND

For Personal Services...........................  409,600
For Employee Retirement Contributions
Paid by Employer.....................................  9,800
For State Contributions to State
Employees' Retirement System.....................  31,900
For State Contribution to
Social Security.....................................  31,400
For Group Insurance................................  110,400
For Contractual Services..........................  16,600
For Travel...........................................  1,000
For Commodities.................................    5,000
For Printing.......................................  2,900
For Equipment.......................................  5,800
For Electronic Data Processing....................  1,035,000
For Telecommunications Services...............  7,900
Total                                                                                         $1,667,300

PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND

For Personal Services...........................  601,900
For Employee Retirement Contributions
Paid by Employer..................................... 17,100
For State Contribution to State
Employees' Retirement Fund.......................  46,900
For State Contributions to Social
Security.............................................  46,100
For Group Insurance..............................  124,200
For Contractual Services.........................  14,100
For Travel..........................................  2,000
For Commodities..................................  3,700
For Printing.......................................  3,700
For Equipment.....................................  4,700
For Electronic Data Processing...................  11,800
For Telecommunications Services............  8,100
Total                                                                                         $884,300

PAYABLE FROM PAPER AND PRINTING REVOLVING FUND

New matter indicated by italics - deletions by strikeout
For Personal Services............................                                            52,200
For Employee Retirement Contributions  
Paid by Employer..................................................      500
For State Contributions to State  
Employees' Retirement System............................  4,100
For State Contribution to  
Social Security.....................................................  4,000
For Group Insurance...........................................               13,800
For Contractual Services..............................  500
For Commodities..............................................  300
For Printing.....................................................  200
For Equipment..................................................  1,000
For Electronic Data Processing.......................  107,100
For Telecommunications Services.........................  800
Total                                                                                          $184,500

PAYABLE FROM COMMUNICATIONS REVOLVING FUND

For Personal Services..............................  476,200
For Employee Retirement Contributions  
Paid by Employer..................................................      11,800
For State Contributions to State  
Employees' Retirement System............................  37,100
For State Contribution to  
Social Security.....................................................  36,400
For Group Insurance...........................................               124,200
For Contractual Services..............................  29,800
For Travel.......................................................  1,200
For Commodities..............................................  4,800
For Printing.....................................................  7,000
For Equipment..................................................  5,900
For Electronic Data Processing.......................  4,804,700
For Telecommunications Services.........................  6,400
Total                                                                                          $5,545,500

PAYABLE FROM PROFESSIONAL SERVICES FUND

For Personal Services..............................  6,896,500
For Employee Retirement Contributions  
Paid by Employer..................................................      173,900
For State Contributions to State  
Employees' Retirement System............................  537,300
For State Contributions to Social
Security........................................ 527,700
For Group Insurance......................... 1,616,000
For Contractual Services..................... 2,653,900
For Travel.................................... 205,300
For Commodities............................. 26,800
For Printing.................................. 38,500
For Equipment............................... 76,000
For Electronic Data Processing.............. 110,200
For Professional Services Including
Administrative and Related Costs........... 2,580,100
Total $15,531,200

Section 10. In addition to any other amounts heretofore
appropriated for such purpose, $8,482,100, or so much thereof as may be
necessary, is appropriated from the Efficiency Initiatives Revolving Fund
to the Department of Central Management Services for costs associated
with the efficiency initiatives authorized by Section 405-292 of the
Department of Central Management Services Law of the Civil
Administrative Code of Illinois.

Section 15. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Department of Central Management
Services:

ILLINOIS INFORMATION SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services........................... 681,300
For Employee Retirement Contributions
  Paid by Employer.............................. 500
For State Contributions to State
  Employees' Retirement System............... 53,100
For State Contributions to Social
  Security........................................ 52,200
For Contractual Services.................... 54,300
For Travel..................................... 10,500
For Commodities............................  5,700
For Printing...................................  400
For Equipment............................... 38,200
For Telecommunications Services.......... 39,200
For Operation of Auto Equipment..........  4,400

New matter indicated by italics - deletions by strikeout
Total $939,800

PAYABLE FROM COMMUNICATIONS REVOLVING FUND

For Personal Services........................... 5,066,900
For Employee Retirement Contributions
   Paid by Employer................................. 15,700
For State Contributions to State Employees' Retirement System........... 394,800
For State Contributions to Social Security............................ 387,700
For Group Insurance................................ 1,007,600
For Contractual Services........................... 1,736,200
For Travel........................................ 55,900
For Commodities................................... 38,500
For Printing....................................... 61,600
For Equipment.................................... 110,900
For Electronic Data Processing...................... 70,400
For Telecommunications Services................... 66,200
For Operation of Auto Equipment.................. 88,700
For Lump Sum..................................... 22,000
Total $9,123,100

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

BUREAU OF STRATEGIC SOURCING AND PROCUREMENT
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services......................... 1,807,100
For Employee Retirement Contributions
   Paid by Employer................................. 8,100
For State Contributions to State Employees' Retirement System........... 140,800
For State Contributions to Social Security............................ 138,900
For Contractual Services........................... 100,100
For Travel........................................ 31,100
For Commodities................................... 23,900
For Printing..................................... 28,100
For Equipment.................................... 11,800
For Telecommunications Services................. 35,900

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Operation of Auto Equipment</td>
<td>3,200</td>
</tr>
<tr>
<td>Total</td>
<td>$2,329,000</td>
</tr>
<tr>
<td><strong>PAYABLE FROM STATE GARAGE REVOLVING FUND</strong></td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>8,033,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>296,100</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>625,900</td>
</tr>
<tr>
<td>For State Contributions to Social</td>
<td></td>
</tr>
<tr>
<td>Security</td>
<td>614,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>2,484,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,131,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>39,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>117,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>34,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>744,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>151,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>21,042,100</td>
</tr>
<tr>
<td>For Refunds</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$35,324,700</td>
</tr>
<tr>
<td><strong>PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND</strong></td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>1,095,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>1,700</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>85,400</td>
</tr>
<tr>
<td>For State Contributions</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>83,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>345,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>520,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>31,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>13,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>19,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>9,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>21,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,231,400</td>
</tr>
<tr>
<td><strong>PAYABLE FROM PAPER AND PRINTING REVOLVING FUND</strong></td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>130,600</td>
</tr>
</tbody>
</table>
For Employee Retirement Contributions
Paid by Employer.................................... 700
For State Contributions to State
Employees' Retirement System.................... 10,200
For State Contributions to Social Security................................. 10,000
For Group Insurance........................................ 41,400
For Contractual Services............................. 113,300
For Travel................................................... 6,600
For Commodities........................................... 25,000
For Printing.................................................. 5,000
For Equipment.............................................. 70,000
For Telecommunications Services.................... 3,700
For Operation of Auto Equipment.................... 4,500
For Warehouse Stock for all State Agencies and for printing and distribution of wall certificates .......... 1,971,100
For Refunds................................................ 5,000
Total $2,397,100

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services.............................. 1,020,000
For Employee Retirement Contributions
Paid by Employer........................................... 5,900
For State Contributions to State
Employees' Retirement System.................... 79,500
For State Contributions to Social Security................................. 78,000
For Group Insurance........................................ 234,600
For Contractual Services............................. 13,000
For Travel................................................... 12,800
For Commodities........................................... 5,100
For Printing.................................................. 900
For Equipment.............................................. 20,100
For Electronic Data Processing..................... 20,500
For Telecommunications Services.................... 15,800
Total $1,506,200

PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For Personal Services.............................. 621,400
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
Paid by Employer.................................. 2,400
For State Contributions to State
Employees' Retirement System............... 48,400
For State Contributions to Social
Security........................................ 47,600
For Contractual Services....................... 8,500
For Travel..................................... 23,300
For Commodities............................... 3,000
For Printing..................................... 700
For Equipment................................. 12,000
For Electronic Data Processing............... 15,000
For Telecommunications Services............. 9,800
Total $792,100

Section 25. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named are appropriated to the Department of Central Management
Services:

BUREAU OF BENEFITS
PAYABLE FROM GENERAL REVENUE FUND
For Group Insurance......................... 36,924,200
For payment of claims under the
Representation and Indemnification
in Civil Lawsuits Act......................... 1,403,500
For auto liability, adjusting and administration
of claims, loss control and prevention
services, and auto liability claims........ 1,600,200
Total $39,927,900

PAYABLE FROM GROUP INSURANCE PREMIUM FUND
For expenses of Cost Containment Program..... 288,000
For Life Insurance Coverage As Elected
By Members Per The State Employees
Group Insurance Act of 1971................. 78,616,000

PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For Expenses of a Cost Containment Program..... 158,900
For provisions of Health Care Coverage
As Elected by Eligible Members Per
The State Employees Group Insurance Act
of 1971........................................ 17,924,200
### PAYABLE FROM WORKERS' COMPENSATION REVOLVING FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,731,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>6,400</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>134,900</td>
</tr>
<tr>
<td>Employees’ Retirement System</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>132,500</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>483,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>90,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>12,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>9,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>3,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>10,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>19,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,635,600</strong></td>
</tr>
</tbody>
</table>

For administrative costs of claims services and payment of temporary total disability claims of any state agency or university employee........... 650,000

For payment of Workers’ Compensation Act claims and contractual services in connection with said claims payments........ 98,200,000

Expenditures from appropriations for treatment and expense may be made after the Department of Central Management Services has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person.

Expenditures for this purpose may be made by the Department of Central Management Services without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

New matter indicated by italics - deletions by strikeout
PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION FUND

For expenses related to the administration of the State Employees Deferred Compensation Plan .......................... 1,698,300

Section 27. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the Illinois Prescription Drug Discount Program Fund to the Department of Central Management Services’ Bureau of Benefits for expenses related to the Senior Citizens and Disabled Persons Prescription Drug Discount Program operated by the Department.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF PERSONNEL

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services.......................... 4,871,800
For Employee Retirement Contributions
Paid by Employer............................. 2,000
For State Contributions to State Employees' Retirement System................. 379,600
For State Contributions to Social Security................................. 372,900
For Contractual Services.......................... 187,700
For Travel......................................... 49,100
For Commodities................................. 31,000
For Printing......................................... 37,900
For Equipment.................................... 19,500
For Telecommunications Services..................... 69,500
For Operation of Auto Equipment..................... 3,700
For Awards to Employees and Expenses of Employees' Suggestion Award Board................................. 8,500
For Wage Claims.................................. 826,500
For Expenses of Compensation Review Board........... 25,000
For Expenses of the Upward Mobility Program .... 4,204,000
For Expenses of the Governor's Commission on the Status of Women in Illinois........ 135,900
For Veterans' Job Assistance Program............... 282,200

New matter indicated by italics - deletions by strikeout
For Governor's and Vito Marzullo's
Internship programs.......................... 695,000
For Nurses' Tuition............................ 65,000
Total $12,266,800

Section 35. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named to meet the ordinary and contingent expenses
of the Department of Central Management Services:

BUSINESS ENTERPRISE PROGRAM
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services.......................... 309,300
For Employee Retirement Contributions
Paid by Employer............................... 700
For State Contributions to State
Employees' Retirement System................. 24,100
For State Contributions to Social
Security.......................................... 23,700
For Contractual Services...................... 71,900
For Travel....................................... 13,300
For Commodities.............................. 6,200
For Printing................................... 8,600
For Equipment................................. 1,000
For Telecommunications Services............. 7,700
For Operation of Auto Equipment............. 2,300
Total $468,800

PAYABLE FROM MINORITY AND FEMALE BUSINESS
ENTERPRISE FUND
For Expenses of the Business
Enterprise Program............................ 50,000

Section 40. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named, to the Department of Central Management
Services:

BUREAU OF PROPERTY MANAGEMENT
PAYABLE FROM GENERAL REVENUE FUND
For Contractual Services..................... 16,071,500
For Permanent Improvements................. 200,000
Total $16,271,500
PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>1,323,700</td>
</tr>
<tr>
<td>Total</td>
<td>$1,323,700</td>
</tr>
<tr>
<td>PAYABLE FROM STATE SURPLUS PROPERTY REVOLVING FUND</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>991,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>22,400</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>77,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>75,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>276,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>568,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>39,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>10,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>124,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>83,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>26,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>127,700</td>
</tr>
<tr>
<td>For Expenses of a Recycling Program</td>
<td>148,800</td>
</tr>
<tr>
<td>For Refunds</td>
<td>5,000</td>
</tr>
<tr>
<td>Total</td>
<td>$2,581,800</td>
</tr>
</tbody>
</table>

Section 45. The following named amounts, or so much thereof as may be necessary, is appropriated from the Facilities Management Revolving Fund to the Department of Central Management Services for expenses related to the following.

PAYABLE FROM FACILITIES MANAGEMENT REVOLVING FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>46,067,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>304,800</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>3,589,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>3,524,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>13,119,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>221,181,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>290,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to the Department of Central Management Services:

**BUREAU OF COMMUNICATION AND COMPUTER SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

For Education Technology, including operating and administrative costs.............. 19,393,800

**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

For Personal Services..................... 43,821,700

For Employee Retirement Contributions
Paid by Employer.......................... 271,300

For State Contributions to State Employees' Retirement System............... 3,414,100

For State Contributions to Social Security........................................ 3,352,400

For Group Insurance....................... 10,046,400

For Contractual Services.................... 2,619,500

For Travel.................................. 385,200

For Commodities............................... 242,100

For Printing.................................. 209,000

For Equipment................................. 758,200

For Electronic Data Processing.............. 91,820,100

For Telecommunications Services............ 4,333,500

For Operation of Auto Equipment............ 6,300

For Refunds.................................. 7,593,400

Total $168,873,200

**PAYABLE FROM COMMUNICATIONS REVOLVING FUND**

New matter indicated by italics - deletions by strikeout
For Personal Services.......................... 7,548,600
For Employee Retirement Contributions
  Paid by Employer.............................. 25,800
For State Contributions to State
  Employees' Retirement System............... 588,100
For State Contributions to Social
  Security....................................... 577,500
For Group Insurance........................... 1,835,400
For Contractual Services....................... 2,543,100
For Travel..................................... 54,000
For Commodities................................ 22,800
For Printing.................................... 57,500
For Equipment.................................. 31,700
For Telecommunications Services.............. 133,871,600
For Operation of Auto Equipment............. 15,000
For Refunds................................... 8,000,000
Total........................................ 155,171,100

Section 60. The amount of $4,061,300, or so much thereof as may be necessary, is appropriated from the Statistical Services Revolving Fund to the Department of Central Management Services for expenses related to the study, development and implementation of technology standards including related administrative expenses.

ARTICLE 29

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

CENTRAL ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 6,975,000
For Retirement Contributions Paid
  By Employer.................................... 1,326,200
For Retirement Contributions................. 543,400
For State Contributions to
  Social Security............................. 599,400
For Contractual Services...................... 2,954,600
For Travel...................................... 161,100
For Commodities.............................. 21,000
For Printing................................... 2,000

New matter indicated by italics - deletions by strikeout
For Equipment...................................... 9,800
For Telecommunications........................... 241,400
For Attorney General Representation
on Child Welfare Litigation Issues.............. 587,100
Total                                       $13,421,000

PAYABLE FROM C&FS SPECIAL PURPOSES TRUST FUND
For Private Grants for Child Welfare Improvements............................ 360,000
Total                                                                                            $360,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

INSPECTOR GENERAL
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 1,172,000
For Retirement Contributions..................... 91,300
For State Contributions to Social Security......................... 94,200
For Contractual Services.......................... 684,700
For Travel....................................... 19,500
For Commodities.................................... 7,900
For Printing....................................... 1,000
For Equipment...................................... 1,000
For Telecommunications Services......................... 44,000
Total                                       $2,115,600

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

ADMINISTRATIVE CASE REVIEW
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 5,311,100
For Retirement Contributions..................... 413,800
For State Contributions to Social Security......................... 400,800
For Contractual Services.......................... 68,400
For Travel....................................... 134,300
For Commodities.................................... 2,600

New matter indicated by italics - deletions by strikeout
Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

OFFICE OF QUALITY ASSURANCE
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services.............................. 1,884,900
For Retirement Contributions.................... 146,900
For State Contributions to Social Security........ 146,500
For Contractual Services......................... 277,700
For Travel.......................................... 139,600
For Commodities.................................. 2,300
For Printing........................................ 1,000
For Equipment..................................... 2,000
For Telecommunications........................... 20,500
Total ................................................ $2,621,400

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD WELFARE
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services.............................. 82,112,600
For Retirement Contributions.................... 6,397,400
For State Contributions to Social Security...... 6,192,900
For Contractual Services......................... 2,990,000
For Travel.......................................... 3,679,300
For Commodities.................................. 311,400
For Printing........................................ 239,000
For Equipment..................................... 42,000
For Telecommunications Services............... 3,243,700
For Targeted Case Management.................... 8,376,700
Total ................................................ $113,585,000

PAYABLE FROM C&FS FEDERAL PROJECTS FUND

New matter indicated by italics - deletions by strikeout
For Federal Child Welfare Projects.......... 1,175,000
For Independent Living Initiative.......... 10,300,000
For LAN State Board of Education.......... 1,600,000
Total                                    $13,075,000

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD PROTECTION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services....................... 56,612,900
For Retirement Contributions............... 4,410,700
For State Contributions to
Social Security............................ 4,312,500
For Contractual Services................... 366,600
For Travel................................. 1,358,700
For Commodities........................... 12,300
For Printing............................... 2,000
For Equipment............................. 23,500
For Telecommunications Services........... 485,800
For Child Death Review Teams............... 122,200
Total                                     $67,707,200
PAYABLE FROM C&FS FEDERAL PROJECTS FUND
For Federal Child Protection Projects...... 5,292,600
Total                                      $5,292,600

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

SUPPORT SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services....................... 5,801,500
For Retirement Contributions............... 452,000
For State Contributions to
Social Security............................ 451,100
For Contractual Services................... 23,672,000
For Travel.................................. 109,800
For Commodities........................... 215,000
For Printing............................... 293,100
For Equipment............................. 5,900
For Electronic Data Processing............... 7,585,000

New matter indicated by italics - deletions by strikeout
For Telecommunications Services................ 1,228,300  
For Operation of Automotive Equipment.......... 49,000  
For Refunds......................................  5,800  
For Cook County Referral Support System................ 247,200  
Total                                                                 40,115,700

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND

For Title IV-E Reimbursement Enhancement.................. 4,439,600
For SSI Reimbursement................................ 1,763,700
For AFCARS/SACWIS Information System...................... 21,219,200
Total                                                                 $27,422,500

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CLINICAL SERVICES

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services.......................... 2,754,300
For Retirement Contributions..................... 214,600
For State Contributions to Social Security............ 213,100
For Contractual Services.......................... 195,500
For Travel........................................ 88,000
For Commodities.................................. 2,700
For Printing....................................... 1,500
For Equipment..................................... 2,000
For Telecommunications Services................... 59,600
Total                                                                 $3,531,300

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Training Department Staff...................... 1,564,000

OFFICE OF THE GUARDIAN

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services.......................... 3,466,300
For Retirement Contributions..................... 270,100
For State Contributions to Social Security............ 273,000
For Contractual Services.......................... 513,200
For Travel........................................ 70,300

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

For Commodities........................................ 3,700
For Printing............................................... 500
For Equipment........................................... 2,000
For Telecommunications............................... 102,600
Total                                                                 $4,701,700

PURCHASE OF SERVICE MONITORING
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services............................... 16,847,000
For Retirement Contributions....................... 1,312,500
For State Contributions to
   Social Security........................................ 1,311,300
For Contractual Services............................ 2,296,700
For Travel.................................................. 41,400
For Commodities........................................ 11,500
For Printing............................................... 2,000
For Equipment............................................. 4,900
For Telecommunications.............................. 122,200
Total                                                                 $21,949,500

Section 45. The following named amounts, or so much thereof as
may be necessary, respectively, for payments for care of children served by
the Department of Children and Family Services:

GRANTS-IN-AID
REGIONAL OFFICES
PAYABLE FROM GENERAL REVENUE FUND
For Foster Homes and Specialized
   Foster Care and Prevention........................ 176,815,200
   For Counseling and Auxiliary Services........ 12,285,300
For Institution and Group Home Care and
   Prevention.............................................. 111,280,500
For Services Associated with the Foster
   Care Initiative...................................... 6,613,800
For Purchase of Adoption and
   Guardianship Services............................. 180,767,500
For Health Care Network............................. 4,198,500
For Cash Assistance and Housing
   Locator Service to Families in the
   Class Defined in the Norman Consent Order .... 3,632,000
For Youth in Transition Program..................... 917,200
For MCO Technical Assistance and

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Development</td>
<td>1,663,500</td>
</tr>
<tr>
<td>For Pre Admission/Post Discharge</td>
<td>8,071,800</td>
</tr>
<tr>
<td>Psychiatric Screening</td>
<td>2,069,500</td>
</tr>
<tr>
<td>For Assisting in the Development of Children's Advocacy Centers</td>
<td>3,211,900</td>
</tr>
<tr>
<td>For Psychological Assessments including Operations and Administrative Expenses</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$511,526,700</td>
</tr>
</tbody>
</table>

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Foster Homes and Specialized</td>
<td>124,696,300</td>
</tr>
<tr>
<td>Foster Care and Prevention</td>
<td>14,616,900</td>
</tr>
<tr>
<td>For Counseling and Auxiliary Services</td>
<td>82,817,300</td>
</tr>
<tr>
<td>For Institution and Group Home Care and Prevention</td>
<td>1,505,400</td>
</tr>
<tr>
<td>For Children's Personal and Physical Maintenance</td>
<td>4,487,000</td>
</tr>
<tr>
<td>For Services Associated with the Foster Care Initiative</td>
<td>2,343,700</td>
</tr>
<tr>
<td>For Purchase of Adoption and Guardianship Services</td>
<td>116,046,000</td>
</tr>
<tr>
<td>For Family Preservation Services</td>
<td>19,855,000</td>
</tr>
<tr>
<td>For Purchase of Children's Services</td>
<td>1,356,700</td>
</tr>
<tr>
<td>Federal Compliance/Program Improvement Plan Implementation</td>
<td>30,200,000</td>
</tr>
<tr>
<td>For Family Centered Services Initiative</td>
<td>17,301,800</td>
</tr>
<tr>
<td>Total</td>
<td>$415,226,100</td>
</tr>
</tbody>
</table>

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

CENTRAL ADMINISTRATION

PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Department Scholarship Program</td>
<td>842,500</td>
</tr>
</tbody>
</table>

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:
OPERATION AND COMMUNITY SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Reimbursing Counties.......................... 338,500
Total $338,500

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

GRANTS-IN-AID
SUPPORT SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Tort Claims................................. 233,800
Total $233,800

CHILD PROTECTION ADMINISTRATION
Payable from the General Revenue Fund:
For Protective/Family Maintenance
Day Care....................................... 21,076,700
Total $21,076,700
Payable from the Child Abuse Prevention Fund:
For Child Abuse Prevention............... 600,000

CLINICAL SERVICES
Payable from the DCFS Training Fund:
For Foster Care and Adoption
Care Training Services....................... 16,052,000

ARTICLE 30
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

GENERAL ADMINISTRATION
OPERATIONS
Payable from the General Revenue Fund:
For Personal Services....................... 3,527,300
For Retirement Contributions Paid
by Employer....................................... 7,000
For Extra Help................................. 9,600
For State Contributions to State
Employees' Retirement System............... 274,800
For State Contributions to
Social Security.............................. 270,600
For Contractual Services.................... 3,419,800

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Travel</td>
<td>139,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>65,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>41,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>70,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,047,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>150,700</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>45,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$9,069,300</strong></td>
</tr>
</tbody>
</table>

Payable from the Tourism Promotion Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>941,700</td>
</tr>
<tr>
<td>For Retirement Contributions Paid by Employer</td>
<td>1,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>73,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>72,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>248,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,246,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>14,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>16,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>30,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>72,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>194,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>31,300</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>11,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,953,200</strong></td>
</tr>
</tbody>
</table>

Payable from the Intra-Agency Services Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,727,900</td>
</tr>
<tr>
<td>For Retirement Contributions Paid by Employer</td>
<td>3,700</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>79,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>134,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>138,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>469,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,227,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>34,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>18,400</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Printing........................................ 21,400
For Equipment................................... 150,000
For Electronic Data Processing................. 982,200
For Telecommunications Services............... 60,300
For Operation of Automotive Equipment........ 20,000
Total ............................................ $7,067,900

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF TOURISM
OPERATIONS

Payable from the Tourism Promotion Fund:
For Personal Services......................... 1,312,400
For Retirement Contributions Paid
by Employer..................................... 1,000
For State Contributions to State
Employees' Retirement System............... 102,200
For State Contributions to
Social Security............................... 100,400
For Group Insurance......................... 324,300
For Contractual Services..................... 520,700
For Travel...................................... 70,000
For Commodities............................. 14,300
For Printing.................................. 607,600
For Equipment............................... 19,300
For Telecommunications Services............. 35,000
For administrative and grant expenses
associated with statewide tourism promotion
and development............................. 5,656,500
For Advertising and Promotion of Tourism
Throughout Illinois Under Subsection (2)
of Section 4a of the Illinois Promotion
Act............................................... 12,578,700
For Advertising and Promotion of Illinois
Tourism in International Markets............ 2,740,500
For Illinois State Fair Ethnic
Village Expenses............................ 61,000
Total ........................................... $24,143,900

New matter indicated by italics - deletions by strikeout
Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF TOURISM GRANTS-IN-AID

Payable from General Revenue Fund:
For Grants, Contracts and Administrative Expenses Associated with the Development Of the Illinois Grape and Wine Industry,
Including Prior Year Costs........................... 150,000

Payable from the International Tourism Fund:
For grants to Convention and Tourism Bureaus—
Chicago Convention and Tourism Bureau and
Chicago Office of Tourism........................... 3,638,000
Balance of State................................. 1,000,000
Total $4,638,000

Payable from Local Tourism Fund:
For grants, contracts, and administrative expenses associated with the Local Tourism and Convention Bureau Program pursuant to 20 ILCS 605/605-705 including prior year costs...................... 280,000
Total $12,578,800

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

Payable from the Tourism Promotion Fund:
For the Tourism Matching Grant Program Pursuant to 20 ILCS 665/8-1 for Counties under 1,000,000............... 1,094,000
For the Tourism Matching Grant Program Pursuant to 20 ILCS 665/8-1 for Counties over 1,000,000........................... 656,000
For the Tourism Attraction Development Grant Program Pursuant to 20 ILCS 665/8a...... 1,876,900

New matter indicated by italics - deletions by strikeout
For Purposes Pursuant to the Illinois Promotion Act, 20 ILCS 665/4a-1 to Match Funds from Sources in the Private Sector................................. 600,000
For Grants to Regional Tourism Development Organizations..................... 600,000
For the Regional Airport Marketing Grant Program.................................. 0
Total $4,826,900

The Department, with the consent in writing from the Governor, may reappportion not more than ten percent of the total appropriation of Tourism Promotion Fund, in Section 20 above, among the various purposes therein recommended.

Section 21. The amount of $5,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Economic Opportunity from the General Revenue Fund for deposit into the Tourism Promotion Fund.

Section 22. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Economic Opportunity from the Tourism Promotion Fund for grants pursuant to Section 605-710 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Section 25. The amount of 762,037, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purposes in Article 41, Section 25 of Public Act 93-842, is reappropriated to the Department of Commerce and Economic Opportunity from the International Tourism Fund for grants, contracts, and administrative expenses associated with the Abraham Lincoln Presidential Library and Museum, including prior year costs.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF WORKFORCE DEVELOPMENT GRANTS-IN-AID

Payable from the General Revenue Fund:
For grants pursuant to the Illinois Guaranteed Job Opportunity Act...................... 500,000

Payable from the Federal Workforce Training Fund:

New matter indicated by italics - deletions by strikeout
For Grants, Contracts and Administrative Expenses Associated with the Workforce Investment Act and other workforce training programs, including refunds and prior year costs............................. 275,000,000

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS OPERATIONS**

Payable from the General Revenue Fund:
- For Personal Services.......................... 878,500
- For Retirement Contributions Paid by Employer........................................... 700
- For State Contributions to State Employees' Retirement System..................... 68,400
- For State Contributions to Social Security................................................. 67,300
- For Contractual Services.......................... 55,000
- For Travel................................................. 22,600
- For Commodities........................................ 1,200
- For Printing............................................. 800
- For Equipment.......................................... 4,800
- For Telecommunications Services.............. 15,600
- For Operation of Automotive Equipment....... 1,000
  Total                                                                 $1,115,900

Payable from the Federal Industrial Services Fund:
- For Personal Services.......................... 882,000
- For Retirement Contributions Paid by Employer........................................... 5,600
- For State Contributions to State Employees' Retirement System..................... 68,700
- For State Contributions to Social Security................................................. 67,500
- For Group Insurance................................... 220,800
- For Contractual Services.......................... 274,800
- For Travel............................................... 67,900
- For Commodities.......................................... 12,700
  Total                                                                 $1,113,500

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Printing</td>
<td>20,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>237,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>30,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>9,500</td>
</tr>
<tr>
<td>For Other Expenses of the Occupational Safety and Health Administration</td>
<td>451,000</td>
</tr>
<tr>
<td>Program</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>2,347,500</td>
</tr>
</tbody>
</table>

Payable from the Tobacco Settlement Recovery Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Administration, Grant, and Investment Expenses of technology initiatives</td>
<td>2,000,000</td>
</tr>
</tbody>
</table>

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS GRANTS-IN-AID**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Job Training and Economic Development Grant Program Act of 1997,</td>
<td>1,392,000</td>
</tr>
<tr>
<td>as amended, including grants, contracts, and administrative expenses,</td>
<td></td>
</tr>
<tr>
<td>including prior year costs</td>
<td></td>
</tr>
<tr>
<td>For Grants, Contracts and Administrative Expenses of the Employer Training</td>
<td>17,492,600</td>
</tr>
<tr>
<td>Investment Program pursuant but not limited to 20 ILCS 605/605-800, and</td>
<td></td>
</tr>
<tr>
<td>20 ILCS 605/605-802, including Prior Year Costs</td>
<td></td>
</tr>
<tr>
<td>For Grants and Administrative Expenses Pursuant to the High Technology</td>
<td>942,200</td>
</tr>
<tr>
<td>School-to-Work Act, Including Prior Year Costs</td>
<td></td>
</tr>
<tr>
<td>For Grants and Administrative Expenses for the Illinois Technology</td>
<td>435,800</td>
</tr>
<tr>
<td>Enterprise Corporation Program, including prior year costs</td>
<td></td>
</tr>
<tr>
<td>For all costs relating to the Center for Safe Food for Small Business</td>
<td>192,000</td>
</tr>
<tr>
<td>at the Illinois Institute of Technology</td>
<td></td>
</tr>
<tr>
<td>For a Grant to match private funds available to the Higher Education &amp;</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Business Partnership Initiative .................. 0
For the Innovation Challenge Grant Program ....... 0
For a Grant to the University of Illinois
For Illinois VENTURES .......................... 750,000
For a Grant to the Illinois Coalition ............ 500,000
For a grant to the Chicago Manufacturing Center .......................... 1,000,000
For a grant to the Illinois Manufacturing Center
For Manufacturing Extension Program ........... 1,000,000
Total  .................................................................. $23,704,600

Payable from the Workforce, Technology, and Economic Development Fund:
For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-420, Including Prior Year Costs ....... 6,000,000

Payable from the Tobacco Settlement Recovery Fund:
For Grants and Administrative Expenses
For the Illinois Technology Enterprise Corporation Program, Including Prior Year Costs .................................. 1,500,000

Payable from the Digital Divide Elimination Fund:
For Grants, Contracts and Administrative Expenses Pursuant to 30 ILCS 780,
Including prior year costs .................. 5,000,000

Section 64. The amount of $5,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Economic Opportunity from the General Revenue Fund for deposit into the Digital Divide Elimination Fund.

BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS
REFUNDS

Section 65. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Federal Industrial Services Fund to the Department of Commerce and Economic Opportunity for refunds to the federal government and other refunds.

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:
BUREAU OF REGIONAL ECONOMIC DEVELOPMENT

New matter indicated by italics - deletions by strikeout
OPERATIONS

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,304,900</td>
</tr>
<tr>
<td>For Retirement Contributions Paid by Employer</td>
<td>500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>179,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>176,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>261,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>96,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>4,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>65,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$3,097,100</td>
</tr>
</tbody>
</table>

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF BUSINESS DEVELOPMENT OPERATIONS**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,331,700</td>
</tr>
<tr>
<td>For Retirement Contributions Paid by Employer</td>
<td>800</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>181,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>178,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>779,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>64,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>7,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>59,900</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>1,800</td>
</tr>
<tr>
<td>For Advertising and Promotion</td>
<td>480,000</td>
</tr>
<tr>
<td>For Administrative and Related</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Expenses of the Illinois
Women's Business Ownership Council........................................... 9,600
For all costs associated with the Illinois Opportunity Fund...................... 0
For a transfer to the Illinois Capital Revolving Loan Fund........................... 1,000,000
Total                                                                                          $5,100,800
Payable from Economic Research and Information Fund:
For Purposes Set Forth in Section 605-20 of the Civil Administrative Code of Illinois (20 ILCS 605/605-20)........................... 230,000
Payable from the Commerce and Community Assistance Fund:
For Personal Services........................... 792,000
For Retirement Contributions Paid by Employer......................................... 400
For State Contributions to State Employees' Retirement System................. 61,700
For State Contributions to Social Security.................................. 60,600
For Group Insurance........................................... 172,500
For Contractual Services........................................... 236,800
For Travel........................................                                                 76,000
For Commodities...................................                                           14,800
For Printing......................................                                                 19,100
For Equipment.....................................                                             15,600
For Telecommunications Services........................................... 45,400
Total                                                                                          $1,494,900
Payable from Illinois Capital Revolving Loan Fund:
For Administration and Related Support Pursuant to Public Act 84-0109, as amended........................... 1,600,000
Section 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF BUSINESS DEVELOPMENT GRANTS-IN-AID
Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout
For Small Business Development Centers,
Including Prior Year Costs......................... 2,507,500
For the Purpose of Providing Grants
to Procurement Centers to
Expand Participation in the
Government Contracting Process and
to Increase the Opportunities for
Purchasing Outsourcing Among
Illinois Suppliers................................. 524,000
For grants, contracts, and administrative
esspenses associated with
Entrepreneurship Centers,
including prior year costs......................... 4,050,000
For grants and administrative expenses
For NAFTA Opportunity Centers................. 202,100
Total $7,283,600
Payable from the Small Business Environmental
Assistance Fund:
For grants and administrative
expenses of the Small Business
Environmental Assistance Program............. 350,000
Payable from the Urban Planning Assistance Fund:
For grants, contracts, administrative
esspenses and refunds associated with
the U.S. Department of Defense
Procurement Assistance Program,
Including prior year costs...................... 725,000
Payable from Commerce and Community Assistance Fund:
For Small Business Development Center
Including Prior Year Costs...................... 1,800,000
For Administration and Grant Expenses
Relating to Small Business Development
Management and Technical Assistance,
Labor Management Programs for New
and Expanding Businesses, and Economic
and Technological Assistance to
Illinois Communities and Units of
Local Government, Including Prior
Year Costs...................................... 4,000,000

New matter indicated by italics - deletions by strikeout
Total $5,800,000

Payable from the Corporate Headquarters Relocation Assistance Fund:
For Grants Pursuant to the Corporate
Headquarters Relocation Act, including
prior year costs................................. 1,000,000

Payable from the Illinois Capital Revolving Loan Fund:
For the Purpose of Grants, Loans, and
Investments in Accordance with
the Provisions of the Small Business
Development Act............................... 12,500,000

Payable from the Illinois Equity Fund:
For the purpose of Grants, Loans, and
Investments in Accordance with the
Provisions of the Small Business
Development Act............................... 3,000,000

Payable from the Large Business Attraction Fund:
For the purpose of Grants, Loans,
Investments, and Administrative
Expenses in Accordance with Article
10 of the Build Illinois Act.................... 3,200,000

Payable from the Public Infrastructure Construction Loan Revolving Fund:
For the Purpose of Grants, Loans,
Investments, and Administrative
Expenses in Accordance with Article
8 of the Build Illinois Act.................... 2,900,000

Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF BUSINESS DEVELOPMENT
REFUNDS

Payable from Commerce and Community Assistance Fund:
For Refunds to the Federal Government
and other refunds............................ 50,000

Section 90. The sum of $3,581,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants, contracts and administrative expenses associated with the Bureau of Homeland Security Market Development.
Section 95. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF COAL DEVELOPMENT AND MARKETING

GRANTS-IN-AID

Payable from the Coal Technology Development Assistance Fund:
For Grants, Contracts and Administrative Expenses Under the Provisions of the Illinois Coal Technology Development Assistance Act, Including Prior Years Costs........................................... 23,600,000

Section 100. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ILLINOIS FILM OFFICE

Payable from Tourism Promotion Fund:
For Personal Services........................................... 505,900
For Employee Retirement Contributions Paid by Employer.................................................. 0
For State Contributions to State Employees' Retirement System........................................ 39,400
For State Contributions to Social Security ......... 38,800
For Group Insurance.................................................. 124,200
For Contractual Services................................. 47,100
For Travel.......................................................... 35,800
For Commodities.................................................... 13,000
For Printing.......................................................... 20,000
For Equipment....................................................... 5,000
For Telecommunications Services................... 24,000
For Operation of Automotive Equipment.......... 3,400
For Administrative and Grant Expenses Associated with Advertising and Promotion............... 133,200
Total .................................................................. $989,800

Section 105. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF TRADE AND INVESTMENT

New matter indicated by italics - deletions by strikeout
OPERATIONS

Payable from General Revenue Fund:
For Personal Services......................... 1,326,300
For Employee Retirement Contributions
  Paid by Employer.................................... 600
For State Contributions to State Employees' Retirement System....................... 103,300
For State Contributions to Social Security....... 101,500
For Contractual Services....................... 1,293,900
For Travel........................................ 43,400
For Commodities.................................... 7,600
For Printing...................................... 11,500
For Equipment...................................... 5,800
For Telecommunications Services.................. 106,500
For all costs Associated with New and Expanding International Markets to Increase Export and Reverse Investment Opportunities for Illinois Business and Industries, Including Prior Year Costs....................... 1,334,400
Total                                                                                         $4,334,800

Payable from the International and Promotional Fund:
For Grants, Contracts, Administrative Expenses, and Refunds Pursuant to 20 ILCS 605/605-25, including Including prior year costs.............. 717,000
Section 110. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF COMMUNITY DEVELOPMENT

OPERATIONS

Payable from the General Revenue Fund:
For Personal Services........................... 787,200
For Retirement Contributions Paid by Employer........................................ 3,500
For State Contributions to State Employees' Retirement System.............. 61,300
For State Contributions to Social Security................................. 60,300

New matter indicated by italics - deletions by strikeout
For Contractual Services......................... 104,800
For Travel........................................ 19,400
For Commodities................................. 3,600
For Printing........................................ 500
For Equipment..................................... 2,500
For Telecommunications Services............... 18,200
For Operation of Automotive Equipment......... 3,700

Total $1,065,000

Payable from the Federal Moderate Rehabilitation Housing Fund:
For Personal Services........................... 104,400
For Retirement Contributions Paid by Employer................................. 400
For State Contributions to State Employees' Retirement System............... 8,100
For State Contributions to Social Security.................................... 8,000
For Group Insurance................................ 27,600
For Contractual Services........................ 12,400
For Travel........................................ 8,300
For Commodities................................. 1,700
For Printing........................................ 300
For Equipment..................................... 6,000
For Telecommunications Services............... 4,700
For Operation of Automotive Equipment......... 500

Total $182,400

Payable from the Community Services Block Grant Fund:
For Personal Services........................... 499,000
For Retirement Contributions Paid by Employer................................. 3,000
For State Contributions to State Employees' Retirement System............... 38,900
For State Contributions to Social Security.................................... 38,200
For Group Insurance................................ 110,400
For Contractual Services........................ 58,200
For Travel........................................ 43,000
For Commodities................................. 2,800
For Printing........................................ 1,000

New matter indicated by italics - deletions by strikeout
For Equipment..................................... 22,500
For Telecommunications Services............... 11,500
For Operation of Automotive Equipment......... 1,300
Total $829,800

Payable from Community Development/Small
Cities Block Grant Fund:
For Personal Services............................ 641,300
For Retirement Contributions Paid
by Employer........................................ 1,300
For State Contributions to State
Employees' Retirement System..................... 50,000
For State Contributions to
Social Security................................... 49,100
For Group Insurance............................... 179,400
For Contractual Services......................... 21,200
For Travel........................................... 47,900
For Commodities.................................. 4,600
For Printing........................................ 1,300
For Equipment..................................... 13,500
For Telecommunications Services................. 15,000
For Operation of Automotive Equipment........... 1,100
For Administrative and Grant Expenses
Relating to Training, Technical
Assistance, and Administration of
the Community Development Assistance
Programs.............................................. 1,000,000
Total $2,025,700

Section 115. The following named amounts, or so much thereof as
may be necessary, respectively are appropriated to the Department of
Commerce and Economic Opportunity:

BUREAU OF COMMUNITY DEVELOPMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For Grants, Contracts and Administrative
Expenses Associated with the Illinois
Tomorrow Program, Including Prior
Year Costs........................................... 468,000
For the Northeast DuPage Special
Recreation Association............................ 250,000

New matter indicated by italics - deletions by strikeout
For Administrative and Grant Expenses
Relating to Research, Planning, Technical Assistance, Technological Assistance and Other Financial Assistance to Assist Businesses, Communities, Regions and Other Economic Development Purposes............. 682,000
For Grants, Contracts and Administrative Expenses Associated with the African American Family Commission............. 250,000
For a grant to the Beverly Arts Center........ 1,000,000
Total  $2,650,000
Payable from the Agricultural Premium Fund:
For the Ordinary and Contingent Expenses of the Rural Affairs Institute at Western Illinois University................. 160,000
Payable from the Federal Moderate Rehabilitation Housing Fund:
For Housing Assistance Payments Including Reimbursement of Prior Year Costs................................ 1,450,000
Payable from the Community Services Block Grant Fund:
For Grants to Eligible Recipients as Defined in the Community Services Block Grant Act, including prior year costs .......................... 50,000,000
Payable from the Community Development Small Cities Block Grant Fund:
For Grants to Local Units of Government or Other Eligible Recipients as Defined in the Community Development Act of 1974, as amended, for Illinois Cities with Populations Under 50,000, Including Reimbursements for Costs in Prior Years..... 110,000,000

Section 117. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for Little Black Pearl Workshop.

New matter indicated by italics - deletions by strikeout
Section 118. The sum of $94,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Sinfonietta for the Audience Matters Program.

Section 119. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago State University for the Chicagoland Regional College Program.

Section 120. The amount of $750,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 41, Section 116 of Public Act 93-842 is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for the Western Illinois Economic Development Authority for economic development initiatives.

Section 121. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purposes in Article 41, Section 115 of Public Act 93-842, is reappropriated to the Department of Commerce and Economic Opportunity from the General Revenue Fund for the purpose of making grants to community organizations, not-for-profit corporations, or local governments linked to the development of job creation projects that would increase economic development in economically depressed areas within the state.

Section 123. The sum of $3,950,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants to units of local government, not-for-profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs.

Section 125. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

COMMUNITY DEVELOPMENT
REFUNDS

New matter indicated by italics - deletions by strikeout
For refunds to the Federal Government and other refunds:
Payable from Federal Moderate
Rehabilitation Housing Fund....................... 250,000
Payable from Community Services
Block Grant Fund........................................ 170,000
Payable from Community Development/
Small Cities Block Grant Fund....................... 300,000
Total.................................................................... $720,000

Section 130. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**ENERGY CONSERVATION GRANTS-IN-AID**

Payable from the General Revenue Fund:
For Grants, Contracts, and Administrative Expenses Associated with the Small Business Smart Energy Program, including Prior Year Costs............................... 0
For Grants, Contracts, and Administrative Expenses Associated with the Manufacturing Energy Efficiency Program............................. 0
Total.................................................................... $0

Payable from the Alternate Fuels Fund:
For Administration and Grant Expenses of the Ethanol Fuel Research Program, Including Prior Year Costs............................... 500,000

Payable from the Renewable Energy Resources Trust Fund:
For Grants, Loans, Investments and Administrative Expenses of the Renewable Energy Resources Program, Including Prior Year Costs............................... 5,700,000

Payable from the Energy Efficiency Trust Fund:
For Grants and Administrative Expenses Relating to Projects that Promote Energy Efficiency, Including Prior Year Costs........ 3,600,000

Payable from Institute of Natural Resources Federal Projects Grant Fund:
For Expenses and Grants Connected with Energy Programs, Including Prior Year

New matter indicated by italics - deletions by strikeout
Costs ................................................. 2,000,000

Payable from the Federal Energy Fund:
For Expenses and Grants Connected with
the State Energy Program, Including
Prior Year Costs .................................. 3,000,000

Payable from the Petroleum Violation Fund:
For Expenses and Grants Connected with
Energy Programs, Including Prior Year
Costs .................................................. 4,600,000

Section 135. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Commerce and
Economic Opportunity:

RECYCLING AND WASTE MANAGEMENT
GRANTS-IN-AID

Payable from the Solid Waste Management Fund:
For Grants, Contracts and Administrative
Expenses Associated with Providing Financial
Assistance for Recycling and Reuse in
Accordance with Section 22.15 of the
Environmental Protection Act, the Illinois
Solid Waste Management Act and the Solid
Waste Planning and Recycling Act,
including prior year costs .................... 9,607,200

Payable from the Used Tire Management Fund:
For Grants, Contracts and Administrative
Expenses Associated with the Purposes as
Provided for in Section 55.6 of the
Environmental Protection Act, Including
Prior Year Costs ................................. 550,000

ARTICLE 31
CONSERVATION 2000 PROGRAM

Section 5. The sum of $6,400,000, new appropriation, is
appropriated, and the sum of $3,153,146, or so much thereof as may be
necessary and as remains unexpended at the close of business on June 30,
2005, from an appropriation and reappropriation heretofore made in
Article 28, Section 5 of Public Act 93-0842, as amended, are
reappropriated from the Conservation 2000 Fund to the Department of
Natural Resources for the Conservation 2000 Program to implement
ecosystem-based management for Illinois' natural resources.
Section 7. The sum of $3,912,715, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 28, Section 5 of Public Act 93-0842, as amended, is reappropriated from the Conservation 2000 Fund to the Department of Natural Resources for the Conservation 2000 Program to implement ecosystem-based management for Illinois' natural resources.

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

**GENERAL OFFICE**

For Personal Services:
Payable from General Revenue Fund.............. 6,113,700
Payable from State Boating Act Fund.............. 599,400
Payable from Wildlife and Fish Fund.............. 1,438,900

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund.............. 22,200
Payable from State Boating Act Fund.............. 4,000
Payable from Wildlife and Fish Fund.............. 9,900

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund.............. 476,300
Payable from State Boating Act Fund.............. 46,700
Payable from Wildlife and Fish Fund.............. 112,100

For State Contributions to Social Security:
Payable from General Revenue Fund.............. 467,600
Payable from State Boating Act Fund.............. 45,900
Payable from Wildlife and Fish Fund.............. 110,100

For Group Insurance:
Payable from State Boating Act Fund.............. 189,900
Payable from Wildlife and Fish Fund.............. 406,800

For Contractual Services:
Payable from General Revenue Fund.............. 2,925,900
Payable from State Boating Act Fund.............. 176,000
Payable from Wildlife and Fish Fund.............. 1,113,200

For Contractual Services for DNR Headquarters:
Payable from General Revenue Fund.............. 513,300

New matter indicated by italics - deletions by strikeout
Payable from State Boating Act Fund............ 100,000
Payable from Wildlife and Fish Fund............ 237,400
Payable from Underground Resources Conservation Enforcement Fund.................. 16,900
Payable from Federal Surface Mining Control and Reclamation Fund.................... 40,800
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........ 53,700
For Contractual Services for Postage Expenses for DNR Headquarters:
Payable from General Revenue Fund............. 48,700
Payable from State Boating Act Fund............ 25,000
Payable from Wildlife and Fish Fund............ 25,000
Payable from Federal Surface Mining Control and Reclamation Fund.................... 12,500
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........ 12,500
For Travel:
Payable from General Revenue Fund............. 117,600
Payable from Wildlife and Fish Fund............ 9,800
For Commodities:
Payable from General Revenue Fund............. 64,650
Payable from Wildlife and Fish Fund............ 22,100
For Commodities for DNR Headquarters:
Payable from General Revenue Fund............. 46,900
Payable from State Boating Act Fund............ 3,000
Payable from Wildlife and Fish Fund............ 44,000
Payable from Aggregate Operations Regulatory Fund........................................ 2,100
Payable from Federal Surface Mining Control and Reclamation Fund.................... 3,000
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........ 1,500
For Printing:
Payable from General Revenue Fund............. 79,500
Payable from State Boating Act Fund............ 163,400
Payable from Wildlife and Fish Fund............ 285,600

New matter indicated by italics - deletions by strikeout
For Equipment:
Payable from General Revenue Fund............... 4,900
Payable from Wildlife and Fish Fund............... 124,300

For Electronic Data Processing:
Payable from General Revenue Fund............... 84,250
Payable from State Boating Act Fund............... 84,500
Payable from Wildlife and Fish Fund............... 99,400

For Telecommunications Services:
Payable from General Revenue Fund............... 409,200
Payable from Wildlife and Fish Fund............... 0

For Telecommunications Services for DNR Headquarters:
Payable from General Revenue Fund............... 185,750
Payable from State Parks Fund..................... 22,300
Payable from Wildlife and Fish Fund............... 96,200
Payable from Aggregate Operations Regulatory Fund................................. 16,000
Payable from Federal Surface Mining Control and Reclamation Fund.................. 16,900
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund................................. 12,900

For Operation of Auto Equipment:
Payable from General Revenue Fund............... 63,000
Payable from Wildlife and Fish Fund............... 22,900

For Operation of Auto Equipment for DNR Headquarters:
Payable from General Revenue Fund............... 76,100
Payable from State Boating Act Fund............... 4,800

For expenses incurred in acquiring salmon stamp designs and printing salmon stamps:
Payable from Salmon Fund.......................... 10,000

For the purpose of publishing and distributing a bulletin or magazine and for purchasing, marketing and distributing conservation related products for resale, and refunds for such purposes:
Payable from Wildlife and Fish Fund............... 600,000

For expenses incurred in producing and distributing site brochures,
public information literature and
other printed materials from revenues
received from the sale of advertising:
Payable from State Boating Act Fund............... 25,000
Payable from State Parks Fund...................... 50,000
Payable from Wildlife and Fish Fund.............. 50,000
For the coordination of public events and
promotions from activity fees, donations
and vendor revenue:
Payable from State Parks Fund...................... 47,100
Payable from Wildlife and Fish Fund.............. 47,100
For expenses associated with the
Sportsman Against Hunger Program:
Payable from the Wildlife & Fish Fund............ 100,000
For expenses incurred for the implementation, education
and maintenance of the Point of Sale System:
Payable from the Wildlife & Fish Fund............ 1,950,000
For deposit into the General
Obligation Bond Retirement and
Interest Fund for costs associated
with the debt service payments
of rolling stock and capital equipment
Payable from the General Revenue Fund............. 0
For the purpose of remitting funds
collected from the sale of Federal Duck
Stamps to the U.S. Fish and Wildlife
Service:
Payable from Wildlife and Fish Fund.............. 23,600
For expenses of the OSLAD Program:
Payable from Open Space Lands Acquisition
and Development Fund............................. 1,086,400
For furniture, fixtures, equipment, displays,
telecommunications, cabling, network hardware,
software, relays and switches and related
expenses for new DNR Headquarters:
Payable from the General Revenue Fund........... 475,000
For expenses of the Natural Areas Acquisition
Program:
Payable from the Natural Areas

New matter indicated by italics - deletions by strikeout
Acquisition Fund................................                                            236,400
For expenses of the Park and Conservation program:
    Payable from Park and Conservation Fund........................................ 4,282,000
For expenses of the Bikeways Program:
    Payable from Park and Conservation Fund........................................ 482,400
For expenses of DNR Headquarters:
    Payable from Park and Conservation Fund........................................ 22,400
For Natural Resources Trustee Program:
    Payable from Natural Resources Restoration Trust Fund....................... 377,700
For Educational Publications Services and Expenses, Contingent upon Revenues collected for same:
    Payable from Wildlife and Fish Fund.............................................. 25,000
    Payable from General Revenue Fund.............................................. 273,400
Total                                                                                       $27,674,450

ILLINOIS RIVER INITIATIVES

Section 15. The sum of $0, new appropriation, is appropriated, and the sum of $2,277,581, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation and reappropriation heretofore made in Article 28, Sections 15 and 20 of Public Act 93-0842, as amended, are reappropriated from the General Revenue Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 20. The sum of $250,000, new appropriation, is appropriated and the sum of $109,354, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2005, from an appropriation and reappropriation heretofore made in Article 28, Section 20 of Public Act 93-0842, as amended, are reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 22. The sum of $228,118, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 28, Section 20 of Public Act 93-0842, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 25. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF RESOURCE CONSERVATION

For Personal Services:
- Payable from General Revenue Fund.............. 2,194,100
- Payable from Wildlife and Fish Fund............. 9,376,200
- Payable from Salmon Fund....................... 175,100
- Payable from Natural Areas Acquisition Fund........................................ 1,188,500

For Employee Retirement Contributions
- Payable from General Revenue Fund.............. 16,200

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Payable from Wildlife and Fish Fund............ 73,200
Payable from Salmon Fund......................... 600
Payable from Natural Areas Acquisition Fund......................... 7,800

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund................. 170,900
Payable from Wildlife and Fish Fund............... 730,500
Payable from Salmon Fund.......................... 13,600
Payable from Natural Areas Acquisition Fund......................... 92,600

For State Contributions to Social Security:
Payable from General Revenue Fund................. 167,900
Payable from Wildlife and Fish Fund............... 711,500
Payable from Salmon Fund.......................... 13,400
Payable from Natural Areas Acquisition Fund......................... 90,900

For Group Insurance:
Payable from Wildlife and Fish Fund............ 2,440,900
Payable from Salmon Fund......................... 43,700
Payable from Natural Areas Acquisition Fund......................... 313,700

For Contractual Services:
Payable from General Revenue Fund............ 638,750
Payable from Wildlife and Fish Fund............... 2,128,900
Payable from Salmon Fund......................... 2,900
Payable from Natural Areas Acquisition Fund......................... 82,500
Payable from Natural Heritage Fund............ 59,200

For Travel:
Payable from General Revenue Fund............ 31,200
Payable from Wildlife and Fish Fund............... 151,000
Payable from Natural Areas Acquisition Fund......................... 32,200

For Commodities:
Payable from General Revenue Fund............ 192,900
Payable from Wildlife and Fish Fund............... 1,253,600
Payable from Natural Areas Acquisition Fund......................... 40,200

New matter indicated by italics - deletions by strikeout
Payable from the Natural Heritage Fund.............. 16,000
For Printing:
Payable from General Revenue Fund................. 17,700
Payable from Wildlife and Fish Fund.............. 218,700
Payable from Natural Areas Acquisition Fund........... 11,600
For Equipment:
Payable from General Revenue Fund.................. 9,000
Payable from Wildlife and Fish Fund.............. 299,600
Payable from Natural Areas Acquisition Fund........... 114,000
Payable from Illinois Forestry Development Fund........ 121,800
For Telecommunications Services:
Payable from General Revenue Fund................ 105,750
Payable from Wildlife and Fish Fund.............. 186,800
Payable from Natural Areas Acquisition Fund........... 34,200
For Operation of Auto Equipment:
Payable from General Revenue Fund................ 150,600
Payable from Wildlife and Fish Fund.............. 337,000
Payable from Natural Areas Acquisition Fund........... 57,700
For the Purposes of the "Illinois Non-Game Wildlife Protection Act":
Payable from Illinois Wildlife Preservation Fund............... 500,000
For programs beneficial to advancing forests and forestry in this State as provided for in Section 7 of the "Illinois Forestry Development Act", as now or hereafter amended:
Payable from Illinois Forestry Development Fund.......... 1,012,500
For Administration of the "Illinois Natural Areas Preservation Act":
Payable from Natural Areas Acquisition Fund............... 1,216,700
For payment of the expenses of the Illinois

New matter indicated by italics - deletions by strikeout
Forestry Development Council:
Payable from Illinois Forestry Development Fund................................. 118,500

For an Urban Fishing Program in conjunction with the Chicago Park District to provide fishing and resource management at the park district lagoons:
Payable from Wildlife and Fish Fund............... 237,400

For workshops, training and other activities to improve the administration of fish and wildlife federal aid programs from federal aid administrative grants received for such purposes:
Payable from Wildlife and Fish Fund............... 11,400

For expenses of the Natural Areas Stewardship Program:
Payable from Natural Areas Acquisition Fund................................. 986,400

For expenses of the Urban Forestry Program:
Payable from Illinois Forestry Development Fund............................. 301,500

For expenses associated with the Inner City Urban Revitalization program:
Payable from the Illinois Forestry Development Fund.......................... 240,900

Total $28,980,300

Section 30. The sum of $597,041, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 28, Section 30 of Public Act 93-0842, as amended, is reappropriated from the Illinois Wildlife Preservation Fund to the Department of Natural Resources for purposes associated with the “Illinois Non-Game Wildlife Protection Act.”

Section 32. The sum of $479,414, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 28, Section 25 of Public Act 93-0842, as amended, is reappropriated from the Illinois Wildlife Preservation Fund to the Department of Natural Resources for purposes associated with the “Illinois Non-Game Wildlife Protection Act.”

New matter indicated by italics - deletions by strikeout
Section 33. The sum of 239,900 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 28, Section 25 of Public Act 93-0842, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the Inner City Urban Vitalization Program.

Section 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

**OFFICE OF LAW ENFORCEMENT**

For Personal Services:
- Payable from General Revenue Fund: ............... 5,605,800
- Payable from State Boating Act Fund: ............... 1,897,700
- Payable from State Parks Fund: ...................... 742,600
- Payable from Wildlife and Fish Fund: ............... 3,490,900

For Employee Retirement Contributions
Paid by State:
- Payable from General Revenue Fund: ............... 63,900
- Payable from State Boating Act Fund: ............... 20,000
- Payable from State Parks Fund: ...................... 10,100
- Payable from Wildlife and Fish Fund: ............... 37,500

For State Contributions to State Employees’ Retirement System:
- Payable from General Revenue Fund: ............... 436,700
- Payable from State Boating Act Fund: ............... 147,800
- Payable from State Parks Fund: ...................... 57,900
- Payable from Wildlife and Fish Fund: ............... 272,000

For State Contributions to Social Security:
- Payable from General Revenue Fund: ............... 150,300
- Payable from State Boating Act Fund: ............... 43,400
- Payable from State Parks Fund: ...................... 12,500
- Payable from Wildlife and Fish Fund: ............... 66,000

For Group Insurance:
- Payable from State Boating Act Fund: ............... 374,200
- Payable from State Parks Fund: ...................... 145,600
- Payable from Wildlife and Fish Fund: ............... 726,400

For Contractual Services:
- Payable from General Revenue Fund: ............... 59,050

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Payable from State Boating Act Fund.............. 76,100
Payable from Wildlife and Fish Fund.............. 159,900

For Travel:
Payable from General Revenue Fund............... 56,300
Payable from Wildlife and Fish Fund.............. 39,400

For Commodities:
Payable from General Revenue Fund............... 103,800
Payable from State Boating Act Fund............ 14,400
Payable from Wildlife and Fish Fund............ 44,200

For Printing:
Payable from General Revenue Fund............... 20,100
Payable from Wildlife and Fish Fund.............. 5,800

For Equipment:
Payable from General Revenue Fund............... 18,300
Payable from State Boating Act Fund............ 112,800
Payable from State Parks Fund.................... 122,200
Payable from Wildlife and Fish Fund............ 218,300

For Telecommunications Services:
Payable from General Revenue Fund............... 294,000
Payable from State Boating Act Fund............ 142,900
Payable from Wildlife and Fish Fund............ 197,000

For Operation of Auto Equipment:
Payable from General Revenue Fund............... 322,900
Payable from State Boating Act Fund............ 178,700
Payable from Wildlife and Fish Fund............ 181,300

For Snowmobile Programs:
Payable from State Boating Act Fund............ 32,900

For Payment of Timber Buyers bond forfeitures:
Payable from Illinois Forestry Development Fund:............... 25,000

For use in enforcing laws regulating controlled substances and cannabis on Department of Natural Resources regulated lands and waterways to the extent funds are received by the Department:
Payable from the Drug Traffic Prevention Fund:............... 25,000

For use in alcohol related enforcement

New matter indicated by italics - deletions by strikeout
efforts and training to the extent funds
are available to the Department:
Payable from the General Revenue Fund.............. 14,400
Payable from State Boating Fund...................... 20,000
For Operations and Maintenance of Training Facility:
Payable from Wildlife and Fish Fund............... 50,000
Total $16,836,050

Section 40. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:
OFFICE OF LAND MANAGEMENT AND EDUCATION
For Personal Services:
Payable from General Revenue Fund............. 16,464,950
Payable from State Boating Act Fund........... 1,533,050
Payable from State Parks Fund................. 1,114,200
Payable from Wildlife and Fish Fund........... 4,096,650
For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund............. 131,200
Payable from State Boating Act Fund........... 13,750
Payable from State Parks Fund............... 9,500
Payable from Wildlife and Fish Fund........... 31,250
For State Contributions to State
Employee's Retirement System:
Payable from General Revenue Fund............. 1,282,800
Payable from State Boating Act Fund........... 119,400
Payable from State Parks Fund............... 86,800
Payable from Wildlife and Fish Fund........... 319,200
For State Contributions to Social Security:
Payable from General Revenue Fund............. 1,259,600
Payable from State Boating Act Fund........... 126,650
Payable from State Parks Fund............... 85,300
Payable from Wildlife and Fish Fund........... 324,500
For Group Insurance:
Payable from State Boating Act Fund........... 502,900
Payable from State Parks Fund............... 376,400
Payable from Wildlife and Fish Fund........... 1,304,500
For Contractual Services:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund............... 1,627,600
Payable from State Boating Act Fund.............. 451,200
Payable from State Parks Fund.................... 2,616,500
Payable from Wildlife and Fish Fund............... 753,700

For Travel:
Payable from General Revenue Fund............... 8,700
Payable from State Boating Act Fund.............. 5,900
Payable from State Parks Fund.................... 49,700
Payable from Wildlife and Fish Fund............... 14,700

For Commodities:
Payable from General Revenue Fund............... 522,800
Payable from State Boating Act Fund............... 51,000
Payable from State Parks Fund.................... 443,400
Payable from Wildlife and Fish Fund............... 537,700

For Printing:
Payable from General Revenue Fund............... 14,600

For Equipment:
Payable from General Revenue Fund............... 53,100
Payable from State Parks Fund.................... 711,800
Payable from Wildlife and Fish Fund............... 287,300

For Telecommunications Services:
Payable from General Revenue Fund............... 64,150
Payable from State Parks Fund.................... 282,500
Payable from Wildlife and Fish Fund............... 32,500

For Operation of Auto Equipment:
Payable from General Revenue Fund............... 323,900
Payable from State Parks Fund.................... 258,100
Payable from Wildlife and Fish Fund............... 170,700

For Illinois-Michigan Canal:
Payable from State Parks Fund.................... 118,000

For Union County and Horseshoe Lake
Conservation Areas, Farming and Wildlife
Operations:
Payable from Wildlife and Fish Fund............... 466,100

For operations and maintenance from revenues
derived from the sale of surplus crops
and timber harvest:
Payable from the State Parks Fund............... 1,000,000
Payable from the Wildlife and Fish Fund....... 1,000,000

New matter indicated by italics - deletions by strikeout
For Snowmobile Programs:
   Payable from State Boating Act Fund.............. 46,900
For expenses related to Pyramid State Park
contingent upon revenues generated at the site:
   Payable from State Parks Fund...................... 40,000
For operating expenses of the North
Point Marina at Winthrop Harbor:
   Payable from the Illinois Beach
Marina Fund........................................ 1,991,800
For expenses of the Park and Conservation
program:
   Payable from Park and Conservation
Fund............................................. 4,540,700
For expenses of the Bikeways program:
   Payable from Park and Conservation
Fund............................................. 1,239,600
For Wildlife Prairie Park Operations and
Improvements:
   Payable from General Revenue Fund............. 828,200
   Payable from Wildlife Prairie Park Fund........ 100,000
For Operations and Maintenance, including
costs associated with operating new
sites and facilities:
   Payable from State Parks Fund................... 1,500,000
For operations and maintenance at
Sparta World Shooting Complex:
   Payable from General Revenue Fund............. 1,016,800
Total $52,352,250

Section 45. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

   OFFICE OF MINES AND MINERALS

For Personal Services:
   Payable from General Revenue Fund............. 2,203,100
   Payable from Mines and Minerals Underground
Injection Control Fund............................ 253,300
   Payable from Plugging and Restoration Fund..... 173,000
   Payable from Underground Resources

New matter indicated by italics - deletions by strikeout
Conservation Enforcement Fund................. 303,200
Payable from Federal Surface Mining Control and Reclamation Fund............... 1,471,600
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........................................ 1,533,400

For Employee Retirement Contributions
Paid by State:
    Payable from General Revenue Fund.............. 10,800
    Payable from Mines and Minerals Underground Injection Control Fund.......................... 1,800
    Payable from Plugging and Restoration Fund ...... 1,200
    Payable from Underground Resources Conservation Enforcement Fund.............. 2,500
    Payable from Federal Surface Mining Control and Reclamation Fund.................. 10,700
    Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.......................... 10,200

For State Contributions to State Employees’ Retirement System:
    Payable from General Revenue Fund.............. 171,600
    Payable from Mines and Minerals Underground Injection Control Fund.................. 19,700
    Payable from Plugging and Restoration Fund ...... 13,500
    Payable from Underground Resources Conservation Enforcement Fund.............. 23,600
    Payable from Federal Surface Mining Control and Reclamation Fund.................. 114,700
    Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.......................... 119,500

For State Contributions to Social Security:
    Payable from General Revenue Fund.............. 168,600
    Payable from Mines and Minerals Underground Injection Control Fund.................. 19,400
    Payable from Plugging and Restoration Fund ...... 13,200
    Payable from Underground Resources Conservation Enforcement Fund.............. 23,200
Payable from Federal Surface Mining Control
and Reclamation Fund.............................. 112,500
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund.................................................. 117,300

For Group Insurance:
Payable from Mines and Minerals Underground
Injection Control Fund............................ 80,900
Payable from Plugging and Restoration Fund ...... 42,200
Payable from Underground Resources
Conservation Enforcement Fund.................... 110,000
Payable from Federal Surface Mining Control
and Reclamation Fund.............................. 357,900
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund.................................................. 322,800

For Contractual Services:
Payable from General Revenue Fund................. 149,950
Payable from Mines and Minerals Underground
Injection Control Fund............................ 27,700
Payable from Plugging and Restoration Fund ...... 13,100
Payable from Underground Resources
Conservation Enforcement Fund.................... 96,500
Payable from Federal Surface Mining Control
and Reclamation Fund.............................. 606,400
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund.................................................. 308,800

For Travel:
Payable from General Revenue Fund.................. 32,600
Payable from Mines and Minerals Underground
Injection Control Fund............................ 1,000
Payable from Plugging and Restoration Fund ...... 1,400
Payable from Underground Resources
Conservation Enforcement Fund.................... 6,000
Payable from Federal Surface Mining Control
and Reclamation Fund.............................. 31,400
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust

New matter indicated by italics - deletions by strikeout
Fund............................................. 30,700
For Commodities:
Payable from General Revenue Fund.............. 26,900
Payable from Mines and Minerals Underground Injection Control Fund......................... 2,200
Payable from Plugging and Restoration Fund ...... 2,500
Payable from Underground Resources Conservation Enforcement Fund..................... 9,600
Payable from Federal Surface Mining Control and Reclamation Fund....................... 12,400
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund............. 25,800
For Printing:
Payable from General Revenue Fund.............. 4,200
Payable from Mines and Minerals Underground Injection Control Fund......................... 500
Payable from Plugging and Restoration Fund ...... 500
Payable from Underground Resources Conservation Enforcement Fund..................... 3,300
Payable from Federal Surface Mining Control and Reclamation Fund....................... 11,200
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund............. 12,800
For Equipment:
Payable from General Revenue Fund.............. 32,200
Payable from Mines and Minerals Underground Injection Control Fund......................... 15,200
Payable from Plugging and Restoration Fund ...... 35,300
Payable from Underground Resources Conservation Enforcement Fund..................... 9,300
Payable from Federal Surface Mining Control and Reclamation Fund....................... 118,400
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund............. 109,200
For Electronic Data Processing:
Payable from General Revenue Fund.............. 20,500

New matter indicated by italics - deletions by strikeout
Payable from Mines and Minerals Underground Injection Control Fund........................................ 3,900
Payable from Plugging and Restoration Fund ......... 19,900
Payable from Underground Resources Conservation Enforcement Fund................................. 12,800
Payable from Federal Surface Mining Control and Reclamation Fund...................................... 131,500
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund................................. 114,800

For Telecommunications Services:
Payable from General Revenue Fund.................... 49,200
Payable from Mines and Minerals Underground Injection Control Fund........................................ 2,700
Payable from Plugging and Restoration Fund ......... 9,500
Payable from Underground Resources Conservation Enforcement Fund................................. 15,600
Payable from Federal Surface Mining Control and Reclamation Fund...................................... 13,000
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund................................. 32,200

For Operation of Auto Equipment:
Payable from General Revenue Fund.................... 44,600
Payable from Mines and Minerals Underground Injection Control Fund........................................ 13,500
Payable from Plugging and Restoration Fund..................... 19,000
Payable from Underground Resources Conservation Enforcement Fund................................. 32,100
Payable from Federal Surface Mining Control and Reclamation Fund...................................... 30,800
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund................................. 40,200

For the purpose of coordinating training and education programs for miners and laboratory analysis and testing of coal samples and mine atmospheres:

New matter indicated by italics - deletions by strikeout
Payable from the General Revenue Fund............ 13,700
Payable from the Coal Mining Regulatory Fund.......................... 32,800
Payable from Federal Surface Mining Control and Reclamation Fund............. 300,000
For expenses associated with Aggregate Mining Regulation:
Payable from Aggregate Operations Regulatory Fund........................................... 252,300
For expenses associated with Explosive Regulation:
Payable from Explosives Regulatory Fund........... 92,700
For expenses associated with Environmental Mitigation Projects, Studies, Research, and Administrative Support:
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund...................................... 400,000
For the purpose of reclaiming surface mined lands, with respect to which a bond has been forfeited:
Payable from Land Reclamation Fund................. 350,000
For expenses associated with Surface Coal Mining Regulation:
Payable from Coal Mining Regulatory Fund............. 277,800
For the State of Illinois' share of expenses of Interstate Oil Compact Commission created under the authority of "An Act ratifying and approving an Interstate Compact to Conserve Oil and Gas", approved July 10, 1935, as amended:
Payable from General Revenue Fund.................. 6,600
For State expenses in connection with the Interstate Mining Compact:
Payable from General Revenue Fund................... 19,300
For expenses associated with litigation of Mining Regulatory actions:
Payable from Federal Surface Mining Control and Reclamation Fund.............. 15,000

New matter indicated by italics - deletions by strikeout
For Small Operators' Assistance Program:
Payable from Federal Surface Mining
Control and Reclamation Fund.................. 150,000

For Plugging & Restoration Projects:
Payable from Plugging & Restoration Fund....... 350,000

For Interest Penalty Escrow:
Payable from General Revenue Fund............... 500
Payable from Underground Resources
Conservation Enforcement Fund.................... 500

For the purpose of carrying out the
Illinois Petroleum Education and
Marketing Act:
Payable from the Petroleum Resources
Revolving Fund.................................. 500,000
Total $12,909,450

Section 55. The following named sums, or so much thereof as may
be necessary, for the objects and purposes hereinafter named, are
appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

OFFICE OF WATER RESOURCES

For Personal Services:
Payable from General Revenue Fund.............. 3,685,600
Payable from State Boating Act Fund.............. 233,700

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund............... 18,100
Payable from State Boating Act Fund.............. 1,500

For State Contributions to State
Employees' Retirement System:
Payable from General Revenue Fund............... 287,100
Payable from State Boating Act Fund.............. 18,200

For State Contributions to Social Security:
Payable from General Revenue Fund............... 281,900
Payable from State Boating Act Fund.............. 17,900

For Group Insurance:
Payable from State Boating Act Fund.............. 93,600

For Contractual Services:
Payable from General Revenue Fund............... 261,800
Payable from State Boating Act Fund.............. 23,000

New matter indicated by italics - deletions by strikeout
For Travel:
Payable from General Revenue Fund................. 148,500
Payable from State Boating Act Fund............... 6,500

For Commodities:
Payable from General Revenue Fund................. 7,000
Payable from State Boating Act Fund............... 14,200

For Printing:
Payable from General Revenue Fund............... 4,600

For Equipment:
Payable from General Revenue Fund............... 10,400
Payable from State Boating Act Fund............... 39,000

For Telecommunications Services:
Payable from General Revenue Fund............... 53,850
Payable from State Boating Act Fund............... 7,800

For Operation of Auto Equipment:
Payable from General Revenue Fund............... 88,200
Payable from State Boating Act Fund............... 2,900

For execution of state assistance programs to improve the administration of the National Flood Insurance Program (NFIP) and National Dam Safety Program as approved by the Federal Emergency Management Agency (82 Stat. 572):
Payable from National Flood Insurance Program Fund......................... 400,000

For Repairs and Modifications to Facilities:
Payable from State Boating Act Fund............... 53,900

Total
$5,759,250

Section 60. The sum of $1,489,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the objects, uses, and purposes specified, including grants for such purposes and electronic data processing expenses, at the approximate costs set forth below:

Corps of Engineers Studies - To jointly plan local flood protection projects with the U.S. Army Corps of Engineers and to share planning expenses as

New matter indicated by italics - deletions by strikeout
required by Section 203 of the U.S. 
Water Resources Development Act of 
1996 (P.L. 104-303).................. 70,000
Federal Facilities - For payment of the 
State's share of operation and 
maintenance costs as local sponsor 
of the federal Aquatic Nuisance 
Barrier in the Chicago Sanitary 
and ship canal and the federal Rend 
Lake Reservoir and the federal 
projects on the Kaskaskia River............... 600,000
Lake Michigan Management - For studies 
carrying out the provisions of the 
Level of Lake Michigan Act, 615 ILCS 50 
and the Lake MichiganShoreline Act, 
615 ILCS 55....................................................... 21,100
National Water Planning - For expenses to 
participate in national and regional 
water planning programs including 
membership in regional and national 
associations, commissions and compacts......... 141,800
River Basin Studies - For purchase of 
necessary mapping, surveying, test 
boring, field work, equipment, studies, 
legal fees, hearings, archaeological 
and environmental studies, data, 
engineering, technical services, 
appraisals and other related 
expenditures to make water resources 
reconnaissance and feasibility 
studies of river basins, to 
identify drainage and flood 
problem areas, to determine 
viable alternatives for flood 
damage reduction and drainage 
improvement, and to prepare 
project plans and specifications................. 134,400
Design Investigations - For purchase 
of necessary mapping, equipment
New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

test boring, field work for
Geotechnical investigations and
other design and construction
related studies..................................... 2,500

Rivers and Lakes Management - For
purchase of necessary surveying,
equipment, obtaining data, field work
studies, publications, legal fees,
hearings and other expenses in order to
expedite the fulfillment of the
provisions of the 1911 Act in
relation to the "Regulation of
Rivers, Lakes and Streams Act",
615 ILCS 5/4.9 et seq.............................. 20,500

State Facilities - For materials,
equipment, supplies, services,
field vehicles, and heavy
construction equipment required
to operate, maintain, repair,
construct, modify or rehabilitate
facilities controlled or constructed
by the Office of Water Resources,
and to assist local governments
preserve the streams of the State.............. 71,000

State Water Supply and Planning - For
data collection, studies, equipment
and related expenses for analysis
and management of the water resources
of the State, implementation of the
State Water Plan, and management
of state-owned water resources.................... 67,200

USGS Cooperative Program - For
payment of the Department’s
share of operation and
maintenance of statewide
stream gauging network,
water data storage and
retrieval system, preparation
of topography mapping, and
water related studies; all
in cooperation with the U.S.
Geological Survey............................... 360,800
Total ............................................. $1,489,300

Section 65. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

WASTE MANAGEMENT AND RESEARCH CENTER

For Personal Services:
Payable from General Revenue Fund............... 1,790,300
For State Contributions to Social Security:
Payable from General Revenue Fund............... 21,500
For Contractual Services:
Payable from General Revenue Fund............... 316,000
For Travel:
Payable from General Revenue Fund............... 16,500
For Commodities:
Payable from General Revenue Fund............... 88,000
For Printing:
Payable from General Revenue Fund............... 1,000
For Equipment:
Payable from General Revenue Fund............... 40,000
For Telecommunications Services:
Payable from General Revenue Fund............... 24,600
For Operation of Auto Equipment:
Payable from General Revenue Fund............... 25,000
Payable from Toxic Pollution Prevention
Fund.............................................. 89,700
Payable from Hazardous Waste Research
Fund............................................... 472,100
Payable from Natural Resources Information
Fund............................................... 24,700
Total ............................................. $2,909,400

STATE GEOLOGICAL SURVEY

For Personal Services:
Payable from General Revenue Fund............... 5,695,600
For State Contributions to Social Security:
Payable from General Revenue Fund............... 39,000
For Contractual Services:

New matter indicated by italics - deletions by strikeout
Public Act 94-0015

Payable from General Revenue Fund.............. 222,400

For Travel:
Payable from General Revenue Fund.............. 35,000

For Commodities:
Payable from General Revenue Fund.............. 73,700

For Printing:
Payable from General Revenue Fund.............. 10,000

For Equipment:
Payable from General Revenue Fund.............. 5,000

For Telecommunications Services:
Payable from General Revenue Fund.............. 65,150

For Operation of Auto Equipment:
Payable from General Revenue Fund.............. 33,600

Payable from Natural Resources Information Fund........................................... 208,400

Total                                                                                         $6,387,850

State Natural History Survey

Payable from General Revenue Fund.............. 3,186,200

For State Contributions to Social Security:
Payable from General Revenue Fund.............. 30,800

For Contractual Services:
Payable from General Revenue Fund.............. 233,100

For Travel:
Payable from General Revenue Fund.............. 17,000

For Commodities:
Payable from General Revenue Fund.............. 49,000

For Printing:
Payable from General Revenue Fund.............. 7,200

For Equipment
Payable from General Revenue Fund.............. 131,000

For Telecommunications Services:
Payable from General Revenue Fund.............. 65,350

For Operation of Auto Equipment:
Payable from General Revenue Fund.............. 30,100

Payable from Natural Resources Information Fund........................................... 14,200

For Mosquito Abatement and Research
including the diseases they spread:

New matter indicated by italics - deletions by strikeout
Payable from the Emergency Public Health Fund.............................................. 200,000
Payable from Used Tire Management Fund............................................. 199,000
Total................................................................. $4,162,950

STATE WATER SURVEY

For Personal Services:
Payable from General Revenue Fund............................................. $3,364,100
For State Contributions to Social Security:
Payable from General Revenue Fund............................................. 25,900
For Contractual Services:
Payable from General Revenue Fund............................................. 176,100
For Travel:
Payable from General Revenue Fund............................................. 9,900
For Commodities:
Payable from General Revenue Fund............................................. 27,400
For Printing:
Payable from General Revenue Fund............................................. 1,800
For Equipment:
Payable from General Revenue Fund............................................. 92,200
For Telecommunications Services:
Payable from General Revenue Fund............................................. 50,750
For Operation of Auto Equipment:
Payable from General Revenue Fund............................................. 27,300
Payable from Natural Resources Information Fund................................. 5,700
Total................................................................. $3,781,150

STATE MUSEUMS

For Personal Services:
Payable from General Revenue Fund............................................. 3,372,200
For Employee Retirement Contributions
Paid by the State:
Payable from General Revenue Fund............................................. 33,300
For State Contributions to State Employees Retirement System:
Payable from General Revenue Fund............................................. 262,700
For State Contributions to Social Security:
Payable from General Revenue Fund............................................. 258,000
For Contractual Services:
Payable from General Revenue Fund............................................. 632,700

New matter indicated by italics - deletions by strikeout
FOR REFUNDS

Section 70. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Natural Resources:

For Payment of Refunds:
- Payable from General Revenue Fund................. 1,500
- Payable from State Boating Act Fund............. 30,000
- Payable from State Parks Fund...................... 25,000
- Payable from Wildlife and Fish Fund............. 1,150,000
- Payable from Plugging and Restoration Fund ...... 25,000
- Payable from Underground Resources
  Conservation Enforcement Fund..................... 25,000
- Payable from Natural Resources Information
  Fund.................................................. 1,000
- Payable from Illinois Beach Marina Fund.......... 25,000

Total $1,282,500

Section 75. The following named sum, new appropriation, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, is appropriated to the Department of Natural Resources:

Payable from General Revenue Fund:
- For Multiple use facilities and programs
  for conservation purposes provided by
  the Department of Natural Resources,
  including construction and development,
  all costs for supplies, material
  labor, land acquisition, services,

New matter indicated by italics - deletions by strikeout
Studies and all other expenses required
to comply with the intent of this appropriation.. 805,200

Section 80. The following named sums, or so much thereof as may
be necessary, respectively, and as remains unexpended at the close of
business on June 30, 2005, from appropriations heretofore made for such
purposes, are reappropriated to the Department of Natural Resources for
the objects and purposes set forth below:

Payable from the General Revenue Fund:

(From Article 28, Section 75 of Public Act 93-0842, as amended)
For multiple use facilities and programs
for conservation purposes provided by
the Department of Natural Resources,
including construction and development,
all costs for supplies, material
labor, land acquisition, services,
studies and all other expenses required
to comply with the intent of this
appropriation........................................ 1,000,000

(From Article 28, Section 80 of Public Act 93-0842, as amended)
For multiple use facilities and programs
for conservation purposes provided by
the Department of Natural Resources,
including construction and development,
all costs for supplies, material
labor, land acquisition, services,
studies and all other expenses required
to comply with the intent of this
appropriation........................................ 0

Section 85. The amount of $3,000,000, or so much thereof as may
be necessary, is appropriated from the General Revenue Fund to the
Department of Natural Resources for contributions of funds to park
districts and other entities as provided by the "Illinois Horse Racing Act of
1975" and to public museums and aquariums located in park districts, as
provided by "An Act concerning aquariums and museums in public parks"
and the "Illinois Horse Racing Act of 1975" as now or hereafter amended.

Section 90. The amount of $2,000,000, or so much thereof as may
be necessary, is appropriated from the General Revenue Fund to the
Department of Natural Resources for grants and expenses associated with,
but not limited to the development and maintenance of the public museums program.

**ARTICLE 32**

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the following divisions of the Department of Corrections for the fiscal year ending June 30, 2006.

**FOR OPERATIONS**

**GENERAL OFFICE**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>12,030,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>101,700</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>937,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>920,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>7,094,040</td>
</tr>
<tr>
<td>For Travel</td>
<td>317,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>263,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>39,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>75,400</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>5,507,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>2,913,100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>260,100</td>
</tr>
<tr>
<td>For Sheriffs' Fees for Conveying Prisoners</td>
<td>374,900</td>
</tr>
<tr>
<td>For payment of claims as provided by the</td>
<td></td>
</tr>
<tr>
<td>&quot;Workers' Compensation Act&quot; or the &quot;Workers' Occupational Diseases Act&quot;, including</td>
<td></td>
</tr>
<tr>
<td>Treatment, Expenses and Benefits Payable</td>
<td></td>
</tr>
<tr>
<td>for Total Temporary Incapacity for Work</td>
<td>0</td>
</tr>
</tbody>
</table>

Expenditures from appropriations for treatment and expense may be made after the Department of Corrections has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Corrections without regard to the fiscal year in which benefit or service was rendered or cost

New matter indicated by italics - deletions by strikeout
incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Tort Claims</td>
<td>470,400</td>
</tr>
<tr>
<td>For the State's share of Assistant State's Attorneys' salaries - reimbursement to counties pursuant to Chapter 53 of the Illinois Revised Statutes</td>
<td>418,200</td>
</tr>
<tr>
<td>For Repairs, Maintenance and Other Capital Improvements</td>
<td>1,452,300</td>
</tr>
<tr>
<td>Total</td>
<td>$33,176,640</td>
</tr>
</tbody>
</table>

**SCHOOL DISTRICT**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>14,674,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>197,200</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>36,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,143,300</td>
</tr>
<tr>
<td>For State Contributions to Teachers' Retirement System</td>
<td>6,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,122,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>8,580,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>78,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>540,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>70,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>21,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>6,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>13,300</td>
</tr>
<tr>
<td>Total</td>
<td>$26,491,100</td>
</tr>
</tbody>
</table>

**FIELD SERVICES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>46,459,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>579,500</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>102,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,619,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
### Public Act 94-0015

Social Security............................... 3,554,200  
For Contractual Services...................... 32,110,600  
For Travel....................................... 216,600  
For Travel and Allowance for Prisoners.............. 3,400  
For Commodities.................................. 548,000  
For Printing...................................... 16,200  
For Equipment.................................... 799,200  
For Telecommunications Services.................. 7,058,600  
For Operation of Auto Equipment................. 1,992,800  
Total                                                                                       $97,061,000  

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund for:

**Stateville Correctional Center**

For Personal Services.......................... 59,746,700  
For Employee Retirement Contributions  
Paid by Employer....................................... 756,500  
For Student, Member and Inmate Compensation.................................. 295,300  
For State Contributions to State  
Employees' Retirement System....................... 4,654,900  
For State Contributions to  
Social Security...................................... 4,570,500  
For Contractual Services...................... 12,982,200  
For Travel........................................ 71,900  
For Travel and Allowances for Committed,  
Paroled and Discharged Prisoners................. 32,700  
For Commodities................................. 6,591,700  
For Printing........................................ 93,800  
For Equipment..................................... 92,000  
For Telecommunications Services................. 330,300  
For Operation of Auto Equipment................. 528,400  
Total                                                                                       $90,746,900  

**Thomson Correctional Center**

For Personal Services.......................... 0  
For Employee Retirement Contributions  
Paid by Employer....................................... 0  
For Student, Member and Inmate Compensation.................................. 0  

New matter indicated by italics - deletions by strikeout
For State Contributions to State
  Employees' Retirement System...................... 0
For State Contributions to
  Social Security.................................... 0
For Contractual Services............................ 0
For Travel............................................. 0
For Travel and Allowances for
  Committed, Paroled and
  Discharged Prisoners.............................. 0
For Commodities..................................... 0
For Printing......................................... 0
For Equipment....................................... 0
For Telecommunications Services.................... 0
For Operation of Auto Equipment.................... 0
Total                                           $0

DECATUR WOMEN'S CORRECTIONAL CENTER
For Personal Services.............................. 12,139,000
For Employee Retirement Contributions
  Paid by Employer.................................. 149,100
For Student, Member and Inmate
  Compensation..................................... 93,300
For State Contributions to State
  Employees' Retirement System.................... 945,700
For State Contributions to
  Social Security................................. 928,600
For Contractual Services......................... 2,874,800
For Travel......................................... 5,500
For Travel and Allowances for
  Committed, Paroled and
  Discharged Prisoners............................ 23,600
For Commodities................................... 651,700
For Printing....................................... 15,400
For Equipment..................................... 40,500
For Telecommunications Services............... 56,400
For Operation of Auto Equipment.................. 48,800
Total                                         $17,972,400

DWIGHT CORRECTIONAL CENTER
For Personal Services............................. 20,148,300
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Paid by Employer............................... 248,400
For Student, Member and Inmate
  Compensation.................................. 155,700
For State Contributions to State
  Employees' Retirement System.............. 1,569,800
For State Contributions to
  Social Security............................. 1,541,300
For Contractual Services.................... 6,953,700
For Travel..................................... 26,700
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners.......... 19,900
For Commodities................................ 2,063,000
For Printing................................... 22,900
For Equipment.................................. 68,300
For Telecommunications Services........... 147,400
For Operation of Auto Equipment............ 181,300
Total ............................................. $33,146,700

LINCOLN CORRECTIONAL CENTER
For Personal Services....................... 12,071,100
For Employee Retirement Contributions
  Paid by Employer............................ 151,700
For Student, Member and Inmate
  Compensation.................................. 208,100
For State Contributions to State
  Employees' Retirement System.............. 940,500
For State Contributions to
  Social Security............................. 923,400
For Contractual Services.................... 3,848,500
For Travel.................................... 4,100
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners......... 14,600
For Commodities.............................. 1,046,800
For Printing................................... 14,500
For Equipment................................. 40,200
For Telecommunications Services.......... 82,200
For Operation of Auto Equipment.......... 93,300
Total ........................................... $19,439,000

DIXON CORRECTIONAL CENTER
For Personal Services....................... 27,605,600

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
Paid by Employer........................................ 350,400
For Student, Member and Inmate
Compensation............................................... 438,700
For State Contributions to State
Employees' Retirement System.......................... 2,150,800
For State Contributions to
Social Security............................................. 2,111,900
For Contractual Services................................. 10,174,400
For Travel....................................................... 17,600
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners......................... 23,300
For Commodities.............................................. 2,786,800
For Printing..................................................... 25,900
For Equipment.................................................. 55,400
For Telecommunications Services......................... 140,800
For Operation of Auto Equipment......................... 202,900
Total                                            $46,084,500

EAST MOLINE CORRECTIONAL CENTER
For Personal Services..................................... 14,370,000
For Employee Retirement Contributions
Paid by Employer........................................... 182,100
For Student, Member and Inmate
Compensation.................................................. 287,900
For State Contributions to State
Employees' Retirement System.......................... 1,119,600
For State Contributions to
Social Security.............................................. 1,099,500
For Contractual Services................................. 3,536,000
For Travel....................................................... 13,600
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners......................... 44,200
For Commodities.............................................. 1,326,900
For Printing..................................................... 13,800
For Equipment.................................................. 46,800
For Telecommunications Services......................... 72,800
For Operation of Auto Equipment......................... 87,000
Total                                            $22,200,200

HILL CORRECTIONAL CENTER

New matter indicated by italics - deletions by strikeout
For Personal Services......................... 15,697,000
For Employee Retirement Contributions
Paid by Employer............................ 199,000
For Student, Member and Inmate
Compensation.................................. 319,400
For State Contributions to State
Employees' Retirement System................. 1,223,000
For State Contributions to Social Security .... 1,200,800
For Contractual Services..................... 4,471,500
For Travel..................................... 7,400
For Travel and Allowance for Committed, Paroled
and Discharged Prisoners...................... 43,100
For Commodities.............................. 2,264,400
For Printing.................................... 17,400
For Equipment.................................. 60,400
For Telecommunications Services............... 44,800
For Operation of Auto Equipment.............. 67,400
Total $25,615,600

ILLINOIS RIVER CORRECTIONAL CENTER
For Personal Services......................... 18,574,900
For Employee Retirement Contributions
Paid by Employer............................. 236,000
For Student, Member and Inmate
Compensation.................................. 387,200
For State Contributions to State
Employees' Retirement System............... 1,447,200
For State Contributions to Social Security .... 1,420,800
For Contractual Services.................... 5,231,300
For Travel..................................... 16,300
For Travel and Allowance for Committed, Paroled
and Discharged Prisoners..................... 27,300
For Commodities............................. 1,988,200
For Printing................................... 16,000
For Equipment................................. 64,500
For Telecommunications Services............. 67,300
For Operation of Auto Equipment............. 66,400
Total $29,543,400

DANVILLE CORRECTIONAL CENTER
For Personal Services......................... 17,060,800

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
  Paid by Employer................................ 211,600
For Student, Member and Inmate
  Compensation...................................... 353,800
For State Contributions to State
  Employees' Retirement System.................. 1,329,200
For State Contributions to
  Social Security................................ 1,305,200
For Contractual Services....................... 4,506,200
For Travel.......................................... 10,100
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners............. 11,500
For Commodities.................................. 2,146,500
For Printing....................................... 22,000
For Equipment.................................... 45,000
For Telecommunications Services.............. 86,900
For Operation of Auto Equipment............. 146,300
Total                                                                 $27,235,100

JACKSONVILLE CORRECTIONAL CENTER
For Personal Services.......................... 24,296,600
For Employee Retirement Contributions
  Paid by Employer............................... 308,400
For Student, Member and Inmate
  Compensation.................................... 447,800
For State Contributions to State
  Employees' Retirement System................ 1,892,900
For State Contributions to
  Social Security............................... 1,858,800
For Contractual Services..................... 3,192,400
For Travel......................................... 10,400
For Travel and Allowance for Committed,
  Paroled and Discharged Prisoners............ 36,300
For Commodities................................. 2,717,700
For Printing..................................... 20,600
For Equipment................................... 67,000
For Telecommunications Services............. 71,900
For Operation of Auto Equipment........... 135,000
Total                                                                 $35,055,800

LOGAN CORRECTIONAL CENTER

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>19,221,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>245,300</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>410,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,497,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,470,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,857,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>3,100</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>26,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,677,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>12,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>50,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>126,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>241,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>29,839,600</strong></td>
</tr>
</tbody>
</table>

**PONTIAC CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>33,230,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>419,600</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>222,700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,589,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>2,542,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>7,198,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>20,300</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>13,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,342,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>45,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>82,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>166,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>106,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>49,978,900</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
WESTERN ILLINOIS CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>19,683,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>249,500</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>341,400</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,533,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,505,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,001,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>7,100</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>53,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,268,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>33,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>58,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>49,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>101,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$30,887,000</strong></td>
</tr>
</tbody>
</table>

CENTRALIA CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>19,120,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>242,200</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>304,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,489,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,462,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,256,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>13,500</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>38,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,896,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>20,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>45,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>76,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>77,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Graham Correctional Center

Total $29,044,600

For Personal Services $23,242,400
For Employee Retirement Contributions
  Paid by Employer $295,600
  For Student, Member and Inmate
  Compensation $271,900
For State Contributions to State
  Employees' Retirement System $1,810,800
For State Contributions to
  Social Security $1,778,000
For Contractual Services $6,120,400
For Travel $15,700
For Travel and Allowances for Committed, Paroled and Discharged Prisoners $17,400
For Commodities $2,496,600
For Printing $24,900
For Equipment $55,700
For Telecommunications Services $72,100
For Operation of Auto Equipment $77,100
Total $36,278,600

Menard Correctional Center

For Personal Services $42,544,300
For Employee Retirement Contributions
  Paid by Employer $540,500
  For Student, Member and Inmate
  Compensation $369,400
For State Contributions to State
  Employees' Retirement System $3,314,600
For State Contributions to
  Social Security $3,254,600
For Contractual Services $7,579,300
For Travel $42,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners $19,800
For Commodities $4,598,500
For Printing $32,800
For Equipment $78,900
For Telecommunications Services $153,600

New matter indicated by italics - deletions by strikeout
For Operation of Auto Equipment.............. 141,600
Total                                       $62,669,900

PINCKNEYVILLE CORRECTIONAL CENTER
For Personal Services.......................... 23,216,900
For Employee Retirement Contributions
Paid by Employer.................................. 295,000
For Student, Member and Inmate
Compensation...................................... 325,600
For State Contributions to State
Employees' Retirement System................... 1,808,800
For State Contributions to
Social Security.................................... 1,776,100
For Contractual Services....................... 6,540,500
For Travel.......................................... 17,600
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners........... 68,500
For Commodities.................................. 2,698,500
For Printing........................................ 33,900
For Equipment...................................... 40,400
For Telecommunications Services............... 94,800
For Operation of Auto Equipment............... 53,300
Total                                       $36,969,900

SOUTHWESTERN ILLINOIS CORRECTIONAL CENTER
For Personal Services......................... 12,985,000
For Employee Retirement Contributions
Paid by Employer.................................. 164,700
For Student, Member and Inmate
Compensation...................................... 145,600
For State Contributions to State
Employees' Retirement System.................. 1,011,700
For State Contributions to
Social Security.................................... 993,400
For Contractual Services....................... 3,918,500
For Travel.......................................... 7,400
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners............... 5,400
For Commodities.................................. 761,700
For Printing........................................ 13,300
For Equipment..................................... 38,900

New matter indicated by italics - deletions by strikeout
For Telecommunications Services................. 35,100
For Operation of Auto Equipment............... 47,700
Total                                          $20,128,400

TAYLORVILLE CORRECTIONAL CENTER
For Personal Services.......................... 12,375,300
For Employee Retirement Contributions
  Paid by Employer........................... 157,400
For Student, Member and Inmate Compensation..... 230,600
For State Contributions to State
  Employees' Retirement System............... 964,200
For State Contribution to
  Social Security............................ 946,800
For Contractual Services....................... 4,215,400
For Travel..................................... 2,800
For Travel and Allowance for
  Committed, Paroled and Discharged
  Prisoners................................... 24,000
For Commodities............................... 1,291,700
For Printing.................................. 12,700
For Equipment................................ 47,200
For Telecommunications Services............... 55,300
For Operation of Automotive Equipment......... 55,900
Total                                          $20,379,300

VANDALIA CORRECTIONAL CENTER
For Personal Services......................... 20,375,000
For Employee Retirement Contributions
  Paid by Employer.......................... 259,400
For Student, Member and Inmate
  Compensation.............................. 359,400
For State Contributions to State
  Employees' Retirement System............ 1,587,400
For State Contributions to
  Social Security.......................... 1,558,700
For Contractual Services..................... 3,429,800
For Travel.................................. 15,600
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners........... 25,400
For Commodities............................. 2,094,300
For Printing.................................. 22,500

New matter indicated by italics - deletions by strikeout
For Equipment..................................... 45,900
For Telecommunications Services............... 81,400
For Operation of Auto Equipment............... 116,200
Total                                         $29,971,000

BIG MUDDY RIVER CORRECTIONAL CENTER
For Personal Services.......................... 17,158,000
For Employee Retirement Contributions
  Paid by Employer................................ 217,900
For Student, Member and Inmate
  Compensation.................................... 326,600
For State Contributions to State
  Employees' Retirement System............... 1,336,800
For State Contributions to
  Social Security............................... 1,312,500
For Contractual Services....................... 6,245,300
For Travel........................................ 17,800
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners............. 68,000
For Commodities................................ 2,224,900
For Printing...................................... 22,000
For Equipment..................................... 45,800
For Telecommunications Services................. 92,100
For Operation of Auto Equipment............... 117,400
Total                                         $29,185,100

LAWRENCE CORRECTIONAL CENTER
For Personal Services.......................... 18,599,000
For Employee Retirement Contributions
  Paid by Employer................................ 230,700
For Student, Member and Inmate
  Compensation.................................... 266,900
For State Contributions to State
  Employees' Retirement System............... 1,449,000
For State Contributions to
  Social Security............................... 1,422,900
For Contractual Services....................... 5,926,900
For Travel......................................... 8,900
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners............. 27,900
For Commodities.................................. 2,580,800

New matter indicated by italics - deletions by strikeout
ROBINSON CORRECTIONAL CENTER

For Personal Services.......................... 13,322,500
For Employee Retirement Contributions
Paid by Employer.................................. 169,300
For Student, Member and
Inmate Compensation............................ 234,500
For State Contributions to State
Employees' Retirement System................... 1,038,000
For State Contribution to
Social Security.................................... 1,019,200
For Contractual Services......................... 3,521,700
For Travel.......................................... 16,300
For Travel and Allowances for
Committed, Paroled and Discharged
Prisoners........................................... 11,200
For Commodities................................. 1,452,200
For Printing....................................... 22,400
For Equipment.................................... 40,800
For Telecommunications Services............... 33,300
For Operation of Automotive Equipment........... 76,800
Total.............................................. $20,958,200

SHAWNEE CORRECTIONAL CENTER

For Personal Services......................... 19,134,900
For Employee Retirement Contributions
Paid by Employer.................................. 243,500
For Student, Member and
Inmate Compensation............................ 386,100
For State Contributions to State
Employees' Retirement System................... 1,490,800
For State Contributions to
Social Security.................................... 1,463,800
For Contractual Services....................... 5,437,700
For Travel........................................ 12,900
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners.............. 108,400
For Commodities................................ 2,631,400
For Printing...................................... 19,400
For Equipment.................................... 50,200
For Telecommunications Services............... 71,900
For Operation of Auto Equipment.............. 98,200
Total                                       $31,149,200

TAMMS CORRECTIONAL CENTER
For Personal Services......................... 17,364,400
For Employee Retirement Contributions       
Paid by Employer................................ 220,800
For Student, Member and Inmate Compensation.. 120,400
For State Contributions to State Employees' Retirement System........ 1,352,900
For State Contributions to Social Security... 1,328,300
For Contractual Services....................... 4,076,500
For Travel........................................ 31,100
For Travel and Allowance for Committed, Paroled and Discharged Prisoners........ 1,200
For Commodities............................... 951,600
For Printing...................................... 13,900
For Equipment.................................... 40,900
For Telecommunications Services.............. 121,000
For Operation of Auto Equipment.............. 72,700
Total                                       $25,695,700

VIENNA CORRECTIONAL CENTER
For Personal Services......................... 18,536,000
For Employee Retirement Contributions       
Paid by Employer................................ 235,300
For Student, Member and Inmate Compensation.. 245,100
For State Contributions to State Employees' Retirement System........ 1,444,100
For State Contributions to Social Security... 1,418,000
For Contractual Services....................... 3,313,100
For Travel........................................ 5,200

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

For Travel and Allowances for Committed, Paroled and Discharged Prisoners................. 58,600
For Commodities........................................ 2,683,500
For Printing................................................. 16,400
For Equipment........................................... 50,200
For Telecommunications Services............. 65,900
For Operation of Auto Equipment............... 86,400
Total                                                                                       $28,157,800

SHERIDAN CORRECTIONAL CENTER
For Personal Services........................... 14,720,400
For Employee Retirement Contributions Paid by Employer.......................... 170,800
For Student, Member and Inmate Compensation........................................ 388,500
For State Contributions to State Employees' Retirement System.................. 1,146,900
For State Contributions to Social Security........................................ 1,126,100
For Contractual Services....................... 14,024,000
For Travel.................................................. 48,500
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........... 35,000
For Commodities........................................ 1,855,800
For Printing............................................... 15,400
For Equipment........................................... 35,500
For Telecommunications Services............. 112,200
For Operation of Auto Equipment............... 95,400
Total                                                                                       $33,774,500

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund:

ILLINOIS YOUTH CENTER - CHICAGO
For Personal Services............................... 4,468,800
For Employee Retirement Contributions Paid by Employer.......................... 52,200
For Student, Member and Inmate Compensation........................................ 9,300
For State Contributions to State Employees' Retirement System.................. 348,200

New matter indicated by italics - deletions by strikeout
| For State Contributions to |  
|---------------------------|-------------------|
| Social Security            | $341,800          |
| For Contractual Services   | $2,614,500        |
| For Travel                 | $6,400            |
| For Travel and Allowances  | $300              |
| For Commodities            | $233,000          |
| For Printing               | $3,300            |
| For Equipment              | $25,800           |
| For Telecommunications     | $33,300           |
| For Operation of Auto      | $25,600           |
| Total                      | $8,162,500        |

**ILLINOIS YOUTH CENTER - HARRISBURG**

| For Personal Services      | $12,740,400       |
| For Employee Retirement   | $161,700          |
| For Student, Member and   | $60,400           |
| Inmate Compensation       | $992,600          |
| For State Contributions to | $974,600          |
| Social Security            | $1,938,500        |
| For Travel                 | $5,400            |
| For Travel and Allowances  | $6,100            |
| For Commodities            | $705,000          |
| For Printing               | $16,400           |
| For Equipment              | $40,700           |
| For Telecommunications     | $69,300           |
| For Operation of Auto      | $40,100           |
| Total                      | $17,751,200       |

**ILLINOIS YOUTH CENTER - JOLIET**

| For Personal Services      | $11,151,200       |
| For Employee Retirement   | $139,700          |
| For Student, Member and Inmate Compensation | $49,900 |
| For State Contributions to | $49,900           |

New matter indicated by italics - deletions by strikeout
Employees' Retirement System .......... 868,800
For State Contributions to
Social Security ...................... 853,100
For Contractual Services ............. 1,840,900
For Travel ................................ 3,900
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners ....... 3,000
For Commodities ...................... 494,500
For Printing ............................ 6,800
For Equipment .......................... 36,500
For Telecommunications Services ...... 59,300
For Operation of Auto Equipment ...... 36,800
Total $15,544,400

ILLINOIS YOUTH CENTER - KEWANEE
For Personal Services .................. 9,163,200
For Employee Retirement Contributions
Paid by Employer ....................... 116,600
For Student, Member and Inmate
Compensation ......................... 10,700
For State Contributions to State
Employees' Retirement System ........ 713,900
For State Contributions to
Social Security ....................... 701,000
For Contractual Services ............. 3,984,700
For Travel ............................ 7,500
For Travel Allowances for Committed,
Paroled and Discharged Prisoners ...... 500
For Commodities ...................... 417,700
For Printing .......................... 7,800
For Equipment ........................ 17,200
For Telecommunications Services ...... 83,500
For Operation of Auto Equipment ...... 27,400
Total $15,251,700

ILLINOIS YOUTH CENTER - MURPHYSBORO
For Personal Services .................. 6,299,900
For Employee Retirement Contributions
Paid by Employer ....................... 75,800
For Student, Member and Inmate
Compensation ......................... 15,900

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>For State Contributions to State</th>
<th>490,800</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees' Retirement System</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For State Contributions to Social Security</th>
<th>481,900</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Contractual Services</th>
<th>1,063,700</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Travel</th>
<th>11,400</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Travel Allowances for Committed, Paroled and Discharged Prisoners</th>
<th>2,400</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Commodities</th>
<th>338,400</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Printing</th>
<th>8,600</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Equipment</th>
<th>24,600</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Telecommunications Services</th>
<th>37,900</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Operation of Auto Equipment</th>
<th>22,100</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Total</th>
<th>$8,873,400</th>
</tr>
</thead>
</table>

**ILLINOIS YOUTH CENTER - PERE MARQUETTE**

<table>
<thead>
<tr>
<th>For Personal Services</th>
<th>2,370,700</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Employee Retirement Contributions Paid by Employer</th>
<th>27,200</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Student, Member and Inmate Compensation</th>
<th>15,100</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For State Contributions to State Employees' Retirement System</th>
<th>184,700</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For State Contributions to Social Security</th>
<th>181,200</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Contractual Services</th>
<th>422,200</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Travel</th>
<th>1,000</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</th>
<th>1,500</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Commodities</th>
<th>189,600</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Printing</th>
<th>5,200</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Equipment</th>
<th>18,900</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Telecommunications Services</th>
<th>67,500</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Operation of Auto Equipment</th>
<th>22,400</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Total</th>
<th>$3,507,200</th>
</tr>
</thead>
</table>

**ILLINOIS YOUTH CENTER - RUSHVILLE**

<table>
<thead>
<tr>
<th>For Personal Services</th>
<th>0</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Employee Retirement Contributions Paid by Employer</th>
<th>0</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>For Student, Member, and Inmate</th>
<th>0</th>
</tr>
</thead>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation</td>
<td>0</td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement System</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>0</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>0</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Travel Allowance for Committed, Paroled and Discharged Prisoners</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Deposit into Travel and Allowance Revolving Fund</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$0</td>
</tr>
</tbody>
</table>

**ILLINOIS YOUTH CENTER - ST. CHARLES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>16,089,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>200,400</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>65,700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,253,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,230,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,463,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>39,900</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>931,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>19,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>30,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>128,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>143,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$23,596,900</td>
</tr>
</tbody>
</table>

**ILLINOIS YOUTH CENTER - WARRENVILLE**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,219,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions  
Paid by Employer................................. 65,400
For Student, Member and Inmate  
Compensation..................................... 19,400
For State Contributions to State Employees' Retirement System.............. 406,600
For State Contributions to  
Social Security....................................... 399,200
For Contractual Services....................... 1,496,300
For Travel......................................... 5,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners.............. 100
For Commodities.................................. 203,500
For Printing....................................... 7,900
For Equipment..................................... 28,000
For Telecommunications Services................... 45,500
For Operation of Auto Equipment.................. 34,700
Total                                                                                         $7,930,600

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the Working Capital Revolving Fund:

ILLINOIS CORRECTIONAL INDUSTRIES
For Personal Services.............................. 8,326,800
For Employee Retirement Contributions  
Paid by Employer................................. 88,100
For the Student, Member and Inmate  
Compensation....................................... 2,672,000
For State Contributions to State Employees' Retirement System.............. 648,700
For State Contributions to  
Social Security....................................... 637,000
For Group Insurance................................. 2,208,000
For Contractual Services....................... 2,250,000
For Travel......................................... 154,500
For Commodities................................. 30,145,500
For Printing...................................... 15,000
For Equipment................................... 2,100,000
For Telecommunications Services............... 75,000
For Operation of Auto Equipment................. 800,000

New matter indicated by italics - deletions by strikeout
For Repairs, Maintenance and Other Capital Improvements............................ 500,000
For Refunds..................................... 20,000
Total $50,640,600

Section 30. The sum of $60,000,000, or so much thereof as may be necessary, is appropriated from the Department of Corrections Reimbursement and Education Fund to meet the ordinary and contingent expenses of the Department of Corrections described below and having the estimated cost as follows:

For payment of expenses associated with School District Programs.............. 15,000,000
For payment of expenses associated with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision......................... 23,000,000
For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs......................... 22,000,000
Total $60,000,000

Section 35. The sum of $7,500,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to Cook County for expenses associated with the operations of the Cook County Juvenile Detention Center.

Section 40. The amount of $1,250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Corrections for a grant to the Cook County Sheriff’s Office for the expenses of the Cook County Boot Camp.

Section 45. The amounts appropriated for repairs and maintenance, and other capital improvements in Sections 5, 20, and 30 for repairs and maintenance, roof repairs and/or replacements, and miscellaneous capital improvements at the Department's various institutions, and are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

New matter indicated by italics - deletions by strikeout
No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Sections 5, 20, and 30 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 50. The amount of $362,700, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to the City of Thomson for the reimbursement of costs incurred in relation to the construction of the Thomson Correctional Center.

Section 55. The amount of $3,000,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to Operation Ceasefire to be used in the following locations.
The City of Chicago:
The neighborhood of Brighton Park..................                               250,000
The neighborhood of Rogers Park....................                                250,000
The neighborhood of Pilsen and Little Village.....                           250,000
The neighborhood of Logan Square...................... 250,000
The neighborhood of Albany Park.....................                        250,000
The neighborhoods of Lawndale and Garfield.......... 250,000
The neighborhood of Austin............................                                    250,000
The neighborhood of Woodlawn.........................                               250,000
The neighborhood of Grand Boulevard.................... 250,000
Total                                                                                         $2,250,000
The Cities of Maywood and Bellwood.................. 250,000
The City of Aurora in the amount....................                          250,000
The City of East St. Louis in the amount...........                          250,000
Total                                                                                            $750,000

Section 56. The amount of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the St. Clair County Detention Center for expenses associated with the Halfway Back Program.

Section 57. The amount of $250,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for chaplain services provided to inmates at correctional facilities.

ARTICLE 33

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are
appropriated to meet the ordinary and contingent expenses of the Department of Employment Security:

OFFICE OF THE DIRECTOR

Payable from Title III Social Security and Employment Service Fund:

- For Personal Services.......................... 6,733,100
- For Employee Retirement Contributions
  - Paid by Employer................................. 1,034,000
- For State Contributions to State Employees' Retirement System............... 524,600
- For State Contributions to Social Security................................ 515,100
- For Group Insurance............................. 1,614,600
- For Contractual Services......................... 501,200
- For Travel....................................... 127,300
- For Telecommunications Services............... 237,700

Total $11,287,600

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Employment Security:

FINANCE AND ADMINISTRATION BUREAU

Payable from Title III Social Security and Employment Service Fund:

- For Personal Services......................... 19,825,900
- For State Contributions to State Employees' Retirement System............... 1,544,600
- For State Contributions to Social Security...................... 1,516,700
- For Group Insurance............................. 5,037,000
- For Contractual Services..................... 42,909,300
- For Travel....................................... 153,300
- For Commodities................................ 1,136,300
- For Printing.................................... 1,939,100
- For Equipment.................................. 4,022,400
- For Telecommunications Services............. 2,645,700
- For Operation of Auto Equipment............... 96,300

Payable from Title III Social Security and Employment Service Fund:

New matter indicated by italics - deletions by strikeout
For expenses related to America's Labor Market Information System...............
4,500,000
Total $85,326,600

Section 15. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

WORKFORCE DEVELOPMENT

Payable from Title III Social Security and Employment Service Fund:

For Personal Services......................... 76,836,800
For State Contributions to State Employees' Retirement System................. 5,986,400
For State Contributions to Social Security..................................... 5,878,100
For Group Insurance........................... 22,535,400
For Contractual Services....................... 9,088,900
For Travel..................................... 1,195,600
For Telecommunications Services................ 6,247,800
For Permanent Improvements........................ 85,000
For Refunds...................................... 300,000
For the expenses related to the Development of Training Programs........ 100,000
For the expenses related to Employment Security Automation.................. 5,000,000
For expenses related to a Benefit Information System Redefinition......... 15,000,000
Total $148,254,000

Payable from the Unemployment Compensation Special Administration Fund:

For expenses related to Legal Assistance as required by law................. 2,000,000
For deposit into the Title III Social Security and Employment Service Fund............. 10,000,000
For Interest on Refunds of Erroneously Paid Contributions, Penalties and Interest....................... 100,000
Total $12,100,000

Section 20. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Title III Social Security and
Employment Services Fund to the Department of Employment Security, for all costs, including administrative costs associated with providing community partnerships for enhanced customer service.

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Employment Security:

WORKFORCE DEVELOPMENT

Grants-In-Aid
Payable from Title III Social Security and Employment Service Fund:
For Grants........................................ 500,000
For Tort Claims.................................. 715,000
Total                                      $1,215,000

Section 30. The amount of $669,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Employment Security for the purpose of making grants to community non-profit agencies or organizations for the operation of a statewide network of outreach services for veterans, as provided for in the Vietnam Veterans' Act.

Section 35. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Employment Security, for unemployment compensation benefits, other than benefits provided for in Section 3, to Former State Employees as follows:

TRUST FUND UNIT

Grants-In-Aid
Payable from the Road Fund:
For benefits paid on the basis of wages paid for insured work for the Department of Transportation........................... 1,900,000
Payable from the Illinois Mathematics and Science Academy Income Fund............... 16,700
Payable from Title III Social Security and Employment Service Fund................... 1,734,300
Payable from the General Revenue Fund........... 19,060,800
Total                                                                 $22,711,800

ARTICLE 34

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General
Professions Dedicated Fund to the Department of Financial and Professional Regulation:

### GENERAL PROFESSIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,137,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>13,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>166,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>163,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>607,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>102,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>85,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>22,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,297,300</strong></td>
</tr>
</tbody>
</table>

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Dental Disciplinary Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>520,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>6,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>40,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>39,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>124,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>60,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>20,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>5,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$817,000</strong></td>
</tr>
</tbody>
</table>

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Medical Disciplinary Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,176,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>16,000</td>
</tr>
</tbody>
</table>
Employees' Retirement System

For State Contributions to
Social Security
For Group Insurance
For Contractual Services
For Travel
For Refunds

Total: $3,287,400

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Optometric Licensing and Disciplinary Committee Fund to the Department of Financial and Professional Regulation:

For Personal Services
For Employee Retirement Contributions
  Paid by Employer
For State Contributions to State
  Employees' Retirement System
For State Contributions to
  Social Security
For Group Insurance
For Contractual Services
For Travel
For Refunds

Total: $460,200

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Design Professionals Administration and Investigation Fund to the Department of Financial and Professional Regulation:

For Personal Services
For Employee Retirement Contributions
  Paid by Employer
For State Contributions to State
  Employees’ Retirement System
For State Contributions to
  Social Security
For Group Insurance
For Contractual Services
For Travel
For Refunds

New matter indicated by italics - deletions by strikeout
Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Pharmacy Disciplinary Fund to the Department of Financial and Professional Regulation:
  For Personal Services.........................  639,000
  For Employee Retirement Contributions
    Paid by Employer..........................  5,000
  For State Contributions to State
    Employees' Retirement System...............  49,800
  For State Contributions to
    Social Security..........................  48,900
  For Group Insurance.........................  124,200
  For Contractual Services...................  116,000
  For Travel..................................  30,000
  For Refunds................................  7,500
  Total                                   $1,020,400

Section 32. The sum of $895,000, or so much thereof as may be necessary, is appropriated from the Illinois State Pharmacy Disciplinary Fund to the Department of Financial and Professional Regulation for grants authorized by the State Board of Pharmacy for the development, support or administration of pharmacy practice educational or training programs at institutions of higher education within the State of Illinois.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Podiatric Disciplinary Fund to the Department of Financial and Professional Regulation:
  For Contractual Services....................  5,000
  For Travel...................................  5,000
  For Refunds................................  1,000
  Total                                    $11,000

Section 40. The sum of $473,600, or so much thereof as may be necessary, is appropriated from the Registered CPA Administration and Disciplinary Fund to the Department of Financial and Professional Regulation for the administration of the Registered CPA Program.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Nursing Dedicated and Professional Fund to the Department of Financial and Professional Regulation:

New matter indicated by italics - deletions by strikeout
For Personal Services............................                                          757,200
For Employee Retirement Contributions
Paid by Employer................................... 7,000
For State Contributions to State
Employees' Retirement System.....................                                  59,000
For State Contributions to
Social Security..................................                                               58,000
For Group Insurance.............................                                         207,000
For Contractual Services.........................                                        181,000
For Travel........................................                                                 25,000
For Refunds.......................................
Total                                                                                         $1,309,200

Section 50. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the Professional Regulation Evidence Fund to the Department of Financial and Professional Regulation for the purchase of evidence and equipment to conduct covert activities.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Professions Indirect Cost Fund to the Department of Financial and Professional Regulation:
For Personal Services.........................                                        11,333,800
For Employee Retirement Contributions
Paid by Employer................................... 44,000
For State Contributions to State
Employees' Retirement System.....................                                  883,100
For State Contributions to
Social Security..................................                                               861,300
For Group Insurance.............................                                         2,766,700
For Contractual Services.........................                                        9,423,000
For Travel.......................................                                                317,300
For Commodities..................................                                          334,000
For Printing.....................................                                                433,000
For Equipment....................................                                            696,300
For Electronic Data Processing.................                                   3,936,500
For Telecommunications Services...............                                   1,322,400
For Operation of Auto Equipment...............                                   218,300
Total                                                                                       $32,569,700

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Financial

New matter indicated by italics - deletions by strikeout
Institution Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,374,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>19,300</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>184,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>181,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>621,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>141,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>190,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>500</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Refunds</td>
<td>3,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,723,300</strong></td>
</tr>
</tbody>
</table>

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Credit Union Fund to the Department of Financial and Professional Regulation:

CREDIT UNION

Payable from Credit Union Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,527,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>12,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>119,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>117,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>345,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>92,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>244,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

For Telecommunications Services ..................  0
For Operation of Auto Equipment....................  0
For Refunds..........................................  1,000
Total                                                                 $2,458,500

Section 70. In addition to the amounts heretofore appropriated, the following named amount, or so much thereof as may be necessary, is appropriated from the TOMA Consumer Protection Fund to the Department of Financial and Professional Regulation:

TOMA CONSUMER PROTECTION
For Refunds.......................................  20,000

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Department of Financial and Professional Regulation:

DOMESTIC AND FOREIGN COMMERCIAL BANK REGULATION
For Personal Services.........................  8,609,800
For Employee Retirement Contributions
Paid by Employer.....................................  63,900
For State Contribution to State Employees' Retirement System...........  670,700
For State Contributions to Social Security.................  658,700
For Group Insurance.................................  1,725,000
For Contractual Services..................................  345,800
For Travel...........................................  762,700
For Commodities........................................  0
For Printing..........................................  0
For Equipment........................................  0
For Electronic Data Processing.......................  0
For Telecommunications Services......................  0
For Operation of Auto Equipment.....................  0
For Refunds...........................................  1,000
For Corporate Fiduciary Receivership.................  500,000
Total                                                                 $13,337,600

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Pawnbroker Regulation Fund to the Department of Financial and Professional Regulation:

PAWNBROKER REGULATION

New matter indicated by italics - deletions by strikeout
For Personal Services........................................ 57,000
For Personal Services:
Per Diem.................................................. 1,000
For Employee Retirement Contributions
Paid by Employer........................................ 0
For State Contributions to State
Employees' Retirement System...................... 4,400
For State Contributions to
Social Security......................................... 4,400
For Group Insurance.................................... 13,800
For Contractual Services............................ 4,000
For Travel................................................ 3,000
For Commodities......................................... 0
For Printing............................................... 0
For Electronic Data Processing....................... 0
For Telecommunications Services..................... 0
Total                                                                                      $86,600

Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Savings and Residential Finance Regulatory Fund to the Department of Financial and Professional Regulation:

MORTGAGE BANKING AND THRIFT REGULATION
For Personal Services.............................. 2,912,300
For Personal Services:
Per Diem.................................................. 1,000
For Employee Retirement Contributions
Paid by Employer........................................ 17,900
For State Contributions to State
Employees' Retirement System...................... 226,900
For State Contributions to
Social Security........................................ 222,800
For Group Insurance.................................. 676,200
For Contractual Services........................... 180,100
For Travel............................................... 150,500
For Commodities....................................... 0
For Printing............................................. 0
For Equipment.......................................... 0
For Electronic Data Processing...................... 0
For Telecommunications Services.................... 0
For Operation of Automotive Equipment............. 0
For Refunds............................................. 500

New matter indicated by italics - deletions by strikeout
Section 90. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Real Estate License Administration Fund to the Department of Financial and Professional Regulation:

REAL ESTATE LICENSING AND ENFORCEMENT
For Personal Services........................................ 1,899,300
For Personal Services:
   Per Diem.................................................. 1,000
For Employee Retirement Contributions
   Paid by Employer...................................... 7,600
For State Contributions to State
   Employees' Retirement System.......................... 148,000
For State Contributions to
   Social Security........................................ 145,300
For Group Insurance........................................ 427,800
For Contractual Services.................................. 216,600
For Travel..................................................... 58,000
For Commodities........................................... 0
For Printing.................................................. 0
For Equipment.............................................. 0
For Electronic Data Processing........................... 0
For Telecommunications Services........................ 0
For Operation of Auto Equipment......................... 0
For Refunds................................................. 3,000
Total                                                                 $2,906,600

Section 95. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Appraisal Administration Fund to the Department of Financial and Professional Regulation:

APPRAISAL LICENSING
For Personal Services........................................ 260,100
For Personal Services:
   Per Diem.................................................. 1,000
For Employee Retirement Contributions
   Paid by Employer...................................... 1,000
For State Contributions to State
   Employees' Retirement System.......................... 20,300
For State Contributions to

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security</td>
<td>20,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>69,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>131,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For forwarding real estate appraisal fees</td>
<td>230,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$741,200</strong></td>
</tr>
</tbody>
</table>

Section 100. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Auction Regulation Administration Fund to the Department of Financial and Professional Regulation:

**AUCTIONEER REGULATION**

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>92,600</td>
</tr>
<tr>
<td>For Personal Services:</td>
<td></td>
</tr>
<tr>
<td>Per Diem</td>
<td>1,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>1,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>7,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>7,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>27,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>46,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>7,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Refunds</td>
<td>4,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$195,000</strong></td>
</tr>
</tbody>
</table>

Section 105. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the Real Estate Research and Education Fund.
Fund to the Department of Financial and Professional Regulation for research and education in accordance with Section 25-25 of the Real Estate License Act of 2000.

Section 110. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Home Inspector Administration Fund to the Department of Financial and Professional Regulation:

HOME INSPECTOR REGULATION

For Personal Services.................................................. 46,300
For Personal Services:
  Per Diem........................................................................ 1,000
For Employee Retirement Contributions
  Paid by Employer.......................................................... 0
For State Contributions to State
  Employees' Retirement System...................................... 3,600
For State Contributions to
  Social Security........................................................... 3,600
For Group Insurance....................................................... 13,800
For Contractual Services................................................. 9,000
For Travel................................................................. 8,500
For Commodities.......................................................... 0
For Equipment............................................................... 0
For Electronic Data Processing......................................... 0
For Telecommunications Services................................. 0
For Refunds............................................................... 1,000
Total.................................................................... $86,800

Section 115. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the Real Estate Audit Fund to the Department of Financial and Professional Regulation for operating expenses for Real Estate audits.

Section 120. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Producer Administration Fund to the Department of Financial and Professional Regulation:

PRODUCER ADMINISTRATION

For Personal Services.................................................. 4,731,400
For Employee Retirement Contributions
  Paid by Employer.......................................................... 29,400
For State Contributions to the State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System .................. 368,600
For State Contributions to
Social Security ................................. 362,000
For Group Insurance ............................. 1,393,800
For Contractual Services ..................... 0
For Travel .................................. 315,900
For Commodities .............................. 0
For Printing .................................. 0
For Equipment ................................ 0
For Telecommunications Services ............ 0
For Operation of Auto Equipment ............. 0
For Refunds .................................. 225,000
Total ........................................ $7,426,100

Section 125. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Financial Regulation Fund to the Department of Financial and Professional Regulation:

FINANCIAL REGULATION

For Personal Services ......................... 6,477,700
For Employee Retirement Contributions
Paid by Employer .............................. 43,100
For State Contributions to the State
Employees' Retirement System ............... 504,700
For State Contributions to
Social Security ............................... 495,600
For Group Insurance .......................... 1,683,600
For Contractual Services .................... 0
For Travel .................................. 673,600
For Commodities ............................ 0
For Printing .................................. 0
For Equipment ............................... 0
For Telecommunications Services ........... 0
For Operation of Auto Equipment .......... 0
For Refunds ................................. 100,000
Total ...................................... $9,978,300

Section 130. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Financial and Professional Regulation:

New matter indicated by italics - deletions by strikeout
PENSION DIVISION

Payable from Public Pension Regulation Fund:
- For Personal Services: 510,300
- For Employee Retirement Contributions
  - Paid by Employer: 4,000
- For State Contributions to the State
  - Employees' Retirement System: 39,800
- For State Contributions to
  - Social Security: 39,100
- For Group Insurance: 138,000
- For Contractual Services: 0
- For Travel: 48,500
- For Printing: 0
- For Equipment: 0
- For Telecommunications Services: 0
Total: $779,700

Section 35. The following named sum, or so much thereof as may be necessary, is appropriated to the Department of Financial and Professional Regulation for the administration of the Senior Health Insurance Program:

Payable from the Senior Health Insurance Program Fund: 800,000
Total: $800,000

ARTICLE 35

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

ADMINISTRATION

Payable from General Revenue Fund:
- For Personal Services: 531,400
- For Employee Retirement Contributions
  - Paid by Employer: 5,300
- For State Contributions to State
  - Employees' Retirement System: 41,400
- For State Contributions to
  - Social Security: 39,400
- For Contractual Services: 158,300
- For Travel: 16,500
- For Commodities: 15,700

New matter indicated by italics - deletions by strikeout
Section 10. The sum of $148,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for the purpose of funding expenses associated with the Commission on Discrimination and Hate Crimes.

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

DIVISION OF CHARGE PROCESSING

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,023,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>40,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>313,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>307,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>36,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>37,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>6,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>20,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>40,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,826,800</strong></td>
</tr>
</tbody>
</table>

Payable from Special Projects Division Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,585,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>16,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>123,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>121,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>400,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>183,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>36,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,545,100</strong></td>
</tr>
</tbody>
</table>
For Commodities.................................  5,300
For Printing.......................................  4,100
For Equipment......................................  9,600
For Telecommunications Services.................  5,000
Total $2,489,600

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

**COMPLIANCE**

Payable from General Revenue Fund:
For Personal Services.............................  618,100
For Employee Retirement Contributions
Paid by Employer.................................  6,200
For State Contributions to State
Employees' Retirement System.....................  48,200
For State Contributions to
Social Security..................................  47,300
For Contractual Services.........................  3,600
For Travel........................................  12,900
For Commodities..................................  2,100
For Printing.......................................  1,000
For Telecommunications Services...............  3,000
Total $742,400

**ARTICLE 36**

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds as are made available by the Federal Government for the following purposes:

**DISTRIBUTIVE ITEMS**

**GRANTS-IN-AID**

Payable from General Revenue Fund:
For Aid to Aged, Blind or Disabled
under Article III...............................  28,000,000
For Temporary Assistance for Needy
Families under Article IV
and other social services including
Emergency Assistance for families

New matter indicated by italics - deletions by strikeout
with Dependent Children.................... 151,200,000
For Grants Associated with Child Care
Services, Including Operating and
Administrative Costs....................... 558,660,300
For Funeral and Burial Expenses under
Articles III, IV, and V, including
prior year costs............................. 9,167,500
For Refugees................................. 1,575,700
For New Americans Initiative.............. 3,000,000
For State Family and Children Assistance... 1,339,000
For State Transitional Assistance........... 12,000,000
For Services to Non-Citizens pursuant
to 305 ILCS 5/12-4.34........................ 5,150,000

Total                                                                                      $770,092,500

The Department, with the consent in writing from the Governor,
may reapportion not more than ten percent of the total appropriation of
General Revenue Funds in Section 5 above "For Income Assistance and
Related Distributive Purposes" among the various purposes therein
enumerated.

The Department, with the consent in writing from the Governor,
may reapportion not more than six percent of the appropriation "For
Temporary Assistance for Needy Families under Article IV" representing
savings attributable to not increasing grants due to the births of additional
children to the appropriation from the General Revenue Fund in Section
39.1 in this Article for Employability Development Services.

Section 20. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

ATTORNEY GENERAL REPRESENTATION

Payable from General Revenue Fund:
For Personal Services......................... 147,600
For Employee Retirement Contributions
Paid by Employer................................ 1,000
For Retirement Contributions............... 11,500
For State Contributions to Social Security... 11,300
For Contractual Services..................... 4,100
Total                                                                                      $175,500

Section 30. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,

New matter indicated by italics - deletions by strikeout
are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

TINLEY PARK MENTAL HEALTH CENTER

For costs associated with the operation
of Tinley Park Mental Health Center or
the Transition of Tinley Park Mental Health
Center Services to alternative community
or state-operated settings....................... 20,402,600
Total $20,402,600

Section 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

ADMINISTRATIVE AND PROGRAM SUPPORT

Payable from General Revenue Fund:
For Personal Services......................... 21,958,300
For Employee Retirement Contributions
Paid by Employer................................ 64,800
For Retirement Contributions............... 1,710,800
For State Contributions to Social Security.... 1,679,700
For Group Insurance............................ 241,300
For Contractual Services....................... 3,482,600
For Contractual Services:
For Leased Property Management............. 35,681,000
For Contractual Services:
For Press Information Officers Management.... 823,300
For Contractual Services:
For Graphic Design Management............... 98,100
For Contractual Services:
For On-line Legal Services Management....... 72,000
For Travel...................................... 304,100
For Commodities............................... 1,509,000
For Printing.................................... 983,200
For Equipment................................. 66,000
For Telecommunications Services............. 1,293,900
For Operation of Auto Equipment............. 188,900
For In-Service Training...................... 17,600
For Expenses Related to Training
Department Staff............................... 150,700

New matter indicated by italics - deletions by strikeout
For Health Insurance Portability and Accountability Act......................... 418,000
For Indirect Cost Principles/Interfund Transfer Payable to the Vocational Rehabilitation Fund....................... 3,329,300
Total $74,072,600

Payable from the DHS Recoveries Trust Fund:
For Personal Services.......................... 2,781,700
For Employee Retirement Contributions
   Paid by Employer.......................... 15,500
For Retirement Contributions.................... 216,700
For State Contributions to Social Security....... 212,800
For Group Insurance............................ 731,400
For Contractual Services........................ 1,196,200
For Contractual Services:
   For Leased Property Management............. 361,500
For Travel.................................... 50,000
For Commodities................................ 16,800
For Printing................................... 7,600
For Equipment.................................. 2,900
For Telecommunications Services............... 15,000
Total $5,608,100

Payable from Vocational Rehabilitation Fund:
For Personal Services.......................... 4,992,100
For Employee Retirement Contributions
   Paid by Employer.......................... 32,400
For Retirement Contributions.................... 388,900
For State Contributions to Social Security ...... 381,900
For Group Insurance............................ 1,428,300
For Contractual Services........................ 1,331,000
For Contractual Services:
   For Leased Property Management............. 5,133,000
For Travel.................................... 136,000
For Commodities................................ 136,500
For Printing................................... 37,000
For Equipment.................................. 198,600
For Telecommunications Services............... 226,500
For Operation of Auto Equipment............... 28,500
For In-Service Training......................... 366,700

New matter indicated by italics - deletions by strikeout
Public Act 94-0015

Total $14,817,400

Payable from Prevention/Treatment – Alcoholism and Substance Abuse Block Grant Fund:
For Contractual Services:
  For Leased Property Management.................. 200,300

Payable from Federal National Community Services Grant Fund:
For Contractual Services:
  For Leased Property Management.................. 30,100

Payable from Special Purposes Trust Fund:
For Contractual Services:
  For Leased Property Management.................. 392,100

Payable from Old Age Survivors’ Insurance Fund:
For Contractual Services:
  For Leased Property Management.................. 2,610,300

Payable from Early Intervention Services Revolving Fund:
For Contractual Services:
  For Leased Property Management.................. 63,500

Payable from USDA Women, Infants & Children Fund:
For Contractual Services:
  For Leased Property Management.................. 312,300

Payable from Local Initiative Fund:
For Contractual Services:
  For Leased Property Management.................. 63,700

Payable from Domestic Violence Shelter and Service Fund:
For Contractual Services:
  For Leased Property Management.................. 48,700

Payable from Community Mental Health Service Block Grant Fund:
For Contractual Services:
  For Leased Property Management.................. 60,700

Payable from Juvenile Justice Trust Fund:
For Contractual Services:
  For Leased Property Management.................. 7,400

Payable from DMH/DD Private Resources Fund:
For Costs associated with the Health and Human Services Reform Activities funded by Private Donations from the

New matter indicated by italics - deletions by strikeout
Annie E. Casey Foundation ....................... 150,000

ADMINISTRATIVE AND PROGRAM SUPPORT

GRANTS-IN-AID

Section 45. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

GRANTS-IN-AID

For Tort Claims:
   Payable from General Revenue Fund ............... 580,900
   Payable from Vocational Rehabilitation Fund ....... 10,000
   Total ................................................................ 590,900

For Reimbursement of Employees for Work-Related Personal Property Damages:
   Payable from General Revenue Fund ............... 12,600

For Grants Associated with Systems Change Including Operating and Administrative Costs
   Payable from the DHS Federal Projects Fund ...... 450,000

For grants to units of local government, not for profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs.
   Payable from General Revenue Fund ............... 1,000,000

For grants to units of local government, not for profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs.
   Payable from General Revenue Fund ............... 2,000,000

PERMANENT IMPROVEMENTS

Section 50. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Department of Human Services for repairs and maintenance, roof repairs and/or replacements and miscellaneous at the Department's various facilities and are to include capital improvements including construction,
reconstruction, improvements, repairs and installation of capital facilities, cost of planning, supplies, materials, and all other expenses required for roof and other types of repairs and maintenance, capital improvements and demolition.

No contract shall be entered into or obligations incurred for any expenditures from appropriations made in this Section of the Article until after the purposes and amounts have been approved in writing by the Governor.

For Repair, Maintenance and other Capital Improvements at various facilities...........                                   1,595,700
For Miscellaneous Permanent Improvements...........                            250,700
Total                                                                                         $1,846,400

Section 55.  The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services as follows:

REFUNDS
Payable from General Revenue Fund...................                                9,000
Payable from Vocational Rehabilitation Fund ........                            5,000
Payable from Youth Drug Abuse Prevention Fund........                            30,000
Payable from DHS Federal Projects Fund..............                            25,000
Payable from USDA Women, Infants and Children Fund.                         200,000
Payable from Maternal and Child Health Services Block Grant Fund...............                           5,000
Payable from Mental Health Fund....................                                100,000
Payable from the Early Intervention Services Revolving Fund....................                           300,000
Payable from Drug Treatment Fund.......................                           5,000
Total                                                                                         $479,000

Section 60.  The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for ordinary and contingent expenses:

MANAGEMENT INFORMATION SERVICES
Payable from General Revenue Fund:
For Personal Services..........................                                          8,397,200
For Employee Retirement Contributions
   Paid by Employer..............................                           95,600
For Retirement Contributions..........................                           654,200
For State Contributions to Social Security ......                           642,400

New matter indicated by italics - deletions by strikeout
For Contractual Services

For Contractual Services:
  For Information Technology Management
  For Travel
  For Equipment
  For Electronic Data Processing
  For Telecommunications Services

Total

Payable from Vocational Rehabilitation Fund:
  For Personal Services
  For Employee Retirement Contributions
    Paid by Employer
  For Retirement Contributions
  For State Contributions to Social Security
  For Group Insurance
  For Contractual Services
    For Information Technology Management
    For Travel
    For Commodities
    For Printing
    For Equipment
    For Telecommunications Services
    For Operation of Auto Equipment

Total

Payable from USDA Women, Infants and Children Fund:
  For Personal Services
  For Employee Retirement Contributions
    Paid by Employer
  For Retirement Contributions
  For State Contributions to Social Security
  For Group Insurance
  For Contractual Services
    For Information Technology Management
    For Electronic Data Processing

Total

Payable from Maternal and Child Health Services Block Grant Fund:

New matter indicated by italics - deletions by strikeout
For Operational Expenses Associated with Support of Maternal and Child Health Programs........................................... 236,000
Payable from the Mental Health Fund:
For Services Provided Under Contract to Maximize Cost Recovery................................. 650,400

Section 65. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

JACK MABLEY DEVELOPMENT CENTER
For Personal Services........................................... 7,004,800
For Employee Retirement Contributions Paid by Employer................................. 63,800
For Retirement Contributions............................. 541,400
For State Contributions to Social Security................................... 535,900
For Contractual Services............................... 1,202,800
For Travel......................................................... 3,900
For Commodities......................................... 405,900
For Printing................................................. 4,500
For Equipment................................................... 26,300
For Telecommunications Services.................. 35,700
For Operation of Automotive Equipment........... 23,400
Total............................................................................... $9,848,400

Section 70. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ALTON MENTAL HEALTH CENTER
For Personal Services........................................... 15,161,400
For Employee Retirement Contributions Paid by Employer................................. 163,100
For Retirement Contributions............................. 1,172,000
For State Contributions to Social Security................................... 1,159,900
For Contractual Services............................... 1,553,500
For Travel......................................................... 29,400
For Commodities......................................... 389,300

New matter indicated by italics - deletions by strikeout
Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES
Payable from Old Age Survivors' Insurance Fund:
For Personal Services....................... 30,239,700
For Employee Retirement Contributions
   Paid by Employer........................... 255,400
For Retirement Contributions.............. 2,356,000
For State Contributions to Social Security .... 2,313,300
For Group Insurance........................ 8,217,900
For Contractual Services................... 11,601,800
For Travel..................................... 198,000
For Commodities............................ 379,100
For Printing................................. 165,000
For Equipment............................... 1,819,900
For Telecommunications Services........... 1,404,700
For Operation of Auto Equipment............. 100
Total $58,950,900

Section 80. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES
GRANTS-IN-AID
Payable from Old Age Survivors' Insurance:
For Services to Disabled Individuals........ 19,000,000
Payable from General Revenue Fund:
For SSI Advocacy Services.................... 1,814,700
Payable from the Special Purposes Trust Fund..... 606,000

New matter indicated by italics - deletions by strikeout
Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

HOME SERVICES PROGRAM

Payable from General Revenue Fund:
For Personal Services................................. 4,105,600
For Employee Retirement Contributions
Paid by Employer........................................... 36,900
For Retirement Contributions.......................... 319,900
For State Contribution to Social Security........... 314,200
For Contractual Services................................. 4,800
For Travel................................................ 117,000
For Commodities........................................ 1,800
For Printing................................................ 3,400
For Equipment............................................. 900
For Telecommunications Services...................... 4,100
Total ................................................................ $4,908,600

Section 90. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services:

HOME SERVICES PROGRAM

GRANTS-IN-AID

Payable from General Revenue Fund:
For Purchase of Services of the Home Services Program, pursuant to 20 ILCS 2405/3, including operating and administrative costs 379,473,900

Section 92. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT

Payable from General Revenue Fund:
For Personal Services................................. 3,823,200
For Employee Retirement Contributions
Paid by Employer........................................... 15,200
For Retirement Contributions.......................... 297,900
For State Contribution to Social Security........... 292,500
For Contractual Services................................. 450,000
For Travel................................................... 98,000
For Commodities......................................... 13,000

New matter indicated by italics - deletions by strikeout
For Equipment .................................. 4,800
For Telecommunications Services .......... 56,100
Total $5,050,700

Payable from the Community Mental Health Services Block Grant Fund:
For Personal Services ...................... 539,700
For Employee Retirement Contributions Paid by Employer ......................... 3,000
For Retirement Contributions .............. 42,000
For State Contributions to Social Security .... 41,300
For Group Insurance .......................... 138,000
For Contractual Services .................... 119,400
For Travel ....................................... 10,000
For Commodities .............................. 5,000
For Equipment ................................ 5,000
Total $764,000

Section 95. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT
GRANTS-IN-AID AND PURCHASED CARE

For Community Service Grant Programs for Persons with Mental Illness:
Payable from General Revenue Fund ......... 220,416,200
Payable from Community Mental Health Services Block Grant Fund .............. 13,025,400
Payable from the DHS Federal Projects Fund .................................. 16,000,000

Payable from General Revenue Fund:
For Costs Associated with the Purchase and Disbursement of Psychotropic Medications for Mentally Ill Clients in the Community ..... 3,000,000

Payable from General Revenue Fund:
For Psychiatric Services North Central Network. 9,607,300

Payable from the General Revenue Fund:
For Supportive MI Housing ..................... 6,150,000
Payable from Community Mental Health

New matter indicated by italics - deletions by strikeout
Medicaid Trust Fund:
For Medicaid Services for Persons with Mental Illness in fiscal year 2006 and all prior fiscal years.............. 95,689,900

Payable from General Revenue Fund:
For Emergency Psychiatric Services........... 10,620,400

For Community Service Grant Programs for Children and Adolescents with Mental Illness:
Payable from General Revenue Fund............. 25,481,900
Payable from Community Mental Health Services Block Grant Fund....................... 4,341,800

Payable from General Revenue Fund:
For Purchase of Care for Children and Adolescents with Mental Illness approved through the Individual Care Grant Program.... 24,612,800

Payable from General Revenue Fund:
For Costs Associated with Children and Adolescent Mental Health Programs ........ 11,493,500

Payable from Community Mental Health Services Block Grant Fund:
For Teen Suicide Prevention Including Provisions Established in Public Act 85-0928.......................... 206,400
Total $440,645,900

Payable from the General Revenue Fund:
For Costs associated with MI residential transition and reintegration Pilot Project for Non-State hospitals and facilities.............................. 250,000

Section 98. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM SUPPORT

Payable from General Revenue Fund:
For Personal Services......................... 4,582,900
For Employee Retirement Contributions Paid by Employer......................... 18,400
For Retirement Contributions..................... 357,100

New matter indicated by italics - deletions by strikeout
For State Contribution to
Social Security............................... 350,700
For Contractual Services.................... 216,600
For Travel.................................. 56,800
For Commodities............................ 10,400
For Equipment.............................. 357,700
For Telecommunications Services........... 38,800
Total 5,989,400

Section 99. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM SUPPORT

GRANTS-IN-AID AND PURCHASED CARE

For Community Based Services for Persons with Developmental Disabilities at the approximate cost set forth below:
Payable from the General Revenue Fund........ 567,358,300
Payable from the Mental Health Fund......... 9,965,600
Total $577,323,900

Payable from General Revenue Fund:
For Developmental Disability Quality Assurance Waiver....................... 492,700
Payable from General Revenue Fund:
For costs associated with the provision of Specialized Services to Persons with Developmental Disabilities.................. 9,232,200
Payable from the General Revenue Fund:
For Family Assistance Program, the Home Based Support Services Program, and for costs associated with services for individuals with Developmental Disabilities to enable them to reside in their homes, at the approximate costs set forth below.......................... 29,139,500
For the Family Assistance Program........ 7,725,000
For the Home Based Support

New matter indicated by italics - deletions by strikeout
Services Program.......................... 21,414,500
Total                               $38,864,400

Payable from the General Revenue Fund:
For a grant to the Edwin Feldman Developmental Center Puentes Project............... 200,000

Payable from the General Revenue Fund:
For a grant to the Autism Project for an Autism Diagnosis Education Program
For Young Children.......................... 2,500,000

Payable from the Community Developmental:
Disabilities Services Medicaid Trust Fund..... 5,000,000

Payable from the General Revenue Fund:
For a grant to Lewis and Clark Community College 220,000

Payable from the General Revenue Fund:
For a grant to the ARC of Illinois
For the Life Span Project....................... 540,000

Payable from the General Revenue Fund:
For a grant for the Best Buddies Program........ 500,000

Section 100. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:

Payable from the General Revenue Fund
For costs associated with Developmental Disability Community Transitions or State Operated Facilities............... 2,450,000

Payable from the General Revenue Fund
For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs in fiscal year 2006 and in all prior fiscal years.............. 346,768,200

Payable from the Care Provider Fund
For Persons with A Developmental Disability... 40,000,000
Total                                    $386,768,200

Section 105. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services for Payments to Community Providers and Administrative Expenditures, including such Federal funds as are made available by the Federal Government for the following purpose:
Payable from the Community Mental

New matter indicated by italics - deletions by strikeout
Health and Developmental Disabilities
Services Provider Participation Fee
Trust Fund:
For Community Mental Health and
Developmental Services Costs Regarding
Medicaid Services.............................. 500,000

Section 110. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to meet the ordinary and contingent expenditures
of the Department of Human Services:

INSPECTOR GENERAL
Payable from General Revenue Fund:
For Personal Services......................... 3,460,800
For Employee Retirement Contributions
Paid by Employer................................ 3,800
For Retirement Contributions................. 269,600
For State Contributions to Social Security.... 264,700
For Contractual Services....................... 99,900
For Travel........................................ 134,100
For Commodities............................... 23,500
For Equipment.................................... 38,800
For Telecommunications Services............. 96,000
Total $4,391,200

Section 115. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named, to the Department of Human Services:

ADDITION PREVENTION
Payable from the Youth Alcoholism and Substance
Abuse Prevention Fund:
For Deposit into the Fund which receives all
payments under Section 5-3 of Act for
Alcoholic Liquors.............................. 150,000

ADDITION PREVENTION
GRANTS-IN-AID
Payable from General Revenue Fund:
For Addiction Prevention and Related Services. 5,268,800
Payable from the Youth Alcoholism and
Substance Abuse Fund....................... 1,050,000
Payable from Alcoholism and

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Substance Abuse Fund</th>
<th>$6,009,300</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from Prevention and Treatment</td>
<td></td>
</tr>
<tr>
<td>of Alcoholism and Substance Abuse</td>
<td></td>
</tr>
<tr>
<td>Block Grant Fund</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$28,327,200</td>
</tr>
</tbody>
</table>

Section 118. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

**ADDITION TREATMENT**

**Payable from General Revenue Fund:**

- For Personal Services: $860,300
- For Employee Retirement Contributions Paid by Employer: $2,500
- For Retirement Contributions: $67,000
- For State Contribution to Social Security: $65,800
- For Contractual Services: $2,500
- For Travel: $3,800
- For Equipment: $1,400
- For Telecommunications Services: $25,800

**Total:** $1,029,100

**Payable from the Prevention/Treatment – Alcoholism and Substance Abuse Block Grant Fund:**

- For Personal Services: $2,081,100
- For Employee Retirement Contributions Paid by Employer: $7,900
- For Retirement Contributions: $162,100
- For State Contributions to Social Security: $159,200
- For Group Insurance: $455,400
- For Contractual Services: $1,227,700
- For Travel: $200,000
- For Commodities: $53,800
- For Printing: $35,000
- For Equipment: $14,300
- For Electronic Data Processing: $300,000
- For Telecommunications Services: $117,800
- For Operation of Auto Equipment: $20,000
- For Expenses Associated with the Administration of the Alcohol and Substance Abuse Prevention and Treatment Programs: $215,000

New matter indicated by italics - deletions by strikeout
Section 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

**ADDITION TREATMENT GRANTS-IN-AID**

Payable from the General Revenue Fund:
- For Costs Associated with Addiction Treatment Services for Special Populations... $9,057,400
- For Costs Associated with Community Based Addiction Treatment to Medicaid Eligible and KidCare clients, Including Prior Year Costs... $52,234,900
- For Addiction Treatment Services for DCFS clients... $12,038,900
- For Grants and Administrative Expenses Related to the Welfare Reform Pilot Project... $2,787,200
  
**Total** $162,693,100

Payable from Illinois State Gaming Fund
- For Costs Associated with Treatment of Individuals who are Compulsive Gamblers... $960,000
  
**Total** $960,000

Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund... $57,500,000
Payable from Drug Treatment Fund... $5,000,000
Payable from Youth Drug Abuse Prevention Fund... $530,000
  
**Total** $63,030,000

Payable from General Revenue Fund:
- For Grants and Administrative Expenses Related to the Domestic Violence and Substance Abuse Demonstration Project... $641,800

Payable from Drunk and Drugged Driving Prevention Fund:
- For Grants and Administrative Expenses Related...
to Addiction Treatment and Related Services... 3,082,900
Payable from Alcoholism and Substance Abuse Fund.............................. 22,102,900

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriation of General Revenue Funds in Section 15 above "Addiction Treatment" among the purposes therein enumerated.

Section 130. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**CLYDE L. CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER**

For Personal Services........................ 26,365,900
For Employee Retirement Contributions
  Paid by Employer................................ 251,100
For Retirement Contributions................ 2,041,100
For State Contributions to Social Security..... 2,017,000
For Contractual Services..................... 1,898,300
For Travel........................................ 23,900
For Commodities.............................. 1,231,400
For Printing...................................... 13,400
For Equipment.................................... 87,400
For Telecommunications Services.............. 148,300
For Operation of Auto Equipment............... 44,000
For Expenses Related to Living Skills Program..... 37,400
For Costs Associated with Behavioral Health Services - Choate Network........ 42,500

Total $34,201,700

Section 135. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from General Revenue Fund to the Department of Human Services:

For Lincoln Developmental Center Operational Expenses.......................... 990,900

Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**REHABILITATION SERVICES BUREAUS**

New matter indicated by italics - deletions by strikeout
Payable from Illinois Veterans' Rehabilitation Fund:

- For Personal Services ........................................... 1,334,300
- For Employee Retirement Contributions
  - Paid by Employer ................................................ 13,300
- For Retirement Contributions .................................... 104,000
- For State Contributions to Social Security ...... 102,100
- For Group Insurance .................................................. 303,600
- For Travel ............................................................. 12,200
- For Commodities ....................................................... 5,600
- For Equipment .......................................................... 7,000
- For Telecommunications Services .................. 19,500

Total $1,901,600

Payable from Vocational Rehabilitation Fund:

- For Personal Services ........................................... 31,704,500
- For Employee Retirement Contributions
  - Paid by Employer ................................................ 251,700
- For Retirement Contributions .................................... 2,470,100
- For State Contributions to Social Security ...... 2,425,400
- For Group Insurance .................................................. 8,845,800
- For Contractual Services ........................................ 3,563,800
- For Travel ............................................................. 1,200,000
- For Commodities ....................................................... 306,900
- For Printing ............................................................ 145,100
- For Equipment .......................................................... 629,900
- For Telecommunications Services .................. 1,676,300
- For Operation of Auto Equipment ................... 5,700
- For Administrative Expenses of the Statewide Deaf Evaluation Center 247,800

Total $53,473,000

Section 145. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS

GRANTS-IN-AID

For Case Services to Individuals:
- Payable from General Revenue Fund .................. 8,721,300
- Payable from Illinois Veterans' Rehabilitation Fund 2,413,700
- Payable from State Projects Fund .................. 15,000

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015 508

Payable from Vocational Rehabilitation Fund...  46,110,700
For Grants for Multiple Sclerosis:
  Payable from the Multiple Sclerosis Fund.........  300,000
For Implementation of Title VI, Part C of the
Vocational Rehabilitation Act of 1973 as
Amended--Supported Employment:
  Payable from General Revenue Fund..............  2,131,700
  Payable from Vocational Rehabilitation Fund....  1,900,000
For Small Business Enterprise Program:
  Payable from Vocational Rehabilitation Fund....  3,527,300
For Grants to Independent Living Centers:
  Payable from General Revenue Fund..............  4,743,800
  Payable from Vocational Rehabilitation Fund....  2,000,000
For the Illinois Coalition for Citizens
with Disabilities:
  Payable from General Revenue Fund..............  112,600
  Payable from Vocational Rehabilitation Fund....  77,200
For Lekotek Services for Children
with Disabilities:
  Payable from the General Revenue Fund...........  550,000
For Independent Living Older Blind Grant:
  Payable from the Vocational
  Rehabilitation Fund...............................  245,500
  Payable from General Revenue Fund..............  126,900
For Independent Living Older Blind Formula
  Payable from Vocational Rehabilitation Fund....  1,500,000
Project for Individuals of All Ages
with Disabilities:
  Payable from the Vocational Rehabilitation Fund  1,050,000
Total  $75,525,700

Section 150. The sum of $17,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made for such purposes in Article 54, Section 145 of Public Act 93-0842 is reappropriated from the Vocational Rehabilitation Fund to the Department of Human Services for Case Services to Individuals.

Section 155. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

New matter indicated by italics - deletions by strikeout
CLIENT ASSISTANCE PROJECT
Payable from Vocational Rehabilitation Fund:
For Personal Services......................... 526,900
For Employee Retirement Contributions
   Paid by Employer.......................... 4,700
For Retirement Contributions............... 41,100
For State Contributions to Social Security .... 40,300
For Group Insurance........................ 138,000
For Contractual Services................... 28,500
For Travel.................................. 38,200
For Commodities........................... 2,700
For Printing................................ 400
For Equipment............................. 32,100
For Telecommunications Services........... 12,800
Total  $865,700

Section 160. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Vocational Rehabilitation Fund to the Department of Human Services for a grant relating to a Client Assistance Project.

Section 162. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

DIVISION OF REHABILITATION SERVICES PROGRAM
AND ADMINISTRATIVE SUPPORT

Payable from Vocational Rehabilitation Fund:
For Personal Services......................... 728,000
For Employee Retirement Contributions
   Paid by Employer.......................... 3,200
For Retirement Contributions............... 56,700
For State Contributions to Social Security .... 55,700
For Group Insurance......................... 172,500
For Contractual Services................... 61,000
For Travel.................................. 50,000
For Commodities........................... 300
For Equipment............................. 40,000
For Telecommunications Services........... 16,900
Total  $1,184,300

Payable from the Rehabilitation Services
Elementary and Secondary Education Act Fund:

New matter indicated by italics - deletions by strikeout
For Federally Assisted Programs.................  1,350,000

Section 165. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund to meet the
ordinary and contingent expenses of the Department of Human Services:

CHICAGO-READ MENTAL HEALTH CENTER
For Personal Services.........................  19,823,300
For Employee Retirement Contributions
Paid by Employer...............................  173,900
For Retirement Contributions...............  1,540,300
For State Contributions to
Social Security..................................  1,516,500
For Contractual Services.....................  2,058,300
For Travel........................................  27,200
For Commodities..............................  566,500
For Printing.....................................  9,900
For Equipment..................................  46,400
For Telecommunications Services.............  158,400
For Operation of Auto Equipment.............  22,900
For Costs Associated with Behavioral
Health Services - Chicago-Read Network....  381,300
Total                                                                 $26,324,900

Section 170. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to meet the ordinary and contingent expenditures
of the Department of Human Services:

CENTRAL SUPPORT AND CLINICAL SERVICES
Payable from General Revenue Fund:
For Personal Services.........................  3,831,600
For Employee Retirement Contributions Paid
by Employer.................................  23,700
For Retirement Contributions................  298,500
For State Contributions to Social Security...  293,200
For Contractual Services....................  515,500
For Travel....................................  63,300
For Commodities............................  18,547,300
For Printing..................................  27,900
For Equipment...............................  66,300
For Telecommunications Services..........  21,600

New matter indicated by italics - deletions by strikeout
For Contractual Services:
  For Private Hospitals for
  Recipients of State Facilities.............. $925,900
  Total $24,614,800
Payable from the DHS Federal Projects Fund:
  For Federally Assisted Programs.............. $5,949,200
Payable from the Mental Health Fund:
  For Costs Related to Provision of Support
  Services Provided to Departmental and Non-
  Departmental Organizations.................. $4,770,200

Section 175. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to meet the ordinary and contingent expenses of
the Department of Human Services:

SEXUALLY VIOLENT PERSONS PROGRAM
Payable from General Revenue Fund:
  For Sexually Violent Persons
  Program................................... $18,988,900

Section 180. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund for the ordinary
and contingent expenditures of the Department of Human Services:

H. DOUGLAS SINGER MENTAL HEALTH AND DEVELOPMENTAL
CENTER
For Personal Services......................... $10,039,900
For Employee Retirement Contributions
  Paid by Employer........................... $88,800
For Retirement Contributions............... $778,200
For State Contributions to Social Security.... $768,100
For Contractual Services...................... $2,314,200
For Travel.................................. $9,600
For Commodities............................. $340,900
For Printing................................ $9,900
For Equipment................................ $27,500
For Telecommunications Services............. $78,400
For Operation of Auto Equipment............. $19,400
For Expenses Related to Living Skills Program.... $3,800
For Costs Associated with Behavioral
  Health Services - Singer Network........... $39,300

New matter indicated by italics - deletions by strikeout
Public Act 94-0015

Section 185. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**ANN M. KILEY DEVELOPMENTAL CENTER**
- For Personal Services........................ 19,316,400
- For Employee Retirement Contributions
  - Paid by Employer............................ 166,200
  - For Retirement Contributions.............. 1,496,100
- For State Contributions to Social Security.......................... 1,477,700
- For Contractual Services........................ 1,999,300
- For Travel...................................... 7,100
- For Commodities................................ 917,600
- For Printing.................................... 14,400
- For Equipment................................... 35,300
- For Telecommunications Services............... 107,400
- For Operation of Auto Equipment.............. 69,100
- For Expenses Related to Living Skills Program..... 13,500

Total $25,620,100

Section 190. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**ILLINOIS SCHOOL FOR THE DEAF**
- Payable from General Revenue Fund:
  - For Personal Services....................... 12,612,800
  - For Student, Member or Inmate Compensation........ 13,400
- For Employee Retirement Contributions
  - Paid by Employer............................ 110,900
  - For Retirement Contributions............... 781,000
- For State Contributions to Social Security....... 736,900
- For Contractual Services..................... 1,586,600
- For Travel.................................... 19,000
- For Commodities................................ 495,500
- For Printing................................... 1,000
- For Equipment................................... 117,900
- For Telecommunications Services............... 113,700

Total $25,620,100

New matter indicated by italics - deletions by strikeout
For Operation of Auto Equipment................. 39,100
Total $16,677,800
Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program........................................ 50,000

Section 195. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED
Payable from General Revenue Fund:
For Personal Services......................... 6,803,300
For Student, Member or Inmate Compensation........ 16,400
For Employee Retirement Contributions
Paid by Employer................................ 60,500
For Retirement Contributions................ 418,800
For State Contributions to Social Security........ 396,600
For Contractual Services..................... 608,600
For Travel........................................ 13,800
For Commodities............................. 228,400
For Printing................................... 2,500
For Equipment.................................. 80,000
For Telecommunications Services.............. 44,900
For Operation of Auto Equipment........... 11,500
Total $8,685,300
Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program... 42,900

Section 200. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

JOHN J. MADDEN MENTAL HEALTH CENTER
For Personal Services.......................... 22,317,700
For Employee Retirement Contributions
Paid by Employer............................. 191,600
For Retirement Contributions............... 1,734,300
For State Contributions to Social Security........... 1,707,300
For Contractual Services..................... 2,330,000
For Travel...................................... 45,300

New matter indicated by italics - deletions by strikeout
For Commodities.................................. 686,400
For Printing...................................... 19,100
For Equipment..................................... 67,700
For Telecommunications Services............... 128,800
For Operation of Auto Equipment............... 36,800
For Expenses Related to Living Skills Program..... 19,200
For Costs Associated with Behavioral Health Services - Madden Network........ 147,400
Total                                                                             $29,431,600

Section 205. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

WARREN G. MURRAY DEVELOPMENTAL CENTER
For Personal Services......................... 24,398,000
For Employee Retirement Contributions 
  Paid by Employer.............................. 315,400
For Retirement Contributions............... 1,883,900
For State Contributions to Social Security..... 1,866,500
For Contractual Services....................... 1,633,500
For Travel........................................... 9,900
For Commodities............................... 1,369,000
For Printing....................................... 9,700
For Equipment................................. 122,300
For Telecommunications Services............... 47,800
For Operation of Auto Equipment............... 48,900
For Expenses Related to Living Skills Program..... 2,900
Total                                                                             $31,707,800

Section 210. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ELGIN MENTAL HEALTH CENTER
For Personal Services......................... 45,487,400
For Employee Retirement Contributions 
  Paid by Employer.............................. 501,600
For Retirement Contributions............... 3,517,400

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security..... 3,479,800
For Contractual Services.................. 4,056,400
For Travel........................................ 32,500
For Commodities............................ 1,191,800
For Printing...................................... 26,100
For Equipment.................................. 131,400
For Telecommunications Services......... 285,000
For Operation of Auto Equipment........... 111,200
For Expenses Related to Living Skills Program..... 31,200
For Costs Associated with Behavioral Health
Services - Elgin Network................... 7,609,900
Total $66,461,700

Section 215. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

COMMUNITY AND RESIDENTIAL SERVICES
FOR THE BLIND AND VISUALLY IMPAIRED

Payable from General Revenue Fund:
For Personal Services...................... 1,208,500
For Employee Retirement Contributions
Paid by Employer.............................. 13,000
For Retirement Contributions.............. 22,300
For State Contributions to Social Security ...... 93,200
For Contractual Services................... 30,700
For Travel...................................... 54,900
For Commodities............................. 6,000
For Printing.................................... 200
For Equipment.................................. 200
For Telecommunications Services.......... 2,000
Total $1,431,000

Section 220. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund to meet the
ordinary and contingent expenditures of the Department of Human
Services:

CHESTER MENTAL HEALTH CENTER

For Personal Services...................... 26,838,400
For Employee Retirement Contributions
Paid by Employer.............................. 339,600

New matter indicated by italics - deletions by strikeout
For Retirement Contributions................. 2,060,700
For State Contributions to Social Security..... 2,053,200
For Contractual Services......................... 2,631,100
For Travel........................................ 69,500
For Commodities.................................. 612,000
For Printing....................................... 9,900
For Equipment..................................... 50,300
For Telecommunications Services............... 94,200
For Operation of Auto Equipment............... 35,700
For Expenses Related to Living Skills Program... 4,600
Total $34,799,200

Section 225. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

JACKSONVILLE DEVELOPMENTAL CENTER
For Personal Services.......................... 21,746,200
For Employee Retirement Contributions
  Paid by Employer............................... 196,300
For Retirement Contributions.................. 1,689,900
For State Contributions to Social Security.... 1,663,600
For Contractual Services........................ 1,500,800
For Travel........................................ 14,600
For Commodities................................ 1,518,100
For Printing...................................... 12,400
For Equipment.................................... 89,600
For Telecommunications Services.............. 70,500
For Operation of Auto Equipment.............. 60,300
For Expenses Related to Living Skills Program... 16,200
Total $28,578,500

Section 230. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
Payable from General Revenue Fund:
For Personal Services......................... 3,505,300
For Student, Member or Inmate Compensation .... 2,000
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout
GOVERNOR SAMUEL H. SHAPIRO DEVELOPMENTAL CENTER

For Personal Services................................. 52,068,700
For Employee Retirement Contributions
  Paid by Employer........................................... 491,500
For Retirement Contributions......................... 3,966,300
For State Contributions to Social Security..... 3,983,200
For Contractual Services................................. 4,105,800
For Travel....................................................... 6,800
For Commodities............................................... 3,003,300
For Printing..................................................... 32,100
For Equipment.................................................. 173,100
For Telecommunications Services..................... 109,500
For Operation of Auto Equipment.................... 138,900
Total                                                                                       $68,079,200

Section 255. The following named sums, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services for the purposes hereinafter named:

HUMAN CAPITAL DEVELOPMENT

Payable from General Revenue Fund:
  For Personal Services................................. 167,441,300
  For Employee Retirement Contributions
    Paid by Employer........................................... 1,343,400
  For Retirement Contributions......................... 13,045,400
  For State Contributions to Social Security..... 12,809,300
  For Contractual Services................................. 20,905,200
  For Travel..................................................... 787,600
  For Commodities............................................... 10,200
  For Equipment.................................................. 1,028,500
  For Telecommunications Services..................... 2,358,400
  Total                                                                                     $219,729,300

Payable from the Special Purposes Trust Fund:
  For Operation of Federal Employment Programs. 10,000,000

Section 260. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects hereinafter named, are
appropriated to the Department of Human Services for Human Capital
Development and related distributive purposes, including such Federal
funds as are made available by the Federal government for the following
purposes:

HUMAN CAPITAL DEVELOPMENT

New matter indicated by italics - deletions by strikeout
GRANTS-IN-AID

Payable from General Revenue Fund:
For Employability Development Services
Including Operating and Administrative
Costs and Related Distributive Purposes ..... 13,356,400
For Emergency Food and Shelter Program,
Including Operation and Administrative Costs.. 8,899,900
For Emergency Food Program,
Including Operation and Administrative Costs.... 253,600
For Grants for Crisis Nurseries................. 472,900
For Food Stamp Employment and Training
including Operating and Administrative
Costs and Related Distributive Purposes ..... 10,642,200
For Grants Associated with the Great Start
Program, including Operation and
Administration Costs............................ 1,891,400
For Grants for Supportive Housing Services..... 3,490,300
For a grant to Children's Place for costs
associated with specialized child care
for families affected by HIV/AIDS............. 752,700
Total $39,759,400

Payable from the Special Purposes Trust Fund:
For Federal/State Employment Programs and
Related Services................................. 5,000,000
For Emergency Food Program
Transportation and Distribution,
including grants and operations.............. 5,000,000
For Homeless Assistance through the
McKinney Block Grant......................... 4,000,000
For the development and implementation
of the Federal Title XX Empowerment
Zone and Enterprise Community initiatives.... 38,925,300
For Grants Associated with the Head Start
State Collaboration, Including
Operating and Administrative Costs.......... 500,000
For Grants Associated with Child
Care Services, Including Operation
and administrative Costs..................... 121,911,100
For Grants Associated with the Great

New matter indicated by italics - deletions by strikeout
START Program, Including Operation and Administrative Costs
5,200,000
For Grants Associated with Migrant Child Care Services, Including Operation and Administrative Costs
3,142,600
For Refugee Resettlement Purchase of Service, Including Operation and Administrative Costs
11,035,800
Total
$194,714,800
Payable from Local Initiative Fund:
For Purchase of Services under the Donated Funds Initiative Program, Including Operation and Administrative Costs
22,328,000
Funds appropriated from the Local Initiative Fund in Section 39.1, above, shall be expended only for purposes authorized by the Department of Human Services in written agreements.
Payable from Assistance to the Homeless Fund:
For Costs Related to Providing Assistance to the Homeless Including Operating and Administrative Costs and Grants
300,000
Payable from Employment and Training Fund:
For Costs Related to Employment and Training Programs Including Operating and Administrative Costs and Grants to Qualified Public and Private Entities for Purchase of Employment and Training Services
105,955,100
Payable from General Revenue Fund:
For costs related to the Homelessness Prevention Act, Including Operation and Administrative Costs
3,143,000
Payable from the General Revenue Fund:
For Illinois Community Action Association For the Family and Community Development Grant Program
75,000
Section 265. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

JUVENILE JUSTICE PROGRAMS
Payable from General Revenue Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services........................... 248,500
For Employee Retirement Contributions
  Paid by Employer.............................. 1,400
For Retirement Contributions.................. 19,400
For State Contributions to Social Security...... 19,000
For Contractual Services.......................... 51,100
For Travel........................................ 6,500
For Equipment........................................ 100
For Telecommunications Services................ 2,300
Total                                                                 $348,300

Payable from Juvenile Justice Trust Fund:
For Personal Services........................... 178,700
For Employee Retirement Contributions
  Paid by Employer.............................. 700
For Retirement Contributions.................. 13,900
For State Contributions to Social Security...... 13,700
For Group Insurance............................... 41,400
For Contractual Services.......................... 59,500
For Travel........................................ 26,500
For Commodities.................................... 4,600
For Printing....................................... 3,500
For Telecommunications Services................ 11,900
For Detention Monitoring.......................... 75,000
Total                                                                 $429,400

Section 270. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

**JUVENILE JUSTICE PROGRAMS**

**GRANTS-IN-AID**

Payable from Juvenile Justice Trust Fund:
For Juvenile Justice Planning and Action
  Grants for Local Units of Government and Non-Profit Organizations including
Prior Fiscal Years Costs....................... 12,600,000
For Grants to State Agencies, including
Prior Fiscal Years............................... 370,000
Total                                                                 $12,970,000

New matter indicated by italics - deletions by strikeout
Section 275. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH

Payable from the General Revenue Fund:
For Personal Services.......................... 3,223,400
For Employee Retirement Contributions
Paid by Employer............................... 8,800
For Retirement Contributions.................. 251,100
For State Contributions to Social Security .... 246,600
For Contractual Services....................... 125,300
For Travel........................................ 123,300
For Commodities............................... 19,200
For Equipment.................................. 32,500
For Telecommunications Services............. 42,000
For Expenses for the Development and
Implementation of Cornerstone............... 774,800
Total $4,847,000

Payable from the DHS Federal Projects Fund:
For Personal Services.......................... 604,800
For Employee Retirement Contributions
Paid by Employer............................... 2,100
For Retirement Contributions.................. 47,100
For State Contributions to Social Security .... 46,300
For Group Insurance........................... 151,800
For Contractual Services....................... 1,405,200
For Travel........................................ 155,500
For Commodities............................... 36,000
For Printing..................................... 22,000
For Equipment.................................. 568,000
For Telecommunications Services............. 246,800
For Expenses Related to Public Health Programs... 256,200
For Operational Expenses for Maternal
and Child Health Special Projects of
Regional and National Significance.......... 226,300
Total $3,768,100

Payable from the USDA Women, Infants
and Children Fund:
For Personal Services......................... 2,813,300

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
   Paid by Employer................................. 10,500
For Retirement Contributions...................... 219,200
For State Contributions to Social Security ...... 215,200
For Group Insurance................................ 634,800
For Contractual Services......................... 830,400
For Travel......................................... 239,000
For Commodities................................... 54,200
For Printing....................................... 184,500
For Equipment.................................... 279,000
For Telecommunications Services................... 250,000
For Operation of Auto Equipment................. 17,600
For Operational Expenses of the Women, Infants and Children (WIC) Program,
   Including Investigations......................... 4,600,000
For Operational Expenses of Banking Services for Food Instruments Verification and Vendor Payment under the Women, Infants and Children (WIC) Program.................... 1,000,000
For Operational Expenses of the Federal Commodity Supplemental Food Program.............. 42,500
For Operational Expenses Associated with Support of the USDA Women, Infants and Children Program.......................... 150,000
Total                                                                                       $11,540,200
Payable from the Maternal and Child Health Services Block Grant Fund:
   For Operational Expenses of Maternal and Child Health Programs........................ 4,223,300
Payable from the Preventive Health and Health Services Block Grant Fund:
   For Expenses of Preventive Health and Health Services Programs.......................... 55,000
Payable from the DHS State Projects Fund:
   For Operational Expenses for Public Health Programs.......................... 368,000

Section 280. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout
Public Act 94-0015

Community Health Grants-In-Aid

Payable from the General Revenue Fund:
- For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities.................. 5,632,000
- For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services........ 44,265,200
- For Grants for the Intensive Prenatal Performance Project................................. 5,000,000
- For Grants and Administrative Expenses Related to the Healthy Families Program............ 9,686,700
- For Costs Associated with the Domestic Violence Shelters and Services Program.................. 21,054,500
- For Grants for After School Youth Support Programs........................................ 18,508,100
- For Costs Associated with Teen Parent Services.......................................... 6,893,700

Payable from the Sexual Assault Services Fund:
- For Grants Related to the Sexual Assault Services Program.......................... 100,000

Payable from the Special Purposes Trust Fund:
- For Costs Associated with Family Violence Prevention Services...................... 4,977,500

Payable from the DHS Federal Projects Fund:
- For Grants for Public Health Programs............................................. 2,830,000
- For Grants for Maternal and Child Health Special Projects of Regional and National Significance....................... 1,300,000
- For Grants for Family Planning Programs Pursuant to Title X of the Public Health Service Act........................................ 8,000,000
- For Grants for the Federal Healthy Start Program...................................... 4,000,000

Total $111,774,000

New matter indicated by italics - deletions by strikeout
Total $21,197,500

Payable from the Special Purposes Trust Fund:
  For Community Grants......................... 5,698,100

Payable from the Domestic Violence Abuser Services Fund:
  For Domestic Violence Abuser Services......... 100,000

Payable from the Federal National Community Services Grant Fund:
  For Payment for Community Activities,
  Including Prior Years' Costs.................. 12,969,900

Payable from the USDA Women, Infants and Children Fund:
  For Grants to Public and Private Agencies for
  Costs of Administering the USDA Women, Infants,
  and Children (WIC) Nutrition Program......... 42,000,000
  For Grants for the Federal Commodity Supplemental Food Program........ 1,400,000
  For Grants for Free Distribution of Food Supplies under the USDA Women, Infants,
  and Children (WIC) Nutrition Program....... 197,000,000
  For Grants for Administering USDA Women, Infants, and Children (WIC) Nutrition Program Food Centers.............. 24,000,000
  For Grants for USDA Farmer's Market Nutrition Program................................. 1,500,000
  Total $265,900,000

Payable from the Maternal and Child Health Services Block Grant Fund:
  For Grants for Maternal and Child Health Programs, Including Programs Appropriated Elsewhere in this Section.............. 8,465,200
  For Grants to the Chicago Department of Health for Maternal and Child Health Services. 5,000,000
  For Grants to the Board of Trustees of the University of Illinois, Division of Specialized Care for Children............... 7,800,000
  For Grants for an Abstinence Education Program including operating and administrative costs.. 2,500,000
  Total $23,765,200

Payable from the Preventive Health and Health

New matter indicated by italics - deletions by strikeout
Services Block Grant Fund:
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities ...................... 500,000
For Grants for Rape Prevention Education Programs, including operating and administrative costs.. 1,000,000
Total $1,500,000

Payable from the DHS State Projects Fund:
For Grants to Establish Health Care Systems for DCFS Wards........................ 2,361,400

Payable from Domestic Violence Shelter and Service Fund:
For Domestic Violence Shelters and Services Program.................................. 952,200

Payable from Tobacco Settlement Recovery Fund:
For Children's Health Programs......................... 2,000,000

Payable from Tobacco Settlement Recovery Fund:
For a Grant to the Coalition for Technical Assistance and Training........................ 250,000

Payable from the General Revenue Fund:
For a grant for the Cicero Memory Bridge Initiative .............................. 448,000

Payable from the General Revenue Fund:
For a grant to the Gilead Outreach and Referral Center.............................. 500,000

Section 285. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY YOUTH SERVICES

Payable from General Revenue Fund:
For Personal Services.......................... 153,400
For Employee Retirement Contributions Paid by Employer.......................... 400
For Retirement Contributions.......................... 12,000
For State Contributions to Social Security........ 11,800
Total $177,600

Section 290. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

New matter indicated by italics - deletions by strikeout
COMMUNITY YOUTH SERVICES
GRANTS-IN-AID

Payable from General Revenue Fund:
- For Community Services: 6,789,900
- For Youth Services Grants Associated with Juvenile Justice Reform: 3,283,900
- For Comprehensive Community-Based Service to Youth: 12,638,100
- For Unified Delinquency Intervention Services: 2,991,100
- For Homeless Youth Services: 4,609,400
- For Early Intervention: 58,041,100
- For Redeploy Illinois: 1,500,000
- For Parents Too Soon Program: 7,235,000
- For Delinquency Prevention: 1,533,300
- Total: $98,621,800

Payable from the Special Purposes Trust Fund:
- For Parents Too Soon Program, including grants and operations: 3,665,200

Payable from the Early Intervention Services Revolving Fund:
- For Grants Associated with the Early Intervention Services Program, including operating and administrative costs in FY 2006 and all prior fiscal years: 134,914,300
- Total: $123,643,000

Section 300. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

WILLIAM W. FOX DEVELOPMENTAL CENTER
- For Personal Services: 12,182,700
- For Employee Retirement Contributions Paid by Employer: 109,500
- For Retirement Contributions: 930,500
- For State Contributions to Social Security: 931,900
- For Contractual Services: 1,060,900
- For Travel: 4,900

New matter indicated by italics - deletions by strikeout
For Commodities .......................... $805,600
For Printing ............................... 8,400
For Equipment ............................... 33,100
For Telecommunications Services ............. 19,500
For Operation of Auto Equipment ............... 22,400
For Expenses Related to Living Skills Program .... 1,000
Total $16,110,400

Section 305. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

ELISABETH LUDEMAN DEVELOPMENTAL CENTER
For Personal Services ...................... $28,191,000
For Employee Retirement Contributions
   Paid by Employer .......................... 258,600
   For Retirement Contributions .......... 2,187,300
   For State Contributions to Social Security .. 2,156,600
   For Contractual Services ............... 2,486,600
   For Travel ............................... 3,500
   For Commodities ........................ 594,700
   For Printing ............................. 9,000
   For Equipment ............................ 96,900
   For Telecommunications Services ......... 113,600
   For Operation of Auto Equipment ......... 41,900
   For Expenses Related to Living Skills Program .... 24,700
Total $36,164,400

Section 310. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

WILLIAM A. HOWE DEVELOPMENTAL CENTER
For Personal Services ...................... $38,428,700
For Employee Retirement Contributions
   Paid by Employer .......................... 353,600
   For Retirement Contributions .......... 2,975,900
   For State Contributions to Social Security .. 2,939,800
   For Contractual Services ............... 4,580,100
   For Travel ............................... 14,100
   For Commodities ........................ 946,800

New matter indicated by italics - deletions by strikeout
For Printing........................................ 18,200
For Equipment..................................... 81,300
For Telecommunications Services.............. 130,200
For Operation of Auto Equipment.............. 206,600
For Expenses Related to Living Skills Program... 11,100
Total $50,686,400

ARTICLE 37

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

FOR OPERATIONS - GENERAL OFFICE

Payable from General Revenue Fund:
For Personal Services.............................. 564,500
For Employee Retirement Contributions
   Paid by Employer................................. 6,000
For State Contributions to State
   Employees' Retirement System................. 44,000
For State Contributions to Social Security........ 43,200
For Contractual Services.......................... 204,700
For Travel........................................... 22,500
For Commodities................................. 8,300
For Printing....................................... 5,000
For Equipment.................................... 100
For Electronic Data Processing.................. 76,000
For Telecommunications Services.............. 25,400
For Operation of Auto Equipment.............. 0
For Administration and operations of
   Displaced Homemaker Grant Program.......... 55,200
Total $1,054,900

Section 10. The following named amount of $621,300, or so much thereof as may be necessary, is appropriated to the Department of Labor for Displaced Homemaker Grants.

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

PUBLIC SAFETY

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Payable from General Revenue Fund:
For Personal Services .......................$855,100
For Employee Retirement Contributions
  Paid by Employer ...............................$7,400
For State Contributions to State
  Employees' Retirement System ..............$66,600
For State Contributions to Social Security .................................................................$65,400
For Contractual Services .....................$14,000
For Travel ........................................$78,800
For Commodities ..............................................$4,600
For Printing ...........................................$4,600
For Equipment .......................................$5,900
For Telecommunications Services ...........$11,900
Total $1,114,300

Section 20. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Labor:

FAIR LABOR STANDARDS

Payable from General Revenue Fund:
For Personal Services .......................$2,109,500
For Employee Retirement Contributions
  Paid by Employer ...............................$19,000
For State Contributions to State
  Employees' Retirement System ..............$164,400
For State Contributions to Social Security .................................................................$161,400
For Contractual Services .....................$70,600
For Travel ...........................................$73,600
For Commodities ..............................................$4,100
For Printing ...........................................$20,800
For Equipment .......................................$22,000
For Telecommunications Services ...........$39,000
Total $2,684,400

Payable From the Child Labor and Day and
Temporary Labor Services Enforcement Fund:
For Administration of the Child
Labor Law and Day and Temporary

New matter indicated by italics - deletions by strikeout
Labor Services Act..............................  158,000

Section 25. In addition to any other funds appropriated for that purpose, the sum of $159,000 is appropriated from the General Revenue Fund to the Department of Labor for all costs associated with conducting the study mandated by P.A. 87-405, regarding the employment progress of women and minorities.

ARTICLE 38

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

FOR OPERATIONS
OFFICE OF THE ADJUTANT GENERAL

Payable from General Revenue Fund:
For Personal Services..........................  1,294,500
For Employee Retirement Contributions
   Paid By Employer..........................  3,900
For State Contributions to State
   Employees' Retirement System.............  100,900
For State Contributions to
   Social Security............................  99,000
For Contractual Services......................  17,300
For Travel.....................................  13,000
For Commodities................................ 5,100
For Printing...................................  3,600
For Equipment..................................  4,900
For Electronic Data Processing...............  13,800
For Telecommunications Services.............  35,400
For Operation of Auto Equipment..............  18,800
For State Officer's Candidate School..........  700
For Lincoln's Challenge Stipend Payments.....  506,900
For Lincoln's Challenge.......................  3,116,700
Total                                      $5,234,500

Payable from Federal Support Agreement Revolving Fund:
Lincoln's Challenge............................  4,889,700
Lincoln's Challenge Stipend Payments........  1,200,000
Total                                      $6,089,700

FACILITIES OPERATIONS

Payable from General Revenue Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services.......................... 4,488,000
For Employee Retirement Contributions
Paid by Employer............................... 37,100
For State Contributions to State
Employees' Retirement System............... 349,700
For State Contributions to Social Security.... 343,300
For Contractual Services....................... 1,969,900
For Commodities.................................. 46,200
For Equipment..................................... 4,800
Total $7,239,000

Payable from Federal Support Agreement Revolving Fund:
Army/Air Reimbursable Positions............... 8,225,000
Total $8,225,000

Section 10. The sum of $6,750,000, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs Facilities Division for expenses related to Army National Guard Facilities operations and maintenance as provided for in the Cooperative Funding Agreements, including costs in prior years.

Section 15. The sum of $330,000, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs Facilities Division for expenses related to the Bartonville and Kankakee armories for operations and maintenance according to the Joint-Use Agreement, including costs in prior years.

Section 20. The sum of $43,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs Facilities Division for rehabilitation and minor construction at armories and camps.

Section 25. The sum of $7,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs Office of the Adjutant General Division for expenses related to the care and preservation of historic artifacts.

Section 30. The sum of $1,461,200, or so much thereof as may be necessary, is appropriated from the Military Affairs Trust Fund to the Department of Military Affairs Office of the Adjutant General Division to support youth and other programs, provided such amounts shall not exceed funds to be made available from public or private sources.
Section 35. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Military Family Relief Fund to the Department of Military Affairs Office of the Adjutant General Division for the issuance of grants to persons or families of persons who are members of the Illinois National Guard or Illinois residents who are members of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks, including costs in prior years.

Section 40. No contract shall be entered into or obligation incurred for any expenditures made from an appropriation herein made in Section 20 until after the purpose and amounts have been approved in writing by the Governor.

ARTICLE 39

Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

PROGRAM ADMINISTRATION

Payable from General Revenue Fund:

For Personal Services...................... 15,660,000
For Employee Retirement Contributions
   Paid by Employer.......................... 79,000
For State Contributions to State
   Employees' Retirement System............ 1,220,100
For State Contributions to Social Security..............
For Contractual Services.................. 19,254,600
For Travel.................................... 160,600
For Commodities................................ 528,200
For Printing.................................. 898,000
For Equipment................................ 309,100
For Telecommunications Services.......... 1,266,000
For Operation of Auto Equipment.............. 72,700
Total  $40,646,300

OFFICE OF INSPECTOR GENERAL

Payable from General Revenue Fund:

For Personal Services...................... 10,906,900
For Employee Retirement Contributions
   Paid by Employer.......................... 61,900
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System ................. 849,800
For State Contributions to
  Social Security ................................ 834,500
  For Contractual Services ....................... 3,626,200
  For Travel ....................................... 221,300
  For Equipment ................................... 203,400
  Total ........................................... $16,704,000

Payable from Public Aid Recoveries Trust Fund:
  For Personal Services .......................... 665,900
  For Employee Retirement Contributions
    Paid by Employer ................................ 6,600
  For State Contributions to State
    Employees' Retirement System ............... 51,900
  For State Contributions to
    Social Security ................................ 50,900
  For Group Insurance ............................. 188,400
  Total ........................................... $963,700

Payable from Long Term Care Provider Fund:
  For Administrative Expenses .................. 169,100

ENERGY ASSISTANCE

Payable from Energy Administration Fund:
  For Personal Services ........................... 246,500
  For Employee Retirement Contributions
    Paid by Employer ................................ 1,800
  For State Contributions to State
    Employees' Retirement System ............... 19,200
  For State Contributions to
    Social Security ................................ 18,900
  For Group Insurance ............................. 56,100
  For Contractual Services ....................... 45,300
  For Travel ....................................... 40,100
  For Commodities ................................. 2,000
  For Equipment ................................... 8,700
  For Telecommunications Services ............... 6,100
  For Operation of Automotive Equipment ........ 1,000
  For Administrative and Grant Expenses
    Relating to Training, Technical
    Assistance, and Administration of the
    Weatherization Programs ........................ 250,000

New matter indicated by italics - deletions by strikeout
Payable from Low Income Home Energy Assistance Block Grant Fund:
For Personal Services........................................... 1,217,900
For Employee Retirement Contributions Paid by Employer................................. 20,600
For State Contributions to State Employees' Retirement System.......................... 94,900
For State Contributions to Social Security.................................. 93,200
For Group Insurance................................................. 237,300
For Contractual Services............................................ 278,600
For Travel.............................................................. 117,400
For Commodities...................................................... 8,100
For Printing............................................................. 65,000
For Equipment........................................................ 145,000
For Telecommunications Services................................. 586,000
For Operation of Automotive Equipment......................... 2,900
For Expenses Related to the Development and Maintenance of the LIHEAP System............... 1,000,000
Total                                                                                       $3,866,900

Payable from Child Support Administrative Fund:
For Personal Services................................. 46,496,700
For Employee Retirement Contributions Paid by Employer................................. 306,600
For State Contributions to State Employees' Retirement System.......................... 3,622,600
For State Contributions to Social Security.................................. 3,495,800
For Group Insurance................................................. 13,403,500
For Contractual Services............................................ 66,599,500
For Travel.............................................................. 522,100
For Commodities...................................................... 319,400
For Printing............................................................. 162,800
For Equipment........................................................ 2,495,300
For Telecommunications Services................................. 4,327,400
For Costs Related to the State

Total                                                                                       $695,700
Disbursement Unit.......................... 19,005,900
For Administrative Costs Related to Enhanced Collection Efforts including Paternity Adjudication Demonstration......... 12,836,800
For Child Support Enforcement Demonstration Projects........................ 1,000,000
Total $174,594,400

The amount of $31,008,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the General Revenue Fund for deposit into the Child Support Administrative Fund.

ATTORNEY GENERAL REPRESENTATION
Payable from General Revenue Fund:
For Personal Services......................... 1,499,100
For Employee Retirement Contributions Paid by Employer................................. 22,500
For State Contributions to State Employees' Retirement System............... 116,800
For State Contributions to Social Security........................................ 114,700
For Contractual Services......................... 332,000
For Travel........................................ 10,900
For Equipment.................................... 29,600
Total $2,125,600

PUBLIC AID RECOVERIES
Payable from Public Aid Recoveries Trust Fund:
For Personal Services......................... 6,480,600
For Employee Retirement Contributions Paid by Employer................................. 11,500
For State Contributions to State Employees' Retirement System............. 504,900
For State Contributions to Social Security........................................ 495,800
For Group Insurance.............................. 1,833,800
For Contractual Services........................ 16,082,500
For Travel........................................ 120,000
For Commodities................................. 50,000
For Printing..................................... 25,000
For Equipment................................. 773,800

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Service Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Telecommunications Services</td>
<td>320,000</td>
</tr>
<tr>
<td>Total</td>
<td>$26,697,900</td>
</tr>
</tbody>
</table>

**MEDICAL**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>23,492,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>143,800</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,830,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,797,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,086,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>284,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>58,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>1,430,800</td>
</tr>
<tr>
<td>For Purchase of Medical Management Services</td>
<td>9,612,400</td>
</tr>
<tr>
<td>For Purchase of Services Relating to and costs associated with the development and implementation of an electronic Medicaid client eligibility verification system</td>
<td>1,515,800</td>
</tr>
<tr>
<td>For Costs Associated with the Development, Implementation and Operation of a Medical Data Warehouse</td>
<td>3,894,900</td>
</tr>
<tr>
<td>For Refunds of Premium Payments Received Pursuant to Section 25(a)(2) of the Children's Health Insurance Program Act or under the provisions of the Health Benefits for Workers with Disabilities Program</td>
<td>96,000</td>
</tr>
<tr>
<td>Total</td>
<td>$48,242,200</td>
</tr>
</tbody>
</table>

Payable from Provider Inquiry Trust Fund:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For expenses associated with providing access and utilization of Department eligibility files</td>
<td>1,500,000</td>
</tr>
</tbody>
</table>

Section 10. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary,
respectively, are appropriated to the Department of Healthcare and Family
Services for Medical Assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID
CODE AND

THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Physicians</td>
<td>635,477,500</td>
</tr>
<tr>
<td>For Dentists</td>
<td>102,450,300</td>
</tr>
<tr>
<td>For Optometrists</td>
<td>11,442,000</td>
</tr>
<tr>
<td>For Podiatrists</td>
<td>3,899,500</td>
</tr>
<tr>
<td>For Chiropractors</td>
<td>1,333,900</td>
</tr>
<tr>
<td>For Hospital In-Patient, Disproportionate and Ambulatory Care</td>
<td>2,537,424,200</td>
</tr>
<tr>
<td>For federally defined Institutions for Mental Diseases</td>
<td>110,519,000</td>
</tr>
<tr>
<td>For Supportive Living Facilities</td>
<td>24,242,100</td>
</tr>
<tr>
<td>For all other Skilled, Intermediate, and Other Related Long Term Care Services</td>
<td>665,347,200</td>
</tr>
<tr>
<td>For Community Health Centers</td>
<td>155,533,900</td>
</tr>
<tr>
<td>For Hospice Care</td>
<td>50,607,200</td>
</tr>
<tr>
<td>For Independent Laboratories</td>
<td>30,237,000</td>
</tr>
<tr>
<td>For Home Health Care, Therapy, and Nursing Services</td>
<td>48,558,700</td>
</tr>
<tr>
<td>For Appliances</td>
<td>59,475,900</td>
</tr>
<tr>
<td>For Transportation</td>
<td>86,187,700</td>
</tr>
<tr>
<td>For Other Related Medical Services and for development, implementation, and operation of managed care and children's health programs including operating and administrative costs and related distributive purposes</td>
<td>80,979,200</td>
</tr>
<tr>
<td>For Medicare Part A Premiums</td>
<td>12,066,900</td>
</tr>
<tr>
<td>For Medicare Part B Premiums</td>
<td>189,606,700</td>
</tr>
<tr>
<td>For Medicare Part B Premiums for Qualified Individuals under the Federal Balanced Budget Act of 1997</td>
<td>11,525,500</td>
</tr>
<tr>
<td>For Health Maintenance Organizations and Managed Care Entities</td>
<td>153,319,900</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Division of Specialized Care for Children.................................  79,670,800
Total  $5,049,905,100

In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Healthcare and Family Services for Medical Assistance under the Illinois Public Aid Code, the Children's Health Insurance Program Act, and the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act for Prescribed Drugs, including costs associated with the implementation and operation of the SeniorCare program:
Payable from:

General Revenue Fund..........................  1,178,334,800
Drug Rebate Fund...............................  662,800,000
Tobacco Settlement Recovery Fund.............  508,029,100
Medicaid Buy-In Program Revolving Fund.......  100,000
Total  $2,349,263,900

The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

FOR MEDICAL ASSISTANCE
Payable from General Revenue Fund:
For Grants for Medical Care for Persons
Suffering from Chronic Renal Disease...........  1,453,700
For Grants for Medical Care for Persons
Suffering from Hemophilia..........................  7,000,000
For Grants for Medical Care for Sexual Assault Victims..............................  1,500,000
For Grants to Altgeld Clinic.....................  400,000
Total  $10,353,700

The Department, with the consent in writing from the Governor, may reappportion not more than two percent of the total General Revenue Fund appropriations in Section 10 above among the various purposes therein enumerated.

In addition to any amounts heretofore appropriated, the amount of $7,832,800, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the General Revenue Fund for expenses relating to the Children's Health Insurance Program
Act, including payments under Section 25 (a)(1) of that Act, and related operating and administrative costs.

Section 15. In addition to any amounts heretofore appropriated, the amount of $40,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Family Care Fund for i) Medical Assistance payments on behalf of individuals eligible for Medical Assistance programs administered by the Department of Healthcare and Family Services, and ii) pursuant to an interagency agreement, medical services and other costs associated with children’s mental health programs administered by another agency of state government, including operating and administrative costs.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

Payable from Tobacco Settlement Recovery Fund:
- For Deposit into the Medical Research and Development Fund: 6,400,000
- For Deposit into the Post-Tertiary Clinical Services Fund: 6,400,000
- For Deposit into the Independent Academic Medical Center Fund: 1,000,000

Total: $13,800,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

FOR THE PURPOSES ENUMERATED IN THE EXCELLENCE IN ACADEMIC MEDICINE ACT

Payable from:
- Independent Academic Medical Center Fund: 2,000,000
- Medical Research and Development Fund: 12,800,000
- Post-Tertiary Clinical Services Fund: 12,800,000

Total: $27,600,000

Section 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance and Administrative Expenditures:

New matter indicated by italics - deletions by strikeout
FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT

Payable from Care Provider Fund for Persons With A Developmental Disability:
For Administrative Expenditures........................................... 94,200

Payable from Long Term Care Provider Fund:
For Skilled, Intermediate, and Other Related Long Term Care Services........................................... 821,328,300
For Administrative Expenditures........................................... 1,233,000
Total $822,561,300

Payable from Hospital Provider Fund:
For Hospitals.......................................................... 860,000,000
For Medical Assistance Providers.......................... 0
Total $860,000,000

Payable from Health and Human Services Medicaid Trust Fund:
For Skilled, Intermediate, and Other Related Long Term Care Services........... 60,000,000
For Medical Assistance Providers.................. 0
Total $60,000,000

Section 35. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT

Payable from County Provider Trust Fund:
For Distributive Hospitals.......................... 1,981,119,000
For Administrative Expenditures.................. 500,000
Total $1,981,619,000

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:
For Refunds of Overpayments of Assessments or Inter-Governmental Transfers Made by Providers During the Period From July 1, 1991 through June 30, 2005:
Payable from:

New matter indicated by italics - deletions by strikeout
Care Provider Fund for Persons
With A Developmental Disability........... 1,000,000
Long Term Care Provider Fund.............. 2,750,000
County Provider Trust Fund................ 1,000,000
Total                                     $4,750,000

Section 45. The amount of $15,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Trauma Center Fund for adjustment payments to certain Level I and Level II trauma centers.

Section 50. The amount of $193,400,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the University of Illinois Hospital Services Fund to reimburse the University of Illinois Hospital for hospital services.

Section 55. The amount of $8,500,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Juvenile Rehabilitation Services Medicaid Matching Fund for grants to the Department of Corrections and counties for court-ordered juvenile behavioral health services under the Medicaid Rehabilitation Option and the Children's Health Insurance Program Act.

Section 60. The amount of $8,673,300, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Medical Special Purposes Trust Fund for medical demonstration projects and costs associated with the implementation of federal Health Insurance Portability and Accountability Act mandates.

Section 65. The amount of $140,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Special Education Medicaid Matching Fund for grants to local education agencies for medical services eligible for federal reimbursement under Title XIX or Title XXI of the federal Social Security Act.

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services:

ENERGY ASSISTANCE
GRANTS-IN-AID
Payable from Supplemental Low-Income Energy Assistance Fund:
For Grants and Administrative Expenses
Pursuant to Section 13 of the Energy Act

New matter indicated by italics - deletions by strikeout
Assistance Act of 1989, as Amended,
Including Prior Year Costs..................... 95,900,000

Payable from Energy Assistance Contribution Fund:
For the Administration and Grants Expenses
for Energy Assistance Programs, Including
Prior Year Costs..................................... 300,000

Payable from Energy Administration Fund:
For Grants and Technical Assistance
Services for Nonprofit Community
Organizations Including Reimbursement
For Costs in Prior Years.......................... 17,500,000

Payable from Low Income Home Energy
Assistance Block Grant Fund:
For Grants to Eligible Recipients
Under the Low Income Home Energy
Assistance Act of 1981, Including
Reimbursement for Costs in Prior
Years.................................................. 200,000,000

Payable from Good Samaritan Energy Trust Fund:
For Grants, Contracts and Administrative
Expenses Pursuant to the Good
Samaritan Energy Plan Act...................... 500,000

Section 75. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Healthcare and Family Services:

ENERGY ASSISTANCE
REFUNDS

For refunds to the Federal Government and other refunds:
Payable from Energy Administration
Fund.................................................. 300,000
Payable from Low Income Home
Energy Assistance Block
Grant Fund.............................. 600,000
Total........................................ $900,000

Section 80. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Healthcare and
Family Services for the purposes hereinafter named:

EMPLOYEE HEALTH INSURANCE
FOR GROUP INSURANCE

New matter indicated by italics - deletions by strikeout
Payable from:

General Revenue Fund ......................... 1,025,358,900
Road Fund ....................................... 126,113,200
Total ........................................... $1,151,472,100

The amount of $1,683,284,300, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Health Insurance Reserve Fund for provisions of health care coverage as elected by eligible members per the State Employees Group Insurance Act of 1971.

Payable from Local Government Health Insurance Reserve Fund:

For Personal Services ......................... 575,100
For Employee Retirement Contributions
  Paid by Employer ............................. 11,400
For State Contributions to State Employees’ Retirement System .................. 44,800
For State Contributions to Social Security ............................................... 44,000
For Group Insurance ............................ 165,600
For Contractual Services ........................ 169,500
For Travel ........................................ 19,000
For Commodities ................................. 10,000
For Printing ..................................... 140,000
For Equipment ................................... 17,700
For Electronic Data Processing .............. 47,000
For Telecommunications Services .......... 18,400
For Operation of Automotive Equipment .... 6,500
Total ........................................... $1,269,000

For the Local Governments’ Contribution
Under Program of Group Life, Dental,
Hospital, and Surgical and Medical
Insurance for Persons Serving Local Governments .......................... 95,049,300

ARTICLE 40

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIRECTOR’S OFFICE

Payable from the General Revenue Fund:
For Personal Services......................... 1,724,200
For Employee Retirement Contributions
  Paid by Employer............................. 800
For State Contributions to State
  Employees' Retirement System............... 134,300
For State Contributions to Social Security .... 115,400
For Contractual Services...................... 108,400
For Travel..................................... 62,600
For Commodities............................... 4,500
For Printing................................... 1,500
For Equipment.................................. 400
For Telecommunications Services............... 48,400
For Operation of Auto Equipment.............. 700
Total $2,201,200

Payable from the Public Health Services Fund:
  For Operational Expenses Associated with
    Support of Federally Funded Public
    Health Programs........................... 150,000
  For Operational Expenses to Support
    Refugee Health Care....................... 514,000
Total, Public Health Services Fund $664,000

Payable from the Public Health Special
  State Projects Fund:
  For Expenses of Public Health Programs...... 750,000

  Section 10. The sum of $4,000,000, or so much thereof as may be
               necessary, is appropriated from the General Revenue Fund to the
               Department of Public Health for expenses targeted to decrease health
               disparities in communities of color for Breast and Cervical Cancer.

  Section 15. The following named amount, or so much thereof as
               may be necessary, is appropriated to the Department of Public Health from
               the Public Health Services Fund for the objects and purposes hereinafter
               named:

  DIRECTOR'S OFFICE
  For Grants for the Development of
    Refugee Health Care....................... 1,186,000

  Section 20. The following named amounts, or so much thereof as
               may be necessary, are appropriated to the Department of Public Health for
               the objects and purposes hereinafter named:

  OFFICE OF FINANCE AND ADMINISTRATION

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Payable from the General Revenue Fund:
For Personal Services......................... 5,463,400
For Employee Retirement Contributions
   Paid by Employer............................... 22,000
For State Contributions to State
   Employees' Retirement System............... 425,700
   For State Contributions to Social Security ...... 412,100
For Contractual Services....................... 4,421,700
For Travel........................................ 60,100
For Commodities............................... 93,800
For Printing..................................... 171,700
For Equipment...................................... 5,500
For Telecommunications Services............... 294,700
For Operation of Auto Equipment................... 33,700
For Expenses of the Public Health
   Information Network.............................. 69,000
   For Expenses of the Adoption Registry
      and Medical Information Exchange.............. 141,200
   For Operational Expenses of Maintaining
      the Vital Records System....................... 203,200
For Operational Expenses of the Regional
   Data Base System................................. 29,700
Total                                                                 $11,847,500

Payable from the Public Health Services Fund:
For Personal Services......................... 194,500
For Employee Retirement Contributions
   Paid by Employer............................... 5,800
For State Contributions to State
   Employees' Retirement System............... 15,200
   For State Contributions to Social Security ...... 14,900
For Group Insurance............................. 41,000
For Contractual Services....................... 285,000
For Travel........................................ 20,000
For Commodities............................... 6,000
For Printing..................................... 1,000
For Equipment...................................... 300,000
For Telecommunications Services............... 400,000
For Operational Expenses of Maintaining
   the Vital Records System....................... 400,000

New matter indicated by italics - deletions by strikeout
Section 25. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF FINANCE AND ADMINISTRATION

Payable from the General Revenue Fund:
For Grants for Development of Local Health Departments and the Public Health Workforce, including Operational Expenses...... 130,000

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF FINANCE AND ADMINISTRATION

For Other Refunds, Payable from the General Revenue Fund................................. 39,100
For Refunds, Payable from the Public Health Services Fund............................... 75,000
For Refunds, Payable from the Maternal and Child Health Services Block Grant Fund............ 5,000
For Refunds, Payable from the Preventive Health and Health Services Block Grant Fund................................. 5,000

Total.......................................................... $124,100

New matter indicated by italics - deletions by strikeout
Section 35. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIVISION OF INFORMATION TECHNOLOGY

Payable from the General Revenue Fund:
For Personal Services........................... 991,900
For Employee Retirement Contributions
Paid by Employer................................. 11,500
For State Contributions to State
Employees' Retirement System............... 77,300
For State Contributions to Social Security ...... 76,500
For Contractual Services....................... 1,525,800
For Travel......................................... 5,300
For Commodities.................................... 4,800
For Printing...................................... 16,000
For Electronic Data Processing............... 543,300
For Telecommunications Services............. 46,700
For Operational Expenses for Health
Information Systems Targeted for
Health Screening Programs..................... 132,500
For Expenses for Public Health
Prevention Systems............................. 847,400
For Expenses Associated with the Childhood
Immunization Program........................... 228,100
Total                                                                 $4,507,100

Payable from the Public Health Services Fund:
For Expenses Associated
with Support of Federally
Funded Public Health Programs.............. 1,250,000

Payable from the Public Health Special
State Projects Fund:
For Expenses of EPSDT......................... 150,000

Section 40. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:
For Personal Services........................... 942,800
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
Paid by Employer 7,900
For State Contributions to State
Employees' Retirement System 73,500
For State Contributions to Social Security 74,300
For Contractual Services 28,600
For Travel 52,900
For Commodities 2,200
For Printing 2,500
For Equipment 100
For Telecommunications Services 27,500
For Operation of Auto Equipment 400
For Operational Expenses of Legacy Public Health Programs 341,900
For Deposit into the Lead Poisoning, Screening, Prevention, and Abatement Fund 684,300
For Expenses of the Prostate Cancer Awareness and Screening Program 297,000
For Expenses related to services for Prostate Cancer Public Awareness Initiative 1,200,000
For Expenses associated with Sudden Infant Death Syndrome (SIDS) 250,000
For grants and related expenses of hospitals and universities for scientific research 10,000,000
Total $13,985,900

Payable from the General Revenue Fund:
For grants for the extension and provision of perinatal services for premature and high-risk infants and their mothers 1,157,700

Payable from the Public Health Services Fund:
For Personal Services 1,205,000
For Employee Retirement Contributions
Paid by Employer 36,200
For State Contributions to State Employees' Retirement System 93,900
For State Contributions to Social Security 92,200
For Group Insurance 381,000
For Contractual Services 650,000

New matter indicated by italics - deletions by strikeout
For Travel....................................... 160,000
For Commodities............................... 13,000
For Printing.................................... 44,000
For Equipment................................. 50,000
For Telecommunications Services.............. 65,000
Total $2,790,300
Payable from the Lead Poisoning Screening,
Prevention and Abatement Fund:
For Expenses, Including Refunds,
of the Lead Poisoning Screening
and Prevention Program....................... 683,100
Payable from the Maternal and Child
Health Services Block Grant Fund:
For Operational Expenses of Maternal and
Child Health Programs......................... 440,000
Payable from the Preventive Health
and Health Services Block Grant Fund:
For Expenses of Preventive Health and
Health Services Programs................... 1,226,800
Payable from the Maternal and Child Health
Block Grant Fund:
For Grants for the Extension and Provision
of Perinatal Services for Premature and
High-risk Infants and their Mothers........ 2,401,800
Payable from the Public Health Special
State Projects Fund:
For Expenses for Public Health Programs..... 750,000
Payable from the Metabolic Screening
and Treatment Fund:
For Operational Expenses for Metabolic
Screening Follow-up Services............... 1,020,900
Payable from the Hearing Instrument
Dispenser Examining and Disciplinary Fund:
For Expenses Pursuant to the Hearing
Aid Consumer Protection Act............... 104,500
Payable from Lou Gehrig’s Disease Research Fund:
For grants to the Les Turner ALS foundation
for Research on Amyotrophic Lateral
Sclerosis (ALS).............................. 100,000

New matter indicated by italics - deletions by strikeout
Payable from the Spinal Cord Injury Paralysis Cure Research Trust Fund:
For grants for spinal cord injury research... 100,000

Section 45. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:
For Grants for Vision and Hearing Screening Programs......................... 674,800
For Grants Associated with Donated Dental Services.......................... 73,300
For a Grant to the Amyotrophic Lateral Sclerosis (ALS) Association for Research into discovering the cause and Cure for Amyotrophic Lateral Sclerosis...... 1,000,000
For a grant to the Farm Resource Center............. 300,000
For Grants to the University of Chicago Transplant Section for Juvenile Diabetes research...................... 2,500,000
Total $4,548,100

Payable from the Alzheimer's Disease Research Fund:
For Grants Pursuant to the Alzheimer's Disease Research Act.............. 200,000

Payable from the Public Health Services Fund:
For Grants for Public Health Programs,
Including Operational Expenses............. 10,400,000

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Grants for the Lead Poisoning Screening and Prevention Program............... 1,500,000

Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs............................ 495,000

Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants for Prevention Programs

New matter indicated by italics - deletions by strikeout
including operational expenses.............. 1,000,000
Payable from the Metabolic Screening and Treatment Fund:
For Grants for Metabolic Screening Follow-up Services....................... 2,200,000
For Grants for Free Distribution of Medical Preparations and Food Supplies............. 1,250,000
Total                                      $3,450,000
Payable from the Tobacco Settlement Recovery Fund:
For Certified Local Health Department Grants for Anti-Smoking Programs........... 5,000,000
For Grants and Administrative Expenses for the Tobacco Use Prevention Program.......................... 5,000,000
Total                                       $10,000,000

Section 50. In addition to any amounts previously appropriated, the sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the American Lung Association for operations of the Quitline.

Payable from the Prostate Cancer Research Fund:
For Grants to Public and Private Entities In Illinois for Prostate Cancer Research...... 500,000

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

Payable from the General Revenue Fund:
For Personal Services....................... 13,665,300
For Employee Retirement Contributions Paid by Employer................................ 95,900
For State Contributions to State Employees' Retirement System......................... 1,064,700
For State Contributions to Social Security .... 1,024,900
For Contractual Services................... 212,600
For Travel.................................... 790,300
For Commodities............................ 18,500
For Printing.................................. 6,200
For Equipment............................... 300
For Telecommunications Services............ 128,200

New matter indicated by italics - deletions by strikeout
For Operation of Auto Equipment................. 1,600
For Operational Expenses of
  Three First Aid Stations....................... 90,000
For Expenses of the Assisted Living
  and Shared Housing Program.................... 220,800
Total $17,319,300

Payable from the Public Health Services Fund:
  For Personal Services......................... 6,825,000
  For Employee Retirement Contributions
    Paid by Employer................................ 204,800
  For State Contributions to State Employees'
    Retirement System............................ 531,700
  For State Contributions to Social Security ..... 522,100
  For Group Insurance............................ 1,268,200
  For Contractual Services......................... 300,000
  For Travel..................................... 1,100,000
  For Commodities................................ 8,200
  For Equipment.................................... 300,000
  For Telecommunications......................... 50,000
  For Expenses of Monitoring in Long Term
    Care Facilities............................... 1,750,000
Total $12,860,000

Payable from Assisted Living and Shared
  Housing Regulatory Fund:
  For operational expenses of the
    Assisted Living and Shared
    Housing Program, pursuant to
    Public Act 91-0656............................. 175,000

Payable from the Long Term Care
  Monitor/Receiver Fund:
  For Expenses, Including Refunds,
    Related to Appointment of Long Term Care
    Monitors and Receivers........................ 675,000

Payable from the Regulatory Evaluation
  and Basic Enforcement Fund:
  For Expenses of the Alternative Health
    Care Delivery Systems Program............... 75,000

Payable from the Trauma Center Fund:
  For Expenses of Administering the

New matter indicated by italics - deletions by strikeout
Distribution of Payments to
Trauma Centers............................... 6,000,000

Payable from the EMS Assistance Fund:
For Expenses of Administering the
Distribution of Payments from the
EMS Assistance Fund, Including Refunds........ 300,000

Payable from the Health Facility Plan
Review Fund:
For Expenses of Health Facility
Plan Review Program and Hospital
Network System, including refunds............ 2,000,000

Payable from Innovations in Long Term Care Quality
Demonstration Grants Fund:
For demonstration grants for nursing homes..... 1,000,000

Payable from the End Stage Renal Disease
Facility Licensing Fund:
For expenses of the End Stage Renal Disease
Facility Licensing Program...................... 385,000

Section 60. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

Payable from the General Revenue Fund:
For Personal Services ......................... 6,244,200
For Employee Retirement Contributions
Paid by Employer................................. 34,500
For State Contributions to State Employees'
Retirement System.............................. 486,500
For State Contributions to Social Security ...... 475,500
For Contractual Services........................ 106,600
For Travel........................................ 204,000
For Commodities............................... 15,900
For Printing..................................... 9,200
For Equipment................................. 100
For Telecommunications Services.............. 82,400
For Operation of Auto Equipment............. 6,900
For Expenses of Implementing Federal
Awards, Including Services Performed by
Local Health Providers......................... 9,800

New matter indicated by italics - deletions by strikeout
For Expenses Incurred for the Rapid Investigation and Control of Disease or Injury................. 546,000
For Expenses of Environmental Health Surveillance and Prevention Activities, Including Mercury Hazards and West Nile Virus....................... 459,600
For Expenses for Expanded Lab Capacity and Enhanced Statewide Communication Capabilities Associated with Homeland Security................................. 505,300
Total $9,186,500
Payable from the Public Health Services Fund:
For Personal Services................................. 3,747,000
For Employee Retirement Contributions Paid by Employer........................................... 112,400
For State Contributions to State Employees' Retirement System............... 291,900
For State Contributions to Social Security ...... 286,600
For Group Insurance.................................. 790,200
For Contractual Services............................. 3,152,800
For Travel.............................................. 332,800
For Commodities..................................... 330,000
For Printing........................................... 70,800
For Equipment........................................ 875,000
For Telecommunications Services................. 286,800
For Operation of Auto Equipment..................... 10,000
For Expenses of Implementing Federal Awards, Including Services Performed by Local Health Providers................. 4,925,700
For Expenses Related to the Summer Food Inspection Program......................... 45,000
Total $15,257,000
Payable from the Food and Drug Safety Fund:
For Expenses of Administering the Food and Drug Safety Program, including Refunds.............. 1,400,000
Payable from the Safe Bottled Water Fund:
For Expenses for the Safe Bottled Water Program........................................ 75,000
Payable from the Illinois School Asbestos Abatement Fund:
For Expenses, Including Refunds, of Administering and Executing the Asbestos Abatement Act and the Federal Asbestos Hazard Emergency Response Act of 1986 (AHERA)......................... 952,500
Payable from the Public Health Water Permit Fund:
For Expenses, Including Refunds, of Administering the Groundwater Protection Act................................. 200,000
Payable from the Used Tire Management Fund:
For Expenses of Vector Control Programs, including Mosquito Abatement........................... 500,000
Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Expenses of the Lead Poisoning Screening, and Prevention Program, Including Refunds......................... 600,000
Payable from the Tanning Facility Permit Fund:
For Expenses to Administer the Tanning Facility Permit Act, Including Refunds................................. 500,000
Payable from the Plumbing Licensure and Program Fund:
For Expenses to Administer and Enforce the Illinois Plumbing License Law, including Refunds.................. 1,331,400
Payable from the Pesticide Control Fund:
For Public Education, Research, and Enforcement of the Structural Pest Control Act............................. 200,000
Payable from the Facility Licensing Fund:
For Expenses, including Refunds, of
Environmental Health Programs.................. 659,900
Payable from the Public Health Special
State Projects Fund:
For Expenses of Conducting EPSDT
and other Health Protection Programs......... 1,200,000
Payable from the Emergency Public
Health Fund:
For expenses of mosquito abatement in an
effort to curb the spread of West Nile Virus......................... 3,413,600

Section 65. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION
Payable from the General Revenue Fund:
For Grants for Immunizations and
Outreach Activities............................ 4,763,100
For Grants for Sexually Transmitted Disease
Medical Services to Individuals................. 10,800
For Grants to Metro Chicago Hospital
Council for support of the Illinois
Poison Control Center....................... 1,427,200
For Local Health Protection Grants
to Certified Local Health Departments
for Health Protection Programs including,
But Not Limited To, Infectious
Diseases, Food Sanitation,
Potable Water and Private Sewage............. 14,033,500
For grants to comprehensive sickle-cell clinic
At the University of Illinois at Chicago...... 1,000,000
Total $21,234,600
Payable from the Tobacco Settlement
Recovery Fund:
For a Grant for the University of Illinois
for Sickle Cell Research....................... 1,900,000

Section 70. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
expenses of programs related to Acquired Immunodeficiency Syndrome
(AIDS) and Human Immunodeficiency Virus (HIV):

New matter indicated by italics - deletions by strikeout
OFFICE OF HEALTH PROTECTION: AIDS/HIV

Payable from the General Revenue Fund:
For Personal Services.............................. 443,800
For Employee Retirement Contributions
Paid by Employer..................................... 600
For State Contributions to State Employees' Retirement System.................... 34,600
For State Contributions to Social Security ....... 33,300
For Contractual Services.......................... 25,200
For Travel........................................ 12,400
For Expenses of an AIDS Hotline............... 202,700
For Expenses of Minority AIDS/HIV Prevention and Outreach...................... 3,150,000
For Expenses of AIDS/HIV Education, Drugs, Services, Counseling, Testing, Referral and Partner Notification (CTRPN), and Patient and Worker Notification pursuant to Public Act 87-763...................................... 15,657,100
For expenses associated with Hepatitis And HIV activities................................. 100,000
For expenses associated with HIV in Correctional facilities.......................... 2,000,000
For expenses for Hepatitis and HIV Preventive Health and Wellness services to the re-entry population at transitional facilities at Dixmoor and Chicago.................. 250,000
Total                                                                                       $21,909,700

Payable from the Public Health Services Fund:
For Expenses of Programs for Prevention of AIDS/HIV........................................ 4,651,600
For Expenses for Surveillance Programs and Seroprevalence Studies of AIDS/HIV......... 1,500,000
For Expenses Associated with the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (CARE) and other AIDS/HIV services...... 37,900,000
Total                                                                                       $44,051,600

New matter indicated by italics - deletions by strikeout
Section 75. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**SPRINGFIELD LABORATORY**

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,117,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>6,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>87,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>83,800</td>
</tr>
<tr>
<td>Total</td>
<td>$1,295,500</td>
</tr>
</tbody>
</table>

**CARBONDALE LABORATORY**

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>303,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>2,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>23,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>22,700</td>
</tr>
<tr>
<td>Total</td>
<td>$352,300</td>
</tr>
</tbody>
</table>

**CHICAGO LABORATORY**

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,513,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>10,400</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>117,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>113,500</td>
</tr>
<tr>
<td>Total</td>
<td>$1,754,900</td>
</tr>
</tbody>
</table>

**PUBLIC HEALTH LABORATORIES**

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>668,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>23,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>320,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>17,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>3,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>59,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Operation of Auto Equipment.......................... 1,700
For Expenses of Increasing and Maintaining Laboratory Capacity for the Rapid Response to Outbreaks or Incidence of Infectious Diseases or Injury................................. 114,400
For Operational Expenses to Provide Clinical and Environmental Public Health Laboratory Services......................... 3,867,000
Total, General Revenue Fund $5,075,300

Payable from the Public Health Services Fund:
For Personal Services................................. 200,000
For Employee Retirement Contributions Paid by Employer.......................... 6,000
For State Contributions to State Employees' Retirement System................... 15,600
For State Contributions to Social Security ......... 15,300
For Group Insurance.................................. 52,800
For Contractual Services...................... 200,000
For Travel........................................ 20,000
For Commodities.................................. 340,000
For Printing...................................... 10,000
For Equipment.................................... 115,000
For Telecommunications Services.............. 7,000
Total, Public Health Services Fund $981,700

Payable from the Public Health Laboratory Services Revolving Fund:
For Expenses, Including Refunds, to Administer Public Health Laboratory Programs and Services............................. 2,000,000

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Expenses, Including Refunds, of Lead Poisoning Screening, Prevention and Abatement Program.............. 1,347,100

Payable from the Metabolic Screening and Treatment Fund:
For Expenses, Including

New matter indicated by italics - deletions by strikeout
Refunds, of Testing and Screening
for Metabolic Diseases............... 3,974,300

Section 80. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the General Revenue Fund:

For Personal Services............... 327,900
For Employee Retirement Contributions
Paid by Employer...................... 300
For State Contributions to State
Employees' Retirement System.......... 25,500
For State Contributions to
Social Security......................... 24,600
For Contractual Services............... 48,600
For Travel.............................. 23,500
For Commodities....................... 3,300
For Printing............................ 14,700
For Equipment......................... 700
For Telecommunications Services..... 11,400
For Operational Expenses of State-
wide Women's Healthline.............. 88,000
For Operational Expenses for Educational
Programs to Reduce Breast Cancer...... 25,600
For Deposit into the Penny Severns
Breast and Cervical Cancer Research
Fund.................................... 200,000
For Expenses for Breast and Cervical
Cancer Screenings and other
Related Activities...................... 2,150,000
For Expenses of the Women's Health
Promotion Programs..................... 919,200
For grants associated with ovarian
Cancer research....................... 100,000
Total.................................. $3,963,300

Payable from the Public Health Services Fund:

For Personal Services............... 472,200
For Employee Retirement Contributions
Paid by Employer...................... 14,200

New matter indicated by italics - deletions by strikeout
For State Contributions to State Employees' Retirement System ............... 36,800
For State Contributions to Social Security ............................. 36,100
For Group Insurance ................................................. 119,400
For Contractual Services ........................................... 500,000
For Travel ............................................................... 50,000
For Commodities ...................................................... 53,200
For Printing .............................................................. 34,500
For Equipment ......................................................... 50,000
For Telecommunications Services .................................... 10,000
For Expenses of Federally Funded Women's Health Program ............... 2,600,000
Total ........................................................................ 3,976,400

Payable from the Public Health Special State Projects Fund:
For Expenses of Women's Health Programs ............... 200,000

Section 85. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the General Revenue Fund:
For Grants Pursuant to the Promotion of Women's Health ................ 1,148,600

Payable from the Public Health Services Fund:
For Grants for Breast and Cervical Cancer Screenings in Fiscal Year 2006 and all prior fiscal years ............... 6,000,000

Payable from the Penny Severns Breast and Cervical Cancer Research Fund:
For Grants for Breast and Cervical Cancer Research ...................... 600,000

Section 90. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIVISION OF PUBLIC HEALTH PREPAREDNESS

Payable from the General Revenue Fund:
For expenses associated with the Save a Life Program ..................... 700,000

New matter indicated by italics - deletions by strikeout
Payable from the Public Health Services Fund:
For Expenses of Federally Funded Bioterrorism Preparedness Activities............................... 55,000,000

Payable from the Federal Civil Preparedness Administrative Fund:
For Costs Associated with Illinois Terrorism Task Force Approved Purchases for Homeland Security...................... 2,100,000

Section 95. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF POLICY, PLANNING AND STATISTICS

Payable from the General Revenue Fund:
For Personal Services............................... 1,737,500
For Employee Retirement Contributions Paid by Employer................................. 2,000
For State Contributions to State Employees’ Retirement System.......................... 135,400
For State Contributions to Social Security........................................ 130,300
For Contractual Services............................ 25,400
For Travel............................................. 32,600
For Commodities..................................... 2,600
For Printing.......................................... 300
For Equipment....................................... 4,800
For Telecommunications Services............... 29,600
For Expenses to establish program to provide scholarships to Allied Health Professionals...................... 92,800
For operating expenses of the Center for Rural Health................................. 449,800
For grants to public and private agencies for Residency Programs pursuant to the Family Practice Residency Act.................... 545,100
For matching grants to Community Based Organizations for Comprehensive Primary Care............................. 399,800
For grants to assist Community and

New matter indicated by italics - deletions by strikeout
Migrant Health Centers to expand service capacity and develop additional sites.............. 399,800
For hospital grants to diversify services and convert to facilities that are less dependent on Acute Care Bed capacity................................. 399,800
For expenses of the Adverse Pregnancy Outcomes Reporting Systems (APORS) Program......................................................... 355,000
For expenses of State Cancer Registry, Including matching funds for National Cancer Institute grants................................. 166,200
For grants for the Community Health Center Expansion Program......................................................... 500,000
For Expenses Associated with Implementation Of the Health Care Justice Act.............. 1,000,000
Total $6,408,800

Payable from Rural/Downstate Health Access Fund:
For expenses associated with the Rural/ Downstate Health Access Program......................... 100,000

Payable from the Public Health Services Fund;
For expenses related to Epidemiological Health Outcomes Investigations and Database Development............................................. 4,130,000
For expenses for Rural Health Center to expand the availability of Primary Health Care............................................. 2,000,000
For operational expenses to develop a Health Care Provider Recruitment and Retention Program............................................. 300,000
For grants to develop a Health Care Provider Recruitment and Retention Program............................................. 450,000
For grants to develop a Health Professional Educational Loan Repayment Program......................... 900,000
Total $7,780,000

Payable from Community Health Center Care Fund:
For expenses for access to Primary Health Care Services Program per Family Practice

New matter indicated by italics - deletions by strikeout
Residency Act......................... 1,000,000

Payable from Illinois Health Facilities Planning Fund:
  For Personal Services....................... 700,000
  For Employee Retirement Contributions
    Paid by Employer.......................... 5,000
  For State Contributions to State
    Employees’ Retirement System............... 54,500
  For State Contributions to Social
    Security........................................ 55,000
  For Group Insurance.......................... 170,000
  For Contractual Services....................... 625,000
  For Travel......................................... 35,000
  For Commodities.............................. 10,000
  For Printing...................................... 10,000
  For Equipment.................................... 40,000
  For Telecommunications Services............... 30,000
  Total                                                                 $1,734,500

Payable from Nursing Dedicated and Professional Fund:
  For expenses of the Nursing Education
    Scholarship Law................................. 1,200,000

Payable from the Regulatory Evaluation and Basic
  Enforcement Fund:
  For Expenses of the Alternative Health Care
    Delivery Systems Program........................ 75,000

Payable from the Tobacco Settlement Recovery Fund:
  For grants for the Community Health Center
    Expansion Program............................... 3,000,000

Payable from the Preventive Health and Health
  Services Block Grant Fund:
  For expenses of Preventive Health and Health
    Services Needs Assessment........................ 1,406,700

Payable from Public Health Special State Projects Fund:
  For expenses associated with Health
    Outcomes Investigations.......................... 500,000

Payable from Illinois State Podiatric Disciplinary Fund:
  For expenses of the Podiatric Scholarship
    And Residency Act............................... 65,000

Payable from the Public Health Federal
  Projects Fund:

New matter indicated by italics - deletions by strikeout
For expenses of Health Outcomes,
Research, Policy and Surveillance........... 612,000

ARTICLE 41
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

OPERATIONS
GOVERNMENT SERVICES

For Personal Services:
Payable from General Revenue Fund........... 3,219,900
Payable from Motor Fuel Tax Fund.............. 305,800
Payable from Illinois Tax
  Increment Fund.................................. 186,700
Payable from Personal Property Tax
  Replacement Fund................................ 815,800

For Employee Contributions
Paid by Employer:
Payable from General Revenue Fund........... 8,600
Payable from Motor Fuel Tax Fund............... 0
Payable from Illinois Tax
  Increment Fund.................................. 800
Payable from Personal Property Tax
  Replacement Fund................................ 4,800

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund........... 250,900
Payable from Motor Fuel Tax Fund............... 23,800
Payable from Illinois Tax
  Increment Fund.................................. 14,500
Payable from Personal Property Tax
  Replacement Fund................................ 63,600

For State Contributions to Social Security:
Payable from General Revenue Fund........... 239,000
Payable from Motor Fuel Tax Fund............... 22,600
Payable from Illinois Tax
  Increment Fund.................................. 13,800
Payable from Personal Property Tax
  Replacement Fund............................... 60,400

New matter indicated by italics - deletions by strikeout
For Group Insurance:
- Payable from Motor Fuel Tax Fund................. 95,300
- Payable from Illinois Tax Increment Fund............. 56,400
- Payable from Personal Property Tax Replacement Fund............. 248,400

For Contractual Services:
- Payable from General Revenue Fund................. 231,600
- Payable from Motor Fuel Tax Fund................. 63,400
- Payable from Personal Property Tax Replacement Fund............. 10,000

For Travel:
- Payable from General Revenue Fund................. 61,600
- Payable from Motor Fuel Tax Fund................. 14,100
- Payable from Personal Property Tax Replacement Fund............. 16,800

For Commodities:
- Payable from General Revenue Fund................. 9,100
- Payable from Motor Fuel Tax Fund................. 2,000
- Payable from Personal Property Tax Replacement Fund............. 4,600

For Equipment:
- Payable from General Revenue Fund................. 112,700
- Payable from Motor Fuel Tax Fund................. 36,300
- Payable from Child Support Administrative Fund............. 0
- Payable from Personal Property Tax Replacement Fund............. 21,000

For Electronic Data Processing:
- Payable from General Revenue Fund................. 1,000

For Administration of the Illinois Affordable Housing Act:
- Payable from Illinois Affordable Housing Trust Fund............. 2,500,000

For Transfer from the General Revenue Fund into the Senior Citizens Real Estate Deferred Tax Revolving Fund............. 0

Total.............................................. $8,715,300
Section 6. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Revenue to conduct a study to determine the impact of P.A. 93-715.

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

**OPERATIONS**

**TAX ENFORCEMENT**

For Personal Services:
- Payable from General Revenue Fund: $41,652,600
- Payable from Motor Fuel Tax Fund: $7,475,500
- Payable from Underground Storage Tank Fund: $170,200
- Payable from Illinois Gaming Law Enforcement Fund: $633,200
- Payable from Home Rule Municipal Retailers Occupation Tax Fund: $162,300
- Payable from County Option Motor Fuel Tax Fund: $104,600
- Payable from Child Support Administrative Fund: $1,341,500
- Payable from Personal Property Tax Replacement Fund: $990,300

For Employee Contributions Paid by Employer:
- Payable from General Revenue Fund: $319,200
- Payable from Motor Fuel Tax Fund: $66,500
- Payable from Underground Storage Tank Fund: $1,700
- Payable from Illinois Gaming Law Enforcement Fund: $5,800
- Payable from Home Rule Municipal Retailers Occupation Tax Fund: $1,600
- Payable from County Option Motor Fuel Tax Fund: $1,000
- Payable from Child Support Administrative Fund: $11,600

New matter indicated by italics - deletions by strikeout
Payable from Personal Property Tax Replacement Fund................................. 9,000

For State Contributions to State Employees’ Retirement System:
Payable from General Revenue Fund............... 3,245,200
Payable from Motor Fuel Tax Fund.................. 582,400
Payable from Underground Storage Tank Fund............................................. 13,300
Payable from Illinois Gaming Law Enforcement Fund................................. 49,300
Payable from Home Rule Municipal Retailers Occupation Tax Fund.............. 12,600
Payable from County Option Motor Fuel Tax Fund....................................... 8,100
Payable from Child Support Administrative Fund................................. 104,500
Payable from Personal Property Tax Replacement Fund.............................. 77,200

For State Contributions to Social Security:
Payable from General Revenue Fund............... 3,052,100
Payable from Motor Fuel Tax Fund.................. 553,100
Payable from Underground Storage Tank Fund............................................. 12,800
Payable from Illinois Gaming Law Enforcement Fund................................. 38,000
Payable from Home Rule Municipal Retailers Occupation Tax Fund.............. 12,200
Payable from County Option Motor Fuel Tax Fund....................................... 7,800
Payable from Child Support Administrative Fund................................. 100,600
Payable from Personal Property Tax Replacement Fund.............................. 74,300

For Group Insurance:
Payable from Motor Fuel Tax Fund.................. 1,575,600
Payable from Underground Storage Tank Fund............................................. 41,400
Payable from Illinois Gaming Law Enforcement Fund................................. 165,600

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Payable from Home Rule Municipal
Retailers Occupation Tax Fund................. 41,400
Payable from County Option Motor
Fuel Tax Fund...................................... 27,600
Payable from Child Support
Administrative Fund................................ 414,000
Payable from Personal Property Tax
Replacement Fund.................................. 303,600
For Contractual Services:
Payable from General Revenue Fund.......... 1,552,500
Payable from Motor Fuel Tax Fund.............. 71,900
Payable from Illinois Gaming
Law Enforcement Fund......................... 4,300
Payable from Personnel Property Tax
Replacement Fund.................................. 100,000
For Travel:
Payable from General Revenue Fund.......... 1,191,200
Payable from Motor Fuel Tax Fund.............. 961,200
Payable from Underground
Storage Tank Fund............................... 15,200
Payable from Illinois Gaming
Law Enforcement Fund......................... 27,700
Payable from Home Rule Municipal
Retailers Occupation Tax Fund............... 28,900
Payable from County Option Motor
Fuel Tax Fund................................. 15,300
Payable from Personal Property Tax
Replacement Fund............................... 138,100
For Commodities:
Payable from General Revenue Fund.......... 5,400
Payable from Motor Fuel Tax Fund............. 1,800
Payable from Underground
Storage Tank Fund............................... 800
Payable from Illinois Gaming
Law Enforcement Fund......................... 2,900
Payable from Personal Property Tax
Replacement Fund............................... 900
For Electronic Data Processing:
Payable from General Revenue Fund.......... 2,200

New matter indicated by italics - deletions by strikeout
Payable from Motor Fuel Tax Fund....................... 3,400
Payable from Illinois Gaming Law Enforcement Fund................................. 4,100
Payable from Personal Property Tax Replacement Fund.................................. 1,000
For Administrative Costs of Joint State/Federal Motor Fuel Tax Enforcement Program:
Payable from Motor Fuel Tax Fund............................................. 71,000
For Administration of the Dyed Diesel Fuel Roadside Enforcement Plan per PA 91-173, Including prior year costs:
Payable from Tax Compliance And Administration Fund........................................ 29,600
Payable from Personal Property Tax Replacement Fund.............................. 3,208,600
For Employee Contributions Paid by Employer:
Payable from General Revenue Fund.............................. 251,800
Payable from Motor Fuel Tax Fund........................................ 30,000

New matter indicated by italics - deletions by strikeout
Payable from Underground Storage Tank Fund................................. 3,000
Payable from Illinois Gaming Law Enforcement Fund............................. 0
Payable from County Option Motor Fuel Tax Fund............................... 1,900
Payable from Tax Compliance And Administration Fund........................... 1,600
Payable from Personal Property Tax Replacement Fund............................ 27,900
For Extra Help:
Payable from General Revenue Fund........................................... 86,000
For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund........................................... 2,548,600
Payable from Motor Fuel Tax Fund........................................... 373,300
Payable from Underground Storage Tank Fund............................... 26,400
Payable from Illinois Gaming Law Enforcement Fund............................. 0
Payable from County Option Motor Fuel Tax Fund............................... 14,700
Payable from Tax Compliance and Administration Fund........................... 20,500
Payable from Personal Property Tax Replacement Fund............................ 250,000
For State Contributions to Social Security:
Payable from General Revenue Fund........................................... 2,493,300
Payable from Motor Fuel Tax Fund........................................... 362,000
Payable from Underground Storage Tank Fund............................... 25,400
Payable from Illinois Gaming Law Enforcement Fund............................. 0
Payable from County Option Motor Fuel Tax Fund............................... 14,200
Payable from Tax Compliance and Administration Fund........................... 19,800
Payable from Personal Property Tax Replacement Fund............................ 240,600
For Group Insurance:
Payable from Motor Fuel Tax Fund........................................... 1,207,100

New matter indicated by italics - deletions by strikeout
Payable from Underground
   Storage Tank Fund........................................ 124,200
Payable from Illinois Gaming
   Law Enforcement Fund.................................... 0
Payable from County Option Motor
   Fuel Tax Fund............................................ 69,000
Payable from Tax Compliance and
   Administration Fund..................................... 82,800
Payable from Personal Property
   Tax Replacement Fund..................................... 1,090,200
For Contractual Services:
   Payable from General Revenue Fund...................... 9,790,350
   Payable from Motor Fuel Tax Fund....................... 1,427,700
   Payable from Underground Storage Tank Fund........... 6,800
   Payable from Illinois Gaming Law
      Enforcement Fund....................................... 229,000
   Payable from Home Rule Municipal
      Retailers Occupation Tax................................ 132,300
   Payable from County Option Motor Fuel Tax Fund....... 18,000
   Payable from Illinois Tax Increment Fund.............. 265,200
   Payable from Child Support Administration Fund..... 6,800
   Payable from Personal Property Tax
      Replacement Fund........................................ 368,400
For Travel:
   Payable from General Revenue Fund...................... 124,200
   Payable from Motor Fuel Tax Fund....................... 11,900
   Payable from Personal Property Tax
      Replacement Fund........................................ 4,000
For Commodities:
   Payable from General Revenue Fund...................... 453,300
   Payable from Motor Fuel Tax Fund....................... 59,600
   Payable from Underground Storage Tank Fund........... 1,300
   Payable from County Option Motor
      Fuel Tax Fund........................................... 2,400
   Payable from Personal Property Tax
      Replacement Fund........................................ 48,000
For Printing:
   Payable from General Revenue Fund...................... 897,850
   Payable from Motor Fuel Tax Fund....................... 151,800

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Payable from Underground Storage Tank Fund.......................... 1,500
Payable from Illinois Gaming Law Enforcement Fund.................... 1,500
Payable from Personal Property Tax Replacement Fund.................. 24,600

For Electronic Data Processing:
Payable from General Revenue Fund.......................... 2,892,700
Payable from Motor Fuel Tax Fund.......................... 1,179,000
Payable from Transportation Regulatory Fund.................. 1,000
Payable from Underground Storage Tank Fund.......................... 0
Payable from Illinois Gaming Law Enforcement Fund.................... 0
Payable from Home Rule Municipal Retailers Occupation Tax Fund.......... 0
Payable from County Option Motor Fuel Tax Fund........................ 0
Payable from Illinois Tax Increment Fund.......................... 0
Payable from Tax Compliance and Administration Fund............. 106,600
Payable from Child Support Administrative Fund..... 1,400
Payable from Personal Property Tax Replacement Fund............. 190,500

For Telecommunications Services:
Payable from General Revenue Fund................. 1,731,150
Payable from Motor Fuel Tax Fund...................... 244,900
Payable from Underground Storage Tank Fund................. 28,000
Payable from Illinois Gaming Law Enforcement Fund.................... 10,500
Payable from Home Rule Municipal Retailers Occupation Tax Fund........ 3,700
Payable from County Option Motor Fuel Tax Fund...................... 15,100
Payable from Illinois Tax Increment Fund.......................... 16,400
Payable from Tax Compliance and
Administration Fund............................... 5,700
Payable from Child Support Administrative Fund............................... 15,600
Payable from Personal Property Tax Replacement Fund............................... 62,200
For Operation of Auto Equipment:
Payable from General Revenue Fund............................... 22,400
Payable from Motor Fuel Tax Fund............................... 20,400
Payable from Illinois Gaming Law Enforcement Fund............................... 18,600
Payable from Personal Property Tax Replacement Fund............................... 16,000
For Administration of the Illinois Petroleum Education and Marketing Act:
Payable from the Tax Compliance and Administration Fund............................... 9,000
For Administration of the Dry Cleaners Environmental Response Trust Fund Act:
Payable from the Tax Compliance and Administration Fund............................... 56,800
For Administration of the Simplified Telecommunications Act:
Payable from the Tax Compliance and Administration Fund............................... 1,416,300
For administrative costs associated with the Municipality Sales Tax as directed in Public Act 93-1053:
Payable from the Tax Compliance and Administration Fund............................... 130,000
Total $73,088,350

GOVERNMENT SERVICES GRANTS
Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Revenue as follows:
Payable from General Revenue Fund:
For the State's Share of County Supervisors of Assessments' or County Assessors' salaries, as provided by law............................... 2,450,000
For additional compensation for local assessors, as provided by Sections 2.3

New matter indicated by italics - deletions by strikeout
and 2.6 of the "Revenue Act of 1939", as amended........................................... 500,000

For additional compensation for local assessors, as provided by Section 2.7 of the "Revenue Act of 1939", as amended...................................................... 801,000

For additional compensation for county treasurers, pursuant to Public Act 84-1432, as amended....................... 663,000

For the State’s Share of State’s Attorneys’ And Assistant State’s Attorneys’ salaries, Including prior years costs.................. 12,003,900

For the annual stipend for Sheriffs as Provided in subsection (d) of Section 4-6300 and Section 4-8002 of the Counties Code......................... 663,000

For the annual stipend to county Coroners pursuant to 55 ILCS 5/4-6002 Including prior years costs..................... 663,000

Total.................................................................................................................. $17,743,900

Payable from State and Local Sales Tax Reform Fund:
For Allocation to Chicago for additional 1.25% Use Tax Pursuant to P.A. 86-0928............................... 43,383,400

Payable from Local Government Distributive Fund:
For Allocation to Local Governments of additional 1.25% Use Tax Pursuant to P.A. 86-0928............................... 117,740,200

Payable from R.T.A. Occupation and Use Tax Replacement Fund:
For Allocation to RTA for 10% of the 1.25% Use Tax Pursuant to P.A. 86-0928.. 21,691,700

Payable from Senior Citizens’ Real Estate Deferred Tax Revolving Fund:
For Payments to Counties as Required by the Senior Citizens Real Estate Tax Deferral Act.......................... 5,900,000

New matter indicated by italics - deletions by strikeout
Payable from Illinois Tax Increment Fund:
For Distribution to Local Tax Increment Finance Districts................. 19,386,900

**TAX ENFORCEMENT GRANTS**

Section 25. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Revenue for the purposes as follows:
Payable from the Illinois Gaming Law Enforcement Fund:
For a Grant for Allocation to Local Law Enforcement Agencies for joint state and local efforts in Administration of the Charitable Games, Pull Tabs and Jar Games Act............................. 1,300,000

**TAX OPERATIONS GRANTS**

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:
Payable from the Motor Fuel Tax Fund:
For Reimbursement to International Fuel Tax Agreement Member States........................................ 42,000,000

**TAX OPERATIONS REFUNDS**

For Refunds and Repayment to persons as provided by law:
Payable from Motor Fuel Tax Fund........ 16,016,200

For Refund of certain taxes in lieu of credit memoranda, where such refunds are authorized by law:
Payable from General Revenue Fund........... 6,576,500

For Refunds provided for in Section 13a.8 of the Motor Fuel Tax Act:
Payable from the Underground Storage Tank Fund................................. 98,000

For Refunds associated with the Simplified Municipal Telecommunications Act:
Payable from the Municipal Telecommunications Fund........................... 98,000

New matter indicated by italics - deletions by strikeout
GOVERNMENT SERVICE GRANTS

Section 35. The sum of $50,350,000 is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Revenue for Grants, (down payment assistance, rental subsidies, security deposit subsidies, technical assistance, outreach, building an organization's capacity to develop affordable housing projects and other related purposes), mortgages, loans, or for the purpose of securing bonds pursuant to the Illinois Affordable Housing Act, administered by the Illinois Housing Development Authority.

Section 40. The sum of $16,905,200, new appropriation, is appropriated and the sum of $27,788,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from appropriations and reappropriations heretofore made in Article 26, Section 40 of Public Act 93-0842 is reappropriated from the Federal HOME Investment Trust Fund to the Department of Revenue for the Illinois HOME Investment Partnerships Program administered by the Illinois Housing Development Authority.

ILLINOIS GAMING BOARD

Section 45. The sum of $104,400,000, or so much thereof as may be necessary, is appropriated from the State Gaming Fund to the Department of Revenue for distributions to local governments for admissions and wagering tax.

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for the ordinary and contingent expenses of the Illinois Gaming Board:

Payable from State Gaming Fund:

For Personal Services..........................$5,375,400
For Employee Retirement Contributions Paid by Employer..........................$28,600
For State Contributions to the State Employees' Retirement System..............$418,800
For State Contributions to Social Security..........................$268,800
For Group Insurance..........................$1,191,600
For Contractual Services......................$630,000
For Travel..................................$55,000
For Commodities..........................$15,700
For Printing..........................$6,500

New matter indicated by italics - deletions by strikeout
For Equipment................................. 20,000
For Electronic Data Processing............... 50,000
For Telecommunications....................... 380,000
For Operation of Auto Equipment............... 60,000
For Expenses Related to the Illinois State Police.................................. 7,100,000
Total                                                                                       $15,600,400

REFUNDS

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:

ILLINOIS GAMING BOARD
Payable from State Gaming Fund:
For Refunds...................................... 50,000

LIQUOR CONTROL

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Dram Shop Fund to the Department of Revenue:

For Personal Services......................... 2,168,800
For Employee Retirement Contributions
Paid by Employer................................ 13,900
For State Contributions to State
Employees' Retirement System.................. 169,000
For State Contributions to
Social Security............................... 161,600
For Group Insurance........................... 593,400
For Contractual Services....................... 286,800
For Travel...................................... 113,000
For Commodities................................ 16,000
For Printing.................................... 6,000
For Equipment................................. 245,500
For Electronic Data Processing................ 45,800
For Telecommunications Services............. 55,900
For Operation of Automotive Equipment....... 53,000
For Refunds.................................... 10,000
Total                                                                                         $3,938,700

Section 65. The amount of $281,700, or so much thereof as may be necessary, is appropriated from the Dram Shop Fund to the Department

New matter indicated by italics - deletions by strikeout
of Revenue to conduct a study to determine the extent of enforcement of laws relating to access by minors to tobacco products.

Section 70. The sum of $167,900, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Revenue for the purpose of operating the local government tobacco enforcement grant program.

Section 75. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Revenue for grants to local governmental units to establish enforcement programs that will reduce youth access to tobacco products.

Section 80. The sum of $196,700, or so much thereof as may be necessary, respectively, are appropriated for the Retailer Education Program from the Dram Shop Fund to the Department of Revenue.

Section 85. The sum of $268,600, or so much thereof as may be necessary, is appropriated from the Dram Shop Fund to the Department of Revenue for the purpose of operating the Beverage Alcohol Sellers and Servers Education and Training (BASSET) Program.

LOTTERY

Section 90. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the State Lottery Fund to meet the ordinary and contingent expenses of the Department of Revenue for Lottery, including operating expenses related to Multi-State Lottery games pursuant to the Illinois Lottery Law:

OPERATIONS

Payable from State Lottery Fund:

For Personal Services......................... 8,068,000
For Employee Retirement Contributions
Paid by Employer.................................. 47,200
For State Contributions for the State Employees' Retirement System............... 628,600
For State Contributions to Social Security............................... 605,600
For Group Insurance............................. 2,304,800
For Contractual Services....................... 30,359,800
For Travel....................................... 110,400
For Commodities............................... 60,400
For Printing..................................... 30,700

New matter indicated by italics - deletions by strikeout
For Equipment.................................... 211,200
For Electronic Data Processing................. 2,484,800
For Telecommunications Services............... 9,057,900
For Operation of Auto Equipment................. 315,000
For Expenses of Developing and Promoting Lottery Games................. 8,813,200
For Expenses of the Lottery Board............... 8,300
For Refunds.....................................

Total                                                                                       $63,153,900

Section 95. The sum of $265,050,000, or so much thereof as may be necessary, is appropriated from the State Lottery Fund to the Department of the Revenue for Lottery, for payment of prizes to holders of winning lottery tickets or shares, including prizes related to Multi-State Lottery games, and payment of promotional or incentive prizes associated with the sale of lottery tickets, pursuant to the provisions of the "Illinois Lottery Law".

Section 100. The sum of $33,600, or so much thereof as may be necessary, is appropriated from the State Lottery Fund to the Illinois Department of the Revenue for Lottery, for payment to the Illinois State Police for investigatory services.

RACING

Section 105. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Horse Racing Fund to the Department of Revenue for the ordinary and contingent expenses of the Illinois Racing Board:

OPERATIONS
GENERAL OFFICE
For Personal Services........................... 955,200
For Employee Retirement Contributions
   Paid by Employer............................... 2,300
For State Contributions to State
   Employees' Retirement System............... 74,400
For State Contributions to Social Security.......... 70,700
For Group Insurance............................ 234,600
For Contractual Services....................... 187,300
For Contractual Services:
   Hearing Officers............................ 11,100
For Travel........................................                                                 32,700
For Commodities....................................                                            7,700
For Printing......................................                                                 10,800
For Equipment.....................................                                             18,900
For Electronic Data Processing...................                                    141,100
For Telecommunications Services..............                                 92,600
For Operation of Auto Equipment..............                                 21,500
For Expenses related to the Laboratory Program...................................................... 1,718,300
For Expenses related to the Regulation Of Racing Program...................................... 3,859,200
For Refunds....................................... 300
Total                                                                                         $7,438,700

ARTICLE 42

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services................................. 6,371,100
For Employee Retirement Contributions
    Paid by Employer........................................ 22,400
For State Contributions to State
    Employees' Retirement System....................... 496,400
For State Contributions to Social Security.................. 419,200
For Contractual Services................................. 3,593,500
For Travel........................................ 24,600
For Commodities......................................... 771,200
For Printing.......................................... 91,700
For Equipment........................................... 60,000
For Telecommunications Services....................... 156,600
For Operation of Auto Equipment....................... 219,600
For Contractual Services:
    For Payment of Tort Claims........................... 58,000
For Refunds............................................. 2,000
For Expenses regarding implementation of the Juvenile Justice Reform provisions....................... 174,700

New matter indicated by italics - deletions by strikeout
Total $12,461,000

Payable from the State Police Wireless Service Emergency Fund:
For costs associated with the administration and fulfillment of its responsibilities under the Wireless Emergency Telephone Safety Act.................................... 1,800,000

Payable from the State Police Vehicle Fund:
For purchase of vehicles and operation of auto equipment............................... 150,000

Section 10. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the State Asset Forfeiture Fund to the Department of State Police for payment of their expenditures as outlined in the Illinois Drug Asset Forfeiture Procedure Act, the Cannabis Control Act, the Controlled Substances Act, and the Environmental Safety Act.

Section 15. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Federal Asset Forfeiture Fund to the Department of State Police for payment of their expenditures in accordance with the Federal Equitable Sharing Guidelines.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

INFORMATION SERVICES BUREAU

Payable from General Revenue Fund:
For Personal Services......................... 4,675,600
For Employee Retirement Contributions Paid by Employer............................... 25,800
For State Contributions to State Employees' Retirement System....................... 364,300
For State Contributions to Social Security...................................................... 349,900
For Contractual Services....................... 797,600
For Travel........................................ 38,000
For Commodities................................ 34,000
For Printing...................................... 35,200
For Equipment.................................... 3,100
For Electronic Data Processing............ 2,108,400
For Telecommunications Services........ 583,400

New matter indicated by italics - deletions by strikeout
Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

### DIVISION OF OPERATIONS

Payable from LEADS Maintenance Fund:
- For Expenses Related to LEADS System................................. $3,500,000

Payable from General Revenue Fund:
- For Personal Services................................................. $69,238,000
- For Employee Retirement Contributions Paid by Employer................................. $601,600
- For State Contributions to State Employees' Retirement System........................... $5,394,400
- For State Contributions to Social Security........................................... $2,511,300
- For Contractual Services............................................... $5,081,700
- For Travel.......................................................... $463,000
- For Commodities.......................................................... $771,900
- For Printing........................................................... $100,000
- For Equipment.......................................................... $285,700
- For Electronic Data Processing........................................... $53,500
- For Telecommunications Services........................................... $2,045,700
- For Operation of Auto Equipment................................. $7,537,100
  Total $94,083,900

Payable from the Road Fund:
- For Personal Services................................................. $88,630,900
- For Employee Retirement Contributions Paid by Employer................................. $914,000
- For State Contributions to State Employees' Retirement System........................... $6,905,200
- For State Contributions to Social Security........................................... $859,900
  Total $97,310,000

Payable from the Traffic and Criminal Conviction Surcharge Fund:
- For Personal Services................................................. $2,960,400
- For Employee Retirement Contributions Paid by Employer................................. $36,700

New matter indicated by italics - deletions by strikeout
For State Contributions to State
  Employees' Retirement System.......................... 230,600
For State Contributions to
  Social Security........................................ 90,300
For Group Insurance................................. 612,000
For Contractual Services................................. 490,800
For Travel................................................ 38,300
For Commodities........................................ 174,600
For Printing............................................... 26,500
For Telecommunications Services..................... 115,700
For Operation of Auto Equipment...................... 186,800
  Total............................................. $4,962,700
Payable from the State Police Services Fund:
  For Payment of Expenses:
    Fingerprint Program.......................... 12,000,000
  For Payment of Expenses:
    Federal & IDOT Programs.................... 6,688,800
  For Payment of Expenses:
    Riverboat Gambling.......................... 8,550,000
  For Payment of Expenses:
    Miscellaneous Programs.................... 3,500,000
    Total........................................ $30,738,800
Payable from the Illinois State Police Federal Projects Fund:
  For Payment of Expenses....................... 17,400,000
Payable from the Sex Offender Registration Fund:
  For expenses of the Sex Offender Registration Program.............. 20,000
Payable from the Motor Carrier Safety Inspection Fund:
  For expenses associated with the enforcement of Federal Motor Carrier Safety Regulations and related Illinois Motor Carrier Safety Laws........................................... 2,500,000

Section 30. The sum of $27,900, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of State Police for state matching purposes for federally assisted programs related to videotaped confessions.
Section 35. The sum of $12,000,000, or so much thereof as may be necessary and remains unexpended on June 30, 2005, from an appropriation heretofore made in Article 77, Section 30 of Public Act 93-842, as amended, is reappropriated to the Department of State Police from the Federal Civil Preparedness Administrative Fund for Terrorism Task Force Approved Purchases for Homeland Security.

Section 40. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the Federal Civil Preparedness Administrative Fund to the Department of State Police for Terrorism Task Force Approved Purchases for Homeland Security.

Section 45. The following amounts, or so much thereof as may be necessary for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund and the Drug Traffic Prevention Fund to the Department of State Police, Division of Operations, pursuant to the provisions of the "Intergovernmental Drug Laws Enforcement Act" for Grants to Metropolitan Enforcement Groups.

For Grants to Metropolitan Enforcement Groups:

Payable from General Revenue Fund................. 710,400
Payable from Drug Traffic Prevention Fund....... 150,000

Section 50. In the event of the receipt of funds from the Motor Vehicle Theft Prevention Council, through a grant from the Criminal Justice Information Authority, the amount of $1,200,000, or so much thereof as may be necessary, is appropriated from the State Police Motor Vehicle Theft Prevention Trust Fund to the Department of State Police for payment of expenses.

Section 55. The sum of $1,500,000 or so much thereof as may be necessary, is appropriated from the State Police Whistleblower Reward and Prevention Fund to the Department of State Police for payment of their expenditures for state law enforcement purposes in accordance with the State Whistleblower Protection Act.

Section 60. The following amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of State Police for the expenses of Fraud Investigations:

DIVISION OF OPERATIONS
FINANCIAL FRAUD AND FORGERY UNIT
For Personal Services............................. 4,139,600
For Employee Retirement Contributions
Paid by Employer................................. 38,700
For State Contributions to State
  Employees' Retirement System................. 322,500
For State Contributions to
  Social Security.................................. 76,000
Total                                      $4,576,800

Section 65. The sum of $250,000, or so much thereof as may be
necessary, is appropriated from the Medicaid Fraud and Abuse Prevention
Fund to the Department of State Police, Division of Operations - Financial
Fraud and Forgery Unit for the detection, investigation or prosecution of
recipient or vendor fraud.

Section 70. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
State Police for the following purposes:

  DIVISION OF FORENSIC SERVICES AND IDENTIFICATION

Payable from the General Revenue Fund:
  For Personal Services......................... 35,056,000
  For Employee Retirement Contributions
    Paid by Employer.............................. 272,100
  For State Contributions to State
    Employees' Retirement System............... 2,731,200
  For State Contributions to
    Social Security.............................. 2,482,000
  For Contractual Services...................... 5,282,900
  For Travel..................................... 56,000
  For Commodities................................ 1,655,600
  For Printing................................... 67,900
  For Equipment.................................. 1,686,800
  For Electronic Data Processing.............. 234,900
  For Telecommunications Services............. 545,700
  For Operation of Auto Equipment............. 164,100
  For Administration of a Statewide Sexual
    Assault Evidence Collection Program........ 87,300
  For Operational Expenses Related to the
    Combined DNA Index System.................. 4,071,500
Total                                        $54,394,000

Payable from State Crime Laboratory Fund..... 750,000
Payable from State Police

New matter indicated by italics - deletions by strikeout
DUI Fund.................................  750,000
Payable from State Offender DNA Identification System Fund...............  1,300,000

Section 75. The sum of $300,000, or so much thereof as may be necessary, is appropriated to the Department of State Police, Division of Forensic Services and Identification, from the Firearm Owner's Notification Fund for the administration and operation of the Firearm Owner's Identification Card Program.

Section 80. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for Internal Investigation expenses as follows:

DIVISION OF INTERNAL INVESTIGATION
Payable from the General Revenue Fund:
For Personal Services.........................  1,471,400
For Employee Retirement Contributions
  Paid by Employer..............................  7,600
For State Contributions to State Employees' Retirement System............  114,600
For State Contributions to Social Security..............................  33,100
For Contractual Services..........................  75,300
For Travel........................................  16,300
For Commodities...................................  17,400
For Printing.......................................  3,200
For Equipment.....................................  17,200
For Telecommunications Services..................  83,200
For Operation of Auto Equipment.................  108,500
Total                                                                 $1,947,800

ARTICLE 43

Section 5. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

CENTRAL OFFICES, ADMINISTRATION AND PLANNING OPERATIONS
For Personal Services.........................  18,386,400
For Employee Retirement Contribution
  Paid by State...................................  49,800
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System .................. 1,432,500
For State Contributions to Social Security .... 1,365,000
For Contractual Services ........................ 9,174,800
For Travel .................................... 622,800
For Commodities ................................ 321,500
For Printing .................................. 767,600
For Equipment ................................. 112,000
For Equipment:
Purchase of Cars & Trucks ...................... 0
For Telecommunications Services ............... 460,100
For Operation of Automotive Equipment ....... 285,400
Total ........................................... $32,977,900

LUMP SUMS
Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Planning, Research and Development Purposes .................................. 480,000
For costs associated with asbestos abatement .................................. 300,000
For metropolitan planning and research purposes as provided by law, provided such amount shall not exceed funds to be made available from the federal government or local sources .......................... 25,000,000
For metropolitan planning and research purposes as provided by law .......................... 1,248,000
For federal reimbursement of planning activities as provided by the Transportation Equity Act for the 21st Century .......................... 1,750,000
For the federal share of the IDOT ITS Program, provided expenditures do not exceed funds to be made available by the Federal Government .................................. 2,000,000
For the state share of the IDOT ITS Corridor Program .......................... 2,600,000
For the Department's share of costs with the Illinois Commerce Commission for monitoring railroad

New matter indicated by italics - deletions by strikeout
crossing safety............................ 288,000
Total $33,666,000

AWARDS AND GRANTS

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Tort Claims, including payment pursuant to P.A. 80-1078....................... 524,600
For representation and indemnification for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the representation required resulted from the Road Fund portion of their normal operations................................. 249,600
For Transportation Enhancement, Congestion Mitigation, Air Quality, High Priority and Scenic By-way Projects not eligible for inclusion in the Highway Improvement Program Appropriation provided expenditures do not exceed funds made available by the federal government......................... 23,000,000
For a grant to the Illinois Environmental Protection Agency for vehicle inspections........................... 17,000,000
For auto liability payments for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the liability resulted from the Road Fund portion of their normal operations.......................... 1,900,000
Total $42,674,200

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

BUREAU OF INFORMATION PROCESSING OPERATIONS

For Personal Services....................... 4,498,400

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
   Paid by State........................................... 27,500
For State Contributions to State
   Employees' Retirement System.......................... 350,500
   For State Contributions to Social Security ...... 337,400
   For Contractual Services.............................. 9,131,500
   For Travel............................................... 58,000
   For Commodities....................................... 25,000
   For Equipment.......................................... 8,100
   For Electronic Data Processing........................ 0
   For Telecommunications............................... 585,300
Total                                                                                       $15,021,700

Section 25. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

   CENTRAL OFFICES, DIVISION OF HIGHWAYS
   OPERATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>25,052,100</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>877,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>107,700</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>2,020,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,926,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,726,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>448,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>348,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>263,600</td>
</tr>
<tr>
<td>Purchase of Cars and Trucks</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>2,252,600</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>267,600</td>
</tr>
</tbody>
</table>
Total                                                                                       $39,291,100

LUMP SUMS

Section 30. The sum of $633,600, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for repair of damages by motorists to state vehicles and equipment or replacement of state vehicles and equipment, provided such

New matter indicated by italics - deletions by strikeout
amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages.

Section 35. The sum of $475,000, or so much thereof as may be necessary, is appropriated from the Transportation Safety Highway Hire-back Fund to the Department of Transportation for agreements with the Illinois Department of State Police to provide patrol officers in highway construction work zones.

AWARDS AND GRANTS

Section 40. The sum of $2,427,800, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for reimbursement to participating counties in the County Engineers Compensation Program, providing those reimbursements do not exceed funds to be made available from their federal highway allocations retained by the Department.

Section 45. The following named sums, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for grants to local governments for the following purposes:
For reimbursement of eligible expenses arising from local Traffic Signal Maintenance Agreements created by Part 468 of the Illinois Department of Transportation Rules and Regulations........... 3,000,000
For reimbursement of eligible expenses arising from City, County, and other State Maintenance Agreements.................. 14,000,000
Total $17,000,000

REFUNDS

Section 50. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Refunds....................................... 26,900

Section 55. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses of the Division of Traffic Safety:

TRAFFIC SAFETY OPERATIONS

For Personal Services.......................... 5,067,200
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
Paid by State........................................  29,100
For State Contributions to State
  Employees' Retirement System...............  394,800
For State Contributions to Social Security ....  370,900
For Contractual Services........................  1,272,500
For Travel........................................  51,600
For Commodities...................................  92,200
For Printing.....................................  273,600
For Equipment.....................................  11,000
For Equipment:
  Purchase of Cars and Trucks.....................  0
For Telecommunications Services..................  124,100
For Operation of Automotive Equipment............  0
Total                                                                                           7,687,000

LUMP SUMS

Section 60. The sum of $7,750,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for improvements to traffic safety, provided such amount not exceed funds to be made available from the federal government pursuant to the primary seatbelt enforcement incentive grant.

REFUNDS

Section 65. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
  For Refunds.......................................  8,800

Section 70. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for the administration of the Cycle Rider Safety Training Program by the Division of Traffic Safety:

OPERATIONS

For Personal Services................................  115,400
For Employee Contribution to
  Retirement System by Employer......................  0
For State Contributions to State
  Employees' Retirement System.....................  9,000
For State Contributions to Social Security .......  8,700
For Group Insurance................................  27,600

New matter indicated by italics - deletions by strikeout
AWARDS AND GRANTS

Section 75. The sum of $2,600,000, or so much thereof as may be necessary, is appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for reimbursement to State and local universities and colleges for Cycle Rider Safety Training Programs.

Section 80. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DAY LABOR OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,177,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>17,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>325,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>319,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>912,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>226,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>95,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>206,600</td>
</tr>
<tr>
<td>For Equipment: Purchase of Cars and Trucks</td>
<td>71,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>23,300</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>348,300</td>
</tr>
<tr>
<td>Total</td>
<td>$6,723,600</td>
</tr>
</tbody>
</table>

Section 85. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 1, SCHAUMBURG OFFICE OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>79,851,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Extra Help................................. 6,131,600
For Employee Retirement Contributions
Paid by State.......................... 793,200
For State Contributions to State
Employees' Retirement System.......... 6,698,900
For State Contributions to Social Security .... 6,484,400
For Contractual Services.............. 15,236,400
For Travel............................... 207,500
For Commodities........................ 5,853,300
For Equipment.......................... 1,957,500
For Equipment:
Purchase of Cars and Trucks........... 2,817,900
For Telecommunications Services........ 1,542,500
For Operation of Automotive Equipment...... 6,248,800
Total $133,823,500

Section 90. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 2, DIXON OFFICE
OPERATIONS

For Personal Services..................... 26,744,300
For Extra Help............................. 2,069,400
For Employee Retirement Contributions
Paid by State.......................... 272,700
For State Contributions to State
Employees' Retirement System........... 2,244,900
For State Contributions to Social Security .... 2,155,300
For Contractual Services.............. 3,924,300
For Travel............................... 207,800
For Commodities........................ 2,919,000
For Equipment.......................... 1,230,500
For Equipment:
Purchase of Cars and Trucks........... 1,019,100
For Telecommunications Services........ 361,700
For Operation of Automotive Equipment...... 2,785,200
Total $45,934,200

Section 95. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout
DISTRICT 3, OTTAWA OFFICE
OPERATIONS

For Personal Services......................... 24,252,400
For Extra Help.................................. 2,276,900
For Employee Retirement Contributions
    Paid by State................................ 233,400
For State Contributions to State
    Employees' Retirement System............... 2,066,900
For State Contributions to Social Security .... 2,000,700
For Contractual Services....................... 3,234,300
For Travel....................................... 101,100
For Commodities.................................. 2,736,300
For Equipment................................... 1,371,500
For Equipment:
    Purchase of Cars and Trucks............... 1,030,200
For Telecommunications Services................ 278,600
For Operation of Automotive Equipment........ 2,575,600
Total $42,157,900

Section 100. The following named amounts, or so much thereof as
may be necessary, are appropriated from the Road Fund to the Department
of Transportation for the objects and purposes hereinafter named:

DISTRICT 4, PEORIA OFFICE
OPERATIONS

For Personal Services......................... 21,573,300
For Extra Help................................. 2,016,100
For Employee Retirement Contributions
    Paid by State............................... 209,800
For State Contributions to State
    Employees' Retirement System............... 1,837,900
For State Contributions to Social Security .... 1,773,900
For Contractual Services........................ 4,280,300
For Travel...................................... 120,000
For Commodities................................. 1,199,000
For Equipment................................... 963,600
For Equipment:
    Purchase of Cars and Trucks.................. 750,200
For Telecommunications Services............... 249,300
For Operation of Automotive Equipment......... 2,037,800
Total $37,011,200

New matter indicated by italics - deletions by strikeout
Section 105. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 5, PARIS OFFICE**

<table>
<thead>
<tr>
<th>OPERATIONS</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>22,798,600</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>1,437,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>223,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,888,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,820,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,147,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>76,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,655,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,078,600</td>
</tr>
<tr>
<td>For Equipment: Purchase of Cars and Trucks</td>
<td>782,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>196,500</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>2,635,100</td>
</tr>
<tr>
<td>Total</td>
<td>$37,739,800</td>
</tr>
</tbody>
</table>

Section 110. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 6, SPRINGFIELD OFFICE**

<table>
<thead>
<tr>
<th>OPERATIONS</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>24,755,600</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>1,350,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>214,800</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,033,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,958,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,646,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>114,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,849,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>908,900</td>
</tr>
<tr>
<td>For Equipment: Purchase of Cars and Trucks</td>
<td>711,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 115. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 7, EFFINGHAM OFFICE OPERATIONS**

For Personal Services......................... 16,134,900
For Extra Help.................................... 1,110,600
For Employee Retirement Contributions
  Paid by State................................... 148,000
For State Contributions to State
  Employees' Retirement System................. 1,343,600
  For State Contributions to Social Security .... 1,288,300
For Contractual Services.......................... 2,278,400
For Travel....................................... 139,900
For Commodities................................ 1,200,600
For Equipment.................................... 853,000
For Equipment:
  Purchase of Cars and Trucks..................... 522,600
For Telecommunications Services................. 193,900
For Operation of Automotive Equipment.......... 1,388,100
Total ............................................. $26,601,900

Section 120. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 8, COLLINSVILLE OFFICE OPERATIONS**

For Personal Services.......................... 31,073,100
For Extra Help.................................... 1,849,300
For Employee Retirement Contributions
  Paid by State................................... 309,700
For State Contributions to State
  Employees' Retirement System................. 2,565,000
  For State Contributions to Social Security .... 2,476,200
For Contractual Services.......................... 5,975,700
For Travel....................................... 184,800
For Commodities................................ 1,637,200

New matter indicated by italics - deletions by strikeout
Section 125. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 9, CARBONDALE OFFICE
OPERATIONS

For Personal Services.......................... 15,751,500
For Extra Help..................................... 1,265,600
For Employee Retirement Contributions
Paid by State........................................ 132,800
For State Contributions to State
Employees' Retirement System.................. 1,325,800
For State Contributions to Social Security.... 1,261,000
For Contractual Services....................... 2,507,200
For Travel............................................ 63,600
For Commodities................................... 829,200
For Equipment...................................... 777,700
For Equipment:
Purchase of Cars and Trucks................. 597,900
For Telecommunications Services............. 127,800
For Operation of Automotive Equipment..... 1,328,700
Total................................................ 25,968,800

Section 130. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to the Department of Transportation for the ordinary and contingent expenses of Aeronautics Operations:

AERONAUTICS DIVISION
OPERATIONS

For Personal Services:
Payable from the Road Fund............... 4,350,200
For Employee Retirement Contributions
Paid by State:
Payable from the Road Fund............... 31,100
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System:
Payable from the Road Fund.......................... 338,900
For State Contributions to Social Security:
Payable from the Road Fund.......................... 330,300
For Contractual Services:
Payable from the Road Fund.......................... 2,833,500
Payable from Air Transportation Revolving Fund.......................... 800,000
For Travel:
Payable from the Road Fund.......................... 109,300
For Travel: Executive Air Transportation Expenses of the General Assembly:
Payable from the General Revenue Fund............ 190,100
For Travel: Executive Air Transportation Expenses of the Governor's Office:
Payable from the General Revenue Fund............ 181,600
For Commodities:
Payable from Aeronautics Fund........................ 299,500
Payable from the Road Fund.......................... 447,900
For Equipment:
Payable from the General Revenue Fund............ 2,104,900
Payable from the Road Fund.......................... 269,800
For Equipment: Purchase of Cars and Trucks:
Payable from the Road Fund.......................... 0
For Telecommunications Services:
Payable from the Road Fund.......................... 95,600
For Operation of Automotive Equipment:
Payable from the Road Fund.......................... 25,100
Total
$12,407,800

REFUNDS

Section 135. The following named amount, or so much thereof as may be necessary, is appropriated from the Aeronautics Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Refunds............................................. 500

Section 140. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout
For Refunds.................................... 35,000

AWARDS AND GRANTS

Section 145. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for such purposes as are described in Sections 31 and 34 of the Illinois Aeronautics Act, as amended.

LUMP SUM

Section 150. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Tax and Assessment Recovery Fund to the Department of Transportation for payments to the Will County Treasurer for payments of property taxes from rental fees.

Section 155. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses incident to Public Transportation and Railroads Operations:

PUBLIC AND INTERMODAL TRANSPORTATION DIVISION OPERATIONS

For Personal Services.......................... 2,097,400
For Employee Retirement Contributions.......................... 5,200
For State Contributions to State Employees' Retirement System.................. 163,400
For State Contributions to Social Security.......................... 154,300
For Contractual Services.......................... 33,500
For Travel........................................ 32,000
For Commodities................................. 3,600
For Equipment................................. 18,300
For Equipment: Purchase of Cars and Trucks...... 18,000
For Telecommunications Services............... 42,200
For Operation of Automotive Equipment.......... 0
Total $2,567,900

LUMP SUMS

Section 160. The sum of $90,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for public transportation technical studies.

Section 165. The sum of $631,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the

New matter indicated by italics - deletions by strikeout
Department of Transportation for federal reimbursement of transit studies as provided by the Transportation Equity Act for the 21st Century.

Section 170. The sum of $433,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for administrative expenses incurred in connection with the purposes of Section 18 of the Federal Transit Act (Section 5311 of the USC), as amended, provided such amount shall not exceed funds available from the Federal government under that Act.

AWARDS AND GRANTS

Section 175. The sum of $341,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to eligible recipients of funding under Article II of the Downstate Public Transportation Act for the purpose of reimbursing the recipients which provide reduced fares for mass transportation services for students, handicapped persons and the elderly.

Section 180. The sum of $37,015,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to the Regional Transportation Authority for the purpose of reimbursing the Service Boards for providing reduced fares for mass transportation services for students, handicapped persons, and the elderly to be allocated proportionately among the Service Boards based upon actual costs incurred by each Service Board for such reduced fares.

Section 185. The sum of $182,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for the purpose stated in Section 4.09 of the "Regional Transportation Authority Act", as amended.

Section 190. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional State Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1989.

Section 195. The sum of $95,300,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the
Department of Transportation for making a grant to the Regional Transportation Authority for Additional Financial Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c-5) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1999.

Section 200. The following named sums, or so much thereof as may be necessary, are appropriated from the Downstate Public Transportation Fund to the Department of Transportation for operating assistance grants to provide a portion of the eligible operating expenses for the following carriers for the purposes stated in Article II of Public Act 78-1109, as amended:

**URBANIZED AREAS**

<table>
<thead>
<tr>
<th>Carrier</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Champaign-Urbana Mass Transit District</td>
<td>10,842,000</td>
</tr>
<tr>
<td>Greater Peoria Mass Transit District</td>
<td>8,788,100</td>
</tr>
<tr>
<td>Rock Island County Metropolitan Mass Transit District</td>
<td>6,836,300</td>
</tr>
<tr>
<td>Rockford Mass Transit District</td>
<td>6,241,700</td>
</tr>
<tr>
<td>Springfield Mass Transit District</td>
<td>6,069,900</td>
</tr>
<tr>
<td>Bloomington-Normal Public Transit System</td>
<td>3,095,045</td>
</tr>
<tr>
<td>City of Decatur</td>
<td>2,981,100</td>
</tr>
<tr>
<td>City of Pekin</td>
<td>447,500</td>
</tr>
<tr>
<td>River Valley Metro Mass Transit District</td>
<td>1,244,200</td>
</tr>
<tr>
<td>City of South Beloit</td>
<td>40,600</td>
</tr>
<tr>
<td>St. Clair County transit district</td>
<td>14,700,500</td>
</tr>
<tr>
<td>City of Dekalb</td>
<td>1,400,000</td>
</tr>
<tr>
<td>City of Macomb</td>
<td>725,000</td>
</tr>
<tr>
<td><strong>Total, Urbanized Areas</strong></td>
<td><strong>$63,411,945</strong></td>
</tr>
</tbody>
</table>

**NON-URBANIZED AREAS**

<table>
<thead>
<tr>
<th>Carrier</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Danville</td>
<td>1,084,300</td>
</tr>
<tr>
<td>City of Quincy</td>
<td>1,490,600</td>
</tr>
<tr>
<td>RIDES Mass Transit District</td>
<td>2,027,500</td>
</tr>
<tr>
<td>South Central Illinois Mass Transit District</td>
<td>1,857,800</td>
</tr>
<tr>
<td>City of Galesburg</td>
<td>677,700</td>
</tr>
<tr>
<td>Jackson County Mass Transit District</td>
<td>133,100</td>
</tr>
<tr>
<td>Shawnee Mass transit district</td>
<td>600,000</td>
</tr>
<tr>
<td>West Central Mass transit district</td>
<td>350,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Monroe-Randolph........................................ 350,000
Total, Non-Urbanized Areas .......................... 8,571,000

Section 205. The sum of $8,109,500, or so much thereof as may be necessary, is appropriated from the Metro East Public Transportation Fund to the Department of Transportation for operating assistance grants subject to the provisions of the "Downstate Public Transportation Act", as amended by the 81st General Assembly.

Section 210. The sum of $237,900, or so much thereof as may be necessary, is appropriated from the Downstate Public Transportation Fund to the Department of Transportation for audit adjustments in accordance with Section 15.1 of the "Downstate Public Transportation Act", approved August 9, 1974, as amended.

Section 215. The sum of $54,251,555, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for the funding of the Americans with Disabilities Act of 1990 (ADA) paratransit services and for other costs and services.

RAIL PASSENGER AWARDS AND GRANTS

Section 220. The sum of $12,100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for funding the State's share of intercity rail passenger service and making necessary expenditures for services and other program improvements.

Section 225. The following named sums, or so much thereof as may be necessary, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the ordinary and contingent expenses incident to the operations and functions of administering the provisions of the "Illinois Highway Code", relating to use of Motor Fuel Tax Funds by the counties, municipalities, road districts and townships:

MOTOR FUEL TAX ADMINISTRATION OPERATIONS

For Personal Services.............................. 5,989,900
For Employee Retirement
   Contributions Paid by State...................... 18,600
For State Contributions to State
   Employees' Retirement System................... 466,700
For State Contributions to Social Security ...... 440,900

New matter indicated by italics - deletions by strikeout
For Group Insurance............................ 1,330,000
For Contractual Services.......................... 63,400
For Travel........................................ 92,300
For Commodities................................. 7,500
For Printing...................................... 38,000
For Equipment..................................... 12,800
For Telecommunications Services................... 23,200
For Operation of Automotive Equipment.......... 7,400
Total $8,490,700

AWARDS AND GRANTS

Section 230. The following named sums, or so much thereof as are available for distribution in accordance with Section 8 of the Motor Fuel Tax Law, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the purposes stated:

DISTRIBUTIVE ITEMS

For apportioning, allotting, and paying as provided by law:
To Counties............................... 227,800,000
To Municipalities....................... 319,500,000
To Counties for Distribution to Road Districts............ 103,400,000
Total $650,700,000

Section 235. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program under provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY

For Personal Services....................... 1,381,100
For Employee Retirement Contributions
Paid by the State............................ 1,200
For State Contributions to State Employees' Retirement System............. 107,600
For State Contributions to Social Security ...... 103,700
For Contractual Services..................... 2,092,800
For Travel..................................... 40,000
For Commodities............................. 10,000
For Printing.................................. 5,000

New matter indicated by italics - deletions by strikeout
For Equipment..................................... 48,300
For Equipment: Purchase of Cars and Trucks...... 324,000
For Telecommunications Services.................... 82,000
For Operation of Automotive Equipment............... 0
Total $4,195,700

FOR THE DEPARTMENT OF STATE POLICE
For Personal Services.............................. 4,329,500
For Employee Retirement Contributions
  Paid by the State.................................. 56,700
For State Contributions to State
  Employees' Retirement System..................... 337,300
For State Contributions to Social Security ...... 76,600
For Contractual Services........................... 445,900
For Travel........................................... 335,600
For Commodities................................... 275,400
For Printing........................................... 64,800
For Equipment....................................... 624,000
For Equipment:
  Purchase of Cars and Trucks..................... 600,300
For Telecommunications Services.................... 299,200
For Operation of Automotive Equipment............. 453,600
Total $7,898,900

Section 240. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended:

FOR THE SECRETARY OF STATE
For Personal Services.............................. 179,000
For Employee Retirement Contributions
  Paid by the State................................. 9,900
For State Contributions to State
  Employees' Retirement System....................... 13,900
For State Contributions to Social Security ....... 12,200
For Contractual Services........................... 93,000
For Travel............................................. 12,000
For Commodities.................................... 20,000
For Printing.......................................... 22,700
For Equipment....................................... 14,000

New matter indicated by italics - deletions by strikeout
For Operation of Automotive Equipment............ 26,000
Total                                           $402,700

FOR THE DEPARTMENT OF STATE POLICE
For Personal Services...................... 2,151,000
For Employee Retirement Contributions
  Paid by the State......................... 117,200
For State Contributions to State Employees' Retirement System............. 167,600
For State Contributions to Social Security ...... 29,600
For Contractual Services.................. 19,000
For Travel....................................... 4,000
For Commodities................................ 6,000
For Equipment.................................... 18,300
For Operation of Auto Equipment............... 143,900
Total                                        $2,656,600

FOR THE DIVISION OF TRAFFIC SAFETY
For Personal Services........................ 350,600
For Employee Retirement Contributions
  Paid by the State............................ 1,300
For State Contributions to State Employees' Retirement System............. 27,300
For State Contributions to Social Security ...... 25,800
For Contractual Services.................. 5,073,300
For Travel....................................... 30,000
For Commodities................................ 188,400
For Printing.................................... 175,600
For Equipment.................................... 10,000
For Telecommunications Services............... 0
Total                                        $5,882,300

FOR THE DEPARTMENT OF PUBLIC HEALTH
For Personal Services....................... 30,000
For State paid retirement..................... 0
For Retirement.................................. 2,300
For Social Security........................... 2,300
For Contractual Services.................. 84,100
For Travel....................................... 14,800
For Commodities................................ 7,200
For Printing................................... 23,000
Total                                       $163,700

New matter indicated by italics - deletions by strikeout
FOR THE ILLINOIS LAW ENFORCEMENT
STANDARDS TRAINING BOARD
For Contractual Services......................... 120,000
For Printing........................................ 5,000
Total................................................ $125,000

FOR LOCAL GOVERNMENTS
For local highway safety projects
by county and municipal governments,
state and private universities and other
private entities........................................ 4,800,000

Section 245. The following named sums, or so much thereof as
may be necessary for the agencies hereafter named, are appropriated from
the Road Fund to the Department of Transportation for implementation of
the Alcohol Traffic Safety Programs of Title XXIII of the Surface
Transportation Assistance Act of 1982, as amended by the Transportation
Equity Act for the 21st Century:

FOR THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS
(410)
For Contractual Services......................... 13,000
For Travel.......................................... 19,000
Total................................................. $32,000

FOR THE DIVISION OF TRAFFIC SAFETY (410)
For Contractual Services......................... 10,000
For Travel.......................................... 5,000
For Commodities................................. 229,200
For Printing....................................... 106,700
For Equipment.................................... 50,000
Total............................................... $400,900

FOR THE SECRETARY OF STATE (410)
For Personal Services......................... 38,000
For Employee Retirement Contributions
Paid by the State............................... 2,100
For the State Contribution to State
Employees' Retirement System............... 3,000
For the State Contribution to Social
Security........................................... 600
For Contractual Services.................... 19,000
For Travel....................................... 11,500
For Commodities............................... 45,500

New matter indicated by italics - deletions by strikeout
For Printing................................. 25,000
For Equipment................................. 4,000
For Telecommunication Services............... 400
For Operation of Auto Equipment............... 0
Total $149,100

FOR THE DEPARTMENT OF STATE POLICE (410)
For Personal Services.......................... 850,100
For Employee Retirement Contributions
Paid by the State............................... 46,500
For the State Contribution to State
Employees' Retirement System.................... 66,200
For the State Contribution to Social
Security........................................... 11,000
For Commodities................................. 5,000
For Equipment................................... 0
For Operation of Auto Equipment............... 64,600
Total $1,043,400

FOR THE ILLINOIS LAW ENFORCEMENT
STANDARDS TRAINING BOARD (410)
For Contractual Services.......................... 145,000
For Printing..................................... 5,000
Total $150,000

FOR LOCAL GOVERNMENTS
For local highway safety projects
by county and municipal governments,
state and private universities and
other private entities............................. 1,000,000

Section 250. The following named sums or so much thereof as
may be necessary for the agencies hereafter named, are appropriated from
the Road Fund to the Department of Transportation for implementation of
the Section 163 Impaired Driving Incentive Grant Program (.08 Alcohol)
as authorized by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY (.08)
For Contractual Services....................... 2,095,600
For Commodities................................. 0
For Equipment................................... 0
For Telecommunications........................ 0
Total $2,095,600

FOR THE DEPARTMENT OF STATE POLICE (.08)

New matter indicated by italics - deletions by strikeout
For Equipment................................. 97,900
  FOR THE ILLINOIS LIQUOR CONTROL COMMISSION (.08)
For Contractual Services....................... 72,500
For Travel........................................ 6,000
For Commodities.................................. 4,000
For Printing...................................... 5,000
For Telecommunications..........................
                                             2,500
Total                                                                                          $90,000

FOR LOCAL GOVERNMENTS (.08)

For local highway safety projects
by county and municipal governments,
state and private universities and
other private entities......................... 1,700,000

Section 255. The sum of $409,400, or so much thereof as may be
necessary is appropriated from the General Revenue Fund to the
Department of Transportation for the expenses of an emissions
testing/inspection program for diesel powered vehicles in the counties of
Cook, DuPage, Lake, Kane, Mc Henry, Will, Madison, St. Clair and
Monroe and the townships of Aux Sable, Goose Lake and Oswego.

Section 260. The sum of $800,000, or so much thereof as may be
necessary, is appropriated from the Federal Civil Preparedness
Administrative Fund to the Illinois Department of Transportation for costs
associated with Illinois Terrorism Task Force approved purchases for
homeland security.

Section 265. No contract shall be entered into or obligation
incurred or any expenditure made from an appropriation herein made in
Section 145     GRF Aeronautics
Section 175     GRF Reduced Fares Downstate
Section 180     GRF Reduced Fares RTA
Section 190     SCIP Debt Service I
Section 195     SCIP Debt Service II
Section 220     GRF Rail Passenger
of this Article until after the purpose and the amount of such expenditure
has been approved in writing by the Governor.

ARTICLE 44

CENTRAL ADMINISTRATION AND PLANNING
LUMP SUMS

Section 5. The sum of $1,444,710, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,

New matter indicated by italics - deletions by strikeout
2005, from the appropriation and reappropriation heretofore made in the line item, "For Planning, Research and Development Purposes" for the Central Offices, Administration and Planning in Article 74, Section 10 and Article 75, Section 5 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 10. The sum of $2,570,730, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation concerning Asbestos Abatement heretofore made in Article 74, Section 10 and Article 75, Section 10 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 15. The sum of $37,225,466, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation heretofore made for metropolitan planning in Article 74, Section 10 and Article 75, Section 15 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 20. The sum of $5,285,450, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation heretofore made in Article 74, Section 10 and Article 75, Section 20 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for metropolitan planning and research purposes.

Section 25. The sum of $1,919,777, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 75, Section 25 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the state share as provided by law.

Section 30. The sum of $3,472,153, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 75, Section 30 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the federal and private share as provided by law.

Section 35. The sum of $20,416,792, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation heretofore made in

New matter indicated by italics - deletions by strikeout
Article 74, Section 10 and Article 75, Section 35 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the federal share of the IDOT ITS program.

Section 40. The sum of $17,213,691, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation heretofore made in Article 74, Section 10 and Article 75, Section 40 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the state share of the IDOT ITS program.

AWARDS AND GRANTS

Section 45. The sum of $76,705,706, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation here-tofore made in Article 74, Section 15 and Article 75, Section 45 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for Enhancement and Congestion Mitigation and Air Quality Projects.

CENTRAL OFFICE, DIVISION OF HIGHWAYS

LUMP SUM

Section 60. The sum of $692,872, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation concerning vehicle damages heretofore made in Article 74, Section 30 and Article 75, Section 60 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 65. The sum of $9,757,399, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 75, Section 65 of Public Act 93-0842, as amended by the Act, is reappropriated from the Federal Civil Preparedness Administrative Fund to the Illinois Department of Transportation for costs associated with Illinois Terrorism Task Force approved purchases for homeland security.

AWARDS AND GRANTS

Section 70. The sum of $23,494,416, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriations and reappropriation heretofo re made for Local Traffic Signal Maintenance Agreements and City, County and other State Maintenance Agreements in Article 74, Section 45 and Article 75,
Section 70 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

DIVISION OF TRAFFIC SAFETY
AWARDS AND GRANTS
Section 75. The sum of $4,117,542, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation heretofore made, in Article 74, Section 75 and Article 75, Section 75 of Public Act 93-0842, as amended, is reappropriated from the Cycle Rider Safety Training Fund to the Department of Transportation for the same purposes.

DIVISION OF AERONAUTICS
AWARDS AND GRANTS
Section 80. The sum of $1,735,774, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation concerning airport improvements heretofore made in Article 74, Section 145 and Article 75, Section 80 of Public Act 93-0842, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

HIGHWAY SAFETY PROGRAM – DIVISION OF TRAFFIC SAFETY
AWARDS AND GRANTS
Section 85. The sum of $13,335,407, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation concerning Highway Safety Grants heretofore made in Article 74, Section 235 and Article 75, Section 85 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 90. The sum of $2,685,097, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation concerning Section 163 Impaired Driving Incentive Grants (.08 alcohol) heretofore made in Article 74, Section 245 and Article 75, Section 90 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 95. The sum of $4,733,319, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30,
2005 from the appropriation and reappropriation concerning Alcohol Traffic Safety Grants (410) heretofore made in Article 74, Section 240 and Article 75, Section 95 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for local highway safety projects by county and municipal governments, state and private universities and other private entities.

PUBLIC AND INTERMODAL TRANSPORTATION DIVISION

LUMP SUMS

Section 100. The sum of $342,770, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation heretofore made for public transportation technical studies in Article 74, Section 160 and Article 75, Section 100 of Public Act 93-0842, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 103. The sum of $700,000, or so much thereof as may be necessary and remains unexpended, less $200,000 to be lapsed from the unexpended balance at the close of business on June 30, 2005, from the appropriation heretofore made in Article 74, Section 255 of Public Act 93-0842, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the Intertownship Transportation Program for Northwest Suburban Cook County.

Section 105. The sum of $2,172,027, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation and reappropriation heretofore made in Article 74, Section 165 and Article 75, Section 105 of Public Act 93-0842, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the Transportation Equity Act for the 21st Century.

Section 115. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in:

Section 80 GRF Aeronautics of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

ARTICLE 45

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Department of Veterans' Affairs:

New matter indicated by italics - deletions by strikeout
CENTRAL OFFICE

For Personal Services.......................... 1,738,800
For Employee Retirement Contributions
  Paid by Employer.............................. 5,500
For State Contributions to the State
  Employees' Retirement System................. 135,500
For State Contributions to Social Security........................................ 138,700
For Contractual Services........................ 427,500
For Travel.................................... 26,500
For Commodities................................ 7,800
For Printing..................................... 5,900
For Equipment.................................. 2,000
For Electronic Data Processing.................. 652,300
For Telecommunications Services................ 32,700
For Operation of Auto Equipment................... 10,100
Total                                                                                         $3,183,300

Section 10. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the objects and purposes and in the amounts set forth as follows:

GRANTS-IN-AID

For Bonus Payments to War Veterans and Peacetime Crisis Survivors.......................... 97,800
For Providing Educational Opportunities for Children of Certain Veterans, as provided by law........................................ 163,700
For Specially Adapted Housing for Veterans.................................................. 123,000
For Cartage and Erection of Veterans' Headstones............................................. 615,800
For Cartage and Erection of Veterans' Headstones/Prior Years Claims....................... 34,200
Total                                                                                      $1,034,500

Section 15. The sum of $842,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the payment of scholarships to students who are dependents of Illinois resident military personnel

New matter indicated by italics - deletions by strikeout
declared to be prisoners of war, missing in action, killed or permanently disabled, as provided by law.

Section 25. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois Military Family Relief Fund to the Department of Veterans’ Affairs for the payment of benefits authorized under the Survivor’s Compensation Act.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for objects and purposes hereinafter named:

VETERANS' FIELD SERVICES

Payable from the General Revenue Fund:
For Personal Services.................. 3,467,200
For Employee Retirement Contributions
 Paid by Employer......................... 31,800
For State Contributions to the State
 Employees' Retirement system........... 270,100
For State Contributions to Social
 Security.................................. 265,300
For Contractual Services.............. 499,400
For Travel................................ 110,100
For Commodities........................ 15,300
For Printing................................ 8,900
For Equipment........................... 51,100
For Electronic Data Processing......... 48,600
For Telecommunications Services....... 108,200
For Operation of Auto Equipment....... 21,900
Total $4,897,900

Section 35. The sum of $639,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for ordinary and contingent expenses of Illinois Veterans’ Home at Anna.

Section 40. The sum of $3,310,800, or so much thereof as may be necessary, is appropriated from the Anna Veterans’ Home Fund to the Department of Veterans' Affairs for ordinary and contingent expenses of Illinois Veterans’ Home at Anna.

Section 45. The sum of $13,000, or so much thereof as may be necessary, is appropriated from the Anna Veterans’ Home Fund to the Department of Veterans' Affairs for refunds.
Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT QUINCY

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>14,394,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>143,900</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>1,121,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,101,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>72,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>100</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$16,833,800</strong></td>
</tr>
</tbody>
</table>

Payable from Quincy Veterans' Home Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>8,432,200</td>
</tr>
<tr>
<td>For Member Compensation</td>
<td>25,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>61,000</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>657,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>632,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,449,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>4,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,358,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>23,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>112,400</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>70,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>79,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>60,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>42,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$18,007,200</strong></td>
</tr>
</tbody>
</table>

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT LASALLE

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund:
For Personal Services......................... 4,249,500
For Employee Retirement Contributions
Paid by Employer................................. 42,500
For State Contributions to the State
Employees' Retirement System................. 331,100
For State Contributions to Social Security ...... 325,100
For Contractual Services............................. 100
For Commodities...................................... 100
For Electronic Data Processing.................... 100
Total                                                                                         $4,948,500

Payable from LaSalle Veterans' Home Fund:
For Personal Services.......................... 1,612,000
For Employee Retirement Contributions
Paid by Employer.................................. 8,500
For State Contributions to the State
Employees' Retirement System.................... 125,600
For State Contributions to Social Security.... 123,300
For Contractual Services....................... 1,537,300
For Travel......................................... 2,700
For Commodities.................................. 639,500
For Printing....................................... 9,200
For Equipment..................................... 37,400
For Electronic Data Processing................... 33,400
For Telecommunications............................ 23,700
For Operation of Auto Equipment............... 11,500
For Refunds...................................... 10,800
Total                                                                                         $4,174,900

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT MANTENO

Payable from General Revenue Fund:
For Personal Services......................... 11,282,500
For Employee Retirement Contributions
Paid by Employer................................. 112,400
For State Contributions to the State
Employees' Retirement System.................... 879,000

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security................................. 863,200
For Contractual Services....................... 5,000
For Commodities.................................. 100
For Electronic Data Processing..................... 100
Total $13,142,300

Payable from Manteno Veterans' Home Fund:
For Personal Services............................. 3,022,300
For Member Compensation........................ 5,000
For Employee Retirement Contributions Paid by Employer......................... 14,800
For State Contributions to the State Employees' Retirement System.............. 235,500
For State Contributions to
Social Security................................... 224,900
For Contractual Services....................... 4,368,000
For Travel........................................ 6,000
For Commodities................................. 1,419,400
For Printing...................................... 19,500
For Equipment................................... 100,000
For Electronic Data Processing................. 63,000
For Telecommunications Services................ 63,800
For Operation of Auto Equipment............. 48,400
For Refunds..................................... 28,900
Total $9,619,500

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

STATE APPROVING AGENCY

Payable from GI Education Fund:
For Personal Services............................ 493,300
For Employee Retirement Contributions Paid by Employer......................... 3,900
For State Contributions to the State Employees' Retirement System.............. 38,400
For State Contributions to
Social Security................................... 37,800
For Group Insurance............................... 117,300
For Contractual Services................. 112,300
For Travel................................... 101,200
For Commodities........................... 57,800
For Printing.................................. 27,600
For Equipment................................ 93,900
For Electronic Data Processing............ 59,200
For Telecommunications Services.......... 31,600
For Operation of Auto Equipment.......... 34,000
Total $1,208,300

ARTICLE 46

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Arts Council:

Payable from the General Revenue Fund:
For Personal Services.................... 1,176,500
For Employee Retirement Contributions 6,600
Paid by Employer.........................
For State Contributions to State Employees' Retirement Contributions........... 91,700
For State Contributions to Social Security..........................
For Contractual Services.................. 268,600
For Travel................................... 20,000
For Commodities........................... 9,000
For Printing.................................. 55,500
For Equipment................................ 6,900
For Electronic Data Processing............ 20,200
For Telecommunications Services.......... 21,200
For Travel and Meeting Expenses of Arts Council and Panel Members.......... 35,000
Total $1,800,800

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Arts Council to enhance the cultural environment in Illinois:

Payable from General Revenue Fund:
For Grants and Financial Assistance for Arts Organizations.................... 6,597,400

New matter indicated by italics - deletions by strikeout
For Grants and Financial Assistance for Special Constituencies........................   2,420,600
For Grants and Financial Assistance for International Grant Awards....................   1,130,000
For Grants and Financial Assistance for Arts Education................................   1,566,300
Total                                                                                       $11,714,300
Payable from Illinois Arts Council Federal Grant Fund:
For Grants and Programs to Enhance
The Cultural Environment........................                                     775,000

Section 15. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for the purpose of funding administrative and grant expenses associated with humanities programs and related activities.

Section 20. The amount of $380,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for grants to certain public radio and television stations for operating costs.

Section 25. The amount of $4,904,200, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Illinois Arts Council for grants to certain public radio and television stations and related administrative expenses, pursuant to the Public Radio and Television Grant Act.

ARTICLE 47

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenses of the Governor’s Office of Management and Budget in the Executive Office of the Governor:

GENERAL OFFICE

For Personal Services.................................                                          2,092,000
For Employee Retirement Contributions
   Paid by Employer...........................................                                                0
For State Contributions to the State
   Employees' Retirement System.......................   163,000
For State Contributions to
   Social Security........................................  160,000
For Contractual Services................................   150,000

New matter indicated by italics - deletions by strikeout
For Travel.......................................... 86,400
For Commodities...................................... 5,000
For Printing........................................ 25,000
For Equipment........................................ 6,000
For Electronic Data Processing..................... 113,200
For Telecommunications Services............... 81,600
Total                                                                 $2,882,200

Section 10. The amount of $1,384,600, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of General Obligation bonds.

Section 15. The amount of $425,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of Build Illinois bonds.

Section 20. The amount of $260,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Retirement and Interest Fund to the Governor’s Office of Management and Budget for the purpose of making payments to the Trustee under the Master Indenture as defined by and pursuant to the Build Illinois Bond Act.

Section 25. The amount of $113,400, or so much thereof as may be necessary, is appropriated from the School Infrastructure Fund to the Governor’s Office of Management and Budget for operational expenses related to the School Infrastructure Program.

Section 30. The sum of $14,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Civic Center Bond Retirement and Interest Fund to the Governor’s Office of Management and Budget for the principal and interest and premium, if any, on Limited Obligation Revenue bonds issued pursuant to the Metropolitan Civic Center Support Act.

Section 35. No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in Sections 10, 15, and 20 until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 48

New matter indicated by italics - deletions by strikeout
Section 5. The sum of $6,630,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of Executive Inspector General for its ordinary and contingent expenses.

Section 10. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of Executive Inspector General for ordinary and contingent expenses related to investigations at, or related to institutions of higher education.

ARTICLE 49

Section 5. The sum of $385,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Executive Ethics Commission for its ordinary and contingent expenses.

ARTICLE 50

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Capital Development Board:

GENERAL OFFICE

Payable from Capital Development Fund:
For Personal Services.............................. 4,145,200
For Employee Retirement Contributions
    Paid by Employer................................ 177,300
For State Contributions to State
    Employees' Retirement System................ 323,000
For State Contributions to
    Social Security............................... 320,500
For Group Insurance.............................. 1,056,000
For Contractual Services.......................... 297,000
For Travel......................................... 32,200
For Commodities................................. 34,500
For Equipment................................. 25,000
For Telecommunications Services............... 108,800
For Operation of Auto Equipment.............. 24,100
For Operational Expenses...................... 452,400
Total.............................................. $6,996,000

Payable from Capital Development Board Revolving Fund:
For Personal Services......................... 2,643,400
For Employee Retirement Contributions
    Paid by Employer.............................. 125,600
For State Contributions to State
    Employees' Retirement System............. 205,900

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security ..... 204,500
For Group Insurance.............................. 775,800
For Contractual Services......................... 335,300
For Travel....................................... 240,600
For Commodities................................... 21,400
For Printing...................................... 37,200
For Equipment..................................... 17,800
For Electronic Data Processing................... 185,200
For Telecommunications Services............... 119,500
Total $4,912,200

Payable from the School Infrastructure Fund:
For operational purposes relating to
the School Infrastructure Program............... 600,000

ARTICLE 51

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund to meet the
ordinary and contingent expenses of the State Civil Service Commission:
For Personal Services........................... 224,400
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State
Employees' Retirement System.................... 17,500
For State Contributions to
Social Security................................. 17,200
For Contractual Services......................... 56,300
For Travel....................................... 36,600
For Commodities................................. 3,900
For Printing..................................... 1,400
For Equipment................................... 5,400
For Telecommunications Services............... 7,700
Total $370,400

ARTICLE 52

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the ordinary and
contingent expenses to the Illinois Commerce Commission:
CHAIRMAN AND COMMISSIONER'S OFFICE
Payable from Transportation Regulatory Fund:
For Personal Services........................... 77,200

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
   Paid by Employer............................... 100
For State Contributions to State
   Employees' Retirement System................. 6,000
For State Contributions to
   Social Security............................... 5,900
For Group Insurance............................ 13,800
For Contractual Services....................... 400
For Travel........................................ 2,100
For Equipment.................................... 5,800
For Telecommunications......................... 7,200
For Operation of Auto Equipment............... 1,100
Total.............................................. $119,600

Payable from Public Utility Fund:
   For Personal Services.......................... 712,100
   For Employee Retirement Contributions
      Paid by Employer............................... 100
   For State Contributions to State
      Employees' Retirement System............ 55,500
   For State Contributions to
      Social Security............................. 54,500
   For Group Insurance........................... 165,600
   For Contractual Services..................... 22,700
   For Travel...................................... 64,900
   For Commodities............................... 2,100
   For Equipment.................................. 2,300
   For Telecommunications........................ 20,000
   For Operation of Auto Equipment...............  800
Total.............................................. $1,100,600

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for ordinary and contingent expenses to the Illinois Commerce Commission, as follows:

PUBLIC UTILITIES

Payable from Public Utility Fund:
   For Personal Services......................... 12,412,000
   For Employee Retirement Contributions
      Paid by Employer............................ 69,700
   For State Contributions to State
      Employees' Retirement System............ 967,000

New matter indicated by italics - deletions by strikeout
For State Contributions to
  Social Security............................ 949,500
For Group Insurance.......................... 2,815,200
For Contractual Services...................... 1,572,400
For Travel.................................. 224,400
For Commodities............................ 46,700
For Printing.................................. 50,500
For Equipment.................................. 74,800
For Electronic Data Processing............... 812,700
For Telecommunications.......................... 500,000
For Operation of Auto Equipment............... 20,400
For Refunds.................................. 17,000
Total $20,532,300

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Commerce Commission:

TRANSPORTATION
Payable from Transportation Regulatory Fund:
  For Personal Services......................... 4,597,300
  For Employee Retirement Contributions
    Paid by Employer............................. 114,300
  For State Contributions to State
    Employees' Retirement System............... 358,200
  For State Contributions to
    Social Security............................. 356,200
  For Group Insurance.......................... 924,600
  For Contractual Services...................... 534,400
  For Travel.................................. 177,100
  For Commodities............................. 35,500
  For Printing.................................. 27,800
  For Equipment.................................. 109,400
  For Electronic Data Processing............... 405,300
  For Telecommunications......................... 387,900
  For Operation of Auto Equipment............... 91,900
  For Refunds................................. 25,000
Total $8,144,900

Section 20. The sum of $7,000,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for disbursing funds collected for the

New matter indicated by italics - deletions by strikeout
Single State Insurance Registration Program to be distributed to: (1) participating states, provided that no distributions exceed funds made available from registration collections; (2) for refunds for overpayments; and (3) for administrative expenses.

Section 25. The sum of $1,781,200, or so much thereof as may be necessary, is appropriated from the Public Utility Fund to assist the Illinois Commerce Commission in implementing the Electric Service Customer Choice and Rate Relief Law of 1997, including costs in the prior year.

Section 30. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Digital Divide Elimination Infrastructure Fund to the Illinois Commerce Commission for grants and awards for the construction of high-speed data transmission facilities.

Section 35. The sum of $74,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for a grant to the Statewide One-call Notice System, as required in the Illinois Underground Utility Facilities Damage Prevention Act.

The sum of $1,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for refunds.

Section 40. The sum of $42,900,000, or so much thereof as may be necessary, is appropriated from the Wireless Service Emergency Fund to the Illinois Commerce Commission for grants to emergency telephone system boards, qualified government entities, or the Department of State Police for the design, implementation, operation, maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency services and public safety answering points and for reimbursement of the Communications Revolving Fund for administrative costs incurred by the Illinois Commerce Commission related to administering the program.

Section 45. The sum of $34,400,000, or so much thereof as may be necessary, is appropriated from the Wireless Carrier Reimbursement Fund to the Illinois Commerce Commission for reimbursement of wireless carriers for costs incurred in complying with the applicable provisions of Federal Communications Commission wireless enhanced 9-1-1 services mandates and for reimbursement of the Communications Revolving Fund for administrative costs incurred by the Illinois Commerce Commission related to administering the program.

ARTICLE 53

New matter indicated by italics - deletions by strikeout
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Deaf and Hard of Hearing Commission:

- For Personal Services........................... 393,500
- For Employee Retirement Contributions
  Paid by Employer........................................ 0
- For State Contributions to State
  Employees' Retirement System................... 30,700
- For State Contributions to Social Security........... 30,000
- For Contractual Services.......................... 61,600
- For Travel........................................... 19,600
- For Commodities..................................... 11,700
- For Printing........................................ 5,900
- For Equipment....................................... 1,500
- For Telecommunications Services............... 18,600
- For Operation of Automotive Equipment........... 2,400
- For Expenses relative to the operation of the Commission.......................... 52,200

Total $627,700

ARTICLE 54

Section 5. The sum of $7,000,000, or so much thereof as may be necessary, is appropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

Section 10. The sum of $600,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made for such purposes in Article 4, Section 1 of Public Act 93-62, is reappropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

ARTICLE 55

Section 1. The sum of $7,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund for payment to the Board of the Comprehensive Health Insurance Plan pursuant to

New matter indicated by italics - deletions by strikeout
subsection (b) of Section 12 of the Comprehensive Health Insurance Plan Act.

ARTICLE 56

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Court of Claims for its ordinary and contingent expenses:

CLAIMS ADJUDICATION

Payable from the General Revenue Fund:

For Personal Services............................                                          935,400
For State Contribution to State
   Employees' Retirement System.................. 72,900
For Employee Retirement Contributions
   Paid by Employer................... 37,400
For State Contribution to Social
   Security................................. 71,600
For Contractual Services....................... 90,000
For Travel..................................... 14,000
For Commodities.................................. 6,000
For Printing.................................... 6,000
For Equipment................................... 14,200
For Telecommunications Services................. 4,400
For Refunds..................................... 500
For Reimbursement for Incidental
   Expenses Incurred by Judges............. 35,300
Total                                                                                     $1,287,700

Section 10. The amount of $300,000, or so much of that amount as may be necessary, is appropriated from the Court of Claims Administration and Grant Fund to the Court of Claims for administrative expenses under the Crime Victims Compensation Act.

Section 15. The amount of $500,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of awards solely as a result of the lapsing of an appropriation originally made from any funds held by the State Treasurer.

Section 20. The following named amounts, or so much of that amount as may be necessary, are appropriated to the Court of Claims for payment of claims as follows:

For claims under the Crime Victims Compensation Act:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund...................... 24,000,000
For claims other than Crime Victims:
Payable from the General Revenue Fund...................... 15,000,000
Payable from the
Road Fund........................................ 1,000,000
Payable from the DCFS Children's Services Fund............... 1,500,000
Payable from the State Garage Revolving Fund.............. 50,000
Payable from the Traffic and Criminal Conviction Surcharge Fund........ 100,000
Payable from the Vocational Rehabilitation Fund............. 125,000
Total $36,775,000

ARTICLE 57
Section 5. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 00-CC-2051, Correctional Medical Services, INC. Contract, against the Department of Corrections...................... $200,000.00
No. 00-CC-4300, Diane Kopan. Tort, against the Department of State Police..................... $53,120.94
No. 01-CC-4184, Eugene A. Melone. Personal Injury, against the Department of Corrections............... $24,000.00
No. 02-CC-0618, Stephen Reilly. Tort, against the Department of State Police..................... $18,000.00
No. 03-CC-4589, Trevor Richards. Tort, against the Department of Corrections................................. $7,500.00
No. 04-CC-0779, United States of America. Debt, against State’s Attorneys Appellate Prosecutor.............. $27,607.50
No. 04-CC-3829, Meadowbrook Manor at Bolingbrook. Refund, against the Department of Public Aid........................... $15,310.18
No. 05-CC-0218, LaFonso Rollins. Illegal Incarceration, against the Department of Corrections................. $144,849.23

New matter indicated by italics - deletions by strikeout
No. 05-CC-2597, Michael Evans. Illegal Incarceration, against the Department of Corrections $161,005.25
No. 05-CC-2598, Dana Holland. Illegal Incarceration, against the Department of Corrections $138,004.49
No. 05-CC-2730, Paul Terry. Illegal Incarceration, against the Department of Corrections $161,005.25

Section 10. The following named amounts are appropriated to the Court of Claims from the State Fund 011, Road Fund to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 97-CC-0676, Daniel Fricke. Retaliatory Discharge, against the Department of Transportation $95,921.67
No. 99-CC-4901, Janet Pesina. Tort, against the Department of Transportation $52,800.00
No. 01-CC-0708, Antoinette Logan. Personal Injury, against the Department of Transportation $5,400.00
No. 01-CC-2662, Adren Terry. Personal Injury, against the Department of Transportation $736,278.78
No. 05-CC-2304, Meites, Mulder, Burger & Mollica. Attorney Fees, against the Department of Transportation $125,000.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $110.00

Section 15. The following named amounts are appropriated to the Court of Claims from State Fund 012, Motor Fuel Tax Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $628.00

Section 20. The following named amounts are appropriated to the Court of Claims from State Fund 013, Alcoholism and Substance Abuse Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $2,230.58

Section 25. The following named amounts are appropriated to the Court of Claims from State Fund 018, Transportation Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $2,948.00

Section 30. The following named amounts are appropriated to the Court of Claims from State Fund 022, General Professions Dedicated Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,600.12

Section 35. The following named amounts are appropriated to the Court of Claims from the State Fund 040, State Parks Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........................................ $55,595.91

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $2,940.74

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 041, Wildlife and Fish Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,556.60

Section 45. The following named amounts are appropriated to the Court of Claims from State Fund 045, Agricultural Premium Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $116.00

Section 50. The following named amounts are appropriated to the Court of Claims from State Fund 047, Fire Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $148.47

Section 55. The following named amounts are appropriated to the Court of Claims from State Fund 050, Mental Health Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $183.00

Section 60. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title III Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $27,186.67

Section 65. The following named amounts are appropriated to the Court of Claims from State Fund 054, State Pensions Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,219.96

Section 70. The following named amounts are appropriated to the Court of Claims from State Fund 057, Illinois State Pharmacy Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $395.34

Section 75. The following named amounts are appropriated to the Court of Claims from State Fund 060, Alzheimer’s Disease Research Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $2,217.49

Section 80. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-4189, Lake County Health Department. Debt, against the Department of Public Health........................ $120,649.67

No. 05-CC-2205, Hekotoen Institute. Debt, against the Department of Public Health........................ $79,579.01

No. 05-CC-2389, Hekotoen Institute. Debt, against the Department of Public Health........................ $79,237.96

For payments of awards for lapsed appropriation claims less than $50,000........................................ $27,507.02

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $34,939.35

Section 85. The following named amounts are appropriated to the Court of Claims from Federal Fund 065, Environmental Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $411.97

Section 90. The following named amounts are appropriated to the Court of Claims from State Fund 067, Radiation Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $156.89

Section 95. The following named amounts are appropriated to the Court of Claims from State Fund 078, Solid Waste Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 05-CC-2917, Terris, LLC. Debt, against the Environmental Protection Agency................................. $155,779.20

Section 100. The following named amounts are appropriated to the Court of Claims from the Federal Fund 081, Vocational Rehabilitation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................................ $96,404.38
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $138.00

Section 105. The following named amounts are appropriated to the Court of Claims from State Fund 091, Clean Air Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $130.00

Section 110. The following named amounts are appropriated to the Court of Claims from State Fund 094, DCFS Training Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $21,260.11

Section 115. The following named amounts are appropriated to the Court of Claims from Federal Fund 131, Council on Developmental Disabilities Federal Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $47.39

Section 120. The following named amounts are appropriated to the Court of Claims from State Fund 141, Capital Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................................. $74,575.69

Section 125. The following named amounts are appropriated to the Court of Claims from State Fund 152, State Crime Laboratory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $4,273.09

Section 130. The following named amounts are appropriated to the Court of Claims from State Fund 173, Emergency Planning and Training Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $1,767.67

Section 135. The following named amounts are appropriated to the Court of Claims from State Fund 215, Capital Development Board Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $371.77

Section 140. The following named amounts are appropriated to the Court of Claims from State Fund 218, Professional Indirect Cost Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $9,079.12

New matter indicated by italics - deletions by strikeout
Section 145. The following named amounts are appropriated to the Court of Claims from State Fund 238, Illinois Health Facilities Planning Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $75.98

Section 150. The following named amounts are appropriated to the Court of Claims from the State Fund 244, Savings and Residential Finance Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........................................ $8,654.22

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $187.50

Section 155. The following named amounts are appropriated to the Court of Claims from State Fund 259, Optometric Licensing and Disciplinary Committee Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $570.00

Section 160. The following named amounts are appropriated to the Court of Claims from State Fund 262, Mandatory Arbitration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $150.00

Section 165. The following named amounts are appropriated to the Court of Claims from State Fund 276, Drunk and Drugged Driving Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $3,210.00

Section 170. The following named amounts are appropriated to the Court of Claims from State Fund 288, Community Water Supply Laboratory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $406.00
Section 175. The following named amounts are appropriated to the Court of Claims from State Fund 292, Securities Investors Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................................................... $9,850.00

Section 180. The following named amounts are appropriated to the Court of Claims from State Fund 297, Guardianship & Advocacy Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................................. $29.84

Section 185. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................................. $9,195.24

Section 190. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $15,818.32

Section 195. The following named amounts are appropriated to the Court of Claims from State Fund 310, Tax Recovery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................... $1,281.50

Section 200. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 05-CC-0986, Nextiraone Solutions LLC. Debt, against the Department of Central Management Services............. $177,621.99

No. 05-CC-1319, Macro Corporation. Debt, against the Department of Central Management Services................. $54,556.27
No. 05-CC-2146, SBC Datacom Inc.  Debt, against the Department of Central Management Services......................... $74,431.00
No. 05-CC-2148, SBC Datacom Inc.  Debt, against the Department of Central Management Services......................... $39,661.00
For payments of awards for lapsed appropriation claims less than $50,000........................................ $26,967.19
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $32,745.56

Section 205. The following named amounts are appropriated to the Court of Claims from State Fund 315, Efficiency Initiatives Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $143.00

Section 210. The following named amounts are appropriated to the Court of Claims from State Fund 323, Motor Vehicle Review Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $468.75

Section 215. The following named amounts are appropriated to the Court of Claims from Federal Fund 343, Federal National Community Services Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................................ $13,562.91
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,624.56

Section 220. The following named amounts are appropriated to the Court of Claims from State Fund 344, Care Provider Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $11,634.68

Section 225. The following named amounts are appropriated to the Court of Claims from State Fund 362, Securities Audit and Enforcement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $934.80

Section 230. The following named amounts are appropriated to the Court of Claims from State Fund 363, Division of Corporations Special Operations Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $3,533.90

Section 235. The following named amounts are appropriated to the Court of Claims from State Fund 370, Tanning Facility Permit Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $500.00

Section 240. The following named amounts are appropriated to the Court of Claims from State Fund 372, Plumbing Licensure and Program Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $150.28

Section 245. The following named amounts are appropriated to the Court of Claims from Federal Fund 408, Special Purposes Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $2,057.03

Section 250. The following named amounts are appropriated to the Court of Claims from Federal Fund 410, SBE Federal Department of Agriculture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $764.00

Section 255. The following named amounts are appropriated to the Court of Claims from State Fund 421, Public Aid Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $113.81
Section 260. The following named amounts are appropriated to the Court of Claims from State Fund 438, Illinois State Fair Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $656.81

Section 265. The following named amounts are appropriated to the Court of Claims from Federal Fund 476, Wholesome Meat Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $121.97

Section 270. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.............................. $18,944.98

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $13,010.31

Section 275. The following named amounts are appropriated to the Court of Claims from Federal Fund 495, Old Age Survivors Insurance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $2,617.52

Section 280. The following named amounts are appropriated to the Court of Claims from Federal Fund 497, Federal Civil Preparedness Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $119.85

Section 285. The following named amounts are appropriated to the Court of Claims from State Fund 502, Early Intervention Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $14,197.97

New matter indicated by italics - deletions by strikeout
Section 290. The following named amounts are appropriated to the Court of Claims from State Fund 514, State Asset Forfeiture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $301.00

Section 295. The following named amounts are appropriated to the Court of Claims from State Fund 523, Department of Corrections Reimbursement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357......................................... $53.43

Section 300. The following named amounts are appropriated to the Court of Claims from Federal Fund 526, Emergency Management Preparedness Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $7,563.92

Section 305. The following named amounts are appropriated to the Court of Claims from State Fund 534, Industrial Commissions Operations Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $3,148.26

Section 310. The following named amounts are appropriated to the Court of Claims from State Fund 537, State Offender DNA Identification Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 05-CC-1540, Orchid Cellmark. Debt, against the Department of State Police............................................... $136,325.00

No. 05-CC-1549, Orchid Cellmark. Debt, against the Department of State Police............................................... $94,375.00

No. 05-CC-1879, Orchid Cellmark. Debt, against the Department of State Police............................................... $55,350.00

Section 315. The following named amounts are appropriated to the Court of Claims from Federal Fund 561, SBE Federal Department of Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $5,517.29

Section 320. The following named amounts are appropriated to the Court of Claims from Federal Fund 566, DCFS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................................... $14,936.61

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..................................., $9,390.69

Section 325. The following named amounts are appropriated to the Court of Claims from State Fund 576, Pesticide Control Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $17.25

Section 330. The following named amounts are appropriated to the Court of Claims from Federal Fund 592, DHS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........................................ $22,013.68

Section 335. The following named amounts are appropriated to the Court of Claims from Federal Fund 607, Special Projects Divisions Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $590.53

Section 340. The following named amounts are appropriated to the Court of Claims from State Fund 614, Capital Litigation Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........................................ $11,400.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $19,646.90

Section 345. The following named amounts are appropriated to the Court of Claims from Federal Fund 618, Services for Older Americans

New matter indicated by italics - deletions by strikeout
Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $159.00

Section 350. The following named amounts are appropriated to the Court of Claims from State Fund 632, Horse Racing Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $2,625.08

Section 355. The following named amounts are appropriated to the Court of Claims from Federal Fund 664, Student Loan Operating Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $485.97

Section 360. The following named amounts are appropriated to the Court of Claims from State Fund 692, ICCB Adult Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $377.66

Section 365. The following named amounts are appropriated to the Court of Claims from State Fund 705, State Police Whistleblower Reward and Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 05-CC-1723, Aspex LLC. Debt, against the Department of State Police ........................................ $174,499.00

Section 370. The following named amounts are appropriated to the Court of Claims from State Fund 711, State Lottery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $13,129.68

Section 375. The following named amounts are appropriated to the Court of Claims from State Fund 718, Community Mental Health Medicaid Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $12,077.80

Section 380. The following named amounts are appropriated to the Court of Claims from State Fund 733, Tobacco Settlement Recovery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $30,229.67

Section 385. The following named amounts are appropriated to the Court of Claims from State Fund 745, State’s Attorneys Appellate Prosecutor’s County Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $53.49

Section 390. The following named amounts are appropriated to the Court of Claims from State Fund 757, Child Support Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................................. $23,633.96

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $11,501.29

Section 395. The following named amounts are appropriated to the Court of Claims from State Fund 762, Local Initiative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $4,940.00

Section 400. The following named amounts are appropriated to the Court of Claims from Federal Fund 765, Federal Surface Mining Control and Reclamation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $2,525.16

Section 405. The following named amounts are appropriated to the Court of Claims from State Fund 796, Nuclear Safety Emergency Preparedness Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Section 410. The following named amounts are appropriated to the Court of Claims from State Fund 801, AG State Projects & Court Order Distribution Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.....................................                                         $20,957.00

Section 415. The following named amounts are appropriated to the Court of Claims from Federal Fund 821, Dram Shop Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................                                           $192.00

Section 420. The following named amounts are appropriated to the Court of Claims from State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000....................................                                                     $52,848.63

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................                                           $215.88

Section 425. The following named amounts are appropriated to the Court of Claims from State Fund 879, Traffic and Criminal Conviction Surcharge Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000....................................                                                     $18,816.76

Section 430. The following named amounts are appropriated to the Court of Claims from Federal Fund 872, Maternal & Child Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................                                           $28,074.60

Section 435. The following named amounts are appropriated to the Court of Claims from State Fund 879, Traffic and Criminal Conviction Surcharge Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $90.00

Section 440. The following named amounts are appropriated to the Court of Claims from Federal Fund 883, Intra-Agency Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $40.80

Section 445. The following named amounts are appropriated to the Court of Claims from State Fund 886, Criminal Justice Information Systems Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $61.47

Section 450. The following named amounts are appropriated to the Court of Claims from State Fund 896, Public Health Special State Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $350.00

Section 455. The following named amounts are appropriated to the Court of Claims from Federal Fund 904, Illinois State Police Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................................. $10,125.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $317.37

Section 460. The following named amounts are appropriated to the Court of Claims from State Fund 905, Illinois Forestry Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $5,812.94

Section 465. The following named amounts are appropriated to the Court of Claims from State Fund 907, Health Insurance Reserve Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $392.60

Section 470. The following named amounts are appropriated to the Court of Claims from Federal Fund 911, Juvenile Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........................................ $21,800.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $4,007.32

Section 475. The following named amounts are appropriated to the Court of Claims from State Fund 920, Metabolic Screening and Treatment Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $12,320.88

Section 480. The following named amounts are appropriated to the Court of Claims from State Fund 921, DHS Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........................................ $21,800.00

Section 490. The following named amounts are appropriated to the Court of Claims from State Fund 944, Environmental Protection Permit and Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $22.27

Section 495. The following named amounts are appropriated to the Court of Claims from State Fund 957, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,783.20

Section 500. The following named amounts are appropriated to the Court of Claims from State Fund 963, Vehicle Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $172.50

Section 505. The following named amounts are appropriated to the Court of Claims from State Fund 980, Manteno Veterans Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,134.12

Section 510. The following named amounts are appropriated to the Court of Claims from State Fund 997, Insurance Financial Regulation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $145.85

ARTICLE 58
Section 5. The amount of $220,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the East St. Louis Financial Advisory Authority for the operating expenses of the City of East St. Louis Financial Advisory Authority.

ARTICLE 59
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Environmental Protection Agency:

ADMINISTRATION
For Personal Services............................ 630,600
For Employee Retirement Contributions
  Paid by Employer.............................. 4,300
For State Contributions to State
  Employees' Retirement System............... 49,100
For State Contributions to Social Security........ 48,200
For Contractual Services....................... 9,100
For Travel..................................... 6,900
For Commodities.............................. 17,600
For Printing.................................... 0
For Equipment................................. 2,900
For Telecommunications Services.............. 19,000
For Operation of Auto Equipment............... 8,400
Section 5a. The sum of $400,000, or much thereof as may be necessary, is appropriated from the General Revenue Fund to the Environmental Protection Agency for a grant to the Addison Creek Restoration Commission for purposes related to floodplain management.

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

Payable from U.S. Environmental Protection Fund:
  For Contractual Services.......................... 1,712,700
Payable from Underground Storage Tank Fund:
  For Contractual Services.......................... 234,900
Payable from Solid Waste Management Fund:
  For Contractual Services.......................... 258,200
Payable from Subtitle D Management Fund:
  For Contractual Services.......................... 93,900
Payable from Clean Air Act Permit Fund:
  For Contractual Services.......................... 1,281,800
Payable from Water Revolving Fund:
  For Contractual Services.......................... 641,500
Payable from Community Water Supply Laboratory Fund:
  For Contractual Services.......................... 153,600
Payable from Used Tire Management Fund:
  For Contractual Services.......................... 123,900
Payable from Conservation 2000 Fund:
  For Contractual Services.......................... 31,100
Payable from Hazardous Waste Fund:
  For Contractual Services.......................... 495,600
Payable from Environmental Protection Permit and Inspection Fund:
  For Contractual Services.......................... 436,100
Payable from Vehicle Inspection Fund:
  For Contractual Services.......................... 522,700
Payable from the Clean Water Fund:
  For Contractual Services.......................... 609,200
Total $6,595,200

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $672,300, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for pollution prevention activities.

Section 20. The sum of $200,000, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency from the EPA Special States Projects Trust Fund for the purpose of funding the planning, administration, and operation of environmental intern programs to be funded by advance contributions.

Section 25. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for all costs associated with the development and implementation of Illinois Environmental Facts On-Line.

Section 30. The sum of $332,200, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for the purpose of administering the toxic and hazardous materials program and the regulatory innovation program.

Section 35. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the Industrial Hygiene Regulatory and Enforcement Fund to the Environmental Protection Agency for the purpose of administering the industrial hygiene licensing program.

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposed hereinafter named, are appropriated from the Environmental Protection Permit and Inspection Fund to the Environmental Protection Agency:

For Personal Services.............................. 179,900
For Employee Retirement Contributions
   Paid by Employer................................. 1,200
For State Contributions to the State
   Employee’s Retirement System.................... 14,000
For State Contributions to
   Social Security................................... 24,700
For Group Insurance................................. 41,400
Total........................................... $261,200

Section 45. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Oil Spill Response Fund to the Environmental Protection Agency for use in accordance with Section 25c-1 of the Environmental Protection Act.

New matter indicated by italics - deletions by strikeout
Section 50. The amount of $6,000,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for awards and grants as directed by the Environmental Protection Trust Fund Commission.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

AIR POLLUTION CONTROL

Payable from U.S. Environmental Protection Fund:

For Personal Services......................... 2,909,900
For Employee Retirement Contributions Paid by Employer......................... 24,300
For State Contributions to State Employees' Retirement System............ 226,700
For State Contributions to Social Security.......................... 222,600
For Group Insurance............................ 677,600
For Contractual Services...................... 1,523,700
For Travel....................................... 120,800
For Commodities................................ 40,000
For Printing...................................... 600,000
For Equipment.................................... 600,000
For Telecommunications Services........... 215,000
For Operation of Auto Equipment........... 60,000
For Use by the City of Chicago.............. 374,600
For Expenses Related to the Development and Implementation of a Targeted Clean Air Information and Education Program.............. 1,050,000
Total $8,177,200

Payable from the Environmental Protection Permit and Inspection Fund for Air Permit and Inspection Activities:

For Personal Services......................... 2,825,000
For Other Expenses............................ 2,045,500
For Refunds..................................... 150,000
Total $5,020,500

Payable from the Vehicle Inspection Fund:

For Personal Services......................... 3,806,700

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions  
Paid by Employer................................. 40,000  
For State Contributions to State  
Employees' Retirement System............... 296,600  
For State Contributions to Social Security................................. 375,000  
For Group Insurance............................ 1,380,000  
For Vehicle Inspections, including prior year costs............................ 52,682,300  
For Contractual Services....................... 1,656,300  
For Travel........................................ 50,000  
For Commodities................................... 20,000  
For Printing..................................... 359,000  
For Equipment.................................... 100,000  
For Telecommunications........................... 125,000  
For Operation of Auto Equipment................... 30,000  
Total $60,920,900

Section 60. The following named amounts, or so much thereof as may be necessary, is appropriated from the Clean Air Act Permit Fund to the Environmental Protection Agency for the purpose of funding Clean Air Act Title V activities in accordance with Clean Air Act Amendments of 1990:  
For Personal Services and Other Expenses of the Program............... 16,850,000  
For Refunds...................................... 150,000  
Total $17,000,000

Section 65. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of funding clean air activities.

Section 70. The sum of $37,100, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for the purpose of funding an on-site monitor at the Robbins Resource Recovery Incinerator, Robbins, Illinois.

Section 75. The named amounts, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Environmental Protection Agency for the purpose of administering the Alternate Fuels Rebate Program and the Ethanol Fuel Research Program:
For Personal Services and Other Expenses................................. 200,000
For Grants and Rebates.......................... 2,000,000
Total......................................................... $2,200,000

Section 80. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Alternate Compliance Market Account Fund to the Environmental Protection Agency for all costs associated with the emissions reduction market program.

Section 85. The amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Special State Projects Trust Fund to the Environmental Protection Agency for all costs associated with the Drive Green Illinois initiative and other clean air public awareness programs.

LABORATORY SERVICES

Section 90. The named amounts, or so much thereof as may be necessary, are appropriated from the Community Water Supply Laboratory Fund to the Environmental Protection Agency for the purpose of performing laboratory testing of samples from community water supplies and for administrative costs of the Agency and the Community Water Supply Testing Council.

For Personal Services and Other Expenses of the Program....................... 3,365,800
For Permanent Improvements.......................... 7,600
Total................................................................. $3,373,400

Section 95. The sum of $733,000, or so much thereof as may be necessary, is appropriated from the Environmental Laboratory Certification Fund to the Environmental Protection Agency for the purpose of administering the environmental laboratories certification program.

Section 100. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of performing laboratory analytical services for government entities.

Section 105. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

LAND POLLUTION CONTROL

Payable from U.S. Environmental Protection Fund:
For Personal Services................................. 3,037,800

New matter indicated by italics - deletions by strikeout
Section 110. The following named sums, or so much thereof as may be necessary, including prior year costs, are appropriated to the Environmental Protection Agency, payable from the U. S. Environmental Protection Fund, for use of remedial, preventive or corrective action in accordance with the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended:

For Personal Services.......................... 2,288,200
For Employee Retirement Contributions
   Paid by Employer............................... 22,900
For State Contributions to State
   Employees' Retirement System.................... 178,300
For State Contributions to
   Social Security................................ 177,000
For Group Insurance............................ 510,000
For Contractual Services........................ 260,000
For Travel........................................... 60,000
For Commodities.................................. 100,000
For Printing........................................ 10,000
For Equipment..................................... 150,000
For Telecommunications Services................. 50,000
For Operation of Auto Equipment............... 65,000
For Contractual Expenses Related to

New matter indicated by italics - deletions by strikeout
Remedial, Preventive or Corrective
Actions in Accordance with the
Federal Comprehensive and Liability
Act of 1980, including Costs in
Prior Years.............................................. 9,500,000
Total                                    $13,371,400

Section 115. The following named sums, or so much thereof as
may be necessary, are appropriated to the Environmental Protection
Agency for the purpose of funding the Underground Storage Tank
Program.
Payable from the Underground Storage Tank Fund:
For Personal Services......................... 2,565,900
For Employee Retirement Contributions
Paid by Employer................................ 25,700
For State Contributions to State
Employees' Retirement System............... 199,900
For State Contributions to
Social Security................................. 193,200
For Group Insurance............................ 676,200
For Contractual Services...................... 292,500
For Travel........................................... 29,500
For Commodities............................... 15,000
For Printing....................................... 5,000
For Equipment.................................... 105,000
For Telecommunications Services........... 25,000
For Operation of Auto Equipment............ 10,700
For Reimbursements to Eligible Owners/
Operators of Leaking Underground
Storage Tanks, including claims
submitted in prior years and for
costs associated with site remediation...... 62,000,000
Total                                    $66,143,600

Section 120. The following named sums, or so much thereof as
may be necessary, are appropriated to the Environmental Protection
Agency for use in accordance with Section 22.2 of the Environmental
Protection Act:
Payable from the Hazardous Waste Fund:
For Personal Services......................... 3,496,800
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
Paid by Employer................................. 35,000
For State Contributions to State
  Employees' Retirement System............... 272,400
For State Contributions to
  Social Security................................ 267,500
For Group Insurance............................ 924,600
For Contractual Services....................... 1,312,000
For Travel........................................ 55,500
For Commodities................................... 38,000
For Printing....................................... 5,000
For Equipment.................................... 102,000
For Telecommunications Services............... 54,200
For Operation of Auto Equipment............... 42,000
For Personal Services and Other
  Expenses Related to Removal or
  Remedial Actions and for Expenses
  Related to Reviewing the Performance
  of Response Actions Pursuant
  to Title XVII of the Environmental
  Protection Act........................................ 0
For Contractual Services for Site
  Remediations, including costs
  in Prior Years................................. 19,000,000
Total $25,605,000

Section 125. The following named sums, or so much thereof as may be necessary, are appropriated from the Environmental Protection Permit and Inspection Fund to the Environmental Protection Agency for land permit and inspection activities:
  For Personal Services......................... 2,301,700
  For Employee Retirement Contributions
    Paid by Employer............................... 23,400
  For State Contributions to State
    Employees' Retirement System.............. 179,300
  For State Contributions to
    Social Security.............................. 176,000
  For Group Insurance........................... 509,900
  For Contractual Services.................... 548,100
  For Travel...................................... 7,500
  For Commodities............................... 13,000

New matter indicated by italics - deletions by strikeout
For Printing................................. 11,000
For Equipment............................... 12,000
For Telecommunications Services........... 18,000
For Operation of Auto Equipment............ 5,500
Total $3,805,400

Section 130. The following named sums, or so much thereof as may be necessary, are appropriated from the Solid Waste Management Fund to the Environmental Protection Agency for use in accordance with Section 22.15 of the Environmental Protection Act:
For Personal Services........................ 5,276,500
For Employee Retirement Contributions
  Paid by Employer............................... 52,700
For State Contributions to State
  Employees' Retirement System............... 411,100
For State Contributions to
  Social Security................................ 374,400
For Group Insurance........................... 1,218,200
For Contractual Services...................... 843,600
For Travel...................................... 120,000
For Commodities................................ 79,000
For Printing.................................... 84,900
For Equipment................................. 85,000
For Telecommunications Services............ 118,600
For Operation of Auto Equipment............ 32,600
For Refunds.................................... 20,000
For financial assistance to units of local government for operations under delegation agreements................. 1,750,000
For grants and contracts for removing waste, including costs for demolition, removal and disposal............ 3,000,000
Total 13,466,600

Section 135. The following named sums, or so much therefore as may be necessary, are appropriated to the Environmental Protection Agency for conducting a household hazardous waste collection program, including costs from prior years:
Payable from the Solid Waste
  Management Fund.............................. 3,058,000
Payable from the Special State

New matter indicated by italics - deletions by strikeout
Projects Trust Fund............................ 1,250,000

Section 140. The following named amounts, or so much thereof as may be necessary, are appropriated from the Used Tire Management Fund to the Environmental Protection Agency for purposes as provided for in Section 55.6 of the Environmental Protection Act.

For Personal Services.......................... 1,427,000
For Employee Retirement Contributions Paid by Employer................................. 14,200
For State Contributions to State Employees' Retirement System....................... 111,200
For State Contributions to Social Security......................................... 109,200
For Group Insurance.............................. 372,600
For Contractual Services................................. 2,698,400
For Travel........................................ 32,000
For Commodities................................... 15,000
For Printing....................................... 2,000
For Equipment..................................... 100,000
For Telecommunications Services................. 14,700
For Operation of Auto Equipment........... 8,000
Total $4,904,300

Section 145. The following named amounts, or so much thereof as may be necessary, are appropriated from the Subtitle D Management Fund to the Environmental Protection Agency for the purpose of funding the Subtitle D permit program in accordance with Section 22.44 of the Environmental Protection Act:

For Personal Services.......................... 1,103,000
For Employee Retirement Contributions Paid by Employer................................. 11,000
For State Contributions to State Employees' Retirement System....................... 85,900
For State Contributions to Social Security......................................... 84,400
For Group Insurance.............................. 289,800
For Contractual Services................................. 327,000
For Travel........................................ 27,300
For Commodities................................... 12,000
For Printing....................................... 3,000
For Equipment..................................... 50,000

New matter indicated by italics - deletions by strikeout
For Telecommunications............................ 20,000
For Operation of Auto Equipment................... 10,000
Total                                          $2,023,400

Section 150. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Landfill Closure and Post Closure Fund to the Environmental Protection Agency for the purpose of funding closure activities in accordance with Section 22.17 of the Environmental Protection Act.

Section 155. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Hazardous Waste Occupational Licensing Fund to the Environmental Protection Agency for expenses related to the licensing of Hazardous Waste Laborers and Crane and Hoisting Equipment Operators, as mandated by Public Act 85-1195.

Section 160. The following named amount, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency for use in accordance with the Brownfields Redevelopment program:
Payable from the Brownfields Redevelopment Fund:
For Personal Services and Other Expenses of the Program....................... 1,063,000

Section 165. The sum of $10,810,000, or so much thereof as may be necessary, is appropriated from the Brownfields Redevelopment Fund to the Environmental Protection Agency for financial assistance for brownfields redevelopment in accordance with 58.3(5), 58.13 and 58.15 of the Environmental Protection Act, including costs in prior years.

Section 170. The sum of $960,000, or so much thereof as may be necessary, is appropriated from the EPA Court Ordered Trust Fund to the Environmental Protection Agency for all expenses related to removal or remediation actions at the Jennison-Wright superfund site.

Section 175. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

BUREAU OF WATER
Payable from U.S. Environmental Protection Fund:
For Personal Services......................... 6,451,100
For Employee Retirement Contributions
Paid by Employer.............................. 64,900
For State Contributions to State Employees' Retirement System............. 502,600

New matter indicated by italics - deletions by strikeout
For State Contributions to
   Social Security.............................. 493,500
   For Group Insurance............................ 1,614,600
   For Contractual Services....................... 2,451,200
   For Travel....................................... 113,900
   For Commodities................................. 30,500
   For Printing...................................... 58,100
   For Equipment.................................... 223,400
   For Telecommunications Services............... 106,400
   For Operation of Auto Equipment............... 61,500
   For Use by the Department of
      Public Health.................................. 703,000
   For non-point source pollution management
      and special water pollution studies
      including costs in prior years............... 10,950,000
   For all costs associated with
      the Drinking Water Operator
      Certification Program, including
      costs in prior years....................... 1,300,000
   For Water Quality Planning,
      including costs in prior years............ 350,000
   For Use by the Department of
      Agriculture..................................... 100,000
   Total                                                                 $25,574,700

Section 180. The following named sums, or so much thereof as
may be necessary, are appropriated from the Hazardous Waste Fund to the
Environmental Protection Agency for use in accordance with Section 22.2
of the Environmental Protection Act:
   For Personal Services......................... 277,800
   For Employee Retirement Contributions
      Paid by Employer............................. 2,800
   For State Contribution to State
      Employees' Retirement System............... 21,600
   For State Contribution to
      Social Security............................. 21,300
   For Group Insurance......................... 69,000
   For Contractual Services..................... 29,000
   For Travel...................................... 6,000
   For Commodities................................ 6,000

New matter indicated by italics - deletions by strikeout
Section 185. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from the Environmental Protection Permit and Inspection Fund:

- For Personal Services: $1,352,400
- For Employee Retirement Contributions Paid by Employer: $12,600
- For State Contribution to State Employees' Retirement System: $105,400
- For State Contribution to Social Security: $103,400
- For Group Insurance: $386,400
- For Contractual Services: $216,500
- For Travel: $28,200
- For Commodities: $38,400
- For Printing: $6,000
- For Equipment: $95,400
- For Telecommunications Services: $30,500
- For Operation of Automotive Equipment: $22,800

Total: $2,398,000

Section 190. The named amounts, or so much thereof as may be necessary, are appropriated from the Conservation 2000 Fund to the Environmental Protection Agency for the purpose of funding lake management activities required by the Illinois Lake Management Program:

- For Personal Services and Other Expenses of the Program: $570,600
- For Financial Assistance: $1,000,000

Total: $1,570,600

Section 195. The sum of $1,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made for such purpose in Article 24, Section 180 of Public Act 93-842, is reappropriated from the Conservation 2000 Fund to the Environmental Protection Agency for financial assistance under the Illinois Lake Management Program.

New matter indicated by italics - deletions by strikeout
Section 200. The sum of $3,025,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from appropriations and reappropriations heretofore made for such purpose in Article 24, Section 185 of Public Act 93-842, is reappropriated from the Conservation 2000 Fund to the Environmental Protection Agency for financial assistance under the Illinois Lake Management Program.

Section 205. The amount of $6,770,300, or so much thereof as may be necessary, is appropriated from the Clean Water Fund to the Environmental Protection Agency for all costs associated with clean water activities.

Section 210. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Clean Water Fund to the Environmental Protection Agency for refunds.

Section 215. The following named amounts, or so much thereof as may be necessary, respectively, for the object and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from the Water Revolving Fund:
For Administrative Costs of Water Pollution Control Revolving Loan Program........................ 2,024,200
For Program Support Costs of Water Pollution Control Program............................. 7,740,400
For Administrative Costs of the Drinking Water Revolving Loan Program............... 1,150,200
For Program Support Costs of the Drinking Water Program................................. 1,994,700
For Wellhead Protection, capacity development and technical assistance to public water supplies......................... 741,700
Total                                                                                     $13,651,200

Section 220. The sum of $900,000, or so much thereof as may be necessary, is appropriated from the Special State Projects Trust Fund to the Environmental Protection Agency for all costs associated with environmental studies and activities.

Section 225. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Environmental Protection Agency for the objects and purposes hereinafter named, to meet

New matter indicated by italics - deletions by strikeout
the ordinary and contingent expenses of the Pollution Control Board Division.

POLLUTION CONTROL BOARD DIVISION
Payable from Pollution Control Board Fund:
For Contractual Services............................ 12,500
For Printing............................................. 0
For Telecommunications Services...................... 4,000
For Refunds........................................... 1,000
Total $17,500
Payable from the Environmental Protection Permit and Inspection Fund:
For Personal Services.............................. 656,800
For Employee Retirement Contributions
Paid by Employer..................................... 4,000
For State Contributions to State Employees'
Retirement System................................. 51,200
For State Contributions to Social Security........ 50,200
For Group Insurance................................. 151,800
For Contractual Services......................... 9,900
For Travel............................................. 5,000
For Electronic Data Processing..................... 1,000
For Telecommunications Services................... 7,200
Total $937,100
Payable from the Clean Air Act Permit Fund:
For Personal Services.............................. 699,700
For Employee Retirement Contributions
Paid by Employer..................................... 0
For State Contributions to State Employees'
Retirement System................................. 54,500
For State Contributions to Social Security........ 53,500
For Group Insurance................................. 193,200
For Contractual Services......................... 10,000
Total $1,010,900

Section 230. The amount of $17,800, or so much thereof as may be necessary, is appropriated from the Used Tire Management Fund to the Environmental Protection Agency for the purposes as provided for in Section 55.6 of the Environmental Protection Act.
Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Guardianship and Advocacy Commission for the purposes hereinafter named:

For Personal Services............................... 6,354,600
For Employee Retirement Contributions
   Paid by Employer................................. 31,000
For State Contributions to the State
   Employees' Retirement System.................... 495,100
For State Contributions to
   Social Security................................ 485,400
For Contractual Services............................ 240,400
For Travel........................................... 158,000
For Commodities.................................... 13,400
For Printing.......................................... 13,000
For Equipment....................................... 7,900
For Electronic Data Processing.................... 21,400
For Telecommunications Services................... 242,900
For Operation of Auto Equipment.................... 7,300
Total                                                                                      $8,070,400

Section 10. The sum of $187,700, or so much thereof as may be necessary, is appropriated from the Guardianship and Advocacy Fund to the Guardianship and Advocacy Commission for services pursuant to Section 5 of the Guardianship and Advocacy Act.

ARTICLE 61

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
EXECUTIVE OFFICE
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services............................... 976,800
For Employee Retirement Contributions
   Paid by Employer................................. 5,650
For State Contributions to State
   Employees' Retirement System.................... 76,100
For State Contributions to Social Security...... 74,750
For Contractual Services........................... 117,800

New matter indicated by italics - deletions by strikeout
For Contractual Services.......................... 90,300
For Travel........................................ 12,150
For Commodities.................................... 5,300
For Printing...................................... 75,200
For Electronic Data Processing.................... 39,750
For Telecommunications Services................. 18,700
For Lincoln Legals......................................................... 135,200
Total                                                                                         $1,627,700

PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Contractual Services......................... 55,000
For Commodities.................................... 1,000
For Printing........................................ 16,300
For Equipment...................................... 1,000
Total                                                                                              $73,300

For historic preservation programs
administered by the Executive Office,
only to the extent that funds are received
through grants, and awards, or gifts ........ 90,000

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

FOR OPERATIONS

ILLINOIS HISTORICAL LIBRARY DIVISION

PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 1,014,450
For Employee Retirement Contributions
    Paid by Employer............................... 11,100
For State Contributions to State
    Employees' Retirement System............... 79,000
For State Contributions to Social Security ...... 77,600
For Contractual Services...................... 18,800
For Travel........................................ 3,600
For Commodities.................................. 12,100
For Printing....................................... 1,200
For Equipment..................................... 27,400
For Telecommunications Services............ 9,300
For On-Line Computer Library Center (OCLC)...... 67,800
For Purchase and Care of Lincolniana.......... 18,600

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $225,000 or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for the ordinary and contingent expenses of the Historical Library including microfilming Illinois newspapers and manuscripts and performing genealogical research.

Section 20. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Historic Preservation Agency:

**FOR OPERATIONS**

**PRESERVATION SERVICES DIVISION**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>538,850</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>42,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>41,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>25,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>4,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,300</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>11,600</td>
</tr>
<tr>
<td>For the Main Street Program</td>
<td>163,700</td>
</tr>
<tr>
<td>For Access Improvements to Historic Places........</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$830,050</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM ILLINOIS HISTORIC SITES FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>353,350</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>4,250</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>27,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>27,050</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>110,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>59,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>26,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing..................... 5,000
For Telecommunications Services................... 13,000
For historic preservation programs
made either independently or in
cooperation with the Federal Government
or any agency thereof, any municipal
corporation, or political subdivision
of the State, or with any public or private
corporation, organization, or individual,
or for refunds.................................. 662,800
Total $1,294,350

Section 25. The sum of $150,000, or so much thereof as may be
necessary, is appropriated from the Illinois Historic Sites Fund to the
Historic Preservation Agency for awards and grants for historic
preservation programs made either independently or in cooperation with
the Federal Government or any agency thereof, any municipal corporation,
or political subdivision of the State, or with any public or private
corporation, organization, or individual.

Section 27. The sum of $136,147, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2005, from an appropriation heretofore made for such purpose in Article
33, Section 25 of Public Act 93-0842, is reappropriated from the Illinois
Historic Sites Fund to the Historic Preservation Agency for awards and
grants for historic preservation programs made either independently or in
cooperation with the Federal Government or any agency thereof, any
municipal corporation, or political subdivision of the State, or with any
public or private corporation, organization, or individual.

Section 30. The sum of $89,423, or so much thereof as may be
necessary and as remains unexpended at the close of business on June 30,
2005, from a reappropriation heretofore made in Article 33, Section 30 of
Public Act 93-0842, as amended, is reappropriated from the Illinois
Historic Sites Fund to the Historic Preservation Agency for awards and
grants for historic preservation programs made either independently or in
cooperation with the Federal Government or any agency thereof, any
municipal corporation, or political subdivision of the State, or with any
public or private corporation, organization, or individual.

Section 35. The sum of $1,566, or so much thereof as may be
necessary and as remains unexpended at the close of business on June 30,
2005, from a reappropriation heretofore made in Article 33, Section 35 of

New matter indicated by italics - deletions by strikeout
Public Act 93-0842, as amended, is reappropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 40. The sum of $23,764, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 33, Section 40 of Public Act 93-0842, as amended, is reappropriated from the General Revenue Fund to the Historic Preservation Agency to make Illinois Heritage Grants for the purpose of planning, survey, rehabilitation, restoration, reconstruction, landscaping and acquisition of Illinois properties designated on the National Register of Historic Places or as a landmark based on a county or municipal ordinance or those located within certain historic districts deemed historically significant.

Section 43. The amount of $0 is appropriated from the General Revenue Fund to the Illinois Historic Preservation Agency for a grant for the establishment of a civil rights museum.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
ADMINISTRATIVE SERVICES DIVISION
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services.................. 1,270,650
For Employee Retirement Contributions
   Paid by Employer......................... 5,150
For State Contributions to State
   Employees' Retirement System........... 99,000
   For State Contributions to Social Security ...... 97,200
   For Contractual Services.................. 312,200
For Travel........................... 1,600
For Commodities......................... 16,200
For Printing.......................... 1,300
For Telecommunications Services........... 22,800
For Operation of Auto Equipment........... 12,000
For deposit into the General Obligation

New matter indicated by italics - deletions by strikeout
Bond Retirement and Interest Fund for costs associated with the debt service payments of rolling stock and capital equipment................................. 0
Total $1,838,100

Section 50. The sum of $250,000 or so much thereof as may be necessary is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for the ordinary and contingent expenses of the Administrative Services division for costs associated with but not limited to Union Station, the Old State Capitol and the Old Journal Register Building.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
HISTORIC SITES DIVISION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 5,048,100
For Employee Retirement Contributions
   Paid by Employer............................. 52,800
For State Contributions to State
   Employees' Retirement System............... 393,300
For State Contributions to Social Security ..... 386,150
For Contractual Services..................... 888,900
For Travel.................................... 13,550
For Commodities............................. 146,300
For Equipment............................... 46,550
For Telecommunications Services............. 62,850
For Operation of Auto Equipment............ 39,900
Total $7,078,400

PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Personal Services....................... 38,000
For Employee Retirement Contributions
   Paid by Employer........................... 1,100
For State Contributions to State
   Employees' Retirement System............. 3,000
For State Contributions to Social Security .... 2,950
For Group Insurance.......................... 12,000

New matter indicated by italics - deletions by strikeout
For Contractual Services ........................................ 150,000
For Travel .............................................................. 5,000
For Commodities ..................................................... 35,000
For Equipment .......................................................... 25,000
For Telecommunications Services ............................... 5,000
For Operation of Auto Equipment ............................... 10,000
For Historic Preservation Programs Administered
by the Historic Sites Division, Only to the
Extent that Funds are Received Through
Grants, Awards, or Gifts ............................................... 350,000
For Permanent Improvements ..................................... 75,000
Total                                                                                                                         $712,050

Section 60. The sum of $600,000, or so much thereof as may be
necessary, is appropriated from the Illinois Historic Sites Fund to the
Historic Preservation Agency for operations, maintenance, repairs,
permanent improvements, special events, and all other costs related to the
operation of Illinois Historic Sites and only to the extent which donations
are received at Illinois State Historic Sites.

Section 65. The sum of $196,300, or so much thereof as may be
necessary, is appropriated to the Historic Preservation Agency from the
General Revenue Fund for programs and purposes including repairing,
maintaining, reconstructing, rehabilitating, replacing, fixed assets,
construction and development, studies, all costs for supplies, materials,
labor, land acquisition and its related costs, services and other expenses at
historic sites.

Section 70. The sum of $236,850, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Historic
Preservation Agency for the operational expenses of the Lewis and Clark
Historic Site in Madison County.

Section 75. The amounts appropriated for repairs and maintenance
and other capital improvements in Section 5b of this Article for repairs
and/or replacements, and miscellaneous capital improvements at the
agency's various historical sites, and are to include construction,
reconstruction, improvements, repairs and installation of capital facilities,
costs of planning, supplies, materials, and all other types of repairs and
maintenance, and capital improvements.

No contract shall be entered into or obligation incurred for repairs
and maintenance and other capital improvements from appropriations
made in Section 5c of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 80. The sum of $12,062,200, or so much thereof as may be necessary, is appropriated from the Presidential Library and Museum Operating Fund to the Historic Preservation Agency to meet the ordinary and contingent expenses of the Abraham Lincoln Presidential Library and Museum in Springfield.

Section 85. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Historic Preservation Agency:

Payable from the Illinois Historic Sites Fund for the Abraham Lincoln Presidential Library and Museum:

For historic preservation programs administered by the Executive Office, only to the extent that funds are received through grants, and awards, or gifts

\[ \text{For research projects associated with Abraham Lincoln:} \quad 135,000 \]

\[ \text{Total:} \quad 200,000 \]

\[ \text{Total:} \quad 335,000 \]

ARTICLE 62

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Human Rights Commission for the objects and purposes hereinafter enumerated:

GENERAL OFFICE

Payable from General Revenue Fund:

For Personal Services

\[ \text{For Employee Retirement Contributions Paid by Employer:} \quad 950,600 \]

\[ \text{For State Contributions to Social Security:} \quad 100 \]

\[ \text{For State Contributions to State Employees' Retirement System:} \quad 74,100 \]

\[ \text{For Contractual Services:} \quad 100,000 \]

\[ \text{For Travel:} \quad 73,500 \]

\[ \text{For Commodities:} \quad 25,000 \]

\[ \text{For Printing:} \quad 6,300 \]

\[ \text{For Equipment:} \quad 8,700 \]

\[ \text{For Electronic Data Processing:} \quad 6,800 \]

\[ \text{New matter indicated by italics - deletions by strikeout} \]
For Telecommunications Services.............. 26,300
Total                                      $1,281,300

Section 10. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Special Projects Division Fund to the Human Rights Commission for costs associated with processing and adjudicating cases under Equal Employment Opportunity Commission and U.S. Department of Housing and Urban Development contracts.

ARTICLE 63

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Criminal Justice Information Authority:

OPERATIONS
Payable from General Revenue Fund:
For Personal Services......................... 1,358,600
For Employee Retirement Contributions
Paid by Employer........................................ 9,100
For State Contributions to State
Employees' Retirement System.................. 105,800
For State Contributions to Social Security........... 104,000
For Contractual Services........................ 488,200
For Travel........................................ 16,300
For Commodities................................... 12,500
For Printing......................................... 16,000
For Equipment..................................... 5,900
For Electronic Data Processing................. 208,100
For Telecommunications Services.............. 45,500
For Operation of Auto Equipment.............. 11,000
Total                                      $2,381,000

Payable from Criminal Justice Information Systems Trust Fund:
For Personal Services......................... 850,700
For Employee Retirement Contributions
Paid by Employer........................................ 16,800
For State Contributions to State
Employees' Retirement System.................. 66,300
For State Contributions to
Social Security.................................... 65,100

New matter indicated by italics - deletions by strikeout
For Group Insurance.............................. 220,800
For Contractual Services........................ 189,200
For Travel........................................ 12,600
For Commodities................................. 2,600
For Printing....................................... 4,000
For Equipment.................................... 4,500
For Electronic Data Processing.................. 1,317,500
For Telecommunications Services................ 241,000
For Operation of Auto Equipment............... 7,400
Total ............................................. $2,998,500

Section 10. The sum of $37,579,300, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to local units of government and non-profit organizations.

Section 15. The sum of $12,100,000, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies.

Section 20. The following named sums, or so much thereof as needed, are appropriated to the Illinois Criminal Justice Information Authority for activities undertaken in support of federal assistance programs administered by units of state and local government and non-profit organizations:

Payable from the General Revenue Fund........... 786,800
Payable from the Criminal Justice Trust Fund........ 5,600,000
Total ............................................. $6,386,800

Section 25. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants and other monies received from federal agencies, from other units of government, and from private/not-for-profit organizations for activities undertaken in support of investigating issues in criminal justice and for undertaking other criminal justice information projects:

Payable from the Criminal Justice Trust Fund....... 1,700,000
Payable from the Criminal Justice Information Projects Fund............ 500,000
Total ............................................. $2,200,000

New matter indicated by italics - deletions by strikeout
Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Criminal Justice Information Authority for awards, grants and operational support to implement the Motor Vehicle Theft Prevention Act:

Payable from the Motor Vehicle Theft Prevention Trust Fund:

For Personal Services........................... 209,950
For other Ordinary and Contingent Expenses ...... 181,450
For Awards and Grants to federal and state agencies, units of local government, corporations, and neighborhood, community and business organizations to include operational activities and programs undertaken by the Authority in support of the Motor Vehicle Theft Prevention Act............ 6,500,000
For Refunds....................................... 50,000
Total............................................. $6,941,400

Section 35. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, to include operational activities and programs undertaken by the Authority, in support of Federal Crime Bill Initiatives.

Section 40. The sum of $12,540,000, or so much thereof as may be necessary, is appropriated from the Juvenile Accountability Incentive Block Grant Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, including operational expenses of the Authority in support of the Juvenile Accountability Incentive Block Grant program.

Section 45. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Criminal Justice Information Authority for costs and expenses related to a capital punishment reform study committee.

ARTICLE 64

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the
Illinois Educational Labor Relations Board for the objects and purposes hereinafter named:

OPERATIONS
For Personal Services........................... 972,000
For Employee Retirement Contributions
   Paid by Employer............................... 0
For State Contributions to State Employees' Retirement System................. 75,700
For State Contributions to Social Security.......................... 74,400
For Contractual Services.......................... 169,000
For Travel...................................... 24,000
For Commodities................................... 5,000
For Printing..................................... 4,000
For Equipment.................................... 24,000
For Electronic Data Processing.................... 22,100
For Telecommunications Services................. 26,000
For Operation of Automotive Equipment.......... 4,000
Total ........................................... $1,400,200

ARTICLE 65
Section 5. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Finance Authority for the purpose of interest buy-back as authorized under the Illinois Farm Development Act.

ARTICLE 66
Section 5. The sum of $37,599,000, or so much thereof as may be necessary, is appropriated from the Illinois Sports Facilities Fund to the Illinois Sports Facilities Authority for its corporate purposes.

ARTICLE 67
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Illinois Council on Developmental Disabilities:
Payable from Council on Developmental Disabilities Federal Fund:
   For Personal Services.......................... 660,500
   For Employee Retirement Contributions
      Paid By Employer............................... 1,400
   For State Contributions to the State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System.................  51,500
For State Contributions to
  Social Security..............................  50,600
For Group Insurance.........................  193,200
For Contractual Services....................  469,700
For Travel....................................  43,000
For Commodities.............................  30,000
For Printing..................................  37,500
For Equipment................................  15,000
For Electronic Data Processing..............  25,000
For Telecommunications Services............  45,000
  Total                                    $1,622,400

Section 10. The amount of $2,500,000, or so much thereof as may
be necessary, is appropriated from the Council on Developmental
Disabilities Federal Fund to the Illinois Council on Developmental
Disabilities for awards and grants to community agencies and other State
agencies.

ARTICLE 68

Section 5. The following amounts, or so much thereof as may be
necessary, respectively, are appropriated for the objects and purposes
named, to meet the ordinary and contingent expenses of the Illinois
Violence Prevention Authority:
Payable from the Violence Prevention Fund:
  For Personal Services......................  494,400
  For Employee Retirement Contributions
    Paid by Employer............................  0
  For State Contributions to State
    Employees' Retirement System............  38,500
  For State Contribution to
    Social Security..........................  37,900
  For Group Insurance.......................  110,400
  For Contractual Services..................  39,100
  For Travel..................................  20,000
  For Commodities...........................  3,000
  For Printing................................  10,000
  For Equipment..............................  1,000
  For Electronic Data Processing..........  2,000
  For Telecommunications Services........  2,000
  Total                                    $758,300

New matter indicated by italics - deletions by strikeout
Payable from the General Revenue Fund:
For Contractual Services......................... 36,500
Total ............................................. $36,500

Section 10. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated from the Violence Prevention Fund to the Illinois Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 15. The sum of $2,127,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 20. The amount of $849,600, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the Illinois Family Violence Coordinating Council Program.

ARTICLE 69
Section 5. The sum of $262,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Procurement Policy Board for its ordinary and contingent expenses.

ARTICLE 70
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission:

GENERAL OFFICE
For Personal Services:
Regular Positions................................. 4,590,900
Arbitrators........................................ 3,422,700
Court Reporters................................. 1,245,500
For Employee Retirement Contributions
  Paid by Employer.............................. 135,700
For State Contributions to State
  Employees' Retirement System.............. 357,700
  For Arbitrators' Retirement System........ 266,700
  For Court Reporters' Retirement System... 97,000
For State Contributions to
  Social Security............................. 715,700
For Group Insurance............................ 2,456,400

New matter indicated by italics - deletions by strikeout
For Contractual Services............................ 370,000
For Travel....................................... 230,000
For Commodities.................................. 45,500
For Printing...................................... 35,000
For Equipment..................................... 50,000
For Telecommunications Services............ 103,000
Total ........................................... $14,121,800

ELECTRONIC DATA PROCESSING
For Personal Services.......................... 669,900
For State Contributions to State
  Employees' Retirement System.............. 52,200
For State Contributions to
  Social Security.............................. 52,000
For Contractual Services...................... 135,000
For Travel...................................... 2,000
For Commodities............................... 1,500
For Equipment................................. 11,000
For Printing.................................... 2,000
For Telecommunications Services........... 56,500
Total .......................................... $982,100

  Section 10. In addition to the amounts heretofore appropriated, the
following named amount, or so much thereof as may be necessary, is
appropriated from the Illinois Workers’ Compensation Commission
Operations Fund to the Illinois Workers’ Compensation Commission for
the project hereinafter enumerated:

PEORIA OFFICE
For rent, staffing and equipment to operate
an office in Peoria............................... 108,100

  Section 15. The amount of $114,000, or so much thereof as may
be necessary, is appropriated from the Illinois Workers’ Compensation
Commission Operations Fund to the Illinois Workers’ Compensation
Commission for printing and distribution of Workers' Compensation
handbooks containing information as to the rights and obligations of
employers.

  Section 20. The amount of $279,300, or so much thereof as may
be necessary, is appropriated from the Illinois Workers’ Compensation
Commission Operations Fund to the Illinois Workers’ Compensation
Commission for the implementation and operation of an accident reporting
system.

New matter indicated by italics - deletions by strikeout
Section 25. The sum of $113,200, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission for all costs associated with the establishment and operation of a satellite office in the Metro East area.

Section 30. The amount of $950,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to Illinois Workers’ Compensation Commission for costs associated with the establishment, administration and operations of the Insurance Fraud Division of the workers’ compensation anti-fraud program administered by Department of Financial and Professional Regulations’ Division of Insurance.

Section 35. The amount of $950,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to Illinois Workers’ Compensation Commission for costs associated with the establishment, administration and operations of the Insurance Compliance Division of the workers’ compensation anti-fraud program administered by Illinois Workers’ Compensation Commission.

Section 40. The amount of $1,040,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to Illinois Workers’ Compensation Commission for all costs associated with the establishment, administration and operation of a third Commission panel.

Section 45. The amount of $450,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to Illinois Workers’ Compensation Commission for costs associated with the establishment of the Medical Fee Schedule and other provisions of the Workers Compensation Act.

ARTICLE 71

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Law Enforcement Training Standards Board:

OPERATIONS

Payable from the Traffic and Criminal Conviction Surcharge Fund:
For Personal Services.............................. 1,162,200
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
**PUBLIC ACT 94-0015**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by Employer</td>
<td>$5,800</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$90,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$88,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$358,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$301,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>$42,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$13,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>$5,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$39,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$69,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$36,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$18,200</td>
</tr>
<tr>
<td>For Expenses Related to the Audit of Assessment Collection and Remittance To</td>
<td>$0</td>
</tr>
<tr>
<td>and Expenditures From the Traffic and Criminal Conviction Surcharge Fund</td>
<td></td>
</tr>
<tr>
<td>For payment of and/or services related to the administration of investigations pursuant to P.A. 93-0655</td>
<td>$50,000</td>
</tr>
<tr>
<td>Total</td>
<td>$2,280,400</td>
</tr>
</tbody>
</table>

Payable from the Police Training Board Services Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For payment of and/or services related to law enforcement training in accordance with statutory provisions of the Law Enforcement Intern Training Act</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

Payable from the Death Certificate Surcharge Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For payment of and/or services related to death investigation in accordance with statutory provisions of the Vital Records Act</td>
<td>$400,000</td>
</tr>
</tbody>
</table>

Section 10. The following named amount, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, is appropriated to the Law Enforcement Training Standards Board as follows:

**GRANTS-IN-AID**

New matter indicated by italics - deletions by strikeout
Payable from the Traffic and Criminal Conviction Surcharge Fund:
For payment of and/or reimbursement of training and training services in accordance with statutory provisions....... 11,267,400

ARTICLE 72
Section 5. The sum of $192,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Medical District Commission for ordinary and contingent expenses.

ARTICLE 73
Section 5. The sum of $31,577,000, or so much thereof as may be necessary, is appropriated from the Metropolitan Fair and Exposition Authority Improvement Bond Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's Dedicated State Tax Revenue Bonds, issued pursuant to the "Metropolitan Fair and Exposition Authority Act", as amended.

Section 10. The sum of $101,992,000, or so much thereof as may be necessary, is appropriated from the McCormick Place Expansion Project Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's McCormick Place Expansion Project Bonds, issued pursuant to the "Metropolitan Pier and Exposition Authority Act", as amended.

ARTICLE 74
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to meet the ordinary and contingent expenses of the Prisoner Review Board for the fiscal year ending June 30, 2006:

PAYABLE FROM GENERAL REVENUE FUND
For Personal Services............................... 786,550
For Employee Retirement Contributions
  Paid by Employer.................................... 2,228
For State Contributions to State Employees' Retirement System............................. 61,280
For State Contributions to Social Security................................ 60,171
For Contractual Services............................. 189,681
For Travel.................................................. 103,700
For Commodities........................................ 11,477
For Printing.............................................. 10,800

New matter indicated by italics - deletions by strikeout
For Equipment........................................ 0
For Electronic Data Processing............... 18,000
For Telecommunications Services............ 37,700
For Operation of Auto Equipment............. 30,700
Total $1,312,287

Section 10. The amount of $24,000, or so much thereof as may be necessary, is appropriated to the Prisoner Review Board from the General Revenue Fund for expenses relating to the victim notification units.

ARTICLE 75

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Property Tax Appeal Board:
Payable from the General Revenue Fund:
For Personal Services......................... 1,381,600
For Employee Contributions Paid
  By Employer................................... 8,500
For State Contributions to State
  Employees' Retirement System................ 107,600
For State Contributions to
  Social Security............................. 105,700
For Contractual Services...................... 47,000
For Travel..................................... 33,600
For Commodities............................. 9,600
For Printing.................................... 5,800
For Equipment............................... 4,600
For Electronic Data Processing.............. 43,200
For Telecommunication Services............. 40,000
For Operation of Auto Equipment............ 13,400
For Refunds................................... 200
For Costs Associated with the Appeal
  Process and the Reestablishment of a
  Cook County Office......................... 355,200
Total $2,156,000

ARTICLE 76

Section 5. The sum of $737,725, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw
on the debt service reserve fund backing bonds issued on behalf of Spectrulite Consortium Inc.

Section 10. The sum of $360,715, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Waste Recovery-Illinois.

Section 15. The sum of $1,950,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Alton Center Business Park.

ARTICLE 77

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for its ordinary and contingent expenses as follows:

The Board
For Contractual Services............... 18,450
For Travel................................. 18,500
For Equipment........................... 500
TOTAL $37,450
Administration
For Personal Services.................. 545,900
For Employee Retirement Contributions
  Paid By Employer....................... 21,900
For State Contributions to State Employees'
  Retirement System.................... 42,500
For State Contributions to Social Security........ 41,800
For Contractual Services............... 374,300
For Travel............................... 17,965
For Commodities........................ 15,900
For Printing............................. 10,300
For Equipment........................... 1,900
For Telecommunications.................. 109,100
For Operation of Automotive Equipment........ 2,900
TOTAL $1,184,465
Elections
For Personal Services.................. 1,380,900

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions  
  Paid By Employer.................................  55,300  
For State Contributions to State  
  Employees' Retirement System.....................  107,600  
For State Contributions to Social Security...........  105,700  
For Contractual Services.............................  23,665  
For Travel........................................  42,320  
For Printing........................................  28,100  
For Equipment.......................................  5,000  
For Purchase of Election Codes..........................  0  
For HAVA Maintenance of Effort  
  Contribution-State..................................  550,000  
For Reimbursement to Counties for Increased  
  Compensation to Judges and other Election  
  Officials, as provided in Public Acts  
  81-850, 81-1149, and 90-672.......................  1,450,000  
For Payment of Lump Sum Awards to County Clerks,  
  County Recorders, and Chief Election  
  Clerks as Compensation for Additional  
  Duties required of such officials  
  by consolidation of elections law,  
  as provided in Public Acts 82-691  
  and 90-713.......................................  812,500  
For Payment to Election Authorities for expenses  
  in supplying voter registration tapes to  
  the State Board of Elections pursuant to  
  Public Act 85-958...................................  20,250  
TOTAL $4,581,335  

General Counsel  
For Personal Services...............................  242,200  
For Employee Retirement Contributions  
  Paid By Employer..................................  9,700  
For State Contributions to State  
  Employees' Retirement System.....................  18,700  
For State Contributions to Social Security...............  18,600  
For Contractual Services............................  136,100  
For Travel.........................................  10,000  
For Equipment......................................  500  

New matter indicated by italics - deletions by strikeout
TOTAL $435,800

Campaign Disclosure
For Personal Services......................... 672,200
For Employee Retirement Contributions
   Paid By Employer............................ 26,900
For State Contributions to State
   Employees' Retirement System.............. 52,400
For State Contributions to
   Social Security............................. 51,500
For Contractual Services...................... 10,825
For Travel........................................ 11,000
For Printing...................................... 16,900
For Equipment................................... 8,800
   TOTAL $850,525

Information Technology
For Personal Services......................... 399,900
For Employee Retirement Contributions
   Paid By Employer............................ 16,000
For State Contributions to State Employees' Retirement System............. 31,200
For State Contributions to Social Security.......... 30,600
For Contractual Services...................... 343,500
For Travel........................................ 11,300
For Commodities................................ 16,600
For Printing...................................... 700
For Equipment................................... 100,500
   TOTAL $950,300

Section 10. The following amounts, or so much thereof as may be necessary, are appropriated from the Help Illinois Vote Fund to the State Board of Elections for Implementation of the Help America Vote Act of 2002:
For distribution to Local Election
   Authorities under Section 251 of the Help America Vote Act............. 90,250,000
For the implementation of the Statewide Voter Registration System as required by Section 1A-25 of the Illinois Election Code, including maintenance of the IDEA/VISTA program....................... 8,650,000

New matter indicated by italics - deletions by strikeout
For distribution to Local Election Authorities  
for replacement of punch-card voting  
systems under Section 102 of the Help  
America Vote Act..............................  20,500,000  
For administrative costs and discretionary  
grants to Local Election Authorities  
under Section 101 of the Help America  
Vote Act......................................  8,545,200  
Total  $127,945,200  

ARTICLE 78  

Section 5. The following named amounts, or so much thereof as  
may be necessary, are appropriated to the Illinois Emergency Management  
Agency for the objects and purposes hereinafter named:  
MANAGEMENT AND ADMINISTRATIVE SUPPORT  

Payable from General Revenue Fund:  
For Personal Services.........................  699,700  
For Employee Retirement Contributions  
Paid by Employer..............................  1,100  
For State Contributions to State  
Employees' Retirement System.................  54,500  
For State Contributions to  
Social Security..............................  53,500  
For Contractual Services......................  606,500  
For Travel....................................  3,800  
For Commodities..............................  1,600  
For Printing..................................  6,900  
For Equipment...............................  6,900  
For Electronic Data Processing..............  4,300  
For Telecommunications.......................  15,200  
For Operation of Auto Equipment.............  5,300  
For Training and Education...................  206,300  
Total  $1,665,600  

Payable from Radiation Protection Fund:  
For Personal Services.......................  192,100  
For Employee Retirement Contributions  
Paid by Employer.............................  500  
For State Contributions to State  
Employees' Retirement System...............  15,000  
For State Contributions to  

New matter indicated by italics - deletions by strikeout
Social Security................................. 14,700
For Group Insurance.............................. 45,200
For Contractual Services.......................... 170,000
For Travel.......................................... 10,000
For Commodities.................................... 5,400
For Printing........................................ 11,500
For Electronic Data Processing.................... 75,900
For Telecommunications Services................ 11,700
For Operation of Auto Equipment................ 16,100
Total                                         $568,100

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services......................... 2,256,600
For Employee Retirement Contributions Paid by Employer.................. 8,500
For State Contributions to State Employees' Retirement System........... 175,800
For State Contributions to Social Security............................ 172,600
For Group Insurance.............................. 504,400
For Contractual Services........................ 864,700
For Travel.......................................... 18,300
For Commodities.................................... 6,500
For Printing........................................ 2,000
For Equipment...................................... 21,300
For Electronic Data Processing................... 176,100
For Telecommunications Services............. 76,200
For Operation of Auto Equipment............. 31,300
Total                                         $4,314,300

Payable from Nuclear Civil Protection Planning Fund:
For Federal Projects............................ 300,000

Payable from the Emergency Management Preparedness Fund:
For an Emergency Management Preparedness Program.................. 5,675,000

Payable from Federal Civil Preparedness Administrative Fund:
For Training and Education.................... 1,000,000
For Terrorism Preparedness and

New matter indicated by italics - deletions by strikeout
Training costs in the current and prior years......................... 500,000,000
Payable from the September 11th Fund:
For grants, contracts, and administrative expenses pursuant to 625 ILCS 5/3-653, including prior year costs......................... 100,000

Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services, the Governor may, when he considers such action in the best interest of the State, release funds from the General Revenue disaster relief appropriation in order to provide such services or to reimburse local governmental bodies furnishing such services. Such appropriation may be used for payment of the Illinois National Guard when called to active duty in case of disaster, and for the emergency purchase or renting of equipment and commodities. Such appropriation shall be used for emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.
Payable from General Revenue Fund:
For disaster relief costs incurred in current and prior years............... 1,000,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for grants to local emergency organizations for objects and purposes hereinafter named:
Payable from the Federal Hardware Assistance Fund:
For Communications and Warning Systems.............. 500,000
For Emergency Operating Centers...................... 500,000
Payable from the Federal Civil Preparedness Administrative Fund:
For Urban Search and Rescue......................... 2,000,000

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:
OPERATIONS
Payable from General Revenue Fund:
For Personal Services.............................. 1,153,200

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
Paid by Employer.......................... 3,300
For State Contributions to State Employees'
  Retirement System................................. 89,800
For State Contributions to Social Security ....... 88,200
For Contractual Services.......................... 44,200
For Travel........................................ 6,000
For Commodities.................................... 2,800
For Printing....................................... 4,500
For Equipment......................................... 25,000
For Electronic Data Processing.................... 5,500
For Telecommunications........................... 164,000
For Operation of Auto Equipment.................. 41,500
Total ........................................... $1,628,000

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services............................ 929,000
For Employee Retirement Contributions
  Paid by Employer............................... 5,300
For State Contributions to State Employees'
  Retirement System................................. 72,400
For State Contributions to Social Security ....... 71,100
For Group Insurance............................ 205,900
For Contractual Services.......................... 143,600
For Travel........................................ 39,500
For Commodities.................................... 24,000
For Printing....................................... 4,000
For Equipment......................................... 25,200
For Electronic Data Processing.................... 7,000
For Telecommunications........................... 257,300
For Operation of Auto Equipment.................. 30,000
Total ........................................... $1,814,300

Payable from the Emergency Management Preparedness Fund:
For an Emergency Management Preparedness Program............................... 3,000,000

Payable from Federal Civil Preparedness Administrative Fund:
For Training and Education........................ 350,000

New matter indicated by italics - deletions by strikeout
Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

**RADIATION SAFETY**

Payable from Radiation Protection Fund:
- For Personal Services.......................... 2,674,500
- For Employee Retirement Contributions Paid by Employer.......................... 17,400
- For State Contributions to State Employees' Retirement System................. 208,400
- For State Contributions to Social Security................................. 204,600
- For Group Insurance.............................. 475,600
- For Contractual Services.......................... 219,100
- For Travel........................................ 85,000
- For Commodities................................... 13,200
- For Printing...................................... 40,000
- For Equipment..................................... 46,400
- For Electronic Data Processing.................... 9,500
- For Telecommunications................................ 26,000
- For Operation of Auto............................. 30,000
- For Refunds...................................... 100,000
- For reimbursing other governmental agencies for their assistance in responding to radiological emergencies......... 100,000

Total $4,249,700

Section 25. The amount of $450,000, or so much thereof as may be necessary, is appropriated from the Indoor Radon Mitigation Fund to the Illinois Emergency Management Agency for expenses relating to the federally funded State Indoor Radon Abatement Program.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

**NUCLEAR FACILITY SAFETY**

Payable from Nuclear Safety Emergency Preparedness Fund:
- For Personal Services.......................... 3,776,700
- For Employee Retirement Contributions Paid by Employer.......................... 22,100

New matter indicated by italics - deletions by strikeout
For State Contributions to State
   Employees' Retirement System...............  294,200
For State Contributions to
   Social Security..............................  288,900
For Group Insurance............................  642,600
For Contractual Services.......................  668,300
For Travel.....................................  101,100
For Commodities...............................  135,300
For Printing...................................  2,000
For Equipment..................................  255,900
For Electronic Data Processing..................  304,000
For Telecommunications Services...............  521,500
For Operation of Auto..........................  14,500
Total                                     $7,027,100

Payable from Radiation Protection Fund:
   For Radiation and Electronic Instrument
      Certification and Calibration.............  30,000

Section 35. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Illinois Emergency Management
Agency for the objects and purposes hereinafter named:

   DISASTER ASSISTANCE AND PREPAREDNESS

Payable from General Revenue Fund:
   For Personal Services.......................  394,000
   For Employee Retirement Contributions
      Paid by Employer............................  600
   For State Contributions to State
      Employees' Retirement System.............  30,700
   For State Contributions to Social
      Security.....................................  30,100
   For Contractual Services....................  3,000
   For Travel....................................  2,100
   For Commodities.............................  1,000
   For Printing..................................  1,300
   For Telecommunications Services............  8,200
   For Operation of Automotive Equipment......  6,500
   For State Share of Individual and Household
      Grant Program for Disaster Declarations
      in Current and Prior Years.................  491,700
Total                                     $969,200

New matter indicated by italics - deletions by strikeout
Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services ......................... 507,900
For Employee Retirement Contributions  
 weighed by Employer ............................ 2,700
For State Contributions to State  
 Employees’ Retirement System .................. 39,600
For State Contributions to Social  
 Security ........................................... 38,900
For Group Insurance ............................ 109,700
For Contractual Services ...................... 86,200
For Travel ....................................... 38,000
For Commodities ................................ 11,900
For Printing ..................................... 7,700
For Equipment ................................... 20,800
For Electronic Data Processing ............... 4,800
For Telecommunications Services .......... 13,500
For Operation of Automotive Equipment . 14,000
For compensation to local governments  
 for expenses attributable to implementation  
 and maintenance of plans and programs  
 authorized by the Nuclear Safety  
 Preparedness Act .............................. 650,000
Total ........................................... $1,545,700

Payable from the Federal Aid Disaster Fund:
For Federal Disaster Declarations:
 In Current and Prior Years ................... 50,000,000
For State administration of the  
 Federal Disaster Relief Program ............ 1,000,000
Disaster Relief - Hazard Mitigation  
 in Current and Prior Years .................. 40,000,000
For State administration of the  
 Hazard Mitigation Program ................... 1,000,000
Total ........................................... $92,000,000

Payable from the Emergency Planning and Training Fund:
For Activities as a Result of the Illinois  
 Emergency Planning and Community Right  
 To Know Act ................................... 150,000

Payable from the Nuclear Civil Protection Planning Fund:
For Federal Projects ................................ 500,000

New matter indicated by italics - deletions by strikeout
For Flood Mitigation Assistance................. 3,000,000
Total $3,650,000
Payable from the Federal Civil Preparedness Administrative Fund:
For Training and Education......................... 1,194,000
Payable from the Emergency Management Preparedness Fund:
For Emergency Management Preparedness......... 4,500,000

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

ENVIRONMENTAL SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services............................. 1,607,100
For Employee Retirement Contributions
Paid by Employer.................................. 10,300
For State Contributions to State Employees' Retirement System................. 125,200
For State Contributions to Social Security.................. 123,000
For Group Insurance.............................. 300,000
For Contractual Services.......................... 423,400
For Travel........................................ 41,500
For Commodities................................... 72,100
For Printing....................................... 4,000
For Equipment.................................... 146,200
For Electronic Data Processing......................... 8,000
For Telecommunications............................ 28,000
For Operation of Auto............................. 14,500
Total $2,903,300

Payable from Low-Level Radioactive Waste Facility Development and Operation Fund:
For Refunds for Overpayments made by Low-Level Waste Generators................. 5,000

Section 45. The sum of $1,257,600, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for licensing facilities where radioactive uranium and thorium mill tailings are generated or located, and related costs for regulating the decontamination and decommissioning of such facilities and for identification, decontamination and environmental

New matter indicated by italics - deletions by strikeout
monitoring of unlicensed properties contaminated with such radioactive mill tailings.

Section 50. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency to conduct studies, investigations, training, research and demonstrations relating to the control or measurement of radiation, the effects on health of exposure to radiation, and related problems under funding agreements with the Federal Government, interstate agencies or other sources.

Section 55. The sum of $713,700, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for the purpose of funding costs related to environmental cleanup of the Ottawa Radiation Areas Superfund Project under cooperative agreements with the Federal Government.

Section 60. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for recovery and remediation of radioactive materials and contaminated facilities or properties when such expenses cannot be paid by a responsible person or an available surety.

Section 65. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Emergency Management Agency for related training and travel expenses and to reimburse the Illinois State Police and the Illinois Commerce Commission for costs incurred for activities related to inspecting and escorting shipments of spent nuclear fuel, high-level radioactive waste, and transuranic waste in Illinois as provided under the rules of the Agency.

Section 70. The sum of $180,000, or so much thereof as may be necessary, is appropriated from the Sheffield Agreed Order Fund to the Illinois Emergency Management Agency for the care, maintenance, monitoring, testing, remediation and insurance of the low-level radioactive waste disposal site near Sheffield, Illinois.

Section 75. The sum of $766,600, or so much thereof as may be necessary, is appropriated from the Low-Level Radioactive Waste Facility Development and Operation Fund to the Illinois Emergency Management Agency for use in accordance with Section 14(a) of the Illinois Low-Level Radioactive Waste Management Act for costs related to establishing a low-level radioactive waste disposal facility.

ARTICLE 79

New matter indicated by italics - deletions by strikeout
Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Labor Relations Board for the objects and purposes hereinafter named:

**OPERATIONS**

For Personal Services........................... 1,220,500
For Employee Retirement Contributions
  Paid by Employer................................ 0
For State Contributions to State
  Employees' Retirement System............... 95,100
For State Contributions to Social Security........... 94,100
For Contractual Services......................... 330,350
For Travel.................................... 30,000
For Commodities................................ 3,600
For Printing.................................... 4,000
For Equipment.................................. 22,000
For Electronic Data Processing................... 52,000
For Telecommunications Services............... 30,000
Total.............................................. $1,881,650

Section 10. The sum of $52,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Labor Relations Board for costs associated with Public Act 93-0655, including administrative expenses.

ARTICLE 80

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the State Police Merit Board:

For Personal Services.......................... 353,800
For Employee Retirement Contributions
  Paid by Employer............................... 0
For State Contributions to State
  Employees' Retirement System............... 27,600
For State Contributions to Social Security........... 27,100
For Contractual Services......................... 455,500
For Travel.................................... 13,500
For Commodities................................ 4,900

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

For Printing............................... 5,000
For Equipment.............................. 0
For Electronic Data Processing.......... 5,000
For Telecommunications Services....... 15,000
For Operation of Automotive Equipment 3,000
Total                                  $910,400

ARTICLE 81

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GENERAL OFFICE

Payable from the Fire Prevention Fund:
For Personal Services...................... 7,345,650
For Employee Retirement Contributions
  Paid by Employer.......................... 94,700
For State Contributions to the State
  Employees' Retirement System........... 572,300
For State Contributions to Social Security
  ........................................... 444,900
For Group Insurance........................ 1,556,000
For Contractual Services.................. 766,850
For Travel................................... 120,750
For Commodities........................... 65,200
For Printing................................. 45,150
For Equipment.............................. 410,000
For Electronic Data Processing.......... 2,470,000
For Telecommunications.................... 196,700
For Operation of Auto Equipment......... 260,000
For Refunds........................................ 4,000
Total                                  $14,352,200

Payable from the Underground Storage Tank Fund:
For Personal Services...................... 1,578,950
For Employee Retirement Contributions
  Paid by Employer.......................... 15,000
For State Contributions to the State
  Employees' Retirement System........... 123,200
For State Contributions to Social Security
  ........................................... 102,100
For Group Insurance........................ 319,000
For Contractual Services.................. 270,900
For Travel................................... 25,000

New matter indicated by italics - deletions by strikeout
For Commodities................................. 8,000
For Printing........................................ 6,000
For Equipment................................. 200,000
For Electronic Data Processing................. 150,000
For Telecommunications........................ 47,000
For Operation of Auto Equipment................. 60,000
For Refunds........................................ 50,000
For Expenses of Hearing Officers................. .75,000
Total............................................. $3,030,150

Section 10. The sum of $700,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for administrative expenses of the Elevator Safety and Regulation Act.

Section 15. The sum of $185,000, or so much thereof as may be necessary, is appropriated from the Illinois Firefighters' Memorial Fund to the Office of the State Fire Marshal for expenses related to the maintenance of the Illinois Firefighters' Memorial, holding the annual Fallen Firefighter Ceremony, and other expenses as allowed under Public Act 91-0832.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Office of the State Fire Marshal as follows:
Payable from the Fire Prevention Fund:
For Fire Prevention Training....................... 69,000
For Expenses of Fire Prevention Awareness Program........................................... 80,000
For Expenses of Arson Education and Seminars............................................ 42,000
For expenses of new fire chiefs training......... 32,000
For expenses of hearing officers.................. 25,000
Total............................................. $248,000
Payable from the Fire Prevention Fund:
For Expenses of Life Safety Code Program......... 20,000
For Expenses of the Risk Watch/Remember When program...................................... 120,000
Payable from the Fire Prevention Division Fund:
For Expenses of the U.S. Resource Conservation and Recovery Act Underground Storage Program.................. 257,700

New matter indicated by italics - deletions by strikeout
Payable from the Emergency Response Reimbursement Fund:
For Hazardous Material Emergency Response Reimbursement: 5,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GRANTS

Payable from the Fire Prevention Fund:
For Chicago Fire Department Training Program... 1,875,900
For payment to local governmental agencies which participate in the State Training Programs: 750,000
For Regional Training Grants: 500,000
For payments in accordance with Public Act 93-0169: 45,000
Total $3,170,900

Section 30. The sum of $0, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for the development of new fire districts.

Section 35. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the Underground Storage tank Fund to the Office of the State Fire Marshal for a grant to the City of Chicago for Administrative Costs incurred as a result of the State’s Underground Storage Program.

ARTICLE 82

Section 5. The sum of $571,045, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Upper Illinois River Valley Development Authority for replenishment of a draw on the Debt Service Reserve Fund backing bonds issued on behalf of Waste Recovery - Illinois.

ARTICLE 82.1

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2005:

FISCAL SUPPORT SERVICES
From the General Revenue Fund:

New matter indicated by italics - deletions by strikeout
## Public Act 94-0015

For Personal Services: 3,410,400
For Employee Retirement Contributions
  Paid by Employer: 88,500
For Retirement Contributions: 113,400
For Social Security Contributions: 173,000
For Contractual Services: 2,443,800
For Travel: 313,700
For Commodities: 59,100
For Printing: 85,200
For Equipment: 70,900
For Telecommunications: 476,800
For Operation of Auto Equipment: 11,800
Total: $7,246,600

From the Drivers Education Fund:
For Personal Services: 46,200
For Employee Retirement Contributions
  Paid by Employer: 1,500
For Retirement Contributions: 600
For Social Security Contributions: 1,700
For Group Insurance: 13,800
Total: $63,800

From the SBE Federal Department of Agriculture Fund:
For Personal Services: 3,184,500
For Employee Retirement Contributions
  Paid by Employer: 65,100
For Retirement Contributions: 198,100
For Social Security Contributions: 153,000
For Group Insurance: 696,200
For Contractual Services: 2,190,000
For Travel: 300,000
For Commodities: 75,000
For Printing: 75,000
For Equipment: 75,000
For Telecommunications: 50,000
Total: $7,061,900

From the SBE Federal Agency Services Fund:
For Contractual Services: 12,000
For Travel: 30,000
For Commodities: 9,000

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

For Printing.............................. 2,000
For Equipment............................ 11,000
For Telecommunications.................... 9,000
Total $73,000

From the SBE Federal Department of Education Fund:
  For Personal Services..................... 868,400
  For Employee Retirement Contributions
    Paid by Employer........................ 19,400
    For Retirement Contributions.......... 66,900
  For Social Security Contributions........ 60,000
  For Group Insurance...................... 220,800
  For Contractual Services................ 5,995,100
  For Travel................................ 1,350,000
  For Commodities.......................... 305,000
  For Printing............................. 341,000
  For Equipment............................ 380,000
  For Telecommunications................... 400,000
Total $10,006,600

GENERAL OFFICE

From the General Revenue Fund:
  For Personal Services.................... 2,326,200
  For Employee Retirement Contributions
    Paid by Employer........................ 45,500
    For Retirement Contributions.......... 93,100
  For Social Security Contributions........ 106,300
  For Contractual Services................ 787,000
Total $3,358,100

From the SBE Federal Department of Agriculture Fund:
  For Contractual Services................ 30,000
Total $30,000

From the SBE Federal Department of Education Fund:
  For Personal Services.................... 227,300
  For Employee Retirement Contributions
    Paid by Employer........................ 7,800
    For Retirement Contributions.......... 13,600
  For Social Security Contributions........ 13,000
  For Group Insurance...................... 41,400
  For Contractual Services................ 220,000
Total $523,100

New matter indicated by italics - deletions by strikeout
### HUMAN RESOURCES

From the General Revenue Fund:

- For Personal Services: $574,200
- For Employee Retirement Contributions
  - Paid by Employer: $11,800
  - For Retirement Contributions: $27,900
  - For Social Security Contributions: $39,700
  - For Contractual Services: $25,000
- Total: $678,600

From the SBE Federal Department of Agriculture Fund:

- For Contractual Services: $5,000

From the SBE Federal Department of Education Fund:

- For Contractual Services: $30,000

### INTERNAL AUDIT

From the General Revenue Fund:

- For Personal Services: $120,200
- For Employee Retirement Contributions
  - Paid by Employer: $2,400
  - For Retirement Contributions: $3,400
  - For Social Security Contributions: $10,200
  - For Contractual Services: $2,000
- Total: $138,200

### SCHOOL SUPPORT SERVICES FOR ALL SCHOOLS

From the General Revenue Fund:

- For Personal Services: $4,299,300
- For Employee Retirement Contributions
  - Paid by Employer: $104,300
  - For Retirement Contributions: $136,700
  - For Social Security Contributions: $221,800
  - For Contractual Services: $1,870,000
- Total: $6,632,100

From the Teacher Certificate Fee Revolving Fund:

- For Personal Services: $77,600
- For Employee Retirement Contributions
  - Paid by Employer: $1,600
  - For Retirement Contributions: $4,700
  - For Social Security Contributions: $1,200

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Group Insurance</td>
<td>13,800</td>
</tr>
<tr>
<td>Total</td>
<td>98,900</td>
</tr>
</tbody>
</table>

From the SBE Federal Department of Agriculture Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>316,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>6,500</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>18,300</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>17,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>69,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>275,000</td>
</tr>
<tr>
<td>Total</td>
<td>702,600</td>
</tr>
</tbody>
</table>

From the SBE Federal Department of Education Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,173,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>48,200</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>142,400</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>91,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>441,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,645,000</td>
</tr>
<tr>
<td>Total</td>
<td>4,542,000</td>
</tr>
</tbody>
</table>

From the School Infrastructure Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>76,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>1,600</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>300</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>1,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>13,800</td>
</tr>
<tr>
<td>Total</td>
<td>93,400</td>
</tr>
</tbody>
</table>

SPECIAL EDUCATION SERVICES

From the SBE Federal Department of Education Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,124,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>88,200</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>244,400</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>231,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>814,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,850,000</td>
</tr>
<tr>
<td>Total</td>
<td>7,352,900</td>
</tr>
</tbody>
</table>

TEACHING AND LEARNING SERVICES FOR ALL CHILDREN

New matter indicated by italics - deletions by strikeout
From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$3,625,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>77,200</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>93,300</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>171,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>8,911,400</td>
</tr>
<tr>
<td>Total</td>
<td>$12,878,500</td>
</tr>
</tbody>
</table>

From the Teacher Certificate Fee Revolving Fund:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,211,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>24,600</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>52,400</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>51,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>276,000</td>
</tr>
<tr>
<td>Total</td>
<td>$1,615,800</td>
</tr>
</tbody>
</table>

From the SBE Federal Agency Services Fund:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>230,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>4,800</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>15,300</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>7,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>41,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>203,000</td>
</tr>
<tr>
<td>Total</td>
<td>$502,200</td>
</tr>
</tbody>
</table>

From the SBE Federal Department of Education Fund:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,250,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>125,300</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>338,500</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>270,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,106,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>25,675,000</td>
</tr>
<tr>
<td>Total</td>
<td>$32,765,900</td>
</tr>
</tbody>
</table>

Section 10. The following amounts or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative expenditures.
costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2005:

From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For After School Programs Mentoring and Student Support</td>
<td>12,235,000</td>
</tr>
<tr>
<td>For Blind/Dyslexic Persons</td>
<td>168,800</td>
</tr>
<tr>
<td>For Charter Schools</td>
<td>3,421,500</td>
</tr>
<tr>
<td>For costs associated with the Chicago Aerospace Education Initiative</td>
<td>920,000</td>
</tr>
<tr>
<td>For Disabled Student Services/Materials</td>
<td>363,000,000</td>
</tr>
<tr>
<td>For Disabled Student Transportation Reimbursement</td>
<td>317,100,000</td>
</tr>
<tr>
<td>For Disabled Student Tuition, Private Tuition</td>
<td>89,082,000</td>
</tr>
<tr>
<td>For District Consolidation Costs/Supplemental Payments to School Districts, 18-8.2, 18-8.3, 18-8.5, 18-8.05(l) of the School Code</td>
<td>7,700,000</td>
</tr>
<tr>
<td>For Extraordinary Special Education, 14-7.02 of the School Code</td>
<td>256,836,200</td>
</tr>
<tr>
<td>For costs associated with Healthy Kids/Healthy Minds/Expanded Vision</td>
<td>3,000,000</td>
</tr>
<tr>
<td>For the Illinois Governmental Internship Program</td>
<td>129,900</td>
</tr>
<tr>
<td>For Grants for School Transportation</td>
<td>850,000</td>
</tr>
<tr>
<td>For Jobs for Illinois Grads</td>
<td>4,000,000</td>
</tr>
<tr>
<td>For the Metro East Consortium for Child Advocacy</td>
<td>217,100</td>
</tr>
<tr>
<td>For Parental Guardian Programs/Transportation Reimbursement</td>
<td>14,454,700</td>
</tr>
<tr>
<td>For the Philip J. Rock Center and School</td>
<td>3,055,500</td>
</tr>
<tr>
<td>For Reimbursement for the Free Breakfast/Lunch Program</td>
<td>21,000,000</td>
</tr>
<tr>
<td>For the School Breakfast Incentive Program</td>
<td>723,500</td>
</tr>
<tr>
<td>For South Cook Intermediate Service Center</td>
<td>300,000</td>
</tr>
<tr>
<td>For Standards, Assessments and Accountability</td>
<td>5,342,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Summer School Payments, 18-4.3 of the School Code.................. 8,114,400
For Tax-Equivalent Grants, 18-4.4 of the School Code.................. 222,600
For costs associated with Teachers’ Academy for Math and Science...... 250,000
For Textbook Loans, 18-17 of the School Code.......................... 29,126,500
For Transitional Assistance.............................................. 11,800,000
For Transition of Minority Students................................. 578,800
For Transportation-Regular/Vocational, Common School Transportation Reimbursement, 29-5 of the School Code..... 261,630,000
For Visually Impaired/Educational Materials Coordinating Unit, 14-11.01 of the School Code.................. 1,121,000
For Regular Education Reimbursement Per 18-3 of the School Code.......... 16,000,000
For Special Education Reimbursement Per 14-7.03 of the School Code........ 92,000,000
For all costs associated with Alternative Education/Regional Safe Schools........ 18,035,500
For Truant Alternative and Optional Education Program.................. 17,578,100
For costs associated with Teach for America...... 450,000
For grants to Local Education Agencies to conduct Agriculture Education Programs................................. 1,881,200
Total $1,562,325,000

From the Education Assistance Fund:
For Career and Technical Education............ 36,062,100
For the Early Childhood Block Grant............ 243,254,500
For General State Aid........................... 665,560,000
For General State Aid – Hold Harmless........ 23,469,800
For the Reading Improvement Block Grant.................. 76,139,800
For the School Safety and Educational Improvement Block Grant................. 64,841,000
For the Summer Bridges Program............... 22,238,100
For Teacher Education........................ 4,740,000
For Technology for Success.................. 4,969,700
Total$1,141,275,000

From the Common School Fund:
For General State Aid.......................... 3,238,409,600
For Career and Technical Education........... 2,000,000
For the Early Childhood Block Grant......... 30,000,000
For Grants to Local Education Agencies
To conduct Agriculture Education Programs.... 500,000
For Advanced Placement Classes............... 1,500,000
For Arts Education.......................... 2,000,000
For Grow Your Own Teachers................... 1,500,000
For Regional Superintendents’ and
Assistants’ Compensation..................... 8,150,000
Total$3,284,059,600

From the General Revenue Fund
For Regional Superintendent’s Services........ 5,270,000

From the School District Emergency Financial Assistance Fund:
For Emergency Financial Assistance, 1B-8
of the School Code........................... 1,000,000

From the Drivers Education Fund:
For Drivers Education.......................... 15,750,000

From the Charter Schools Revolving Loan Fund:
For Charter Schools Loans..................... 20,000

From the School Technology Revolving Loan Fund:
For School Technology Loans, 2-3.117a
of the School Code............................ 5,000,000

From the Temporary Relocation Expenses Revolving Grant Fund:
For Temporary Relocation Expenses, 2-3.77
of the School Code............................ 800,000

From the State Board of Education Federal Agency Services Fund:
For Learn and Serve America.................. 2,500,000

From the State Board of Education Federal Agency Services Fund:
For Refugee Services......................... 2,000,000

From the State Board of Education Federal Agency Services Fund:
For the School-to-Work Program.............. 1,000,000

From the State Board of Education Federal Department of Agriculture Fund:
For Child Nutrition......................... 450,000,000
From the State Board of Education Federal Department of Education Fund:

For Title I .................. 642,000,000
For Title I, Reading First ....... 50,000,000
For Title II, Teacher/Principal Training.... 135,000,000
For Title III, English Language Acquisition .................. 40,000,000
For Title IV, 21st Century/Community Service Programs .................. 45,000,000
For Title IV, Safe and Drug Free Schools...... 20,000,000
For Title V, Innovation Programs .............. 15,000,000
For Title VI, Rural and Low Income Students .................. 1,500,000
For Title X, McKinney Homeless Assistance .................. 3,250,000
For Enhancing Education through Technology ....... 30,000,000
For Individuals with Disabilities Act,
    Deaf/Blind .................. 380,000
For Individuals with Disabilities Act,
    IDEA .................. 550,000,000
For Individuals with Disabilities Act,
    Improvement Program .............. 2,500,000
For Individuals with Disabilities Act,
    Model Outreach Program Grants .............. 400,000
For Individuals with Disabilities Act,
    Pre-School .................. 25,000,000
For Grants for Vocational
    Education – Basic .................. 50,000,000
For Grants for Vocational
    Education – Technical Preparation .............. 5,000,000
For Charter Schools .............. 2,500,000
For Transition to Teaching .............. 500,000
For Advanced Placement Fee .............. 2,000,000
For Math/Science Partnerships .............. 9,000,000
For Special Federal Congressional Projects ....... 5,000,000
Total ................................  $1,634,030,000

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2005:

New matter indicated by italics - deletions by strikeout
From the General Revenue Fund:
For Bilingual Education (over 500,000
population), 34-18.2 of the School Code...... 35,896,600
For Bilingual Education (under 500,000
population), 10-22.38a of the
School Code.................................. 28,655,400
Total ........................................... $64,552,000

From the Common School Fund:
For Bilingual Education (over 500,000
Population), 34-18.2 of the School Code...... 1,000,000
For Bilingual Education (under 500,000
Population), 10-22.38a of the School Code.... 1,000,000
Total ........................................... $2,000,000

Section 20. The amount of $29,126,500, or so much thereof as
may be necessary and remains unexpended at the close of business on June
30, 2005, from reappropriations heretofore made for such purpose in
Article 2, Section 10 of Public Act 93-0842, is reappropriated from the
General Revenue Fund to the Illinois State Board of Education for
Textbook Loans pursuant to Section 18-17 of the School Code.

Section 22. The amount of $450,000, or so much thereof as may
be necessary, is appropriated from the General Revenue Fund for deposit
into the Temporary Relocation Expense Revolving Grant Fund for use by
the State Board of Education, as provided in Section 2-3.77 of the School
Code.

Section 25. The amount of $472,700, or so much thereof as may
be necessary, is appropriated from the General Revenue Fund to the
Illinois State Board of Education for all costs associated with the
Community Residential Services Authority.

Section 26. The amount of $250,000, or so much thereof as may
be necessary, is appropriated from the General Revenue Fund to the
Illinois State Board of Education for costs associated with the Illinois
Economic Education program.

Section 30. The amount of $1,399,000, or so much thereof as may
be necessary, is appropriated from the Teacher Certificate Fee Revolving
Fund to the Illinois State Board of Education for Teacher Certificates
Processing.

Section 35. The amount of $125,000, or so much thereof as may
be necessary, is appropriated from the Teacher Certificate Institute Fund to
the Illinois State Board of Education for Teacher Certificates – Chicago, 3-12, 2-3.105 of the School Code.

Section 36. The amount of $15,500,000, or so much of that amount as may be necessary, is appropriated from the State Board of Education Special Purpose Trust Fund to the State Board of Education for expenditures by the Board in accordance with grants, gifts or donations that the Board has received or may receive from any source, public or private, in support of projects that are within the lawful powers of the Board.

Section 38. The amount of $2,300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education for grants to units of local government, not-for-profit organizations, community organizations and educational facilities.

Section 40. The amount of $65,044,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Public School Teachers’ Pension and Retirement Fund of Chicago for the state’s contribution for the fiscal year beginning July 1, 2005.

Section 42. The amount of $9,877,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Public School Teachers’ Pension and Retirement Fund of Chicago for the state’s contribution for retirement contributions under Section 17-127 of the Pension Code for the fiscal year beginning July 1, 2005.

Section 45. The amount of $75,490,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Teachers’ Retirement System of the State of Illinois for transfer into the Teachers’ Health Insurance Security Fund as the state’s contribution for teachers’ health insurance.

ARTICLE 82.2

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

Payable from the Common School Fund............ 531,827,700

Section 10. The following named amount, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Teachers' Retirement System for the objects and purposes hereinafter named:

For additional costs due to the establishment of minimum retirement allowances

New matter indicated by italics - deletions by strikeout
pursuant to Sections 16-136.2 and
16-136.3 of the "Illinois
Pension Code", as amended....................

2,800,000

ARTICLE 83

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund to the Board of
Higher Education to meet ordinary and contingent expenses for the fiscal
year ending June 30, 2006:

For Personal Services......................... 2,201,000
For State Contributions to Social
Security, for Medicare........................ 29,500
For Contractual Services...................... 478,900
For Travel...................................... 55,000
For Commodities................................ 12,000
For Printing.................................... 11,000
For Equipment.................................. 17,000
For Telecommunications....................... 43,000
For Operation of Automotive Equipment...... 3,200
Total ........................................... $2,850,600

Section 10. The following named amounts, or so much thereof as
may be necessary, are appropriated from the General Revenue Fund to the
Board of Higher Education for distribution as grants authorized by the
Higher Education Cooperation Act:
Quad-Cities Graduate Study Center............ 220,000

Section 15. The following named amount, or so much thereof as
may be necessary, is appropriated from the General Revenue Fund to the
Board of Higher Education for distribution as grants authorized by the
Higher Education Cooperation Act:
Access and Diversity.......................... 4,687,300

Section 20. The sum of $2,600,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Board of
Higher Education for a grant to the Board of Trustees of the University
Center of Lake County for the ordinary and contingent expenses of the
Center.

Section 25. The sum of $9,500,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Board of
Higher Education for distribution as incentive grants to Illinois higher
education institutions in the competition for external grants and contracts.

New matter indicated by italics - deletions by strikeout
Section 30. The sum of $17,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Health Services Education Grants Act.

Section 35. The sum of $2,750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for distribution of medical education scholarships authorized by an Act to provide grants for family practice residency programs and medical student scholarships through the Illinois Department of Public Health.

Section 40. The sum of $5,500,000, or so much thereof as may be necessary, is appropriated from the BHE Federal Grants Fund to the Board of Higher Education to be expended under the terms and conditions associated with the federal contracts and grants moneys received.

Section 45. The sum of $2,800,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for the administration and distribution of grants authorized by the Diversifying Higher Education Faculty in Illinois Program.

Section 50. The sum of $2,100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants for Cooperative Work Study Programs to institutions of higher education.

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2006:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>10,604,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security, for Medicare</td>
<td>179,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,607,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>126,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>381,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>462,900</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>289,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>30,600</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>191,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,872,900</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 75. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Mathematics and Science Academy Income Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2006:

For Personal Services........................... 1,598,000
For State Contributions to Social
  Security, for Medicare......................... 27,400
For Contractual Services....................... 981,100
For Travel..................................... 126,700
For Commodities................................ 143,200
For Equipment.................................. 65,000
For Telecommunications......................... 80,000
For Operation of Automotive Equipment......... 1,000
For Refunds.................................... 27,600
Total ........................................ 3,050,000

Section 80. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy for the Excellence 2000 Program in Mathematics and Science.

ARTICLE 84

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Chicago State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2006:

Payable from the General Revenue Fund:
For Personal Services, including payment
  to the university for personal services
  costs incurred during the fiscal year
  and salaries accrued but unpaid to academic
  personnel for personal services rendered
  during the academic year 2005-2006........ 34,628,900
For State Contributions to Social
  Security, for Medicare....................... 376,800
For Group Insurance......................... 512,000
For Contractual Services..................... 1,992,700
For Travel................................... 11,000
For Commodities................................. 11,000
For Equipment.................................... 168,100
For Telecommunications Services.............. 304,400
For Operation of Automotive Equipment....... 1,000
For Awards and Grants.......................... 104,400
Total                                     $38,110,300

Section 10. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for costs associated with the HIV/AIDS Policy and Research Institute in the College of Health Sciences.

Section 15. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to Board of Trustees of Chicago State University for costs associated with the Doctor of Education in Educational Leadership Program.

ARTICLE 85

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Eastern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2006:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2005-2006........ 45,009,500
For Contractual Services....................... 1,400,000
For Commodities.................................. 400,000
For Equipment.................................... 500,000
For Telecommunications Services.............. 300,000
Total                                     $47,609,500

Section 10. The sum of $2,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Eastern Illinois University for scholarship grant awards, in accordance with Public Act 91-0083.

ARTICLE 86

New matter indicated by italics - deletions by strikeout
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Governors State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2006:

Payable from the General Revenue Fund:

For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2005-2006........... 20,685,200

For State Contributions to Social Security, for Medicare.......................... 94,900

For Contractual Services....................... 3,050,000

For Commodities.................................. 150,000

For Equipment.................................... 400,000

For Telecommunications Services............... 100,000

For Awards and Grants............................ 100,000

For Permanent Improvements..................... 100,000

Total $24,680,100

Section 10. The sum of $331,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Governors State University for the International Trade Center.

Section 15. The sum of $650,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Governors State University for the Institute for Urban Education.

Section 20. The sum of $325,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Governors State University for the Center for Excellence in Health Education.

ARTICLE 87

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Northeastern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2006:

Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2005-2006........ 34,779,000

For State Contributions to Social Security, for Medicare........................ 408,300
For Group Insurance………………………… 1,072,600
For Contractual Services………………… 2,217,800
For Equipment…………………………… 600,000
Total $39,077,700

Section 10. The sum of $170,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northeastern Illinois University to conduct a pilot program to improve retention and graduation rates for minority students.

ARTICLE 88

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Western Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2006:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2005-2006........ 48,603,800

For State Contributions to Social Security, for Medicare........................ 446,200
For Group Insurance………………… 1,744,800
For Contractual Services………………… 3,346,300
For Commodities………………… 800,000
For Equipment………………… 1,000,000
For Telecommunications Services………………… 450,000
Total $56,391,100

Section 10. The amount of $10,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust...
Fund to the Board of Trustees of Western Illinois University for scholarship grant awards from the sale of collegiate license plates.

ARTICLE 89

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Illinois State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2006:

Payable from the General Revenue Fund:

For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2005-2006:

- 71,652,000

For Group Insurance:

- 3,078,300

For Contractual Services:

- 2,721,700

For Commodities:

- 300,000

For Equipment:

- 2,000,000

For Telecommunications Services:

- 200,000

For Permanent Improvements:

- 500,000

Total: $80,452,000

ARTICLE 90

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Northern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2006:

Payable from the General Revenue Fund:

For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2005-2006:

- 87,085,200

For State Contributions to Social Security, for Medicare:

- 883,500

For Group Insurance:

- 2,337,300

For Contractual Services:

- 6,536,800

New matter indicated by italics - deletions by strikeout
For Travel................................. 163,500
For Commodities.......................... 1,485,300
For Equipment............................. 1,316,500
For Telecommunications Services......... 798,900
For Operation of Automotive Equipment... 138,500
For Awards and Grants..................... 185,700
For Permanent Improvements.............. 1,343,700
Total $102,274,900

Section 6. The sum of $700,000, or so much thereof may be necessary, is appropriated from the General Revenue Fund to Northern Illinois University for the Complete Help and Assistance Necessary for a College Education (C.H.A.N.C.E.) program.

Section 10. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Northern Illinois University for scholarship grant awards, in accordance with Public Act 91-0083.

ARTICLE 91

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Southern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2006:
Payable from the General Revenue Fund:
  For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2005-2006...... 191,968,400
  For State Contributions to Social Security, for Medicare.......................... 2,315,900
  For Group Insurance.......................... 3,698,300
  For Contractual Services..................... 12,566,700
  For Travel................................. 53,600
  For Commodities......................... 1,477,400
  For Equipment............................. 2,455,900
  For Telecommunications Services.......... 1,854,800
  For Operation of Automotive Equipment... 657,200
  For Awards and Grants..................... 155,500

New matter indicated by italics - deletions by strikeout
Section 10. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the Special Services (TRIO) program for improvement of matriculation, retention, and completion rates of minority students at the Edwardsville and Carbondale campuses.

Section 15. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the Vince Demuzio Governmental Internship Program.

ARTICLE 92

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of the University of Illinois to meet ordinary and contingent expenses for the fiscal year ending June 30, 2006:

Payable from the General Revenue Fund:

For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2005-2006........ 598,363,000

For State Contributions to Social Security, for Medicare....................... 8,937,100
For Group Insurance........................................... 24,893,200
For Contractual Services................................. 39,649,600
For Travel.................................................... 249,700
For Commodities.............................................. 2,518,600
For Equipment................................. 511,000
For Telecommunications Services.......................... 5,016,800
For Operation of Automotive Equipment.............. 967,000
For Permanent Improvements........................... 750,000
For Distributive Purposes as follows:
For Awards and Grants................................. 5,957,500
For Claims under Workers’ Compensation and Occupational Disease Acts, other Statutes, and tort claims......................... 3,270,000

New matter indicated by italics - deletions by strikeout
For Hospital and Medical Services and Appliances............................ 5,817,600
Total $696,901,100

Section 10. The sum of $1,998,500, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Board of Trustees of the University of Illinois for the purpose of maintaining the Illinois Fire Service Institute, paying the Institute's expenses, and providing the facilities and structures incident thereto, including payment to the University for personal services and related costs incurred.

Section 15. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of the University of Illinois for scholarship grant awards, in accordance with Public Act 91-0083.

Section 20. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the University of Illinois for the Complete Help and Assistance Necessary for a College Education (C.H.A.N.C.E) program at the Office of School Relations at the Chicago Campus.

ARTICLE 93

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Community College Board for ordinary and contingent expenses:

For Personal Services.......................... 1,179,500
For State Contributions to Social Security, for Medicare......................... 14,400
For Contractual Services.......................... 375,000
For Travel........................................ 58,100
For Commodities................................. 8,600
For Printing...................................... 11,000
For Equipment................................. 2,000
For Electronic Data Processing................. 431,000
For Telecommunications.......................... 36,500
For Operation of Automotive Equipment......... 4,000
East St. Louis Operations........................ 1,500
Total $2,121,600

Section 10. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Community College Board Contracts and Grants Fund to the Illinois Community College Board to be

New matter indicated by italics - deletions by strikeout
expended under the terms and conditions associated with the moneys being received.

Section 15. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the ICCB Adult Education Fund to the Illinois Community College Board for operational expenses associated with administration of adult education and literacy activities.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Community College Board for distribution to qualifying public community colleges for the purposes specified:

<table>
<thead>
<tr>
<th>Grant Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Operating Grants</td>
<td>191,837,100</td>
</tr>
<tr>
<td>Small College Grants</td>
<td>780,000</td>
</tr>
<tr>
<td>Equalization Grants</td>
<td>76,617,500</td>
</tr>
<tr>
<td>Retirees Health Insurance Grants</td>
<td>626,600</td>
</tr>
<tr>
<td>Workforce Development Grants</td>
<td>3,311,300</td>
</tr>
<tr>
<td>P-16 Initiative Grants</td>
<td>2,279,000</td>
</tr>
<tr>
<td>Total</td>
<td>$275,451,500</td>
</tr>
</tbody>
</table>

Section 25. The sum of $1,589,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for grants to operate an educational facility in the former community college district #541 in East St. Louis.

Section 30. The sum of $775,000, or so much thereof as may be necessary, is appropriated from the AFDC Opportunities Fund to the Illinois Community College Board for grants to colleges for workforce training and technology and operating costs of the Board for those purposes.

Section 35. The following named amounts, or so much of those amounts as may be necessary, for the objects and purposes named, are appropriated to the Illinois Community College Board for adult education and literacy activities:

From the General Revenue Fund:

For payment of costs associated with education and educational-related services to local eligible providers for adult education and literacy: 15,829,600

New matter indicated by italics - deletions by strikeout
for performance-based awards................. 10,491,800
For operational expenses of and
for payment of costs associated with
education and educational-related
services to recipients of Public
Assistance, and, if any funds remain,
for costs associated with
education and educational-related
services to local eligible providers
for adult education and literacy............. 7,922,100
From the ICCB Adult Education Fund:
For payment of costs associated with
education and educational-related
services to local eligible providers
and to Support Leadership Activities,
as Defined by U.S.D.O.E.
for adult education and literacy
as provided by the United States
Department of Education..................... 29,867,200
Total, this Section $64,110,700

Section 40. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Illinois Community College
Board for all costs associated with career and technical education
activities:
From the General Revenue Fund.............. 11,911,700
From the Career and Technical Education Fund.... 22,207,100
Total, this Section $34,118,800

Section 45. The sum of $400,000, or so much thereof as may be
necessary, is appropriated from the ICCB Federal Trust Fund to the Illinois
Community College Board for ordinary and contingency expenses of the
Board.

Section 50. The sum of $5,507,500, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
Community College Board for grants to community college districts that
are negatively impacted by the changes in the Base Operating formula in
Section 2-16.02 of the Public Community College Act.

Section 55. The sum of $15,000,000, or so much thereof as may
be necessary, is appropriated from the General Revenue Fund to the
Illinois Community College Board for the City Colleges of Chicago for educational-related expenses.

Section 56. The sum of $330,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for grants to community colleges.

Section 60. The sum of $120,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for awarding scholarships to qualifying graduates of the Lincoln's Challenge Program.

Section 65. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to Illinois Community College Board for Lincoln Land Community College medical training program at the Hillsboro campus.

Section 70. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to Illinois Community College Board for the Joliet Junior College Adult Education Division.

Section 75. The sum of $647,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to Illinois Community College Board for costs associated with administering GED tests.

Section 80. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the ISBE GED Testing Fund to the Illinois Community College Board for costs associated with administering GED tests.

Section 85. The sum of $550,000, or so much thereof as may be necessary, is appropriated from ICCB Instruction Development and Enhancement Applications Revolving Fund for costs associated with maintaining and updating instructional technology.

ARTICLE 94

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

For Administration
For Personal Services........................... 17,617,700
For State Contributions to State
  Employees Retirement System................... 1,372,600
For State Contributions to

New matter indicated by italics - deletions by strikeout
Social Security.............................. 1,348,000
For State Contributions for    
    Employees Group Insurance............... 4,933,000
For Contractual Services................. 12,666,900
For Travel..................................... 216,400
For Commodities.............................. 272,800
For Printing................................... 727,000
For Equipment................................. 539,000
For Telecommunications..................... 1,907,000
For Operation of Auto Equipment............ 37,900
Total $41,638,300

Section 10. The sum of $346,699,800, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the General Revenue Fund for payment of Monetary Award Program grant awards to students eligible to receive such awards, as provided by law.

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:

Grants and Scholarships
For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law............... 950,000
For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law............... 350,000
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law............... 4,480,000

New matter indicated by italics - deletions by strikeout
eligible, as provided by law.............. 19,250,000
For payment of Minority Teacher Scholarships..... 3,100,000
For payment of Illinois Scholars Scholarships.... 3,020,000
For payment of Illinois Incentive for Access
   grants, as provided by law............... 7,200,000
For college savings bond grants to
   students who are eligible to
   receive such awards...................... 650,000
Total $39,000,000

Section 20. The following named amount, or so much thereof as
   may be necessary, is appropriated from the Illinois National Guard Grant
   Fund to the Illinois Student Assistance Commission for the following
   purpose:
   Grants and Scholarships
   For payment of Illinois National Guard
   Naval Militia Scholarships
   at State-controlled universities
   and public community colleges in
   Illinois to students eligible to
   receive such awards, as provided by law........ 20,000

Section 25. The sum of $500,000, or so much thereof as may be
   necessary, is appropriated from the General Revenue Fund to the Illinois
   Student Assistance Commission for the Loan Repayment for Teachers
   Program.

Section 30. The following named amount, or so much thereof as
   may be necessary, is appropriated from the General Revenue Fund to the
   Illinois Student Assistance Commission for the following purpose:
   Grants and Scholarships
   For payment of Illinois Future Teacher
   Corps Scholarships, as provided by law........ 4,100,000

Section 35. The following named amount, or so much thereof as
   may be necessary, is appropriated from the Contracts and Grants Fund to
   the Illinois Student Assistance Commission for the following purpose:
   To support outreach, research, and
   training activities........................... 70,000

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

   New matter indicated by italics - deletions by strikeout
Grants and Scholarships
For payment of scholarships for the
Optometric Education Scholarship
Program, as provided by law.................... 50,000

Section 45. The sum of $190,000,000, or so much thereof as may
be necessary, is appropriated from the Federal Student Loan Fund to the
Illinois Student Assistance Commission for distribution when necessary as
a result of the following: for guarantees of loans that are uncollectible, for
collection payments to the Student Loan Operating Fund as required under
agreements with the United States Secretary of Education, for payment to
the Student Loan Operating Fund for Default Aversion Fees, for transfers
to the U.S. Treasury, or for other distributions as necessary and provided
for under the Federal Higher Education Act.

Section 50. The sum of $21,334,400, or so much thereof as may
be necessary, is appropriated to the Illinois Student Assistance
Commission from the Student Loan Operating Fund for distribution as
necessary for the following: for payment of collection agency fees
associated with collection activities for Federal Family Education Loans,
for Default Aversion Fee reversals, and for distributions as necessary and
provided for under the Federal Higher Education Act.

Section 55. The sum of $5,000,000, or so much thereof as may be
necessary, is appropriated to the Illinois Student Assistance Commission
from the Student Loan Operating Fund for costs associated with Federal
Loan System Development and Maintenance.

Section 60. The sum of $300,000, or so much of that amount as
may be necessary, is appropriated from the Accounts Receivable Fund to
the Illinois Student Assistance Commission for costs associated with the
collection of delinquent scholarship awards pursuant to the Illinois State

Section 65. The following named amount, or so much thereof as
may be necessary, is appropriated from the Federal Student Assistance
Scholarship Fund to the Illinois Student Assistance Commission for the
following purpose:
For payment of Robert C. Byrd
Honors Scholarships............................ 1,800,000

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

New matter indicated by italics - deletions by strikeout
Section 75. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Assistance Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
For transferring repayment funds collected under the Paul Douglas Teacher Scholarship Program to the U.S. Treasury................. 400,000

Section 80. The following named amount, or so much thereof as may be necessary, is appropriated from the Illinois Future Teacher Corps Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
For payment of scholarships for the Illinois Future Teacher Corps Scholarship Program as provided by law........ 57,000
For payment for grants to the Golden Apple Foundation for Excellence in Teaching............... 3,000

Section 85. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Incentive Trust Fund for the Federal Leveraging Educational Assistance and the Supplemental Leveraging Educational Assistance Programs to the Illinois Student Assistance Commission for the following purpose:
Grants
For payment of Monetary Award Program grants to full-time and part-time students eligible to receive such grants, as provided by law..... 3,700,000

ARTICLE 95
Section 5. The sum of $3,392,000, or so much thereof as may be necessary, is appropriated to the Community College Health Insurance Security Fund for the State's contribution, as required by law.
Section 10. The sum of $80,000,000, minus the amount transferred to the State Universities Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System of Illinois pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.
Section 15. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Board of Trustees of the
State Universities Retirement System for the State's contribution, as provided by law:
Payable from the Education Assistance Fund...... 86,641,900

ARTICLE 96

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the State Universities Civil Service System to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2006:

For Personal Services......................... 915,000
For Social Security.......................... 11,000
For Contractual Services...................... 248,900
For Travel.................................... 12,000
For Commodities............................... 9,000
For Printing.................................. 4,000
For Equipment................................. 26,000
For Telecommunications Services.............. 25,700
For Operation of Automotive Equipment........ 2,000
Total........................................ $1,253,600

ARTICLE 97

DEPARTMENT OF AGRICULTURE

Section 5. The following named amounts, or so much thereof as may be necessary are appropriated to the Department of Agriculture for repairs, maintenance, and capital improvements including construction, reconstruction, improvement, repair and installation of capital facilities, cost of planning, supplies, materials, equipment, services and all other expenses required to complete the work:

Payable from Agricultural Premium Fund:
For various projects at the State Fairgrounds........................ $600,000
For various projects at the DuQuoin State Fairgrounds............... 225,000
Total........................................ $825,000
Total, Article 97................................ $825,000

ARTICLE 98

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

Section 5. The amount of $8,940,147, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 5 of

New matter indicated by italics - deletions by strikeout
Public Act 93-0842, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant to the DuPage Airport Authority for planning, design, construction and access infrastructure related to the hi-tech business campus.

Section 10. The amount of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 10 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant for planning, design, construction, and all other costs associated with a new Ford Technical Training Center.

Section 15. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 15 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the "TRUE GRID I WIRE" Program.

Section 20. The amounts of $22,000,000 and $551,947, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 91, Section 20 of Public Act 93-0842, are reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the purpose of providing partial funds for planning, design, engineering and testing, and construction of a low emissions boiler system for Illinois high-sulfur coals.

No contract shall be entered into or obligation incurred for any expenditure made in this Section of this Article until after the purpose and amounts have been approved in writing by the Governor.

Section 25. The sum of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 25 of Public Act 93-0842, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the Coal Demonstration Program.

Section 30. The sum of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 30 of Public Act 93-0842, is reappropriated from the Coal Development Fund to
the Department of Commerce and Economic Opportunity for Coal Development Programs.

Section 35. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 35 of Public Act 93-0842, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for grants pursuant to 20 ILCS 605/605-332 – Coal Revival Program.

Section 40. The amount of $1,039,300, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 40 of Public Act 93-0842, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the development of other forms of energy.

No contract shall be entered into or obligation incurred for any expenditure made in this Section of this Article until after the purpose and amounts have been approved in writing by the Governor.

Section 45. The sum of $13,815,797, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 45 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 50. The sum of $5,420,856, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 91, Section 50 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8 or Article 10 of the Build Illinois Act.

Section 55. The sum of $4,778,039, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 55 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8, Article 9 or Article 10 of the Build Illinois Act.
Section 60. The sum of $15,533,803, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 60 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 65. The sum of $11,025,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 65 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 70. The sum of $10,480,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 70 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to companies to expand or construct ethanol plants in Illinois.

Section 75. The sum of $13,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 75 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Argonne National Laboratory for the Rare Isotope Accelerator for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 80. The sum of $17,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 80 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the Nanotechnology Institute for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

New matter indicated by italics - deletions by strikeout
Section 85. The sum of $6,403,051, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 91, Section 85 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the Nanotechnology.

Total, Article 98 $198,487,940

ARTICLE 99
DEPARTMENT OF NATURAL RESOURCES
GRANTS AND REIMBURSEMENTS - GENERAL OFFICE

Section 10. The sum of $725,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 15. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 20. To the extent federal funds including reimbursements are available for such purposes, the sum of $75,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-trailerable recreational boats, including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 25. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:
Payable from State Boating Act Fund:
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies,
materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation.............. 1,200,000

Payable from State Parks Fund:
For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, and all other expenses required to comply with the intent of this appropriation.............. 150,000

Section 30. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for acquisition and development, including grants, for the implementation of the North American Waterfowl Management Plan within the Dominion of Canada or the United States which specifically provides waterfowl for the Mississippi Flyway.

Section 35. To the extent federal funds including reimbursements are available for such purposes, the sum of $100,000, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 40. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal and/or state funds provided for such purposes.

Section 45. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:
Payable from Forest Reserve Fund:
For U.S. Forest Service Program................. 500,000

New matter indicated by italics - deletions by strikeout
Section 50. The sum of $110,000, or so much thereof as may be necessary, is appropriated from the Plugging and Restoration Fund to the Department of Natural Resources, Office of Mines and Minerals for the Landowner Grant Program authorized under the Oil and Gas Act, as amended by Public Act 90-0260.

Section 55. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the Abandoned Mined Lands Set Aside Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines and any other expenses necessary for emergency response.

Section 60. The sum of $110,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 65. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:
Payable from Natural Areas Acquisition Fund:
For the acquisition, preservation and
stewardship of natural areas, including habitats
for endangered and threatened species, high
quality natural communities, wetlands
and other areas with unique or unusual
natural heritage qualities.................... 6,000,000

Section 70. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

Section 75. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

FOR ILLINOIS HABITAT FUND PROGRAM
Section 80. The sum of $1,150,000, or so much thereof as may be necessary, is appropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 85. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 90. The sum of $600,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources for expenditure by the Office of Water Resources from the Flood Control Land Lease Fund for disbursement of monies received pursuant to Act of Congress dated September 3, 1954 (68 Statutes 1266, same as appears in Section 701c-3, Title 33, United States Code Annotated), provided such disbursement shall be in compliance with 15 ILCS 515/1 Illinois Compiled Statutes.

Section 95. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:
For Outdoor Recreation Programs.................. 6,200,000

Section 100. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 110. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any
public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:
Payable from Federal Title IV Fire Protection Assistance Fund:
For Rural Community Fire Protection Programs........................................ 325,000

Section 115. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 120. The sum of $625,000, or so much thereof as may be necessary, is appropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 125. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $300,000, is appropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 130. The sum of $160,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for the implementation of the North American Waterfowl Management Plan within the Dominion of Canada or the United States which specifically provides waterfowl to the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 135. The sum of $160,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for the development of waterfowl propagation areas within the Dominion of Canada or the United States which specifically provide waterfowl for the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 140. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund...
Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

Section 145. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 150. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 155. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 160. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

Payable from the Illinois Beach Marina Fund:
For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at
Winthrop Harbor................................. 375,000

Section 165. The sum of $6,000,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

Section 170. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the State Parks Fund to the Department of Natural Resources, in coordination with the Capital Development Board, for the development of the World Shooting and Recreation Complex including all construction expenses required to comply with this
appropriation. Provided further, to the extent that revenues are received for such purposes, said revenues must come from non-State sources.

Section 175. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in Section 170 until after the purpose and amount of such expenditure has been approved in writing by the Governor.

Section 185. The sum of $150,000, new appropriation, is appropriated from the State Boating Act Fund to the Department of Natural Resources for a grant to the Chain O’Lakes – Fox River Waterway Management Agency for the Agency’s operational expenses.

Section 240. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in Sections: 95, 105, 145, 150, 155, 170, until after the purpose and amount of such expenditure has been approved in writing by the Governor.

Total, Article 99 $60,215,000

ARTICLE 100

DEPARTMENT OF NATURAL RESOURCES

Section 5. The sum of $725,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 5, page 573, line 25 of Public Act 93-0842, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 7. The sum of $725,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 10, page 565, line 2 of Public Act 93-0842, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 10. The sum of $1,542,612, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 10,
new matter indicated by italics - deletions by strikeout

Section 15. The sum of $100,863, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 15, page 574, line 15 of Public Act 93-0842, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 20. The sum of $160,603, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 20, page 574, line 26 of Public Act 93-0842, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 22. The sum of $120,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 15, page 565, line 8 of Public Act 93-0842, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 30. To the extent federal funds including reimbursements are available for such purposes, the sum of $1,554,184, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 30 of Public Act 93-0842, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-
trailerable recreational boats, including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 32. To the extent federal funds including reimbursements are available for such purposes, the sum of $1,075,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 20 of Public Act 93-0842, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-trailerable recreational boats, including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 35. The following named sum, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purposes, is reappropriated to the Department of Natural Resources for the objects and purposes set forth below:
Payable from State Boating Act Fund:
(From Article 93, Section 35, on page 575, lines 27-32 and on page 576, lines 1-2, of Public Act 93-0842, as amended)
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation.............. 1,351,400

Section 37. The following named sum, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made for such purposes, is reappropriated to the Department of Natural Resources for the objects and purposes set forth below:
Payable from State Boating Act Fund:
(From Article 92, Section 25, on page 565, lines 25-30 and on page 566, lines 1-8, of Public Act 93-0842, as amended)
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation............... 1,200,000

Section 40. The following named sum, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made for such purposes, is reappropriated to the Department of Natural Resources for the objects and purposes set forth below:
Payable from State Boating Act Fund:
(From Article 93, Section 40 on page 576, lines 14-21 of Public Act 93-0842, as amended)
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation............... 1,200,000

Section 45. The following named sums, or so much thereof as may be necessary, respectively, and as remain unexpended at the close of business on June 30, 2005, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:
Payable from the State Parks Fund:
(From Article 93, Section 45 on page 576, line 32 and on page 577, lines 1-7 of Public Act 93-0842, as amended)
For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs..........

New matter indicated by italics - deletions by strikeout
for supplies, materials, labor, land
acquisition, services, studies, and
all other expenses required to comply with
the intent of this appropriation............. 150,000

Payable from the State Parks Fund:
(From Article 93, Section 45 on
page 577, lines 12-19, of Public
Act 93-0842, as amended)
For multiple use facilities and programs
for park and trail purposes provided
by the Department of Natural Resources, including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies, and
all other expenses required to comply with
the intent of this appropriation............. 477,920

Section 47. The following named sums, or so much thereof as may
be necessary, respectively, and as remain unexpended at the close of
business on June 30, 2005, from appropriations heretofore made for such
purposes, are reappropriated to the Department of Natural Resources for
the objects and purposes set forth below:
Payable from State Parks Fund:
(From Article 92, Section 25 on
page 566, lines 9-13, of Public
Act 93-0842, as amended)
For multiple use facilities and programs
for park and trail purposes provided by
the Department of Natural Resources, including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies, and
all other expenses required to comply with
the intent of this appropriation............. 150,000

Section 48. The sum of $5,000,000, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2005, from an appropriation heretofore made in Article 92, Section 170 of
Public Act 93-0842, as amended, is reappropriated from the State Park
Fund to the Department of Natural Resources, in coordination with the
Capital Development Board, for the development of the World Shooting

New matter indicated by italics - deletions by strikeout
Section 50. The sum of $1,619,622 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 50, page 577, line 20 of Public Act 93-0842, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal and/or state funds provided for such purposes.

Section 52. The sum of $2,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 40, page 567, line 1 of Public Act 93-0842, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal and/or state funds provided for such purposes.

Section 55. The sum of $2,923,780, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 55, page 577, line 28 of Public Act 93-0842, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal and/or state funds provided for such purposes.

Section 60. To the extent federal funds including reimbursements are available for such purposes, the sum of $100,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 60, page 578, line 6 of Public Act 93-0842, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 62. To the extent federal funds including reimbursements are available for such purposes, the sum of $100,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 35, page 566, line 27 of Public Act 93-0842, as amended, is
reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 65. To the extent federal funds including reimbursements are available for such purposes, the sum of $205,997, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 65, page 578, line 17 of Public Act 93-0842, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 70. The sum of $1,433,426, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 70, page 578, line 26 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Department of Natural Resources for planning, design and construction of ecosystem rehabilitation, habitat restoration and associated development in cooperation with the U.S. Army Corps of Engineers.

Section 75. The sum of $3,237,550, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 75, page 579, line 4 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Department of Natural Resources for planning, design and construction of ecosystem rehabilitation, habitat restoration and associated development in cooperation with the U.S. Army Corps of Engineers.

Section 80. The sum of $27,931,232, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 80, page 579, line 13 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources to acquire, protect and preserve open space and natural lands.

Section 85. The sum of $3,940,311, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 85, page 579, line 21 of Public Act 93-0842, as amended, is reappropriated
from the Capital Development Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United State Department of Agriculture.

Section 90. The sum of $871,846, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 90, page 580, line 6 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United State Department of Agriculture.

Section 95. The sum of $1,631,310, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 95 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the acquisition of lands, buildings, and structures, including easements and other property interests, located in the 100-year floodplain in counties or portions of counties authorized to prepare stormwater management plans and for removing such buildings and structures and preparing the site for open space use.

Section 100. The sum of $11,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 100 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for
expenditure by the Office of Water Resources for water development projects at the approximate cost set forth below:
Union - McHenry County - for flood control and drainage improvement of unnamed Kishwaukee River tributary...................... 200,000
Wood River - Madison County - for partial payment of the non-federal cost requirements to construct Grassy Lake Pump Station Project in cooperation with the Wood River Drainage and Levee District............................... 200,000
Flood Hazard Mitigation - For implementation of flood hazard mitigation plans, and acquisition of wetland and tree mitigation sites for state and local joint flood control projects in cooperation with federal agencies, state agencies, and units of local government, in various counties................................. 3,300,000
Fox Chain of Lakes - Lake and McHenry Counties - For the state cost share in implementation of the comprehensive Dredging and Disposal Plan, including beneficial use of dredge material and island creation, for the Fox River and Chain of Lakes...................................... 2,000,000
Fox River Dams - Kane County - For rehabilitation, modification, and reconstruction of Batavia and Yorkville Dams................................. 2,600,000
Field Service Facility - Sangamon County - For site development and construction of a field survey service building and storage facility................................. 200,000
East St. Louis & Vicinity Flood Control - Madison and St. Clair Counties - For partial payment of the non-federal cost requirement of an interior flood protection project and ecosystem restoration at East St. Louis and Vicinity area...................... 1,800,000

New matter indicated by italics - deletions by strikeout
Prairie/Farmers Creeks - Cook County -
For costs associated with the implementation of flood damage reduction measures along Prairie/Farmers Creeks and the Des Plaines River, including for partial payment of the non-federal cost requirements of the U.S. Army Corps of Engineers' Upper Des Plaines River Flood Control Project................. 600,000
Small Drainage and Flood Control Projects -
For implementation of small drainage and flood control improvements in accordance with plans developed in cooperation with local governments and school districts, not to exceed $100,000 at any single locality........................................ 100,000
Total..................................................    600,000

FOR WATERWAY IMPROVEMENTS
Section 105. The sum of $28,497,163, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 93, Section 105 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the following projects at the approximate costs set forth below:
Addison Creek Watershed - Cook and DuPage Counties......................... 214,935
Chandlerville/Panther Creek - Cass County...................................... 24,294
Chicago Harbor Leakage Control - Cook County - For implementation of a project to identify, measure, control, and eliminate leakage flows through controlling structures at the mouth of the Chicago River in cooperation with federal agencies and units of local government................................. 990,416
Crisenberry Dam - Jackson County:
For complete rehabilitation of the

New matter indicated by italics - deletions by strikeout
dam and spillway, including the required geotechnical investigation, the preparation of plans and specifications, and the construction of the proposed rehabilitation ..............................................

Crystal Creek - Cook County ...........................................

East Chicago (Ford Heights) - Cook County - For partial payment of the non-federal cost requirements of the Deer Creek federal flood control and ecosystem restoration project in cooperation with the Village of East Chicago...........................................

East Peoria - Tazewell County ...........................................

East St. Louis and Vicinity Flood Control - Madison and St. Clair Counties - For partial payment of the non-federal cost requirements of an interior flood protection project and ecosystem restoration at East St. Louis and Vicinity area...........................................

Floor Service Facility – Sangamon County..........................

Flood Mitigation - Disaster Declaration Areas..........................

Fox Chain O'Lakes - Lake and McHenry Counties ..................

Fox River Dams - Kane, Kendall and McHenry Counties ..................

Granite City - Area Groundwater- Madison County ..................

Havana Facilities - Mason County .....................................

Hickory Hills - Cook County ...........................................

Hickory/Spring Creeks Watershed - Cook and Will Counties ...............

Illinois River Mitigation - Calhoun, Jersey, Peoria and Woodford Counties ...........................................

Indian Creek - Kane County ...........................................

Kaskaskia River System - Randolph, Monroe and St. Clair Counties ...............

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kyte River - Rochelle, Ogle County</td>
<td>1,450,863</td>
</tr>
<tr>
<td>Lake Michigan Artificial Reef - Cook County</td>
<td>28,040</td>
</tr>
<tr>
<td>Little Calumet Watershed - Cook County</td>
<td>14,154</td>
</tr>
<tr>
<td>Loves Park - Winnebago County</td>
<td>489,745</td>
</tr>
<tr>
<td>Lower Des Plaines River Watershed - Cook and Lake Counties</td>
<td>975,000</td>
</tr>
<tr>
<td>Metro-East Sanitary District - Madison and St. Clair Counties</td>
<td>60,578</td>
</tr>
<tr>
<td>North Branch Chicago River Watershed - Cook and Lake Counties</td>
<td>25,690</td>
</tr>
<tr>
<td>Prairie du Rocher - Randolph County:</td>
<td></td>
</tr>
<tr>
<td>For partial payment to implement the</td>
<td></td>
</tr>
<tr>
<td>federal flood protection project for the</td>
<td></td>
</tr>
<tr>
<td>Village of Prairie du Rocher in cooperation</td>
<td></td>
</tr>
<tr>
<td>with local units of government</td>
<td>10,000</td>
</tr>
<tr>
<td>Prairie/Farmers Creek - Cook County</td>
<td>2,756,259</td>
</tr>
<tr>
<td>Asian Carp Barrier - Cook County</td>
<td>10,000</td>
</tr>
<tr>
<td>Rock River Dams - Rock Island and</td>
<td>151,081</td>
</tr>
<tr>
<td>Whiteside Counties</td>
<td></td>
</tr>
<tr>
<td>Small Drainage and Flood Control Projects -</td>
<td>413,499</td>
</tr>
<tr>
<td>Statewide (not to exceed $100,000 at any</td>
<td></td>
</tr>
<tr>
<td>locality)</td>
<td></td>
</tr>
<tr>
<td>Union - McHenry County</td>
<td>30,000</td>
</tr>
<tr>
<td>Village of Justice - Cook County</td>
<td>100,000</td>
</tr>
<tr>
<td>W. B. Stratton (McHenry) Lock and Dam -</td>
<td>750,000</td>
</tr>
<tr>
<td>McHenry County</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$28,497,163</td>
</tr>
</tbody>
</table>

Section 110. The sum of $213,812, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 110 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources in cooperation with federal agencies, state agencies and units of local government in the implementation of flood hazard mitigation plans in counties that received a Presidential Disaster Declaration as a result of flooding in calendar years.

New matter indicated by italics - deletions by strikeout
1993 and thereafter, in accordance with reports filed under Section 5 of the
"Flood Control Act of 1945".

Section 115. The sum of $5,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 93, Section 115, page 586, line 3 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 120. The sum of $10,023,728, less $300,000 to be lapsed from the unexpended appropriation, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 93, Section 120, page 586, line 11 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 125. The amount of $30,115, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 125 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 130. The amount of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 130 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 135. The sum of $61,418, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 135, page 587, line 3 of Public Act 93-0842, as amended, is reappropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 137. The sum of $104,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 60, page 567, line 29 of Public Act 93-0842, as amended, is reappropriated to
the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 140. The sum of $81,394, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 140, page 587, line 12 of Public Act 93-0842, as amended, is reappropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 145. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from Natural Areas Acquisition Fund:

(From Article 93, Section 145 on page 587, line 31, and page 588, lines 1-6, of Public Act 93-0842, as amended)
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities............................

Payable from Natural Areas Acquisition Fund:

(From Article 93, Section 145 on page 588, lines 11-17, of Public Act 93-0842, as amended)
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural

New matter indicated by italics - deletions by strikeout
Section 147. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from Natural Areas Acquisition Fund:
(From Article 92, Section 65 on page 568, lines 16, of Public Act 93-0842, as amended)
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities............................ 2,412,844

Section 150. The sum of $18,138,458, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 150, page 588, line 18 of Public Act 93-0842, as amended, is reappropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

Section 155. The sum of $27,303,854, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 155, page 588, line 27 of Public Act 93-0842, as amended, is reappropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

Section 157. The sum of $20,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 70, page 568, line 17 of Public Act 93-0842, as amended, is reappropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to

New matter indicated by italics - deletions by strikeout
make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

FOR STATE PHEASANT PROGRAM

Section 160. The sum of $305,546, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 160, page 589, line 5 of Public Act 93-0842, as amended, is reappropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

Section 165. The sum of $179,377, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 165, page 589, line 14 of Public Act 93-0842, as amended, is reappropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

Section 167. The sum of $550,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 75, page 568, line 23 of Public Act 93-0842, as amended, is reappropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

Section 170. The sum of $644,654, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 170, page 589, line 23 of Public Act 93-0842, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 175. The sum of $163,308, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 175, page 590, line 1 of Public Act 93-0842, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in
accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 177. The sum of $1,150,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 80, page 569, line 1 of Public Act 93-0842, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 180. The sum of $142,533, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 180, page 590, line 10 of Public Act 93-0842, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 185. The sum of $1,623, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 185, page 590, line 20 of Public Act 93-0842, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 187. The sum of $250,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 85, page 569, line 7 of Public Act 93-0842, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 190. The following named sums, or so much thereof as may be necessary and as remain unexpended at the close of business on June 30, 2005, from appropriations heretofore made in Article 93, Section 190 of Public Act 93-0842, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any
municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:
  (From Article 93, Section 190, page 591, line 15 of Public Act 93-0842, as amended)
  For Outdoor Recreation Programs.................. 6,200,000

Payable from Land and Water Recreation Fund:
  (From Article 93, Section 190 on page 591, line 20, of Public Act 93-0842, as amended)
  For Outdoor Recreation Programs.................. 7,800,777

Section 192. The following named sums, or so much thereof as may be necessary and as remain unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 95 of Public Act 93-0842, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:
  (From Article 92, Section 95 on page 570, line 1, of Public Act 93-0842, as amended)
  For Outdoor Recreation Programs.................. 6,200,000

Section 195. The sum of $597,437, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 195, page 591, line 21 of Public Act 93-0842, as amended, is reappropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

New matter indicated by italics - deletions by strikeout
Section 197. The sum of $600,000 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 100, page 570, line 2 of Public Act 93-0842, as amended, is reappropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 200. The sum of $910,741, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made in Article 93, Section 200, page 592, line 1 of Public Act 93-0842, as amended, is reappropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 205. The sum of $2,652,734, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made for such purposes in Article 93, Section 205 of Public Act 93-0842, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

Section 210. The sum of $7,194,314, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made for such purposes in Article 93, Section 210 of Public Act 93-0842, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.
Section 215. The following named sums, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made in Article 93, Section 215 of Public Act 93-0842, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Federal Title IV Fire Protection Assistance Fund:
(From Article 93, Section 215 on page 593, lines 17-18 of Public Act 93-0842, as amended)
For Rural Community Fire Protection Program........................................... 194,419

Section 217. The following named sums, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 110 of Public Act 93-0842, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Federal Title IV Fire Protection Assistance Fund:
(From Article 92, Section 110 on page 570, lines 21-22 of Public Act 93-0842, as amended)
For Rural Community Fire Protection Program........................................... 307,532

(From Article 93, Section 220 on page 593, lines 24-25, of Public Act 93-0842, as amended)
For Rural Community Fire Protection Program........................................... 21,252

Section 225. The sum of $46,515, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 225, page 593, line 26 of Public Act 93-0842, as amended, is reappropriated

New matter indicated by italics - deletions by strikeout
from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 227. The sum of $80,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 115, page 570, line 23 of Public Act 93-0842, as amended, is reappropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 230. The sum of $48,683, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made in Article 93, Section 230, page 594, line 5 of Public Act 93-0842, as amended, is reappropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 235. The sum of $605,658, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 235, page 594, line 15 of Public Act 93-0842, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 237. The sum of $625,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 120, page 570, line 30 of Public Act 93-0842, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

New matter indicated by italics - deletions by strikeout
Section 240. The sum of $15,911, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 240, page 594, line 25 of Public Act 93-0842, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 245. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $113,880, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 245, page 595, line 6 of Public Act 93-0842, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 247. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $208,942, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 125, page 571, line 9 of Public Act 93-0842, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 250. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $15,520, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 250, page 595, line 15 of Public Act 93-0842, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 255. To the extent federal funds including reimbursements are made available for such purposes, the sum of $206, or so much thereof as may be necessary and as remains unexpended, at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 255 of Public Act 93-0842, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.
Resources for Urban Forestry programs, including technical assistance, education and grants.

Section 260. The sum of $428,359, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 260, page 596, line 1 of Public Act 93-0842, as amended, is reappropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

Section 262. The sum of $500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 140, page 571, line 28 of Public Act 93-0842, as amended, is reappropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

Section 265. The sum of $1,629,108, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 265, page 596, line 9 of Public Act 93-0842, as amended, is reappropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

FOR BIKEWAYS PROGRAMS

Section 270. The following named sums, or so much thereof as may be necessary, and is available for expenditure as provided herein, are appropriated from the Park and Conservation Fund to the Department of Natural Resources for the following purposes:

Section 275. The sum of $10,886 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 275, on page 597, lines 1-6 of Public Act 93-0842, as amended, is reappropriated for land acquisition, development and grants, for the following bike paths at the approximate costs set forth below:

Great River Road/Vadalabene Bikeway
through Grafton................................. 5,300
Super Trail between the Quad Cities
and Savannah.................................... 0
Illinois Prairie Path in

New matter indicated by italics - deletions by strikeout
Cook County....................................... 5,600

Section 280. The sum of $2,328,876, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 280, on page 597, line 7 of Public Act 93-0842, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 282. The sum of $2,500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 145, on page 572, line 3 of Public Act 93-0842, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 285. The sum of $9,866,987, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 285, on page 597, lines 15-22 of Public Act 93-0842, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 290. The sum of $56,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 290, on page 597, lines 23-31 of Public Act 93-0842, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development, grants and all other related expenses connected with the acquisition and development of bike paths.

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

Section 300. The sum of $843,389, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 300 of Public Act 93-0842, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for multiple use facilities and programs for conservation purposes provided by the

New matter indicated by italics - deletions by strikeout
Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

Section 305. The sum of $500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 305, page 598, line 18 of Public Act 93-0842, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 307. The sum of $500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 150, page 572, line 8 of Public Act 93-0842, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 310. The sum of $1,792,880, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 310 of Public Act 93-0842, as amended, is reappropriated to the Department of Natural Resources from the Park and Conservation Fund for multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

Section 315. The sum of $3,788,194, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 315 on page 599, line 10 of Public Act 93-0842, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development and maintenance of bike paths.
bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 320. The sum of $1,474,400, less $500,000 to be lapsed from the unexpended appropriation, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 320, page 599, line 19 of Public Act 93-0842, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 322. The sum of $1,500,000, less $500,000 to be lapsed from the unexpended appropriation, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 155, page 572, line 14 of Public Act 93-0842, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 325. The sum of $4,311,328, less $460,000 to be lapsed from the unexpended appropriation, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 325, page 599, line 30 of Public Act 93-0842, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 330. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 330 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to
the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 335. The sum of $12,882,638, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 335 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants to museums for permanent improvements.

Section 340. The sum of $7,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 340 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 345. The sum of $110,969, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 345 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 350. The sum of $583,423, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 350 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 360. The sum of $76,789, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 360 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources
for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 375. The amount of $189,520, or so much thereof as may be necessary and remains unexpended on June 30, 2005, from appropriations heretofore made for such purposes in Article 93, Section 375 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the completion of the following projects at the approximate costs set forth below:

Lower Des Plaines River at Tributaries Watershed -
Cook and DuPage Counties - for construction of drainage, flood control, recreation and related improvements and facilities in the Lower Des Plaines Watershed; and for necessary land acquisition, relocation, and related expenses, all in general conformance with the Lower Des Plaines River and Tributaries Watershed Work plan in cooperation with the U.S. Soil Conservation Service and local governments sponsoring this Federal
Flood Control project............................... 189,520

Section 380. The amount of $32,507, or so much thereof as may be necessary and remains unexpended on June 30, 2005, from appropriations heretofore made for such purposes in Article 93, Section 380 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the following projects at the approximate costs set forth below:

Indian Creek - Kane County - For implementation of the Indian Creek flood control project in Kane County in cooperation with the City of Aurora ........................................ 18,656

Midlothian Creek - Cook County - Improvement of Midlothian Creek channel to provide flood damage reduction for Fernway Subdivision in cooperation with the Villages of Orland Park and Tinley Park............................... 13,851

Total $32,507

New matter indicated by italics - deletions by strikeout
Section 385. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:
Payable from the Illinois Beach Marina Fund:

(From Article 93, Section 385 on page 604, lines 21-25, of Public Act 93-0842, as amended)
For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor........................................... 37,500

Section 390. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:
Payable from the Illinois Beach Marina Fund:

(From Article 93, Section 390 on page 605, lines 4-8 of Public Act 93-0842, as amended)
For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor.......................................... 177,895

Section 392. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:
Payable from the Illinois Beach Marina Fund:

(From Article 92, Section 165 on page 572, line 30 of Public Act 93-0842, as amended)
For rehabilitation, reconstruction, repair, replacing, fixed assets,
and improvement of facilities at
North Point Marina at Winthrop
Harbor........................................... 375,000

Section 395. The sum of $4,052,450, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 395, page 605, line 9 of Public Act 93-0842, as amended, is reappropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

Section 397. The sum of $6,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 92, Section 165, page 573, line 1 of Public Act 93-0842, as amended, is reappropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

Section 400. The sum of $7,128,842, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 93, Section 400, page 605, line 19 of Public Act 93-0842, as amended, is reappropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

Section 405. The sum of $4,535,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 93, Section 405, page 605, line 29 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources to acquire, protect and preserve open space and natural lands.

Section 410. The sum of $9,966, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purpose in Article
93, Section 410 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects.

Section 420. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in Sections:
70 through 130,
190, 192,
205, 210
270 through 380, and
405, 410
until after the purpose and amount of such expenditure has been approved in writing by the Governor.

Total, Article 100 $311,137,378

ARTICLE 101
DEPARTMENT OF MILITARY AFFAIRS
Section 5. The sum of $243,700, or so much thereof as may be necessary, is appropriated from the Illinois National Guard Armory Construction Fund to the Department of Military Affairs for land acquisition and construction of parking facilities at armories.

Total, Article 101 $243,700

ARTICLE 102
DEPARTMENT OF STATE POLICE
Section 10. The sum of $23,666,518, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made for such purposes in Article 96, Section 10 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of State Police for the cost associated with a statewide voice communication system.

Total, Article 102 $23,666,518

ARTICLE 103
DEPARTMENT OF TRANSPORTATION
Section 5. The sum of $9,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for Permanent Improvements to Illinois Department of Transportation facilities, including but not limited to the purchase of land, construction, repair, alterations and improvements to maintenance and traffic facilities, district and central headquarters facilities, storage facilities, grounds, parking areas and facilities, fencing and underground
drainage, including plans, specifications, utilities and fixed equipment installed and all costs and charges incident to the completion thereof at various locations.

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For costs associated with the identification and disposal of hazardous materials at storage facilities.......... 1,158,600
For Maintenance, Traffic and Physical Research Purposes (A)................................. 26,129,100
For repair of damages by motorists to highway guardrails, fencing, lighting units, bridges, underpasses, signs, traffic signals, crash attenuators, landscaping, roadside shelters, rest areas, fringe parking facilities, sanitary facilities, maintenance facilities including salt storage buildings, vehicle weight enforcement facilities including scale houses, and other highway appurtenances, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages................................................................. 5,500,000
For Maintenance, Traffic and Physical Research Purposes (B)............................... 12,207,100

Total $44,994,800

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For apportionment to counties for construction of township bridges 20 feet or more in length as provided in Section 6-901 through 6-906 of the "Illinois Highway Code" ......................... 15,000,000

For apportionment to needy Townships and

New matter indicated by italics - deletions by strikeout
Road Districts, as determined by the
Department in consultation with the County
Superintendents of Highways, Township
Highway Commissioners, or Road District
Highway Commissioners................. 10,014,300
For apportionment to high-growth cities over
5,000 in population, as determined by the
Department in consultation with the Illinois
Municipal League......................... 4,000,000
For apportionment to counties
under 1,000,000 in population,
$8,000,000 of the total apportioned
in equal amounts to each eligible
county, and $13,800,000 apportioned
to each eligible county in proportion
to the amount of motor vehicle license
fees received from the residents of
eligible counties......................... 21,800,000
Total $50,814,300

Section 20. The following sums, or so much thereof as may be
necessary, are appropriated from the Road Fund to the Department of
Transportation for preliminary engineering and construction engineering
and contract costs of construction, including reconstruction, extension and
improvement of State highways, arterial highways, roads, access areas,
roadside shelters, rest areas, fringe parking facilities and sanitary facilities,
and such other purposes as provided by the "Illinois Highway Code"; for
purposes allowed or required by Title 23 of the U.S. Code; for bikeways as
provided by Public Act 78-0850; and for land acquisition and signboard
removal and control, junkyard removal and control and preservation of
natural beauty; and for capital improvements which directly facilitate an
effective vehicle weight enforcement program, such as scales (fixed and
portable), scale pits and scale installations, and scale houses, in accordance
with applicable laws and regulations as follows:
District 1, Schaumburg.................. 324,469,000
District 2, Dixon......................... 55,369,000
District 3, Ottawa....................... 27,013,000
District 4, Peoria....................... 43,144,000
District 5, Paris......................... 34,745,000
District 6, Springfield................. 45,620,000

New matter indicated by italics - deletions by strikeout
Section 25. The sum of $26,250,000, or so much thereof as may be necessary, is appropriated from the Grade Crossing Protection Fund to the Department of Transportation for the installation of grade crossing protection or grade separations at places where a public highway crosses a railroad at grade, as ordered by the Illinois Commerce Commission, as provided by law.

Section 30. The sum of $152,000,000 or so much thereof as may be necessary, is appropriated from the Federal/Local Airport Fund to the Department of Transportation for funding the local or federal share of airport improvement projects, including reimbursements and/or refunds, undertaken pursuant to pertinent state or federal laws, provided such amounts shall not exceed funds available from federal and/or local sources.

Section 35. The sum of $3,325,000, or so much thereof as may be necessary, is appropriated from the State Rail Freight Loan Repayment Fund for funding the State Rail Freight Loan Repayment Program created by Section 49.25g-1 of the Civil Administrative Code of Illinois.

Section 40. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 45. The sum of $16,000,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 50. The following sums, or so much thereof as may be necessary, are appropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking

New matter indicated by italics - deletions by strikeout
facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1, Schaumburg</td>
<td>364,702,000</td>
</tr>
<tr>
<td>2, Dixon</td>
<td>100,249,000</td>
</tr>
<tr>
<td>3, Ottawa</td>
<td>39,493,000</td>
</tr>
<tr>
<td>4, Peoria</td>
<td>83,534,000</td>
</tr>
<tr>
<td>5, Paris</td>
<td>25,558,000</td>
</tr>
<tr>
<td>6, Springfield</td>
<td>51,079,000</td>
</tr>
<tr>
<td>7, Effingham</td>
<td>26,206,000</td>
</tr>
<tr>
<td>8, Collinsville</td>
<td>56,027,000</td>
</tr>
<tr>
<td>9, Carbondale</td>
<td>18,152,000</td>
</tr>
<tr>
<td>Statewide</td>
<td>0</td>
</tr>
<tr>
<td>Engineering</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$765,000,000</td>
</tr>
</tbody>
</table>

Section 60. The sum of $1,045,000, or so much thereof as may be necessary, is appropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the Rail Freight Service Assistance Program, created by Section 49.25a through 49.25g-1 of the Civil Administrative Code of Illinois.

Section 65. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Illinois Department of Transportation for Pavement Preservation Programs.

Section 70. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in

<table>
<thead>
<tr>
<th>Section</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Permanent Improvements</td>
</tr>
<tr>
<td>35</td>
<td>State Rail Freight Loan Repayment</td>
</tr>
<tr>
<td>40</td>
<td>Fed High Speed Rail Trust</td>
</tr>
<tr>
<td>60</td>
<td>Federal Rail Freight Loan Repayment</td>
</tr>
</tbody>
</table>

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

Total, Article 103 $1,985,614,800

ARTICLE 104

New matter indicated by italics - deletions by strikeout
DEPARTMENT OF TRANSPORTATION
PERMANENT IMPROVEMENTS

Section 5. The sum of $11,334,116, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation concerning Permanent Improvements heretofore made in Article 98, Section 5 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 10. The sum of $5,854,610, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation concerning Permanent Improvements heretofore made in Article 98, Section 10 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 15. The sum of $9,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation concerning Permanent Improvements heretofore made in Article 97, Section 5 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

CENTRAL OFFICE, DIVISION OF HIGHWAYS
AWARDS AND GRANTS

Section 20. The sum of $5,386,658, or so much thereof as may be necessary and remains unexpended, less $5,224,479 to be lapsed from the unexpended balance at the close of business on June 30, 2005, from the reappropriation concerning railroad relocation demonstration projects heretofore made in Article 98, Section 15 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes, provided such amount does not exceed funds to be made available from the federal government.

Section 25. The sum of $155,595, or so much thereof as may be necessary and remains unexpended, less $151,229 to be lapsed from the unexpended balance at the close of business on June 30, 2005, from the reappropriation concerning the State share of railroad relocation demonstration projects heretofore made in Article 98, Section 20 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

CONSTRUCTION

New matter indicated by italics - deletions by strikeout
Section 30. The sum of $5,143,981, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made for “Engineering and Consultant Contracts” in Article 98, Section 40 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 35. The sum of $10,128,508, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 25 of Public Act 93-0842, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 40. The sum of $22,565,305, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 30 of Public Act 93-0842, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 45. The sum of $49,434,130, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 35 of Public Act 93-0842, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 55. The sum of $4,623,569, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation concerning hazardous materials made in Article 98, Section 50 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 60. The sum of $1,014,499, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation concerning hazardous materials made in Article 98, Section 55 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 65. The sum of $1,158,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation concerning hazardous materials made in
Article 97, Section 10 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 70. The sum of $1,617,976, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made for Formal Contracts in the line item, “For Maintenance, Traffic and Physical Research Purposes (A)” for the Central Offices, Division of Highways, in Article 98, Section 60 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 75. The sum of $2,709,789, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation made for Formal Contracts in the line item, “For Maintenance, Traffic and Physical Research Purposes (A)” for the Central Offices, Division of Highways, in Article 98, Section 65 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 80. The sum of $20,669,517, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation made for Formal Contracts in the line item, “For Maintenance, Traffic and Physical Research Purposes (A)” for the Central Offices, Division of Highways, in Article 97, Section 10 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 85. The sum of $1,944,287, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation concerning Highway Damage Claims heretofore made in Article 98, Section 70 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 90. The sum of $1,012,991, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation concerning Highway Damage Claims heretofore made in Article 98, Section 75 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 95. The sum of $4,999,781, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation concerning Highway Damage Claims

New matter indicated by italics - deletions by strikeout
heretofore made in Article 97, Section 10 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 100. The sum of $115,562,606, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 275 of Public Act 93-0842, as amended, for Engineering and Consultant Contracts only, is reappropriated from the State Construction Fund to the Department of Transportation for the same purposes.

Section 105. The sum of $106,636,304, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation heretofore made in Article 97, Section 50 of Public Act 93-0842, as amended, for Engineering and Consultant Contracts only, is reappropriated from the State Construction Fund to the Department of Transportation for the same purposes.

HIGHERWAY CONSTRUCTION AND LAND ACQUISITION
AWARDS AND GRANTS

Section 110. The sum of $1,787,247, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made for township bridges in Article 98, Section 80 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 115. The sum of $4,682,350, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made for township bridges in Article 98, Section 85 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 120. The sum of $11,838,754, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation heretofore made for township bridges in Article 97, Section 15 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

CONSTRUCTION

Section 125. The sum of $84,344,126, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 105
of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 130. The sum of $15,327,842, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 110 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 135. The sum of $37,190,337, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 90 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 140. The sum of $105,652,814, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 95 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 145. The sum of $84,121,379, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 100 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 150. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriations heretofore made in Article 98, Section 115 of Public Act 93-0842, as amended, are reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code, for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program; such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations as follows:

New matter indicated by italics - deletions by strikeout
District 1, Schaumburg ..................... 200,932,200
District 2, Dixon........................................ 1,957,521
District 3, Ottawa........................................ 4,792,101
District 4, Peoria........................................ 2,609,730
District 5, Paris........................................ 3,037,678
District 6, Springfield............................... 4,533,803
District 7, Effingham................................. 19,032,878
District 8, Collinsville............................... 24,009,551
District 9, Carbondale................................. 1,197,513
Statewide ............................................. 24,771,241
Total ................................................ 248,130,098

Section 155. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriations heretofore made in Article 98, Section 120 of Public Act 93-0842, as amended, are reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code, for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program; such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1, Schaumburg</td>
<td>189,992,755</td>
</tr>
<tr>
<td>District 2, Dixon</td>
<td>9,428,867</td>
</tr>
<tr>
<td>District 3, Ottawa</td>
<td>4,236,876</td>
</tr>
<tr>
<td>District 4, Peoria</td>
<td>2,249,157</td>
</tr>
<tr>
<td>District 5, Paris</td>
<td>2,881,965</td>
</tr>
<tr>
<td>District 6, Springfield</td>
<td>8,922,091</td>
</tr>
<tr>
<td>District 7, Effingham</td>
<td>2,624,939</td>
</tr>
<tr>
<td>District 8, Collinsville</td>
<td>5,094,159</td>
</tr>
<tr>
<td>District 9, Carbondale</td>
<td>7,153,837</td>
</tr>
<tr>
<td>Statewide</td>
<td>15,545,452</td>
</tr>
<tr>
<td>Total</td>
<td>$248,130,098</td>
</tr>
</tbody>
</table>
Section 160. The sum of $307,718,845, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation heretofore made in Article 97, Section 20 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code, for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program; such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations.

Section 165. The sum of $963,018, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 125 of Public Act 93-0842, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 170. The sum of $82,888,328, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation heretofore made in Article 98, Section 195 of Public Act 93-0842, as amended, is reappropriated from the Road Fund to the Department of Transportation for highway construction expenditures on projects consistent with the purposes of the Road Fund.

Section 175. The sum of $155,802, or so much thereof as may be necessary, and remains unexpended, less $91,777 to be lapsed from the unexpended balance at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 150 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for use as matching funds for the Illinois Transportation Enhancement program for the Historic Preservation Agency.

Section 180. The sum of $27,151, or so much thereof as may be necessary, and remains unexpended, less $14,783 to be lapsed from the unexpended balance at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 155 of Public Act
93-0842, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for use as matching funds for the Illinois Transportation Enhancement program for the Department of Natural Resources.

Section 185. The sum of $10,426,906, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 300 of Public Act 93-0842, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 190. The sum of $1,720,966, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 305 of Public Act 93-0842, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 195. The sum of $4,053,691, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 280 of Public Act 93-0842, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 200. The sum of $20,264,570, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 285 of Public Act 93-0842, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 205. The sum of $26,521,044, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 290 of Public Act 93-0842, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 210. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriations heretofore made in Article 98, Section 295 of Public Act 93-0842, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation

New matter indicated by italics - deletions by strikeout
for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1, Schaumburg</td>
<td>14,599,303</td>
</tr>
<tr>
<td>District 2, Dixon</td>
<td>1,055,807</td>
</tr>
<tr>
<td>District 3, Ottawa</td>
<td>562,607</td>
</tr>
<tr>
<td>District 4, Peoria</td>
<td>2,083,744</td>
</tr>
<tr>
<td>District 5, Paris</td>
<td>345,534</td>
</tr>
<tr>
<td>District 6, Springfield</td>
<td>147,944</td>
</tr>
<tr>
<td>District 7, Effingham</td>
<td>1,651,750</td>
</tr>
<tr>
<td>District 8, Collinsville</td>
<td>3,149,376</td>
</tr>
<tr>
<td>District 9, Carbondale</td>
<td>298,425</td>
</tr>
<tr>
<td>Statewide</td>
<td>12,721,660</td>
</tr>
<tr>
<td>Total</td>
<td>36,616,150</td>
</tr>
</tbody>
</table>

Section 215. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriations heretofore made in Article 98, Section 310 of Public Act 93-0842, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:
portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

District 1, Schaumburg .......................... 21,017,113
District 2, Dixon............................... 22,191,602
District 3, Ottawa............................ 8,273,466
District 4, Peoria.............................. 4,491,447
District 5, Paris............................... 7,276,480
District 6, Springfield......................... 15,160,109
District 7, Effingham.......................... 11,368,442
District 8, Collinsville....................... 24,972,306
District 9, Carbondale......................... 15,341,046
Statewide...................................... 45,912,173
Total ...................................... $176,004,184

Section 220. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriations heretofore made in Article 97, Section 50 of Public Act 93-0842, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

District 1, Schaumburg......................... 412,790,159
District 2, Dixon............................... 59,036,358
District 3, Ottawa............................ 34,943,254
District 4, Peoria.............................. 165,675,709
District 5, Paris............................... 41,651,464
District 6, Springfield......................... 45,771,863
District 7, Effingham.......................... 26,603,879
District 8, Collinsville....................... 83,920,745
District 9, Carbondale......................... 28,378,481

New matter indicated by italics - deletions by strikeout
Statewide.................................... 60,527,613
Total $959,299,525

Section 225. The sum of $12,575,772, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation heretofore made in Article 98, Section 200 of Public Act 93-0842, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for highway construction expenditures on projects consistent with the purposes of the State Construction Account Fund.

BOND FUND CONSTRUCTION
CONSTRUCTION

Section 230. The sum of $5,117,609, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 180 of Public Act 93-0842, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 235. The sum of $20,621,985, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 185 of Public Act 93-0842, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 240. The sum of $59,360,449, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 190 of Public Act 93-0842, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 245. The sum of $273,438,795, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 205 of Public Act 93-0842, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 250. The sum of $100,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 210 of Public Act 93-0842, as amended, for statewide purposes, is
reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

GRADE CROSSING PROTECTION
CONSTRUCTION

Section 255. The sum of $31,150,068, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made for grade crossing protection or grade separation in Article 98, Section 130 of Public Act 93-0842, as amended, is reappropriated from the Grade Crossing Protection Fund to the Department of Transportation for the same purpose.

Section 260. The sum of $21,897,668, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made for grade crossing protection or grade separation in Article 98, Section 135 of Public Act 93-0842, as amended, is reappropriated from the Grade Crossing Protection Fund to the Department of Transportation for the same purpose.

Section 265. The sum of $26,250,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation heretofore made for grade crossing protection or grade separation in Article 97, Section 25 of Public Act 93-0842, as amended, is reappropriated from the Grade Crossing Protection Fund to the Department of Transportation for the same purpose.

DIVISION OF AERONAUTICS
AWARDS AND GRANTS

Section 270. The sum of $71,483,115, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 140 of Public Act 93-0842, as amended, is reappropriated from the Federal/Local Airport Fund to the Department of Transportation for funding the local or federal share of airport improvement projects, including reimbursements and/or refunds, undertaken pursuant to pertinent state or federal laws, provided such amounts shall not exceed funds available from federal and/or local sources.

Section 275. The sum of $55,703,205, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 145 of Public Act 93-0842, as amended, is reappropriated from the Federal/Local Airport Fund to the Department of Transportation for funding the local or federal share of airport improvement projects,

New matter indicated by italics - deletions by strikeout
including reimbursements and/or refunds, undertaken pursuant to pertinent state or federal laws, provided such amounts shall not exceed funds available from federal and/or local sources.

Section 280. The sum of $204,042,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation heretofore made in Article 97, Section 30 of Public Act 93-0842, as amended, is reappropriated from the Federal/Local Airport Fund to the Department of Transportation for funding the local or federal share of airport improvement projects, including reimbursements and/or refunds, undertaken pursuant to pertinent state or federal laws, provided such amounts shall not exceed funds available from federal and/or local sources.

Section 285. The sum of $25,845,235, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation concerning airport improvements heretofore made in Article 98, Section 215 of Public Act 93-0842, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 290. The sum of $13,740,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation concerning airport improvements heretofore made in Article 98, Section 220 of Public Act 93-0842, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

CONSTRUCTION

Section 295. The sum of $25,610,250, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 225 of Public Act 93-0842, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 300. The sum of $5,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 230 of Public Act 93-0842, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

DIVISION OF PUBLIC AND INTERMODAL TRANSPORTATION

AWARDS AND GRANTS

New matter indicated by italics - deletions by strikeout
Section 310. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriations heretofore made in Article 98, Section 250 of Public Act 93-0842, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended, less $2,736,726 to be lapsed from the unexpended balance................. 2,987,085

For the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(2) of the General Obligation Bond Act, as amended, less $1,899,084 to be lapsed from the unexpended balance..... 3,027,296

For the counties of the State outside the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(3) of the General Obligation Bond Act, as amended, less $843,745 to be lapsed from the unexpended balance....... 871,759

Total $6,886,140

Section 315. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriations heretofore made in Article 98, Section 235 of Public Act 93-0842, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended, less $12,665,654 to be lapsed from the unexpended balance... 143,002,139

For the counties of the State outside the counties of Cook, DuPage, Kane, McHenry, and Will, pursuant to Section 4(b)(1) of the General Obligation Bond

New matter indicated by italics - deletions by strikeout
Act, as amended, less $8,762,953 to be lapsed from the unexpended balance.... 15,275,028
For the Department of Transportation's Greenlight Program pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended, less $4,757,461 to be lapsed from the unexpended balance 46,602,722
To extend the metrolink rail line to Mid-America Airport 5,000,002
Total $209,879,891

Section 320. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriations heretofore made in Article 98, Section 240 of Public Act 93-0842, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:
Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended, less $43,703,400 to be lapsed from the unexpended balance.... 75,977,478
For the counties of the State outside the counties of Cook, DuPage, Kane, McHenry, and Will, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended......................... 0
For the Department of Transportation's Greenlight Program pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended.................... 0
Total $75,977,478

Section 325. The sum of $33,742,989, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 265 of Public Act 93-0842, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency

New matter indicated by italics - deletions by strikeout
agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 330. The sum of $15,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 270 of Public Act 93-0842, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 335. The sum of $15,039,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation heretofore made in Article 97, Section 45 of Public Act 93-0842, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

**RAIL PASSENGER AND RAIL FREIGHT AWARDS AND GRANTS**

Section 340. The sum of $9,603,756, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 160 of Public Act 93-0842, as amended, is reappropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 345. The sum of $2,575,333, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 165 of Public Act 93-0842, as amended, is reappropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 350. The sum of $3,500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation heretofore made in Article 97, Section 35 of Public Act 93-0842, as amended, is reappropriated from the State Rail

New matter indicated by italics - deletions by strikeout
Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 355. The sum of $7,840,403, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 170 of Public Act 93-0842, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 360. The sum of $2,713,714, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 175 of Public Act 93-0842, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 365. The sum of $5,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation heretofore made in Article 97, Section 40 of Public Act 93-0842, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 370. The sum of $20,889,926, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 255 of Public Act 93-0842, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 375. The sum of $20,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation heretofore made in Article 98, Section 260 of Public Act 93-0842, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 380. The sum of $2,609,597, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 98, Section 315 of Public Act 93-0842, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.
Section 385. The sum of $1,100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the reappropriation concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 98, Section 320 of Public Act 93-0842, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 390. The sum of $1,100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from the appropriation concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 97, Section 55 of Public Act 93-0842, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Sec. 391. The following named sums or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005 from the appropriation heretofore made in Article 97, Section 20A of Public Act 93-0842, as amended, are reappropriated to the Department of Transportation from the Road Fund for the FY04 federal earmarks provided in Conference Report 108-401 which accompanies Public Law 108-199. Expenditures shall not exceed funds to be made available by the federal government.

Bridge Discretionary
North Avenue Bridge, Chicago.......................... 5,000,000
National Corridor Planning & Development
City of Forsyth Frontage Road.......................... 200,000
Ferry Boats/Terminal Facilities
Canal Corridor Association-Port of LaSalle Project................................. 400,000
Transportation & Community & System Preservation
Homewood, Illinois railroad station/
platform acquisition and improvement................. 200,000
Village of Glencoe, Green Bay
Trail – North Branch Trail Connection........... 200,000
Section 115 Member Initiatives
168th and State Streets Intersection
Improvements........................................... 200,000
Annie Glidden Road, DeKalb......................... 500,000
Convocation Center Roadway.......................... 2,000,000

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Grand Avenue Railroad relocation........................................ 500,000
Great River Road in Mercer County................................. 250,000
Illinois Route 38 at Union Pacific
  Railroad Grade Separation........................................... 250,000
ITS – City of East Peoria............................................. 200,000
ITS – I-74 in Peoria................................................... 750,000
Kaskaskia Regional Port District, access roads..... 220,000
Long Meadow Parkway Fox River Bridge
  Crossing, Bolz Road................................................. 3,000,000
Milwaukee Avenue Rehabilitation.............................. 200,000
Rock Island County, Illinois Milan
  Beltway Construction................................................. 500,000
Sauk Trail Reconstruction
  Improvements, Park Forest........................................ 330,000
Sauk Village Industrial Park Access Road.............. 600,000
Sheridan Road, Evanston............................................ 800,000
St. Charles, Illinois, Fox River
  Crossing at Red Gate Corridor.................................. 2,000,000
US 51, Christian/Shelby Counties............................ 2,000,000
West Grand Avenue. (from North
  Western to N. California Ave.)................................ 800,000
Widen Route 47 from Kreutzer Road
  to Reed Road, Huntley.......................................... 1,000,000
Total $22,100,000

Sec. 392. The following named sums or so much thereof as may
be necessary and remain unexpended at the close of business on June 30,
2005, from the appropriation heretofore made in Article 97, Section 20B
of Pubic Act 93-0842, as amended, are reappropriated to the Department
of Transportation from the Road Fund for the FY05 federal earmarks
provided in Conference Report 108-792 which accompanies Public Law
108-447. Expenditures shall not exceed funds to be made available by the
federal government.
Bridge Discretionary
North-South Wacker Drive Reconstruction
  in Chicago......................................................... 5,000,000
Interstate Maintenance Discretionary
I-55 South Barrier, Darien Illinois......................... 1,400,000
I-64 from IL 157 to Lincoln Trail at O’Fallon.... 1,000,000
Section 117 Member Initiatives

New matter indicated by italics - deletions by strikeout
171st Street reconstruction, East Hazel Crest....... 400,000
67th Street Pedestrian Underpass,
   Chicago Lakefront............................ 400,000
Camp Street upgrades, East Peoria............... 2,000,000
Cermak and Kenton Avenues........................ 1,000,000
Cicero Avenue lighting in University Park........ 200,000
Des Plaines, Illinois alley, sidewalk
   Improvements................................ 1,000,000
Fulton County Highway 6.......................... 1,000,000
I-290 Cap, Oak Park................................ 1,000,000
KBS Railroad Hazard Elimination,
   Kankakee County............................. 300,000
MacArthur Boulevard Extension, Springfield..... 500,000
McHenry County / Crystal Lake Road.............. 1,000,000
Milwaukee Avenue, Grand to Gale, Chicago...... 1,250,000
Route 178 relocation, Phase II Engineering...... 1,000,000
Sheridan Road Improvements, Evanston............ 500,000
Sidewalks near Ford Heights....................... 200,000
Street improvements and streetlights, Lynnwood.. 150,000
Street improvements, Bartonville.................. 500,000
Street improvements, Village of Armington....... 500,000
Streetlights and salt dome for Markham.......... 300,000
U.S. 41/I-176 Interchange improvements
   Phase I study................................ 800,000
Winfield Pedestrian Tunnel....................... 1,000,000
Total $22,400,000

Section 395. No contract shall be entered into or obligation
incurred or any expenditure made from a reappropriation herein made in:
Section 5   Permanent Improvements
Section 10  Permanent Improvements
Section 15  Permanent Improvements
Section 20  Rail Relocation – Federal
Section 25  Rail Relocation - State
Section 175 CDB – Enhancement
Section 180 CDB - Enhancement
Section 230 Series A - (Road Program)
Section 235 Series A - (Road Program)
Section 240 Series A - (Road Program)
Section 245 Series A - (Road Program)

New matter indicated by italics - deletions by strikeout
Section 250  Series A - (Road Program)
Section 285  Series B - (Aeronautics)
Section 290  Series B - (Aeronautics)
Section 295  Series B - (Land Acquisition 3rd Airport)
Section 300  Series B - (Land Acquisition 3rd Airport)
Section 310  Series B - (Transit)
Section 315  Series B - (Transit)
Section 320  Series B - (Transit)
Section 340  State Rail Freight Loan Repayment
Section 345  State Rail Freight Loan Repayment
Section 350  State Rail Freight Loan Repayment
Section 355  FHSRTF High Speed Rail-Federal
Section 360  FHSRTF High Speed Rail-Federal
Section 365  FHSRTF High Speed Rail-Federal
Section 370  Series B - (Rail)
Section 375  Series B - (Rail)
Section 380  Federal Rail Freight Loan Repayment
Section 385  Federal Rail Freight Loan Repayment
Section 390  Federal Rail Freight Loan Repayment

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

Total, Article 104  $4,236,506,252

ARTICLE 105
CAPITAL DEVELOPMENT BOARD

Section 5. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 5 of Public Act 93-0842, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - DUQUOIN
(From Article 99, Section 5 of Public Act 93-0842)

For completing the upgrade of the electrical distribution system, in addition to funds previously appropriated .................................. 1,510,411
For upgrading the telecommunications system .................................. 400,000
For upgrading the HVAC system .................................. 180,208

New matter indicated by italics - deletions by strikeout
For constructing a multi-purpose building ........................................ 297,084

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD

For renovating comfort stations, in addition to funds previously appropriated .......... 982,190
For renovating the grandstand area ........................................ 92,189
For renovating the Emmerson Building ...................................... 93,813
For renovating or replacing #26 Barn .................................... 133,169
For renovating the Junior Home Economics Building ................................. 61,424
For installing HVAC system and restrooms in the Orr Building .................... 228,211
Total $3,978,699

Section 15. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 15 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Agriculture for the project hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD
(From Article 99, Section 15 of Public Act 93-0842)
For replacing and upgrading roofs, in addition to funds previously appropriated ............. 106,968

Section 20. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 20 of Public Act 93-0842, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

MT. VERNON APPELLATE COURT BUILDING
(From Article 99, Section 20 of Public Act 93-0842)
For expanding the courthouse, in addition to funds previously appropriated ................ 33,519

SPRINGFIELD - SUPREME COURT BUILDING
For replacing the roofing system, in addition to funds previously appropriated .......... 16,570
For replacing the roof .................................................. 23,575

New matter indicated by italics - deletions by strikeout
For renovating the HVAC system on
the 3rd Floor................................. 140,000
For installing humidifier and water
filtration systems.......................... 1,527,950

APPELLATE COURT SECOND DISTRICT - ELGIN
For miscellaneous improvements............... 61,779
Total ...................................... $1,803,393

Section 30. The following named amount, or so much thereof as
may be necessary and remains unexpended at the close of business on June
30, 2005, from a reappropriation heretofore made in Article 99, Section 30
of Public Act 93-0842, is reappropriated from the Build Illinois Bond
Fund to the Capital Development Board for the Courts of Illinois for the
projects hereinafter enumerated:

SUPREME COURT BUILDING - SPRINGFIELD
(From Article 99, Section 30 of Public Act 93-0842)
For renovating the Library and
completing HVAC, in addition to funds
previously appropriated....................... 235,000

Section 35. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2005, from reappropriations heretofore made for such purposes in
Article 99, Section 35 of Public Act 93-0842, as amended, are
reappropriated from the Capital Development Fund to the Capital
Development Board for the Office of the Architect of the Capitol for the
projects hereinafter enumerated:

CAPITOL BUILDING - SPRINGFIELD
(From Article 99, Section 35 of Public Act 93-0842)
For equipment, remodeling and all other
costs related to the maintenance, renovation
or restoration of areas located in the
Capitol Building............................. 2,500,000
For all costs related to asbestos and
environmental abatement in the
Capitol Building............................. 7,500,000
Total ...................................... $10,000,000

Section 40. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2005, from reappropriations heretofore made in Article 99, Section 40,
of Public Act 93-0842, are reappropriated from the Capital Development
Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL BUILDING - SPRINGFIELD
(From Article 99, Section 40 of Public Act 93-0842)
For planning and design, providing a study, historical analysis, asbestos abatement and all other costs associated with the upgrade of the HVAC system in the Capitol building....................................... 2,650,000
For all costs related to the planning and design of life safety and fire protection system improvements, hazardous material abatement, historical restoration and construction in the Capitol Building....... 1,000,000
For upgrading the HVAC systems, in addition to funds previously appropriated.................................................. 2,329,972

CAPITOL COMPLEX - SPRINGFIELD
For completing the stone restoration, in addition to funds previously appropriated...... 1,393,643
For demolition of 222 S. College, and landscaping of Capitol Complex in addition to funds previously appropriated........................................ 1,200,000
For demolition of 222 South College Building and landscaping of Capitol Complex........................................ 2,387,894

DRIVER'S FACILITY WEST - CHICAGO
For renovating the building............................... 832,578

MOTOR VEHICLE SERVICES FACILITY - SPRINGFIELD
For upgrading the fire alarm and security systems................................. 420,640

STATE POWER PLANT - SPRINGFIELD
For installing new water service and repairing power plant systems....................... 72,377

WILLIAM G. STRATTON BUILDING - SPRINGFIELD
For the planning, design, reconstruction, and construction to renovate or replace the Stratton Office Building, in addition

New matter indicated by italics - deletions by strikeout
Section 45. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 99, Section 45 of Public Act 93-0842, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

**CAPITOL COMPLEX – SPRINGFIELD**
(From Article 99, Section 45 of Public Act 93-0842)
For upgrading fire alarm systems in two buildings.......................... 150,642
For expanding the shipping and receiving dock.............................. 161,389
Total........................................................................ 312,031

Section 50. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 50 of Public Act 93-0842, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

**STATEWIDE**
(From Article 99, Section 50 of Public Act 93-0842)
For upgrading the building security system at the James R. Thompson Center and the State of Illinois building in addition to funds previously appropriated.......................... 655,000

**OFFICE AND LAB BUILDING, CHICAGO MEDICAL CENTER**
For planning and beginning the renovation of the facility...................... 1,608,958

**DIXON STATE GARAGE - LEE COUNTY**
For upgrading the lighting and replacing the roof............................. 240,981

**JAMES R. THOMPSON CENTER - CHICAGO**
For installing an emergency generator.............. 3,545,000
For rehabilitating exterior columns, in addition to funds previously appropriated..... 1,000,000

New matter indicated by italics - deletions by strikeout
For upgrading mechanical systems, in addition to funds previously appropriated........ 813,472
   MEDICAL CENTER (DCFS DISTRICT OFFICE) - CHICAGO
For replacing roof and upgrading mechanical and electrical systems............. 325,656
   ROCKFORD REGIONAL OFFICE BUILDING
For replacing Halon and upgrading the air conditioning....................... 424,590
   ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
   ROOSEVELT ROAD - CHICAGO
For upgrading electrical systems...................... 436,295
For upgrading the HVAC system....................... 45,237
   ILLINOIS CENTER FOR REHABILITATION AND EDUCATION (WOOD) - CHICAGO
For upgrading fire and safety systems............... 118,253
   SPRINGFIELD - RESEARCH AND COLLECTION CENTER
For expanding surplus warehouse.................... 594,445
   SPRINGFIELD STATE GARAGE
For renovating the interior of the central garage............................. 120,033
   SPRINGFIELD - COMPUTER FACILITY
For upgrading the computer room and the electrical system.................... 594,241
For installing a cooling tower and fire alarm system and various other improvements........... 162,911
   STATE OF ILLINOIS BUILDING - CHICAGO
For restoring exterior and rebuilding foundation............................... 611,248
Total $11,296,320

Section 60. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 60, of Public Act 93-0842, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:
   STATEWIDE
   (From Article 99, Section 60 of Public Act 93-0842)
Telecommunications Building - Springfield
   Roof Replacement........................................ 91,229

New matter indicated by italics - deletions by strikeout
ILLINOIS CENTER FOR REHABILITATION AND EDUCATION  
(ROOSEVELT) – CHICAGO
For replacing the roofing system................. 91,567
For upgrading the kitchen and plumbing......... 219,513

JAMES R. THOMPSON CENTER - CHICAGO
For rehabilitating exterior columns, in
addition to funds previously appropriated....... 48,157
Total $450,466

Section 65. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2005, from reappropriations heretofore made for such purposes in
Article 99, Section 65 and Article 28, Section 95 of Public Act 93-0842,
are reappropriated from the Capital Development Fund to the Capital
Development Board for the Department of Natural Resources for the
projects hereinafter enumerated:
ARGYLE LAKE STATE PARK - MCDONOUGH COUNTY
(From Article 99, Section 65 of Public Act 93-0842)
For upgrading the sewage treatment system........ 259,700

BABE WOODYARD STATE NATURAL AREA -
VERMILION COUNTY
For developing the site and associated
land acquisition..................................... 2,610,485

BEAVER DAM STATE PARK - MACOUPIN COUNTY
For replacing the sewage system............... 61,779

CARLYLE LAKE STATE PARKS
For road and site improvements at
Carlyle Lake....................................... 1,477,424
For infrastructure and site
improvements at Carlyle Lake.................... 821,110

EAGLE CREEK STATE PARK - SHELBY COUNTY
For constructing lake access boat
docks at resort....................................... 326,934

FERNE CLYFFE STATE PARK - JOHNSON COUNTY
For replacing the campground
sewage treatment system.......................... 391,843

FOX RIDGE STATE PARK - COLES COUNTY
For replacing spillway........................... 127,161

GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY
For replacing floating boardwalk.................. 40,980

New matter indicated by italics - deletions by strikeout
HENNEPIN CANAL PARKWAY STATE PARK AND ACCESS AREA
For rehabilitating/repairing railroad
bridges, in addition to funds
previously appropriated.......................... 859,185
For rehabilitating aqueducts
#3, #4 and #8................................. 104,452

HORSESHOE LAKE CONSERVATION AREA - ALEXANDER
COUNTY
For dam rehabilitation and the State's share
to implement the ecological restoration
plan in cooperation with the U.S.
Army Corps of Engineers, and
land acquisition.......................................................... 842,605

I & M Canal - CHANNAHON STATE PARK - WILL COUNTY
For improving DuPage River Spillway.............. 101,600

ILLINOIS BEACH STATE PARK - LAKE COUNTY
For replacing sanitary sewer line.................... 79,748
For replacing sanitary sewer lines.................... 362,372

KANKAKEE RIVER STATE PARK - KANKAKEE/WILL COUNTIES
For constructing sanitary sewer system, in
addition to funds previously appropriated...... 5,000,000

KICKAPOO STATE PARK - VERMILION COUNTY
For replacing stairway to Long Pond.................. 39,018
For rehabilitating the water
system and day-use areas................................. 108,424

MASON STATE FOREST TREE NURSERY
For expanding the cold storage facility............. 33,004
For expanding the seed cleaning facility........... 210,659

MORAINE HILLS STATE PARK - MCHENRY COUNTY
For replacement of restrooms and upgrading
the water system....................................................... 82,922

MORAINE VIEW STATE PARK - MCLEAN COUNTY
For upgrading the water plant......................... 30,008

RED HILLS STATE PARK - LAWRENCE COUNTY
For miscellaneous improvements..................... 44,740

RESEARCH & COLLECTIONS CENTER - SPRINGFIELD
For renovating the interior............................. 113,771

ROCK CUT STATE PARK - WINNEBAGO COUNTY
For upgrading the sewage system.................... 1,936,593

New matter indicated by italics - deletions by strikeout
NEW OFFICE BUILDING - SPRINGFIELD
For completing construction of an office building, in addition to funds previously appropriated.................. 21,411

SAM PARR STATE PARK - JASPER COUNTY
For renovating recreational facilities............... 819,757

SILOAM SPRINGS STATE PARK - ADAMS COUNTY
For rehabilitating office/service area................................. 1,142,972

SNAKEDEN HOLLOW FISH AND WILDLIFE AREA - KNOX COUNTY
For rehabilitating the Spillway, in addition to funds previously appropriated.......................... 47,504

WORLD SHOOTING COMPLEX – SPARTA
(From Article 28, Section 95 of Public Act 93-0842)
For construction of the World Shooting Complex in Sparta.......................... 27,956,233

SPRING GROVE FISHERIES CENTER - MCHENRY COUNTY
(From Article 99, Section 65 of Public Act 93-0842)
For planning and beginning renovation of hatchery............................... 144,480

SPRINGFIELD
For constructing an office building and interpretive center............................ 234,875

SPRING LAKE CONSERVATION AREA - TAZEWELL COUNTY
For stabilizing levee and shoreline................................. 400,256

STARVED ROCK STATE PARK AND LODGE - LASALLE COUNTY
For upgrading water and sewer systems...................... 119,645

WASTE MANAGEMENT & RESEARCH CENTER
For constructing a garage and storage area............................... 368,009

WELDON SPRINGS STATE PARK - DE WITT COUNTY
For upgrading residence utilities.......................... 40,000

WHITE PINES FOREST STATE PARK - OGLE COUNTY
For completing the replacement of the sewer system, in addition to funds previously appropriated.................. 34,506

New matter indicated by italics - deletions by strikeout
For planning and beginning sewer system replacement........................................ 57,278
For planning and beginning lodge and cabin restoration........................................ 8,512

WILDLIFE PRAIRIE PARK
For rehabilitating the sewage treatment plant......................................................... 768,125
For planning and beginning the upgrade of the park.................................................. 131,648

WILLIAM W. POWERS FISH AND WILDLIFE AREA – COOK COUNTY
For replacing sanitary sewer lines and lift station.................................................... 466,816

TUNNEL HILL-CACHE RIVER STATE NATURAL AREA
For constructing a visitor center and purchasing land.................................................. 329,689

STATE MUSEUM - SPRINGFIELD
For renovating or replacing exhibits, in addition to funds previously appropriated........... 48,357

STATEWIDE
For replacing/repairing the roofing systems at the following locations at the approximate cost set forth below.................................................. 245,000
Clinton Lake Recreational Area - DeWitt County............................ 65,000
Ferne Clyffe State Park- Johnson County........................................ 20,000
Hennepin Canal Parkway State Park........................................ 26,000
Lake Le-Aqua-Na State Park- Stephenson County............................. 39,000
Mermet Lake Conservation Area- Massac County.............................. 95,000
For replacing/repairing the roofing systems at the following locations at the approximate costs set forth below.................................................. 183,179
Starved Rock State Park & Lodge-LaSalle County......................... 60,000
Kaskaskia River Fish & Wildlife

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Area-Randolph County................. 25,000
Pyramid State Park-
Perry County......................... 4,109
Region V Office (Benton)
Franklin County..................... 94,070
For rehabilitating dams and bridges........ 767,542
For constructing, replacing and
renovating lodges and concession
buildings................................ 3,616,471
For replacing roofs at the following locations,
at the approximate cost set forth below........ 167,660
Shabbona Lake State
Park................................. 40,850
Hennepin Canal Parkway
State Park........................... 15,750
Randolph Fish &
Wildlife Area......................... 65,000
Dixon Springs State
Park................................. 46,060
For replacing and constructing vault
toilets at the following locations,
at the approximate cost set forth
below........................................ 629,937
Wayne Fitzgerrell State Park........ 106,348
Hennepin Canal Parkway
State Trail............................ 294,567
Kaskaskia River Fish &
Wildlife Area......................... 229,022
For rehabilitating dams at the
following locations, at the
approximate cost set forth below............. 662,604
Rock Cut State Park............... 450,000
Snakeden Hollow State Park........... 212,604
For replacing roofs at the following
locations, at the approximate
cost set forth below........................ 206,926
Southern IL Arts &
Crafts Center............................ 412
Frank Holten State Park.............. 412

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Location</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>DNR Geological Survey-</td>
<td>413</td>
</tr>
<tr>
<td>Champaign</td>
<td></td>
</tr>
<tr>
<td>Sangchris Lake State Park</td>
<td>5,291</td>
</tr>
<tr>
<td>Illini State Park</td>
<td>1,692</td>
</tr>
<tr>
<td>Shelbyville Fish &amp; Wildlife Area</td>
<td>79,480</td>
</tr>
<tr>
<td>Trail of Tears State Forest</td>
<td>3,685</td>
</tr>
<tr>
<td>Sanganois Conservation Area</td>
<td>413</td>
</tr>
<tr>
<td>Rice Lake State Park</td>
<td>28,090</td>
</tr>
<tr>
<td>Hidden Spring State Park</td>
<td>53,740</td>
</tr>
<tr>
<td>Siloam Springs State Park</td>
<td>2,417</td>
</tr>
<tr>
<td>Mississippi Palisades State Park</td>
<td>30,880</td>
</tr>
<tr>
<td>For replacing roofing systems at the following locations, at the approximate cost set forth below..................</td>
<td>325,528</td>
</tr>
<tr>
<td>Beall Woods Conservation Area - Wabash County</td>
<td>2,500</td>
</tr>
<tr>
<td>Eldon Hazlet State Park - Clinton County</td>
<td>2,475</td>
</tr>
<tr>
<td>Fox Ridge State Park - Coles County</td>
<td>21,532</td>
</tr>
<tr>
<td>Giant City State Park - Jackson/Union Counties</td>
<td>1</td>
</tr>
<tr>
<td>Goose Lake Prairie State Park - Grundy County</td>
<td>9,450</td>
</tr>
<tr>
<td>Hennepin Canal Parkway State Trail</td>
<td>41,303</td>
</tr>
<tr>
<td>Illinois Beach State Park - Lake County</td>
<td>146,682</td>
</tr>
<tr>
<td>Illinois Caverns Natural Area - Monroe County</td>
<td>21,000</td>
</tr>
<tr>
<td>Kankakee River State Park - Kankakee/Will Counties</td>
<td>38,647</td>
</tr>
<tr>
<td>Moraine Hills State Park - McHenry County</td>
<td>23,387</td>
</tr>
<tr>
<td>Moraine View State Park - McLean County</td>
<td>3,601</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Ramsey Lake State Park -
Fayette County.................. 1,000
Randolph County Conservation Area..... 160
Stephen A. Forbes State Park -
Marion County.................. 6,857
Ten Mile Creek State Fish &
Wildlife Area - Jefferson/
Hamilton Counties................ 63
Union County Conservation Area...... 23
Washington County Conservation Area . 3,453
William W. Powers Conservation Area -
Cook County.................. 2,394
Wolf Creek State Park -
Shelby County.................. 1,000
For replacing vault toilets at the following
locations, at the approximate cost set forth
below............................................ 333,369
Anderson Lake Conservation Area -
Fulton/Schuyler Counties......... 86,928
Giant City State Park -
Jackson/Union Counties......... 179,162
Randolph County Conservation Area...
Silver Springs State Park -
Kendall County................. 29,121
For constructing hazardous material storage
buildings............................. 11,535
For constructing vault toilets at the
following locations at the approximate
cost set forth below:.................. 137,897
Apple River Canyon State Park..... 19,699
Des Plaines Conservation Area..... 19,700
Kankakee River State Park......... 19,700
Lake Le-Aqua-Na State Park....... 19,699
Marshall County Conservation Area... 19,700
Morrison-Rockwood State Park..... 19,699
Rice Lake Conservation Area...... 19,700
For land acquisition.................. 274,539
For planning, construction, reconstruction,
land acquisition and related costs,
utilities, site improvements, and all other expenses necessary for various capital improvements at parks, conservation areas, and other facilities under the jurisdiction of the Department of Natural Resources........... 1,307,244

Total $61,816,770

Section 70. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 70 of Public Act 93-0842, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

**STATEWIDE PROGRAM**
(From Article 99, Section 70 of Public Act 93-0842)
For maintaining lodge and concession facilities................................. 13,722

For maintaining lodge and concession facilities......................... 20,018

For rehabilitating or replacing playground equipment.................... 74,649

**ILLINOIS BEACH STATE PARK - LAKE COUNTY**
For stabilizing the shoreline........................... 390,055

Total $498,444

Section 75. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 99, Section 75 of Public Act 93-0842, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Natural Resources for the project hereinafter enumerated:

**GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY**
(From Article 99, Section 75 of Public Act 93-0842)
For rehabilitating visitor's center exterior................................. 26,605

**STATEWIDE PROGRAM**
For replacing roofs at the following locations, at the approximate costs set forth below................................. 63,077

Castle Rock State Park............. 29,414

New matter indicated by italics - deletions by strikeout
Morrison-Rockwood State Park............ 33,663  
WELDON SPRINGS STATE PARK - DEWITT COUNTY  
For improving the campgrounds......................... 47,232  
Total $136,914  
Section 80. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 80, of Public Act 93-0842, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:  
CENTRALIA CORRECTIONAL CENTER  
(From Article 99, Section 80 of Public Act 93-0842)  
For replacing the cooling tower......................... 624,276  
For upgrading the electrical system, in addition to funds previously appropriated........ 718,989  
For upgrading building automation system............. 114,452  
DANVILLE CORRECTIONAL CENTER  
For upgrading the power plant, in addition to funds previously appropriated..... 1,045,888  
DECATUR CORRECTIONAL CENTER  
For upgrading smoke and fire doors................... 140,000  
DIXON CORRECTIONAL CENTER  
For planning the upgrade and expansion of the medical care facility................. 53,000  
For constructing a gun range and classroom building.......................... 21,350  
DIXON CORRECTIONAL CENTER  
For renovating Housing Unit C8, in addition to funds previously appropriated............... 270,000  
For renovating buildings, in addition to funds previously appropriated............. 274,847  
For renovation of buildings....................... 30,261  
EAST MOLINE CORRECTIONAL CENTER  
For completing replacement of the absorption chiller, in addition to funds previously appropriated........ 400,000  
For upgrading the roofing system...................... 687,807  

New matter indicated by italics - deletions by strikeout
For replacing windows, in addition to funds previously appropriated................. 1,604,422
For replacing the chiller/absorber.................................................. 354,410
For upgrading the electrical system.................................................. 664,359

GRAHAM CORRECTIONAL CENTER
For upgrading the cooling tower.......................... 269,881
For upgrading the mechanical system.............. 385,955
For upgrading the building automation system, in addition to funds previously appropriated........................................ 900,000
For planning upgrade of building automation system and fire alarm system................. 128,020
For upgrading electrical system........................ 425,628

HOPKINS PARK
For infrastructure improvements in connection with the Hopkins Park Correctional Center.......................... 6,398,238

ILLINOIS YOUTH CENTER - HARRISBURG
For constructing a multi-purpose medical, vocational and confinement building............... 375,000
For utility upgrade, including gas and sewer........................................... 5,475,300

ILLINOIS YOUTH CENTER - RUSHVILLE
For planning, design, construction, equipment and all other necessary costs to add a cellhouse.............................. 4,674,988

ILLINOIS YOUTH CENTER - ST. CHARLES
For constructing an R & C building and other improvements................................. 2,200,000
For rehabilitation of the administration building........................................... 200,668

JOLIET CORRECTIONAL CENTER
For replacing the transfer switch and emergency generator............................. 948,968

KANKAKEE MSU - KANKAKEE COUNTY
For fencing improvements........................................... 34,878

LAWRENCE COUNTY CORRECTIONAL CENTER - LAWRENCEVILLE

New matter indicated by italics - deletions by strikeout
For constructing two cellhouses, in addition to funds previously appropriated............

LINCOLN CORRECTIONAL CENTER
For replacing doors and locks.........................
For upgrading the dietary freezers..................

LOGAN CORRECTIONAL CENTER
For planning and beginning the upgrade of the power plant....................................
For renovating the electrical distribution system...........................
For constructing a medical building and dietary building............................

MENARD CORRECTIONAL CENTER - CHESTER
For replacing the administration building, in addition to funds previously appropriated ...................
For replacing the Administration Building........................................
For correcting slope failure & MSU improvements...........................................
For improving ventilation and dehumidification systems in the kitchen and dining rooms...........
For completing upgrade of North Cellhouse plumbing system, in addition to funds previously appropriated..............................
For replacing toilets and waste lines at E/W Cellhouse and upgrade North Cellhouse plumbing..............................
For renovation or replacement of the Old Hospital Building, in addition to funds previously appropriated....................
For planning and construction of the Administration Building............................

PONTIAC CORRECTIONAL CENTER
For replacing doors and frames....................... 
For replacing the roof on the Training Center and Industry................................

SHAWNEE CORRECTIONAL CENTER
For replacing the emergency generator.............

New matter indicated by italics - deletions by strikeout
STATEVILLE CORRECTIONAL CENTER - JOLIET
For replacing doors and locks.......................... 580,000
For replacing windows in Cellhouse B,
in addition to funds previously appropriated........... 2,500,000
For planning and beginning renovation of
H & I houses.................................................. 390,775
For replacing the water line.................... 215,294
For constructing a housing unit, cellhouse,
vehicle maintenance building and
warehouse for the reception and
classification center, in addition to
funds previously appropriated...................... 121,050
For replacing windows in B House............ 2,831,344
For replacing power plant and
utility distribution system......................... 1,508,463
For planning, design, construction,
equipment and all other necessary costs
for an Adult Reception and Classification
Center.......................................................... 1,406,145
For upgrading electrical system and elevator
and installing HVAC system....................... 1,156,777

TAMMS CORRECTIONAL CENTER
Construct bar screen........................................ 150,905

VANDALIA CORRECTIONAL CENTER
For constructing a multi-purpose program
building.......................................................... 90,656
For converting Administration Building and
planning construction of an Administration/
Health Care Unit......................................... 308,406
For planning and beginning construction
for a slaughter house and meat plant................. 127,978

VIENNA CORRECTIONAL CENTER
For replacing the cooler and freezer............ 2,170,087
For upgrading the power plant.................... 4,670,000
For upgrading the HVAC system and replacing
water lines in six housing units..................... 555,999

STATEWIDE
For upgrading roofing systems at the

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

following locations at the approximate costs set forth below.............................

Hardin County Work
  Camp................................. 8,808
Illinois Youth Center
  Joliet.............................. 44,151
  Pontiac Correctional
  Center............................. 167,874
For replacing windows at the following locations at the approximate costs set forth below, in addition to funds previously appropriated.........................

  Dixon Correctional Center........ 1,008,110
For replacing doors and locks at the following locations at the approximate costs set forth below..............

  Dixon Correctional Center........ 1,224,587
  Hill Correctional Center........ 472,616
  Vienna Correctional Center....... 61,044
For replacing roofing systems at the following locations at the approximate cost set forth below....................

  Illinois Youth Center -
    St. Charles..................... 87,434
In Illinois Youth Center -
  Warrentville...................... 117,522
  Logan Correctional Center....... 31,417
For upgrading showers at the following locations at the approximate cost set forth below.....................

  Hill Correctional
  Center............................. 545,110
For upgrading water distribution systems at the following locations at the approximate cost set forth below....................

  Dixon Correctional Center........ 336,500
  Joliet Correctional Center........ 305,694
For upgrading water towers at the following

New matter indicated by italics - deletions by strikeout
locations at the approximate
cost set forth below...................... 1,729,245
  Dixon Correctional
  Center.................................. 490,862
  Illinois Youth Center -
  St. Charles......................... 1,228,853
  Illinois Youth Center -
  Valley View......................... 9,530
For planning, design, construction, equipment
and all other necessary costs for a
maximum security facility.................... 95,869,558
For planning a medium security facility
and land acquisition......................... 2,629,428
For replacing locks and control panels
at the following locations at the
approximate costs set forth below........... 849,512
  Illinois River
  Correctional Center................... 283,171
  Western Illinois
  Correctional Center................... 283,171
  Danville Correctional
  Center................................. 283,170
For replacing roofing systems at
the following locations at the
approximate cost set forth below........... 155,768
  Menard Correctional Center........... 7,353
  Vienna Correctional Center........... 81,100
  Illinois Youth Center -
  Harrisburg............................ 4,138
  Pontiac Correctional Center.......... 10
  Illinois Youth Center - Joliet...... 63,167
For replacing or upgrading security and
monitoring systems at the following
locations at the approximate cost set
forth below................................... 373,156
  Vienna Correctional
  Center................................. 250,000
  Pontiac Correctional
  Center................................. 94,450

New matter indicated by italics - deletions by strikeout
Joliet Correctional Center............................................................... 28,706

For planning and replacing windows at the following locations at the approximate cost set forth below................................. 2,246,305
Vienna Correctional Center............................................................ 1,780,000
Sheridan Correctional Center.......................................................... 314,454
Illinois Youth Center - Valley View.............................................. 8,310
Illinois Youth Center - Joliet.......................................................... 74,875
Dixon Correctional Center............................................................... 65,436
Shawnee Correctional Center.......................................................... 3,230

For upgrading and renovating showers at the following locations at the approximate cost set forth below............................... 32,189
Shawnee Correctional Center.......................................................... 21,345
Danville Correctional Center........................................................... 1,017
Graham Correctional Center............................................................. 9,827

For replacing security fencing at the following locations at the approximate cost set forth below................................. 358,250
Hill Correctional Center................................................................. 3,547
Western IL Correctional Center......................................................... 31,427
Joliet Correctional Center............................................................... 49,119
Logan Correctional Center.............................................................. 200,000
Dixon Correctional Center............................................................... 8,752

New matter indicated by italics - deletions by strikeout
Shawnee Correctional Center............................... 5,269
Graham Correctional Center................................. 24,369
Danville Correctional Center................................. 35,767

For planning, design, construction, equipment and all other necessary costs for a female multi-security level correctional center............................ 61,781,817

For replacing roofing systems at the following locations at the approximate cost set forth below............................. 189,284
   Vienna Correctional Center........ 150,261
   Sheridan Correctional Center........ 17,785
   Western Illinois Correctional Center - Mt. Sterling........ 21,238

For upgrading security control systems and panels in housing units at the following locations at the approximate cost set forth below............................... 26,463
   Danville Correctional Center........ 5,292
   Hill Correctional Center - Galesburg........ 5,293
   Western Illinois Correctional Center - Mt. Sterling........ 5,292
   Illinois River Correctional Center - Canton........ 5,293
   Shawnee Correctional Center - Vienna........ 5,293

For planning, design, construction, equipment and all other necessary costs for a juvenile facility........................... 1,260,525

For replacing roofing systems at the following locations at the approximate cost set forth below............................... 53,645
   Dixon Correctional Center, four buildings................. 3,762
   IYC - St. Charles, two buildings....................... 27,316

New matter indicated by italics - deletions by strikeout
Joliet Correctional Center,  
six buildings......................
  Logan Correctional Center - Lincoln  
  three buildings.....................
  Pontiac Correctional Center,  
one building.........................

For inspecting and upgrading water towers  
at the following locations at the approximate  
costs set forth below........................ ...........................................
  Dixon Correctional Center,  
 Upgrade Water Tower..............
  Graham Correctional Center - Hillsboro  
 Upgrade Water Tower ..............
  Joliet Correctional Center,  
 Upgrade Water Tower..............
  Logan Correctional Center - Lincoln  
 Complete Water Tower Upgrade .....  
  Menard Correctional Center - Chester  
 Upgrade Water Tower ..............
  Stateville Correctional Center - Joliet  
 Upgrade Water Tower ..............
  Statewide, Inspect and Upgrade  
 Water Towers........................

For upgrading fire and safety systems at  
the following locations at the approximate  
costs set forth below, in addition to  
funds previously appropriated................ ...........................................
  Menard Correctional Center -  
 Chester...............................  
 Sheridan Correctional Center......
  Vienna Correctional Center......

For upgrading fire safety systems at the  
following locations at the approximate  
costs set forth below, in addition to  
funds previously appropriated............... ...........................................
  Menard Correctional Center........
  Pontiac Correctional Center.......  
 Stateville Correctional Center.....

For upgrading water and wastewater
systems at the following locations
at the approximate costs set forth below:........  
Big Muddy Correctional Center for installing mechanical bar screen............... 7,348
Centralia Correctional Center for upgrading water treatment plant............... 946
Ed Jenison Work Camp (Paris) for installing mechanical bar screen............... 2,530
IYC - Harrisburg for upgrading water distribution system....... 59,198
Kankakee MSU for constructing well #2............... 288,550
IYC - St. Charles for upgrading sewage/storm system.............. 67,475
IYC - Valley View for installing mechanical bar screen............... 11,774
For planning, design, construction, equipment and other necessary costs for a Medium Security Correctional Facility.......................... 83,625
Total $249,003,746

Section 85. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purpose in Article 99, Section 85, of Public Act 93-0842, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

BIG MUDDY CORRECTIONAL FACILITY
(From Article 99, Section 85 of Public Act 93-0842)
For replacing door locking controls and intercom systems......................... 2,701,892

STATEVILLE CORRECTIONAL CENTER
For installing fire alarm systems............... 1,600,000

STATEWIDE
For upgrading the water towers at the following locations at the approximate
costs set forth below............................ 362,058
Joliet Correctional Center.......... 334,902
Vienna Correctional Center........ 27,156

HILL CORRECTIONAL CENTER - GALESBURG
For upgrading building automation................. 66,433

VANDALIA CORRECTIONAL CENTER
For upgrading the water distribution system
and replacing the water tower, in addition
to funds previously appropriated............... 103,914
Total $4,834,297

Section 90. The sum of $3,108,095, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2005, from a reappropriation heretofore made for such purpose in Article
99, Section 90 of Public Act 93-0842, is reappropriated from the Capital
Development Fund to the Capital Development Board for the Illinois
Emergency Management Agency for costs associated with a new State
Emergency Operations Center.

Section 95. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2005, from reappropriations heretofore made for such purposes in
Article 99, Section 95 of Public Act 93-0842, are reappropriated from
the Capital Development Fund to the Capital Development Board for the
Historic Preservation Agency for the projects hereinafter enumerated:

BISHOP HILL HISTORIC SITE - HENRY COUNTY
(From Article 99, Section 95 of Public Act 93-0842)
For restoring interior and exterior...................... 72,197
For rehabilitating Bjorkland Hotel...................... 584,757

BRYANT COTTAGE STATE MEMORIAL - BEMENT
For rehabilitating interior and exterior............... 42,862

CAHOKIA COURTHOUSE STATE MEMORIAL - CAHOKIA
For providing structural stabilization............... 269,978
For renovation of the Cahokia Courthouse
and the Jarrot House................................. 31,183

CAHOKIA MOUNDS HISTORIC SITE - COLLINSVILLE
For replacement of Monk's Mounds stairs............ 339,695
For restoration of Monk's Mound...................... 1,009,932
For purchasing private land within historic
site boundary....................................... 189,979

DAVID DAVIS HOME

New matter indicated by italics - deletions by strikeout
To acquire a residence to be converted to a Visitors Center................... 249,400

JARROT MANSION STATE HISTORICAL SITE
For restoring the mansion, site improvements and land acquisition, in addition to funds previously appropriated............ 1,528,993

LINCOLN'S TOMB/VIETNAM MEMORIAL - SPRINGFIELD
For rehabilitating site and providing irrigation system.................. 201,760

LINCOLN-HERNDON LAW OFFICE - SPRINGFIELD
For rehabilitating interior and exterior............. 16,205

LINCOLN'S NEW SALEM HISTORIC SITE - MENARD COUNTY
For providing electrical at campgrounds....................... 115,376

LINCOLN PRESIDENTIAL CENTER - SPRINGFIELD
For constructing library and museum complex, in addition to funds previously appropriated..... 17,099,331
For constructing a Lincoln Presidential Library.......................... 642,127

OLD STATE CAPITOL - SPRINGFIELD
For repairing elevators.......................... 387,464

SHAWNEETOWN BANK HISTORIC SITE - GALLATIN COUNTY
For rehabilitating exterior.......................... 202,511

UNION STATION - SPRINGFIELD
For purchasing and rehabilitating............... 2,354,453

STATEWIDE
For statewide ISTEA 21 Match....................... 637,000
For replacing roofing systems at the following locations at the approximate costs set forth below:.................. 115,622
Washburne House, Galena.............. 5,378
David Davis Mansion, Bloomington..... 22,051
Bishop Hill House, Henry County..... 88,193
For matching ISTEA federal grant funds........... 143,310
Total $26,234,135

Section 105. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 99, Section 105, of Public Act 93-0842, are re appropriated from the Build Illinois

New matter indicated by italics - deletions by strikeout
Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

MT. PULASKI COURTHOUSE HISTORIC SITE - LOGAN COUNTY
(From Article 99, Section 105 of Public Act 93-0842)
For rehabilitating interior & exterior............. 206,768
BISHOP HILL HISTORIC SITE – HENRY COUNTY
For restoring interior and exterior............... 100,000
PULLMAN HISTORIC SITE
For all costs associated with the stabilization and restoration of the Pullman Historic Site................... 4,480,736
Total $4,787,504

Section 110. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 110 of Public Act 93-0842, as amended, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER - MADISON COUNTY
(From Article 99, Section 110 of Public Act 93-0842)
For renovating the Forensic Complex and constructing two building additions, in addition to funds previously appropriated...... 3,900,000
For renovating the central dietary, Phase II, in addition to funds previously appropriated........................................... 1,060,593
For constructing two building additions at the Forensic Complex............... 7,180,592
For rehabilitation of the central dietary........ 226,935

CHESTER MENTAL HEALTH CENTER
For completing the replacement of smoke and heat detectors, in addition to funds previously appropriated............ 440,000
For upgrading HVAC systems...................... 590,176
For renovating support and residential areas, in addition to funds previously appropriated........................................... 119,777
For replacing smoke/heat detectors.............. 177,589

New matter indicated by italics - deletions by strikeout
For replacing sewer lines...................... 189,335
For renovating support and residential area............................................. 78,150

CHICAGO-READ MENTAL HEALTH CENTER - CHICAGO
For rehabbing absorbers, controls and valves.......................................... 398,432
For renovating residential units, in addition to funds previously appropriated............................................. 236,520
For renovation of the West Campus shower and toilet rooms.............................. 134,469

CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER - ANNA
For renovating Sycamore Hall............................................. 2,652,585

ELGIN MENTAL HEALTH CENTER - KANE COUNTY
For replacing power plant and engineering building..................................... 7,942,071
For renovating the central dietary and kitchen.............................................. 3,716,955
For construction of roads, parking lots and street lights.................................. 1,107,902

FOX DEVELOPMENTAL CENTER - DWIGHT
For upgrading fire alarm systems................................. 950,000
For replacing and repairing interior doors, flooring and walls, in addition to funds previously appropriated................................. 1,105,000
For planning and beginning replacement of interior doors and flooring and repairing walls in the Main and Administration Buildings.............................................. 869,443

HOWE DEVELOPMENTAL CENTER - TINLEY PARK
For completing replacement of HVAC systems, in addition to funds previously appropriated.............................................. 1,400,000
For upgrading plumbing in kitchen.............................................. 735,000
For planning the replacement of absorption-type A/C..................................... 450,000
For replacing HVAC and duct work.............................................. 39,704
For completing upgrade of tunnels,
Phase II, in addition to funds previously appropriated………………………………. 366,920

For renovating residences, in addition to funds previously appropriated……………….. 1,156,927

For renovation of residential buildings………….. 76,450

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE

For renovating the High School Building
Phase II………………………………. 1,580,000

For renovating the health center…………………. 213,013

For replacing roof and upgrading the mechanical system at Burns Gym…………… 1,968,986

For replacing the visual alert system………….. 466,084

For renovating High School Building…………… 1,050,120

For replacing HVAC, upgrading electrical and replacing doors, in addition to funds previously appropriated……………….. 455,337

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE

For renovating auditorium, classroom and administration buildings…………………. 2,360,924

For renovating classrooms in Building 17……… 1,281,525

For renovating the Girls' Dormitory, in addition to funds previously appropriated…… 210,537

For renovations to the powerhouse, boilers and associated coal and ash equipment………………………………. 400,000

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY

For planning and beginning the renovation of the powerhouse………………………… 698,226

KILEY DEVELOPMENTAL CENTER - WAUKEGAN

For converting the facility to natural gas, in addition to funds previously appropriated………………………………. 495,240

For renovating homes, Phase II, in addition to funds previously appropriated……………….. 105,008

LINCOLN DEVELOPMENTAL CENTER - LOGAN

For various capital improvements,

New matter indicated by italics - deletions by strikeout
including planning and construction
of four ten-bed transitional or
residential homes.............................. 7,000,000

LUDEMAN DEVELOPMENTAL CENTER - PARK FOREST
For upgrading the electrical panel.............. 1,202,840
For repairing and replacing furnaces and
duct work, in addition to funds previously
appropriated..................................... 500,000
For renovating residential and neighborhood
homes, in addition to funds previously
appropriated........................................ 1,195,960
For replacing plumbing, HVAC and
boiler systems..................................... 742,685
For renovation of residential buildings,
in addition to funds previously
appropriated........................................... 648,823
For renovation of residences....................... 35,293

MABLEY DEVELOPMENTAL CENTER - DIXON
For replacing mechanicals and upgrading
the fire alarm systems............................ 371,005
For planning and beginning renovation
of residential buildings......................... 1,453,648

MADDEN MENTAL HEALTH CENTER - HINES
For planning and beginning facility
improvements to provide for
patient safety and suicide
prevention............................................. 80,075
For renovating pavilions and
administration building for safety/
security, in addition to
funds previously appropriated.................... 1,200,000
For renovating dietary............................ 858,550
For renovation of pavilions, in addition
to funds previously appropriated................... 350,503

MURRAY DEVELOPMENTAL CENTER - CENTRALIA
For completing the renovation of
the boiler house, in addition to
funds previously appropriated.................... 3,400,000
For renovating the boiler house,
in addition to funds previously appropriated.......................... 591,566
For replacing the emergency management system, in addition to funds previously appropriated.......................... 585,000
For planning and beginning boiler house renovation.......................... 38,060
For replacing energy management system.................. 43,151

**SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE**

For replacing the sewer system in south campus.......................... 2,112,880
For planning and beginning renovation of dietary.......................... 384,925
For work necessary to remedy fire damper deficiencies.......................... 1,027,616
For replacing water mains and valves, in addition to funds previously appropriated.......................... 765,085
For replacing steam & condensate lines, in addition to funds previously appropriated.......................... 146,278
For upgrading HVAC systems in four residential buildings.......................... 151,801
For planning and beginning the upgrade of steam and condensate lines.......................... 98,347

**SINGER MENTAL HEALTH CENTER - ROCKFORD**

For upgrading fire alarm systems.......................... 648,684
For renovating dietary and stores.......................... 833,103
For renovating patient units, Phase II, in addition to funds previously appropriated.......................... 3,100,000
For renovating mechanicals and residential areas.......................... 731,508

**TINLEY PARK MENTAL HEALTH CENTER – COOK COUNTY**

For completing the upgrade of fire and life/safety issues in Oak Hall, in addition to funds previously appropriated.......................... 600,000

New matter indicated by italics - deletions by strikeout
TINLEY PARK MENTAL HEALTH CENTER/HOWE
DEVELOPMENTAL CENTER

For renovation for accessibility in four buildings........................................ 74,856

TREATMENT AND DETENTION FACILITY - JOLIET

For improving the administration building for life safety............................... 160,000

STATEWIDE

For planning and beginning life safety/security systems................................ 1,500,000

For replacing roofing systems at the following locations, at the approximate costs set forth below.............. 2,526,737

Chicago-Read Mental Health Center - Cook County........................................ 2,026,737

Fox Developmental Center - Dwight................................................... 200,000

Kiley Developmental Center - Waukegan................................................ 300,000

For replacing and repairing roofing systems at the following locations, at the approximate cost set forth below............. 2,014,437

Alton Mental Health Center - Madison............................................ 89,139

Shapiro Developmental Center - Kankakee.......................... 115,000

Ludeman Developmental Center - Park Forest................................. 14,087

Madden Mental Health Center - Hines........................................ 815,326

Murray Developmental Center - Centralla................................. 708,650

Kiley Developmental Center - Waukegan................................. 272,235

For replacing and repairing roofing systems at the following locations, at the approximate cost set forth below........... 934,403

Chicago-Read Mental Health

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

Center............................. 421,632
Howe Developmental Center -
Tinley Park...................... 283,758
Shapiro Developmental Center -
Kankakee......................... 42,393
Illinois School for the
Deaf - Jacksonville............... 69,661
Kiley Developmental
Center - Waukegan............... 116,959

For repairing or replacing roofs
at the following locations, at
the approximate cost set forth below........... 1,440,761
Illinois School for the
Visually Impaired -
Jacksonville..................... 38,369
Jacksonville Developmental
Center - Morgan County........... 60,000
Lincoln Developmental Center -
Logan County..................... 7,001
Murray Developmental Center -
Centralia......................... 79,136
Shapiro Developmental Center -
Kankakee......................... 1,256,255

For planning and beginning construction
of a facility for sexually violent
persons.................................................. 135,896

For replacing and repairing roofing systems
at the following locations at the approximate
cost set forth below....................... 270,007
Choate Developmental Center -
Anna................................. 7,628
Chicago-Read Mental Health Center.... 5,475
Tinley Park Mental Health Center.... 12,974
Illinois School for the Visually
Impaired - Jacksonville............ 19,414
Shapiro Developmental Center -
Kankakee......................... 25,955
Kiley Developmental Center -
Waukegan......................... 19,284

New matter indicated by italics - deletions by strikeout
For replacement of roofing systems at the following locations at the approximate costs set forth below: ........................................... 150,811
  Lincoln Development Center........ 37,702
  Murray Developmental Center........ 37,703
  Elgin Developmental Center........ 37,703
  Shapiro Developmental Center........ 37,703
Total $88,691,819

Section 115. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 115 of Public Act 93-0842, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

  ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE
(From Article 99, Section 115 of Public Act 93-0842)
For renovations to the powerhouse, boilers and associated coal and ash equipment.......................... 224,019
Total $224,019

Section 120. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 120 of Public Act 93-0842, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

  STATEWIDE PROGRAM
(From Article 99, Section 120 of Public Act 93-0842)
For tuckpointing at the following locations at the approximate cost set forth below........... 171,772
  Howe Developmental Center - Tinley Park......................... 115,000
  Madden Mental Health Center - Hines......................... 43,661
  Tinley Park Mental

New matter indicated by italics - deletions by strikeout
Health Center.............................. 13,111
For tuckpointing exterior and repairing
masonry at various facilities.................... 394,844
Total $566,616

Section 125. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2005, from reappropriations heretofore made for such purposes in
Article 99, Section 125 of Public Act 93-0842, are reappropriated from the
Build Illinois Bond Fund to the Capital Development Board for the
Department of Human Services for the project hereinafter enumerated:

    ILLINOIS SCHOOL FOR THE DEAF – JACKSONVILLE
(From Article 99, Section 125 of Public Act 93-0842)
For replacing dorm doors...................... 1,962,500

    JACKSONVILLE DEVELOPMENTAL CENTER – MORGAN
For upgrading the mechanicals in the
power plant, in addition to funds
previously appropriated................................. 1,000,000

    SINGER MENTAL HEALTH CENTER
For repair and/or replacement of roofs........... 71,994

    TINLEY PARK MENTAL HEALTH CENTER
For upgrading fire/life safety systems
and lighting, in addition to funds
previously appropriated................................. 281,942

    FOX DEVELOPMENTAL CENTER - DWIGHT
For renovating the water treatment plant........ 884,788
Total $4,201,224

Section 130. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2005, from reappropriation and reappropriations heretofore made in
Article 99, Section 130 of Public Act 93-0842, are reappropriated from the
Capital Development Fund to the Capital Development Board for the
Illinois Medical District Commission for the projects hereinafter enumerated:

    ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO
(From Article 99, Section 130 of Public Act 93-0842)
For upgrading utility and infrastructure,
in addition to funds previously
appropriated............................................. 650,000
For upgrading core utilities........................... 211,806

New matter indicated by italics - deletions by strikeout
For upgrading research center...................... 373,362
For constructing a Lab and Research
Biotech Grad Facility.............................. 94,638
Total  $1,329,806

Section 140. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2005, from reappropriations heretofore made for such purposes in
Article 99, Section 140 of Public Act 93-0842, as amended, are
reappropriated from the Capital Development Fund to the Capital
Development Board for the Department of Military Affairs for the projects
hereinafter enumerated:

BLOOMINGTON ARMORY - McLEAN COUNTY
(From Article 99, Section 140 of Public Act 93-0842)
For rehabilitating the mechanical/electrical
systems and renovating the interior............. 2,971,900

CAIRO ARMORY
For replacing roof and renovating the
interior and exterior............................. 623,311

CAMP LINCOLN - SPRINGFIELD
For converting commissary to a military
museum, in addition to funds
previously appropriated.......................... 110,832
For construction of a military academy
facility........................................... 541,339

ELGIN ARMORY - KANE COUNTY
For upgrading the interior and exterior........ 843,352

GENERAL JONES ARMORY
For rehabilitating the armory building,
in addition to funds previously
appropriated..................................... 140,401

LITCHFIELD ARMORY
For remodeling and installing a
kitchen.......................................... 362,450

MACOMB ARMORY - McDONOUGH
For completing the mechanical/electrical
systems upgrade, renovating the interior,
and installing a kitchen, in addition to
funds previously appropriated............... 2,565,000
For replacing the mechanical and electrical

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0015

systems and installing a kitchen..................... 837,345

MATTOON ARMORY
For replacing the roof and renovating
the interior and exterior......................... 467,035

NORTH RIVERSIDE ARMORY
For rehabilitating the interior and
exterior........................................... 302,380

NORTHWEST ARMORY - CHICAGO
For upgrading the electrical system............. 2,815,000
For replacing the mechanical systems.......... 549,233
For renovation of interior and exterior,
in addition to funds previously
appropriated for such purposes............... 303,337

ROCK FALLS ARMORY
For replacing the mechanical and
electrical systems and upgrading
the interior....................................... 715,866

SALEM ARMORY
For remodeling and installing a
kitchen........................................... 279,780

SYCAMORE ARMORY
For replacing the electrical system,
renovating the interior and installing
air conditioning............................... 934,832

STATEWIDE
For replacing roofing systems, windows
and doors, and rehabilitating the
exterior walls at the following
locations, at the approximate cost
set forth below................................. 76,244
Bloomington Armory......................... 15,248
Kewanee Armory......................... 15,249
Macomb Armory......................... 15,249
Rock Falls Armory...................... 15,249
Sycamore Armory...................... 15,249
Total $15,439,637

Section 145. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2005, from reappropriations heretofore made in Article 99, Section

New matter indicated by italics - deletions by strikeout
145, of Public Act 93-0842, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

NORTHWEST ARMORY - CHICAGO
(From Article 99, Section 145 of Public Act 93-0842)
For renovating the mechanical systems,
in addition to funds previously
appropriated..................................... 351,715

LAWRENCEVILLE ARMORY
For rehabilitating the exterior and
replacing roofing systems.................... 177,017
Total $528,732

Section 150. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 150 of Public Act 93-0842, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
(From Article 99, Section 150 of Public Act 93-0842)
For completing the upgrade of
building management controls,
in addition to funds
previously appropriated......................... 400,000
For replacing the dock exhaust system.............. 555,000
For replacing and repairing concrete
stairway and completing of parking
dock, in addition to funds
previously appropriated.......................... 285,000
For upgrading building management
controls........................................... 3,496,768
For upgrading the plumbing system............... 931,655
For upgrading parking lot/parking deck
structural repair................................ 830,119
For renovating the interior and
upgrading HVAC.................................. 3,300,768
Total $9,799,310

Section 155. The following named amounts, or so much thereof as may be necessary and as remain unexpended at the close of business on
June 30, 2005, from reappropriations heretofore made in Article 99, Section 155 of Public Act 93-0842, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
(From Article 99, Section 155 of Public Act 93-0842)
For completing security system upgrade, in addition to funds previously appropriated........ 110,394
Total $110,394

Section 160. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 160 of Public Act 93-0842, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

WILLARD ICE BUILDING – SPRINGFIELD
(From Article 99, Section 160 of Public Act 93-0842)
For completing the upgrade of the
Plumbing System................................. 600,000
For planning the curtain wall renovation........ 38,950
Total $638,950

Section 165. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 165 of Public Act 93-0842, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

CHICAGO FORENSIC LABORATORY
(From Article 99, Section 165 of Public Act 93-0842)
For construction of a laboratory and
parking facilities............................... 84,737

DISTRICT 13 HEADQUARTERS - DuQUOIN
For constructing a district 13
headquarters.................................... 132,840

DISTRICT 6 HEADQUARTERS - PONTIAC
For planning, construction, reconstruction, demolition of existing buildings, and all costs related to replacing the facilities................................. 196,259

New matter indicated by italics - deletions by strikeout
SPRINGFIELD ARMORY
For planning and design of the rehabilitation
and site improvements of the Springfield
Armory, in addition to funds previously
appropriated........................................ 1,216,439

STATEWIDE
For replacing communications towers
equipment and tower buildings............ 1,850,902
For upgrading generators and UPS systems....... 39,996
For replacing roofing system at the
following locations at the approximate
cost set forth below.............................. 297,191
   District 13 Headquarters,
      DuQuoin.................................. 46,752
   Joliet Laboratory......................... 40,000
   District 6 Headquarters,
      Pontiac............................... 38,900
   District 9 Headquarters,
      Springfield........................... 109,510
   State Police Training Center,
      Pawnee.............................. 10,000
   District 18 Headquarters,
      Litchfield............................ 45,000
   District 19 Headquarters,
      Carmi................................. 7,029
For replacing radio communication towers,
equipment buildings and installing emergency
power generators at the following locations at the approximate costs set
forth below.............................. 1,109,792
   Harlem & Irving – Cook County....... 93,966
   Savanna – Carroll County.............. 95,000
   Fairfield – Wayne County............. 225,000
   Niota – Hancock County............... 695,826
   Total.................................. $4,928,156

Section 170. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2005, from reappropriations heretofore made for such purposes in
Article 99, Section 170 of Public Act 93-0842, are reappropriated from the

New matter indicated by italics - deletions by strikeout
Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the project hereinafter enumerated:

STATEWIDE
For safety improvements at the firing range.................. 178,106
For upgrading firing range facilities............... 375,233
Total $553,339

Section 175. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 175 of Public Act 93-0842, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

ANNA VETERANS HOME
(From Article 99, Section 175 of Public Act 93-0842)
For constructing a garage.......................... 315,292

LASALLE VETERANS' HOME
For replacing the roofing system.................. 310,000
For replacing the domestic water system......... 110,000

MANTENO VETERANS' HOME - KANKAKEE COUNTY
For replacing air conditioner chillers............ 1,170,000
For replacing condensing units.................. 176,939
For upgrading or constructing roads and parking lots........... 55,922
For planning and constructing additional storage and support areas......... 95,233
For upgrading courtyard program nothing......... 346,362
For upgrading storm sewer..................... 99,428

QUINCY VETERANS' HOME - ADAMS COUNTY
For constructing a bus and ambulance garage.......................... 849,073
For improvements to various buildings and replacement of Fletcher Building to meet licensure standards................ 2,528,743
Total $6,056,992

Section 180. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June
30, 2005, from reappropriations heretofore made in Article 99, Section 180 of Public Act 93-0842, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Veterans’ Affairs for the projects hereinafter enumerated:

MANTENO VETERANS’ HOME - KANKAKEE COUNTY
(From Article 99, Section 180 of Public Act 93-0842)
For installing humidifiers and dehumidifiers........................................ 407,950
For resurfacing roads and parking lots .................. 40,355
For demolishing buildings........................................ 1,224,881
Total $1,673,186

Section 185. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 185 of Public Act 93-0842, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Veterans’ Affairs for the project hereinafter enumerated:

MANTENO VETERANS HOME
(From Article 99, Section 185 of Public Act 93-0842)
For completing the upgrade of emergency generators............................... 600,000
For installing humidifiers and dehumidifiers, in addition to funds previously appropriated.................... 1,000,000
LASALLE VETERANS HOME - LASALLE COUNTY
For planning expansion of facility ..................... 379,045
MANTENO VETERANS HOME - KANKAKEE COUNTY
For constructing an equipment storage building................................. 667,966
Total $2,647,011

Section 190. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 190 of Public Act 93-0842, are reappropriated from the Capital Development Fund to the Capital Development Board for the projects hereinafter enumerated:

EXECUTIVE MANSION - SPRINGFIELD
(From Article 99, Section 190 of Public Act 93-0842)
For building improvements................................. 376,011

New matter indicated by italics - deletions by strikeout
ATTORNEY GENERAL BUILDING - SPRINGFIELD
For planning an annex or addition and
beginning construction of
parking facilities ............................... 35,932
For upgrading environmental equipment
and HVAC, in addition to funds previously
appropriated - Archives Building .............. 255,609

STATE CAPITOL BUILDING
For upgrading the life/safety and
security systems, in addition to
funds previously appropriated .................. 161,784

STATEWIDE
For the purposes of capital planning
and condition assessment and analysis
of State capital facilities, to be
expended only upon the direction of
the Director of the Bureau of
the Budget ........................................ 3,389,055
For abating hazardous materials ............... 1,627,855
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs) ............... 650,000
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act (ADA) ........ 593,405
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act (ADA) ........ 973,346
For abating hazardous materials ............... 135,878
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs) ............... 4,000,000
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act ............... 2,717,127
For abating hazardous materials ............... 468,800
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs) ............... 2,901,557
For upgrading and remediating
aboveground and underground storage tanks ... 2,000,000
For surveys and modifications to buildings

New matter indicated by italics - deletions by strikeout
to meet requirements of the federal
Americans With Disabilities Act................. 101,945
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs).................... 782,922
For abating hazardous materials.................. 375,029
For surveys and modifications to
buildings to meet requirements of the
federal Americans with Disabilities Act....... 153,701
For abatement of hazardous materials........... 320,187
For upgrading/retrofitting mechanized
refrigeration equipment (CFCs).................... 53,118
For abatement of hazardous materials............ 146,234
For survey for and abatement of
asbestos-containing materials.................... 59,592
For upgrade/retrofit of mechanized
refrigeration equipment (CFCs).................... 36,346
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act................. 1,256,572
For demolition of buildings....................... 82,050
For retrofitting/upgrading mechanical
refrigeration equipment......................... 30,551
For the planning, upgrade
and replacement of potentially
hazardous underground storage tanks........... 64,692
For surveys and abatement of asbestos-
containing materials......................... 41,423
Total $23,790,721

Section 195. The amount of $530,819, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2005, from a reappropriation heretofore made in Article 99, Section 195 of
Public Act 93-0842, is reappropriated from the Asbestos Abatement Fund
to the Capital Development Board for surveying and abating asbestos-
containing materials statewide.

Section 200. The amount of $994,978, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2005, from a reappropriation heretofore made in Article 99, Section 200 of
Public Act 93-0842, is reappropriated from the Asbestos Abatement Fund
to the Capital Development Board for asbestos surveys and emergency

New matter indicated by italics - deletions by strikeout
abatement in relation to asbestos abatement in state governmental buildings or higher education residential and auxiliary enterprise buildings.

Section 205. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 99, Section 205 of Public Act 93-0842, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the projects hereinafter enumerated:

STATEWIDE
(From Article 99, Section 205 of Public Act 93-0842)
Survey for and abate hazardous materials........................................ 710,011
For repairing minor problems and emergencies........................................ 985,117
For demolition of buildings.......................... 393,437
For archeological studies of construction sites........................................ 100,000
For repairing minor problems and emergencies........................................ 1,180,186
Total $3,368,751

Section 210. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 210 of Public Act 93-0842, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for the projects hereinafter enumerated:

CARL SANDBURG COLLEGE
(From Article 99, Section 210 of Public Act 93-0842)
For constructing a computer/student center........................................ 33,928

CITY COLLEGES OF CHICAGO
For various bondable capital improvements........................................ 8,116,582

CITY COLLEGES OF CHICAGO/KENNEDY KING
For remodeling for Workforce Preparation Centers........................................ 3,642,334
For remodeling for a culinary arts educational facility.......................... 10,875,000

CITY COLLEGES OF CHICAGO - MALCOLM X COLLEGE
For remodeling the Allied Health

New matter indicated by italics - deletions by strikeout
program facilities......................... 4,304,223

COLLEGE OF DUPAGE
For upgrading the Instructional Center
heating, ventilating and air
conditioning systems......................... 273,534

COLLEGE OF LAKE COUNTY
For planning and beginning construction
of a technology building -
Phase 1........................................ 296,283

ILLINOIS VALLEY COMMUNITY COLLEGE
For planning, construction and renovations
necessary to abate asbestos containing
materials at campus facilities............... 1,062,277

JOHN A. LOGAN COMMUNITY COLLEGE - CARTERVILLE
For planning, construction, utilities,
site improvements, equipment and other
costs necessary for a new Workforce
Development and Community Education
Facility. The provisions of Article V
of the Public Community College Act
are not applicable to this appropriation..... 31,185

KANKAKEE COMMUNITY COLLEGE
For constructing a laboratory/classroom
facility.......................................... 628,881

LAKELAND COLLEGE
Student Services Building addition.......... 6,602,331

LEWIS and CLARK COLLEGE - GODFREY
For constructing classroom
and office building and additions,
and remodeling of Haskell Hall.............. 27,425

LINCOLN LAND COMMUNITY COLLEGE - SPRINGFIELD
For constructing an addition and remodeling
Sangamon and Menard Halls................... 31,388

MCHENRY COUNTY COLLEGE
For constructing classrooms and a
student services building and remodeling
space, in addition to funds previously
appropriated..................................... 572,723

MORAINE VALLEY COMMUNITY COLLEGE - PALOS HILLS

New matter indicated by italics - deletions by strikeout
For constructing a classroom/administration building, providing site improvements and purchasing equipment, in addition to funds previously appropriated......................... 42,688

PRAIRIE STATE COLLEGE - CHICAGO HEIGHTS
For constructing an addition to the Adult Training/Outreach Center, in addition to funds previously appropriated.............. 2,236,307

RICHLAND COMMUNITY COLLEGE - DECATUR
For remodeling and constructing additions.......... 147,526

SOUTHWESTERN ILLINOIS COLLEGE
(Formerly BELLEVILLE AREA COLLEGE)
For renovating campus buildings and site improvements at the Belleville and Red Bud campuses................................. 39,334

SOUTH SUBURBAN COLLEGE
For improving flood retention............................ 437,000

SPOON RIVER COLLEGE
For remodeling Engle Hall and constructing a maintenance building........... 145,625

TRITON COMMUNITY COLLEGE - RIVER GROVE
For rehabilitating the Liberal Arts Building..................... 1,553,487
For rehabilitating the potable water distribution system........................... 70,146

STATEWIDE
For the Illinois Community College Board miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community Colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for this purpose........ 1,679,988

STATEWIDE
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment,
materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.......................... 5,139,784

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.......................... 4,007,063

STATEWIDE - CONSTRUCTION DEFECTS

For planning, construction and renovation to correct defectively designed or constructed community college facilities, provided that monies recovered based upon claims arising out of such defective design or construction shall be paid to the state as required by Section 105.12 of the Public Community College Act as reimbursement for monies expended pursuant to this appropriation.......................... 395,324

Total $52,392,366

Section 220. The amount of $431,062, or so much thereof as may be necessary, and remains unexpended on June 30, 2005, from a reappropriation heretofore made for such purposes in Article 99, Section 220 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges repair, renovation, and miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

New matter indicated by italics - deletions by strikeout
Section 225. The sum of $1,471,018, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 99, Section 225 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 230. The sum of $1,801,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purposes in Article 99, Section 230 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 235. The sum of $2,594,875, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purposes in Article 99, Section 235 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 240. The sum of $696,475, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purposes in Article 99, Section 240 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges for
miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 245. The sum of $3,009,481, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 99, Section 245 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Capital Development Board for miscellaneous capital improvements at various educational facilities statewide, in addition to funds previously appropriated.

Section 250. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 250 of Public Act 93-0842, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

   ILLINOIS MATHEMATICS AND SCIENCE ACADEMY - AURORA
   To plan and begin construction of a
   space for the delivery of teacher
   training and development and student
   enrichment programs.......................... 108,843

Section 255. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 99, Section 255 of Public Act 93-0842, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

   STATEWIDE
   (From Article 99, Section 255 of Public Act 93-0842)
   For miscellaneous capital improvements
   including construction, capital facilities,
   cost of planning, supplies, equipment,
   materials, services and all other expenses
   required to complete the work at the various
   universities. This appropriated amount
   shall be in addition to any other appropriated

New matter indicated by italics - deletions by strikeout
amounts which can be expended for these purposes.............................................. 19,716,312
Chicago State University................. 322,100
Eastern Illinois University............... 515,500
Governors State University.............. 189,700
Illinois State University............... 1,021,300
Northeastern Illinois University....... 383,700
Northern Illinois University...... 1,159,000
Western Illinois University......... 792,200
Southern Illinois University -
Carbondale.......................... 1,520,564
Southern Illinois University -
Edwardsville.......................... 763,100
University of Illinois -
Chicago.............................. 2,777,300
University of Illinois -
Springfield......................... 229,100
University of Illinois -
Urbana/Champaign............... 4,131,963
Illinois Community
College Board...................... 5,910,785

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities this appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes...... 18,829,241
Chicago State University................. 322,100
Eastern Illinois University............... 515,500
Governors State University.............. 132,852
Illinois State University............... 1,021,300
Northeastern Illinois University........ 383,700
Northern Illinois University....... 1,159,000
Western Illinois University......... 792,200
Southern Illinois University -
Carbondale......................... 522,333
Southern Illinois University - Edwardsville.................. 763,100
University of Illinois - Chicago............................ 2,777,300
University of Illinois - Springfield......................... 217,856
University of Illinois - Urbana/Champaign................. 4,150,300
Illinois Community College Board.......................... 6,071,700
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities, this appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes........... 6,481,377
Chicago State University............... 211,574
Eastern Illinois University......... 515,500
Illinois State University............. 506,274
Northern Illinois University...... 1,159,000
Western Illinois University........ 596,046
Southern Illinois University - Carbondale................... 180,242
University of Illinois - Chicago......................... 2,199,079
University of Illinois - Springfield................. 209,126
University of Illinois - Urbana/Champaign.............. 904,536
For miscellaneous capital improvements, including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities.

New matter indicated by italics - deletions by strikeout
This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes ........................................ 4,194,758

Eastern Illinois University ........ 477,768
Illinois State University .......... 413,841

Northeastern Illinois University ........................................ 46,499
Northern Illinois University ...... 1,217,700
Western Illinois University ...... 198,034

Southern Illinois University - Carbondale ......................... 103,987
University of Illinois - Chicago ........................................ 506,116
University of Illinois - Urbana/Champaign ......................... 1,230,813

For miscellaneous capital improvements including construction, reconstruction remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes ........................................ 2,341,715

Chicago State University ........ 191,127
Eastern Illinois University ....... 42,140
Illinois State University ......... 85,627
Northeastern Illinois University .. 151,480
Northern Illinois University .... 861,486
Western Illinois University ...... 53,892
Southern Illinois University - Carbondale ......................... 9,130
University of Illinois - Chicago Campus .............................. 41,721
University of Illinois -
Champaign/Urbana Campus.............. 905,112

For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to
complete the work at the various
universities set forth below. This
appropriation shall be in addition
to any other appropriated amounts
which can be expended for these purposes........ 1,419,262

For Eastern Illinois University........ 261,412
For Northeastern Illinois University .. 143,597
For Northern Illinois University....... 248,136
For Western Illinois University....... 39,423
For University of Illinois –
    Chicago.............................. 91,348
For University of Illinois -
    Urbana-Champaign............... 635,346

For miscellaneous capital improvements,
including construction, reconstruction,
remodeling, improvement, repair and
installation of capital facilities, cost of
planning, supplies, equipment, materials,
services and all other expenses
required to complete the work at the various
universities set forth below. This
appropriation shall be in addition to
any other appropriated amounts which
can be expended for these purposes........ 707,360

For Northern Illinois University..... 153,202
For Southern Illinois University -
    Carbondale......................... 22,188
For Southern Illinois University -
    Edwardsville...................... 35,137
For University of Illinois -
    Chicago............................ 362,299
For University of Illinois -
    Urbana-Champaign................. 134,534

New matter indicated by italics - deletions by strikeout
For miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

- For Chicago State University: 37,159
- For Eastern Illinois University: 150,380
- For Governors State University: 71,798
- For Illinois State University: 85,165
- For Northeastern Illinois University: 36,177
- For Northern Illinois University: 207,446
- For University of Illinois: 225,250

**SOUTHERN ILLINOIS UNIVERSITY**

For Southern Illinois University for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials services and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

- 121,599

**UNIVERSITY OF ILLINOIS**

For the Board of Trustees of the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing...
the work at the colleges and
universities. This appropriation shall
be in addition to any other
appropriated amounts which can be
expended for these purposes................. 89,723

For the Board of Higher Education for
miscellaneous capital improvements,
including construction, reconstruction,
remodeling, improvements, repair and
installation of capital facilities, cost
of planning, supplies, equipment,
materials, services, and all other
expenses required to complete the
work at the colleges and universities
hereinafter enumerated. This appropriation
shall be in addition to any other
appropriated amounts which can be
expended for these purposes:
Northern Illinois University...................... 24,118

Section 260. The sum of $145,472, or so much
thereof as may be
necessary and remains unexpended at the close of business on June 30,
2005, from a reappropriation heretofore made for such purposes in Article
99, Section 260 of Public Act 93-0842, is reappropriated from the Capital
Development Fund to the Capital Development Board for the Board of
Higher Education for miscellaneous capital improvements, including
construction, reconstruction, remodeling, improvement, repair and
installation of capital facilities, cost of planning, supplies, equipment,
materials, services and all other expenses required for completing the work
at the colleges and universities. This appropriation shall be in addition to
any other appropriated amounts which can be expended for these purposes.

Section 265. The following named amounts, or so much thereof as may be
necessary and remains unexpended at the close of business on June
30, 2005, from reappropriations heretofore made for such purposes in
Article 99, Section 265 of Public Act 93-0842, are reappropriated from the
Build Illinois Bond Fund to the Capital Development Board for the Illinois
Board of Higher Education for the projects hereinafter enumerated:
(From Article 99, Section 265 of Public Act 93-0842)
For miscellaneous capital improvements
including construction, capital

New matter indicated by italics - deletions by strikeout
facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

<table>
<thead>
<tr>
<th>University</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago State University</td>
<td>150,676</td>
</tr>
<tr>
<td>Eastern Illinois University</td>
<td>257,800</td>
</tr>
<tr>
<td>Governors State University</td>
<td>94,900</td>
</tr>
<tr>
<td>Illinois State University</td>
<td>510,700</td>
</tr>
<tr>
<td>Northern Illinois University</td>
<td>191,800</td>
</tr>
<tr>
<td>Northeastern Illinois University</td>
<td>579,500</td>
</tr>
<tr>
<td>Southern Illinois University - Carbondale</td>
<td>704,001</td>
</tr>
<tr>
<td>Southern Illinois University - Edwardsville</td>
<td>381,500</td>
</tr>
<tr>
<td>University of Illinois - Chicago</td>
<td>1,388,600</td>
</tr>
<tr>
<td>University of Illinois - Springfield</td>
<td>114,600</td>
</tr>
<tr>
<td>University of Illinois - Urbana/Champaign</td>
<td>2,075,100</td>
</tr>
<tr>
<td>Illinois Community College Board</td>
<td>2,899,808</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$9,745,085</strong></td>
</tr>
</tbody>
</table>

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

<table>
<thead>
<tr>
<th>University</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago State University</td>
<td>161,000</td>
</tr>
<tr>
<td>Eastern Illinois University</td>
<td>256,301</td>
</tr>
<tr>
<td>Governors State University</td>
<td>94,900</td>
</tr>
<tr>
<td>Illinois State University</td>
<td>510,700</td>
</tr>
<tr>
<td>Northeastern Illinois University</td>
<td>191,800</td>
</tr>
<tr>
<td>Northern Illinois University</td>
<td>579,500</td>
</tr>
<tr>
<td>Western Illinois University</td>
<td>396,100</td>
</tr>
<tr>
<td>Southern Illinois University - Carbondale</td>
<td>266,056</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Southern Illinois University - Edwardsville........ 366,202
University of Illinois - Chicago.................... 1,388,600
University of Illinois - Springfield............... 114,600
University of Illinois - Urbana/Champaign........ 2,075,100
Illinois Community College Board................... 2,943,540
Total $9,344,399

For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes.

Chicago State University............................. 160,400
Eastern Illinois University.......................... 185,800
Governors State University......................... 45,618
Illinois State University......................... 57,613
Northeastern Illinois University............... 17,303
Northern Illinois University.................... 579,500
Western Illinois University.................... 75,413
Southern Illinois University - Carbondale..... 88,789
University of Illinois - Chicago............... 1,156,733
University of Illinois - Springfield............ 78,866
University of Illinois - Urbana/Champaign..... 1,579,289
Total $4,025,324

For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes.

Eastern Illinois University..................... 96,014
Governors State University................... 26,826
Illinois State University..................... 237,820

New matter indicated by italics - deletions by strikeout
Northeastern Illinois University .................... 87,701
Northern Illinois University ....................... 624,700
Western Illinois University ......................... 11,275
University of Illinois - Chicago .................... 176,727
University of Illinois - Springfield ................. 30,052
University of Illinois - Urbana/Champaign ......... 268,540
Total $1,559,655

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Chicago State University ......................... 92,223
Eastern Illinois University ....................... 134,474
Illinois State University ......................... 11,254
Northeastern Illinois University ................... 74,725
Northern Illinois University ...................... 340,000
Western Illinois University ..................... 38,564
University of Illinois- Champaign/Urbana ....... 65,946
Total $757,186

Section 270. The sum of $2,285,308, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 270 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 275. The sum of $1,444,090, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 275 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board

New matter indicated by italics - deletions by strikeout
for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 280. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 99, Section 280 of Public Act 93-0842, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

CHICAGO STATE UNIVERSITY
(From Article 99, Section 280 of Public Act 93-0842)
For replacing primary electrical
  feeder cable........................................ 978,753
For roof replacement projects.................... 4,286,667
For the construction of a conference
center.................................................. 5,000,000
For the construction of a day care
  facility............................................. 4,927,811
For the construction of a student
  financial outreach building.................... 5,000,000
For constructing a new library facility,
site improvements, utilities, and
  purchasing equipment, in addition
to funds previously appropriated.............. 10,375,477
For technology improvements and
defered maintenance.............................. 1,790,400
For remodeling Building K, in addition
to funds previously appropriated............... 8,769,881
For planning and beginning to remodel
  Building K and improving site................ 1,005,474
For planning, site improvements, utilities,
  construction, equipment and other costs
  necessary for a new library facility........... 3,272,481
For a grant to Chicago State University for
  all costs associated with construction of
  a Convocation Center............................ 8,146,687
For upgrading campus infrastructure,
in addition to the funds
previously appropriated..................... 589,681
For renovating buildings and upgrading
mechanical systems............................ 456,091

EASTERN ILLINOIS UNIVERSITY
For upgrading the electrical
distribution system......................... 4,145,823
For renovating and expanding the
Fine Arts Center, in addition to
funds previously appropriated.............. 39,702,200
For planning and beginning to renovate
and expand the Fine Arts Center -
Phase 1, in addition to funds
previously appropriated...................... 1,471,247
For planning and beginning to renovate
and expand the Fine Arts Center............. 1,824,490
For upgrading campus buildings for health,
safety and environmental improvements..... 386,432

GOVERNORS STATE UNIVERSITY
For constructing addition and
remodeling the teaching & learning
complex, in addition to funds
previously appropriated........................ 14,665,099
For costs associated with establishing
a campus-wide fire alarm system at
Governor's State University................. 680,870
For constructing a child development center
and an addition to the main building
and remodeling Wings E and F............. 88,290

ILLINOIS STATE UNIVERSITY
For renovating Stevenson and Turner
Halls for life/safety......................... 22,092,850
For the upgrade and remodeling
of Schroeder Hall............................ 8,663,848
For planning and beginning to rehabilitate
Schroeder Hall.................................. 185,319
For planning, site improvements, utilities,
construction, equipment and other costs
necessary for a new facility for the

New matter indicated by italics - deletions by strikeout
College of Business.............................. 735,054
For remodeling Julian and Moulton Halls................. 510,501

NORTHEASTERN ILLINOIS UNIVERSITY
For renovating Building "C" and remodeling and expanding Building "E" and Building "F"......................................... 6,586,254
For planning and beginning to remodel Buildings A, B and E.......................... 3,666,246
For remodeling in the Science Building to upgrade heating, ventilating and air conditioning systems................................. 2,021,400
For replacing fire alarm systems, lighting and ceilings........................................ 672,525

NORTHERN ILLINOIS UNIVERSITY
For renovating the Founders Library basement, in addition to funds previously appropriated................................. 669,635
For planning a classroom building and developing site in Hoffman Estates.................. 1,314,500
For completing the construction of the Engineering Building, in addition to amounts previously appropriated for such purpose................................. 3,638,856
For renovating Altgeld Hall and purchasing equipment........................................ 1,327,625
For upgrading storm waterway controls in addition to funds previously appropriated........ 424,233

SOUTHERN ILLINOIS UNIVERSITY
For planning, construction and equipment for a cancer center................................. 13,162,762

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE
For renovating and constructing an addition to the Morris Library, in addition to funds previously appropriated................................. 25,690,000
For planning a renovation and addition to the Morris Library............................... 714,077
For renovating Altgeld Hall and Old Baptist Foundation, in addition to funds

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout

SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE
For planning, construction and equipment for an advanced technical worker training facility.......................... 482,034
For replacement of the high temperature water distribution system.......................... 168,709

SIU SCHOOL OF MEDICINE - SPRINGFIELD
For constructing and for equipment for an addition to the combined laboratory, in addition to funds previously appropriated.......................... 865,835

UNIVERSITY OF ILLINOIS AT CHICAGO
Plan, construct, and equip the Chemical Sciences Building.......................... 57,600,000
For planning, construction and equipment for a chemical sciences building................. 4,934,349
To plan and begin construction of a medical imaging research/clinical facility................. 2,197,561
For remodeling the Clinical Sciences Building.................................. 884,715
For the renovation of the court area and Lecture Center, in addition to funds previously appropriated.......................... 237,122

UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA
For planning, analysis and design of Lincoln Hall. Design cannot proceed beyond Program Analysis/Preliminary Design unless approved in writing by the Governor.......................... 2,000,000
Expansion of Microelectronics Lab.......................... 17,151,200
For planning, construction and equipment for a biotechnology genomic facility............. 55,887,983
For planning, construction and equipment for a supercomputing application facility..... 8,832,152
To plan and begin construction of a biotechnology/genomic facility.......................... 1,600,780
To plan and begin construction of a
supercomputing application facility........................................... 432,842
To plan and begin construction of a technology transfer incubator facility........................................... 58,263
For remodeling the Mechanical Engineering Laboratory Building........................................... 36,644
For initiating a campus flood control project........................................... 60,806

UNIVERSITY CENTER OF LAKE COUNTY
For constructing a university center and purchasing equipment, in addition to funds previously appropriated.................. 3,494,909
For land, planning, remodeling, construction and all costs necessary to construct a facility........................................... 8,574,716

WESTERN ILLINOIS UNIVERSITY - MACOMB
Plan and construct performing arts center........ 4,000,000
For improvements to Memorial Hall........................................... 11,889,325

Section 285. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 99, Section 285 of Public Act 93-0842 is reappropriated from the Capital Development Fund to the Capital Development Board for Southern Illinois University School of Medicine, Springfield, for the project hereinafter enumerated:

SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF MEDICINE – SPRINGFIELD
(From Article 99, Section 285 of Public Act 93-0842)
For construction and equipment for an addition to the combined laboratory for Illinois State Police Crime Lab........................................... 1,738,475

Section 290. The following named amounts, or so much thereof as may be necessary, and remain unexpended on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 290 of Public Act 93-0842, as amended, are reappropriated from the Build
Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

**NORTHERN ILLINOIS UNIVERSITY - DEKALB**

(From Article 99, Section 290 of Public Act 93-0842)

To construct and equip the Engineering Building.......................................... 30,308

To purchase equipment and complete construction for Faraday Hall Addition............ 93,085

Section 295. The following named amount, or so much thereof as may be necessary, and remains unexpended on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 99, Section 295 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for the projects hereinafter enumerated:

**UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN**

(From Article 99, Section 295 of Public Act 93-0842)

To construct and equip the Chemical and Life Sciences Building................................. 41,746

Section 300. The following named amount, or so much thereof as may be necessary, and remains unexpended on June 30, 2005, from reappropriations heretofore made for such purposes in Article 99, Section 300 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

**NORTHERN ILLINOIS UNIVERSITY - DE KALB**

(From Article 99, Section 300 of Public Act 93-0842)

For construction of the Engineering Building including extension of utilities, in addition to funds previously appropriated for such purpose.................................. 39,614

Section 305. The amount of $73,780, or so much thereof as may be necessary, and remains unexpended on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 99, Section 305 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall
be in addition to any other appropriated amounts which can be expended for these purposes.

Section 310. The sum of $22,390, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purposes in Article 99, Section 310 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Trustees of the University of Illinois (formerly for the Department of Human Services) for renovation of the School of Public Health and Psychiatric Institute (formerly the ISPI building).

Section 315. The sum of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 315 Public Act 93-0842, is reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to the University of Illinois College of Medicine at Peoria for planning a Clinical and Basic Research Oncology Center.

Section 320. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 320 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Capital Development Board for the project hereinafter enumerated:

EAST ST. LOUIS COLLEGE CENTER
(From Article 99, Section 320 of Public Act 93-0842)
For construction of facilities, remodeling, site improvements, utilities and other costs necessary for adapting the former campus of Metropolitan Community College for a Community College Center and Southern Illinois University, in addition to funds previously appropriated................. 3,986,581

Section 325. The following named amount or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 99, Section 325 of Public Act 93-0842, is reappropriated from the School Construction Fund to the Capital Development Board for the State Board of Education for the projects hereinafter enumerated:

STATEWIDE
(From Article 99, Section 325 of Public Act 93-0842)
Grants for facility construction.............. 185,039,757

Section 330. The sum of $119,133,286, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 330 of Public Act 93-0842, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 335. The sum of $26,121,120, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 335 Public Act 93-0842, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 340. The sum of $38,356,618, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 340 of Public Act 93-0842, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 345. The sum of $6,602,038, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 345 of Public Act 93-0842, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 350. The sum of $456,208, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purposes in Article 99, Section 350 of Public Act 93-0842, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law.

Section 360. The amount of $11,618,001 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section

New matter indicated by italics - deletions by strikeout
360 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Capital Development Board for grants to units of local government and other eligible entities for all costs associated with land acquisition, construction and rehabilitation projects.

Section 365. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 365 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 370. The sum of $42,293,889, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 370 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 380. The sum of $17,606,687, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 380 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 385. The sum of $5,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 385 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for
planning and construction of a Bio-Medical Research Facility. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 390. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 390 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction, and equipment for a Nanofabrication and Molecular Center. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 410. The amount of $1,100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 99, Section 410 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a nanofabrication and molecular center.

Section 415. The sum of $58,584, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 99, Section 415 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for miscellaneous capital improvements to state facilities including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the facilities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Total, Article 105 $2,235,126,843

ARTICLE 106
ILLOIS COMMERCE COMMISSION

Section 5. The sum of $430,753, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 100, Section 5 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Illinois Commerce Commission for train whistle abatement in counties with over 3,000,000 in population, where a public highway crosses a railroad at grade.

New matter indicated by italics - deletions by strikeout
ARTICLE 107
ENVIRONMENTAL PROTECTION AGENCY

Section 10. The sum of $8,942,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 101, Section 10 of Public Act 93-842, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 15. The sum of $6,657,600, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made for such purpose in Article 101, Section 15 of Public Act 93-0842, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 20. The sum of $5,848,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 101, Section 20 of Public Act 93-0842, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for grants to units of local government for wastewater facilities, pursuant to provisions of the "Anti-Pollution Bond Act."

Section 25. The amount of $69,056,000, or so much thereof as may be necessary and remains unexpended on June 30, 2005, from reappropriations heretofore made for such purposes in Article 101, Section 25 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for wastewater compliance grants to units of local government or sewer systems and wastewater treatment facilities pursuant to procedures and rules established under the Anti-Pollution Bond Act. These grants are limited to projects for which the local government provides at least 30% of the project cost. There is an approved project compliance plan, and there is an enforceable compliance schedule prior to the grant award. The grant award will be based on eligible project cost contained in the approved compliance plan.

Section 30. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 101, Section 30 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to
the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 35. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 101, Section 35 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 40. The sum of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 101, Section 40 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Hazardous Waste Fund for use pursuant to Section 22.2 of the Environmental Protection Act.

Section 45. The sum of $1,082,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 101, Section 45 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants and contracts for public drinking water infrastructure, including design and construction, where private drinking water wells have been contaminated by a hazardous substance.

Section 50. The sum of $180,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 55. The sum of $133,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made in Article 24, Section 200 of Public Act 93-842, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater
treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 60. The sum of $249,859,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 24, Section 200 of Public Act 93-842, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 65. The sum of $63,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged program.

Section 70. The sum of $43,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made in Article 24, Section 205 of Public Act 93-842, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 75. The sum of $133,016,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2005, from reappropriations heretofore made in Article 24, Section 205 of Public Act 93-842, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the
Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Total, Article 107 $907,462,600

ARTICLE 108
HISTORIC PRESERVATION AGENCY

Section 5. The sum of $1,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2005, from appropriations heretofore made in Article 102, Section 5 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for a grant to the Lake County Forest Preserve District for planning, construction and renovation of the Adlai Stevenson Home State Historic Site.

Section 10. The sum of $437,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 102, Section 10 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for costs associated with the acquisition or improvements of Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark Boundary.

Section 15. The sum of $460,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 102, Section 15 of Public Act 93-0842, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for support facilities, acquisition or improvements for Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark Boundary.

Total, Article 108 $1,897,800

ARTICLE 109
ILLINOIS FINANCE AUTHORITY

Section 10. The sum of $5,500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 103, Section 5 of Public Act 93-0842, is reappropriated from the Build Illinois Bond Fund to the Illinois Finance Authority for deposit into the Fire Truck Revolving Loan Fund for the purpose of making loans to fire departments, fire protection districts, and township fire departments as successor in interest.

New matter indicated by italics - deletions by strikeout
to the Illinois Rural Bond Bank, pursuant to Section 845-75 of Public Act 93-0205.

Section 15. The sum of $9,025,632, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 103, Section 10 of Public Act 93-0842, is reappropriated from the Fire Truck Revolving Loan Fund to the Illinois Finance Authority for loans to fire departments, fire protection districts, and township fire departments as successor in interest to the Illinois Rural Bond Bank, pursuant to Section 845-75 of Public Act 93-0205.

Total, Article 109 $14,525,632

ARTICLE 110
MEDICAL DISTRICT COMMISSION

Section 5. The sum of $10,768, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 104, Section 5 of Public Act 93-842, is reappropriated from the Capital Development Fund to the Illinois Medical District Commission for acquisition of property, demolition and site improvements, and related costs within the Medical Center District, City of Chicago for Phase III and IV of District Development Initiative.

Section 10. The sum of $149,012, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made in Article 104, Section 10 of Public Act 93-842, is reappropriated from the Capital Development Fund to the Illinois Medical District Commission for acquisition of property, demolition and site improvements, and related costs within the Medical Center District, City of Chicago for Phase IV of District Development Initiative.

Section 20. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Sections 10 and 15 of this Article until the purposes and amounts have been approved in writing by the Governor.

Total, Article 110 $159,780

ARTICLE 111
EASTERN ILLINOIS UNIVERSITY

Section 5. The sum of $9,422, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purpose in Article
106, Section 10 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University for digitalization infrastructure for WEIU-TV, in addition to amounts previously appropriated for such purpose for this fiscal year. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 10. The sum of $5,430,384, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made for such purpose in Article 106, Section 15 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment for the renovation and expansion of the Fine Arts Center. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purpose and amounts have been approved in writing by the Governor.

Section 15. The sum of $404,157, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 106, Section 20 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment for the renovation and expansion of Booth Library. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 111 $5,843,963

ARTICLE 112
NORTHEASTERN ILLINOIS UNIVERSITY

Section 5. The sum of $2,071,805, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 107, Section 5 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Board of Trustees of Northeastern Illinois University to purchase equipment and remodel buildings A, B and E. This appropriation is in addition to any funds previously appropriated.

Total, Article 112 $2,071,805

ARTICLE 113
NORTHERN ILLINOIS UNIVERSITY

New matter indicated by italics - deletions by strikeout
Section 5. The sum of $523,827, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for that purpose in Article 108, Section 5 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for technology infrastructure improvements at Northern Illinois University. No contract shall be entered into or obligation incurred for any expenditures from the reappropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 10. The sum of $43,366, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for that purpose in Article 108, Section 10 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for purchasing Engineering Building equipment.

Total, Article 113

$567,193

ARTICLE 114
SOUTHERN ILLINOIS UNIVERSITY

Section 5. The amount of $28,497, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 109, Section 10 of Public Act 93-0842, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

Section 10. The sum of $800,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 109, Section 20 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Board of Trustees of Southern Illinois University at Carbondale to purchase equipment for Altgeld Hall and the Old Baptist Foundation Building. This appropriation is in addition to any funds previously appropriated.

Total, Article 114

$828,497

ARTICLE 115
UNIVERSITY OF ILLINOIS

Section 5. The sum of $10,599,574, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 110, Section 10 of Public Act 93-0842, as amended, is reappropriated from the Capital
Development Fund to the Board of Trustees of the University of Illinois for all costs associated with the space needs of the Department of Natural Resources, Illinois Natural History Survey Division and State Water Survey Division on the campus of the University of Illinois in Champaign, including construction, capital facilities, planning, relocation, renovation and rehabilitation, mechanical systems, materials, services and all other costs required to complete the work.

Section 10. The sum of $3,775,922, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 110, Section 15 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to plan and construct an Education and Research facility for the College of Medicine in Chicago, including planning, land acquisition, demolition, construction, remodeling, landscaping, site improvements, equipment, extension or modification of campus utility systems, relocation of programs, and such expenses as may be necessary to complete the facility. This appropriation is in addition to any other funds appropriated for this purpose for this fiscal year.

Section 15. The sum of $688,089, or so much thereof as may be necessary and remains unexpended on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 110, Section 25 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 20. The sum of $814,444, or so much thereof as may be necessary and remains unexpended on June 30, 2005, from an appropriation heretofore made for such purpose in Article 110, Section 30 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 25. The sum of $431,068, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made in Article 110, Section 35 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to plan and construct a Classroom and Office Building at the Springfield Campus and related utility systems, including planning, land acquisition, demolition, construction, remodeling, landscaping, site improvements, equipment,
extension or modification of campus utility systems, and such expenses as may be necessary to complete the facility. This appropriation is in addition to any other funds appropriated for this purpose for this fiscal year.

Section 30. The sum of $2,949,074, or so much thereof as may be necessary and remains unexpended on June 30, 2005, from an appropriation heretofore made for such purpose in Article 110, Section 45 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the University of Illinois at Springfield for constructing a classroom and office building, in addition to funds previously appropriated.

Total, Article 115 $19,258,171

ARTICLE 116
ILLINOIS COMMUNITY COLLEGE BOARD

Section 5. The sum of $2,019,599, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purpose in Article 111, Section 15 of Public Act 93-0842, as amended, is reappropriated from the Build Illinois Bond Fund for the Illinois Community College Board for remodeling of facilities for compliance with the Americans with Disabilities Act. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Total, Article 116 $2,019,599

ARTICLE 117
STATE BOARD OF ELECTIONS

Section 5. The sum of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from an appropriation heretofore made for such purpose in Article 22, Section 15 of Public Act 93-0842, is reappropriated from the Capital Development Fund to the State Board of Elections for grants to local governments for the purchase of handicapped accessible polling machines.

Total, Article 117 $5,000,000

ARTICLE 118
OFFICE OF THE ARCHITECT OF THE CAPITOL

Section 5. The amount of $3,883, or so much of this amount as may be necessary and remains unexpended on June 30, 2005, from a reappropriation heretofore made for such purpose in Section 70 of Article 39 of Public Act 93-842, is reappropriated from the Capital Development Fund to the Office of the Architect of the Capitol for plans, specifications,
and continuation of work pursuant to the report and recommendations of the architectural, structural, and mechanical surveys of the State Capitol Building. This is for the continuation of the rehabilitation of the Capitol Building.

Section 10. The sum of $603,165, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2005, from a reappropriation heretofore made for such purposes in Section 75 of Article 39 of Public Act 93-842, is reappropriated from the Capital Development Fund to the Office of the Architect of the Capitol for remodeling, planning, relocation, permanent equipment, and other related expenses, including architectural and engineering fees associated with construction, for the remodeling of office space and other support areas under the jurisdiction of the House of Representatives and the Senate.

ARTICLE 119

Section 5. The sum of $375,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of making grants and loans to local governments for planning, engineering, acquisition, construction, reconstruction, development, improvement and extension of the public infrastructure, and for any other purposes authorized in subsection (a) of Section 4 of the Build Illinois Bond Act and for grants to State agencies for such purposes.

Section 10. The sum of $50,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Economic Opportunity for the purpose of fostering economic development and increased employment and the well being of the citizens of Illinois, and for any other purposes authorized in subsection (b) of Section 4 of the Build Illinois Bond Act and for grants to State agencies for such purposes.

Section 15. The sum of $125,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the development and improvement of educational, scientific, technical and vocational programs and facilities and the expansion of health and human services, and for any other purposes authorized in subsection (c) of Section 4 of the Build Illinois Bond Act and for grants to State agencies for such purposes.

Section 20. The sum of $70,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the development

New matter indicated by italics - deletions by strikeout
and improvement of educational, scientific, technical and vocational programs and facilities and the expansion of health and human services, and for any other purposes authorized in subsection (c) of Section 4 of the Build Illinois Bond Act and for grants to State agencies for such purposes.

Section 25. The sum of $25,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for the protection, preservation, restoration and conservation of environmental and natural resources, for deposits into the Water Revolving Fund, and for any other purposes authorized in subsection (d) of Section 4 of the Build Illinois Bond Act and for grants to State agencies for such purposes.

Section 30. The sum of $18,000,000, or so much thereof as may be necessary, is appropriated from the School Construction Fund to the Capital Development Board for grants to school districts for school improvement projects authorized by the School Construction Law.

Section 35. The sum of $130,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for educational purposes by State universities and colleges, the Illinois Community College Board created by the Public Community College Act and for grants to public community colleges as authorized by Sections 5-11 and 5-12 of the Public Community College Act as authorized by subsection (a) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 40. The sum of $85,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for correctional purposes at State prison and correctional centers as authorized by subsection (b) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 45. The sum of $30,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for open nothing, recreational and conservation purposes and the protection of land and for deposits into the Conservation 2000 Fund as authorized by subsection (c) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 50. The sum of $30,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for open nothing,
Public Act 94-0015

Recreational and conservation purposes and the protection of land and for deposits into the Conservation 2000 Fund as authorized by subsection (c) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 55. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for child care facilities, mental and public health facilities, and facilities for the care of disabled veterans and their spouses as authorized by subsection (d) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 60. The sum of $200,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for use by the State, its departments, authorities, public corporations, commissions and agencies as authorized by subsection (e) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 65. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for water resource management projects as authorized by subsection (g) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 70. The sum of $475,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for water resource management projects as authorized by subsection (g) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 75. The sum of $60,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for grants to local governments for the acquisition, financing, architectural planning, development, alteration, installation, and construction of capital facilities consisting of buildings, structures, durable equipment, and land as authorized by subsection (l) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 80. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for grants to local governments for the acquisition, financing, architectural planning, development, alteration, installation, and construction of capital facilities consisting of buildings,
structures, durable equipment, and land as authorized by subsection (l) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 85. The sum of $25,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for the Illinois Open Land Trust Program as defined by the Illinois Open Land Trust Act as authorized by subsection (m) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 90. The sum of $58,000,000 is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Economic Opportunity for grants to units of government, educational facilities and not-for-profit organizations for education and training, infrastructure improvements and other capital projects including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development programs, community service programs, public health programs, public safety programs, other programs and activities, and for grants to other State agencies for any capital or operating purposes.

Section 95. The sum of $110,000,000, or so much thereof as may be necessary is appropriated from the Transportation Bond Series B fund to the Department of Transportation for construction costs, making grants and providing project assistance to municipalities, special transportation districts, private non-profit carriers, mass transportation carriers and the Intercity rail program for the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities, including rapid transit, intercity rail, bus and other equipment used in connection therewith, as provided by law, pursuant to Section 4 (b)(1) of the General Obligation Bond Act, as amended.

Section 96. No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in this Article until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 120

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the State Employees' Retirement System:

FOR OPERATIONS

New matter indicated by italics - deletions by strikeout
FOR THE SOCIAL SECURITY ENABLING ACT

For Personal Services............................ 42,800
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to the State
   Employees' Retirement System............... 3,300
For State Contributions to
   Social Security............................... 3,300
For Contractual Services....................... 19,350
For Travel....................................... 1,100
For Commodities.................................. 200
For Printing....................................... 0
For Equipment..................................... 0
For Electronic Data Processing.................. 0
For Telecommunications Services.............. 400
Total                                       $70,450

CENTRAL OFFICE

For Employee Retirement Contributions
   Paid by Employer for Prior Fiscal Year:
      Payable from General Revenue Fund........ 150,000

Section 10. The sum of $0, minus the amount transferred to the State Employees' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Employees' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 15. The sum of $29,189,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the Judges' Retirement System for the State's Contribution, as provided by law.

Section 20. The sum of $0, minus the amount transferred to the Judges' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Judges' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 25. The sum of $4,157,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of
Trustees of the General Assembly Retirement System for the State's Contribution, as provided by law.

Section 30. The sum of $0, minus the amount transferred to the General Assembly Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the General Assembly Retirement System, pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

ARTICLE 999

Section 1. Effective date. This Act takes effect on July 1, 2005, except that Articles 1 through 10 and Article 999 take effect upon becoming law.

Approved June 10, 2005.
Effective June 10, 2005 and July 1, 2005.

PUBLIC ACT 94-0016
(House Bill No. 0992)

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

Section 5. The Unified Code of Corrections is amended by changing Section 5-4-3 as follows:

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)
Sec. 5-4-3. Persons convicted of, or found delinquent for, certain offenses or institutionalized as sexually dangerous; specimens; genetic marker groups.
(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, convicted or found guilty of any offense classified as a felony under Illinois law, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of

New matter indicated by italics - deletions by strikeout
State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after July 1, 1990 and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense;

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after January 1, 1997;

(2) ordered institutionalized as a sexually dangerous person on or after July 1, 1990;

(3) convicted of a qualifying offense or attempt of a qualifying offense before July 1, 1990 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction;

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after August 22, 2002;

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense;

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of Corrections and the Interstate Compact for Adult Offender Supervision or the Interstate Agreements on Sexually Dangerous Persons Act.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after August 22, 2002 shall be required to submit a specimen of blood, saliva, or tissue prior to his or her final discharge or release on parole or
mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

Notwithstanding other provisions of this Section, any person sentenced to life imprisonment in a facility of the Illinois Department of Corrections after the effective date of this amendatory Act of the 94th General Assembly or sentenced to death after the effective date of this amendatory Act of the 94th General Assembly shall be required to provide a specimen of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police. Any person serving a sentence of life imprisonment in a facility of the Illinois Department of Corrections on the effective date of this amendatory Act of the 94th General Assembly or any person who is under a sentence of death on the effective date of this amendatory Act of the 94th General Assembly shall be required to provide a specimen of blood, saliva, or tissue upon request at a collection site designated by the Illinois Department of State Police.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.
(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known samples.

(d-6) Agencies designated by the Illinois Department of State Police and the Illinois Department of State Police may contract with third parties to provide for the collection or analysis of DNA, or both, of an offender's blood, saliva, and tissue samples.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to
peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies, and to defense counsel as provided by Section 116-5 of the Code of Criminal Procedure of 1963. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database, (ii) technology validation purposes, (iii) a population statistics database, (iv) quality assurance purposes if personally identifying information is removed, (v) assisting in the defense of the criminally accused pursuant to Section 116-5 of the Code of Criminal Procedure of 1963, or (vi) identifying and assisting in the prosecution of a person who is suspected of committing a sexual assault as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State database, which may be uploaded into a national database, and which information may be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than $5,000.
(f-6) The Illinois Department of State Police may contract with third parties for the purposes of implementing this amendatory Act of the 93rd General Assembly. Any other party contracting to carry out the functions of this Section shall be subject to the same restrictions and requirements of this Section insofar as applicable, as the Illinois Department of State Police, and to any additional restrictions imposed by the Illinois Department of State Police.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the Criminal Code of 1961;
(1.1) any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001;
(2) any former statute of this State which defined a felony sexual offense;
(3) (blank);
(4) any inchoate violation of Section 9-3.1, 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961; or
(5) any violation or inchoate violation of Article 29D of the Criminal Code of 1961.

(g-5) (Blank).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) (1) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or tissue specimen is a Class A misdemeanor.

(2) In the event that a person's DNA sample is not adequate for any reason, the person shall provide another DNA sample for analysis. Duly authorized law enforcement and corrections personnel may employ reasonable force in cases in which an
individual refuses to provide a DNA sample required under this Act.

(j) Any person required by subsection (a) to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of $200. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to incarcerate the person.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

New matter indicated by italics - deletions by strikeout
(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(m) If any provision of this amendatory Act of the 93rd General Assembly is held unconstitutional or otherwise invalid, the remainder of this amendatory Act of the 93rd General Assembly is not affected.

(Source: P.A. 92-16, eff. 6-28-01; 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff. 6-28-02; 92-829, eff. 8-22-02; 92-854, eff. 12-5-02; 93-216, eff. 1-1-04; 93-605, eff. 11-19-03; 93-781, eff. 1-1-05.)

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

Passed in the General Assembly May 11, 2005
Approved June 13, 2005
Effective June 13, 2005

PUBLIC ACT 94-0017
(House Bill No. 0197)

AN ACT concerning insurance.

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

Section 5. The Comprehensive Health Insurance Plan Act is amended by changing Section 7 as follows:

(215 ILCS 105/7) (from Ch. 73, par. 1307)

Sec. 7. Eligibility.

a. Except as provided in subsection (e) of this Section or in Section 15 of this Act, any person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and who has been for a period of at least 180 days and continues to be a resident of this State shall be eligible for Plan coverage under this Section if evidence is provided of:

New matter indicated by italics - deletions by strikeout
(1) A notice of rejection or refusal to issue substantially similar individual health insurance coverage for health reasons by a health insurance issuer; or

(2) A refusal by a health insurance issuer to issue individual health insurance coverage except at a rate exceeding the applicable Plan rate for which the person is responsible.

A rejection or refusal by a group health plan or health insurance issuer offering only stop-loss or excess of loss insurance or contracts, agreements, or other arrangements for reinsurance coverage with respect to the applicant shall not be sufficient evidence under this subsection.

b. The board shall promulgate a list of medical or health conditions for which a person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and a resident of this State would be eligible for Plan coverage without applying for health insurance coverage pursuant to subsection a. of this Section. Persons who can demonstrate the existence or history of any medical or health conditions on the list promulgated by the board shall not be required to provide the evidence specified in subsection a. of this Section. The list shall be effective on the first day of the operation of the Plan and may be amended from time to time as appropriate.

c. Family members of the same household who each are covered persons are eligible for optional family coverage under the Plan.

d. For persons qualifying for coverage in accordance with Section 7 of this Act, the board shall, if it determines that such appropriations as are made pursuant to Section 12 of this Act are insufficient to allow the board to accept all of the eligible persons which it projects will apply for enrollment under the Plan, limit or close enrollment to ensure that the Plan is not over-subscribed and that it has sufficient resources to meet its obligations to existing enrollees. The board shall not limit or close enrollment for federally eligible individuals.

e. A person shall not be eligible for coverage under the Plan if:

(1) He or she has or obtains other coverage under a group health plan or health insurance coverage substantially similar to or better than a Plan policy as an insured or covered dependent or would be eligible to have that coverage if he or she elected to obtain it. Persons otherwise eligible for Plan coverage may, however, solely for the purpose of having coverage for a pre-existing condition, maintain other coverage only while satisfying

New matter indicated by italics - deletions by strikeout
any pre-existing condition waiting period under a Plan policy or a subsequent replacement policy of a Plan policy.

(1.1) His or her prior coverage under a group health plan or health insurance coverage, provided or arranged by an employer of more than 10 employees was discontinued for any reason without the entire group or plan being discontinued and not replaced, provided he or she remains an employee, or dependent thereof, of the same employer.

(2) He or she is a recipient of or is approved to receive medical assistance, except that a person may continue to receive medical assistance through the medical assistance no grant program, but only while satisfying the requirements for a preexisting condition under Section 8, subsection f. of this Act. Payment of premiums pursuant to this Act shall be allocable to the person's spenddown for purposes of the medical assistance no grant program, but that person shall not be eligible for any Plan benefits while that person remains eligible for medical assistance. If the person continues to receive or be approved to receive medical assistance through the medical assistance no grant program at or after the time that requirements for a preexisting condition are satisfied, the person shall not be eligible for coverage under the Plan. In that circumstance, coverage under the plan shall terminate as of the expiration of the preexisting condition limitation period. Under all other circumstances, coverage under the Plan shall automatically terminate as of the effective date of any medical assistance.

(3) Except as provided in Section 15, the person has previously participated in the Plan and voluntarily terminated Plan coverage, unless 12 months have elapsed since the person's latest voluntary termination of coverage.

(4) The person fails to pay the required premium under the covered person's terms of enrollment and participation, in which event the liability of the Plan shall be limited to benefits incurred under the Plan for the time period for which premiums had been paid and the covered person remained eligible for Plan coverage.

(5) The Plan has paid a total of $1,000,000 in benefits on behalf of the covered person.

(6) The person is a resident of a public institution.

New matter indicated by Italics - deletions by strikeout
(7) The person's premium is paid for or reimbursed under any government sponsored program or by any government agency or health care provider, except as an otherwise qualifying full-time employee, or dependent of such employee, of a government agency or health care provider or, except when a person's premium is paid by the U.S. Treasury Department pursuant to the federal Trade Act of 2002.

(8) The person has or later receives other benefits or funds from any settlement, judgement, or award resulting from any accident or injury, regardless of the date of the accident or injury, or any other circumstances creating a legal liability for damages due that person by a third party, whether the settlement, judgment, or award is in the form of a contract, agreement, or trust on behalf of a minor or otherwise and whether the settlement, judgment, or award is payable to the person, his or her dependent, estate, personal representative, or guardian in a lump sum or over time, so long as there continues to be benefits or assets remaining from those sources in an amount in excess of $300,000.

(9) Within the 5 years prior to the date a person's Plan application is received by the Board, the person's coverage under any health care benefit program as defined in 18 U.S.C. 24, including any public or private plan or contract under which any medical benefit, item, or service is provided, was terminated as a result of any act or practice that constitutes fraud under State or federal law or as a result of an intentional misrepresentation of material fact; or if that person knowingly and willfully obtained or attempted to obtain, or fraudulently aided or attempted to aid any other person in obtaining, any coverage or benefits under the Plan to which that person was not entitled.

f. The board or the administrator shall require verification of residency and may require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy.

g. Coverage shall cease (i) on the date a person is no longer a resident of Illinois, (ii) on the date a person requests coverage to end, (iii) upon the death of the covered person, (iv) on the date State law requires cancellation of the policy, or (v) at the Plan's option, 30 days after the Plan makes any inquiry concerning a person's eligibility or place of residence to which the person does not reply.

New matter indicated by italics - deletions by strikeout
h. Except under the conditions set forth in subsection g of this Section, the coverage of any person who ceases to meet the eligibility requirements of this Section shall be terminated at the end of the current policy period for which the necessary premiums have been paid.
(Source: P.A. 93-33, eff. 6-23-03; 93-34, eff. 6-23-03.)

Passed in the General Assembly May 11, 2005.
Approved June 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0018
(House Bill No. 0203)

AN ACT concerning elections.

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

Section 5. The Election Code is amended by changing Section 19-13 as follows:

(10 ILCS 5/19-13) (from Ch. 46, par. 19-13)

Sec. 19-13. Any qualified voter who has been admitted to a hospital, nursing home, or rehabilitation center due to an illness or physical injury not more than 5 days before an election shall be entitled to personal delivery of an absentee ballot in the hospital, nursing home, or rehabilitation center subject to the following conditions:

(1) The voter completes the Application for Physically Incapacitated Elector as provided in Section 19-3, stating as reasons therein that he is a patient in ............... (name of hospital/home/center), ............... located at, ............... (address of hospital/home/center), ............... (county, city/village), was admitted hospitalized for ............... (nature of illness or physical injury), on ............... (date of admission), and does not expect to be released from the hospital/home/center on or before the day of election.

(2) The voter's physician completes a Certificate of Attending Physician in a form substantially as follows:

CERTIFICATE OF ATTENDING PHYSICIAN

I state that I am a physician, duly licensed to practice in the State of ...............; that ............... is a patient in ............... (name of hospital/home/center), located at ............... (address of hospital/home/center), ............... (county, city/village); that such individual was admitted hospitalized for ............... (nature of illness or physical injury), on ............... (date of admission); and

New matter indicated by italics - deletions by strikeout
that I have examined such individual in the State in which I am licensed to practice medicine and do not expect such individual to be released from the hospital/home/center on or before the day of election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

(Signature) ................
(Date licensed) ............

(3) Any person who is registered to vote in the same precinct as the admitted hospitalized voter or any legal relative of the admitted hospitalized voter may present such voter's absentee ballot application, completed as prescribed in paragraph 1, accompanied by the physician's certificate, completed as prescribed in paragraph 2, to the election authority. Such precinct voter or relative shall execute and sign an affidavit furnished by the election authority attesting that he is a registered voter in the same precinct as the admitted hospitalized voter or that he is a legal relative of the admitted hospitalized voter and stating the nature of the relationship. Such precinct voter or relative shall further attest that he has been authorized by the admitted hospitalized voter to obtain his absentee ballot from the election authority and deliver such ballot to him in the hospital, home, or center.

Upon receipt of the admitted hospitalized voter's application, physician's certificate, and the affidavit of the precinct voter or the relative, the election authority shall examine the registration records to determine if the applicant is qualified to vote and, if found to be qualified, shall provide the precinct voter or the relative the absentee ballot for delivery to the applicant in the hospital, home, or center.

Upon receipt of the absentee ballot, the admitted hospitalized voter shall mark the ballot in secret and subscribe to the certifications on the absentee ballot return envelope. After depositing the ballot in the return envelope and securely sealing the envelope, such voter shall give the envelope to the precinct voter or the relative who shall deliver it to the election authority in sufficient time for the ballot to be delivered by the election authority to the proper precinct polling place before 7 p.m. on election day.

Upon receipt of the admitted hospitalized voter's absentee ballot, the ballot shall be counted in the manner prescribed in Section 19-9.
(Source: P.A. 84-808.)
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 11, 2005.
Approved June 14, 2005.
Effective June 14, 2005.

PUBLIC-ACT 94-0019
(House Bill No. 0828)

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

Section 5. The Mobile Home Local Services Tax Enforcement Act is amended by changing Section 60 as follows:

(35 ILCS 516/60)
Sec. 60. Times of publication of notice. The advertisement shall be published once at least 10 days before the day on which judgment is to be applied for, and shall contain a list of the delinquent mobile homes upon which the taxes or any part thereof remain due and unpaid, the names of owners, and the street and the ; common address, and mobile home park where the mobile home is sited, if known, the vehicle identification number, if known, the model year of the home, the square footage of the home; the total amount due, and the year or years for which they are due.
In counties of less than 3,000,000 inhabitants, advertisement shall include notice of the registration requirement for persons bidding at the sale.

The collector shall give notice that he or she will apply to the circuit court on a specified day for judgment against the mobile homes for the taxes, and costs, and for an order to sell the mobile homes for the satisfaction of the amount due.

The collector shall also give notice of a date within the next 5 business days after the date of application on which all the mobile homes for the sale of which an order is made will be exposed to public sale at a location within the county designated by the county collector, for the amount of taxes and cost due. The advertisement published according to the provisions of this Section shall be deemed to be sufficient notice of the intended application for judgment and of the sale of mobile homes under the order of the court.
(Source: P.A. 92-807, eff. 1-1-03.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 11, 2005.
Approved June 14, 2005.
Effective June 14, 2005.

PUBLIC ACT 94-0020
(House Bill No. 0873)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
   Section 5. The Ticket Scalping Act is amended by changing Sections 0.01, 1, and 1.5 as follows:
   (720 ILCS 375/0.01) (from Ch. 121 1/2, par. 157.30)
   Sec. 0.01. Short title. This Act may be cited as the Ticket Sale and Resale Scalping Act.
   (Source: P.A. 86-1324.)
   (720 ILCS 375/1) (from Ch. 121 1/2, par. 157.31)
   Sec. 1. Sale of tickets other than at box office prohibited; exceptions.
   (a) It is unlawful for any person, firm or corporation, owner, lessee, manager, trustee, or any of their employees or agents, owning, conducting, managing or operating any theater, circus, baseball park, place of public entertainment or amusement where tickets of admission are sold for any such places of amusement or public entertainment to sell or permit the sale, barter or exchange of such admission tickets at any other place than in the box office or on the premises of such theater, circus, baseball park, place of public entertainment or amusement, but nothing herein prevents such theater, circus, baseball park, place of public entertainment or amusement from placing any of its admission tickets for sale at any other place at the same price such admission tickets are sold by such theater, circus, baseball park or other place of public entertainment or amusement at its box office or on the premises of such places, at the same advertised price or printed rate thereof.
   (b) Any term or condition of the original sale of a ticket to any theater, circus, baseball park, or place of public entertainment or amusement where tickets of admission are sold that purports to limit the terms or conditions of resale of the ticket (including but not limited to the

New matter indicated by italics - deletions by strikeout
resale price of the ticket) is unenforceable, null, and void if the resale transaction is carried out by any of the means set forth in subsections (b), (c), (d), and (e) of Section 1.5 of this Act. This subsection shall not apply to a term or condition of the original sale of a ticket to any theater, circus, baseball park, or place of public entertainment or amusement where tickets of admission are sold that purports to limit the terms or conditions of resale of a ticket specifically designated as seating in a special section for a person with a physical disability.

(Source: Laws 1923, p. 322.)

(720 ILCS 375/1.5) (from Ch. 121 1/2, par. 157.32)

Sec. 1.5. Sale of tickets at more than face value prohibited; exceptions.

(a) Except as otherwise provided in subsections (b), (c), (d), and (e) subsection (b) of this Section and in Section 4, it is unlawful for any person, persons, firm or corporation to sell tickets for baseball games, football games, hockey games, theatre entertainments, or any other amusement for a price more than the price printed upon the face of said ticket, and the price of said ticket shall correspond with the same price shown at the box office or the office of original distribution.

(b) This Act does not apply to the resale sale of tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind for a price in excess of the printed box office ticket price by a ticket broker who meets all of the following requirements:

(1) The ticket broker is duly registered with the Office of the Secretary of State on a registration form provided by that Office. The registration must contain a certification that the ticket broker:

(A) engages in the resale of tickets on a regular and ongoing basis from one or more permanent or fixed locations located within this State;

(B) maintains as the principal business activity at those locations the resale of tickets;

(C) displays at those locations the ticket broker's registration;

(D) maintains at those locations a listing of the names and addresses of all persons employed by the ticket broker;

New matter indicated by italics - deletions by strikeout
(E) is in compliance with all applicable federal, State, and local laws relating to its ticket selling activities, and that neither the ticket broker nor any of its employees within the preceding 12 months have been convicted of a violation of this Act; and

(F) that the ticket broker meets the following requirements:

(i) the ticket broker maintains a statewide toll free number specifically dedicated for Illinois for consumer complaints and inquiries concerning ticket sales;

(ii) the ticket broker has adopted a code that advocates consumer protection that includes, at a minimum:

(a-1) consumer protection guidelines;
(b-1) a standard refund policy. In the event a refund is due, the ticket broker shall provide that refund without charge other than for reasonable delivery fees for the return of the tickets; and

(c-1) standards of professional conduct;

(iii) the ticket broker has adopted a procedure for the binding resolution of consumer complaints by an independent, disinterested third party and thereby submits to the jurisdiction of the State of Illinois; and

(iv) the ticket broker has established and maintains a consumer protection rebate fund in Illinois in an amount in excess of $100,000, at least 50% of which must be cash available for immediate disbursement for satisfaction of valid consumer complaints.

Alternatively, the ticket broker may fulfill the requirements of subparagraph (F) of this paragraph (1) subsection (b) if the ticket broker certifies that he or she belongs to a professional association organized under the laws of this State, or organized under the laws of any other state and authorized to conduct business in Illinois, that has been in existence for at least 3 years.

New matter indicated by italics - deletions by strikeout
prior to the date of that broker's registration with the Office of the Secretary of State, and is specifically dedicated, for and on behalf of its members, to provide and maintain the consumer protection requirements of subparagraph (F) of this paragraph (1) subsection (b) to maintain the integrity of the ticket brokerage industry.

(2) (Blank).

(3) The ticket broker and his employees must not engage in the practice of selling, or attempting to sell, tickets for any event while sitting or standing near the facility at which the event is to be held or is being held unless the ticket broker or his or her employees are on property they own, lease, or have permission to occupy.

(4) The ticket broker must comply with all requirements of the Retailers' Occupation Tax Act and collect and remit all other applicable federal, State and local taxes laws in connection with the ticket broker's ticket selling activities.

(5) Beginning January 1, 1996, no ticket broker shall advertise for resale any tickets within this State unless the advertisement contains the name of the ticket broker and the Illinois registration number issued by the Office of the Secretary of State under this Section.

(6) Each ticket broker registered under this Act shall pay an annual registration fee of $100.

(c) This Act does not apply to the sale of tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind for a price in excess of the printed box office ticket price by a reseller engaged in interstate or intrastate commerce on an Internet auction listing service duly registered with the Department of Financial and Professional Regulation under the Auction License Act and with the Office of the Secretary of State on a registration form provided by that Office. This subsection (c) applies to both sales through an online bid submission process and sales at a fixed price on the same website or interactive computer service as an Internet auction listing service registered with the Department of Financial and Professional Regulation.

This subsection (c) applies to resales described in this subsection only if the operator of the Internet auction listing service meets the following requirements:

New matter indicated by italics - deletions by strikeout
(1) the operator maintains a listing of the names and addresses of its corporate officers;

(2) the operator is in compliance with all applicable federal, State, and local laws relating to ticket selling activities, and the operator's officers and directors have not been convicted of a violation of this Act within the preceding 12 months;

(3) the operator maintains, either itself or through an affiliate, a toll free number dedicated for consumer complaints;

(4) the operator provides consumer protections that include at a minimum:

(A) consumer protection guidelines;

(B) a standard refund policy that guarantees to all purchasers that it will provide and in fact provides a full refund of the amount paid by the purchaser (including, but not limited to, all fees, regardless of how characterized) if the following occurs:

   (i) the ticketed event is cancelled and the purchaser returns the tickets to the seller or Internet auction listing service; however, reasonable delivery fees need not be refunded if the previously disclosed guarantee specifies that the fees will not be refunded if the event is cancelled;

   (ii) the ticket received by the purchaser does not allow the purchaser to enter the ticketed event for reasons that may include, without limitation, that the ticket is counterfeit or that the ticket has been cancelled by the issuer due to non-payment, unless the ticket is cancelled due to an act or omission by such purchaser;

   (iii) the ticket fails to conform to its description on the Internet auction listing service; or

   (iv) the ticket seller willfully fails to send the ticket or tickets to the purchaser, or the ticket seller attempted to deliver the ticket or tickets to the purchaser in the manner required by the Internet auction listing service and the purchaser failed to receive the ticket or tickets; and

(C) standards of professional conduct;

New matter indicated by italics - deletions by strikeout
(5) the operator has adopted an independent and disinterested dispute resolution procedure that allows resellers or purchasers to file complaints against the other and have those complaints mediated or resolved by a third party, and requires the resellers or purchasers to submit to the jurisdiction of the State of Illinois for complaints involving a ticketed event held in Illinois;

(6) the operator either:

   (A) complies with all applicable requirements of the Retailers' Occupation Tax Act and collects and remits all applicable federal, State, and local taxes; or

   (B) publishes a written notice on the website after the sale of one or more tickets that automatically informs the ticket reseller of the ticket reseller's potential legal obligation to pay any applicable local amusement tax in connection with the reseller's sale of tickets, and discloses to law enforcement or other government tax officials, without subpoena, the name, city, state, telephone number, e-mail address, user ID history, fraud complaints, and bidding and listing history of any specifically identified reseller or purchaser upon the receipt of a verified request from law enforcement or other government tax officials relating to a criminal investigation or alleged illegal activity; and

(7) the operator either:

   (A) has established and maintains a consumer protection rebate fund in Illinois in an amount in excess of $100,000, which must be cash available for immediate disbursement for satisfaction of valid consumer complaints; or

   (B) has obtained and maintains in force an errors and omissions insurance policy that provides at least $100,000 in coverage and proof that the policy has been filed with the Department of Financial and Professional Regulation.

(d) This Act does not apply to the resale of tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind for a price in excess of the printed box office ticket price conducted at an auction solely by or for a
not-for-profit organization for charitable purposes under clause (a)(1) of Section 10-1 of the Auction License Act.

(e) This Act does not apply to the resale of a ticket for admission to a baseball game, football game, hockey game, theatre entertainment, or any other amusement for a price more than the price printed on the face of the ticket and for more than the price of the ticket at the box office if the resale is made through an Internet website whose operator meets the following requirements:

1. the operator has a business presence and physical street address in the State of Illinois and clearly and conspicuously posts that address on the website;
2. the operator maintains a listing of the names of the operator's directors and officers, and is duly registered with the Office of the Secretary of State on a registration form provided by that Office;
3. the operator is in compliance with all applicable federal, State, and local laws relating to its ticket reselling activities regulated under this Act, and the operator's officers and directors have not been convicted of a violation of this Act within the preceding 12 months;
4. the operator maintains a toll free number specifically dedicated for consumer complaints and inquiries regarding ticket resales made through the website;
5. the operator either:
   A. has established and maintains a consumer protection rebate fund in Illinois in an amount in excess of $100,000, which must be cash available for immediate disbursement for satisfaction of valid consumer complaints;
   or
   B. has obtained and maintains in force an errors and omissions policy of insurance in the minimum amount of $100,000 for the satisfaction of valid consumer complaints;
6. the operator has adopted an independent and disinterested dispute resolution procedure that allows resellers or purchasers to file complaints against the other and have those complaints mediated or resolved by a third party, and requires the resellers or purchasers to submit to the jurisdiction of the State of Illinois for complaints involving a ticketed event held in Illinois;

New matter indicated by italics - deletions by strikeout
(7) the operator either:
   (A) complies with all applicable requirements of the Retailers' Occupation Tax Act and collects and remits all applicable federal, State, and local taxes; or
   (B) publishes a written notice on the website after the sale of one or more tickets that automatically informs the ticket reseller of the ticket reseller's potential legal obligation to pay any applicable local amusement tax in connection with the reseller's sale of tickets, and discloses to law enforcement or other government tax officials, without subpoena, the name, city, state, telephone number, e-mail address, user ID history, fraud complaints, and bidding and listing history of any specifically identified reseller or purchaser upon the receipt of a verified request from law enforcement or other government tax officials relating to a criminal investigation or alleged illegal activity; and

(8) the operator guarantees to all purchasers that it will provide and in fact provides a full refund of the amount paid by the purchaser (including, but not limited to, all fees, regardless of how characterized) if any of the following occurs:
   (A) the ticketed event is cancelled and the purchaser returns the tickets to the website operator; however, reasonable delivery fees need not be refunded if the previously disclosed guarantee specifies that the fees will not be refunded if the event is cancelled;
   (B) the ticket received by the purchaser does not allow the purchaser to enter the ticketed event for reasons that may include, without limitation, that the ticket is counterfeit or that the ticket has been cancelled by the issuer due to non-payment, unless the ticket is cancelled due to an act or omission by the purchaser;
   (C) the ticket fails to conform to its description on the website; or
   (D) the ticket seller willfully fails to send the ticket or tickets to the purchaser, or the ticket seller attempted to deliver the ticket or tickets to the purchaser in the manner required by the website operator and the purchaser failed to receive the ticket or tickets.
Nothing in this subsection (e) shall be deemed to imply any limitation on ticket sales made in accordance with subsections (b), (c), and (d) of this Section or any limitation on sales made in accordance with Section 4.

(f) The provisions of subsections (b), (c), (d), and (e) of this Section apply only to the resale of a ticket after the initial sale of that ticket. No reseller of a ticket may refuse to sell tickets to another ticket reseller solely on the basis that the purchaser is a ticket reseller or ticket broker authorized to resell tickets pursuant to this Act.

(g) The provisions of Public Act 89-406 this amendatory Act of 1995 are severable under Section 1.31 of the Statute on Statutes.

(h) The provisions of this amendatory Act of the 94th General Assembly are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 89-406, eff. 11-15-95.)

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

Passed in the General Assembly May 20, 2005.
Approved June 14, 2005.
Effective June 14, 2005.

PUBLIC ACT 94-0021
(House Bill No. 1005)

AN ACT concerning regulation.

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

Section 5. The Board and Care Home Registration Act is amended by changing Sections 2 and 3 and by adding Sections 6 and 7 as follows:

(225 ILCS 7/2)

Sec. 2. Definitions. In this Act:
"Board and care homes" or "facility" means a publicly or privately operated residence that has fewer than 12 adults who are unrelated to the resident manager.

"Department" means the Department of Public Health Department on Aging.

(Source: P.A. 89-387, eff. 8-20-95.)

(225 ILCS 7/3)

Sec. 3. Registration.
(a) Every board and care home located in this State shall register with the Department. Registration shall be in the form prescribed by the Department and shall include the following:

(1) The name, address, and telephone number of the facility.

(2) The name, address, and telephone number of the owner of the facility.

(3) The number of residents of the facility.

(4) A registration fee, as determined, by the Department.

(b) Every registration issued under this Act shall be valid for 2 years. Upon renewal, the facility must re-apply and meet the registration requirements under this Section.

(c) The Department shall promulgate rules to protect the rights and safety of the residents and to enforce the provisions of this Act.

(d) No public official, agent, or employee may place any person in, or recommend that any person be placed in, or directly or indirectly cause any person to be placed in any board and care home that is not registered.

(e) No public official, agent, or employee may place the name of an unregistered establishment that is required to be registered under this Act on a list of programs.

(f) Failure of a board and care home to comply with the provisions of this Section is punishable by a fine of up to $1,000.

(g) Failure of a board and care home to comply with the provisions of this Section within 90 days after the initial finding of noncompliance is punishable by a fine of $1,000 on each day the provisions of this Section are not complied with.

(Source: P.A. 89-387, eff. 8-20-95.)

(225 ILCS 7/6 new)

Sec. 6. Transfer of authority. The authority granted to the Department on Aging by this Act is hereby transferred to the Department of Public Health by this amendatory Act of the 94th General Assembly. For the purposes of Section 9b of the State Finance Act, the Department of Public Health is the successor to the Department on Aging with respect to all matters under this Act. The Department on Aging shall forthwith transfer all property and records relating to matters under this Act to the Department of Public Health.

(225 ILCS 7/7 new)

Sec. 7. Assisted Living and Shared Housing Regulatory Fund. All registration fees and fines collected pursuant to the provisions of this Act...
shall be deposited into the Assisted Living and Shared Housing Regulatory Fund. Subject to appropriation, moneys deposited into the Fund shall be used for the administration of this Act and the Assisted Living and Shared Housing Act.

Section 10. The Assisted Living and Shared Housing Act is amended by changing Section 160 as follows:

(210 ILCS 9/160)

Sec. 160. Assisted Living and Shared Housing Regulatory Fund. There is created in the State treasury a special fund to be known as the Assisted Living and Shared Housing Regulatory Fund. All moneys received by the Department under this Act and the Board and Care Home Registration Act shall be deposited into the Fund. Subject to appropriation, moneys in the Fund shall be used for the administration of this Act and the Board and Care Home Registration Act. Interest earned on moneys in the Fund shall be deposited into the Fund.

(Source: P.A. 91-656, eff. 1-1-01.)

Passed in the General Assembly May 11, 2005.
Approved June 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0022
(House Bill No. 1079)

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

Section 5. The Code of Civil Procedure is amended by adding Section 8-803.5 as follows:

(735 ILCS 5/8-803.5 new)

Sec. 8-803.5. Union agent and union member.

(a) Except when required in subsection (b) of this Section, a union agent, during the agency or representative relationship or after termination of the agency or representative relationship with the bargaining unit member, shall not be compelled to disclose, in any court or to any administrative board or agency arbitration or proceeding, whether civil or criminal, any information he or she may have acquired in attending to his or her professional duties or while acting in his or her representative capacity.

New matter indicated by italics - deletions by strikeout
(b) A union agent may use or reveal information obtained during the course of fulfilling his or her professional representative duties:

(1) to the extent it appears necessary to prevent the commission of a crime that is likely to result in a clear, imminent risk of serious physical injury or death of another person;

(2) in actions, civil or criminal, against the union agent in his or her personal or official representative capacity, or against the local union or subordinate body thereof or international union or affiliated or subordinate body thereof or any agent thereof in their personal or official representative capacities;

(3) when required by court order; or

(4) when, after full disclosure has been provided, the written or oral consent of the bargaining unit member has been obtained or, if the bargaining unit member is deceased or has been adjudged incompetent by a court of competent jurisdiction, the written or oral consent of the bargaining unit member's estate.

(c) In the event of a conflict between the application of this Section and any federal or State labor law to a specific situation, the provisions of the federal or State labor law shall control.

Passed in the General Assembly May 18, 2005.
Approved June 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0023
(House Bill No. 1157)

AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by changing Section 2-3-5a as follows:

(65 ILCS 5/2-3-5a) (from Ch. 24, par. 2-3-5a)
Sec. 2-3-5a. Incorporation of village.

(a) Whenever in any county of 150,000 or more population as determined by the last preceding federal census any area of contiguous territory contains at least 4 square miles and 2500 inhabitants residing in permanent dwellings, that area may be incorporated as a village if a petition filed by 250 electors residing within that area is filed with the
circuit clerk of the county in which such area is located addressed to the circuit court for that county. The petition must set forth:

(1) a legal description of the area intended to be included in the proposed village,
(2) the number of residents in that area,
(3) the name of the proposed village, and
(4) a prayer that the question of the incorporation of the area as a village be submitted to the electors residing within the limits of the proposed village.

If the area contains fewer than 7,500 residents and lies within 1 1/2 miles of the limits of any existing municipality, the consent of that municipality must be obtained before the area may be incorporated.

(b) If, in a county having more than 240,000 but fewer than 400,000 inhabitants as determined by the last preceding federal census, an area of contiguous territory contains at least 3 square miles and 5,000 inhabitants residing in permanent dwellings, that area may be incorporated as a village in the same manner as is provided in subsection (a). The consent of a municipality need not be obtained.

(c) If, in a county having more than 316,000 but fewer than 318,000 inhabitants as determined by the last preceding federal census, an area of contiguous territory that does not exceed one square mile and between 1000 and 1500 inhabitants residing in permanent dwellings, and is located within 10 miles of a county with a population of less than 150,000 as determined by the last preceding federal census, that area may be incorporated as a village in the same manner as is provided in subsection (a). The consent of a municipality need not be obtained.

(d) If, in a county having more than 400,000 but fewer than 410,000 inhabitants, as determined by the last preceding federal census, an area of contiguous territory not exceeding one square mile contains at least 400 inhabitants residing in permanent dwellings and is located in a township adjacent to a county of less than 150,000 inhabitants, as determined by the last preceding federal census, then that area and the area adjacent thereto and also within such township, not exceeding, however, 4 square miles in total, may be incorporated as a village in the same manner as provided in subsection (a). Neither the consent of a municipality nor the finding of the county board under Section 2-3-18, if otherwise applicable, need be obtained.

(Source: P.A. 91-680, eff. 6-1-00.)
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 11, 2005.
Approved June 14, 2005.
Effective June 14, 2005.

PUBLIC ACT 94-0024
(House Bill No. 1310)

AN ACT concerning local government.

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

Section 5. The Public Graveyards Act is amended by changing Section 1 as follows:

(50 ILCS 610/1) (from Ch. 21, par. 13)

Sec. 1. (a) Public graveyards in this State, not under the control of any corporation sole, organization or society, and located within the limits of townships or counties not under township organization, shall and may be controlled or vacated by the corporate authorities of such township or county in such manner as such authorities may deem proper, and in the case of townships, such control may be vested in 3 trustees. If a township board has vested control of a public graveyard in 3 trustees in accordance with this Section, it may, by resolution, divest the trustees of control of the public graveyard and assume control of the public graveyard.

(b) Vacancies created by the expiration occurring at any time after the effective date of the amendatory Act of the Seventy-eighth General Assembly and after this amendatory Act of the 83rd General Assembly of the terms of cemetery trustees of a township (except a township coterminous with a municipality) or of a county not under township organization elected under this Act shall be filled only by appointment. Such appointment shall be made by the county board of any county not under township organization or by the Township Board of Trustees in counties under township organization, as the case may be, for a term of 6 years. Until the effective date of this amendatory Act of 1983, in a township coterminous with a municipality, cemetery trustees shall continue to be elected by ballot, with one trustee elected in each odd-numbered year, in accordance with the provisions of the general election law, for a term of 6 years and until their respective successors are elected and qualified. After the effective date of this amendatory Act of 1983, in a

New matter indicated by italics - deletions by strikeout
township coterminous with a municipality, cemetery trustees shall be appointed by the governing authority of the municipality with one trustee appointed in each odd-numbered year for a term of 6 years and until his or her respective successors are appointed and qualified.

Such trustees may be paid such compensation, not to exceed $500 per year, as may be fixed by the Township Board of Trustees.

(c) Not more than one of the trustees shall be from any one city or village or incorporated town or section of land within such township unless such city, village, incorporated town or section of land shall have more than 50% of the population of the township according to the last preceding Federal census in which are included 2 or more cities, villages, incorporated towns or sections of land.

(Source: P.A. 83-712.)

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

Passed in the General Assembly May 11, 2005.
Approved June 14, 2005.
Effective June 14, 2005.

PUBLIC ACT 94-0025
(House Bill No. 1315)

AN ACT concerning elections.

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

Section 5. The Election Code is amended by changing Section 17-14 as follows:

(10 ILCS 5/17-14) (from Ch. 46, par. 17-14)

Sec. 17-14. Any voter who declares upon oath, properly witnessed and with his or her signature or mark affixed, that he or she requires assistance to vote by reason of blindness, physical disability or inability to read, write or speak the English language shall, upon request, be assisted in marking his or her ballot, by 2 judges of election of different political parties, to be selected by all judges of election of each precinct at the opening of the polls or by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. A voter who presents an Illinois Disabled Person Identification Card, issued to that person under the provisions of the Illinois Identification Card Act, indicating that such voter has a Class 1A or Class...
2 disability under the provisions of Section 4A of the Illinois Identification Card Act, or a voter who declares upon oath, properly witnessed, that by reason of any physical disability he is unable to mark his ballot shall, upon request, be assisted in marking his ballot by 2 of the election officers of different parties as provided above in this Section or by a person of the voter's choice other than the voter's employer or agent of that employer or officer or agent of the voter's union. Such voter shall state specifically the reason why he cannot vote without assistance and, in the case of a physically disabled voter, what his physical disability is and whether or not the disability is permanent. Prior to entering the voting booth, the person providing the assistance, if other than 2 judges of election, shall be presented with written instructions on how assistance shall be provided. This instruction shall be prescribed by the State Board of Elections and shall include the penalties for attempting to influence the voter's choice of candidates, party, or votes in relation to any question on the ballot and for not marking the ballot as directed by the voter. Additionally, the person providing the assistance shall sign an oath, swearing not to influence the voter's choice of candidates, party, or votes in relation to any question on the ballot and to cast the ballot as directed by the voter. The oath shall be prescribed by the State Board of Elections and shall include the penalty for violating this Section. In the voting booth, such person shall mark the ballot as directed by the voter, and shall thereafter give no information regarding the same. The judges of election shall enter upon the poll lists or official poll record after the name of any elector who received such assistance in marking his ballot a memorandum of the fact and if the disability is permanent. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in marking his ballot.

No person shall secure or attempt to secure assistance in voting who is not blind, physically disabled or illiterate as herein provided, nor shall any person knowingly assist a voter in voting contrary to the provisions of this Section.
(Source: P.A. 90-101, eff. 7-11-97.)

Passed in the General Assembly May 11, 2005.
Approved June 14, 2005.
Effective January 1, 2006.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

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

Section 5. The Nursing Home Care Act is amended by adding Section 1-116.5 and changing Section 3-610 as follows:

(210 ILCS 45/1-116.5 new)

Sec. 1-116.5. "Misappropriation of a resident's property" means the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a resident's belongings or money without the resident's consent.

(210 ILCS 45/3-610) (from Ch. 111 1/2, par. 4153-610)

Sec. 3-610. Duty to report violations.

(a) A facility employee or agent who becomes aware of abuse or neglect of a resident prohibited by Section 2-107 shall immediately report the matter to the Department and to the facility administrator. A facility administrator who becomes aware of abuse or neglect of a resident prohibited by Section 2-107 shall immediately report the matter by telephone and in writing to the resident's representative, and to the Department. Any person may report a violation of Section 2-107 to the Department.

(b) A facility employee or agent who becomes aware of another facility employee or agent's theft or misappropriation of a resident's property must immediately report the matter to the facility administrator. A facility administrator who becomes aware of a facility employee or agent's theft or misappropriation of a resident's property must immediately report the matter by telephone and in writing to the resident's representative, to the Department, and to the local law enforcement agency. Neither a licensee nor its employees or agents may dismiss or otherwise retaliate against a facility employee or agent who reports the theft or misappropriation of a resident's property under this subsection.

(Source: P.A. 82-120.)

Passed in the General Assembly May 12, 2005.
Approved June 14, 2005.
Effective January 1, 2006.
AN ACT concerning State government.

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

Section 5. The Illinois Health Finance Reform Act is amended by changing Section 4-2 as follows:

(20 ILCS 2215/4-2) (from Ch. 111 1/2, par. 6504-2)

Sec. 4-2. Powers and duties.
(a) (Blank).
(b) (Blank).
(c) (Blank).
(d) Uniform Provider Utilization and Charge Information.

(1) The Department of Public Health shall require that all hospitals and ambulatory surgical treatment centers licensed to operate in the State of Illinois adopt a uniform system for submitting patient claims and encounter data charges for payment from public and private payors. This system shall be based upon adoption of the uniform electronic hospital billing form pursuant to the Health Insurance Portability and Accountability Act.

(2) (Blank).

(3) The Department of Insurance shall require all third-party payors, including but not limited to, licensed insurers, medical and hospital service corporations, health maintenance organizations, and self-funded employee health plans, to accept the uniform billing form, without attachment as submitted by hospitals pursuant to paragraph (1) of subsection (d) above, effective January 1, 1985; provided, however, nothing shall prevent all such third party payors from requesting additional information necessary to determine eligibility for benefits or liability for reimbursement for services provided.

(4) By no later than 60 days after the end of each calendar quarter, each hospital licensed in the State shall electronically submit to the Department inpatient and outpatient patient billing data related to surgical and invasive procedures collected under paragraph (5) for each patient.

New matter indicated by italics - deletions by strikeout
By no later than 60 days after the end of each calendar quarter, each ambulatory surgical treatment center licensed in the State shall electronically submit to the Department outpatient claims and encounter data collected under paragraph (5) for each patient, provided however, that, until July 1, 2006, ambulatory surgical treatment centers who cannot electronically submit data may submit data by computer diskette. Conditions and procedures required for public disclosure pursuant to paragraph (6): For hospitals, the claims and encounter billing data to be reported shall include all inpatient surgical cases. Claims and encounter Billing data submitted under this Act shall not include a patient's name, address, or Social Security number.

(5) By no later than January 1, 2006 January 1, 2005, the Department must collect and compile claims and encounter billing data related to surgical and invasive procedures required under paragraph (6) according to uniform electronic submission formats as required under the Health Insurance Portability and Accountability Act. By no later than January 1, 2006, the Department must collect and compile from ambulatory surgical treatment centers the claims and encounter data according to uniform electronic data element formats as required under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(6) The Department shall make available on its website the "Consumer Guide to Health Care" by January 1, 2006. The "Consumer Guide to Health Care" shall include information on at least 30 inpatient conditions and procedures identified by the Department that demonstrate the highest degree of variation in patient charges and quality of care. By no later than January 1, 2007, the "Consumer Guide to Health Care" shall also include information on at least 30 outpatient conditions and procedures identified by the Department that demonstrate the highest degree of variation in patient charges and quality care. As to each condition or procedure, the "Consumer Guide to Health Care" shall include up-to-date comparison information relating to volume of cases, average charges, risk-adjusted mortality rates, and nosocomial infection rates and, with respect to outpatient surgical and invasive procedures, shall include information regarding surgical infections, complications, and direct admissions of
outpatient cases to hospitals for selected procedures, as
determined by the Department, based on review by the Department
of its own, local, or national studies. Information disclosed
pursuant to this paragraph on mortality and infection rates shall be
based upon information hospitals and ambulatory surgical

treatment centers have either (i) previously submitted to the
Department pursuant to their obligations to report health care
information under this Act or other public health reporting laws
and regulations outside of this Act or (ii) submitted to the
Department under the provisions of the Hospital Report Card Act.

(7) Publicly disclosed information must be provided in
language that is easy to understand and accessible to consumers
using an interactive query system. The guide shall include such
additional information as is necessary to enhance decision making
among consumer and health care purchasers, which shall include,
at a minimum, appropriate guidance on how to interpret the data
and an explanation of why the data may vary from provider to
provider. The "Consumer Guide to Health Care" shall also cite
standards that facilities meet under state and federal law and, if
applicable, to achieve voluntary accreditation.

(8) None of the information the Department discloses to the
public under this subsection may be made available unless the
information has been reviewed, adjusted, and validated according
to the following process:

(i) Hospitals, ambulatory surgical treatment
centers, and organizations representing hospitals,
ambulatory surgical treatment centers, purchasers,
consumer groups, and health plans are meaningfully
involved in providing advice and consultation to the
Department in the development of all aspects of the
Department's methodology for collecting, analyzing, and
disclosing the information collected under this Act,
including collection methods, formatting, and methods and
means for release and dissemination;

(ii) The entire methodology for collecting and analyzing the data is disclosed to all relevant
organizations and to all providers that are the subject of any
information to be made available to the public before any
public disclosure of such information;

New matter indicated by italics - deletions by strikeout
(iii) Data collection and analytical methodologies are used that meet accepted standards of validity and reliability before any information is made available to the public;

(iv) The limitations of the data sources and analytic methodologies used to develop comparative provider information are clearly identified and acknowledged, including, but not limited to, appropriate and inappropriate uses of the data;

(v) To the greatest extent possible, comparative hospital and ambulatory surgical treatment center information initiatives use standard-based norms derived from widely accepted provider-developed practice guidelines;

(vi) Comparative hospital and ambulatory surgical treatment center information and other information that the Department has compiled regarding hospitals and ambulatory surgical treatment centers is shared with the hospitals and ambulatory surgical treatment centers under review prior to public dissemination of the information and these providers have an opportunity to make corrections and additions of helpful explanatory comments about the information before the publication;

(vii) Comparisons among hospitals and ambulatory surgical treatment centers adjust for patient case mix and other relevant risk factors and control for provider peer groups, if applicable;

(viii) Effective safeguards to protect against the unauthorized use or disclosure of hospital and ambulatory surgical treatment center information are developed and implemented;

(ix) Effective safeguards to protect against the dissemination of inconsistent, incomplete, invalid, inaccurate, or subjective provider data are developed and implemented;

(x) The quality and accuracy of hospital and ambulatory surgical treatment center information reported under this Act and its data collection, analysis, and dissemination methodologies are evaluated regularly; and

New matter indicated by italics - deletions by strikeout
(xi) Only the most basic hospital or ambulatory surgical treatment center identifying information from mandatory reports is used. Information regarding a hospital or ambulatory surgical center may be released regardless of the number of employees or health care professionals whose data are reflected in the data for the hospital or ambulatory surgical treatment center as long as no specific information identifying an employee or a health care professional is released. Identifying information from mandatory reports is used, and further, patient identifiable information is not released. The input data collected by the Department shall not be a public record under the Illinois Freedom of Information Act.

None of the information the Department discloses to the public under this Act may be used to establish a standard of care in a private civil action.

(9) The Department must develop and implement an outreach campaign to educate the public regarding the availability of the "Consumer Guide to Health Care".

(10) By January 1, 2006, within 12 months after the effective date of this amendatory Act of the 93rd General Assembly, the Department must study the most effective methods for public disclosure of patient claims and encounter charge data and health care quality information that will be useful to consumers in making health care decisions and report its recommendations to the Governor and to the General Assembly.

(11) The Department must undertake all steps necessary under State and Federal law to protect patient confidentiality in order to prevent the identification of individual patient records.

(12) The Department must adopt rules for inpatient and outpatient data collection and reporting no later than January 1, 2006.

(13) In addition to the data products indicated above, the Department shall respond to requests by government agencies, academic research organizations, and private sector organizations for purposes of clinical performance measurements and analyses of data collected pursuant to this Section.

(14) The Department, with the advice of and in consultation with hospitals, ambulatory surgical treatment centers,
organizations representing hospitals, organizations representing ambulatory treatment centers, purchasers, consumer groups, and health plans, must evaluate additional methods for comparing the performance of hospitals and ambulatory surgical treatment centers, including the value of disclosing additional measures that are adopted by the National Quality Forum, The Joint Commission on Accreditation of Healthcare Organizations, the Accreditation Association for Ambulatory Health Care, the Centers for Medicare and Medicaid Services, or similar national entities that establish standards to measure the performance of health care providers. The Department shall report its findings and recommendations on its Internet website and to the Governor and General Assembly no later than July 1, 2006.

(e) (Blank).

(Source: P.A. 92-597, eff. 7-1-02; 93-144, eff. 7-10-03.)

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

Approved June 14, 2005.
Effective June 14, 2005.

PUBLIC ACT 94-0028
(Senate Bill No. 0226)

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

Section 5. The Open Meetings Act is amended by changing Sections 2.02 and 2.06 as follows:

(5 ILCS 120/2.02) (from Ch. 102, par. 42.02)
Sec. 2.02. Public notice of all meetings, whether open or closed to the public, shall be given as follows:
(a) Every public body shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings. An agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting. A public body that has a website that the full-time staff of the public body maintains shall also post on its

New matter indicated by italics - deletions by strikeout
website the agenda of any regular meetings of the governing body of that public body. Any agenda of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded. The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda. Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special, rescheduled, or reconvened meeting, but the validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice under subsection (b) of this Section.

(b) Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. In addition, a public body that has a website that the full-time staff of the public body maintains shall post notice on its website of all meetings of the governing body of the public body. Any notice of an annual schedule of meetings shall remain on the website until a new public notice of the schedule of regular meetings is approved. Any notice of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded. The body shall supply copies of the notice of its regular meetings, and of the notice of any special, emergency, rescheduled or reconvened meeting, to any news medium that has filed an annual request for such notice. Any such news medium shall also be given the same notice of all special, emergency, rescheduled or reconvened meetings in the same manner as is given to members of the body provided such news medium has given the public body an address or telephone number within the territorial jurisdiction of the public body at which such notice may be given. The failure of a public body to post on its website

New matter indicated by italics - deletions by strikeout
notice of any meeting or the agenda of any meeting shall not invalidate any meeting or any actions taken at a meeting.
(Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

Sec. 2.06. (a) All public bodies shall keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes shall include, but need not be limited to:

(1) the date, time and place of the meeting;
(2) the members of the public body recorded as either present or absent; and
(3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(b) The minutes of meetings open to the public shall be available for public inspection within 7 days of the approval of such minutes by the public body. Beginning July 1, 2006, at the time it complies with the other requirements of this subsection, a public body that has a website that the full-time staff of the public body maintains shall post the minutes of a regular meeting of its governing body open to the public on the public body's website within 7 days of the approval of the minutes by the public body. Beginning July 1, 2006, any minutes of meetings open to the public posted on the public body's website shall remain posted on the website for at least 60 days after their initial posting.

(c) The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after:

(1) the public body approves the destruction of a particular recording; and
(2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section.

(d) Each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.

New matter indicated by italics - deletions by strikeout
(e) Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. In the case of a civil action brought to enforce this Act, the court, if the judge believes such an examination is necessary, must conduct such in camera examination of the verbatim record as it finds appropriate in order to determine whether there has been a violation of this Act. In the case of a criminal proceeding, the court may conduct an examination in order to determine what portions, if any, must be made available to the parties for use as evidence in the prosecution. Any such initial inspection must be held in camera. If the court determines that a complaint or suit brought for noncompliance under this Act is valid it may, for the purposes of discovery, redact from the minutes of the meeting closed to the public any information deemed to qualify under the attorney-client privilege. The provisions of this subsection do not supersede the privacy or confidentiality provisions of State or federal law.

(f) Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential.

(Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05.)
Approved June 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0029
(Senate Bill No. 0528)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Section 10-2.1-6 as follows:
(65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)
Sec. 10-2.1-6. Examination of applicants; disqualifications.
(a) All applicants for a position in either the fire or police department of the municipality shall be under 35 years of age, shall be

New matter indicated by italics - deletions by strikeout
subject to an examination that shall be public, competitive, and open to all applicants (unless the council or board of trustees by ordinance limit applicants to electors of the municipality, county, state or nation) and shall be subject to reasonable limitations as to residence, health, habits, and moral character. The municipality may not charge or collect any fee from an applicant who has met all prequalification standards established by the municipality for any such position.

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

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

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

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

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

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

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

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

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

(j) No person shall be appointed to the police or fire department unless he or she is a person of good character and not an habitual drunkard, gambler, or a person who has been convicted of a felony or a crime involving moral turpitude. No person, however, shall be disqualified from appointment to the fire department because of his or her record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section 24-1 of the Criminal Code of 1961 or arrest for any cause without conviction on that cause. Any such
person who is in the department may be removed on charges brought and after a trial as provided in this Division 2.1
(Source: P.A. 92-533, eff. 3-14-02.)

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

Approved June 14, 2005.
Effective June 14, 2005.

PUBLIC ACT 94-0030
(Senate Bill No. 1637)

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

Section 5. The Election Code is amended by changing Section 28-2 as follows:

(10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

Sec. 28-2. (a) Except as otherwise provided in this Section, petitions for the submission of public questions to referendum must be filed with the appropriate officer or board not less than 78 days prior to a regular election to be eligible for submission on the ballot at such election; and petitions for the submission of a question under Section 18-120 of the Property Tax Code must be filed with the appropriate officer or board not more than 10 months nor less than 6 months prior to the election at which such question is to be submitted to the voters.

(b) However, petitions for the submission of a public question to referendum which proposes the creation or formation of a political subdivision must be filed with the appropriate officer or board not less than 108 days prior to a regular election to be eligible for submission on the ballot at such election.

(c) Resolutions or ordinances of governing boards of political subdivisions which initiate the submission of public questions pursuant to law must be adopted not less than 65 days before a regularly scheduled election to be eligible for submission on the ballot at such election.

(d) A petition, resolution or ordinance initiating the submission of a public question may specify a regular election at which the question is to be submitted, and must so specify if the statute authorizing the public question requires submission at a particular election. However, no petition,
resolution or ordinance initiating the submission of a public question, other than a legislative resolution initiating an amendment to the Constitution, may specify such submission at an election more than one year after the date on which it is filed or adopted, as the case may be. A petition, resolution or ordinance initiating a public question which specifies a particular election at which the question is to be submitted shall be so limited, and shall not be valid as to any other election, other than an emergency referendum ordered pursuant to Section 2A-1.4.

(e) If a petition initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 78 days after the filing of the petition, or not less than 108 days after the filing of a petition for referendum to create a political subdivision. If a resolution or ordinance initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 65 days after the adoption of the resolution or ordinance.

(f) In the case of back door referenda, any limitations in another statute authorizing such a referendum which restrict the time in which the initiating petition may be validly filed shall apply to such petition, in addition to the filing deadlines specified in this Section for submission at a particular election. In the case of any back door referendum, the publication of the ordinance or resolution of the political subdivision shall include a notice of (1) the specific number of voters required to sign a petition requesting that a public question be submitted to the voters of the subdivision; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The secretary or clerk of the political subdivision shall provide a petition form to any individual requesting one. The legal sufficiency of that form, if provided by the secretary or clerk of the political subdivision, cannot be the basis of a challenge to placing the back door referendum on the ballot. As used herein, a "back door referendum" is the submission of a public question to the voters of a political subdivision, initiated by a petition of voters or residents of such political subdivision, to determine whether an action by the governing body of such subdivision shall be adopted or rejected.

(g) A petition for the incorporation or formation of a new political subdivision whose officers are to be elected rather than appointed must have attached to it an affidavit attesting that at least 108 days and no more than 138 days prior to such election notice of intention to file such petition
was published in a newspaper published within the proposed political subdivision, or if none, in a newspaper of general circulation within the territory of the proposed political subdivision in substantially the following form:

NOTICE OF PETITION TO FORM A NEW........

Residents of the territory described below are notified that a petition will or has been filed in the Office of............requesting a referendum to establish a new........, to be called the............

*The officers of the new............will be elected on the same day as the referendum. Candidates for the governing board of the new......may file nominating petitions with the officer named above until.........

The territory proposed to comprise the new........is described as follows:

(description of territory included in petition)

(signature)....................................

Name and address of person or persons proposing the new political subdivision.

* Where applicable.

Failure to file such affidavit, or failure to publish the required notice with the correct information contained therein shall render the petition, and any referendum held pursuant to such petition, null and void.

Notwithstanding the foregoing provisions of this subsection (g) or any other provisions of this Code, the publication of notice and affidavit requirements of this subsection (g) shall not apply to any petition filed under Article 7, 7A, 11A, 11B, or 11D of the School Code nor to any referendum held pursuant to any such petition, and neither any petition filed under any of those Articles nor any referendum held pursuant to any such petition shall be rendered null and void because of the failure to file an affidavit or publish a notice with respect to the petition or referendum as required under this subsection (g) for petitions that are not filed under any of those Articles of the School Code.

(Source: P.A. 90-459, eff. 8-17-97.)

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


Approved June 14, 2005.

Effective June 14, 2005.
AN ACT concerning aging.

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

Section 5. The Older Adult Services Act is amended by changing Section 35 as follows:

(320 ILCS 42/35)
Sec. 35. Older Adult Services Advisory Committee.
(a) The Older Adult Services Advisory Committee is created to advise the directors of Aging, Public Aid, and Public Health on all matters related to this Act and the delivery of services to older adults in general.
(b) The Advisory Committee shall be comprised of the following:
(1) The Director of Aging or his or her designee, who shall serve as chair and shall be an ex officio and nonvoting member.
(2) The Director of Public Aid and the Director of Public Health or their designees, who shall serve as vice-chairs and shall be ex officio and nonvoting members.
(3) One representative each of the Governor's Office, the Department of Public Aid, the Department of Public Health, the Department of Veterans' Affairs, the Department of Human Services, the Department of Insurance, the Department of Commerce and Economic Opportunity, the Department on Aging, the Department on Aging's State Long Term Care Ombudsman, the Illinois Housing Finance Authority, and the Illinois Housing Development Authority, each of whom shall be selected by his or her respective director and shall be an ex officio and nonvoting member.
(4) Thirty-two members appointed by the Director of Aging in collaboration with the directors of Public Health and Public Aid, and selected from the recommendations of statewide associations and organizations, as follows:
   (A) One member representing the Area Agencies on Aging;
   (B) Four members representing nursing homes or licensed assisted living establishments;
   (C) One member representing home health agencies;

New matter indicated by italics - deletions by strikeout
(D) One member representing case management services;
(E) One member representing statewide senior center associations;
(F) One member representing Community Care Program homemaker services;
(G) One member representing Community Care Program adult day services;
(H) One member representing nutrition project directors;
(I) One member representing hospice programs;
(J) One member representing individuals with Alzheimer's disease and related dementias;
(K) Two members representing statewide trade or labor unions;
(L) One advanced practice nurse with experience in gerontological nursing;
(M) One physician specializing in gerontology;
(N) One member representing regional long-term care ombudsmen;
(O) One member representing township officials;
(P) One member representing municipalities;
(Q) One member representing county officials;
(R) One member representing the parish nurse movement;
(S) One member representing pharmacists;
(T) Two members representing statewide organizations engaging in advocacy or legal representation on behalf of the senior population;
(U) Two family caregivers;
(V) Two citizen members over the age of 60;
(W) One citizen with knowledge in the area of gerontology research or health care law;
(X) One representative of health care facilities licensed under the Hospital Licensing Act; and
(Y) One representative of primary care service providers.

The Director of Aging, in collaboration with the Directors of Public Health and Public Aid, may appoint additional citizen members to

New matter indicated by italics - deletions by strikeout
the Older Adult Services Advisory Committee. Each such additional member must be either an individual age 60 or older or an uncompensated caregiver for a family member or friend who is age 60 or older.

(c) Voting members of the Advisory Committee shall serve for a term of 3 years or until a replacement is named. All members shall be appointed no later than January 1, 2005. Of the initial appointees, as determined by lot, 10 members shall serve a term of one year; 10 shall serve for a term of 2 years; and 12 shall serve for a term of 3 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of that term. The Advisory Committee shall meet at least quarterly and may meet more frequently at the call of the Chair. A simple majority of those appointed shall constitute a quorum. The affirmative vote of a majority of those present and voting shall be necessary for Advisory Committee action. Members of the Advisory Committee shall receive no compensation for their services.

(d) The Advisory Committee shall have an Executive Committee comprised of the Chair, the Vice Chairs, and up to 15 members of the Advisory Committee appointed by the Chair who have demonstrated expertise in developing, implementing, or coordinating the system restructuring initiatives defined in Section 25. The Executive Committee shall have responsibility to oversee and structure the operations of the Advisory Committee and to create and appoint necessary subcommittees and subcommittee members.

(e) The Advisory Committee shall study and make recommendations related to the implementation of this Act, including but not limited to system restructuring initiatives as defined in Section 25 or otherwise related to this Act.

(Source: P.A. 93-1031, eff. 8-27-04.)

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

Approved June 14, 2005.
Effective June 14, 2005.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The State Employees Group Insurance Act of 1971 is
amended by changing Section 3 as follows:

(5 ILCS 375/3) (from Ch. 127, par. 523)

Sec. 3. Definitions. Unless the context otherwise requires, the
following words and phrases as used in this Act shall have the following
meanings. The Department may define these and other words and phrases
separately for the purpose of implementing specific programs providing
benefits under this Act.

(a) "Administrative service organization" means any person, firm
or corporation experienced in the handling of claims which is fully
qualified, financially sound and capable of meeting the service
requirements of a contract of administration executed with the
Department.

(b) "Annuitant" means (1) an employee who retires, or has retired,
on or after January 1, 1966 on an immediate annuity under the provisions
of Articles 2, 14 (including an employee who has elected to receive an
alternative retirement cancellation payment under Section 14-108.5 of the
Illinois Pension Code in lieu of an annuity), 15 (including an employee
who has retired under the optional retirement program established under
Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article
18 of the Illinois Pension Code; (2) any person who was receiving group
insurance coverage under this Act as of March 31, 1978 by reason of his
status as an annuitant, even though the annuity in relation to which such
coverage was provided is a proportional annuity based on less than the
minimum period of service required for a retirement annuity in the system
involved; (3) any person not otherwise covered by this Act who has retired
as a participating member under Article 2 of the Illinois Pension Code but
is ineligible for the retirement annuity under Section 2-119 of the Illinois
Pension Code; (4) the spouse of any person who is receiving a retirement
annuity under Article 18 of the Illinois Pension Code and who is covered
under a group health insurance program sponsored by a governmental
employer other than the State of Illinois and who has irrevocably elected to
waive his or her coverage under this Act and to have his or her spouse
considered as the "annuitant" under this Act and not as a "dependent"; or
(5) an employee who retires, or has retired, from a qualified position, as
determined according to rules promulgated by the Director, under a
qualified local government or a qualified rehabilitation facility or a
qualified domestic violence shelter or service. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of that Code in lieu of an annuity), and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-7) "New TRS State annuitant" means a person who, on or after July 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 16 of the Illinois Pension Code based on service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(c) "Carrier" means (1) an insurance company, a corporation organized under the Limited Health Service Organization Act or the Voluntary Health Services Plan Act, a partnership, or other nongovernmental organization, which is authorized to do group life or group health insurance business in Illinois, or (2) the State of Illinois as a self-insurer.

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois
Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government or qualified rehabilitation facility or a qualified domestic violence shelter or service.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Illinois Economic and Fiscal Commission as established by the Legislative Commission Reorganization Act of 1984.

(f) "Contributory", when referred to as contributory coverage, shall mean optional coverages or benefits elected by the member toward the cost of which such member makes contribution, or which are funded in whole or in part through the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee, as distinguished from noncontributory coverage or benefits which are paid entirely by the State of Illinois without reduction of the member's salary.

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally
or physically handicapped. For the purposes of item (2), an unmarried child age 19 to 23 who is a member of the United States Armed Services, including the Illinois National Guard, and is mobilized to active duty shall qualify as a dependent beyond the age of 23 and until the age of 25 and while a full-time student for the amount of time spent on active duty between the ages of 19 and 23. The individual attempting to qualify for this additional time must submit written documentation of active duty service to the Director. The changes made by this amendatory Act of the 94th General Assembly apply only to individuals mobilized to active duty in the United States Armed Services, including the Illinois National Guard, on or after January 1, 2002. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes; no other such person may be enrolled. For the health plan only, the term "dependent" also includes any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes.

(i) "Director" means the Director of the Illinois Department of Central Management Services.

(j) "Eligibility period" means the period of time a member has to elect enrollment in programs or to select benefits without regard to age, sex or health.

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected.
regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, and each employee in the service of a qualified rehabilitation facility and each full-time employee in the service of a qualified domestic violence shelter or service, as determined according to rules promulgated by the Director.

(l) "Member" means an employee, annuitant, retired employee or survivor.

(m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.

New matter indicated by italics - deletions by strikeout
(n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.

(o) "Health plan" means a health benefits program offered by the State of Illinois for persons eligible for the plan.

(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (3) the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-2) "SERS" means the State Employees' Retirement System of Illinois, created under Article 14 of the Illinois Pension Code.

(q-3) "SURS" means the State Universities Retirement System, created under Article 15 of the Illinois Pension Code.

(q-4) "TRS" means the Teachers' Retirement System of the State of Illinois, created under Article 16 of the Illinois Pension Code.

(q-5) "New SERS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 14 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SERS annuitant as defined in subsection (b-5). "New SERS survivor" includes the surviving dependent of a person who was an annuitant under this Act by virtue of
receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-6) "New Surs survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new Surs annuitant as defined in subsection (b-6).

(q-7) "New TRS State survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 16 of the Illinois Pension Code and is based on the death of (i) an employee who is a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code and whose death occurs on or after July 1, 1998, or (ii) a new TRS State annuitant as defined in subsection (b-7).

(r) "Medical services" means the services provided within the scope of their licenses by practitioners in all categories licensed under the Medical Practice Act of 1987.

(s) "Unit of local government" means any county, municipality, township, school district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; and the Illinois Association of Park Districts. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services.
(as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

(u) "Qualified domestic violence shelter or service" means any Illinois domestic violence shelter or service and its administrative offices funded by the Department of Human Services (as successor to the Illinois Department of Public Aid), approved by the Director and participating in a program created under subsection (k) of Section 10.

(v) "TRS benefit recipient" means a person who:
(1) is not a "member" as defined in this Section; and
(2) is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and
(3) either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

(w) "TRS dependent beneficiary" means a person who:
(1) is not a "member" or "dependent" as defined in this Section; and
(2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.

(x) "Military leave with pay and benefits" refers to individuals in basic training for reserves, special/advanced training, annual training,
emergency call up, or activation by the President of the United States with approved pay and benefits.

(y) "Military leave without pay and benefits" refers to individuals who enlist for active duty in a regular component of the U.S. Armed Forces or other duty not specified or authorized under military leave with pay and benefits.

(z) "Community college benefit recipient" means a person who:

1. is not a "member" as defined in this Section; and
2. is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and
3. either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).

(aa) "Community college dependent beneficiary" means a person who:

1. is not a "member" or "dependent" as defined in this Section; and
2. is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped.

(Source: P.A. 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204, eff. 8-1-01; 92-651, eff. 7-11-02; 93-205, eff. 1-1-04; 93-839, eff. 7-30-04.)

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

Passed in the General Assembly May 11, 2005.
Approved June 15, 2005.
AN ACT concerning employment.

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

Section 1. Short title. This Act may be cited as the Employee Blood Donation Leave Act.

Section 3. Purpose. This Act is intended to provide time off with pay to allow employees of units of local governments, boards of election commissioners, or private employers in the State of Illinois to donate blood.

Section 5. Definitions. As used in this Act:

"Employer" means any unit of local government, board of election commissioners, or any private employer in the State who has 51 or more employees.

"Department" means the Department of Public Health.

"Participating employee" means a full-time employee who has been employed by an employer for a period of 6 months or more and who donates blood.

Section 10. Paid leave for blood donation; administration.

(a) On request, a participating employee subject to this Act may be entitled to blood donation leave with pay.

(b) An employee may use up to one hour to donate blood every 56 days in accordance with appropriate medical standards established by the American Red Cross, America's Blood Centers, the American Association of Blood Banks, or other nationally recognized standards.

(c) A participating employee may use the leave authorized in subsection (b) of this Section only after obtaining approval from the employer.

(d) The Department must adopt rules governing blood donation leave, including rules that (i) establish conditions and procedures for requesting and approving leave and (ii) require medical documentation of the proposed blood donation before leave is approved by the employer.

Section 15. The Organ Donor Leave Act is amended by changing Section 20 as follows:

(5 ILCS 327/20)

New matter indicated by italics - deletions by strikeout
Sec. 20. Administration of Act.

(a) On request, a participating employee subject to this Act may be entitled to organ donation leave with pay.

(b) An employee may use (i) up to 30 days of organ donation leave in any 12-month period to serve as a bone marrow donor, (ii) up to 30 days of organ donation leave in any 12-month period to serve as an organ donor, (iii) up to one hour to donate blood every 56 days, and (iv) up to 2 hours to donate blood platelets in accordance with appropriate medical standards established by the American Red Cross, America's Blood Centers, the American Association of Blood Banks, or other nationally-recognized standards. Leave under item (iv) may not be granted more than 24 times in a 12-month period.

(c) An employee may use organ donation leave or other leave authorized in subsection (b) of this Section only after obtaining approval from the employee's agency.

(d) An employee may not be required to use accumulated sick or vacation leave time before being eligible for organ donor leave.

(e) The Department must adopt rules governing organ donation leave, including rules that (i) establish conditions and procedures for requesting and approving leave and (ii) require medical documentation of the proposed organ or bone marrow donation before leave is approved by the employing agency.

(Source: P.A. 92-754, eff. 1-1-03.)

Passed in the General Assembly May 11, 2005.
Approved June 15, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0034

(House Bill No. 0759)

AN ACT concerning children.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Children and Family Services Act is amended by adding Section 5.25 as follows:

(20 ILCS 505/5.25 new)
Sec. 5.25. Behavioral health services.
(a) Every child in the care of the Department of Children and Family Services under this Act shall receive the necessary behavioral

New matter indicated by italics - deletions by strikeout
health services including but not limited to: mental health services, trauma services, substance abuse services, and developmental disabilities services. The provision of these services may be provided in milieu including but not limited to: integrated assessment, treatment plans, individual and group therapy, specialized foster care, community based programming, licensed residential services, psychosocial rehabilitation, screening assessment and support services, hospitalization, and transitional planning and referral to the Department of Human Services for appropriate services when the child reaches adulthood. Services shall be appropriate to meet the needs of the individual child and may be provided to the child at the site of the program, facility, or foster home or at an otherwise appropriate location. A program facility, or home, shall assist the Department staff in arranging for a child to receive behavioral health services from an outside provider when those services are necessary to meet the child’s needs and the child wishes to receive them.

(b) Not later than January 1, 2006, the Department shall file a proposed rule or a proposed amendment to an existing rule regarding the provision of behavioral health services to children who have serious behavioral health needs. The proposal shall address, but is not limited to, the implementation of the following: integrated assessment, treatment plans, individual and group therapy, specialized foster care, community based programming, licensed residential services, psychosocial rehabilitation, hospitalization, and transitional planning and referral to the Department of Human Services for appropriate services when the child reaches adulthood.

(c) In preparation for the comprehensive implementation of the behavioral health system, the Department shall also prepare an assessment of behavioral health community services available to the Department in the State. The assessment shall evaluate the resources needed in each region to provide appropriate behavioral health services for all of the Department’s foster children within the region’s service area who are in need of behavioral health services. The assessments shall include, at a minimum, an analysis of the current availability and needs in each of the following areas: comprehensive integrated assessment, trauma services, mental health treatment, qualified mental health professionals, community providers, programs for psychosocial rehabilitation, and programs for substance abuse. By January 1, 2007, the Department shall complete all required individual and regional assessments and shall submit a written report to the Governor and the General Assembly that
describes the results of the assessment and contains a specific plan to address the identified needs for services.

Passed in the General Assembly May 11, 2005.
Approved June 15, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0035
(Senate Bill No. 0328)

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

Section 1. Short title. This Act may be cited as the Helping Heroes Child Care Program Act.

Section 5. Definitions. In this Act:
"Department" means the Department of Human Services.
"Deployed" means activated to serve in an active military operation or emergency.
"Program" means the Helping Heroes Child Care Program established under this Act.

Section 10. Program established.
(a) The Helping Heroes Child Care Program is established for the purpose of providing vouchers for child care to Illinois families who have one or more parents deployed to Iraq or Afghanistan by the armed services. The Department shall administer the program. The Department shall implement the program only if federal funding is made available for that purpose. Any such federal moneys received by the State shall be deposited into the Fund for Child Care for Deployed Military Personnel, which is created as a special fund in the State treasury. Moneys in the Fund shall be appropriated to the Department for the purpose of administering this Act.

(b) Any Illinois resident who (i) is serving in the active military, reserves, or National Guard, (ii) has been deployed to Iraq or Afghanistan by the armed services, and (iii) meets the income eligibility criteria established by the Department by rule is eligible for a child care voucher under the program. A family that received child care assistance before the parent's deployment to Iraq or Afghanistan is eligible only for a voucher for the cost of any additional hours of child care that are necessary by reason of that deployment. A family is not eligible for a child care voucher...
under the program if the family receives child care services from the United States military.

Section 15. Rules. The Department shall adopt rules to implement this Act.

Section 80. Repeal. This Act is repealed on July 1, 2010.

Section 90. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Fund for Child Care for Deployed Military Personnel.

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


Approved June 15, 2005.

Effective June 15, 2005.

PUBLIC ACT 94-0036
(House Bill No. 1633)

AN ACT concerning business.

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

Section 1. Short title. This Act may be cited as the Personal Information Protection Act.

Section 5. Definitions. In this Act:

"Data Collector" may include, but is not limited to, government agencies, public and private universities, privately and publicly held corporations, financial institutions, retail operators, and any other entity that, for any purpose, handles, collects, disseminates, or otherwise deals with nonpublic personal information.

"Breach of the security of the system data" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the data collector. "Breach of the security of the system data" does not include good faith acquisition of personal information by an employee or agent of the data collector for a legitimate purpose of the data collector, provided that the personal information is not used for a purpose unrelated to the data collector's business or subject to further unauthorized disclosure.
"Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted or redacted:

(1) Social Security number.
(2) Driver's license number or State identification card number.
(3) Account number or credit or debit card number, or an account number or credit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account. "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, State, or local government records.

Section 10. Notice of Breach.
(a) Any data collector that owns or licenses personal information concerning an Illinois resident shall notify the resident that there has been a breach of the security of the system data following discovery or notification of the breach. The disclosure notification shall be made in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity, security, and confidentiality of the data system.

(b) Any data collector that maintains computerized data that includes personal information that the data collector does not own or license shall notify the owner or licensee of the information of any breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

(c) For purposes of this Section, notice to consumers may be provided by one of the following methods:
(1) written notice;
(2) electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures for notices legally required to be in writing as set forth in Section 7001 of Title 15 of the United States Code; or
(3) substitute notice, if the data collector demonstrates that the cost of providing notice would exceed $250,000 or that the affected class of subject persons to be notified exceeds 500,000, or

New matter indicated by italics - deletions by strikeout
the data collector does not have sufficient contact information. Substitute notice shall consist of all of the following: (i) email notice if the data collector has an email address for the subject persons; (ii) conspicuous posting of the notice on the data collector's web site page if the data collector maintains one; and (iii) notification to major statewide media.

(d) Notwithstanding subsection (c), a data collector that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this Act, shall be deemed in compliance with the notification requirements of this Section if the data collector notifies subject persons in accordance with its policies in the event of a breach of the security of the system data.

Section 15. Waiver. Any waiver of the provisions of this Act is contrary to public policy and is void and unenforceable.


Section 900. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, or the Automatic Contract Renewal Act, or the Personal Information Protection Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04; 93-950, eff. 1-1-05.)

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

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2VV as follows:

(815 ILCS 505/2VV new)

Sec. 2VV. Credit and public utility service; identity theft. It is an unlawful practice for a person to deny credit or public utility service to or reduce the credit limit of a consumer solely because the consumer has been a victim of identity theft as defined in Section 16G-15 of the Criminal Code of 1961, if the consumer:

(1) has provided a copy of an identity theft report as defined under the federal Fair Credit Reporting Act and implementing regulations evidencing the consumer's claim of identity theft;

(2) has provided a properly completed copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission pursuant to 15 U.S.C. 1681g or an affidavit of fact that is acceptable to the person for that purpose;

(3) has obtained placement of an extended fraud alert in his or her file maintained by a nationwide consumer reporting agency, in accordance with the requirements of the federal Fair Credit Reporting Act; and

(4) is able to establish his or her identity and address to the satisfaction of the person providing credit or utility services.

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

Passed in the General Assembly May 16, 2005.
Approved June 16, 2005.
Effective June 16, 2005.
AN ACT concerning criminal law

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

Section 5. The Criminal Code of 1961 is amended by changing Section 16G-10 and by adding Section 16G-14 as follows:

(720 ILCS 5/16G-10)

Sec. 16G-10. Definitions. In this Article unless the context otherwise requires:

(a) "Personal identification document" means a birth certificate, a drivers license, a State identification card, a public, government, or private employment identification card, a social security card, a firearm owner's identification card, a credit card, a debit card, or a passport issued to or on behalf of a person other than the offender, or any document made or issued, or falsely purporting to have been made or issued, by or under the authority of the United States Government, the State of Illinois, or any other State political subdivision of any state, or any other governmental or quasi-governmental organization that is of a type intended for the purpose of identification of an individual, or any such document made or altered in a manner that it falsely purports to have been made on behalf of or issued to another person or by the authority of one who did not give that authority.

(b) "Personal identifying information" means any of the following information:

(1) A person's name;
(2) A person's address;
(2.5) A person's date of birth;
(3) A person's telephone number;
(4) A person's drivers license number or State of Illinois identification card as assigned by the Secretary of State of the State of Illinois or a similar agency of another state;
(5) A person's Social Security number;
(6) A person's public, private, or government employer, place of employment, or employment identification number;
(7) The maiden name of a person's mother;
(8) The number assigned to a person's depository account, savings account, or brokerage account;

New matter indicated by italics - deletions by strikeout
(9) The number assigned to a person's credit or debit card, commonly known as a "Visa Card", "Master Card", "American Express Card", "Discover Card", or other similar cards whether issued by a financial institution, corporation, or business entity;

(10) Personal identification numbers;

(11) Electronic identification numbers;

(12) Digital signals;

(13) Any other numbers or information which can be used to access a person's financial resources, or to identify a specific individual.

(c) "Document-making implement" means any implement, impression, template, computer file, computer disc, electronic device, computer hardware, computer software, instrument, or device that is used to make a real or fictitious or fraudulent personal identification document.

(d) "Financial transaction device" means any of the following:

(1) An electronic funds transfer card.

(2) A credit card.

(3) A debit card.

(4) A point-of-sale card.

(5) Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver's license or state identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes:

(A) Obtaining money, cash refund or credit account, credit, goods, services, or any other thing of value.

(B) Certifying or guaranteeing to a person or business the availability to the device holder of funds on deposit to honor a draft or check payable to the order of that person or business.

(C) Providing the device holder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account, or making an electronic funds transfer.

(Source: P.A. 93-401, eff. 7-31-03.)

New matter indicated by italics - deletions by strikeout
Sec. 16G-14. Transmission of personal identifying information prohibited.

(a) A person who is not a party to a transaction that involves the use of a financial transaction device may not secretly or surreptitiously photograph, or otherwise capture or record, electronically or by any other means, or distribute, disseminate, or transmit, electronically or by any other means, personal identifying information from the transaction without the consent of the person whose information is photographed, or otherwise captured, recorded, distributed, disseminated, or transmitted.

(b) This Section does not:

(1) prohibit the capture or transmission of personal identifying information in the ordinary and lawful course of business;

(2) apply to a peace officer of this State, or of the federal government, or the officer's agent, while in the lawful performance of the officer's duties;

(3) prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this Section.

(c) Sentence. A person who violates this Section is guilty of a Class A misdemeanor.

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

Passed in the General Assembly May 16, 2005.
Approved June 16, 2005.
Effective June 16, 2005.
(a) A person commits the offense of identity theft when he or she knowingly:

1. uses any personal identifying information or personal identification document of another person to fraudulently obtain credit, money, goods, services, or other property, or
2. uses any personal identification information or personal identification document of another with intent to commit any felony theft or other felony violation of State law not set forth in paragraph (1) of this subsection (a), or
3. obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another with intent to commit or to aid or abet another in committing any felony theft or other felony violation of State law, or
4. uses, obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another knowing that such personal identification information or personal identification documents were stolen or produced without lawful authority, or
5. uses, transfers, or possesses document-making implements to produce false identification or false documents with knowledge that they will be used by the person or another to commit any felony theft or other felony violation of State law.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) Sentence.

1. A person convicted of identity theft in violation of paragraph (1) of subsection (a) shall be sentenced as follows:
   (A) identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class 4 felony and a misdemeanor. A person who has been previously convicted of identity theft of less than $300 who is convicted of a second or subsequent offense of identity theft in violation of paragraph (1) of subsection (a) shall be sentenced as follows:
theft of less than $300 is guilty of a Class 3 felony. A person who has been convicted of identity theft of less than $300 who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 3 felony. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the State’s intention to treat the charge as a Class 3 felony. The fact of the prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during the trial.

(B) Identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $2,000 in value is a Class 3 felony.

(C) Identity theft of credit, money, goods, services, or other property exceeding $2,000 and not exceeding $10,000 in value is a Class 2 felony.

(D) Identity theft of credit, money, goods, services, or other property exceeding $10,000 and not exceeding $100,000 in value is a Class 1 felony.

(E) Identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class X felony.

(2) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) is guilty of a Class 3 felony.

(3) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) a second or subsequent time is guilty of a Class 2 felony.

(4) A person who, within a 12 month period, is found in violation of any offense enumerated in paragraphs (2) through (5) of subsection (a) with respect to the identifiers of 3 or more separate individuals, at the same time or consecutively, is guilty of a Class 2 felony.

(Source: P.A. 92-792, eff. 8-6-02; 93-401, eff. 7-31-03.)

New matter indicated by italics - deletions by strikeout
(720 ILCS 5/16G-20)
Sec. 16G-20. Aggravated identity theft.
(a) A person commits the offense of aggravated identity theft when he or she commits the offense of identity theft as set forth in subsection (a) of Section 16G-15 against a person 60 years of age or older or a disabled person as defined in Section 16-1.3 of this Code.
(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.
(c) When a charge of aggravated identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.
(d) A defense to aggravated identity theft does not exist merely because the accused reasonably believed the victim to be a person less than 60 years of age.
(e) Sentence.
(1) Aggravated identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class 3 felony.
(2) Aggravated identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $10,000 in value is a Class 2 ½ felony.
(3) Aggravated identity theft of credit, money, goods, services, or other property exceeding $10,000 in value and not exceeding $100,000 in value is a Class 1 ½ felony.
(4) Aggravated identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class X felony.
(5) A person who has been previously convicted of aggravated identity theft regardless of the value of the property involved who is convicted of a second or subsequent offense of aggravated identity theft regardless of the value of the property involved is guilty of a Class X felony.
(Source: P.A. 93-401, eff. 7-31-03.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 16, 2005.
PUBLIC ACT 94-0039

Approved June 16, 2005.
Effective June 16, 2005.

PUBLIC ACT 94-0040
(Senate Bill No. 0123)

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

Section 5. The Illinois Administrative Procedure Act is amended by changing Section 10-65 as follows:

(5 ILCS 100/10-65) (from Ch. 127, par. 1010-65)
Sec. 10-65. Licenses.
(a) When any licensing is required by law to be preceded by notice and an opportunity for a hearing, the provisions of this Act concerning contested cases shall apply.
(b) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court.
(c) Except as provided in Section 1-27 of the Department of Natural Resources Act, an application for the renewal of a license or a new license shall include the applicant's social security number. Each agency shall require the licensee to certify on the application form, under penalty of perjury, that he or she is not more than 30 days delinquent in complying with a child support order. Every application shall state that failure to so certify shall result in disciplinary action, and that making a false statement may subject the licensee to contempt of court. The agency shall notify each applicant or licensee who acknowledges a delinquency or who, contrary to his or her certification, is found to be delinquent or who after receiving notice, fails to comply with a subpoena or warrant relating to a paternity or a child support proceeding, that the agency intends to take disciplinary action. Accordingly, the agency shall provide written notice of the facts or conduct upon which the agency will rely to support its proposed action and the applicant or licensee shall be given an opportunity for a hearing in accordance with the provisions of the Act concerning contested cases. Any delinquency in complying with a child support order can be remedied by arranging for payment of past due and current support. Any failure to
comply with a subpoena or warrant relating to a paternity or child support proceeding can be remedied by complying with the subpoena or warrant. Upon a final finding of delinquency or failure to comply with a subpoena or warrant, the agency shall suspend, revoke, or refuse to issue or renew the license. In cases in which the Department of Public Aid has previously determined that an applicant or a licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the licensing agency, and in cases in which a court has previously determined that an applicant or licensee has been in violation of the Non-Support Punishment Act for more than 60 days, the licensing agency shall refuse to issue or renew or shall revoke or suspend that person's license based solely upon the certification of delinquency made by the Department of Public Aid or the certification of violation made by the court. Further process, hearings, or redetermination of the delinquency or violation by the licensing agency shall not be required. The licensing agency may issue or renew a license if the licensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Public Aid or the court. The licensing agency may impose conditions, restrictions, or disciplinary action upon that license.

(d) Except as provided in subsection (c), no agency shall revoke, suspend, annul, withdraw, amend materially, or refuse to renew any valid license without first giving written notice to the licensee of the facts or conduct upon which the agency will rely to support its proposed action and an opportunity for a hearing in accordance with the provisions of this Act concerning contested cases. At the hearing, the licensee shall have the right to show compliance with all lawful requirements for the retention, continuation, or renewal of the license. If, however, the agency finds that the public interest, safety, or welfare imperatively requires emergency action, and if the agency incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. Those proceedings shall be promptly instituted and determined.

(e) Any application for renewal of a license that contains required and relevant information, data, material, or circumstances that were not contained in an application for the existing license shall be subject to the provisions of subsection (a).

(Source: P.A. 90-18, eff. 7-1-99; 91-613, eff. 10-1-99.)

New matter indicated by italics - deletions by strikeout
Section 10. The Department of Natural Resources Act is amended by adding Section 1-17 as follows:

(20 ILCS 801/1-17 new)

Sec. 1-17. Licenses; privacy protection.

(a) For purposes of this Section, "license" means a license required under Article 3 of the Wildlife Code or under Article 20 of the Fish and Aquatic Life Code.

(b) As soon as practicable, the Department must assign a customer identification number to each applicant for a license. After the applicant has been assigned a customer identification number, the applicant may use that customer identification number in place of his or her social security number on any subsequent application for a license. The Department must keep a record of the social security number of each applicant. The Department shall notify the applicant that his or her social security number is kept on file with the Department.

(c) A licensee’s social security number shall not appear on the face of his or her license.

Passed in the General Assembly May 17, 2005.
Approved June 16, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0041
(Senate Bill No. 1799)

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

Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by adding Section 2505-680 as follows:

(20 ILCS 2505/2505-680 new)

Sec. 2505-680. Notice of identity theft. The Department must notify an individual if the Department discovers or reasonably suspects that another person has used that individual’s social security number.

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

Approved June 16, 2005.
Effective June 16, 2005.
AN ACT concerning health.

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

Section 1. Short title. This Act may be cited as the Construction Site Temporary Restroom Facility Act.

Section 5. Legislative finding. It has been established by scientific evidence that improper plumbing can result in the introduction of pathogenic organisms into the potable water supply, result in the escape of toxic gases into the environment, and result in potentially lethal disease and epidemic. It is further found that minimum numbers of plumbing facilities and fixtures are necessary for the comfort and convenience of workers and persons in public places.

Section 10. Temporary restroom facility. The owner or the owner's representative of a temporary building or building under construction, that is not yet occupied for its intended purpose, shall ensure that employees working on the construction site have access to restroom facilities which meet the following requirements:

1. Toileting facilities shall be enclosed and discharged into a sanitary sewer. In lieu of connecting to a sewer, the sanitary facility may be a portable, enclosed, chemically-treated tank-tight unit.

2. If individual portable units are used, separate toileting facilities are not required for males and females. Toileting facilities shall be provided based on the Occupational Safety and Health Administration construction sanitation standards, which are as follows:

   A. For 20 employees or less, one toilet facility shall be provided.
   B. For 20 employees or more, one toilet facility and one urinal per 40 workers shall be provided.
   C. For 200 or more employees, one toilet facility and one urinal per 50 workers shall be provided.

3. Hand cleansing units shall be provided.

4. All non-sewered units shall be pumped and cleansed regularly to ensure adequate working facilities.

New matter indicated by italics - deletions by strikeout
(5) For non-residential temporary buildings or non-residential buildings, the restroom facilities shall be located within 300 feet of the entrance of the building under construction.

(6) For residential temporary buildings or residential buildings, the restroom facilities shall be made readily available in nearby areas.

Section 15. Enforcement. Inspectors employed by municipalities and counties may inspect construction sites to ensure compliance with this Act.

Section 20. Penalty.
(a) Any owner who fails or refuses to comply with the provisions of this Act shall be deemed guilty of a petty offense.
(b) Any owner convicted of violating the provisions of this Act shall be subject to a conviction for succeeding offenses for each day he or she fails or refuses to comply with the provisions of this Act.

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

Passed in the General Assembly May 11, 2005.
Approved June 17, 2005.
Effective June 17, 2005.

PUBLIC ACT 94-0043
(House Bill No. 0173)

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

Section 5. The Income Withholding for Support Act is amended by changing Section 20 as follows:

(750 ILCS 28/20)
Sec. 20. Entry of order for support containing income withholding provisions; income withholding notice.
(a) In addition to any content required under other laws, every order for support entered on or after July 1, 1997, shall:

(1) Require an income withholding notice to be prepared and served immediately upon any payor of the obligor by the obligee or public office, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court,
which ensures payment of support. In that case, the order for support shall provide that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support; and

(2) Contain a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support. The amount for payment of delinquency shall not be less than 20% of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and

(3) Include the obligor's Social Security Number, which the obligor shall disclose to the court. If the obligor is not a United States citizen, the obligor shall disclose to the court, and the court shall include in the order for support, the obligor's alien registration number, passport number, and home country's social security or national health number, if applicable.

(b) At the time the order for support is entered, the Clerk of the Circuit Court shall provide a copy of the order to the obligor and shall make copies available to the obligee and public office.

(c) The income withholding notice shall:

(1) be in the standard format prescribed by the federal Department of Health and Human Services; and

(1.1) state the date of entry of the order for support upon which the income withholding notice is based; and

(2) direct any payor to withhold the dollar amount required for current support under the order for support; and

(3) direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and

(4) direct any payor or labor union or trade union to enroll a child as a beneficiary of a health insurance plan and withhold or cause to be withheld, if applicable, any required premiums; and

(5) state the amount of the payor income withholding fee specified under this Section; and

(6) state that the amount actually withheld from the obligor's income for support and other purposes, including the payor withholding fee specified under this Section, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and
(7) state the duties of the payor and the fines and penalties for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to withhold and pay over income under this Section; and

(8) state the rights, remedies, and duties of the obligor under this Section; and

(9) include the Social Security number of the obligor; and

include the Social Security Numbers of the obligor, the obligee, and the child or children included in the order for support; and

(10) include the date that withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support; and

(11) contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office, except that the failure to contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office shall not affect the validity of the income withholding notice; and

(12) direct any payor to pay over amounts withheld for payment of support to the State Disbursement Unit.

(d) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding in subsection (a) of this Section, shall apply only to the initial service of an income withholding notice on a payor of the obligor.

(e) Notwithstanding the exception to immediate withholding contained in subsection (a) of this Section, if the court finds at the time of any hearing that an arrearage has accrued, the court shall order immediate service of an income withholding notice upon the payor.

(f) If the order for support, under the exception to immediate withholding contained in subsection (a) of this Section, provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the obligor may execute a written waiver of that condition and request immediate service on the payor.

(g) The obligee or public office may serve the income withholding notice on the payor or its superintendent, manager, or other agent by ordinary mail or certified mail return receipt requested, by facsimile transmission or other electronic means, by personal delivery, or by any

New matter indicated by italics - deletions by strikeout
method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the obligee or public office shall serve a copy of the income withholding notice on the obligor by ordinary mail addressed to his or her last known address. A copy of the income withholding notice together with proofs of service on the payor and the obligor shall be filed with the Clerk of the Circuit Court.

(h) At any time after the initial service of an income withholding notice, any other payor of the obligor may be served with the same income withholding notice without further notice to the obligor. A copy of the income withholding notice together with a proof of service on the other payor shall be filed with the Clerk of the Circuit Court.

(i) New service of an income withholding notice is not required in order to resume withholding of income in the case of an obligor with respect to whom an income withholding notice was previously served on the payor if withholding of income was terminated because of an interruption in the obligor's employment of less than 180 days.

(Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790, eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

Passed in the General Assembly May 11, 2005.
Approved June 17, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0044
(House Bill No. 0264)

AN ACT concerning cemeteries.

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

Section 5. The Cemetery Protection Act is amended by changing Sections .01, 1, 2, 3, 4, 5, 5a, 8, 9, 10, 12, 13, and 14 as follows:

(765 ILCS 835/.01) (from Ch. 21, par. 14.01)
Sec. .01. For the purposes of this Act, the term:
"Cemetery authority" is defined as in Section 2 of the "Cemetery Care Act", approved July 21, 1947, as now and hereafter amended.
"Community mausoleum" means a mausoleum owned and operated by a cemetery authority that contains multiple entombment rights sold to the public.
(Source: Laws 1961, p. 2908.)

New matter indicated by italics - deletions by strikeout
Sec. 1. (a) Any person who acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.

(a-5) Any person who acts without proper legal authority and who willfully and knowingly removes any portion of the remains of a deceased human being from a burial ground where skeletal remains are buried or from a grave, crypt, vault, mausoleum, or other repository of human remains is guilty of a Class 4 felony.

(b) Any person who acts without proper legal authority and who willfully and knowingly:

(1) obliterates, vandalizes, or desecrates a burial ground where skeletal remains are buried or a grave, crypt, vault, mausoleum, or other repository of human remains;

(2) obliterates, vandalizes, or desecrates a park or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons;

(3) obliterates, vandalizes, or desecrates plants, trees, shrubs, or flowers located upon or around a repository for human remains or within a human graveyard or cemetery; or

(4) obliterates, vandalizes, or desecrates a fence, rail, curb, or other structure of a similar nature intended for the protection or for the ornamentation of any tomb, monument, gravestone, or other structure of like character;

is guilty of a Class A misdemeanor if the amount of the damage is less than $500, a Class 4 felony if the amount of the damage is at least $500 and less than $10,000, a Class 3 felony if the amount of the damage is at least $10,000 and less than $100,000, or a Class 2 felony if the damage is $100,000 or more and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused.

(b-5) Any person who acts without proper legal authority and who willfully and knowingly defaces, vandalizes, injures, or removes a gravestone or other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside of a recognized cemetery, memorial park, or battlefield is guilty of a Class 4 felony for damaging at least one but no more than 4 gravestones, a Class 3 felony for damaging at least 5 but no more than 10 gravestones, or a Class 2 felony for damaging more than 10 gravestones and shall provide

New matter indicated by italics - deletions by strikeout
restitution to the cemetery authority or property owner for the amount of any damage caused.

(b-7) Any person who acts without proper legal authority and who willfully and knowingly removes with the intent to resell a gravestone or other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside a recognized cemetery, memorial park, or battlefield, is guilty of a Class 2 felony.

(c) The provisions of this Section shall not apply to the removal or unavoidable breakage or injury by a cemetery authority of anything placed in or upon any portion of its cemetery in violation of any of the rules and regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority that in the judgment of the cemetery authority has become wrecked, unsightly, or dilapidated.

(d) If an unemancipated minor is found guilty of violating any of the provisions of subsection (b) of this Section and is unable to provide restitution to the cemetery authority or property owner, the parents or legal guardians of that minor shall provide restitution to the cemetery authority or property owner for the amount of any damage caused, up to the total amount allowed under the Parental Responsibility Law.

(e) Any person who shall hunt, shoot or discharge any gun, pistol or other missile, within the limits of any cemetery, or shall cause any shot or missile to be discharged into or over any portion thereof, or shall violate any of the rules made and established by the board of directors of such cemetery, for the protection or government thereof, is guilty of a Class C misdemeanor.

(f) Any person who knowingly enters or knowingly remains upon the premises of a public or private cemetery without authorization during hours that the cemetery is posted as closed to the public is guilty of a Class A misdemeanor.

(g) All fines when recovered, shall be paid over by the court or officer receiving the same to the cemetery authority and be applied, as far as possible in repairing the injury, if any, caused by such offense. Provided, nothing contained in this Act shall deprive such cemetery authority, or the owner of any interment, entombment, or inurement right lot or monument from maintaining an action for the recovery of damages caused by any injury caused by a violation of the provisions of this Act, or of the rules established by the board of directors of such cemetery authority. Nothing in this

New matter indicated by italics - deletions by strikeout
Section shall be construed to prohibit the discharge of firearms loaded with blank ammunition as part of any funeral, any memorial observance or any other patriotic or military ceremony.

(Source: P.A. 92-419, eff. 1-1-02.)

(765 ILCS 835/2) (from Ch. 21, par. 16)

Sec. 2. The cemetery authority board of directors of such society or association is hereby authorized to make by-laws or rules and regulations for the government thereof, and to make rules regarding the driving of cars, motorcycles, carriages, processions, teams, and the speed thereof, the use of avenues, lots, walks, ponds, water courses, vaults, buildings, or other places within such cemetery, the operations and good management in such cemetery, the protection of visitors, the protection of employees, and for the maintenance of good order and quiet in such cemetery, all such rules to be subject to the rights of interment, entombment, or inurnment right for owners, or others, owning any interest in such cemetery; and all persons found guilty of a violation of such rules shall be guilty of a petty offense and shall be punished by a fine of not less than $100 $5, nor more than $500 $100 for each offense. No judge shall be disqualified from hearing any cause that may be brought before him under the provisions of this Act, nor shall any person be disqualified from acting as a juror in such cause, by reason of any interest or ownership they or either of them may have in the interment, entombment, or inurnment rights lots of such cemetery.

(Source: P.A. 78-255.)

(765 ILCS 835/3) (from Ch. 21, par. 17)

Sec. 3. The cemetery authority directors of any cemetery society, or cemetery association, may appoint policemen to protect such cemetery and preserve order therein, and such policemen shall have the same power in respect to any offenses committed in such cemetery, or any violation of this act, that city marshals or policemen in cities have in respect to maintaining order in such cities or arresting for offenses committed therein.

(Source: Laws 1885, p. 57.)

(765 ILCS 835/4) (from Ch. 21, par. 18)

Sec. 4. The cemetery authority board of directors of such cemetery society, or cemetery association, or the trustees of any public graveyard, may set apart such portion as they see fit of the moneys received from the sale of the interment, entombment, or inurnment rights lots, in such cemetery or graveyard, which sums shall be kept separate from all other

New matter indicated by italics - deletions by strikeout
assets as an especial trust fund, and they shall keep the same invested in safe interest or income paying securities, for the purpose of keeping said cemetery or graveyard, and the interment, entombment, or inurnment rights therein, permanently in good order and repair, and the interest or income derived from such trust fund shall be applied only to that purpose, and shall not be diverted from such use.

(Source: Laws 1909, p. 101.)

(765 ILCS 835/5) (from Ch. 21, par. 19)

Sec. 5. It shall be the duty of the board of directors of such cemetery society, or cemetery authority association, or trustees of a public graveyard to receive by gift or bequest, real or personal property, or the income or avails of property which shall be conveyed in trust for the improvement, maintenance, repair, preservation and ornamentation of such interment, entombment, or inurnment rights lot or lots, vault or vaults, tomb or tombs, or other such structures in the cemetery or graveyard of which such board or trustees have control, as may be designated by the terms of such gift or bequest, and in accordance with such reasonable rules and regulations therefor, as shall be made by such board of directors or trustees, and such board of directors or trustees shall keep such trust funds invested in safe interest or income bearing securities, the income from which shall be used for the purpose aforesaid.

(Source: Laws 1909, p. 101.)

(765 ILCS 835/5a) (from Ch. 21, par. 19a)

Sec. 5a. The cemetery authority directors or managing officers of any cemetery society or cemetery association may invest the funds received under Section 4 or 5 in notes secured by a first mortgage or trust deed upon improved or income producing real estate situated in this State and not exceeding one-half the value thereof at the time the investment is made by the directors. Whenever any cemetery society or cemetery authority association acquires property as a result of the foreclosure of such mortgage, or in any other manner, the directors or managing officers of such society or authority association have the power to sell and convey the land received.

(Source: P.A. 80-660.)

(765 ILCS 835/8) (from Ch. 21, par. 21.1)

Sec. 8. Where the cemetery is a privately operated cemetery, as defined in Section 2 of the Cemetery Care Act, enacted by the Sixty-fifth General Assembly or where the interment, entombment rights in a community mausoleum or lawn crypt section, or inurnment
rights in a community columbarium lot or lots, vault or vaults, tomb or
tombs, or other such structures in the cemetery or graveyard are in a
privately operated cemetery, as defined in Section 2 of that Act, then such
board of directors or managing officers of such cemetery, society or
cemetery authority association, or the trustees of any public graveyard or
the cemetery society or cemetery association, shall also comply with the
provisions of the Cemetery Care Act, enacted by the Sixty-fifth General
Assembly.
(Source: Laws 1947, p. 356.)

(765 ILCS 835/9) (from Ch. 21, par. 21.2)

Sec. 9. When there is no memorial, monument, or marker installed
on a cemetery interment right, entombment rights in a community
mausoleum or lawn crypt section, or inurnment rights in a community
columbarium lot; no interment in a cemetery interment right, entombment
rights in a community mausoleum or lawn crypt section, or inurnment
right in a community columbarium lot; no transfer or assignment of a
cemetery interment right, entombment rights in a community mausoleum
or lawn crypt section, or inurnment right in a community columbarium lot
on the cemetery authority records; no contact by an owner recorded in the
cemetery authority records; publication has been made in a local
newspaper of general circulation in the county in which the interment,
entombment, or inurnment rights are located and no response was
received; and 50 60 years have passed since the cemetery interment right,
entombment rights in a community mausoleum or lawn crypt section, or
inurnment right in a community columbarium lot was sold, there is a
presumption that the cemetery interment right, entombment rights in a
community mausoleum or lawn crypt section, or inurnment right in a
community columbarium lot has been abandoned, unless a specific
agreement has been entered into designating said rights to be inviolate.
Alternatively, where there is an obligation to pay a cemetery authority,
annually or periodically, maintenance or care charges on a cemetery
interment right, entombment rights in a community mausoleum or lawn
crypt section, or inurnment right in a community columbarium lot, or part
thereof, and the owner of or claimant to a right or easement for burial in
such cemetery interment right, entombment rights in a community
mausoleum or lawn crypt section, or inurnment right in a community
columbarium lot, or part thereof, has failed to pay the required annual or
periodic maintenance or care charges for a period of 30 years or more,
such continuous failure to do so creates and establishes a presumption that

New matter indicated by italics - deletions by strikeout
the cemetery interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, has been abandoned.

Upon a court's determination of abandonment, the ownership of a right or easement for burial in a cemetery interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, shall be subject to sale in the manner hereinafter provided.

(Source: P.A. 92-419, eff. 1-1-02.)

(765 ILCS 835/10) (from Ch. 21, par. 21.3)

Sec. 10. A cemetery authority may file in the office of the clerk of the circuit court of the county in which the cemetery is located a verified petition praying for the entry of an order adjudging a cemetery interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, to have been abandoned. The petition shall describe the cemetery interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, alleged to have been abandoned, shall allege ownership by the petitioner of the cemetery, and, if known, the name of the owner of the right or easement for burial in such cemetery interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, as is alleged to have been abandoned, or, if the owner thereof is known to the petitioner to be deceased, then the names, if known to petitioner, of such claimants thereto as are the heirs-at-law and next-of-kin or the specific legatees under the will of the owner of the right or easement for burial in such cemetery interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, and such other facts as the petitioner may have with respect to ownership of the right or easement for burial in such cemetery interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof.

The petition shall also allege the facts with respect to the abandonment of the cemetery interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot or facts about the obligation of the owner to pay annual or periodic maintenance or care charges on such cemetery

New matter indicated by italics - deletions by strikeout
interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium, lot, or part thereof; the amount of such charges as are due and unpaid, and shall also allege the continuous failure by the owner or claimant to pay such charges for a period of 30 consecutive years or more.

Irrespective of diversity of ownership of the right or easement for burial therein, a cemetery authority may include in one petition as many cemetery interment rights, entombment rights in a community mausoleum or lawn crypt section, or inurnment rights in a community columbarium lots, or parts thereof, as are alleged to have been abandoned.

(Source: P.A. 92-419, eff. 1-1-02.)

(765 ILCS 835/12) (from Ch. 21, par. 21.5)

Sec. 12. In the event the owner, the claimant, or the heirs-at-law and next-of-kin or the specific legatees under the will of either the owner or claimant submits proof of ownership to the court or appears and answers the petition, the presumption of abandonment shall no longer exist and the court shall set the matter for hearing upon the petition and such answers thereto as may be filed.

In the event the defendant or defendants fails to appear and answer the petition, or in the event that upon the hearing the court determines from the evidence presented that there has been an abandonment of the cemetery interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot for 50 years or a continuous failure to pay the annual or periodic maintenance or care charges on such interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, for a period of 30 years or more preceding the filing of the petition, then, in either such event, an order shall be entered adjudicating such interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, to have been abandoned and adjudging the right or easement for burial therein to be subject to sale by the cemetery authority at the expiration of one year from the date of the entry of such order. Upon entry of an order adjudicating abandonment of a cemetery interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium, lot, or part thereof, the court shall fix such sum as is deemed a reasonable fee for the services of petitioner's attorney.

(Source: P.A. 92-419, eff. 1-1-02.)

(765 ILCS 835/13) (from Ch. 21, par. 21.6)
Sec. 13. In the event that, at any time within one year after adjudication of abandonment, the owner or claimant of an interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, which has been adjudged abandoned, shall contact the court or the cemetery authority and pay all maintenance or care charges that are due and unpaid, shall reimburse the cemetery authority for the costs of suit and necessary expenses incurred in the proceeding with respect to such interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, and shall contract for its future care and maintenance, then such lot, or part thereof, shall not be sold as herein provided and, upon petition of the owner or claimant, the order or judgment adjudging the same to have been abandoned shall be vacated as to such interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof.

(Source: P.A. 92-419, eff. 1-1-02.)

(765 ILCS 835/14) (from Ch. 21, par. 21.7)

Sec. 14. After the expiration of one year from the date of entry of an order adjudging a interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, to have been abandoned, a cemetery authority shall have the right to do so and may sell such interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, at public sale and grant an easement therein for burial purposes to the purchaser at such sale, subject to the interment of any human remains theretofore placed therein and the right to maintain memorials placed thereon. A cemetery authority may bid at and purchase such interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, at such sale.

Notice of the time and place of any sale held pursuant to an order adjudicating abandonment of a cemetery interment right, entombment rights in a community mausoleum or lawn crypt section, or inurnment right in a community columbarium lot, or part thereof, shall be published once in a newspaper of general circulation in the county in which the cemetery is located, such publication to be not less than 30 days prior to the date of sale.

New matter indicated by italics - deletions by strikeout
The proceeds derived from any sale shall be used to reimburse the petitioner for the costs of suit and necessary expenses, including attorney's fees, incurred by petitioner in the proceeding, and the balance, if any, shall be deposited into the cemetery authority's care fund or, if there is no care fund, used by the cemetery authority for the care of its cemetery and for no other purpose.

(Source: P.A. 92-419, eff. 1-1-02.)

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

Passed in the General Assembly May 11, 2005.
Approved June 17, 2005.
Effective June 17, 2005.

PUBLIC ACT 94-0045
(House Bill No. 0445)

AN ACT concerning transportation.

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

Section 5. The Boat Registration and Safety Act is amended by changing Section 3-2 as follows:

(625 ILCS 45/3-2) (from Ch. 95 1/2, par. 313-2)

Sec. 3-2. Identification number application. The owner of each watercraft requiring numbering by this State shall file an application for number with the Department on forms approved by it. The application shall be signed by the owner of the watercraft and shall be accompanied by a fee as follows:

A. Class A (all canoes, and kayaks, and non-motorized paddle boats)................................. $6

B. Class 1 (all watercraft less than 16 feet in length, except canoes, and kayaks, and non-motorized paddle boats)......................................................... $15

C. Class 2 (all watercraft 16 feet or more but less than 26 feet in length except canoes, and kayaks, and non-motorized paddle boats)................................................. $45

D. Class 3 (all watercraft 26 feet or more but less than 40 feet in length)............................... $75

New matter indicated by italics - deletions by strikeout
E. Class 4 (all watercraft 40 feet in length or more) ................................................................. $100

Upon receipt of the application in approved form, and when satisfied that no tax imposed pursuant to the "Municipal Use Tax Act" or the "County Use Tax Act" is owed, or that such tax has been paid, the Department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the watercraft and the name and address of the owner.

(Source: P.A. 93-32, eff. 7-1-03.)

Passed in the General Assembly May 11, 2005.
Approved June 17, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0046
(House Bill No. 0603)

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

Section 5. The Illinois Income Tax Act is amended by changing Section 214 as follows:

(35 ILCS 5/214)

Sec. 214. Tax credit for affordable housing donations.

(a) Beginning with taxable years ending on or after December 31, 2001 and until the taxable year ending on December 31, 2011 December 31, 2006, a taxpayer who makes a donation under Section 7.28 of the Illinois Housing Development Act is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 in an amount equal to 50% of the value of the donation. Partners, shareholders of subchapter S corporations, and owners of limited liability companies (if the limited liability company is treated as a partnership for purposes of federal and State income taxation) are entitled a credit under this Section to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 703 and subchapter S of the Internal Revenue Code. Persons or entities not subject to the tax imposed by subsections (a) and (b) of Section 201 and who make a donation under Section 7.28 of the Illinois Housing Development Act are entitled to a credit as described in this subsection and may transfer that credit as described in subsection (c).

New matter indicated by italics - deletions by strikeout
(b) If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The tax credit shall be applied to the earliest year for which there is a tax liability. If there are credits for more than one year that are available to offset a liability, the earlier credit shall be applied first.

(c) The transfer of the tax credit allowed under this Section may be made (i) to the purchaser of land that has been designated solely for affordable housing projects in accordance with the Illinois Housing Development Act or (ii) to another donor who has also made a donation in accordance with Section 7.28 of the Illinois Housing Development Act.

(d) A taxpayer claiming the credit provided by this Section must maintain and record any information that the Department may require by regulation regarding the project for which the credit is claimed. When claiming the credit provided by this Section, the taxpayer must provide information regarding the taxpayer's donation to the project under the Illinois Housing Development Act.

(Source: P.A. 92-491, eff. 8-23-01; 93-369, eff. 7-24-03.)

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

Passed in the General Assembly May 11, 2005.
Approved June 17, 2005.
Effective June 17, 2005.

PUBLIC ACT 94-0047
(House Bill No. 1182)

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

Section 5. The Illinois Vehicle Code is amended by changing Section 11-1427.3 as follows:

(625 ILCS 5/11-1427.3)
Sec. 11-1427.3. Rules for all-terrain vehicles and off-highway motorcycles. The Department of Natural Resources may adopt rules to implement and administer the provisions of Sections 11-1426, 11-1427, 11-1427.1, and 11-1427.2.
(Source: P.A. 90-287, eff. 1-1-98.)
Passed in the General Assembly May 11, 2005.

New matter indicated by italics - deletions by strikeout
Approved June 17, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0048
(House Bill No 1197)

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

Section 1. Short title. This Act may be cited as the FY2006 Budget Implementation (Human Services) Act.

Section 5. Purpose. It is the purpose of this Act to implement the Governor's FY2006 budget recommendations concerning human services.

Section 10. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

Sec. 5-45. Emergency rulemaking.
(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.
(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.
(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules that may be adopted in a 24 month period does

New matter indicated by italics - deletions by strikeout
not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act, or (iii) emergency rules adopted by the Illinois Department of Public Health under subsections (a) through (i) of Section 2 of the Department of Public Health Act when necessary to protect the public's health. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

(d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (d). The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.

(e) In order to provide for the expeditious and timely implementation of the State's fiscal year 2000 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2000 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (e). The adoption of emergency rules authorized by this subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.

(f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of
Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

(g) In order to provide for the expeditious and timely implementation of the State's fiscal year 2002 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2002 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (g). The adoption of emergency rules authorized by this subsection (g) shall be deemed to be necessary for the public interest, safety, and welfare.

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

(i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of this amendatory Act of the 93rd General Assembly or any other budget initiative for fiscal year 2004 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare.

(j) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2005 budget as
provided under the Fiscal Year 2005 Budget Implementation (Human Services) Act, emergency rules to implement any provision of the Fiscal Year 2005 Budget Implementation (Human Services) Act may be adopted in accordance with this Section by the agency charged with administering that provision, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (j). The Department of Public Aid may also adopt rules under this subsection (j) necessary to administer the Illinois Public Aid Code and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (j) shall be deemed to be necessary for the public interest, safety, and welfare.

(k) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2006 budget, emergency rules to implement any provision of this amendatory Act of the 94th General Assembly or any other budget initiative for fiscal year 2006 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (k). The Department of Public Aid may also adopt rules under this subsection (k) necessary to administer the Illinois Public Aid Code, the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act, and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (k) shall be deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 92-10, eff. 6-11-01; 92-597, eff. 6-28-02; 93-20, eff. 6-20-03; 93-829, eff. 7-28-04; 93-841, eff. 7-30-04; revised 10-25-04.)

Section 12. The Illinois Act on the Aging is amended by changing Section 4.02 as follows:

(20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)
Sec. 4.02. The Department shall establish a program of services to prevent unnecessary institutionalization of persons age 60 and older in need of long term care or who are established as persons who suffer from Alzheimer's disease or a related disorder under the Alzheimer's Disease Assistance Act, thereby enabling them to remain in their own homes or in other living arrangements. Such preventive services, which may be coordinated with other programs for the aged and monitored by area
agencies on aging in cooperation with the Department, may include, but are not limited to, any or all of the following:

(a) home health services;
(b) home nursing services;
(c) homemaker services;
(d) chore and housekeeping services;
(e) day care services;
(f) home-delivered meals;
(g) education in self-care;
(h) personal care services;
(i) adult day health services;
(j) habilitation services;
(k) respite care;
(k-5) community reintegration services;
(l) other nonmedical social services that may enable the person to become self-supporting; or
(m) clearinghouse for information provided by senior citizen home owners who want to rent rooms to or share living space with other senior citizens.

The Department shall establish eligibility standards for such services taking into consideration the unique economic and social needs of the target population for whom they are to be provided. Such eligibility standards shall be based on the recipient's ability to pay for services; provided, however, that in determining the amount and nature of services for which a person may qualify, consideration shall not be given to the value of cash, property or other assets held in the name of the person's spouse pursuant to a written agreement dividing marital property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse, provided that the spouse's share of the marital property is not made available to the person seeking such services.

Beginning July 1, 2002, the Department shall require as a condition of eligibility that all financially eligible applicants and recipients apply for medical assistance under Article V of the Illinois Public Aid Code in accordance with rules promulgated by the Department.

The Department shall, in conjunction with the Department of Public Aid, seek appropriate amendments under Sections 1915 and 1924 of the Social Security Act. The purpose of the amendments shall be to extend eligibility for home and community based services under Sections 1915 and 1924 of the Social Security Act to persons who transfer to or for
the benefit of a spouse those amounts of income and resources allowed under Section 1924 of the Social Security Act. Subject to the approval of such amendments, the Department shall extend the provisions of Section 5-4 of the Illinois Public Aid Code to persons who, but for the provision of home or community-based services, would require the level of care provided in an institution, as is provided for in federal law. Those persons no longer found to be eligible for receiving noninstitutional services due to changes in the eligibility criteria shall be given 60 days notice prior to actual termination. Those persons receiving notice of termination may contact the Department and request the determination be appealed at any time during the 60 day notice period. With the exception of the lengthened notice and time frame for the appeal request, the appeal process shall follow the normal procedure. In addition, each person affected regardless of the circumstances for discontinued eligibility shall be given notice and the opportunity to purchase the necessary services through the Community Care Program. If the individual does not elect to purchase services, the Department shall advise the individual of alternative services. The target population identified for the purposes of this Section are persons age 60 and older with an identified service need. Priority shall be given to those who are at imminent risk of institutionalization. The services shall be provided to eligible persons age 60 and older to the extent that the cost of the services together with the other personal maintenance expenses of the persons are reasonably related to the standards established for care in a group facility appropriate to the person's condition. These non-institutional services, pilot projects or experimental facilities may be provided as part of or in addition to those authorized by federal law or those funded and administered by the Department of Human Services. The Departments of Human Services, Public Aid, Public Health, Veterans' Affairs, and Commerce and Economic Opportunity and other appropriate agencies of State, federal and local governments shall cooperate with the Department on Aging in the establishment and development of the non-institutional services. The Department shall require an annual audit from all chore/housekeeping and homemaker vendors contracting with the Department under this Section. The annual audit shall assure that each audited vendor's procedures are in compliance with Department's financial reporting guidelines requiring an administrative and employee wage and benefits cost split as defined in administrative rules a 27% administrative cost split and a 73% employee wages and benefits cost split. The audit is a public record under the Freedom of Information Act. The Department shall
execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department of Public Aid, to effect the following: (1) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (2) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped. On and after July 1, 1996, all nursing home prescreenings for individuals 60 years of age or older shall be conducted by the Department.

The Department is authorized to establish a system of recipient copayment for services provided under this Section, such copayment to be based upon the recipient's ability to pay but in no case to exceed the actual cost of the services provided. Additionally, any portion of a person's income which is equal to or less than the federal poverty standard shall not be considered by the Department in determining the copayment. The level of such copayment shall be adjusted whenever necessary to reflect any change in the officially designated federal poverty standard.

The Department, or the Department's authorized representative, shall recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is no surviving child who is under age 21, blind, or permanently and totally disabled. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery shall not be enforced against any real estate while it is occupied as a homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving

New matter indicated by italics - deletions by strikeout
spouse or relative, as defined by the rules and regulations of the Illinois Department of Public Aid, regardless of the value of the property.

The Department shall develop procedures to enhance availability of services on evenings, weekends, and on an emergency basis to meet the respite needs of caregivers. Procedures shall be developed to permit the utilization of services in successive blocks of 24 hours up to the monthly maximum established by the Department. Workers providing these services shall be appropriately trained.

Beginning on the effective date of this Amendatory Act of 1991, no person may perform chore/housekeeping and homemaker services under a program authorized by this Section unless that person has been issued a certificate of pre-service to do so by his or her employing agency. Information gathered to effect such certification shall include (i) the person's name, (ii) the date the person was hired by his or her current employer, and (iii) the training, including dates and levels. Persons engaged in the program authorized by this Section before the effective date of this amendatory Act of 1991 shall be issued a certificate of all pre- and in-service training from his or her employer upon submitting the necessary information. The employing agency shall be required to retain records of all staff pre- and in-service training, and shall provide such records to the Department upon request and upon termination of the employer's contract with the Department. In addition, the employing agency is responsible for the issuance of certifications of in-service training completed to their employees.

The Department is required to develop a system to ensure that persons working as homemakers and chore housekeepers receive increases in their wages when the federal minimum wage is increased by requiring vendors to certify that they are meeting the federal minimum wage statute for homemakers and chore housekeepers. An employer that cannot ensure that the minimum wage increase is being given to homemakers and chore housekeepers shall be denied any increase in reimbursement costs.

The Department on Aging and the Department of Human Services shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall be filed with the Governor and the General Assembly on or before September 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President,

New matter indicated by italics - deletions by strikeout
the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

Those persons previously found eligible for receiving non-institutional services whose services were discontinued under the Emergency Budget Act of Fiscal Year 1992, and who do not meet the eligibility standards in effect on or after July 1, 1992, shall remain ineligible on and after July 1, 1992. Those persons previously not required to cost-share and who were required to cost-share effective March 1, 1992, shall continue to meet cost-share requirements on and after July 1, 1992. Beginning July 1, 1992, all clients will be required to meet eligibility, cost-share, and other requirements and will have services discontinued or altered when they fail to meet these requirements.

(Source: P.A. 92-597, eff. 6-28-02; 93-85, eff. 1-1-04; 93-902, eff. 8-10-04.)

Section 15. The Children’s Health Insurance Program Act is amended by changing Section 30 as follows:

(215 ILCS 106/30)
Sec. 30. Cost sharing. (a) Children enrolled in a health benefits program pursuant to subdivision (a)(2) of Section 25 and persons enrolled in a health benefits waiver program pursuant to Section 40 shall be subject to the following cost sharing requirements:

(1) There shall be no co-payment required for well-baby or well-child care, including age-appropriate immunizations as required under federal law.

(2) Health insurance premiums for family members, either children or adults, in families whose household income is above 150% of the federal poverty level shall be payable monthly, subject to rules promulgated by the Department for grace periods and advance payments, and shall be as follows:

(A) $15 per month for one family member child.
(B) $25 per month for 2 family members children.
(C) $30 per month for 3 family members or more children.
(D) $35 per month for 4 family members.
(E) $40 per month for 5 or more family members.

New matter indicated by italics - deletions by strikeout
(3) Co-payments for children or adults in families whose income is at or below 150% of the federal poverty level, at a minimum and to the extent permitted under federal law, shall be $2 for all medical visits and prescriptions provided under this Act.

(4) Co-payments for children or adults in families whose income is above 150% of the federal poverty level, at a minimum and to the extent permitted under federal law shall be as follows:
   (A) $5 for medical visits.
   (B) $3 for generic prescriptions and $5 for brand name prescriptions.
   (C) $25 for emergency room use for a non-emergency situation as defined by the Department by rule.

(5) The maximum amount of out-of-pocket expenses for co-payments shall be $100 per family per year.

(b) Individuals enrolled in a privately sponsored health insurance plan pursuant to subdivision (a)(1) of Section 25 shall be subject to the cost sharing provisions as stated in the privately sponsored health insurance plan.

(Source: P.A. 90-736, eff. 8-12-98; 91-266, eff. 7-23-99.)

Section 20. The Illinois Public Aid Code is amended by changing Sections 5-5.4, 5-5.12, 5-11, and 12-4.35 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be

New matter indicated by italics - deletions by strikeout
provided on or after July 1, 1994 and before July 1, 2006, unless specifically provided for in this Section. The changes made by this amendatory Act of the 93rd General Assembly extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate.
The Department of Public Aid shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 2 years after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate
care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

New matter indicated by italics - deletions by strikeout
Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year.

In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 92-10, eff. 6-11-01; 92-31, eff. 6-28-01; 92-597, eff. 6-28-02; 92-651, eff. 7-11-02; 92-848, eff. 1-1-03; 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04; 93-1087, eff. 2-28-05.)

New matter indicated by italics - deletions by strikeout
Sec. 5-5.12. Pharmacy payments.

(a) Every request submitted by a pharmacy for reimbursement under this Article for prescription drugs provided to a recipient of aid under this Article shall include the name of the prescriber or an acceptable identification number as established by the Department.

(b) Pharmacies providing prescription drugs under this Article shall be reimbursed at a rate which shall include a professional dispensing fee as determined by the Illinois Department, plus the current acquisition cost of the prescription drug dispensed. The Illinois Department shall update its information on the acquisition costs of all prescription drugs no less frequently than every 30 days. However, the Illinois Department may set the rate of reimbursement for the acquisition cost, by rule, at a percentage of the current average wholesale acquisition cost.

(c) (Blank). Reimbursement under this Article for prescription drugs shall be limited to reimbursement for 4 brand-name prescription drugs per patient per month. This subsection applies only if (i) the brand-name drug was not prescribed for an acute or urgent condition, (ii) the brand-name drug was not prescribed for Alzheimer's disease, arthritis, diabetes, HIV/AIDS, a mental health condition, or respiratory disease, and (iii) a therapeutically equivalent generic medication has been approved by the federal Food and Drug Administration.

(d) The Department shall not impose requirements for prior approval based on a preferred drug list for anti-retroviral, anti-hemophilic factor concentrates, or any atypical antipsychotics, conventional antipsychotics, or anticonvulsants used for the treatment of serious mental illnesses until 30 days after it has conducted a study of the impact of such requirements on patient care and submitted a report to the Speaker of the House of Representatives and the President of the Senate.

(Source: P.A. 92-597, eff. 6-28-02; 92-825, eff. 8-21-02; 93-106, eff. 7-8-03.)
rehabilitation services to the end that there may be maximum utilization of such services in the provision of medical assistance.

The Illinois Department shall, not later than June 30, 1993, enter into one or more co-operative arrangements with the Department of Mental Health and Developmental Disabilities providing that the Department of Mental Health and Developmental Disabilities will be responsible for administering or supervising all programs for services to persons in community care facilities for persons with developmental disabilities, including but not limited to intermediate care facilities, that are supported by State funds or by funding under Title XIX of the federal Social Security Act. The responsibilities of the Department of Mental Health and Developmental Disabilities under these agreements are transferred to the Department of Human Services as provided in the Department of Human Services Act.

The Department may also contract with such State health and rehabilitation agencies and other public or private health care and rehabilitation organizations to act for it in supplying designated medical services to persons eligible therefor under this Article. Any contracts with health services or health maintenance organizations shall be restricted to organizations which have been certified as being in compliance with standards promulgated pursuant to the laws of this State governing the establishment and operation of health services or health maintenance organizations. The Department shall renegotiate the contracts with health maintenance organizations and managed care community networks that took effect August 1, 2003, so as to produce $70,000,000 savings to the Department net of resulting increases to the fee-for-service program for State fiscal year 2006. The Department may also contract with insurance companies or other corporate entities serving as fiscal intermediaries in this State for the Federal Government in respect to Medicare payments under Title XVIII of the Federal Social Security Act to act for the Department in paying medical care suppliers. The provisions of Section 9 of "An Act in relation to State finance", approved June 10, 1919, as amended, notwithstanding, such contracts with State agencies, other health care and rehabilitation organizations, or fiscal intermediaries may provide for advance payments.

(b) For purposes of this subsection (b), "managed care community network" means an entity, other than a health maintenance organization, that is owned, operated, or governed by providers of health care services within this State and that provides or arranges primary, secondary, and
tertiary managed health care services under contract with the Illinois Department exclusively to persons participating in programs administered by the Illinois Department.

The Illinois Department may certify managed care community networks, including managed care community networks owned, operated, managed, or governed by State-funded medical schools, as risk-bearing entities eligible to contract with the Illinois Department as Medicaid managed care organizations. The Illinois Department may contract with those managed care community networks to furnish health care services to or arrange those services for individuals participating in programs administered by the Illinois Department. The rates for those provider-sponsored organizations may be determined on a prepaid, capitated basis. A managed care community network may choose to contract with the Illinois Department to provide only pediatric health care services. The Illinois Department shall by rule adopt the criteria, standards, and procedures by which a managed care community network may be permitted to contract with the Illinois Department and shall consult with the Department of Insurance in adopting these rules.

A county provider as defined in Section 15-1 of this Code may contract with the Illinois Department to provide primary, secondary, or tertiary managed health care services as a managed care community network without the need to establish a separate entity and shall be deemed a managed care community network for purposes of this Code only to the extent it provides services to participating individuals. A county provider is entitled to contract with the Illinois Department with respect to any contracting region located in whole or in part within the county. A county provider is not required to accept enrollees who do not reside within the county.

In order to (i) accelerate and facilitate the development of integrated health care in contracting areas outside counties with populations in excess of 3,000,000 and counties adjacent to those counties and (ii) maintain and sustain the high quality of education and residency programs coordinated and associated with local area hospitals, the Illinois Department may develop and implement a demonstration program from managed care community networks owned, operated, managed, or governed by State-funded medical schools. The Illinois Department shall prescribe by rule the criteria, standards, and procedures for effecting this demonstration program.

New matter indicated by italics - deletions by strikeout
A managed care community network that contracts with the Illinois Department to furnish health care services to or arrange those services for enrollees participating in programs administered by the Illinois Department shall do all of the following:

1. Provide that any provider affiliated with the managed care community network may also provide services on a fee-for-service basis to Illinois Department clients not enrolled in such managed care entities.

2. Provide client education services as determined and approved by the Illinois Department, including but not limited to (i) education regarding appropriate utilization of health care services in a managed care system, (ii) written disclosure of treatment policies and restrictions or limitations on health services, including, but not limited to, physical services, clinical laboratory tests, hospital and surgical procedures, prescription drugs and biologics, and radiological examinations, and (iii) written notice that the enrollee may receive from another provider those covered services that are not provided by the managed care community network.

3. Provide that enrollees within the system may choose the site for provision of services and the panel of health care providers.

4. Not discriminate in enrollment or disenrollment practices among recipients of medical services or enrollees based on health status.

5. Provide a quality assurance and utilization review program that meets the requirements established by the Illinois Department in rules that incorporate those standards set forth in the Health Maintenance Organization Act.

6. Issue a managed care community network identification card to each enrollee upon enrollment. The card must contain all of the following:

   A) The enrollee's health plan.
   B) The name and telephone number of the enrollee's primary care physician or the site for receiving primary care services.
   C) A telephone number to be used to confirm eligibility for benefits and authorization for services that is available 24 hours per day, 7 days per week.
(7) Ensure that every primary care physician and pharmacy in the managed care community network meets the standards established by the Illinois Department for accessibility and quality of care. The Illinois Department shall arrange for and oversee an evaluation of the standards established under this paragraph (7) and may recommend any necessary changes to these standards.

(8) Provide a procedure for handling complaints that meets the requirements established by the Illinois Department in rules that incorporate those standards set forth in the Health Maintenance Organization Act.

(9) Maintain, retain, and make available to the Illinois Department records, data, and information, in a uniform manner determined by the Illinois Department, sufficient for the Illinois Department to monitor utilization, accessibility, and quality of care.

(10) Provide that the pharmacy formulary used by the managed care community network and its contract providers be no more restrictive than the Illinois Department's pharmaceutical program on the effective date of this amendatory Act of 1998 and as amended after that date.

The Illinois Department shall contract with an entity or entities to provide external peer-based quality assurance review for the managed health care programs administered by the Illinois Department. The entity shall be representative of Illinois physicians licensed to practice medicine in all its branches and have statewide geographic representation in all specialties of medical care that are provided in managed health care programs administered by the Illinois Department. The entity may not be a third party payer and shall maintain offices in locations around the State in order to provide service and continuing medical education to physician participants within those managed health care programs administered by the Illinois Department. The review process shall be developed and conducted by Illinois physicians licensed to practice medicine in all its branches. In consultation with the entity, the Illinois Department may contract with other entities for professional peer-based quality assurance review of individual categories of services other than services provided, supervised, or coordinated by physicians licensed to practice medicine in all its branches. The Illinois Department shall establish, by rule, criteria to avoid conflicts of interest in the conduct of quality assurance activities.
consistent with professional peer-review standards. All quality assurance activities shall be coordinated by the Illinois Department.

Each managed care community network must demonstrate its ability to bear the financial risk of serving individuals under this program. The Illinois Department shall by rule adopt standards for assessing the solvency and financial soundness of each managed care community network. Any solvency and financial standards adopted for managed care community networks shall be no more restrictive than the solvency and financial standards adopted under Section 1856(a) of the Social Security Act for provider-sponsored organizations under Part C of Title XVIII of the Social Security Act.

The Illinois Department may implement the amendatory changes to this Code made by this amendatory Act of 1998 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of that Act, the adoption of rules to implement these changes is deemed an emergency and necessary for the public interest, safety, and welfare.

(c) Not later than June 30, 1996, the Illinois Department shall enter into one or more cooperative arrangements with the Department of Public Health for the purpose of developing a single survey for nursing facilities, including but not limited to facilities funded under Title XVIII or Title XIX of the federal Social Security Act or both, which shall be administered and conducted solely by the Department of Public Health. The Departments shall test the single survey process on a pilot basis, with both the Departments of Public Aid and Public Health represented on the consolidated survey team. The pilot will sunset June 30, 1997. After June 30, 1997, unless otherwise determined by the Governor, a single survey shall be implemented by the Department of Public Health which would not preclude staff from the Department of Public Aid from going on-site to nursing facilities to perform necessary audits and reviews which shall not replicate the single State agency survey required by this Act. This Section shall not apply to community or intermediate care facilities for persons with developmental disabilities.

(d) Nothing in this Code in any way limits or otherwise impairs the authority or power of the Illinois Department to enter into a negotiated contract pursuant to this Section with a managed care community network or a health maintenance organization, as defined in the Health Maintenance Organization Act, that provides for termination or
nonrenewal of the contract without cause, upon notice as provided in the contract, and without a hearing.
(Source: P.A. 92-370, eff. 8-15-01.)
(305 ILCS 5/12-4.35)
Sec. 12-4.35. Medical services for certain noncitizens.

(a) Notwithstanding Section 1-11 of this Code or Section 20(a) of the Children's Health Insurance Program Act, the Department of Public Aid may provide medical services to noncitizens who have not yet attained 19 years of age and who are not eligible for medical assistance under Article V of this Code or under the Children's Health Insurance Program created by the Children's Health Insurance Program Act due to their not meeting the otherwise applicable provisions of Section 1-11 of this Code or Section 20(a) of the Children's Health Insurance Program Act. The medical services available, standards for eligibility, and other conditions of participation under this Section shall be established by rule by the Department; however, any such rule shall be at least as restrictive as the rules for medical assistance under Article V of this Code or the Children's Health Insurance Program created by the Children's Health Insurance Program Act.

(b) The Department is authorized to take any action, including without limitation cessation of enrollment, reduction of available medical services, and changing standards for eligibility, that is deemed necessary by the Department during a State fiscal year to assure that payments under this Section do not exceed available funds the amounts appropriated for this purpose.

(c) Continued In the event that the appropriation in any fiscal year for the Children's Health Insurance Program created by the Children's Health Insurance Program Act is determined by the Department to be insufficient to continue enrollment of otherwise eligible children under that Program during that fiscal year, the Department is authorized to use funds appropriated for the purposes of this Section to fund that Program and to take any other action necessary to continue the operation of that Program. Furthermore, continued enrollment of individuals into the program created under this Section in any fiscal year is contingent upon continued enrollment of individuals into the Children's Health Insurance Program during that fiscal year.

(d) (Blank). The General Assembly finds that the adoption of rules to meet the purposes of subsections (a), (b), and (c) is an emergency and

New matter indicated by italics - deletions by strikeout
necessary for the public interest, safety, and welfare. The Department may adopt such rules through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply.

(Source: P.A. 90-588, eff. 7-1-98.)

Section 25. The All-Inclusive Care for the Elderly Act is amended by changing Sections 10 and 15 as follows:

(320 ILCS 40/10) (from Ch. 23, par. 6910)

Sec. 10. Services for eligible persons. Within the context of the PACE program established under this Act, the Illinois Department of Public Aid may include any or all of the services in Article 5 of the Illinois Public Aid Code.

An eligible person may elect to receive services from the PACE program. If such an election is made, the eligible person shall not remain eligible for payment through the regular Medicare or Medicaid program. All services and programs provided through the PACE program shall be provided in accordance with this Act. An eligible person may elect to disenroll from the PACE program at any time.

For purposes of this Act, "eligible person" means a frail elderly individual who voluntarily enrolls in the PACE program, whose income and resources do not exceed limits established by the Illinois Department of Public Aid and for whom a licensed physician certifies that such a program provides an appropriate alternative to institutionalized care. The term "frail elderly" means an individual who meets the age and functional eligibility requirements, as established by the Illinois Department of Public Aid and the Department on Aging for nursing home care, and who is 65 years of age or older.

(Source: P.A. 87-411.)

(320 ILCS 40/15) (from Ch. 23, par. 6915)

Sec. 15. Program implementation.

(a) Upon receipt of federal approval waivers, the Illinois Department of Public Aid shall implement the PACE program pursuant to the provisions of the approved Title XIX State plan as a demonstration program to provide the services set forth in Section 10 to eligible persons, as defined in Section 10, for a period of 3 years. After the 3-year demonstration, the General Assembly shall reexamine the PACE program and determine if the program should be implemented on a permanent basis.

New matter indicated by italics - deletions by strikeout
(b) Using a risk-based financing model, the nonprofit organization providing the PACE program shall assume responsibility for all costs generated by the PACE program participants, and it shall create and maintain a risk reserve fund that will cover any cost overages for any participant. The PACE program is responsible for the entire range of services in the consolidated service model, including hospital and nursing home care, according to participant need as determined by a multidisciplinary team. The nonprofit organization providing the PACE program is responsible for the full financial risk at the conclusion of the demonstration period and when permanent waivers from the federal Health Care Financing Administration are granted. Specific arrangements of the risk-based financing model shall be adopted and negotiated by the federal Centers for Medicare and Medicaid Services Health Care Financing Administration, the nonprofit organization providing the PACE program, and the Illinois Department of Public Aid.
(Source: P.A. 87-411.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Approved June 17, 2005.
Effective July 1, 2005.

PUBLIC ACT 94-0049
(House Bill No. 1386)

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

Section 5. The Illinois Vehicle Code is amended by changing
Section 15-307 as follows:

(625 ILCS 5/15-307) (from Ch. 95 1/2, par. 15-307)
Sec. 15-307. Fees for Overweight-Gross Loads. Fees for special
permits to move vehicles, combinations of vehicles and loads with
overweight-gross loads shall be paid at the flat rate fees established in this
Section for weights in excess of legal gross weights, by the applicant to the
Department.

(a) With respect to fees for overweight-gross loads listed in this
Section and for overweight-axle loads listed in Section 15-306, one fee
only shall be charged, whichever is the greater, but not for both.

New matter indicated by italics - deletions by strikeout
(b) In lieu of the fees stated in this Section and Section 15-306, with respect to combinations of vehicles consisting of a 3-axle truck tractor with a tandem axle composed of 2 consecutive axles drawing a semitrailer, or other vehicle approved by the Department, equipped with a tandem axle composed of 3 consecutive axles, weighing over 73,280 pounds but not more than 88,000 pounds gross weight, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>$10</td>
</tr>
<tr>
<td>From 45 miles to 90 miles</td>
<td>12.50</td>
</tr>
<tr>
<td>From 90 miles to 135 miles</td>
<td>15.00</td>
</tr>
<tr>
<td>From 135 miles to 180 miles</td>
<td>17.50</td>
</tr>
<tr>
<td>From 180 miles to 225 miles</td>
<td>20.00</td>
</tr>
<tr>
<td>For each additional 45 miles or part thereof in excess of the rate for 225 miles, an additional</td>
<td>2.50</td>
</tr>
</tbody>
</table>

For such combinations weighing over 88,000 pounds but not more than 100,000 pounds gross weight, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>15</td>
</tr>
<tr>
<td>From 45 miles to 90 miles</td>
<td>25</td>
</tr>
<tr>
<td>From 90 miles to 135 miles</td>
<td>35</td>
</tr>
<tr>
<td>From 135 miles to 180 miles</td>
<td>45</td>
</tr>
<tr>
<td>From 180 miles to 225 miles</td>
<td>55</td>
</tr>
<tr>
<td>For each additional 45 miles or part thereof in excess of the rate for 225 miles, an additional</td>
<td>10</td>
</tr>
</tbody>
</table>

For such combination weighing over 100,000 pounds but not more than 110,000 pounds gross weight, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>$20</td>
</tr>
<tr>
<td>From 45 miles to 90 miles</td>
<td>32.50</td>
</tr>
<tr>
<td>From 90 miles to 135 miles</td>
<td>45</td>
</tr>
<tr>
<td>From 135 miles to 180 miles</td>
<td>57.50</td>
</tr>
<tr>
<td>From 180 miles to 225 miles</td>
<td>70</td>
</tr>
<tr>
<td>For each additional 45 miles or part thereof in excess of the rate for 225 miles, an additional</td>
<td>12.50</td>
</tr>
</tbody>
</table>
For such combinations weighing over 110,000 pounds but not more than 120,000 pounds gross weight, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>$30</td>
</tr>
<tr>
<td>From 46 miles to 90 miles</td>
<td>55</td>
</tr>
<tr>
<td>From 90 miles to 135 miles</td>
<td>80</td>
</tr>
<tr>
<td>From 135 miles to 180 miles</td>
<td>105</td>
</tr>
<tr>
<td>From 180 miles to 225 miles</td>
<td>130</td>
</tr>
<tr>
<td>For each additional 45 miles or part thereof in excess of the rate for 225 miles an additional</td>
<td>25</td>
</tr>
</tbody>
</table>

Payment of overweight fees for the above combinations also shall include fees for overwidth dimensions of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional fee of $15.

(c) In lieu of the fees stated in this Section and Section 15-306 of this Chapter, with respect to combinations of vehicles consisting of a 3-axle truck tractor with a tandem axle composed of 2 consecutive axles drawing a semitrailer, or other vehicle approved by the Department, equipped with a tandem axle composed of 2 consecutive axles, weighing over 73,280 pounds but not more than 88,000 pounds gross weight, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>$20</td>
</tr>
<tr>
<td>From 45 miles to 90 miles</td>
<td>32.50</td>
</tr>
<tr>
<td>From 90 miles to 135 miles</td>
<td>45</td>
</tr>
<tr>
<td>From 135 miles to 180 miles</td>
<td>57.50</td>
</tr>
<tr>
<td>From 180 miles to 225 miles</td>
<td>70</td>
</tr>
<tr>
<td>For each additional 60 miles or part thereof in excess of the rate for 225 miles an additional</td>
<td>12.50</td>
</tr>
</tbody>
</table>

For such combination weighing over 88,000 pounds but not more than 100,000 pounds gross weight, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>$30</td>
</tr>
<tr>
<td>From 46 miles to 90 miles</td>
<td>55</td>
</tr>
<tr>
<td>From 90 miles to 135 miles</td>
<td>80</td>
</tr>
<tr>
<td>From 135 miles to 180 miles</td>
<td>105</td>
</tr>
</tbody>
</table>
From 180 miles to 225 miles
For each additional 45 miles or part thereof in excess of the rate for
225 miles an additional

Payment of overweight fees for the above combinations also shall include fees for overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional overwidth fee of $15.

(d) In lieu of the fees stated in this Section and in Section 15-306 of this Chapter, with respect to a 3 (or more) axle mobile crane or water well-drilling vehicle consisting of a single axle and a tandem axle or 2 tandem axle groups composed of 2 consecutive axles each, with a distance of extreme axles not less than 18 feet, weighing not more than 60,000 pounds gross with no single axle weighing more than 21,000 pounds, or any tandem axle group to exceed 40,000 pounds, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>$12.50</td>
</tr>
<tr>
<td>For each additional 45 miles or portion thereof</td>
<td>9.00</td>
</tr>
</tbody>
</table>

For such vehicles weighing over 60,000 pounds but not more than 68,000 pounds with no single axle weighing more than 21,000 pounds and no tandem axle group exceeding 48,000 pounds, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>$20</td>
</tr>
<tr>
<td>For each additional 45 miles or portion thereof</td>
<td>12.50</td>
</tr>
</tbody>
</table>

Payment of overweight fees for the above vehicle shall include overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional overwidth fee of $15.

(e) In lieu of the fees stated in this Section and in Section 15-306 of this Chapter, with respect to a 4 (or more) axle mobile crane or water well-drilling vehicle consisting of 2 sets of tandem axles composed of 2 or more consecutive axles each with a distance between extreme axles of not less than 23 feet weighing not more than 72,000 pounds with axle weights on one set of tandem axles not more than 34,000 pounds, and weight in the other set of tandem axles not to exceed 40,000 pounds, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>$20</td>
</tr>
<tr>
<td>For each additional 45 miles or portion thereof</td>
<td>12.50</td>
</tr>
</tbody>
</table>
For the first 45 miles $15
For each additional 45 miles or portion thereof 10

For such vehicles weighing over 72,000 pounds but not more than 76,000 pounds with axle weights on either set of tandem axles not more than 44,000 pounds, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>$20</td>
</tr>
<tr>
<td>For each additional 45 miles or portion thereof</td>
<td>12.50</td>
</tr>
</tbody>
</table>

Payment of overweight fees for the above vehicle shall include overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional fee of $15.

(f) In lieu of fees stated in this Section and in Section 15-306 of this Chapter, with respect to a two axle mobile crane or water well-drilling vehicle consisting of 2 single axles weighing not more than 48,000 pounds with no single axle weighing more than 25,000 pounds, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>$15</td>
</tr>
<tr>
<td>For each additional 45 miles or portion thereof</td>
<td>10</td>
</tr>
</tbody>
</table>

For such vehicles weighing over 48,000 pounds but not more than 54,000 pounds with no single axle weighing more than 28,000 pounds, the fees shall be at the following rates:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 45 miles</td>
<td>$20</td>
</tr>
<tr>
<td>For each additional 45 miles or portion thereof</td>
<td>12.50</td>
</tr>
</tbody>
</table>

Payment of overweight fees for the above vehicle shall include overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional overwidth fee of $15.

(g) Fees for special permits to move vehicles, combinations of vehicles, and loads with overweight gross loads not included in the fee categories shall be paid by the applicant to the Department at the rate of $50 plus 3.5 cents per ton-mile in excess of legal weight.

With respect to fees for overweight gross loads not included in the schedules specified in paragraphs (a) through (e) of Section 15-307 and for overweight axle loads listed in Section 15-306, one fee only shall be charged, whichever is the greater, but not both. An additional fee in accordance with the schedule set forth in Section 15-305 shall be charged for each overdimension.
(h) Fees for special permits for continuous limited operation authorizing the applicant to operate vehicles that exceed the weight limits provided for in subsection (d) of Section 15-111.

All single axles excluding the steer axle and axles within a tandem are limited to 24,000 pounds or less unless otherwise noted in this subsection (h). Loads up to 12 feet wide and 110 feet in length shall be included within this permit. Fees shall be $250 for a quarterly and $1,000 for an annual permit. Front tag axle and double tandem trailers are not eligible.

The following configurations qualify for the quarterly and annual permits:

(1) 3 or more axles, total gross weight of 68,000 pounds or less, front tandem or axle 21,000 pounds or less, rear tandem 48,000 pounds or less on 2 or 3 axles, 25,000 pounds or less on single axle;

(2) 4 or more axles, total gross weight of 76,000 pounds or less, front tandem 44,000 pounds or less on 2 axles, front axle 20,000 pounds or less, rear tandem 44,000 pounds or less on 2 axles and 23,000 pounds or less on single axle or 48,000 pounds or less on 3 axles, 25,000 pounds or less on single axle;

(3) 5 or more axles, total gross weight of 100,000 pounds or less, front tandem 48,000 pounds or less on 2 axles, front axle 20,000 pounds or less, 25,000 pounds or less on single axle, rear tandem 48,000 pounds or less on 2 axles, 25,000 pounds or less on single axle;

(4) 6 or more axles, total gross weight of 120,000 pounds or less, front tandem 48,000 pounds or less on 2 axles, front axle 20,000 pounds or less, single axle 25,000 pounds or less, or rear tandem 60,000 pounds or less on 3 axles, 21,000 pounds or less on single axles within a tandem.

(Source: P.A. 90-228, eff. 7-25-97; 90-676, eff. 7-31-98.)

Passed in the General Assembly May 12, 2005.

Approved June 17, 2005.

Effective January 1, 2006.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mortgage Escrow Account Act is amended by changing Sections 2 and 4 and by adding Section 15 as follows:

(765 ILCS 910/2) (from Ch. 17, par. 4902)
Sec. 2. As used in this Act, unless the context requires otherwise:
(a) "Escrow Account" means any account established by the mortgage lender in conjunction with a mortgage loan on a residence, into which the borrower is required to make regular periodic payments and out of which the lender pays the taxes on the property covered by the mortgage.
(b) "Borrower" means the person obligated under the mortgage loan.
(c) "Mortgage Lender" means any bank, savings bank, savings and loan association, credit union, mortgage banker, building and loan association or other institution, association, partnership, corporation or person who extends the loan of monies for the purpose of enabling another to purchase a residence or who services the loan, including successors in interest of the foregoing.
(d) "Escrow-like Arrangement" means any arrangement the intent of which is to serve the same purposes as an escrow account but which does not require the formal establishment of an account.
(Source: P.A. 79-625.)
(765 ILCS 910/4) (from Ch. 17, par. 4904)
Sec. 4. On or after the effective date of this Act, each mortgage lender in conjunction with the granting or servicing of a mortgage on a single-family owner occupied residential property, shall comply with the provisions of this Act.
(Source: P.A. 79-625.)
(765 ILCS 910/15 new)
Sec. 15. Notice of tax payments.
(a) When any mortgage lender pays the property tax from an escrow account, the mortgage lender must give the borrower written notice of the following, within 45 business days after the tax payment:
(1) the date the taxes were paid;
(2) the amount of taxes paid; and
(3) the permanent index number, mortgage account number, address of the property, or other property description that

New matter indicated by italics - deletions by strikeout
is used for assessment and taxation purposes under the Property Tax Code.

(b) The notice required in subsection (a) may be included on or with other documents, notices, or statements provided to the borrower. If more than one borrower is obligated on the loan, only one borrower who is primarily liable on the loan need be given notice. Notice may be delivered, mailed, or transmitted by any usual means of communication

(c) Notwithstanding the requirements in subsection (a), a mortgage lender that provides notice to a borrower in the manner provided in subsection (b) of a means of communication for the borrower to access the information set forth in subsection (a) by telephone, facsimile, e-mail, Internet access, or other means of communication, is deemed to be in compliance with subsection (a).

Passed in the General Assembly May 12, 2005.
Approved June 17, 2005.
Effective January 1, 2006.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 1-6 as follows:

Sec. 1-6. Place of trial.
(a) Generally.
Criminal actions shall be tried in the county where the offense was committed, except as otherwise provided by law. The State is not required to prove during trial that the alleged offense occurred in any particular county in this State. When a defendant contests the place of trial under this Section, all proceedings regarding this issue shall be conducted under Section 114-1 of the Code of Criminal Procedure of 1963. All objections of improper place of trial are waived by a defendant unless made before trial.

(b) Assailant and Victim in Different Counties.
If a person committing an offense upon the person of another is located in one county and his victim is located in another county at the
time of the commission of the offense, trial may be had in either of said counties.

(c) Death and Cause of Death in Different Places or Undetermined.
If cause of death is inflicted in one county and death ensues in another county, the offender may be tried in either county. If neither the county in which the cause of death was inflicted nor the county in which death ensued are known before trial, the offender may be tried in the county where the body was found.

(d) Offense Commenced Outside the State.
If the commission of an offense commenced outside the State is consummated within this State, the offender shall be tried in the county where the offense is consummated.

(e) Offenses Committed inBordering Navigable Waters.
If an offense is committed on any of the navigable waters bordering on this State, the offender may be tried in any county adjacent to such navigable water.

(f) Offenses Committed while in Transit.
If an offense is committed upon any railroad car, vehicle, watercraft or aircraft passing within this State, and it cannot readily be determined in which county the offense was committed, the offender may be tried in any county through which such railroad car, vehicle, watercraft or aircraft has passed.

(g) Theft.
A person who commits theft of property may be tried in any county in which he exerted control over such property.

(h) Bigamy.
A person who commits the offense of bigamy may be tried in any county where the bigamous marriage or bigamous cohabitation has occurred.

(i) Kidnapping.
A person who commits the offense of kidnaping may be tried in any county in which his victim has traveled or has been confined during the course of the offense.

(j) Pandering.
A person who commits the offense of pandering may be tried in any county in which the prostitution was practiced or in any county in which any act in furtherance of the offense shall have been committed.

(k) Treason.

New matter indicated by italics - deletions by strikeout
A person who commits the offense of treason may be tried in any county.

(l) Criminal Defamation.
If criminal defamation is spoken, printed or written in one county and is received or circulated in another or other counties, the offender shall be tried in the county where the defamation is spoken, printed or written. If the defamation is spoken, printed or written outside this state, or the offender resides outside this state, the offender may be tried in any county in this state in which the defamation was circulated or received.

(m) Inchoate Offenses.
A person who commits an inchoate offense may be tried in any county in which any act which is an element of the offense, including the agreement in conspiracy, is committed.

(n) Accountability for Conduct of Another. Where a person in one county solicits, aids, abets, agrees, or attempts to aid another in the planning or commission of an offense in another county, he may be tried for the offense in either county.

(o) Child Abduction.
A person who commits the offense of child abduction may be tried in any county in which his victim has traveled, been detained, concealed or removed to during the course of the offense. Notwithstanding the foregoing, unless for good cause shown, the preferred place of trial shall be the county of the residence of the lawful custodian.

(p) A person who commits the offense of narcotics racketeering may be tried in any county where cannabis or a controlled substance which is the basis for the charge of narcotics racketeering was used; acquired; transferred or distributed to, from or through; or any county where any act was performed to further the use; acquisition, transfer or distribution of said cannabis or controlled substance; any money, property, property interest, or any other asset generated by narcotics activities was acquired, used, sold, transferred or distributed to, from or through; or, any enterprise interest obtained as a result of narcotics racketeering was acquired, used, transferred or distributed to, from or through, or where any activity was conducted by the enterprise or any conduct to further the interests of such an enterprise.

(q) A person who commits the offense of money laundering may be tried in any county where any part of a financial transaction in criminally derived property took place or in any county where any money

New matter indicated by italics - deletions by strikeout
or monetary instrument which is the basis for the offense was acquired, used, sold, transferred or distributed to, from or through.

(r) A person who commits the offense of cannabis trafficking or controlled substance trafficking may be tried in any county.

(s) A person who commits the offense of identity theft or aggravated identity theft may be tried in any one of the following counties in which: (1) the offense occurred; (2) the information used to commit the offense was illegally used; or (3) the victim resides.

If a person is charged with more than one violation of identity theft or aggravated identity theft and those violations may be tried in more than one county, any of those counties is a proper venue for all of the violations.

(Source: P.A. 89-288, eff. 8-11-95.)

Passed in the General Assembly May 16, 2005.
Approved June 17, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0052
(House Bill No. 3092)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 17-3 as follows:

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

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

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

(2) in districts maintaining grades 1 through 12 the maximum rate for educational purposes shall not exceed 4.00% of the value as equalized or assessed by the Department of Revenue.

New matter indicated by italics - deletions by strikeout
except that if a single elementary district and a secondary district having boundaries that are coterminous on the effective date of this amendatory Act form a community unit district under Section 11-6 on or after the effective date of this amendatory Act of the 94th General Assembly and the actual combined rate of the elementary district and secondary district prior to the formation of the community unit district is greater than 4.00%, then the maximum rate for educational purposes for such district shall be the following: shall not exceed 6.00% of the value as equalized or assessed by the Department of Revenue.

(A) For 2 years following the formation of the community unit district, the maximum rate shall equal the actual combined rate of the previous elementary district and secondary district.

(B) In each subsequent year, the maximum rate shall be reduced by 0.10% or reduced to 4.00%, whichever reduction is less. The school board may, by proper resolution, cause a proposition to increase the reduced rate, not to exceed the maximum rate in clause (A), to be submitted to the voters of the district at a regular scheduled election as provided under this Section. Nothing in this Section shall require that the maximum rate for educational purpose for a district maintaining grades one through 12 be reduced below 4.00%.

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

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

New matter indicated by italics - deletions by strikeout
the limited number of years approved by a majority of the votes cast on the proposition. Upon expiration of that limited period, the rate at which the district may annually levy its tax for educational purposes shall be the rate provided under Section 17-2, or the rate at which the district last levied its tax for educational purposes prior to approval of the proposition authorizing the levy of that tax at an increased rate, whichever is greater.

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

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

(Source: P.A. 92-6, eff. 6-7-01.)

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

Approved June 17, 2005.
Effective June 17, 2005.

PUBLIC ACT 94-0053
(Senate Bill No. 0078)

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

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Sections 115-10.2 and 115-10.4 as follows:

(725 ILCS 5/115-10.2)
Sec. 115-10.2. Admissibility of prior statements when witness refused to testify despite a court order to testify.
(a) A statement not specifically covered by any other hearsay exception but having equivalent circumstantial guarantees of trustworthiness, is not excluded by the hearsay rule if the declarant is unavailable as defined in subsection (c) and if the court determines that:
(1) the statement is offered as evidence of a material fact; and
(2) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and

(3) the general purposes of this Section and the interests of justice will best be served by admission of the statement into evidence.

(b) A statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention to offer the statement, and the particulars of the statement, including the name and address of the declarant.

(c) Unavailability as a witness is limited to the situation in which the declarant persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the court to do so.

(d) A declarant is not unavailable as a witness if exemption, refusal, claim or lack of memory, inability or absence is due to the procurement or wrongdoing of the proponent of a statement for purpose of preventing the witness from attending or testifying.

(e) Nothing in this Section shall render a prior statement inadmissible for purposes of impeachment because the statement was not recorded or otherwise fails to meet the criteria set forth in this Section.

(f) Prior statements are admissible under this Section only if the statements were made under oath and were subject to cross-examination by the adverse party in a prior trial, hearing, or other proceeding.

(Source: P.A. 93-413, eff. 8-5-03; 93-443, eff. 8-5-03.)

(725 ILCS 5/115-10.4)
Sec. 115-10.4. Admissibility of prior statements when witness is deceased.

(a) A statement not specifically covered by any other hearsay exception but having equivalent circumstantial guarantees of trustworthiness is not excluded by the hearsay rule if the declarant is deceased and if the court determines that:

(1) the statement is offered as evidence of a material fact; and

(2) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and

New matter indicated by italics - deletions by strikeout
(3) the general purposes of this Section and the interests of justice will best be served by admission of the statement into evidence.

(b) A statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention to offer the statement, and the particulars of the statement, including the name of the declarant.

(c) Unavailability as a witness under this Section is limited to the situation in which the declarant is deceased.

(d) Any prior statement that is sought to be admitted under this Section must have been made by the declarant under oath at a trial, hearing, or other proceeding and been subject to cross-examination by the adverse party.

(e) Nothing in this Section shall render a prior statement inadmissible for purposes of impeachment because the statement was not recorded or otherwise fails to meet the criteria set forth in this Section.

(Source: P.A. 91-363, eff. 7-30-99.)

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

Passed in the General Assembly May 4, 2005.
Approved June 17, 2005.
Effective June 17, 2005.

PUBLIC ACT 94-0054
(Senate Bill No. 0214)

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

Section 5. The Grain Code is amended by changing Sections 20-20, 25-20, 30-5, 30-15, and 35-5 as follows:

(240 ILCS 40/20-20)
Sec. 20-20. Liquidation expenses; Asset Preservation Account.
(a) The Trustee shall pay from the Trust Account all reasonable expenses incurred by the trustee on or after the date of failure in reference to seizing, preserving, and liquidating the grain assets, equity assets, collateral, and guarantees of or relating to a failed licensee, including, but

New matter indicated by italics - deletions by strikeout
not limited to, the hiring of temporary field personnel, equipment rental, auction expenses, mandatory commodity check-offs, and clerical expenses.

(b) Except as to claimants holding valid claims, any outstanding indebtedness of a failed licensee that has accrued before the date of failure shall not be paid by the Trustee and shall represent a separate cause of action of the creditor against the failed licensee.

(c) The Trustee shall report all expenditures paid from the Trust Account to the Corporation at least annually.

(d) To the extent assets are available under subsection (g) of Section 25-20 and upon presentation of documentation satisfactory to the Trustee, the Trustee shall transfer from the Trust Account to the Regulatory Fund an amount not to exceed the expenses incurred by the Department in performance of its duties under Article 20 of this Code, in reference to the failed licensee.

(e) The Department shall establish and maintain an Asset Preservation Account as provided in Section 205-410 of the Department of Agriculture Law of the Civil Administrative Code of Illinois that shall contain a maximum of $50,000. The funds in the Asset Preservation Account are to be used solely by the Trustee for the reasonable expenses incurred by the Department on or after the date of failure for preserving and liquidating grain assets, equity assets, collateral, and guarantees of or relating to a failed licensee, provided that the Department has made a determination that the benefit of preserving and liquidating the grain assets, equity assets, collateral, and guarantees exceeds the anticipated costs of the preservation and liquidation, and only to the extent that all liquid and available moneys in the Grain Indemnity Trust Account relating to the particular failure have been exhausted. The Asset Preservation Account shall be funded by the income earned on the assets in the Fund. The income must be transferred to the Asset Preservation Account on a monthly basis, within 10 business days after the end of each calendar month, and to the extent necessary to maintain the $50,000 balance. The Trustee, or his or her designee, must file a report of all receipts by and disbursements from the Asset Preservation Account with the Board prior to each meeting of the Board.

(Source: P.A. 93-225, eff. 7-21-03.)

(240 ILCS 40/25-20)

Sec. 25-20. Priorities and repayments.

(a) All valid claims shall be paid from the Trust Account, as provided in Section 25-10, first from the proceeds realized from
liquidation of and collection upon the grain assets relating to the failed licensee, as to warehouse claimants, and the equity assets as to a secured party or lien holder who has consented to the Department liquidating and collecting upon the equity asset as set forth in subsection (f) of Section 20-15, and the remaining equity assets, collateral, and guarantees relating to the failed licensee, as to grain dealer claimants.

(b) If the proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee are insufficient to pay all valid claims as provided in Section 25-10 and subsection (a) of this Section as payment on those claims becomes due, the Director shall request from the Board sufficient funds to be transferred from the Fund to the Trust Account to pay the balance owed to claimants as determined under Section 25-10. If a request is made by the Director for a transfer of funds to the Trust Account from the Fund, the Board shall act on that request within 25 days after the date of that request. Once moneys are transferred from the Fund to the Trust Account, the Director shall pay the balance owed to claimants in accordance with Section 25-10.

(c) Net proceeds from liquidation of grain assets as set forth in subsection (a) of Section 25-10 received by the Department, to the extent not already paid to warehouse claimants, shall be prorated among the fund and all warehouse claimants who have not had their valid claims paid in full.

(1) The pro rata distribution to the Fund shall be based upon the total amount of valid claims of all warehouse claimants who have had their valid claims paid in full. The pro rata distribution to each warehouse claimant who has not had his or her valid claims paid in full shall be based upon the total amount of that claimant's original valid claims.

(2) If the net proceeds from the liquidation of grain assets as set forth in subsection (a) of Section 25-10 exceed all amounts needed to satisfy all valid claims filed by warehouse claimants, the balance remaining shall be paid into the Trust Account or as set forth in subsection (h).

(d) Subject to subsections (c) and (h):

(1) The proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee or any other assets relating to the failed licensee that are received by the Department, to the extent

New matter indicated by italics - deletions by strikeout
not already paid to claimants, shall be first used to repay the Fund for moneys transferred to the Trust Account.

(2) After the Fund is repaid in full for the moneys transferred from it to pay the valid claims in reference to a failed licensee, any remaining proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee thereafter received by the Department shall be prorated to the claimants holding valid claims who have not received 100% of the amount of their valid claims based upon the unpaid amount of their valid claims.

(e) After all claimants have received 100% of the amount of their valid claims, to the extent moneys are available interest at the rate of 6% per annum shall be assessed and paid to the Fund on all moneys transferred from the Fund to the Trust Account.

(f) After the Fund is paid the interest as provided in subsection (e) of this Section, then those claims barred and disallowed under items (1) and (2) of subsection (g) of Section 25-10 shall be paid on a pro rata basis only to the extent that moneys are available.

(g) Once all claims become valid claims and have been paid in full and all interest as provided in subsection (e) of this Section is paid in full, and all payments are made as required under Section 20-20(d), any remaining grain assets, equity assets, collateral, and guarantees, and the proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee, shall be returned to the failed licensee or its assignee, or as otherwise directed by a court of competent jurisdiction.

(h) If amounts in the Fund are insufficient to pay all valid claims, the Corporation shall transfer from the Reserve Fund to the Fund amounts sufficient to satisfy the valid claims, and to the extent the amounts thus transferred are insufficient to pay all valid claims, the General Assembly shall appropriate to the Corporation amounts sufficient to satisfy the valid claims. If for any reason the General Assembly fails to make an appropriation to satisfy outstanding valid claims, this Code constitutes an irrevocable and continuing appropriation of all amounts necessary for that purpose and the irrevocable and continuing authority for and direction to the State Comptroller and to the State Treasurer to make the necessary transfers and disbursements from the revenues and funds of the State for that purpose. Subject to payments to warehouse claimants as set forth in

New matter indicated by italics - deletions by strikeout
subsection (c) of Section 25-20, the State shall be first reimbursed, and the Reserve Fund shall thereafter be reimbursed to the extent needed to restore the Reserve Fund to a level of $2,000,000 of principal (not including income on the assets in the Reserve Fund) as soon as funds become available for any amounts paid under subsection (g) of this Section upon replenishment of the Fund from assessments under subsections (d), (f), and (g) of Section 5-30 and collection upon grain assets, equity assets, collateral, and guarantees relating to the failed licensee.

(i) The Department shall have those rights of equitable subrogation which may result from a claimant receiving from the Fund payment in full of the obligations of the failed licensee to the claimant.

(Source: P.A. 93-225, eff. 7-21-03.)

(240 ILCS 40/30-5)

Sec. 30-5. Illinois Grain Insurance Corporation.

(a) The Corporation is a political subdivision, body politic, and public corporation. The governing powers of the Corporation are vested in the Board of Directors composed of the Director, who shall personally serve as president; the Attorney General or his or her designee, who shall serve as secretary; the State Treasurer or his or her designee, who shall serve as treasurer; the Director of the Department of Insurance or his or her designee; and the chief fiscal officer of the Department. Three members of the Board constitute a quorum at any meeting of the Board, and the affirmative vote of 3 members is necessary for any action taken by the Board at a meeting, except that a lesser number may adjourn a meeting from time to time. A vacancy in the membership of the Board does not impair the right of a quorum to exercise all the rights and perform all the duties of the Board and Corporation.

(b) The Corporation has the following powers, together with all powers incidental or necessary to the discharge of those powers in corporate form:

(1) To have perpetual succession by its corporate name as a corporate body.

(2) To adopt, alter, and repeal bylaws, not inconsistent with the provisions of this Code, for the regulation and conduct of its affairs and business.

(3) To adopt and make use of a corporate seal and to alter the seal at pleasure.

New matter indicated by italics - deletions by strikeout
(4) To avail itself of the use of information, services, facilities, and employees of the State of Illinois in carrying out the provisions of this Code.

(5) To receive funds, printer registration fees, and penalties assessed by the Department under this Code.

(6) To administer the Fund by investing funds of the Corporation that the Board may determine are not presently needed for its corporate purposes.

(7) To receive funds from the Trust Account for deposit into the Fund.

(8) Upon the request of the Director, to make payment from the Fund and the Reserve Fund to the Trust Account when payment is necessary to compensate claimants in accordance with the provisions of Section 25-20 or for payment of refunds to licensees in accordance with the provisions of this Code.

(9) To authorize, receive, and disburse funds by electronic means.

(10) To make any inquiry and investigation deemed appropriate with regard to the failure of any licensee, including but not limited to analyzing the causes of and reasons for the failure; determining the adequacy and accuracy of Department examinations and other regulatory measures with regard to the failed licensee; and analyzing whether the handling of the liquidation and payment process by the Department was done in a manner that served the interests of those persons whose interests this Code was designed to protect.

(11) To have those powers that are necessary or appropriate for the exercise of the powers specifically conferred upon the Corporation and all incidental powers that are customary in corporations.

(12) To make payments from the Fund to the Asset Preservation Account in accordance with Section 20-20(e) of this Code.

(c) A committee of advisors shall be created to provide technical assistance and advice and make recommendations to the Board. The advisory committee shall assist the board in understanding pertinent developments in grain production and marketing and the grain industry. The advisory committee shall be composed of one grain producer designated by the Illinois Farm Bureau; one grain producer designated by

New matter indicated by italics - deletions by strikeout
the Illinois Farmers Union; one grain producer designated by the Illinois Corn Growers Association; one grain producer designated by the Illinois Soybean Association; 2 representatives of the grain industry, designated by the Grain and Feed Association of Illinois; and 2 representatives of the lending industry, one each designated by the Illinois Bankers Association and the Community Bankers of Illinois. Members of the advisory committee shall serve terms of 2 years from the date of their designation. Members of the advisory committee shall have the right to attend all meetings of the Board and participate in Board discussions, but shall not have a vote.

(Source: P.A. 93-225, eff. 7-21-03.)

(240 ILCS 40/30-15)

Sec. 30-15. Investments of the Fund.

(a) All assessments by the Department under Section 5-30 shall be held by the Corporation in the Fund.

(b) Subject to applicable law, the assets of the Fund may be invested and reinvested at the discretion of the Corporation, and the income from these investments shall be deposited to the credit of the Fund and shall be available for the same purposes as all other assets of the Fund.

(c) Except as provided in Section 20-20(e), the assets of the Fund shall not be available for any purpose other than the payment of valid claims under this Code and the payment of refunds of amounts that the Board determines have been inappropriately paid into the Fund, and may not be transferred to any other fund, other than the Trust Account when necessary to pay valid claims under this Code or to pay refunds authorized by the Board.

(Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/35-5)

Sec. 35-5. Regulatory Fund.

(a) The Regulatory Fund is created as a trust fund in the State Treasury. The Regulatory Fund shall receive license, certificate, and extension fees under Sections 5-10, 5-15, and 5-20 and funds under subsection (g) of Section 25-20 and shall pay expenses as set forth in this Article 35.

(b) Any funds received by the Director under Sections 5-10, 5-15, and 5-20 and funds disbursed for deposit to the Regulatory Fund under subsection (g) of Section 25-20 shall be deposited with the Treasurer as ex officio custodian and held separate and apart from any public money of this State, with interest accruing on moneys in the Regulatory Fund

New matter indicated by italics - deletions by strikeout
deposited into the Regulatory Fund. Disbursement from the Fund for expenses as set forth in this Article 35 shall be by voucher ordered by the Director, accompanied by documentation satisfactory to the Treasurer and the Comptroller supporting the payment warrant drawn by the Comptroller and countersigned by the Treasurer. Moneys in the Regulatory Fund shall not be subject to appropriation by the General Assembly but shall be subject to audit by the Auditor General. Interest earned on moneys deposited into the Regulatory Fund shall be deposited into the Regulatory Fund.

(c) Fees deposited into the Regulatory Fund under Sections 5-10, 5-15, and 5-20 shall be expended only for the following program expenses of the Department;

(1) Implementation and monitoring of programs of the Department solely under this Code, including an electronic warehouse receipt program.

(2) Employment or engagement of certified public accountants to assist in oversight and regulation of licensees in the course of an intermediate or advanced examination under Section 1-15.

(3) Training and education of examiners and other Department employees in reference to Department programs established to implement the Department's duties solely under the Code.

(d) Any expenses incurred by the Department in performance of its duties under Article 20 of the Code shall be reimbursed to the Department out of the net assets of a liquidation to the extent available under subsection (g) (q) of Section 25-20 and shall be deposited into the Regulatory Fund and shall be expended solely for program expenses under the Code.

(Source: P.A. 93-225, eff. 7-21-03.)

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

Section 5. The Illinois Plumbing License Law is amended by
changing Section 13.1 as follows:

(225 ILCS 320/13.1)
Sec. 13.1. Plumbing contractors; registration; applications.

(1) On and after May 1, 2002, all persons or corporations desiring
to engage in the business of plumbing contractor, other than any entity that
maintains an audited net worth of shareholders' equity equal to or
exceeding $100,000,000, shall register in accordance with the provisions
of this Act.

(2) Application for registration shall be filed with the Department
each year, on or before the last day of September April, in writing and on
forms prepared and furnished by the Department. All plumbing contractor
registrations expire on the last day of September April of each year.

(3) Applications shall contain the name, address, and telephone
number of the person and the plumbing license of (i) the individual, if a
sole proprietorship; (ii) the partner, if a partnership; or (iii) an officer, if a
corporation. The application shall contain the business name, address, and
telephone number, a current copy of the plumbing license, and any other
information the Department may require by rule.

(4) Applicants shall submit an original certificate of insurance
documenting that the contractor carries general liability insurance with a
minimum of $100,000 per occurrence, bodily injury insurance with a
minimum of $300,000 per occurrence, property damage insurance with a
minimum of $50,000, and workers compensation insurance with a
minimum $500,000. No registration may be issued in the absence of this
certificate. Certificates must be in force at all times for registration to
remain valid.

(5) Applicants shall submit, on a form provided by the Department,
an indemnification bond in the amount of $20,000 or a letter of credit in
the same amount for work performed in accordance with this Act and the
rules promulgated under this Act.

(6) All employees of a registered plumbing contractor who engage
in plumbing work shall be licensed plumbers or apprentice plumbers in
accordance with this Act.

(7) Plumbing contractors shall submit an annual registration fee in
an amount to be established by rule.

New matter indicated by italics - deletions by strikeout
(8) The Department shall be notified in advance of any changes in the business structure, name, or location or of the addition or deletion of the owner or officer who is the licensed plumber listed on the application. Failure to notify the Department of this information is grounds for suspension or revocation of the plumbing contractor's registration.

(9) In the event that the plumber's license on the application for registration of a plumbing contractor is a license issued by the City of Chicago, it shall be the responsibility of the applicant to forward a copy of the plumber's license to the Department, noting the name of the registered plumbing contractor, when it is renewed.

(Source: P.A. 92-338, eff. 8-10-01.)

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

Approved June 17, 2005.
Effective June 17, 2005.

PUBLIC ACT 94-0056
(Senate Bill No. 0459)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 2-123 as follows:

(625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)
Sec. 2-123. Sale and Distribution of Information.

(a) Except as otherwise provided in this Section, the Secretary may make the driver's license, vehicle and title registration lists, in part or in whole, and any statistical information derived from these lists available to local governments, elected state officials, state educational institutions, and all other governmental units of the State and Federal Government requesting them for governmental purposes. The Secretary shall require any such applicant for services to pay for the costs of furnishing such services and the use of the equipment involved, and in addition is empowered to establish prices and charges for the services so furnished and for the use of the electronic equipment utilized.

(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of

New matter indicated by italics - deletions by strikeout
this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of $250 for orders received before October 1, 2003 and $500 for orders received on or after October 1, 2003, in advance, and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of $25 for orders received before October 1, 2003 and $50 for orders received on or after October 1, 2003, per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased.

(b-1) The Secretary is further empowered to and may, in his or her discretion, furnish vehicle or driver data on a computer tape, disk, or other electronic format or computer processible medium, at no fee, to any State or local governmental agency that uses the information provided by the Secretary to transmit data back to the Secretary that enables the Secretary to maintain accurate driving records, including dispositions of traffic cases. This information may be provided without fee not more often than once every 6 months.

(c) Secretary of State may issue registration lists. The Secretary of State shall compile and publish, at least annually, a list of all registered vehicles. Each list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the sheriffs of all counties and to the
chiefs of police of all cities and villages and towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by the sheriffs or chiefs of police at the fee of $500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank).
(e-1) (Blank).
(f) The Secretary of State shall make a title or registration search of the records of his office and a written report on the same for any person, upon written application of such person, accompanied by a fee of $5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section. The report of the title or registration search shall not contain highly restricted personal information unless specifically authorized by this Code.

The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be $5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State.

The Secretary of State may notify the vehicle owner or registrant of the request for purchase of his title or registration information as the Secretary deems appropriate.

No information shall be released to the requestor until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation.

New matter indicated by italics - deletions by strikeout
Any misrepresentation made by a requestor of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

(f-5) The Secretary of State shall not disclose or otherwise make available to any person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

   (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and

   (B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in research activities and for use in producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.

(5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and

New matter indicated by italics - deletions by strikeout
the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.

(6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by any person licensed as a private detective or firm licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993, private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the United States Code.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.

(13) For any other use specifically authorized by law, if that use is related to the operation of a motor vehicle or public safety.

(f-6) The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee of $6 before October 1, 2003 and a fee of $12 on and after October 1, 2003, furnish to the person or agency so requesting a driver's record. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered

New matter indicated by italics - deletions by strikeout
revoking, suspending or cancelling a driver's license or privilege; and notations of accident involvement. All other information, unless otherwise permitted by this Code, shall remain confidential. Information released pursuant to a request for a driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section.

2. The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office.

3. All requests for driving record information shall be made in a manner prescribed by the Secretary and shall set forth the intended use of the requested information.

The Secretary of State may notify the affected driver of the request for purchase of his driver's record as the Secretary deems appropriate.

No information shall be released to the requester until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of driver information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary

4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the operation of motor vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to the driver, or for any other purpose set forth in subsection (f-5) of this Section.

The Secretary may also furnish the courts a copy of an abstract of a driver's record, without fee, subsequent to an arrest for a violation of Section 11-501 or a similar provision of a local ordinance. Such abstract may include records of dispositions; documented information involving the use of a motor vehicle as contained in the current file; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

6. Any certified abstract issued by the Secretary of State or transmitted electronically by the Secretary of State pursuant to this Section, to a court or on request of a law enforcement agency, for the record of a named person as to the status of the person's driver's license shall be prima facie evidence of the facts therein stated and if the name appearing in such abstract is the same as that of a person named in an information or warrant, such abstract shall be prima facie evidence that the person named in such information or

New matter indicated by italics - deletions by strikeout
warrant is the same person as the person named in such abstract and shall be admissible for any prosecution under this Code and be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual driving records maintained by the Secretary of State.

7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee of $6 before October 1, 2003 and a fee of $12 on or after October 1, 2003, the Secretary of State shall provide a driver's record to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection (g) plus: any recorded accident involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers or any associated information obtained from the Social Security Administration except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the United States Department of Transportation, or any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent jurisdiction, or (5) to the Department of Public Aid for utilization in the child support enforcement duties assigned to that Department under provisions of the Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. No confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License

New matter indicated by italics - deletions by strikeout
Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction.

(k) All fees collected under this Section shall be paid into the Road Fund of the State Treasury, except that (i) for fees collected before October 1, 2003, $3 of the $6 fee for a driver's record shall be paid into the Secretary of State Special Services Fund, (ii) for fees collected on and after October 1, 2003, of the $12 fee for a driver's record, $3 shall be paid into the Secretary of State Special Services Fund and $6 shall be paid into the General Revenue Fund, and (iii) for fees collected on and after October 1, 2003, 50% of the amounts collected pursuant to subsection (b) shall be paid into the General Revenue Fund.

(l) (Blank).

(m) Notations of accident involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection (m) shall limit disclosure of any notification of accident involvement to any law enforcement agency or official.

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

(o) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the information was permitted.

(p) The Secretary of State is empowered to adopt rules to effectuate this Section.

(Source: P.A. 92-32, eff. 7-1-01; 92-651, eff. 7-11-02; 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895, eff. 1-1-05.)

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

New matter indicated by italics - deletions by strikeout
Approved June 17, 2005.
Effective June 17, 2005.

PUBLIC ACT 94-0057
(Senate Bill No. 0460)

AN ACT concerning estates.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Probate Act of 1975 is amended by changing
Section 25-1 as follows:
(755 ILCS 5/25-1) (from Ch. 110 1/2, par. 25-1)
Sec. 25-1. Payment or delivery of small estate of decedent upon
affidavit.
(a) When any person or corporation (1) indebted to or holding
personal estate of a decedent, (2) controlling the right of access to
decedent's safe deposit box or (3) acting as registrar or transfer agent of
any evidence of interest, indebtedness, property or right is furnished with a
small estate affidavit in substantially the form hereinafter set forth, that
person or corporation shall pay the indebtedness, grant access to the safe
deposit box, deliver the personal estate or transfer or issue the evidence of
interest, indebtedness, property or right to persons and in the manner
specified in paragraph 11 of the affidavit or to an agent appointed as
hereinafter set forth.
(b) Small Estate Affidavit
I, (name of affiant) , on oath state:
1. (a) My post office address is: ;
(b) My residence address is: ; and
(c) I understand that, if I am an out-of-state resident, I
submit myself to the jurisdiction of Illinois courts for all matters related to
the preparation and use of this affidavit. My agent for service of process in
Illinois is:

NAME
ADDRESS
CITY
TELEPHONE (IF ANY)

I understand that if no person is named above as my agent for service or, if
for any reason, service on the named person cannot be effectuated, the

New matter indicated by italics - deletions by strikeout
clerk of the circuit court of ......(County) (Judicial Circuit) Illinois is recognized by Illinois law as my agent for service of process.

2. The decedent's name is ;
3. The date of the decedent's death was , and I have attached a copy of the death certificate hereto.
4. The decedent's place of residence immediately before his death was ;
5. No letters of office are now outstanding on the decedent's estate and no petition for letters is contemplated or pending in Illinois or in any other jurisdiction, to my knowledge;
6. The gross value of the decedent's entire personal estate, including the value of all property passing to any party either by intestacy or under a will, does not exceed $100,000. (Here, list each asset, e.g., cash, stock, and its fair market value.);
7. (a) All of the decedent's funeral expenses have been paid, or (b) The amount of the decedent's unpaid funeral expenses and the name and post office address of each person entitled thereto are as follows:
   Name and post office address Amount
   (Strike either 7(a) or 7(b)).
8. There is no known unpaid claimant or contested claim against the decedent, except as stated in paragraph 7.
9. (a) The names and places of residence of any surviving spouse, minor children and adult dependent* children of the decedent are as follows:
   Name and Place of Age of Relationship Residence minor child
   *(Note: An adult dependent child is one who is unable to maintain himself and is likely to become a public charge.)
   (b) The award allowable to the surviving spouse of a decedent who was an Illinois resident is $......... ($10,000, plus $5,000 multiplied by the number of minor children and adult dependent children who resided with the surviving spouse at the time of the decedent's death. If any such child did not reside with the surviving spouse at the time of the decedent's death, so indicate).
   (c) If there is no surviving spouse, the award allowable to the minor children and adult dependent children of a decedent who was an Illinois resident is $......... ($10,000, plus $5,000 multiplied by the number of minor children and adult dependent children), to be divided among them in equal shares.

New matter indicated by italics - deletions by strikeout
10. (a) The decedent left no will. The names, places of residence and relationships of the decedent's heirs, and the portion of the estate to which each heir is entitled under the law where decedent died intestate are as follows:

<table>
<thead>
<tr>
<th>Name, relationship</th>
<th>Age of minor</th>
<th>Portion of Estate</th>
</tr>
</thead>
<tbody>
<tr>
<td>and place of residence</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

OR

(b) The decedent left a will, which has been filed with the clerk of an appropriate court. A certified copy of the will on file is attached. To the best of my knowledge and belief the will on file is the decedent's last will and was signed by the decedent and the attesting witnesses as required by law and would be admissible to probate. The names and places of residence of the legatees and the portion of the estate, if any, to which each legatee is entitled are as follows:

<table>
<thead>
<tr>
<th>Name, relationship</th>
<th>Age of minor</th>
<th>Portion of Estate</th>
</tr>
</thead>
<tbody>
<tr>
<td>and place of residence</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(c) Affiant is unaware of any dispute or potential conflict as to the heirship or will of the decedent.

11. The property described in paragraph 6 of this affidavit should be distributed as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Specific sum or property to be distributed</th>
</tr>
</thead>
</table>

The foregoing statement is made under the penalties of perjury*.

..........................  Signature of Affiant

*(Note: A fraudulent statement made under the penalties of perjury is perjury, as defined in Section 32-2 of the Criminal Code of 1961.)

(c) Appointment of Agent. If safe deposit access is involved or if sale of any personal property is desirable to facilitate distribution pursuant to the small estate affidavit, all persons named in paragraph 11 of the small estate affidavit (excluding minors and unascertained or disabled persons) may in writing appoint one or more persons as their agent for that purpose. The agent shall have power, without court approval, to gain access to, sell, and distribute the property for the benefit of all persons named in paragraph 11 of the affidavit; and the payment, delivery, transfer, access or issuance shall be made or granted to or on the order of the agent.

(d) Release. Upon payment, delivery, transfer, access or issuance pursuant to a properly executed affidavit, the person or corporation is released to the same extent as if the payment, delivery, transfer, access or
issuance had been made or granted to the representative of the estate. Such person or corporation is not required to see to the application or disposition of the property; but each person to whom a payment, delivery, transfer, access or issuance is made or given is answerable therefor to any person having a prior right and is accountable to any representative of the estate.

(e) The affiant signing the small estate affidavit prepared pursuant to subsection (b) of this Section shall indemnify and hold harmless all creditors and heirs of the decedent and other persons relying upon the affidavit who incur loss because of such reliance. That indemnification shall only be up to the amount lost because of the act or omission of the affiant. Any person recovering under this subsection (e) shall be entitled to reasonable attorney's fees and the expenses of recovery.

(f) The affiant of a small estate affidavit who is a non-resident of Illinois submits himself or herself to the jurisdiction of Illinois courts for all matters related to the preparation or use of the affidavit. The affidavit shall provide the name, address, and phone number of a person whom the affiant names as his agent for service of process. If no such person is named or if, for any reason, service on the named person cannot be effectuated, the clerk of the circuit court of the county or judicial circuit of which the decedent was a resident at the time of his death shall be the agent for service of process.

(g) Any action properly taken under this Section, as amended by Public Act 93-877, on or after August 6, 2004 (the effective date of Public Act 93-877) is valid regardless of the date of death of the decedent.

(1 Source: P.A. 93-877, eff. 8-6-04.)

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

Approved June 17, 2005.
Effective June 17, 2005.
Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 18.4 as follows:

(20 ILCS 1705/18.4)

Sec. 18.4. Community Mental Health Medicaid Trust Fund; reimbursement.

(a) The Community Mental Health Medicaid Trust Fund is hereby created in the State Treasury.

(b) Except as otherwise provided in this Section, effective in the first fiscal year following repayment of interfund transfers under subsection (b-1), the first $73,000,000 any funds paid to the State by the federal government under Title XIX or Title XXI of the Social Security Act for services delivered by community mental health services providers, and any interest earned thereon, shall be deposited directly into the Community Mental Health Medicaid Trust Fund. The next $25,000,000 shall be deposited Beginning with State fiscal year 2005, the first $95,000,000 received by the Department shall be deposited 26.3% into the General Revenue Fund and 73.7% into the Community Mental Health Medicaid Trust Fund. Amounts received in excess of $98,000,000 in any State fiscal year after fiscal year 2006 shall be deposited 50% into the General Revenue Fund and 50% into the Community Mental Health Medicaid Trust Fund. The Department shall analyze the budgeting and programmatic impact of this funding allocation and report to the Governor and the General Assembly the results of this analysis and any recommendations for change, no later than December 31, 2005.

(b-1) For State fiscal year 2005, the first $73,000,000 in any funds paid to the State by the federal government under Title XIX or Title XXI of the Social Security Act for services delivered by community mental health services providers, and any interest earned thereon, shall be deposited directly into the Community Mental Health Trust Fund before any deposits are made into the General Revenue Fund. The next $25,000,000, less any deposits made prior to the effective date of this amendatory Act of the 94th General Assembly, shall be deposited into the General Revenue Fund. Amounts received in excess of $98,000,000 shall be deposited 50% into the General Revenue Fund and 50% into the Community Mental Health Medicaid Trust Fund. At the direction of the Director of Public Aid, on April 1, 2005, or as soon thereafter as practical, the Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed

New matter indicated by italics - deletions by strikeout
$14,000,000 into the Community Mental Health Medicaid Fund from the 
Public Aid Recoveries Trust Fund.

(b-2) For State fiscal year 2006, and in subsequent fiscal years 
until any transfers under subsection (b-1) are repaid, the first $73,000,000 
in any funds paid to the State by the federal government under Title XIX or 
Title XXI of the Social Security Act for services delivered by community 
mental health services providers, and any interest earned thereon, shall be 
deposited directly into the Community Mental Health Trust Fund. Then 
the next $14,000,000, or such amount as was transferred under subsection 
(b-1) at the direction of the Director of Public Aid, shall be deposited into 
the Public Aid Recoveries Trust Fund. The next $11,000,000 shall be 
deposited into the General Revenue Fund. Any additional amounts 
received shall be deposited 50% into the General Revenue Fund and 50% 
into the Community Mental Health Medicaid Trust Fund.

(c) The Department shall reimburse community mental health 
services providers for Medicaid-reimbursed mental health services 
provided to eligible individuals. Moneys in the Community Mental Health 
Medicaid Trust Fund may be used for that purpose.

(d) As used in this Section:
"Medicaid-reimbursed mental health services" means services 
provided by a community mental health provider under an agreement with 
the Department that is eligible for reimbursement under the federal Title 
XIX program or Title XXI program.

"Provider" means a community agency that is funded by the 
Department to provide a Medicaid-reimbursed service.

"Services" means mental health services provided under one of the 
following programs:
(1) Medicaid Clinic Option;
(2) Medicaid Rehabilitation Option;
(3) Targeted Case Management.

(Source: P.A. 92-597, eff. 6-28-02; 93-841, eff. 7-30-04.)

Section 10. The State Finance Act is amended by changing Section 
8g as follows:
(30 ILCS 105/8g)
Sec. 8g. Fund transfers.
(a) In addition to any other transfers that may be provided for by 
law, as soon as may be practical after the effective date of this amendatory 
Act of the 91st General Assembly, the State Comptroller shall direct and 
the State Treasurer shall transfer the sum of $10,000,000 from the General 

New matter indicated by italics - deletions by strikeout
Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by $50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.
(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon

New matter indicated by italics - deletions by strikeout
notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

From the General Revenue Fund ................ $8,450,000
From the Public Utility Fund .................. 1,700,000
From the Transportation Regulatory Fund .... 2,650,000
From the Title III Social Security and Employment Fund .................. 3,700,000
From the Professions Indirect Cost Fund .... 4,050,000
From the Underground Storage Tank Fund ..... 550,000
From the Agricultural Premium Fund ........ 750,000
From the State Pensions Fund ............... 200,000
From the Road Fund ......................... 2,000,000
From the Health Facilities Planning Fund ................. 1,000,000
From the Savings and Residential Finance Regulatory Fund .................. 130,800
From the Appraisal Administration Fund ...... 28,600
From the Pawnbroker Regulation Fund ........ 3,600
From the Auction Regulation Administration Fund ................. 35,800
From the Bank and Trust Company Fund ...... 634,800
From the Real Estate License Administration Fund ................. 313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

New matter indicated by italics - deletions by strikeout
(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

- Appraisal Administration Fund ........................................ $150,000
- General Revenue Fund .................................................. 10,440,000
- Savings and Residential Finance
  - Regulatory Fund ......................................................... 200,000
- State Pensions Fund ..................................................... 100,000
- Bank and Trust Company Fund ........................................ 100,000
- Professions Indirect Cost Fund ....................................... 3,400,000
- Public Utility Fund ..................................................... 2,081,200
- Real Estate License Administration Fund ......................... 150,000
- Title III Social Security and
  - Employment Fund ....................................................... 1,000,000
- Transportation Regulatory Fund ................................. 3,052,100
- Underground Storage Tank Fund ................................. 50,000

(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002 and on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(n) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,800,000 from the General Revenue Fund to the DHS Recoveries Trust Fund.

New matter indicated by italics - deletions by strikeout
(o) On or after July 1, 2003, and no later than June 30, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Vehicle Inspection Fund:

From the Underground Storage Tank Fund ....... $35,000,000.

(p) On or after July 1, 2003 and until May 1, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the
State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(x) In addition to any other transfers that may be provided for by law, on January 15, 2005, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer to the General Revenue Fund the following sums:

- From the State Crime Laboratory Fund, $200,000;
- From the State Police Wireless Service Emergency Fund, $200,000;
- From the State Offender DNA Identification System Fund, $800,000; and
- From the State Police Whistleblower Reward and Protection Fund, $500,000.

(y) In addition to any other transfers that may be provided for by law, on April 1, 2005, or as soon thereafter as may be practical, at the direction of the Director of Public Aid, the State Comptroller shall direct and the State Treasurer shall transfer from the Public Aid Recoveries Trust Fund amounts not to exceed $14,000,000 to the Community Mental Health Medicaid Trust Fund.

(Source: P.A. 92-11, eff. 6-11-01; 92-505, eff. 12-20-01; 92-600, eff. 6-28-02; 93-32, eff. 6-20-03; 93-648, eff. 1-8-04; 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05.)

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

Approved June 17, 2005.
Effective June 17, 2005.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0059
(Senate Bill No. 1649)

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

Section 5. The Illinois Highway Code is amended by changing
Sections 6-205, 6-410 and 9-107 as follows:

(605 ILCS 5/6-205) (from Ch. 121, par. 6-205)
Sec. 6-205. The district treasurer shall receive and have charge of
all moneys raised in the district for the support and maintenance of roads
therein, and for road damages except such portions of the moneys which
by Section 6-507 are directed to be paid to the municipalities. He shall
hold such moneys at all times subject to the order of the highway
commissioner and shall pay them over upon the order of the
commissioner, such order to be countersigned by the town or district clerk.
In counties under township organization such moneys, other than Social
Security taxes required by the Social Security Enabling Act, shall not be
paid over until the board of town trustees or highway board of auditors, as
the case may be, has examined and audited the claims or charges for
which such order is drawn. In no case shall payment be made on several orders
of $5,000 or less where such orders are in payment of a contract or contracts,
constituting a single project or transaction, either for road construction or
maintenance or for the purchase of material, machinery or other appliance
to be used therein; if such plan or project costs more than $5,000, unless
such orders are accompanied by the written approval of the county
superintendent of highways or the highway board of auditors. He shall
keep an account in a book provided by the commissioner of all moneys
received, and all moneys paid out, showing in detail to whom and on what
account the same is so paid.

The treasurer shall also present annually, within 30 days after the
end of the fiscal year of the district, to the highway commissioner an
itemized statement of receipts and disbursements of the district during the
fiscal year just ended, which shall be sworn to.
(Source: P.A. 83-1362.)

(605 ILCS 5/6-410) (from Ch. 121, par. 6-410)
Sec. 6-410. All final payments on contracts for the construction or
repair of roads, including the constructing or repairing bridges or culverts,
shall be made payable as soon as the work under such contract is
completed and accepted by the highway commissioner and the county superintendent of highways. The highway commissioner shall submit all warrants, bills and orders for such final payments to the township board of trustees or the highway board of auditors within 30 days after the receipt of the bill.

(Source: P.A. 83-791.)

(605 ILCS 5/9-107) (from Ch. 121, par. 9-107)

Sec. 9-107. Whenever the highway authorities are about to lay a tile drain along any public highway the highway authorities may contract with the owners or occupants of adjoining lands to lay larger tile than would be necessary to drain the highway, and permit connection therewith by such contracting parties to drain their lands.

However, all such contracts on township or district roads for a sum in excess of $1,000.00 shall be made on behalf of any road district by the highway commissioner thereof, with the consent of the county superintendent of highways.

(Source: Laws 1961, p. 2815.)

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

Approved June 17, 2005.
Effective June 17, 2005.

PUBLIC ACT 94-0060
(House Bill No. 0295)

AN ACT concerning safety.

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

Section 5. The Illinois Pesticide Act is amended by changing Section 13 as follows:

(415 ILCS 60/13) (from Ch. 5, par. 813)

Sec. 13. Pesticide dealers. Any pesticide dealer who sells Restricted Use pesticides shall be registered with the Department on forms provided by the Director. Beginning July 1, 2005, any pesticide dealer that sells non-restricted use pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater or 10 pounds or greater must also register with the Department on forms provided by the Director. Registration shall consist of passing a

New matter indicated by italics - deletions by strikeout
required examination and payment of a $100 registration fee. The late application fee for a pesticide dealer registration shall be $20 in addition to the normal pesticide dealer registration fee. A pesticide dealer shall be assessed a fee of $5 for a duplicate registration.

Dealers who hold a Structural Pest Control license with the Illinois Department of Public Health or a Commercial Applicator's license with the Illinois Department of Agriculture are exempt from the registration fee but must register with the Department.

Each place of business which sells restricted use pesticides or non-restricted pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater or 10 pounds or greater shall be considered a separate entity for the purpose of registration.

Registration as a pesticide dealer shall expire on December 31 of each year. Pesticide dealers shall be certified in accordance with Section 9 of this Act.

The Director may prescribe, by rule, requirements for the registration and testing of any pesticide dealer selling other than restricted use pesticides and such rules shall include the establishment of a registration fee in an amount not to exceed the pesticide dealer registration fee.

The Department may refuse to issue or may suspend the registration of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 89-657, eff. 8-14-96; 90-14, eff. 7-1-97; 90-205, eff. 1-1-98.)

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

Passed in the General Assembly May 26, 2005.
Approved June 20, 2005.
Effective June 20, 2005.

AN ACT concerning agriculture.

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

Section 5. The Soybean Marketing Act is amended by changing Sections 12 and 13 as follows:

(505 ILCS 130/12) (from Ch. 5, par. 562)

Sec. 12.

Any marketing program established under this Act shall provide for a program operating board consisting of at least 24 members who are charged with the administration of the program.

The board shall consist of one member elected from each of the districts as established in the marketing program and 6 at large members without respect to residence district. The 6 at large members shall be nominated by a majority of the board sitting in quorum and thereafter elected by a majority of producers in attendance at the annual meeting.

The program operating board shall elect from its members a chairman, treasurer and such other positions as may be provided for in the marketing program. The term of office for members of the program operating board elected from districts shall be for 3 years, except that the term of the members of the board first taking office shall be for one, 2, or 3 years as determined by lot. The marketing program shall establish the number of members elected from districts for each term of office at the first board and shall provide the procedure for the election of members in subsequent years. The term of the at large members of the board shall be for 3 years, except that the term of the at large members first taking office shall be for one, 2, or 3 years as determined by lot.

All voting members of the program operating board are entitled to actual and necessary travel and incidental expenses while attending meetings of the board or while engaged in the performance of official responsibilities as determined by the board and provided for in the marketing program.

(Source: P.A. 78-739.)

(505 ILCS 130/13) (from Ch. 5, par. 563)

Sec. 13. For the initial board any soybean producer may become a candidate from a district and have his name placed on the ballot if he files a petition with the Director containing the signatures of 150 or 3%, whichever is less, of those producers in his district qualified to vote on the referendum. All district director candidates shall be resident producers of the district for which they are nominated. Notice of the initial election of district directors members of the board shall be given in trade publications.

New matter indicated by italics - deletions by strikeout
and public press at least 2 weeks prior to such election. Vacancies on the
program operating board during the term of office shall be filled by the
program operating board until the next regular election. In subsequent
years a special election shall be held to fill any expiring term on the board.
Nominations of district directors shall be in the same fashion as original
board members. The nominating procedure for district directors shall be
as provided in this Section unless otherwise provided for in the marketing
program. Candidates receiving the greatest number of votes at any special
election shall be elected.
(Source: P.A. 84-334.)
Passed in the General Assembly May 27, 2005.
Approved June 20, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0062
(House Bill No. 0931)

AN ACT concerning alternate fuels.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Alternate Fuels Act is amended by changing
Sections 10, 30, and 31 as follows:
(415 ILCS 120/10)
Sec. 10. Definitions. As used in this Act:
"Agency" means the Environmental Protection Agency.
"Alternate fuel" means liquid petroleum gas, natural gas, E85 blend
fuel, fuel composed of a minimum 80% ethanol, 80% bio-based methanol,
fuels that are at least 80% derived from biomass, hydrogen fuel, or
electricity, excluding on-board electric generation.
"Alternate fuel vehicle" means any vehicle that is operated in
Illinois and is capable of using an alternate fuel.
"Biodiesel fuel" means a renewable fuel conforming to the industry
standard ASTM-D6751 and registered with the U.S. Environmental
Protection Agency.
"Conventional", when used to modify the word "vehicle", "engine",
or "fuel", means gasoline or diesel or any reformulations of those fuels.
"Covered Area" means the counties of Cook, DuPage, Kane, Lake,
McHenry, and Will and those portions of Grundy County and Kendall
County that are included in the following ZIP code areas, as designated by

New matter indicated by italics - deletions by strikeout
the U.S. Postal Service on the effective date of this amendatory Act of 1998: 60416, 60444, 60447, 60450, 60481, 60538, and 60543.

"Director" means the Director of the Environmental Protection Agency.

"Domestic renewable fuel" means a fuel, produced in the United States, composed of a minimum 80% ethanol, 80% bio-based methanol, or 20% biodiesel fuel and fuels derived from biomass.

"E85 blend fuel" means fuel that contains 85% ethanol and 15% gasoline.

"GVWR" means Gross Vehicle Weight Rating.

"Location" means (i) a parcel of real property or (ii) multiple, contiguous parcels of real property that are separated by private roadways, public roadways, or private or public rights-of-way and are owned, operated, leased, or under common control of one party.

"Original equipment manufacturer" or "OEM" means a manufacturer of alternate fuel vehicles or a manufacturer or remanufacturer of alternate fuel engines used in vehicles greater than 8500 pounds GVWR.

"Rental vehicle" means any motor vehicle that is owned or controlled primarily for the purpose of short-term leasing or rental pursuant to a contract.

(Source: P.A. 91-357, eff. 7-29-99; 92-858, eff. 1-3-03.)

Sec. 30. Rebate program. Beginning January 1, 1997, and as long as funds are available, each owner of an alternate fuel vehicle shall be eligible to apply for a rebate. Beginning July 1, 2005, each owner of a vehicle using domestic renewable fuel is eligible to apply for a fuel cost differential rebate under subsection (c) of this Section. The Agency shall cause rebates to be issued under the provisions of this Act. An owner may apply for only one of 3 types of rebates with regard to an individual alternate fuel vehicle: (i) a conversion cost rebate, (ii) an OEM differential cost rebate, or (iii) a fuel cost differential rebate. Only one rebate may be issued with regard to a particular alternate fuel vehicle during the life of that vehicle. A rebate shall not exceed $4,000 per vehicle. Over the life of this rebate program, an owner of an alternate fuel vehicle or a vehicle using domestic renewable fuel may not receive rebates for more than 150 vehicles per location or for 300 vehicles in total.

(a) A conversion cost rebate may be issued to an owner or his or her designee in order to reduce the cost of converting of a conventional

New matter indicated by italics - deletions by strikeout
vehicle to an alternate fuel vehicle. Conversion of a conventional vehicle to alternate fuel capability must take place in Illinois for the owner to be eligible for the conversion cost rebate. Amounts spent by applicants within a calendar year may be claimed on a rebate application submitted during that calendar year. Approved conversion cost rebates applied for during or after calendar year 1997 shall be 80% of all approved conversion costs claimed and documented. Approval of conversion cost rebates may continue after calendar year 2002, if funds are still available. An applicant may include on an application submitted in 1997 all amounts spent within that calendar year on the conversion, even if the expenditure occurred before promulgation of the Agency rules.

(b) An OEM differential cost rebate may be issued to an owner or his or her designee in order to reduce the cost differential between a conventional vehicle or engine and the same vehicle or engine, produced by an original equipment manufacturer, that has the capability to use alternate fuels.

A new OEM vehicle or engine must be purchased in Illinois and must either be an alternate fuel vehicle or used in an alternate fuel vehicle, respectively, for the owner to be eligible for an OEM differential cost rebate. Amounts spent by applicants within a calendar year may be claimed on a rebate application submitted during that calendar year.

Approved OEM differential cost rebates applied for during or after calendar year 1997 shall be 80% of all approved cost differential claimed and documented. Approval of OEM differential cost rebates may continue after calendar year 2002, if funds are still available. An applicant may include on an application submitted in 1997 all amounts spent within that calendar year on OEM equipment, even if the expenditure occurred before promulgation of the Agency rules.

(c) A fuel cost differential rebate may be issued to an owner or his or her designee in order to reduce the cost differential between conventional fuels and domestic renewable fuels or alternate fuels purchased to operate an alternate fuel vehicle that runs on domestic renewable fuel. The fuel cost differential shall be based on a 3-year life cycle cost analysis developed by the Agency by rulemaking. The rebate shall apply to and be payable during a consecutive 3-year period commencing on the date the application is approved by the Agency. Approved fuel cost differential rebates may be applied for during or after calendar year 1997 and approved rebates shall be 80% of the cost differential for a consecutive 3-year period. Approval of fuel cost
differential rebates may continue after calendar year 2002 if funds are still available.

Twenty-five percent of the amount that is appropriated under Section 40 to be used to fund programs authorized by this Section during calendar year 2001 shall be designated to fund fuel cost differential rebates. If the total dollar amount of approved fuel cost differential rebate applications as of July 1, 2001 is less than the amount designated for that calendar year, the balance of designated funds shall be immediately available to fund any rebate authorized by this Section and approved in the calendar year.

An approved fuel cost differential rebate shall be paid to an owner in 3 annual installments on or about the anniversary date of the approval of the application. Owners receiving a fuel cost differential rebate shall be required to demonstrate, through recordkeeping, the use of domestic renewable fuels during the 3-year period commencing on the date the application is approved by the Agency. If the alternate fuel vehicle ceases to be registered to the original applicant owner, a prorated installment shall be paid to that owner or the owner's designee and the remainder of the rebate shall be canceled.

(d) Vehicles owned by the federal government or vehicles registered in a state outside Illinois are not eligible for rebates.

(415 ILCS 120/31)

Sec. 31. Alternate Fuel Infrastructure Program. Subject to appropriation, the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall establish a grant program to provide funding for the building of E85 blend, propane, at least 20% biodiesel blended fuel, and compressed natural gas (CNG) fueling facilities, including private on-site fueling facilities, to be built within the covered area or in Illinois metropolitan areas over 100,000 in population. The Department of Commerce and Economic Opportunity Community Affairs shall be responsible for reviewing the proposals and awarding the grants.

(415 ILCS 120/31)

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

Passed in the General Assembly May 18, 2005.
Approved June 20, 2005.
Effective June 20, 2005.
AN ACT concerning regulation.

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

Section 5. The Public Utilities Act is amended by changing Section 9-220 as follows:

(220 ILCS 5/9-220) (from Ch. 111 2/3, par. 9-220)
Sec. 9-220. Rate changes based on changes in fuel costs.
(a) Notwithstanding the provisions of Section 9-201, the Commission may authorize the increase or decrease of rates and charges based upon changes in the cost of fuel used in the generation or production of electric power, changes in the cost of purchased power, or changes in the cost of purchased gas through the application of fuel adjustment clauses or purchased gas adjustment clauses. The Commission may also authorize the increase or decrease of rates and charges based upon expenditures or revenues resulting from the purchase or sale of emission allowances created under the federal Clean Air Act Amendments of 1990, through such fuel adjustment clauses, as a cost of fuel. For the purposes of this paragraph, cost of fuel used in the generation or production of electric power shall include the amount of any fees paid by the utility for the implementation and operation of a process for the desulfurization of the flue gas when burning high sulfur coal at any location within the State of Illinois irrespective of the attainment status designation of such location; but shall not include transportation costs of coal (i) except to the extent that for contracts entered into on and after the effective date of this amendatory Act of 1997, the cost of the coal, including transportation costs, constitutes the lowest cost for adequate and reliable fuel supply reasonably available to the public utility in comparison to the cost, including transportation costs, of other adequate and reliable sources of fuel supply reasonably available to the public utility, or (ii) except as otherwise provided in the next 3 sentences of this paragraph. Such costs of fuel shall, when requested by a utility or at the conclusion of the utility's next general electric rate proceeding, whichever shall first occur, include transportation costs of coal purchased under existing coal purchase contracts. For purposes of this paragraph "existing coal purchase contracts" means contracts for the purchase of coal in effect on the effective date of this amendatory Act of 1991, as such contracts may

New matter indicated by italics - deletions by strikeout
thereafter be amended, but only to the extent that any such amendment
does not increase the aggregate quantity of coal to be purchased under
such contract. Nothing herein shall authorize an electric utility to recover
through its fuel adjustment clause any amounts of transportation costs of
coal that were included in the revenue requirement used to set base rates in
its most recent general rate proceeding. Cost shall be based upon
uniformly applied accounting principles. Annually, the Commission shall
initiate public hearings to determine whether the clauses reflect actual
costs of fuel, gas, power, or coal transportation purchased to determine
whether such purchases were prudent, and to reconcile any amounts
collected with the actual costs of fuel, power, gas, or coal transportation
prudently purchased. In each such proceeding, the burden of proof shall be
upon the utility to establish the prudence of its cost of fuel, power, gas, or
coal transportation purchases and costs. The Commission shall issue its
final order in each such annual proceeding for an electric utility by
December 31 of the year immediately following the year to which the
proceeding pertains, provided, that the Commission shall issue its final
order with respect to such annual proceeding for the years 1996 and earlier
by December 31, 1998.

(b) A public utility providing electric service, other than a public
utility described in subsections (e) or (f) of this Section, may at any time
during the mandatory transition period file with the Commission proposed
tariff sheets that eliminate the public utility's fuel adjustment clause and
adjust the public utility's base rate tariffs by the amount necessary for the
base fuel component of the base rates to recover the public utility's average
fuel and power supply costs per kilowatt-hour for the 2 most recent years
for which the Commission has issued final orders in annual proceedings
pursuant to subsection (a), where the average fuel and power supply costs
per kilowatt-hour shall be calculated as the sum of the public utility's
prudent and allowable fuel and power supply costs as found by the
Commission in the 2 proceedings divided by the public utility's actual
jurisdictional kilowatt-hour sales for those 2 years. Notwithstanding any
contrary or inconsistent provisions in Section 9-201 of this Act, in
subsection (a) of this Section or in any rules or regulations promulgated by
the Commission pursuant to subsection (g) of this Section, the
Commission shall review and shall by order approve, or approve as
modified, the proposed tariff sheets within 60 days after the date of the
public utility's filing. The Commission may modify the public utility's
proposed tariff sheets only to the extent the Commission finds necessary to

New matter indicated by italics - deletions by strikeout
achieve conformance to the requirements of this subsection (b). During the 5 years following the date of the Commission's order, but in any event no earlier than January 1, 2007, a public utility whose fuel adjustment clause has been eliminated pursuant to this subsection shall not file proposed tariff sheets seeking, or otherwise petition the Commission for, reinstatement of a fuel adjustment clause.

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

(d) A public utility providing electric service, or a public utility providing gas service may file with the Commission proposed tariff sheets that eliminate the public utility's fuel or purchased gas adjustment clause and adjust the public utility's base rate tariffs to provide for recovery of power supply costs or gas supply costs that would have been recovered through such clause; provided, that the provisions of this subsection (d) shall not be available to a public utility described in subsections (e) or (f) of this Section to eliminate its fuel adjustment clause. Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section, or in any rules or regulations promulgated by the Commission pursuant to subsection (g) of this Section, the Commission shall review and shall by order approve, or approve as modified in the Commission's order, the proposed tariff sheets within 240

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

(e) Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section, or in any rules promulgated by the Commission pursuant to subsection (g) of this Section, a public utility providing electric service to more than 1,000,000 customers in this State may, within the first 6 months after the effective date of this amendatory Act of 1997, file with the Commission proposed tariff sheets that eliminate, effective January 1, 1997, the public utility's
fuel adjustment clause without adjusting its base rates, and such tariff sheets shall be effective upon filing. To the extent the application of the fuel adjustment clause had resulted in net charges to customers after January 1, 1997, the utility shall also file a tariff sheet that provides for a refund stated on a per kilowatt-hour basis of such charges over a period not to exceed 6 months; provided however, that such refund shall not include the proportional amounts of taxes paid under the Use Tax Act, Service Use Tax Act, Service Occupation Tax Act, and Retailers' Occupation Tax Act on fuel used in generation. The Commission shall issue an order within 45 days after the date of the public utility's filing approving or approving as modified such tariff sheet. If the fuel adjustment clause is eliminated pursuant to this subsection, the Commission shall not conduct the annual hearings specified in the last 3 sentences of subsection (a) of this Section for the utility for any period after December 31, 1996 and prior to any reinstatement of such clause. A public utility whose fuel adjustment clause has been eliminated pursuant to this subsection shall not file a proposed tariff sheet seeking, or otherwise petition the Commission for, reinstatement of the fuel adjustment clause prior to January 1, 2007.

(f) Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section, or in any rules or regulations promulgated by the Commission pursuant to subsection (g) of this Section, a public utility providing electric service to more than 500,000 customers but fewer than 1,000,000 customers in this State may, within the first 6 months after the effective date of this amendatory Act of 1997, file with the Commission proposed tariff sheets that eliminate, effective January 1, 1997, the public utility's fuel adjustment clause and adjust its base rates by the amount necessary for the base fuel component of the base rates to recover 91% of the public utility's average fuel and power supply costs for the 2 most recent years for which the Commission, as of January 1, 1997, has issued final orders in annual proceedings pursuant to subsection (a), where the average fuel and power supply costs per kilowatt-hour shall be calculated as the sum of the public utility's prudent and allowable fuel and power supply costs as found by the Commission in the 2 proceedings divided by the public utility's actual jurisdictional kilowatt-hour sales for those 2 years, provided, that such tariff sheets shall be effective upon filing. To the extent the application of the fuel adjustment clause had resulted in net charges to customers after January 1, 1997, the utility shall also file a tariff sheet that provides for a
refund stated on a per kilowatt-hour basis of such charges over a period not to exceed 6 months. Provided however, that such refund shall not include the proportional amounts of taxes paid under the Use Tax Act, Service Use Tax Act, Service Occupation Tax Act, and Retailers' Occupation Tax Act on fuel used in generation. The Commission shall issue an order within 45 days after the date of the public utility's filing approving or approving as modified such tariff sheet. If the fuel adjustment clause is eliminated pursuant to this subsection, the Commission shall not conduct the annual hearings specified in the last 3 sentences of subsection (a) of this Section for the utility for any period after December 31, 1996 and prior to any reinstatement of such clause. A public utility whose fuel adjustment clause has been eliminated pursuant to this subsection shall not file a proposed tariff sheet seeking, or otherwise petition the Commission for, reinstatement of the fuel adjustment clause prior to January 1, 2007.

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

(h) Any gas utility may enter into a 20-year supply contract with any company for synthetic natural gas produced from coal through the gasification process if the company has commenced construction of a coal gasification facility by July 1, 2008. The cost for the synthetic natural gas is reasonable and prudent and recoverable through the purchased gas adjustment clause for years one through 10 of the contract if: (i) the only coal used in the gasification process has high volatile bituminous rank and greater than 1.7 pounds of sulfur per million Btu content; (ii) at the time the contract term commences, the price per million Btu does not exceed $5 in 2004 dollars, adjusted annually based on the change in the Annual Consumer Price Index for All Urban Consumers for the Midwest Region as published in April by the United States Department of Labor, Bureau of Labor Statistics (or a suitable Consumer Price Index calculation if this Consumer Price Index is not available) for the previous calendar year; provided that the price per million Btu shall not exceed $5.50 at any time during the contract; (iii) the utility's aggregate long-term supply contracts for the purchase of synthetic natural gas produced from coal through the gasification process does not exceed 25% of the annual system supply requirements of the utility at the time the contract is entered into; and (iv) the contract is entered into within one year after the effective date of this amendatory Act of the 94th General Assembly and terminates 20 years after the commencement of the production of synthetic

New matter indicated by italics - deletions by strikeout
natural gas. The contract shall provide that if, at any time during years 11 through 20 of the contract, the Commission determines that the cost for the synthetic natural gas under the contract is not reasonable and prudent, then the company shall reimburse the utility for the difference between the cost deemed reasonable and prudent by the Commission and the cost imposed under the contract.

(i) If a gas utility or an affiliate of a gas utility has an ownership interest in any entity that produces or sells synthetic natural gas, Article VII of this Act shall apply.

(Source: P.A. 92-537, eff. 6-6-02.)

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


Approved June 21, 2005.

Effective June 21, 2005.

PUBLIC ACT 94-0064
(Senate Bill No. 0299)

AN ACT concerning special districts.

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

Section 5. The River Conservancy Districts Act is amended by changing Section 4a as follows:

(70 ILCS 2105/4a) (from Ch. 42, par. 386a)

Sec. 4a. Every conservancy district so established shall be governed by a board of trustees. In the statement finding the results of the election to be favorable to the establishment of the district, the circuit court shall determine and name each municipality within the district having 5,000 or more population according to the last preceding federal census.

(1) In case there is one or more municipalities having a population of 5,000 or more within the district, the trustees shall be appointed as follows:

(a) In districts organized prior to July 1, 1961, where there is only one such municipality, 3 trustees shall be appointed from such municipality, and one trustee shall be appointed from the area within the district outside of such municipality, and one trustee shall be appointed at large. In districts organized on and after July
1, 1961, where there is only one such municipality one trustee shall be appointed from such municipality, and one trustee shall be appointed from each county in the district, except that where the district is wholly contained within a single county, one trustee shall be appointed from that county and one additional trustee shall be appointed from the municipality, and, in any case, 2 trustees shall be appointed at large. A trustee appointed from a county in the district shall be appointed from the area outside any such municipality. If the district is located wholly within the corporate limits of such municipality, 3 of the trustees of the district shall be appointed from such municipality, and 2 trustees shall be appointed at large. In a district wholly contained within a single county of between 60,500 and 70,000 population and having no more than one municipality of 5,000 or more population, regardless of the date of organization, 3 trustees shall be appointed from that municipality, 2 trustees shall be appointed from the district outside that municipality, and 2 trustees shall be appointed at large. No more than 2 appointments by each appointing authority may be from the same political party.

(b) Where there are 2 or more such municipalities, one trustee shall be appointed from each such municipality, one trustee shall be appointed from each county in the district for each 50,000 population or part thereof within the district in such county according to the last preceding federal census, and 2 trustees shall be appointed at large. A trustee appointed from a county in the district shall be appointed from the area outside any such municipality. If the district is located wholly within the corporate limits of such municipalities, 2 trustees shall be appointed from the one of such municipalities having the largest population, and one trustee shall be appointed from each of the other such municipalities, and 2 trustees shall be appointed at large.

(c) Trustees representing the area within the district located outside of any municipality having 5,000 or more population and trustees appointed at large when the district is wholly contained within a single county shall be appointed by the presiding officer of the county board with the advice and consent of the county board and any trustee representing the area within any such municipality shall be appointed by its presiding officer. If however the district is located in more than one county, any trustee representing the area

New matter indicated by italics - deletions by strikeout
within a district located outside of any municipality having 5,000 or more population and any trustee at large shall be appointed by a majority vote of the presiding officers of the county boards of the counties which encompass any part of the district, except that no such appointment shall affect the term of any trustee in office on the effective date of this amendatory Act of 1977. Any trustee representing the area within any such municipality shall be appointed by its presiding officer.

(d) A trustee representing the area within any such municipality shall reside within its corporate limits. A trustee representing the area within the district and located outside of any such municipality shall reside within such area. A trustee appointed at large may reside either within or without any such municipality but must reside within the territory of the district. Should any trustee cease to reside within that part of the territory he represents, then his office shall be deemed vacated, and shall be filled by appointment for the remainder of the term as hereinafter provided.

(2) In case there are no municipalities having a population of 5,000 or more within such district located wholly within a single county, the statement required by Section 1 shall include such finding, and in such case the Board shall consist of 5 trustees who shall be appointed at large by the presiding officer of the county board with the advice and consent of the county board. If however the district is located in more than one county, the trustees at large shall be appointed by a majority vote of the presiding officers of the county boards of the counties which encompass any portion of the district, but any trustee in office on the effective date of this amendatory Act of 1977 shall be permitted to serve out the remainder of his term. Each such trustee shall reside within the district and shall continue to reside therein.

(3) All initial appointments of trustees shall be made within 60 days after the determination of the result of the election. Each appointment shall be in writing and shall be filed and made a matter of record in the office of the county clerk wherein the organization proceedings were filed. A trustee shall qualify within 10 days after appointment by acceptance and the taking of the constitutional oath of office, both to be in writing and similarly filed for record in the office of such county clerk. Members initially appointed to the board of trustees of such district shall serve from date of appointment for 1, 2, 3, 4 and 5 years and shall draw lots to determine the periods for which they each shall serve. In case there are

New matter indicated by italics - deletions by strikeout
more than 5 trustees, lots shall be drawn so that 5 trustees shall serve initial terms of 1, 2, 3, 4 and 5 years and the other trustees shall serve terms of 1, 2, 3, 4 or 5 years as the number of trustees shall require and the drawing of lots shall determine. The successors of all such initial members of the board of trustees of a river conservancy district shall serve for terms of 5 years, all such appointments and appointments to fill vacancies shall be made in like manner as in the case of the initial trustees. A trustee having been duly appointed shall continue to serve after the expiration of his term until his successor has been appointed. Each trustee initially appointed in accordance with this amendatory Act of 1995 shall serve a term of 3 or 5 years as determined by lot.

(4) Should a municipality which is wholly within a district attain, or should such a municipality be established, having a population of 5,000 or more after the entry of the statement by the circuit court, the presiding officer of such municipality may petition the circuit court of the county in which such municipality lies for an order finding and determining the population of such municipality and, if it is found and determined upon the hearing of such petition that the population of such municipality is 5,000 or more, the board of trustees of such district as previously established shall be increased by one trustee who shall reside within the corporate limits of such municipality and shall be appointed by its presiding officer. The initial trustee so appointed shall serve for a term of 1, 2, 3, 4 or 5 years, as may be determined by lot, and his successors shall be similarly appointed and shall serve for terms of 5 years. All provisions of this Section applicable to trustees representing municipal areas shall apply to any such trustee, including paragraph 5.

(5) Should the foregoing provisions respecting the appointment of trustees representing the area within any municipality of 5,000 or more population be invalid when applied to any situation, then as to such situation any such provision shall be deemed to be excised from this Act, and the trustee whose appointment is thus affected shall be appointed at large by the presiding officer of the county board with the advice and consent of the county board except if the district embraces more than one county in which case the trustees shall be appointed at large by a majority vote of the presiding officers of the county boards of the counties which encompass any portion of the district.

(6) In the case of a board representing a district that embraces Franklin and Jefferson counties, a trustee may be removed for incompetence, neglect of duty, or malfeasance in office by the appropriate
appointing presiding officer or officers, without the advice and consent of
the corporate authorities, by filing a written order of removal with the
appropriate county or municipal clerk or clerks.

(7) Notwithstanding any other provision of law to the contrary, in
the case of a board representing a district that embraces Franklin and
Jefferson counties, the terms of all trustees shall end on the effective date
of this amendatory Act of the 94th General Assembly. Beginning on that
date, the board shall consist of 7 trustees. The 7 trustees initially
appointed pursuant to this amendatory Act of the 94th General Assembly
shall be appointed in the same manner as otherwise provided in this
Section by the appropriate appointing authority and shall serve the
following terms, as determined by lot: (i) 2 trustees shall serve until July
1, 2006; (ii) 2 trustees shall serve until July 1, 2007; (iii) one trustee shall
serve until July 1, 2008; (iv) one trustee shall serve until July 1, 2009; and
(v) one trustee shall serve until July 1, 2010. Upon expiration of the terms
of the trustees initially appointed under this amendatory Act of the 94th
General Assembly, their respective successors shall be appointed for
terms of 5 years, beginning on July 1 of the year in which the previous
term expires and until their respective successors are appointed and
qualified. After the appointment of the trustees initially appointed
pursuant to this amendatory Act of the 94th General Assembly, the number
of trustees on the board may be increased in accordance with subsection
(4).

(Source: P.A. 89-148, eff. 1-1-96.)

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

Passed in the General Assembly May 17, 2005.
Approved June 21, 2005.
Effective June 21, 2005.

PUBLIC ACT 94-0065
(Senate Bill No. 1814)

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

Section 5. The Department of Commerce and Economic
Opportunity Law of the Civil Administrative Code of Illinois is amended
by changing Section 605-332 as follows:

New matter indicated by italics - deletions by strikeout
(20 ILCS 605/605-332)

Sec. 605-332. Financial assistance to energy generation facilities.

(a) As used in this Section:

"New electric generating facility" means a newly-constructed electric generation plant or a newly constructed generation capacity expansion at an existing facility, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which foundation construction commenced not sooner than July 1, 2001, which is designed to provide baseload electric generation operating on a continuous basis throughout the year and:

(1) has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site, uses coal or gases derived from coal as its primary fuel source, and supports the creation of at least 150 new Illinois coal mining jobs; or

(2) is (i) funded through a federal Department of Energy grant before July 1, 2006 and supports the creation of Illinois coal-mining jobs; or (ii) 2005, and (ii)

(3) uses coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and that supports the creation of Illinois coal-mining jobs.

"New gasification facility" means a newly constructed coal gasification facility that generates chemical feedstocks or transportation fuels derived from coal (which may include, but are not limited to, methane, methanol, and nitrogen fertilizer), that supports the creation or retention of Illinois coal-mining jobs, and that qualifies for financial assistance from the Department before December 31, 2006. A new gasification facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal.

"New facility" means a new electric generating facility or a new gasification facility. A new facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal.

"Eligible business" means an entity that proposes to construct a new electric generating facility and that has applied to the Department to receive financial assistance pursuant to this Section. With respect to use and occupation taxes, wherever there is a reference to taxes, that reference means only those taxes paid on Illinois-mined coal used in a new electric generating facility.

New matter indicated by italics - deletions by strikeout
"Department" means the Illinois Department of Commerce and Economic Opportunity.

(b) The Department is authorized to provide financial assistance to eligible businesses for new electric generating facilities from funds appropriated by the General Assembly as further provided in this Section.

An eligible business seeking qualification for financial assistance for a new electric generating facility, for purposes of this Section only, shall apply to the Department in the manner specified by the Department. Any projections provided by an eligible business as part of the application shall be independently verified in a manner as set forth by the Department. An application shall include, but not be limited to:

(1) the projected or actual completion date of the new electric generating facility for which financial assistance is sought;

(2) copies of documentation deemed acceptable by the Department establishing either (i) the total State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility for a minimum of 4 preceding calendar quarters or (ii) the projected amount of State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility in 4 calendar year quarters after completion of the new electric generating facility. Bond proceeds subject to this Section shall not be allocated to an eligible business until the eligible business has demonstrated the revenue stream sufficient to service the debt on the bonds; and

(3) the actual or projected amount of capital investment by the eligible business in the new electric generating facility.

The Department shall determine the maximum amount of financial assistance for eligible businesses in accordance with this paragraph. The Department shall not provide financial assistance from general obligation bond funds to any eligible business unless it receives a written certification from the Director of the Bureau of the Budget (now Governor's Office of Management and Budget) that 80% of the State occupation and use tax receipts for a minimum of the preceding 4 calendar quarters for all eligible businesses or as included in projections on approved applications by eligible businesses equal or exceed 110% of the maximum annual debt service required with respect to general obligation bonds issued for that purpose. The Department may provide financial assistance not to exceed the amount of State general obligation debt calculated as above, the amount of actual or projected capital investment in the energy generation...
facility, or $100,000,000, whichever is less. Financial assistance received pursuant to this Section may be used for capital facilities consisting of buildings, structures, durable equipment, and land at the new electric generating facility. Subject to the provisions of the agreement covering the financial assistance, a portion of the financial assistance may be required to be repaid to the State if certain conditions for the governmental purpose of the assistance were not met.

An eligible business shall file a monthly report with the Illinois Department of Revenue stating the amount of Illinois-mined coal purchased during the previous month for use in the new electric generating facility, the purchase price of that coal, the amount of State occupation and use taxes paid on that purchase to the seller of the Illinois-mined coal, and such other information as that Department may reasonably require. In sales of Illinois-mined coal between related parties, the purchase price of the coal must have been determined in an arms-length transaction. The report shall be filed with the Illinois Department of Revenue on or before the 20th day of each month on a form provided by that Department. However, no report need be filed by an eligible business in a month when it made no reportable purchases of coal in the previous month. The Illinois Department of Revenue shall provide a summary of such reports to the Governor's Office of Management and Budget.

Upon granting financial assistance to an eligible business, the Department shall certify the name of the eligible business to the Illinois Department of Revenue. Beginning with the receipt of the first report of State occupation and use taxes paid by an eligible business and continuing for a 25-year period, the Illinois Department of Revenue shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business.

(Source: P.A. 92-12, eff. 7-1-01; 93-167, eff. 7-10-03; 93-1064, eff. 1-13-05.)

Section 10. The Illinois Enterprise Zone Act is amended by changing Section 5.5 as follows:

(20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)
Sec. 5.5. High Impact Business.
(a) In order to respond to unique opportunities to assist in the encouragement, development, growth and expansion of the private sector through large scale investment and development projects, the Department

New matter indicated by italics - deletions by strikeout
is authorized to receive and approve applications for the designation of "High Impact Businesses" in Illinois subject to the following conditions:

1. such applications may be submitted at any time during the year;
2. such business is not located, at the time of designation, in an enterprise zone designated pursuant to this Act;
3. the business intends to do one or more of the following:
   A. the business intends to make a minimum investment of $12,000,000 which will be placed in service in qualified property and intends to create 500 full-time equivalent jobs at a designated location in Illinois or intends to make a minimum investment of $30,000,000 which will be placed in service in qualified property and intends to retain 1,500 full-time jobs at a designated location in Illinois. The business must certify in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in subsection (b) of this Section. The terms "placed in service" and "qualified property" have the same meanings as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or
   B. the business intends to establish a new electric generating facility at a designated location in Illinois. "New electric generating facility", for purposes of this Section, means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced not sooner than July 1, 2001. Such facility shall be designed to provide baseload electric generation and shall operate on a continuous basis throughout the year; and (i) shall have an aggregate rated generating capacity of at least 1,000 megawatts for all new units at one site if it uses natural gas as its primary fuel and foundation construction of the facility is commenced on or before December 31, 2004, or shall have an aggregate rated generating capacity of at least
400 megawatts for all new units at one site if it uses coal or gases derived from coal as its primary fuel and shall support the creation of at least 150 new Illinois coal mining jobs, or; (ii) shall be funded through a federal Department of Energy grant before July 1, 2006 and shall support the creation of Illinois coal-mining jobs, or (iii) shall use 2005, and (ii) uses coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and shall support the creation of Illinois coal-mining jobs. The business must certify in writing that the investments necessary to establish a new electric generating facility would not be placed in service and the job creation in the case of a coal-fueled plant would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(B-5) the business intends to establish a new gasification facility at a designated location in Illinois. As used in this Section, "new gasification facility" means a newly constructed coal gasification facility that generates chemical feedstocks or transportation fuels derived from coal (which may include, but are not limited to, methane, methanol, and nitrogen fertilizer), that supports the creation or retention of Illinois coal-mining jobs, and that qualifies for financial assistance from the Department before December 31, 2006. A new gasification facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal; or

(C) the business intends to establish production operations at a new coal mine, re-establish production operations at a closed coal mine, or expand production at an existing coal mine at a designated location in Illinois not sooner than July 1, 2001; provided that the production operations result in the creation of 150 new Illinois coal mining jobs as described in subdivision (a)(3)(B) of this Section, and further provided that the coal extracted from such mine is utilized as the predominant source for a new

New matter indicated by italics - deletions by strikeout
electric generating facility. The business must certify in writing that the investments necessary to establish a new, expanded, or reopened coal mine would not be placed in service and the job creation would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(D) the business intends to construct new transmission facilities or upgrade existing transmission facilities at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. For the purposes of this Section, "transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with this Section. The business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; and

(4) no later than 90 days after an application is submitted, the Department shall notify the applicant of the Department's determination of the qualification of the proposed High Impact Business under this Section.

(b) Businesses designated as High Impact Businesses pursuant to subdivision (a)(3)(A) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 9-222 and Section 9-222.1A of the Public Utilities Act, subsection (h) of Section 201 of the Illinois Income Tax Act, and Section 1d of the Retailers' Occupation Tax Act; provided that these credits and exemptions described in these Acts shall not be authorized until the minimum investments set forth in subdivision (a)(3)(A) of this Section have been placed in service in qualified properties and, in the case of the exemptions described in the

New matter indicated by italics - deletions by strikeout
Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time jobs set forth in subdivision (a)(3)(A) of this Section have been created or retained. Businesses designated as High Impact Businesses under this Section shall also qualify for the exemption described in Section 51 of the Retailers' Occupation Tax Act. The credit provided in subsection (h) of Section 201 of the Illinois Income Tax Act shall be applicable to investments in qualified property as set forth in subdivision (a)(3)(A) of this Section.

(b-5) Businesses designated as High Impact Businesses pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C), and (a)(3)(D) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 51 of the Retailers' Occupation Tax Act, Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act; however, the credits and exemptions authorized under Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act shall not be authorized until the new electric generating facility, the new transmission facility, or the new, expanded, or reopened coal mine is operational, except that a new electric generating facility whose primary fuel source is natural gas is eligible only for the exemption under Section 51 of the Retailers' Occupation Tax Act.

(c) High Impact Businesses located in federally designated foreign trade zones or sub-zones are also eligible for additional credits, exemptions and deductions as described in the following Acts: Section 9-221 and Section 9-222.1 of the Public Utilities Act; and subsection (g) of Section 201, and Section 203 of the Illinois Income Tax Act.

(d) Existing Illinois businesses which apply for designation as a High Impact Business must provide the Department with the prospective plan for which 1,500 full-time jobs would be eliminated in the event that the business is not designated.

(e) New proposed facilities which apply for designation as High Impact Business must provide the Department with proof of alternative non-Illinois sites which would receive the proposed investment and job creation in the event that the business is not designated as a High Impact Business.

(f) In the event that a business is designated a High Impact Business and it is later determined after reasonable notice and an opportunity for a hearing as provided under the Illinois Administrative Procedure Act, that the business would have placed in service in qualified
property the investments and created or retained the requisite number of jobs without the benefits of the High Impact Business designation, the Department shall be required to immediately revoke the designation and notify the Director of the Department of Revenue who shall begin proceedings to recover all wrongfully exempted State taxes with interest. The business shall also be ineligible for all State funded Department programs for a period of 10 years.

(g) The Department shall revoke a High Impact Business designation if the participating business fails to comply with the terms and conditions of the designation.

(h) Prior to designating a business, the Department shall provide the members of the General Assembly and Commission on Government Forecasting and Accountability with a report setting forth the terms and conditions of the designation and guarantees that have been received by the Department in relation to the proposed business being designated.

(Source: P.A. 92-12, eff. 7-1-01; 93-1064, eff. 1-13-05; 93-1067, eff. 1-15-05; revised 1-25-05.)

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

Approved June 21, 2005.
Effective June 21, 2005.

PUBLIC ACT 94-0066
(Senate Bill No. 1909)

AN ACT concerning safety.

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

Section 5. The Environmental Protection Act is amended by changing Sections 3.135 and 39 and by adding Section 9.14 as follows:

(415 ILCS 5/3.135) (was 415 ILCS 5/3.94)
Sec. 3.135. Coal combustion by-product; CCB.

(a) "Coal combustion by-product" (CCB) means coal combustion waste when used beneficially in for any of the following ways purposes:

(1) The extraction or recovery of material compounds contained within CCB.

(2) The use of CCB as a raw ingredient or mineral filler in the manufacture of the following commercial products: cement;

New matter indicated by italics - deletions by strikeout
concrete and concrete mortars; cementious concrete products including block, pipe and precast/prestressed components; asphalt or cementious cement based roofing products shingles; plastic products including pipes and fittings; paints and metal alloys; kiln fired products including bricks, blocks, and tiles; abrasive media; gypsum wallboard; asphaltic concrete, or asphalt based paving material.

(3) CCB used (A) in accordance conformance with the Illinois Department of Transportation ("IDOT") standard specifications and subsection (a-5) of this Section or (B) under the approval of the Department of Transportation for IDOT projects.

(4) Bottom ash used as antiskid material, athletic tracks, or foot paths.

(5) Use as a substitute for lime (CaO and MgO) in the lime stabilization or modification of soils providing the CCB meets the IDOT Illinois Department of Transportation ("IDOT") specifications for soil modifiers byproduct limes.

(6) CCB used as a functionally equivalent substitute for agricultural lime as a soil conditioner.

(7) Bottom ash used in non-IDOT pavement sub-base or base, pipe bedding, or foundation backfill.

(8) Structural fill, when used in an engineered application or combined with cement, sand, or water to produce a controlled strength fill material and covered with 12 inches of soil unless infiltration is prevented by the material itself or other cover material.

(9) Mine subsidence, mine fire control, mine sealing, and mine reclamation.

(a-5) (10) Except to the extent that the uses are otherwise authorized by law without such restrictions, the uses specified in items (a)(3)(A) and (a)(7) through (9) shall be subject to the following conditions:

(A) CCB shall not have been mixed with hazardous waste prior to use; /

(B) CCB shall not exceed Class I Groundwater Standards for metals when tested utilizing test method ASTM D3987-85. The sample or samples tested shall be representative of the CCB being considered for use; /

New matter indicated by italics - deletions by strikeout
(C) Unless otherwise exempted, users of CCB for the purposes described in items (a)(3)(A) and (a)(7) through (9) of this Section shall provide notification to the Agency for each project utilizing CCB documenting the quantity of CCB utilized and certification of compliance with conditions (A) and (B) of this subsection. Notification shall not be required for users of CCB for purposes described in items (a)(1), (a)(2), (a)(3)(B), (a)(4), (a)(5) and (a)(6) of this Section, or as required specifically under a beneficial use determination as provided under this Section, or pavement base, parking lot base, or building base projects utilizing less than 10,000 tons, flowable fill/grout projects utilizing less than 1,000 cubic yards or other applications utilizing less than 100 tons.

(D) Fly ash shall be managed applied in a manner that minimizes the generation of airborne particles and dust using techniques such as moisture conditioning, granulating, inground application, or other demonstrated method.

(E) CCB is not to be accumulated speculatively. CCB is not accumulated speculatively if during the calendar year, the CCB used is equal to 75% of the CCB by weight or volume accumulated at the beginning of the period.

(F) CCB shall include any prescribed mixture of fly ash, bottom ash, boiler slag, flue gas desulfurization scrubber sludge, fluidized bed combustion ash, and stoker boiler ash and shall be tested as intended for use.

(b) To encourage and promote the utilization of CCB in productive and beneficial applications, upon request by the applicant, the Agency may make a written beneficial use determination that coal-combustion waste is CCB when used in a manner other than those uses specified in subsection (a) of this Section if the applicant demonstrates that use of the coal-combustion waste satisfies all of the following criteria: the use will not cause, threaten, or allow the discharge of any contaminant into the environment; the use will otherwise protect human health and safety and the environment; and the use constitutes a legitimate use of the coal-combustion waste as an ingredient or raw material that is an effective substitute for an analogous ingredient or raw material if the use has been shown to have no adverse environmental impact greater than the beneficial uses specified, in consultation with the Department of Mines and Minerals, the Illinois Department of Public Health, and other appropriate agencies.

New matter indicated by italics - deletions by strikeout
Clean Coal Institute, the Department of Transportation, and such other agencies as may be appropriate.

The Agency's beneficial use determinations may allow the uses set forth in items (a)(3)(A) and (a)(7) through (9) of this Section without the CCB being subject to the restrictions set forth in subdivisions (a-5)(B) and (a-5)(E) of this Section.

Within 90 days after the receipt of an application for a beneficial use determination under this subsection (b), the Agency shall, in writing, approve, disapprove, or approve with conditions the beneficial use. Any disapproval or approval with conditions shall include the Agency's reasons for the disapproval or conditions. Failure of the Agency to issue a decision within 90 days shall constitute disapproval of the beneficial use request. These beneficial use determinations are subject to review under Section 40 of this Act.

Any approval of a beneficial use under this subsection (b) shall become effective upon the date of the Agency's written decision and remain in effect for a period of 5 years. If an applicant desires to continue a beneficial use after the expiration of the 5-year period, the applicant must submit an application for renewal no later than 90 days prior to the expiration. The beneficial use approval shall be automatically extended unless denied by the Agency in writing with the Agency's reasons for disapproval, or unless the Agency has requested an extension for review, in which case the use will continue to be allowed until an Agency determination is made.

Coal-combustion waste for which a beneficial use is approved pursuant to this subsection (b) shall be considered CCB during the effective period of the approval, as long as it is used in accordance with the approval and any conditions.

Notwithstanding the other provisions of this subsection (b), written beneficial use determination applications for the use of CCB at sites governed by the federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder, or by any law or rule or regulation adopted by the State of Illinois pursuant thereto, shall be reviewed and approved by the Office of Mines and Minerals within the Department of Natural Resources pursuant to 62 Ill. Adm. Code §§ 1700-1850. Further, appeals of those determinations shall be made pursuant to the Illinois Administrative Review Law.

The Board shall adopt rules establishing standards and procedures for the Agency's issuance of beneficial use determinations.

New matter indicated by italics - deletions by strikeout
under this subsection (b). The Board rules may also, but are not required to, include standards and procedures for the revocation of the beneficial use determinations. Prior to the effective date of Board rules adopted under this subsection (b), the Agency is authorized to make beneficial use determinations in accordance with this subsection (b).

The Agency is authorized to prepare and distribute guidance documents relating to its administration of this Section. Guidance documents prepared under this subsection are not rules for the purposes of the Illinois Administrative Procedure Act.

(Source: P.A. 92-574, eff. 6-26-02.)

Passed in the General Assembly May 27, 2005.
Approved June 21, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0067
(House Bill No. 1313)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Labor Relations Act is amended by changing Section 20 as follows:

(5 ILCS 315/20) (from Ch. 48, par. 1620)
Sec. 20. Prohibitions.
(a) Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee be deemed a strike under this Act.

(b) This Act shall not be applicable to units of local government employing less than 5 employees at the time the Petition for Certification or Representation is filed with the Board. This prohibition shall not apply to bargaining units in existence on the effective date of this Act and to units of local government employing more than 5 employees where the total number of employees falls below 5 after the Board has certified a
bargaining unit, and fire protection districts required by the Fire Protection District Act to appoint a Board of Fire Commissioners.
(Source: P.A. 93-442, eff. 1-1-04; 93-1080, eff. 6-1-05; revised 1-25-05.)
Passed in the General Assembly May 18, 2005.
Approved June 22, 2005.
January 1, 2006.

PUBLIC ACT 94-0068
(House Bill No. 0053)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
   Section 5. The Criminal Code of 1961 is amended by changing Section 29D-10 as follows:
   (720 ILCS 5/29D-10)
   Sec. 29D-10. Definitions. As used in this Article, where not otherwise distinctly expressed or manifestly incompatible with the intent of this Article:
       (a) "Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data among them through communication facilities.
       (b) "Computer" means a device that accepts, processes, stores, retrieves, or outputs data, and includes, but is not limited to, auxiliary storage and telecommunications devices.
       (c) "Computer program" means a series of coded instruction or statements in a form acceptable to a computer which causes the computer to process data and supply the results of data processing.
       (d) "Data" means representations of information, knowledge, facts, concepts or instructions, including program documentation, that are prepared in a formalized manner and are stored or processed in or transmitted by a computer. Data may be in any form, including but not limited to magnetic or optical storage media, punch cards, or data stored internally in the memory of a computer.
       (e) "Biological products used in or in connection with agricultural production" includes, but is not limited to, seeds, plants, and DNA of plants or animals altered for use in crop or livestock breeding or

New matter indicated by italics - deletions by strikeout
production or which are sold, intended, designed, or produced for use in crop production or livestock breeding or production.

(f) "Agricultural products" means crops and livestock.

(g) "Agricultural production" means the breeding and growing of livestock and crops.

(g-5) "Animal feed" means an article that is intended for use for food for animals other than humans and that is intended for use as a substantial source of nutrients in the diet of the animal, and is not limited to a mixture intended to be the sole ration of the animal.

(g-10) "Contagious or infectious disease" means a specific disease designated by the Illinois Department of Agriculture as contagious or infectious under rules pertaining to the Illinois Diseased Animals Act.

(g-15) "Processed food" means any food other than a raw agricultural commodity and includes any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration, or milling.

(g-20) "Raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

(g-25) "Endangering the food supply" means to knowingly:

(1) bring into this State any domestic animal that is affected with any contagious or infectious disease or any animal that has been exposed to any contagious or infectious disease;

(2) expose any animal in this State to any contagious or infectious disease;

(3) deliver any poultry that is infected with any contagious or infectious disease to any poultry producer pursuant to a production contract;

(4) except as permitted under the Insect Pest and Plant Disease Act, bring or release into this State any insect pest or expose any plant to an insect pest; or

(5) expose any raw agricultural commodity, animal feed, or processed food to any contaminant or contagious or infectious disease.

"Endangering the food supply" does not include bona fide experiments and actions related to those experiments carried on by commonly recognized research facilities or actions by agricultural producers and animal health professionals who may inadvertently

New matter indicated by italics - deletions by strikeout
contribute to the spread of detrimental biological agents while employing generally acceptable management practices.

(g-30) "Endangering the water supply" means to knowingly contaminate a public or private water well or water reservoir or any water supply of a public utility or tamper with the production of bottled or packaged water or tamper with bottled or packaged water at a retail or wholesale mercantile establishment. "Endangering the water supply" does not include contamination of a public or private well or water reservoir or any water supply of a public utility that may occur inadvertently as part of the operation of a public utility or electrical generating station.

(h) "Livestock" means animals bred or raised for human consumption.

(i) "Crops" means plants raised for: (1) human consumption, (2) fruits that are intended for human consumption, (3) consumption by livestock, and (4) fruits that are intended for consumption by livestock.

(j) "Communications systems" means any works, property, or material of any radio, telegraph, telephone, microwave, or cable line, station, or system.

(k) "Substantial damage" means monetary damage greater than $100,000.

(l) "Terrorist act" or "act of terrorism" means: (1) any act that is intended to cause or create a risk and does cause or create a risk of death or great bodily harm to one or more persons; (2) any act that disables or destroys the usefulness or operation of any communications system; (3) any act or any series of 2 or more acts committed in furtherance of a single intention, scheme, or design that disables or destroys the usefulness or operation of a computer network, computers, computer programs, or data used by any industry, by any class of business, or by 5 or more businesses or by the federal government, State government, any unit of local government, a public utility, a manufacturer of pharmaceuticals, a national defense contractor, or a manufacturer of chemical or biological products used in or in connection with agricultural production; (4) any act that disables or causes substantial damage to or destruction of any structure or facility used in or used in connection with ground, air, or water transportation; the production or distribution of electricity, gas, oil, or other fuel (except for acts that occur inadvertently and as the result of operation of the facility that produces or distributes electricity, gas, oil, or other fuel); the treatment of sewage or the treatment or distribution of water; or controlling the flow of any body of water; (5) any act that causes
substantial damage to or destruction of livestock or to crops or a series of 2 or more acts committed in furtherance of a single intention, scheme, or design which, in the aggregate, causes substantial damage to or destruction of livestock or crops; (6) any act that causes substantial damage to or destruction of any hospital or any building or facility used by the federal government, State government, any unit of local government or by a national defense contractor or by a public utility, a manufacturer of pharmaceuticals, a manufacturer of chemical or biological products used in or in connection with agricultural production or the storage or processing of agricultural products or the preparation of agricultural products for food or food products intended for resale or for feed for livestock; or (7) any act that causes substantial damage to any building containing 5 or more businesses of any type or to any building in which 10 or more people reside; (8) endangering the food supply; or (9) endangering the water supply.

(m) "Terrorist" and "terrorist organization" means any person who engages or is about to engage in a terrorist act with the intent to intimidate or coerce a significant portion of a civilian population.

(n) "Material support or resources" means currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, any other kind of physical assets or intangible property, and expert services or expert assistance.

(o) "Person" has the meaning given in Section 2-15 of this Code and, in addition to that meaning, includes, without limitation, any charitable organization, whether incorporated or unincorporated, any professional fund raiser, professional solicitor, limited liability company, association, joint stock company, association, trust, trustee, or any group of people formally or informally affiliated or associated for a common purpose, and any officer, director, partner, member, or agent of any person.

(p) "Render criminal assistance" means to do any of the following with the intent to prevent, hinder, or delay the discovery or apprehension of, or the lodging of a criminal charge against, a person who he or she knows or believes has committed an offense under this Article or is being sought by law enforcement officials for the commission of an offense under this Article, or with the intent to assist a person in profiting or benefiting from the commission of an offense under this Article:

(1) harbor or conceal the person;

New matter indicated by italics - deletions by strikeout
(2) warn the person of impending discovery or apprehension;
(3) provide the person with money, transportation, a weapon, a disguise, false identification documents, or any other means of avoiding discovery or apprehension;
(4) prevent or obstruct, by means of force, intimidation, or deception, anyone from performing an act that might aid in the discovery or apprehension of the person or in the lodging of a criminal charge against the person;
(5) suppress, by any act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery or apprehension of the person or in the lodging of a criminal charge against the person;
(6) aid the person to protect or expeditiously profit from an advantage derived from the crime; or
(7) provide expert services or expert assistance to the person. Providing expert services or expert assistance shall not be construed to apply to: (1) a licensed attorney who discusses with a client the legal consequences of a proposed course of conduct or advises a client of legal or constitutional rights and (2) a licensed medical doctor who provides emergency medical treatment to a person whom he or she believes has committed an offense under this Article if, as soon as reasonably practicable either before or after providing such treatment, he or she notifies a law enforcement agency.
(Source: P.A. 92-854, eff. 12-5-02.)

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

Passed in the General Assembly May 17, 2005.
Approved June 22, 2005.
Effective June 22, 2005.

PUBLIC ACT 94-0069
(Senate Bill No. 1815)

AN ACT concerning education.

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

New matter indicated by italics - deletions by strikeout
Section 1. Short title. This Act may be cited as the FY2006 Budget Implementation (Education) Act.

Section 5. Purpose. It is the purpose of this Act to make changes in State programs that are necessary to implement the Governor's FY2006 budget recommendations concerning education.

Section 10. The State Finance Act is amended by adding Section 5.640, by changing and renumbering Section 6z-65, added by Public Act 93-838, and by changing Sections 6z-66 and 6z-67 as follows:

(30 ILCS 105/5.640 new)
Sec. 5.640. The State Board of Education Special Purpose Trust Fund.

(30 ILCS 105/6z-65.5)
Sec. 6z-65.5 6z-65. SBE Federal Department of Education Fund. The SBE Federal Department of Education Fund is created as a federal trust fund in the State treasury. This fund is established to receive funds from the federal Department of Education, including administrative funds recovered from federal programs, for the specific purposes established by the terms and conditions of federal awards. Moneys in the SBE Federal Department of Education Fund shall be used, subject to appropriation by the General Assembly, for grants and contracts to local education agencies, colleges and universities, and other State agencies and for administrative expenses of the State Board of Education. However, non-appropriated spending is allowed for the refund of unexpended grant moneys to the federal government. The SBE Federal Department of Education Fund shall serve as the successor fund to the National Center for Education Statistics Fund, and any balance remaining in the National Center for Education Statistics Fund on the effective date of this amendatory Act of the 94th General Assembly must be transferred to the SBE Federal Department of Education Fund by the State Treasurer. Any future deposits that would otherwise be made into the National Center for Education Statistics Fund must instead be made into the SBE Federal Department of Education Fund.
(Source: P.A. 93-838, eff. 7-30-04; revised 11-8-04.)

(30 ILCS 105/6z-66)
Sec. 6z-66. SBE Federal Agency Services Fund. The SBE Federal Agency Services Fund is created as a federal trust fund in the State treasury. This fund is established to receive funds from all federal departments and agencies except the Departments of Education and Agriculture (including among others the Departments of Health and

New matter indicated by italics - deletions by strikeout
Human Services, Defense, and Labor and the Corporation for National and Community Service), including administrative funds recovered from federal programs, for the specific purposes established by the terms and conditions of federal awards. **Moneys in the SBE Federal Agency Services Fund** shall be used, subject to appropriation by the General Assembly, for grants and contracts to local education agencies, colleges and universities, and other State agencies and for administrative expenses of the State Board of Education. *However, non-appropriated spending is allowed for the refund of unexpended grant moneys to the federal government.* The SBE Federal Agency Services Fund shall serve as the successor fund to the SBE Department of Health and Human Services Fund, the SBE Federal Department of Labor Federal Trust Fund, and the SBE Federal National Community Service Fund; and any balance remaining in the SBE Department of Health and Human Services Fund, the SBE Federal Department of Labor Federal Trust Fund, or the SBE Federal National Community Service Fund on the effective date of this amendatory Act of the 94th General Assembly must be transferred to the SBE Federal Agency Services Fund by the State Treasurer. Any future deposits that would otherwise be made into the SBE Department of Health and Human Services Fund, the SBE Federal Department of Labor Federal Trust Fund, or the SBE Federal National Community Service Fund must instead be made into the SBE Federal Agency Services Fund.

(Source: P.A. 93-838, eff. 7-30-04.)

(30 ILCS 105/6z-67)

Sec. 6z-67. SBE Federal Department of Agriculture Fund. The SBE Federal Department of Agriculture Fund is created as a federal trust fund in the State treasury. This fund is established to receive funds from the federal Department of Education, including administrative funds recovered from federal programs, for the specific purposes established by the terms and conditions of federal awards. **Moneys in the SBE Federal Department of Agriculture Fund** shall be used, subject to appropriation by the General Assembly, for grants and contracts to local education agencies, colleges and universities, and other State agencies and for administrative expenses of the State Board of Education. *However, non-appropriated spending is allowed for the refund of unexpended grant moneys to the federal government.*

(Source: P.A. 93-838, eff. 7-30-04.)
Section 15. The School Code is amended by adding Section 2-3.127a and by changing Sections 2-3.64, 2-3.131, 14-8.01, and 18-8.05 as follows:

(105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)
Sec. 2-3.64. State goals and assessment.
(a) Beginning in the 1998-1999 school year, the State Board of Education shall establish standards and periodically, in collaboration with local school districts, conduct studies of student performance in the learning areas of fine arts and physical development/health.

Beginning with the 1998-1999 school year until the 2004-2005 school year, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading, writing, and English grammar) and mathematics; and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences and the social sciences (history, geography, civics, economics, and government). Unless the testing required to be implemented no later than the 2005-2006 school year under this subsection (a) is implemented for the 2004-2005 school year, for the 2004-2005 school year, the State Board of Education shall test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading and English grammar) and mathematics and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences. The maximum time allowed for all actual testing required under this paragraph shall not exceed 25 hours, as allocated among the required tests by the State Board of Education, across all grades tested.

Beginning no later than the 2005-2006 school year, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in reading and mathematics and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences. In addition, the State Board of Education shall test (1) all pupils enrolled in the 5th and 8th grades in writing during the 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th, and 8th grades in writing during the 2007-2008 school year; and (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in writing during the 2008-2009 school year and each school year thereafter. After the addition of grades and change in subjects as delineated in this paragraph and including whatever other tests that may be approved from time to time no later than the 2005-2006 school year, the maximum time allowed for all State testing in grades 3 through 8 shall not exceed 38 hours across those grades.

New matter indicated by italics - deletions by strikeout
Beginning with the 2004-2005 school year, the State Board of Education shall not test pupils under this subsection (a) in writing, physical development and health, fine arts, and the social sciences (history, geography, civics, economics, and government). The State Board of Education shall not test pupils under this subsection (a) in writing during the 2005-2006 school year.

The State Board of Education shall establish the academic standards that are to be applicable to pupils who are subject to State tests under this Section beginning with the 1998-1999 school year. However, the State Board of Education shall not establish any such standards in final form without first providing opportunities for public participation and local input in the development of the final academic standards. Those opportunities shall include a well-publicized period of public comment, public hearings throughout the State, and opportunities to file written comments. Beginning with the 1998-99 school year and thereafter, the State tests will identify pupils in the 3rd grade or 5th grade who do not meet the State standards.

If, by performance on the State tests or local assessments or by teacher judgment, a student's performance is determined to be 2 or more grades below current placement, the student shall be provided a remediation program developed by the district in consultation with a parent or guardian. Such remediation programs may include, but shall not be limited to, increased or concentrated instructional time, a remedial summer school program of not less than 90 hours, improved instructional approaches, tutorial sessions, retention in grade, and modifications to instructional materials. Each pupil for whom a remediation program is developed under this subsection shall be required to enroll in and attend whatever program the district determines is appropriate for the pupil. Districts may combine students in remediation programs where appropriate and may cooperate with other districts in the design and delivery of those programs. The parent or guardian of a student required to attend a remediation program under this Section shall be given written notice of that requirement by the school district a reasonable time prior to commencement of the remediation program that the student is to attend. The State shall be responsible for providing school districts with the new and additional funding, under Section 2-3.51.5 or by other or additional means, that is required to enable the districts to operate remediation programs for the pupils who are required to enroll in and attend those programs under this Section. Every individualized educational program as

New matter indicated by italics - deletions by strikeout
described in Article 14 shall identify if the State test or components thereof are appropriate for that student. The State Board of Education shall develop rules and regulations governing the administration of alternative tests prescribed within each student's individualized educational program which are appropriate to the disability of each student.

All pupils who are in a State approved transitional bilingual education program or transitional program of instruction shall participate in the State tests. Any student who has been enrolled in a State approved bilingual education program less than 3 cumulative academic years may take an accommodated State test, to be known as the Illinois Measure of Annual Growth in English (IMAGE), if the student's lack of English as determined by an English language proficiency test would keep the student from understanding the regular State test. If the school district determines, on a case-by-case individual basis, that IMAGE would likely yield more accurate and reliable information on what the student knows and can do, the school district may make a determination to assess the student using IMAGE for a period that does not exceed 2 additional consecutive years, provided that the student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what the student knows and can do on the regular State test.

Reasonable accommodations as prescribed by the State Board of Education shall be provided for individual students in the testing procedure. All test procedures prescribed by the State Board of Education shall require: (i) that each test used for State and local student testing under this Section identify by name the pupil taking the test; (ii) that the name of the pupil taking the test be placed on the test at the time the test is taken; (iii) that the results or scores of each test taken under this Section by a pupil of the school district be reported to that district and identify by name the pupil who received the reported results or scores; and (iv) that the results or scores of each test taken under this Section be made available to the parents of the pupil. In addition, in each school year the highest scores attained by a student on the Prairie State Achievement Examination administered under subsection (c) of this Section and any Prairie State Achievement Awards received by the student shall become part of the student's permanent record and shall be entered on the student's transcript pursuant to regulations that the State Board of Education shall promulgate for that purpose in accordance with Section 3 and subsection (e) of Section 2 of the Illinois School Student Records Act. Beginning with the 1998-1999 school year and in every school year thereafter, scores

New matter indicated by italics - deletions by strikeout
received by students on the State assessment tests administered in grades 3 through 8 shall be placed into students' temporary records.

The State Board of Education shall establish a period of time, to be referred to as the State test window, in each school year for which State testing shall occur to meet the objectives of this Section. However, if the schools of a district are closed and classes are not scheduled during any week that is established by the State Board of Education as the State test window, the school district may (at the discretion of the State Board of Education) move its State test window one week earlier or one week later than the established State test window, so long as the school district gives the State Board of Education written notice of its intention to deviate from the established schedule by December 1 of the school year in which falls the State test window established by the State Board of Education for the testing.

(a-5) All tests administered pursuant to this Section shall be academically based. For the purposes of this Section "academically based tests" shall mean tests consisting of questions and answers that are measurable and quantifiable to measure the knowledge, skill, and ability of students in the subject matters covered by tests. The scoring of academically based tests shall be reliable, valid, unbiased and shall meet the guidelines for test development and use prescribed by the American Psychological Association, the National Council of Measurement and Evaluation, and the American Educational Research Association. Academically based tests shall not include assessments or evaluations of attitudes, values, or beliefs, or testing of personality, self-esteem, or self-concept. Nothing in this amendatory Act is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed during the passage of HB 1005/P.A. 90-296. Nothing in this Section is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed in the preamble of this amendatory Act of the 93rd General Assembly.

The State Board of Education shall monitor the use of short answer questions in the math and reading assessments or in other assessments in order to demonstrate that the use of short answer questions results in a statistically significant improvement in student achievement as measured on the State assessments for math and reading or on other State assessments and is justifiable in terms of cost and student performance.
(b) It shall be the policy of the State to encourage school districts to continuously test pupil proficiency in the fundamental learning areas in order to: (i) provide timely information on individual students' performance relative to State standards that is adequate to guide instructional strategies; (ii) improve future instruction; and (iii) complement the information provided by the State testing system described in this Section. Each district's school improvement plan must address specific activities the district intends to implement to assist pupils who by teacher judgment and test results as prescribed in subsection (a) of this Section demonstrate that they are not meeting State standards or local objectives. Such activities may include, but shall not be limited to, summer school, extended school day, special homework, tutorial sessions, modified instructional materials, other modifications in the instructional program, reduced class size or retention in grade. To assist school districts in testing pupil proficiency in reading in the primary grades, the State Board shall make optional reading inventories for diagnostic purposes available to each school district that requests such assistance. Districts that administer the reading inventories may develop remediation programs for students who perform in the bottom half of the student population. Those remediation programs may be funded by moneys provided under the School Safety and Educational Improvement Block Grant Program established under Section 2-3.51.5. Nothing in this Section shall prevent school districts from implementing testing and remediation policies for grades not required under this Section.

(c) Beginning with the 2000-2001 school year, each school district that operates a high school program for students in grades 9 through 12 shall annually administer the Prairie State Achievement Examination established under this subsection to its students as set forth below. The Prairie State Achievement Examination shall be developed by the State Board of Education to measure student performance in the academic areas of reading, writing, mathematics, science, and social sciences. Beginning with the 2004-2005 school year, however, the State Board of Education shall not test a student in writing and the social sciences (history, geography, civics, economics, and government) as part of the Prairie State Achievement Examination unless the student is retaking the Prairie State Achievement Examination in the fall of 2004. In addition, the State Board of Education shall not test a student in writing as part of the Prairie State Achievement Examination during the 2005-2006 school year. The State Board of Education shall establish the academic standards that are to apply

New matter indicated by italics - deletions by strikeout
in measuring student performance on the Prairie State Achievement Examination including the minimum examination score in each area that will qualify a student to receive a Prairie State Achievement Award from the State in recognition of the student's excellent performance. Each school district that is subject to the requirements of this subsection (c) shall afford all students 2 opportunities to take the Prairie State Achievement Examination beginning as late as practical during the second semester of grade 11, but in no event before March 1. The State Board of Education shall annually notify districts of the weeks during which these test administrations shall be required to occur. Every individualized educational program as described in Article 14 shall identify if the Prairie State Achievement Examination or components thereof are appropriate for that student. Each student, exclusive of a student whose individualized educational program developed under Article 14 identifies the Prairie State Achievement Examination as inappropriate for the student, shall be required to take the examination in grade 11. For each academic area the State Board of Education shall establish the score that qualifies for the Prairie State Achievement Award on that portion of the examination. Any student who fails to earn a qualifying score for a Prairie State Achievement Award in any one or more of the academic areas on the initial test administration or who wishes to improve his or her score on any portion of the examination shall be permitted to retake such portion or portions of the examination during grade 12. Districts shall inform their students of the timelines and procedures applicable to their participation in every yearly administration of the Prairie State Achievement Examination. Students receiving special education services whose individualized educational programs identify the Prairie State Achievement Examination as inappropriate for them nevertheless shall have the option of taking the examination, which shall be administered to those students in accordance with standards adopted by the State Board of Education to accommodate the respective disabilities of those students. A student who successfully completes all other applicable high school graduation requirements but fails to receive a score on the Prairie State Achievement Examination that qualifies the student for receipt of a Prairie State Achievement Award shall nevertheless qualify for the receipt of a regular high school diploma. In no case, however, shall a student receive a regular high school diploma without taking the Prairie State Achievement Examination, unless the student is exempted from taking the Prairie State Achievement Examination under this subsection (c) because the student's individualized

New matter indicated by italics - deletions by strikeout
educational program developed under Article 14 of this Code identifies the Prairie State Achievement Examination as inappropriate for the student, (ii) the student is exempt due to the student's lack of English language proficiency under subsection (a) of this Section, or (iii) the student is enrolled in a program of Adult and Continuing Education as defined in the Adult Education Act.

(d) Beginning with the 2002-2003 school year, all schools in this State that are part of the sample drawn by the National Center for Education Statistics, in collaboration with their school districts and the State Board of Education, shall administer the biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under Section m11(b)(2) of the National Education Statistics Act of 1994 (20 U.S.C. 9010) if the Secretary of Education pays the costs of administering the assessments.

(e) Beginning no later than the 2005-2006 school year, subject to available federal funds to this State for the purpose of student assessment, the State Board of Education shall provide additional tests and assessment resources that may be used by school districts for local diagnostic purposes. These tests and resources shall include without limitation additional high school writing, physical development and health, and fine arts assessments. The State Board of Education shall annually distribute a listing of these additional tests and resources, using funds available from appropriations made for student assessment purposes.

(f) For the assessment and accountability purposes of this Section, "all pupils" includes those pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law, a school operated by a regional office of education under Section 13A-3 of this Code, or a public school administered by a local public agency or the Department of Human Services.

(Source: P.A. 92-604, eff. 7-1-02; 93-426, eff. 8-5-03; 93-838, eff. 7-30-04; 93-857, eff. 8-3-04; revised 10-25-04.)

(105 ILCS 5/2-3.127a new)

Sec. 2-3.127a. The State Board of Education Special Purpose Trust Fund. The State Board of Education Special Purpose Trust Fund is created as a special fund in the State treasury. Unless specifically directed to be deposited into other funds, all moneys received by the State Board of

New matter indicated by italics - deletions by strikeout
Education from gifts, grants, or donations from any source, public or private, shall be deposited into this Fund. Moneys in this Fund shall be used, subject to appropriation by the General Assembly, by the State Board of Education for the purposes established by the gifts, grants, or donations.

(105 ILCS 5/2-3.131)
Sec. 2-3.131. Transitional assistance payments.

(a) If the amount that the State Board of Education will pay to a school district from fiscal year 2004 appropriations, as estimated by the State Board of Education on April 1, 2004, is less than the amount that the State Board of Education paid to the school district from fiscal year 2003 appropriations, then, subject to appropriation, the State Board of Education shall make a fiscal year 2004 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2004 appropriations and the amount paid from fiscal year 2003 appropriations.

(b) If the amount that the State Board of Education will pay to a school district from fiscal year 2005 appropriations, as estimated by the State Board of Education on April 1, 2005, is less than the amount that the State Board of Education paid to the school district from fiscal year 2004 appropriations, then the State Board of Education shall make a fiscal year 2005 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2005 appropriations and the amount paid from fiscal year 2004 appropriations.

(c) If the amount that the State Board of Education will pay to a school district from fiscal year 2006 appropriations, as estimated by the State Board of Education on April 1, 2006, is less than the amount that the State Board of Education paid to the school district from fiscal year 2005 appropriations, then the State Board of Education shall make a fiscal year 2006 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2006 appropriations and the amount paid from fiscal year 2005 appropriations.

(Source: P.A. 93-21, eff. 7-1-03; 93-838, eff. 7-30-04.)

(105 ILCS 5/14-8.01) (from Ch. 122, par. 14-8.01)
Sec. 14-8.01. Supervision of special education buildings and facilities. All special educational facilities, building programs, housing, and all educational programs for the types of disabled children defined in

New matter indicated by italics - deletions by strikeout
Section 14-1.02 shall be under the supervision of and subject to the approval of the State Board of Education.

All special education facilities, building programs, and housing shall comply with the building code authorized by Section 2-3.12.

All educational programs for children with disabilities as defined in Section 14-1.02 administered by any State agency shall be under the general supervision of the State Board of Education. Such supervision shall be limited to insuring that such educational programs meet standards jointly developed and agreed to by both the State Board of Education and the operating State agency, including standards for educational personnel.

Any State agency providing special educational programs for children with disabilities as defined in Section 14-1.02 shall promulgate rules and regulations, in consultation with the State Board of Education and pursuant to the Illinois Administrative Procedure Act as now or hereafter amended, to insure that all such programs comply with this Section and Section 14-8.02.

No otherwise qualified disabled child receiving special education and related services under Article 14 shall solely by reason of his or her disability be excluded from the participation in or be denied the benefits of or be subjected to discrimination under any program or activity provided by a State agency.

State agencies providing special education and related services, including room and board, either directly or through grants or purchases of services shall continue to provide these services according to current law and practice. Room and board costs not provided by a State agency other than the State Board of Education shall be provided by the State Board of Education to the extent of available funds. An amount equal to one-half of the State education agency's share of IDEA PART B federal monies, or so much thereof as may actually be needed, shall annually be appropriated to pay for the additional costs of providing for room and board for those children placed pursuant to Section 14-7.02 of this Code and, after all such room and board costs are paid, for similar expenditures for children served pursuant to Section 14-7.02 or 14-7.02b of this Code. Any such excess room and board funds must first be directed to those school districts with students costing in excess of 4 times the district's per capita tuition charge and then to community based programs that serve as alternatives to residential placements.

Beginning with Fiscal Year 1997 and continuing through Fiscal Year 2000, 100% of the former Chapter I, Section 89-313 federal funds

New matter indicated by italics - deletions by strikeout
shall be allocated by the State Board of Education in the same manner as IDEA, PART B "flow through" funding to local school districts, joint agreements, and special education cooperatives for the maintenance of instructional and related support services to students with disabilities. However, beginning with Fiscal Year 1998, the total IDEA Part B discretionary funds available to the State Board of Education shall not exceed the maximum permissible under federal law or 20% of the total federal funds available to the State, whichever is less. In no case shall the aggregate IDEA Part B discretionary funds received by the State Board of Education exceed the amount of IDEA Part B discretionary funds available to the State Board of Education for Fiscal Year 1997, excluding any carryover funds from prior fiscal years, increased by 3% for Fiscal Year 1998 and increased by an additional 3% for each fiscal year thereafter. After all room and board payments and similar expenditures are made by the State Board of Education as required by this Section, the State Board of Education may use the remaining funds for administration and for providing discretionary activities. However, the State Board of Education may use no more than 25% of its available IDEA Part B discretionary funds for administrative services.

Special education and related services included in the child's individualized educational program which are not provided by another State agency shall be included in the special education and related services provided by the State Board of Education and the local school district.

The State Board of Education with the advice of the Advisory Council shall prescribe the standards and make the necessary rules and regulations for special education programs administered by local school boards, including but not limited to establishment of classes, training requirements of teachers and other professional personnel, eligibility and admission of pupils, the curriculum, class size limitation, building programs, housing, transportation, special equipment and instructional supplies, and the applications for claims for reimbursement. The State Board of Education shall promulgate rules and regulations for annual evaluations of the effectiveness of all special education programs and annual evaluation by the local school district of the individualized educational program for each child for whom it provides special education services.

A school district is responsible for the provision of educational services for all school age children residing within its boundaries excluding any student placed under the provisions of Section 14-7.02 or
any disabled student whose parent or guardian lives outside of the State of Illinois as described in Section 14-1.11.
(Source: P.A. 93-1022, eff. 8-24-04.)
(105 ILCS 5/18-8.05)
Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.
(A) General Provisions.
(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.
(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.
(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:
(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance

New matter indicated by italics - deletions by strikeout
center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

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

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

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

(B) Foundation Level.

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

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425. For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560. For the 2003-2004 school year, the Foundation Level of support is $4,810. For the 2004-2005 school year, the Foundation Level of support is $4,964. For the 2005-2006 school year and each school year thereafter, the Foundation Level of support is $5,164 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

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

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

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance. Calculation of Available Local Resources shall exclude any tax amnesty funds received as a result of Public Act 93-26.

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

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

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

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

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

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

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

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

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the
preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

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

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

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

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-
schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

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

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

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

New matter indicated by italics - deletions by strikeout
conferences may be scheduled separately for different grade levels and different attendance centers of the district.

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

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

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

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

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for
the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

The Department of Revenue shall add to the equalized assessed value of all taxable property of each school district situated entirely or partially within a county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code (a) (i) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 of the Property Tax Code for real property situated in that school district exceeds the total amount that would have been allowed in that school district if the maximum reduction under Section 15-176 was (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter and (b) (ii) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. The county clerk of any county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each school district all homestead exemption amounts under Section 15-176 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. It is the intent of this paragraph that if the general homestead exemption for a parcel of property is determined under Section 15-176 of the Property Tax Code rather than Section 15-175, then the calculation of Available Local Resources shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this paragraph that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than $30,000, then the calculation of Available Local Resources shall not be affected by the difference, if any, because of those additional exemptions.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

New matter indicated by italics - deletions by strikeout
(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

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

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

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

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

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

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

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

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

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

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

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the

New matter indicated by italics - deletions by strikeout
district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

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

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

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any

New matter indicated by italics - deletions by strikeout
fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding
fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

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

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

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

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

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

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

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

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.
(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be $675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

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

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

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year, and 2004-2005 school year, and 2005-2006 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2006-2007, 2005-2006 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2007-2008, 2006-2007 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33. Notwithstanding the provisions of this paragraph to the contrary, if for any school year supplemental general State aid grants

New matter indicated by italics - deletions by strikeout
are prorated as provided in paragraph (1) of this subsection (H), then the grants under this paragraph shall be prorated.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(J) Supplementary Grants in Aid.

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

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

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

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

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

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

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

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

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

(2) (Blank).

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

(M) Education Funding Advisory Board.

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

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

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

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

(N) (Blank).

(O) References.

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

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

(P) Public Act 93-838 This amendatory Act of the 93rd General Assembly and Public Act 93-808 House Bill 4266 of the 93rd General Assembly make inconsistent changes to this Section. If House Bill 4266 becomes law, then Under Section 6 of the Statute on Statutes there is an irreconcilable conflict between Public Act 93-808 and Public Act 93-838 House Bill 4266 and this amendatory Act. Public Act 93-838 This amendatory Act, being the last acted upon, is controlling. The text of Public Act 93-838 this amendatory Act is the law regardless of the text of Public Act 93-808 House Bill 4266.

(Source: P.A. 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff. 8-7-01; 92-604, eff. 7-1-02; 92-636, eff. 7-11-02; 92-651, eff. 7-11-02; 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808, eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; revised 5-26-05.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Approved June 22, 2005.
Effective July 1, 2005.

PUBLIC ACT 94-0070
(House Bill No. 2222)

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

Section 5. The Downstate Public Transportation Act is amended by changing Sections 2-2.02, 2-2.04, 2-2.05, 2-3, 2-6, and 2-7 and adding Section 2-5.1 as follows:

(30 ILCS 740/2-2.02) (from Ch. 111 2/3, par. 662.02)
Sec. 2-2.02. "Participant" means:
(1) a city, village, or incorporated town, a county, or a local mass transit district organized under the Local Mass Transit District Act (a)
serving an urbanized area of over 50,000 population or on December 28, 1989; (b) receiving State mass transportation operating assistance pursuant to the Downstate Public Transportation Act during Fiscal Year 1979, or (c) serving a nonurbanized area and receiving federal rural public transportation assistance on or before June 30, 2002; or

(2) any Metro-East Transit District established pursuant to Section 3 of the Local Mass Transit District Act and serving one or more of the Counties of Madison, Monroe, and St. Clair during Fiscal Year 1989, all located outside the boundaries of the Regional Transportation Authority as established pursuant to the Regional Transportation Authority Act.

(Source: P.A. 91-357, eff. 7-29-99; 92-258, eff. 8-7-01; 92-464, eff. 8-22-01.)

(30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

Sec. 2-2.04. "Eligible operating expenses" means all expenses required for public transportation, including employee wages and benefits, materials, fuels, supplies, rental of facilities, taxes other than income taxes, payment made for debt service (including principal and interest) on publicly owned equipment or facilities, and any other expenditure which is an operating expense according to standard accounting practices for the providing of public transportation. Eligible operating expenses shall not include allowances: (a) for depreciation whether funded or unfunded; (b) for amortization of any intangible costs; (c) for debt service on capital acquired with the assistance of capital grant funds provided by the State of Illinois; (d) for profits or return on investment; (e) for excessive payment to associated entities; (f) for Comprehensive Employment Training Act expenses; (g) for costs reimbursed under Sections 6 and 8 of the "Urban Mass Transportation Act of 1964", as amended; (h) for entertainment expenses; (i) for charter expenses; (j) for fines and penalties; (k) for charitable donations; (l) for interest expense on long term borrowing and debt retirement other than on publicly owned equipment or facilities; (m) for income taxes; or (n) for such other expenses as the Department may determine consistent with federal Department of Transportation regulations or requirements.

With respect to participants other than any Metro-East Transit District participant and those receiving federal research development and demonstration funds pursuant to Section 6 of the "Urban Mass Transportation Act of 1964", as amended, during the fiscal year ending June 30, 1979, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1980 shall be the amount

New matter indicated by italics - deletions by strikeout
appropriated for such participant for the fiscal year ending June 30, 1980, plus in each year a 10% increase over the maximum established for the preceding fiscal year. For Fiscal Year 1980 the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for such participant for Fiscal Year 1980 is based.

With respect to participants receiving federal research development and demonstration operating assistance funds for operating assistance pursuant to Section 6 of the "Urban Mass Transportation Act of 1964", as amended, during the fiscal year ending June 30, 1979, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1980 shall not exceed such participant's eligible operating expenses for the fiscal year ending June 30, 1980, plus in each year a 10% increase over the maximum established for the preceding fiscal year. For Fiscal Year 1980, the maximum eligible operating expenses for any such participant shall be the eligible operating expenses incurred during such fiscal year, or projected operating expenses upon which the appropriation for such participant for the Fiscal Year 1980 is based; whichever is less.

With respect to all participants other than any Metro-East Transit District participant, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1985 shall be the amount appropriated for such participant for the fiscal year ending June 30, 1985, plus in each year a 10% increase over the maximum established for the preceding year. For Fiscal Year 1985, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for such participant for Fiscal Year 1985 is based.

With respect to any mass transit district participant that has increased its district boundaries by annexing counties since 1998 and is maintaining a level of local financial support, including all income and revenues, equal to or greater than the level in the State fiscal year ending June 30, 2001, the maximum eligible operating expenses for any State fiscal year after 2002 (except State fiscal year 2006) shall be the amount appropriated for that participant for the State fiscal year ending June 30, 2002, plus, in each State fiscal year, a 10% increase over the preceding State fiscal year. For State fiscal year 2002, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for that participant for State fiscal year 2002 is based. For that participant, eligible

New matter indicated by italics - deletions by strikeout
operating expenses for State fiscal year 2002 in excess of the eligible operating expenses for the State fiscal year ending June 30, 2001, plus 10%, must be attributed to the provision of services in the newly annexed counties.

With respect to a participant that receives an initial appropriation in State fiscal year 2002 or thereafter, the maximum eligible operating expenses for any State fiscal year after 2003 (except State fiscal year 2006) shall be the amount appropriated for that participant for the State fiscal year in which it received its initial appropriation ending June 30, 2003, plus, in each year, a 10% increase over the preceding year. For the initial State fiscal year in which a participant received an appropriation 2003, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for that participant for that State fiscal year 2003 is based.

With respect to the District serving primarily the counties of Monroe and St. Clair, beginning July 1, 2005, the St. Clair County Transit District shall no longer be included for new appropriation funding purposes as part of the Metro-East Public Transportation Fund and instead shall be included for new appropriation funding purposes as part of the Downstate Public Transportation Fund; provided, however, that nothing herein shall alter the eligibility of that District for previously appropriated funds to which it would otherwise be entitled.

(30 ILCS 740/2-2.05) (from Ch. 111 2/3, par. 662.05)
Sec. 2-2.05. "Public Transportation" means the transportation or conveyance of persons by means available to the general public including groups of the general public with special needs
(1) within the urbanized area or
(2) in the nonurbanized areas within the service area of each participant as approved by the Department, except for transportation by automobiles not used for conveyance of the general public as passengers.
Service in a participant's service area may be provided by either
(i) another eligible participant through an intergovernmental agreement, (ii) a private for-profit operator through a third party contract, or (iii) a private non-profit operator through a pass through agreement or third party contract.

(30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

New matter indicated by italics - deletions by strikeout
Sec. 2-3. (a) As soon as possible after the first day of each month, beginning July 1, 1984, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to a special fund in the State Treasury which is hereby created, to be known as the "Downstate Public Transportation Fund", an amount equal to 2/32 (beginning July 1, 2005, 3/32) of the net revenue realized from the "Retailers' Occupation Tax Act", as now or hereafter amended, the "Service Occupation Tax Act", as now or hereafter amended, the "Use Tax Act", as now or hereafter amended, and the "Service Use Tax Act", as now or hereafter amended, from persons incurring municipal or county retailers' or service occupation tax liability for the benefit of any municipality or county located wholly within the boundaries of each participant other than any Metro-East Transit District participant certified pursuant to subsection (c) of this Section during the preceding month, except that the Department shall pay into the Downstate Public Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80% of the net revenue realized under the State tax Acts named above within any municipality or county located wholly within the boundaries of each participant, other than any Metro-East participant, for tax periods beginning on or after January 1, 1990; provided, however, that beginning with fiscal year 1985, the transfers into the Downstate Public Transportation Fund during any fiscal year shall not exceed the annual appropriation from the Downstate Public Transportation Fund for that year. The Department of Transportation shall notify the Department of Revenue and the Comptroller at the beginning of each fiscal year of the amount of the annual appropriation from the Downstate Public Transportation Fund. Net revenue realized for a month shall be the revenue collected by the State pursuant to such Acts during the previous month from persons incurring municipal or county retailers' or service occupation tax liability for the benefit of any municipality or county located wholly within the boundaries of a participant, less the amount paid out during that same month as refunds or credit memoranda to taxpayers for overpayment of liability under such Acts for the benefit of any municipality or county located wholly within the boundaries of a participant.

(b) As soon as possible after the first day of each month, beginning July 1, 1989, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to a special fund in the State Treasury which is

New matter indicated by italics - deletions by strikeout
hereby created, to be known as the "Metro-East Public Transportation Fund", an amount equal to 2/32 of the net revenue realized, as above, from within the boundaries of Madison, Monroe, and St. Clair Counties, except that the Department shall pay into the Metro-East Public Transportation Fund 2/32 of 80% of the net revenue realized under the State tax Acts specified in subsection (a) of this Section within the boundaries of Madison, Monroe and St. Clair Counties for tax periods beginning on or after January 1, 1990. A local match equivalent to an amount which could be raised by a tax levy at the rate of .05% on the assessed value of property within the boundaries of Madison County, Monroe and St. Clair Counties is required annually to cause a total of 2/32 of the net revenue to be deposited in the Metro-East Public Transportation Fund. Failure to raise the required local match annually shall result in only 1/32 being deposited into the Metro-East Public Transportation Fund after July 1, 1989, or 1/32 of 80% of the net revenue realized for tax periods beginning on or after January 1, 1990.

(b-5) As soon as possible after the first day of each month, beginning July 1, 2005, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to the Downstate Public Transportation Fund, an amount equal to 3/32 of 80% of the net revenue realized from within the boundaries of Monroe and St. Clair Counties under the State Tax Acts specified in subsection (a) of this Section and provided further that, beginning July 1, 2005, the provisions of subsection (b) shall no longer apply with respect to such tax receipts from Monroe and St. Clair Counties.

(c) The Department shall certify to the Department of Revenue the eligible participants under this Article and the territorial boundaries of such participants for the purposes of the Department of Revenue in subsections (a) and (b) of this Section.

(d) For the purposes of this Article the Department shall include in its annual request for appropriation of ordinary and contingent expenses an amount equal to the sum total funds projected to be paid to the participants pursuant to Section 2-7.

(e) In addition to any other permitted use of moneys in the Fund, and notwithstanding any restriction on the use of the Fund, moneys in the Downstate Public Transportation Fund may be transferred to the General Revenue Fund as authorized by Public Act 87-14. The General Assembly finds that an excess of moneys existed in the Fund on July 30, 1991, and

New matter indicated by italics - deletions by strikeout
the Governor's order of July 30, 1991, and the Governor's order of July 30, 1991, requesting the Comptroller and Treasurer to transfer an amount from the Fund to the General Revenue Fund is hereby validated. (Source: P.A. 86-590; 86-953; 87-838.)

(30 ILCS 740/2-5.1 new)
Sec. 2-5.1. Additional requirements.
(a) Any unit of local government that becomes a participant on or after the effective date of this amendatory Act of the 94th General Assembly shall, in addition to any other requirements under this Article, meet all of the following requirements when applying for grants under this Article:

(1) The grant application must demonstrate the participant's plan to provide general public transportation with an emphasis on elderly, disabled, and economically disadvantaged populations.

(2) The grant application must demonstrate the participant's plan for interagency coordination that, at a minimum, allows the participation of all State-funded and federally-funded agencies and programs with transportation needs in the proposed service area in the development of the applicant's public transportation program.

(3) Any participant serving a nonurbanized area that is not receiving Federal Section 5311 funding must meet the operating and safety compliance requirements as set forth in that federal program.

(4) The participant is required to hold public hearings to allow comment on the proposed service plan in all municipalities with populations of 1,500 inhabitants or more within the proposed service area.

(b) Service extensions by any participant after July 1, 2005 by either annexation or intergovernmental agreement must meet the 4 requirements of subsection (a).

(c) In order to receive funding, the Department shall certify that the participant has met the requirements of this Section. Funding priority shall be given to service extension, multi-county, and multi-jurisdictional projects.

(30 ILCS 740/2-6) (from Ch. 111 2/3, par. 666)
Sec. 2-6. Allocation of funds.

New matter indicated by italics - deletions by strikeout
(a) With respect to all participants other than any Metro-East Transit District participant, the Department shall allocate the funds to be made available to each participant under this Article for the following fiscal year and shall notify the chief official of each participant not later than the first day of the fiscal year of this amount. For Fiscal Year 1975, notification shall be made not later than January 1, 1975, of the amount of such allocation. In determining the allocation for each participant, the Department shall estimate the funds available to the participant from the Downstate Public Transportation Fund for the purposes of this Article during the succeeding fiscal year, and shall allocate to each participant the amount attributable to it which shall be the amount paid into the Downstate Public Transportation Fund under Section 2-3 from within its boundaries. Said allocations may be exceeded for participants receiving assistance equal to one-third of their eligible operating expenses, only if an allocation is less than one-third of such participant's eligible operating expenses, provided, however, that no other participant is denied its one-third of eligible operating expenses. Beginning in Fiscal Year 1997, said allocation may be exceeded for participants receiving assistance equal to the percentage of their eligible operating expenses provided for in paragraph (b) of Section 2-7, only if allocation is less than the percentage of such participant's eligible operating expenses provided for in paragraph (b) of Section 2-7, provided however, that no other participant is denied its percentage of eligible operating expenses.

(b) With regard to any Metro-East Transit District organized under the Local Mass Transit District Act and serving one or more of the Counties of Madison, Monroe and St. Clair during Fiscal Year 1989, the Department shall allocate the funds to be made available to each participant for the following and succeeding fiscal years and shall notify the chief official of each participant not later than the first day of the fiscal year of this amount. Beginning July 1, 2005, the Department shall allocate 55% of the amount paid into the Metro-East Public Transportation Fund to the District serving primarily the Counties of Monroe and St. Clair and 45% of the amount to that District serving primarily the County of Madison.

(Source: P.A. 89-598, eff. 8-1-96.)

(30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

Sec. 2-7. Quarterly reports; annual audit.

(a) Any Metro-East Transit District participant shall, no later than 60 days following the end of each quarter of any fiscal year, file with the

New matter indicated by italics - deletions by strikeout
Department on forms provided by the Department for that purpose, a
report of the actual operating deficit experienced during that quarter. The
Department shall, upon receipt of the quarterly report, determine whether
the operating deficits were incurred in conformity with the program of
proposed expenditures approved by the Department pursuant to Section 2-
11. Any Metro-East District may either monthly or quarterly for any fiscal
year file a request for the participant's eligible share, as allocated in
accordance with Section 2-6, of the amounts transferred into the Metro-
East Public Transportation Fund.

(b) Each participant other than any Metro-East Transit District
participant shall, 30 days before the end of each quarter, file with the
Department on forms provided by the Department for such purposes a
report of the projected eligible operating expenses to be incurred in the
next quarter and 30 days before the third and fourth quarters of any fiscal
year a statement of actual eligible operating expenses incurred in the
preceding quarters. Except as otherwise provided in subsection (b-5),
within 45 days of receipt by the Department of such quarterly
report, the Comptroller shall order paid and the Treasurer shall pay from
the Downstate Public Transportation Fund to each participant an amount
equal to one-third of such participant's eligible operating expenses;
provided, however, that in Fiscal Year 1997, the amount paid to each
participant from the Downstate Public Transportation Fund shall be an
amount equal to 47% of such participant's eligible operating expenses and
shall be increased to 49% in Fiscal Year 1998, 51% in Fiscal Year 1999,
53% in Fiscal Year 2000, and 55% in Fiscal Year 2001 and thereafter;
however, in any year that a participant receives funding under subsection
(i) of Section 2705-305 of the Department of Transportation Law (20
ILCS 2705/2705-305), that participant shall be eligible only for assistance
equal to the following percentage of its eligible operating expenses: 42%
in Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year 1999,
48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and thereafter. Any
such payment for the third and fourth quarters of any fiscal year shall be
adjusted to reflect actual eligible operating expenses for preceding quarters
of such fiscal year. However, no participant shall receive an amount less
than that which was received in the immediate prior year, provided in the
event of a shortfall in the fund those participants receiving less than their
full allocation pursuant to Section 2-6 of this Article shall be the first
participants to receive an amount not less than that received in the
immediate prior year.
(b-5) With respect to the District serving primarily the counties of Monroe and St. Clair, beginning July 1, 2005 and each fiscal year thereafter, the District may, as an alternative to the provisions of subsection (b) of Section 2-7, file a request with the Department for a monthly payment of \( \frac{1}{12} \) of the amount appropriated to the District for that fiscal year; except that, for the final month of the fiscal year, the District's request shall be in an amount such that the total payments made to the District in that fiscal year do not exceed the lesser of (i) 55% of the District's eligible operating expenses for that fiscal year or (ii) the total amount appropriated to the District for that fiscal year.

(c) No later than 180 days following the last day of the Fiscal Year each participant shall provide the Department with an audit prepared by a Certified Public Accountant covering that Fiscal Year. For those participants other than a Metro-East Transit District, any discrepancy between the grants paid and the percentage of the eligible operating expenses provided for by paragraph (b) of this Section shall be reconciled by appropriate payment or credit. In the case of any Metro-East Transit District, any amount of payments from the Metro-East Public Transportation Fund which exceed the eligible deficit of the participant shall be reconciled by appropriate payment or credit.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-258, eff. 8-7-01; 92-464, eff. 8-22-01.)

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

Passed in the General Assembly May 27, 2005.
Approved June 22, 2005.
Effective June 22, 2005.

PUBLIC ACT 94-0071
(House Bill No. 0035)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Section 3-6-3 as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
Sec. 3-6-3. Rules and Regulations for Early Release.

New matter indicated by italics - deletions by strikeout
(a) (1) The Department of Corrections shall prescribe rules and regulations for the early release on account of good conduct of persons committed to the Department which shall be subject to review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide, with respect to offenses listed in clause (i), (ii), or (iii) of this paragraph (2) committed on or after June 19, 1998 or with respect to the offense listed in clause (iv) of this paragraph (2) committed on or after the effective date of this amendatory Act of the 94th General Assembly, the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and:

(iv) that a prisoner serving a sentence for aggravated discharge of a firearm, whether or not the conduct leading to conviction for the offense resulted in great bodily harm to the victim, shall receive no more than
4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2)(i), (ii), or (iii) committed on or after June 19, 1998 or subdivision (a)(2)(iv) committed on or after the effective date of this amendatory Act of the 94th General Assembly, and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, that a prisoner serving a
sentence for any of these offenses shall receive no more than 4.5
days of good conduct credit for each month of his or her sentence
of imprisonment.

(2.5) The rules and regulations on early release shall
provide that a prisoner who is serving a sentence for aggravated
arson committed on or after July 27, 2001 (the effective date of
Public Act 92-176) this amendatory Act of the 92nd 93rd General
Assembly shall receive no more than 4.5 days of good conduct
credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the
Director may award up to 180 days additional good conduct credit
for meritorious service in specific instances as the Director deems
proper; except that no more than 90 days of good conduct credit for
meritorious service shall be awarded to any prisoner who is serving
a sentence for conviction of first degree murder, reckless homicide
while under the influence of alcohol or any other drug, or
aggravated driving under the influence of alcohol, other drug or
drugs, or intoxicating compound or compounds, or any
combination thereof as defined in subparagraph (F) of paragraph
(1) of subsection (d) of Section 11-501 of the Illinois Vehicle
Code, aggravated kidnapping, kidnapping, predatory criminal
sexual assault of a child, aggravated criminal sexual assault,
criminal sexual assault, deviate sexual assault, aggravated criminal
sexual abuse, aggravated indecent liberties with a child, indecent
liberties with a child, child pornography, heinous battery,
aggravated battery of a spouse, aggravated battery of a spouse with
a firearm, stalking, aggravated stalking, aggravated battery of a
child, endangering the life or health of a child, cruelty to a child, or
narcotic racketeering. Notwithstanding the foregoing, good
conduct credit for meritorious service shall not be awarded on a
sentence of imprisonment imposed for conviction of: (i) one of the
offenses enumerated in subdivision (a)(2)(i), (ii), or (iii) when the
offense is committed on or after June 19, 1998 or subdivision
(a)(2)(iv) when the offense is committed on or after the effective
date of this amendatory Act of the 94th General Assembly, (ii)
reckless homicide as defined in subsection (e) of Section 9-3 of the
Criminal Code of 1961 when the offense is committed on or after
January 1, 1999, or aggravated driving under the influence of
alcohol, other drug or drugs, or intoxicating compound or

New matter indicated by italics - deletions by strikeout
compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, or (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176) this amendatory Act of the 92nd 93rd General Assembly.

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) while assigned to a boot camp, mental health unit, or electronic detention, or if convicted of an offense enumerated in subdivision paragraph (a)(2)(i), (ii), or (iii) of this Section that is committed on or after June 19, 1998 or subdivision (a)(2)(iv) of this Section that is committed on or after the effective date of this amendatory Act of the 94th General Assembly, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or

New matter indicated by italics - deletions by strikeout
substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.5) The rules and regulations on early release shall also provide that a prisoner who is serving a sentence for a crime committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354) this Amendatory Act of the 93rd General Assembly shall receive no good conduct credit until he or she participates in and completes a substance abuse treatment program. Good conduct credit awarded under clauses (2), (3), and (4) of this subsection (a) for crimes committed on or after September 1, 2003 the effective date of this amendatory Act of the 93rd General Assembly is subject to the provisions of this clause (4.5). If the prisoner completes a substance abuse treatment program, the Department may award good conduct credit for the time spent in treatment. Availability of

New matter indicated by italics - deletions by strikeout
substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available, the prisoner shall be placed on a waiting list under criteria established by the Department. The Department may require a prisoner placed on a waiting list to attend a substance abuse education class or attend substance abuse self-help meetings. A prisoner may not lose good conduct credit as a result of being placed on a waiting list. A prisoner placed on a waiting list remains eligible for increased good conduct credit for participation in an educational, vocational, or correctional industry program under clause (4) of subsection (a) of this Section.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's
decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:
   - (A) it lacks an arguable basis either in law or in fact;
   - (B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
   - (C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
   - (D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified,
are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or

(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

(e) Nothing in Public Act 90-592 or 90-593 this amendatory Act of 1998 affects the validity of Public Act 89-404.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Sections 24-1, 24-1.1, and 24-1.6 as follows:

(720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

Sec. 24-1. Unlawful Use of Weapons.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slug-shot, sand-club, sand-bag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the

New matter indicated by italics - deletions by strikeout
handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas; or

(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; or

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older; or

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (4) does not apply to or affect transportation of weapons that meet one of the following conditions:

   (i) are broken down in a non-functioning state; or
   (ii) are not immediately accessible; or
   (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or

(5) Sets a spring gun; or

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries:

   (i) a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any

New matter indicated by italics - deletions by strikeout
combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;

(ii) any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or

(iii) any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or

(8) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted.

This subsection (a)(8) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses; or

(9) Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he is hooded, robed or masked in such manner as to conceal his identity; or

(10) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (10) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or

New matter indicated by italics - deletions by strikeout
(ii) are not immediately accessible; or
(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

A "stun gun or taser", as used in this paragraph (a) means
(i) any device which is powered by electrical charging units, such as, batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning or (ii) any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this paragraph (a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(12) (Blank).

(b) Sentence. A person convicted of a violation of subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or subsection 24-1(a)(11) commits a Class A misdemeanor. A person convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a person convicted of a violation of subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, unless the weapon is possessed in the passenger compartment of a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code, or on the person, while the weapon is loaded, in which case it shall be a Class X felony. A person convicted of a second or subsequent violation of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony.

(c) Violations in specific places.

New matter indicated by italics - deletions by strikeout
(1) A person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.

(1.5) A person who violates subsection 24-1(a)(4), 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the time of day or the time of year, in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony.

New matter indicated by italics - deletions by strikeout
(2) A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 4 felony. "Courthouse" means any building that is used by the Circuit, Appellate, or Supreme Court of this State for the conduct of official business.

(3) Paragraphs (1), (1.5), and (2) of this subsection (c) shall not apply to law enforcement officers or security officers of such school, college, or university or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.

(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.

(d) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances: (i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) if such weapon, instrument or substance is found in an automobile operated for hire by a

New matter indicated by italics - deletions by strikeout
duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

(e) Exemptions. Crossbows, Common or Compound bows and Underwater Spearguns are exempted from the definition of ballistic knife as defined in paragraph (1) of subsection (a) of this Section.
(Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99; 91-690, eff. 4-13-00.)

(720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)
Sec. 24-1.1. Unlawful Use or Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities.

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Department of State Police under Section 10 of the Firearm Owners Identification Card Act.

(b) It is unlawful for any person confined in a penal institution, which is a facility of the Illinois Department of Corrections, to possess any weapon prohibited under Section 24-1 of this Code or any firearm or firearm ammunition, regardless of the intent with which he possesses it.

(c) It shall be an affirmative defense to a violation of subsection (b), that such possession was specifically authorized by rule, regulation, or directive of the Illinois Department of Corrections or order issued pursuant thereto.

(d) The defense of necessity is not available to a person who is charged with a violation of subsection (b) of this Section.

(e) Sentence. Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to no less than 2 years and no more than 10 years and any second or subsequent violation shall be a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act, stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act or the Cannabis Control Act is a Class 2 felony.
for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun. Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under Section 24-1 of this Code regardless of the intent with which he possesses it, a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or in possession of body armor as defined in Section 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years.

(Source: P.A. 93-906, eff. 8-11-04.)

(720 ILCS 5/24-1.6)
Sec. 24-1.6. Aggravated unlawful use of a weapon.
(a) A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:

(1) Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm; or

(2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm; and

(3) One of the following factors is present:

(A) the firearm possessed was uncased, loaded and immediately accessible at the time of the offense; or

New matter indicated by italics - deletions by strikeout
(B) the firearm possessed was uncased, unloaded and the ammunition for the weapon was immediately accessible at the time of the offense; or

(C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or

(D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or

(E) the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act or in a misdemeanor violation of the Illinois Controlled Substances Act; or

(F) the person possessing the weapon is a member of a street gang or is engaged in street gang related activity, as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act; or

(G) the person possessing the weapon had an order of protection issued against him or her within the previous 2 years; or

(H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or

(I) the person possessing the weapon was under 21 years of age and in possession of a handgun as defined in Section 24-3, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2(b)(1), (b)(3), or 24-2(f).

(b) "Stun gun or taser" as used in this Section has the same definition given to it in Section 24-1 of this Code.

(c) This Section does not apply to or affect the transportation or possession of weapons that:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm

New matter indicated by italics - deletions by strikeout
Owner's Identification Card.

(d) Sentence. Aggravated unlawful use of a weapon is a Class 4 felony; a second or subsequent offense is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years. Aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years. Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearms Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act is a Class X felony.

(Source: P.A. 93-906, eff. 8-11-04.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.

(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.
(9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act.
Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.
(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(H) Criminal sexual assault.
(I) Aggravated battery of a senior citizen.

New matter indicated by italics - deletions by strikeout
(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) (Blank).

(T) A second or subsequent violation of paragraph (6.6) of subsection (a), subsection (c-5), or subsection (d-5) of Section 401 of the Illinois Controlled Substances Act.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be
imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;
(B) a fine;
(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-
907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach

New matter indicated by italics - deletions by strikeout
occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
   (i) removal from the household;
   (ii) restricted contact with the victim;
   (iii) continued financial support of the family;
   (iv) restitution for harm done to the victim;
   and
   (v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly

New matter indicated by italics - deletions by strikeout
confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the
discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

New matter indicated by italics - deletions by strikeout
(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who willfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a willful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

New matter indicated by italics - deletions by strikeout
(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice. Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (1) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.
(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; revised 10-25-04.)

Passed in the General Assembly May 11, 2005.
Approved June 23, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0073
(House Bill No. 0788)

AN ACT concerning State government.

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

Section 1. Short title. This Act may be cited as the Epilepsy Disease Assistance Act.

Section 5. Policy declaration. The General Assembly finds that epilepsy is a devastating health condition that afflicts 2,300,000 United States citizens, over 125,000 of whom reside in Illinois. The General Assembly also finds that epilepsy afflicts its victims at all ages, but is particularly devastating to children and the elderly. It is the opinion of the General Assembly that epilepsy can cause serious financial, social, and emotional hardships on the victims and their families of such a major consequence that it is essential for the State to develop and implement policies, plans, and programs to alleviate these hardships.

It is the intent of the General Assembly through implementation of this Act to establish a program for the conduct of epilepsy education, awareness, and treatment initiatives designed to address the service gaps and treatment needs of the people impacted by epilepsy. Additionally, it is the intent of the General Assembly, through a comprehensive, statewide
system of community-based services (Epilepsy Treatment and Education Program), to provide for the identification, evaluation, diagnosis, referral, and treatment of victims of this disease.

Section 10. Duties of the Department.
Subject to the availability of funds for these purposes, the Department of Public Health shall:

(1) Assist in the development of programs for the care and treatment of persons suffering from epilepsy.

(2) Institute and carry on a statewide educational initiative among health care professionals, teachers, school administrators, public health departments, and families, including the dissemination of information and the conducting of educational programs to assist in the early recognition and referral of persons for appropriate followup and treatment.

(3) Develop standards for determining eligibility for care and treatment under this program. Among other standards so developed under this paragraph, candidates, to be eligible, must be referred and evaluated by a program properly staffed and affiliated with a national epilepsy program.

(4) Extend assistance to the programs listed in item (2) in order to facilitate linkages for persons with epilepsy through the following:

(i) referral and evaluation for appropriate care management and treatment; and

(ii) diagnosis and treatment by epileptologists and the Epilepsy Foundation.

Section 15. Epilepsy Advisory Committee. The Epilepsy Advisory Committee is created as a committee within the Department of Public Health. The Epilepsy Advisory Committee shall consist of the Director of Public Health, or his or her designee, who shall serve as a non-voting member and who shall be the co-chair of the Committee, and 13 voting members appointed by the Governor.

The voting members shall include persons who are experienced in the delivery of diagnoses, treatment, and support services to victims of epilepsy and their families. The voting members shall include 3 board-certified neurologists licensed to practice medicine in all of its branches, at least one of whom shall be a Director of a comprehensive epilepsy center; one representative of an educational institution that is affiliated with a medical center in the State; one representative of a licensed hospital; one

New matter indicated by italics - deletions by strikeout
nurse; one social worker; one representative of an organization established under the Illinois Insurance Code for the purpose of providing health insurance; one representative of each Illinois Epilepsy Foundation affiliate; and 2 people with epilepsy or members of their families.

Each voting member shall serve for a term of 2 years and until his or her successor is appointed and qualified. Members of the Committee shall not be compensated, but shall be reimbursed for expenses actually incurred in the performance of their duties from funds appropriated for that purpose. No more than 9 voting members may be of the same political party. Vacancies shall be filled in the same manner as original appointments.

The Epilepsy Advisory Committee shall advise the Department of Public Health on their duties under this Act.

Section 20. Regional programs. The Epilepsy Committee shall recommend the establishment of regional epilepsy treatment and education programs designed to provide community services to people with epilepsy and their families.

Section 25. Epilepsy Treatment and Education Grants-in-Aid Fund. The Epilepsy Treatment and Education Grants-in-Aid Fund is created as a special fund in the State treasury. Using appropriations from the Fund, the Department of Public Health shall provide grants-in-aid (i) to fund necessary educational activities and (ii) for the development and maintenance of services for victims of epilepsy and their families, as managed through an epilepsy program properly staffed and affiliated with a national epilepsy program. The Department shall adopt rules governing the distribution and specific purpose of these grants.

Section 30. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)
Sec. 5.640. The Epilepsy Treatment and Education Grants-in-Aid Fund.

Section 35. The Illinois Income Tax Act is amended by changing Sections 509 and 510 and by adding Section 507EE as follows:

(35 ILCS 5/507EE new)
Sec. 507EE. Epilepsy Treatment and Education Grants-in-Aid Fund checkoff. The Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Epilepsy Treatment and Education Grants-in-Aid Fund, as authorized by this amendatory Act of the 94th General Assembly, he or

New matter indicated by italics - deletions by strikeout
she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment reduces the contribution accordingly. This Section does not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Military Family Relief Fund, the Illinois Veterans' Homes Fund, the Epilepsy Treatment and Education Grants-in-Aid Fund, and the Asthma and Lung Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)

(35 ILCS 5/510) (from Ch. 120, par. 5-510)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the
Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Illinois Military Family Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Veterans' Homes Fund, the Epilepsy Treatment and Education Grants-in-Aid Fund, and the Asthma and Lung Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)

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

Passed in the General Assembly May 27, 2005.
Approved June 23, 2005.
Effective June 23, 2005.

PUBLIC ACT 94-0074
(House Bill No.1058)

AN ACT concerning business.

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

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2MM as follows:

(815 ILCS 505/2MM)

Sec. 2MM. Verification of accuracy of credit reporting information used to extend consumers credit and security freeze on credit report for identity theft victims.

(a) A credit card issuer who mails an offer or solicitation to apply for a credit card and who receives a completed application in response to the offer or solicitation which lists an address that is not substantially the same as the address on the offer or solicitation may not issue a credit card

New matter indicated by italics - deletions by strikeout
based on that application until reasonable steps have been taken to verify the applicant's change of address.

(b) Any person who uses a consumer credit report in connection with the approval of credit based on the application for an extension of credit, and who has received notification of a police report filed with a consumer reporting agency that the applicant has been a victim of financial identity theft, as defined in Section 16G-15 of the Criminal Code of 1961, may not lend money or extend credit without taking reasonable steps to verify the consumer's identity and confirm that the application for an extension of credit is not the result of financial identity theft.

(c) A consumer who has been the victim of identity theft may place a security freeze on his or her credit report by making a request in writing by certified mail to a consumer credit reporting agency with a valid copy of a police report, investigative report, or complaint that the consumer has filed with a law enforcement agency about unlawful use of his or her personal information by another person. A credit reporting agency shall not charge a fee for placing, removing, or removing for a specific party or period of time a security freeze on a credit report. A security freeze shall prohibit, subject to the exceptions under subsection (i) of this Section, the credit reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer. When a security freeze is in place, information from a consumer's credit report shall not be released to a third party without prior express authorization from the consumer. This subsection does not prevent a credit reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

(d) A credit reporting agency shall place a security freeze on a consumer's credit report no later than 5 business days after receiving a written request from the consumer.

(e) The credit reporting agency shall send a written confirmation of the security freeze to the consumer within 10 business days and shall provide the consumer with a unique personal identification number or password, other than the consumer's Social Security number, to be used by the consumer when providing authorization for the release of his or her credit for a specific party or period of time.

(f) If the consumer wishes to allow his or her credit report to be accessed for a specific party or period of time while a freeze is in place, he or she shall contact the consumer credit reporting agency, request that the freeze be temporarily lifted, and provide the following:

New matter indicated by italics - deletions by strikeout
(1) Proper identification;
(2) The unique personal identification number or password provided by the credit reporting agency; and
(3) The proper information regarding the third party or time period for which the report shall be available to users of the credit report.

(g) A credit reporting agency may develop procedures involving the use of telephone, fax, the Internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection (f) in an expedited manner.

(h) A credit reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection (f), shall comply with the request no later than 3 business days after receiving the request.

(i) A credit reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

(1) upon consumer request, pursuant to subsection (f) or subsection (l) of this Section; or

(2) if the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer.

If a consumer credit reporting agency intends to remove a freeze upon a consumer's credit report pursuant to this subsection, the consumer credit reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

(j) If a third party requests access to a credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that specific party or period of time, the third party may treat the application as incomplete.

(k) If a consumer requests a security freeze, the credit reporting agency shall disclose to the consumer the process of placing and temporarily lifting a security freeze, and the process for allowing access to information from the consumer's credit report for a specific party or period of time while the freeze is in place.

(l) A security freeze shall remain in place until the consumer requests that the security freeze be removed. A credit reporting agency shall remove a security freeze within 3 business days of receiving a request for removal from the consumer, who provides both of the following:

New matter indicated by italics - deletions by strikeout
(1) Proper identification; and
(2) The unique personal identification number or password provided by the credit reporting agency.

(m) A consumer credit reporting agency shall require proper identification of the person making a request to place or remove a security freeze.

(n) The provisions of subsections (c) through (m) of this Section do not apply to the use of a consumer credit report by any of the following:

(1) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this subsection, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

(2) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subsection (f) of this Section for purposes of facilitating the extension of credit or other permissible use.

(3) Any state or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena.

(4) A child support agency acting pursuant to Title IV-D of the Social Security Act.

(5) The relevant state agency or its agents or assigns acting to investigate Medicaid fraud.

(6) The Department of Revenue or its agents or assigns acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities.

(7) The use of credit information for the purposes of prescreening as provided for by the federal Fair Credit Reporting Act.
(8) Any person or entity administering a credit file monitoring subscription service to which the consumer has subscribed.

(9) Any person or entity for the purpose of providing a consumer with a copy of his or her credit report upon the consumer's request.

(o) If a security freeze is in place, a credit reporting agency shall not change any of the following official information in a credit report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's file: (i) name, (ii) date of birth, (iii) Social Security number, and (iv) address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

(p) The following entities are not required to place a security freeze in a credit report, provided, however, that any person that is not required to place a security freeze on a credit report under paragraph (3) of this subsection, shall be subject to any security freeze placed on a credit report by another credit reporting agency from which it obtains information:

(1) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payment.

(2) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

(3) A credit reporting agency that:

   (A) acts only to resell credit information by assembling and merging information contained in a database of one or more credit reporting agencies; and

   (B) does not maintain a permanent database of credit information from which new credit reports are produced.

New matter indicated by italics - deletions by strikeout
(q) (e) For purposes of this Section:

"Extension extension of credit" does not include an increase in an existing open-end credit plan, as defined in Regulation Z of the Federal Reserve System (12 C.F.R. 226.2), or any change to or review of an existing credit account.

"Proper identification" means information generally deemed sufficient to identify a person. Only if the consumer is unable to reasonably identify himself or herself with the information described above, may a consumer credit reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his or her identity.

(r) (d) Any person who violates this Section subsection (a) or subsection (b) commits an unlawful practice within the meaning of this Act.

(Source: P.A. 93-195, eff. 1-1-04.)

Passed in the General Assembly May 27, 2005.

Approved June 24, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0075
(House Bill No. 1077)

AN ACT concerning organ and tissue donation.

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 6-110 and 6-117 as follows:

(625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)
Sec. 6-110. Licenses issued to drivers.
(a) The Secretary of State shall issue to every qualifying applicant a driver's license as applied for, which license shall bear a distinguishing number assigned to the licensee, the legal name, social security number, zip code, date of birth, residence address, and a brief description of the licensee, and a space where the licensee may write his usual signature.

If the licensee is less than 17 years of age, the license shall, as a matter of law, be invalid for the operation of any motor vehicle during any time the licensee is prohibited from being on any street or highway under the provisions of the Child Curfew Act.

New matter indicated by italics - deletions by strikeout
Licenses issued shall also indicate the classification and the restrictions under Section 6-104 of this Code.

In lieu of the social security number, the Secretary may in his discretion substitute a federal tax number or other distinctive number.

A driver's license issued may, in the discretion of the Secretary, include a suitable photograph of a type prescribed by the Secretary.

(b) Until the Secretary of State establishes a First Person Consent organ and tissue donor registry under Section 6-117 of this Code, the Secretary of State shall provide a format on the reverse of each driver's license issued which the licensee may use to execute a document of gift conforming to the provisions of the Illinois Anatomical Gift Act. The format shall allow the licensee to indicate the gift intended, whether specific organs, any organ, or the entire body, and shall accommodate the signatures of the donor and 2 witnesses. The Secretary shall also inform each applicant or licensee of this format, describe the procedure for its execution, and may offer the necessary witnesses; provided that in so doing, the Secretary shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift. A brochure explaining this method of executing an anatomical gift document shall be given to each applicant or licensee. The brochure shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift, and that he or she may wish to consult with family, friends or clergy before doing so. The Secretary of State may undertake additional efforts, including education and awareness activities, to promote organ and tissue donation.

(c) The Secretary of State shall designate on each driver's license issued a space where the licensee may place a sticker or decal of the uniform size as the Secretary may specify, which sticker or decal may indicate in appropriate language that the owner of the license carries an Emergency Medical Information Card.

The sticker may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing the Emergency Medical Information Card, but shall meet the specifications as the Secretary may by rule or regulation require.

(d) The Secretary of State shall designate on each driver's license issued a space where the licensee may indicate his blood type and RH factor.

(e) The Secretary of State shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall be
of a distinct nature from those driver's licenses issued to individuals 21 years of age and older. The color designated for driver's licenses for licensees under 21 years of age shall be at the discretion of the Secretary of State.

(e-1) The Secretary shall provide that each driver's license issued to a person under the age of 21 displays the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(f) The Secretary of State shall inform all Illinois licensed commercial motor vehicle operators of the requirements of the Uniform Commercial Driver License Act, Article V of this Chapter, and shall make provisions to insure that all drivers, seeking to obtain a commercial driver's license, be afforded an opportunity prior to April 1, 1992, to obtain the license. The Secretary is authorized to extend driver's license expiration dates, and assign specific times, dates and locations where these commercial driver's tests shall be conducted. Any applicant, regardless of the current expiration date of the applicant's driver's license, may be subject to any assignment by the Secretary. Failure to comply with the Secretary's assignment may result in the applicant's forfeiture of an opportunity to receive a commercial driver's license prior to April 1, 1992.

(g) The Secretary of State shall designate on a driver's license issued, a space where the licensee may indicate that he or she has drafted a living will in accordance with the Illinois Living Will Act or a durable power of attorney for health care in accordance with the Illinois Power of Attorney Act.

(g-1) The Secretary of State, in his or her discretion, may designate on each driver's license issued a space where the licensee may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the owner of the license has renewed his or her driver's license.

(h) A person who acts in good faith in accordance with the terms of this Section is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act.

(Source: P.A. 92-689, eff. 1-1-03; 93-794, eff. 7-22-04; 93-895, eff. 1-1-05; revised 10-22-04.)

(625 ILCS 5/6-117) (from Ch. 95 1/2, par. 6-117)
Sec. 6-117. Records to be kept by the Secretary of State.
(a) The Secretary of State shall file every application for a license or permit accepted under this Chapter, and shall maintain suitable indexes
thereof. The records of the Secretary of State shall indicate the action taken with respect to such applications.

(b) The Secretary of State shall maintain appropriate records of all licenses and permits refused, cancelled, revoked or suspended and of the revocation and suspension of driving privileges of persons not licensed under this Chapter, and such records shall note the reasons for such action.

(c) The Secretary of State shall maintain appropriate records of convictions reported under this Chapter. Records of conviction may be maintained in a computer processible medium.

(d) The Secretary of State may also maintain appropriate records of any accident reports received.

(e) The Secretary of State shall also maintain appropriate records of any disposition of supervision or records relative to a driver's referral to a driver remedial or rehabilitative program, as required by the Secretary of State or the courts. Such records shall only be available for use by the Secretary, law enforcement agencies, the courts, and the affected driver or, upon proper verification, such affected driver's attorney.

(f) The Secretary of State shall also maintain or contract to maintain appropriate records of all photographs and signatures obtained in the process of issuing any driver's license, permit, or identification card. The record shall be confidential and shall not be disclosed except to those entities listed under Section 6-110.1 of this Code.

(g) The Secretary of State may establish a First Person Consent organ and tissue donor registry in compliance with subsection (b-1) of Section 5-20 of the Illinois Anatomical Gift Act, as follows:

1. The Secretary shall offer, to each applicant for issuance or renewal of a driver's license or identification card who is 18 years of age or older, the opportunity to have his or her name included in the First Person Consent organ and tissue donor registry. The Secretary must advise the applicant or licensee that he or she is under no compulsion to have his or her name included in the registry. An individual who agrees to having his or her name included in the First Person Consent organ and tissue donor registry has given full legal consent to the donation of any of his or her organs or tissue upon his or her death. A brochure explaining this method of executing an anatomical gift must be given to each applicant for issuance or renewal of a driver's license or identification card. The brochure must advise the applicant or licensee (i) that he or she is under no compulsion to have his or
her name included in this registry and (ii) that he or she may wish to consult with family, friends, or clergy before doing so.

(2) The Secretary of State may establish additional methods by which an individual may have his or her name included in the First Person Consent organ and tissue donor registry.

(3) When an individual has agreed to have his or her name included in the First Person Consent organ and tissue donor registry, the Secretary of State shall note that agreement in the First Person consent organ and tissue donor registry. Representatives of federally designated organ procurement agencies and tissue banks may inquire of the Secretary of State whether a potential organ donor's name is included in the First Person Consent organ and tissue donor registry, and the Secretary of State may provide that information to the representative.

(4) An individual may withdraw his or her consent to be listed in the First Person Consent organ and tissue donor registry maintained by the Secretary of State by notifying the Secretary of State in writing, or by any other means approved by the Secretary, of the individual's decision to have his or her name removed from the registry.

(5) The Secretary of State may undertake additional efforts, including education and awareness activities, to promote organ and tissue donation.

(6) In the absence of gross negligence or willful misconduct, the Secretary of State and his or her employees are immune from any civil or criminal liability in connection with an individual's consent to be listed in the organ and tissue donor registry.

(Source: P.A. 92-458, eff. 8-22-01.)

Section 10. The Illinois Anatomical Gift Act is amended by changing Sections 5-20, 5-40, and 5-45 as follows:

(755 ILCS 50/5-20) (was 755 ILCS 50/5)
Sec. 5-20. Manner of Executing Anatomical Gifts.
(a) A gift of all or part of the body under Section 5-5 (a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.
(b) A gift of all or part of the body under Section 5-5 (a) may also be made by a written, signed document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card or a valid driver's license designed to be carried on the person, is effective without regard to the presence or signature of witnesses must be signed by the donor in the presence of 2 witnesses who must sign the document in his presence and who thereby certify that he was of sound mind and memory and free from any undue influence and knows the objects of his bounty and affection. Such a gift may also be made by properly executing the form provided by the Secretary of State on the reverse side of the donor's driver's license pursuant to subsection (b) of Section 6-110 of The Illinois Vehicle Code. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(b-1) A gift under Section 5-5 (a) may also be made by an individual consenting to have his or her name included in the First Person Consent organ and tissue donor registry maintained by the Secretary of State under Section 6-117 of the Illinois Vehicle Code. An individual's consent to have his or her name included in the First Person Consent organ and tissue donor registry constitutes full legal authority for the donation of any of his or her organs or tissue. Consenting to be included in the First Person Consent organ and tissue donor registry is effective without regard to the presence or signature of witnesses.

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, then if made for the purpose of transplantation, it shall be effectuated in accordance with Section 5-25, and if made for any other purpose the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee.

(d) Notwithstanding Section 5-45 (b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in Section 5-5 (b) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.
Sec. 5-40. Amendment or Revocation of the Gift.

(a) If the will, card, or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:

(1) the execution and delivery to the donee of a signed statement witnessed and certified as provided in Section 5-20(b); or

(2) a signed card or document found on his person, or in his effects, executed at a date subsequent to the date the original gift was made and witnessed and certified as provided in Section 5-20(b).

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a).

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (a).

(d) An individual may withdraw his or her consent to be listed in the First Person Consent organ and tissue donor registry maintained by the Secretary of State by notifying the Secretary of State in writing, or by any other means approved by the Secretary, of the individual’s decision to have his or her name removed from the registry.

Sec. 5-45. Rights and Duties at Death.

(a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services, unless a person named in subsection (b) of Section 5-5 has requested, prior to the final disposition by the donee, that the remains of said body be returned to his or her custody for the purpose of final disposition. Such request shall be honored by the donee if the terms of the gift are silent on how final disposition is to take place. If the gift is of a part of the body, the donee or technician designated by him upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation and without undue delay in the release of the body for the purposes of final disposition. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other
persons under obligation to dispose of the body, in the order or priority listed in subsection (b) of Section 5-5 of this Act.

(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. The physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act, the Illinois Vehicle Code, and the AIDS Confidentiality Act, or the anatomical gift laws of another state or a foreign country, is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act. Any person that participates in good faith and according to the usual and customary standards of medical practice in the removal or transplantation of any part of a decedent's body pursuant to an anatomical gift made by the decedent under Section 5-20 of this Act or pursuant to an anatomical gift made by an individual as authorized by subsection (b) of Section 5-5 of this Act shall have immunity from liability, civil, criminal, or otherwise, that might result by reason of such actions. For the purpose of any proceedings, civil or criminal, the validity of an anatomical gift executed pursuant to Section 5-20 of this Act shall be presumed and the good faith of any person participating in the removal or transplantation of any part of a decedent's body pursuant to an anatomical gift made by the decedent or by another individual authorized by the Act shall be presumed.

(d) This Act is subject to the provisions of "An Act to revise the law in relation to coroners", approved February 6, 1874, as now or hereafter amended, to the laws of this State prescribing powers and duties with respect to autopsies, and to the statutes, rules, and regulations of this State with respect to the transportation and disposition of deceased human bodies.

(e) If the donee is provided information, or determines through independent examination, that there is evidence that the gift was exposed to the human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS), the donee may reject the gift and shall treat the information and examination results as a confidential medical record; the donee may disclose only the results confirming HIV exposure, and only to the physician of the deceased donor. The donor's physician shall determine whether the person who executed the gift should be notified of the confirmed positive test result.
AN ACT concerning regulation.

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

Section 5. The Public Utilities Act is amended by changing Section 13-1200 as follows:

(220 ILCS 5/13-1200)
(Section scheduled to be repealed on July 1, 2005)
Sec. 13-1200. Repealer. This Article is repealed July 1, 2005.
(Source: P.A. 92-22, eff. 6-30-01.)

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

Approved June 24, 2005.
Effective June 24, 2005.
assess fees for any services performed under the Buy Illinois Program, to carry out the program.

(2) To form a Buy Illinois Council, made up of Illinois large firms and small firms, to provide advice and counsel in directing a statewide program.

(3) To publicize and advertise to Illinois firms and government agencies the importance and benefits of buying goods and services provided by vendors located within the State.

(4) To secure the cooperation of Illinois' large firms, federal, State and local governments, non-profit agencies, international organizations, and others to carry out this program.

(5) To match the needs for products and services by business firms and government agencies with the capabilities of small Illinois firms that can provide those needed goods and services.

(6) To hold purchasing agent seminars, fairs, conferences and workshops to aid small Illinois businesses in obtaining contracts for goods and services from larger firms and government agencies within the State.

(7) To assist business firms and government agencies to analyze their buying activities and to find ways to carry out those activities in an effective and economical manner, while promoting subcontract activity with small Illinois firms.

(8) To establish manual and electronic buying directories, including stand alone computer data bases that list qualified vendors and procurement opportunities.

(9) To promote through other means the use by international agencies, government agencies, and larger businesses of products and services produced by small Illinois firms.

(10) To subcontract, grant funds, or otherwise participate with qualified private firms, existing procurement centers, or other organizations that have designed programs approved in accordance with procedures determined by the Department, that are aimed at assisting small Illinois firms in obtaining contracts for products and services from local government agencies and larger Illinois businesses.

(11) To develop and administer guidelines for projects that provide assistance to the Department in connection with the Buy Illinois Program.

(12) To form the Illinois Food Systems Policy Council to develop policies around food access and security, improve individual health and well-being, promote economic incentives for Illinois farmers, agri-businesses, and other private enterprises, and encourage public/private

New matter indicated by italics - deletions by strikeout
partnerships around healthy food options. Membership on the Council shall include the Director or Secretary, or his or her designee, of the Department of Commerce and Economic Opportunity, the Department of Human Services, the Department of Public Health, the Department of Agriculture, the Department of Natural Resources, the Department of Central Management Services, the State Board of Education, and the Food Nutrition and Education Program. The Council shall consult with farmers and farm associations, businesses and business associations, including agri-businesses and food processing businesses, and community based organizations, including those working on food access, security, and delivery and on obesity prevention. Administration of the Council and its functions shall be shared among the Council members pursuant to an interagency agreement from funds appropriated for this purpose or from existing funds within the budgets of the Council’s members. The Council may submit, in consultation and collaboration with the associations, businesses, organizations, and entities listed in this Section, an annual report to the General Assembly describing the Council’s work, which may include performance indicators to measure the impact of policies and practices adopted by the Council.

(Source: P.A. 91-239, eff. 1-1-00.)

Passed in the General Assembly May 17, 2005.
Approved June 27, 2005
Effective January 1, 2006.

PUBLIC ACT 94-0078
(House Bill No. 0917)

AN ACT concerning human rights.

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

Section 5. The Illinois Human Rights Act is amended by adding Section 3-105.1 as follows:

(775 ILCS 5/3-105.1 new)

Sec. 3-105.1. Interference, coercion, or intimidation. It is a civil rights violation to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this Article 3.

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 11, 2005.
Approved June 27, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0079
(Senate Bill No. 0023)

AN ACT concerning State government, which may be cited as the Act to End Atrocities and Terrorism in the Sudan.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Deposit of State Moneys Act is amended by changing Section 22.5 and by adding Section 22.6 as follows:
(15 ILCS 520/22.5) (from Ch. 130, par. 41a)
Sec. 22.5. Permitted investments. The State Treasurer may, with the approval of the Governor, invest and reinvest any State money in the treasury which is not needed for current expenditures due or about to become due, in obligations of the United States government or its agencies or of National Mortgage Associations established by or under the National Housing Act, 1201 U.S.C. 1701 et seq., or in mortgage participation certificates representing undivided interests in specified, first-lien conventional residential Illinois mortgages that are underwritten, insured, guaranteed, or purchased by the Federal Home Loan Mortgage Corporation or in Affordable Housing Program Trust Fund Bonds or Notes as defined in and issued pursuant to the Illinois Housing Development Act. All such obligations shall be considered as cash and may be delivered over as cash by a State Treasurer to his successor.
The State Treasurer may, with the approval of the Governor, purchase any state bonds with any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on the bonds. The bonds shall be considered as cash and may be delivered over as cash by the State Treasurer to his successor.
The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the treasury that is not needed for current expenditure due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in shares, withdrawable accounts, and investment certificates of savings and building and loan associations,

New matter indicated by italics - deletions by strikeout
incorporated under the laws of this State or any other state or under the
laws of the United States; provided, however, that investments may be
made only in those savings and loan or building and loan associations the
shares and withdrawable accounts or other forms of investment securities
of which are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may not invest State money in any savings and
loan or building and loan association unless a commitment by the savings
and loan (or building and loan) association, executed by the president or
chief executive officer of that association, is submitted in the following
form:

The ................. Savings and Loan (or Building and Loan)
Association pledges not to reject arbitrarily mortgage loans for
residential properties within any specific part of the community
served by the savings and loan (or building and loan) association
because of the location of the property. The savings and loan (or
building and loan) association also pledges to make loans available
on low and moderate income residential property throughout the
community within the limits of its legal restrictions and prudent
financial practices.

The State Treasurer may, with the approval of the Governor, invest
or reinvest, at a price not to exceed par, any State money in the treasury
that is not needed for current expenditures due or about to become due, or
any money in the State Treasury that has been set aside and held for the
payment of the principal of and interest on any State bonds, in bonds
issued by counties or municipal corporations of the State of Illinois.

The State Treasurer may, with the approval of the Governor, invest
or reinvest any State money in the Treasury which is not needed for
current expenditure, due or about to become due, or any money in the
State Treasury which has been set aside and held for the payment of the
principal of and the interest on any State bonds, in participations in loans,
the principal of which participation is fully guaranteed by an agency or
instrumentality of the United States government; provided, however, that
such loan participations are represented by certificates issued only by
banks which are incorporated under the laws of this State or any other state
or under the laws of the United States, and such banks, but not the loan
participation certificates, are insured by the Federal Deposit Insurance
Corporation.

The State Treasurer may, with the approval of the Governor, invest
or reinvest any State money in the Treasury that is not needed for current

New matter indicated by italics - deletions by strikeout
expenditure, due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in any of the following:

(1) Bonds, notes, certificates of indebtedness, Treasury bills, or other securities now or hereafter issued that are guaranteed by the full faith and credit of the United States of America as to principal and interest.

(2) Bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and instrumentalities.

(2.5) Bonds, notes, debentures, or other similar obligations of a foreign government, other than the Republic of the Sudan, that are guaranteed by the full faith and credit of that government as to principal and interest, but only if the foreign government has not defaulted and has met its payment obligations in a timely manner on all similar obligations for a period of at least 25 years immediately before the time of acquiring those obligations.

(3) Interest-bearing savings accounts, interest-bearing certificates of deposit, interest-bearing time deposits, or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.

(4) Interest-bearing accounts, certificates of deposit, or any other investments constituting direct obligations of any savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States.

(5) Dividend-bearing share accounts, share certificate accounts, or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principal office of the credit union must be located within the State of Illinois.

(6) Bankers' acceptances of banks whose senior obligations are rated in the top 2 rating categories by 2 national rating agencies and maintain that rating during the term of the investment.

(7) Short-term obligations of corporations organized in the United States with assets exceeding $500,000,000 if (i) the obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and mature not later than 180 days from the date of purchase, (ii) the purchases do not exceed 10% of the corporation's outstanding obligations, and (iii) no more than one-third of the public agency's

New matter indicated by italics - deletions by strikeout
funds are invested in short-term obligations of corporations, and
(iv) the corporation is not a forbidden entity, as defined in Section
22.6 of the Deposit of State Moneys Act.

(8) Money market mutual funds registered under the
Investment Company Act of 1940, provided that the portfolio of
the money market mutual fund is limited to obligations described
in this Section and to agreements to repurchase such obligations.

(9) The Public Treasurers’ Investment Pool created under
Section 17 of the State Treasurer Act or in a fund managed,
operated, and administered by a bank.

(10) Repurchase agreements of government securities
having the meaning set out in the Government Securities Act of
1986 subject to the provisions of that Act and the regulations
issued thereunder.

(11) Investments made in accordance with the Technology
Development Act.

For purposes of this Section, "agencies" of the United States
Government includes:

(i) the federal land banks, federal intermediate credit banks,
banks for cooperatives, federal farm credit banks, or any other
entity authorized to issue debt obligations under the Farm Credit
(ii) the federal home loan banks and the federal home loan
mortgage corporation;
(iii) the Commodity Credit Corporation; and
(iv) any other agency created by Act of Congress.

The Treasurer may, with the approval of the Governor, lend any
securities acquired under this Act. However, securities may be lent under
this Section only in accordance with Federal Financial Institution
Examination Council guidelines and only if the securities are
collateralized at a level sufficient to assure the safety of the securities,
taking into account market value fluctuation. The securities may be
collateralized by cash or collateral acceptable under Sections 11 and 11.1.
(Source: P.A. 92-546, eff. 1-1-03; 92-851, eff. 8-26-02; revised 9-19-02.)

(15 ILCS 520/22.6 new)
Sec. 22.6. Prohibited deposits.

(a) Notwithstanding any other provision of law, the State
Treasurer shall not deposit any funds into or otherwise contract with any
financial institution unless an expressly authorized officer of that financial

New matter indicated by italics - deletions by strikeout
institution annually certifies, in the manner and form established by the Treasurer, that the financial institution has implemented policies and practices that require loan applicants to certify that they are not forbidden entities.

(b) For the purposes of this Section:

"Company" is any entity capable of affecting commerce, including but not limited to (i) a government, government agency, natural person, legal person, sole proprietorship, partnership, firm, corporation, subsidiary, affiliate, franchisor, franchisee, joint venture, trade association, financial institution, utility, public franchise, provider of financial services, trust, or enterprise; and (ii) any association thereof.

"Forbidden entity" means any of the following:

(1) The government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(2) Any company that is wholly or partially managed or controlled by the government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(3) Any company (i) that is established or organized under the laws of the Republic of the Sudan; or (ii) whose principal place of business is in the Republic of the Sudan;

(4) Any company (i) identified by the Office of Foreign Assets Control in the United States Department of the Treasury as sponsoring terrorist activities; or (ii) fined, penalized, or sanctioned by the Office of Foreign Assets Control in the United States Department of the Treasury for any violation of any United States rules and restrictions relating to the Republic of the Sudan that occurred at any time following the effective date of this Act; and

(5) Any company who has failed to certify under oath that it does not own or control any property or asset located in, have employees or facilities located in, provide goods or services to, obtain goods or services from, have distribution agreements with, issue credits or loans to, purchase bonds or commercial paper issued by, or invest in (i) the Republic of the Sudan; or (ii) any company domiciled in the Republic of the Sudan.

Notwithstanding the foregoing, the term "forbidden entity" shall exclude companies, except agencies of the Republic of the Sudan, who are
certified as Non-Government Organizations by the United Nations, or who engage solely in (i) the provision of goods and services intended to relieve human suffering or to promote welfare, health, religious and spiritual activities, and education for humanitarian purposes or otherwise; or (ii) journalistic activities.

(c) In addition to any other penalties and remedies available under the law of Illinois and the United States, any transaction between a financial institution and a company that violates the provisions of this Act shall be void or voidable, at the joint discretion of the Treasurer and the financial institution.

(d) This Section does not apply to (a) linked deposits made by the Treasurer into financial institutions in return for that institution's commitment to provide, through loans or other financial support, agreed benefits in projects undertaken in the community; and (b) the purchase of depository, custodial, processing, and advisory services that are necessary to fulfill the Treasurer's obligations and responsibilities.

Section 10. The Illinois Pension Code is amended by adding Section 1-110.5 as follows:

(40 ILCS 5/1-110.5 new)

Sec. 1-110.5. Certain prohibited transactions.

(a) A fiduciary of a retirement system or pension fund established under this Code shall not transfer or disburse funds to, deposit into, acquire any bonds or commercial paper from, or otherwise loan to or invest in any entity unless the company charged with managing the assets of the retirement system or pension fund, at no additional cost to the fiduciary, certifies to the fiduciary, in the manner and form established by the Treasurer, that:

(1) the fund managing company has not loaned to, invested in, or otherwise transferred any of the retirement system or pension fund's assets to a forbidden entity any time after the effective date of this Act;
(2) at least 60% of the retirement system or pension fund's assets are not invested in forbidden entities at any time more than twelve months after the effective date of this Act;
(3) at least 100% of the retirement system or pension fund's assets are not invested in forbidden entities at any time more than eighteen months after the effective date of this Act.

(b) For purposes of this Section:

New matter indicated by italics - deletions by strikeout
"Company" is any entity capable of affecting commerce, including but not limited to (i) a government, government agency, natural person, legal person, sole proprietorship, partnership, firm, corporation, subsidiary, affiliate, franchisor, franchisee, joint venture, trade association, financial institution, utility, public franchise, provider of financial services, trust, or enterprise; and (ii) any association thereof.

"Forbidden entity" means any of the following:
(1) The government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;
(2) Any company that is wholly or partially managed or controlled by the government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;
(3) Any company (i) that is established or organized under the laws of the Republic of the Sudan; (ii) whose principal place of business is in the Republic of the Sudan;
(4) Any company (i) identified by the Office of Foreign Assets Control in the United States Department of the Treasury as sponsoring terrorist activities; or (ii) fined, penalized, or sanctioned by the Office of Foreign Assets Control in the United States Department of the Treasury for any violation of any United States rules and restrictions relating to the Republic of the Sudan that occurred at any time following the effective date of this Act; and
(5) Any publicly traded company who has been identified by an independent researching firm that specializes in global security risk as being a company that owns or controls property or assets located in, has employees or facilities located in, provides goods or services to, obtain goods or services from, has distribution agreements with, issue credits or loans to, purchase bonds or commercial paper issued by, or invest in (i) the Republic of the Sudan; or (ii) any company domiciled in the Republic of the Sudan; and
(6) Any non publicly-traded company that fails to submit to the fund managing company an affidavit sworn under oath in which an expressly authorized officer of the company avers that the company (i) does not own or control any property or asset located in the

New matter indicated by italics - deletions by strikeout
Republic of the Sudan; and (ii) did not transact commercial business in the Republic of the Sudan. Notwithstanding the foregoing, the term "forbidden entity" shall exclude companies, except agencies of the Republic of the Sudan, who are certified as Non-Government Organizations by the United Nations, or who engage solely in (i) the provision of goods and services intended to relieve human suffering or to promote welfare, health, religious and spiritual activities, and education humanitarian purposes or otherwise; or (ii) journalistic activities.

(c) In addition to any other penalties and remedies available under the law of Illinois and the United States, any transaction that violates the provisions of this Act shall be void or voidable, at the sole discretion of the fiduciary.

Section 90. Term; construction. The provisions of this amendatory Act of the 94th General Assembly shall have full force and effect until such time as the government of the United States, through Executive Order or otherwise, rescinds Executive Order 13067, or until such time as these provisions are repealed or modified by the General Assembly. This amendatory Act of the 94th General Assembly shall be construed under the laws of the State of Illinois and, where applicable, the laws of the United States.

Section 99. Effective date. This Act takes effect 7 months after becoming law.

Passed in the General Assembly May 17, 2005.
Approved June 27, 2005.

PUBLIC ACT 94-0080
(Senate Bill No. 0287)

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

Section 5. The Criminal Code of 1961 is amended by changing Section 12-7.1 as follows:
(720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)
Sec. 12-7.1. Hate crime.
(a) A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation,
physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action or disorderly conduct as these crimes are defined in Sections 12-1, 12-2, 12-3, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, and 26-1 of this Code, respectively, or harassment by telephone as defined in Section 1-1 of the Harassing and Obscene Communications Act, or harassment through electronic communications as defined in clauses (a)(2) and clause (a)(4) of Section 1-2 of the Harassing and Obscene Communications Act.

(b) Except as provided in subsection (b-5), hate crime is a Class 4 felony for a first offense and a Class 2 felony for a second or subsequent offense.

(b-5) Hate crime is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense if committed:

(1) in a church, synagogue, mosque, or other building, structure, or place used for religious worship or other religious purpose;

(2) in a cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;

(3) in a school or other educational facility, including an administrative facility or public or private dormitory facility of or associated with the school or other educational facility;

(4) in a public park or an ethnic or religious community center;

(5) on the real property comprising any location specified in clauses (1) through (4) of this subsection (b-5); or

(6) on a public way within 1,000 feet of the real property comprising any location specified in clauses (1) through (4) of this subsection (b-5).

(b-10) Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine up to $1,000. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of hate crime. The court may also impose any other condition of probation or conditional discharge under this Section.

New matter indicated by italics - deletions by strikeout
(c) Independent of any criminal prosecution or the result thereof, any person suffering injury to his person or damage to his property as a result of hate crime may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians, other than guardians appointed pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, of an unemancipated minor shall be liable for the amount of any judgment for actual damages rendered against such minor under this subsection (c) in any amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.

(d) "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

(Source: P.A. 92-830, eff. 1-1-03; 93-463, eff. 8-8-03; 93-765, eff. 7-19-04.)

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

Passed in the General Assembly May 17, 2005.
Approved June 27, 2005.
Effective June 27, 2005.

PUBLIC ACT 94-0081
(Senate Bill No. 1461)
AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-339 as follows:

(20 ILCS 2310/2310-339 new)

Sec. 2310-339. Chronic Kidney Disease Program.
(a) The Department, subject to appropriation or other available funding, shall establish a Chronic Kidney Disease Awareness, Testing, Diagnosis and Treatment Program. The program may include, but is not limited to:

(1) Dissemination of information regarding the incidence of chronic kidney disease, the risk factors associated with chronic kidney disease, the effects of chronic kidney disease and how to manage chronic kidney disease.

New matter indicated by italics - deletions by strikeout
kidney disease, and the benefits of early testing, diagnosis and treatment of chronic kidney disease.

(2) Promotion information and counseling about treatment options.

(3) Establishment and promotion of referral services and testing programs.

(4) Development and dissemination, through print and broadcast media, of public service announcements that publicize the importance of awareness, testing, diagnosis and treatment of chronic kidney disease.

(b) Any entity funded by the Program shall coordinate with other local providers of chronic kidney disease testing, diagnostic, follow-up, education, and advocacy services to avoid duplication of effort. Any entity funded by the Program shall comply with any applicable State and federal standards regarding chronic kidney disease testing.

(c) Administrative costs of the Department shall not exceed 10% of the funds allocated to the Program. Indirect costs of the entities funded by this Program shall not exceed 12%. The Department shall define "indirect costs" in accordance with applicable State and federal law.

(d) Any entity funded by the Program shall collect data and maintain records that are determined by the Department to be necessary to facilitate the Department's ability to monitor and evaluate the effectiveness of the entities and the Program. Commencing with the Program's second year of operation, the Department shall submit an annual report to the General Assembly and the Governor. The report shall describe the activities and effectiveness of the Program and shall include, but is not limited to, the following types of information regarding those persons served by the Program: (i) the number, (ii) the ethnic, geographic, and age breakdown, (iii) the stages of progression, and (iv) the diagnostic and treatment status.

(e) The Department or any entity funded by the Program shall collect personal and medical information necessary to administer the Program from any individual applying for services under the Program. The information shall be confidential and shall not be disclosed other than for purposes directly connected with the administration of the Program or as otherwise provided by law or pursuant to prior written consent of the subject of the information.

(f) The Department or any entity funded by the Program may disclose the confidential information to medical personnel and fiscal
intermediaries of the State to the extent necessary to administer the Program, and to other State public health agencies or medical researchers if the confidential information is necessary to carry out the duties of those agencies or researchers in the investigation, control, or surveillance of chronic kidney disease.

(g) The Department shall adopt rules to implement the Program in accordance with the Illinois Administrative Procedure Act.

Passed in the General Assembly May 18, 2005.
Approved June 27, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0082
(House Bill No. 0731)

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

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 3 as follows:

(5 ILCS 375/3) (from Ch. 127, par. 523)

Sec. 3. Definitions. Unless the context otherwise requires, the following words and phrases as used in this Act shall have the following meanings. The Department may define these and other words and phrases separately for the purpose of implementing specific programs providing benefits under this Act.

(a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable of meeting the service requirements of a contract of administration executed with the Department.

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14 (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity), 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his

New matter indicated by italics - deletions by strikeout
status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government or a qualified rehabilitation facility or a qualified domestic violence shelter or service. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of that Code in lieu of an annuity), and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-7) "New TRS State annuitant" means a person who, on or after July 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 16 of the Illinois Pension Code based on service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.
(c) "Carrier" means (1) an insurance company, a corporation organized under the Limited Health Service Organization Act or the Voluntary Health Services Plan Act, a partnership, or other nongovernmental organization, which is authorized to do group life or group health insurance business in Illinois, or (2) the State of Illinois as a self-insurer.

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government or qualified rehabilitation facility or a qualified domestic violence shelter or service.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Commission on Government Forecasting and Accountability as established by the Legislative Commission Reorganization Act of 1984.

(f) "Contributory", when referred to as contributory coverage, shall mean optional coverages or benefits elected by the member toward the cost of which such member makes contribution, or which are funded in whole or in part through the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee, as distinguished from noncontributory coverage or benefits which are paid entirely by the State of Illinois without reduction of the member's salary.

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund,
or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally or physically handicapped. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes; no other such person may be enrolled. For the health plan only, the term "dependent" also includes any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes.

(i) "Director" means the Director of the Illinois Department of Central Management Services.

(j) "Eligibility period" means the period of time a member has to elect enrollment in programs or to select benefits without regard to age, sex or health.

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the

New matter indicated by italics - deletions by strikeout
State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, and each employee in the service of a qualified rehabilitation facility and each full-time employee in the service of a qualified domestic violence shelter or service, as determined according to rules promulgated by the Director.

New matter indicated by italics - deletions by strikeout
(l) "Member" means an employee, annuitant, retired employee or survivor.

(m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.

(n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.

(o) "Health plan" means a health benefits program offered by the State of Illinois for persons eligible for the plan.

(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (3) the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-2) "SERS" means the State Employees' Retirement System of Illinois, created under Article 14 of the Illinois Pension Code.

(q-3) "SURS" means the State Universities Retirement System, created under Article 15 of the Illinois Pension Code.

(q-4) "TRS" means the Teachers' Retirement System of the State of Illinois, created under Article 16 of the Illinois Pension Code.

(q-5) "New SERS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 14 of the Illinois Pension Code.
Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SERS annuitant as defined in subsection (b-5). "New SERS survivor" includes the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-6) "New SURS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SURS annuitant as defined in subsection (b-6).

(q-7) "New TRS State survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 16 of the Illinois Pension Code and is based on the death of (i) an employee who is a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code and whose death occurs on or after July 1, 1998, or (ii) a new TRS State annuitant as defined in subsection (b-7).

(r) "Medical services" means the services provided within the scope of their licenses by practitioners in all categories licensed under the Medical Practice Act of 1987.

(s) "Unit of local government" means any county, municipality, township, school district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; and the Illinois Association of Park Districts; and any hospital provider that is owned by a county that has 100 or fewer hospital beds and has not

New matter indicated by italics - deletions by strikeout
already joined the program. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(i) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

(u) "Qualified domestic violence shelter or service" means any Illinois domestic violence shelter or service and its administrative offices funded by the Department of Human Services (as successor to the Illinois Department of Public Aid), approved by the Director and participating in a program created under subsection (k) of Section 10.

(v) "TRS benefit recipient" means a person who:

(1) is not a "member" as defined in this Section; and
(2) is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and
(3) either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

(w) "TRS dependent beneficiary" means a person who:

(1) is not a "member" or "dependent" as defined in this Section; and
(2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996,
participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.

(x) "Military leave with pay and benefits" refers to individuals in basic training for reserves, special/advanced training, annual training, emergency call up, or activation by the President of the United States with approved pay and benefits.

(y) "Military leave without pay and benefits" refers to individuals who enlist for active duty in a regular component of the U.S. Armed Forces or other duty not specified or authorized under military leave with pay and benefits.

(z) "Community college benefit recipient" means a person who:

(1) is not a "member" as defined in this Section; and
(2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and
(3) either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).

(aa) "Community college dependent beneficiary" means a person who:

(1) is not a "member" or "dependent" as defined in this Section; and
(2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped.
AN ACT concerning liability.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Good Samaritan Act is amended by changing Section 20 as follows:
(745 ILCS 49/20)
Sec. 20. Free dental clinic; exemption from civil liability for services performed without compensation. Any person licensed under the Illinois Dental Practice Act to practice dentistry or to practice as a dental hygienist who, in good faith, provides dental treatment, dental services, diagnoses, or advice as part of the services of an established free dental clinic providing care to medically indigent patients which is limited to care which does not require the services of a licensed hospital or ambulatory surgical treatment center, and who receives no fee or compensation from that source shall not, as a result of any acts or omissions, except for willful or wanton misconduct on the part of the licensee, in providing dental treatment, dental services, diagnoses or advice, be liable for civil damages. For purposes of this Section, a "free dental clinic" is an organized community or public health based program providing, without charge, dental care to individuals unable to pay for their care. For purposes of this Section, an "organized program" is a program sponsored by a community, public health, charitable, voluntary, or organized dental organization. Free dental services provided under this Section may be provided at a clinic or private dental office. A free dental clinic may receive reimbursement from the Illinois Department of Public Aid or may receive partial reimbursement from a patient based upon ability to pay, provided any such reimbursements shall be used only to pay overhead expenses of operating the free dental clinic and may not be used, in whole or in part, to provide a fee, reimbursement, or other compensation to any person

New matter indicated by italics - deletions by strikeout
licensed under the Illinois Dental Practice Act who is receiving an exemption under this Section or to any entity that the person owns or controls or in which the person has an ownership interest or from which the person receives a fee, reimbursement, or compensation of any kind. Dental care shall not include the use of general anesthesia or require an overnight stay in a health care facility.

The provisions of this Section shall not apply in any case unless the free dental clinic has posted in a conspicuous place on its premises an explanation of the immunity from civil liability provided in this Section.

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

Passed in the General Assembly May 11, 2005.
Approved June 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0084
(House Bill No. 1031)

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

Section 5. The Pharmacy Practice Act of 1987 is amended by changing Sections 14, 15, and 18 as follows:

(225 ILCS 85/14) (from Ch. 111, par. 4134)

(Section scheduled to be repealed on January 1, 2008)

Sec. 14. Structural and equipment requirements. No person shall establish or move to a new location any pharmacy unless the pharmacy is licensed with the Department and has on file with the Department a verified statement that:

(1) such pharmacy is or will be engaged in the practice of pharmacy; and

(2) other than a Division VI pharmacy, such pharmacy will have in stock and shall maintain sufficient drugs and materials as to protect the public it serves within 30 days after the issuance of the registration of the pharmacy.

Division I, II, III, IV, or V pharmacies shall be in a suitable, well-lighted and well-ventilated area with at least 300 square feet of clean and sanitary contiguous space and shall be suitably equipped for compounding prescriptions, storage of drugs and sale of drugs and to otherwise conduct the practice of pharmacy. The space occupied shall be equipped with a

New matter indicated by italics - deletions by strikeout
sink with hot and cold water or facilities for heating water, proper sewage outlet, refrigeration storage equipment, and such fixtures, facilities, drugs, equipment and material, which shall include the current editions of the United States Pharmacopoeia/DI, Facts and Comparisons, or any other current compendium approved by the Department, and other such reference works, as will enable a pharmacist to practice pharmacy, including this Act and the rules promulgated under this Act. Such pharmacy shall have the following items: accurate weights of 0.5 gr. to 4 oz. and 20 mg to 100 Gm; and a prescription balance equipped with balance indicator and with mechanical means of arresting the oscillations of the mechanism and which balance shall be sensitive to 0.5 grain (32 mg) or less or an alternative weighing device as approved by the Department, and such other measuring devices as may be necessary for the conduct of the practice of pharmacy.

The provisions of this Section with regard to 300 square feet of space shall apply to any pharmacy which is opened after the effective date of this Act. Nothing shall require a pharmacy in existence on the effective date of this Act which is comprised of less than 300 square feet to provide additional space to meet these requirements.

Any structural and equipment requirements for a Division VI pharmacy shall be set by rule.

(Source: P.A. 92-880, eff. 1-1-04.)

(225 ILCS 85/15) (from Ch. 111, par. 4135)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Pharmacy requirements. It shall be unlawful for the owner of any pharmacy, as defined in this Act, to operate or conduct the same, or to allow the same to be operated or conducted, unless:

(a) It has a licensed pharmacist, authorized to practice pharmacy in this State under the provisions of this Act, on duty whenever the practice of pharmacy is conducted;

(b) Security provisions for all drugs and devices, as determined by rule of the Department, are provided during the absence from the licensed pharmacy of all licensed pharmacists. Maintenance of security provisions is the responsibility of the licensed registered pharmacist in charge; and

(c) The pharmacy is licensed under this Act to do business.

The Department shall, by rule, provide requirements for each division of pharmacy license and shall, as well provide guidelines for the designation of a registered pharmacist in charge for each division.
Division I. Retail Licenses for pharmacies which are open to, or offer pharmacy services to, the general public.

Division II. Licenses for pharmacies whose primary pharmacy service is provided to patients or residents of facilities licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, and which are not located in the facilities they serve.

Division III. Licenses for pharmacies which are located in a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections, and which provide pharmacy services to residents or patients of the facility, as well as employees, prescribers and students of the facility.

Division IV. Licenses for pharmacies which provide or offer for sale radioactive materials.

Division V. Licenses for pharmacies which hold licenses in Division II or Division III which also provide pharmacy services to the general public, or pharmacies which are located in or whose primary pharmacy service is to ambulatory care facilities or schools of veterinary medicine or other such institution or facility.

Division VI. Licenses for pharmacies that provide pharmacy services to patients of institutions serviced by pharmacies with a Division II or Division III license, without using their own supply of drugs. Division VI pharmacies may provide pharmacy services only in cooperation with an institution's pharmacy or pharmacy provider. Nothing in this paragraph shall constitute a change to the practice of pharmacy as defined in Section 3 of this Act. Nothing in this amendatory Act of the 94th General Assembly shall in any way alter the definition or operation of any other division of pharmacy as provided in this Act.

The Director may waive the requirement for a pharmacist to be on duty at all times for State facilities not treating human ailments.

It shall be unlawful for any person, who is not a licensed pharmacy or health care facility, to purport to be such or to use in name, title, or sign

New matter indicated by italics - deletions by strikeout
designating, or in connection with that place of business, any of the words: "pharmacy", "pharmacist", "pharmacy department", "apothecary", "druggist", "drug", "drugs", "medicines", "medicine store", "drug sundries", "prescriptions filled", or any list of words indicating that drugs are compounded or sold to the lay public, or prescriptions are dispensed therein. Each day during which, or a part which, such representation is made or appears or such a sign is allowed to remain upon or in such a place of business shall constitute a separate offense under this Act.

The holder of any license or certificate of registration shall conspicuously display it in the pharmacy in which he is engaged in the practice of pharmacy. The registered pharmacist in charge shall conspicuously display his name in such pharmacy. The pharmacy license shall also be conspicuously displayed.

(Source: P.A. 92-880, eff. 1-1-04.)

Sec. 18. Record retention.

(a) Except as provided in subsection (b), there shall be kept in every drugstore or pharmacy a suitable book, file, or electronic record keeping system in which shall be preserved for a period of not less than 5 years the original of every written prescription and the original transcript or copy of every verbal prescription filled, compounded, or dispensed, in such pharmacy; and such book or file of prescriptions shall at all reasonable times be open to inspection to the pharmacy coordinator and the duly authorized agents or employees of the Department.

Every prescription filled or refilled shall contain the unique identifier of the person authorized to practice pharmacy under the provision of this Act who fills or refills the prescription.

Records kept pursuant to this Section may be maintained in an alternative data retention system, such as a direct digital imaging system, provided that:

(1) the records maintained in the alternative data retention system contain all of the information required in a manual record;

(2) the data processing system is capable of producing a hard copy of the electronic record on the request of the Board, its representative, or other authorized local, State, or federal law enforcement or regulatory agency; and

New matter indicated by italics - deletions by strikeout
(3) the digital images are recorded and stored only by means of a technology that does not allow subsequent revision or replacement of the images.

As used in this Section, "digital imaging system" means a system, including people, machines, methods of organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized representations of original prescription records.

Inpatient drug orders may be maintained within an institution in a manner approved by the Department.

(b) The record retention requirements for a Division VI pharmacy shall be set by rule.

(Source: P.A. 92-880, eff. 1-1-04.)

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

Passed in the General Assembly May 11, 2005.
Approved June 29, 2005.
Effective June 28, 2005.

PUBLIC ACT 94-0085
(Senate Bill No. 0063)

AN ACT concerning public aid.

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

Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting

New matter indicated by italics - deletions by strikeout
actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2005, unless specifically provided for in this Section. The changes made by this amendatory Act of the 93rd General Assembly extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.
care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department of Public Aid shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 3 1/2 years after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of
2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter.
until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 92-10, eff. 6-11-01; 92-31, eff. 6-28-01; 92-597, eff. 6-28-02; 92-651, eff. 7-11-02; 92-848, eff. 1-1-03; 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04.)

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

Passed in the General Assembly May 17, 2005.
Approved June 28, 2005.
Effective June 28, 2005.
AN ACT concerning aging.

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

Section 5. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 4 as follows:

(320 ILCS 25/4) (from Ch. 67 1/2, par. 404)
Sec. 4. Amount of Grant.

(a) In general. Any individual 65 years or older or any individual who will become 65 years old during the calendar year in which a claim is filed, and any surviving spouse of such a claimant, who at the time of death received or was entitled to receive a grant pursuant to this Section, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive a grant pursuant to this Section, and any disabled person whose annual household income is less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 or more persons for the 2000 grant year and thereafter and whose household is liable for payment of property taxes accrued or has paid rent constituting property taxes accrued and is domiciled in this State at the time he or she files his or her claim is entitled to claim a grant under this Act. With respect to claims filed by individuals who will become 65 years old during the calendar year in which a claim is filed, the amount of any grant to which that household is entitled shall be an amount equal to 1/12 of the amount to which the claimant would otherwise be entitled as provided in this Section, multiplied by the number of months in which the claimant was 65 in the calendar year in which the claim is filed.

(b) Limitation. Except as otherwise provided in subsections (a) and (f) of this Section, the maximum amount of grant which a claimant is entitled to claim is the amount by which the property taxes accrued which were paid or payable during the last preceding tax year or rent constituting property taxes accrued upon the claimant's residence for the last preceding taxable year exceeds 3 1/2% of the claimant's household income for that
year but in no event is the grant to exceed (i) $700 less 4.5% of household income for that year for those with a household income of $14,000 or less or (ii) $70 if household income for that year is more than $14,000.

(c) Public aid recipients. If household income in one or more months during a year includes cash assistance in excess of $55 per month from the Department of Public Aid or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) which was determined under regulations of that Department on a measure of need that included an allowance for actual rent or property taxes paid by the recipient of that assistance, the amount of grant to which that household is entitled, except as otherwise provided in subsection (a), shall be the product of (1) the maximum amount computed as specified in subsection (b) of this Section and (2) the ratio of the number of months in which household income did not include such cash assistance over $55 to the number twelve. If household income did not include such cash assistance over $55 for any months during the year, the amount of the grant to which the household is entitled shall be the maximum amount computed as specified in subsection (b) of this Section. For purposes of this paragraph (c), "cash assistance" does not include any amount received under the federal Supplemental Security Income (SSI) program.

(d) Joint ownership. If title to the residence is held jointly by the claimant with a person who is not a member of his or her household, the amount of property taxes accrued used in computing the amount of grant to which he or she is entitled shall be the same percentage of property taxes accrued as is the percentage of ownership held by the claimant in the residence.

(e) More than one residence. If a claimant has occupied more than one residence in the taxable year, he or she may claim only one residence for any part of a month. In the case of property taxes accrued, he or she shall prorate 1/12 of the total property taxes accrued on his or her residence to each month that he or she owned and occupied that residence; and, in the case of rent constituting property taxes accrued, shall prorate each month's rent payments to the residence actually occupied during that month.

(f) There is hereby established a program of pharmaceutical assistance to the aged and disabled which shall be administered by the Department in accordance with this Act, to consist of payments to authorized pharmacies, on behalf of beneficiaries of the program, for the

New matter indicated by italics - deletions by strikeout
reasonable costs of covered prescription drugs. Each beneficiary who pays $5 for an identification card shall pay no additional prescription costs. Each beneficiary who pays $25 for an identification card shall pay $3 per prescription. In addition, after a beneficiary receives $2,000 in benefits during a State fiscal year, that beneficiary shall also be charged 20% of the cost of each prescription for which payments are made by the program during the remainder of the fiscal year. To become a beneficiary under this program a person must: (1) be (i) 65 years of age or older, or (ii) the surviving spouse of such a claimant, who at the time of death received or was entitled to receive benefits pursuant to this subsection, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive benefits pursuant to this subsection, or (iii) disabled, and (2) be domiciled in this State at the time he or she files his or her claim, and (3) have a maximum household income of less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 more persons for the 2000 grant year and thereafter. In addition, each eligible person must (1) obtain an identification card from the Department, (2) at the time the card is obtained, sign a statement assigning to the State of Illinois benefits which may be otherwise claimed under any private insurance plans, and (3) present the identification card to the dispensing pharmacist.

The Department may adopt rules specifying participation requirements for the pharmaceutical assistance program, including copayment amounts, identification card fees, expenditure limits, and the benefit threshold after which a 20% charge is imposed on the cost of each prescription, to be in effect on and after July 1, 2004. Notwithstanding any other provision of this paragraph, however, the Department may not increase the identification card fee above the amount in effect on May 1, 2003 without the express consent of the General Assembly. To the extent practicable, those requirements shall be commensurate with the requirements provided in rules adopted by the Department of Public Aid to implement the pharmacy assistance program under Section 5-5.12a of the Illinois Public Aid Code.

Whenever a generic equivalent for a covered prescription drug is available, the Department shall reimburse only for the reasonable costs of
the generic equivalent, less the co-pay established in this Section, unless 
(i) the covered prescription drug contains one or more ingredients defined 
as a narrow therapeutic index drug at 21 CFR 320.33, (ii) the prescriber 
indicates on the face of the prescription "brand medically necessary", and 
(iii) the prescriber specifies that a substitution is not permitted. When 
issuing an oral prescription for covered prescription medication described 
in item (i) of this paragraph, the prescriber shall stipulate "brand medically 
necessary" and that a substitution is not permitted. If the covered 
prescription drug and its authorizing prescription do not meet the criteria 
listed above, the beneficiary may purchase the non-generic equivalent of 
the covered prescription drug by paying the difference between the generic 
cost and the non-generic cost plus the beneficiary co-pay.

Any person otherwise eligible for pharmaceutical assistance under 
this Act whose covered drugs are covered by any public program for 
assistance in purchasing any covered prescription drugs shall be ineligible 
for assistance under this Act to the extent such costs are covered by such 
other plan.

The fee to be charged by the Department for the identification card 
shall be equal to $5 per coverage year for persons below the official 
poverty line as defined by the United States Department of Health and 
Human Services and $25 per coverage year for all other persons.

In the event that 2 or more persons are eligible for any benefit 
under this Act, and are members of the same household, (1) each such 
person shall be entitled to participate in the pharmaceutical assistance 
program, provided that he or she meets all other requirements imposed by 
this subsection and (2) each participating household member contributes 
the fee required for that person by the preceding paragraph for the purpose 
of obtaining an identification card.

The provisions of this subsection (f), other than this paragraph, are 
inoperative after December 31, 2005. Beneficiaries who received benefits 
under the program established by this subsection (f) are not entitled, at the 
termination of the program, to any refund of the identification card fee 
paid under this subsection.

(g) Effective January 1, 2006, there is hereby established a 
program of pharmaceutical assistance to the aged and disabled, entitled 
the Illinois Seniors and Disabled Drug Coverage Program, which shall be 
administered by the Department of Healthcare and Family Services and 
the Department on Aging in accordance with this subsection, to consist of 
coverage of specified prescription drugs on behalf of beneficiaries of the

New matter indicated by italics - deletions by strikeout
program as set forth in this subsection. The program under this subsection replaces and supersedes the program established under subsection (f), which shall end at midnight on December 31, 2005.

To become a beneficiary under the program established under this subsection, a person must:

1. be (i) 65 years of age or older or (ii) disabled; and
2. be domiciled in this State; and
3. enroll with a qualified Medicare Part D Prescription Drug Plan if eligible and apply for all available subsidies under Medicare Part D; and
4. have a maximum household income of (i) less than $21,218 for a household containing one person, (ii) less than $28,480 for a household containing 2 persons, or (iii) less than $35,740 for a household containing 3 or more persons. If any income eligibility limit set forth in items (i) through (iii) is less than 200% of the Federal Poverty Level for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200% of the Federal Poverty Level.

All individuals enrolled as of December 31, 2005, in the pharmaceutical assistance program operated pursuant to subsection (f) of this Section and all individuals enrolled as of December 31, 2005, in the SeniorCare Medicaid waiver program operated pursuant to Section 5-5.12a of the Illinois Public Aid Code shall be automatically enrolled in the program established by this subsection for the first year of operation without the need for further application, except that they must apply for Medicare Part D and the Low Income Subsidy under Medicare Part D. A person enrolled in the pharmaceutical assistance program operated pursuant to subsection (f) of this Section as of December 31, 2005, shall not lose eligibility in future years due only to the fact that they have not reached the age of 65.

To the extent permitted by federal law, the Department may act as an authorized representative of a beneficiary in order to enroll the beneficiary in a Medicare Part D Prescription Drug Plan if the beneficiary has failed to choose a plan and, where possible, to enroll beneficiaries in the low-income subsidy program under Medicare Part D or assist them in enrolling in that program.

Beneficiaries under the program established under this subsection shall be divided into the following 4 eligibility groups:
(A) Eligibility Group 1 shall consist of beneficiaries who are not eligible for Medicare Part D coverage and who are:
   (i) disabled and under age 65; or
   (ii) age 65 or older, with incomes over 200% of the Federal Poverty Level; or
   (iii) age 65 or older, with incomes at or below 200% of the Federal Poverty Level and not eligible for federally funded means-tested benefits due to immigration status.

(B) Eligibility Group 2 shall consist of beneficiaries otherwise described in Eligibility Group 1 but who are eligible for Medicare Part D coverage.

(C) Eligibility Group 3 shall consist of beneficiaries age 65 or older, with incomes at or below 200% of the Federal Poverty Level, who are not barred from receiving federally funded means-tested benefits due to immigration status and are eligible for Medicare Part D coverage.

(D) Eligibility Group 4 shall consist of beneficiaries age 65 or older, with incomes at or below 200% of the Federal Poverty Level, who are not barred from receiving federally funded means-tested benefits due to immigration status and are not eligible for Medicare Part D coverage.

If the State applies and receives federal approval for a waiver under Title XIX of the Social Security Act, persons in Eligibility Group 4 shall continue to receive benefits through the approved waiver, and Eligibility Group 4 may be expanded to include disabled persons under age 65 with incomes under 200% of the Federal Poverty Level who are not eligible for Medicare and who are not barred from receiving federally funded means-tested benefits due to immigration status.

The program established under this subsection shall cover the cost of covered prescription drugs in excess of the beneficiary cost-sharing amounts set forth in this paragraph that are not covered by Medicare. In 2006, beneficiaries shall pay a co-payment of $2 for each prescription of a generic drug and $5 for each prescription of a brand-name drug. In future years, beneficiaries shall pay co-payments equal to the co-payments required under Medicare Part D for "other low-income subsidy eligible individuals" pursuant to 42 CFR 423.782(b). Once the program established under this subsection and Medicare combined have paid $1,750 in a year for covered prescription drugs, the beneficiary shall pay...
20% of the cost of each prescription in addition to the co-payments set forth in this paragraph.

For beneficiaries eligible for Medicare Part D coverage, the program established under this subsection shall pay 100% of the premiums charged by a qualified Medicare Part D Prescription Drug Plan for Medicare Part D basic prescription drug coverage, not including any late enrollment penalties. Qualified Medicare Part D Prescription Drug Plans may be limited by the Department of Healthcare and Family Services to those plans that sign a coordination agreement with the Department.

Notwithstanding Section 3.15, for purposes of the program established under this subsection, the term "covered prescription drug" has the following meanings:

For Eligibility Group 1, "covered prescription drug" means: (1) any cardiovascular agent or drug; (2) any insulin or other prescription drug used in the treatment of diabetes, including syringe and needles used to administer the insulin; (3) any prescription drug used in the treatment of arthritis; (4) any prescription drug used in the treatment of cancer; (5) any prescription drug used in the treatment of Alzheimer's disease; (6) any prescription drug used in the treatment of Parkinson's disease; (7) any prescription drug used in the treatment of glaucoma; (8) any prescription drug used in the treatment of lung disease and smoking-related illnesses; (9) any prescription drug used in the treatment of osteoporosis; and (10) any prescription drug used in the treatment of multiple sclerosis. The Department may add additional therapeutic classes by rule. The Department may adopt a preferred drug list within any of the classes of drugs described in items (1) through (10) of this paragraph. The specific drugs or therapeutic classes of covered prescription drugs shall be indicated by rule.

For Eligibility Group 2, "covered prescription drug" means those drugs covered for Eligibility Group 1 that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

For Eligibility Group 3, "covered prescription drug" means those drugs covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.
For Eligibility Group 4, "covered prescription drug" means those drugs covered by the Medical Assistance Program under Article V of the Illinois Public Aid Code.

An individual in Eligibility Group 3 or 4 may opt to receive a $25 monthly payment in lieu of the direct coverage described in this subsection.

Any person otherwise eligible for pharmaceutical assistance under this subsection whose covered drugs are covered by any public program is ineligible for assistance under this subsection to the extent that the cost of those drugs is covered by the other program.

The Department of Healthcare and Family Services shall establish by rule the methods by which it will provide for the coverage called for in this subsection. Those methods may include direct reimbursement to pharmacies or the payment of a capitated amount to Medicare Part D Prescription Drug Plans.

For a pharmacy to be reimbursed under the program established under this subsection, it must comply with rules adopted by the Department of Healthcare and Family Services regarding coordination of benefits with Medicare Part D Prescription Drug Plans. A pharmacy may not charge a Medicare-enrolled beneficiary of the program established under this subsection more for a covered prescription drug than the appropriate Medicare cost-sharing less any payment from or on behalf of the Department of Healthcare and Family Services.

The Department of Healthcare and Family Services or the Department on Aging, as appropriate, may adopt rules regarding applications, counting of income, proof of Medicare status, mandatory generic policies, and pharmacy reimbursement rates and any other rules necessary for the cost-efficient operation of the program established under this subsection.

(Source: P.A. 92-131, eff. 7-23-01; 92-519, eff. 1-1-02; 92-651, eff. 7-11-02; 93-130, eff. 7-10-03.)

Section 10. The Senior Citizens and Disabled Persons Prescription Drug Discount Program Act is amended by changing the title of the Act and Sections 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 as follows:

(320 ILCS 55/Act title) An Act concerning discount prescription drugs for Illinois residents senior citizens.

(320 ILCS 55/1)
Sec. 1. Short title. This Act may be cited as the Illinois Senior Citizens and Disabled Persons Prescription Drug Discount Program Act.

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout
from the drug pricing database synonymous with the latest publication of the Red Book and furnished in the National Drug Data File (NDDF) by First Data Bank (FDB), a service of the Hearst Corporation.

"Covered medication" means any medication included in the Illinois Prescription Drug Discount Program.

"Department" means the Department of Healthcare and Family Central Management Services.

"Director" means the Director of Healthcare and Family Central Management Services.

"Disabled person" means a person unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months.

"Drug manufacturer" means any entity (1) that is located within or outside Illinois that is engaged in (i) the production, preparation, propagation, compounding, conversion, or processing of prescription drug products covered under the program, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis or (ii) the packaging, repackaging, leveling, labeling, or distribution of prescription drug products covered under the program and (2) that elects to provide prescription drugs either directly or under contract with any entity providing prescription drug services on behalf of the State of Illinois. "Drug manufacturer", however, does not include a wholesale distributor of drugs or a retail pharmacy licensed under Illinois law.

"Federal Poverty Limit" or "FPL" means the Federal Poverty Income Guidelines published annually in the Federal Register.

"Eligible senior" means a person who is (i) a resident of Illinois and (ii) 65 years of age or older.

"Prescription drug" means any prescribed drug that may be legally dispensed by an authorized pharmacy.

"Program" means the Illinois Senior Citizens and Disabled Persons Prescription Drug Discount Program created under this Act.

"Program administrator" means the entity that is chosen by the Department to administer the program. The program administrator may, in this case, be the Director or a Pharmacy Benefits Manager (PBM) chosen to subcontract with the Director.

New matter indicated by italics - deletions by strikeout
"Rules" includes rules adopted and forms prescribed by the Department.
(Source: P.A. 93-18, eff. 7-1-03.)

(320 ILCS 55/20)
Sec. 20. The Illinois Senior Citizens and Disabled Persons Prescription Drug Discount Program. The Illinois Senior Citizens and Disabled Persons Prescription Drug Discount Program is established to protect the health and safety of Illinois residents senior citizens and disabled persons. The program shall be administered by the Department. The Department or its program administrator shall (i) enroll eligible persons seniors and disabled persons into the program, as provided in Section 35 of this Act, to qualify them for a discount on the purchase of prescription drugs at an authorized pharmacy; (ii) enter into rebate agreements with drug manufacturers, as provided under Section 30 of this Act; and (iii) subject to the provisions of Section 47 of this Act, compensate pharmacies participating in the program as provided under Section 25 of this Act.
(Source: P.A. 93-18, eff. 7-1-03.)

(320 ILCS 55/25)
Sec. 25. Program administration.
(a) The Department is authorized under this Act to be the program administrator. If the Department is not the program administrator, 90 days after the effective date of this Act, the Department must issue a request for proposals for bidders interested in administering the program. Bidders must compete on the basis of the following minimum criteria:

(1) The Director shall solicit and accept proposals from entities to provide for administration of a program or programs in accordance with rules adopted under Section 45. Proposals must be submitted not later than a date established by the Director. The Director shall accept only those proposals that specify the following:

(A) The estimated amount of the discount based on the AWP of the covered medications entity’s previous experience and how the discount is to be achieved.

(B) Administrative fees charged by the entity. The extent that discounts on prescription drugs are to be achieved through rebates, administrative fees, or other fees or discounts in prices that the entity negotiates with drug...
manufacturers. The proposals shall assure that rebates or discounts will be used to do the following:

(i) reduce costs to cardholders;

(ii) achieve discounts for cardholders; and

(iii) cover costs for administering the program.

(C) Annual membership fees Any other benefits offered to the cardholders.

(D) The estimated number and geographic distribution of participating pharmacies in the administrator's pharmacy network.

(E) The plan for pharmacy compensation, pursuant to subsection (c) of this Section.

(F) The method used for determining the prescription drugs to be covered by the program, and including the criteria and process for establishing a preferred drug list, if applicable.

(G) How the entity proposes to improve medication management for cardholders, including any program of disease management.

(H) How cardholders and participating pharmacies will be informed of the discounted price negotiated by the entity.

(I) How the entity will handle complaints about the program's operation.

(J) The entity's previous experience in managing similar programs.

(K) Any additional information requested by the Director.

(2) The Director shall contract with one or more entities to administer a program or programs on the basis of the proposals submitted, but may require an administrator to modify its conduct of a program in accordance with rules adopted under Section 45.

The Director shall adopt rules specifying the period for which a contract will be in effect and may terminate a contract if an administrator fails to conduct a program in accordance with its proposal or with any modifications required by rule. When a contract period ends or a contract is terminated, the Director shall enter into a new contract in the manner specified in this Section for

New matter indicated by italics - deletions by strikeout
an original contract. Prior to making a new contract, the Director may modify the rules for administration of the program or programs.

(b) As used in this Section, "administrator" includes the administrator's parent company and any subsidiary of the parent company.

(1) No administrator shall sell any information concerning a person who holds a prescription drug discount card, other than aggregate information that does not identify the cardholder or the physician prescribing the medication, without the cardholder's written consent.

(2) Unless an administrator has the cardholder's written consent, no administrator shall use any personally identifiable information that it obtains concerning a cardholder through the program to promote or sell a program or product offered by the administrator that is not related to the administration of the program. This subsection (b) does not prohibit an administrator from contacting cardholders concerning participation in or administration of the program, including, but not limited to, mailing a list of pharmacies participating in the program's network or participating in disease management programs.

(3) (Blank). To the extent that a discount is achieved through rebates, administrative fees, or any other fees or discounts in prices that an administrator negotiates with drug manufacturers, an administrator shall use the rebates or discounts to do the following:

(A) reduce costs to cardholders;
(B) achieve discounts for cardholders; and
(C) cover any administrative costs of the program.

(4) The administrator shall not use any funds generated from rebates, discounts, administrative fees, or other fees to promote its mail order pharmacy operation or the mail order pharmacy operation of an affiliate. This subdivision (b)(4) does not, however, limit the participation of an Illinois-licensed pharmacy under this Act if that pharmacy provides prescription drugs by mail order.

(c) (Blank). Beginning on January 1, 2004, the amount paid by eligible seniors and disabled persons enrolled in the program to authorized pharmacies for prescription drugs may not exceed prices established as a result of the rebate agreements under Section 30. The eligible seniors and

New matter indicated by italics - deletions by strikeout
disabled persons shall pay the price determined under Section 30 plus a dispensing fee of $3.50 per prescription for brand-name drug products, single-source drug products, and, for a period of 6 months, newly released generic drug products and $4.25 per prescription for all other generic drug products, except that the total amount paid by the eligible senior or disabled person for each prescription drug under this program shall not exceed the usual and customary charge for such prescription.

(d) The contract between the Department and a pharmacy benefits manager must, at a minimum, meet the criteria of subsection (a). The contract must also require notification by the pharmacy benefits manager of any proposed or ongoing activity that involves, directly or indirectly, any conflict of interest on the part of the pharmacy benefits manager. The Department shall ensure that the pharmacy benefits manager complies with the contract and shall adopt all procedures necessary to enforce the contract.

(e) (Blank). The Department or program administrator shall, subject to the funds available under Section 30 of this Act, compensate authorized pharmacies for prescription drugs dispensed under the program for the difference between the amount paid by the eligible senior or disabled person for prescription drugs dispensed under the program and (i) the AWP minus 12% for brand name drug products, single-source generic drug products, and, for a period of 6 months, newly released generic drug products and (ii) the AWP minus 35% for all other generic drug products. The Department shall compensate a pharmacy under this subsection (e) only if the amount paid by the eligible senior or disabled person has been discounted to a price, including the dispensing fees stated in subsection (c) of this Section, that is less than (i) the AWP minus 12% for brand name drug products, single-source generic drug products, and, for a period of 6 months, newly released generic drug products and (ii) the AWP minus 35% for all other generic drug products.

(f) The beginning on January 1, 2004, the Department or program administrator shall reimburse pharmacies at negotiated rates based on market conditions under this Section within 30 days after adjudication of the claim.

(Source: P.A. 93-18, eff. 7-1-03.)

Sec. 30. Manufacturer rebate agreements.

(a) Taking into consideration the extent to which the State pays for prescription drugs under various State programs and the provision of
assistance to disabled persons or eligible seniors under patient assistance programs, prescription drug discount programs, or other offers for free or reduced price medicine, clinical research projects, limited supply distribution programs, compassionate use programs, or programs of research conducted by or for a drug manufacturer, the Department, its agent, or the program administrator shall negotiate and enter into rebate agreements with drug manufacturers, as defined in this Act, to effect prescription drug price discounts. The Department or program administrator may exclude certain medications from the list of covered medications and may establish a preferred drug list as a basis for determining the discounts, administrative fees, or other fees or rebates under this Section.

(b) (Blank). Rebate payment procedures. All rebates negotiated under agreements described in this Section shall be paid in accordance with procedures prescribed by the Department or the program administrator.

(c) Receipts from rebates shall be used to provide discounts for prescription drugs purchased by cardholders eligible seniors and disabled persons and to cover the cost of administering the program, including compensation to be paid to participating pharmacies by the Department or program administrator under subsection (c) of Section 25. Any receipts to be allocated to the Department shall be deposited into the Illinois Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund, a special fund hereby created in the State treasury.

(Source: P.A. 93-18, eff. 7-1-03.)

(320 ILCS 55/35)
Sec. 35. Program eligibility.

(a) Any person may apply to the Department or its program administrator for participation in the program in the form and manner required by the Department. The Department or its program administrator shall determine the eligibility of each applicant for the program within 30 days after the date of application. To participate in the program an eligible Illinois resident senior or disabled person whose application has been approved must pay the fee determined by the Director upon enrollment and annually thereafter and shall receive a program identification card. The card may be presented to an authorized pharmacy to assist the pharmacy in verifying eligibility under the program. If the Department is the program administrator, the Department shall deposit the enrollment fees collected into the Illinois Senior Citizens and
Disabled Persons Prescription Drug Discount Program Fund. If the program administrator is a contracted vendor, the vendor may collect the enrollment fees and must report all such collected enrollment fees to the Department on a regular basis. The moneys collected by the Department for enrollment fees and deposited into the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund must be separately accounted for by the Department. If 2 or more persons are eligible for any benefit under this Act and are members of the same household, each participating household member shall apply to the Department and pay the fee required for the purpose of obtaining an identification card. To participate in the program, an applicant must (i) be a resident of Illinois and (ii) have household income equal to or less than 300% of the Federal Poverty Level.

(b) Proceeds from annual enrollment fees shall be used by the Department to offset the administrative cost of this Act. The Department may reduce the annual enrollment fee by rule if the revenue from the enrollment fees is in excess of the costs to carry out the program.

(c) (Blank). Any person who is eligible for pharmaceutical assistance under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is presumed to be eligible for this program. The enrollment fee under this Act is not required for such persons. That person may purchase prescription drugs under this program that are not covered by the pharmaceutical assistance program under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act by using the identification card issued under the pharmaceutical assistance program.

(Source: P.A. 93-18, eff. 7-1-03.)

(320 ILCS 55/40)
Sec. 40. Eligible pharmacies.
(a) The Department or its program administrator shall adopt rules to establish standards and procedures for participation in the program and approve those pharmacies that apply to participate and meet the requirements for participation. Pharmacies in the program administrator's network must also comply with the Department's standards and procedures for participation.

(b) The Department shall establish procedures for properly contracting for pharmacy services, validating reimbursement claims, validating compliance of authorized pharmacies with the conditions for participation required under this Act, and otherwise providing for the

New matter indicated by italics - deletions by strikeout
Effective administration of this Act. The Director, in consultation with pharmacists licensed under the Pharmacy Practice Act of 1987, may enter into a written contract with any other State agency, instrumentality, or political subdivision or with a fiscal intermediary for the purpose of making payments to authorized pharmacies and coordinating the program with other programs that provide payments for prescription drugs covered under the program.

(Source: P.A. 93-18, eff. 7-1-03.)

(320 ILCS 55/45)

Sec. 45. Rules. The Department shall adopt rules to implement and administer the program, which shall include the following:

(1) Execution of contracts with pharmacies to participate in the program. The contracts shall stipulate terms and conditions for the participation of authorized pharmacies and the rights of the State to terminate participation for breach of the contract or for violation of this Act or rules adopted by the Department under this Act.

(2) Establishment of maximum limits on the size of prescriptions that are eligible for a discount under the program, up to a 90-day supply, except as may be necessary for utilization control reasons.

(3) Inspection of appropriate records and audits of participating authorized pharmacies to ensure contract compliance and to determine any fraudulent transactions or practices under this Act.

(4) Specify how a resident may apply to participate in the program.

(5) Specify the circumstances under which the Director may require an administrator to modify its conduct of the program.

(6) Specify the duration of a contract.

(7) Require that an administrator permit any Illinois-licensed pharmacy willing to comply with the requirements of this Act and terms and conditions for participation in the program's network to participate in the network used by the administrator for its program.

(8) Permit an administrator to negotiate with one or more drug manufacturers for discounts in drug prices or rebates.

(9) Permit an administrator to receive any rebate payments from drug manufacturers.

New matter indicated by italics - deletions by strikeout
(10) Permit an administrator to develop, administer, and promote a program of disease management pursuant to written agreements between the administrator and pharmacies participating under the program established by this Act.

(11) Permit an administrator to collect the enrollment fee from applicants.

(Source: P.A. 93-18, eff. 7-1-03.)

(320 ILCS 55/50)
Sec. 50. Report on administration of program. The Department shall report to the Governor and the General Assembly by March 1st of each year on the administration of the program under this Act. The report shall include but not be limited to the following:

(1) the number of Illinois residents disabled persons and seniors eligible and enrolled in the program, by county;

(2) the activities undertaken by the State to inform Illinois residents disabled persons and seniors about the program;

(3) the number of prescriptions filled under the program for enrollees, and the estimated savings for enrollees;

(4) a listing of the manufacturers and pharmacies participating in the program;

(5) the amount of enrollment fees and rebates collected under the program, and any additional funds or resources made available to cover the cost of the program;

(6) the itemized annual cost of administering the program; and

(7) findings and recommendations regarding problems and solutions related to the program, together with proposals for changes in the rules, regulations, or laws necessary to improve the administration of the program.

(Source: P.A. 93-18, eff. 7-1-03.)

(320 ILCS 55/17 rep.)
Section 15. The Senior Citizens and Disabled Persons Prescription Drug Discount Program Act is amended by repealing Section 17.

Section 20. The State Finance Act is amended by changing Section 5.595 as follows:

(30 ILCS 105/5.595)
Sec. 5.595. The Illinois Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund.

(Source: P.A. 93-18, eff. 7-1-03.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 26, 2005.
Approved June 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0087
(House Bill No. 0783)

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

Section 1. Short title. This Act may be cited as the Child Support
Payment Act.

Section 5. Definitions. In this Act:
"Currency exchange" means a currency exchange licensed under
the Currency Exchange Act.
"Obligee", "obligor", "order for support", and "State Disbursement
Unit" have the meanings attributed to those terms in the Income
Withholding for Support Act.

Section 10. Payment of child support at currency exchange. An
obligor under an order for support of a child may make any payment
of child support required under that order at a currency exchange. When an
obligor makes a payment of child support at a currency exchange, the
obligor must provide the currency exchange with information sufficient to
enable the currency exchange to transmit the amount of the payment to the
State Disbursement Unit under the order for support.

Section 99. Effective date. This Act takes effect upon becoming
law.
Passed in the General Assembly May 27, 2005.
Approved June 30, 2005.
Effective June 30, 2005.

PUBLIC ACT 94-0088
(House Bill No. 0785)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Public Aid Code is amended by changing Section 10-10 and by adding Section 10-28 as follows:

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

Sec. 10-10. Court enforcement; applicability also to persons who are not applicants or recipients. Except where the Illinois Department, by agreement, acts for the local governmental unit, as provided in Section 10-3.1, local governmental units shall refer to the State's Attorney or to the proper legal representative of the governmental unit, for judicial enforcement as herein provided, instances of non-support or insufficient support when the dependents are applicants or recipients under Article VI. The Child and Spouse Support Unit established by Section 10-3.1 may institute in behalf of the Illinois Department any actions under this Section for judicial enforcement of the support liability when the dependents are (a) applicants or recipients under Articles III, IV, V or VII; (b) applicants or recipients in a local governmental unit when the Illinois Department, by agreement, acts for the unit; or (c) non-applicants or non-recipients who are receiving child support enforcement services under this Article X, as provided in Section 10-1. Where the Child and Spouse Support Unit has exercised its option and discretion not to apply the provisions of Sections 10-3 through 10-8, the failure by the Unit to apply such provisions shall not be a bar to bringing an action under this Section.

Action shall be brought in the circuit court to obtain support, or for the recovery of aid granted during the period such support was not provided, or both for the obtainment of support and the recovery of the aid provided. Actions for the recovery of aid may be taken separately or they may be consolidated with actions to obtain support. Such actions may be brought in the name of the person or persons requiring support, or may be brought in the name of the Illinois Department or the local governmental unit, as the case requires, in behalf of such persons.

The court may enter such orders for the payment of moneys for the support of the person as may be just and equitable and may direct payment thereof for such period or periods of time as the circumstances require, including support for a period before the date the order for support is entered. The order may be entered against any or all of the defendant responsible relatives and may be based upon the proportionate ability of each to contribute to the person's support.

The Court shall determine the amount of child support (including child support for a period before the date the order for child support is entered) by using the guidelines and standards set forth in subsection (a) of

New matter indicated by italics - deletions by strikeout
Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of determining the amount of child support to be paid for a period before the date the order for child support is entered, there is a rebuttable presumption that the responsible relative's net income for that period was the same as his or her net income at the time the order is entered.

If (i) the responsible relative was properly served with a request for discovery of financial information relating to the responsible relative's ability to provide child support, (ii) the responsible relative failed to comply with the request, despite having been ordered to do so by the court, and (iii) the responsible relative is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the responsible relative's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

The Court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment

New matter indicated by italics - deletions by strikeout
to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

When an order is entered for the support of a minor, the court may provide therein for reasonable visitation of the minor by the person or persons who provided support pursuant to the order. Whoever willfully refuses to comply with such visitation order or willfully interferes with its enforcement may be declared in contempt of court and punished therefor.

Except where the local governmental unit has entered into an agreement with the Illinois Department for the Child and Spouse Support Unit to act for it, as provided in Section 10-3.1, support orders entered by the court in cases involving applicants or recipients under Article VI shall provide that payments thereunder be made directly to the local governmental unit. Orders for the support of all other applicants or recipients shall provide that payments thereunder be made directly to the Illinois Department. In accordance with federal law and regulations, the Illinois Department may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. In both cases the order shall permit the local governmental unit or the Illinois Department, as the case may be, to direct the responsible relative or relatives to make support payments directly to the needy person, or to some person or agency in his behalf, upon removal of the person from the public aid rolls or upon termination of services under Article X.

If the notice of support due issued pursuant to Section 10-7 directs that support payments be made directly to the needy person, or to some person or agency in his behalf, and the recipient is removed from the public aid rolls, court action may be taken against the responsible relative hereunder if he fails to furnish support in accordance with the terms of such notice.

New matter indicated by italics - deletions by strikeout
Actions may also be brought under this Section in behalf of any person who is in need of support from responsible relatives, as defined in Section 2-11 of Article II who is not an applicant for or recipient of financial aid under this Code. In such instances, the State's Attorney of the county in which such person resides shall bring action against the responsible relatives hereunder. If the Illinois Department, as authorized by Section 10-1, extends the child support enforcement services provided by this Article to spouses and dependent children who are not applicants or recipients under this Code, the Child and Spouse Support Unit established by Section 10-3.1 shall bring action against the responsible relatives hereunder and any support orders entered by the court in such cases shall provide that payments thereunder be made directly to the Illinois Department.

Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving child support enforcement services under this Article X, the court may order the unemployed person to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 and Article IXA of this Code.

Whenever it is determined that a person owes past-due support for a child receiving assistance under this Code, the court shall order at the request of the Illinois Department:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of this Code as the court deems appropriate.

A determination under this Section shall not be administratively reviewable by the procedures specified in Sections 10-12, and 10-13 to 10-13.10. Any determination under these Sections, if made the basis of court
action under this Section, shall not affect the de novo judicial determination required under this Section.

A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of this Code and shall be enforced by the court upon petition.

All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving child support enforcement services under this Article X, the Illinois Department, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Code, which service shall be sufficient for purposes of due process.

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

Upon notification in writing or by electronic transmission from the Illinois Department to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of

New matter indicated by italics - deletions by strikeout
the court shall be transmitted in accordance with the instructions of the Illinois Department until the Illinois Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department's notification in the court file. The clerk's failure to file a copy of the notification in the court file shall not, however, affect the Illinois Department's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9.1 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaing to the State Disbursement Unit shall apply.

(Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; revised 9-27-03.)

Sec. 10-28. Notice of child support enforcement services. The Illinois Department may provide notice at any time to the parties to a judicial action filed under this Code, or under any other law providing for support of a spouse or dependent child, that child support enforcement services are being provided by the Illinois Department under this Article X. The notice shall be sent by regular mail to the party's last known address on file with the clerk of the court or the State Case Registry established under Section 10-27. After notice is provided pursuant to this Section, the Illinois Department shall be entitled, as if it were a party, to notice of any further proceedings brought in the case. The Illinois Department shall provide the clerk of the court with copies of the notices sent to the parties. The clerk shall file the copies in the court file.

Section 10. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 507, 705, and 709 and by adding Section 517 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 507. Payment of maintenance or support to court.

(a) In actions instituted under this Act, the court shall order that maintenance and support payments be made to the clerk of court as trustee for remittance to the person entitled to receive the payments. However, the court in its discretion may direct otherwise where circumstances so warrant.

Upon notification in writing or by electronic transmission from the Illinois Department of Public Aid to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department of Public Aid until the Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department of Public Aid shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department of Public Aid's notification in the court file. The failure of the clerk to file a copy of the notification in the court file shall not, however, affect the Illinois Department of Public Aid's right to receive notice of further proceedings.

(b) The clerk of court shall maintain records listing the amount of payments, the date payments are required to be made and the names and addresses of the parties affected by the order. For those cases in which support is payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid by order of the court or upon notification of the Illinois Department of Public Aid, and the Illinois Department of Public Aid collects support by assignment, offset, withholding, deduction or other process permitted by law, the Illinois Department shall notify the clerk of the date and amount of such collection. Upon notification, the clerk shall record the collection on the payment record for the case.

(c) The parties affected by the order shall inform the clerk of court of any change of address or of other condition that may affect the administration of the order.

(d) The provisions of this Section shall not apply to cases that come under the provisions of Sections 709 through 712.
(e) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 507.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99; 90-790, eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

(750 ILCS 5/517 new)

Sec. 517. Notice of child support enforcement services. The Illinois Department of Public Aid may provide notice at any time to the parties to an action filed under this Act that child support enforcement services are being provided by the Illinois Department under Article X of the Illinois Public Aid Code. The notice shall be sent by regular mail to the party's last known address on file with the clerk of the court or the State Case Registry established under Section 10-27 of the Illinois Public Aid Code. After notice is provided pursuant to this Section, the Illinois Department shall be entitled, as if it were a party, to notice of any further proceedings brought in the case. The Illinois Department shall provide the clerk of the court with copies of the notices sent to the parties. The clerk shall file the copies in the court file.

(750 ILCS 5/705) (from Ch. 40, par. 705)

Sec. 705. Support payments; receiving and disbursing agents.

(1) The provisions of this Section shall apply, except as provided in Sections 709 through 712.

(2) In a dissolution of marriage action filed in a county of less than 3 million population in which an order or judgment for child support is entered, and in supplementary proceedings in any such county to enforce or vary the terms of such order or judgment arising out of an action for dissolution of marriage filed in such county, the court, except as it otherwise orders, under subsection (4) of this Section, may direct that child support payments be made to the clerk of the court.

(3) In a dissolution of marriage action filed in any county of 3 million or more population in which an order or judgment for child support is entered, and in supplementary proceedings in any such county to enforce or vary the terms of such order or judgment arising out of an action for dissolution of marriage filed in such county, the court, except as it otherwise orders under subsection (4) of this Section, may direct that child support payments be made either to the clerk of the court or to the Court Service Division of the County Department of Public Aid. After the

New matter indicated by italics - deletions by strikeout
effective date of this Act, the court, except as it otherwise orders under subsection (4) of this Section, may direct that child support payments be made either to the clerk of the court or to the Illinois Department of Public Aid.

(4) In a dissolution of marriage action or supplementary proceedings involving maintenance or child support payments, or both, to persons who are recipients of aid under the Illinois Public Aid Code, the court shall direct that such payments be made to (a) the Illinois Department of Public Aid if the persons are recipients under Articles III, IV, or V of the Code, or (b) the local governmental unit responsible for their support if they are recipients under Articles VI or VII of the Code. In accordance with federal law and regulations, the Illinois Department of Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department of Public Aid shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The order shall permit the Illinois Department of Public Aid or the local governmental unit, as the case may be, to direct that payments be made directly to the former spouse, the children, or both, or to some person or agency in their behalf, upon removal of the former spouse or children from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; and upon such direction, the Illinois Department or local governmental unit, as the case requires, shall give notice of such action to the court in writing or by electronic transmission.

(5) All clerks of the court and the Court Service Division of a County Department of Public Aid and, after the effective date of this Act, all clerks of the court and the Illinois Department of Public Aid, receiving child support payments under subsections (2) and (3) of this Section shall disburse the payments to the person or persons entitled thereto under the terms of the order or judgment. They shall establish and maintain current records of all moneys received and disbursed and of defaults and delinquencies in required payments. The court, by order or rule, shall make provision for the carrying out of these duties.

Upon notification in writing or by electronic transmission from the Illinois Department of Public Aid to the clerk of the court that a person who is receiving support payments under this Section is receiving services

New matter indicated by italics - deletions by strikeout
under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department of Public Aid until the Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department of Public Aid shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department of Public Aid's notification in the court file. The failure of the clerk to file a copy of the notification in the court file shall not, however, affect the Illinois Department of Public Aid's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department of Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund. Any order of court directing payment of child support to a clerk of court or the Court Service Division of a County Department of Public Aid, which order has been entered on or after August 14, 1961, and prior to the effective date of this Act, may be amended by the court in line with this Act; and orders involving payments of maintenance or child support to recipients of public aid may in like manner be amended to conform to this Act.

(6) No filing fee or costs will be required in any action brought at the request of the Illinois Department of Public Aid in any proceeding under this Act. However, any such fees or costs may be assessed by the court against the respondent in the court's order of support or any modification thereof in a proceeding under this Act.

(7) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid by order of court or upon notification by the Illinois Department of Public Aid, the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the
Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

In any action filed in a county with a population of 1,000,000 or less, the court shall assess against the respondent in any order of maintenance or child support any sum up to $36 annually authorized by ordinance of the county board to be collected by the clerk of the court as costs for administering the collection and disbursement of maintenance and child support payments. Such sum shall be in addition to and separate from amounts ordered to be paid as maintenance or child support.

(8) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 507.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

(750 ILCS 5/709) (from Ch. 40, par. 709)
Sec. 709. Mandatory child support payments to clerk.

(a) As of January 1, 1982, child support orders entered in any county covered by this subsection shall be made pursuant to the provisions of Sections 709 through 712 of this Act. For purposes of these Sections, the term "child support payment" or "payment" shall include any payment ordered to be made solely for the purpose of the support of a child or children or any payment ordered for general support which includes any amount for support of any child or children.

The provisions of Sections 709 through 712 shall be applicable to any county with a population of 2 million or more and to any other county which notifies the Supreme Court of its desire to be included within the coverage of these Sections and is certified pursuant to Supreme Court Rules.

The effective date of inclusion, however, shall be subject to approval of the application for reimbursement of the costs of the support program by the Department of Public Aid as provided in Section 712.
(b) In any proceeding for a dissolution of marriage, legal separation, or declaration of invalidity of marriage, or in any supplementary proceedings in which a judgment or modification thereof for the payment of child support is entered on or after January 1, 1982, in any county covered by Sections 709 through 712, and the person entitled to payment is receiving a grant of financial aid under Article IV of the Illinois Public Aid Code or has applied and qualified for child support enforcement services under Section 10-1 of that Code, the court shall direct: (1) that such payments be made to the clerk of the court and (2) that the parties affected shall each thereafter notify the clerk of any change of address or change in other conditions that may affect the administration of the order, including the fact that a party who was previously not on public aid has become a recipient of public aid, within 10 days of such change. All notices sent to the obligor's last known address on file with the clerk shall be deemed sufficient to proceed with enforcement pursuant to the provisions of Sections 709 through 712.

In all other cases, the court may direct that payments be made to the clerk of the court.

(c) Except as provided in subsection (d) of this Section, the clerk shall disburse the payments to the person or persons entitled thereto under the terms of the order or judgment.

(d) The court shall determine, prior to the entry of the support order, if the party who is to receive the support is presently receiving public aid or has a current application for public aid pending and shall enter the finding on the record.

If the person entitled to payment is a recipient of aid under the Illinois Public Aid Code, the clerk, upon being informed of this fact by finding of the court, by notification by the party entitled to payment, by the Illinois Department of Public Aid or by the local governmental unit, shall make all payments to: (1) the Illinois Department of Public Aid if the person is a recipient under Article III, IV, or V of the Code or (2) the local governmental unit responsible for his or her support if the person is a recipient under Article VI or VII of the Code. In accordance with federal law and regulations, the Illinois Department of Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department of Public Aid shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any

New matter indicated by italics - deletions by strikeout
collection fee from the amount of any recovery made. Upon termination of public aid payments to such a recipient or termination of services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid or the appropriate local governmental unit shall notify the clerk in writing or by electronic transmission that all subsequent payments are to be sent directly to the person entitled thereto.

Upon notification in writing or by electronic transmission from the Illinois Department of Public Aid to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department of Public Aid until the Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department of Public Aid shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department of Public Aid's notification in the court file. The failure of the clerk to file a copy of the notification in the court file shall not, however, affect the Illinois Department of Public Aid's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department of Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(e) Any order or judgment may be amended by the court, upon its own motion or upon the motion of either party, to conform with the provisions of Sections 709 through 712, either as to the requirement of making payments to the clerk or, where payments are already being made to the clerk, as to the statutory fees provided for under Section 711.

(f) The clerk may invest in any interest bearing account or in any securities, monies collected for the benefit of a payee, where such payee cannot be found; however, the investment may be only for the period until the clerk is able to locate and present the payee with such monies. The clerk may invest in any interest bearing account, or in any securities,
monies collected for the benefit of any other payee; however, this does not alter the clerk's obligation to make payments to the payee in a timely manner. Any interest or capital gains accrued shall be for the benefit of the county and shall be paid into the special fund established in subsection (b) of Section 711.

(g) The clerk shall establish and maintain a payment record of all monies received and disbursed and such record shall constitute prima facie evidence of such payment and non-payment, as the case may be.

(h) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid by order of court or upon notification by the Illinois Department of Public Aid, the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

(i) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 507.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 92-16, eff. 6-28-01; 92-590, eff. 7-1-02.)

Section 15. The Non-Support Punishment Act is amended by changing Section 25 as follows:

Sec. 25. Payment of support to State Disbursement Unit; clerk of the court.

(a) As used in this Section, "order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act.

(b) Each order for support entered or modified under Section 20 of this Act shall require that support payments be made to the State
Disbursement Unit established under the Illinois Public Aid Code, under the following circumstances:

(1) when a party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(2) when no party to the order is receiving child support enforcement services, but the support payments are made through income withholding.

(c) When no party to the order is receiving child support enforcement services, and payments are not being made through income withholding, the court shall order the obligor to make support payments to the clerk of the court.

(d) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Public Aid may provide notice to the obligor and, where applicable, to the obligor's payor:

(1) to make support payments to the State Disbursement Unit if:

   (A) a party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

   (B) no party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code, but the support payments are made through income withholding; or

(2) to make support payments to the State Disbursement Unit of another state upon request of another state's Title IV-D child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D.

The Department of Public Aid shall provide a copy of the notice to the obligee and to the clerk of the circuit court.

(e) If a State Disbursement Unit as specified by federal law has not been created in Illinois upon the effective date of this Act, then, until the creation of a State Disbursement Unit as specified by federal law, the following provisions regarding payment and disbursement of support payments shall control and the provisions in subsections (a), (b), (c), and (d) shall be inoperative. Upon the creation of a State Disbursement Unit as specified by federal law, the payment and disbursement provisions of

New matter indicated by italics - deletions by strikeout
subsections (a), (b), (c), and (d) shall control, and this subsection (e) shall be inoperative to the extent that it conflicts with those subsections.

(1) In cases in which an order for support is entered under Section 20 of this Act, the court shall order that maintenance and support payments be made to the clerk of the court for remittance to the person or agency entitled to receive the payments. However, the court in its discretion may direct otherwise where exceptional circumstances so warrant.

(2) The court shall direct that support payments be sent by the clerk to (i) the Illinois Department of Public Aid if the person in whose behalf payments are made is receiving aid under Articles III, IV, or V of the Illinois Public Aid Code, or child support enforcement services under Article X of the Code, or (ii) to the local governmental unit responsible for the support of the person if he or she is a recipient under Article VI of the Code. In accordance with federal law and regulations, the Illinois Department of Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The order shall permit the Illinois Department of Public Aid or the local governmental unit, as the case may be, to direct that support payments be made directly to the spouse, children, or both, or to some person or agency in their behalf, upon removal of the spouse or children from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; and upon such direction, the Illinois Department or the local governmental unit, as the case requires, shall give notice of such action to the court in writing or by electronic transmission.

(3) The clerk of the court shall establish and maintain current records of all moneys received and disbursed and of delinquencies and defaults in required payments. The court, by order or rule, shall make provision for the carrying out of these duties.

(4) (Blank). Upon notification in writing or by electronic transmission from the Illinois Department of Public Aid to the
clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department of Public Aid until the Department gives notice to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department of Public Aid shall be a party and entitled to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department of Public Aid's notification in the court file. The failure of the clerk to file a copy of the notification in the court file shall not, however, affect the Illinois Department of Public Aid's rights as a party or its right to receive notice of further proceedings.

(5) Payments under this Section to the Illinois Department of Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All other payments under this Section to the Illinois Department of Public Aid shall be deposited in the Public Assistance Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(6) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid by order of court or upon notification by the Illinois Department of Public Aid, the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for,
transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

(Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02.)

Section 20. The Illinois Parentage Act of 1984 is amended by changing Section 21 and by adding Section 28 as follows:

(750 ILCS 45/21) (from Ch. 40, par. 2521)

Sec. 21. Support payments; receiving and disbursing agents.

(1) In an action filed in a county of less than 3 million population in which an order for child support is entered, and in supplementary proceedings in such a county to enforce or vary the terms of such order arising out of an action filed in such a county, the court, except in actions or supplementary proceedings in which the pregnancy and delivery expenses of the mother or the child support payments are for a recipient of aid under the Illinois Public Aid Code, shall direct that child support payments be made to the clerk of the court unless in the discretion of the court exceptional circumstances warrant otherwise. In cases where payment is to be made to persons other than the clerk of the court the judgment or order of support shall set forth the facts of the exceptional circumstances.

(2) In an action filed in a county of 3 million or more population in which an order for child support is entered, and in supplementary proceedings in such a county to enforce or vary the terms of such order arising out of an action filed in such a county, the court, except in actions or supplementary proceedings in which the pregnancy and delivery expenses of the mother or the child support payments are for a recipient of aid under the Illinois Public Aid Code, shall direct that child support payments be made either to the clerk of the court or to the Court Service Division of the County Department of Public Aid, or to the clerk of the court or to the Illinois Department of Public Aid, unless in the discretion of the court exceptional circumstances warrant otherwise. In cases where payment is to be made to persons other than the clerk of the court, the Court Service Division of the County Department of Public Aid, or the Illinois Department of Public Aid, the judgment or order of support shall set forth the facts of the exceptional circumstances.

(3) Where the action or supplementary proceeding is in behalf of a mother for pregnancy and delivery expenses or for child support, or both, and the mother, child, or both, are recipients of aid under the Illinois Public Aid Code, the court shall order that the payments be made directly

New matter indicated by italics - deletions by strikeout
to (a) the Illinois Department of Public Aid if the mother or child, or both, are recipients under Articles IV or V of the Code, or (b) the local governmental unit responsible for the support of the mother or child, or both, if they are recipients under Articles VI or VII of the Code. In accordance with federal law and regulations, the Illinois Department of Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department of Public Aid shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The Illinois Department of Public Aid or the local governmental unit, as the case may be, may direct that payments be made directly to the mother of the child, or to some other person or agency in the child's behalf, upon the removal of the mother and child from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; and upon such direction, the Illinois Department or the local governmental unit, as the case requires, shall give notice of such action to the court in writing or by electronic transmission.

(4) All clerks of the court and the Court Service Division of a County Department of Public Aid and the Illinois Department of Public Aid, receiving child support payments under paragraphs (1) or (2) shall disburse the same to the person or persons entitled thereto under the terms of the order. They shall establish and maintain clear and current records of all moneys received and disbursed and of defaults and delinquencies in required payments. The court, by order or rule, shall make provision for the carrying out of these duties.

Upon notification in writing or by electronic transmission from the Illinois Department of Public Aid to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department of Public Aid until the Department gives notice to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department of Public Aid shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department of Public Aid's notification in the court file. The failure of the clerk to file a copy of

New matter indicated by italics - deletions by strikeout
the notification in the court file shall not, however, affect the Illinois Department of Public Aid's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department of Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursement from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(5) The moneys received by persons or agencies designated by the court shall be disbursed by them in accordance with the order. However, the court, on petition of the state's attorney, may enter new orders designating the clerk of the court or the Illinois Department of Public Aid, as the person or agency authorized to receive and disburse child support payments and, in the case of recipients of public aid, the court, on petition of the Attorney General or State's Attorney, shall direct subsequent payments to be paid to the Illinois Department of Public Aid or to the appropriate local governmental unit, as provided in paragraph (3). Payments of child support by principals or sureties on bonds, or proceeds of any sale for the enforcement of a judgment shall be made to the clerk of the court, the Illinois Department of Public Aid or the appropriate local governmental unit, as the respective provisions of this Section require.

(6) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid by order of court or upon notification by the Illinois Department of Public Aid, the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

New matter indicated by italics - deletions by strikeout
(7) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 21.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.
(Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

(750 ILCS 45/28 new)

Sec. 28. Notice of child support enforcement services. The Illinois Department of Public Aid may provide notice at any time to the parties to an action filed under this Act that child support enforcement services are being provided by the Illinois Department under Article X of the Illinois Public Aid Code. The notice shall be sent by regular mail to the party's last known address on file with the clerk of the court or the State Case Registry established under Section 10-27 of the Illinois Public Aid Code. After notice is provided pursuant to this Section, the Illinois Department shall be entitled, as if it were a party, to notice of any further proceedings brought in the case. The Illinois Department shall provide the clerk of the court with copies of the notices sent to the parties. The clerk shall file the copies in the court file.

Passed in the General Assembly May 11, 2005.
Approved June 30, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0089
(Senate Bill No. 0095)

AN ACT concerning family law.

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

Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 504 as follows:

(750 ILCS 5/504) (from Ch. 40, par. 504)

Sec. 504. Maintenance.

(a) In a proceeding for dissolution of marriage or legal separation or declaration of invalidity of marriage, or a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a temporary or permanent maintenance award for either spouse in amounts and for periods of time as the court deems just, without regard to marital

New matter indicated by italics - deletions by strikeout
misconduct, in gross or for fixed or indefinite periods of time, and the maintenance may be paid from the income or property of the other spouse after consideration of all relevant factors, including:

(1) the income and property of each party, including marital property apportioned and non-marital property assigned to the party seeking maintenance;

(2) the needs of each party;

(3) the present and future earning capacity of each party;

(4) any impairment of the present and future earning capacity of the party seeking maintenance due to that party devoting time to domestic duties or having forgone or delayed education, training, employment, or career opportunities due to the marriage;

(5) the time necessary to enable the party seeking maintenance to acquire appropriate education, training, and employment, and whether that party is able to support himself or herself through appropriate employment or is the custodian of a child making it appropriate that the custodian not seek employment;

(6) the standard of living established during the marriage;

(7) the duration of the marriage;

(8) the age and the physical and emotional condition of both parties;

(9) the tax consequences of the property division upon the respective economic circumstances of the parties;

(10) contributions and services by the party seeking maintenance to the education, training, career or career potential, or license of the other spouse;

(11) any valid agreement of the parties; and

(12) any other factor that the court expressly finds to be just and equitable.

(b) (Blank).

(b-5) Any maintenance obligation including any unallocated maintenance and child support obligation, or any portion of any support obligation, that becomes due and remains unpaid shall accrue simple interest as set forth in Section 505 of this Act.

(b-7) Any new or existing maintenance order including any unallocated maintenance and child support order entered by the court under this Section shall be deemed to be a series of judgments against the
person obligated to pay support thereunder. Each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order, except no judgment shall arise as to any installment coming due after the termination of maintenance as provided by Section 510 of the Illinois Marriage and Dissolution of Marriage Act or the provisions of any order for maintenance. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the obligor for each installment of overdue support owed by the obligor.

(c) The court may grant and enforce the payment of maintenance during the pendency of an appeal as the court shall deem reasonable and proper.

(d) No maintenance shall accrue during the period in which a party is imprisoned for failure to comply with the court's order for the payment of such maintenance.

(e) When maintenance is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the maintenance payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(Source: P.A. 91-357, eff. 7-29-99.)

Passed in the General Assembly May 4, 2005.
Approved June 30, 2005.
Effective January 1, 2006.
Sec. 10-1. Declaration of Public Policy - Persons Eligible for Child Support Enforcement Services - Fees for Non-Applicants and Non-Recipients.) It is the intent of this Code that the financial aid and social welfare services herein provided supplement rather than supplant the primary and continuing obligation of the family unit for self-support to the fullest extent permitted by the resources available to it. This primary and continuing obligation applies whether the family unit of parents and children or of husband and wife remains intact and resides in a common household or whether the unit has been broken by absence of one or more members of the unit. The obligation of the family unit is particularly applicable when a member is in necessitous circumstances and lacks the means of a livelihood compatible with health and well-being.

It is the purpose of this Article to provide for locating an absent parent or spouse, for determining his financial circumstances, and for enforcing his legal obligation of support, if he is able to furnish support, in whole or in part. The Illinois Department of Public Aid shall give priority to establishing, enforcing and collecting the current support obligation, and then to past due support owed to the family unit, except with respect to collections effected through the intercept programs provided for in this Article.

The child support enforcement services provided hereunder shall be furnished dependents of an absent parent or spouse who are applicants for or recipients of financial aid under this Code. It is not, however, a condition of eligibility for financial aid that there be no responsible relatives who are reasonably able to provide support. Nor, except as provided in Sections 4-1.7 and 10-8, shall the existence of such relatives or their payment of support contributions disqualify a needy person for financial aid.

By accepting financial aid under this Code, a spouse or a parent or other person having custody of a child shall be deemed to have made assignment to the Illinois Department for aid under Articles III, IV, V and VII or to a local governmental unit for aid under Article VI of any and all rights, title, and interest in any support obligation, including statutory interest thereon, up to the amount of financial aid provided. The rights to support assigned to the Illinois Department of Public Aid or local governmental unit shall constitute an obligation owed the State or local governmental unit by the person who is responsible for providing the support, and shall be collectible under all applicable processes.

The Illinois Department of Public Aid shall also furnish the child support enforcement services established under this Article in behalf of
persons who are not applicants for or recipients of financial aid under this Code in accordance with the requirements of Title IV, Part D of the Social Security Act. The Department may establish a schedule of reasonable fees, to be paid for the services provided and may deduct a collection fee, not to exceed 10% of the amount collected, from such collection. The Illinois Department of Public Aid shall cause to be published and distributed publications reasonably calculated to inform the public that individuals who are not recipients of or applicants for public aid under this Code are eligible for the child support enforcement services under this Article X. Such publications shall set forth an explanation, in plain language, that the child support enforcement services program is independent of any public aid program under the Code and that the receiving of child support enforcement services in no way implies that the person receiving such services is receiving public aid.

(Source: P.A. 92-590, eff. 7-1-02.)

(305 ILCS 5/10-16.5)

Sec. 10-16.5. Interest on support obligations. A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, for 30 days or more shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2006 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, for 30 days or more shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(Source: P.A. 91-397, eff. 1-1-00; 92-374, eff. 8-15-01.)

Section 10. The Code of Civil Procedure is amended by changing Section 12-109 as follows:

(735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

Sec. 12-109. Interest on judgments.

(a) Every judgment except those arising by operation of law from child support orders shall bear interest thereon as provided in Section 2-1303.

New matter indicated by italics - deletions by strikeout
(b) Every judgment arising by operation of law from a child support order shall bear interest as provided in this subsection. The interest on judgments arising by operation of law from child support orders shall be calculated by applying one-twelfth of the current statutory interest rate as provided in Section 2-1303 to the unpaid child support balance as of the end of each calendar month. The unpaid child support balance at the end of the month is the total amount of child support ordered, excluding the child support that was due for that month to the extent that it was not paid in that month and including judgments for retroactive child support, less all payments received and applied as set forth in this subsection. The accrued interest shall not be included in the unpaid child support balance when calculating interest at the end of the month. The unpaid child support balance as of the end of each month shall be determined by calculating the current monthly child support obligation and applying all payments received for that month, except federal income tax refund intercepts, first to the current monthly child support obligation and then applying any payments in excess of the current monthly child support obligation to the unpaid child support balance owed from previous months. The current monthly child support obligation shall be determined from the document that established the support obligation. Federal income tax refund intercepts and any payments in excess of the current monthly child support obligation shall be applied to the unpaid child support balance. Any payments in excess of the current monthly child support obligation and the unpaid child support balance shall be applied to the accrued interest on the unpaid child support balance. Interest on child support obligations may be collected by any means available under federal and State laws, rules, and regulations providing for the collection of child support. Section 2-1303 commencing 30 days from the effective date of each such judgment.

(Source: P.A. 85-2.)

Section 15. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 505 as follows:

(750 ILCS 5/505) (from Ch. 40, par. 505)
Sec. 505. Child support; contempt; penalties.
(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may
order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child under age 19 who is still attending high school.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Percent of Supporting Party's Net Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>28%</td>
</tr>
<tr>
<td>3</td>
<td>32%</td>
</tr>
<tr>
<td>4</td>
<td>40%</td>
</tr>
<tr>
<td>5</td>
<td>45%</td>
</tr>
<tr>
<td>6 or more</td>
<td>50%</td>
</tr>
</tbody>
</table>

(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

(a) the financial resources and needs of the child;

(b) the financial resources and needs of the custodial parent;

(c) the standard of living the child would have enjoyed had the marriage not been dissolved;

(d) the physical and emotional condition of the child, and his educational needs; and

(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);
(b) State income tax (properly calculated withholding or estimated payments);
(c) Social Security (FICA payments);
(d) Mandatory retirement contributions required by law or as a condition of employment;
(e) Union dues;
(f) Dependent and individual health/hospitalization insurance premiums;
(g) Prior obligations of support or maintenance actually paid pursuant to a court order;
(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts.

New matter indicated by italics - deletions by strikeout
However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure to make support payments as required by the order, notice of proceedings to hold the respondent in contempt for that failure may be served on the respondent by personal service or by regular mail addressed to the respondent's last known address. The respondent's last known address may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems advisable;

(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:

   (A) work; or

   (B) conduct a business or other self-employed occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the

New matter indicated by italics - deletions by strikeout
Circuit Court or to the parent having custody or to the guardian having custody of the children of the sentenced parent for the support of said children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(1) the non-custodial parent and the person, persons, or business entity maintain records together.

(2) the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.

(3) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further
order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, for 30 days or more shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2006 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, for 30 days or more shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such

New matter indicated by italics - deletions by strikeout
judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.
(g-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of this Act.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a child, or both, would be seriously endangered by disclosure of the party's address.
(i) The court does not lose the powers of contempt, driver's license suspension, or other child support enforcement mechanisms, including, but not limited to, criminal prosecution as set forth in this Act, upon the emancipation of the minor child or children.

(Source: P.A. 92-16, eff. 6-28-01; 92-203, eff. 8-1-01; 92-374, eff. 8-15-01; 92-651, eff. 7-11-02; 92-876, eff. 6-1-03; 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05.)

Section 20. The Non-Support Punishment Act is amended by changing Sections 20 and 23 as follows:

(750 ILCS 16/20)
Sec. 20. Entry of order for support; income withholding.
(a) In a case in which no court or administrative order for support is in effect against the defendant:

(1) at any time before the trial, upon motion of the State's Attorney, or of the Attorney General if the action has been instituted by his office, and upon notice to the defendant, or at the time of arraignment or as a condition of postponement of arraignment, the court may enter such temporary order for support as may seem just, providing for the support or maintenance of the spouse or child or children of the defendant, or both, pendente lite; or

(2) before trial with the consent of the defendant, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the penalty provided in this Act, or in addition thereto, the court may enter an order for support, subject to modification by the court from time to time as circumstances may require, directing the defendant to pay a certain sum for maintenance of the spouse, or for support of the child or children, or both.

(b) The court shall determine the amount of child support by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide support that was obtained pursuant to subpoena and proper notice shall be

New matter indicated by italics - deletions by strikeout
admitted into evidence without the need to establish any further foundation for its admission.

(c) The court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

(d) The court may, for violation of any order under this Section, punish the offender as for a contempt of court, but no pendente lite order shall remain in effect longer than 4 months, or after the discharge of any panel of jurors summoned for service thereafter in such court, whichever is sooner.

(e) Any order for support entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support under the judgments, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Each judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(f) An order for support entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of the court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer.

Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment.

An order for support entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or of a minor,

New matter indicated by italics - deletions by strikeout
child, or both, would be seriously endangered by disclosure of the party's address.

(g) An order for support entered or modified in a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code shall include a provision requiring the noncustodial parent to notify the Illinois Department of Public Aid, within 7 days, of the name and address of any new employer of the noncustodial parent, whether the noncustodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy.

(h) In any subsequent action to enforce an order for support entered under this Act, upon sufficient showing that diligent effort has been made to ascertain the location of the noncustodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the noncustodial parent, in any manner expressly provided by the Code of Civil Procedure or in this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(i-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to
be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(j) A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, for 30 days or more shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2006 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, for 30 days or more shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(Source: P.A. 91-397, eff. 1-1-00; 92-16, eff. 6-28-01.)

Sec. 23. Interest on support obligations. A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, for 30 days or more shall accrue interest as set forth in Section 12-109 of the Code of Civil Procedure at the rate of 9% per annum.

(Source: P.A. 91-397, eff. 1-1-00; 92-16, eff. 6-28-01.)

New matter indicated by italics - deletions by strikeout
Section 25. The Income Withholding for Support Act is amended by changing Section 15 as follows:

(750 ILCS 28/15)

Sec. 15. Definitions.

(a) "Order for support" means any order of the court which provides for periodic payment of funds for the support of a child or maintenance of a spouse, whether temporary or final, and includes any such order which provides for:

(1) modification or resumption of, or payment of arrearage, including interest, accrued under, a previously existing order;
(2) reimbursement of support;
(3) payment or reimbursement of the expenses of pregnancy and delivery (for orders for support entered under the Illinois Parentage Act of 1984 or its predecessor the Paternity Act); or
(4) enrollment in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(b) "Arrearage" means the total amount of unpaid support obligations, including interest, as determined by the court and incorporated into an order for support.

(b-5) "Business day" means a day on which State offices are open for regular business.

(c) "Delinquency" means any payment, including a payment of interest, under an order for support which becomes due and remains unpaid after entry of the order for support.

(d) "Income" means any form of periodic payment to an individual, regardless of source, including, but not limited to: wages, salary, commission, compensation as an independent contractor, workers' compensation, disability, annuity, pension, and retirement benefits, lottery prize awards, insurance proceeds, vacation pay, bonuses, profit-sharing payments, interest, and any other payments, made by any person, private entity, federal or state government, any unit of local government, school district or any entity created by Public Act; however, "income" excludes:

(1) any amounts required by law to be withheld, other than creditor claims, including, but not limited to, federal, State and local taxes, Social Security and other retirement and disability contributions;
(2) union dues;
(3) any amounts exempted by the federal Consumer Credit Protection Act;
(4) public assistance payments; and

New matter indicated by italics - deletions by strikeout
(5) unemployment insurance benefits except as provided by law.

Any other State or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply.

(e) "Obligor" means the individual who owes a duty to make payments under an order for support.

(f) "Obligee" means the individual to whom a duty of support is owed or the individual's legal representative.

(g) "Payor" means any payor of income to an obligor.

(h) "Public office" means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an order for support, including, but not limited to: the Attorney General, the Illinois Department of Public Aid, the Illinois Department of Human Services, the Illinois Department of Children and Family Services, and the various State's Attorneys, Clerks of the Circuit Court and supervisors of general assistance.

(i) "Premium" means the dollar amount for which the obligor is liable to his employer or labor union or trade union and which must be paid to enroll or maintain a child in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(j) "State Disbursement Unit" means the unit established to collect and disburse support payments in accordance with the provisions of Section 10-26 of the Illinois Public Aid Code.

(k) "Title IV-D Agency" means the agency of this State charged by law with the duty to administer the child support enforcement program established under Title IV, Part D of the Social Security Act and Article X of the Illinois Public Aid Code.

(l) "Title IV-D case" means a case in which an obligee or obligor is receiving child support enforcement services under Title IV, Part D of the Social Security Act and Article X of the Illinois Public Aid Code.

(m) "National Medical Support Notice" means the notice required for enforcement of orders for support providing for health insurance coverage of a child under Title IV, Part D of the Social Security Act, the Employee Retirement Income Security Act of 1974, and federal regulations promulgated under those Acts.

(n) "Employer" means a payor or labor union or trade union with an employee group health insurance plan and, for purposes of the National Medical Support Notice, also includes but is not limited to:

New matter indicated by italics - deletions by strikeout
(1) any State or local governmental agency with a group health plan; and
(2) any payor with a group health plan or "church plan" covered under the Employee Retirement Income Security Act of 1974.

(Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02.)

Section 30. The Illinois Parentage Act of 1984 is amended by changing Section 20.7 as follows:

(750 ILCS 45/20.7)

Sec. 20.7. Interest on support obligations. A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, for 30 days or more shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2006 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, for 30 days or more shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(Source: P.A. 91-397, eff. 1-1-00; 92-374, eff. 8-15-01.)

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

Approved June 30, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0091
(Senate Bill No 0661)

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

ARTICLE 1

New matter indicated by italics - deletions by strikeout
Section 1-1. Short title. This Act may be cited as the FY2006 Budget Implementation (Finance) Act.

Section 1-5. Purpose. It is the purpose of this Act to make changes in State programs that are necessary to implement the Governor's FY2006 budget recommendations concerning finance.

ARTICLE 10

Section 10-5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Sections 405-20, 405-270, 405-293, and 405-315 as follows:

(20 ILCS 405/405-20) (was 20 ILCS 405/35.7)

Sec. 405-20. Fiscal policy information to Governor; statistical research planning.

(a) The Department shall be responsible for providing the Governor with timely, comprehensive, and meaningful information pertinent to the formulation and execution of fiscal policy. In performing this responsibility the Department shall have the power and duty to do the following:

(1) Control the procurement, retention, installation, maintenance, and operation, as specified by the Director, of electronic data processing equipment used by State agencies in such a manner as to achieve maximum economy and provide adequate assistance in the development of information suitable for management analysis.

(2) Establish principles and standards of statistical reporting by State agencies and priorities for completion of research by those agencies in accordance with the requirements for management analysis as specified by the Director.

(3) Establish, through the Director, charges for statistical services requested by State agencies and rendered by the Department. The State agencies so charged shall reimburse the Department by vouchers drawn against their respective appropriations for electronic data processing. The Department is likewise empowered through the Director to establish prices or charges for all statistical reports purchased by agencies and individuals not connected with State government.

(4) Instruct all State agencies as the Director may require to report regularly to the Department, in the manner the Director may prescribe, their usage of electronic information devices, the cost incurred, the information produced, and the procedures followed in

New matter indicated by italics - deletions by strikeout
obtaining the information. All State agencies shall request of the Director any statistical services requiring the use of electronic devices and shall conform to the priorities assigned by the Director in using those electronic devices.

(5) Examine the accounts and statistical data of any organization, body, or agency receiving appropriations from the General Assembly.

(6) Install and operate a modern information system utilizing equipment adequate to satisfy the requirements for analysis and review as specified by the Director. Expenditures for statistical services rendered shall be reimbursed by the recipients. The reimbursement shall be determined by the Director as amounts sufficient to reimburse the Statistical Services Revolving Fund for expenditures incurred in rendering the services.

(b) In addition to the other powers and duties listed in this Section, the Department shall analyze the present and future aims, needs, and requirements of statistical research and planning in order to provide for the formulation of overall policy relative to the use of electronic data processing equipment by the State of Illinois. In making this analysis, the Department under the Director shall formulate a master plan for statistical research, utilizing electronic equipment most advantageously, and advising whether electronic data processing equipment should be leased or purchased by the State. The Department under the Director shall prepare and submit interim reports of meaningful developments and proposals for legislation to the Governor on or before January 30 each year. The Department under the Director shall engage in a continuing analysis and evaluation of the master plan so developed, and it shall be the responsibility of the Department to recommend from time to time any needed amendments and modifications of any master plan enacted by the General Assembly.

(c) For the purposes of this Section, Section 405-245, and paragraph (4) of Section 405-10 only, "State agencies" means all departments, boards, commissions, and agencies of the State of Illinois subject to the Governor.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 405/405-270) (was 20 ILCS 405/67.18)

Sec. 405-270. Communications Telecommunications services. To provide for and co-ordinate communications telecommunication services for State agencies and, when requested and when in the best interests of

New matter indicated by italics - deletions by strikeout
the State, for units of federal or local governments and public and not-for-profit institutions of primary, secondary, and higher education. The Department may make use of its satellite uplink available to interested parties not associated with State government provided that State government usage shall have first priority. For this purpose the Department shall have the power and duty to do all of the following:

(1) Provide for and control the procurement, retention, installation, and maintenance of communications equipment or services used by State agencies in the interest of efficiency and economy.

(2) Establish standards by January 1, 1989 for communications services for State agencies which shall include a minimum of one telecommunication device for the deaf installed and operational within each State agency, to provide public access to agency information for those persons who are hearing or speech impaired. The Department shall consult the Department of Human Services to develop standards and implementation for this equipment.

(3) Establish charges (i) for communication services for State agencies and, when requested, for units of federal or local government and public and not-for-profit institutions of primary, secondary, or higher education and (ii) for use of the Department's satellite uplink by parties not associated with State government. Entities charged for these services shall reimburse the Department by vouchers drawn against their respective appropriations for telecommunications services.

(4) Instruct all State agencies to report their usage of communication telecommunication services regularly to the Department in the manner the Director may prescribe.

(5) Analyze the present and future aims and needs of all State agencies in the area of communications telecommunications services and plan to serve those aims and needs in the most effective and efficient manner.

(6) Provide services, including, but not limited to, telecommunications, video recording, satellite uplink, public information, and other communications services.

(7) (6) Establish the administrative organization within the Department that is required to accomplish the purpose of this Section.

New matter indicated by italics - deletions by strikeout
The Department is authorized to conduct a study for the purpose of determining technical, engineering, and management specifications for the networking, compatible connection, or shared use of existing and future public and private owned television broadcast and reception facilities, including but not limited to terrestrial microwave, fiber optic, and satellite, for broadcast and reception of educational, governmental, and business programs, and to implement those specifications.

However, the Department may not control or interfere with the input of content into the telecommunications systems by the several State agencies or units of federal or local government, or public or not-for-profit institutions of primary, secondary, and higher education, or users of the Department's satellite uplink.

As used in this Section, the term "State agencies" means all departments, officers, commissions, boards, institutions, and bodies politic and corporate of the State except the General Assembly, legislative service agencies, and all officers of the General Assembly.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 405/405-293)
Sec. 405-293. Professional Services.

(a) The Department of Central Management Services (the "Department") is responsible for providing professional services for or on behalf of State agencies for all functions transferred to the Department by Executive Order No. 2003-10 (as modified by Section 5.5 of the Executive Reorganization Implementation Act) and may, with the approval of the Governor, provide additional services to or on behalf of State agencies. To the extent not compensated by direct fund transfers, the Department shall be reimbursed from each State agency receiving the benefit of these services. The reimbursement shall be determined by the Director of Central Management Services as the amount required to reimburse the Professional Services Fund for the Department's costs of rendering the professional services on behalf of that State agency.

(a-5) The Department of Central Management Services may provide professional services and other services as authorized by subsection (a) for or on behalf of other State entities with the approval of both the Director of Central Management Services and the appropriate official or governing body of the other State entity.

(b) For the purposes of this Section, "State agency" means each State agency, department, board, and commission directly responsible to the Governor. "Professional services" means legal services, internal audit

New matter indicated by italics - deletions by strikeout
services, and other services as approved by the Governor. "Other State entity" means the Illinois State Board of Education and the Illinois State Toll Highway Authority.

(Source: P.A. 93-839, eff. 7-30-04.)

(20 ILCS 405/405-315) (was 20 ILCS 405/67.24)

Sec. 405-315. Management of State buildings; security force; fees.

(a) To manage, operate, maintain, and preserve from waste the State buildings, facilities, structures, grounds, or other real property transferred to the Department under Section 405-415, including, without limitation, the State buildings listed below. The Department may rent portions of these and other State buildings when in the judgment of the Director those leases or subleases will be in the best interests of the State. The leases or subleases shall not exceed 5 years unless a greater term is specifically authorized.

a. Peoria Regional Office Building
   5415 North University
   Peoria, Illinois  61614

b. Springfield Regional Office Building
   4500 South 6th Street
   Springfield, Illinois  62703

c. Champaign Regional Office Building
   2125 South 1st Street
   Champaign, Illinois  61820

d. Illinois State Armory Building
   124 East Adams
   Springfield, Illinois  62706

e. Marion Regional Office Building
   2209 West Main Street
   Marion, Illinois  62959

f. Kenneth Hall Regional State Office
   Building
   #10 Collinsville Avenue
   East St. Louis, Illinois  62201

g. Rockford Regional Office Building
   4402 North Main Street
   P.O. Box 915
   Rockford, Illinois  61105

h. State of Illinois Building
   160 North LaSalle
Chicago, Illinois 60601
i. Office and Laboratory Building
   2121 West Taylor Street
   Chicago, Illinois 60602
j. Central Computer Facility
   201 West Adams
   Springfield, Illinois 62706
k. Elgin Office Building
   595 South State Street
   Elgin, Illinois 60120
l. James R. Thompson Center
   Bounded by Lake, Clark, Randolph and
   LaSalle Streets
   Chicago, Illinois
m. The following buildings located within the Chicago
   Medical Center District:
   1. Lawndale Day Care Center
      2929 West 19th Street
   2. Edwards Center
      2020 Roosevelt Road
   3. Illinois Center for
      Rehabilitation and Education
      1950 West Roosevelt Road and 1151 South Wood Street
   4. Department of Children and
      Family Services District Office
      1026 South Damen
   5. The William Heally School
      1731 West Taylor
   6. Administrative Office Building
      1100 South Paulina Street
   7. Metro Children and Adolescents Center
      1601 West Taylor Street
n. E.J. "Zeke" Giorgi Center
   200 Wyman Street
   Rockford, Illinois
o. Suburban North Facility
   9511 Harrison
   Des Plaines, Illinois
p. The following buildings located within the Revenue
Center in Springfield:
1. State Property Control Warehouse
   11th & Ash
2. Illinois State Museum Research & Collections Center
   1011 East Ash Street
q. Effingham Regional Office Building
   401 Industrial Drive
   Effingham, Illinois
r. The Communications Center
   120 West Jefferson
   Springfield, Illinois
s. Portions or all of the basement and ground floor of the State of Illinois Building
   160 North LaSalle
   Chicago, Illinois 60601
may be leased or subleased to persons, firms, partnerships, associations, or individuals for terms not to exceed 15 years when in the judgment of the Director those leases or subleases will be in the best interests of the State.

Portions or all of the commercial space, which includes the sub-basement, storage mezzanine, concourse, and ground and second floors of the

   James R. Thompson Center
   Bounded by Lake, Clark, Randolph and LaSalle Streets
   Chicago, Illinois
may be leased or subleased to persons, firms, partnerships, associations, or individuals for terms not to exceed 15 years subject to renewals when in the judgment of the Director those leases or subleases will be in the best interests of the State.

The Director is authorized to rent portions of the above described facilities to persons, firms, partnerships, associations, or individuals for terms not to exceed 30 days when those leases or subleases will not interfere with State usage of the facility. This authority is meant to supplement and shall not in any way be interpreted to restrict the Director's ability to make portions of the State of Illinois Building and the James R. Thompson Center available for long-term commercial leases or subleases.

Provided however, that all rentals or fees charged to persons, firms, partnerships, associations, or individuals for any lease or use of space in
the above described facilities made for terms not to exceed 30 days in length shall be deposited in a special fund in the State treasury to be known as the Special Events Revolving Fund.

Notwithstanding the provisions above, the Department of Children and Family Services and the Department of Human Services (as successor to the Department of Rehabilitation Services and the Department of Mental Health and Developmental Disabilities) shall determine the allocation of space for direct recipient care in their respective facilities. The Department of Central Management Services shall consult with the affected agency in the allocation and lease of surplus space in these facilities. Potential lease arrangements shall not endanger the direct recipient care responsibilities in these facilities.

(b) To appoint, subject to the Personnel Code, persons to be members of a police and security force. Members of the security force shall be peace officers when performing duties pursuant to this Section and as such shall have all of the powers possessed by policemen in cities and sheriffs, including the power to make arrests on view or issue citations for violations of State statutes or city or county ordinances, except that in counties of more than 1,000,000 population, any powers created by this subsection shall be exercised only (i) when necessary to protect the property, personnel, or interests of the Department or any State agency for whom the Department manages, operates, or maintains property or (ii) when specifically requested by appropriate State or local law enforcement officials, and except that within counties of 1,000,000 or less population, these powers shall be exercised only when necessary to protect the property, personnel, or interests of the State of Illinois and only while on property managed, operated, or maintained by the Department.

Nothing in this subsection shall be construed so as to make it conflict with any provisions of, or rules promulgated under, the Personnel Code.

(c) To charge reasonable fees for the lease, rental, use, or occupancy of State facilities managed, operated, or maintained by the Department. All except as provided in subsection (a) regarding amounts to be deposited into the Special Events Revolving Fund, all moneys collected under this Section subsection shall be deposited in a revolving fund in the State treasury known as the Facilities Management Revolving Fund.

(d) Provisions of this Section relating to the James R. Thompson Center are subject to the provisions of Section 7.4 of the State Property Control Act.

New matter indicated by italics - deletions by strikeout
NEW MATTER INDICATED BY ITALICS - DELETIONS BY STRIKETHROUGH

ARTICLE 13

Section 13-5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-300 as follows:

(20 ILCS 2105/2105-300) (was 20 ILCS 2105/61e)

Sec. 2105-300. Professions Indirect Cost Fund; allocations; analyses.

(a) Appropriations for the direct and allocable indirect costs of licensing and regulating each regulated profession, trade, or occupation, or industry are intended to be payable from the fees and fines that are assessed and collected from that profession, trade, or occupation, or industry, to the extent that those fees and fines are sufficient. In any fiscal year in which the fees and fines generated by a specific profession, trade, or occupation, or industry are insufficient to finance the necessary direct and allocable indirect costs of licensing and regulating that profession, trade, or occupation, or industry, the remainder of those costs shall be financed from appropriations payable from revenue sources other than fees and fines. The direct and allocable indirect costs of the Department identified in its cost allocation plans that are not attributable to the licensing and regulation of a specific profession, trade, or occupation, or industry or group of professions, trades, or occupations, or industries shall be financed from appropriations from revenue sources other than fees and fines.

(b) The Professions Indirect Cost Fund is hereby created as a special fund in the State Treasury. The Fund may receive transfers of moneys authorized by the Department from the cash balances in special funds that receive revenues from the fees and fines associated with the licensing of regulated professions, trades, and occupations, and industries by the Department. Moneys in the Fund shall be invested and earnings on the investments shall be retained in the Fund. Subject to appropriation, the Department shall use moneys in the Fund to pay the ordinary and necessary allocable indirect expenses associated with each of the regulated professions, trades, and occupations, and industries.

(c) Before the beginning of each fiscal year, the Department shall prepare a cost allocation analysis to be used in establishing the necessary appropriation levels for each cost purpose and revenue source. At the conclusion of each fiscal year, the Department shall prepare a cost...
allocation analysis reflecting the extent of the variation between how the costs were actually financed in that year and the planned cost allocation for that year. Variations between the planned and actual cost allocations for the prior fiscal year shall be adjusted into the Department's planned cost allocation for the next fiscal year.

Each cost allocation analysis shall separately identify the direct and allocable indirect costs of each regulated profession, trade, or occupation, or industry and the costs of the Department's general public health and safety purposes. The analyses shall determine whether the direct and allocable indirect costs of each regulated profession, trade, or occupation, or industry and the costs of the Department's general public health and safety purposes are sufficiently financed from their respective funding sources. The Department shall prepare the cost allocation analyses in consultation with the respective regulated professions, trades, and occupations, and industries and shall make copies of the analyses available to them in a timely fashion.

(d) The Department may direct the State Comptroller and Treasurer to transfer moneys from the special funds that receive fees and fines associated with regulated professions, trades, and occupations, and industries into the Professions Indirect Cost Fund in accordance with the Department's cost allocation analysis plan for the applicable fiscal year. For a given fiscal year, the Department shall not direct the transfer of moneys under this subsection from a special fund associated with a specific regulated profession, trade, or occupation, or industry (or group of professions, trades, or occupations, or industries) in an amount exceeding the allocable indirect costs associated with that profession, trade, or occupation, or industry (or group of professions, trades, or occupations, or industries) as provided in the cost allocation analysis for that fiscal year and adjusted for allocation variations from the prior fiscal year. No direct costs identified in the cost allocation plan shall be used as a basis for transfers into the Professions Indirect Cost Fund or for expenditures from the Fund.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 13-10. The State Finance Act is amended by changing Sections 6z-26 and 8f as follows:

(30 ILCS 105/6z-26)

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

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

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

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

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

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

(Source: P.A. 90-545, eff. 1-1-98.)

(30 ILCS 105/8f)

Sec. 8f. Public Pension Regulation Fund. The Public Pension Regulation Fund is created in the State Treasury. Except as otherwise provided in the Illinois Pension Code, all money received by the Department of Financial and Professional Regulation, as successor to the Illinois Department of Insurance, under the Illinois Pension Code shall be paid into the Fund. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of

New matter indicated by italics - deletions by strikeout
the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. The State Treasurer promptly shall invest the money in the Fund, and all earnings that accrue on the money in the Fund shall be credited to the Fund. No money may be transferred from this Fund to any other fund. The General Assembly may make appropriations from this Fund for the ordinary and contingent expenses of the Public Pension Division of the Illinois Department of Insurance. (Source: P.A. 90-507, eff. 8-22-97.)

Section 13-15. The Illinois Banking Act is amended by changing Section 48 as follows:

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

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

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

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

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

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

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

(b) the bank or, after May 31, 1997, branch of the out-of-
state bank shall notify the Commissioner of the existence of a
service relationship. The notification shall be submitted with the
first statement of condition (as required by Section 47 of this Act)
due after the making of the service contract or the performance of
the service, whichever occurs first. The Commissioner shall be
notified of each subsequent contract in the same manner.
For purposes of this subsection (2.5), the term "bank services"
means services such as sorting and posting of checks and deposits,
computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a State bank, including but not limited to electronic data processing related to those bank services.

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

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

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

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

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

(b) "Fiscal year" for purposes of this Section 48 is defined as a period beginning July 1 of any year and ending June 30 of the next year. The Commissioner shall receive for each fiscal year, commencing with the fiscal year ending June 30, 1987, a contingent fee equal to the lesser of the aggregate of the fees paid by all State banks under paragraph (a) of subsection (3) for that year, or the amount, if any, whereby the aggregate of the administration expenses, as defined in paragraph (c), for that fiscal year exceeds the sum of the aggregate of the fees payable by all

New matter indicated by italics - deletions by strikeout
State banks for that year under paragraph (a) of subsection (3), plus any amounts transferred into the Bank and Trust Company Fund from the State Pensions Fund for that year, plus all other amounts collected by the Commissioner for that year under any other provision of this Act, plus the aggregate of all fees collected for that year by the Commissioner under the Corporate Fiduciary Act, excluding the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act, and the Foreign Banking Office Act. The aggregate amount of the contingent fee thus arrived at for any fiscal year shall be apportioned amongst, assessed upon, and paid by the State banks and foreign banking corporations, respectively, in the same proportion that the fee of each under paragraph (a) of subsection (3), respectively, for that year bears to the aggregate for that year of the fees collected under paragraph (a) of subsection (3). The aggregate amount of the contingent fee, and the portion thereof to be assessed upon each State bank and foreign banking corporation, respectively, shall be determined by the Commissioner and shall be paid by each, respectively, within 120 days of the close of the period for which the contingent fee is computed and is payable, and the Commissioner shall give 20 days advance notice of the amount of the contingent fee payable by the State bank and of the date fixed by the Commissioner for payment of the fee.

(c) The "administration expenses" for any fiscal year shall mean the ordinary and contingent expenses for that year incident to making the examinations provided for by, and for otherwise administering, this Act, the Corporate Fiduciary Act, excluding the expenses paid from the Corporate Fiduciary Receivership account in the Bank and Trust Company Fund, the Foreign Banking Office Act, the Electronic Fund Transfer Act, and the Illinois Bank Examiners' Education Foundation Act, including all salaries and other compensation paid for personal services rendered for the State by officers or employees of the State, including the Commissioner and the Deputy Commissioners, all expenditures for telephone and telegraph charges, postage and postal charges, office stationery, supplies and services, and office furniture and equipment, including typewriters and copying and duplicating machines and filing equipment, surety bond premiums, and travel expenses of those officers and employees, employees, expenditures or charges for the acquisition, enlargement or improvement of, or

New matter indicated by italics - deletions by strikeout
for the use of, any office space, building, or structure, or expenditures for the maintenance thereof or for furnishing heat, light, or power with respect thereto, all to the extent that those expenditures are directly incidental to such examinations or administration. The Commissioner shall not be required by paragraphs (c) or (d-1) of this subsection (3) to maintain in any fiscal year's budget appropriated reserves for accrued vacation and accrued sick leave that is required to be paid to employees of the Commissioner upon termination of their service with the Commissioner in an amount that is more than is reasonably anticipated to be necessary for any anticipated turnover in employees, whether due to normal attrition or due to layoffs, terminations, or resignations.

(d) The aggregate of all fees collected by the Commissioner under this Act, the Corporate Fiduciary Act, or the Foreign Banking Office Act on and after July 1, 1979, shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the State treasury and shall be set apart in a special fund to be Bank and Trust Company Fund shall be deposited in the Bank and Trust Company Fund and may be used for the same purposes as fees deposited in that Fund. The amount from time to time deposited into the Bank and Trust Company Fund shall be used to offset the ordinary administrative expenses of the Commissioner of Banks and Real Estate as defined in this Section. Nothing in this amendatory Act of 1979 shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance premiums of State officers by appropriations from the General Revenue Fund. However, the General Revenue Fund shall be reimbursed for those payments made on and after July 1, 1979, by an annual transfer of funds from the Bank and Trust Company Fund. Moneys in the Bank and Trust Company Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d-1) Adequate funds shall be available in the Bank and Trust Company Fund to permit the timely payment of administration expenses. In each fiscal year the total administration expenses shall be deducted from the total fees collected by the
Commissioner and the remainder transferred into the Cash Flow Reserve Account, unless the balance of the Cash Flow Reserve Account prior to the transfer equals or exceeds one-fourth of the total initial appropriations from the Bank and Trust Company Fund for the subsequent year, in which case the remainder shall be credited to State banks and foreign banking corporations and applied against their fees for the subsequent year. The amount credited to each State bank and foreign banking corporation shall be in the same proportion as the Call Report Fees paid by each for the year bear to the total Call Report Fees collected for the year. If, after a transfer to the Cash Flow Reserve Account is made or if no remainder is available for transfer, the balance of the Cash Flow Reserve Account is less than one-fourth of the total initial appropriations for the subsequent year and the amount transferred is less than 5% of the total Call Report Fees for the year, additional amounts needed to make the transfer equal to 5% of the total Call Report Fees for the year shall be apportioned amongst, assessed upon, and paid by the State banks and foreign banking corporations in the same proportion that the Call Report Fees of each, respectively, for the year bear to the total Call Report Fees collected for the year. The additional amounts assessed shall be transferred into the Cash Flow Reserve Account. For purposes of this paragraph (d-1), the calculation of the fees collected by the Commissioner shall exclude the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act.

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

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

(4) Nothing contained in this Act shall be construed to limit the obligation relative to examinations and reports of any State bank, deposits in which are to any extent insured by the United States or any agency thereof, nor to limit in any way the powers of the Commissioner with reference to examinations and reports of that bank.
(5) The nature and condition of the assets in or investment of any bonus, pension, or profit sharing plan for officers or employees of every State bank or, after May 31, 1997, branch of an out-of-state bank shall be deemed to be included in the affairs of that State bank or branch of an out-of-state bank subject to examination by the Commissioner under the provisions of subsection (2) of this Section, and if the Commissioner shall find from an examination that the condition of or operation of the investments or assets of the plan is unlawful, fraudulent, or unsafe, or that any trustee has abused his trust, the Commissioner shall, if the situation so found by the Commissioner shall not be corrected to his satisfaction within 60 days after the Commissioner has given notice to the board of directors of the State bank or out-of-state bank of his findings, report the facts to the Attorney General who shall thereupon institute proceedings against the State bank or out-of-state bank, the board of directors thereof, or the trustees under such plan as the nature of the case may require.

(6) The Commissioner shall have the power:

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

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

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

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

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

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

(e) To conduct hearings.

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

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

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

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

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

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

(a) (Blank).

(b) The Foundation is empowered to receive voluntary contributions, gifts, grants, bequests, and donations on behalf of the Illinois Bank Examiners' Education Foundation from national banks and other persons for the purpose of funding the endowment of the Illinois Bank Examiners' Education Foundation.

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

(12) (Blank).

(Source: P.A. 91-16, eff. 7-1-99; 92-20, eff. 7-1-01; 92-483, eff. 8-23-01; 92-651, eff. 7-11-02.)

Section 13-20. The Illinois Savings and Loan Act of 1985 is amended by changing Section 7-19.1 as follows:

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


(a) The aggregate of all fees collected by the Commissioner under this Act shall be paid promptly after receipt of the same, accompanied by a
detailed statement thereof, into the State treasury and shall be set apart in
the Savings and Residential Finance Regulatory Fund, a special fund
hereby created in the State treasury. The amounts deposited into the Fund
shall be used for the ordinary and contingent expenses of the Office of
Banks and Real Estate. Nothing in this Act shall prevent continuing the
practice of paying expenses involving salaries, retirement, social security,
and State-paid insurance of State officers by appropriation from the
General Revenue Fund.

(b) Except as otherwise provided in subsection (b-5), moneys
Moneys in the Savings and Residential Finance Regulatory Fund may not
be appropriated, assigned, or transferred to another State fund. The
moneys in the Fund shall be for the sole benefit of the institutions
assessed.

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

(c) All earnings received from investments of funds in the Savings
and Residential Finance Regulatory Fund shall be deposited into the
Savings and Residential Finance Regulatory Fund and may be used for the
same purposes as fees deposited into that Fund.
(Source: P.A. 92-700, eff. 7-19-02.)

Section 13-25. The Illinois Credit Union Act is amended by
changing Section 12 as follows:
(205 ILCS 305/12) (from Ch. 17, par. 4413)
Sec. 12. Regulatory fees.
(1) A credit union regulated by the Department shall pay a
regulatory fee to the Department based upon its total assets as shown by its
Year-end Call Report at the following rates:

<table>
<thead>
<tr>
<th>TOTAL ASSETS</th>
<th>REGULATORY FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$25,000 or less</td>
<td>$100</td>
</tr>
<tr>
<td>Over $25,000 and not over</td>
<td></td>
</tr>
<tr>
<td>$100,000</td>
<td>$100 plus $4 per $1,000 of assets in excess of $25,000</td>
</tr>
<tr>
<td>Over $100,000 and not over</td>
<td></td>
</tr>
<tr>
<td>$200,000</td>
<td>$400 plus $3 per $1,000 of assets in excess of $100,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Over $200,000 and not over $500,000 ............................................$700 plus $2 per $1,000 of assets in excess of $200,000

Over $500,000 and not over $1,000,000 .........................................$1,300 plus $1.40 per $1,000 of assets in excess of $500,000

Over $1,000,000 and not over $5,000,000.......................................$2,000 plus $0.50 per $1,000 of assets in excess of $1,000,000

Over $5,000,000 and not over $30,000,000 .....................................$5,080 plus $0.44 per $1,000 assets in excess of $5,000,000

Over $30,000,000 and not over $100,000,000 .................................$16,192 plus $0.38 per $1,000 of assets in excess of $30,000,000

Over $100,000,000 and not over $500,000,000 ..........................$42,862 plus $0.19 per $1,000 of assets in excess of $100,000,000

Over $500,000,000 .........................................................$140,625 plus $0.075 per $1,000 of assets in excess of $500,000,000

(2) The Director shall review the regulatory fee schedule in subsection (1) and the projected earnings on those fees on an annual basis and adjust the fee schedule no more than 5% annually if necessary to defray the estimated administrative and operational expenses of the Department as defined in subsection (5). The Director shall provide credit unions with written notice of any adjustment made in the regulatory fee schedule.

(3) Not later than March 1 of each calendar year, a credit union shall pay to the Department a regulatory fee for that calendar year in accordance with the regulatory fee schedule in subsection (1), on the basis of assets as of the Year-end Call Report of the preceding year. The regulatory fee shall not be less than $100 or more than $187,500, provided...
that the regulatory fee cap of $187,500 shall be adjusted to incorporate the same percentage increase as the Director makes in the regulatory fee schedule from time to time under subsection (2). No regulatory fee shall be collected from a credit union until it has been in operation for one year.

(4) The aggregate of all fees collected by the Department under this Act shall be paid promptly after they are received, accompanied by a detailed statement thereof, into the State Treasury and shall be set apart in the Credit Union Fund, a special fund hereby created in the State treasury. The amount from time to time deposited in the Credit Union Fund and shall be used to offset the ordinary administrative and operational expenses of the Department under this Act. All earnings received from investments of funds in the Credit Union Fund shall be deposited into the Credit Union Fund and may be used for the same purposes as fees deposited into that Fund. Moneys in the Credit Union Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(5) The administrative and operational expenses for any calendar year shall mean the ordinary and contingent expenses for that year incidental to making the examinations provided for by, and for administering, this Act, including all salaries and other compensation paid for personal services rendered for the State by officers or employees of the State to enforce this Act; all expenditures for telephone and telegraph charges, postage and postal charges, office supplies and services, furniture and equipment, office space and maintenance thereof, travel expenses and other necessary expenses; all to the extent that such expenditures are directly incidental to such examination or administration.

(6) When the aggregate of all fees collected by the Department under this Act and all earnings thereon for any calendar year exceeds 150% of the total administrative and operational expenses under this Act for that year, such excess shall be credited to credit unions and applied against their regulatory fees for the subsequent year. The amount credited to a credit union shall be in the same proportion as the fee paid by such credit union for the calendar year in which the excess is produced bears to the aggregate of the fees collected by the Department under this Act for the same year.

(7) Examination fees for the year 2000 statutory examinations paid pursuant to the examination fee schedule in effect at that time shall be
credited toward the regulatory fee to be assessed the credit union in calendar year 2001.

(8) Nothing in this Act shall prohibit the General Assembly from appropriating funds to the Department from the General Revenue Fund for the purpose of administering this Act.

(Source: P.A. 92-293, eff. 8-9-01; 93-32, eff. 7-1-03; 93-652, eff. 1-8-04.)

Section 13-30. The Pawnbroker Regulation Act is amended by changing Section 0.05 as follows:

(205 ILCS 510/0.05)
Sec. 0.05. Administration of Act.
(a) This Act shall be administered by the Commissioner of Banks and Real Estate who shall have all of the following powers and duties in administering this Act:

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

(2) To issue orders for the purpose of administering the provisions of this Act and any rule promulgated in accordance with this Act.

(3) To appoint hearing officers and to hire employees or to contract with appropriate persons to execute any of the powers granted to the Commissioner under this Section for the purpose of administering this Act and any rule promulgated in accordance with this Act.

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

(5) To conduct hearings.

(6) To impose civil penalties graduated up to $1,000 against any person for each violation of any provision of this Act, any rule promulgated in accordance with this Act, or any order of the Commissioner based upon the seriousness of the violation.

(6.5) To initiate, through the Attorney General, injunction proceedings whenever it appears to the Commissioner that any person, whether licensed under this Act or not, is engaged or about
to engage in an act or practice that constitutes or will constitute a violation of this Act or any rule prescribed under the authority of this Act. The Commissioner may, in his or her discretion, through the Attorney General, apply for an injunction, and upon a proper showing, any circuit court may enter a permanent or preliminary injunction or a temporary restraining order without bond to enforce this Act in addition to the penalties and other remedies provided for in this Act.

(7) To issue a cease and desist order and, for violations of this Act, any order issued by the Commissioner pursuant to this Act, any rule promulgated in accordance with this Act, or any other applicable law in connection with the operation of a pawnshop, to suspend a license issued under this Act for up to 30 days.

(8) To determine compliance with applicable law and rules related to the operation of pawnshops and to verify the accuracy of reports filed with the Commissioner, the Commissioner, not more than one time every 2 years, may, but is not required to, conduct a routine examination of a pawnshop, and in addition, the Commissioner may examine the affairs of any pawnshop at any time if the Commissioner has reasonable cause to believe that unlawful or fraudulent activity is occurring, or has occurred, therein.

(9) In response to a complaint, to address any inquiries to any pawnshop in relation to its affairs, and it shall be the duty of the pawnshop to promptly reply in writing to such inquiries. The Commissioner may also require reports or information from any pawnshop at any time the Commissioner may deem desirable.

(10) To revoke a license issued under this Act if the Commissioner determines that (a) a licensee has been convicted of a felony in connection with the operations of a pawnshop; (b) a licensee knowingly, recklessly, or continuously violated this Act, a rule promulgated in accordance with this Act, or any order of the Commissioner; (c) a fact or condition exists that, if it had existed or had been known at the time of the original application, would have justified license refusal; or (d) the licensee knowingly submits materially false or misleading documents with the intent to deceive the Commissioner or any other party.

(11) Following license revocation, to take possession and control of a pawnshop for the purpose of examination,
reorganization, or liquidation through receivership and to appoint a receiver, which may be the Commissioner, a pawnshop, or another suitable person.

(b) After consultation with local law enforcement officers, the Attorney General, and the industry, the Commissioner may by rule require that pawnbrokers operate video camera surveillance systems to record photographic representations of customers and retain the tapes produced for up to 30 days.

(c) Pursuant to rule, the Commissioner shall issue licenses on an annual or multi-year basis for operating a pawnshop. Any person currently operating or who has operated a pawnshop in this State during the 2 years preceding the effective date of this amendatory Act of 1997 shall be issued a license upon payment of the fee required under this Act. New applicants shall meet standards for a license as established by the Commissioner. Except with the prior written consent of the Commissioner, no individual, either a new applicant or a person currently operating a pawnshop, may be issued a license to operate a pawnshop if the individual has been convicted of a felony or of any criminal offense relating to dishonesty or breach of trust in connection with the operations of a pawnshop. The Commissioner shall establish license fees. The fees shall not exceed the amount reasonably required for administration of this Act. It shall be unlawful to operate a pawnshop without a license issued by the Commissioner.

(d) In addition to license fees, the Commissioner may, by rule, establish fees in connection with a review, approval, or provision of a service, and levy a reasonable charge to recover the cost of the review, approval, or service (such as a change in control, change in location, or renewal of a license). The Commissioner may also levy a reasonable charge to recover the cost of an examination if the Commissioner determines that unlawful or fraudulent activity has occurred. The Commissioner may require payment of the fees and charges provided in this Act by certified check, money order, an electronic transfer of funds, or an automatic debit of an account.

(e) The Pawnbroker Regulation Fund is established as a special fund in the State treasury. Moneys collected under this Act shall be deposited into the Fund and used for the administration of this Act. In the event that General Revenue Funds are appropriated to the Office of the Commissioner of Banks and Real Estate for the initial implementation of this Act, the Governor may direct the repayment from the Pawnbroker Regulation Fund to the General Revenue Fund of such advance in an

New matter indicated by italics - deletions by strikeout
amount not to exceed $30,000. The Governor may direct this interfund transfer at such time as he deems appropriate by giving appropriate written notice. *Moneys in the Pawnbroker Regulation Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.*

(f) The Commissioner may, by rule, require all pawnshops to provide for the expenses that would arise from the administration of the receivership of a pawnshop under this Act through the assessment of fees, the requirement to pledge surety bonds, or such other methods as determined by the Commissioner.

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

(Source: P.A. 92-215, eff. 8-2-01.)

Section 13-35. The Transmitters of Money Act is amended by changing Section 93 as follows:

(205 ILCS 657/93)

Sec. 93. Consumer Protection Fund.

(a) A special income-earning fund is hereby created in the State treasury, known as the TOMA Consumer Protection Fund.

(b) All money paid into the fund together with all accumulated undistributed income thereon shall be held as a special fund in the State treasury. The fund shall be used solely for the purpose of providing restitution to consumers who have suffered monetary loss arising out of a transaction regulated by this Act.

(c) The fund shall be applied only to restitution when restitution has been ordered by the Director. Restitution shall not exceed the amount actually lost by the consumer. The fund shall not be used for the payment of any attorney or other fees.

(d) The fund shall be subrogated to the amount of the restitution, and the Director shall request the Attorney General to engage in all reasonable collection steps to collect restitution from the party responsible for the loss and reimburse the fund.

(e) Notwithstanding any other provisions of this Section, the payment of restitution from the fund shall be a matter of grace and not of right, and no consumer shall have any vested rights in the fund as a beneficiary or otherwise. Before seeking restitution from the fund, the
consumer or beneficiary seeking payment of restitution shall apply for restitution on a form provided by the Director. The form shall include any information the Director may reasonably require in order to determine that restitution is appropriate.

(f) Notwithstanding any other provision of this Section, moneys in the TOMA Consumer Protection Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 93-535, eff. 1-1-04.)

Section 13-40. The Illinois Insurance Code is amended by changing Sections 408.3 and 511.111 as follows:

(215 ILCS 5/408.3) (from Ch. 73, par. 1020.3)
Sec. 408.3. Insurance Financial Regulation Fund; uses. The monies deposited into the Insurance Financial Regulation Fund shall be used only for (i) payment of the expenses of the Department, including related administrative expenses, incurred in analyzing, investigating and examining the financial condition or control of insurance companies and other entities licensed or seeking to be licensed by the Department, including the collection, analysis and distribution of information on insurance premiums, other income, costs and expenses, and (ii) to pay internal costs and expenses of the Interstate Insurance Receivership Commission allocated to this State and authorized and admitted companies doing an insurance business in this State under Article X of the Interstate Insurance Receivership Compact. All distributions and payments from the Insurance Financial Regulation Fund shall be subject to appropriation as otherwise provided by law for payment of such expenses.

Sums appropriated under clause (ii) of the preceding paragraph shall be deemed to satisfy, pro tanto, the obligations of insurers doing business in this State under Article X of the Interstate Insurance Receivership Compact.

Nothing in this Code shall prohibit the General Assembly from appropriating funds from the General Revenue Fund to the Department for the purpose of administering this Code.

No fees collected pursuant to Section 408 of this Code shall be used for the regulation of pension funds or activities by the Department in the performance of its duties under Article 22 of the Illinois Pension Code.

If at the end of a fiscal year the balance in the Insurance Financial Regulation Fund which remains unexpended or unobligated exceeds the

New matter indicated by italics - deletions by strikeout
amount of funds that the Director may certify is needed for the purposes enumerated in this Section, then the General Assembly may appropriate that excess amount for purposes other than those enumerated in this Section.

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

(Source: P.A. 89-247, eff. 1-1-96; 90-372, eff. 7-1-98.)

(215 ILCS 5/511.111) (from Ch. 73, par. 1065.58-111)

Sec. 511.111. Insurance Producer Administration Fund. All fees and fines paid to and collected by the Director under this Article shall be paid promptly after receipt thereof, together with a detailed statement of such fees, into a special fund in the State Treasury to be known as the Insurance Producer Administration Fund. The monies deposited into the Insurance Producer Administration Fund shall be used only for payment of the expenses of the Department and shall be appropriated as otherwise provided by law for the payment of such expenses. **Moneys in the Insurance Producers Administration Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.**

(Source: P.A. 84-887.)

Section 13-45. The Auction License Act is amended by changing Section 30-15 as follows:

(225 ILCS 407/30-15)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-15. Auction Regulation Administration Fund. A special fund to be known as the Auction Regulation Administration Fund is created in the State Treasury. All fees received by the OBRE under this Act shall be deposited into the Auction Regulation Administration Fund. Subject to appropriation, the moneys deposited into the Auction Regulation Administration Fund shall be used by the OBRE for the administration of this Act. Moneys in the Auction Regulation Administration Fund may be invested and reinvested in the same manner as authorized for pension funds in Article 14 of the Illinois Pension Code. All earnings, interest, and dividends received from investment of funds in the Auction Regulation Administration Fund shall be deposited into the Auction Regulation Administration Fund and shall be used for the same

New matter indicated by italics - deletions by strikeout
purposes as other moneys deposited in the Auction Regulation Administration Fund.

This fund shall be created on July 1, 1999. The State Treasurer shall cause a transfer of $300,000 to the Auction Regulation Administration Fund from the Real Estate License Administration Fund on August 1, 1999. The State Treasurer shall cause a transfer of $200,000 on August 1, 2000 and a transfer of $100,000 on January 1, 2002 from the Auction Regulation Administration Fund to the Real Estate License Administration Fund, or if there is a sufficient fund balance in the Auction Regulation Administration Fund to properly administer this Act, the OBRE may recommend to the State Treasurer to cause a transfer from the Auction Regulation Administration Fund to the Real Estate License Administration Fund on a date and in an amount which is accelerated, but not less than set forth in this Section. In addition to the license fees required under this Act, each initial applicant for licensure under this Act shall pay to the OBRE an additional $100 for deposit into the Auction Regulation Administration Fund for a period of 2 years or until such time the original transfer amount to the Auction Regulation Administration Fund from the Real Estate License Administration Fund is repaid.

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

Upon completion of any audit of the OBRE as prescribed by the Illinois State Auditing Act, which includes an audit of the Auction Regulation Administration Fund, the OBRE shall make the audit open to inspection by any interested party.

(Source: P.A. 91-603, eff. 8-16-99.)

Section 13-50. The Home Inspector License Act is amended by changing Section 25-5 as follows:

(225 ILCS 441/25-5)

(Section scheduled to be repealed on January 1, 2012)

Sec. 25-5. Home Inspector Administration Fund; surcharge.

(a) The Home Inspector Administration Fund is created as a special fund in the State Treasury. All fees, fines, and penalties received by OBRE under this Act shall be deposited into the Home Inspector Administration Fund. All earnings attributable to investment of funds in the Home Inspector Administration Fund shall be credited to the Home Inspector Administration Fund. Subject to appropriation, the moneys in the Home Inspector Administration Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

New matter indicated by italics - deletions by strikeout
Inspector Administration Fund shall be appropriated to OBRE for the
expenses incurred by OBRE and the Board in the administration of this
Act.

(b) The State Comptroller and State Treasurer shall transfer
$150,000 from the Real Estate License Administration Fund to the Home
Inspector Administration Fund on July 1, 2002.

The State Treasurer shall transfer $50,000 from the Home
Inspector Administration Fund to the Real Estate License Administration
Fund on July 1, 2003, July 1, 2004, and July 1, 2005; except that if there is
a sufficient fund balance in the Home Inspector Administration Fund, the
Commissioner may recommend the acceleration of any of these repayment
transfers to the State Comptroller and State Treasurer, who may, in their
discretion, accelerate the transfers in accordance with the Commissioner's
recommendation.

(c) Until a total of $150,000 has been transferred to the Real Estate
License Administration Fund from the Home Inspector Administration
Fund under subsection (b), each initial applicant for a license under this
Act shall pay to OBRE a surcharge of $150 in addition to the license fees
otherwise required under this Act.

(c-5) Moneys in the Home Inspection Administration Fund may be
transferred to the Professions Indirect Cost Fund, as authorized under
Section 2105-300 of the Department of Professional Regulation Law of the
Civil Administrative Code of Illinois.

(d) Upon the completion of any audit of OBRE, as prescribed by
the Illinois State Auditing Act, that includes an audit of the Home
Inspector Administration Fund, OBRE shall make the audit report open to
inspection by any interested person.

(Source: P.A. 92-239, eff. 8-3-01.)

Section 13-55. The Real Estate License Act of 2000 is amended by
changing Sections 25-25, 25-30, and 25-37 as follows:

(225 ILCS 454/25-25)

(Section scheduled to be repealed on January 1, 2010)

Sec. 25-25. Real Estate Research and Education Fund. A special
fund to be known as the Real Estate Research and Education Fund is
created and shall be held in trust in the State Treasury. Annually, on
September 15th, the State Treasurer shall cause a transfer of $125,000 to
the Real Estate Research and Education Fund from the Real Estate License
Administration Fund. The Real Estate Research and Education Fund shall
be administered by OBRE. Money deposited in the Real Estate Research

New matter indicated by italics - deletions by strikeout
and Education Fund may be used for research and education at state institutions of higher education or other organizations for research and the advancement of education in the real estate industry. Of the $125,000 annually transferred into the Real Estate Research and Education Fund, $15,000 shall be used to fund a scholarship program for persons of minority racial origin who wish to pursue a course of study in the field of real estate. For the purposes of this Section, "course of study" means a course or courses that are part of a program of courses in the field of real estate designed to further an individual's knowledge or expertise in the field of real estate. These courses shall include without limitation courses that a salesperson licensed under this Act must complete to qualify for a real estate broker's license, courses required to obtain the Graduate Realtors Institute designation, and any other courses or programs offered by accredited colleges, universities, or other institutions of higher education in Illinois. The scholarship program shall be administered by OBRE or its designee. Moneys in the Real Estate Research and Education Fund may be invested and reinvested in the same manner as funds in the Real Estate Recovery Fund and all earnings, interest, and dividends received from such investments shall be deposited in the Real Estate Research and Education Fund and may be used for the same purposes as moneys transferred to the Real Estate Research and Education Fund.

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

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/25-30)

(Section scheduled to be repealed on January 1, 2010)

Sec. 25-30. Real Estate License Administration Fund; audit. A special fund to be known as the Real Estate License Administration Fund is created in the State Treasury. All fees received by OBRE under this Act shall be deposited in the Real Estate License Administration Fund. The moneys deposited in the Real Estate License Administration Fund shall be appropriated to OBRE for expenses of OBRE and the Board in the administration of this Act and for the administration of any Act administered by OBRE providing revenue to this Fund. Moneys in the Real Estate License Administration Fund may be invested and reinvested in the same manner as funds in the Real Estate Recovery Fund. All earnings received from such investment shall be deposited in the Real

New matter indicated by italics - deletions by strikeout
Estate License Administration Fund and may be used for the same purposes as fees deposited in the Real Estate License Administration Fund. *Moneys in the Real Estate License Administration Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.* Upon the completion of any audit of OBRE, as prescribed by the Illinois State Auditing Act, which includes an audit of the Real Estate License Administration Fund, OBRE shall make the audit open to inspection by any interested person.

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/25-37)

(Section scheduled to be repealed on January 1, 2010)

Sec. 25-37. Real Estate Audit Fund; audit of special accounts; audit of fund.

(a) A special fund to be known as the Real Estate Audit Fund is created in the State Treasury. The State Treasurer shall cause a transfer of $200,000 from the Real Estate License Administration Fund to the Real Estate Audit Fund on January 1, 2002. If, at any time, the balance in the Real Estate Audit Fund is less than $25,000, the State Treasurer shall cause a transfer of $200,000 from the Real Estate License Administration Fund to the Real Estate Audit Fund. The moneys held in the Real Estate Audit Fund shall be used exclusively by OBRE to conduct audits of special accounts of moneys belonging to others held by a broker.

(b) Upon receipt of a complaint or evidence by OBRE sufficient to cause OBRE to reasonably believe that funds required to be maintained in a special account by a broker have been misappropriated, the broker shall, within 30 days of written notice, submit to an audit of all special accounts. Such audit shall be performed by a licensed certified public accountant, shall result in a written report by the accountant, and shall specifically refer to the escrow and record-keeping requirements of this Act and the rules adopted under this Act. If it is found, pursuant to an order issued by the Commissioner, that moneys required to be maintained in a special account by a broker were misappropriated, as further defined by rule, the broker shall reimburse OBRE, in addition to any other discipline or civil penalty imposed, for the cost of the audit performed pursuant to this Section. OBRE may file in circuit court for a judgment to enforce the collection of the reimbursement of the cost of such audit. Any reimbursement collected by OBRE shall be deposited into the Real Estate Audit Fund.

New matter indicated by italics - deletions by strikeout
(c) Moneys in the Real Estate Audit Fund may be invested and reinvested in the same manner as funds in the Real Estate Recovery Fund. All earnings received from such investment shall be deposited in the Real Estate Audit Fund and may be used for the same purpose as other moneys deposited in the Real Estate Audit Fund. Moneys in the Real Estate Audit Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Upon completion of any audit of OBRE, prescribed by the Illinois State Auditing Act, which includes an audit of the Real Estate Audit Fund, OBRE shall make the audit open to inspection by any interested person. (Source: P.A. 92-217, eff. 8-2-01.)

Section 13-60. The Real Estate Appraiser Licensing Act of 2002 is amended by changing Section 25-5 as follows:

(225 ILCS 458/25-5)

(Section scheduled to be repealed on January 1, 2012)

Sec. 25-5. Appraisal Administration Fund; surcharge. The Appraisal Administration Fund is created as a special fund in the State Treasury. All fees, fines, and penalties received by OBRE under this Act shall be deposited into the Appraisal Administration Fund. All earnings attributable to investment of funds in the Appraisal Administration Fund shall be credited to the Appraisal Administration Fund. Subject to appropriation, the moneys in the Appraisal Administration Fund shall be paid to OBRE for the expenses incurred by OBRE and the Board in the administration of this Act. Moneys in the Appraisal Administration Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

Upon the completion of any audit of OBRE, as prescribed by the Illinois State Auditing Act, which shall include an audit of the Appraisal Administration Fund, OBRE shall make the audit report open to inspection by any interested person.

(Source: P.A. 92-180, eff. 7-1-02.)

ARTICLE 15

Section 15-5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Section 2705-200 as follows:

(20 ILCS 2705/2705-200) (was 20 ILCS 2705/49.16)

Sec. 2705-200. Master plan; reporting requirements.

New matter indicated by italics - deletions by strikeout
(a) The Department has the power to develop and maintain a continuing, comprehensive, and integrated planning process that shall develop and periodically revise a statewide master plan for transportation to guide program development and to foster efficient and economical transportation services in ground, air, water, and all other modes of transportation throughout the State. The Department shall coordinate its transportation planning activities with those of other State agencies and authorities and shall supervise and review any transportation planning performed by other Executive agencies under the direction of the Governor. The Department shall cooperate and participate with federal, regional, interstate, State, and local agencies, in accordance with Sections 5-301 and 7-301 of the Illinois Highway Code, and with interested private individuals and organizations in the coordination of plans and policies for development of the state's transportation system.

To meet the provisions of this Section, the Department shall publish and deliver to the Governor and General Assembly by January 1, 1982 and every 2 years thereafter, its master plan for highway, waterway, aeronautic, mass transportation, and railroad systems. The plan shall identify priority subsystems or components of each system that are critical to the economic and general welfare of this State regardless of public jurisdictional responsibility or private ownership.

The master plan shall provide particular emphasis and detail of at least the 5-year period in the immediate future.

Annual and 5-year, or longer, 5-year project programs for each State system in this Section shall be published and furnished the General Assembly on the first Wednesday in April of each year.

Identified needs included in the project programs shall be listed and mapped in a distinctive fashion to clearly identify the priority status of the projects: (1) projects to be committed for execution; (2) tentative projects that are dependent upon funding or other constraints; and (3) needed projects that are not programmed due to lack of funding or other constraints.

All projects shall be related to the priority systems of the master plan, and the priority criteria identified. Cost and estimated completion dates shall be included for work required to complete a useable segment or component beyond the 5-year period of the program.

(b) The Department shall publish and deliver to the Governor and General Assembly on the first Wednesday in April of each year a 5-year, or longer, Highway Improvement Program reporting the number of fiscal
years each project has been on previous 5-year plans submitted by the Department.

(c) The Department shall publish and deliver to the Governor and the General Assembly by November 1 of each year a For the Record report that shall include the following:

(1) All the projects accomplished in the previous fiscal year listed by each Illinois Department of Transportation District.

(2) The award cost and the beginning dates of each listed project.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

ARTICLE 20

Section 20-5. The State Finance Act is amended by changing Sections 5.595 (as added by Public Act 93-18), 6z-14, 6z-32, 6z-40, 6z-63, 6z-64, 6z-65, 8.3, 8.33, 8g, and 15a as follows:

(30 ILCS 105/5.595, from P.A. 93-18)

Sec. 5.595. The Illinois Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund.

(Source: P.A. 93-18, eff. 7-1-03.)

(30 ILCS 105/6z-14) (from Ch. 127, par. 142z-14)

Sec. 6z-14. The following items of income received by the Department of Natural Resources from patents and copyrights of the Illinois Scientific Surveys shall be deposited into the General Revenue Fund may be retained by the Department and covered in a special fund in the State Treasury to be known as the Patent and Copyright Fund: funds received in connection with the retention, receipt, assignment, license, sale or transfer of interests in, rights to or income from discoveries, inventions, patents or copyrightable works. All interest earned on monies in this Fund shall be deposited in the General Revenue Fund. Pursuant to appropriation, all monies in the Patent and Copyright Fund shall be used by the Department may use moneys appropriated for that purpose for patenting or copyrighting discoveries, inventions or copyrightable works or supporting other programs of the Illinois Scientific Surveys.

(Source: P.A. 89-445, eff. 2-7-96.)

(30 ILCS 105/6z-32)


(a) The Conservation 2000 Fund and the Conservation 2000 Projects Fund are created as special funds in the State Treasury. These funds shall be used to establish a comprehensive program to protect

New matter indicated by italics - deletions by strikeout
Illinois' natural resources through cooperative partnerships between State government and public and private landowners. Moneys in these Funds may be used, subject to appropriation, by the Environmental Protection Agency and the Departments of Agriculture, Natural Resources, and Transportation for purposes relating to natural resource protection, recreation, tourism, and compatible agricultural and economic development activities. Without limiting these general purposes, moneys in these Funds may be used, subject to appropriation, for the following specific purposes:

(1) To foster sustainable agriculture practices and control soil erosion and sedimentation, including grants to Soil and Water Conservation Districts for conservation practice cost-share grants and for personnel, educational, and administrative expenses.

(2) To establish and protect a system of ecosystems in public and private ownership through conservation easements, incentives to public and private landowners, including technical assistance and grants, and land acquisition provided these mechanisms are all voluntary on the part of the landowner and do not involve the use of eminent domain.

(3) To develop a systematic and long-term program to effectively measure and monitor natural resources and ecological conditions through investments in technology and involvement of scientific experts.

(4) To initiate strategies to enhance, use, and maintain Illinois' inland lakes through education, technical assistance, research, and financial incentives.

(5) To conduct an extensive review of existing Illinois water laws.

(b) The State Comptroller and State Treasurer shall automatically transfer on the last day of each month, beginning on September 30, 1995 and ending on June 30, 2009, from the General Revenue Fund to the Conservation 2000 Fund, an amount equal to 1/10 of the amount set forth below in fiscal year 1996 and an amount equal to 1/12 of the amount set forth below in each of the other specified fiscal years:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>1997</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>1998</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1999</td>
<td>$11,000,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>2001 through 2004</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>2007 through 2009</td>
<td>$14,000,000</td>
</tr>
</tbody>
</table>

(c) There shall be deposited into the Conservation 2000 Projects Fund such bond proceeds and other moneys as may, from time to time, be provided by law.

(Source: P.A. 93-839, eff. 7-30-04.)

(30 ILCS 105/6z-40)

Sec. 6z-40. Provider Inquiry Trust Fund. The Provider Inquiry Trust Fund is created as a special fund in the State treasury. Payments into the fund shall consist of fees or other moneys owed by providers of services or their agents, including other State agencies, for access to and utilization of Illinois Department of Public Aid eligibility files to verify eligibility of clients, bills for services, or other similar, related uses. Disbursements from the fund shall consist of payments to the Department of Central Management Services for communication and statistical services and for payments for administrative expenses incurred by the Illinois Department of Public Aid in the operation of the fund.

(Source: P.A. 89-21, eff. 7-1-95.)

(30 ILCS 105/6z-63)

Sec. 6z-63. The Professional Services Fund.

(a) The Professional Services Fund is created as a revolving fund in the State treasury. The following moneys shall be deposited into the Fund:

1. amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;
2. federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;
3. interest earned on moneys in the Fund; and
4. receipts or inter-fund transfers resulting from billings issued by the Department to State agencies for the cost of professional services rendered by the Department that are not

New matter indicated by italics - deletions by strikeout
compensated through the specific fund transfers authorized by this Section.

(b) Moneys in the Fund may be used by the Department for reimbursement or payment for:

(1) providing professional services to State agencies or other State entities;

(2) rendering other services at the Governor's direction to State agencies at the Governor's direction or to other State entities upon agreement between the Director of Central Management Services and the appropriate official or governing body of the other State entity; or

(3) providing for payment of administrative and other expenses incurred by the Department in providing professional services.

(c) State agencies or other State entities may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the Professional Services Fund in satisfaction of billings issued under subsection (a) of this Section.

(d) Reconciliation. For the fiscal year beginning on July 1, 2004 only, the Director of Central Management Services (the "Director") shall order that each State agency's payments and transfers made to the Fund be reconciled with actual Fund costs for professional services provided by the Department on no less than an annual basis. The Director may require reports from State agencies as deemed necessary to perform this reconciliation.

(e) The following amounts are authorized for transfer into the Professional Services Fund for the fiscal year beginning July 1, 2004:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue Fund</td>
<td>$5,440,431</td>
</tr>
<tr>
<td>Road Fund</td>
<td>$814,468</td>
</tr>
<tr>
<td>Motor Fuel Tax Fund</td>
<td>$263,500</td>
</tr>
<tr>
<td>Child Support Administrative Fund</td>
<td>$234,013</td>
</tr>
<tr>
<td>Professions Indirect Cost Fund</td>
<td>$276,800</td>
</tr>
<tr>
<td>Capital Development Board Revolving Fund</td>
<td>$207,610</td>
</tr>
<tr>
<td>Bank &amp; Trust Company Fund</td>
<td>$200,214</td>
</tr>
<tr>
<td>State Lottery Fund</td>
<td>$193,691</td>
</tr>
<tr>
<td>Insurance Producer Administration Fund</td>
<td>$174,672</td>
</tr>
<tr>
<td>Insurance Financial Regulation Fund</td>
<td>$168,327</td>
</tr>
<tr>
<td>Illinois Clean Water Fund</td>
<td>$124,675</td>
</tr>
<tr>
<td>Clean Air Act (CAA) Permit Fund</td>
<td>$91,803</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Statistical Services Revolving Fund..............................................$90,959
Financial Institution Fund....................................................$109,428
Horse Racing Fund.................................................................$71,127
Health Insurance Reserve Fund.............................................$66,577
Solid Waste Management Fund.............................................$61,081
Guardianship and Advocacy Fund..........................................$1,068
Agricultural Premium Fund.....................................................$493
Wildlife and Fish Fund..........................................................$247
Radiation Protection Fund....................................................$33,277
Nuclear Safety Emergency Preparedness Fund......................$25,652
Tourism Promotion Fund.......................................................$6,814

All of these transfers shall be made on July 1, 2004, or as soon thereafter as practical. These transfers shall be made notwithstanding any other provision of State law to the contrary.

(e-5) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2005 and through June 30, 2006, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Professional Services Fund from the designated funds not exceeding the following totals:

Food and Drug Safety Fund..............................................$3,249
Financial Institution Fund.............................................$12,942
General Professions Dedicated Fund......................................$8,579
Illinois Department of Agriculture
   Laboratory Services Revolving Fund.....................................$1,963
Illinois Veterans’ Rehabilitation Fund....................................$11,275
State Boating Act Fund..................................................$27,000
State Parks Fund.............................................................$22,007
Agricultural Premium Fund..............................................$59,483
Fire Prevention Fund.....................................................$29,862
Mental Health Fund..........................................................$78,213
Illinois State Pharmacy Disciplinary Fund.............................$2,744
Radiation Protection Fund............................................$16,034
Solid Waste Management Fund.......................................$37,669
Illinois Gaming Law Enforcement Fund................................$7,260
Subtitle D Management Fund..............................................$4,659
Illinois State Medical Disciplinary Fund..........................$8,602
Department of Children and

New matter indicated by italics - deletions by strikeout
Family Services Training Fund.............................................$29,906
Facility Licensing Fund........................................................$1,083
Youth Alcoholism and Substance Abuse Prevention Fund...........$2,783
Plugging and Restoration Fund.............................................$1,105
State Crime Laboratory Fund...............................................$1,353
Motor Vehicle Theft Prevention Trust Fund............................$9,190
Weights and Measures Fund...................................................$4,932
Solid Waste Management Revolving Loan Fund........................$$2,735
Illinois School Asbestos Abatement Fund..............................$2,166
Violence Prevention Fund.......................................................$5,176
Capital Development Board Revolving Fund............................$14,777
DCFS Children’s Services Fund.............................................$1,256,594
State Police DUI Fund.............................................................$1,434
Illinois Health Facilities Planning Fund..................................$3,191
Emergency Public Health Fund..............................................$7,996
Fair and Exposition Fund.........................................................$3,732
Nursing Dedicated and Professional Fund...................................$5,792
Optometric Licensing and Disciplinary Board Fund.................$1,032
Underground Resources Conservation Enforcement Fund............$1,221
State Rail Freight Loan Repayment Fund...............................$6,434
Drunk and Drugged Driving Prevention Fund..........................$5,473
Illinois Affordable Housing Trust Fund.................................$118,222
Community Water Supply Laboratory Fund.............................$10,021
Used Tire Management Fund..................................................$17,524
Natural Areas Acquisition Fund.............................................$15,501
Open Space Lands Acquisition and Development Fund..................$49,105
Working Capital Revolving Fund............................................$126,344
State Garage Revolving Fund..................................................$92,513
Statistical Services Revolving Fund......................................$181,949
Paper and Printing Revolving Fund.........................................$3,632
Air Transportation Revolving Fund........................................$1,969
Communications Revolving Fund..........................................$304,278
Environmental Laboratory Certification Fund...........................$1,357
Public Health Laboratory Services Revolving Fund.................$5,892
Provider Inquiry Trust Fund...................................................$1,742
Lead Poisoning Screening,

New matter indicated by italics - deletions by strikeout
Prevention, and Abatement Fund..............................................$8,200
Drug Treatment Fund............................................................$14,028
Feed Control Fund...............................................................$2,472
Plumbing Licensure and Program Fund.............................$3,521
Insurance Premium Tax Refund Fund...................................$7,872
Tax Compliance and Administration Fund..........................$5,416
Appraisal Administration Fund..............................................$2,924
Trauma Center Fund.............................................................$40,139
Alternate Fuels Fund............................................................$1,467
Illinois State Fair Fund............................................................$13,844
State Asset Forfeiture Fund..................................................$8,210
Federal Asset Forfeiture Fund...............................................$6,471
Department of Corrections Reimbursement
and Education Fund............................................................$78,965
Health Facility Plan Review Fund..........................................$3,444
LEADS Maintenance Fund.....................................................$6,075
State Offender DNA Identification
System Fund...................................................................$1,712
Illinois Historic Sites Fund.....................................................$4,511
Public Pension Regulation Fund.............................................$2,313
Workforce, Technology, and Economic
Development Fund...............................................................$5,357
Renewable Energy Resources Trust Fund..............................$29,920
Energy Efficiency Trust Fund..................................................$8,368
Pesticide Control Fund............................................................$6,687
Conservation 2000 Fund..........................................................$30,764
Wireless Carrier Reimbursement Fund..................................$91,024
International Tourism Fund....................................................$13,057
Public Transportation Fund....................................................$701,837
Horse Racing Fund.................................................................$18,589
Death Certificate Surcharge Fund..........................................$1,901
State Police Wireless Service
Emergency Fund.................................................................$1,012
Downstate Public Transportation Fund..................................$112,085
Motor Carrier Safety Inspection Fund.....................................$6,543
State Police Whistleblower Reward
and Protection Fund.............................................................$1,894
Illinois Standardbred Breeders Fund......................................$4,412
Illinois Thoroughbred Breeders Fund....................................$6,635

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois Clean Water Fund</td>
<td>$17,579</td>
</tr>
<tr>
<td>Independent Academic Medical Center Fund</td>
<td>$5,611</td>
</tr>
<tr>
<td>Child Support Administrative Fund</td>
<td>$432,527</td>
</tr>
<tr>
<td>Corporate Headquarters Relocation Assistance Fund</td>
<td>$4,047</td>
</tr>
<tr>
<td>Local Initiative Fund</td>
<td>$58,762</td>
</tr>
<tr>
<td>Tourism Promotion Fund</td>
<td>$88,072</td>
</tr>
<tr>
<td>Digital Divide Elimination Fund</td>
<td>$11,593</td>
</tr>
<tr>
<td>Presidential Library and Museum Operating Fund</td>
<td>$4,624</td>
</tr>
<tr>
<td>Metro-East Public Transportation Fund</td>
<td>$47,787</td>
</tr>
<tr>
<td>Medical Special Purposes Trust Fund</td>
<td>$11,779</td>
</tr>
<tr>
<td>Dram Shop Fund</td>
<td>$11,317</td>
</tr>
<tr>
<td>Illinois State Dental Disciplinary Fund</td>
<td>$1,986</td>
</tr>
<tr>
<td>Hazardous Waste Research Fund</td>
<td>$1,333</td>
</tr>
<tr>
<td>Real Estate License Administration Fund</td>
<td>$10,886</td>
</tr>
<tr>
<td>Traffic and Criminal Conviction Surcharge Fund</td>
<td>$44,798</td>
</tr>
<tr>
<td>Criminal Justice Information Systems Trust Fund</td>
<td>$5,693</td>
</tr>
<tr>
<td>Design Professionals Administration and Investigation Fund</td>
<td>$2,036</td>
</tr>
<tr>
<td>State Surplus Property Revolving Fund</td>
<td>$6,829</td>
</tr>
<tr>
<td>Illinois Forestry Development Fund</td>
<td>$7,012</td>
</tr>
<tr>
<td>State Police Services Fund</td>
<td>$47,072</td>
</tr>
<tr>
<td>Youth Drug Abuse Prevention Fund</td>
<td>$1,299</td>
</tr>
<tr>
<td>Metabolic Screening and Treatment Fund</td>
<td>$15,947</td>
</tr>
<tr>
<td>Insurance Producer Administration Fund</td>
<td>$30,870</td>
</tr>
<tr>
<td>Coal Technology Development Assistance Fund</td>
<td>$43,692</td>
</tr>
<tr>
<td>Rail Freight Loan Repayment Fund</td>
<td>$1,016</td>
</tr>
<tr>
<td>Low-Level Radioactive Waste</td>
<td></td>
</tr>
<tr>
<td>Facility Development and Operation Fund</td>
<td>$1,989</td>
</tr>
<tr>
<td>Environmental Protection Permit and Inspection Fund</td>
<td>$32,125</td>
</tr>
<tr>
<td>Park and Conservation Fund</td>
<td>$41,038</td>
</tr>
<tr>
<td>Local Tourism Fund</td>
<td>$34,492</td>
</tr>
<tr>
<td>Illinois Capital Revolving Loan Fund</td>
<td>$10,624</td>
</tr>
<tr>
<td>Illinois Equity Fund</td>
<td>$1,929</td>
</tr>
<tr>
<td>Large Business Attraction Fund</td>
<td>$5,554</td>
</tr>
<tr>
<td>Illinois Beach Marina Fund</td>
<td>$5,053</td>
</tr>
<tr>
<td>International and Promotional Fund</td>
<td>$1,466</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Public Infrastructure Construction

Loan Revolving Fund.................................................$3,111
Insurance Financial Regulation Fund..................................$42,575
Total                                                                                 $4,975,487

(e-10) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Professional Services Fund amounts equal to one-fourth of each of the following totals:

General Revenue Fund....................................................$4,440,000
Road Fund........................................................................$5,324,411
Total                                                                                 $9,764,411

(f) The term "professional services" means services rendered on behalf of State agencies and other State entities pursuant to Section 405-293 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

(Source: P.A. 93-839, eff. 7-30-04.)

(30 ILCS 105/6z-64)
Sec. 6z-64. The Workers' Compensation Revolving Fund.
(a) The Workers' Compensation Revolving Fund is created as a revolving fund in the State treasury. The following moneys shall be deposited into the Fund:

(1) amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;
(2) federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;
(3) interest earned on moneys in the Fund;
(4) receipts or inter-fund transfers resulting from billings issued by the Department to State agencies and universities for the cost of workers' compensation services rendered by the Department that are not compensated through the specific fund transfers authorized by this Section, if any;
(5) amounts received from a State agency or university for workers' compensation payments for temporary total disability, as
provided in Section 405-105 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois; and

(6) amounts recovered through subrogation in workers' compensation and workers' occupational disease cases.

(b) Moneys in the Fund may be used by the Department for reimbursement or payment for:

(1) providing workers' compensation services to State agencies and State universities; or

(2) providing for payment of administrative and other expenses incurred by the Department in providing workers' compensation services.

(c) State agencies may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the Workers' Compensation Revolving Fund in satisfaction of billings issued under subsection (a) of this Section.

(d) Reconciliation. For the fiscal year beginning on July 1, 2004 only, the Director of Central Management Services (the "Director") shall order that each State agency's payments and transfers made to the Fund be reconciled with actual Fund costs for workers' compensation services provided by the Department and attributable to the State agency and relevant fund on no less than an annual basis. The Director may require reports from State agencies as deemed necessary to perform this reconciliation.

(d-5) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2005 and until June 30, 2006, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Mental Health Fund.......................................................$17,694,000
Statistical Services Revolving Fund................................$1,252,600
Department of Corrections Reimbursement
and Education Fund..................................................$1,198,600
Communications Revolving Fund.................................$535,400
Child Support Administrative Fund............................$441,900
Health Insurance Reserve Fund.................................$238,900
Fire Prevention Fund.....................................................$234,100

New matter indicated by italics - deletions by strikeout
Public Act 94-0091

(d-10) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund amounts equal to one-fourth of each of the following totals:

- General Revenue Fund ........................................... $34,000,000
- Road Fund .................................................................. $25,987,000
- Total ........................................................................ $59,987,000

(e) The term "workers' compensation services" means services, claims expenses, and related administrative costs incurred in performing the duties under functions consolidated within the Department of Central Management Services under Sections 405-105 and Section 405-411 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

(Source: P.A. 93-839, eff. 7-30-04.)

(30 ILCS 105/6z-65)

Sec. 6z-65. The Facilities Management Revolving Fund.

New matter indicated by italics - deletions by strikeout
(a) The Facilities Management Revolving Fund is created as a revolving fund in the State treasury. The following moneys shall be deposited into the Fund:
   
   (1) amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;
   
   (2) federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;
   
   (3) interest earned on moneys in the Fund;
   
   (4) receipts or inter-fund transfers resulting from billings issued by the Department to State agencies for the cost of facilities management services rendered by the Department that are not compensated through the specific fund transfers authorized by this Section, if any; and
   
   (5) fees from the lease, rental, use, or occupancy of State facilities managed, operated, or maintained by the Department.

(b) Moneys in the Fund may be used by the Department for reimbursement or payment for:
   
   (1) the acquisition and operation of State facilities, including, without limitation, rental or installment payments and interest, personal services, utilities, maintenance, and remodeling; or
   
   (2) providing for payment of administrative and other expenses incurred by the Department in providing facilities management services.

(c) State agencies may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the Facilities Management Revolving Fund in satisfaction of billings issued under subsection (a) of this Section.

(d) Reconciliation. For the fiscal year beginning July 1, 2004 only, the Director of Central Management Services (the "Director") shall order that each State agency's payments and transfers made to the Fund be reconciled with actual Fund costs for facilities management services provided by the Department and attributable to the State agency and relevant fund on no less than an annual basis. The Director may require reports from State agencies as deemed necessary to perform this reconciliation.

New matter indicated by italics - deletions by strikeout
(e) The term "facilities management services" means services performed by the Department in providing for the acquisition, occupancy, management, and operation of State owned and leased buildings, facilities, structures, grounds, or the real property under management of the Department.

(Source: P.A. 93-839, eff. 7-30-04.)

(30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

Sec. 8.3. Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code, except the cost of administration of Articles I and II of Chapter 3 of that Code; and

secondly -- for expenses of the Department of Transportation for construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways in accordance with the provisions of laws relating thereto, or for any purpose related or incident to and connected therewith, including the separation of grades of those highways with railroads and with highways and including the payment of awards made by the Illinois Workers' Compensation Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation; or for the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway right-of-way or for investigations to determine the reasonably anticipated future highway needs; or for making of surveys, plans, specifications and estimates for and in the construction and maintenance of flight strips and of highways necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials and for replacing existing highways and highway connections shut off from general public use at military and naval reservations and defense-industry sites, or for the purchase of right-of-way, except that the State shall be reimbursed in full for any

New matter indicated by italics - deletions by strikeout
expense incurred in building the flight strips; or for the operating and maintaining of highway garages; or for patrolling and policing the public highways and conserving the peace; or for the operating expenses of the Department relating to the administration of public transportation programs; or for any of those purposes or any other purpose that may be provided by law.

Appropriations for any of those purposes are payable from the Road Fund. Appropriations may also be made from the Road Fund for the administrative expenses of any State agency that are related to motor vehicles or arise from the use of motor vehicles.

Beginning with fiscal year 1980 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of Public Health;
2. Department of Transportation, only with respect to subsidies for one-half fare Student Transportation and Reduced Fare for Elderly;
3. Department of Central Management Services, except for expenditures incurred for group insurance premiums of appropriate personnel;

Beginning with fiscal year 1981 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except for expenditures with respect to the Division of Operations;
2. Department of Transportation, only with respect to Intercity Rail Subsidies and Rail Freight Services.

Beginning with fiscal year 1982 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement: Department of Central Management Services, except for awards made by the Illinois Workers' Compensation Commission under the terms of the Workers'
Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except not more than 40% of the funds appropriated for the Division of Operations;

2. State Officers.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to any Department or agency of State government for administration, grants, or operations except as provided hereafter; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement. It shall not be lawful to circumvent the above appropriation limitations by governmental reorganization or other methods. Appropriations shall be made from the Road Fund only in accordance with the provisions of this Section.

Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging during each fiscal year the principal and interest on that bonded indebtedness as it becomes due and payable as provided in the Transportation Bond Act, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code; and

secondly -- no Road Fund monies derived from fees, excises, or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of those vehicles, shall be appropriated or expended other than for costs of administering the laws imposing those fees, excises, and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, including, but not limited to, the operating expenses of the Department relating to the administration of public...
transportation programs, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for and the cost of construction, reconstruction, maintenance, repair, and operation of public highways and bridges under the direction and supervision of the State, political subdivision, or municipality collecting those monies, and the costs for patrolling and policing the public highways (by State, political subdivision, or municipality collecting that money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossing shall also be permissible.

Appropriations for any of such purposes are payable from the Road Fund or the Grade Crossing Protection Fund as provided in Section 8 of the Motor Fuel Tax Law.

Except as provided in this paragraph, beginning with fiscal year 1991 and thereafter, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of its total fiscal year 1990 Road Fund appropriations for those purposes unless otherwise provided in Section 5g of this Act. For fiscal years 2003, 2004, and 2005, and 2006 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $97,310,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods unless otherwise provided in Section 5g of this Act.

In fiscal year 1994, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1991 Road Fund appropriations to the Secretary of State for those purposes, plus $9,800,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other method.

Beginning with fiscal year 1995 and thereafter, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1994 Road Fund appropriations to the Secretary of State for those purposes. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

New matter indicated by italics - deletions by strikeout
Beginning with fiscal year 2000, total Road Fund appropriations to the Secretary of State for the purposes of this Section shall not exceed the amounts specified for the following fiscal years:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal Year 2000</td>
<td>$80,500,000;</td>
</tr>
<tr>
<td>Fiscal Year 2001</td>
<td>$80,500,000;</td>
</tr>
<tr>
<td>Fiscal Year 2002</td>
<td>$80,500,000;</td>
</tr>
<tr>
<td>Fiscal Year 2003</td>
<td>$130,500,000;</td>
</tr>
<tr>
<td>Fiscal Year 2004</td>
<td>$130,500,000;</td>
</tr>
<tr>
<td>Fiscal Year 2005</td>
<td>$130,500,000;</td>
</tr>
<tr>
<td>Fiscal Year 2006</td>
<td>$130,500,000;</td>
</tr>
<tr>
<td>Fiscal Year 2007</td>
<td>$30,500,000</td>
</tr>
</tbody>
</table>

It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

No new program may be initiated in fiscal year 1991 and thereafter that is not consistent with the limitations imposed by this Section for fiscal year 1984 and thereafter, insofar as appropriation of Road Fund monies is concerned.

Nothing in this Section prohibits transfers from the Road Fund to the State Construction Account Fund under Section 5e of this Act; nor to the General Revenue Fund, as authorized by this amendatory Act of the 93rd General Assembly.

The additional amounts authorized for expenditure in this Section by Public Acts 92-0600, and 93-0025, and 93-0839 shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

The additional amounts authorized for expenditure by the Secretary of State and the Department of State Police in this Section by this amendatory Act of the 94th General Assembly and the 93rd General Assembly shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

(Source: P.A. 92-600, eff. 6-28-02; 93-25, eff. 6-20-03; 93-721, eff. 1-1-05; 93-839, eff. 7-30-04; revised 10-25-04.)

(30 ILCS 105/8.33) (from Ch. 127, par. 144.33)
Sec. 8.33. Expenses incident to leasing or use of State facilities.

New matter indicated by italics - deletions by strikeout
(a) All expenses incident to the leasing or use of the State facilities listed in Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315) for lease or use terms not exceeding 30 days in length shall be payable from the Special Events Revolving Fund.

Expenses incident to the lease or use of the State facilities listed in Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315) shall include expenditures for additional commodities, equipment, furniture, improvements, personal services or other expenses required by the Department of Central Management Services to make such facilities available to the public and State employees.

(b) The Special Events Revolving Fund shall cease to exist on October 1, 2005. Any balance in the Fund as of that date shall be transferred to the Facilities Management Revolving Fund. Any moneys that otherwise would be paid into the Fund on or after that date shall be deposited into the Facilities Management Revolving Fund. Any disbursements on or after that date that otherwise would be made from the Fund shall be made from the Facilities Management Revolving Fund.

(Source: P.A. 91-239, eff. 1-1-00.)

(30 ILCS 105/8g)

Sec. 8g. Fund transfers.

(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the

New matter indicated by italics - deletions by strikeout
number of retail liquor licenses issued for that fiscal year multiplied by $50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of

New matter indicated by italics - deletions by strikeout
$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

- From the General Revenue Fund: $8,450,000
- From the Public Utility Fund: $1,700,000
- From the Transportation Regulatory Fund: $2,650,000
- From the Title III Social Security and Employment Fund: $3,700,000
- From the Professions Indirect Cost Fund: $4,050,000
- From the Underground Storage Tank Fund: $550,000
- From the Agricultural Premium Fund: $750,000

New matter indicated by italics - deletions by strikeout
From the State Pensions Fund...............................................200,000
From the Road Fund..........................................................2,000,000
From the Health Facilities Planning Fund.............................................1,000,000
From the Savings and Residential Finance Regulatory Fund..............................130,800
From the Appraisal Administration Fund..................................28,600
From the Pawnbroker Regulation Fund.....................................3,600
From the Auction Regulation Administration Fund..............................................35,800
From the Bank and Trust Company Fund.................................634,800
From the Real Estate License Administration Fund..............................313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

  Appraisal Administration Fund..............................................$150,000
  General Revenue Fund..................................................10,440,000
  Savings and Residential Finance Regulations Fund.........................200,000
  State Pensions Fund..........................................................100,000
  Bank and Trust Company Fund..............................................100,000

New matter indicated by italics - deletions by strikeout
Professions Indirect Cost Fund......................... 3,400,000
Public Utility Fund............................................. 2,081,200
Real Estate License Administration Fund............ 150,000
Title III Social Security and
    Employment Fund.......................................... 1,000,000
Transportation Regulatory Fund...................... 3,052,100
Underground Storage Tank Fund...................... 50,000

(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002 and on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(n) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,800,000 from the General Revenue Fund to the DHS Recoveries Trust Fund.

(o) On or after July 1, 2003, and no later than June 30, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Vehicle Inspection Fund:
    From the Underground Storage Tank Fund ..............$35,000,000.

(p) On or after July 1, 2003 and until May 1, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.
(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

New matter indicated by italics - deletions by strikeout
(x) In addition to any other transfers that may be provided for by law, on January 15, 2005, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer to the General Revenue Fund the following sums:

From the State Crime Laboratory Fund, $200,000;
From the State Police Wireless Service Emergency Fund, $200,000;
From the State Offender DNA Identification System Fund, $800,000; and
From the State Police Whistleblower Reward and Protection Fund, $500,000.

(y) Notwithstanding any other provision of law to the contrary, in addition to any other transfers that may be provided for by law on June 30, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the designated funds into the General Revenue Fund and any future deposits that would otherwise be made into these funds must instead be made into the General Revenue Fund:

(1) the Keep Illinois Beautiful Fund;
(2) the Metropolitan Fair and Exposition Authority Reconstruction Fund;
(3) the New Technology Recovery Fund;
(4) the Illinois Rural Bond Bank Trust Fund;
(5) the ISBE School Bus Driver Permit Fund;
(6) the Solid Waste Management Revolving Loan Fund;
(7) the State Postsecondary Review Program Fund;
(8) the Tourism Attraction Development Matching Grant Fund;
(9) the Patent and Copyright Fund;
(10) the Credit Enhancement Development Fund;
(11) the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund;
(12) the Nursing Home Grant Assistance Fund;
(13) the By-product Material Safety Fund;
(14) the Illinois Student Assistance Commission Higher EdNet Fund;
(15) the DORS State Project Fund;
(16) the School Technology Revolving Fund;
(17) the Energy Assistance Contribution Fund;

New matter indicated by italics - deletions by strikeout
(18) the Illinois Building Commission Revolving Fund;
(19) the Illinois Aquaculture Development Fund;
(20) the Homelessness Prevention Fund;
(21) the DCFS Refugee Assistance Fund;
(22) the Illinois Century Network Special Purposes Fund;

and

(23) the Build Illinois Purposes Fund.

(z) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(aa) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $9,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(bb) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,803,600 from the General Revenue Fund to the Securities Audit and Enforcement Fund.

(cc) In addition to any other transfers that may be provided for by law, on or after July 1, 2005 and until May 1, 2006, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2006.

(Source: P.A. 92-11, eff. 6-11-01; 92-505, eff. 12-20-01; 92-600, eff. 6-28-02; 93-32, eff. 6-20-03; 93-648, eff. 1-8-04; 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05.)

(30 ILCS 105/15a) (from Ch. 127, par. 151a)

Sec. 15a. Contractual services. The item "contractual services", when used in an appropriation act, means and includes:

New matter indicated by italics - deletions by strikeout
(a) Expenditures incident to the current conduct and operation of an office, department, board, commission, institution or agency for postage and postal charges, surety bond premiums, publications, subscriptions, office conveniences and services, exclusive of commodities as herein defined;

(b) Expenditures for rental of property or equipment, repair or maintenance of property or equipment including related supplies, equipment, materials, services, replacement fixtures and repair parts, utility services, professional or technical services, moving expenses incident to a new State employment, and transportation charges exclusive of "travel" as herein defined;

(c) Expenditures for the rental of lodgings in Springfield, Illinois and for the payment of utilities used in connection with such lodgings for all elected State officials, who are required by Section 1, Article V of the Constitution of the State of Illinois to reside at the seat of government during their term of office;

(d) Expenditures pursuant to multi-year lease, lease-purchase or installment purchase contracts for duplicating equipment authorized by Section 5.1 of the Illinois Purchasing Act;

(e) Expenditures of $5,000 or less per project for improvements to real property which, except for the operation of this Section, would be classified as "permanent improvements" as defined in Section 21;

(f) Expenditures pursuant to multi-year lease, lease-purchase or installment purchase contracts for land, permanent improvements or fixtures.

(g) Expenditures for facilities management, communication, information technology, and professional services provided by the Department of Central Management Services pursuant to the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

The item "contractual services" does not, however, include any expenditures included in "operation of automotive equipment" as defined in Section 24.2.

The item "contractual services" does not include any expenditures for professional, technical, or other services performed for a State agency under a contract executed after July 1, 1992 by a person who was formerly employed by that agency and has received any early retirement incentive under Section 14-108.3 or 16-133.3 of the Illinois Pension Code based on

New matter indicated by italics - deletions by strikeout
retirement before 1993, unless the official or employee executing the contract on behalf of the agency has certified that the person performing the services either (i) possesses unique expertise, or (ii) is essential to the operation of the agency. This certification must be filed with the Office of the Auditor General prior to the execution of the contract, and shall be made available by that Office for public inspection and copying. The item "contractual services" does not include any expenditures for professional, technical, or other services performed for a State agency under a contract executed after the effective date of this amendatory Act of the 92nd General Assembly by a person who has received any early retirement incentive under Section 14-108.3 or 16-133.3 of the Illinois Pension Code based on retirement in 2002 or later. A contract not payable from the contractual services item because of this paragraph shall not be payable from any other item of appropriation. For the purposes of this paragraph, the term "agency" includes all offices, boards, commissions, departments, agencies, and institutions of State government.

(Source: P.A. 91-357, eff. 7-29-99; 92-566, eff. 6-25-02.)

ARTICLE 26

Section 26-5. The Children and Family Services Act is amended by changing Section 22.2 as follows:

(20 ILCS 505/22.2) (from Ch. 23, par. 5022.2)

Sec. 22.2. To provide training programs for the provision of foster care and adoptive care services. Training provided to foster parents shall include training and information on their right to be heard, to bring a mandamus action, and to intervene in juvenile court as set forth under subsection (2) of Section 1-5 of the Juvenile Court Act of 1987 and the availability of the hotline established under Section 35.6 of this Act, that foster parents may use to report incidents of misconduct or violation of rules by Department employees, service providers, or contractors. Monies for such training programs shall be derived from the Department of Children and Family Services Training Fund, hereby created in the State Treasury. Deposits to this fund shall consist of federal financial participation in foster care and adoption care training programs, public and unsolicited private grants and fees for such training, and royalties earned from the publication of materials owned by or licensed to the Department. In addition, with the approval of the Governor, the Department may transfer amounts not exceeding $2,000,000 in each fiscal year from the DCFS Children's Services Fund to the Department of Children and Family Services Training Fund. Disbursements from the Department of Children

New matter indicated by italics - deletions by strikeout
and Family Service Training Fund shall be made by the Department for foster care and adoptive care training services in accordance with federal standards.

(Source: P.A. 91-712, eff. 7-1-00; 92-321, eff. 1-1-02.)

Section 26-10. The State Finance Act is amended by changing Section 8.27 as follows:

(30 ILCS 105/8.27) (from Ch. 127, par. 144.27)

Sec. 8.27. All receipts from federal financial participation in the Foster Care and Adoption Services program under Title IV-E of the federal Social Security Act, including receipts for related indirect costs, but excluding receipts from federal financial participation in such Title IV-E Foster Care and Adoption Training Program, shall be deposited in the DCFS Children's Services Fund.

Eighty percent of the federal funds received by the Illinois Department of Human Services under the Title IV-A Emergency Assistance program as reimbursement for expenditures made from the Illinois Department of Children and Family Services appropriations for the costs of services in behalf of Department of Children and Family Services clients shall be deposited into the DCFS Children's Services Fund.

All receipts from federal financial participation in the Child Welfare Services program under Title IV-B of the federal Social Security Act, including receipts for related indirect costs, shall be deposited into the DCFS Children's Services Fund for those moneys received as reimbursement for services provided on or after July 1, 1994.

In addition, as soon as may be practicable after the first day of November, 1994, the Department of Children and Family Services shall request the Comptroller to order transferred and the Treasurer shall transfer the unexpended balance of the Child Welfare Services Fund to the DCFS Children's Services Fund. Upon completion of the transfer, the Child Welfare Services Fund will be considered dissolved and any outstanding obligations or liabilities of that fund will pass to the DCFS Children's Services Fund.

Monies in the Fund may be used by the Department, pursuant to appropriation by the General Assembly, for the ordinary and contingent expenses of the Department.

In fiscal year 1988 and in each fiscal year thereafter through fiscal year 2000, the Comptroller shall order transferred and the Treasurer shall transfer an amount of $16,100,000 from the DCFS Children's Services Fund to the General Revenue Fund in the following manner: As soon as
may be practicable after the 15th day of September, December, March and June, the Comptroller shall order transferred and the Treasurer shall transfer, to the extent that funds are available, 1/4 of $16,100,000, plus any cumulative deficiencies in such transfers for prior transfer dates during such fiscal year. In no event shall any such transfer reduce the available balance in the DCFS Children's Services Fund below $350,000. In accordance with subsection (q) of Section 5 of the Children and Family Services Act, disbursements from individual children's accounts shall be deposited into the DCFS Children's Services Fund.

Receipts from public and unsolicited private grants, fees for training, and royalties earned from the publication of materials owned by or licensed to the Department of Children and Family Services shall be deposited into the DCFS Children's Services Fund.

As soon as may be practical after September 1, 2005, upon the request of the Department of Children and Family Services, the Comptroller shall order transferred and the Treasurer shall transfer the unexpended balance of the Department of Children and Family Services Training Fund into the DCFS Children's Services Fund. Upon completion of the transfer, the Department of Children and Family Services Training Fund is dissolved and any outstanding obligations or liabilities of that Fund pass to the DCFS Children's Services Fund.

(Source: P.A. 91-712, eff. 7-1-00.)

ARTICLE 27

Section 27-5. The Illinois Income Tax Act is amended by changing Section 901 as follows:

(35 ILCS 5/901) (from Ch. 120, par. 9-901)
Sec. 901. Collection Authority.
(a) In general.

The Department shall collect the taxes imposed by this Act. The Department shall collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650). Except as provided in subsections (c) and (e) of this Section, money collected pursuant to subsections (a) and (b) of Section 201 of this Act shall be paid into the General Revenue Fund in the State treasury; money collected pursuant to subsections (c) and (d) of Section 201 of this Act shall be paid into the Personal Property Tax Replacement Fund, a special fund in the State Treasury; and money collected under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid into the Child Support Enforcement Trust.
Fund, a special fund outside the State Treasury, or to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Public Aid.

(b) Local Governmental Distributive Fund.

Beginning August 1, 1969, and continuing through June 30, 1994, the Treasurer shall transfer each month from the General Revenue Fund to a special fund in the State treasury, to be known as the "Local Government Distributive Fund", an amount equal to 1/12 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1994, and continuing through June 30, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 1/11 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the net of (i) 1/10 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act during the preceding month (ii) minus, beginning July 1, 2003 and ending June 30, 2004, $6,666,666, and beginning July 1, 2004, zero. Net revenue realized for a month shall be defined as the revenue from the tax imposed by subsections (a) and (b) of Section 201 of this Act which is deposited in the General Revenue Fund, the Educational Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund during the month minus the amount paid out of the General Revenue Fund in State warrants during that same month as refunds to taxpayers for overpayment of liability under the tax imposed by subsections (a) and (b) of Section 201 of this Act.

(c) Deposits Into Income Tax Refund Fund.

(1) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(1), (2), and (3), of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 6% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999 through 2001, the Annual

New matter indicated by italics - deletions by strikeout
Percentage shall be 7.1%. For fiscal year 2003, the Annual Percentage shall be 8%. For fiscal year 2004, the Annual Percentage shall be 11.7%. Upon the effective date of this amendatory Act of the 93rd General Assembly, the Annual Percentage shall be 10% for fiscal year 2005. For fiscal year 2006, the Annual Percentage shall be 9.75%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, minus the amounts transferred into the Income Tax Refund Fund from the Tobacco Settlement Recovery Fund, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 7.6%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(2) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 18% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999, 2000, and 2001, the Annual Percentage shall be 19%. For fiscal year 2003, the Annual Percentage shall be 27%. For fiscal year 2004, the Annual Percentage shall be 32%. Upon the effective date of this amendatory Act of the 93rd General Assembly, the Annual Percentage shall be 24% for fiscal year 2005. For fiscal year 2006, the Annual Percentage shall be 20%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator

New matter indicated by italics - deletions by strikeout
of which shall be the amount of refunds approved for payment by
the Department during the preceding fiscal year as a result of
overpayment of tax liability under subsections (a) and (b)(6), (7),
and (8), (c) and (d) of Section 201 of this Act plus the amount of
such refunds remaining approved but unpaid at the end of the
preceding fiscal year, and the denominator of which shall be the
amounts which will be collected pursuant to subsections (a) and
(b)(6), (7), and (8), (c) and (d) of Section 201 of this Act during the
preceding fiscal year; except that in State fiscal year 2002, the
Annual Percentage shall in no event exceed 23%. The Director of
Revenue shall certify the Annual Percentage to the Comptroller on
the last business day of the fiscal year immediately preceding the
fiscal year for which it is to be effective.

(3) The Comptroller shall order transferred and the
Treasurer shall transfer from the Tobacco Settlement Recovery
Fund to the Income Tax Refund Fund (i) $35,000,000 in January,
2001, (ii) $35,000,000 in January, 2002, and (iii) $35,000,000 in

(d) Expenditures from Income Tax Refund Fund.

(1) Beginning January 1, 1989, money in the Income Tax
Refund Fund shall be expended exclusively for the purpose of
paying refunds resulting from overpayment of tax liability under
Section 201 of this Act, for paying rebates under Section 208.1 in
the event that the amounts in the Homeowners’ Tax Relief Fund are
insufficient for that purpose, and for making transfers pursuant to
this subsection (d).

(2) The Director shall order payment of refunds resulting
from overpayment of tax liability under Section 201 of this Act
from the Income Tax Refund Fund only to the extent that amounts
collected pursuant to Section 201 of this Act and transfers pursuant
to this subsection (d) and item (3) of subsection (c) have been
deposited and retained in the Fund.

(3) As soon as possible after the end of each fiscal year, the
Director shall order transferred and the State Treasurer and State
Comptroller shall transfer from the Income Tax Refund Fund to the
Personal Property Tax Replacement Fund an amount, certified by
the Director to the Comptroller, equal to the excess of the amount
collected pursuant to subsections (c) and (d) of Section 201 of this
Act deposited into the Income Tax Refund Fund during the fiscal

New matter indicated by italics - deletions by strikeout
year over the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year.

(4) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Personal Property Tax Replacement Fund to the Income Tax Refund Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year over the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year.

(4.5) As soon as possible after the end of fiscal year 1999 and of each fiscal year thereafter, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the General Revenue Fund any surplus remaining in the Income Tax Refund Fund as of the end of such fiscal year; excluding for fiscal years 2000, 2001, and 2002 amounts attributable to transfers under item (3) of subsection ©) less refunds resulting from the earned income tax credit.

(5) This Act shall constitute an irrevocable and continuing appropriation from the Income Tax Refund Fund for the purpose of paying refunds upon the order of the Director in accordance with the provisions of this Section.

(e) Deposits into the Education Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund.

On July 1, 1991, and thereafter, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 7.3% into the Education Assistance Fund in the State Treasury. Beginning July 1, 1991, and continuing through January 31, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 3.0% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning February 1, 1993 and continuing through June 30, 1993, of the amounts collected

New matter indicated by italics - deletions by strikeout
pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 4.4% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning July 1, 1993, and continuing through June 30, 1994, of the amounts collected under subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 1.475% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury.

(Source: P.A. 92-11, eff. 6-11-01; 92-16, eff. 6-28-01; 92-600, eff. 6-28-02; 93-32, eff. 6-20-03; 93-839, eff. 7-30-04.)

ARTICLE 30

Section 30-5. The School Employee Benefit Act is amended by changing Section 20 as follows:

(105 ILCS 55/20)

Sec. 20. Prescription drug benefits; program.

(a) Beginning July 1, 2005, the Department shall be responsible for administering the prescription drug benefit program established under this Act for employees, annuitants, and dependents on a non-insured basis.

(b) For each program year, the Department shall set a date by which school districts must notify the Department of their election to participate in the prescription drug benefit program. The Department shall provide notification of the election date to school districts at least 45 days prior to the election date.

(c) Any school district may apply to the Director to have employees, annuitants, and dependents be provided a prescription drug benefit program under this Act. To participate, a school district must agree to enroll all of its employees. A participating school district is not required to enroll a full-time employee who has waived coverage under the district's health plan.

(d) The Director shall determine the insurance rates and premiums for those employees, annuitants, and dependents participating in the prescription drug benefit program. Rates and premiums may be based in part on age and eligibility for federal Medicare coverage.

A school district must remit the entire cost of providing prescription drug coverage under this Section.

(e) All revenues arising from the administration of the prescription drug benefit program shall be deposited into the Illinois Prescription Drug Discount Program Fund general revenue funds.

New matter indicated by italics - deletions by strikeout
(f) The prescription drug benefit program shall be maintained on an ongoing, affordable basis, and the cost to school districts shall not exceed the State's actual program costs. The prescription drug benefit program may be changed by the State and is not intended to be a pension or retirement benefit subject to protection under Section 5 of Article XIII of the Illinois Constitution.
(Source: P.A. 93-1036, eff. 9-14-04.)

ARTICLE 40

Section 40-5. The Senior Citizens and Disabled Persons Prescription Drug Discount Program Act is amended by changing Sections 30 and 35 as follows:

(320 ILCS 55/30)
Sec. 30. Manufacturer rebate agreements.
(a) Taking into consideration the extent to which the State pays for prescription drugs under various State programs and the provision of assistance to disabled persons or eligible seniors under patient assistance programs, prescription drug discount programs, or other offers for free or reduced price medicine, clinical research projects, limited supply distribution programs, compassionate use programs, or programs of research conducted by or for a drug manufacturer, the Department, its agent, or the program administrator shall negotiate and enter into rebate agreements with drug manufacturers, as defined in this Act, to effect prescription drug price discounts. The Department or program administrator may establish a preferred drug list as a basis for determining the discounts, administrative fees, or other fees or rebates under this Section.

(b) Rebate payment procedures. All rebates negotiated under agreements described in this Section shall be paid in accordance with procedures prescribed by the Department or the program administrator.

(c) Receipts from rebates shall be used to provide discounts for prescription drugs purchased by eligible seniors and disabled persons and to cover the cost of administering the program, including compensation to be paid to participating pharmacies by the Department or program administrator under subsection (e) of Section 25. Any receipts to be allocated to the Department shall be deposited into the Illinois Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund, a trust fund created outside the State Treasury with the State Treasurer acting as ex officio custodian. Disbursements from the Illinois Prescription Drug Discount Program Fund shall be made upon the
Sec. 35. Program eligibility.

(a) Any person may apply to the Department or its program administrator for participation in the program in the form and manner required by the Department. The Department or its program administrator shall determine the eligibility of each applicant for the program within 30 days after the date of application. To participate in the program an eligible senior or disabled person whose application has been approved must pay $25 upon enrollment and annually thereafter and shall receive a program identification card. The card may be presented to an authorized pharmacy to assist the pharmacy in verifying eligibility under the program. The Department shall deposit the enrollment fees collected into the Illinois Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund. The moneys collected by the Department for enrollment fees and deposited into the Illinois Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund must be separately accounted for by the Department. If 2 or more persons are eligible for any benefit under this Act and are members of the same household, each participating household member shall apply to the Department and pay the fee required for the purpose of obtaining an identification card.

(b) Proceeds from annual enrollment fees shall be used by the Department to offset the administrative cost of this Act. The Department may reduce the annual enrollment fee by rule if the revenue from the enrollment fees is in excess of the costs to carry out the program.

(c) Any person who is eligible for pharmaceutical assistance under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is presumed to be eligible for this program. The enrollment fee under this Act is not required for such persons. That person may purchase prescription drugs under this program that are not covered by the pharmaceutical assistance program under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act by using the identification card issued under the pharmaceutical assistance program.

(Source: P.A. 93-18, eff. 7-1-03.)
ARTICLE 55
Section 55-5. The Aquaculture Development Act is amended by changing Section 5.5 as follows:
(20 ILCS 215/5.5)
(Section scheduled to be repealed on June 30, 2009)
Sec. 5.5. Aquaculture Cooperative.
(a) The Department of Agriculture shall make grants to an Aquaculture Cooperative from the Illinois Aquaculture Development Fund, a special fund created in the State Treasury. On July 1, 1999 and on each July 1 thereafter through July 1, 2004, the Comptroller shall order transferred and the Treasurer shall transfer $1,000,000 from the General Revenue Fund into the Illinois Aquaculture Development Fund. The Aquaculture Cooperative shall consist of any individual or entity of the aquaculture industry in this State that seeks membership pursuant to the Agricultural Co-Operative Act. The grants for the Cooperative shall be distributed from the Illinois Aquaculture Development Fund as provided by rule. At the beginning of each fiscal period, the Cooperative shall prepare a budget plan for the next fiscal period, including the probable cost of all programs, projects, and contracts. The Cooperative shall submit the proposed budget to the Director for review and comment. The Director may recommend programs and activities considered appropriate for the Cooperative. The Cooperative shall keep minutes, books, and records that clearly reflect all of the acts and transactions of the Cooperative and shall make this information public. The financial books and records of the Cooperative shall be audited by a certified public accountant at least once each fiscal year and at other times as designated by the Director. The expense of the audit shall be the responsibility of the Cooperative. Copies of the audit shall be provided to all members of the Cooperative, to the Department, and to other requesting members of the aquaculture industry.

(b) The grants to an Aquaculture Cooperative and the proceeds generated by the Cooperative may be used for the following purposes:

(1) To buy aquatic organisms from members of the Cooperative.

(2) To buy aquatic organism food in bulk quantities for resale to the members of the Cooperative.

(3) For transportation, hauling, and delivery equipment.

(4) For employee salaries, building leases, and other administrative costs.

New matter indicated by italics - deletions by strikeout
(5) To purchase equipment for use by the Cooperative members.

(6) Any other related costs.

(c) The Illinois Aquaculture Development Fund is abolished on August 31, 2004. Any balance remaining in the Fund on that date shall be transferred to the General Revenue Fund.

(d) This Section is repealed on June 30, 2009.

(Source: P.A. 93-839, eff. 7-30-04.)

Section 55-10. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Sections 605-55, 605-75, and 605-323 as follows:

(20 ILCS 605/605-55) (was 20 ILCS 605/46.21)

Sec. 605-55. Contracts and other acts to accomplish Department's duties. To make and enter into contracts, including but not limited to making grants and loans to units of local government, private agencies as defined in the Illinois State Auditing Act, non-profit corporations, educational institutions, and for-profit businesses as authorized pursuant to appropriations by the General Assembly from the Build Illinois Bond Fund, the Build Illinois Purposes Fund, the Fund for Illinois' Future, the Capital Development Fund, and the General Revenue Fund, and generally to do all things that, in its judgment, may be necessary, proper, and expedient in accomplishing its duties.

(Source: P.A. 91-34, eff. 7-1-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 605/605-75)

Sec. 605-75. Keep Illinois Beautiful.

(a) There is created the Keep Illinois Beautiful Program Advisory Board consisting of 7 members appointed by the Director of Commerce and Economic Opportunity Community Affairs. Of those 7, 4 shall be appointed from a list of at least 10 names submitted by the boards of directors from the various certified community programs. Each certified community program may submit only one recommendation to be considered by the Director. The Director of Commerce and Economic Opportunity Community Affairs or his or her designee shall be a member and serve as Chairman. The Board shall meet at least annually at the discretion of the Chairman and at such other times as the Chairman or any 4 members consider necessary. Four members shall constitute a quorum.

(b) The purpose of the Board shall be to assist local governments and community organizations in:
(1) Educating the public about the need for recycling and reducing solid waste.
(2) Promoting the establishment of recycling and programs that reduce litter and other solid waste through re-use and diversion.
(3) Developing local markets for recycled products.
(4) Cooperating with other State agencies and with local governments having environmental responsibilities.
(5) Seeking funding from governmental and nongovernmental sources.
(6) Beautification projects.

(c) The Department of Commerce and Economic Opportunity Community Affairs shall assist local governments and community organizations that plan to implement programs set forth in subsection (b). The Department shall establish guidelines for the certification of local governments and community organizations.

The Department may encourage local governments and community organizations to apply for certification of programs by the Board. However, the Department shall give equal consideration to newly certified programs and older certified programs.

(d) The Keep Illinois Beautiful Fund is created as a special fund in the State treasury. Moneys from any public or private source may be deposited into the Keep Illinois Beautiful Fund. Moneys in the Keep Illinois Beautiful Fund shall be appropriated only for the purposes of this Section: Pursuant to action by the Board, the Department of Commerce and Economic Opportunity Community Affairs may authorize grants from moneys appropriated from the Keep Illinois Beautiful Fund for certified community based programs for up to 50% of the cash needs of the program; provided, that at least 50% of the needs of the program shall be contributed to the program in cash, and not in kind, by local sources.

Moneys appropriated for certified community based programs in municipalities of more than 1,000,000 population shall be itemized separately and may not be disbursed to any other community.

(e) On the effective date of this amendatory Act of the 91st General Assembly, the Lieutenant Governor shall transfer to the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity), and the Department shall receive, all assets and property possessed by the Lieutenant Governor under this Section and all liabilities and obligations for which the Lieutenant Governor was
responsible under this Section. Nothing in this subsection affects the validity of certifications and grants issued under this Section before the effective date of this amendatory Act of the 91st General Assembly.
(Source: P.A. 91-239, eff. 1-1-00; 91-853, eff. 7-1-00; 92-490, eff. 8-23-01; revised 12-6-03.)

(20 ILCS 605/605-323) (was 20 ILCS 605/46.76)
Sec. 605-323. Energy assistance Contribution Fund.
(a) The Department may accept gifts, grants, awards, matching contributions, interest income, appropriations, and cost sharings from individuals, businesses, governments, and other third-party sources, on terms that the Director deems advisable, to assist eligible households, businesses, industries, educational institutions, hospitals, health care facilities, and not-for-profit entities to obtain and maintain reliable and efficient energy related services, or to improve the efficiency of such services.

(b) (Blank). The Energy Assistance Contribution Fund is created as a special fund in the State Treasury, and all moneys received under this Section shall be deposited into that Fund. Moneys in the Energy Assistance Contribution Fund may be expended for purposes consistent with the conditions under which those moneys are received, subject to appropriations made by the General Assembly for those purposes. (Source: P.A. 91-34, eff. 7-1-99; 92-16, eff. 6-28-01.)

Section 55-15. The Illinois Promotion Act is amended by changing Section 8a as follows:
(20 ILCS 665/8a) (from Ch. 127, par. 200-28a)
Sec. 8a. Tourism grants and loans; fund.
(1) The Department is authorized to make grants and loans, subject to appropriations by the General Assembly for this purpose from the Tourism Promotion Fund or the Tourism Attraction Development Matching Grant Fund, to counties, municipalities, local promotion groups, not-for-profit organizations, or for-profit businesses for the development or improvement of tourism attractions in Illinois. Individual grants and loans shall not exceed $1,000,000 and shall not exceed 50% of the entire amount of the actual expenditures for the development or improvement of a tourist attraction. Agreements for loans made by the Department pursuant to this subsection may contain provisions regarding term, interest rate, security as may be required by the Department and any other provisions the Department may require to protect the State's interest.

New matter indicated by italics - deletions by strikeout
(2) (Blank). There is hereby created a special fund in the State Treasury to be known as the Tourism Attraction Development Matching Grant Fund. The deposit of monies into this fund shall be limited to the repayments of principal and interest from loans made pursuant to subsection (1).

(Source: P.A. 91-683, eff. 1-26-00; 92-38, eff. 6-28-01.)

Section 55-20. The Technology Advancement and Development Act is amended by changing Section 1004 as follows:

(20 ILCS 700/1004) (from Ch. 127, par. 3701-4)

Sec. 1004. Duties and powers. The Department of Commerce and Economic Opportunity Community Affairs shall establish and administer any of the programs authorized under this Act subject to the availability of funds appropriated by the General Assembly. The Department may make awards from general revenue fund appropriations, federal reimbursement funds, and the Technology Cooperation Fund, and the New Technology Recovery Fund as provided under the provisions of this Act. The Department, in addition to those powers granted under the Civil Administrative Code of Illinois, is granted the following powers to help administer the provisions of this Act:

(a) To provide financial assistance as direct or participation grants, loans or qualified security investments to, or on behalf of, eligible applicants. Loans, grants and investments shall be made for the purpose of increasing research and development, commercializing technology, adopting advanced production and processing techniques, and promoting job creation and retention within Illinois;

(b) To enter into agreements, accept funds or grants, and engage in cooperation with agencies of the federal government, local units of government, universities, research foundations or institutions, regional economic development corporations or other organizations for the purposes of this Act;

(c) To enter into contracts, agreements, and memoranda of understanding; and to provide funds for participation agreements or to make any other agreements or contracts or to invest, grant, or loan funds to any participating intermediary organizations including, not-for-profit entities, for-profit entities, State agencies or authorities, government owned and contract operated facilities, institutions of higher education, other public or private development corporations, or other entities necessary or desirable to further the purpose of this Act. Any such agreement or contract by an intermediary organization to deliver programs

New matter indicated by italics - deletions by strikeout
authorized under this Act may include terms and provisions including, but not limited to organization and development of documentation, review and approval of projects, servicing and disbursement of funds and other related activities;

(d) To fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including without limitation, any application fees, commitment fees, program fees, financing charges, or publication fees in connection with the Department's activities under this Act;

(e) To establish forms for applications, notifications, contracts, or any other agreements, and to promulgate procedures, rules or regulations deemed necessary and appropriate;

(f) To establish and regulate the terms and conditions of the Department's agreements and to consent, subject to the provisions of any agreement with another party, to the modification or restructuring of any agreement to which the Department is a party;

(g) To require that recipients of financial assistance shall at all times keep proper books of record and account in accordance with generally accepted accounting principles consistently applied, with such books open for reasonable Department inspection and audits, including, without limitation, the making of copies thereof;

(h) To require applicants or grantees receiving funds under this Act to permit the Department to: (i) inspect and audit any books, records or papers related to the project in the custody or control of the applicant, including the making of copies or extracts thereof, and (ii) inspect or appraise any of the applicant's or grantee's business assets;

(i) To require applicants or grantees, upon written request by the Department, to issue any necessary authorization to the appropriate federal, State or local authority for the release of information concerning a business or business project financed under the provisions of this Act, with the information requested to include, but not be limited to, financial reports, returns, or records relating to that business or business project;

(i-5) To provide staffing, administration, and related support required to manage the programs authorized under this Act and to pay for staffing and administration from the New Technology Recovery Fund as appropriated by the General Assembly. Administrative responsibilities may include, but are not limited to, research and identification of the needs of commerce and industry in this State; design of comprehensive statewide plans and programs; direction, management, and control of specific

New matter indicated by italics - deletions by strikeout
projects; and communication and cooperation with entities about technology commercialization and business modernization;
  (j) To take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure or noncompliance with the terms and conditions of financial assistance or participation required under this Act, including the power to sell, dispose, lease or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property which the Department may receive as a result thereof; and
  (k) Exercise such other powers as are necessary to carry out the purposes of this Act.
(Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

Section 55-25. The Energy Conservation and Coal Development Act is amended by changing Section 9 as follows:

(20 ILCS 1105/9) (from Ch. 96 1/2, par. 7409)
Sec. 9. The Illinois Industrial Coal Utilization Program. The Department shall administer the Illinois Industrial Coal Utilization Program, referred to as the "program". The purpose of the program is to increase the environmentally sound use of Illinois coal by qualified applicants. To that end, the Department shall operate a revolving loan program to partially finance new coal burning facilities sited in Illinois or conversion of existing boilers located in Illinois to coal use, referred to as "industrial coal projects".

The Department, with the advice and recommendation of the Illinois Coal Development Board, shall make below market rate loans available to fund a portion of each qualifying industrial coal project. The applicant must demonstrate that it is able to obtain additional financing from other sources to fund the remainder of the project and that the project would not occur without the Department's participation. The Department may, in part, rely on the financial evaluation completed by the provider of the additional funding, as well as its own evaluation.

The Department shall have the following powers:
  (1) To accept grants, loans, or appropriations from the federal government or the State, or any agency or instrumentality of either, to be used for any purposes of the program, including operating and administrative expenses associated with the program and the making of direct loans of those funds with respect to projects. The Department may enter into any agreement with the federal government or the State, or any

New matter indicated by italics - deletions by strikeout
agency or instrumentality of either, in connection with those grants, loans, or appropriations.

(2) To make loans from appropriations from the Build Illinois Purposes Fund or the Build Illinois Bond Fund and to accept guarantees from individuals, partnerships, joint ventures, corporations, and governmental agencies. Any loan or series of loans shall be limited to an amount not to exceed the lesser of $4,000,000 or 60% of the total project cost.

(3) To establish interest rates, terms of repayment, and other terms and conditions regarding loans made under this Act as the Department shall determine necessary or appropriate to protect the public interest and carry out the purposes of this Act.

(4) To receive, evaluate, and establish time schedules for the determination of, and determine applications for financial aid for the development, construction, acquisition, or improvement of, an industrial coal project from any qualifying applicant and negotiate terms and conditions on which the coal project may be developed, constructed, improved, owned, or used by or leased to the applicant or its successor in interest. The Department shall prescribe the form of application. The form shall contain, without being limited to, the following:

(i) a general description of the industrial coal project and of the developer, user, or tenant for which the industrial project is to be established;

(ii) plans, equipment lists, and other documents that may be required to show the type, structure, and general character of the project;

(iii) a general description of the expected use of Illinois coal resulting from the project;

(iv) cost estimates of developing, constructing, acquiring, or improving the industrial project;

(v) a general description of the financing plan for the industrial coal project; and

(vi) a general description and statement of value of any property and its improvements provided or to be provided for the project by other sources.

Nothing in this Section shall be deemed to preclude the Department, before the filing of any formal application, from conducting preliminary discussions and investigations with respect to the subject matter of any prospective applications.

New matter indicated by italics - deletions by strikeout
Section 55-30. The Disabled Persons Rehabilitation Act is amended by changing Section 5 as follows:

(20 ILCS 2405/5) (from Ch. 23, par. 3436)

Sec. 5. The Department is authorized to receive such gifts or donations, either from public or private sources, as may be offered unconditionally or under such conditions related to the comprehensive rehabilitation services, habilitation and rehabilitation of persons with one or more disabilities, as in the judgment of the Department are proper and consistent with the provisions of this Act. All moneys so received shall be deposited in the State treasury in a fund to be known as the "DORS State Project Fund".

(Source: P.A. 86-607.)

Section 55-35. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Sections 2705-275 and 2705-305 as follows:

(20 ILCS 2705/2705-275) (was 20 ILCS 2705/49.25j)

Sec. 2705-275. Grants for airport facilities. The Department may make grants to municipalities and airport authorities for the renovation, construction, and development of airport facilities. The grants may be made from funds appropriated for that purpose from the Build Illinois Bond Fund or the Build Illinois Purposes Fund.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2705/2705-305)

Sec. 2705-305. Grants for mass transportation.

(a) For the purpose of mass transportation grants and contracts, the following definitions apply:

"Carrier" means any corporation, authority, partnership, association, person, or district authorized to provide mass transportation within the State.

"District" means all of the following:

(i) Any district created pursuant to the Local Mass Transit District Act.

(ii) The Authority created pursuant to the Metropolitan Transit Authority Act.

(iii) Any authority, commission, or other entity that by virtue of an interstate compact approved by Congress is authorized to provide mass transportation.

New matter indicated by italics - deletions by strikeout
(iv) The Authority created pursuant to the Regional Transportation Authority Act.

"Facilities" comprise all real and personal property used in or appurtenant to a mass transportation system, including parking lots.

"Mass transportation" means transportation provided within the State of Illinois by rail, bus, or other conveyance and available to the general public on a regular and continuing basis, including the transportation of handicapped or elderly persons as provided more specifically in Section 2705-310.

"Unit of local government" means any city, village, incorporated town, or county.

(b) Grants may be made to units of local government, districts, and carriers for the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities. Grants shall be made upon the terms and conditions that in the judgment of the Secretary are necessary to ensure their proper and effective utilization.

(c) The Department shall make grants under this Law in a manner designed, so far as is consistent with the maintenance and development of a sound mass transportation system within the State, to: (i) maximize federal funds for the assistance of mass transportation in Illinois under the Federal Transit Act and other federal Acts; (ii) facilitate the movement of persons who because of age, economic circumstance, or physical infirmity are unable to drive; (iii) contribute to an improved environment through the reduction of air, water, and noise pollution; and (iv) reduce traffic congestion.

(d) The Secretary shall establish procedures for making application for mass transportation grants. The procedures shall provide for public notice of all applications and give reasonable opportunity for the submission of comments and objections by interested parties. The procedures shall be designed with a view to facilitating simultaneous application for a grant to the Department and to the federal government.

(e) Grants may be made for mass transportation projects as follows:

(1) In an amount not to exceed 100% of the nonfederal share of projects for which a federal grant is made.
(2) In an amount not to exceed 100% of the net project cost for projects for which a federal grant is not made.
(3) In an amount not to exceed five-sixths of the net project cost for projects essential for the maintenance of a sound

New matter indicated by italics - deletions by strikeout
transportation system and eligible for federal assistance for which a federal grant application has been made but a federal grant has been delayed. If and when a federal grant is made, the amount in excess of the nonfederal share shall be promptly returned to the Department.

In no event shall the Department make a grant that, together with any federal funds or funds from any other source, is in excess of 100% of the net project cost.

(f) Regardless of whether any funds are available under a federal grant, the Department shall not make a mass transportation grant unless the Secretary finds that the recipient has entered into an agreement with the Department in which the recipient agrees not to engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators where those private school bus operators are able to provide adequate transportation, at reasonable rates, in conformance with applicable safety standards, provided that this requirement shall not apply to a recipient that operates a school system in the area to be served and operates a separate and exclusive school bus program for the school system.

(g) Grants may be made for mass transportation purposes with funds appropriated from the Build Illinois Bond Fund or the Build Illinois Purposes Fund consistent with the specific purposes for which those funds are appropriated by the General Assembly. Grants under this subsection (g) are not subject to any limitations or conditions imposed upon grants by any other provision of this Section, except that the Secretary may impose the terms and conditions that in his or her judgment are necessary to ensure the proper and effective utilization of the grants under this subsection.

(h) The Department may let contracts for mass transportation purposes and facilities for the purpose of reducing urban congestion funded in whole or in part with bonds described in subdivision (b)(1) of Section 4 of the General Obligation Bond Act, not to exceed $75,000,000 in bonds.

(i) The Department may make grants to carriers, districts, and units of local government for the purpose of reimbursing them for providing reduced fares for mass transportation services for students, handicapped persons and the elderly. Grants shall be made upon the terms and conditions that in the judgment of the Secretary are necessary to ensure their proper and effective utilization.
(j) The Department may make grants to carriers, districts, and units of local government for costs of providing ADA paratransit service.

(Source: P.A. 90-774, eff. 8-14-98; 91-239, eff. 1-1-00.)

Section 55-40. The Illinois Finance Authority Act is amended by changing Sections 801-40 and 805-15 as follows:

(20 ILCS 3501/801-40)

Sec. 801-40. In addition to the powers otherwise authorized by law and in addition to the foregoing general corporate powers, the Authority shall also have the following additional specific powers to be exercised in furtherance of the purposes of this Act.

(a) The Authority shall have power (i) to accept grants, loans or appropriations from the federal government or the State, or any agency or instrumentality thereof, to be used for the operating expenses of the Authority, or for any purposes of the Authority, including the making of direct loans of such funds with respect to projects, and (ii) to enter into any agreement with the federal government or the State, or any agency or instrumentality thereof, in relationship to such grants, loans or appropriations.

(b) The Authority shall have power to procure and enter into contracts for any type of insurance and indemnity agreements covering loss or damage to property from any cause, including loss of use and occupancy, or covering any other insurable risk.

(c) The Authority shall have the continuing power to issue bonds for its corporate purposes. Bonds may be issued by the Authority in one or more series and may provide for the payment of any interest deemed necessary on such bonds, of the costs of issuance of such bonds, of any premium on any insurance, or of the cost of any guarantees, letters of credit or other similar documents, may provide for the funding of the reserves deemed necessary in connection with such bonds, and may provide for the refunding or advance refunding of any bonds or for accounts deemed necessary in connection with any purpose of the Authority. The bonds may bear interest payable at any time or times and at any rate or rates, notwithstanding any other provision of law to the contrary, and such rate or rates may be established by an index or formula which may be implemented or established by persons appointed or retained therefor by the Authority, or may bear no interest or may bear interest payable at maturity or upon redemption prior to maturity, may bear such date or dates, may be payable at such time or times and at such place or places, may mature at any time or times not later than 40 years from the
date of issuance, may be sold at public or private sale at such time or times and at such price or prices, may be secured by such pledges, reserves, guarantees, letters of credit, insurance contracts or other similar credit support or liquidity instruments, may be executed in such manner, may be subject to redemption prior to maturity, may provide for the registration of the bonds, and may be subject to such other terms and conditions all as may be provided by the resolution or indenture authorizing the issuance of such bonds. The holder or holders of any bonds issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of such bonds and to compel such person or the Authority and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of any such bonds by the provision of the resolution authorizing their issuance, and to enjoin such person or the Authority and any of its agents or employees from taking any action in conflict with any such contract or covenant. Notwithstanding the form and tenor of any such bonds and in the absence of any express recital on the face thereof that it is non-negotiable, all such bonds shall be negotiable instruments. Pending the preparation and execution of any such bonds, temporary bonds may be issued as provided by the resolution. The bonds shall be sold by the Authority in such manner as it shall determine. The bonds may be secured as provided in the authorizing resolution by the receipts, revenues, income and other available funds of the Authority and by any amounts derived by the Authority from the loan agreement or lease agreement with respect to the project or projects; and bonds may be issued as general obligations of the Authority payable from such revenues, funds and obligations of the Authority as the bond resolution shall provide, or may be issued as limited obligations with a claim for payment solely from such revenues, funds and obligations as the bond resolution shall provide. The Authority may grant a specific pledge or assignment of and lien on or security interest in such rights, revenues, income, or amounts and may grant a specific pledge or assignment of and lien on or security interest in any reserves, funds or accounts established in the resolution authorizing the issuance of bonds. Any such pledge, assignment, lien or security interest for the benefit of the holders of the Authority's bonds shall be valid and binding from the time the bonds are issued without any physical delivery or further act, and shall be valid and binding as against and prior to the claims of all other parties having claims against the Authority or any other person irrespective of

New matter indicated by italics - deletions by strikeout
whether the other parties have notice of the pledge, assignment, lien or security interest. As evidence of such pledge, assignment, lien and security interest, the Authority may execute and deliver a mortgage, trust agreement, indenture or security agreement or an assignment thereof. A remedy for any breach or default of the terms of any such agreement by the Authority may be by mandamus proceedings in any court of competent jurisdiction to compel the performance and compliance therewith, but the agreement may prescribe by whom or on whose behalf such action may be instituted. It is expressly understood that the Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(d) With respect to the powers granted by this Act, the Authority may adopt rules and regulations prescribing the procedures by which persons may apply for assistance under this Act. Nothing herein shall be deemed to preclude the Authority, prior to the filing of any formal application, from conducting preliminary discussions and investigations with respect to the subject matter of any prospective application.

(e) The Authority shall have power to acquire by purchase, lease, gift or otherwise any property or rights therein from any person useful for its purposes, whether improved for the purposes of any prospective project, or unimproved. The Authority may also accept any donation of funds for its purposes from any such source. The Authority shall have no independent power of condemnation but may acquire any property or rights therein obtained upon condemnation by any other authority, governmental entity or unit of local government with such power.

(f) The Authority shall have power to develop, construct and improve either under its own direction, or through collaboration with any approved applicant, or to acquire through purchase or otherwise, any project, using for such purpose the proceeds derived from the sale of its bonds or from governmental loans or grants, and to hold title in the name of the Authority to such projects.

(g) The Authority shall have power to lease pursuant to a lease agreement any project so developed and constructed or acquired to the approved tenant on such terms and conditions as may be appropriate to further the purposes of this Act and to maintain the credit of the Authority. Any such lease may provide for either the Authority or the approved tenant to assume initially, in whole or in part, the costs of maintenance, repair and improvements during the leasehold period. In no case, however, shall the total rentals from any project during any initial leasehold period or the total loan repayments to be made pursuant to any loan agreement, be less

New matter indicated by italics - deletions by strikeout
than an amount necessary to return over such lease or loan period (1) all costs incurred in connection with the development, construction, acquisition or improvement of the project and for repair, maintenance and improvements thereto during the period of the lease or loan; provided, however, that the rentals or loan repayments need not include costs met through the use of funds other than those obtained by the Authority through the issuance of its bonds or governmental loans; (2) a reasonable percentage additive to be agreed upon by the Authority and the borrower or tenant to cover a properly allocable portion of the Authority's general expenses, including, but not limited to, administrative expenses, salaries and general insurance, and (3) an amount sufficient to pay when due all principal of, interest and premium, if any on, any bonds issued by the Authority with respect to the project. The portion of total rentals payable under clause (3) of this subsection (g) shall be deposited in such special accounts, including all sinking funds, acquisition or construction funds, debt service and other funds as provided by any resolution, mortgage or trust agreement of the Authority pursuant to which any bond is issued.

(h) The Authority has the power, upon the termination of any leasehold period of any project, to sell or lease for a further term or terms such project on such terms and conditions as the Authority shall deem reasonable and consistent with the purposes of the Act. The net proceeds from all such sales and the revenues or income from such leases shall be used to satisfy any indebtedness of the Authority with respect to such project and any balance may be used to pay any expenses of the Authority or be used for the further development, construction, acquisition or improvement of projects. In the event any project is vacated by a tenant prior to the termination of the initial leasehold period, the Authority shall sell or lease the facilities of the project on the most advantageous terms available. The net proceeds of any such disposition shall be treated in the same manner as the proceeds from sales or the revenues or income from leases subsequent to the termination of any initial leasehold period.

(i) The Authority shall have the power to make loans to persons to finance a project, to enter into loan agreements with respect thereto, and to accept guarantees from persons of its loans or the resultant evidences of obligations of the Authority.

(j) The Authority may fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including, without limitation, any application fees, commitment fees, program fees, financing charges or
publication fees from any person in connection with its activities under this Act.

(k) In addition to the funds established as provided herein, the Authority shall have the power to create and establish such reserve funds and accounts as may be necessary or desirable to accomplish its purposes under this Act and to deposit its available monies into the funds and accounts.

(l) At the request of the governing body of any unit of local government, the Authority is authorized to market such local government's revenue bond offerings by preparing bond issues for sale, advertising for sealed bids, receiving bids at its offices, making the award to the bidder that offers the most favorable terms or arranging for negotiated placements or underwritings of such securities. The Authority may, at its discretion, offer for concurrent sale the revenue bonds of several local governments. Sales by the Authority of revenue bonds under this Section shall in no way imply State guarantee of such debt issue. The Authority may require such financial information from participating local governments as it deems necessary in order to carry out the purposes of this subsection (l).

(m) The Authority may make grants to any county to which Division 5-37 of the Counties Code is applicable to assist in the financing of capital development, construction and renovation of new or existing facilities for hospitals and health care facilities under that Act. Such grants may only be made from funds appropriated for such purposes from the Build Illinois Bond Fund or the Build Illinois Purposes Fund.

(n) The Authority may establish an urban development action grant program for the purpose of assisting municipalities in Illinois which are experiencing severe economic distress to help stimulate economic development activities needed to aid in economic recovery. The Authority shall determine the types of activities and projects for which the urban development action grants may be used, provided that such projects and activities are broadly defined to include all reasonable projects and activities the primary objectives of which are the development of viable urban communities, including decent housing and a suitable living environment, and expansion of economic opportunity, principally for persons of low and moderate incomes. The Authority shall enter into grant agreements from monies appropriated for such purposes from the Build Illinois Bond Fund or the Build Illinois Purposes Fund. The Authority shall monitor the use of the grants, and shall provide for audits of the funds as well as recovery by the Authority of any funds determined to have

New matter indicated by italics - deletions by strikeout
been spent in violation of this subsection (n) or any rule or regulation promulgated hereunder. The Authority shall provide technical assistance with regard to the effective use of the urban development action grants. The Authority shall file an annual report to the General Assembly concerning the progress of the grant program.

(o) The Authority may establish a Housing Partnership Program whereby the Authority provides zero-interest loans to municipalities for the purpose of assisting in the financing of projects for the rehabilitation of affordable multi-family housing for low and moderate income residents. The Authority may provide such loans only upon a municipality's providing evidence that it has obtained private funding for the rehabilitation project. The Authority shall provide 3 State dollars for every 7 dollars obtained by the municipality from sources other than the State of Illinois. The loans shall be made from monies appropriated for such purpose from the Build Illinois Bond Fund or the Build Illinois Purposes Fund. The total amount of loans available under the Housing Partnership Program shall not exceed $30,000,000. State loan monies under this subsection shall be used only for the acquisition and rehabilitation of existing buildings containing 4 or more dwelling units. The terms of any loan made by the municipality under this subsection shall require repayment of the loan to the municipality upon any sale or other transfer of the project.

(p) The Authority may award grants to universities and research institutions, research consortiums and other not-for-profit entities for the purposes of: remodeling or otherwise physically altering existing laboratory or research facilities, expansion or physical additions to existing laboratory or research facilities, construction of new laboratory or research facilities or acquisition of modern equipment to support laboratory or research operations provided that such grants (i) be used solely in support of project and equipment acquisitions which enhance technology transfer, and (ii) not constitute more than 60 percent of the total project or acquisition cost.

(q) Grants may be awarded by the Authority to units of local government for the purpose of developing the appropriate infrastructure or defraying other costs to the local government in support of laboratory or research facilities provided that such grants may not exceed 40% of the cost to the unit of local government.

(r) The Authority may establish a Direct Loan Program to make loans to individuals, partnerships or corporations for the purpose of an

New matter indicated by italics - deletions by strikeout
industrial project, as defined in Section 801-10 of this Act. For the purposes of such program and not by way of limitation on any other program of the Authority, the Authority shall have the power to issue bonds, notes, or other evidences of indebtedness including commercial paper for purposes of providing a fund of capital from which it may make such loans. The Authority shall have the power to use any appropriations from the State made especially for the Authority's Direct Loan Program for additional capital to make such loans or for the purposes of reserve funds or pledged funds which secure the Authority's obligations of repayment of any bond, note or other form of indebtedness established for the purpose of providing capital for which it intends to make such loans under the Direct Loan Program. For the purpose of obtaining such capital, the Authority may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. Loans made under the Direct Loan Program may be in an amount not to exceed $300,000 and shall be made for a portion of an industrial project which does not exceed 50% of the total project. No loan may be made by the Authority unless approved by the affirmative vote of at least 8 members of the board. The Authority shall establish procedures and publish rules which shall provide for the submission, review, and analysis of each direct loan application and which shall preserve the ability of each board member to reach an individual business judgment regarding the propriety of making each direct loan. The collective discretion of the board to approve or disapprove each loan shall be unencumbered. The Authority may establish and collect such fees and charges, determine and enforce such terms and conditions, and charge such interest rates as it determines to be necessary and appropriate to the successful administration of the Direct Loan Program. The Authority may require such interests in collateral and such guarantees as it determines are necessary to project the Authority's interest in the repayment of the principal and interest of each loan made under the Direct Loan Program.

(s) The Authority may guarantee private loans to third parties up to a specified dollar amount in order to promote economic development in this State.

(t) The Authority may adopt rules and regulations as may be necessary or advisable to implement the powers conferred by this Act.

(u) The Authority shall have the power to issue bonds, notes or other evidences of indebtedness, which may be used to make loans to units of local government which are authorized to enter into loan agreements

New matter indicated by italics - deletions by strikeout
and other documents and to issue bonds, notes and other evidences of indebtedness for the purpose of financing the protection of storm sewer outfalls, the construction of adequate storm sewer outfalls, and the provision for flood protection of sanitary sewage treatment plans, in counties that have established a stormwater management planning committee in accordance with Section 5-1062 of the Counties Code. Any such loan shall be made by the Authority pursuant to the provisions of Section 820-5 to 820-60 of this Act. The unit of local government shall pay back to the Authority the principal amount of the loan, plus annual interest as determined by the Authority. The Authority shall have the power, subject to appropriations by the General Assembly, to subsidize or buy down a portion of the interest on such loans, up to 4% per annum.

(v) The Authority may accept security interests as provided in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.

(w) Moral Obligation. In the event that the Authority determines that monies of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the Chairperson, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay such principal of and interest on the bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This subsection shall apply only to any bonds or notes as to which the Authority shall have determined, in the resolution authorizing the issuance of the bonds or notes, that this subsection shall apply. Whenever the Authority makes such a determination, that fact shall be plainly stated on the face of the bonds or notes and that fact shall also be reported to the Governor. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the Chairperson of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. The Authority shall obtain written approval from the Governor for any bonds and notes to be issued under this Section. In addition to any other bonds authorized to be issued under Sections 825-60, 825-65(e), 830-25 and 845-5, the principal amount of Authority bonds outstanding issued under this Section 801-
40(w) or under 20 ILCS 3850/1-80 or 30 ILCS 360/2-6(c), which have
been assumed by the Authority, shall not exceed $150,000,000.
(Source: P.A. 93-205, eff. 1-1-04.)
(20 ILCS 3501/805-15)
Sec. 805-15. Industrial Project Insurance Fund. There is created the
Industrial Project Insurance Fund, hereafter referred to in Sections 805-15
through 805-50 of this Act as the "Fund". The Treasurer shall have
custody of the Fund, which shall be held outside of the State treasury,
extcept that custody may be transferred to and held by any bank, trust
company or other fiduciary with whom the Authority executes a trust
agreement as authorized by paragraph (h) of Section 805-20 of this Act.
Any portion of the Fund against which a charge has been made, shall be
held for the benefit of the holders of the loans or bonds insured under
Section 805-20 of this Act. There shall be deposited in the Fund such
amounts, including but not limited to:

(a) All receipts of bond and loan insurance premiums;
(b) All proceeds of assets of whatever nature received by the
Authority as a result of default or delinquency with respect to insured
loans or bonds with respect to which payments from the Fund have been
made, including proceeds from the sale, disposal, lease or rental of real or
personal property which the Authority may receive under the provisions of
this Article but excluding the proceeds of insurance hereunder;
(c) All receipts from any applicable contract or agreement entered
into by the Authority under paragraph (b) of Section 805-20 of this Act;
(d) Any State appropriations, transfers of appropriations, or
transfers of general obligation bond proceeds or other monies made
available to the Fund. Amounts in the Fund shall be used in accordance
with the provisions of this Article to satisfy any valid insurance claim
payable therefrom and may be used for any other purpose determined by
the Authority in accordance with insurance contract or contracts with
financial institutions entered into pursuant to this Act, including without
limitation protecting the interest of the Authority in industrial projects
during periods of loan delinquency or upon loan default through the
purchase of industrial projects in foreclosure proceedings or in lieu of
foreclosure or through any other means. Such amounts may also be used to
pay administrative costs and expenses reasonably allocable to the activities
in connection with the Fund and to pay taxes, maintenance, insurance,
security and any other costs and expenses of bidding for, acquiring,
owning, carrying and disposing of industrial projects which were financed

New matter indicated by italics - deletions by strikeout
with the proceeds of insured bonds or loans. In the case of a default in payment with respect to any loan, mortgage or other agreement so insured, the amount of the default shall immediately, and at all times during the continuance of such default, and to the extent provided in any applicable agreement, constitute a charge on the Fund. Any amounts in the Fund not currently needed to meet the obligations of the Fund may be invested as provided by law in obligations designated by the Authority, and all income from such investments shall become part of the Fund. In making such investments, the Authority shall act with the care, skill, diligence and prudence under the circumstances of a prudent person acting in a like capacity in the conduct of an enterprise of like character and with like aims. It shall diversify such investments of the Authority so as to minimize the risk of large losses, unless under the circumstances it is clearly not prudent to do so. Any amounts in the Fund not needed to meet the obligations of the Fund may be transferred to the Credit Enhancement Development Fund of the Authority pursuant to resolution of the members of the Authority.

(Source: P.A. 93-205, eff. 1-1-04.)

Section 55-45. The Illinois Building Commission Act is amended by changing Section 50 as follows:

(20 ILCS 3918/50)

Sec. 50. The Illinois Building Commission Fees Revolving Fund. The Illinois Building Commission Revolving Fund is created in the State treasury. The Illinois Building Commission may establish fees, each of which may not exceed $250, for services provided in fulfilling its mandate under this Act, except that for dispute resolution between the Illinois Department of Public Health and a health care provider, the Commission may establish fees to be paid by the health care provider, which may not exceed $10,000. All fees collected by the Commission shall be deposited into the General Revenue Fund Illinois Building Commission Revolving Fund. The Commission may also accept donations or moneys from any other source for deposit into this fund. The Illinois Building Commission All interest accrued on the fees, donations, and other deposits to the Illinois Building Commission Revolving Fund shall be deposited into the fund. All moneys in the Illinois Building Commission Revolving Fund may be used, subject to appropriation by the General Assembly, may expend moneys to carry out the activities of the Act, including the expenses of the Illinois Building Commission, a clearinghouse on State building requirements, or other purposes consistent with this Act.
(Source: P.A. 91-581, eff. 8-14-99; 92-803, eff. 8-16-02.)

Section 55-50. The State Finance Act is amended by changing Section 8c as follows:

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

Sec. 8c. Appropriations for projects and activities authorized by The Build Illinois Act are payable from the Build Illinois Purposes Fund, but may be obligated and expended only with the written approval of the Governor in such amounts, at such times, and for such purposes as contemplated in such appropriations and in The Build Illinois Act.

(Source: P.A. 90-372, eff. 7-1-98.)

Section 55-55. The Natural Heritage Fund Act is amended by changing Section 4 as follows:

(30 ILCS 150/4) (from Ch. 105, par. 734)

Sec. 4. The Natural Heritage Fund and the Natural Heritage Endowment Trust Fund. There is established the Natural Heritage Fund. The money in this fund shall be used, pursuant to appropriation, exclusively by the Department for the preservation and maintenance of natural heritage lands held in the public trust. The Natural Heritage Fund shall be financed through transfers of investment income earned by the Natural Heritage Endowment Trust Fund created herebelow.

The Natural Heritage Endowment Trust Fund (Trust Fund) is created as a trust fund in the State treasury. The Trust Fund shall be established in the form of an irrevocable trust in a depository bank with capital in surplus of at least $50,000,000 and approved by the State Treasurer. The Trust Fund shall be financed by a combination of private donations and by appropriations by the General Assembly from the Build Illinois Purposes Fund. The Department may accept from all sources, contributions, grants, gifts, bequeaths, legacies of money and securities to be deposited into the Trust Fund. All deposits shall become part of the Trust Fund corpus. Moneys in the Trust Fund, are not subject to appropriation and shall be used solely to provide financing to the Natural Heritage Fund.

All gifts, grants, assets, funds, or moneys received by the Department under this Act shall be deposited and held in the Trust Fund by the State Treasurer as ex officio custodian separate and apart from all public moneys or funds of this State and shall be administered by the Director exclusively for the purposes set forth in this Act. All moneys in the Trust Fund shall be invested and reinvested by the State Treasurer. All

New matter indicated by italics - deletions by strikeout
interest accruing from these investments shall be deposited in the Trust Fund.

The Governor shall request and the General Assembly may appropriate funds from the Build Illinois Purposes Fund to the Trust Fund up to an amount not to exceed a total of $2,500,000. Subject to appropriation, the Department shall pay into the Trust Fund at the end of each fiscal year the sum of $500,000 and such sum equal to the amount by which private contributions for the year exceed $500,000. Once the corpus of the Trust Fund has reached $5,000,000, any obligation of the State to provide State funds to the Trust Fund shall cease; however, additional private funds donated specifically to the Trust Fund shall be applied to the Trust Fund corpus.

(Source: P.A. 87-1197.)

Section 55-60. The Build Illinois Bond Act is amended by changing Section 2 as follows:

(30 ILCS 425/2) (from Ch. 127, par. 2802)

Sec. 2. Authorization for Bonds. The State of Illinois is authorized to issue, sell and provide for the retirement of limited obligation bonds, notes and other evidences of indebtedness of the State of Illinois in the total principal amount of $3,805,509,000 herein called "Bonds". Such authorized amount of Bonds shall be reduced from time to time by amounts, if any, which are equal to the moneys received by the Department of Revenue in any fiscal year pursuant to Section 3-1001 of the "Illinois Vehicle Code", as amended, in excess of the Annual Specified Amount (as defined in Section 3 of the "Retailers' Occupation Tax Act", as amended) and transferred at the end of such fiscal year from the General Revenue Fund to the Build Illinois Purposes Fund (now abolished) as provided in Section 3-1001 of said Code; provided, however, that no such reduction shall affect the validity or enforceability of any Bonds issued prior to such reduction. Such amount of authorized Bonds shall be exclusive of any refunding Bonds issued pursuant to Section 15 of this Act and exclusive of any Bonds issued pursuant to this Section which are redeemed, purchased, advance refunded, or defeased in accordance with paragraph (f) of Section 4 of this Act. Bonds shall be issued for the categories and specific purposes expressed in Section 4 of this Act.

(Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-709, eff. 5-17-00; 92-9, eff. 6-11-01; 92-598, 6-28-02.)
Section 55-65. The Build Illinois Act is amended by changing Sections 8-3, 9-3, 9-4.2, 9-5.2, and 10-3 as follows:

(30 ILCS 750/8-3) (from Ch. 127, par. 2708-3)

Sec. 8-3. Powers of the Department. The Department has the power to:

(a) provide business development public infrastructure loans or grants from appropriations from the Build Illinois Bond Fund, the Build Illinois Purposes Fund, the Fund for Illinois' Future, and the Public Infrastructure Construction Loan Fund to local governments to provide or improve a community's public infrastructure so as to create or retain private sector jobs pursuant to the provisions of this Article;

(b) provide affordable financing of public infrastructure loans and grants to, or on behalf of, local governments, local public entities, medical facilities, and public health clinics from appropriations from the Public Infrastructure Construction Loan Fund for the purpose of assisting with the financing, or application and access to financing, of a community's public infrastructure necessary to health, safety, and economic development;

(c) enter into agreements, accept funds or grants, and engage in cooperation with agencies of the federal government, or state or local governments to carry out the purposes of this Article, and to use funds appropriated pursuant to this Article to participate in federal infrastructure loan and grant programs upon such terms and conditions as may be established by the federal government;

(d) establish application, notification, contract, and other procedures, rules, or regulations deemed necessary and appropriate to carry out the provisions of this Article;

(e) coordinate assistance under this program with activities of the Illinois Finance Authority in order to maximize the effectiveness and efficiency of State development programs;

(f) coordinate assistance under the Affordable Financing of Public Infrastructure Loan and Grant Program with the activities of the Illinois Finance Authority, Illinois Housing Development Authority, Illinois Environmental Protection Agency, and other federal and State programs and entities providing financing assistance to communities for public health, safety, and economic development infrastructure;

(f-5) provide staff, administration, and related support required to manage the programs authorized under this Article and pay for the

New matter indicated by italics - deletions by strikeout
staffing, administration, and related support from the Public Infrastructure Construction Loan Revolving Fund;

(g) exercise such other powers as are necessary or incidental to the foregoing.
(Source: P.A. 93-205 (Sections 890-10, 890-34, and 890-43), eff. 1-1-04; revised 10-3-03.)

(30 ILCS 750/9-3) (from Ch. 127, par. 2709-3)
Sec. 9-3. Powers and duties. The Department has the power:
(a) To make loans or equity investments to small businesses, and to make loans or grants or investments to or through financial intermediaries. The loans and investments shall be made from appropriations from the Build Illinois Bond Fund, Build Illinois Purposes Fund, Illinois Capital Revolving Loan Fund or Illinois Equity Revolving Fund for the purpose of promoting the creation or retention of jobs within small businesses or to modernize or maintain competitiveness of firms in Illinois. The grants shall be made from appropriations from the Build Illinois Bond Fund, Build Illinois Purposes Fund, or Illinois Capital Revolving Loan Fund for the purpose of technical assistance.
(b) To make loans to or investments in businesses that have received federal Phase I Small Business Innovation Research grants as a bridge while awaiting federal Phase II Small Business Innovation Research grant funds.
(c) To enter into interagency agreements, accept funds or grants, and engage in cooperation with agencies of the federal government, local units of government, universities, research foundations, political subdivisions of the State, financial intermediaries, and regional economic development corporations or organizations for the purposes of carrying out this Article.
(d) To enter into contracts, financial intermediary agreements, or any other agreements or contracts with financial intermediaries necessary or desirable to further the purposes of this Article. Any such agreement or contract may include, without limitation, terms and provisions including, but not limited to loan documentation, review and approval procedures, organization and servicing rights, and default conditions.
(e) To fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including without limitation, any application fees, commitment fees, program fees, financing charges, collection fees, training fees, or publication fees in connection with its activities under this Article and to accept from any source any gifts, donations, or contributions.

New matter indicated by italics - deletions by strikeout
of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this Article. All fees, charges, collections, gifts, donations, or other contributions shall be deposited into the Illinois Capital Revolving Loan Fund.

(f) To establish application, notification, contract, and other forms, procedures, rules or regulations deemed necessary and appropriate.

(g) To consent, subject to the provisions of any contract with another person, whenever it deems it necessary or desirable in the fulfillment of the purposes of this Article, to the modification or restructuring of any financial intermediary agreement, loan agreement or any equity investment agreement to which the Department is a party.

(h) To take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure, or noncompliance with the terms and conditions of financial assistance or participation provided hereunder or to otherwise protect or affect the State's interest, including the power to sell, dispose, lease or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property which the Department may receive as a result thereof.

(i) To deposit any "Qualified Securities" which have been received by the Department as the result of any financial intermediary agreement, loan, or equity investment agreement executed in the carrying out of this Act, with the Office of the State Treasurer and held by that office until agreement to transfer such qualified security shall be certified by the Director of the Department of Commerce and Economic Opportunity Community Affairs.

(j) To assist small businesses that seek to apply for public or private capital in preparing the application and to supply them with grant information, plans, reports, assistance, or advice on development finance and to assist financial intermediaries and participating lenders to build capacity to make debt or equity investments through conferences, workshops, seminars, publications, or any other media.

(k) To provide for staff, administration, and related support required to manage the programs authorized under this Article and pay for staffing and administration from the Illinois Capital Revolving Loan Fund, as appropriated by the General Assembly. Administration responsibilities may include, but are not limited to, research and identification of credit disadvantaged groups; design of comprehensive statewide capital access plans and programs addressing capital gap and capital marketplace structure and information barriers; direction, management, and control of
specific projects; and communicate and cooperation with public
development finance organizations and private debt and equity sources.

(l) To exercise such other powers as are necessary or incidental to
the foregoing.

(Source: P.A. 88-422; revised 12-6-03.)

(30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)
Sec. 9-4.2. Illinois Capital Revolving Loan Fund.
(a) There is hereby created the Illinois Capital Revolving Loan
Fund, hereafter referred to in this Article as the "Capital Fund" to be held
as a separate fund within the State Treasury.

The purpose of the Capital Fund is to finance intermediary
agreements, administration, technical assistance agreements, loans, grants,
or investments in Illinois. In addition, funds may be used for a one time
transfer in fiscal year 1994, not to exceed the amounts appropriated, to the
Public Infrastructure Construction Loan Revolving Fund for grants and
loans pursuant to the Public Infrastructure Loan and Grant Program Act.
Investments, administration, grants, and financial aid shall be used for the
purposes set for in this Article. Loan financing will be in the form of loan
agreements pursuant to the terms and conditions set forth in this Article.
All loans shall be conditioned on the project receiving financing from
participating lenders or other investors. Loan proceeds shall be available
for project costs, except for debt refinancing.

(b) There shall be deposited in the Capital Fund such amounts,
including but not limited to:

(i) All receipts, including dividends, principal and interest
payments and royalties, from any applicable loan, intermediary, or
technical assistance agreement made from the Capital Fund or
from direct appropriations from the Build Illinois Bond Fund or the
Build Illinois Purposes Fund (now abolished) by the General
Assembly entered into by the Department;

(ii) All proceeds of assets of whatever nature received by
the Department as a result of default or delinquency with respect to
loan agreements made from the Capital Fund or from direct
appropriations by the General Assembly, including proceeds from
the sale, disposal, lease or rental of real or personal property which
the Department may receive as a result thereof;

(iii) Any appropriations, grants or gifts made to the Capital
Fund;

New matter indicated by italics - deletions by strikeout
(iv) Any income received from interest on investments of moneys in the Capital Fund;

(v) All moneys resulting from the collection of premiums, fees, charges, costs, and expenses described in subsection (e) of Section 9-3.

(c) The Treasurer may invest moneys in the Capital Fund in securities constituting obligations of the United States Government, or in obligations the principal of and interest on which are guaranteed by the United States Government, in obligations the principal of and interest on which are guaranteed by the United States Government, or in certificates of deposit of any State or national bank which are fully secured by obligations guaranteed as to principal and interest by the United States Government.

(Source: P.A. 88-422.)

(30 ILCS 750/9-5.2) (from Ch. 127, par. 2709-5.2)
Sec. 9-5.2. Illinois Equity Investment Revolving Fund.

(a) There is created the Illinois Equity Investment Revolving Fund, hereafter referred to in this Article as the "Equity Fund" to be held as a separate fund within the State Treasury. The purpose of the Equity Fund is to make equity investments in Illinois. All financing will be done in conjunction with participating lenders or other investors. Investment proceeds may be directed to working capital expenses associated with the introduction of new technical products or services of individual business projects or may be used for equity finance pools operated by intermediaries.

(b) There shall be deposited in the Equity Fund such amounts, including but not limited to:

(i) All receipts including dividends, principal and interest payments, royalties, or other return on investment from any applicable loan made from the Equity Fund, from direct appropriations by the General Assembly from the Build Illinois Fund or the Build Illinois Purposes Fund (now abolished), or from intermediary agreements made from the Equity Fund entered into by the Department;

(ii) All proceeds of assets of whatever nature received by the Department as a result of default or delinquency with respect to loan agreements made from the Equity Fund, or from direct appropriations by the General Assembly including proceeds from...
the sale, disposal, lease or rental of real or personal property which the Department may receive as a result thereof;

(iii) any appropriations, grants or gifts made to the Equity Fund;

(iv) any income received from interest on investments of moneys in the Equity Fund.

(c) The Treasurer may invest moneys in the Equity Fund in securities constituting direct obligations of the United States Government, or in obligations the principal of and interest on which are guaranteed by the United States Government, or in certificates of deposit of any State or national bank which are fully secured by obligations guaranteed as to principal and interest by the United States Government.

(Source: P.A. 88-422.)

(30 ILCS 750/10-3) (from Ch. 127, par. 2710-3)

Sec. 10-3. Powers and Duties. The Department has the power to:

(a) Provide loans from the Build Illinois Bond Fund, the Build Illinois Purposes Fund, the Fund for Illinois' Future, or the Large Business Attraction Fund to a business undertaking a project and accept mortgages or other evidences of indebtedness or security of such business.

(b) Provide grants from the Build Illinois Bond Fund, the Build Illinois Purposes Fund, the Fund for Illinois' Future, or the Large Business Attraction Fund to or for the direct benefit of a business undertaking a project. Any such grant shall (i) be made and used only for the purpose of assisting the financing of the business for the project in order to reduce the cost of financing to the business, (ii) be made only if a participating lender, or other funding source including the applicant, also provides a portion of the financing with respect to the project, and only if the Department determines, on the basis of all the information available to it, that the project would not be undertaken in Illinois unless the grant is provided, (iii) provide no more than 25% of the total dollar amount of any single project cost and be approved for amounts from the Fund not to exceed $500,000 for any single project, unless waived by the Director upon a finding that such waiver is appropriate to accomplish the purpose of this Article, (iv) be made only after the Department has determined that the grant will cause a project to be undertaken which has the potential to create substantial employment in relation to the amount of the grant, and (v) be made with a business that has certified the project is a new plant start-up or expansion and is not a relocation of an existing business from
another site in Illinois unless that relocation results in substantial employment growth.

(c) Enter into agreements, accept funds or grants and cooperate with agencies of the federal government, local units of government and local regional economic development corporations or organizations for the purposes of carrying out this Article.

(d) Enter into contracts, letters of credit or any other agreements or contracts with financial institutions necessary or desirable to carry out the purposes of this Article. Any such agreement or contract may include, without limitation, terms and provisions relating to a specific project such as loan documentation, review and approval procedures, organization and servicing rights, default conditions and other program aspects.

(e) Fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including application fees, commitment fees, program fees, financing charges or publication fees in connection with its activities under this Article.

(f) Establish application, notification, contract and other procedures, rules or regulations deemed necessary and appropriate.

(g) Subject to the provisions of any contract with another person and consent to the modification or restructuring of any loan agreement to which the Department is a party.

(h) Take any actions which are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure or noncompliance with the terms and conditions of financial assistance or participation provided under this Article, including the power to sell, dispose, lease or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property which the Department may receive as a result thereof.

(i) Acquire and accept by gift, grant, purchase or otherwise, but not by condemnation, fee simple title, or such lesser interest as may be desired, in land, and to improve or arrange for the improvement of such land for industrial or commercial site development purposes, and to lease or convey such land, or interest in land, so acquired and so improved, including sale and conveyance subject to a mortgage, for such price, upon such terms and at such time as the Department may determine, provided that prior to exercising its authority under this subsection, the Director shall find that other means of financing and developing any such project are not reasonably available and that such action is consistent with the purposes and policies of this Article.

New matter indicated by italics - deletions by strikeout
(j) Provide grants from the Build Illinois Bond Fund or Build Illinois Purposes Fund to municipalities and counties to demolish abandoned buildings pursuant to Section 11-31-1 of the Illinois Municipal Code or Section 5-1080 of the Counties Code, for the purpose of making unimproved land available for purchase by businesses for economic development. Such grants shall be provided only when: (1) the owner of property on which the abandoned building is situated has entered into a contract to sell such property; (2) the Department has determined that the grant will be used to cause a project to be undertaken which will result in the creation of employment; (3) the business which has entered into a contract to purchase the property has certified that it will use the property for a project which is a new plant start-up or expansion or a new venture opportunity and is not a relocation of an existing business from another site within the State unless that relocation results in substantial employment growth. If a municipality or county receives grants under this paragraph, it shall file a notice of lien against the owner or owners of such demolished buildings to recover the costs and expenses incurred in the demolition of such buildings pursuant to Section 11-31-1 of the Illinois Municipal Code or Section 5-1080 of the Counties Code. All such costs and expenses recovered by the county or municipality shall be paid to the Department for deposit in the Build Illinois Purposes Account. Priority shall be given to enterprise zones or those areas with high unemployment whose tax base is adversely impacted by the closing of existing factories.

(k) Exercise such other powers as are necessary or incidental to the foregoing.

(Source: P.A. 91-34, eff. 7-1-99.)

Section 55-70. The Cigarette Tax Act is amended by changing Sections 2 and 29 as follows:

(35 ILCS 130/2) (from Ch. 120, par. 453.2)

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

(a) A tax is imposed upon any person engaged in business as a retailer of cigarettes in this State at the rate of 5 1/2 mills per cigarette sold, or otherwise disposed of in the course of such business in this State. In addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes in this State at a rate of 1/2 mill per cigarette sold or otherwise disposed of in the course of such business in this State on and after January 1, 1947, and shall be paid into the Metropolitan Fair and Exposition Authority Reconstruction Fund or as
otherwise provided in Section 29. On and after December 1, 1985, in addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes in this State at a rate of 4 mills per cigarette sold or otherwise disposed of in the course of such business in this State. Of the additional tax imposed by this amendatory Act of 1985, $9,000,000 of the moneys received by the Department of Revenue pursuant to this Act shall be paid each month into the Common School Fund. On and after the effective date of this amendatory Act of 1989, in addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 5 mills per cigarette sold or otherwise disposed of in the course of such business in this State. On and after December 15, 1997, in addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 7 mills per cigarette sold or otherwise disposed of in the course of such business of this State. All of the moneys received by the Department of Revenue pursuant to this Act and the Cigarette Use Tax Act from the additional taxes imposed by this amendatory Act of 1997, shall be paid each month into the Common School Fund. On and after July 1, 2002, in addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 20.0 mills per cigarette sold or otherwise disposed of in the course of such business in this State. The payment of such taxes shall be evidenced by a stamp affixed to each original package of cigarettes, or an authorized substitute for such stamp imprinted on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, as hereinafter provided. However, such taxes are not imposed upon any activity in such business in interstate commerce or otherwise, which activity may not under the Constitution and statutes of the United States be made the subject of taxation by this State.

Beginning on the effective date of this amendatory Act of the 92nd General Assembly, all of the moneys received by the Department of Revenue pursuant to this Act and the Cigarette Use Tax Act, other than the moneys that are dedicated to the Metropolitan Fair and Exposition Authority Reconstruction Fund and the Common School Fund, shall be
distributed each month as follows: first, there shall be paid into the General Revenue Fund an amount which, when added to the amount paid into the Common School Fund for that month, equals $33,300,000, except that in the month of August of 2004, this amount shall equal $83,300,000; then, from the moneys remaining, if any amounts required to be paid into the General Revenue Fund in previous months remain unpaid, those amounts shall be paid into the General Revenue Fund; then, beginning on April 1, 2003, from the moneys remaining, $5,000,000 per month shall be paid into the School Infrastructure Fund; then, if any amounts required to be paid into the School Infrastructure Fund in previous months remain unpaid, those amounts shall be paid into the School Infrastructure Fund; then the moneys remaining, if any, shall be paid into the Long-Term Care Provider Fund. To the extent that more than $25,000,000 has been paid into the General Revenue Fund and Common School Fund per month for the period of July 1, 1993 through the effective date of this amendatory Act of 1994 from combined receipts of the Cigarette Tax Act and the Cigarette Use Tax Act, notwithstanding the distribution provided in this Section, the Department of Revenue is hereby directed to adjust the distribution provided in this Section to increase the next monthly payments to the Long Term Care Provider Fund by the amount paid to the General Revenue Fund and Common School Fund in excess of $25,000,000 per month and to decrease the next monthly payments to the General Revenue Fund and Common School Fund by that same excess amount.

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

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

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

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

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

(b) The distributor shall be required to collect the taxes provided under paragraph (a) hereof, and, to cover the costs of such collection, shall be allowed a discount during any year commencing July 1st and ending the following June 30th in accordance with the schedule set out hereinbelow, which discount shall be allowed at the time of purchase of the stamps when purchase is required by this Act, or at the time when the tax is remitted to the Department without the purchase of stamps from the Department when that method of paying the tax is required or authorized by this Act. Prior to December 1, 1985, a discount equal to 1 2/3% of the amount of the tax up to and including the first $700,000 paid hereunder by such distributor to the Department during any such year; 1 1/3% of the next $700,000 of tax or any part thereof, paid hereunder by such distributor to the Department during any such year; 1% of the next $700,000 of tax, or any part thereof, paid hereunder by such distributor to

New matter indicated by italics - deletions by strikeout
the Department during any such year, and 2/3 of 1% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year shall apply. On and after December 1, 1985, a discount equal to 1.75% of the amount of the tax payable under this Act up to and including the first $3,000,000 paid hereunder by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year shall apply.

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

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

(Source: P.A. 92-536, eff. 6-6-02; 93-839, eff. 7-30-04.)

(35 ILCS 130/29) (from Ch. 120, par. 453.29)

Sec. 29. All moneys received by the Department from the one-half mill tax imposed by the Sixty-fourth General Assembly and all interest and penalties, received in connection therewith under the provisions of this Act shall be paid into the Metropolitan Fair and Exposition Authority Reconstruction Fund. All other moneys received by the Department under this Act shall be paid into the General Revenue Fund in the State treasury. After there has been paid into the Metropolitan Fair and Exposition Authority Reconstruction Fund sufficient money to pay in full both principal and interest, all of the outstanding bonds issued pursuant to the "Fair and Exposition Authority Reconstruction Act", the State Treasurer and Comptroller shall transfer to the General Revenue Fund the balance of moneys remaining in the Metropolitan Fair and Exposition Authority Reconstruction Fund except for $2,500,000 which shall remain in the Metropolitan Fair and Exposition Authority Reconstruction Fund and which may be appropriated by the General Assembly for the corporate purposes of the Metropolitan Pier and Exposition Authority. All monies received by the Department in fiscal year 1978 and thereafter from the one-half mill tax imposed by the Sixty-fourth General Assembly, and all interest and penalties received in connection therewith under the provisions of this Act, shall be paid into the General Revenue Fund, except that the Department shall pay the first $4,800,000 received in fiscal years 1979 through 2001 from that one-half mill tax into the Metropolitan
Fair and Exposition Authority Reconstruction Fund which monies may be appropriated by the General Assembly for the corporate purposes of the Metropolitan Pier and Exposition Authority.

In fiscal year 2002 and fiscal year 2003, the first $4,800,000 from the one-half mill tax shall be paid into the Statewide Economic Development Fund.

All moneys received by the Department in fiscal year 2006 and thereafter from the one-half mill tax imposed by the 64th General Assembly and all interest and penalties received in connection with that tax under the provisions of this Act shall be paid into the General Revenue Fund.

(Source: P.A. 92-208, eff. 8-2-01; 93-22, eff. 6-20-03.)

Section 55-75. The Civic Center Code is amended by changing Section 240-20 as follows:

(70 ILCS 200/240-20)

Sec. 240-20. State office building. The Authority may make expenditures for the planning, acquisition, development and construction of a State office building in Rockford, Illinois. Such expenditures may be made from funds appropriated for such purposes from the Build Illinois Bond Fund or the Build Illinois Purposes Fund, created by the 84th General Assembly.

(Source: P.A. 90-328, eff. 1-1-98.)

Section 55-80. The Metropolitan Pier and Exposition Authority Act is amended by changing Section 10 as follows:

(70 ILCS 210/10) (from Ch. 85, par. 1230)

Sec. 10. The Authority shall have the continuing power to borrow money for the purpose of carrying out and performing its duties and exercising its powers under this Act.

For the purpose of evidencing the obligation of the Authority to repay any money borrowed as aforesaid, the Authority may, pursuant to ordinance adopted by the Board, from time to time issue and dispose of its revenue bonds and notes (herein collectively referred to as bonds), and may also from time to time issue and dispose of its revenue bonds to refund any bonds at maturity or pursuant to redemption provisions or at any time before maturity as provided for in Section 10.1. All such bonds shall be payable solely from any one or more of the following sources: the revenues or income to be derived from the fairs, expositions, meetings, and conventions and other authorized activities of the Authority; funds, if any, received and to be received by the Authority from the Fair and

New matter indicated by italics - deletions by strikeout
Exposition Fund, as allocated by the Department of Agriculture of this State; from the Metropolitan Fair and Exposition Authority Reconstruction Fund; from the Metropolitan Fair and Exposition Authority Improvement Bond Fund pursuant to appropriation by the General Assembly; from the McCormick Place Expansion Project Fund pursuant to appropriation by the General Assembly; from any revenues or funds pledged or provided for such purposes by any governmental agency; from any revenues of the Authority from taxes it is authorized to impose; from the proceeds of refunding bonds issued for that purpose; or from any other lawful source derived. Such bonds may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates payable at such times, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium as is stated on the face thereof, may be executed in such manner and may contain such terms and covenants, all as may be provided in the ordinance adopted by the Board providing for such bonds. In case any officer whose signature appears on any bond ceases (after attaching his signature) to hold office, his signature shall nevertheless be valid and effective for all purposes. The holder or holders of any bonds or interest coupons appertaining thereto issued by the Authority or any trustee on behalf of the holders may bring civil actions to compel the performance and observance by the Authority or any of its officers, agents or employees of any contract or covenant made by the Authority with the holders of such bonds or interest coupons and to compel the Authority and any of its officers, agents or employees to perform any duties required to be performed for the benefit of the holders of any such bonds or interest coupons by the provisions of the ordinance authorizing their issuance and to enjoin the Authority and any of its officers, agents or employees from taking any action in conflict with any such contract or covenant.

Notwithstanding the form and tenor of any such bonds and in the absence of any express recital on the face thereof that it is non-negotiable, all such bonds shall be negotiable instruments under the Uniform Commercial Code.

The bonds shall be sold by the corporate authorities of the Authority in such manner as the corporate authorities shall determine.

From and after the issuance of any bonds as herein provided it shall be the duty of the corporate authorities of the Authority to fix and establish
rates, charges, rents and fees for the use of its grounds, buildings, and facilities that will be sufficient at all times, together with other revenues of the Authority available for that purpose, to pay:

(a) The cost of maintaining, repairing, regulating and operating the grounds, buildings, and facilities; and
(b) The bonds and interest thereon as they shall become due, and all sinking fund requirements and other requirements provided by the ordinance authorizing the issuance of the bonds or as provided by any trust agreement executed to secure payment thereof.

The Authority may provide that bonds issued under this Act shall be payable from and secured by an assignment and pledge of and grant of a lien on and a security interest in unexpended bond proceeds, the proceeds of any refunding bonds, reserves or sinking funds and earnings thereon, or all or any part of the moneys, funds, income and revenues of the Authority from any source derived, including, without limitation, any revenues of the Authority from taxes it is authorized to impose, the net revenues of the Authority from its operations, payments from the Metropolitan Fair and Exposition Authority Improvement Bond Fund or from the McCormick Place Expansion Project Fund to the Authority or upon its direction to any trustee or trustees under any trust agreement securing such bonds, payments from any governmental agency, or any combination of the foregoing. In no event shall a lien or security interest upon the physical facilities of the Authority be created by any such lien, pledge or security interest. The Authority may execute and deliver a trust agreement or agreements to secure the payment of such bonds and for the purpose of setting forth covenants and undertakings of the Authority in connection with issuance thereof. Such pledge, assignment and grant of a lien and security interest shall be effective immediately without any further filing or action and shall be effective with respect to all persons regardless of whether any such person shall have notice of such pledge, assignment, lien or security interest.

In connection with the issuance of its bonds, the Authority may enter into arrangements to provide additional security and liquidity for the bonds. These may include, without limitation, municipal bond insurance, letters of credit, lines of credit by which the Authority may borrow funds to pay or redeem its bonds and purchase or remarketing arrangements for assuring the ability of owners of the Authority's bonds to sell or to have redeemed their bonds. The Authority may enter into contracts and may
agree to pay fees to persons providing such arrangements, including from bond proceeds. No such arrangement or contract shall be considered a bond or note for purposes of any limitation on the issuance of bonds or notes by the Authority.

The ordinance of the Board authorizing the issuance of its bonds may provide that interest rates may vary from time to time depending upon criteria established by the Board, which may include, without limitation, a variation in interest rates as may be necessary to cause bonds to be remarketable from time to time at a price equal to their principal amount, and may provide for appointment of a national banking association, bank, trust company, investment banker or other financial institution to serve as a remarketing agent in that connection. The ordinance of the board authorizing the issuance of its bonds may provide that alternative interest rates or provisions will apply during such times as the bonds are held by a person providing a letter of credit or other credit enhancement arrangement for those bonds.

To secure the payment of any or all of such bonds and for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance thereof and the issuance of any additional bonds payable from moneys, funds, revenue and income of the Authority to be derived from any source, the Authority may execute and deliver a trust agreement or agreements; provided that no lien upon any real property of the Authority shall be created thereby.

A remedy for any breach or default of the terms of any such trust agreement by the Authority may be by mandamus proceedings in the circuit court to compel performance and compliance therewith, but the trust agreement may prescribe by whom or on whose behalf such action may be instituted.

In connection with the issuance of its bonds under this Act, the Authority may enter into contracts that it determines necessary or appropriate to permit it to manage payment or interest rate risk. These contracts may include, but are not limited to, interest rate exchange agreements; contracts providing for payment or receipt of funds based on levels of or changes in interest rates; contracts to exchange cash flows or series of payments; and contracts incorporating interest rate caps, collars, floors, or locks.

(Source: P.A. 92-208, eff. 8-2-01.)

Section 55-85. The Fair and Exposition Authority Reconstruction Act is amended by changing Sections 3 and 8 as follows:

New matter indicated by italics - deletions by strikeout
(70 ILCS 215/3) (from Ch. 85, par. 1250.3)
Sec. 3. The Metropolitan Pier and Exposition Authority is
authorized to borrow money and issue bonds in a total amount not to
exceed $40,000,000 for the purpose of reconstructing the convention hall
and exposition building known as McCormick Place. Such bonds shall be
payable solely from funds received by the Authority from appropriations,
if any, to be made to said Authority from time to time by future General
Assemblies of the State of Illinois from the Metropolitan Fair and
Exposition Authority Reconstruction Fund.
(Source: P.A 87-895.)

(70 ILCS 215/8) (from Ch. 85, par. 1250.8)
Sec. 8. Appropriations From moneys required to be paid into the
Metropolitan Fair and Exposition Authority Reconstruction Fund in the
State Treasury pursuant to Sections 2 and 29 of the Cigarette Tax Act,
appropriations may be made from time to time by the General Assembly to
the Metropolitan Pier and Exposition Authority for the payment of
principal and interest of bonds of the Authority issued under the provisions
of this Act and for any other lawful purpose of the Authority. Any and all
of the funds so received shall be kept separate and apart from any and all
other funds of the Authority. After there has been paid into the
Metropolitan Fair and Exposition Authority Reconstruction Fund in the
State Treasury sufficient money, pursuant to this Section and Sections 2
and 29 of the Cigarette Tax Act, to retire all bonds payable from that Fund,
the taxes derived from Section 28 of the Illinois Horse Racing Act of 1975
which were required to be paid into that Fund pursuant to that Act shall
thereafter be paid into the Metropolitan Exposition, Auditorium and Office
Building Fund in the State Treasury.
(Source: P.A. 87-895.)

Section 55-90. The Soil and Water Conservation District Act is
amended by changing Section 6 as follows:
(70 ILCS 405/6) (from Ch. 5, par. 111)
Sec. 6. Powers and duties. In addition to the powers and duties
otherwise conferred upon the Department, it shall have the following
powers and duties:
(1) To offer such assistance as may be appropriate to the directors
of soil and water conservation districts, organized as provided hereinafter,
in the carrying out of any of the powers and programs.
(2) To keep the directors of each of said several districts informed
of the activities and experience of other such districts, and to facilitate an

New matter indicated by italics - deletions by strikeout
interchange of advice and experience between such districts and cooperation between them.

(3) To coordinate the programs of the several districts so far as this may be done by advice and consultation.

(4) To seek the cooperation and assistance of the United States and of agencies of this State, in the work of such districts.

(5) To disseminate information throughout the State concerning the formation of such districts, and to assist in the formation of such districts in areas where their organization is desirable.

(6) To consider, review, and express its opinion concerning any rules, regulations, ordinances or other action of the board of directors of any district and to advise such board of directors accordingly.

(7) To prepare and submit to the Director of the Department an annual budget.

(8) To develop and coordinate a comprehensive State erosion and sediment control program, including guidelines to be used by districts in implementing this program. In developing this program, the Department may consult with and request technical assistance from local, State and federal agencies, and may consult and advise with technically qualified persons and with the soil and water conservation districts. The guidelines developed may be revised from time to time as necessary.

(9) To promote among its members the management of marginal agricultural and other rural lands for forestry, consistent with the goals and purposes of the "Illinois Forestry Development Act".

Nothing in this Act shall authorize the Department or any district to regulate or control point source discharges to waters.

(10) To make grants subject to annual appropriation from the Build Illinois Purposes Fund; the Build Illinois Bond Fund or any other sources, including the federal government, to Soil and Water Conservation Districts and the Soil Conservation Service.

(11) To provide payment for outstanding health care costs of Soil and Water Conservation District employees incurred between January 1, 1996 and December 31, 1996 that were eligible for reimbursement from the District's insurance carrier, Midcontinent Medical Benefit Trust, but have not been paid to date by Midcontinent. All claims shall be filed with the Department on or before January 30, 1998 to be considered for payment under the provisions of this amendatory Act of 1997. The Department shall approve or reject claims based upon documentation and

New matter indicated by italics - deletions by strikeout
in accordance with established procedures. The authority granted under this item (11) expires on September 1, 1998.

Nothing in this Act shall authorize the Department in any district to regulate or curtail point source discharges to waters.

(Source: P.A. 90-565, eff. 1-2-98.)

Section 55-95. The School Code is amended by changing Section 2-3.120 as follows:

(105 ILCS 5/2-3.120)

Sec. 2-3.120. Non-Public school students' access to technology.

(a) The General Assembly finds and declares that the Constitution of the State of Illinois provides that "a fundamental goal of the People of the State is the educational development of all persons to the limit of their capacities", and that the educational development of every school student serves the public purposes of the State. In order to enable Illinois students to leave school with the basic skills and knowledge that will enable them to find and hold jobs and otherwise function as productive members of society in the 21st Century, all students must have access to the vast educational resources provided by computers. The provisions of this Section are in the public interest, for the public benefit, and serve a secular public purpose.

(b) The State Board of Education shall provide non-public schools with ports to the Board's statewide educational network, provided that this access does not diminish the services available to public schools and students. The State Board of Education shall charge for this access in an amount necessary to offset its cost. Amounts received by the State Board of Education under this Section shall be deposited in the General Revenue Fund School Technology Revolving Fund as described in Section 2-3.121. The statewide network may be used only for secular educational purposes.

(c) For purposes of this Section, a non-public school means: (i) any non-profit, non-public college; or (ii) any non-profit, non-home-based, non-public elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code.

(Source: P.A. 90-463, eff. 8-17-97; 90-566, eff. 1-2-98; 90-655, eff. 7-30-98.)

Section 55-100. The Chicago State University Law is amended by changing Section 5-75 as follows:

(110 ILCS 660/5-75)

New matter indicated by italics - deletions by strikeout
Sec. 5-75. Engineering facilities. The Board is authorized to construct engineering facilities with funds appropriated for that purpose from the Build Illinois Bond Fund or the Build Illinois Purposes Fund. (Source: P.A. 89-4, eff. 1-1-96.)

Section 55-105. The Eastern Illinois University Law is amended by changing Section 10-75 as follows:

(110 ILCS 665/10-75)

Sec. 10-75. Engineering facilities. The Board is authorized to construct engineering facilities with funds appropriated for that purpose from the Build Illinois Bond Fund or the Build Illinois Purposes Fund. (Source: P.A. 89-4, eff. 1-1-96.)

Section 55-110. The Governors State University Law is amended by changing Section 15-75 as follows:

(110 ILCS 670/15-75)

Sec. 15-75. Engineering facilities. The Board is authorized to construct engineering facilities with funds appropriated for that purpose from the Build Illinois Bond Fund or the Build Illinois Purposes Fund. (Source: P.A. 89-4, eff. 1-1-96.)

Section 55-115. The Illinois State University Law is amended by changing Section 20-75 as follows:

(110 ILCS 675/20-75)

Sec. 20-75. Engineering facilities. The Board is authorized to construct engineering facilities with funds appropriated for that purpose from the Build Illinois Bond Fund or the Build Illinois Purposes Fund. (Source: P.A. 89-4, eff. 1-1-96.)

Section 55-120. The Northwestern Illinois University Law is amended by changing Section 25-75 as follows:

(110 ILCS 680/25-75)

Sec. 25-75. Engineering facilities. The Board is authorized to construct engineering facilities with funds appropriated for that purpose from the Build Illinois Bond Fund or the Build Illinois Purposes Fund. (Source: P.A. 89-4, eff. 1-1-96.)

Section 55-125. The Northern Illinois University Law is amended by changing Section 30-75 as follows:

(110 ILCS 685/30-75)

Sec. 30-75. Engineering facilities. The Board is authorized to construct engineering facilities with funds appropriated for that purpose from the Build Illinois Bond Fund or the Build Illinois Purposes Fund.
Section 55-130. The Western Illinois University Law is amended by changing Section 35-75 as follows:

(110 ILCS 690/35-75)

Sec. 35-75. Engineering facilities. The Board is authorized to construct engineering facilities with funds appropriated for that purpose from the Build Illinois Bond Fund or the Build Illinois Purposes Fund.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 55-135. The Illinois Horse Racing Act of 1975 is amended by changing Section 28 as follows:

(230 ILCS 5/28) (from Ch. 8, par. 37-28)

Sec. 28. Except as provided in subsection (g) of Section 27 of this Act, moneys collected shall be distributed according to the provisions of this Section 28.

(a) Thirty per cent of the total of all monies collected shall be paid into the Metropolitan Fair and Exposition Authority Reconstruction Fund in the State treasury until such Fund contains sufficient money to pay in full, both principal and interest, all of the outstanding bonds issued pursuant to the Fair and Exposition Authority Reconstruction Act, approved July 31, 1967, as amended, and thereafter shall be paid into the Metropolitan Exposition Auditorium and Office Building Fund in the State Treasury.

(b) In addition, 4.5% Four and one-half per cent of the total of all monies received by the State as privilege taxes shall be paid into the State treasury into a special Fund to be known as the Metropolitan Exposition, Auditorium, and Office Building Fund.

(c) Fifty per cent of the total of all monies received by the State as privilege taxes under the provisions of this Act shall be paid into the Agricultural Premium Fund.

(d) Seven per cent of the total of all monies received by the State as privilege taxes shall be paid into the Fair and Exposition Fund in the State treasury; provided, however, that when all bonds issued prior to July 1, 1984 by the Metropolitan Fair and Exposition Authority shall have been paid or payment shall have been provided for upon a refunding of those bonds, thereafter 1/12 of $1,665,662 of such monies shall be paid each month into the Build Illinois Fund, and the remainder into the Fair and Exposition Fund. All excess monies shall be allocated to the Department of Agriculture for distribution to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act.
(e) The monies provided for in Section 30 shall be paid into the Illinois Thoroughbred Breeders Fund.

(f) The monies provided for in Section 31 shall be paid into the Illinois Standardbred Breeders Fund.

(g) Until January 1, 2000, that part representing 1/2 of the total breakage in Thoroughbred, Harness, Appaloosa, Arabian, and Quarter Horse racing in the State shall be paid into the Illinois Race Track Improvement Fund as established in Section 32.

(h) All other monies received by the Board under this Act shall be paid into the General Revenue Fund of the State.

(i) The salaries of the Board members, secretary, stewards, directors of mutuels, veterinarians, representatives, accountants, clerks, stenographers, inspectors and other employees of the Board, and all expenses of the Board incident to the administration of this Act, including, but not limited to, all expenses and salaries incident to the taking of saliva and urine samples in accordance with the rules and regulations of the Board shall be paid out of the Agricultural Premium Fund.

(j) The Agricultural Premium Fund shall also be used:

1. for the expenses of operating the Illinois State Fair and the DuQuoin State Fair, including the payment of prize money or premiums;

2. for the distribution to county fairs, vocational agriculture section fairs, agricultural societies, and agricultural extension clubs in accordance with the Agricultural Fair Act, as amended;

3. for payment of prize monies and premiums awarded and for expenses incurred in connection with the International Livestock Exposition and the Mid-Continent Livestock Exposition held in Illinois, which premiums, and awards must be approved, and paid by the Illinois Department of Agriculture;

4. for personal service of county agricultural advisors and county home advisors;

5. for distribution to agricultural home economic extension councils in accordance with "An Act in relation to additional support and finance for the Agricultural and Home Economic Extension Councils in the several counties in this State and making an appropriation therefor", approved July 24, 1967, as amended;

6. for research on equine disease, including a development center therefor;

New matter indicated by italics - deletions by strikeout
(7) for training scholarships for study on equine diseases to students at the University of Illinois College of Veterinary Medicine;

(8) for the rehabilitation, repair and maintenance of the Illinois and DuQuoin State Fair Grounds and the structures and facilities thereon and the construction of permanent improvements on such Fair Grounds, including such structures, facilities and property located on such State Fair Grounds which are under the custody and control of the Department of Agriculture;

(9) for the expenses of the Department of Agriculture under Section 5-530 of the Departments of State Government Law (20 ILCS 5/5-530);

(10) for the expenses of the Department of Commerce and Economic Opportunity Community Affairs under Sections 605-620, 605-625, and 605-630 of the Department of Commerce and Economic Opportunity Community Affairs Law (20 ILCS 605/605-620, 605/605-625, and 605/605-630);

(11) for remodeling, expanding, and reconstructing facilities destroyed by fire of any Fair and Exposition Authority in counties with a population of 1,000,000 or more inhabitants;

(12) for the purpose of assisting in the care and general rehabilitation of disabled veterans of any war and their surviving spouses and orphans;

(13) for expenses of the Department of State Police for duties performed under this Act;

(14) for the Department of Agriculture for soil surveys and soil and water conservation purposes;

(15) for the Department of Agriculture for grants to the City of Chicago for conducting the Chicagofest.

(k) To the extent that monies paid by the Board to the Agricultural Premium Fund are in the opinion of the Governor in excess of the amount necessary for the purposes herein stated, the Governor shall notify the Comptroller and the State Treasurer of such fact, who, upon receipt of such notification, shall transfer such excess monies from the Agricultural Premium Fund to the General Revenue Fund.

(Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01; revised 12-6-03.)

Section 55-140. The Illinois Public Aid Code is amended by
changing Section 12-5 as follows:

(305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

Sec. 12-5. Appropriations; uses; federal grants; report to General Assembly. From the sums appropriated by the General Assembly, the Illinois Department shall order for payment by warrant from the State Treasury grants for public aid under Articles III, IV, and V, including grants for funeral and burial expenses, and all costs of administration of the Illinois Department and the County Departments relating thereto. Moneys appropriated to the Illinois Department for public aid under Article VI may be used, with the consent of the Governor, to co-operate with federal, State, and local agencies in the development of work projects designed to provide suitable employment for persons receiving public aid under Article VI. The Illinois Department, with the consent of the Governor, may be the agent of the State for the receipt and disbursement of federal funds or commodities for public aid purposes under Article VI and for related purposes in which the co-operation of the Illinois Department is sought by the federal government, and, in connection therewith, may make necessary expenditures from moneys appropriated for public aid under any Article of this Code and for administration. The Illinois Department, with the consent of the Governor, may be the agent of the State for the receipt and disbursement of federal funds pursuant to the Immigration Reform and Control Act of 1986 and may make necessary expenditures from moneys appropriated to it for operations, administration, and grants, including payment to the Health Insurance Reserve Fund for group insurance costs at the rate certified by the Department of Central Management Services. All amounts received by the Illinois Department pursuant to the Immigration Reform and Control Act of 1986 shall be deposited in the Immigration Reform and Control Fund. All amounts received into the Immigration Reform and Control Fund as reimbursement for expenditures from the General Revenue Fund shall be transferred to the General Revenue Fund.

All grants received by the Illinois Department for programs funded by the Federal Social Services Block Grant shall be deposited in the Social Services Block Grant Fund. All funds received into the Social Services Block Grant Fund as reimbursement for expenditures from the General Revenue Fund shall be transferred to the General Revenue Fund. All funds received into the Social Services Block Grant fund for reimbursement for expenditure out of the Local Initiative Fund shall be transferred into the Local Initiative Fund. Any other federal funds received into the Social

New matter indicated by italics - deletions by strikeout
Services Block Grant Fund shall be transferred to the Special Purposes Trust Fund. All federal funds received by the Illinois Department as reimbursement for Employment and Training Programs for expenditures made by the Illinois Department from grants, gifts, or legacies as provided in Section 12-4.18 or made by an entity other than the Illinois Department shall be deposited into the Employment and Training Fund, except that federal funds received as reimbursement as a result of the appropriation made for the costs of providing adult education to public assistance recipients under the "Adult Education, Public Assistance Fund" shall be deposited into the General Revenue Fund; provided, however, that all funds, except those that are specified in an interagency agreement between the Illinois Community College Board and the Illinois Department, that are received by the Illinois Department as reimbursement under Title IV-A of the Social Security Act for expenditures that are made by the Illinois Community College Board or any public community college of this State shall be credited to a special account that the State Treasurer shall establish and maintain within the Employment and Training Fund for the purpose of segregating the reimbursements received for expenditures made by those entities. As reimbursements are deposited into the Employment and Training Fund, the Illinois Department shall certify to the State Comptroller and State Treasurer the amount that is to be credited to the special account established within that Fund as a reimbursement for expenditures under Title IV-A of the Social Security Act made by the Illinois Community College Board or any of the public community colleges. All amounts credited to the special account established and maintained within the Employment and Training Fund as provided in this Section shall be held for transfer to the TANF Opportunities Fund as provided in subsection (d) of Section 12-10.3, and shall not be transferred to any other fund or used for any other purpose.

Any or all federal funds received as reimbursement for food and shelter assistance under the Emergency Food and Shelter Program authorized by Section 12-4.5 may be deposited, with the consent of the Governor, into the Homelessness Prevention Fund.

Eighty percent of the federal financial participation funds received by the Illinois Department under the Title IV-A Emergency Assistance program as reimbursement for expenditures made from the Illinois Department of Children and Family Services appropriations for the costs of providing services in behalf of Department of Children and Family Services

New matter indicated by italics - deletions by strikeout
Services clients shall be deposited into the DCFS Children's Services Fund.

All federal funds, except those covered by the foregoing 3 paragraphs, received as reimbursement for expenditures from the General Revenue Fund shall be deposited in the General Revenue Fund for administrative and distributive expenditures properly chargeable by federal law or regulation to aid programs established under Articles III through XII and Titles IV, XVI, XIX and XX of the Federal Social Security Act. Any other federal funds received by the Illinois Department under Sections 12-4.6, 12-4.18 and 12-4.19 that are required by Section 12-10 of this Code to be paid into the Special Purposes Trust Fund shall be deposited into the Special Purposes Trust Fund. Any other federal funds received by the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be deposited in the Child Support Enforcement Trust Fund as required under Section 12-10.2 of this Code. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5-4.21 of this Code to be paid into the Medicaid Developmentally Disabled Provider Participation Fee Trust Fund shall be deposited into the Medicaid Developmentally Disabled Provider Participation Fee Trust Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5-4.31 of this Code to be paid into the Medicaid Long Term Care Provider Participation Fee Trust Fund shall be deposited into the Medicaid Long Term Care Provider Participation Fee Trust Fund. Any other federal funds received by the Illinois Department for hospital inpatient, hospital ambulatory care, and disproportionate share hospital expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 14-2 of this Code to be paid into the Hospital Services Trust Fund shall be deposited into the Hospital Services Trust Fund. Any other federal funds received by the Illinois Department for expenditures made under Title XIX of the Social Security Act and Articles V and VI of this Code that are required by Section 15-2 of this Code to be paid into the County Provider Trust Fund shall be deposited into the County Provider Trust Fund. Any other federal funds received by the Illinois Department for hospital inpatient, hospital ambulatory care, and disproportionate share hospital expenditures made

New matter indicated by italics - deletions by strikeout
under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5A-8 of this Code to be paid into the Hospital Provider Fund shall be deposited into the Hospital Provider Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5B-8 of this Code to be paid into the Long-Term Care Provider Fund shall be deposited into the Long-Term Care Provider Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5C-7 of this Code to be paid into the Developmentally Disabled Care Provider Fund shall be deposited into the Developmentally Disabled Care Provider Fund. Any other federal funds received by the Illinois Department for trauma center adjustment payments that are required by Section 5-5.03 of this Code and made under Title XIX of the Social Security Act and Article V of this Code shall be deposited into the Trauma Center Fund. Any other federal funds received by the Illinois Department as reimbursement for expenses for early intervention services paid from the Early Intervention Services Revolving Fund shall be deposited into that Fund.

The Illinois Department shall report to the General Assembly at the end of each fiscal quarter the amount of all funds received and paid into the Social Service Block Grant Fund and the Local Initiative Fund and the expenditures and transfers of such funds for services, programs and other purposes authorized by law. Such report shall be filed with the Speaker, Minority Leader and Clerk of the House, with the President, Minority Leader and Secretary of the Senate, with the Chairmen of the House and Senate Appropriations Committees, the House Human Resources Committee and the Senate Public Health, Welfare and Corrections Committee, or the successor standing Committees of each as provided by the rules of the House and Senate, respectively, with the Legislative Research Unit and with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

(Source: P.A. 92-111, eff. 1-1-02; 93-632, eff. 2-1-04.)

Section 55-145. The Nursing Home Grant Assistance Act is amended by changing Sections 20 and 55 as follows:

(305 ILCS 40/20) (from Ch. 23, par. 7100-20)

New matter indicated by italics - deletions by strikeout
Sec. 20. Nursing Home Grant Assistance Program Fund.

(a) (Blank). There is created in the State Treasury the Nursing Home Grant Assistance Fund. Interest earned on the Fund shall be credited to the Fund.

(b) The Fund is created for the purpose of receiving moneys in accordance with Section 15, Section 30 and Section 35 of this Act, and disbursing moneys for payment of:

(1) grants to eligible individuals under this Act;
(2) administrative expenses incurred by the Department in performing the activities authorized by this Act;
(3) refunds to distribution agents as provided for under this Act; and
(4) transfers to the General Revenue Fund of any amounts of Nursing Home Grant Assistance payments returned to the Department by distribution agents.

The Department shall deposit all moneys received under this Act in the Nursing Home Grant Assistance Fund.

The Department, subject to appropriation, may use up to 2.5% of the moneys received under this Act for the costs of administering and enforcing the program.

(c) Within 30 days after the end of the quarterly period in which the distribution agent is required to file the certification and make the payment required by this Act, and after verification with the Illinois Department of Public Aid of the licensing status of the distribution agent, the Director shall order the payment to be made from appropriations made for the purposes of this Act.

(d) Disbursements from this Fund shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Department. The Department shall prepare and certify to the State Comptroller the disbursement of the grants to qualified distributing agents for payment to the eligible individuals certified to the Department by the qualified distributing agents.

The amount to be paid per calendar quarter to a qualified distribution agent shall not exceed, for each eligible individual, $500 multiplied by a fraction equal to the number of days that the eligible individual's nursing home care was not paid for, in whole or in part, by a federal, State, or combined federal-State medical care program, divided by the number of calendar days in the quarter. Any amount the qualified distribution agent owes to the Department under Section 30 shall be

New matter indicated by italics - deletions by strikeout
deducted from the amount of the payment to the qualified distribution agent.

If the amount appropriated or available in the Fund is insufficient to meet all or part of any quarterly payment certification, the payment certified to each qualified distributing agent shall be uniformly reduced by an amount which will permit a payment to be made to each qualified distributing agent. Within 10 days after receipt by the State Comptroller of the disbursement certification to the qualified distributing agents, the State Comptroller shall cause the warrants to be drawn for the respective amounts in accordance with the directions contained in that certification.

(e) Notwithstanding any other provision of this Act, as soon as is practicable after the effective date of this amendatory Act of 1994, the Department shall order that payments be made, subject to appropriation, to the appropriate distribution agents for grants to persons who were eligible individuals during the fourth quarter of fiscal year 1993 to the extent that those individuals did not receive a grant for that quarter or the fourth quarter of fiscal year 1992. An eligible individual, or a person acting on behalf of an eligible individual, must apply on or before December 31, 1994 for a grant under this subsection (e). The amount to be paid to each distribution agent under this subsection shall be calculated as provided in subsection (d). Distribution agents shall distribute the grants to eligible individuals as required in Section 30. For the purpose of determining grants under this subsection (e), a nursing home that is a distribution agent under this Act shall file with the Department, on or before September 30, 1994, a certification disclosing the information required under Section 15 with respect to the fourth quarter of fiscal year 1993.

(Source: P.A. 91-357, eff. 7-29-99.)

(305 ILCS 40/55)

Sec. 55. Supplemental Grants. For each quarter for which an eligible individual receives a Nursing Home Grant Assistance payment under this Act such eligible individual shall qualify to receive a Supplemental Nursing Home Grant Assistance payment. For each quarter for which an eligible individual qualifies to receive a Supplemental Nursing Home Grant Assistance payment the amount of a Supplemental Nursing Home Grant Assistance payment shall be equal to the difference between the Supplemental Base Amount for that quarter minus the Nursing Home Grant Assistance payment for that quarter. For each such quarter, the Supplemental Base Amount is equal to $500 multiplied by a fraction equal to the amount of days that the eligible individual's nursing
home care was not paid for, in whole or in part, by a federal, State, or
combined federal-State medical care program, divided by the number of
calendar days in the quarter. For each such quarter, the Nursing Home
Grant Assistance payment is the amount of the grant paid and received by
an eligible individual for that quarter. Subject to appropriation;
Supplemental Nursing Home Grant Assistance payments shall be made
from the Nursing Home Grant Assistance Fund.
(Source: P.A. 88-140.)

Section 55-150. The Homelessness Prevention Act is amended by
changing Section 4 as follows:
(310 ILCS 70/4) (from Ch. 67 1/2, par. 1304)
Sec. 4. Homelessness Prevention and Assistance Program.
(a) The Department shall establish a family homelessness
prevention and assistance program to stabilize families in their existing
homes, to shorten the amount of time that families stay in emergency
shelters, and to assist families with securing affordable transitional or
permanent housing. The Department shall make grants, from funds
appropriated to it from the Homelessness Prevention Fund, to develop and
implement homelessness prevention and assistance projects under this Act.
(b) To fund this program, there is created in the State Treasury a
fund to be known as the Homelessness Prevention Fund. Moneys in the
Fund, subject to appropriation, may be expended for the purposes of this
Act. Grants may be made from funds appropriated for the purposes of this
Act and from any federal funds or funds from other sources which are
made available for the purposes of this Act. Grants shall be made under
this Act only to the extent that funds are available.
(Source: P.A. 91-388, eff. 1-1-00.)

Section 55-155. The Environmental Protection Act is amended by
changing Section 22.15 as follows:
(415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)
Sec. 22.15. Solid Waste Management Fund; fees.
(a) There is hereby created within the State Treasury a special fund
to be known as the "Solid Waste Management Fund", to be constituted
from the fees collected by the State pursuant to this Section and from
repayments of loans made from the Fund for solid waste projects. Moneys
received by the Department of Commerce and Economic Opportunity
Community Affairs in repayment of loans made pursuant to the Illinois
Solid Waste Management Act shall be deposited into the General Revenue
Fund Solid Waste Management Revolving Loan Fund.

New matter indicated by italics - deletions by strikeout
(b) The Agency shall assess and collect a fee in the amount set forth herein from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The Agency shall deposit all fees collected into the Solid Waste Management Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection.

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 95 cents per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of $2.00 per ton of solid waste permanently disposed of. In no case shall the fee collected or paid by the owner or operator under this paragraph exceed $1.55 per cubic yard or $3.27 per ton.

(2) If more than 100,000 cubic yards but not more than 150,000 cubic yards of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $52,630.

(3) If more than 50,000 cubic yards but not more than 100,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $23,790.

(4) If more than 10,000 cubic yards but not more than 50,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $7,260.

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $1050.

(c) (Blank.)

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. Such rules shall include, but not be limited to:

New matter indicated by italics - deletions by strikeout
(1) necessary records identifying the quantities of solid waste received or disposed;
(2) the form and submission of reports to accompany the payment of fees to the Agency;
(3) the time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly; and
(4) procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.

(e) Pursuant to appropriation, all monies in the Solid Waste Management Fund shall be used by the Agency and the Department of Commerce and Economic Opportunity Community Affairs for the purposes set forth in this Section and in the Illinois Solid Waste Management Act, including for the costs of fee collection and administration.

(f) The Agency is authorized to enter into such agreements and to promulgate such rules as are necessary to carry out its duties under this Section and the Illinois Solid Waste Management Act.

(g) On the first day of January, April, July, and October of each year, beginning on July 1, 1996, the State Comptroller and Treasurer shall transfer $500,000 from the Solid Waste Management Fund to the Hazardous Waste Fund. Moneys transferred under this subsection (g) shall be used only for the purposes set forth in item (1) of subsection (d) of Section 22.2.

(h) The Agency is authorized to provide financial assistance to units of local government for the performance of inspecting, investigating and enforcement activities pursuant to Section 4(r) at nonhazardous solid waste disposal sites.

(i) The Agency is authorized to support the operations of an industrial materials exchange service, and to conduct household waste collection and disposal programs.

(j) A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a solid waste disposal facility is located may establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste. All fees, taxes, and surcharges collected under this subsection shall be utilized for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act, or for
any other environment-related purpose, including but not limited to an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility. However, the total fee, tax or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed:

(1) 60¢ per cubic yard if more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act, in which case the fee shall not exceed $1.27 per ton of solid waste permanently disposed of:

(2) $33,350 if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.

(3) $15,500 if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(4) $4,650 if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(5) $650 if not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

The corporate authorities of the unit of local government may use proceeds from the fee, tax, or surcharge to reimburse a highway commissioner whose road district lies wholly or partially within the corporate limits of the unit of local government for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

A county or Municipal Joint Action Agency that imposes a fee, tax, or surcharge under this subsection may use the proceeds thereof to reimburse a municipality that lies wholly or partially within its boundaries for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

If the fees are to be used to conduct a local sanitary landfill inspection or enforcement program, the unit of local government must
enter into a written delegation agreement with the Agency pursuant to subsection (r) of Section 4. The unit of local government and the Agency shall enter into such a written delegation agreement within 60 days after the establishment of such fees. At least annually, the Agency shall conduct an audit of the expenditures made by units of local government from the funds granted by the Agency to the units of local government for purposes of local sanitary landfill inspection and enforcement programs, to ensure that the funds have been expended for the prescribed purposes under the grant.

The fees, taxes or surcharges collected under this subsection (j) shall be placed by the unit of local government in a separate fund, and the interest received on the moneys in the fund shall be credited to the fund. The monies in the fund may be accumulated over a period of years to be expended in accordance with this subsection.

A unit of local government, as defined in the Local Solid Waste Disposal Act, shall prepare and distribute to the Agency, in April of each year, a report that details spending plans for monies collected in accordance with this subsection. The report will at a minimum include the following:

1. The total monies collected pursuant to this subsection.
2. The most current balance of monies collected pursuant to this subsection.
3. An itemized accounting of all monies expended for the previous year pursuant to this subsection.
4. An estimation of monies to be collected for the following 3 years pursuant to this subsection.
5. A narrative detailing the general direction and scope of future expenditures for one, 2 and 3 years.

The exemptions granted under Sections 22.16 and 22.16a, and under subsections (c) and (k) of this Section, shall be applicable to any fee, tax or surcharge imposed under this subsection (j); except that the fee, tax or surcharge authorized to be imposed under this subsection (j) may be made applicable by a unit of local government to the permanent disposal of solid waste after December 31, 1986, under any contract lawfully executed before June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of, even though the waste is exempt from the fee imposed by the State under subsection (b) of this Section pursuant to an exemption granted under Section 22.16.

New matter indicated by italics - deletions by strikeout
(k) In accordance with the findings and purposes of the Illinois Solid Waste Management Act, beginning January 1, 1989 the fee under subsection (b) and the fee, tax or surcharge under subsection (j) shall not apply to:

(1) Waste which is hazardous waste; or
(2) Waste which is pollution control waste; or
(3) Waste from recycling, reclamation or reuse processes which have been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable; or
(4) Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency; or
(5) Any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste.

(Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 7-1-03; revised 12-6-03.)

Section 55-160. The Illinois Solid Waste Management Act is amended by changing Section 6 as follows:

Sec. 6. The Department of Commerce and Economic Opportunity Community Affairs shall be the lead agency for implementation of this Act and shall have the following powers:

(a) To provide technical and educational assistance for applications of technologies and practices which will minimize the land disposal of non-hazardous solid waste; economic feasibility of implementation of solid waste management alternatives; analysis of markets for recyclable materials and energy products; application of the Geographic Information System to provide analysis of natural resource, land use, and environmental impacts; evaluation of financing and ownership options; and evaluation of plans prepared by units of local government pursuant to Section 22.15 of the Environmental Protection Act.

(b) To provide technical assistance in siting pollution control facilities, defined as any waste storage site, sanitary landfill, waste disposal site, waste transfer station or waste incinerator.

(c) To provide loans or recycling and composting grants to businesses and not-for-profit and governmental organizations for the purposes of increasing the quantity of materials recycled or composted in Illinois; developing and implementing innovative recycling methods and

New matter indicated by italics - deletions by strikeout
technologies; developing and expanding markets for recyclable materials; and increasing the self-sufficiency of the recycling industry in Illinois. The Department shall work with and coordinate its activities with existing for-profit and not-for-profit collection and recycling systems to encourage orderly growth in the supply of and markets for recycled materials and to assist existing collection and recycling efforts.

The Department shall develop a public education program concerning the importance of both composting and recycling in order to preserve landfill space in Illinois.

(d) To establish guidelines and funding criteria for the solicitation of projects under this Act, and to receive and evaluate applications for loans or grants for solid waste management projects based upon such guidelines and criteria. Funds may be loaned with or without interest. Loan repayments shall be deposited into the Solid Waste Management Revolving Loan Fund.

(e) To support and coordinate solid waste research in Illinois, and to approve the annual solid waste research agenda prepared by the University of Illinois.

(f) To provide loans or grants for research, development and demonstration of innovative technologies and practices, including but not limited to pilot programs for collection and disposal of household wastes.

(g) To promulgate such rules and regulations as are necessary to carry out the purposes of subsections (c), (d) and (f) of this Section.

(h) To cooperate with the Environmental Protection Agency for the purposes specified herein.

There is hereby created the Solid Waste Management Revolving Loan Fund, a special fund in the State Treasury, hereinafter referred to as the "Fund": The Department is authorized to accept any and all grants, repayments of interest and principal on loans, matching funds, reimbursements, appropriations, income derived from investments, or other things of value from the federal or state governments or from any institution, person, partnership, joint venture, corporation, public or private, for deposit in the Fund. Any moneys collected as a result of foreclosures of loans or other financing agreements, or the violation of any terms thereof, shall also be deposited in the Fund.

The Department is authorized to use moneys available for that purpose deposited in the Fund, subject to appropriation, expressly for the purpose of implementing a revolving loan program according to procedures established pursuant to this Act. Those moneys Moneys in the fund.
Fund shall be used by the Department for the purpose of financing additional projects and for the Department's administrative expenses related thereto.

(Source: P.A. 88-681, eff. 12-22-94; 89-445, eff. 2-7-96; revised 12-6-03.)

Section 55-165. The Uranium and Thorium Mill Tailings Control Act is amended by changing Sections 15 and 40 as follows:

(420 ILCS 42/15)

Sec. 15. Storage fees.

(a) Beginning January 1, 1994, an annual fee shall be imposed on the owner or operator of any property that has been used in whole or in part for the milling of source material and is being used for the storage or disposal of by-product material, equal to $2 per cubic foot of by-product material being stored or disposed of by the facility. After a facility is cleaned up in accordance with the Department's radiological soil clean-up criteria, no fee shall be due, imposed upon, or collected from an owner. No fee shall be imposed upon any by-product material moved to a facility in contemplation of the subsequent removal of the by-product material pursuant to law or upon any by-product material moved to a facility in contemplation of processing the material through a physical separation facility. No fees shall be collected from any State, county, municipal, or local governmental agency. In connection with settling litigation regarding the amount of the fee to be imposed, the Director may enter into an agreement with the owner or operator of any facility specifying that the fee to be imposed shall not exceed $26,000,000 in any calendar year. The fees assessed under this Section are separate and distinct from any license fees imposed under Section 11 of the Radiation Protection Act of 1990.

The fee shall be due on June 1 of each year or at such other times in such installments as the Director may provide by rule. To facilitate the expeditious removal of by-product material, rules establishing payment dates or schedules may be adopted as emergency rules under Section 5-45 of the Administrative Procedure Act. The fee shall be collected and administered by the Department, and shall be deposited into the General Revenue Fund By-product Material Safety Fund, which is created as an interest bearing special fund in the State Treasury. Amounts in the By-product Material Safety Fund not currently required to meet the obligations of the Fund shall be invested as provided by law and all interest earned from investments shall be retained in the Fund.

(b) Moneys in the By-product Material Safety Fund may be expended by the Department, subject to appropriation, for only the
following purposes *but and only as the moneys relate to by-product material attributable to the owner or operator who pays the fees under subsection (a)* moneys into the Fund:

(1) the costs of monitoring, inspecting, and otherwise regulating the storage and disposal of by-product material, wherever located;

(2) the costs of undertaking any maintenance, decommissioning activities, cleanup, responses to radiation emergencies, or remedial action that would otherwise be required of the owner or operator by law or under a license amendment or condition in connection with by-product materials;

(3) the costs that would otherwise be required of the owner or operator, by law or under a license amendment or condition, incurred by the State arising from the transportation of the by-product material from a storage or unlicensed disposal location to a licensed permanent disposal facility; and

(4) reimbursement to the owner or operator of any facility used for the storage or disposal of by-product material for costs incurred by the owner or operator in connection with the decontamination or decommissioning of the storage or disposal facility or other properties contaminated with by-product material. However, the amount of the reimbursements paid to the owner or operator of a by-product material storage or disposal facility shall not be reduced for any amounts recovered by the owner or operator pursuant to Title X of the federal Energy Policy Act of 1992 and shall not exceed the amount of money paid into the Fund by that owner or operator under subsection (a) plus the interest accrued in the Fund attributable to amounts paid by that owner or operator.

An owner or operator who incurs costs in connection with the decontamination or decommissioning of the storage or disposal facility or other properties contaminated with by-product material is entitled to have those costs promptly reimbursed from the Fund as provided in this Section. In the event the owner or operator has incurred reimbursable costs for which there are not adequate moneys in the Fund with which to provide reimbursement, the Director shall reduce the amount of any fee payable in the future imposed under this Act by the amount of the reimbursable expenses incurred by the owner or operator. An owner or operator of a facility shall submit requests for reimbursement to the Director in a form reasonably required by the Director. Upon receipt of a

New matter indicated by italics - deletions by strikeout
request, the Director shall give written notice approving or disapproving each of the owner's or operator's request for reimbursement within 60 days. The Director shall approve requests for reimbursement unless the Director finds that the amount is excessive, erroneous, or otherwise inconsistent with paragraph (4) of this subsection or with any license or license amendments issued in connection with that owner's or operator's decontamination or decommissioning plan. If the Director disapproves a reimbursement request, the Director shall set forth in writing to the owner or operator the reasons for disapproval. The owner or operator may resubmit to the Department a disapproved reimbursement request with additional information as may be required. Disapproval of a reimbursement request shall constitute final action for purposes of the Administrative Review Law unless the owner or operator resubmits the denied request within 35 days. To the extent there are funds available in the Fund, the Director shall prepare and certify to the Comptroller the disbursement of the approved sums from the By-Product Material Safety Fund to the owners or operators or, if there are insufficient funds available, the Director shall offset future fees otherwise payable by the owner or operator by the amount of the approved reimbursable expenses.

(c) To the extent that costs identified in parts (1), (2), and (3) of subsections (b) are recovered by the Department under the Radiation Protection Act of 1990 or its rules, the Department shall not use money under this Section in the By-product Material Safety Fund to cover these costs.

(d) (Blank). The provisions directing the expenditures from the By-product Material Safety Fund provided for in this Section shall constitute an irrevocable and continuing appropriation to the Department of Nuclear Safety solely for the purposes as provided in this Section. The State Treasurer and State Comptroller are hereby authorized and directed to pay expenditures or record in their records any offset approved by the Director as provided in this Section.

(420 ILCS 42/40)  
Sec. 40. Violations and penalties.  
(a) Any person who violates Section 20 shall be subject to a civil penalty not to exceed $10,000 per day of violation.

(b) Any person failing to pay the fees provided for in Section 15 shall be subject to a civil penalty not to exceed 4 times the amount of the fees not paid.
(c) Violations of this Act shall be prosecuted by the Attorney General at the request of the Department. Civil penalties under this Act are recoverable in an action brought by the Attorney General on behalf of the State in the circuit court of the county in which the facility is located. All amounts collected from fines under this Section shall be deposited in the General Revenue Fund. It shall also be the duty of the Attorney General upon the request of the Department to bring an action for an injunction against any person violating any of the provisions of this Act. The Court may assess all or a portion of the cost of actions brought under this subsection, including but not limited to attorney, expert witness, and consultant fees, to the owner or operator of the source material milling facility or to any other person responsible for the violation or contamination.
(Source: P.A. 87-1024.)

Section 55-170. The Open Space Lands Acquisition and Development Act is amended by changing Section 3 as follows:

(525 ILCS 35/3) (from Ch. 85, par. 2103)

Sec. 3. From appropriations made from the Capital Development Fund, the Build Illinois Purposes Fund, the Build Illinois Bond Fund or other available or designated funds for such purposes, the Department shall make grants to local governments as financial assistance, on a reimbursement basis, for the capital development and improvement of park, recreation or conservation areas, marinas and shorelines, including planning and engineering costs, and for the acquisition of open space lands, including acquisition of easements and other property interests less than fee simple ownership if the Department determines that such property interests are sufficient to carry out the purposes of this Act, subject to the conditions and limitations set forth in this Act.

No more than 10% of the amount so appropriated for any fiscal year may be committed or expended on any one project described in an application under this Act.

Any grant under this Act to a local government shall be conditioned upon the state providing assistance on a 50/50 matching basis for the acquisition of open space lands and for capital development and improvement proposals.
(Source: P.A. 84-1308.)

Section 55-175. The Illinois Vehicle Code is amended by changing Section 3-1001 as follows:

(625 ILCS 5/3-1001) (from Ch. 95 1/2, par. 3-1001)

New matter indicated by italics - deletions by strikeout
Sec. 3-1001. A tax is hereby imposed on the privilege of using, in this State, any motor vehicle as defined in Section 1-146 of this Code acquired by gift, transfer, or purchase, and having a year model designation preceding the year of application for title by 5 or fewer years prior to October 1, 1985 and 10 or fewer years on and after October 1, 1985 and prior to January 1, 1988. On and after January 1, 1988, the tax shall apply to all motor vehicles without regard to model year. Except that the tax shall not apply

(i) if the use of the motor vehicle is otherwise taxed under the Use Tax Act;

(ii) if the motor vehicle is bought and used by a governmental agency or a society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes;

(iii) if the use of the motor vehicle is not subject to the Use Tax Act by reason of subsection (a), (b), (c), (d), (e) or (f) of Section 3-55 of that Act dealing with the prevention of actual or likely multistate taxation;

(iv) to implements of husbandry;

(v) when a junking certificate is issued pursuant to Section 3-117(a) of this Code;

(vi) when a vehicle is subject to the replacement vehicle tax imposed by Section 3-2001 of this Act;

(vii) when the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.

Prior to January 1, 1988, the rate of tax shall be 5% of the selling price for each purchase of a motor vehicle covered by Section 3-1001 of this Code. Except as hereinafter provided, beginning January 1, 1988, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is less than $15,000:

| Number of Years Transpired After Applicable Tax |
| Model Year of Motor Vehicle | 1 or less $390 |
|                             | 2 | 290 |
|                             | 3 | 215 |
|                             | 4 | 165 |
|                             | 5 | 115 |
|                             | 6 | 90 |

New matter indicated by italics - deletions by strikeout
Except as hereinafter provided, beginning January 1, 1988, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is $15,000 or more:

<table>
<thead>
<tr>
<th>Selling Price</th>
<th>Applicable Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$15,000 - $19,999</td>
<td>$ 750</td>
</tr>
<tr>
<td>$20,000 - $24,999</td>
<td>$1,000</td>
</tr>
<tr>
<td>$25,000 - $29,999</td>
<td>$1,250</td>
</tr>
<tr>
<td>$30,000 and over</td>
<td>$1,500</td>
</tr>
</tbody>
</table>

For the following transactions, the tax rate shall be $15 for each motor vehicle acquired in such transaction:

(i) when the transferee or purchaser is the spouse, mother, father, brother, sister or child of the transferor;

(ii) when the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is not a surviving spouse;

(iii) when a motor vehicle which has once been subjected to the Illinois retailers' occupation tax or use tax is transferred in connection with the organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business wherein the beneficial ownership is not changed.

A claim that the transaction is taxable under subparagraph (i) shall be supported by such proof of family relationship as provided by rules of the Department.

For a transaction in which a motorcycle, motor driven cycle or motorized pedalcycle is acquired the tax rate shall be $25.

On and after October 1, 1985, 1/12 of $5,000,000 of the moneys received by the Department of Revenue pursuant to this Section shall be paid each month into the Build Illinois Fund and the remainder into the General Revenue Fund.

At the end of any fiscal year in which the moneys received by the Department of Revenue pursuant to this Section exceeds the Annual Specified Amount, as defined in Section 3 of the Retailers' Occupation Tax Act, the State Comptroller shall direct the State Treasurer to transfer
such excess amount from the General Revenue Fund to the Build Illinois Purposes Fund.

The tax imposed by this Section shall be abated and no longer imposed when the amount deposited to secure the bonds issued pursuant to the Build Illinois Bond Act is sufficient to provide for the payment of the principal of, and interest and premium, if any, on the bonds, as certified to the State Comptroller and the Director of Revenue by the Director of the Governor's Office of Management and Budget Bureau of the Budget.

(Source: P.A. 90-89, eff. 1-1-98; revised 10-15-03.)

(20 ILCS 700/4005 rep.)
Section 55-180. The Technology Advancement and Development Act is amended by repealing Section 4005.

(20 ILCS 1705/18.1 rep.)
Section 55-185. The Mental Health and Developmental Disabilities Administrative Act is amended by repealing Section 18.1.

(20 ILCS 3501/825-15 rep.)
Section 55-190. The Illinois Finance Authority Act is amended by repealing Section 825-15.

(20 ILCS 3921/25 rep.)
Section 55-200. The Illinois Century Network Act is amended by repealing Section 25.

(30 ILCS 105/5.33 rep.)
(30 ILCS 105/5.110 rep.)
(30 ILCS 105/5.161 rep.)
(30 ILCS 105/5.219 rep.)
(30 ILCS 105/5.222 rep.)
(30 ILCS 105/5.225 rep.)
(30 ILCS 105/5.265 rep.)
(30 ILCS 105/5.272 rep.)
(30 ILCS 105/5.303 rep.)
(30 ILCS 105/5.319 rep.)
(30 ILCS 105/5.341 rep.)
(30 ILCS 105/5.373 rep.)
(30 ILCS 105/5.444 rep.)
(30 ILCS 105/5.469 rep.)
(30 ILCS 105/5.494 rep.)
(30 ILCS 105/5.513 rep.)
(30 ILCS 105/5.517 rep.)
(30 ILCS 105/5.570 rep., from P.A. 92-691)

New matter indicated by italics - deletions by strikeout
(30 ILCS 105/8.29 rep.)
Section 55-205. The State Finance Act is amended by repealing Sections 5.33, 5.110, 5.161, 5.219, 5.222, 5.225, 5.265, 5.272, 5.303, 5.319, 5.341, 5.373, 5.444, 5.469, 5.494, 5.513, 5.517, 5.570 (as added by Public Act 92-691), and 8.29.
(105 ILCS 5/2-3.121 rep.)
Section 55-210. The School Code is amended by repealing Section 2-3.121.
(110 ILCS 947/72 rep.)
Section 55-215. The Higher Education Student Assistance Act is amended by repealing Section 72.

ARTICLE 65
Section 65-5. The State Finance Act is amended by changing Section 8.12 as follows:
(30 ILCS 105/8.12) (from Ch. 127, par. 144.12)
(a) The moneys in the State Pensions Fund shall be used exclusively for the administration of the Uniform Disposition of Unclaimed Property Act and for the payment of or repayment to the General Revenue Fund a portion of the required State contributions to the designated retirement systems.
"Designated retirement systems" means:
(1) the State Employees' Retirement System of Illinois;
(2) the Teachers' Retirement System of the State of Illinois;
(3) the State Universities Retirement System;
(4) the Judges Retirement System of Illinois; and
(5) the General Assembly Retirement System.

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

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

New matter indicated by italics - deletions by strikeout
Residential Finance Regulatory Fund an amount equal to the expenditures incurred by each Fund for that month.

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

(c) As soon as possible after the effective date of this amendatory Act of the 93rd General Assembly, the General Assembly shall appropriate from the State Pensions Fund (1) to the State Universities Retirement System the amount certified under Section 15-165 during the prior year, (2) to the Judges Retirement System of Illinois the amount certified under Section 18-140 during the prior year, and (3) to the General Assembly Retirement System the amount certified under Section 2-134 during the prior year as part of the required State contributions to each of those designated retirement systems; except that amounts appropriated under this subsection (c) in State fiscal year 2005 shall not reduce the amount in the State Pensions Fund below $5,000,000. If the amount in the State Pensions Fund does not exceed the sum of the amounts certified in Sections 15-165, 18-140, and 2-134 by at least $5,000,000, the amount paid to each designated retirement system under this subsection shall be reduced in proportion to the amount certified by each of those designated retirement systems. For each State fiscal year beginning with State fiscal year 2006, the General Assembly shall appropriate a total amount equal to the balance in the State Pensions Fund at the close of business on June 30 of the preceding fiscal year, less $5,000,000, as part of the required State contributions to the designated retirement systems. The amount of the appropriation to designated retirement systems shall constitute a portion of the total appropriation under this subsection for that fiscal year which is the same as that retirement system's portion of the total actuarial reserve deficiency of the systems, as most recently determined by the Governor's Office of Management and Budget.

(c-5) For fiscal year 2006 and thereafter, the General Assembly shall appropriate from the State Pensions Fund to the State Universities Retirement System the amount estimated to be available during the fiscal
year in the State Pensions Fund; provided, however, that the amounts appropriated under this subsection (c-5) shall not reduce the amount in the State Pensions Fund below $5,000,000.

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

(d-1) As soon as practicable after the effective date of this amendatory Act of the 93rd General Assembly, the Comptroller shall direct and the Treasurer shall transfer from the State Pensions Fund to the General Revenue Fund, as funds become available, a sum equal to the amounts that would have been paid from the State Pensions Fund to the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, the Judges Retirement System of Illinois, the General Assembly Retirement System, and the State Employees' Retirement System of Illinois after the effective date of this amendatory Act during the remainder of fiscal year 2004 to the designated retirement systems from the appropriations provided for in this Section if the transfers provided in Section 6z-61 had not occurred. The transfers described in this subsection (d-1) are to partially repay the General Revenue Fund for the costs associated with the bonds used to fund the moneys transferred to the designated retirement systems under Section 6z-61.

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

(Source: P.A. 93-665, eff. 3-5-04; 93-839, eff. 7-30-04.)

ARTICLE 70

Section 70-5. The Pretrial Services Act is amended by changing Section 33 as follows:

(725 ILCS 185/33) (from Ch. 38, par. 333)

Sec. 33. The Supreme Court shall pay from funds appropriated to it for this purpose 100% of all approved costs for pretrial services, including pretrial services officers, necessary support personnel, travel costs reasonably related to the delivery of pretrial services, space costs, equipment, telecommunications, postage, commodities, printing and contractual services. Costs shall be reimbursed monthly, based on a plan

New matter indicated by italics - deletions by strikeout
and budget approved by the Supreme Court. No department may be reimbursed for costs which exceed or are not provided for in the approved plan and budget. For State fiscal years 2004, 2005, and 2006 only, the Mandatory Arbitration Fund may be used to reimburse approved costs for pretrial services.

(Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04.)

Section 70-10. The Probation and Probation Officers Act is amended by changing Section 15.1 as follows:

(730 ILCS 110/15) (from Ch. 38, par. 204-7)

Sec. 15. (1) The Supreme Court of Illinois may establish a Division of Probation Services whose purpose shall be the development, establishment, promulgation, and enforcement of uniform standards for probation services in this State, and to otherwise carry out the intent of this Act. The Division may:

(a) establish qualifications for chief probation officers and other probation and court services personnel as to hiring, promotion, and training.

(b) make available, on a timely basis, lists of those applicants whose qualifications meet the regulations referred to herein, including on said lists all candidates found qualified.

(c) establish a means of verifying the conditions for reimbursement under this Act and develop criteria for approved costs for reimbursement.

(d) develop standards and approve employee compensation schedules for probation and court services departments.

(e) employ sufficient personnel in the Division to carry out the functions of the Division.

(f) establish a system of training and establish standards for personnel orientation and training.

(g) develop standards for a system of record keeping for cases and programs, gather statistics, establish a system of uniform forms, and develop research for planning of Probation Services.

(h) develop standards to assure adequate support personnel, office space, equipment and supplies, travel expenses, and other essential items necessary for Probation and Court Services Departments to carry out their duties.

(i) review and approve annual plans submitted by Probation and Court Services Departments.

New matter indicated by italics - deletions by strikeout
(j) monitor and evaluate all programs operated by Probation and Court Services Departments, and may include in the program evaluation criteria such factors as the percentage of Probation sentences for felons convicted of Probationable offenses.

(k) seek the cooperation of local and State government and private agencies to improve the quality of probation and court services.

(l) where appropriate, establish programs and corresponding standards designed to generally improve the quality of probation and court services and reduce the rate of adult or juvenile offenders committed to the Department of Corrections.

(m) establish such other standards and regulations and do all acts necessary to carry out the intent and purposes of this Act.

The Division shall establish a model list of structured intermediate sanctions that may be imposed by a probation agency for violations of terms and conditions of a sentence of probation, conditional discharge, or supervision.

The State of Illinois shall provide for the costs of personnel, travel, equipment, telecommunications, postage, commodities, printing, space, contractual services and other related costs necessary to carry out the intent of this Act.

(2) (a) The chief judge of each circuit shall provide full-time probation services for all counties within the circuit, in a manner consistent with the annual probation plan, the standards, policies, and regulations established by the Supreme Court. A probation district of two or more counties within a circuit may be created for the purposes of providing full-time probation services. Every county or group of counties within a circuit shall maintain a probation department which shall be under the authority of the Chief Judge of the circuit or some other judge designated by the Chief Judge. The Chief Judge, through the Probation and Court Services Department shall submit annual plans to the Division for probation and related services.

(b) The Chief Judge of each circuit shall appoint the Chief Probation Officer and all other probation officers for his or her circuit from lists of qualified applicants supplied by the Supreme Court. Candidates for chief managing officer and other probation officer positions must apply with both the Chief Judge of the circuit and the Supreme Court.

New matter indicated by italics - deletions by strikeout
(3) A Probation and Court Service Department shall apply to the Supreme Court for funds for basic services, and may apply for funds for new and expanded programs or Individualized Services and Programs. Costs shall be reimbursed monthly based on a plan and budget approved by the Supreme Court. No Department may be reimbursed for costs which exceed or are not provided for in the approved annual plan and budget. After the effective date of this amendatory Act of 1985, each county must provide basic services in accordance with the annual plan and standards created by the division. No department may receive funds for new or expanded programs or individualized services and programs unless they are in compliance with standards as enumerated in paragraph (h) of subsection (1) of this Section, the annual plan, and standards for basic services.

(4) The Division shall reimburse the county or counties for probation services as follows:

(a) 100% of the salary of all chief managing officers designated as such by the Chief Judge and the division.

(b) 100% of the salary for all probation officer and supervisor positions approved for reimbursement by the division after April 1, 1984, to meet workload standards and to implement intensive sanction and probation supervision programs and other basic services as defined in this Act.

(c) 100% of the salary for all secure detention personnel and non-secure group home personnel approved for reimbursement after December 1, 1990. For all such positions approved for reimbursement before December 1, 1990, the counties shall be reimbursed $1,250 per month beginning July 1, 1995, and an additional $250 per month beginning each July 1st thereafter until the positions receive 100% salary reimbursement. Allocation of such positions will be based on comparative need considering capacity, staff/resident ratio, physical plant and program.

(d) $1,000 per month for salaries for the remaining probation officer positions engaged in basic services and new or expanded services. All such positions shall be approved by the division in accordance with this Act and division standards.

(e) 100% of the travel expenses in accordance with Division standards for all Probation positions approved under paragraph (b) of subsection 4 of this Section.

New matter indicated by italics - deletions by strikeout
(f) If the amount of funds reimbursed to the county under paragraphs (a) through (e) of subsection 4 of this Section on an annual basis is less than the amount the county had received during the 12 month period immediately prior to the effective date of this amendatory Act of 1985, then the Division shall reimburse the amount of the difference to the county. The effect of paragraph (b) of subsection 7 of this Section shall be considered in implementing this supplemental reimbursement provision.

(5) The Division shall provide funds beginning on April 1, 1987 for the counties to provide Individualized Services and Programs as provided in Section 16 of this Act.

(6) A Probation and Court Services Department in order to be eligible for the reimbursement must submit to the Supreme Court an application containing such information and in such a form and by such dates as the Supreme Court may require. Departments to be eligible for funding must satisfy the following conditions:

(a) The Department shall have on file with the Supreme Court an annual Probation plan for continuing, improved, and new Probation and Court Services Programs approved by the Supreme Court or its designee. This plan shall indicate the manner in which Probation and Court Services will be delivered and improved, consistent with the minimum standards and regulations for Probation and Court Services, as established by the Supreme Court. In counties with more than one Probation and Court Services Department eligible to receive funds, all Departments within that county must submit plans which are approved by the Supreme Court.

(b) The annual probation plan shall seek to generally improve the quality of probation services and to reduce the commitment of adult and juvenile offenders to the Department of Corrections and shall require, when appropriate, coordination with the Department of Corrections and the Department of Children and Family Services in the development and use of community resources, information systems, case review and permanency planning systems to avoid the duplication of services.

(c) The Department shall be in compliance with standards developed by the Supreme Court for basic, new and expanded services, training, personnel hiring and promotion.
(d) The Department shall in its annual plan indicate the manner in which it will support the rights of crime victims and in which manner it will implement Article I, Section 8.1 of the Illinois Constitution and in what manner it will coordinate crime victims' support services with other criminal justice agencies within its jurisdiction, including but not limited to, the State's Attorney, the Sheriff and any municipal police department.

(7) No statement shall be verified by the Supreme Court or its designee or vouched by the Comptroller unless each of the following conditions have been met:

   (a) The probation officer is a full-time employee appointed by the Chief Judge to provide probation services.
   
   (b) The probation officer, in order to be eligible for State reimbursement, is receiving a salary of at least $17,000 per year.
   
   (c) The probation officer is appointed or was reappointed in accordance with minimum qualifications or criteria established by the Supreme Court; however, all probation officers appointed prior to January 1, 1978, shall be exempted from the minimum requirements established by the Supreme Court. Payments shall be made to counties employing these exempted probation officers as long as they are employed in the position held on the effective date of this amendatory Act of 1985. Promotions shall be governed by minimum qualifications established by the Supreme Court.
   
   (d) The Department has an established compensation schedule approved by the Supreme Court. The compensation schedule shall include salary ranges with necessary increments to compensate each employee. The increments shall, within the salary ranges, be based on such factors as bona fide occupational qualifications, performance, and length of service. Each position in the Department shall be placed on the compensation schedule according to job duties and responsibilities of such position. The policy and procedures of the compensation schedule shall be made available to each employee.

   (8) In order to obtain full reimbursement of all approved costs, each Department must continue to employ at least the same number of probation officers and probation managers as were authorized for employment for the fiscal year which includes January 1, 1985. This number shall be designated as the base amount of the Department. No positions approved by the Division under paragraph (b) of subsection 4
will be included in the base amount. In the event that the Department employs fewer Probation officers and Probation managers than the base amount for a period of 90 days, funding received by the Department under subsection 4 of this Section may be reduced on a monthly basis by the amount of the current salaries of any positions below the base amount.

(9) Before the 15th day of each month, the treasurer of any county which has a Probation and Court Services Department, or the treasurer of the most populous county, in the case of a Probation or Court Services Department funded by more than one county, shall submit an itemized statement of all approved costs incurred in the delivery of BasicProbation and Court Services under this Act to the Supreme Court. The treasurer may also submit an itemized statement of all approved costs incurred in the delivery of new and expanded Probation and Court Services as well as Individualized Services and Programs. The Supreme Court or its designee shall verify compliance with this Section and shall examine and audit the monthly statement and, upon finding them to be correct, shall forward them to the Comptroller for payment to the county treasurer. In the case of payment to a treasurer of a county which is the most populous of counties sharing the salary and expenses of a Probation and Court Services Department, the treasurer shall divide the money between the counties in a manner that reflects each county's share of the cost incurred by the Department.

(10) The county treasurer must certify that funds received under this Section shall be used solely to maintain and improve Probation and Court Services. The county or circuit shall remain in compliance with all standards, policies and regulations established by the Supreme Court. If at any time the Supreme Court determines that a county or circuit is not in compliance, the Supreme Court shall immediately notify the Chief Judge, county board chairman and the Director of Court Services Chief Probation Officer. If after 90 days of written notice the noncompliance still exists, the Supreme Court shall be required to reduce the amount of monthly reimbursement by 10%. An additional 10% reduction of monthly reimbursement shall occur for each consecutive month of noncompliance. Except as provided in subsection 5 of Section 15, funding to counties shall commence on April 1, 1986. Funds received under this Act shall be used to provide for Probation Department expenses including those required under Section 13 of this Act. For State fiscal years 2004, and 2005, and 2006 only, the Mandatory Arbitration Fund may be used to provide for

New matter indicated by italics - deletions by strikeout
Probation Department expenses, including those required under Section 13 of this Act.

(11) The respective counties shall be responsible for capital and space costs, fringe benefits, clerical costs, equipment, telecommunications, postage, commodities and printing.

(12) For purposes of this Act only, probation officers shall be considered peace officers. In the exercise of their official duties, probation officers, sheriffs, and police officers may, anywhere within the State, arrest any probationer who is in violation of any of the conditions of his or her probation, conditional discharge, or supervision, and it shall be the duty of the officer making the arrest to take the probationer before the Court having jurisdiction over the probationer for further order.

(Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839, eff. 7-30-04.)

(730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)
Sec. 15.1. Probation and Court Services Fund.
(a) The county treasurer in each county shall establish a probation and court services fund consisting of fees collected pursuant to subsection (i) of Section 5-6-3 and subsection (i) of Section 5-6-3.1 of the Unified Code of Corrections, subsection (10) of Section 5-615 and subsection (5) of Section 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of subsection (b) of Section 110-10 of the Code of Criminal Procedure of 1963. The county treasurer shall disburse monies from the fund only at the direction of the chief judge of the circuit court in such circuit where the county is located. The county treasurer of each county shall, on or before January 10 of each year, submit an annual report to the Supreme Court.

(b) Monies in the probation and court services fund shall be appropriated by the county board to be used within the county or jurisdiction where collected in accordance with policies and guidelines approved by the Supreme Court for the costs of operating the probation and court services department or departments; however, except as provided in subparagraph (g), monies in the probation and court services fund shall not be used for the payment of salaries of probation and court services personnel.

(c) Monies expended from the probation and court services fund shall be used to supplement, not supplant, county appropriations for probation and court services.
(d) Interest earned on monies deposited in a probation and court services fund may be used by the county for its ordinary and contingent expenditures.

(e) The county board may appropriate moneys from the probation and court services fund, upon the direction of the chief judge, to support programs that are part of the continuum of juvenile delinquency intervention programs which are or may be developed within the county. The grants from the probation and court services fund shall be for no more than one year and may be used for any expenses attributable to the program including administration and oversight of the program by the probation department.

(f) The county board may appropriate moneys from the probation and court services fund, upon the direction of the chief judge, to support practices endorsed or required under the Sex Offender Management Board Act, including but not limited to sex offender evaluation, treatment, and monitoring programs that are or may be developed within the county.

(g) For the State Fiscal Years 2005 and 2006 only, the Administrative Office of the Illinois Courts may permit a county or circuit to use its probation and court services fund for the payment of salaries of probation officers and other court services personnel whose salaries are reimbursed under this Act if the State's FY2005 or FY2006 appropriation to the Supreme Court for reimbursement to counties for probation salaries and services is less than the amount appropriated to the Supreme Court for these purposes for State Fiscal Year 2004. The Administrative Office of the Illinois Courts shall take into account each county's or circuit's probation fee collections and expenditures any annual surplus or deficit that any county or circuit has in its probation and court services fund and any amounts already obligated from such fund when apportioning the total reimbursement for each county or circuit.

(Source: P.A. 92-329, eff. 8-9-01; 93-616, eff. 1-1-04; 93-839, eff. 7-30-04.)

Section 70-15. The Code of Civil Procedure is amended by changing Section 2-1009A as follows:

(735 ILCS 5/2-1009A) (from Ch. 110, par. 2-1009A)

Sec. 2-1009A. Filing Fees. In each county authorized by the Supreme Court to utilize mandatory arbitration, the clerk of the circuit court shall charge and collect, in addition to any other fees, an arbitration fee of $8, except in counties with 3,000,000 or more inhabitants the fee shall be $10, at the time of filing the first pleading, paper or other
appearance filed by each party in all civil cases, but no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance. Arbitration fees received by the clerk of the circuit court pursuant to this Section shall be remitted within one month after receipt to the State Treasurer for deposit into the Mandatory Arbitration Fund, a special fund in the State treasury for the purpose of funding mandatory arbitration programs and such other alternative dispute resolution programs as may be authorized by circuit court rule for operation in counties that have implemented mandatory arbitration, with a separate account being maintained for each county. Notwithstanding any other provision of this Section to the contrary, and for State fiscal years 2004, and 2005, and 2006 only, the Mandatory Arbitration Fund may be used for any other purpose authorized by the Supreme Court.
(Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04.)

ARTICLE 80

Section 80-5. The State Finance Act is amended by adding Section 8.44 as follows:

(30 ILCS 105/8.44 new)
Sec. 8.44. Special fund transfers.
(a) In order to maintain the integrity of special funds and improve stability in the General Revenue Fund, the following transfers are authorized from the designated funds into the General Revenue Fund:
Aeronautics Fund.................................................................$2,186
Aggregate Operations Regulatory Fund.................................$32,750
Agrichemical Incident Response Trust Fund.............................$419,830
Agricultural Master Fund......................................................$17,827
Air Transportation Revolving Fund.......................................$181,478
Airport Land Loan Revolving Fund.......................................$1,669,970
Alternate Fuels Fund.........................................................$1,056,833
Alternative Compliance Market Account Fund.........................$53,120
Appraisal Administration Fund............................................$250,000
Armory Rental Fund............................................................$111,538
Assisted Living and Shared Housing Regulatory Fund...............$24,493
Bank and Trust Company Fund.............................................$3,800,000
Capital Development Board Revolving Fund..........................$453,054
Care Provider Fund for Persons with a Developmental Disability...$2,378,270
Charter Schools Revolving Loan Fund...................................$650,721
Child Support Administrative Fund.......................................$1,117,266

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal Mining Regulatory Fund</td>
<td>$127,583</td>
</tr>
<tr>
<td>Communications Revolving Fund</td>
<td>$12,999,839</td>
</tr>
<tr>
<td>Community Health Center Care Fund</td>
<td>$104,480</td>
</tr>
<tr>
<td>Community Water Supply Laboratory Fund</td>
<td>$716,232</td>
</tr>
<tr>
<td>Continuing Legal Education Trust Fund</td>
<td>$23,419</td>
</tr>
<tr>
<td>Corporate Franchise Tax Refund Fund</td>
<td>$500,000</td>
</tr>
<tr>
<td>Court of Claims Administration and Grant Fund</td>
<td>$24,949</td>
</tr>
<tr>
<td>Criminal Justice Information Projects Fund</td>
<td>$18,212</td>
</tr>
<tr>
<td>DCFS Special Purposes Trust Fund</td>
<td>$77,835</td>
</tr>
<tr>
<td>Death Certificate Surcharge Fund</td>
<td>$1,134,341</td>
</tr>
<tr>
<td>Department of Business Services</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Department of Children and Family Services</td>
<td>$1,408,106</td>
</tr>
<tr>
<td>Department of Corrections Reimbursement and Education Fund</td>
<td>$2,208,323</td>
</tr>
<tr>
<td>Department of Insurance State Trust Fund</td>
<td>$18,009</td>
</tr>
<tr>
<td>Department of Labor Special State Trust Fund</td>
<td>$359,895</td>
</tr>
<tr>
<td>Department on Aging State Projects Fund</td>
<td>$10,059</td>
</tr>
<tr>
<td>Design Professionals Administration and Investigation Fund</td>
<td>$51,701</td>
</tr>
<tr>
<td>DHS Recoveries Trust Fund</td>
<td>$1,591,834</td>
</tr>
<tr>
<td>DHS State Projects Fund</td>
<td>$89,917</td>
</tr>
<tr>
<td>Division of Corporations Registered Limited Liability Partnership Fund</td>
<td>$150,000</td>
</tr>
<tr>
<td>DNR Special Projects Fund</td>
<td>$301,649</td>
</tr>
<tr>
<td>Dram Shop Fund</td>
<td>$110,554</td>
</tr>
<tr>
<td>Drivers Education Fund</td>
<td>$30,152</td>
</tr>
<tr>
<td>Drug Rebate Fund</td>
<td>$17,315,821</td>
</tr>
<tr>
<td>Drug Traffic Prevention Fund</td>
<td>$22,123</td>
</tr>
<tr>
<td>Drug Treatment Fund</td>
<td>$160,030</td>
</tr>
<tr>
<td>Drunk and Drugged Driving Prevention Fund</td>
<td>$51,220</td>
</tr>
<tr>
<td>Drycleaner Environmental Response Trust Fund</td>
<td>$1,137,971</td>
</tr>
<tr>
<td>DuQuoin State Fair Harness Racing Trust Fund</td>
<td>$3,368</td>
</tr>
<tr>
<td>Early Intervention Services Revolving Fund</td>
<td>$1,044,935</td>
</tr>
<tr>
<td>Economic Research and Information Fund</td>
<td>$49,005</td>
</tr>
<tr>
<td>Educational Labor Relations Board</td>
<td>$40,933</td>
</tr>
<tr>
<td>Efficiency Initiatives Revolving Fund</td>
<td>$6,178,298</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Planning and Training Fund</td>
<td>$28,845</td>
</tr>
<tr>
<td>Emergency Public Health Fund</td>
<td>$139,997</td>
</tr>
<tr>
<td>Emergency Response Reimbursement Fund</td>
<td>$15,873</td>
</tr>
<tr>
<td>EMS Assistance Fund</td>
<td>$40,923</td>
</tr>
<tr>
<td>Energy Assistance Contribution Fund</td>
<td>$89,692</td>
</tr>
<tr>
<td>Energy Efficiency Trust Fund</td>
<td>$1,300,938</td>
</tr>
<tr>
<td>Environmental Laboratory Certification Fund</td>
<td>$62,039</td>
</tr>
<tr>
<td>Environmental Protection Permit and Inspection Fund</td>
<td>$180,571</td>
</tr>
<tr>
<td>Environmental Protection Trust Fund</td>
<td>$2,228,031</td>
</tr>
<tr>
<td>EPA Court Trust Fund</td>
<td>$338,646</td>
</tr>
<tr>
<td>EPA Special State Projects Trust Fund</td>
<td>$284,263</td>
</tr>
<tr>
<td>Explosives Regulatory Fund</td>
<td>$23,125</td>
</tr>
<tr>
<td>Facilities Management Revolving Fund</td>
<td>$4,803,971</td>
</tr>
<tr>
<td>Facility Licensing Fund</td>
<td>$22,958</td>
</tr>
<tr>
<td>Family Care Fund</td>
<td>$22,585</td>
</tr>
<tr>
<td>Federal Asset Forfeiture Fund</td>
<td>$1,871</td>
</tr>
<tr>
<td>Feed Control Fund</td>
<td>$478,234</td>
</tr>
<tr>
<td>Fertilizer Control Fund</td>
<td>$207,398</td>
</tr>
<tr>
<td>Financial Institution Fund</td>
<td>$2,448,690</td>
</tr>
<tr>
<td>Firearm Owner's Notification Fund</td>
<td>$3,960</td>
</tr>
<tr>
<td>Food and Drug Safety Fund</td>
<td>$421,401</td>
</tr>
<tr>
<td>General Professions Dedicated Fund</td>
<td>$3,975,808</td>
</tr>
<tr>
<td>Good Samaritan Energy Trust Fund</td>
<td>$7,191</td>
</tr>
<tr>
<td>Governor's Grant Fund</td>
<td>$1,592</td>
</tr>
<tr>
<td>Group Workers' Compensation Pool Insolvency Fund</td>
<td>$136,547</td>
</tr>
<tr>
<td>Guardianship and Advocacy Fund</td>
<td>$27,289</td>
</tr>
<tr>
<td>Hazardous Waste Occupational Licensing Fund</td>
<td>$14,939</td>
</tr>
<tr>
<td>Hazardous Waste Research Fund</td>
<td>$125,209</td>
</tr>
<tr>
<td>Health Facility Plan Review Fund</td>
<td>$165,972</td>
</tr>
<tr>
<td>Hearing Instrument Dispenser</td>
<td>$102,842</td>
</tr>
<tr>
<td>Examining and Disciplinary Fund</td>
<td>$244,503</td>
</tr>
<tr>
<td>Home Inspector Administration Fund</td>
<td>$13</td>
</tr>
<tr>
<td>IEMA State Projects Fund</td>
<td>$177,801</td>
</tr>
<tr>
<td>Illinois Clean Water Fund</td>
<td>$4,024,106</td>
</tr>
<tr>
<td>Illinois Department of Agriculture</td>
<td>$1,835,796</td>
</tr>
<tr>
<td>Illinois Community College Board</td>
<td>$9</td>
</tr>
<tr>
<td>Contracts and Grants Fund</td>
<td>$9</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Laboratory Services Revolving Fund.............................................$174,795
Illinois Equity Fund..................................................................$119,193
Illinois Executive Mansion Trust Fund........................................$56,154
Illinois Forestry Development Fund............................................$1,389,096
Illinois Future Teacher Corps Scholarship Fund...............................$4,836
Illinois Gaming Law Enforcement Fund........................................$650,646
Illinois Habitat Endowment Trust Fund......................................$3,641,262
Illinois Health Facilities Planning Fund........................................$23,066
Illinois Historic Sites Fund.....................................................$134,366
Illinois National Guard Armory Construction Fund.........................$31,469
Illinois Rural Rehabilitation Fund..............................................$8,190
Illinois School Asbestos Abatement Fund....................................$183,191
Illinois State Fair Fund.............................................................$50,176
Illinois State Podiatric Disciplinary Fund.....................................$317,239
Illinois Student Assistance Commission
Contracts and Grants Fund....................................................$5,589
Illinois Tourism Tax Fund.......................................................$647,749
Illinois Underground Utility Facilities
Damage Prevention Fund..........................................................$2,175
Illinois Veterans' Rehabilitation Fund..........................................$218,940
Industrial Hygiene Regulatory and Enforcement Fund....................$3,564
Innovations in Long-Term Care
Quality Demonstration Grants Fund..........................................$565,494
Insurance Financial Regulation Fund..........................................$800,000
ISAC Accounts Receivable Fund..............................................$26,374
ISBE GED Testing Fund..........................................................$146,196
ISBE Teacher Certificate Institute Fund........................................$122,117
J.J. Wolf Memorial for Conservation Investigation Fund..................$8,137
Kaskaskia Commons Permanent Fund..........................................$79,813
Land Reclamation Fund..........................................................$30,582
Large Business Attraction Fund................................................$340,777
Lawyers' Assistance Program Fund............................................$198,207
LEADS Maintenance Fund.....................................................$76,981
Lieutenant Governor's Grant Fund.............................................$188
Livestock Management Facilities Fund.......................................$47,800
Local Initiative Fund..............................................................$1,940,646
Local Tourism Fund...............................................................$132,876
Long Term Care Monitor/Receiver Fund......................................$427,850
Monetary Award Program Reserve Fund......................................$879,700

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>McCormick Place Expansion Project Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Medicaid Buy-In Program Revolving Fund</td>
<td>$318,894</td>
</tr>
<tr>
<td>Medicaid Fraud and Abuse Prevention Fund</td>
<td>$60,306</td>
</tr>
<tr>
<td>Medical Special Purposes Trust Fund</td>
<td>$930,668</td>
</tr>
<tr>
<td>Military Affairs Trust Fund</td>
<td>$68,468</td>
</tr>
<tr>
<td>Motor Carrier Safety Inspection Fund</td>
<td>$147,477</td>
</tr>
<tr>
<td>Motor Fuel and Petroleum Standards Fund</td>
<td>$19,673</td>
</tr>
<tr>
<td>Motor Vehicle Review Board Fund</td>
<td>$250,000</td>
</tr>
<tr>
<td>Motor Vehicle Theft Prevention Trust Fund</td>
<td>$1,415,361</td>
</tr>
<tr>
<td>Narcotics Profit Forfeiture Fund</td>
<td>$39,379</td>
</tr>
<tr>
<td>Natural Heritage Endowment Trust Fund</td>
<td>$557,264</td>
</tr>
<tr>
<td>Natural Heritage Fund</td>
<td>$3,336</td>
</tr>
<tr>
<td>Natural Resources Information Fund</td>
<td>$64,596</td>
</tr>
<tr>
<td>Natural Resources Restoration Trust Fund</td>
<td>$63,002</td>
</tr>
<tr>
<td>Off-Highway Vehicle Trails Fund</td>
<td>$244,815</td>
</tr>
<tr>
<td>Oil Spill Response Fund</td>
<td>$167,547</td>
</tr>
<tr>
<td>Paper and Printing Revolving Fund</td>
<td>$48,476</td>
</tr>
<tr>
<td>Park and Conservation Fund</td>
<td>$3,050,154</td>
</tr>
<tr>
<td>Pawnbroker Regulation Fund</td>
<td>$94,131</td>
</tr>
<tr>
<td>Pesticide Control Fund</td>
<td>$420,223</td>
</tr>
<tr>
<td>Petroleum Resources Revolving Fund</td>
<td>$85,540</td>
</tr>
<tr>
<td>Police Training Board Services Fund</td>
<td>$1,540</td>
</tr>
<tr>
<td>Pollution Control Board Fund</td>
<td>$23,004</td>
</tr>
<tr>
<td>Pollution Control Board Trust Fund</td>
<td>$410,651</td>
</tr>
<tr>
<td>Post Transplant Maintenance and Retention Fund</td>
<td>$75,100</td>
</tr>
<tr>
<td>Presidential Library and Museum Operating Fund</td>
<td>$727,250</td>
</tr>
<tr>
<td>Professional Regulation Evidence Fund</td>
<td>$2,817</td>
</tr>
<tr>
<td>Professional Services Fund</td>
<td>$46,222</td>
</tr>
<tr>
<td>Provider Inquiry Trust Fund</td>
<td>$207,098</td>
</tr>
<tr>
<td>Public Aid Recoveries Trust Fund</td>
<td>$7,610,631</td>
</tr>
<tr>
<td>Public Health Laboratory Services Revolving Fund</td>
<td>$92,276</td>
</tr>
<tr>
<td>Public Health Special State Projects Fund</td>
<td>$816,202</td>
</tr>
<tr>
<td>Public Health Water Permit Fund</td>
<td>$17,624</td>
</tr>
<tr>
<td>Public Infrastructure Construction</td>
<td></td>
</tr>
<tr>
<td>Loan Revolving Fund</td>
<td>$63,802</td>
</tr>
<tr>
<td>Public Pension Regulation Fund</td>
<td>$222,433</td>
</tr>
<tr>
<td>Racing Board Fingerprint License Fund</td>
<td>$16,835</td>
</tr>
<tr>
<td>Radiation Protection Fund</td>
<td>$212,010</td>
</tr>
<tr>
<td>Real Estate License Administration Fund</td>
<td>$1,500,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory Evaluation and Basic Enforcement Fund</td>
<td>$64,221</td>
</tr>
<tr>
<td>Regulatory Fund</td>
<td>$55,246</td>
</tr>
<tr>
<td>Renewable Energy Resources Trust Fund</td>
<td>$14,033</td>
</tr>
<tr>
<td>Response Contractors Indemnification Fund</td>
<td>$126</td>
</tr>
<tr>
<td>Rural/Downstate Health Access Fund</td>
<td>$4,644</td>
</tr>
<tr>
<td>Savings and Residential Finance Regulatory Fund</td>
<td>$5,200,000</td>
</tr>
<tr>
<td>School District Emergency Financial Assistance Fund</td>
<td>$2,130,848</td>
</tr>
<tr>
<td>School Technology Revolving Loan Fund</td>
<td>$19,158</td>
</tr>
<tr>
<td>Second Injury Fund</td>
<td>$151,493</td>
</tr>
<tr>
<td>Secretary of State Interagency Grant Fund</td>
<td>$40,900</td>
</tr>
<tr>
<td>Secretary of State Special License Plate Fund</td>
<td>$520,200</td>
</tr>
<tr>
<td>Secretary of State Special Services Fund</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>Securities Audit and Enforcement Fund</td>
<td>$3,400,000</td>
</tr>
<tr>
<td>Securities Investors Education Fund</td>
<td>$100,000</td>
</tr>
<tr>
<td>Self-Insurers Administration Fund</td>
<td>$286,964</td>
</tr>
<tr>
<td>Sex Offender Registration Fund</td>
<td>$7,647</td>
</tr>
<tr>
<td>Sexual Assault Services Fund</td>
<td>$12,210</td>
</tr>
<tr>
<td>Small Business Environmental Assistance Fund</td>
<td>$13,686</td>
</tr>
<tr>
<td>Snowmobile Trail Establishment Fund</td>
<td>$3,124</td>
</tr>
<tr>
<td>Solid Waste Management Fund</td>
<td>$6,587,173</td>
</tr>
<tr>
<td>Sports Facilities Tax Trust Fund</td>
<td>$1,112,590</td>
</tr>
<tr>
<td>State Appellate Defender Special State Projects Fund</td>
<td>$23,820</td>
</tr>
<tr>
<td>State Asset Forfeiture Fund</td>
<td>$71,988</td>
</tr>
<tr>
<td>State Boating Act Fund</td>
<td>$401,824</td>
</tr>
<tr>
<td>State College and University Trust Fund</td>
<td>$139,439</td>
</tr>
<tr>
<td>State Crime Laboratory Fund</td>
<td>$44,965</td>
</tr>
<tr>
<td>State Fair Promotional Activities Fund</td>
<td>$8,734</td>
</tr>
<tr>
<td>State Garage Revolving Fund</td>
<td>$639,662</td>
</tr>
<tr>
<td>State Offender DNA Identification System Fund</td>
<td>$81,740</td>
</tr>
<tr>
<td>State Off-Set Claims Fund</td>
<td>$1,487,926</td>
</tr>
<tr>
<td>State Parks Fund</td>
<td>$1,045,889</td>
</tr>
<tr>
<td>State Police Motor Vehicle Theft Prevention Fund</td>
<td>$164,843</td>
</tr>
<tr>
<td>State Police Vehicle Fund</td>
<td>$82,899</td>
</tr>
<tr>
<td>State Police Whistleblower Reward and Protection Fund</td>
<td>$199,699</td>
</tr>
<tr>
<td>State Rail Freight Loan Repayment Fund</td>
<td>$1,147,727</td>
</tr>
<tr>
<td>State Surplus Property Revolving Fund</td>
<td>$388,284</td>
</tr>
<tr>
<td>State Whistleblower Reward and Protection Fund</td>
<td>$1,592</td>
</tr>
<tr>
<td>State's Attorneys Appellate Prosecutor's County Fund</td>
<td>$70,101</td>
</tr>
<tr>
<td>Statewide Grand Jury Prosecution Fund</td>
<td>$7,645</td>
</tr>
</tbody>
</table>
Statistical Services Revolving Fund.............................................$4,847,783
Subtitle D Management Fund.........................................................$169,744
Tanning Facility Permit Fund..........................................................$64,571
Tax Compliance and Administration Fund.....................................$429,377
Tax Recovery Fund.........................................................................$113,591
Teacher Certificate Fee Revolving Fund........................................$982,399
Toxic Pollution Prevention Fund......................................................$28,534
Underground Resources Conservation Enforcement Fund............$294,251
University Grant Fund......................................................................$23,881
Used Tire Management Fund......................................................$1,918,500
Watershed Park Fund........................................................................$19,786
Weights and Measures Fund........................................................$1,078,121
Workers' Compensation Benefit Trust Fund.................................$266,574
Workers' Compensation Revolving Fund........................................$520,285
Working Capital Revolving Fund................................................$1,404,868
Youth Alcoholism and Substance Abuse Prevention Fund...............$29,995
Youth Drug Abuse Prevention Fund..............................................$4,091

All of these transfers shall be made in equal quarterly installments
with the first made on the effective date of this amendatory Act of the 94th
General Assembly, or as soon thereafter as practical, and with the
remaining transfers to be made on October 1, January 1, and April 1, or
as soon thereafter as practical. These transfers shall be made
notwithstanding any other provision of State law to the contrary.

(b) On and after the effective date of this amendatory Act of the
94th General Assembly through June 30, 2006, when any of the funds
listed in subsection (a) have insufficient cash from which the State
Comptroller may make expenditures properly supported by appropriations
from the fund, then the State Treasurer and State Comptroller shall
transfer from the General Revenue Fund to the fund only such amount as
is immediately necessary to satisfy outstanding expenditure obligations on
a timely basis, subject to the provisions of the State Prompt Payment Act.
Any amounts transferred from the General Revenue Fund to a fund
pursuant to this subsection (b) from time to time shall be re-transferred by
the State Comptroller and the State Treasurer from the receiving fund into
the General Revenue Fund as soon as and to the extent that deposits are
made into or receipts are collected by the receiving fund. In all events, the
full amounts of all transfers from the General Revenue Fund to receiving
funds shall be re-transferred to the General Revenue Fund no later than

New matter indicated by italics - deletions by strikeout
(c) Notwithstanding any other provision of law, on July 1, 2005, or as soon thereafter as may be practical, the State Comptroller and the State Treasurer shall transfer $5,000,000 from the Communications Revolving Fund to the Hospital Basic Services Prevention Fund.

ARTICLE 85

Section 85-5. The State Finance Act is amended by changing Section 8h as follows:
(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.
(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, the Foreign Language Interpreter Fund, the Lawyers' Assistance Program Fund, the Supreme Court Federal Projects Fund, the Supreme Court Special State Projects Fund, or the Low-Level Radioactive Waste Facility Development and Operation Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of
the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

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

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

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)

Section 85-10. The Low-Level Radioactive Waste Management Act is amended by changing Section 13 as follows:

(420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)
Sec. 13. Waste fees.

(a) The Department shall collect a fee from each generator of low-level radioactive wastes in this State. Except as provided in subsections (b), (c), and (d), the amount of the fee shall be $50.00 or the following amount, whichever is greater:

(1) $1 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurred prior to September 7, 1984;

(2) $2 per cubic foot of waste stored for shipment if storage of the waste occurs on or after September 7, 1984, but prior to October 1, 1985;

(3) $3 per cubic foot of waste stored for shipment if storage of the waste occurs on or after October 1, 1985;

(4) $2 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after September 7, 1984 but prior to October 1, 1985, provided that no fee has been collected previously for storage of the waste;

(5) $3 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after
October 1, 1985, provided that no fees have been collected previously for storage of the waste.

Such fees shall be collected annually or as determined by the Department and shall be deposited in the low-level radioactive waste funds as provided in Section 14 of this Act. Notwithstanding any other provision of this Act, no fee under this Section shall be collected from a generator for waste generated incident to manufacturing before December 31, 1980, and shipped for disposal outside of this State before December 31, 1992, as part of a site reclamation leading to license termination.

(b) Each nuclear power reactor in this State for which an operating license has been issued by the Nuclear Regulatory Commission shall not be subject to the fee required by subsection (a) with respect to (1) waste stored for shipment if storage of the waste occurs on or after January 1, 1986; and (2) waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after January 1, 1986. In lieu of the fee, each reactor shall be required to pay an annual fee as provided in this subsection for the treatment, storage and disposal of low-level radioactive waste. Beginning with State fiscal year 1986 and through State fiscal year 1997, fees shall be due and payable on January 1st of each year. For State fiscal year 1998 and all subsequent State fiscal years, fees shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1997 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1997, whichever is later.

The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall continue to pay an annual fee of $90,000 for the treatment, storage, and disposal of low-level radioactive waste through State fiscal year 2002. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. If the balance in the Low-Level Radioactive Waste Facility Development and Operation Fund falls below $500,000, as of the end of any fiscal year after fiscal year 2002, the Department is authorized to assess by rule, after notice and a hearing, an additional annual fee to be paid by the owners of nuclear power reactors for which operating licenses have been issued by the Nuclear Regulatory Commission, except that no additional annual fee shall be assessed because of the fund balance at the end of fiscal year 2005 or the end of fiscal year 2006. The additional
annual fee shall be payable on the date or dates specified by rule and shall not exceed $30,000 per operating reactor per year.

(c) In each of State fiscal years 1988, 1989 and 1990, in addition to the fee imposed in subsections (b) and (d), the owner of each nuclear power reactor in this State for which an operating license has been issued by the Nuclear Regulatory Commission shall pay a fee of $408,000. If an operating license is issued during one of those 3 fiscal years, the owner shall pay a prorated amount of the fee equal to $1,117.80 multiplied by the number of days in the fiscal year during which the nuclear power reactor was licensed.

The fee shall be due and payable as follows: in fiscal year 1988, $204,000 shall be paid on October 1, 1987 and $102,000 shall be paid on each of January 1, 1988 and April 1, 1988; in fiscal year 1989, $102,000 shall be paid on each of July 1, 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and in fiscal year 1990, $102,000 shall be paid on each of July 1, 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If the operating license is issued during one of the 3 fiscal years, the owner shall be subject to those payment dates, and their corresponding amounts, on which the owner possesses an operating license and, on June 30 of the fiscal year of issuance of the license, whatever amount of the prorated fee remains outstanding.

All of the amounts collected by the Department under this subsection (c) shall be deposited into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (a) of Section 14 of this Act and expended, subject to appropriation, for the purposes provided in that subsection.

(d) In addition to the fees imposed in subsections (b) and (c), the owners of nuclear power reactors in this State for which operating licenses have been issued by the Nuclear Regulatory Commission shall pay the following fees for each such nuclear power reactor: for State fiscal year 1989, $325,000 payable on October 1, 1988, $162,500 payable on January 1, 1989, and $162,500 payable on April 1, 1989; for State fiscal year 1990, $162,500 payable on July 1, $300,000 payable on October 1, $300,000 payable on January 1 and $300,000 payable on April 1; for State fiscal year 1991, either (1) $150,000 payable on July 1, $650,000 payable on September 1, $675,000 payable on January 1, and $275,000 payable on April 1, or (2) $150,000 on July 1, $130,000 on the first day of each month from August through December, $225,000 on the first day of each month from January through March and $92,000 on the first day of each month
from April through June; for State fiscal year 1992, $260,000 payable on July 1, $900,000 payable on September 1, $300,000 payable on October 1, $150,000 payable on January 1, and $100,000 payable on April 1; for State fiscal year 1993, $100,000 payable on July 1, $230,000 payable on August 1 or within 10 days after July 31, 1992, whichever is later, and $355,000 payable on October 1; for State fiscal year 1994, $100,000 payable on July 1, $75,000 payable on October 1 and $75,000 payable on April 1; for State fiscal year 1995, $100,000 payable on July 1, $75,000 payable on October 1, and $75,000 payable on April 1, for State fiscal year 1996, $100,000 payable on July 1, $75,000 payable on October 1, and $75,000 payable on April 1. The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall pay an annual fee of $30,000 through State fiscal year 2003. For State fiscal year 2004 and subsequent fiscal years, the owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission shall pay an annual fee of $30,000 per reactor, provided that the fee shall not apply to a nuclear power reactor with regard to which the owner notified the Nuclear Regulatory Commission during State fiscal year 1998 that the nuclear power reactor permanently ceased operations. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. The fee due on July 1, 1997 shall be payable on that date or within 10 days after the effective date of this amendatory Act of 1997, whichever is later. If the payments under this subsection for fiscal year 1993 due on January 1, 1993, or on April 1, 1993, or both, were due before the effective date of this amendatory Act of the 87th General Assembly, then those payments are waived and need not be made.

All of the amounts collected by the Department under this subsection (d) shall be deposited into the Low-Level Radioactive Waste Facility Development and Operation Fund created pursuant to subsection (a) of Section 14 of this Act and expended, subject to appropriation, for the purposes provided in that subsection.

All payments made by licensees under this subsection (d) for fiscal year 1992 that are not appropriated and obligated by the Department above $1,750,000 per reactor in fiscal year 1992, shall be credited to the licensees making the payments to reduce the per reactor fees required under this subsection (d) for fiscal year 1993.
(e) The Department shall promulgate rules and regulations establishing standards for the collection of the fees authorized by this Section. The regulations shall include, but need not be limited to:

1. the records necessary to identify the amounts of low-level radioactive wastes produced;
2. the form and submission of reports to accompany the payment of fees to the Department; and
3. the time and manner of payment of fees to the Department, which payments shall not be more frequent than quarterly.

(f) Any operating agreement entered into under subsection (b) of Section 5 of this Act between the Department and any disposal facility contractor shall, subject to the provisions of this Act, authorize the contractor to impose upon and collect from persons using the disposal facility fees designed and set at levels reasonably calculated to produce sufficient revenues (1) to pay all costs and expenses properly incurred or accrued in connection with, and properly allocated to, performance of the contractor's obligations under the operating agreement, and (2) to provide reasonable and appropriate compensation or profit to the contractor under the operating agreement. For purposes of this subsection (f), the term "costs and expenses" may include, without limitation, (i) direct and indirect costs and expenses for labor, services, equipment, materials, insurance and other risk management costs, interest and other financing charges, and taxes or fees in lieu of taxes; (ii) payments to or required by the United States, the State of Illinois or any agency or department thereof, the Central Midwest Interstate Low-Level Radioactive Waste Compact, and subject to the provisions of this Act, any unit of local government; (iii) amortization of capitalized costs with respect to the disposal facility and its development, including any capitalized reserves; and (iv) payments with respect to reserves, accounts, escrows or trust funds required by law or otherwise provided for under the operating agreement.

(g) (Blank).
(h) (Blank).
(i) (Blank).
j) (Blank).

(j-5) Prior to commencement of facility operations, the Department shall adopt rules providing for the establishment and collection of fees and charges with respect to the use of the disposal facility as provided in subsection (f) of this Section.

New matter indicated by italics - deletions by strikeout
(k) The regional disposal facility shall be subject to ad valorem real estate taxes lawfully imposed by units of local government and school districts with jurisdiction over the facility. No other local government tax, surtax, fee or other charge on activities at the regional disposal facility shall be allowed except as authorized by the Department.

(l) The Department shall have the power, in the event that acceptance of waste for disposal at the regional disposal facility is suspended, delayed or interrupted, to impose emergency fees on the generators of low-level radioactive waste. Generators shall pay emergency fees within 30 days of receipt of notice of the emergency fees. The Department shall deposit all of the receipts of any fees collected under this subsection into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (b) of Section 14. Emergency fees may be used to mitigate the impacts of the suspension or interruption of acceptance of waste for disposal. The requirements for rulemaking in the Illinois Administrative Procedure Act shall not apply to the imposition of emergency fees under this subsection.

(m) The Department shall promulgate any other rules and regulations as may be necessary to implement this Section.

(Source: P.A. 92-276, eff. 8-7-01; 93-839, eff. 7-30-04.)

ARTICLE 90

Section 90-5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-707 as follows:

(20 ILCS 605/605-707) (was 20 ILCS 605/46.6d)

Sec. 605-707. International Tourism Program.

(a) The Department of Commerce and Economic Opportunity Community Affairs must establish a program for international tourism. The Department shall develop and implement the program on January 1, 2000 by rule. As part of the program, the Department may work in cooperation with local convention and tourism bureaus in Illinois in the coordination of international tourism efforts at the State and local level. The Department may (i) work in cooperation with local convention and tourism bureaus for efficient use of their international tourism marketing resources, (ii) promote Illinois in international meetings and tourism markets, (iii) work with convention and tourism bureaus throughout the State to increase the number of international tourists to Illinois, (iv) provide training, research, technical support, and grants to certified convention and tourism bureaus, (v) provide staff, administration, and

New matter indicated by italics - deletions by strikeout
related support required to manage the programs under this Section, and (vi) provide grants for the development of or the enhancement of international tourism attractions.

(b) The Department shall make grants for expenses related to international tourism and pay for the staffing, administration, and related support from the International Tourism Fund, a special fund created in the State Treasury. Of the amounts deposited into the Fund in fiscal year 2000 after January 1, 2000, 55% shall be used for grants to convention and tourism bureaus in Chicago (other than the City of Chicago's Office of Tourism) and 45% shall be used for development of international tourism in areas outside of Chicago. Of the amounts deposited into the Fund in fiscal year 2001 and thereafter, 55% shall be used for grants to convention and tourism bureaus in Chicago, and of that amount not less than 27.5% shall be used for grants to convention and tourism bureaus in Chicago other than the City of Chicago's Office of Tourism, and 45% shall be used for administrative expenses and grants authorized under this Section and development of international tourism in areas outside of Chicago, of which not less than $1,000,000 shall be used annually to make grants to convention and tourism bureaus in cities other than Chicago that demonstrate their international tourism appeal and request to develop or expand their international tourism marketing program, and may also be used to provide grants under item (vi) of subsection (a) of this Section. Amounts appropriated to the State Comptroller for administrative expenses and grants authorized by the Illinois Global Partnership Act are payable from the International Tourism Fund.

(c) A convention and tourism bureau is eligible to receive grant moneys under this Section if the bureau is certified to receive funds under Title 14 of the Illinois Administrative Code, Section 550.35. To be eligible for a grant, a convention and tourism bureau must provide matching funds equal to the grant amount. In certain circumstances as determined by the Director of Commerce and Economic Opportunity Community Affairs, however, the City of Chicago's Office of Tourism or any other convention and tourism bureau may provide matching funds equal to no less than 50% of the grant amount to be eligible to receive the grant. One-half of this 50% may be provided through in-kind contributions. Grants received by the City of Chicago's Office of Tourism and by convention and tourism bureaus in Chicago may be expended for the general purposes of promoting conventions and tourism.

New matter indicated by italics - deletions by strikeout
Section 90-10. The Illinois Horse Racing Act of 1975 is amended by changing Section 28 as follows:

Sec. 28. Except as provided in subsection (g) of Section 27 of this Act, moneys collected shall be distributed according to the provisions of this Section 28.

(a) Thirty per cent of the total of all monies received by the State as privilege taxes shall be paid into the Metropolitan Fair and Exposition Authority Reconstruction Fund in the State treasury until such Fund contains sufficient money to pay in full, both principal and interest, all of the outstanding bonds issued pursuant to the Fair and Exposition Authority Reconstruction Act, approved July 31, 1967, as amended, and thereafter shall be paid into the Metropolitan Exposition Auditorium and Office Building Fund in the State Treasury.

(b) Four and one-half per cent of the total of all monies received by the State as privilege taxes shall be paid into the State treasury into a special Fund to be known as the Metropolitan Exposition, Auditorium, and Office Building Fund.

(c) Fifty per cent of the total of all monies received by the State as privilege taxes under the provisions of this Act shall be paid into the Agricultural Premium Fund.

(d) Seven per cent of the total of all monies received by the State as privilege taxes shall be paid into the Fair and Exposition Fund in the State treasury; provided, however, that when all bonds issued prior to July 1, 1984 by the Metropolitan Fair and Exposition Authority shall have been paid or payment shall have been provided for upon a refunding of those bonds, thereafter 1/12 of $1,665,662 of such monies shall be paid each month into the Build Illinois Fund, and the remainder into the Fair and Exposition Fund. All excess monies shall be allocated to the Department of Agriculture for distribution to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act.

(e) The monies provided for in Section 30 shall be paid into the Illinois Thoroughbred Breeders Fund.

(f) The monies provided for in Section 31 shall be paid into the Illinois Standardbred Breeders Fund.

(g) Until January 1, 2000, that part representing 1/2 of the total breakage in Thoroughbred, Harness, Appaloosa, Arabian, and Quarter

New matter indicated by italics - deletions by strikeout
Horse racing in the State shall be paid into the Illinois Race Track Improvement Fund as established in Section 32.

(h) All other monies received by the Board under this Act shall be paid into the General Revenue Fund of the State.

(i) The salaries of the Board members, secretary, stewards, directors of mutuels, veterinarians, representatives, accountants, clerks, stenographers, inspectors and other employees of the Board, and all expenses of the Board incident to the administration of this Act, including, but not limited to, all expenses and salaries incident to the taking of saliva and urine samples in accordance with the rules and regulations of the Board shall be paid out of the Agricultural Premium Fund.

(j) The Agricultural Premium Fund shall also be used:

(1) for the expenses of operating the Illinois State Fair and the DuQuoin State Fair, including the payment of prize money or premiums;

(2) for the distribution to county fairs, vocational agriculture section fairs, agricultural societies, and agricultural extension clubs in accordance with the Agricultural Fair Act, as amended;

(3) for payment of prize monies and premiums awarded and for expenses incurred in connection with the International Livestock Exposition and the Mid-Continent Livestock Exposition held in Illinois, which premiums, and awards must be approved, and paid by the Illinois Department of Agriculture;

(4) for personal service of county agricultural advisors and county home advisors;

(5) for distribution to agricultural home economic extension councils in accordance with "An Act in relation to additional support and finance for the Agricultural and Home Economic Extension Councils in the several counties in this State and making an appropriation therefor", approved July 24, 1967, as amended;

(6) for research on equine disease, including a development center therefor;

(7) for training scholarships for study on equine diseases to students at the University of Illinois College of Veterinary Medicine;

(8) for the rehabilitation, repair and maintenance of the Illinois and DuQuoin State Fair Grounds and the structures and facilities thereon and the construction of permanent improvements

New matter indicated by italics - deletions by strikeout
on such Fair Grounds, including such structures, facilities and property located on such State Fair Grounds which are under the custody and control of the Department of Agriculture;

(9) for the expenses of the Department of Agriculture under Section 5-530 of the Departments of State Government Law (20 ILCS 5/5-530);

(10) for the expenses of the Department of Commerce and Economic Opportunity Community Affairs under Sections 605-620, 605-625, and 605-630 of the Department of Commerce and Economic Opportunity Community Affairs Law (20 ILCS 605/605-620, 605/605-625, and 605/605-630);

(11) for remodeling, expanding, and reconstructing facilities destroyed by fire of any Fair and Exposition Authority in counties with a population of 1,000,000 or more inhabitants;

(12) for the purpose of assisting in the care and general rehabilitation of disabled veterans of any war and their surviving spouses and orphans;

(13) for expenses of the Department of State Police for duties performed under this Act;

(14) for the Department of Agriculture for soil surveys and soil and water conservation purposes;

(15) for the Department of Agriculture for grants to the City of Chicago for conducting the Chicagofest;

(16) for the State Comptroller for grants and operating expenses authorized by the Illinois Global Partnership Act.

(k) To the extent that monies paid by the Board to the Agricultural Premium Fund are in the opinion of the Governor in excess of the amount necessary for the purposes herein stated, the Governor shall notify the Comptroller and the State Treasurer of such fact, who, upon receipt of such notification, shall transfer such excess monies from the Agricultural Premium Fund to the General Revenue Fund.

(Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01; revised 12-6-03.)

ARTICLE 999
Section 999-997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999-999. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 31, 2005
Approved June 30, 2005

New matter indicated by italics - deletions by strikeout
AN ACT concerning public aid.

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

Section 5. The Illinois Public Aid Code is amended by changing Section 10-4 as follows:

(305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

Sec. 10-4. Notification of Support Obligation. The administrative enforcement unit within the authorized area of its operation shall notify each responsible relative of an applicant or recipient, or responsible relatives of other persons given access to the child support enforcement services of this Article, of his legal obligation to support and shall request such information concerning his financial status as may be necessary to determine whether he is financially able to provide such support, in whole or in part. In cases involving a child born out of wedlock, the notification shall include a statement that the responsible relative has been named as the biological father of the child identified in the notification.

In the case of applicants, the notification shall be sent as soon as practical after the filing of the application. In the case of recipients, the notice shall be sent at such time as may be established by rule of the Illinois Department.

The notice shall be accompanied by the forms or questionnaires provided in Section 10-5. It shall inform the relative that he may be liable for reimbursement of any support furnished from public aid funds prior to determination of the relative's financial circumstances, as well as for future support. In the alternative, when support is sought on behalf of applicants for or recipients of financial aid under Article IV of this Code and other persons who are given access to the child support enforcement services of this Article as provided in Section 10-1, the notice shall inform the relative that the relative may be required to pay support for a period before the date an administrative support order is entered, as well as future support.

Neither the mailing nor receipt of such notice shall be deemed a jurisdictional requirement for the subsequent exercise of the investigative procedures undertaken by an administrative enforcement unit or the entry of any order or determination of paternity or support or reimbursement by

New matter indicated by italics - deletions by strikeout
the administrative enforcement unit; except that notice shall be served by certified mail addressed to the responsible relative at his or her last known address, return receipt requested, or by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 or by a registered employee of a private detective agency certified under that Act, or in counties with a population of less than 2,000,000 by any method provided by law for service of summons, in cases where a determination of paternity or support by default is sought on behalf of applicants for or recipients of financial aid under Article IV of this Act and other persons who are given access to the child support enforcement services of this Article as provided in Section 10-1.

(Source: P.A. 92-590, eff. 7-1-02.)

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

Passed in the General Assembly May 31, 2005
Approved June 30, 2005
Effective June 30, 2005

PUBLIC ACT 94-0093
(House Bill No. 0386)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 3-623 as follows:
(625 ILCS 5/3-623) (from Ch. 95 1/2, par. 3-623)
Sec. 3-623. Purple Heart Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to recipients awarded the Purple Heart by a branch of the armed forces of the United States who reside in Illinois, special registration plates. The Secretary, upon receipt of the proper application, may also issue these special registration plates to an Illinois resident who is the surviving spouse of a person who was killed in a foreign war and was awarded the Purple Heart by a branch of the armed forces of the United States. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, including motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds.

New matter indicated by italics - deletions by strikeout
The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate registration fee shall accompany the application. However, for an individual who has been issued Purple Heart plates for a vehicle and who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, the annual fee for the registration of the vehicle shall be as provided in Section 3-806.3 of this Code.

(Source: P.A. 92-82, eff. 1-1-02; 92-699, eff. 1-1-03; 93-846, eff. 7-30-04.)

Passed in the General Assembly May 11, 2005.
Approved July 1, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0094
(House Bill No. 0414)

AN ACT concerning pollution control.

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

Section 5. The Environmental Protection Act is amended by changing Sections 3.330 and 21 as follows:

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)
Sec. 3.330. Pollution control facility.
(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:
(1) (Blank);
(2) waste storage sites regulated under 40 CFR, Part 761.42;
(3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the

New matter indicated by italics - deletions by strikeout
site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;

(4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;

(5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;

(6) sites or facilities used by any person to specifically conduct a landscape composting operation;

(7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

(8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;

(9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

(10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);

(11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

(12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of
1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

(13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000 as of January 1, 2000, and operated and located in accordance with Section 22.38 of this Act; and

(14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products. (b) A new pollution control facility is:

(1) a pollution control facility initially permitted for development or construction after July 1, 1981; or

(2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or

(3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 92-574, eff. 6-26-02; 93-998, eff. 8-23-04.)
(415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)
Sec. 21. Prohibited acts. No person shall:
(a) Cause or allow the open dumping of any waste.
(b) Abandon, dump, or deposit any waste upon the public highways or other public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.
(c) Abandon any vehicle in violation of the "Abandoned Vehicles Amendment to the Illinois Vehicle Code", as enacted by the 76th General Assembly.
(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

(1) without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; provided,

New matter indicated by italics - deletions by strikeout
however, that, except for municipal solid waste landfill units that receive waste on or after October 9, 1993, no permit shall be required for (i) any person conducting a waste-storage, waste-treatment, or waste-disposal operation for wastes generated by such person's own activities which are stored, treated, or disposed within the site where such wastes are generated, or (ii) a facility located in a county with a population over 700,000 as of January 1, 2000, operated and located in accordance with Section 22.38 of this Act, and used exclusively for the transfer, storage, or treatment of general construction or demolition debris;

(2) in violation of any regulations or standards adopted by the Board under this Act; or

(3) which receives waste after August 31, 1988, does not have a permit issued by the Agency, and is (i) a landfill used exclusively for the disposal of waste generated at the site, (ii) a surface impoundment receiving special waste not listed in an NPDES permit, (iii) a waste pile in which the total volume of waste is greater than 100 cubic yards or the waste is stored for over one year, or (iv) a land treatment facility receiving special waste generated at the site; without giving notice of the operation to the Agency by January 1, 1989, or 30 days after the date on which the operation commences, whichever is later, and every 3 years thereafter. The form for such notification shall be specified by the Agency, and shall be limited to information regarding: the name and address of the location of the operation; the type of operation; the types and amounts of waste stored, treated or disposed of on an annual basis; the remaining capacity of the operation; and the remaining expected life of the operation.

Item (3) of this subsection (d) shall not apply to any person engaged in agricultural activity who is disposing of a substance that constitutes solid waste, if the substance was acquired for use by that person on his own property, and the substance is disposed of on his own property in accordance with regulations or standards adopted by the Board.

This subsection (d) shall not apply to hazardous waste.

(e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

New matter indicated by italics - deletions by strikeout
(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:
   (1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or
   (2) in violation of any regulations or standards adopted by the Board under this Act; or
   (3) in violation of any RCRA permit filing requirement established under standards adopted by the Board under this Act; or
   (4) in violation of any order adopted by the Board under this Act.

Notwithstanding the above, no RCRA permit shall be required under this subsection or subsection (d) of Section 39 of this Act for any person engaged in agricultural activity who is disposing of a substance which has been identified as a hazardous waste, and which has been designated by Board regulations as being subject to this exception, if the substance was acquired for use by that person on his own property and the substance is disposed of on his own property in accordance with regulations or standards adopted by the Board.

(g) Conduct any hazardous waste-transportation operation:
   (1) without registering with and obtaining a permit from the Agency in accordance with the Uniform Program implemented under subsection (l-5) of Section 22.2; or
   (2) in violation of any regulations or standards adopted by the Board under this Act.

(h) Conduct any hazardous waste-recycling or hazardous waste-reclamation or hazardous waste-reuse operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act.

(i) Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.

(j) Conduct any special waste transportation operation in violation of any regulations, standards or permit requirements adopted by the Board.
under this Act. However, sludge from a water or sewage treatment plant
owned and operated by a unit of local government which (1) is subject to a
sludge management plan approved by the Agency or a permit granted by
the Agency, and (2) has been tested and determined not to be a hazardous
waste as required by applicable State and federal laws and regulations,
may be transported in this State without a special waste hauling permit,
and the preparation and carrying of a manifest shall not be required for
such sludge under the rules of the Pollution Control Board. The unit of
local government which operates the treatment plant producing such
sludge shall file a semiannual report with the Agency identifying the
volume of such sludge transported during the reporting period, the hauler
of the sludge, and the disposal sites to which it was transported. This
subsection (j) shall not apply to hazardous waste.

(k) Fail or refuse to pay any fee imposed under this Act.

(l) Locate a hazardous waste disposal site above an active or
inactive shaft or tunneled mine or within 2 miles of an active fault in the
earth's crust. In counties of population less than 225,000 no hazardous
waste disposal site shall be located (1) within 1 1/2 miles of the corporate
limits as defined on June 30, 1978, of any municipality without the
approval of the governing body of the municipality in an official action; or
(2) within 1000 feet of an existing private well or the existing source of a
public water supply measured from the boundary of the actual active
permitted site and excluding existing private wells on the property of the
permit applicant. The provisions of this subsection do not apply to
publicly-owned sewage works or the disposal or utilization of sludge from
publicly-owned sewage works.

(m) Transfer interest in any land which has been used as a
hazardous waste disposal site without written notification to the Agency of
the transfer and to the transferee of the conditions imposed by the Agency
upon its use under subsection (g) of Section 39.

(n) Use any land which has been used as a hazardous waste
disposal site except in compliance with conditions imposed by the Agency
under subsection (g) of Section 39.

(o) Conduct a sanitary landfill operation which is required to have
a permit under subsection (d) of this Section, in a manner which results in
any of the following conditions:

(1) refuse in standing or flowing waters;
(2) leachate flows entering waters of the State;

New matter indicated by italics - deletions by strikeout
(3) leachate flows exiting the landfill confines (as determined by the boundaries established for the landfill by a permit issued by the Agency);

(4) open burning of refuse in violation of Section 9 of this Act;

(5) uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, unless authorized by permit;

(6) failure to provide final cover within time limits established by Board regulations;

(7) acceptance of wastes without necessary permits;

(8) scavenging as defined by Board regulations;

(9) deposition of refuse in any unpermitted portion of the landfill;

(10) acceptance of a special waste without a required manifest;

(11) failure to submit reports required by permits or Board regulations;

(12) failure to collect and contain litter from the site by the end of each operating day;

(13) failure to submit any cost estimate for the site or any performance bond or other security for the site as required by this Act or Board rules.

The prohibitions specified in this subsection (o) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to sanitary landfills.

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

(1) litter;

(2) scavenging;

(3) open burning;

(4) deposition of waste in standing or flowing waters;

(5) proliferation of disease vectors;

(6) standing or flowing liquid discharge from the dump site;

(7) deposition of:

New matter indicated by italics - deletions by strikeout
(i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or
(ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

(q) Conduct a landscape waste composting operation without an Agency permit, provided, however, that no permit shall be required for any person:

(1) conducting a landscape waste composting operation for landscape wastes generated by such person's own activities which are stored, treated or disposed of within the site where such wastes are generated; or
(2) applying landscape waste or composted landscape waste at agronomic rates; or
(3) operating a landscape waste composting facility on a farm, if the facility meets all of the following criteria:
    (A) the composting facility is operated by the farmer on property on which the composting material is utilized, and the composting facility constitutes no more than 2% of the property's total acreage, except that the Agency may allow a higher percentage for individual sites where the owner or operator has demonstrated to the Agency that the site's soil characteristics or crop needs require a higher rate;
    (B) the property on which the composting facility is located, and any associated property on which the compost is used, is principally and diligently devoted to the production of agricultural crops and is not owned, leased or otherwise controlled by any waste hauler or generator of nonagricultural compost materials, and the operator of the composting facility is not an employee, partner, shareholder, or in any way connected with or controlled by any such waste hauler or generator;
    (C) all compost generated by the composting facility is applied at agronomic rates and used as mulch, fertilizer or soil conditioner on land actually farmed by the person.
operating the composting facility, and the finished compost is not stored at the composting site for a period longer than 18 months prior to its application as mulch, fertilizer, or soil conditioner;

(D) the owner or operator, by January 1, 1990 (or the January 1 following commencement of operation, whichever is later) and January 1 of each year thereafter, (i) registers the site with the Agency, (ii) reports to the Agency on the volume of composting material received and used at the site, (iii) certifies to the Agency that the site complies with the requirements set forth in subparagraphs (A), (B) and (C) of this paragraph (q)(3), and (iv) certifies to the Agency that all composting material was placed more than 200 feet from the nearest potable water supply well, was placed outside the boundary of the 10-year floodplain or on a part of the site that is floodproofed, was placed at least 1/4 mile from the nearest residence (other than a residence located on the same property as the facility) and there are not more than 10 occupied non-farm residences within 1/2 mile of the boundaries of the site on the date of application, and was placed more than 5 feet above the water table.

For the purposes of this subsection (q), "agronomic rates" means the application of not more than 20 tons per acre per year, except that the Agency may allow a higher rate for individual sites where the owner or operator has demonstrated to the Agency that the site's soil characteristics or crop needs require a higher rate.

(r) Cause or allow the storage or disposal of coal combustion waste unless:

(1) such waste is stored or disposed of at a site or facility for which a permit has been obtained or is not otherwise required under subsection (d) of this Section; or

(2) such waste is stored or disposed of as a part of the design and reclamation of a site or facility which is an abandoned mine site in accordance with the Abandoned Mined Lands and Water Reclamation Act; or

(3) such waste is stored or disposed of at a site or facility which is operating under NPDES and Subtitle D permits issued by the Agency pursuant to regulations adopted by the Board for minerelated water pollution and permits issued pursuant to the Federal

New matter indicated by italics - deletions by strikeout
Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto, and the owner or operator of the facility agrees to accept the waste; and either

(i) such waste is stored or disposed of in accordance with requirements applicable to refuse disposal under regulations adopted by the Board for mine-related water pollution and pursuant to NPDES and Subtitle D permits issued by the Agency under such regulations; or

(ii) the owner or operator of the facility demonstrates all of the following to the Agency, and the facility is operated in accordance with the demonstration as approved by the Agency: (1) the disposal area will be covered in a manner that will support continuous vegetation, (2) the facility will be adequately protected from wind and water erosion, (3) the pH will be maintained so as to prevent excessive leaching of metal ions, and (4) adequate containment or other measures will be provided to protect surface water and groundwater from contamination at levels prohibited by this Act, the Illinois Groundwater Protection Act, or regulations adopted pursuant thereto.

Notwithstanding any other provision of this Title, the disposal of coal combustion waste pursuant to item (2) or (3) of this subdivision (r) shall be exempt from the other provisions of this Title V, and notwithstanding the provisions of Title X of this Act, the Agency is authorized to grant experimental permits which include provision for the disposal of wastes from the combustion of coal and other materials pursuant to items (2) and (3) of this subdivision (r).

(s) After April 1, 1989, offer for transportation, transport, deliver, receive or accept special waste for which a manifest is required, unless the manifest indicates that the fee required under Section 22.8 of this Act has been paid.

(t) Cause or allow a lateral expansion of a municipal solid waste landfill unit on or after October 9, 1993, without a permit modification, granted by the Agency, that authorizes the lateral expansion.

(u) Conduct any vegetable by-product treatment, storage, disposal or transportation operation in violation of any regulation, standards or permit requirements adopted by the Board under this Act. However, no
permit shall be required under this Title V for the land application of vegetable by-products conducted pursuant to Agency permit issued under Title III of this Act to the generator of the vegetable by-products. In addition, vegetable by-products may be transported in this State without a special waste hauling permit, and without the preparation and carrying of a manifest.

(v) (Blank).

(w) Conduct any generation, transportation, or recycling of construction or demolition debris, clean or general, or uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads that is not commingled with any waste, without the maintenance of documentation identifying the hauler, generator, place of origin of the debris or soil, the weight or volume of the debris or soil, and the location, owner, and operator of the facility where the debris or soil was transferred, disposed, recycled, or treated. This documentation must be maintained by the generator, transporter, or recycler for 3 years. This subsection (w) shall not apply to (1) a permitted pollution control facility that transfers or accepts construction or demolition debris, clean or general, or uncontaminated soil for final disposal, recycling, or treatment, (2) a public utility (as that term is defined in the Public Utilities Act) or a municipal utility, (3) the Illinois Department of Transportation, or (4) a municipality or a county highway department, with the exception of any municipality or county highway department located within a county having a population of over 3,000,000 inhabitants or located in a county that is contiguous to a county having a population of over 3,000,000 inhabitants; but it shall apply to an entity that contracts with a public utility, a municipal utility, the Illinois Department of Transportation, or a municipality or a county highway department. The terms "generation" and "recycling" as used in this subsection do not apply to clean construction or demolition debris when (i) used as fill material below grade outside of a setback zone if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, (ii) solely broken concrete without protruding metal bars is used for erosion control, or (iii) milled asphalt or crushed concrete is used as aggregate in construction of the shoulder of a roadway. The terms "generation" and "recycling", as used in this subsection, do not apply to uncontaminated soil that is not commingled with any waste when (i) used as fill material below grade or contoured to grade, or (ii) used at the site of generation.
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 17, 2005.
Approved July 1, 2005.
Effective July 1, 2005.

PUBLIC ACT 94-0095
(House Bill No. 0521)

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

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Sections 7 and 8 as follows:

(5 ILCS 375/7) (from Ch. 127, par. 527)
Sec. 7. Group life insurance program.
(a) The basic noncontributory group life insurance program shall provide coverage as follows:

(1) employees shall be insured in an amount equal to the basic annual salary rate, exclusive of overtime, bonus, or other cumulative additional income factors, raised to the next round hundred dollar amount if it is not already a round hundred dollar amount;

(2) annuitants shall be insured in the same manner as described for active employees, based on the salary in force immediately before retirement, with coverage becoming effective on the effective date of retirement benefits or the first day of the month of application, whichever occurs later, except that at age 60 the amount of coverage for the annuitant shall be reduced to $5,000;

(3) survivors whose coverage became effective prior to September 22, 1979 shall be insured for $2,000;

(4) retired employees shall not be eligible under the group life insurance program contracted to begin or continue after June 30, 1973.

(a-5) There shall also be available on an optional basis to employees, annuitants whose retirement benefits begin within one year of

New matter indicated by italics - deletions by strikeout
their receipt of final compensation, and survivors whose coverage became effective prior to September 22, 1979, a contributory program of:

(1) supplemental life insurance in an amount not exceeding 84 times the basic life benefits for active employees and annuitants under age 60 and not exceeding 4 times the basic life benefits for annuitants age 60 and over, as described above, except that (a) amounts selected by employees and annuitants must be in full multiples of the basic amount, and (b) premiums may be adjusted by age bracket established in rules supplementing this Act; beginning July 1, 1981, survivors whose coverage becomes effective on or after September 22, 1979, shall have the option of participating in the contributory program of life insurance in an amount of $5,000 coverage;

(2) accidental death and dismemberment, with the employee and annuitant having the option of electing an amount equal to the basic noncontributory life benefits only, or an amount equaling the combined total of basic plus optional life benefits not exceeding 5 times basic life benefits, or $3,000,000, whichever is less;

(3) dependent life insurance in an amount of $10,000 coverage on the spouse; however, coverage reduces to $5,000 when the eligible annuitant turns 60; and

(4) dependent life insurance in an amount of $10,000 coverage on each dependent other than the spouse.

(b) A member, not otherwise covered by this Act, who has retired as a participating member under Article 2 of the Illinois Pension Code, but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code, shall pay the premiums for coverage under the group life insurance program under this Act. The Director shall promulgate rules and regulations to determine the premiums to be paid by a member under this subsection (b).

(Source: P.A. 88-196; 89-65, eff. 6-30-95.)

(5 ILCS 375/8) (from Ch. 127, par. 528)

Sec. 8. Eligibility.

(a) Each member eligible under the provisions of this Act and any rules and regulations promulgated and adopted hereunder by the Director shall become immediately eligible and covered for all benefits available under the programs. Members electing coverage for eligible dependents shall have the coverage effective immediately, provided that the election is
properly filed in accordance with required filing dates and procedures specified by the Director.

(1) Every member originally eligible to elect dependent coverage, but not electing it during the original eligibility period, may subsequently obtain dependent coverage only in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

(2) Members described above being transferred from previous coverage towards which the State has been contributing shall be transferred regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled.

(3) Eligible and covered members that are eligible for coverage as dependents except for the fact of being members shall be transferred to, and covered under, dependent status regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled upon cessation of member status and the election of dependent coverage by a member eligible to elect that coverage.

(b) New employees shall be immediately insured for the basic group life insurance and covered by the program of health benefits on the first day of active State service. Optional life insurance coverage one to 4 times the basic amount coverages or benefits, if elected during the relevant eligibility period, will become effective on the date of employment. Optional life insurance coverage exceeding 4 times the basic amount and all life insurance amounts coverages or benefits applied for after the eligibility period will be effective, subject to satisfactory evidence of insurability when applicable, or other necessary qualifications, pursuant to the requirements of the applicable benefit program, unless there is a change in status that would confer new eligibility for change of enrollment under rules established supplementing this Act, in which event application must be made within the new eligibility period.

(c) As to the group health benefits program contracted to begin or continue after June 30, 1973, each retired employee shall become immediately eligible and covered for all benefits available under that program. Retired employees may elect coverage for eligible dependents and shall have the coverage effective immediately, provided that the
election is properly filed in accordance with required filing dates and procedures specified by the Director.

Except as otherwise provided in this Act, where husband and wife are both eligible members, each shall be enrolled as a member and coverage on their eligible dependent children, if any, may be under the enrollment and election of either.

Regardless of other provisions herein regarding late enrollment or other qualifications, as appropriate, the Director may periodically authorize open enrollment periods for each of the benefit programs at which time each member may elect enrollment or change of enrollment without regard to age, sex, health, or other qualification under the conditions as may be prescribed in rules and regulations supplementing this Act. Special open enrollment periods may be declared by the Director for certain members only when special circumstances occur that affect only those members.

(d) Beginning with fiscal year 2003 and for all subsequent years, eligible members may elect not to participate in the program of health benefits as defined in this Act. The election must be made during the annual benefit choice period, subject to the conditions in this subsection.

(1) Members must furnish proof of health benefit coverage, either comprehensive major medical coverage or comprehensive managed care plan, from a source other than the Department of Central Management Services in order to elect not to participate in the program.

(2) Members may re-enroll in the Department of Central Management Services program of health benefits upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions, provided that there was not a break in coverage of more than 63 days.

(3) Members may also re-enroll in the program of health benefits during any annual benefit choice period, without evidence of insurability.

(4) Members who elect not to participate in the program of health benefits shall be furnished a written explanation of the requirements and limitations for the election not to participate in the program and for re-enrolling in the program. The explanation shall also be included in the annual benefit choice options booklets furnished to members.
(e) Notwithstanding any other provision of this Act or the rules adopted under this Act, if a person participating in the program of health benefits as the dependent spouse of an eligible member becomes an annuitant, the person may elect, at the time of becoming an annuitant or during any subsequent annual benefit choice period, to continue participation as a dependent rather than as an eligible member for as long as the person continues to be an eligible dependent.

An eligible member who has elected to participate as a dependent may re-enroll in the program of health benefits as an eligible member (i) during any subsequent annual benefit choice period or (ii) upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions.

A person who elects to participate in the program of health benefits as a dependent rather than as an eligible member shall be furnished a written explanation of the consequences of electing to participate as a dependent and the conditions and procedures for re-enrolling as an eligible member. The explanation shall also be included in the annual benefit choice options booklet furnished to members.

(Source: P.A. 92-600, eff. 6-28-02; 93-553, eff. 8-20-03.)

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

Passed in the General Assembly May 11, 2005.
Approved July 1, 2005.
Effective July 1, 2005.

PUBLIC ACT 94-0096
(House Bill No. 0729)

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

Section 5. The Hazardous Material Emergency Response Reimbursement Act is amended by changing Section 3 as follows:

(430 ILCS 55/3) (from Ch. 127 1/2, par. 1003)
Sec. 3. Definitions. As used in this Act:
(a) "Emergency action" means any action taken at or near the scene of a hazardous materials emergency incident to prevent or minimize harm

New matter indicated by italics - deletions by strikeout
to human health, to property, or to the environments from the unintentional release of a hazardous material.

(b) "Emergency response agency" means a unit of local government, or volunteer fire protection organization, or the American Red Cross that provides:
   (1) firefighting services;
   (2) emergency rescue services;
   (3) emergency medical services;
   (4) hazardous materials response teams;
   (5) civil defense; or
   (6) technical rescue teams; or
   (7) mass care or assistance to displaced persons.

(c) "Responsible party" means a person who:
   (1) owns or has custody of hazardous material that is involved in an incident requiring emergency action by an emergency response agency; or
   (2) owns or has custody of bulk or non-bulk packaging or a transport vehicle that contains hazardous material that is involved in an incident requiring emergency action by an emergency response agency; and
   (3) who causes or substantially contributed to the cause of the incident.

(d) "Person" means an individual, a corporation, a partnership, an unincorporated association, or any unit of federal, State or local government.

(e) "Annual budget" means the cost to operate an emergency response agency excluding personnel costs, which include salary, benefits and training expenses; and costs to acquire capital equipment including buildings, vehicles and other such major capital cost items.

(f) "Hazardous material" means a substance or material in a quantity and form determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health and safety or property when transported in commerce.

(g) "Panel" means administrative panel.

(Source: P.A. 93-159, eff. 1-1-04.)
Passed in the General Assembly May 11, 2005.
Approved July 1, 2005.
Effective January 1, 2006.
AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-417 as follows:

(20 ILCS 605/605-417 new)

Sec. 605-417. International standardization assistance program.
The Department may create a program for the assistance of Illinois manufacturers and other businesses to become accredited and reaccredited in approved international standardization organizations. This program is subject to appropriation and may provide for the collaboration of statewide manufacturing extension organizations and other providers of programs offering certification in international standardization organizations.

The Department may promulgate rules regarding all aspects of the program of assistance provided for in this Section.

For the purposes of this Section, an "international standardization organization" shall mean a recognized body that provides, for common and repeated use, rules, specifications, and criteria to be applied consistently in the classification of materials, in the manufacture and supply of products, in testing and analysis, in terminology, and in the provision of services and may include a reference framework or a common technological language between suppliers and their customers that facilitates trade and the transfer of technology.

Passed in the General Assembly May 16, 2005.
Approved July 1, 2005.
Effective January 1, 2006.

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

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Public Labor Relations Act is amended by changing Sections 3 and 4 and adding Section 2.5 as follows:

(5 ILCS 315/2.5 new)

Sec. 2.5. Findings and declarations; court reporters. The General Assembly finds and declares:

(1) It is the public policy of the State of Illinois and the intent of the General Assembly that State employees, including the Illinois official certified court reporters, are granted collective bargaining rights as provided in this Act.

(2) The Illinois Supreme Court in the case of AOIC v. Teamsters 726 ruled that the Illinois Public Labor Relations Board could not assert jurisdiction over the Illinois official certified court reporters because the Supreme Court is their co-employer together with the Chief Judges of each judicial circuit.

(3) As a result of the Supreme Court's decision, the Illinois official certified court reporters have been denied the labor rights afforded all other State employees, including the rights to organize, to obtain recognition of their chosen collective bargaining representative, and to negotiate with respect to the wages, terms, and conditions of their employment.

(4) The General Assembly intends to create a statutory framework to allow Illinois official court reporters to enjoy the same collective bargaining and other labor rights granted to other public employees.

(5) Senate Resolution 431 and House Resolution 706, both of the 92nd General Assembly, were adopted, and in enacting this amendatory Act of the 94th General Assembly, the General Assembly is implementing the intent of those resolutions.

(5 ILCS 315/3) (from Ch. 48, par. 1603)

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Board" means the Illinois Labor Relations Board or, with respect to a matter over which the jurisdiction of the Board is assigned to the State Panel or the Local Panel under Section 5, the panel having jurisdiction over the matter.

(b) "Collective bargaining" means bargaining over terms and conditions of employment, including hours, wages, and other conditions of employment, as detailed in Section 7 and which are not excluded by Section 4.
(c) "Confidential employee" means an employee who, in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies.

(d) "Craft employees" means skilled journeymen, crafts persons, and their apprentices and helpers.

(e) "Essential services employees" means those public employees performing functions so essential that the interruption or termination of the function will constitute a clear and present danger to the health and safety of the persons in the affected community.

(f) "Exclusive representative", except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, means the labor organization that has been (i) designated by the Board as the representative of a majority of public employees in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before July 1, 1984 (the effective date of this Act) as the exclusive representative of the employees in an appropriate bargaining unit, (iii) after July 1, 1984 (the effective date of this Act) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the employees in an appropriate bargaining unit; or (iv) recognized as the exclusive representative of personal care attendants or personal assistants under Executive Order 2003-8 prior to the effective date of this amendatory Act of the 93rd General Assembly, and the organization shall be considered to be the exclusive representative of the personal care attendants or personal assistants as defined in this Section.

With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, "exclusive representative" means the labor organization that has been (i) designated by the Board as the representative of a majority of peace officers or fire fighters in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before January 1, 1986 (the effective date of this amendatory Act of 1985) as the exclusive representative.
representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit, or (iii) after January 1, 1986 (the effective date of this amendatory Act of 1985) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit.

(g) "Fair share agreement" means an agreement between the employer and an employee organization under which all or any of the employees in a collective bargaining unit are required to pay their proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and other conditions of employment, but not to exceed the amount of dues uniformly required of members. The amount certified by the exclusive representative shall not include any fees for contributions related to the election or support of any candidate for political office. Nothing in this subsection (g) shall preclude an employee from making voluntary political contributions in conjunction with his or her fair share payment.

(g-1) "Fire fighter" means, for the purposes of this Act only, any person who has been or is hereafter appointed to a fire department or fire protection district or employed by a state university and sworn or commissioned to perform fire fighter duties or paramedic duties, except that the following persons are not included: part-time fire fighters, auxiliary, reserve or voluntary fire fighters, including paid on-call fire fighters, clerks and dispatchers or other civilian employees of a fire department or fire protection district who are not routinely expected to perform fire fighter duties, or elected officials.

(g-2) "General Assembly of the State of Illinois" means the legislative branch of the government of the State of Illinois, as provided for under Article IV of the Constitution of the State of Illinois, and includes but is not limited to the House of Representatives, the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Joint Committee on Legislative Support Services and any legislative support services agency listed in the Legislative Commission Reorganization Act of 1984.

(h) "Governing body" means, in the case of the State, the State Panel of the Illinois Labor Relations Board, the Director of the Department of Central Management Services, and the Director of the Department of Labor; the county board in the case of a county; the corporate authorities in
the case of a municipality; and the appropriate body authorized to provide for expenditures of its funds in the case of any other unit of government.

(i) "Labor organization" means any organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public employer concerning wages, hours, and other terms and conditions of employment, including the settlement of grievances.

(j) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of management policies and practices.

(k) "Peace officer" means, for the purposes of this Act only, any persons who have been or are hereafter appointed to a police force, department, or agency and sworn or commissioned to perform police duties, except that the following persons are not included: part-time police officers, special police officers, auxiliary police as defined by Section 3.1-30-20 of the Illinois Municipal Code, night watchmen, "merchant police", court security officers as defined by Section 3-6012.1 of the Counties Code, temporary employees, traffic guards or wardens, civilian parking meter and parking facilities personnel or other individuals specially appointed to aid or direct traffic at or near schools or public functions or to aid in civil defense or disaster, parking enforcement employees who are not commissioned as peace officers and who are not armed and who are not routinely expected to effect arrests, parking lot attendants, clerks and dispatchers or other civilian employees of a police department who are not routinely expected to effect arrests, or elected officials.

(l) "Person" includes one or more individuals, labor organizations, public employees, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or the State of Illinois or any political subdivision of the State or governing body, but does not include the General Assembly of the State of Illinois or any individual employed by the General Assembly of the State of Illinois.

(m) "Professional employee" means any employee engaged in work predominantly intellectual and varied in character rather than routine mental, manual, mechanical or physical work; involving the consistent exercise of discretion and adjustment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring advanced knowledge in a field of science or learning customarily acquired by a
prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from apprenticeship or from training in the performance of routine mental, manual, or physical processes; or any employee who has completed the courses of specialized intellectual instruction and study prescribed in this subsection (m) and is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in this subsection (m).

(n) "Public employee" or "employee", for the purposes of this Act, means any individual employed by a public employer, including interns and residents at public hospitals and, as of the effective date of this amendatory Act of the 93rd General Assembly, but not before, personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act, but excluding all of the following: employees of the General Assembly of the State of Illinois; elected officials; executive heads of a department; members of boards or commissions; the Executive Inspectors General; any special Executive Inspectors General; employees of each Office of an Executive Inspector General; commissioners and employees of the Executive Ethics Commission; the Auditor General's Inspector General; employees of the Office of the Auditor General's Inspector General; the Legislative Inspector General; any special Legislative Inspectors General; employees of the Office of the Legislative Inspector General; commissioners and employees of the Legislative Ethics Commission; employees of any agency, board or commission created by this Act; employees appointed to State positions of a temporary or emergency nature; all employees of school districts and higher education institutions except firefighters and peace officers employed by a state university; managerial employees; short-term employees; confidential employees; independent contractors; and supervisors except as provided in this Act.

Personal care attendants and personal assistants shall not be considered public employees for any purposes not specifically provided for in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/).
Notwithstanding Section 9, subsection (c), or any other provisions of this Act, all peace officers above the rank of captain in municipalities with more than 1,000,000 inhabitants shall be excluded from this Act.

(o) Except as otherwise in subsection (o-5), "public employer" or "employer" means the State of Illinois; any political subdivision of the State, unit of local government or school district; authorities including departments, divisions, bureaus, boards, commissions, or other agencies of the foregoing entities; and any person acting within the scope of his or her authority, express or implied, on behalf of those entities in dealing with its employees. As of the effective date of this amendatory Act of the 93rd General Assembly, but not before, the State of Illinois shall be considered the employer of the personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act. The State shall not be considered to be the employer of personal care attendants and personal assistants for any purposes not specifically provided for in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/). "Public employer" or "employer" as used in this Act, however, does not mean and shall not include the General Assembly of the State of Illinois, the Executive Ethics Commission, the Offices of the Executive Inspectors General, the Legislative Ethics Commission, the Office of the Legislative Inspector General, the Office of the Auditor General's Inspector General, and educational employers or employers as defined in the Illinois Educational Labor Relations Act, except with respect to a state university in its employment of firefighters and peace officers. County boards and county sheriffs shall be designated as joint or co-employers of county peace officers appointed under the authority of a county sheriff. Nothing in this subsection (o) shall be construed to prevent the State Panel or the Local Panel from determining that employers are joint or co-employers.

(o-5) With respect to wages, fringe benefits, hours, holidays, vacations, proficiency examinations, sick leave, and other conditions of employment, the public employer of public employees who are court reporters, as defined in the Court Reporters Act, shall be determined as follows:

New matter indicated by italics - deletions by strikeout
(1) For court reporters employed by the Cook County Judicial Circuit, the chief judge of the Cook County Circuit Court is the public employer and employer representative.

(2) For court reporters employed by the 12th, 18th, 19th, and, on and after December 4, 2006, the 22nd judicial circuits, a group consisting of the chief judges of those circuits, acting jointly by majority vote, is the public employer and employer representative.

(3) For court reporters employed by all other judicial circuits, a group consisting of the chief judges of those circuits, acting jointly by majority vote, is the public employer and employer representative.

(p) "Security employee" means an employee who is responsible for the supervision and control of inmates at correctional facilities. The term also includes other non-security employees in bargaining units having the majority of employees being responsible for the supervision and control of inmates at correctional facilities.

(q) "Short-term employee" means an employee who is employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable assurance that he or she will be rehired by the same employer for the same service in a subsequent calendar year.

(r) "Supervisor" is an employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, to adjust their grievances, or to effectively recommend any of those actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment. Except with respect to police employment, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising that authority, State supervisors notwithstanding. In addition, in determining supervisory status in police employment, rank shall not be determinative. The Board shall consider, as evidence of bargaining unit inclusion or exclusion, the common law enforcement policies and relationships between police officer ranks and certification under applicable civil service law, ordinances, personnel codes, or Division 2.1 of Article 10 of the Illinois Municipal Code, but these factors shall not be the sole or predominant factors considered by the Board in determining police supervisory status.

New matter indicated by italics - deletions by strikeout
Notwithstanding the provisions of the preceding paragraph, in determining supervisory status in fire fighter employment, no fire fighter shall be excluded as a supervisor who has established representation rights under Section 9 of this Act. Further, in new fire fighter units, employees shall consist of fire fighters of the rank of company officer and below. If a company officer otherwise qualifies as a supervisor under the preceding paragraph, however, he or she shall not be included in the fire fighter unit. If there is no rank between that of chief and the highest company officer, the employer may designate a position on each shift as a Shift Commander, and the persons occupying those positions shall be supervisors. All other ranks above that of company officer shall be supervisors.

(s) (1) "Unit" means a class of jobs or positions that are held by employees whose collective interests may suitably be represented by a labor organization for collective bargaining. Except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both employees and supervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on July 1, 1984 (the effective date of this Act). With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both supervisors and nonsupervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on January 1, 1986 (the effective date of this amendatory Act of 1985). A bargaining unit determined by the Board to contain peace officers shall contain no employees other than peace officers unless otherwise agreed to by the employer and the labor organization or labor organizations involved. Notwithstanding any other provision of this Act, a bargaining unit, including a historical bargaining unit, containing sworn peace officers of the Department of Natural Resources (formerly designated the Department of Conservation) shall contain no employees other than such sworn peace officers upon the effective date of this amendatory Act of 1990 or upon the expiration date of
any collective bargaining agreement in effect upon the effective date of this amendatory Act of 1990 covering both such sworn peace officers and other employees.

(2) Notwithstanding the exclusion of supervisors from bargaining units as provided in paragraph (1) of this subsection (s), a public employer may agree to permit its supervisory employees to form bargaining units and may bargain with those units. This Act shall apply if the public employer chooses to bargain under this subsection.

(3) Public employees who are court reporters, as defined in the Court Reporters Act, shall be divided into 3 units for collective bargaining purposes. One unit shall be court reporters employed by the Cook County Judicial Circuit; one unit shall be court reporters employed by the 12th, 18th, 19th, and, on and after December 4, 2006, the 22nd judicial circuits; and one unit shall be court reporters employed by all other judicial circuits.

(Source: P.A. 93-204, eff. 7-16-03; 93-617, eff. 12-9-03.)

(5 ILCS 315/4) (from Ch. 48, par. 1604)

Sec. 4. Management Rights. Employers shall not be required to bargain over matters of inherent managerial policy, which shall include such areas of discretion or policy as the functions of the employer, standards of services, its overall budget, the organizational structure and selection of new employees, examination techniques and direction of employees. Employers, however, shall be required to bargain collectively with regard to policy matters directly affecting wages, hours and terms and conditions of employment as well as the impact thereon upon request by employee representatives.

To preserve the rights of employers and exclusive representatives which have established collective bargaining relationships or negotiated collective bargaining agreements prior to the effective date of this Act, employers shall be required to bargain collectively with regard to any matter concerning wages, hours or conditions of employment about which they have bargained for and agreed to in a collective bargaining agreement prior to the effective date of this Act.

The chief judge of the judicial circuit that employs a public employee who is a court reporter, as defined in the Court Reporters Act, has the authority to hire, appoint, promote, evaluate, discipline, and discharge court reporters within that judicial circuit.

New matter indicated by italics - deletions by strikeout
Nothing in this amendatory Act of the 94th General Assembly shall be construed to intrude upon the judicial functions of any court. This amendatory Act of the 94th General Assembly applies only to nonjudicial administrative matters relating to the collective bargaining rights of court reporters.
(Source: P.A. 83-1012.)

Section 10. The Court Reporters Act is amended by changing Sections 1, 3, 4, 4.1, 5, 6, 7, and 8 and adding Section 8.1 as follows:

(705 ILCS 70/1) (from Ch. 37, par. 651)

Sec. 1. Definitions. In this Act:
"Court reporter", for the purposes of this Act, means any person appointed by the chief judge of any circuit to perform the duties prescribed in Section 5 of this Act.
"Employer representative" means, with respect to wages, fringe benefits, hours, holidays, vacation, proficiency examinations, sick leave, and other conditions of employment:

(1) For court reporters employed by the Cook County Judicial Circuit, the chief judge of the Cook County Circuit Court.
(2) For court reporters employed by the 12th, 18th, 19th, and, on and after December 4, 2006, the 22nd judicial circuits, a group consisting of the chief judges of those circuits, acting jointly by majority vote.
(3) For court reporters employed by all other judicial circuits, the chief judges of those circuits, acting jointly by majority vote.

The chief judge of the judicial circuit that employs a public employee who is a court reporter, as defined in the Court Reporters Act, has the authority to hire, appoint, promote, evaluate, discipline, and discharge court reporters within that judicial circuit.
(Source: Laws 1965, p. 2616.)

(705 ILCS 70/3) (from Ch. 37, par. 653)

Sec. 3. Number; determination and certification by supreme court. The number of full-time and part-time court reporters that may be appointed in each circuit shall be determined by the employer representative Supreme Court. In determining how many court reporters are needed in each circuit the employer representative Supreme Court shall consider the following factors: (1) case loads in the circuit; (2) the number of associate judges and circuit judges in the circuit; (3) the number and location in the circuit of major federal and state highways; (4) the

New matter indicated by italics - deletions by strikeout
location in the circuit of state police highway truck weighing stations; (5) the relationship of urban population to large metropolitan centers in the various counties of the circuit; (6) the location in the circuit of state institutions including, but not limited to, universities, colleges, mental health facilities, penitentiaries; (7) the number of cities and towns within each circuit in which regular court sessions are held and the distance in road miles between each; and (8) any other factor deemed relevant by the employer representative Supreme Court.

The employer representative Supreme Court shall certify in writing to each chief judge the number of full-time and part-time court reporters the chief judge may appoint in his circuit and may, as the need arises, increase or lower the number of such court reporters so authorized.

The Chief Judge of each circuit may designate any number of Supreme Court approved full-time court reporter positions as time share positions. For the purposes of this Act, "time share position" means a full-time court reporter position that is divided among 2 or more court reporters with the full-time salary and benefits being apportioned among the court reporters in the same percentage as the duties of the full-time position are apportioned.

(705 ILCS 70/4) (from Ch. 37, par. 654)

Sec. 4. Appointment; oath. The chief judge may appoint all or any of the number of court reporters authorized by Section 3 of this Act certification of the Supreme Court. The court reporters so appointed shall serve at the direction pleasure of the chief judge and may be removed by the chief judge.

Each court reporter appointed shall, before entering upon the duties of his office, take the official oath to faithfully discharge the duties of his office to the best of his knowledge and ability.

The appointments shall be in writing and shall be filed with the Clerk of the Circuit Court of the circuit in which the court reporters are employed Supreme Court and shall continue in force until revoked by the chief judge of the circuit in which the court reporter is appointed.

(705 ILCS 70/4.1) (from Ch. 37, par. 654.1)

Sec. 4.1. Appointment and salary of administrative personnel.

(a) The employer representative Supreme Court may authorize the chief judge of any single county circuit in which official court reporting services are centrally administered, (1) to appoint from among the court

New matter indicated by italics - deletions by strikeout
reporters appointed in the circuit an Administrator of Court Reporters, a Deputy Administrator of Court Reporters and 2 Assistant Administrators of Court Reporters, (2) to designate from among the court reporters appointed in the circuit one Reporter Supervisor and one Assistant Reporter Supervisor for each Department and Division of the circuit court, and (3) to appoint secretarial and other support staff to assist the Administrator. Each Administrator, Deputy Administrator, Assistant Administrator, Reporter Supervisor, and Assistant Reporter Supervisor shall have an "A" proficiency rating, by examination, as provided in Section 7.

(b) Administrative personnel appointed under this Section shall be paid by the State.

(1) In addition to their regular salary as official court reporters, the administrative personnel appointed under this Section shall be paid such additional sums as the employer representative Supreme Court specifies. Such sums shall be included in the pay schedule adopted pursuant to Section 8. The additional amounts paid shall reflect the burden of administrative responsibility borne by the administrative personnel and the consequent lack of opportunity to produce transcripts of testimony. The additional amounts paid to such personnel shall not exceed the following:

(A) Administrator of Court Reporters: $20,000 per year;
(B) Deputy Administrator of Court Reporters: $15,000 per year;
(C) Assistant Administrators of Court Reporters: $13,000 per year;
(D) Reporter Supervisors: $10,000 per year.
(E) Assistant Reporter Supervisors: $5,000 per year.

(2) Each of the secretarial and other support staff authorized under this Section shall be paid a salary as determined per year by the employer representative Supreme Court.

(Source: P.A. 86-1378.)

(705 ILCS 70/5) (from Ch. 37, par. 655)

Sec. 5. Means of reporting; transcripts. The court reporter shall make a full reporting by means of stenographic hand or machine notes, or a combination thereof, of the evidence and such other proceedings in trials and judicial proceedings to which he is assigned by the chief judge, and the court reporter may use an electronic instrument as a supplementary device. In the event that the court utilizes an audio or video recording system to record the proceedings, a court reporter shall be in charge of
such system; however, the appointment of a court reporter to be in charge of an audio or video recording system shall not be required where such system is the judge's personal property or has been supplied by a party or such party's attorney. To the extent that it does not substantially interfere with the court reporter's other official duties, the judge to whom, or a judge of the division to which, a reporter is assigned may assign a reporter to secretarial or clerical duties arising out of official court operations.

Unless and until otherwise provided in a Uniform Schedule of Charges which may hereafter be provided by rule or order of the employer representative Supreme Court, a court reporter may charge not to exceed 25¢ per 100 words for making transcripts of his notes. The fees for making transcripts shall be paid in the first instance by the party in whose behalf such transcript is ordered and shall be taxed in the suit.

The transcripts shall be filed and remain with the papers of the case. When the judge trying the case shall, of his own motion, order a transcript of the court reporter's notes, the judge may direct the payment of the charges therefor, and the taxation of the charges as costs in such manner as to him may seem just. Provided, that the charges for making but one transcript shall be taxed as costs and the party first ordering the transcript shall have preference unless it shall be otherwise ordered by the court.

The change made to this Section by this amendatory Act of 1987 is intended to apply retroactively from and after January 1, 1987.

(Source: P.A. 85-981.)

(705 ILCS 70/6) (from Ch. 37, par. 656)

Sec. 6. Assignment to serve outside of county of appointment; Travel expenses.

The chief judge may assign a court reporter to serve anywhere within the circuit in which the court reporter is appointed. A court reporter shall be paid travel expenses incurred in connection with his official duties in his circuit of appointment outside the county wherein he resides. Subject to regulations which may be adopted by the Supreme Court, court reporters shall be allowed travel expenses when traveling within their county of residence in connection with their official duties.

The employer representative Supreme Court may assign a court reporter to temporary service outside his own circuit, but within the jurisdiction of the employer representative, with the consent of the chief judge of his circuit. A court reporter shall be paid travel expenses incurred
in connection with his official duties during such periods of temporary assignment.

Expense vouchers shall be submitted to the employer representative Supreme Court for approval. The expense vouchers or claims submitted to the employer representative Supreme Court shall have endorsed thereon the signed approval of the chief judge of the circuit in which the court reporter incurred the expense for which claim is made.

(Source: P.A. 77-1685.)

(705 ILCS 70/7) (from Ch. 37, par. 657)

Sec. 7. Proficiency tests. Except as otherwise provided in this Section, each court reporter in office on January 1, 1966 or appointed on or after that date shall have taken or shall thereafter take a test to rate his proficiency. The test shall be prepared and administered by the employer representative in consultation with each of the other employer representatives Supreme Court. The test shall consist of three parts designated Part A, Part B and Part C. If the court reporter in office on January 1, 1966, or appointed on or after that date, successfully passes any Part he shall be given a certificate designating him as an official court reporter. If such court reporter fails to pass any part, the employer representative Supreme Court shall so inform the chief judge of the circuit in which the court reporter serves. Upon receipt of note that a court reporter has failed to pass any part of the test, the chief judge may discharge the court reporter or may allow him to continue until the test is next administered. If, when the test is next administered, the court reporter fails to pass any part of the test, he shall be discharged by the chief judge.

The test shall be administered at least every six months if there are candidates or applicants for the test. Any court reporter who has passed Part C of the test may apply to take the Part B or the Part A section of the test at the regular time such tests are given. If the court reporter successfully completes Part B or Part A of the test, his proficiency rating shall be adjusted to reflect passage of the more difficult Part.

Any court reporter who served as a court reporter in a circuit court for 5 years immediately preceding January 1, 1966 shall be certified as an official court reporter without examination, and shall be credited with an "A" proficiency rating, without examination.

(Source: P.A. 84-1395.)

(705 ILCS 70/8) (from Ch. 37, par. 658)

Sec. 8. Salaries.

New matter indicated by italics - deletions by strikeout
(a) The salaries of all court reporters shall be paid by the State. Full-time court reporters shall be paid not less than $6,000 nor more than $29,500 per year through June 30, 1984. Beginning July 1, 1984, full-time court reporters shall be paid not less than $6,000 nor more than $31,250 annually. Beginning July 1, 1985, full-time court reporters shall be paid not less than $6,000 nor more than $33,250 annually. Beginning July 1, 1986, full-time court reporters shall be paid not less than $6,000 nor more than $35,250 annually. Beginning July 1, 1987, full-time court reporters shall be paid not less than $6,000 nor more than $37,250 annually. Part-time court reporters shall be paid not less than $12 nor more than $60 per half-day. The salary of each individual court reporter shall be computed from a schedule adopted by the employer representative Supreme Court. The salary schedule shall reflect the following relevant factors: (1) proficiency rating; (2) experience; (3) population of the area to which a reporter is normally assigned; (3-1) court reporters shall receive the same annual percentage salary increase as provided to other State-paid non-judicial employees of the Judicial Branch with equivalent salaries, except that notwithstanding any other provision of law, salaries of full time court reporters shall be increased by at least a percentage increase equivalent to that of the "Employment Cost Index, Wages and Salaries, by Occupation and Industry Groups, State and Local Government Workers Public Administration", as published by the Bureau of Labor Statistics of the U.S. Department of Labor for the calendar year immediately preceding the year of the respective July 1st increase date. The increase shall be added to the then current annual salary and the adjusted salary so determined shall be the annual salary beginning July 1 of the increase year until July 1 of the next year; (4) other factors considered relevant by the Director.

(b) (Blank). Not less than 60 days before the effective date of this Act, the chief judge of each circuit shall submit to the Supreme Court, on forms to be provided by the Supreme Court, such information as may be necessary to implement the Provisions of this Act.

(c) A court reporter who has previously passed, or who hereafter passes, Part A or Part B of a proficiency test prepared and administered by the employer representative Supreme Court shall be credited with an "A" or "B" proficiency rating, as appropriate.

(d) A court reporter who has been credited with an "A" proficiency rating, without examination, as provided in Section 7 of this Act, shall receive a salary of $10,000 per annum. Any increase in the maximum
salary payable to reporters shall not result in any increase for such reporter unless and until he has passed the proficiency test.

(e) The salaries of all official court reporters employed by the State shall be paid monthly, from moneys appropriated to the Comptroller for that purpose, on the voucher of the chief judge of the circuit employing the court reporters. The Comptroller may require all salary claims by part-time reporters to be substantiated by certificates signed by the reporter and approved by the chief judge of the circuit.

(f) The salaries of time share court reporter positions may be apportioned in the manner provided in Section 3 of this Act.

(705 ILCS 70/8.1 new)
Sec. 8.1. Appropriation request. Each employer representative shall make an annual appropriation request in January to the General Assembly to fund court reporters. When necessary, an employer representative may request supplemental appropriations to fund court reporters.

Section 15. The Court Reporter Transcript Act is amended by changing Section 4 as follows:

(705 ILCS 75/4) (from Ch. 37, par. 664)
Sec. 4. The reporter, in full for all his services in connection with the transcribing and filing or furnishing the transcripts referred to in this Act, shall be paid a fee as provided in Section 5 of the Court Reporters Act, approved August 5, 1965, as amended. All such fees shall be paid out of the State Treasury on the warrant of the chief judge of the circuit employing the court reporter, from appropriations made to the Comptroller for such purpose, upon presentation of a certificate signed by the presiding judge setting the amount due said reporter. Such certificate shall as to each original transcript (and a copy or copies where fee for a copy or copies is authorized by statute or Illinois Supreme Court Rule) set forth the title and number of the cause in which the transcript was required to be furnished, the nature of the proceedings transcribed (whether an arraignment, proceedings at criminal trial or proceedings at post-conviction hearing) and the fee approved therefor. The employer representative, as defined in the Court Reporters Act, may prescribe the form of the certificate and furnish same.

(Source: P.A. 90-505, eff. 8-19-97.)

New matter indicated by italics - deletions by strikeout
Section 95. Liberal construction. This Act shall be liberally construed to effectuate its purpose of facilitating the equitable resolution of labor relations concerning court reporters.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

Passed in the General Assembly May 16, 2005.
Approved July 1, 2005.
Effective July 1, 2005.

PUBLIC ACT 94-0099
(House Bill No. 2566)

AN ACT concerning veterans.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Veterans' Employment Act is amended by changing Sections 3, 5, 6, and 7 as follows:

(330 ILCS 25/3) (from Ch. 126 1/2, par. 203)
Sec. 3. Definition. For the purposes of this Act, "Director" means the Director of the Department of Commerce and Economic Opportunity or its successor agency.
(Source: P.A. 88-12.)

(330 ILCS 25/5) (from Ch. 126 1/2, par. 205)
Sec. 5. Service centers.
(a) The Director shall designate multipurpose service centers for veterans operated by community nonprofit agencies or organizations. To the greatest extent possible, the Director shall rely on such agencies or organizations whose major emphasis has been to provide social services.
(b) The Director shall search for such nonprofit agencies or organizations to carry out the programs created under this Act.
(c) The Director shall designate the agencies or organizations to carry out such programs.
(d) Subject to appropriation, the Director shall begin to provide the necessary funds to the nonprofit agencies or organizations to set up and begin the operation of the multipurpose service centers. Thereafter the Director shall provide the funds appropriated for grants to the centers as the costs of the centers are incurred.

New matter indicated by italics - deletions by strikeout
(e) The Director shall, with the advice of the staff of the centers, promulgate rules and regulations to implement this Act. Such rules and regulations shall include eligibility of persons for job training programs, the level of stipends for the job training programs, and a sliding fee scale for the service programs.

(f) In performing his duties pursuant to this Act, the Director shall consult and cooperate with such State agencies as may be appropriate, including but not limited to the Illinois Department of Employment Security and the Department of Veterans' Affairs to ensure that there is no duplication of services.

(Source: P.A. 88-12.)

(330 ILCS 25/6) (from Ch. 126 1/2, par. 206)

Sec. 6. (a) The multipurpose service centers shall, after consulting and in cooperation with the Illinois Department of Commerce and Economic Opportunity Employment Security, develop job counseling and placement services by cooperating with federal, State and local governmental agencies and private employers. The services shall include:

1. counseling veterans with respect to appropriate job opportunities;
2. identifying community needs and seeking funding for new public and private sector jobs in relation to this Act;
3. providing veterans with training, skills and referral services to help them to become gainfully employed and independent;
4. developing plans to include more veterans in existing training and placement programs; and
5. referring veterans to agencies which provide information and assistance with respect to health care, financial matters, education, nutrition and legal problems.

(b) To the extent possible, the centers shall serve surrounding rural areas through a rural outreach effort.

(c) To the extent possible, supervisory, technical and administrative positions relating to the multipurpose service programs shall be filled by veterans.

(d) The director of each center shall submit an annual report to the Director. The report shall include evaluations of the effectiveness of the job training, placement and service programs to veterans including the number of persons trained, the number of persons placed in employment, follow-up data on such persons, the number of persons served by the various service programs, and estimates of the cost effectiveness of the

New matter indicated by italics - deletions by strikeout
various components of the center. The Director shall also require quarterly reports and shall by rule specify the information to be included in the quarterly reports.

(e) The director of each center may accept, use and dispose of contributions of money, services and property for the purposes of this Act.

(Source: P.A. 85-792.)

(330 ILCS 25/7) (from Ch. 126 1/2, par. 207)

Sec. 7. (a) The sponsoring nonprofit agency or organization shall consult and cooperate with the Illinois Department of Commerce and Economic Opportunity to ensure that there is no duplication of services, and shall cooperate with federal, State and local agencies to coordinate the multiservice programs established under this Act.

(b) The agency or organization and the communities served by programs established under this Act shall provide a total of not less than 5% of the cost of the operation of the centers to supplement monies appropriated to implement and continue this Act.

(Source: P.A. 83-1503.)

Passed in the General Assembly May 16, 2005.
Approved July 1, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0100
(House Bill No. 2572)

AN ACT concerning safety.

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

Section 1. Short title. This Act may be cited as the Brominated Fire Retardant Prevention Act.

Section 5. Legislative findings.

(a) Chemicals known as brominated flame retardants (BFR's) are widely used in the United States. To meet stringent fire standards, manufacturers add BFR's to a multitude of products, including plastic housing of electronics and computers, circuit boards, and the foam and textiles used in furniture.

(b) Polybrominated diphenyl ether (PBDE), which is a subcategory of BFR's, has increased forty-fold in human breast milk since the 1970s.

New matter indicated by italics - deletions by strikeout
(c) PBDE has the potential to disrupt thyroid hormone balance and contribute to a variety of developmental deficits, including low intelligence and learning disabilities. PBDE may also have the potential to cause cancer.

(d) Substantial efforts to eliminate BFR's from products have been made throughout the world, including private and public sectors. These efforts have made available numerous alternatives safe to human health while meeting stringent fire standards. To meet market demand, it is in the interest of State manufacturers to eliminate the use of BFR's.

(e) In order to protect the public health and the environment, the General Assembly believes it is necessary for the State to develop a precautionary approach regarding the production, use, storage, and disposal of products containing brominated fire retardants.

Section 10. Definitions. In this Act:
"DecaBDE" means decabromodiphenyl ether.
"OctaBDE" means octabromodiphenyl ether.
"PBDE" means polybrominated diphenyl ether.
"PentaBDE" means pentabromodiphenyl ether.

Section 15. Regulation of brominated flame retardant.
(a) Effective January 1, 2006, a person may not manufacture, process, or distribute in commerce a product or a flame-retarded part of a product containing more than one-tenth of 1% of pentaBDE or octaBDE.
(b) Subsection (a) of this Section does not apply to the following:
   (1) The sale by a business, charity, or private party of any used product containing PBDE.
   (2) The distribution in commerce of original equipment manufacturer replacement service parts manufactured prior to the effective date of this Act.
   (3) The processing of recycled material containing pentaBDE or octaBDE in compliance with applicable State and federal laws.

Section 20. Penalty. A person who violates Section 15 of this Act is guilty of a business offense and upon conviction shall be subject to a fine of not less than $10,000 and not more than $25,000 for each violation.

Section 25. DecaBDE Study. By January 2, 2006, the Illinois Environmental Protection Agency, shall submit to the General Assembly and the Governor a report that reviews the latest available scientific research to address the following issues:

New matter indicated by italics - deletions by strikeout
(1) whether decaBDE is bio-accumulating in humans and the environment, and if so, whether the levels of decaBDE are increasing, decreasing, or staying the same;
(2) how are humans exposed to decaBDE;
(3) what health effects could result from exposure to decaBDE, and are current levels of exposure at levels that could produce these effects;
(4) whether decaBDE breaks down into more harmful chemicals that could damage public health; and
(5) whether effective flame retardants are available for decaBDE uses, and whether the use of available alternatives reduce health risks while still maintaining an adequate level of flame retardant performance.

Section 30. Review of decaBDE study. By February 28, 2006, the Illinois Department of Public Health, shall submit to the General Assembly and the Governor a report that reviews the Illinois Environmental Protection Agency's decaBDE study. In addition to a review of any public health implications the Department of Public Health believes would result from exposure to decaBDE, it shall also comment on the following:

(1) the known exposure pathways for humans to decaBDE;
(2) what scientific evidence exists to demonstrate that decaBDE breaks down into other chemicals that could pose public health concerns; and
(3) what research and analysis exists on the potential human health effects of flame retardants that could be used as alternatives to decaBDE.

Section 35. Transportation of products containing PBDEs. Nothing in this Act restricts a manufacturer, importer, or distributor from transporting products containing PBDEs through this State or storing PBDEs in this State for further distribution.

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

Passed in the General Assembly May 16, 2005.
Approved July 1, 2005.
Effective July 1, 2005.
AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Plumbing License Law is amended by changing Sections 2, 2.5, and 29.5 as follows:
(225 ILCS 320/2) (from Ch. 111, par. 1102)
Sec. 2. When used in this Act:
"Agent" means a person designated by a sponsor as responsible for supervision of an apprentice plumber and who is also an Illinois licensed plumber.
"Apprentice plumber" means any licensed person who is learning and performing plumbing under the supervision of a sponsor or his agent in accordance with the provisions of this Act.
"Approved apprenticeship program" means an apprenticeship program approved by the U.S. Department of Labor's Bureau of Apprenticeship and Training and the Department under rules.
"Board" means the Illinois State Board of Plumbing Examiners.
"Building drain" means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to 5 feet beyond the foundation walls where it is connected to the building sewer.
"Building sewer" means that part of the horizontal piping of a drainage system that extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sewer or private sewage disposal system.
"Department" means the Illinois Department of Public Health.
"Director" means the Director of the Illinois Department of Public Health.
"Governmental unit" means a city, village, incorporated town, county, or sanitary or water district.
"Irrigation contractor" means a person who installs or supervises the installation of lawn sprinkler systems subject to Section 2.5 of this Act, other than a licensed plumber or a licensed apprentice plumber.
"Irrigation employee" means a person who is employed by a registered irrigation contractor or a licensed plumber, and who designs,

New matter indicated by italics - deletions by strikeout
repairs, alters, maintains, or installs lawn sprinkler systems that are subject to Section 2.5 of this Law.

"Lawn sprinkler system" means any underground irrigation system of lawn, shrubbery and other vegetation from any potable water sources; and from any water sources, whether or not potable; in: (i) any county with a population of 3,000,000 or more; (ii) any county with a population of 275,000 or more which is contiguous in whole or in part to a county with a population of 3,000,000 or more; and (iii) any county with a population of 37,000 or more but less than 150,000 which is contiguous to 2 or more counties with respective populations in excess of 275,000.

"Lawn sprinkler system" includes without limitation the water supply piping, valves, control systems, low voltage wiring, and sprinkler heads or other irrigation outlets, and moisture or rainfall sensing equipment, but does not include the backflow prevention device. "Lawn sprinkler system" does not include an irrigation system used primarily for agricultural purposes.

"Person" means any natural person, firm, corporation, partnership, or association.

"Plumber" means any licensed person authorized to perform plumbing as defined in this Act, but does not include retired plumbers as defined in this Act.

"Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person.

"Plumbing" includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems and backflow prevention devices connected to lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble.

"Plumbing" includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems.

"Plumbing" includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system 5 feet beyond the foundation walls.

New matter indicated by italics - deletions by strikeout
"Plumbing" does not mean or include the trade of drain-laying, the trade of drilling water wells which constitute the sources of private water supplies, and of making connections between such wells and pumping units in the water supply systems of buildings served by such private water supplies, or the business of installing water softening equipment and of maintaining and servicing the same, or the business of manufacturing or selling plumbing fixtures, appliances, equipment or hardware, or to the installation and servicing of electrical equipment sold by a not-for-profit corporation providing electrification on a cooperative basis, that either on or before January 1, 1971, is or has been financed in whole or in part under the federal Rural Electrification Act of 1936 and the Acts amendatory thereof and supplementary thereto, to its members for use on farms owned by individuals or operated by individuals, nor does it mean or include minor repairs which do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or re-installation of any pipe or plumbing fixtures. Plumbing does not include the installation, repair, maintenance, alteration or extension of building sewers.

"Plumbing contractor" means any person who performs plumbing, as defined in this Act, for another person. "Plumbing contractor" shall not include licensed plumbers and licensed apprentice plumbers who either are employed by persons engaged in the plumbing business or are employed by another person for the performance of plumbing solely for that other person, including, but not limited to, a hospital, university, or business maintenance staff.

"Plumbing fixtures" means installed receptacles, devices or appliances that are supplied with water or that receive or discharge liquids or liquid borne wastes, with or without discharge into the drainage system with which they may be directly or indirectly connected.

"Plumbing system" means the water service, water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; building drains; including their respective connections, devices and appurtenances.

"Plumbing system" does not include building sewers as defined in this Act.

"Retired plumber" means any licensed plumber in good standing who meets the requirements of this Act and the requirements prescribed by Department rule to be licensed as a retired plumber and voluntarily surrenders his plumber's license to the Department, in exchange for a
retired plumber's license. Retired plumbers cannot perform plumbing as defined in this Act, cannot sponsor or supervise apprentice plumbers, and cannot inspect plumbing under this Act. A retired plumber cannot fulfill the requirements of subsection (3) of Section 3 of this Act.

"Supervision" with respect to first and second year licensed apprentice plumbers means that such apprentices must perform all designing and planning of plumbing systems and all plumbing as defined in this Act under the direct personal supervision of the sponsor or his or her agent who must also be an Illinois licensed plumber, except for maintenance and repair work on existing plumbing systems done by second year apprentice plumbers; provided that before performing any maintenance and repair work without such supervision, such apprentice has received the minimum number of hours of annual classroom instruction recommended by the United States Department of Labor's Bureau of Apprenticeship and Training for apprentice plumbers in a Bureau of Apprenticeship and Training approved plumber apprenticeship program or its equivalent. "Supervision" with respect to all other apprentice plumbers means that, except for maintenance and repair work on existing plumbing systems, any plumbing done by such apprentices must be inspected daily, after initial rough-in and after completion by the sponsor or his or her agent who is also an Illinois licensed plumber. In addition, all repair and maintenance work done by a licensed apprentice plumber on an existing plumbing system must be approved by the sponsor or his or her agent who is also an Illinois licensed plumber.

"Sponsor" is an Illinois licensed plumber or an approved apprenticeship program that has accepted an individual as an Illinois licensed apprentice plumber for education and training in the field of plumbing and whose name and license number or apprenticeship program number shall appear on the individual's application for an apprentice plumber's license.

"Sponsored" means that each Illinois licensed apprentice plumber has been accepted by an Illinois licensed plumber or an approved apprenticeship program for apprenticeship training.

"Telecommunications carrier" means a telecommunications carrier as defined in the Public Utilities Act.

(Source: P.A. 91-184, eff. 1-1-00; 91-678, eff. 1-26-00; 92-338, eff. 8-10-01.)

(225 ILCS 320/2.5)

(Section scheduled to be repealed on January 1, 2013)

New matter indicated by italics - deletions by strikeout
Sec. 2.5. Irrigation contractors; lawn sprinkler systems.

(a) Every irrigation contractor doing business in this State shall annually register with the Department. Every irrigation contractor shall provide to the Department his or her business name and address, telephone number, name of principal, and FEIN number, and an original certificate of insurance documenting that the irrigation contractor carries general liability insurance with a minimum of $100,000 per occurrence, bodily injury insurance with a minimum of $300,000 per occurrence, property damage insurance with a minimum of $50,000, and worker's compensation insurance with a minimum of $500,000. No registration may be issued in the absence of the certificate of insurance. The certificate must be in force at all times for registration to remain valid.

On a form provided by the Department, every irrigation contractor must provide to the Department an indemnification bond in the amount of $20,000 or an irrevocable letter of credit from a financial institution guaranteeing that funds shall be available only to the Department and shall be released upon written notification by the Department in the same amount for any work on lawn sprinkler systems performed by the registered irrigation contractor. The letter of credit shall be printed on the letterhead of the issuing financial institution, be signed by an officer of the same financial institution, name the Department as the sole beneficiary, and expire on February 28 of each year.

Every irrigation contractor doing business in this State shall also register with the Department each and every employee who installs or supervises the installation of lawn sprinkler systems. The registration shall include the employee's name, home address, and telephone number. The Department may provide by rule for the administration of registrations under this subsection. The annual registration fee shall be set by the Department pursuant to Section 30 of this Act. Each registered irrigation contractor must provide proof that he or she employs at least one irrigation employee who has completed and passed an approved class in the design and installation of lawn sprinkler systems.

(b) A licensed plumber or licensed apprentice plumber may install a lawn sprinkler system connected to any water source without registration under this Section.

(c) A licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works mechanically. A licensed
plumber shall make the physical connection between a lawn sprinkler system and the backflow prevention device.

Upon the installation of every lawn sprinkler system in this State from the effective date of this amendatory Act of the 91st General Assembly forward, a licensed plumber shall affix to the backflow prevention device a tag certifying that the installation of that system has been completed in compliance with the minimum code of plumbing standards promulgated under this Act. The Department shall provide by rule for the registration of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly, including the means by which the Department shall be able to identify by registration number the identity of the responsible irrigation contractor and by license number the identity of the responsible licensed plumber. No lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly may be operated without the certification tag required under this Section.

The registered irrigation contractor and the licensed plumber whose identifying information is contained on the certification tag shall both be subject to the penalty provisions of this Act for violations for improper installation of a lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly.

(d) An irrigation contractor who has registered with the Department 7 or fewer persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least one licensed plumber who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. The licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor who has registered with the Department 8 to 12 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 2 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor who has registered with the Department 13 to 20 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 3 licensed plumbers who shall install or be responsible for the
installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor who that has registered with the Department 21 to 28 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 4 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor who that has registered with the Department 29 to 35 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 5 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor who that has registered with the Department 36 or more persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 6 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

The Department may provide by rule for the temporary waiver process for registered irrigation contractors who are unable to comply with the requirements of this subsection. When a temporary waiver is granted, it shall not be for a duration of more than 3 consecutive months. Upon the expiration of a temporary waiver issued by the Department, the registered irrigation contractor shall demonstrate that justifiable reasons exist why he or she is still unable to comply with the requirements of this subsection, despite good faith efforts to comply with the requirements. In no case shall a temporary waiver be granted for an irrigation contractor for more than a total of 6 months in a two-year period. In no case shall an irrigation contractor be relieved of the requirement that a licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works mechanically and make the physical connection between a sprinkler system and the backflow prevention device.

New matter indicated by italics - deletions by strikeout
(e) No person shall attach to a lawn sprinkler system any fixture intended to supply water for human consumption.

No person shall attach to a lawn sprinkler system any fixture other than the backflow prevention device, sprinkler heads, valves, and other parts integral to the operation of the system, unless the fixture is clearly marked as being for non-potable uses only.

(f) A college, university, trade school, vocational school, or association that has established a program providing a course of instruction in lawn sprinkler design and installation may submit a letter to the Department requesting approval of its program or course of instruction.

The request for approval shall include information on the curriculum offered by the program and the qualifications of the organization. The course shall consist of a minimum of 2 days of classroom education and an exam and shall include a provision for continuing education.

The Department shall evaluate the curriculum and organization before making a determination to approve or deny a request for approval.

In addition to providing to the Department the names of licensed plumbers who are employed by or contract with an irrigation contractor, an irrigation contractor must also provide to the Department the names of employees who have successfully completed an approved course on the installation of lawn sprinkler systems and proof that the course was successfully completed and that continuing education is also being completed.

(Source: P.A. 91-678, eff. 1-26-00; 92-778, eff. 8-6-02.)

(225 ILCS 320/29.5)

Sec. 29.5. Unlicensed and unregistered practice; violation; civil penalties.

(a) A person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a plumber or plumbing contractor without being licensed or registered under this Act, or as an irrigation contractor without being registered under this Act, shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee or registrant.
(b) The Department has the authority and power to investigate any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a plumber or plumbing contractor without being licensed or registered under this Act, or as an irrigation contractor without being registered under this Act.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had on the judgment in the same manner as a judgment from a court of record. All fines and penalties collected by the Department under this Section of the Act and accrued interest shall be deposited into the Plumbing Licensure and Program Fund for use by the Department in performing activities relating to the administration and enforcement of this Act.

(d) A person who practices, offers to practice, or holds himself or herself out to practice as an irrigation contractor without being registered under this Act shall be subject to the following:

(1) For a first offense:

(A) Where no violations of the Illinois Plumbing Code are found, the person shall pay a civil penalty of $1,000 and may be referred to the State's Attorney or the Attorney General for prosecution under Section 29 of this Act.

(B) Where violations of the Illinois Plumbing Code are found, the person shall pay a civil penalty of $3,000 (the amount of $3,000 may be reduced to $1,000 upon the condition that the unregistered person pays for a licensed plumber who is acceptable to the other party to the original contract or agreement to correct the violations of the Illinois Plumbing Code) and may be referred to the State's Attorney or the Attorney General for prosecution under Section 29 of this Act.

(2) For a second offense:

(A) Where no violations of the Illinois Plumbing Code are found, the person shall pay a civil penalty of $3,000 and may be referred to the State's Attorney or the Attorney General for prosecution under Section 29 of this Act.

(B) Where violations of the Illinois Plumbing Code are found, the person shall pay a civil penalty of $5,000
(the amount of $5,000 may be reduced to $3,000 upon the condition that the unregistered person pays for a licensed plumber who is acceptable to the other party to the original contract or agreement to correct the violations of the Illinois Plumbing Code) and may be referred to the State's Attorney or the Attorney General for prosecution under Section 29 of this Act.

(3) For a third or subsequent offense, the person shall pay a civil penalty of $5,000 and be referred to the State’s Attorney or the Attorney General for prosecution under Section 29 of this Act.

(e) A registered irrigation contractor, firm, corporation, partnership, or association that directs, authorizes, or allows a person to practice, offer to practice, attempt to practice, or hold himself or herself out to practice as an irrigation employee without being registered under the provisions of this Act, shall be subject to the following:

(1) For a first offense, the registrant:
   (A) shall pay a civil penalty of $5,000;
   (B) shall be required to pay for a licensed plumber who is acceptable to the other party to the original contract or agreement to correct any violations of the Illinois Plumbing Code;
   (C) shall have his, her, or its plumbing license suspended; and
   (D) may be referred to the State’s Attorney or the Attorney General for prosecution under Section 29 of this Act.

(2) For a second offense, the registrant:
   (A) shall pay a civil penalty of $5,000;
   (B) shall be required to pay for a licensed plumber who is acceptable to the other party to the original contract or agreement to correct any violations of the Illinois Plumbing Code;
   (C) shall have his, her, or its registration revoked;
   and
   (D) shall be referred to the State’s Attorney or the Attorney General for prosecution under Section 29 of this Act.

(Source: P.A. 91-678, eff. 1-26-00; 92-338, eff. 8-10-01.)

Section 99. Effective date. This Act takes effect January 1, 2008.
PUBLIC ACT 94-0101

Passed in the General Assembly May 16, 2005.
Approved July 1, 2005
Effective January 1, 2008.

PUBLIC ACT 94-0102
(House Bill No. 3420)

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

Section 5. The AIDS Confidentiality Act is amended by changing Section 9 as follows:

(410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)
Sec. 9. No person may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons:

(a) The subject of the test or the subject's legally authorized representative. A physician may notify the spouse of the test subject, if the test result is positive and has been confirmed pursuant to rules adopted by the Department, provided that the physician has first sought unsuccessfully to persuade the patient to notify the spouse or that, a reasonable time after the patient has agreed to make the notification, the physician has reason to believe that the patient has not provided the notification. This paragraph shall not create a duty or obligation under which a physician must notify the spouse of the test results, nor shall such duty or obligation be implied. No civil liability or criminal sanction under this Act shall be imposed for any disclosure or non-disclosure of a test result to a spouse by a physician acting in good faith under this paragraph. For the purpose of any proceedings, civil or criminal, the good faith of any physician acting under this paragraph shall be presumed.

(b) Any person designated in a legally effective release of the test results executed by the subject of the test or the subject's legally authorized representative.

(c) An authorized agent or employee of a health facility or health care provider if the health facility or health care provider itself is authorized to obtain the test results, the agent or employee provides patient care or handles or processes specimens of body fluids or tissues, and the agent or employee has a need to know such information.

New matter indicated by italics - deletions by strikeout
(d) The Department and local health authorities serving a population of over 1,000,000 residents or other local health authorities as designated by the Department, in accordance with rules for reporting and controlling the spread of disease, as otherwise provided by State law. Neither the Department, nor local health authorities, and its authorized representatives shall not disclose information and records held by them relating to known or suspected cases of AIDS or HIV infection, publicly or in any action of any kind in any court or before any tribunal, board, or agency. AIDS and HIV infection data shall be protected from disclosure in accordance with the provisions of Sections 8-2101 through 8-2105 of the Code of Civil Procedure.

(e) A health facility or health care provider which procures, processes, distributes or uses: (i) a human body part from a deceased person with respect to medical information regarding that person; or (ii) semen provided prior to the effective date of this Act for the purpose of artificial insemination.

(f) Health facility staff committees for the purposes of conducting program monitoring, program evaluation or service reviews.

(g) (Blank).

(h) Any health care provider or employee of a health facility, and any firefighter or EMT-A, EMT-P, or EMT-I, involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment.

(i) Any law enforcement officer, as defined in subsection (c) of Section 7, involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment.

(j) A temporary caretaker of a child taken into temporary protective custody by the Department of Children and Family Services pursuant to Section 5 of the Abused and Neglected Child Reporting Act, as now or hereafter amended.

(k) In the case of a minor under 18 years of age whose test result is positive and has been confirmed pursuant to rules adopted by the Department, the health care provider who ordered the test shall make a reasonable effort to notify the minor's parent or legal guardian if, in the professional judgement of the health care provider, notification would be in the best interest of the child and the health care provider has first sought
unsuccessfully to persuade the minor to notify the parent or legal guardian or a reasonable time after the minor has agreed to notify the parent or legal guardian, the health care provider has reason to believe that the minor has not made the notification. This subsection shall not create a duty or obligation under which a health care provider must notify the minor's parent or legal guardian of the test results, nor shall a duty or obligation be implied. No civil liability or criminal sanction under this Act shall be imposed for any notification or non-notification of a minor's test result by a health care provider acting in good faith under this subsection. For the purpose of any proceeding, civil or criminal, the good faith of any health care provider acting under this subsection shall be presumed.

(Source: P.A. 93-482, eff. 8-8-03.)

Section 10. The AIDS Registry Act is amended by changing the title of the Act and Sections 1, 2, 3, and 4 as follows:

(410 ILCS 310/Act title)
An Act to create an HIV/AIDS Registry, and to amend certain Acts in relation to AIDS.

(410 ILCS 310/1) (from Ch. 111 1/2, par. 7351)
Sec. 1. This Act shall be known and may be cited as the "HIV/AIDS Registry Act".

(Source: P.A. 85-929.)

(410 ILCS 310/2) (from Ch. 111 1/2, par. 7352)
Sec. 2. The General Assembly finds that:
(1) More complete and precise statistical data than are presently available are necessary to evaluate HIV and AIDS treatment and prevention measures that are currently available; and
(2) The creation of an HIV/AIDS registry will provide a vital foundation for a concerted State effort to reduce the incidence of HIV and AIDS in this State.

(Source: P.A. 85-929.)

(410 ILCS 310/3) (from Ch. 111 1/2, par. 7353)
Sec. 3. For the purposes of this Act, unless the context requires otherwise:
(a) "AIDS" means acquired immunodeficiency syndrome, as defined by the Centers for Disease Control or the National Institutes of Health.
(b) (Blank).
(c) "Department" means the Illinois Department of Public Health.
(d) "Director" means the Director of Public Health.

New matter indicated by italics - deletions by strikeout
(e) "HIV" means human immunodeficiency virus, as defined by the Centers for Disease Control and Prevention or the National Institutes of Health.

(f) "Registry" means an official record of reported HIV and AIDS cases.

(Source: P.A. 92-84, eff. 7-1-02.)

(410 ILCS 310/4) (from Ch. 111 1/2, par. 7354)

Sec. 4. (a) The Department shall establish and maintain an HIV/AIDS Registry consisting of a record of cases of HIV and AIDS which occur in Illinois, and such information concerning those cases as it deems necessary or appropriate in order to conduct thorough and complete epidemiological surveys of HIV and AIDS in Illinois, and to evaluate existing control and prevention measures. Cases included in the Registry shall be identified by a code rather than by name. To the extent feasible, the Registry shall be compatible with other national models so as to facilitate the coordination of information with other data bases.

(b) To facilitate the collection of information relating to cases of HIV and AIDS, the Department shall have the authority to require hospitals, laboratories and other facilities which diagnose such conditions to report cases of HIV and AIDS to the Department or a local health authority if the local health authority serves a population of over 1,000,000 citizens or if the local health authority has been designated by the Department to collect such information, and to require the submission of such other information pertaining to or in connection with such reported cases as the Department deems necessary or appropriate for the purposes of this Act. The Department may promulgate rules or regulations specifying the types of information required, requirements for follow up of patients, frequency of reporting, methods of submitting such information and any other details deemed by the Department to be necessary or appropriate for the administration of this Act. Nothing in this Act shall be construed to compel any individual to submit to a medical examination or supervision.

(c) The Director shall by rule establish standards for ensuring the protection of information made confidential or privileged under law.

(Source: P.A. 92-84, eff. 7-1-02.)

Passed in the General Assembly May 16, 2005.
Approved July 1, 2005.
Effective January 1, 2006.
AN ACT concerning law enforcement.

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

Section 5. The Illinois Police Training Act is amended by changing Sections 10 and 10.2 and adding Section 10.4 as follows:

Sec. 10. The Board may make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this Act, including those relating to the annual certification of retired law enforcement officers qualified under federal law to carry a concealed weapon. A copy of all rules and regulations and amendments or rescissions thereof shall be filed with the Secretary of State within a reasonable time after their adoption. The schools certified by the Board and participating in the training program may dismiss from the school any trainee prior to his completion of the course, if in the opinion of the person in charge of the training school, the trainee is unable or unwilling to satisfactorily complete the prescribed course of training.

(Source: Laws 1965, p. 3099.)

Sec. 10.2. Criminal background investigations.

(a) On and after the effective date of this amendatory Act of the 92nd General Assembly, an applicant for employment as a peace officer, or for annual certification as a retired law enforcement officer qualified under federal law to carry a concealed weapon, shall authorize an investigation to determine if the applicant has been convicted of any criminal offense that disqualifies the person as a peace officer.

(b) No law enforcement agency may knowingly employ a person, or certify a retired law enforcement officer qualified under federal law to carry a concealed weapon, unless (i) a criminal background investigation of that person has been completed and (ii) that investigation reveals no convictions of offenses specified in subsection (a) of Section 6.1 of this Act.

(Source: P.A. 92-533, eff. 3-14-02.)

Sec. 10.4. Weapon certification for retired law enforcement officers. The Board may initiate, administer, and conduct annual firearm
certification courses consistent with the requirements enumerated in the
Peace Officer Firearm Training Act for retired law enforcement officers
qualified under federal law to carry a concealed weapon.

Section 10. The Peace Officer Firearm Training Act is amended by
changing Sections 1 and 3 and by adding Section 2.5 as follows:

(50 ILCS 710/1) (from Ch. 85, par. 515)
Sec. 1. Definitions. As used in this Act: (a) "Peace officer" means
(i) any person who by virtue of his office or public employment is vested
by law with a primary duty to maintain public order or to make arrests for
offenses, whether that duty extends to all offenses or is limited to specific
offenses, and who is employed in such capacity by any county or
municipality or (ii) any retired law enforcement officers qualified under
federal law to carry a concealed weapon. (b) "Firearms" means any
weapon or device defined as a firearm in Section 1.1 of "An Act relating to
the acquisition, possession and transfer of firearms and firearm
ammunition, to provide a penalty for the violation thereof and to make an
appropriation in connection therewith", approved August 3, 1967, as
amended.
(Source: P.A. 81-995.)

(50 ILCS 710/2.5 new)
Sec. 2.5. Annual range qualification. The annual range
qualification for peace officers shall consist of range fire approved by the
Illinois Law Enforcement Training Standards Board.

(50 ILCS 710/3) (from Ch. 85, par. 517)
Sec. 3. The Board is charged with enforcing this Act and making
inspections to insure compliance with its provisions, and is empowered to
promulgate rules necessary for its administration and enforcement,
including those relating to the annual certification of retired law
enforcement officers qualified under federal law to carry a concealed
weapon. All units of government or other agencies which employ or utilize
peace officers, or that certify retired law enforcement officers qualified
under federal law to carry a concealed weapon, shall cooperate with the
Board by furnishing relevant information which the Board may require. The
Executive Director of the Board shall report annually, no later than
February 1, to the Board, with copies to the Governor and the General
Assembly, the results of these inspections and provide other related
information and recommendations as it deems proper.
(Source: P.A. 92-84, eff. 7-1-02.)

New matter indicated by italics - deletions by strikeout
Section 15. The Intergovernmental Law Enforcement Officer's In-Service Training Act is amended by changing Sections 2, 3, and 4 as follows:

(50 ILCS 720/2) (from Ch. 85, par. 562)
Sec. 2. Definitions.
"Director" means the Executive Director of the Board.
"Chairman" means the Chairman of the Board.
"Appointed Member" means a member of the Board appointed by the Governor pursuant to the Illinois Police Training Act and designated by the Director to serve on an Advisory Board.
"Mobile Team In-Service Training Unit" or "Mobile Team" means an organization formed by a combination of units of local government and the Board and established under this Act to deliver in-service training at scheduled times and selected sites within a geographic region to (i) local and State law enforcement officers (whether employed on a full-time or part-time basis) and (ii) retired law enforcement officers qualified under federal law to carry a concealed weapon at scheduled times and selected sites within a geographic region.

"Advisory Board" means a Board composed of a representative number of county board members, mayors, chiefs of police, and sheriffs of participating units of local government, and the Director, Chairman or appointed member of the Illinois Law Enforcement Training Standards Board. The composition and number of each Advisory Board will be determined by the participants. Members of the Advisory Board shall serve without compensation but may be reimbursed for reasonable expenses incurred in carrying out their duties.

"Unit of local government" means a unit of local government as defined in Article VII, Section 1 of the Illinois Constitution of 1970 and includes both home rule units and units which are not home rule units. (Source: P.A. 88-586, eff. 8-12-94; 89-170, eff. 1-1-96.)
(50 ILCS 720/3) (from Ch. 85, par. 563)
Sec. 3. Powers and Duties.
(a) Powers and Duties of the Advisory Board.
   (1) To incorporate as a general not-for-profit corporation or other appropriate structure under Illinois law.
   (2) To adopt By-Laws and Operating Procedures.

New matter indicated by italics - deletions by strikeout
(3) To designate a Financial Officer who is an elected local government official.

(4) To employ a coordinator and to approve the employment of such other full or part-time staff as may be required.

(5) To develop and approve the total budget for the Mobile Team annually.

(6) To determine equitable formulae for providing the local share of cost of the Mobile Team, and to assure receipt of such funds from participating units of local government.

(7) To oversee the development of training programs, the delivery of training, and the proper expenditure of funds.

(8) To carry out such other actions or activities appropriate to the operation of the Mobile Team including but not limited to contracting for services and supplies, and purchase of furniture, fixtures, equipment and supplies.

(9) To exercise all other powers and duties as are reasonable to fulfill its functions in furtherance of the purposes of this Act.

(b) Powers and Duties of the Illinois Law Enforcement Training Standards Board.

(1) To act as the State agency participant on each Mobile Team Advisory Board.

(2) To act as the State agency to coordinate the actions of Mobile Teams established in the State.

(3) To determine that the Mobile Team meets the criteria for the receipt of funds from the State in accordance with Section 4 of this Act.

(4) To budget for and authorize quarterly disbursement of State funds up to 50% of the total approved budget of the eligible Mobile Team.

(5) To establish such reasonable rules and regulations as the Director deems necessary to carry out the duties described in this Act, including those relating to the annual certification of retired law enforcement officers qualified under federal law to carry a concealed weapon.

(c) Powers and Duties of the Coordinator of an Advisory Board.

(1) To manage and coordinate the ongoing operations of the Mobile Team.

New matter indicated by italics - deletions by strikeout
(2) To employ and supervise additional authorized full or part-time staff.

(3) To arrange for qualified instructors from among the employees of State, local or federal Departments or agencies wherever practical and to obtain other instructional services as required.

(Source: P.A. 88-586, eff. 8-12-94.)

(50 ILCS 720/4) (from Ch. 85, par. 564)

Sec. 4. State Funding-Minimum Criteria. A Mobile Team In-Service Training Unit which meets the minimum criteria established in this Section is eligible to receive State funds to help defray the costs of operation. To be eligible a Mobile Team must:

(1) Be established and operating pursuant to the Intergovernmental Cooperation Section Article VII, Section 10, of the Illinois Constitution of 1970 and must involve two or more units of local government including at least one county and the Board.

(2) Establish an Advisory Board composed of elected local officials and chief law enforcement officers from participating units of local government and the Director, Chairman or appointed member of the Board to oversee the operations of the Mobile Team and make such reports to the Board as the Board may require.

(3) Designate an elected local official to act as the financial officer of the Mobile Team for all participating units of government, and to receive and expend funds for the operation of the Mobile Team.

(4) Limit its operations to in-service training of law enforcement personnel employed by the State, by units of local government or by the Federal government or their agencies and departments in the administration of justice or retired law enforcement officers qualified under federal law to carry a concealed weapon.

(5) Cooperate with the Board in order to assure compliance with this Act and to enable the Board to fulfill its duties under this Act, and to supply the Board with such information as the Board deems necessary therefor.

(6) Receive funding of up to 50% of the total approved budget of the Mobile Team from the participating units of local government.

(Source: P.A. 83-585.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Approved July 1, 2005.

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

Section 5. The Radiation Protection Act of 1990 is amended by changing Sections 4, 5, 6, 7, 7a, 9, 10, 11, 11.5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24.5, 24.7, 25, 25.1, 25.2, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 44, 45, and 49 as follows:

(a) "Accreditation" means the process by which the Agency Department of Nuclear Safety grants permission to persons meeting the requirements of this Act and the Department's rules and regulations to engage in the practice of administering radiation to human beings.

(a-2) "Agency" means the Illinois Emergency Management Agency.

(a-3) "Assistant Director" means the Assistant Director of the Agency.

(a-5) "By-product material" means: (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material; and (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes.

(b) (Blank). "Department" means the Department of Nuclear Safety in the State of Illinois.

(c) (Blank). "Director" means the Director of the Department of Nuclear Safety.

(d) "General license" means a license, pursuant to regulations promulgated by the Agency Department, effective without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, radioactive material, including but not limited to by-product, source or special nuclear materials.

New matter indicated by italics - deletions by strikeout
"Mammography" means radiography of the breast primarily for the purpose of enabling a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

"Operator" is an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting the business or activities carried on within a radiation installation.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto. "Person" also includes a federal entity (and its contractors) if the federal entity agrees to be regulated by the State or as otherwise allowed under federal law.

"Radiation" or "ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles or electromagnetic radiations capable of producing ions directly or indirectly in their passage through matter; but does not include sound or radio waves or visible, infrared, or ultraviolet light.

"Radiation emergency" means the uncontrolled release of radioactive material from a radiation installation which poses a potential threat to the public health, welfare, and safety.

"Radiation installation" is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed of, or used for any purpose.

"Radiation machine" is any device that produces radiation when in use.

"Radioactive material" means any solid, liquid, or gaseous substance which emits radiation spontaneously.

"Radiation source" or "source of ionizing radiation" means a radiation machine or radioactive material as defined herein.

"Source material" means (1) uranium, thorium, or any other material which the Agency Department declares by order to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as
the Agency Department declares by order to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material in such concentration to be source material.

(1) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Agency Department declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(m) "Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing radioactive materials.

(420 ILCS 40/5) (from Ch. 111 1/2, par. 210-5)

(Section scheduled to be repealed on January 1, 2011)

Sec. 5. Limitations on application of radiation to human beings and requirements for radiation installation operators providing mammography services.

(a) No person shall intentionally administer radiation to a human being unless such person is licensed to practice a treatment of human ailments by virtue of the Illinois Medical, Dental or Podiatric Medical Practice Acts, or, as physician assistant, advanced practice nurse, technician, nurse, or other assistant, is acting under the supervision, prescription or direction of such licensed person. However, no such physician assistant, advanced practice nurse, technician, nurse, or other assistant acting under the supervision of a person licensed under the Medical Practice Act of 1987, shall administer radiation to human beings unless accredited by the Agency Department of Nuclear Safety, except that persons enrolled in a course of education approved by the Agency Department of Nuclear Safety may apply ionizing radiation to human beings as required by their course of study when under the direct supervision of a person licensed under the Medical Practice Act of 1987. No person authorized by this Section to apply ionizing radiation shall apply such radiation except to those parts of the human body specified in the Act under which such person or his supervisor is licensed. No person may operate a radiation installation where ionizing radiation is administered to human beings unless all persons who administer ionizing
radiation in that radiation installation are licensed, accredited, or exempted in accordance with this Section. Nothing in this Section shall be deemed to relieve a person from complying with the provisions of Section 10.

(b) In addition, no person shall provide mammography services unless all of the following requirements are met:

   (1) the mammography procedures are performed using a radiation machine that is specifically designed for mammography;

   (2) the mammography procedures are performed using a radiation machine that is used solely for performing mammography procedures;

   (3) the mammography procedures are performed using equipment that has been subjected to a quality assurance program that satisfies quality assurance requirements which the Agency Department shall establish by rule;

   (4) beginning one year after the effective date of this amendatory Act of 1991, if the mammography procedure is performed by a radiologic technologist, that technologist, in addition to being accredited by the Agency Department to perform radiography, has satisfied training requirements specific to mammography, which the Agency Department shall establish by rule.

(c) Every operator of a radiation installation at which mammography services are provided shall ensure and have confirmed by each mammography patient that the patient is provided with a pamphlet which is orally reviewed with the patient and which contains the following:

   (1) how to perform breast self-examination;

   (2) that early detection of breast cancer is maximized through a combined approach, using monthly breast self-examination, a thorough physical examination performed by a physician, and mammography performed at recommended intervals;

   (3) that mammography is the most accurate method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective;

   (4) that if the patient is self-referred and does not have a primary care physician, or if the patient is unfamiliar with the breast examination procedures, that the patient has received
information regarding public health services where she can obtain a breast examination and instructions.
(Source: P.A. 93-149, eff. 7-10-03.)
(420 ILCS 40/6) (from Ch. 111 1/2, par. 210-6)
(Section scheduled to be repealed on January 1, 2011)
Sec. 6. Accreditation of administrators of radiation; Limited scope accreditation; Rules and regulations; Education.
(a) The Agency Department shall promulgate such rules and regulations as are necessary to establish accreditation standards and procedures, including a minimum course of education and continuing education requirements in the administration of radiation to human beings, which are appropriate to the classification of accreditation and which are to be met by all physician assistants, advanced practice nurses, nurses, technicians, or other assistants who administer radiation to human beings under the supervision of a person licensed under the Medical Practice Act of 1987. Such rules and regulations may provide for different classes of accreditation based on evidence of national certification, clinical experience or community hardship as conditions of initial and continuing accreditation. The rules and regulations of the Agency Department shall be consistent with national standards in regard to the protection of the health and safety of the general public.
(b) The rules and regulations shall also provide that persons who have been accredited by the Agency Department, in accordance with the Radiation Protection Act, without passing an examination, will remain accredited as provided in Section 43 of this Act and that those persons may be accredited, without passing an examination, to use other equipment, procedures, or supervision within the original category of accreditation if the Agency Department receives written assurances from a person licensed under the Medical Practice Act of 1987, that the person accredited has the necessary skill and qualifications for such additional equipment procedures or supervision. The Agency Department shall, in accordance with subsection (c) of this Section, provide for the accreditation of nurses, technicians, or other assistants, unless exempted elsewhere in this Act, to perform a limited scope of diagnostic radiography procedures of the chest, the extremities, skull and sinuses, or the spine, while under the supervision of a person licensed under the Medical Practice Act of 1987.
(c) The rules or regulations promulgated by the Agency Department pursuant to subsection (a) shall establish standards and procedures for

New matter indicated by italics - deletions by strikeout
accrediting persons to perform a limited scope of diagnostic radiography procedures. The rules or regulations shall require persons seeking limited scope accreditation to register with the Agency Department as a "student-in-training," and declare those procedures in which the student will be receiving training. The student-in-training registration shall be valid for a period of 16 months, during which the time the student may, under the supervision of a person licensed under the Medical Practice Act of 1987, perform the diagnostic radiography procedures listed on the student's registration. The student-in-training registration shall be nonrenewable.

Upon expiration of the 16 month training period, the student shall be prohibited from performing diagnostic radiography procedures unless accredited by the Agency Department to perform such procedures. In order to be accredited to perform a limited scope of diagnostic radiography procedures, an individual must pass an examination offered by the Agency Department. The examination shall be consistent with national standards in regard to protection of public health and safety. The examination shall consist of a standardized component covering general principles applicable to diagnostic radiography procedures and a clinical component specific to the types of procedures for which accreditation is being sought. The Agency Department may assess a reasonable fee for such examinations to cover the costs incurred by the Department in conjunction with offering the examinations.

(d) The Agency Department shall by rule or regulation exempt from accreditation physician assistants, advanced practice nurses, nurses, technicians, or other assistants who administer radiation to human beings under supervision of a person licensed to practice under the Medical Practice Act of 1987 when the services are performed on employees of a business at a medical facility owned and operated by the business. Such exemption shall only apply to the equipment, procedures and supervision specific to the medical facility owned and operated by the business.

(Source: P.A. 93-149, eff. 7-10-03.)

(420 ILCS 40/7) (from Ch. 111 1/2, par. 210-7)
(Section scheduled to be repealed on January 1, 2011)

Sec. 7. Administrators of radiation; application for accreditation and renewal; fees; Fund. Applications for accreditation and renewal shall be made upon forms prescribed and furnished by the Agency Department and shall be accompanied by the required fees. Each such application for accreditation or renewal shall be accompanied by such proof of compliance with the applicable requirements as the Agency Department

New matter indicated by italics - deletions by strikeout
may by rule require. Accreditation shall be renewed every 2 years, or for a lesser period as established by rule for accreditation based upon conditions of community hardship. The Agency Department may deny an application for accreditation or renewal, or may suspend or revoke accreditation under standards and procedures established by the Agency Department.

Except as provided in Section 6, the Agency Department shall not impose an examination fee. The Agency Department shall by rule establish application fees for accreditation or renewal.

(Source: P.A. 90-391, eff. 8-15-97.)

(420 ILCS 40/7a) (from Ch. 111 1/2, par. 210-7a)
(Section scheduled to be repealed on January 1, 2011)
Sec. 7a. Certification of Industrial Radiographers.

(a) Beginning January 1, 1993, no person may perform industrial radiography unless he or she is certified by the Department of Nuclear Safety or its successor, the Illinois Emergency Management Agency, to perform industrial radiography. The Agency Department shall promulgate regulations establishing standards and procedures for certification of industrial radiographers. The regulations may include, without limitation, provisions specifying a minimum course of study and requiring that individuals seeking certification pass an examination administered or approved by the Agency Department. Industrial radiography certification shall be valid for 5 years, except that certifications for industrial radiography trainees shall be valid for 2 years. The Agency Department shall establish by regulation standards and procedures for renewal of certification. The regulations shall provide that certification for industrial radiography trainees shall be nonrenewable.

(b) The Department's regulations of the Department of Nuclear Safety, as the predecessor agency of the Illinois Emergency Management Agency, shall also provide for provisional certification of persons who performed industrial radiography before January 1, 1993. In order to obtain provisional certification, the industrial radiographer must apply to the Department no later than January 1, 1993. Provisional certification shall be valid for 2 years, provided that a person who has obtained a provisional certification must take an examination that is administered or approved by the Department within 12 months of the date on which the provisional certification was issued. Upon passing the examination, the Department shall certify the individual as an industrial radiographer. Provisional certification shall be nonrenewable.
(c) The Agency Department may, by regulation, assess certification fees and fees to recover the cost of examining applicants for certification.

(d) The Agency Department may suspend or revoke the certification of an industrial radiographer, or take other action as provided in Sections 36 and 38 of this Act, if a certified industrial radiographer violates this Act or any rule or regulation promulgated under this Act, or otherwise endangers the safety of himself, his co-workers, or members of the general public. It shall be a violation of this Act for any person to allow an individual who is not a certified industrial radiographer to perform industrial radiography.

(Source: P.A. 87-604; 87-1166.)

(420 ILCS 40/9) (from Ch. 111 1/2, par. 210-9)

(Section scheduled to be repealed on January 1, 2011)

Sec. 9. Rules and regulations. No person shall use radiation in contravention of such rules and regulations as the Agency Department may make relating to the control of ionizing radiation. The Agency Department shall promulgate rules to provide specific standards for (1) determining what financial surety arrangements are required for license approval; (2) determining when an application for license is for an activity which adversely affects the environment, how it will approve such license, and what conditions it will impose before approval; (3) determining to what maximum level a licensee must remove radiation contamination; (4) determining when a product contains a high degree of utility and a low probability of uncontrolled disposal and dispersal; (5) providing what constitutes an emergency for the purposes of waiving notice requirements for out-of-state licensees; and (6) authorizing the injection of radioactive material into potable aquifers.

(Source: P.A. 86-1341.)

(420 ILCS 40/10) (from Ch. 111 1/2, par. 210-10)

(Section scheduled to be repealed on January 1, 2011)

Sec. 10. Licensing of certain sources of ionizing radiation.

(1) The Agency Department shall provide by rule or regulation for general or specific licensing of by-product materials, source materials, special nuclear materials, or devices or equipment utilizing or producing such materials. Such rule or regulation shall provide for amendment, suspension, or revocation of licenses.

(2) The Agency Department is authorized to require registration of other sources of ionizing radiation.

New matter indicated by italics - deletions by strikeout
(3) The Agency Department is authorized to exempt certain sources of ionizing radiation or kinds of uses or users from the licensing requirements set forth in this section when the Agency Department makes a finding that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to health and safety of the public.

(4) The Agency Department is authorized to enforce rules pertaining to labeling, handling, packaging, transferring and transporting radiation sources.

(5) The Agency Department is authorized to require licensees, including those conducting activities involving by-product material as defined in subsection (a-5)(2) of Section 4 or possessing such material, to provide adequate financial assurances such as surety bonds, cash deposits, certificates of deposit, or deposits of government securities to protect the State against costs in the event of site abandonment or failure of a licensee to meet the Agency's Department's requirements, as well as the costs of site reclamation and long-term site monitoring and maintenance. In the event that custody of by-product material as defined in subsection (a-5)(2) of Section 4, and the site at which such material is disposed of, is transferred to the Federal Government, any financial assurances collected for reclamation and long-term monitoring and maintenance for that site shall be transferred to the Federal Government.

(6) The Agency Department is authorized to promulgate rules establishing radiation exposure limits for given population groups, including differential exposure limits based on age.

(7) The Agency Department is authorized to promulgate rules to provide specific standards for what training or equivalent experience it will require of a physician before approving a specific license for human use of sealed radiation sources.

(8) Rules and regulations promulgated to implement this Act may provide for recognition of other State or Federal licenses as the Agency Department may deem desirable, subject to such registration requirements as the Agency Department may prescribe.

(9) This Section shall not be applicable to radiation sources or materials regulated by the U.S. Nuclear Regulatory Commission until an agreement or agreements have been entered into pursuant to Section 11 of this Act.

(10) In the licensing and the regulation of by-product material as defined in subsection (a-5)(2) of Section 4, or of any activity which results
in the production of such by-product material, the Agency Department shall provide by rule or regulation, and shall require compliance with, standards for the protection of the public health and safety and the environment which are equivalent to, to the extent practicable, or more stringent than, standards adopted and enforced by the U.S. Nuclear Regulatory Commission for the same purpose, including requirements and standards promulgated by the U.S. Environmental Protection Agency.

(11) Not later than 30 days after submission to the Agency Department of an application for a new license for a fixed location facility or a license amendment for a new location for a facility, the Agency Department shall provide written notice of the application to the municipality where the facility is to be located. If the facility is to be located in an unincorporated area, the notice shall be provided to the county in which the facility is to be located and to each municipality located within one and one-half miles of the facility. As used in this subsection, "fixed location facility" or "facility" means a parcel of land or a site, including the structures, equipment, and improvements on or appurtenant to the land or site, that is to be used by the applicant for the utilization, manufacture, storage, or distribution of licensed radioactive materials or devices or equipment utilizing or producing licensed radioactive materials, but shall not include a temporary job site.

(Source: P.A. 90-359, eff. 8-10-97; 91-340, eff. 7-29-99.)

(420 ILCS 40/11) (from Ch. 111 1/2, par. 210-11)

(Section scheduled to be repealed on January 1, 2011)

Sec. 11. Federal-State Agreements.

(1) The Governor, on behalf of this State, is authorized to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this State, including, but not limited to, agreements concerning by-product material as defined in Section 11(e)(2) of the Atomic Energy Act of 1954, 42 U.S.C. 2014(e)(2).

(2) Any person who, on the effective date of an agreement under subsection (1) above, possesses a license issued by the Federal Government governing activities for which the Federal Government, pursuant to such agreement, is transferring its responsibilities to this State shall be deemed to possess the same pursuant to a license issued under this Act, which shall expire 90 days after receipt from the Department of Nuclear Safety (or its successor agency, the Illinois Emergency...
Management Agency) of a notice of expiration of such license, or on the date of expiration specified in the Federal license, whichever is earlier.

(3) At such time as Illinois enters into a Federal-State Agreement in accordance with the provisions of this Act, the Agency Department shall license and collect license fees from persons operating radiation installations, including installations involving the use or possession of by-product material as defined in subsection (a-5)(2) of Section 4 and installations having such devices or equipment utilizing or producing radioactive materials but licensure shall not apply to any x-ray machine, including those located in an office of a licensed physician or dentist. The Agency Department may also collect license fees from persons authorized by the Agency Department to engage in decommissioning and decontamination activities at radiation installations including installations licensed to use or possess by-product material as defined in subsection (a-5)(2) of Section 4. The license fees collected from persons authorized to use or possess by-product material as defined in subsection (a-5)(2) of Section 4 or to engage in decommissioning and decontamination activities at radiation installations where such by-product material is used or possessed may include fees sufficient to cover the expenses incurred by the Department in conjunction with monitoring unlicensed properties contaminated with by-product material as defined in subsection (a-5)(2) of Section 4 and overseeing the decontamination of such unlicensed properties.

The Agency Department may impose fees for termination of licenses including, but not limited to, licenses for refining uranium mill concentrates to uranium hexafluoride; licenses for possession and use of source material at ore buying stations, at ion exchange facilities and at facilities where ore is processed to extract metals other than uranium or thorium; and licenses authorizing the use or possession of by-product material as defined in subsection (a-5)(2) of Section 4. The Agency Department may also set license fees for licenses which authorize the distribution of devices, products, or sealed sources involved in the production, utilization, or containment of radiation. After a public hearing before the Agency Department, the fees and collection procedures shall be prescribed under rules and regulations for protection against radiation hazards promulgated under this Act.

(4) The Agency Department is authorized to enter into agreements related to the receipt and expenditure of federal grants and other funds to provide assistance to states and compact regions in fulfilling
responsibilities under the federal Low-Level Radioactive Waste Policy Act, as amended.
(Source: P.A. 91-86, eff. 7-9-99; 91-340, eff. 7-29-99; 92-16, eff. 6-28-01.)

(420 ILCS 40/11.5)
(Section scheduled to be repealed on January 1, 2011)
Sec. 11.5. State regulation of federal entities. The Agency Department is authorized to regulate federal entities (and their contractors) and radiation sources operated or possessed by federal entities (or their contractors) if the federal entities agree to be regulated by the State or the regulation is otherwise allowed under federal law. The Agency Department may, by rule, establish fees to support the regulation.
(Source: P.A. 91-188, eff. 7-20-99.)

(420 ILCS 40/12) (from Ch. 111 1/2, par. 210-12)
(Section scheduled to be repealed on January 1, 2011)
Sec. 12. State licensure of the use, manufacture or distribution of radioactive materials or devices or equipment utilizing or producing such materials not regulated by the United States Nuclear Regulatory Commission. Except as otherwise provided in this Act, no person shall utilize, manufacture, or distribute radioactive materials or devices or equipment utilizing or producing such materials in this State with the exception of those materials or devices regulated by the Nuclear Regulatory Commission, without first securing a license. After public hearing, the Agency Department shall adopt rules and regulations for:

1. The issuance of licenses;
2. The utilization, manufacture and distribution of such radioactive materials or devices or equipment utilizing or producing such materials; and
3. The amendment, suspension or revocation of licenses.

The Agency Department may, by rule and regulation, exempt certain sources of radiation or kinds of radiation or users from the licensure and fee requirements of this Section when the Department makes a finding that such exemption will not constitute a significant risk to the health and safety of the public. State, county, and municipal governmental agencies and educational institutions shall be subject to licensure, but are exempt from fee requirements of this Section.

Applications for licenses shall be made upon forms prescribed and furnished by the Agency Department and shall be accompanied by the fees

New matter indicated by italics - deletions by strikeout
provided herein. Licenses shall expire according to a schedule determined by the Agency Department.

Application and license fees shall be set by rule of the Agency Department.

This Section shall not apply to any x-ray machine including those located in an office of a licensed physician or dentist.

(Source: P.A. 91-188, eff. 7-20-99.)

(420 ILCS 40/13) (from Ch. 111 1/2, par. 210-13)

(Section scheduled to be repealed on January 1, 2011)

Sec. 13. Custody of by-product disposal sites; storage and disposal fee.

(1) Any radioactive materials license which authorizes any activity that results in the production of by-product material as defined in subsection (a-5)(2) of Section 4 or which authorizes the possession of such by-product material, and which is subsequently terminated without renewal, shall be terminated in compliance with this Section and the rules and regulations promulgated pursuant thereto.

(2) Any radioactive materials license issued or renewed after August 5, 1988, which authorizes any activity that results in the production of by-product material as defined in subsection (a-5)(2) of Section 4 or which authorizes the possession of such by-product material shall contain such terms and conditions as the Agency Department determines to be necessary to assure that, prior to termination of such license:

(A) The licensee will comply with prerequisites for termination including, but not limited to, decontamination, decommissioning and reclamation requirements prescribed by the Agency Department which shall be equivalent to, to the extent practicable, or more stringent than, those of the U.S. Nuclear Regulatory Commission for sites at which ores were processed primarily for their source material content, and at which such by-product material as defined in subsection (a-5)(2) of Section 4 is deposited.

(B) If the State exercises the option to acquire land used for the disposal of by-product material as defined in subsection (a-5)(2) of Section 4, ownership of the land and such by-product material which resulted from the licensed activity shall, subject to the provisions of this Act, be transferred to the State.

(3) The Agency Department shall:

New matter indicated by italics - deletions by strikeout
(A) Require by rule, regulation or order that, prior to the termination of any license, title to both the land which is used under such license for disposal of by-product material as defined in subsection (a-5)(2) of Section 4, and the by-product material as defined in subsection (a-5)(2) of Section 4, shall be transferred to the United States or the State unless, prior to such termination, the U.S. Nuclear Regulatory Commission determines that transfer of title to such land and such by-product material is not necessary or desirable to protect the public health, safety or welfare.

(B) Terminate radioactive materials licenses that authorize any activity that results in the production of by-product material as defined in subsection (a-5)(2) of Section 4 or that authorize the possession of such material, only if, prior to termination of such licenses, the licensee has completed decontamination of all properties that have been identified as being contaminated with by-product material at the licensed site and the U.S. Nuclear Regulatory Commission has determined that all applicable standards and requirements pertaining to such material have been met.

(C) In the event title is transferred to the State in accordance with paragraph (B) of subsection (2) of this Section, maintain the by-product material as defined in subsection (a-5)(2) of Section 4 and the land used for disposal of such by-product material in such a manner as to protect the public health and safety and the environment.

(D) Undertake such monitoring, maintenance and emergency measures as are necessary, determined on its own initiative or by the U.S. Nuclear Regulatory Commission, to protect the public health and safety from those materials and property for which the State has assumed custody pursuant to this Act.

(4) The transfer of title to land used for disposal of by-product material as defined in subsection (a-5)(2) of Section 4 or such by-product material to the United States or the State shall not relieve any licensee of liability for any breach of contract, tort or fraudulent or negligent act or omission prior to such transfer.

(5) By-product material as defined in subsection (a-5)(2) of Section 4 and land transferred to the United States or the State in accordance with this Section shall be transferred without cost to the United States or the

New matter indicated by italics - deletions by strikeout
State, other than administrative and legal costs incurred by the United States or the State in carrying out such transfer.

(6) In accordance with the provisions of the Uranium Mill Tailings Radiation Control Act of 1978, the use of the surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to paragraph (B) of subsection (2) of this Section is prohibited unless the Commission permits such use after first determining that the use would not endanger the public health, safety or welfare or the environment.

(Source: P.A. 91-340, eff. 7-29-99.)

(420 ILCS 40/14) (from Ch. 111 1/2, par. 210-14)

(Section scheduled to be repealed on January 1, 2011)

Sec. 14. Radiation Protection Advisory Council. There shall be created a Radiation Protection Advisory Council consisting of 7 members to be appointed by the Governor on the basis of demonstrated interest in and capacity to further the purposes of this Act and who shall broadly reflect the varied interests in and aspects of atomic energy and ionizing radiation within the State. The Director of the Department of Labor and the Chairman of the Commerce Commission or their representatives shall be ex-officio members of the Council.

Each member of the Council shall be appointed for a 4 year term and shall continue to serve until a successor is appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall continue to serve until a successor is appointed. The Chairman of the Council shall be selected by and from the Council membership. The Council members shall serve without compensation but shall be reimbursed for their actual expenses incurred in line of duty. The Council shall meet as often as the Chairman deems necessary, but upon request of 4 or more members it shall be the duty of the Chairman to call a meeting of the Council.

It shall be the duty of the Council to assist in the formulation of and to review the policies and program of the Agency Department as developed under authority of this Act and to make recommendations thereon and to provide the Agency Department with such technical advice and assistance as may be requested. The Council may employ such professional, technical, clerical and other assistants, without regard to the civil service laws or the "Personnel Code" of this State, as it deems necessary to carry out its duties.

Individuals who serve on advisory boards of the Department of Nuclear Safety or its successor agency, the Illinois Emergency

New matter indicated by italics - deletions by strikeout
Management Agency, shall be defended by the Attorney General and indemnified for all actions alleging a violation of any duty arising within the scope of their service on such board. Nothing contained herein shall be deemed to afford defense or indemnification for any willful or wanton violation of law. Such defense and indemnification shall be afforded in accordance with the terms and provisions of the State Employee Indemnification Act.

(Source: P.A. 91-172, eff. 7-16-99.)

(420 ILCS 40/15) (from Ch. 111 1/2, par. 210-15)

Sec. 15. Radiologic Technologist Accreditation Advisory Board.

(a) There shall be created a Radiologic Technologist Accreditation Advisory Board consisting of 13 members to be appointed by the Governor on the basis of demonstrated interest in and capacity to further the purposes of this Act: one physician licensed to practice medicine in all its branches specializing in nuclear medicine; one physician licensed to practice medicine in all its branches specializing in diagnostic radiology; one physician licensed to practice medicine in all its branches specializing in therapeutic radiology; 3 physicians licensed to practice medicine in all its branches who do not specialize in radiology; one medical radiation physicist; one radiologic technologist (radiography); one radiologic technologist (nuclear medicine); one radiologic technologist (therapy); one chiropractor; one person accredited by the Agency Department to perform a limited scope of diagnostic radiography procedures; and one registered nurse. The Assistant Director of the Department of Nuclear Safety or his representative shall be an ex officio member of the Board with voting privileges in case of a tie. The Board may appoint consultants to assist in administering this Act.

(b) Any person serving on the Board who is a practitioner of a profession or occupation required to be accredited pursuant to this Act, shall be the holder of an appropriate accreditation issued by the State, except in the case of the initial Board members.

(c) Each member of the Board shall be appointed for a 3 year term and shall continue to serve until a successor is appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall continue to serve until a successor is appointed. No more than 2 successive terms shall be served by a Board member.
(d) The Chairman of the Board shall be selected by and from the Board membership.

(e) The Board members shall serve without compensation but shall be reimbursed for their actual expenses incurred in line of duty.

(f) All members of the Board shall be legal residents of the State and shall have practiced for a minimum period of 2 years immediately preceding appointment.

(g) The Board shall meet as often as the Chairman deems necessary, but upon request of 7 or more members it shall be the duty of the Chairman to call a meeting of the Board.

(h) The Board shall advise, consult with and make recommendations to the Agency Department with respect to accreditation requirements to be promulgated by the Agency Department; however, the actions of the Board shall be advisory only with respect to the Agency Department.

(i) Individuals who serve on advisory boards of the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall be defended by the Attorney General and indemnified for all actions alleging a violation of any duty arising within the scope of their service on such advisory board. Nothing contained herein shall be deemed to afford defense or indemnification for any willful or wanton violation of law. Such defense and indemnification shall be afforded in accordance with the terms and provisions of the State Employees Indemnification Act.

(Source: P.A. 90-655, eff. 7-30-98; 91-172, eff. 7-16-99.)

(420 ILCS 40/16) (from Ch. 111 1/2, par. 210-16)

(Section scheduled to be repealed on January 1, 2011)

Sec. 16. Functions and powers of Agency Department. The Agency Department shall administer this Act and promulgate by codes, rules, regulations, or orders such standards and instructions to govern the possession and use of any radiation source as the Agency Department may deem necessary or desirable to protect the public health, welfare and safety.

(Source: P.A. 86-1341.)

(420 ILCS 40/17) (from Ch. 111 1/2, par. 210-17)

(Section scheduled to be repealed on January 1, 2011)

Sec. 17. The Agency Department shall develop comprehensive policies and programs for the evaluation and determination of exposures associated with the use of radiation, and for their control.

New matter indicated by italics - deletions by strikeout
Sec. 18. The Agency Department shall hold public hearings, receive pertinent and relevant proof from any party in interest who appears before the Agency Department, make findings of facts and determinations, all with respect to the violations of the provisions of this Act or codes, rules, regulations or orders issued pursuant thereto. The Department of Nuclear Safety shall, within one year of September 7, 1990 (the effective date of Public Act 86-1341) adopt rules which prescribe the standards used by the Department in determining when amendments to pleadings shall be allowed to join or dismiss any party, or to delete, modify or add allegations or defenses before the completion of an administrative hearing. The Agency Department shall allow only attorneys licensed and registered to practice in this State to appear before it in administrative hearings, except that a natural person may appear on his or her own behalf.

Sec. 19. The Agency Department shall institute or cause to be instituted in the circuit court proceedings to compel compliance with the provisions of this Act or codes, rules, regulations or orders issued pursuant thereto.

Sec. 20. The Agency Department shall advise, consult, and cooperate with other agencies of the State, the Federal Government, other States and interstate agencies, and with affected groups, political subdivisions, and industries.

Sec. 21. The Agency Department shall accept and administer according to law loans, grants, or other funds or gifts from the Federal Government and from other sources, public or private, for carrying out its functions under this Act.
Sec. 22. The Agency Department shall encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to the control or measurement of radiation, the effects on health of exposure to radiation, and related problems as it may deem necessary or advisable in the discharge of its duties under this Act.

Sec. 23. The Agency Department shall collect, maintain and disseminate health education information relating to radiation.

Sec. 24. The Agency Department shall with respect to radiation installations and radiation sources, responsibility for which has been transferred by the Federal Government to this State, review and approve plans and specifications for radiation installations and radiation sources admitted pursuant to codes, rules or regulations promulgated under this Act.

(a) The Agency Department may, with approval by the Secretary of the U.S. Department of Health and Human Services, exercise the powers, duties, and responsibilities of an accreditation body under the federal Mammography Quality Standards Act of 1992. The Agency Department may promulgate rules and incorporate into the rules standards that may be necessary for the Agency Department to qualify as an accreditation body. The Agency Department may, by rule, establish reasonable fees to be paid to the Agency Department by mammography installations for accreditation by the Agency Department.

(b) The Agency Department may implement a State program to carry out the certification program requirements provided for in the Mammography Quality Standards Act of 1992. The Agency Department may promulgate rules and enter into agreements as necessary to implement
the provisions of this Section. The Agency Department may, by rule, establish reasonable fees to be paid to the Agency Department by mammography installations for certification by the Agency Department. 
(Source: P.A. 91-339, eff. 7-29-99.)

(420 ILCS 40/24.7)

(Section scheduled to be repealed on January 1, 2011)

Sec. 24.7. Registration requirement; fees. Beginning January 1, 2000, the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, is authorized to require every operator of a radiation installation to register the installation with the Department or the Agency before the installation is placed in operation. The Agency Department is authorized to exempt certain radiation sources from registration by rule when the Agency Department makes a determination that the exemption of such sources will not constitute a significant risk to health and safety of the public. Whenever there is a change in a radiation installation that affects the registration information provided to the Department or the Agency, including discontinuation of use or disposition of radiation sources, the operator of such installation shall, within 30 days, give written notice to the Department or the Agency detailing the change.

Beginning January 1, 2000, every radiation installation operator using radiation machines shall register annually in a manner and form prescribed by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, and shall pay the Department or the Agency an annual registration fee for each radiation machine. The Agency Department shall by rule establish the annual registration fee to register and inspect radiation installations based on the type of facility and equipment possessed by the registrant. The Agency Department shall bill the operator for the registration fee as soon as practical after January 1. The registration fee shall be due and payable within 60 days of the date of billing. If after 60 days the registration fee is not paid, the Agency Department may issue an order directing the operator of the installation to cease use of all radiation machines or take other appropriate enforcement action as provided in Section 36 of this Act. Fees collected under this Section are not refundable.

Registration of any radiation installation shall not imply approval of manufacture, storage, use, handling, operation, or disposal of radiation sources, but shall serve merely as notice to the Agency Department of
Nuclear Safety of the location and character of radiation sources in this State.
(Source: P.A. 91-340, eff. 7-29-99.)
(420 ILCS 40/25) (from Ch. 111 1/2, par. 210-25)
(Sec. 25. Radiation inspection and testing; fees.
(a) The Agency Department shall inspect and test radiation installations and radiation sources, their immediate surroundings and records concerning their operation to determine whether or not any radiation resulting therefrom is or may be detrimental to health. For the purposes of this Section, "radiation installation" means any location or facility where radiation machines are used. The inspection and testing frequency of a radiation installation shall be based on the installation's class designation in accordance with subsection (f).
Inspections of mammography installations shall also include evaluation of the quality of mammography phantom images produced by mammography equipment. The Agency Department shall promulgate rules establishing procedures and acceptance standards for evaluating the quality of mammography phantom images.
Beginning on the effective date of this amendatory Act of 1997 and until June 30, 2000, the fee for inspection and testing shall be paid yearly at an annualized rate based on the classifications and frequencies set forth in subsection (f). The annualized fee for inspection and testing shall be based on the rate of $55 per radiation machine for machines located in dental offices and clinics and used solely for dental diagnosis, located in veterinary offices and used solely for diagnosis, or located in offices and clinics of persons licensed under the Podiatric Medical Practice Act of 1987 and shall be based on the rate of $80 per radiation machine for all other radiation machines. The Department of Nuclear Safety may adopt rules detailing the annualized rate structure. For the year beginning January 1, 2000, the annual fee for inspection and testing of Class D radiation installations shall be $25 per radiation machine. The Department is authorized to bill the fees listed in this paragraph as part of the annual fee specified in Section 24.7 of this Act.
Beginning July 1, 2000, the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall establish the fees under Section 24.7 of this Act by rule, provided that no increase of the fees shall take effect before January 1, 2001.
(b) (Blank).
(c) (Blank).
(d) (Blank).
(e) (Blank).
(f) For purposes of this Section, radiation installations shall be divided into 4 classes:

Class A - Class A shall include dental offices and veterinary offices with radiation machines used solely for diagnosis and all installations using commercially manufactured cabinet radiographic/fluoroscopic radiation machines. Operators of Class A installations shall have their radiation machines inspected and tested every 5 years by the Agency Department.

Class B - Class B shall include offices or clinics of persons licensed under the Medical Practice Act of 1987 or the Podiatric Medical Practice Act of 1987 with radiation machines used solely for diagnosis and all installations using spectroscopy radiation machines, noncommercially manufactured cabinet radiographic/fluoroscopic radiation machines, portable radiographic/fluoroscopic units, non-cabinet baggage/package fluoroscopic radiation machines and electronic beam welders. Operators of Class B installations shall have their radiation machines inspected and tested every 2 years by the Agency Department.

Class C - Class C shall include installations using diffraction radiation machines, open radiography radiation machines, closed radiographic/fluoroscopic radiation machines and radiation machines used as gauges. Test booths, bays, or rooms used by manufacturing, assembly or repair facilities for testing radiation machines shall be categorized as Class C radiation installations. Operators of Class C installations shall have their radiation machines inspected and tested annually by the Agency Department.

Class D - Class D shall include all hospitals and all other facilities using mammography, computed tomography (CT), or therapeutic radiation machines. Each operator of a Class D installation shall maintain a comprehensive radiation protection program. The individual or individuals responsible for implementing this program shall register with the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, in accordance with Section 25.1. As part of

New matter indicated by italics - deletions by strikeout
this program, the registered individual or individuals shall conduct an annual performance evaluation of all radiation machines and oversee the equipment-related quality assurance practices within the installation. The registered individual or individuals shall determine and document whether the installation's radiation machines are being maintained and operated in accordance with standards promulgated by the Agency Department. Class D installation shall be inspected annually by the Agency Department.

(f-1) Radiation installations for which more than one class is applicable shall be assigned the classification requiring the most frequent inspection and testing.

(f-2) Radiation installations not classified as Class A, B, C, or D shall be inspected according to frequencies established by the Agency Department based upon the associated radiation hazards, as determined by the Agency Department.

(g) The Agency Department is authorized to maintain a facility for the purpose of calibrating radiation detection and measurement instruments in accordance with national standards. The Agency Department may make calibration services available to public or private entities within or outside of Illinois and may assess a reasonable fee for such services.

(Source: P.A. 91-188, eff. 7-20-99; 91-340, eff. 7-29-99; 92-16, eff. 6-28-01.)

(420 ILCS 40/25.1)
(Section scheduled to be repealed on January 1, 2011)

Sec. 25.1. Beginning January 1, 2000, each individual responsible for implementing a comprehensive radiation protection program for Class D installations, as described in Section 25(f) of this Act, shall be required to register with the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency. Application for registration shall be made on a form prescribed by the Agency Department and shall be accompanied by the required application fee. The Agency Department shall approve the application and register an individual if the individual satisfies criteria established by rule of the Agency Department. The Agency Department shall assess registered individuals an annual registration fee. The Agency Department shall establish by rule application and registration fees. The application and registration fees shall not be refundable.

(Source: P.A. 91-340, eff. 7-29-99.)

(420 ILCS 40/25.2)
Sec. 25.2. Installation and servicing of radiation machines.

(a) Beginning January 1, 2002, a service provider who installs or services radiation machines in the State of Illinois must register with the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency. An operator of a radiation installation that is registered under Section 24.7 is not required to register under this Section to service the radiation machines that it owns or leases.

(b) A service provider who installs a radiation machine in the State of Illinois must report the installation to the Agency Department.

(c) A service provider who services a radiation machine in a radiation installation in the State of Illinois that is not registered under Section 24.7 must report the service to the Agency Department.

(d) The Agency Department is authorized to adopt rules to implement this Section, including rules assessing application and annual registration fees. Application and registration fees are not refundable.

(Source: P.A. 92-273, eff. 8-7-01.)

(420 ILCS 40/26) (from Ch. 111 1/2, par. 210-26)
Sec. 26. The Agency Department shall cause an investigation to be made upon receipt of information concerning a violation of the provisions of this Act or of any codes, rules, or regulations promulgated thereunder.

(Source: P.A. 86-1341.)

(420 ILCS 40/27) (from Ch. 111 1/2, par. 210-27)
Sec. 27. The Agency Department is authorized to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of this Act and rules and regulations issued thereunder. The Agency Department may inspect and investigate premises, operations, and personnel and have access to and copy records for the purpose of evaluating past, current, and potential hazards to the public health, workers, or the environment resulting from radiation. Entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

(Source: P.A. 91-340, eff. 7-29-99.)

(420 ILCS 40/28) (from Ch. 111 1/2, par. 210-28)
Sec. 28. The Agency Department shall cause an investigation to be made upon receipt of information concerning a violation of the provisions of this Act or of any codes, rules, or regulations promulgated thereunder. The Agency Department is authorized to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of this Act and rules and regulations issued thereunder. The Agency Department may inspect and investigate premises, operations, and personnel and have access to and copy records for the purpose of evaluating past, current, and potential hazards to the public health, workers, or the environment resulting from radiation. Entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

(Source: P.A. 91-340, eff. 7-29-99.)

(420 ILCS 40/28) (from Ch. 111 1/2, par. 210-28)
Sec. 28. (a) The Agency Department shall require each person who possesses or uses a source of ionizing radiation to maintain records relating to its receipt, storage, transfer or disposal and such other records as the Agency Department may require, subject to such exemptions as may be provided by rules or regulations.

(b) Unless they are transferred directly to the patient or the patient's physician, mammography images or films shall be retained by the provider of the mammography service for a minimum of 60 months. Mammography images or films transferred to a patient's physician shall be retained by the physician for a minimum of 60 months. These retention periods are a minimum and shall not reduce any other medical record retention requirements established by statute or regulation.

(Source: P.A. 86-1341; 87-604.)

(420 ILCS 40/29) (from Ch. 111 1/2, par. 210-29)

(Section scheduled to be repealed on January 1, 2011)

Sec. 29. The Agency Department shall require each person who possesses or uses a source of ionizing radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules and regulations of the Agency Department. Except as otherwise provided by law, copies of these records and those required to be kept by Section 25 shall be submitted to the Agency Department on request. Any person possessing or using a source of ionizing radiation shall furnish to each employee for whom personnel monitoring is required a copy of such employee's personal exposure record at any time such employee has been exposed to radiation in excess of limits prescribed by the Agency Department, upon termination of employment, and annually at his request.

(Source: P.A. 86-1341.)

(420 ILCS 40/30) (from Ch. 111 1/2, par. 210-30)

(Section scheduled to be repealed on January 1, 2011)

Sec. 30. The Agency Department shall issue such orders or modifications thereof as may be necessary in connection with proceedings under Section 10 and other provisions of this Act and the regulations promulgated by the Agency Department.

(Source: P.A. 86-1341.)

(420 ILCS 40/31) (from Ch. 111 1/2, par. 210-31)

(Section scheduled to be repealed on January 1, 2011)

Sec. 31. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules.

New matter indicated by italics - deletions by strikeout
and procedures of the **Agency Department** under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the **Agency Department** is precluded by law from exercising any discretion.

(Source: P.A. 88-45.)

(420 ILCS 40/32) (from Ch. 111 1/2, par. 210-32)

(Sec. 32. Radiation emergency contingency plan. The **Agency Department** shall develop for its use, or for the use of by the Illinois Emergency Management Agency or its successor, a comprehensive contingency plan for the protection of public health, welfare and safety during a radiation emergency.

(Source: P.A. 86-1341; 87-895.)

(420 ILCS 40/33) (from Ch. 111 1/2, par. 210-33)

(Sec. 33. Agreements and training programs.

(1) The **Agency Department** is authorized to enter into an agreement or agreements with the Federal Government, other States, interstate agencies, or other State agencies whereby this State will perform, on a co-operative basis with the Federal Government, other States, interstate agencies, or other State agencies, inspections or other functions relating to control of sources of ionizing radiation or relating to the State role provided for in the Federal Facility Compliance Act of 1992.

(2) The **Agency Department** may institute training programs for the purpose of qualifying personnel to carry out the provisions of this Act, and may make said personnel available for participation in any program or programs of the Federal Government, other States or interstate agencies in furtherance of the purposes of this Act.

(Source: P.A. 88-616, eff. 9-9-94.)

(420 ILCS 40/34) (from Ch. 111 1/2, par. 210-34)

(Sec. 34. All intrastate and interstate carriers of irradiated nuclear reactor fuel in the State of Illinois are hereby required to notify the **Agency Department of Nuclear Safety** 24 hours prior to any transportation of irradiated nuclear reactor fuel within this State of the proposed route, the place and time of entry into the State, and the amount and the source of the

New matter indicated by italics - deletions by strikeout
fuel. The Agency Department shall immediately notify the State Police, which shall notify the sheriff of those counties along the route of such shipment.

For the purpose of this subsection, a "carrier" is any entity charged with transportation of such irradiated reactor fuel from the nuclear steam-generating facility to a storage facility.

For the purpose of this subsection, "irradiated reactor fuel" is any nuclear fuel assembly containing fissile-bearing material that has been irradiated in and removed from a nuclear reactor facility.

(Source: P.A. 86-1341.)

(420 ILCS 40/35) (from Ch. 111 1/2, par. 210-35)
(Section scheduled to be repealed on January 1, 2011)
Sec. 35. Radiation Protection Fund.
(a) All moneys received by the Agency Department under this Act shall be deposited in the State treasury and shall be set apart in a special fund to be known as the "Radiation Protection Fund". All monies within the Radiation Protection Fund shall be invested by the State Treasurer in accordance with established investment practices. Interest earned by such investment shall be returned to the Radiation Protection Fund. Monies deposited in this Fund shall be expended by the Assistant Director pursuant to appropriation only to support the activities of the Agency Department under this Act and as provided in the Laser System Act of 1997 and the Radon Industry Licensing Act.

(b) On August 15, 1997, all moneys remaining in the Federal Facilities Compliance Fund shall be transferred to the Radiation Protection Fund.

(Source: P.A. 90-209, eff. 7-25-97; 90-262, eff. 7-30-97; 90-391, eff. 8-15-97; 90-655, eff. 7-30-98.)
(420 ILCS 40/36) (from Ch. 111 1/2, par. 210-36)
(Section scheduled to be repealed on January 1, 2011)
Sec. 36. Order for violation abatement and public hearing. Whenever the Agency Department believes upon examination of records or inspection and examination of a radiation installation or a radiation source as constructed, operated or maintained that there has been a violation of any of the provisions of this Act or any rules or regulations promulgated under this Act, the Agency Department may:

(1) order the discontinuance of such violation;
(2) suspend or revoke a license or registration issued by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency;

(3) impose a civil penalty, not to exceed $10,000 for such violation, provided each day the violation continues shall constitute a separate offense;

(4) order the decontamination of any property or structure which has been contaminated as a result of such violation;

(5) restrict access to any property which has been contaminated as a result of such violation; or

(6) impound, order the impounding of, or confiscate radiation sources possessed by operators or other persons engaging in such violation and order the owner of the radiation sources to reimburse the Agency Department for any costs incurred by the Department of Nuclear Safety or the Agency in conjunction with the transfer, storage, treatment or disposal of the radiation sources.

The Agency Department shall also have the authority to take any of the actions specified in paragraphs (4), (5) or (6) of this Section if a licensee seeks to terminate a license issued by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, pursuant to this Act or to otherwise abandon a radiation installation.

Any such actions by the Agency Department shall be based on standards and procedures established by rules of the Agency Department. Under such rules, the Agency Department may provide that all or a portion of the cost of such actions be assessed to operators of radiation installations or other persons responsible for the violation or contamination.

The civil penalties and costs assessed under this Section shall be recoverable in an action brought in the name of the people of the State of Illinois by the Attorney General.

In any order issued to an offending party under this Section, the Agency Department shall include a summary of its findings which give evidence of the violation. Any party affected by an order of the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall have the right to a hearing before the Agency Department; however, a written request for such a hearing shall be served on the Agency Department within 10 days of notice of such
order. In the absence of receipt of a request for hearing the affected party shall be deemed to have waived his right to a hearing.

No order of the Agency Department issued under this Section, except an order issued pursuant to Section 38 herein, shall take effect until the Agency Department shall find upon conclusion of such hearing that a condition exists which constitutes a violation of any provision of this Act or any code, rule or regulation promulgated under this Act except in the event that the right to public hearing is waived as provided herein in which case the order shall take effect immediately.

(Source: P.A. 91-340, eff. 7-29-99.)

(420 ILCS 40/37) (from Ch. 111 1/2, par. 210-37)
(Section scheduled to be repealed on January 1, 2011)
Sec. 37. Administrative Review Law. The provisions of the Administrative Review Law, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for judicial review of final administrative decisions of the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.
(Source: P.A. 86-1341.)

(420 ILCS 40/38) (from Ch. 111 1/2, par. 210-38)
(Section scheduled to be repealed on January 1, 2011)
Sec. 38. Authority of Agency Department in cases constituting an immediate threat to health.
(a) Notwithstanding any other provision of this Act, whenever the Agency Department finds that a condition exists that constitutes an immediate threat to health, the Agency Department is authorized to do all of the following:

(1) Enter onto public or private property and take possession of sources of radiation that pose an immediate threat to health.

(2) Enter an order for abatement of a violation of any provisions of this Act or any code, rule, regulation, or order promulgated under this Act that requires immediate action to protect the public health or welfare, which order shall recite the existence of the immediate threat and the findings of the Agency Department pertaining to the threat. The order shall direct a response that the Agency Department determines appropriate under the circumstances, including but not limited to all of the following:

New matter indicated by italics - deletions by strikeout
(A) Discontinuance of the violation.
(B) Decontamination of any property or structure that has been contaminated as a result of the violation.
(C) Restriction of access to property that has been contaminated as a result of the violation.
(D) Impounding of radiation sources possessed by a person engaging in the violation.

Such order shall be effective immediately but shall include notice of the time and place of a public hearing before the Agency Department to be held within 30 days of the date of such order to assure the justification of such order. On the basis of such hearing the Agency Department shall continue such order in effect, revoke it or modify it. Any party affected by an order of the Agency Department shall have the right to waive the public hearing proceedings.

(3) Direct the Attorney General to obtain an injunction against any person responsible for causing or allowing the continuance of the immediate threat to health.

(b) In responding to an immediate threat to health, as defined in subsection (a), the Agency Department is authorized to request the assistance of other units of government, including agencies of the federal government, and to assume reasonable costs of other units of government as agreed by the Agency Department. The Agency Department is authorized to assess the costs of its response and the response of its predecessor agency, the Department of Nuclear Safety, against the person or persons responsible for the creation or continuation of the threat. The costs may include costs for personnel, equipment, transportation, special services, and treatment, storage, and disposal of sources of radiation, including costs incurred by the Agency or the Department and costs incurred by other units of government that assist the Agency or the Department. If the Agency Department is unable to determine who is responsible for the creation or continuation of the threat, the costs shall be assessed against the owner of the property and shall constitute a lien against the property until paid. Any person assessed costs under this subsection shall have the right to a hearing before the Agency Department provided a written request for a hearing is served on the Agency Department within 10 days of notice of the assessment. In the absence of receipt of a request for a hearing, the affected party shall be deemed to have waived the right to a hearing.
Sec. 39. Violations.
(a) Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by this Act, or who violates any determination or order of the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, promulgated pursuant to this Act, is guilty of a Class A misdemeanor; provided each day during which a violation continues shall constitute a separate offense; and in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided.

(b) (1) A person who knowingly makes a false material statement to a Department of Nuclear Safety or Agency employee during the course of official Department or Agency business or in an application for accreditation, certification, registration, or licensure under this Act is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for a second or subsequent offense.

(2) A person who knowingly alters a credential, certificate, registration, or license issued by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, for the purpose of evading a requirement of this Act is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for a second or subsequent offense.

(c) The penalties provided herein shall be recoverable in an action brought in the name of the People of the State of Illinois by the Attorney General.

Sec. 40. Injunctive relief. It shall be the duty of the Attorney General upon the request of the Agency Department to bring an action for an injunction against any person violating the provisions of this Act, or violating any order or determination of the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency.
Sec. 43. Reinstatement of existing licenses; Force and effect of existing rules.

All licenses, accreditations, registrations, and exemptions in effect on the date of this Act becomes law and issued pursuant to the Radiation Protection Act, are reinstated for the balance of the term for which last issued. All rules in effect on the date this Act becomes law and promulgated pursuant to the Radiation Protection Act, shall remain in full force and effect on the effective date of this Act without being promulgated again by the Department of Nuclear Safety, except to the extent any rule or regulation is inconsistent with any provision of this Act.

(Source: P.A. 86-1341.)

(420 ILCS 40/44) (from Ch. 111 1/2, par. 210-44)
(Section scheduled to be repealed on January 1, 2011)

Sec. 44. Protection of powers. The powers, duties and functions vested in the Agency Department under the provisions of this Act shall not be construed to affect in any manner the powers, duties, and functions vested in the Agency Department under any other provisions of law.

(Source: P.A. 86-1341.)

(420 ILCS 40/45)
(Section scheduled to be repealed on January 1, 2011)

Sec. 45. Subpoena power; confidentiality; witness fees; enforcement; punishment.

(a) The Agency Department, by its Assistant Director or a person designated by the Assistant Director, may, at the Assistant Director's instance or on the written request of another party to an administrative proceeding or investigation administered under this Act or under any other Act administered by the Agency as the successor agency to the Department of Nuclear Safety, subpoena witnesses to attend and give testimony before the hearing officer designated to preside over the proceeding or investigation and subpoena the production of books, papers, or records that the Assistant Director or a person designated by the Assistant Director deems relevant or material to any such administrative proceeding or investigation.

(b) Any patient records disclosed pursuant to a properly issued subpoena shall remain confidential and exempt from inspection and copying under the Freedom of Information Act and protected from disclosure under the provisions of Part 21 of Article VIII of the Code of Civil Procedure, with the exception that such patient records shall be admissible in any administrative proceeding before the Agency

New matter indicated by italics - deletions by strikeout
Department when necessary to substantiate violations of this Act or any other Act administered by the Agency as the successor agency to the Department of Nuclear Safety and rules thereunder. Prior to admission of such records into evidence or their being made a part of any contested case file, all information indicating the identity of the patient shall be removed and deleted.

(c) The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court of this State. Those fees shall be paid when the witness is excused from further attendance. When a witness is subpoenaed at the instance of the Agency Department, those fees shall be paid in the same manner as other administrative expenses of the Agency Department. When a witness is subpoenaed at the instance of a party to a proceeding other than the Agency Department, the Agency Department may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such a case, the Agency Department, in its discretion, may require a deposit to cover the cost of the service and witness fees. A subpoena or subpoena duces tecum issued under this Section may be served in the same manner as a subpoena issued out of a circuit court or may be served by United States registered or certified mail, addressed to the person concerned at the person's last known address, and proof of that mailing shall be sufficient for the purposes of this Section.

(d) Any person who, without lawful authority, fails to appear in response to a subpoena or to answer any question or to produce any books, papers, records, or any other documents relevant or material to such administrative proceeding or investigation is guilty of a Class A misdemeanor. Each violation shall constitute a separate and distinct offense. In addition to initiating criminal proceedings, the Agency Department, through the Attorney General, may seek enforcement of any such subpoena by any circuit court of this State.

(Source: P.A. 89-624, eff. 8-9-96.)

(420 ILCS 40/49)

(Section scheduled to be repealed on January 1, 2011)

Sec. 49. Remediation of Ottawa radiation sites. In order to accomplish a cost-effective remediation that is protective of the public health, the Agency Department shall have the following powers regarding the sites designated as the Ottawa radiation sites on the National Priorities

New matter indicated by italics - deletions by strikeout
List under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended:

1. to cooperate with and receive the assistance of other State agencies including, but not limited to, the Illinois Attorney General, the Department of Natural Resources, the Department of Transportation, and the Environmental Protection Agency;

2. to enter into contracts; and

3. to accept by gift, donation, or bequest and to purchase any interests in lands, buildings, grounds, and rights-of-way in, around, or adjacent to the Ottawa radiation sites and, upon completion of remediation, to transfer property to the Department of Natural Resources.

(Source: P.A. 92-387, eff. 8-16-01.)

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

INDEX

Statutes amended in order of appearance

420 ILCS 40/4 from Ch. 111 1/2, par. 210-4
420 ILCS 40/5 from Ch. 111 1/2, par. 210-5
420 ILCS 40/6 from Ch. 111 1/2, par. 210-6
420 ILCS 40/7 from Ch. 111 1/2, par. 210-7
420 ILCS 40/7a from Ch. 111 1/2, par. 210-7a
420 ILCS 40/9 from Ch. 111 1/2, par. 210-9
420 ILCS 40/10 from Ch. 111 1/2, par. 210-10
420 ILCS 40/11 from Ch. 111 1/2, par. 210-11
420 ILCS 40/11.5
420 ILCS 40/12 from Ch. 111 1/2, par. 210-12
420 ILCS 40/13 from Ch. 111 1/2, par. 210-13
420 ILCS 40/14 from Ch. 111 1/2, par. 210-14
420 ILCS 40/15 from Ch. 111 1/2, par. 210-15
420 ILCS 40/16 from Ch. 111 1/2, par. 210-16
420 ILCS 40/17 from Ch. 111 1/2, par. 210-17
420 ILCS 40/18 from Ch. 111 1/2, par. 210-18
420 ILCS 40/19 from Ch. 111 1/2, par. 210-19
420 ILCS 40/20 from Ch. 111 1/2, par. 210-20
420 ILCS 40/21 from Ch. 111 1/2, par. 210-21
420 ILCS 40/22 from Ch. 111 1/2, par. 210-22
420 ILCS 40/23 from Ch. 111 1/2, par. 210-23
420 ILCS 40/24 from Ch. 111 1/2, par. 210-24

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Sections 21-25 and 21-27 as follows:
(105 ILCS 5/21-25) (from Ch. 122, par. 21-25)
Sec. 21-25. School service personnel certificate.

New matter indicated by italics - deletions by strikeout
(a) Subject to the provisions of Section 21-1a, a school service personnel certificate shall be issued to those applicants of good character, good health, a citizen of the United States and at least 19 years of age who have a Bachelor's degree with not fewer than 120 semester hours from a regionally accredited institution of higher learning and who meets the requirements established by the State Superintendent of Education in consultation with the State Teacher Certification Board. A school service personnel certificate with a school nurse endorsement may be issued to a person who holds a bachelor of science degree from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association. Persons seeking any other endorsement on the school service personnel certificate shall be recommended for the endorsement by a recognized teacher education institution as having completed a program of preparation approved by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(b) Until August 30, 2002, a school service personnel certificate endorsed for school social work may be issued to a student who has completed a school social work program that has not been approved by the State Superintendent of Education, provided that each of the following conditions is met:

(1) The program was offered by a recognized, public teacher education institution that first enrolled students in its master's degree program in social work in 1998;

(2) The student applying for the school service personnel certificate was enrolled in the institution's master's degree program in social work on or after May 11, 1998;

(3) The State Superintendent verifies that the student has completed coursework that is substantially similar to that required in approved school social work programs, including (i) not fewer than 600 clock hours of a supervised internship in a school setting or (ii) if the student has completed part of a supervised internship in a school setting prior to the effective date of this amendatory Act of the 92nd General Assembly and receives the prior approval of the State Superintendent, not fewer than 300 additional clock hours of supervised work in a public school setting under the supervision of a certified school social worker who certifies that the supervised work was completed in a satisfactory manner; and

New matter indicated by italics - deletions by strikeout
(4) The student has passed a test of basic skills and the test of subject matter knowledge required by Section 21-1a. This subsection (b) does not apply after August 29, 2002.

(c) A school service personnel certificate shall be endorsed with the area of Service as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

The holder of such certificate shall be entitled to all of the rights and privileges granted holders of a valid teaching certificate, including teacher benefits, compensation and working conditions.

When the holder of such certificate has earned a master's degree, including 8 semester hours of graduate professional education from a recognized institution of higher learning, and has at least 2 years of successful school experience while holding such certificate, the certificate may be endorsed for supervision.

(d) Persons who have successfully achieved National Board certification through the National Board for Professional Teaching Standards shall be issued a Master School Service Personnel Certificate, valid for 10 years and renewable thereafter every 10 years through compliance with requirements set forth by the State Board of Education, in consultation with the State Teacher Certification Board. However, each holder of a Master School Service Personnel Certificate shall be eligible for a corresponding position in this State in the areas for which he or she holds a Master Certificate without satisfying any other requirements of this Code, except for those requirements pertaining to criminal background checks.

(Source: P.A. 91-102, eff. 7-12-99; 92-254, eff. 1-1-02.)

(105 ILCS 5/21-27)

Sec. 21-27. The Illinois Teaching Excellence Program. The Illinois Teaching Excellence Program is hereby established to provide categorical funding for monetary incentives and bonuses for teachers and school counselors who are employed by school districts and who hold a Master Certificate. The State Board of Education shall allocate and distribute to each school district an amount as annually appropriated by the General Assembly from federal funds for the Illinois Teaching Excellence Program. Unless otherwise provided by appropriation, each school district's annual allocation shall be the sum of the amounts earned for the following incentives and bonuses:

(1) An annual payment of $3,000 to be paid to (A) each teacher who successfully completes the program leading to and
who receives a Master Certificate and is employed as a teacher by a school district and (B) each school counselor who successfully completes the program leading to and who receives a Master Certificate and is employed as a school counselor by a school district. The school district shall distribute this payment to each eligible teacher or school counselor as a single payment or in not more than 3 payments.

(2) An annual incentive equal to $1,000 shall be paid to each teacher who holds a Master Certificate, who is employed as a teacher by a school district, and who agrees, in writing, to provide 60 hours of mentoring during that year to classroom teachers. This mentoring may include, either singly or in combination, (i) providing high quality professional development for new and experienced teachers, and (ii) assisting National Board for Professional Teaching Standards (NBPTS) candidates through the NBPTS certification process. The school district shall distribute 50% of each annual incentive payment upon completion of 30 hours of the required mentoring and the remaining 50% of the incentive upon completion of the required 60 hours of mentoring. Credit may not be granted by a school district for mentoring or related services provided during a regular school day or during the total number of days of required service for the school year.

(3) An annual incentive equal to $3,000 shall be paid to each teacher who holds a Master Certificate, who is employed as a teacher by a school district, and who agrees, in writing, to provide 60 hours of mentoring during that year to classroom teachers in schools on academic early warning status or in schools in which 50% or more of the students receive free or reduced price lunches, or both. The school district shall distribute 50% of each annual incentive payment upon completion of 30 hours of the required mentoring and the remaining 50% of the incentive upon completion of the required 60 hours of mentoring. Credit may not be granted by a school district for mentoring or related services provided during a regular school day or during the total number of days of required service for the school year.

Each regional superintendent of schools shall provide information about the Master Certificate Program of the National Board for Professional Teaching Standards (NBPTS) and this amendatory Act of the
91st General Assembly to each individual seeking to register or renew a certificate under Section 21-14 of this Code.
(Source: P.A. 92-796, eff. 8-10-02; 93-470, eff. 8-8-03.)

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

Passed in the General Assembly May 24, 2005.
Approved July 1, 2005.
Effective July 1, 2005.

PUBLIC ACT 94-0106
(Senate Bill No. 2032)

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

Section 5. The Children of Deceased Veterans Act is amended by changing Section 1 as follows:

(330 ILCS 105/1) (from Ch. 126 1/2, par. 26)

Sec. 1. The Illinois Department of Veterans' Affairs shall provide, insofar as moneys are appropriated for those purposes, for matriculation and tuition fees, board, room rent, books and supplies for the use and benefit of children, not under 10 and not over 18 years of age, except extension of time may be granted for a child to complete high school but in no event beyond the 19th birthday who have for 12 months immediately preceding their application for these benefits had their domicile in the State of Illinois, of World War I veterans who were killed in action or who died between April 6, 1917, and July 2, 1921, and of World War II veterans who were killed in action or died after December 6, 1941, and on or before December 31, 1946, and of Korean conflict veterans who were killed in action or died between June 27, 1950 and January 31, 1955, and of Vietnam conflict veterans who were killed in action or died between January 1, 1961 and May 7, 1975, as a result of service in the Armed Forces of the United States or from other causes of World War I, World War II, the Korean conflict or the Vietnam conflict, who died, whether before or after the cessation of hostilities, from service-connected disability, and of any veterans who died during the induction periods specified below or died of a service-connected disability incurred during such induction periods, such periods to be those beginning September 16, 1940, and ending December 6, 1941, and beginning January 1, 1947 and

New matter indicated by italics - deletions by strikeout
ending June 26, 1950 and the period beginning February 1, 1955, and
ending on the day before the first day thereafter on which individuals
(other than individuals liable for induction by reason of prior deferment)
are no longer liable for induction for training and service into the Armed
Forces under the Universal Military Training and Service Act, and
beginning January 1, 1961 and ending May 7, 1975 and of any veterans
who are totally and permanently disabled as a result of a service-connected
disability (or who died while a disability so evaluated was in existence);
which children are attending or may attend a state or private educational
institution of elementary or high school grade, a high school or a business
college, vocational training school, or other educational institution in this
State where courses of instruction are provided in subjects which would
tend to enable such children to engage in any useful trade, occupation or
profession. As used in this Act "service-connected" means, with respect to
disability or death, that such disability was incurred or aggravated, or that
the death resulted from a disability incurred or aggravated, in the
performance of active duty or active duty for training in the military
services. Such children shall be admitted to state educational institutions
free of tuition. No more than $250.00 may be paid under this Act for any
one child for any one school year. (Source: P.A. 85-1187.)

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

Passed in the General Assembly May 18, 2005.
Approved July 1, 2005.
Effective July 1, 2005.

PUBLIC ACT 94-0107
(House Bill No. 1581)

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

Section 5. The Department of Human Services Act is amended by
adding Section 10-8 as follows:
(20 ILCS 1305/10-8 new)

Sec. 10-8. The Diabetes Research Checkoff Fund; grants. The
Diabetes Research Checkoff Fund is created as a special fund in the State
treasury. From appropriations to the Department from the Fund, the

New matter indicated by italics - deletions by strikeout
Department must make grants to public or private entities in Illinois for the purpose of funding research concerning the disease of diabetes. At least 50% of the grants made from the Fund by the Department must be made to entities that conduct research for juvenile diabetes. For purposes of this Section, the term "research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of diabetes and may include clinical trials.

Moneys received for the purposes of this Section, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

Section 10. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)
Sec. 5.640. The Diabetes Research Checkoff Fund.

Section 15. The Illinois Income Tax Act is amended by changing Sections 509 and 510 and by adding Section 507EE as follows:

(35 ILCS 5/507EE new)
Sec. 507EE. Diabetes Research Checkoff Fund checkoff. For taxable years ending on or after December 31, 2005, the Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Diabetes Research Checkoff Fund, as authorized by this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section does not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)
Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required

New matter indicated by italics - deletions by strikeout
by this Act), the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Military Family Relief Fund, the Illinois Veterans' Homes Fund, the 

Diabetes Research Checkoff Fund, and the Asthma and Lung Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.) (35 ILCS 5/510) (from Ch. 120, par. 5-510)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Illinois Military Family Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Veterans' Homes Fund, the Diabetes Research Checkoff Fund, and the Asthma and Lung Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.
AN ACT regarding education.

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

Section 5. The School Code is amended by changing Section 3-15.12 as follows:

(105 ILCS 5/3-15.12) (from Ch. 122, par. 3-15.12)

Sec. 3-15.12. High school equivalency testing program. The regional superintendent of schools shall make available for qualified individuals residing within the region a High School Equivalency Testing Program. For that purpose the regional superintendent alone or with other regional superintendents may establish and supervise a testing center or centers to administer the secure forms of the high school level Test of General Educational Development to qualified persons. Such centers shall be under the supervision of the regional superintendent in whose region such centers are located, subject to the approval of the President of the Illinois Community College Board State Superintendent of Education.

An individual is eligible to apply to the regional superintendent of schools for the region in which he resides if he is: (a) a person who is 18 years of age or older, has maintained residence in the State of Illinois and is not a high school graduate, but whose high school class has graduated; (b) a member of the armed forces of the United States on active duty who is 17 years of age or older and who is stationed in Illinois or is a legal resident of Illinois; (c) a ward of the Department of Corrections who is 17 years of age or older or an inmate confined in any branch of the Illinois State Penitentiary or in a county correctional facility who is 17 years of age or older; (d) a female who is 17 years of age or older who is unable to attend school because she is either pregnant or the mother of one or more
children; (e) a male 17 years of age or older who is unable to attend school because he is a father of one or more children; (f) a person who is successfully completing an alternative education program under Section 2-3.81, Article 13A, or Article 13B; (g) a person who is enrolled in a youth education program sponsored by the Illinois National Guard; or (h) a person who is 17 years of age or older who has been a dropout for a period of at least one year. For purposes of this Section, residence is that abode which the applicant considers his home. Applicants may provide as sufficient proof of such residence a picture identification card and two pieces of correctly addressed and postmarked mail. Such regional superintendent shall determine if the applicant meets statutory and regulatory state standards. If qualified the applicant shall at the time of such application pay a fee established by the Illinois Community College Board State Board of Education, which fee shall be paid into a special fund under the control and supervision of the regional superintendent. Such moneys received by the regional superintendent shall be used, first, for the expenses incurred in administering and scoring the examination, and next for other educational programs that are developed and designed by the regional superintendent of schools to assist those who successfully complete the high school level test of General Education Development in furthering their academic development or their ability to secure and retain gainful employment, including programs for the competitive award based on test scores of college or adult education scholarship grants or similar educational incentives. Any excess moneys shall be paid into the institute fund.

Any applicant who has achieved the minimum passing standards as established by the Illinois Community College Board State Board of Education shall be notified in writing by the regional superintendent and shall be issued a high school equivalency certificate on the forms provided by the Illinois Community College Board State Board of Education. The regional superintendent shall then certify to the Illinois Community College Board Office of the State Superintendent of Education the score of the applicant and such other and additional information that may be required by the Illinois Community College Board State Board of Education. The moneys received therefrom shall be used in the same manner as provided for in this Section.

Any applicant who has attained the age of 18 years and maintained residence in the State of Illinois and is not a high school graduate but whose high school class has graduated, or any ward of the Department of
Corrections who has attained the age of 17 years, any inmate confined in any branch of the Illinois State Penitentiary or in a county correctional facility who has attained the age of 17 years, or any member of the armed forces of the United States on active duty who has attained the age of 17 years and who is stationed in Illinois or is a legal resident of Illinois, or any female who has attained the age of 17 years and is either pregnant or the mother of one or more children, or any male who has attained the age of 17 years and is the father of one or more children, or any person who has successfully completed an alternative education program under Section 2-3.81, Article 13A, or Article 13B and meets the requirements prescribed by the State Board of Education, is eligible to apply for a high school equivalency certificate (if he or she meets the requirements prescribed by the Illinois Community College Board) upon showing evidence that he or she has completed, successfully, the high school level General Educational Development Tests, administered by the United States Armed Forces Institute, official GED Centers established in other states, or at Veterans' Administration Hospitals or the office of the State Superintendent of Education administered for the Illinois State Penitentiary System and the Department of Corrections. Such applicant shall apply to the regional superintendent of the region wherein he has maintained residence, and upon payment of a fee established by the Illinois Community College Board State Board of Education the regional superintendent shall issue a high school equivalency certificate, and immediately thereafter certify to the Illinois Community College Board State Superintendent of Education the score of the applicant and such other and additional information as may be required by the Illinois Community College Board State Superintendent of Education.

Notwithstanding the provisions of this Section, any applicant who has been out of school for at least one year may request the regional superintendent of schools to administer the restricted GED test upon written request of: The director of a program who certifies to the Chief Examiner of an official GED center that the applicant has completed a program of instruction provided by such agencies as the Job Corps, the Postal Service Academy or apprenticeship training program; an employer or program director for purposes of entry into apprenticeship programs; another State Department of Education in order to meet regulations established by that Department of Education, a post high school educational institution for purposes of admission, the Department of Professional Regulation for licensing purposes, or the Armed Forces for
induction purposes. The regional superintendent shall administer such test and the applicant shall be notified in writing that he is eligible to receive the Illinois High School Equivalency Certificate upon reaching age 18, provided he meets the standards established by the Illinois Community College Board

Any test administered under this Section to an applicant who does not speak and understand English may at the discretion of the administering agency be given and answered in any language in which the test is printed. The regional superintendent of schools may waive any fees required by this Section in case of hardship.

In counties of over 3,000,000 population a GED certificate issued on or after July 1, 1994 shall contain the signatures of the President of the Illinois Community College Board, the superintendent, president or other chief executive officer of the institution where GED instruction occurred and any other signatures authorized by the Illinois Community College Board.

The regional superintendent of schools shall furnish the Illinois Community College Board with any information that the Illinois Community College Board requests with regard to testing and certificates under this Section.

(Source: P.A. 92-42, eff. 1-1-02.)

Section 10. The Public Community College Act is amended by adding Sections 2-21 and 2-22 as follows:

(110 ILCS 805/2-21 new)

Sec. 2-21. High school equivalency testing. On the effective date of this amendatory Act of the 94th General Assembly, all powers and duties of the State Board of Education and State Superintendent of Education with regard to high school equivalency testing under the School Code shall be transferred to the Illinois Community College Board. Within a reasonable period of time after that date, all assets, liabilities, contracts, property, records, pending business, and unexpended appropriations of the State Board of Education with regard to high school equivalency testing shall be transferred to the Illinois Community College Board. The Illinois Community College Board may adopt any rules necessary to carry out its responsibilities under the School Code with regard to high school equivalency testing. All rules, standards, and procedures adopted by the State Board of Education under the School Code with regard to high school equivalency testing shall continue in effect as the rules, standards,
and procedures of the Illinois Community College Board, until they are modified by the Illinois Community College Board.

(110 ILCS 805/2-22 new)

Sec. 2-22. High school equivalency certificates. On the effective date of this amendatory Act of the 94th General Assembly, all powers and duties of the State Board of Education and State Superintendent of Education with regard to high school equivalency certificates under the School Code shall be transferred to the Illinois Community College Board. Within a reasonable period of time after that date, all assets, liabilities, contracts, property, records, pending business, and unexpended appropriations of the State Board of Education with regard to high school equivalency certificates shall be transferred to the Illinois Community College Board. The Illinois Community College Board may adopt any rules necessary to carry out its responsibilities under the School Code with regard to high school equivalency certificates and to carry into efficient and uniform effect the provisions for the issuance of high school equivalency certificates in this State. All rules, standards, and procedures adopted by the State Board of Education under the School Code with regard to high school equivalency certificates shall continue in effect as the rules, standards, and procedures of the Illinois Community College Board, until they are modified by the Illinois Community College Board.

(105 ILCS 5/2-3.34 rep.) (from Ch. 122, par. 2-3.34)

Section 15. The School Code is amended by repealing Section 2-3.34.

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

Passed in the General Assembly May 26, 2005.
Approved July 1, 2005.
Effective July 1, 2005.

PUBLIC ACT 94-0109
(Senate Bill No. 1442)

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

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 8 as follows:

(5 ILCS 375/8) (from Ch. 127, par. 528)

New matter indicated by italics - deletions by strikeout
Sec. 8. Eligibility.

(a) Each member eligible under the provisions of this Act and any rules and regulations promulgated and adopted hereunder by the Director shall become immediately eligible and covered for all benefits available under the programs. Members electing coverage for eligible dependents shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

(1) Every member originally eligible to elect dependent coverage, but not electing it during the original eligibility period, may subsequently obtain dependent coverage only in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

(2) Members described above being transferred from previous coverage towards which the State has been contributing shall be transferred regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled.

(3) Eligible and covered members that are eligible for coverage as dependents except for the fact of being members shall be transferred to, and covered under, dependent status regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled upon cessation of member status and the election of dependent coverage by a member eligible to elect that coverage.

(b) New employees shall be immediately insured for the basic group life insurance and covered by the program of health benefits on the first day of active State service. Optional coverages or benefits, if elected during the relevant eligibility period, will become effective on the date of employment. Optional coverages or benefits applied for after the eligibility period will be effective, subject to satisfactory evidence of insurability when applicable, or other necessary qualifications, pursuant to the requirements of the applicable benefit program, unless there is a change in status that would confer new eligibility for change of enrollment under rules established supplementing this Act, in which event application must be made within the new eligibility period.
(c) As to the group health benefits program contracted to begin or continue after June 30, 1973, each retired employee shall become immediately eligible and covered for all benefits available under that program. Retired employees may elect coverage for eligible dependents and shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

Except as otherwise provided in this Act, where husband and wife are both eligible members, each shall be enrolled as a member and coverage on their eligible dependent children, if any, may be under the enrollment and election of either.

Regardless of other provisions herein regarding late enrollment or other qualifications, as appropriate, the Director may periodically authorize open enrollment periods for each of the benefit programs at which time each member may elect enrollment or change of enrollment without regard to age, sex, health, or other qualification under the conditions as may be prescribed in rules and regulations supplementing this Act. Special open enrollment periods may be declared by the Director for certain members only when special circumstances occur that affect only those members.

(d) Beginning with fiscal year 2003 and for all subsequent years, eligible members may elect not to participate in the program of health benefits as defined in this Act. The election must be made during the annual benefit choice period, subject to the conditions in this subsection.

(1) Members must furnish proof of health benefit coverage, either comprehensive major medical coverage or comprehensive managed care plan, from a source other than the Department of Central Management Services in order to elect not to participate in the program.

(2) Members may re-enroll in the Department of Central Management Services program of health benefits upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions, provided that there was not a break in coverage of more than 63 days.

(3) Members may also re-enroll in the program of health benefits during any annual benefit choice period, without evidence of insurability.
(4) Members who elect not to participate in the program of health benefits shall be furnished a written explanation of the requirements and limitations for the election not to participate in the program and for re-enrolling in the program. The explanation shall also be included in the annual benefit choice options booklets furnished to members.

(d-5) Beginning July 1, 2005, the Director may establish a program of financial incentives to encourage annuitants receiving a retirement annuity from the State Employees Retirement System, but who are not eligible for benefits under the federal Medicare health insurance program (Title XVIII of the Social Security Act, as added by Public Law 89-97) to elect not to participate in the program of health benefits provided under this Act. The election by an annuitant not to participate under this program must be made in accordance with the requirements set forth under subsection (d). The financial incentives provided to these annuitants under the program may not exceed $150 per month for each annuitant electing not to participate in the program of health benefits provided under this Act.

(e) Notwithstanding any other provision of this Act or the rules adopted under this Act, if a person participating in the program of health benefits as the dependent spouse of an eligible member becomes an annuitant, the person may elect, at the time of becoming an annuitant or during any subsequent annual benefit choice period, to continue participation as a dependent rather than as an eligible member for as long as the person continues to be an eligible dependent.

An eligible member who has elected to participate as a dependent may re-enroll in the program of health benefits as an eligible member (i) during any subsequent annual benefit choice period or (ii) upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions.

A person who elects to participate in the program of health benefits as a dependent rather than as an eligible member shall be furnished a written explanation of the consequences of electing to participate as a dependent and the conditions and procedures for re-enrolling as an eligible member. The explanation shall also be included in the annual benefit choice options booklet furnished to members.

(Source: P.A. 92-600, eff. 6-28-02; 93-553, eff. 8-20-03.)

New matter indicated by italics - deletions by strikeout
Section 10. The Illinois Pension Code is amended by adding Section 14-108.6 as follows:

(40 ILCS 5/14-108.6 new)

Sec. 14-108.6. Alternative retirement cancellation payment.

(a) To be eligible for the alternative retirement cancellation payment provided in this Section, a person must:

(1) be a member of this System who, as of July 1, 2005, was in active payroll status as an employee in a position listed in subsection (b) of this Section and continuously employed in a position listed in subsection (b) on and after January 1, 2005 and (ii) an active contributor to this System with respect to that employment;

(2) have not previously received any retirement annuity under this Article;

(3) in the case of persons employed in a position title listed under paragraph (1) of subsection (b), be among the first 500 persons to file with the Board on or before September 30, 2005 a written application requesting the alternative retirement cancellation payment provided in this Section;

(4) in the case of persons employed in a position title listed under paragraph (2) of subsection (b), have received written authorization from the director or other head of his or her department and filed that authorization with the system on or before September 1, 2005;

(5) if there is a QILDRO in effect against the person, file with the Board the written consent of all alternate payees under the QILDRO to the election of an alternative retirement cancellation payment under this Section; and

(6) terminate employment under this Article within one month after approval of the person's application requesting the alternative retirement cancellation payment, but in no event later than October 31, 2005.

(b)(1) Position titles eligible for the alternative retirement cancellation payment provided in this Section are:

911 Analyst III; Brickmason; Account Clerk I and II; Budget Analyst I and II; Account Technician I and II; Budget Operations Director; Accountant; Budget Principal; Accountant Advanced; Building Services Worker; Accountant Supervisor; Building/Grounds Laborer; Accounting Fiscal Administrative
Career Trainee; Building/Grounds Lead 1 and 2; Accounts Payable Processing Analyst; Building/Grounds Maintenance Worker; Accounts Payable Specialist; Building/Grounds Supervisor; Accounts Processing Analyst; Bureau Chief; Actuarial Assistant; Business Administrative Specialist; Administrative and Technology Director; Business Analyst I through IV; Administrative Assistant I through III; Business Manager; Administrative Clerk; Buyer; Administrative Coordinator; Buyer Assistant; Administrator; Capital Budget Analyst I and II; Administrator of Capital Programs; Capital Budget Director; Administrator of Construction Administration; Capital Programs Analyst I and II; Administrator of Contract Administration; Capital Programs Technician; Administrator of Fair Employment Practices; Carpenter; Administrator of Fiscal; Carpenter Foreman; Administrator of Information Management; Cartographer I through III; Administrator of Information Systems; Chief - Police; Administrator of Personnel; Chief Veterans Technician; Administrator of Professional Services; Circuit Provisioning Specialist; Administrator of Public Affairs; Civil Engineer I through IX; Administrator of Quality-Based Selection; Civil Engineer Trainee; Administrator of Strategic Planning and Training; Clerical Trainee; Appeals & Orders Coordinator; Communications Director; Appraisal Specialist 1 through 3; Community Planner 3; Assignment Coordinator; Commander; Assistant Art-in-Architecture Coordinator; Compliance Specialist; Assistant Chief - Police; Conservation Education Representative; Assistant Internal Auditor; Conservation Grant Administrator I through 3; Assistant Manager; Construction Supervisor I and II; Assistant Personnel Officer; Consumer Policy Analyst; Assistant Professor Scientist; Consumer Program Coordinator; Assistant Reimbursement Officer; Contract Executive; Assistant Steward; Coordinator of Administrative Services; Associate Director for Administrative Services; Coordinator of Art-in-Architecture; Associate Museum Director; Corrections Clerk I through III; Associate Professor Scientist; Corrections Maintenance Supervisor; Corrections Caseworker Supervisor; Corrections Food Service Supervisor; Auto Parts Warehouse Specialist; Corrections Maintenance Worker; Auto Parts Warehouse; Curator I through III; Automotive Attendant I and II; Data
Processing Administrative Specialist; Automotive Mechanic; Data Processing Assistant; Automotive Shop Supervisor; Data Processing Operator; Baker; Data Processing Specialist; Barber; Data Processing Supervisor 1 through 3; Beautician; Data Processing Technician; Brickmason; Deputy Chief Counsel; Director of Licensing; Desktop Technician; Director of Security; Human Resources Officer; Division Chief; Human Resources Representative; Division Director; Human Resources Specialist; Economic Analyst I through IV; Human Resources Trainee; Electrical Engineer; Human Services Casework Manager; Electrical Engineer I through V; Human Services Grant Coordinator 2 and 3; Electrical Equipment Installer/Repairer; Iconographer; Electrical Equipment Installer/Repairer Lead Worker; Industry and Commercial Development Representative 1 and 2; Electrician; Industry Services Consultant 1 and 2; Electronics Technician; Information Services Intern; Elevator Operator; Information Services Specialist I and II; Endangered Species Secretary; Information Systems Analyst I through III; Engineering Aide; Information Systems Manager; Engineering Analyst I through IV; Information Systems Planner; Engineering Manager I and II; Institutional Maintenance Worker; Engineering Technician I through V; Instrument Designer; Environmental Scientist I and II; Insurance Analyst I through IV; Executive I through VI; Executive Assistant; Intermittent Clerk; Executive Assistant I through IV; Intermittent Laborer Maintenance; Executive Secretary I through 3; Intern; Federal Funding and Public Safety Director; Internal Auditor 1; Financial & Budget Assistant; Internal Communications Officer; Financial & Budget Supervisor; International Marketing Representative I; Financial Management Director; IT Manager; Fiscal Executive; Janitor I and II; Fiscal Officer; Junior State Veterinarian; Gas Engineer I through IV; Junior Supervisor Scientist; General Counsel and Regulatory Director; Laboratory Manager II; General Services Administrator I; Labor Maintenance Lead Worker; General Services Technician; Laborer; Geographic Information Specialist 1 and 2; Laborer (Building); Geologist I through IV; Laborer (Maintenance); Graphic Arts Design Supervisor; Landscape Architect; Graphic Arts Designer; Landscape Architect I through IV; Graphic Arts Technician; Landscape Planner; Grounds

New matter indicated by italics - deletions by strikeout
Supervisor; Laundry Manager I; Highway Construction Supervisor I; Legislative Liaison I and II; Historical Research Editor 2; Liability Claims Adjuster I and 2; Historical Research Specialist; Librarian I and 2; Horse Custodian; Library Aide I through III; Horse Identifier; Library Associate; Hourly Assistant; Library Technical Assistant; Human Resource Coordinator; Licensing Assistant; Human Resources Analyst; Line Technician I through II; Human Resources Assistant; Local History Service Representative; Human Resources Associate; Local Housing Advisor 2 and 3; Human Resources Manager; Local Revenue and Fiscal Advisor 3; Machinist; Locksmith; Maintenance Equipment Operator; Operations Communications Specialist Trainee; Maintenance Worker; Operations Technician; Maintenance Worker Power Plant; Painter; Management Information Technician; Paralegal Assistant; Management Operations Analyst 1 and 2; Performance Management Analyst; Management Secretary I; Personnel Manager; Management Systems Specialist; Photogrammetrist I through IV; Management Technician I through IV; Physician; Manager; Physician Specialist Operations A through D; Manpower Planner I through 3; Planning Director; Medical Administrator III and V; Plant Maintenance Engineer 1 and 2; Methods & Processes Advisor 1, 2 and III; Plumber; Methods & Processes Career Associate I and 2; Policy Advisor; Microfilm Operator I through III; Policy Analyst I through IV; Military Administrative Assistant I; Power Shovel Operator (Maintenance); Military Administrative Clerk; Principal Economist; Military Administrative Officer-Legal; Principal Scientist; Military Administrative Specialist; Private Secretary I and 2; Military Community Relations Specialist; Private Secretary I and II; Military Cooperative Agreement Specialist; Procurement Representative; Military Crash, Fire, Rescue I through III; Professor & Scientist; Military Energy Manager; Program Manager; Military Engineer Technician; Program Specialist; Military Environmental Specialist I through III; Project Coordinator; Military Facilities Engineer; Project Designer; Military Facilities Officer I; Project Manager I through III; Military Maintenance Engineer; Project Manager; Military Museum Director; Project Manager/Technical Specialist I thru III; Military Program Supervisor; Project Specialist I through IV;

New matter indicated by italics - deletions by strikeout
Military Property Custodian II; Projects Director; Military Real Property Clerk; Property & Supply Clerk I through III; Motorist Assistance Specialist; Property Control Officer; Museum Director; Public Administration Intern; Museum Security Head I through III; Public Information Coordinator; Museum Technician I through III; Public Information Officer; Network Control Center Specialist; Public Information Officer 2 through 4; Network Control Center Technician 2; Public Service Administrator; Network Engineer I through IV; Race Track Maintenance I and 2; Office Administration Specialist; Radio Technician Program Coordinator; Office Administrator I through 5; Realty Specialist I through V; Office Aide; Receptionist; Office Assistant; Regional Manager; Office Associate; Regulatory Accountant IV; Office Clerk; Reimbursement Officer 1 and 2; Office Coordinator; Representative I and II; Office Manager; Representative Trainee; Office Occupations Trainee; School Construction Manager; Office Specialist; Secretary I and IV; Operations Communications Specialist I and II; Security Guard; Senior Economic Analyst; Security Supervisor; Senior Editor; Systems Developer I through IV; Senior Electrical Engineer; Systems Developer Trainee; Senior Financial & Budget Assistant; Systems Engineer I through IV; Senior Gas Engineer; Systems Engineer Trainee; Senior Policy Analyst; Tariff & Order Coordinator; Senior Programs Analyst; Tariff Administrator III; Senior Project Consultant; Tariff Analyst IV; Senior Project Manager; Teacher of Barbering; Senior Public Information Officer; Teacher of Beauty Culture; Senior Public Service Administrator; Technical Advisor 2 and 3; Senior Rate Analyst; Technical Advisor I through VII; Senior Technical Assistant; Technical Analyst; Technical Manager I through IX; Senior Technical Supervisor; Technical Assistant; Senior Technology Specialist; Technical Manager 1; Senior Transportation Industry Analyst; Technical Manager I through X; Sewage Plant Operator; Technical Specialist; Sign Hanger; Technical Support Specialist; Sign Hanger Foreman; Technical Specialist I thru III; Sign Painter; Technician Trainee; Sign Shop Foreman; Telecom Systems Analyst; Silk Screen Operator; Telecom Systems Consultant; Senior Administrative Assistant; Telecom Systems Technician I and 2; Site Superintendent; Telecommunication Supervisor; Software Architect; Tinsmith;

New matter indicated by italics - deletions by strikeout
Special Assistant; Trades Tender; Special Assistant to the Executive Director; Training Coordinator; Staff Development Specialist I; Transportation Counsel; Staff Development Technician II; Transportation Industry Analyst III; State Police Captain; Transportation Industry Customer Service; State Police Lieutenant; Transportation Officer; State Police Major; Transportation Policy Analyst III and IV; State Police Master Sergeant; Urban Planner I through VI; Stationary Engineer; Utility Engineer I and II; Stationary Engineer Assistant Chief; Veteran Secretary; Stationary Engineer Chief; Veteran Technician; Stationary Fireman; Water Engineer I through IV; Statistical Research Specialist I through III; Water Plant Operator; Statistical Research Supervisor; Web and Publications Manager; Statistical Research Technician; Steamfitter; Steward; Steward Secretary; Storekeeper I through III; Stores Clerk; Student Intern; Student Worker; Supervisor; Supervisor & Assistant Scientist; Supervisor & Associate Scientist; Switchboard Operator I through III; Administrative Assistant to the Superintendent; Assistant Legal Advisor; Legal Assistant; Senior Human Resources Specialist; Principal Internal Auditor; Division Administrator; Division Supervisor; and Private Secretary I through III.

(2) In addition, any position titles with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Attorney General, the Secretary of State, the Comptroller, the Treasurer, the Auditor General, the Supreme Court, the Court of Claims, and each legislative agency are eligible for the alternative retirement cancellation payment provided in this Section.

(c) In lieu of any retirement annuity or other benefit provided under this Article, a person who qualifies for and elects to receive the alternative retirement cancellation payment under this Section shall be entitled to receive a one-time lump sum retirement cancellation payment equal to the amount of his or her contributions to the System (including any employee contributions for optional service credit and including any employee contributions paid by the employer or credited to the employee during disability) as of the date of termination, with regular interest, multiplied by 2.
(d) Notwithstanding any other provision of this Article, a person who receives an alternative retirement cancellation payment under this Section thereby forfeits the right to any other retirement or disability benefit or refund under this Article, and no widow's, survivor's, or death benefit deriving from that person shall be payable under this Article. Upon accepting an alternative retirement cancellation payment under this Section, the person's creditable service and all other rights in the System are terminated for all purposes, except for the purpose of determining State group life and health benefits for the person and his or her survivors as provided under the State Employees Group Insurance Act of 1971.

(e) To the extent permitted by federal law, a person who receives an alternative retirement cancellation payment under this Section may direct the System to pay all or a portion of that payment as a rollover into another retirement plan or account qualified under the Internal Revenue Code of 1986, as amended.

(f) Notwithstanding Section 14-111, a person who has received an alternative retirement cancellation payment under this Section and who reenters service under this Article other than as a temporary employee must repay to the System the amount by which that alternative retirement cancellation payment exceeded the amount of his or her refundable employee contributions within 60 days of resuming employment under this System. For the purposes of re-establishing creditable service that was terminated upon election of the alternative retirement cancellation payment, the portion of the alternative retirement cancellation payment representing refundable employee contributions shall be deemed a refund repayable in accordance with Section 14-130.

(g) The Commission on Government Forecasting and Accountability shall determine and report to the Governor and the General Assembly, on or before January 1, 2007, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early termination of persons receiving the alternative retirement cancellation payment under this Section and (2) the net annual savings or cost to the State from the program of alternative retirement cancellation payments under this Section.

The System, the Department of Central Management Services, the Governor's Office of Management and Budget, and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its report under this Section. The Commission may require departments to provide it with any information that it deems
necessary or useful with respect to its reports under this Section, including
without limitation information about (1) the final earnings of former
department employees who elected to receive alternative retirement
cancellation payments under this Section, (2) the earnings of current
department employees holding the positions vacated by persons who
elected to receive alternative retirement cancellation payments under this
Section, and (3) positions vacated by persons who elected to receive
alternative retirement cancellation payments under this Section that have
not yet been refilled.

Section 99. Effective date. This Act takes effect July 1, 2005.
Approved July 1, 2005.
Effective July 1, 2005.

PUBLIC ACT 94-0110
(House Bill No. 0657)
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing
Section 11-501 as follows:
(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
Sec. 11-501. Driving while under the influence of alcohol, other
drug or drugs, intoxicating compound or compounds or any combination
thereof.
(a) A person shall not drive or be in actual physical control of any
vehicle within this State while:
(1) the alcohol concentration in the person's blood or breath
is 0.08 or more based on the definition of blood and breath units in
Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or
combination of intoxicating compounds to a degree that renders the
person incapable of driving safely;
(4) under the influence of any other drug or combination of
drugs to a degree that renders the person incapable of safely
driving;

New matter indicated by italics - deletions by strikeout
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

New matter indicated by italics - deletions by strikeout
(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs

New matter indicated by italics - deletions by strikeout
during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).

(c-3) (Blank).

(c-4) (Blank).

(c-5) Except as provided in subsection (c-5.1), a person 21 years of age or older who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to 6 months of imprisonment, an additional mandatory minimum fine of $1,000, and 25 days of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-5.1) A person 21 years of age or older who is convicted of violating subsection (a) of this Section a first time and who in committing that violation was involved in a motor vehicle accident that resulted in bodily harm to the child under the age of 16 being transported by the person, if the violation was the proximate cause of the injury, is guilty of a Class 4 felony and is subject to one year of imprisonment, a mandatory fine of $2,500, and 25 days of community service in a program benefiting children. The imprisonment or assignment to community service under this subsection (c-5.1) shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-6) Except as provided in subsections (c-7) and (c-7.1), (c-8) a person 21 years of age or older who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to 6 months an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

New matter indicated by italics - deletions by strikeout
(c-7) Except as provided in subsection (c-7.1) (c-8), any person 21 years of age or older convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, is subject to one year of a mandatory minimum 12 days imprisonment, 25 days an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $2,500 $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7.1) A person 21 years of age or older who is convicted of violating subsection (a) of this Section a second time within 10 years and who in committing that violation was involved in a motor vehicle accident that resulted in bodily harm to the child under the age of 16 being transported, if the violation was the proximate cause of the injury, is guilty of a Class 4 felony and is subject to 18 months of imprisonment, a mandatory fine of $5,000, and 25 days of community service in a program benefiting children. The imprisonment or assignment to community service under this subsection (c-7.1) shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-8) (Blank). Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person 21 years of age or older convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and is subject to 18 months of imprisonment, a shall receive, in addition to any other penalty imposed, an additional mandatory fine of $2,500, and 25 days $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service

New matter indicated by italics - deletions by strikeout
under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person 21 years of age or older convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 3 Class 4 felony and shall receive, in addition to any other penalty imposed, is subject to 3 years of imprisonment, 25 days an additional mandatory 40 hours of community service in a program benefiting children, and a an additional mandatory fine of $25,000 $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person 21 years of age or older convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $25,000 $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

New matter indicated by italics - deletions by strikeout
(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to

New matter indicated by italics - deletions by strikeout
have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or
conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

New matter indicated by italics - deletions by strikeout
(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

New matter indicated by italics - deletions by strikeout
(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; revised 10-21-04.)

Passed in the General Assembly May 17, 2005.
Approved July 5, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0111
(House Bill No. 0887)

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

Section 5. The Illinois Municipal Code is amended by adding Section 1-2-1.2 as follows:

(65 ILCS 5/1-2-1.2 new)
Sec. 1-2-1.2. Felony DUI prosecutions prohibited.
(a) A unit of local government, including a home rule unit, may not enforce any ordinance that prohibits driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof if, based on the alleged facts of the case or the defendant's driving history or record, the offense charged would constitute a felony under Section 11-501 of the Illinois Vehicle Code.

New matter indicated by italics - deletions by strikeout
(b) A municipal attorney must (i) review the driving record of any defendant accused of violating any ordinance that prohibits driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and (ii) if the offense charged would constitute a felony under Section 11-501 of the Illinois Vehicle Code, notify the State's Attorney of the county of the felony charges.

(c) This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

Section 10. The Illinois Vehicle Code is amended by adding Section 11-208.5 and changing Section 16-102 as follows:

(625 ILCS 5/11-208.5 new)
Sec. 11-208.5. Prosecution of felony DUI by local authorities prohibited.

(a) The powers of a local authority to enact or enforce any ordinance or rule with respect to the streets or highways under its jurisdiction relating to driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof is limited to the enactment and enforcement of ordinances or rules the violation of which would constitute a misdemeanor under Section 11-501 of the Illinois Vehicle Code.

(b) A local authority may not enact or enforce any ordinance or rule with respect to streets and highways under its jurisdiction if a violation of that ordinance or rule would constitute a felony under Section 11-501 of the Illinois Vehicle Code.

(c) A municipal attorney who is aware that, based on a driver's history, the driver is subject to prosecution for a felony under Section 11-501 of the Illinois Vehicle Code, must notify the State's Attorney of that county of the driver's conduct and may not prosecute the driver on behalf of the municipality.

(625 ILCS 5/16-102) (from Ch. 95 1/2, par. 16-102)
Sec. 16-102. Arrests - Investigations - Prosecutions.

(a) The State Police shall patrol the public highways and make arrests for violation of the provisions of this Act.

(b) The Secretary of State, through the investigators provided for in this Act shall investigate and report violations of the provisions of this Act in relation to the equipment and operation of vehicles as provided for in Section 2-115 and for such purposes these investigators have and may exercise throughout the State all of the powers of police officers.

New matter indicated by italics - deletions by strikeout
(c) The State's Attorney of the county in which the violation occurs shall prosecute all violations except when the violation occurs within the corporate limits of a municipality, the municipal attorney may prosecute if written permission to do so is obtained from the State's Attorney.

(d) The State's Attorney of the county in which the violation occurs may not grant to the municipal attorney permission to prosecute if the offense charged is a felony under Section 11-501 of this Code.

(Source: P.A. 83-341.)

Passed in the General Assembly May 11, 2005.
Approved July 5, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0112
(House Bill No. 0888)

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

Section 5. The Illinois Vehicle Code is amended by changing Section 6-303 as follows:

(625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)
Sec. 6-303. Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked.

(a) Any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of another state, except as may be specifically allowed by a judicial driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor.

(b) The Secretary of State upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle during the time when said person's driver's license, permit or privilege was suspended by the Secretary, by the appropriate authority of another state, or pursuant to Section 11-501.1; except as may be specifically allowed by a probationary license to drive, judicial driving permit or restricted driving permit issued pursuant to this Code or the law of another state; shall

New matter indicated by italics - deletions by strikeout
extend the suspension for the same period of time as the originally imposed suspension; however, if the period of suspension has then expired, the Secretary shall be authorized to suspend said person's driving privileges for the same period of time as the originally imposed suspension; and if the conviction was upon a charge which indicated that a vehicle was operated during the time when the person's driver's license, permit or privilege was revoked; except as may be allowed by a restricted driving permit issued pursuant to this Code or the law of another state; the Secretary shall not issue a driver's license for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of revocation.

(c) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 10 consecutive days or 30 days of community service when the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof; or

(2) a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance relating to the offense of leaving the scene of a motor vehicle accident involving personal injury or death; or

(3) a violation of Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or

(4) a statutory summary suspension under Section 11-501.1 of this Code.

Such sentence of imprisonment or community service shall not be subject to suspension in order to reduce such sentence.

(c-1) Except as provided in subsection (d), any person convicted of a second violation of this Section shall be ordered by the court to serve a minimum of 100 hours of community service.

(c-2) In addition to other penalties imposed under this Section, the court may impose on any person convicted a fourth time of violating this Section any of the following:

(1) Seizure of the license plates of the person's vehicle.

(2) Immobilization of the person's vehicle for a period of time to be determined by the court.

New matter indicated by italics - deletions by strikeout
(d) Any person convicted of a second violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-1) Except as provided in subsection (d-2) and subsection (d-3), any person convicted of a third or subsequent violation of this Section shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court.

(d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-3) Any person convicted of a fourth, fifth, sixth, seventh, eighth, or ninth or subsequent violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-4) Any person convicted of a tenth, eleventh, twelfth, thirteenth, or fourteenth violation of this Section is guilty of a Class 3 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

New matter indicated by italics - deletions by strikeout
(d-5) Any person convicted of a fifteenth or subsequent violation of this Section is guilty of a Class 2 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(e) Any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements, in addition to other penalties imposed under this Section, shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(f) For any prosecution under this Section, a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(g) The motor vehicle used in a violation of this Section is subject to seizure and forfeiture as provided in Sections 36-1 and 36-2 of the Criminal Code of 1961 if the person's driving privilege was revoked or suspended as a result of a violation listed in paragraph (1), (2), or (3) of subsection (c) of this Section or as a result of a summary suspension as provided in paragraph (4) of subsection (c) of this Section.

(Source: P.A. 91-692, eff. 4-13-00; 92-340, eff. 8-10-01; 92-688, eff. 7-16-02.)

Passed in the General Assembly May 11, 2005.
Approved July 5, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0113
(House Bill No. 1081)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).
(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a

New matter indicated by italics - deletions by strikeout
mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefitting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory
minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum fine of $3000, and a mandatory minimum...
120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation

New matter indicated by italics - deletions by strikeout
subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or

New matter indicated by italics - deletions by strikeout
permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol,
drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally.
Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000

New matter indicated by italics - deletions by strikeout
per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; revised 1-13-05.)

Passed in the General Assembly May 11, 2005.
Approved July 5, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0114
(House Bill No. 1132)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

New matter indicated by italics - deletions by strikeout
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended,
where the revocation or suspension was for a violation of
subsection (a), Section 11-501.1, paragraph (b) of Section 11-401,
or for reckless homicide as defined in Section 9-3 of the Criminal
Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the
third violation occurs during a period in which his or her driving
privileges are revoked or suspended where the revocation or
suspension was for a violation of subsection (a), Section 11-501.1,
paragraph (b) of Section 11-401, or for reckless homicide as
defined in Section 9-3 of the Criminal Code of 1961, is guilty of a
Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if
the third violation occurs during a period in which his or her driving
privileges are revoked or suspended where the revocation or
suspension was for a violation of subsection (a), Section 11-
501.1, subsection (b) of Section 11-401, or for reckless homicide
as defined in Section 9-3 of the Criminal Code of 1961, is guilty of
a Class 3 felony; and if the person receives a term of probation or
conditional discharge, he or she shall be required to serve a
mandatory minimum of 10 days of imprisonment or shall be
assigned a mandatory minimum of 480 hours of community
service, as may be determined by the court, as a condition of the
probation or conditional discharge. This mandatory minimum term
of imprisonment or assignment of community service shall not be
suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation
occurs during a period in which his or her driving privileges are
revoked or suspended where the revocation or suspension was for a
violation of subsection (a) or Section 11-501.1, shall also be
sentenced to an additional mandatory minimum term of 30
consecutive days of imprisonment, 40 days of 24-hour periodic
imprisonment, or 720 hours of community service, as may be
determined by the court. This mandatory term of imprisonment or
assignment of community service shall not be suspended or
reduced by the court.

(3) A person who violates subsection (a) a fourth or fifth
subsequent time, if the fourth or fifth subsequent violation occurs
during a period in which his or her driving privileges are revoked
or suspended where the revocation or suspension was for a

New matter indicated by italics - deletions by strikeout
violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).

(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8), a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The
imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or fifth subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or fifth subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of
subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or fifth subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or fifth subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(c-16) Any person convicted of a sixth or subsequent violation of subsection (a) is guilty of a Class X felony.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

New matter indicated by italics - deletions by strikeout
(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph...
(1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

New matter indicated by italics - deletions by strikeout
(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed

New matter indicated by italics - deletions by strikeout
only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; revised 1-13-05.)

Passed in the General Assembly May 11, 2005.

Approved July 5, 2005.

Effective January 1, 2006.
Sec. 11-401. Motor vehicle accidents involving death or personal injuries.

(a) The driver of any vehicle involved in a motor vehicle accident resulting in personal injury to or death of any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible and shall then forthwith return to, and in every event shall remain at the scene of the accident until the requirements of Section 11-403 have been fulfilled. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person who has failed to stop or to comply with the requirements of paragraph (a) shall, as soon as possible but in no case later than one-half hour after such motor vehicle accident, or, if hospitalized and incapacitated from reporting at any time during such period, as soon as possible but in no case later than one-half hour after being discharged from the hospital, report the place of the accident, the date, the approximate time, the driver's name and address, the registration number of the vehicle driven, and the names of all other occupants of such vehicle, at a police station or sheriff's office near the place where such accident occurred. No report made as required under this paragraph shall be used, directly or indirectly, as a basis for the prosecution of any violation of paragraph (a).

(b-1) Any person arrested for violating this Section is subject to chemical testing of his or her blood, breath, or urine for the presence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, as provided in Section 11-501.1, if the testing occurs within 12 hours of the time of the occurrence of the accident that led to his or her arrest. The person's driving privileges are subject to statutory summary suspension under Section 11-501.1 if he or she fails or refuses to undergo the testing.

For purposes of this Section, personal injury shall mean any injury requiring immediate professional treatment in a medical facility or doctor's office.

(c) Any person failing to comply with paragraph (a) shall be guilty of a Class 4 felony.

(d) Any person failing to comply with paragraph (b) is guilty of a Class 3 felony if the motor vehicle accident does not result in the death of any person. Any person failing to comply with paragraph (b) when the accident results in the death of any person is guilty of a Class 2 felony, for
which the person, if sentenced to a term of imprisonment, shall be
sentenced to a term of not less than 3 years and not more than 14 years.

(e) The Secretary of State shall revoke the driving privilege of any
person convicted of a violation of this Section.

(Source: P.A. 93-684, eff. 1-1-05.)

(625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)
Sec. 11-501.1. Suspension of drivers license; statutory summary
alcohol, other drug or drugs, or intoxicating compound or compounds
related suspension; implied consent.

(a) Any person who drives or is in actual physical control of a
motor vehicle upon the public highways of this State shall be deemed to
have given consent, subject to the provisions of Section 11-501.2, to a
chemical test or tests of blood, breath, or urine for the purpose of
determining the content of alcohol, other drug or drugs, or intoxicating
compound or compounds or any combination thereof in the person's blood
if arrested, as evidenced by the issuance of a Uniform Traffic Ticket, for
any offense as defined in Section 11-501 or a similar provision of a local
ordinance, or if arrested for violating Section 11-401. The test or tests
shall be administered at the direction of the arresting officer. The law
enforcement agency employing the officer shall designate which of the
aforesaid tests shall be administered. A urine test may be administered
even after a blood or breath test or both has been administered. For
purposes of this Section, an Illinois law enforcement officer of this State
who is investigating the person for any offense defined in Section 11-501
may travel into an adjoining state, where the person has been transported
for medical care, to complete an investigation and to request that the
person submit to the test or tests set forth in this Section. The requirements
of this Section that the person be arrested are inapplicable, but the officer
shall issue the person a Uniform Traffic Ticket for an offense as defined in
Section 11-501 or a similar provision of a local ordinance prior to
requesting that the person submit to the test or tests. The issuance of the
Uniform Traffic Ticket shall not constitute an arrest, but shall be for the
purpose of notifying the person that he or she is subject to the provisions
of this Section and of the officer's belief of the existence of probable cause
to arrest. Upon returning to this State, the officer shall file the Uniform
Traffic Ticket with the Circuit Clerk of the county where the offense was
committed, and shall seek the issuance of an arrest warrant or a summons
for the person.

New matter indicated by italics - deletions by strikeout
(b) Any person who is dead, unconscious, or who is otherwise in a condition rendering the person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered, subject to the provisions of Section 11-501.2.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test will result in the statutory summary suspension of the person's privilege to operate a motor vehicle as provided in Section 6-208.1 of this Code. The person shall also be warned by the law enforcement officer that if the person submits to the test or tests provided in paragraph (a) of this Section and the alcohol concentration in the person's blood or breath is 0.08 or greater, or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act is detected in the person's blood or urine, a statutory summary suspension of the person's privilege to operate a motor vehicle, as provided in Sections 6-208.1 and 11-501.1 of this Code, will be imposed.

A person who is under the age of 21 at the time the person is requested to submit to a test as provided above shall, in addition to the warnings provided for in this Section, be further warned by the law enforcement officer requesting the test that if the person submits to the test or tests provided in paragraph (a) of this Section and the alcohol concentration in the person's blood or breath is greater than 0.00 and less than 0.08, a suspension of the person's privilege to operate a motor vehicle, as provided under Sections 6-208.2 and 11-501.8 of this Code, will be imposed. The results of this test shall be admissible in a civil or criminal action or proceeding arising from an arrest for an offense as defined in Section 11-501 of this Code or a similar provision of a local ordinance or pursuant to Section 11-501.4 in prosecutions for reckless homicide brought under the Criminal Code of 1961. These test results, however, shall be admissible only in actions or proceedings directly related to the incident upon which the test request was made.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the

New matter indicated by italics - deletions by strikeout
Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested under paragraph (a) and the person refused to submit to a test, or tests, or submitted to testing that disclosed an alcohol concentration of 0.08 or more.

(e) Upon receipt of the sworn report of a law enforcement officer submitted under paragraph (d), the Secretary of State shall enter the statutory summary suspension for the periods specified in Section 6-208.1, and effective as provided in paragraph (g).

If the person is a first offender as defined in Section 11-500 of this Code, and is not convicted of a violation of Section 11-501 of this Code or a similar provision of a local ordinance, then reports received by the Secretary of State under this Section shall, except during the actual time the Statutory Summary Suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities or the Secretary of State.

(f) The law enforcement officer submitting the sworn report under paragraph (d) shall serve immediate notice of the statutory summary suspension on the person and the suspension shall be effective as provided in paragraph (g). In cases where the blood alcohol concentration of 0.08 or greater or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his address as shown on the Uniform Traffic Ticket and the statutory summary suspension shall begin as provided in paragraph (g). The officer shall confiscate any Illinois driver's license or permit on the person at the time of arrest. If the person has a valid driver's license or permit, the officer shall issue the person a receipt, in a form prescribed by the Secretary of State, that will allow that person to drive during the periods provided for in paragraph (g). The officer shall
immediately forward the driver's license or permit to the circuit court of venue along with the sworn report provided for in paragraph (d).

(g) The statutory summary suspension referred to in this Section shall take effect on the 46th day following the date the notice of the statutory summary suspension was given to the person.

(h) The following procedure shall apply whenever a person is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance:

Upon receipt of the sworn report from the law enforcement officer, the Secretary of State shall confirm the statutory summary suspension by mailing a notice of the effective date of the suspension to the person and the court of venue. However, should the sworn report be defective by not containing sufficient information or be completed in error, the confirmation of the statutory summary suspension shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any defect.

(Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99; 91-357, eff. 7-29-99.)

Passed in the General Assembly May 11, 2005.
Approved July 5, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0116
(House Bill No. 3816)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

New matter indicated by italics - deletions by strikeout
(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory
minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant is guilty of a Class 2 felony, and in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time; if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

New matter indicated by italics - deletions by strikeout
(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(4) A person who violates subsection (a) a fifth or subsequent time is guilty of a Class 1 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).

(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment

New matter indicated by italics - deletions by strikeout
of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 2 Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 2 Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000 $3000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.
(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of
subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or
(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2) and in paragraphs (3) and (4) of subsection (c-1), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Except as provided in paragraph (4) of subsection (c-1), aggravated driving under the influence of alcohol, other drug, or drugs, intoxicating compounds or compounds, or any combination thereof as defined in subparagraph (A) of paragraph (1) of this subsection (d) is a Class 2 felony. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol,

New matter indicated by italics - deletions by strikeout
drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally.

New matter indicated by italics - deletions by strikeout
Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000
per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; revised 1-13-05.)

Passed in the General Assembly May 16, 2005.
Approved July 5, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0117
(Senate Bill No. 0072)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-401.5 as follows:
(705 ILCS 405/5-401.5)
(This Section may contain text from a Public Act with a delayed effective date)
Sec. 5-401.5. When statements by minor may be used.
(a) In this Section, "custodial interrogation" means any interrogation (i) during which a reasonable person in the subject's position would consider himself or herself to be in custody and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response.

In this Section, "electronic recording" includes motion picture, audiotape, videotape, or digital recording.

In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency at which persons are or may be held in detention in connection with criminal charges against those persons or allegations that those persons are delinquent minors.

(b) An oral, written, or sign language statement of a minor who, at the time of the commission of the offense was under the age of 17 years,
made as a result of a custodial interrogation conducted at a police station or other place of detention on or after the effective date of this amendatory Act of the 93rd General Assembly shall be presumed to be inadmissible as evidence against the minor in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3, of the Criminal Code of 1961 or under clause (d)(1)(F) of Section 11-501 of the Illinois Vehicle Code unless:

(1) an electronic recording is made of the custodial interrogation; and

(2) the recording is substantially accurate and not intentionally altered.

(c) Every electronic recording required under this Section must be preserved until such time as the minor's adjudication for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the minor was subjected to a custodial interrogation in violation of this Section, then any statements made by the minor during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding or juvenile court proceeding against the minor except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the minor in open court in any criminal proceeding or juvenile court proceeding, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a spontaneous statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted
out-of-state, (viii) of a statement given at a time when the interrogators are unaware that a death has in fact occurred, or (ix) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence.

(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation at a police station or other place of detention may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(g) Any electronic recording of any statement made by a minor during a custodial interrogation that is compiled by any law enforcement agency as required by this Section for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section.

(Source: P.A. 93-206, eff. 7-18-05; 93-517, eff. 8-6-05.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 103-2.1 as follows:

(725 ILCS 5/103-2.1)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 103-2.1. When statements by accused may be used.

(a) In this Section, "custodial interrogation" means any interrogation during which (i) a reasonable person in the subject's position would consider himself or herself to be in custody and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response.

In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency, not a courthouse, that is owned or operated by a law enforcement agency at which persons are or may be held in detention in connection with criminal charges against those persons.

New matter indicated by italics - deletions by strikeout
In this Section, "electronic recording" includes motion picture, audiotape, or videotape, or digital recording.

(b) An oral, written, or sign language statement of an accused made as a result of a custodial interrogation at a police station or other place of detention shall be presumed to be inadmissible as evidence against the accused in any criminal proceeding brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3 of the Criminal Code of 1961 or under clause (d)(1)(F) of Section 11-501 of the Illinois Vehicle Code unless:

(1) an electronic recording is made of the custodial interrogation; and

(2) the recording is substantially accurate and not intentionally altered.

(c) Every electronic recording required under this Section must be preserved until such time as the defendant's conviction for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the defendant was subjected to a custodial interrogation in violation of this Section, then any statements made by the defendant during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding against the defendant except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the accused in open court at his or her trial, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section, because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a spontaneous statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted out-of-state, (viii) of a statement given at a time when the interrogators are unaware that a death has in fact
occurred, or (ix) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence.

(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation at a police station or other place of detention may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(g) Any electronic recording of any statement made by an accused during a custodial interrogation that is compiled by any law enforcement agency as required by this Section for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section.

(Source: P.A. 93-206, eff. 7-18-05; 93-517, eff. 8-6-05.)

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

Passed in the General Assembly May 4, 2005
Approved July 5, 2005.
Effective July 5, 2005.

PUBLIC ACT 94-0118
(Senate Bill No. 0075)

AN ACT concerning housing.

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

Section 1. Short title. This Act may be cited as the Rental Housing Support Program Act.

Section 5. Legislative findings and purpose. The General Assembly finds that in many parts of this State, large numbers of citizens are faced with the inability to secure affordable rental housing. Due to either insufficient wages or a shortage of affordable rental housing stock, or both, many families have difficulty securing decent housing, are subjected to overcrowding, pay too large a portion of their total monthly income for

New matter indicated by italics - deletions by strikeout
housing and consequently suffer the lack of other basic needs, live in substandard or unhealthy housing, or experience chronic housing instability. Instability and inadequacy in housing limits the employability and productivity of many citizens, adversely affects family health and stress levels, impedes children's ability to learn, and produces corresponding drains on public resources. It is the purpose of this Act to create a State program to help localities address the need for decent, affordable, permanent rental housing.

Section 7. Definitions. In this Act:
"Authority" means the Illinois Housing Development Authority.
"Developer" means any entity that receives a grant under Section 20.
"Program" means the Rental Housing Support Program.
"Real estate-related document" means any recorded document that affects an interest in real property excluding documents which solely affect or relate to an easement for water, sewer, electricity, gas, telephone or other public service.
"Unit" means a rental apartment unit receiving a subsidy by means of a grant under this Act. "Unit" does not include housing units intended as transitional or temporary housing.

Section 10. Creation of Program and distribution of funds.
(a) The Rental Housing Support Program is created within the Illinois Housing Development Authority. The Authority shall administer the program and adopt rules for its implementation.
(b) The Authority shall distribute amounts appropriated for the Program from the Rental Housing Support Program Fund and any other appropriations provided for the Program as follows:
(1) A proportionate share of the annual appropriation, as determined under subsection (d) of Section 15 of this Act shall be distributed to municipalities with a population greater than 2,000,000. Those municipalities shall use at least 10% of those funds in accordance with Section 20 of this Act, and all provisions governing the Authority's actions under Section 20 shall govern the actions of the corporate authorities of a municipality under this Section. As to the balance of the annual distribution, the municipality shall designate a non-profit organization that meets the specific criteria set forth in Section 25 of this Act to serve as the "local administering agency" under Section 15 of this Act.
(2) Of the remaining appropriation after the distribution in paragraph (1) of this subsection, the Authority shall designate at least 10% for the purposes of Section 20 of this Act in areas of the State not covered under paragraph (1) of this subsection.

(3) The remaining appropriation after the distributions in paragraphs (1) and (2) of this subsection shall be distributed according to Section 15 of this Act in areas of the State not covered under paragraph (1) of this subsection.

Section 15. Grants to local administering agencies.

(a) Under the program, the Authority shall make grants to local administering agencies to provide subsidies to landlords to enable the landlords to charge rent affordable for low-income tenants. Grants shall also include an amount for the operating expenses of local administering agencies. Operating expenses for local administering agencies shall not exceed 10% for grants under $500,000 and shall not exceed 7% for grants over $500,000.

(b) The Authority shall develop a request-for-proposals process for soliciting proposals from local administering agencies and for awarding grants. The request-for-proposals process and the funded projects must be consistent with the criteria set forth in Section 25 and with additional criteria set forth by the Authority in rules implementing this Act.

(c) Local administering agencies may be local governmental bodies, local housing authorities, or not-for-profit organizations. The Authority shall set forth in rules the financial and capacity requirements necessary for an organization to qualify as a local administering agency and the parameters for administration of the grants by local administering agencies.

(d) The Authority shall distribute grants to local administering agencies according to a formula based on U.S. Census data. The formula shall determine percentages of the funds to be distributed to the following geographic areas: (i) Chicago; (ii) suburban areas: Cook County (excluding Chicago), DuPage County, Lake County, Kane County, Will County, and McHenry County; (iii) small metropolitan areas: Springfield, Rockford, Peoria, Decatur, Champaign-Urbana, Bloomington-Normal, Rock Island, DeKalb, Madison County, Moline, Pekin, Rantoul, and St. Clair County; and (iv) rural areas, defined as all areas of the State not specifically named in items (i), (ii), and (iii) of this subsection. A geographic area's percentage share shall be determined by the total number of households that have an annual income of less than 50% of State
median income for a household of 4, as determined by the U.S. Department of Housing and Urban Development, and that are paying more than 30% of their income for rent. The geographic distribution shall be re-determined by the Authority each time new U.S. Census data becomes available. The Authority shall phase in any changes to the geographic formula to prevent a large withdrawal of resources from one area that could negatively impact households receiving rental housing support. Up to 20% of the funds allocated for rural areas, as defined in this subsection, may be set aside and awarded to one administering agency to be distributed throughout the rural areas in the State to localities that desire a number of subsidized units of housing that is too small to justify the establishment of a full local program. In those localities, the administering agency may contract with local agencies to share the administrative tasks of the program, such as inspections of units.

(e) In order to ensure applications from all geographic areas of the State, the Authority shall create a plan to ensure that potential local administering agencies have ample time and support to consider making an application and to prepare an application. Such a plan must include, but is not limited to: an outreach and education plan regarding the program and the requirements for a local administering agency; ample time between the initial notice of funding ability and the deadline to submit an application, which shall not be less than 9 months; and access to assistance from the Authority or another agency in considering and preparing the application.

(f) In order to maintain consistency for households receiving rental housing support, the Authority shall, to the extent possible given funding resources available in the Rental Housing Support Program, continue to fund local administering agencies at the same level on an annual basis, unless the Authority determines that a local administering agency is not meeting the criteria set forth in Section 25 or is not adhering to other standards set forth by rule by the Authority.

Section 20. Grants for affordable housing developments.

(a) The Authority may award grants under the program directly for the development of affordable rental housing for long-term operating support to enable the rent on such units to be affordable. Developers of such new housing shall apply directly to the Authority for this type of grant under the program.

(b) The Authority shall prescribe by rule the application requirements and the qualifications necessary for a developer and a
development to qualify for a grant under the program. In any event, however, to qualify for a grant, the development must satisfy the criteria set forth in Section 25, unless waived by the Authority based on special circumstances and in furtherance of the purpose of the program to increase the supply of affordable rental housing. In awarding grants under this Section and in addition to any other requirements and qualifications specified in this Act and by rule, the Authority shall also consider the improvement of the geographic diversity of the developments under this Section among the decision criteria.

(c) The Authority must use at least 10% of the funds generated for the Program in any given year for grants under this Section. In any given year, the Authority is not required to spend the 10% of its funds that accrues in that year but may add all or part of that 10% to the 10% allocation for subsequent years for the purpose of funding grants under this Section.

Section 25. Criteria for awarding grants. The Authority shall adopt rules to govern the awarding of grants and the continuing eligibility for grants under Sections 15 and 20. Requests for proposals under Section 20 must specify that proposals must satisfy these rules. The rules must contain and be consistent with, but need not be limited to, the following criteria:

(1) Eligibility for tenancy in the units supported by grants to local administering agencies must be limited to households with gross income at or below 30% of the median family income for the area in which the grant will be made. Fifty percent of the units that are supported by any grant must be set aside for households whose income is at or below 15% of the area median family income for the area in which the grant will be made, provided that local administering agencies may negotiate flexibility in this set-aside with the Authority if they demonstrate that they have been unable to locate sufficient tenants in this lower income range. Income eligibility for units supported by grants to local administering agencies must be verified annually by landlords and submitted to local administering agencies. Tenants must have sufficient income to be able to afford the tenant's share of the rent. For grants awarded under Section 20, eligibility for tenancy in units supported by grants must be limited to households with a gross income at or below 30% of area median family income for the area in which the grant will be made. Fifty percent of the units that are supported by

New matter indicated by italics - deletions by strikeout
any grant must be set aside for households whose income is at or below 15% of the median family income for the area in which the grant will be made, provided that developers may negotiate flexibility in this set-aside with the Authority or municipality as defined in subsection (b) of Section 10 if it demonstrates that it has been unable to locate sufficient tenants in this lower income range. The Authority shall determine what sources qualify as a tenant's income.

(2) Local administering agencies must include 2-bedroom, 3-bedroom, and 4-bedroom units among those intended to be supported by grants under the program. In grants under Section 15, the precise number of these units among all the units intended to be supported by a grant must be based on need in the community for larger units and other factors that the Authority specifies in rules. The local administering agency must specify the basis for the numbers of these units that are proposed for support under a grant. Local administering agencies must make a good faith effort to comply with this allocation of unit sizes. In grants awarded under Section 20, developers and the Authority or municipality, as defined in subsection (b) of Section 10, shall negotiate the numbers and sizes of units to be built in a project and supported by the grant.

(3) Under grants awarded under Section 15, local administering agencies must enter into a payment contract with the landlord that defines the method of payment and must pay subsidies to landlords on a quarterly basis and in advance of the quarter paid for.

(4) Local administering agencies and developers must specify how vacancies in units supported by a grant must be advertised and they must include provisions for outreach to local homeless shelters, organizations that work with people with disabilities, and others interested in affordable housing.

(5) The local administering agency or developer must establish a schedule for the tenant's rental obligation for units supported by a grant. The tenant's share of the rent must be a flat amount, calculated annually, based on the size of the unit and the household's income category. In establishing the schedule for the tenant's rental obligation, the local administering agency or
developer must use 30% of gross income within an income range as a guide, and it may charge an additional or lesser amount.

(6) The amount of the subsidy provided under a grant for a unit must be the difference between the amount of the tenant's obligation and the total amount of rent for the unit. The total amount of rent for the unit must be negotiated between the local administering authority and the landlord under Section 15, or between the Authority or municipality, as defined in subsection (b) of Section 10, and the developer under Section 20, using comparable rents for units of comparable size and condition in the surrounding community as a guideline.

(7) Local administering agencies and developers, pursuant to criteria the Authority develops in rules, must ensure that there are procedures in place to maintain the safety and habitability of units supported under grants. Local administering agencies must inspect units before supporting them under a grant awarded under Section 15.

(8) Local administering agencies must provide or ensure that tenants are provided with a "bill of rights" with their lease setting forth local landlord-tenant laws and procedures and contact information for the local administering agency.

(9) A local administering agency must create a plan detailing a process for helping to provide information, when necessary, on how to access education, training, and other supportive services to tenants living in units supported under the grant. The plan must be submitted as a part of the administering agency's proposal to the Authority required under Section 15.

(10) Local administering agencies and developers may not use funding under the grant to develop or support housing that requires that a tenant has a particular diagnosis or type or presence of disability as a condition of eligibility for occupancy unless the requirement is mandated by another funding source for the housing.

(11) In order to plan for periodic fluctuations in program revenue, the Authority shall establish by rule a mechanism for establishing a reserve fund and the level of funding that shall be held in reserve either by the Authority or by local administering agencies.

New matter indicated by italics - deletions by strikeout
Section 85. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Rental Housing Support Program Fund.

Section 90. The Counties Code is amended by changing Sections 3-5018 and 4-12002 as follows:

(55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

Sec. 3-5018. Fees. The recorder elected as provided for in this Division shall receive such fees as are or may be provided for him by law, in case of provision therefor; otherwise he shall receive the same fees as are or may be provided in this Section, except when increased by county ordinance pursuant to the provisions of this Section, to be paid to the county clerk for his services in the office of recorder for like services.

For recording deeds or other instruments $12 for the first 4 pages thereof, plus $1 for each additional page thereof, plus $1 for each additional document number therein noted. The aggregate minimum fee for recording any one instrument shall not be less than $12.

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description a fee of $1 in addition to that hereinabove referred to for each document number therein noted.

For recording assignments of mortgages, leases or liens $12 for the first 4 pages thereof, plus $1 for each additional page thereof. However, except for leases and liens pertaining to oil, gas and other minerals, whenever a mortgage, lease or lien assignment assigns more than one mortgage, lease or lien document, a $7 fee shall be charged for the recording of each such mortgage, lease or lien document after the first one.

For recording maps or plats of additions or subdivisions approved by the county or municipality (including the spreading of the same of record in map case or other proper books) or plats of condominiums $50 for the first page, plus $1 for each additional page thereof except that in the case of recording a single page, legal size 8 1/2 x 14, plat of survey in which there are no more than two lots or parcels of land, the fee shall be $12. In each county where such maps or plats are to be recorded, the recorder may require the same to be accompanied by such number of exact, true and legible copies thereof as the recorder deems necessary for the efficient conduct and operation of his office.

New matter indicated by italics - deletions by strikeout
For certified copies of records the same fees as for recording, but in no case shall the fee for a certified copy of a map or plat of an addition, subdivision or otherwise exceed $10.

Each certificate of such recorder of the recording of the deed or other writing and of the date of recording the same signed by such recorder, shall be sufficient evidence of the recording thereof, and such certificate including the indexing of record, shall be furnished upon the payment of the fee for recording the instrument, and no additional fee shall be allowed for the certificate or indexing.

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

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

2. The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.

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

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

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

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

The county board of any county may provide for an additional charge of $3 for filing every instrument, paper, or notice for record, (1) in order to defray the cost of converting the county recorder's document
storage system to computers or micrographics and (2) in order to defray the cost of providing access to records through the global information system known as the Internet.

A special fund shall be set up by the treasurer of the county and such funds collected pursuant to Public Act 83-1321 shall be used (1) for a document storage system to provide the equipment, materials and necessary expenses incurred to help defray the costs of implementing and maintaining such a document records system and (2) for a system to provide electronic access to those records.

The county board of any county that provides and maintains a countywide map through a Geographic Information System (GIS) may provide for an additional charge of $3 for filing every instrument, paper, or notice for record (1) in order to defray the cost of implementing or maintaining the county's Geographic Information System and (2) in order to defray the cost of providing electronic access to the county's Geographic Information System records. Of that amount, $2 must be deposited into a special fund set up by the treasurer of the county, and any moneys collected pursuant to this amendatory Act of the 91st General Assembly and deposited into that fund must be used solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a Geographic Information System and in order to defray the cost of providing electronic access to the county's Geographic Information System records. The remaining $1 must be deposited into the recorder's special funds created under Section 3-5005.4. The recorder may, in his or her discretion, use moneys in the funds created under Section 3-5005.4 to defray the cost of implementing or maintaining the county's Geographic Information System and to defray the cost of providing electronic access to the county's Geographic Information System records.

The recorder shall collect a $10 Rental Housing Support Program State surcharge for the recordation of any real estate-related document. Payment of the Rental Housing Support Program State surcharge shall be evidenced by a receipt that shall be marked upon or otherwise affixed to the real estate-related document by the recorder. The form of this receipt shall be prescribed by the Department of Revenue and the receipts shall be issued by the Department of Revenue to each county recorder.

The recorder shall not collect the Rental Housing Support Program State surcharge from any State agency, any unit of local government or any school district.

New matter indicated by italics - deletions by strikeout
One dollar of each surcharge shall be retained by the county in which it was collected. This dollar shall be deposited into the county's general revenue fund. Fifty cents of that amount shall be used for the costs of administering the Rental Housing Support Program State surcharge and any other lawful expenditures for the operation of the office of the recorder and may not be appropriated or expended for any other purpose. The amounts available to the recorder for expenditure from the surcharge shall not offset or reduce any other county appropriations or funding for the office of the recorder.

On the 15th day of each month, each county recorder shall report to the Department of Revenue, on a form prescribed by the Department, the number of real estate-related documents recorded for which the Rental Housing Support Program State surcharge was collected. Each recorder shall submit $9 of each surcharge collected in the preceding month to the Department of Revenue and the Department shall deposit these amounts in the Rental Housing Support Program Fund. Subject to appropriation, amounts in the Fund may be expended only for the purpose of funding and administering the Rental Housing Support Program.

For purposes of this Section, "real estate-related document" means that term as it is defined in Section 7 of the Rental Housing Support Program Act.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for filing or indexing a lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $5. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for indexing each additional name in excess of one for any lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $1.

New matter indicated by italics - deletions by strikeout
A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.
(Source: P.A. 92-16, eff. 6-28-01; 92-492, eff. 1-1-02; 93-256, eff. 7-22-03.)

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

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

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

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

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

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

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

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

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

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

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

2. The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.

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

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

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

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

The recorder shall collect a $10 Rental Housing Support Program State surcharge for the recordation of any real estate-related document. Payment of the Rental Housing Support Program State surcharge shall be evidenced by a receipt that shall be marked upon or otherwise affixed to the real estate-related document by the recorder. The form of this receipt shall be prescribed by the Department of Revenue and the receipts shall be issued by the Department of Revenue to each county recorder.

New matter indicated by italics - deletions by strikeout
The recorder shall not collect the Rental Housing Support Program State surcharge from any State agency, any unit of local government or any school district.

One dollar of each surcharge shall be retained by the county in which it was collected. This dollar shall be deposited into the county's general revenue fund. Fifty cents of that amount shall be used for the costs of administering the Rental Housing Support Program State surcharge and any other lawful expenditures for the operation of the office of the recorder and may not be appropriated or expended for any other purpose. The amounts available to the recorder for expenditure from the surcharge shall not offset or reduce any other county appropriations or funding for the office of the recorder.

On the 15th day of each month, each county recorder shall report to the Department of Revenue, on a form prescribed by the Department, the number of real estate-related documents recorded for which the Rental Housing Support Program State surcharge was collected. Each recorder shall submit $9 of each surcharge collected in the preceding month to the Department of Revenue and the Department shall deposit these amounts in the Rental Housing Support Program Fund. Subject to appropriation, amounts in the Fund may be expended only for the purpose of funding and administering the Rental Housing Support Program.

For purposes of this Section, "real estate-related document" means that term as it is defined in Section 7 of the Rental Housing Support Program Act.

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

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

(Source: P.A. 92-492, eff. 1-1-02; 93-671, eff. 6-1-04.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 4, 2005.
Approved July 5, 2005.
AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Department of Public Health Powers and Duties
Law of the Civil Administrative Code of Illinois is amended by changing
Section 2310-350 as follows:
(20 ILCS 2310/2310-350) (was 20 ILCS 2310/55.70)
Sec. 2310-350. Penny Severns Breast, and Cervical, and Ovarian
Cancer Research Fund. From funds appropriated from the Penny Severns
Breast, and Cervical, and Ovarian Cancer Research Fund, the Department
shall award grants to eligible physicians, hospitals, laboratories, education
institutions, and other organizations and persons to enable organizations
and persons to conduct research. Disbursements from the Penny Severns
Breast, Cervical, and Ovarian Cancer Research Fund for the purpose of
ovarian cancer research shall be subject to appropriations. For the
purposes of this Section, "research" includes, but is not limited to,
expenditures to develop and advance the understanding, techniques, and
modalities effective in early detection, prevention, cure, screening, and
treatment of breast, and cervical, and ovarian cancer and may include
clinical trials.

Moneys received for the purposes of this Section, including but not
limited to income tax checkoff receipts and gifts, grants, and awards from
private foundations, nonprofit organizations, other governmental entities,
and persons shall be deposited into the Penny Severns Breast, and Cervical,
and Ovarian Cancer Research Fund, which is hereby created as a
special fund in the State treasury.

The Department shall create an advisory committee with members
from, but not limited to, the Illinois Chapter of the American Cancer
Society, Y-Me, the Susan G. Komen Foundation, and the State Board of
Health for the purpose of awarding research grants under this Section.
Members of the advisory committee shall not be eligible for any financial
compensation or reimbursement.
(Source: P.A. 91-107, eff. 7-13-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-
01.)

New matter indicated by italics - deletions by strikeout
Section 10. The State Finance Act is amended by changing Section 5.362 as follows:
(30 ILCS 105/5.362)
Sec. 5.362. The Penny Severns Breast, and Cervical, and Ovarian Cancer Research Fund.
(Source: P.A. 91-107, eff. 7-13-99.)
Passed in the General Assembly May 20, 2005.
Approved July 6, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0120
(Senate Bill No. 0001)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Lottery Law is amended by changing Sections 2 and 20 and by adding Section 21.5 as follows:
(20 ILCS 1605/2) (from Ch. 120, par. 1152)
Sec. 2. This Act is enacted to implement and establish within the State a lottery to be operated by the State, the entire net proceeds of which are to be used for the support of The State's Common School Fund, except as provided in Sections Section 21.2 and 21.5.
(Source: P.A. 84-215.)
(20 ILCS 1605/20) (from Ch. 120, par. 1170)
Sec. 20. State Lottery Fund.
(a) There is created in the State Treasury a special fund to be known as the "State Lottery Fund". Such fund shall consist of all revenues received from (1) the sale of lottery tickets or shares, (net of commissions, fees representing those expenses that are directly proportionate to the sale of tickets or shares at the agent location, and prizes of less than $600 which have been validly paid at the agent level), (2) application fees, and (3) all other sources including moneys credited or transferred thereto from any other fund or source pursuant to law. Interest earnings of the State Lottery Fund shall be credited to the Common School Fund.
(b) The receipt and distribution of moneys under Section 21.5 of this Act shall be in accordance with Section 21.5.
(Source: P.A. 90-603, eff. 1-1-99.)
(20 ILCS 1605/21.5 new)
Sec. 21.5. Ticket For The Cure.

(a) The Department shall offer a special instant scratch-off game with the title of "Ticket For The Cure". The game shall commence on January 1, 2006 or as soon thereafter, in the discretion of the Director, as is reasonably practical, and shall be discontinued on December 31, 2011. The operation of the game shall be governed by this Act and any rules adopted by the Department. The Department must consult with the Ticket For The Cure Board, which is established under Section 2310-347 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, regarding the design and promotion of the game. If any provision of this Section is inconsistent with any other provision of this Act, then this Section governs.

(b) The Ticket For The Cure Fund is created as a special fund in the State treasury. The net revenue from the Ticket For The Cure special instant scratch-off game shall be deposited into the Fund for appropriation by the General Assembly solely to the Department of Public Health for the purpose of making grants to public or private entities in Illinois for the purpose of funding research concerning breast cancer and for funding services for breast cancer victims. The Department must, before grants are awarded, provide copies of all grant applications to the Ticket For The Cure Board, receive and review the Board's recommendations and comments, and consult with the Board regarding the grants. For purposes of this Section, the term "research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of breast cancer and may include clinical trials. The grant funds may not be used for institutional, organizational, or community-based overhead costs, indirect costs, or levies.

Moneys received for the purposes of this Section, including, without limitation, net revenue from the special instant scratch-off game and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

For purposes of this subsection, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in prizes and the actual administrative expenses of the Department solely related to the Ticket For The Cure game.
(c) During the time that tickets are sold for the Ticket For The Cure game, the Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game.

(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section.

Section 10. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-347 as follows:

(20 ILCS 2310/2310-347 new)
Sec. 2310-347. The Ticket For The Cure Board.

(a) The Ticket For The Cure Board is created as an advisory board within the Department. The Board shall consist of 10 members as follows: 2 members appointed by the President of the Senate; 2 members appointed by the Minority Leader of the Senate; 2 members appointed by the Speaker of the House of Representatives; 2 members appointed by the Minority Leader of the House of Representatives; and 2 members appointed by the Governor with the advice and consent of the Senate, one of whom shall be designated as chair of the Board at the time of appointment.

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

(b) Board members shall serve without compensation but may be reimbursed for their reasonable travel expenses from funds available for that purpose. The Department shall provide staff and administrative support services to the Board.

(c) The Board must:

(i) consult with the Department of Revenue in designing and promoting the Ticket For The Cure special instant scratch-off lottery game; and

(ii) review grant applications, make recommendations and comments, and consult with the Department of Public Health in making grants, from amounts appropriated from the Ticket For The Cure Fund, to public or private entities in Illinois for the purpose of funding research concerning breast cancer and for funding services for breast cancer victims in accordance with Section 21.5 of the Illinois Lottery Law.

(d) The Board is discontinued on June 30, 2012.

Section 15. The State Finance Act is amended by changing Section 8h and by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

New matter indicated by italics - deletions by strikeout
Sec. 5.640. The Ticket For The Cure Fund.
(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.
(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.
The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to the Ticket For The Cure Fund or to any fund established under the Community Senior Services and Resources Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)

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

Approved July 6, 2005.
Effective July 6, 2005.

PUBLIC ACT 94-0121
(Senate Bill No. 0012)

AN ACT concerning insurance.

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

Section 5. The Illinois Insurance Code is amended by changing Section 356g as follows:

(215 ILCS 5/356g) (from Ch. 73, par. 968g)
Sec. 356g. Mammograms; mastectomies.
(a) Every insurer shall provide in each group or individual policy, contract, or certificate of insurance issued or renewed for persons who are residents of this State, coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer within the provisions of the policy, contract, or certificate. The coverage shall be as follows:

(1) A baseline mammogram for women 35 to 39 years of age.

(2) An annual mammogram for women 40 years of age or older.

(3) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer or other risk factors.

New matter indicated by italics - deletions by strikeout
These benefits shall be at least as favorable as for other radiological examinations and subject to the same dollar limits, deductibles, and co-insurance factors. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast.

(b) No policy of accident or health insurance that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy. Coverage for breast reconstruction in connection with a mastectomy shall include:

1. reconstruction of the breast upon which the mastectomy has been performed;
2. surgery and reconstruction of the other breast to produce a symmetrical appearance; and
3. prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy, and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

Written notice of the availability of coverage under this Section shall be delivered to the insured upon enrollment and annually thereafter. An insurer may not deny to an insured eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. An insurer may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

New matter indicated by italics - deletions by strikeout
Section 10. The Health Maintenance Organization Act is amended by changing Section 4-6.1 as follows:

Sec. 4-6.1. Mammograms; mastectomies.

(a) Every contract or evidence of coverage issued by a Health Maintenance Organization for persons who are residents of this State shall contain coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer. The coverage shall be as follows:

(1) A baseline mammogram for women 35 to 39 years of age.

(2) An annual mammogram for women 40 years of age or older.

(3) A mammogram at the age and intervals considered medically necessary by the woman’s health care provider for women under 40 years of age and having a family history of breast cancer or other risk factors.

These benefits shall be at least as favorable as for other radiological examinations and subject to the same dollar limits, deductibles, and co-insurance factors. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast.

(b) No contract or evidence of coverage issued by a health maintenance organization that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State on or after the effective date of this amendatory Act of the 92nd General Assembly unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy, providing that the mastectomy is performed after the effective date of this amendatory Act. Coverage for breast reconstruction in connection with a mastectomy shall include:

(1) reconstruction of the breast upon which the mastectomy has been performed;

(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and

New matter indicated by italics - deletions by strikeout
(3) prosthesis and treatment for physical complications at all stages of mastectomy, including lymphedemas. Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy, then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

Written notice of the availability of coverage under this Section shall be delivered to the enrollee upon enrollment and annually thereafter. A health maintenance organization may not deny to an enrollee eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. A health maintenance organization may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(Source: P.A. 92-48, eff. 7-3-01.)

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

Passed in the General Assembly May 4, 2005.
Approved July 6, 2005.
Effective July 6, 2005.

PUBLIC ACT 94-0122
(Senate Bill No. 0521)

AN ACT concerning insurance.

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

Section 5. The Illinois Insurance Code is amended by changing Section 356u as follows:

(215 ILCS 5/356u)
Sec. 356u. Pap tests and prostate-specific antigen tests.

New matter indicated by italics - deletions by strikeout
(a) A group policy of accident and health insurance that provides coverage for hospital or medical treatment or services for illness on an expense-incurred basis and is amended, delivered, issued, or renewed after the effective date of this amendatory Act of 1997 shall provide coverage for all of the following:

(1) An annual cervical smear or Pap smear test for female insureds.

(2) An annual digital rectal examination and a prostate-specific antigen test, for male insureds upon the recommendation of a physician licensed to practice medicine in all its branches for:

(A) asymptomatic men age 50 and over;
(B) African-American men age 40 and over; and
(C) men age 40 and over with a family history of prostate cancer.

(3) Surveillance tests for ovarian cancer for female insureds who are at risk for ovarian cancer.

(b) This Section shall not apply to agreements, contracts, or policies that provide coverage for a specified disease or other limited benefit coverage.

(c) For the purposes of this Section:

"At risk for ovarian cancer" means:

(1) having a family history (i) with one or more first-degree relatives with ovarian cancer, (ii) of clusters of women relatives with breast cancer, or (iii) of nonpolyposis colorectal cancer; or

(2) testing positive for BRCA1 or BRCA2 mutations.

"Surveillance tests for ovarian cancer" means annual screening using (i) CA-125 serum tumor marker testing, (ii) transvaginal ultrasound, (iii) pelvic examination.

(Source: P.A. 90-7, eff. 6-10-97.)

Section 99. Effective date. This Act takes effect January 1, 2006.
Approved July 6, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0123
(House Bill No. 0015)

AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by adding Section 11-135-3.5 as follows:

(65 ILCS 5/11-135-3.5 new)

Sec. 11-135-3.5. Additional powers. In addition to any other powers set forth in this Division, a water commission organized under this Division has the following powers:

(1) The power to enter into intergovernmental police assistance agreements with any municipality or county.

(2) The power to enter into intergovernmental agreements with any unit of local government in order to carry out the purposes for which the commission was formed.

Passed in the General Assembly May 11, 2005.
Approved July 7, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0124
(House Bill No. 0210)

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

Section 5. The Illinois Early Learning Council Act is amended by changing Section 5 as follows:

(20 ILCS 3933/5)

Sec. 5. Illinois Early Learning Council. The Illinois Early Learning Council is hereby created to coordinate existing programs and services for children from birth to 5 years of age in order to better meet the early learning needs of children and their families. The goal of the Council is to fulfill the vision of a statewide, high-quality, accessible, and comprehensive early learning system to benefit all young children whose parents choose it. The Council shall guide collaborative efforts to improve and expand upon existing early childhood programs and services, including those related to nutrition, nutrition education, and physical activity, in coordination with the Interagency Nutrition Council. This work shall include making use of existing reports, research, and planning efforts.

(Source: P.A. 93-380, eff. 7-24-03.)

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

Section 5. The Firearm Owners Identification Card Act is amended by adding Section 3.3 as follows:

Sec. 3.3. Report to the local law enforcement agency. The Department of State Police must report the name and address of a person to the local law enforcement agency where the person resides if the person attempting to purchase a firearm is disqualified from purchasing a firearm because of information obtained under Section 3.1 that would disqualify the person from obtaining a Firearm Owner's Identification Card under any of subsections (c) through (n) of Section 8 of this Act.

Passed in the General Assembly May 17, 2005.
Approved July 7, 2005.
Effective January 1, 2006.

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

Section 5. The Criminal Code of 1961 is amended by adding Section 17-29 as follows:

Sec. 17-29. Businesses owned by minorities, females, and persons with disabilities; fraudulent contracts with governmental units.
(a) In this Section:

"Minority person" means a person who is: (1) African American (a person having origins in any of the black racial groups in Africa); (2) Hispanic (a person of Spanish or Portuguese

New matter indicated by italics - deletions by strikeout
culture with origins in Mexico, South or Central America, or the
Caribbean Islands, regardless of race); (3) Asian American (a
person having origins in any of the original peoples of the Far
East, Southeast Asia, the Indian Subcontinent or the Pacific
Islands); or (4) Native American or Alaskan Native (a person
having origins in any of the original peoples of North America).

"Female" means a person who is of the female gender.

"Person with a disability" means a person who is a person
qualifying as being disabled.

"Disabled" means a severe physical or mental disability
that: (1) results from: amputation, arthritis, autism, blindness,
burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head
injury, heart disease, hemiplegia, hemophilia, respiratory or
pulmonary dysfunction, mental retardation, mental illness,
multiple sclerosis, muscular dystrophy, musculoskeletal disorders,
neurological disorders, including stroke and epilepsy, paraplegia,
quadriplegia and other spinal cord conditions, sickle cell anemia,
specific learning disabilities, or end stage renal failure disease;
and (2) substantially limits one or more of the person's major life
activities.

"Minority owned business" means a business concern that
is at least 51% owned by one or more minority persons, or in the
case of a corporation, at least 51% of the stock in which is owned
by one or more minority persons; and the management and daily
business operations of which are controlled by one or more of the
minority individuals who own it.

"Female owned business" means a business concern that is
at least 51% owned by one or more females, or, in the case of a
corporation, at least 51% of the stock in which is owned by one or
more females; and the management and daily business operations
of which are controlled by one or more of the females who own it.

"Business owned by a person with a disability" means a
business concern that is at least 51% owned by one or more
persons with a disability and the management and daily business
operations of which are controlled by one or more of the persons
with disabilities who own it. A not-for-profit agency for persons
with disabilities that is exempt from taxation under Section 501 of
the Internal Revenue Code of 1986 is also considered a "business
owned by a person with a disability".

New matter indicated by italics - deletions by strikeout
"Governmental unit" means the State, a unit of local government, or school district.

(b) In addition to any other penalties imposed by law or by an ordinance or resolution of a unit of local government or school district, any individual or entity that knowingly obtains, or knowingly assists another to obtain, a contract with a governmental unit by falsely representing that the individual or entity, or the individual or entity assisted, is a minority owned business, female owned business, or business owned by a person with a disability is guilty of a Class 2 felony, regardless of whether the preference for awarding the contract to a minority owned business, female owned business, or business owned by a person with a disability was established by statute or by local ordinance or resolution.

(c) In addition to any other penalties authorized by law, the court shall order that an individual or entity convicted of a violation of this Section must pay to the governmental unit that awarded the contract a penalty equal to one and one-half times the amount of the contract obtained because of the false representation.

Passed in the General Assembly May 11, 2005.
Approved July 7, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0127
(House Bill No. 0444)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 20-1.1 as follows:
(720 ILCS 5/20-1.1) (from Ch. 38, par. 20-1.1)
Sec. 20-1.1. Aggravated Arson.
(a) A person commits aggravated arson when in the course of committing arson he or she knowingly damages, partially or totally, any building or structure, including any adjacent building or structure, including all or any part of a school building, house trailer, watercraft, motor vehicle, or railroad car, and (1) he knows or reasonably should know that one or more persons are present therein or (2) any person suffers great bodily harm, or permanent disability or disfigurement as a result of

New matter indicated by italics - deletions by strikeout
the fire or explosion or (3) a fireman, copoliceman, or correctional officer who is present at the scene acting in the line of duty; is injured as a result of the fire or explosion. For purposes of this Section, property "of another" means a building or other property, whether real or personal, in which a person other than the offender has an interest that the offender has no authority to defeat or impair, even though the offender may also have an interest in the building or property; and "school building" means any public or private preschool, elementary or secondary school, community college, college, or university.

(b) Sentence. Aggravated arson is a Class X felony.
(Source: P.A. 92-421, eff. 8-17-01; P.A. 93-335, eff. 7-24-03.)

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

Passed in the General Assembly May 11, 2005.
Approved July 7, 2005.
Effective July 7, 2005.
solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2) committed on or after June 19, 1998, and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or

New matter indicated by italics - deletions by strikeout
drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121) that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) this amendatory Act of the 92nd General Assembly shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a
child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2) when the offense is committed on or after June 19, 1998, (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, or (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176) this amendatory Act of the 92nd 93rd General Assembly.

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp, mental health unit, or electronic detention, or if convicted of an offense enumerated in paragraph (a)(2) of this Section that is committed on or after June 19, 1998, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense

New matter indicated by italics - deletions by strikeout
enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.1) The rules and regulations shall also provide that an additional 60 days of good conduct credit shall be awarded to any prisoner who passes the high school level Test of General Educational Development (GED) and receives a GED certificate while the prisoner is incarcerated. The good conduct credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of good conduct under any other paragraph of this Section, but shall also be pursuant to the
guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section.

(4.5) The rules and regulations on early release shall also provide that a prisoner who is serving a sentence for a crime committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354) this amendatory Act of the 93rd General Assembly shall receive no good conduct credit until he or she participates in and completes a substance abuse treatment program. Good conduct credit awarded under clauses (2), (3), and (4) of this subsection (a) for crimes committed on or after September 1, 2003 the effective date of this amendatory Act of the 93rd General Assembly is subject to the provisions of this clause (4.5). If the prisoner completes a substance abuse treatment program, the Department may award good conduct credit for the time spent in treatment. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available, the prisoner shall be placed on a waiting list under criteria established by the Department. The Department may require a prisoner placed on a waiting list to attend a substance abuse education class or attend substance abuse self-help meetings. A prisoner may not lose good conduct credit as a result of being placed on a waiting list. A prisoner placed on a waiting list remains eligible for increased good conduct credit for participation in an educational, vocational, or correctional industry program under clause (4) of subsection (a) of this Section.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate
may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

New matter indicated by italics - deletions by strikeout
For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;
(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or
(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

(e) Nothing in Public Act 90-592 or 90-593 this amendatory Act of 1998 affects the validity of Public Act 89-404.

(730 ILCS 5/3-6-8 new)

Sec. 3-6-8. General Educational Development (GED) programs. The Department of Corrections shall develop and establish a program in the Adult Division designed to increase the number of committed persons enrolled in programs for the high school level Test of General Educational Development (GED) and pursuing GED certificates by at least 100% over the 4-year period following the effective date of this amendatory Act of the 94th General Assembly. Pursuant to the program, each adult institution and facility shall report annually to the Director of Corrections on the number of committed persons enrolled in GED

New matter indicated by italics - deletions by strikeout
programs and those who pass the high school level Test of General Educational Development (GED) and receive GED certificates, and the number of committed persons in the Adult Division who are on waiting lists for participation in the GED programs.

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

Passed in the General Assembly May 11, 2005.
Approved July 7, 2005.
Effective July 7, 2005.

PUBLIC ACT 94-0129
(House Bill No. 0741)

AN ACT concerning public employee benefits.

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

Section 5. The Illinois Pension Code is amended by changing Section 16-150.1 as follows:

(40 ILCS 5/16-150.1)

Sec. 16-150.1. Return to teaching in subject shortage area.

(a) As used in this Section, "eligible employment" means employment beginning on or after July 1, 2003 and ending no later than June 30, 2008, in a subject shortage area at a qualified school, in a position requiring certification under the law governing the certification of teachers.

As used in this Section, "qualified school" means a public elementary or secondary school that meets all of the following requirements:

(1) At the time of hiring a retired teacher under this Section, the school is experiencing a shortage of teachers in the subject shortage area for which the teacher is hired.

(2) The school district to which the school belongs has complied with the requirements of subsection (e), and the regional superintendent has certified that compliance to the System.

(3) If the school district to which the school belongs provides group health benefits for its teachers generally, substantially similar health benefits are made available for teachers participating in the program under this Section, without any limitations based on pre-existing conditions.

New matter indicated by italics - deletions by strikeout
(b) An annuitant receiving a retirement annuity under this Article (other than a disability retirement annuity) may engage in eligible employment at a qualified school without impairing his or her retirement status or retirement annuity, subject to the following conditions:

1. the eligible employment does not begin within the school year during which service was terminated;
2. the annuitant has not received any early retirement incentive under Section 16-133.3, 16-133.4, or 16-133.5;
3. if the annuitant retired before age 60 and with less than 34 years of service, the eligible employment does not begin within the year following the effective date of the retirement annuity;
4. if the annuitant retired at age 60 or above or with 34 or more years of service, the eligible employment does not begin within the 90 days following the effective date of the retirement annuity; and
5. before the eligible employment begins, the employer notifies the System in writing of the annuitant's desire to participate in the program established under this Section.

(c) An annuitant engaged in eligible employment in accordance with subsection (b) shall be deemed a participant in the program established under this Section for so long as he or she remains employed in eligible employment.

(d) A participant in the program established under this Section continues to be a retirement annuitant, rather than an active teacher, for all of the purposes of this Code, but shall be deemed an active teacher for other purposes, such as inclusion in a collective bargaining unit, eligibility for group health benefits, and compliance with the laws governing the employment, regulation, certification, treatment, and conduct of teachers.

With respect to an annuitant's eligible employment under this Section, neither employee nor employer contributions shall be made to the System and no additional service credit shall be earned. Eligible employment does not affect the annuitant's final average salary or the amount of the retirement annuity.

(e) Before hiring a teacher under this Section, the school district to which the school belongs must do the following:

1. If the school district to which the school belongs has honorably dismissed, within the calendar year preceding the beginning of the school term for which it seeks to employ a retired teacher under the program established in this Section, any teachers who are legally qualified to hold positions in the subject shortage...
area and have not yet begun to receive their retirement annuities under this Article, the vacant positions must first be tendered to those teachers.

(2) For a period of at least 90 days during the 6 months preceding the beginning of either the fall or spring term the school term for which it seeks to employ a retired teacher under the program established in this Section, the school district must, on an ongoing basis, both (i) advertise its vacancies in the subject shortage area in a newspaper of general circulation in the area in which the school is located and in employment bulletins published by college and university placement offices located near the school; and (ii) search for teachers legally qualified to fill those vacancies through the Illinois Education Job Bank.

The school district must submit documentation of its compliance with this subsection to the regional superintendent. Upon receiving satisfactory documentation from the school district, the regional superintendent shall certify the district's compliance with this subsection to the System.

(f) This Section applies without regard to whether the annuitant was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(Source: P.A. 93-320, eff. 7-23-03.)

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

Passed in the General Assembly May 11, 2005.
Approved July 7, 2005.
Effective July 7, 2005.

PUBLIC ACT 94-0130
(House Bill No. 0766)

AN ACT concerning civil law.

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

Section 5. The Parental Responsibility Law is amended by changing Section 5 as follows:

(740 ILCS 115/5) (from Ch. 70, par. 55)

Sec. 5. Limitation on damages; damages allowable. No recovery under this Act may exceed $20,000 $2,500 actual damages for each person, or legal entity as provided in Section 4 of this Act, for each

New matter indicated by italics - deletions by strikeout
occurrence of such wilful or malicious acts by the minor causing injury, in addition to taxable court costs and attorney's fees. In determining the damages to be allowed in an action under this Act for personal injury, only medical, dental and hospital expenses and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto may be considered.

(Source: P.A. 90-311, eff. 1-1-98.)

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

Passed in the General Assembly May 17, 2005.
Approved July 7, 2005.
Effective July 7, 2005.

PUBLIC ACT 94-0131
(House Bill No. 0767)

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

Section 5. The Unified Code of Corrections is amended by changing Section 5-5-3.2 as follows:

(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)
Sec. 5-5-3.2. Factors in Aggravation.
(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1:

(1) the defendant's conduct caused or threatened serious harm;
(2) the defendant received compensation for committing the offense;
(3) the defendant has a history of prior delinquency or criminal activity;
(4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;
(5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;
(6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;

New matter indicated by italics - deletions by strikeout
(7) the sentence is necessary to deter others from committing the same crime;
(8) the defendant committed the offense against a person 60 years of age or older or such person's property;
(9) the defendant committed the offense against a person who is physically handicapped or such person's property;
(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality;
(11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;
(12) the defendant was convicted of a felony committed while he was released on bail or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;
(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;
(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 12-12 of the Criminal Code of 1961, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-
14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

(16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961;

(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act; or

(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has

New matter indicated by italics - deletions by strikeout
now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm; or:

(20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code.

For the purposes of this Section:
"School" is defined as a public or private elementary or secondary school, community college, college, or university.
"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.

(b) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(3) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of more than one individual; or

(4) When a defendant is convicted of any felony committed against:

(i) a person under 12 years of age at the time of the offense or such person's property;

New matter indicated by italics - deletions by strikeout
(ii) a person 60 years of age or older at the time of the offense or such person's property; or

(iii) a person physically handicapped at the time of the offense or such person's property; or

(5) In the case of a defendant convicted of aggravated criminal sexual assault or criminal sexual assault, when the court finds that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective; or

(6) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:

(i) the brutalizing or torturing of humans or animals;

(ii) the theft of human corpses;

(iii) the kidnapping of humans;

(iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or

(v) ritualized abuse of a child; or

(7) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(8) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal
activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

(9) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 and the court finds that the defendant is a member of an organized gang; or

(10) When a defendant committed the offense using a firearm with a laser sight attached to it. For purposes of this paragraph (10), "laser sight" has the meaning ascribed to it in Section 24.6-5 of the Criminal Code of 1961; or

(11) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or

(12) When a defendant commits an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph (12), "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel.

(b-1) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 where the victim was under 18 years of age at the time of the commission of the offense.

(d) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of unlawful use of weapons
under Section 24-1 of the Criminal Code of 1961 for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961.

(Source: P.A. 91-119, eff. 1-1-00; 91-120, eff. 7-15-99; 91-252, eff. 1-1-00; 91-267, eff. 1-1-00; 91-268, eff. 1-1-00; 91-357, eff. 7-29-99; 91-437, eff. 1-1-00; 91-696, eff. 4-13-00; 92-266, eff. 1-1-02.)

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

Passed in the General Assembly May 17, 2005.
Approved July 7, 2005.
Effective July 7, 2005.

PUBLIC ACT 94-0132
(House Bill No. 0930)

AN ACT concerning regulation.

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

Section 5. The Illinois Plumbing License Law is amended by changing Sections 18 and 37 as follows:

(225 ILCS 320/18) (from Ch. 111, par. 1117)
Sec. 18. Local regulation; Department standards.

(1) It is hereby declared to be the policy of this State that each city, town, village, township or county with a water supply system or sewage disposal system or both should so soon after the enactment of this Act as practicable, with the advice of the State Department of Public Health, provide by ordinance, bylaws or rules and regulations for the materials, construction, alteration, and inspection of all plumbing placed in or in connection with any building in any such city, town, village, township, or county and to provide for and appoint a competent Plumbing Inspector or more as required. The Department may by rule establish voluntary standards for the content and conduct of local plumbing regulation and inspection programs and may evaluate and certify local programs that are in compliance with the voluntary standards. The Department may by rule establish voluntary education, training, and experience standards for Plumbing Inspectors and may certify Plumbing Inspectors who are in compliance with the voluntary standards. Nothing contained in this Act shall prohibit any city, town, village, township or county from providing for a Plumbing Inspector or from requiring permits for the installation and repair of plumbing and collecting a fee therefor, but a city, town, village,
township, or county that requires a permit for installation and repair of plumbing may not issue that permit without verification that the applicant has a valid plumbing license or that the applicant is the owner occupant of a single family residence that is the subject of the permit. For the purpose of this Section, the term "occupant" has the same meaning as in subsection (2) of Section 3 of this Act. No person shall be appointed as a Plumbing Inspector who is not a licensed plumber under this Act, including persons employed as Plumbing Inspectors in home rule units.

(2) The Department of Public Health shall conduct inquiry in any city, town, village, township, or county or at any other place in the State when reasonably necessary in the judgment of the Director of the Department of Public Health to safeguard the health of any person or persons in this State, on account of piping or appurtenant appliances within any building, or outside, when such piping and appliances are for the use of plumbing as defined in this Act and for the use of carrying sewage or waste within or from any building.

The Department of Public Health may conduct such inquiries in any city, town, village, township or county in this State by directing the Plumbing Inspector thereof to aid in or conduct such inquiry or investigation in behalf of the Department of Public Health or the Department of Public Health may designate some other person or persons to conduct such investigation.

(Source: P.A. 90-714, eff. 8-7-98.)

(225 ILCS 320/37) (from Ch. 111, par. 1135)

Sec. 37. Each governmental unit which is authorized to adopt and has adopted any ordinance or resolution regulating plumbing may provide for its administration and enforcement by requiring permits for any plumbing system installation, the inspection of plumbing system installations by inspectors who are licensed as plumbers in accordance with the Illinois Plumbing License Law, and the issue of certificates of approval or compliance which shall be evidence that a plumbing system has been installed in compliance with the Code of standards so adopted.

A letter of intent shall be included with all plumbing permit applications. The letter shall be written on the licensed plumber of record's business stationery and shall include the license holder's signature and, if the license holder is incorporated, the license holder's corporate seal. If the license holder is not incorporated, the letter must be notarized.

A governmental unit authorized to adopt regulations may, by ordinance or resolution, prescribe reasonable fees for the issue of permits

New matter indicated by italics - deletions by strikeout
for installation work, the issue of certificates of compliance or approval, and for the inspection of plumbing installations.
(Source: P.A. 79-1000.)

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

Passed in the General Assembly May 29, 2005.
Approved July 7, 2005.
Effective July 7, 2005.

PUBLIC ACT 94-0133
(House Bill No. 1051)

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

Section 5. The Higher Education Student Assistance Act is amended by changing Sections 50, 52, and 65.15 as follows:

(110 ILCS 947/50)
Sec. 50. Minority Teachers of Illinois scholarship program.
(a) As used in this Section:
"Eligible applicant" means a minority student who has graduated from high school or has received a General Educational Development Certification and has maintained a cumulative grade point average of no less than 2.5 on a 4.0 scale, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section.

"Minority student" means a student who is either (i) Black (a person having origins in any of the black racial groups in Africa); (ii) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race); (iii) Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or (iv) Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska.

"Qualified student" means a person (i) who is a resident of this State and a citizen or permanent resident of the United States;

New matter indicated by italics - deletions by strikeout
(ii) who is a minority student, as defined in this Section; (iii) who, as an eligible applicant, has made a timely application for a minority teaching scholarship under this Section; (iv) who is enrolled on at least a half-time basis at a qualified Illinois institution of higher learning; (v) who is enrolled in a course of study leading to teacher certification, including alternative teacher certification; (vi) who maintains a grade point average of no less than 2.5 on a 4.0 scale; and (vii) who continues to advance satisfactorily toward the attainment of a degree.

(b) In order to encourage academically talented Illinois minority students to pursue teaching careers at the preschool or elementary or secondary school level, each qualified student shall be awarded a minority teacher scholarship to any qualified Illinois institution of higher learning. However, preference may be given to qualified applicants enrolled at or above the junior level.

(c) Each minority teacher scholarship awarded under this Section shall be in an amount sufficient to pay the tuition and fees and room and board costs of the qualified Illinois institution of higher learning at which the recipient is enrolled, up to an annual maximum of $5,000; except that in the case of a recipient who does not reside on-campus at the institution at which he or she is enrolled, the amount of the scholarship shall be sufficient to pay tuition and fee expenses and a commuter allowance, up to an annual maximum of $5,000.

(d) The total amount of minority teacher scholarship assistance awarded by the Commission under this Section to an individual in any given fiscal year, when added to other financial assistance awarded to that individual for that year, shall not exceed the cost of attendance at the institution at which the student is enrolled. If the amount of minority teacher scholarship to be awarded to a qualified student as provided in subsection (c) of this Section exceeds the cost of attendance at the institution at which the student is enrolled, the minority teacher scholarship shall be reduced by an amount equal to the amount by which the combined financial assistance available to the student exceeds the cost of attendance.

(e) The maximum number of academic terms for which a qualified student can receive minority teacher scholarship assistance shall be 8 semesters or 12 quarters.

(f) In any academic year for which an eligible applicant under this Section accepts financial assistance through the Paul Douglas Teacher Scholarship Program, as authorized by Section 551 et seq. of the Higher

New matter indicated by italics - deletions by strikeout
Education Act of 1965, the applicant shall not be eligible for scholarship assistance awarded under this Section.

(g) All applications for minority teacher scholarships to be awarded under this Section shall be made to the Commission on forms which the Commission shall provide for eligible applicants. The form of applications and the information required to be set forth therein shall be determined by the Commission, and the Commission shall require eligible applicants to submit with their applications such supporting documents or recommendations as the Commission deems necessary.

(h) Subject to a separate appropriation for such purposes, payment of any minority teacher scholarship awarded under this Section shall be determined by the Commission. All scholarship funds distributed in accordance with this subsection shall be paid to the institution and used only for payment of the tuition and fee and room and board expenses incurred by the student in connection with his or her attendance as an undergraduate student at a qualified Illinois institution of higher learning. Any minority teacher scholarship awarded under this Section shall be applicable to 2 semesters or 3 quarters of enrollment. If a qualified student withdraws from enrollment prior to completion of the first semester or quarter for which the minority teacher scholarship is applicable, the school shall refund to the Commission the full amount of the minority teacher scholarship.

(i) The Commission shall administer the minority teacher scholarship aid program established by this Section and shall make all necessary and proper rules not inconsistent with this Section for its effective implementation.

(j) When an appropriation to the Commission for a given fiscal year is insufficient to provide scholarships to all qualified students, the Commission shall allocate the appropriation in accordance with this subsection. If funds are insufficient to provide all qualified students with a scholarship as authorized by this Section, the Commission shall allocate the available scholarship funds for that fiscal year on the basis of the date the Commission receives a complete application form.

(k) Notwithstanding the provisions of subsection (j) or any other provision of this Section, at least 30% of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for qualified male minority applicants. If the Commission does not receive enough applications from qualified male minorities on or before January 1 of each fiscal year to award 30% of the funds appropriated for these scholarships to qualified male minority applicants,
then the Commission may award a portion of the reserved funds to qualified female minority applicants.

(l) Prior to receiving scholarship assistance for any academic year, each recipient of a minority teacher scholarship awarded under this Section shall be required by the Commission to sign an agreement under which the recipient pledges that, within the one-year period following the termination of the program for which the recipient was awarded a minority teacher scholarship, the recipient (i) shall begin teaching for a period of not less than one year for each year of scholarship assistance he or she was awarded under this Section; and (ii) shall fulfill this teaching obligation at a nonprofit Illinois public, private, or parochial preschool, elementary school, or secondary school at which no less than 30% of the enrolled students are minority students in the year during which the recipient begins teaching at the school; and (iii) shall, upon request by the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the teaching agreement provided for in this subsection.

(m) If a recipient of a minority teacher scholarship awarded under this Section fails to fulfill the teaching obligation set forth in subsection (l) of this Section, the Commission shall require the recipient to repay the amount of the scholarships received, prorated according to the fraction of the teaching obligation not completed, at a rate of interest equal to 5%, and, if applicable, reasonable collection fees. The Commission is authorized to establish rules relating to its collection activities for repayment of scholarships under this Section. All repayments collected under this Section shall be forwarded to the State Comptroller for deposit into the State's General Revenue Fund.

(n) A recipient of minority teacher scholarship shall not be considered in violation of the agreement entered into pursuant to subsection (l) if the recipient (i) enrolls on a full time basis as a graduate student in a course of study related to the field of teaching at a qualified Illinois institution of higher learning; (ii) is serving, not in excess of 3 years, as a member of the armed services of the United States; (iii) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician; (iv) is seeking and unable to find full time employment as a teacher at an Illinois public, private, or parochial preschool or elementary or secondary school that satisfies the criteria set forth in subsection (l) of this Section and is able to provide evidence of that fact; or, (v) becomes permanently totally disabled as established by sworn affidavit of a qualified physician; (vi) is taking
additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or (vii) is fulfilling teaching requirements associated with other programs administered by the Commission and cannot concurrently fulfill them under this Section in a period of time equal to the length of the teaching obligation.

(o) Scholarship recipients under this Section who withdraw from a program of teacher education but remain enrolled in school to continue their postsecondary studies in another academic discipline shall not be required to commence repayment of their Minority Teachers of Illinois scholarship so long as they remain enrolled in school on a full-time basis or if they can document for the Commission special circumstances that warrant extension of repayment.

(Source: P.A. 91-670, eff. 12-22-99; 92-845, eff. 1-1-03.)

(110 ILCS 947/52)

Sec. 52. Illinois Future Teacher Corps Program.

(a) In order to encourage academically talented Illinois students, especially minority students, to pursue teaching careers, especially in teacher shortage disciplines (which shall be defined to include early childhood education) or at hard-to-staff schools (as defined by the Commission in consultation with the State Board of Education), the Commission shall, each year, receive and consider applications for scholarship assistance under this Section. An applicant is eligible for a scholarship under this Section when the Commission finds that the applicant is:

(1) a United States citizen or eligible noncitizen;
(2) a resident of Illinois;
(3) a high school graduate or a person who has received a General Educational Development Certificate;
(4) enrolled or accepted for enrollment at or above the junior level, on at least a half-time basis, at an Illinois institution of higher learning; and
(5) pursuing a postsecondary course of study leading to initial certification or pursuing additional course work needed to gain State Board of Education approval to teach, including alternative teacher certification.

(b) Recipients shall be selected from among applicants qualified pursuant to subsection (a) based on a combination of the following criteria as set forth by the Commission: (1) academic excellence; (2) status as a minority student as defined in Section 50; and (3) financial need. Preference may be given to previous recipients of assistance under this
Section, provided they continue to maintain eligibility and maintain satisfactory academic progress as determined by the institution of higher learning at which they enroll.

(c) Each scholarship awarded under this Section shall be in an amount sufficient to pay the tuition and fees and room and board costs of the Illinois institution of higher learning at which the recipient is enrolled, up to an annual maximum of $5,000; except that in the case of a recipient who does not reside on-campus at the institution of higher learning at which he or she is enrolled, the amount of the scholarship shall be sufficient to pay tuition and fee expenses and a commuter allowance, up to an annual maximum of $5,000. For recipients who agree to teach in a teacher shortage discipline or at a hard-to-staff school under subsection (i) of this Section, the Commission may, by rule and subject to appropriation, increase the annual maximum amount to $10,000. If a recipient agrees to teach in both a teacher shortage discipline and at a hard-to-staff school under subsection (i) of this Section, the Commission may increase the amount of the scholarship awarded by up to an additional $5,000.

(d) The total amount of scholarship assistance awarded by the Commission under this Section to an individual in any given fiscal year, when added to other financial assistance awarded to that individual for that year, shall not exceed the cost of attendance at the institution of higher learning at which the student is enrolled.

(e) A recipient may receive up to 4 semesters or 6 quarters of scholarship assistance under this Section.

(f) All applications for scholarship assistance to be awarded under this Section shall be made to the Commission in a form as set forth by the Commission. The form of application and the information required to be set forth therein shall be determined by the Commission, and the Commission shall require eligible applicants to submit with their applications such supporting documents as the Commission deems necessary.

(g) Subject to a separate appropriation made for such purposes, payment of any scholarship awarded under this Section shall be determined by the Commission. There shall be a separate appropriation made for scholarships awarded to recipients who agree to teach in a teacher shortage discipline or at a hard-to-staff school under subsection (i) of this Section. The Commission may use for scholarship assistance under this Section (i) all funds appropriated for scholarships under this Section that were formerly known as ITEACH Teacher Shortage Scholarships and (ii) all funds appropriated for scholarships under Section 65.65 of this Act.
In accordance with this Section shall be paid to the institution on behalf of the recipients. Scholarship funds are applicable toward 2 semesters or 3 quarters of enrollment within an academic year.

(h) The Commission shall administer the scholarship program established by this Section and shall make all necessary and proper rules not inconsistent with this Section for its effective implementation.

(i) Prior to receiving scholarship assistance for any academic year, each recipient of a scholarship awarded under this Section shall be required by the Commission to sign an agreement under which the recipient pledges that, within the one-year period following the termination of the academic program for which the recipient was awarded a scholarship, the recipient: (i) shall begin teaching for a period of not less than 5 years, (ii) shall fulfill this teaching obligation at a nonprofit Illinois public, private, or parochial preschool or an Illinois public elementary or secondary school, and (iii) shall, upon request of the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the teaching agreement provided for in this subsection.

(j) If a recipient of a scholarship awarded under this Section fails to fulfill the teaching obligation set forth in subsection (i) of this Section, the Commission shall require the recipient to repay the amount of the scholarships received, prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of 5% and if applicable, reasonable collection fees. The Commission is authorized to establish rules relating to its collection activities for repayment of scholarships under this Section. Payments received by the Commission under this subsection (j) shall be remitted to the State Comptroller for deposit into the General Revenue Fund, except that that portion of a recipient's payment that equals the amount in expenses that the Commission has reasonably incurred in attempting collection from that recipient shall be remitted to the State Comptroller for deposit into the Commission's Accounts Receivable Fund.

(k) A recipient of a scholarship awarded by the Commission under this Section shall not be in violation of the agreement entered into pursuant to subsection (i) if the recipient (i) enrolls on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning; (ii) is serving as a member of the armed services of the United States; (iii) is temporarily totally disabled, as
established by sworn affidavit of a qualified physician; or (iv) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (i) and is able to provide evidence of that fact; (v) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or (vi) is fulfilling teaching requirements associated with other programs administered by the Commission and cannot concurrently fulfill them under this Section in a period of time equal to the length of the teaching obligation. Any such extension of the period during which the teaching requirement must be fulfilled shall be subject to limitations of duration as established by the Commission.

(Source: P.A. 92-845, eff. 1-1-03; 93-21, eff. 7-1-03.)

(110 ILCS 947/65.15)

Sec. 65.15. Special education teacher scholarships.

(a) There shall be awarded annually 250 scholarships to persons qualifying as members of any either of the following groups:

(1) Students who are otherwise qualified to receive a scholarship as provided in subsections (b) and (c) of this Section and who make application to the Commission for such scholarship and agree to take courses that will prepare the student for the teaching of children described in Section 14-1 of the School Code.

(2) Persons holding a valid certificate issued under the laws relating to the certification of teachers and who make application to the Commission for such scholarship and agree to take courses that will prepare them for the teaching of children described in Section 14-1 of the School Code.

(3) Persons who (A) have graduated high school; (B) have not been certified as a teacher; and (C) make application to the Commission for such scholarship and agree to take courses that will prepare them for the teaching of children described in Section 14-1 of the School Code.

Scholarships awarded under this Section shall be issued pursuant to regulations promulgated by the Commission; provided that no rule or regulation promulgated by the State Board of Education prior to the effective date of this amendatory Act of 1993 pursuant to the exercise of any right, power, duty, responsibility or matter of pending business transferred from the State Board of Education to the Commission under this Section shall be affected thereby, and all such rules and regulations shall become the rules and regulations of the Commission until modified or changed by the Commission in accordance with law.

New matter indicated by italics - deletions by strikeout
For the purposes of this Section scholarships awarded each school year shall be deemed to be issued on July 1 of the year prior to the start of the postsecondary school term and all calculations for use of the scholarship shall be based on such date. Each scholarship shall entitle its holder to exemption from fees as provided in subsection (a) of Section 65.40 while enrolled in a special education program of teacher education, for a period of not more than 4 calendar years and shall be available for use at any time during such period of study except as provided in subsection (b) of Section 65.40.

Scholarships issued to holders of a valid certificate issued under the laws relating to the certification of teachers as provided in paragraph (2) of this subsection may also entitle the holder thereof to a program of teacher education that will prepare the student for the teaching of children described in Section 14-1 of the School Code at the graduate level.

(b) Each year, the principal, or his or her designee, of an approved each recognized public, private and parochial high school maintaining the twelfth grade shall certify to the Commission, for the names and addresses of students who are Illinois residents and are completing an application, that the students with the intent to prepare to teach in any recognized public, private, or parochial school of Illinois and ranked scholastically in the upper one-half of their graduating class or, for those not yet graduated, whose scholastic rank in the 4-year high school course of study at the end of the sixth semester is in the upper one-half of their class.

(c) Each holder of a scholarship must furnish proof to the Commission, in such form and at such intervals as the Commission prescribes, of the holder’s continued enrollment in a teacher education program qualifying the holder for the scholarship. Any holder of a scholarship who fails to register in a special education program of teacher education at the university within 10 days after the commencement of the term, quarter or semester immediately following the receipt of the scholarship or who, having registered, withdraws from the university or transfers out of teacher education, shall thereupon forfeit the right to use it and it may be granted to the person having the next highest rank as shown on the list held by the Commission. If the person having the next highest rank, within 10 days after notification thereof by the Commission, fails to register at any such university in a special education program of teacher education, or who, having registered, withdraws from the university or transfers out of teacher education, the scholarship may then be granted to the person shown on the list as having the rank next below such person.

New matter indicated by italics - deletions by strikeout
(d) Any person who has accepted a scholarship under the preceding subsections of this Section must, within one year after graduation from or termination of enrollment in a teacher education program, begin teaching at a nonprofit Illinois public, private, or parochial preschool or elementary or secondary school for a period of at least 2 of the 5 years immediately following that graduation or termination, excluding, however, from the computation of that 5 year period (i) any time up to 3 years spent in the military service, whether such service occurs before or after the person graduates; (ii) any time that person is enrolled full-time in an academic program related to the field of teaching leading to a graduate or postgraduate degree; (iii) the time that person is temporarily totally disabled for a period of time not to exceed 3 years, as established by the sworn affidavit of a qualified physician; (iv) the time that person is seeking and unable to find full time employment as a teacher at an Illinois public, private, or parochial school; or (v) the time that person is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or (vi) the time that person is fulfilling teaching requirements associated with other programs administered by the Commission if he or she cannot concurrently fulfill them under this Section in a period of time equal to the length of the teaching obligation.

A person who has accepted a scholarship under the preceding subsections of this Section and who has been unable to fulfill the teaching requirements of this Section may receive a deferment from the obligation of repayment under this subsection (d) under guidelines established by the Commission; provided that no guideline established for any such purpose by the State Board of Education prior to the effective date of this amendatory Act of 1993 shall be affected by the transfer to the Commission of the responsibility for administering and implementing the provisions of this Section, and all guidelines so established shall become the guidelines of the Commission until modified or changed by the Commission.

Any such person who fails to fulfill this teaching requirement shall pay to the Commission the amount of tuition waived by virtue of his or her acceptance of the scholarship, together with interest at 5% per year on that amount. However, this obligation to repay the amount of tuition waived plus interest does not apply when the failure to fulfill the teaching requirement results from the death or adjudication as a person under legal disability of the person holding the scholarship, and no claim for repayment may be filed against the estate of such a decedent or person under legal disability. Payments received by the Commission under this

New matter indicated by italics - deletions by strikeout
subsection (d) shall be remitted to the State Treasurer for deposit in the General Revenue Fund. Each person receiving a scholarship shall be provided with a description of the provisions of this subsection (d) at the time he or she qualifies for the benefits of such a scholarship.

(e) This Section is basically the same as Sections 30-1, 30-2, 30-3, and 30-4a of the School Code, which are repealed by this amendatory Act of 1993, and shall be construed as a continuation of the teacher scholarship program established by that prior law, and not as a new or different teacher scholarship program. The State Board of Education shall transfer to the Commission, as the successor to the State Board of Education for all purposes of administering and implementing the provisions of this Section, all books, accounts, records, papers, documents, contracts, agreements, and pending business in any way relating to the teacher scholarship program continued under this Section; and all scholarships at any time awarded under that program by, and all applications for any such scholarships at any time made to, the State Board of Education shall be unaffected by the transfer to the Commission of all responsibility for the administration and implementation of the teacher scholarship program continued under this Section. The State Board of Education shall furnish to the Commission such other information as the Commission may request to assist it in administering this Section. (Source: P.A. 91-496, eff. 8-13-99; 92-845, eff. 1-1-03.)

(110 ILCS 922/Act rep.)

Section 10. The Child Development Teacher Scholarship Act is repealed.

Section 99. Effective date. This Act takes effect on July 1, 2005, except that the changes to Section 65.15 of the Higher Education Student Assistance Act take effect on July 1, 2006.

Passed in the General Assembly May 11, 2005.
Approved July 7, 2005.
Effective July 7, 2005.
Sec. 15-10. Governmental property. As used in this Part C, "governmental property" means funds or other property owned by the State, a unit of local government, or a school district.

Sec. 16-1. Theft.
(a) A person commits theft when he knowingly:
   (1) Obtains or exerts unauthorized control over property of the owner; or
   (2) Obtains by deception control over property of the owner; or
   (3) Obtains by threat control over property of the owner; or
   (4) Obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen; or
   (5) Obtains or exerts control over property in the custody of any law enforcement agency which is explicitly represented to him by any law enforcement officer or any individual acting in behalf of a law enforcement agency as being stolen, and
      (A) Intends to deprive the owner permanently of the use or benefit of the property; or
      (B) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or
      (C) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.
(b) Sentence.
   (1) Theft of property not from the person and not exceeding $300 in value is a Class A misdemeanor.
   (1.1) Theft of property not from the person and not exceeding $300 in value is a Class 4 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.
   (2) A person who has been convicted of theft of property not from the person and not exceeding $300 in value who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or 4-103.3 of the Illinois Vehicle Code relating to the possession of a vehicle identification number shall be guilty of a Class 4 felony.

New matter indicated by italics - deletions by strikeout
stolen or converted motor vehicle, or a violation of Section 8 of the Illinois Credit Card and Debit Card Act is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(3) (Blank).

(4) Theft of property from the person not exceeding $300 in value, or theft of property exceeding $300 and not exceeding $10,000 in value, is a Class 3 felony.

(4.1) Theft of property from the person not exceeding $300 in value, or theft of property exceeding $300 and not exceeding $10,000 in value, is a Class 2 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(5) Theft of property exceeding $10,000 and not exceeding $100,000 in value is a Class 2 felony.

(5.1) Theft of property exceeding $10,000 and not exceeding $100,000 in value is a Class 1 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(6) Theft of property exceeding $100,000 and not exceeding $500,000 in value is a Class 1 felony.

(6.1) Theft of property exceeding $100,000 in value is a Class X felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(6.2) Theft of property exceeding $500,000 in value is a Class 1 non-probationable felony.

(7) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender obtained money or property valued at $5,000 or more from a victim 60 years of age or older is a Class 2 felony.

(c) When a charge of theft of property exceeding a specified value is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(Source: P.A. 92-16, eff. 6-28-01; 93-520, eff. 8-6-03.)

New matter indicated by italics - deletions by strikeout
AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by changing Sections 10-1-7 and 10-2.1-4 as follows:

(65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)
Sec. 10-1-7. Examination of applicants; disqualifications.
(a) All applicants for offices or places in the classified service, except those mentioned in Section 10-1-17, are subject to examination. The examination shall be public, competitive, and open to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character.

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

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

(d) Persons entitled to military preference under Section 10-1-16 shall not be subject to limitations specifying age unless they are applicants for a position as a fireman or a policeman having no previous employment status as a fireman or policeman in the regularly constituted fire or police department of the municipality, in which case they must not have attained
their 35th birthday, except any person who has served as an auxiliary policeman under Section 3.1-30-20 for at least 5 years and is under 40 years of age.

(e) All employees of a municipality of less than 500,000 population (except those who would be excluded from the classified service as provided in this Division 1) who are holding that employment as of the date a municipality adopts this Division 1, or as of July 17, 1959, whichever date is the later, and who have held that employment for at least 2 years immediately before that later date, and all firemen and policemen regardless of length of service who were either appointed to their respective positions by the board of fire and police commissioners under the provisions of Division 2 of this Article or who are serving in a position (except as a temporary employee) in the fire or police department in the municipality on the date a municipality adopts this Division 1, or as of July 17, 1959, whichever date is the later, shall become members of the classified civil service of the municipality without examination.

(f) The examinations shall be practical in their character, and shall relate to those matters that will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed. The examinations shall include tests of physical qualifications, health, and (when appropriate) manual skill. If an applicant is unable to pass the physical examination solely as the result of an injury received by the applicant as the result of the performance of an act of duty while working as a temporary employee in the position for which he or she is being examined, however, the physical examination shall be waived and the applicant shall be considered to have passed the examination. No questions in any examination shall relate to political or religious opinions or affiliations. Results of examinations and the eligible registers prepared from the results shall be published by the commission within 60 days after any examinations are held.

(g) The commission shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the municipality, to be examiners. The examiners shall conduct the examinations as directed by the commission and shall make a return or report of the examinations to the commission. If the appointed examiners are in the official service of the municipality, the examiners shall not receive extra compensation for conducting the examinations. The commission may at any time substitute any other person, whether or not in the service of the municipality, in the place of any one selected as an examiner. The commission members may
themselves at any time act as examiners without appointing examiners. The examiners at any examination shall not all be members of the same political party.

(h) In municipalities of 500,000 or more population, no person who has attained his or her 35th birthday shall be eligible to take an examination for a position as a fireman or a policeman unless the person has had previous employment status as a policeman or fireman in the regularly constituted police or fire department of the municipality, except as provided in this Section.

(i) In municipalities of more than 5,000 but not more than 200,000 inhabitants, no person who has attained his or her 35th birthday shall be eligible to take an examination for a position as a fireman or a policeman unless the person has had previous employment status as a policeman or fireman in the regularly constituted police or fire department of the municipality, except as provided in this Section.

(j) In all municipalities, applicants who are 20 years of age and who have successfully completed 2 years of law enforcement studies at an accredited college or university may be considered for appointment to active duty with the police department. An applicant described in this subsection (j) who is appointed to active duty shall not have power of arrest, nor shall the applicant be permitted to carry firearms, until he or she reaches 21 years of age.

(k) In municipalities of more than 500,000 population, applications for examination for and appointment to positions as firefighters or police shall be made available at various branches of the public library of the municipality.

(l) No municipality having a population less than 1,000,000 shall require that any fireman appointed to the lowest rank serve a probationary employment period of longer than one year. The limitation on periods of probationary employment provided in this amendatory Act of 1989 is an exclusive power and function of the State. Pursuant to subsection (h) of Section 6 of Article VII of the Illinois Constitution, a home rule municipality having a population less than 1,000,000 must comply with this limitation on periods of probationary employment, which is a denial and limitation of home rule powers. Notwithstanding anything to the contrary in this Section, the probationary employment period limitation may be extended for a firefighter who is required, as a condition of employment, to be a certified paramedic, during which time the sole reason that a firefighter may be discharged without a hearing is for failing
to meet the requirements for paramedic certification shall not apply to a fireman whose position also includes paramedic responsibilities. (Source: P.A. 86-990; 87-1119.)

(65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)
Sec. 10-2.1-4. Fire and police departments; Appointment of members; Certificates of appointments.

The board of fire and police commissioners shall appoint all officers and members of the fire and police departments of the municipality, including the chief of police and the chief of the fire department, unless the council or board of trustees shall by ordinance as to them otherwise provide; except as otherwise provided in this Section, and except that in any municipality which adopts or has adopted this Division 2.1 and also adopts or has adopted Article 5 of this Code, the chief of police and the chief of the fire department shall be appointed by the municipal manager, if it is provided by ordinance in such municipality that such chiefs, or either of them, shall not be appointed by the board of fire and police commissioners.

If the chief of the fire department or the chief of the police department or both of them are appointed in the manner provided by ordinance, they may be removed or discharged by the appointing authority. In such case the appointing authority shall file with the corporate authorities the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities.

If a member of the department is appointed chief of police or chief of the fire department prior to being eligible to retire on pension, he shall be considered as on furlough from the rank he held immediately prior to his appointment as chief. If he resigns as chief or is discharged as chief prior to attaining eligibility to retire on pension, he shall revert to and be established in whatever rank he currently holds, except for previously appointed positions, and thereafter be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.

All appointments to each department other than that of the lowest rank, however, shall be from the rank next below that to which the appointment is made except as otherwise provided in this Section, and except that the chief of police and the chief of the fire department may be appointed from among members of the police and fire departments, respectively, regardless of rank, unless the council or board of trustees shall have by ordinance as to them otherwise provided. A chief of police

New matter indicated by italics - deletions by strikeout
or the chief of the fire department, having been appointed from among members of the police or fire department, respectively, shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he currently holds, without having to resign as chief of police or chief of the fire department.

The sole authority to issue certificates of appointment shall be vested in the Board of Fire and Police Commissioners and all certificates of appointments issued to any officer or member of the fire or police department of a municipality shall be signed by the chairman and secretary respectively of the board of fire and police commissioners of such municipality, upon appointment of such officer or member of the fire and police department of such municipality by action of the board of fire and police commissioners.

The term "policemen" as used in this Division does not include auxiliary policemen except as provided for in Section 10-2.1-6.

Any full time member of a regular fire or police department of any municipality which comes under the provisions of this Division or adopts this Division 2.1 or which has adopted any of the prior Acts pertaining to fire and police commissioners, is a city officer.

Notwithstanding any other provision of this Section, the Chief of Police of a department in a non-homerule municipality of more than 130,000 inhabitants may, without the advice or consent of the Board of Fire and Police Commissioners, appoint up to 6 officers who shall be known as deputy chiefs or assistant deputy chiefs, and whose rank shall be immediately below that of Chief. The deputy or assistant deputy chiefs may be appointed from any rank of sworn officers of that municipality, but no person who is not such a sworn officer may be so appointed. Such deputy chief or assistant deputy chief shall have the authority to direct and issue orders to all employees of the Department holding the rank of captain or any lower rank. A deputy chief of police or assistant deputy chief of police, having been appointed from any rank of sworn officers of that municipality, shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he currently holds, without having to resign as deputy chief of police or assistant deputy chief of police.

Notwithstanding any other provision of this Section, a non-homerule municipality of 130,000 or fewer inhabitants, through its council or board of trustees, may, by ordinance, provide for a position of deputy chief to be appointed by the chief of the police department. The ordinance shall provide for no more than one deputy chief position if the police

New matter indicated by italics - deletions by strikeout
department has fewer than 25 full-time police officers and for no more than 2 deputy chief positions if the police department has 25 or more full-time police officers. The deputy chief position shall be an exempt rank immediately below that of Chief. The deputy chief may be appointed from any rank of sworn, full-time officers of the municipality's police department, but must have at least 5 years of full-time service as a police officer in that department. A deputy chief shall serve at the discretion of the Chief and, if removed from the position, shall revert to the rank currently held, without regard as to whether a vacancy exists in that rank. A deputy chief of police, having been appointed from any rank of sworn full-time officers of that municipality's police department, shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he currently holds, without having to resign as deputy chief of police.

No municipality having a population less than 1,000,000 shall require that any firefighter fireman appointed to the lowest rank serve a probationary employment period of longer than one year. The limitation on periods of probationary employment provided in this amendatory Act of 1989 is an exclusive power and function of the State. Pursuant to subsection (h) of Section 6 of Article VII of the Illinois Constitution, a home rule municipality having a population less than 1,000,000 must comply with this limitation on periods of probationary employment, which is a denial and limitation of home rule powers. Notwithstanding anything to the contrary in this Section, the probationary employment period limitation may be extended for a firefighter who is required, as a condition of employment, to be a certified paramedic, during which time the sole reason that a firefighter may be discharged without a hearing is for failing to meet the requirements for paramedic certification shall not apply to a fireman whose position also includes paramedic responsibilities.

(Source: P.A. 93-486, eff. 8-8-03.)

Section 10. The Fire Protection District Act is amended by changing Section 16.13b as follows:

(70 ILCS 705/16.13b) (from Ch. 127 1/2, par. 37.13b)

Sec. 16.13b. Unless the employer and a labor organization have agreed to a contract provision providing for final and binding arbitration of disputes concerning the existence of just cause for disciplinary action, no officer or member of the fire department of any protection district who has held that position for one year shall be removed or discharged except for just cause, upon written charges specifying the complainant and the basis for the charges, and after a hearing on those charges before the board of

New matter indicated by italics - deletions by strikeout
fire commissioners, affording the officer or member an opportunity to be heard in his own defense. In such case the appointing authority shall file with the board of trustees the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the board of trustees. If written charges are brought against an officer or member, the board of fire commissioners shall conduct a fair and impartial hearing of the charges, to be commenced within 30 days of the filing thereof, which hearing may be continued from time to time. The Chief of the department shall bear the burden of proving the guilt of the officer or member by a preponderance of the evidence. In case an officer or member is found guilty, the board may discharge him, or may suspend him not exceeding 30 calendar days without pay. The board may suspend any officer or member pending the hearing with or without pay, but in no event shall the suspension pending hearing and the ultimate suspension imposed on the officer or member, if any, exceed 30 calendar days without pay in the aggregate. If the board of fire commissioners determines that the charges are not sustained, the officer or member shall be reimbursed for all wages withheld or lost, if any. In the conduct of this hearing, each member of the board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the hearing.

Notwithstanding any other provision of this Section, a probationary employment period may be extended beyond one year for a firefighter who is required as a condition of employment to be a certified paramedic, during which time the sole reason that a firefighter may be discharged without a hearing is for failing to meet the requirements for paramedic certification.

The age for mandatory retirement of firemen in the service of any department of such district is 65 years, unless the board of trustees shall by ordinance provide for an earlier mandatory retirement age of not less than 60 years.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the board of fire commissioners hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Nothing in this Section shall be construed to prevent the Chief of the fire department from suspending without pay a member of his department for a period of not more than 5 consecutive calendar days, but
he shall notify the board in writing of such suspension. Any fireman so suspended may appeal to the board of fire commissioners for a review of the suspension within 5 calendar days after such suspension. Upon such appeal, the Chief of the department shall bear the burden of proof in establishing the guilt of the officer or member by a preponderance of the evidence. The board may sustain the action of the Chief of the department, may reduce the suspension to a lesser penalty, or may reverse it with instructions that the officer or member receive his pay and other benefits withheld for the period involved, or may suspend the officer for an additional period of not more than 30 days, or discharge him, depending upon the facts presented.
(Source: P.A. 86-562.)

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

Passed in the General Assembly May 16, 2005.
Approved July 7, 2005.
Effective July 7, 2005.

PUBLIC ACT 94-0136
(House Bill No. 1971)

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

Section 5. The Election Code is amended by changing Sections 1A-25, 4-8, 5-7, and 6-35 as follows:
(10 ILCS 5/1A-25)
(This Section may contain text from a Public Act with a delayed effective date)

Sec. 1A-25. Centralized statewide voter registration list. The centralized statewide voter registration list required by Title III, Subtitle A, Section 303 of the Help America Vote Act of 2002 shall be created and maintained by the State Board of Elections as provided in this Section.
(1) The centralized statewide voter registration list shall be compiled from the voter registration data bases of each election authority in this State.
(2) All new voter registration forms and applications to register to vote shall be transmitted to the appropriate election authority. The election authority shall process and verify each voter registration form and electronically enter verified registrations on

New matter indicated by italics - deletions by strikeout
an expedited basis onto the statewide voter registration list. All original registration cards shall remain permanently in the office of the election authority as required by Sections 4-20, 5-28, and 6-65.

(3) The centralized statewide voter registration list shall:
   (i) Be designed to allow election authorities to utilize the registration data on the statewide voter registration list pertinent to voters registered in their election jurisdiction on locally maintained software programs that are unique to each jurisdiction.
   (ii) Allow each election authority to perform essential election management functions, including but not limited to production of voter lists, processing of absentee voters, production of individual, pre-printed applications to vote, administration of election judges, and polling place administration, but shall not prevent any election authority from using information from that election authority's own systems.

(4) The registration information maintained by each election authority shall at all times be synchronized with that authority's information on the statewide list on a constant, real-time basis.

To protect the privacy and confidentiality of voter registration information, the disclosure of any portion of the centralized statewide voter registration list to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited except as follows: subject to security measures adopted by the State Board of Elections which, at a minimum, shall include the keeping of a catalog or database, available for public view, including the name, address, and telephone number of the person viewing the list as well as the time of that viewing, any person may view the list on a computer screen at the Springfield office of the State Board of Elections, during normal business hours other than during the 27 days before an election, but the person viewing the list under this exception may not print, duplicate, transmit, or alter the list.

(Source: P.A. 93-1071, eff. 6-1-05.)

(10 ILCS 5/4-8) (from Ch. 46, par. 4-8)

Sec. 4-8. The county clerk shall provide a sufficient number of blank forms for the registration of electors, which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data

New matter indicated by italics - deletions by strikeout
hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant. Where the location cannot be determined by street and number, then the section, congressional township and range number may be used, or such other description as may be necessary, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and precinct. This information shall be furnished by the applicant stating the place or places where he resided and the dates during which he resided in such place or places during the year next preceding the date of the next ensuing election.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and duplicate registration record cards.

Signature of deputy registrar or officer of registration.
In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided on the back or at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name.
Mother's first name.
From what address did the applicant last register?
Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION
STATE OF ILLINOIS
COUNTY OF .......

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my residence; that I am fully qualified to vote, and that the above statements are true.

..............................
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

..................................
Signature of registration officer.
(To be signed in presence of registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to precincts, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of

New matter indicated by italics - deletions by strikeout
hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act and to governmental entities, at their request and at a reasonable cost. To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited except as follows: subject
to security measures adopted by the State Board of Elections which, at a minimum, shall include the keeping of a catalog or database, available for public view, including the name, address, and telephone number of the person viewing the list as well as the time of that viewing, any person may view the centralized statewide voter registration list on a computer screen at the Springfield office of the State Board of Elections, during normal business hours other than during the 27 days before an election, but the person viewing the list under this exception may not print, duplicate, transmit, or alter the list. Copies of the tapes, discs, or other electronic data shall be furnished by the county clerk to local political committees and governmental entities at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing
cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of.... County, Illinois. (or)
To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ......................

Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.
Dated at ...., Illinois, on (insert date).

.................................
(Signature of Voter)

Attest: ................, County Clerk, .............
County, Illinois.

The cancellation certificate shall be mailed immediately by the County Clerk to the County Clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 92-465, eff. 1-1-02; 92-816, eff. 8-21-02; 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

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

Sec. 5-7. The county clerk shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing...
address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct. Which questions may be answered by the applicant stating, in excess of 30 days in the State and in excess of 30 days in the precinct.

Nativity. The State or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on the original and duplicate registration record card.

Signature of Deputy Registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name ....................
Mother's first name ....................
From what address did you last register?
Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois )
) s s
County of....... )

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days; that I am fully qualified to vote. That I intend that this location shall be my residence and that the above statements are true.

New matter indicated by italics - deletions by strikeout
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

........................................

Signature of Registration Officer.
(To be signed in presence of Registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to towns and precincts, wards, cities and villages, as the case may be, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration record card shall contain the following information:

New matter indicated by italics - deletions by strikeout
period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act and to governmental entities, at their request and at a reasonable cost. To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited except as follows: subject to security measures adopted by the State Board of Elections which, at a minimum, shall include the keeping of a catalog or database, available for public view, including the name, address, and telephone number of the person viewing the list as well as the time of that viewing, any person may view the centralized statewide voter registration list on a computer screen at the Springfield office of the State Board of Elections, during normal business hours other than during the 27 days before an election, but the person viewing the list under this exception may not print, duplicate, transmit, or alter the list. Copies of the tapes, discs, or other electronic data shall be furnished by the county clerk to local political committees and governmental entities at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes

New matter indicated by italics - deletions by strikeout
of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois. To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ....

Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.
Dated at .... Illinois, on (insert date).

........................
(Signature of Voter)

Attest...., County Clerk, ....... County, Illinois.

The cancellation certificate shall be mailed immediately by the county clerk to the county clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.
(Source: P.A. 92-465, eff. 1-1-02; 92-816, eff. 8-21-02; 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

(10 ILCS 5/6-35) (from Ch. 46, par. 6-35)

New matter indicated by italics - deletions by strikeout
Sec. 6-35. The Boards of Election Commissioners shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate. The duplicate of which may be a carbon copy of the original or a copy of the original made by the use of other method or material used for making simultaneous true copies or duplications.

The registration record card shall contain the following and such other information as the Board of Election Commissioners may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when the applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and the duplicate registration record card.

New matter indicated by italics - deletions by strikeout
Signature of deputy registrar.
In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the registration officer shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name ......................
Mother's first name ......................
From what address did you last register? ....
Reason for inability to sign name ..........

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois )
) ss
County of ...... )

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall have resided in the State of Illinois and in the election precinct 30 days and that I intend that this location is my residence; that I am fully qualified to vote, and that the above statements are true.

..............................
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

..............................
Signature of registration officer (to be signed in presence of registrant).

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to wards or precincts, as the case may be, and may be serially or otherwise marked for identification in such manner as the Board of Election Commissioners may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and

New matter indicated by italics - deletions by strikeout
continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the Board of Election Commissioners within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the State Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $0.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act and to governmental entities, at their request and at a reasonable cost. To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter

New matter indicated by italics - deletions by strikeout
registration records to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited except as follows: subject to security measures adopted by the State Board of Elections which, at a minimum, shall include the keeping of a catalog or database, available for public view, including the name, address, and telephone number of the person viewing the list as well as the time of that viewing, any person may view the centralized statewide voter registration list on a computer screen at the Springfield office of the State Board of Elections, during normal business hours other than during the 27 days before an election, but the person viewing the list under this exception may not print, duplicate, transmit, or alter the list. Copies of the tapes, discs or other electronic data shall be furnished by the Board of Election Commissioners to local political committees and governmental entities at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority

New matter indicated by italics - deletions by strikeout
utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois.
To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ..... Having moved out of your (county), (city), I hereby authorize you to cancel that registration in your office.

Dated at ...., Illinois, on (insert date).

........................
(Signature of Voter)

Attest ...., Clerk, Election Commission of the City of...., Illinois.

The cancellation certificate shall be mailed immediately by the clerk of the Election Commission to the county clerk, (or Election Commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 92-465, eff. 1-1-02; 92-816, eff. 8-21-02; 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

Passed in the General Assembly May 16, 2005.
Approved July 7, 2005.
Effective July 7, 2005.
Section 5. The School Code is amended by adding Section 34-18.32 as follows:

(105 ILCS 5/34-18.32 new)

Sec. 34-18.32. Healthy Kids - Healthy Minds Expanded Vision Program. Because 80% of a child’s learning is felt to be through the visual system, the board shall establish a program to identify students who are in need of basic vision care, yet are not covered by insurance or public assistance or do not have the financial ability to pay for services and therefore are not receiving appropriate vision care, to be known as the Healthy Kids - Healthy Minds Expanded Vision Program. Through this program, subject to appropriation, the district, in cooperation with health care providers, shall serve students at a minimum or no cost to the students. The program may provide, but is not limited to, vision examinations and glasses. Eligibility for services must be determined by prioritization of students based on both physical and financial need.


Approved July 7, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0138
(House Bill No. 3048)

AN ACT concerning regulation.

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

Section 5. The Private Sewage Disposal Licensing Act is amended by adding Section 5b as follows:

(225 ILCS 225/5b new)

Sec. 5b. Licensure required for the pumping, hauling, and disposal of wastes from portable toilets; cleanliness standards.

(a) The Department shall by rule, establish and issue a separate license, independent of any other license issued under this Act, for the pumping, hauling, and disposal of wastes removed from the sewage disposal systems of portable toilets to qualified persons responsible for the pumping, hauling, and disposal of wastes removed from the sewage disposal systems of portable toilets. These rules shall concern, but not be limited to, all of the following areas:

(1) License duration and expiration, renewal, reinstatement, and inactive status.

(2) All fees relating to initial licensure and renewal.

New matter indicated by italics - deletions by strikeout
(3) Licensure application form and process.
(4) Violations and penalties.
(5) Exemptions and waivers.
(6) Ventilation, safety, and security requirements of portable toilet units and the sewage disposal systems of portable toilet units.

(b) Beginning 6 months after the date of the adoption of Department rules concerning the establishment and issuance of a license for the pumping, hauling, and disposal of wastes removed from the sewage disposal systems of portable toilets, no person may engage in the pumping, hauling, or disposal of wastes removed from the sewage disposal systems of portable toilets in a manner that does not comply with the requirements of this Act and the rules established by the Department under this Act concerning the pumping, hauling, and disposal of wastes removed from the sewage disposal systems of portable toilets.

(c) The Department shall require the successful completion of an examination, prescribed by the Department, prior to licensure. The Department may accept the Portable Sanitation Association International’s Health and Safety Certification Program as an acceptable educational and testing program.

(d) The Department shall consider and make any necessary amendments to the private sewage disposal code in relation to a license issued for the pumping, hauling, and disposal of wastes removed from the sewage disposal systems of portable toilets.

(e) The Department shall establish and enforce standards of cleanliness for companies that sell, lease, rent, or otherwise maintain portable toilet units for commercial purposes, which shall include, but not be limited to, the following requirements:

(1) Each unit shall be thoroughly cleaned at each pumping, including all parts of the unit, which are the urinal, tank, walls, floors, door, and roof.

(2) Soap or anti-bacterial hand cleaner and paper products shall be refilled in each unit at each pumping, if required.

(3) After a unit is cleaned, it shall be inspected to ensure compliance with Department rules concerning the ventilation, safety, and security of the unit.

(4) A company shall designate at least one representative who shall be responsible for ensuring that each unit maintained by the company meets the standards of cleanliness set forth in this subsection (d) and any additional standards established by the

New matter indicated by italics - deletions by strikeout
Department. Companies that have designated a person to clean units may not designate the same person the responsibility of ensuring unit compliance with the standards of cleanliness.

(5) Those persons engaging in cleaning units shall wear protective equipment and be trained in proper procedures for sanitation and self-protection.

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

Approved July 7, 2005.
Effective July 7, 2005.

PUBLIC ACT 94-0139
(House Bill No. 3770)

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

Section 5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-292 as follows:

(20 ILCS 405/405-292)
Sec. 405-292. Business processing reengineering; planning for a more efficient government.

(a) The Department shall be responsible for recommending to the Governor efficiency initiatives to reorganize, restructure, and reengineer the business processes of the State. In performing this responsibility the Department shall have the power and duty to do the following:

(1) propose the transfer, consolidation, reorganization, restructuring, reengineering, or elimination of programs, processes, or functions in order to attain efficiency in operations and cost savings through the efficiency initiatives;

(2) control the procurement of contracted services in connection with the efficiency initiatives to assist in the analysis, design, planning, and implementation of proposals approved by the Governor to attain efficiency in operations and cost savings; and

(3) establish the amount of cost savings to be realized by State agencies from implementing the efficiency initiatives, which shall be paid to the Department for deposit into the Efficiency Initiatives Revolving Fund, except that any cost savings realized by
the Illinois Department of Transportation shall be deposited into the State Construction Account Fund.

(b) For the purposes of this Section, "State agencies" means all departments, boards, commissions, and agencies of the State of Illinois subject to the Governor.

(Source: P.A. 93-25, eff. 6-20-03; revised 10-9-03.)

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

Passed in the General Assembly May 20, 2005.
Approved July 7, 2005.
Effective July 7, 2005.

PUBLIC ACT 94-0140
(Senate Bill No. 1898)

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 11-9.1 as follows:

(720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)
Sec. 11-9.1. Sexual exploitation of a child.
(a) Any person commits sexual exploitation of a child if in the presence of a child and with intent or knowledge that a child would view his or her acts, that person:

(1) engages in a sexual act; or
(2) exposes his or her sex organs, anus or breast for the purpose of sexual arousal or gratification of such person or the child.

(a-5) A person commits sexual exploitation of a child who knowingly entices, coerces, or persuades a child to remove the child's clothing for the purpose of sexual arousal or gratification of the person or the child, or both.

(b) Definitions. As used in this Section:
"Sexual act" means masturbation, sexual conduct or sexual penetration as defined in Section 12-12 of this Code.
"Sex offense" means any violation of Article 11 of this Code or a violation of Section 12-13, 12-14, 12-14.1, 12-15, 12-16, or 12-16.2 of this Code.
"Child" means a person under 17 years of age.

New matter indicated by italics - deletions by strikeout
(c) Sentence.

(1) Sexual exploitation of a child is a Class A misdemeanor. A second or subsequent violation of this Section or a substantially similar law of another state is a Class 4 felony.

(2) Sexual exploitation of a child is a Class 4 felony if the person has been previously convicted of a sex offense.

(3) *Sexual exploitation of a child is a Class 4 felony if the victim was under 13 years of age at the time of the commission of the offense.*

(Source: P.A. 91-223, eff. 1-1-00.)

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

Passed in the General Assembly May 24, 2005.
Approved July 7, 2005.
Effective July 7, 2005.

**PUBLIC ACT 94-0141**

*House Bill No. 2470*

AN ACT concerning State government.

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

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-403 as follows:

(20 ILCS 2310/2310-403 new)

Sec. 2310-403. Sarcoïdosis Research Fund. To make grants for sarcoïdosis research from appropriations to the Department from the Sarcoïdosis Research Fund.

Section 10. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Sarcoïdosis Research Fund.

Section 15. The Illinois Income Tax Act is amended by changing Sections 509 and 510 and by adding Section 507EE as follows:

(35 ILCS 5/507EE new)

Sec. 507EE. Sarcoïdosis Research Fund checkoff. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Sarcoïdosis Research Fund, as authorized by this amendatory Act of the 94th General

New matter indicated by italics - deletions by strikeout
Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Sarcoidosis Research Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Military Family Relief Fund, the Illinois Veterans' Homes Fund, and the Asthma and Lung Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)

(35 ILCS 5/510) (from Ch. 120, par. 5-510)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund,

New matter indicated by italics - deletions by strikeout
the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Illinois Military Family Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Sarcoidosis Research Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Veterans' Homes Fund, and the Asthma and Lung Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)

Passed in the General Assembly May 19, 2005.
Approved July 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0142
(Senate Bill No. 0133)

AN ACT concerning State government.

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

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-399 as follows:

(20 ILCS 2310/2310-399 new)

Sec. 2310-399. Colon cancer awareness campaign; the Vince Demuzio Memorial Colon Cancer Fund.

(a) The Department must establish and maintain a public awareness campaign to target areas in Illinois with high colon cancer mortality rates. The campaign must be developed in conjunction with recommendations made by the American Cancer Society.

(b) The Vince Demuzio Memorial Colon Cancer Fund is created as a special fund in the State treasury. From appropriations to the Department from the Fund, the Department must operate the public awareness campaign set forth under subsection (a). The moneys from the

New matter indicated by italics - deletions by strikeout
Fund may not be used for institutional overhead costs, indirect costs, other organizational levies, or costs of community-based support services.

Moneys received for the purposes of this Section, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

Section 10. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)
Sec. 5.625. The Vince Demuzio Memorial Colon Cancer Fund.

Section 15. The Illinois Income Tax Act is amended by changing Sections 509 and 510 and by adding Section 507EE as follows:

(35 ILCS 5/507EE new)
Sec. 507EE. The Vince Demuzio Memorial Colon Cancer Fund checkoff. For taxable years ending on or after December 31, 2005, the Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Vince Demuzio Memorial Colon Cancer Fund, as authorized by this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section does not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509) Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Military Family Relief Fund, the Illinois Veterans'
Homes Fund, the Vince Demuzio Memorial Colon Cancer Fund, and the Asthma and Lung Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(SOURCE: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Illinois Military Family Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Veterans' Homes Fund, the Vince Demuzio Memorial Colon Cancer Fund, and the Asthma and Lung Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(SOURCE: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)

Approved July 8, 2005.
Effective January 1, 2006.
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing
Section 12-215 as follows:

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)
Sec. 12-215. Oscillating, rotating or flashing lights on motor
vehicles. Except as otherwise provided in this Code:
(a) The use of red or white oscillating, rotating or flashing lights,
whether lighted or unlighted, is prohibited except on:
1. Law enforcement vehicles of State, Federal or local
authorities;
2. A vehicle operated by a police officer or county coroner
and designated or authorized by local authorities, in writing, as a
law enforcement vehicle; however, such designation or
authorization must be carried in the vehicle;
2.1. A vehicle operated by a fire chief who has completed
an emergency vehicle operation training course approved by the
Office of the State Fire Marshal and designated or authorized by
local authorities, in writing, as a fire department, fire protection
district, or township fire department vehicle; however, the
designation or authorization must be carried in the vehicle, and
the lights may be visible or activated only when responding to a
bona fide emergency;
3. Vehicles of local fire departments and State or federal
firefighting vehicles;
4. Vehicles which are designed and used exclusively as
ambulances or rescue vehicles; furthermore, such lights shall not
be lighted except when responding to an emergency call for and
while actually conveying the sick or injured;
5. Tow trucks licensed in a state that requires such lights;
furthermore, such lights shall not be lighted on any such tow truck
while the tow truck is operating in the State of Illinois;
vehicles of the Illinois Department of Public Health, and vehicles
of the Department of Nuclear Safety;

New matter indicated by italics - deletions by strikeout
7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act; and

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code; and:

9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;

2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;
5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:
   voluntary firefighter;

New matter indicated by italics - deletions by strikeout
paid firefighter;
part-paid firefighter;
call firefighter;
member of the board of trustees of a fire protection district;
paid or unpaid member of a rescue squad;
paid or unpaid member of a voluntary ambulance unit; or
paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.
However, such lights are not to be lighted except when responding to a bona fide emergency.

Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying him or her as a member of a bona fide fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency. The card or letter must include:

(A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;
(B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;
(C) the member's term of service; and
(D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.
4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.


8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives may be so equipped; furthermore, such lights shall not be lighted on vehicles of the State of...
Illinois, local authorities, and contractors except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 92-138, eff. 7-24-01; 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff. 8-6-02; 92-820, eff. 8-21-02; 92-872, eff. 6-1-03; 93-181, eff. 1-1-04; 93-725, eff. 1-1-05; 93-794, eff. 7-22-04; 93-829, eff. 7-28-04; revised 10-22-04.)

Passed in the General Assembly May 11, 2005.
Approved July 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0144
(House Bill No. 1395)

AN ACT concerning government.

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

Section 5. The Intergovernmental Cooperation Act is amended by changing Section 3.6 as follows:

(5 ILCS 220/3.6) (from Ch. 127, par. 743.6)

Sec. 3.6. (a) Any special district the boundaries of which are exactly coterminous with, or entirely within, the boundaries of a township in a county having less than 1,000,000 inhabitants may merge into and transfer all of its rights, powers, duties, liabilities and functions to the

New matter indicated by italics - deletions by strikeout
township as provided in this Section notwithstanding any other provision of the law.

(b) "Special district" means any political subdivision other than a county, municipality, township, school district or community college district.

(c) By resolution or ordinance the special district may petition the township for merger. Within 30 days after the adoption of such resolution or ordinance, the special district shall file a copy of the petition with the town clerk of the township and with the county clerk.

(d) Within 60 days of the filing of the petition with the town clerk the board of town trustees shall by ordinance either agree or refuse to agree to the merger. Failure of the board of town trustees to adopt such an ordinance within the 60 days shall constitute a refusal to agree to the merger.

(e) After an ordinance is passed by the board of town trustees agreeing to a merger, it shall be published once within 30 days after its passage in one or more newspapers published in the township or, if no newspaper is published therein, it shall be published in a newspaper published in the county in which such township is located and having general circulation within such township. If no newspaper is published in the county having general circulation in the township, publication may be made instead by posting copies of such ordinance in 10 public places within the township. The publication or posting of the ordinance shall include a notice of (1) the specific number of voters required to sign a petition requesting that the question of the merger be submitted to the voters of the township; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The township clerk shall provide a petition form to any individual requesting one. The ordinance shall not become effective until 30 days after its publication or the date of such posting of such copies.

Whenever a petition signed by the electors of the township equal in number to 10% or more of the registered voters in the township is filed with the board of town trustees thereof which has adopted an ordinance agreeing to merger and such petition has been filed with the board of town trustees within 30 days after the publication or the date of the posting of the copies which petition seeks the submission of such merger to an election, the board of town trustees shall certify the question to the proper election officials who shall submit the question at an election in accordance with the general election law.

The proposition shall be substantially in the following form:

New matter indicated by italics - deletions by strikeout
Shall (name of special district) be merged into Township?

---

If the boundaries of the township and special district are coterminous and a majority of the voters voting on the question shall favor merger, the special district shall merge into the township. If a majority of the voters voting on the question shall not favor merger, the special district shall not merge into the township. If the boundaries of the township and special district are not coterminous, then a majority of the voters voting upon the question in the special district and a majority of the voters voting in that portion of the township that is not included within the special district must both favor the merger. If a majority of the voters residing in the special district or a majority of the voters voting in that portion of the townships that is not included within the special district do not favor the merger, the special district shall not merge into the township.

(f) The effective date of the merger shall be the first day of January of the year immediately following the effective date of the ordinance or the approval by the referendum as the case may be.

(g) If the board of town trustees refuses to agree to the merger or if a majority of the voters voting on the question shall not favor merger, then the special district shall not file a petition for merger with the town clerk within 3 years after such refusal to agree or referendum.

(h) Upon the effective date of the merger the township shall assume and succeed to all of the rights, powers, duties, liabilities and functions of the special district, including assuming any indebtedness of the special district, and the special district shall be dissolved and cease to exist as a separate and distinct political subdivision. In connection with such rights, powers, duties, liabilities and functions the township shall be subject to, governed by and have the benefit of the statutes, as then or thereafter amended, and laws affecting such a special district, including without limitation the right to levy taxes in such amounts as allowed to such a special district, but the right to levy taxes shall exist only within the area formerly comprising such merged special district. Upon the effective date of the merger all books, records, equipment, property and personnel held by, in the custody of or employed by the special district shall be transferred to the township. The transfer shall not affect the status or employment benefits of transferred personnel.

(Source: P.A. 89-150, eff. 7-14-95.)

New matter indicated by italics - deletions by strikeout
AN ACT concerning State government.

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

Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Sections 2605-5 and 2605-375 as follows:

(20 ILCS 2605/2605-5)
Sec. 2605-5. Definitions. In this Law:
"Department" means the Department of State Police.
"Director" means the Director of State Police.
"Missing endangered senior" means an individual 65 years of age or older who is reported missing to a law enforcement agency and is, or is believed to be:

(1) a temporary or permanent resident of Illinois;
(2) at a location that cannot be determined by an individual familiar with the missing individual; and
(3) incapable of returning to the individual's residence without assistance.
(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)
Sec. 2605-375. Missing persons; Law Enforcement Agencies Data System (LEADS).

(a) To establish and maintain a statewide Law Enforcement Agencies Data System (LEADS) for the purpose of providing electronic access by authorized entities to criminal justice data repositories and effecting an immediate law enforcement response to reports of missing persons, including lost, missing or runaway minors and missing endangered seniors. The Department shall implement an automatic data exchange system to compile, to maintain, and to make available to other law enforcement agencies for immediate dissemination data that can assist appropriate agencies in recovering missing persons and provide access by authorized entities to various data repositories available through LEADS.
Public Act 94-0145

for criminal justice and related purposes. To assist the Department in this effort, funds may be appropriated from the LEADS Maintenance Fund.

(b) In exercising its duties under this Section, the Department shall do the following:

(1) Provide a uniform reporting format for the entry of pertinent information regarding the report of a missing person into LEADS. The report must include all of the following:

(A) Relevant information obtained from the notification concerning the missing person, including all of the following:

(i) a physical description of the missing person;
(ii) the date, time, and place that the missing person was last seen; and
(iii) the missing person's address.

(B) Information gathered by a preliminary investigation, if one was made.

(C) A statement by the law enforcement officer in charge stating the officer's assessment of the case based on the evidence and information received.

The Department of State Police shall prepare the report required by this paragraph (1) as soon as practical, but not later than 5 hours after the Department receives notification of a missing person.

(2) Develop and implement a policy whereby a statewide or regional alert would be used in situations relating to the disappearances of individuals, based on criteria and in a format established by the Department. Such a format shall include, but not be limited to, the age of the missing person and the suspected circumstance of the disappearance.

(3) Notify all law enforcement agencies that reports of missing persons shall be entered as soon as the minimum level of data specified by the Department is available to the reporting agency and that no waiting period for the entry of the data exists.

(4) Compile and retain information regarding lost, abducted, missing, or runaway minors in a separate data file, in a manner that allows that information to be used by law enforcement and other agencies deemed appropriate by the Director, for investigative purposes. The information shall include the

New matter indicated by italics - deletions by strikeout
disposition of all reported lost, abducted, missing, or runaway minor cases.

(5) Compile and maintain an historic data repository relating to lost, abducted, missing, or runaway minors and other missing persons, including, but not limited to, missing endangered seniors, in order to develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons.

(6) Create a quality control program regarding confirmation of missing person data, timeliness of entries of missing person reports into LEADS, and performance audits of all entering agencies.

(7) Upon completion of the report required by paragraph (1), the Department of State Police shall immediately forward the contents of the report to all of the following:

(A) all law enforcement agencies that have jurisdiction in the location where the missing person lives and all law enforcement agencies that have jurisdiction in the location where the missing person was last seen;

(B) all law enforcement agencies to which the person who made the notification concerning the missing person requests the report be sent, if the Department determines that the request is reasonable in light of the information received;

(C) all law enforcement agencies that request a copy of the report; and

(D) the National Crime Information Center's Missing Person File, if appropriate.

(8) The Department of State Police shall begin an investigation concerning the missing person not later than 24 hours after receiving notification of a missing person.

(c) The Illinois Law Enforcement Training Standards Board shall conduct a training program for law enforcement personnel of local governmental agencies in the statewide coordinated missing endangered senior alert system established under this Section.

(Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

Section 10. The Illinois Police Training Act is amended by changing Section 10.10 as follows:

New matter indicated by italics - deletions by strikeout
(50 ILCS 705/10.10)

Sec. 10.10. Training in child abduction and missing endangered senior alert system. The Board shall conduct a training program for law enforcement personnel of local governmental agencies in the statewide coordinated child abduction alert system developed under Section 2605-480 of the Department of State Police Law of the Civil Administrative Code of Illinois and the statewide coordinated missing endangered senior alert system developed under Section 2605-375 of the Department of State Police Law of the Civil Administrative Code of Illinois.

(Source: P.A. 93-310, eff. 7-23-03.)

Section 99. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 16, 2005.
Approved July 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0146
(House Bill No. 2547)

AN ACT concerning human rights.

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

Section 5. The Illinois Human Rights Act is amended by changing Section 7A-102 as follows:

(775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

Sec. 7A-102. Procedures.
(A) Charge.
(1) Within 180 days after the date that a civil rights violation allegedly has been committed, a charge in writing under oath or affirmation may be filed with the Department by an aggrieved party or issued by the Department itself under the signature of the Director.

(2) The charge shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged civil rights violation.

(B) Notice, and Response, and Review of Charge. The Department shall, within 10 days of the date on which the charge was filed, serve a copy of the charge on the respondent. This period shall not be construed to be jurisdictional. The charging party and the respondent may each file a position statement and other materials with the Department regarding the charge of alleged discrimination within 60 days of receipt of the notice of
the charge. The position statements and other materials filed shall remain confidential unless otherwise agreed to by the party providing the information and shall not be served on or made available to the other party during pendency of a charge with the Department. The Department shall require the respondent to file a verified response to the allegations contained in the charge within 60 days of receipt of the notice of the charge. The respondent shall serve a copy of its response on the complainant or his representative. All allegations contained in the charge not timely denied by the respondent shall be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The Department shall issue a notice of default directed to any respondent who fails to file a verified response to a charge within 60 days of receipt of the notice of the charge, unless the respondent can demonstrate good cause as to why such notice should not issue. Within 30 days of receipt of the respondent's response, the complainant may file a reply to said response and shall serve a copy of said reply on the respondent or his representative. A party shall have the right to supplement his response or reply at any time that the investigation of the charge is pending. The Department shall, within 10 days of the date on which the charge was filed, and again no later than 335 days thereafter, send by certified or registered mail written notice to the complainant and to the respondent informing the complainant of the right to file a complaint with the Human Rights Commission under subparagraph (2) of paragraph (G), including in such notice the dates within which the complainant may exercise this right. In the notice the Department shall notify the complainant that the charge of civil rights violation will be dismissed with prejudice and with no right to further proceed if a written complaint is not timely filed with the Commission by the complainant pursuant to subparagraph (2) of paragraph (G) or by the Department pursuant to subparagraph (1) of paragraph (G).

(B-1) Mediation. The complainant and respondent may agree to voluntarily submit the charge to mediation without waiving any rights that are otherwise available to either party pursuant to this Act and without incurring any obligation to accept the result of the mediation process. Nothing occurring in mediation shall be disclosed by the Department or admissible in evidence in any subsequent proceeding unless the complainant and the respondent agree in writing that such disclosure be made.

(C) Investigation.

New matter indicated by italics - deletions by strikeout
(1) After the respondent has been notified, the Department shall conduct a full investigation of the allegations set forth in the charge.

(2) The Director or his or her designated representatives shall have authority to request any member of the Commission to issue subpoenas to compel the attendance of a witness or the production for examination of any books, records or documents whatsoever.

(3) If any witness whose testimony is required for any investigation resides outside the State, or through illness or any other good cause as determined by the Director is unable to be interviewed by the investigator or appear at a fact finding conference, his or her testimony or deposition may be taken, within or without the State, in the same manner as is provided for in the taking of depositions in civil cases in circuit courts.

(4) Upon reasonable notice to the complainant and the respondent, the Department shall conduct a fact finding conference prior to 365 days after the date on which the charge was filed, unless the Director has determined whether there is substantial evidence that the alleged civil rights violation has been committed or the charge has been dismissed for lack of jurisdiction. If the parties agree in writing, the fact finding conference may be held at a time after the 365 day limit. Any party's failure to attend the conference without good cause shall result in dismissal or default. The term "good cause" shall be defined by rule promulgated by the Department. A notice of dismissal or default shall be issued by the Director and shall notify the relevant party that a request for review may be filed in writing with the Chief Legal Counsel of the Department within 30 days of receipt of notice of dismissal or default.

(D) Report.

(1) Each charge shall be the subject of a report to the Director. The report shall be a confidential document subject to review by the Director, authorized Department employees, the parties, and, where indicated by this Act, members of the Commission or their designated hearing officers.

(2) Upon review of the report, the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed. The determination of substantial evidence is limited to determining the need for further investigation.
consideration of the charge pursuant to this Act and includes, but is not limited to, findings of fact and conclusions, as well as the reasons for the determinations on all material issues and questions of credibility. Substantial evidence is evidence which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance.

(a) If the Director determines that there is no substantial evidence, the charge shall be dismissed by order of the Director and the complainant notified that he or she may seek review of the dismissal order before the Chief Legal Counsel of the Department. The complainant shall have 30 days from receipt of notice to file a request for review by the Chief Legal Counsel of the Department.

(b) If the Director determines that there is substantial evidence, he or she shall designate a Department employee who is an attorney licensed to practice in Illinois to endeavor to eliminate the effect of the alleged civil rights violation and to prevent its repetition by means of conference and conciliation.

(E) Conciliation.

(1) When the Department determines that a formal conciliation conference is necessary, the complainant and respondent shall be notified of the time and place of the conference by registered or certified mail at least 10 days prior thereto and either or both parties shall appear at the conference in person or by attorney.

(2) The place fixed for the conference shall be within 35 miles of the place where the civil rights violation is alleged to have been committed.

(3) Nothing occurring at the conference shall be disclosed by the Department unless the complainant and respondent agree in writing that such disclosure be made. (F) Complaint.

(1) When there is a failure to settle or adjust any charge through conciliation, the Department shall prepare a written complaint, under oath or affirmation, stating the nature of the civil rights violation substantially as alleged in the charge previously filed and the relief sought on behalf of the aggrieved party.

(2) The complaint shall be filed with the Commission. (G) Time Limit.

New matter indicated by italics - deletions by strikeout
(1) When a charge of a civil rights violation has been properly filed, the Department, within 365 days thereof or within any extension of that period agreed to in writing by all parties, shall either issue and file a complaint in the manner and form set forth in this Section or shall order that no complaint be issued and dismiss the charge with prejudice without any further right to proceed except in cases in which the order was procured by fraud or duress. Any such order shall be duly served upon both the complainant and the respondent.

(2) Between 365 and 395 days after the charge is filed, or such longer period agreed to in writing by all parties, the aggrieved party may file a complaint with the Commission, if the Director has not sooner issued a report and determination pursuant to paragraphs (D)(1) and (D)(2) of this Section. The form of the complaint shall be in accordance with the provisions of paragraph (F). The aggrieved party shall notify the Department that a complaint has been filed and shall serve a copy of the complaint on the Department on the same date that the complaint is filed with the Commission.

(3) If an aggrieved party files a complaint with the Human Rights Commission pursuant to paragraph (2) of this subsection, or if the time period for filing a complaint has expired, the Department shall immediately cease its investigation and dismiss the charge of civil rights violation. Any final order entered by the Chief Legal Counsel under this Section is appealable in accordance with paragraph (A)(1) of Section 8-111. Failure to immediately cease an investigation and dismiss the charge of civil rights violation as provided in this paragraph (3) constitutes grounds for entry of an order by the circuit court permanently enjoining the investigation. The Department may also be liable for any costs and other damages incurred by the respondent as a result of the action of the Department.

(4) The Department shall stay any administrative proceedings under this Section after the filing of a civil action by or on behalf of the aggrieved party under any federal or State law seeking relief with respect to the alleged civil rights violation.

(H) This amendatory Act of 1995 applies to causes of action filed on or after January 1, 1996.

(I) This amendatory Act of 1996 applies to causes of action filed on or after January 1, 1996.
AN ACT concerning civil law.

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

Section 5. The Code of Civil Procedure is amended by changing Section 21-103 as follows:

(735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

Sec. 21-103. Notice by publication.

(a) Previous notice shall be given of the intended application by publishing a notice thereof in some newspaper published in the municipality in which the person resides if the municipality is in a county with a population under 2,000,000, or if the person does not reside in a municipality in a county with a population under 2,000,000, or if no newspaper is published in the municipality or if the person resides in a county with a population of 2,000,000 or more, then in some newspaper published in the county where the person resides, or if no newspaper is published in that county, then in some convenient newspaper published in this State. The notice shall be inserted for 3 consecutive weeks after filing, the first insertion to be at least 6 weeks before the return day upon which the petition is to be heard filed, and shall be signed by the petitioner or, in case of a minor, the minor's parent or guardian, and shall set forth the return day of court on which the petition is to be heard filed and the name sought to be assumed.

(b) The publication requirement of subsection (a) shall not be required in any application for a change of name involving a minor if, before making judgment under this Article, reasonable notice and opportunity to be heard is given to any parent whose parental rights have not been previously terminated and to any person who has physical custody of the child. If any of these persons are outside this State, notice and opportunity to be heard shall be given under Section 21-104.
(c) The Director of State Police or his or her designee may apply to the circuit court for an order directing that the notice and publication requirements of this Section be waived if the Director or his or her designee certifies that the name change being sought is intended to protect a witness during and following a criminal investigation or proceeding.

(Source: P.A. 91-62, eff. 1-1-00.)

Passed in the General Assembly May 16, 2005.
Approved July 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0148
(House Bill No. 3449)

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 12-3.2 as follows:

(720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)
Sec. 12-3.2. Domestic Battery.
(a) A person commits domestic battery if he intentionally or knowingly without legal justification by any means:

(1) Causes bodily harm to any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended;

(2) Makes physical contact of an insulting or provoking nature with any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended.

(b) Sentence. Domestic battery is a Class A misdemeanor. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-30), or any prior conviction under the law of another jurisdiction for an offense which is substantially similar. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery of a child (Section 12-4.3), aggravated battery of an

New matter indicated by italics - deletions by strikeout
unborn child (Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 12-13), aggravated criminal sexual assault (12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 12-14.1), aggravated criminal sexual abuse (Section 12-16), unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), or aggravated discharge of a firearm (Section 24-1.2), or any prior conviction under the law of another jurisdiction for any offense that is substantially similar to the offenses listed in this Section, when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. In addition to any other sentencing alternatives, for any second or subsequent conviction of violating this Section, the offender shall be mandatorily sentenced to a minimum of 72 consecutive hours of imprisonment. The imprisonment shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence.

(c) Domestic battery committed in the presence of a child. In addition to any other sentencing alternatives, a defendant who commits, in the presence of a child, a felony domestic battery (enhanced under subsection (b)), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1) against a family or household member, as defined in Section 112A-3 of the Code of Criminal Procedure of 1963, shall be required to serve a mandatory minimum imprisonment of 10 days or perform 300 hours of community service, or both. The defendant shall further be liable for the cost of any counseling required for the child at the discretion of the court in accordance with subsection (b) of Section 5-5-6 of the Unified Code of Corrections. For purposes of this Section, "child" means a person under 18 years of age who is the defendant's or victim's child or step-child or who is a minor child residing within the household of the defendant or victim. For purposes of this Section, "in the presence of a child" means in the physical presence of a child or knowing or having reason to know that a child is present and may see or hear an act constituting one of the offenses listed in this subsection.

(Source: P.A. 92-16, eff. 6-28-01; 92-827, eff. 8-22-02; P.A. 93-336, eff. 1-1-04; 93-809, eff. 1-1-05.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-6 as follows:

(730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

New matter indicated by italics - deletions by strikeout
Sec. 5-5-6. In all convictions for offenses in violation of the Criminal Code of 1961 in which the person received any injury to their person or damage to their real or personal property as a result of the criminal act of the defendant, the court shall order restitution as provided in this Section. In all other cases, except cases in which restitution is required under this Section, the court must at the sentence hearing determine whether restitution is an appropriate sentence to be imposed on each defendant convicted of an offense. If the court determines that an order directing the offender to make restitution is appropriate, the offender may be sentenced to make restitution. If the offender is sentenced to make restitution the Court shall determine the restitution as hereinafter set forth:

(a) At the sentence hearing, the court shall determine whether the property may be restored in kind to the possession of the owner or the person entitled to possession thereof; or whether the defendant is possessed of sufficient skill to repair and restore property damaged; or whether the defendant should be required to make restitution in cash, for out-of-pocket expenses, damages, losses, or injuries found to have been proximately caused by the conduct of the defendant or another for whom the defendant is legally accountable under the provisions of Article V of the Criminal Code of 1961.

(b) In fixing the amount of restitution to be paid in cash, the court shall allow credit for property returned in kind, for property damages ordered to be repaired by the defendant, and for property ordered to be restored by the defendant; and after granting the credit, the court shall assess the actual out-of-pocket expenses, losses, damages, and injuries suffered by the victim named in the charge and any other victims who may also have suffered out-of-pocket expenses, losses, damages, and injuries proximately caused by the same criminal conduct of the defendant, and insurance carriers who have indemnified the named victim or other victims for the out-of-pocket expenses, losses, damages, or injuries, provided that in no event shall restitution be ordered to be paid on account of pain and suffering. If a defendant is placed on supervision for, or convicted of, domestic battery, the defendant shall be required to pay restitution to any domestic violence shelter in which the victim and any other family or household members lived because of the domestic battery. The amount of the restitution shall equal the actual expenses of the domestic violence shelter in providing housing and any other services for the victim and any

New matter indicated by italics - deletions by strikeout
other family or household members living at the shelter. If a defendant fails to pay restitution in the manner or within the time period specified by the court, the court may enter an order directing the sheriff to seize any real or personal property of a defendant to the extent necessary to satisfy the order of restitution and dispose of the property by public sale. All proceeds from such sale in excess of the amount of restitution plus court costs and the costs of the sheriff in conducting the sale shall be paid to the defendant. The defendant convicted of domestic battery, if a person under 18 years of age who is the child of the offender or of the victim was present and witnessed the domestic battery of the victim, is liable to pay restitution for the cost of any counseling required for the child at the discretion of the court.

(c) In cases where more than one defendant is accountable for the same criminal conduct that results in out-of-pocket expenses, losses, damages, or injuries, each defendant shall be ordered to pay restitution in the amount of the total actual out-of-pocket expenses, losses, damages, or injuries to the victim proximately caused by the conduct of all of the defendants who are legally accountable for the offense.

(1) In no event shall the victim be entitled to recover restitution in excess of the actual out-of-pocket expenses, losses, damages, or injuries, proximately caused by the conduct of all of the defendants.

(2) As between the defendants, the court may apportion the restitution that is payable in proportion to each co-defendant's culpability in the commission of the offense.

(3) In the absence of a specific order apportioning the restitution, each defendant shall bear his pro rata share of the restitution.

(4) As between the defendants, each defendant shall be entitled to a pro rata reduction in the total restitution required to be paid to the victim for amounts of restitution actually paid by co-defendants, and defendants who shall have paid more than their pro rata share shall be entitled to refunds to be computed by the court as additional amounts are paid by co-defendants.

(d) In instances where a defendant has more than one criminal charge pending against him in a single case, or more than

New matter indicated by italics - deletions by strikeout
one case, and the defendant stands convicted of one or more charges, a plea agreement negotiated by the State's Attorney and the defendants may require the defendant to make restitution to victims of charges that have been dismissed or which it is contemplated will be dismissed under the terms of the plea agreement, and under the agreement, the court may impose a sentence of restitution on the charge or charges of which the defendant has been convicted that would require the defendant to make restitution to victims of other offenses as provided in the plea agreement.

(e) The court may require the defendant to apply the balance of the cash bond, after payment of court costs, and any fine that may be imposed to the payment of restitution.

(f) Taking into consideration the ability of the defendant to pay, the court shall determine whether restitution shall be paid in a single payment or in installments, and shall fix a period of time not in excess of 5 years, not including periods of incarceration, within which payment of restitution is to be paid in full. Complete restitution shall be paid in as short a time period as possible. However, if the court deems it necessary and in the best interest of the victim, the court may extend beyond 5 years the period of time within which the payment of restitution is to be paid. If the defendant is ordered to pay restitution and the court orders that restitution is to be paid over a period greater than 6 months, the court shall order that the defendant make monthly payments; the court may waive this requirement of monthly payments only if there is a specific finding of good cause for waiver.

(g) The court shall, after determining that the defendant has the ability to pay, require the defendant to pay for the victim's counseling services if:

(1) the defendant was convicted of an offense under Sections 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, or was charged with such an offense and the charge was reduced to another charge as a result of a plea agreement under subsection (d) of this Section, and

(2) the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.
The payments shall be made by the defendant to the clerk of the circuit court and transmitted by the clerk to the appropriate person or agency as directed by the court. The order may require such payments to be made for a period not to exceed 5 years after sentencing, not including periods of incarceration.

(h) The judge may enter an order of withholding to collect the amount of restitution owed in accordance with Part 8 of Article XII of the Code of Civil Procedure.

(i) A sentence of restitution may be modified or revoked by the court if the offender commits another offense, or the offender fails to make restitution as ordered by the court, but no sentence to make restitution shall be revoked unless the court shall find that the offender has had the financial ability to make restitution, and he has wilfully refused to do so. When the offender's ability to pay restitution was established at the time an order of restitution was entered or modified, or when the offender's ability to pay was based on the offender's willingness to make restitution as part of a plea agreement made at the time the order of restitution was entered or modified, there is a rebuttable presumption that the facts and circumstances considered by the court at the hearing at which the order of restitution was entered or modified regarding the offender's ability or willingness to pay restitution have not materially changed. If the court shall find that the defendant has failed to make restitution and that the failure is not wilful, the court may impose an additional period of time within which to make restitution. The length of the additional period shall not be more than 2 years. The court shall retain all of the incidents of the original sentence, including the authority to modify or enlarge the conditions, and to revoke or further modify the sentence if the conditions of payment are violated during the additional period.

(j) The procedure upon the filing of a Petition to Revoke a sentence to make restitution shall be the same as the procedures set forth in Section 5-6-4 of this Code governing violation, modification, or revocation of Probation, of Conditional Discharge, or of Supervision.

(k) Nothing contained in this Section shall preclude the right of any party to proceed in a civil action to recover for any damages incurred due to the criminal misconduct of the defendant.

New matter indicated by italics - deletions by strikeout
(l) Restitution ordered under this Section shall not be subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act.

(m) A restitution order under this Section is a judgment lien in favor of the victim that:

(1) Attaches to the property of the person subject to the order;
(2) May be perfected in the same manner as provided in Part 3 of Article 9 of the Uniform Commercial Code;
(3) May be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and
(4) Expires in the same manner as a judgment lien created in a civil proceeding.

When a restitution order is issued under this Section, the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the charge was filed. Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket.

(n) An order of restitution under this Section does not bar a civil action for:

(1) Damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damages that is the basis of restitution ordered by the court; and
(2) Other damages suffered by the victim.

The restitution order is not discharged by the completion of the sentence imposed for the offense.

A restitution order under this Section is not discharged by the liquidation of a person's estate by a receiver. A restitution order under this Section may be enforced in the same manner as judgment liens are enforced under Article XII of the Code of Civil Procedure.

The provisions of Section 2-1303 of the Code of Civil Procedure, providing for interest on judgments, apply to judgments for restitution entered under this Section.

(Source: P.A. 91-153, eff. 1-1-00; 91-262, eff. 1-1-00; 91-420, eff. 1-1-00; 92-16, eff. 6-28-01.)

Passed in the General Assembly May 16, 2005.

Approved July 8, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.

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

Section 5. The Uniform Criminal Extradition Act is amended by changing Section 5 as follows:

(725 ILCS 225/5) (from Ch. 60, par. 22)

Sec. 5. Extradition of persons imprisoned or awaiting trial in another state or who have left the demanding state under compulsion.

When it is desired to have returned to this State a person charged in this State with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the Governor of this State may agree with the Executive Authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this State as soon as the prosecution in this State is terminated.

The Governor of this State may also surrender on demand of the Executive Authority of any other state any person in this State who is charged in the manner provided in Section 23 of this Act with having violated the laws of the state whose Executive Authority is making the demand, even though such person left the demanding state involuntarily.

Notwithstanding any other provision of this Act, any person incarcerated in any federal facility may be released to the custody of the duly accredited officers or designees of those officers of a foreign state if:

1) the person has violated the terms of his or her probation, post-release supervision, or parole or has an unexpired sentence in the foreign state;

2) the foreign state has personal jurisdiction over that person; and

3) the foreign state has issued a valid warrant for the apprehension of that person or has issued a commitment order to serve a sentence in a state or local correctional facility. For that purpose no formalities shall be required other than establishing the authority of the officer and the identity of the person to be apprehended. All legal requirements to obtain extradition of

New matter indicated by italics - deletions by strikeout
fugitives from justice are expressly waived by the State of Illinois as to those persons.

(Source: Laws 1955, p. 1982.)

Section 99. Effective date. This Act takes effect October 1, 2005.
Passed in the General Assembly May 4, 2005.
Approved July 8, 2005.
Effective October 1, 2005.

PUBLIC ACT 94-0150
(Senate Bill No. 0173)

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

Section 5. The Illinois Credit Union Act is amended by changing Sections 13, 42, 47, and 70 as follows:

(205 ILCS 305/13) (from Ch. 17, par. 4414)
Sec. 13. General powers. A credit union may:

(1) Make contracts; sue and be sued; and adopt and use a common seal and alter the same;

(2) Acquire, lease (either as lessee or lessor), hold, pledge, mortgage, sell and dispose of real property, either in whole or in part, or any interest therein, as may be necessary or incidental to its present or future operations and needs, subject to such limitations as may be imposed thereon in rules and regulations promulgated by the Director; acquire, lease (either as lessee or lessor), hold, pledge, mortgage, sell and dispose of personal property, either in whole or in part, or any interest therein, as may be necessary or incidental to its present or future operations and needs;

(3) At the discretion of the Board of Directors, require the payment of an entrance fee or annual membership fee, or both, of any person admitted to membership;

(4) Receive savings from its members in the form of shares of various classes, or special purpose share accounts; act as custodian of its members' accounts; issue shares in trust as provided in this Act;

(5) Lend its funds to its members and otherwise as hereinafter provided;

New matter indicated by italics - deletions by strikeout
(6) Borrow from any source in accordance with policy established by the Board of Directors to a maximum of 50% of capital, surplus and reserves;
(7) Discount and sell any obligations owed to the credit union;
(8) Honor requests for withdrawals or transfers of all or any part of member share accounts, and any classes thereof, in any manner approved by the credit union Board of Directors;
(9) Sell all or substantially all of its assets or purchase all or substantially all of the assets of another credit union, subject to the prior approval of the Director;
(10) Invest surplus funds as provided in this Act;
(11) Make deposits in banks, savings banks, savings and loan associations, trust companies; and invest in shares, classes of shares or share certificates of other credit unions;
(12) Assess charges and fees to members in accordance with board resolution;
(13) Hold membership in and pay dues to associations and organizations; to invest in shares, stocks or obligations of any credit union organization;
(14) Declare dividends and pay interest refunds to borrowers as provided in this Act;
(15) Collect, receive and disburse monies in connection with providing negotiable checks, money orders and other money-type instruments, and for such other purposes as may provide benefit or convenience to its members, and charge a reasonable fee for such services;
(16) Act as fiscal agent for and receive deposits from the federal government, this state or any agency or political subdivision thereof;
(17) Receive savings from nonmembers in the form of shares or share accounts in the case of credit unions serving predominantly low-income members. The term "low income members" shall mean those members who make less than 80% of the average for all wage earners as established by the Bureau of Labor Statistics or those members whose annual household income falls at or below 80% of the median household income for the nation as established by the Census Bureau. The term "predominantly" is defined as a simple majority;
(18) To establish, maintain, and operate terminals as authorized by the Electronic Fund Transfer Act; and

(19) Subject to Article XLIV of the Illinois Insurance Code, to act as the agent for any fire, life, or other insurance company authorized by the State of Illinois, by soliciting and selling insurance and collecting premiums on policies issued by such company; and may receive for services so rendered such fees or commissions as may be agreed upon between the said credit union and the insurance company for which it may act as agent; provided, however, that no such credit union shall in any case assume or guarantee the payment of any premium on insurance policies issued through its agency by its principal; and provided further, that the credit union shall not guarantee the truth of any statement made by an assured in filing his application for insurance; and:

(20) Make reasonable contributions to civic, charitable, or service organizations not organized for profit; religious corporations; and fundraisers benefitting persons in the credit union's service area.

(Source: P.A. 92-608, eff. 7-1-02; revised 1-20-03.)

(205 ILCS 305/42) (from Ch. 17, par. 4443)

Sec. 42. Shares in trust.

(1) Shares may be issued in trust to a member as trustee or to an individual or corporate trustee. If a corporate trustee is a bank or trust company, shares may be issued to the corporate trustee only if such bank or trust company is organized under the laws of the State of Illinois or is a nationally chartered bank located principally in the State of Illinois. An individual trustee shall be a member of the credit union unless the person establishing the trust in respect to which such shares are issued or each beneficiary of the trust is a member of the credit union and the name of each beneficiary is disclosed to the credit union. Shares may also be issued in the name of an individual or corporate representative under the Illinois Probate Act of 1975 for or in respect to a member of a credit union. Shares may also be issued in trust under the Illinois Funeral or Burial Funds Act, for or in respect to a member of a credit union, to a trustee licensed under said Act. Any credit union which issues shares in trust as provided in this Section must be insured by the NCUA or another approved insurer. Payment of part or all of such shares to such trustee or member shall, to the extent of such payment, discharge the liability of the credit union to the member and the beneficiary and the credit union shall be under no obligation to see to the application of such payment.

New matter indicated by italics - deletions by strikeout
(2) If a credit union's shares are insured as provided for in this Act, such credit union shall have power to act as trustee or custodian under individual retirement accounts or plans, health savings accounts, and similar tax-advantaged savings plans established pursuant to the Internal Revenue Code for its members or groups or organizations of its members provided the funds of such accounts or plans are invested solely in (1) share accounts of, or (2) share accounts and obligations issued by such credit union. All funds held in such fiduciary capacity shall be maintained in accordance with applicable statutes and regulations promulgated thereunder by any authority exercising jurisdiction over such trusts or custodial accounts.

(3) Notwithstanding any language to the contrary in this Section 42, a credit union may act as trustee or custodian of individual retirement plans of its members established pursuant to the Employee Retirement Income Security Act of 1974 or self-employed retirement plans established pursuant to the Self-Employed Individuals Retirement Act of 1962, and any laws amendatory or supplementary to such Acts, provided that:

(a) All contributions of funds are initially made to a share account in the credit union;

(b) Any subsequent transfer of funds to other assets is solely at the direction of the member and the credit union performs only custodial duties, exercises no investment discretion and provides no investment advice with respect to plan assets;

(c) The member is notified of the fact that share insurance coverage is limited to funds held in share accounts; and

(d) The credit union complies with all applicable provisions of this Act and applicable laws and regulations as may be promulgated by any authority exercising jurisdiction over such trust or custodial accounts.

(Source: P.A. 91-131, eff. 7-16-99; 92-608, eff. 7-1-02.)

(205 ILCS 305/47) (from Ch. 17, par. 4448)

Sec. 47. Loan Applications. Every application for a loan shall be made in the manner prescribed by writing upon a form, which the Credit Committee, credit manager, or loan officer prescribes. The application shall state the purpose for which the loan is desired, and the security, if any, offered. Each loan shall be evidenced by a written document or by a record electronically stored or generated by any electronic or computer-generated process that accurately reproduces or records the agreement, transaction, act, occurrence, or event. The signature of any party to the loan includes any symbol executed or adopted, or any security procedure

New matter indicated by italics - deletions by strikeout
employed or adopted, using electronic means or otherwise, by or on behalf of a person with intent to authenticate a record.

(Source: P.A. 81-329.)

(205 ILCS 305/70) (from Ch. 17, par. 4471)

Sec. 70. Use of name, sentence.

(a) No individual person, firm, association, or body politic and corporate, including, without limitation, any corporation, limited liability company, general partnership, limited partnership, or joint venture that is not an authorized user partnership, or corporation, except corporations organized under this Act, the credit union acts of other states, or under the Federal Credit Union Act, associations of such corporations, or subsidiaries of such associations, may use any name or title which contains the words "credit union" or any abbreviation thereof, and such use is a Class A Misdemeanor. For purposes of this Section, "authorized user" means a corporation organized under this Act, the credit union act of another state, or the Federal Credit Union Act, any association of such a corporation, and subsidiaries and affiliates of such an association.

(b) If the Director of the Division of Financial Institutions of the Department of Financial and Professional Regulation finds that an individual or entity that is not an authorized user has transacted or intends to transact business in this State in a manner that has a substantial likelihood of misleading the public by: (i) implying that the business is a credit union or (ii) using or intending to use the words "credit union", or any abbreviation thereof, in connection with its business, then the Director of the Division of Financial Institutions may direct the individual or entity to cease and desist from transacting its business or using the words "credit union", or any abbreviation thereof. If the individual or entity persists in transacting its business or using the words "credit union", or any abbreviation thereof, then the Director of the Division of Financial Institutions may impose a civil penalty of up to $10,000 for each violation. Each day that the individual or entity continues transacting business or using the words "credit union", or any abbreviation thereof, in connection with its business shall constitute a separate violation of these provisions.

(Source: P.A. 92-293, eff. 8-9-01.)

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

Approved July 8, 2005.
Effective July 8, 2005.
PUBLIC ACT 94-0151
(Senate Bill No. 0223)

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

Section 5. The School Code is amended by adding Article 14A as follows:

(105 ILCS 5/Art. 14A heading new)
ARTICLE 14A. GIFTED AND TALENTED CHILDREN

(105 ILCS 5/14A-5 new)
Sec. 14A-5. Applicability. This Article applies beginning with the 2006-2007 school year.

(105 ILCS 5/14A-10 new)
Sec. 14A-10. Legislative findings. The General Assembly finds the following:

(1) that gifted and talented children (i) exhibit high performance capabilities in intellectual, creative, and artistic areas, (ii) possess an exceptional leadership potential, (iii) excel in specific academic fields, and (iv) have the potential to be influential in business, government, health care, the arts, and other critical sectors of our economic and cultural environment;

(2) that gifted and talented children require services and activities that are not ordinarily provided by schools; and

(3) that outstanding talents are present in children and youth from all cultural groups, across all economic strata, and in all areas of human endeavor.

(105 ILCS 5/14A-15 new)
Sec. 14A-15. Purpose. The purpose of this Article is to provide encouragement, assistance, and guidance to school districts in the development and improvement of educational programs for gifted and talented children as defined in Section 14A-20 of this Code. School districts shall continue to have the authority and flexibility to design education programs for gifted and talented children in response to community needs, but these programs must comply with the requirements established in Section 14A-30 of this Code by no later than September 1, 2006 in order to merit approval by the State Board of Education in order to qualify for State funding for the education of gifted and talented children, should such funding become available.

(105 ILCS 5/14A-20 new)

New matter indicated by italics - deletions by strikeout
Sec. 14A-20. Gifted and talented children. For purposes of this Article, "gifted and talented children" means children and youth with outstanding talent who perform or show the potential for performing at remarkably high levels of accomplishment when compared with other children and youth of their age, experience, and environment. A child shall be considered gifted and talented in any area of aptitude, and, specifically, in language arts and mathematics, by scoring in the top 5% locally in that area of aptitude.

(105 ILCS 5/14A-25 new)

Sec. 14A-25. Non-discrimination. Eligibility for participation in programs established pursuant to this Article shall be determined solely through identification of a child as gifted or talented. No program shall condition participation upon race, religion, sex, disability, or any factor other than the identification of the child as gifted or talented.

(105 ILCS 5/14A-30 new)

Sec. 14A-30. Local programs; requirements. In order for a local program for the education of gifted and talented children to be approved by the State Board of Education in order to qualify for State funding, if available, as of the beginning of the 2006-2007 academic year, the local program must meet the following minimum requirements and demonstrate the fulfillment of these requirements in a written program description submitted to the State Board of Education by the local educational agency operating the program and modified if the program is substantively altered:

(1) The use of a minimum of 3 assessment measures used to identify gifted and talented children in each area in which a program for gifted and talented children is established, which may include without limitation scores on standardized achievement tests, observation checklists, portfolios, and currently-used district assessments.

(2) A priority emphasis on language arts and mathematics.

(3) An identification method that uses the definition of gifted and talented children as defined in Section 14A-20 of this Code.

(4) Assessment instruments sensitive to the inclusion of underrepresented groups, including low-income students, minority students, and English language learners.

(5) A process of identification of gifted and talented children that is of equal rigor in each area of aptitude addressed by the program.

New matter indicated by italics - deletions by strikeout
(6) The use of identification procedures that appropriately correspond with the planned programs, curricula, and services.

(7) A fair and equitable decision-making process.

(8) The availability of a fair and impartial appeal process within the school, school district, or cooperative of school districts operating a program for parents or guardians whose children are aggrieved by a decision of the school, school district, or cooperative of school districts regarding eligibility for participation in a program.

(9) Procedures for annually informing the community at-large, including parents, about the program and the methods used for the identification of gifted and talented children.

(10) Procedures for notifying parents or guardians of a child of a decision affecting that child's participation in a program.

(11) A description of how gifted and talented children will be grouped and instructed in order to maximize the educational benefits the children derive from participation in the program, including curriculum modifications and options that accelerate and add depth and complexity to the curriculum content.

(12) An explanation of how the program emphasizes higher-level skills attainment, including problem-solving, critical thinking, creative thinking, and research skills, as embedded within relevant content areas.

(13) A methodology for measuring academic growth for gifted and talented children and a procedure for communicating a child's progress to his or her parents or guardian, including but not limited to, a report card.

(14) The collection of data on growth in learning for children in a program for gifted and talented children and the reporting of the data to the State Board of Education.

(15) The designation of a supervisor responsible for overseeing the educational program for gifted and talented children.

(16) A showing that the certified teachers who are assigned to teach gifted and talented children understand the characteristics and educational needs of children and are able to differentiate the curriculum and apply instructional methods to meet the needs of the children.

New matter indicated by italics - deletions by strikeout
(17) Plans for the continuation of professional development for staff assigned to the program serving gifted and talented children.

(105 ILCS 5/14A-35 new)

Sec. 14A-35. Administrative functions of the State Board of Education.

(a) The State Board of Education must designate a staff person who shall be in charge of educational programs for gifted and talented children. This staff person shall, at a minimum, (i) be responsible for developing an approval process for educational programs for gifted and talented children by no later than September 1, 2006, (ii) receive and maintain the written descriptions of all programs for gifted and talented children in the State, (iii) collect and maintain the annual growth in learning data submitted by a school, school district, or cooperative of school districts, (iv) identify potential funding sources for the education of gifted and talented children, and (v) serve as the main contact person at the State Board of Education for program supervisors and other school officials, parents, and other stakeholders regarding the education of gifted and talented children.

(b) Subject to the availability of funds for these purposes, the State Board of Education may perform a variety of additional administrative functions with respect to the education of gifted and talented children, including, but not limited to, supervision, quality assurance, compliance monitoring, and oversight of local programs, analysis of performance outcome data submitted by local educational agencies, the establishment of personnel standards, and a program of personnel development for teachers and administrative personnel in the education of gifted and talented children.

(105 ILCS 5/14A-40 new)

Sec. 14A-40. Advisory Council. There is hereby created an Advisory Council on the Education of Gifted and Talented Children to consist of 7 members appointed by the State Superintendent of Education. Upon initial appointment, 4 members of the Advisory Council shall serve terms through January 1, 2007 and 3 members shall serve terms through January 1, 2009. Thereafter, members shall serve 4-year terms. Upon the expiration of the term of a member, that member shall continue to serve until a replacement is appointed. The Council shall meet at least 3 times each year. The Council shall organize with a chairperson selected by the State Superintendent of Education. Members of the Council shall serve without compensation, but shall be reimbursed for their travel to and from

New matter indicated by italics - deletions by strikeout
meetings and other reasonable expenses in connection with meetings if approved by the State Board of Education.

The State Board of Education shall consider recommendations for membership on the Council from organizations of educators and parents of gifted and talented children and other groups with an interest in the education of gifted and talented children. The members appointed shall be residents of the State and be selected on the basis of their knowledge of, or experience in, programs and problems of the education of gifted and talented children.

The State Superintendent of Education shall seek the advice of the Council regarding all rules and policies to be adopted by the State Board relating to the education of gifted and talented children. The staff person designated pursuant to subsection (a) of Section 14A-35 of this Code shall serve as the State Board of Education’s liaison to the Council. The State Board of Education shall provide necessary clerical support and assistance in order to facilitate meetings of the Council.

(105 ILCS 5/14A-45 new)

Sec. 14A-45. Grants for services and materials. Subject to the availability of categorical grant funding or other funding appropriated for such purposes, the State Board of Education shall make grants available to fund educational programs for gifted and talented children. A request-for-proposal process shall be used in awarding grants for services and materials, with carry over to the next fiscal year, under this Section. A proposal may be submitted to the State Board of Education by a school district, 2 or more cooperating school districts, a county, 2 or more cooperating counties, or a regional office of education. The proposals shall include a statement of the qualifications and duties of the personnel required in the field of diagnostic, counseling, and consultative services and the educational materials necessary. Upon receipt, the State Board of Education shall evaluate the proposals in accordance with criteria developed by the State Board of Education that is consistent with this Article and shall award grants to the extent funding is available. Educational programs for gifted and talented children may be offered during the regular school term and may include optional summer programs. As a condition for State funding, a grantee must comply with the requirements of this Article.

(105 ILCS 5/14A-50 new)

Sec. 14A-50. Contracts for experimental projects and institutes. Subject to the availability of funds, the State Board of Education shall have the authority to enter into and monitor contracts with school

New matter indicated by italics - deletions by strikeout
districts, regional offices of education, colleges, universities, and professional organizations for the conduct of experimental projects and institutes, including summer institutes, in the field of education of gifted and talented children as defined in Section 14A-20 of this Code. These projects and institutes shall be established in accordance with rules adopted by the State Board of Education. Prior to entering into a contract, the State Board of Education shall evaluate the proposal as to the soundness of the design of the project or institute, the probability of obtaining productive outcomes, the adequacy of resources to conduct the proposed project or institute, and the relationship of the project or institute to other projects and institutes already completed or in progress. The contents of these projects and institutes must be designed based on standards adopted by professional organizations for gifted and talented children.

(105 ILCS 5/14A-55 new)

Sec. 14A-55. Rulemaking. The State Board of Education shall have the authority to adopt all rules necessary to implement and regulate the provisions of this Article.

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

Approved July 8, 2005.
Effective July 8, 2005.

PUBLIC ACT 94-0152
(Senate Bill No. 0426)

AN ACT concerning employment.

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

Section 5. The Unemployment Insurance Act is amended by changing Section 1502.1 as follows:

(820 ILCS 405/1502.1) (from Ch. 48, par. 572.1)

Sec. 1502.1. Employer's benefit charges.

A. Benefit charges which result from payments to any claimant made on or after July 1, 1989 shall be charged:

1. For benefit years beginning prior to July 1, 1989, to each employer who paid wages to the claimant during his base period;

2. For benefit years beginning on or after July 1, 1989 but before January 1, 1993, to the later of:

New matter indicated by italics - deletions by strikeout
a. the last employer prior to the beginning of the claimant's benefit year:
   i. from whom the claimant was separated or who, by reduction of work offered, caused the claimant to become unemployed as defined in Section 239, and,
      ii. for whom the claimant performed services in employment, on each of 30 days whether or not such days are consecutive, provided that the wages for such services were earned during the period from the beginning of the claimant's base period to the beginning of the claimant's benefit year; but that employer shall not be charged if:
         1) the claimant's last separation from that employer was a voluntary leaving without good cause, as the term is used in Section 601A or under the circumstances described in paragraphs 1 and 2 of Section 601B; or
         2) the claimant's last separation from that employer was a discharge for misconduct or a felony or theft connected with his work from that employer, as these terms are used in Section 602; or
         3) after his last separation from that employer, prior to the beginning of his benefit year, the claimant refused to accept an offer of or to apply for suitable work from that employer without good cause, as these terms are used in Section 603; or
         4) the claimant, following his last separation from that employer, prior to the beginning of his benefit year, is ineligible or would have been ineligible under Section 612 if he has or had had base period wages from the employers to which that Section applies; or
         5) the claimant subsequently performed services for at least 30 days for an

New matter indicated by italics - deletions by strikeout
individual or organization which is not an employer subject to this Act; or

b. the single employer who pays wages to the claimant that allow him to requalify for benefits after disqualification under Section 601, 602 or 603, if:
   i. the disqualifying event occurred prior to the beginning of the claimant's benefit year, and
   ii. the requalification occurred after the beginning of the claimant's benefit year, and
   iii. even if the 30 day requirement given in this paragraph is not satisfied; but
   iv. the requalifying employer shall not be charged if the claimant is held ineligible with respect to that requalifying employer under Section 601, 602 or 603.

3. For benefit years beginning on or after January 1, 1993, with respect to each week for which benefits are paid, to the later of:

a. the last employer:
   i. from whom the claimant was separated or who, by reduction of work offered, caused the claimant to become unemployed as defined in Section 239, and
   ii. for whom the claimant performed services in employment, on each of 30 days whether or not such days are consecutive, provided that the wages for such services were earned since the beginning of the claimant's base period; but that employer shall not be charged if:
      (1) the claimant's separation from that employer was a voluntary leaving without good cause, as the term is used in Section 601A or under the circumstances described in paragraphs 1, 2, and 6 of Section 601B; or
      (2) the claimant's separation from that employer was a discharge for misconduct or a felony or theft connected with his work from that employer, as these terms are used in Section 602; or

New matter indicated by italics - deletions by strikeout
(3) the claimant refused to accept an offer of or to apply for suitable work from that employer without good cause, as these terms are used in Section 603 (but only for weeks following the refusal of work); or

(4) the claimant subsequently performed services for at least 30 days for an individual or organization which is not an employer subject to this Act; or

(5) the claimant, following his separation from that employer, is ineligible or would have been ineligible under Section 612 if he has or had had base period wages from the employers to which that Section applies (but only for the period of ineligibility or potential ineligibility); or

b. the single employer who pays wages to the claimant that allow him to requalify for benefits after disqualification under Section 601, 602, or 603, even if the 30 day requirement given in this paragraph is not satisfied; but the requalifying employer shall not be charged if the claimant is held ineligible with respect to that requalifying employer under Section 601, 602, or 603.

B. Whenever a claimant is ineligible pursuant to Section 614 on the basis of wages paid during his base period, any days on which such wages were earned shall not be counted in determining whether that claimant performed services during at least 30 days for the employer that paid such wages as required by paragraphs 2 and 3 of subsection A.

C. If no employer meets the requirements of paragraph 2 or 3 of subsection A, then no employer will be chargeable for any benefit charges which result from the payment of benefits to the claimant for that benefit year.

D. Notwithstanding the preceding provisions of this Section, no employer shall be chargeable for any benefit charges which result from the payment of benefits to any claimant after the effective date of this amendatory Act of 1992 where the claimant's separation from that employer occurred as a result of his detention, incarceration, or imprisonment under State, local, or federal law.

D-1. Notwithstanding any other provision of this Act, including those affecting finality of benefit charges or rates Section, an employer
shall not be chargeable for any benefit charges which result from the payment of benefits to an individual for any week of unemployment after January 1, 2003, during the period that the employer's business is closed solely because of the entrance of the employer, one or more of the partners or officers of the employer, or the majority stockholder of the employer into active duty in the Illinois National Guard or the Armed Forces of the United States.

E. For the purposes of Sections 302, 409, 701, 1403, 1404, 1405 and 1508.1, last employer means the employer that:
   1. is charged for benefit payments which become benefit charges under this Section, or
   2. would have been liable for such benefit charges if it had not elected to make payments in lieu of contributions.

(Source: P.A. 93-634, eff. 1-1-04; 93-1012, eff. 8-24-04.)

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

Approved July 8, 2005.
Effective July 8, 2005.

PUBLIC ACT 94-0153
(Senate Bill No. 0767)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 3A-15 as follows:

(105 ILCS 5/3A-15) (from Ch. 122, par. 3A-15)

Sec. 3A-15. Legal representation. Except as otherwise provided in this Section, upon request the State's attorney of the county where the regional superintendent's office is located shall act as the legal representative of the regional superintendent of schools; however, where matters arise which are within the exclusive jurisdiction of another State's attorney, said State's attorney shall provide legal representation. If, in multicounty educational service regions, the county boards grant approval through an intergovernmental agreement, or if, in educational service regions serving only one county, the county board grants approval, then the regional superintendent of schools is authorized to hire private legal counsel to represent him or her in legal matters, and each county located

New matter indicated by italics - deletions by strikeout
within the region shall pay a per capita share of the legal fees incurred, based on the number of people in the county according to the most recent U.S. census.
(Source: P.A. 81-1090.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 18, 2005.
Approved July 8, 2005.
Effective July 8, 2005.

PUBLIC ACT 94-0154
(Senate Bill No. 1884)

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

Section 1. Purpose of this Act; validation.
(a) Section 5-1120, relating to juvenile delinquency programs, was added to the Counties Code by Public Act 89-203, which was held to violate the single subject rule of Article IV, Section 8 of the Illinois Constitution in People v. Wooters, 188 Ill.2d 500, 722 N.E.2d 1102 (1999).

(b) It is the purpose of this Act to re-enact the provisions of Section 5-1120 and to validate otherwise lawful actions taken in reliance on that Section. In this Act, the text of the Section is shown without underscoring. The text included in this re-enactment is not intended to control over any change to the Section that may be enacted by another Act of the 94th General Assembly.

(c) All otherwise lawful actions taken on or after July 21, 1995 (the effective date of P.A. 89-203) and before the effective date of this Act by any person acting in reliance on or pursuant to the provisions of Section 5-1120 of the Counties Code, as contained in Public Act 89-203, including without limitation the administration of juvenile delinquency programs and the acceptance and expenditure of funds in connection with those programs, are hereby validated.

Section 5. The Counties Code is amended by re-enacting Section 5-1120 as follows:
(55 ILCS 5/5-1120)
Sec. 5-1120. Juvenile delinquency programs. The corporate authorities of a county may:

New matter indicated by italics - deletions by strikeout
(a) Conduct programs and carry on and coordinate activities for the prevention, reduction, or control of juvenile delinquency within the county;

(b) Cooperate, coordinate, or act jointly with the State of Illinois or any other county, municipality, or public or private agency in conducting programs and carrying on and coordinating activities for the prevention, reduction, or control of juvenile delinquency, including but not limited to the establishment, support, and maintenance of individual or joint public or private agencies or neighborhood accountability boards to conduct the programs and carry on the activities in cooperation with law enforcement officers through referral of juvenile offenders;

(c) Spend county funds appropriated for the purposes of this Section; and

(d) Make application for, accept, and use money, financial grants, or contributions of services from any public or private source made available for the purposes of this Section.

All officials, agencies, and employees of a county that has exercised the authority granted by this Section shall cooperate in so far as possible with the corporate authorities in coordinating and conducting activities and programs to carry out the purposes of this Section.

(Source: P.A. 89-203, eff. 7-21-95.)

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

Passed in the General Assembly May 18, 2005.
Approved July 8, 2005.
Effective July 8, 2005.

PUBLIC ACT 94-0155
(Senate Bill No. 1907)

AN ACT concerning civil law.

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

Section 5. The Code of Civil Procedure is amended by changing Section 8-2001 as follows:

(735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)
Sec. 8-2001. Examination of records.

New matter indicated by italics - deletions by strikeout
In this Section, "health care facility" or "facility" means a public or private hospital, ambulatory surgical treatment center, nursing home, independent practice association, or physician hospital organization, or any other entity where health care services are provided to any person. The term does not include an organizational structure whose records are subject to Section 8-2003.

Every private and public health care facility shall, upon the request of any patient who has been treated in such health care facility, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative, permit the patient, his or her physician, or authorized attorney, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative to examine the health care facility patient care records, including but not limited to the history, bedside notes, charts, pictures and plates, kept in connection with the treatment of such patient, and permit copies of such records to be made by him or her or his or her physician or authorized attorney. A request for copies of the records shall be in writing and shall be delivered to the administrator or manager of such health care facility. The health care facility shall be reimbursed by the person requesting copies of records at the time of such copying for all reasonable expenses, including the costs of independent copy service companies, incurred by the health care facility in connection with such copying not to exceed a $20 handling charge for processing the request for copies, and 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed $1.25 per page for any copies made from microfiche or microfilm), and actual shipping costs. These rates shall be automatically adjusted as set forth in Section 8-2006. The health care facility may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as x-ray films or pictures.

The requirements of this Section shall be satisfied within 30 days of the receipt of a written request by a patient or by his or her legally authorized representative, physician, or authorized attorney, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative. If the health care facility needs more time to comply with the request, then within 30 days after receiving the request, the facility

New matter indicated by italics - deletions by strikeout
must provide the requesting party with a written statement of the reasons for the delay and the date by which the requested information will be provided. In any event, the facility must provide the requested information no later than 60 days after receiving the request.

A health care facility must provide the public with at least 30 days prior notice of the closure of the facility. The notice must include an explanation of how copies of the facility's records may be accessed by patients. The notice may be given by publication in a newspaper of general circulation in the area in which the health care facility is located.

Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section.

(Source: P.A. 92-228, eff. 9-1-01; 93-87, eff. 7-2-03.)

Passed in the General Assembly May 18, 2005.

Approved July 8, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0156
(Senate Bill No. 2090)

AN ACT concerning criminal law.

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

Section 5. The Unified Code of Corrections is amended by changing Sections 3-6-3 and 5-4-1 as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
Sec. 3-6-3. Rules and Regulations for Early Release.

(a) (1) The Department of Corrections shall prescribe rules and regulations for the early release on account of good conduct of persons committed to the Department which shall be subject to review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide, with respect to offenses committed on or after June 19, 1998, the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

New matter indicated by italics - deletions by strikeout
(ii) that a prisoner serving a sentence for attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2) committed on or after June 19, 1998, and other than the offense of reckless homicide as defined in subsection (c) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the

New matter indicated by italics - deletions by strikeout
Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121), this amendatory Act of 1999, that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176), this amendatory Act of the 92nd-93rd General Assembly shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery,
aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2) when the offense is committed on or after June 19, 1998, (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, or (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176) this amendatory Act of the 92nd 93rd General Assembly.

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) while assigned to a boot camp, mental health unit, or electronic detention, or if convicted of an offense enumerated in paragraph (a)(2) of this Section that is committed on or after June 19, 1998, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph

New matter indicated by italics - deletions by strikeout
(F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.5) The rules and regulations on early release shall also provide that when the court's sentencing order recommends a prisoner for substance abuse treatment a prisoner who is serving a sentence for a crime committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the prisoner shall receive no good conduct

New matter indicated by italics - deletions by strikeout
credit awarded under clause (3) of this subsection (a) unless this Amendatory Act of the 93rd General Assembly shall receive no good conduct credit until he or she participates in and completes a substance abuse treatment program. The Director may waive the requirement to participate in or complete a substance abuse treatment program and award the good conduct credit in specific instances if the prisoner is not a good candidate for a substance abuse treatment program for medical, programming or operational reasons. Good conduct credit awarded under clauses (2), (3), and (4) of this subsection (a) for crimes committed on or after the effective date of this amendatory Act of the 93rd General Assembly is subject to the provisions of this clause (4.5). If the prisoner completes a substance abuse treatment program, the Department may award good conduct credit for the time spent in treatment. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available and the requirement to participate and complete the treatment has not been waived by the Director, the prisoner shall be placed on a waiting list under criteria established by the Department. The Director Department may allow require a prisoner placed on a waiting list to participate in and complete attend a substance abuse education class or attend substance abuse self-help meetings in lieu of a substance abuse treatment program. A prisoner on a waiting list who is not placed in a substance abuse program prior to release may be eligible for a waiver and receive good conduct credit under clause (3) of this subsection (a) at the discretion of the Director. A prisoner may not lose good conduct credit as a result of being placed on a waiting list. A prisoner placed on a waiting list remains eligible for increased good conduct credit for participation in an educational, vocational, or correctional industry program under clause (4) of subsection (a) of this Section.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.
(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a
hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;
(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or
(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

(e) Nothing in Public Act 90-592 or 90-593 this amendatory Act of 1998 affects the validity of Public Act 89-404.

(Source: P.A. 92-176, eff. 7-27-01; 92-854, eff. 12-5-02; 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; revised 10-15-03.)

(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)
Sec. 5-4-1. Sentencing Hearing.
(a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such individual’s residence. The court may in its sentencing order approve an eligible defendant for placement in a Department of Corrections impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing order recommend a defendant for placement in a Department of Corrections substance abuse treatment program as provided in paragraph (a) of subsection (1) of Section 3-2-2 conditioned upon the defendant being accepted in a program by the Department of Corrections. At the hearing the court shall:

(1) consider the evidence, if any, received upon the trial;
(2) consider any presentence reports;
(3) consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;
(4) consider evidence and information offered by the parties in aggravation and mitigation;
(4.5) consider substance abuse treatment, eligibility screening, and an assessment, if any, of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;
(5) hear arguments as to sentencing alternatives;
(6) afford the defendant the opportunity to make a statement in his own behalf;
(7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, or a qualified individual affected by: (i) a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act, or (ii) a Class 4 felony violation of Section 11-14, 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of 1961, committed by the defendant the

New matter indicated by italics - deletions by strikeout
opportunity to make a statement concerning the impact on the victim and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation must first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Any sworn testimony offered by the victim is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7) shall become part of the record of the court. For the purpose of this paragraph (7), "qualified individual" means any person who (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; and (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. For the purposes of this paragraph (7), "qualified individual" includes any peace officer, or any member of any duly organized State, county, or municipal peace unit assigned to the territorial jurisdiction where the offense took place when the offense took place;

(8) in cases of reckless homicide afford the victim's spouse, guardians, parents or other immediate family members an opportunity to make oral statements; and

(9) in cases involving a felony sex offense as defined under the Sex Offender Management Board Act, consider the results of the sex offender evaluation conducted pursuant to Section 5-3-2 of this Act.

(b) All sentences shall be imposed by the judge based upon his independent assessment of the elements specified above and any agreement as to sentence reached by the parties. The judge who presided at the trial or the judge who accepted the plea of guilty shall impose the sentence unless he is no longer sitting as a judge in that court. Where the judge does not impose sentence at the same time on all defendants who are convicted as a result of being involved in the same offense, the defendant or the State's Attorney may advise the sentencing court of the disposition of any other defendants who have been sentenced.

(c) In imposing a sentence for a violent crime or for an offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof, or a similar provision of a local ordinance, when such offense resulted in the personal injury to someone other than the defendant, the trial judge shall specify on the record the particular evidence, information, factors in

New matter indicated by italics - deletions by strikeout
mitigation and aggravation or other reasons that led to his sentencing determination. The full verbatim record of the sentencing hearing shall be filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated kidnapping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment or a sentence of death is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period of time the defendant will serve in custody according to the then current statutory rules and regulations for early release found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant's actual release, and may not be relied on by the defendant on appeal.

The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section

New matter indicated by italics - deletions by strikeout
3-6-3 committed on or after June 19, 1998, and other than when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, and other than when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176) this amendatory Act of the 92nd 93rd General Assembly, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 90 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176) this amendatory Act of the 92nd 93rd General Assembly, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 90 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

New matter indicated by italics - deletions by strikeout
Corrections and the Illinois Prisoner Review Board. In this case, the defendant is entitled to no more than 4 1/2 days of good conduct credit for each month of his or her sentence of imprisonment. Therefore, this defendant will serve at least 85% of his or her sentence. Assuming the defendant receives 4 1/2 days credit for each month of his or her sentence, the period of estimated actual custody is ... years and ... months. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations receives lesser credit, the actual time served in prison will be longer."

When a sentence of imprisonment is imposed for first degree murder and the offense was committed on or after June 19, 1998, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is entitled to good conduct credit. Therefore, this defendant will serve 100% of his or her sentence."

When the sentencing order recommends placement in a substance abuse program sentence is imposed for any offense that results in incarceration in a Department of Corrections facility committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354) this amendatory Act of the 93rd General Assembly, the judge's statement, in addition to any other judge's statement required under this Section, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant shall receive no good conduct credit under clause (3) of subsection (a) of Section 3-6-3 until he or she participates in and completes a substance abuse treatment program or receives a waiver from the Director of Corrections pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

New matter indicated by italics - deletions by strikeout
(d) When the defendant is committed to the Department of Corrections, the State's Attorney shall and counsel for the defendant may file a statement with the clerk of the court to be transmitted to the department, agency or institution to which the defendant is committed to furnish such department, agency or institution with the facts and circumstances of the offense for which the person was committed together with all other factual information accessible to them in regard to the person prior to his commitment relative to his habits, associates, disposition and reputation and any other facts and circumstances which may aid such department, agency or institution during its custody of such person. The clerk shall within 10 days after receiving any such statements transmit a copy to such department, agency or institution and a copy to the other party, provided, however, that this shall not be cause for delay in conveying the person to the department, agency or institution to which he has been committed.

(e) The clerk of the court shall transmit to the department, agency or institution, if any, to which the defendant is committed, the following:

(1) the sentence imposed;
(2) any statement by the court of the basis for imposing the sentence;
(3) any presentence reports;
(3.5) any sex offender evaluations;
(3.6) any substance abuse treatment eligibility screening and assessment of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;
(4) the number of days, if any, which the defendant has been in custody and for which he is entitled to credit against the sentence, which information shall be provided to the clerk by the sheriff;
(4.1) any finding of great bodily harm made by the court with respect to an offense enumerated in subsection (c-1);
(5) all statements filed under subsection (d) of this Section;
(6) any medical or mental health records or summaries of the defendant;
(7) the municipality where the arrest of the offender or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;
(8) all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and

New matter indicated by italics - deletions by strikeout
(9) all additional matters which the court directs the clerk to transmit.
(Source: P.A. 92-176, eff. 7-27-01; 92-806, eff. 1-1-03; 93-213, eff. 7-18-03; 93-317, eff. 1-1-04; 93-354, eff. 9-1-03; 93-616, eff. 1-1-04; revised 12-9-03.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 8, 2005.
Effective July 8, 2005.

PUBLIC ACT 94-0157
(Senate Bill No. 2112)

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

Section 5. The Public Community College Act is amended by
changing Sections 2-1 and 2-2 as follows:
(110 ILCS 805/2-1) (from Ch. 122, par. 102-1)
Sec. 2-1. There is created the Illinois Community College Board
hereinafter referred to as the "State Board". The State Board shall consist
of 12 members as follows: a nonvoting student member selected by the
recognized advisory committee of students of the Illinois Community
College Board, this student to serve for a term of one year beginning on
July 1 of each year, except that the student member initially selected shall
serve a term beginning on the date of such selection and expiring on the
next succeeding June 30, and except that any student member or former
student member may be selected by the recognized advisory committee of
students of the State Board to serve a second term as the nonvoting student
member of the State Board; and 11 members, one of whom shall be a
senior citizen age 60 or over, to be appointed by the Governor by and with
the advice and consent of the Senate. \textit{Beginning on July 1, 2005, one of the 11 members appointed by the Governor, by and with the advice and consent of the Senate, must be a faculty member at an Illinois public community college. Also beginning on July 1, 2005, one of the 11 members appointed by the Governor, by and with the advice and consent of the Senate, must be a member of the board of trustees of a public community college district. The membership requirements set forth in this Section apply only to the State Board and shall have no effect on the membership}

New matter indicated by italics - deletions by strikeout
of the board of trustees of a community college district. The members first appointed under this amendatory Act of 1984 shall serve for a term of 6 years. After the expiration of the terms of the office of the members first appointed to the State Board, their respective successors shall hold office for a term of 6 years and until their successors are qualified and seated. In the event of vacancies on the State Board in offices appointed by the Governor occurring during a recess of the Senate, the Governor shall have the power to make temporary appointments until the next meeting of the Senate, when the vacancy shall be filled by nomination to be confirmed by the Senate.

(Source: P.A. 86-469.)

(110 ILCS 805/2-2) (from Ch. 122, par. 102-2)

Sec. 2-2. The members of the State Board shall be citizens and residents of the State of Illinois and shall be selected as far as may be practicable on the basis of their knowledge of, or interest and experience in, community colleges. No member of the State Board shall be engaged in education as a profession or hold current membership on a school board or board of trustees of a public or non-public college, university or technical institute or be employed by the State or federal government.

This Section does not prohibit a student member of the State Board from being employed by a public community college.

(Source: P.A. 86-485.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Approved July 8, 2005.
Effective July 8, 2005.
conveyance owned, leased, or contracted by a school to transport students 
to or from school or a school related activity when persons under the age 
of 18 are present in the building, on the grounds or in the conveyance, 
unless the offender is a parent or guardian of a student attending the 
school and the parent or guardian is: (i) attending a conference at the 
school with school personnel to discuss the progress of his or her child 
academically or socially, (ii) participating in child review conferences in 
which evaluation and placement decisions may be made with respect to his 
or her child regarding special education services, or (iii) attending 
conferences to discuss other student issues concerning his or her child 
such as retention and promotion and notifies the principal of the school of 
his or her presence at the school present in the building, on the grounds or 
in the conveyance or unless the offender has permission to be present from 
the superintendent or the school board or in the case of a private school 
the principal. In the case of a public school, if permission is granted, 
the superintendent or school board president must inform the principal of 
the school where the sex offender will be present. Notification includes the 
nature of the sex offender's visit and the hours in which the sex offender 
will be present in the school. The sex offender is responsible for notifying 
the principal's office when he or she arrives on school property and when 
he or she departs from school property. If the sex offender is to be present 
in the vicinity of children, the sex offender has the duty to remain under 
the direct supervision of a school official. A child sex offender who 
violates this provision is guilty of a Class 4 felony.

Nothing in this Section shall be construed to infringe upon the 
constitutional right of a child sex offender to be present in a school 
building that is used as a polling place for the purpose of voting.

(1) (Blank; or)
(2) (Blank.)

(b) It is unlawful for a child sex offender to knowingly loiter on a 
public way within 500 feet of a school building or real property 
comprising any school while persons under the age of 18 are present in the 
building or on the grounds, unless the offender is a parent or guardian of a 
student attending the school and the parent or guardian is: (i) attending a 
conference at the school with school personnel to discuss the progress of 
his or her child academically or socially, (ii) participating in child review 
conferences in which evaluation and placement decisions may be made 
with respect to his or her child regarding special education services, or 
(iii) attending conferences to discuss other student issues concerning his 
or her child such as retention and promotion and notifies the principal of

New matter indicated by italics - deletions by strikeout
the school of his or her presence at the school present in the building or on the grounds or has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

(1) (Blank; or)
(2) (Blank.)

(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a school building or the real property comprising any school that persons under the age of 18 attend. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a school building or the real property comprising any school that persons under 18 attend if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 91st General Assembly.

(c) Definitions. In this Section:

(1) "Child sex offender" means any person who:

(i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (c) or the attempt to commit an included sex offense, and:

(A) is convicted of such offense or an attempt to commit such offense; or
(B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or
(C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

New matter indicated by italics - deletions by strikeout
(D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property

New matter indicated by italics - deletions by strikeout
comprising a school, or on a conveyance, owned, leased, or contracted by a school to transport students to or from school or a school related activity, 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-21 (harmful material), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) of subsection (c) of this Section.

(2.5) For the purposes of subsection (b-5) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-5(b)(10) (child luring), 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-
15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses. (ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of subsection (c) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "School" means a public or private pre-school, elementary, or secondary school.

(5) "Loiter" means:

(i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property.

New matter indicated by italics - deletions by strikeout
(ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property, for the purpose of committing or attempting to commit a sex offense.

(6) "School official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.

(d) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98; 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)

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

Passed in the General Assembly May 19, 2005.

Approved July 11, 2005.

Effective July 11, 2005.

PUBLIC ACT 94-0159
(House Bill No. 0121)

AN ACT in relation to sex offenders.

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

Section 5. The Unified Code of Corrections is amended by changing Sections 3-1-2, 3-3-7, 5-6-3, and 5-6-3.1 and by adding Section 5-1-3.5 as follows:

(730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

Sec. 3-1-2. Definitions. (a) "Chief Administrative Officer" means the person designated by the Director to exercise the powers and duties of the Department of Corrections in regard to committed persons within a correctional institution or facility, and includes the superintendent of any juvenile institution or facility.

(a-5) "Sex offense" for the purposes of paragraph (16) of subsection (a) of Section 3-3-7, paragraph (10) of subsection (a) of Section 5-6-3, and paragraph (18) of subsection (c) of Section 5-6-3.1 only means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an

New matter indicated by italics - deletions by strikeout
adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961 when the defendant is not a parent of the victim:

- 10-1 (kidnapping),
- 10-2 (aggravated kidnapping),
- 10-3 (unlawful restraint),
- 10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this subsection (a-5). An offense violating federal law or the law of another state that is substantially equivalent to any offense listed in this subsection (a-5) shall constitute a sex offense for the purpose of this subsection (a-5). A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for a sex offense for the purposes of this subsection (a-5).

(b) "Commitment" means a judicially determined placement in the custody of the Department of Corrections on the basis of delinquency or conviction.

(c) "Committed Person" is a person committed to the Department, however a committed person shall not be considered to be an employee of the Department of Corrections for any purpose, including eligibility for a pension, benefits, or any other compensation or rights or privileges which may be provided to employees of the Department.

(d) "Correctional Institution or Facility" means any building or part of a building where committed persons are kept in a secured manner.

(e) "Department" means the Department of Corrections of this State.

New matter indicated by italics - deletions by strikeout
(f) "Director" means the Director of the Department of Corrections.

(g) "Discharge" means the final termination of a commitment to the Department of Corrections.

(h) "Discipline" means the rules and regulations for the maintenance of order and the protection of persons and property within the institutions and facilities of the Department and their enforcement.

(i) "Escape" means the intentional and unauthorized absence of a committed person from the custody of the Department.

(j) "Furlough" means an authorized leave of absence from the Department of Corrections for a designated purpose and period of time.

(k) "Parole" means the conditional and revocable release of a committed person under the supervision of a parole officer.

(l) "Prisoner Review Board" means the Board established in Section 3-3-1(a), independent of the Department, to review rules and regulations with respect to good time credits, to hear charges brought by the Department against certain prisoners alleged to have violated Department rules with respect to good time credits, to set release dates for certain prisoners sentenced under the law in effect prior to the effective date of this Amendatory Act of 1977, to hear requests and make recommendations to the Governor with respect to pardon, reprieve or commutation, to set conditions for parole and mandatory supervised release and determine whether violations of those conditions justify revocation of parole or release, and to assume all other functions previously exercised by the Illinois Parole and Pardon Board.

(m) Whenever medical treatment, service, counseling, or care is referred to in this Unified Code of Corrections, such term may be construed by the Department or Court, within its discretion, to include treatment, service or counseling by a Christian Science practitioner or nursing care appropriate therewith whenever request therefor is made by a person subject to the provisions of this Act.

(n) "Victim" shall have the meaning ascribed to it in subsection (a) of Section 3 of the Bill of Rights for Victims and Witnesses of Violent Crime Act.

(Source: P.A. 83-1433; 83-1499.)

(730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

Sec. 3-3-7. Conditions of Parole or Mandatory Supervised Release.

(a) The conditions of parole or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole and mandatory supervised release are that the subject:

New matter indicated by italics - deletions by strikeout
(1) not violate any criminal statute of any jurisdiction during the parole or release term;
(2) refrain from possessing a firearm or other dangerous weapon;
(3) report to an agent of the Department of Corrections;
(4) permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;
(5) attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;
(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;
(7) report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody;
(7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;
(8) obtain permission of an agent of the Department of Corrections before leaving the State of Illinois;
(9) obtain permission of an agent of the Department of Corrections before changing his or her residence or employment;
(10) consent to a search of his or her person, property, or residence under his or her control;
(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections;
(12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;
(13) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;

New matter indicated by italics - deletions by strikeout
(14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections; and

(15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate; and:

(16) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(b) The Board may in addition to other conditions require that the subject:

(1) work or pursue a course of study or vocational training;
(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
(3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;
(4) support his dependents;
(5) (blank);
(6) (blank);
(7) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, enacted by the 84th General Assembly, or an order of protection issued by the court of another state, tribe, or United States territory; and
(8) in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth; or

New matter indicated by italics - deletions by strikeout
(iv) contribute to his own support at home or in a foster home.

(b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections, may be required by the Board to comply with the following specific conditions of release:

1. reside only at a Department approved location;
2. comply with all requirements of the Sex Offender Registration Act;
3. notify third parties of the risks that may be occasioned by his or her criminal record;
4. obtain the approval of an agent of the Department of Corrections prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;
5. not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections;
6. be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;
7. refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections. The terms may include consideration of the purpose of the entry, the time of day, and others accompanying the person;
8. refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections;
9. refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor children without prior identification and approval of an agent of the Department of Corrections;
10. neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children

New matter indicated by italics - deletions by strikeout
under 18 years of age nude or any written or audio material
describing sexual intercourse or that depicts or alludes to sexual
activity, including but not limited to visual, auditory, telephonic, or
electronic media, or any matter obtained through access to any
computer or material linked to computer access use;
(11) not patronize any business providing sexually
stimulating or sexually oriented entertainment nor utilize "900" or
adult telephone numbers;
(12) not reside near, visit, or be in or about parks, schools,
day care centers, swimming pools, beaches, theaters, or any other
places where minor children congregate without advance approval
of an agent of the Department of Corrections and immediately
report any incidental contact with minor children to the
Department;
(13) not possess or have under his or her control certain
specified items of contraband related to the incidence of sexually
offending as determined by an agent of the Department of
Corrections;
(14) may be required to provide a written daily log of
activities if directed by an agent of the Department of Corrections;
(15) comply with all other special conditions that the
Department may impose that restrict the person from high-risk
situations and limit access to potential victims.

(c) The conditions under which the parole or mandatory supervised
release is to be served shall be communicated to the person in writing prior
to his release, and he shall sign the same before release. A signed copy of
these conditions, including a copy of an order of protection where one had
been issued by the criminal court, shall be retained by the person and
another copy forwarded to the officer in charge of his supervision.

(d) After a hearing under Section 3-3-9, the Prisoner Review Board
may modify or enlarge the conditions of parole or mandatory supervised
release.

(e) The Department shall inform all offenders committed to the
Department of the optional services available to them upon release and
shall assist inmates in availing themselves of such optional services upon
their release on a voluntary basis.
(Source: P.A. 92-460, eff. 1-1-02; 93-616, eff. 1-1-04; 93-865, eff. 1-1-
05.)

(730 ILCS 5/5-1-3.5 new)

New matter indicated by italics - deletions by strikeout
Sec. 5-1-3.5. Sex offense. "Sex offense" for the purposes of paragraph (16) of subsection (a) of Section 3-3-7, paragraph (10) of subsection (a) of Section 5-6-3, and paragraph (18) of subsection (c) of Section 5-6-3.1 only has the meaning ascribed to it in subsection (a-5) of Section 3-1-2 of this Code.

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.
(a) The conditions of probation and of conditional discharge shall be that the person:
   (1) not violate any criminal statute of any jurisdiction;
   (2) report to or appear in person before such person or agency as directed by the court;
   (3) refrain from possessing a firearm or other dangerous weapon;
   (4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;
   (5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
   (6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

New matter indicated by italics - deletions by strikeout
(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who willfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act; and

New matter indicated by italics - deletions by strikeout
(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession; and:

(10) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home;

(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of this Code;

(9) perform some reasonable public or community service;

(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:

(i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;

(ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and

(iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;

(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or
no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the

New matter indicated by italics - deletions by strikeout
Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a

New matter indicated by italics - deletions by strikeout
successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation

New matter indicated by italics - deletions by strikeout
fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff. 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970, eff. 8-20-04.)

(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

Sec. 5-6-3.1. Incidents and Conditions of Supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the

New matter indicated by italics - deletions by strikeout
defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act or Section 411.2 of the Illinois Controlled Substances Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous weapon;
(8) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;

New matter indicated by italics - deletions by strikeout
(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home; or

(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;

(10) perform some reasonable public or community service;

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

New matter indicated by italics - deletions by strikeout
(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment; and -

(18) if placed on supervision for a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and
dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of $50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant
who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled.
or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03; 93-970, eff. 8-20-04.)

Section 10. The Sex Offender and Child Murderer Community Notification Law is amended by adding Section 121 as follows:

(730 ILCS 152/121 new)

Sec. 121. Special alerts. A law enforcement agency having jurisdiction may provide to the public a special alert list warning parents to be aware that sex offenders may attempt to contact children during holidays involving children, such as Halloween, Christmas, and Easter and to inform parents that information containing the names and addresses of registered sex offenders are accessible on the Internet by means of a hyperlink labeled "Sex Offender Information" on the

New matter indicated by italics - deletions by strikeout
Department of State Police's World Wide Web home page and are available for public inspection at the agency's headquarters.

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

Passed in the General Assembly May 20, 2005.
Approved July 11, 2005.
Effective July 11, 2005.

PUBLIC ACT 94-0160
(House Bill No. 0172)

AN ACT concerning children.

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

Section 5. The Abused and Neglected Child Reporting Act is amended by changing Section 7.14 as follows:

(325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

Sec. 7.14. All reports in the central register shall be classified in one of three categories: "indicated", "unfounded" or "undetermined", as the case may be. After the report is classified, the person making the classification shall determine whether the child named in the report is the subject of an action under Article II of the Juvenile Court Act of 1987. If the child is the subject of an action under Article II of the Juvenile Court Act, the Department shall transmit a copy of the report to the guardian ad litem appointed for the child under Section 2-17 of the Juvenile Court Act. All information identifying the subjects of an unfounded report shall be expunged from the register forthwith, except as provided in Section 7.7. Unfounded reports may only be made available to the Child Protective Service Unit when investigating a subsequent report of suspected abuse or maltreatment involving a child named in the unfounded report; and to the subject of the report, provided that the subject requests the report within 60 days of being notified that the report was unfounded. The Child Protective Service Unit shall not indicate the subsequent report solely based upon the existence of the prior unfounded report or reports. Notwithstanding any other provision of law to the contrary, an unfounded report shall not be admissible in any judicial or administrative proceeding or action. Identifying information on all other records shall be removed from the register no later than 5 years after the report is indicated. However, if another report is received involving the same child, his sibling or offspring, or a child in the care of the persons responsible for the child's

New matter indicated by italics - deletions by strikeout
welfare, or involving the same alleged offender, the identifying information may be maintained in the register until 5 years after the subsequent case or report is closed.

Notwithstanding any other provision of this Section, identifying information in indicated reports involving the sexual abuse of a child, the death of a child, or serious physical injury to a child as defined by the Department in rules, may be retained longer than 5 years after the report is indicated or after the subsequent case or report is closed, and may not be removed from the register except as provided by the Department in rules. *Identifying information in indicated reports involving sexual penetration of a child, sexual molestation of a child, sexual exploitation of a child, torture of a child, or the death of a child, as defined by the Department in rules, shall be retained for a period of not less than 50 years after the report is indicated or after the subsequent case or report is closed.*

(Source: P.A. 92-801, eff. 8-16-02.)

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

Passed in the General Assembly May 11, 2005.
Approved July 11, 2005.
Effective July 11, 2005.
3) report to an agent of the Department of Corrections;

(4) permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;

(5) attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;

(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;

(7) report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody;

(7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;

(7.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

(8) obtain permission of an agent of the Department of Corrections before leaving the State of Illinois;

(9) obtain permission of an agent of the Department of Corrections before changing his or her residence or employment;

(10) consent to a search of his or her person, property, or residence under his or her control;

(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections;

New matter indicated by italics - deletions by strikeout
(12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;
(13) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;
(14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections; and
(15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate.

(b) The Board may in addition to other conditions require that the subject:
(1) work or pursue a course of study or vocational training;
(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
(3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;
(4) support his dependents;
(5) (blank);
(6) (blank);
(7) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, enacted by the 84th General Assembly, or an order of protection issued by the court of another state, tribe, or United States territory; and
(8) in addition, if a minor:
(i) reside with his parents or in a foster home;
(ii) attend school;
(iii) attend a non-residential program for youth; or
(iv) contribute to his own support at home or in a foster home.

New matter indicated by italics - deletions by strikeout
(b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections, may be required by the Board to comply with the following specific conditions of release:

1. reside only at a Department approved location;
2. comply with all requirements of the Sex Offender Registration Act;
3. notify third parties of the risks that may be occasioned by his or her criminal record;
4. obtain the approval of an agent of the Department of Corrections prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;
5. not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections;
6. be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;
7. refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections. The terms may include consideration of the purpose of the entry, the time of day, and others accompanying the person;
8. refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections;
9. refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor children without prior identification and approval of an agent of the Department of Corrections;
10. neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual...
activity, including but not limited to visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;

(11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers;

(12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department of Corrections and immediately report any incidental contact with minor children to the Department;

(13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department of Corrections;

(14) may be required to provide a written daily log of activities if directed by an agent of the Department of Corrections;

(15) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access to potential victims.

(c) The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior to his release, and he shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been issued by the criminal court, shall be retained by the person and another copy forwarded to the officer in charge of his supervision.

(d) After a hearing under Section 3-3-9, the Prisoner Review Board may modify or enlarge the conditions of parole or mandatory supervised release.

(e) The Department shall inform all offenders committed to the Department of the optional services available to them upon release and shall assist inmates in availing themselves of such optional services upon their release on a voluntary basis.

(Source: P.A. 92-460, eff. 1-1-02; 93-616, eff. 1-1-04; 93-865, eff. 1-1-05.)

(730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)
Sec. 3-3-9. Violations; changes of conditions; preliminary hearing; revocation of parole or mandatory supervised release; revocation hearing.

New matter indicated by italics - deletions by strikeout
(a) If prior to expiration or termination of the term of parole or mandatory supervised release, a person violates a condition set by the Prisoner Review Board or a condition of parole or mandatory supervised release under Section 3-3-7 of this Code to govern that term, the Board may:

(1) continue the existing term, with or without modifying or enlarging the conditions; or
(2) parole or release the person to a half-way house; or
(3) revoke the parole or mandatory supervised release and reconfine the person for a term computed in the following manner:
   (i) (A) For those sentenced under the law in effect prior to this amendatory Act of 1977, the recommitment shall be for any portion of the imposed maximum term of imprisonment or confinement which had not been served at the time of parole and the parole term, less the time elapsed between the parole of the person and the commission of the violation for which parole was revoked;
   (B) For those subject to mandatory supervised release under paragraph (d) of Section 5-8-1 of this Code, the recommitment shall be for the total mandatory supervised release term, less the time elapsed between the release of the person and the commission of the violation for which mandatory supervised release is revoked. The Board may also order that a prisoner serve up to one year of the sentence imposed by the court which was not served due to the accumulation of good conduct credit.
   (ii) the person shall be given credit against the term of reimprisonment or reconfinement for time spent in custody since he was paroled or released which has not been credited against another sentence or period of confinement;
   (iii) persons committed under the Juvenile Court Act or the Juvenile Court Act of 1987 shall be recommitted until the age of 21;
   (iv) this Section is subject to the release under supervision and the reparole and rerelease provisions of Section 3-3-10.

(b) The Board may revoke parole or mandatory supervised release for violation of a condition for the duration of the term and for any further period which is reasonably necessary for the adjudication of matters

New matter indicated by italics - deletions by strikeout
arising before its expiration. The issuance of a warrant of arrest for an alleged violation of the conditions of parole or mandatory supervised release shall toll the running of the term until the final determination of the charge, but where parole or mandatory supervised release is not revoked that period shall be credited to the term.

(b-5) The Board shall revoke parole or mandatory supervised release for violation of the conditions prescribed in paragraph (7.6) of subsection (a) of Section 3-3-7.

(c) A person charged with violating a condition of parole or mandatory supervised release shall have a preliminary hearing before a hearing officer designated by the Board to determine if there is cause to hold the person for a revocation hearing. However, no preliminary hearing need be held when revocation is based upon new criminal charges and a court finds probable cause on the new criminal charges or when the revocation is based upon a new criminal conviction and a certified copy of that conviction is available.

(d) Parole or mandatory supervised release shall not be revoked without written notice to the offender setting forth the violation of parole or mandatory supervised release charged against him.

(e) A hearing on revocation shall be conducted before at least one member of the Prisoner Review Board. The Board may meet and order its actions in panels of 3 or more members. The action of a majority of the panel shall be the action of the Board. In consideration of persons committed to the Juvenile Division, the member hearing the matter and at least a majority of the panel shall be experienced in juvenile matters. A record of the hearing shall be made. At the hearing the offender shall be permitted to:

(1) appear and answer the charge; and
(2) bring witnesses on his behalf.

(f) The Board shall either revoke parole or mandatory supervised release or order the person's term continued with or without modification or enlargement of the conditions.

(g) Parole or mandatory supervised release shall not be revoked for failure to make payments under the conditions of parole or release unless the Board determines that such failure is due to the offender's willful refusal to pay.

(Source: P.A. 92-460, eff. 1-1-02.)

(730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)
Sec. 3-14-2.Supervision on Parole, Mandatory Supervised Release and Release by Statute.

New matter indicated by italics - deletions by strikeout
(a) The Department shall retain custody of all persons placed on parole or mandatory supervised release or released pursuant to Section 3-3-10 of this Code and shall supervise such persons during their parole or release period in accord with the conditions set by the Prisoner Review Board. Such conditions shall include referral to an alcohol or drug abuse treatment program, as appropriate, if such person has previously been identified as having an alcohol or drug abuse problem. Such conditions may include that the person use an approved electronic monitoring device subject to Article 8A of Chapter V.

(b) The Department shall assign personnel to assist persons eligible for parole in preparing a parole plan. Such Department personnel shall make a report of their efforts and findings to the Prisoner Review Board prior to its consideration of the case of such eligible person.

(c) A copy of the conditions of his parole or release shall be signed by the parolee or releasee and given to him and to his supervising officer who shall report on his progress under the rules and regulations of the Prisoner Review Board. The supervising officer shall report violations to the Prisoner Review Board and shall have the full power of peace officers in the arrest and retaking of any parolees or releasees or the officer may request the Department to issue a warrant for the arrest of any parolee or releasee who has allegedly violated his parole or release conditions. If the parolee or releasee commits an act that constitutes a felony using a firearm or knife, or, if applicable, fails to comply with the requirements of the Sex Offender Registration Act, the supervising officer shall request the Department to issue a warrant and the Department shall issue the warrant and the officer or the Department shall file a violation report with notice of charges with the Prisoner Review Board. A sheriff or other peace officer may detain an alleged parolee or release violator until a warrant for his return to the Department can be issued. The parolee or releasee may be delivered to any secure place until he can be transported to the Department.

(d) The supervising officer shall regularly advise and consult with the parolee or releasee, assist him in adjusting to community life, inform him of the restoration of his rights on successful completion of sentence under Section 5-5-5. If the parolee or releasee has been convicted of a sex offense as defined in the Sex Offender Management Board Act, the supervising officer shall periodically, but not less than once a month, verify that the parolee or releasee is in compliance with paragraph (7.6) of subsection (a) of Section 3-3-7.
(e) Supervising officers shall receive specialized training in the special needs of female releasees or parolees including the family reunification process.

(f) The supervising officer shall keep such records as the Prisoner Review Board or Department may require. All records shall be entered in the master file of the individual.

(730 ILCS 5/Ch. III Art. 17 heading new)

ARTICLE 17. TRANSITIONAL HOUSING FOR SEX OFFENDERS

(730 ILCS 5/3-17-1 new)
Sec. 3-17-1. Transitional housing for sex offenders. This Article may be cited as the Transitional Housing For Sex Offenders Law.

(730 ILCS 5/3-17-5 new)
Sec. 3-17-5. Transitional housing; licensing.

(a) The Department of Corrections shall license transitional housing facilities for persons convicted of or placed on supervision for sex offenses as defined in the Sex Offender Management Board Act.

(b) A transitional housing facility must meet the following criteria to be licensed by the Department:

(1) The facility shall provide housing to a sex offender who is in compliance with his or her parole, mandatory supervised release, probation, or supervision order for a period not to exceed 90 days, unless extended with approval from the Director or his or her designee. Notice of any extension approved shall be provided to the Prisoner Review Board.

(2) The Department of Corrections must approve a treatment plan and counseling for each sex offender residing in the transitional housing.

(3) The transitional housing facility must provide security 24 hours each day and 7 days each week as defined and approved by the Department.

(4) The facility must notify the police department, public and private elementary and secondary schools, public libraries, and each residential home and apartment complex located within 500 feet of the transitional housing facility of its initial licensure as a transitional housing facility, and of its continuing operation as a transitional housing facility annually thereafter.

(5) Upon its initial licensure as a transitional housing facility and during its licensure, each facility shall maintain at its main entrance a visible and conspicuous exterior sign identifying

New matter indicated by italics - deletions by strikeout
itself as, in letters at least 4 inches tall, a "Department of Corrections Licensed Transitional Housing Facility".

(6) Upon its initial licensure as a transitional housing facility, each facility shall file in the office of the county clerk of the county in which such facility is located, a certificate setting forth the name under which the facility is, or is to be, operated, and the true or real full name or names of the person, persons or entity operating the same, with the address of the facility. The certificate shall be executed and duly acknowledged by the person or persons so operating or intending to operate the facility. Notice of the filing of the certificate shall be published in a newspaper of general circulation published within the county in which the certificate is filed. The notice shall be published once a week for 3 consecutive weeks. The first publication shall be within 15 days after the certificate is filed in the office of the county clerk. Proof of publication shall be filed with the county clerk within 50 days from the date of filing the certificate. Upon receiving proof of publication, the clerk shall issue a receipt to the person filing the certificate, but no additional charge shall be assessed by the clerk for giving such receipt. Unless proof of publication is made to the clerk, the notification is void.

(7) Each licensed transitional housing facility shall be identified on the Illinois State Police Sex Offender Registry website, including the address of the facility together with the maximum possible number of sex offenders that the facility could house.

(c) The Department of Corrections shall establish rules consistent with this Section establishing licensing procedures and criteria for transitional housing facilities for sex offenders, and may create criteria for, and issue licenses for, different levels of facilities to be licensed. The Department is authorized to set and charge a licensing fee for each application for a transitional housing license. The rules shall be adopted within 60 days after the effective date of this amendatory Act of the 94th General Assembly. Facilities which on the effective date of this amendatory Act of the 94th General Assembly are currently housing and providing sex offender treatment to sex offenders may continue housing more than one sex offender on parole, mandatory supervised release, probation, or supervision for a period of 120 days after the adoption of licensure rules during which time the facility shall apply for a transitional housing license.

New matter indicated by italics - deletions by strikeout
(d) The Department of Corrections shall maintain a file on each sex offender housed in a transitional housing facility. The file shall contain efforts of the Department in placing a sex offender in non-transitional housing, efforts of the Department to place the sex offender in a county from which he or she was convicted, the anticipated length of stay of each sex offender in the transitional housing facility, the number of sex offenders residing in the transitional housing facility, and the services to be provided the sex offender while he or she resides in the transitional housing facility.

(e) The Department of Corrections shall, on or before December 31 of each year, file a report with the General Assembly on the number of transitional housing facilities for sex offenders licensed by the Department, the addresses of each licensed facility, how many sex offenders are housed in each facility, and the particular sex offense that each resident of the transitional housing facility committed.

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.
(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;
(2) report to or appear in person before such person or agency as directed by the court;
(3) refrain from possessing a firearm or other dangerous weapon;
(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;
(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's
membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who willfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding

New matter indicated by italics - deletions by strikeout
by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act; and

(8.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

New matter indicated by italics - deletions by strikeout
(iv) contribute to his own support at home or in a foster home;
(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:
   (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
   (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
   (iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;
(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse

New matter indicated by italics - deletions by strikeout
services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of

New matter indicated by italics - deletions by strikeout
day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.
(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the
county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.
Sec. 5-6-3.1. Incidents and Conditions of Supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act or Section 411.2 of the Illinois Controlled Substances Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;

(2) pay a fine and costs;

New matter indicated by italics - deletions by strikeout
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous weapon;
(8) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home; or
   (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;
(10) perform some reasonable public or community service;
(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;
(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's

New matter indicated by italics - deletions by strikeout
case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3,

New matter indicated by italics - deletions by strikeout
or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of $50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court

New matter indicated by italics - deletions by strikeout
assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who willfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k)
does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(o) An offender placed on supervision for a sex offense as defined in the Sex Offender Management Board Act shall refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense. The provisions of this subsection (o) do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders.

New matter indicated by italics - deletions by strikeout
Sec. 5-6-4. Violation, Modification or Revocation of Probation, of Conditional Discharge or Supervision or of a sentence of county impact incarceration - Hearing.

(a) Except in cases where conditional discharge or supervision was imposed for a petty offense as defined in Section 5-1-17, when a petition is filed charging a violation of a condition, the court may:

(1) in the case of probation violations, order the issuance of a notice to the offender to be present by the County Probation Department or such other agency designated by the court to handle probation matters; and in the case of conditional discharge or supervision violations, such notice to the offender shall be issued by the Circuit Court Clerk; and in the case of a violation of a sentence of county impact incarceration, such notice shall be issued by the Sheriff;

(2) order a summons to the offender to be present for hearing; or

(3) order a warrant for the offender's arrest where there is danger of his fleeing the jurisdiction or causing serious harm to others or when the offender fails to answer a summons or notice from the clerk of the court or Sheriff.

Personal service of the petition for violation of probation or the issuance of such warrant, summons or notice shall toll the period of probation, conditional discharge, supervision, or sentence of county impact incarceration until the final determination of the charge, and the term of probation, conditional discharge, supervision, or sentence of county impact incarceration shall not run until the hearing and disposition of the petition for violation.

(b) The court shall conduct a hearing of the alleged violation. The court shall admit the offender to bail pending the hearing unless the alleged violation is itself a criminal offense in which case the offender shall be admitted to bail on such terms as are provided in the Code of Criminal Procedure of 1963, as amended. In any case where an offender remains incarcerated only as a result of his alleged violation of the court's earlier order of probation, supervision, conditional discharge, or county impact incarceration such hearing shall be held within 14 days of the onset of said incarceration, unless the alleged violation is the commission of another offense by the offender during the period of probation, supervision.
or conditional discharge in which case such hearing shall be held within
the time limits described in Section 103-5 of the Code of Criminal
Procedure of 1963, as amended.

(c) The State has the burden of going forward with the evidence
and proving the violation by the preponderance of the evidence. The
evidence shall be presented in open court with the right of confrontation,
cross-examination, and representation by counsel.

(d) Probation, conditional discharge, periodic imprisonment and
supervision shall not be revoked for failure to comply with conditions of a
sentence or supervision, which imposes financial obligations upon the
offender unless such failure is due to his willful refusal to pay.

(e) If the court finds that the offender has violated a condition at
any time prior to the expiration or termination of the period, it may
continue him on the existing sentence, with or without modifying or
enlarging the conditions, or may impose any other sentence that was
available under Section 5-5-3 of this Code or Section 11-501 of the Illinois
Vehicle Code at the time of initial sentencing. If the court finds that the
person has failed to successfully complete his or her sentence to a county
impact incarceration program, the court may impose any other sentence
that was available under Section 5-5-3 of this Code or Section 11-501 of
the Illinois Vehicle Code at the time of initial sentencing, except for a
sentence of probation or conditional discharge. If the court finds that
the offender has violated paragraph (8.6) of subsection (a) of Section 5-6-3,
the court shall revoke the probation of the offender. If the court finds that
the offender has violated subsection (o) of Section 5-6-3.1, the court shall
revoke the supervision of the offender.

(f) The conditions of probation, of conditional discharge, of
supervision, or of a sentence of county impact incarceration may be
modified by the court on motion of the supervising agency or on its own
motion or at the request of the offender after notice and a hearing.

(g) A judgment revoking supervision, probation, conditional
discharge, or a sentence of county impact incarceration is a final
appealable order.

(h) Resentencing after revocation of probation, conditional
discharge, supervision, or a sentence of county impact incarceration shall
be under Article 4. Time served on probation, conditional discharge or
supervision shall not be credited by the court against a sentence of
imprisonment or periodic imprisonment unless the court orders otherwise.

(i) Instead of filing a violation of probation, conditional discharge,
supervision, or a sentence of county impact incarceration, an agent or
employee of the supervising agency with the concurrence of his or her supervisor may serve on the defendant a Notice of Intermediate Sanctions. The Notice shall contain the technical violation or violations involved, the date or dates of the violation or violations, and the intermediate sanctions to be imposed. Upon receipt of the Notice, the defendant shall immediately accept or reject the intermediate sanctions. If the sanctions are accepted, they shall be imposed immediately. If the intermediate sanctions are rejected or the defendant does not respond to the Notice, a violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration shall be immediately filed with the court. The State's Attorney and the sentencing court shall be notified of the Notice of Sanctions. Upon successful completion of the intermediate sanctions, a court may not revoke probation, conditional discharge, supervision, or a sentence of county impact incarceration or impose additional sanctions for the same violation. A notice of intermediate sanctions may not be issued for any violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration which could warrant an additional, separate felony charge. The intermediate sanctions shall include a term of home detention as provided in Article 8A of Chapter V of this Code for multiple or repeat violations of the terms and conditions of a sentence of probation, conditional discharge, or supervision.

(j) When an offender is re-sentenced after revocation of probation that was imposed in combination with a sentence of imprisonment for the same offense, the aggregate of the sentences may not exceed the maximum term authorized under Article 8 of this Chapter.

(Source: P.A. 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; revised 10-25-04.)

Section 10. The Probation and Probation Officers Act is amended by adding Section 16.2 as follows:

(730 ILCS 110/16.2 new)

Sec. 16.2. Verification of sex offender's address. A probation officer supervising a person who has been placed on probation for a sex offense as defined in the Sex Offender Management Board Act shall periodically, but not less than once a month, verify that the person is in compliance with paragraph (8.6) of subsection (a) of Section 5-6-3 of the Unified Code of Corrections.

Section 15. The Sex Offender and Child Murderer Community Notification Law is amended by changing Section 120 as follows:

(730 ILCS 152/120)

Sec. 120. Community notification of sex offenders.

New matter indicated by italics - deletions by strikeout
(a) The sheriff of the county, except Cook County, shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county where the sex offender is required to register, resides, is employed, or is attending an institution of higher education; and

(2) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the county where the sex offender is required to register or is employed; and

(3) Child care facilities located in the county where the sex offender is required to register or is employed.

(a-2) The sheriff of Cook County shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located within the region of Cook County, as those public school districts and nonpublic schools are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(2) Child care facilities located within the region of Cook County, as those child care facilities are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education.

(a-3) The Chicago Police Department shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each

New matter indicated by italics - deletions by strikeout
nonpublic school located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(2) Child care facilities located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago.

(a-4) The Department of State Police shall provide a list of sex offenders required to register to the Illinois Department of Children and Family Services.

(b) The Department of State Police and any law enforcement agency may disclose, in the Department's or agency's discretion, the following information to any person likely to encounter a sex offender, or sexual predator:

(1) The offender's name, address, and date of birth.
(2) The offense for which the offender was convicted.
(3) Adjudication as a sexually dangerous person.
(4) The offender's photograph or other such information that will help identify the sex offender.
(5) Offender employment information, to protect public safety.

(c) The name, address, date of birth, and offense or adjudication for sex offenders required to register under Section 3 of the Sex Offender Registration Act shall be open to inspection by the public as provided in this Section. Every municipal police department shall make available at its headquarters the information on all sex offenders who are required to register in the municipality under the Sex Offender Registration Act. The sheriff shall also make available at his or her headquarters the information on all sex offenders who are required to register under that Act and who live in unincorporated areas of the county. Sex offender information must be made available for public inspection to any person, no later than 72 hours or 3 business days from the date of the request. The request must be made in person, in writing, or by telephone. Availability must include giving the inquirer access to a facility where the information may be copied. A department or sheriff may charge a fee, but the fee may not
exceed the actual costs of copying the information. An inquirer must be allowed to copy this information in his or her own handwriting. A department or sheriff must allow access to the information during normal public working hours. The sheriff or a municipal police department may publish the photographs of sex offenders where any victim was 13 years of age or younger and who are required to register in the municipality or county under the Sex Offender Registration Act in a newspaper or magazine of general circulation in the municipality or county or may disseminate the photographs of those sex offenders on the Internet or on television. The law enforcement agency may make available the information on all sex offenders residing within any county.

(d) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place the information specified in subsection (b) on the Internet or in other media.

(e) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, only provide the information specified in subsection (b), with respect to an adjudicated juvenile delinquent, to any person when that person's safety may be compromised for some reason related to the juvenile sex offender.

(f) The administrator of a transitional housing facility for sex offenders shall comply with the notification procedures established in paragraph (4) of subsection (b) of Section 3-17-5 of the Unified Code of Corrections.

(Source: P.A. 91-48, eff. 7-1-99; 91-221, eff. 7-22-99; 91-224, eff. 7-1-00; 91-357, eff. 7-29-99; 91-394, eff. 1-1-00; 92-16, 6-28-01; 92-828, eff. 8-22-02.)

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

Passed in the General Assembly May 29, 2005.
Approved July 11, 2005.
Effective July 11, 2005.

PUBLIC ACT 94-0162
(House Bill No. 0593)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Military Code of Illinois is amended by adding Section 22-10 as follows:

(20 ILCS 1805/22-10 new)

Sec. 22-10. Notice of provisions of Service Member's Employment Tenure Act. Whenever a member of the Illinois National Guard is called to active military duty pursuant to a declaration of war by the Congress or by the President under the War Powers Act or by the Governor in time of declared emergency or for quelling civil insurrection, the Adjutant General shall ensure that the member is expeditiously given written notice of the provisions of Sections 4 and 4.5 of the Service Member's Employment Tenure Act.

Section 10. The Service Member's Employment Tenure Act is amended by adding Section 4.5 as follows:

(330 ILCS 60/4.5 new)

Sec. 4.5. Copy of employment offer.

(a) If an employer has given an individual a date upon which that individual is to commence performing services for the employer but the individual is called to active military duty pursuant to a declaration of war by the Congress or by the President under the War Powers Act or by the Governor in time of declared emergency or for quelling civil insurrection before the date on which the individual's services were to have commenced, then the employer, upon request made by the individual, shall provide the individual with a written copy of the employment offer. The written copy of the employment offer must include at least the following:

(1) A statement repeating the offer of work and the date on which the services were to be first performed.

(2) A statement describing the job title or duties to be performed.

(3) A statement showing the remuneration offered.

(4) The signature of the employer.

(b) If an individual, upon honorable discharge from the military or satisfactory completion of his or her military service under the laws of the United States, is at the time of such discharge or completion of duty still qualified to perform the duties of the position for which he or she was first offered employment, and if the individual makes application with the employer within 90 days after he or she is relieved from such military service, then the individual shall be given preference for employment with that employer. If circumstances have so changed as to make it impossible or unreasonable for the employer to employ the individual immediately,
however, the individual shall remain eligible to begin such employment for a period of up to one year after the date the individual first notified the employer of his or her desire to perform such services.

(c) This Section does not apply if the original offer of work was limited to part-time employment, temporary employment, or casual labor.

(d) Nothing in this Section shall require an employer to hold a job position open, violate any employment law, collectively bargained employment recall, or other employment obligation, or create additional employment to satisfy the requirements of this Section.

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

Passed in the General Assembly May 11, 2005.
Approved July 11, 2005.
Effective July 11, 2005.

PUBLIC ACT 94-0163
(House Bill No. 2062)

AN ACT concerning criminal law.

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

Section 5. The Nursing Home Care Act is amended by changing Sections 2-110 and 2-201.5 and by adding Sections 1-114.01, 2-216, 3-202.3, and 3-202.4 as follows:

(210 ILCS 45/1-114.01 new)
Sec. 1-114.01. Identified offender. "Identified offender" means a person who has been convicted of any felony offense listed in Section 25 of the Health Care Worker Background Check Act, is a registered sex offender, or is serving a term of parole, mandatory supervised release, or probation for a felony offense.

(210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)
Sec. 2-110. (a) Any employee or agent of a public agency, any representative of a community legal services program or any other member of the general public shall be permitted access at reasonable hours to any individual resident of any facility, but only if there is neither a commercial purpose nor effect to such access and if the purpose is to do any of the following:

(1) Visit, talk with and make personal, social and legal services available to all residents;

New matter indicated by italics - deletions by strikeout
(2) Inform residents of their rights and entitlements and their corresponding obligations, under federal and State laws, by means of educational materials and discussions in groups and with individual residents;

(3) Assist residents in asserting their legal rights regarding claims for public assistance, medical assistance and social security benefits, as well as in all other matters in which residents are aggrieved. Assistance may include counseling and litigation; or

(4) Engage in other methods of asserting, advising and representing residents so as to extend to them full enjoyment of their rights.

(a-5) If a resident of a licensed facility is an identified offender, any federal, State, or local law enforcement officer or county probation officer shall be permitted reasonable access to the individual resident to verify compliance with the requirements of the Sex Offender Registration Act or to verify compliance with applicable terms of probation, parole, or mandatory supervised release.

(b) All persons entering a facility under this Section shall promptly notify appropriate facility personnel of their presence. They shall, upon request, produce identification to establish their identity. No such person shall enter the immediate living area of any resident without first identifying himself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident may terminate at any time a visit by a person having access to the resident's living area under this Section.

(c) This Section shall not limit the power of the Department or other public agency otherwise permitted or required by law to enter and inspect a facility.

(d) Notwithstanding paragraph (a) of this Section, the administrator of a facility may refuse access to the facility to any person if the presence of that person in the facility would be injurious to the health and safety of a resident or would threaten the security of the property of a resident or the facility, or if the person seeks access to the facility for commercial purposes. Any person refused access to a facility may within 10 days request a hearing under Section 3-703. In that proceeding, the burden of proof as to the right of the facility to refuse access under this Section shall be on the facility.

(Source: P.A. 82-783.)

Sec. 2-201.5. Screening prior to admission.

New matter indicated by italics - deletions by strikeout
(a) All persons age 18 or older seeking admission to a nursing facility must be screened to determine the need for nursing facility services prior to being admitted, regardless of income, assets, or funding source. In addition, any person who seeks to become eligible for medical assistance from the Medical Assistance Program under the Illinois Public Aid Code to pay for long term care services while residing in a facility must be screened prior to receiving those benefits. Screening for nursing facility services shall be administered through procedures established by administrative rule. Screening may be done by agencies other than the Department as established by administrative rule. This Section applies on and after July 1, 1996.

(b) In addition to the screening required by subsection (a), identified offenders who seek admission to a licensed facility shall not be admitted unless the licensed facility complies with the requirements of the Department's administrative rules adopted pursuant to Section 3-202.3.

(Source: P.A. 91-467, eff. 1-1-00.)

(210 ILCS 45/2-216 new)

Sec. 2-216. Notification of identified offenders. If identified offenders are residents of the licensed facility, the licensed facility shall notify every resident or resident's guardian in writing that such offenders are residents of the licensed facility. The licensed facility shall also provide notice to its employees and to visitors to the facility that identified offenders are residents.

(210 ILCS 45/3-202.3 new)

Sec. 3-202.3. Identified offenders as residents. No later than 30 days after the effective date of this amendatory Act of the 94th General Assembly, the Department shall file with the Illinois Secretary of State's Office, pursuant to the Illinois Administrative Procedure Act, emergency rules regarding the provision of services to identified offenders. The emergency rules shall provide for, or include, but not be limited to the following:

(1) A process for the identification of identified offenders.
(2) A required risk assessment of identified offenders.
(3) A requirement that a licensed facility be required, within 10 days of the filing of the emergency rules, to compare its residents against the Illinois Department of Corrections and Illinois State Police registered sex offender databases.
(4) A requirement that the licensed facility notify the Department within 48 hours of determining that a resident or residents of the licensed facility are listed on the Illinois Sex Offender Databases.

New matter indicated by italics - deletions by strikeout
Department of Corrections or Illinois State Police registered sex offender databases.

(5) The care planning of identified offenders, which shall include, but not be limited to, a description of the security measures necessary to protect facility residents from the identified offender, including whether the identified offender should be segregated from other facility residents.

(6) For offenders serving terms of probation for felony offenses, parole, or mandatory supervised release, the facility shall acknowledge the terms of release as imposed by the court or Illinois Prisoner Review Board.

(7) The discharge planning for identified offenders.

(210 ILCS 45/3-202.4 new)

Sec. 3-202.4. Feasibility of segregating identified offenders. The Department shall determine the feasibility of requiring identified offenders that seek admission to a licensed facility to be segregated from other residents. The Department shall report its findings to the General Assembly and the Office of the Governor not later than 6 months after the effective date of this amendatory Act of the 94th General Assembly.

Section 10. The Unified Code of Corrections is amended by changing Section 3-14-1 as follows:

(730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

Sec. 3-14-1. Release from the Institution.

(a) Upon release of a person on parole, mandatory release, final discharge or pardon the Department shall return all property held for him, provide him with suitable clothing and procure necessary transportation for him to his designated place of residence and employment. It may provide such person with a grant of money for travel and expenses which may be paid in installments. The amount of the money grant shall be determined by the Department.

The Department of Corrections may establish and maintain, in any institution it administers, revolving funds to be known as “Travel and Allowances Revolving Funds”. These revolving funds shall be used for advancing travel and expense allowances to committed, paroled, and discharged prisoners. The moneys paid into such revolving funds shall be from appropriations to the Department for Committed, Paroled, and Discharged Prisoners.

(b) (Blank).

(c) Except as otherwise provided in this Code, the Department shall establish procedures to provide written notification of any release of

New matter indicated by italics - deletions by strikeout
any person who has been convicted of a felony to the State's Attorney and sheriff of the county from which the offender was committed, and the State's Attorney and sheriff of the county into which the offender is to be paroled or released. Except as otherwise provided in this Code, the Department shall establish procedures to provide written notification to the proper law enforcement agency for any municipality of any release of any person who has been convicted of a felony if the arrest of the offender or the commission of the offense took place in the municipality, if the offender is to be paroled or released into the municipality, or if the offender resided in the municipality at the time of the commission of the offense. If a person convicted of a felony who is in the custody of the Department of Corrections or on parole or mandatory supervised release informs the Department that he or she has resided, resides, or will reside at an address that is a housing facility owned, managed, operated, or leased by a public housing agency, the Department must send written notification of that information to the public housing agency that owns, manages, operates, or leases the housing facility. The written notification shall, when possible, be given at least 14 days before release of the person from custody, or as soon thereafter as possible.

(c-1) (Blank).

(c-5) If a person on parole or mandatory supervised release becomes a resident of a facility licensed or regulated by the Department of Public Health, the Illinois Department of Public Aid, or the Illinois Department of Human Services, the Department of Corrections shall provide copies of the following information to the appropriate licensing or regulating department and the licensed or regulated facility where the person becomes a resident:

(1) The mittimus and any pre-sentence investigation reports.
(2) The social evaluation prepared pursuant to Section 3-8-2.
(3) Any pre-release evaluation conducted pursuant to subsection (j) of Section 3-6-2.
(4) Reports of disciplinary infraction and dispositions.
(5) Any parole plan, including orders issued by the Prisoner Review Board, and any violation reports and dispositions.
(6) The name and contact information for the assigned parole agent and parole supervisor.
This information shall be provided within 3 days of the person becoming a resident of the facility.

(c-10) If a person on parole or mandatory supervised release becomes a resident of a facility licensed or regulated by the Department of Public Health, the Illinois Department of Public Aid, or the Illinois Department of Human Services, the Department of Corrections shall provide written notification of such residence to the following:

(1) The Prisoner Review Board.

(2) The chief of police and sheriff in the municipality and county in which the licensed facility is located.

The notification shall be provided within 3 days of the person becoming a resident of the facility.

(d) Upon the release of a committed person on parole, mandatory supervised release, final discharge or pardon, the Department shall provide such person with information concerning programs and services of the Illinois Department of Public Health to ascertain whether such person has been exposed to the human immunodeficiency virus (HIV) or any identified causative agent of Acquired Immunodeficiency Syndrome (AIDS).

(e) Upon the release of a committed person on parole, mandatory supervised release, final discharge, or pardon, the Department shall provide the person who has met the criteria established by the Department with an identification card identifying the person as being on parole, mandatory supervised release, final discharge, or pardon, as the case may be. The Department, in consultation with the Office of the Secretary of State, shall prescribe the form of the identification card, which may be similar to the form of the standard Illinois Identification Card. The Department shall inform the committed person that he or she may present the identification card to the Office of the Secretary of State upon application for a standard Illinois Identification Card in accordance with the Illinois Identification Card Act. The Department shall require the committed person to pay a $1 fee for the identification card.

For purposes of a committed person receiving an identification card issued by the Department under this subsection, the Department shall establish criteria that the committed person must meet before the card is issued. It is the sole responsibility of the committed person requesting the identification card issued by the Department to meet the established criteria. The person's failure to meet the criteria is sufficient reason to deny the committed person the identification card. An identification card issued by the Department under this subsection shall be valid for a period of time

New matter indicated by italics - deletions by strikeout
not to exceed 30 calendar days from the date the card is issued. The Department shall not be held civilly or criminally liable to anyone because of any act of any person utilizing a card issued by the Department under this subsection.

The Department shall adopt rules governing the issuance of identification cards to committed persons being released on parole, mandatory supervised release, final discharge, or pardon.

(Source: P.A. 91-506, eff. 8-13-99; 91-695, eff. 4-13-00; 92-240, eff. 1-1-02.)

Section 15. The Probation and Probation Officers Act is amended by changing Section 12 as follows:

(730 ILCS 110/12) (from Ch. 38, par. 204-4)

Sec. 12. The duties of probation officers shall be:

(1) To investigate as required by Section 5-3-1 of the "Unified Code of Corrections", approved July 26, 1972, as amended, the case of any person to be placed on probation. Full opportunity shall be afforded a probation officer to confer with the person under investigation when such person is in custody.

(2) To notify the court of any previous conviction for crime or previous probation of any defendant invoking the provisions of this Act.

(3) All reports and notifications required in this Act to be made by probation officers shall be in writing and shall be filed by the clerk in the respective cases.

(4) To preserve complete and accurate records of cases investigated, including a description of the person investigated, the action of the court with respect to his case and his probation, the subsequent history of such person, if he becomes a probationer, during the continuance of his probation, which records shall be open to inspection by any judge or by any probation officer pursuant to order of court, but shall not be a public record, and its contents shall not be divulged otherwise than as above provided, except upon order of court.

(5) To take charge of and watch over all persons placed on probation under such regulations and for such terms as may be prescribed by the court, and giving to each probationer full instructions as to the terms of his release upon probation and requiring from him such periodical reports as shall keep the officer informed as to his conduct.

(6) To develop and operate programs of reasonable public or community service for any persons ordered by the court to perform public or community service, providing, however, that no probation officer or any employee of a probation office acting in the course of his official duties

New matter indicated by italics - deletions by strikeout
shall be liable for any tortious acts of any person performing public or community service except for wilful misconduct or gross negligence on the part of the probation officer or employee.

(7) When any person on probation removes from the county where his offense was committed, it shall be the duty of the officer under whose care he was placed to report the facts to the probation officer in the county to which the probationer has removed; and it shall thereupon become the duty of such probation officer to take charge of and watch over said probationer the same as if the case originated in that county; and for that purpose he shall have the same power and authority over said probationer as if he had been originally placed in said officer's charge; and such officer shall be required to report in writing every 6 months, or more frequently upon request the results of his supervision to the probation officer in whose charge the said probationer was originally placed by the court.

(8) To authorize travel permits to individuals under their supervision unless otherwise ordered by the court.

(9) To perform such other duties as are provided for in this act or by rules of court and such incidental duties as may be implied from those expressly required.

(10) To send written notification to a public housing agency if a person on probation for a felony who is under the supervision of the probation officer informs the probation officer that he or she has resided, resides, or will reside at an address that is a housing facility owned, managed, operated, or leased by that public housing agency.

(11) If a person on probation for a felony offense who is under the supervision of the probation officer becomes a resident of a facility licensed or regulated by the Department of Public Health, the Illinois Department of Public Aid, or Illinois Department of Human Services, the probation officer shall within 3 days of the person becoming a resident, notify the licensing or regulating Department and licensed or regulated facility and shall provide the licensed or regulated facility and licensing or regulating Department with copies of the following:

(a) pre-sentence investigation reports or social investigation reports;

(b) any applicable probation orders and corresponding compliance plans;

(c) the name and contact information for the assigned probation officer.

(Source: P.A. 91-506, eff. 8-13-99.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.

Approved July 11, 2005.
Effective July 11, 2005.

PUBLIC ACT 94-0164
(House Bill No. 2077)

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

Section 5. The Criminal Code of 1961 is amended by changing Section 11-9.3 as follows:

(720 ILCS 5/11-9.3)
Sec. 11-9.3. Presence within school zone by child sex offenders prohibited.
(a) It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance, unless the offender is a parent or guardian of a student present in the building, on the grounds or in the conveyance or unless the offender has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

(1) (Blank; or)
(2) (Blank.)

(b) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a school building or real property

New matter indicated by italics - deletions by strikeout
comprising any school while persons under the age of 18 are present in the
building or on the grounds, unless the offender is a parent or guardian of a
student present in the building or on the grounds or has permission to be
present from the superintendent or the school board or in the case of a
private school from the principal. In the case of a public school, if
permission is granted, the superintendent or school board president must
inform the principal of the school where the sex offender will be present.
Notification includes the nature of the sex offender's visit and the hours in
which the sex offender will be present in the school. The sex offender is
responsible for notifying the principal's office when he or she arrives on
school property and when he or she departs from school property. If the
sex offender is to be present in the vicinity of children, the sex offender
has the duty to remain under the direct supervision of a school official. A
child sex offender who violates this provision is guilty of a Class 4 felony.

(1) (Blank; or)
(2) (Blank.)

(b-5) It is unlawful for a child sex offender to knowingly reside
within 500 feet of a school building or the real property comprising any
school that persons under the age of 18 attend. Nothing in this subsection
(b-5) prohibits a child sex offender from residing within 500 feet of a
school building or the real property comprising any school that persons
under 18 attend if the property is owned by the child sex offender and was
purchased before the effective date of this amendatory Act of the 91st
General Assembly.

(c) Definitions. In this Section:
(1) "Child sex offender" means any person who:
   (i) has been charged under Illinois law, or any
       substantially similar federal law or law of another state,
       with a sex offense set forth in paragraph (2) of this
       subsection (c) or the attempt to commit an included sex
       offense, and:

       (A) is convicted of such offense or an
           attempt to commit such offense; or
       (B) is found not guilty by reason of insanity
           of such offense or an attempt to commit such
           offense; or
       (C) is found not guilty by reason of insanity
           pursuant to subsection (c) of Section 104-25 of the
           Code of Criminal Procedure of 1963 of such offense
           or an attempt to commit such offense; or

New matter indicated by italics - deletions by strikeout
(D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property

New matter indicated by italics - deletions by strikeout
comprising a school, or on a conveyance, owned, leased, or contracted by a school to transport students to or from school or a school related activity), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-21 (harmful material), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) of subsection (c) of this Section.

(2.5) For the purposes of subsection (b-5) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961:

10-5(b)(10) (child luring), 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)),
11-6 (indecent solicitation of a child), 11-6.5

New matter indicated by italics - deletions by strikeout
(indecent solicitation of an adult), 11-15.1
(soliciting for a juvenile prostitute), 11-17.1
(keeping a place of juvenile prostitution), 11-18.1
(patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1
(child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of subsection (c) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "School" means a public or private pre-school, elementary, or secondary school.

(5) "Loiter" means:

New matter indicated by italics - deletions by strikeout
(i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property.

(ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property, for the purpose of committing or attempting to commit a sex offense.

(iii) Entering or remaining in a building in or around school property, other than the offender's residence.

(6) "School official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.

(d) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98; 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)

Passed in the General Assembly May 19, 2005.

Approved July 11, 2005.

Effective July 11, 2005.

PUBLIC ACT 94-0165
(House Bill No. 2386)

AN ACT concerning criminal law.

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

Section 5. The Unified Code of Corrections is amended by changing Sections 3-3-1, 3-3-2, 3-3-9, 3-3-10, and 5-8-1 and by adding Section 3-14-2.5 as follows:

(730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

Sec. 3-3-1. Establishment and Appointment of Prisoner Review Board.

(a) There shall be a Prisoner Review Board independent of the Department of Corrections which shall be:

(1) the paroling authority for persons sentenced under the law in effect prior to the effective date of this amendatory Act of 1977;

(2) the board of review for cases involving the revocation of good conduct credits or a suspension or reduction in the rate of accumulating such credit;

New matter indicated by italics - deletions by strikeout
(3) the board of review and recommendation for the exercise of executive clemency by the Governor;

(4) the authority for establishing release dates for certain prisoners sentenced under the law in existence prior to the effective date of this amendatory Act of 1977, in accordance with Section 3-3-2.1 of this Code;

(5) the authority for setting conditions for parole, and mandatory supervised release under Section 5-8-1(a) of this Code, and determining whether a violation of those conditions warrant revocation of parole or mandatory supervised release or the imposition of other sanctions.

(b) The Board shall consist of 15 persons appointed by the Governor by and with the advice and consent of the Senate. One member of the Board shall be designated by the Governor to be Chairman and shall serve as Chairman at the pleasure of the Governor. The members of the Board shall have had at least 5 years of actual experience in the fields of penology, corrections work, law enforcement, sociology, law, education, social work, medicine, psychology, other behavioral sciences, or a combination thereof. At least 6 members so appointed must have had at least 3 years experience in the field of juvenile matters. No more than 8 Board members may be members of the same political party.

Each member of the Board shall serve on a full-time basis and shall not hold any other salaried public office, whether elective or appointive, nor any other office or position of profit, nor engage in any other business, employment, or vocation. The Chairman of the Board shall receive $35,000 a year, or an amount set by the Compensation Review Board, whichever is greater, and each other member $30,000, or an amount set by the Compensation Review Board, whichever is greater.

(c) Notwithstanding any other provision of this Section, the term of each member of the Board who was appointed by the Governor and is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the successor members to be appointed pursuant to this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later. As soon as possible, the Governor shall appoint persons to fill the vacancies created by this amendatory Act.

Of the initial members appointed under this amendatory Act of the 93rd General Assembly, the Governor shall appoint 5 members whose terms shall expire on the third Monday in January 2005, 5 members whose terms shall expire on the third Monday in January 2007, and 5 members whose terms shall expire on the third Monday in January 2009. Their
respective successors shall be appointed for terms of 6 years from the third Monday in January of the year of appointment. Each member shall serve until his successor is appointed and qualified.

Any member may be removed by the Governor for incompetence, neglect of duty, malfeasance or inability to serve.

(d) The Chairman of the Board shall be its chief executive and administrative officer. The Board may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Board.

(Source: P.A. 93-509, eff. 8-11-03.)

(730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)
Sec. 3-3-2. Powers and Duties.

(a) The Parole and Pardon Board is abolished and the term "Parole and Pardon Board" as used in any law of Illinois, shall read "Prisoner Review Board." After the effective date of this amendatory Act of 1977, the Prisoner Review Board shall provide by rule for the orderly transition of all files, records, and documents of the Parole and Pardon Board and for such other steps as may be necessary to effect an orderly transition and shall:

(1) hear by at least one member and through a panel of at least 3 members decide, cases of prisoners who were sentenced under the law in effect prior to the effective date of this amendatory Act of 1977, and who are eligible for parole;

(2) hear by at least one member and through a panel of at least 3 members decide, the conditions of parole and the time of discharge from parole, impose sanctions for violations of parole, and revoke parole for those sentenced under the law in effect prior to this amendatory Act of 1977; provided that the decision to parole and the conditions of parole for all prisoners who were sentenced for first degree murder or who received a minimum sentence of 20 years or more under the law in effect prior to February 1, 1978 shall be determined by a majority vote of the Prisoner Review Board;

(3) hear by at least one member and through a panel of at least 3 members decide, the conditions of mandatory supervised release and the time of discharge from mandatory supervised release, impose sanctions for violations of mandatory supervised release, and revoke mandatory supervised release for those
sente
nc
ed
under the law in effect after the effective date of this amendatory Act of 1977;

(3.5) hear by at least one member and through a panel of at least 3 members decide, the conditions of mandatory supervised release and the time of discharge from mandatory supervised release, to impose sanctions for violations of mandatory supervised release and revoke mandatory supervised release for those serving extended supervised release terms pursuant to paragraph (4) of subsection (d) of Section 5-8-1;

(4) hear by at least 1 member and through a panel of at least 3 members, decide cases brought by the Department of Corrections against a prisoner in the custody of the Department for alleged violation of Department rules with respect to good conduct credits pursuant to Section 3-6-3 of this Code in which the Department seeks to revoke good conduct credits, if the amount of time at issue exceeds 30 days or when, during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In such cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of thirty days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit for any prisoner or to increase any penalty beyond the length requested by the Department;

(5) hear by at least one member and through a panel of at least 3 members decide, the release dates for certain prisoners sentenced under the law in existence prior to the effective date of this amendatory Act of 1977, in accordance with Section 3-3-2.1 of this Code;

(6) hear by at least one member and through a panel of at least 3 members decide, all requests for pardon, reprieve or commutation, and make confidential recommendations to the Governor;

(7) comply with the requirements of the Open Parole Hearings Act;

(8) hear by at least one member and, through a panel of at least 3 members, decide cases brought by the Department of Corrections against a prisoner in the custody of the Department for

New matter indicated by italics - deletions by strikeout
court dismissal of a frivolous lawsuit pursuant to Section 3-6-3(d) of this Code in which the Department seeks to revoke up to 180 days of good conduct credit, and if the prisoner has not accumulated 180 days of good conduct credit at the time of the dismissal, then all good conduct credit accumulated by the prisoner shall be revoked; and

(9) hear by at least 3 members, and, through a panel of at least 3 members, decide whether to grant certificates of relief from disabilities or certificates of good conduct as provided in Article 5.5 of Chapter V.

(a-5) The Prisoner Review Board, with the cooperation of and in coordination with the Department of Corrections and the Department of Central Management Services, shall implement a pilot project in 3 correctional institutions providing for the conduct of hearings under paragraphs (1) and (4) of subsection (a) of this Section through interactive video conferences. The project shall be implemented within 6 months after the effective date of this amendatory Act of 1996. Within 6 months after the implementation of the pilot project, the Prisoner Review Board, with the cooperation of and in coordination with the Department of Corrections and the Department of Central Management Services, shall report to the Governor and the General Assembly regarding the use, costs, effectiveness, and future viability of interactive video conferences for Prisoner Review Board hearings.

(b) Upon recommendation of the Department the Board may restore good conduct credit previously revoked.

(c) The Board shall cooperate with the Department in promoting an effective system of parole and mandatory supervised release.

(d) The Board shall promulgate rules for the conduct of its work, and the Chairman shall file a copy of such rules and any amendments thereto with the Director and with the Secretary of State.

(e) The Board shall keep records of all of its official actions and shall make them accessible in accordance with law and the rules of the Board.

(f) The Board or one who has allegedly violated the conditions of his parole or mandatory supervised release may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under investigation or hearing. The Chairman of the Board may sign subpoenas which shall be served by any agent or public official authorized by the Chairman of the Board, or by any person lawfully authorized to serve a subpoena under the laws of the State.
of Illinois. The attendance of witnesses, and the production of documentary evidence, may be required from any place in the State to a hearing location in the State before the Chairman of the Board or his designated agent or agents or any duly constituted Committee or Subcommittee of the Board. Witnesses so summoned shall be paid the same fees and mileage that are paid witnesses in the circuit courts of the State, and witnesses whose depositions are taken and the persons taking those depositions are each entitled to the same fees as are paid for like services in actions in the circuit courts of the State. Fees and mileage shall be vouchered for payment when the witness is discharged from further attendance.

In case of disobedience to a subpoena, the Board may petition any circuit court of the State for an order requiring the attendance and testimony of witnesses or the production of documentary evidence or both. A copy of such petition shall be served by personal service or by registered or certified mail upon the person who has failed to obey the subpoena, and such person shall be advised in writing that a hearing upon the petition will be requested in a court room to be designated in such notice before the judge hearing motions or extraordinary remedies at a specified time, on a specified date, not less than 10 nor more than 15 days after the deposit of the copy of the written notice and petition in the U.S. mails addressed to the person at his last known address or after the personal service of the copy of the notice and petition upon such person. The court upon the filing of such a petition, may order the person refusing to obey the subpoena to appear at an investigation or hearing, or to there produce documentary evidence, if so ordered, or to give evidence relative to the subject matter of that investigation or hearing. Any failure to obey such order of the circuit court may be punished by that court as a contempt of court.

Each member of the Board and any hearing officer designated by the Board shall have the power to administer oaths and to take the testimony of persons under oath.

(g) Except under subsection (a) of this Section, a majority of the members then appointed to the Prisoner Review Board shall constitute a quorum for the transaction of all business of the Board.

(h) The Prisoner Review Board shall annually transmit to the Director a detailed report of its work for the preceding calendar year. The annual report shall also be transmitted to the Governor for submission to the Legislature.

(Source: P.A. 93-207, eff. 1-1-04.)

(730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

New matter indicated by italics - deletions by strikeout
Sec. 3-3-9. Violations; changes of conditions; preliminary hearing; revocation of parole or mandatory supervised release; revocation hearing.

(a) If prior to expiration or termination of the term of parole or mandatory supervised release, a person violates a condition set by the Prisoner Review Board or a condition of parole or mandatory supervised release under Section 3-3-7 of this Code to govern that term, the Board may:

(1) continue the existing term, with or without modifying or enlarging the conditions; or
(2) parole or release the person to a half-way house; or
(3) revoke the parole or mandatory supervised release and confine the person for a term computed in the following manner:

   (i) For those sentenced under the law in effect prior to this amendatory Act of 1977, the recommitment shall be for any portion of the imposed maximum term of imprisonment or confinement which had not been served at the time of parole and the parole term, less the time elapsed between the parole of the person and the commission of the violation for which parole was revoked;
   (B) Except as set forth in paragraph (C), for those subject to mandatory supervised release under paragraph (d) of Section 5-8-1 of this Code, the recommitment shall be for the total mandatory supervised release term, less the time elapsed between the release of the person and the commission of the violation for which mandatory supervised release is revoked. The Board may also order that a prisoner serve up to one year of the sentence imposed by the court which was not served due to the accumulation of good conduct credit;
   (C) For those subject to sex offender supervision under clause (d)(4) of Section 5-8-1 of this Code, the recommitment period for violations of clauses (a)(3) through (b-1)(15) of Section 3-3-7 shall not exceed 2 years from the date of recommitment.

(ii) the person shall be given credit against the term of imprisonment or recommitment for time spent in custody since he was paroled or released which has not been credited against another sentence or period of confinement;

New matter indicated by italics - deletions by strikeout
(iii) persons committed under the Juvenile Court Act or the Juvenile Court Act of 1987 shall be recommitted until the age of 21;

(iv) this Section is subject to the release under supervision and the reparation and rerelease provisions of Section 3-3-10.

(b) The Board may revoke parole or mandatory supervised release for violation of a condition for the duration of the term and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration. The issuance of a warrant of arrest for an alleged violation of the conditions of parole or mandatory supervised release shall toll the running of the term until the final determination of the charge, but where parole or mandatory supervised release is not revoked that period shall be credited to the term.

(c) A person charged with violating a condition of parole or mandatory supervised release shall have a preliminary hearing before a hearing officer designated by the Board to determine if there is cause to hold the person for a revocation hearing. However, no preliminary hearing need be held when revocation is based upon new criminal charges and a court finds probable cause on the new criminal charges or when the revocation is based upon a new criminal conviction and a certified copy of that conviction is available.

(d) Parole or mandatory supervised release shall not be revoked without written notice to the offender setting forth the violation of parole or mandatory supervised release charged against him.

(e) A hearing on revocation shall be conducted before at least one member of the Prisoner Review Board. The Board may meet and order its actions in panels of 3 or more members. The action of a majority of the panel shall be the action of the Board. In consideration of persons committed to the Juvenile Division, the member hearing the matter and at least a majority of the panel shall be experienced in juvenile matters. A record of the hearing shall be made. At the hearing the offender shall be permitted to:

(1) appear and answer the charge; and
(2) bring witnesses on his behalf.

(f) The Board shall either revoke parole or mandatory supervised release or order the person's term continued with or without modification or enlargement of the conditions.

(g) Parole or mandatory supervised release shall not be revoked for failure to make payments under the conditions of parole or release unless

New matter indicated by italics - deletions by strikeout
the Board determines that such failure is due to the offender's willful refusal to pay.
(Source: P.A. 92-460, eff. 1-1-02.)

(730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

Sec. 3-3-10. Eligibility after Revocation; Release under Supervision. (a) A person whose parole or mandatory supervised release has been revoked may be paroled or rereleased by the Board at any time to the full parole or mandatory supervised release term under Section 3-3-8, except that the time which the person shall remain subject to the Board shall not exceed (1) the imposed maximum term of imprisonment or confinement and the parole term for those sentenced under the law in effect prior to the effective date of this amendatory Act of 1977 or (2) the term of imprisonment imposed by the court and the mandatory supervised release term for those sentenced under the law in effect on and after such effective date.

(b) If the Board sets no earlier release date:
(1) A person sentenced for any violation of law which occurred before January 1, 1973, shall be released under supervision 6 months prior to the expiration of his maximum sentence of imprisonment less good time credit under Section 3-6-3;
(2) Any person who has violated the conditions of his parole and been reconfined under Section 3-3-9 shall be released under supervision 6 months prior to the expiration of the term of his reconfinement under paragraph (a) of Section 3-3-9 less good time credit under Section 3-6-3. This paragraph shall not apply to persons serving terms of mandatory supervised release.
(3) Nothing herein shall require the release of a person who has violated his parole within 6 months of the date when his release under this Section would otherwise be mandatory.
(c) Persons released under this Section shall be subject to Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5, 3-14-3, and 3-14-4.
(Source: P.A. 80-1099.)

(730 ILCS 5/3-14-2.5 new)

Sec. 3-14-2.5. Extended supervision of sex offenders.
(a) The Department shall retain custody of all sex offenders placed on mandatory supervised release pursuant to clause (d)(4) of Section 5-8-1 of this Code and shall supervise such persons during their term of supervised release in accord with the conditions set by the Prisoner Review Board pursuant to Section 3-3-7 of this Code.

New matter indicated by italics - deletions by strikeout
(b) A copy of the conditions of mandatory supervised release shall be signed by the offender and given to him or her and to his or her supervising officer. Commencing 180 days after the offender's release date and continuing every 180 days thereafter for the duration of the supervision term, the supervising officer shall prepare a progress report detailing the offender's adjustment and compliance with the conditions of mandatory supervised release including the offender's participation and progress in sex offender treatment. The progress report shall be submitted to the Prisoner Review Board and copies provided to the chief of police and sheriff in the municipality and county in which the offender resides and is registered.

(c) Supervising officers shall receive specialized training in the supervision of sex offenders including the impact of sexual assault on its victims.

(d) Releasees serving extended mandatory supervised release terms pursuant to subsection (d) of Section 5-8-1 of this Code may request discharge from supervision as provided by subsection (b) of Section 3-3-8 of this Code. Requests for discharge from extended mandatory supervised release shall be supported by a recommendation by the releasee's supervising agent and an evaluation of the releasee completed no longer than 30 days prior to the request for discharge from supervision. The evaluation shall be conducted by a Sex Offender Management Board approved sex offender evaluator and shall be at the releasee's expense.

(e) The term of extended mandatory supervised release pursuant to paragraph (4) of subsection (d) of Section 5-8-1 of this Code shall toll during any period of incarceration.

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Sentence of Imprisonment for Felony.
(a) Except as otherwise provided in the statute defining the offense, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, according to the following limitations:

(1) for first degree murder,

(a) a term shall be not less than 20 years and not more than 60 years, or

(b) if a trier of fact finds beyond a reasonable doubt that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) of Section 9-1 of the Criminal Code of 1961 are present, the court may
sentence the defendant to a term of natural life imprisonment, or

c) the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant,

(i) has previously been convicted of first degree murder under any state or federal law, or

(ii) is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age; or, irrespective of the defendant's age at the time of the commission of the offense, is found guilty of murdering more than one victim, or

(iii) is found guilty of murdering a peace officer or fireman when the peace officer or fireman was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer or fireman performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman, or

(iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties.
or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d)  

(i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(ii) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural
life shall be added to the term of imprisonment imposed by the court.

(1.5) for second degree murder, a term shall be not less than 4 years and not more than 20 years;

(2) for a person adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, as amended, the sentence shall be a term of natural life imprisonment;

(2.5) for a person convicted under the circumstances described in paragraph (3) of subsection (b) of Section 12-13, paragraph (2) of subsection (d) of Section 12-14, paragraph (1.2) of subsection (b) of Section 12-14.1, or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961, the sentence shall be a term of natural life imprisonment;

(3) except as otherwise provided in the statute defining the offense, for a Class X felony, the sentence shall be not less than 6 years and not more than 30 years;

(4) for a Class 1 felony, other than second degree murder, the sentence shall be not less than 4 years and not more than 15 years;

(5) for a Class 2 felony, the sentence shall be not less than 3 years and not more than 7 years;

(6) for a Class 3 felony, the sentence shall be not less than 2 years and not more than 5 years;

(7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

(b) The sentencing judge in each felony conviction shall set forth his reasons for imposing the particular sentence he enters in the case, as provided in Section 5-4-1 of this Code. Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such circumstances, as well as any other such factors as the judge shall set forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(c) A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, the proponent of the motion shall

New matter indicated by italics - deletions by strikeout
exercise due diligence in seeking a determination on the motion and the court shall thereafter decide such motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, then for purposes of perfecting an appeal, a final judgment shall not be considered to have been entered until the motion to reduce a sentence has been decided by order entered by the trial court.

A motion filed pursuant to this subsection shall not be considered to have been timely filed unless it is filed with the circuit court clerk within 30 days after the sentence is imposed together with a notice of motion, which notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

(d) Except where a term of natural life is imposed, every sentence shall include as though written therein a term in addition to the term of imprisonment. For those sentenced under the law in effect prior to February 1, 1978, such term shall be identified as a parole term. For those sentenced on or after February 1, 1978, such term shall be identified as a mandatory supervised release term. Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be as follows:

1. for first degree murder or a Class X felony except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if convicted on or after July 1, 2005, 3 years;
2. for a Class 1 felony or a Class 2 felony except for the offense of criminal sexual assault if convicted on or after July 1, 2005, 2 years;
3. for a Class 3 felony or a Class 4 felony, 1 year;
4. for defendants convicted of predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault, on or after July 1, 2005, the term of mandatory supervised release shall range from a minimum of 3 years to a maximum of the natural life of the defendant; if the victim is under 18 years of age, for a second or subsequent offense of criminal sexual assault or aggravated criminal sexual assault, 5 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code;
5. if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony

New matter indicated by italics - deletions by strikeout
criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code.

(e) A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his sentence by the Illinois court ordered to be concurrent with the prior sentence in the other state. The court may order that any time served on the unexpired portion of the sentence in the other state, prior to his return to Illinois, shall be credited on his Illinois sentence. The other state shall be furnished with a copy of the order imposing sentence which shall provide that, when the offender is released from confinement of the other state, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois Circuit Court may apply to the court which imposed sentence to have his sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his Illinois sentence. Such application for reduction of a sentence under this subsection (f) shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(Source: P.A. 91-279, eff. 1-1-00; 91-404, eff. 1-1-00; 91-953, eff. 2-23-01; 92-16, eff. 6-28-01.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 18, 2005.
Approved July 11,2 005.
Effective July 11, 2005.
AN ACT concerning sex offenders.

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

Section 5. The Sex Offender Registration Act is amended by changing Sections 2, 3, 6, 7, and 8 as follows:

Sec. 2. Definitions.

(A) As used in this Article, "sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

   (a) is convicted of such offense or an attempt to commit such offense; or
   (b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or
   (c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or
   (d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or
   (e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or
   (f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of

New matter indicated by italics - deletions by strikeout
the Code of Criminal Procedure of 1963 for the alleged
violation or attempted commission of such offense; or
(2) certified as a sexually dangerous person pursuant to the
Illinois Sexually Dangerous Persons Act, or any substantially
similar federal, Uniform Code of Military Justice, sister state, or
foreign country law; or
(3) subject to the provisions of Section 2 of the Interstate
Agreements on Sexually Dangerous Persons Act; or
(4) found to be a sexually violent person pursuant to the
Sexually Violent Persons Commitment Act or any substantially
similar federal, Uniform Code of Military Justice, sister state, or
foreign country law; or
(5) adjudicated a juvenile delinquent as the result of
committing or attempting to commit an act which, if committed by
an adult, would constitute any of the offenses specified in item (B),
(C), or (C-5) of this Section or a violation of any substantially
similar federal, Uniform Code of Military Justice, sister state, or
foreign country law, or found guilty under Article V of the Juvenile
Court Act of 1987 of committing or attempting to commit an act
which, if committed by an adult, would constitute any of the
offenses specified in item (B), (C), or (C-5) of this Section or a
violation of any substantially similar federal, Uniform Code of
Military Justice, sister state, or foreign country law.
Convictions that result from or are connected with the same act, or
result from offenses committed at the same time, shall be counted for the
purpose of this Article as one conviction. Any conviction set aside
pursuant to law is not a conviction for purposes of this Article.
For purposes of this Section, "convicted" shall have the same
meaning as "adjudicated". For the purposes of this Article, a person who is
defined as a sex offender as a result of being adjudicated a juvenile
delinquent under paragraph (5) of this subsection (A) upon attaining 17
years of age shall be considered as having committed the sex offense on or
after the sex offender's 17th birthday. Registration of juveniles upon
attaining 17 years of age shall not extend the original registration of 10
years from the date of conviction.
(B) As used in this Article, "sex offense" means:
(1) A violation of any of the following Sections of the
Criminal Code of 1961:
11-20.1 (child pornography),
11-6 (indecent solicitation of a child),
New matter indicated by italics - deletions by strikeout
11-9.1 (sexual exploitation of a child),
11-15.1 (soliciting for a juvenile prostitute),
11-18.1 (patronizing a juvenile prostitute),
11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
12-13 (criminal sexual assault),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a
child),
12-15 (criminal sexual abuse),
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child).
An attempt to commit any of these offenses.

(1.5) A violation of any of the following Sections of the
Criminal Code of 1961, when the victim is a person under 18 years
of age, the defendant is not a parent of the victim, and the offense
was committed on or after January 1, 1996:
10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).
An attempt to commit any of these offenses.

(1.6) First degree murder under Section 9-1 of the Criminal
Code of 1961, when the victim was a person under 18 years of age
and the defendant was at least 17 years of age at the time of the
commission of the offense.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11
(sexual relations within families) of the Criminal Code of 1961,
and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection
(b) of Section 10-5 of the Criminal Code of 1961 committed by
luring or attempting to lure a child under the age of 16 into a motor
vehicle, building, house trailer, or dwelling place without the
consent of the parent or lawful custodian of the child for other than
a lawful purpose and the offense was committed on or after

New matter indicated by italics - deletions by strikeout
(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999:

10-4 (forcible detention, if the victim is under 18 years of age),
11-6.5 (indecent solicitation of an adult),
11-15 (soliciting for a prostitute, if the victim is under 18 years of age),
11-16 (pandering, if the victim is under 18 years of age),
11-18 (patronizing a prostitute, if the victim is under 18 years of age),
11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly:

11-9 (public indecency for a third or subsequent conviction),
11-9.2 (custodial sexual misconduct).

(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly.

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, against a person under 18 years
of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article. This subsection (C-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois Department of Corrections facility on August 20, 2004 (the effective date of Public Act 93-977) this amendatory Act of the 93rd General Assembly.

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(D-1) As used in this Article, "supervising officer" means the assigned Illinois Department of Corrections parole agent or county probation officer.

(E) As used in this Article, "sexual predator" means any person who, after July 1, 1999, is:

(1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961, if the conviction occurred after July 1, 1999:

11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
11-20.1 (child pornography),
12-13 (criminal sexual assault, if the victim is a person under 12 years of age),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),

New matter indicated by italics - deletions by strikeout
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child); or
(2) convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense; or
(3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or
(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or
(5) convicted of a second or subsequent offense which requires registration pursuant to this Act. The conviction for the second or subsequent offense must have occurred after July 1, 1999. For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law.

(F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

(G) As used in this Article, "out-of-state employee" means any sex offender, as defined in this Section, or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(H) As used in this Article, "school" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education.

(Source: P.A. 92-828, eff. 8-22-02; 93-977, eff. 8-20-04; 93-979, eff. 8-20-04; revised 10-14-04.)

(730 ILCS 150/3) (from Ch. 38, par. 223)

New matter indicated by italics - deletions by strikeout
Sec. 3. Duty to register.

(a) A sex offender, as defined in Section 2 of this Act, or sexual predator shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include a current photograph, current address, current place of employment, the employer's telephone number, and school attended, extensions of the time period for registering as provided in this Article and, if an extension was granted, the reason why the extension was granted and the date the sex offender was notified of the extension. A person who has been adjudicated a juvenile delinquent for an act which, if committed by an adult, would be a sex offense shall register as an adult sex offender within 10 days after attaining 17 years of age. The sex offender or sexual predator shall register:

(1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a period of time of 10 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she resides or is temporarily domiciled for a period of time of 10 or more days in an unincorporated area or, if incorporated, no police chief exists. If the sex offender or sexual predator is employed at or attends an institution of higher education, he or she shall register:

(i) with the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(ii) with the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated, no police chief exists.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 10 or more days during any calendar year.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

New matter indicated by italics - deletions by strikeout
(a-5) An out-of-state student or out-of-state employee shall, within 10 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. The out-of-state student or out-of-state employee shall register:

   (1) with the chief of police in the municipality in which he or she attends school or is employed for a period of time of 10 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

   (2) with the sheriff in the county in which he or she attends school or is employed for a period of time of 10 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 10 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Article shall be as follows:

   (1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.

   (2) Except as provided in subsection (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

   (2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her

New matter indicated by italics - deletions by strikeout
responsibility to register. Upon notification the person must then register within 10 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 10 days after the entry of the sentencing order based upon his or her conviction.

(4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 10 days of discharge, parole or release.

(5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(6) The person shall pay a $20 initial registration fee and a $10 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. Ten dollars for the initial registration fee and $5 of the annual renewal fee shall be used by the registering agency for official purposes. Ten dollars of the initial registration fee and $5 of the annual fee shall be deposited into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and shall be used to fund practices endorsed or required by the Sex Offender Management Board Act including but not limited to sex offenders evaluation, treatment, or monitoring programs that are or may be developed, as well as for administrative costs, including staff, incurred by the Board.

(d) Within 10 days after obtaining or changing employment and, if employed on January 1, 2000, within 10 days after that date, a person required to register under this Section must report, in person or in writing

New matter indicated by italics - deletions by strikeout
to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(Source: P.A. 92-828, eff. 8-22-02; 93-616, eff. 1-1-04; 93-979, eff. 8-20-04.)

(730 ILCS 150/6) (from Ch. 38, par. 226)

Sec. 6. Duty to report; change of address, school, or employment; duty to inform. A person who has been adjudicated to be sexually dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or no longer a sexually violent person and discharged, shall report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his or her last registration and every 90 days thereafter and at such other times at the request of the law enforcement agency not to exceed 4 times a year. Any other person who is required to register under this Article shall report in person to the appropriate law enforcement agency with whom he or she last registered within one year from the date of last registration and every year thereafter and at such other times at the request of the law enforcement agency not to exceed 4 times a year. If any person required to register under this Article changes his or her residence address, place of employment, or school, he or she shall report in person to the law enforcement agency with whom he or she last registered of his or her new address, change in employment, or school and register, in person, with the appropriate law enforcement agency within the time period specified in Section 3. The law enforcement agency shall, within 3 days of the reporting in person by the person required to register under this Article receipt, notify the Department of State Police and the law enforcement agency having jurisdiction of the new place of residence, change in employment, or school.

If any person required to register under this Article intends to establish a residence or employment outside of the State of Illinois, at least 10 days before establishing that residence or employment, he or she shall report in person to, in writing, inform the law enforcement agency with which he or she last registered of his or her out-of-state intended residence or employment. The law enforcement agency with which such person last registered shall, within 3 days after the reporting in person of the person required to register under this Article notice of an address or employment change, notify the Department of State Police. The Department of State Police shall forward such information to the out-of-state law enforcement
agency having jurisdiction in the form and manner prescribed by the Department of State Police. (Source: P.A. 92-16, eff. 6-28-01; 92-828, eff. 8-22-02; 93-977, eff. 8-20-04.)

(730 ILCS 150/7) (from Ch. 38, par. 227)

Sec. 7. Duration of registration. A person who has been adjudicated to be sexually dangerous and is later released or found to be no longer sexually dangerous and discharged, shall register for the period of his or her natural life. A sexually violent person or sexual predator shall register for the period of his or her natural life after conviction or adjudication if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. Any other person who is required to register under this Article shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. A sex offender who is allowed to leave a county, State, or federal facility for the purposes of work release, education, or overnight visitations shall be required to register within 10 days of beginning such a program. Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility and if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of this Article. Reconfinement due to a violation of parole or other circumstances that relates to the original conviction or adjudication shall extend the period of registration to 10 years after final parole, discharge, or release. The Director of State Police, consistent with administrative rules, shall extend for 10 years the registration period of any sex offender, as defined in Section 2 of this Act, who fails to comply with the provisions of this Article. The registration period for any sex offender who fails to comply with any provision of the Act shall extend the period of registration by 10 years beginning from the first date of registration after the violation. If the registration period is extended, the Department of State Police shall send a registered letter to the law enforcement agency where the sex offender resides within 3 days after the extension of the registration period. The sex offender shall report to that law enforcement agency and sign for that letter. One copy of that letter shall be kept on file

New matter indicated by italics - deletions by strikeout
with the law enforcement agency of the jurisdiction where the sex offender resides and one copy shall be returned to the Department of State Police.
(Source: P.A. 92-828, eff. 8-22-02; 93-979, eff. 8-20-04.)

Sec. 8. Registration Requirements. Registration as required by this Article shall consist of a statement in writing signed by the person giving the information that is required by the Department of State Police, which may include the fingerprints and must include a current photograph of the person, to be updated annually. If the sex offender is a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961, he or she shall sign a statement that he or she understands that according to Illinois law as a child sex offender he or she may not reside within 500 feet of a school, park, or playground. The offender may also not reside within 500 feet of a facility providing services directed exclusively toward persons under 18 years of age unless the sex offender meets specified exemptions. The registration information must include whether the person is a sex offender as defined in the Sex Offender and Child Murderer Community Notification Law. Within 3 days, the registering law enforcement agency shall forward any required information to the Department of State Police. The registering law enforcement agency shall enter the information into the Law Enforcement Agencies Data System (LEADS) as provided in Sections 6 and 7 of the Intergovernmental Missing Child Recovery Act of 1984.
(Source: P.A. 93-979, eff. 8-20-04.)

Approved July 11, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0167
(Senate Bill No. 0040)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Veterans Affairs Act is amended by changing Section 2 as follows:
(20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)
Sec. 2. Powers and duties. The Department shall have the following powers and duties:

New matter indicated by italics - deletions by strikeout
To perform such acts at the request of any veteran, or his or her spouse, surviving spouse or dependents as shall be reasonably necessary or reasonably incident to obtaining or endeavoring to obtain for the requester any advantage, benefit or emolument accruing or due to such person under any law of the United States, the State of Illinois or any other state or governmental agency by reason of the service of such veteran, and in pursuance thereof shall:

(1) †: Contact veterans, their survivors and dependents and advise them of the benefits of state and federal laws and assist them in obtaining such benefits;

(2) ‡: Establish field offices and direct the activities of the personnel assigned to such offices;

(3) §: Create a volunteer field force of accredited representatives, representing educational institutions, labor organizations, veterans organizations, employers, churches, and farm organizations;

(4) ¶: Conduct informational and training services;

(5) ⊕: Conduct educational programs through newspapers, periodicals and radio for the specific purpose of disseminating information affecting veterans and their dependents;

(6) ⊖: Coordinate the services and activities of all state departments having services and resources affecting veterans and their dependents;

(7) ⊗: Encourage and assist in the coordination of agencies within counties giving service to veterans and their dependents;

(8) ⊕: Cooperate with veterans organizations and other governmental agencies;

(9) ⊖: Make, alter, amend and promulgate reasonable rules and procedures for the administration of this Act;

(10) ⊗: Make and publish annual reports to the Governor regarding the administration and general operation of the Department; and

(11) ⊕: Encourage the State to implement more programs to address the wide range of issues faced by Persian Gulf War Veterans, especially those who took part in combat, by creating an official commission to further study Persian Gulf War Diseases. The commission shall consist of 9 members appointed as follows: the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate shall each appoint one member from the General Assembly, the Governor

New matter indicated by italics - deletions by strikeout
shall appoint 4 members to represent veterans' organizations, and
the Department shall appoint one member. The commission
members shall serve without compensation; and:

(12) Conduct an annual review of the benefits received by
Illinois veterans that compares benefits received by Illinois
veterans with the benefits received by veterans in all other states
and U.S. territories. The required annual review shall include, but
not be limited to, (1) the average benefit paid to individual
veterans from Illinois, in direct comparison to the average benefit
paid to individual veterans of each of the other states and U.S.
territories; (2) the number of veterans receiving benefits in Illinois
for the first time during the year compared to the number of claims
filed by Illinois veterans during the year; (3) the aggregate number
of Illinois veterans receiving benefits compared to the number of
veterans from each of the other states and U.S. territories
receiving benefits; and (4) a categorical analysis of the types of
injuries and disabilities for which benefits are being paid in
Illinois and each of the other states and U.S. territories. The
benefits review shall be reported to the Governor, the General
Assembly, and the Illinois Congressional delegation upon the
completion of the report each year.

The Department may accept and hold on behalf of the State, if for
the public interest, a grant, gift, devise or bequest of money or property to
the Department made for the general benefit of Illinois veterans, including
the conduct of informational and training services by the Department and
other authorized purposes of the Department. The Department shall cause
each grant, gift, devise or bequest to be kept as a distinct fund and shall
invest such funds in the manner provided by the Public Funds Investment
Act, as now or hereafter amended, and shall make such reports as may be
required by the Comptroller concerning what funds are so held and the
manner in which such funds are invested. The Department may make
grants from these funds for the general benefit of Illinois veterans. Grants
from these funds, except for the funds established under Sections 2.01a
and 2.03, shall be subject to appropriation.

The Department has the power to make grants, from funds
appropriated from the Korean War Veterans National Museum and Library
Fund, to private organizations for the benefit of the Korean War Veterans
National Museum and Library.

New matter indicated by italics - deletions by strikeout
The Department has the power to make grants, from funds appropriated from the Illinois Military Family Relief Fund, for benefits authorized under the Survivors Compensation Act.
(Source: P.A. 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 93-839, eff. 7-30-04.)

Section 99. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 4, 2005.
Approved July 11, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0168
(Senate Bill No. 1234)

AN ACT concerning sex offenders.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Sex Offender Registration Act is amended by changing Sections 2, 3, 4, 5, 5-5, 6, 6-5, 7, and 10 as follows:
(730 ILCS 150/2) (from Ch. 38, par. 222)
Sec. 2. Definitions.
(A) As used in this Article, "sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense; or

(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

New matter indicated by italics - deletions by strikeout
(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.

For purposes of this Section, "convicted" shall have the same meaning as "adjudicated".

(B) As used in this Article, "sex offense" means:

New matter indicated by italics - deletions by strikeout
(1) A violation of any of the following Sections of the Criminal Code of 1961:

11-20.1 (child pornography),
11-6 (indecent solicitation of a child),
11-9.1 (sexual exploitation of a child),
11-9.2 (custodial sexual misconduct),
11-15.1 (soliciting for a juvenile prostitute),
11-18.1 (patronizing a juvenile prostitute),
11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
12-13 (criminal sexual assault),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),
12-15 (criminal sexual abuse),
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child).

An attempt to commit any of these offenses.

(1.5) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, and the offense was committed on or after January 1, 1996:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint)

An attempt to commit any of these offenses.

(1.6) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961, and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the

New matter indicated by italics - deletions by strikeout
consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999:

10-4 (forcible detention, if the victim is under 18 years of age),
11-6.5 (indecent solicitation of an adult),
11-15 (soliciting for a prostitute, if the victim is under 18 years of age),
11-16 (pandering, if the victim is under 18 years of age),
11-18 (patronizing a prostitute, if the victim is under 18 years of age),
11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after August 22, 2002 the effective date of this amendatory Act of the 92nd General Assembly:

11-9 (public indecency for a third or subsequent conviction),
11-9.2 (custodial sexual misconduct).

(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after August 22, 2002 the effective date of this amendatory Act of the 92nd General Assembly.

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.
(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

New matter indicated by italics - deletions by strikeout
(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article. This subsection (C-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois Department of Corrections facility on August 20, 2004 (the effective date of Public Act 93-977) this amendatory Act of the 93rd General Assembly.

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(D-1) As used in this Article, "supervising officer" means the assigned Illinois Department of Corrections parole agent or county probation officer.

(E) As used in this Article, "sexual predator" means any person who, after July 1, 1999, is:

(1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961, if the conviction occurred after July 1, 1999:

- 11-17.1 (keeping a place of juvenile prostitution),
- 11-19.1 (juvenile pimping),
- 11-19.2 (exploitation of a child),
- 11-20.1 (child pornography),
- 12-13 (criminal sexual assault, if the victim is a person under 12 years of age),

New matter indicated by italics - deletions by strikeout
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child); or
(2) convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense; or
(3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or
(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or
(5) convicted of a second or subsequent offense which requires registration pursuant to this Act. The conviction for the second or subsequent offense must have occurred after July 1, 1999. For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law.

(F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

(G) As used in this Article, "out-of-state employee" means any sex offender, as defined in this Section, or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(H) As used in this Article, "school" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education.

New matter indicated by italics - deletions by strikeout
(I) As used in this Article, "fixed residence" means any and all places that a sex offender resides for an aggregate period of time of 5 or more days in a calendar year.
(Source: P.A. 92-828, eff. 8-22-02; 93-977, eff. 8-20-04; 93-979, eff. 8-20-04; revised 10-14-04.)
(730 ILCS 150/3) (from Ch. 38, par. 223)
Sec. 3. Duty to register.
(a) A sex offender, as defined in Section 2 of this Act, or sexual predator shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include a current photograph, current address, current place of employment, and school attended. The sex offender or sexual predator shall register:
   (1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a period of time of 5 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or
   (2) with the sheriff in the county in which he or she resides or is temporarily domiciled for a period of time of 5 or more days in an unincorporated area or, if incorporated, no police chief exists.
   If the sex offender or sexual predator is employed at or attends an institution of higher education, he or she shall register:
   (i) with the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or
   (ii) with the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated, no police chief exists.
For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 5 or more days during any calendar year. Any person required to register under this Article who lacks a fixed address or temporary domicile must notify, in person, the agency of jurisdiction of his or her last known address within 5 days after ceasing to have a fixed residence.

New matter indicated by italics - deletions by strikeout
Any person who lacks a fixed residence must report weekly, in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or with the chief of police in the municipality in which he or she is located. The agency of jurisdiction will document each weekly registration to include all the locations where the person has stayed during the past 7 days.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 5 ± 0 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. The out-of-state student or out-of-state employee shall register:

(1) with the chief of police in the municipality in which he or she attends school or is employed for a period of time of 5 ± 0 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she attends school or is employed for a period of time of 5 ± 0 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 5 ± 0 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Article shall be as follows:

(1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration
Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.

(2) Except as provided in subsection (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

(2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 5 to 10 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 5 to 10 days after the entry of the sentencing order based upon his or her conviction.

(4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 5 to 10 days of discharge, parole or release.

(5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(6) The person shall pay a $20 initial registration fee and a $10 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. Ten dollars for the initial registration fee and $5 of the annual renewal fee shall be used by the registering agency for official purposes. Ten dollars of the initial registration fee and $5 of the annual fee shall be deposited into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act.
Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and shall be used to fund practices endorsed or required by the Sex Offender Management Board Act including but not limited to sex offenders evaluation, treatment, or monitoring programs that are or may be developed, as well as for administrative costs, including staff, incurred by the Board.

(d) Within 5 to 10 days after obtaining or changing employment and, if employed on January 1, 2000, within 5 to 10 days after that date, a person required to register under this Section must report, in person or in writing to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(Source: P.A. 92–828, eff. 8-22-02; 93–616, eff. 1-1-04; 93–979, eff. 8-20-04.)

(730 ILCS 150/4) (from Ch. 38, par. 224)

Sec. 4. Discharge of sex offender, as defined in Section 2 of this Act, or sexual predator from Department of Corrections facility or other penal institution; duties of official in charge. Any sex offender, as defined in Section 2 of this Act, or sexual predator, as defined by this Article, who is discharged, paroled or released from a Department of Corrections facility, a facility where such person was placed by the Department of Corrections or another penal institution, and whose liability for registration has not terminated under Section 7 shall, prior to discharge, parole or release from the facility or institution, be informed of his or her duty to register in person within 5 to 10 days of release under this Article by the facility or institution in which he or she was confined. The facility or institution shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 5 to 10 days after establishing the residence, beginning employment, or beginning school.

The facility shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The facility shall further advise the person in writing that the failure to register or other violation of this Article shall result in revocation of parole, mandatory supervised release or conditional release. The facility

New matter indicated by italics - deletions by strikeout
shall obtain information about where the person expects to reside, work, and attend school upon his or her discharge, parole or release and shall report the information to the Department of State Police. The facility shall give one copy of the form to the person and shall send one copy to each of the law enforcement agencies having jurisdiction where the person expects to reside, work, and attend school upon his or her discharge, parole or release and retain one copy for the files. Electronic data files which includes all notification form information and photographs of sex offenders being released from an Illinois Department of Corrections facility will be shared on a regular basis as determined between the Department of State Police and the Department of Corrections.

(Source: P.A. 91-48, eff. 7-1-99; 92-828, eff. 8-22-02.)

(730 ILCS 150/5) (from Ch. 38, par. 225)

Sec. 5. Release of sex offender, as defined in Section 2 of this Act, or sexual predator; duties of the Court. Any sex offender, as defined in Section 2 of this Act, or sexual predator, as defined by this Article, who is released on probation or discharged upon payment of a fine because of the commission of one of the offenses defined in subsection (B) of Section 2 of this Article, shall, prior to such release be informed of his or her duty to register under this Article by the Court in which he or she was convicted. The Court shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 5 days after establishing the residence, beginning employment, or beginning school. The Court shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The Court shall further advise the person in writing that the failure to register or other violation of this Article shall result in probation revocation. The Court shall obtain information about where the person expects to reside, work, and attend school upon his or her release, and shall report the information to the Department of State Police. The Court shall give one copy of the form to the person and retain the original in the court records. The Department of State Police shall notify the law enforcement agencies having jurisdiction where the person expects to reside, work and attend school upon his or her release.

(Source: P.A. 91-48, eff. 7-1-99; 92-828, eff. 8-22-02.)

(730 ILCS 150/5-5)
Sec. 5-5. Discharge of sex offender or sexual predator from a hospital or other treatment facility; duties of the official in charge. Any sex offender, as defined in Section 2 of this Act, or sexual predator, as defined in this Article, who is discharged or released from a hospital or other treatment facility where he or she was confined shall be informed by the hospital or treatment facility in which he or she was confined, prior to discharge or release from the hospital or treatment facility, of his or her duty to register under this Article.

The facility shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The facility shall give one copy of the form to the person, retain one copy for their records, and forward the original to the Department of State Police. The facility shall obtain information about where the person expects to reside, work, and attend school upon his or her discharge, parole, or release and shall report the information to the Department of State Police within 3 days. The facility or institution shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 5 days after establishing the residence, beginning school, or beginning employment. The Department of State Police shall notify the law enforcement agencies having jurisdiction where the person expects to reside, work, and attend school upon his or her release.

(Source: P.A. 91-48, eff. 7-1-99; 92-828, eff. 8-22-02.)

(730 ILCS 150/6) (from Ch. 38, par. 226)

Sec. 6. Duty to report; change of address, school, or employment; duty to inform. A person who has been adjudicated to be sexually dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or no longer a sexually violent person and discharged, or convicted of a violation of this Act after July 1, 2005, shall report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his or her last registration and every 90 days thereafter. Any person who lacks a fixed residence must report weekly, in person, to the appropriate law enforcement agency where the sex offender is located. Any other person who is required to register under this Article shall report in person to the appropriate law enforcement agency with whom he or she last registered within one year.
from the date of last registration and every year thereafter. *If any person required to register under this Article lacks a fixed residence or temporary domicile, he or she must notify, in person, the agency of jurisdiction of his or her last known address within 5 days after ceasing to have a fixed residence and if the offender leaves the last jurisdiction of residence, he or she, must within 48 hours after leaving register in person with the new agency of jurisdiction. If any other person required to register under this Article changes his or her residence address, place of employment, or school, he or she shall, in writing, within 5-10 days inform the law enforcement agency with whom he or she last registered of his or her new address, change in employment, or school and register with the appropriate law enforcement agency within the time period specified in Section 3. The law enforcement agency shall, within 3 days of receipt, notify the Department of State Police and the law enforcement agency having jurisdiction of the new place of residence, change in employment, or school.*

If any person required to register under this Article intends to establish a residence or employment outside of the State of Illinois, at least 10 days before establishing that residence or employment, he or she shall, in writing, inform the law enforcement agency with whom he or she last registered of his or her out-of-state intended residence or employment. The law enforcement agency with which such person last registered shall, within 3 days notice of an address or employment change, notify the Department of State Police. The Department of State Police shall forward such information to the out-of-state law enforcement agency having jurisdiction in the form and manner prescribed by the Department of State Police.

(Source: P.A. 92-16, eff. 6-28-01; 92-828, eff. 8-22-02; 93-977, eff. 8-20-04.)

(730 ILCS 150/6-5)

Sec. 6-5. Out-of-State employee or student; duty to report change. Every out-of-state student or out-of-state employee must notify the agency having jurisdiction of any change of employment or change of educational status, in writing, within 5-10 days of the change. The law enforcement agency shall, within 3 days after receiving the notice, enter the appropriate changes into LEADS.

(Source: P.A. 91-48, eff. 7-1-99.)

(730 ILCS 150/7) (from Ch. 38, par. 227)

Sec. 7. Duration of registration. A person who has been adjudicated to be sexually dangerous and is later released or found to be no
longer sexually dangerous and discharged, shall register for the period of his or her natural life. A sexually violent person or sexual predator shall register for the period of his or her natural life after conviction or adjudication if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. Any other person who is required to register under this Article shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. A sex offender who is allowed to leave a county, State, or federal facility for the purposes of work release, education, or overnight visitations shall be required to register within 5 to 10 days of beginning such a program. Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility and if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of this Article. Reconfinement due to a violation of parole or other circumstances that relates to the original conviction or adjudication shall extend the period of registration to 10 years after final parole, discharge, or release. The Director of State Police, consistent with administrative rules, shall extend for 10 years the registration period of any sex offender, as defined in Section 2 of this Act, who fails to comply with the provisions of this Article. The registration period for any sex offender who fails to comply with any provision of the Act shall extend the period of registration by 10 years beginning from the first date of registration after the violation.

(Source: P.A. 92-828, eff. 8-22-02; 93-979, eff. 8-20-04.)

(730 ILCS 150/10) (from Ch. 38, par. 230)

Sec. 10. Penalty. Any person who is required to register under this Article who violates any of the provisions of this Article and any person who is required to register under this Article who seeks to change his or her name under Article 21 of the Code of Civil Procedure is guilty of a Class 3 felony. Any person who is convicted of a violation of any provision of this Act for a second or subsequent time is guilty of a Class 2 felony. Any person who is required to register under this Article who knowingly or willfully gives material information required by this Article that is false is guilty of a Class 3 felony. Any person convicted of a violation of any provision of

New matter indicated by italics - deletions by strikeout
this Article shall, in addition to any other penalty required by law, be
required to serve a minimum period of 7 days confinement in the local
county jail. The court shall impose a mandatory minimum fine of $500 for
failure to comply with any provision of this Article. These fines shall be
deposited in the Sex Offender Registration Fund. Any sex offender, as
defined in Section 2 of this Act, or sexual predator who violates any
provision of this Article may be arrested and tried in any Illinois county
where the sex offender can be located. The local police department or
sheriff's office is not required to determine whether the person is living
within its jurisdiction.

(Source: P.A. 92-16, eff. 6-28-01; 92-828, eff. 8-22-02; 93-979, eff. 8-20-
04.)

Section 10. The Sex Offender and Child Murderer Community
Notification Law is amended by changing Section 120 and by adding
Section 121 as follows:

(730 ILCS 152/120)
Sec. 120. Community notification of sex offenders.
(a) The sheriff of the county, except Cook County, shall disclose to
the following the name, address, date of birth, place of employment,
school attended, and offense or adjudication of all sex offenders required
to register under Section 3 of the Sex Offender Registration Act:

(1) The boards of institutions of higher education or other
appropriate administrative offices of each non-public institution of
higher education located in the county where the sex offender is
required to register, resides, is employed, or is attending an
institution of higher education; and

(2) School boards of public school districts and the
principal or other appropriate administrative officer of each
nonpublic school located in the county where the sex offender is
required to register or is employed; and

(3) Child care facilities located in the county where the sex
offender is required to register or is employed.

(a-2) The sheriff of Cook County shall disclose to the following the
name, address, date of birth, place of employment, school attended, and
offense or adjudication of all sex offenders required to register under
Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the
principal or other appropriate administrative officer of each
nonpublic school located within the region of Cook County, as
those public school districts and nonpublic schools are identified in

New matter indicated by italics - deletions by strikeout
LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(2) Child care facilities located within the region of Cook County, as those child care facilities are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education.

(a-3) The Chicago Police Department shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(2) Child care facilities located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago.

(a-4) The Department of State Police shall provide a list of sex offenders required to register to the Illinois Department of Children and Family Services.

(b) The Department of State Police and any law enforcement agency may disclose, in the Department's or agency's discretion, the following information to any person likely to encounter a sex offender, or sexual predator:

(1) The offender's name, address, and date of birth.
(2) The offense for which the offender was convicted.
(3) Adjudication as a sexually dangerous person.

New matter indicated by italics - deletions by strikeout
(4) The offender's photograph or other such information that will help identify the sex offender.

(5) Offender employment information, to protect public safety.

(c) The name, address, date of birth, and offense or adjudication for sex offenders required to register under Section 3 of the Sex Offender Registration Act shall be open to inspection by the public as provided in this Section. Every municipal police department shall make available at its headquarters the information on all sex offenders who are required to register in the municipality under the Sex Offender Registration Act. The sheriff shall also make available at his or her headquarters the information on all sex offenders who are required to register under that Act and who live in unincorporated areas of the county. Sex offender information must be made available for public inspection to any person, no later than 72 hours or 3 business days from the date of the request. The request must be made in person, in writing, or by telephone. Availability must include giving the inquirer access to a facility where the information may be copied. A department or sheriff may charge a fee, but the fee may not exceed the actual costs of copying the information. An inquirer must be allowed to copy this information in his or her own handwriting. A department or sheriff must allow access to the information during normal public working hours. The sheriff or a municipal police department may publish the photographs of sex offenders where any victim was 13 years of age or younger and who are required to register in the municipality or county under the Sex Offender Registration Act in a newspaper or magazine of general circulation in the municipality or county or may disseminate the photographs of those sex offenders on the Internet or on television. The law enforcement agency may make available the information on all sex offenders residing within any county.

(d) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place the information specified in subsection (b) on the Internet or in other media.

(e) (Blank) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, only provide the information specified in subsection (b), with respect to an adjudicated juvenile delinquent, to any person when that person's safety may be compromised for some reason related to the juvenile sex offender.

New matter indicated by italics - deletions by strikeout
Sec. 121. Notification regarding juvenile offenders.

(a) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, only provide the information specified in subsection (b) of Section 120 of this Act, with respect to an adjudicated juvenile delinquent, to any person when that person's safety may be compromised for some reason related to the juvenile sex offender.

(b) The local law enforcement agency having jurisdiction to register the juvenile sex offender shall ascertain from the juvenile sex offender whether the juvenile sex offender is enrolled in school; and if so, shall provide a copy of the sex offender registration form only to the principal or chief administrative officer of the school and any guidance counselor designated by him or her. The registration form shall be kept separately from any and all school records maintained on behalf of the juvenile sex offender.

Passed in the General Assembly May 27.
Approved July 11, 2005.
Effective January 1, 2006.

AN ACT concerning criminal law.

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

Section 5. The Unified Code of Corrections is amended by changing Section 5-6-1 as follows:

Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

New matter indicated by italics - deletions by strikeout
(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or

(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or

(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilty, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes;

New matter indicated by italics - deletions by strikeout
(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

(1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
(2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

(1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or
(2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

New matter indicated by italics - deletions by strikeout
(1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

(1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or

(2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance, a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 years been:

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0169

(1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
(2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05.)
Passed in the General Assembly May 24, 2005.
Approved July 11, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0170
(Senate Bill No. 0100)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 11-9.3 as follows:
(720 ILCS 5/11-9.3)
Sec. 11-9.3. Presence within school zone by child sex offenders prohibited.
(a) It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school present in the building, on the grounds or in the conveyance or unless the offender has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the

New matter indicated by italics - deletions by strikeout
nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

Nothing in this Section shall be construed to infringe upon the constitutional right of a child sex offender to be present in a school building that is used as a polling place for the purpose of voting.

(1) (Blank; or)
(2) (Blank.)

(b) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school present in the building or on the grounds or has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

(1) (Blank; or)
(2) (Blank.)

(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a school building or the real property comprising any
school that persons under the age of 18 attend. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a school building or the real property comprising any school that persons under 18 attend if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 91st General Assembly.

(c) Definitions. In this Section:

(1) "Child sex offender" means any person who:

   (i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (c) or the attempt to commit an included sex offense, and:

      (A) is convicted of such offense or an attempt to commit such offense; or

      (B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

      (C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

      (D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

      (E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

      (F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged
violation or attempted commission of such offense; or

(ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property comprising a school, or on a conveyance, owned, leased, or contracted by a school to transport students to or from school or a school related activity), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-21 (harmful material), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person

New matter indicated by italics - deletions by strikeout
under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).
An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) of subsection (c) of this Section.

(2.5) For the purposes of subsection (b-5) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961:

10-5(b)(10) (child luring), 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)),
11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.
(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:
  10-1 (kidnapping),
  10-2 (aggravated kidnapping),
  10-3 (unlawful restraint),
  10-3.1 (aggravated unlawful restraint).
  An attempt to commit any of these offenses.
(iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.
(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of subsection (c) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.
(4) "School" means a public or private pre-school, elementary, or secondary school.
(5) "Loiter" means:
   (i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property.
   (ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property, for the purpose of committing or attempting to commit a sex offense.
(6) "School official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.
(d) Sentence. A person who violates this Section is guilty of a Class 4 felony.
(Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98; 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 27, 2005.
Approved July 11, 2005.
PUBLICATION ACT 94–0170

Effective July 11, 2005.

PUBLICATION ACT 94-0171
(Senate Bill No. 1965)

AN ACT concerning revenue.

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

Section 5. The Illinois Income Tax Act is amended by changing Section 213 as follows:

(35 ILCS 5/213)

Sec. 213. Film production services credit. For tax years beginning on or after January 1, 2004, a taxpayer who has been awarded a tax credit under the Film Production Services Tax Credit Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act in an amount determined by the Department of Commerce and Economic Opportunity Community Affairs under the Film Production Services Tax Credit Act. If the taxpayer is a partnership or Subchapter S corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code.

A transfer of this credit may be made by the taxpayer earning the credit within one year after the credit is awarded in accordance with rules adopted by the Department of Commerce and Economic Opportunity.

The Department, in cooperation with the Department of Commerce and Economic Opportunity Community Affairs, must prescribe rules to enforce and administer the provisions of this Section. This Section is exempt from the provisions of Section 250 of this Act.

The credit may not be carried forward or back. If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, the earlier credit shall be applied first. In no event shall a credit under this Section reduce the taxpayer's liability to less than zero.

(Source: P.A. 93-543, eff. 1-1-04; revised 12-6-03.)

New matter indicated by italics - deletions by strikeout
Section 10. The Film Production Services Tax Credit Act is amended by changing Sections 10, 15, 20, 30, 45, and 90 and by adding Section 43 as follows:

(35 ILCS 15/10)

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

Sec. 10. Definitions. As used in this Act:

"Accredited production" means a film, video, or television production that has been certified by the Department in which the aggregate Illinois labor expenditures included in the cost of the production, in the period that ends 12 months after the time principal filming or taping of the production began, exceed $100,000 for productions of 30 minutes or longer, or $50,000 for productions of less than 30 minutes; but does not include a production that:

1. is news, current events, or public programming, or a program that includes weather or market reports;
2. is a talk show;
3. is a production in respect of a game, questionnaire, or contest;
4. is a sports event or activity;
5. is a gala presentation or awards show;
6. is a finished production that solicits funds;
7. is a production produced by a film production company if records, as required by 18 U.S.C. 2257, are to be maintained by that film production company with respect to any performer portrayed in that single media or multimedia program; or
8. is a production produced primarily for industrial, corporate, or institutional purposes.

"Accredited production certificate" means a certificate issued by the Department certifying that the production is an accredited production that meets the guidelines of this Act.

"Applicant" means a taxpayer that is a film production company that is operating or has operated an accredited production located within the State of Illinois and that (i) owns the copyright in the accredited production throughout the Illinois production period or (ii) has contracted directly with the owner of the copyright in the accredited production or a person acting on behalf of the owner to provide services for the production, where the owner of the copyright is not an eligible production corporation.

"Credit" means the amount equal to 25% of the Illinois labor expenditure approved by the Department. The applicant is deemed to have

New matter indicated by italics - deletions by strikeout
paid, on its balance due day for the year, an amount equal to 25% of its qualified Illinois labor expenditure for the tax year. *For Illinois labor expenditures generated by the employment of residents of geographic areas of high poverty or high unemployment, as determined by the Department, in an accredited production approved by the Department after January 1, 2005, the applicant shall receive an enhanced credit of 10% in addition to the 25% credit.*

"Department" means the Department of Commerce and *Economic Opportunity Community Affairs.*

"Director" means the Director of Commerce and *Economic Opportunity Community Affairs.*

"Illinois labor expenditure" means salary or wages paid to employees of the applicant for services on the accredited production;

To qualify as an Illinois labor expenditure, the expenditure must be:

1. Reasonable in the circumstances.
2. Included in the federal income tax basis of the property.
3. Incurred by the applicant for services on or after January 1, 2004.
4. Incurred for the production stages of the accredited production, from the final script stage to the end of the post-production stage.
5. Limited to the first $25,000 of wages paid or incurred to each employee of the production.
6. Exclusive of the salary or wages paid to or incurred for the 2 highest paid employees of the production.
7. Directly attributable to the accredited production.
8. Paid in the tax year for which the applicant is claiming the credit or no later than 60 days after the end of the tax year.
9. Paid to persons resident in Illinois at the time the payments were made.

(Source: P.A. 93-543, eff. 1-1-04; revised 11-3-04.)

(35 ILCS 15/15)
(Section scheduled to be repealed on January 1, 2006)
Sec. 15. Powers of the Department. The Department, in addition to those powers granted under the Civil Administrative Code of Illinois, is granted and has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but not limited to, power and authority to:

New matter indicated by italics - deletions by strikeout
(a) Adopt rules deemed necessary and appropriate for the administration of the tax credit program; establish forms for applications, notifications, contracts, or any other agreements; and accept applications at any time during the year.

(b) Assist applicants pursuant to the provisions of this Act to promote, foster, and support film production and its related job creation or retention within the State.

(c) Gather information and conduct inquiries, in the manner and by the methods as it deems desirable, including any information required for the Department to comply with Section 45 and, without limitation, gathering information with respect to applicants for the purpose of making any designations or certifications necessary or desirable or to gather information to assist the Department with any recommendation or guidance in the furtherance of the purposes of this Act, including, but not limited to, information as to whether the applicant participated in training, education, and recruitment programs that are organized in cooperation with Illinois colleges and universities, labor organizations, and the motion picture industry, and are designed to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population.

(d) Provide for sufficient personnel to permit administration, staffing, operation, and related support required to adequately discharge its duties and responsibilities described in this Act from funds as may be appropriated by the General Assembly for the administration of this Act.

(e) Require applicants, upon written request, to issue any necessary authorization to the appropriate federal, state, or local authority for the release of information concerning a project being considered under the provisions of this Act, with the information requested to include, but not be limited to, financial reports, returns, or records relating to the applicant or the accredited production.

(f) Require that an applicant must at all times keep proper books of record and account in accordance with generally accepted accounting principles consistently applied, with the books, records, or papers related to the accredited production in the custody or control of the taxpayer open for reasonable Department inspection and audits, and including, without limitation, the making of copies of the books, records, or papers, and the inspection or appraisal of any of the assets of the applicant or the accredited production.

(g) Take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure, or

New matter indicated by italics - deletions by strikeout
noncompliance with the terms and conditions of financial assistance or participation required under this Act, including the power to sell, dispose, lease, or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property that the Department may receive as a result of these actions.

(Source: P.A. 93-543, eff. 1-1-04.)

(35 ILCS 15/20)

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

Sec. 20. Tax credit awards. Subject to the conditions set forth in this Act, an applicant is entitled to a credit as of 25% of the *Illinois labor expenditure* approved by the Department under Section 40 of this Act.

(Source: P.A. 93-543, eff. 1-1-04.)

(35 ILCS 15/30)

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

Sec. 30. Review of application for accredited production certificate.

(a) In determining whether to issue an accredited production certificate, the Department must determine that a preponderance of the following conditions exist:

1. The applicant's production intends to make the expenditure in the State required for certification.

2. The applicant's production is economically sound and will benefit the people of the State of Illinois by increasing opportunities for employment and strengthen the economy of Illinois.

3. The applicant has filed a diversity plan with the Department outlining specific goals (i) for hiring minority persons and females, as defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, and (ii) for using vendors receiving certification under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; the Department has approved the plan as meeting the requirements established by the Department; and the Department has verified that the applicant has met or made good-faith efforts in achieving those goals. The Department must adopt any rules that are necessary to ensure compliance with the provisions of this item (3) and that are necessary to require that the applicant's plan reflects the diversity of this State. The applicant's production application includes a provision setting forth the percentage of minority workers that the production company plans to employ, subject to
any applicable collective bargaining agreements with a labor organization to which the applicant is a signatory, to perform work on the production. This provision should stress the importance of hiring the percentage of minorities that is set out in the application.

(4) The applicant's production application indicates whether the applicant intends to participate in training, education, and recruitment programs that are organized in cooperation with Illinois colleges and universities, labor organizations, and the motion picture industry and are designed to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population.

(5) That, if not for the credit, the applicant's production would not occur in Illinois, which may be demonstrated by any means including, but not limited to, evidence that the applicant has multi-state or international location options and could reasonably and efficiently locate outside of the State, or demonstration that at least one other state or nation is being considered for the production, or evidence that the receipt of the credit is a major factor in the applicant's decision and that without the credit the applicant likely would not create or retain jobs in Illinois, or demonstration that receiving the credit is essential to the applicant's decision to create or retain new jobs in the State.

(6) Awarding the credit will result in an overall positive impact to the State, as determined by the Department using the best available data.

(b) If any of the provisions in this Section conflict with any existing collective bargaining agreements, the terms and conditions of those collective bargaining agreements shall control.

(35 ILCS 15/43 new)
Sec. 43. Training programs for skills in critical demand. To accomplish the purposes of this Act, the Department may use the training programs provided for Illinois under Section 605-800 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

(35 ILCS 15/45)
(Section scheduled to be repealed on January 1, 2006)
Sec. 45. Evaluation of tax credit program; reports to the General Assembly.

New matter indicated by italics - deletions by strikeout
(a) The Department shall evaluate the tax credit program. The evaluation must include an assessment of the effectiveness of the program in creating and retaining new jobs in Illinois and of the revenue impact of the program, and may include a review of the practices and experiences of other states or nations with similar programs. Upon completion of this evaluation, the Department shall determine the overall success of the program, and may make a recommendation to extend, modify, or not extend the program based on this evaluation.

(b) At the end of each fiscal quarter, the Department must submit to the General Assembly a report that includes, without limitation, the following information:

1. the economic impact of the tax credit program, including the number of jobs created and retained, including whether the job positions are entry level, management, talent-related, vendor-related, or production-related;
2. the amount of film production spending brought to Illinois, including the amount of spending and type of Illinois vendors hired in connection with an accredited production; and
3. an overall picture of whether the human infrastructure of the motion picture industry in Illinois reflects the geographical, racial and ethnic, gender, and income-level diversity of the State of Illinois.

(Source: P.A. 93-543, eff. 1-1-04.)
(35 ILCS 15/90)
Section scheduled to be repealed on January 1, 2006
Sec. 90. Repeal. This Act is repealed on January 1, 2007 2 years after its effective date.
(Source: P.A. 93-543, eff. 1-1-04; 93-840, eff. 7-30-04.)
Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 11, 2005.
Effective July 11, 2005.

PUBLIC ACT 94-0172
(House Bill No. 0529)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Controlled Substances Act is amended by changing Section 411 as follows:

(720 ILCS 570/411) (from Ch. 56 1/2, par. 1411)

Sec. 411. In determining the appropriate sentence for any conviction under this Act, the sentencing court may consider the following as indicative of the type of offenses which the legislature deems most damaging to the peace and welfare of the citizens of Illinois and which warrants the most severe penalties:

(1) the unlawful delivery of the most highly toxic controlled substances, as reflected by their inclusion in Schedule I or II of this Act;

(2) offenses involving unusually large quantities of controlled substances, as measured by their wholesale value at the time of the offense;

(3) the unlawful delivery of controlled substances by a non-user to a user of controlled substances;

(4) non-possessory offenses by persons who have no other visible means of support;

(5) offenses involving the large-scale manufacture of controlled substances;

(6) offenses which indicate any immediate involvement whatsoever with organized crime in terms of the controlled substance's manufacture, importation, or volume distribution;

(7) the manufacture for, or the delivery of controlled substances to persons 3 years or more junior to the person(s) convicted under this Act;

(8) the unlawful delivery of anabolic steroids by an athletic trainer, coach, or health club personnel;

(9) the possession, delivery, or manufacture of controlled substances or cannabis in the presence of a child under 17 years of age.

Nothing in this section shall be construed as limiting in any way the discretion of the court to impose any sentence authorized by this Act.

(Source: P.A. 87-754.)

Passed in the General Assembly May 20, 2005.
Approved July 12, 2005.
Effective January 1, 2006.
AN ACT concerning families.

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

Section 5. The Adoption Act is amended by changing Sections 18.04, 18.05, 18.06, 18.1, 18.1a, 18.1b, 18.2, 18.3, and 18.3a as follows:

(750 ILCS 50/18.04)
Sec. 18.04. The Illinois Adoption Registry and Medical Information Exchange; legislative intent. The General Assembly recognizes the importance of creating a procedure by which mutually consenting adult members of birth and adoptive families, adoptive parents and legal guardians of adopted and surrendered children, and adult adopted or surrendered persons may voluntarily exchange vital medical information throughout the life of the adopted or surrendered person. The General Assembly supports public policy that requires explicit mutual consent prior to the release of confidential information. The General Assembly further recognizes that it is in the best interest of adopted and surrendered persons that birth family medical histories and the preferences regarding contact of all parties to an adoption be compiled, preserved and provided to mutually consenting members of birth and adoptive families, adoptive parents and legal guardians of adopted or surrendered children and to adult adopted or surrendered persons and their birth parents and siblings. The purpose of this amendatory Act of 1999 is to respond to these concerns by enhancing the Adoption Registry and creating the voluntary Medical Information Exchange.
Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.05)
Sec. 18.05. The Illinois Adoption Registry and Medical Information Exchange.

(a) General function. Subject to appropriation, the Department of Public Health shall administer redefine the function of the Illinois Adoption Registry and create the Medical Information Exchange in the manner outlined in subsections (b) and (c) for the purpose of facilitating the voluntary exchange of medical information between mutually consenting members of birth and adoptive families. birth parents or birth siblings and mutually consenting adoptive parents or legal guardians of adopted or surrendered persons under the age of 21 or adopted or surrendered persons 21 years of age or over. The Department shall

New matter indicated by italics - deletions by strikeout
establish rules for the confidential operation of the Illinois Adoption Registry. The Department shall conduct a public information campaign through public service announcements and other forms of media coverage and, until December 31, 2010 for a minimum of 4 years, through notices enclosed with driver's license renewal applications, shall inform the public adopted and surrendered persons born, surrendered, or adopted in Illinois and their adoptive parents, legal guardians, birth parents and birth siblings of the Illinois Adoption Registry and Medical Information Exchange. The Department shall notify all parties who registered with the Illinois Adoption Registry prior to January 1, 2000 of the provisions of this amendatory Act of 1999. The Illinois Adoption Registry shall also maintain an informational Internet site where interested parties may access information about the Illinois Adoption Registry and Medical Information Exchange and download all necessary application forms. The Illinois Adoption Registry shall maintain statistical records regarding Registry participation and publish and circulate to the public informational material about the function and operation of the Registry.

(b) Establishment of the Adoption/Surrender Records File. When a person has voluntarily registered with the Illinois Adoption Registry and completed an Illinois Adoption Registry Application or a Registration Identification Form, the Registry shall establish a new Adoption/Surrender Records File. Such file may concern an adoption that was finalized by a court action in the State of Illinois, an adoption of a person born in Illinois finalized by a court action in a state other than Illinois or in a foreign country, or a surrender taken in the State of Illinois. Such file may be established for adoptions or surrenders finalized prior to as well as after the effective date of this amendatory Act of 1999. A file may be created in any manner to preserve documents including but not limited to microfilm, optical imaging, or electronic documents.

(c) Contents of the Adoption/Surrender Records File. An established Adoption/Surrender Records File shall be limited to the following items, to the extent that they are available:

1. The General Information Section and Medical Information Exchange Questionnaire of any Illinois Adoption Registry Application or a Registration Identification Form which has been voluntarily completed by any registered party the adopted or surrendered person or his or her adoptive parents, legal guardians, birth parents, or birth siblings.

New matter indicated by italics - deletions by strikeout
(2) Any photographs voluntarily provided by any registrant for any other registered party the adopted or surrendered person or his or her adoptive parents, legal guardians, birth parents, or birth siblings at the time of registration or any time thereafter. All such photographs shall be submitted in an unsealed envelope no larger than 8 1/2" x 11", and shall not include identifying information pertaining to any person other than the registrant who submitted them. Any such identifying information shall be redacted by the Department or the information shall be returned for removal of identifying information.

(3) Any Information Exchange Authorization or Denial of Information Exchange which has been filed by a registrant.

(4) For all adoptions finalized after January 1, 2000, copies of the original certificate of live birth and the certificate of adoption.

(5) Any updated address submitted by any registered party about himself or herself.

(6) Any proof of death which has been submitted by a registrant, an adopted or surrendered person, adoptive parent, legal guardian, birth parent, or birth sibling.

(7) Any birth certificate that has been submitted by a registrant.

(8) Any marriage certificate that has been submitted by a registrant.

(9) Any proof of guardianship that has been submitted by a registrant.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.06)

Sec. 18.06. Definitions. When used in Sections 18.05 through Section 18.6, for the purposes of the Registry:

"Adopted person" means a person who was adopted pursuant to the laws in effect at the time of the adoption.

"Adoptive parent" means a person who has become a parent through the legal process of adoption.

"Adult child" means the biological child 21 years of age or over of a deceased adopted or surrendered person.

"Agency" means a public child welfare agency or a licensed child welfare agency.

"Birth aunt" means the adult full or half sister of a deceased birth parent.

New matter indicated by italics - deletions by strikeout
"Birth father" means the biological father of an adopted or surrendered person who is named on the original certificate of live birth or on a consent or surrender document, or a biological father whose paternity has been established by a judgment or order of the court, pursuant to the Illinois Parentage Act of 1984.

"Birth mother" means the biological mother of an adopted or surrendered person.

"Birth parent" means a birth mother or birth father of an adopted or surrendered person.

"Birth relative" means a birth mother, birth father, birth sibling, birth aunt, or birth uncle.

"Birth sibling" means the adult full or half sibling of an adopted or surrendered person.

"Birth uncle" means the adult full or half brother of a deceased birth parent.

"Denial of Information Exchange" means an affidavit completed by a registrant with the Illinois Adoption Registry and Medical Information Exchange denying the release of identifying information.

"Information Exchange Authorization" means an affidavit completed by a registrant with the Illinois Adoption Registry and Medical Information Exchange authorizing the release of identifying information.

"Medical Information Exchange Questionnaire" means the medical history questionnaire completed by a registrant of the Illinois Adoption Registry and Medical Information Exchange.

"Proof of death" means a death certificate.

"Registrant" or "Registered Party" means a birth parent, birth sibling, birth aunt, birth uncle, adopted or surrendered person 21 years of age or over, the age of 21, or adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or adoptive parent, surviving spouse, or adult child of a deceased adopted or surrendered person who has filed an Illinois Adoption Registry Application or Registration Identification Form with the Registry.

"Surrendered person" means a person whose parents' rights have been surrendered or terminated but who has not been adopted.

"Surviving spouse" means the wife or husband of a deceased adopted or surrendered person who has one or more biological children under the age of 21.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.1) (from Ch. 40, par. 1522.1)

Sec. 18.1. Disclosure of identifying information.

New matter indicated by italics - deletions by strikeout
(a) The Department of Public Health shall establish and maintain a Registry for the purpose of providing identifying information to mutually consenting members of birth and adoptive families—adult adopted or surrendered persons, birth parents, adoptive parents, legal guardians and birth siblings. Identifying information for the purpose of this Act shall mean any one or more of the following:

1. The name and last known address of the consenting person or persons.
2. A copy of the Illinois Adoption Registry Application of the consenting person or persons.
3. A copy of the original certificate of live birth of the adopted or surrendered person. Written authorization from all parties identified must be received prior to disclosure of any identifying information.

(b) At any time after a child is surrendered for adoption, or at any time during the adoption proceedings or at any time thereafter, either birth parent or both of them may file with the Registry a Birth Parent Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(b-5) A birth sibling 21 years of age or over who was not surrendered for adoption and who has submitted a copy of his or her birth certificate as well as proof of death for a deceased birth parent and such birth parent did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(b-7) A birth aunt or birth uncle who has submitted birth certificates for himself or herself and for a deceased birth parent naming at least one common biological parent as well as proof of death for the deceased birth parent and such birth parent did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(c) Any adopted person over the age of 21 years of age or over, any surrendered person over the age of 21 years of age or over, or any adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 may file with the Registry a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

New matter indicated by italics - deletions by strikeout
(c-3) Any adult child 21 years of age or over of a deceased adopted or surrendered person who has submitted a copy of his or her birth certificate naming an adopted or surrendered person as his or her biological parent as well as proof of death for the deceased adopted or surrendered person and such adopted or surrendered person did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(c-5) Any surviving spouse of a deceased adopted or surrendered person 21 years of age or over who has submitted proof of death for the deceased adopted or surrendered person and such adopted or surrendered person did not file a Denial of Information Exchange with the Registry prior to his or her death as well as a birth certificate naming themselves and the adopted or surrendered person as the parents of a minor child under the age of 21 may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(c-7) Any adoptive parent or legal guardian of a deceased adopted or surrendered person 21 years of age or over who has submitted proof of death as well as proof of parentage or guardianship for the deceased adopted or surrendered person and such adopted or surrendered person did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(d) The Department of Public Health shall supply to the adopted or surrendered person or his or her adoptive parents, or legal guardians, adult children or surviving spouse, and to the birth parents identifying information only if both the adopted or surrendered person, or one of his or her adoptive parents, or legal guardians, adult children or his or her surviving spouse, and the birth parents have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting adopted or surrendered person, or the child of the consenting adoptive parents or legal guardians, the parent of the consenting adult child of the adopted or surrendered person, or the deceased wife or husband of the consenting surviving spouse is the child of the consenting birth parents.

The Department of Public Health shall supply to adopted or surrendered persons who are birth siblings identifying information only if both siblings have filed with the Registry an Information Exchange Authorization.
Authorization and the information at the Registry indicates that the consenting siblings have one or both birth parents in common. Identifying information shall be supplied to consenting birth siblings who were adopted or surrendered if any such sibling is 21 years of age or over. Identifying information shall be supplied to consenting birth siblings who were not adopted or surrendered if any such sibling is 21 years of age or over and has proof of death of the common birth parent and such birth parent did not file a Denial of Information Exchange with the Registry prior to his or her death.

(d-3) The Department of Public Health shall supply to the adopted or surrendered person or his or her adoptive parents, legal guardians, adult children or surviving spouse, and to a birth aunt identifying information only if both the adopted or surrendered person or one of his or her adoptive parents, legal guardians, adult children or his or her surviving spouse, and the birth aunt have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting adopted or surrendered person, or the child of the consenting adoptive parents or legal guardians, or the parent of the consenting adult child, or the deceased wife or husband of the consenting surviving spouse of the adopted or surrendered person is or was the child of the brother or sister of the consenting birth aunt.

(d-5) The Department of Public Health shall supply to the adopted or surrendered person or his or her adoptive parents, legal guardians, adult children or surviving spouse, and to a birth uncle identifying information only if both the adopted or surrendered person or one of his or her adoptive parents, legal guardians, adult children or his or her surviving spouse, and the birth uncle have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting adopted or surrendered person, or the child of the consenting adoptive parents or legal guardians, or the parent of the consenting adult child, or the deceased wife or husband of the consenting surviving spouse of the adopted or surrendered person is or was the child of the brother or sister of the consenting birth uncle.

(e) A registrant birth parent, birth sibling, adopted or surrendered person or their adoptive parents or legal guardians may notify the Registry of his or her desire not to have his or her identity revealed or may revoke any previously filed Information Exchange Authorization by completing and filing with the Registry a Registry Identification Form along with a Denial of Information Exchange. The Illinois Adoption Registry Application does not need to be completed in order to file a Denial of

New matter indicated by italics - deletions by strikeout
Information Exchange. Any registrant adopted or surrendered person or his or her adoptive parents or legal guardians, birth sibling or birth parent may revoke his or her a Denial of Information Exchange by filing an Information Exchange Authorization. The Department of Public Health shall act in accordance with the most recently filed Authorization.

(f) Identifying information ascertained from the Registry shall be confidential and may be disclosed only (1) upon a Court Order, which order shall name the person or persons entitled to the information, or (2) to a registrant who is the subject of the adopted or surrendered person, adoptive parents or legal guardians, birth sibling, or birth parent if both the adopted or surrendered person or his or her adoptive parents or legal guardians, his or her birth parent, or both, birth siblings, have filed with the Registry an Information Exchange Authorization that was completed by another registrant and filed with the Illinois Adoption Registry and Medical Information Exchange, or (3) as authorized under subsection (h) of Section 18.3 of this Act. A copy of the certificate of live birth shall only be released to an adopted or surrendered person who was born in Illinois and who is the subject of an Information Exchange Authorization filed by one of his or her birth relatives parents or non-surrendered birth siblings. Any person who willfully provides unauthorized disclosure of any information filed with the Registry or who knowingly or intentionally files false information with the Registry shall be guilty of a Class A misdemeanor and shall be liable for damages.

(g) If information is disclosed pursuant to this Act, the Department shall redact it to remove any identifying information about any party who has not consented to the disclosure of such identifying information.

(Source: P.A. 91-417, eff. 1-1-00; 92-16, eff. 6-28-01.)

(750 ILCS 50/18.1a)
Sec. 18.1a. Registry matches.
(a) The Registry shall release identifying information, as specified on the Information Exchange Authorization, to the following mutually consenting registered parties and provide them with any photographs which have been placed in the Adoption/Surrender Records File and are specifically intended for the registered parties:

(i) an adult adopted or surrendered person and one of his or her birth relatives parents or birth siblings who have both filed an applicable Information Exchange Authorization specifying the other consenting party with the Registry, if information available to the Registry confirms that the consenting adopted or surrendered

New matter indicated by italics - deletions by strikeout
person is biologically related to a birth relative of the consenting birth relative; and

(ii) the adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 and one of the adopted or surrendered person's birth relatives who have both filed an Information Exchange Authorization specifying the other consenting party with the Registry, if information available to the Registry confirms that the child of the consenting adoptive parent or legal guardian is biologically related to a birth relative of the consenting birth relative; and

(iii) the adoptive parent, adult child or surviving spouse of a deceased adopted or surrendered person, and one of the adopted or surrendered person's birth relatives who have both filed an applicable Information Exchange Authorization specifying the other consenting party with the Registry, if information available to the Registry confirms that child of the consenting adoptive parent, the parent of the consenting adult child or the deceased wife or husband of the consenting surviving spouse of the adopted or surrendered person was biologically related to the consenting birth relative.

(b) If a registrant is the subject of a Denial of Information Exchange filed by another registered party to the adoption, the Registry shall not release identifying information to either registrant.

(c) If a registrant has completed a Medical Information Exchange Questionnaire and has consented to its disclosure, that Questionnaire shall be released to any registered party who has indicated their desire to receive such information on his or her Illinois Adoption Registry Application, if information available to the Registry confirms that the consenting parties are biologically related, birth relatives or that the consenting birth relative and the child of the consenting; adoptive parents or legal guardians are birth relatives, or that the consenting birth relative and the deceased wife or husband of the consenting surviving spouse are birth relatives.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.1b)

Sec. 18.1b. The Illinois Adoption Registry Application. The Illinois Adoption Registry Application shall substantially include the following:

(a) General Information. The Illinois Adoption Registry Application shall include the space to provide Information about the
registrant including his or her surname, given name or names, social security number (optional), mailing address, home telephone number, gender, date and place of birth, and the date of registration. If applicable and known to the registrant, he or she may include the maiden surname of the birth mother, any subsequent surnames of the birth mother, the surname of the birth father, the given name or names of the birth parents, the dates and places of birth of the birth parents, the surname and given name or names of the adopted person prior to adoption, the gender and date and place of birth of the adopted or surrendered person, the name of the adopted person following his or her adoption and the state and county where the judgment of adoption was finalized.

(b) Medical Information Exchange Questionnaire. In recognition of the importance of medical information and of recent discoveries regarding the genetic origin of many medical conditions and diseases all registrants shall be asked to voluntarily complete a Medical Information Exchange Questionnaire.

(1) For birth relatives parents or birth siblings, the Medical Information Exchange Questionnaire shall include a comprehensive check-list of medical conditions and diseases including those of genetic origin. Birth relatives parents and birth siblings shall be asked to indicate all genetically-inherited diseases and conditions on this list which are known to exist in the adopted or surrendered person's birth family at the time of registration. In addition, all birth relatives parents and birth siblings shall be apprised of the Registry's provisions for voluntarily submitting information about their and their family's medical histories on a confidential, ongoing basis.

(2) Adopted and surrendered persons and their adoptive parents, or legal guardians, adult children, and surviving spouses shall be asked to indicate all genetically-inherited diseases and medical conditions with which the adopted or surrendered person or, if applicable, his or her children have been diagnosed since birth.

(3) The Medical Information Exchange Questionnaire shall include a space where the registrant may authorize the release of the Medical Information Exchange Questionnaire to specified registered parties and a disclaimer informing registrants that the Department of Public Health cannot guarantee the accuracy of medical information exchanged through the Registry.
(c) Written statement. All registrants shall be given the opportunity to voluntarily file a written statement with the Registry. This statement shall be submitted in the space provided. No written statement submitted to the Registry shall include identifying information pertaining to any person other than the registrant who submitted it. Any such identifying information shall be redacted by the Department or returned for removal of identifying information.

(d) Contact information. All registrants may indicate their wishes regarding contact with any other registrant by completing an Information Exchange Authorization or a Denial of Information Exchange.

(1) Information Exchange Authorization. Adopted or surrendered persons 21 years of age or over who would welcome contact with one or more of their birth relatives: birth parents who would welcome contact with an adopted or surrendered person 21 years of age or over, or one or more of his or her adoptive parents, or legal guardians, adult children, or a surviving spouse; birth siblings 21 years of age or over who were adopted or surrendered and who would welcome contact with an adopted or surrendered person, or one or more of his or her adoptive parents, or legal guardians, adult children, or a surviving spouse; birth siblings 21 years of age or over who were not surrendered and who have submitted proof of death for any common birth parent who did not file a Denial of Information Exchange prior to his or her death, and who would welcome contact with an adopted or surrendered person, or one or more of his or her adoptive parents, or legal guardians, adult children, or a surviving spouse; birth aunts and birth uncles 21 years of age or over who have submitted birth certificates for themselves and a deceased birth parent naming at least one common biological parent as well as proof of death for a deceased birth parent who did not file a Denial of Information Exchange prior to his or her death and who would welcome contact with an adopted or surrendered person 21 years of age or over, or one or more of his or her adoptive parents, legal guardians, adult children or a surviving spouse; and adoptive parents or legal guardians of adopted or surrendered persons under the age of 21 who would welcome contact with one or more of the adopted or surrendered person's birth relatives; adoptive parents and legal guardians of deceased adopted or surrendered persons 21 years of age or over who have submitted proof of death for a deceased adopted or

New matter indicated by italics - deletions by strikeout
surrendered person who did not file a Denial of Information Exchange prior to his or her death and who would welcome contact with one or more of the adopted or surrendered person's birth relatives; adult children of deceased adopted or surrendered persons who have submitted a birth certificate naming the adopted or surrendered person as their biological parent and proof of death for an adopted or surrendered person who did not file a Denial of Information Exchange prior to his or her death; and surviving spouses of deceased adopted or surrendered persons who have submitted a marriage certificate naming an adopted or surrendered person as their deceased wife or husband and proof of death for an adopted or surrendered person who did not file a Denial of Information Exchange prior to his or her death and who would welcome contact with one or more of the adopted or surrendered person's birth relatives parents or birth siblings may specify with whom they wish to exchange identifying information by filing an Information Exchange Authorization at the time of the adoption or surrender, or any time thereafter.

(2) Denial of Information Exchange. Adopted or surrendered persons 21 years of age or over who do not wish to establish contact with one or more of their birth relatives parents or birth siblings may specify with whom they do not wish to exchange identifying information by filing a Denial of Information Exchange. Birth relatives parents or birth siblings who do not wish to establish contact with an adopted or surrendered person or one or more of his or her adoptive parents, or legal guardians, or adult children may specify with whom they do not wish to exchange identifying information by filing a Denial of Information Exchange at the time of the adoption or surrender, or any time thereafter. Adoptive parents or legal guardians of adopted or surrendered persons under the age of 21 who do not wish to establish contact with one or more of the adopted or surrendered person's birth relatives parents or birth siblings may specify with whom they do not wish to exchange identifying information by filing a Denial of Information Exchange at the time of the adoption or surrender, or any time thereafter. Adoptive parents, adult children, and surviving spouses of deceased adoptees who do not wish to establish contact with one or more of the adopted or surrendered person's birth relatives may specify with whom they do not wish to exchange identifying information by filing a Denial of Information Exchange. The Illinois Adoption Registry Application does not need to be completed in order to file a Denial of Information Exchange.

New matter indicated by italics - deletions by strikeout
(e) A registrant may complete all or any part of the Illinois Adoption Registry Application. All Illinois Adoption Registry Applications, Information Exchange Authorizations, Denials of Information Exchange, requests to revoke an Information Exchange Authorization or Denial of Information Exchange, and affidavits submitted to the Registry shall be accompanied by proof of identification.

(f) The Department shall establish the Illinois Adoption Registry Application form including the Medical Information Exchange Questionnaire by rule.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.2) (from Ch. 40, par. 1522.2)
Sec. 18.2. Forms.
(a) The form of the Birth Parent Registration Identification Form shall be substantially as follows:

BIRTH PARENT REGISTRATION IDENTIFICATION

(Insert all known information)

I, ...., state that I am the ...... (mother or father) of the following child:

Child's original name: ..... (first) ..... (middle) ..... (last), ..... (hour of birth), ..... (date of birth), ..... (city and state of birth), ..... (name of hospital).

Father's full name: ...... (first) ...... (middle) ...... (last), ..... (date of birth), ..... (city and state of birth).

Name of mother inserted on birth certificate: ..... (first) ..... (middle) ..... (last), ..... (race), ..... (date of birth), ..... (city and state of birth).

That I surrendered my child to: .......... (name of agency), ..... (city and state of agency), ..... (approximate date child surrendered). That I placed my child by private adoption: ..... (date), ..... (city and state).

Name of adoptive parents, if known: ......

Other identifying information: ..... 

........................
(Signature of parent)

........................
(printed name of parent)

(b) The form of the Adopted Person Registration Identification shall be substantially as follows:

New matter indicated by italics - deletions by strikeout
ADOPTED PERSON
REGISTRATION IDENTIFICATION
(Insert all known information)
I, ...., state the following:

Adopted Person's present name: ..... (first) ..... (middle) ..... (last). Adopted Person's name at birth (if known): ..... (first)
 ..... (middle) ..... (last), ..... (birth date), ..... (city and state of birth), ..... (sex), ..... (race).
Name of adoptive father: ..... (first) ..... (middle) ..... (last), ..... (race). Maiden name of adoptive mother: ..... (first) ..... (middle) ..... (last), ..... (race).
Name of birth mother (if known): ..... (first) ..... (middle) ..... (last), ..... (race).
Name of birth father (if known): ..... (first) ..... (middle) ..... (last), ..... (race).
Name(s) at birth of sibling(s) having a common birth parent with adoptee (if known): ..... (first) ..... (middle)
 ..... (last), ..... (race), and name of common birth parent: ..... (first) ..... (middle) ..... (last), ..... (race).
I was adopted through: ..... (name of agency).
I was adopted privately: ..... (state "yes" if known).
I was adopted in ..... (city and state), ..... (approximate date).
Other identifying information: .............

..........................................................

(signature of adoptee)

.............. ..........................................................

(date) (printed name of adoptee)

(c) The form of the Surrendered Person Registration Identification shall be substantially as follows:

SURRENDERED PERSON REGISTRATION IDENTIFICATION
(Insert all known information)
I, ...., state the following:
Surrendered Person's present name: ..... (first) ..... (middle) ..... (last).
Surrendered Person's name at birth (if known): ..... New matter indicated by italics - deletions by strikeout
(first) ..... (middle) ..... (last), ..... (birth date), ..... (city and state of birth), ..... (sex), ..... (race).

Name of guardian father: ..... (first) ..... (middle) ..... (last), ..... (race).
Maiden name of guardian mother: ..... (first) ..... (middle) ..... (last), ..... (race).
Name of birth mother (if known): ..... (first) ..... (middle) ..... (last) ..... (race).
Name of birth father (if known): ..... (first) ..... (middle) ..... (last) ..... (race).
Name(s) at birth of sibling(s) having a common birth parent with surrendered person (if known): ..... (first) ..... (middle) ..... (last) ..... (race), and name of common birth parent: ..... (first) ..... (middle) ..... (last) ..... (race).

I was surrendered for adoption to: ..... (name of agency).
I was surrendered for adoption in ..... (city and state), ..... (approximate date).
Other identifying information: ............

........................................
........................................
..............
..............
............... (signature of surrendered person)
............... (date)
............... (printed name of person surrendered for adoption)

(c-3) The form of the Registration Identification Form for Surviving Relatives of Deceased Birth Parents shall be substantially as follows:

REGISTRATION IDENTIFICATION FORM
FOR SURVIVING RELATIVES OF DECEASED BIRTH PARENTS
(Insert all known information)

I, ..... state the following:

Name of deceased birth parent at time of surrender:
Deceased birth parent's date of birth:
Deceased birth parent's date of death:
Adopted or surrendered person's name at birth (if known):
.....(first) ..... (middle) ..... (last), ..... (birth date), ..... (city and state of birth), ..... (sex), ..... (race).

New matter indicated by italics - deletions by strikeout
My relationship to the adopted or surrendered person (check one): (birth parent’s non-surrendered child) (birth parent’s sister) (birth parent’s brother).

If you are a non-surrendered child of the birth parent, provide name(s) at birth and age(s) of non-surrendered siblings having a common parent with the birth parent. If more than one sibling, please give information requested below on reverse side of this form. If you are a sibling or parent of the birth parent, provide name(s) at birth and age(s) of the sibling(s) of the birth parent. If more than one sibling, please give information requested below on reverse side of this form.

Name (First) ..... (middle) ..... (last), .....(birth date), ..... (city and state of birth), ...... (sex), ..... (race).

Name(s) of common parent(s) (first) ..... (middle) ..... (last), .....(race), (first) ..... (middle) ..... (last), .....(race).

My birth sibling/child of my brother/child of my sister/ was surrendered for adoption to ..... (name of agency) City and state of agency ..... Date .....(approximate) Other identifying information ..... (Please note that you must: (i) be at least 21 years of age to register; (ii) submit with your registration a certified copy of the birth parent’s birth certificate; (iii) submit a certified copy of the birth parent’s death certificate; and (iv) if you are a non-surrendered birth sibling or a sibling of the deceased birth parent, also submit a certified copy of your birth certificate with this registration. No application from a surviving relative of a deceased birth parent can be accepted if the birth parent filed a Denial of Information Exchange prior to his or her death.)

................................ (signature of birth parent’s surviving relative)

............... (date) .................................. (printed name of birth parent’s surviving relative)

.................................. (c-5) The form of the Registration Identification Form for Surviving Relatives of Deceased Adopted or Surrendered Persons shall be substantially as follows:

REGISTRATION IDENTIFICATION FORM FOR SURVIVING RELATIVES OF DECEASED ADOPTED OR SURRENDERED PERSONS

(Insert all known information)

I, ..... state the following:

New matter indicated by italics - deletions by strikeout
Adopted or surrendered person's name at birth (if known):
(first) ..... (middle) ..... (last), ..... (birth date), ..... (city and state of birth), ..... (sex), ..... (race).

Adopted or surrendered person's date of death:
My relationship to the deceased adopted or surrendered person (check one): (adoptive mother) (adoptive father) (adult child) (surviving spouse).
If you are an adult child or surviving spouse of the adopted or surrendered person, provide name(s) at birth and age(s) of the children of the adopted or surrendered person. If the adopted or surrendered person had more than one child, please give information requested below on reverse side of this form.
Name (first) ..... (middle) ..... (last), ..... (birth date), ..... (city and state of birth), ..... (sex), ..... (race).
Name(s) of common parent(s) (first) ..... (middle) ..... (last), ..... (race), (first) ..... (middle) ..... (last), ..... (race).
My child/parent/deceased spouse was surrendered for adoption to ..... (name of agency) City and state of agency ..... Date ..... (approximate) Other identifying information ..... (Please note that you must: (i) be at least 21 years of age to register; (ii) submit with your registration a certified copy of the adopted or surrendered person’s death certificate; (iii) if you are the child of a deceased adopted or surrendered person, also submit a certified copy of your birth certificate with this registration; and (iv) if you are the surviving wife or husband of a deceased adopted or surrendered person, also submit a copy of your marriage certificate with this registration. No application from a surviving relative of a deceased adopted or surrendered person can be accepted if the adopted or surrendered person filed a Denial of Information Exchange prior to his or her death.)

........................
(signature of adopted or surrendered person’s surviving relative)

.............
.............
(date) (printed name of adopted person’s surviving relative)

(d) The form of the Information Exchange Authorization shall be substantially as follows:

New matter indicated by italics - deletions by strikeout
INFORMATION EXCHANGE AUTHORIZATION

I, ...., state that I am the person who completed the Registration Identification; that I am of the age of ..... years; that I hereby authorize the Department of Public Health to give to the following person(s) my (birth mother parent) (birth father) (birth sibling) (adopted or surrendered person child) (adoptive mother) (adoptive father) (legal guardian of an adopted or surrendered person) (birth aunt) (birth uncle) (adult child of a deceased adopted or surrendered person) (surviving spouse of a deceased adopted or surrendered person) (all eligible relatives) the following (please check the information authorized for exchange):

[ ] 1. Only my name and last known address.
[ ] 2. A copy of my Illinois Adoption Registry Application.
[ ] 3. A copy of the original certificate of live birth.
[ ] 4. A copy of my completed medical questionnaire.

I am fully aware that I can only be supplied with any information about an individual or individuals who have my (birth parent) (birth sibling) (surrendered child) if such person has duly executed an Information Exchange Authorization that for such information which has not been revoked; that I can be contacted by writing to: ..... (own name or name of person to contact) (address) (phone number).

Dated (insert date).

............... (signature)

(e) The form of the Denial of Information Exchange shall be substantially as follows:

DENIAL OF INFORMATION EXCHANGE

I, ...., state that I am the person who completed the Registration Identification; that I am of the age of ..... years; that I hereby instruct the Department of Public Health not to give any identifying information about me to the following person(s) my (birth mother parent) (birth father) (birth sibling) (adopted or surrendered person) (adoptive mother) (adoptive father) (legal guardian of an adopted or surrendered person) (birth aunt) (birth uncle) (adult child of a deceased adopted or surrendered person) (surviving spouse of a deceased adopted or surrendered person) (all eligible relatives) (parent) (birth sibling) (surrendered child); that I do not wish to be contacted.

Dated (insert date).

............... (signature)

New matter indicated by italics - deletions by strikeout
(f) The Information Exchange Authorization and the Denial of Information Exchange shall be acknowledged by the birth parent, birth sibling, adopted or surrendered person, adoptive parent, or legal guardian before a notary public, in form substantially as follows:

State of .............
County of .............

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that ............... personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement, appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

...........................
(signature)

(g) When the execution of an Information Exchange Authorization or a Denial of Information Exchange is acknowledged before a representative of an agency, such representative shall have his signature on said Certificate acknowledged before a notary public, in form substantially as follows:

State of...........
County of...........

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that ..... personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement, appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

...........................
(signature)

(h) When an Illinois Adoption Registry Application, Information Exchange Authorization or a Denial of Information Exchange is executed in a foreign country, the execution of such document shall be acknowledged or affirmed before an officer of the United States consular services.

(i) If the person signing an Information Exchange Authorization or a Denial of Information is in the military service of the United States, the execution of such document may be acknowledged before a commissioned officer and the signature of such officer on such certificate shall be

New matter indicated by italics - deletions by strikeout
verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

(j) The Department shall modify these forms as necessary to implement the provisions of this amendatory Act of 1999 including creating Registration Identification Forms for non-surrendered birth siblings, adoptive parents and legal guardians.

(Source: P.A. 93-189, eff. 1-1-04.)

(750 ILCS 50/18.3) (from Ch. 40, par. 1522.3)

Sec. 18.3. (a) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, and any other party to the surrender of a child for adoption or in an adoption proceeding shall obtain from any birth parent or parents giving up a child for purposes of adoption after the effective date of this Act a written statement which indicates: (1) a desire to have identifying information shared with the adopted or surrendered person at a later date; (2) a desire not to have identifying information revealed; or (3) that no decision is made at that time. In addition, the agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, and any other organization involved in the surrender of a child for adoption in an adoption proceeding shall inform the birth parent or parents of a child born, adopted or surrendered in Illinois of the existence of the Illinois Adoption Registry and Medical Information Exchange and provide them with the necessary application forms and if requested, assistance with completing the forms.

(b) When the written statement is signed, the birth parent or parents shall be informed in writing that their decision regarding the sharing of identifying information can be made or changed by such birth parent or parents at any future date.

(c) The birth parent shall be informed in writing that if sharing of identifying information with the adopted or surrendered person is to occur, that he or she must be 21 years of age or over.

(d) If the birth parent or parents indicate a desire to share identifying information with the adopted or surrendered person, the birth parent shall complete an Information Exchange Authorization.

(e) Any birth parent or parents requesting that no identifying information be revealed to the adopted or surrendered person shall be informed that such request will be conveyed to the adopted or surrendered person if he or she requests such information; and such identifying information shall not be revealed.

New matter indicated by italics - deletions by strikeout
(f) Any adopted or surrendered person 21 years of age or over may also indicate in writing his or her desire or lack of desire to share identifying information with the birth parent or parents or with one or more of his or her birth relatives. Any adopted or surrendered person requesting that no identifying information be revealed to the birth parent or to one or more of his or her birth relatives shall be informed that such request shall be conveyed to the birth parent or birth relative if he or she requests such information; and such identifying information shall not be revealed.

(g) Any birth parent, birth sibling, and adopted or surrendered person, adoptive parent, or legal guardian indicating their desire to receive identifying or medical information shall be informed of the existence of the Registry and assistance shall be given to such person to legally record his or her name with the Registry.

(h) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, and any other organization involved in the surrender of a child for adoption in an adoption proceeding which has written statements from an adopted or surrendered person and the birth parent or a birth sibling indicating a desire to receive identifying information shall supply such information to the mutually consenting parties, except that no identifying information shall be supplied to consenting birth siblings if any such sibling is under 21 years of age. However, both the Registry having an Information Exchange Authorization and the organization having a written statement requesting identifying information shall communicate with each other to determine if the adopted or surrendered person or the birth parent or birth sibling has signed a form at a later date indicating a change in his or her desires regarding the sharing of information. The agreement of the birth parent shall be binding.

(i) On and after January 1, 2000, any licensed child welfare agency which provides post-adoption search assistance to adoptive parents, adopted persons, surrendered persons, birth parents, or other birth relatives shall require that any person requesting post-adoption search assistance complete an Illinois Adoption Registry Application prior to the commencement of the search.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)
Sec. 18.3a. Confidential intermediary.
(a) General purposes. Notwithstanding any other provision of this Act, any adopted or surrendered person 21 years of age or over, any
adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or any birth parent of an adopted or surrendered person who is 21 years of age or over may petition the court in any county in the State of Illinois for appointment of a confidential intermediary as provided in this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives. Additionally, in cases where an adopted or surrendered person is deceased, an adult child of the adopted or surrendered person or his or her adoptive parents or surviving spouse may file a petition under this Section and in cases where the birth parent is deceased, an adult birth sibling of the adopted or surrendered person or of the deceased birth parent may file a petition under this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives of the adopted or surrendered person, obtaining identifying information about one or more mutually consenting biological relatives of the adopted or surrendered person, or arranging contact with one or more mutually consenting biological relatives of the adopted or surrendered person. Beginning January 1, 2006, any adopted or surrendered person 21 years of age or over; any adoptive parent or legal guardian of an adopted or surrendered person under the age of 21; any birth parent, birth sibling, birth aunt, or birth uncle of an adopted or surrendered person over the age of 21; any surviving child, adoptive parent, or surviving spouse of a deceased adopted or surrendered person who wishes to petition the court for the appointment of a confidential intermediary shall be required to accompany their petition with proof of registration with the Illinois Adoption Registry and Medical Information Exchange.

(b) Petition. Upon petition by an adopted or surrendered person 21 years of age or over, an adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or a birth parent of an adopted or surrendered person who is 21 years of age or over, the court shall appoint a confidential intermediary. Upon petition by an adult child, adoptive parent or surviving spouse of an adopted or surrendered person who is deceased, or by an adult birth sibling of an adopted or surrendered person whose common birth parent is deceased and whose adopted or surrendered birth sibling is 21 years of age or over, or by an adult sibling of a birth parent who is deceased, and whose surrendered child is 21 years of age or over, the court may appoint a confidential intermediary if the

New matter indicated by italics - deletions by strikeout
court finds that the disclosure is of greater benefit than nondisclosure. The petition shall state which biological relative or relatives are being sought and shall indicate if the petitioner wants to do any one or more of the following: exchange medical information with the biological relative or relatives, obtain identifying information from the biological relative or relatives, or to arrange contact with the biological relative.

(c) Order. The order appointing the confidential intermediary shall allow that intermediary to conduct a search for the sought-after relative by accessing those records described in subsection (g) of this Section.

(d) Fees and expenses. The court shall condition the appointment of the confidential intermediary on the petitioner's payment of the intermediary's fees and expenses in advance of the commencement of the work of the confidential intermediary.

(e) Eligibility of intermediary. The court may appoint as confidential intermediary either an employee of the Illinois Department of Children and Family Services designated by the Department to serve as such, any other person certified by the Department of Children and Family Services as qualified to serve as a confidential intermediary, or any employee of a licensed child welfare agency certified by the agency as qualified to serve as a confidential intermediary. Certification shall be dependent upon the confidential intermediary completing a course of training including, but not limited to, applicable federal and State privacy laws.

(f) Confidential Intermediary Council. There shall be established under the Department of Children and Family Services a Confidential Intermediary Advisory Council. One member shall be an attorney representing the Attorney General's Office appointed by the Attorney General. One member shall be a currently certified confidential intermediary appointed by the Director of the Department of Children and Family Services. The Director shall also appoint 5 additional members. When making those appointments, the Director shall consider advocates for adopted persons, adoptive parents, birth parents, lawyers who represent clients in private adoptions, lawyers specializing in privacy law, and representatives of agencies involved in adoptions. The Director shall appoint one of the 7 members as the chairperson. An attorney from the Department of Children and Family Services and the person directly responsible for administering the confidential intermediary program shall serve as ex-officio, non-voting advisors to the Council. Council members shall serve at the discretion of the Director and shall receive no compensation other than reasonable expenses approved by the Director.

New matter indicated by italics - deletions by strikeout
The Council shall meet no less than twice yearly, and shall make recommendations to the Director regarding the development of rules, procedures, and forms that will ensure efficient and effective operation of the confidential intermediary process, including:

1. Standards for certification for confidential intermediaries.
2. Oversight of methods used to verify that intermediaries are complying with the appropriate laws.
3. Training for confidential intermediaries, including training with respect to federal and State privacy laws.
4. The relationship between confidential intermediaries and the court system, including the development of sample orders defining the scope of the intermediaries' access to information.
5. Any recent violations of policy or procedures by confidential intermediaries and remedial steps, including decertification, to prevent future violations.

(g) Access. Subject to the limitations of subsection (i) of this Section, the confidential intermediary shall have access to vital records maintained by the Department of Public Health and its local designees for the maintenance of vital records and all records of the court or any adoption agency, public or private, as limited in this Section, which relate to the adoption or the identity and location of an adopted or surrendered person, of an adult child or surviving spouse of a deceased adopted or surrendered person, or of a birth parent, birth sibling, or the sibling of a deceased birth parent. The confidential intermediary shall not have access to any personal health information protected by the Standards for Privacy of Individually Identifiable Health Information adopted by the U.S. Department of Health and Human Services under the Health Insurance Portability and Accountability Act of 1996 unless the confidential intermediary has obtained written consent from the person whose information is being sought or, if that person is a minor child, that person's parent or guardian. Confidential intermediaries shall be authorized to inspect confidential relinquishment and adoption records. The confidential intermediary shall not be authorized to access medical records, financial records, credit records, banking records, home studies, attorney file records, or other personal records. In cases where a birth parent is being sought, an adoption agency shall inform the confidential intermediary of any statement filed pursuant to Section 18.3, hereinafter referred to as "the 18.3 statement", indicating a desire of the surrendering birth parent to have identifying information shared or to not have identifying information shared.

New matter indicated by italics - deletions by strikeout
shared. If there was a clear statement of intent by the sought-after birth parent not to have identifying information shared, the confidential intermediary shall discontinue the search and inform the petitioning party of the sought-after relative's intent. Additional information provided to the confidential intermediary by an adoption agency shall be restricted to the full name, date of birth, place of birth, last known address, and last known telephone number of the sought-after relative or, if applicable, of the children or siblings of the sought-after relative, and the 18.3 statement.

(h) Adoption agency disclosure of medical information. If the petitioner is an adult adopted or surrendered person or the adoptive parent of a minor and if the petitioner has signed a written authorization to disclose personal medical information, an adoption agency disclosing information to a confidential intermediary shall disclose available medical information about the adopted or surrendered person from birth through adoption.

(i) Duties of confidential intermediary in conducting a search. In conducting a search under this Section, the confidential intermediary shall first confirm that there is no Denial of Information Exchange on file with the Illinois Adoption Registry. If the petitioner is an adult child of an adopted or surrendered person who is deceased, the confidential intermediary shall additionally confirm that the adopted or surrendered person did not file a Denial of Information Exchange with the Illinois Adoption Registry during his or her life. If the petitioner is an adult birth sibling of an adopted or surrendered person or an adult sibling of a birth parent who is deceased, the confidential intermediary shall additionally confirm that the birth parent did not file a Denial of Information Exchange with the Registry during his or her life. If the confidential intermediary learns that a sought-after birth parent signed a statement indicating his or her intent not to have identifying information shared, and did not later file an Information Exchange Authorization with the Adoption Registry, the confidential intermediary shall discontinue the search and inform the petitioning party of the birth parent's intent.

In conducting a search under this Section, the confidential intermediary shall attempt to locate the relative or relatives from whom the petitioner has requested information. If the sought-after relative is deceased or cannot be located after a diligent search, the confidential intermediary may contact other adult biological relatives of the sought-after relative.

The confidential intermediary shall contact a sought-after relative on behalf of the petitioner in a manner that respects the sought-after

New matter indicated by italics - deletions by strikeout
relative's privacy and shall inform the sought-after relative of the petitioner's request for medical information, identifying information or contact as stated in the petition. Based upon the terms of the petitioner's request, the confidential intermediary shall contact a sought-after relative on behalf of the petitioner and inform the sought-after relative of the following options:

1. The sought-after relative may totally reject one or all of the requests for medical information, identifying information or contact. The sought-after relative shall be informed that they can provide a medical questionnaire to be forwarded to the petitioner without releasing any identifying information. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to reject the sharing of information or contact.

2. The sought-after relative may consent to completing a medical questionnaire only. In this case, the confidential intermediary shall provide the questionnaire and ask the sought-after relative to complete it. The confidential intermediary shall forward the completed questionnaire to the petitioner and inform the petitioner of the sought-after relative's desire to not provide any additional information.

3. The sought-after relative may communicate with the petitioner without having his or her identity disclosed. In this case, the confidential intermediary shall arrange the desired communication in a manner that protects the identity of the sought-after relative. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to communicate but not disclose his or her identity.

4. The sought-after relative may consent to initiate contact with the petitioner. If both the petitioner and the sought-after relative or relatives are eligible to register with the Illinois Adoption Registry, the confidential intermediary shall provide the necessary application forms and request that the sought-after relative register with the Illinois Adoption Registry. If either the petitioner or the sought-after relative or relatives are ineligible to register with the Illinois Adoption Registry, the confidential intermediary shall obtain written consents from both parties that they wish to disclose their identities to each other and to have contact with each other.

(j) Oath. The confidential intermediary shall sign an oath of confidentiality substantially as follows: "I, ........., being duly sworn, on..."
oath depose and say: As a condition of appointment as a confidential intermediary, I affirm that:

(1) I will not disclose to the petitioner, directly or indirectly, any confidential information except in a manner consistent with the law.

(2) I recognize that violation of this oath subjects me to civil liability and to a potential finding of contempt of court.

...................................................
SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert date)
...................................................

(k) Sanctions.

(1) Any confidential intermediary who improperly discloses confidential information identifying a sought-after relative shall be liable to the sought-after relative for damages and may also be found in contempt of court.

(2) Any person who learns a sought-after relative's identity, directly or indirectly, through the use of procedures provided in this Section and who improperly discloses information identifying the sought-after relative shall be liable to the sought-after relative for actual damages plus minimum punitive damages of $10,000.

(3) The Department shall fine any confidential intermediary who improperly discloses confidential information in violation of item (1) or (2) of this subsection (k) an amount up to $2,000 per improper disclosure. This fine does not affect civil liability under item (2) of this subsection (k). The Department shall deposit all fines and penalties collected under this Section into the Illinois Adoption Registry and Medical Information Fund.

(l) Death of person being sought. Notwithstanding any other provision of this Act, if the confidential intermediary discovers that the person being sought has died, he or she shall report this fact to the court, along with a copy of the death certificate.

(m) Any confidential information obtained by the confidential intermediary during the course of his or her search shall be kept strictly confidential and shall be used for the purpose of arranging contact between the petitioner and the sought-after birth relative. At the time the case is closed, all identifying information shall be returned to the court for inclusion in the impounded adoption file.

(n) If the petitioner is an adopted or surrendered person 21 years of age or over or the adoptive parent or legal guardian of an adopted or
surrendered person under the age of 21, any non-identifying information, as defined in Section 18.4, that is ascertained during the course of the search may be given in writing to the petitioner before the case is closed.

(o) Except as provided in subsection (k) of this Section, no liability shall accrue to the State, any State agency, any judge, any officer or employee of the court, any certified confidential intermediary, or any agency designated to oversee confidential intermediary services for acts, omissions, or efforts made in good faith within the scope of this Section.

(Source: P.A. 93-189, eff. 1-1-04.)

Section 99. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 17, 2005.
Approved July 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0174
(House Bill No. 0598)

AN ACT concerning privileged communications.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Civil Procedure is amended by adding Section 8-802.3 as follows:

(735 ILCS 5/8-802.3 new)
Sec. 8-802.3. Informant's privilege.
(a) Except as provided in subsection (b), if an individual (i) submits information concerning a criminal act to a law enforcement agency or to a community organization that acts as an intermediary in reporting to law enforcement and (ii) requests anonymity, then the identity of that individual is privileged and confidential and is not subject to discovery or admissible in evidence in a proceeding.

(b) There is no privilege under subsection (a) if a court, after a hearing in camera, finds that the party seeking discovery or the proponent of the evidence has shown that:

(1) the identity of an individual who submits information concerning a criminal act is sought or offered in a court proceeding involving a felony or misdemeanor;
(2) the evidence is not otherwise available; and
(3) nondisclosure infringes upon a constitutional right of an accused, or there is a need for the evidence that substantially outweighs the interest in protecting confidentiality.

New matter indicated by italics - deletions by strikeout
(c) The court may impose such sanctions as are necessary to enforce its order.

Passed in the General Assembly May 17, 2005.
Approved July 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0175
(House Bill No. 0610)

AN ACT concerning State government.

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

Section 5. The State Fire Marshal Act is amended by changing Section 2.5 as follows:

(20 ILCS 2905/2.5)
Sec. 2.5. Equipment exchange program.
(a) The Office shall may create and maintain an equipment exchange program under which fire departments, fire protection districts, and township fire departments can donate or sell equipment to, trade equipment with, or buy equipment from each other.

(b) Under this program, the Office shall maintain a website that allows fire departments, fire protection districts, and township fire departments to post information and photographs about needed equipment and equipment that is available for trade, donation, or sale. This website must be separate from, and not a part of, the Office's main website; however, the Office must post a hyperlink on its main website that points to the website established under this subsection (b).

(c) The Office or a fire department, fire protection district, or township fire department that donates, trades, or sells fire protection equipment to another fire department, fire protection district, or township fire department under this Section is not liable for any damage or injury caused by the donated, traded, or sold fire protection equipment, except for damage or injury caused by its willful and wanton misconduct, if the donor discloses in writing to the recipient at the time of the donation, trade, or sale any known damage to or deficiencies in the equipment.

This Section does not relieve any fire department, fire protection district, or township fire department from liability, unless otherwise provided by law, for any damage or injury caused by donated, traded, or

New matter indicated by italics - deletions by strikeout
sold fire protection equipment that was received through the equipment exchange program.

(d) The Office must promote the program to encourage the efficient exchange of equipment among local government entities.

(e) The Office must implement the changes to the equipment exchange program required under this amendatory Act of the 94th General Assembly no later than July 1, 2006.

(Source: P.A. 93-305, eff. 7-23-03.)

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

Passed in the General Assembly May 17, 2005.
Approved July 12, 2005.
Effective July 12, 2005.

PUBLIC ACT 94-0176
(House Bill No. 0676)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 17-2A as follows:

(105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

Sec. 17-2A. Interfund Transfers. The school board of any district having a population of less than 500,000 inhabitants may, by proper resolution following a public hearing set by the school board or the president of the school board (that is preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the building where the hearing is to be held if a principal office does not exist, with both notices setting forth the time, date, place, and subject matter of the hearing), transfer money from (1) the Educational Fund to the Operations and Maintenance Fund or the Transportation Fund, (2) the Operations and Maintenance Fund to the Educational Fund or the Transportation Fund, or (3) the Transportation Fund to the Educational Fund or the Operations and Maintenance Fund of said district, provided that, except during the period from July 1, 2003 through June 30, 2007

New matter indicated by italics - deletions by strikeout
2005, such transfer is made solely for the purpose of meeting one-time, non-recurring expenses. Except during the period from July 1, 2003 through June 30, 2007, any other permanent interfund transfers authorized by any provision or judicial interpretation of this Code for which the transferee fund is not precisely and specifically set forth in the provision of this Code authorizing such transfer shall be made to the fund of the school district most in need of the funds being transferred, as determined by resolution of the school board.

(Source: P.A. 92-127, eff. 1-1-02; 92-722, eff. 7-25-02; 93-393, eff. 7-28-03.)

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

Passed in the General Assembly May 17, 2005.
Approved July 12, 2005.
Effective July 12, 2005.

---

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 14-7.02 as follows:

(105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)
Sec. 14-7.02. Children attending private schools, public out-of-state schools, public school residential facilities or private special education facilities. The General Assembly recognizes that non-public schools or special education facilities provide an important service in the educational system in Illinois.

If because of his or her disability the special education program of a district is unable to meet the needs of a child and the child attends a non-public school or special education facility, a public out-of-state school or a special education facility owned and operated by a county government unit that provides special educational services required by the child and is in compliance with the appropriate rules and regulations of the State Superintendent of Education, the school district in which the child is a resident shall pay the actual cost of tuition for special education and related services provided during the regular school term and during the summer school term if the child's educational needs so require, excluding

New matter indicated by italics - deletions by strikeout
room, board and transportation costs charged the child by that non-public school or special education facility, public out-of-state school or county special education facility, or $4,500 per year, whichever is less, and shall provide him any necessary transportation. "Nonpublic special education facility" shall include a residential facility, within or without the State of Illinois, which provides special education and related services to meet the needs of the child by utilizing private schools or public schools, whether located on the site or off the site of the residential facility.

The State Board of Education shall promulgate rules and regulations for determining when placement in a private special education facility is appropriate. Such rules and regulations shall take into account the various types of services needed by a child and the availability of such services to the particular child in the public school. In developing these rules and regulations the State Board of Education shall consult with the Advisory Council on Education of Children with Disabilities and hold public hearings to secure recommendations from parents, school personnel, and others concerned about this matter.

The State Board of Education shall also promulgate rules and regulations for transportation to and from a residential school. Transportation to and from home to a residential school more than once each school term shall be subject to prior approval by the State Superintendent in accordance with the rules and regulations of the State Board.

A school district making tuition payments pursuant to this Section is eligible for reimbursement from the State for the amount of such payments actually made in excess of the district per capita tuition charge for students not receiving special education services. Such reimbursement shall be approved in accordance with Section 14-12.01 and each district shall file its claims, computed in accordance with rules prescribed by the State Board of Education, on forms prescribed by the State Superintendent of Education. Data used as a basis of reimbursement claims shall be for the preceding regular school term and summer school term. Each school district shall transmit its claims to the State Board of Education on or before August 15. The State Board of Education, before approving any such claims, shall determine their accuracy and whether they are based upon services and facilities provided under approved programs. Upon approval the State Board shall cause vouchers to be prepared showing the amount due for payment of reimbursement claims to school districts, for transmittal to the State Comptroller on the 30th day of September, December, and March, respectively, and the final voucher, no later than

New matter indicated by italics - deletions by strikeout
June 20. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved.

No child shall be placed in a special education program pursuant to this Section if the tuition cost for special education and related services increases more than 10 percent over the tuition cost for the previous school year or exceeds $4,500 per year unless such costs have been approved by the Illinois Purchased Care Review Board. The Illinois Purchased Care Review Board shall consist of the following persons, or their designees: the Directors of Children and Family Services, Public Health, Public Aid, and the Governor's Office of Management and Budget; the Secretary of Human Services; the State Superintendent of Education; and such other persons as the Governor may designate. The Review Board shall establish rules and regulations for its determination of allowable costs and payments made by local school districts for special education, room and board, and other related services provided by non-public schools or special education facilities and shall establish uniform standards and criteria which it shall follow.

The Review Board shall establish uniform definitions and criteria for accounting separately by special education, room and board and other related services costs. The Board shall also establish guidelines for the coordination of services and financial assistance provided by all State agencies to assure that no otherwise qualified disabled child receiving services under Article 14 shall be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity provided by any State agency.

The Review Board shall review the costs for special education and related services provided by non-public schools or special education facilities and shall approve or disapprove such facilities in accordance with the rules and regulations established by it with respect to allowable costs.

The State Board of Education shall provide administrative and staff support for the Review Board as deemed reasonable by the State Superintendent of Education. This support shall not include travel expenses or other compensation for any Review Board member other than the State Superintendent of Education.

The Review Board shall seek the advice of the Advisory Council on Education of Children with Disabilities on the rules and regulations to be promulgated by it relative to providing special education services.

If a child has been placed in a program in which the actual per pupil costs of tuition for special education and related services based on

New matter indicated by italics - deletions by strikeout
program enrollment, excluding room, board and transportation costs, exceed $4,500 and such costs have been approved by the Review Board, the district shall pay such total costs which exceed $4,500. A district making such tuition payments in excess of $4,500 pursuant to this Section shall be responsible for an amount in excess of $4,500 equal to the district per capita tuition charge and shall be eligible for reimbursement from the State for the amount of such payments actually made in excess of the districts per capita tuition charge for students not receiving special education services.

If a child has been placed in an approved individual program and the tuition costs including room and board costs have been approved by the Review Board, then such room and board costs shall be paid by the appropriate State agency subject to the provisions of Section 14-8.01 of this Act. Room and board costs not provided by a State agency other than the State Board of Education shall be provided by the State Board of Education on a current basis. In no event, however, shall the State's liability for funding of these tuition costs begin until after the legal obligations of third party payors have been subtracted from such costs. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved. Each district shall submit estimated claims to the State Superintendent of Education. Upon approval of such claims, the State Superintendent of Education shall direct the State Comptroller to make payments on a monthly basis. The frequency for submitting estimated claims and the method of determining payment shall be prescribed in rules and regulations adopted by the State Board of Education. Such current state reimbursement shall be reduced by an amount equal to the proceeds which the child or child's parents are eligible to receive under any public or private insurance or assistance program. Nothing in this Section shall be construed as relieving an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a disabled child.

If it otherwise qualifies, a school district is eligible for the transportation reimbursement under Section 14-13.01 and for the reimbursement of tuition payments under this Section whether the non-public school or special education facility, public out-of-state school or county special education facility, attended by a child who resides in that district and requires special educational services, is within or outside of the State of Illinois. However, a district is not eligible to claim transportation reimbursement under this Section unless the district certifies

New matter indicated by italics - deletions by strikeout
to the State Superintendent of Education that the district is unable to provide special educational services required by the child for the current school year.

Nothing in this Section authorizes the reimbursement of a school district for the amount paid for tuition of a child attending a non-public school or special education facility, public out-of-state school or county special education facility unless the school district certifies to the State Superintendent of Education that the special education program of that district is unable to meet the needs of that child because of his disability and the State Superintendent of Education finds that the school district is in substantial compliance with Section 14-4.01. However, if a child is unilaterally placed by a State agency or any court in a non-public school or special education facility, public out-of-state school, or county special education facility, a school district shall not be required to certify to the State Superintendent of Education, for the purpose of tuition reimbursement, that the special education program of that district is unable to meet the needs of a child because of his or her disability.

Any educational or related services provided, pursuant to this Section in a non-public school or special education facility or a special education facility owned and operated by a county government unit shall be at no cost to the parent or guardian of the child. However, current law and practices relative to contributions by parents or guardians for costs other than educational or related services are not affected by this amendatory Act of 1978.

Reimbursement for children attending public school residential facilities shall be made in accordance with the provisions of this Section.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the

New matter indicated by italics - deletions by strikeout
funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services.
(Source: P.A. 92-568, eff. 6-26-02; 93-1022, eff. 8-24-04.)

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

Passed in the General Assembly May 11, 2005.
Approved July 12, 2005.
Effective July 12, 2005.

PUBLIC ACT 94-0178
(House Bill No. 0748)

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

Section 5. The State Fire Marshal Act is amended by changing Sections 1 and 2 as follows:
(20 ILCS 2905/1) (from Ch. 127 1/2, par. 1)
Sec. 1. There is hereby created the Office of the State Fire Marshal, hereinafter referred to as the Office.

The Office shall be under an executive director who shall be appointed by the Governor with the advice and consent of the Senate.

The executive director of the Office shall be known as the State Fire Marshal and shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater. If set by the Governor, the annual salary may not exceed 85% of the annual salary of the Governor.

The Office of the State Fire Marshal shall have a division that shall assume the duties of the Division

New matter indicated by italics - deletions by strikeout
of Fire Prevention, Department of Law Enforcement, and a *division that*
Division of Personnel Standards and Education which shall assume the
duties of Illinois Fire Protection Personnel Standards and Education
Commission. Each *division* shall be headed by a *division manager who*
deputy State Fire Marshal. The deputy State Fire Marshals shall be employed by the Fire Marshal, subject to the Personnel Code, and
shall be responsible to the Fire Marshal.

(Source: P.A. 91-798, eff. 7-9-00.)

(20 ILCS 2905/2) (from Ch. 127 1/2, par. 2)

Sec. 2. The Office shall have the following powers and duties:

1. To exercise the rights, powers and duties which have been
vested by law in the Department of State Police as the successor of the
Department of Public Safety, State Fire Marshal, *deputy State Fire
Marshal*, inspectors, officers and employees of the State Fire Marshal,
including arson investigation.

2. To keep a record, as may be required by law, of all fires
occuring in the State, together with all facts, statistics and circumstances,
including the origin of fires.

3. To exercise the rights, powers and duties which have been
vested in the Department of State Police by the "Boiler and Pressure
Vessel Safety Act", approved August 7, 1951, as amended.


5. To aid in the establishment and maintenance of the training
facilities and programs of the Illinois Fire Service Institute.

6. To disburse Federal grants for fire protection purposes to units
of local government.

7. To pay to or in behalf of the City of Chicago for the
maintenance, expenses, facilities and structures directly incident to the
Chicago Fire Department training program. Such payments may be made
either as reimbursements for expenditures previously made by the City, or
as payments at the time the City has incurred an obligation which is then
due and payable for such expenditures. Payments for the Chicago Fire
Department training program shall be made only for those expenditures
which are not claimable by the City under "An Act relating to fire
protection training", certified November 9, 1971, as amended.

8. To administer General Revenue Fund grants to areas not located
in a fire protection district or in a municipality which provides fire
protection services, to defray the organizational expenses of forming a fire
protection district.

New matter indicated by italics - deletions by strikeout
9. In cooperation with the Illinois Environmental Protection Agency, to administer the Illinois Leaking Underground Storage Tank program in accordance with Section 4 of this Act and Section 22.12 of the Environmental Protection Act.

10. To expend state and federal funds as appropriated by the General Assembly.

11. To provide technical assistance, to areas not located in a fire protection district or in a municipality which provides fire protection service, to form a fire protection district, to join an existing district, or to establish a municipal fire department, whichever is applicable.

12. To exercise such other powers and duties as may be vested in the Office by law.

(Source: P.A. 86-761.)

Passed in the General Assembly May 17, 2005.

Approved July 12, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0179
(House Bill No. 0780)

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 1-6 and by adding Article 16J as follows:

(720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

Sec. 1-6. Place of trial.

(a) Generally.

Criminal actions shall be tried in the county where the offense was committed, except as otherwise provided by law. The State is not required to prove during trial that the alleged offense occurred in any particular county in this State. When a defendant contests the place of trial under this Section, all proceedings regarding this issue shall be conducted under Section 114-1 of the Code of Criminal Procedure of 1963. All objections of improper place of trial are waived by a defendant unless made before trial.

(b) Assailant and Victim in Different Counties.

If a person committing an offense upon the person of another is located in one county and his victim is located in another county at the
time of the commission of the offense, trial may be had in either of said counties.

(c) Death and Cause of Death in Different Places or Undetermined.

If cause of death is inflicted in one county and death ensues in another county, the offender may be tried in either county. If neither the county in which the cause of death was inflicted nor the county in which death ensued are known before trial, the offender may be tried in the county where the body was found.

(d) Offense Commenced Outside the State.

If the commission of an offense commenced outside the State is consummated within this State, the offender shall be tried in the county where the offense is consummated.

(e) Offenses Committed in Bordering Navigable Waters.

If an offense is committed on any of the navigable waters bordering on this State, the offender may be tried in any county adjacent to such navigable water.

(f) Offenses Committed while in Transit.

If an offense is committed upon any railroad car, vehicle, watercraft or aircraft passing within this State, and it cannot readily be determined in which county the offense was committed, the offender may be tried in any county through which such railroad car, vehicle, watercraft or aircraft has passed.

(g) Theft.

A person who commits theft of property may be tried in any county in which he exerted control over such property.

(h) Bigamy.

A person who commits the offense of bigamy may be tried in any county where the bigamous marriage or bigamous cohabitation has occurred.

(i) Kidnapping.

A person who commits the offense of kidnapping may be tried in any county in which his victim has traveled or has been confined during the course of the offense.

(j) Pandering.

A person who commits the offense of pandering may be tried in any county in which the prostitution was practiced or in any county in which any act in furtherance of the offense shall have been committed.

(k) Treason.

A person who commits the offense of treason may be tried in any county.

New matter indicated by italics - deletions by strikeout
(l) Criminal Defamation.
If criminal defamation is spoken, printed or written in one county and is received or circulated in another or other counties, the offender shall be tried in the county where the defamation is spoken, printed or written. If the defamation is spoken, printed or written outside this state, or the offender resides outside this state, the offender may be tried in any county in this state in which the defamation was circulated or received.

(m) Inchoate Offenses.
A person who commits an inchoate offense may be tried in any county in which any act which is an element of the offense, including the agreement in conspiracy, is committed.

(n) Accountability for Conduct of Another.
Where a person in one county solicits, aids, abets, agrees, or attempts to aid another in the planning or commission of an offense in another county, he may be tried for the offense in either county.

(o) Child Abduction.
A person who commits the offense of child abduction may be tried in any county in which his victim has traveled, been detained, concealed or removed to during the course of the offense. Notwithstanding the foregoing, unless for good cause shown, the preferred place of trial shall be the county of the residence of the lawful custodian.

(p) A person who commits the offense of narcotics racketeering may be tried in any county where cannabis or a controlled substance which is the basis for the charge of narcotics racketeering was used; acquired; transferred or distributed to, from or through; or any county where any act was performed to further the use; acquisition, transfer or distribution of said cannabis or controlled substance; any money, property, property interest, or any other asset generated by narcotics activities was acquired, used, sold, transferred or distributed to, from or through; or, any enterprise interest obtained as a result of narcotics racketeering was acquired, used, transferred or distributed to, from or through, or where any activity was conducted by the enterprise or any conduct to further the interests of such an enterprise.

(q) A person who commits the offense of money laundering may be tried in any county where any part of a financial transaction in criminally derived property took place or in any county where any money or monetary instrument which is the basis for the offense was acquired, used, sold, transferred or distributed to, from or through.

(r) A person who commits the offense of cannabis trafficking or controlled substance trafficking may be tried in any county.

New matter indicated by italics - deletions by strikeout
(s) A person who commits the offense of online sale of stolen property, online theft by deception, or electronic fencing may be tried in any county where any one or more elements of the offense took place, regardless of whether the element of the offense was the result of acts by the accused, the victim or by another person, and regardless of whether the defendant was ever physically present within the boundaries of the county.

(Source: P.A. 89-288, eff. 8-11-95.)

(720 ILCS 5/Art. 16J heading new)

ARTICLE 16J. ONLINE PROPERTY OFFENSES

(720 ILCS 5/16J-5 new)
Sec. 16J-5. Definitions. In this Article:
"Access" means to use, instruct, communicate with, store data in, retrieve or intercept data from, or otherwise utilize any services of a computer.
"Computer" means a device that accepts, processes, stores, retrieves or outputs data, and includes but is not limited to auxiliary storage and telecommunications devices connected to computers.
"Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service.
"Online" means the use of any electronic or wireless device to access the Internet.

(720 ILCS 5/16J-10 new)
Sec. 16J-10. Online sale of stolen property. A person commits the offense of online sale of stolen property when he or she uses or accesses the Internet with the intent of selling property gained through unlawful means.

(720 ILCS 5/16J-15 new)
Sec. 16J-15. Online theft by deception. A person commits the offense of online theft by deception when he or she uses the Internet to purchase or attempt to purchase property from a seller with a mode of payment that he or she knows is fictitious, stolen, or lacking the consent of the valid account holder.

New matter indicated by italics - deletions by strikeout
Sec. 16J-20. Electronic fencing. A person commits the offense of electronic fencing when he or she sells stolen property using the Internet, knowing that the property was stolen. A person who unknowingly purchases stolen property over the Internet does not violate this Section.

Sec. 16J-25. Sentence. A violation of this Article is a Class 4 felony if the full retail value of the stolen property or property obtained by deception does not exceed $150. A violation of this Article is a Class 2 felony if the full retail value of the stolen property or property obtained by deception exceeds $150.

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

Passed in the General Assembly May 17, 2005.
Approved July 12, 2005.
Effective July 12, 2005.

PUBLIC ACT 94-0180
(House Bill No. 0804)

AN ACT concerning criminal law.

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

Section 5. The Cannabis Control Act is amended by adding Section 16.2 as follows:

Sec. 16.2. Preservation of cannabis or cannabis sativa plants for laboratory testing.

(a) Before or after the trial in a prosecution for a violation of Section 4, 5, 5.1, 5.2, 8, or 9 of this Act, a law enforcement agency or an agent acting on behalf of the law enforcement agency must preserve, subject to a continuous chain of custody, not less than 6,001 grams of any substance containing cannabis and not less than 51 cannabis sativa plants with respect to the offenses enumerated in this subsection (a) and must maintain sufficient documentation to locate that evidence. Excess quantities with respect to the offenses enumerated in this subsection (a) cannot practically be retained by a law enforcement agency because of its size, bulk, and physical character.

(b) The court may before trial transfer excess quantities of any substance containing cannabis or cannabis sativa plants with respect to a

New matter indicated by italics - deletions by strikeout
prosecution for any offense enumerated in subsection (a) to the sheriff of the county, or may in its discretion transfer such evidence to the Department of State Police, for destruction after notice is given to the defendant's attorney of record or to the defendant if the defendant is proceeding pro se.

(c) After a judgment of conviction is entered and the charged quantity is no longer needed for evidentiary purposes with respect to a prosecution for any offense enumerated in subsection (a), the court may transfer any substance containing cannabis or cannabis sativa plants to the sheriff of the county, or may in its discretion transfer such evidence to the Department of State Police, for destruction after notice is given to the defendant's attorney of record or to the defendant if the defendant is proceeding pro se. No evidence shall be disposed of until 30 days after the judgment is entered, and if a notice of appeal is filed, no evidence shall be disposed of until the mandate has been received by the circuit court from the Appellate Court.

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

Passed in the General Assembly May 18, 2005.
Approved July 12, 2005.
Effective July 12, 2005.
4. The motor vehicle license number of the vehicle or conveyance on which the copper was delivered to the copper dealer;  
5. A description of the copper purchased, including the weight and whether it consists of bars, cable, ingots, rods, tubing, wire, wire scraps, clamps, connectors or other appurtenances or some combination thereof.

A One copy of the completed form shall be kept in a separate book or register by the copper dealer and shall be retained for a period of 2 years one year. Such book or register shall be made available for inspection by any law enforcement official or the representatives of common carriers and persons, firms, corporations or municipal corporations engaged in the business of generating, transmission or distribution of electric energy, or engaged in telephone, telegraph or other communications, at any time. Within 3 days from the day of purchase one copy of the completed form shall be filed in the office of the county clerk of the county in which the copper was purchased and one copy shall be filed with, or mailed to, the Department of State Police, or such department as may succeed to its functions.

(Source: P.A. 84-25.)

Sec. 5. The provisions of Sections 3 and 4 of this Act do not apply to electrical contractors, to agencies or instrumentalities of the State of Illinois or of the United States, to common carriers or to purchases from persons, firms or corporations regularly engaged in the business of manufacturing copper, the business of selling copper at retail or wholesale, in the business of razing, demolishing, destroying or removing buildings, to the purchase of one copper dealer from another or the purchase from persons, firms or corporations engaged in the business of generating, transmission or distribution of electric energy or in telephone, telegraph and other communications if such common carriers, persons, firms or corporations at the time of the purchase provide the copper dealer with a bill of sale or other written evidence of title to the copper.

(Source: P.A. 76-1476.)

Sec. 6. The Department of State Police, or such department as may succeed to its functions, shall prepare the forms provided for in Section 3 of this Act and shall make an electronic copy of a reasonable supply of the form available to the public on its website at the office of the county clerk of each county and shall provide the forms to any individual upon request.

(Source: P.A. 84-25.)

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0181

(815 ILCS 325/4 rep.)

Section 10. The Copper Purchase Registration Law is amended by repealing Section 4.

Passed in the General Assembly May 18, 2005.
Approved July 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0182

(House Bill No. 0808)

AN ACT concerning civil liability.

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

Section 5. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 9.2 as follows:

(740 ILCS 110/9.2)

Sec. 9.2. Interagency disclosure of recipient information. For the purposes of continuity of care, the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), community agencies funded by the Department of Human Services in that capacity, prisons operated by the Department of Corrections, mental health facilities operated by a county, and jails operated by any county of this State may disclose a recipient's record or communications, without consent, to each other, but only for the purpose of admission, treatment, planning, or discharge. Entities shall not redisclose any personally identifiable information, unless necessary for admission, treatment, planning, or discharge of the identified recipient to another setting. No records or communications may be disclosed to a county jail or State prison pursuant to this Section unless the Department has entered into a written agreement with the county jail or State prison requiring that the county jail or State prison adopt written policies and procedures designed to ensure that the records and communications are disclosed only to those persons employed by or under contract to the county jail or State prison who are involved in the provision of mental health services to inmates and that the records and communications are protected from further disclosure.

(Source: P.A. 91-536, eff. 1-1-00.)

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

Passed in the General Assembly May 18, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing
Section 14-2 as follows:

(720 ILCS 5/14-2) (from Ch. 38, par. 14-2)

Sec. 14-2. Elements of the offense; affirmative defense.

(a) A person commits eavesdropping when he:

(1) Knowingly and intentionally uses an eavesdropping
device for the purpose of hearing or recording all or any part of any
conversation or intercepts, retains, or transcribes electronic
communication unless he does so (A) with the consent of all of the
parties to such conversation or electronic communication or (B) in
accordance with Article 108A or Article 108B of the "Code of
Criminal Procedure of 1963", approved August 14, 1963, as
amended; or

(2) Manufactures, assembles, distributes, or possesses any
electronic, mechanical, eavesdropping, or other device knowing
that or having reason to know that the design of the device renders
it primarily useful for the purpose of the surreptitious hearing or
recording of oral conversations or the interception, retention, or
transcription of electronic communications and the intended or
actual use of the device is contrary to the provisions of this Article;
or

(3) Uses or divulges, except as authorized by this Article or
by Article 108A or 108B of the "Code of Criminal Procedure of
1963", approved August 14, 1963, as amended, any information
which he knows or reasonably should know was obtained through
the use of an eavesdropping device.

(b) It is an affirmative defense to a charge brought under this
Article relating to the interception of a privileged communication that the
person charged:

New matter indicated by italics - deletions by strikeout
1. was a law enforcement officer acting pursuant to an order of interception, entered pursuant to Section 108A-1 or 108B-5 of the Code of Criminal Procedure of 1963; and
2. at the time the communication was intercepted, the officer was unaware that the communication was privileged; and
3. stopped the interception within a reasonable time after discovering that the communication was privileged; and
4. did not disclose the contents of the communication.

(c) It is not unlawful for a manufacturer or a supplier of eavesdropping devices, or a provider of wire or electronic communication services, their agents, employees, contractors, or vendors to manufacture, assemble, sell, or possess an eavesdropping device within the normal course of their business for purposes not contrary to this Article or for law enforcement officers and employees of the Illinois Department of Corrections to manufacture, assemble, purchase, or possess an eavesdropping device in preparation for or within the course of their official duties.

(d) The interception, recording, or transcription of an electronic communication by an employee of a penal institution the Illinois Department of Corrections is not prohibited under this Act, provided that the interception, recording, or transcription is:

   (1) otherwise legally permissible under Illinois law;
   (2) conducted with the approval of the penal institution Illinois Department of Corrections for the purpose of investigating or enforcing a State criminal law or a penal institution Department rule or regulation with respect to inmates in the institution persons committed to the Department; and
   (3) within the scope of the employee's official duties.

For the purposes of this subsection (d), "penal institution" has the meaning ascribed to it in clause (c)(1) of Section 31A-1.1.

(Source: P.A. 91-657, eff. 1-1-00.)
Passed in the General Assembly May 18, 2005.
Approved July 12, 2005.
Effective January 1, 2006.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 8-2 as follows:

(720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

Sec. 8-2. Conspiracy. (a) Elements of the offense. A person commits conspiracy when, with intent that an offense be committed, he agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of such agreement is alleged and proved to have been committed by him or by a co-conspirator.

(b) Co-conspirators.

It shall not be a defense to conspiracy that the person or persons with whom the accused is alleged to have conspired:

(1) Has not been prosecuted or convicted, or
(2) Has been convicted of a different offense, or
(3) Is not amenable to justice, or
(4) Has been acquitted, or
(5) Lacked the capacity to commit an offense. (c) Sentence.

A person convicted of conspiracy may be fined or imprisoned or both not to exceed the maximum provided for the offense which is the object of the conspiracy, except that if the object is an offense prohibited by Sections 11-15, 11-16, 11-17, 11-19, 24-1 (a) (1), 24-1 (a) (7), 28-1, 28-3 and 28-4 of the "Criminal Code of 1961", approved July 28, 1961, as amended, or prohibited by Sections 404 or 406 (b) of the "Illinois Controlled Substances Act", enacted by the 77th General Assembly, or an inchoate offense related to any of the aforesaid principal offenses, the person convicted may be sentenced for a Class 3 felony however, conspiracy to commit treason, first degree murder, or aggravated kidnapping, aggravated criminal sexual assault, or predatory criminal sexual assault of a child is a Class 1 shall not be sentenced in excess of a Class 2 felony, and conspiracy to commit any offense other than those specified in this subsection, and other than those set forth in Sections 401, 402, or 407 of the Illinois Controlled Substances Act, shall not be sentenced in excess of a Class 4 felony.

(Source: P.A. 86-809.)

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

Passed in the General Assembly May 11, 2005.

Approved July 12, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Section 12-604.1 as follows:
(625 ILCS 5/12-604.1 new)
Sec. 12-604.1. Video devices.
(a) A person may not operate a motor vehicle if a television receiver, a video monitor, a television or video screen, or any other similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications is operating and is located in the motor vehicle at any point forward of the back of the driver's seat, or is operating and visible to the driver while driving the motor vehicle.
(b) This Section does not apply to the following equipment when installed in a vehicle:
   (1) a vehicle information display;
   (2) a global positioning display;
   (3) a mapping display;
   (4) a visual display used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle;
   (5) television-type receiving equipment used exclusively for safety or traffic engineering studies; or
   (6) a television receiver, video monitor, television or video screen, or any other similar means of visually displaying a television broadcast or video signal, if that equipment has an interlock device that, when the motor vehicle is driven, disables the equipment for all uses except as a visual display as described in paragraphs (1) through (5) of this subsection (b).
(c) This Section does not apply to a mobile, digital terminal installed in an authorized emergency vehicle, a motor vehicle providing emergency road service or roadside assistance, or to motor vehicles utilized for public transportation.

New matter indicated by italics - deletions by strikeout
(d) A person convicted of violating this Section is guilty of a petty offense and shall be fined not more than $100 for a first offense, not more than $200 for a second offense within one year of a previous conviction, and not more than $250 for a third or subsequent offense within one year of 2 previous convictions.

(625 ILCS 5/12-604 rep.) (from Ch. 95 1/2, par. 12-604)

Section 10. The Illinois Vehicle Code is amended by repealing Section 12-604.

Passed in the General Assembly May 18, 2005.

Approved July 12, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0186
(House Bill No. 1095)

AN ACT concerning juries.

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

Section 1. Short title. This Act may be cited as the Juror Protection Act.

Section 5. Juror contact. A person who represents himself or herself during any phase of a jury trial and is subsequently found guilty of any charge must seek and obtain leave of the court prior to making any attempt to contact any member of the jury panel, regardless of the reason for inquiry.

Section 10. Court petition; process.

(a) The defendant shall file with the court where his or her case was heard a petition laying forth the reasons why juror contact is necessary or otherwise appropriate.

(b) Upon receipt of the petition, the circuit clerk for the court shall forward a copy of the petition to the State's Attorney or other prosecuting attorney. Where a response to the petition is deemed warranted, the State's Attorney or other prosecuting attorney shall have 5 days to file a response.

(c) The court shall, within 7 days of receipt of the petition and response, where one is filed, rule on the merits of the request.

(d) The court may, but is not required to, hold a hearing on the merits of the petition.

(e) If the petition is granted, the court shall, within 7 days of the ruling, arrange for the defendant to be transported to the courthouse to take part in the call. All phone calls shall be made by an officer of the court and

New matter indicated by italics - deletions by strikeout
shall be made between the hours of 8:30 a.m. and 6:00 p.m., Monday through Friday. The court officer shall identify himself or herself to the recipient of the call, ask to speak to the juror in question, identify the purpose for the call, and ask the juror if he or she is willing to speak to the defendant. If the juror consents, the defendant shall be allowed to speak to the juror under the supervision of the court officer. If the juror refuses, no further contact may be made by or on behalf of the defendant. If there is no answer at the provided phone number, the officer of the court shall leave a message outlining the above and requesting that the juror contact the court officer to indicate whether or not he or she will speak to the defendant.

Section 15. Violation. Any attempt to contact a member of the jury panel following that member's refusal to speak as outlined in subsection (e) of Section 10 shall be deemed a violation of Section 32-4 of the Criminal Code of 1961.

Section 300. The Criminal Code of 1961 is amended by changing Section 32-4 as follows:

(720 ILCS 5/32-4) (from Ch. 38, par. 32-4)

Sec. 32-4. Communicating with jurors and witnesses.
(a) A person who, with intent to influence any person whom he believes has been summoned as a juror, regarding any matter which is or may be brought before such juror, communicates, directly or indirectly, with such juror otherwise than as authorized by law commits a Class 4 felony.

(b) A person who, with intent to deter any party or witness from testifying freely, fully and truthfully to any matter pending in any court, or before a Grand Jury, Administrative agency or any other State or local governmental unit, forcibly detains such party or witness, or communicates, directly or indirectly, to such party or witness any knowingly false information or a threat of injury or damage to the property or person of any individual or offers or delivers or threatens to withhold money or another thing of value to any individual commits a Class 3 felony.

(c) A person who violates the Juror Protection Act commits a Class 4 felony.
(Source: P.A. 91-696, eff. 4-13-00.)

Passed in the General Assembly May 18, 2005.
Approved July 12, 2005.
Effective January 1, 2006.
AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 27-12 as follows:
(105 ILCS 5/27-12) (from Ch. 122, par. 27-12)
Sec. 27-12. Character education. Honesty, kindness, justice and moral courage. Every public school teacher shall teach character education, which includes the teaching of respect, responsibility, fairness, caring, trustworthiness, and citizenship, in order to raise pupils’ honesty, kindness, justice, discipline, respect for others, and moral courage for the purpose of lessening crime and raising the standard of good character citizenship.
(Source: P.A. 90-620, eff. 7-10-98.)
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 18, 2005.
Approved July 12, 2005.
Effective July 12, 2005.

AN ACT in relation to fire fighters.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Firemen's Disciplinary Act is amended by changing Sections 2 and 3.2 as follows:
(50 ILCS 745/2) (from Ch. 85, par. 2502)
Sec. 2. For the purposes of this Act, unless clearly required otherwise, the terms defined in this Section have the meaning ascribed herein:
(a) "Fireman" means a person who is a "firefighter" or "fireman" as defined in Sections 4-106 or 6-106 of the Illinois Pension Code, and includes a person who is an "employee" as defined in Section 15-107 of the Illinois Pension Code and whose primary duties relate to firefighting.

New matter indicated by italics - deletions by strikeout
(b) "Informal inquiry" means a meeting by supervisory or command personnel with a fireman upon whom an allegation of misconduct has come to the attention of such supervisory or command personnel, the purpose of which meeting is to mediate a citizen complaint or discuss the facts to determine whether a formal investigation should be commenced.

(c) "Formal investigation" means the process of investigation ordered by a commanding officer during which the questioning of a fireman is intended to gather evidence of misconduct which may be the basis for filing charges seeking his or her removal, discharge, or suspension from duty in excess of 24 duty hours.

(d) "Interrogation" means the questioning of a fireman pursuant to an investigation initiated by the respective State or local governmental unit in connection with an alleged violation of such unit's rules which may be the basis for filing charges seeking his or her suspension, removal, or discharge. The term does not include questioning as part of an informal inquiry as to allegations of misconduct relating to minor infractions of agency rules which may be noted on the fireman's record but which may not in themselves result in removal, discharge, or suspension from duty in excess of 24 duty hours.

(e) "Administrative proceeding" means any non-judicial hearing which is authorized to recommend, approve or order the suspension, removal, or discharge of a fireman.

(Source: P.A. 85-606.)

(50 ILCS 745/3.2) (from Ch. 85, par. 2505)

Sec. 3.2. No fireman shall be subjected to questioning in relation to an allegation of misconduct without first being informed in writing of the allegations and whether the allegations, if proven, involve minor infractions or may result in removal, discharge, or suspension from duty in excess of 24 duty hours. If an administrative proceeding is instituted, the fireman shall be informed beforehand of the names of all complainants and all information necessary to reasonably apprise the fireman of the nature of the charges and the preparation of a defense.

(Source: P.A. 85-606.)

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

Passed in the General Assembly May 12, 2005.
Approved July 12, 2005.
Effective July 12, 2005.
AN ACT concerning education.

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

Section 5. The School Code is amended by changing Sections 27-6 and 27-7 as follows:

(105 ILCS 5/27-6) (from Ch. 122, par. 27-6)

Sec. 27-6. Courses in physical education required; special activities.

(a) Pupils enrolled in the public schools and State universities engaged in preparing teachers shall, as soon as practicable, be required to engage daily, during the school day, in courses of physical education for such periods as are compatible with the optimum growth and developmental needs of individuals at the various age levels except when appropriate excuses are submitted to the school by a pupil's parent or guardian or by a person licensed under the Medical Practice Act of 1987 and except as provided in subsection (b) of this Section.

Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act of 1987, prevents their participation in the courses provided for normal children.

(b) A school board is authorized to excuse pupils enrolled in grades 11 and 12 from engaging in physical education courses if those pupils request to be excused for any of the following reasons: (1) for ongoing participation in an interscholastic athletic program; (2) to enroll in academic classes which are required for admission to an institution of higher learning, provided that failure to take such classes will result in the pupil being denied admission to the institution of his or her choice; or (3) to enroll in academic classes which are required for graduation from high school, provided that failure to take such classes will result in the pupil being unable to graduate. A school board may also excuse pupils in grades 9 through 12 enrolled in a marching band program for credit from engaging in physical education courses if those pupils request to be excused for ongoing participation in such marching band program. In addition, a school board may excuse pupils in grades 9 through 12 if those pupils must utilize the time set aside for physical education to receive special education support and services. A school board may also excuse pupils in grades 9 through 12 enrolled in a Reserve Officer's Training
Corps (ROTC) program sponsored by the school district from engaging in physical education courses. School boards which choose to exercise this authority shall establish a policy to excuse pupils on an individual basis.

(c) The provisions of this Section are subject to the provisions of Section 27-22.05.
(Source: P.A. 88-269; 89-155, eff. 7-19-95; 89-175, eff. 7-19-95; 89-626, eff. 8-9-96.)

(105 ILCS 5/27-7) (from Ch. 122, par. 27-7)
Sec. 27-7. Physical education course of study. Purposes of courses in physical education and training -- Courses of instruction. A physical education course of study shall include a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle. A physical education course of study shall provide students with an opportunity for an appropriate amount of daily physical activity. A physical education course of study must be part of the regular school curriculum and not extra-curricular in nature or organization. Courses in physical education and training shall be for the following purposes:

1. to develop organic vigor;
2. to provide bodily and emotional poise;
3. to provide neuro-muscular training;
4. to prevent or correct certain postural defects;
5. to develop strength and endurance;
6. to develop desirable moral and social qualities;
7. to promote hygienic school and home life; and
8. to secure scientific supervision of the sanitation and safety of school buildings, playgrounds, athletic fields and equipment thereof.

The State Board of Education shall prepare and make available guidelines for the various grades and types of schools in order to make effective the purposes set forth in this section and the requirements provided in Section 27-6, and shall see that the general provisions and intent of Sections 27-5 to 27-9, inclusive, are enforced.
(Source: P.A. 90-372, eff. 7-1-98.)

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

Passed in the General Assembly May 16, 2005.
Approved July 12, 2005.
Effective July 12, 2005.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0190
(House Bill No. 1541)

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

Section 5. The School Code is amended by adding Section 2-3.137 as follows:

(105 ILCS 5/2-3.137 new)
Sec. 2-3.137. School health recognition program. The State Board of Education shall establish a school health recognition program that:

(1) publicly identifies those schools that have implemented programs to increase the level of physical activity of their students;

(2) publicly identifies those schools that have adopted policies or implemented programs to promote healthy nutritional choices for their students; and

(3) allows recognized schools to share best practices and model services with other schools throughout the State.

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

Passed in the General Assembly May 18, 2005.
Approved July 12, 2005.
Effective July 12, 2005.

PUBLIC ACT 94-0191
(House Bill No. 1587)

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

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 104-20 as follows:

(725 ILCS 5/104-20) (from Ch. 38, par. 104-20)
Sec. 104-20. Ninety-Day Hearings; Continuing Treatment.) (a) Upon entry or continuation of any order to undergo treatment, the court shall set a date for hearing to reexamine the issue of the defendant's fitness not more than 90 days thereafter. In addition, whenever the court receives a report from the supervisor of the defendant's treatment pursuant to subparagraph (2) or (3) of paragraph (a) of Section 104-18, the court shall forthwith set the matter for a first hearing within 21 days unless good

New matter indicated by italics - deletions by strikeout
cause is demonstrated why the hearing cannot be held. On the date set or upon conclusion of the matter then pending before it, the court, sitting without a jury, shall conduct a hearing, unless waived by the defense, and shall determine:

(1) Whether the defendant is fit to stand trial or to plead; and if not,
(2) Whether the defendant is making progress under treatment toward attainment of fitness within one year from the date of the original finding of unfitness.

(b) If the court finds the defendant to be fit pursuant to this Section, the court shall set the matter for trial; provided that if the defendant is in need of continued care or treatment and the supervisor of the defendant's treatment agrees to continue to provide it, the court may enter any order it deems appropriate for the continued care or treatment of the defendant by the facility or program pending the conclusion of the criminal proceedings.

(c) If the court finds that the defendant is still unfit but that he is making progress toward attaining fitness, the court may continue or modify its original treatment order entered pursuant to Section 104-17.

(d) If the court finds that the defendant is still unfit and that he is not making progress toward attaining fitness such that there is not a substantial probability that he will attain fitness within one year from the date of the original finding of unfitness, the court shall proceed pursuant to Section 104-23. However, if the defendant is in need of continued care and treatment and the supervisor of the defendant's treatment agrees to continue to provide it, the court may enter any order it deems appropriate for the continued care or treatment by the facility or program pending the conclusion of the criminal proceedings.

(Source: P.A. 81-1217.)

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

Passed in the General Assembly May 18, 2005.
Approved July 12, 2005.
Effective July 12, 2005.
Section 5. The Crime Victims Compensation Act is amended by changing Section 6.1 as follows:

(740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

Sec. 6.1. Right to compensation. A person is entitled to compensation under this Act if:

(a) Within 2 years of the occurrence of the crime upon which the claim is based, he files an application, under oath, with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. If the person entitled to compensation is under 18 years of age or under other legal disability at the time of the occurrence or becomes legally disabled as a result of the occurrence, he may file the application required by this subsection within 2 years after he attains the age of 18 years or the disability is removed, as the case may be. Legal disability includes a diagnosis of posttraumatic stress disorder.

(b) For all crimes of violence, except those listed in subsection (b-1) of this Section, the appropriate law enforcement officials were notified within 72 hours of the perpetration of the crime allegedly causing the death or injury to the victim or, in the event such notification was made more than 72 hours after the perpetration of the crime, the applicant establishes that such notice was timely under the circumstances.

(b-1) For victims of offenses defined in Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, in the event that the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that the notice was timely under the circumstances.

(b-2) If the applicant has obtained an order of protection or a civil no contact order or has presented himself or herself to a hospital for sexual assault evidence collection and medical care, such action shall constitute appropriate notification under subsection (b) or (b-1) of this Section.

(c) The applicant has cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant.

(c-1) If the applicant has obtained an order of protection or a civil no contact order or has presented himself or herself to a hospital for sexual assault evidence collection and medical care, such action shall constitute cooperation under subsection (c) of this Section.
(d) The applicant is not the offender or an accomplice of the offender and the award would not unjustly benefit the offender or his accomplice.

(e) The injury to or death of the victim was not substantially attributable to his own wrongful act and was not substantially provoked by the victim.

(Source: P.A. 92-286, eff. 1-1-02.)

Passed in the General Assembly May 19, 2005.
Approved July 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0193
(House Bill No. 3488)

AN ACT concerning education.

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

Section 5. The Health Services Education Grants Act is amended by changing Sections 2 and 4 and by adding Section 5.5 as follows:

Sec. 2. The Board of Higher Education is authorized to distribute funds equitably to non-profit health service educational institutions in this State by grants as set forth in this Act and to prescribe forms and procedures for applications for such grants.

No grant shall be made to any institution which discriminates in the admission of students or the use of its facilities on the basis of race, color, creed, sex or national origin.

No facilities constructed with the aid of these grants shall be used for sectarian instruction or as a place for religious worship.

(Source: P.A. 80-1155.)

Sec. 4. Grants may be made to the following classes of institutions that offer health services programs: (i) medical, dental, pharmacy, optometry, and nursing schools, (ii) to physician assistant programs, (iii) to other health-related schools and programs, and (iv) to hospitals and clinical facilities used in health service training programs.

Qualification for grants shall be on the basis of either the number of Illinois resident enrollees or the number of degrees granted to students who are residents of this State or both. The grant amount shall be determined by the Board of Higher Education for each class of institution.

New matter indicated by italics - deletions by strikeout
At the discretion of the Board of Higher Education grants may be made for each class of institution in any or all of the following forms:

1. Single nonrecurring grants for planning and capital expense based on the increase in the number of Illinois resident enrollees;

2. Annual grants based on the number of degrees granted to (a) Illinois resident enrollees, or (b) Illinois resident enrollees from minority racial and ethnic groups, or both (a) and (b); and

3. Annual stabilization grants based on the number of (a) Illinois residents enrolled, or (b) Illinois residents enrolled from minority racial and ethnic groups, or both (a) and (b); and

4. Program priority grants based on State residents enrolled in eligible programs that address public demand for health services, workforce needs and shortages, and other programmatic priorities, such as sole service providers, academic needs, or industry standards. The Board of Higher Education may annually dedicate a portion of appropriated funds, not to exceed 10% of appropriations, to support program priority grants. In determining program priority areas, the Board of Higher Education shall annually consult with constituent institutions.

In awarding grants to nursing schools and to hospital schools of nursing, the Board of Higher Education may also consider whether the nursing program is located in a certified nurse shortage area. For purposes of this Section "certified nurse shortage area" means an area certified by the Director of the Department of Public Health as a nurse shortage area based on the most reliable data available to the Director.

(Source: P.A. 92-45, eff. 7-1-02.)

(110 ILCS 215/5.5 new)

Sec. 5.5. All grants under this Act shall be administered subject to funding availability. Nothing in this Act shall be construed to mandate that grants be given to any one class of institution or to every institution within a class, however, every institution offering eligible, accredited programs that received grant support in fiscal year 2005 shall continue to receive grant support at a comparable level in subsequent years.

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

Passed in the General Assembly May 16, 2005.
Approved July 12, 2005.
Effective July 12, 2005.
AN ACT to repeal the Personnel Radiation Monitoring Act.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Personnel Radiation Monitoring Act is hereby repealed.

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

Passed in the General Assembly May 16, 2005.
Approved July 12, 2005.
Effective July 12, 2005.

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

Section 5. The College Student Immunization Act is amended by changing Section 1 as follows:

Sec. 1. Definitions. For the purposes of this Act:
(a) "Department" means the Illinois Department of Public Health.
(b) "Post-secondary educational institution" means a public or private college or university offering degrees and instruction above the high school level, and shall include, but not be limited to, any and all private colleges and universities, the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, and any other public university now or hereafter established or authorized by the General Assembly; except that a post-secondary educational institution does not mean or include any public or private college or university that does not provide on-campus housing for its students in dormitories or equivalent facilities that are owned, operated, and maintained by the public or private college or university.

New matter indicated by italics - deletions by strikeout
The term shall not include any public or private junior or community college, or any institution offering degrees and instruction which utilizes correspondence as its primary mode of student instruction.
(Source: P.A. 88-651, eff. 9-16-94; 89-4, eff. 1-1-96.)

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

Passed in the General Assembly May 16, 2005.
Approved July 12, 2005.
Effective July 12, 2005.

PUBLIC ACT 94-0196
(Senate Bill No. 0003)

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

Section 5. The School Code is amended by changing Section 2-3.123 as follows:
(105 ILCS 5/2-3.123)
Sec. 2-3.123. Giant Steps Autism Center for Excellence pilot program. From appropriations made for purposes of this Section, the State Board of Education shall implement and administer a Giant Steps Autism Center for Excellence pilot program for the study and evaluation of autism and to provide related teacher training for teachers, paraprofessionals, and respite workers, therapist training, and consultative services. The program shall be operated over a period of 3 school years, beginning with the 2005-2006 school year. The State Board of Education is authorized to make grants to school districts and other programs that apply to participate in the Giant Steps Autism Center for Excellence program as implemented and administered by the State Board of Education. The State Board of Education shall by rule provide the form of application and criteria to be used and applied in selecting participating school districts and other programs.
(Source: P.A. 90-498, eff. 8-18-97; 90-655, eff. 7-30-98.)

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

Approved July 12, 2005.
Effective July 12, 2005.
PUBLIC ACT 94-0197
(Senate Bill No. 0058)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The School Code is amended by changing Section 3-11
as follows:
(105 ILCS 5/3-11) (from Ch. 122, par. 3-11)
Sec. 3-11. Institutes or inservice training workshops. In counties of
less than 2,000,000 inhabitants, the regional superintendent may arrange
for or conduct district, regional, or county institutes, or equivalent
professional educational experiences, not more than 4 days annually. Of
those 4 days, 2 days may be used as a teacher's workshop, when approved
by the regional superintendent, up to 2 days may be used for conducting
parent-teacher conferences or up to 2 days may be utilized as parental
institute days as provided in Section 10-22.18d. A school district may use
one of its 4 institute days on the last day of the school term. "Institute" or
"Professional educational experiences" means any educational gathering,
demonstration of methods of instruction, visitation of schools or other
institutions or facilities, or sexual abuse and sexual assault awareness
seminar, or training in First Aid (which may include cardiopulmonary
resuscitation or defibrillator training) held or approved by the regional
superintendent and declared by him to be an institute day, or parent-
teacher conferences. With the concurrence of the State Superintendent of
Education, he or she may employ such assistance as is necessary to
conduct the institute. Two or more adjoining counties may jointly hold an
institute. Institute instruction shall be free to holders of certificates good in
the county or counties holding the institute, and to those who have paid an
examination fee and failed to receive a certificate.

In counties of 2,000,000 or more inhabitants, the regional
superintendent may arrange for or conduct district, regional, or county
inservice training workshops, or equivalent professional educational
experiences, not more than 4 days annually. Of those 4 days, 2 days may
be used for conducting parent-teacher conferences and up to 2 days may be
utilized as parental institute days as provided in Section 10-22.18d. A
school district may use one of those 4 days on the last day of the school
term. "Inservice Training Workshops" or "Professional educational
experiences" means any educational gathering, demonstration of methods
of instruction, visitation of schools or other institutions or facilities, or
sexual abuse and sexual assault awareness seminar, or training in First Aid (which may include cardiopulmonary resuscitation or defibrillator training) held or approved by the regional superintendent and declared by him to be an inservice training workshop, or parent-teacher conferences. With the concurrence of the State Superintendent of Education, he may employ such assistance as is necessary to conduct the inservice training workshop. With the approval of the regional superintendent, 2 or more adjoining districts may jointly hold an inservice training workshop. In addition, with the approval of the regional superintendent, one district may conduct its own inservice training workshop with subject matter consultants requested from the county, State or any State institution of higher learning.

Such teachers institutes as referred to in this Section may be held on consecutive or separate days at the option of the regional superintendent having jurisdiction thereof.

Whenever reference is made in this Act to "teachers institute", it shall be construed to include the inservice training workshops or equivalent professional educational experiences provided for in this Section.

Any institute advisory committee existing on April 1, 1995, is dissolved and the duties and responsibilities of the institute advisory committee are assumed by the regional office of education advisory board.

Districts providing inservice training programs shall constitute inservice committees, 1/2 of which shall be teachers, 1/4 school service personnel and 1/4 administrators to establish program content and schedules.

The teachers institutes shall include teacher training committed to peer counseling programs and other anti-violence and conflict resolution programs, including without limitation programs for preventing at risk students from committing violent acts.

(Source: P.A. 91-491, eff. 8-13-99.)

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

Passed in the General Assembly May 17, 2005.
Approved July 12, 2005.
Effective July 12, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

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

Section 5. The School Code is amended by changing Sections 2-3.25g and 27-6 as follows:

(105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)
Sec. 2-3.25g. Waiver or modification of mandates within the School Code and administrative rules and regulations.

(a) In this Section:

"Board" means a school board or the governing board or administrative district, as the case may be, for a joint agreement.

"Eligible applicant" means a school district, joint agreement made up of school districts, or regional superintendent of schools on behalf of schools and programs operated by the regional office of education.

"State Board" means the State Board of Education.

(b) Notwithstanding any other provisions of this School Code or any other law of this State to the contrary, eligible applicants may petition the State Board of Education for the waiver or modification of the mandates of this School Code or of the administrative rules and regulations promulgated by the State Board of Education. Waivers or modifications of administrative rules and regulations and modifications of mandates of this School Code may be requested when an eligible applicant demonstrates that it can address the intent of the rule or mandate in a more effective, efficient, or economical manner or when necessary to stimulate innovation or improve student performance. Waivers of mandates of the School Code may be requested when the waivers are necessary to stimulate innovation or improve student performance. Waivers may not be requested from laws, rules, and regulations pertaining to special education, teacher certification, or teacher tenure and seniority or from compliance with the No Child Left Behind Act of 2001 (Public Law 107-110).

(c) Eligible applicants, as a matter of inherent managerial policy, and any Independent Authority established under Section 2-3.25f may submit an application for a waiver or modification authorized under this Section. Each application must include a written request by the eligible applicant or Independent Authority and must demonstrate that the intent of the mandate can be addressed in a more effective, efficient, or economical
manner or be based upon a specific plan for improved student performance and school improvement. Any eligible applicant requesting a waiver or modification for the reason that intent of the mandate can be addressed in a more economical manner shall include in the application a fiscal analysis showing current expenditures on the mandate and projected savings resulting from the waiver or modification. Applications and plans developed by eligible applicants must be approved by the board or regional superintendent of schools applying on behalf of schools or programs operated by the regional office of education following a public hearing on the application and plan and the opportunity for the board or regional superintendent to hear testimony from educators directly involved in its implementation, parents, and students. If the applicant is a school district or joint agreement, the public hearing shall be held on a day other than the day on which a regular meeting of the board is held. If the applicant is a school district, the public hearing must be preceded by at least one published notice occurring at least 7 days prior to the hearing in a newspaper of general circulation within the school district that sets forth the time, date, place, and general subject matter of the hearing. If the applicant is a joint agreement or regional superintendent, the public hearing must be preceded by at least one published notice (setting forth the time, date, place, and general subject matter of the hearing) occurring at least 7 days prior to the hearing in a newspaper of general circulation in each school district that is a member of the joint agreement or that is served by the educational service region, provided that a notice appearing in a newspaper generally circulated in more than one school district shall be deemed to fulfill this requirement with respect to all of the affected districts. The eligible applicant must notify in writing the affected exclusive collective bargaining agent and those State legislators representing the eligible applicant's territory of its intent to seek approval of a waiver or modification and of the hearing to be held to take testimony from educators. The affected exclusive collective bargaining agents shall be notified of such public hearing at least 7 days prior to the date of the hearing and shall be allowed to attend such public hearing. The eligible applicant shall attest to compliance with all of the notification and procedural requirements set forth in this Section.

(d) A request for a waiver or modification of administrative rules and regulations or for a modification of mandates contained in this School Code shall be submitted to the State Board of Education within 15 days after approval by the board or regional superintendent of schools. The application as submitted to the State Board of Education shall include a

New matter indicated by italics - deletions by strikeout
description of the public hearing. Following receipt of the request, the State Board shall have 45 days to review the application and request. If the State Board fails to disapprove the application within that 45 day period, the waiver or modification shall be deemed granted. The State Board may disapprove any request if it is not based upon sound educational practices, endangers the health or safety of students or staff, compromises equal opportunities for learning, or fails to demonstrate that the intent of the rule or mandate can be addressed in a more effective, efficient, or economical manner or have improved student performance as a primary goal. Any request disapproved by the State Board may be appealed to the General Assembly by the eligible applicant as outlined in this Section.

A request for a waiver from mandates contained in this School Code shall be submitted to the State Board within 15 days after approval by the board or regional superintendent of schools. The application as submitted to the State Board of Education shall include a description of the public hearing. The description shall include, but need not be limited to, the means of notice, the number of people in attendance, the number of people who spoke as proponents or opponents of the waiver, a brief description of their comments, and whether there were any written statements submitted. The State Board shall review the applications and requests for completeness and shall compile the requests in reports to be filed with the General Assembly. The State Board shall file reports outlining the waivers requested by eligible applicants and appeals by eligible applicants of requests disapproved by the State Board with the Senate and the House of Representatives before each March May 1 and October 1. The General Assembly may disapprove the report of the State Board in whole or in part within 60 30 calendar days after each house of the General Assembly next convenes after the report is filed by adoption of a resolution by a record vote of the majority of members elected in each house. If the General Assembly fails to disapprove any waiver request or appealed request within such 60 30 day period, the waiver or modification shall be deemed granted. Any resolution adopted by the General Assembly disapproving a report of the State Board in whole or in part shall be binding on the State Board.

(e) An approved waiver or modification may remain in effect for a period not to exceed 5 school years and may be renewed upon application by the eligible applicant. However, such waiver or modification may be changed within that 5-year period by a board or regional superintendent of schools applying on behalf of schools or programs operated by the regional office of education following the procedure as set forth in this Section for

New matter indicated by italics - deletions by strikeout
the initial waiver or modification request. If neither the State Board of Education nor the General Assembly disapproves, the change is deemed granted.

(f) On or before February 1, 1998, and each year thereafter, the State Board of Education shall submit a cumulative report summarizing all types of waivers of mandates and modifications of mandates granted by the State Board or the General Assembly. The report shall identify the topic of the waiver along with the number and percentage of eligible applicants for which the waiver has been granted. The report shall also include any recommendations from the State Board regarding the repeal or modification of waived mandates.

(Source: P.A. 93-470, eff. 8-8-03; 93-557, eff. 8-20-03; 93-707, eff. 7-9-04.)

(105 ILCS 5/27-6) (from Ch. 122, par. 27-6)
Sec. 27-6. Courses in physical education - Special activities.

(a) Pupils enrolled in the public schools and State universities engaged in preparing teachers shall, as soon as practicable, be required to engage daily; during the school day, except on block scheduled days for those public schools engaged in block scheduling, in courses of physical education for such periods as are compatible with the optimum growth and development needs of individuals at the various age levels except when appropriate excuses are submitted to the school by a pupil's parent or guardian or by a person licensed under the Medical Practice Act of 1987 and except as provided in subsection (b) of this Section.

Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act of 1987, prevents their participation in the courses provided for normal children.

(b) A school board is authorized to excuse pupils enrolled in grades 11 and 12 from engaging in physical education courses if those pupils request to be excused for any of the following reasons: (1) for ongoing participation in an interscholastic athletic program; (2) to enroll in academic classes which are required for admission to an institution of higher learning, provided that failure to take such classes will result in the pupil being denied admission to the institution of his or her choice; or (3) to enroll in academic classes which are required for graduation from high school, provided that failure to take such classes will result in the pupil being unable to graduate. A school board may also excuse pupils in grades 9 through 12 enrolled in a marching band program for credit from engaging in physical education courses if those pupils request to be

New matter indicated by italics - deletions by strikeout
excused for ongoing participation in such marching band program. A school board may also excuse pupils in grades 9 through 12 enrolled in a Reserve Officer’s Training Corps (ROTC) program sponsored by the school district from engaging in physical education courses. School boards which choose to exercise this authority shall establish a policy to excuse pupils on an individual basis.

(c) The provisions of this Section are subject to the provisions of Section 27-22.05.
(Source: P.A. 88-269; 89-155, eff. 7-19-95; 89-175, eff. 7-19-95; 89-626, eff. 8-9-96.)
Passed in the General Assembly May 17, 2005.
Approved July 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0199
(Senate Bill No. 0162)

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

Section 5. The School Code is amended by adding Section 2-3.137 as follows:

(105 ILCS 5/2-3.137 new)
Sec. 2-3.137. School wellness policies; taskforce.
(a) The State Board of Education shall establish a State goal that all school districts have a wellness policy that is consistent with recommendations of the Centers for Disease Control and Prevention (CDC), which recommendations include the following:

(1) nutrition guidelines for all foods sold on school campus during the school day;
(2) setting school goals for nutrition education and physical activity;
(3) establishing community participation in creating local wellness policies; and
(4) creating a plan for measuring implementation of these wellness policies.

The Department of Public Health, the Department of Human Services, and the State Board of Education shall form an interagency working group to publish model wellness policies and recommendations. Sample policies shall be based on CDC recommendations for nutrition

New matter indicated by italics - deletions by strikeout
and physical activity. The State Board of Education shall distribute the model wellness policies to all school districts before June 1, 2006.

(b) There is created the School Wellness Policy Taskforce, consisting of the following members:

(1) One member representing the State Board of Education, appointed by the State Board of Education.

(2) One member representing the Department of Public Health, appointed by the Director of Public Health.

(3) One member representing the Department of Human Services, appointed by the Secretary of Human Services.

(4) One member of an organization representing the interests of school nurses in this State, appointed by the interagency working group.

(5) One member of an organization representing the interests of school administrators in this State, appointed by the interagency working group.

(6) One member of an organization representing the interests of school boards in this State, appointed by the interagency working group.

(7) One member of an organization representing the interests of regional superintendents of schools in this State, appointed by the interagency working group.

(8) One member of an organization representing the interests of parent-teacher associations in this State, appointed by the interagency working group.

(9) One member of an organization representing the interests of pediatricians in this State, appointed by the interagency working group.

(10) One member of an organization representing the interests of dentists in this State, appointed by the interagency working group.

(11) One member of an organization representing the interests of dieticians in this State, appointed by the interagency working group.

(12) One member of an organization that has an interest and expertise in heart disease, appointed by the interagency working group.

(13) One member of an organization that has an interest and expertise in cancer, appointed by the interagency working group.

New matter indicated by italics - deletions by strikeout
(14) One member of an organization that has an interest and expertise in childhood obesity, appointed by the interagency working group.

(15) One member of an organization that has an interest and expertise in the importance of physical education and recreation in preventing disease, appointed by the interagency working group.

(16) One member of an organization that has an interest and expertise in school food service, appointed by the interagency working group.

(17) One member of an organization that has an interest and expertise in school health, appointed by the interagency working group.

(18) One member of an organization that campaigns for programs and policies for healthier school environments, appointed by the interagency working group.

(19) One at-large member with a doctorate in nutrition, appointed by the State Board of Education.

Members of the taskforce shall serve without compensation. The taskforce shall meet at the call of the State Board of Education. The taskforce shall report its identification of barriers to implementing school wellness policies and its recommendations to reduce those barriers to the General Assembly and the Governor on or before January 1, 2006. The taskforce shall report its recommendations on statewide school nutrition standards to the General Assembly and the Governor on or before January 1, 2007. The taskforce shall report its evaluation of the effectiveness of school wellness policies to the General Assembly and the Governor on or before January 1, 2008. The evaluation shall review a sample size of 5 to 10 school districts. Reports shall be made to the General Assembly by filing copies of each report as provided in Section 3.1 of the General Assembly Organization Act. Upon the filing of the last report, the taskforce is dissolved.

(c) The State Board of Education may adopt any rules necessary to implement this Section.

(d) Nothing in this Section may be construed as a curricular mandate on any school district.

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

Passed in the General Assembly May 17, 2005.
Approved July 12, 2005.
AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The School Code is amended by changing Sections 27-6 and
27-7 as follows:
(105 ILCS 5/27-6) (from Ch. 122, par. 27-6)
Sec. 27-6. Courses in physical education required; special
activities.
(a) Pupils enrolled in the public schools and State universities
engaged in preparing teachers shall, as soon as practicable, be required to
engage daily, during the school day, in courses of physical education for
such periods as are compatible with the optimum growth and
developmental needs of individuals at the various age levels
except when appropriate excuses are submitted to the school by a pupil's
parent or guardian or by a person licensed under the Medical Practice Act
of 1987 and except as provided in subsection (b) of this Section.
Special activities in physical education shall be provided for pupils
whose physical or emotional condition, as determined by a person licensed
under the Medical Practice Act of 1987, prevents their participation in the
courses provided for normal children.
(b) A school board is authorized to excuse pupils enrolled in grades
11 and 12 from engaging in physical education courses if those pupils
request to be excused for any of the following reasons: (1) for ongoing
participation in an interscholastic athletic program; (2) to enroll in
academic classes which are required for admission to an institution of
higher learning, provided that failure to take such classes will result in the
pupil being denied admission to the institution of his or her choice; or (3)
to enroll in academic classes which are required for graduation from high
school, provided that failure to take such classes will result in the pupil
being unable to graduate. A school board may also excuse pupils in grades
9 through 12 enrolled in a marching band program for credit from
engaging in physical education courses if those pupils request to be
excused for ongoing participation in such marching band program. In
addition, a school board may excuse pupils in grades 9 through 12 if those
pupils must utilize the time set aside for physical education to receive

New matter indicated by italics - deletions by strikeout
special education support and services. A school board may also excuse pupils in grades 9 through 12 enrolled in a Reserve Officer's Training Corps (ROTC) program sponsored by the school district from engaging in physical education courses. School boards which choose to exercise this authority shall establish a policy to excuse pupils on an individual basis.

(c) The provisions of this Section are subject to the provisions of Section 27-22.05.

(105 ILCS 5/27-7) (from Ch. 122, par. 27-7)

Sec. 27-7. Physical education course of study. Purposes of courses in physical education and training – Courses of instruction. A physical education course of study shall include a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle. A physical education course of study shall provide students with an opportunity for an appropriate amount of daily physical activity. A physical education course of study must be part of the regular school curriculum and not extra-curricular in nature or organization. Courses in physical education and training shall be for the following purposes:

1. to develop organic vigor;
2. to provide bodily and emotional poise;
3. to provide neuro-muscular training;
4. to prevent or correct certain postural defects;
5. to develop strength and endurance;
6. to develop desirable moral and social qualities;
7. to promote hygienic school and home life; and
8. to secure scientific supervision of the sanitation and safety of school buildings, playgrounds, athletic fields and equipment thereof.

The State Board of Education shall prepare and make available guidelines for the various grades and types of schools in order to make effective the purposes set forth in this section and the requirements provided in Section 27-6, and shall see that the general provisions and intent of Sections 27-5 to 27-9, inclusive, are enforced.

(Source: P.A. 90-372, eff. 7-1-98.)

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

Passed in the General Assembly May 17, 2005.
AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 10-23.8b as follows:

(105 ILCS 5/10-23.8b) (from Ch. 122, par. 10-23.8b)

Sec. 10-23.8b. Reclassification of principals. Upon non-renewal of a principal's administrative contract, the principal shall be reclassified pursuant to this Section. No principal who has completed 2 or more years of administrative service in the school district may be reclassified by demotion or reduction in rank from one position within a school district to another for which a lower salary is paid without written notice from the board of the proposed reclassification by April 1 of the year in which the contract expires.

Within 10 days of the principal's receipt of this notice, the school board shall provide the principal with a written statement of the facts regarding reclassification, and the principal may request and receive a private hearing with the board to discuss the reasons for the reclassification. If the principal is not satisfied with the results of the private hearing, he may, within 5 days thereafter, request and receive a public hearing on the reclassification. Any principal may be represented by counsel at a private or public hearing conducted under this Section.

If the board decides to proceed with the reclassification, it shall give the principal written notice of its decision within 15 days of the private hearing or within 15 days of the public hearing held under this Section whichever is later. The decision of the board thereupon becomes final.

Nothing in this Section prohibits a board from ordering lateral transfers of principals to positions of similar rank and equal salary.

The changes made by this amendatory Act of the 94th General Assembly are declaratory of existing law.

(Source: P.A. 84-514.)

Passed in the General Assembly May 17, 2005.

Approved July 12, 2005.
AN ACT concerning health.

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

Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Section 3-606 as follows:

(405 ILCS 5/3-606) (from Ch. 91 1/2, par. 3-606)

Sec. 3-606. A peace officer may take a person into custody and transport him to a mental health facility when, as a result of his personal observation, the peace officer has reasonable grounds to believe that the person is subject to involuntary admission and in need of immediate hospitalization to protect such person or others from physical harm. Upon arrival at the facility, the peace officer shall complete the petition under Section 3-601. If the petition is not completed by the peace officer transporting the person, the transporting officer's name, badge number, and employer shall be included in the petition as a potential witness as provided in Section 3-601 of this Chapter.

(Source: P.A. 91-726, eff. 6-2-00.)

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

Passed in the General Assembly May 18, 2005.
Approved July 12, 2005.
Effective July 12, 2005.

PUBLIC ACT 94-0203
(House Bill No. 0690)

AN ACT in relation to economic development.

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

Section 1. Short title. This Act may be cited as the Eastern Illinois Economic Development Authority Act.

Section 5. Findings. The General Assembly determines and declares the following:

(1) that labor surplus areas currently exist in eastern Illinois;

New matter indicated by italics - deletions by strikeout
(2) that the economic burdens resulting from involuntary unemployment fall, in part, upon the State in the form of increased need for public assistance and reduced tax revenues and, in the event that the unemployed worker and his or her family migrate elsewhere to find work, the burden may also fall upon the municipalities and other taxing districts within the areas of unemployment in the form of reduced tax revenues, thereby endangering their financial ability to support necessary governmental services for their remaining inhabitants;

(3) that the State has a responsibility to help create a favorable climate for new and improved job opportunities for its citizens by encouraging the development of commercial and service businesses and industrial and manufacturing plants within eastern Illinois;

(4) that a lack of decent housing contributes to urban blight, crime, anti-social behavior, disease, a higher need for public assistance, reduced tax revenues, and the migration of workers and their families away from areas which fail to offer adequate, decent, and affordable housing;

(5) that decent, affordable housing is a necessary ingredient of life affording each citizen basic human dignity, a sense of self-worth, confidence, and a firm foundation upon which to build a family and educate children;

(6) that in order to foster civic and neighborhood pride, citizens require access to educational institutions, recreation, parks and open spaces, entertainment, sports, a reliable transportation network, cultural facilities, and theaters; and

(7) that the main purpose of this Act is to promote industrial, commercial, residential, service, transportation, and recreational activities and facilities, thereby reducing the evils attendant upon unemployment and enhancing the public health, safety, morals, happiness, and general welfare of the State.

Section 10. Definitions. In this Act:

"Authority" means the Eastern Illinois Economic Development Authority.

"Governmental agency" means any federal, State, or local governmental body and any agency or instrumentality thereof, corporate or otherwise.

"Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

New matter indicated by italics - deletions by strikeout
"Revenue bond" means any bond issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

"Board" means the Board of Directors of the Eastern Illinois Economic Development Authority.

"Governor" means the Governor of the State of Illinois.

"City" means any city, village, incorporated town, or township within the geographical territory of the Authority.

"Industrial project" means the following:

1. a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefore whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or

2. any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

"Commercial project" means any project, including, but not limited to, one or more buildings and other structures, improvements, machinery, and equipment, whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship, or agency.

"Project" means an industrial, housing, residential, commercial, or service project, or any combination thereof, provided that all uses fall within one of the categories described above. Any project automatically includes all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other

New matter indicated by italics - deletions by strikeout
pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways, and runways.

"Lease agreement" means an agreement in which a project acquired by the Authority by purchase, gift, or lease is leased to any person or corporation that will use, or cause the project to be used, as a project, upon terms providing for lease rental payments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority, issued with respect to the project, providing for the maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with other terms as may be deemed desirable by the Authority.

"Loan agreement" means any agreement in which the Authority agrees to loan the proceeds of its bonds, notes, or other evidences of indebtedness, issued with respect to a project, to any person or corporation which will use or cause the project to be used as a project, upon terms providing for loan repayment installments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for other terms deemed advisable by the Authority.

"Financial aid" means the expenditure of Authority funds or funds provided by the Authority for the development, construction, acquisition or improvement of a project, through the issuance of revenue bonds, notes, or other evidences of indebtedness.

"Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following:

1. the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements, and franchises acquired which are deemed necessary for the construction;
2. financing charges;
3. interest costs with respect to bonds, notes, and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter;
4. engineering and legal expenses; and

New matter indicated by italics - deletions by strikeout
(5) the costs of plans, specifications, surveys, and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition, and construction of a specific project and the placing of the same in operation.

Section 15. Creation.
(a) There is created a political subdivision, body politic, and municipal corporation named the Eastern Illinois Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of the following counties: Ford, Iroquois, Piatt, Champaign, Vermilion, Douglas, Moultrie, Shelby, Coles, and Edgar and any navigable waters and air space located therein.
(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 14 members as follows:
  (1) Ex officio members. The Director of Commerce and Economic Opportunity, or a designee of that Department, shall serve as an ex officio member.
  (2) Public members. Three members shall be appointed by the Governor with the advice and consent of the Senate. The county board chairperson of the following counties shall each appoint one member: Ford, Iroquois, Piatt, Champaign, Vermilion, Douglas, Moultrie, Shelby, Coles, and Edgar. All public members shall reside within the territorial jurisdiction of the Authority. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, state or local government, commercial agriculture, small business management, real estate development, community development, venture finance, organized labor, or civic or community organization.
  (c) 8 members shall constitute a quorum.
  (d) The chairperson of the Authority shall be elected annually by the Board and must be a public member that resides within the territorial jurisdiction of the Authority.
  (e) The terms of all initial members of the Authority shall begin 30 days after the effective date of this Act. Of the 3 original public members appointed by the Governor, 1 shall serve until the third Monday in January, 2006; 1 shall serve until the third Monday in January, 2007; 1 shall serve until the third Monday in January, 2008. The initial terms of
the original public members appointed by the county board chairpersons shall be determined by lot, according to the following schedule: (i) 2 shall serve until the third Monday in January, 2006, (ii) 2 shall serve until the third Monday in January, 2007, (iii) 2 shall serve until the third Monday in January, 2008, (iv) 2 shall serve until the third Monday in January, 2009, and (v) 2 shall serve until the third Monday in January, 2010. All successors to these original public members shall be appointed by the original appointing authority and all appointments made by the Governor shall be made with the advice and consent of the Senate, pursuant to subsection (b), and shall hold office for a term of 6 years commencing the third Monday in January of the year in which their term commences, except in the case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill the office and, upon confirmation by the Senate, he or she shall hold office during the remainder of the term and until a successor is appointed and qualified. Members of the Authority are not entitled to compensation for their services as members but are entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(f) The Governor or a county board chairperson, as the case may be, may remove any public member of the Authority in case of incompetence, neglect of duty, or malfeasance in office. The chairperson of a county board may remove any public member appointed by that chairperson in the case of incompetence, neglect of duty, or malfeasance in office.

(g) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate, or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, perform such other duties as may be prescribed from time to time by the members, and receive compensation fixed by the Authority. The Department of Commerce and Economic Opportunity shall pay the compensation of the Executive Director from appropriations received for that purpose. The Executive Director shall attend all meetings of the Authority. However, no action of

New matter indicated by italics - deletions by strikeout
the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of the Illinois Finance Authority, attorneys, appraisers, engineers, accountants, credit analysts, and other consultants if the Eastern Illinois Economic Development Authority deems it advisable.

Section 20. Duty. All official acts of the Authority shall require the approval of at least 11 members. It shall be the duty of the Authority to promote development within the geographic confines of Ford, Iroquois, Piatt, Champaign, Vermilion, Douglas, Moultrie, Shelby, Coles, and Edgar counties. The Authority shall use the powers conferred upon it to assist in the development, construction, and acquisition of industrial, commercial, housing, or residential projects within its territorial jurisdiction.

Section 25. Powers.
(a) The Authority possesses all the powers of a body corporate necessary and convenient to accomplish the purposes of this Act, including, without any intended limitation upon the general powers hereby conferred, the following powers:

(1) to enter into loans, contracts, agreements, and mortgages in any matter connected with any of its corporate purposes and to invest its funds;
(2) to sue and be sued;
(3) to utilize services of the Illinois Finance Authority necessary to carry out its purposes;
(4) to have and use a common seal and to alter the seal at its discretion;
(5) to adopt all needful ordinances, resolutions, bylaws, rules, and regulations for the conduct of its business and affairs and for the management and use of the projects developed, constructed, acquired, and improved in furtherance of its purposes;
(6) to designate the fiscal year for the Authority;
(7) to accept and expend appropriations;
(8) to acquire, own, lease, sell, or otherwise dispose of interests in and to real property and improvements situated on that real property and in personal property necessary to fulfill the purposes of the Authority;
(9) to engage in any activity or operation which is incidental to and in furtherance of efficient operation to accomplish the Authority's primary purpose;
(10) to acquire, own, construct, lease, operate, and maintain bridges, terminals, terminal facilities, and port facilities and to fix

New matter indicated by italics - deletions by strikeout
and collect just, reasonable, and nondiscriminatory charges for the use of such facilities. These charges shall be used to defray the reasonable expenses of the Authority and to pay the principal and interest of any revenue bonds issued by the Authority;

(11) subject to any applicable condition imposed by this Act, to locate, establish and maintain a public airport, public airports and public airport facilities within its corporate limits or within or upon any body of water adjacent thereto and to construct, develop, expand, extend and improve any such airport or airport facility; and

(12) to have and exercise all powers and be subject to all duties usually incident to boards of directors of corporations.

(b) The Authority shall not issue any bonds relating to the financing of a project located within the planning and subdivision control jurisdiction of any municipality or county unless: (i) notice, including a description of the proposed project and the financing for that project, is submitted to the corporate authorities of the municipality or, in the case of a proposed project in an unincorporated area, to the county board and (ii) the corporate authorities of the municipality do not, or the county board does not, adopt a resolution disapproving the project within 45 days after receipt of the notice.

(c) If any of the powers set forth in this Act are exercised within the jurisdictional limits of any municipality, all ordinances of the municipality remain in full force and effect and are controlling.

Section 30. Tax avoidance. Notwithstanding any other provision of law, the Authority shall not enter into any agreement providing for the purchase and lease of tangible personal property which results in the avoidance of taxation under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, or the Service Occupation Tax Act, without the prior written consent of the Governor.

Section 35. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount not to exceed $250,000,000 for the following purposes: (i) development, construction, acquisition, or improvement of projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority; (ii) entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority; (iii) acquisition and improvement of any property necessary and useful in
connection therewith; and (iv) for the purposes of the Employee Ownership Assistance Act. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time, issue and dispose of its interest-bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes, or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to the Authority for such purposes. The bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium, as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any bonds, notes, or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of the bonds, notes, or other evidences of indebtedness, to compel such corporation, person, the Authority, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of the bonds, notes, or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin the corporation, person, the Authority, and any of its agents or employees from taking any action in conflict with any contract or covenant.

(c) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the bond becomes due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which the default of payment exists or by an indenture trustee acting on behalf of the holders. Delivery of a summons and a copy of the complaint to the chairman of the Board shall

New matter indicated by italics - deletions by strikeout
constitute sufficient service to give the circuit court jurisdiction over the subject matter of the suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy, or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(d) Notwithstanding the form and tenor of any bond, note, or other evidence of indebtedness and in the absence of any express recital on its face that it is non-negotiable, all such bonds, notes, and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or other evidences of indebtedness, temporary bonds, notes, or evidences of indebtedness may be issued as provided by ordinance.

(e) To secure the payment of any or all of such bonds, notes, or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance of the bonds, notes, or other evidences of indebtedness and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income, or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any mortgage or trust agreement by the Authority may be by mandamus proceeding in the appropriate circuit court to compel performance and compliance under the terms of the mortgage or trust agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(f) Bonds or notes shall be secured as provided in the authorizing ordinance which may include, notwithstanding any other provision of this Act, in addition to any other security, a specific pledge, assignment of and lien on, or security interest in any or all revenues or money of the Authority, from whatever source, which may, by law, be used for debt service purposes and a specific pledge, or assignment of and lien on, or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of the bonds or notes.

(g) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the holders of bonds or notes or in any way impair the rights and remedies of those holders until the bonds and notes, together

New matter indicated by italics - deletions by strikeout
with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(h) Not less than 30 days prior to the commitment to issue bonds, notes, or other evidences of indebtedness for the purpose of developing, constructing, acquiring, or improving housing or residential projects, as defined in this Act, the Authority shall provide notice to the Executive Director of the Illinois Housing Development Authority. Within 30 days after the notice is provided, the Illinois Housing Development Authority shall, in writing, either express interest in financing the project or notify the Authority that it is not interested in providing financing and that the Authority may finance the project or seek alternative financing.

Section 40. Bonds and notes; exemption from taxation. The creation of the Authority is in all respects for the benefit of the people of Illinois and for the improvement of their health, safety, welfare, comfort, and security, and its purposes are public purposes. In consideration thereof, the notes and bonds of the Authority issued pursuant to this Act and the income from these notes and bonds may be free from all taxation by the State or its political subdivisions, exempt from estate, transfer, and inheritance taxes. The exemption from taxation provided by the preceding sentence shall apply to the income on any notes or bonds of the Authority only if the Authority in its sole judgment determines that the exemption enhances the marketability of the bonds or notes or reduces the interest rates that would otherwise be borne by the bonds or notes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the Authority shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, subject to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

Section 45. Acquisition.

New matter indicated by italics - deletions by strikeout
(a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift, or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic, or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any of these sources.

(c) The Authority shall have power to develop, construct, and improve, either under its own direction or through collaboration with any approved applicant, or to acquire, through purchase or otherwise, any project, using for this purpose the proceeds derived from its sale of revenue bonds, notes, or other evidences of indebtedness or governmental loans or grants and shall have the power to hold title to those projects in the name of the Authority.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Ford, Iroquois, Piatt, Champaign, Vermilion, Douglas, Moultrie, Shelby, Coles, or Edgar, the Illinois Development Finance Authority, the Illinois Housing Development Authority, the Illinois Education Facilities Authority, the Illinois Farm Development Authority, the Rural Bond Bank, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority, or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois, and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the Illinois Municipal Code.

Section 55. Designation of depository. The Authority shall biennially designate a national or State bank or banks as depositories of its money. Such depositories shall be designated only within the State and upon condition that bonds approved as to form and surety by the Authority and at least equal in amount to the maximum sum expected to be on

New matter indicated by italics - deletions by strikeout
deposit at any one time shall be first given by such depositories to the Authority, such bonds to be conditioned for the safe keeping and prompt repayment of such deposits. When any of the funds of the Authority shall be deposited by the treasurer in any such depository, the treasurer and the sureties on his or her official bond shall, to such extent, be exempt from liability for the loss of any such deposited funds by reason of the failure, bankruptcy, or any other act or default of such depository; provided that the Authority may accept assignments of collateral by any depository of its funds to secure such deposits to the same extent and conditioned in the same manner as assignments of collateral are permitted by law to secure deposits of the funds of any city.

Section 60. Taxation prohibited. The Authority shall have no right or authority to levy any tax or special assessment, to pledge the credit of the State or any other subdivision or municipal corporation thereof, or to incur any obligation enforceable upon any property, either within or without the territory of the Authority.

Section 65. Fees. The Authority may collect fees and charges in connection with its loans, commitments, and servicing and may provide technical assistance in the development of the region.

Section 70. Reports. The Authority shall annually submit a report of its finances to the Auditor General. The Authority shall annually submit a report of its activities to the Governor and to the General Assembly.

Section 999. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 19, 2005.
Approved July 13, 2005.
Effective July 13, 2005.

PUBLIC ACT 94-0204
(House Bill No. 0056)

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

Section 5. The Fire Sprinkler Dormitory Act is amended by changing Sections 10 and 15 as follows:

(110 ILCS 47/10)
Sec. 10. Fire sprinkler systems required. Subject to the establishment of a fire sprinkler dormitory revolving loan program under Section 15 of this Act, fire sprinkler systems are required in the

New matter indicated by italics - deletions by strikeout
dormitories of all post-secondary educational institutions by 2013. This includes current structures as well as newly constructed dormitories. 

*Nothing in this Act may be construed to abrogate any statute, rule, or ordinance requiring that a fire extinguisher be present in a dormitory.*

(Source: P.A. 93-887, eff. 1-1-05.)

(110 ILCS 47/15)

Sec. 15. Fire Sprinkler Dormitory Revolving Loan Program. The Illinois Finance Authority and the Office of the State Fire Marshal shall jointly administer a fire sprinkler dormitory revolving loan program. The program shall provide low-interest loans for the installation of fire sprinkler systems in college dormitories by post-secondary educational institutions. The loan funds, subject to appropriation or other funding sources, shall be paid out of the Fire Sprinkler Dormitory Revolving Loan Fund, a special fund in the State treasury. The Fund shall consist of any moneys transferred into or appropriated to the Fund as well as all repayments of loans made under this Section. The Fund shall be used for loans to post-secondary educational institutions for costs associated with the installation of fire sprinkler systems in dormitories and for no other purpose. All interest earned on moneys in the Fund shall be deposited into the Fund.

(Source: P.A. 93-887, eff. 1-1-05.)

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

Passed in the General Assembly May 20, 2005.

Approved July 14, 2005.

Effective July 14, 2005.

PUBLIC ACT 94-0205

(House Bill No. 0060)

AN ACT concerning education.

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

Section 5. The Higher Education Student Assistance Act is amended by adding Section 65.27 as follows:

(110 ILCS 947/65.27 new)

Sec. 65.27. Teach Illinois Scholarship Program.

(a) For the purposes of this Section:

"Area of identified staff shortage" means a school district in which the number of teachers is insufficient to meet student or school district

New matter indicated by italics - deletions by strikeout
demand or a subject area for which the number of teachers who are qualified to teach that subject area is insufficient to meet student or school district demand, as determined by the State Board of Education.

"Qualified institution of higher learning" means one of the universities listed in Section 65.40 of this Act.

(b) The Commission shall implement and administer a teacher scholarship program, to be known as the Teach Illinois Scholarship Program. The Commission shall annually award scholarships to persons preparing to teach in areas of identified staff shortages. These scholarships shall be awarded to individuals who make application to the Commission and who agree to take courses at qualified institutions of higher learning that will prepare them to teach in areas of identified staff shortages.

(c) Scholarships awarded under this Section shall be issued pursuant to rules promulgated by the Commission.

(d) Each scholarship shall be utilized by its holder for the payment of tuition and non-revenue bond fees at any qualified institution of higher learning. Such tuition and fees shall be available only for courses that will enable the individual to be certified to teach in areas of identified staff shortages. The Commission shall determine which courses are eligible for tuition payments under this Section.

(e) The Commission shall make tuition payments directly to the qualified institution of higher learning that the individual attends for the courses prescribed.

(f) Following the completion of the program of study, the individual must accept employment to teach in an elementary or secondary school in Illinois in an area of identified staff shortage for a period of at least 5 years. Individuals who fail to comply with this provision shall refund all of the awarded scholarships to the Commission, whether payments were made directly to the institutions of higher learning or to the individuals, and this condition shall be agreed to in writing by all scholarship recipients at the time the scholarship is awarded. No individual shall be required to refund tuition payments if his or her failure to obtain employment as a teacher in a school is the result of financial conditions within school districts. The rules promulgated as provided in this Section shall contain provisions regarding the waiving and deferral of such payments.

(g) The Commission, with the cooperation of the State Board of Education, shall assist individuals who have participated in the

New matter indicated by italics - deletions by strikeout
scholarship program established by this Section in finding employment in areas of identified staff shortages.

(h) The scholarships under this Section are subject to appropriations to the Commission by the General Assembly.

Passed in the General Assembly May 26, 2005.
Approved July 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0206
(House Bill No. 0174)

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

Section 5. The Code of Civil Procedure is amended by changing Section 2-1105 as follows:

Sec. 2-1105. Jury demand. (a) A plaintiff desirous of a trial by jury must file a demand therefor with the clerk at the time the action is commenced. A defendant desirous of a trial by jury must file a demand therefor not later than the filing of his or her answer. Otherwise, the party waives a jury. If an action is filed seeking equitable relief and the court thereafter determines that one or more of the parties is or are entitled to a trial by jury, the plaintiff, within 3 days from the entry of such order by the court, or the defendant, within 6 days from the entry of such order by the court, may file his or her demand for trial by jury with the clerk of the court. If the plaintiff files a jury demand and thereafter waives a jury, any defendant and, in the case of multiple defendants, if the defendant who filed a jury demand thereafter waives a jury, any other defendant shall be granted a jury trial upon demand therefor made promptly after being advised of the waiver and upon payment of the proper fees, if any, to the clerk.

(b) All jury cases where the claim for damages is $50,000 or less does not exceed $15,000 shall be tried by a jury of 6, unless either party demands a jury of 12. If a fee in connection with a jury demand is required by statute or rule of court, the fee for a jury of 6 shall be 1/2 the fee for a jury of 12. A party demanding a jury of 12 after another party has paid the applicable fee for a jury of 6 shall pay the remaining 1/2 of the fee applicable to a jury of 12.
(Source: P.A. 83-1362.)

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

(325 ILCS 2/75 rep.)
Section 5. The Abandoned Newborn Infant Protection Act is amended by repealing Section 75.

Passed in the General Assembly May 17, 2005.
Approved July 14, 2005.
Effective January 1, 2006.

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

Section 5. The School Code is amended by changing Section 21-1a as follows:

(105 ILCS 5/21-1a) (from Ch. 122, par. 21-1a)
Sec. 21-1a. Tests required for certification and teacher preparation.
(a) After July 1, 1988, in addition to all other requirements, early childhood, elementary, special, high school, school service personnel, or, except as provided in Section 34-6, administrative certificates shall be issued to persons who have satisfactorily passed a test of basic skills and subject matter knowledge. A person who holds a valid and comparable out-of-state certificate, however, is not required to take a test of basic skills and is not required to take a test of subject matter knowledge, provided that the person has successfully passed a test of subject matter knowledge in another state or territory of the United States that is directly related in content to the specific subject area of certification. The tests of basic skills and subject matter knowledge shall be the tests which from time to time are designated by the State Board of Education in consultation with the State Teacher Certification Board and may be tests prepared by an

New matter indicated by italics - deletions by strikeout
educational testing organization or tests designed by the State Board of Education in consultation with the State Teacher Certification Board. The areas to be covered by the test of basic skills shall include the basic skills of reading, writing, grammar and mathematics. The test of subject matter knowledge shall assess content knowledge in the specific subject field. The tests shall be designed to be racially neutral to assure that no person in taking the tests is thereby discriminated against on the basis of race, color, national origin or other factors unrelated to the person's ability to perform as a certificated employee. The score required to pass the tests of basic skills and subject matter knowledge shall be fixed by the State Board of Education in consultation with the State Teacher Certification Board. The tests shall be held not fewer than 3 times a year at such time and place as may be designated by the State Board of Education in consultation with the State Teacher Certification Board.

(b) Except as provided in Section 34-6, the provisions of subsection (a) of this Section shall apply equally in any school district subject to Article 34, provided that the State Board of Education shall determine which certificates issued under Sections 34-8.1 and 34-83 prior to July 1, 1988 are comparable to any early childhood certificate, elementary school certificate, special certificate, high school certificate, school service personnel certificate or administrative certificate issued under this Article as of July 1, 1988.

(c) A person who holds an early childhood, elementary, special, high school or school service personnel certificate issued under this Article on or at any time before July 1, 1988, including a person who has been issued any such certificate pursuant to Section 21-11.1 or in exchange for a comparable certificate theretofore issued under Section 34-8.1 or Section 34-83, shall not be required to take or pass the tests in order to thereafter have such certificate renewed.

(d) The State Board of Education in consultation with the State Teacher Certification Board shall conduct a pilot administration of the tests by administering the test to students completing teacher education programs in the 1986-87 school year for the purpose of determining the effect and impact of testing candidates for certification.

Beginning with the 2002-2003 academic year, a student may not enroll in a teacher preparation program at a recognized teacher training institution until he or she has passed the basic skills test.

Beginning on the effective date of this amendatory Act of the 94th General Assembly, prior to completing an approved teacher preparation program, a preservice education candidate must satisfactorily pass the
test of subject matter knowledge in the discipline in which he or she will be certified to teach. The teacher preparation program may require passage of the test of subject matter knowledge at any time during the program, including prior to student teaching. Beginning with the 2004-2005 academic year, a preservice education teacher may not student teach until he or she has passed the subject matter test in the discipline in which he or she will student teach.

(e) The rules and regulations developed to implement the required test of basic skills and subject matter knowledge shall include the requirements of subsections (a), (b), and (c) and shall include specific regulations to govern test selection; test validation and determination of a passing score; administration of the tests; frequency of administration; applicant fees; frequency of applicants' taking the tests; the years for which a score is valid; and, waiving certain additional tests for additional certificates to individuals who have satisfactorily passed the test of basic skills and subject matter knowledge as required in subsection (a). The State Board of Education shall provide, by rule, specific policies that assure uniformity in the difficulty level of each form of the basic skills test and each subject matter knowledge test from test-to-test and year-to-year. The State Board of Education shall also set a passing score for the tests.

(f) The State Teacher Certification Board may issue a nonrenewable temporary certificate between July 1, 1988 and August 31, 1988 to individuals who have taken the tests of basic skills and subject matter knowledge prescribed by this Section but have not received such test scores by August 31, 1988. Such temporary certificates shall expire on December 31, 1988.

(g) Beginning February 15, 2000, the State Board of Education, in consultation with the State Teacher Certification Board, shall implement and administer a new system of certification for teachers in the State of Illinois. The State Board of Education, in consultation with the State Teacher Certification Board, shall design and implement a system of examinations and various other criteria which shall be required prior to the issuance of Initial Teaching Certificates and Standard Teaching Certificates. These examinations and indicators shall be based on national and State professional teaching standards, as determined by the State Board of Education, in consultation with the State Teacher Certification Board. The State Board of Education may adopt any and all regulations necessary to implement and administer this Section.

(h) The State Board of Education shall report to the Illinois General Assembly and the Governor with recommendations for further
changes and improvements to the teacher certification system no later than July 1, 1999 and on an annual basis until July 1, 2001.
(Source: P.A. 92-734, eff. 7-25-02; 93-679, eff. 6-30-04.)

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

Passed in the General Assembly May 19, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0209
(House Bill No. 0721)

AN ACT concerning land.

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

Section 5. Subject to the conditions set forth in Section 10 of this Act, the Director of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to Princeville Family Health Center, an Illinois not-for-profit corporation, its successors and assigns, a quitclaim deed to the following described real property, upon payment to the Department of a sum equal to fair market value, as determined by an Illinois certified general real estate appraiser, to wit:

All of the Chicago, Rock Island and Pacific Railroad Company's abandoned right-of-way, on, over and across the following described lands: Lots 1 and 8 in Block 19 Original Town of Princeville, Illinois, containing 0.10 acres, more or less, all situated in the County of Peoria and the State of Illinois.

Section 10. The Director of Natural Resources shall obtain a certified copy of this Act within 60 days after its effective date and, upon receipt of payment required by Section 5, shall record the certified document in the Recorder's Office in Peoria County.

Passed in the General Assembly May 17, 2005.
Approved July 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0210
(House Bill No. 0908)

AN ACT concerning education.

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

Section 5. The Illinois Educational Labor Relations Act is amended by changing Section 11 as follows:

(115 ILCS 5/11) (from Ch. 48, par. 1711)

Sec. 11. Non-member fair share payments. When a collective bargaining agreement is entered into with an exclusive representative, it may include a provision requiring employees covered by the agreement who are not members of the organization to pay to the organization a fair share fee for services rendered. The exclusive representative shall certify to the employer an amount not to exceed the dues uniformly required of members which shall constitute each non member employee's fair share fee. The fair share fee payment shall be deducted by the employer from the earnings of the non member employees and paid to the exclusive representative.

The amount certified by the exclusive representative shall not include any fees for contributions related to the election or support of any candidate for political office. Nothing in this Section shall preclude the non member employee from making voluntary political contributions in conjunction with his or her fair share payment.

If a collective bargaining agreement that includes a fair share clause expires or continues in effect beyond its scheduled expiration date pending the negotiation of a successor agreement, then the employer shall continue to honor and abide by the fair share clause until a new agreement that includes a fair share clause is reached. Failure to honor and abide by the fair share clause for the benefit of any exclusive representative as set forth in this paragraph shall be a violation of the duty to bargain and an unfair labor practice.

Agreements containing a fair share agreement must safeguard the right of non-association of employees based upon bonafide religious tenets or teaching of a church or religious body of which such employees are members. Such employees may be required to pay an amount equal to their proportionate share, determined under a proportionate share agreement, to a non-religious charitable organization mutually agreed upon by the employees affected and the exclusive representative to which such employees would otherwise pay such fee. If the affected employees and the exclusive representative are unable to reach an agreement on the matter, the Illinois Educational Labor Relations Board may establish an approved list of charitable organizations to which such payments may be made.

New matter indicated by italics - deletions by strikeout
The Board shall by rule require that in cases where an employee files an objection to the amount of the fair share fee, the employer shall continue to deduct the employee's fair share fee from the employee's pay, but shall transmit the fee, or some portion thereof, to the Board for deposit in an escrow account maintained by the Board; provided, however, that if the exclusive representative maintains an escrow account for the purpose of holding fair share fees to which an employee has objected, the employer shall transmit the entire fair share fee to the exclusive representative, and the exclusive representative shall hold in escrow that portion of the fee that the employer would otherwise have been required to transmit to the Board for escrow, provided that the escrow account maintained by the exclusive representative complies with rules to be promulgated by the Board within 30 days of the effective date of this amendatory Act of 1989 or that the collective bargaining agreement requiring the payment of the fair share fee contains an indemnification provision for the purpose of indemnifying the employer with respect to the employer's transmission of fair share fees to the exclusive representative.

(Source: P.A. 86-412.)

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

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

Passed in the General Assembly May 11, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0211
(House Bill No. 0942)

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

Section 5. The Grain Code is amended by changing Section 10-25 as follows:

(240 ILCS 40/10-25)

New matter indicated by italics - deletions by strikeout
Sec. 10-25. Warehouse receipts and storage of grain.

(a) When grain is delivered to a warehouseman at a location where grain is also purchased, the licensee shall give written evidence of delivery of grain and that written evidence shall be marked to indicate whether the grain is delivered for storage or for sale. In the absence of adequate evidence of sale, the grain shall be construed to be in storage.

(b) Upon demand by a depositor, a warehouseman shall issue warehouse receipts for grain delivered into storage.

(c) There shall be no charge for the first warehouse receipt issued to a depositor for a given lot of grain. Charges for any additional warehouse receipts for grain previously covered by a warehouse receipt must be commensurate with the cost of issuance of the additional warehouse receipt.

(d) A warehouseman shall issue warehouse receipts only in accordance with the following requirements:

1. Warehouse receipts shall be consecutively numbered in a form prescribed by the Department and issued consecutively by the warehouseman.

2. In the case of a lost or destroyed warehouse receipt, the new warehouse receipt shall bear the same date as the original and shall be plainly marked on its face "duplicate in lieu of lost or destroyed warehouse receipt number .......", and the warehouseman shall duly fill in the blank with the appropriate warehouse receipt number.

3. Warehouse receipts shall be printed by a person authorized by the Department. The person shall register with the Department and pay an annual registration fee of $100 to print warehouse receipts.

4. Negotiable warehouse receipts shall be issued only for grain actually in storage with the warehouseman from which it is issued or redeposited by that warehouseman as provided in subsection (e) of Section 10-20.

5. A warehouseman shall not insert in any negotiable warehouse receipt issued by it any language that in any way limits or modifies its liability or responsibility.

(e) Upon delivery of grain covered by a negotiable warehouse receipt, the holder of the negotiable warehouse receipt must surrender the warehouse receipt for cancellation, and a warehouseman must cancel and issue a new negotiable warehouse receipt for the balance of grain in storage.

New matter indicated by italics - deletions by strikeout
(f) When all grain, the storage of which is evidenced by a warehouse receipt, is delivered from storage, the warehouse receipt shall be plainly marked across its face with the word "cancelled" and shall have written on it the date of cancellation, the name of the person canceling the warehouse receipt, and such other information as required by rule, and is thereafter void.

(g) When a warehouseman delivers grain out of storage but fails to collect and cancel the negotiable warehouse receipt, the warehouseman shall be liable to any purchaser of the negotiable warehouse receipt for value in good faith for failure to deliver the grain to the purchaser, whether the purchaser acquired the negotiable warehouse receipt before or after the delivery of the grain by the warehouseman. If, however, grain has been lawfully sold by a warehouseman to satisfy its warehouseman's lien, the warehouseman shall not be liable for failure to deliver the grain pursuant to the demands of a holder of a negotiable warehouse receipt to the extent of the amount of grain sold.

(h) Except as otherwise provided by this Code or other applicable law, a warehouseman shall deliver the grain upon demand made by the holder of a warehouse receipt pertaining to that grain if the demand is accompanied by:

   (1) satisfaction of the warehouseman's lien;
   (2) in the case of a negotiable warehouse receipt, a properly endorsed negotiable warehouse receipt; or
   (3) in the case of a non-negotiable warehouse receipt, written evidence that the grain was delivered to the warehouseman and that the depositor is entitled to it.

(i) If no warehouse receipt is issued to a depositor, a warehouseman shall deliver grain upon the demand of a depositor if the demand is accompanied by satisfaction of the warehouseman's lien and written evidence that the grain was delivered to the warehouseman and the depositor is entitled to it.

(j) If a warehouseman refuses or fails to deliver grain in compliance with a demand by a holder of a warehouse receipt or a depositor, the burden is on the warehouseman to establish the existence of a lawful excuse for the refusal.

(k) If a warehouse receipt has been lost or destroyed, a warehouseman may issue a substitute warehouse receipt, as provided for in this Section, upon delivery to the warehouseman of an affidavit under oath stating that the applicant for the substitute warehouse receipt is entitled to the original warehouse receipt and setting forth the circumstances that

New matter indicated by italics - deletions by strikeout
resulted in the loss or destruction of the original warehouse receipt. The warehouseman may request from the depositor a bond in double the value of the grain represented by the original warehouse receipt at the time of issuance of the substitute warehouse receipt so as to protect the warehouseman from any liability or expense that it, or any person injured by the delivery, may incur by reason of the original warehouse receipt remaining outstanding.

(i) A warehouse receipt that is to be used for collateral purposes by a warehouseman must be first issued by the warehouseman to itself.

(m) The Department shall approve temporary storage space in an amount to be determined by the Department if all the following conditions are met:

1. The warehouseman pays all fees and assessments associated with the temporary storage space.
2. The warehouseman demonstrates that there is a need for additional storage on a temporary basis due to a bumper crop or otherwise.
3. The structure for the storage of grain meets all of the following requirements:
   A. The grain storage area has a permanent base made of concrete, asphalt, or a material having similar structural qualities.
   B. Hot spot detectors, aeration fans, and ducts are provided to assure that the quality of grain in storage is maintained.
   C. The grain storage structure has rigid sidewalls made of concrete, wood, metal, or a material having similar structural qualities.
   D. The grain storage structure is equipped with a waterproof covering of sufficient strength to support a person's weight and with inlets to allow airflow.
   E. Access to the grain is provided for the purpose of sampling and making examinations.
4. Temporary storage space shall be considered an increase in the licensed storage capacity of the licensee and shall be subject to Section 5-30.
5. The authorization to use temporary storage space for the storage of grain shall expire at the end of 6 months after the date of approval by the Department or May 15th, whichever comes first.

New matter indicated by italics - deletions by strikeout
(n) The Department may approve emergency storage space at the request of the licensee according to rule.

(o) The issuance and transfer of the warehouse receipts in electronic form pursuant to rules promulgated by the Department are specifically authorized by this Code, and any such warehouse receipts shall have the same validity and enforceability, for all purposes, as those in non-electrical form. For purposes of this Code, the words "written" and "printed", and derivatives thereof, when used in relation to warehouse receipts, shall include warehouse receipts created or displayed electronically.

(Source: P.A. 91-213, eff. 7-20-99.)

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

Passed in the General Assembly May 11, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0212
(House Bill No. 1314)

AN ACT concerning animals.

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

Section 5. The Wildlife Code is amended by changing Sections 3.19 and 3.20 and adding Section 3.16a as follows:

(520 ILCS 5/3.16a new)

Sec. 3.16a. Non-resident auction participation permit; fee. Any individual who is not a resident of the State of Illinois and does not possess a non-resident fur buyer permit must obtain a non-resident auction participation permit to receive, collect, buy, or act as an agent or broker in the receipt, collection, or purchase of the green hides of fur-bearing mammals at auctions organized for these purposes within the State of Illinois. Non-resident auction participation permits shall be issued by the Department. The annual fee for each non-resident auction participation permit is $50. Non-resident auction participation permits expire on April 30. A holder of a non-resident auction participation permit may receive, collect, buy, possess, transport, or act as an agent or broker in the receipt, collection, or purchase of legally taken fur-bearing mammals from May 1 through the next April 30. Failure to establish proof of legality or origin of the green hides of fur-bearing mammals, however,

New matter indicated by italics - deletions by strikeout
is prima facie evidence that the green hides are contraband within the State of Illinois. Nothing in this Section exempts any permittee from complying with any federal laws, rules, or regulations that may apply to the green hides of fur-bearing mammals.

(520 ILCS 5/3.19) (from Ch. 61, par. 3.19)

Sec. 3.19. Each resident retail fur buyer, resident wholesale fur buyer, nonresident fur buyer, non-resident auction participant, fur bearing mammal breeder or fur tanner shall have his permit in his possession when receiving, collecting, buying, selling, or offering for sale, the green hides of fur-bearing or game mammals or accepting the same for dressing, dyeing, or tanning, and shall immediately produce the same when requested to do so by an officer or authorized employees of the Department, any sheriff, deputy sheriff or any other peace officer. Persons conducting organized and established auction sales or the green hides of fur-bearing or game mammals, protected by this Act, shall be exempt from the provisions of this Section.

(Source: P.A. 81-382.)

(520 ILCS 5/3.20) (from Ch. 61, par. 3.20)

Sec. 3.20. All fur buyers and non-resident auction participants, shall, upon purchasing any green hide of any fur-bearing mammal, protected by this Act, issue a numbered receipt to the hunter, trapper, fur buyer, fur-bearing mammal breeder or other person from whom he purchased such hides, setting forth the number and kinds of green hides, the date of purchase, the price paid for each hide, the name and address of the hunter, trapper, fur buyer, fur-bearing mammal breeder or other person from whom he purchased such hides, and the appropriate license number or stamp number of the hunter, trapper, fur buyer, fur-bearing mammal breeder or other person from whom the hides were purchased, if applicable. The original receipt shall be retained by the fur buyer for a minimum of 2 years from the date of purchase listed on the receipt. A duplicate receipt shall be given to the hunter, trapper, fur buyer, fur-bearing mammal breeder or other person from whom the green hides were purchased at the time of purchase.

All fur buyers shall submit a report to the Department on forms provided by the Department showing the number and kinds of all green hides of fur-bearing mammals received, collected or purchased, and the average price, if any, paid therefore and such other information as required by the Department. This report shall be made on or before May 10 of each year and shall include all operations for the 12 months preceding May 1 of the current year. All such receipts, reports, and records required by this

New matter indicated by italics - deletions by strikeout
Section shall be available for inspection by any officer or authorized employee of the Department, any sheriff, deputy sheriff, or any other peace officer at any reasonable time when request is made for same. Failure to comply with the provisions of this Section shall bar the permittee from obtaining a fur buyer permit for the following year.  
(Source: P.A. 89-341, eff. 8-17-95.)  
Passed in the General Assembly May 18, 2005.  
Approved July 14, 2005.  
Effective January 1, 2006.

PUBLIC ACT 94-0213  
(House Bill No. 1324)

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

Section 5. The School Code is amended by changing Sections 10-21.12, 10-22.22, and 10-22.22b as follows:  

(105 ILCS 5/10-21.12) (from Ch. 122, par. 10-21.12)  
Sec. 10-21.12. Transfer of teachers. The employment of a teacher transferred from one board or administrative agent to the control of a new or different board or administrative agent shall be considered continuous employment if such transfer of employment occurred by reason of any of the following events:  

(1) a boundary change or the creation or reorganization of any school district pursuant to Article 7, 7A, 11A or 11B; or  
(2) the deactivation or reactivation of any high school or elementary school pursuant to Section 10-22.22b; or  
(3) the creation, expansion, reduction or dissolution of a special education program pursuant to Section 10-22.31, or the creation, expansion, reduction or dissolution of a joint educational program established under Section 10-22.31a; or  
(4) the creation, expansion, reduction, termination or dissolution of any joint agreement program operated by a regional superintendent, governing board, or other administrative agent or any program operated pursuant to an Intergovernmental Joint Agreement. The changes made by this amendatory Act of 1990 are declaratory of existing law.  
(Source: P.A. 86-1441.)  
(105 ILCS 5/10-22.22) (from Ch. 122, par. 10-22.22)  
Sec. 10-22.22. Transportation for pupils-Tuition.

New matter indicated by italics - deletions by strikeout
To provide free transportation for pupils, and where in its judgment
the interests of the district and of the pupils therein will be best subserved
by so doing the school board may permit the pupils in the district or in any
particular grade to attend the schools of other districts and may permit any
pupil to attend an area secondary vocational school operated by a public
school district or a public or non-public vocational school within the State
of Illinois or adjacent states approved by the Board of Vocational
Education, and may provide free transportation for such pupils and shall
pay the tuition of such pupils in the schools attended; such tuition shall be
based upon per capita cost computed in the following manner: The cost of
conducting and maintaining any area secondary vocational school facility
shall be first determined and shall include the following expenses
applicable only to such educational facility under rules and regulations
established by the Board of Vocational Education and Rehabilitation as
follows:

a. Salaries of teachers, vocational counselors, and supporting
professional workers, necessary non-certified workers, clerks, custodial
employees, and any district taxes specifically for their pension and
retirement benefits.

b. Equipment and supplies necessary for program operation.

c. Administrative costs.

d. Operation of physical plant, including heat, light, water, repairs,
and maintenance.

e. Auxiliary service, not including any transportation cost.

From such total cost thus determined there shall be deducted the
State reimbursement due on account of such educational facility for the
same year, not including any State reimbursement for area secondary
vocational school transportation. Such net cost shall be divided by the
average number of pupils in average daily attendance in such area
secondary vocational school facility for the school year in order to arrive at
the net per capita tuition cost. Such costs shall be computed on pupils
regularly enrolled in an area secondary vocational school on the basis of
one-sixth day for every class hour attended pursuant to such enrollment.
Provided, that the board subject to the approval of the county
superintendent of schools may determine what schools outside of their
district such pupils shall attend. This section does not require the board of
directors or board of education of any district to admit pupils from another
district. Notwithstanding any provisions in this section every school board
shall maintain an elementary school within the district.
(Source: P.A. 76-1522.)

New matter indicated by italics - deletions by strikeout
Sec. 10-22.22b. (a) The provisions of this subsection shall not apply to the deactivation of a high school facility under subsection (c). Where in its judgment the interests of the district and of the students therein will be best served, to deactivate any high school facility or elementary school facility in the district and send the students of such high school in grades 9 through 12 or such elementary school in grades kindergarten through 8, as applicable, to schools in other districts. Such action may be taken only with the approval of the voters in the district and the approval, by proper resolution, of the school board of the receiving district. The board of the district contemplating deactivation shall, by proper resolution, cause the proposition to deactivate the high school facility to be submitted to the voters of the district at a regularly scheduled election. Notice shall be published at least 10 days prior to the date of the election at least once in one or more newspapers published in the district or, if no newspaper is published in the district, in one or more newspapers with a general circulation within the district. The notice shall be substantially in the following form:

NOTICE OF REFERENDUM TO
DEACTIVATE THE ... HIGH SCHOOL FACILITY
IN SCHOOL DISTRICT NO. .......

Notice is hereby given that on (insert date), a referendum will be held in ....... County (Counties) for the purpose of voting for or against the proposition to deactivate the ..... High School facility in School District No. ...... and to send pupils in ...... High School to School District(s) No. ......

The polls will be open at .... o'clock ... m., and close at .... o'clock ... m. of the same day.

A............ B.............

Dated (insert date).
Regional Superintendent of Schools
The proposition shall be in substantially the following form:

------------------------------------------

Shall the Board
of Education of School
District No. ......, YES
...... County, Illinois, be
authorized to deactivate
------------------------------------------
the ..... High School facility
and to send pupils in ...... NO

New matter indicated by italics - deletions by strikeout
High School to School
District(s) No. .......
-------------------------------------------------------------

If the majority of those voting upon the proposition in the district
contemplating deactivation vote in favor of the proposition, the board of
that district, upon approval of the board of the receiving district, shall
execute a contract with the receiving district providing for the
reassignment of students to the receiving district. If the deactivating
district seeks to send its students to more than one district, it shall execute
a contract with each receiving district. The length of the contract shall be
for 2 school years, but the districts may renew the contract for additional
one year or 2 year periods. Contract renewals shall be executed by January
1 of the year in which the existing contract expires. If the majority of those
voting upon the proposition do not vote in favor of the proposition, the
school facility may not be deactivated.

The sending district shall pay to the receiving district an amount
agreed upon by the 2 districts.

When the deactivation of high school facilities becomes effective
pursuant to this Section, the provisions of Section 24-12 relative to the
contractual continued service status of teachers having contractual
continued service whose positions are transferred from one board to the
control of a different board shall apply, and the positions at the high school
facilities being deactivated held by teachers, as that term is defined in
Section 24-11, having contractual continued service with the school
district at the time of the deactivation shall be transferred to the control of
the board or boards who shall be receiving the district's high school
students on the following basis:

(1) positions of such teachers in contractual continued
service that were full time positions shall be transferred to the
control of whichever of such boards such teachers shall request
with the teachers making such requests proceeding in the order of
those with the greatest length of continuing service with the board
to those with the shortest length of continuing service with the
board, provided that the number selecting one board over another
board or other boards shall not exceed that proportion of the high
school students going to such board or boards; and

(2) positions of such teachers in contractual continued
service that were full time positions and as to which there is no
selection left under subparagraph 1 hereof shall be transferred to
the appropriate board.

New matter indicated by italics - deletions by strikeout
The contractual continued service status of any teacher thereby transferred to another district is not lost and the receiving board is subject to the School Code with respect to such transferred teacher in the same manner as if such teacher was the district's employee during the time such teacher was actually employed by the board of the deactivating district from which the position was transferred.

(b) The provisions of this subsection shall not apply to the reactivation of a high school facility which is deactivated under subsection (c). The sending district may, with the approval of the voters in the district, reactivate the high school facility which was deactivated. The board of the district seeking to reactivate the school facility shall, by proper resolution, cause the proposition to reactivate to be submitted to the voters of the district at a regularly scheduled election. Notice shall be published at least 10 days prior to the date of the election at least once in one or more newspapers published in the district or, if no newspaper is published in the district, in one or more newspapers with a general circulation within the district. The notice shall be substantially in the following form:

NOTICE OF REFERENDUM TO
REACTIVATE THE ..... HIGH SCHOOL FACILITY
IN SCHOOL DISTRICT NO. ....

Notice is hereby given that on (insert date), a referendum will be held in ...... County (Counties) for the purpose of voting for or against the proposition to reactivate the ..... High School facility in School District No. ...... and to discontinue sending pupils of School District No. ...... to School District(s) No. ......

The polls will be opened at ... o'clock .. m., and closed at ... o'clock .. m. of the same day.

A............ B............

Dated (insert date).
Regional Superintendent of Schools

The proposition shall be in substantially the following form:

-------------------------------------------------------------
Shall the Board 
of Education of School YES
District No. ......,
...... County, Illinois,
be authorized to ---------------
reactivate the .... High School
facility and to discontinue sending
pupils of School District No. .... NO

New matter indicated by italics - deletions by strikeout
to School District(s) No. ......?

(c) The school board of any unit school district which experienced a strike by a majority of its certified employees that endured for over 6 months during the regular school term of the 1986-1987 school year, and which during the ensuing 1987-1988 school year had an enrollment in grades 9 through 12 of less than 125 students may, when in its judgment the interests of the district and of the students therein will be best served thereby, deactivate the high school facilities within the district for the regular term of the 1988-1989 school year and, for that school year only, send the students of such high school in grades 9 through 12 to schools in adjoining or adjacent districts. Such action may only be taken: (a) by proper resolution of the school board deactivating its high school facilities and the approval, by proper resolution, of the school board of the receiving district or districts, and (b) pursuant to a contract between the sending and each receiving district, which contract or contracts: (i) shall provide for the reassignment of all students of the deactivated high school in grades 9 through 12 to the receiving district or districts; (ii) shall apply only to the regular school term of the 1988-1989 school year; (iii) shall not be subject to renewal or extension; and (iv) shall require the sending district to pay to the receiving district the cost of educating each student who is reassigned to the receiving district, such costs to be an amount agreed upon by the sending and receiving district but not less than the per capita cost of maintaining the high school in the receiving district during the 1987-1988 school year. Any high school facility deactivated pursuant to this subsection for the regular school term of the 1988-1989 school year shall be reactivated by operation of law as of the end of the regular term of the 1988-1989 school year. The status as a unit school district of a district which deactivates its high school facilities pursuant to this subsection shall not be affected by reason of such deactivation of its high school facilities and such district shall continue to be deemed in law a school district maintaining grades kindergarten through 12 for all purposes relating to the levy, extension, collection and payment of the taxes of the district under Article 17 for the 1988-1989 school year.

(d) Whenever a high school facility is reactivated pursuant to the provisions of this Section, then all teachers in contractual continued service who were honorably dismissed or transferred as part of the deactivation process, in addition to other rights they may have under the School Code, shall be recalled or transferred back to the original district. 
(Source: P.A. 91-357, eff. 7-29-99.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 11, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0214
(House Bill No. 1339)

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

Section 5. The Snowmobile Registration and Safety Act is amended by changing Sections 5-7 and 10-3 as follows:

(625 ILCS 40/5-7)
Sec. 5-7. Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds, or a combination of them; criminal penalties; suspension of operating privileges.
(a) A person may not operate or be in actual physical control of a snowmobile within this State while:
1. The alcohol concentration in that person's blood or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;
2. The person is under the influence of alcohol;
3. The person is under the influence of any other drug or combination of drugs to a degree that renders that person incapable of safely operating a snowmobile;
3.1. The person is under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating a snowmobile;
4. The person is under the combined influence of alcohol and any other drug or drugs or intoxicating compound or compounds to a degree that renders that person incapable of safely operating a snowmobile; or
5. There is any amount of a drug, substance, or compound in that person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, controlled substance listed in the Illinois Controlled Substances

New matter indicated by italics - deletions by strikeout
Act, or intoxicating compound listed in the use of Intoxicating Compounds Act.

(b) The fact that a person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, any intoxicating compound or compounds, or any combination of them does not constitute a defense against a charge of violating this Section.

(c) Every person convicted of violating this Section or a similar provision of a local ordinance is guilty of a Class A misdemeanor, except as otherwise provided in this Section.

(c-1) As used in this Section, "first time offender" means any person who has not had a previous conviction or been assigned supervision for violating this Section or a similar provision of a local ordinance, or any person who has not had a suspension imposed under subsection (e) of Section 5-7.1.

(c-2) For purposes of this Section, the following are equivalent to a conviction:

(1) a forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated; or

(2) the failure of a defendant to appear for trial.

(d) Every person convicted of violating this Section is guilty of a Class 4 felony if:

1. The person has a previous conviction under this Section;
2. The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this paragraph 2, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years; or
3. The offense occurred during a period in which the person's privileges to operate a snowmobile are revoked or suspended, and the revocation or suspension was for a violation of this Section or was imposed under Section 5-7.1.

(e) Every person convicted of violating this Section is guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this subsection (e), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-1) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 on
board the snowmobile at the time of offense shall be subject to a mandatory minimum fine of $500 and shall be subject to a mandatory minimum of 5 days of community service in a program benefiting children. The assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the assignment.

(e-2) Every person found guilty of violating this Section, whose operation of a snowmobile while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(e-3) In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any person placed on court supervision, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the $100 shall be shared equally. Any money received by a law enforcement agency under this subsection (e-3) shall be used to purchase law enforcement equipment or to provide law enforcement training that will assist in the prevention of alcohol related criminal violence throughout the State. Law enforcement equipment shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

(f) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the snowmobile operation privileges of a person convicted or found guilty of a misdemeanor under this Section for a period of one year, except that first-time offenders receiving supervision are exempt from this mandatory one year suspension.

(g) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend for a period of 5 years the snowmobile operation privileges of any person convicted or found guilty of a felony under this Section.

(Source: P.A. 92-615, eff. 1-1-03; 93-156, eff. 1-1-04.)

(625 ILCS 40/10-3)

Sec. 10-3. Unlawful operation of a snowmobile. A person may not operate a snowmobile during any period when his or her privilege to operate a snowmobile is suspended or revoked in this State, by another state, by a federal agency, or by a province of Canada. A person who operates a snowmobile during the period when he or she is denied the privilege to operate a snowmobile is guilty of a Class A misdemeanor.

New matter indicated by italics - deletions by strikeout
Section 10. The Boat Registration and Safety Act is amended by changing Sections 5-16, 6-1, and 11A-5 as follows:

Sec. 5-16. Operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof.

(A) 1. A person shall not operate or be in actual physical control of any watercraft within this State while:

(a) The alcohol concentration in such person's blood or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

(b) Under the influence of alcohol;

(c) Under the influence of any other drug or combination of drugs to a degree which renders such person incapable of safely operating any watercraft;

(c-1) Under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating any watercraft;

(d) Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely operating a watercraft; or

(e) There is any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

2. The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, any intoxicating compound or compounds, or any combination of them, shall not constitute a defense against any charge of violating this Section.

3. Every person convicted of violating this Section shall be guilty of a Class A misdemeanor, except as otherwise provided in this Section.

New matter indicated by italics - deletions by strikeout
4. Every person convicted of violating this Section shall be guilty of a Class 4 felony if:
   (a) He has a previous conviction under this Section;
   (b) The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this subparagraph (b), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than one year nor more than 12 years; or
   (c) The offense occurred during a period in which his or her privileges to operate a watercraft are revoked or suspended, and the revocation or suspension was for a violation of this Section or was imposed under subsection (B).

5. Every person convicted of violating this Section shall be guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this paragraph 5, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

5.1. A person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 aboard the watercraft at the time of offense is subject to a mandatory minimum fine of $500 and to a mandatory minimum of 5 days of community service in a program benefiting children. The assignment under this paragraph 5.1 is not subject to suspension and the person is not eligible for probation in order to reduce the assignment.

5.2. A person found guilty of violating this Section, if his or her operation of a watercraft while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

5.3. In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any person placed on court supervision, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the $100 shall be

New matter indicated by italics - deletions by strikeout
shared equally. Any moneys received by a law enforcement agency under this paragraph 5.3 shall be used to purchase law enforcement equipment or to provide law enforcement training that will assist in the prevention of alcohol related criminal violence throughout the State. Law enforcement equipment shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

6. (a) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the watercraft operation privileges of any person convicted or found guilty of a misdemeanor under this Section, a similar provision of a local ordinance, or Title 46 of the U.S. Code of Federal Regulations for a period of one year, except that a first time offender is exempt from this mandatory one year suspension.

As used in this subdivision (A)6(a), "first time offender" means any person who has not had a previous conviction or been assigned supervision for violating this Section, a similar provision of a local ordinance or, Title 46 of the U.S. Code of Federal Regulations, or any person who has not had a suspension imposed under subdivision (B)3.1 of Section 5-16.

(b) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the watercraft operation privileges of any person convicted of a felony under this Section, a similar provision of a local ordinance or, Title 46 of the U.S. Code of Federal Regulations for a period of 3 years.

(B) 1. Any person who operates or is in actual physical control of any watercraft upon the waters of this State shall be deemed to have given consent to a chemical test or tests of blood, breath or urine for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof in the person's blood if arrested for any offense of subsection (A) above. The chemical test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.
1.1. For the purposes of this Section, an Illinois Law Enforcement officer of this State who is investigating the person for any offense defined in Section 5-16 may travel into an adjoining state, where the person has been transported for medical care to complete an investigation, and may request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a uniform citation for an offense as defined in Section 5-16 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests. The issuance of the uniform citation shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief in the existence of probable cause to arrest. Upon returning to this State, the officer shall file the uniform citation with the circuit clerk of the county where the offense was committed and shall seek the issuance of an arrest warrant or a summons for the person.

1.2. Notwithstanding any ability to refuse under this Act to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a watercraft operated by or under actual physical control of a person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them has caused the death of or personal injury to another, that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the alcohol content or the presence of any other drug, intoxicating compound, or combination of them. For the purposes of this Section, a personal injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene for immediate professional attention in either a doctor's office or a medical facility.

2. Any person who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusal, shall be deemed not to have withdrawn the consent provided above, and the test may be administered.

3. A person requested to submit to a chemical test as provided above shall be verbally advised by the law enforcement

New matter indicated by italics - deletions by strikeout
officer requesting the test that a refusal to submit to the test will result in suspension of such person's privilege to operate a watercraft for a minimum of 2 years. Following this warning, if a person under arrest refuses upon the request of a law enforcement officer to submit to a test designated by the officer, no test shall be given, but the law enforcement officer shall file with the clerk of the circuit court for the county in which the arrest was made, and with the Department of Natural Resources, a sworn statement naming the person refusing to take and complete the chemical test or tests requested under the provisions of this Section. Such sworn statement shall identify the arrested person, such person's current residence address and shall specify that a refusal by such person to take the chemical test or tests was made. Such sworn statement shall include a statement that the arresting officer had reasonable cause to believe the person was operating or was in actual physical control of the watercraft within this State while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof and that such chemical test or tests were made as an incident to and following the lawful arrest for an offense as defined in this Section or a similar provision of a local ordinance, and that the person after being arrested for an offense arising out of acts alleged to have been committed while so operating a watercraft refused to submit to and complete a chemical test or tests as requested by the law enforcement officer.

3.1. The law enforcement officer submitting the sworn statement as provided in paragraph 3 of this subsection (B) shall serve immediate written notice upon the person refusing the chemical test or tests that the person's privilege to operate a watercraft within this State will be suspended for a period of 2 years unless, within 28 days from the date of the notice, the person requests in writing a hearing on the suspension.

If the person desires a hearing, such person shall file a complaint in the circuit court for and in the county in which such person was arrested for such hearing. Such hearing shall proceed in the court in the same manner as other civil proceedings, shall cover only the issues of whether the person was placed under arrest for an offense as defined in this Section or a similar provision of a local ordinance as evidenced by the issuance of a uniform citation; whether the arresting officer had reasonable grounds to believe that such person was operating a watercraft while under the influence

New matter indicated by italics - deletions by strikeout
of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof; and whether such person refused to submit and complete the chemical test or tests upon the request of the law enforcement officer. Whether the person was informed that such person's privilege to operate a watercraft would be suspended if such person refused to submit to the chemical test or tests shall not be an issue.

If the person fails to request in writing a hearing within 28 days from the date of notice, or if a hearing is held and the court finds against the person on the issues before the court, the clerk shall immediately notify the Department of Natural Resources, and the Department shall suspend the watercraft operation privileges of the person for at least 2 years.

3.2. If the person submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance or intoxicating compound in the person's breath, blood, or urine resulting from the unlawful use of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, the law enforcement officer shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources, certifying that the test or tests were requested under paragraph 1 of this subsection (B) and the person submitted to testing that disclosed an alcohol concentration of 0.08 or more.

In cases where the blood alcohol concentration of 0.08 or greater or any amount of drug, substance or compound resulting from the unlawful use of cannabis, a controlled substance or an intoxicating compound is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results.

4. A person must submit to each chemical test offered by the law enforcement officer in order to comply with the implied consent provisions of this Section.

5. The provisions of Section 11-501.2 of the Illinois Vehicle Code, as amended, concerning the certification and use of chemical tests apply to the use of such tests under this Section.

New matter indicated by italics - deletions by strikeout
(C) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while operating a watercraft while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of a person's blood, urine, breath, or other bodily substance shall give rise to the presumptions specified in subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2 of the Illinois Vehicle Code. The foregoing provisions of this subsection (C) shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol.

(D) If a person under arrest refuses to submit to a chemical test under the provisions of this Section, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination of them was operating a watercraft.

(E) The owner of any watercraft or any person given supervisory authority over a watercraft, may not knowingly permit a watercraft to be operated by any person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof.

(F) Whenever any person is convicted or found guilty of a violation of this Section, including any person placed on court supervision, the court shall notify the Office of Law Enforcement of the Department of Natural Resources, to provide the Department with the records essential for the performance of the Department's duties to monitor and enforce any order of suspension or revocation concerning the privilege to operate a watercraft.

(G) No person who has been arrested and charged for violating paragraph 1 of subsection (A) of this Section shall operate any watercraft within this State for a period of 24 hours after such arrest.

(Source: P.A. 92-615, eff. 1-1-03; 93-156, eff. 1-1-04.)

(625 ILCS 45/6-1) (from Ch. 95 1/2, par. 316-1)

Sec. 6-1. Collisions, accidents, and casualties; reports.

A. The operator of a vessel involved in a collision, accident, or other casualty, so far as he can without serious danger to his own vessel, crew, passengers and guests, if any, shall render to other persons affected by the collision, accident, or other casualty assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also shall give his name, address, and identification of his vessel to

New matter indicated by italics - deletions by strikeout
any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

If the collision, accident, or other casualty has resulted in the death of or personal injury to any person, failure to comply with this subsection A is a Class A misdemeanor.

A-1. Any person who has failed to stop or to comply with the requirements of subsection A must, as soon as possible but in no case later than one hour after the collision, accident, or other casualty, or, if hospitalized and incapacitated from reporting at any time during that period, as soon as possible but in no case later than one hour after being discharged from the hospital, report the date, place, and approximate time of the collision, accident, or other casualty, the watercraft operator's name and address, the identification number of the watercraft, if any, and the names of all other occupants of the watercraft, at a police station or sheriff's office near the location where the collision, accident, or other casualty occurred. A report made as required under this subsection A-1 may not be used, directly or indirectly, as a basis for the prosecution of any violation of subsection A.

As used in this Section, personal injury means any injury requiring treatment beyond first aid.

Any person failing to comply with this subsection A-1 is guilty of a Class 4 felony if the collision, accident, or other casualty does not result in the death of any person. Any person failing to comply with this subsection A-1 when the collision, accident, or other casualty results in the death of any person is guilty of a Class 2 felony, for which the person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

B. In the case of collision, accident, or other casualty involving a vessel, the operator, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of $2000, or there is a complete loss of the vessel $500, shall file with the Department a full description of the collision, accident, or other casualty, including information as the Department may by regulation require. Reports of the accidents must be filed with the Department on a Department Accident Report form within 5 days.

C. Reports of accidents resulting in personal injury, where a person sustains an injury requiring medical attention beyond first aid is incapacitated for a period exceeding 72 hours, must be filed with the Department on a Department Accident Report form within 5 days.

New matter indicated by italics - deletions by strikeout
Accidents that result in loss of life shall be reported to the Department on a Department form within 48 hours.

D. All required accident reports and supplemental reports are without prejudice to the individual reporting, and are for the confidential use of the Department, except that the Department may disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at the accident. No report to the Department may be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department must furnish upon demand of any person who has or claims to have made a report or upon demand of any court a certificate showing that a specified accident report has or has not been made to the Department solely to prove a compliance or a failure to comply with the requirements that a report be made to the Department.

E. (1) Every coroner or medical examiner shall on or before the 10th day of each month report in writing to the Department the circumstances surrounding the death of any person that has occurred as the result of a boating accident within the examiner's jurisdiction during the preceding calendar month.

(2) Within 6 hours after a death resulting from a boating accident, but in any case not more than 12 hours after the occurrence of the boating accident, a blood specimen of at least 10 cc shall be withdrawn from the body of the decedent by the coroner or medical examiner or by a qualified person at the direction of the physician. All morticians shall obtain a release from the coroner or medical examiner prior to proceeding with embalming any body coming under the scope of this Section. The blood so drawn shall be forwarded to a laboratory approved by the Department of State Police for analysis of the alcoholic content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each analysis to the Department. The Department shall keep a record of all examinations to be used for statistical purposes only. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the Department.

(Source: P.A. 93-782, eff. 1-1-05.)

(625 ILCS 45/11A-5) (from Ch. 95 1/2, par. 321A-5)
Sec. 11A-5. A person may not operate a watercraft during any period when his or her privilege to operate a watercraft is suspended or

New matter indicated by italics - deletions by strikeout
revoked in this State, by another state, by a federal agency, or by a province of Canada. Any person who operates any watercraft during the period when he is denied the privilege to so operate is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(Source: P.A. 93-782, eff. 1-1-05.)

Passed in the General Assembly May 11, 2005.
Approved July 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0215
(House Bill No. 1548)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Children and Family Services Act is amended by changing Section 5 as follows:
(20 ILCS 505/5) (from Ch. 23, par. 5005)
Sec. 5. Direct child welfare services; Department of Children and Family Services. To provide direct child welfare services when not available through other public or private child care or program facilities.
(a) For purposes of this Section:
   (1) "Children" means persons found within the State who are under the age of 18 years. The term also includes persons under age 19 who:
      (A) were committed to the Department pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, as amended, prior to the age of 18 and who continue under the jurisdiction of the court; or
      (B) were accepted for care, service and training by the Department prior to the age of 18 and whose best interest in the discretion of the Department would be served by continuing that care, service and training because of severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or vocational training program.
(2) "Homeless youth" means persons found within the State who are under the age of 19, are not in a safe and stable living situation and cannot be reunited with their families.

(3) "Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

(A) protecting and promoting the health, safety and welfare of children, including homeless, dependent or neglected children;

(B) remediing, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation or delinquency of children;

(C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

(D) restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

(E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;

(F) assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of this Section so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

(G) (blank);

(H) (blank); and

(I) placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a
child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or secure child care facility. The Department is not required to place or maintain children:

(i) who are in a foster home, or
(ii) who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code, or
(iii) who are female children who are pregnant, pregnant and parenting or parenting, or
(iv) who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

(b) Nothing in this Section shall be construed to authorize the expenditure of public funds for the purpose of performing abortions.

(c) The Department shall establish and maintain tax-supported child welfare services and extend and seek to improve voluntary services throughout the State, to the end that services and care shall be available on an equal basis throughout the State to children requiring such services.

(d) The Director may authorize advance disbursements for any new program initiative to any agency contracting with the Department. As a prerequisite for an advance disbursement, the contractor must post a surety bond in the amount of the advance disbursement and have a purchase of service contract approved by the Department. The Department may pay up to 2 months operational expenses in advance. The amount of the advance disbursement shall be prorated over the life of the contract or the remaining months of the fiscal year, whichever is less, and the installment amount shall then be deducted from future bills. Advance disbursement authorizations for new initiatives shall not be made to any agency after that agency has operated during 2 consecutive fiscal years. The requirements of this Section concerning advance disbursements shall not apply with respect to the following: payments to local public agencies for child day care services as authorized by Section 5a of this Act; and youth service programs receiving grant funds under Section 17a-4.

(e) (Blank).
(f) (Blank).

(g) The Department shall establish rules and regulations concerning its operation of programs designed to meet the goals of child
safety and protection, family preservation, family reunification, and adoption, including but not limited to:

(1) adoption;
(2) foster care;
(3) family counseling;
(4) protective services;
(5) (blank);
(6) homemaker service;
(7) return of runaway children;
(8) (blank);
(9) placement under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 in accordance with the federal Adoption Assistance and Child Welfare Act of 1980; and
(10) interstate services.

Rules and regulations established by the Department shall include provisions for training Department staff and the staff of Department grantees, through contracts with other agencies or resources, in alcohol and drug abuse screening techniques approved by the Department of Human Services, as a successor to the Department of Alcoholism and Substance Abuse, for the purpose of identifying children and adults who should be referred to an alcohol and drug abuse treatment program for professional evaluation.

(h) If the Department finds that there is no appropriate program or facility within or available to the Department for a ward and that no licensed private facility has an adequate and appropriate program or none agrees to accept the ward, the Department shall create an appropriate individualized, program-oriented plan for such ward. The plan may be developed within the Department or through purchase of services by the Department to the extent that it is within its statutory authority to do.

(i) Service programs shall be available throughout the State and shall include but not be limited to the following services:

(1) case management;
(2) homemakers;
(3) counseling;
(4) parent education;
(5) day care; and
(6) emergency assistance and advocacy.
In addition, the following services may be made available to assess and meet the needs of children and families:

New matter indicated by italics - deletions by strikeout
(1) comprehensive family-based services;
(2) assessments;
(3) respite care; and
(4) in-home health services.

The Department shall provide transportation for any of the services it makes available to children or families or for which it refers children or families.

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt physically or mentally handicapped, older and other hard-to-place children who (i) immediately prior to their adoption were legal wards of the Department or (ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. The Department may, subject to federal financial participation in the cost, continue to provide financial assistance and education assistance grants for a child who was determined eligible for financial assistance under this subsection (j) in the interim period beginning when the child's adoptive parents died and ending with the finalization of the new adoption of the child by another adoptive parent or parents. The Department may also provide categories of financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to persons appointed guardian of the person under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 for children who were wards of the Department for 12 months immediately prior to the appointment of the guardian.

The amount of assistance may vary, depending upon the needs of the child and the adoptive parents, as set forth in the annual assistance agreement. Special purpose grants are allowed where the child requires special service but such costs may not exceed the amounts which similar services would cost the Department if it were to provide or secure them as guardian of the child.

Any financial assistance provided under this subsection is inalienable by assignment, sale, execution, attachment, garnishment, or any other remedy for recovery or collection of a judgment or debt.

(j-5) The Department shall not deny or delay the placement of a child for adoption if an approved family is available either outside of the Department region handling the case, or outside of the State of Illinois.

New matter indicated by italics - deletions by strikeout
(k) The Department shall accept for care and training any child who has been adjudicated neglected or abused, or dependent committed to it pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987.

(l) Before July 1, 2000, the Department may provide, and beginning July 1, 2000, the Department shall offer family preservation services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including adoptive and extended families. Family preservation services shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoptive placement. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2) of Section 2-28 of that Act has been set. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency.

The Department shall notify the child and his family of the Department's responsibility to offer and provide family preservation services as identified in the service plan. The child and his family shall be eligible for services as soon as the report is determined to be "indicated". The Department may offer services to any child or family with respect to whom a report of suspected child abuse or neglect has been filed, prior to concluding its investigation under Section 7.12 of the Abused and Neglected Child Reporting Act. However, the child's or family's willingness to accept services shall not be considered in the investigation. The Department may also provide services to any child or family who is the subject of any report of suspected child abuse or neglect or may refer such child or family to services available from other agencies in the community, even if the report is determined to be unfounded, if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of such services shall be voluntary.

The Department may, at its discretion except for those children also adjudicated neglected or dependent, accept for care and training any child who has been adjudicated addicted, as a truant minor in need of supervision or as a minor requiring authoritative intervention, under the Juvenile Court Act or the Juvenile Court Act of 1987, but no such child

New matter indicated by italics - deletions by strikeout
shall be committed to the Department by any court without the approval of
the Department. A minor charged with a criminal offense under the
Criminal Code of 1961 or adjudicated delinquent shall not be placed in the
custody of or committed to the Department by any court, except a minor
less than 13 years of age committed to the Department under Section 5-
710 of the Juvenile Court Act of 1987.

(I-1) The legislature recognizes that the best interests of the child
require that the child be placed in the most permanent living arrangement
as soon as is practically possible. To achieve this goal, the legislature
directs the Department of Children and Family Services to conduct
concurrent planning so that permanency may occur at the earliest
opportunity. Permanent living arrangements may include prevention of
placement of a child outside the home of the family when the child can be
cared for at home without endangering the child's health or safety;
reunification with the family, when safe and appropriate, if temporary
placement is necessary; or movement of the child toward the most
permanent living arrangement and permanent legal status.

When determining reasonable efforts to be made with respect to a
child, as described in this subsection, and in making such reasonable
efforts, the child's health and safety shall be the paramount concern.

When a child is placed in foster care, the Department shall ensure
and document that reasonable efforts were made to prevent or eliminate
the need to remove the child from the child's home. The Department must
make reasonable efforts to reunify the family when temporary placement
of the child occurs unless otherwise required, pursuant to the Juvenile
Court Act of 1987. At any time after the dispositional hearing where the
Department believes that further reunification services would be
ineffective, it may request a finding from the court that reasonable efforts
are no longer appropriate. The Department is not required to provide
further reunification services after such a finding.

A decision to place a child in substitute care shall be made with
considerations of the child's health, safety, and best interests. At the time
of placement, consideration should also be given so that if reunification
fails or is delayed, the placement made is the best available placement to
provide permanency for the child.

The Department shall adopt rules addressing concurrent planning
for reunification and permanency. The Department shall consider the
following factors when determining appropriateness of concurrent planning:

(1) the likelihood of prompt reunification;

New matter indicated by italics - deletions by strikeout
(2) the past history of the family;
(3) the barriers to reunification being addressed by the family;
(4) the level of cooperation of the family;
(5) the foster parents' willingness to work with the family to reunite;
(6) the willingness and ability of the foster family to provide an adoptive home or long-term placement;
(7) the age of the child;
(8) placement of siblings.

(m) The Department may assume temporary custody of any child if:

(1) it has received a written consent to such temporary custody signed by the parents of the child or by the parent having custody of the child if the parents are not living together or by the guardian or custodian of the child if the child is not in the custody of either parent, or
(2) the child is found in the State and neither a parent, guardian nor custodian of the child can be located. If the child is found in his or her residence without a parent, guardian, custodian or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian or custodian enters the home and expresses a willingness and apparent ability to ensure the child's health and safety and resume permanent charge of the child, or until a relative enters the home and is willing and able to ensure the child's health and safety and assume charge of the child until a parent, guardian or custodian enters the home and expresses such willingness and ability to ensure the child's safety and resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987.

The Department shall have the authority, responsibilities and duties that a legal custodian of the child would have pursuant to subsection (9) of Section 1-3 of the Juvenile Court Act of 1987. Whenever a child is taken into temporary custody pursuant to an investigation under the Abused and Neglected Child Reporting Act, or pursuant to a referral and acceptance under the Juvenile Court Act of 1987 of a minor in limited custody, the

New matter indicated by italics - deletions by strikeout
Department, during the period of temporary custody and before the child is brought before a judicial officer as required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987, shall have the authority, responsibilities and duties that a legal custodian of the child would have under subsection (9) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall ensure that any child taken into custody is scheduled for an appointment for a medical examination.

A parent, guardian or custodian of a child in the temporary custody of the Department who would have custody of the child if he were not in the temporary custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child. The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the Juvenile Court Act of 1987. If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10 day period, the child shall be surrendered to the custody of the requesting parent, guardian or custodian not later than the expiration of the 10 day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate.

(m-1) The Department may place children under 18 years of age in a secure child care facility licensed by the Department that cares for children who are in need of secure living arrangements for their health, safety, and well-being after a determination is made by the facility director and the Director or the Director's designate prior to admission to the facility subject to Section 2-27.1 of the Juvenile Court Act of 1987. This subsection (m-1) does not apply to a child who is subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections, unless the child is a ward who was placed under the care of the Department before being subject to placement in a correctional facility and a court of competent jurisdiction has ordered placement of the child in a secure care facility.

(n) The Department may place children under 18 years of age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessfully and cannot ensure the child's health and safety or are unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the

New matter indicated by italics - deletions by strikeout
estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training and supervision of such a child that exceed the average per capita cost of maintaining and of caring for a child in institutions for dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child welfare services from the Department. Children who are wards of the Department and are placed by private child welfare agencies, and foster families with whom those children are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall insure that any private child welfare agency, which accepts wards of the Department for placement, affords those rights to children and foster families. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or foster family concerning a decision following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision concerning a change in the placement of a child shall be conducted in an expedited manner.

(p) There is hereby created the Department of Children and Family Services Emergency Assistance Fund from which the Department may provide special financial assistance to families which are in economic crisis when such assistance is not available through other public or private sources and the assistance is deemed necessary to prevent dissolution of the family unit or to reunite families which have been separated due to child abuse and neglect. The Department shall establish administrative rules specifying the criteria for determining eligibility for and the amount and nature of assistance to be provided. The Department may also enter into written agreements with private and public social service agencies to provide emergency financial services to families referred by the

New matter indicated by italics - deletions by strikeout
Department. Special financial assistance payments shall be available to a family no more than once during each fiscal year and the total payments to a family may not exceed $500 during a fiscal year.

(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department.

The Department shall set up and administer no-cost, interest-bearing accounts in appropriate financial institutions for children for whom the Department is legally responsible and who have been determined eligible for Veterans' Benefits, Social Security benefits, assistance allotments from the armed forces, court ordered payments, parental voluntary payments, Supplemental Security Income, Railroad Retirement payments, Black Lung benefits, or other miscellaneous payments. Interest earned by each account shall be credited to the account, unless disbursed in accordance with this subsection.

In disbursing funds from children's accounts, the Department shall:

(1) Establish standards in accordance with State and federal laws for disbursing money from children's accounts. In all circumstances, the Department's "Guardianship Administrator" or his or her designee must approve disbursements from children's accounts. The Department shall be responsible for keeping complete records of all disbursements for each account for any purpose.

(2) Calculate on a monthly basis the amounts paid from State funds for the child's board and care, medical care not covered under Medicaid, and social services; and utilize funds from the child's account, as covered by regulation, to reimburse those costs. Monthly, disbursements from all children's accounts, up to 1/12 of $13,000,000, shall be deposited by the Department into the General Revenue Fund and the balance over 1/12 of $13,000,000 into the DCFS Children's Services Fund.

(3) Maintain any balance remaining after reimbursing for the child's costs of care, as specified in item (2). The balance shall accumulate in accordance with relevant State and federal laws and shall be disbursed to the child or his or her guardian, or to the issuing agency.

(r) The Department shall promulgate regulations encouraging all adoption agencies to voluntarily forward to the Department or its agent
names and addresses of all persons who have applied for and have been approved for adoption of a hard-to-place or handicapped child and the names of such children who have not been placed for adoption. A list of such names and addresses shall be maintained by the Department or its agent, and coded lists which maintain the confidentiality of the person seeking to adopt the child and of the child shall be made available, without charge, to every adoption agency in the State to assist the agencies in placing such children for adoption. The Department may delegate to an agent its duty to maintain and make available such lists. The Department shall ensure that such agent maintains the confidentiality of the person seeking to adopt the child and of the child.

(s) The Department of Children and Family Services may establish and implement a program to reimburse Department and private child welfare agency foster parents licensed by the Department of Children and Family Services for damages sustained by the foster parents as a result of the malicious or negligent acts of foster children, as well as providing third party coverage for such foster parents with regard to actions of foster children to other individuals. Such coverage will be secondary to the foster parent liability insurance policy, if applicable. The program shall be funded through appropriations from the General Revenue Fund, specifically designated for such purposes.

(t) The Department shall perform home studies and investigations and shall exercise supervision over visitation as ordered by a court pursuant to the Illinois Marriage and Dissolution of Marriage Act or the Adoption Act only if:

(1) an order entered by an Illinois court specifically directs the Department to perform such services; and

(2) the court has ordered one or both of the parties to the proceeding to reimburse the Department for its reasonable costs for providing such services in accordance with Department rules, or has determined that neither party is financially able to pay.

The Department shall provide written notification to the court of the specific arrangements for supervised visitation and projected monthly costs within 60 days of the court order. The Department shall send to the court information related to the costs incurred except in cases where the court has determined the parties are financially unable to pay. The court may order additional periodic reports as appropriate.

(u) Whenever the Department places a child in a licensed foster home, group home, child care institution, or in a relative home, the Department shall provide to the caretaker:

New matter indicated by italics - deletions by strikeout
(1) available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes excluding any information that identifies or reveals the location of any previous caretaker;

(2) a copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it as related to the child; and

(3) information containing details of the child's individualized educational plan when the child is receiving special education services.

The caretaker shall be informed of any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetuation of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the child.

(u-5) Effective July 1, 1995, only foster care placements licensed as foster family homes pursuant to the Child Care Act of 1969 shall be eligible to receive foster care payments from the Department. Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family home or that their application for licensure is denied or until September 30, 1995, whichever occurs first.

(v) The Department shall access criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional record system as defined in Section 2605-355 of the Department of State Police Law (20 ILCS 2605/2605-355) if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The Department shall provide for interactive computerized communication and processing equipment that permits direct on-line communication with the Department of State Police's central criminal history data repository. The Department shall comply with all certification requirements and provide certified operators who have been trained by personnel from the Department of State Police. In addition, one Office of the Inspector General investigator shall have

New matter indicated by italics - deletions by strikeout
training in the use of the criminal history information access system and have access to the terminal. The Department of Children and Family Services and its employees shall abide by rules and regulations established by the Department of State Police relating to the access and dissemination of this information.

(w) Within 120 days of August 20, 1995 (the effective date of Public Act 89-392), the Department shall prepare and submit to the Governor and the General Assembly, a written plan for the development of in-state licensed secure child care facilities that care for children who are in need of secure living arrangements for their health, safety, and well-being. For purposes of this subsection, secure care facility shall mean a facility that is designed and operated to ensure that all entrances and exits from the facility, a building or a distinct part of the building, are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. The plan shall include descriptions of the types of facilities that are needed in Illinois; the cost of developing these secure care facilities; the estimated number of placements; the potential cost savings resulting from the movement of children currently out-of-state who are projected to be returned to Illinois; the necessary geographic distribution of these facilities in Illinois; and a proposed timetable for development of such facilities.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 91-812, eff. 6-13-00; 92-154, eff. 1-1-02.)

Passed in the General Assembly May 18, 2005.
Approved July 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0216

(House Bill No. 1575)

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

Section 1. Short title. This Act may be cited as the Illinois AgrAbility Act.

Section 5. Findings. The General Assembly finds the following:

(1) Illinois is one of the leading agricultural-producing states in the nation. By being involved in such a diverse and highly mechanized industry, the more than 500,000 agricultural workers

New matter indicated by italics - deletions by strikeout
in Illinois are susceptible to any one of a number of work-related injuries and chronic health problems that limit an individual's ability to safely continue farming.

(2) Available estimates indicate that, each year in Illinois, more than 200 farm workers sustain injuries, which result in permanent physical disabilities affecting their future income.

(3) It is estimated that nationwide more than 200,000 farmers, ranchers, and other agricultural workers experience injuries that result in lost work time. Of these injuries, 5% have serious or permanent results.

(4) According to the most recent census data, approximately 5,000 Illinois farmers have permanent disabilities as a result of accidents, health related ailments, and age.

(5) Farm operators and workers are typically highly skilled individuals and the loss of these individuals to a disability negatively impacts the Illinois farm economy. The AgrAbility Project established by the U. S. Department of Agriculture has been successful in helping agricultural workers who suffer from a disability continue to farm. A similar program established by the State and working with the existing AgrAbility Unlimited Program will assist even more Illinois citizens in receiving the assistance that they need and will benefit the State agriculture industry.

Section 10. Definitions. As used in this Act:

"AgrAbility Unlimited" means the joint program of the University of Illinois Extension and the Easter Seals of Central Illinois established in accordance with the AgrAbility Program established by the U.S. Department of Agriculture.

"Department" means the Department of Agriculture.

"Director" means the Director of Agriculture.

"Production agriculture" has the meaning set forth in Section 3-35 of the Use Tax Act.

Section 15. Illinois AgrAbility Program established.

(a) Subject to appropriation, the Department, in cooperation with the University of Illinois Extension, shall contract with a non-profit disability service provider or other entity that assists disabled farmers, to establish and administer the Illinois AgrAbility Program in order to assist individuals who are engaged in farming or an agriculture-related activity and who have been affected by disability.

(b) Services provided by the Illinois AgrAbility Program shall include, but are not limited to, the following:

New matter indicated by italics - deletions by strikeout
(1) A toll-free information and referral hotline.
(2) The establishment of networks with local agricultural and rehabilitation professionals.
(3) The coordination of community resources.
(4) The establishment of networks with local agricultural and health care professionals to help identify individuals who may be eligible for assistance and to help identify the best method of providing that assistance.
(5) The provision of information on and assistance regarding equipment modification.
(6) Job restructuring.
(7) The provision of information on and assistance regarding the development of alternative jobs.

In order to provide these services, the Illinois AgrAbility Program shall cooperate and share resources, facilities, and employees with AgrAbility Unlimited, the University of Illinois Extension, and the Office of Rehabilitation Services of the Department of Human Services.

The costs of the program, including any related administrative expenses from the Department, may be paid from any funds specifically appropriated or otherwise available to the Department for that purpose. The Department may pay the costs of the Illinois AgrAbility program by making grants to the operating entity, by making grants directly to service providers, by paying reimbursements for services provided, or in any other appropriate manner.

(c) The Department has the power to enter into any agreements that are necessary and appropriate for the establishment, operation, and funding of the Illinois AgrAbility Program. The Department may adopt any rules that it determines necessary for the establishment, operation, and funding of the Illinois AgrAbility Program.

Section 20. Eligibility. To be eligible to receive assistance under this Act, an individual must meet all of the following:

(1) Be a resident of Illinois.
(2) Derive at least a portion of his or her income from production agriculture.
(3) Be affected by a disability.
(4) Meet any additional eligibility requirements set forth by the Department, in conjunction with the University of Illinois Extension.

Section 25. The Illinois AgrAbility Fund.
(a) The Illinois AgrAbility Fund is created as a special appropriated fund within the State treasury. The Director shall also accept and deposit into the Fund all gifts, grants, transfers, and other amounts from any legal source, public or private, that are designated for deposit into the Fund. All interest earned on moneys in the Fund shall be deposited into the Fund.

(b) Subject to appropriation and as directed by the Director, moneys in the Illinois AgrAbility Fund may be expended for the Illinois AgrAbility Program and for no other purpose. No more than 15% of the moneys expended in a fiscal year for the Program may be expended for administrative costs.

Section 30. Reports. Unless otherwise required by federal law, the University of Illinois Extension must provide the Department with a copy of any report or other document that it provides to the U.S. Department of Agriculture concerning AgrAbility Unlimited. The non-profit disability service provider or other entity awarded a contract under Section 15 must annually update the University of Illinois Extension and the Department in writing on the status of the Illinois AgrAbility Program.

Section 95. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Illinois AgrAbility Fund.

(PUBLIC ACT 94-0217)

AN ACT concerning State government.

Passed in the General Assembly May 16, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0217
(House Bill No. 2242)

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

Section 5. The State Police Act is amended by changing Section 14 as follows:

(20 ILCS 2610/14) (from Ch. 121, par. 307.14)

Sec. 14. Except as is otherwise provided in this Act, no Department of State Police officer shall be removed, demoted or suspended except for cause, upon written charges filed with the Board by the Director and a hearing before the Board thereon upon not less than 10

New matter indicated by italics - deletions by strikeout
days' notice at a place to be designated by the chairman thereof. At such hearing, the accused shall be afforded full opportunity to be heard in his or her own defense and to produce proof in his or her defense. *Anyone filing a complaint against a State Police Officer must have the complaint supported by a sworn affidavit.*

Before any such officer may be interrogated or examined by or before the Board, or by a departmental agent or investigator specifically assigned to conduct an internal investigation, the results of which hearing, interrogation or examination may be the basis for filing charges seeking his or her suspension for more than 15 days or his or her removal or discharge, he or she shall be advised in writing as to what specific improper or illegal act he or she is alleged to have committed; he or she shall be advised in writing that his or her admissions made in the course of the hearing, interrogation or examination may be used as the basis for charges seeking his or her suspension, removal or discharge; and he or she shall be advised in writing that he or she has a right to counsel of his or her choosing, who may be present to advise him or her at any hearing, interrogation or examination. A complete record of any hearing, interrogation or examination shall be made, and a complete transcript or electronic recording thereof shall be made available to such officer without charge and without delay.

The Board shall have the power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers in support of the charges and for the defense. Each member of the Board or a designated hearing officer shall have the power to administer oaths or affirmations. If the charges against an accused are established by a preponderance of evidence, the Board shall make a finding of guilty and order either removal, demotion, suspension for a period of not more than 180 days, or such other disciplinary punishment as may be prescribed by the rules and regulations of the Board which, in the opinion of the members thereof, the offense merits. Thereupon the Director shall direct such removal or other punishment as ordered by the Board and if the accused refuses to abide by any such disciplinary order, the Director shall remove him or her forthwith.

If the accused is found not guilty or has served a period of suspension greater than prescribed by the Board, the Board shall order that the officer receive compensation for the period involved. The award of compensation shall include interest at the rate of 7% per annum.

The Board may include in its order appropriate sanctions based upon the Board's rules and regulations. If the Board finds that a party has

New matter indicated by italics - deletions by strikeout
made allegations or denials without reasonable cause or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation, it may order that party to pay the other party's reasonable expenses, including costs and reasonable attorney's fees. The State of Illinois and the Department shall be subject to these sanctions in the same manner as other parties.

In case of the neglect or refusal of any person to obey a subpoena issued by the Board, any circuit court, upon application of any member of the Board, may order such person to appear before the Board and give testimony or produce evidence, and any failure to obey such order is punishable by the court as a contempt thereof.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of any order of the Board rendered pursuant to the provisions of this Section.

Notwithstanding the provisions of this Section, a policy making officer, as defined in the Employee Rights Violation Act, of the Department of State Police shall be discharged from the Department of State Police as provided in the Employee Rights Violation Act, enacted by the 85th General Assembly.

(Source: P.A. 89-306, eff. 1-1-96.)

Passed in the General Assembly May 18, 2005.
Approved July 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0218
(House Bill No. 2348)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 6-306.7 and 13B-55 as follows:

(625 ILCS 5/6-306.7)
Sec. 6-306.7. Failure to satisfy fines or penalties for toll violations or evasions; suspension of driving privileges.

(a) Upon receipt of a certified report, as prescribed by subsection (c) of this Section, from the Authority stating that the owner of a registered vehicle has failed to satisfy any fine or penalty resulting from a final order issued by the Authority relating directly or indirectly to 5 or more toll

New matter indicated by italics - deletions by strikeout
violations, toll evasions, or both, the Secretary of State shall suspend the driving privileges of the person in accordance with the procedures set forth in this Section.

(b) Following receipt of the certified report of the Authority as specified in the Section, the Secretary of State shall notify the person whose name appears on the certified report that the person's driver's license will be suspended at the end of a specified period unless the Secretary of State is presented with a notice from the Authority certifying that the fines or penalties owing the Authority have been satisfied or that inclusion of that person's name on the certified report was in error. The Secretary's notice shall state in substance the information contained in the Authority's certified report to the Secretary, and shall be effective as specified by subsection (c) of Section 6-211 of this Code, except as to those drivers who also have been issued a CDL. If a person also has been issued a CDL, notice of suspension of that person's driver's license must be given in writing by certified mail and is effective on the date listed in the notice of suspension, except that the notice is not effective until 4 days after the date on which the notice was deposited into the United States mail. The notice becomes effective 4 days after its deposit into the United States mail regardless of whether the Secretary of State receives the return receipt and regardless of whether the written notification is returned for any reason to the Secretary of State as undeliverable.

(c) The report from the Authority notifying the Secretary of unsatisfied fines or penalties pursuant to this Section shall be certified and shall contain the following:

(1) The name, last known address, and driver's license number of the person who failed to satisfy the fines or penalties and the registration number of any vehicle known to be registered in this State to that person.

(2) A statement that the Authority sent a notice of impending suspension of the person's driver's license, vehicle registration, or both, as prescribed by rules enacted pursuant to subsection (a-5) of Section 10 of the Toll Highway Act, to the person named in the report at the address recorded with the Secretary of State; the date on which the notice was sent; and the address to which the notice was sent.

(d) The Authority, after making a certified report to the Secretary pursuant to this Section, shall notify the Secretary, on a form prescribed by the Secretary, whenever a person named in the certified report has satisfied the previously reported fines or penalties or whenever the Authority
determines that the original report was in error. A certified copy of the notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the Authority's notification or presentation of a certified copy of the notification, the Secretary shall terminate the suspension.

(e) The Authority shall, by rule, establish procedures for persons to challenge the accuracy of the certified report made pursuant to this Section. The rule shall also provide the grounds for a challenge, which may be limited to:

(1) the person not having been the owner or lessee of the vehicle or vehicles receiving 5 or more toll violations or toll evasion notices on the date or dates the notices were issued; or

(2) the person having already satisfied the fines or penalties for the 5 or more toll violations or toll evasions indicated on the certified report.

(f) All notices sent by the Authority to persons involved in administrative adjudications, hearings, and final orders issued pursuant to rules implementing subsection (a-5) of Section 10 of the Toll Highway Act shall state that failure to satisfy any fine or penalty imposed by the Authority shall result in the Secretary of State suspending the driving privileges, vehicle registration, or both, of the person failing to satisfy the fines or penalties imposed by the Authority.

(g) A person may request an administrative hearing to contest an impending suspension or a suspension made pursuant to this Section upon filing a written request with the Secretary. The filing fee for this hearing is $20, to be paid at the time of the request. The Authority shall reimburse the Secretary for all reasonable costs incurred by the Secretary as a result of the filing of a certified report pursuant to this Section, including, but not limited to, the costs of providing notice required pursuant to subsection (b) and the costs incurred by the Secretary in any hearing conducted with respect to the report pursuant to this subsection and any appeal from that hearing.

(h) The Secretary and the Authority may promulgate rules to enable them to carry out their duties under this Section.

(i) The Authority shall cooperate with the Secretary in the administration of this Section and shall provide the Secretary with any information the Secretary may deem necessary for these purposes, including regular and timely access to toll violation enforcement records.

The Secretary shall cooperate with the Authority in the administration of this Section and shall provide the Authority with any

New matter indicated by italics - deletions by strikeout
information the Authority may deem necessary for the purposes of this Section, including regular and timely access to vehicle registration records. Section 2-123 of this Code shall not apply to the provision of this information, but the Secretary shall be reimbursed for the cost of providing this information.

(j) For purposes of this Section, the term "Authority" means the Illinois State Toll Highway Authority.

(Source: P.A. 91-277, eff. 1-1-00.)

(625 ILCS 5/13B-55)

Sec. 13B-55. Enforcement.

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

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

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

(b) The Secretary of State shall suspend either the driving privileges or the vehicle registration, or both, of any vehicle owner who has not complied with this Chapter, if (i) the vehicle owner failed to satisfactorily respond to the one notice sent by the Agency under subsection (a), and (ii) the Secretary of State has mailed the vehicle owner a notice that the suspension will be imposed if the owner does not comply within a stated period, and the Secretary of State has not received satisfactory evidence of compliance within that period. The Secretary of

New matter indicated by italics - deletions by strikeout
State shall send this notice only after receiving a statement from the Agency that the vehicle owner has failed to comply with this Section. Notice shall be effective as specified in subsection (c) of Section 6-211 of this Code, except as to those drivers who also have been issued a CDL. If a person also has been issued a CDL, notice of suspension of that person's driver's license must be given in writing by certified mail and is effective on the date listed in the notice of suspension, except that the notice is not effective until 4 days after the date on which the notice was deposited into the United States mail. The notice becomes effective 4 days after its deposit into the United States mail regardless of whether the Secretary of State receives the return receipt and regardless of whether the written notification is returned for any reason to the Secretary of State as undeliverable.

A suspension under this subsection shall not be terminated until satisfactory proof of compliance has been submitted to the Secretary of State. No driver's license or permit, or renewal of a license or permit, may be issued to a person whose driving privileges have been suspended under this Section until the suspension has been terminated. No vehicle registration or registration plate that has been suspended under this Section may be reinstated or renewed, or transferred by the owner to any other vehicle, until the suspension has been terminated.

The filing fee for an administrative hearing to contest a suspension made under this Section shall be $20, to be paid by the vehicle owner at the time written request for the hearing is made to the Secretary of State.

The Secretary of State may promulgate rules to enable him or her to carry out his or her duties under this Chapter.

(Source: P.A. 88-533.)

Section 99. Effective date. This Act takes effect July 1, 2006.
Passed in the General Assembly May 16, 2005.
Approved July 14, 2005.
Effective July 1, 2006.

PUBLIC ACT 94-0219
(House Bill No. 3451)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Sections 10-21.9, 27A-5, and 34-18.5 as follows:

New matter indicated by italics - deletions by strikeout
(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal history records checks and checks of the Statewide Sex Offender Database.

(a) Certified and noncertified applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police

New matter indicated by italics - deletions by strikeout
Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse school districts and regional superintendents for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender and Child Murderer Community Notification Law, for each applicant.

(b) Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the school district, the presidents of the appropriate school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database as a sex offender. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database as a sex offender, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in

New matter indicated by italics - deletions by strikeout
subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database, the applicant has not been identified in the Database as a sex offender. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute teacher in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own criminal history records check of the applicant through the Department of State Police and its own check of the Statewide Sex Offender Database as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No school board shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the "Criminal Code of 1961"; (ii) those defined in the "Cannabis Control Act" except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the "Illinois Controlled Substances Act"; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or

New matter indicated by italics - deletions by strikeout
Section 34-8.1 or 34-83 of the School Code, the appropriate regional superintendent of schools or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Department of State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04.)

(105 ILCS 5/27A-5)
Sec. 27A-5. Charter school; legal entity; requirements.
(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on the effective date of this amendatory Act of the 93rd General Assembly, in all new applications submitted to the State Board or a local school board to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by this amendatory Act of the 93rd General Assembly do not apply to charter schools existing or approved on or before the effective date of this amendatory Act.
(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act.

(d) A charter school shall comply with all applicable health and safety requirements applicable to public schools under the laws of the State of Illinois.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school.

(g) A charter school shall comply with all provisions of this Article and its charter. A charter school is exempt from all other State laws and regulations in the School Code governing public schools and local school board policies, except the following:

1. Sections 10-21.9 and 34-18.5 of the School Code regarding criminal history records checks and checks of the Statewide Sex Offender Database of applicants for employment;
2. Sections 24-24 and 34-84A of the School Code regarding discipline of students;
3. The Local Governmental and Governmental Employees Tort Immunity Act;
4. Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;
5. The Abused and Neglected Child Reporting Act;
6. The Illinois School Student Records Act; and
7. Section 10-17a of the School Code regarding school report cards.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and

New matter indicated by italics - deletions by strikeout
(iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after the effective date of this amendatory Act of the 93rd General Assembly and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on the effective date of this amendatory Act of the 93rd General Assembly and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

Sec. 34-18.5. Criminal history records checks and checks of the Statewide Sex Offender Database.

(a) Certified and noncertified applicants for employment with the school district are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant

New matter indicated by italics - deletions by strikeout
is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse the school district and regional superintendent for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender and Child Murderer Community Notification Law, for each applicant.

(b) Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate

New matter indicated by italics - deletions by strikeout
regional superintendent if the check was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database as a sex offender. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database as a sex offender, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database, the applicant has not been identified in the Database as a sex offender. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one such district

New matter indicated by italics - deletions by strikeout
may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own criminal history records check of the applicant through the Department of State Police and its own check of the Statewide Sex Offender Database as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The board of education shall not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) The board of education shall not knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the board of education or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional
superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Department of State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04.)

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

Passed in the General Assembly May 19, 2005.

Approved July 14, 2005.

Effective July 14, 2005.

PUBLIC ACT 94-0220
(House Bill No. 3646)

AN ACT concerning education.

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

Section 1. Short title. This Act may be cited as the Vocational Academies Act.

Section 5. Purpose. The purpose of this Act is to integrate workplace competencies and career and technical education with core academic subjects.

Section 10. Establishment. A school district, in partnership with community colleges, local employers, and community-based organizations, may establish a vocational academy that is eligible for a grant under this Act if the vocational academy meets all of the following requirements:

(1) The vocational academy must have a minimum 5-clock-hour day and be under the direct supervision of teachers.

(2) The vocational academy must be a 2-year school within a school program for grades 10 through 12 that is organized around a career theme and operated as a business-education partnership.

(3) The vocational academy must be a career-oriented program that uses the direct involvement of local employers to
provide students with an education and the skills needed for employment.

(4) The vocational academy must be a standards-based educational program that prepares students both academically and technically for entrance into postsecondary education or careers in a selected field.

(5) The curriculum of the vocational academy must be based on the Illinois Learning Standards, and work-site training must provide students with learning experiences for entry-level employment in the local job market and lifelong learning skills for higher education.

Section 15. Grants. Subject to appropriation or other available federal or private funding, the State Board of Education may provide grants to vocational academies that meet the requirements of this Act.

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

Passed in the General Assembly May 16, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0221
(House Bill No. 3757)

AN ACT concerning the Fire Truck Revolving Loan Program.

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

Section 5. The Illinois Finance Authority Act is amended by adding Section 825-80 as follows:

(20 ILCS 3501/825-80 new)

Sec. 825-80. Fire truck revolving loan program.

(a) This Section is a continuation and re-enactment of the fire truck revolving loan program enacted as Section 3-27 of the Rural Bond Bank Act by Public Act 93-35, effective June 24, 2003, and repealed by Public Act 93-205, effective January 1, 2004. Under the Rural Bond Bank Act, the program was administered by the Rural Bond Bank and the State Fire Marshal.

(b) The Authority and the State Fire Marshal shall jointly administer a fire truck revolving loan program. The program shall provide zero-interest loans for the purchase of fire trucks by a fire department, a fire protection district, or a township fire department. The

New matter indicated by italics - deletions by strikeout
Authority shall make loans based on need, as determined by the State Fire Marshal.

(c) The loan funds, subject to appropriation, shall be paid out of the Fire Truck Revolving Loan Fund, a special fund in the State Treasury. The Fund shall consist of any moneys transferred or appropriated into the Fund, as well as all repayments of loans made under the program and any balance existing in the Fund on the effective date of this Section. The Fund shall be used for loans to fire departments and fire protection districts to purchase fire trucks and for no other purpose. All interest earned on moneys in the Fund shall be deposited into the Fund.

(d) A loan for the purchase of fire trucks may not exceed $250,000 to any fire department or fire protection district. The repayment period for the loan may not exceed 20 years. The fire department or fire protection district shall repay each year at least 5% of the principal amount borrowed or the remaining balance of the loan, whichever is less. All repayments of loans shall be deposited into the Fire Truck Revolving Loan Fund.

(e) The Authority and the State Fire Marshal shall adopt rules to administer the program.

(f) Notwithstanding the repeal of Section 3-27 of the Rural Bond Bank Act, all otherwise lawful actions taken on or after January 1, 2004 and before the effective date of this Section by any person under the authority originally granted by that Section 3-27, including without limitation the granting, acceptance, and repayment of loans for the purchase of fire trucks, are hereby validated, and the rights and obligations of all parties to any such loan are hereby acknowledged and confirmed.

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

Passed in the General Assembly May 16, 2005.
Approved July 14, 2005.
Effective July 14, 2005.
Section 5. The Fish and Aquatic Life Code is amended by changing Section 20-35 as follows:

(515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

Sec. 20-35. Offenses.

(a) Except as prescribed in Section 5-25 and unless otherwise provided in this Code, any person who is found guilty of violating any of the provisions of this Code, including administrative rules, is guilty of a petty offense.


Any person who violates any of the provisions of Section 1-200, 1-205, 10-55, 10-80, 15-35, or 20-120 of this Code, including administrative rules relating to those Sections, is guilty of a Class A misdemeanor.

Any person who violates any of the provisions of this Code, including administrative rules, during the 5 years following the revocation of his or her license, permit, or privileges under Section 20-105 is guilty of a Class A misdemeanor.

Any person who violates Section 5-25 of this Code, including administrative rules, is guilty of a Class 3 felony.

(b)(1) It is unlawful for any person to take or attempt to take aquatic life from any aquatic life farm except with the consent of the owner of the aquatic life farm. Any person possessing fishing tackle on the premises of an aquatic life farm is presumed to be fishing. The presumption may be rebutted by clear and convincing evidence. All fishing tackle, apparatus, and vehicles used in the violation of this subsection (b) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in the violation of this subsection (b), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

New matter indicated by italics - deletions by strikeout
(2) A violation of paragraph (1) of this subsection (b) is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(c)(1) It is unlawful for any person to trespass or fish on an aquatic life farm located on a strip mine lake or other body of water used for aquatic life farming operations, or within a 200 foot buffer zone surrounding cages or netpens that are clearly delineated by buoys of a posted aquatic life farm, by swimming, scuba diving, or snorkeling in, around, or under the aquatic life farm or by operating a watercraft over, around, or in the aquatic life farm without the consent of the owner of the aquatic life farm.

(2) A violation of paragraph (1) of this subsection (c) is a Class B misdemeanor for a first offense and a Class A misdemeanor for a second or subsequent offense. All fishing tackle, apparatus, and watercraft used in a second or subsequent violation of this subsection (c) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in a violation of this subsection (c), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

(d) Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section or as otherwise provided in this Code.

(e) In addition to any fines imposed under this Section, or as otherwise provided in this Code, any person found guilty of unlawfully taking or possessing any aquatic life protected by this Code shall be assessed a civil penalty for that aquatic life in accordance with the values prescribed in Section 5-25 of this Code. This civil penalty shall be imposed at the time of the conviction by the Circuit Court for the county where the offense was committed. Except as otherwise provided for in subsections (b) and (c) of this Section, all penalties provided for in this Section shall be remitted to the Department in accordance with the provisions of Section 1-180 of this Code.

(Source: P.A. 92-385, eff. 8-16-01; 92-513, eff. 6-1-02; 92-651, eff. 7-11-02.)
Section 10. The Wildlife Code is amended by changing Section 3.5 as follows:

(520 ILCS 5/3.5) (from Ch. 61, par. 3.5)
Sec. 3.5. Penalties; probation.
(a) Any person who violates any of the provisions of Section 2.36a, including administrative rules, shall be guilty of a Class 3 felony, except as otherwise provided in subsection (b) of this Section and subsection (a) of Section 2.36a.
(b) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for, any offense under Section 1.22, 2.36, or 2.36a or subsection (i) or (cc) of Section 2.33, the court may, without entering a judgment and with the person’s consent, sentence the person to probation for a violation of Section 2.36a.
   (1) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.
   (2) The conditions of probation shall be that the person:
       (A) Not violate any criminal statute of any jurisdiction.
       (B) Perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.
   (3) The court may, in addition to other conditions:
       (A) Require that the person make a report to and appear in person before or participate with the court or courts, person, or social service agency as directed by the court in the order of probation.
       (B) Require that the person pay a fine and costs.
       (C) Require that the person refrain from possessing a firearm or other dangerous weapon.
       (D) Prohibit the person from associating with any person who is actively engaged in any of the activities regulated by the permits issued or privileges granted by the Department of Natural Resources.
   (4) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

New matter indicated by italics - deletions by strikeout
(5) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against the person.

(6) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation, for appeal, and for administrative revocation and suspension of licenses and privileges; however, discharge and dismissal under this Section is not a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime.

(7) Discharge and dismissal under this Section may occur only once with respect to any person.

(8) If a person is convicted of an offense under this Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as a factor in aggravation.

(9) The Circuit Clerk shall notify the Department of State Police of all persons convicted of or placed under probation for violations of Section 2.36a. (c) Any person who violates any of the provisions of Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30, 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y), and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h), and (i)), and 3.24 - 3.26, including administrative rules, shall be guilty of a Class B misdemeanor.

Any person who violates any of the provisions of Sections 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall be guilty of a Class A misdemeanor. Any second or subsequent violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

Any person who violates any of the provisions of this Act, including administrative rules, during such period when his license, privileges, or permit is revoked or denied by virtue of Section 3.36, shall be guilty of a Class A misdemeanor.

Any person who violates subsection (g), (i), (o), (p), (y), or (cc) of Section 2.33 shall be guilty of a Class A misdemeanor and subject to a fine of no less than $500 and no more than $5,000 in addition to other statutory penalties.

Any person who violates any other of the provisions of this Act including administrative rules, unless otherwise stated, shall be guilty of a

New matter indicated by italics - deletions by strikeout
petty offense. Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section.

In addition to any fines imposed pursuant to the provisions of this Section or as otherwise provided in this Act, any person found guilty of unlawfully taking or possessing any species protected by this Act, shall be assessed a civil penalty for such species in accordance with the values prescribed in Section 2.36a of this Act. This civil penalty shall be imposed by the Circuit Court for the county within which the offense was committed at the time of the conviction. All penalties provided for in this Section shall be remitted to the Department in accordance with the same provisions provided for in Section 1.18 of this Act.

(Source: P.A. 90-743, eff. 1-1-99.)

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

Passed in the General Assembly May 16, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0223
(House Bill No. 3800)

AN ACT concerning the Metropolitan Water Reclamation District.

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

Section 5. The Metropolitan Water Reclamation District Act is amended by adding Section 294 as follows:

(70 ILCS 2605/294 new)

Sec. 294. District enlarged. Upon the effective date of this amendatory Act of the 94th General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include within those limits the following described tracts of land, and those tracts are hereby annexed to the District.

Parcel 1:
ALL OF THE SW 1/4 OF THE SE 1/4 OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Parcel 2:

New matter indicated by italics - deletions by strikeout
THE WEST ONE ACRE OF THE NW 1/4 OF THE NE 1/4 OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Parcel 3:
ALL OF "TRINITY LAKES PHASE 1," A SUBDIVISION OF THE SW 1/4 OF THE NE 1/4 OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED AS DOCUMENT 05 01339042 ON 13 JANUARY 2005, ALL IN COOK COUNTY, ILLINOIS.

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

Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0224
(Senate Bill No. 0302)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by adding Section 7-316.1 as follows:

   (625 ILCS 5/7-316.1 new)

   Sec. 7-316.1. Nonresidents and former residents; when proof not required.

   (a) Any nonresident or former Illinois resident who (i) has met all requirements for reinstatement of his or her driving or registration privileges under this Chapter except for filing proof of financial responsibility, (ii) resides outside of Illinois, and (iii) has applied for a driver's license in another state, shall be released from the requirement of showing proof of financial responsibility in this State if he or she presents to the Secretary of State, in a manner satisfactory to the Secretary, notice of his or her out-of-state residency.

   (b) Any nonresident or former Illinois resident whose driver's license was revoked and who (i) has met all requirements for applying for driving privileges except for filing proof of financial responsibility under this Chapter, (ii) resides outside of Illinois, and (iii) has applied for a driver's license in another state, shall be released from the requirement of showing proof of financial responsibility in this State if he or she presents

New matter indicated by italics - deletions by strikeout
to the Secretary of State, in a manner satisfactory to the Secretary, notice of his or her out-of-state residency.

(c) If a nonresident or former Illinois resident released from the requirement of showing proof of financial responsibility in this State under subsection (a) or subsection (b) of this Section moves or returns to this State within 3 years of the date of release, that person must present to the Secretary of State, in a manner satisfactory to the Secretary, proof of insurance coverage during the period in which the person lived outside of Illinois. A person who fails to present the required proof may not be issued a driver's license until he or she presents proof of financial responsibility that is satisfactory under this Chapter. The proof of financial responsibility required under this subsection (c) must be shown or maintained for the period of time required under this Chapter.

(d) The Secretary shall adopt rules for implementing this Section.

Passed in the General Assembly May 20, 2005.
Approved July 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0225
(Senate Bill No. 0383)

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

Section 5. The School Code is amended by changing Sections 2-3.12, 3-14.20, and 3-14.21 and by adding Section 2-3.137 as follows:

(105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)

Sec. 2-3.12. School building code. To prepare for school boards with the advice of the Department of Public Health, the Capital Development Board, and the State Fire Marshal a school building code that will conserve the health and safety and general welfare of the pupils and school personnel and others who use public school facilities.

The document known as "Efficient and Adequate Standards for the Construction of Schools" applies only to temporary school facilities, new school buildings, and additions to existing schools whose construction contracts are awarded after July 1, 1965. On or before July 1, 1967, each school board shall have its school district buildings that were constructed prior to January 1, 1955, surveyed by an architect or engineer licensed in the State of Illinois as to minimum standards necessary to conserve the health and safety of the pupils enrolled in the school buildings of the
Buildings constructed between January 1, 1955 and July 1, 1965, not owned by the State of Illinois, shall be surveyed by an architect or engineer licensed in the State of Illinois beginning 10 years after acceptance of the completed building by the school board. Buildings constructed between January 1, 1955 and July 1, 1955 and previously exempt under the provisions of Section 35-27 shall be surveyed prior to July 1, 1977 by an architect or engineer licensed in the State of Illinois. The architect or engineer, using the document known as "Building Specifications for Health and Safety in Public Schools" as a guide, shall make a report of the findings of the survey to the school board, giving priority in that report to fire safety problems and recommendations thereon if any such problems exist. The school board of each district so surveyed and receiving a report of needed recommendations to be made to improve standards of safety and health of the pupils enrolled has until July 1, 1970, or in case of buildings not owned by the State of Illinois and completed between January 1, 1955 and July 1, 1965 or in the case of buildings previously exempt under the provisions of Section 35-27 has a period of 3 years after the survey is commenced, to effectuate those recommendations, giving first attention to the recommendations in the survey report having priority status, and is authorized to levy the tax provided for in Section 17-2.11, according to the provisions of that Section, to make such improvements. School boards unable to effectuate those recommendations prior to July 1, 1970, on July 1, 1980 in the case of buildings previously exempt under the provisions of Section 35-27, may petition the State Superintendent of Education upon the recommendation of the Regional Superintendent for an extension of time. The extension of time may be granted by the State Superintendent of Education for a period of one year, but may be extended from year to year provided substantial progress, in the opinion of the State Superintendent of Education, is being made toward compliance. However, for fire protection issues, only one one-year extension may be made, and no other provision of this Code or an applicable code may supersede this requirement. For routine inspections, the State Fire Marshal or a qualified fire official to whom the State Fire Marshal has delegated his or her authority shall notify the Regional Superintendent, the district superintendent, and provide written notice to the principal of the school in advance to schedule a mutually agreed upon time for the fire safety check. However, no more than 2 routine inspections may be made in a calendar year.

Within 2 years after the effective date of this amendatory Act of 1983, and every 10 years thereafter, or at such other times as the State
Board of Education deems necessary or the regional superintendent so orders, each school board subject to the provisions of this Section shall again survey its school buildings and effectuate any recommendations in accordance with the procedures set forth herein. An architect or engineer licensed in the State of Illinois is required to conduct the surveys under the provisions of this Section and shall make a report of the findings of the survey titled "safety survey report" to the school board. The school board shall approve the safety survey report, including any recommendations to effectuate compliance with the code, and submit it to the Regional Superintendent. The Regional Superintendent shall render a decision regarding approval or denial and submit the safety survey report to the State Superintendent of Education. The State Superintendent of Education shall approve or deny the report including recommendations to effectuate compliance with the code and, if approved, issue a certificate of approval. Upon receipt of the certificate of approval, the Regional Superintendent shall issue an order to effect any approved recommendations included in the report. Items in the report shall be prioritized. Urgent items shall be considered as those items related to life safety problems that present an immediate hazard to the safety of students. Required items shall be considered as those items that are necessary for a safe environment but present less of an immediate hazard to the safety of students. Urgent and required items shall reference a specific rule in the code authorized by this Section that is currently being violated or will be violated within the next 12 months if the violation is not remedied. The school board of each district so surveyed and receiving a report of needed recommendations to be made to maintain standards of safety and health of the pupils enrolled shall effectuate the correction of urgent items as soon as achievable to ensure the safety of the students, but in no case more than one year after the date of the State Superintendent of Education's approval of the recommendation. Required items shall be corrected in a timely manner, but in no case more than 5 years from the date of the State Superintendent of Education's approval of the recommendation. Once each year the school board shall submit a report of progress on completion of any recommendations to effectuate compliance with the code. For each year that the school board does not effectuate any or all approved recommendations, it shall petition the Regional Superintendent and the State Superintendent of Education detailing what work was completed in the previous year and a work plan for completion of the remaining work. If in the judgement of the Regional Superintendent and the State Superintendent of Education substantial progress has been made and just

New matter indicated by italics - deletions by strikeout
cause has been shown by the school board, the petition for a one year
extension of time may be approved.

As soon as practicable, but not later than 2 years after the effective
date of this amendatory Act of 1992, the State Board of Education shall
combine the document known as "Efficient and Adequate Standards for
the Construction of Schools" with the document known as "Building
Specifications for Health and Safety in Public Schools" together with any
modifications or additions that may be deemed necessary. The combined
document shall be known as the "Health/Life Safety Code for Public
Schools" and shall be the governing code for all facilities that house public
school students or are otherwise used for public school purposes, whether
such facilities are permanent or temporary and whether they are owned,
leased, rented, or otherwise used by the district. Facilities owned by a
school district but that are not used to house public school students or are
not used for public school purposes shall be governed by separate
provisions within the code authorized by this Section.

The 10 year survey cycle specified in this Section shall continue to
apply based upon the standards contained in the "Health/Life Safety Code
for Public Schools", which shall specify building standards for buildings
that are constructed prior to the effective date of this amendatory Act of
1992 and for buildings that are constructed after that date.

The "Health/Life Safety Code for Public Schools" shall be the
governing code for public schools; however, the provisions of this Section
shall not preclude inspection of school premises and buildings pursuant to
Section 9 of the Fire Investigation Act, provided that the provisions of the
"Health/Life Safety Code for Public Schools", or such predecessor
document authorized by this Section as may be applicable are used, and
provided that those inspections are coordinated with the Regional
Superintendent having jurisdiction over the public school facility. Nothing
in this Section shall be construed to prohibit the State Fire Marshal or a
qualified a local fire official to whom the State Fire Marshal has delegated
his or her authority department, fire protection district, or the Office of the
State Fire Marshal from conducting a fire safety check in a public school.
The Regional Superintendent shall address any violations that are not
corrected in a timely manner pursuant to subsection (b) of Section 3-14.21
of this Code. Upon being notified by a fire official that corrective action
must be taken to resolve a violation, the school board shall take corrective
action within one year. However, violations that present imminent danger
must be addressed immediately.

New matter indicated by italics - deletions by strikeout
Any agency having jurisdiction beyond the scope of the applicable document authorized by this Section may issue a lawful order to a school board to effectuate recommendations, and the school board receiving the order shall certify to the Regional Superintendent and the State Superintendent of Education when it has complied with the order.

The State Board of Education is authorized to adopt any rules that are necessary relating to the administration and enforcement of the provisions of this Section. The code authorized by this Section shall apply only to those school districts having a population of less than 500,000 inhabitants.

In this Section, a "qualified fire official" means an individual that meets the requirements of rules adopted by the State Fire Marshal in cooperation with the State Board of Education to administer this Section. These rules shall be based on recommendations made by the task force established under Section 2-3.137 of this Code.

(Source: P.A. 92-593, eff. 1-1-03.)

Sec. 2-3.137. Inspection and review of school facilities; task force.

(a) The State Board of Education shall adopt rules for the documentation of school plan reviews and inspections of school facilities, including the responsible individual's signature. Such documents shall be kept on file by the regional superintendent of schools.

(b) The State Board of Education shall convene a task force for the purpose of reviewing the documents required under rules adopted under subsection (a) of this Section and making recommendations regarding training and accreditation of individuals performing reviews or inspections required under Section 2-3.12, 3-14.20, 3-14.21, or 3-14.22 of this Code, including regional superintendents of schools and others performing reviews or inspections under the authority of a regional superintendent (such as consultants, municipalities, and fire protection districts).

The task force shall consist of all of the following members:

(1) The Executive Director of the Capital Development Board or his or her designee and a staff representative of the Division of Building Codes and Regulations.

(2) The State Superintendent of Education or his or her designee.

(3) A person appointed by the State Board of Education.

(4) A person appointed by an organization representing school administrators.

New matter indicated by italics - deletions by strikeout
(5) A person appointed by an organization representing suburban school administrators and school board members.
(6) A person appointed by an organization representing architects.
(7) A person appointed by an organization representing regional superintendents of schools.
(8) A person appointed by an organization representing fire inspectors.
(9) A person appointed by an organization representing Code administrators.
(10) A person appointed by an organization representing plumbing inspectors.
(11) A person appointed by an organization that represents both parents and teachers.
(12) A person appointed by an organization representing municipal governments in the State.
(13) A person appointed by the State Fire Marshal from his or her office.
(14) A person appointed by an organization representing fire chiefs.
(15) The Director of Public Health or his or her designee.
(16) A person appointed by an organization representing structural engineers.
(17) A person appointed by an organization representing professional engineers.

The task force shall issue a report of its findings to the Governor and the General Assembly no later than January 1, 2006.

(105 ILCS 5/3-14.20) (from Ch. 122, par. 3-14.20)
Sec. 3-14.20. Building plans and specifications. To inspect the building plans and specifications, including but not limited to plans and specifications for the heating, ventilating, lighting, seating, water supply, toilets and safety against fire of public school rooms and buildings submitted to him by school boards, and to approve all those which comply substantially with the building code authorized in Section 2-3.12.

If a municipality or, in the case of an unincorporated area, a county or, if applicable, a fire protection district wishes to be notified of plans and specifications received by a regional office of education for any future construction or alteration of a public school facility located within that entity's jurisdiction, then the entity must register this wish with the regional superintendent of schools. Within 10 days after the regional
public act 94-0225

superintendent of schools receives the plans and specifications from a school board and prior to the bidding process, he or she shall notify, in writing, the registered municipality and, if applicable, the registered fire protection district where the school that is being constructed or altered lies that plans and specifications have been received. In the case of an unincorporated area, the registered county shall be notified. If the municipality, fire protection district, or county requests a review of the plans and specifications, then the school board shall submit a copy of the plans and specifications. The municipality and, if applicable, the fire protection district or the county may comment in writing on the plans and specifications based on the building code authorized in Section 2-3.12, referencing the specific code where a discrepancy has been identified, and respond back to the regional superintendent of schools within 15 days after a copy of the plans and specifications have been received or, if needed for plan review, such additional time as agreed to by the regional superintendent of schools. This review must be at no cost to the school district. The local fire department or fire protection district where the school is being constructed or altered may request a review of the plans and specifications. The regional superintendent of schools shall submit a copy of the plans and specifications within 10 business days after the request. The fire department or fire protection district may comment on the plans and specifications based on the building code authorized in Section 2-3.12 of the Code and, if any corrective action must be taken, shall respond to the regional superintendent of schools within 15 days after receipt of the plans and specifications. The Office of the State Fire Marshal may review the plans and specifications at the request of the fire department or fire protection district. The review must be conducted at no cost to the school district.

If such plans and specifications are not approved or denied approval by the regional superintendent of schools within 3 months after the date on which they are submitted to him or her, the school board may submit such plans and specifications directly to the State Superintendent of Education for approval or denial.

(Source: P.A. 92-593, eff. 1-1-03.)

(105 ILCS 5/3-14.21) (from Ch. 122, par. 3-14.21)

Sec. 3-14.21. Inspection of schools.

(a) The regional superintendent shall inspect and survey all public schools under his or her supervision and notify the board of education, or the trustees of schools in a district with trustees, in writing before July 30, whether or not the several schools in their district have been kept as

New matter indicated by italics - deletions by strikeout
required by law, using forms provided by the State Board of Education which are based on the Health/Life Safety Code for Public Schools adopted under Section 2-3.12. The regional superintendent shall report his or her findings to the State Board of Education on forms provided by the State Board of Education.

(b) If the regional superintendent determines that a school board has failed in a timely manner to correct urgent items identified in a previous life-safety report completed under Section 2-3.12 or as otherwise previously ordered by the regional superintendent, the regional superintendent shall order the school board to adopt and submit to the regional superintendent a plan for the immediate correction of the building violations. This plan shall be adopted following a public hearing that is conducted by the school board on the violations and the plan and that is preceded by at least 7 days' prior notice of the hearing published in a newspaper of general circulation within the school district. If the regional superintendent determines in the next annual inspection that the plan has not been completed and that the violations have not been corrected, the regional superintendent shall submit a report to the State Board of Education with a recommendation that the State Board withhold from payments of general State aid due to the district an amount necessary to correct the outstanding violations. The State Board, upon notice to the school board and to the regional superintendent, shall consider the report at a meeting of the State Board, and may order that a sufficient amount of general State aid be withheld from payments due to the district to correct the violations. This amount shall be paid to the regional superintendent who shall contract on behalf of the school board for the correction of the outstanding violations.

(c) The Office of the State Fire Marshal or a qualified fire official, as defined in Section 2-3.12 of this Code, to whom the State Fire Marshal has delegated his or her authority shall conduct an annual fire safety inspection of each school building in this State. The State Fire Marshal or the fire official shall coordinate its inspections with the regional superintendent. The inspection shall be based on the fire safety code authorized in Section 2-3.12 of this Code. Any violations shall be reported in writing to the regional superintendent and school board and shall reference the specific code sections where a discrepancy has been identified within 15 days after the inspection has been conducted. The regional superintendent shall address those violations that are not corrected in a timely manner pursuant to subsection (b) of this Section. The inspection must be at no cost to the school district.
(Source: P.A. 90-464, eff. 8-17-97.)

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

Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0226
(Senate Bill No. 0445)

AN ACT concerning social security numbers.

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

Section 100. The University of Illinois Act is amended by changing Section 30 as follows:

(110 ILCS 305/30)
Sec. 30. Provision of student and social security information prohibited.

(a) The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.

(Source: P.A. 93-549, eff. 8-19-03.)

Section 105. The Southern Illinois University Management Act is amended by changing and renumbering Section 15, as added by Public Act 93-549, as follows:

(110 ILCS 520/16)
Sec. 16. Provision of student and social security information prohibited.

(a) The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

New matter indicated by italics - deletions by strikeout
(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.
(Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

Section 110. The Chicago State University Law is amended by changing and renumbering Section 5-120, as added by Public Act 93-549, as follows:

(110 ILCS 660/5-125)
Sec. 5-125. Provision of student and social security information prohibited.

(a) The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.
(Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

Section 115. The Eastern Illinois University Law is amended by changing and renumbering Section 10-120, as added by Public Act 93-549, as follows:

(110 ILCS 665/10-125)
Sec. 10-125. Provision of student and social security information prohibited.

(a) The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.
(Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

Section 120. The Governors State University Law is amended by changing and renumbering Section 15-120, as added by Public Act 93-549, as follows:

(110 ILCS 670/15-125)
Sec. 15-125. Provision of student and social security information prohibited.

New matter indicated by italics - deletions by strikeout
(a) The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.

(Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

Section 125. The Illinois State University Law is amended by changing and renumbering Section 20-125, as added by Public Act 93-549, as follows:

(110 ILCS 675/20-130)

Sec. 20-130 20-125. Provision of student and social security information prohibited.

(a) The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.

(Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

Section 130. The Northeastern Illinois University Law is amended by changing and renumbering Section 25-120, as added by Public Act 93-549, as follows:

(110 ILCS 680/25-125)

Sec. 25-125 25-120. Provision of student and social security information prohibited.

(a) The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.

(Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)
Section 135. The Northern Illinois University Law is amended by changing and renumbering Section 30-130, as added by Public Act 93-549, as follows:

(110 ILCS 685/30-135)
Sec. 30-135. Provision of student and social security information prohibited.

(a) The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.

(Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

Section 140. The Western Illinois University Law is amended by changing and renumbering Section 35-125, as added by Public Act 93-549, as follows:

(110 ILCS 690/35-130)
Sec. 35-130. Provision of student and social security information prohibited.

(a) The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.

(Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

Section 145. The Public Community College Act is amended by changing Section 3-60 as follows:

(110 ILCS 805/3-60)
Sec. 3-60. Provision of student and social security information prohibited.

(a) A community college may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

New matter indicated by italics - deletions by strikeout
(b) A community college may not print an individual’s social security number on any card or other document required for the individual to access products or services provided by the community college.
(Source: P.A. 93-549, eff. 8-19-03.)
Passed in the General Assembly May 18, 2005.
Approved July 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0227
(Senate Bill No. 0479)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Employee Benefit Act is amended by changing Section 10 as follows:
(105 ILCS 55/10)
Sec. 10. Definitions.
"Annuitant" means a retired school district employee entitled to receive retirement benefits, as defined by the school district.
"Department" means the Department of Central Management Services.
"Dependent" means a school district employee's dependent as defined by the school district.
"Director" means the Director of Central Management Services.
"Employee" means a school district employee who is entitled to benefits as defined by the school district.
"Rules" includes rules adopted and forms prescribed by the Department.
"School district" means a public school district in this State, including a vocational education district, a special education district, a program operated by an educational service region, and a joint agreement.
(Source: P.A. 93-1036, eff. 9-14-04.)
Passed in the General Assembly May 20, 2005.
Approved July 14, 2005.
Effective January 1, 2006.

New matter indicated by italics - deletions by strikeout
AN ACT concerning children.

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

Section 1. Short title. This Act may be cited as the Shaken Baby Prevention Act.

Section 5. Definitions. In this Act:
"Department" means the Department of Public Health.
"Director" means the Director of Public Health.
"Parent" means a biological mother or father, foster-mother or father, adoptive mother or father, or step-mother or step-father.
"Primary caregiver" means any person who is not a parent, but who provides temporary care to an infant or child, including but not limited to, a babysitter, child care provider, extended family member, nanny, or custodian.

"Shaken baby" means the vigorous shaking of an infant or a young child that may result in bleeding inside the head and cause one or more of the following conditions: irreversible brain damage; blindness, retinal hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal cord injury, including paralysis; seizures; learning disability; central nervous system injury; closed head injury; rib fracture; subdural hematoma; or death.

Section 10. Shaken Baby Prevention Program. Subject to appropriation, the Director shall establish a statewide Shaken Baby Prevention Program to educate parents and primary caregivers about the dangers of shaken baby and to provide alternative techniques to venting anger and frustration. The program shall allow for voluntary participation and use multimedia educational vehicles, such as a video recording, to target the parents and primary caregivers of babies from birth through 3 years of age. Parents of newborns may choose to sign a participation form and fill out an evaluation form to record their participation in the program after viewing the multimedia educational materials. The Director, or the Director's designee, shall develop companion written materials, a program participation form, and an evaluation form. The Director shall designate and enter into contracts with experts, health care providers, and other State agencies to design and implement the program in all hospitals and child care facilities.
Section 15. Local health departments. Local health departments shall assist the Director in implementing and administering the Shaken Baby Prevention Program in local hospitals and child care facilities. Local health departments' specific duties may include, but are not limited to, distributing the multimedia program materials and assisting in the collection of the data on program participation and the program evaluation forms for the Department's annual report required under Section 30.

Section 20. Responsibilities of hospitals, health care providers, and child care providers.

(a) Every hospital, maternal or pediatric health care provider, and child care provider shall encourage parents and primary caregivers to participate in the voluntary Shaken Baby Prevention Program by:

1. informing parents of all newborn children about the program;
2. making available to parents the shaken baby awareness and prevention multimedia materials provided by the Department;
3. making program participation forms developed by the Department available for signing by parents after viewing the multimedia materials; and
4. keeping all program participation forms and evaluation forms on file.

(b) Hospitals shall report to the Department by no later than the first of November of each year: (i) the total number of births that occurred at the hospital that year; (ii) the total number of viewings of the shaken baby multimedia educational materials; and (iii) the total number of Shaken Baby Prevention Program participation forms signed at the hospital. All evaluation forms filled out during the year shall be forwarded to the Department with that data.

Section 25. Parent support service. The Department may establish and operate a voluntary support service for parents who struggle with infant crying. The support service may include, but need not be limited to, telephone consultation and referrals to appropriate professional assistance.

Section 30. Annual report. The Department shall make an annual report to the General Assembly of its findings and recommendations concerning the effectiveness, impact, and benefits derived from the Shaken Baby Prevention Program. The report shall contain evaluations of the program and recommendations for legislation deemed necessary and proper. The Department shall submit the report on or before the first day of January, beginning in 2007.

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

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

Section 5. The Illinois Pension Code is amended by changing Sections 1-104.2 and 15-129 as follows:

(40 ILCS 5/1-104.2) (from Ch. 108 1/2, par. 1-104.2)
Sec. 1-104.2. Beginning January 1, 1986, children not conceived in lawful wedlock shall be entitled to the same benefits as other children, and no child's or survivor's benefit shall be disallowed because of the fact that illegitimacy of the child was born out of wedlock; however, in cases where the father is the employee parent, paternity must first be established. Paternity may be established by any one of the following means: (1) acknowledgment by the father, or (2) adjudication before or after the death of the father, or (3) any other means acceptable to the board of trustees of the pension fund or retirement system.
(Source: P.A. 84-1028.)

(40 ILCS 5/15-129) (from Ch. 108 1/2, par. 15-129)
Sec. 15-129. Child.
"Child": The child of a participant or an annuitant, including a child born out of wedlock an illegitimate child, a stepchild who has been such for not less than 1 year immediately preceding the death of the participant or annuitant, and an adopted child, if the proceedings for adoption were initiated at least 1 year before the death or retirement of the participant or annuitant.
(Source: P.A. 78-474.)

Section 10. The Crime Victims Compensation Act is amended by changing Section 2 as follows:

(740 ILCS 45/2) (from Ch. 70, par. 72)
Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Applicant" means any person who applies for compensation under this Act or any person the Court of Claims finds is entitled to compensation, including the guardian of a minor or of a person under legal
disability. It includes any person who was a dependent of a deceased victim of a crime of violence for his or her support at the time of the death of that victim.

(b) "Court of Claims" means the Court of Claims created by the Court of Claims Act.

(c) "Crime of violence" means and includes any offense defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-11, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-30, 20-1 or 20-1.1 of the Criminal Code of 1961, and driving under the influence of intoxicating liquor or narcotic drugs as defined in Section 11-501 of the Illinois Vehicle Code, if none of the said offenses occurred during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or accident involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the parent of a child killed or injured in this State as a result of a crime of violence perpetrated or attempted against the child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable man under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.1) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other person under the age of 18 who is the brother, sister, half brother, half sister, child, or stepchild of a person killed or injured in this State as a result of a crime of violence, or (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime

New matter indicated by italics - deletions by strikeout
occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible.

(e) "Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of his or her death and shall include the child of a victim born after his or her death.

(f) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle or aunt.

(g) "Child" means an unmarried son or daughter who is under 18 years of age and includes a stepchild, an adopted child or a child born out of wedlock.

(h) "Pecuniary loss" means, in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, expenses for care or counseling by a licensed clinical psychologist or licensed clinical social worker and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto; prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime; replacement costs for clothing and bedding used as evidence; costs associated with temporary lodging or relocation necessary as a result of the crime; locks or windows necessary or damaged as a result of the crime; the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; the costs of appropriate crime scene clean-up; replacement services loss, to a maximum of $1000 per month; dependents replacement services loss, to a maximum of $1000 per month; loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a full-time student prior to the injury, or college or graduate school when the victim had been enrolled as a full-time day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her; loss of earnings, loss of future earnings because of disability resulting from the injury, and, in addition, in the case of death, expenses for funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may not exceed a maximum of $5,000 and loss of support of the dependents of the victim. Loss of future earnings shall be reduced by any income from

New matter indicated by italics - deletions by strikeout
substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $1000 per month, whichever is less. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Real and personal property includes, but is not limited to, vehicles, houses, apartments, town houses, or condominiums. Pecuniary loss does not include pain and suffering or property loss or damage.

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the permanently injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been permanently injured.

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, step-father, step-mother, child, brother, sister, or spouse.

(Source: P.A. 91-258, eff. 1-1-00; 91-445, eff. 1-1-00; 91-892, eff. 7-6-00; 92-427, eff. 1-1-02.)

Section 15. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 205, 212, 303, and 607 as follows:

(750 ILCS 5/205) (from Ch. 40, par. 205)
Sec. 205. Exceptions.

(1) Irrespective of the results of laboratory tests and clinical examination relative to sexually transmitted diseases, the clerks of the respective counties shall issue a marriage license to parties to a proposed marriage (a) when a woman is pregnant at the time of such application, or (b) when a woman has, prior to the time of application, given birth to a child born out of wedlock an illegitimate child which is living at the time of such application and the man making such application makes affidavit that he is the father of such child born out of wedlock illegitimate child.

New matter indicated by italics - deletions by strikeout
The county clerk shall, in lieu of the health certificate required hereunder, accept, as the case may be, either an affidavit on a form prescribed by the State Department of Public Health, signed by a physician duly licensed in this State, stating that the woman is pregnant, or a copy of the birth record of the child born out of wedlock, if one is available in this State, or if such birth record is not available, an affidavit signed by the woman that she is the mother of such child.

(2) Any judge of the circuit court within the county in which the license is to be issued is authorized and empowered on joint application by both applicants for a marriage license to waive the requirements as to medical examination, laboratory tests, and certificates, except the requirements of paragraph (4) of subsection (a) of Section 212 of this Act which shall not be waived; and to authorize the county clerk to issue the license if all other requirements of law have been complied with and the judge is satisfied, by affidavit, or other proof, that the examination or tests are contrary to the tenets or practices of the religious creed of which the applicant is an adherent, and that the public health and welfare will not be injuriously affected thereby.

(Source: P.A. 89-187, eff. 7-19-95.)

(750 ILCS 5/212) (from Ch. 40, par. 212)

Sec. 212. Prohibited Marriages.

(a) The following marriages are prohibited:

(1) a marriage entered into prior to the dissolution of an earlier marriage of one of the parties;

(2) a marriage between an ancestor and a descendant or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption;

(3) a marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood;

(4) a marriage between cousins of the first degree; however, a marriage between first cousins is not prohibited if:

(i) both parties are 50 years of age or older; or

(ii) either party, at the time of application for a marriage license, presents for filing with the county clerk of the county in which the marriage is to be solemnized, a certificate signed by a licensed physician stating that the party to the proposed marriage is permanently and irreversibly sterile;

(5) a marriage between 2 individuals of the same sex.

New matter indicated by italics - deletions by strikeout
(b) Parties to a marriage prohibited under subsection (a) of this Section who cohabit after removal of the impediment are lawfully married as of the date of the removal of the impediment.

(c) Children born or adopted of a prohibited or common law marriage are the lawful children of the parties legitimate. (Source: P.A. 89-459, eff. 5-24-96.)

(750 ILCS 5/303) (from Ch. 40, par. 303)

Sec. 303. Legitimacy of Children. Children born or adopted of a marriage declared invalid are the lawful children of the parties legitimate. Children whose parents marry after their birth are the lawful children of the parties legitimate. (Source: P.A. 82-566.)

(750 ILCS 5/607) (from Ch. 40, par. 607)

Sec. 607. Visitation.

(a) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger seriously the child's physical, mental, moral or emotional health. If the custodian's street address is not identified, pursuant to Section 708, the court shall require the parties to identify reasonable alternative arrangements for visitation by a non-custodial parent, including but not limited to visitation of the minor child at the residence of another person or at a local public or private facility.

(a-3) Nothing in subsection (a-5) of this Section shall apply to a child in whose interests a petition under Section 2-13 of the Juvenile Court Act of 1987 is pending.

(a-5)(1) Except as otherwise provided in this subsection (a-5), any grandparent, great-grandparent, or sibling may file a petition for visitation rights to a minor child if there is an unreasonable denial of visitation by a parent and at least one of the following conditions exists:

(A) one parent of the child is incompetent as a matter of law or deceased or has been sentenced to a period of imprisonment for more than 1 year;

(B) the child's mother and father are divorced or have been legally separated from each other during the 3 month period prior to the filing of the petition and at least one parent does not object to the grandparent, great-grandparent, or sibling having visitation with the child. The visitation of the grandparent, great-grandparent, or sibling must not diminish the visitation of the parent who is not related to the grandparent, great-grandparent, or sibling seeking visitation;

New matter indicated by italics - deletions by strikeout
(C) the court, other than a Juvenile Court, has terminated a parent-child relationship and the grandparent, great-grandparent, or sibling is the parent of the person whose parental rights have been terminated, except in cases of adoption. The visitation must not be used to allow the parent who lost parental rights to unlawfully visit with the child;

(D) the child is born out of wedlock illegitimate, the parents are not living together, and the petitioner is a maternal grandparent, great-grandparent, or sibling of the child born out of wedlock illegitimate child; or

(E) the child is born out of wedlock illegitimate, the parents are not living together, the petitioner is a paternal grandparent, great-grandparent, or sibling, and the paternity has been established by a court of competent jurisdiction.

(2) The grandparent, great-grandparent, or sibling of a parent whose parental rights have been terminated through an adoption proceeding may not petition for visitation rights.

(3) In making a determination under this subsection (a-5), there is a rebuttable presumption that a fit parent's actions and decisions regarding grandparent, great-grandparent, or sibling visitation are not harmful to the child's mental, physical, or emotional health. The burden is on the party filing a petition under this Section to prove that the parent's actions and decisions regarding visitation times are harmful to the child's mental, physical, or emotional health.

(4) In determining whether to grant visitation, the court shall consider the following:

(A) the preference of the child if the child is determined to be of sufficient maturity to express a preference;

(B) the mental and physical health of the child;

(C) the mental and physical health of the grandparent, great-grandparent, or sibling;

(D) the length and quality of the prior relationship between the child and the grandparent, great-grandparent, or sibling;

(E) the good faith of the party in filing the petition;

(F) the good faith of the person denying visitation;

(G) the quantity of the visitation time requested and the potential adverse impact that visitation would have on the child's customary activities;

New matter indicated by italics - deletions by strikeout
(H) whether the child resided with the petitioner for at least 6 consecutive months with or without the current custodian present;

(I) whether the petitioner had frequent or regular contact with the child for at least 12 consecutive months; and

(J) any other fact that establishes that the loss of the relationship between the petitioner and the child is likely to harm the child's mental, physical, or emotional health.

(5) The court may order visitation rights for the grandparent, great-grandparent, or sibling that include reasonable access without requiring overnight or possessory visitation.

(a-7)(1) Unless by stipulation of the parties, no motion to modify a grandparent, great-grandparent, or sibling visitation order may be made earlier than 2 years after the date the order was filed, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously the child's mental, physical, or emotional health.

(2) The court shall not modify a prior grandparent, great-grandparent, or sibling visitation order unless it finds by clear and convincing evidence, upon the basis of facts that have arisen since the prior visitation order or that were unknown to the court at the time of entry of the prior visitation, that a change has occurred in the circumstances of the child or his or her custodian, and that the modification is necessary to protect the mental, physical, or emotional health of the child. The court shall state in its decision specific findings of fact in support of its modification or termination of the grandparent, great-grandparent, or sibling visitation.

(3) Attorney fees and costs shall be assessed against a party seeking modification of the visitation order if the court finds that the modification action is vexatious and constitutes harassment.

(4) Notice under this subsection (a-7) shall be given as provided in subsections (c) and (d) of Section 601.

(b) (1) (Blank.)

(1.5) The Court may grant reasonable visitation privileges to a stepparent upon petition to the court by the stepparent, with notice to the parties required to be notified under Section 601 of this Act, if the court determines that it is in the best interests and welfare of the child, and may issue any necessary orders to enforce those visitation privileges. A petition for visitation privileges may be filed under this paragraph (1.5) whether or
not a petition pursuant to this Act has been previously filed or is currently
pending if the following circumstances are met:
(A) the child is at least 12 years old;
(B) the child resided continuously with the parent and
stepparent for at least 5 years;
(C) the parent is deceased or is disabled and is unable to
care for the child;
(D) the child wishes to have reasonable visitation with the
stepparent; and
(E) the stepparent was providing for the care, control, and
welfare to the child prior to the initiation of the petition for
visitation.
(2)(A) A petition for visitation privileges shall not be filed
pursuant to this subsection (b) by the parents or grandparents of a putative
father if the paternity of the putative father has not been legally
established.

(B) A petition for visitation privileges may not be filed under this
subsection (b) if the child who is the subject of the grandparents' or great-
grandparents' petition has been voluntarily surrendered by the parent or
parents, except for a surrender to the Illinois Department of Children and
Family Services or a foster care facility, or has been previously adopted by
an individual or individuals who are not related to the biological parents of
the child or is the subject of a pending adoption petition by an individual
or individuals who are not related to the biological parents of the child.

(3) (Blank).

(c) The court may modify an order granting or denying visitation
rights of a parent whenever modification would serve the best interest of
the child; but the court shall not restrict a parent's visitation rights unless it
finds that the visitation would endanger seriously the child's physical,
mental, moral or emotional health. The court may modify an order
granting, denying, or limiting visitation rights of a grandparent, great-
grandparent, or sibling of any minor child whenever a change of
circumstances has occurred based on facts occurring subsequent to the
judgment and the court finds by clear and convincing evidence that the
modification is in the best interest of the minor child.

(d) If any court has entered an order prohibiting a non-custodial
parent of a child from any contact with a child or restricting the non-
custodial parent's contact with the child, the following provisions shall
apply:

New matter indicated by italics - deletions by strikeout
(1) If an order has been entered granting visitation privileges with the child to a grandparent or great-grandparent who is related to the child through the non-custodial parent, the visitation privileges of the grandparent or great-grandparent may be revoked if:

   (i) a court has entered an order prohibiting the non-custodial parent from any contact with the child, and the grandparent or great-grandparent is found to have used his or her visitation privileges to facilitate contact between the child and the non-custodial parent; or

   (ii) a court has entered an order restricting the non-custodial parent's contact with the child, and the grandparent or great-grandparent is found to have used his or her visitation privileges to facilitate contact between the child and the non-custodial parent in a manner that violates the terms of the order restricting the non-custodial parent's contact with the child.

   Nothing in this subdivision (1) limits the authority of the court to enforce its orders in any manner permitted by law.

(2) Any order granting visitation privileges with the child to a grandparent or great-grandparent who is related to the child through the non-custodial parent shall contain the following provision:

"If the (grandparent or great-grandparent, whichever is applicable) who has been granted visitation privileges under this order uses the visitation privileges to facilitate contact between the child and the child's non-custodial parent, the visitation privileges granted under this order shall be permanently revoked."

(e) No parent, not granted custody of the child, or grandparent, or great-grandparent, or stepparent, or sibling of any minor child, convicted of any offense involving an illegal sex act perpetrated upon a victim less than 18 years of age including but not limited to offenses for violations of Article 12 of the Criminal Code of 1961, is entitled to visitation rights while incarcerated or while on parole, probation, conditional discharge, periodic imprisonment, or mandatory supervised release for that offense, and upon discharge from incarceration for a misdemeanor offense or upon discharge from parole, probation, conditional discharge, periodic imprisonment, or mandatory supervised release for a felony offense, visitation shall be denied until the person successfully completes a treatment program approved by the court.

New matter indicated by italics - deletions by strikeout
(f) Unless the court determines, after considering all relevant factors, including but not limited to those set forth in Section 602(a), that it would be in the best interests of the child to allow visitation, the court shall not enter an order providing visitation rights and pursuant to a motion to modify visitation shall revoke visitation rights previously granted to any person who would otherwise be entitled to petition for visitation rights under this Section who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child who is the subject of the order. Until an order is entered pursuant to this subsection, no person shall visit, with the child present, a person who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child without the consent of the child's parent, other than a parent convicted of first degree murder as set forth herein, or legal guardian.

(g) If an order has been entered limiting, for cause, a minor child's contact or visitation with a grandparent, great-grandparent, or sibling on the grounds that it was in the best interest of the child to do so, that order may be modified only upon a showing of a substantial change in circumstances occurring subsequent to the entry of the order with proof by clear and convincing evidence that modification is in the best interest of the minor child.

(Source: P.A. 93-911, eff. 1-1-05.)

Section 20. The Emancipation of Minors Act is amended by changing Section 3-3 as follows:

(750 ILCS 30/3-3) (from Ch. 40, par. 2203-3)
Sec. 3-3. Parents. "Parent" means the father or mother of a lawful child of the parties legitimate or a child born out of wedlock illegitimate, and includes any adoptive parent. It does not include a parent whose rights in respect to the minor have been terminated in any manner provided by law.

(Source: P.A. 81-833.)

Section 25. The Adoption Act is amended by changing Section 1 as follows:

(750 ILCS 50/1) (from Ch. 40, par. 1501)
Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:
A. "Child" means a person under legal age subject to adoption under this Act.
B. "Related child" means a child subject to adoption where either or both of the adopting parents stands in any of the following relationships

New matter indicated by italics - deletions by strikeout
to the child by blood or marriage: parent, grand-parent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt, great-uncle, great-aunt, or cousin of first degree. A child whose parent has executed a final irrevocable consent to adoption or a final irrevocable surrender for purposes of adoption, or whose parent has had his or her parental rights terminated, is not a related child to that person, unless the consent is determined to be void or is void pursuant to subsection O of Section 10.

C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed child welfare agency.

D. "Unfit person" means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be considered an unfit person for the sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act:

(a) Abandonment of the child.

(a-1) Abandonment of a newborn infant in a hospital.

(a-2) Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.

(b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.

(c) Desertion of the child for more than 3 months next preceding the commencement of the Adoption proceeding.

(d) Substantial neglect of the child if continuous or repeated.

(d-1) Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.

(e) Extreme or repeated cruelty to the child.

(f) Two or more findings of physical abuse to any children under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987, the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; a criminal conviction or a finding of not guilty by reason of insanity resulting from the death of any child by physical child abuse; or a finding of physical child abuse resulting from the death of any child under Section 4-8 of the

New matter indicated by italics - deletions by strikeout
Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987.

(g) Failure to protect the child from conditions within his environment injurious to the child's welfare.

(h) Other neglect of, or misconduct toward the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act of 1987.

(i) Depravity. Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence: (1) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 of a parent of the child to be adopted; (2) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (3) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (4) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or (5) aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961.

There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.

There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 within 10 years of the filing date of the petition or motion to terminate parental rights.

(j) Open and notorious adultery or fornication.
(j-1) (Blank).

(k) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding.

There is a rebuttable presumption that a parent is unfit under this subsection with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

(l) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a newborn child during the first 30 days after its birth.

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (iii) to make reasonable progress toward the return of the child to the parent during any 9-month period after the end of the initial 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes (I) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987 and (II) the parent's failure to
substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period after the end of the initial 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

(m-1) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after the effective date of this amendatory Act of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987. The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that (i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made or (ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made. For purposes of this subdivision (m-1), the date of entering foster care is the earlier of: (i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or (ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984 or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay

New matter indicated by italics - deletions by strikeout
a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subparagraph (n)(2)(ii) shall only be available where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child that does not demonstrate affection and concern does not constitute reasonable contact and planning under subdivision (n). In the absence of evidence to the contrary, the ability to visit, communicate, maintain contact, pay expenses and plan for the future shall be presumed. The subjective intent of the parent, whether expressed or otherwise, unsupported by evidence of the foregoing parental acts manifesting that intent, shall not preclude a determination that the parent has intended to forgo his or her parental rights. In making this determination, the court may consider but shall not require a showing of diligent efforts by an authorized agency to encourage the parent to perform the acts specified in subdivision (n).

It shall be an affirmative defense to any allegation under paragraph (2) of this subsection that the father's failure was due to circumstances beyond his control or to impediments created by the mother or any other person having legal custody. Proof of that fact need only be by a preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.

(p) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or mental retardation as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code, or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period. However, this subdivision (p) shall not be construed so as to permit a licensed clinical social worker to conduct any medical diagnosis to determine mental illness or mental impairment.

New matter indicated by italics - deletions by strikeout
(q) The parent has been criminally convicted of aggravated battery, heinous battery, or attempted murder of any child.

(r) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

(s) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination of parental rights is filed, the parent has been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.

(t) A finding that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means the father or mother of a lawful child of the parties legitimate or illegitimate child born out of wedlock. For the purpose of this Act, a person who has executed a final and irrevocable consent to adoption or a final and irrevocable surrender for purposes of adoption, or whose parental rights have been terminated by a court, is not a parent of the child who was the subject of the consent or surrender, unless the consent is void pursuant to subsection O of Section 10.

F. A person is available for adoption when the person is:

New matter indicated by italics - deletions by strikeout
(a) a child who has been surrendered for adoption to an agency and to whose adoption the agency has thereafter consented;
(b) a child to whose adoption a person authorized by law, other than his parents, has consented, or to whose adoption no consent is required pursuant to Section 8 of this Act;
(c) a child who is in the custody of persons who intend to adopt him through placement made by his parents;
   (c-1) a child for whom a parent has signed a specific consent pursuant to subsection O of Section 10;
   (d) an adult who meets the conditions set forth in Section 3 of this Act; or
   (e) a child who has been relinquished as defined in Section 10 of the Abandoned Newborn Infant Protection Act.

A person who would otherwise be available for adoption shall not be deemed unavailable for adoption solely by reason of his or her death.

G. The singular includes the plural and the plural includes the singular and the "male" includes the "female", as the context of this Act may require.

H. "Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.

I. "Foreign placing agency" is an agency or individual operating in a country or territory outside the United States that is authorized by its country to place children for adoption either directly with families in the United States or through United States based international agencies.

J. "Immediate relatives" means the biological parents, the parents of the biological parents and siblings of the biological parents.

K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted.

L. "Intercountry Adoption Coordinator" is a staff person of the Department of Children and Family Services appointed by the Director to coordinate the provision of services by the public and private sector to prospective parents of foreign-born children.

M. "Interstate Compact on the Placement of Children" is a law enacted by most states for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

N. "Non-Compact state" means a state that has not enacted the Interstate Compact on the Placement of Children.
O. "Preadoption requirements" are any conditions established by the laws or regulations of the Federal Government or of each state that must be met prior to the placement of a child in an adoptive home.

P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 1961 and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon the child; or

(e) inflicts excessive corporal punishment.

Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.

A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the Abused and Neglected Child Reporting Act. A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for the child's welfare failed to vaccinate, delayed
vaccination, or refused vaccination for the child due to a waiver on religious or medical grounds as permitted by law.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961.

S. "Standby adoption" means an adoption in which a parent consents to custody and termination of parental rights to become effective upon the occurrence of a future event, which is either the death of the parent or the request of the parent for the entry of a final judgment of adoption.

T. (Blank).

(Source: P.A. 92-16, eff. 6-28-01; 92-375, eff. 1-1-02; 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 92-651, eff. 7-11-02; 93-732, eff. 1-1-05.)

Section 30. The Probate Act of 1975 is amended by changing Section 2-2 as follows:

(755 ILCS 5/2-2) (from Ch. 110 1/2, par. 2-2)

Sec. 2-2. Children born out of wedlock illegitimates. The intestate real and personal estate of a resident decedent who was a child born out of wedlock illegitimate at the time of death and the intestate real estate in this State of a nonresident decedent who was a child born out of wedlock illegitimate at the time of death, after all just claims against his estate are fully paid, descends and shall be distributed as provided in Section 2-1, subject to Section 2-6.5 of this Act, if both parents are eligible parents. As used in this Section, "eligible parent" means a parent of the decedent who, during the decedent's lifetime, acknowledged the decedent as the parent's child, established a parental relationship with the decedent, and supported the decedent as the parent's child. "Eligible parents" who are in arrear of in excess of one year's child support obligations shall not receive any property benefit or other interest of the decedent unless and until a court of competent jurisdiction makes a determination as to the effect on the deceased of the arrearage and allows a reduced benefit. In no event shall the reduction of the benefit or other interest be less than the amount of child support owed for the support of the decedent at the time of death. The court's considerations shall include but are not limited to the considerations in subsections (1) through (3) of Section 2-6.5 of this Act.

New matter indicated by italics - deletions by strikeout
If neither parent is an eligible parent, the intestate real and personal estate of a resident decedent who was a child born out of wedlock illegitimate at the time of death and the intestate real estate in this State of a nonresident decedent who was a child born out of wedlock illegitimate at the time of death, after all just claims against his or her estate are fully paid, descends and shall be distributed as provided in Section 2-1, but the parents of the decedent shall be treated as having predeceased the decedent.

If only one parent is an eligible parent, the intestate real and personal estate of a resident decedent who was a child born out of wedlock illegitimate at the time of death and the intestate real estate in this State of a nonresident decedent who was a child born out of wedlock illegitimate at the time of death, after all just claims against his or her estate are fully paid, subject to Section 2-6.5 of this Act, descends and shall be distributed as follows:

(a) If there is a surviving spouse and also a descendant of the decedent: 1/2 of the entire estate to the surviving spouse and 1/2 to the decedent's descendants per stirpes.

(b) If there is no surviving spouse but a descendant of the decedent: the entire estate to the decedent's descendants per stirpes.

(c) If there is a surviving spouse but no descendant of the decedent: the entire estate to the surviving spouse.

(d) If there is no surviving spouse or descendant but the eligible parent or a descendant of the eligible parent of the decedent: the entire estate to the eligible parent and the eligible parent's descendants, allowing 1/2 to the eligible parent and 1/2 to the eligible parent's descendants per stirpes.

(e) If there is no surviving spouse, descendant, eligible parent, or descendant of the eligible parent of the decedent, but a grandparent on the eligible parent's side of the family or descendant of such grandparent of the decedent: the entire estate to the decedent's grandparents on the eligible parent's side of the family in equal parts, or to the survivor of them, or if there is none surviving, to their descendants per stirpes.

(f) If there is no surviving spouse, descendant, eligible parent, descendant of the eligible parent, grandparent on the eligible parent's side of the family, or descendant of such grandparent of the decedent: the entire estate to the decedent's great-grandparents on the eligible parent's side of the family in equal parts or to the survivor of them, or if there is none surviving, to their descendants per stirpes.

New matter indicated by italics - deletions by strikeout
(g) If there is no surviving spouse, descendant, eligible parent, descendant of the eligible parent, grandparent on the eligible parent's side of the family, descendant of such grandparent, great-grandparent on the eligible parent's side of the family, or descendant of such great-grandparent of the decedent: the entire estate in equal parts to the nearest kindred of the eligible parent of the decedent in equal degree (computing by the rules of the civil law) and without representation. (h) If there is no surviving spouse, descendant, or eligible parent of the decedent and no known kindred of the eligible parent of the decedent: the real estate escheats to the county in which it is located; the personal estate physically located within this State and the personal estate physically located or held outside this State which is the subject of ancillary administration within this State escheats to the county of which the decedent was a resident or, if the decedent was not a resident of this State, to the county in which it is located; all other personal property of the decedent of every class and character, wherever situate, or the proceeds thereof, shall escheat to this State and be delivered to the State Treasurer of this State pursuant to the Uniform Disposition of Unclaimed Property Act.

For purposes of inheritance, the changes made by this amendatory Act of 1998 apply to all decedents who die on or after the effective date of this amendatory Act of 1998. For the purpose of determining the property rights of any person under any instrument, the changes made by this amendatory Act of 1998 apply to all instruments executed on or after the effective date of this amendatory Act of 1998.

A child born out of wedlock is heir of his mother and of any maternal ancestor and of any person from whom his mother might have inherited, if living; and the descendants of a person who was a child born out of wedlock shall represent such person and take by descent any estate which the parent would have taken, if living. If a decedent has acknowledged paternity of a child born out of wedlock or if during his lifetime or after his death a decedent has been adjudged to be the father of a child born out of wedlock, that person is heir of his father and of any paternal ancestor and of any person from whom his father might have inherited, if living; and the descendants of a person who was a child born out of wedlock shall represent that person and take by descent any estate which the parent would have taken, if living. If during his lifetime the decedent was adjudged to be the father of a child born out of wedlock by a court of competent jurisdiction, an authenticated copy of the judgment is sufficient proof of

New matter indicated by italics - deletions by strikeout
the paternity; but in all other cases paternity must be proved by clear and convincing evidence. A person who was a child born out of wedlock illegitimate whose parents intermarry and who is acknowledged by the father as the father's child is a lawful child of the father legitimate. After a child born out of wedlock an illegitimate person is adopted, that person's relationship to his or her adopting and natural parents shall be governed by Section 2-4 of this Act. For purposes of inheritance, the changes made by this amendatory Act of 1997 apply to all decedents who die on or after January 1, 1998. For the purpose of determining the property rights of any person under any instrument, the changes made by this amendatory Act of 1997 apply to all instruments executed on or after January 1, 1998.
(Source: P.A. 90-237, eff. 1-1-98; 90-803, eff. 12-15-98; 91-16, eff. 7-1-99.)

Passed in the General Assembly May 18, 2005.  
Approved July 14, 2005.  
Effective January 1, 2006.

PUBLIC ACT 94-0230  
(Senate Bill No. 0768)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Interagency Coordinating Council Act is amended by changing Section 5 as follows:
(20 ILCS 3970/5) (from Ch. 127, par. 3835)
Sec. 5. Annual Report. On or before March 1 of each year, the Council shall make a written report to the Governor and the General Assembly on its activities for the preceding fiscal year. The report shall also include its recommendations for administrative or legislative policies and programs which will enhance the delivery of transition services. In the 2007 report, the Council shall include recommendations for expanding the recruitment of students and school personnel into programs that provide the coursework for Learning Behavioral Specialist II-Transition Specialist certification.
(Source: P.A. 86-1218; 87-909.)

Approved July 14, 2005.  
Effective January 1, 2006.
AN ACT concerning education.

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

Section 5. The School Code is amended by changing Sections 10-1, 10-10, 33-1, and 34-3 and by adding Section 32-3.5 as follows:

(105 ILCS 5/10-1) (from Ch. 122, par. 10-1)
Sec. 10-1. Board of school directors.
(a) School districts having a population of fewer than 1000 inhabitants and not governed by any special act shall be governed by a board of school directors to consist of 3 members who shall be elected in the manner provided in Article 9 of this Act. In consolidated districts and in districts in which the membership of the board of school directors is increased as provided in subsection (b), 7 members shall be so elected.

(b) Upon presentment to the board of school directors of a school district having a population of fewer than 1,000 inhabitants of a petition signed by the lesser of 5% or 25 of the registered voters of the district to increase the membership of the district's board of school directors to 7 directors and to elect a new 7-member board of school directors to replace the district's existing board of 3 school directors, the clerk or secretary of the board of school directors shall certify the proposition to the proper election authorities for submission to the electors of the district at a regular scheduled election in accordance with the general election law. If the proposition is approved by a majority of those voting on the proposition, the members of the board of school directors of that district thereafter shall be elected in the manner provided by subsection (c) of Section 10-4.

(c) A board of school directors may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(Source: P.A. 90-757, eff. 8-14-98.)

(105 ILCS 5/10-10) (from Ch. 122, par. 10-10)
Sec. 10-10. Board of education; Term; Vacancy. All school districts having a population of not fewer than 1,000 and not more than 500,000 inhabitants, as ascertained by any special or general census, and not governed by special Acts, shall be governed by a board of education

New matter indicated by italics - deletions by strikeout
consisting of 7 members, serving without compensation except as herein provided. Each member shall be elected for a term of 4 years except as otherwise provided in subsection (a-5) of Section 11B-7 for the initial members of the board of education of a combined school district to which that subsection applies. If 5 members are elected in 1983 pursuant to the extension of terms provided by law for transition to the consolidated election schedule under the general election law, 2 of those members shall be elected to serve terms of 2 years and 3 shall be elected to serve terms of 4 years; their successors shall serve for a 4 year term. When the voters of a district have voted to elect members of the board of education for 6 year terms, as provided in Section 9-5, the terms of office of members of the board of education of that district expire when their successors assume office but not later than 7 days after such election. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 2 members are elected, they shall serve for a 6 year term; and of the members elected at the next regular school election 3 shall serve for a term of 6 years and 2 shall serve a term of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 3 members are elected, they shall serve for a 6 year term; and of the members elected at the next regular school election 2 shall serve for a term of 2 years and 2 shall serve for a term of 6 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 4 members are elected, 3 shall serve for a term of 6 years and one shall serve for a term of 2 years; and of the members elected at the next regular school election 2 shall serve for terms of 6 years and 2 shall serve for terms of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for a 6 year term 5 members are elected, 3 shall serve for a term of 6 years and 2 shall serve for a term of 2 years; and of the members elected at the next regular school election 2 shall serve for terms of 6 years and 2 shall serve for terms of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. An election for board members shall not be held in school districts which by consolidation, annexation or otherwise shall cease to exist as a school district within 6 months after the election date, and the term of all board members which would otherwise terminate shall be continued until such district shall cease to exist. Each

New matter indicated by italics - deletions by strikeout
member, on the date of his or her election, shall be a citizen of the United States of the age of 18 years or over, shall be a resident of the State and the territory of the district for at least one year immediately preceding his or her election, shall be a registered voter as provided in the general election law, shall not be a school trustee or a school treasurer, and shall not be a child sex offender as defined in Section 11-9.3 of the Criminal Code of 1961. When the board of education is the successor of the school directors, all rights of property, and all rights regarding causes of action existing or vested in such directors, shall vest in it as fully as they were vested in the school directors. Terms of members are subject to Section 2A-54 of the Election Code.

Nomination papers filed under this Section are not valid unless the candidate named therein files with the secretary of the board of education or with a person designated by the board to receive nominating petitions a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. Such receipt shall be so filed either previously during the calendar year in which his nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law.

Whenever a vacancy occurs, the remaining members shall notify the regional superintendent of that vacancy within 5 days after its occurrence and shall proceed to fill the vacancy until the next regular school election, at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 868 days remaining in the term, or if the vacancy occurs less than 88 days before the next regularly scheduled election for this office then the person so appointed shall serve the remainder of the unexpired term, and no election to fill the vacancy shall be held. Should they fail so to act, within 45 days after the vacancy occurs, the regional superintendent of schools under whose supervision and control the district is operating, as defined in Section 3-14.2 of this Act, shall within 30 days after the remaining members have failed to fill the vacancy, fill the vacancy as provided for herein. Upon the regional superintendent's failure to fill the vacancy, the vacancy shall be filled at the next regularly scheduled election. Whether elected or appointed by the remaining members or regional superintendent, the successor shall be an inhabitant of the particular area from which his or her predecessor was elected if the residential requirements contained in Section 11A-8, 11B-7, or 12-2 of this Act apply.

New matter indicated by italics - deletions by strikeout
A board of education may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(Source: P.A. 93-309, eff. 1-1-04.)

(105 ILCS 5/32-3.5 new)

Sec. 32-3.5. Student board member. The governing board of a special charter district may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(105 ILCS 5/33-1) (from Ch. 122, par. 33-1)

Sec. 33-1. Board of Education - Election - Terms. In all school districts, including special charter districts having a population of 100,000 and not more than 500,000, which adopt this Article, as hereinafter provided, there shall be maintained a system of free schools in charge of a board of education, which shall be a body politic and corporate by the name of "Board of Education of the City of....". The board shall consist of 7 members elected by the voters of the district. Except as provided in Section 33-1b of this Act, the regular election for members of the board shall be held on the first Tuesday of April in odd numbered years and on the third Tuesday of March in even numbered years. The law governing the registration of voters for the primary election shall apply to the regular election. At the first regular election 7 persons shall be elected as members of the board. The person who receives the greatest number of votes shall be elected for a term of 5 years. The 2 persons who receive the second and third greatest number of votes shall be elected for a term of 4 years. The person who receives the fourth greatest number of votes shall be elected for a term of 3 years. The 2 persons who receive the fifth and sixth greatest number of votes shall be elected for a term of 2 years. The person who receives the seventh greatest number of votes shall be elected for a term of 1 year. Thereafter, at each regular election for members of the board, the successors of the members whose terms expire in the year of election shall be elected for a term of 5 years. All terms shall commence on July 1 next succeeding the elections. Any vacancy occurring in the membership of the
board shall be filled by appointment until the next regular election for members of the board.

In any school district which has adopted this Article, a proposition for the election of board members by school board district rather than at large may be submitted to the voters of the district at the regular school election of any year in the manner provided in Section 9-22. If the proposition is approved by a majority of those voting on the propositions, the board shall divide the school district into 7 school board districts as provided in Section 9-22. At the regular school election in the year following the adoption of such proposition, one member shall be elected from each school board district, and the 7 members so elected shall, by lot, determine one to serve for one year, 2 for 2 years, one for 3 years, 2 for 4 years, and one for 5 years. Thereafter their respective successors shall be elected for terms of 5 years. The terms of all incumbent members expire July 1 of the year following the adoption of such a proposition.

Any school district which has adopted this Article may, by referendum in accordance with Section 33-1a, adopt the method of electing members of the board of education provided in that Section.

Reapportionment of the voting districts provided for in this Article or created pursuant to a court order, shall be completed pursuant to Section 33-1c.

A board of education may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(Source: P.A. 82-1014; 86-1331.)

(105 ILCS 5/34-3) (from Ch. 122, par. 34-3)
Sec. 34-3. Chicago School Reform Board of Trustees; new Chicago Board of Education; members; term; vacancies.

(a) Within 30 days after the effective date of this amendatory Act of 1995, the terms of all members of the Chicago Board of Education holding office on that date are abolished and the Mayor shall appoint, without the consent or approval of the City Council, a 5 member Chicago School Reform Board of Trustees which shall take office upon the appointment of the fifth member. The Chicago School Reform Board of Trustees and its members shall serve until, and the terms of all members of the Chicago School Reform Board of Trustees shall expire on, June 30, 1999 or upon the appointment of a new Chicago Board of Education as

New matter indicated by italics - deletions by strikeout
provided in subsection (b), whichever is later. Any vacancy in the membership of the Trustees shall be filled through appointment by the Mayor, without the consent or approval of the City Council, for the unexpired term. One of the members appointed by the Mayor to the Trustees shall be designated by the Mayor to serve as President of the Trustees. The Mayor shall appoint a full-time, compensated chief executive officer, and his or her compensation as such chief executive officer shall be determined by the Mayor. The Mayor, at his or her discretion, may appoint the President to serve simultaneously as the chief executive officer.

(b) Within 30 days before the expiration of the terms of the members of the Chicago Reform Board of Trustees as provided in subsection (a), a new Chicago Board of Education consisting of 7 members shall be appointed by the Mayor to take office on the later of July 1, 1999 or the appointment of the seventh member. Three of the members initially so appointed under this subsection shall serve for terms ending June 30, 2002, 4 of the members initially so appointed under this subsection shall serve for terms ending June 30, 2003, and each member initially so appointed shall continue to hold office until his or her successor is appointed and qualified. Thereafter at the expiration of the term of any member a successor shall be appointed by the Mayor and shall hold office for a term of 4 years, from July 1 of the year in which the term commences and until a successor is appointed and qualified. Any vacancy in the membership of the Chicago Board of Education shall be filled through appointment by the Mayor for the unexpired term. No appointment to membership on the Chicago Board of Education that is made by the Mayor under this subsection shall require the approval of the City Council, whether the appointment is made for a full term or to fill a vacancy for an unexpired term on the Board. The board shall elect annually from its number a president and vice-president, in such manner and at such time as the board determines by its rules. The officers so elected shall each perform the duties imposed upon their respective office by the rules of the board, provided that (i) the president shall preside at meetings of the board and vote as any other member but have no power of veto, and (ii) the vice president shall perform the duties of the president if that office is vacant or the president is absent or unable to act. The secretary of the Board shall be selected by the Board and shall be an employee of the Board rather than a member of the Board, notwithstanding subsection (d) of Section 34-3.3. The duties of the secretary shall be imposed by the rules of the Board.

New matter indicated by italics - deletions by strikeout
(c) The board may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(Source: P.A. 89-15, eff. 5-30-95; 90-811, eff. 1-26-99; 90-815, eff. 2-11-99.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 27, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0232
(Senate Bill No. 1770)

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

Section 5. The Unemployment Insurance Act is amended by changing Section 2103.1 as follows:

(820 ILCS 405/2103.1) (from Ch. 48, par. 663.1)
There is hereby established the Employment Security Administrative Fund. Notwithstanding any other provision of this Act, all amounts received pursuant to subsection B of Section 1506.3 shall be deposited in the Employment Security Administrative Fund held by the State Treasurer as ex-officio custodian thereof separate and apart from all other State moneys. Such moneys shall be expended by the Director for purposes authorized by Section 1704. Moneys in this fund shall not be commingled with other State funds, but they shall be deposited as required by law and maintained in a separate account on the books of a savings and loan association or bank. The Governor shall determine when in his judgment the amounts accumulated in the Employment Security Administrative Fund are in excess of amounts needed for the proper administration of this Act and shall direct the State Treasurer to transfer such excess amounts from the Employment Security Administrative Fund to this State's account in the unemployment trust fund.

The State Treasurer shall be liable on his general official bond for the faithful performance of his duties as custodian of the Employment

New matter indicated by italics - deletions by strikeout
Security Administrative Fund. Such liability on his official bond shall exist in addition to the liability upon any separate bond given by him. All sums recovered for losses sustained by the Employment Security Administrative Fund shall be deposited in the fund.

The Director shall annually on or before the first day of March report in writing to the Employment Security Advisory Board concerning the deposits into and expenditures made from the Employment Security Administrative Fund.

On July 1, 2005, or as soon thereafter as may be reasonably practicable, all remaining funds in the Employment Security Administrative Fund shall be transferred to the clearing account, and, upon the transfer of such funds, the Employment Security Administrative Fund is abolished.

This Section is repealed on January 1, 2006.

(Source: P.A. 86-1367; 87-1178.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 24, 2005.
Approved July 14, 2005.
Effective July 14, 2005.
moneys for the Fund received from any other source. The Fund shall be held by the State Treasurer, as ex-officio custodian thereof, separate and apart from all public moneys or funds of this State, but the moneys in the Fund shall be deposited as required by law and maintained in a separate account on the books of a savings and loan association or bank. The Fund shall be administered by the Director exclusively for the purposes of this Section. No moneys in the Fund shall be paid or expended except upon the direction of the Director exclusively for the purposes of this Section.

The State Treasurer shall be liable on his general official bond for the faithful performance of his duties with regard to as custodian of such moneys as may come into his hands by virtue of this Section. Such liability on his official bond shall exist in addition to the liability upon any separate bond given by him. All sums recovered for losses sustained by the clearing account Fund herein described shall be deposited therein.

In lieu of contributions required of other employers under this Act, the State Treasurer, upon the direction of the Director, shall transfer to and deposit in the clearing account established by Section 2100, an amount equivalent to the amount of regular benefits and one-half the amount of extended benefits (defined in Section 409) paid for weeks which begin before January 1, 1979, and to the amount of all benefits paid for weeks which begin on and after January 1, 1979, to individuals who, during there respective base periods, were paid wages for insured work by the State or any of its wholly owned instrumentalities. If an individual was paid such wages during his base period both by the State or any of such instrumentalities and by one or more other employers, the amount to be so transferred by the State Treasurer with respect to such individual shall be a sum which bears the same ratio to the total benefits paid to the individual as the wages for insured work paid to the individual during his base period by the State and any such instrumentalities bear to the total wages for insured work paid to the individual during the base period by all of the employers. Notwithstanding the previous provisions of this Section with respect to benefit years beginning prior to July 1, 1989, any adjustment after September 30, 1989 to the base period wages paid to the individual by any employer shall not affect the ratio for determining the amount to be transferred to the clearing account by the State Treasurer. Provided, however, that with respect to benefit years beginning on or after July 1, 1989, the State Treasurer shall transfer to and deposit in the clearing account an amount equal to 100% of regular benefits, including dependents' allowances, and 100% of extended benefits, including dependents' allowances paid to an individual, but only if the State: (a) is

New matter indicated by italics - deletions by strikeout
the last employer as provided in Section 1502.1 and (b) paid, to the
individual receiving benefits, wages for insured work during his base
period. If the State meets the requirements of (a) but not (b), with respect
to benefit years beginning on or after July 1, 1989, it shall be required to
make payments in an amount equal to 50% of regular benefits, including
dependents' allowances, and 50% of extended benefits, including
dependents' allowances, paid to an individual.

On and after July 1, 2005, transfers to the clearing account
pursuant to this Section shall be made directly from such funds and
accounts as the appropriations to the Department authorize, as designated
by the Director. On July 1, 2005, or as soon thereafter as may be
reasonably practicable, all remaining funds in the State Employees' Unemployment Benefit Fund shall be transferred to the clearing account,
and, upon the transfer of those funds, the State Employees' Unemployment
Benefit Fund is abolished.

The Director shall ascertain the amount to be so transferred and
deposited by the State Treasurer as soon as practicable after the end of
each calendar quarter. The provisions of paragraphs 4 and 5 of Section 1404B shall be applicable to a determination of the amount to be so
transferred and deposited. Such deposit shall be made by the State
Treasurer at such times and in such manner as the Director may determine
and direct.

Every department, institution, agency and instrumentality of the
State of Illinois shall make available to the Director such information with
respect to any individual who has performed insured work for it as the
Director may find practicable and necessary for the determination of such
individual's rights under this Act. Each such department, institution,
agency and instrumentality shall file such reports with the Director as he
may by regulation prescribe.
(Source: P.A. 86-3.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 24, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0234
(Senate Bill No. 1853)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Sections 1A-8, 1B-8, 1E-25, 1E-35, 1F-20, 1F-62, 17-1, 19-1, 19-8, 20-2, 20-3, and 20-5 as follows:

(105 ILCS 5/1A-8)  (from Ch. 122, par. 1A-8)

Sec. 1A-8. Powers of the Board in Assisting Districts Deemed in Financial Difficulties. To promote the financial integrity of school districts, the State Board of Education shall be provided the necessary powers to promote sound financial management and continue operation of the public schools.

The State Superintendent of Education may require a school district, including any district subject to Article 34A of this Code, to share financial information relevant to a proper investigation of the district's financial condition and the delivery of appropriate State financial, technical, and consulting services to the district if the district (i) has been designated, through the State Board of Education's School District Financial Profile System, as on financial warning or financial watch status, (ii) has failed to file an annual financial report, annual budget, deficit reduction plan, or other financial information as required by law, or (iii) has been identified, through the district's annual audit or other financial and management information, as in serious financial difficulty in the current or next school year. In addition to financial, technical, and consulting services provided by the State Board of Education, at the request of a school district, the State Superintendent may provide for an independent financial consultant to assist the district review its financial condition and options.

The State Board of Education, after proper investigation of a district's financial condition, may certify that a district, including any district subject to Article 34A, is in financial difficulty when any of the following conditions occur:

(1) The district has issued school or teacher orders for wages as permitted in Sections 8-16, 32-7.2 and 34-76 of this Code, or the district has issued funding bonds to retire teacher orders in 3 of the 5 last years;

(2) The district has issued tax anticipation warrants or tax anticipation notes in anticipation of a second year's taxes when warrants or notes in anticipation of current year taxes are still outstanding, as authorized by Sections 17-16, 34-23, 34-59 and 34-63 of this Code, or has issued short-term debt against 2 future

New matter indicated by italics - deletions by strikeout
revenue sources, such as, but not limited to, tax anticipation warrants and general State Aid certificates or tax anticipation warrants and revenue anticipation notes;

(3) The district has for 2 consecutive years shown an excess of expenditures and other financing uses over revenues and other financing sources and beginning fund balances on its annual financial report for the aggregate totals of the Educational, Operations and Maintenance, Transportation, and Working Cash Funds;

(4) The district refuses to provide financial information or cooperate with the State Superintendent in an investigation of the district's financial condition. The district had an enrollment of no fewer than 4,000 pupils during the 1997-1998 school year, has been previously certified to be in financial difficulty and requests to be recertified as a result of continuing financial problems. No recertification may be made under this item (4) after December 31, 1999.

No school district shall be certified by the State Board of Education to be in financial difficulty by reason of any of the above circumstances arising as a result of the failure of the county to make any distribution of property tax money due the district at the time such distribution is due; or if the district clearly demonstrates to the satisfaction of the State Board of Education at the time of its determination that such condition no longer exists. If the State Board of Education certifies that a district in a city with 500,000 inhabitants or more is in financial difficulty, the State Board shall so notify the Governor and the Mayor of the city in which the district is located. The State Board of Education may require school districts certified in financial difficulty, except those districts subject to Article 34A, to develop, adopt and submit a financial plan within 45 days after certification of financial difficulty. The financial plan shall be developed according to guidelines presented to the district by the State Board of Education within 14 days of certification. Such guidelines shall address the specific nature of each district's financial difficulties. Any proposed budget of the district shall be consistent with the financial plan submitted to and approved by the State Board of Education.

A district certified to be in financial difficulty, other than a district subject to Article 34A, shall report to the State Board of Education at such times and in such manner as the State Board may direct, concerning the district's compliance with each financial plan. The State Board may review the district's operations, obtain budgetary data and financial statements,

New matter indicated by italics - deletions by strikeout
require the district to produce reports, and have access to any other information in the possession of the district that it deems relevant. The State Board may issue recommendations or directives within its powers to the district to assist in assuring compliance with the financial plan. The district shall produce such budgetary data, financial statements, reports and other information and comply with such directives. If the State Board of Education determines that a district has failed to comply with its financial plan, the State Board of Education may rescind approval of the plan and appoint a Financial Oversight Panel for the district as provided in Section 1B-4. This action shall be taken only after the district has been given notice and an opportunity to appear before the State Board of Education to discuss its failure to comply with its financial plan.

No bonds, notes, teachers orders, tax anticipation warrants or other evidences of indebtedness shall be issued or sold by a school district or be legally binding upon or enforceable against a local board of education of a district certified to be in financial difficulty unless and until the financial plan required under this Section has been approved by the State Board of Education.

Any financial watch list distributed by the State Board of Education pursuant to this Section shall designate those school districts on the watch list that would not otherwise be on the watch list were it not for the inability or refusal of the State of Illinois to make timely disbursements of any payments due school districts or to fully reimburse school districts for mandated categorical programs pursuant to reimbursement formulas provided in this School Code.

(Source: P.A. 89-235, eff. 8-4-95; 90-802, eff. 12-15-98.)

(105 ILCS 5/1B-8) (from Ch. 122, par. 1B-8)

Sec. 1B-8. There is created in the State Treasury a special fund to be known as the School District Emergency Financial Assistance Fund (the "Fund"). The School District Emergency Financial Assistance Fund shall consist of appropriations, loan repayments, grants from the federal government, and donations from any public or private source. Moneys in the Fund may be appropriated only to the Illinois Finance Authority and the State Board for those purposes authorized under Article 1F of this Code and for the purposes of Section 1F-62 of this Code. The appropriation may be allocated and expended by the State Board as grants to provide technical and consulting services to school districts to assess their financial condition and by the Illinois Finance Authority as loans to school districts which are the subject of an approved petition for emergency financial assistance under Section 1B-4 or 1F-62 of this Code.
Neither the State Board of Education nor the Illinois Finance Authority may collect any fees for providing these services. From the amount allocated to each such school district the State Board shall identify a sum sufficient to cover all approved costs of the Financial Oversight Panel established for the respective school district. If the State Board and State Superintendent of Education have not approved emergency financial assistance in conjunction with the appointment of a Financial Oversight Panel, the Panel's approved costs shall be paid from deductions from the district's general State aid.

The Financial Oversight Panel may prepare and file with the State Superintendent a proposal for emergency financial assistance for the school district and for its the operations budget of the Panel. No expenditures shall be authorized by the State Superintendent until he or she has approved the proposal of the Panel, either as submitted or in such lesser amount determined by the State Superintendent.

The maximum amount of an emergency financial assistance loan which may be allocated to any school district under this Article, including moneys necessary for the operations of the Panel, shall not exceed $4,000 $4000 times the number of pupils enrolled in the school district during the school year ending June 30 prior to the date of approval by the State Board of the petition for emergency financial assistance, as certified to the local board and the Panel by the State Superintendent. An emergency financial assistance grant shall not exceed $1,000 $250 times the number of such pupils. A district may receive both a loan and a grant.

The payment of an emergency State financial assistance grant or loan shall be subject to appropriation by the General Assembly. Emergency State financial assistance allocated and paid to a school district under this Article may be applied to any fund or funds from which the local board of education of that district is authorized to make expenditures by law.

Any emergency financial assistance proposed by the Financial Oversight Panel and approved by the State Superintendent may be paid in its entirety during the initial year of the Panel's existence or spread in equal or declining amounts over a period of years not to exceed the period of the Panel's existence. All loan payments made from the School District Emergency Financial Assistance Fund for a school district shall be required to be repaid, with simple interest over the term of the loan at a rate equal to 50% of the one-year Constant Maturity Treasury (CMT) yield as last published by the Board of Governors of the Federal Reserve System before the date on which the district's loan is approved by the State Board.
of Education, not later than the date the Financial Oversight Panel ceases to exist. The Panel shall establish and the Illinois Finance Authority State Superintendent shall approve the terms and conditions, including the schedule, of repayments. The schedule shall provide for repayments commencing July 1 of each year or upon each fiscal year's receipt of moneys from a tax levy for emergency financial assistance. Repayment shall be incorporated into the annual budget of the school district and may be made from any fund or funds of the district in which there are moneys available. Default on repayment is subject to the Illinois Grant Funds Recovery Act. When moneys are repaid as provided herein they shall not be made available to the local board for further use as emergency financial assistance under this Article at any time thereafter. All repayments required to be made by a school district shall be received by the State Board and deposited in the School District Emergency Financial Assistance Fund.

In establishing the terms and conditions for the repayment obligation of the school district the Panel shall annually determine whether a separate local property tax levy is required. The board of any school district with a tax rate for educational purposes for the prior year of less than 120% of the maximum rate for educational purposes authorized by Section 17-2 shall provide for a separate tax levy for emergency financial assistance repayment purposes. Such tax levy shall not be subject to referendum approval. The amount of the levy shall be equal to the amount necessary to meet the annual repayment obligations of the district as established by the Panel, or 20% of the amount levied for educational purposes for the prior year, whichever is less. However, no district shall be required to levy the tax if the district's operating tax rate as determined under Section 18-8 or 18-8.05 exceeds 200% of the district's tax rate for educational purposes for the prior year.

(Source: P.A. 92-855, eff. 12-6-02.)

(105 ILCS 5/1E-25)

Sec. 1E-25. General powers. The purposes of the Authority shall be to exercise financial control over the district and to furnish financial assistance so that the district can provide public education within the district's jurisdiction while permitting the district to meet its obligations to its creditors and the holders of its debt. Except as expressly limited by this Article, the Authority shall have all powers granted to a voluntary or involuntary Financial Oversight Panel and to a Financial Administrator under Article 1B of this Code and all other powers necessary to meet its responsibilities and to carry out its purposes and the purposes of this

New matter indicated by italics - deletions by strikeout
Article, including without limitation all of the following powers, provided that the Authority shall have no power to violate any statutory provision, to impair any contract or obligation of the district, or to terminate any employee without following the statutory procedures for such terminations set forth in this Code:

(1) To sue and to be sued.

(2) To make and execute contracts, leases, subleases and all other instruments or agreements necessary or convenient for the exercise of the powers and functions granted by this Article.

(3) To purchase real or personal property necessary or convenient for its purposes; to execute and deliver deeds for real property held in its own name; and to sell, lease, or otherwise dispose of such of its property as, in the judgment of the Authority, is no longer necessary for its purposes.

(4) To appoint officers, agents, and employees of the Authority, including a chief executive officer, a chief fiscal officer, and a chief educational officer to administer and manage, under the direction of the Authority, the operations and educational programs of the district, in accordance with this Article and all other provisions of this Code; to define their duties and qualifications; and to fix their compensation and employee benefits.

(5) To transfer to the district such sums of money as are not required for other purposes.

(6) To borrow money and to issue obligations pursuant to this Article; to fund, refund, or advance refund the same; to provide for the rights of the holders of its obligations; and to repay any advances.

(7) Subject to the provisions of any contract with or for the benefit of the holders of its obligations, to purchase or redeem its obligations.

(8) To procure all necessary goods and services for the Authority in compliance with the purchasing laws and requirements applicable to the district.

(8.5) To take action on behalf of the district as the Authority deems necessary and in accordance with this Article and all other provisions of this Code, based on the recommendation of the chief executive officer, chief educational officer, or chief fiscal officer, and the district shall be bound by such action in all respects as if the action had been approved by the district itself.

New matter indicated by italics - deletions by strikeout
(9) To do any and all things necessary or convenient to carry out its purposes and exercise the powers given to it by this Article.
(Source: P.A. 92-547, eff. 6-13-02.)
(105 ILCS 5/1E-35)
Sec. 1E-35. Chief educational officer. Upon expiration of the contract of the school district's superintendent who is serving at the time the Authority is established, the Authority shall, following consultation with the district, employ a chief educational officer for the district. The chief educational officer shall report to the Authority or the chief executive officer appointed by the Authority.

The chief educational officer shall have authority to determine the agenda and order of business at school board meetings, as needed in order to carry forward and implement the objectives and priorities of the Authority in the administration and management of the district.

The chief educational officer shall have all of the powers and duties of a school district superintendent under this Code and such other duties as may be assigned by the Authority, in accordance with this Code. The district shall not thereafter employ a superintendent during the period that a chief educational officer is serving in the district. The chief educational officer shall hold a certificate with a superintendent endorsement issued under Article 21 of this Code.
(Source: P.A. 92-547, eff. 6-13-02.)
(105 ILCS 5/1F-20)
Sec. 1F-20. Members of Authority; meetings.
(a) Upon establishment of a School Finance Authority under Section 1F-15 of this Code, the State Superintendent shall within 15 days thereafter appoint 5 members to serve on a School Finance Authority for the district. Of the initial members, 2 shall be appointed to serve a term of 2 years and 3 shall be appointed to serve a term of 3 years. Thereafter, each member shall serve for a term of 3 years and until his or her successor has been appointed. The State Superintendent shall designate one of the members of the Authority to serve as its Chairperson. In the event of vacancy or resignation, the State Superintendent shall, within 10 days after receiving notice, appoint a successor to serve out that member's term. The State Superintendent may remove a member for incompetence, malfeasance, neglect of duty, or other just cause.

Members of the Authority shall be selected primarily on the basis of their experience and education in financial management, with consideration given to persons knowledgeable in education finance. Two
members of the Authority shall be residents of the school district that the Authority serves. A member of the Authority may not be a member of the district's school board or an employee of the district nor may a member have a direct financial interest in the district.

Authority members shall be paid a stipend approved by the State Superintendent of not more than $100 per meeting and serve without compensation, but may be reimbursed by the State Board for travel and other necessary expenses incurred in the performance of their official duties. Unless paid from bonds issued under Section 1F-65 of this Code, the amount reimbursed members for their expenses shall be charged to the school district as part of any emergency financial assistance and incorporated as a part of the terms and conditions for repayment of the assistance or shall be deducted from the district's general State aid as provided in Section 1B-8 of this Code.

The Authority may elect such officers as it deems appropriate.

(b) The first meeting of the Authority shall be held at the call of the Chairperson. The Authority shall prescribe the times and places for its meetings and the manner in which regular and special meetings may be called and shall comply with the Open Meetings Act.

Three members of the Authority shall constitute a quorum. When a vote is taken upon any measure before the Authority, a quorum being present, a majority of the votes of the members voting on the measure shall determine the outcome.

(Source: P.A. 92-855, eff. 12-6-02.)

(105 ILCS 5/1F-62)


(a) Moneys in the School District Emergency Financial Assistance Fund established under Section 1B-8 of this Code may be allocated and expended by the State Board as grants to provide technical and consulting services to school districts to assess their financial condition and by the Illinois Finance Authority for emergency financial assistance loans to a School Finance Authority that petitions for emergency financial assistance. An emergency financial assistance loan to a School Finance Authority or borrowing from sources other than the State shall not be considered as part of the calculation of a district's debt for purposes of the limitation specified in Section 19-1 of this Code. From the amount allocated to each School Finance Authority, the State Board shall identify a sum sufficient to cover all approved costs of the School Finance Authority. If the State Board and State Superintendent have not approved

New matter indicated by italics - deletions by strikeout
emergency financial assistance in conjunction with the appointment of a School Finance Authority, the Authority's approved costs shall be paid from deductions from the district's general State aid.

The School Finance Authority may prepare and file with the State Superintendent a proposal for emergency financial assistance for the school district and for its operations budget. No expenditures shall be authorized by the State Superintendent until he or she has approved the proposal of the School Finance Authority, either as submitted or in such lesser amount determined by the State Superintendent.

(b) The amount of an emergency financial assistance loan that may be allocated to a School Finance Authority under this Article, including moneys necessary for the operations of the School Finance Authority, and borrowing from sources other than the State shall not exceed, in the aggregate, $4,000 times the number of pupils enrolled in the district during the school year ending June 30 prior to the date of approval by the State Board of the petition for emergency financial assistance, as certified to the school board and the School Finance Authority by the State Superintendent. However, this limitation does not apply to borrowing by the district secured by amounts levied by the district prior to establishment of the School Finance Authority. An emergency financial assistance grant shall not exceed $1,000 times the number of such pupils. A district may receive both a loan and a grant.

(c) The payment of a State emergency financial assistance grant or loan shall be subject to appropriation by the General Assembly. State emergency financial assistance allocated and paid to a School Finance Authority under this Article may be applied to any fund or funds from which the School Finance Authority is authorized to make expenditures by law.

(d) Any State emergency financial assistance proposed by the School Finance Authority and approved by the State Superintendent may be paid in its entirety during the initial year of the School Finance Authority's existence or spread in equal or declining amounts over a period of years not to exceed the period of the School Finance Authority's existence. The State Superintendent shall not approve any loan to the School Finance Authority unless the School Finance Authority has been unable to borrow sufficient funds to operate the district.

All loan payments made from the School District Emergency Financial Assistance Fund to a School Finance Authority shall be required to be repaid not later than the date the School Finance Authority ceases to exist, with simple interest over the term of the loan at a rate

New matter indicated by italics - deletions by strikeout
equal to 50% of the one-year Constant Maturity Treasury (CMT) yield as last published by the Board of Governors of the Federal Reserve System before the date on which the School Finance Authority's loan is approved by the State Board.

The School Finance Authority shall establish and the Illinois Finance Authority shall approve the terms and conditions of the loan, including the schedule of repayments. The schedule shall provide for repayments commencing July 1 of each year or upon each fiscal year's receipt of moneys from a tax levy for emergency financial assistance. Repayment shall be incorporated into the annual budget of the district and may be made from any fund or funds of the district in which there are moneys available. Default on repayment is subject to the Illinois Grant Funds Recovery Act. When moneys are repaid as provided in this Section, they shall not be made available to the School Finance Authority for further use as emergency financial assistance under this Article at any time thereafter. All repayments required to be made by a School Finance Authority shall be received by the State Board and deposited in the School District Emergency Financial Assistance Fund.

In establishing the terms and conditions for the repayment obligation of the School Finance Authority, the School Finance Authority shall annually determine whether a separate local property tax levy is required to meet that obligation. The School Finance Authority shall provide for a separate tax levy for emergency financial assistance repayment purposes. This tax levy shall not be subject to referendum approval. The amount of the levy shall not exceed the amount necessary to meet the annual emergency financial repayment obligations of the district, including principal and interest, as established by the School Finance Authority.

(Source: P.A. 92-855, eff. 12-6-02.)

(105 ILCS 5/17-1) (from Ch. 122, par. 17-1)

Sec. 17-1. Annual Budget. The board of education of each school district under 500,000 inhabitants shall, within or before the first quarter of each fiscal year, adopt and file with the State Board of Education an annual balanced budget which it deems necessary to defray all necessary expenses and liabilities of the district, and in such annual budget shall specify the objects and purposes of each item and amount needed for each object or purpose.

The budget shall be entered upon a School District Budget form prepared and provided by the State Board of Education and therein shall contain a statement of the cash on hand at the beginning of the fiscal year,

New matter indicated by italics - deletions by strikeout
an estimate of the cash expected to be received during such fiscal year from all sources, an estimate of the expenditures contemplated for such fiscal year, and a statement of the estimated cash expected to be on hand at the end of such year. The estimate of taxes to be received may be based upon the amount of actual cash receipts that may reasonably be expected by the district during such fiscal year, estimated from the experience of the district in prior years and with due regard for other circumstances that may substantially affect such receipts. Nothing in this Section shall be construed as requiring any district to change or preventing any district from changing from a cash basis of financing to a surplus or deficit basis of financing; or as requiring any district to change or preventing any district from changing its system of accounting.

To the extent that a school district's budget is not balanced, the district shall also adopt and file with the State Board of Education a deficit reduction plan to balance the district's budget within 3 years. The deficit reduction plan must be filed at the same time as the budget, but the State Superintendent of Education may extend this deadline if the situation warrants.

The board of education of each district shall fix a fiscal year therefor. If the beginning of the fiscal year of a district is subsequent to the time that the tax levy due to be made in such fiscal year shall be made, then such annual budget shall be adopted prior to the time such tax levy shall be made. The failure by a board of education of any district to adopt an annual budget, or to comply in any respect with the provisions of this Section, shall not affect the validity of any tax levy of the district otherwise in conformity with the law. With respect to taxes levied either before, on, or after the effective date of this amendatory Act of the 91st General Assembly, (i) a tax levy is made for the fiscal year in which the levy is due to be made regardless of which fiscal year the proceeds of the levy are expended or are intended to be expended, and (ii) except as otherwise provided by law, a board of education's adoption of an annual budget in conformity with this Section is not a prerequisite to the adoption of a valid tax levy and is not a limit on the amount of the levy.

Such budget shall be prepared in tentative form by some person or persons designated by the board, and in such tentative form shall be made conveniently available to public inspection for at least 30 days prior to final action thereon. At least 1 public hearing shall be held as to such budget prior to final action thereon. Notice of availability for public inspection and of such public hearing shall be given by publication in a newspaper published in such district, at least 30 days prior to the time of

New matter indicated by italics - deletions by strikeout
such hearing. If there is no newspaper published in such district, notice of such public hearing shall be given by posting notices thereof in 5 of the most public places in such district. It shall be the duty of the secretary of such board to make such tentative budget available to public inspection, and to arrange for such public hearing. The board may from time to time make transfers between the various items in any fund not exceeding in the aggregate 10% of the total of such fund as set forth in the budget. The board may from time to time amend such budget by the same procedure as is herein provided for its original adoption.

Beginning July 1, 1976, the board of education, or regional superintendent, or governing board responsible for the administration of a joint agreement shall, by September 1 of each fiscal year thereafter, adopt an annual budget for the joint agreement in the same manner and subject to the same requirements as are provided in this Section.

The State Board of Education shall exercise powers and duties relating to budgets as provided in Section 2-3.27 of this Code and shall require school districts to submit their annual budgets, deficit reduction plans, and other financial information, including revenue and expenditure reports and borrowing and interfund transfer plans, in such form and within the timelines designated by the State Board of Education Act.

By fiscal year 1982 all school districts shall use the Program Budget Accounting System.

In the case of a school district receiving emergency State financial assistance under Article 1B, the school board shall also be subject to the requirements established under Article 1B with respect to the annual budget.

(Source: P.A. 91-75, eff. 7-9-99.)

(105 ILCS 5/19-1) (from Ch. 122, par. 19-1)
Sec. 19-1. Debt limitations of school districts.

(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in "An Act to limit the indebtedness of counties having a population of less than 500,000 and townships, school districts and other municipal corporations having a population of less than 300,000", approved February 15, 1928, as amended.

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater,
the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:

(1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and

(2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and

New matter indicated by italics - deletions by strikeout
(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation. (c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school

New matter indicated by italics - deletions by strikeout
district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed $4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in accordance with Section 19-3 for the purpose of increasing the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.

(2) The bonds issued by the school district as provided in paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.

(e) (Blank). Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (5) of this subsection (e) may, without referendum, incur an additional indebtedness in an amount not to exceed
the lesser of $5,000,000 or 1.5% of the value of the taxable property within the district even though the amount of the additional indebtedness authorized by this subsection (e), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring that additional indebtedness, causes the aggregate indebtedness of the district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that district under subsection (a):

(1) The State Board of Education certifies the school district under Section 19-1.5 as a financially distressed district.

(2) The additional indebtedness authorized by this subsection (e) is incurred by the financially distressed district during the school year or school years in which the certification of the district as a financially distressed district continues in effect through the issuance of bonds for the lawful school purposes of the district, pursuant to resolution of the school board and without referendum, as provided in paragraph (5) of this subsection.

(3) The aggregate amount of bonds issued by the financially distressed district during a fiscal year in which it is authorized to issue bonds under this subsection does not exceed the amount by which the aggregate expenditures of the district for operational purposes during the immediately preceding fiscal year exceeds the amount appropriated for the operational purposes of the district in the annual school budget adopted by the school board of the district for the fiscal year in which the bonds are issued.

(4) Throughout each fiscal year in which certification of the district as a financially distressed district continues in effect, the district maintains in effect a gross salary expense and gross wage expense freeze policy under which the district expenditures for total employee salaries and wages do not exceed such expenditures for the immediately preceding fiscal year. Nothing in this paragraph, however, shall be deemed to impair or to require impairment of the contractual obligations, including collective bargaining agreements, of the district or to impair or require the impairment of the vested rights of any employee of the district under the terms of any contract or agreement in effect on the effective date of this amendatory Act of 1994.

(5) Bonds issued by the financially distressed district under this subsection shall bear interest at a rate not to exceed the maximum rate authorized by law at the time of the making of the
contract, shall mature within 40 years from their date of issue, and shall be signed by the president of the school board and treasurer of the school district. In order to issue bonds under this subsection, the school board shall adopt a resolution fixing the amount of the bonds, the date of the bonds, the maturities of the bonds, the rates of interest of the bonds, and their place of payment and denomination, and shall provide for the levy and collection of a direct annual tax upon all the taxable property in the district sufficient to pay the principal and interest on the bonds to maturity. Upon the filing in the office of the county clerk of the county in which the financially distressed district is located of a certified copy of the resolution, it is the duty of the county clerk to extend the tax therefor in addition to and in excess of all other taxes at any time authorized to be levied by the district. If bond proceeds from the sale of bonds include a premium or if the proceeds of the bonds are invested as authorized by law, the school board shall determine by resolution whether the interest earned on the investment of bond proceeds or the premium realized on the sale of the bonds is to be used for any of the lawful school purposes for which the bonds were issued or for the payment of the principal indebtedness and interest on the bonds. The proceeds of the bond sale shall be deposited in the educational purposes fund of the district and shall be used to pay operational expenses of the district. This subsection is cumulative and constitutes complete authority for the issuance of bonds as provided in this subsection, notwithstanding any other law to the contrary.

(f) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds in not to exceed the aggregate amount of $5,500,000 and issued by a school district meeting the following criteria shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of education of the district shall have determined by resolution that the enrollment of students in the district is projected to increase by not less than 7% during each of the next succeeding 2 school years.

(2) The board of education shall also determine by resolution that the improvements to be financed with the proceeds

New matter indicated by italics - deletions by strikeout
of the bonds are needed because of the projected enrollment increases.

(3) The board of education shall also determine by resolution that the projected increases in enrollment are the result of improvements made or expected to be made to passenger rail facilities located in the school district.

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions of this subsection (f) prior to July 22, 2004 (the effective date of Public Act 93-799) this amendatory Act of the 93rd General Assembly may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.

(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than $29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit

New matter indicated by italics - deletions by strikeout
school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $24,000,000;
(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;
(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and
(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $44,600,000;
(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;
(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and
(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $140,000,000 and a best 3

New matter indicated by italics - deletions by strikeout
months average daily attendance for the 1995-96 school year of at least 2,800;

(ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;

(iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;

(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed $4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of indebtedness of the school district existing immediately prior to the school district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a):

(1) the school district is located in 2 counties, and a referendum to authorize the additional indebtedness was approved by a majority of the voters of the school district voting on the proposition to authorize that indebtedness;

(2) the additional indebtedness is for the purpose of financing a multi-purpose room addition to the existing high school;

(3) the additional indebtedness, together with the existing indebtedness of the school district, shall not exceed 17.4% of the value of the taxable property in the school district, to be ascertained by the last assessment for State and county taxes; and

(4) the bonds evidencing the additional indebtedness are issued, if at all, within 120 days of the effective date of this amendatory Act of 1998.

New matter indicated by italics - deletions by strikeout
(l) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 2000, a school district maintaining grades kindergarten through 8 may issue bonds up to an amount, including existing indebtedness, not exceeding 15% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the district has an equalized assessed valuation for calendar year 1996 of less than $10,000,000;
(ii) the bonds are issued for capital improvement, renovation, rehabilitation, or replacement of one or more school buildings of the district, which buildings were originally constructed not less than 70 years ago;
(iii) the voters of the district approve a proposition for the issuance of the bonds at a referendum held on or after March 17, 1998; and
(iv) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(m) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 or less than $7,700,000;
(ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and distinct school districts;
(iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not handicapped accessible at all levels and parts of which were constructed more than 75 years ago;
(iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and
(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law,
a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:

(i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.

(ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.

(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an

New matter indicated by italics - deletions by strikeout
amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least $737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;

(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;

(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;

(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and

(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 2001 of at least $295,741,187 and a best 3 months' average daily attendance for the 2002-2003 school year of at least 2,394.

(ii) The bonds are issued to build and equip 3 elementary school buildings; build and equip one middle school building; and alter, repair, improve, and equip all existing school buildings in the district.

(iii) At the time of the sale of the bonds, the board of education determines by resolution that the project is needed because of expanding growth in the school district and a projected enrollment increase.

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(q) A school district must notify the State Board of Education prior to issuing any form of long-term or short-term debt that will result in

New matter indicated by italics - deletions by strikeout
outstanding debt that exceeds 75% of the debt limit specified in this Section or any other provision of law.
(Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04; 93-1045, eff. 10-15-04; revised 10-22-04.)

(105 ILCS 5/19-8) (from Ch. 122, par. 19-8)
Sec. 19-8. Bonds to pay claims.
Any school district or non-high district operating under general law or special charter having a population of 500,000 or less is authorized to issue bonds for the purpose of paying orders issued for the wages of teachers, or for the payment of claims against any such district.

Such bonds may be issued in an amount, including existing indebtedness, in excess of any statutory limitation as to debt.

When a school district complies with Sections 19-9 and 19-11 and bonds have been issued under this Section 19-8 by that school district and that district is certified as a financially distressed district under Section 19-1.5, the amount of those bonds, when and after they are issued, whether issued before or after such certification, shall not be considered debt under any statutory debt limitation and shall be excluded from the computation and determination of any statutory or other debt limitation applicable to the financially distressed district.
(Source: P.A. 88-641, eff. 9-9-94.)

(105 ILCS 5/20-2) (from Ch. 122, par. 20-2)
Sec. 20-2. Indebtedness and bonds. For the purpose of creating a working cash fund, the school board of any such district may incur an indebtedness and issue bonds as evidence thereof in an amount or amounts not exceeding in the aggregate 85% of the taxes permitted to be levied for educational purposes for the then current year to be determined by multiplying the maximum educational tax rate applicable to such school district by the last assessed valuation as determined at the time of the issue of said bonds plus 85% of the last known entitlement of such district to taxes as by law now or hereafter enacted or amended, imposed by the General Assembly of the State of Illinois to replace revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes, pursuant to Article IX, Section 5, paragraph (c) of the Constitution of the State of Illinois, except that a district that is certified under Section 19-1.5 as a financially distressed district may incur an indebtedness and issue bonds as evidence thereof in an amount or amounts not exceeding in the aggregate 125% of the taxes permitted to be levied for educational purposes for the then current year to be determined by multiplying the maximum educational tax rate applicable.

New matter indicated by italics - deletions by strikeout
to that school district by the last assessed valuation as determined at the
time of the issuance of the bonds plus 125% of the last known entitlement
of that district to taxes that by law now or hereafter enacted or amended
are imposed by the General Assembly to replace revenue lost by units of
local government and school districts as a result of the abolition of ad
valorem personal property taxes, pursuant to Article IX, Section 5,
paragraph (e) of the Constitution of the State of Illinois. The bonds shall
bear interest at not more than the maximum rate authorized by the Bond
Authorization Act, as amended at the time of the making of the contract, if
issued before January 1, 1972 and not more than the maximum rate
authorized by the Bond Authorization Act, as amended at the time of the
making of the contract, if issued after January 1, 1972 and shall mature
within 20 years from the date thereof. Subject to the foregoing limitations
as to amount, the bonds may be issued in an amount including existing
indebtedness which will not exceed the constitutional limitation as to debt,
notwithstanding any statutory debt limitation to the contrary. When bonds
have been issued under this Article by a school district that is certified as a
financially distressed district under Section 19-1.5, the amount of those
bonds, when and after they are issued, whether issued before or after such
certification, shall not be considered debt under any statutory debt
limitation and shall be excluded from the computation and determination
of any statutory or other debt limitation applicable to the financially
distressed district. The school board shall before or at the time of issuing
the bonds provide for the collection of a direct annual tax upon all the
taxable property within the district sufficient to pay the principal thereof at
maturity and to pay the interest thereon as it falls due, which tax shall be in
addition to the maximum amount of all other taxes, either educational;
transportation; operations and maintenance; or fire prevention and safety
fund taxes, now or hereafter authorized and in addition to any limitations
upon the levy of taxes as provided by Sections 17-2 through 17-9. The
bonds may be issued redeemable at the option of the school board of the
district issuing them on any interest payment date on or after 5 years from
date of issue.

With respect to instruments for the payment of money issued under
this Section either before, on, or after the effective date of this amendatory
Act of 1989, it is and always has been the intention of the General
Assembly (i) that the Omnibus Bond Acts are and always have been
supplementary grants of power to issue instruments in accordance with the
Omnibus Bond Acts, regardless of any provision of this Act that may
appear to be or to have been more restrictive than those Acts, (ii) that the
provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.  
(Source: P.A. 87-984; 88-641, eff. 9-9-94.)  
(105 ILCS 5/20-3) (from Ch. 122, par. 20-3)  
Sec. 20-3. Tax levy. For the purpose of providing monies for a working cash fund, the school board of any such school district may also levy annually upon all the taxable property of their district a tax, known as the "working cash fund tax," not to exceed 0.05% of value, as equalized or assessed by the Department of Revenue; provided, that: (1) no such tax shall be levied if bonds are issued in amount or amounts equal to the limitation set forth in Section 20-2 for the creation of a working cash fund. ; (2) no such tax shall be levied and extended by a school district that is not certified as a financially distressed district under Section 19-1.5 if the amount of the tax so to be extended will increase the working cash fund to a total amount exceeding 85% of the taxes last extended for educational purposes of the district plus 85% of the last known entitlement of such district to taxes as by law now or hereafter enacted or amended, imposed by the General Assembly of the State of Illinois to replace revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes, pursuant to Article IX, Section 5(c) of the Constitution of the State of Illinois; and (3) no such tax shall be levied or extended by a school district that is certified as a financially distressed district under Section 19-1.5 if the amount of the tax so to be extended will increase the working cash fund to a total amount exceeding 125% of the taxes last extended for educational purposes of the district plus 125% of the last known entitlement of that district to taxes that by law now or hereafter enacted or amended are imposed by the General Assembly to replace revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes, pursuant to Article IX, Section 5(c) of the Constitution of the State of Illinois. The collection of the tax shall not be anticipated by the issuance of any warrants drawn against it. The tax shall be levied and collected, except as otherwise provided in this Section, in like manner as the general taxes of the district, and shall be in addition to the maximum of all other taxes, either educational; transportation; operations and maintenance; or fire prevention and safety fund taxes, now or hereafter to be levied for school purposes. It may be levied by separate
resolution by the last Tuesday in September in each year or it may be included in the certificate of tax levy filed under Section 17-11.
(Source: P.A. 87-984; 88-641, eff. 9-9-94.)
(105 ILCS 5/20-5) (from Ch. 122, par. 20-5)
Sec. 20-5. Transfer to other fund. This Section shall not apply in any school district which does not operate a working cash fund.

Moneys, including interest earned from investment of the working cash fund as in this Section provided, shall be transferred from the working cash fund to another fund of the district only upon the authority of the school board which shall from time to time by separate resolution direct the school treasurer to make transfers of such sums as may be required for the purposes herein authorized.

The resolution shall set forth (a) the taxes in anticipation of which such transfer is to be made and from which the working cash fund is to be reimbursed; (b) the entire amount of taxes extended, or which the school board estimates will be extended or received, for any year in anticipation of the collection of all or part of which such transfer is to be made; (c) the aggregate amount of warrants or notes theretofore issued in anticipation of the collection of such taxes together with the amount of interest accrued and which the school board estimates will accrue thereon; (d) the aggregate amount of receipts from taxes imposed to replace revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes, pursuant to Article IX, Section 5(c) of the Constitution of the State of Illinois, which the corporate authorities estimate will be set aside for the payment of the proportionate amount of debt service and pension or retirement obligations, as required by Section 12 of the State Revenue Sharing Act; and (e) the aggregate amount of money theretofore transferred from the working cash fund to the other fund in anticipation of the collection of such taxes. The amount which any such resolution shall direct the treasurer so to transfer, in anticipation of the collection of taxes levied or to be received for any year, together with the aggregate amount of such anticipation tax warrants or notes theretofore drawn against such taxes and the amount of interest accrued and estimated to accrue thereon and the aggregate amount of such transfers to be made in anticipation of the collection of such taxes and the amount estimated to be required to satisfy debt service and pension or retirement obligations, as set forth in Section 12 of the State Revenue Sharing Act, shall not exceed 85% of the actual or estimated amount of such taxes extended or to be extended or to be received as set forth in such resolution in the case of a school district that is not certified as a

New matter indicated by italics - deletions by strikeout
financially distressed district under Section 19-1.5 or 125% of the actual or estimated amount of the taxes extended or to be extended or to be received as set forth in the resolution in the case of a district that is certified as a financially distressed district under Section 19-1.5. At any time moneys are available in the working cash fund they shall be transferred to the educational fund and disbursed for the payment of salaries and other school expenses so as to avoid, whenever possible, the issuance of anticipation tax warrants or notes.

Moneys earned as interest from the investment of the working cash fund, or any portion thereof, may be transferred from the working cash fund to another fund of the district without any requirement of repayment to the working cash fund, upon the authority of the school board by separate resolution directing the school treasurer to make such transfer and stating the purpose therefore as one herein authorized.

(Source: P.A. 87-970; 87-984; 88-1168; 88-9; 88-45; 88-641, eff. 9-9-94.)

(105 ILCS 5/17-2C rep.)
(105 ILCS 5/19-1.5 rep.)

Section 10. The School Code is amended by repealing Sections 17-2C and 19-1.5.

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 99. Effective date. This Section and the provisions changing Section 1E-25 and 1E-35 of the School Code in Section 5 take effect upon becoming law. All of the other provisions of this Act take effect July 1, 2006.

INDEX

Statutes amended in order of appearance
105 ILCS 5/1A-8 from Ch. 122, par. 1A-8
105 ILCS 5/1B-5 from Ch. 122, par. 1B-5
105 ILCS 5/1B-8 from Ch. 122, par. 1B-8
105 ILCS 5/1F-20
105 ILCS 5/1F-62
105 ILCS 5/17-1 from Ch. 122, par. 17-1
105 ILCS 5/19-1 from Ch. 122, par. 19-1
105 ILCS 5/19-8 from Ch. 122, par. 19-8

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

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

Section 5. The Education for Homeless Children Act is amended by changing Sections 1-25 and 1-30 as follows:

(105 ILCS 45/1-25)
Sec. 1-25. Ombudspersons; dispute resolution; civil actions.
(a) Each regional superintendent of schools shall appoint as an ombudsperson who is fair and impartial and familiar with the educational rights and needs of homeless children to provide resource information and resolve disputes at schools within his or her jurisdiction relating to the rights of homeless children under this Act, except in Cook County, where each school district shall designate a person to serve as ombudsperson when a dispute arises. If a school denies a homeless child enrollment or transportation, it shall immediately refer the child or his or her parent or guardian to the ombudsperson and provide the child or his or her parent or guardian with a written statement of the basis for the denial. The child shall be admitted and transported to the school chosen by the parent or guardian until final resolution of the dispute. The ombudsperson shall convene a meeting of all parties and attempt to resolve the dispute within 5 school days after receiving notice of the dispute, if possible.

(a-5) Whenever a child and his or her parent or guardian who initially share the housing of another person due to loss of housing, economic hardship, or a similar hardship continue to share the housing, a school district may, after the passage of 18 months and annually thereafter, conduct a review as to whether such hardship continues to
The district may, at the time of review, request information from the parent or guardian to reasonably establish the hardship, and sworn affidavits or declarations may be sought and provided. If, upon review, the district determines that the family no longer suffers such hardship, it may notify the family in writing and begin the process of dispute resolution as set forth in this Act. Any change required as a result of this review and determination shall be effective solely at the close of the school year. Any person who knowingly or willfully presents false information regarding the hardship of a child in any review under this subsection (a-5) shall be guilty of a Class C misdemeanor.

(b) Any party to a dispute under this Act may file a civil action in a court of competent jurisdiction to seek appropriate relief. In any civil action, a party whose rights under this Act are found to have been violated shall be entitled to recover reasonable attorney's fees and costs.

(c) If a dispute arises, the school district shall inform parents and guardians of homeless children of the availability of the ombudsperson, sources of low cost or free legal assistance, and other advocacy services in the community.

(Source: P.A. 88-634, eff. 1-1-95.)

(105 ILCS 45/1-30)

Sec. 1-30. McKinney-Vento Education for Homeless Children Act implementation and technical assistance Committee. The Homeless Children Committee is abolished on the effective date of this amendatory Act of the 94th General Assembly. The Office of the Coordinator for the Education of Homeless Children and Youth, established pursuant to the federal McKinney-Vento Homeless Assistance Act, shall convene meetings throughout the State for the purpose of providing technical assistance, education, training, and problem-solving regarding the implementation of this Act and the federal McKinney-Vento Homeless Assistance Act. These meetings shall include lead liaisons, local educational agency liaisons, educators, shelter, housing, and service providers, homeless or formerly homeless persons, advocates working with homeless families, and other persons or agencies deemed appropriate by the Coordinator. There is hereby created a Homeless Children Committee composed of 24 members, 18 of whom shall be appointed by the State Superintendent of Education after consultation with advocates for the homeless and private nonprofit organizations that advocate an end to homelessness, 2 of whom shall be members of the General Assembly appointed (one from each chamber) by the Governor, and 4 of whom shall be members of the General Assembly appointed one each by the Speaker of the House of Representatives, the
Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate. Of the 18 members appointed by the State Superintendent of Education as provided in this Section, 6 shall be homeless and formerly homeless parents or guardians, 6 shall be providers to and advocates for homeless persons, and 6 shall be school personnel from different geographic regions of the State. Members of the Committee shall serve at the pleasure of the appointing authority and a vacancy on the Committee shall be filled by the appropriate appointing authority. The Committee shall have the authority to review and modify the current and future State plans that are required under the federal Stewart B. McKinney Homeless Assistance Act.
(Source: P.A. 88-634, eff. 1-1-95.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 26, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0236  
(Senate Bill No. 1967)

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

Section 5. The Older Adult Services Act is amended by changing Section 25 as follows:

(320 ILCS 42/25)
Sec. 25. Older adult services restructuring. No later than January 1, 2005, the Department shall commence the process of restructuring the older adult services delivery system. Priority shall be given to both the expansion of services and the development of new services in priority service areas. Subject to the availability of funding, the restructuring shall include, but not be limited to, the following:

(1) Planning. The Department shall develop a plan to restructure the State's service delivery system for older adults. The plan shall include a schedule for the implementation of the initiatives outlined in this Act and all other initiatives identified by the participating agencies to fulfill the purposes of this Act. Financing for older adult services shall be based on the principle that "money follows the individual". The plan shall also

New matter indicated by italics - deletions by strikeout
identify potential impediments to delivery system restructuring and include any known regulatory or statutory barriers.

(2) Comprehensive case management. The Department shall implement a statewide system of holistic comprehensive case management. The system shall include the identification and implementation of a universal, comprehensive assessment tool to be used statewide to determine the level of functional, cognitive, socialization, and financial needs of older adults. This tool shall be supported by an electronic intake, assessment, and care planning system linked to a central location. "Comprehensive case management" includes services and coordination such as (i) comprehensive assessment of the older adult (including the physical, functional, cognitive, psycho-social, and social needs of the individual); (ii) development and implementation of a service plan with the older adult to mobilize the formal and family resources and services identified in the assessment to meet the needs of the older adult, including coordination of the resources and services with any other plans that exist for various formal services, such as hospital discharge plans, and with the information and assistance services; (iii) coordination and monitoring of formal and family service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided; (iv) periodic reassessment and revision of the status of the older adult with the older adult or, if necessary, the older adult's designated representative; and (v) in accordance with the wishes of the older adult, advocacy on behalf of the older adult for needed services or resources.

(3) Coordinated point of entry. The Department shall implement and publicize a statewide coordinated point of entry using a uniform name, identity, logo, and toll-free number.

(4) Public web site. The Department shall develop a public web site that provides links to available services, resources, and reference materials concerning caregiving, diseases, and best practices for use by professionals, older adults, and family caregivers.

(5) Expansion of older adult services. The Department shall expand older adult services that promote independence and permit older adults to remain in their own homes and communities.

(6) Consumer-directed home and community-based services. The Department shall expand the range of service options available to permit older adults to exercise maximum choice and control over their care.

(7) Comprehensive delivery system. The Department shall expand opportunities for older adults to receive services in systems that integrate acute and chronic care.

New matter indicated by italics - deletions by strikeout
(8) Enhanced transition and follow-up services. The Department shall implement a program of transition from one residential setting to another and follow-up services, regardless of residential setting, pursuant to rules with respect to (i) resident eligibility, (ii) assessment of the resident's health, cognitive, social, and financial needs, (iii) development of transition plans, and (iv) the level of services that must be available before transitioning a resident from one setting to another.

(9) Family caregiver support. The Department shall develop strategies for public and private financing of services that supplement and support family caregivers.

(10) Quality standards and quality improvement. The Department shall establish a core set of uniform quality standards for all providers that focus on outcomes and take into consideration consumer choice and satisfaction, and the Department shall require each provider to implement a continuous quality improvement process to address consumer issues. The continuous quality improvement process must benchmark performance, be person-centered and data-driven, and focus on consumer satisfaction.

(11) Workforce. The Department shall develop strategies to attract and retain a qualified and stable worker pool, provide living wages and benefits, and create a work environment that is conducive to long-term employment and career development. Resources such as grants, education, and promotion of career opportunities may be used.

(12) Coordination of services. The Department shall identify methods to better coordinate service networks to maximize resources and minimize duplication of services and ease of application.

(13) Barriers to services. The Department shall identify barriers to the provision, availability, and accessibility of services and shall implement a plan to address those barriers. The plan shall: (i) identify barriers, including but not limited to, statutory and regulatory complexity, reimbursement issues, payment issues, and labor force issues; (ii) recommend changes to State or federal laws or administrative rules or regulations; (iii) recommend application for federal waivers to improve efficiency and reduce cost and paperwork; (iv) develop innovative service delivery models; and (v) recommend application for federal or private service grants.

(14) Reimbursement and funding. The Department shall investigate and evaluate costs and payments by defining costs to implement a uniform, audited provider cost reporting system to be considered by all Departments in establishing payments. To the extent possible, multiple cost reporting mandates shall not be imposed.

New matter indicated by italics - deletions by strikeout
Medicaid nursing home cost containment and Medicare utilization. The Department of Public Aid, in collaboration with the Department on Aging and the Department of Public Health and in consultation with the Advisory Committee, shall propose a plan to contain Medicaid nursing home costs and maximize Medicare utilization. The plan must not impair the ability of an older adult to choose among available services. The plan shall include, but not be limited to, (i) techniques to maximize the use of the most cost-effective services without sacrificing quality and (ii) methods to identify and serve older adults in need of minimal services to remain independent, but who are likely to develop a need for more extensive services in the absence of those minimal services.

Bed reduction. The Department of Public Health shall implement a nursing home conversion program to reduce the number of Medicaid-certified nursing home beds in areas with excess beds. The Department of Public Aid shall investigate changes to the Medicaid nursing facility reimbursement system in order to reduce beds. Such changes may include, but are not limited to, incentive payments that will enable facilities to adjust to the restructuring and expansion of services required by the Older Adult Services Act, including adjustments for the voluntary closure or layaway of nursing home beds certified under Title XIX of the federal Social Security Act. Any savings shall be reallocated to fund home-based or community-based older adult services pursuant to Section 20.

Financing. The Department shall investigate and evaluate financing options for older adult services and shall make recommendations in the report required by Section 15 concerning the feasibility of these financing arrangements. These arrangements shall include, but are not limited to:

(A) private long-term care insurance coverage for older adult services;
(B) enhancement of federal long-term care financing initiatives;
(C) employer benefit programs such as medical savings accounts for long-term care;
(D) individual and family cost-sharing options;
(E) strategies to reduce reliance on government programs;
(F) fraudulent asset divestiture and financial planning prevention; and
(G) methods to supplement and support family and community caregiving.
(18) Older Adult Services Demonstration Grants. The Department shall implement a program of demonstration grants that will assist in the restructuring of the older adult services delivery system, and shall provide funding for innovative service delivery models and system change and integration initiatives pursuant to subsection (g) of Section 20.

(19) Bed need methodology update. For the purposes of determining areas with excess beds, the Departments shall provide information and assistance to the Health Facilities Planning Board to update the Bed Need Methodology for Long-Term Care to update the assumptions used to establish the methodology to make them consistent with modern older adult services.

(20) Affordable housing. The Departments shall utilize the recommendations of Illinois' Annual Comprehensive Housing Plan, as developed by the Affordable Housing Task Force through the Governor's Executive Order 2003-18, in their efforts to address the affordable housing needs of older adults.

(Source: P.A. 93-1031, eff. 8-27-04.)

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

Passed in the General Assembly May 18, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0237
(Senate Bill No. 2066)

AN ACT concerning employment.

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

Section 5. The Unemployment Insurance Act is amended by changing Section 1300 as follows:

(820 ILCS 405/1300) (from Ch. 48, par. 540)
Sec. 1300. Waiver or transfer of benefit rights - Partial exemption.

(A) Except as otherwise provided herein any agreement by an individual to waive, release or commute his rights under this Act shall be void.

(B) Benefits due under this Act shall not be assigned, pledged, encumbered, released or commuted and shall be exempt from all claims of creditors and from levy, execution and attachment or other remedy for recovery or collection of a debt. However, nothing in this Section shall

New matter indicated by italics - deletions by strikeout
prohibit a specified or agreed upon deduction from benefits by an individual, or a court or administrative order for withholding of income, for payment of past due child support from being enforced and collected by the Department of Public Aid on behalf of persons receiving a grant of financial aid under Article IV of the Illinois Public Aid Code, persons for whom an application has been made and approved for child support enforcement services under Section 10-1 of such Code, or persons similarly situated and receiving like services in other states. It is provided that:

(1) The aforementioned deduction of benefits and order for withholding of income apply only if appropriate arrangements have been made for reimbursement to the Director by the Department of Public Aid for any administrative costs incurred by the Director under this Section.

(2) The Director shall deduct and withhold from benefits payable under this Act, or under any arrangement for the payment of benefits entered into by the Director pursuant to the powers granted under Section 2700 of this Act, the amount specified or agreed upon. In the case of a court or administrative order for withholding of income, the Director shall withhold the amount of the order.

(3) Any amount deducted and withheld by the Director shall be paid to the Department of Public Aid or the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Public Aid, on behalf of the individual.

(4) Any amount deducted and withheld under subsection (3) shall for all purposes be treated as if it were paid to the individual as benefits and paid by such individual to the Department of Public Aid or the State Disbursement Unit in satisfaction of the individual's child support obligations.

(5) For the purpose of this Section, child support is defined as those obligations which are being enforced pursuant to a plan described in Title IV, Part D, Section 454 of the Social Security Act and approved by the Secretary of Health and Human Services.

(6) The deduction of benefits and order for withholding of income for child support shall be governed by Titles III and IV of the Social Security Act and all regulations duly promulgated thereunder.

New matter indicated by italics - deletions by strikeout
(C) Nothing in this Section prohibits an individual from voluntarily electing to have federal income tax deducted and withheld from his or her unemployment insurance benefit payments.

(1) The Director shall, at the time that an individual files his or her claim for benefits that establishes his or her benefit year, inform the individual that:
   
   (a) unemployment insurance is subject to federal, State, and local income taxes;
   
   (b) requirements exist pertaining to estimated tax payments;
   
   (c) the individual may elect to have federal income tax deducted and withheld from his or her payments of unemployment insurance in the amount specified in the federal Internal Revenue Code; and
   
   (d) the individual is permitted to change a previously elected withholding status.

(2) Amounts deducted and withheld from unemployment insurance shall remain in the unemployment fund until transferred to the federal taxing authority as a payment of income tax.

(3) The Director shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

(4) Amounts shall be deducted and withheld in accordance with the priorities established in rules promulgated by the Director.

(D) Nothing in this Section prohibits an individual from voluntarily electing to have State of Illinois income tax deducted and withheld from his or her unemployment insurance benefit payments if such deduction and withholding is provided for pursuant to rules promulgated by the Director.

(1) The individual may voluntarily elect to have State of Illinois income tax deducted and withheld from his or her unemployment insurance benefit payments, the Director shall, at the time that an individual files his or her claim for benefits that establishes his or her benefit year, in addition to providing the notice required under subsection C, inform the individual that:
   
   (a) the individual may elect to have State of Illinois income tax deducted and withheld from his or her payments of unemployment insurance in the amount specified pursuant to rules promulgated by the Director; and

New matter indicated by italics - deletions by strikeout
(b) the individual is permitted to change a previously elected withholding status.

(2) Amounts deducted and withheld from unemployment insurance shall remain in the unemployment fund until transferred to the Department of Revenue as a payment of State of Illinois income tax.

(3) Amounts shall be deducted and withheld in accordance with the priorities established in rules promulgated by the Director.

(E) Nothing in this Section prohibits the deduction and withholding of an uncollected overissuance of food stamp coupons from unemployment insurance benefits pursuant to this subsection (E).

(1) At the time that an individual files a claim for benefits that establishes his or her benefit year, that individual must disclose whether or not he or she owes an uncollected overissuance (as defined in Section 13(c)(1) of the federal Food Stamp Act of 1977) of food stamp coupons. The Director shall notify the State food stamp agency enforcing such obligation of any individual who discloses that he or she owes an uncollected overissuance of food stamp coupons and who meets the monetary eligibility requirements of subsection E of Section 500.

(2) The Director shall deduct and withhold from any unemployment insurance benefits payable to an individual who owes an uncollected overissuance of food stamp coupons:

(a) the amount specified by the individual to the Director to be deducted and withheld under this subsection (E);

(b) the amount (if any) determined pursuant to an agreement submitted to the State food stamp agency under Section 13(c)(3)(A) of the federal Food Stamp Act of 1977; or

(c) any amount otherwise required to be deducted and withheld from unemployment insurance benefits pursuant to Section 13(c)(3)(B) of the federal Food Stamp Act of 1977.

(3) Any amount deducted and withheld pursuant to this subsection (E) shall be paid by the Director to the State food stamp agency.

(4) Any amount deducted and withheld pursuant to this subsection (E) shall for all purposes be treated as if it were paid to the individual as unemployment insurance benefits and paid by the
individual to the State food stamp agency as repayment of the individual's uncollected overissuance of food stamp coupons.

(5) For purposes of this subsection (E), "unemployment insurance benefits" means any compensation payable under this Act including amounts payable by the Director pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(6) This subsection (E) applies only if arrangements have been made for reimbursement by the State food stamp agency for the administrative costs incurred by the Director under this subsection (E) which are attributable to the repayment of uncollected overissuances of food stamp coupons to the State food stamp agency,

(Source: P.A. 91-212, eff. 7-20-99; 91-712, eff. 7-1-00; 92-590, eff. 7-1-02.)

Passed in the General Assembly May 18, 2005.
Approved July 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0238
(Senate Bill No. 0233)

AN ACT concerning business.

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

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2AA as follows:

(815 ILCS 505/2AA)

Sec. 2AA. Immigration services.

(a) "Immigration matter" means any proceeding, filing, or action affecting the nonimmigrant, immigrant or citizenship status of any person that arises under immigration and naturalization law, executive order or presidential proclamation of the United States or any foreign country, or that arises under action of the United States Citizenship and Immigration Services, the United States Department of Labor, or the United States Department of State.

"Immigration assistance service" means any information or action provided or offered to customers or prospective customers related to immigration matters, excluding legal advice, recommending a specific
course of legal action, or providing any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

"Compensation" means money, property, services, promise of payment, or anything else of value.

"Employed by" means that a person is on the payroll of the employer and the employer deducts from the employee's paycheck social security and withholding taxes, or receives compensation from the employer on a commission basis or as an independent contractor.

"Reasonable costs" means actual costs or, if actual costs cannot be calculated, reasonably estimated costs of such things as photocopying, telephone calls, document requests, and filing fees for immigration forms, and other nominal costs incidental to assistance in an immigration matter.

(a-1) The General Assembly finds and declares that private individuals who assist persons with immigration matters have a significant impact on the ability of their clients to reside and work within the United States and to establish and maintain stable families and business relationships. The General Assembly further finds that that assistance and its impact also have a significant effect on the cultural, social, and economic life of the State of Illinois and thereby substantially affect the public interest. It is the intent of the General Assembly to establish rules of practice and conduct for those individuals to promote honesty and fair dealing with residents and to preserve public confidence.

(a-5) The following persons are exempt from this Section, provided they prove the exemption by a preponderance of the evidence:

(1) An attorney licensed to practice law in any state or territory of the United States, or of any foreign country when authorized by the Illinois Supreme Court, to the extent the attorney renders immigration assistance service in the course of his or her practice as an attorney.

(2) A legal intern, as described by the rules of the Illinois Supreme Court, employed by and under the direct supervision of a licensed attorney and rendering immigration assistance service in the course of the intern's employment.

(3) A not-for-profit organization recognized by the Board of Immigration Appeals under 8 C.F.R. 292.2(a) and employees of those organizations accredited under 8 C.F.R. 292.2(d).

(4) Any organization employing or desiring to employ an alien or nonimmigrant alien, where the organization, its employees or its agents provide advice or assistance in immigration matters to alien or nonimmigrant alien employees or potential employees

New matter indicated by italics - deletions by strikeout
without compensation from the individuals to whom such advice or assistance is provided.

Nothing in this Section shall regulate any business to the extent that such regulation is prohibited or preempted by State or federal law.

All other persons providing or offering to provide immigration assistance service shall be subject to this Section.

(b) Any person who provides or offers to provide immigration assistance service may perform only the following services:

(1) Completing a government agency form, requested by the customer and appropriate to the customer's needs, only if the completion of that form does not involve a legal judgment for that particular matter.

(2) Transcribing responses to a government agency form which is related to an immigration matter, but not advising a customer as to his or her answers on those forms.

(3) Translating information on forms to a customer and translating the customer's answers to questions posed on those forms.

(4) Securing for the customer supporting documents currently in existence, such as birth and marriage certificates, which may be needed to be submitted with government agency forms.

(5) Translating documents from a foreign language into English.

(6) Notarizing signatures on government agency forms, if the person performing the service is a notary public of the State of Illinois.

(7) Making referrals, without fee, to attorneys who could undertake legal representation for a person in an immigration matter.

(8) Preparing or arranging for the preparation of photographs and fingerprints.

(9) Arranging for the performance of medical testing (including X-rays and AIDS tests) and the obtaining of reports of such test results.

(10) Conducting English language and civics courses.

(11) Other services that the Attorney General determines by rule may be appropriately performed by such persons in light of the purposes of this Section.

New matter indicated by italics - deletions by strikeout
Fees for a notary public, agency, or any other person who is not an attorney or an accredited representative filling out immigration forms shall be limited to the maximum fees set forth in subsections (a) and (b) of Section 3-104 of the Notary Public Act (5 ILCS 312/3-104). The maximum fee schedule set forth in subsections (a) and (b) of Section 3-104 of the Notary Public Act shall apply to any person that provides or offers to provide immigration assistance service performing the services described therein. The Attorney General may promulgate rules establishing maximum fees that may be charged for any services not described in that subsection. The maximum fees must be reasonable in light of the costs of providing those services and the degree of professional skill required to provide the services.

No person subject to this Act shall charge fees directly or indirectly for referring an individual to an attorney or for any immigration matter not authorized by this Article, provided that a person may charge a fee for notarizing documents as permitted by the Illinois Notary Public Act.

(c) Any person performing such services shall register with the Illinois Attorney General and submit verification of malpractice insurance or of a surety bond.

(d) Except as provided otherwise in this subsection, before providing any assistance in an immigration matter a person shall provide the customer with a written contract that includes the following:

1. An explanation of the services to be performed.
2. Identification of all compensation and costs to be charged to the customer for the services to be performed.
3. A statement that documents submitted in support of an application for nonimmigrant, immigrant, or naturalization status may not be retained by the person for any purpose, including payment of compensation or costs.

This subsection does not apply to a not-for-profit organization that provides advice or assistance in immigration matters to clients without charge beyond a reasonable fee to reimburse the organization's or clinic's reasonable costs relating to providing immigration services to that client.

(e) Any person who provides or offers immigration assistance service and is not exempted from this Section, shall post signs at his or her place of business, setting forth information in English and in every other language in which the person provides or offers to provide immigration assistance service. Each language shall be on a separate sign. Signs shall be posted in a location where the signs will be visible to customers. Each
sign shall be at least 11 inches by 17 inches, and shall contain the following:

(1) The statement "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

(2) The statement "I AM NOT ACCREDITED TO REPRESENT YOU BEFORE THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE AND THE IMMIGRATION BOARD OF APPEALS."

(3) The fee schedule.

(4) The statement that "You may cancel any contract within 3 working days and get your money back for services not performed."

(5) Additional information the Attorney General may require by rule.

Every person engaged in immigration assistance service who is not an attorney who advertises immigration assistance service in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall include in the document, advertisement, stationery, letterhead, business card, or other comparable written material the following notice in English and the language in which the written communication appears. This notice shall be of a conspicuous size, if in writing, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If such advertisement is by radio or television, the statement may be modified but must include substantially the same message.

Any person who provides or offers immigration assistance service and is not exempted from this Section shall not, in any document, advertisement, stationery, letterhead, business card, or other comparable written material, literally translate from English into another language terms or titles including, but not limited to, notary public, notary, licensed, attorney, lawyer, or any other term that implies the person is an attorney. To illustrate, the words "notario" and "poder notarial" are prohibited under this provision.

If not subject to penalties under subsection (a) of Section 3-103 of the Notary Public Act (5 ILCS 312/3-103), violations of this subsection shall result in a fine of $1,000. Violations shall not preempt or preclude additional appropriate civil or criminal penalties.

New matter indicated by italics - deletions by strikeout
(f) The written contract shall be in both English and in the language of the customer.

(g) A copy of the contract shall be provided to the customer upon the customer's execution of the contract.

(h) A customer has the right to rescind a contract within 72 hours after his or her signing of the contract.

(i) Any documents identified in paragraph (3) of subsection (c) shall be returned upon demand of the customer.

(j) No person engaged in providing immigration services who is not exempted under this Section shall do any of the following:

(1) Make any statement that the person can or will obtain special favors from or has special influence with the United States Immigration and Naturalization Service or any other government agency.

(2) Retain any compensation for service not performed.

(2.5) Accept payment in exchange for providing legal advice or any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

(3) Refuse to return documents supplied by, prepared on behalf of, or paid for by the customer upon the request of the customer. These documents must be returned upon request even if there is a fee dispute between the immigration assistant and the customer.

(4) Represent or advertise, in connection with the provision assistance in immigration matters, other titles of credentials, including but not limited to "notary public" or "immigration consultant," that could cause a customer to believe that the person possesses special professional skills or is authorized to provide advice on an immigration matter; provided that a notary public appointed by the Illinois Secretary of State may use the term "notary public" if the use is accompanied by the statement that the person is not an attorney; the term "notary public" may not be translated to another language; for example "notario" is prohibited.

(5) Provide legal advice, recommend a specific course of legal action, or provide any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

(6) Make any misrepresentation of false statement, directly or indirectly, to influence, persuade, or induce patronage.

(k) (Blank)

(l) (Blank)
(m) Any person who violates any provision of this Section, or the rules and regulations issued under this Section, shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense.

Upon his own information or upon the complaint of any person, the Attorney General or any State's Attorney, or a municipality with a population of more than 1,000,000, may maintain an action for injunctive relief and also seek a civil penalty not exceeding $50,000 in the circuit court against any person who violates any provision of this Section. These remedies are in addition to, and not in substitution for, other available remedies.

If the Attorney General or any State's Attorney or a municipality with a population of more than 1,000,000 fails to bring an action as provided under this Section any person may file a civil action to enforce the provisions of this Article and maintain an action for injunctive relief, for compensatory damages to recover prohibited fees, or for such additional relief as may be appropriate to deter, prevent, or compensate for the violation. In order to deter violations of this Section, courts shall not require a showing of the traditional elements for equitable relief. A prevailing plaintiff may be awarded 3 times the prohibited fees or a minimum of $1,000 in punitive damages, attorney's fees, and costs of bringing an action under this Section. It is the express intention of the General Assembly that remedies for violation of this Section be cumulative.

(n) No unit of local government, including any home rule unit, shall have the authority to regulate immigration assistance services unless such regulations are at least as stringent as those contained in this amendatory Act of 1992. It is declared to be the law of this State, pursuant to paragraph (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that this amendatory Act of 1992 is a limitation on the authority of a home rule unit to exercise powers concurrently with the State. The limitations of this Section do not apply to a home rule unit that has, prior to the effective date of this amendatory Act, adopted an ordinance regulating immigration assistance services.

(o) This Section is severable under Section 1.31 of the Statute on Statutes.

(p) The Attorney General shall issue rules not inconsistent with this Section for the implementation, administration, and enforcement of this Section by January 1, 1995. The rules may provide for the following:

New matter indicated by italics - deletions by strikeout
(1) The content, print size, and print style of the signs required under subsection (e). Print sizes and styles may vary from language to language.

(2) Standard forms for use in the administration of this Section.

(3) Any additional requirements deemed necessary.

(Source: P.A. 93-1001, eff. 8-23-04.)

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

Passed in the General Assembly May 19, 2005.
Approved July 14, 2005.
Effective July 14, 2005.

PUBLIC ACT 94-0239
(House Bill No. 1565)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Identification Card Act is amended by changing Section 14 as follows:

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

New matter indicated by italics - deletions by strikeout
7. To knowingly possess, use, or allow to be used a stolen identification card making implement.

(a-1) It is a violation of this Section for any person to possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the reading of encrypted language from the bar code or magnetic strip of an official Illinois Identification Card or Illinois Disabled Person Identification Card issued by the Secretary of State. This subsection (a-1) does not apply if a federal or State law, rule, or regulation requires that the card holder's address be recorded in specified transactions or if the encrypted information is obtained for the detection or possible prosecution of criminal offenses or fraud. If the address information is obtained under this subsection (a-1), it may be used only for the purposes authorized by this subsection (a-1).

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

(b) Sentence.

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

2. A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 felony.

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

(Source: P.A. 93-667, eff. 3-19-04; 93-895, eff. 1-1-05; revised 10-25-04.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 3-113, 3-401, 3-412, 3-416, 3-704, 3-802, 3-803, 3-818, 6-107, 6-301.2, 7-315, 7-318, 7-503, and 12-603.1 as follows:

(625 ILCS 5/3-113) (from Ch. 95 1/2, par. 3-113)
Sec. 3-113. Transfer to or from dealer; records.
(a) After a dealer buys a vehicle and holds it for resale, the dealer must procure and procure the certificate of title from the owner or the lienholder. The dealer may hold the certificate until he or she transfers the

New matter indicated by italics - deletions by strikeout
vehicle to another person. Within 10 days after delivery to him of the vehicle, he need not send the certificate to the Secretary of State but, upon transferring the vehicle to another person, the dealer other than by the creation of a security interest, shall promptly and within 20 days execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale, in the spaces provided therefor on the certificate or as the Secretary of State prescribes, and mail or deliver the certificate to the Secretary of State with the transferee's application for a new certificate, except as provided in Section 3-117.2.

(b) The Secretary of State may decline to process any application for a transfer of an interest in a vehicle if any fees or taxes due under this Code from the transferor or the transferee have not been paid upon reasonable notice and demand.

(c) Any person who violates this Section shall be guilty of a petty offense.

(Source: P.A. 86-820; 87-1225.)

(625 ILCS 5/3-401) (from Ch. 95 1/2, par. 3-401)
Sec. 3-401. Effect of provisions.

(a) It shall be unlawful for any person to violate any provision of this Chapter or to drive or move or for an owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered hereunder which is not registered or for which the appropriate fee has not been paid when and as required hereunder, except that when application accompanied by proper fee has been made for registration of a vehicle it may be operated temporarily pending complete registration upon displaying a duplicate application duly verified or other evidence of such application or otherwise under rules and regulations promulgated by the Secretary of State.

(b) The appropriate fees required to be paid under the various provisions of this Act for registration of vehicles shall mean the fee or fees which would have been paid initially, if proper and timely application had been made to the Secretary of State for the appropriate registration required, whether such registration be a flat weight registration, a single trip permit, a reciprocity permit or a supplemental application to an original prorate application together with payment of fees due under the supplemental application for prorate decals.

(c) Effective October 1, 1984, no vehicle required to pay a Federal Highway Users Tax shall be registered unless proof of payment, in a form prescribed and approved by the Secretary of State, is submitted with the

New matter indicated by italics - deletions by strikeout
appropriate registration. Notwithstanding any other provision of this Code, failure of the applicant to comply with this paragraph shall be deemed grounds for the Secretary to refuse registration.

(c-1) A vehicle may not be registered by the Secretary of State unless that vehicle:

1. was originally manufactured for operation on highways;
2. is a modification of a vehicle that was originally manufactured for operation on highways; or
3. was assembled from component parts designed for use in vehicles to be operated on highways.

(d) Second division vehicles.

1. A vehicle of the second division moved or operated within this State shall have had paid for it the appropriate registration fees and flat weight tax, as evidenced by the Illinois registration issued for that vehicle, for the gross weight of the vehicle and load being operated or moved within this State. Second division vehicles of foreign jurisdictions operated within this State under a single trip permit, fleet reciprocity plan, prorate registration plan, or apportional registration plan, instead of second division vehicle registration under Article VIII of this Chapter, must have had paid for it the appropriate registration fees and flat weight tax in the base jurisdiction of that vehicle, as evidenced by the maximum gross weight shown on the foreign registration cards, plus any appropriate fees required under this Code.

2. If a vehicle and load are operated in this State and the appropriate fees and taxes have not been paid or the vehicle and load exceed the registered gross weight for which the required fees and taxes have been paid by 2001 pounds or more, the operator or owner shall be fined as provided in Section 15-113 of this Code. However, an owner or operator shall not be subject to arrest under this subsection for any weight in excess of 80,000 pounds. Further, for any unregistered vehicle or vehicle displaying expired registration, no fine shall exceed the actual cost of what the appropriate registration for that vehicle and load should have been as established in subsection (a) of Section 3-815 of this Chapter regardless of the route traveled.

3. Any person operating a legal combination of vehicles displaying valid registration shall not be considered in violation of the registration provision of this subsection unless the total gross
weight of the combination exceeds the total licensed weight of the vehicles in the combination. The gross weight of a vehicle exempt from the registration requirements of this Chapter shall not be included when determining the total gross weight of vehicles in combination.

(4) If the defendant claims that he or she had previously paid the appropriate Illinois registration fees and taxes for this vehicle before the alleged violation, the defendant shall have the burden of proving the existence of the payment by competent evidence. Proof of proper Illinois registration issued by the Secretary of State, or the appropriate registration authority from the foreign state, shall be the only competent evidence of payment.

(Source: P.A. 88-476; 89-245, eff. 1-1-96.)
(625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)
Sec. 3-412. Registration plates and registration stickers to be furnished by the Secretary of State.

(a) The Secretary of State upon registering a vehicle subject to annual registration for the first time shall issue or shall cause to be issued to the owner one registration plate for a motorcycle, trailer, semitrailer, motorized pedalcycle or truck-tractor, 2 registration plates for other motor vehicles and, where applicable, current registration stickers for motor vehicles of the first division. The provisions of this Section may be made applicable to such vehicles of the second division, as the Secretary of State may, from time to time, in his discretion designate. On subsequent annual registrations during the term of the registration plate as provided in Section 3-414.1, the Secretary shall issue or cause to be issued registration stickers as evidence of current registration. However, the issuance of annual registration stickers to vehicles registered under the provisions of Sections 3-402.1 and 3-405.3 of this Code may not be required if the Secretary deems the issuance unnecessary.

(b) Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of this State, which may be abbreviated, the year number for which it was issued, which may be abbreviated, the phrase "Land of Lincoln" (except as otherwise provided in this Code Chapter 3), and such other letters or numbers as the Secretary may prescribe. However, for apportionment plates issued to vehicles registered under Section 3-402.1 and fleet plates issued to vehicles registered under Section 3-405.3, the phrase "Land of Lincoln" may be omitted to allow for the word "apportioned", the word "fleet", or other similar language to be displayed. Registration plates
issued to a vehicle registered as a fleet vehicle may display a designation determined by the Secretary.

The Secretary may in his discretion prescribe that letters be used as prefixes only on registration plates issued to vehicles of the first division which are registered under this Code and only as suffixes on registration plates issued to other vehicles. Every registration sticker issued as evidence of current registration shall designate the year number for which it is issued and such other letters or numbers as the Secretary may prescribe and shall be of a contrasting color with the registration plates and registration stickers of the previous year.

(c) Each registration plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight, and shall be coated with reflectorizing material. The dimensions of the plate issued to vehicles of the first division shall be 6 by 12 inches.

(d) The Secretary of State shall issue for every passenger motor vehicle rented without a driver the same type of registration plates as the type of plates issued for a private passenger vehicle.

(e) The Secretary of State shall issue for every passenger car used as a taxicab or livery, distinctive registration plates.

(f) The Secretary of State shall issue for every motorcycle distinctive registration plates distinguishing between motorcycles having 150 or more cubic centimeters piston displacement, or having less than 150 cubic centimeter piston displacement.

(g) Registration plates issued to vehicles for-hire may display a designation as determined by the Secretary that such vehicles are for-hire.

(h) The Secretary of State shall issue for each electric vehicle distinctive registration plates for electric vehicles which shall distinguish between electric vehicles having a maximum operating speed of 45 miles per hour or more and those having a maximum operating speed of less than 45 miles per hour.

(i) The Secretary of State shall issue for every public and private ambulance registration plates identifying the vehicle as an ambulance. The Secretary shall forward to the Department of Public Aid registration information for the purpose of verification of claims filed with the Department by ambulance owners for payment for services to public assistance recipients.

(j) The Secretary of State shall issue for every public and private medical carrier or rescue vehicle livery registration plates displaying numbers within ranges of numbers reserved respectively for medical

New matter indicated by italics - deletions by strikeout
carriers and rescue vehicles. The Secretary shall forward to the Department of Public Aid registration information for the purpose of verification of claims filed with the Department by owners of medical carriers or rescue vehicles for payment for services to public assistance recipients.

(Source: P.A. 92-629, eff. 7-1-03; 92-651, eff. 7-11-02; revised 9-27-03.)

(625 ILCS 5/3-416) (from Ch. 95 1/2, par. 3-416)

Sec. 3-416. Notice of change of address or name.

(a) Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named in the application or shown upon a registration card or certificate of title such person shall within 10 days thereafter notify the Secretary of State in writing of his or her old and new address.

(a-5) A police officer, a deputy sheriff, an elected sheriff, a law enforcement officer for the Department of State Police, or a fire investigator who, in accordance with Section 3-405, has furnished the address of the office of the headquarters of the governmental entity or police district where he or she works instead of his or her residence address shall, within 10 days after he or she is no longer employed by that governmental entity or police district as a police officer, a deputy sheriff, an elected sheriff, a law enforcement officer for the Department of State Police or a fire investigator, notify the Secretary of State of the old address and his or her new address. If, in accordance with Section 3-405, the spouse and children of a police officer, deputy sheriff, elected sheriff, a law enforcement officer for the Department of State Police, or fire investigator have furnished the address of the office of the headquarters of the governmental entity or police district where the police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator works instead of their residence address, the spouse and children shall notify the Secretary of State of their old address and new address within 10 days after the police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator is no longer employed by that governmental entity or police district as a police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator.

(b) Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter changed by marriage or otherwise such person shall within 10 days notify the Secretary of State of such former and new name.

New matter indicated by italics - deletions by strikeout
(c) In either event, any such person may obtain a corrected registration card or certificate of title upon application and payment of the statutory fee.
(Source: P.A. 91-575, eff. 8-14-99.)
(625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)
Sec. 3-704. Authority of Secretary of State to suspend or revoke a registration or certificate of title; authority to suspend or revoke the registration of a vehicle.
(a) The Secretary of State may suspend or revoke the registration of a vehicle or a certificate of title, registration card, registration sticker, registration plate, person with disabilities parking decal or device, or any nonresident or other permit in any of the following events:
   1. When the Secretary of State is satisfied that such registration or that such certificate, card, plate, registration sticker or permit was fraudulently or erroneously issued;
   2. When a registered vehicle has been dismantled or wrecked or is not properly equipped;
   3. When the Secretary of State determines that any required fees have not been paid to either the Secretary of State, to or the Illinois Commerce Commission, or to the Illinois Department of Revenue under the Motor Fuel Tax Law, and the same are not paid upon reasonable notice and demand;
   4. When a registration card, registration plate, registration sticker or permit is knowingly displayed upon a vehicle other than the one for which issued;
   5. When the Secretary of State determines that the owner has committed any offense under this Chapter involving the registration or the certificate, card, plate, registration sticker or permit to be suspended or revoked;
   6. When the Secretary of State determines that a vehicle registered not-for-hire is used or operated for-hire unlawfully, or used or operated for purposes other than those authorized;
   7. When the Secretary of State determines that an owner of a for-hire motor vehicle has failed to give proof of financial responsibility as required by this Act;
   8. When the Secretary determines that the vehicle is not subject to or eligible for a registration;
   9. When the Secretary determines that the owner of a vehicle registered under the mileage weight tax option fails to maintain the records specified by law, or fails to file the reports

New matter indicated by italics - deletions by strikeout
required by law, or that such vehicle is not equipped with an operable and operating speedometer or odometer;

10. When the Secretary of State is so authorized under any other provision of law;

11. When the Secretary of State determines that the holder of a person with disabilities parking decal or device has committed any offense under Chapter 11 of this Code involving the use of a person with disabilities parking decal or device.

(b) The Secretary of State may suspend or revoke the registration of a vehicle as follows:

1. When the Secretary of State determines that the owner of a vehicle has not paid a civil penalty or a settlement agreement arising from the violation of rules adopted under the Illinois Motor Carrier Safety Law or the Illinois Hazardous Materials Transportation Act or that a vehicle, regardless of ownership, was the subject of violations of these rules that resulted in a civil penalty or settlement agreement which remains unpaid.

2. When the Secretary of State determines that a vehicle registered for a gross weight of more than 16,000 pounds within an affected area is not in compliance with the provisions of Section 13-109.1 of the Illinois Vehicle Code.

(Source: P.A. 92-437, eff. 8-17-01.)

(625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

Sec. 3-802. Reclassifications and upgrades.

(a) Definitions. For the purposes of this Section, the following words shall have the meanings ascribed to them as follows:

"Reclassification" means changing the registration of a vehicle from one plate category to another.

"Upgrade" means increasing the registered weight of a vehicle within the same plate category.

(b) When reclassing the registration of a vehicle from one plate category to another, the owner shall receive credit for the unused portion of the present plate and be charged the current portion fees for the new plate. In addition, the appropriate replacement plate and replacement sticker fees shall be assessed.

(c) When upgrading the weight of a registration within the same plate category, the owner shall pay the difference in current period fees between the two plates. In addition, the appropriate replacement plate and replacement sticker fees shall be assessed. In the event new plates are not required, the corrected registration card fee shall be assessed.

New matter indicated by italics - deletions by strikeout
(d) In the event the owner of the vehicle desires to change the registered weight and change the plate category, the owner shall receive credit for the unused portion of the registration fee of the current plate and pay the current portion of the registration fee for the new plate, and in addition, pay the appropriate replacement plate and replacement sticker fees.

(e) Reclassing from one plate category to another plate category can be done only once within any registration period.

(f) No refunds shall be made in any of the circumstances found in subsection (b), subsection (c), or subsection (d); however, when reclassing from a flat weight rate plate to an apportioned plate, a refund may be issued if the applicant was issued the wrong plate originally and the credit amounts to an overpayment.

(g) In the event the registration of a vehicle registered under the mileage tax option is revoked, the owner shall be required to pay the annual registration fee in the new plate category and shall not receive any credit for the mileage plate fees.

(h) Certain special interest plates may be displayed on first division vehicles, second division vehicles weighing 8,000 pounds or less, and recreational vehicles. Those plates can be transferred within those vehicle groups.

(i) Plates displayed on second division vehicles weighing 8,000 pounds or less and passenger vehicle plates may be reclassed from one division to the other.

(j) Other than in subsection (i), reclassing from one division to the other division is prohibited. In addition, a reclass from a motor vehicle to a trailer or a trailer to a motor vehicle is prohibited.

(Source: P.A. 93-365, eff. 7-24-03.)

(625 ILCS 5/3-803) (from Ch. 95 1/2, par. 3-803)
Sec. 3-803. Reductions.

(a) Reduction of fees and taxes prescribed in this Chapter shall be applicable only to vehicles newly-acquired by the owner after the beginning of a registration period or which become subject to registration after the beginning of a registration period as specified in this Act. The Secretary of State may deny a reduction as to any vehicle operated in this State without being properly and timely registered in Illinois under this Chapter, of a vehicle in violation of any provision of this Chapter, or upon detection of such violation by an audit, or upon determining that such vehicle was operated in Illinois before such violation. Bond or other security in the proper amount may be required by the Secretary of State.
while the matter is under investigation. Reductions shall be granted if a person becomes the owner after the dates specified or if a vehicle becomes subject to registration under this Act, as amended, after the dates specified.

(b) Vehicles of the First Division. The annual fees and taxes prescribed by Section 3-806 shall be reduced by 50% on and after June 15, except as provided in Sections 3-414 and 3-802 of this Act.

(c) Vehicles of the Second Division. The annual fees and taxes prescribed by Sections 3-402, 3-402.1, 3-815 and 3-819 and paid on a calendar year for such vehicles shall be reduced on a quarterly basis if the vehicle becomes subject to registration on and after March 31, June 30 or September 30. Where such fees and taxes are payable on a fiscal year basis, they shall be reduced on a quarterly basis on and after September 30, December 31 or March 31.

(d) Two-year Registrations. The fees and taxes prescribed by Section 3-808 for 2-year registrations shall not be reduced in any event. However, the fees and taxes prescribed for all other 2-year registrations by this Act, shall be reduced as follows:
By 25% on and after June 15;
By 50% on and after December 15;
By 75% on and after the next ensuing June 15.

(e) The registration fees and taxes imposed upon certain vehicles shall not be reduced by any amount in any event in the following instances:

- Permits under Sections 3-403 and 3-811;
- Municipal Buses under Section 3-807;
- Governmental or charitable vehicles under Section 3-808;
- Farm Machinery under Section 3-809;
- Soil and conservation equipment under Section 3-809.1;
- Special Plates under Section 3-810;
- Permanently mounted equipment under Section 3-812;
- Registration fee under Section 3-813;
- Semitrailer fees under Section 3-814;
- Farm trucks under Section 3-815;
- Mileage weight tax option under Section 3-818;
- Farm trailers under Section 3-819;
- Duplicate plates under Section 3-820;
- Fees under Section 3-821;
- Security Fees under Section 3-822;
- Search Fees under Section 3-823.

New matter indicated by italics - deletions by strikeout
(f) The reductions provided for shall not apply to any vehicle of the first or second division registered by the same applicant in the prior registration year.

The changes to this Section made by Public Act 84-210 take effect with the 1986 Calendar Registration Year.

(g) Reductions shall in no event result in payment of a fee or tax less than $6, and the Secretary of State shall promulgate schedules of fees reflecting applicable reductions. Where any reduced amount is not stated in full dollars, the Secretary of State may adjust the amount due to the nearest full dollar amount.

(h) The reductions provided for in subsections (a) through (g) of this Section shall not apply to those vehicles of the first or second division registered on a staggered registration basis.

(i) A vehicle which becomes subject to registration during the last month of the current registration year is exempt from any applicable reduced fourth quarter or second semiannual registration fee, and may register for the subsequent registration year as its initial registration. This subsection does not include those apportioned and prorated fees under Sections 3-402 and 3-402.1 of this Code.

(Source: P.A. 84-1311; revised 2-25-02.)

(625 ILCS 5/3-818) (from Ch. 95 1/2, par. 3-818)

Sec. 3-818. (a) Mileage weight tax option. Any owner of a vehicle of the second division may elect to pay a mileage weight tax for such vehicle in lieu of the flat weight tax set out in Section 3-815. Such election shall be binding to the end of the registration year. Renewal of this election must be filed with the Secretary of State on or before July 1 of each registration period. In such event the owner shall, at the time of making such election, pay the $10 registration fee and the minimum guaranteed mileage weight tax, as hereinafter provided, which payment shall permit the owner to operate that vehicle the maximum mileage in this State hereinafter set forth. Any vehicle being operated on mileage plates cannot be operated outside of this State. In addition thereto, the owner of that vehicle shall pay a mileage weight tax at the following rates for each mile traveled in this State in excess of the maximum mileage provided under the minimum guaranteed basis:

<table>
<thead>
<tr>
<th>BUS, TRUCK OR TRUCK TRACTOR</th>
<th>Maximum Mileage Weight Tax Guaranteed</th>
<th>Permitted for Mileage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Mileage</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Gross Weight</th>
<th>Vehicle and Weight</th>
<th>Guaranteed Mileage</th>
<th>Guaranteed Weight</th>
<th>Under</th>
<th>in excess of</th>
<th>Guaranteed Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>12,000 lbs. or less</td>
<td>MD</td>
<td>$73</td>
<td>5,000</td>
<td>26 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12,001 to 16,000 lbs.</td>
<td>MF</td>
<td>120</td>
<td>6,000</td>
<td>34 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16,001 to 20,000 lbs.</td>
<td>MG</td>
<td>180</td>
<td>6,000</td>
<td>46 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20,001 to 24,000 lbs.</td>
<td>MH</td>
<td>235</td>
<td>6,000</td>
<td>63 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24,001 to 28,000 lbs.</td>
<td>MJ</td>
<td>315</td>
<td>7,000</td>
<td>63 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28,001 to 32,000 lbs.</td>
<td>MK</td>
<td>385</td>
<td>7,000</td>
<td>83 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32,001 to 36,000 lbs.</td>
<td>ML</td>
<td>485</td>
<td>7,000</td>
<td>99 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36,001 to 40,000 lbs.</td>
<td>MN</td>
<td>615</td>
<td>7,000</td>
<td>128 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40,001 to 45,000 lbs.</td>
<td>MP</td>
<td>695</td>
<td>7,000</td>
<td>139 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45,001 to 54,999 lbs.</td>
<td>MR</td>
<td>853</td>
<td>7,000</td>
<td>156 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55,000 to 59,500 lbs.</td>
<td>MS</td>
<td>920</td>
<td>7,000</td>
<td>178 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>59,501 to 64,000 lbs.</td>
<td>MT</td>
<td>985</td>
<td>7,000</td>
<td>195 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>64,001 to 73,280 lbs.</td>
<td>MV</td>
<td>1,173</td>
<td>7,000</td>
<td>25 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>73,281 to 77,000 lbs.</td>
<td>MX</td>
<td>1,328</td>
<td>7,000</td>
<td>258 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>77,001 to 80,000 lbs.</td>
<td>MZ</td>
<td>1,415</td>
<td>7,000</td>
<td>275 Mills</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TRAILER

<table>
<thead>
<tr>
<th>Gross Weight</th>
<th>Vehicle and Weight</th>
<th>Guaranteed Mileage</th>
<th>Guaranteed Weight</th>
<th>Under</th>
<th>in excess of</th>
<th>Guaranteed Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>14,000 lbs. or less</td>
<td>ME</td>
<td>$75</td>
<td>5,000</td>
<td>31 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14,001 to 20,000 lbs.</td>
<td>MF</td>
<td>135</td>
<td>6,000</td>
<td>36 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20,001 to 36,000 lbs.</td>
<td>ML</td>
<td>540</td>
<td>7,000</td>
<td>103 Mills</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36,001 to 40,000 lbs.</td>
<td>MM</td>
<td>750</td>
<td>7,000</td>
<td>150 Mills</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(a-1) A Special Hauling Vehicle is a vehicle or combination of vehicles of the second division registered under Section 3-813 transporting asphalt or concrete in the plastic state or a vehicle or combination of vehicles that are subject to the gross weight limitations in subsection (b) of Section 15-111 for which the owner of the vehicle or combination of vehicles has elected to pay, in addition to the registration fee in subsection (a), $125 to the Secretary of State for each registration year. The Secretary shall designate this class of vehicle as a Special Hauling Vehicle.
In preparing rate schedules on registration applications, the Secretary of State shall add to the above rates, the $10 registration fee. The Secretary may decline to accept any renewal filed after July 1st.

The number of axles necessary to carry the maximum load provided shall be determined from Chapter 15 of this Code.

Every owner of a second division motor vehicle for which he has elected to pay a mileage weight tax shall keep a daily record upon forms prescribed by the Secretary of State, showing the mileage covered by that vehicle in this State. Such record shall contain the license number of the vehicle and the miles traveled by the vehicle in this State for each day of the calendar month. Such owner shall also maintain records of fuel consumed by each such motor vehicle and fuel purchases therefor. On or before the 10th day of January and July the owner shall certify to the Secretary of State upon forms prescribed therefor, summaries of his daily records which shall show the miles traveled by the vehicle in this State during the preceding 12 months and such other information as the Secretary of State may require. The daily record and fuel records shall be filed, preserved and available for audit for a period of 3 years. Any owner filing a return hereunder shall certify that such return is a true, correct and complete return. Any person who willfully makes a false return hereunder is guilty of perjury and shall be punished in the same manner and to the same extent as is provided therefor.

At the time of filing his return, each owner shall pay to the Secretary of State the proper amount of tax at the rate herein imposed.

Every owner of a vehicle of the second division who elects to pay on a mileage weight tax basis and who operates the vehicle within this State, shall file with the Secretary of State a bond in the amount of $500. The bond shall be in a form approved by the Secretary of State and with a surety company approved by the Illinois Department of Insurance to transact business in this State as surety, and shall be conditioned upon such applicant's paying to the State of Illinois all money becoming due by reason of the operation of the second division vehicle in this State, together with all penalties and interest thereon.

Upon notice from the Secretary that the registrant has failed to pay the excess mileage fees, the surety shall immediately pay the fees together with any penalties and interest thereon in an amount not to exceed the limits of the bond.

(Source: P.A. 91-37, eff. 7-1-99; 91-499, eff. 8-13-99; 92-16, eff. 6-28-01.)

(625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

New matter indicated by italics - deletions by strikeout
Sec. 6-107. Graduated license.

(a) The purpose of the Graduated Licensing Program is to develop safe and mature driving habits in young, inexperienced drivers and reduce or prevent motor vehicle accidents, fatalities, and injuries by:

1. providing for an increase in the time of practice period before granting permission to obtain a driver's license;
2. strengthening driver licensing and testing standards for persons under the age of 21 years;
3. sanctioning driving privileges of drivers under age 21 who have committed serious traffic violations or other specified offenses; and
4. setting stricter standards to promote the public's health and safety.

(b) The application of any person under the age of 18 years, and not legally emancipated by marriage, for a driver's license or permit to operate a motor vehicle issued under the laws of this State, shall be accompanied by the written consent of either parent of the applicant; otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult.

No graduated driver's license shall be issued to any applicant under 18 years of age, unless the applicant is at least 16 years of age and has:

1. Held a valid instruction permit for a minimum of 3 months.
2. Passed an approved driver education course and submits proof of having passed the course as may be required.
3. Certification by the parent, legal guardian, or responsible adult that the applicant has had a minimum of 25 hours of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle.

(c) No graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101 of this Code and no graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of this Code or who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act or the Illinois Controlled Substances Act, while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10

New matter indicated by italics - deletions by strikeout
of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such.

(d) No graduated driver's license shall be issued for 6 months to any applicant under the age of 18 years who has been convicted of any offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance.

(e) No graduated driver's license holder under the age of 18 years shall operate any motor vehicle, except a motor driven cycle or motorcycle, with more than one passenger in the front seat of the motor vehicle and no more passengers in the back seats than the number of available seat safety belts as set forth in Section 12-603 of this Code.

(f) No graduated driver's license holder under the age of 18 shall operate a motor vehicle unless each driver and passenger under the age of 18 is wearing a properly adjusted and fastened seat safety belt and each child under the age of 8 is protected as required under the Child Passenger Protection Act.

(g) If a graduated driver's license holder is under the age of 18 when he or she receives the license, for the first 6 months he or she holds the license or until he or she reaches the age of 18, whichever occurs sooner, the graduated license holder may not operate a motor vehicle with more than one passenger in the vehicle who is under the age of 20, unless any additional passenger or passengers are siblings, step-siblings, children, or stepchildren of the driver.

(Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05.)

(625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)

Sec. 6-301.2. Fraudulent driver's license or permit.

(a) (Blank).

(b) It is a violation of this Section for any person:

1. To knowingly possess any fraudulent driver's license or permit;

2. To knowingly possess, display or cause to be displayed any fraudulent driver's license or permit for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment;

New matter indicated by italics - deletions by strikeout
3. To knowingly possess any fraudulent driver's license or permit with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction;

4. To knowingly possess any fraudulent driver's license or permit with the intent to commit any other violation of any laws of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided;

5. To knowingly possess any fraudulent driver's license or permit while in unauthorized possession of any document, instrument or device capable of defrauding another;

6. To knowingly possess any fraudulent driver's license or permit with the intent to use the license or permit to acquire any other identification document;

7. To knowingly possess without authority any driver's license-making or permit-making implement;

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

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

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

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

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

(b-1) It is a violation of this Section for any person to possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the reading of encrypted language from

New matter indicated by italics - deletions by strikeout
the bar code or magnetic strip of an official Illinois Identification Card or Illinois Disabled Person Identification Card issued by the Secretary of State. This subsection (b-1) does not apply if a federal or State law, rule, or regulation requires that the card holder's address be recorded in specified transactions or if the encrypted information is obtained for the detection or possible prosecution of criminal offenses or fraud. If the address information is obtained under this subsection (b-1), it may be used only for the purposes authorized by this subsection (b-1).

(c) Sentence.

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

2. Any person convicted of a violation of any of paragraphs 2 through 9 or paragraph 11 or 12 of subsection (b) of this Section or a violation of subsection (b-1) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony.

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

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

(e) The Secretary may request the Attorney General to seek a restraining order in the circuit court against any person who violates this Section by advertising fraudulent driver's licenses or permits.

(Source: P.A. 92-673, eff. 1-1-03; 93-667, eff. 3-19-04; 93-895, eff. 1-1-05.)

(625 ILCS 5/7-315) (from Ch. 95 1/2, par. 7-315)
Sec. 7-315. A certificate of insurance proof.

(a) Proof of financial responsibility may be made by filing with the Secretary of State the written or electronic certificate of any insurance carrier duly authorized to do business in this State, certifying that it has issued to or for the benefit of the person furnishing such proof and named as the insured in a motor vehicle liability policy, a motor vehicle liability policy or policies or in certain events an operator's policy meeting the requirements of this Code and that said policy or policies are then in full

New matter indicated by italics - deletions by strikeout
force and effect. *All written or electronic certificates must be submitted in a manner satisfactory to the Secretary of State.*

(b) Such certificate or certificates shall give the dates of issuance and expiration of such policy or policies and certify that the same shall not be canceled unless 15 days' prior written or electronic notice thereof be given to the Secretary of State and shall explicitly describe all motor vehicles covered thereby unless the policy or policies are issued to a person who is not the owner of a motor vehicle.

(c) The Secretary of State shall not accept any certificate or certificates unless the same shall cover all motor vehicles then registered in this State in the name of the person furnishing such proof as owner and an additional certificate or certificates shall be required as a condition precedent to the subsequent registration of any motor vehicle or motor vehicles in the name of the person giving such proof as owner.

(Source: P.A. 90-774, eff. 8-14-98.)

(625 ILCS 5/7-318) (from Ch. 95 1/2, par. 7-318)

Sec. 7-318. Notice of Cancellation or Termination of Certified Policy. When an insurance carrier has certified a motor vehicle liability policy or policies under this Act, it shall notify the Secretary of State of any cancellation by mailing a written or electronic notice at least 15 days prior to cancellation of such policy and the policy shall continue in full force and effect until the date of cancellation specified in such notice or until its expiration, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any vehicle designated in both certificates. *All written or electronic certificates must be submitted in a manner satisfactory to the Secretary of State.*

(Source: P.A. 86-549.)

(625 ILCS 5/7-503) (from Ch. 95 1/2, par. 7-503)

Sec. 7-503. Unclaimed Security Deposits.

During July, annually, the Secretary shall compile a list of all securities on deposit, pursuant to this Article, for more than 3 years and concerning which he has received no notice as to the pendency of any judicial proceeding that could affect the disposition thereof. Thereupon, he shall promptly send a notice by certified mail to the last known address of each depositor advising him that his deposit will be subject to escheat to the State of Illinois if not claimed within 30 days after the mailing date of such notice. At the expiration of such time, the Secretary of State shall file with the State Treasurer an order directing the transfer of such deposit to the general revenue fund in the State Treasury. Upon receipt of such order,

*New matter indicated by italics - deletions by strikeout*
the State Treasurer shall make such transfer, after converting to cash any other type of security. Thereafter any person having a legal claim against such deposit may enforce it by appropriate proceedings in the Court of Claims subject to the limitations prescribed for such Court. At the expiration of such limitation period such deposit shall escheat to the State of Illinois.

(Source: P.A. 76-1586.)

(625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

Sec. 12-603.1. Driver and passenger required to use safety belts, exceptions and penalty.

(a) Each driver and front seat passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt; except that, a child less than 8 ½ years of age shall be protected as required pursuant to the Child Passenger Protection Act. Each driver under the age of 18 years and each of the driver's passengers under the age of 18 years of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt. Each driver of a motor vehicle transporting a child 8 ½ years of age or more, but less than 16 years of age, in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened seat safety belt as required under the Child Passenger Protection Act.

(b) Paragraph (a) shall not apply to any of the following:

1. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour.
2. A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt.
3. A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or country indicating that the driver is unable for medical, physical, or other valid reasons to wear a seat safety belt.
4. A driver operating a motor vehicle in reverse.
5. A motor vehicle with a model year prior to 1965.
6. A motorcycle or motor driven cycle.
7. A motorized pedalcycle.
8. A motor vehicle which is not required to be equipped with seat safety belts under federal law.
9. A motor vehicle operated by a rural letter carrier of the United States postal service while performing duties as a rural letter carrier.

   (c) Failure to wear a seat safety belt in violation of this Section shall not be considered evidence of negligence, shall not limit the liability of an insurer, and shall not diminish any recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

   (d) A violation of this Section shall be a petty offense and subject to a fine not to exceed $25.

   (e) (Blank).

   (f) A law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this Section.

(Source: P.A. 93-99, eff. 7-3-03.)

(625 ILCS 5/3-822 rep.) (from Ch. 95 1/2, par. 3-822)

Section 15. The Illinois Vehicle Code is amended by repealing Section 3-822.

INDEX
Statutes amended in order of appearance
15 ILCS 335/14 from Ch. 124, par. 34
625 ILCS 5/3-113 from Ch. 95 1/2, par. 3-113
625 ILCS 5/3-401 from Ch. 95 1/2, par. 3-401
625 ILCS 5/3-412 from Ch. 95 1/2, par. 3-412
625 ILCS 5/3-416 from Ch. 95 1/2, par. 3-416
625 ILCS 5/3-704 from Ch. 95 1/2, par. 3-704
625 ILCS 5/3-802 from Ch. 95 1/2, par. 3-802
625 ILCS 5/3-803 from Ch. 95 1/2, par. 3-803
625 ILCS 5/3-818 from Ch. 95 1/2, par. 3-818
625 ILCS 5/6-107 from Ch. 95 1/2, par. 6-107
625 ILCS 5/6-301.2 from Ch. 95 1/2, par. 6-301.2
625 ILCS 5/7-315 from Ch. 95 1/2, par. 7-315
625 ILCS 5/7-318 from Ch. 95 1/2, par. 7-318
625 ILCS 5/7-503 from Ch. 95 1/2, par. 7-503
625 ILCS 5/12-603.1 from Ch. 95 1/2, par. 12-603.1
625 ILCS 5/3-822 rep. from Ch. 95 1/2, par. 3-822

Passed in the General Assembly May 27, 2005.
Approved July 15, 2005.
Effective January 1, 2006.
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Vehicle Code is amended by adding

Section 12-610.1 as follows:

(625 ILCS 5/12-610.1 new)
Sec. 12-610.1. Wireless telephones.
(a) As used in this Section, "wireless telephone" means a device
that is capable of transmitting or receiving telephonic communications
without a wire connecting the device to the telephone network.
(b) A person under the age of 18 years who holds an instruction
permit issued under Section 6-105 or 6-107.1, or a person under the age
of 18 years who holds a graduated license issued under Section 6-107,
may not drive a vehicle on a roadway while using a wireless phone.
(c) This Section does not apply to a person under the age of 18
years using a wireless telephone for emergency purposes, including, but
not limited to, an emergency call to a law enforcement agency, health care
provider, fire department, or other emergency services agency or entity.

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

Approved July 15, 2005.
Effective July 15, 2005.

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

Section 5. The Illinois Vehicle Code is amended by changing
Sections 6-107, 12-603, and 12-603.1 as follows:

(625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)
Sec. 6-107. Graduated license.
(a) The purpose of the Graduated Licensing Program is to develop
safe and mature driving habits in young, inexperienced drivers and reduce
or prevent motor vehicle accidents, fatalities, and injuries by:

New matter indicated by italics - deletions by strikeout
(1) providing for an increase in the time of practice period before granting permission to obtain a driver's license;
(2) strengthening driver licensing and testing standards for persons under the age of 21 years;
(3) sanctioning driving privileges of drivers under age 21 who have committed serious traffic violations or other specified offenses; and
(4) setting stricter standards to promote the public's health and safety.

(b) The application of any person under the age of 18 years, and not legally emancipated by marriage, for a driver's license or permit to operate a motor vehicle issued under the laws of this State, shall be accompanied by the written consent of either parent of the applicant; otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult.

No graduated driver's license shall be issued to any applicant under 18 years of age, unless the applicant is at least 16 years of age and has:

(1) Held a valid instruction permit for a minimum of 3 months.
(2) Passed an approved driver education course and submits proof of having passed the course as may be required.
(3) Certification by the parent, legal guardian, or responsible adult that the applicant has had a minimum of 25 hours of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle.

(c) No graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101 of this Code and no graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of this Code or who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act or the Illinois Controlled Substances Act, while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did
occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such.

(d) No graduated driver's license shall be issued for 6 months to any applicant under the age of 18 years who has been convicted of any offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance.

(e) No graduated driver's license holder under the age of 18 years shall operate any motor vehicle, except a motor driven cycle or motorcycle, with more than one passenger in the front seat of the motor vehicle and no more passengers in the back seats than the number of available seat safety belts as set forth in Section 12-603 of this Code.

(f) No graduated driver's license holder under the age of 18 shall operate a motor vehicle unless each driver and front or back seat passenger under the age of 19 is wearing a properly adjusted and fastened seat safety belt.

(g) If a graduated driver's license holder is under the age of 18 when he or she receives the license, for the first 6 months he or she holds the license or until he or she reaches the age of 18, whichever occurs sooner, the graduated license holder may not operate a motor vehicle with more than one passenger in the vehicle who is under the age of 20, unless any additional passenger or passengers are siblings, step-siblings, children, or stepchildren of the driver.

(625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

Sec. 12-603.1. Driver and passenger required to use safety belts, exceptions and penalty.

(a) Each driver and front seat passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt; except that, a child less than 6 years of age shall be protected as required pursuant to the Child Passenger Protection Act. Each driver under the age of 18 years and each of the driver's passengers under the age of 19 years of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt. Each driver of a motor vehicle transporting a child 6 years of age or more, but less than 16 years of age, in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened seat safety belt.

(b) Paragraph (a) shall not apply to any of the following:

New matter indicated by italics - deletions by strikeout
1. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour.

2. A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt.

3. A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or country indicating that the driver is unable for medical, physical, or other valid reasons to wear a seat safety belt.

4. A driver operating a motor vehicle in reverse.

5. A motor vehicle with a model year prior to 1965.

6. A motorcycle or motor driven cycle.

7. A motorized pedalcycle.

8. A motor vehicle which is not required to be equipped with seat safety belts under federal law.

9. A motor vehicle operated by a rural letter carrier of the United States postal service while performing duties as a rural letter carrier.

(c) Failure to wear a seat safety belt in violation of this Section shall not be considered evidence of negligence, shall not limit the liability of an insurer, and shall not diminish any recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

(d) A violation of this Section shall be a petty offense and subject to a fine not to exceed $25.

(e) (Blank).

(f) A law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this Section.

(Source: P.A. 93-99, eff. 7-3-03.)

Section 10. The Child Passenger Protection Act is amended by changing Section 4b as follows:

(625 ILCS 25/4b)

Sec. 4b. Children 8 years of age or older but under the age of 19 years; seat belts. Every person under the age of 18 years, when transporting a child 8 years of age or older but under the age of 19 years, as provided in Section 4 of this Act, shall be responsible for securing that child in a properly adjusted and fastened seat safety belt or an appropriate child restraint system.

(Source: P.A. 93-100, eff. 1-1-04.)

New matter indicated by italics - deletions by strikeout
AN ACT concerning hospitals.

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

ARTICLE 5.

Section 5-1. Short title. This Article may be cited as the Public Health Program Beneficiary Employer Disclosure Law. References in this Article to "this Law" mean this Article.

Section 5-5. Definition. In this Law, "public health program" means either of the following:

(1) The medical assistance program under Article V of the Illinois Public Aid Code.

(2) The children's health insurance program under the Children's Health Insurance Program Act.

Section 5-10. Disclosure of employer required. An applicant for health care benefits under a public health program, or a person requesting uncompensated care in a hospital, may identify the employer or employers of the proposed beneficiary of the health care benefits. If the proposed public health program beneficiary is not employed, the applicant may identify the employer or employers of any adult who is responsible for providing all or some of the proposed beneficiary's support.

Section 5-15. Reporting of employer-provided health insurance information.

(a) Hospitals required to report information on the uncompensated care they provide pursuant to federal Medicare cost reporting shall determine, from information that may be provided by a person receiving uncompensated or charity care, whether that person is employed, and if the person is employed the identity of the employer. The hospital shall annually submit to the Department a summary report of the employment status information obtained from persons receiving uncompensated or charity care, including available information regarding the cost of the care provided and the number of persons employed by each identified employer.
(b) Notwithstanding any other law to the contrary, the Department of Public Aid or its successor agency, in collaboration with the Department of Human Services and the Department of Financial and Professional Regulation, shall annually prepare a public health access program beneficiary employer report to be submitted to the General Assembly. For the purposes of this Section, a "public health access program beneficiary" means a person who receives medical assistance under Title XIX or XXI of the federal Social Security Act.

Subject to federal approval, the report shall provide the following information for each employer who has more than 100 employees and 25 or more public health access program beneficiaries:

1. The name and address of the qualified employer.
2. The number of public health access program beneficiaries.
3. The number of persons requesting uncompensated or charity care from the hospitals required to report under this Section and the cost of that care.
4. The number of public health access program beneficiaries who are spouses or dependents of employees of the employer.
5. Information on whether the employer offers health insurance benefits to employees and their dependents.
6. Information on whether the employer receives health insurance benefits through the company.
7. Whether an employer offers health insurance benefits, and, if so, information on the level of premium subsidies for such health insurance.
8. The cost to the State of Illinois of providing public health access program benefits for the employer's employees and enrolled dependents.

(c) The report shall include a description of the methodology used in the collection of the data and an analysis regarding the effect of employment and health coverage on the assistance programs provided by the State. The Department shall include available data regarding: the numbers of employees and dependents of employees; the identity of employers by type of industry and by public, private, profit, or non-profit status; the employees' full-time or part-time status; and other variables that the Department determines essential.

(d) The report shall not include the names of any individual public health access program beneficiary and shall be subject to privacy standards.

New matter indicated by italics - deletions by strikeout
both in the Health Insurance Portability and Accountability Act of 1996 and in Title XIX of the federal Social Security Act.

(e) The first report shall be submitted on or before October 1, 2006, and subsequent reports shall be submitted on or before that date each year thereafter.

Section 5-90. Repeal. This Law is repealed on January 1, 2009.

ARTICLE 10.

Section 10-1. Short title. This Article may be cited as the Illinois Adverse Health Care Events Reporting Law of 2005. References in this Article to "this Law" mean this Article.

Section 10-5. Purpose. The sole purpose of this Law is to establish an adverse health care event reporting system designed to facilitate quality improvement in the health care system through communication and collaboration between the Department and health care facilities. The reporting system established under this Law shall not be designed or, except as provided in this Law, used to punish errors or to investigate or take disciplinary action against health care facilities, health care practitioners, or health care facility employees.

Section 10-10. Definitions. As used in this Law, the following terms have the following meanings:

"Adverse health care event" means any event described in subsections (b) through (g) of Section 10-15.

"Department" means the Illinois Department of Public Health.

"Health care facility" means a hospital maintained by the State or any department or agency thereof where such department or agency has authority under law to establish and enforce standards for the hospital under its management and control, a hospital maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation, a hospital licensed under the Hospital Licensing Act, a hospital organized under the University of Illinois Hospital Act, and an ambulatory surgical treatment center licensed under the Ambulatory Surgical Treatment Center Act.

Section 10-15. Health care facility requirements to report, analyze, and correct.

(a) Reports of adverse health care events required. Each health care facility shall report to the Department the occurrence of any of the adverse health care events described in subsections (b) through (g) no later than 30 days after discovery of the event. The report shall be filed in a format specified by the Department and shall identify the health care facility, but

New matter indicated by italics - deletions by strikeout
shall not include any information identifying or that tends to identify any of the health care professionals, employees, or patients involved.

(b) Surgical events. Events reportable under this subsection are:

(1) Surgery performed on a wrong body part that is not consistent with the documented informed consent for that patient. Reportable events under this clause do not include situations requiring prompt action that occur in the course of surgery or situations whose urgency precludes obtaining informed consent.

(2) Surgery performed on the wrong patient.

(3) The wrong surgical procedure performed on a patient that is not consistent with the documented informed consent for that patient. Reportable events under this clause do not include situations requiring prompt action that occur in the course of surgery or situations whose urgency precludes obtaining informed consent.

(4) Retention of a foreign object in a patient after surgery or other procedure, excluding objects intentionally implanted as part of a planned intervention and objects present prior to surgery that are intentionally retained.

(5) Death during or immediately after surgery of a normal, healthy patient who has no organic, physiologic, biochemical, or psychiatric disturbance and for whom the pathologic processes for which the operation is to be performed are localized and do not entail a systemic disturbance.

(c) Product or device events. Events reportable under this subsection are:

(1) Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the health care facility when the contamination is the result of generally detectable contaminants in drugs, devices, or biologics regardless of the source of the contamination or the product.

(2) Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended. "Device" includes, but is not limited to, catheters, drains, and other specialized tubes, infusion pumps, and ventilators.

(3) Patient death or serious disability associated with intravascular air embolism that occurs while being cared for in a health care facility, excluding deaths associated with neurosurgical
procedures known to present a high risk of intravascular air embolism.

(d) Patient protection events. Events reportable under this subsection are:

   (1) An infant discharged to the wrong person.
   (2) Patient death or serious disability associated with patient disappearance for more than 4 hours, excluding events involving adults who have decision-making capacity.
   (3) Patient suicide or attempted suicide resulting in serious disability while being cared for in a health care facility due to patient actions after admission to the health care facility, excluding deaths resulting from self-inflicted injuries that were the reason for admission to the health care facility.

(e) Care management events. Events reportable under this subsection are:

   (1) Patient death or serious disability associated with a medication error, including, but not limited to, errors involving the wrong drug, the wrong dose, the wrong patient, the wrong time, the wrong rate, the wrong preparation, or the wrong route of administration, excluding reasonable differences in clinical judgment on drug selection and dose.
   (2) Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO-incompatible blood or blood products.
   (3) Maternal death or serious disability associated with labor or delivery in a low-risk pregnancy while being cared for in a health care facility, excluding deaths from pulmonary or amniotic fluid embolism, acute fatty liver of pregnancy, or cardiomyopathy.
   (4) Patient death or serious disability directly related to hypoglycemia, the onset of which occurs while the patient is being cared for in a health care facility for a condition unrelated to hypoglycemia.

(f) Environmental events. Events reportable under this subsection are:

   (1) Patient death or serious disability associated with an electric shock while being cared for in a health care facility, excluding events involving planned treatments such as electric countershock.

New matter indicated by italics - deletions by strikeout
(2) Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances.

(3) Patient death or serious disability associated with a burn incurred from any source while being cared for in a health care facility that is not consistent with the documented informed consent for that patient. Reportable events under this clause do not include situations requiring prompt action that occur in the course of surgery or situations whose urgency precludes obtaining informed consent.

(4) Patient death associated with a fall while being cared for in a health care facility.

(5) Patient death or serious disability associated with the use of restraints or bedrails while being cared for in a health care facility.

(g) Physical security events. Events reportable under this subsection are:

(1) Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider.

(2) Abduction of a patient of any age.

(3) Sexual assault on a patient within or on the grounds of a health care facility.

(4) Death or significant injury of a patient or staff member resulting from a physical assault that occurs within or on the grounds of a health care facility.

(h) Definitions. As used in this Section 10-15:

"Death" means patient death related to an adverse event and not related solely to the natural course of the patient's illness or underlying condition. Events otherwise reportable under this Section 10-15 shall be reported even if the death might have otherwise occurred as the natural course of the patient's illness or underlying condition.

"Serious disability" means a physical or mental impairment, including loss of a body part, related to an adverse event and not related solely to the natural course of the patient's illness or underlying condition, that substantially limits one or more of the major life activities of an individual or a loss of bodily function, if the impairment or loss lasts more than 7 days prior to discharge or is still present at the time of discharge from an inpatient health care facility.

New matter indicated by italics - deletions by strikeout
Section 10-20. Root cause analysis; corrective action plan. Following the occurrence of an adverse health care event, the health care facility must conduct a root cause analysis of the event. Following the analysis, the health care facility must (i) implement a corrective action plan to address the findings of the analysis or (ii) report to the Department any reasons for not taking corrective action. A copy of the findings of the root cause analysis and a copy of the corrective action plan must be filed with the Department within 90 days after the submission of the report to the Department under Section 10-15.

Section 10-25. Confidentiality. Other than the annual report required under paragraph (4) of Section 10-35 of this Law, adverse health care event reports, findings of root cause analyses, and corrective action plans filed by a health care facility under this Law and records created or obtained by the Department in reviewing or investigating these reports, findings, and plans shall not be available to the public and shall not be discoverable or admissible in any civil, criminal, or administrative proceeding against a health care facility or health care professional. No report or Department disclosure under this Law may contain information identifying a patient, employee, or licensed professional. Notwithstanding any other provision of law, under no circumstances shall the Department disclose information obtained from a health care facility that is confidential under Part 21 of Article VIII of the Code of Civil Procedure. Nothing in this Law shall preclude or alter the reporting responsibilities of hospitals or ambulatory surgical treatment centers under existing federal or State law.

Section 10-30. Establishment of reporting system.
(a) The Department shall establish an adverse health event reporting system that will be fully operational by January 1, 2008 and designed to facilitate quality improvement in the health care system through communication and collaboration among the Department and health care facilities. The reporting system shall not be designed or used to punish errors or, except to enforce this Law, investigate or take disciplinary action against health care facilities, health care practitioners, or health care facility employees. The Department may not use the adverse health care event reports, findings of the root cause analyses, and corrective action plans filed under this Law for any purpose not stated in this Law, including, but not limited to, using such information for investigating possible violations of the reporting health care facility's licensing act or its regulations. The Department is not authorized to select
from or between competing alternate health care treatments, services, or practices.

(b) The reporting system shall consist of:

(1) Mandatory reporting by health care facilities of adverse health care events.

(2) Mandatory completion of a root cause analysis and a corrective action plan by the health care facility and reporting of the findings of the analysis and the plan to the Department or reporting of reasons for not taking corrective action.

(3) Analysis of reported information by the Department to determine patterns of systemic failure in the health care system and successful methods to correct these failures.

(4) Sanctions against health care facilities for failure to comply with reporting system requirements.

(5) Communication from the Department to health care facilities, to maximize the use of the reporting system to improve health care quality.

(c) In establishing the adverse health event reporting system, including the design of the reporting format and annual report, the Department must consult with and seek input from experts and organizations specializing in patient safety.

(d) The Department must design the reporting system so that a health care facility may file by electronic means the reports required under this Law. The Department shall encourage a health care facility to use the electronic filing option when that option is feasible for the health care facility.

(e) Nothing in this Section prohibits a health care facility from taking any remedial action in response to the occurrence of an adverse health care event.

Section 10-35. Analysis of reports; communication of findings. The Department shall do the following:

(1) Analyze adverse event reports, corrective action plans, and findings of the root cause analyses to determine patterns of systemic failure in the health care system and successful methods to correct these failures.

(2) Communicate to individual health care facilities the Department’s conclusions, if any, regarding an adverse event reported by the health care facility.

New matter indicated by italics - deletions by strikeout
(3) Communicate to relevant health care facilities any recommendations for corrective action resulting from the Department's analysis of submissions from facilities.

(4) Publish an annual report that does the following:

   (i) Describes, by institution, adverse health care events reported.

   (ii) Summarizes, in aggregate form, the corrective action plans and findings of root cause analyses submitted by health care facilities.

   (iii) Describes adopted recommendations for quality improvement practices.

Section 10-40. Health Care Event Reporting Advisory Committee. The Department shall appoint a 9-person Health Care Event Reporting Advisory Committee with at least one member from each of the following statewide organizations: one representing hospitals; one representing ambulatory surgical treatment centers; and one representing physicians licensed to practice medicine in all its branches. The committee shall also include other individuals who have expertise and experience in system-based quality improvement and safety and shall include one public member. At least 3 of the 9 members shall be individuals who do not have a financial interest in, or a business relationship with, hospitals or ambulatory surgical treatment centers. The Health Care Event Reporting Advisory Committee shall review the Department's recommendations for potential quality improvement practices and modifications to the list of reportable adverse health care events consistent with national standards. In connection with its review of the Department's recommendations, the committee shall conduct a public hearing seeking input from health care facilities, health care professionals, and the public.

Section 10-45. Testing period.

   (a) Prior to the testing period in subsection (b), the Department shall adopt rules for implementing this Law in consultation with the Health Care Event Reporting Advisory Committee and individuals who have experience and expertise in devising and implementing adverse health care event or other health care quality reporting systems. The rules shall establish the methodology and format for health care facilities reporting information under this Law to the Department and shall be finalized before the beginning of the testing period under subsection (b).

   (b) The Department shall conduct a testing period of at least 6 months to test the reporting process to identify any problems or deficiencies with the planned reporting process.

New matter indicated by italics - deletions by strikeout
(c) None of the information reported and analyzed during the testing period shall be used in any public report under this Law.

(d) The Department must substantially address the problems or deficiencies identified during the testing period before fully implementing the reporting system.

(e) After the testing period, and after any corrections, adjustments, or modifications are finalized, the Department must give at least 30 days written notice to health care facilities prior to full implementation of the reporting system and collection of adverse event data that will be used in public reports.

(f) Following the testing period, 4 calendar quarters of data must be collected prior to the Department's publishing the annual report of adverse events to the public under paragraph (4) of Section 10-35.

(g) The process described in subsections (a) through (e) must be completed by the Department no later than July 1, 2007.

(h) Notwithstanding any other provision of law, the Department may contract with an entity for receiving all adverse health care event reports, root cause analysis findings, and corrective action plans that must be reported to the Department under this Law and for the compilation of the information and the provision of quarterly and annual reports to the Department describing such information according to the rules adopted by the Department under this Law.

Section 10-50. Validity of public reports. None of the information the Department discloses to the public may be made available in any form or fashion unless such information is shared with the health care facilities under review prior to public dissemination of such information. Those health care facilities shall have 30 days to make corrections and to add helpful explanatory comments about the information before the publication.

ARTICLE 90.

Section 90-5. The Ambulatory Surgical Treatment Center Act is amended by changing Section 10d as follows:

(210 ILCS 5/10d) (from Ch. 111 1/2, par. 157-8.10d)
Sec. 10d. Fines and penalties.

(a) When the Director determines that a facility has failed to comply with this Act or the Illinois Adverse Health Care Events Reporting Law of 2005 or any rule adopted under either of those Acts hereunder, the Department may issue a notice of fine assessment which shall specify the violations for which the fine is assessed. The Department may assess a fine of up to $500 per violation per day commencing on the date the violation

New matter indicated by italics - deletions by strikeout
was identified and ending on the date the violation is corrected, or action is taken to suspend, revoke or deny renewal of the license, whichever comes first.

(b) In determining whether a fine is to be assessed or the amount of such fine, the Director shall consider the following factors:

1. The gravity of the violation, including the probability that death or serious physical or mental harm to a patient will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of the applicable statutes or rules were violated;

2. The reasonable diligence exercised by the licensee and efforts to correct violations;

3. Any previous violations committed by the licensee; and

4. The financial benefit to the facility of committing or continuing the violation.

(Source: P.A. 86-1292.)

Section 90-10. The Hospital Licensing Act is amended by changing Section 7 as follows:

(210 ILCS 85/7) (from Ch. 111 1/2, par. 148)

Sec. 7. (a) The Director after notice and opportunity for hearing to the applicant or licensee may deny, suspend, or revoke a permit to establish a hospital or deny, suspend, or revoke a license to open, conduct, operate, and maintain a hospital in any case in which he finds that there has been a substantial failure to comply with the provisions of this Act, or the Hospital Report Card Act, or the Illinois Adverse Health Care Events Reporting Law of 2005 or the standards, rules, and regulations established by virtue of any of those Acts.

(b) Such notice shall be effected by registered mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the applicant or licensee shall be given an opportunity for a hearing. Such hearing shall be conducted by the Director or by an employee of the Department designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the applicant or licensee, the Director shall make a determination specifying his findings and conclusions. In case of a denial to an applicant of a permit to establish a hospital, such determination shall specify the subsection of Section 6 under which the permit was denied and shall contain findings of fact forming the basis of such denial. A copy of such determination shall be sent by registered mail.

New matter indicated by italics - deletions by strikeout
or served personally upon the applicant or licensee. The decision denying, suspending, or revoking a permit or a license shall become final 35 days after it is so mailed or served, unless the applicant or licensee, within such 35 day period, petitions for review pursuant to Section 13.

(c) The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department and approved by the Hospital Licensing Board. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and Hearing Officer. All testimony shall be reported but need not be transcribed unless the decision is appealed pursuant to Section 13. A copy or copies of the transcript may be obtained by any interested party on payment of the cost of preparing such copy or copies.

(d) The Director or Hearing Officer shall upon his own motion, or on the written request of any party to the proceeding, issue subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records, or memoranda. All subpoenas and subpoenas duces tecum issued under the terms of this Act may be served by any person of full age. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the Circuit Court of this State, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Director, or Hearing Officer, such fees shall be paid in the same manner as other expenses of the Department, and when the witness is subpoenaed at the instance of any other party to any such proceeding the Department may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Department in its discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena or subpoena duces tecum issued as aforesaid shall be served in the same manner as a subpoena issued out of a court.

(e) Any Circuit Court of this State upon the application of the Director, or upon the application of any other party to the proceeding, may, in its discretion, compel the attendance of witnesses, the production of books, papers, records, or memoranda and the giving of testimony before the Director or Hearing Officer conducting an investigation or holding a hearing authorized by this Act, by an attachment for contempt, or

New matter indicated by italics - deletions by strikeout
otherwise, in the same manner as production of evidence may be compelled before the court.

(f) The Director or Hearing Officer, or any party in an investigation or hearing before the Department, may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for like depositions in civil actions in courts of this State, and to that end compel the attendance of witnesses and the production of books, papers, records, or memoranda.

(Source: P.A. 93-563, eff. 1-1-04.)

Section 90-15. The Illinois Public Aid Code is amended by changing Sections 5A-1, 5A-2, 5A-3, 5A-4, 5A-5, 5A-7, 5A-8, 5A-10, 5A-13, and 5A-14 and by adding Section 5A-12.1 as follows:

(305 ILCS 5/5A-1) (from Ch. 23, par. 5A-1)

Sec. 5A-1. Definitions. As used in this Article, unless the context requires otherwise:

"Adjusted gross hospital revenue" shall be determined separately for inpatient and outpatient services for each hospital conducted, operated or maintained by a hospital provider, and means the hospital provider's total gross revenues less: (i) gross revenue attributable to non-hospital based services including home dialysis services, durable medical equipment, ambulance services, outpatient clinics and any other non-hospital based services as determined by the Illinois Department by rule; and (ii) gross revenues attributable to the routine services provided to persons receiving skilled or intermediate long-term care services within the meaning of Title XVIII or XIX of the Social Security Act; and (iii) Medicare gross revenue (excluding the Medicare gross revenue attributable to clauses (i) and (ii) of this paragraph and the Medicare gross revenue attributable to the routine services provided to patients in a psychiatric hospital, a rehabilitation hospital, a distinct part psychiatric unit, a distinct part rehabilitation unit, or swing beds). Adjusted gross hospital revenue shall be determined using the most recent data available from each hospital's 2003 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on December 31, 2004, without regard to any subsequent adjustments or changes to such data. If a hospital's 2003 Medicare cost report is not contained in the Healthcare Cost Report Information System, the hospital provider shall furnish such cost report or the data necessary to determine its adjusted gross hospital revenue as required by rule by the Illinois Department.

"Fund" means the Hospital Provider Fund.

New matter indicated by italics - deletions by strikeout
"Hospital" means an institution, place, building, or agency located in this State that is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act, whether public or private and whether organized for profit or not-for-profit.

"Hospital provider" means a person licensed by the Department of Public Health to conduct, operate, or maintain a hospital, regardless of whether the person is a Medicaid provider. For purposes of this paragraph, "person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

"Occupied bed days" means the sum of the number of days that each bed was occupied by a patient for all beds during calendar year 2001. Occupied bed days shall be computed separately for each hospital operated or maintained by a hospital provider.

"Proration factor" means a fraction, the numerator of which is 53 and the denominator of which is 365.

(Source: P.A. 93-659, eff. 2-3-04; 93-1066, eff. 1-15-05.)

(305 ILCS 5/5A-2) (from Ch. 23, par. 5A-2)

(Section scheduled to be repealed on July 1, 2005)

Sec. 5A-2. Assessment; no local authorization to tax.

(a) Subject to Sections 5A-3 and 5A-10, an annual assessment on inpatient services is imposed on each hospital provider in an amount equal to the hospital's occupied bed days multiplied by $84.19 multiplied by the proration factor for State fiscal year 2004 and the hospital's occupied bed days multiplied by $84.19 for State fiscal year 2005.

The Department of Public Aid shall use the number of occupied bed days as reported by each hospital on the Annual Survey of Hospitals conducted by the Department of Public Health to calculate the hospital's annual assessment. If the sum of a hospital's occupied bed days is not reported on the Annual Survey of Hospitals or if there are data errors in the reported sum of a hospital's occupied bed days as determined by the Department of Public Aid, then the Department of Public Aid may obtain the sum of occupied bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department of Public Aid or its duly authorized agents and employees.

Subject to Sections 5A-3 and 5A-10, for the privilege of engaging in the occupation of hospital provider, beginning August 1, 2005, an
annual assessment is imposed on each hospital provider for State fiscal years 2006, 2007, and 2008, in an amount equal to 2.5835% of the hospital provider's adjusted gross hospital revenue for inpatient services and 2.5835% of the hospital provider's adjusted gross hospital revenue for outpatient services. If the hospital provider's adjusted gross hospital revenue is not available, then the Illinois Department may obtain the hospital provider's adjusted gross hospital revenue from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Illinois Department or its duly authorized agents and employees.

(b) Nothing in this Article amendatory Act of the 93rd General Assembly shall be construed to authorize any home rule unit or other unit of local government to license for revenue or to impose a tax or assessment upon hospital providers or the occupation of hospital provider, or a tax or assessment measured by the income or earnings of a hospital provider.

(c) As provided in Section 5A-14, this Section is repealed on July 1, 2008 2005.
(Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04; 93-1066, eff. 1-15-05.)

(305 ILCS 5/5A-3) (from Ch. 23, par. 5A-3)
Sec. 5A-3. Exemptions.
(a) (Blank).
(b) A hospital provider that is a State agency, a State university, or a county with a population of 3,000,000 or more is exempt from the assessment imposed by Section 5A-2.

(b-2) A hospital provider that is a county with a population of less than 3,000,000 or a township, municipality, hospital district, or any other local governmental unit is exempt from the assessment imposed by Section 5A-2.

(b-5) (Blank).
(b-10) For State fiscal years 2004 and 2005, a hospital provider whose hospital does not charge for its services is exempt from the assessment imposed by Section 5A-2, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case the hospital provider shall pay the assessment imposed by Section 5A-2.

(b-15) For State fiscal years 2004 and 2005, a hospital provider whose hospital is licensed by the Department of Public Health as a psychiatric hospital is exempt from the assessment imposed by Section

New matter indicated by italics - deletions by strikeout
5A-2, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case the hospital provider shall pay the assessment imposed by Section 5A-2.

(b-20) For State fiscal years 2004 and 2005, a hospital provider whose hospital is licensed by the Department of Public Health as a rehabilitation hospital is exempt from the assessment imposed by Section 5A-2, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case the hospital provider shall pay the assessment imposed by Section 5A-2.

(b-25) For State fiscal years 2004 and 2005, a hospital provider whose hospital (i) is not a psychiatric hospital, rehabilitation hospital, or children's hospital and (ii) has an average length of inpatient stay greater than 25 days is exempt from the assessment imposed by Section 5A-2, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case the hospital provider shall pay the assessment imposed by Section 5A-2.

(c) (Blank).

(Source: P.A. 93-659, eff. 2-3-04.)

(305 ILCS 5/5A-4) (from Ch. 23, par. 5A-4)
Sec. 5A-4. Payment of assessment; penalty.

(a) The annual assessment imposed by Section 5A-2 for State fiscal year 2004 shall be due and payable on June 18 of the year. The assessment imposed by Section 5A-2 for State fiscal year 2005 shall be due and payable in quarterly installments, each equalling one-fourth of the assessment for the year, on July 19, October 19, January 18, and April 19 of the year. The assessment imposed by Section 5A-2 for State fiscal year 2006 and each subsequent State fiscal year shall be due and payable in quarterly installments, each equaling one-fourth of the assessment for the year, on the fourteenth State business day of September, December, March, and May. No installment payment of an assessment imposed by Section 5A-2 shall be due and payable, however, until after: (i) the hospital provider receives written notice from the Department of Public Aid that the payment methodologies to hospitals required under Section 5A-12 or Section 5A-12.1, whichever is applicable for that fiscal year, have been approved by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services and the waiver under 42 CFR 433.68 for the assessment imposed by Section 5A-2, if necessary, has been granted by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services; and (ii) the hospital has received the payments required under Section 5A-12 or Section 5A-12.1,
whichever is applicable for that fiscal year. Upon notification to the Department of approval of the payment methodologies required under Section 5A-12 or Section 5A-12.1, whichever is applicable for that fiscal year, and the waiver granted under 42 CFR 433.68, all quarterly installments otherwise due under Section 5A-2 prior to the date of notification shall be due and payable to the Department upon written direction from the Department and receipt of the payments required under Section 5A-12.1.

(b) The Illinois Department is authorized to establish delayed payment schedules for hospital providers that are unable to make installment payments when due under this Section due to financial difficulties, as determined by the Illinois Department.

(c) If a hospital provider fails to pay the full amount of an installment when due (including any extensions granted under subsection (b)), there shall, unless waived by the Illinois Department for reasonable cause, be added to the assessment imposed by Section 5A-2 a penalty assessment equal to the lesser of (i) 5% of the amount of the installment not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each 30-day period thereafter or (ii) 100% of the installment amount not paid on or before the due date. For purposes of this subsection, payments will be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

(Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04; 93-1066, eff. 1-15-05.)

(305 ILCS 5/5A-5) (from Ch. 23, par. 5A-5)
Sec. 5A-5. Notice; penalty; maintenance of records.
(a) The Department of Public Aid shall send a notice of assessment to every hospital provider subject to assessment under this Article. The notice of assessment shall notify the hospital of its assessment and shall be sent after within 14 days of receipt by the Department of notification from the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services that the payment methodologies required under Section 5A-12 or Section 5A-12.1, whichever is applicable for that fiscal year, and, if necessary, the waiver granted under 42 CFR 433.68 have been approved. The notice shall be on a form prepared by the Illinois Department and shall state the following:

(1) The name of the hospital provider.

(2) The address of the hospital provider's principal place of business from which the provider engages in the occupation of
hospital provider in this State, and the name and address of each
hospital operated, conducted, or maintained by the provider in this
State.

(3) The occupied bed days or adjusted gross hospital
revenue of the hospital provider (whichever is applicable), the
amount of assessment imposed under Section 5A-2 for the State
fiscal year for which the notice is sent, and the amount of each
quarterly installment to be paid during the State fiscal year.

(4) (Blank).

(5) Other reasonable information as determined by the
Illinois Department.

(b) If a hospital provider conducts, operates, or maintains more
than one hospital licensed by the Illinois Department of Public Health, the
provider shall pay the assessment for each hospital separately.

(c) Notwithstanding any other provision in this Article, in the case
of a person who ceases to conduct, operate, or maintain a hospital in
respect of which the person is subject to assessment under this Article as a
hospital provider, the assessment for the State fiscal year in which the
cessation occurs shall be adjusted by multiplying the assessment computed
under Section 5A-2 by a fraction, the numerator of which is the number of
days in the year during which the provider conducts, operates, or maintains
the hospital and the denominator of which is 365. Immediately upon
ceasing to conduct, operate, or maintain a hospital, the person shall pay the
assessment for the year as so adjusted (to the extent not previously paid).

(d) Notwithstanding any other provision in this Article, a provider
who commences conducting, operating, or maintaining a hospital, upon
notice by the Illinois Department, shall pay the assessment computed
under Section 5A-2 and subsection (e) in installments on the due dates
stated in the notice and on the regular installment due dates for the State
fiscal year occurring after the due dates of the initial notice.

(e) Notwithstanding any other provision in this Article, for State
fiscal years 2004 and 2005, in the case of a hospital provider that did not
conduct, operate, or maintain a hospital throughout calendar year 2001, the
assessment for that State fiscal year shall be computed on the basis of
hypothetical occupied bed days for the full calendar year as determined by
the Illinois Department. Notwithstanding any other provision in this
Article, for State fiscal years after 2005, in the case of a hospital provider
that did not conduct, operate, or maintain a hospital in 2003, the
assessment for that State fiscal year shall be computed on the basis of
hypothetical adjusted gross hospital revenue for the hospital’s first full
fiscal year as determined by the Illinois Department (which may be based on annualization of the provider's actual revenues for a portion of the year, or revenues of a comparable hospital for the year, including revenues realized by a prior provider of the same hospital during the year).

(f) Every hospital provider subject to assessment under this Article shall keep sufficient records to permit the determination of adjusted gross hospital revenue for the hospital's fiscal year. All such records shall be kept in the English language and shall, at all times during regular business hours of the day, be subject to inspection by the Illinois Department or its duly authorized agents and employees. (Blank).

(g) The Illinois Department may, by rule, provide a hospital provider a reasonable opportunity to request a clarification or correction of any clerical or computational errors contained in the calculation of its assessment, but such corrections shall not extend to updating the cost report information used to calculate the assessment. (Blank).

(h) (Blank).

(Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04.)

(305 ILCS 5/5A-7) (from Ch. 23, par. 5A-7)

Sec. 5A-7. Administration; enforcement provisions.

(a) The Illinois Department shall establish and maintain a listing of all hospital providers appearing in the licensing records of the Illinois Department of Public Health, which shall show each provider's name and principal place of business and the name and address of each hospital operated, conducted, or maintained by the provider in this State. The Illinois Department shall administer and enforce this Article and collect the assessments and penalty assessments imposed under this Article using procedures employed in its administration of this Code generally. The Illinois Department, its Director, and every hospital provider subject to assessment under this Article measured by occupied bed days shall have the following powers, duties, and rights:

(1) The Illinois Department may initiate either administrative or judicial proceedings, or both, to enforce provisions of this Article. Administrative enforcement proceedings initiated hereunder shall be governed by the Illinois Department's administrative rules. Judicial enforcement proceedings initiated hereunder shall be governed by the rules of procedure applicable in the courts of this State.

(2) No proceedings for collection, refund, credit, or other adjustment of an assessment amount shall be issued more than 3
years after the due date of the assessment, except in the case of an extended period agreed to in writing by the Illinois Department and the hospital provider before the expiration of this limitation period.

(3) Any unpaid assessment under this Article shall become a lien upon the assets of the hospital upon which it was assessed. If any hospital provider, outside the usual course of its business, sells or transfers the major part of any one or more of (A) the real property and improvements, (B) the machinery and equipment, or (C) the furniture or fixtures, of any hospital that is subject to the provisions of this Article, the seller or transferor shall pay the Illinois Department the amount of any assessment, assessment penalty, and interest (if any) due from it under this Article up to the date of the sale or transfer. If the seller or transferor fails to pay any assessment, assessment penalty, and interest (if any) due, the purchaser or transferee of such asset shall be liable for the amount of the assessment, penalties, and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee. The purchaser or transferee shall continue to be liable until the purchaser or transferee pays the full amount of the assessment, penalties, and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee or until the purchaser or transferee receives from the Illinois Department a certificate showing that such assessment, penalty, and interest have been paid or a certificate from the Illinois Department showing that no assessment, penalty, or interest is due from the seller or transferor under this Article.

(4) Payments under this Article are not subject to the Illinois Prompt Payment Act. Credits or refunds shall not bear interest.

(b) In addition to any other remedy provided for and without sending a notice of assessment liability, the Illinois Department may collect an unpaid assessment by withholding, as payment of the assessment, reimbursements or other amounts otherwise payable by the Illinois Department to the hospital provider.

(Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04.)

(305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

Sec. 5A-8. Hospital Provider Fund.

(a) There is created in the State Treasury the Hospital Provider Fund. Interest earned by the Fund shall be credited to the Fund. The Fund

New matter indicated by italics - deletions by strikeout
shall not be used to replace any moneys appropriated to the Medicaid program by the General Assembly.

(b) The Fund is created for the purpose of receiving moneys in accordance with Section 5A-6 and disbursing moneys only for the following purposes, notwithstanding any other provision of law:

(1) For making payments to hospitals as required under Articles V, VI, and XIV of this Code and under the Children's Health Insurance Program Act.

(2) For the reimbursement of moneys collected by the Illinois Department from hospitals or hospital providers through error or mistake in performing the activities authorized under this Article and Article V of this Code.

(3) For payment of administrative expenses incurred by the Illinois Department or its agent in performing the activities authorized by this Article.

(4) For payments of any amounts which are reimbursable to the federal government for payments from this Fund which are required to be paid by State warrant.

(5) For making transfers, as those transfers are authorized in the proceedings authorizing debt under the Short Term Borrowing Act, but transfers made under this paragraph (5) shall not exceed the principal amount of debt issued in anticipation of the receipt by the State of moneys to be deposited into the Fund.

(6) For making transfers to any other fund in the State treasury, but transfers made under this paragraph (6) shall not exceed the amount transferred previously from that other fund into the Hospital Provider Fund.

(7) For State fiscal years 2004 and 2005 for making transfers to the Health and Human Services Medicaid Trust Fund, including 20% of the moneys received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6. For State fiscal years 2006, 2007 and 2008 for making transfers to the Health and Human Services Medicaid Trust Fund of up to $130,000,000 per year of the moneys received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6. Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.
(8) For making refunds to hospital providers pursuant to Section 5A-10.
Disbursements from the Fund, other than transfers authorized under paragraphs (5) and (6) of this subsection, shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Illinois Department.

(c) The Fund shall consist of the following:
   (1) All moneys collected or received by the Illinois Department from the hospital provider assessment imposed by this Article.
   (2) All federal matching funds received by the Illinois Department as a result of expenditures made by the Illinois Department that are attributable to moneys deposited in the Fund.
   (3) Any interest or penalty levied in conjunction with the administration of this Article.
   (4) Moneys transferred from another fund in the State treasury.
   (5) All other moneys received for the Fund from any other source, including interest earned thereon.
   
(d) (Blank).

(Source: P.A. 93-659, eff. 2-3-04.)

(305 ILCS 5/5A-10) (from Ch. 23, par. 5A-10)
Sec. 5A-10. Applicability.

(a) The assessment imposed by Section 5A-2 shall not take effect or shall cease to be imposed, and any moneys remaining in the Fund shall be refunded to hospital providers in proportion to the amounts paid by them, if:

   (1) the sum of the appropriations for State fiscal years 2004 and 2005 from the General Revenue Fund for hospital payments under the medical assistance program is less than $4,500,000,000 or the appropriation for each of State fiscal years 2006, 2007 and 2008 from the General Revenue Fund for hospital payments under the medical assistance program is less than $2,500,000,000 increased annually to reflect any increase in the number of recipients; or

   (2) the Department of Public Aid makes changes in its rules that reduce the hospital inpatient or outpatient payment rates, including adjustment payment rates, in effect on October 1, 2004 and except for hospitals described in subsection (b) of Section 5A-3 and except for changes in the methodology for calculating

New matter indicated by italics - deletions by strikeout
outlier payments to hospitals for exceptionally costly stays and except for changes in outpatient payment rates made to comply with the federal Health Insurance Portability and Accountability Act, so long as those changes do not reduce aggregate expenditures below the amount expended in State fiscal year 2005 for such services; or

(3) the payments to hospitals required under Section 5A-12 are changed or are not eligible for federal matching funds under Title XIX or XXI of the Social Security Act.

(b) The assessment imposed by Section 5A-2 shall not take effect or shall cease to be imposed if the assessment is determined to be an impermissible tax under Title XIX of the Social Security Act. Moneys in the Hospital Provider Fund derived from assessments imposed prior thereto shall be disbursed in accordance with Section 5A-8 to the extent federal matching is not reduced due to the impermissibility of the assessments, and any remaining moneys shall be refunded to hospital providers in proportion to the amounts paid by them.

(Source: P.A. 93-659, eff. 2-3-04.)

(305 ILCS 5/5A-12.1 new)

Sec. 5A-12.1. Hospital access improvement payments.

(a) To preserve and improve access to hospital services, for hospital services rendered on or after August 1, 2005, the Department of Public Aid shall make payments to hospitals as set forth in this Section, except for hospitals described in subsection (b) of Section 5A-3. These payments shall be paid on a quarterly basis. For State fiscal year 2006, once the approval of the payment methodology required under this Section and any waiver required under 42 CFR 433.68 by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services is received, the Department shall pay the total amounts required for fiscal year 2006 under this Section within 100 days of the latest notification. In State fiscal years 2007 and 2008, the total amounts required under this Section shall be paid in 4 equal installments on or before the seventh State business day of September, December, March, and May, except that if the date of notification of the approval of the payment methodologies required under this Section and any waiver required under 42 CFR 433.68 is on or after July 1, 2006, the sum of amounts required under this Section prior to the date of notification shall be paid within 100 days of the date of the last notification. Payments under this Section are not due and payable, however, until (i) the methodologies described in this Section are approved by the federal

New matter indicated by italics - deletions by strikeout
government in an appropriate State Plan amendment, (ii) the assessment imposed under this Article is determined to be a permissible tax under Title XIX of the Social Security Act, and (iii) the assessment is in effect.

(b) Medicaid eligibility payment. In addition to amounts paid for inpatient hospital services, the Department shall pay each Illinois hospital (except for hospitals described in Section 5A-3) for each inpatient Medicaid admission in State fiscal year 2003, $430 multiplied by the percentage by which the number of Medicaid recipients in the county in which the hospital is located increased from State fiscal year 1998 to State fiscal year 2003.

(c) Medicaid high volume adjustment.

(1) In addition to rates paid for inpatient hospital services, the Department shall pay to each Illinois hospital (except for hospitals that qualify for Medicaid Percentage Adjustment payments under 89 Ill. Adm. Code 148.122 for the 12-month period beginning on October 1, 2004) that provided more than 10,000 Medicaid inpatient days of care (determined using the hospital’s fiscal year 2002 Medicaid cost report on file with the Department on July 1, 2004) amounts as follows:

(i) for hospitals that provided more than 10,000 Medicaid inpatient days of care but less than or equal to 14,500 Medicaid inpatient days of care, $90 for each Medicaid inpatient day of care provided during that period; and

(ii) for hospitals that provided more than 14,500 Medicaid inpatient days of care but less than or equal to 18,500 Medicaid inpatient days of care, $135 for each Medicaid inpatient day of care provided during that period; and

(iii) for hospitals that provided more than 18,500 Medicaid inpatient days of care but less than or equal to 20,000 Medicaid inpatient days of care, $225 for each Medicaid inpatient day of care provided during that period; and

(iv) for hospitals that provided more than 20,000 Medicaid inpatient days of care, $900 for each Medicaid inpatient day of care provided during that period.

Provided, however, that no hospital shall receive more than $19,000,000 per year in such payments under subparagraphs (i), (ii), (iii), and (iv).

New matter indicated by italics - deletions by strikeout
(2) In addition to rates paid for inpatient hospital services, the Department shall pay to each Illinois general acute care hospital that as of October 1, 2004, qualified for Medicaid percentage adjustment payments under 89 Ill. Adm. Code 148.122 and provided more than 21,000 Medicaid inpatient days of care (determined using the hospital's fiscal year 2002 Medicaid cost report on file with the Department on July 1, 2004) $35 for each Medicaid inpatient day of care provided during that period. Provided, however, that no hospital shall receive more than $1,200,000 per year in such payments.

(d) Intensive care adjustment. In addition to rates paid for inpatient services, the Department shall pay an adjustment payment to each Illinois general acute care hospital located in a large urban area that, based on the hospital's fiscal year 2002 Medicaid cost report, had a ratio of Medicaid intensive care unit days to total Medicaid days greater than 19%. If such ratio for the hospital is less than 30%, the hospital shall be paid an adjustment payment for each Medicaid inpatient day of care provided equal to $1,000 multiplied by the hospital’s ratio of Medicaid intensive care days to total Medicaid days. If such ratio for the hospital is equal to or greater than 30%, the hospital shall be paid an adjustment payment for each Medicaid inpatient day of care provided equal to $2,800 multiplied by the hospital's ratio of Medicaid intensive care days to total Medicaid days.

(e) Trauma center adjustments.

(1) In addition to rates paid for inpatient hospital services, the Department shall pay to each Illinois general acute care hospital that as of January 1, 2005, was designated as a Level I trauma center and is either located in a large urban area or is located in an other urban area and as of October 1, 2004 qualified for Medicaid percentage adjustment payments under 89 Ill. Adm. Code 148.122, a payment equal to $800 multiplied by the hospital’s Medicaid intensive care unit days (excluding Medicare crossover days). This payment shall be calculated based on data from the hospital's 2002 cost report on file with the Department on July 1, 2004. For hospitals located in large urban areas outside of a city with a population in excess of 1,000,000 people, the payment required under this subsection shall be multiplied by 4.5. For hospitals located in other urban areas, the payment required under this subsection shall be multiplied by 8.5.
(2) In addition to rates paid for inpatient hospital services, the Department shall pay an additional payment to each Illinois general acute care hospital that as of January 1, 2005, was designated as a Level II trauma center and is located in a county with a population in excess of 3,000,000 people. The payment shall equal $4,000 per day for the first 500 Medicaid inpatient days, $2,000 per day for the Medicaid inpatient days between 501 and 1,500, and $100 per day for any Medicaid inpatient day in excess of 1,500. This payment shall be calculated based on data from the hospital's 2002 cost report on file with the Department on July 1, 2004.

(3) In addition to rates paid for inpatient hospital services, the Department shall pay an additional payment to each Illinois general acute care hospital that as of January 1, 2005, was designated as a Level II trauma center, is located in a large urban area outside of a county with a population in excess of 3,000,000 people, and as of January 1, 2005, was designated a Level III perinatal center or designated a Level II or II+ prenatal center that has a ratio of Medicaid intensive care unit days to total Medicaid days greater than 5%. The payment shall equal $4,000 per day for the first 500 Medicaid inpatient days, $2,000 per day for the Medicaid inpatient days between 501 and 1,500, and $100 per day for any Medicaid inpatient day in excess of 1,500. This payment shall be calculated based on data from the hospital's 2002 cost report on file with the Department on July 1, 2004.

(4) In addition to rates paid for inpatient hospital services, the Department shall pay an additional payment to each Illinois children's hospital that as of January 1, 2005, was designated a Level I pediatric trauma center that had more than 30,000 Medicaid days in State fiscal year 2003 and to each Level I pediatric trauma center located outside of Illinois and that had more than 700 Illinois Medicaid cases in State fiscal year 2003. The amount of such payment shall equal $325 multiplied by the hospital's Medicaid intensive care unit days, and this payment shall be multiplied by 2.25 for hospitals located outside of Illinois. This payment shall be calculated based on data from the hospital's 2002 cost report on file with the Department on July 1, 2004.

(5) Notwithstanding any other provision of this subsection, a children's hospital, as defined in 89 Ill. Adm. Code

New matter indicated by italics - deletions by strikeout
149.50(c)(3)(B), is not eligible for the payments described in paragraphs (1), (2), and (3) of this subsection.

(f) Psychiatric rate adjustment.

(1) In addition to rates paid for inpatient psychiatric services, the Department shall pay each Illinois psychiatric hospital and general acute care hospital with a distinct part psychiatric unit, for each Medicaid inpatient psychiatric day of care provided in State fiscal year 2003, an amount equal to $420 less the hospital's per diem rate for Medicaid inpatient psychiatric services as in effect on July 1, 2002. In no event, however, shall that amount be less than zero.

(2) For Illinois psychiatric hospitals and distinct part psychiatric units of Illinois general acute care hospitals whose inpatient per diem rate as in effect on July 1, 2002 is greater than $420, the Department shall pay, in addition to any other amounts authorized under this Code, $40 for each Medicaid inpatient psychiatric day of care provided in State fiscal year 2003.

(3) In addition to rates paid for inpatient psychiatric services, for Illinois psychiatric hospitals located in a county with a population in excess of 3,000,000 people that did not qualify for Medicaid percentage adjustment payments under 89 Ill. Adm. Code 148.122 for the 12-month period beginning on October 1, 2004, the Illinois Department shall make an adjustment payment of $150 for each Medicaid inpatient psychiatric day of care provided by the hospital in State fiscal year 2003. In addition to rates paid for inpatient psychiatric services, for Illinois psychiatric hospitals located in a county with a population in excess of 3,000,000 people, but outside of a city with a population in excess of 1,000,000 people, that did qualify for Medicaid percentage adjustment payments under 89 Ill. Adm. Code 148.122 for the 12-month period beginning on October 1, 2004, the Illinois Department shall make an adjustment payment of $20 for each Medicaid inpatient psychiatric day of care provided by the hospital in State fiscal year 2003.

(g) Rehabilitation adjustment.

(1) In addition to rates paid for inpatient rehabilitation services, the Department shall pay each Illinois general acute care hospital with a distinct part rehabilitation unit that had at least 40 beds as reported on the hospital's 2003 Medicaid cost report on file with the Department as of March 31, 2005, for each Medicaid
inpatient day of care provided during State fiscal year 2003, an amount equal to $230.

(2) In addition to rates paid for inpatient rehabilitation services, for Illinois rehabilitation hospitals that did not qualify for Medicaid percentage adjustment payments under 89 Ill. Adm. Code 148.122 for the 12-month period beginning on October 1, 2004, the Illinois Department shall make an adjustment payment of $200 for each Medicaid inpatient day of care provided during State fiscal year 2003.

(h) Supplemental tertiary care adjustment. In addition to rates paid for inpatient services, the Department shall pay to each Illinois hospital eligible for tertiary care adjustment payments under 89 Ill. Adm. Code 148.296, as in effect for State fiscal year 2005, a supplemental tertiary care adjustment payment equal to 2.5 multiplied by the tertiary care adjustment payment required under 89 Ill. Adm. Code 148.296, as in effect for State fiscal year 2005.

(i) Crossover percentage adjustment. In addition to rates paid for inpatient services, the Department shall pay each Illinois general acute care hospital, excluding any hospital defined as a cancer center hospital in rules by the Department, located in an urban area that provided over 500 days of inpatient care to Medicaid recipients, that had a ratio of crossover days to total Medicaid days, utilizing information used for the Medicaid percentage adjustment determination described in 84 Ill. Adm. Code 148.122, effective October 1, 2004, of greater than 40%, and that does not qualify for Medicaid percentage adjustment payments under 89 Ill. Adm. Code 148.122, on October 1, 2004, an amount as follows:

(1) for hospitals located in an other urban area, $140 per Medicaid inpatient day (including crossover days);

(2) for hospitals located in a large urban area whose ratio of crossover days to total Medicaid days is less than 55%, $350 per Medicaid inpatient day (including crossover days);

(3) for hospitals located in a large urban area whose ratio of crossover days to total Medicaid days is equal to or greater than 55%, $1,400 per Medicaid inpatient day (including crossover days). The term “Medicaid days” in paragraphs (1), (2), and (3) of this subsection (i) means the Medicaid days utilized for the Medicaid percentage adjustment determination described in 89 Ill. Adm. Code 148.122 for the October 1, 2004 determination.

(j) Long term acute care hospital adjustment. In addition to rates paid for inpatient services, the Department shall pay each Illinois long
term acute care hospital that, as of October 1, 2004, qualified for a Medicaid percentage adjustment under 89 Ill. Adm. Code 148.122, $125 for each Medicaid inpatient day of care provided in State fiscal year 2003. In addition to rates paid for inpatient services, the Department shall pay each long term acute care hospital that, as of October 1, 2004, did not qualify for a Medicaid percentage adjustment under 89 Ill. Adm. Code 148.122, $1,250 for each Medicaid inpatient day of care provided in State fiscal year 2003. For purposes of this subsection, "long term acute care hospital" means a hospital that (i) is not a psychiatric hospital, rehabilitation hospital, or children's hospital and (ii) has an average length of inpatient stay greater than 25 days.

(k) Obstetrical care adjustments.

(1) In addition to rates paid for inpatient services, the Department shall pay each Illinois hospital an amount equal to $550 multiplied by each Medicaid obstetrical day of care provided by the hospital in State fiscal year 2003.

(2) In addition to rates paid for inpatient services, the Department shall pay each Illinois hospital that qualified as a Medicaid disproportionate share hospital under 89 Ill. Adm. Code 148.120 as of October 1, 2004, and that had a Medicaid obstetrical percentage greater than 10% and a Medicaid emergency care percentage greater than 40%, an amount equal to $650 multiplied by each Medicaid obstetrical day of care provided by the hospital in State fiscal year 2003.

(3) In addition to rates paid for inpatient services, the Department shall pay each Illinois hospital that is located in the St. Louis metropolitan statistical area and that provided more than 500 Medicaid obstetrical days of care in State fiscal year 2003, an amount equal to $1,800 multiplied by each Medicaid obstetrical day of care provided by the hospital in State fiscal year 2003.

(4) In addition to rates paid for inpatient services, the Department shall pay $600 for each Medicaid obstetrical day of care provided in State fiscal year 2003 by each Illinois hospital that (i) is located in a large urban area, (ii) is located in a county whose number of Medicaid recipients increased from State fiscal year 1998 to State fiscal year 2003 by more than 60%, and (iii) that had a Medicaid obstetrical percentage used for the October 1, 2004, Medicaid percentage adjustment determination described in 89 Ill. Adm. Code 148.122 greater than 25%.
(5) In addition to rates paid for inpatient services, the Department shall pay $400 for each Medicaid obstetrical day of care provided in State fiscal year 2003 by each Illinois rural hospital that (i) was designated a Level II perinatal center as of January 1, 2005, (ii) had a Medicaid inpatient utilization rate greater than 34% in State fiscal year 2002, and (iii) had a Medicaid obstetrical percentage used for the October 1, 2004, Medicaid percentage adjustment determination described in 89 Ill. Adm. Code 148.122 greater than 15%.

(l) Outpatient access payments. In addition to the rates paid for outpatient hospital services, the Department shall pay each Illinois hospital (except for hospitals described in Section 5A-3), an amount equal to 2.38 multiplied by the hospital's outpatient ambulatory procedure listing payments for services provided during State fiscal year 2003 multiplied by the percentage by which the number of Medicaid recipients in the county in which the hospital is located increased from State fiscal year 1998 to State fiscal year 2003.

(m) Outpatient utilization payment.

(1) In addition to the rates paid for outpatient hospital services, the Department shall pay each Illinois rural hospital, an amount equal to 1.7 multiplied by the hospital's outpatient ambulatory procedure listing payments for services provided during State fiscal year 2003.

(2) In addition to the rates paid for outpatient hospital services, the Department shall pay each Illinois hospital located in an urban area, an amount equal to 0.45 multiplied by the hospital's outpatient ambulatory procedure listing payments received for services provided during State fiscal year 2003.

(n) Outpatient complexity of care adjustment. In addition to the rates paid for outpatient hospital services, the Department shall pay each Illinois hospital located in an urban area an amount equal to 2.55 multiplied by the hospital's emergency care percentage multiplied by the hospital's outpatient ambulatory procedure listing payments received for services provided during State fiscal year 2003. For children's hospitals with an inpatient utilization rate used for the October 1, 2004, Medicaid percentage adjustment determination described in 89 Ill. Adm. Code 148.122 greater than 90%, this adjustment shall be multiplied by 2. For cancer center hospitals, this adjustment shall be multiplied by 3.

(o) Rehabilitation hospital adjustment. In addition to the rates paid for outpatient hospital services, the Department shall pay each Illinois hospital...
freestanding rehabilitation hospital that does not qualify for a Medicaid percentage adjustment under 89 Ill. Adm. Code 148.122 as of October 1, 2004, an amount equal to 3 multiplied by the hospital’s outpatient ambulatory procedure listing payments for Group 6A services provided during State fiscal year 2003.

(p) Perinatal outpatient adjustment. In addition to the rates paid for outpatient hospital services, the Department shall pay an adjustment payment to each large urban general acute care hospital that is designated as a perinatal center as of January 1, 2005, has a Medicaid obstetrical percentage of at least 10% used for the October 1, 2004, Medicaid percentage adjustment determination described in 89 Ill. Adm. Code 148.122, has a Medicaid intensive care unit percentage of at least 3%, and has a ratio of ambulatory procedure listing Level 3 services to total ambulatory procedure listing services of at least 50%. The amount of the adjustment payment under this subsection shall be $550 multiplied by the hospital’s outpatient ambulatory procedure listing Level 3A services provided in State fiscal year 2003. If the hospital, as of January 1, 2005, was designated a Level III or II+ perinatal center, the adjustment payments required by this subsection shall be multiplied by 4.

(q) Supplemental psychiatric adjustment payments. In addition to the rates paid for inpatient services, the Department shall pay to each Illinois hospital that does not qualify for Medicaid percentage adjustments described in 89 Ill. Adm. Code 148.122 but is eligible for psychiatric adjustment payments under 89 Ill. Adm. Code 148.105 for State fiscal year 2005, a supplemental psychiatric adjustment payment equal to 0.7 multiplied by the psychiatric adjustment payment required under 89 Ill. Adm. Code 148.105, as in effect for State fiscal year 2005.

(r) Outpatient community access adjustment. In addition to the rates paid for outpatient hospital services, the Department shall pay an adjustment payment to each general acute care hospital that is designated as a perinatal center as of January 1, 2005, that had a Medicaid obstetrical percentage used for the October 1, 2004, Medicaid percentage adjustment determination described in 89 Ill. Adm. Code 148.122 of at least 12.5%, that had a ratio of crossover days to total Medicaid days utilizing information used for the Medicaid percentage adjustment described in 89 Ill. Adm. Code 148.122 determination effective October 1, 2004, of greater than or equal to 25%, and that qualified for the Medicaid percentage adjustment payments under 89 Ill. Adm. Code 148.122 on October 1, 2004, an amount equal to $100 multiplied by the hospital’s
outpatient ambulatory procedure listing services provided during State fiscal year 2003.

(s) Definitions. Unless the context requires otherwise or unless provided otherwise in this Section, the terms used in this Section for qualifying criteria and payment calculations shall have the same meanings as those terms have been given in the Illinois Department’s administrative rules as in effect on May 1, 2005. Other terms shall be defined by the Illinois Department by rule.

As used in this Section, unless the context requires otherwise:

"Emergency care percentage" means a fraction, the numerator of which is the total Group 3 ambulatory procedure listing services provided by the hospital in State fiscal year 2003, and the denominator of which is the total ambulatory procedure listing services provided by the hospital in State fiscal year 2003.

"Large urban area" means an area located within a metropolitan statistical area, as defined by the U.S. Office of Management and Budget in OMB Bulletin 04-03, dated February 18, 2004, with a population in excess of 1,000,000.

"Medicaid intensive care unit days" means the number of hospital inpatient days during which Medicaid recipients received intensive care services from the hospital, as determined from the hospital’s 2002 Medicaid cost report that was on file with the Department as of July 1, 2004.

"Other urban area" means an area located within a metropolitan statistical area, as defined by the U.S. Office of Management and Budget in OMB Bulletin 04-03, dated February 18, 2004, with a city with a population in excess of 50,000 or a total population in excess of 100,000.

(t) For purposes of this Section, a hospital that enrolled to provide Medicaid services during State fiscal year 2003 shall have its utilization and associated reimbursements annualized prior to the payment calculations being performed under this Section.

(u) For purposes of this Section, the terms "Medicaid days", "ambulatory procedure listing services", and "ambulatory procedure listing payments" do not include any days, charges, or services for which Medicare was liable for payment, except where explicitly stated otherwise in this Section.

(v) As provided in Section 5A-14, this Section is repealed on July 1, 2008.

(305 ILCS 5/5A-13)
Sec. 5A-13. Emergency rulemaking. The Department of Public Aid may adopt rules necessary to implement this amendatory Act of the 94th General Assembly through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of that Act, the General Assembly finds that the adoption of rules to implement this amendatory Act of the 94th General Assembly is deemed an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 93-659, eff. 2-3-04.)

(305 ILCS 5/5A-14)

Sec. 5A-14. Repeal of assessments and disbursements.
(a) Section 5A-2 is repealed on July 1, 2008.
(b) Section 5A-12 is repealed on July 1, 2005.
(c) Section 5A-12.1 is repealed on July 1, 2008.

(Source: P.A. 93-659, eff. 2-3-04.)

Section 90-97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 90-99. Effective date. This Act takes effect upon becoming law.

Approved July 18, 2005.
Effective July 18, 2005.
(b) any employee or volunteer of the American Red Cross.

(c) any employee of a federal, state, county or local government agency assisting an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency through mutual aid or as otherwise requested or directed in time of disaster or emergency.

(d) any person volunteering or directed to assist an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency.

(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

Sec. 12-2. Aggravated assault.

(a) A person commits an aggravated assault, when, in committing an assault, he:

1. Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

2. Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to a firearm;

3. Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

4. Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

5. Knows the individual assaulted to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department

New matter indicated by italics - deletions by strikeout
of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

New matter indicated by italics - deletions by strikeout
(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;
(10) Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee;
(11) Knowingly and without legal justification, commits an assault on a physically handicapped person;
(12) Knowingly and without legal justification, commits an assault on a person 60 years of age or older;
(13) Discharges a firearm;
(14) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties;
(15) Knows the individual assaulted to be a correctional employee or an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, while the employee is engaged in the execution of any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee;
(16) Knows the individual assaulted to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee; or
(17) Knows the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault to the sports official or coach occurred within an athletic facility or an indoor or outdoor playing field or within the immediate vicinity of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. For the purposes of this paragraph (17), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest.

New matter indicated by italics - deletions by strikeout
(18) Knows the individual assaulted to be an emergency management worker, while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the emergency management worker or in the direction of a vehicle occupied by the emergency management worker.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (8) through (12) and (17) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in paragraphs (6), (7), and (16), and (18) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraphs (6), (7), and (16), and (18) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault.

(Source: P.A. 92-841, eff. 8-22-02; 92-865, eff. 1-3-03; 93-692, eff. 1-1-05.)

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
Sec. 12-4. Aggravated Battery.

(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

1. Uses a deadly weapon other than by the discharge of a firearm;
2. Is hooded, robed or masked, in such manner as to conceal his identity;
3. Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee

New matter indicated by italics - deletions by strikeout
is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties, and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel

New matter indicated by italics - deletions by strikeout
from performing official duties, or in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) Knows the individual harmed to be an employee of the Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;

(14) Knows the individual harmed to be a person who is physically handicapped;

(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code;

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act; or

New matter indicated by italics - deletions by strikeout
(17) Knows the individual harmed to be an employee of a police or sheriff’s department engaged in the performance of his or her official duties as such employee.

(18) Knows the individual harmed to be an emergency management worker engaged in the performance of any of his or her official duties, or to prevent the emergency management worker from performing official duties, or in retaliation for the emergency management worker performing official duties.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

Aggravated battery is a Class 3 felony, except a violation of subsection (a) is a Class 2 felony when the person knows the individual harmed to be a peace officer engaged in the execution of any of his or her official duties, or the battery is to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties.
Sec. 12-4.2. Aggravated Battery with a firearm.

(a) A person commits aggravated battery with a firearm when he, in committing a battery, knowingly or intentionally by means of the discharging of a firearm (1) causes any injury to another person, or (2) causes any injury to a person he knows to be a peace officer, a community policing volunteer, a correctional institution employee or a fireman while the officer, volunteer, employee or fireman is engaged in the execution of any of his official duties, or to prevent the officer, volunteer, employee or fireman from performing his official duties, or in retaliation for the officer, volunteer, employee or fireman performing his official duties, or (3) causes any injury to a person he knows to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties, or (4) causes any injury to a person he or she knows to be a teacher or other person employed in a school and the teacher or other employee is upon grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes, or (5) causes any injury to a person he or she knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties.

(b) A violation of subsection (a)(1) of this Section is a Class X felony. A violation of subsection (a)(2), subsection (a)(3), or subsection
(a)(4), or subsection (a)(5) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 15 years and no more than 60 years.

(c) For purposes of this Section, "firearm" is defined as in "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith", approved August 1, 1967, as amended.

(Source: P.A. 90-651, eff. 1-1-99; 91-434, eff. 1-1-00; 91-696, eff. 4-13-00.)

(720 ILCS 5/12-4.2-5)
Sec. 12-4.2-5. Aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm.

(a) A person commits aggravated battery with a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm when he or she, in committing a battery, knowingly or intentionally by means of the discharging of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm (1) causes any injury to another person, or (2) causes any injury to a person he or she knows to be a peace officer, a person summoned by a peace officer, a correctional institution employee or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties, or (3) causes any injury to a person he or she knows to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his or her official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his or her official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical

New matter indicated by italics - deletions by strikeout
technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his or her official duties, or (4) causes any injury to a person he or she knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties.

(b) A violation of subsection (a) (1) of this Section is a Class X felony for which the person shall be sentenced to a term of imprisonment of no less than 12 years and no more than 45 years. A violation of subsection (a) (2), or subsection (a) (3), or subsection (a) (4) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 20 years and no more than 60 years.

(c) For purposes of this Section, "firearm" is defined as in the Firearm Owners Identification Card Act.

(d) For purposes of this Section, "machine gun" has the meaning ascribed to it in clause (i) of paragraph (7) of subsection (a) of Section 24-1 of this Code.

(Source: P.A. 91-121, eff. 7-15-99.)

(720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

Sec. 24-1.2. Aggravated discharge of a firearm.

(a) A person commits aggravated discharge of a firearm when he or she knowingly or intentionally:

(1) Discharges a firearm at or into a building he or she knows or reasonably should know to be occupied and the firearm is discharged from a place or position outside that building;

(2) Discharges a firearm in the direction of another person or in the direction of a vehicle he or she knows or reasonably should know to be occupied by a person;

(3) Discharges a firearm in the direction of a person he or she knows to be a peace officer, a community policing volunteer, a correctional institution employee, or a fireman while the officer, volunteer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, volunteer, employee or fireman from performing his or her official duties, or in retaliation for the officer, volunteer, employee or fireman performing his or her official duties;

(4) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by a peace officer, a person summoned
or directed by a peace officer, a correctional institution employee or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(5) Discharges a firearm in the direction of a person he or she knows to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his or her official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his or her official duties;

(6) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his or her official duties, or in retaliation for the emergency medical technician - ambulance,

New matter indicated by italics - deletions by strikeout
emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his or her official duties; or

(7) Discharges a firearm in the direction of a person he or she knows to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes; or

(8) Discharges a firearm in the direction of a person he or she knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties; or

(9) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties.

(b) A violation of subsection (a)(1) or subsection (a)(2) of this Section is a Class 1 felony. A violation of subsection (a)(1) or (a)(2) of this Section committed in a school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, regardless of the time of day or time of year that the offense was committed is a Class X felony. A violation of subsection (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7), (a)(8), or (a)(9) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 10 years and not more than 45 years.

(c) For purposes of this Section:

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

New matter indicated by italics - deletions by strikeout
Sec. 24-1.2-5. Aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm.

(a) A person commits aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm when he or she knowingly or intentionally:

(1) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm at or into a building he or she knows to be occupied and the machine gun or the firearm equipped with a device designed or used for silencing the report of a firearm is discharged from a place or position outside that building;

(2) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of another person or in the direction of a vehicle he or she knows to be occupied;

(3) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be a peace officer, a person summoned or directed by a peace officer, a correctional institution employee, or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(4) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by a peace officer, a person summoned or directed by a peace officer, a correctional institution employee or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(5) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be an emergency medical
technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his or her official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his or her official duties; or

(6) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his or her official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his or her official duties; or

(7) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be an emergency personnel.
management worker while the emergency management worker is
engaged in the execution of any of his or her official duties, or to
prevent the emergency management worker from performing his or
her official duties, or in retaliation for the emergency management
worker performing his or her official duties; or

(8) Discharges a machine gun or a firearm equipped with a
device designed or used for silencing the report of a firearm in the
direction of a vehicle he or she knows to be occupied by an
emergency management worker while the emergency management
worker is engaged in the execution of any of his or her official
duties, or to prevent the emergency management worker from
performing his or her official duties, or in retaliation for the
emergency management worker performing his or her official
duties.

(b) A violation of subsection (a) (1) or subsection (a) (2) of this
Section is a Class X felony. A violation of subsection (a) (3), (a) (4), (a)
(5), or (a) (6), (a) (7), or (a) (8) of this Section is a Class X felony for
which the sentence shall be a term of imprisonment of no less than 12
years and no more than 50 years.

(c) For the purpose of this Section, "machine gun" has the meaning
ascribed to it in clause (i) of paragraph (7) of subsection (a) of Section 24-
1 of this Code.

(Source: P.A. 91-121, eff. 7-15-99.)

(720 ILCS 5/31-9 new)
Sec. 31-9. Obstructing an emergency management worker. A
person who knowingly obstructs the performance by one known to the
person to be an emergency management worker of any authorized act
within his or her official capacity commits a Class A misdemeanor.

Section 10. The Unified Code of Corrections is amended by
changing Section 5-8-1 as follows:

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)
Sec. 5-8-1. Sentence of Imprisonment for Felony.
(a) Except as otherwise provided in the statute defining the offense,
a sentence of imprisonment for a felony shall be a determinate sentence set
by the court under this Section, according to the following limitations:
(1) for first degree murder,
   (a) a term shall be not less than 20 years and not
   more than 60 years, or
   (b) if a trier of fact finds beyond a reasonable doubt
   that the murder was accompanied by exceptionally brutal or

New matter indicated by italics - deletions by strikeout
heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) of Section 9-1 of the Criminal Code of 1961 are present, the court may sentence the defendant to a term of natural life imprisonment, or

(c) the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant,

(1) has previously been convicted of first degree murder under any state or federal law, or

(ii) is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age; or, irrespective of the defendant's age at the time of the commission of the offense, is found guilty of murdering more than one victim, or

(iii) is found guilty of murdering a peace officer or fireman, or emergency management worker when the peace officer, or fireman, or emergency management worker was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer, or fireman, or emergency management worker from performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer, or fireman, or emergency management worker, or

(iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

New matter indicated by italics - deletions by strikeout
(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d) (i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

New matter indicated by italics - deletions by strikeout
(ii) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(1.5) for second degree murder, a term shall be not less than 4 years and not more than 20 years;

(2) for a person adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, as amended, the sentence shall be a term of natural life imprisonment;

(2.5) for a person convicted under the circumstances described in paragraph (3) of subsection (b) of Section 12-13, paragraph (2) of subsection (d) of Section 12-14, paragraph (1.2) of subsection (b) of Section 12-14.1, or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961, the sentence shall be a term of natural life imprisonment;

(3) except as otherwise provided in the statute defining the offense, for a Class X felony, the sentence shall be not less than 6 years and not more than 30 years;

(4) for a Class 1 felony, other than second degree murder, the sentence shall be not less than 4 years and not more than 15 years;

(5) for a Class 2 felony, the sentence shall be not less than 3 years and not more than 7 years;

(6) for a Class 3 felony, the sentence shall be not less than 2 years and not more than 5 years;

(7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

(b) The sentencing judge in each felony conviction shall set forth his reasons for imposing the particular sentence he enters in the case, as provided in Section 5-4-1 of this Code. Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such circumstances, as well as any other such factors as the judge shall set

New matter indicated by italics - deletions by strikeout
forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(c) A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide such motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, then for purposes of perfecting an appeal, a final judgment shall not be considered to have been entered until the motion to reduce a sentence has been decided by order entered by the trial court.

A motion filed pursuant to this subsection shall not be considered to have been timely filed unless it is filed with the circuit court clerk within 30 days after the sentence is imposed together with a notice of motion, which notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

(d) Except where a term of natural life is imposed, every sentence shall include as though written therein a term in addition to the term of imprisonment. For those sentenced under the law in effect prior to February 1, 1978, such term shall be identified as a parole term. For those sentenced on or after February 1, 1978, such term shall be identified as a mandatory supervised release term. Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be as follows:

(1) for first degree murder or a Class X felony, 3 years;
(2) for a Class 1 felony or a Class 2 felony, 2 years;
(3) for a Class 3 felony or a Class 4 felony, 1 year;
(4) if the victim is under 18 years of age, for a second or subsequent offense of criminal sexual assault or aggravated criminal sexual assault, 5 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code;
(5) if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony

New matter indicated by italics - deletions by strikeout
criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code.

(e) A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his sentence by the Illinois court ordered to be concurrent with the prior sentence in the other state. The court may order that any time served on the unexpired portion of the sentence in the other state, prior to his return to Illinois, shall be credited on his Illinois sentence. The other state shall be furnished with a copy of the order imposing sentence which shall provide that, when the offender is released from confinement of the other state, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois Circuit Court may apply to the court which imposed sentence to have his sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his Illinois sentence. Such application for reduction of a sentence under this subsection (f) shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(Source: P.A. 91-279, eff. 1-1-00; 91-404, eff. 1-1-00; 91-953, eff. 2-23-01; 92-16, eff. 6-28-01.)

Section 99. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 17, 2005.
Approved July 18, 2005.
Effective January 1, 2006.
AN ACT creating a commission to study the problems and organic laws pertaining to local government.

WHEREAS, Many of the local governmental units in the State of Illinois were established under provisions of the Illinois Constitution of 1870; and

WHEREAS, There have been rapid changes in the population of Illinois in numbers, in concentration, and in movement, as well as vast economic, social, and technological changes, that strain the ability of Illinois local governments adequately to furnish necessary services; and

WHEREAS, Illinois local governments were conceived to serve a rural society; in areas not experiencing the impact of modern changes, they may be adequate, but in areas of great change, notably the urban areas, they are not sufficiently flexible, do not have adequate powers and financing, and are not responsive to present-day needs in transportation, health, water supply, water pollution, air pollution, recreation, disposal of sewage, and disposal of refuse; and

WHEREAS, The inadequacies in Illinois local governments have resulted in the creation of numerous functional local governments all competing for financial and jurisdictional support from the same area; therefore,

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

Section 1. Short title. This Act may be cited as the Local Government Consolidation Commission Act.

Section 5. Commission; creation; members. There is created a Commission on Local Government, to consist of 17 members, 3 to be members of the Senate appointed by the President of the Senate, 3 to be members of the Senate appointed by the Senate Minority Leader, 3 to be members of the House of Representatives appointed by the Speaker of the House, 3 to be members of the House of Representatives appointed by the House Minority Leader, and 5 to be citizens of the State appointed by the Governor as follows:

(1) One member selected from recommendations provided by an association representing counties;

(2) One member selected from recommendations provided by an association representing municipalities;

New matter indicated by italics - deletions by strikeout
(3) One member selected from recommendations provided by an association representing townships;
(4) One member selected from recommendations provided by an association representing park districts; and
(5) One member who serves as an elected officer of a local governmental entity in Illinois other than a county, municipality, township, or park district.

Section 10. Study; recommendations. The Commission shall make a survey of the entire structure of local governments and of their organization, powers, jurisdiction, and functions. Among other things, and without limiting its activities, the Commission shall:
(1) Study all laws governing the organization, powers, jurisdiction, and functions of local governments.
(2) Study the inter-relationships of local governments to each other and to federal and State governments.
(3) Formulate specific recommendations for legislation or constitutional amendments to (i) permit effective management of local affairs, (ii) encourage local policy decision making, (iii) reduce the multiplicity of local governments, (iv) eliminate overlapping and duplicating of unnecessary powers, (v) increase efficiency and economy in local governments, and (vi) allow optional forms of local governments and increase their authority for cooperation among the levels of government.

Section 15. Meetings; officers. The members of the Commission shall meet and the Commission shall be organized within 90 days after the effective date of this Act, and shall at that time elect a chair from among the members. The Commission may adopt its own rules of procedure. The Commission may employ or use the services of specialists in public administration and governmental management and any other trained consultants, analysts, investigators, and assistants it may consider necessary, on either a full-time or a part-time basis. The Commission shall fix the compensation for any paid employees, which shall be paid from moneys appropriated for that purpose.

Section 20. Compensation; expenses. The members of the Commission shall serve without compensation, but their actual traveling and other expenses while engaged in performance of the duties of the commission shall be paid from moneys appropriated for that purpose.

Section 25. Report. The Commission shall render its final report to the General Assembly not later than December 31, 2006, setting out its findings and recommendations and proposing those measures it considers necessary to effect essential changes and improvements in the existing

New matter indicated by italics - deletions by strikeout
laws relating to any or all of the matters enumerated in Section 10 of this Act.

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

Passed in the General Assembly May 26, 2005.
Approved July 19, 2005.
Effective July 19, 2005.

PUBLIC ACT 94-0245
(House Bill No. 0265)

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

Section 5. The Use of Credit Information in Personal Insurance Act is amended by adding Section 22 as follows:

(215 ILCS 157/22 new)

Sec. 22. Extraordinary life events.
(a) An insurer authorized to do business in this State that uses credit information to underwrite or rate risks shall review and consider an exception to the risk score based upon extraordinary life events after receiving a written and signed notification from the applicant or insured explaining how the applicant or insured believes the extraordinary life event adversely impacts the applicant's or insured's insurance risk score.

(b) For the purposes of this Section, "extraordinary life event" means the following:

1. a catastrophic illness or injury to an applicant or insured or an immediate family member of an applicant or insured;
2. the death of a spouse, -child, or parent of an applicant or insured;
3. involuntary loss of employment for a period of 3 months or more by an applicant or insured;
4. identity theft of an applicant or insured; or
5. dissolution of marriage of an applicant or insured.

Approved July 19, 2005.
Effective January 1, 2006.

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

Section 5. The Regulatory Sunset Act is amended by changing Section 4.16 and by adding Section 4.26 as follows:

(5 ILCS 80/4.16)
Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:
- The Respiratory Care Practice Act.
- The Hearing Instrument Consumer Protection Act.
- The Illinois Dental Practice Act.
- The Professional Geologist Licensing Act.
- The Illinois Athletic Trainers Practice Act.
- The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.
- The Collection Agency Act.
- The Illinois Roofing Industry Licensing Act.
(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)
(5 ILCS 80/4.26 new)
Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:
- The Illinois Athletic Trainers Practice Act.

Section 10. The Illinois Athletic Trainers Practice Act is amended by changing Sections 3, 4, 6, 9, 10, 13, 16, 17.5, and 34 and by adding Section 34.1 as follows:

(225 ILCS 5/3) (from Ch. 111, par. 7603)
(Section scheduled to be repealed on January 1, 2006)
Sec. 3. Definitions. As used in this Act:
(1) "Department" means the Department of Professional Regulation.
(2) "Director" means the Director of Professional Regulation.
(3) "Board" means the Illinois Board of Athletic Trainers appointed by the Director.

New matter indicated by italics - deletions by strikeout
(4) "Licensed athletic trainer" means a person licensed to practice athletic training as defined in this Act and with the specific qualifications set forth in Section 9 of this Act who, upon the direction of his or her team physician or consulting physician, carries out the practice of prevention/emergency care or physical reconditioning of injuries incurred by athletes participating in an athletic program conducted by an educational institution, professional athletic organization, or sanctioned amateur athletic organization employing the athletic trainer; or a person who, under the direction of a physician, carries out comparable functions for a health organization-based extramural program of athletic training services for athletes. Specific duties of the athletic trainer include but are not limited to:

A. Supervision of the selection, fitting, and maintenance of protective equipment;
B. Provision of assistance to the coaching staff in the development and implementation of conditioning programs;
C. Counseling of athletes on nutrition and hygiene;
D. Supervision of athletic training facility and inspection of playing facilities;
E. Selection and maintenance of athletic training equipment and supplies;
F. Instruction and supervision of student trainer staff;
G. Coordination with a team physician to provide:
   (i) pre-competition physical exam and health history updates,
   (ii) game coverage or phone access to a physician or paramedic,
   (iii) follow-up injury care,
   (iv) reconditioning programs, and
   (v) assistance on all matters pertaining to the health and well-being of athletes.
H. Provision of on-site injury care and evaluation as well as appropriate transportation, follow-up treatment and rehabilitation as necessary for all injuries sustained by athletes in the program;
I. With a physician, determination of when an athlete may safely return to full participation post-injury; and
J. Maintenance of complete and accurate records of all athletic injuries and treatments rendered.

To carry out these functions the athletic trainer is authorized to utilize modalities, including, but not limited to, such as heat, light, sound,
cold, electricity, exercise, or mechanical devices related to care and reconditioning.

(5) "Referral" means the guidance and direction to the athletic trainer given by the physician, who shall maintain supervision of the athlete.

(6) "Athletic trainer aide" means a person who has received on-the-job training specific to the facility in which he or she is employed, on either a paid or volunteer basis, but is not enrolled in an accredited athletic training curriculum.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 5/4) (from Ch. 111, par. 7604)

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

Sec. 4. Licensure requirement - Exempt activities. After the effective date of this Act, no person shall provide any of the services set forth in subsection (4) of Section 3 of this Act, or use the title "athletic trainer" or "certified athletic trainer" or "athletic trainer certified" or the letters "A.T.", "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L." after his name, unless licensed under this Act. Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of:

(1) Any person licensed or registered in this State by any other law from engaging in the profession or occupation for which he or she is licensed or registered.

(2) Any person employed as an athletic trainer by the Government of the United States, if such person provides athletic training solely under the direction or control of the organization by which he or she is employed.

(3) Any person pursuing a course of study leading to a degree or certificate in athletic training at an accredited or approved educational program if such activities and services constitute a part of a supervised course of study involving daily personal or verbal contact at the site of supervision between the athletic training student and the licensed athletic trainer who plans, directs, advises, and evaluates the student's athletic training clinical education. The supervising licensed athletic trainer must be on-site where the athletic training clinical education is being obtained.

(4) Any person fulfilling the supervised work experience requirements of Section 9 of this Act, if such activities and services...
constitute a part of the experience necessary to meet the requirements of that Section; or

(5) The practice of athletic training under the supervision of a licensed athletic trainer by one who has applied in writing to the Department for licensure and has complied with all the provisions of Section 9 except the passing of the examination to be eligible to receive such license. In no event shall this exemption extend to any person for longer than 3 months. Anyone who has previously failed the examination, or who fails the examination during this 3-month period, shall immediately cease practice as an athletic trainer and shall not engage in the practice of athletic training again until he or she passes the examination. 

(6) Any person in a coaching position from rendering emergency care on an as needed basis to the athletes under his or her supervision when a licensed athletic trainer is not available. 

(7) Any person who is an athletic trainer from another nation, state, or territory acting as an athletic trainer while performing his duties for his or her respective non-Illinois based team or organization, so long as he or she restricts his or her duties to his or her team or organization during the course of his or her team's or organization's stay in this State. For the purposes of this Act, a team shall be considered based in Illinois if its home contests are held in Illinois, regardless of the location of the team's administrative offices.

(8) The practice of athletic training by persons licensed in another state who have applied in writing to the Department for licensure by endorsement for no longer than 6 months or until notification has been given that licensure has been granted or denied, whichever period of time is lesser.

(9) The practice of athletic training by one who has applied in writing to the Department for licensure and has complied with all the provisions of Section 9 for no longer than 6 months or until notification has been given that licensure has been granted or denied, whichever period of time is lesser.

(10) The practice of athletic training by persons actively licensed as an athletic trainer in another state, or currently certified by the National Athletic Trainers Association Board of Certification, Inc., or its successor entity, at a special athletic tournament or event conducted by a sanctioned amateur athletic organization, including, but not limited to, the Prairie State Games and the Special Olympics, for no more than 14 days.

New matter indicated by italics - deletions by strikeout
This shall not include contests or events that are part of a scheduled series of regular season events.

(11) Athletic trainer aides from performing patient care activities under the on-site supervision of a licensed athletic trainer. These patient care activities shall not include interpretation of referrals or evaluation procedures, planning or major modifications of patient programs, administration of medication, or solo practice or event coverage without immediate access to a licensed athletic trainer.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/6) (from Ch. 111, par. 7606)

Sec. 6. Athletic Training Board - Appointment - Membership - Term - Duties. The Director shall appoint an Illinois Board of Athletic Trainers as follows: 7 six persons who shall be appointed by and shall serve in an advisory capacity to the Director. Two members must be licensed physicians; 4 three members must be licensed registered athletic trainers in good standing, and actively engaged in the practice or teaching of athletic training in this State; and 1 member must be a public member who is not licensed registered under this Act, or a similar Act of another jurisdiction, and is not a provider of athletic health care service.

Members shall serve 4 year terms and until their successors are appointed and qualified except that of the initial appointments, 1 member shall be appointed to serve for one year, 2 shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and the remaining one, who shall be the public member, shall be appointed to serve for 4 years, and until their successors are appointed and qualified. No member shall be reappointed to the Board for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act.

The membership of the Board should reasonably reflect representation from the geographic areas in this State.

The Director may terminate the appointment of any member for cause which in the opinion of the Director reasonably justifies such termination.

The Director shall consider the recommendation of the Board on questions involving standards of professional conduct, discipline, and qualifications of candidates and license holders under this Act.

(Source: P.A. 91-827, eff. 6-13-00.)

(225 ILCS 5/9) (from Ch. 111, par. 7609)
(Section scheduled to be repealed on January 1, 2006)

Sec. 9. Educational and Professional Requirements. A person having the qualifications prescribed in this Section shall be qualified to receive a license as an athletic trainer if he or she:

(a) Has graduated from a curriculum in athletic training accredited by the Department. In approving a curriculum in athletic training, the Department shall consider, but not be bound by, accreditation by the Joint Review Committee on Athletic Training (JRC-AT) of the Commission Committee on Accreditation of Allied Health Education Programs (CAAHEP), or its successor entity, or its equivalent, as approved by the Department. or

(b) Gives proof of current certification, on the date of application, in CPR/AED for the Healthcare Professional or its equivalent based on American Red Cross or American Heart Association standards and graduation from a 4 year accredited college or university. and has met the following minimum athletic training curriculum requirements established by the Board:

Completion of the following specific course requirements:
   (1) Anatomy
   (2) Physiology
   (3) Physiology of Exercise
   (4) Applied Anatomy and Kinesiology
   (5) Psychology (2 courses)
   (6) First Aid and CPR or equivalent (American Red Cross standards)
   (7) Nutrition
   (8) Remedial Exercise or Therapeutic Exercise
   (9) Personal, Community, and School Health
   (10) Techniques of Athletic Training (fundamentals)
   (11) Advanced Techniques of Athletic Training (modalities, administration)
   (12) Clinical Experience (1500 hours) over a minimum of a 2 year academic period within a 5 year calendar period.

(c) Has passed an examination approved by the Department to determine his or her fitness for practice as an athletic trainer, or is entitled to be licensed without examination as provided in Sections 7 and 8 of this Act.

The Department may request a personal interview of an applicant before the Board committee to further evaluate his or her qualifications for a license.

New matter indicated by italics - deletions by strikeout
An applicant has 3 years from the date of his or her application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/10) (from Ch. 111, par. 7610)

Sec. 10. License expiration; renewal; continuing education requirement. The expiration date of licenses issued under this Act shall be set by rule. Licenses shall be renewed according to procedures established by the Department and upon payment of the renewal fee established herein and notarized proof of completion 40 contact hours of approved continuing education relating to the performance and practice of athletic training. The number of hours required and their composition shall be set by rule.

(Source: P.A. 89-216, eff. 1-1-96; 89-626, eff. 8-9-96.)

(225 ILCS 5/13) (from Ch. 111, par. 7613)

Sec. 13. Endorsement. The Department may, at its discretion, license as an athletic trainer, without examination, on payment of the fee, an applicant for licensure who is an athletic trainer registered or licensed under the laws of another state if the requirements pertaining to athletic trainers in such state were at the date of his or her registration or licensure substantially equal to the requirements in force in Illinois on that date. If the requirements of that state are not substantially equal to the Illinois requirements, or if at the time of application the state in which the applicant has been practicing does not regulate the practice of athletic training, and the applicant began practice in that state prior to January 1, 2004, a person having the qualifications prescribed in this Section may be qualified to receive a license as an athletic trainer if he or she:

(1) has passed an examination approved by the Department to determine his or her fitness for practice as an athletic trainer; and

(2) gives proof of current certification, on the date of application, in CPR/AED for the Healthcare Professional or equivalent based on American Red Cross or American Heart Association standards.

The Department may request a personal interview of an applicant before the Board to further evaluate his or her qualifications for a license.

New matter indicated by italics - deletions by strikeout
Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/16) (from Ch. 111, par. 7616)

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

Sec. 16. Refusal to issue, suspension, or revocation of license. The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem proper, including fines not to exceed $5,000 for each violation, with regard to any licensee for any one or combination of the following:

(A) Material misstatement in furnishing information to the Department;

(B) Negligent or intentional disregard of this Act, or of the rules or regulations promulgated hereunder;

(C) Conviction of any crime under the laws of the United States or any state or territory thereof that is (i) a felony, (ii) or a misdemeanor, and an essential element of which is dishonesty, or (iii) of any crime that is directly related to the practice of the profession;

(D) Making any misrepresentation for the purpose of obtaining registration, or violating any provision of this Act;

(E) Professional incompetence;

(F) Malpractice;

(G) Aiding or assisting another person in violating any provision of this Act or rules;

(H) Failing, within 60 days, to provide information in response to a written request made by the Department;

(I) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(J) Habitual intoxication or addiction to the use of drugs;

(K) Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein;

(L) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered;

New matter indicated by italics - deletions by strikeout
(M) A finding that the licensee after having his or her license placed on probationary status has violated the terms of probation;

(N) Abandonment of an athlete;

(O) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with State agencies or departments;

(P) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

(Q) Physical illness, including but not limited to deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety;

(R) Solicitation of professional services other than by permitted institutional policy;

(S) The use of any words, abbreviations, figures or letters with the intention of indicating practice as an athletic trainer without a valid license as an athletic trainer under this Act;

(T) The evaluation or treatment of ailments of human beings other than by the practice of athletic training as defined in this Act or the treatment of injuries of athletes by a licensed athletic trainer except by the referral of a physician, podiatrist, or dentist;

(U) Willfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit-forming drugs;

(V) Willfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;

(W) Continued practice by a person knowingly having an infectious communicable or contagious disease;

(X) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

(Y) Failure to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied; or

(Z) Failure to fulfill continuing education requirements as prescribed in Section 10 of this Act.

New matter indicated by italics - deletions by strikeout
The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. Such suspension will end only upon a finding by a court that the athletic trainer is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the athlete; and upon the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 5/17.5)

Sec. 17.5. Unlicensed Unregistered practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed registered athletic trainer without being licensed registered under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 5/34) (from Ch. 111, par. 7634)

Sec. 34. Persons currently practicing. Any person currently holding an active Illinois license as an athletic trainer on the effective date of this amendatory Act of the 94th General Assembly shall be considered licensed under this Act. Any person actively engaged as an athletic trainer on the effective date of this Act will be considered licensed under this Act if he or she submits an application, pays the license fee required by this Act and upon evaluation of his or her qualifications by the Department is found to have a level of competence equal to that of one possessing the educational qualifications set forth in Section 9 of this Act. In its evaluation, the Department shall accept the applicant's having certification by the National...
Athletic Trainers Association as being the required level of competence. For applicants not having such certification, the Department shall, with the advice of the Board, establish rules for examination and evaluation which shall take into account the applicant's education, training, and experience qualifications.

For the purpose of this Section a person is actively engaged as an athletic trainer if he or she is employed on a salary basis by an educational institution, health care organization, professional athletic organization, or sanctioned amateur athletic organization for the duration of the institution's school year, or the length of the athletic organization's season, and performs the duties of athletic trainer as a major responsibility of his or her employment.

Applications for a license under this Section must be made within 180 days from the effective date of this Act.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/34.1 new)

Sec. 34.1. Partial invalidity. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act, which can be given effect without the invalid portion.

Passed in the General Assembly May 17, 2005.
Approved July 19, 2005.
Effective January 1, 2006.
numerator of which is the sum of the property factor (if any), the payroll factor (if any) and 200% of the sales factor (if any), and the denominator of which is 4 reduced by the number of factors other than the sales factor which have a denominator of zero and by an additional 2 if the sales factor has a denominator of zero. For tax years ending on or after December 31, 1998, and except as otherwise provided by this Section, persons other than residents who derive business income from this State and one or more other states shall compute their apportionment factor by weighting their property, payroll, and sales factors as provided in subsection (h) of this Section.

(1) Property factor.

(A) The property factor is a fraction, the numerator of which is the average value of the person's real and tangible personal property owned or rented and used in the trade or business in this State during the taxable year and the denominator of which is the average value of all the person's real and tangible personal property owned or rented and used in the trade or business during the taxable year.

(B) Property owned by the person is valued at its original cost. Property rented by the person is valued at 8 times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the person less any annual rental rate received by the person from sub-rentals.

(C) The average value of property shall be determined by averaging the values at the beginning and ending of the taxable year but the Director may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the person's property.

(2) Payroll factor.

(A) The payroll factor is a fraction, the numerator of which is the total amount paid in this State during the taxable year by the person for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year.

(B) Compensation is paid in this State if:

(i) The individual's service is performed entirely within this State;

(ii) The individual's service is performed both within and without this State, but the service performed without this State is incidental to the individual's service performed within this State; or

New matter indicated by italics - deletions by strikeout
(iii) Some of the service is performed within this State and either the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within this State, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.

(iv) Compensation paid to nonresident professional athletes.

(a) General. The Illinois source income of a nonresident individual who is a member of a professional athletic team includes the portion of the individual's total compensation for services performed as a member of a professional athletic team during the taxable year which the number of duty days spent within this State performing services for the team in any manner during the taxable year bears to the total number of duty days spent both within and without this State during the taxable year.

(b) Travel days. Travel days that do not involve either a game, practice, team meeting, or other similar team event are not considered duty days spent in this State. However, such travel days are considered in the total duty days spent both within and without this State.

(c) Definitions. For purposes of this subpart (iv):

(1) The term "professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer, or hockey team.

(2) The term "member of a professional athletic team" includes those employees who are active players, players on the disabled list, and any other persons required to travel and who travel with and perform services on behalf of a professional athletic team on a regular basis. This includes, but is not limited to, coaches, managers, and trainers.

(3) Except as provided in items (C) and (D) of this subpart (3), the term "duty days" means all days during the taxable year from the beginning of the professional athletic team's official pre-season training period through the last game in which the

New matter indicated by italics - deletions by strikeout
team competes or is scheduled to compete. Duty days shall be counted for the year in which they occur, including where a team's official pre-season training period through the last game in which the team competes or is scheduled to compete, occurs during more than one tax year.

(A) Duty days shall also include days on which a member of a professional athletic team performs service for a team on a date that does not fall within the foregoing period (e.g., participation in instructional leagues, the "All Star Game", or promotional "caravans"). Performing a service for a professional athletic team includes conducting training and rehabilitation activities, when such activities are conducted at team facilities.

(B) Also included in duty days are game days, practice days, days spent at team meetings, promotional caravans, preseason training camps, and days served with the team through all post-season games in which the team competes or is scheduled to compete.

(C) Duty days for any person who joins a team during the period from the beginning of the professional athletic team's official pre-season training period through the last game in which the team competes, or is scheduled to compete, shall begin on the day that person joins the team. Conversely, duty days for any person who leaves a team during this period shall end on the day that person leaves the team. Where a person switches teams during a taxable year, a separate duty-day calculation shall be made for the period the person was with each team.

(D) Days for which a member of a professional athletic team is not

New matter indicated by italics - deletions by strikeout
compensated and is not performing services for the team in any manner, including days when such member of a professional athletic team has been suspended without pay and prohibited from performing any services for the team, shall not be treated as duty days.

(E) Days for which a member of a professional athletic team is on the disabled list and does not conduct rehabilitation activities at facilities of the team, and is not otherwise performing services for the team in Illinois, shall not be considered duty days spent in this State. All days on the disabled list, however, are considered to be included in total duty days spent both within and without this State.

(4) The term "total compensation for services performed as a member of a professional athletic team" means the total compensation received during the taxable year for services performed:

(A) from the beginning of the official pre-season training period through the last game in which the team competes or is scheduled to compete during that taxable year; and

(B) during the taxable year on a date which does not fall within the foregoing period (e.g., participation in instructional leagues, the "All Star Game", or promotional caravans).

This compensation shall include, but is not limited to, salaries, wages, bonuses as described in this subpart, and any other type of compensation paid during the taxable year to a member of a professional athletic team for services performed in that year. This compensation does not include strike benefits, severance pay, termination pay, contract or option year buy-out payments, expansion or
relocation payments, or any other payments not related to services performed for the team.

For purposes of this subparagraph, "bonuses" included in "total compensation for services performed as a member of a professional athletic team" subject to the allocation described in Section 302(c)(1) are: bonuses earned as a result of play (i.e., performance bonuses) during the season, including bonuses paid for championship, playoff or "bowl" games played by a team, or for selection to all-star league or other honorary positions; and bonuses paid for signing a contract, unless the payment of the signing bonus is not conditional upon the signee playing any games for the team or performing any subsequent services for the team or even making the team, the signing bonus is payable separately from the salary and any other compensation, and the signing bonus is nonrefundable.

Beginning with taxable years ending on or after December 31, 1992, for residents of states that impose a comparable tax liability on residents of this State, for purposes of item (i) of this paragraph (B), in the case of persons who perform personal services under personal service contracts for sports performances, services by that person at a sporting event taking place in Illinois shall be deemed to be a performance entirely within this State.

(3) Sales factor.

(A) The sales factor is a fraction, the numerator of which is the total sales of the person in this State during the taxable year, and the denominator of which is the total sales of the person everywhere during the taxable year.

(B) Sales of tangible personal property are in this State if:

(i) The property is delivered or shipped to a purchaser, other than the United States government, within this State regardless of the f. o. b. point or other conditions of the sale; or

(ii) The property is shipped from an office, store, warehouse, factory or other place of storage in this State and either the purchaser is the United States government or the person is not taxable in the state of the purchaser;

New matter indicated by italics - deletions by strikeout
provided, however, that premises owned or leased by a person who has independently contracted with the seller for the printing of newspapers, periodicals or books shall not be deemed to be an office, store, warehouse, factory or other place of storage for purposes of this Section. Sales of tangible personal property are not in this State if the seller and purchaser would be members of the same unitary business group but for the fact that either the seller or purchaser is a person with 80% or more of total business activity outside of the United States and the property is purchased for resale.

(B-1) Patents, copyrights, trademarks, and similar items of intangible personal property.

(i) Gross receipts from the licensing, sale, or other disposition of a patent, copyright, trademark, or similar item of intangible personal property are in this State to the extent the item is utilized in this State during the year the gross receipts are included in gross income.

(ii) Place of utilization.

(I) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If a patent is utilized in more than one state, the extent to which it is utilized in any one state shall be a fraction equal to the gross receipts of the licensee or purchaser from sales or leases of items produced, fabricated, manufactured, or processed within that state using the patent and of patented items produced within that state, divided by the total of such gross receipts for all states in which the patent is utilized.

(II) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If a copyright is utilized in more than one state, the extent to which it is utilized in any one state shall be a fraction equal to the gross receipts from sales or licenses of materials printed or published in that state divided by the total of such
gross receipts for all states in which the copyright is utilized.

(III) Trademarks and other items of intangible personal property governed by this paragraph (B-1) are utilized in the state in which the commercial domicile of the licensee or purchaser is located.

(iii) If the state of utilization of an item of property governed by this paragraph (B-1) cannot be determined from the taxpayer's books and records or from the books and records of any person related to the taxpayer within the meaning of Section 267(b) of the Internal Revenue Code, 26 U.S.C. 267, the gross receipts attributable to that item shall be excluded from both the numerator and the denominator of the sales factor.

(B-2) Gross receipts from the license, sale, or other disposition of patents, copyrights, trademarks, and similar items of intangible personal property may be included in the numerator or denominator of the sales factor only if gross receipts from licenses, sales, or other disposition of such items comprise more than 50% of the taxpayer's total gross receipts included in gross income during the tax year and during each of the 2 immediately preceding tax years; provided that, when a taxpayer is a member of a unitary business group, such determination shall be made on the basis of the gross receipts of the entire unitary business group.

(C) Sales, other than sales governed by paragraphs (B) and (B-1), are in this State if:

(i) The income-producing activity is performed in this State; or

(ii) The income-producing activity is performed both within and without this State and a greater proportion of the income-producing activity is performed within this State than without this State, based on performance costs.

(D) For taxable years ending on or after December 31, 1995, the following items of income shall not be included in the numerator or denominator of the sales factor: dividends; amounts included under Section 78 of the Internal Revenue Code; and Subpart F income as defined in Section 952 of the Internal Revenue Code. No inference shall be drawn from the enactment of

New matter indicated by italics - deletions by strikeout
this paragraph (D) in construing this Section for taxable years ending before December 31, 1995.

(E) Paragraphs (B-1) and (B-2) shall apply to tax years ending on or after December 31, 1999, provided that a taxpayer may elect to apply the provisions of these paragraphs to prior tax years. Such election shall be made in the form and manner prescribed by the Department, shall be irrevocable, and shall apply to all tax years; provided that, if a taxpayer's Illinois income tax liability for any tax year, as assessed under Section 903 prior to January 1, 1999, was computed in a manner contrary to the provisions of paragraphs (B-1) or (B-2), no refund shall be payable to the taxpayer for that tax year to the extent such refund is the result of applying the provisions of paragraph (B-1) or (B-2) retroactively. In the case of a unitary business group, such election shall apply to all members of such group for every tax year such group is in existence, but shall not apply to any taxpayer for any period during which that taxpayer is not a member of such group.

(b) Insurance companies.

(1) In general. Except as otherwise provided by paragraph (2), business income of an insurance company for a taxable year shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the direct premiums written for insurance upon property or risk in this State, and the denominator of which is the direct premiums written for insurance upon property or risk everywhere. For purposes of this subsection, the term "direct premiums written" means the total amount of direct premiums written, assessments and annuity considerations as reported for the taxable year on the annual statement filed by the company with the Illinois Director of Insurance in the form approved by the National Convention of Insurance Commissioners or such other form as may be prescribed in lieu thereof.

(2) Reinsurance. If the principal source of premiums written by an insurance company consists of premiums for reinsurance accepted by it, the business income of such company shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the sum of (i) direct premiums written for insurance upon property or risk in this State, plus (ii) premiums written for reinsurance accepted in respect of property or risk in this State, and the denominator of which is the sum of (iii) direct premiums written for insurance upon property or risk

New matter indicated by italics - deletions by strikeout
everywhere, plus (iv) premiums written for reinsurance accepted in respect of property or risk everywhere. For purposes of this paragraph, premiums written for reinsurance accepted in respect of property or risk in this State, whether or not otherwise determinable, may, at the election of the company, be determined on the basis of the proportion which premiums written for reinsurance accepted from companies commercially domiciled in Illinois bears to premiums written for reinsurance accepted from all sources, or, alternatively, in the proportion which the sum of the direct premiums written for insurance upon property or risk in this State by each ceding company from which reinsurance is accepted bears to the sum of the total direct premiums written by each such ceding company for the taxable year.

(c) Financial organizations.

(1) In general. Business income of a financial organization shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is its business income from sources within this State, and the denominator of which is its business income from all sources. For the purposes of this subsection, the business income of a financial organization from sources within this State is the sum of the amounts referred to in subparagraphs (A) through (E) following, but excluding the adjusted income of an international banking facility as determined in paragraph (2):

(A) Fees, commissions or other compensation for financial services rendered within this State;

(B) Gross profits from trading in stocks, bonds or other securities managed within this State;

(C) Dividends, and interest from Illinois customers, which are received within this State;

(D) Interest charged to customers at places of business maintained within this State for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts; and

(E) Any other gross income resulting from the operation as a financial organization within this State. In computing the amounts referred to in paragraphs (A) through (E) of this subsection, any amount received by a member of an affiliated group (determined under Section

New matter indicated by italics - deletions by strikeout
1504(a) of the Internal Revenue Code but without reference to whether any such corporation is an "includible corporation" under Section 1504(b) of the Internal Revenue Code) from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

(2) International Banking Facility.

(A) Adjusted Income. The adjusted income of an international banking facility is its income reduced by the amount of the floor amount.

(B) Floor Amount. The floor amount shall be the amount, if any, determined by multiplying the income of the international banking facility by a fraction, not greater than one, which is determined as follows:

(i) The numerator shall be: The average aggregate, determined on a quarterly basis, of the financial organization's loans to banks in foreign countries, to foreign domiciled borrowers (except where secured primarily by real estate) and to foreign governments and other foreign official institutions, as reported for its branches, agencies and offices within the state on its "Consolidated Report of Condition", Schedule A, Lines 2.c., 5.b., and 7.a., which was filed with the Federal Deposit Insurance Corporation and other regulatory authorities, for the year 1980, minus

The average aggregate, determined on a quarterly basis, of such loans (other than loans of an international banking facility), as reported by the financial institution for its branches, agencies and offices within the state, on the corresponding Schedule and lines of the Consolidated Report of Condition for the current taxable year, provided, however, that in no case shall the amount determined in this clause (the subtrahend) exceed the amount determined in the preceding clause (the minuend); and

(ii) the denominator shall be the average aggregate, determined on a quarterly basis, of the international banking facility's loans to banks in

New matter indicated by italics - deletions by strikeout
foreign countries, to foreign domiciled borrowers (except where secured primarily by real estate) and to foreign governments and other foreign official institutions, which were recorded in its financial accounts for the current taxable year.

(C) Change to Consolidated Report of Condition and in Qualification. In the event the Consolidated Report of Condition which is filed with the Federal Deposit Insurance Corporation and other regulatory authorities is altered so that the information required for determining the floor amount is not found on Schedule A, lines 2.c., 5.b. and 7.a., the financial institution shall notify the Department and the Department may, by regulations or otherwise, prescribe or authorize the use of an alternative source for such information. The financial institution shall also notify the Department should its international banking facility fail to qualify as such, in whole or in part, or should there be any amendment or change to the Consolidated Report of Condition, as originally filed, to the extent such amendment or change alters the information used in determining the floor amount.

(d) Transportation services. Business income derived from furnishing transportation services shall be apportioned to this State in accordance with paragraphs (1) and (2):

(1) Such business income (other than that derived from transportation by pipeline) shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For purposes of this paragraph, a revenue mile is the transportation of 1 passenger or 1 net ton of freight the distance of 1 mile for a consideration. Where a person is engaged in the transportation of both passengers and freight, the fraction above referred to shall be determined by means of an average of the passenger revenue mile fraction and the freight revenue mile fraction, weighted to reflect the person's

(A) relative railway operating income from total passenger and total freight service, as reported to the Interstate Commerce Commission, in the case of transportation by railroad, and

New matter indicated by italics - deletions by strikeout
(B) relative gross receipts from passenger and freight transportation, in case of transportation other than by railroad.

(2) Such business income derived from transportation by pipeline shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For the purposes of this paragraph, a revenue mile is the transportation by pipeline of 1 barrel of oil, 1,000 cubic feet of gas, or of any specified quantity of any other substance, the distance of 1 mile for a consideration.

(e) Combined apportionment. Where 2 or more persons are engaged in a unitary business as described in subsection (a)(27) of Section 1501, a part of which is conducted in this State by one or more members of the group, the business income attributable to this State by any such member or members shall be apportioned by means of the combined apportionment method.

(f) Alternative allocation. If the allocation and apportionment provisions of subsections (a) through (e) and of subsection (h) do not fairly represent the extent of a person's business activity in this State, the person may petition for, or the Director may require, in respect of all or any part of the person's business activity, if reasonable:

(1) Separate accounting;
(2) The exclusion of any one or more factors;
(3) The inclusion of one or more additional factors which will fairly represent the person's business activities in this State; or
(4) The employment of any other method to effectuate an equitable allocation and apportionment of the person's business income.

(g) Cross reference. For allocation of business income by residents, see Section 301(a).

(h) For tax years ending on or after December 31, 1998, the apportionment factor of persons who apportion their business income to this State under subsection (a) shall be equal to:

(1) for tax years ending on or after December 31, 1998 and before December 31, 1999, 16 2/3% of the property factor plus 16 2/3% of the payroll factor plus 66 2/3% of the sales factor;
(2) for tax years ending on or after December 31, 1999 and before December 31, 2000, 8 1/3% of the property factor plus 8 1/3% of the payroll factor plus 83 1/3% of the sales factor;

New matter indicated by italics - deletions by strikeout
(3) for tax years ending on or after December 31, 2000, the sales factor.
If, in any tax year ending on or after December 31, 1998 and before December 31, 2000, the denominator of the payroll, property, or sales factor is zero, the apportionment factor computed in paragraph (1) or (2) of this subsection for that year shall be divided by an amount equal to 100% minus the percentage weight given to each factor whose denominator is equal to zero.
(Source: P.A. 90-562, eff. 12-16-97; 90-613, eff. 7-9-98; 91-541, eff. 8-13-99.)

(35 ILCS 5/601) (from Ch. 120, par. 6-601)
Sec. 601. Payment on Due Date of Return.
(a) In general. Every taxpayer required to file a return under this Act shall, without assessment, notice or demand, pay any tax due thereon to the Department, at the place fixed for filing, on or before the date fixed for filing such return (determined without regard to any extension of time for filing the return) pursuant to regulations prescribed by the Department. If, however, the due date for payment of a taxpayer's federal income tax liability for a tax year (as provided in the Internal Revenue Code or by Treasury regulation, or as extended by the Internal Revenue Service) is later than the date fixed for filing the taxpayer's Illinois income tax return for that tax year, the Department may, by rule, prescribe a due date for payment that is not later than the due date for payment of the taxpayer's federal income tax liability. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to prescribe a later due date for payment shall be deemed an emergency and necessary for the public interest, safety, and welfare.

(b) Amount payable. In making payment as provided in this section there shall remain payable only the balance of such tax remaining due after giving effect to the following:

(1) Withheld tax. Any amount withheld during any calendar year pursuant to Article 7 from compensation paid to a taxpayer shall be deemed to have been paid on account of any tax imposed by subsections 201(a) and (b) of this Act on such taxpayer for his taxable year beginning in such calendar year. If more than one taxable year begins in a calendar year, such amount shall be deemed to have been paid on account of such tax for the last taxable year so beginning.

(2) Estimated and tentative tax payments. Any amount of estimated tax paid by a taxpayer pursuant to Article 8 for a taxable

New matter indicated by italics - deletions by strikeout
year shall be deemed to have been paid on account of the tax imposed by this Act for such taxable year.

(3) Foreign tax. The aggregate amount of tax which is imposed upon or measured by income and which is paid by a resident for a taxable year to another state or states on income which is also subject to the tax imposed by subsections 201(a) and (b) of this Act shall be credited against the tax imposed by subsections 201(a) and (b) otherwise due under this Act for such taxable year. The aggregate credit provided under this paragraph shall not exceed that amount which bears the same ratio to the tax imposed by subsections 201(a) and (b) otherwise due under this Act as the amount of the taxpayer's base income subject to tax both by such other state or states and by this State bears to his total base income subject to tax by this State for the taxable year. For purposes of this subsection, no compensation received by a resident which qualifies as compensation paid in this State as determined under Section 304(a)(2)(B) shall be considered income subject to tax by another state or states. The credit provided by this paragraph shall not be allowed if any creditable tax was deducted in determining base income for the taxable year. Any person claiming such credit shall attach a statement in support thereof and shall notify the Director of any refund or reductions in the amount of tax claimed as a credit hereunder all in such manner and at such time as the Department shall by regulations prescribe.

(4) Accumulation and capital gain distributions. If the net income of a taxpayer includes amounts included in his base income by reason of Section 668 or 669 of the Internal Revenue Code (relating to accumulation and capital gain distributions by a trust, respectively), the tax imposed on such taxpayer by this Act shall be credited with his pro rata portion of the taxes imposed by this Act on such trust for preceding taxable years which would not have been payable for such preceding years if the trust had in fact made distributions to its beneficiaries at the times and in the amounts specified in Sections 666 and 669 of the Internal Revenue Code. The credit provided by this paragraph shall not reduce the tax otherwise due from the taxpayer to an amount less than that which would be due if the amounts included by reason of Sections 668 and 669 of the Internal Revenue Code were excluded from his base income.
(c) Cross reference. For application against tax due of overpayments of tax for a prior year, see Section 909. (Source: P.A. 92-826, eff. 8-21-02.)

Passed in the General Assembly May 20, 2005.
Approved July 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0248
(House Bill No. 0316)

AN ACT in relation to insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Sections 205.1 and 500-77 as follows:
(215 ILCS 5/205.1)
Sec. 205.1. Policyholder collateral, deductible reimbursements, and other policyholder obligations.
(a) Any collateral held by, for the benefit of, or assigned to the insurer or the Director as rehabilitator or liquidator to secure the obligations of a policyholder under a deductible agreement shall not be considered an asset of the estate and shall be maintained and administered by the Director as rehabilitator or liquidator as provided in this Section and notwithstanding any other provision of law or contract to the contrary.
(b) If the collateral is being held by, for the benefit of, or assigned to the insurer or subsequently the Director as rehabilitator or liquidator to secure obligations under a deductible agreement with a policyholder, subject to the provisions of this Section, the collateral shall be used to secure the policyholder's obligation to fund or reimburse claims payment within the agreed deductible amount.
(c) If a claim that is subject to a deductible agreement and secured by collateral is not covered by any guaranty association or the Illinois Insurance Guaranty Fund and the policyholder is unwilling or unable to take over the handling and payment of the non-covered claims, the Director as rehabilitator or liquidator shall adjust and pay the non-covered claims utilizing the collateral but only to the extent the available collateral after allocation under subsection (d), is sufficient to pay all outstanding and anticipated claims. If the collateral is exhausted and the insured is not able to provide funds to pay the remaining claims within the deductible after all reasonable means of collection against the insured have been

New matter indicated by italics - deletions by strikeout
exhausted, the Director's obligation to pay such claims from the collateral as the rehabilitator or liquidator terminates, and the remaining claims shall be claims against the insurer's estate subject to complying with other provisions in this Article for the filing and allowance of such claims. When the liquidator determines that the collateral is insufficient to pay all additional and anticipated claims, the liquidator may file a plan for equitably allocating the collateral among claimants, subject to court approval.

(d) To the extent that the Director as rehabilitator or liquidator is holding collateral provided by a policyholder that was obtained to secure a deductible agreement and to secure other obligations of the policyholder to pay the insurer, directly or indirectly, amounts that become assets of the estate, such as reinsurance obligations under a captive reinsurance program or adjustable premium obligations under a retrospectively rated insurance policy where the premium due is subject to adjustment based upon actual loss experience, the Director as rehabilitator or liquidator shall equitably allocate the collateral among such obligations and administer the collateral allocated to the deductible agreement pursuant to this Section. With respect to the collateral allocated to obligations under the deductible agreement, if the collateral secured reimbursement obligations under more than one line of insurance, then the collateral shall be equitably allocated among the various lines based upon the estimated ultimate exposure within the deductible amount for each line. The Director as rehabilitator or liquidator shall inform the guaranty association or the Illinois Insurance Guaranty Fund that is or may be obligated for claims against the insurer of the method and details of all the foregoing allocations.

(e) Regardless of whether there is collateral, if the insurer has contractually agreed to allow the policyholder to fund its own claims within the deductible amount pursuant to a deductible agreement, either through the policyholder's own administration of its claims or through the policyholder providing funds directly to a third party administrator who administers the claims, the Director as rehabilitator or liquidator shall allow such funding arrangement to continue and, where applicable, will enforce such arrangements to the fullest extent possible. The funding of such claims by the policyholder within the deductible amount will act as a bar to any claim for such amount in the liquidation proceeding, including but not limited to any such claim by the policyholder or the third party claimant. The funding will extinguish both the obligation, if any, of any guaranty association or the Illinois Insurance Guaranty Fund to pay such claims within the deductible amount, as well as the obligations, if any, of

New matter indicated by italics - deletions by strikeout
the policyholder or third party administrator to reimburse the guaranty association or the Illinois Insurance Guaranty Fund. No charge of any kind shall be made by the Director as rehabilitator or liquidator against any guaranty association or the Illinois Insurance Guaranty Fund on the basis of the policyholder funding of claims payment made pursuant to the mechanism set forth in this subsection.

(f) If the insurer has not contractually agreed to allow the policyholder to fund its own claims within the deductible amount, to the extent a guaranty association or the Illinois Insurance Guaranty Fund is required by applicable state law to pay any claims for which the insurer would be or would have been entitled to reimbursement from the policyholder under the terms of the deductible agreement and to the extent the claims have not been paid by a policyholder or third party, the Director as rehabilitator or liquidator shall promptly bill the policyholder for such reimbursement and the policyholder will be obligated to pay such amount to the Director as rehabilitator or liquidator for the benefit of the guaranty association or the Illinois Insurance Guaranty Fund that paid such claims. Neither the insolvency of the insurer, nor its inability to perform any of its obligations under the deductible agreement, shall be a defense to the policyholder's reimbursement obligation under the deductible agreement. When the policyholder reimbursements are collected, the Director as rehabilitator or liquidator shall promptly reimburse the guaranty association or the Illinois Insurance Guaranty Fund for claims paid that were subject to the deductible. If the policyholder fails to pay the amounts due within 60 days after such bill for such reimbursements is due, the Director as rehabilitator or liquidator shall use the collateral to the extent necessary to reimburse the guaranty association or the Illinois Insurance Guaranty Fund, and, at the same time, may pursue other collections efforts against the policyholder. If more than one guaranty association or the Illinois Insurance Guaranty Fund has a claim against the same collateral and the available collateral (after allocation under subsection (d)), along with billing and collection efforts, are together insufficient to pay each guaranty association or the Illinois Insurance Guaranty Fund in full, then the Director as rehabilitator or liquidator will pro-rate payments to each guaranty association or the Illinois Insurance Guaranty Fund based upon the relationship the amount of claims each guaranty association or the Illinois Insurance Guaranty Fund has paid bears to the total of all claims paid by such guaranty association or the Illinois Insurance Guaranty Fund.

(g) Director's duties and powers as rehabilitator or liquidator.

New matter indicated by italics - deletions by strikeout
(1) The Director as rehabilitator or liquidator is entitled to deduct from reimbursements owed to guaranty associations or the Illinois Insurance Guaranty Fund or collateral to be returned to a policyholder reasonable actual expenses incurred in fulfilling the responsibilities under this provision, not to exceed 3% of the collateral or the total deductible reimbursements actually collected by the Director as rehabilitator or liquidator.

(2) With respect to claim payments made by any guaranty association or the Illinois Insurance Guaranty Fund, the Director as rehabilitator or liquidator shall promptly provide the court, with a copy to of the guaranty associations or the Illinois Insurance Guaranty Fund, with a complete report of the Director's deductible billing and collection activities as rehabilitator or liquidator including copies of the policyholder billings when rendered, the reimbursements collected, the available amounts and use of collateral for each policyholder, and any pro-ration of payments when it occurs. If the Director as rehabilitator or liquidator fails to make a good faith effort within 120 days of receipt of claims payment reports to collect reimbursements due from a policyholder under a deductible agreement based on claim payments made by one or more guaranty associations or the Illinois Insurance Guaranty Fund, then after such 120 day period such guaranty associations or the Illinois Insurance Guaranty Fund may pursue collection from the policyholders directly on the same basis as the Director as rehabilitator or liquidator, and with the same rights and remedies, and will report any amounts so collected from each policyholder to the Director as rehabilitator or liquidator, or conservator. To the extent that guaranty associations or the Illinois Insurance Guaranty Fund pay claims within the deductible amount, but are not reimbursed by either the Director as rehabilitator, liquidator, or conservator under this Section or by policyholder payments from the guaranty associations' or the Illinois Insurance Guaranty Fund's own collection efforts, the guaranty association or the Illinois Insurance Guaranty Fund shall have a claim in the insolvent insurer's estate for such un-reimbursed claims payments.

(3) The Director as rehabilitator or liquidator shall periodically adjust the collateral being held as the claims subject to the deductible agreement are run-off, provided that adequate collateral is maintained to secure the entire estimated ultimate obligation of the policyholder plus a reasonable safety factor, and

New matter indicated by italics - deletions by strikeout
the Director as rehabilitator or liquidator shall not be required to adjust the collateral more than once a year. The guaranty associations or the Illinois Insurance Guaranty Fund shall be informed of all such collateral reviews, including but not limited to the basis for the adjustment. Once all claims covered by the collateral have been paid and the Director as rehabilitator or liquidator is satisfied that no new claims can be presented, the Director as rehabilitator or liquidator will release any remaining collateral to the policyholder.

(h) The Illinois Circuit Court having jurisdiction over the liquidation proceedings shall have jurisdiction to resolve disputes arising under this provision.

(i) Nothing in this Section is intended to limit or adversely affect any right the guaranty associations or the Illinois Insurance Guaranty Fund may have under applicable state law to obtain reimbursement from certain classes of policyholders for claims payments made by such guaranty associations or the Illinois Insurance Guaranty Fund under policies of the insolvent insurer, or for related expenses the guaranty associations or the Illinois Insurance Guaranty Fund incur.

(j) This Section applies to all receivership proceedings under Article XIII that either (1) commence on or after the effective date of this amendatory Act of the 93rd General Assembly or (2) are on file or open on the effective date of this amendatory Act of the 93rd General Assembly and in which an Order of Liquidation is entered on or after May 1, 2004. However, this Section applies to rehabilitation proceedings only to the extent that guaranty associations are required to pay claims and does not apply to receivership proceedings in which only an order of conservation has been entered.

(k) For purposes of this Section, a "deductible agreement" is any combination of one or more policies, endorsements, contracts, or security agreements, which provide for the policyholder to bear the risk of loss within a specified amount per claim or occurrence covered under a policy of insurance, and may be subject to the aggregate limit of policyholder reimbursement obligations. This Section shall not apply to first party claims, or to claims funded by a guaranty association or the Illinois Insurance Guaranty Fund in excess of the deductible unless subsection (e) above applies. The term "non-covered claim" shall mean a claim that is subject to a deductible agreement and is not covered by a guaranty association or the Illinois Insurance Guaranty Fund.

(Source: P.A. 93-1028, eff. 8-25-04.)

New matter indicated by italics - deletions by strikeout
Sec. 500-77. Policyholder information and exclusive ownership of expirations.

(a) As used in this Section, "expirations" means all information relative to an insurance policy including, but not limited to, the name and address of the insured, the location and description of the property insured, the value of the insurance policy, the inception date, the renewal date, and the expiration date of the insurance policy, the premiums, the limits and a description of the terms and coverage of the insurance policy, and any other personal and privileged information, as defined by Section 1003 of this Code, compiled by a business entity registered firm or furnished by the insured to the insurer or any agent, contractor, or representative of the insurer.

For purposes of this Section only, a business entity registered firm also includes a sole proprietorship that transacts the business of insurance as an insurance agency.

(b) All "expirations" as defined in subsection (a) of this Section shall be mutually and exclusively owned by the insured and the business entity registered firm. The limitations on the use of expirations as provided in subsections (c) and (d) of this Section shall be for mutual benefit of the insured and the business entity registered firm.

(c) Except as otherwise provided in this Section, for purposes of soliciting, selling, or negotiating the renewal or sale of insurance coverage, insurance products, or insurance services or for any other marketing purpose, a business entity registered firm shall own and have the exclusive use of expirations, records, and other written or electronically stored information directly related to an insurance application submitted by, or an insurance policy written through, the business entity registered firm. No insurance company, managing general agent, surplus lines insurance broker, wholesale broker, group self-insurance fund, third-party administrator, or any other entity, other than a financial institution as defined in Section 1402 of this Code, shall use such expirations, records, or other written or electronically stored information to solicit, sell, or negotiate the renewal or sale of insurance coverage, insurance products, or insurance services to the insured or for any other marketing purposes, either directly or by providing such information to others, without, separate from the general agency contract, the written consent of the business entity registered firm. However, such expirations, records, or other written or electronically stored information may be used for any purpose necessary for placing such business through the insurance

New matter indicated by italics - deletions by strikeout
producer including reviewing an application and issuing or renewing a 
policy and for loss control services.

(d) With respect to a business entity registered firm, this Section 
shall not apply:

(1) when the insured requests either orally or in writing that 
another business entity registered firm obtain quotes for insurance 
from another insurance company or when the insured requests in 
writing individually or through another business entity registered 
firm, that the insurance company renew the policy;

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

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

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

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

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

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

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

Nothing in this Section prohibits an insurance company, with 
respect to any items herein, from conveying to the insured or the business

New matter indicated by italics - deletions by strikeout
entity registered firm  any additional benefits or ownership rights including, but not limited to, the ownership of expirations on any policy issued or the imposition of further restrictions on the insurance company's use of the insured's personal information.

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

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

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

(h) This Section applies to the expirations relative to all policies of insurance bound, applied for, sold, renewed, or otherwise taking effect on or after June 1, 2001 the effective date of this amendatory Act of the 92nd General Assembly.

(Source: P.A. 92-5, eff. 6-1-01; 92-651, eff. 7-11-02.)

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

Passed in the General Assembly May 26, 2005.
Approved July 19, 2005.
Effective July 19, 2005.

PUBLIC ACT 94-0249
(House Bill No. 0406)

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

Section 5. The Environmental Protection Act is amended by changing Section 3.330 as follows:

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)
Sec. 3.330. Pollution control facility.
(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility,
or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:

(1) (Blank);
(2) waste storage sites regulated under 40 CFR, Part 761.42;
(3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
(4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
(5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;
(6) sites or facilities used by any person to specifically conduct a landscape composting operation;
(7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;
(8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;
(9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;
(10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);
(11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy

New matter indicated by italics - deletions by strikeout
recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

(12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

(13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of this Act; and

(14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products; and:

(15) the portion of a site or facility located in a county with a population over 300,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station.

(b) A new pollution control facility is:

(1) a pollution control facility initially permitted for development or construction after July 1, 1981; or

(2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or

(3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 92-574, eff. 6-26-02; 93-998, eff. 8-23-04.)

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

New matter indicated by italics - deletions by strikeout
AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Section 3.1-30-10 as follows:
(65 ILCS 5/3.1-30-10) (from Ch. 24, par. 3.1-30-10)
Sec. 3.1-30-10. Deputy clerk.
(a) In municipalities with a population of 500,000 or more, the municipal clerk may appoint the number of deputy clerks necessary to discharge the functions and duties of the office of municipal clerk.
(b) In municipalities of less than 500,000, the municipal clerk, when authorized by the corporate authorities, may appoint the number of deputy clerks necessary to discharge the functions and duties of the office of municipal clerk, who need not be a resident of the municipality. The corporate authorities of the municipality may limit the number of deputy clerks that the municipal clerk may appoint.
(Source: P.A. 87-1119.)
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 11, 2005.
Approved July 19, 2005.
Effective July 19, 2005.

AN ACT concerning the military.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Military Code of Illinois is amended by changing Section 28.6 as follows:
(20 ILCS 1805/28.6)
Sec. 28.6. Policy.
New matter indicated by italics - deletions by strikeout
(a) A member of the Army National Guard or the Air National Guard may be ordered to funeral honors duty in accordance with this Article. That member shall receive an allowance of $100 for any day on which a minimum of 2 hours of funeral honors duty is performed. Members of the Illinois National Guard ordered to funeral honors duty in accordance with this Article are considered to be in the active service of the State for all purposes except for pay, and the provisions of Sections 52, 53, 54, 55, and 56 of the Military Code of Illinois apply if a member of the Illinois National Guard is injured or disabled in the course of those duties.

(b) The Adjutant General may provide support for other authorized providers who volunteer to participate in a funeral honors detail conducted on behalf of the Governor. This support is limited to transportation, reimbursement for transportation, expenses, materials, and training.

(Source: P.A. 92-76, eff. 1-1-02.)

Passed in the General Assembly May 11, 2005.
Approved July 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0252
(House Bill No. 0438)

AN ACT in relation to disabled persons.

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

Section 5. The Disabled Persons Rehabilitation Act is amended by changing Section 3 as follows:

(20 ILCS 2405/3) (from Ch. 23, par. 3434)

Sec. 3. Powers and duties. The Department shall have the powers and duties enumerated herein:

(a) To co-operate with the federal government in the administration of the provisions of the federal Rehabilitation Act of 1973, as amended, of the Workforce Investment Act of 1998, and of the federal Social Security Act to the extent and in the manner provided in these Acts.

(b) To prescribe and supervise such courses of vocational training and provide such other services as may be necessary for the habilitation and rehabilitation of persons with one or more disabilities, including the administrative activities under subsection (e) of this Section, and to co-operate with State and local school authorities and other recognized agencies engaged in habilitation, rehabilitation and comprehensive rehabilitation services; and to cooperate with the Department of Children

New matter indicated by italics - deletions by strikeout
and Family Services regarding the care and education of children with one or more disabilities.

(c) (Blank).

(d) To report in writing, to the Governor, annually on or before the first day of December, and at such other times and in such manner and upon such subjects as the Governor may require. The annual report shall contain (1) a statement of the existing condition of comprehensive rehabilitation services, habilitation and rehabilitation in the State; (2) a statement of suggestions and recommendations with reference to the development of comprehensive rehabilitation services, habilitation and rehabilitation in the State; and (3) an itemized statement of the amounts of money received from federal, State and other sources, and of the objects and purposes to which the respective items of these several amounts have been devoted.

(e) (Blank).

(f) To establish a program of services to prevent unnecessary institutionalization of persons with Alzheimer's disease and related disorders or persons in need of long term care who are established as blind or disabled as defined by the Social Security Act, thereby enabling them to remain in their own homes or other living arrangements. Such preventive services may include, but are not limited to, any or all of the following:

1. home health services;
2. home nursing services;
3. homemaker services;
4. chore and housekeeping services;
5. day care services;
6. home-delivered meals;
7. education in self-care;
8. personal care services;
9. adult day health services;
10. habilitation services;
11. respite care; or
12. other nonmedical social services that may enable the person to become self-supporting.

The Department shall establish eligibility standards for such services taking into consideration the unique economic and social needs of the population for whom they are to be provided. Such eligibility standards may be based on the recipient's ability to pay for services; provided, however, that any portion of a person's income that is equal to or less than the "protected income" level shall not be considered by the Department in
determining eligibility. The "protected income" level shall be determined by the Department, shall never be less than the federal poverty standard, and shall be adjusted each year to reflect changes in the Consumer Price Index For All Urban Consumers as determined by the United States Department of Labor. The standards must provide that a person may have not more than $10,000 in assets to be eligible for the services, and the Department may increase the asset limitation by rule. Additionally, in determining the amount and nature of services for which a person may qualify, consideration shall not be given to the value of cash, property or other assets held in the name of the person's spouse pursuant to a written agreement dividing marital property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse, provided that the spouse's share of the marital property is not made available to the person seeking such services.

The services shall be provided to eligible persons to prevent unnecessary or premature institutionalization, to the extent that the cost of the services, together with the other personal maintenance expenses of the persons, are reasonably related to the standards established for care in a group facility appropriate to their condition. These non-institutional services, pilot projects or experimental facilities may be provided as part of or in addition to those authorized by federal law or those funded and administered by the Illinois Department on Aging.

Personal care attendants shall be paid:

(i) A $5 per hour minimum rate beginning July 1, 1995.
(ii) A $5.30 per hour minimum rate beginning July 1, 1997.
(iii) A $5.40 per hour minimum rate beginning July 1, 1998.

Solely for the purposes of coverage under the Illinois Public Labor Relations Act (5 ILCS 315/), personal care attendants and personal assistants providing services under the Department's Home Services Program shall be considered to be public employees and the State of Illinois shall be considered to be their employer as of the effective date of this amendatory Act of the 93rd General Assembly, but not before. The State shall engage in collective bargaining with an exclusive representative of personal care attendants and personal assistants working under the Home Services Program concerning their terms and conditions of employment that are within the State's control. Nothing in this paragraph shall be understood to limit the right of the persons receiving services defined in this Section to hire and fire personal care attendants and personal assistants or supervise them within the limitations set by the

New matter indicated by italics - deletions by strikeout
Home Services Program. The State shall not be considered to be the employer of personal care attendants and personal assistants for any purposes not specifically provided in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/).

The Department shall execute, relative to the nursing home prescreening project, as authorized by Section 4.03 of the Illinois Act on the Aging, written inter-agency agreements with the Department on Aging and the Department of Public Aid, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped. On and after July 1, 1996, all nursing home prescreenings for individuals 18 through 59 years of age shall be conducted by the Department.

The Department is authorized to establish a system of recipient cost-sharing for services provided under this Section. The cost-sharing shall be based upon the recipient's ability to pay for services, but in no case shall the recipient's share exceed the actual cost of the services provided. Protected income shall not be considered by the Department in its determination of the recipient's ability to pay a share of the cost of services. The level of cost-sharing shall be adjusted each year to reflect changes in the "protected income" level. The Department shall deduct from the recipient's share of the cost of services any money expended by the recipient for disability-related expenses.

The Department, or the Department's authorized representative, shall recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is no surviving child who is under age 21, blind, or permanently and totally disabled. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery shall not be enforced against any real estate while it is occupied as a homestead by the surviving spouse or other dependent, if no claims by

New matter indicated by italics - deletions by strikeout
other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Illinois Department of Public Aid, regardless of the value of the property.

The Department and the Department on Aging shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall be filed with the Governor and the General Assembly on or before March 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing additional copies with the State Government Report Distribution Center for the General Assembly as required under paragraph (t) of Section 7 of the State Library Act.

(g) To establish such subdivisions of the Department as shall be desirable and assign to the various subdivisions the responsibilities and duties placed upon the Department by law.

(h) To cooperate and enter into any necessary agreements with the Department of Employment Security for the provision of job placement and job referral services to clients of the Department, including job service registration of such clients with Illinois Employment Security offices and making job listings maintained by the Department of Employment Security available to such clients.

(i) To possess all powers reasonable and necessary for the exercise and administration of the powers, duties and responsibilities of the Department which are provided for by law.

(j) To establish a procedure whereby new providers of personal care attendant services shall submit vouchers to the State for payment two times during their first month of employment and one time per month

New matter indicated by italics - deletions by strikeout
thereafter. In no case shall the Department pay personal care attendants an hourly wage that is less than the federal minimum wage.

(k) To provide adequate notice to providers of chore and housekeeping services informing them that they are entitled to an interest payment on bills which are not promptly paid pursuant to Section 3 of the State Prompt Payment Act.

(l) To establish, operate and maintain a Statewide Housing Clearinghouse of information on available, government subsidized housing accessible to disabled persons and available privately owned housing accessible to disabled persons. The information shall include but not be limited to the location, rental requirements, access features and proximity to public transportation of available housing. The Clearinghouse shall consist of at least a computerized database for the storage and retrieval of information and a separate or shared toll free telephone number for use by those seeking information from the Clearinghouse. Department offices and personnel throughout the State shall also assist in the operation of the Statewide Housing Clearinghouse. Cooperation with local, State and federal housing managers shall be sought and extended in order to frequently and promptly update the Clearinghouse's information.

(m) To assure that the names and case records of persons who received or are receiving services from the Department, including persons receiving vocational rehabilitation, home services, or other services, and those attending one of the Department's schools or other supervised facility shall be confidential and not be open to the general public. Those case records and reports or the information contained in those records and reports shall be disclosed by the Director only to proper law enforcement officials, individuals authorized by a court, the General Assembly or any committee or commission of the General Assembly, and other persons and for reasons as the Director designates by rule. Disclosure by the Director may be only in accordance with other applicable law.

(Source: P.A. 92-84, eff. 7-1-02; 93-204, eff. 7-16-03.)

Passed in the General Assembly May 17, 2005.
Approved July 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0253
(House Bill No. 0457)

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 3-6 as follows:

(720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

(1) If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

(2) In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(c) Except as otherwise provided in subsection (a) of Section 3-5 of this Code and subdivision (i) or (j) of this Section, a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the victim and defendant are family members, as defined in Section 12-12 of this Code, may be commenced within one year of the victim attaining the age of 18 years.

(d) A prosecution for child pornography, indecent solicitation of a child, soliciting for a juvenile prostitute, juvenile pimping or exploitation of a child may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.
When the victim is under 18 years of age, a prosecution for criminal sexual abuse may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

(e) Except as otherwise provided in subdivision (j), a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the "Environmental Protection Act", approved June 29, 1970, as amended, may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense.

(f-5) A prosecution for any offense set forth in Section 16G-15 or 16G-20 of this Code may be commenced within 5 years after the discovery of the offense by the victim of that offense.

(g) (Blank).

(h) (Blank).

(i) Except as otherwise provided in subdivision (j), a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced within 10 years of the commission of the offense if the victim reported the offense to law enforcement authorities within 2 years after the commission of the offense.

Nothing in this subdivision (i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(j) When the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse or a prosecution for failure of a person who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act may be commenced within 20 years after the child victim attains 18 years of age.

Nothing in this subdivision (j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

New matter indicated by italics - deletions by strikeout
(Source: P.A. 92-752, eff. 8-2-02; 92-801, eff. 8-16-02; 93-356, eff. 7-24-03.)

Passed in the General Assembly May 26, 2005.
Approved July 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0254
(House Bill No. 0561)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.16 and by adding Section 4.26 as follows:
(5 ILCS 80/4.16)
Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:
The Respiratory Care Practice Act.
The Hearing Instrument Consumer Protection Act.
The Illinois Dental Practice Act.
The Professional Geologist Licensing Act.
The Illinois Athletic Trainers Practice Act.
The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.
The Collection Agency Act.
The Illinois Roofing Industry Licensing Act.
(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)
(5 ILCS 80/4.26 new)
Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:
The Illinois Roofing Industry Licensing Act.
Section 10. The Illinois Roofing Industry Licensing Act is amended by changing Sections 5, 7, and 11.5 as follows:
(225 ILCS 335/5) (from Ch. 111, par. 7505)
(Section scheduled to be repealed on January 1, 2006)
Sec. 5. Display of license number; advertising.

New matter indicated by italics - deletions by strikeout
(a) Each State licensed roofing contractor shall affix the license number of his or her license to all of his or her contracts and bids. In addition, the official issuing building permits shall affix the roofing contractor license number to each application for a building permit and on each building permit issued and recorded.

(b) In addition, every roofing contractor shall affix the roofing contractor license number and the licensee's name, as it appears on the license, on all commercial vehicles used as part of his or her business as a roofing contractor.

(c) Every holder of a license shall display it in a conspicuous place in his or her principal office, place of business, or place of employment.

(d) No person licensed under this Act may advertise services regulated by this Act unless that person includes in the advertisement his or her license number. Nothing contained in this subsection requires the publisher of advertising for roofing contractor services to investigate or verify the accuracy of the license number provided by the licensee.

(e) A person who advertises services regulated by this Act who knowingly (i) fails to display the license number in any manner required by this Section, (ii) fails to provide a publisher with the correct license number as required by subsection (d), or (iii) provides a publisher with a false license number or a license number of another person, or a person who knowingly allows his or her license number to be displayed or used by another person to circumvent any provisions of this Section, is guilty of a Class A misdemeanor with a fine of $1,000, and, in addition, is subject to the administrative enforcement provisions of this Act. Each day that an advertisement runs or each day that a person knowingly allows his or her license to be displayed or used in violation of this Section constitutes a separate offense.

(Source: P.A. 89-387, eff. 1-1-96; 90-55, eff. 1-1-98.)

(225 ILCS 335/7) (from Ch. 111, par. 7507)

Sec. 7. Fees.

(1) The initial application fee for a certificate shall be fixed by the Department by rule.

(2) All other fees not set forth herein shall be fixed by rule.

(3) (Blank). If an applicant for initial certification applies for licensure during the second half of the biennial period, he shall only be required to pay one-half of the amount fixed by the Department for initial application.

New matter indicated by italics - deletions by strikeout
(4) (Blank). Any change of the license that requires the issuance of a new license shall be completed on a form required by the Department, accompanied by a $10 handling fee.

(5) (Blank). The biennial renewal fee shall be fixed by the Department in an amount not to exceed one-half of the fee required by subsection (1).

(6) All fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/11.5)

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

Sec. 11.5. The Roofing Advisory Board is created and shall consist of 8 persons, one of whom is a knowledgeable public member and 7 of whom have been issued licenses as roofing contractors by the Department. One of the 7 licensed roofing contractors on the Board shall represent a statewide association representing home builders and another of the 7 licensed roofing contractors shall represent an association predominately representing retailers. The public member shall not be licensed under this Act or any other Act the Department administers. Each member shall be appointed by the Director. Members shall be appointed who reasonably represent the different geographic areas of the State. A quorum of the Board shall consist of the majority of Board members appointed.

Members of the Roofing Advisory Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Roofing Advisory Board, unless the conduct that gave rise to the suit was willful and wanton misconduct.

The persons appointed shall hold office for 4 years and until a successor is appointed and qualified. The initial terms shall begin July 1, 1997. Of the members of the Board first appointed, 2 shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and 3 shall be appointed to serve for 4 years. No member shall serve more than 2 complete 4 year terms.

Within 90 days of a vacancy occurring, the Director shall fill the vacancy for the unexpired portion of the term with an appointee who meets the same qualifications as the person whose position has become vacant. The Board shall meet annually to elect one member as chairman and one member as vice-chairman. No officer shall be elected more than twice in succession to the same office. The members of the Board shall
receive reimbursement for actual, necessary, and authorized expenses incurred in attending the meetings of the Board.
(Source: P.A. 91-950, eff. 2-9-01.)

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

Passed in the General Assembly May 17, 2005.
Approved July 19, 2005.
Effective July 19, 2005.

PUBLIC ACT 94-0255
(House Bill No. 0583)

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

Section 5. The Uniform Disposition of Unclaimed Property Act is amended by changing Section 2 as follows:

(765 ILCS 1025/2) (from Ch. 141, par. 102)

Sec. 2. Property held by financial organizations; presumption of abandonment. The following property held or owing by a banking or financial organization is presumed abandoned:

(a) Any demand, savings, or matured time deposit with a banking organization, together with any interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, within 5 years:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or
(2) Corresponded in writing with the banking organization concerning the deposit; or
(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization; or:

(4) Engaged in the following activity regarding other funds or loan accounts with the banking organization:

(i) undertook one or more the above actions described in subsection (a) of this Section regarding any account that appears on a consolidated statement with the inactive account;

New matter indicated by italics - deletions by strikeout
(ii) increased or decreased the amount of funds in any other account the owner has with the banking organization; or

(iii) engaged in any other relationship with the banking organization, including payment of any amounts due on a loan.

The foregoing apply so long as the mailing address for the owner in the banking organization's books and records is the same for both the inactive account and for the active account.

(b) Any funds paid toward the purchase of withdrawable shares or other interest in a financial organization, or any deposit made, and any interest or dividends thereon, excluding any charges that may be lawfully withheld, unless the owner has within 5 years:

(1) Increased or decreased the amount of the funds, or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization; or

(4) Engaged in the following activity regarding other funds or loan accounts with the financial organization:

(i) undertook one or more the above actions described in subsection (b) of this Section regarding any account that appears on a consolidated statement with the inactive account;

(ii) increased or decreased the amount of funds in any other account the owner has with the financial organization; or

(iii) engaged in any other relationship with the financial organization, including payment of any amounts due on a loan.

The foregoing apply so long as the mailing address for the owner in the financial organization's books and records is the same for both the inactive account and for the active account.

(c) Any sum payable on checks or on written instruments on which a banking or financial organization or business association is directly liable including, by way of illustration but not of limitation, certificates of deposit, drafts, money orders and travelers checks, that with the exception

New matter indicated by italics - deletions by strikeout
of travelers checks has been outstanding for more than 5 years from the date it was payable, or from the date of its issuance if payable on demand, or, in the case of travelers checks, that has been outstanding for more than 15 years from the date of its issuance, excluding any charges that may be lawfully withheld relating to money orders issued by currency exchanges, unless the owner has within 5 years or within 15 years in the case of travelers checks corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping repository or agency or collateral deposit box on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for more than 5 years from the date on which the lease or rental period expired, subject to lien of the holder for reimbursement of costs incurred in the opening of a safe deposit box as determined by the holder's regular schedule of charges.

(e) Notwithstanding any other provision of this Section, no deposit except passbook, checking, NOW accounts, super NOW accounts, money market accounts, or such similar accounts as established by Rule of the State Treasurer, held by a banking or financial organization shall be presumed abandoned if with respect to such a deposit which specifies a definite maturity date, such organization was authorized in writing to extend or rollover the account for an additional like period and such organization does so extend. Such deposits are not presumed abandoned less than 5 years from that final maturity date. Property of any kind held in an individual retirement account (IRA) is not presumed abandoned earlier than 5 years after the owner attains the age at which distributions from the account become mandatory under law.

(f) Notwithstanding any other provision of this Section, money of a minor deposited pursuant to Section 24-21 of the Probate Act of 1975 shall not be presumed abandoned earlier than 5 years after the minor attains legal age. Such money shall be deposited in an account which shall indicate the birth date of the minor.

(Source: P.A. 91-16, eff. 7-1-99; 91-316, eff. 7-29-99; 92-16, eff. 6-28-01.)

Passed in the General Assembly May 11, 2005.
Approved July 19, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

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

Section 5. The Assisted Living and Shared Housing Act is amended by changing Sections 70, 75, and 90 as follows:

(210 ILCS 9/70)

Sec. 70. Service requirements. An establishment must provide all mandatory services and may provide optional services, including medication reminders, supervision of self-administered medication and medication administration as defined by this Section and nonmedical services defined by rule, whether provided directly by the establishment or by another entity arranged for by the establishment with the consent of the resident or the resident's representative.

For the purposes of this Section, "medication reminders" means reminding residents to take pre-dispensed, self-administered medication, observing the resident, and documenting whether or not the resident took the medication.

For the purposes of this Section, "supervision of self-administered medication" means assisting the resident with self-administered medication using any combination of the following: reminding residents to take medication, reading the medication label to residents, checking the self-administered medication dosage against the label of the medication, confirming that residents have obtained and are taking the dosage as prescribed, and documenting in writing that the resident has taken (or refused to take) the medication. If residents are physically unable to open the container, the container may be opened for them. Supervision of self-administered medication shall be under the direction of a licensed health care professional.

For the purposes of this Section, "medication administration" refers to a licensed health care professional employed by an establishment engaging in administering routine insulin and vitamin B-12 injections, oral medications, topical treatments, eye and ear drops, or nitroglycerin patches. Non-licensed staff may not administer any medication.

New matter indicated by italics - deletions by strikeout
The Department shall specify by rule procedures for medication reminders, supervision of self-administered medication, and medication administration.

Nothing in this Act shall preclude a physician licensed to practice medicine in all its branches from providing services to any resident.

(Source: P.A. 91-656, eff. 1-1-01.)

(210 ILCS 9/75)

Sec. 75. Residency Requirements.

(a) No individual shall be accepted for residency or remain in residence if the establishment cannot provide or secure appropriate services, if the individual requires a level of service or type of service for which the establishment is not licensed or which the establishment does not provide, or if the establishment does not have the staff appropriate in numbers and with appropriate skill to provide such services.

(b) Only adults may be accepted for residency.

(c) A person shall not be accepted for residency if:

(1) the person poses a serious threat to himself or herself or to others;

(2) the person is not able to communicate his or her needs and no resident representative residing in the establishment, and with a prior relationship to the person, has been appointed to direct the provision of services;

(3) the person requires total assistance with 2 or more activities of daily living;

(4) the person requires the assistance of more than one paid caregiver at any given time with an activity of daily living;

(5) the person requires more than minimal assistance in moving to a safe area in an emergency;

(6) the person has a severe mental illness, which for the purposes of this Section means a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1994), where the individual is substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders;

New matter indicated by italics - deletions by strikeout
(7) the person requires intravenous therapy or intravenous feedings unless self-administered or administered by a qualified, licensed health care professional;

(8) the person requires gastrostomy feedings unless self-administered or administered by a licensed health care professional;

(9) the person requires insertion, sterile irrigation, and replacement of catheter, except for routine maintenance of urinary catheters, unless the catheter care is self-administered or administered by a licensed health care professional;

(10) the person requires sterile wound care unless care is self-administered or administered by a licensed health care professional;

(11) the person requires sliding scale insulin administration unless self-performed or administered by a licensed health care professional;

(12) the person is a diabetic requiring routine insulin injections unless the injections are self-administered or administered by a licensed health care professional;

(13) the person requires treatment of stage 3 or stage 4 decubitus ulcers or exfoliative dermatitis;

(14) the person requires 5 or more skilled nursing visits per week for conditions other than those listed in items (13) and (15) of this subsection for a period of 3 consecutive weeks or more except when the course of treatment is expected to extend beyond a 3 week period for rehabilitative purposes and is certified as temporary by a physician; or

(15) other reasons prescribed by the Department by rule.

(d) A resident with a condition listed in items (1) through (15) of subsection (c) shall have his or her residency terminated.

(e) Residency shall be terminated when services available to the resident in the establishment are no longer adequate to meet the needs of the resident. This provision shall not be interpreted as limiting the authority of the Department to require the residency termination of individuals.

(f) Subsection (d) of this Section shall not apply to terminally ill residents who receive or would qualify for hospice care and such care is coordinated by a hospice licensed under the Hospice Program Licensing Act or other licensed health care professional employed by a licensed health care professional.
home health agency and the establishment and all parties agree to the continued residency.

(g) Items (3), (4), (5), and (9) of subsection (c) shall not apply to a quadriplegic, paraplegic, or individual with neuro-muscular diseases, such as muscular dystrophy and multiple sclerosis, or other chronic diseases and conditions as defined by rule if the individual is able to communicate his or her needs and does not require assistance with complex medical problems, and the establishment is able to accommodate the individual's needs. The Department shall prescribe rules pursuant to this Section that address special safety and service needs of these individuals.

(h) For the purposes of items (7) through (10) of subsection (c), a licensed health care professional may not be employed by the owner or operator of the establishment, its parent entity, or any other entity with ownership common to either the owner or operator of the establishment or parent entity, including but not limited to an affiliate of the owner or operator of the establishment. Nothing in this Section is meant to limit a resident's right to choose his or her health care provider.

(Source: P.A. 93-141, eff. 7-10-03.)

(210 ILCS 9/90)

Sec. 90. Contents of service delivery contract. A contract between an establishment and a resident must be entitled "assisted living establishment contract" or "shared housing establishment contract" as applicable, shall be printed in no less than 12 point type, and shall include at least the following elements in the body or through supporting documents or attachments:

(1) the name, street address, and mailing address of the establishment;

(2) the name and mailing address of the owner or owners of the establishment and, if the owner or owners are not natural persons, the type of business entity of the owner or owners;

(3) the name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease agreement, if the managing agent is different from the owner or owners;

(4) the name and address of at least one natural person who is authorized to accept service on behalf of the owners and managing agent;

(5) a statement describing the license status of the establishment and the license status of all providers of health-

New matter indicated by italics - deletions by strikeout
related or supportive services to a resident under arrangement with the establishment;

(6) the duration of the contract;

(7) the base rate to be paid by the resident and a description of the services to be provided as part of this rate;

(8) a description of any additional services to be provided for an additional fee by the establishment directly or by a third party provider under arrangement with the establishment;

(9) the fee schedules outlining the cost of any additional services;

(10) a description of the process through which the contract may be modified, amended, or terminated;

(11) a description of the establishment's complaint resolution process available to residents and notice of the availability of the Department on Aging's Senior Helpline for complaints;

(12) the name of the resident's designated representative, if any;

(13) the resident's obligations in order to maintain residency and receive services including compliance with all assessments required under Section 15;

(14) the billing and payment procedures and requirements;

(15) a statement affirming the resident's freedom to receive services from service providers with whom the establishment does not have a contractual arrangement, which may also disclaim liability on the part of the establishment for those services;

(16) a statement that medical assistance under Article V or Article VI of the Illinois Public Aid Code is not available for payment for services provided in an establishment, excluding contracts executed with residents residing in licensed establishments participating in the Department on Aging's Comprehensive Care in Residential Settings Demonstration Project;

(17) a statement detailing the admission, risk management, and residency termination criteria and procedures;

(18) a statement listing the rights specified in Section 95 and acknowledging that, by contracting with the assisted living or shared housing establishment, the resident does not forfeit those rights; and

New matter indicated by italics - deletions by strikeout
(19) a statement detailing the Department's annual on-site review process including what documents contained in a resident's personal file shall be reviewed by the on-site reviewer as defined by rule; and:

(20) a statement outlining whether the establishment charges a community fee and, if so, the amount of the fee and whether it is refundable; if the fee is refundable, the contract must describe the conditions under which it is refundable and how the amount of the refund is determined.

(Source: P.A. 93-775, eff. 1-1-05.)

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

Passed in the General Assembly May 17, 2005.
Approved July 19, 2005.
Effective July 19, 2005.

PUBLIC ACT 94-0257
(House Bill No. 0847)

AN ACT concerning State government.

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

Section 5. The State Designations Act is amended by adding Sections 85 and 90 as follows:

(5 ILCS 460/85 new)

Sec. 85. State amphibian. The amphibian Ambystoma tigrinum, commonly known as the "Eastern Tiger Salamander", is designated the official State amphibian of the State of Illinois.

(5 ILCS 460/90 new)

Sec. 90. State reptile. The reptile Chrysemys picta, commonly known as the "Painted Turtle", is designated the official State reptile of the State of Illinois.

Passed in the General Assembly May 11, 2005.
Approved July 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0258
(House Bill No. 0872)

AN ACT concerning regulation.

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

Section 5. The Illinois Plumbing License Law is amended by changing Section 13.1 as follows:

(225 ILCS 320/13.1)

Sec. 13.1. Plumbing contractors; registration; applications.

(1) On and after May 1, 2002, all persons or corporations desiring to engage in the business of plumbing contractor, other than any entity that maintains an audited net worth of shareholders' equity equal to or exceeding $100,000,000, shall register in accordance with the provisions of this Act.

(2) Application for registration shall be filed with the Department each year, on or before the last day of April, in writing and on forms prepared and furnished by the Department. All plumbing contractor registrations expire on the last day of April of each year.

(3) Applications shall contain the name, address, and telephone number of the person and the plumbing license of (i) the individual, if a sole proprietorship; (ii) the partner, if a partnership; or (iii) an officer, if a corporation. The application shall contain the business name, address, and telephone number, a current copy of the plumbing license, and any other information the Department may require by rule.

(4) Applicants shall submit an original certificate of insurance documenting that the contractor carries general liability insurance with a minimum of $100,000 per occurrence, and property damage insurance with a minimum of $50,000 or a minimum of $300,000 combined single limit, and workers compensation insurance with a minimum $500,000 employer's liability. No registration may be issued in the absence of this certificate. Certificates must be in force at all times for registration to remain valid.

(5) Applicants shall submit, on a form provided by the Department, an indemnification bond in the amount of $20,000 or a letter of credit in the same amount for work performed in accordance with this Act and the rules promulgated under this Act.

(6) All employees of a registered plumbing contractor who engage in plumbing work shall be licensed plumbers or apprentice plumbers in accordance with this Act.

(7) Plumbing contractors shall submit an annual registration fee in an amount to be established by rule.

New matter indicated by italics - deletions by strikeout
(8) The Department shall be notified in advance of any changes in the business structure, name, or location or of the addition or deletion of the owner or officer who is the licensed plumber listed on the application. Failure to notify the Department of this information is grounds for suspension or revocation of the plumbing contractor's registration.

(9) In the event that the plumber's license on the application for registration of a plumbing contractor is a license issued by the City of Chicago, it shall be the responsibility of the applicant to forward a copy of the plumber's license to the Department, noting the name of the registered plumbing contractor, when it is renewed.

(Source: P.A. 92-338, eff. 8-10-01.)

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

Passed in the General Assembly May 18, 2005.
Approved July 19, 2005.
Effective July 19, 2005

PUBLIC ACT 94-0259
(House Bill No. 0909)

AN ACT concerning counties.

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

Section 5. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Section 4 as follows:

(55 ILCS 85/4) (from Ch. 34, par. 7004)

Sec. 4. Establishment of economic development project area; ordinance; joint review board; notice; hearing; changes in economic development plan; annual reporting requirements. Economic development project areas shall be established as follows:

(a) The corporate authorities of Whiteside County may by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

(a-5) After the effective date of this amendatory Act of the 93rd General Assembly, the corporate authorities of Stephenson County may by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

New matter indicated by italics - deletions by strikeout
(a-10) The corporate authorities of Grundy County may, by ordinance, propose the establishment of an economic development project and fix a time and place for a public hearing. Upon passage of the ordinance, the corporate authorities of Grundy County shall submit a certified copy of the ordinance, as adopted, to the Department.

(b) Any county which adopts an ordinance which fixes a date, time and place for a public hearing shall convene a joint review board as hereinafter provided. Not less than 45 days prior to the date fixed for the public hearing, the county shall give notice by mailing to the chief executive officer of each affected taxing district having taxable property included in the proposed economic development project area and, if the ordinance is adopted by Stephenson County, the chief executive officer of any municipality within Stephenson County having a population of more than 20,000 that such chief executive officer or his designee is invited to participate in a joint review board. The designee shall serve at the discretion of the chief executive officer of the taxing district for a term not to exceed 2 years. Such notice shall advise each chief executive officer of the date, time and place of the first meeting of such joint review board, which shall occur not less than 30 days prior to the date of the public hearing. Such notice by mail shall be given by depositing such notice in the United States Postal Service by certified mail.

At or prior to the first meeting of such joint review board the county shall furnish to any member of such joint review board copies of the proposed economic development plan and any related documents which such member shall reasonably request. A majority of the members of such joint review board present at any meeting shall constitute a quorum. Additional meetings may be called by any member of a joint review board upon the giving of notice not less than 72 hours prior to the date of any additional meeting to all members of the joint review board. The joint review board shall review such information and material as its members reasonably deem relevant to the county's proposals to approve economic development plans and economic development projects and to designate economic development project areas. The county shall provide such information and material promptly upon the request of the joint review board and may also provide administrative support and facilities as the joint review board may reasonably require.

Within 30 days of its first meeting, a joint review board shall provide the county with a written report of its review of any proposal to approve an economic development plan and economic development project and to designate an economic development project area. Such

New matter indicated by italics - deletions by strikeout
written report shall include such information and advisory, nonbinding recommendations as a majority of the members of the joint review board shall deem relevant. Written reports of joint review boards may include information and advisory, nonbinding recommendations provided by a minority of the members thereof. Any joint review board which does not provide such written report within such 30-day period shall be deemed to have recommended that the county proceed with a proposal to approve an economic development plan and economic development project and to designate an economic development project area.

(c) Notice of the public hearing shall be given by publication and mailing.

(1) Notice by publication shall be given by publication at least twice, the first publication to be not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the taxing districts having property in the proposed economic development project area. Notice by mailing shall be given by depositing such notice together with a copy of the proposed economic development plan in the United States Postal Service by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed economic development project area. The notice shall be mailed not less than 10 days prior to the dates set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of the property.

(2) The notices issued pursuant to this Section shall include the following:

(A) The time and place of public hearing;
(B) The boundaries of the proposed economic development project area by legal description and by street location where possible;
(C) A notification that all interested persons will be given an opportunity to be heard at the public hearing;
(D) An invitation for any person to submit alternative proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land within the proposed economic development project area;

New matter indicated by italics - deletions by strikeout
(E) A description of the economic development plan or economic development project if a plan or project is a subject matter of the hearing; and

(F) Such other matters as the county may deem appropriate.

(3) Not less than 45 days prior to the date set for hearing, the county shall give notice by mail as provided in this subsection (c) to all taxing districts of which taxable property is included in the economic development project area, and to the Department. In addition to the other requirements under this subsection (c), the notice shall include an invitation to the Department and each taxing district to submit comments to the county concerning the subject matter of the hearing prior to the date of the hearing.

(d) At the public hearing any interested person, the Department or any affected taxing district may file written objections with the county clerk and may be heard orally with respect to any issues embodied in the notice. The county shall hear and determine all alternate proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land and all protests and objections at the hearing, and the hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the adjourned hearing. Public hearings with regard to an economic development plan, economic development project area, or economic development project may be held simultaneously.

(e) At the public hearing, or at any time prior to the adoption by the county of an ordinance approving an economic development plan, the county may make changes in the economic development plan. Changes which (1) alter the exterior boundaries of the proposed economic development project area, (2) substantially affect the general land uses established in the proposed economic development plan, (3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area shall be made only after review by joint review board, notice and hearing pursuant to the procedures set forth in this Section. Changes which do not (1) alter the exterior boundaries of a proposed economic development project area, (2) substantially affect the general land uses established in the proposed plan,

New matter indicated by italics - deletions by strikeout
(3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further notice or hearing, provided that the county shall give notice of its changes by mail to the Department and to each affected taxing district and by publication in a newspaper or newspapers of general circulation with the affected taxing districts. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such changes.

(f) At any time within 90 days of the final adjournment of the public hearing, a county may, by ordinance, approve the economic development plan, establish the economic development project area, and authorize property tax allocation financing for such economic development project area.

Any ordinance adopted by Whiteside County which approves the economic development plan shall contain findings that the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs, that private investment in an amount not less than $25,000,000 is reasonably expected to occur in the economic development project area, that the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income, and that the economic development project will increase or maintain the property, sales and income tax bases of the county and of the State.

Any ordinance adopted by Grundy County that approves the economic development plan shall contain findings that the economic development project is reasonably expected to create or retain not less than 250 full-time equivalent jobs, that private investment in an amount not less than $50,000,000 is reasonably expected to occur in the economic development project area, that the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income, and that the economic development project will increase or maintain the property, sales, and income tax bases of the county and of the State.
Any ordinance adopted by Stephenson County that approves an economic development plan shall contain findings that (i) the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs; (ii) private investment in an amount not less than $10,000,000 is reasonably expected to occur in the economic development area; (iii) the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income; and (iv) the economic development project will increase or maintain the property, sales, and income tax bases of the county and of the State. Before the economic development project area is established by Stephenson County, the following additional conditions must be included in an intergovernmental agreement approved by both the Stephenson County Board and the corporate authorities of the City of Freeport: (i) the corporate authorities of the City of Freeport must concur by resolution with the findings of Stephenson County; (ii) both the corporate authorities of the City of Freeport and the Stephenson County Board shall approve any and all economic or redevelopment agreements and incentives for any economic development project within the economic development area; (iii) any economic development project that receives funds under this Act, except for any economic development project specifically excluded from annexation in the provisions of the intergovernmental agreement, shall agree to and must enter into an annexation agreement with the City of Freeport to annex property included in the economic development project area to the City of Freeport at the first point in time that the property becomes contiguous to the City of Freeport; (iv) the local share of all State occupation and use taxes allocable to the City of Freeport and Stephenson County and derived from commercial projects within the economic development project area shall be equally shared by and between the City of Freeport and Stephenson County for the duration of the economic development project; and (v) any development in the economic development project area shall be built in accordance with the building and related codes of both the City of Freeport and Stephenson County and the City of Freeport shall approve all provisions for water and sewer service.

The ordinance shall also state that the economic development project area shall not include parcels to be used for purposes of residential development. Any ordinance adopted which establishes an economic development project area shall contain the boundaries of such area by legal description and, where possible, by street location. Any ordinance adopted

New matter indicated by italics - deletions by strikeout
which authorizes property tax allocation financing shall provide that the ad valorem taxes, if any, arising from the levies upon taxable real property in such economic development project area by taxing districts and tax rates determined in the manner provided in subsection (b) of Section 6 of this Act each year after the effective date of the ordinance until economic development project costs and all county obligations financing economic development project costs incurred under this Act have been paid shall be divided as follows:

(1) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the economic development project area shall be allocated to, and when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of property tax allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized assessed value of each property in the economic development project area shall be allocated to and when collected shall be paid to the county treasurer who shall deposit those taxes into a special fund called the special tax allocation fund of the county for the purpose of paying economic development project costs and obligations incurred in the payment thereof.

(g) After a county has by ordinance approved an economic development plan and established an economic development project area, the plan may be amended and the boundaries of the area may be altered only as herein provided. Amendments which (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established pursuant to the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved shall be made only after review by a joint review board, notice and hearing pursuant to the

New matter indicated by italics - deletions by strikeout
procedures set forth in this Section. Amendments which do not (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established in the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further hearing or notice, provided that the county shall give notice of any amendment by mail to the Department and to each taxing district and by publication in a newspaper or newspapers of general circulation within the affected taxing districts. Such notices by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such amendments.

(h) After the adoption of an ordinance adopting property tax allocation financing for an economic development project area, the county shall annually report to each taxing district having taxable property within such economic development project area (i) any increase or decrease in the equalized assessed value of the real property located within such economic development project area above or below the initial equalized assessed value of such real property, (ii) that portion, if any, of the ad valorem taxes arising from the levies upon taxable real property in such economic development project area by the taxing districts which is attributable to the increase in the current equalized assessed valuation of each lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized value of each property and which has been allocated to the county in the current year, and (iii) such other information as the county may deem relevant.

(i) The county shall give notice by mail as provided in this Section and shall reconvene the joint review board not less than annually for each of the 2 years following its adoption of an ordinance adopting property tax allocation financing for an economic development project area and not less than once in each 3-year period thereafter. The county shall provide such information, and may provide administrative support and facilities as the joint review board may reasonably require for each of such meetings.

(Source: P.A. 92-791, eff. 8-6-02; 93-959, eff. 8-20-04.)

Passed in the General Assembly May 27, 2005.
Approved July 19, 2005.
Effective January 1, 2006.

New matter indicated by italics - deletions by strikeout
AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary
building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii)
deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community

New matter indicated by italics - deletions by strikeout
plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.  

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.
(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

New matter indicated by italics - deletions by strikeout
(C) The area, prior to its designation, is subject to
(i) chronic flooding that adversely impacts on real property
in the area as certified by a registered professional engineer
or appropriate regulatory agency or (ii) surface water that
discharges from all or a part of the area and contributes to
flooding within the same watershed, but only if the
redevelopment project provides for facilities or
improvements to contribute to the alleviation of all or part
of the flooding.

(D) The area consists of an unused or illegal
disposal site containing earth, stone, building debris, or
similar materials that were removed from construction,
demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less
than 50 nor more than 100 acres and 75% of which is
vacant (notwithstanding that the area has been used for
commercial agricultural purposes within 5 years prior to the
designation of the redevelopment project area), and the area
meets at least one of the factors itemized in paragraph (1)
of this subsection, the area has been designated as a town or
village center by ordinance or comprehensive plan adopted
prior to January 1, 1982, and the area has not been
developed for that designated purpose.

(F) The area qualified as a blighted improved area
immediately prior to becoming vacant, unless there has
been substantial private investment in the immediately
surrounding area.

(b) For any redevelopment project area that has been designated
pursuant to this Section by an ordinance adopted prior to November 1,
1999 (the effective date of Public Act 91-478), "conservation area" shall
have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any
improved area within the boundaries of a redevelopment project area
located within the territorial limits of the municipality in which 50% or
more of the structures in the area have an age of 35 years or more. Such an
area is not yet a blighted area but because of a combination of 3 or more of
the following factors is detrimental to the public safety, health, morals or
welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect
of necessary repairs to the primary structural components of

New matter indicated by italics - deletions by strikeout
buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

New matter indicated by italics - deletions by strikeout
(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an

New matter indicated by italics - deletions by strikeout
independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be

New matter indicated by italics - deletions by strikeout
the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales

New matter indicated by italics - deletions by strikeout
Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any

New matter indicated by italics - deletions by strikeout
distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by

New matter indicated by italics - deletions by strikeout
the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the

New matter indicated by italics - deletions by strikeout
redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

New matter indicated by italics - deletions by strikeout
(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year

New matter indicated by italics - deletions by strikeout
in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or

New matter indicated by italics - deletions by strikeout
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(I) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or:
(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be

New matter indicated by italics - deletions by strikeout
adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be
exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall
residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related

New matter indicated by italics - deletions by strikeout
clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with

New matter indicated by italics - deletions by strikeout
those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes

New matter indicated by italics - deletions by strikeout
anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of

New matter indicated by italics - deletions by strikeout
necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

   (i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

   (ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

   (iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since

New matter indicated by italics - deletions by strikeout
the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30

New matter indicated by italics - deletions by strikeout
of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961) this amendatory Act of the 93rd General Assembly, a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the

New matter indicated by italics - deletions by strikeout
housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided

New matter indicated by italics - deletions by strikeout
that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20 and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in
Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate

New matter indicated by italics - deletions by strikeout
methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost. (13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond

New matter indicated by italics - deletions by strikeout
the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4%

New matter indicated by italics - deletions by strikeout
of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.
(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance.
authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

New matter indicated by italics - deletions by strikeout
Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or

New matter indicated by italics - deletions by strikeout
more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance

New matter indicated by italics - deletions by strikeout
was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was

New matter indicated by italics - deletions by strikeout
adopted on November 11, 1986 by the City of Pekin, or (DD) (EE) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) (EE) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) (EE) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) (EE) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) (EE) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) (EE) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) (EE) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) (EE) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) (EE) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) (DD) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-
995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-
25-05.)

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

Passed in the General Assembly May 16, 2005.
Approved July 19, 2005.
Effective July 19, 2005.

PUBLIC ACT 94-0261
(House Bill No. 2407)

AN ACT concerning finance.

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

Section 5. The Agricultural Fair Act is amended by changing
Sections 9, 12, 13, 14, 16, 17, 18, and 20 as follows:

(30 ILCS 120/9) (from Ch. 85, par. 659)

Sec. 9. **Premiums.** The formulas for distributing monies from the
Agricultural Premium Fund to eligible county fairs shall be contingent
upon the following provisions:

(a) Of the total amount of premiums which are to be paid to
persons for exhibitions at its annual fair for the current year for exhibits of
any events related to agriculture including horticulture, flora culture,
poultry, livestock, light horses, harness-racing and running horse races,
rodeos, and domestic and mechanical arts, no one department or class shall
be paid premiums awarded in excess of 30% of the total premiums
awarded by the county fair except those departments or classes limited to
junior exhibitors. Harness horse races and running horse races shall be
considered as one department.

(b) (Blank).

(c) A reasonable entry fee for all classes may be charged which
will not exceed the maximum limit as established by the Department.

(d) No part of any appropriation made for the benefit of county
fairs shall be used in payment for personnel or acts which are solely for the
entertainment of persons attending the fair or for acts which have been
hired or contracted for by the fair, except events related to agriculture,
including tractor pulls, truck pulls, rodeos and other acts which may be
exempt in the judgment of the Director.

(e) Prizes awarded for light horses, and for harness-racing and
running horses shall be payable from such appropriation.

New matter indicated by italics - deletions by strikeout
Sec. 12. On or before October 15 of each year, the president and secretary of each county fair claiming state aid shall have postmarked to or shall file with the Department a fiscal accounting of the expenditure of the grant monies received under Section 10 and a sworn statement of the actual amount of cash premiums paid at the fair that year. The sworn statement shall state the following:

a) That all gambling and gambling devices which are declared unlawful by laws of Illinois and the sale of alcoholic liquors other than beer have been prohibited and excluded from the grounds of the fair and from adjacent grounds under the fair's authority, during the fair and at all other times when the fair grounds or adjacent grounds are in the possession of and under the immediate control and supervision of the fair officials.

b) That all receipts from any source other than admissions to the grandstand and entry fees for races, not necessary for the payment of labor and advertising, have been prorated among all other claims and expenses or that all other claims and expenses have been paid in full.

The statement shall correspond with the published offer of premiums, and shall be accompanied by an itemized list of all premiums paid upon the basis of the premiums provided, a copy of the published premium list of the fair, and a full statement of receipts and expenditures for the current year that has been duly verified by the president and secretary of the fair.

The Department may within the period not to exceed 30 days after a fair has filed its claim pay 75% of the fair's authorized base amount if the claim for premiums filed is equal to or exceeds such fair's authorized base for that year. If the claim filed is less than the fair's authorized base, the Department shall only pay 75% of the amount of the claim filed. Should the amount paid a fair exceed the amount authorized after the final audit of such claim, then the fair shall within 30 days after notice by the Department pay to the Department the difference between the amount received and the amount as approved for such fair in the final audit as long as funds are available.

Sec. 13. Rehabilitation State reimbursement. Except as otherwise allowed by the Director, to qualify for disbursements made by the Department from an appropriation made under the provisions of this

New matter indicated by italics - deletions by strikeout
Section, the land on which the fair is held must be owned by the county fair board participating in this disbursement or by a State, city, village, or county government body, or be held under a lease that is at least 20 years in duration, the terms of which require the lessee to have continuous possession of the land during every day of the lease period. No county fair shall qualify for disbursements made by the Department from an appropriation made under the provisions of this Section unless it shall have notified the Department in writing of its intent to participate prior to obligating any funds for which reimbursement will be requested. Each county fair shall be reimbursed annually for that part of the amount expended by the fair during the year for liability and casualty insurance, as provided in this Section, and the rehabilitation of its grounds, including major construction projects and minor maintenance and repair projects; as follows:

100% of the first $5,000 or any part thereof;
75% of the next $20,000 or any part thereof;
50% of the next $20,000 or any part thereof.

The lesser of either $20,000 or 50% of the amount received by a county fair pursuant to this Section may be expended for liability and casualty insurance.

If a county fair expends more than is needed in any year for approved projects to maximize State reimbursement under this Section and provides itemized receipts and other evidence of expenditures for that year, any excess may be carried over to the succeeding year. The amount carried over shall constitute a claim for reimbursement for a subsequent period not to exceed 7 years as long as funds are available.

Before June 30 of each year, the president and secretary of each county fair which has participated in this program shall file with the Department a sworn statement of the amount expended during the period July 1 to June 30 of the State's fiscal year, accompanied by itemized receipted bills and other evidence of expenditures. If the Department approves the claim, the State Comptroller is authorized and directed to draw a warrant payable from the Agricultural Premium Fund on the State Treasurer for the amount of the rehabilitation claims.

If after all claims are paid, there remains any amount of the appropriation for rehabilitation, the remaining amount shall be distributed as a grant to the participating fairs qualifying for the maximum reimbursement and shall be distributed to the eligible fairs on an equal basis not to exceed each eligible fair's pro rata share granted in this paragraph. A sworn statement of the amount expended accompanied by

New matter indicated by italics - deletions by strikeout
the itemized receipted bills as evidence of expenditure must be filed with
the Department by June 30 of each year.
(Source: P.A. 90-329, eff. 8-8-97; 91-934, eff. 6-1-01.)

(30 ILCS 120/14) (from Ch. 85, par. 664)
Sec. 14. 4-H. University of Illinois extension units that conduct
Extension 4-H groups supervised by the University of Illinois Extension
and conducting at least one show or exhibition of the eligible members’
project work approved by the State 4-H Office of the members and that
pay premium moneys, paying promptly in cash or an award of comparable
monetary value, including $800 maximum in judges' fees, shall be eligible
to participate in an appropriation made for this purpose by the General
Assembly. As directed by the University, each county's extension leader
shall report to the State 4-H Office the eligible number of members
participating in the 4-H year. The University shall then file with the
Bureau of County Fairs and Horse Racing an Accountability for
Agricultural Premiums report certifying the number of eligible 4-H
members. All appropriated moneys are to be fully expended as specified
(see Part 260 Fairs Operating Under the Agricultural Fair Act Sec.
260.305). If moneys are not fully expended, they shall be returned to the
Illinois Department of Agriculture, Bureau of County Fairs and Horse
Racing. The provisions of this Section shall not apply to more than one
show or exhibition per calendar year of any one class or type of project
work. Based on each year's specified appropriation and as determined by
the Department, the county or extension unit The clubs shall participate in
the appropriation at a rate predetermined by the Bureau of not less than
$10.50 per eligible member enrolled for the year as recorded in the State
"4-H" Office. The rate per member shall be specified for each year in the
Act making the appropriation for this purpose. In addition, $400 per
county is allotted for judges' fees.

The extension leader Extension Leader of each county or
unit Unit shall certify to the State "4-H" Officer under oath; on a form
furnished by the Department; the amount paid out in premiums, judges’
fees, and ribbons at the show or exhibition for the current year; and the
name of the officer or organization making the payments and the number
of eligible members enrolled for the current year. This certification shall
be accompanied by itemized receipts as evidence of the certified amounts,
and it must be filed with the Department before December 31 of each year.
Upon receipt of the certification the Department shall reimburse the officer
or organization making the payments in accordance with the provisions of
this Section.

New matter indicated by italics - deletions by strikeout
If the amount appropriated by the General Assembly for the payments of the premiums is insufficient to pay in full the amount which the Extension "4-H" Groups are entitled, the sum shall be prorated among all those entitled to it.

If after all approved claims are paid and there remains any amount of the appropriation, the remaining portion shall be distributed as a grant to the participating Cooperative Extension "4-H" Groups. These monies shall be granted on a prorated basis of membership. A fiscal accounting of the expenditures of the grant monies shall be filed with the Department no later than December 31 of the year in which the club receives such grant monies.

(Source: P.A. 91-934, eff. 6-1-01.)

(30 ILCS 120/16) (from Ch. 85, par. 666)

Sec. 16. Agricultural education. Vocational Agricultural Education Section Fairs, which shall not be located in more than 25 sections, shall be organized and conducted under the supervision of the Department State Board of Education. The Department State Board of Education shall designate the sections of the State for Agricultural Education Vocational Agricultural Fairs. These fairs shall participate in an appropriation appropriations at a rate designated by the Bureau that is in compliance with the current year's appropriation of not less than $10,250 for each section holding an Agricultural Education a Vocational Agricultural Section Fair or Fairs during the current year.

The rate per section shall be specified for each year in the Act making the appropriation for this purpose. Such monies are to be paid as premiums awarded to agricultural education vocational agricultural students exhibiting livestock or agricultural products at the fair or fairs in the section in which the student resides. No premium shall be duplicated for any particular exhibition of livestock or agricultural products in the fair or fairs held in any one section.

The State Board of Education shall certify to the Department, under oath, at least 10 days prior to the holding of any sections fair, a list of all premiums to be offered at that fair. Within 30 days after the close of the fair, a section fair manager as designated by the Department the Supervisor shall certify to the Department; under oath; on blank forms furnished by the Department; a detailed report of premium awards financial statement showing all premiums awarded to agricultural education vocational agricultural students at that fair. Warrants shall be issued by the State Comptroller payable to the agricultural education
teacher or teachers persons entitled to them on vouchers certified by the Department.

If after all approved claims are paid there remains any amount of the appropriation, the remaining portion shall be distributed equally among the participating agricultural education vocational agricultural section fairs to be expended for the purposes set forth in this Section. A fiscal accounting of the expenditure of funds distributed under this paragraph shall be filed with the Department by each participating fair not later than one year after the date of its receipt of such funds.
(Source: P.A. 81-159.)

(30 ILCS 120/17) (from Ch. 85, par. 667)
Sec. 17. Fair and expositions. Any county fair eligible to participate in appropriations made from the Agricultural Premium Fund, except in counties where a Fair and Exposition Authority participated in the appropriation in 1999, may elect instead in any odd numbered year to participate in the appropriation from the Fair and Exposition Fund. The Department must be notified of such election by January 1 of the year of participation in that fund. Any such election shall be binding for 4 calendar years. No county fair shall participate for the same calendar year in appropriations under both this Fund and the Agricultural Premium Fund.

In counties where a Fair and Exposition Authority participated in 1999, the Authority shall continue to participate in the appropriation from the Fair and Exposition Fund. The Fair and Exposition Authority shall consist of 7 members appointed by the county board chairman with the advice and consent of the county board.
(Source: P.A. 91-934, eff. 6-1-01.)

(30 ILCS 120/18) (from Ch. 85, par. 668)
Sec. 18. Money shall be paid into the Fair and Exposition Fund by the Illinois Racing Board, as provided in Section 28 of the Illinois Horse Racing Act of 1975. The General Assembly shall from time to time make appropriations payable from such fund to the Department for distribution to county fairs and to any Fair and Exposition Authority that participated in the appropriation in 1999. Such appropriations shall be distributed by the Department to county fairs which are eligible to participate in appropriations made from the Agricultural Premium Fund but which elect instead to participate in appropriations made from the Fair and Exposition Fund and to Fair and Exposition Authorities that participated in the appropriation in 1999. If a county has more than one county fair, such fairs shall jointly elect to participate either in appropriations made from the Agricultural Premium Fund or in appropriations made from the Fair and

New matter indicated by italics - deletions by strikeout
Public Act 94-0261

Exposition Fund. All participating county fairs of the same county shall participate in the same appropriation. Except as otherwise allowed by the Director, a participant, to be eligible to expend moneys appropriated from the Fair and Exposition Fund for the purchase of new or additional land construction or maintenance of buildings, grounds, facilities, infrastructure, or any improvement to the grounds must hold the land on which such fair or exposition is to be conducted as a fee or under a lease of at least 20 years, the terms of which require the lessee to have continuous possession of the land during every day of the lease period, or must be owned by the fair association participating in this disbursement, by an agricultural society, or by a fair and exposition authority.

(Source: P.A. 91-934, eff. 6-1-01.)

(30 ILCS 120/20) (from Ch. 85, par. 670)

Sec. 20. Appropriations made from the Fair and Exposition Fund may be used for financing agricultural, educational, trade and scientific exhibits; for premium and award purposes as set forth in subsections (a) through (e) of Section 9; and for other expenses incurred by the fair that are directly related to the operation of the fair and approved by rule by the Department if the participant holds the land on which the fair or exposition is conducted as a fee or is under a lease of at least 20 years (the terms of which require the lessee to have continuous possession of the land during every day of the lease period), or is owned by the fair association participating in this disbursement, by an agricultural society, or by a fair and exposition authority, except as otherwise allowed by the Director.

In addition, county fairs eligible to participate in the Fair and Exposition Fund appropriation that hold the land on which the county fair is conducted as a fee or under a lease of at least 20 years, the terms of which require the lessee to have continuous possession of the land during every day of the lease period, or as otherwise allowed by the Director, may be reimbursed for expenditures for purchase of new or additional land, construction or maintenance of buildings, facilities, grounds, or infrastructure, or improvements to the grounds.

(Source: P.A. 91-934, eff. 6-1-01.)

Passed in the General Assembly May 19, 2005.
Approved July 19, 2005.
Effective January 1, 2006.

New matter indicated by italics - deletions by strikeout
AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.640 as follows:
(30 ILCS 105/5.640 new)
Sec. 5.640. The Computer Investment Program Fund.
Section 10. The Eliminate the Digital Divide Law is amended by adding Sections 5-50 and 5-55 as follows:
(30 ILCS 780/5-50 new)
Sec. 5-50. Computer Investment Program.
(a) Subject to appropriation, the Department may administer the Computer Investment Program under which the Department may assist low-income families in 5 digital divide impacted communities in the State, as determined by the Department, in reimbursing a portion of the cost for a recently purchased new or used home computer.
(b) The grant awarded by the Department shall not exceed $225 per applicant.
(c) The applicant must show proof of purchase for the computer in the form of a store receipt.
(d) The Department shall prepare a store verification form that must be filled out at the time of purchase by a store manager or assistant manager. This form must be submitted to the Department as part of the grant application.
(e) To be eligible to apply for a grant under this Act, an applicant must have a child that:
(1) is enrolled in a public school in which not less than 40% of the students are eligible for a free or reduced price lunch under the national school lunch program, or in which not less than 30% of the students are eligible for a free lunch under the national school lunch program in this State;
(2) receives free or reduced school lunch under the national school lunch program;
(3) has a passing grade point average;
(4) has a good attendance record;
(5) has resided in this State for a minimum of 6 months;
and

New matter indicated by italics - deletions by strikeout
(6) completes a basic computer course at one of the community technology centers designated by the Department.

(f) The Department shall adopt rules to implement and administer the Program.

(30 ILCS 780/5-55 new)

Sec. 5-55. Computer Investment Program Fund. The Computer Investment Program Fund is created as a special fund in the State treasury. All moneys in the Fund shall be used, subject to appropriation by the General Assembly, by the Department for grants made under Section 5-50 of this Act.

Passed in the General Assembly May 19, 2005.
Approved July 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0263
(House Bill No. 2441)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Sections 21-3, 21-5, 21-7, 21-8, and 21-9 as follows:

(720 ILCS 5/21-3) (from Ch. 38, par. 21-3)
Sec. 21-3. Criminal trespass to real property.
(a) Whoever:
(1) knowingly and without lawful authority enters or remains within or on a building; or
(2) enters upon the land of another, after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden; or
(3) remains upon the land of another, after receiving notice from the owner or occupant to depart; or
(3.5) presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land; or
(4) enters upon one of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle), after receiving prior to that entry, notice from the owner or occupant that the entry is forbidden.

New matter indicated by italics - deletions by strikeout
or remains upon or in the area after receiving notice from the owner or occupant to depart:
   (A) any field that is used for growing crops or which is capable of being used for growing crops; or
   (B) an enclosed area containing livestock; or
   (C) or an orchard; or
   (D) a barn or other agricultural building containing livestock;
commits a Class B misdemeanor.

For purposes of item (1) of this subsection, this Section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this Section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(b) A person has received notice from the owner or occupant within the meaning of Subsection (a) if he has been notified personally, either orally or in writing including a valid court order as defined by subsection (7) of Section 112A-3 of the Code of Criminal Procedure of 1963 granting remedy (2) of subsection (b) of Section 112A-14 of that Code, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(c) This Section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on such land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his agent, nor to anyone invited by such migrant worker or other person so living on such land to visit him at the place he is so living upon the land.

(d) A person shall be exempt from prosecution under this Section if he beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the purpose of this subsection, "unoccupied and abandoned residential and industrial property" means any real estate (1) in which the taxes have not been paid for a period of at least 2 years; and (2) which has been left unoccupied and abandoned for a period of at least one year; and "beautifies" means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

New matter indicated by italics - deletions by strikeout
(e) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to subsection (d) of this Section.

(f) This Section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this subsection (f), "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(g) Paragraph (3.5) of subsection (a) does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.

(Source: P.A. 89-346, eff. 1-1-96; 89-373, eff. 1-1-96; 89-626, eff. 8-9-96; 90-419, eff. 8-15-97.)

(720 ILCS 5/21-5) (from Ch. 38, par. 21-5)
Sec. 21-5. Criminal Trespass to State Supported Land.

(a) Whoever enters upon land supported in whole or in part with State funds, or Federal funds administered or granted through State agencies or any building on such land, after receiving, prior to such entry, notice from the State or its representative that such entry is forbidden, or remains upon such land or in such building after receiving notice from the State or its representative to depart, and who thereby interferes with another person's lawful use or enjoyment of such building or land, commits a Class A misdemeanor.

(b) A person has received notice from the State within the meaning of subsection (a) if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry to him or a group of which he is a part, has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(c) Whoever enters upon land supported in whole or in part with State funds, or federal funds administered or granted through State agencies or any building on such land by presenting false documents or falsely representing his or her identity orally to the State or its representative in order to obtain permission from the State or its representative to enter the building or land; or remains upon such land or in such building by presenting false documents or falsely representing his or her identity orally to the State or its representative in order to remain upon such land or in such building, and who thereby interferes with
another person’s lawful use or enjoyment of such building or land, commits a Class A misdemeanor.

Subsection (c) does not apply to a peace officer or other official of a unit of government who enters upon land supported in whole or in part with State funds, or federal funds administered or granted through State agencies or any building on such land in the performance of his or her official duties.

(Source: P.A. 84-1041.)

(720 ILCS 5/21-7) (from Ch. 38, par. 21-7)
Sec. 21-7. Criminal trespass to Restricted areas and restricted Landing areas at airports.

(a) Whoever enters upon, or remains in, any restricted area or restricted landing area used in connection with an airport facility, or part thereof, in this State, after such person has received notice from the airport authority that such entry is forbidden commits a Class A misdemeanor. Notice that the area is "restricted" and entry thereto "forbidden", for purposes of this Section, means that the person or persons have been notified personally, either orally or in writing, or by a printed or written notice forbidding such entry to him or a group or an organization of which he is a member, which has been conspicuously posted or exhibited at every usable entrance to such area or the forbidden part thereof.

(b) Whoever enters upon, or remains in, any restricted area or restricted landing area used in connection with an airport facility, or part thereof, in this State by presenting false documents or falsely representing his or her identity orally to the airport authority commits a Class A misdemeanor.

(c) The terms "Restricted area" or "Restricted landing area" in this Section are defined to incorporate the meaning ascribed to those terms in Section 8 of the "Illinois Aeronautics Act", approved July 24, 1945, as amended, and also include any other area of the airport that has been designated such by the airport authority.

(d) Subsection (b) does not apply to a peace officer or other official of a unit of government who enters a restricted area or a restricted landing area used in connection with an airport facility, or part thereof, in the performance of his or her official duties.

(Source: P.A. 81-564.)

(720 ILCS 5/21-8)
Sec. 21-8. Criminal trespass to a nuclear facility.

(a) A person commits the offense of criminal trespass to a nuclear facility if he or she knowingly and without lawful authority:

New matter indicated by italics - deletions by strikeout
(1) enters or remains within a nuclear facility or on the
grounds of a nuclear facility, after receiving notice before entry that
entry to the nuclear facility is forbidden; or

(2) remains within the facility or on the grounds of the
facility after receiving notice from the owner or manager of the
facility or other person authorized by the owner or manager of the
facility to give that notice to depart from the facility or grounds of
the facility; or:

(3) enters or remains within a nuclear facility or on the
grounds of a nuclear facility, by presenting false documents or
falsely representing his or her identity orally to the owner or
manager of the facility. This paragraph (3) does not apply to a
peace officer or other official of a unit of government who enters
or remains in the facility in the performance of his or her official
duties.

(b) A person has received notice from the owner or manager of the
facility or other person authorized by the owner or manager of the facility
within the meaning of paragraphs (1) and (2) of subsection (a) if he or she
has been notified personally, either orally or in writing, or if a printed or
written notice forbidding the entry has been conspicuously posted or
exhibited at the main entrance to the facility or grounds of the facility or
the forbidden part of the facility.

(c) In this Section, "nuclear facility" has the meaning ascribed to it

(d) Sentence. Criminal trespass to a nuclear facility is a Class 4
felony.

(Source: P.A. 92-575, eff. 1-1-03.)

(720 ILCS 5/21-9)
Sec. 21-9. Criminal trespass to a place of public amusement.

(a) A person commits the offense of criminal trespass to a place of
public amusement if he or she knowingly and without lawful authority
enters or remains on any portion of a place of public amusement after
having received notice that the general public is restricted from access to
that portion of the place of public amusement. Such areas may include, but
are not limited to: a playing field, an athletic surface, a stage, a locker
room, or a dressing room located at the place of public amusement.

(a-5) A person commits the offense of criminal trespass to a place
of public amusement if he or she knowingly and without lawful authority
gains access to or remains on any portion of a place of public amusement
by presenting false documents or falsely representing his or her identity

New matter indicated by italics - deletions by strikeout
orally to the property owner, a lessee, an agent of either the owner or lessee, or a performer or participant. This subsection (a-5) does not apply to a peace officer or other official of a unit of government who enters or remains in the place of public amusement in the performance of his or her official duties. 

(b) A property owner, a lessee, an agent of either the owner or lessee, or a performer or participant may use reasonable force to restrain a trespasser and remove him or her from the restricted area; however, any use of force beyond reasonable force may subject that person to any applicable criminal penalty. 

(c) A person has received notice within the meaning of subsection (a) if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the entrance to the portion of the place of public amusement that is restricted or an oral warning has been broadcast over the public address system of the place of public amusement. 

(d) In this Section, "place of public amusement" means a stadium, a theater, or any other facility of any kind, whether licensed or not, where a live performance, a sporting event, or any other activity takes place for other entertainment and where access to the facility is made available to the public, regardless of whether admission is charged. 

(e) Sentence. Criminal trespass to a place of public amusement is a Class 4 felony. Upon imposition of any sentence, the court shall also impose a fine of not less than $1,000. In addition, any order of probation or conditional discharge entered following a conviction shall include a condition that the offender perform public or community service of not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offender was convicted. The court may also impose any other condition of probation or conditional discharge under this Section.

(Source: P.A. 93-407, eff. 1-1-04.)

Passed in the General Assembly May 16, 2005. 
Approved July 19, 2005. 
Effective January 1, 2006. 

PUBLIC ACT 94-0264 
(House Bill No. 2460) 

AN ACT concerning child labor. 

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

Section 1. Short title. This Act may be cited as the State Prohibition of Goods from Child Labor Act.

Section 5. Policy. The General Assembly hereby finds and declares as follows:

(a) The people of Illinois do not support the import of any goods made by child labor, not only because it is a cruel suppression of the human rights of children, but also because it creates an unfair trade advantage for the child labor country.

(b) Current trade regulations do not require importers to provide certificates of origin at the time of importation to affirm and guarantee no child labor content.

(c) Federal law also does not require the United States Customs Service to have an active, self-initiated foreign surveillance program of detecting child labor-made goods and preventing their entry into the United States.

(d) The State of Illinois wholeheartedly condemns the importation of goods made in whole or in part by child labor and shall not knowingly acquire any of those goods.

Section 10. Contract certification.

(a) Every contract entered into by any State agency for the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, must specify that no foreign-made equipment, materials, or supplies furnished to the State under the contract may be produced in whole or in part by the labor of any child under the age of 12. The contractor must agree to comply with this provision of the contract.

(b) Any contractor contracting with the State who knew that the foreign-made equipment, materials, or supplies furnished to the State were produced in whole or part by the labor of any child under the age of 12 when entering into a contract under subsection (a), may, subject to subsection (c), have any or all of the following sanctions imposed:

(1) The contract under which the prohibited equipment, materials, or supplies were provided may be voided at the option of the State agency to which the equipment, materials, or supplies were provided.

(2) The contractor may be assessed a penalty which must be the greater of $1,000 or an amount equaling 20% of the value of the equipment, materials, or supplies that the State agency

New matter indicated by italics - deletions by strikeout
demonstrates were produced in whole or in part by child labor and that were supplied to the State agency under the contract.

(3) The contractor may be suspended from bidding on a State contract for a period not to exceed 360 days. Any moneys collected under this subsection shall be deposited into the General Revenue Fund.

(c) When imposing the sanctions described in subsection (b), the contracting agency must notify the contractor of the right to a hearing if requested within 15 days after the date of the notice. The hearing must be before an administrative law judge according to the Illinois Administrative Procedure Act. The administrative law judge must consider any measures the contractor has taken to ensure compliance with this Section and may waive any or all of the sanctions if it is determined that the contractor has acted in good faith.

The agency must be assessed the cost of the administrative hearing, unless the agency has prevailed in the hearing, in which case the contractor shall be assessed the cost of the hearing.

(d) Any State agency that investigates a complaint against a contractor for violation of this Section must limit its investigation to evaluating the information provided by the person or entity submitting the complaint and the information provided by the contractor.

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

Passed in the General Assembly May 16, 2005.
Approved July 19, 2005.
Effective July 19, 2005.

PUBLIC ACT 94-0265
(House Bill No. 2490)

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

Section 5. The Illinois Public Aid Code is amended by changing Section 12-4.25 as follows:

(305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)
Sec. 12-4.25. Medical assistance program; vendor participation.
(A) The Illinois Department may deny, suspend or terminate the eligibility of any person, firm, corporation, association, agency, institution or other legal entity to participate as a vendor of goods or services to

New matter indicated by italics - deletions by strikeout
recipients under the medical assistance program under Article V, if after reasonable notice and opportunity for a hearing the Illinois Department finds:

(a) Such vendor is not complying with the Department's policy or rules and regulations, or with the terms and conditions prescribed by the Illinois Department in its vendor agreement, which document shall be developed by the Department as a result of negotiations with each vendor category, including physicians, hospitals, long term care facilities, pharmacists, optometrists, podiatrists and dentists setting forth the terms and conditions applicable to the participation of each vendor group in the program; or

(b) Such vendor has failed to keep or make available for inspection, audit or copying, after receiving a written request from the Illinois Department, such records regarding payments claimed for providing services. This section does not require vendors to make available patient records of patients for whom services are not reimbursed under this Code; or

(c) Such vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services; or

(d) Such vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the medical assistance program; or

(e) Such vendor has furnished goods or services to a recipient which are (1) in excess of his or her needs, (2) harmful to the recipient, or (3) of grossly inferior quality, all of such determinations to be based upon competent medical judgment and evaluations; or

(f) The vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either:

(1) was previously terminated from participation in the Illinois medical assistance program, or was terminated from participation in a medical assistance program in another state that is of the same kind as the program of

New matter indicated by italics - deletions by strikeout
medical assistance provided under Article V of this Code; or

(2) was a person with management responsibility for a vendor previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination; or

(3) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination; or

(4) was an owner of a sole proprietorship or partner of a partnership previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination; or

(g) The vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either:

(1) has engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(2) was a person with management responsibility for a vendor at the time that such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

New matter indicated by italics - deletions by strikeout
(3) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a vendor at the time such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(4) was an owner of a sole proprietorship or partner of a partnership which was a vendor at the time such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(h) The direct or indirect ownership of the vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) has been transferred by an individual who is terminated or barred from participating as a vendor to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

(A-5) The Illinois Department may deny, suspend, or terminate the eligibility of any person, firm, corporation, association, agency, institution, or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V if, after reasonable notice and opportunity for a hearing, the Illinois Department finds that the vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship that is a vendor; or a partner in a partnership that is a vendor has been convicted of a felony offense based on fraud or willful misrepresentation related to any of the following:

(1) The medical assistance program under Article V of this Code.

(2) A medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code.

(3) The Medicare program under Title XVIII of the Social Security Act.

(4) The provision of health care services.

New matter indicated by italics - deletions by strikeout
(B) The Illinois Department shall deny, suspend or terminate the eligibility of any person, firm, corporation, association, agency, institution or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V:

1. if such vendor is not properly licensed;
2. within 30 days of the date when such vendor's professional license, certification or other authorization has been refused renewal or has been revoked, suspended or otherwise terminated; or
3. if such vendor has been convicted of a violation of this Code, as provided in Article VIIA.

(C) Upon termination of a vendor of goods or services from participation in the medical assistance program authorized by this Article, a person with management responsibility for such vendor during the time of any conduct which served as the basis for that vendor's termination is barred from participation in the medical assistance program.

Upon termination of a corporate vendor, the officers and persons owning, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in the vendor during the time of any conduct which served as the basis for that vendor's termination are barred from participation in the medical assistance program. A person who owns, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a terminated corporate vendor may not transfer his or her ownership interest in that vendor to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

Upon termination of a sole proprietorship or partnership, the owner or partners during the time of any conduct which served as the basis for that vendor's termination are barred from participation in the medical assistance program. The owner of a terminated vendor that is a sole proprietorship, and a partner in a terminated vendor that is a partnership, may not transfer his or her ownership or partnership interest in that vendor to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

Rules adopted by the Illinois Department to implement these provisions shall specifically include a definition of the term "management responsibility" as used in this Section. Such definition shall include, but not be limited to, typical job titles, and duties and descriptions which will be considered as within the definition of individuals with management responsibility for a provider.

New matter indicated by italics - deletions by strikeout
If a vendor has been suspended from the medical assistance program under Article V of the Code, the Director may require that such vendor correct any deficiencies which served as the basis for the suspension. The Director shall specify in the suspension order a specific period of time, which shall not exceed one year from the date of the order, during which a suspended vendor shall not be eligible to participate. At the conclusion of the period of suspension the Director shall reinstate such vendor, unless he finds that such vendor has not corrected deficiencies upon which the suspension was based.

If a vendor has been terminated from the medical assistance program under Article V, such vendor shall be barred from participation for at least one year, except that if a vendor has been terminated based on a conviction of a violation of Article VIIA or a conviction of a felony based on fraud or a willful misrepresentation related to (i) the medical assistance program under Article V, (ii) a medical assistance program in another state that is of the kind provided under Article V, (iii) the Medicare program under Title XVIII of the Social Security Act, or (iv) the provision of health care services, then the vendor shall be barred from participation for 5 years or for the length of the vendor's sentence for that conviction, whichever is longer. At the end of one year a vendor who has been terminated may apply for reinstatement to the program. Upon proper application to be reinstated such vendor may be deemed eligible by the Director providing that such vendor meets the requirements for eligibility under this Code. If such vendor is deemed not eligible for reinstatement, he shall be barred from again applying for reinstatement for one year from the date his application for reinstatement is denied.

A vendor whose termination from participation in the Illinois medical assistance program under Article V was based solely on an action by a governmental entity other than the Illinois Department may, upon reinstatement by that governmental entity or upon reversal of the termination, apply for rescission of the termination from participation in the Illinois medical assistance program. Upon proper application for rescission, the vendor may be deemed eligible by the Director if the vendor meets the requirements for eligibility under this Code.

If a vendor has been terminated and reinstated to the medical assistance program under Article V and the vendor is terminated a second or subsequent time from the medical assistance program, the vendor shall be barred from participation for at least 2 years, except that if a vendor has been terminated a second time based on a conviction of a violation of Article VIIA or a conviction of a felony based on fraud or a willful

New matter indicated by italics - deletions by strikeout
misrepresentation related to (i) the medical assistance program under Article V, (ii) a medical assistance program in another state that is of the kind provided under Article V, (iii) the Medicare program under Title XVIII of the Social Security Act, or (iv) the provision of health care services, then the vendor shall be barred from participation for life. At the end of 2 years, a vendor who has been terminated may apply for reinstatement to the program. Upon application to be reinstated, the vendor may be deemed eligible if the vendor meets the requirements for eligibility under this Code. If the vendor is deemed not eligible for reinstatement, the vendor shall be barred from again applying for reinstatement for 2 years from the date the vendor's application for reinstatement is denied.

(E) The Illinois Department may recover money improperly or erroneously paid, or overpayments, either by setoff, crediting against future billings or by requiring direct repayment to the Illinois Department.

If the Department of Public Aid establishes through an administrative hearing that the overpayments resulted from the vendor or alternate payee willfully making, or causing to be made, a false statement or misrepresentation of a material fact in connection with billings and payments under the medical assistance program under Article V, the Department may recover interest on the amount of the overpayments at the rate of 5% per annum. For purposes of this paragraph, "willfully" means that a person makes a statement or representation with actual knowledge that it was false, or makes a statement or representation with knowledge of facts or information that would cause one to be aware that the statement or representation was false when made.

(F) The Illinois Department may withhold payments to any vendor or alternate payee during the pendency of any proceeding under this Section. The Illinois Department shall state by rule with as much specificity as practicable the conditions under which payments will not be withheld during the pendency of any proceeding under this Section. Payments may be denied for bills submitted with service dates occurring during the pendency of a proceeding where the final administrative decision is to terminate eligibility to participate in the medical assistance program. The Illinois Department shall state by rule with as much specificity as practicable the conditions under which payments will not be denied for such bills. The Department of Public Aid shall state by rule a process and criteria by which a vendor or alternate payee may request full or partial release of payments withheld under this subsection. The Department must complete a proceeding under this Section in a timely manner.

New matter indicated by italics - deletions by strikeout
(F-5) The Illinois Department may temporarily withhold payments to a vendor or alternate payee if any of the following individuals have been indicted or otherwise charged under a law of the United States or this or any other state with a felony offense that is based on alleged fraud or willful misrepresentation on the part of the individual related to (i) the medical assistance program under Article V of this Code, (ii) a medical assistance program provided in another state which is of the kind provided under Article V of this Code, (iii) the Medicare program under Title XVIII of the Social Security Act, or (iv) the provision of health care services:

(1) If the vendor or alternate payee is a corporation: an officer of the corporation or an individual who owns, either directly or indirectly, 5% or more of the shares of stock or other evidence of ownership of the corporation.

(2) If the vendor is a sole proprietorship: the owner of the sole proprietorship.

(3) If the vendor or alternate payee is a partnership: a partner in the partnership.

(4) If the vendor or alternate payee is any other business entity authorized by law to transact business in this State: an officer of the entity or an individual who owns, either directly or indirectly, 5% or more of the evidences of ownership of the entity.

If the Illinois Department withholds payments to a vendor or alternate payee under this subsection, the Department shall not release those payments to the vendor or alternate payee while any criminal proceeding related to the indictment or charge is pending unless the Department determines that there is good cause to release the payments before completion of the proceeding. If the indictment or charge results in the individual's conviction, the Illinois Department shall retain all withheld payments, which shall be considered forfeited to the Department. If the indictment or charge does not result in the individual's conviction, the Illinois Department shall release to the vendor or alternate payee all withheld payments.

(G) The provisions of the Administrative Review Law, as now or hereafter amended, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Illinois Department under this Section. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(G-5) Non-emergency transportation.

New matter indicated by italics - deletions by strikeout
(1) Notwithstanding any other provision in this Section, for non-emergency transportation vendors, the Department may terminate the vendor from participation in the medical assistance program prior to an evidentiary hearing but after reasonable notice and opportunity to respond as established by the Department by rule.

(2) Vendors of non-emergency medical transportation services, as defined by the Department by rule, shall submit to a fingerprint-based criminal background check on current and future information available in the State system and current information available through the Federal Bureau of Investigation's system by submitting all necessary fees and information in the form and manner prescribed by the Department of State Police. The following individuals shall be subject to the check:

   (A) In the case of a vendor that is a corporation, every shareholder who owns, directly or indirectly, 5% or more of the outstanding shares of the corporation.

   (B) In the case of a vendor that is a partnership, every partner.

   (C) In the case of a vendor that is a sole proprietorship, the sole proprietor.

   (D) Each officer or manager of the vendor. Each such vendor shall be responsible for payment of the cost of the criminal background check.

(3) Vendors of non-emergency medical transportation services may be required to post a surety bond. The Department shall establish, by rule, the criteria and requirements for determining when a surety bond must be posted and the value of the bond.

(4) The Department, or its agents, may refuse to accept requests for non-emergency transportation authorizations, including prior-approval and post-approval requests, for a specific non-emergency transportation vendor if:

   (A) the Department has initiated a notice of termination of the vendor from participation in the medical assistance program; or

   (B) the Department has issued notification of its withholding of payments pursuant to subsection (F-5) of this Section; or

New matter indicated by italics - deletions by strikeout
(C) the Department has issued a notification of its withholding of payments due to reliable evidence of fraud or willful misrepresentation pending investigation.

(H) Nothing contained in this Code shall in any way limit or otherwise impair the authority or power of any State agency responsible for licensing of vendors.

(I) Based on a finding of noncompliance on the part of a nursing home with any requirement for certification under Title XVIII or XIX of the Social Security Act (42 U.S.C. Sec. 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois Department may impose one or more of the following remedies after notice to the facility:

1. Termination of the provider agreement.
2. Temporary management.
3. Denial of payment for new admissions.
4. Civil money penalties.
5. Closure of the facility in emergency situations or transfer of residents, or both.
7. Denial of all payments when the Health Care Finance Administration has imposed this sanction.

The Illinois Department shall by rule establish criteria governing continued payments to a nursing facility subsequent to termination of the facility's provider agreement if, in the sole discretion of the Illinois Department, circumstances affecting the health, safety, and welfare of the facility's residents require those continued payments. The Illinois Department may condition those continued payments on the appointment of temporary management, sale of the facility to new owners or operators, or other arrangements that the Illinois Department determines best serve the needs of the facility's residents.

Except in the case of a facility that has a right to a hearing on the finding of noncompliance before an agency of the federal government, a facility may request a hearing before a State agency on any finding of noncompliance within 60 days after the notice of the intent to impose a remedy. Except in the case of civil money penalties, a request for a hearing shall not delay imposition of the penalty. The choice of remedies is not appealable at a hearing. The level of noncompliance may be challenged only in the case of a civil money penalty. The Illinois Department shall provide by rule for the State agency that will conduct the evidentiary hearings.

New matter indicated by italics - deletions by strikeout
The Illinois Department may collect interest on unpaid civil money penalties.

The Illinois Department may adopt all rules necessary to implement this subsection (I).

(J) The Illinois Department, by rule, may permit individual practitioners to designate that Department payments that may be due the practitioner be made to an alternate payee or alternate payees.

(a) Such alternate payee or alternate payees shall be required to register as an alternate payee in the Medical Assistance Program with the Illinois Department.

(b) If a practitioner designates an alternate payee, the alternate payee and practitioner shall be jointly and severally liable to the Department for payments made to the alternate payee. Pursuant to subsection (E) of this Section, any Department action to recover money or overpayments from an alternate payee shall be subject to an administrative hearing.

(c) Registration as an alternate payee or alternate payees in the Illinois Medical Assistance Program shall be conditional. At any time, the Illinois Department may deny or cancel any alternate payee’s registration in the Illinois Medical Assistance Program without cause. Any such denial or cancellation is not subject to an administrative hearing.

(d) The Illinois Department may seek a revocation of any alternate payee, and all owners, officers, and individuals with management responsibility for such alternate payee shall be permanently prohibited from participating as an owner, an officer, or an individual with management responsibility with an alternate payee in the Illinois Medical Assistance Program, if after reasonable notice and opportunity for a hearing the Illinois Department finds that:

(1) the alternate payee is not complying with the Department’s policy or rules and regulations, or with the terms and conditions prescribed by the Illinois Department in its alternate payee registration agreement; or

(2) the alternate payee has failed to keep or make available for inspection, audit, or copying, after receiving a written request from the Illinois Department, such records regarding payments claimed as an alternate payee; or

New matter indicated by italics - deletions by strikeout
(3) the alternate payee has failed to furnish any information requested by the Illinois Department regarding payments claimed as an alternate payee; or

(4) the alternate payee has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the Illinois Medical Assistance Program; or

(5) the alternate payee, a person with management responsibility for an alternate payee, an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate alternate payee, or a partner in a partnership which is an alternate payee:

   (a) was previously terminated from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was terminated from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code; or

   (b) was a person with management responsibility for a vendor previously terminated from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was terminated from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination or alternate payee's revocation; or

   (c) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor previously terminated from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was terminated from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination or alternate payee's revocation; or

   (d) was a person with management responsibility for an alternate payee, an officer or person owning, either directly or indirectly 5% or more of the shares of stock or other evidences of ownership in a corporate alternate payee, or a partner in a partnership which is an alternate payee:

   (i) was previously terminated from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was terminated from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code; or

   (ii) was a person with management responsibility for a vendor previously terminated from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was terminated from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination or alternate payee's revocation; or

   (iii) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate alternate payee, or a partner in a partnership which is an alternate payee:
Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was terminated from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination; or

(d) was an owner of a sole proprietorship or partner in a partnership previously terminated from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was terminated from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination or alternate payee's revocation; or

(6) the alternate payee, a person with management responsibility for an alternate payee, an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate alternate payee, or a partner in a partnership which is an alternate payee:

(a) has engaged in conduct prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or

(b) was a person with management responsibility for a vendor or alternate payee at the time that the vendor or alternate payee engaged in practices prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or

(c) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a vendor
or alternate payee at the time such vendor or alternate payee engaged in practices prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or

(d) was an owner of a sole proprietorship or partner in a partnership which was a vendor or alternate payee at the time such vendor or alternate payee engaged in practices prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or

(7) the direct or indirect ownership of the vendor or alternate payee (including the ownership of a vendor or alternate payee that is a partner's interest in a vendor or alternate payee, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor or alternate payee) has been transferred by an individual who is terminated or barred from participating as a vendor or is prohibited or revoked as an alternate payee to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

(Source: P.A. 92-327, eff. 1-1-02; 92-651, eff. 7-11-02; 92-789, eff 8-6-02.)

Passed in the General Assembly May 16, 2005.
Approved July 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0266

(House Bill No. 2500)

AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by adding Division 15.2 to Article 11 as follows:

(65 ILCS 5/Art. 11 Div. 15.2 heading new)

DIVISION 15.2. ANNEXATION; DRAINAGE DISTRICTS

(65 ILCS 5/11-15.2-1 new)

New matter indicated by italics - deletions by strikeout
Sec. 11-15.2-1. If authorized by an agreement approved by the court pursuant to notice as required by Section 4-22 of the Illinois Drainage Code (70 ILCS 605/4-22), a municipality and a drainage district may enter into an implementing agreement to provide for the automatic detachment of land from the drainage district when the land is annexed to the municipality. An implementing agreement shall not be required to comply with the provisions of Sections 4-19 through 4-24 of the Illinois Drainage Code (70 ILCS 605/4-19 through 605/4-24) and may authorize the filing of certificates as provided in this Section.

Upon the filing of a certificate, executed by a drainage district in compliance with Section 4-11 of the Illinois Drainage Code (70 ILCS 605/4-11) and by an annexing municipality, the land described in the certificate shall be detached from the drainage district and annexed to the annexing municipality as of the date of filing. The certificate shall be filed with the drainage district clerk and the county clerk where the land is located. The legal effect of the filing of a certificate shall be the same as a court order entered pursuant to Section 8-20 of the Illinois Drainage Code (70 ILCS 605/8-20).


Approved July 19, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0267
(House Bill No. 2892)

AN ACT concerning public aid.

WHEREAS, The General Assembly has long viewed one-stop service in the human services as a vital goal in order to serve clients in the most effective and most cost-efficient fashion; and

WHEREAS, The vision of one-stop service was a fundamental reason for creating the Department of Human Services; and

WHEREAS, One-stop service became possible in 1999 when a new data warehouse became operational at the Department of Public Aid; and

WHEREAS, The data warehouse has enabled the Department of Public Aid for the first time to optimally manage the $10 billion Medicaid budget program, enabled the Inspector General to identify hundreds of millions of dollars in fraudulent claims, and given members of the General Assembly and the Department ready access to information for policy decision-making not possible without the data warehouse; and

New matter indicated by italics - deletions by strikeout
WHEREAS, Computer World Smithsonian designated the Illinois data warehouse as the best Medicaid Management System in the United States of America; and
WHEREAS, Illinois expanded its data warehouse in 2003 to accomplish additional cost and functional efficiencies; and
WHEREAS, The data warehouse is an indispensable administrative tool necessary to comply with increasingly complex Medicaid regulations, specifically new Medicaid prescription drug benefit rules, and necessary to position Illinois to continue benefiting from increasingly more difficult-to-attain federal funding opportunities available only to states that enjoy access to prompt, accurate information from a data warehouse; therefore,

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by changing Section 12-4.201 and adding Section 12-4.202 as follows:

(305 ILCS 5/12-4.201)
Sec. 12-4.201.  
(a) Data warehouse concerning medical and related services. The Illinois Department of Public Aid may purchase services and materials associated with the costs of developing and implementing a data warehouse comprised of management and decision making information in regard to the liability associated with, and utilization of, medical and related services, out of moneys available for that purpose.

(b) The Department of Public Aid shall perform all necessary administrative functions to expand its linearly-scalable data warehouse to encompass other healthcare data sources at both the Department of Human Services and the Department of Public Health. The Department of Public Aid shall leverage the inherent capabilities of the data warehouse to accomplish this expansion with marginal additional technical administration. The purpose of this expansion is to allow for programmatic review and analysis including the interrelatedness among the various healthcare programs in order to ascertain effectiveness toward, and ultimate impact on, clients. Beginning July 1, 2005, the Department of Public Aid shall supply quarterly reports to the Commission on Government Forecasting and Accountability detailing progress toward this mandate.
(Source: P.A. 90-9, eff. 7-1-97.)

(305 ILCS 5/12-4.202 new)
Sec. 12-4.202. Data Warehouse Inter-Agency Coordination of Client Care Task Force.

(a) The Data Warehouse Inter-Agency Coordination of Client Care Task Force is created. The task force shall consist of the following:

(1) Eight voting members, appointed 2 each by the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

(2) Five ex officio, nonvoting members as follows: the Director of the Governor’s Office of Management and Budget, or his or her designee; the Director of Public Aid, or his or her designee; the Director of Public Health, or his or her designee; the Secretary of Human Services, or his or her designee; and the Director of Children and Family Services, or his or her designee.

The voting members of the task force shall elect from their number 2 co-chairs of the task force.

Members of the task force shall serve without compensation and are not entitled to reimbursement for their expenses incurred in performing their duties.

Five affirmative votes are required for the task force to take action.

(b) The task force shall gather information and make recommendations relating to the following:

(1) The most effective flow of information between agencies that serve the same clients through one-stop shopping across State government.

(2) The creation of an overarching system to respond to requests by the General Assembly, the Office of the Governor, and the general public.

(3) The most effective use of State moneys in leveraging the current system to accommodate the ever-growing information base in State government.

(c) The task force shall submit a report to the Governor and the General Assembly no later than December 31, 2005.

(d) This Section is repealed on January 1, 2006.

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

Passed in the General Assembly May 20, 2005.
Approved July 19, 2005.
Effective July 19, 2005.
AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by changing Section 11-74.4-3 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary

New matter indicated by italics - deletions by strikeout
building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii)
deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community planning documents.
plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.
(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.
(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of
buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

New matter indicated by italics - deletions by strikeout
(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an

New matter indicated by italics - deletions by strikeout
independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be

New matter indicated by italics - deletions by strikeout
the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, or incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising

New matter indicated by italics - deletions by strikeout
from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales

New matter indicated by italics - deletions by strikeout
Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on New matter indicated by italics - deletions by strikeout
owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amenderatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.
(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

New matter indicated by italics - deletions by strikeout
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the
payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or  
(L) if the ordinance was adopted in September 1988 by Sauk Village, or  
(M) if the ordinance was adopted in October 1993 by Sauk Village, or  
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or  
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or  
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or  
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or  
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or  
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or  
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or  
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or  
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or  
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or  
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or  
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or  
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or  
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or  
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or  
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or
(DD) (EE) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) (EE) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) (EE) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) (EE) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(I) (EE) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) (EE) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) (EE) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) (EE) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) (EE) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) (DD) if the ordinance was adopted on September 21, 1998 by the City of Waukegan.
However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an

New matter indicated by italics - deletions by strikeout
amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

New matter indicated by italics - deletions by strikeout
(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment

New matter indicated by italics - deletions by strikeout
project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities.

New matter indicated by italics - deletions by strikeout
or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

New matter indicated by italics - deletions by strikeout
(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

New matter indicated by italics - deletions by strikeout
(5) Costs of job training and retraining projects, including
the cost of "welfare to work" programs implemented by businesses
located within the redevelopment project area;

(6) Financing costs, including but not limited to all
necessary and incidental expenses related to the issuance of
obligations and which may include payment of interest on any
obligations issued hereunder including interest accruing during the
estimated period of construction of any redevelopment project for
which such obligations are issued and for not exceeding 36 months
thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement
accepts and approves the same, all or a portion of a taxing district's
capital costs resulting from the redevelopment project necessarily
incurred or to be incurred within a taxing district in furtherance of
the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or
redevelopment project areas amended to add or increase the
number of tax-increment-financing assisted housing units) on or
after November 1, 1999, an elementary, secondary, or unit school
district's increased costs attributable to assisted housing units
located within the redevelopment project area for which the
developer or redeveloper receives financial assistance through an
agreement with the municipality or because the municipality incurs
the cost of necessary infrastructure improvements within the
boundaries of the assisted housing sites necessary for the
completion of that housing as authorized by this Act, and which
costs shall be paid by the municipality from the Special Tax
Allocation Fund when the tax increment revenue is received as a
result of the assisted housing units and shall be calculated annually
as follows:

(A) for foundation districts, excluding any school
district in a municipality with a population in excess of
1,000,000, by multiplying the district's increase in
attendance resulting from the net increase in new students
enrolled in that school district who reside in housing units
within the redevelopment project area that have received
financial assistance through an agreement with the
municipality or because the municipality incurs the cost of
necessary infrastructure improvements within the
boundaries of the housing sites necessary for the

New matter indicated by italics - deletions by strikeout
completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in

New matter indicated by italics - deletions by strikeout
Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality

New matter indicated by italics - deletions by strikeout
shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961) this amendatory Act of the 93rd General Assembly, a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment

New matter indicated by italics - deletions by strikeout
project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year.

Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career

New matter indicated by italics - deletions by strikeout
education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The
percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of

New matter indicated by italics - deletions by strikeout
the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail
entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is

New matter indicated by italics - deletions by strikeout
prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property

New matter indicated by italics - deletions by strikeout
without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

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

Passed in the General Assembly May 16, 2005.

Approved July 19, 2005.

Effective July 19, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning state government.

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

Section 5. The Illinois Act on the Aging is amended by changing Section 4.02 as follows:

(20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

Sec. 4.02. The Department shall establish a program of services to prevent unnecessary institutionalization of persons age 60 and older in need of long term care or who are established as persons who suffer from Alzheimer's disease or a related disorder under the Alzheimer's Disease Assistance Act, thereby enabling them to remain in their own homes or in other living arrangements. Such preventive services, which may be coordinated with other programs for the aged and monitored by area agencies on aging in cooperation with the Department, may include, but are not limited to, any or all of the following:

(a) home health services;
(b) home nursing services;
(c) homemaker services;
(d) chore and housekeeping services;
(e) day care services;
(f) home-delivered meals;
(g) education in self-care;
(h) personal care services;
(i) adult day health services;
(j) habilitation services;
(k) respite care;
(k-5) community reintegration services;
(l) other nonmedical social services that may enable the person to become self-supporting; or
(m) clearinghouse for information provided by senior citizen home owners who want to rent rooms to or share living space with other senior citizens.

The Department shall establish eligibility standards for such services taking into consideration the unique economic and social needs of the target population for whom they are to be provided. Such eligibility standards shall be based on the recipient's ability to pay for services; provided, however, that in determining the amount and nature of services

New matter indicated by italics - deletions by strikeout
for which a person may qualify, consideration shall not be given to the value of cash, property or other assets held in the name of the person's spouse pursuant to a written agreement dividing marital property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse, provided that the spouse's share of the marital property is not made available to the person seeking such services.

Beginning July 1, 2002, the Department shall require as a condition of eligibility that all financially eligible applicants and recipients apply for medical assistance under Article V of the Illinois Public Aid Code in accordance with rules promulgated by the Department.

The Department shall, in conjunction with the Department of Public Aid, seek appropriate amendments under Sections 1915 and 1924 of the Social Security Act. The purpose of the amendments shall be to extend eligibility for home and community based services under Sections 1915 and 1924 of the Social Security Act to persons who transfer to or for the benefit of a spouse those amounts of income and resources allowed under Section 1924 of the Social Security Act. Subject to the approval of such amendments, the Department shall extend the provisions of Section 5-4 of the Illinois Public Aid Code to persons who, but for the provision of home or community-based services, would require the level of care provided in an institution, as is provided for in federal law. Those persons no longer found to be eligible for receiving noninstitutional services due to changes in the eligibility criteria shall be given 60 days notice prior to actual termination. Those persons receiving notice of termination may contact the Department and request the determination be appealed at any time during the 60 day notice period. With the exception of the lengthened notice and time frame for the appeal request, the appeal process shall follow the normal procedure. In addition, each person affected regardless of the circumstances for discontinued eligibility shall be given notice and the opportunity to purchase the necessary services through the Community Care Program. If the individual does not elect to purchase services, the Department shall advise the individual of alternative services. The target population identified for the purposes of this Section are persons age 60 and older with an identified service need. Priority shall be given to those who are at imminent risk of institutionalization. The services shall be provided to eligible persons age 60 and older to the extent that the cost of the services together with the other personal maintenance expenses of the persons are reasonably related to the standards established for care in a group facility appropriate to the person's condition. These non-institutional services, pilot projects or experimental facilities may be provided as part

New matter indicated by italics - deletions by strikeout
of or in addition to those authorized by federal law or those funded and administered by the Department of Human Services. The Departments of Human Services, Public Aid, Public Health, Veterans' Affairs, and Commerce and Economic Opportunity and other appropriate agencies of State, federal and local governments shall cooperate with the Department on Aging in the establishment and development of the non-institutional services. The Department shall require an annual audit from all chore/housekeeping and homemaker vendors contracting with the Department under this Section. The annual audit shall assure that each audited vendor's procedures are in compliance with Department's financial reporting guidelines requiring a 27% administrative cost split and a 73% employee wages and benefits cost split. The audit is a public record under the Freedom of Information Act. The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department of Public Aid, to effect the following: (1) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (2) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped. On and after July 1, 1996, all nursing home prescreenings for individuals 60 years of age or older shall be conducted by the Department.

The Department is authorized to establish a system of recipient copayment for services provided under this Section, such copayment to be based upon the recipient's ability to pay but in no case to exceed the actual cost of the services provided. Additionally, any portion of a person's income which is equal to or less than the federal poverty standard shall not be considered by the Department in determining the copayment. The level of such copayment shall be adjusted whenever necessary to reflect any change in the officially designated federal poverty standard.

The Department, or the Department's authorized representative, shall recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is no surviving child who is under age 21, blind, or permanently and totally disabled. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery

New matter indicated by italics - deletions by strikeout
shall not be enforced against any real estate while it is occupied as a homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Illinois Department of Public Aid, regardless of the value of the property.

The Department shall develop procedures to enhance availability of services on evenings, weekends, and on an emergency basis to meet the respite needs of caregivers. Procedures shall be developed to permit the utilization of services in successive blocks of 24 hours up to the monthly maximum established by the Department. Workers providing these services shall be appropriately trained.

Beginning on the effective date of this Amendatory Act of 1991, no person may perform chore/housekeeping and homemaker services under a program authorized by this Section unless that person has been issued a certificate of pre-service to do so by his or her employing agency. Information gathered to effect such certification shall include (i) the person's name, (ii) the date the person was hired by his or her current employer, and (iii) the training, including dates and levels. Persons engaged in the program authorized by this Section before the effective date of this amendatory Act of 1991 shall be issued a certificate of all pre- and in-service training from his or her employer upon submitting the necessary information. The employing agency shall be required to retain records of all staff pre- and in-service training, and shall provide such records to the Department upon request and upon termination of the employer's contract with the Department. In addition, the employing agency is responsible for the issuance of certifications of in-service training completed to their employees.

The Department is required to develop a system to ensure that persons working as homemakers and chore housekeepers receive increases in their wages when the federal minimum wage is increased by requiring vendors to certify that they are meeting the federal minimum wage statute.

New matter indicated by italics - deletions by strikeout
for homemakers and chore housekeepers. An employer that cannot ensure that the minimum wage increase is being given to homemakers and chore housekeepers shall be denied any increase in reimbursement costs.

The Community Care Program Advisory Committee is created in the Department on Aging. The Director shall appoint individuals to serve in the Committee, who shall serve at their own expense. Members of the Committee must abide by all applicable ethics laws. The Committee shall advise the Department on issues related to the Department’s program of services to prevent unnecessary institutionalization. The Committee shall meet on a bi-monthly basis and shall serve to identify and advise the Department on present and potential issues affecting the service delivery network, the program’s clients, and the Department and to recommend solution strategies. Persons appointed to the Committee shall be appointed on, but not limited to, their own and their agency’s experience with the program, geographic representation, and willingness to serve. The Committee shall include, but not be limited to, representatives from the following agencies and organizations:

(a) at least 4 adult day service representatives;
(b) at least 4 case coordination unit representatives;
(c) at least 4 representatives from in-home direct care service agencies;
(d) at least 2 representatives of statewide trade or labor unions that represent in-home direct care service staff;
(e) at least 2 representatives of Area Agencies on Aging;
(f) at least 2 non-provider representatives from a policy, advocacy, research, or other service organization;
(g) at least 2 representatives from a statewide membership organization for senior citizens; and
(h) at least 2 citizen members 60 years of age or older.

Nominations may be presented from any agency or State association with interest in the program. The Director, or his or her designee, shall serve as the permanent co-chair of the advisory committee. One other co-chair shall be nominated and approved by the members of the committee on an annual basis. Committee members’ terms of appointment shall be for 4 years with one-quarter of the appointees’ terms expiring each year. At no time may a member serve more than one consecutive term in any capacity on the committee. The Department shall fill vacancies that have a remaining term of over one year, and this replacement shall occur through the annual replacement of expiring terms. The Director shall designate Department staff to provide technical

New matter indicated by italics - deletions by strikeout
assistance and staff support to the committee. Department representation shall not constitute membership of the committee. All Committee papers, issues, recommendations, reports, and meeting memoranda are advisory only. The Director, or his or her designee, shall make a written report, as requested by the Committee, regarding issues before the Committee.

The Department on Aging and the Department of Human Services shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall be filed with the Governor and the General Assembly on or before September 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

Those persons previously found eligible for receiving non-institutional services whose services were discontinued under the Emergency Budget Act of Fiscal Year 1992, and who do not meet the eligibility standards in effect on or after July 1, 1992, shall remain ineligible on and after July 1, 1992. Those persons previously not required to cost-share and who were required to cost-share effective March 1, 1992, shall continue to meet cost-share requirements on and after July 1, 1992. Beginning July 1, 1992, all clients will be required to meet eligibility, cost-share, and other requirements and will have services discontinued or altered when they fail to meet these requirements.

(Source: P.A. 92-597, eff. 6-28-02; 93-85, eff. 1-1-04; 93-902, eff. 8-10-04.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 16, 2005.
Approved July 19, 2005.
Effective July 19, 2005.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 12-215 and 15-101 as follows:

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;

2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;

3. Vehicles of local fire departments and State or federal firefighting vehicles;

4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;

5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;


7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act; and

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code; and:

9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

New matter indicated by italics - deletions by strikeout
1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;

2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

   (6.1) The front and rear of motorized equipment or vehicles that (i) are not owned by the State of Illinois or any political subdivision of the State, (ii) are designed and used for removal of snow and ice from highways and parking lots, and (iii) are equipped with a snow plow that is 12 feet in width; these lights may not be lighted except when the motorized equipment or vehicle is actually being used for those purposes on behalf of a unit of government;

New matter indicated by italics - deletions by strikeout
7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;
8. Such other vehicles as may be authorized by local authorities;
9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;
9.5. Propane delivery trucks;
10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;
11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;
12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;
13. Vehicles used by a security company, alarm responder, or control agency;
14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and
15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.
(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:
1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:
   voluntary firefighter;
   paid firefighter;
   part-paid firefighter;
   call firefighter;
   member of the board of trustees of a fire protection district;
   paid or unpaid member of a rescue squad;

New matter indicated by italics - deletions by strikeout
paid or unpaid member of a voluntary ambulance unit; or
paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.
However, such lights are not to be lighted except when responding to a bona fide emergency.

Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying him or her as a member of a bona fide fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency. The card or letter must include:

(A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;
(B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;
(C) the member's term of service; and
(D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

New matter indicated by italics - deletions by strikeout
6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.


8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

   (c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

   (c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

   (d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives may be so equipped; furthermore, such lights shall not be lighted on vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

New matter indicated by italics - deletions by strikeout
(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 92-138, eff. 7-24-01; 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff. 8-6-02; 92-820, eff. 8-21-02; 92-872, eff. 6-1-03; 93-181, eff. 1-1-04; 93-725, eff. 1-1-05; 93-794, eff. 7-22-04; 93-829, eff. 7-28-04; revised 10-22-04.)


(a) It is unlawful for any person to drive or move on, upon or across or for the owner to cause or knowingly permit to be driven or moved on, upon or across any highway any vehicle or vehicles of a size and weight exceeding the limitations stated in this Chapter or otherwise in violation of this Chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this State, and local authorities shall have no power or authority to alter such limitations except as express authority may be granted in this Chapter.

(b) The provisions of this Chapter governing size, weight and load do not apply to fire apparatus or equipment for snow and ice removal operations owned or operated by any governmental body, or to implements of husbandry, as defined in Chapter 1 of this Code, temporarily operated or towed in a combination upon a highway provided such combination does not consist of more than 3 vehicles or, in the case of hauling fresh, perishable fruits or vegetables from farm to the point of first processing, not more than 3 wagons being towed by an implement of husbandry, or to a vehicle operated under the terms of a special permit issued hereunder.

(c) The provisions of this Chapter governing size, weight, and load do not apply to any snow and ice removal equipment that is no more than
12 feet in width, if the equipment displays flags at least 18 inches square mounted on the driver's side of the snow plow.

These vehicles must be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the top of the cab and of sufficient intensity to be visible at 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the rear of the load and of sufficient intensity to be visible at 500 feet in normal sunlight.

(Source: P.A. 92-417, eff. 1-1-02.)

Approved July 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0271
(Senate Bill No. 0292)

AN ACT concerning courts.

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

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 1-5 as follows:

(705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

Sec. 1-5. Rights of parties to proceedings.

(1) Except as provided in this Section and paragraph (2) of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is the subject of the proceeding and his parents, guardian, legal custodian or responsible relative who are parties respondent have the right to be present, to be heard, to present evidence material to the proceedings, to cross-examine witnesses, to examine pertinent court files and records and also, although proceedings under this Act are not intended to be adversary in character, the right to be represented by counsel. At the request of any party financially unable to employ counsel, with the exception of a foster parent permitted to intervene under this Section, the court shall appoint the Public Defender or such other counsel as the case may require. Counsel appointed for the minor and any indigent party shall appear at all stages of the trial court proceeding, and such appointment shall continue through the permanency hearings and termination of parental rights proceedings.

New matter indicated by italics - deletions by strikeout
subject to withdrawal or substitution pursuant to Supreme Court Rules or
the Code of Civil Procedure. Following the dispositional hearing, the court
may require appointed counsel, other than counsel for the minor or counsel
for the guardian ad litem, to withdraw his or her appearance upon failure
of the party for whom counsel was appointed under this Section to attend
any subsequent proceedings.

No hearing on any petition or motion filed under this Act may be
commenced unless the minor who is the subject of the proceeding is
represented by counsel. Notwithstanding the preceding sentence, if a
guardian ad litem has been appointed for the minor under Section 2-17 of
this Act and the guardian ad litem is a licensed attorney at law of this
State, or in the event that a court appointed special advocate has been
appointed as guardian ad litem and counsel has been appointed to
represent the court appointed special advocate, the court may not require
the appointment of counsel to represent the minor unless the court finds
that the minor's interests are in conflict with what the guardian ad litem
determines to be in the best interest of the minor. Each adult respondent
shall be furnished a written "Notice of Rights" at or before the first hearing
at which he or she appears.

(1.5) The Department shall maintain a system of response to
inquiry made by parents or putative parents as to whether their child is
under the custody or guardianship of the Department; and if so, the
Department shall direct the parents or putative parents to the appropriate
court of jurisdiction, including where inquiry may be made of the clerk of
the court regarding the case number and the next scheduled court date of
the minor's case. Effective notice and the means of accessing information
shall be given to the public on a continuing basis by the Department.

(2) (a) Though not appointed guardian or legal custodian or
otherwise made a party to the proceeding, any current or previously
appointed foster parent or relative caregiver, or representative of an agency
or association interested in the minor has the right to be heard by the court,
but does not thereby become a party to the proceeding.

In addition to the foregoing right to be heard by the court, any
current foster parent or relative caregiver of a minor and the agency
designated by the court or the Department of Children and Family Services
as custodian of the minor who is alleged to be or has been adjudicated an
abused or neglected minor under Section 2-3 or a dependent minor under
Section 2-4 of this Act has the right to and shall be given adequate notice
at all stages of any hearing or proceeding under this Act.

New matter indicated by italics - deletions by strikeout
Any foster parent or relative caregiver who is denied his or her right to be heard under this Section may bring a mandamus action under Article XIV of the Code of Civil Procedure against the court or any public agency to enforce that right. The mandamus action may be brought immediately upon the denial of those rights but in no event later than 30 days after the foster parent has been denied the right to be heard.

(b) If after an adjudication that a minor is abused or neglected as provided under Section 2-21 of this Act and a motion has been made to restore the minor to any parent, guardian, or legal custodian found by the court to have caused the neglect or to have inflicted the abuse on the minor, a foster parent may file a motion to intervene in the proceeding for the sole purpose of requesting that the minor be placed with the foster parent, provided that the foster parent (i) is the current foster parent of the minor or (ii) has previously been a foster parent for the minor for one year or more, has a foster care license or is eligible for a license, and is not the subject of any findings of abuse or neglect of any child. The juvenile court may only enter orders placing a minor with a specific foster parent under this subsection (2)(b) and nothing in this Section shall be construed to confer any jurisdiction or authority on the juvenile court to issue any other orders requiring the appointed guardian or custodian of a minor to place the minor in a designated foster home or facility. This Section is not intended to encompass any matters that are within the scope or determinable under the administrative and appeal process established by rules of the Department of Children and Family Services under Section 5(o) of the Children and Family Services Act. Nothing in this Section shall relieve the court of its responsibility, under Section 2-14(a) of this Act to act in a just and speedy manner to reunify families where it is the best interests of the minor and the child can be cared for at home without endangering the child's health or safety and, if reunification is not in the best interests of the minor, to find another permanent home for the minor. Nothing in this Section, or in any order issued by the court with respect to the placement of a minor with a foster parent, shall impair the ability of the Department of Children and Family Services, or anyone else authorized under Section 5 of the Abused and Neglected Child Reporting Act, to remove a minor from the home of a foster parent if the Department of Children and Family Services or the person removing the minor has reason to believe that the circumstances or conditions of the minor are such that continuing in the residence or care of the foster parent will jeopardize the child's health and safety or present an imminent risk of harm to that minor's life.

New matter indicated by italics - deletions by strikeout
(c) If a foster parent has had the minor who is the subject of the proceeding under Article II in his or her home for more than one year on or after July 3, 1994 and if the minor's placement is being terminated from that foster parent's home, that foster parent shall have standing and intervenor status except in those circumstances where the Department of Children and Family Services or anyone else authorized under Section 5 of the Abused and Neglected Child Reporting Act has removed the minor from the foster parent because of a reasonable belief that the circumstances or conditions of the minor are such that continuing in the residence or care of the foster parent will jeopardize the child's health or safety or presents an imminent risk of harm to the minor's life.

(d) The court may grant standing to any foster parent if the court finds that it is in the best interest of the child for the foster parent to have standing and intervenor status.

(3) Parties respondent are entitled to notice in compliance with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14 and 4-15 or 5-525 and 5-530, as appropriate. At the first appearance before the court by the minor, his parents, guardian, custodian or responsible relative, the court shall explain the nature of the proceedings and inform the parties of their rights under the first 2 paragraphs of this Section.

If the child is alleged to be abused, neglected or dependent, the court shall admonish the parents that if the court declares the child to be a ward of the court and awards custody or guardianship to the Department of Children and Family Services, the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

Upon an adjudication of wardship of the court under Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform the parties of their right to appeal therefrom as well as from any other final judgment of the court.

When the court finds that a child is an abused, neglected, or dependent minor under Section 2-21, the court shall admonish the parents that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

When the court declares a child to be a ward of the court and awards guardianship to the Department of Children and Family Services under Section 2-22, the court shall admonish the parents, guardian, custodian, or responsible relative that the parents must cooperate with the
Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

(4) No sanction may be applied against the minor who is the subject of the proceedings by reason of his refusal or failure to testify in the course of any hearing held prior to final adjudication under Section 2-22, 3-23, 4-20 or 5-705.

(5) In the discretion of the court, the minor may be excluded from any part or parts of a dispositional hearing and, with the consent of the parent or parents, guardian, counsel or a guardian ad litem, from any part or parts of an adjudicatory hearing.

(6) The general public except for the news media and the crime victim, as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, shall be excluded from any hearing and, except for the persons specified in this Section only persons, including representatives of agencies and associations, who in the opinion of the court have a direct interest in the case or in the work of the court shall be admitted to the hearing. However, the court may, for the minor's safety and protection and for good cause shown, prohibit any person or agency present in court from further disclosing the minor's identity. Nothing in this subsection (6) prevents the court from allowing other juveniles to be present or to participate in a court session being held under the Juvenile Drug Court Treatment Act.

(7) A party shall not be entitled to exercise the right to a substitution of a judge without cause under subdivision (a)(2) of Section 2-1001 of the Code of Civil Procedure in a proceeding under this Act if the judge is currently assigned to a proceeding involving the alleged abuse, neglect, or dependency of the minor's sibling or half sibling and that judge has made a substantive ruling in the proceeding involving the minor's sibling or half sibling.

(Source: P.A. 92-559, eff. 1-1-03; 93-539, eff. 8-18-03.)

Section 10. The Rights of Crime Victims and Witnesses Act is amended by changing Section 3 as follows:

(725 ILCS 120/3) (from Ch. 38, par. 1403)

Sec. 3. The terms used in this Act, unless the context clearly requires otherwise, shall have the following meanings:

(a) "Crime victim" means (1) a person physically injured in this State as a result of a violent crime perpetrated or attempted against that person or (2) a person who suffers injury to or loss of property as a result of a violent crime perpetrated or attempted against that person or (3) a
single representative who may be the spouse, parent, child or sibling of a person killed as a result of a violent crime perpetrated against the person killed or the spouse, parent, child or sibling of any person granted rights under this Act who is physically or mentally incapable of exercising such rights, except where the spouse, parent, child or sibling is also the defendant or prisoner or (4) any person against whom a violent crime has been committed or (5) any person who has suffered personal injury as a result of a violation of Section 11-501 of the Illinois Vehicle Code, or of a similar provision of a local ordinance, or of Section 9-3 of the Criminal Code of 1961, as amended or (6) in proceedings under the Juvenile Court Act of 1987, both parents of a deceased minor who is a crime victim;

(b) "Witness" means any person who personally observed the commission of a violent crime and who will testify on behalf of the State of Illinois in the criminal prosecution of the violent crime;

(c) "Violent Crime" means any felony in which force or threat of force was used against the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene;

(d) "Sentencing Hearing" means any hearing where a sentence is imposed by the court on a convicted defendant and includes hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2 and 5-7-7 of the Unified Code of Corrections except those cases in which both parties have agreed to the imposition of a specific sentence.

(e) "Court proceedings" includes the preliminary hearing, any hearing the effect of which may be the release of the defendant from custody or to alter the conditions of bond, the trial, sentencing hearing, notice of appeal, any modification of sentence, probation revocation hearings or parole hearings.

(Source: P.A. 88-316; 88-489; 88-670, eff. 12-2-94.)

New matter indicated by italics - deletions by strikeout
AN ACT concerning safety.

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

Section 10. The Environmental Protection Act is amended by changing Sections 3.160, 21.3, 22.44, 34, 39, 42, and 58.8 and by adding Sections 22.15a, 22.50, 22.51, and 22.52 as follows:

(415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78a)
Sec. 3.160. Construction or demolition debris.

(a) General construction or demolition debris” means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

To the extent allowed by federal law, uncontaminated concrete with protruding rebar shall be considered clean construction or demolition debris and shall not be considered "waste" if it is separated or processed and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) in subsection (b) of this Section within 30 days of its generation.

New matter indicated by italics - deletions by strikeout
(b) "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, or (ii) separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) within 30 days of its generation, or (iii) solely broken concrete without protruding metal bars used for erosion control, or (iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality.

(Source: P.A. 92-574, eff. 6-26-02; 93-179, eff. 7-11-03.)

(415 ILCS 5/21.3) (from Ch. 111 1/2, par. 1021.3)
Sec. 21.3. Environmental reclamation lien.

(a) All costs and damages for which a person is liable to the State of Illinois under Section 22.2, 22.15a, 55.3, or 57.12 and Section 22.18 shall constitute an environmental reclamation lien in favor of the State of Illinois upon all real property and rights to such property which:

(1) belong to such person; and
(2) are subject to or affected by a removal or remedial action under
Section 22.2 or investigation, preventive action, corrective action, or
enforcement action under Section 22.15a, 55.3, or 57.12 22.18.

(b) An environmental reclamation lien shall continue until the
liability for the costs and damages, or a judgment against the person
arising out of such liability, is satisfied.

(c) An environmental reclamation lien shall be effective upon the
filing by the Agency of a Notice of Environmental Reclamation Lien with
the recorder or the registrar of titles of the county in which the real
property lies. The Agency shall not file an environmental reclamation lien,
and no such lien shall be valid, unless the Agency has sent notice pursuant
to subsection (q) of Section 4, subsection (c) of Section 22.15a, subsection
(d) of Section 55.3, or subsection (e) of Section 57.12 of this Act to owners
of the real property. Nothing in this Section shall be construed to give the
Agency's lien a preference over the rights of any bona fide purchaser or
mortgagee or other lienholder (not including the United States when
holding an unfiled lien) arising prior to the filing of a notice of
environmental reclamation lien in the office of the recorder or registrar of
titles of the county in which the property subject to the lien is located. For
purposes of this Section, the term "bona fide" shall not include any
mortgage of real or personal property or any other credit transaction that
results in the mortgagee or the holder of the security acting as trustee for
unsecured creditors of the liable person mentioned in the notice of lien
who executed such chattel or real property mortgage or the document
evidencing such credit transaction. Such lien shall be inferior to the lien of
general taxes, special assessments and special taxes heretofore or hereafter
levied by any political subdivision of this State.

(d) The environmental reclamation lien shall not exceed the
amount of expenditures as itemized on the Affidavit of Expenditures
attached to and filed with the Notice of Environmental Reclamation Lien.
The Affidavit of Expenditures may be amended if additional costs or
damages are incurred.

(e) Upon filing of the Notice of Environmental Reclamation Lien a
copy with attachments shall be served upon the owners of the real
property. Notice of such service shall be served on all lienholders of record
as of the date of filing.

(f) (Blank) Within 60 days after initiating response or remedial
action at the site under Section 22.2 or 22.18, the Agency shall file a
Notice of Response Action in Progress. The Notice shall be filed with the
recorder or registrar of titles of the county in which the real property lies.

New matter indicated by italics - deletions by strikeout
(g) In addition to any other remedy provided by the laws of this State, the Agency may foreclose in the circuit court an environmental reclamation lien on real property for any costs or damages imposed under Section 22.2, 22.15a, 55.3, or 57.12 or Section 22.18 to the same extent and in the same manner as in the enforcement of other liens. The process, practice and procedure for such foreclosure shall be the same as provided in Article XV of the Code of Civil Procedure. Nothing in this Section shall affect the right of the State of Illinois to bring an action against any person to recover all costs and damages for which such person is liable under Section 22.2, 22.15a, 55.3, or 57.12 or Section 22.18.

(h) Any liability to the State under Section 22.2, 22.15a, 55.3, or 57.12 or Section 22.18 shall constitute a debt to the State. Interest on such debt shall begin to accrue at a rate of 12% per annum from the date of the filing of the Notice of Environmental Reclamation Lien under paragraph (c). Accrued interest shall be included as a cost incurred by the State of Illinois under Section 22.2, 22.15a, 55.3, or 57.12 or Section 22.18.

(i) "Environmental reclamation lien" means a lien established under this Section.

(Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/22.15a new)

Sec. 22.15a. Open dumping cleanup program.

(a) Upon making a finding that open dumping poses a threat to the public health or to the environment, the Agency may take whatever preventive or corrective action is necessary or appropriate to end that threat. This preventive or corrective action may consist of any or all of the following:

(1) Removing waste from the site.

(2) Removing soil and water contamination that is related to waste at the site.

(3) Installing devices to monitor and control groundwater and surface water contamination that is related to waste at the site.

(4) Taking any other actions that are authorized by Board regulations.

(b) Subject to the availability of appropriated funds, the Agency may undertake a consensual removal action for the removal of up to 20 cubic yards of waste at no cost to the owner of property where open dumping has occurred in accordance with the following requirements:
(1) Actions under this subsection must be taken pursuant to a written agreement between the Agency and the owner of the property.

(2) The written agreement must at a minimum specify:
   (A) that the owner relinquishes any claim of an ownership interest in any waste that is removed and in any proceeds from its sale;
   (B) that waste will no longer be allowed to accumulate at the site in a manner that constitutes open dumping;
   (C) that the owner will hold harmless the Agency and any employee or contractor used by the Agency to effect the removal for any damage to property incurred during the course of action under this subsection, except for damage incurred by gross negligence or intentional misconduct; and
   (D) any conditions imposed upon or assistance required from the owner to assure that the waste is so located or arranged as to facilitate its removal.

(3) The Agency may establish by rule the conditions and priorities for the removal of waste under this subsection (b).

(4) The Agency must prescribe the form of written agreements under this subsection (b).

(c) The Agency may provide notice to the owner of property where open dumping has occurred whenever the Agency finds that open dumping poses a threat to public health or the environment. The notice provided by the Agency must include the identified preventive or corrective action and must provide an opportunity for the owner to perform the action.

(d) In accordance with constitutional limitations, the Agency may enter, at all reasonable times, upon any private or public property for the purpose of taking any preventive or corrective action that is necessary and appropriate under this Section whenever the Agency finds that open dumping poses a threat to the public health or to the environment.

(e) Notwithstanding any other provision or rule of law and subject only to the defenses set forth in subsection (g) of this Section, the following persons shall be liable for all costs of corrective or preventive action incurred by the State of Illinois as a result of open dumping, including the reasonable costs of collection:
   (1) any person with an ownership interest in property where open dumping has occurred;

New matter indicated by italics - deletions by strikeout
(2) any person with an ownership or leasehold interest in the property at the time the open dumping occurred;
(3) any person who transported waste that was open dumped at the property; and
(4) any person who open dumped at the property.

Any moneys received by the Agency under this subsection (e) must be deposited into the Subtitle D Management Fund.

(f) Any person liable to the Agency for costs incurred under subsection (e) of this Section may be liable to the State of Illinois for punitive damages in an amount at least equal to and not more than 3 times the costs incurred by the State if that person failed, without sufficient cause, to take preventive or corrective action under the notice issued under subsection (c) of this Section.

(g) There shall be no liability under subsection (e) of this Section for a person otherwise liable who can establish by a preponderance of the evidence that the hazard created by the open dumping was caused solely by:

(1) an act of God;
(2) an act of war; or
(3) an act or omission of a third party other than an employee or agent and other than a person whose act or omission occurs in connection with a contractual relationship with the person otherwise liable. For the purposes of this paragraph, "contractual relationship" includes, but is not limited to, land contracts, deeds, and other instruments transferring title or possession, unless the real property upon which the open dumping occurred was acquired by the defendant after the open dumping occurred and one or more of the following circumstances is also established by a preponderance of the evidence:

(A) at the time the defendant acquired the property, the defendant did not know and had no reason to know that any open dumping had occurred and the defendant undertook, at the time of acquisition, all appropriate inquiries into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to minimize liability;

(B) the defendant is a government entity that acquired the property by escheat or through any other involuntary transfer or acquisition, or through the exercise

New matter indicated by italics - deletions by strikeout
of eminent domain authority by purchase or condemnation; or

(C) the defendant acquired the property by inheritance or bequest.

(h) Nothing in this Section shall affect or modify the obligations or liability of any person under any other provision of this Act, federal law, or State law, including the common law, for injuries, damages, or losses resulting from the circumstances leading to Agency action under this Section.

(i) The costs and damages provided for in this Section may be imposed by the Board in an action brought before the Board in accordance with Title VIII of this Act, except that subsection (c) of Section 33 of this Act shall not apply to any such action.

(j) Except for willful and wanton misconduct, neither the State, the Director, nor any State employee shall be liable for any damages or injuries arising out of or resulting from any act or omission occurring under the provisions of this amendatory Act of the 94th General Assembly.

(k) Before taking preventive or corrective action under this Section, the Agency shall consider whether the open dumping:

(1) occurred on public land;
(2) occurred on a public right-of-way;
(3) occurred in a park or natural area;
(4) occurred in an environmental justice area;
(5) was caused or allowed by persons other than the owner of the site;
(6) creates the potential for groundwater contamination;
(7) creates the potential for surface water contamination;
(8) creates the potential for disease vectors;
(9) creates a fire hazard; or
(10) preventive or corrective action by the Agency has been requested by a unit of local government.

In taking preventive or corrective action under this Section, the Agency shall not expend more than $50,000 at any single site in response to open dumping unless: (i) the Director determines that the open dumping poses an imminent and substantial endangerment to the public health or welfare or the environment; or (ii) the General Assembly appropriates more than $50,000 for preventive or corrective action in response to the open dumping, in which case the Agency may spend the appropriated amount.

(415 ILCS 5/22.44)

Sec. 22.44. Subtitle D management fees.

New matter indicated by italics - deletions by strikeout
(a) There is created within the State treasury a special fund to be known as the "Subtitle D Management Fund" constituted from the fees collected by the State under this Section.

(b) The Agency shall assess and collect a fee in the amount set forth in this subsection from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where the waste was produced and if the sanitary landfill is owned, controlled, and operated by a person other than the generator of the waste. The Agency shall deposit all fees collected under this subsection into the Subtitle D Management Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection.

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 10.1 cents per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of 22 cents per ton of waste permanently disposed of.

(2) If more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $7,020.

(3) If more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $3,120.

(4) If more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $975.

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $210.

(c) The fee under subsection (b) shall not apply to any of the following:

(1) Hazardous waste.

New matter indicated by italics - deletions by strikeout
(2) Pollution control waste.

(3) Waste from recycling, reclamation, or reuse processes that have been approved by the Agency as being designed to remove any contaminant from wastes so as to render the wastes reusable, provided that the process renders at least 50% of the waste reusable.

(4) Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency.

(5) Any landfill that is permitted by the Agency to receive only demolition or construction debris or landscape waste.

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. These rules shall include, but not be limited to the following:

(1) Necessary records identifying the quantities of solid waste received or disposed.

(2) The form and submission of reports to accompany the payment of fees to the Agency.

(3) The time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly.

(4) Procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.

(e) Fees collected under this Section shall be in addition to any other fees collected under any other Section.

(f) The Agency shall not refund any fee paid to it under this Section.

(g) Pursuant to appropriation, all moneys in the Subtitle D Management Fund shall be used by the Agency to administer the United States Environmental Protection Agency's Subtitle D Program provided in Sections 4004 and 4010 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) as it relates to a municipal solid waste landfill program in Illinois and to fund a delegation of inspecting, investigating, and enforcement functions, within the municipality only, pursuant to subsection (r) of Section 4 of this Act to a municipality having a population of more than 1,000,000 inhabitants. The Agency shall execute a delegation agreement pursuant to subsection (r) of Section 4 of this Act with a municipality having a population of more than 1,000,000 inhabitants within 90 days of September 13, 1993 and shall on an annual basis distribute from the Subtitle D Management Fund to that municipality...
no less than $150,000. Pursuant to appropriation, moneys in the Subtitle D Management Fund may also be used by the Agency for activities conducted under Section 22.15a of this Act.
(Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 7-1-03.)

(415 ILCS 5/22.50 new)

Sec. 22.50. Compliance with land use limitations. No person shall use, or cause or allow the use of, any site for which a land use limitation has been imposed under this Act in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of remedial objectives appropriate for the new land use and a new closure letter has been obtained from the Agency and recorded in the chain of title for the site. For the purpose of this Section, the term "land use limitation" shall include, but shall not be limited to, institutional controls and engineered barriers imposed under this Act and the regulations adopted under this Act. For the purposes of this Section, the term "closure letter" shall include, but shall not be limited to, No Further Remediation Letters issued under Titles XVI and XVII of this Act and the regulations adopted under those Titles.

(415 ILCS 5/22.51 new)

Sec. 22.51. Clean Construction or Demolition Debris Fill Operations.

(a) No person shall conduct any clean construction or demolition debris fill operation in violation of this Act or any regulations or standards adopted by the Board.

(b)(1)(A) Beginning 30 days after the effective date of this amendatory Act of the 94th General Assembly but prior to July 1, 2008, no person shall use clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation, unless they have applied for an interim authorization from the Agency for the clean construction or demolition debris fill operation.

(B) The Agency shall approve an interim authorization upon its receipt of a written application for the interim authorization that is signed by the site owner and the site operator, or their duly authorized agent, and that contains the following information: (i) the location of the site where the clean construction or demolition debris fill operation is taking place, (ii) the name and address of the site owner, (iii) the name and address of the site operator, and (iv) the types and amounts of clean construction or demolition debris being used as fill material at the site.

New matter indicated by italics - deletions by strikeout
(C) The Agency may deny an interim authorization if the site owner or the site operator, or their duly authorized agent, fails to provide to the Agency the information listed in subsection (b)(1)(B) of this Section. Any denial of an interim authorization shall be subject to appeal to the Board in accordance with the procedures of Section 40 of this Act.

(D) No person shall use clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation for which the Agency has denied interim authorization under subsection (b)(1)(C) of this Section. The Board may stay the prohibition of this subsection (D) during the pendency of an appeal of the Agency's denial of the interim authorization brought under subsection (b)(1)(C) of this Section.

(2) Beginning September 1, 2006, owners and operators of clean construction or demolition debris fill operations shall, in accordance with a schedule prescribed by the Agency, submit to the Agency applications for the permits required under this Section. The Agency shall notify owners and operators in writing of the due date for their permit application. The due date shall be no less than 90 days after the date of the Agency's written notification. Owners and operators who do not receive a written notification from the Agency by October 1, 2007, shall submit a permit application to the Agency by January 1, 2008. The interim authorization of owners and operators who fail to submit a permit application to the Agency by the permit application's due date shall terminate on (i) the due date established by the Agency if the owner or operator received a written notification from the Agency prior to October 1, 2007, or (ii) or January 1, 2008, if the owner or operator did not receive a written notification from the Agency by October 1, 2007.

(3) On and after July 1, 2008, no person shall use clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation without a permit granted by the Agency for the clean construction or demolition debris fill operation or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with Board regulations and standards adopted under this Act.

(4) This subsection (b) does not apply to:

(A) the use of clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation located on the site where the clean construction or demolition debris was generated; or

New matter indicated by italics - deletions by strikeout
(B) the use of clean construction or demolition debris as fill material in an excavation other than a current or former quarry or mine if this use complies with Illinois Department of Transportation specifications.

(c) In accordance with Title VII of this Act, the Board may adopt regulations to promote the purposes of this Section. The Agency shall consult with the mining and construction industries during the development of any regulations to promote the purposes of this Section.

(1) No later than December 15, 2005, the Agency shall propose to the Board, and no later than September 1, 2006, the Board shall adopt, regulations for the use of clean construction or demolition debris as fill material in current and former quarries, mines, and other excavations. Such regulations shall include, but shall not be limited to, standards for clean construction or demolition debris fill operations and the submission and review of permits required under this Section.

(2) Until the Board adopts rules under subsection (c)(1) of this Section, all persons using clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation shall:

(A) Assure that only clean construction or demolition debris is being used as fill material by screening each truckload of material received using a device approved by the Agency that detects volatile organic compounds. Such devices may include, but are not limited to, photoionization detectors. All screening devices shall be operated and maintained in accordance with manufacturer's specifications. Unacceptable fill material shall be rejected from the site; and

(B) Retain for a minimum of 3 years the following information:

(i) The name of the hauler, the name of the generator, and place of origin of the debris or soil;
(ii) The approximate weight or volume of the debris or soil; and
(iii) The date the debris or soil was received.

(d) This Section applies only to clean construction or demolition debris that is not considered "waste" as provided in Section 3.160 of this Act.

(415 ILCS 5/22.52 new)
Sec. 22.52. Conflict of interest. Effective 30 days after the effective date of this amendatory Act of the 94th General Assembly, none of the following persons shall have a direct financial interest in or receive a personal financial benefit from any waste-disposal operation or any clean construction or demolition debris fill operation that requires a permit or interim authorization under this Act, or any corporate entity related to any such waste-disposal operation or clean construction or demolition debris fill operation:

(i) the Governor of the State of Illinois;
(ii) the Attorney General of the State of Illinois;
(iii) the Director of the Illinois Environmental Protection Agency;
(iv) the Chairman of the Illinois Pollution Control Board;
(v) the members of the Illinois Pollution Control Board;
(vi) the staff of any person listed in items (i) through (v) of this Section who makes a regulatory or licensing decision that directly applies to any waste-disposal operation or any clean construction or demolition debris fill operation; and
(vii) a relative of any person listed in items (i) through (vi) of this Section.

The prohibitions of this Section shall apply during the person's term of State employment and shall continue for 5 years after the person's termination of State employment. The prohibition of this Section shall not apply to any person whose State employment terminates prior to 30 days after the effective date of this amendatory Act of the 94th General Assembly.

For the purposes of this Section:

(a) The terms "direct financial interest" and "personal financial benefit" do not include the ownership of publicly traded stock.

(b) The term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, husband, wife, father-in-law, or mother-in-law.

(415 ILCS 5/34) (from Ch. 111 1/2, par. 1034)

Sec. 34. (a) Upon a finding that episode or emergency conditions specified in Board regulations exist, the Agency shall declare such alerts or emergencies as provided by those regulations. While such an alert or emergency is in effect, the Agency may seal any equipment, vehicle, vessel, aircraft, or other facility operated in violation of such regulations.

New matter indicated by italics - deletions by strikeout
(b) In other cases other than those identified in subsection (a) of this Section:

(1) At any pollution control facility where in which the Agency finds that an emergency condition exists creating an immediate danger to public health or welfare or the environment, the Agency may seal any equipment, vehicle, vessel, aircraft, or other facility contributing to the emergency condition; and:

(2) At any other site or facility where the Agency finds that an imminent and substantial endangerment to the public health or welfare or the environment exists, the Agency may seal any equipment, vehicle, vessel, aircraft, or other facility contributing to the imminent and substantial endangerment.

(c) It shall be a Class A misdemeanor to break any seal affixed under this section, or to operate any sealed equipment, vehicle, vessel, aircraft, or other facility until the seal is removed according to law.

(d) The owner or operator of any equipment, vehicle, vessel, aircraft or other facility sealed pursuant to this section is entitled to a hearing in accord with Section 32 of this Act to determine whether the seal should be removed; except that in such hearing at least one Board member shall be present, and those Board members present may render a final decision without regard to the requirements of paragraph (a) of Section 5 of this Act. The petitioner may also seek immediate injunctive relief.

(Source: P.A. 77-2830.)

(415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

Sec. 39. Issuance of permits; procedures.

(a) When the Board has by regulation required a permit for the construction, installation, or operation of any type of facility, equipment, vehicle, vessel, or aircraft, the applicant shall apply to the Agency for such permit and it shall be the duty of the Agency to issue such a permit upon proof by the applicant that the facility, equipment, vehicle, vessel, or aircraft will not cause a violation of this Act or of regulations hereunder. The Agency shall adopt such procedures as are necessary to carry out its duties under this Section. In making its determinations on permit applications under this Section the Agency may consider prior adjudications of noncompliance with this Act by the applicant that involved a release of a contaminant into the environment. In granting permits, the Agency may impose reasonable conditions specifically related to the applicant's past compliance history with this Act as necessary to correct, detect, or prevent noncompliance. The Agency may impose such other conditions as may be necessary to accomplish the purposes of this

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout
air pollution operating permit program consistent with this provision by January 1, 1994.

After June 30, 1998, operating permits issued under this Section by the Agency for sources of air pollution that are not subject to Section 39.5 of this Act and are not required to have a federally enforceable State operating permit shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and its rules. Such operating permits shall expire 180 days after the date of such a request. Before July 1, 1998, the Board shall revise its rules for the existing State air pollution operating permit program consistent with this paragraph and shall adopt rules that require a source to demonstrate that it qualifies for a permit under this paragraph.

(b) The Agency may issue NPDES permits exclusively under this subsection for the discharge of contaminants from point sources into navigable waters, all as defined in the Federal Water Pollution Control Act, as now or hereafter amended, within the jurisdiction of the State, or into any well.

All NPDES permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act.

The Agency may issue general NPDES permits for discharges from categories of point sources which are subject to the same permit limitations and conditions. Such general permits may be issued without individual applications and shall conform to regulations promulgated under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended.

The Agency may include, among such conditions, effluent limitations and other requirements established under this Act, Board regulations, the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance therewith at the earliest reasonable date.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of NPDES permits, and which are consistent with the Act or regulations adopted by the Board, and with the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

The Agency, subject to any conditions which may be prescribed by Board regulations, may issue NPDES permits to allow discharges beyond deadlines established by this Act or by regulations of the Board without the requirement of a variance, subject to the Federal Water Pollution Act.
Control Act, as now or hereafter amended, and regulations pursuant thereto.

(c) Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, no permit for the development or construction of a new pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of the facility has been approved by the County Board of the county if in an unincorporated area, or the governing body of the municipality when in an incorporated area, in which the facility is to be located in accordance with Section 39.2 of this Act.

In the event that siting approval granted pursuant to Section 39.2 has been transferred to a subsequent owner or operator, that subsequent owner or operator may apply to the Agency for, and the Agency may grant, a development or construction permit for the facility for which local siting approval was granted. Upon application to the Agency for a development or construction permit by that subsequent owner or operator, the permit applicant shall cause written notice of the permit application to be served upon the appropriate county board or governing body of the municipality that granted siting approval for that facility and upon any party to the siting proceeding pursuant to which siting approval was granted. In that event, the Agency shall conduct an evaluation of the subsequent owner or operator's prior experience in waste management operations in the manner conducted under subsection (i) of Section 39 of this Act.

Beginning August 20, 1993, if the pollution control facility consists of a hazardous or solid waste disposal facility for which the proposed site is located in an unincorporated area of a county with a population of less than 100,000 and includes all or a portion of a parcel of land that was, on April 1, 1993, adjacent to a municipality having a population of less than 5,000, then the local siting review required under this subsection (c) in conjunction with any permit applied for after that date shall be performed by the governing body of that adjacent municipality rather than the county board of the county in which the proposed site is located; and for the purposes of that local siting review, any references in this Act to the county board shall be deemed to mean the governing body of that adjacent municipality; provided, however, that the provisions of this paragraph shall not apply to any proposed site which was, on April 1, 1993, owned in whole or in part by another municipality.

In the case of a pollution control facility for which a development permit was issued before November 12, 1981, if an operating permit has not been issued by the Agency prior to August 31, 1989 for any portion of
the facility, then the Agency may not issue or renew any development permit nor issue an original operating permit for any portion of such facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved by the appropriate county board or municipal governing body pursuant to Section 39.2 of this Act.

After January 1, 1994, if a solid waste disposal facility, any portion for which an operating permit has been issued by the Agency, has not accepted waste disposal for 5 or more consecutive calendars years, before that facility may accept any new or additional waste for disposal, the owner and operator must obtain a new operating permit under this Act for that facility unless the owner and operator have applied to the Agency for a permit authorizing the temporary suspension of waste acceptance. The Agency may not issue a new operation permit under this Act for the facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved or re-approved by the appropriate county board or municipal governing body under Section 39.2 of this Act after the facility ceased accepting waste.

Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, and except for new pollution control facilities governed by Section 39.2, and except for fossil fuel mining facilities, the granting of a permit under this Act shall not relieve the applicant from meeting and securing all necessary zoning approvals from the unit of government having zoning jurisdiction over the proposed facility.

Before beginning construction on any new sewage treatment plant or sludge drying site to be owned or operated by a sanitary district organized under the Metropolitan Water Reclamation District Act for which a new permit (rather than the renewal or amendment of an existing permit) is required, such sanitary district shall hold a public hearing within the municipality within which the proposed facility is to be located, or within the nearest community if the proposed facility is to be located within an unincorporated area, at which information concerning the proposed facility shall be made available to the public, and members of the public shall be given the opportunity to express their views concerning the proposed facility.

The Agency may issue a permit for a municipal waste transfer station without requiring approval pursuant to Section 39.2 provided that the following demonstration is made:

New matter indicated by italics - deletions by strikeout
(1) the municipal waste transfer station was in existence on or before January 1, 1979 and was in continuous operation from January 1, 1979 to January 1, 1993;

(2) the operator submitted a permit application to the Agency to develop and operate the municipal waste transfer station during April of 1994;

(3) the operator can demonstrate that the county board of the county, if the municipal waste transfer station is in an unincorporated area, or the governing body of the municipality, if the station is in an incorporated area, does not object to resumption of the operation of the station; and

(4) the site has local zoning approval.

(d) The Agency may issue RCRA permits exclusively under this subsection to persons owning or operating a facility for the treatment, storage, or disposal of hazardous waste as defined under this Act. All RCRA permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith as soon as possible. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a RCRA permit.

In the case of a permit to operate a hazardous waste or PCB incinerator as defined in subsection (k) of Section 44, the Agency shall require, as a condition of the permit, that the operator of the facility perform such analyses of the waste to be incinerated as may be necessary and appropriate to ensure the safe operation of the incinerator.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of RCRA permits, and which are consistent with the Act or regulations adopted by the Board, and with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular

New matter indicated by italics - deletions by strikeout
business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(e) The Agency may issue UIC permits exclusively under this subsection to persons owning or operating a facility for the underground injection of contaminants as defined under this Act.

All UIC permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a UIC permit.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of UIC permits, and which are consistent with the Act or regulations adopted by the Board, and with the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection, all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(f) In making any determination pursuant to Section 9.1 of this Act:

(1) The Agency shall have authority to make the determination of any question required to be determined by the Clean Air Act, as now or hereafter amended, this Act, or the regulations of the Board, including the determination of the Lowest Achievable Emission Rate, Maximum Achievable Control Technology, or Best Available Control Technology, consistent with the Board's regulations, if any.

(2) The Agency shall, after conferring with the applicant, give written notice to the applicant of its proposed decision on the application including the terms and conditions of the permit to be

New matter indicated by italics - deletions by strikeout
issued and the facts, conduct or other basis upon which the Agency will rely to support its proposed action.

(3) Following such notice, the Agency shall give the applicant an opportunity for a hearing in accordance with the provisions of Sections 10-25 through 10-60 of the Illinois Administrative Procedure Act.

(g) The Agency shall include as conditions upon all permits issued for hazardous waste disposal sites such restrictions upon the future use of such sites as are reasonably necessary to protect public health and the environment, including permanent prohibition of the use of such sites for purposes which may create an unreasonable risk of injury to human health or to the environment. After administrative and judicial challenges to such restrictions have been exhausted, the Agency shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.

(h) A hazardous waste stream may not be deposited in a permitted hazardous waste site unless specific authorization is obtained from the Agency by the generator and disposal site owner and operator for the deposit of that specific hazardous waste stream. The Agency may grant specific authorization for disposal of hazardous waste streams only after the generator has reasonably demonstrated that, considering technological feasibility and economic reasonableness, the hazardous waste cannot be reasonably recycled for reuse, nor incinerated or chemically, physically or biologically treated so as to neutralize the hazardous waste and render it nonhazardous. In granting authorization under this Section, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and are consistent with this Act and regulations promulgated by the Board hereunder. If the Agency refuses to grant authorization under this Section, the applicant may appeal as if the Agency refused to grant a permit, pursuant to the provisions of subsection (a) of Section 40 of this Act. For purposes of this subsection (h), the term "generator" has the meaning given in Section 3.205 of this Act, unless: (1) the hazardous waste is treated, incinerated, or partially recycled for reuse prior to disposal, in which case the last person who treats, incinerates, or partially recycles the hazardous waste prior to disposal is the generator; or (2) the hazardous waste is from a response action, in which case the person performing the response action is the generator. This subsection (h) does not apply to any hazardous waste that is restricted from land disposal under 35 Ill. Adm. Code 728.

New matter indicated by italics - deletions by strikeout
(i) Before issuing any RCRA permit, or any permit for a waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, waste incinerator, or any waste-transportation operation, or any permit for a clean construction or demolition debris fill operation, the Agency shall conduct an evaluation of the prospective owner's or operator's prior experience in waste management operations. The Agency may deny such a permit if the prospective owner or operator or any employee or officer of the prospective owner or operator has a history of:

   (1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites; or

   (2) conviction in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or

   (3) proof of gross carelessness or incompetence in handling, storing, processing, transporting or disposing of waste.

   (i-5) Before issuing any permit or approving any interim authorization for a clean construction or demolition debris fill operation in which any ownership interest is transferred between January 1, 2005, and the effective date of the prohibition set forth in Section 22.52 of this Act, the Agency shall conduct an evaluation of the operation if any previous activities at the site or facility may have caused or allowed contamination of the site. It shall be the responsibility of the owner or operator seeking the permit or interim authorization to provide to the Agency all of the information necessary for the Agency to conduct its evaluation. The Agency may deny a permit or interim authorization if previous activities at the site may have caused or allowed contamination at the site, unless such contamination is authorized under any permit issued by the Agency.

   (j) The issuance under this Act of a permit to engage in the surface mining of any resources other than fossil fuels shall not relieve the permittee from its duty to comply with any applicable local law regulating the commencement, location or operation of surface mining facilities.

   (k) A development permit issued under subsection (a) of Section 39 for any facility or site which is required to have a permit under subsection (d) of Section 21 shall expire at the end of 2 calendar years from the date upon which it was issued, unless within that period the applicant has taken action to develop the facility or the site. In the event that review of the conditions of the development permit is sought pursuant
to Section 40 or 41, or permittee is prevented from commencing
development of the facility or site by any other litigation beyond the
permittee's control, such two-year period shall be deemed to begin on the
date upon which such review process or litigation is concluded.

(l) No permit shall be issued by the Agency under this Act for
construction or operation of any facility or site located within the
boundaries of any setback zone established pursuant to this Act, where
such construction or operation is prohibited.

(m) The Agency may issue permits to persons owning or operating
a facility for composting landscape waste. In granting such permits, the
Agency may impose such conditions as may be necessary to accomplish
the purposes of this Act, and as are not inconsistent with applicable
regulations promulgated by the Board. Except as otherwise provided in
this Act, a bond or other security shall not be required as a condition for
the issuance of a permit. If the Agency denies any permit pursuant to this
subsection, the Agency shall transmit to the applicant within the time
limitations of this subsection specific, detailed statements as to the reasons
the permit application was denied. Such statements shall include but not
be limited to the following:

(1) the Sections of this Act that may be violated if the
permit were granted;

(2) the specific regulations promulgated pursuant to this
Act that may be violated if the permit were granted;

(3) the specific information, if any, the Agency deems the
applicant did not provide in its application to the Agency; and

(4) a statement of specific reasons why the Act and the
regulations might be violated if the permit were granted.

If no final action is taken by the Agency within 90 days after the
filing of the application for permit, the applicant may deem the permit
issued. Any applicant for a permit may waive the 90 day limitation by
filing a written statement with the Agency.

The Agency shall issue permits for such facilities upon receipt of
an application that includes a legal description of the site, a topographic
map of the site drawn to the scale of 200 feet to the inch or larger, a
description of the operation, including the area served, an estimate of the
volume of materials to be processed, and documentation that:

(1) the facility includes a setback of at least 200 feet from
the nearest potable water supply well;

(2) the facility is located outside the boundary of the 10-
year floodplain or the site will be floodproofed;

New matter indicated by italics - deletions by strikeout
(3) the facility is located so as to minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence, and in the case of a facility that is developed or the permitted composting area of which is expanded after November 17, 1991, the composting area is located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility);

(4) the design of the facility will prevent any compost material from being placed within 5 feet of the water table, will adequately control runoff from the site, and will collect and manage any leachate that is generated on the site;

(5) the operation of the facility will include appropriate dust and odor control measures, limitations on operating hours, appropriate noise control measures for shredding, chipping and similar equipment, management procedures for composting, containment and disposal of non-compostable wastes, procedures to be used for terminating operations at the site, and recordkeeping sufficient to document the amount of materials received, composted and otherwise disposed of; and

(6) the operation will be conducted in accordance with any applicable rules adopted by the Board.

The Agency shall issue renewable permits of not longer than 10 years in duration for the composting of landscape wastes, as defined in Section 3.155 of this Act, based on the above requirements.

The operator of any facility permitted under this subsection (m) must submit a written annual statement to the Agency on or before April 1 of each year that includes an estimate of the amount of material, in tons, received for composting.

(n) The Agency shall issue permits jointly with the Department of Transportation for the dredging or deposit of material in Lake Michigan in accordance with Section 18 of the Rivers, Lakes, and Streams Act.

(o) (Blank.)

(p) (1) Any person submitting an application for a permit for a new MSWLF unit or for a lateral expansion under subsection (t) of Section 21 of this Act for an existing MSWLF unit that has not received and is not subject to local siting approval under Section 39.2 of this Act shall publish notice of the application in a newspaper of general circulation in the county in which the MSWLF unit is or is proposed to be located. The notice must be published at least 15 days before submission of the permit application to the Agency. The notice shall state the name and address of

New matter indicated by italics - deletions by strikeout
the applicant, the location of the MSWLF unit or proposed MSWLF unit, the nature and size of the MSWLF unit or proposed MSWLF unit, the nature of the activity proposed, the probable life of the proposed activity, the date the permit application will be submitted, and a statement that persons may file written comments with the Agency concerning the permit application within 30 days after the filing of the permit application unless the time period to submit comments is extended by the Agency.

When a permit applicant submits information to the Agency to supplement a permit application being reviewed by the Agency, the applicant shall not be required to reissue the notice under this subsection.

(2) The Agency shall accept written comments concerning the permit application that are postmarked no later than 30 days after the filing of the permit application, unless the time period to accept comments is extended by the Agency.

(3) Each applicant for a permit described in part (1) of this subsection shall file a copy of the permit application with the county board or governing body of the municipality in which the MSWLF unit is or is proposed to be located at the same time the application is submitted to the Agency. The permit application filed with the county board or governing body of the municipality shall include all documents submitted to or to be submitted to the Agency, except trade secrets as determined under Section 7.1 of this Act. The permit application and other documents on file with the county board or governing body of the municipality shall be made available for public inspection during regular business hours at the office of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

(Source: P.A. 92-574, eff. 6-26-02; 93-575, eff. 1-1-04.)

(415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

Sec. 42. Civil penalties.

(a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed $50,000 for the violation and an additional civil penalty of not to exceed $10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.
(b) Notwithstanding the provisions of subsection (a) of this Section:

(1) Any person that violates Section 12(f) of this Act or any NPDES permit or term or condition thereof, or any filing requirement, regulation or order relating to the NPDES permit program, shall be liable to a civil penalty of not to exceed $10,000 per day of violation.

(2) Any person that violates Section 12(g) of this Act or any UIC permit or term or condition thereof, or any filing requirement, regulation or order relating to the State UIC program for all wells, except Class II wells as defined by the Board under this Act, shall be liable to a civil penalty not to exceed $2,500 per day of violation; provided, however, that any person who commits such violations relating to the State UIC program for Class II wells, as defined by the Board under this Act, shall be liable to a civil penalty of not to exceed $10,000 for the violation and an additional civil penalty of not to exceed $1,000 for each day during which the violation continues.

(3) Any person that violates Sections 21(f), 21(g), 21(h) or 21(i) of this Act, or any RCRA permit or term or condition thereof, or any filing requirement, regulation or order relating to the State RCRA program, shall be liable to a civil penalty of not to exceed $25,000 per day of violation.

(4) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (o) of Section 21 of this Act shall pay a civil penalty of $500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency. Such penalties shall be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(4-5) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (p) of Section 21 of this Act shall pay a civil penalty of $1,500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency, except that the civil penalty amount shall be $3,000 for each violation of any provision of subsection (p) of Section 21 that is the person’s second or

New matter indicated by italics - deletions by strikeout
subsequent adjudication violation of that provision. The penalties shall be deposited into the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(5) Any person who violates subsection 6 of Section 39.5 of this Act or any CAAPP permit, or term or condition thereof, or any fee or filing requirement, or any duty to allow or carry out inspection, entry or monitoring activities, or any regulation or order relating to the CAAPP shall be liable for a civil penalty not to exceed $10,000 per day of violation.

(b.5) In lieu of the penalties set forth in subsections (a) and (b) of this Section, any person who fails to file, in a timely manner, toxic chemical release forms with the Agency pursuant to Section 25b-2 of this Act shall be liable for a civil penalty of $100 per day for each day the forms are late, not to exceed a maximum total penalty of $6,000. This daily penalty shall begin accruing on the thirty-first day after the date that the person receives the warning notice issued by the Agency pursuant to Section 25b-6 of this Act; and the penalty shall be paid to the Agency. The daily accrual of penalties shall cease as of January 1 of the following year. All penalties collected by the Agency pursuant to this subsection shall be deposited into the Environmental Protection Permit and Inspection Fund.

(c) Any person that violates this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order and causes the death of fish or aquatic life shall, in addition to the other penalties provided by this Act, be liable to pay to the State an additional sum for the reasonable value of the fish or aquatic life destroyed. Any money so recovered shall be placed in the Wildlife and Fish Fund in the State Treasury.

(d) The penalties provided for in this Section may be recovered in a civil action.

(e) The State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his own motion, institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, or to require such other actions as may be necessary to address violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

New matter indicated by italics - deletions by strikeout
(f) The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring such actions in the name of the people of the State of Illinois. Without limiting any other authority which may exist for the awarding of attorney's fees and costs, the Board or a court of competent jurisdiction may award costs and reasonable attorney's fees, including the reasonable costs of expert witnesses and consultants, to the State's Attorney or the Attorney General in a case where he has prevailed against a person who has committed a wilful, knowing or repeated violation of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

Any funds collected under this subsection (f) in which the Attorney General has prevailed shall be deposited in the Hazardous Waste Fund created in Section 22.2 of this Act. Any funds collected under this subsection (f) in which a State's Attorney has prevailed shall be retained by the county in which he serves.

(g) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

(h) In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(5) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

(1) the duration and gravity of the violation;
(2) the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
(3) any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
(4) the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;

New matter indicated by italics - deletions by strikeout
(5) the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;

(6) whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency; and

(7) whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In determining the appropriate civil penalty to be imposed under subsection (a) or paragraph (1), (2), (3), or (5) of subsection (b) of this Section, the Board shall ensure, in all cases, that the penalty is at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship. However, such civil penalty may be offset in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent.

(i) A person who voluntarily self-discloses non-compliance to the Agency, of which the Agency had been unaware, is entitled to a 100% reduction in the portion of the penalty that is not based on the economic benefit of non-compliance if the person can establish the following:

(1) that the non-compliance was discovered through an environmental audit, as defined in Section 52.2 of this Act, and the person waives the environmental audit privileges as provided in that Section with respect to that non-compliance;

(2) that the non-compliance was disclosed in writing within 30 days of the date on which the person discovered it;

(3) that the non-compliance was discovered and disclosed prior to:

(i) the commencement of an Agency inspection, investigation, or request for information;

(ii) notice of a citizen suit;

(iii) the filing of a complaint by a citizen, the Illinois Attorney General, or the State's Attorney of the county in which the violation occurred;

(iv) the reporting of the non-compliance by an employee of the person without that person's knowledge; or

New matter indicated by italics - deletions by strikeout
(v) imminent discovery of the non-compliance by the Agency;
(4) that the non-compliance is being corrected and any environmental harm is being remediated in a timely fashion;
(5) that the person agrees to prevent a recurrence of the non-compliance;
(6) that no related non-compliance events have occurred in the past 3 years at the same facility or in the past 5 years as part of a pattern at multiple facilities owned or operated by the person;
(7) that the non-compliance did not result in serious actual harm or present an imminent and substantial endangerment to human health or the environment or violate the specific terms of any judicial or administrative order or consent agreement;
(8) that the person cooperates as reasonably requested by the Agency after the disclosure; and
(9) that the non-compliance was identified voluntarily and not through a monitoring, sampling, or auditing procedure that is required by statute, rule, permit, judicial or administrative order, or consent agreement.

If a person can establish all of the elements under this subsection except the element set forth in paragraph (1) of this subsection, the person is entitled to a 75% reduction in the portion of the penalty that is not based upon the economic benefit of non-compliance.

(j) In addition to any other remedy or penalty that may apply, whether civil or criminal, any person who violates Section 22.52 of this Act shall be liable for an additional civil penalty of up to 3 times the gross amount of any pecuniary gain resulting from the violation.

(Source: P.A. 93-152, eff. 7-10-03; 93-575, eff. 1-1-04; 93-831, eff. 7-28-04.)

(415 ILCS 5/58.8)
Sec. 58.8. Duty to record; compliance.
(a) The RA receiving a No Further Remediation Letter from the Agency pursuant to Section 58.10, shall submit the letter to the Office of the Recorder or the Registrar of Titles of the county in which the site is located within 45 days of receipt of the letter. The Office of the Recorder or the Registrar of Titles shall accept and record that letter in accordance with Illinois law so that it forms a permanent part of the chain of title for the site.

(b) A No Further Remediation Letter shall not become effective until officially recorded in accordance with subsection (a) of this Section.
The RA shall obtain and submit to the Agency a certified copy of the No Further Remediation Letter as recorded.

(c) (Blank). At no time shall any site for which a land use limitation has been imposed as a result of remediation activities under this Title be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new No Further Remediation Letter obtained and recorded in accordance with this Title.

(d) In the event that a No Further Remediation Letter issues by operation of law pursuant to Section 58.10, the RA may, for purposes of this Section, file an affidavit stating that the letter issued by operation of law. Upon receipt of the No Further Remediation Letter from the Agency, the RA shall comply with the requirements of subsections (a) and (b) of this Section.

(Source: P.A. 92-574, eff. 6-26-02.)

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

Passed in the General Assembly May 29, 2005.
Approved July 19, 2005.
Effective July 19, 2005.

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

Section 5. The Counties Code is amended by changing Section 2-3007 as follows:

(55 ILCS 5/2-3007) (from Ch. 34, par. 2-3007)
Sec. 2-3007. Chairman of county board; election and term. Any county board when providing for the reapportionment of its county under this Division may provide that the chairman of the county board shall be elected by the voters of the county rather than by the members of the board. In that event, provision shall be made for the election throughout the county of the chairman of the county board, but in counties over 3,000,000 population no person may be elected to serve as such chairman who has not been elected as a county board member to serve during the same period as the term of office as chairman of the county board to which

New matter indicated by italics - deletions by strikeout
he seeks election. In counties over 450,000 population and under 3,000,000 population, the chairman shall be elected as chairman without having been first elected to the county board. Such chairman shall not vote on any question except to break a tie vote. In all other counties the chairman may either be elected as a county board member or elected as the chairman without having been first elected to the board. Except in counties where the chairman of the county board is elected by the voters of the county and is not required to be a county board member, whether the chairman of the county board is elected by the voters of the county or by the members of the board, he shall be elected to a 2 year term. In counties where the chairman of the county board is elected by the voters of the county and is not required to be a county board member, the chairman shall be elected to a 4 year term. In all cases, the term of the chairman of the county board shall commence on the first third Monday of the month following the month in which members of the county board are elected.

(Source: P.A. 93-847, eff. 7-30-04.)

Section 10. The Illinois Highway Code is amended by changing Section 6-116 as follows:

(605 ILCS 5/6-116) (from Ch. 121, par. 6-116)

Sec. 6-116. Except as otherwise provided in this Section with respect to highway commissioners of township and consolidated township road districts, at the election provided by the general election law in 1985 and every 4 years thereafter in all counties, other than counties in which a county unit road district has been established and other than in Cook County, the highway commissioner of each road district and the district clerk of each road district having an elected clerk, shall be elected to hold office for a term of 4 years, and until his successor is elected and qualified. The highway commissioner of each road district and the district clerk of each road district elected in 1979 shall hold office for an additional 2 years and until his successor is elected and has qualified.

In each township and consolidated township road district outside Cook County, highway commissioners shall be elected at the election provided for such commissioners by the general election law in 1981 and every 4 years thereafter to hold office for a term of 4 years and until his successor is elected and qualified. The highway commissioner of each road district in Cook County shall be elected at the election provided for said commissioner by the general election law in 1981 and every 4 years thereafter for a term of 4 years, and until his successor is elected and qualified.

New matter indicated by italics - deletions by strikeout
Each highway commissioner shall enter upon the duties of his office on the third Monday in May after his election.

In road districts comprised of a single township, the highway commissioner shall be elected at the election provided for said commissioner by the general election law. All elections as are provided in this Section shall be conducted in accordance with the general election law.

(Source: P.A. 83-108.)

Approved July 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0274
(Senate Bill No. 1787)

AN ACT concerning safety.

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

Section 5. The Environmental Protection Act is amended by changing Section 57.2 as follows:

(415 ILCS 5/57.2)

Sec. 57.2. Definitions. As used in this Title:
"Audit" means a systematic inspection or examination of plans, reports, records, or documents to determine the completeness and accuracy of the data and conclusions contained therein.
"Bodily injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from a release of petroleum from an underground storage tank.
"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum from an underground storage tank into groundwater, surface water or subsurface soils.
"Fill material" means non-native or disturbed materials used to bed and backfill around an underground storage tank.
"Fund" means the Underground Storage Tank Fund.
"Heating Oil" means petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6 technical grades of fuel oil; and other residual fuel oils including Navy Special Fuel Oil and Bunker C.
"Indemnification" means indemnification of an owner or operator for the amount of any judgment entered against the owner or operator in a

New matter indicated by italics - deletions by strikeout
court of law, for the amount of any final order or determination made against the owner or operator by an agency of State government or any subdivision thereof, or for the amount of any settlement entered into by the owner or operator, if the judgment, order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator.

"Corrective action" means activities associated with compliance with the provisions of Sections 57.6 and 57.7 of this Title.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a sudden or nonsudden release from an underground storage tank.

When used in connection with, or when otherwise relating to, underground storage tanks, the terms "facility", "owner", "operator", "underground storage tank", "(UST)", "petroleum" and "regulated substance" shall have the meanings ascribed to them in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580); provided however that the term "underground storage tank" shall also mean an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit; provided further however that the term "owner" shall also mean any person who has submitted to the Agency a written election to proceed under this Title and has acquired an ownership interest in a site on which one or more registered tanks have been removed, but on which corrective action has not yet resulted in the issuance of a "no further remediation letter" by the Agency pursuant to this Title.

"Licensed Professional Engineer" means a person, corporation, or partnership licensed under the laws of the State of Illinois to practice professional engineering.

"Licensed Professional Geologist" means a person licensed under the laws of the State of Illinois to practice as a professional geologist.

"Site" means any single location, place, tract of land or parcel of property including contiguous property not separated by a public right-of-way.

"Site investigation" means activities associated with compliance with the provisions of subsection (a) of Section 57.7.

"Property damage" means physical injury to, destruction of, or contamination of tangible property, including all resulting loss of use of property.
that property; or loss of use of tangible property that is not physically injured, destroyed, or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible because of a release of petroleum from an underground storage tank.


"Class III Groundwater" means groundwater that meets the Class III: Special Resource Groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act.

(Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02; revised 9-9-02.)

Passed in the General Assembly May 24, 2005.
Approved July 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0275
(Senate Bill No. 1862)

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

Section 5. The Hospital Report Card Act is amended by changing Section 25 as follows:

(210 ILCS 86/25)
Sec. 25. Hospital reports.
(a) Individual hospitals shall prepare a quarterly report including all of the following:

(1) Nursing hours per patient day, average daily census, and average daily hours worked for each clinical service area.

(2) Infection-related measures Nosocomial infection rates for the facility for the specific clinical procedures and devices determined by the Department by rule under 2 or more of the following categories:

(A) Surgical procedure outcome measures Class I surgical site infection.

(B) Surgical procedure infection control process measures.

(C) Outcome or process measures related to ventilator-associated Ventilator-associated pneumonia.

New matter indicated by italics - deletions by strikeout
The infection-related measures developed by the Department shall be based upon measures and methods developed by the Centers for Disease Control and Prevention, the Centers for Medicare and Medicaid Services, the Agency for Healthcare Research and Quality, the Joint Commission on Accreditation of Healthcare Organizations, or the National Quality Forum.

The Department shall include interpretive guidelines for infection-related indicators and, when available, shall include relevant benchmark information published by national organizations. The Department shall only disclose Illinois hospital infection rate data according to the current benchmarks of the Centers for Disease Control's National Nosocomial Infection Surveillance Program.

(b) Individual hospitals shall prepare annual reports including vacancy and turnover rates for licensed nurses per clinical service area.

(c) None of the information the Department discloses to the public may be made available in any form or fashion unless the information has been reviewed, adjusted, and validated according to the following process:

1. The Department shall organize an advisory committee, including representatives from the Department, public and private hospitals, direct care nursing staff, physicians, academic researchers, consumers, health insurance companies, organized labor, and organizations representing hospitals and physicians. The advisory committee must be meaningfully involved in the development of all aspects of the Department's methodology for collecting, analyzing, and disclosing the information collected under this Act, including collection methods, formatting, and methods and means for release and dissemination.

2. The entire methodology for collecting and analyzing the data shall be disclosed to all relevant organizations and to all hospitals that are the subject of any information to be made available to the public before any public disclosure of such information.

3. Data collection and analytical methodologies shall be used that meet accepted standards of validity and reliability before any information is made available to the public.

4. The limitations of the data sources and analytic methodologies used to develop comparative hospital information

New matter indicated by italics - deletions by strikeout
shall be clearly identified and acknowledged, including but not limited to the appropriate and inappropriate uses of the data.

(5) To the greatest extent possible, comparative hospital information initiatives shall use standard-based norms derived from widely accepted provider-developed practice guidelines.

(6) Comparative hospital information and other information that the Department has compiled regarding hospitals shall be shared with the hospitals under review prior to public dissemination of such information and these hospitals have 30 days to make corrections and to add helpful explanatory comments about the information before the publication.

(7) Comparisons among hospitals shall adjust for patient case mix and other relevant risk factors and control for provider peer groups, when appropriate.

(8) Effective safeguards to protect against the unauthorized use or disclosure of hospital information shall be developed and implemented.

(9) Effective safeguards to protect against the dissemination of inconsistent, incomplete, invalid, inaccurate, or subjective hospital data shall be developed and implemented.

(10) The quality and accuracy of hospital information reported under this Act and its data collection, analysis, and dissemination methodologies shall be evaluated regularly.

(11) Only the most basic identifying information from mandatory reports shall be used, and information identifying a patient, employee, or licensed professional shall not be released. None of the information the Department discloses to the public under this Act may be used to establish a standard of care in a private civil action.

(d) Quarterly reports shall be submitted, in a format set forth in rules adopted by the Department, to the Department by April 30, July 31, October 31, and January 31 each year for the previous quarter. Data in quarterly reports must cover a period ending not earlier than one month prior to submission of the report. Annual reports shall be submitted by December 31 in a format set forth in rules adopted by the Department to the Department. All reports shall be made available to the public on-site and through the Department.

(e) If the hospital is a division or subsidiary of another entity that owns or operates other hospitals or related organizations, the annual public

New matter indicated by italics - deletions by strikeout
disclosure report shall be for the specific division or subsidiary and not for the other entity.

(f) The Department shall disclose information under this Section in accordance with provisions for inspection and copying of public records required by the Freedom of Information Act provided that such information satisfies the provisions of subsection (c) of this Section.

(g) Notwithstanding any other provision of law, under no circumstances shall the Department disclose information obtained from a hospital that is confidential under Part 21 of Article 8 of the Code of Civil Procedure.

(h) No hospital report or Department disclosure may contain information identifying a patient, employee, or licensed professional.

(Source: P.A. 93-563, eff. 1-1-04.)

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

Passed in the General Assembly May 27, 2005.
Approved July 19, 2005.
Effective July 19, 2005.

PUBLIC ACT 94-0276
(Senate Bill No. 2040)

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

Section 5. The Environmental Protection Act is amended by changing Section 57.10 as follows:

(415 ILCS 5/57.10)

Sec. 57.10. Professional Engineer or Professional Geologist certification; presumptions against liability.

(a) Within 120 days of the Agency's receipt of a corrective action completion report, the Agency shall issue to the owner or operator a "no further remediation letter" unless the Agency has requested a modification, issued a rejection under subsection (d) of this Section, or the report has been rejected by operation of law.

(b) By certifying such a statement, a Licensed Professional Engineer or Licensed Professional Geologist shall in no way be liable thereon, unless the engineer or geologist gave such certification despite his or her actual knowledge that the performed measures were not in
compliance with applicable statutory or regulatory requirements or any plan submitted to the Agency.

(c) The Agency's issuance of a no further remediation letter shall signify, based on the certification of the Licensed Professional Engineer, that:

(1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with;

(2) all corrective action concerning the remediation of the occurrence has been completed; and

(3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety and the environment.

This subsection (c) does not apply to off-site contamination related to the occurrence that has not been remediated due to denial of access to the off-site property.

(d) The no further remediation letter issued under this Section shall apply in favor of the following parties:

(1) The owner or operator to whom the letter was issued.

(2) Any parent corporation or subsidiary of such owner or operator.

(3) Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued.

(4) Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.

(5) Any mortgagee or trustee of a deed of trust of such owner or operator.

(6) Any successor-in-interest of such owner or operator.

(7) Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.

(8) Any heir or devisee of such owner or operator.

(9) An owner of a parcel of real property to the extent that the no further remediation letter under subsection (c) of this Section applies to the occurrence on that parcel.

(e) If the Agency notifies the owner or operator that the "no further remediation" letter has been rejected, the grounds for such rejection shall be described in the notice. Such a decision shall be a final determination which may be appealed by the owner or operator.

New matter indicated by italics - deletions by strikeout
(f) The Board shall adopt rules setting forth the criteria under which the Agency may require an owner or operator to conduct further investigation or remediation related to a release for which a no further remediation letter has been issued.

(g) Holders of security interests in sites subject to the requirements of this Title XVI shall be entitled to the same protections and subject to the same responsibilities provided under general regulations promulgated under Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580).

(Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02; revised 9-25-03.)
Passed in the General Assembly May 24, 2005.
Approved July 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0277
(House Bill No 2137)

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

Section 5. The Illinois Insurance Code is amended by changing Section 1204 as follows:

(215 ILCS 5/1204) (from Ch. 73, par. 1065.904)
Sec. 1204. (A) The Director shall promulgate rules and regulations which shall require each insurer licensed to write property or casualty insurance in the State and each syndicate doing business on the Illinois Insurance Exchange to record and report its loss and expense experience and other data as may be necessary to assess the relationship of insurance premiums and related income as compared to insurance costs and expenses. The Director may designate one or more rate service organizations or advisory organizations to gather and compile such experience and data. The Director shall require each insurer licensed to write property or casualty insurance in this State and each syndicate doing business on the Illinois Insurance Exchange to submit a report, on a form furnished by the Director, showing its direct writings in this State and companywide.

(B) Such report required by subsection (A) of this Section may include, but not be limited to, the following specific types of insurance written by such insurer:

New matter indicated by italics - deletions by strikeout
(1) Political subdivision liability insurance reported separately in the following categories:
   (a) municipalities;
   (b) school districts;
   (c) other political subdivisions;
(2) Public official liability insurance;
(3) Dram shop liability insurance;
(4) Day care center liability insurance;
(5) Labor, fraternal or religious organizations liability insurance;
(6) Errors and omissions liability insurance;
(7) Officers and directors liability insurance reported separately as follows:
   (a) non-profit entities;
   (b) for-profit entities;
(8) Products liability insurance;
(9) Medical malpractice insurance;
(10) Attorney malpractice insurance;
(11) Architects and engineers malpractice insurance; and
(12) Motor vehicle insurance reported separately for commercial and private passenger vehicles as follows:
   (a) motor vehicle physical damage insurance;
   (b) motor vehicle liability insurance.

(C) Such report may include, but need not be limited to the following data, both specific to this State and companywide, in the aggregate or by type of insurance for the previous year on a calendar year basis:

(1) Direct premiums written;
(2) Direct premiums earned;
(3) Number of policies;
(4) Net investment income, using appropriate estimates where necessary;
(5) Losses paid;
(6) Losses incurred;
(7) Loss reserves:
   (a) Losses unpaid on reported claims;
   (b) Losses unpaid on incurred but not reported claims;
(8) Number of claims:
   (a) Paid claims;

New matter indicated by italics - deletions by strikeout
(b) Arising claims;

(9) Loss adjustment expenses:
   (a) Allocated loss adjustment expenses;
   (b) Unallocated loss adjustment expenses;

(10) Net underwriting gain or loss;

(11) Net operation gain or loss, including net investment income;

(12) Any other information requested by the Director.

(C-5) Additional information by an advisory organization as defined in Section 463 of this Code.

(1) An advisory organization as defined in Section 463 of this Code shall report annually the following information in such format as may be prescribed by the Secretary:
   (a) paid and incurred losses for each of the past 10 years;
   (b) medical payments and medical charges, if collected, for each of the past 10 years;
   (c) the following indemnity payment information: cumulative payments by accident year by calendar year of development. This array will show payments made and frequency of claims in the following categories: medical only, permanent partial disability (PPD), permanent total disability (PTD), temporary total disability (TTD), and fatalities;
   (d) injuries by frequency and severity;
   (e) by class of employee.

(2) The report filed with the Secretary of Financial and Professional Regulation under paragraph (1) of this subsection (C-5) shall be made available, on an aggregate basis, to the General Assembly and to the general public. The identity of the petitioner, the respondent, the attorneys, and the insurers shall not be disclosed.

(3) Reports required under this subsection (C-5) shall be filed with the Secretary no later than September 1 in 2006 and no later than September 1 of each year thereafter.

(D) In addition to the information which may be requested under subsection (C), the Director may also request on a companywide, aggregate basis, Federal Income Tax recoverable, net realized capital gain or loss, net unrealized capital gain or loss, and all other expenses not requested in subsection (C) above.

New matter indicated by italics - deletions by strikeout
(E) Violations - Suspensions - Revocations.

(1) Any company or person subject to this Article, who willfully or repeatedly fails to observe or who otherwise violates any of the provisions of this Article or any rule or regulation promulgated by the Director under authority of this Article or any final order of the Director entered under the authority of this Article shall by civil penalty forfeit to the State of Illinois a sum not to exceed $2,000. Each day during which a violation occurs constitutes a separate offense.

(2) No forfeiture liability under paragraph (1) of this subsection may attach unless a written notice of apparent liability has been issued by the Director and received by the respondent, or the Director sends written notice of apparent liability by registered or certified mail, return receipt requested, to the last known address of the respondent. Any respondent so notified must be granted an opportunity to request a hearing within 10 days from receipt of notice, or to show in writing, why he should not be held liable. A notice issued under this Section must set forth the date, facts and nature of the act or omission with which the respondent is charged and must specifically identify the particular provision of this Article, rule, regulation or order of which a violation is charged.

(3) No forfeiture liability under paragraph (1) of this subsection may attach for any violation occurring more than 2 years prior to the date of issuance of the notice of apparent liability and in no event may the total civil penalty forfeiture imposed for the acts or omissions set forth in any one notice of apparent liability exceed $100,000.

(4) All administrative hearings conducted pursuant to this Article are subject to 50 Ill. Adm. Code 2402 and all administrative hearings are subject to the Administrative Review Law.

(5) The civil penalty forfeitures provided for in this Section are payable to the General Revenue Fund of the State of Illinois, and may be recovered in a civil suit in the name of the State of Illinois brought in the Circuit Court in Sangamon County or in the Circuit Court of the county where the respondent is domiciled or has its principal operating office.

(6) In any case where the Director issues a notice of apparent liability looking toward the imposition of a civil penalty forfeiture under this Section that fact may not be used in any other proceeding before the Director to the prejudice of the respondent to
whom the notice was issued, unless (a) the civil penalty forfeiture has been paid, or (b) a court has ordered payment of the civil penalty forfeiture and that order has become final.

(7) When any person or company has a license or certificate of authority under this Code and knowingly fails or refuses to comply with a lawful order of the Director requiring compliance with this Article, entered after notice and hearing, within the period of time specified in the order, the Director may, in addition to any other penalty or authority provided, revoke or refuse to renew the license or certificate of authority of such person or company, or may suspend the license or certificate of authority of such person or company until compliance with such order has been obtained.

(8) When any person or company has a license or certificate of authority under this Code and knowingly fails or refuses to comply with any provisions of this Article, the Director may, after notice and hearing, in addition to any other penalty provided, revoke or refuse to renew the license or certificate of authority of such person or company, or may suspend the license or certificate of authority of such person or company, until compliance with such provision of this Article has been obtained.

(9) No suspension or revocation under this Section may become effective until 5 days from the date that the notice of suspension or revocation has been personally delivered or delivered by registered or certified mail to the company or person. A suspension or revocation under this Section is stayed upon the filing, by the company or person, of a petition for judicial review under the Administrative Review Law.

(Source: P.A. 93-32, eff. 7-1-03.)

Section 10. The Workers' Compensation Act is amended by changing Sections 4, 7, 8, 12, 13, 13.1, 14, 16, and 19 and by adding Sections 8.2, 8.3, 8.7, and 25.5 as follows:

(820 ILCS 305/4) (from Ch. 48, par. 138.4)
Sec. 4. (a) Any employer, including but not limited to general contractors and their subcontractors, who shall come within the provisions of Section 3 of this Act, and any other employer who shall elect to provide and pay the compensation provided for in this Act shall:

(1) File with the Commission annually an application for approval as a self-insurer which shall include a current financial statement, and annually, thereafter, an application for renewal of self-insurance, which shall include a current financial statement.

New matter indicated by italics - deletions by strikeout
Said application and financial statement shall be signed and sworn to by the president or vice president and secretary or assistant secretary of the employer if it be a corporation, or by all of the partners, if it be a copartnership, or by the owner if it be neither a copartnership nor a corporation. All initial applications and all applications for renewal of self-insurance must be submitted at least 60 days prior to the requested effective date of self-insurance. An employer may elect to provide and pay compensation as provided for in this Act as a member of a group workers' compensation pool under Article V 3/4 of the Illinois Insurance Code. If an employer becomes a member of a group workers' compensation pool, the employer shall not be relieved of any obligations imposed by this Act.

If the sworn application and financial statement of any such employer does not satisfy the Commission of the financial ability of the employer who has filed it, the Commission shall require such employer to,

(2) Furnish security, indemnity or a bond guaranteeing the payment by the employer of the compensation provided for in this Act, provided that any such employer whose application and financial statement shall not have satisfied the commission of his or her financial ability and who shall have secured his liability in part by excess liability insurance shall be required to furnish to the Commission security, indemnity or bond guaranteeing his or her payment up to the effective limits of the excess coverage, or

(3) Insure his entire liability to pay such compensation in some insurance carrier authorized, licensed, or permitted to do such insurance business in this State. Every policy of an insurance carrier, insuring the payment of compensation under this Act shall cover all the employees and the entire compensation liability of the insured: Provided, however, that any employer may insure his or her compensation liability with 2 or more insurance carriers or may insure a part and qualify under subsection 1, 2, or 4 for the remainder of his or her liability to pay such compensation, subject to the following two provisions:

Firstly, the entire compensation liability of the employer to employees working at or from one location shall be insured in one such insurance carrier or shall be self-insured, and

New matter indicated by italics - deletions by strikeout
Secondly, the employer shall submit evidence satisfactorily to the Commission that his or her entire liability for the compensation provided for in this Act will be secured. Any provisions in any policy, or in any endorsement attached thereto, attempting to limit or modify in any way, the liability of the insurance carriers issuing the same except as otherwise provided herein shall be wholly void.

Nothing herein contained shall apply to policies of excess liability carriage secured by employers who have been approved by the Commission as self-insurers, or

(4) Make some other provision, satisfactory to the Commission, for the securing of the payment of compensation provided for in this Act, and

(5) Upon becoming subject to this Act and thereafter as often as the Commission may in writing demand, file with the Commission in form prescribed by it evidence of his or her compliance with the provision of this Section.

(a-1) Regardless of its state of domicile or its principal place of business, an employer shall make payments to its insurance carrier or group self-insurance fund, where applicable, based upon the premium rates of the situs where the work or project is located in Illinois if:

(A) the employer is engaged primarily in the building and construction industry; and

(B) subdivision (a)(3) of this Section applies to the employer or the employer is a member of a group self-insurance plan as defined in subsection (1) of Section 4a.

The Illinois Workers' Compensation Commission shall impose a penalty upon an employer for violation of this subsection (a-1) if:

(i) the employer is given an opportunity at a hearing to present evidence of its compliance with this subsection (a-1); and

(ii) after the hearing, the Commission finds that the employer failed to make payments upon the premium rates of the situs where the work or project is located in Illinois.

The penalty shall not exceed $1,000 for each day of work for which the employer failed to make payments upon the premium rates of the situs here the work or project is located in Illinois, but the total penalty shall not exceed $50,000 for each project or each contract under which the work was performed.
Any penalty under this subsection (a-1) must be imposed not later than one year after the expiration of the applicable limitation period specified in subsection (d) of Section 6 of this Act. Penalties imposed under this subsection (a-1) shall be deposited into the Illinois Workers' Compensation Commission Operations Fund, a special fund that is created in the State treasury. Subject to appropriation, moneys in the Fund shall be used solely for the operations of the Illinois Workers' Compensation Commission.

(b) The sworn application and financial statement, or security, indemnity or bond, or amount of insurance, or other provisions, filed, furnished, carried, or made by the employer, as the case may be, shall be subject to the approval of the Commission.

Deposits under escrow agreements shall be cash, negotiable United States government bonds or negotiable general obligation bonds of the State of Illinois. Such cash or bonds shall be deposited in escrow with any State or National Bank or Trust Company having trust authority in the State of Illinois.

Upon the approval of the sworn application and financial statement, security, indemnity or bond or amount of insurance, filed, furnished or carried, as the case may be, the Commission shall send to the employer written notice of its approval thereof. The certificate of compliance by the employer with the provisions of subparagraphs (2) and (3) of paragraph (a) of this Section shall be delivered by the insurance carrier to the Illinois Workers' Compensation Commission within five days after the effective date of the policy so certified. The insurance so certified shall cover all compensation liability occurring during the time that the insurance is in effect and no further certificate need be filed in case such insurance is renewed, extended or otherwise continued by such carrier. The insurance so certified shall not be cancelled or in the event that such insurance is not renewed, extended or otherwise continued, such insurance shall not be terminated until at least 10 days after receipt by the Illinois Workers' Compensation Commission of notice of the cancellation or termination of said insurance; provided, however, that if the employer has secured insurance from another insurance carrier, or has otherwise secured the payment of compensation in accordance with this Section, and such insurance or other security becomes effective prior to the expiration of the 10 days, cancellation or termination may, at the option of the insurance carrier indicated in such notice, be effective as of the effective date of such other insurance or security.
(c) Whenever the Commission shall find that any corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or other insurer effecting workers' compensation insurance in this State shall be insolvent, financially unsound, or unable to fully meet all payments and liabilities assumed or to be assumed for compensation insurance in this State, or shall practice a policy of delay or unfairness toward employees in the adjustment, settlement, or payment of benefits due such employees, the Commission may after reasonable notice and hearing order and direct that such corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or insurer, shall from and after a date fixed in such order discontinue the writing of any such workers' compensation insurance in this State. Subject to such modification of the order as the Commission may later make on review of the order, as herein provided, it shall thereupon be unlawful for any such corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or insurer to effect any workers' compensation insurance in this State. A copy of the order shall be served upon the Director of Insurance by registered mail. Whenever the Commission finds that any service or adjustment company used or employed by a self-insured employer or by an insurance carrier to process, adjust, investigate, compromise or otherwise handle claims under this Act, has practiced or is practicing a policy of delay or unfairness toward employees in the adjustment, settlement or payment of benefits due such employees, the Commission may after reasonable notice and hearing order and direct that such service or adjustment company shall from and after a date fixed in such order be prohibited from processing, adjusting, investigating, compromising or otherwise handling claims under this Act.

Whenever the Commission finds that any self-insured employer has practiced or is practicing delay or unfairness toward employees in the adjustment, settlement or payment of benefits due such employees, the Commission may, after reasonable notice and hearing, order and direct that after a date fixed in the order such self-insured employer shall be disqualified to operate as a self-insurer and shall be required to insure his entire liability to pay compensation in some insurance carrier authorized, licensed and permitted to do such insurance business in this State, as provided in subparagraph 3 of paragraph (a) of this Section.

All orders made by the Commission under this Section shall be subject to review by the courts, said review to be taken in the same manner and within the same time as provided by Section 19 of this Act for review of awards and decisions of the Commission, upon the party seeking the
review filing with the clerk of the court to which said review is taken a bond in an amount to be fixed and approved by the court to which the review is taken, conditioned upon the payment of all compensation awarded against the person taking said review pending a decision thereof and further conditioned upon such other obligations as the court may impose. Upon the review the Circuit Court shall have power to review all questions of fact as well as of law. The penalty hereinafter provided for in this paragraph shall not attach and shall not begin to run until the final determination of the order of the Commission.

(d) Whenever a panel of 3 Commissioners comprised of one member of the employing class, one member of the employee class, and one member not identified with either the employing or employee class, with due process and after a hearing, determines an employer has knowingly failed to provide coverage as required by paragraph (a) of this Section, the failure shall be deemed an immediate serious danger to public health, safety, and welfare sufficient to justify service by the Commission of a work-stop order on such employer, requiring the cessation of all business operations of such employer at the place of employment or job site. Any law enforcement agency in the State shall, at the request of the Commission, render any assistance necessary to carry out the provisions of this Section, including, but not limited to, preventing any employee of such employer from remaining at a place of employment or job site after a work-stop order has taken effect. Any work-stop order shall be lifted upon proof of insurance as required by this Act. Any orders under this Section are appealable under Section 19(f) to the Circuit Court.

Any individual employer, corporate officer or director of a corporate employer, partner of an employer partnership, or member of an employer limited liability company who knowingly fails to provide coverage as required by paragraph (a) of this Section is guilty of a Class 4 felony. This provision shall not apply to any corporate officer or director of any publicly-owned corporation. Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring such actions in the name of the People of the State of Illinois, or may, in addition to other remedies provided in this Section, bring an action for an injunction to restrain the violation or to enjoin the operation of any such employer.

Any individual employer, corporate officer or director of a corporate employer, partner of an employer partnership, or member of an employer limited liability company who negligently fails to provide coverage as required by paragraph (a) of this Section is guilty of a Class

New matter indicated by italics - deletions by strikeout
A misdemeanor. This provision shall not apply to any corporate officer or director of any publicly-owned corporation. Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring such actions in the name of the People of the State of Illinois.

The criminal penalties in this subsection (d) shall not apply where there exists a good faith dispute as to the existence of an employment relationship. Evidence of good faith shall include, but not be limited to, compliance with the definition of employee as used by the Internal Revenue Service.

Employers who are subject to and who knowingly fail to comply with this Section shall not be entitled to the benefits of this Act during the period of noncompliance, but shall be liable in an action under any other applicable law of this State. In the action, such employer shall not avail himself or herself of the defenses of assumption of risk or negligence or that the injury was due to a co-employee. In the action, proof of the injury shall constitute prima facie evidence of negligence on the part of such employer and the burden shall be on such employer to show freedom of negligence resulting in the injury. The employer shall not join any other defendant in any such civil action. Nothing in this amendatory Act of the 94th General Assembly shall affect the employee's rights under subdivision (a)3 of Section 1 of this Act. Any employer or carrier who makes payments under subdivision (a)3 of Section 1 of this Act shall have a right of reimbursement from the proceeds of any recovery under this Section.

An employee of an uninsured employer, or the employee's dependents in case death ensued, may, instead of proceeding against the employer in a civil action in court, file an application for adjustment of claim with the Commission in accordance with the provisions of this Act and the Commission shall hear and determine the application for adjustment of claim in the manner in which other claims are heard and determined before the Commission.

All proceedings under this subsection (d) shall be reported on an annual basis to the Workers' Compensation Advisory Board.

Upon a finding by the Commission, after reasonable notice and hearing, of the knowing and wilful failure or refusal of an employer to comply with any of the provisions of paragraph (a) of this Section or the failure or refusal of an employer, service or adjustment company, or an insurance carrier to comply with any order of the Illinois Workers' Compensation Commission pursuant to paragraph (c) of this Section.

New matter indicated by italics - deletions by strikeout
disqualifying him or her to operate as a self insurer and requiring him or her to insure his or her liability, the Commission may assess a civil penalty of up to $500 per day for each day of such failure or refusal after the effective date of this amendatory Act of 1989. The minimum penalty under this Section shall be the sum of $10,000. Each day of such failure or refusal shall constitute a separate offense. The Commission may assess the civil penalty personally and individually against the corporate officers and directors of a corporate employer, the partners of an employer partnership, and the members of an employer limited liability company, after a finding of a knowing and willful refusal or failure of each such named corporate officer, director, partner, or member to comply with this Section. The liability for the assessed penalty shall be against the named employer first, and if the named employer fails or refuses to pay the penalty to the Commission within 30 days after the final order of the Commission, then the named corporate officers, directors, partners, or members who have been found to have knowingly and willfully refused or failed to comply with this Section shall be liable for the unpaid penalty or any unpaid portion of the penalty. Upon investigation by the insurance non-compliance unit of the Commission, the Attorney General shall have the authority to prosecute all proceedings to enforce the civil and administrative provisions of this Section before the Commission. The Commission shall promulgate procedural rules for enforcing this Section. All penalties collected under this Section shall be deposited in the Illinois Workers' Compensation Commission Operations Fund.

Upon the failure or refusal of any employer, service or adjustment company or insurance carrier to comply with the provisions of this Section and with the orders of the Commission under this Section, or the order of the court on review after final adjudication, the Commission may bring a civil action to recover the amount of the penalty in Cook County or in Sangamon County in which litigation the Commission shall be represented by the Attorney General. The Commission shall send notice of its finding of non-compliance and assessment of the civil penalty to the Attorney General. It shall be the duty of the Attorney General within 30 days after receipt of the notice, to institute prosecutions and promptly prosecute all reported violations of this Section.

Any individual employer, corporate officer or director of a corporate employer, partner of an employer partnership, or member of an employer limited liability company who, with the intent to avoid payment of compensation under this Act to an injured employee or the employee’s dependents, knowingly transfers, sells, encumbers, assigns, or in any

New matter indicated by italics - deletions by strikeout
manner disposes of, conceals, secretes, or destroys any property belonging to the employer, officer, director, partner, or member is guilty of a Class 4 felony.

Penalties and fines collected pursuant to this paragraph (d) shall be deposited upon receipt into a special fund which shall be designated the Injured Workers' Benefit Fund, of which the State Treasurer is ex-officio custodian, such special fund to be held and disbursed in accordance with this paragraph (d) for the purposes hereinafter stated in this paragraph (d), upon the final order of the Commission. The Injured Workers' Benefit Fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. The Injured Workers' Benefit Fund is subject to audit the same as State funds and accounts and is protected by the general bond given by the State Treasurer. The Injured Workers' Benefit Fund is considered always appropriated for the purposes of disbursements as provided in this paragraph, and shall be paid out and disbursed as herein provided and shall not at any time be appropriated or diverted to any other use or purpose. Moneys in the Injured Workers' Benefit Fund shall be used only for payment of workers' compensation benefits for injured employees when the employer has failed to provide coverage as determined under this paragraph (d) and has failed to pay the benefits due to the injured employee. The Commission shall have the right to obtain reimbursement from the employer for compensation obligations paid by the Injured Workers' Benefit Fund. Any such amounts obtained shall be deposited by the Commission into the Injured Workers' Benefit Fund. If an injured employee or his or her personal representative receives payment from the Injured Workers' Benefit Fund, the State of Illinois has the same rights under paragraph (b) of Section 5 that the employer who failed to pay the benefits due to the injured employee would have had if the employer had paid those benefits, and any moneys recovered by the State as a result of the State's exercise of its rights under paragraph (b) of Section 5 shall be deposited into the Injured Workers' Benefit Fund. The custodian of the Injured Workers' Benefit Fund shall be joined with the employer as a party respondent in the application for adjustment of claim. After July 1, 2006, the Commission shall make disbursements from the Fund once each year to each eligible claimant. An eligible claimant is an injured worker who has within the previous fiscal year obtained a final award for benefits from the Commission against the employer and the Injured Workers' Benefit Fund and has notified the Commission within 90 days of receipt of such award. Within a reasonable time after the end of each fiscal year, the

New matter indicated by italics - deletions by strikeout
Commission shall make a disbursement to each eligible claimant. At the time of disbursement, if there are insufficient moneys in the Fund to pay all claims, each eligible claimant shall receive a pro-rata share, as determined by the Commission, of the available moneys in the Fund for that year. Payment from the Injured Workers' Benefit Fund to an eligible claimant pursuant to this provision shall discharge the obligations of the Injured Workers' Benefit Fund regarding the award entered by the Commission.

(e) This Act shall not affect or disturb the continuance of any existing insurance, mutual aid, benefit, or relief association or department, whether maintained in whole or in part by the employer or whether maintained by the employees, the payment of benefits of such association or department being guaranteed by the employer or by some person, firm or corporation for him or her: Provided, the employer contributes to such association or department an amount not less than the full compensation herein provided, exclusive of the cost of the maintenance of such association or department and without any expense to the employee. This Act shall not prevent the organization and maintaining under the insurance laws of this State of any benefit or insurance company for the purpose of insuring against the compensation provided for in this Act, the expense of which is maintained by the employer. This Act shall not prevent the organization or maintaining under the insurance laws of this State of any voluntary mutual aid, benefit or relief association among employees for the payment of additional accident or sick benefits.

(f) No existing insurance, mutual aid, benefit or relief association or department shall, by reason of anything herein contained, be authorized to discontinue its operation without first discharging its obligations to any and all persons carrying insurance in the same or entitled to relief or benefits therein.

(g) Any contract, oral, written or implied, of employment providing for relief benefit, or insurance or any other device whereby the employee is required to pay any premium or premiums for insurance against the compensation provided for in this Act shall be null and void. Any employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a Class B misdemeanor.

In the event the employer does not pay the compensation for which he or she is liable, then an insurance company, association or insurer which may have insured such employer against such liability shall become primarily liable to pay to the employee, his or her personal representative.

New matter indicated by italics - deletions by strikeout
or beneficiary the compensation required by the provisions of this Act to be paid by such employer. The insurance carrier may be made a party to the proceedings in which the employer is a party and an award may be entered jointly against the employer and the insurance carrier.

(h) It shall be unlawful for any employer, insurance company or service or adjustment company to interfere with, restrain or coerce an employee in any manner whatsoever in the exercise of the rights or remedies granted to him or her by this Act or to discriminate, attempt to discriminate, or threaten to discriminate against an employee in any way because of his or her exercise of the rights or remedies granted to him or her by this Act.

It shall be unlawful for any employer, individually or through any insurance company or service or adjustment company, to discharge or to threaten to discharge, or to refuse to rehire or recall to active service in a suitable capacity an employee because of the exercise of his or her rights or remedies granted to him or her by this Act.

(i) If an employer elects to obtain a life insurance policy on his employees, he may also elect to apply such benefits in satisfaction of all or a portion of the death benefits payable under this Act, in which case, the employer's compensation premium shall be reduced accordingly.

(j) Within 45 days of receipt of an initial application or application to renew self-insurance privileges the Self-Insurers Advisory Board shall review and submit for approval by the Chairman of the Commission recommendations of disposition of all initial applications to self-insure and all applications to renew self-insurance privileges filed by private self-insurers pursuant to the provisions of this Section and Section 4a-9 of this Act. Each private self-insurer shall submit with its initial and renewal applications the application fee required by Section 4a-4 of this Act.

The Chairman of the Commission shall promptly act upon all initial applications and applications for renewal in full accordance with the recommendations of the Board or, should the Chairman disagree with any recommendation of disposition of the Self-Insurer's Advisory Board, he shall within 30 days of receipt of such recommendation provide to the Board in writing the reasons supporting his decision. The Chairman shall also promptly notify the employer of his decision within 15 days of receipt of the recommendation of the Board.

If an employer is denied a renewal of self-insurance privileges pursuant to application it shall retain said privilege for 120 days after receipt of a notice of cancellation of the privilege from the Chairman of the Commission.

New matter indicated by italics - deletions by strikeout
All orders made by the Chairman under this Section shall be subject to review by the courts, such review to be taken in the same manner and within the same time as provided by subsection (f) of Section 19 of this Act for review of awards and decisions of the Commission, upon the party seeking the review filing with the clerk of the court to which such review is taken a bond in an amount to be fixed and approved by the court to which the review is taken, conditioned upon the payment of all compensation awarded against the person taking such review pending a decision thereof and further conditioned upon such other obligations as the court may impose. Upon the review the Circuit Court shall have power to review all questions of fact as well as of law.

(Source: P.A. 92-324, eff. 8-9-01; 93-721, eff. 1-1-05.)

(820 ILCS 305/7) (from Ch. 48, par. 138.7)

Sec. 7. The amount of compensation which shall be paid for an accidental injury to the employee resulting in death is:

(a) If the employee leaves surviving a widow, widower, child or children, the applicable weekly compensation rate computed in accordance with subparagraph 2 of paragraph (b) of Section 8, shall be payable during the life of the widow or widower and if any surviving child or children shall not be physically or mentally incapacitated then until the death of the widow or widower or until the youngest child shall reach the age of 18, whichever shall come later; provided that if such child or children shall be enrolled as a full time student in any accredited educational institution, the payments shall continue until such child has attained the age of 25. In the event any surviving child or children shall be physically or mentally incapacitated, the payments shall continue for the duration of such incapacity.

The term "child" means a child whom the deceased employee left surviving, including a posthumous child, a child legally adopted, a child whom the deceased employee was legally obligated to support or a child to whom the deceased employee stood in loco parentis. The term "children" means the plural of "child".

The term "physically or mentally incapacitated child or children" means a child or children incapable of engaging in regular and substantial gainful employment.

In the event of the remarriage of a widow or widower, where the decedent did not leave surviving any child or children who, at the time of such remarriage, are entitled to compensation benefits under this Act, the surviving spouse shall be paid a lump sum equal to 2 years compensation.
benefits and all further rights of such widow or widower shall be extinguished.

If the employee leaves surviving any child or children under 18 years of age who at the time of death shall be entitled to compensation under this paragraph (a) of this Section, the weekly compensation payments herein provided for such child or children shall in any event continue for a period of not less than 6 years.

Any beneficiary entitled to compensation under this paragraph (a) of this Section shall receive from the special fund provided in paragraph (f) of this Section, in addition to the compensation herein provided, supplemental benefits in accordance with paragraph (g) of Section 8.

(b) If no compensation is payable under paragraph (a) of this Section and the employee leaves surviving a parent or parents who at the time of the accident were totally dependent upon the earnings of the employee then weekly payments equal to the compensation rate payable in the case where the employee leaves surviving a widow or widower, shall be paid to such parent or parents for the duration of their lives, and in the event of the death of either, for the life of the survivor.

(c) If no compensation is payable under paragraphs (a) or (b) of this Section and the employee leaves surviving any child or children who are not entitled to compensation under the foregoing paragraph (a) but who at the time of the accident were nevertheless in any manner dependent upon the earnings of the employee, or leaves surviving a parent or parents who at the time of the accident were partially dependent upon the earnings of the employee, then there shall be paid to such dependent or dependents for a period of 8 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all the rights under this paragraph shall be extinguished.

(d) If no compensation is payable under paragraphs (a), (b) or (c) of this Section and the employee leaves surviving any grandparent, grandparents, grandchild or grandchildren or collateral heirs dependent upon the employee's earnings to the extent of 50% or more of total dependency, then there shall be paid to such dependent or dependents for a period of 5 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of

New matter indicated by italics - deletions by strikeout
any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all rights hereunder shall be extinguished.

(e) The compensation to be paid for accidental injury which results in death, as provided in this Section, shall be paid to the persons who form the basis for determining the amount of compensation to be paid by the employer, the respective shares to be in the proportion of their respective dependency at the time of the accident on the earnings of the deceased. The Commission or an Arbitrator thereof may, in its or his discretion, order or award the payment to the parent or grandparent of a child for the latter's support the amount of compensation which but for such order or award would have been paid to such child as its share of the compensation payable, which order or award may be modified from time to time by the Commission in its discretion with respect to the person to whom shall be paid the amount of the order or award remaining unpaid at the time of the modification.

The payments of compensation by the employer in accordance with the order or award of the Commission discharges such employer from all further obligation as to such compensation.

(f) The sum of $8,000 for burial expenses shall be paid by the employer to the widow or widower, other dependent, next of kin or to the person or persons incurring the expense of burial.

In the event the employer failed to provide necessary first aid, medical, surgical or hospital service, he shall pay the cost thereof to the person or persons entitled to compensation under paragraphs (a), (b), (c) or (d) of this Section, or to the person or persons incurring the obligation therefore, or providing the same.

On January 15 and July 15, 1981, and on January 15 and July 15 of each year thereafter the employer shall within 60 days pay a sum equal to 1/8 of 1% of all compensation payments made by him after July 1, 1980, either under this Act or the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, made during the first 6 months and during the second 6 months respectively of the fiscal year next preceding the date of the payments, into a special fund which shall be designated the "Second Injury Fund", of which the State Treasurer is ex-officio custodian, such special fund to be held and disbursed for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8, either upon the order of the Commission or of a competent court. Said special fund shall be deposited the same as are State funds and any interest

New matter indicated by italics - deletions by strikeout
accruing thereon shall be added thereto every 6 months. It is subject to audit the same as State funds and accounts and is protected by the General bond given by the State Treasurer. It is considered always appropriated for the purposes of disbursements as provided in Section 8, paragraph (f), of this Act, and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose.

On January 15, 1991, the employer shall further pay a sum equal to one half of 1% of all compensation payments made by him from January 1, 1990 through June 30, 1990 either under this Act or under the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, into an additional Special Fund which shall be designated as the "Rate Adjustment Fund". On March 15, 1991, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from January 1, 1991 through June 30, 1991. Within 60 days after January 15 of 1992 and each subsequent year through 1996, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1992 and each subsequent year through 1995, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 1997 and each subsequent year through 2005, the employer shall pay into the Rate Adjustment Fund a sum equal to three-fourths of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1996 and each subsequent year through 2004, the employer shall pay into the Rate Adjustment Fund a sum equal to three-fourths of 1% of all such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 2006 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1% of such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 2005 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1% of such compensation payments made in the first 6 months of the same calendar year. The administrative costs of collecting assessments from employers for the Rate Adjustment Fund shall

New matter indicated by italics - deletions by strikeout
be paid from the Rate Adjustment Fund. The cost of an actuarial audit of
the Fund shall be paid from the Rate Adjustment Fund and the audit shall
be completed no later than July 1, 1997. The State Treasurer is ex officio
custodian of such Special Fund and the same shall be held and disbursed
for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8
upon the order of the Commission or of a competent court. The Rate
Adjustment Fund shall be deposited the same as are State funds and any
interest accruing thereon shall be added thereto every 6 months. It shall be
subject to audit the same as State funds and accounts and shall be
protected by the general bond given by the State Treasurer. It is considered
always appropriated for the purposes of disbursements as provided in
paragraphs (f) and (g) of Section 8 of this Act and shall be paid out and
disbursed as therein provided and shall not at any time be appropriated or
diverted to any other use or purpose. Within 5 days after the effective date
of this amendatory Act of 1990, the Comptroller and the State Treasurer
shall transfer $1,000,000 from the General Revenue Fund to the Rate
Adjustment Fund. By February 15, 1991, the Comptroller and the State
Treasurer shall transfer $1,000,000 from the Rate Adjustment Fund to the
General Revenue Fund. The Comptroller and Treasurer are authorized to
make transfers at the request of the Chairman up to a total of $19,000,000
$15,000,000 from the Second Injury Fund, the General Revenue Fund, and
the Workers' Compensation Benefit Trust Fund to the Rate Adjustment
Fund to the extent that there is insufficient money in the Rate Adjustment
Fund to pay claims and obligations. Amounts may be transferred from the
General Revenue Fund only if the funds in the Second Injury Fund or the
Workers' Compensation Benefit Trust Fund are insufficient to pay claims
and obligations of the Rate Adjustment Fund. All amounts transferred
from the Second Injury Fund, the General Revenue Fund, and the Workers'
Compensation Benefit Trust Fund shall be repaid from the Rate
Adjustment Fund within 270 days of a transfer, together with interest at
the rate earned by moneys on deposit in the Fund or Funds from which the
moneys were transferred.

Upon a finding by the Commission, after reasonable notice and
hearing, that any employer has willfully and knowingly failed to pay the
proper amounts into the Second Injury Fund or the Rate Adjustment Fund
required by this Section or if such payments are not made within the time
periods prescribed by this Section, the employer shall, in addition to such
payments, pay a penalty of 20% of the amount required to be paid or
$2,500, whichever is greater, for each year or part thereof of such failure to
pay. This penalty shall only apply to obligations of an employer to the

New matter indicated by italics - deletions by strikeout
Second Injury Fund or the Rate Adjustment Fund accruing after the effective date of this amendatory Act of 1989. All or part of such a penalty may be waived by the Commission for good cause shown.

Any obligations of an employer to the Second Injury Fund and Rate Adjustment Fund accruing prior to the effective date of this amendatory Act of 1989 shall be paid in full by such employer within 5 years of the effective date of this amendatory Act of 1989, with at least one-fifth of such obligation to be paid during each year following the effective date of this amendatory Act of 1989. If the Commission finds, following reasonable notice and hearing, that an employer has failed to make timely payment of any obligation accruing under the preceding sentence, the employer shall, in addition to all other payments required by this Section, be liable for a penalty equal to 20% of the overdue obligation or $2,500, whichever is greater, for each year or part thereof that obligation is overdue. All or part of such a penalty may be waived by the Commission for good cause shown.

The Chairman of the Illinois Workers' Compensation Commission shall, annually, furnish to the Director of the Department of Insurance a list of the amounts paid into the Second Injury Fund and the Rate Adjustment Fund by each insurance company on behalf of their insured employers. The Director shall verify to the Chairman that the amounts paid by each insurance company are accurate as best as the Director can determine from the records available to the Director. The Chairman shall verify that the amounts paid by each self-insurer are accurate as best as the Chairman can determine from records available to the Chairman. The Chairman may require each self-insurer to provide information concerning the total compensation payments made upon which contributions to the Second Injury Fund and the Rate Adjustment Fund are predicated and any additional information establishing that such payments have been made into these funds. Any deficiencies in payments noted by the Director or Chairman shall be subject to the penalty provisions of this Act.

The State Treasurer, or his duly authorized representative, shall be named as a party to all proceedings in all cases involving claim for the loss of, or the permanent and complete loss of the use of one eye, one foot, one leg, one arm or one hand.

The State Treasurer or his duly authorized agent shall have the same rights as any other party to the proceeding, including the right to petition for review of any award. The reasonable expenses of litigation, such as medical examinations, testimony, and transcript of evidence,
incurred by the State Treasurer or his duly authorized representative, shall be borne by the Second Injury Fund.

If the award is not paid within 30 days after the date the award has become final, the Commission shall proceed to take judgment thereon in its own name as is provided for other awards by paragraph (g) of Section 19 of this Act and take the necessary steps to collect the award.

Any person, corporation or organization who has paid or become liable for the payment of burial expenses of the deceased employee may in his or its own name institute proceedings before the Commission for the collection thereof.

For the purpose of administration, receipts and disbursements, the Special Fund provided for in paragraph (f) of this Section shall be administered jointly with the Special Fund provided for in Section 7, paragraph (f) of the Workers' Occupational Diseases Act.

(g) All compensation, except for burial expenses provided in this Section to be paid in case accident results in death, shall be paid in installments equal to the percentage of the average earnings as provided for in Section 8, paragraph (b) of this Act, at the same intervals at which the wages or earnings of the employees were paid. If this is not feasible, then the installments shall be paid weekly. Such compensation may be paid in a lump sum upon petition as provided in Section 9 of this Act. However, in addition to the benefits provided by Section 9 of this Act where compensation for death is payable to the deceased's widow, widower or to the deceased's widow, widower and one or more children, and where a partial lump sum is applied for by such beneficiary or beneficiaries within 18 months after the deceased's death, the Commission may, in its discretion, grant a partial lump sum of not to exceed 100 weeks of the compensation capitalized at their present value upon the basis of interest calculated at 3% per annum with annual rests, upon a showing that such partial lump sum is for the best interest of such beneficiary or beneficiaries.

(h) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (a), (b), (c), (d) and (f) of this Section shall be increased 50%.

Nothing herein contained repeals or amends the provisions of the Child Labor Law relating to the employment of minors under the age of 16 years.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law or work permit issued pursuant to

New matter indicated by italics - deletions by strikeout
the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section only.

(i) Whenever the dependents of a deceased employee are aliens not residing in the United States, Mexico or Canada, the amount of compensation payable is limited to the beneficiaries described in paragraphs (a), (b) and (c) of this Section and is 50% of the compensation provided in paragraphs (a), (b) and (c) of this Section, except as otherwise provided by treaty.

In a case where any of the persons who would be entitled to compensation is living at any place outside of the United States, then payment shall be made to the personal representative of the deceased employee. The distribution by such personal representative to the persons entitled shall be made to such persons and in such manner as the Commission orders.

(Source: P.A. 92-714, eff. 1-1-03; 93-721, eff. 1-1-05.)

(820 ILCS 305/8) (from Ch. 48, par. 138.8)

Sec. 8. The amount of compensation which shall be paid to the employee for an accidental injury not resulting in death is:

(a) The employer shall provide and pay the negotiated rate, if applicable, or the lesser of the health care provider's actual charges or according to a fee schedule, subject to Section 8.2, in effect at the time the service was rendered for all the necessary first aid, medical and surgical services, and all necessary medical, surgical and hospital services thereafter incurred, limited, however, to that which is reasonably required to cure or relieve from the effects of the accidental injury. If the employer does not dispute payment of first aid, medical, surgical, and hospital services, the employer shall make such payment to the provider on behalf of the employee. The employer shall also pay for treatment, instruction and training necessary for the physical, mental and vocational rehabilitation of the employee, including all maintenance costs and expenses incidental thereto. If as a result of the injury the employee is unable to be self-sufficient the employer shall further pay for such maintenance or institutional care as shall be required.

The employee may at any time elect to secure his own physician, surgeon and hospital services at the employer's expense, or,

Upon agreement between the employer and the employees, or the employees' exclusive representative, and subject to the approval of the Illinois Workers' Compensation Commission, the employer shall maintain

New matter indicated by italics - deletions by strikeout
a list of physicians, to be known as a Panel of Physicians, who are accessible to the employees. The employer shall post this list in a place or places easily accessible to his employees. The employee shall have the right to make an alternative choice of physician from such Panel if he is not satisfied with the physician first selected. If, due to the nature of the injury or its occurrence away from the employer's place of business, the employee is unable to make a selection from the Panel, the selection process from the Panel shall not apply. The physician selected from the Panel may arrange for any consultation, referral or other specialized medical services outside the Panel at the employer's expense. Provided that, in the event the Commission shall find that a doctor selected by the employee is rendering improper or inadequate care, the Commission may order the employee to select another doctor certified or qualified in the medical field for which treatment is required. If the employee refuses to make such change the Commission may relieve the employer of his obligation to pay the doctor's charges from the date of refusal to the date of compliance.

Any vocational rehabilitation counselors who provide service under this Act shall have appropriate certifications which designate the counselor as qualified to render opinions relating to vocational rehabilitation. Vocational rehabilitation may include, but is not limited to, counseling for job searches, supervising a job search program, and vocational retraining including education at an accredited learning institution. The employee or employer may petition to the Commission to decide disputes relating to vocational rehabilitation and the Commission shall resolve any such dispute, including payment of the vocational rehabilitation program by the employer.

The maintenance benefit shall not be less than the temporary total disability rate determined for the employee. In addition, maintenance shall include costs and expenses incidental to the vocational rehabilitation program.

When the employee is working light duty on a part-time basis or full-time basis and earns less than he or she would be earning if employed in the full capacity of the job or jobs, then the employee shall be entitled to temporary partial disability benefits. Temporary partial disability benefits shall be equal to two-thirds of the difference between the average amount that the employee would be able to earn in the full performance of his or her duties in the occupation in which he or she was engaged at the time of accident and the net amount which he or she is earning in the modified job.

New matter indicated by italics - deletions by strikeout
provided to the employee by the employer or in any other job that the employee is working.

Every hospital, physician, surgeon or other person rendering treatment or services in accordance with the provisions of this Section shall upon written request furnish full and complete reports thereof to, and permit their records to be copied by, the employer, the employee or his dependents, as the case may be, or any other party to any proceeding for compensation before the Commission, or their attorneys.

Notwithstanding the foregoing, the employer's liability to pay for such medical services selected by the employee shall be limited to:

(1) all first aid and emergency treatment; plus

(2) all medical, surgical and hospital services provided by the physician, surgeon or hospital initially chosen by the employee or by any other physician, consultant, expert, institution or other provider of services recommended by said initial service provider or any subsequent provider of medical services in the chain of referrals from said initial service provider; plus

(3) all medical, surgical and hospital services provided by any second physician, surgeon or hospital subsequently chosen by the employee or by any other physician, consultant, expert, institution or other provider of services recommended by said second service provider or any subsequent provider of medical services in the chain of referrals from said second service provider.

Thereafter the employer shall select and pay for all necessary medical, surgical and hospital treatment and the employee may not select a provider of medical services at the employer's expense unless the employer agrees to such selection. At any time the employee may obtain any medical treatment he desires at his own expense. This paragraph shall not affect the duty to pay for rehabilitation referred to above.

When an employer and employee so agree in writing, nothing in this Act prevents an employee whose injury or disability has been established under this Act, from relying in good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof, and having nursing services appropriate therewith, without suffering loss or diminution of the compensation benefits under this Act. However, the employee shall submit to all physical examinations required by this Act. The cost of such treatment and nursing care shall be paid by the employee unless the employer agrees to make such payment.

New matter indicated by italics - deletions by strikeout
Where the accidental injury results in the amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the employer shall furnish an artificial of any such members lost or damaged in accidental injury arising out of and in the course of employment, and shall also furnish the necessary braces in all proper and necessary cases. In cases of the loss of a member or members by amputation, the employer shall, whenever necessary, maintain in good repair, refit or replace the artificial limbs during the lifetime of the employee. Where the accidental injury accompanied by physical injury results in damage to a denture, eye glasses or contact eye lenses, or where the accidental injury results in damage to an artificial member, the employer shall replace or repair such denture, glasses, lenses, or artificial member.

The furnishing by the employer of any such services or appliances is not an admission of liability on the part of the employer to pay compensation.

The furnishing of any such services or appliances or the servicing thereof by the employer is not the payment of compensation.

(b) If the period of temporary total incapacity for work lasts more than 3 working days, weekly compensation as hereinafter provided shall be paid beginning on the 4th day of such temporary total incapacity and continuing as long as the total temporary incapacity lasts. In cases where the temporary total incapacity for work continues for a period of 14 days or more from the day of the accident compensation shall commence on the day after the accident.

1. The compensation rate for temporary total incapacity under this paragraph (b) of this Section shall be equal to 66 2/3% of the employee's average weekly wage computed in accordance with Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, the following amounts in the following cases:
   $100.90 in case of a single person;
   $105.50 in case of a married person with no children;
   $108.30 in case of one child;
   $113.40 in case of 2 children;

New matter indicated by italics - deletions by strikeout
$117.40 in case of 3 children;  
$124.30 in case of 4 or more children;  
nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2. The compensation rate in all cases other than for temporary total disability under this paragraph (b), and other than for serious and permanent disfigurement under paragraph (c) and other than for permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e), of this Section shall be equal to 66 2/3% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, the following amounts in the following cases:

- $80.90 in case of a single person;  
- $83.20 in case of a married person with no children;  
- $86.10 in case of one child;  
- $88.90 in case of 2 children;  
- $91.80 in case of 3 children;  
- $96.90 in case of 4 or more children;  
nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2.1. The compensation rate in all cases of serious and permanent disfigurement under paragraph (c) and of permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e) of this Section shall be equal to 60% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, the following amounts in the following cases:

- $80.90 in case of a single person;  
- $83.20 in case of a married person with no children;  

New matter indicated by italics - deletions by strikeout
$86.10 in case of one child;
$88.90 in case of 2 children;
$91.80 in case of 3 children;
$96.90 in case of 4 or more children;

nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

3. As used in this Section the term "child" means a child of the employee including any child legally adopted before the accident or whom at the time of the accident the employee was under legal obligation to support or to whom the employee stood in loco parentis, and who at the time of the accident was under 18 years of age and not emancipated. The term "children" means the plural of "child".

4. All weekly compensation rates provided under subparagraphs 1, 2 and 2.1 of this paragraph (b) of this Section shall be subject to the following limitations:

The maximum weekly compensation rate from July 1, 1975, except as hereinafter provided, shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act, that being the wage that most closely approximates the State's average weekly wage.

The maximum weekly compensation rate, for the period July 1, 1984, through June 30, 1987, except as hereinafter provided, shall be $293.61. Effective July 1, 1987 and on July 1 of each year thereafter the maximum weekly compensation rate, except as hereinafter provided, shall be determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

The maximum weekly compensation rate, for the period January 1, 1981 through December 31, 1983, except as here in after provided, shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act in effect on January 1, 1981. Effective January 1, 1984 and on January 1, of each year there after the maximum weekly compensation rate, except as here in after provided, shall be

New matter indicated by italics - deletions by strikeout
determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

From July 1, 1977 and thereafter such maximum weekly compensation rate in death cases under Section 7, and permanent total disability cases under paragraph (f) or subparagraph 18 of paragraph (3) of this Section and for temporary total disability under paragraph (b) of this Section and for amputation of a member or enucleation of an eye under paragraph (e) of this Section shall be increased to 133-1/3% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

For injuries occurring on or after February 1, 2006, the maximum weekly benefit under paragraph (d)1 of this Section shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

4.1. Any provision herein to the contrary notwithstanding, the weekly compensation rate for compensation payments under subparagraph 18 of paragraph(e) of this Section and under paragraph (f) of this Section and under paragraph (a) of Section 7 and for amputation of a member or enucleation of an eye under paragraph (e) of this Section, shall in no event be less than 50% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

4.2. Any provision to the contrary notwithstanding, the total compensation payable under Section 7 shall not exceed the greater of $500,000 $250,000 or 25 20 years.

5. For the purpose of this Section this State's average weekly wage in covered industries under the Unemployment Insurance Act on July 1, 1975 is hereby fixed at $228.16 per week and the computation of compensation rates shall be based on the aforesaid average weekly wage until modified as hereinafter provided.

6. The Department of Employment Security of the State shall on or before the first day of December, 1977, and on or before the first day of June, 1978, and on the first day of each December
and June of each year thereafter, publish the State's average weekly wage in covered industries under the Unemployment Insurance Act and the Illinois Workers' Compensation Commission shall on the 15th day of January, 1978 and on the 15th day of July, 1978 and on the 15th day of each January and July of each year thereafter, post and publish the State's average weekly wage in covered industries under the Unemployment Insurance Act as last determined and published by the Department of Employment Security. The amount when so posted and published shall be conclusive and shall be applicable as the basis of computation of compensation rates until the next posting and publication as aforesaid.

7. The payment of compensation by an employer or his insurance carrier to an injured employee shall not constitute an admission of the employer's liability to pay compensation.

(c) For any serious and permanent disfigurement to the hand, head, face, neck, arm, leg below the knee or the chest above the axillary line, the employee is entitled to compensation for such disfigurement, the amount determined by agreement at any time or by arbitration under this Act, at a hearing not less than 6 months after the date of the accidental injury, which amount shall not exceed 162 450 weeks at the applicable rate provided in subparagraph 2.1 of paragraph (b) of this Section.

No compensation is payable under this paragraph where compensation is payable under paragraphs (d), (e) or (f) of this Section.

A duly appointed member of a fire department in a city, the population of which exceeds 200,000 according to the last federal or State census, is eligible for compensation under this paragraph only where such serious and permanent disfigurement results from burns.

(d) 1. If, after the accidental injury has been sustained, the employee as a result thereof becomes partially incapacitated from pursuing his usual and customary line of employment, he shall, except in cases compensated under the specific schedule set forth in paragraph (e) of this Section, receive compensation for the duration of his disability, subject to the limitations as to maximum amounts fixed in paragraph (b) of this Section, equal to 66-2/3% of the difference between the average amount which he would be able to earn in the full performance of his duties in the occupation in which he was engaged at the time of the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident.

2. If, as a result of the accident, the employee sustains serious and permanent injuries not covered by paragraphs (c) and (e) of this Section or
having sustained injuries covered by the aforesaid paragraphs (c) and (e), he shall have sustained in addition thereto other injuries which injuries do not incapacitate him from pursuing the duties of his employment but which would disable him from pursuing other suitable occupations, or which have otherwise resulted in physical impairment; or if such injuries partially incapacitate him from pursuing the duties of his usual and customary line of employment but do not result in an impairment of earning capacity, or having resulted in an impairment of earning capacity, the employee elects to waive his right to recover under the foregoing subparagraph 1 of paragraph (d) of this Section then in any of the foregoing events, he shall receive in addition to compensation for temporary total disability under paragraph (b) of this Section, compensation at the rate provided in subparagraph 2.1 of paragraph (b) of this Section for that percentage of 500 weeks that the partial disability resulting from the injuries covered by this paragraph bears to total disability. If the employee shall have sustained a fracture of one or more vertebra or fracture of the skull, the amount of compensation allowed under this Section shall be not less than 6 weeks for a fractured skull and 6 weeks for each fractured vertebra, and in the event the employee shall have sustained a fracture of any of the following facial bones: nasal, lachrymal, vomer, zygoma, maxilla, palatine or mandible, the amount of compensation allowed under this Section shall be not less than 2 weeks for each such fractured bone, and for a fracture of each transverse process not less than 3 weeks. In the event such injuries shall result in the loss of a kidney, spleen or lung, the amount of compensation allowed under this Section shall be not less than 10 weeks for each such organ. Compensation awarded under this subparagraph 2 shall not take into consideration injuries covered under paragraphs (c) and (e) of this Section and the compensation provided in this paragraph shall not affect the employee's right to compensation payable under paragraphs (b), (c) and (e) of this Section for the disabilities therein covered.

(e) For accidental injuries in the following schedule, the employee shall receive compensation for the period of temporary total incapacity for work resulting from such accidental injury, under subparagraph 1 of paragraph (b) of this Section, and shall receive in addition thereto compensation for a further period for the specific loss herein mentioned, but shall not receive any compensation under any other provisions of this Act. The following listed amounts apply to either the loss of or the permanent and complete loss of use of the member specified, such compensation for the length of time as follows:

New matter indicated by italics - deletions by strikeout
1. Thumb-76 \( \div 90 \) weeks.
2. First, or index finger-43 \( \div 40 \) weeks.
3. Second, or middle finger-38 \( \div 35 \) weeks.
4. Third, or ring finger-27 \( \div 25 \) weeks.
5. Fourth, or little finger-22 \( \div 20 \) weeks.
6. Great toe-38 \( \div 35 \) weeks.
7. Each toe other than great toe-13 \( \div 12 \) weeks.
8. The loss of the first or distal phalanx of the thumb or of any finger or toe shall be considered to be equal to the loss of one-half of such thumb, finger or toe and the compensation payable shall be one-half of the amount above specified. The loss of more than one phalanx shall be considered as the loss of the entire thumb, finger or toe. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.
9. Hand-205 \( \div 190 \) weeks. The loss of 2 or more digits, or one or more phalanges of 2 or more digits, of a hand may be compensated on the basis of partial loss of use of a hand, provided, further, that the loss of 4 digits, or the loss of use of 4 digits, in the same hand shall constitute the complete loss of a hand.
10. Arm-253 \( \div 235 \) weeks. Where an accidental injury results in the amputation of an arm below the elbow, such injury shall be compensated as a loss of an arm. Where an accidental injury results in the amputation of an arm above the elbow, compensation for an additional 17 \( \div 15 \) weeks shall be paid, except where the accidental injury results in the amputation of an arm at the shoulder joint, or so close to shoulder joint that an artificial arm cannot be used, or results in the disarticulation of an arm at the shoulder joint, in which case compensation for an additional 70 \( \div 65 \) weeks shall be paid.
11. Foot-167 \( \div 155 \) weeks.
12. Leg-215 \( \div 200 \) weeks. Where an accidental injury results in the amputation of a leg below the knee, such injury shall be compensated as loss of a leg. Where an accidental injury results in the amputation of a leg above the knee, compensation for an additional 27 \( \div 25 \) weeks shall be paid, except where the accidental injury results in the amputation of a leg at the hip joint, or so close to the hip joint that an artificial leg cannot be used, or results in the disarticulation of a leg at the hip joint, in which case compensation for an additional 81 \( \div 75 \) weeks shall be paid.

New matter indicated by italics - deletions by strikeout
13. Eye-162 +50 weeks. Where an accidental injury results in the enucleation of an eye, compensation for an additional 11 +0 weeks shall be paid.

14. Loss of hearing of one ear-54 +50 weeks; total and permanent loss of hearing of both ears-215 +200 weeks.

15. Testicle-54 +50 weeks; both testicles-162 +150 weeks.

16. For the permanent partial loss of use of a member or sight of an eye, or hearing of an ear, compensation during that proportion of the number of weeks in the foregoing schedule provided for the loss of such member or sight of an eye, or hearing of an ear, which the partial loss of use thereof bears to the total loss of use of such member, or sight of eye, or hearing of an ear.

(a) Loss of hearing for compensation purposes shall be confined to the frequencies of 1,000, 2,000 and 3,000 cycles per second. Loss of hearing ability for frequency tones above 3,000 cycles per second are not to be considered as constituting disability for hearing.

(b) The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness, shall be calculated as the average in decibels for the thresholds of hearing for the frequencies of 1,000, 2,000 and 3,000 cycles per second. Pure tone air conduction audiometric instruments, approved by nationally recognized authorities in this field, shall be used for measuring hearing loss. If the losses of hearing average 30 decibels or less in the 3 frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses of hearing average 85 decibels or more in the 3 frequencies, then the same shall constitute and be total or 100% compensable hearing loss.

(c) In measuring hearing impairment, the lowest measured losses in each of the 3 frequencies shall be added together and divided by 3 to determine the average decibel loss. For every decibel of loss exceeding 30 decibels an allowance of 1.82% shall be made up to the maximum of 100% which is reached at 85 decibels.

(d) If a hearing loss is established to have existed on July 1, 1975 by audiometric testing the employer shall not be liable for the previous loss so established nor shall he be

New matter indicated by italics - deletions by strikeout
liable for any loss for which compensation has been paid or awarded.

(e) No consideration shall be given to the question of whether or not the ability of an employee to understand speech is improved by the use of a hearing aid.

(f) No claim for loss of hearing due to industrial noise shall be brought against an employer or allowed unless the employee has been exposed for a period of time sufficient to cause permanent impairment to noise levels in excess of the following:

<table>
<thead>
<tr>
<th>Sound Level DBA</th>
<th>Slow Response</th>
<th>Hours Per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>90</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>92</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>95</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>97</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>100</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>102</td>
<td>1-1/2</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>110</td>
<td>1/2</td>
<td></td>
</tr>
<tr>
<td>115</td>
<td>1/4</td>
<td></td>
</tr>
</tbody>
</table>

This subparagraph (f) shall not be applied in cases of hearing loss resulting from trauma or explosion.

17. In computing the compensation to be paid to any employee who, before the accident for which he claims compensation, had before that time sustained an injury resulting in the loss by amputation or partial loss by amputation of any member, including hand, arm, thumb or fingers, leg, foot or any toes, such loss or partial loss of any such member shall be deducted from any award made for the subsequent injury. For the permanent loss of use or the permanent partial loss of use of any such member or the partial loss of sight of an eye, for which compensation has been paid, then such loss shall be taken into consideration and deducted from any award for the subsequent injury.

18. The specific case of loss of both hands, both arms, or both feet, or both legs, or both eyes, or of any two thereof, or the permanent and complete loss of the use thereof, constitutes total and permanent disability, to be compensated according to the compensation fixed by paragraph (f) of this Section. These specific cases of total and permanent disability do not exclude other cases.

New matter indicated by italics - deletions by strikeout
Any employee who has previously suffered the loss or permanent and complete loss of the use of any of such members, and in a subsequent independent accident loses another or suffers the permanent and complete loss of the use of any one of such members the employer for whom the injured employee is working at the time of the last independent accident is liable to pay compensation only for the loss or permanent and complete loss of the use of the member occasioned by the last independent accident.

19. In a case of specific loss and the subsequent death of such injured employee from other causes than such injury leaving a widow, widower, or dependents surviving before payment or payment in full for such injury, then the amount due for such injury is payable to the widow or widower and, if there be no widow or widower, then to such dependents, in the proportion which such dependency bears to total dependency.

Beginning July 1, 1980, and every 6 months thereafter, the Commission shall examine the Second Injury Fund and when, after deducting all advances or loans made to such Fund, the amount therein is $500,000 then the amount required to be paid by employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Second Injury Fund reaches the sum of $600,000 then the payments shall cease entirely. However, when the Second Injury Fund has been reduced to $400,000, payment of one-half of the amounts required by paragraph (f) of Section 7 shall be resumed, in the manner herein provided, and when the Second Injury Fund has been reduced to $300,000, payment of the full amounts required by paragraph (f) of Section 7 shall be resumed, in the manner herein provided. The Commission shall make the changes in payment effective by general order, and the changes in payment become immediately effective for all cases coming before the Commission thereafter either by settlement agreement or final order, irrespective of the date of the accidental injury.

On August 1, 1996 and on February 1 and August 1 of each subsequent year, the Commission shall examine the special fund designated as the "Rate Adjustment Fund" and when, after deducting all advances or loans made to said fund, the amount therein is $4,000,000, the amount required to be paid by employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Rate Adjustment Fund reaches the sum of $5,000,000 the payment therein shall cease entirely. However, when said Rate Adjustment Fund has been reduced to

New matter indicated by italics - deletions by strikeout
$3,000,000 the amounts required by paragraph (f) of Section 7 shall be resumed in the manner herein provided.

(f) In case of complete disability, which renders the employee wholly and permanently incapable of work, or in the specific case of total and permanent disability as provided in subparagraph 18 of paragraph (e) of this Section, compensation shall be payable at the rate provided in subparagraph 2 of paragraph (b) of this Section for life.

An employee entitled to benefits under paragraph (f) of this Section shall also be entitled to receive from the Rate Adjustment Fund provided in paragraph (f) of Section 7 of the supplementary benefits provided in paragraph (g) of this Section 8.

If any employee who receives an award under this paragraph afterwards returns to work or is able to do so, and earns or is able to earn as much as before the accident, payments under such award shall cease. If such employee returns to work, or is able to do so, and earns or is able to earn part but not as much as before the accident, such award shall be modified so as to conform to an award under paragraph (d) of this Section. If such award is terminated or reduced under the provisions of this paragraph, such employees have the right at any time within 30 months after the date of such termination or reduction to file petition with the Commission for the purpose of determining whether any disability exists as a result of the original accidental injury and the extent thereof.

Disability as enumerated in subdivision 18, paragraph (e) of this Section is considered complete disability.

If an employee who had previously incurred loss or the permanent and complete loss of use of one member, through the loss or the permanent and complete loss of the use of one hand, one arm, one foot, one leg, or one eye, incurs permanent and complete disability through the loss or the permanent and complete loss of the use of another member, he shall receive, in addition to the compensation payable by the employer and after such payments have ceased, an amount from the Second Injury Fund provided for in paragraph (f) of Section 7, which, together with the compensation payable from the employer in whose employ he was when the last accidental injury was incurred, will equal the amount payable for permanent and complete disability as provided in this paragraph of this Section.

The custodian of the Second Injury Fund provided for in paragraph (f) of Section 7 shall be joined with the employer as a party respondent in the application for adjustment of claim. The application for adjustment of
claim shall state briefly and in general terms the approximate time and place and manner of the loss of the first member.

In its award the Commission or the Arbitrator shall specifically find the amount the injured employee shall be weekly paid, the number of weeks compensation which shall be paid by the employer, the date upon which payments begin out of the Second Injury Fund provided for in paragraph (f) of Section 7 of this Act, the length of time the weekly payments continue, the date upon which the pension payments commence and the monthly amount of the payments. The Commission shall 30 days after the date upon which payments out of the Second Injury Fund have begun as provided in the award, and every month thereafter, prepare and submit to the State Comptroller a voucher for payment for all compensation accrued to that date at the rate fixed by the Commission. The State Comptroller shall draw a warrant to the injured employee along with a receipt to be executed by the injured employee and returned to the Commission. The endorsed warrant and receipt is a full and complete acquittance to the Commission for the payment out of the Second Injury Fund. No other appropriation or warrant is necessary for payment out of the Second Injury Fund. The Second Injury Fund is appropriated for the purpose of making payments according to the terms of the awards.

As of July 1, 1980 to July 1, 1982, all claims against and obligations of the Second Injury Fund shall become claims against and obligations of the Rate Adjustment Fund to the extent there is insufficient money in the Second Injury Fund to pay such claims and obligations. In that case, all references to "Second Injury Fund" in this Section shall also include the Rate Adjustment Fund.

(g) Every award for permanent total disability entered by the Commission upon and after July 1, 1965 under which compensation payments shall become due and payable after the effective date of this amendatory Act, and every award for death benefits or permanent total disability entered by the Commission upon and after the effective date of this amendatory Act shall be subject to annual adjustments as to the amount of the compensation rate therein provided. Such adjustments shall first be made on July 15, 1977, and all awards made and entered prior to July 1, 1975 and on July 15 of each year thereafter. In all other cases such adjustment shall be made on July 15 of the second year next following the date of the entry of the award and shall further be made on July 15 annually thereafter. If during the intervening period from the date of the entry of the award, or the last periodic adjustment, there shall have been an increase in the State's average weekly wage in covered industries under the

New matter indicated by italics - deletions by strikeout
Public Act 94-0277

Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act. The increase in the compensation rate under this paragraph shall in no event bring the total compensation rate to an amount greater than the prevailing maximum rate at the time that the annual adjustment is made. Such increase shall be paid in the same manner as herein provided for payments under the Second Injury Fund to the injured employee, or his dependents, as the case may be, out of the Rate Adjustment Fund provided in paragraph (f) of Section 7 of this Act. Payments shall be made at the same intervals as provided in the award or, at the option of the Commission, may be made in quarterly payment on the 15th day of January, April, July and October of each year. In the event of a decrease in such average weekly wage there shall be no change in the then existing compensation rate. The within paragraph shall not apply to cases where there is disputed liability and in which a compromise lump sum settlement between the employer and the injured employee, or his dependents, as the case may be, has been duly approved by the Illinois Workers' Compensation Commission.

Provided, that in cases of awards entered by the Commission for injuries occurring before July 1, 1975, the increases in the compensation rate adjusted under the foregoing provision of this paragraph (g) shall be limited to increases in the State's average weekly wage in covered industries under the Unemployment Insurance Act occurring after July 1, 1975.

For every accident occurring after the effective date of this amendatory Act of the 94th General Assembly, the annual adjustments to the compensation rate in awards for death benefits or permanent total disability, as provided in this Act, shall be paid by the employer. The adjustment shall be made by the employer on July 15 of the second year next following the date of the entry of the award and shall further be made on July 15 annually thereafter. If during the intervening period from the date of the entry of the award, or the last periodic adjustment, there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the employer shall increase the weekly compensation rate proportionately by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act. The increase in the compensation rate under this paragraph shall in no event bring the total compensation rate to an amount greater than the prevailing

New matter indicated by italics - deletions by strikeout
maximum rate at the time that the annual adjustment is made. In the event of a decrease in such average weekly wage there shall be no change in the then existing compensation rate. Such increase shall be paid by the employer in the same manner and at the same intervals as the payment of compensation in the award. This paragraph shall not apply to cases where there is disputed liability and in which a compromise lump sum settlement between the employer and the injured employee, or his or her dependents, as the case may be, has been duly approved by the Illinois Workers' Compensation Commission.

The annual adjustments for every award of death benefits or permanent total disability involving accidents occurring before the effective date of this amendatory Act of the 94th General Assembly shall continue to be paid from the Rate Adjustment Fund pursuant to this paragraph and Section 7(f) of this Act.

(h) In case death occurs from any cause before the total compensation to which the employee would have been entitled has been paid, then in case the employee leaves any widow, widower, child, parent (or any grandchild, grandparent or other lineal heir or any collateral heir dependent at the time of the accident upon the earnings of the employee to the extent of 50% or more of total dependency) such compensation shall be paid to the beneficiaries of the deceased employee and distributed as provided in paragraph (g) of Section 7.

(h-1) In case an injured employee is under legal disability at the time when any right or privilege accrues to him or her under this Act, a guardian may be appointed pursuant to law, and may, on behalf of such person under legal disability, claim and exercise any such right or privilege with the same effect as if the employee himself or herself had claimed or exercised the right or privilege. No limitations of time provided by this Act run so long as the employee who is under legal disability is without a conservator or guardian.

(i) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (b), (c), (d), (e) and (f) of this Section is increased 50%.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section.

New matter indicated by italics - deletions by strikeout
Nothing herein contained repeals or amends the provisions of the Child Labor Law relating to the employment of minors under the age of 16 years.

(j) 1. In the event the injured employee receives benefits, including medical, surgical or hospital benefits under any group plan covering non-occupational disabilities contributed to wholly or partially by the employer, which benefits should not have been payable if any rights of recovery existed under this Act, then such amounts so paid to the employee from any such group plan as shall be consistent with, and limited to, the provisions of paragraph 2 hereof, shall be credited to or against any compensation payment for temporary total incapacity for work or any medical, surgical or hospital benefits made or to be made under this Act. In such event, the period of time for giving notice of accidental injury and filing application for adjustment of claim does not commence to run until the termination of such payments. This paragraph does not apply to payments made under any group plan which would have been payable irrespective of an accidental injury under this Act. Any employer receiving such credit shall keep such employee safe and harmless from any and all claims or liabilities that may be made against him by reason of having received such payments only to the extent of such credit.

Any excess benefits paid to or on behalf of a State employee by the State Employees' Retirement System under Article 14 of the Illinois Pension Code on a death claim or disputed disability claim shall be credited against any payments made or to be made by the State of Illinois to or on behalf of such employee under this Act, except for payments for medical expenses which have already been incurred at the time of the award. The State of Illinois shall directly reimburse the State Employees' Retirement System to the extent of such credit.

2. Nothing contained in this Act shall be construed to give the employer or the insurance carrier the right to credit for any benefits or payments received by the employee other than compensation payments provided by this Act, and where the employee receives payments other than compensation payments, whether as full or partial salary, group insurance benefits, bonuses, annuities or any other payments, the employer or insurance carrier shall receive credit for each such payment only to the extent of the compensation that would have been payable during the period covered by such payment.

3. The extension of time for the filing of an Application for Adjustment of Claim as provided in paragraph 1 above shall not apply to those cases where the time for such filing had expired prior to the date on
which payments or benefits enumerated herein have been initiated or resumed. Provided however that this paragraph 3 shall apply only to cases wherein the payments or benefits hereinabove enumerated shall be received after July 1, 1969.

(Source: P.A. 93-721, eff. 1-1-05.)

(820 ILCS 305/8.2 new)

Sec. 8.2. Fee schedule.

(a) Except as provided for in subsection (c), on and after February 1, 2006, the maximum allowable payment for procedures, treatments, or services covered under this Act shall be 90% of the 80th percentile of charges and fees as determined by the Commission utilizing information provided by employers' and insurers' national databases, with a minimum of 12,000,000 Illinois line item charges and fees comprised of health care provider and hospital charges and fees as of August 1, 2004 but not earlier than August 1, 2002. These charges and fees are provider billed amounts and shall not include discounted charges. The 80th percentile is the point on an ordered data set from low to high such that 80% of the cases are below or equal to that point and at most 20% are above or equal to that point. The Commission shall adjust these historical charges and fees as of August 1, 2004 by the Consumer Price Index-U for the period August 1, 2004 through September 30, 2005. The Commission shall establish fee schedules for procedures, treatments, or services for hospital inpatient, hospital outpatient, emergency room and trauma, ambulatory surgical treatment centers, and professional services. These charges and fees shall be designated by geozip or any smaller geographic unit. The data shall in no way identify or tend to identify any patient, employer, or health care provider. As used in this Section, "geozip" means a three-digit zip code based on data similarities, geographical similarities, and frequencies. A geozip does not cross state boundaries. As used in this Section, "three-digit zip code" means a geographic area in which all zip codes have the same first 3 digits. If a geozip does not have the necessary number of charges and fees to calculate a valid percentile for a specific procedure, treatment, or service, the Commission may combine data from the geozip with up to 4 other geozips that are demographically and economically similar and exhibit similarities in data and frequencies until the Commission reaches 9 charges or fees for that specific procedure, treatment, or service. In cases where the compiled data contains less than 9 charges or fees for a procedure, treatment, or service, reimbursement shall occur at 76% of charges and fees as determined by the Commission in a manner consistent with the provisions of this paragraph. The

New matter indicated by italics - deletions by strikeout
Commission has the authority to set the maximum allowable payment to providers of out-of-state procedures, treatments, or services covered under this Act in a manner consistent with this Section. Not later than September 30 in 2006 and each year thereafter, the Commission shall automatically increase or decrease the maximum allowable payment for a procedure, treatment, or service established and in effect on January 1 of that year by the percentage change in the Consumer Price Index-U for the 12 month period ending August 31 of that year. The increase or decrease shall become effective on January 1 of the following year. As used in this Section, "Consumer Price Index-U" means the index published by the Bureau of Labor Statistics of the U.S. Department of Labor, that measures the average change in prices of all goods and services purchased by all urban consumers, U.S. city average, all items, 1982-84=100.

(b) Notwithstanding the provisions of subsection (a), if the Commission finds that there is a significant limitation on access to quality health care in either a specific field of health care services or a specific geographic limitation on access to health care, it may change the Consumer Price Index-U increase or decrease for that specific field or specific geographic limitation on access to health care to address that limitation.

(c) The Commission shall establish by rule a process to review those medical cases or outliers that involve extra-ordinary treatment to determine whether to make an additional adjustment to the maximum payment within a fee schedule for a procedure, treatment, or service.

(d) When a patient notifies a provider that the treatment, procedure, or service being sought is for a work-related illness or injury and furnishes the provider the name and address of the responsible employer, the provider shall bill the employer directly. The employer shall make payment and providers shall submit bills and records in accordance with the provisions of this Section. All payments to providers for treatment provided pursuant to this Act shall be made within 60 days of receipt of the bills as long as the claim contains substantially all the required data elements necessary to adjudicate the bills. In the case of nonpayment to a provider within 60 days of receipt of the bill which contained substantially all of the required data elements necessary to adjudicate the bill or nonpayment to a provider of a portion of such a bill up to the lesser of the actual charge or the payment level set by the Commission in the fee schedule established in this Section, the bill, or portion of the bill, shall incur interest at a rate of 1% per month payable to the provider.

New matter indicated by italics - deletions by strikeout
(e) Except as provided in subsections (e-5), (e-10), and (e-15), a provider shall not hold an employee liable for costs related to a non-disputed procedure, treatment, or service rendered in connection with a compensable injury. The provisions of subsections (e-5), (e-10), (e-15), and (e-20) shall not apply if an employee provides information to the provider regarding participation in a group health plan. If the employee participates in a group health plan, the provider may submit a claim for services to the group health plan. If the claim for service is covered by the group health plan, the employee's responsibility shall be limited to applicable deductibles, co-payments, or co-insurance. Except as provided under subsections (e-5), (e-10), (e-15), and (e-20), a provider shall not bill or otherwise attempt to recover from the employee the difference between the provider's charge and the amount paid by the employer or the insurer on a compensable injury.

(e-5) If an employer notifies a provider that the employer does not consider the illness or injury to be compensable under this Act, the provider may seek payment of the provider's actual charges from the employee for any procedure, treatment, or service rendered. Once an employee informs the provider that there is an application filed with the Commission to resolve a dispute over payment of such charges, the provider shall cease any and all efforts to collect payment for the services that are the subject of the dispute. Any statute of limitations or statute of repose applicable to the provider's efforts to collect payment from the employee shall be tolled from the date that the employee files the application with the Commission until the date that the provider is permitted to resume collection efforts under the provisions of this Section.

(e-10) If an employer notifies a provider that the employer will pay only a portion of a bill for any procedure, treatment, or service rendered in connection with a compensable illness or disease, the provider may seek payment from the employee for the remainder of the amount of the bill up to the lesser of the actual charge, negotiated rate, if applicable, or the payment level set by the Commission in the fee schedule established in this Section. Once an employee informs the provider that there is an application filed with the Commission to resolve a dispute over payment of such charges, the provider shall cease any and all efforts to collect payment for the services that are the subject of the dispute. Any statute of limitations or statute of repose applicable to the provider's efforts to collect payment from the employee shall be tolled from the date that the employee files the application with the Commission until the date that the

New matter indicated by italics - deletions by strikeout
provider is permitted to resume collection efforts under the provisions of this Section.

(e-15) When there is a dispute over the compensability of or amount of payment for a procedure, treatment, or service, and a case is pending or proceeding before an Arbitrator or the Commission, the provider may mail the employee reminders that the employee will be responsible for payment of any procedure, treatment or service rendered by the provider. The reminders must state that they are not bills, to the extent practicable include itemized information, and state that the employee need not pay until such time as the provider is permitted to resume collection efforts under this Section. The reminders shall not be provided to any credit rating agency. The reminders may request that the employee furnish the provider with information about the proceeding under this Act, such as the file number, names of parties, and status of the case. If an employee fails to respond to such request for information or fails to furnish the information requested within 90 days of the date of the reminder, the provider is entitled to resume any and all efforts to collect payment from the employee for the services rendered to the employee and the employee shall be responsible for payment of any outstanding bills for a procedure, treatment, or service rendered by a provider.

(e-20) Upon a final award or judgment by an Arbitrator or the Commission, or a settlement agreed to by the employer and the employee, a provider may resume any and all efforts to collect payment from the employee for the services rendered to the employee and the employee shall be responsible for payment of any outstanding bills for a procedure, treatment, or service rendered by a provider as well as the interest awarded under subsection (d) of this Section. In the case of a procedure, treatment, or service deemed compensable, the provider shall not require a payment rate, excluding the interest provisions under subsection (d), greater than the lesser of the actual charge or the payment level set by the Commission in the fee schedule established in this Section. Payment for services deemed not covered or not compensable under this Act is the responsibility of the employee unless a provider and employee have agreed otherwise in writing. Services not covered or not compensable under this Act are not subject to the fee schedule in this Section.

(f) Nothing in this Act shall prohibit an employer or insurer from contracting with a health care provider or group of health care providers for reimbursement levels for benefits under this Act different from those provided in this Section.
(g) On or before January 1, 2010 the Commission shall provide to the Governor and General Assembly a report regarding the implementation of the medical fee schedule and the index used for annual adjustment to that schedule as described in this Section.

(820 ILCS 305/8.3 new)

Sec. 8.3. Workers’ Compensation Medical Fee Advisory Board. There is created a Workers' Compensation Medical Fee Advisory Board consisting of 9 members appointed by the Governor with the advice and consent of the Senate. Three members of the Advisory Board shall be representative citizens chosen from the employee class, 3 members shall be representative citizens chosen from the employing class, and 3 members shall be representative citizens chosen from the medical provider class. Each member shall serve a 4-year term and shall continue to serve until a successor is appointed. A vacancy on the Advisory Board shall be filled by the Governor for the unexpired term.

Members of the Advisory Board shall receive no compensation for their services but shall be reimbursed for expenses incurred in the performance of their duties by the Commission from appropriations made to the Commission for that purpose.

The Advisory Board shall advise the Commission on establishment of fees for medical services and accessibility of medical treatment.

(820 ILCS 305/8.7 new)

Sec. 8.7. Utilization review programs.

(a) As used in this Section:

"Utilization review" means the evaluation of proposed or provided health care services to determine the appropriateness of both the level of health care services medically necessary and the quality of health care services provided to a patient, including evaluation of their efficiency, efficacy, and appropriateness of treatment, hospitalization, or office visits based on medically accepted standards. The evaluation must be accomplished by means of a system that identifies the utilization of health care services based on standards of care or nationally recognized peer review guidelines as well as nationally recognized evidence based upon standards as provided in this Act. Utilization techniques may include prospective review, second opinions, concurrent review, discharge planning, peer review, independent medical examinations, and retrospective review. Nothing in this Section applies to prospective review of necessary first aid or emergency treatment.

(b) No person may conduct a utilization review program for workers' compensation services in this State unless once every 2 years the

New matter indicated by italics - deletions by strikeout
person registers the utilization review program with the Department of
Financial and Professional Regulation and certifies compliance with the
Workers' Compensation Utilization Management standards or Health
Utilization Management Standards of URAC sufficient to achieve URAC
accreditation or submits evidence of accreditation by URAC for its
Workers' Compensation Utilization Management Standards or Health
Utilization Management Standards. Nothing in this Act shall be construed
to require an employer or insurer or its subcontractors to become URAC
accredited.

(c) In addition, the Secretary of Financial and Professional
Regulation may certify alternative utilization review standards of national
accreditation organizations or entities in order for plans to comply with
this Section. Any alternative utilization review standards shall meet or
exceed those standards required under subsection (b).

(d) This registration shall include submission of all of the
following information regarding utilization review program activities:

(1) The name, address, and telephone number of the
utilization review programs.

(2) The organization and governing structure of the
utilization review programs.

(3) The number of lives for which utilization review is
conducted by each utilization review program.

(4) Hours of operation of each utilization review program.

(5) Description of the grievance process for each
utilization review program.

(6) Number of covered lives for which utilization review
was conducted for the previous calendar year for each utilization
review program.

(7) Written policies and procedures for protecting
confidential information according to applicable State and federal
laws for each utilization review program.

(e) A utilization review program shall have written procedures to
ensure that patient-specific information obtained during the process of
utilization review will be:

(1) kept confidential in accordance with applicable State
and federal laws; and

(2) shared only with the employee, the employee's
designee, and the employee's health care provider, and those who
are authorized by law to receive the information. Summary data
shall not be considered confidential if it does not provide
information to allow identification of individual patients or health care providers.

Only a health care professional may make determinations regarding the medical necessity of health care services during the course of utilization review.

When making retrospective reviews, utilization review programs shall base reviews solely on the medical information available to the attending physician or ordering provider at the time the health care services were provided.

(f) If the Department of Financial and Professional Regulation finds that a utilization review program is not in compliance with this Section, the Department shall issue a corrective action plan and allow a reasonable amount of time for compliance with the plan. If the utilization review program does not come into compliance, the Department may issue a cease and desist order. Before issuing a cease and desist order under this Section, the Department shall provide the utilization review program with a written notice of the reasons for the order and allow a reasonable amount of time to supply additional information demonstrating compliance with the requirements of this Section and to request a hearing. The hearing notice shall be sent by certified mail, return receipt requested, and the hearing shall be conducted in accordance with the Illinois Administrative Procedure Act.

(g) A utilization review program subject to a corrective action may continue to conduct business until a final decision has been issued by the Department.

(h) The Secretary of Financial and Professional Regulation may by rule establish a registration fee for each person conducting a utilization review program.

(i) A utilization review will be considered by the Commission, along with all other evidence and in the same manner as all other evidence, in the determination of the reasonableness and necessity of the medical bills or treatment. Nothing in this Section shall be construed to diminish the rights of employees to reasonable and necessary medical treatment or employee choice of health care provider under Section 8(a) or the rights of employers to medical examinations under Section 12.

(j) When an employer denies payment of or refuses to authorize payment of first aid, medical, surgical, or hospital services under Section 8(a) of this Act, if that denial or refusal to authorize complies with a utilization review program registered under this Section and complies with all other requirements of this Section, then there shall be a rebuttable
presumption that the employer shall not be responsible for payment of additional compensation pursuant to Section 19(k) of this Act and if that denial or refusal to authorize does not comply with a utilization review program registered under this Section and does not comply with all other requirements of this Section, then that will be considered by the Commission, along with all other evidence and in the same manner as all other evidence, in the determination of whether the employer may be responsible for the payment of additional compensation pursuant to Section 19(k) of this Act.

(820 ILCS 305/12) (from Ch. 48, par. 138.12)

Sec. 12. An employee entitled to receive disability payments shall be required, if requested by the employer, to submit himself, at the expense of the employer, for examination to a duly qualified medical practitioner or surgeon selected by the employer, at any time and place reasonably convenient for the employee, either within or without the State of Illinois, for the purpose of determining the nature, extent and probable duration of the injury received by the employee, and for the purpose of ascertaining the amount of compensation which may be due the employee from time to time for disability according to the provisions of this Act. An employee may also be required to submit himself for examination by medical experts under subsection (c) of Section 19.

An employer requesting such an examination, of an employee residing within the State of Illinois, shall deliver to the employee with the notice of the time and place of examination pay in advance of the time fixed for the examination sufficient money to defray the necessary expense of travel by the most convenient means to and from the place of examination, and the cost of meals necessary during the trip, and if the examination or travel to and from the place of examination causes any loss of working time on the part of the employee, the employer shall reimburse him for such loss of wages upon the basis of his average daily wage. Such examination shall be made in the presence of a duly qualified medical practitioner or surgeon provided and paid for by the employee, if such employee so desires.

In all cases where the examination is made by a surgeon engaged by the employer, and the injured employee has no surgeon present at such examination, it shall be the duty of the surgeon making the examination at the instance of the employer to deliver to the injured employee, or his representative, a statement in writing of the condition and extent of the injury to the same extent that said surgeon reports to the employer and the same shall be an exact copy of that furnished to the employer, said copy to

New matter indicated by italics - deletions by strikeout
be furnished the employee, or his representative as soon as practicable but not later than 48 hours before the time the case is set for hearing. Such delivery shall be made in person either to the employee or his representative, or by registered mail to either, and the receipt of either shall be proof of such delivery. If such surgeon refuses to furnish the employee with such statement to the same extent as that furnished the employer said surgeon shall not be permitted to testify at the hearing next following said examination.

If the employee refuses so to submit himself to examination or unnecessarily obstructs the same, his right to compensation payments shall be temporarily suspended until such examination shall have taken place, and no compensation shall be payable under this Act for such period.

It shall be the duty of surgeons treating an injured employee who is likely to die, and treating him at the instance of the employer, to have called in another surgeon to be designated and paid for by either the injured employee or by the person or persons who would become his beneficiary or beneficiaries, to make an examination before the death of such injured employee.

In all cases where the examination is made by a surgeon engaged by the injured employee, and the employer has no surgeon present at such examination, it shall be the duty of the surgeon making the examination at the instance of the employee, to deliver to the employer, or his representative, a statement in writing of the condition and extent of the injury to the same extent that said surgeon reports to the employee and the same shall be an exact copy of that furnished to the employee, said copy to be furnished the employer, or his representative, as soon as practicable but not later than 48 hours before the time the case is set for hearing. Such delivery shall be made in person either to the employer, or his representative, or by registered mail to either, and the receipt of either shall be proof of such delivery. If such surgeon refuses to furnish the employer with such statement to the same extent as that furnished the employee, said surgeon shall not be permitted to testify at the hearing next following said examination.

(Source: P.A. 81-1482.)

(820 ILCS 305/13) (from Ch. 48, par. 138.13)

Sec. 13. There is created an Illinois Workers’ Compensation Commission consisting of 10 members to be appointed by the Governor, by and with the consent of the Senate, 7 of whom shall be representative citizens of the employing class operating under this Act and 3 of whom shall be representative citizens of the class of employees covered under

New matter indicated by italics - deletions by strikeout
this Act, and 4 3 of whom shall be representative citizens not identified with either the employing or employee classes. Not more than 6 4 members of the Commission shall be of the same political party.

One of the 3 members not identified with either the employing or employee classes shall be designated by the Governor as Chairman. The Chairman shall be the chief administrative and executive officer of the Commission; and he or she shall have general supervisory authority over all personnel of the Commission, including arbitrators and Commissioners, and the final authority in all administrative matters relating to the Commissioners, including but not limited to the assignment and distribution of cases and assignment of Commissioners to the panels, except in the promulgation of procedural rules and orders under Section 16 and in the determination of cases under this Act.

Notwithstanding the general supervisory authority of the Chairman, each Commissioner, except those assigned to the temporary panel, shall have the authority to hire and supervise 2 staff attorneys each. Such staff attorneys shall report directly to the individual Commissioner.

A formal training program for newly-appointed Commissioners shall be implemented. The training program shall include the following:

(a) substantive and procedural aspects of the office of Commissioner;
(b) current issues in workers' compensation law and practice;
(c) medical lectures by specialists in areas such as orthopedics, ophthalmology, psychiatry, rehabilitation counseling;
(d) orientation to each operational unit of the Illinois Workers' Compensation Commission;
(e) observation of experienced arbitrators and Commissioners conducting hearings of cases, combined with the opportunity to discuss evidence presented and rulings made;
(f) the use of hypothetical cases requiring the newly-appointed Commissioner to issue judgments as a means to evaluating knowledge and writing ability;
(g) writing skills.

A formal and ongoing professional development program including, but not limited to, the above-noted areas shall be implemented to keep Commissioners informed of recent developments and issues and to assist them in maintaining and enhancing their professional competence.

The Commissioner candidates, other than the Chairman, must meet one of the following qualifications: (a) licensed to practice law in the State

New matter indicated by italics - deletions by strikeout
of Illinois; or (b) served as an arbitrator at the Illinois Workers' Compensation Commission for at least 3 years; or (c) has at least 4 years of professional labor relations experience. The Chairman candidate must have public or private sector management and budget experience, as determined by the Governor.

Each Commissioner shall devote full time to his duties and any Commissioner who is an attorney-at-law shall not engage in the practice of law, nor shall any Commissioner hold any other office or position of profit under the United States or this State or any municipal corporation or political subdivision of this State, nor engage in any other business, employment, or vocation.

The term of office of each member of the Commission holding office on the effective date of this amendatory Act of 1989 is abolished, but the incumbents shall continue to exercise all of the powers and be subject to all of the duties of Commissioners until their respective successors are appointed and qualified.

The Illinois Workers' Compensation Commission shall administer this Act.

*In the promulgation of procedural rules, the determination of cases heard en banc, and other matters determined by the full Commission, the Chairman's vote shall break a tie in the event of a tie vote.*

The members shall be appointed by the Governor, with the advice and consent of the Senate, as follows:

(a) After the effective date of this amendatory Act of 1989, 3 members, at least one of each political party, and one of whom shall be a representative citizen of the employing class operating under this Act, one of whom shall be a representative citizen of the class of employees covered under this Act, and one of whom shall be a representative citizen not identified with either the employing or employee classes, shall be appointed to hold office until the third Monday in January of 1993, and until their successors are appointed and qualified, and 4 members, one of whom shall be a representative citizen of the employing class operating under this Act, one of whom shall be a representative citizen of the class of employees covered in this Act, and two of whom shall be representative citizens not identified with either the employing or employee classes, one of whom shall be designated by the Governor as Chairman (at least one of each of the two major political parties) shall be appointed to hold office until the third

New matter indicated by italics - deletions by strikeout
Monday of January in 1991, and until their successors are appointed and qualified.

(a-5) Notwithstanding any other provision of this Section, the term of each member of the Commission who was appointed by the Governor and is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the successor members to be appointed pursuant to this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later. As soon as possible, the Governor shall appoint persons to fill the vacancies created by this amendatory Act. Of the initial commissioners appointed pursuant to this amendatory Act of the 93rd General Assembly, 3 shall be appointed for terms ending on the third Monday in January, 2005, and 4 shall be appointed for terms ending on the third Monday in January, 2007.

(a-10) After the effective date of this amendatory Act of the 94th General Assembly, the Commission shall be increased to 10 members. As soon as possible after the effective date of this amendatory Act of the 94th General Assembly, the Governor shall appoint, by and with the consent of the Senate, the 3 members added to the Commission under this amendatory Act of the 94th General Assembly, one of whom shall be a representative citizen of the employing class operating under this Act, one of whom shall be a representative of the class of employees covered under this Act, and one of whom shall be a representative citizen not identified with either the employing or employee classes. Of the members appointed under this amendatory Act of the 94th General Assembly, one shall be appointed for a term ending on the third Monday in January, 2007, and 2 shall be appointed for terms ending on the third Monday in January, 2009, and until their successors are appointed and qualified.

(b) Members shall thereafter be appointed to hold office for terms of 4 years from the third Monday in January of the year of their appointment, and until their successors are appointed and qualified. All such appointments shall be made so that the composition of the Commission is in accordance with the provisions of the first paragraph of this Section. The Chairman shall receive an annual salary of $42,500, or a salary set by the Compensation Review Board, whichever is greater, and each
other member shall receive an annual salary of $38,000, or a salary set by
the Compensation Review Board, whichever is greater.

In case of a vacancy in the office of a Commissioner during the
recess of the Senate, the Governor shall make a temporary appointment
until the next meeting of the Senate, when he shall nominate some person
to fill such office. Any person so nominated who is confirmed by the
Senate shall hold office during the remainder of the term and until his
successor is appointed and qualified.

The Illinois Workers' Compensation Commission created by this
amendatory Act of 1989 shall succeed to all the rights, powers, duties,
obligations, records and other property and employees of the Industrial
Commission which it replaces as modified by this amendatory Act of 1989
and all applications and reports to actions and proceedings of such prior
Industrial Commission shall be considered as applications and reports to
actions and proceedings of the Illinois Workers' Compensation
Commission created by this amendatory Act of 1989.

Notwithstanding any other provision of this Act, in the event the
Chairman shall make a finding that a member is or will be unavailable to
fulfill the responsibilities of his or her office, the Chairman shall advise
the Governor and the member in writing and shall designate a certified
arbitrator to serve as acting Commissioner. The certified arbitrator shall
act as a Commissioner until the member resumes the duties of his or her
office or until a new member is appointed by the Governor, by and with
the consent of the Senate, if a vacancy occurs in the office of the
Commissioner, but in no event shall a certified arbitrator serve in the
capacity of Commissioner for more than 6 months from the date of
appointment by the Chairman. A finding by the Chairman that a member
is or will be unavailable to fulfill the responsibilities of his or her office
shall be based upon notice to the Chairman by a member that he or she
will be unavailable or facts and circumstances made known to the
Chairman which lead him to reasonably find that a member is unavailable
to fulfill the responsibilities of his or her office. The designation of a
certified arbitrator to act as a Commissioner shall be considered
representative of citizens not identified with either the employing or
employee classes and the arbitrator shall serve regardless of his or her
political affiliation. A certified arbitrator who serves as an acting
Commissioner shall have all the rights and powers of a Commissioner,
including salary.

Notwithstanding any other provision of this Act, the Governor
shall appoint a special panel of Commissioners comprised of 3 members

New matter indicated by italics - deletions by strikeout
who shall be chosen by the Governor, by and with the consent of the Senate, from among the current ranks of certified arbitrators. Three members shall hold office until the Commission in consultation with the Governor determines that the caseload on review has been reduced sufficiently to allow cases to proceed in a timely manner or for a term of 18 months from the effective date of their appointment by the Governor, whichever shall be earlier. The 3 members shall be considered representative of citizens not identified with either the employing or employee classes and shall serve regardless of political affiliation. Each of the 3 members shall have only such rights and powers of a Commissioner necessary to dispose of those cases assigned to the special panel. Each of the 3 members appointed to the special panel shall receive the same salary as other Commissioners for the duration of the panel.

The Commission may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Commission.

On the effective date of this amendatory Act of the 93rd General Assembly, the name of the Industrial Commission is changed to the Illinois Workers' Compensation Commission. References in any law, appropriation, rule, form, or other document: (i) to the Industrial Commission are deemed, in appropriate contexts, to be references to the Illinois Workers' Compensation Commission for all purposes; (ii) to the Industrial Commission Operations Fund are deemed, in appropriate contexts, to be references to the Illinois Workers' Compensation Commission Operations Fund for all purposes; (iii) to the Industrial Commission Operations Fund Fee are deemed, in appropriate contexts, to be references to the Illinois Workers' Compensation Commission Operations Fund Fee for all purposes; and (iv) to the Industrial Commission Operations Fund Surcharge are deemed, in appropriate contexts, to be references to the Illinois Workers' Compensation Commission Operations Fund Surcharge for all purposes.

(Source: P.A. 93-509, eff. 8-11-03; 93-721, eff. 1-1-05.)

(820 ILCS 305/13.1) (from Ch. 48, par. 138.13-1)

Sec. 13.1. (a) There is created a Workers' Compensation Advisory Board hereinafter referred to as the Advisory Board. After the effective date of this amendatory Act of the 94th General Assembly, the Advisory Board shall consist, consisting of 12 members appointed by the Governor with the advice and consent of the Senate. Six members of the Advisory Board shall be representative citizens chosen from the
employee class, and 6 3 members shall be representative citizens chosen from the employing class and 3 members shall be representative citizens not identified with either the employing or employee class. The Chairman of the Commission shall serve as the ex officio Chairman of the Advisory Board. After the effective date of this amendatory Act of the 94th General Assembly, each member of the Advisory Board shall serve a 4-year term ending on the third Monday in January 2007 and shall continue to serve until his or her successor is appointed and qualified. Members of the Advisory Board shall thereafter be appointed for 4 year terms from the third Monday in January of the year of their appointment, and until their successors are appointed and qualified. The Governor shall select one of the members not identified with either the employing or employee class to serve as Chairman. Seven Five members of the Advisory Board shall constitute a quorum to do business, but in no case shall there be less than one representative from each class, employee, employing and representative citizen not identified with either the employing or employee class. A vacancy on the Advisory Board shall be filled by the Governor for the unexpired term.

(b) Members of the Advisory Board shall receive no compensation for their services but shall be reimbursed for expenses incurred in the performance of their duties by the Commission from appropriations made to the Commission for such purpose.

(c) The Advisory Board shall aid the Commission in formulating policies, discussing problems, setting priorities of expenditures and establishing short and long range administrative goals. Prior to making appointments to the Commission, the Governor shall request that the Advisory Board make recommendations as to candidates to consider for appointment and the Advisory Board may then make such recommendations.

(Source: P.A. 86-998.)

(820 ILCS 305/14) (from Ch. 48, par. 138.14)

Sec. 14. The Commission shall appoint a secretary, an assistant secretary, and arbitrators and shall employ such assistants and clerical help as may be necessary.

Each arbitrator appointed after November 22, 1977 shall be required to demonstrate in writing and in accordance with the rules and regulations of the Illinois Department of Central Management Services his or her knowledge of and expertise in the law of and judicial processes of the Workers' Compensation Act and the Occupational Diseases Act.
A formal training program for newly-hired arbitrators shall be implemented. The training program shall include the following:

(a) substantive and procedural aspects of the arbitrator position;
(b) current issues in workers' compensation law and practice;
(c) medical lectures by specialists in areas such as orthopedics, ophthalmology, psychiatry, rehabilitation counseling;
(d) orientation to each operational unit of the Illinois Workers' Compensation Commission;
(e) observation of experienced arbitrators conducting hearings of cases, combined with the opportunity to discuss evidence presented and rulings made;
(f) the use of hypothetical cases requiring the trainee to issue judgments as a means to evaluating knowledge and writing ability;
(g) writing skills.

A formal and ongoing professional development program including, but not limited to, the above-noted areas shall be implemented to keep arbitrators informed of recent developments and issues and to assist them in maintaining and enhancing their professional competence.

Each arbitrator shall devote full time to his or her duties and shall serve when assigned as an acting Commissioner when a Commissioner is unavailable in accordance with the provisions of Section 13 of this Act. Any arbitrator who is an attorney-at-law shall not engage in the practice of law, nor shall any arbitrator hold any other office or position of profit under the United States or this State or any municipal corporation or political subdivision of this State. Notwithstanding any other provision of this Act to the contrary, an arbitrator who serves as an acting Commissioner in accordance with the provisions of Section 13 of this Act shall continue to serve in the capacity of Commissioner until a decision is reached in every case heard by that arbitrator while serving as an acting Commissioner.

Each arbitrator appointed after the effective date of this amendatory Act of 1989 shall be appointed for a term of 6 years. Each arbitrator shall be appointed for a subsequent term unless the Chairman makes a recommendation to the Commission, no later than 60 days prior to the expiration of the term, not to reappoint the arbitrator. Notice of such a recommendation shall also be given to the arbitrator no later than 60 days prior to the expiration of the term. Upon such recommendation by the
Chairman, the arbitrator shall be appointed for a subsequent term unless 8 of 10 members of the Commission, including the Chairman, vote not to reappoint the arbitrator.

All arbitrators shall be subject to the provisions of the Personnel Code, and the performance of all arbitrators shall be reviewed by the Chairman on an annual basis. The Chairman shall allow input from the Commissioners in all such reviews.

The Secretary and each arbitrator shall receive a per annum salary of $4,000 less than the per annum salary of members of The Illinois Workers' Compensation Commission as provided in Section 13 of this Act, payable in equal monthly installments.

The members of the Commission, Arbitrators and other employees whose duties require them to travel, shall have reimbursed to them their actual traveling expenses and disbursements made or incurred by them in the discharge of their official duties while away from their place of residence in the performance of their duties.

The Commission shall provide itself with a seal for the authentication of its orders, awards and proceedings upon which shall be inscribed the name of the Commission and the words "Illinois--Seal".

The Secretary or Assistant Secretary, under the direction of the Commission, shall have charge and custody of the seal of the Commission and also have charge and custody of all records, files, orders, proceedings, decisions, awards and other documents on file with the Commission. He shall furnish certified copies, under the seal of the Commission, of any such records, files, orders, proceedings, decisions, awards and other documents on file with the Commission as may be required. Certified copies so furnished by the Secretary or Assistant Secretary shall be received in evidence before the Commission or any Arbitrator thereof, and in all courts, provided that the original of such certified copy is otherwise competent and admissible in evidence. The Secretary or Assistant Secretary shall perform such other duties as may be prescribed from time to time by the Commission.

(Source: P.A. 93-721, eff. 1-1-05.)

(820 ILCS 305/16) (from Ch. 48, par. 138.16)

Sec. 16. The Commission shall make and publish procedural rules and orders for carrying out the duties imposed upon it by law and for determining the extent of disability sustained, which rules and orders shall be deemed prima facie reasonable and valid.

The process and procedure before the Commission shall be as simple and summary as reasonably may be.

New matter indicated by italics - deletions by strikeout
The Commission upon application of either party may issue dedimus potestatem directed to a commissioner, notary public, justice of the peace or any other officer authorized by law to administer oaths, to take the depositions of such witness or witnesses as may be necessary in the judgment of such applicant. Such dedimus potestatem may issue to any of the officers aforesaid in any state or territory of the United States. When the deposition of any witness resident of a foreign country is desired to be taken, the dedimus shall be directed to and the deposition taken before a consul, vice consul or other authorized representative of the government of the United States of America, whose station is in the country where the witness whose deposition is to be taken resides. In countries where the government of the United States has no consul or other diplomatic representative, then depositions in such case shall be taken through the appropriate judicial authority of that country; or where treaties provide for other methods of taking depositions, then the same may be taken as in such treaties provided. The Commission shall have the power to adopt necessary rules to govern the issue of such dedimus potestatem.

The Commission, or any member thereof, or any Arbitrator designated by the Commission shall have the power to administer oaths, subpoena and examine witnesses; to issue subpoenas duces tecum, requiring the production of such books, papers, records and documents as may be evidence of any matter under inquiry and to examine and inspect the same and such places or premises as may relate to the question in dispute. The Commission, or any member thereof, or any Arbitrator designated by the Commission, shall on written request of either party to the dispute, issue subpoenas for the attendance of such witnesses and production of such books, papers, records and documents as shall be designated in the applications, and the parties applying for such subpoena shall advance the officer and witness fees provided for in civil actions pending in circuit courts of this State, except as otherwise provided by Section 20 of this Act. Service of such subpoena shall be made by any sheriff or other person. In case any person refuses to comply with an order of the Commission or subpoenas issued by it or by any member thereof, or any Arbitrator designated by the Commission or to permit an inspection of places or premises, or to produce any books, papers, records or documents, or any witness refuses to testify to any matters regarding which he or she may be lawfully interrogated, the Circuit Court of the county in which the hearing or matter is pending, on application of any member of the Commission or any Arbitrator designated by the Commission, shall compel obedience by attachment proceedings, as for contempt, as in a case

New matter indicated by italics - deletions by strikeout
of disobedience of the requirements of a subpoena from such court on a refusal to testify therein.

The records, reports, and bills kept by a treating hospital, treating physician, or other treating healthcare provider that renders treatment to the employee as a result of accidental injuries in question, certified to as true and correct by the hospital, physician, or other healthcare provider or by designated agents of the hospital, physician, or other healthcare provider, superintendent or other officer in charge, showing the medical and surgical treatment given an injured employee by in such hospital, physician, or other healthcare provider, shall be admissible without any further proof as evidence of the medical and surgical matters stated therein, but shall not be conclusive proof of such matters. There shall be a rebuttable presumption that any such records, reports, and bills received in response to Commission subpoena are certified to be true and correct. This paragraph does not restrict, limit, or prevent the admissibility of records, reports, or bills that are otherwise admissible. This provision does not apply to reports prepared by treating providers for use in litigation.

The Commission at its expense shall provide an official court reporter to take the testimony and record of proceedings at the hearings before an Arbitrator or the Commission, who shall furnish a transcript of such testimony or proceedings to either party requesting it, upon payment therefor at the rate of $1.00 per page for the original and 35 cents per page for each copy of such transcript. Payment for photostatic copies of exhibits shall be extra. If the Commission has determined, as provided in Section 20 of this Act, that the employee is a poor person, a transcript of such testimony and proceedings, including photostatic copies of exhibits, shall be furnished to such employee at the Commission's expense.

The Commission shall have the power to determine the reasonableness and fix the amount of any fee of compensation charged by any person, including attorneys, physicians, surgeons and hospitals, for any service performed in connection with this Act, or for which payment is to be made under this Act or rendered in securing any right under this Act.

Whenever the Commission shall find that the employer, his or her agent, service company or insurance carrier has been guilty of delay or unfairness towards an employee in the adjustment, settlement or payment of benefits due such employee within the purview of the provisions of paragraph (c) of Section 4 of this Act; or has been guilty of unreasonable or vexatious delay, intentional under-payment of compensation benefits, or has engaged in frivolous defenses which do not present a real controversy,
within the purview of the provisions of paragraph (k) of Section 19 of this Act, the Commission may assess all or any part of the attorney's fees and costs against such employer and his or her insurance carrier.

(Source: P.A. 86-998.)

(820 ILCS 305/19) (from Ch. 48, par. 138.19)

Sec. 19. Any disputed questions of law or fact shall be determined as herein provided.

(a) It shall be the duty of the Commission upon notification that the parties have failed to reach an agreement, to designate an Arbitrator.

1. Whenever any claimant misconceives his remedy and files an application for adjustment of claim under this Act and it is subsequently discovered, at any time before final disposition of such cause, that the claim for disability or death which was the basis for such application should properly have been made under the Workers' Occupational Diseases Act, then the provisions of Section 19, paragraph (a-1) of the Workers' Occupational Diseases Act having reference to such application shall apply.

2. Whenever any claimant misconceives his remedy and files an application for adjustment of claim under the Workers' Occupational Diseases Act and it is subsequently discovered, at any time before final disposition of such cause that the claim for injury or death which was the basis for such application should properly have been made under this Act, then the application so filed under the Workers' Occupational Diseases Act may be amended in form, substance or both to assert claim for such disability or death under this Act and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to this Act. When such amendment is submitted, further or additional evidence may be heard by the Arbitrator or Commission when deemed necessary. Nothing in this Section contained shall be construed to be or permit a waiver of any provisions of this Act with reference to notice but notice if given shall be deemed to be a notice under the provisions of this Act if given within the time required herein.

(b) The Arbitrator shall make such inquiries and investigations as he or they shall deem necessary and may examine and inspect all books, papers, records, places, or premises relating to the questions in dispute and hear such proper evidence as the parties may submit.
The hearings before the Arbitrator shall be held in the vicinity where the injury occurred after 10 days' notice of the time and place of such hearing shall have been given to each of the parties or their attorneys of record.

The Arbitrator may find that the disabling condition is temporary and has not yet reached a permanent condition and may order the payment of compensation up to the date of the hearing, which award shall be reviewable and enforceable in the same manner as other awards, and in no instance be a bar to a further hearing and determination of a further amount of temporary total compensation or of compensation for permanent disability, but shall be conclusive as to all other questions except the nature and extent of said disability.

The decision of the Arbitrator shall be filed with the Commission which Commission shall immediately send to each party or his attorney a copy of such decision, together with a notification of the time when it was filed. As of the effective date of this amendatory Act of the 94th General Assembly beginning January 1, 1981, all decisions of the Arbitrator shall set forth in writing findings of fact and conclusions of law, separately stated, if requested by either party. Unless a petition for review is filed by either party within 30 days after the receipt by such party of the copy of the decision and notification of time when filed, and unless such party petitioning for a review shall within 35 days after the receipt by him of the copy of the decision, file with the Commission either an agreed statement of the facts appearing upon the hearing before the Arbitrator, or if such party shall so elect a correct transcript of evidence of the proceedings at such hearings, then the decision shall become the decision of the Commission and in the absence of fraud shall be conclusive. The Petition for Review shall contain a statement of the petitioning party's specific exceptions to the decision of the arbitrator. The jurisdiction of the Commission to review the decision of the arbitrator shall not be limited to the exceptions stated in the Petition for Review. The Commission, or any member thereof, may grant further time not exceeding 30 days, in which to file such agreed statement or transcript of evidence. Such agreed statement of facts or correct transcript of evidence, as the case may be, shall be authenticated by the signatures of the parties or their attorneys, and in the event they do not agree as to the correctness of the transcript of evidence it shall be authenticated by the signature of the Arbitrator designated by the Commission.

Whether the employee is working or not, if the employee is not receiving or has not received medical, surgical, or hospital services or

New matter indicated by italics - deletions by strikeout
other services or compensation as provided in paragraph (a) of Section 8, or compensation as provided in paragraph (b) of Section 8, the employee may at any time petition for an expedited hearing by an Arbitrator on the issue of whether or not he or she is entitled to receive payment of the services or compensation. Provided the employer continues to pay compensation pursuant to paragraph (b) of Section 8, the employer may at any time petition for an expedited hearing on the issue of whether or not the employee is entitled to receive medical, surgical, or hospital services or other services or compensation as provided in paragraph (a) of Section 8, or compensation as provided in paragraph (b) of Section 8. When an employer has petitioned for an expedited hearing, the employer shall continue to pay compensation as provided in paragraph (b) of Section 8 unless the arbitrator renders a decision that the employee is not entitled to the benefits that are the subject of the expedited hearing or unless the employee’s treating physician has released the employee to return to work at his or her regular job with the employer or the employee actually returns to work at any other job. If the arbitrator renders a decision that the employee is not entitled to the benefits that are the subject of the expedited hearing, a petition for review filed by the employee shall receive the same priority as if the employee had filed a petition for an expedited hearing by an Arbitrator. Neither party shall be entitled to an expedited hearing when the employee has returned to work and the sole issue in dispute amounts to less than 12 weeks of unpaid compensation pursuant to paragraph (b) of Section 8.

Expedit[ed hearings shall have priority over all other petitions and shall be heard by the Arbitrator and Commission with all convenient speed. Any party requesting an expedited hearing shall give notice of a request for an expedited hearing under this paragraph. A copy of the Application for Adjustment of Claim shall be attached to the notice. The Commission shall adopt rules and procedures under which the final decision of the Commission under this paragraph is filed not later than 180 days from the date that the Petition for Review is filed with the Commission. Where 2 or more insurance carriers, private self-insureds, or a group workers' compensation pool under Article V 3/4 of the Illinois Insurance Code dispute coverage for the same injury, any such insurance carrier, private self-insured, or group workers' compensation pool may request an expedited hearing pursuant to this paragraph to determine the issue of coverage, provided coverage is the only issue in dispute and all other issues are stipulated and agreed to and further provided that all

New matter indicated by italics - deletions by strikeout
compensation benefits including medical benefits pursuant to Section 8(a) continue to be paid to or on behalf of petitioner. Any insurance carrier, private self-insured, or group workers' compensation pool that is determined to be liable for coverage for the injury in issue shall reimburse any insurance carrier, private self-insured, or group workers' compensation pool that has paid benefits to or on behalf of petitioner for the injury.

(b-1) If the employee is not receiving medical, surgical or hospital services as provided in paragraph (a) of Section 8 or compensation as provided in paragraph (b) of Section 8, the employee, in accordance with Commission Rules, may file a petition for an emergency hearing by an Arbitrator on the issue of whether or not he is entitled to receive payment of such compensation or services as provided therein. Such petition shall have priority over all other petitions and shall be heard by the Arbitrator and Commission with all convenient speed.

Such petition shall contain the following information and shall be served on the employer at least 15 days before it is filed:

(i) the date and approximate time of accident;
(ii) the approximate location of the accident;
(iii) a description of the accident;
(iv) the nature of the injury incurred by the employee;
(v) the identity of the person, if known, to whom the accident was reported and the date on which it was reported;
(vi) the name and title of the person, if known, representing the employer with whom the employee conferred in any effort to obtain compensation pursuant to paragraph (b) of Section 8 of this Act or medical, surgical or hospital services pursuant to paragraph (a) of Section 8 of this Act and the date of such conference;
(vii) a statement that the employer has refused to pay compensation pursuant to paragraph (b) of Section 8 of this Act or for medical, surgical or hospital services pursuant to paragraph (a) of Section 8 of this Act;
(viii) the name and address, if known, of each witness to the accident and of each other person upon whom the employee will rely to support his allegations;
(ix) the dates of treatment related to the accident by medical practitioners, and the names and addresses of such practitioners, including the dates of treatment related to the accident at any hospitals and the names and addresses of such hospitals, and a signed authorization permitting the employer to examine all

New matter indicated by italics - deletions by strikeout
medical records of all practitioners and hospitals named pursuant to this paragraph;

(x) a copy of a signed report by a medical practitioner, relating to the employee's current inability to return to work because of the injuries incurred as a result of the accident or such other documents or affidavits which show that the employee is entitled to receive compensation pursuant to paragraph (b) of Section 8 of this Act or medical, surgical or hospital services pursuant to paragraph (a) of Section 8 of this Act. Such reports, documents or affidavits shall state, if possible, the history of the accident given by the employee, and describe the injury and medical diagnosis, the medical services for such injury which the employee has received and is receiving, the physical activities which the employee cannot currently perform as a result of any impairment or disability due to such injury, and the prognosis for recovery;

(xi) complete copies of any reports, records, documents and affidavits in the possession of the employee on which the employee will rely to support his allegations, provided that the employer shall pay the reasonable cost of reproduction thereof;

(xii) a list of any reports, records, documents and affidavits which the employee has demanded by subpoena and on which he intends to rely to support his allegations;

(xiii) a certification signed by the employee or his representative that the employer has received the petition with the required information 15 days before filing.

Fifteen days after receipt by the employer of the petition with the required information the employee may file said petition and required information and shall serve notice of the filing upon the employer. The employer may file a motion addressed to the sufficiency of the petition. If an objection has been filed to the sufficiency of the petition, the arbitrator shall rule on the objection within 2 working days. If such an objection is filed, the time for filing the final decision of the Commission as provided in this paragraph shall be tolled until the arbitrator has determined that the petition is sufficient.

The employer shall, within 15 days after receipt of the notice that such petition is filed, file with the Commission and serve on the employee or his representative a written response to each claim set forth in the petition, including the legal and factual basis for each disputed allegation and the following information: (i) complete copies of any reports, records,
documents and affidavits in the possession of the employer on which the employer intends to rely in support of his response, (ii) a list of any reports, records, documents and affidavits which the employer has demanded by subpoena and on which the employer intends to rely in support of his response, (iii) the name and address of each witness on whom the employer will rely to support his response, and (iv) the names and addresses of any medical practitioners selected by the employer pursuant to Section 12 of this Act and the time and place of any examination scheduled to be made pursuant to such Section.

Any employer who does not timely file and serve a written response without good cause may not introduce any evidence to dispute any claim of the employee but may cross examine the employee or any witness brought by the employee and otherwise be heard.

No document or other evidence not previously identified by either party with the petition or written response, or by any other means before the hearing, may be introduced into evidence without good cause. If, at the hearing, material information is discovered which was not previously disclosed, the Arbitrator may extend the time for closing proof on the motion of a party for a reasonable period of time which may be more than 30 days. No evidence may be introduced pursuant to this paragraph as to permanent disability. No award may be entered for permanent disability pursuant to this paragraph. Either party may introduce into evidence the testimony taken by deposition of any medical practitioner.

The Commission shall adopt rules, regulations and procedures whereby the final decision of the Commission is filed not later than 90 days from the date the petition for review is filed but in no event later than 180 days from the date the petition for an emergency hearing is filed with the Illinois Workers' Compensation Commission.

All service required pursuant to this paragraph (b-1) must be by personal service or by certified mail and with evidence of receipt. In addition for the purposes of this paragraph, all service on the employer must be at the premises where the accident occurred if the premises are owned or operated by the employer. Otherwise service must be at the employee's principal place of employment by the employer. If service on the employer is not possible at either of the above, then service shall be at the employer's principal place of business. After initial service in each case, service shall be made on the employer's attorney or designated representative.

(c) (1) At a reasonable time in advance of and in connection with the hearing under Section 19(e) or 19(h), the Commission may on its own decision
motion order an impartial physical or mental examination of a petitioner whose mental or physical condition is in issue, when in the Commission's discretion it appears that such an examination will materially aid in the just determination of the case. The examination shall be made by a member or members of a panel of physicians chosen for their special qualifications by the Illinois State Medical Society. The Commission shall establish procedures by which a physician shall be selected from such list.

(2) Should the Commission at any time during the hearing find that compelling considerations make it advisable to have an examination and report at that time, the commission may in its discretion so order.

(3) A copy of the report of examination shall be given to the Commission and to the attorneys for the parties.

(4) Either party or the Commission may call the examining physician or physicians to testify. Any physician so called shall be subject to cross-examination.

(5) The examination shall be made, and the physician or physicians, if called, shall testify, without cost to the parties. The Commission shall determine the compensation and the pay of the physician or physicians. The compensation for this service shall not exceed the usual and customary amount for such service.

(6) The fees and payment thereof of all attorneys and physicians for services authorized by the Commission under this Act shall, upon request of either the employer or the employee or the beneficiary affected, be subject to the review and decision of the Commission.

(d) If any employee shall persist in insanitary or injurious practices which tend to either imperil or retard his recovery or shall refuse to submit to such medical, surgical, or hospital treatment as is reasonably essential to promote his recovery, the Commission may, in its discretion, reduce or suspend the compensation of any such injured employee. However, when an employer and employee so agree in writing, the foregoing provision shall not be construed to authorize the reduction or suspension of compensation of an employee who is relying in good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof.

(e) This paragraph shall apply to all hearings before the Commission. Such hearings may be held in its office or elsewhere as the Commission may deem advisable. The taking of testimony on such hearings may be had before any member of the Commission. If a petition for review and agreed statement of facts or transcript of evidence is filed,

New matter indicated by italics - deletions by strikeout
as provided herein, the Commission shall promptly review the decision of the Arbitrator and all questions of law or fact which appear from the statement of facts or transcript of evidence.

In all cases in which the hearing before the arbitrator is held after December 18, 1989, no additional evidence shall be introduced by the parties before the Commission on review of the decision of the Arbitrator. In reviewing decisions of an arbitrator the Commission shall award such temporary compensation, permanent compensation and other payments as are due under this Act. The Commission shall file in its office its decision thereon, and shall immediately send to each party or his attorney a copy of such decision and a notification of the time when it was filed. Decisions shall be filed within 60 days after the Statement of Exceptions and Supporting Brief and Response thereto are required to be filed or oral argument whichever is later.

In the event either party requests oral argument, such argument shall be had before a panel of 3 members of the Commission (or before all available members pursuant to the determination of 7 ½ members of the Commission that such argument be held before all available members of the Commission) pursuant to the rules and regulations of the Commission. A panel of 3 members, which shall be comprised of not more than one representative citizen of the employing class and not more than one representative citizen of the employee class, shall hear the argument; provided that if all the issues in dispute are solely the nature and extent of the permanent partial disability, if any, a majority of the panel may deny the request for such argument and such argument shall not be held; and provided further that 7 ½ members of the Commission may determine that the argument be held before all available members of the Commission. A decision of the Commission shall be approved by a majority of Commissioners present at such hearing if any; provided, if no such hearing is held, a decision of the Commission shall be approved by a majority of a panel of 3 members of the Commission as described in this Section. The Commission shall give 10 days' notice to the parties or their attorneys of the time and place of such taking of testimony and of such argument.

In any case the Commission in its decision may find specially upon any question or questions of law or fact which shall be submitted in writing by either party whether ultimate or otherwise; provided that on issues other than nature and extent of the disability, if any, the Commission in its decision shall find specially upon any question or questions of law or fact, whether ultimate or otherwise, which are submitted in writing by either party; provided further that not more than 5

New matter indicated by italics - deletions by strikeout
such questions may be submitted by either party. Any party may, within 20
days after receipt of notice of the Commission's decision, or within such
further time, not exceeding 30 days, as the Commission may grant, file
with the Commission either an agreed statement of the facts appearing
upon the hearing, or, if such party shall so elect, a correct transcript of
evidence of the additional proceedings presented before the Commission,
in which report the party may embody a correct statement of such other
proceedings in the case as such party may desire to have reviewed, such
statement of facts or transcript of evidence to be authenticated by the
signature of the parties or their attorneys, and in the event that they do not
agree, then the authentication of such transcript of evidence shall be by the
signature of any member of the Commission.

If a reporter does not for any reason furnish a transcript of the
proceedings before the Arbitrator in any case for use on a hearing for
review before the Commission, within the limitations of time as fixed in
this Section, the Commission may, in its discretion, order a trial de novo
before the Commission in such case upon application of either party. The
applications for adjustment of claim and other documents in the nature of
pleadings filed by either party, together with the decisions of the Arbitrator
and of the Commission and the statement of facts or transcript of evidence
hereinbefore provided for in paragraphs (b) and (c) shall be the record of
the proceedings of the Commission, and shall be subject to review as
hereinafter provided.

At the request of either party or on its own motion, the
Commission shall set forth in writing the reasons for the decision,
including findings of fact and conclusions of law separately stated. The
Commission shall by rule adopt a format for written decisions for the
Commission and arbitrators. The written decisions shall be concise and
shall succinctly state the facts and reasons for the decision. The
Commission may adopt in whole or in part, the decision of the arbitrator as
the decision of the Commission. When the Commission does so adopt the
decision of the arbitrator, it shall do so by order. Whenever the
Commission adopts part of the arbitrator's decision, but not all, it shall
include in the order the reasons for not adopting all of the arbitrator's
decision. When a majority of a panel, after deliberation, has arrived at its
decision, the decision shall be filed as provided in this Section without
unnecessary delay, and without regard to the fact that a member of the
panel has expressed an intention to dissent. Any member of the panel may
file a dissent. Any dissent shall be filed no later than 10 days after the
decision of the majority has been filed.

New matter indicated by italics - deletions by strikeout
Decisions rendered by the Commission and dissents, if any, shall be published together by the Commission. The conclusions of law set out in such decisions shall be regarded as precedents by arbitrators for the purpose of achieving a more uniform administration of this Act.

(f) The decision of the Commission acting within its powers, according to the provisions of paragraph (e) of this Section shall, in the absence of fraud, be conclusive unless reviewed as in this paragraph hereinafter provided. However, the Arbitrator or the Commission may on his or its own motion, or on the motion of either party, correct any clerical error or errors in computation within 15 days after the date of receipt of any award by such Arbitrator or any decision on review of the Commission and shall have the power to recall the original award on arbitration or decision on review, and issue in lieu thereof such corrected award or decision. Where such correction is made the time for review herein specified shall begin to run from the date of the receipt of the corrected award or decision.

(1) Except in cases of claims against the State of Illinois, in which case the decision of the Commission shall not be subject to judicial review, the Circuit Court of the county where any of the parties defendant may be found, or if none of the parties defendant can be found in this State then the Circuit Court of the county where the accident occurred, shall by summons to the Commission have power to review all questions of law and fact presented by such record.

A proceeding for review shall be commenced within 20 days of the receipt of notice of the decision of the Commission. The summons shall be issued by the clerk of such court upon written request returnable on a designated return day, not less than 10 or more than 60 days from the date of issuance thereof, and the written request shall contain the last known address of other parties in interest and their attorneys of record who are to be served by summons. Service upon any member of the Commission or the Secretary or the Assistant Secretary thereof shall be service upon the Commission, and service upon other parties in interest and their attorneys of record shall be by summons, and such service shall be made upon the Commission and other parties in interest by mailing notices of the commencement of the proceedings and the return day of the summons to the office of the Commission and to the last known place of residence of other parties in interest or their attorney or attorneys of record. The clerk of the court issuing the
summons shall on the day of issue mail notice of the commencement of the proceedings which shall be done by mailing a copy of the summons to the office of the Commission, and a copy of the summons to the other parties in interest or their attorney or attorneys of record and the clerk of the court shall make certificate that he has so sent said notices in pursuance of this Section, which shall be evidence of service on the Commission and other parties in interest.

The Commission shall not be required to certify the record of their proceedings to the Circuit Court, unless the party commencing the proceedings for review in the Circuit Court as above provided, shall pay to the Commission the sum of 80¢ per page of testimony taken before the Commission, and 35¢ per page of all other matters contained in such record, except as otherwise provided by Section 20 of this Act. Payment for photostatic copies of exhibit shall be extra. It shall be the duty of the Commission upon such payment, or failure to pay as permitted under Section 20 of this Act, to prepare a true and correct typewritten copy of such testimony and a true and correct copy of all other matters contained in such record and certified to by the Secretary or Assistant Secretary thereof.

In its decision on review the Commission shall determine in each particular case the amount of the probable cost of the record to be filed as a part of the summons in that case and no request for a summons may be filed and no summons shall issue unless the party seeking to review the decision of the Commission shall exhibit to the clerk of the Circuit Court proof of payment by filing a receipt showing payment or an affidavit of the attorney setting forth that payment has been made of the sums so determined to the Secretary or Assistant Secretary of the Commission, except as otherwise provided by Section 20 of this Act.

(2) No such summons shall issue unless the one against whom the Commission shall have rendered an award for the payment of money shall upon the filing of his written request for such summons file with the clerk of the court a bond conditioned that if he shall not successfully prosecute the review, he will pay the award and the costs of the proceedings in the courts. The amount of the bond shall be fixed by any member of the Commission and the surety or sureties of the bond shall be approved by the clerk of the court. The acceptance of the bond by

New matter indicated by italics - deletions by strikeout
the clerk of the court shall constitute evidence of his approval of the bond.

Every county, city, town, township, incorporated village, school district, body politic or municipal corporation against whom the Commission shall have rendered an award for the payment of money shall not be required to file a bond to secure the payment of the award and the costs of the proceedings in the court to authorize the court to issue such summons.

The court may confirm or set aside the decision of the Commission. If the decision is set aside and the facts found in the proceedings before the Commission are sufficient, the court may enter such decision as is justified by law, or may remand the cause to the Commission for further proceedings and may state the questions requiring further hearing, and give such other instructions as may be proper. Appeals shall be taken to the Appellate Court in accordance with Supreme Court Rules 22(g) and 303. Appeals shall be taken from the Appellate Court to the Supreme Court in accordance with Supreme Court Rule 315.

It shall be the duty of the clerk of any court rendering a decision affecting or affirming an award of the Commission to promptly furnish the Commission with a copy of such decision, without charge.

The decision of a majority of the members of the panel of the Commission, shall be considered the decision of the Commission.

(g) Except in the case of a claim against the State of Illinois, either party may present a certified copy of the award of the Arbitrator, or a certified copy of the decision of the Commission when the same has become final, when no proceedings for review are pending, providing for the payment of compensation according to this Act, to the Circuit Court of the county in which such accident occurred or either of the parties are residents, whereupon the court shall enter a judgment in accordance therewith. In a case where the employer refuses to pay compensation according to such final award or such final decision upon which such judgment is entered the court shall in entering judgment thereon, tax as costs against him the reasonable costs and attorney fees in the arbitration proceedings and in the court entering the judgment for the person in whose favor the judgment is entered, which judgment and costs taxed as therein provided shall, until and unless set aside, have the same effect as though duly entered in an action duly tried and determined by the court, and shall

New matter indicated by italics - deletions by strikeout
with like effect, be entered and docketed. The Circuit Court shall have power at any time upon application to make any such judgment conform to any modification required by any subsequent decision of the Supreme Court upon appeal, or as the result of any subsequent proceedings for review, as provided in this Act.

Judgment shall not be entered until 15 days' notice of the time and place of the application for the entry of judgment shall be served upon the employer by filing such notice with the Commission, which Commission shall, in case it has on file the address of the employer or the name and address of its agent upon whom notices may be served, immediately send a copy of the notice to the employer or such designated agent.

(h) An agreement or award under this Act providing for compensation in installments, may at any time within 18 months after such agreement or award be reviewed by the Commission at the request of either the employer or the employee, on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended.

However, as to accidents occurring subsequent to July 1, 1955, which are covered by any agreement or award under this Act providing for compensation in installments made as a result of such accident, such agreement or award may at any time within 30 months, or 60 months in the case of an award under Section 8(d), after such agreement or award be reviewed by the Commission at the request of either the employer or the employee on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended.

On such review, compensation payments may be re-established, increased, diminished or ended. The Commission shall give 15 days' notice to the parties of the hearing for review. Any employee, upon any petition for such review being filed by the employer, shall be entitled to one day's notice for each 100 miles necessary to be traveled by him in attending the hearing of the Commission upon the petition, and 3 days in addition thereto. Such employee shall, at the discretion of the Commission, also be entitled to 5 cents per mile necessarily traveled by him within the State of Illinois in attending such hearing, not to exceed a distance of 300 miles, to be taxed by the Commission as costs and deposited with the petition of the employer.

When compensation which is payable in accordance with an award or settlement contract approved by the Commission, is ordered paid in a lump sum by the Commission, no review shall be had as in this paragraph mentioned.
(i) Each party, upon taking any proceedings or steps whatsoever before any Arbitrator, Commission or court, shall file with the Commission his address, or the name and address of any agent upon whom all notices to be given to such party shall be served, either personally or by registered mail, addressed to such party or agent at the last address so filed with the Commission. In the event such party has not filed his address, or the name and address of an agent as above provided, service of any notice may be had by filing such notice with the Commission.

(j) Whenever in any proceeding testimony has been taken or a final decision has been rendered and after the taking of such testimony or after such decision has become final, the injured employee dies, then in any subsequent proceedings brought by the personal representative or beneficiaries of the deceased employee, such testimony in the former proceeding may be introduced with the same force and effect as though the witness having so testified were present in person in such subsequent proceedings and such final decision, if any, shall be taken as final adjudication of any of the issues which are the same in both proceedings.

(k) In case where there has been any unreasonable or vexatious delay of payment or intentional underpayment of compensation, or proceedings have been instituted or carried on by the one liable to pay the compensation, which do not present a real controversy, but are merely frivolous or for delay, then the Commission may award compensation additional to that otherwise payable under this Act equal to 50% of the amount payable at the time of such award. Failure to pay compensation in accordance with the provisions of Section 8, paragraph (b) of this Act, shall be considered unreasonable delay.

When determining whether this subsection (k) shall apply, the Commission shall consider whether an Arbitrator has determined that the claim is not compensable or whether the employer has made payments under Section 8(j).

(l) If the employee has made written demand for payment of benefits under Section 8(a) or Section 8(b), the employer shall have 14 days after receipt of the demand to set forth in writing the reason for the delay. In the case of demand for payment of medical benefits under Section 8(a), the time for the employer to respond shall not commence until the expiration of the allotted 60 days specified under Section 8.2(d). In case the employer or his or her insurance carrier shall without good and just cause fail, neglect, refuse, or unreasonably delay the payment of benefits under Section 8(a) or Section 8(b), the Arbitrator or the

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0277

Commission shall allow to the employee additional compensation in the sum of $30 per day for each day that the benefits under Section 8(a) or Section 8(b) have been so withheld or refused, not to exceed $10,000. A delay in payment of 14 days or more shall create a rebuttable presumption of unreasonable delay. In case the employer or his insurance carrier shall without good and just cause fail, neglect, refuse or unreasonably delay the payment of weekly compensation benefits due to an injured employee during the period of temporary total disability the arbitrator or the Commission shall allow to the employee additional compensation in the sum of $10 per day for each day that a weekly compensation payment has been so withheld or refused, provided that such additional compensation shall not exceed the sum of $2,500. A delay in payment of 14 days or more shall create a rebuttable presumption of unreasonable delay.

(m) If the commission finds that an accidental injury was directly and proximately caused by the employer's wilful violation of a health and safety standard under the Health and Safety Act in force at the time of the accident, the arbitrator or the Commission shall allow to the injured employee or his dependents, as the case may be, additional compensation equal to 25% of the amount which otherwise would be payable under the provisions of this Act exclusive of this paragraph. The additional compensation herein provided shall be allowed by an appropriate increase in the applicable weekly compensation rate.

(n) After June 30, 1984, decisions of the Illinois Workers' Compensation Commission reviewing an award of an arbitrator of the Commission shall draw interest at a rate equal to the yield on indebtedness issued by the United States Government with a 26-week maturity next previously auctioned on the day on which the decision is filed. Said rate of interest shall be set forth in the Arbitrator's Decision. Interest shall be drawn from the date of the arbitrator's award on all accrued compensation due the employee through the day prior to the date of payments. However, when an employee appeals an award of an Arbitrator or the Commission, and the appeal results in no change or a decrease in the award, interest shall not further accrue from the date of such appeal.

The employer or his insurance carrier may tender the payments due under the award to stop the further accrual of interest on such award notwithstanding the prosecution by either party of review, certiorari, appeal to the Supreme Court or other steps to reverse, vacate or modify the award.

(o) By the 15th day of each month each insurer providing coverage for losses under this Act shall notify each insured employer of any

New matter indicated by italics - deletions by strikeout
compensable claim incurred during the preceding month and the amounts paid or reserved on the claim including a summary of the claim and a brief statement of the reasons for compensability. A cumulative report of all claims incurred during a calendar year or continued from the previous year shall be furnished to the insured employer by the insurer within 30 days after the end of that calendar year.

The insured employer may challenge, in proceeding before the Commission, payments made by the insurer without arbitration and payments made after a case is determined to be noncompensable. If the Commission finds that the case was not compensable, the insurer shall purge its records as to that employer of any loss or expense associated with the claim, reimburse the employer for attorneys' fees arising from the challenge and for any payment required of the employer to the Rate Adjustment Fund or the Second Injury Fund, and may not reflect the loss or expense for rate making purposes. The employee shall not be required to refund the challenged payment. The decision of the Commission may be reviewed in the same manner as in arbitrated cases. No challenge may be initiated under this paragraph more than 3 years after the payment is made. An employer may waive the right of challenge under this paragraph on a case by case basis.

(p) After filing an application for adjustment of claim but prior to the hearing on arbitration the parties may voluntarily agree to submit such application for adjustment of claim for decision by an arbitrator under this subsection (p) where such application for adjustment of claim raises only a dispute over temporary total disability, permanent partial disability or medical expenses. Such agreement shall be in writing in such form as provided by the Commission. Applications for adjustment of claim submitted for decision by an arbitrator under this subsection (p) shall proceed according to rule as established by the Commission. The Commission shall promulgate rules including, but not limited to, rules to ensure that the parties are adequately informed of their rights under this subsection (p) and of the voluntary nature of proceedings under this subsection (p). The findings of fact made by an arbitrator acting within his or her powers under this subsection (p) in the absence of fraud shall be conclusive. However, the arbitrator may on his own motion, or the motion of either party, correct any clerical errors or errors in computation within 15 days after the date of receipt of such award of the arbitrator and shall have the power to recall the original award on arbitration, and issue in lieu thereof such corrected award. The decision of the arbitrator under this subsection (p) shall be considered the decision of the Commission and
proceedings for review of questions of law arising from the decision may be commenced by either party pursuant to subsection (f) of Section 19. The Advisory Board established under Section 13.1 shall compile a list of certified Commission arbitrators, each of whom shall be approved by at least 7 members of the Advisory Board. The chairman shall select 5 persons from such list to serve as arbitrators under this subsection (p). By agreement, the parties shall select one arbitrator from among the 5 persons selected by the chairman except that if the parties do not agree on an arbitrator from among the 5 persons, the parties may, by agreement, select an arbitrator of the American Arbitration Association, whose fee shall be paid by the State in accordance with rules promulgated by the Commission. Arbitration under this subsection (p) shall be voluntary.

(Source: P.A. 93-721, eff. 1-1-05.)

(820 ILCS 305/25.5 new)

Sec. 25.5. Unlawful acts; penalties.

(a) It is unlawful for any person, company, corporation, insurance carrier, healthcare provider, or other entity to:

(1) Intentionally present or cause to be presented any false or fraudulent claim for the payment of any workers' compensation benefit.

(2) Intentionally make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining or denying any workers’ compensation benefit.

(3) Intentionally make or cause to be made any false or fraudulent statements with regard to entitlement to workers' compensation benefits with the intent to prevent an injured worker from making a legitimate claim for any workers' compensation benefits.

(4) Intentionally prepare or provide an invalid, false, or counterfeit certificate of insurance as proof of workers' compensation insurance.

(5) Intentionally make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining workers' compensation insurance at less than the proper rate for that insurance.

(6) Intentionally make or cause to be made any false or fraudulent material statement or material representation on an initial or renewal self-insurance application or accompanying financial statement for the purpose of obtaining self-insurance.
status or reducing the amount of security that may be required to be furnished pursuant to Section 4 of this Act.

(7) Intentionally make or cause to be made any false or fraudulent material statement to the Division of Insurance's fraud and insurance non-compliance unit in the course of an investigation of fraud or insurance non-compliance.

(8) Intentionally assist, abet, solicit, or conspire with any person, company, or other entity to commit any of the acts in paragraph (1), (2), (3), (4), (5), (6), or (7) of this subsection (a).

For the purposes of paragraphs (2), (3), (5), (6), and (7), the term "statement" includes any writing, notice, proof of injury, bill for services, hospital or doctor records and reports, or X-ray and test results.

(b) Any person violating subsection (a) is guilty of a Class 4 felony. Any person or entity convicted of any violation of this Section shall be ordered to pay complete restitution to any person or entity so defrauded in addition to any fine or sentence imposed as a result of the conviction.

(c) The Division of Insurance of the Department of Financial and Professional Regulation shall establish a fraud and insurance non-compliance unit responsible for investigating incidences of fraud and insurance non-compliance pursuant to this Section. The size of the staff of the unit shall be subject to appropriation by the General Assembly. It shall be the duty of the fraud and insurance non-compliance unit to determine the identity of insurance carriers, employers, employees, or other persons or entities who have violated the fraud and insurance non-compliance provisions of this Section. The fraud and insurance non-compliance unit shall report violations of the fraud and insurance non-compliance provisions of this Section to the Attorney General or to the State's Attorney of the county in which the offense allegedly occurred, either of whom has the authority to prosecute violations under this Section.

With respect to the subject of any investigation being conducted, the fraud and insurance non-compliance unit shall have the general power of subpoena of the Division of Insurance.

(d) Any person may report allegations of insurance non-compliance and fraud pursuant to this Section to the Division of Insurance's fraud and insurance non-compliance unit whose duty it shall be to investigate the report. The unit shall notify the Commission of reports of insurance non-compliance. Any person reporting an allegation of insurance non-compliance or fraud against either an employee or employer under this Section must identify himself. Except as provided in this subsection and in subsection (e), all reports shall remain confidential.

New matter indicated by italics - deletions by strikeout
except to refer an investigation to the Attorney General or State’s Attorney for prosecution or if the fraud and insurance non-compliance unit’s investigation reveals that the conduct reported may be in violation of other laws or regulations of the State of Illinois, the unit may report such conduct to the appropriate governmental agency charged with administering such laws and regulations. Any person who intentionally makes a false report under this Section to the fraud and insurance non-compliance unit is guilty of a Class A misdemeanor.

(e) In order for the fraud and insurance non-compliance unit to investigate a report of fraud by an employee, (i) the employee must have filed with the Commission an Application for Adjustment of Claim and the employee must have either received or attempted to receive benefits under this Act that are related to the reported fraud or (ii) the employee must have made a written demand for the payment of benefits that are related to the reported fraud. Upon receipt of a report of fraud, the employee or employer shall receive immediate notice of the reported conduct, including the verified name and address of the complainant if that complainant is connected to the case and the nature of the reported conduct. The fraud and insurance non-compliance unit shall resolve all reports of fraud against employees or employers within 120 days of receipt of the report. There shall be no immunity, under this Act or otherwise, for any person who files a false report or who files a report without good and just cause. Confidentiality of medical information shall be strictly maintained. Investigations that are not referred for prosecution shall be immediately expunged and shall not be disclosed except that the employee or employer who was the subject of the report and the person making the report shall be notified that the investigation is being closed, at which time the name of any complainant not connected to the case shall be disclosed to the employee or the employer. It is unlawful for any employer, insurance carrier, or service adjustment company to file or threaten to file a report of fraud against an employee because of the exercise by the employee of the rights and remedies granted to the employee by this Act.

For purposes of this subsection (e), “employer” means any employer, insurance carrier, third party administrator, self-insured, or similar entity.

For purposes of this subsection (e), “complainant” refers to the person contacting the fraud and insurance non-compliance unit to initiate the complaint.
(f) Any person convicted of fraud related to workers' compensation pursuant to this Section shall be subject to the penalties prescribed in the Criminal Code of 1961 and shall be ineligible to receive or retain any compensation, disability, or medical benefits as defined in this Act if the compensation, disability, or medical benefits were owed or received as a result of fraud for which the recipient of the compensation, disability, or medical benefit was convicted. This subsection applies to accidental injuries or diseases that occur on or after the effective date of this amendatory Act of the 94th General Assembly.

(g) Civil liability. Any person convicted of fraud who knowingly obtains, attempts to obtain, or causes to be obtained any benefits under this Act by the making of a false claim or who knowingly misrepresents any material fact shall be civilly liable to the payor of benefits or the insurer or the payor's or insurer's subrogee or assignee in an amount equal to 3 times the value of the benefits or insurance coverage wrongfully obtained or twice the value of the benefits or insurance coverage attempted to be obtained, plus reasonable attorney's fees and expenses incurred by the payor or the payor's subrogee or assignee who successfully brings a claim under this subsection. This subsection applies to accidental injuries or diseases that occur on or after the effective date of this amendatory Act of the 94th General Assembly.

(h) All proceedings under this Section shall be reported by the fraud and insurance non-compliance unit on an annual basis to the Workers' Compensation Advisory Board.

Section 15. The Workers' Occupational Diseases Act is amended by changing Sections 12 and 19 as follows:

(820 ILCS 310/12) (from Ch. 48, par. 172.47)

Sec. 12. (a) An employee entitled to receive disability payments shall be required, if requested by the employer, to submit himself, at the expense of the employer, for examination to a duly qualified medical practitioner or surgeon selected by the employer, at any time and place reasonably convenient for the employee, either within or without the State of Illinois, for the purpose of determining the nature, extent and probable duration of the occupational disease and the disability therefrom suffered by the employee, and for the purpose of ascertaining the amount of compensation which may be due the employee from time to time for disability according to the provisions of this Act. An employee may also be required to submit himself for examination by medical experts under subsection (c) of Section 19.

New matter indicated by italics - deletions by strikeout
An employer requesting such an examination, of an employee residing within the State of Illinois, shall deliver to the employee with the notice of the time and place of examination pay in advance of the time fixed for the examination sufficient money to defray the necessary expense of travel by the most convenient means to and from the place of examination, and the cost of meals necessary during the trip, and if the examination or travel to and from the place of examination causes any loss of working time on the part of the employee, the employer shall reimburse him for such loss of wages upon the basis of his average daily wage. Such examination shall be made in the presence of a duly qualified medical practitioner or surgeon provided and paid for by the employee, if such employee so desires.

In all cases where the examination is made by a physician or surgeon engaged by the employer, and the employee has no physician or surgeon present at such examination, it shall be the duty of the physician or surgeon making the examination at the instance of the employer to deliver to the employee, or his representative, a statement in writing of the examination and findings to the same extent that said physician or surgeon reports to the employer and the same shall be an exact copy of that furnished to the employer, said copy to be furnished the employee, or his representative as soon as practicable but not later than the time the case is set for hearing. Such delivery shall be made in person either to the employee or his representative, or by registered mail to either, and the receipt of either shall be proof of such delivery. If such physician or surgeon refuses to furnish the employee with such statement to the same extent as that furnished the employer said physician or surgeon shall not be permitted to testify at the hearing next following said examination.

If the employee refuses so to submit himself to examination or unnecessarily obstructs the same, his right to compensation payment shall be temporarily suspended until such examination shall have taken place, and no compensation shall be payable under this Act for such period.

It shall be the duty of physicians or surgeons treating an employee who is likely to die, and treating him at the instance of the employer, to have called in another physician or surgeon to be designated and paid for by either the employee or by the person or persons who would become his beneficiary or beneficiaries, to make an examination before the death of such employee.

In all cases where the examination is made by a physician or surgeon engaged by the employee, and the employer has no physician or surgeon present at such examination, it shall be the duty of the physician
or surgeon making the examination at the instance of the employee, to
deliver to the employer, or his representative, a statement in writing of the
condition and extent of the examination and findings to the same extent
that said physician or surgeon reports to the employee and the same shall
be an exact copy of that furnished to the employee, said copy to be
furnished the employer, or his representative, as soon as practicable but
not later than the time the case is set for hearing. Such delivery shall be
made in person either to the employer, or his representative, or by
registered mail to either, and the receipt of either shall be proof of such
delivery. If such physician or surgeon refuses to furnish the employer with
such statement to the same extent as that furnished the employee, said
physician or surgeon shall not be permitted to testify at the hearing next
following said examination.

(b) Whenever, after the death of an employee, any party in interest
files an application for adjustment of claim under this Act, and it appears
that an autopsy may disclose material evidence as to whether or not such
death was due to the inhalation of silica or asbestos dust, the commission,
on petition of either party, may order an autopsy at the expense of the
party requesting same, and if such autopsy is so ordered, the commission
shall designate a competent pathologist to perform the same, and shall give
the parties in interest such reasonable notice of the time and place thereof
as will afford a reasonable opportunity to witness such autopsy in person
or by a representative.

It shall be the duty of such pathologist to perform such autopsy as,
in his best judgment, is required to ascertain the cause of death. Such
pathologist shall make a complete written report of all his findings to the
commission (including laboratory results described as such, if any). The
said report of the pathologist shall contain his findings on post-mortem
examination and said report shall not contain any conclusion of the said
pathologist based upon the findings so reported.

Said report shall be placed on file with the commission, and shall
be a public record. Said report, or a certified copy thereof, may be
introduced by either party on any hearing as evidence of the findings
therein stated, but shall not be conclusive evidence of such findings, and
either party may rebut any part thereof.

Where an autopsy has been performed at any time with the express
or implied consent of any interested party, and without some opposing
party, if known or reasonably ascertainable, having reasonable notice of
and reasonable opportunity of witnessing the same, all evidence obtained
by such autopsy shall be barred upon objection at any hearing. This

New matter indicated by italics - deletions by strikeout
paragraph shall not apply to autopsies by a coroner's physician in the discharge of his official duties.
(Source: P.A. 81-1482.)
(820 ILCS 310/19) (from Ch. 48, par. 172.54)
Sec. 19. Any disputed questions of law or fact shall be determined as herein provided.
(a) It shall be the duty of the Commission upon notification that the parties have failed to reach an agreement to designate an Arbitrator.
(1) The application for adjustment of claim filed with the Commission shall state:
A. The approximate date of the last day of the last exposure and the approximate date of the disablement.
B. The general nature and character of the illness or disease claimed.
C. The name and address of the employer by whom employed on the last day of the last exposure and if employed by any other employer after such last exposure and before disablement the name and address of such other employer or employers.
D. In case of death, the date and place of death.
(2) Amendments to applications for adjustment of claim which relate to the same disablement or disablement resulting in death originally claimed upon may be allowed by the Commissioner or an Arbitrator thereof, in their discretion, and in the exercise of such discretion, they may in proper cases order a trial de novo; such amendment shall relate back to the date of the filing of the original application so amended.
(3) Whenever any claimant misconceives his remedy and files an application for adjustment of claim under this Act and it is subsequently discovered, at any time before final disposition of such cause, that the claim for disability or death which was the basis for such application should properly have been made under the Workers' Compensation Act, then the provisions of Section 19 paragraph (a-1) of the Workers' Compensation Act having reference to such application shall apply.
Whenever any claimant misconceives his remedy and files an application for adjustment of claim under the Workers' Compensation Act and it is subsequently discovered, at any time before final disposition of such cause that the claim for injury or death which was the basis for such application should properly

New matter indicated by italics - deletions by strikeout
have been made under this Act, then the application so filed under the Workers’ Compensation Act may be amended in form, substance or both to assert claim for such disability or death under this Act and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this Act. When such amendment is submitted, further or additional evidence may be heard by the Arbitrator or Commission when deemed necessary; provided, that nothing in this Section contained shall be construed to be or permit a waiver of any provisions of this Act with reference to notice, but notice if given shall be deemed to be a notice under the provisions of this Act if given within the time required herein.

(b) The Arbitrator shall make such inquiries and investigations as he shall deem necessary and may examine and inspect all books, papers, records, places, or premises relating to the questions in dispute and hear such proper evidence as the parties may submit.

The hearings before the Arbitrator shall be held in the vicinity where the last exposure occurred, after 10 days' notice of the time and place of such hearing shall have been given to each of the parties or their attorneys of record.

The Arbitrator may find that the disabling condition is temporary and has not yet reached a permanent condition and may order the payment of compensation up to the date of the hearing, which award shall be reviewable and enforceable in the same manner as other awards, and in no instance be a bar to a further hearing and determination of a further amount of temporary total compensation or of compensation for permanent disability, but shall be conclusive as to all other questions except the nature and extent of such disability.

The decision of the Arbitrator shall be filed with the Commission which Commission shall immediately send to each party or his attorney a copy of such decision, together with a notification of the time when it was filed. As of the effective date of this amendatory Act of the 94th General Assembly Beginning January 1, 1981, all decisions of the Arbitrator shall set forth in writing findings of fact and conclusions of law, separately stated, if requested by either party. Unless a petition for review is filed by either party within 30 days after the receipt by such party of the copy of the decision and notification of time when filed, and unless such party petitioning for a review shall within 35 days after the receipt by him of the copy of the decision, file with the Commission either an agreed statement

New matter indicated by italics - deletions by strikeout
of the facts appearing upon the hearing before the Arbitrator, or if such party shall so elect a correct transcript of evidence of the proceedings at such hearings, then the decision shall become the decision of the Commission and in the absence of fraud shall be conclusive. The Petition for Review shall contain a statement of the petitioning party's specific exceptions to the decision of the arbitrator. The jurisdiction of the Commission to review the decision of the arbitrator shall not be limited to the exceptions stated in the Petition for Review. The Commission, or any member thereof, may grant further time not exceeding 30 days, in which to file such agreed statement or transcript of evidence. Such agreed statement of facts or correct transcript of evidence, as the case may be, shall be authenticated by the signatures of the parties or their attorneys, and in the event they do not agree as to the correctness of the transcript of evidence it shall be authenticated by the signature of the Arbitrator designated by the Commission.

Whether the employee is working or not, if the employee is not receiving or has not received medical, surgical, or hospital services or other services or compensation as provided in paragraph (a) of Section 8 of the Workers' Compensation Act, or compensation as provided in paragraph (b) of Section 8 of the Workers' Compensation Act, the employee may at any time petition for an expedited hearing by an Arbitrator on the issue of whether or not he or she is entitled to receive payment of the services or compensation. Provided the employer continues to pay compensation pursuant to paragraph (b) of Section 8 of the Workers' Compensation Act, the employer may at any time petition for an expedited hearing on the issue of whether or not the employee is entitled to receive medical, surgical, or hospital services or other services or compensation as provided in paragraph (a) of Section 8 of the Workers' Compensation Act, or compensation as provided in paragraph (b) of Section 8 of the Workers' Compensation Act. When an employer has petitioned for an expedited hearing, the employer shall continue to pay compensation as provided in paragraph (b) of Section 8 of the Workers' Compensation Act unless the arbitrator renders a decision that the employee is not entitled to the benefits that are the subject of the expedited hearing or unless the employee's treating physician has released the employee to return to work at his or her regular job with the employer or the employee actually returns to work at any other job. If the arbitrator renders a decision that the employee is not entitled to the benefits that are the subject of the expedited hearing, a petition for review filed by the employee shall receive the same priority as if the employee had filed a

New matter indicated by italics - deletions by strikeout
petition for an expedited hearing by an arbitrator. Neither party shall be entitled to an expedited hearing when the employee has returned to work and the sole issue in dispute amounts to less than 12 weeks of unpaid compensation pursuant to paragraph (b) of Section 8 of the Workers' Compensation Act.

Expedited hearings shall have priority over all other petitions and shall be heard by the Arbitrator and Commission with all convenient speed. Any party requesting an expedited hearing shall give notice of a request for an expedited hearing under this paragraph. A copy of the Application for Adjustment of Claim shall be attached to the notice. The Commission shall adopt rules and procedures under which the final decision of the Commission under this paragraph is filed not later than 180 days from the date that the Petition for Review is filed with the Commission.

Where 2 or more insurance carriers, private self-insureds, or a group workers' compensation pool under Article V 3/4 of the Illinois Insurance Code dispute coverage for the same disease, any such insurance carrier, private self-insured, or group workers' compensation pool may request an expedited hearing pursuant to this paragraph to determine the issue of coverage, provided coverage is the only issue in dispute and all other issues are stipulated and agreed to and further provided that all compensation benefits including medical benefits pursuant to Section 8(a) of the Workers' Compensation Act continue to be paid to or on behalf of petitioner. Any insurance carrier, private self-insured, or group workers' compensation pool that is determined to be liable for coverage for the disease in issue shall reimburse any insurance carrier, private self-insured, or group workers' compensation pool that has paid benefits to or on behalf of petitioner for the disease.

(b-1) If the employee is not receiving, pursuant to Section 7, medical, surgical or hospital services of the type provided for in paragraph (a) of Section 8 of the Workers' Compensation Act or compensation of the type provided for in paragraph (b) of Section 8 of the Workers' Compensation Act, the employee, in accordance with Commission Rules, may file a petition for an emergency hearing by an Arbitrator on the issue of whether or not he is entitled to receive payment of such compensation or services as provided therein. Such petition shall have priority over all other petitions and shall be heard by the Arbitrator and Commission with all convenient speed.

Such petition shall contain the following information and shall be served on the employer at least 15 days before it is filed:

New matter indicated by italics - deletions by strikeout
(i) the date and approximate time of the last exposure;
(ii) the approximate location of the last exposure;
(iii) a description of the last exposure;
(iv) the nature of the disability incurred by the employee;
(v) the identity of the person, if known, to whom the
disability was reported and the date on which it was reported;
(vi) the name and title of the person, if known, representing
the employer with whom the employee conferred in any effort to
obtain pursuant to Section 7 compensation of the type provided for
in paragraph (b) of Section 8 of the Workers' Compensation Act or
medical, surgical or hospital services of the type provided for in
paragraph (a) of Section 8 of the Workers' Compensation Act and
the date of such conference;
(vii) a statement that the employer has refused to pay
compensation pursuant to Section 7 of the type provided for in
paragraph (b) of Section 8 of the Workers' Compensation Act or
medical, surgical or hospital services pursuant to Section 7 of
the type provided for in paragraph (a) of Section 8 of the Workers' Compensation Act;
(viii) the name and address, if known, of each witness to
the last exposure and of each other person upon whom the
employee will rely to support his allegations;
(ix) the dates of treatment related to the disability by
medical practitioners, and the names and addresses of such
practitioners, including the dates of treatment related to the
disability at any hospitals and the names and addresses of such
hospitals, and a signed authorization permitting the employer to
examine all medical records of all practitioners and hospitals
named pursuant to this paragraph;
(x) a copy of a signed report by a medical practitioner,
relating to the employee's current inability to return to work
because of the disability incurred as a result of the exposure or
such other documents or affidavits which show that the employee
is entitled to receive pursuant to Section 7 compensation of the
type provided for in paragraph (b) of Section 8 of the Workers' Compensation Act or medical, surgical or hospital services of the
type provided for in paragraph (a) of Section 8 of the Workers' Compensation Act. Such reports, documents or affidavits shall state, if possible, the history of the exposure given by the
employee, and describe the disability and medical diagnosis, the

New matter indicated by italics - deletions by strikeout
medical services for such disability which the employee has received and is receiving, the physical activities which the employee cannot currently perform as a result of such disability, and the prognosis for recovery;

(xii) a list of any reports, records, documents and affidavits which the employee has demanded by subpoena and on which he intends to rely to support his allegations;

(xiii) a certification signed by the employee or his representative that the employer has received the petition with the required information 15 days before filing.

Fifteen days after receipt by the employer of the petition with the required information the employee may file said petition and required information and shall serve notice of the filing upon the employer. The employer may file a motion addressed to the sufficiency of the petition. If an objection has been filed to the sufficiency of the petition, the arbitrator shall rule on the objection within 2 working days. If such an objection is filed, the time for filing the final decision of the Commission as provided in this paragraph shall be tolled until the arbitrator has determined that the petition is sufficient.

The employer shall, within 15 days after receipt of the notice that such petition is filed, file with the Commission and serve on the employee or his representative a written response to each claim set forth in the petition, including the legal and factual basis for each disputed allegation and the following information: (i) complete copies of any reports, records, documents and affidavits in the possession of the employer on which the employer intends to rely in support of his response, (ii) a list of any reports, records, documents and affidavits which the employer has demanded by subpoena and on which the employer intends to rely in support of his response, (iii) the name and address of each witness on whom the employer will rely to support his response, and (iv) the names and addresses of any medical practitioners selected by the employer pursuant to Section 12 of this Act and the time and place of any examination scheduled to be made pursuant to such Section.

Any employer who does not timely file and serve a written response without good cause may not introduce any evidence to dispute
any claim of the employee but may cross examine the employee or any
witness brought by the employee and otherwise be heard.

No document or other evidence not previously identified by either
party with the petition or written response, or by any other means before
the hearing, may be introduced into evidence without good cause. If, at the
hearing, material information is discovered which was not previously
disclosed, the Arbitrator may extend the time for closing proof on the
motion of a party for a reasonable period of time which may be more than
30 days. No evidence may be introduced pursuant to this paragraph as to
permanent disability. No award may be entered for permanent disability
pursuant to this paragraph. Either party may introduce into evidence the
testimony taken by deposition of any medical practitioner.

The Commission shall adopt rules, regulations and procedures
whereby the final decision of the Commission is filed not later than 90
days from the date the petition for review is filed but in no event later than
180 days from the date the petition for an emergency hearing is filed with
the Illinois Workers' Compensation Commission.

All service required pursuant to this paragraph (b-1) must be by
personal service or by certified mail and with evidence of receipt. In
addition, for the purposes of this paragraph, all service on the employer
must be at the premises where the accident occurred if the premises are
owned or operated by the employer. Otherwise service must be at the
employee's principal place of employment by the employer. If service on
the employer is not possible at either of the above, then service shall be at
the employer's principal place of business. After initial service in each
case, service shall be made on the employer's attorney or designated
representative.

(c) (1) At a reasonable time in advance of and in connection with
the hearing under Section 19(c) or 19(h), the Commission may on its own
motion order an impartial physical or mental examination of a petitioner
whose mental or physical condition is in issue, when in the Commission's
discretion it appears that such an examination will materially aid in the
just determination of the case. The examination shall be made by a
member or members of a panel of physicians chosen for their special
qualifications by the Illinois State Medical Society. The Commission shall
establish procedures by which a physician shall be selected from such list.

(2) Should the Commission at any time during the hearing find that
compelling considerations make it advisable to have an examination and
report at that time, the Commission may in its discretion so order.

New matter indicated by italics - deletions by strikeout
(3) A copy of the report of examination shall be given to the Commission and to the attorneys for the parties.

(4) Either party or the Commission may call the examining physician or physicians to testify. Any physician so called shall be subject to cross-examination.

(5) The examination shall be made, and the physician or physicians, if called, shall testify, without cost to the parties. The Commission shall determine the compensation and the pay of the physician or physicians. The compensation for this service shall not exceed the usual and customary amount for such service.

The fees and payment thereof of all attorneys and physicians for services authorized by the Commission under this Act shall, upon request of either the employer or the employee or the beneficiary affected, be subject to the review and decision of the Commission.

(d) If any employee shall persist in insanitary or injurious practices which tend to either imperil or retard his recovery or shall refuse to submit to such medical, surgical, or hospital treatment as is reasonably essential to promote his recovery, the Commission may, in its discretion, reduce or suspend the compensation of any such employee; provided, that when an employer and employee so agree in writing, the foregoing provision shall not be construed to authorize the reduction or suspension of compensation of an employee who is relying in good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof.

(e) This paragraph shall apply to all hearings before the Commission. Such hearings may be held in its office or elsewhere as the Commission may deem advisable. The taking of testimony on such hearings may be had before any member of the Commission. If a petition for review and agreed statement of facts or transcript of evidence is filed, as provided herein, the Commission shall promptly review the decision of the Arbitrator and all questions of law or fact which appear from the statement of facts or transcripts of evidence. In all cases in which the hearing before the arbitrator is held after the effective date of this amendatory Act of 1989, no additional evidence shall be introduced by the parties before the Commission on review of the decision of the Arbitrator. The Commission shall file in its office its decision thereon, and shall immediately send to each party or his attorney a copy of such decision and a notification of the time when it was filed. Decisions shall be filed within 60 days after the Statement of Exceptions and Supporting Brief and

New matter indicated by italics - deletions by strikeout
Response thereto are required to be filed or oral argument whichever is later.

In the event either party requests oral argument, such argument shall be had before a panel of 3 members of the Commission (or before all available members pursuant to the determination of 7 members of the Commission that such argument be held before all available members of the Commission) pursuant to the rules and regulations of the Commission. A panel of 3 members, which shall be comprised of not more than one representative citizen of the employing class and not more than one representative citizen of the employee class, shall hear the argument; provided that if all the issues in dispute are solely the nature and extent of the permanent partial disability, if any, a majority of the panel may deny the request for such argument and such argument shall not be held; and provided further that 7 members of the Commission may determine that the argument be held before all available members of the Commission. A decision of the Commission shall be approved by a majority of Commissioners present at such hearing if any; provided, if no such hearing is held, a decision of the Commission shall be approved by a majority of a panel of 3 members of the Commission as described in this Section. The Commission shall give 10 days' notice to the parties or their attorneys of the time and place of such taking of testimony and of such argument.

In any case the Commission in its discretion may in its discretion find specially upon any question or questions of law or facts which shall be submitted in writing by either party whether ultimate or otherwise; provided that on issues other than nature and extent of the disablement, if any, the Commission in its decision shall find specially upon any question or questions of law or fact, whether ultimate or otherwise, which are submitted in writing by either party; provided further that not more than 5 such questions may be submitted by either party. Any party may, within 20 days after receipt of notice of the Commission's decision, or within such further time, not exceeding 30 days, as the Commission may grant, file with the Commission either an agreed statement of the facts appearing upon the hearing, or, if such party shall so elect, a correct transcript of evidence of the additional proceedings presented before the Commission in which report the party may embody a correct statement of such other proceedings in the case as such party may desire to have reviewed, such statement of facts or transcript of evidence to be authenticated by the signature of the parties or their attorneys, and in the event that they do not agree, then the authentication of such transcript of evidence shall be by the signature of any member of the Commission.
If a reporter does not for any reason furnish a transcript of the proceedings before the Arbitrator in any case for use on a hearing for review before the Commission, within the limitations of time as fixed in this Section, the Commission may, in its discretion, order a trial de novo before the Commission in such case upon application of either party. The applications for adjustment of claim and other documents in the nature of pleadings filed by either party, together with the decisions of the Arbitrator and of the Commission and the statement of facts or transcript of evidence hereinbefore provided for in paragraphs (b) and (c) shall be the record of the proceedings of the Commission, and shall be subject to review as hereinafter provided.

At the request of either party or on its own motion, the Commission shall set forth in writing the reasons for the decision, including findings of fact and conclusions of law, separately stated. The Commission shall by rule adopt a format for written decisions for the Commission and arbitrators. The written decisions shall be concise and shall succinctly state the facts and reasons for the decision. The Commission may adopt in whole or in part, the decision of the arbitrator as the decision of the Commission. When the Commission does so adopt the decision of the arbitrator, it shall do so by order. Whenever the Commission adopts part of the arbitrator's decision, but not all, it shall include in the order the reasons for not adopting all of the arbitrator's decision. When a majority of a panel, after deliberation, has arrived at its decision, the decision shall be filed as provided in this Section without unnecessary delay, and without regard to the fact that a member of the panel has expressed an intention to dissent. Any member of the panel may file a dissent. Any dissent shall be filed no later than 10 days after the decision of the majority has been filed.

Decisions rendered by the Commission after the effective date of this amendatory Act of 1980 and dissents, if any, shall be published together by the Commission. The conclusions of law set out in such decisions shall be regarded as precedents by arbitrators, for the purpose of achieving a more uniform administration of this Act.

(f) The decision of the Commission acting within its powers, according to the provisions of paragraph (e) of this Section shall, in the absence of fraud, be conclusive unless reviewed as in this paragraph hereinafter provided. However, the Arbitrator or the Commission may on his or its own motion, or on the motion of either party, correct any clerical error or errors in computation within 15 days after the date of receipt of any award by such Arbitrator or any decision on review of the

New matter indicated by italics - deletions by strikeout
Commission, and shall have the power to recall the original award on arbitration or decision on review, and issue in lieu thereof such corrected award or decision. Where such correction is made the time for review herein specified shall begin to run from the date of the receipt of the corrected award or decision.

(1) Except in cases of claims against the State of Illinois, in which case the decision of the Commission shall not be subject to judicial review, the Circuit Court of the county where any of the parties defendant may be found, or if none of the parties defendant be found in this State then the Circuit Court of the county where any of the exposure occurred, shall by summons to the Commission have power to review all questions of law and fact presented by such record.

A proceeding for review shall be commenced within 20 days of the receipt of notice of the decision of the Commission. The summons shall be issued by the clerk of such court upon written request returnable on a designated return day, not less than 10 or more than 60 days from the date of issuance thereof, and the written request shall contain the last known address of other parties in interest and their attorneys of record who are to be served by summons. Service upon any member of the Commission or the Secretary or the Assistant Secretary thereof shall be service upon the Commission, and service upon other parties in interest and their attorneys of record shall be by summons, and such service shall be made upon the Commission and other parties in interest by mailing notices of the commencement of the proceedings and the return day of the summons to the office of the Commission and to the last known place of residence of other parties in interest or their attorney or attorneys of record. The clerk of the court issuing the summons shall on the day of issue mail notice of the commencement of the proceedings which shall be done by mailing a copy of the summons to the office of the Commission, and a copy of the summons to the other parties in interest or their attorney or attorneys of record and the clerk of the court shall make certificate that he has so sent such notices in pursuance of this Section, which shall be evidence of service on the Commission and other parties in interest.

The Commission shall not be required to certify the record of their proceedings in the Circuit Court unless the party commencing the proceedings for review in the Circuit Court as

New matter indicated by italics - deletions by strikeout
above provided, shall pay to the Commission the sum of 80 cents per page of testimony taken before the Commission, and 35 cents per page of all other matters contained in such record, except as otherwise provided by Section 20 of this Act. Payment for photostatic copies of exhibit shall be extra. It shall be the duty of the Commission upon such payment, or failure to pay as permitted under Section 20 of this Act, to prepare a true and correct typewritten copy of such testimony and a true and correct copy of all other matters contained in such record and certified to by the Secretary or Assistant Secretary thereof.

In its decision on review the Commission shall determine in each particular case the amount of the probable cost of the record to be filed as a return to the summons in that case and no request for a summons may be filed and no summons shall issue unless the party seeking to review the decision of the Commission shall exhibit to the clerk of the Circuit Court proof of payment by filing a receipt showing payment or an affidavit of the attorney setting forth that payment has been made of the sums so determined to the Secretary or Assistant Secretary of the Commission.

(2) No such summons shall issue unless the one against whom the Commission shall have rendered an award for the payment of money shall upon the filing of his written request for such summons file with the clerk of the court a bond conditioned that if he shall not successfully prosecute the review, he will pay the award and the costs of the proceedings in the court. The amount of the bond shall be fixed by any member of the Commission and the surety or sureties of the bond shall be approved by the clerk of the court. The acceptance of the bond by the clerk of the court shall constitute evidence of his approval of the bond.

Every county, city, town, township, incorporated village, school district, body politic or municipal corporation having a population of 500,000 or more against whom the Commission shall have rendered an award for the payment of money shall not be required to file a bond to secure the payment of the award and the costs of the proceedings in the court to authorize the court to issue such summons.

The court may confirm or set aside the decision of the Commission. If the decision is set aside and the facts found in the proceedings before the Commission are sufficient, the court may

New matter indicated by italics - deletions by strikeout
enter such decision as is justified by law, or may remand the cause to the Commission for further proceedings and may state the questions requiring further hearing, and give such other instructions as may be proper. Appeals shall be taken to the Appellate Court in accordance with Supreme Court Rules 22(g) and 303. Appeals shall be taken from the Appellate Court to the Supreme Court in accordance with Supreme Court Rule 315.

It shall be the duty of the clerk of any court rendering a decision affecting or affirming an award of the Commission to promptly furnish the Commission with a copy of such decision, without charge.

The decision of a majority of the members of the panel of the Commission, shall be considered the decision of the Commission.

(g) Except in the case of a claim against the State of Illinois, either party may present a certified copy of the award of the Arbitrator, or a certified copy of the decision of the Commission when the same has become final, when no proceedings for review are pending, providing for the payment of compensation according to this Act, to the Circuit Court of the county in which such exposure occurred or either of the parties are residents, whereupon the court shall enter a judgment in accordance therewith. In case where the employer refuses to pay compensation according to such final award or such final decision upon which such judgment is entered, the court shall in entering judgment thereon, tax as costs against him the reasonable costs and attorney fees in the arbitration proceedings and in the court entering the judgment for the person in whose favor the judgment is entered, which judgment and costs taxed as herein provided shall, until and unless set aside, have the same effect as though duly entered in an action duly tried and determined by the court, and shall with like effect, be entered and docketed. The Circuit Court shall have power at any time upon application to make any such judgment conform to any modification required by any subsequent decision of the Supreme Court upon appeal, or as the result of any subsequent proceedings for review, as provided in this Act.

Judgment shall not be entered until 15 days' notice of the time and place of the application for the entry of judgment shall be served upon the employer by filing such notice with the Commission, which Commission shall, in case it has on file the address of the employer or the name and address of its agent upon whom notices may be served, immediately send a copy of the notice to the employer or such designated agent.

New matter indicated by italics - deletions by strikeout
(h) An agreement or award under this Act providing for compensation in installments, may at any time within 18 months after such agreement or award be reviewed by the Commission at the request of either the employer or the employee on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended.

However, as to disablements occurring subsequently to July 1, 1955, which are covered by any agreement or award under this Act providing for compensation in installments made as a result of such disablement, such agreement or award may at any time within 30 months after such agreement or award be reviewed by the Commission at the request of either the employer or the employee on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended.

On such review compensation payments may be re-established, increased, diminished or ended. The Commission shall give 15 days' notice to the parties of the hearing for review. Any employee, upon any petition for such review being filed by the employer, shall be entitled to one day's notice for each 100 miles necessary to be traveled by him in attending the hearing of the Commission upon the petition, and 3 days in addition thereto. Such employee shall, at the discretion of the Commission, also be entitled to 5 cents per mile necessarily traveled by him within the State of Illinois in attending such hearing, not to exceed a distance of 300 miles, to be taxed by the Commission as costs and deposited with the petition of the employer.

When compensation which is payable in accordance with an award or settlement contract approved by the Commission, is ordered paid in a lump sum by the Commission, no review shall be had as in this paragraph mentioned.

(i) Each party, upon taking any proceedings or steps whatsoever before any Arbitrator, Commission or court, shall file with the Commission his address, or the name and address of any agent upon whom all notices to be given to such party shall be served, either personally or by registered mail, addressed to such party or agent at the last address so filed with the Commission. In the event such party has not filed his address, or the name and address of an agent as above provided, service of any notice may be had by filing such notice with the Commission.

(j) Whenever in any proceeding testimony has been taken or a final decision has been rendered, and after the taking of such testimony or after such decision has become final, the employee dies, then in any subsequent

New matter indicated by italics - deletions by strikeout
proceeding brought by the personal representative or beneficiaries of the deceased employee, such testimony in the former proceeding may be introduced with the same force and effect as though the witness having so testified were present in person in such subsequent proceedings and such final decision, if any, shall be taken as final adjudication of any of the issues which are the same in both proceedings.

(k) In any case where there has been any unreasonable or vexatious delay of payment or intentional underpayment of compensation, or proceedings have been instituted or carried on by one liable to pay the compensation, which do not present a real controversy, but are merely frivolous or for delay, then the Commission may award compensation additional to that otherwise payable under this Act equal to 50% of the amount payable at the time of such award. Failure to pay compensation in accordance with the provisions of Section 8, paragraph (b) of this Act, shall be considered unreasonable delay.

When determining whether this subsection (k) shall apply, the Commission shall consider whether an arbitrator has determined that the claim is not compensable or whether the employer has made payments under Section 8(j) of the Workers' Compensation Act.

(k-1) If the employee has made written demand for payment of benefits under Section 8(a) or Section 8(b) of the Workers' Compensation Act, the employer shall have 14 days after receipt of the demand to set forth in writing the reason for the delay. In the case of demand for payment of medical benefits under Section 8(a) of the Workers' Compensation Act, the time for the employer to respond shall not commence until the expiration of the allotted 60 days specified under Section 8.2(d) of the Workers' Compensation Act. In case the employer or his or her insurance carrier shall without good and just cause fail, neglect, refuse, or unreasonably delay the payment of benefits under Section 8(a) or Section 8(b) of the Workers' Compensation Act, the Arbitrator or the Commission shall allow to the employee additional compensation in the sum of $30 per day for each day that the benefits under Section 8(a) or Section 8(b) of the Workers' Compensation Act have been so withheld or refused, not to exceed $10,000. A delay in payment of 14 days or more shall create a rebuttable presumption of unreasonable delay.

(l) By the 15th day of each month each insurer providing coverage for losses under this Act shall notify each insured employer of any compensable claim incurred during the preceding month and the amounts paid or reserved on the claim including a summary of the claim and a brief

New matter indicated by italics - deletions by strikeout
statement of the reasons for compensability. A cumulative report of all claims incurred during a calendar year or continued from the previous year shall be furnished to the insured employer by the insurer within 30 days after the end of that calendar year.

The insured employer may challenge, in proceeding before the Commission, payments made by the insurer without arbitration and payments made after a case is determined to be noncompensable. If the Commission finds that the case was not compensable, the insurer shall purge its records as to that employer of any loss or expense associated with the claim, reimburse the employer for attorneys fee arising from the challenge and for any payment required of the employer to the Rate Adjustment Fund or the Second Injury Fund, and may not effect the loss or expense for rate making purposes. The employee shall not be required to refund the challenged payment. The decision of the Commission may be reviewed in the same manner as in arbitrated cases. No challenge may be initiated under this paragraph more than 3 years after the payment is made. An employer may waive the right of challenge under this paragraph on a case by case basis.

(m) After filing an application for adjustment of claim but prior to the hearing on arbitration the parties may voluntarily agree to submit such application for adjustment of claim for decision by an arbitrator under this subsection (m) where such application for adjustment of claim raises only a dispute over temporary total disability, permanent partial disability or medical expenses. Such agreement shall be in writing in such form as provided by the Commission. Applications for adjustment of claim submitted for decision by an arbitrator under this subsection (m) shall proceed according to rule as established by the Commission. The Commission shall promulgate rules including, but not limited to, rules to ensure that the parties are adequately informed of their rights under this subsection (m) and of the voluntary nature of proceedings under this subsection (m). The findings of fact made by an arbitrator acting within his or her powers under this subsection (m) in the absence of fraud shall be conclusive. However, the arbitrator may on his own motion, or the motion of either party, correct any clerical errors or errors in computation within 15 days after the date of receipt of such award of the arbitrator and shall have the power to recall the original award on arbitration, and issue in lieu thereof such corrected award. The decision of the arbitrator under this subsection (m) shall be considered the decision of the Commission and proceedings for review of questions of law arising from the decision may be commenced by either party pursuant to subsection (f) of Section 19.

New matter indicated by italics - deletions by strikeout
The Advisory Board established under Section 13.1 of the Workers' Compensation Act shall compile a list of certified Commission arbitrators, each of whom shall be approved by at least 7 members of the Advisory Board. The chairman shall select 5 persons from such list to serve as arbitrators under this subsection (m). By agreement, the parties shall select one arbitrator from among the 5 persons selected by the chairman except, that if the parties do not agree on an arbitrator from among the 5 persons, the parties may, by agreement, select an arbitrator of the American Arbitration Association, whose fee shall be paid by the State in accordance with rules promulgated by the Commission. Arbitration under this subsection (m) shall be voluntary.

(Source: P.A. 93-721, eff. 1-1-05.)

Section 95. Applicability. The amendatory changes to the first paragraph of subsection (f) of Section 7 relating to payment for burial expenses, subsections (a) and (b) of Section 8, and subsections (h), (k), and (l) of Section 19 of the Workers' Compensation Act and subsections (k) and (k-1) of Section 19 of the Workers' Occupational Diseases Act apply to accidental injuries or diseases that occur on or after February 1, 2006.

Section 98. Inseverability. The provisions of this Act are mutually dependent and inseverable. If any provision or its application to any person or circumstance is held invalid, then this entire Act is invalid.

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

Passed in the General Assembly May 27, 2005.
Approved July 20, 2005.
Effective July 20, 2005.
That part of the South Half of Section 36, Township 36 North, Range 12 East of the Third Principal Meridian being bounded and described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 36; thence South 89 degrees 42 minutes 02 seconds East, along the South line of said Southwest Quarter, a distance of 2669.17 feet to the southeast corner of said Southwest Quarter and a point on Line "A"; thence North 00 degrees 10 minutes 38 seconds West, along said Line "A", a distance of 50.00 feet, to the North line of the South 50.00 feet of said Section 36 and the Point of Beginning; thence North 89 degrees 42 minutes 02 seconds West, along said North line, a distance of 55.00 feet; thence North 45 degrees 03 minutes 36 seconds East, a distance of 21.13 feet to the North line of the South 65.00 feet of said Section 36 and a point on Line "B" being 40.00 feet westerly of and parallel to said Line "A"; thence North 00 degrees 10 minutes 38 seconds West, along said Line "B", a distance of 116.92 feet to a point on Line "C"; thence North 88 degrees 31 minutes 53 seconds West, a distance of 184.17 feet, to a point of tangency on Curve "A"; thence northwesterly along said Curve "A" to the right having a radius of 338.466 feet, an arc length of 364.372 feet, a chord length of 347.030 feet, and a chord bearing of North 57 degrees 07 minutes 39 seconds West, to a point of tangency on Line "D"; thence North 25 degrees 43 minutes 26 seconds West, a distance of 5.46 feet, to a point of tangency on Curve "B"; thence northwesterly along said Curve "B" to the left having a radius of 834.000 feet, an arc length of 393.125 feet, a chord length of 389.495 feet, and a chord bearing of North 39 degrees 13 minutes 40 seconds West, to a point of tangency on Line "E"; thence North 52 degrees 43 minutes 54 seconds West, a distance of 5.37 feet, to the East line of the West 1900.00 feet of the Southwest Quarter of said Section 36; thence North 00 degrees 00 minutes 00 seconds East, a distance of 82.93 feet, to a point on a line lying 66.00 feet northeasterly of and parallel to said Line "E"; thence South 52 degrees 43 minutes 54 seconds East, a distance of 55.59 feet, to a point of tangency on a curve lying 66.00 feet northeasterly of and parallel to said Curve "B"; thence southeasterly along said parallel curve to the right having a radius of 900.000 feet, an arc length of 424.236 feet, a chord length of
420.319 feet, and a chord bearing of South 39 degrees 13 minutes 40 seconds East, to a point of tangency on a line lying 66.00 feet northeasterly of and parallel to said Line "D"; thence South 25 degrees 43 minutes 26 seconds East, along said parallel line, a distance of 5.46 feet, to a point of tangency, on a curve lying 66.00 feet northeasterly of and parallel to said Curve "A"; thence southeasterly along said parallel curve to the left having a radius of 270.381 feet, an arc length of 292.273 feet, a chord length of 278.249 feet and a chord bearing of South 57 degrees 07 minutes 39 seconds East, to a point of tangency on a line 66.00 feet northerly of and parallel to said Line "C"; thence South 88 degrees 31 minutes 10 seconds East, along said parallel line, a distance of 262.31 feet, to a line 80.00 feet easterly of and parallel to said Line "B"; thence South 00 degrees 10 minutes 38 seconds East, along said parallel line, a distance of 55.00 feet to the North line of the South 50.00 feet of said Section 36; thence North 89 degrees 42 minutes 02 seconds West, along said North line, a distance of 181.31 feet, to the North line of the South 65.00 feet of said Section 36; thence North 89 degrees 42 minutes 02 seconds West, along the South line of said Southeast Quarter, a distance of 2237.39 feet; thence North 00 degrees 17 minutes 58 seconds East, at right angles to the last described line, a distance of 174.75 feet; thence North 32 degrees 46 minutes 02 seconds West, a distance of 99.70 feet; thence North 72 degrees 07 minutes 42 seconds West, a distance of 105.00 feet, to Line "A"; thence North 89 degrees 42 minutes 02 seconds West, along Line "A" parallel with the South line of said Southeast Quarter, a distance of 139.51 feet to the Point of Beginning; thence South 00 degrees 17 minutes 8 seconds West, at right angles to

New matter indicated by italics - deletions by strikeout
said Line "A", a distance of 290.00 feet to the South line of said Southeast Quarter; thence North 89 degrees 42 minutes 02 seconds West, along said South line, a distance of 143.97 feet, to the southwest corner of said Southeast Quarter and Line "B"; thence North 00 degrees 10 minutes 38 seconds West; along Line "B" a distance of 290.01 feet to the westerly prolongation of said Line "A"; thence South 89 degrees 42 minutes 02 seconds East, along said westerly prolongation, a distance of 146.38 feet, to the Point of Beginning.

Excepting therefrom the South 50.00 feet and also excepting therefrom that part of said parcel lying westerly of the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North 00 degrees 10 minutes 38 seconds West, along said Line "B", a distance of 290.01 feet, to the westerly prolongation of said Line "A"; thence South 89 degrees 42 minutes 02 seconds East, along said westerly prolongation, a distance of 40.00 feet, to a line lying 40.00 feet easterly of and parallel to said Line "B", and the Point of Beginning; thence South 00 degrees 10 minutes 38 seconds East, along said parallel line, a distance of 225.01 feet, to the North line of the South 65.00 feet of said Southeast Quarter; thence South 44 degrees 56 minutes 7 seconds East, a distance of 21.30 feet, to the North line of the South 50.00 feet of said Southeast Quarter and the terminus of said line.

Containing 0.578 acres (25,179 square feet) more or less.

Section 15. The conveyance of the permanent easement authorized by Section 5 shall be made subject to the express condition that any part of the said real property that ceases to be used for public roadway purposes or non-profit uses shall revert back to the State of Illinois, Department of Human Services, without further action on the part of the State or the Department.

Section 20. The conveyance of real property authorized by Section 10 shall be made subject to the express condition that any part of the real property that ceases to be used for non-profit uses shall revert back to the State of Illinois, Department of Human Services, without further action on the part of the State or the Department.

Section 90. The Secretary of Human Services shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be conveyed, and this Section

New matter indicated by italics - deletions by strikeout
within 60 days after its effective date and, upon receipt of the payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the County in which the land is located.

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

Passed in the General Assembly May 27, 2005.
Approved July 20, 2005.
Effective July 20, 2005.

PUBLIC ACT 94-0279
(Senate Bill No. 1699)

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

Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-425 as follows:

(20 ILCS 605/605-425 new)

Sec. 605-425. Illinois Steel Development Board.
(a) The Illinois Steel Development Board is established as an advisory board to the Department of Commerce and Economic Opportunity. The Board shall be composed of the following voting members: the Director of Commerce and Economic Opportunity, who shall be Chairman of the Board, the Deputy Director of the Bureau of Business Development within the Department of Commerce and Economic Opportunity, 4 members of the General Assembly (one each appointed by the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the House Minority Leader), and 8 persons appointed by the Governor, with the advice and consent of the Senate. Members appointed by the Governor must include: (1) one member shall be a member of the faculty of a school of business located within Illinois; (2) one member shall be a member of the faculty of a school of engineering located within Illinois; (3) one member shall represent a labor union that represents steelworkers; and (4) 5 members shall represent the Illinois steel industry, including but not limited to technology, transportation, financial, production, and use. Members appointed by the Governor shall be chosen from persons of recognized ability and experience in their designated field.

New matter indicated by italics - deletions by strikeout
The members appointed by the Governor shall serve for terms of 4 years. The initial terms of the initial appointees shall expire on July 1, 2009. A member appointed by a legislative leader shall serve for the duration of the General Assembly for which he or she is appointed, so long as the member remains a member of that General Assembly.

The Board shall meet at least annually or at the call of the Chairman. At any time the majority of the Board may petition the Chairman for a meeting of the Board. Nine members of the Board shall constitute a quorum.

Members of the Board shall be reimbursed for actual and necessary expenses incurred while performing their duties as members of the Board from funds appropriated to the Department for that purpose.

(b) The Board shall provide advice and make recommendations to the Department of Commerce and Economic Opportunity on the following:

1. The development of an annual agenda that may include, but is not limited to, research, marketing, and promotional methodologies conducted for the purpose of increasing the use of American steel produced, used, or transported by Illinois companies with emphasis on the following areas: maintaining and increasing employment of Illinois workers in the steel industry; steel preparation and characterization; marketing; public awareness and education; transportation; and environmental impacts.

2. The support and coordination of American steel research, marketing, and promotion; the approval of projects consistent with the annual agenda and budget for steel research, marketing, and promotion; and the approval of the annual budget and operating plan for administration of the Board.

3. The promotion and coordination of available research, marketing, and promotional information on the production, preparation, distribution, and uses of American steel. The Board shall advise the existing research institutions within the State on areas where research may be necessary.

4. The cooperation to the fullest extent possible with State and federal agencies and departments, independent organizations, and other interested groups, public and private, for the purposes of promoting American steel resources.

5. The submission of an annual report to the Governor and the General Assembly outlining the progress and progress and
accomplishments made during the calendar year and furnishing other relevant information.

(6) Focusing on existing steel research, marketing, and promotion efforts in carrying out its mission, ways to make use of existing facilities in Illinois or other institutions carrying out research, marketing, and promotion of American steel and, as far as practical, to make maximum use of the facilities available in Illinois, including universities and colleges located within the State of Illinois, and the creation of a consortium or center that conducts, coordinates, and supports steel research, promotion, and marketing activities in the State of Illinois. Programmatic activities of the consortium or center shall be subject to approval by the Department and shall be consistent with the purposes of this Section. The Department may authorize the expenditure of funds in support of the administrative and programmatic operations of the center or consortium that are consistent with its authority. Administrative actions undertaken by or for the center or consortium shall be subject to the approval of the Department.

(7) Reasonable ways, before initiating any research, to avoid duplication of effort and expense through the coordination of the research efforts of various agencies, departments, universities, or organizations.

(8) The adoption, amendment, and repeal of rules, regulations, and bylaws governing the Board's organization and conduct of business.

(9) The search for, the acceptance of, and the expenditure of gifts or grants in any form, from any public agency or from any other source. The gifts and grants may be held in trust by the Department and expended at the direction of the Department and in the exercise of the Department's powers and performance of the Department's duties.

(10) The publication, from time to time, of the results of American steel research, marketing, and promotion projects funded through the Department.

(c) The Board shall also provide advice and make recommendations to the Department on the following:

(1) The creation and maintenance of current and accurate records on all markets for and actual uses of steel processed, utilized, or transported in Illinois and ways of making those records available to the public upon request.

New matter indicated by italics - deletions by strikeout
(2) The identification of all current and anticipated future technical, economic, institutional, market, environmental, regulatory, and other impediments to the use of American steel and the Illinois steel industry.

(3) The identification of alternative plans or actions that would maintain or increase the use of American steel and the Illinois steel industry.

(4) The development of strategies and proposing policies to promote responsible uses of American steel processed, used, or transported by the Illinois steel industry.

Passed in the General Assembly May 26, 2005.
Approved July 20, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0280
(House Bill No. 4050)

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

Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)
Sec. 7. Exemptions.
(1) The following shall be exempt from inspection and copying:
   (a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.
   (b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:
      (i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or

New matter indicated by italics - deletions by strikeout
services directly or indirectly from federal agencies or public bodies;
   (ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;
   (iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;
   (iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;
   (v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection; and
   (vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:
   (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
   (ii) interfere with pending administrative enforcement proceedings conducted by any public body;
   (iii) deprive a person of a fair trial or an impartial hearing;
   (iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

New matter indicated by italics - deletions by strikeout
(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

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

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or

New matter indicated by italics - deletions by strikeout
actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

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

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

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

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only to the extent that disclosure would compromise security,

New matter indicated by italics - deletions by strikeout
including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings.

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

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

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

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

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

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

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

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel

New matter indicated by italics - deletions by strikeout
involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

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

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

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

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

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

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

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

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

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance

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

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

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

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

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

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

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

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

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

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure

New matter indicated by italics - deletions by strikeout
could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

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

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

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

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

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

(Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff. 8-21-03; 93-617, eff. 12-9-03.)

Section 10. The Residential Real Property Disclosure Act is amended by adding an Article caption immediately before Section 1 as follows:

**ARTICLE 1**

**SHORT TITLE**

Section 15. The Residential Real Property Disclosure Act is amended by adding an Article caption immediately before Section 5 as follows:

New matter indicated by italics - deletions by strikeout
ARTICLE 2
DISCLOSURES
Section 20. The Residential Real Property Disclosure Act is amended by adding an Article caption and by adding Sections 70, 72, 74, and 76 immediately after Section 65 as follows:

ARTICLE 3
PREDATORY LENDING DATABASE
(765 ILCS 77/70 new)
Sec. 70. Predatory lending database pilot program.
(a) As used in this Article:
"Borrower" means a person seeking a mortgage loan.
"Broker" means a "broker" or "loan broker", as defined in subsection (p) of Section 1-4 of the Residential Mortgage License Act of 1987.
"Closing agent" means an individual assigned by a title insurance company or a broker or originator to ensure that the execution of documents related to the closing of a real estate sale or the refinancing of a real estate loan and the disbursement of closing funds are in conformity with the instructions of the entity financing the transaction.
"Department" means the Department of Financial and Professional Regulation.
"Exempt person" means that term as it is defined in subsections (d)(1) and (d)(1.5) of Section 1-4 of the Residential Mortgage License Act of 1987.
"Lender" means that term as it is defined in subsection (g) of Section 1-4 of the Residential Mortgage License Act.
"Licensee" means that term as it is defined in subsection (e) of Section 1-4 of the Residential Mortgage License Act of 1987.
"Mortgage loan" means that term as it is defined in subsection (f) of Section 1-4 of the Residential Mortgage License Act of 1987.
"Originator" means a "loan originator" as defined in subsection (hh) of Section 1-4 of the Residential Mortgage License Act of 1987, except an exempt person.
"Pilot program area" means all areas within Cook County designated as such by the Department due to the high rate of foreclosure on residential home mortgages that is primarily the result of predatory lending practices. The Department shall designate the pilot program area within 30 days after the effective date of this amendatory Act of the 94th General Assembly.

New matter indicated by italics - deletions by strikeout
"Title insurance company" means any domestic company organized under the laws of this State for the purpose of conducting the business of guaranteeing or insuring titles to real estate and any title insurance company organized under the laws of another State, the District of Columbia, or a foreign government and authorized to transact the business of guaranteeing or insuring titles to real estate in this State.

(b) A predatory lending database pilot program is established within the pilot program area. The pilot program shall continue for 4 years after its creation and shall be administered in accordance with Article 3 of this Act. The database created under this program shall be maintained and administered by the Department. The database shall be designed to allow brokers, originators, credit counselors, title insurance companies, and closing agents to submit information to the database online. The database shall not be designed to allow those entities to retrieve information from the database, except as otherwise provided in this Article. Information submitted by the broker or originator to the Department may be used to populate the online form submitted by a credit counselor, title insurance company, or closing agent.

(c) Within 10 days after taking a mortgage application, the broker or originator for any mortgage on residential property within the pilot program area must submit to the predatory lending database all of the information required under Section 72 and any other information required by the Department by rule. Within 7 days after receipt of the information, the Department shall compare that information to credit counseling standards developed by the Department by rule and issue to the borrower and the broker or originator a determination of whether credit counseling is recommended for the borrower. The borrower may not waive credit counseling. If at any time after submitting the information required under Section 72 the broker or originator (i) changes the terms of the loan or (ii) issues a new commitment to the borrower, then, within 5 days thereafter, the broker or originator shall re-submit all of the information required under Section 72 and, within 4 days after receipt of the information re-submitted by the broker or originator, the Department shall compare that information to credit counseling standards developed by the Department by rule and shall issue to the borrower and the broker or originator a new determination of whether credit counseling is recommended for the borrower based on the information re-submitted by the broker or originator.

(d) If the Department recommends credit counseling for the borrower under subsection (c), then the Department shall notify the

New matter indicated by italics - deletions by strikeout
borrower of all HUD-certified counseling agencies located within the State and direct the borrower to interview with a counselor associated with one of those agencies. Within 10 days after receipt of the notice of HUD-certified counseling agencies, the borrower shall select one of those agencies and shall engage in an interview with a counselor associated with that agency. Within 7 days after interviewing the borrower, the credit counselor must submit to the predatory lending database all of the information required under Section 74 and any other information required by the Department by rule. Any costs associated with credit counseling provided under the pilot program shall be paid by the broker or originator.

(e) The broker or originator and the borrower may not take any legally binding action concerning the loan transaction until the later of the following:

1. the Department issues a determination not to recommend credit counseling for the borrower in accordance with subsection (c); or
2. the Department issues a determination that credit counseling is recommended for the borrower and the credit counselor submits all required information to the database in accordance with subsection (d).

(f) Within 10 days after closing, the title insurance company or closing agent must submit to the predatory lending database all of the information required under Section 76 and any other information required by the Department by rule.

(g) Upon recording the mortgage, the title insurance company or closing agent must simultaneously file with the recorder a certificate of its compliance with the requirements of this Article, as generated by the database. If the title insurance company or closing agent fails to file the certificate of compliance, then the mortgage is not recordable. In addition, if any lis pendens for a residential mortgage foreclosure is recorded on the property within the pilot program area, a certificate of service must be simultaneously recorded that affirms that a copy of the lis pendens was filed with the Department. If the certificate of service is not recorded, then the lis pendens pertaining to the residential mortgage foreclosure in question is not recordable and is of no force and effect.

(h) All information provided to the predatory lending database under the program is confidential and is not subject to disclosure under the Freedom of Information Act, except as otherwise provided in this Article. Any borrower may authorize in writing the release of database

New matter indicated by italics - deletions by strikeout
The information in the database without the consent of the borrower: (i) for the purposes of administering and enforcing the pilot program; (ii) to provide relevant information to a credit counselor providing credit counseling to a borrower under the pilot program; or (iii) to the appropriate law enforcement agency or the applicable administrative agency if the database information demonstrates criminal, fraudulent, or otherwise illegal activity.

(i) Nothing in this Article is intended to prevent a borrower from making his or her own decision as to whether to proceed with a transaction.

(j) Any person who violates any provision of this Article commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(k) Not later than one year after the Department designates the pilot program area and annually thereafter during the existence of the pilot program, the Department shall report to the Governor and to the General Assembly concerning its administration and the effectiveness of the pilot program.

(765 ILCS 77/72 new)
Sec. 72. Originator; required information. As part of the predatory lending database pilot program, the broker or originator must submit all of the following information for inclusion in the predatory lending database for each loan for which the originator takes an application:

(1) The borrower's name, address, social security number or taxpayer identification number, date of birth, and income and expense information contained in the mortgage application.

(2) The address, permanent index number, and a description of the collateral and information about the loan or loans being applied for and the loan terms, including the amount of the loan, the rate and whether the rate is fixed or adjustable, amortization or loan period terms, and any other material terms.

(3) The borrower's credit score at the time of application.

(4) Information about the originator and the company the originator works for, including the originator's license number and address, fees being charged, whether the fees are being charged as points up front, the yield spread premium payable outside closing, and other charges made or remuneration required by the broker or originator or its affiliates or the broker's or originator's employer or its affiliates for the mortgage loans.
(5) Information about affiliated or third party service providers, including the names and addresses of appraisers, title insurance companies, closing agents, attorneys, and realtors who are involved with the transaction and the broker or originator and any moneys received from the broker or originator in connection with the transaction.

(6) All information indicated on the Good Faith Estimate and Truth in Lending statement disclosures given to the borrower by the broker or originator.

(7) Annual real estate taxes for the property, together with any assessments payable in connection with the property to be secured by the collateral and the proposed monthly principal and interest charge of all loans to be taken by the borrower and secured by the property of the borrower.

(8) Information concerning how the broker or originator obtained the client and the name of its referral source, if any.

(9) Information concerning the notices provided by the broker or originator to the borrower as required by law and the date those notices were given.

(10) Information concerning whether a sale and leaseback is contemplated and the names of the lessor and lessee, seller, and purchaser.

(765 ILCS 77/74 new)

Sec. 74. Credit counselor; required information. As part of the predatory lending database pilot program, a credit counselor must submit all of the following information for inclusion in the predatory lending database:

(1) The information called for in Section 72.

(2) Any information from the borrower that confirms or contradicts the information called for under item (1) of this Section.

(3) The name and address of the credit counselor.

(4) Information pertaining to the borrower's monthly expenses that assists the credit counselor in determining whether the borrower can afford the loans or loans for which the borrower is applying.

(5) A list of the disclosures furnished to the borrower, as seen and reviewed by the credit counselor, and a comparison of that list to all disclosures required by law.

New matter indicated by italics - deletions by strikeout
(6) Whether the borrower provided tax returns to the broker or originator or to the credit counselor, and, if so, who prepared the tax returns.

(7) The date the loan commitment expires and whether a written commitment has been given, together with the proposed date of closing.

(8) A statement of the recommendations of the credit counselor that indicates the counselor's response to each of the following statements:

   (A) The loan should not be approved due to indicia of fraud.

   (B) The loan should be approved; no material problems noted.

   (C) The borrower cannot afford the loan.

   (D) The borrower does not understand the transaction.

   (E) The borrower does not understand the costs associated with the transaction.

   (F) The borrower's monthly income and expenses have been reviewed and disclosed.

   (G) The rate of the loan is above market rate.

   (H) The borrower should seek a competitive bid from another broker or originator.

   (I) There are discrepancies between the borrower's verbal understanding and the originator's completed form.

   (J) The borrower is precipitously close to not being able to afford the loan.

   (K) The borrower understands the true cost of debt consolidation and the need for credit card discipline.

   (L) The information that the borrower provided the originator has been amended by the originator.

(765 ILCS 77/76 new)

Sec. 76. Title insurance company or closing agent; required information. As part of the predatory lending database pilot program, a title insurance company or closing agent must submit all of the following information for inclusion in the predatory lending database:

   (1) The borrower's name, address, social security number or taxpayer identification number, date of birth, and income and expense information contained in the mortgage application.

New matter indicated by italics - deletions by strikeout
(2) The address, permanent index number, and a description of the collateral and information about the loan or loans being applied for and the loan terms, including the amount of the loan, the rate and whether the rate is fixed or adjustable, amortization or loan period terms, and any other material terms.

(3) Annual real estate taxes for the property, together with any assessments payable in connection with the property to be secured by the collateral and the proposed monthly principal and interest charge of all loans to be taken by the borrower and secured by the property of the borrower as well as any required escrows and the amounts paid monthly for those escrows.

(4) All itemizations and descriptions set forth in the RESPA settlement statement including items to be disbursed, payable outside closing "POC" items noted on the statement, and a list of payees and the amounts of their checks.

(5) The name and license number of the title insurance company or closing agent together with the name of the agent actually conducting the closing.

(6) The names and addresses of all originators, brokers, appraisers, sales persons, attorneys, and surveyors that are present at the closing.

(7) The date of closing, a detailed list of all notices provided to the borrower at closing and the date of those notices, and all information indicated on the Truth in Lending statement and Good Faith Estimate disclosures.

Section 25. The Residential Real Property Disclosure Act is amended by adding an Article caption immediately before Section 99 as follows:

ARTICLE 4
EFFECTIVE DATE

Section 30. The Consumer Fraud and Deceptive Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services

New matter indicated by italics - deletions by strikeout
Public Act 94-0280

Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, Article 3 of the Residential Real Property Disclosure Act, or the Automatic Contract Renewal Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04; 93-950, eff. 1-1-05.)

Approved July 21, 2005.
Effective January 1, 2006.

Public Act 94-0281
(House Bill No. 0003)

AN ACT concerning fire fighters.

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

Section 5. The Illinois Municipal Code is amended by changing Section 10-2.1-14 as follows:

(65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

Sec. 10-2.1-14. Register of eligibles. The board of fire and police commissioners shall prepare and keep a register of persons whose general average standing, upon examination, is not less than the minimum fixed by the rules of the board, and who are otherwise eligible. These persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination. Applicants who have been awarded a certificate attesting to their successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, may be given preference in appointment over noncertified applicants. Applicants for appointment to fire departments who are licensed as an EMT-B, EMT-I, or EMT-P under the Emergency Medical Services (EMS) Systems Act, may be given preference in appointment over non-licensed applicants.

Within 60 days after each examination, an eligibility list shall be posted by the board, which shall show the final grades of the candidates

New matter indicated by italics - deletions by strikeout
without reference to priority of time of examination and subject to claim for military credit. Candidates who are eligible for military credit shall make a claim in writing within 10 days after the posting of the eligibility list or such claim shall be deemed waived. Appointment shall be subject to a final physical examination.

If a person is placed on an eligibility list and becomes overage before he or she is appointed to a police or fire department, the person remains eligible for appointment until the list is abolished pursuant to authorized procedures. Otherwise no person who has attained the age of 36 years shall be inducted as a member of a police department and no person who has attained the age of 35 years shall be inducted as a member of a fire department, except as otherwise provided in this division.

(Source: P.A. 89-52, eff. 6-30-95; 90-455, eff. 8-16-97; 90-481, eff. 8-17-97; 90-655, eff. 7-30-98.)

Passed in the General Assembly May 19, 2005.
Approved July 21, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0282
(House Bill No. 0048)

AN ACT concerning liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
(235 ILCS 5/9-2b rep.)
Section 5. The Liquor Control Act of 1934 is amended by repealing Section 9-2b.
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 17, 2005.
Approved July 21, 2005.
Effective July 21, 2005.

PUBLIC ACT 94-0283
(House Bill No. 0055)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Environmental Barriers Act is amended by changing Section 5 as follows:

(410 ILCS 25/5) (from Ch. 111 1/2, par. 3715)
Sec. 5. Scope.
(a) The standards adopted by the Capital Development Board shall apply to:

(1) Public Facilities; New Construction. Any new public facility or portion thereof, the construction of which is begun after the effective date of this Act. However, any new public facility (i) for which a specific contract for the planning has been awarded prior to the effective date of this Act and (ii) construction of which is begun within 12 months of the effective date of this Act shall be exempt from compliance with the standards adopted pursuant to this Act insofar as those standards vary from standards in the Illinois Accessibility Code.

(2) Multi-Story Housing Units; New Construction. Any new multi-story housing unit or portion thereof, the construction of which is begun after the effective date of this Act. However, any new multi-story housing unit (i) for which a specific contract for the planning has been awarded prior to the effective date of this Act and (ii) construction of which is begun within 12 months of the effective date of this Act shall be exempt from compliance with the standards adopted pursuant to this Act insofar as those standards vary from standards in the Illinois Accessibility Code. Provided, however, that if the common areas comply with the standards, if 20% of the dwelling units are adaptable and if the adaptable dwelling units include dwelling units of various sizes and locations within the multi-story housing unit, then the entire multi-story housing unit shall be deemed to comply with the standards.

(a-1) Accessibility of structures; new construction. New housing subject to regulation under this Act shall be constructed in compliance with all applicable regulations and, in the case where the new housing and the new housing not defined as multi-story for the purposes of this Act is a building in which 4 or more dwelling units or sleeping units intended to be occupied as a residence are contained within a single structure, with the technical requirements of the Department of Housing and Urban Development's Fair Housing Accessibility Guidelines published March 6, 1991, and the Supplement to Notice of Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines, published June 28, 1994.

New matter indicated by italics - deletions by strikeout
This subsection (a-1) does not apply within any unit of local government that by ordinance, rule, or regulation prescribes requirements to increase and facilitate access to the built environment by environmentally limited persons that are more stringent than those contained in this Act prior to the effective date of this amendatory Act of the 94th General Assembly.

This Act, together with the Illinois Accessibility Code, 71 Ill. Adm. Code 400, has the force of a building code and as such is law in the State of Illinois.

(b) Alterations. Any alteration to a public facility shall provide accessibility as follows:

(1) Alterations Generally. No alteration shall be undertaken that decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration.

(2) If the alteration costs 15% or less of the reproduction cost of the public facility, the element or space being altered shall comply with the applicable requirements for new construction.

(3) State Owned Public Facilities. If the alteration is to a public facility owned by the State and the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, the following shall comply with the applicable requirements for new construction:

(i) the element or space being altered,

(ii) an entrance and a means of egress intended for use by the general public,

(iii) all spaces and elements necessary to provide horizontal and vertical accessible routes between an accessible means entrance and means of egress and the element or space being altered,

(iv) at least one accessible toilet room for each sex or a unisex toilet when permitted, if toilets are provided or required,

(v) accessible parking spaces, where parking is provided, and

(vi) an accessible route from public sidewalks or from accessible parking spaces, if provided, to an accessible entrance.

(4) All Other Public Facilities. If the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility,

New matter indicated by italics - deletions by strikeout
facility, and less than $100,000, the following shall comply with the applicable requirements for new construction:

(i) the element or space being altered, and
(ii) an entrance and a means of egress intended for use by the general public.

(5) If the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, and more than $100,000, the following shall comply with the applicable requirements for new construction:

(i) the element or space being altered,
(ii) an entrance and a means of egress intended for use by the general public,
(iii) all spaces and elements necessary to provide horizontal and vertical accessible routes between an accessible entrance and means of egress and the element or space being altered; however, privately owned public facilities are not required to provide vertical access in a building with 2 levels of occupiable space where the cost of providing such vertical access is more than 20% of the reproduction cost of the public facility,
(iv) at least one accessible toilet room for each sex or a unisex toilet, when permitted, if toilets are provided or required,
(v) accessible parking spaces, where parking is provided, and
(vi) an accessible route from public sidewalks or from the accessible parking spaces, if provided, to an accessible entrance.

(6) If the alteration costs 50% or more of the reproduction cost of the public facility, the entire public facility shall comply with the applicable requirements for new construction.

(c) Alterations to Specific Categories of Public Facilities. For religious entities, private clubs, and owner-occupied transient lodging facilities of 5 units, compliance with the standards adopted by the Capital Development Board is not mandatory if the alteration costs 15% or less of the reproduction cost of the public facility. However, if the cost of the alteration exceeds $100,000, the element or space being altered must comply with applicable requirements for new construction. Alterations over 15% of the reproduction cost of these public facilities are governed by subdivisions (4), (5), and (6) of subsection (b), as applicable.

New matter indicated by italics - deletions by strikeout
(d) Calculation of Reproduction Cost. For the purpose of calculating percentages of reproduction cost, the cost of alteration shall be construed as the total actual combined cost of all alterations made within any period of 30 months.

(e) No governmental unit may enter into a new or renewal agreement to lease, rent or use, in whole or in part, any building, structure or improved area which does not comply with the standards. Any governmental unit which, on the effective date of this Act, is leasing, renting or using, in whole or in part, any building, structure or improved area which does not comply with the standards shall make all reasonable efforts to terminate such lease, rental or use by January 1, 1990.

(f) No public facility may be constructed or altered and no multi-story housing unit may be constructed without the statement of an architect registered in the State of Illinois that the plans for the work to be performed comply with the provisions of this Act and the standards promulgated hereunder unless the cost of such construction or alteration is less than $50,000. In the case of construction or alteration of an engineering nature, where the plans are prepared by an engineer, the statement may be made by a professional engineer registered in the State of Illinois or a structural engineer registered in the State of Illinois that the engineering plans comply with the provisions of this Act and the standards promulgated hereunder. The architect's and/or engineer's statement shall be filed by the architect or engineer and maintained in the office of the governmental unit responsible for the issuance of the building permit. In those governmental units which do not issue building permits, the statement shall be filed and maintained in the office of the county clerk.

(Source: P.A. 89-539, eff. 7-19-96.)

Passed in the General Assembly May 26, 2005.
Approved July 21, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0284
(House Bill No. 0132)

AN ACT concerning criminal law.

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

Section 5. The Firearm Owners Identification Card Act is amended by changing Section 3 as follows:

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

New matter indicated by italics - deletions by strikeout
Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm transfers by federally licensed firearm dealers are subject to Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On or after January 1, 2006, the record shall contain the date of application for transfer of the firearm. On demand of a peace officer such transferor shall produce for inspection such record of transfer.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

(Source: P.A. 92-442, eff. 8-17-01.)

Section 10. The Criminal Code of 1961 is amended by changing Sections 24-1, 24-1.1, 24-1.6, 24-3, and 24-3.1 as follows:

(720 ILCS 5/24-1) (from Ch. 38, par. 24-1)
Sec. 24-1. Unlawful Use of Weapons.
(a) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slug-shot, sand-club, sand-bag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas; or

(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; or

New matter indicated by italics - deletions by strikeout
(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older; or

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (4) does not apply to or affect transportation of weapons that meet one of the following conditions:

   (i) are broken down in a non-functioning state; or
   (ii) are not immediately accessible; or
   (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or

(5) Sets a spring gun; or
(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries:

   (i) a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;

   (ii) any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or

New matter indicated by italics - deletions by strikeout
(iii) any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or

(8) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted.

This subsection (a)(8) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses; or

(9) Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he is hooded, robed or masked in such manner as to conceal his identity; or

(10) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (10) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or
(ii) are not immediately accessible; or
(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

A "stun gun or taser", as used in this paragraph (a) means (i) any device which is powered by electrical charging units, such as, batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a
manner as to render him incapable of normal functioning or (ii) any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this paragraph (a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(12) (Blank).

(b) Sentence. A person convicted of a violation of subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or subsection 24-1(a)(11) commits a Class A misdemeanor. A person convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a person convicted of a violation of subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(7)(i) commits a Class 2 felony, unless the weapon is possessed in the passenger compartment of a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code, or on the person, while the weapon is loaded, in which case it shall be a Class X felony. A person convicted of a second or subsequent violation of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony. The possession of each weapon in violation of this Section constitutes a single and separate violation.

(c) Violations in specific places.

(1) A person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any

New matter indicated by italics - deletions by strikeout
conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

(1.5) A person who violates subsection 24-1(a)(4), 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the time of day or the time of year, in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony.

(2) A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential

New matter indicated by italics - deletions by strikeout
property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 4 felony. "Courthouse" means any building that is used by the Circuit, Appellate, or Supreme Court of this State for the conduct of official business.

(3) Paragraphs (1), (1.5), and (2) of this subsection (c) shall not apply to law enforcement officers or security officers of such school, college, or university or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.

(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.

(d) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances: (i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) if such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

(e) Exemptions. Crossbows, Common or Compound bows and Underwater Spearguns are exempted from the definition of ballistic knife as defined in paragraph (1) of subsection (a) of this Section.

(Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99; 91-690, eff. 4-13-00.)

Sec. 24-1.1. Unlawful Use or Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities.

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Department of

New matter indicated by italics - deletions by strikeout
State Police under Section 10 of the Firearm Owners Identification Card Act.

(b) It is unlawful for any person confined in a penal institution, which is a facility of the Illinois Department of Corrections, to possess any weapon prohibited under Section 24-1 of this Code or any firearm or firearm ammunition, regardless of the intent with which he possesses it.

(c) It shall be an affirmative defense to a violation of subsection (b), that such possession was specifically authorized by rule, regulation, or directive of the Illinois Department of Corrections or order issued pursuant thereto.

(d) The defense of necessity is not available to a person who is charged with a violation of subsection (b) of this Section.

(e) Sentence. Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to no less than 2 years and no more than 10 years. Violation of this Section by a person not confined in a penal institution who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act, stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act or the Cannabis Control Act is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun. Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under Section 24-1 of this Code regardless of the intent with which he possesses it, a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or in possession of body armor as defined in Section 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

New matter indicated by italics - deletions by strikeout
(720 ILCS 5/24-1.6)
Sec. 24-1.6. Aggravated unlawful use of a weapon.
(a) A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:
   (1) Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm; or
   (2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm; and
   (3) One of the following factors is present:
       (A) the firearm possessed was uncased, loaded and immediately accessible at the time of the offense; or
       (B) the firearm possessed was uncased, unloaded and the ammunition for the weapon was immediately accessible at the time of the offense; or
       (C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or
       (D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or
       (E) the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act or in a misdemeanor violation of the Illinois Controlled Substances Act; or
       (F) the person possessing the weapon is a member of a street gang or is engaged in street gang related activity, as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act; or

New matter indicated by italics - deletions by strikeout
(G) the person possessing the weapon had a order of protection issued against him or her within the previous 2 years; or

(H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or

(I) the person possessing the weapon was under 21 years of age and in possession of a handgun as defined in Section 24-3, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2(b)(1), (b)(3), or 24-2(f).

(b) "Stun gun or taser" as used in this Section has the same definition given to it in Section 24-1 of this Code.

(c) This Section does not apply to or affect the transportation or possession of weapons that:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(d) Sentence. Aggravated unlawful use of a weapon is a Class 4 felony; a second or subsequent offense is a Class 2 felony. Aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony. Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearms Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act is a Class X felony. The possession of each firearm in violation of this Section constitutes a single and separate violation.

(Source: P.A. 93-906, eff. 8-11-04.)

(720 ILCS 5/24-3) (from Ch. 38, par. 24-3)
Sec. 24-3. Unlawful Sale of Firearms.
(A) A person commits the offense of unlawful sale of firearms when he or she knowingly does any of the following:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.
(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent.

(c) Sells or gives any firearm to any narcotic addict.

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction.

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years.

(f) Sells or gives any firearms to any person who is mentally retarded.

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police; or (4) the sale of a firearm to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923). For purposes of this paragraph (g), "application" means when the buyer and seller reach an agreement to purchase a firearm.

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees.
Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act; and (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(j) Sells or gives a firearm while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923). In this paragraph (j):

A person "engaged in the business" means a person who devotes time, attention, and labor to engaging in the activity as a regular course of trade or business with the principal objective of livelihood and profit, but does not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"With the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection; however, proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

(k) Sells or transfers ownership of a firearm to a person who does not display to the seller or transferee of the firearm a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act. This paragraph (k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of the Firearm Owners Identification Card Act. For the purposes of this Section, a currently valid Firearm Owner's Identification Card means (i) a Firearm Owner's Identification Card that has not expired or (ii) if the transferee is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923), an approval number issued in accordance

New matter indicated by italics - deletions by strikeout
with Section 3.1 of the Firearm Owners Identification Card Act shall be proof that the Firearm Owner's Identification Card was valid.

(B) Paragraph (h) of subsection (A) does not include firearms sold within 6 months after enactment of Public Act 78-355 (approved August 21, 1973, effective October 1, 1973), nor is any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of Public Act 78-355 subject to confiscation or seizure under the provisions of that Public Act. Nothing in Public Act 78-355 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of that Public Act.

(C) Sentence.

(1) Any person convicted of unlawful sale of firearms in violation of any of paragraphs (c) through (h) of subsection (A) commits a Class 4 felony.

(2) Any person convicted of unlawful sale of firearms in violation of paragraph (b) or (i) of subsection (A) commits a Class 3 felony.

(3) Any person convicted of unlawful sale of firearms in violation of paragraph (a) of subsection (A) commits a Class 2 felony.

(4) Any person convicted of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony for
which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

(5) Any person convicted of unlawful sale of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

(6) Any person convicted of unlawful sale of firearms in violation of paragraph (j) of subsection (A) commits a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(7) Any person convicted of unlawful sale of firearms in violation of paragraph (k) of subsection (A) commits a Class 4 felony. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony.

(D) For purposes of this Section:
"School" means a public or private elementary or secondary school, community college, college, or university.
"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(E) A prosecution for a violation of paragraph (k) of subsection (A) of this Section may be commenced within 6 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph (g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

(Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04.)
(720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)
Sec. 24-3.1. Unlawful possession of firearms and firearm ammunition.

New matter indicated by italics - deletions by strikeout
(a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(4) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(5) He is mentally retarded and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet.

For purposes of this paragraph "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(b) Sentence.

Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

(c) Nothing in paragraph (1) of subsection (a) of this Section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

(Source: P.A. 91-696, eff. 4-13-00; 92-839, eff. 8-22-02.)

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

Passed in the General Assembly May 26, 2005.
Approved July 21, 2005.
Effective July 21, 2005.
AN ACT establishing the Amistad Commission.

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

Section 5. The Illinois Historic Preservation Agency Act is amended by adding Section 22 as follows:

(20 ILCS 3405/22 new)

Sec. 22. Amistad Commission.

(a) Purpose. The General Assembly finds and declares that all people should know of and remember the human carnage and dehumanizing atrocities committed during the period of the African slave trade and slavery in America and of the vestiges of slavery in this country; and it is in fact vital to educate our citizens on these events, the legacy of slavery, the sad history of racism in this country, and the principles of human rights and dignity in a civilized society.

It is the policy of the State of Illinois that the history of the African slave trade, slavery in America, the depth of their impact in our society, and the triumphs of African-Americans and their significant contributions to the development of this country is the proper concern of all people, particularly students enrolled in the schools of the State of Illinois.

It is therefore desirable to create a Commission that, as an organized body and on a continuous basis, will survey, design, encourage, and promote the implementation of education and awareness programs in Illinois that are concerned with the African slave trade, slavery in America, the vestiges of slavery in this country, and the contributions of African-Americans in building our country; to develop workshops, institutes, seminars, and other teacher training activities designed to educate teachers on this subject matter; and that will be responsible for the coordination of events on a regular basis, throughout the State, that provide appropriate memorialization of the events concerning the enslavement of Africans and their descendants in America and their struggle for freedom, liberty, and equality.

(b) Amistad Commission. The Amistad Commission is created within the Agency. The Commission is named to honor the group of enslaved Africans transported in 1839 on a vessel named the Amistad who overthrew their captors and created an international incident that was eventually argued before the Supreme Court and that shed a growing light
on the evils of the slave trade and galvanized a growing abolitionist movement towards demanding the end of slavery in the United States.

(c) Membership. The Commission shall consist of 15 members, including 3 ex officio members: the State Superintendent of Education or his or her designee, the Director of Commerce and Economic Opportunity or his or her designee, and the Director of Historic Sites and Preservation or his or her designee; and 12 public members. Public members shall be appointed as follows:

(i) 2 members appointed by the President of the Senate and one member appointed by the Minority Leader of the Senate;
(ii) 2 members appointed by the Speaker of the House of Representatives and one member appointed by the Minority Leader of the House of Representatives; and
(iii) 6 members, no more than 4 of whom shall be of the same political party, appointed by the Governor.

The public members shall be residents of this State, chosen with due regard to broad geographic representation and ethnic diversity, who have served actively in organizations that educate the public on the history of the African slave trade, the contributions of African-Americans to our society, and civil rights issues.

Each public member of the Commission shall serve for a term of 3 years, except that of the initial members so appointed: one member appointed by the President of the Senate, one member appointed by the Speaker of the House of Representatives, and 2 members appointed by the Governor shall serve for terms of one year; the member appointed by the Minority Leader of the Senate, one member appointed by the Speaker of the House of Representatives, and 2 members appointed by the Governor shall serve for terms of 2 years; and one member appointed by the President of the Senate, the member appointed by the Minority Leader of the House of Representatives, and 2 members appointed by the Governor shall serve for terms of 3 years. Public members shall be eligible for reappointment. They shall serve until their successors are appointed and qualified, and the term of the successor of any incumbent shall be calculated from the expiration of the term of that incumbent. A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

(d) Election of chairperson; meetings. At its first meeting and annually thereafter, the Commission shall elect from among its members a chairperson and other officers it considers necessary or appropriate. After its first meeting, the Commission shall meet at least quarterly, or more
frequently at the call of the chairperson or if requested by 9 or more members.

(e) Quorum. A majority of the members of the Commission constitute a quorum for the transaction of business at a meeting of the Commission. A majority of the members present and serving is required for official action of the Commission.

(f) Public meeting. All business that the Commission is authorized to perform shall be conducted at a public meeting of the Commission, held in compliance with the Open Meetings Act.

(g) Freedom of Information. A writing prepared, owned, used, in the possession of, or retained by the Commission in the performance of an official function is subject to the Freedom of Information Act.

(h) Compensation. The members of the Commission shall serve without compensation, but shall be entitled to reimbursement for all necessary expenses incurred in the performance of their official duties as members of the Commission from funds appropriated for that purpose. Reimbursement for travel, meals, and lodging shall be in accordance with the rules of the Governor's Travel Control Board.

(i) Duties. The Commission shall have the following responsibilities and duties:

1. To provide, based upon the collective interest of the members and the knowledge and experience of the members, assistance and advice to schools within the State with respect to the implementation of education, awareness programs, textbooks, and educational materials concerned with the African slave trade, slavery in America, the vestiges of slavery in this country, and the contributions of African-Americans to our society.

2. To survey and catalog the extent and breadth of education concerning the African slave trade, slavery in America, the vestiges of slavery in this country, and the contributions of African-Americans to our society presently being incorporated into the curricula and textbooks and taught in the school systems of the State; to inventory those African slave trade, American slavery, or relevant African-American history memorials, exhibits, and resources that should be incorporated into courses of study at educational institutions, schools, and various other locations throughout the State; and to assist the State Board of Education and other State and educational agencies in the development and implementation of African slave trade, American slavery, and African-American history education programs.

New matter indicated by italics - deletions by strikeout
(3) To act as a liaison with textbook publishers, schools, public, private, and nonprofit resource organizations, and members of the United States Senate and House of Representatives and the Illinois Senate and House of Representatives in order to facilitate the inclusion of the history of African slavery and of African-Americans in this country in the curricula of public and nonpublic schools.

(4) To compile a roster of individual volunteers who are willing to share their knowledge and experience in classrooms, seminars, and workshops with students and teachers on the subject of the African slave trade, American slavery, the impact of slavery on our society today, and the contributions of African-Americans to our country.

(5) To coordinate events memorializing the African slave trade, American slavery, and the history of African-Americans in this country that reflect the contributions of African-Americans in overcoming the burdens of slavery and its vestiges, and to seek volunteers who are willing and able to participate in commemorative events that will enhance student awareness of the significance of the African slave trade, American slavery, its historical impact, and the struggle for freedom.

(6) To prepare reports for the Governor and the General Assembly regarding its findings and recommendations on facilitating the inclusion of the African slave trade, American slavery studies, African-American history, and special programs in the educational system of the State.

(7) To develop, in consultation with the State Board of Education, curriculum guidelines that will be made available to every school board for the teaching of information on the African slave trade, slavery in America, the vestiges of slavery in this country, and the contributions of African-Americans to our country.

(8) To solicit, receive, and accept appropriations, gifts, and donations for Commission operations and programs authorized under this Section.

(j) Commission requests for assistance. The Commission is authorized to call upon any department, office, division, or agency of the State, or of any county, municipality, or school district of the State, to supply such data, program reports, and other information, appropriate school personnel, and assistance as it deems necessary to discharge its
responsibilities under this Act. These departments, offices, divisions, and agencies shall, to the extent possible and not inconsistent with any other law of this State, cooperate with the Commission and shall furnish it with such information, appropriate school personnel, and assistance as may be necessary or helpful to accomplish the purposes of this Act.

(k) State Board of Education assistance. The State Board of Education shall:

(1) Assist the Amistad Commission in marketing and distributing to educators, administrators, and school districts in the State educational information and other materials on the African slave trade, slavery in America, the vestiges of slavery in this country, and the contributions of African-Americans to our society.

(2) Conduct at least one teacher workshop annually on the African slave trade, slavery in America, the vestiges of slavery in this country, and the contributions of African-Americans to our society.

(3) Assist the Amistad Commission in monitoring the inclusion of slavery materials and curricula in the State's educational system.

(4) Consult with the Amistad Commission to determine ways it may survey, catalog, and extend slave trade and American slavery education presently being taught in the State's educational system.

The State Board of Education may, subject to the availability of appropriations, hire additional staff and consultants to carry out the duties and responsibilities provided within this subsection (k).

(l) Report. The Commission shall report its activities and findings, as required under subsection (i), to the Governor and General Assembly on or before June 30, 2006, and biannually thereafter.

Section 10. The School Code is amended by changing Section 27-20.4 as follows:

(105 ILCS 5/27-20.4) (from Ch. 122, par. 27-20.4)

Sec. 27-20.4. Black History Study. Every public elementary school and high school shall include in its curriculum a unit of instruction studying the events of Black History, including the history of the African slave trade, slavery in America, and the vestiges of slavery in this country. These events shall include not only the contributions made by individual African-Americans in government and in the arts, humanities and sciences to the economic, cultural and political development of the United States.

New matter indicated by italics - deletions by strikeout
and Africa, but also the socio-economic struggle which African-Americans experienced collectively in striving to achieve fair and equal treatment under the laws of this nation. The studying of this material shall constitute an affirmation by students of their commitment to respect the dignity of all races and peoples and to forever eschew every form of discrimination in their lives and careers.

The State Superintendent of Education may prepare and make available to all school boards instructional materials, including those established by the Amistad Commission, which may be used as guidelines for development of a unit of instruction under this Section; provided, however, that each school board shall itself determine the minimum amount of instruction time which shall qualify as a unit of instruction satisfying the requirements of this Section.
(Source: P.A. 86-1256.)

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

Passed in the General Assembly May 26, 2005.
Approved July 21, 2005.
Effective July 21, 2005.

PUBLIC ACT 94-0286
(House Bill No. 0433)

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

Section 5. The Environmental Protection Act is amended by changing Section 44 as follows:

(415 ILCS 5/44) (from Ch. 111 1/2, par. 1044)
Sec. 44. Criminal acts; penalties.
(a) Except as otherwise provided in this Section, it shall be a Class A misdemeanor to violate this Act or regulations thereunder, or any permit or term or condition thereof, or knowingly to submit any false information under this Act or regulations adopted thereunder, or under any permit or term or condition thereof. A court may, in addition to any other penalty herein imposed, order a person convicted of any violation of this Act to perform community service for not less than 100 hours and not more than 300 hours if community service is available in the jurisdiction. It shall be the duty of all State and local law-enforcement officers to enforce such Act

New matter indicated by italics - deletions by strikeout
and regulations, and all such officers shall have authority to issue citations for such violations.

(b) Calculated Criminal Disposal of Hazardous Waste.

(1) A person commits the offense of Calculated Criminal Disposal of Hazardous Waste when, without lawful justification, he knowingly disposes of hazardous waste while knowing that he thereby places another person in danger of great bodily harm or creates an immediate or long-term danger to the public health or the environment.

(2) Calculated Criminal Disposal of Hazardous Waste is a Class 2 felony. In addition to any other penalties prescribed by law, a person convicted of the offense of Calculated Criminal Disposal of Hazardous Waste is subject to a fine not to exceed $500,000 for each day of such offense.

(c) Criminal Disposal of Hazardous Waste.

(1) A person commits the offense of Criminal Disposal of Hazardous Waste when, without lawful justification, he knowingly disposes of hazardous waste.

(2) Criminal Disposal of Hazardous Waste is a Class 3 felony. In addition to any other penalties prescribed by law, a person convicted of the offense of Criminal Disposal of Hazardous Waste is subject to a fine not to exceed $250,000 for each day of such offense.

(d) Unauthorized Use of Hazardous Waste.

(1) A person commits the offense of Unauthorized Use of Hazardous Waste when he, being required to have a permit, registration, or license under this Act or any other law regulating the treatment, transportation, or storage of hazardous waste, knowingly:

(A) treats, transports, or stores any hazardous waste without such permit, registration, or license;

(B) treats, transports, or stores any hazardous waste in violation of the terms and conditions of such permit or license;

(C) transports any hazardous waste to a facility which does not have a permit or license required under this Act; or

(D) transports by vehicle any hazardous waste without having in each vehicle credentials issued to the

New matter indicated by italics - deletions by strikeout
transporter by the transporter's base state pursuant to procedures established under the Uniform Program.

(2) A person who is convicted of a violation of subdivision (1)(A), (1)(B) or (1)(C) of this subsection is guilty of a Class 4 felony. A person who is convicted of a violation of subdivision (1)(D) is guilty of a Class A misdemeanor. In addition to any other penalties prescribed by law, a person convicted of violating subdivision (1)(A), (1)(B) or (1)(C) is subject to a fine not to exceed $100,000 for each day of such violation, and a person who is convicted of violating subdivision (1)(D) is subject to a fine not to exceed $1,000.

(e) Unlawful Delivery of Hazardous Waste.

(1) Except as authorized by this Act or the federal Resource Conservation and Recovery Act, and the regulations promulgated thereunder, it is unlawful for any person to knowingly deliver hazardous waste.

(2) Unlawful Delivery of Hazardous Waste is a Class 3 felony. In addition to any other penalties prescribed by law, a person convicted of the offense of Unlawful Delivery of Hazardous Waste is subject to a fine not to exceed $250,000 for each such violation.

(3) For purposes of this Section, "deliver" or "delivery" means the actual, constructive, or attempted transfer of possession of hazardous waste, with or without consideration, whether or not there is an agency relationship.

(f) Reckless Disposal of Hazardous Waste.

(1) A person commits Reckless Disposal of Hazardous Waste if he disposes of hazardous waste, and his acts which cause the hazardous waste to be disposed of, whether or not those acts are undertaken pursuant to or under color of any permit or license, are performed with a conscious disregard of a substantial and unjustifiable risk that such disposing of hazardous waste is a gross deviation from the standard of care which a reasonable person would exercise in the situation.

(2) Reckless Disposal of Hazardous Waste is a Class 4 felony. In addition to any other penalties prescribed by law, a person convicted of the offense of Reckless Disposal of Hazardous Waste is subject to a fine not to exceed $50,000 for each day of such offense.

(g) Concealment of Criminal Disposal of Hazardous Waste.

New matter indicated by italics - deletions by strikeout
(1) A person commits the offense of Concealment of Criminal Disposal of Hazardous Waste when he conceals, without lawful justification, the disposal of hazardous waste with the knowledge that such hazardous waste has been disposed of in violation of this Act.

(2) Concealment of Criminal Disposal of a Hazardous Waste is a Class 4 felony. In addition to any other penalties prescribed by law, a person convicted of the offense of Concealment of Criminal Disposal of Hazardous Waste is subject to a fine not to exceed $50,000 for each day of such offense.

(h) Violations; False Statements.

(1) Any person who knowingly makes a false material statement in an application for a permit or license required by this Act to treat, transport, store, or dispose of hazardous waste commits the offense of perjury and shall be subject to the penalties set forth in Section 32-2 of the Criminal Code of 1961.

(2) Any person who knowingly makes a false material statement or representation in any label, manifest, record, report, permit or license, or other document filed, maintained or used for the purpose of compliance with this Act in connection with the generation, disposal, treatment, storage, or transportation of hazardous waste commits a Class 4 felony. A second or any subsequent offense after conviction hereunder is a Class 3 felony.

(3) Any person who knowingly destroys, alters or conceals any record required to be made by this Act in connection with the disposal, treatment, storage, or transportation of hazardous waste, commits a Class 4 felony. A second or any subsequent offense after a conviction hereunder is a Class 3 felony.

(4) Any person who knowingly makes a false material statement or representation in any application, bill, invoice, or other document filed, maintained, or used for the purpose of receiving money from the Underground Storage Tank Fund commits a Class 4 felony. A second or any subsequent offense after conviction hereunder is a Class 3 felony.

(5) Any person who knowingly destroys, alters, or conceals any record required to be made or maintained by this Act or required to be made or maintained by Board or Agency rules for the purpose of receiving money from the Underground Storage Tank Fund commits a Class 4 felony. A second or any subsequent offense after a conviction hereunder is a Class 3 felony.

New matter indicated by italics - deletions by strikeout
(6) A person who knowingly and falsely certifies under Section 22.48 that an industrial process waste or pollution control waste is not special waste commits a Class 4 felony for a first offense and commits a Class 3 felony for a second or subsequent offense.

(7) In addition to any other penalties prescribed by law, a person convicted of violating this subsection (h) is subject to a fine not to exceed $50,000 for each day of such violation.

(i) Verification.

(1) Each application for a permit or license to dispose of, transport, treat, store or generate hazardous waste under this Act shall contain an affirmation that the facts are true and are made under penalty of perjury as defined in Section 32-2 of the Criminal Code of 1961. It is perjury for a person to sign any such application for a permit or license which contains a false material statement, which he does not believe to be true.

(2) Each request for money from the Underground Storage Tank Fund shall contain an affirmation that the facts are true and are made under penalty of perjury as defined in Section 32-2 of the Criminal Code of 1961. It is perjury for a person to sign any request that contains a false material statement that he does not believe to be true.

(j) Violations of Other Provisions.

(1) It is unlawful for a person knowingly to violate:
   (A) subsection (f) of Section 12 of this Act;
   (B) subsection (g) of Section 12 of this Act;
   (C) any term or condition of any Underground Injection Control (UIC) permit;
   (D) any filing requirement, regulation, or order relating to the State Underground Injection Control (UIC) program;
   (E) any provision of any regulation, standard, or filing requirement under subsection (b) of Section 13 of this Act;
   (F) any provision of any regulation, standard, or filing requirement under subsection (b) of Section 39 of this Act;
   (G) any National Pollutant Discharge Elimination System (NPDES) permit issued under this Act or any term or condition of such permit;

New matter indicated by italics - deletions by strikeout
(H) subsection (h) of Section 12 of this Act;
(I) subsection 6 of Section 39.5 of this Act;
(J) any provision of any regulation, standard or filing requirement under Section 39.5 of this Act; or
(K) a provision of the Procedures for Asbestos Emission Control in subsection (c) of Section 61.145 of Title 40 of the Code of Federal Regulations; or
(L) the standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations in Section 61.150 of Title 40 of the Code of Federal Regulations.

(2) A person convicted of a violation of subdivision (1) of this subsection commits a Class 4 felony, and in addition to any other penalty prescribed by law is subject to a fine not to exceed $25,000 for each day of such violation.

(3) A person who negligently violates the following shall be subject to a fine not to exceed $10,000 for each day of such violation:

(A) subsection (f) of Section 12 of this Act;
(B) subsection (g) of Section 12 of this Act;
(C) any provision of any regulation, standard, or filing requirement under subsection (b) of Section 13 of this Act;
(D) any provision of any regulation, standard, or filing requirement under subsection (b) of Section 39 of this Act;

(E) any National Pollutant Discharge Elimination System (NPDES) permit issued under this Act;
(F) subsection 6 of Section 39.5 of this Act; or
(G) any provision of any regulation, standard, or filing requirement under Section 39.5 of this Act.

(4) It is unlawful for a person knowingly to:

(A) make any false statement, representation, or certification in an application form, or form pertaining to, a National Pollutant Discharge Elimination System (NPDES) permit;
(B) render inaccurate any monitoring device or record required by the Agency or Board in connection with any such permit or with any discharge which is subject to the provisions of subsection (f) of Section 12 of this Act;

New matter indicated by italics - deletions by strikeout
(C) make any false statement, representation, or certification in any form, notice or report pertaining to a CAAPP permit under Section 39.5 of this Act;

(D) render inaccurate any monitoring device or record required by the Agency or Board in connection with any CAAPP permit or with any emission which is subject to the provisions of Section 39.5 of this Act; or

(E) violate subsection 6 of Section 39.5 of this Act or any CAAPP permit, or term or condition thereof, or any fee or filing requirement.

(5) A person convicted of a violation of subdivision (4) of this subsection commits a Class A misdemeanor, and in addition to any other penalties provided by law is subject to a fine not to exceed $10,000 for each day of violation.

(k) Criminal operation of a hazardous waste or PCB incinerator.

(1) A person commits the offense of criminal operation of a hazardous waste or PCB incinerator when, in the course of operating a hazardous waste or PCB incinerator, he knowingly and without justification operates the incinerator (i) without an Agency permit, or in knowing violation of the terms of an Agency permit, and (ii) as a result of such violation, knowingly places any person in danger of great bodily harm or knowingly creates an immediate or long term material danger to the public health or the environment.

(2) Any person who commits the offense of criminal operation of a hazardous waste or PCB incinerator for the first time commits a Class 4 felony and, in addition to any other penalties prescribed by law, shall be subject to a fine not to exceed $100,000 for each day of the offense.

Any person who commits the offense of criminal operation of a hazardous waste or PCB incinerator for a second or subsequent time commits a Class 3 felony and, in addition to any other penalties prescribed by law, shall be subject to a fine not to exceed $250,000 for each day of the offense.

(3) For the purpose of this subsection (k), the term "hazardous waste or PCB incinerator" means a pollution control facility at which either hazardous waste or PCBs, or both, are incinerated. "PCBs" means any substance or mixture of substances that contains one or more polychlorinated biphenyls in detectable amounts.

New matter indicated by italics - deletions by strikeout
(l) It shall be the duty of all State and local law enforcement officers to enforce this Act and the regulations adopted hereunder, and all such officers shall have authority to issue citations for such violations.

(m) Any action brought under this Section shall be brought by the State's Attorney of the county in which the violation occurred, or by the Attorney General, and shall be conducted in accordance with the applicable provisions of the Code of Criminal Procedure of 1963.

(n) For an offense described in this Section, the period for commencing prosecution prescribed by the statute of limitations shall not begin to run until the offense is discovered by or reported to a State or local agency having the authority to investigate violations of this Act.

(o) In addition to any other penalties provided under this Act, if a person is convicted of (or agrees to a settlement in an enforcement action over) illegal dumping of waste on the person's own property, the Attorney General, the Agency or local prosecuting authority shall file notice of the conviction, finding or agreement in the office of the Recorder in the county in which the landowner lives.

(p) Criminal Disposal of Waste.

(1) A person commits the offense of Criminal Disposal of Waste when he or she:

(A) if required to have a permit under subsection (d) of Section 21 of this Act, knowingly conducts a waste-storage, waste-treatment, or waste-disposal operation in a quantity that exceeds 250 cubic feet of waste without a permit; or

(B) knowingly conducts open dumping of waste in violation of subsection (a) of Section 21 of this Act.

(2) (A) A person who is convicted of a violation of item (A) of subdivision (1) of this subsection is guilty of a Class 4 felony for a first offense and, in addition to any other penalties provided by law, is subject to a fine not to exceed $25,000 for each day of violation. A person who is convicted of a violation of item (A) of subdivision (1) of this subsection is guilty of a Class 3 felony for a second or subsequent offense and, in addition to any other penalties provided by law, is subject to a fine not to exceed $50,000 for each day of violation.

(B) A person who is convicted of a violation of item (B) of subdivision (1) of this subsection is guilty of a Class A misdemeanor. However, a person who is convicted of a
second or subsequent violation of item (B) of subdivision (1) of this subsection for the open dumping of waste in a quantity that exceeds 250 cubic feet is guilty of a Class 4 felony and, in addition to any other penalties provided by law, is subject to a fine not to exceed $5,000 for each day of violation.

(Source: P.A. 89-235, eff. 8-4-95; 90-219, eff. 7-25-97; 90-344, eff. 1-1-98; 90-502, eff. 8-19-97; 90-655, eff. 7-30-98.)

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

Passed in the General Assembly May 26, 2005.
Approved July 21, 2005.
Effective July 21, 2005.

PUBLIC ACT 94-0287
(House Bill No. 0956)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 5-501 as follows:

(625 ILCS 5/5-501) (from Ch. 95 1/2, par. 5-501)

Sec. 5-501. Denial, suspension or revocation or cancellation of a license. (a) The license of a person issued under this Chapter may be denied, revoked or suspended if the Secretary of State finds that the applicant, or the officer, director, shareholder having a ten percent or greater ownership interest in the corporation, owner, partner, trustee, manager, employee or the licensee has:

1. Violated this Act;
2. Made any material misrepresentation to the Secretary of State in connection with an application for a license, junking certificate, salvage certificate, title or registration;
3. Committed a fraudulent act in connection with selling, bartering, exchanging, offering for sale or otherwise dealing in vehicles, chassis, essential parts, or vehicle shells;
4. As a new vehicle dealer has no contract with a manufacturer or enfranchised distributor to sell that new vehicle in this State;
5. Not maintained an established place of business as defined in this Code;

New matter indicated by italics - deletions by strikeout
6. Failed to file or produce for the Secretary of State any application, report, document or other pertinent books, records, documents, letters, contracts, required to be filed or produced under this Code or any rule or regulation made by the Secretary of State pursuant to this Code;

7. Previously had, within 3 years, such a license denied, suspended, revoked, or cancelled under the provisions of subsection (c) (2) of this Section;

8. Has committed in any calendar year 3 or more violations, as determined in any civil or criminal proceeding, of any one or more of the following Acts:
   a. the "Consumer Finance Act";
   b. the "Consumer Installment Loan Act";
   c. the "Retail Installment Sales Act";
   d. the "Motor Vehicle Retail Installment Sales Act";
   e. "An Act in relation to the rate of interest and other charges in connection with sales on credit and the lending of money", approved May 24, 1879, as amended;
   f. "An Act to promote the welfare of wage-earners by regulating the assignment of wages, and prescribing a penalty for the violation thereof", approved July 1, 1935, as amended;
   g. Part 8 of Article XII of the Code of Civil Procedure; or
   h. the "Consumer Fraud Act";

9. Failed to pay any fees or taxes due under this Act, or has failed to transmit any fees or taxes received by him for transmittal by him to the Secretary of State or the State of Illinois;

10. Converted an abandoned vehicle;

11. Used a vehicle identification plate or number assigned to a vehicle other than the one to which originally assigned;

12. Violated the provisions of Chapter 5 of this Act, as amended;

13. Violated the provisions of Chapter 4 of this Act, as amended;

14. Violated the provisions of Chapter 3 of this Act, as amended;

15. Violated Section 21-2 of the Criminal Code of 1961, Criminal Trespass to Vehicles;

16. Made or concealed a material fact in connection with his application for a license;

17. Acted in the capacity of a person licensed or acted as a licensee under this Chapter without having a license therefor;

New matter indicated by italics - deletions by strikeout
18. Failed to pay, within 90 days after a final judgment, any fines assessed against the licensee pursuant to an action brought under Section 5-404.

(b) In addition to other grounds specified in this Chapter, the Secretary of State, on complaint of the Department of Revenue, shall refuse the issuance or renewal of a license, or suspend or revoke such license, for any of the following violations of the "Retailers' Occupation Tax Act":

1. Failure to make a tax return;
2. The filing of a fraudulent return;
3. Failure to pay all or part of any tax or penalty finally determined to be due;
4. Failure to comply with the bonding requirements of the "Retailers' Occupation Tax Act".

(b-1) In addition to other grounds specified in this Chapter, the Secretary of State, on complaint of the Motor Vehicle Review Board, shall refuse the issuance or renewal of a license, or suspend or revoke that license, if costs or fees assessed under Section 29 or Section 30 of the Motor Vehicle Franchise Act have remained unpaid for a period in excess of 90 days after the licensee received from the Motor Vehicle Board a second notice and demand for the costs or fees. The Motor Vehicle Review Board must send the licensee written notice and demand for payment of the fees or costs at least 2 times, and the second notice and demand must be sent by certified mail.

(c) Cancellation of a license.

1. The license of a person issued under this Chapter may be cancelled by the Secretary of State prior to its expiration in any of the following situations:

A. When a license is voluntarily surrendered, by the licensed person; or

B. If the business enterprise is a sole proprietorship, which is not a franchised dealership, when the sole proprietor dies or is imprisoned for any period of time exceeding 30 days; or

C. If the license was issued to the wrong person or corporation, or contains an error on its face. If any person above whose license has been cancelled wishes to apply for another license, whether during the same license year or any other year, that person shall be treated as any other new applicant and the cancellation of the person's prior license shall not, in and of itself, be a bar to the issuance of a new license.
2. The license of a person issued under this Chapter may be cancelled without a hearing when the Secretary of State is notified that the applicant, or any officer, director, shareholder having a 10 per cent or greater ownership interest in the corporation, owner, partner, trustee, manager, employee or member of the applicant or the licensee has been convicted of any felony involving the selling, bartering, exchanging, offering for sale, or otherwise dealing in vehicles, chassis, essential parts, vehicle shells, or ownership documents relating to any of the above items. (Source: P.A. 86-820.)

Section 10. The Motor Vehicle Franchise Act is amended by changing Section 4 as follows:

(815 ILCS 710/4) (from Ch. 121 1/2, par. 754)

Sec. 4. Unfair competition and practices.

(a) The unfair methods of competition and unfair and deceptive acts or practices listed in this Section are hereby declared to be unlawful. In construing the provisions of this Section, the courts may be guided by the interpretations of the Federal Trade Commission Act (15 U.S.C. 45 et seq.), as from time to time amended.

(b) It shall be deemed a violation for any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action with respect to a franchise which is arbitrary, in bad faith or unconscionable and which causes damage to any of the parties or to the public.

(c) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent or other representative thereof, to coerce, or attempt to coerce, any motor vehicle dealer:

(1) to accept, buy or order any motor vehicle or vehicles, appliances, equipment, parts or accessories therefore, or any other commodity or commodities or service or services which such motor vehicle dealer has not voluntarily ordered or requested except items required by applicable local, state or federal law; or to require a motor vehicle dealer to accept, buy, order or purchase such items in order to obtain any motor vehicle or vehicles or any other commodity or commodities which have been ordered or requested by such motor vehicle dealer;

(2) to order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included

New matter indicated by italics - deletions by strikeout
in the list price of the motor vehicles as publicly advertised by the manufacturer thereof, except items required by applicable law; or

(3) to order for anyone any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever, except items required by applicable law.

(d) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division, or officer, agent or other representative thereof:

(1) to adopt, change, establish or implement a plan or system for the allocation and distribution of new motor vehicles to motor vehicle dealers which is arbitrary or capricious or to modify an existing plan so as to cause the same to be arbitrary or capricious;

(2) to fail or refuse to advise or disclose to any motor vehicle dealer having a franchise or selling agreement, upon written request therefor, the basis upon which new motor vehicles of the same line make are allocated or distributed to motor vehicle dealers in the State and the basis upon which the current allocation or distribution is being made or will be made to such motor vehicle dealer;

(3) to refuse to deliver in reasonable quantities and within a reasonable time after receipt of dealer's order, to any motor vehicle dealer having a franchise or selling agreement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, any such motor vehicles as are covered by such franchise or selling agreement specifically publicly advertised in the State by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division to be available for immediate delivery. However, the failure to deliver any motor vehicle shall not be considered a violation of this Act if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, a lack of manufacturing capacity, a freight embargo or other cause over which the manufacturer, distributor, or wholesaler, or any agent thereof has no control;

(4) to coerce, or attempt to coerce, any motor vehicle dealer to enter into any agreement with such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or

New matter indicated by italics - deletions by strikeout
division, or wholesale branch or division, or officer, agent or other representative thereof, or to do any other act prejudicial to the dealer by threatening to reduce his allocation of motor vehicles or cancel any franchise or any selling agreement existing between such manufacturer, distributor, wholesaler, distributor branch or division, or factory branch or division, or wholesale branch or division, and the dealer. However, notice in good faith to any motor vehicle dealer of the dealer's violation of any terms or provisions of such franchise or selling agreement or of any law or regulation applicable to the conduct of a motor vehicle dealer shall not constitute a violation of this Act;

(5) to require a franchisee to participate in an advertising campaign or contest or any promotional campaign, or to purchase or lease any promotional materials, training materials, show room or other display decorations or materials at the expense of the franchisee;

(6) to cancel or terminate the franchise or selling agreement of a motor vehicle dealer without good cause and without giving notice as hereinafter provided; to fail or refuse to extend the franchise or selling agreement of a motor vehicle dealer upon its expiration without good cause and without giving notice as hereinafter provided; or, to offer a renewal, replacement or succeeding franchise or selling agreement containing terms and provisions the effect of which is to substantially change or modify the sales and service obligations or capital requirements of the motor vehicle dealer arbitrarily and without good cause and without giving notice as hereinafter provided notwithstanding any term or provision of a franchise or selling agreement.

(A) If a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division intends to cancel or terminate a franchise or selling agreement or intends not to extend or renew a franchise or selling agreement on its expiration, it shall send a letter by certified mail, return receipt requested, to the affected franchisee at least 60 days before the effective date of the proposed action, or not later than 10 days before the proposed action when the reason for the action is based upon either of the following:

(i) the business operations of the franchisee have been abandoned or the franchisee has failed to

New matter indicated by italics - deletions by strikeout
conduct customary sales and service operations during customary business hours for at least 7 consecutive business days unless such closing is due to an act of God, strike or labor difficulty or other cause over which the franchisee has no control; or

(ii) the conviction of or plea of nolo contendere by the motor vehicle dealer or any operator thereof in a court of competent jurisdiction to an offense punishable by imprisonment for more than two years.

Each notice of proposed action shall include a detailed statement setting forth the specific grounds for the proposed cancellation, termination, or refusal to extend or renew and shall state that the dealer has only 30 days from receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action.

(B) If a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division intends to change substantially or modify the sales and service obligations or capital requirements of a motor vehicle dealer as a condition to extending or renewing the existing franchise or selling agreement of such motor vehicle dealer, it shall send a letter by certified mail, return receipt requested, to the affected franchisee at least 60 days before the date of expiration of the franchise or selling agreement. Each notice of proposed action shall include a detailed statement setting forth the specific grounds for the proposed action and shall state that the dealer has only 30 days from receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action.

(C) Within 30 days from receipt of the notice under subparagraphs (A) and (B), the franchisee may file with the Board a written protest against the proposed action.

When the protest has been timely filed, the Board shall enter an order, fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of the order to the manufacturer that filed the notice of
intention of the proposed action and to the protesting dealer or franchisee.

The manufacturer shall have the burden of proof to establish that good cause exists to cancel or terminate, or fail to extend or renew the franchise or selling agreement of a motor vehicle dealer or franchisee, and to change substantially or modify the sales and service obligations or capital requirements of a motor vehicle dealer as a condition to extending or renewing the existing franchise or selling agreement. The determination whether good cause exists to cancel, terminate, or refuse to renew or extend the franchise or selling agreement, or to change or modify the obligations of the dealer as a condition to offer renewal, replacement, or succession shall be made by the Board under subsection (d) of Section 12 of this Act.

(D) Notwithstanding the terms, conditions, or provisions of a franchise or selling agreement, the following shall not constitute good cause for cancelling or terminating or failing to extend or renew the franchise or selling agreement: (i) the change of ownership or executive management of the franchisee's dealership; or (ii) the fact that the franchisee or owner of an interest in the franchise owns, has an investment in, participates in the management of, or holds a license for the sale of the same or any other line make of new motor vehicles.

Good cause shall exist to cancel, terminate or fail to offer a renewal or replacement franchise or selling agreement to all franchisees of a line make if the manufacturer permanently discontinues the manufacture or assembly of motor vehicles of such line make.

(E) The manufacturer may not cancel or terminate, or fail to extend or renew a franchise or selling agreement or change or modify the obligations of the franchisee as a condition to offering a renewal, replacement, or succeeding franchise or selling agreement before the hearing process is concluded as prescribed by this Act, and thereafter, if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to allow the proposed action; or

New matter indicated by italics - deletions by strikeout
(7) notwithstanding the terms of any franchise agreement, to fail to indemnify and hold harmless its franchised dealers against any judgment or settlement for damages, including, but not limited to, court costs, expert witness fees, reasonable attorneys' fees of the new motor vehicle dealer, and other expenses incurred in the litigation, so long as such fees and costs are reasonable, arising out of complaints, claims or lawsuits including, but not limited to, strict liability, negligence, misrepresentation, warranty (express or implied), or recision of the sale as defined in Section 2-608 of the Uniform Commercial Code, to the extent that the judgment or settlement relates to the alleged defective or negligent manufacture, assembly or design of new motor vehicles, parts or accessories or other functions by the manufacturer, beyond the control of the dealer; provided that, in order to provide an adequate defense, the manufacturer receives notice of the filing of a complaint, claim, or lawsuit within 60 days after the filing.

(e) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division or officer, agent or other representative thereof:

1. to resort to or use any false or misleading advertisement in connection with his business as such manufacturer, distributor, wholesaler, distributor branch or division or officer, agent or other representative thereof;

2. to offer to sell or lease, or to sell or lease, any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price or fail to make available to any motor vehicle dealer any preferential pricing, incentive, rebate, finance rate, or low interest loan program offered to competing motor vehicle dealers in other contiguous states. However, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government, the State or any of its political subdivisions;

3. to offer to sell or lease, or to sell or lease, any new motor vehicle to any person, except a wholesaler, distributor or manufacturer's employees at a lower actual price therefor than the actual price offered and charged to a motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device

New matter indicated by italics - deletions by strikeout
which results in such lesser actual price. However, the provisions
of this paragraph shall not apply to sales to a motor vehicle dealer
for resale to any unit of the United States Government, the State or
any of its political subdivisions;

(4) to prevent or attempt to prevent by contract or otherwise
any motor vehicle dealer or franchisee from changing the executive
management control of the motor vehicle dealer or franchisee
unless the franchiser, having the burden of proof, proves that such
change of executive management will result in executive
management control by a person or persons who are not of good
moral character or who do not meet the franchiser's existing and,
with consideration given to the volume of sales and service of the
dealership, uniformly applied minimum business experience
standards in the market area. However where the manufacturer
rejects a proposed change in executive management control, the
manufacturer shall give written notice of his reasons to the dealer
within 60 days of notice to the manufacturer by the dealer of the
proposed change. If the manufacturer does not send a letter to the
franchisee by certified mail, return receipt requested, within 60
days from receipt by the manufacturer of the proposed change, then
the change of the executive management control of the franchisee
shall be deemed accepted as proposed by the franchisee, and the
manufacturer shall give immediate effect to such change;

(5) to prevent or attempt to prevent by contract or otherwise
any motor vehicle dealer from establishing or changing the capital
structure of his dealership or the means by or through which he
finances the operation thereof; provided the dealer meets any
reasonable capital standards agreed to between the dealer and the
manufacturer, distributor or wholesaler, who may require that the
sources, method and manner by which the dealer finances or
intends to finance its operation, equipment or facilities be fully
disclosed;

(6) to refuse to give effect to or prevent or attempt to
prevent by contract or otherwise any motor vehicle dealer or any
officer, partner or stockholder of any motor vehicle dealer from
selling or transferring any part of the interest of any of them to any
other person or persons or party or parties unless such sale or
transfer is to a transferee who would not otherwise qualify for a
new motor vehicle dealers license under "The Illinois Vehicle
Code" or unless the franchiser, having the burden of proof, proves

New matter indicated by italics - deletions by strikeout
that such sale or transfer is to a person or party who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area. However, nothing herein shall be construed to prevent a franchiser from implementing affirmative action programs providing business opportunities for minorities or from complying with applicable federal, State or local law:

(A) If the manufacturer intends to refuse to approve the sale or transfer of all or a part of the interest, then it shall, within 60 days from receipt of the completed application forms generally utilized by a manufacturer to conduct its review and a copy of all agreements regarding the proposed transfer, send a letter by certified mail, return receipt requested, advising the franchisee of any refusal to approve the sale or transfer of all or part of the interest and shall state that the dealer only has 30 days from the receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action. The notice shall set forth specific criteria used to evaluate the prospective transferee and the grounds for refusing to approve the sale or transfer to that transferee. Within 30 days from the franchisee's receipt of the manufacturer's notice, the franchisee may file with the Board a written protest against the proposed action.

When a protest has been timely filed, the Board shall enter an order, fixing the date (within 60 days of the date of such order), time, and place of a hearing on the protest, required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of the order to the manufacturer that filed notice of intention of the proposed action and to the protesting franchisee.

The manufacturer shall have the burden of proof to establish that good cause exists to refuse to approve the sale or transfer to the transferee. The determination whether good cause exists to refuse to approve the sale or transfer shall be made by the Board under subdivisions (6)(B). The manufacturer shall not refuse to approve the sale or transfer by a dealer or an officer, partner, or stockholder of a
franchise or any part of the interest to any person or persons before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to refuse to approve the sale or transfer to the transferee.

(B) Good cause to refuse to approve such sale or transfer under this Section is established when such sale or transfer is to a transferee who would not otherwise qualify for a new motor vehicle dealers license under "The Illinois Vehicle Code" or such sale or transfer is to a person or party who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area.

(7) to obtain money, goods, services, anything of value, or any other benefit from any other person with whom the motor vehicle dealer does business, on account of or in relation to the transactions between the dealer and the other person as compensation, except for services actually rendered, unless such benefit is promptly accounted for and transmitted to the motor vehicle dealer;

(8) to grant an additional franchise in the relevant market area of an existing franchise of the same line make or to relocate an existing motor vehicle dealership within or into a relevant market area of an existing franchise of the same line make. However, if the manufacturer wishes to grant such an additional franchise to an independent person in a bona fide relationship in which such person is prepared to make a significant investment subject to loss in such a dealership, or if the manufacturer wishes to relocate an existing motor vehicle dealership, then the manufacturer shall send a letter by certified mail, return receipt requested, to each existing dealer or dealers of the same line make whose relevant market area includes the proposed location of the additional or relocated franchise at least 60 days before the manufacturer grants an additional franchise or relocates an existing franchise of the same line make within or into the relevant market area of an existing franchisee of the same line make. Each notice shall set forth the specific grounds for the proposed grant of an additional or

New matter indicated by italics - deletions by strikeout
relocation of an existing franchise and shall state that the dealer has only 30 days from the date of receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action. Unless the parties agree upon the grant or establishment of the additional or relocated franchise within 30 days from the date the notice was received by the existing franchisee of the same line make or any person entitled to receive such notice, the franchisee or other person may file with the Board a written protest against the grant or establishment of the proposed additional or relocated franchise and shall state that the dealer only has 30 days from the receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action.

When a protest has been timely filed, the Board shall enter an order fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest, required under Sections 12 and 29 of this Act, and send by certified or registered mail, return receipt requested, a copy of the order to the manufacturer that filed the notice of intention to grant or establish the proposed additional or relocated franchise and to the protesting dealer or dealers of the same line make whose relevant market area includes the proposed location of the additional or relocated franchise.

When more than one protest is filed against the grant or establishment of the additional or relocated franchise of the same line make, the Board may consolidate the hearings to expedite disposition of the matter. The manufacturer shall have the burden of proof to establish that good cause exists to allow the grant or establishment of the additional or relocated franchise. The manufacturer may not grant or establish the additional franchise or relocate the existing franchise before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to allow the grant or establishment of the additional franchise or relocation of the existing franchise.

The determination whether good cause exists for allowing the grant or establishment of an additional franchise or relocated existing franchise, shall be made by the Board under subsection (c) of Section 12 of this Act. If the manufacturer seeks to enter into a contract, agreement or other arrangement with any person,
establisheing any additional motor vehicle dealership or other facility, limited to the sale of factory repurchase vehicles or late model vehicles, then the manufacturer shall follow the notice procedures set forth in this Section and the determination whether good cause exists for allowing the proposed agreement shall be made by the Board under subsection (c) of Section 12, with the manufacturer having the burden of proof.

A. (Blank).

B. For the purposes of this Section, appointment of a successor motor vehicle dealer at the same location as its predecessor, or within 2 miles of such location, or the relocation of an existing dealer or franchise within 2 miles of the relocating dealer's or franchisee's existing location, shall not be construed as a grant, establishment or the entering into of an additional franchise or selling agreement, or a relocation of an existing franchise. The reopening of a motor vehicle dealership that has not been in operation for 18 months or more shall be deemed the grant of an additional franchise or selling agreement.

C. This Section does not apply to the relocation of an existing dealership or franchise in a county having a population of more than 300,000 persons when the new location is within the dealer's current relevant market area, provided the new location is more than 7 miles from the nearest dealer of the same line make. This Section does not apply to the relocation of an existing dealership or franchise in a county having a population of less than 300,000 persons when the new location is within the dealer's current relevant market area, provided the new location is more than 12 miles from the nearest dealer of the same line make. A dealer that would be farther away from the new location of an existing dealership or franchise of the same line make after a relocation may not file a written protest against the relocation with the Motor Vehicle Review Board.

D. Nothing in this Section shall be construed to prevent a franchiser from implementing affirmative action programs providing business opportunities for minorities or from complying with applicable federal, State or local law;

New matter indicated by italics - deletions by strikeout
(9) to require a motor vehicle dealer to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this Act;

(10) to prevent or refuse to give effect to the succession to the ownership or management control of a dealership by any legatee under the will of a dealer or to an heir under the laws of descent and distribution of this State unless the franchisee has designated a successor to the ownership or management control under the succession provisions of the franchise. Unless the franchiser, having the burden of proof, proves that the successor is a person who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area, any designated successor of a dealer or franchisee may succeed to the ownership or management control of a dealership under the existing franchise if:

(i) The designated successor gives the franchiser written notice by certified mail, return receipt requested, of his or her intention to succeed to the ownership of the dealer within 60 days of the dealer's death or incapacity; and

(ii) The designated successor agrees to be bound by all the terms and conditions of the existing franchise.

Notwithstanding the foregoing, in the event the motor vehicle dealer or franchisee and manufacturer have duly executed an agreement concerning succession rights prior to the dealer's death or incapacitation, the agreement shall be observed.

(A) If the franchiser intends to refuse to honor the successor to the ownership of a deceased or incapacitated dealer or franchisee under an existing franchise agreement, the franchiser shall send a letter by certified mail, return receipt requested, to the designated successor within 60 days from receipt of a proposal advising of its intent to refuse to honor the succession and to discontinue the existing franchise agreement and shall state that the designated successor only has 30 days from the receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action. The notice shall

New matter indicated by italics - deletions by strikeout
set forth the specific grounds for the refusal to honor the succession and discontinue the existing franchise agreement.

If notice of refusal is not timely served upon the designated successor, the franchise agreement shall continue in effect subject to termination only as otherwise permitted by paragraph (6) of subsection (d) of Section 4 of this Act.

Within 30 days from the date the notice was received by the designated successor or any other person entitled to notice, the designee or other person may file with the Board a written protest against the proposed action.

When a protest has been timely filed, the Board shall enter an order, fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest, required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of the order to the franchiser that filed the notice of intention of the proposed action and to the protesting designee or such other person.

The manufacturer shall have the burden of proof to establish that good cause exists to refuse to honor the succession and discontinue the existing franchise agreement. The determination whether good cause exists to refuse to honor the succession shall be made by the Board under subdivision (B) of this paragraph (10). The manufacturer shall not refuse to honor the succession or discontinue the existing franchise agreement before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that it has failed to meet its burden of proof and that good cause does not exist to refuse to honor the succession and discontinue the existing franchise agreement.

(B) No manufacturer shall impose any conditions upon honoring the succession and continuing the existing franchise agreement with the designated successor other than that the franchisee has designated a successor to the ownership or management control under the succession provisions of the franchise, or that the designated successor

New matter indicated by italics - deletions by strikeout
is of good moral character or meets the reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area;

(11) to prevent or refuse to approve a proposal to establish a successor franchise at a location previously approved by the franchiser when submitted with the voluntary termination by the existing franchisee unless the successor franchisee would not otherwise qualify for a new motor vehicle dealer's license under the Illinois Vehicle Code or unless the franchiser, having the burden of proof, proves that such proposed successor is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area. However, when such a rejection of a proposal is made, the manufacturer shall give written notice of its reasons to the franchisee within 60 days of receipt by the manufacturer of the proposal. However, nothing herein shall be construed to prevent a franchiser from implementing affirmative action programs providing business opportunities for minorities, or from complying with applicable federal, State or local law;

(12) to prevent or refuse to grant a franchise to a person because such person owns, has investment in or participates in the management of or holds a franchise for the sale of another make or line of motor vehicles within 7 miles of the proposed franchise location in a county having a population of more than 300,000 persons, or within 12 miles of the proposed franchise location in a county having a population of less than 300,000 persons; or

(13) to prevent or attempt to prevent any new motor vehicle dealer from establishing any additional motor vehicle dealership or other facility limited to the sale of factory repurchase vehicles or late model vehicles or otherwise offering for sale factory repurchase vehicles of the same line make at an existing franchise by failing to make available any contract, agreement or other arrangement which is made available or otherwise offered to any person.

(f) It is deemed a violation for a manufacturer, a distributor, a wholesale, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent, broker, shareholder,
except a shareholder of 1% or less of the outstanding shares of any class of securities of a manufacturer, distributor, or wholesaler which is a publicly traded corporation, or other representative, directly or indirectly, to own or operate a place of business as a motor vehicle franchisee or motor vehicle financing affiliate, except that, this subsection shall not prohibit the ownership or operation of a place of business by a manufacturer, distributor, or wholesaler for a period, not to exceed 18 months, during the transition from one motor vehicle franchisee to another; or the investment in a motor vehicle franchisee by a manufacturer, distributor, or wholesaler if the investment is for the sole purpose of enabling a partner or shareholder in that motor vehicle franchisee to acquire an interest in that motor vehicle franchisee and that partner or shareholder is not otherwise employed by or associated with the manufacturer, distributor, or wholesaler and would not otherwise have the requisite capital investment funds to invest in the motor vehicle franchisee, and has the right to purchase the entire equity interest of the manufacturer, distributor, or wholesaler in the motor vehicle franchisee within a reasonable period of time not to exceed 5 years.

(Source: P.A. 90-655, eff. 7-30-98; 91-415, eff. 1-1-00; 91-485, eff. 1-1-00; 91-701, eff. 5-12-00.)

Passed in the General Assembly May 19, 2005.
Approved July 21, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0288
(House Bill No. 1125)

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

Section 5. The Election Code is amended by changing Sections 17-8 and 17-11 as follows:

(10 ILCS 5/17-8) (from Ch. 46, par. 17-8)

Sec. 17-8. The county clerk shall provide in each polling place, so designated or provided a sufficient number of booths, which shall be provided with such supplies and conveniences, including shelves, pens, penholders, ink, blotters and pencils, as will enable the voter to prepare his ballot for voting, and in which voters may prepare their ballots screened from all observation as to the manner in which they do so. They shall be within plain view of election officers, and both they and the ballot boxes

New matter indicated by italics - deletions by strikeout
shall be within plain view of those within the proximity of the voting booths. Each of said booths shall have 3 sides enclosed, one side in front, to be closed with a curtain. Each side of each booth shall be 6 feet 4 inches and the curtain shall extend within 2 feet of the floor, which shall be closed while the voter is preparing his ballot. Each booth shall be at least 32 inches square and shall contain a shelf at least one foot wide, at a convenient height for writing. No person other than the election officers and the challengers allowed by law, and those admitted for the purpose of voting as herein provided, shall be permitted within the proximity of the voting booths, (i) except by authority of the election officers to keep order and enforce the law and (ii) except that one or more children under the age of 18 may accompany their parent or guardian into the voting booth as long as a request to do so is made to the election officers and, in the sole discretion of the election officers, the child or children are not likely to disrupt or interfere with the voting process or influence the casting of a vote. The number of such voting booths shall not be less than one to every 75 voters or fraction thereof who voted at the last preceding election in the precinct. The expense of providing booths and other things required in this Act shall be paid in the same manner as other election expenses.

Where electronic voting systems are used, a booth with a self-contained electronic voting device may be used. Each such booth shall have 3 sides enclosed and shall be equipped with a curtain for closing the front of the booth. The curtain must extend to within 2 feet of the floor. Each side shall be of such a height, in no event less than 5 feet, one inch, as to insure the secrecy of the voter. Each booth shall be at least 32 inches square, provided, however, that where a booth is no more than 23 inches wide and the sides of such booth extend from a point below the device to a height of 5 feet, one inch, at the front of the booth, and such booth insures that voters may prepare their ballots in secrecy, such booth may be used.

(Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/17-11) (from Ch. 46, par. 17-11)

Sec. 17-11. On receipt of his ballot the voter shall forthwith, and without leaving the inclosed space, retire alone, or accompanied by children as provided in Section 17-8, to one of the voting booths so provided and shall prepare his ballot by making in the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by writing in the name of the candidate of his choice in a blank space on said ticket, making a cross (X) opposite thereto; and in case of a question submitted to the vote of the people, by making in the appropriate margin or place a cross (X) against the answer he desires to

New matter indicated by italics - deletions by strikeout
give. A cross (X) in the square in front of the bracket enclosing the names of a team of candidates for Governor and Lieutenant Governor counts as one vote for each of such candidates. Before leaving the voting booth the voter shall fold his ballot in such manner as to conceal the marks thereon. He shall then vote forthwith in the manner herein provided, except that the number corresponding to the number of the voter on the poll books shall not be indorsed on the back of his ballot. He shall mark and deliver his ballot without undue delay, and shall quit said inclosed space as soon as he has voted. No voter shall be allowed to occupy a voting booth already occupied by another, nor remain within said inclosed space more than ten minutes, nor to occupy a voting booth more than five minutes in case all of said voting booths are in use and other voters waiting to occupy the same. No voter not an election officer, shall, after having voted, be allowed to re-enter said inclosed space during said election. No person shall take or remove any ballot from the polling place before the close of the poll. No voter shall vote or offer to vote any ballot except such as he has received from the judges of election in charge of the ballots. Any voter who shall, by accident or mistake, spoil his ballot, may, on returning said spoiled ballot, receive another in place thereof only after the word "spoiled" has been written in ink diagonally across the entire face of the ballot returned by the voter.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable.

(Source: P.A. 89-700, eff. 1-17-97.)

Passed in the General Assembly May 18, 2005.
Approved July 21, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0289
(House Bill No. 1285)

AN ACT concerning liquor.

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

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-2 as follows:

(235 ILCS 5/6-2) (from Ch. 43, par. 120)
Sec. 6-2. Issuance of licenses to certain persons prohibited.

New matter indicated by italics - deletions by strikeout
(a) Except as otherwise provided in subsection (b) of this Section and in paragraph (1) of subsection (a) of Section 3-12, no license of any kind issued by the State Commission or any local commission shall be issued to:

(1) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.

(2) A person who is not of good character and reputation in the community in which he resides.

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

(5) A person who has been convicted of being the keeper or is keeping a house of ill fame.

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) A person whose license issued under this Act has been revoked for cause.

(8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.

(10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

(10a) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in Illinois.

New matter indicated by italics - deletions by strikeout
(11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(12) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation.

(13) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city or village with a population of 50,000 or less, to any alderman, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected. Notwithstanding any provision of this paragraph (14) to the contrary, an alderman or member of a city council or commission, a member of a village board of trustees other than the president of the village board of trustees, or a member of a county board other than the president of a county board may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, a mayor, a village board president, or

New matter indicated by italics - deletions by strikeout
president of a county board. To prevent any conflict of interest, the
elected official with the direct interest in the manufacture, sale, or
distribution of alcoholic liquor cannot participate in any meetings,
hearings, or decisions on matters impacting the manufacture, sale,
or distribution of alcoholic liquor.

(15) A person who is not a beneficial owner of the business
to be operated by the licensee.

(16) A person who has been convicted of a gambling
offense as proscribed by any of subsections (a) (3) through (a) (11)
of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of,
the Criminal Code of 1961, or as proscribed by a statute replaced
by any of the aforesaid statutory provisions.

(17) A person or entity to whom a federal wagering stamp
has been issued by the federal government, unless the person or
entity is eligible to be issued a license under the Raffles Act or the
Illinois Pull Tabs and Jar Games Act.

(18) A person who intends to sell alcoholic liquors for use
or consumption on his or her licensed retail premises who does not
have liquor liability insurance coverage for that premises in an
amount that is at least equal to the maximum liability amounts set
out in subsection (a) of Section 6-21.

(b) A criminal conviction of a corporation is not grounds for the
denial, suspension, or revocation of a license applied for or held by the
corporation if the criminal conviction was not the result of a violation of
any federal or State law concerning the manufacture, possession or sale of
alcoholic liquor, the offense that led to the conviction did not result in any
financial gain to the corporation and the corporation has terminated its
relationship with each director, officer, employee, or controlling
shareholder whose actions directly contributed to the conviction of the
corporation. The Commission shall determine if all provisions of this
subsection (b) have been met before any action on the corporation's license
is initiated.

(Source: P.A. 92-378, eff. 8-16-01; 93-266, eff. 1-1-04; 93-1057, eff. 12-2-
04.)

Passed in the General Assembly May 18, 2005.
Approved July 21, 2005.
Effective January 1, 2006.
AN ACT concerning civil immunity.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Good Samaritan Act is amended by adding Section 72 as follows:
   (745 ILCS 49/72 new)
   Sec. 72. Professional engineers, architects, land surveyors, and structural engineers; exemption from civil liability for professional services in response to disasters or catastrophic events. Any professional engineer, architect, land surveyor, or structural engineer who in good faith, without fee, provides professional services in response to a disaster or other catastrophic event shall not be liable for civil damages as a result of his or her acts or omissions in providing the professional services, except for willful and wanton misconduct. This immunity applies to services that are provided without fee during or within 60 days following the end of a disaster or catastrophic event.
Passed in the General Assembly May 19, 2005.
Approved July 21, 2005.
Effective January 1, 2006.

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Attorney General Act is amended by changing Sections 4 and 6.5 as follows:
   (15 ILCS 205/4) (from Ch. 14, par. 4)
   Sec. 4. The duties of the Attorney General shall be--
   First - To appear for and represent the people of the State before the supreme court in all cases in which the State or the people of the State are interested. Notwithstanding this provision, the Office of Public Counsel shall be authorized to represent the interests of the people of the State in all proceedings pertinent to utility regulation, including cases before the supreme court, where any such case is properly brought by the Office pursuant to its statutory duties and powers.
New matter indicated by italics - deletions by strikeout
Second - To institute and prosecute all actions and proceedings in favor of or for the use of the State, which may be necessary in the execution of the duties of any State officer.

Third - To defend all actions and proceedings against any State officer, in his official capacity, in any of the courts of this State or the United States.

Fourth - To consult with and advise the several State's Attorneys in matters relating to the duties of their office; and when, in his judgment, the interest of the people of the State requires it, he shall attend the trial of any party accused of crime, and assist in the prosecution. When the Attorney General has requested in writing that a State's Attorney initiate court proceedings to enforce any provisions of the Election Code or to initiate a criminal prosecution with respect to a violation of the Election Code, and when the State's Attorney has declined in writing to initiate those proceedings or prosecutions or when the State's Attorney has neither initiated the proceedings or prosecutions nor responded in writing to the Attorney General within 60 days of the receipt of the request, the Attorney General may, concurrently with or independently of the State's Attorney, initiate such proceedings or prosecutions.

Fifth - To investigate alleged violations of the statutes which the Attorney General has a duty to enforce and to conduct other investigations in connection with assisting in the prosecution of a criminal offense at the request of a State's Attorney.

Sixth - To consult with and advise the governor and other State officers, and give, when requested, written opinions upon all legal or constitutional questions relating to the duties of such officers respectively.

Seventh - To prepare, when necessary, proper drafts for contracts and other writings relating to subjects in which the State is interested.

Eighth - To give written opinions, when requested by either branch of the general assembly, or any committee thereof, upon constitutional or legal questions.

Ninth - To enforce the proper application of funds appropriated to the public institutions of the State, prosecute breaches of trust in the administration of such funds, and, when necessary, prosecute corporations for failure or refusal to make the reports required by law.

Tenth - To keep, a register of all cases prosecuted or defended by him, in behalf of the State or its officers, and of all proceedings had in relation thereto, and to deliver the same to his successor in office.

Eleventh - To keep on file in his office a copy of the official opinions issued by the Attorney General and deliver same to his successor.

New matter indicated by italics - deletions by strikeout
Twelfth - To pay into the State treasury all moneys received by him for the use of the State.

Thirteenth - To attend to and perform any other duty which may, from time to time, be required of him by law.

Fourteenth - To attend, present evidence to and prosecute indictments returned by each Statewide Grand Jury.

(Source: P.A. 87-466.)

(15 ILCS 205/6.5)
Sec. 6.5. Consumer Utilities Unit.

(a) The General Assembly finds that the health, welfare, and prosperity of all Illinois citizens, and the public's interest in adequate, safe, reliable, cost-effective electric, natural gas, water, and telecommunications services, requires effective public representation by the Attorney General to protect the rights and interests of the public in the provision of all elements of electric, natural gas, water, and telecommunications service both during and after the transition to a competitive market, and that to ensure that the benefits of competition in the provision of both electric, natural gas, water, and telecommunications services to all consumers are attained, there shall be created within the Office of the Attorney General a Consumer Utilities Unit.

(b) As used in this Section: "Electric services" means services sold by an electric service provider. "Electric service provider" shall mean anyone who sells, contracts to sell, or markets electric power, generation, distribution, transmission, or services (including metering and billing) in connection therewith. Electric service providers shall include any electric utility and any alternative retail electric supplier as defined in Section 16-102 of the Public Utilities Act.

(b-5) As used in this Section: "Telecommunications services" means services sold by a telecommunications carrier, as provided for in Section 13-203 of the Public Utilities Act. "Telecommunications carrier" means anyone who sells, contracts to sell, or markets telecommunications services, whether noncompetitive or competitive, including access services, interconnection services, or any services in connection therewith. Telecommunications carriers include any carrier as defined in Section 13-202 of the Public Utilities Act.

(b-10) As used in this Section: "natural gas services" means natural gas services sold by a "gas utility" or by an "alternative gas supplier", as those terms are defined in Section 19-105 of the Public Utilities Act.

New matter indicated by italics - deletions by strikeout
(b-15) As used in this Section: "water services" means services sold by any corporation, company, limited liability company, association, joint stock company or association, firm, partnership, or individual, its lessees, trustees, or receivers appointed by any court and that owns, controls, operates, or manages within this State, directly or indirectly, for public use, any plant, equipment, or property used or to be used for or in connection with (i) the production, storage, transmission, sale, delivery, or furnishing of water or (ii) the treatment, storage, transmission, disposal, sale of services, delivery, or furnishing of sewage or sewage services.

(c) There is created within the Office of the Attorney General a Consumer Utilities Unit, consisting of Assistant Attorneys General appointed by the Attorney General, who, together with such other staff as is deemed necessary by the Attorney General, shall have the power and duty on behalf of the people of the State to intervene in, initiate, enforce, and defend all legal proceedings on matters relating to the provision, marketing, and sale of electric, natural gas, water, and telecommunications service whenever the Attorney General determines that such action is necessary to promote or protect the rights and interests of all Illinois citizens, classes of customers, and users of electric, natural gas, water, and telecommunications services.

(d) In addition to the investigative and enforcement powers available to the Attorney General, including without limitation those under the Consumer Fraud and Deceptive Business Practices Act, and the Illinois Antitrust Act, and any other law of this State, the Attorney General shall be a party as a matter of right to all proceedings, investigations, and related matters involving the provision of electric, natural gas, water, and telecommunications services and to those proceedings, investigations, and related matters involving the provision of telecommunications services before the Illinois Commerce Commission, the courts, and other public bodies. Upon request, the Office of the Attorney General shall and may have access to and the use of all files, records, data, and documents in the possession or control of the Commission. The Office of the Attorney General may use information obtained under this Section, including information that is designated as and that qualifies for confidential treatment, which information the Attorney General's office shall maintain as confidential, to be used for law enforcement purposes only, which information may be shared with other law enforcement officials. Nothing in this Section is intended to take away or limit any of the powers the Attorney General has pursuant to common law or other statutory law.
PUBLIC ACT 94-0291

(Source: P.A. 92-22, eff. 6-30-01.)
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 18, 2005.
Approved July 21, 2005.
Effective July 21, 2005.

PUBLIC ACT 94-0292
(House Bill No. 1344)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Consumer Fraud and Deceptive Business Practices
Act is amended by changing Section 2Z as follows:
(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)
Sec. 2Z. Violations of other Acts. Any person who knowingly
violates the Automotive Repair Act, the Automotive Collision Repair Act,
the Home Repair and Remodeling Act, the Dance Studio Act, the Physical
Fitness Services Act, the Hearing Instrument Consumer Protection Act,
the Illinois Union Label Act, the Job Referral and Job Listing Services
Consumer Protection Act, the Travel Promotion Consumer Protection Act,
the Credit Services Organizations Act, the Automatic Telephone Dialers
Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone
Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery
Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales
Act, the High Risk Home Loan Act, subsection (a) or (b) of Section 3-10
of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the
Cigarette Use Tax Act, the Electronic Mail Act, paragraph (6) of
subsection (k) of Section 6-305 of the Illinois Vehicle Code, or the
Automatic Contract Renewal Act commits an unlawful practice within the
meaning of this Act.
(Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04; 93-950, eff. 1-1-
05.)
Passed in the General Assembly May 11, 2005.
Approved July 21, 2005.
Effective January 1, 2006.

New matter indicated by italics - deletions by strikeout
AN ACT concerning civil procedure.

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

Section 5. The Code of Civil Procedure is amended by changing Sections 2-1402, 12-705, 12-901, 12-904, 12-906, 12-909, 12-910, 12-911, 12-912, and 12-1001 as follows:

(735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

Sec. 2-1402. Supplementary proceedings.

(a) A judgment creditor, or his or her successor in interest when that interest is made to appear of record, is entitled to prosecute supplementary proceedings for the purposes of examining the judgment debtor or any other person to discover assets or income of the debtor not exempt from the enforcement of the judgment, a deduction order or garnishment, and of compelling the application of non-exempt assets or income discovered toward the payment of the amount due under the judgment. A supplementary proceeding shall be commenced by the service of a citation issued by the clerk. The procedure for conducting supplementary proceedings shall be prescribed by rules. It is not a prerequisite to the commencement of a supplementary proceeding that a certified copy of the judgment has been returned wholly or partly unsatisfied. All citations issued by the clerk shall have the following language, or language substantially similar thereto, stated prominently on the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL." The court shall not grant a continuance of the supplementary proceeding except upon good cause shown.

(b) Any citation served upon a judgment debtor or any other person shall include a certification by the attorney for the judgment creditor or the judgment creditor setting forth the amount of the judgment, the date of the judgment, or its revival date, the balance due thereon, the name of the court, and the number of the case, and a copy of the citation notice required by this subsection. Whenever a citation is served upon a person or party other than the judgment debtor, the officer or person serving the citation shall send to the judgment debtor, within three business days of

New matter indicated by italics - deletions by strikeout
the service upon the cited party, a copy of the citation and the citation notice, which may be sent by regular first-class mail to the judgment debtor's last known address. In no event shall a citation hearing be held sooner than five business days after the mailing of the citation and citation notice to the judgment debtor, except by agreement of the parties. The citation notice need not be mailed to a corporation, partnership, or association. The citation notice shall be in substantially the following form:

"CITATION NOTICE
(Name and address of Court)
Name of Case: (Name of Judgment Creditor),
  Judgment Creditor v.
  (Name of Judgment Debtor),
  Judgment Debtor.
Address of Judgment Debtor: (Insert last known address)
Name and address of Attorney for Judgment
  Creditor or of Judgment Creditor (If no
  attorney is listed): (Insert name and address)
Amount of Judgment: $ (Insert amount)
Name of Person Receiving Citation: (Insert name)
Court Date and Time: (Insert return date and time
  specified in citation)

NOTICE: The court has issued a citation against the person named above. The citation directs that person to appear in court to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to the judgment debtor or in which the judgment debtor has an interest. The citation was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above. On or after the court date stated above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. The JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE:

  (1) Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity

New matter indicated by italics - deletions by strikeout
interest, not to exceed $4,000 $2,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; worker's compensation benefits; veteran's benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed $2,400 $1,200 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed $1,500 $750 in value, in any implements, professional books, or tools of the trade of the debtor.

(2) Under Illinois law, every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of $15,000 $7,500, which homestead is exempt from judgment.

(3) Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage.

(4) Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.

(5) Pension and retirement benefits and refunds may be claimed as exempt under Illinois law.

The judgment debtor may have other possible exemptions under the law.

THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The judgment debtor also has the right to seek a declaration at an earlier date, by notifying the clerk in writing at (insert address of clerk). When so notified, the Clerk of the Court will obtain a prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the judgment creditor's attorney regarding the time and location of the hearing. This notice may be sent by regular first class mail."

(c) When assets or income of the judgment debtor not exempt from the satisfaction of a judgment, a deduction order or garnishment are discovered, the court may, by appropriate order or judgment:

New matter indicated by italics - deletions by strikeout
(1) Compel the judgment debtor to deliver up, to be applied in satisfaction of the judgment, in whole or in part, money, choses in action, property or effects in his or her possession or control, so discovered, capable of delivery and to which his or her title or right of possession is not substantially disputed.

(2) Compel the judgment debtor to pay to the judgment creditor or apply on the judgment, in installments, a portion of his or her income, however or whenever earned or acquired, as the court may deem proper, having due regard for the reasonable requirements of the judgment debtor and his or her family, if dependent upon him or her, as well as any payments required to be made by prior order of court or under wage assignments outstanding; provided that the judgment debtor shall not be compelled to pay income which would be considered exempt as wages under the Wage Deduction Statute. The court may modify an order for installment payments, from time to time, upon application of either party upon notice to the other.

(3) Compel any person cited, other than the judgment debtor, to deliver up any assets so discovered, to be applied in satisfaction of the judgment, in whole or in part, when those assets are held under such circumstances that in an action by the judgment debtor he or she could recover them in specie or obtain a judgment for the proceeds or value thereof as for conversion or embezzlement.

(4) Enter any order upon or judgment against the person cited that could be entered in any garnishment proceeding.

(5) Compel any person cited to execute an assignment of any chose in action or a conveyance of title to real or personal property, in the same manner and to the same extent as a court could do in any proceeding by a judgment creditor to enforce payment of a judgment or in aid of the enforcement of a judgment.

(6) Authorize the judgment creditor to maintain an action against any person or corporation that, it appears upon proof satisfactory to the court, is indebted to the judgment debtor, for the recovery of the debt, forbid the transfer or other disposition of the debt until an action can be commenced and prosecuted to judgment, direct that the papers or proof in the possession or control of the debtor and necessary in the prosecution of the action be delivered to the creditor or impounded in court, and provide for

New matter indicated by italics - deletions by strikeout
the disposition of any moneys in excess of the sum required to pay the judgment creditor's judgment and costs allowed by the court.

(d) No order or judgment shall be entered under subsection (c) in favor of the judgment creditor unless there appears of record a certification of mailing showing that a copy of the citation and a copy of the citation notice was mailed to the judgment debtor as required by subsection (b).

(e) All property ordered to be delivered up shall, except as otherwise provided in this Section, be delivered to the sheriff to be collected by the sheriff or sold at public sale and the proceeds thereof applied towards the payment of costs and the satisfaction of the judgment.

(f) (1) The citation may prohibit the party to whom it is directed from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from the enforcement of a judgment therefrom, a deduction order or garnishment, belonging to the judgment debtor or to which he or she may be entitled or which may thereafter be acquired by or become due to him or her, and from paying over or otherwise disposing of any moneys not so exempt which are due or to become due to the judgment debtor, until the further order of the court or the termination of the proceeding, whichever occurs first. The third party may not be obliged to withhold the payment of any moneys beyond double the amount of the balance due sought to be enforced by the judgment creditor. The court may punish any party who violates the restraining provision of a citation as and for a contempt, or if the party is a third party may enter judgment against him or her in the amount of the unpaid portion of the judgment and costs allowable under this Section, or in the amount of the value of the property transferred, whichever is lesser.

(2) The court may enjoin any person, whether or not a party to the supplementary proceeding, from making or allowing any transfer or other disposition of, or interference with, the property of the judgment debtor not exempt from the enforcement of a judgment, a deduction order or garnishment, or the property or debt not so exempt concerning which any person is required to attend and be examined until further direction in the premises. The injunction order shall remain in effect until vacated by the court or until the proceeding is terminated, whichever first occurs.

(g) If it appears that any property, chose in action, credit or effect discovered, or any interest therein, is claimed by any person, the court shall, as in garnishment proceedings, permit or require the claimant to

New matter indicated by italics - deletions by strikeout
appear and maintain his or her right. The rights of the person cited and the rights of any adverse claimant shall be asserted and determined pursuant to the law relating to garnishment proceedings.

(h) Costs in proceedings authorized by this Section shall be allowed, assessed and paid in accordance with rules, provided that if the court determines, in its discretion, that costs incurred by the judgment creditor were improperly incurred, those costs shall be paid by the judgment creditor.

(i) This Section is in addition to and does not affect enforcement of judgments or proceedings supplementary thereto, by any other methods now or hereafter provided by law.

(j) This Section does not grant the power to any court to order installment or other payments from, or compel the sale, delivery, surrender, assignment or conveyance of any property exempt by statute from the enforcement of a judgment thereon, a deduction order, garnishment, attachment, sequestration, process or other levy or seizure.

(k) (Blank).

(l) At any citation hearing at which the judgment debtor appears and seeks a declaration that certain of his or her income or assets are exempt, the court shall proceed to determine whether the property which the judgment debtor declares to be exempt is exempt from judgment. At any time before the return date specified on the citation, the judgment debtor may request, in writing, a hearing to declare exempt certain income and assets by notifying the clerk of the court before that time, using forms as may be provided by the clerk of the court. The clerk of the court will obtain a prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor, or the judgment creditor's attorney, regarding the time and location of the hearing. This notice may be sent by regular first class mail. At the hearing, the court shall immediately, unless for good cause shown that the hearing is to be continued, shall proceed to determine whether the property which the judgment debtor declares to be exempt is exempt from judgment. The restraining provisions of subsection (f) shall not apply to any property determined by the court to be exempt.

(m) The judgment or balance due on the judgment becomes a lien when a citation is served in accordance with subsection (a) of this Section. The lien binds nonexempt personal property, including money, choses in action, and effects of the judgment debtor as follows:

New matter indicated by italics - deletions by strikeout
(1) When the citation is directed against the judgment debtor, upon all personal property belonging to the judgment debtor in the possession or control of the judgment debtor or which may thereafter be acquired or come due to the judgment debtor to the time of the disposition of the citation.

(2) When the citation is directed against a third party, upon all personal property belonging to the judgment debtor in the possession or control of the third party or which thereafter may be acquired or come due to the judgment debtor and comes into the possession or control of the third party to the time of the disposition of the citation.

The lien established under this Section does not affect the rights of citation respondents in property prior to the service of the citation upon them and does not affect the rights of bona fide purchasers or lenders without notice of the citation. The lien is effective for the period specified by Supreme Court Rule.

This subsection (m), as added by Public Act 88-48, is a declaration of existing law.

(n) If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect the provisions or applications of the Act that can be given effect without the invalid provision or application.

(Source: P.A. 88-48; 88-299; 88-667, eff. 9-16-94; 88-670, eff. 12-2-94; 89-364, eff. 1-1-96.)

(735 ILCS 5/12-705) (from Ch. 110, par. 12-705)

Sec. 12-705. Summons.

(a) Summons shall be returnable not less than 21 nor more than 30 days after the date of issuance. Summons with 4 copies of the interrogatories shall be served and returned as in other civil cases. If the garnishee is served with summons less than 10 days prior to the return date, the court shall continue the case to a new return date 14 days after the return date stated on the summons. The summons shall be in a form consistent with local court rules. The summons shall be accompanied by a copy of the underlying judgment or a certification by the clerk of the court that entered the judgment, or by the attorney for the judgment creditor, setting forth the amount of the judgment, the name of the court and the number of the case and one copy of a garnishment notice in substantially the following form:

"GARNISHMENT NOTICE
(Name and address of Court)"

New matter indicated by italics - deletions by strikeout
Name of Case: (Name of Judgment Creditor),
Judgment Creditor v.
(Name of Judgement Debtor),
Judgment Debtor.

Address of Judgment Debtor: (Insert last known address)
Name and address of Attorney for Judgment Creditor or of Judgment Creditor (If no attorney is listed): (Insert name and address)

Amount of Judgment: $(Insert amount)
Name of Garnishee: (Insert name)

Return Date: (Insert return date specified in summons)

NOTICE: The court has issued a garnishment summons against the garnishee named above for money or property (other than wages) belonging to the judgment debtor or in which the judgment debtor has an interest. The garnishment summons was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above.

The amount of money or property (other than wages) that may be garnished is limited by federal and Illinois law. The judgment debtor has the right to assert statutory exemptions against certain money or property of the judgment debtor which may not be used to satisfy the judgment in the amount stated above.

Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed $4,000 $2,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; workers' compensation benefits; veterans' benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed $2,400 $1,200 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed $1,500 $750 in value, in any implements, professional books or tools of the trade of the debtor.

The judgment debtor may have other possible exemptions from garnishment under the law.

The judgment debtor has the right to request a hearing before the court to dispute the garnishment or to declare exempt from garnishment certain money or property or both. To obtain a hearing in counties with a population of 1,000,000 or more, the judgment debtor must notify the Clerk of the Court in person and in writing at (insert address of Clerk) before the return date specified above or appear in court on the date and
time on that return date. To obtain a hearing in counties with a population of less than 1,000,000, the judgment debtor must notify the Clerk of the Court in writing at (insert address of Clerk) on or before the return date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the garnishee regarding the time and location of the hearing. This notice may be sent by regular first class mail."

(b) An officer or other person authorized by law to serve process shall serve the summons, interrogatories and the garnishment notice required by subsection (a) of this Section upon the garnishee and shall, (1) within 2 business days of the service upon the garnishee, mail a copy of the garnishment notice and the summons to the judgment debtor by first class mail at the judgment debtor's address indicated in the garnishment notice and (2) within 4 business days of the service upon the garnishee file with the clerk of the court a certificate of mailing in substantially the following form:

"CERTIFICATE OF MAILING

I hereby certify that, within 2 business days of service upon the garnishee of the garnishment summons, interrogatories and garnishment notice, I served upon the judgment debtor in this cause a copy of the garnishment summons and garnishment notice by first class mail to the judgment debtor's address as indicated in the garnishment notice.

Date:....................................

Signature"

In the case of service of the summons for garnishment upon the garnishee by certified or registered mail, as provided in subsection (c) of this Section, no sooner than 2 business days nor later than 4 business days after the date of mailing, the clerk shall mail a copy of the garnishment notice and the summons to the judgment debtor by first class mail at the judgment debtor's address indicated in the garnishment notice, shall prepare the Certificate of Mailing described by this subsection, and shall include the Certificate of Mailing in a permanent record.

(c) In a county with a population of less than 1,000,000, unless otherwise provided by circuit court rule, at the request of the judgment creditor or his or her attorney and instead of personal service, service of a summons for garnishment may be made as follows:

(1) For each garnishee to be served, the judgment creditor or his or her attorney shall pay to the clerk of the court a fee of $2, plus the cost of mailing, and furnish to the clerk an original and 2
copies of a summons, an original and one copy of the interrogatories, an affidavit setting forth the garnishee's mailing address, an original and 2 copies of the garnishment notice required by subsection (a) of this Section, and a copy of the judgment or certification described in subsection (a) of this Section. The original judgment shall be retained by the clerk.

(2) The clerk shall mail to the garnishee, at the address appearing in the affidavit, the copy of the judgment or certification described in subsection (a) of this Section, the summons, the interrogatories, and the garnishment notice required by subsection (a) of this Section, by certified or registered mail, return receipt requested, showing to whom delivered and the date and address of delivery. This Mailing shall be mailed on a "restricted delivery" basis when service is directed to a natural person. The envelope and return receipt shall bear the return address of the clerk, and the return receipt shall be stamped with the docket number of the case. The receipt for certified or registered mail shall state the name and address of the addressee, the date of the mailing, shall identify the documents mailed, and shall be attached to the original summons.

(3) The return receipt must be attached to the original summons and, if it shows delivery at least 10 days before the day for the return date, shall constitute proof of service of any documents identified on the return receipt as having been mailed.

(4) The clerk shall note the fact of service in a permanent record.

(Source: P.A. 87-1252; 88-492.)

(735 ILCS 5/12-901) (from Ch. 110, par. 12-901)

Sec. 12-901. Amount. Every individual is entitled to an estate of homestead to the extent in value of $15,000 $7,500 of his or her interest in a farm or lot of land and buildings thereon, a condominium, or personal property, owned or rightly possessed by lease or otherwise and occupied by him or her as a residence, or in a cooperative that owns property that the individual uses as a residence. That homestead and all right in and title to that homestead is exempt from attachment, judgment, levy, or judgment sale for the payment of his or her debts or other purposes and from the laws of conveyance, descent, and legacy, except as provided in this Code or in Section 20-6 of the Probate Act of 1975. This Section is not applicable between joint tenants or tenants in common but it is applicable as to any creditors of those persons. If 2 or more individuals own property that is exempt as a homestead, the value of the exemption of each
individual may not exceed his or her proportionate share of $30,000
$15,000 based upon percentage of ownership.
(Source: P.A. 88-672, eff. 12-14-94.)

(735 ILCS 5/12-904) (from Ch. 110, par. 12-904)

Sec. 12-904. Release, waiver or conveyance. No release, waiver or
conveyance of the estate so exempted shall be valid, unless the same is in
writing, signed by the individual and his or her spouse, if he or she have
one, or possession is abandoned or given pursuant to the conveyance; or if
the exception is continued to a child or children without the order of a
court directing a release thereof; but if a conveyance is made by an
individual as grantor to his or her spouse, such conveyance shall be
effectual to pass the title expressed therein to be conveyed thereby,
whether or not the grantor in such conveyance is joined therein by his or
her spouse. In any case where such release, waiver or conveyance is taken
by way of mortgage or security, the same shall only be operative as to such
specific release, waiver or conveyance; and when the same includes
different pieces of land, or the homestead is of greater value than $15,000
$7,500, the other lands shall first be sold before resorting to the
homestead, and in case of the sale of such homestead, if any balance
remains after the payment of the debt and costs, such balance shall, to the
extent of $15,000 $7,500 be exempt, and be applied upon such homestead
exemption in the manner provided by law.
(Source: P.A. 82-783.)

(735 ILCS 5/12-906) (from Ch. 110, par. 12-906)

Sec. 12-906. Proceeds of sale. When a homestead is conveyed by
the owner thereof, such conveyance shall not subject the premises to any
lien or incumbrance to which it would not be subject in the possession of
such owner; and the proceeds thereof, to the extent of the amount of
$15,000 $7,500, shall be exempt from judgment or other process, for one
year after the receipt thereof, by the person entitled to the exemption, and
if reinvested in a homestead the same shall be entitled to the same
exemption as the original homestead. (Source: P.A. 82-783.)

(735 ILCS 5/12-909) (from Ch. 110, par. 12-909)

Sec. 12-909. Bid for less than exempted amount. No sale shall be
made of the premises on such judgment unless a greater sum than $15,000
$7,500 is bid therefor. If a greater sum is not so bid, the judgment may be
set aside or modified, or the enforcement of the judgment released, as for
lack of property.
(Source: P.A. 82-783.)

(735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

New matter indicated by italics - deletions by strikeout
Sec. 12-910. Proceedings to enforce judgment. If in the opinion of the judgment creditors, or the officer holding a certified copy of a judgment for enforcement against such individuals, the premises claimed by him or her as exempt are worth more than $15,000 $7,500, such officer shall summon 3 individuals, as commissioners, who shall, upon oath, to be administered to them by the officer, appraise the premises, and if, in their opinion, the property may be divided without damage to the interest of the parties, they shall set off so much of the premises, including the dwelling house, as in their opinion is worth $15,000 $7,500, and the residue of the premises may be advertised and sold by such officer. Each commissioner shall receive for his or her services the sum of $5 per day for each day necessarily engaged in such service. The officer summoning such commissioners shall receive such fees as may be allowed for serving summons, but shall be entitled to charge mileage for only the actual distance traveled from the premises to be appraised, to the residence of the commissioners summoned. The officer shall not be required to summon commissioners until the judgment creditor, or some one for him or her, shall advance to the officer one day's fees for the commissioners, and unless the creditor shall advance such fees the officer shall not be required to enforce the judgment. The costs of such appraisement shall not be taxed against the judgment debtor unless such appraisement shows that the judgment debtor has property subject to such judgment.

(Source: P.A. 83-707.)

(735 ILCS 5/12-911) (from Ch. 110, par. 12-911)

Sec. 12-911. Notice to judgment debtor. In case the value of the premises is, in the opinion of the commissioners, more than $15,000 $7,500, and cannot be divided as is provided for in Section 12-910 of this Act, they shall make and sign an appraisal of the value thereof, and deliver the same to the officer, who shall deliver a copy thereof to the judgment debtor, or to some one of the family of the age of 13 years or upwards, with a notice thereto attached that unless the judgment debtor pays to such officer the surplus over and above $15,000 $7,500 on the amount due on the judgment within 60 days thereafter, such premises will be sold.

(Source: P.A. 83-356.)

(735 ILCS 5/12-912) (from Ch. 110, par. 12-912)

Sec. 12-912. Sale of premises - Distribution of proceeds. In case of such surplus, or the amount due on the judgment is not paid within the 60 days, the officer may advertise and sell the premises, and out of the proceeds of such sale pay to such judgment debtor the sum of $15,000 $7,500, and apply the balance on the judgment.

New matter indicated by italics - deletions by strikeout
Sec. 12-1001. Personal property exempt. The following personal property, owned by the debtor, is exempt from judgment, attachment, or distress for rent:

(a) The necessary wearing apparel, bible, school books, and family pictures of the debtor and the debtor's dependents;
(b) The debtor's equity interest, not to exceed $4,000 in value, in any other property;
(c) The debtor's interest, not to exceed $2,400 in value, in any one motor vehicle;
(d) The debtor's equity interest, not to exceed $1,500 in value, in any implements, professional books, or tools of the trade of the debtor;
(e) Professionally prescribed health aids for the debtor or a dependent of the debtor;
(f) All proceeds payable because of the death of the insured and the aggregate net cash value of any or all life insurance and endowment policies and annuity contracts payable to a wife or husband of the insured, or to a child, parent, or other person dependent upon the insured, whether the power to change the beneficiary is reserved to the insured or not and whether the insured or the insured's estate is a contingent beneficiary or not;
(g) The debtor's right to receive:
   (1) a social security benefit, unemployment compensation, or public assistance benefit;
   (2) a veteran's benefit;
   (3) a disability, illness, or unemployment benefit; and
   (4) alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.
(h) The debtor's right to receive, or property that is traceable to:
   (1) an award under a crime victim's reparation law;
   (2) a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor;
   (3) a payment under a life insurance contract that insured the life of an individual of whom the debtor was a
dependent, to the extent reasonably necessary for the support of the debtor or a dependent of the debtor;

(4) a payment, not to exceed $15,000 in value, on account of personal bodily injury of the debtor or an individual of whom the debtor was a dependent; and

(5) any restitution payments made to persons pursuant to the federal Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act, P.L. 100-383.

For purposes of this subsection (h), a debtor's right to receive an award or payment shall be exempt for a maximum of 2 years after the debtor's right to receive the award or payment accrues; property traceable to an award or payment shall be exempt for a maximum of 5 years after the award or payment accrues; and an award or payment and property traceable to an award or payment shall be exempt only to the extent of the amount of the award or payment, without interest or appreciation from the date of the award or payment.

(i) The debtor's right to receive an award under Part 20 of Article II of this Code relating to crime victims' awards. Money due the debtor from the sale of any personal property that was exempt from judgment, attachment, or distress for rent at the time of the sale is exempt from attachment and garnishment to the same extent that the property would be exempt had the same not been sold by the debtor.

If a debtor owns property exempt under this Section and he or she purchased that property with the intent of converting nonexempt property into exempt property or in fraud of his or her creditors, that property shall not be exempt from judgment, attachment, or distress for rent. Property acquired within 6 months of the filing of the petition for bankruptcy shall be presumed to have been acquired in contemplation of bankruptcy.

The personal property exemptions set forth in this Section shall apply only to individuals and only to personal property that is used for personal rather than business purposes. The personal property exemptions set forth in this Section shall not apply to or be allowed against any money, salary, or wages due or to become due to the debtor that are required to be withheld in a wage deduction proceeding under Part 8 of this Article XII.

(Source: P.A. 88-378; 89-686, eff. 12-31-96.)

Passed in the General Assembly May 16, 2005.
Approved July 21, 2005.

New matter indicated by italics - deletions by strikeout
Public Act 94-0294  
(House Bill No. 1597)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 6-306.5 and 11-208.3 as follows:

(625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

Sec. 6-306.5. Failure to pay fine or penalty for standing, parking, or compliance violations; suspension of driving privileges.

(a) Upon receipt of a certified report, as prescribed by subsection (c) of this Section, from any municipality stating that the owner of a registered vehicle has failed to pay any fine or penalty due and owing as a result of 10 or more violations of a municipality's vehicular standing, parking, or compliance regulations established by ordinance pursuant to Section 11-208.3 of this Code, the Secretary of State shall suspend the driving privileges of such person in accordance with the procedures set forth in this Section. The Secretary shall also suspend the driving privileges of an owner of a registered vehicle upon receipt of a certified report, as prescribed by subsection (f) of this Section, from any municipality stating that such person has failed to satisfy any fines or penalties imposed by final judgments for 10 or more violations of local standing, parking, or compliance regulations after exhaustion of judicial review procedures.

(b) Following receipt of the certified report of the municipality as specified in this Section, the Secretary of State shall notify the person whose name appears on the certified report that the person's driver's license will be suspended at the end of a specified period of time unless the Secretary of State is presented with a notice from the municipality certifying that the fine or penalty due and owing the municipality has been paid or that inclusion of that person's name on the certified report was in error. The Secretary's notice shall state in substance the information contained in the municipality's certified report to the Secretary, and shall be effective as specified by subsection (c) of Section 6-211 of this Code.

(c) The report of the appropriate municipal official notifying the Secretary of State of unpaid fines or penalties pursuant to this Section shall be certified and shall contain the following:

New matter indicated by italics - deletions by strikeout
(1) The name, last known address as recorded with the Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States Post Office approved database if any notice sent under Section 11-208.3 of this Code is returned as undeliverable, and drivers license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in this State.

(2) The name of the municipality making the report pursuant to this Section.

(3) A statement that the municipality sent a notice of impending drivers license suspension as prescribed by ordinance enacted pursuant to Section 11-208.3, to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice sent under Section 11-208.3 of this Code is returned as undeliverable, at the last known address recorded in a United States Post Office approved database; the date on which such notice was sent; and the address to which such notice was sent. In a municipality with a population of 1,000,000 or more, the report shall also include a statement that the alleged violator's State vehicle registration number and vehicle make are correct as they appear on the citations.

(d) Any municipality making a certified report to the Secretary of State pursuant to this Section shall notify the Secretary of State, in a form prescribed by the Secretary, whenever a person named in the certified report has paid the previously reported fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the municipality's notification or presentation of a certified copy of such notification, the Secretary of State shall terminate the suspension.

(e) Any municipality making a certified report to the Secretary of State pursuant to this Section shall also by ordinance establish procedures for persons to challenge the accuracy of the certified report. The ordinance shall also state the grounds for such a challenge, which may be limited to (1) the person not having been the owner or lessee of the vehicle or vehicles receiving 10 or more standing, parking, or compliance violation notices on the date or dates such notices were issued; and (2) the person

New matter indicated by italics - deletions by strikeout
having already paid the fine or penalty for the 10 or more violations indicated on the certified report.

(f) Any municipality, other than a municipality establishing vehicular standing, parking, and compliance regulations pursuant to Section 11-208.3, may also cause a suspension of a person's drivers license pursuant to this Section. Such municipality may invoke this sanction by making a certified report to the Secretary of State upon a person's failure to satisfy any fine or penalty imposed by final judgment for 10 or more violations of local standing, parking, or compliance regulations after exhaustion of judicial review procedures, but only if:

1. the municipality complies with the provisions of this Section in all respects except in regard to enacting an ordinance pursuant to Section 11-208.3;
2. the municipality has sent a notice of impending drivers license suspension as prescribed by an ordinance enacted pursuant to subsection (g) of this Section; and
3. in municipalities with a population of 1,000,000 or more, the municipality has verified that the alleged violator's State vehicle registration number and vehicle make are correct as they appear on the citations.

(g) Any municipality, other than a municipality establishing standing, parking, and compliance regulations pursuant to Section 11-208.3, may provide by ordinance for the sending of a notice of impending drivers license suspension to the person who has failed to satisfy any fine or penalty imposed by final judgment for 10 or more violations of local standing, parking, or compliance regulations after exhaustion of judicial review procedures. An ordinance so providing shall specify that the notice sent to the person liable for any fine or penalty shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person's drivers license is eligible for suspension pursuant to this Section. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice sent under Section 11-208.3 of this Code is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(h) An administrative hearing to contest an impending suspension or a suspension made pursuant to this Section may be had upon filing a written request with the Secretary of State. The filing fee for this hearing
shall be $20, to be paid at the time the request is made. A municipality which files a certified report with the Secretary of State pursuant to this Section shall reimburse the Secretary for all reasonable costs incurred by the Secretary as a result of the filing of the report, including but not limited to the costs of providing the notice required pursuant to subsection (b) and the costs incurred by the Secretary in any hearing conducted with respect to the report pursuant to this subsection and any appeal from such a hearing.

(i) The provisions of this Section shall apply on and after January 1, 1988.

(j) For purposes of this Section, the term "compliance violation" is defined as in Section 11-208.3.
(Source: P.A. 89-190, eff. 1-1-96; 90-145, eff. 1-1-98; 90-481, eff. 8-17-97.)

(625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)
Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles.
(a) Any municipality may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as defined in this subsection. The administrative system shall have as its purpose the fair and efficient enforcement of municipal regulations through the administrative adjudication of violations of municipal ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal wheel tax licenses within the municipality's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of $250 that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license.
(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute and process parking and compliance violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances, and operate an administrative adjudication system. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5.

New matter indicated by italics - deletions by strikeout
(2) A parking, standing, or compliance violation notice that shall specify the date, time, and place of violation of a parking, standing, or compliance regulation; the particular regulation violated; the fine and any penalty that may be assessed for late payment, when so provided by ordinance; the vehicle make and state registration number; and the identification number of the person issuing the notice. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. The violation notice shall state that the payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation. The notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

(3) Service of the parking, standing, or compliance violation notice by affixing the original or a facsimile of the notice to an unlawfully parked vehicle or by handing the notice to the operator of a vehicle if he or she is present. A person authorized by ordinance to issue and serve parking, standing, and compliance violation notices shall certify as to the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device while it was under his or her control. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A parking, standing, or compliance violation notice issued, signed and served in accordance with this Section, a copy of the notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.
(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, or compliance violation notice in which the owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database, or, under Section 11-1306 of this Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. The service shall be deemed complete as of the date of deposit in the United States mail. The notices shall be in the following sequence and shall include but not be limited to the information specified herein:

(i) A second notice of violation. This notice shall specify the date and location of the violation cited in the parking, standing, or compliance violation notice, the particular regulation violated, the vehicle make and state registration number, the fine and any penalty that may be assessed for late payment when so provided by ordinance, the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure either to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in
the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.

(ii) A notice of final determination of parking, standing, or compliance violation liability. This notice shall be sent following a final determination of parking, standing, or compliance violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the unpaid fine or penalty is a debt due and owing the municipality. The notice shall contain warnings that failure to pay any fine or penalty due and owing the municipality within the time specified may result in the municipality's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered a judgment as provided by this Section, or may result in suspension of the person's drivers license for failure to pay fines or penalties for 10 or more parking violations under Section 6-306.5.

(6) A Notice of impending drivers license suspension. This notice shall be sent to the person liable for any fine or penalty that remains due and owing on 10 or more parking violations. The notice shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self addressed, stamped envelope to the municipality along with a request for the photostatic copy. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to

New matter indicated by italics - deletions by strikeout
pay the fine or penalty after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination of violation liability shall become final: (A) upon denial of a timely petition to set aside that determination, or (B) upon expiration of the period for filing the petition without a filing having been made.

(8) A petition to set aside a determination of parking, standing, or compliance violation liability that may be filed by a person owing an unpaid fine or penalty. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to: (A) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already paid the fine or penalty for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. After the determination of parking, standing, or compliance violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, and compliance regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines, provided, however, that the total amount of the fine and penalty for any one violation shall not exceed $250.

(11) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section.

(c) Any municipality establishing vehicular standing, parking, and compliance regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle immobilization

New matter indicated by italics - deletions by strikeout
shall provide for immobilizing any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of unpaid final determinations of parking, standing, or compliance violation liability as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the unpaid final determinations of parking, standing, or compliance violation liability listed on the notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or subsequently towed without payment of the outstanding fines and penalties on parking, standing, or compliance violations for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post immobilization and post-towing notice advising the registered owner of the vehicle of the right to a hearing to challenge the validity of the impoundment.

(d) Judicial review of final determinations of parking, standing, and compliance violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the provisions of the Administrative Review Law.

(e) Any fine, penalty, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Section and the conclusion of any judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with applicable law. Payment in full of any fine or penalty resulting from a standing, parking, or compliance violation shall constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for a final determination of parking, standing, or compliance violation, the municipality may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Section shall prevent a
municipality from consolidating multiple final determinations of parking, standing, or compliance violation against a person in a proceeding. Upon commencement of the action, the municipality shall file a certified copy or record of the final determination of parking, standing, or compliance violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this Section and the applicable municipal ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking, standing, or compliance violations does not exceed $2500. If the court is satisfied that the final determination of parking, standing, or compliance violation was entered in accordance with the requirements of this Section and the applicable municipal ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, or compliance violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

(Source: P.A. 92-695, eff. 1-1-03.)

Passed in the General Assembly May 19, 2005.
Approved July 21, 2005.
Effective January 1, 2006.
"Department" means the Department of Central Management Services.

"Director" means the Director of Central Management Services.

(b) In paragraphs (1) and (2) of Section 405-10 and in Section 405-15, "State agency", whether used in the singular or plural, means all departments, officers, commissions, boards, institutions, and bodies politic and corporate of the State, including the offices of clerk of the supreme court and clerks of the appellate courts. The term, however, does not mean the judicial branch, including, without limitation, the several courts of the State, the offices of the clerk of the supreme court and the clerks of the appellate court, and the Administrative Office of the Illinois Courts, nor does it mean the legislature or its committees or commissions.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 405/405-270) (was 20 ILCS 405/67.18)

Sec. 405-270. Telecommunications services. To provide for and co-ordinate telecommunications services for State agencies and, when requested and when in the best interests of the State, for units of federal or local governments and public and not-for-profit institutions of primary, secondary, and higher education. The Department may make use of its satellite uplink available to interested parties not associated with State government provided that State government usage shall have first priority. For this purpose the Department shall have the power and duty to do all of the following:

(1) Provide for and control the procurement, retention, installation, and maintenance of telecommunications equipment or services used by State agencies in the interest of efficiency and economy.

(2) Establish standards by January 1, 1989 for communications services for State agencies which shall include a minimum of one telecommunication device for the deaf installed and operational within each State agency, to provide public access to agency information for those persons who are hearing or speech impaired. The Department shall consult the Department of Human Services to develop standards and implementation for this equipment.

(3) Establish charges (i) for communication services for State agencies and, when requested, for units of federal or local government and public and not-for-profit institutions of primary, secondary, or higher education and (ii) for use of the Department's satellite uplink by parties not associated with State government.
Entities charged for these services shall reimburse the Department by vouchers drawn against their respective appropriations for telecommunications services.

(4) Instruct all State agencies to report their usage of telecommunication services regularly to the Department in the manner the Director may prescribe.

(5) Analyze the present and future aims and needs of all State agencies in the area of telecommunications services and plan to serve those aims and needs in the most effective and efficient manner.

(6) Establish the administrative organization within the Department that is required to accomplish the purpose of this Section.

The Department is authorized to conduct a study for the purpose of determining technical, engineering, and management specifications for the networking, compatible connection, or shared use of existing and future public and private owned television broadcast and reception facilities, including but not limited to terrestrial microwave, fiber optic, and satellite, for broadcast and reception of educational, governmental, and business programs, and to implement those specifications.

However, the Department may not control or interfere with the input of content into the telecommunications systems by the several State agencies or units of federal or local government, or public or not-for-profit institutions of primary, secondary, and higher education, or users of the Department's satellite uplink.

As used in this Section, the term "State agencies" means all departments, officers, commissions, boards, institutions, and bodies politic and corporate of the State except (i) the judicial branch, including, without limitation, the several courts of the State, the offices of the clerk of the supreme court and the clerks of the appellate court, and the Administrative Office of the Illinois Courts and (ii) the General Assembly, legislative service agencies, and all officers of the General Assembly.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 18, 2005.
Approved July 21, 2005.
Effective July 21, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning revenue.

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

Section 5. The Property Tax Code is amended by changing Section 18-177 as follows:

(35 ILCS 200/18-177)
Sec. 18-177. Leased low-rent housing abatement.

(a) In counties of 3,000,000 or more inhabitants, the county clerk shall abate property taxes levied by any taxing district under this Code on property that meets the following requirements:

(1) The property does not qualify as exempt property under Section 15-95 of this Code.

(2) The property is situated in a municipality with 1,000,000 or more inhabitants and improved with either a multifamily dwelling or a multi-building development that is subject to a leasing agreement, regulatory and operating agreement, or other similar instrument with a Housing Authority created under the Housing Authorities Act that sets forth the terms for leasing low-rent housing.

(3) For a period of not less than 20 years, the property and improvements are used solely for low-rent housing and related uses.

Property and portions of property used or intended to be used for commercial purposes are not eligible for the abatement provided in this Section.

A housing authority created under the Housing Authorities Act shall file annually with the county clerk for any property eligible for an abatement under this Section, on a form prescribed by the county clerk, a certificate of the property's use during the immediately preceding year. The certificate shall certify that the property or a portion of the property meets the requirements of this Section and that the eligible residential units have been inspected within the previous 90 days and meet or exceed all housing quality standards of the authority. If only a portion of the property meets these requirements, the certificate shall state the amount of that portion as a percentage of the total equalized and assessed value of the property. If the property is improved with an eligible multifamily dwelling or multi-building development containing residential units that are individually

New matter indicated by italics - deletions by strikeout
assessed, then, except as provided in subsection (b), no more than 40% of those residential units may be certified. If the property is improved with an eligible multifamily dwelling or multi-building development containing residential units that are not individually assessed, then, except as provided in subsection (b), the portion of the property certified shall represent no more than 40% of those residential units.

The county clerk shall abate the taxes only if a certificate of use has been timely filed for that year. If only a portion of the property has been certified as eligible, the county clerk shall abate the taxes in the percentage so certified.

Whenever property receives an abatement under this Section, the rental rate set under the lease, regulatory and operating agreement, or other similar instrument for that property shall not include property taxes.

No property shall be eligible for abatement under this Section if the owner of the property has any outstanding and overdue debts to the municipality in which the property is situated.

(b) The percentage limitation on the certification of residential units set forth in subsection (a) shall be deemed to be satisfied in the case of developments described in resolutions adopted by the Board of Commissioners of the Chicago Housing Authority on September 19, 2000, December 17, 2002, or September 16, 2003, as amended, approving the disposition of certain land and buildings on which all or a portion of the developments are or will be situated, if no more than 50% of the units in the development are so certified.

(Source: P.A. 92-621, eff. 7-11-02; revised 11-6-02.)

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

Passed in the General Assembly May 19, 2005.
Approved July 21, 2005.
Effective July 21, 2005.
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.
(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings
either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

New matter indicated by italics - deletions by strikeout
(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as
having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

New matter indicated by italics - deletions by strikeout
(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and
downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site.

New matter indicated by italics - deletions by strikeout
Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of

New matter indicated by italics - deletions by strikeout
the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.
(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of...
the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002;
Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment.
Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(i) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the
payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type,
class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (I) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes.
levied in the thirty-fifth calendar year after the year in which the
ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or

(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or

(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or

(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or

(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or

(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or

(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or

(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or

(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or

(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or

(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or

(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or

(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or

(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or

(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or

(DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or

(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or

(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or

(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or

New matter indicated by italics - deletions by strikeout
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or:
(OO) if the ordinance was adopted on December 31, 1986 by the City of Oglesby.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8

New matter indicated by italics - deletions by strikeout
million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75

New matter indicated by italics - deletions by strikeout
or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that act.

New matter indicated by italics - deletions by strikeout
Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park.
conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

New matter indicated by italics - deletions by strikeout
(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for

New matter indicated by italics - deletions by strikeout
which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

New matter indicated by italics - deletions by strikeout
(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have
received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district

New matter indicated by italics - deletions by strikeout
district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961) this amendatory Act of the 93rd General Assembly, a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district.

New matter indicated by italics - deletions by strikeout
district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description

New matter indicated by italics - deletions by strikeout
of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-
income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds.
issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be

New matter indicated by italics - deletions by strikeout
used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the
Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality
taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of

New matter indicated by italics - deletions by strikeout
the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as
a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.
In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17,
1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) (EE) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) (FF) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) (GG) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) (HH) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) (II) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) (JJ) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) (KK) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) (LL) if the ordinance was

New matter indicated by italics - deletions by strikeout
adopted on May 9, 1991 by the Village of Tilton, or (LL) (CCC) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) (CCC) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) (DD) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Oglesby and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

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

Passed in the General Assembly May 16, 2005.
Approved July 21, 2005.
Effective July 21, 2005.

PUBLIC ACT 94-0298
(Senate Bill No. 0025)

AN ACT concerning vehicles.

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

Section 5. The Illinois Vehicle Code is amended by adding Section 11-1426.1 as follows:

(625 ILCS 5/11-1426.1 new)

Sec. 11-1426.1. Operation of neighborhood electric vehicles on streets, roads, and highways.

(a) As used in this Section, "neighborhood electric vehicle" means a self-propelled, electronically powered four-wheeled motor vehicle which is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500.

(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a neighborhood electric vehicle upon any street, highway, or roadway in this State. If the operation of a neighborhood electric vehicle is authorized under subsection (d), the neighborhood electric vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This subsection (b) does not prohibit a neighborhood electric vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b-5) A person may not operate a neighborhood electric vehicle upon any street, highway, or roadway in this State unless he or she has a valid Illinois driver's license issued in his or her name by the Secretary of State.

(c) No person operating a neighborhood electric vehicle shall make a direct crossing upon or across any highway under the jurisdiction of the State, tollroad, interstate highway, or controlled access highway in this State.

(d) A municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of neighborhood electric vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. The Department may authorize the operation of neighborhood electric vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized.

Before permitting the operation of neighborhood electric vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether neighborhood
electric vehicles may safely travel on or cross the roadway. Upon determining that neighborhood electric vehicles may safely operate on a roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be posted.

If a roadway is under the jurisdiction of more than one unit of government, neighborhood electric vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.

(e) No neighborhood electric vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code) on the rear of the neighborhood electric vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a neighborhood electric vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code.

(f) A person who drives or is in actual physical control of a neighborhood electric vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of this Code.

Approved July 21, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0299
(Senate Bill No. 0127)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 12-208 as follows:
(625 ILCS 5/12-208) (from Ch. 95 1/2, par. 12-208)
Sec. 12-208. Signal lamps and signal devices.
(a) Every vehicle other than an antique vehicle displaying an antique plate operated in this State shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light visible from a distance of not less than 500 feet to the rear in normal

New matter indicated by italics - deletions by strikeout
sunlight and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with other rear lamps. During times when lighted lamps are not required, an antique vehicle may be equipped with a stop lamp or lamps on the rear of such vehicle of the same type originally installed by the manufacturer as original equipment and in working order. However, at all other times, except as provided in subsection (a-1), such antique vehicle must be equipped with stop lamps meeting the requirements of Section 12-208 of this Act.

(a-1) An antique vehicle, including an antique motorcycle, may display a blue light or lights of up to one inch in diameter as part of the vehicle's rear stop lamp or lamps.

(b) Every motor vehicle other than an antique vehicle displaying an antique plate shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light. An antique vehicle shall be equipped with a turn signal device of the same type originally installed by the manufacturer as original equipment and in working order.

(c) Every trailer and semitrailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely spaced laterally as practicable.

(d) Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.

(e) Motorcycles and motor-driven cycles need not be equipped with electric turn signals. Antique vehicles need not be equipped with turn signals unless such were installed by the manufacturer as original equipment.

(f) For purposes of this Section, a custom vehicle or street rod is considered to be in compliance with all signal lamp and signal device requirements if it has passed the approved safety inspection provided for in Section 3-804.1 or 3-804.2.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0299
(Source: P.A. 92-668, eff. 1-1-03.)
Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 21, 2005.
Effective July 21, 2005.

PUBLIC ACT 94-0300
(Senate Bill No. 0327)

AN ACT concerning alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:
(235 ILCS 5/6-15) (from Ch. 43, par. 130)
Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquor may be delivered to and sold under the authority of a special use permit on any property owned by a conservation district organized under the Conservation District Act, provided that (i) the alcoholic liquor is sold only at an event authorized by the governing board of the conservation district, (ii) the issuance of the special use permit is authorized by the local liquor control commissioner of the territory in which the property is located, and (iii) the special use permit authorizes the sale of alcoholic liquor for one day or less. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within

New matter indicated by italics - deletions by strikeout
500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the

New matter indicated by italics - deletions by strikeout
conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or in a restaurant that is operated by a commercial tenant in the North Campus Parking Deck building that (1) is located at 1201 West University Avenue, Urbana, Illinois and (2) is owned by the Board of Trustees of the University of Illinois, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

New matter indicated by italics - deletions by strikeout
Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons;

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on
the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Alcoholic liquor may be served or delivered in buildings and facilities under the control of the Department of Natural Resources upon the written approval of the Director of Natural Resources acting as the controlling government authority. The Director of Natural Resources may specify conditions on that approval, including but not limited to requirements for insurance and hours of operation. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has
restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

a. the request is from a not-for-profit organization;

b. such sales would not impede normal operations of the departments involved;

New matter indicated by italics - deletions by strikeout
c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;

d. no such sale shall be made during normal working hours of the State of Illinois; and

e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

New matter indicated by italics - deletions by strikeout
d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

a. Obtains written consent from the controlling government authority;
b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;
c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;
d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Sites and Preservation Division of the Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, and the controlling
government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum.

Alcoholic liquors may be delivered to and sold at retail or dispensed for consumption at the Michael Bilandic Building at 160 North LaSalle Street, Chicago IL 60601, after the normal business hours of any day care or child care facility located in the building, by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who accepts delivery of, sells, or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify, and save harmless the State of Illinois from all financial loss, damage, or harm arising out of the delivery, sale, or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial, or executive, provided that such agency first obtains written permission to accept delivery of and sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. obtains written consent from the Department of Central Management Services;

b. accepts delivery of and sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. accepts delivery of and sells or dispenses alcoholic liquors only in connection with an official activity in the building; and

d. provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless, and indemnify the State of Illinois from all financial loss, damage, or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago, subject to the provisions of Section 7.4 of the State Property Control Act, and 222 South College Street in

New matter indicated by italics - deletions by strikeout
Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease or sublease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

New matter indicated by italics - deletions by strikeout
a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either
the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

Alcoholic liquors may be delivered to and sold at the Louis Joliet Renaissance Center, City Center Campus, located at 214 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts Department facilities, Main Campus, located at 1215 Houbolt Road, Joliet, owned by or under the control of Joliet Junior College, Illinois Community College District No. 525.

(Source: P.A. 92-512, eff. 1-1-02; 92-583, eff. 6-26-02; 92-600, eff. 7-1-02; 93-19, eff. 6-20-03; 93-103, eff. 1-1-04; 93-627, eff. 6-1-04; 93-844, eff. 7-30-04.)

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

Passed in the General Assembly May 19, 2005.
Approved July 21, 2005.
Effective July 21, 2005.

PUBLIC ACT 94-0301
(Senate Bill No. 0411)

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

Section 5. The Unemployment Insurance Act is amended by changing Sections 235, 1500, 1506.1, 1506.3, and 1507 and by adding Section 1507.1 as follows:

(820 ILCS 405/235) (from Ch. 48, par. 345)
Sec. 235. The term "wages" does not include:
A. That part of the remuneration which, after remuneration equal to $6,000 with respect to employment has been paid to an individual by an employer during any calendar year after 1977 and before 1980, is paid to such individual by such employer during such calendar year; and that part of the remuneration which, after remuneration equal to $6,500 with respect to employment has been paid to an individual by an employer during each calendar year 1980 and 1981, is paid to such individual by such employer during that calendar year; and that part of the remuneration which, after remuneration equal to $7,000 with respect to employment has been paid to an individual by an employer during the calendar year 1982 is paid to such individual by such employer during that calendar year.

New matter indicated by italics - deletions by strikeout
With respect to the first calendar quarter of 1983, the term "wages" shall include only the remuneration paid to an individual by an employer during such quarter with respect to employment which does not exceed $7,000. With respect to the three calendar quarters, beginning April 1, 1983, the term "wages" shall include only the remuneration paid to an individual by an employer during such period with respect to employment which when added to the "wages" (as defined in the preceding sentence) paid to such individual by such employer during the first calendar quarter of 1983, does not exceed $8,000.

With respect to the calendar year 1984, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed $8,000; with respect to calendar years 1985, 1986 and 1987, the term "wages" shall include only the remuneration paid to such individual by such employer during that calendar year with respect to employment which does not exceed $8,500.

With respect to the calendar years 1988 through 2003, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed $9,000.

With respect to the calendar year 2004, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed $9,800. With respect to the calendar years 2005 through 2009, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed the following amounts: $10,500 with respect to the calendar year 2005; $11,000 with respect to the calendar year 2006; $11,500 with respect to the calendar year 2007; $12,000 with respect to the calendar year 2008; and $12,300 with respect to the calendar year 2009.

With respect to the calendar year 2010 and each calendar year thereafter, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed the sum of the wage base adjustment applicable to that year pursuant to Section 1400.1, plus the maximum amount includable as "wages" pursuant to this subsection with respect to the immediately preceding calendar year. Notwithstanding any provision to the contrary, the maximum amount includable as "wages" pursuant to this Section shall not be less than $12,300 or greater than $12,960 with respect to any calendar year after calendar year 2009.

New matter indicated by italics - deletions by strikeout
The remuneration paid to an individual by an employer with respect to employment in another State or States, upon which contributions were required of such employer under an unemployment compensation law of such other State or States, shall be included as a part of the remuneration herein referred to. For the purposes of this subsection, any employing unit which succeeds to the organization, trade, or business, or to substantially all of the assets of another employing unit, or to the organization, trade, or business, or to substantially all of the assets of a distinct severable portion of another employing unit, shall be treated as a single unit with its predecessor for the calendar year in which such succession occurs; and any employing unit which is owned or controlled by the same interests which own or control another employing unit shall be treated as a single unit with the unit so owned or controlled by such interests for any calendar year throughout which such ownership or control exists; and, with respect to any trade or business transfer subject to subsection A of Section 1507.1, a transferee, as defined in subsection G of Section 1507.1, shall be treated as a single unit with the transferor, as defined in subsection G of Section 1507.1, for the calendar year in which the transfer occurs. This subsection applies only to Sections 1400, 1405A, and 1500.

B. The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), made to, or on behalf of, an individual or any of his dependents under a plan or system established by an employer which makes provision generally for individuals performing services for him (or for such individuals generally and their dependents) or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents), on account of (1) sickness or accident disability (except those sickness or accident disability payments which would be includable as "wages" in Section 3306(b)(2)(A) of the Federal Internal Revenue Code of 1954, in effect on January 1, 1985, such includable payments to be attributable in such manner as provided by Section 3306(b) of the Federal Internal Revenue Code of 1954, in effect on January 1, 1985), or (2) medical or hospitalization expenses in connection with sickness or accident disability, or (3) death.

C. Any payment made to, or on behalf of, an employee or his beneficiary which would be excluded from "wages" by subparagraph (A), (B), (C), (D), (E), (F) or (G), of Section 3306(b)(5) of the Federal Internal Revenue Code of 1954, in effect on January 1, 1985.
D. The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an individual performing services for him after the expiration of six calendar months following the last calendar month in which the individual performed services for such employer.

E. Remuneration paid in any medium other than cash by an employing unit to an individual for service in agricultural labor as defined in Section 214.

F. The amount of any supplemental payment made by an employer to an individual performing services for him, other than remuneration for services performed, under a shared work plan approved by the Director pursuant to Section 407.1.

(Source: P.A. 93-634, eff. 1-1-04; 93-676, eff. 6-22-04.)

(820 ILCS 405/1500) (from Ch. 48, par. 570)
Sec. 1500. Rate of contribution.
A. For the six months' period beginning July 1, 1937, and for each of the calendar years 1938 to 1959, inclusive, each employer shall pay contributions on wages at the percentages specified in or determined in accordance with the provisions of this Act as amended and in effect on July 11, 1957.

B. For the calendar years 1960 through 1983, each employer shall pay contributions equal to 2.7 percent with respect to wages for insured work paid during each such calendar year, except that the contribution rate of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be determined as provided in Sections 1501 to 1507, inclusive.

For the calendar year 1984 and each calendar year thereafter, each employer shall pay contributions at a percentage rate equal to the greatest of 2.7%, or 2.7% multiplied by the current adjusted State experience factor, as determined for each calendar year by the Director in accordance with the provisions of Sections 1504 and 1505, or the average contribution rate for his major classification in the Standard Industrial Code, or another classification sanctioned by the United States Department of Labor and prescribed by the Director by rule, with respect to wages for insured work paid during such year. The Director of Employment Security shall determine for calendar year 1984 and each calendar year thereafter by a method pursuant to adopted rules each individual employer's industrial code and the average contribution rate for each major classification in the

New matter indicated by italics - deletions by strikeout
Standard Industrial Code, or each other classification sanctioned by the United States Department of Labor and prescribed by the Director by rule. Notwithstanding the preceding provisions of this paragraph, the contribution rate for calendar years 1984, 1985 and 1986 of each employer who has incurred liability for the payment of contributions within each of the two calendar years immediately preceding the calendar year for which a rate is being determined, and the contribution rate for calendar year 1987 and each calendar year thereafter of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined shall be determined as provided in Sections 1501 to 1507.1 inclusive. Provided, however, that the contribution rate for calendar years 1989 and 1990 of each employer who has had experience with the risk of unemployment for at least 13 consecutive months ending June 30 of the preceding calendar year shall be a rate determined in accordance with this Section or a rate determined as if it had been calculated in accordance with Sections 1501 through 1507, inclusive, whichever is greater, except that for purposes of calculating the benefit wage ratio as provided in Section 1503, such benefit wage ratio shall be a percentage equal to the total of benefit wages for the 12 consecutive calendar month period ending on the above preceding June 30, divided by the total wages for insured work subject to the payment of contributions under Sections 234, 235 and 245 for the same period and provided, further, however, that the contribution rate for calendar year 1991 and for each calendar year thereafter of each employer who has had experience with the risk of unemployment for at least 13 consecutive months ending June 30 of the preceding calendar year shall be a rate determined in accordance with this Section or a rate determined as if it had been calculated in accordance with Sections 1501 through 1507.1 inclusive, whichever is greater, except that for purposes of calculating the benefit ratio as provided in Section 1503.1, such benefit ratio shall be a percentage equal to the total of benefit charges for the 12 consecutive calendar month period ending on the above preceding June 30, multiplied by the benefit conversion factor applicable to such year, divided by the total wages for insured work subject to the payment of contributions under Sections 234, 235 and 245 for the same period.

C. Except as expressly provided in this Act, the provisions of Sections 1500 to 1510, inclusive, do not apply to any nonprofit organization for any period with respect to which it does not incur liability for the payment of contributions by reason of having elected to make

New matter indicated by italics - deletions by strikeout
payments in lieu of contributions, or to any political subdivision or municipal corporation for any period with respect to which it is not subject to payments in lieu of contributions under the provisions of paragraph 1 of Section 302C by reason of having elected to make payments in lieu of contributions under paragraph 2 of that Section or to any governmental entity referred to in clause (B) of Section 211.1. Wages paid to an individual which are subject to contributions under Section 1405 A, or on the basis of which benefits are paid to him which are subject to payment in lieu of contributions under Sections 1403, 1404, or 1405 B, or under paragraph 2 of Section 302C, shall not become benefit wages or benefit charges under the provisions of Sections 1501 or 1501.1, respectively, except for purposes of determining a rate of contribution for 1984 and each calendar year thereafter for any governmental entity referred to in clause (B) of Section 211.1 which does not elect to make payments in lieu of contributions.

D. If an employer's business is closed solely because of the entrance of one or more of the owners, partners, officers, or the majority stockholder into the armed forces of the United States, or of any of its allies, or of the United Nations, and, if the business is resumed within two years after the discharge or release of such person or persons from active duty in the armed forces, the employer will be deemed to have incurred liability for the payment of contributions continuously throughout such period. Such an employer, for the purposes of Section 1506.1, will be deemed to have paid contributions upon wages for insured work during the applicable period specified in Section 1503 on or before the date designated therein, provided that no wages became benefit wages during the applicable period specified in Section 1503. (Source: P.A. 91-342, eff. 1-1-00.)

(820 ILCS 405/1506.1) (from Ch. 48, par. 576.1)

Sec. 1506.1. Determination of Employer's Contribution Rate.

A. The contribution rate for any calendar year prior to 1982 of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined shall be determined in accordance with the provisions of this Act as amended and in effect on October 5, 1980.

B. The contribution rate for calendar years 1982 and 1983 of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined shall be the product obtained by

New matter indicated by italics - deletions by strikeout
multiplying the employer's benefit wage ratio for that calendar year by the adjusted state experience factor for the same year, provided that:

1. No employer's contribution rate shall be lower than two-tenths of 1 percent or higher than 5.3%; and

2. Intermediate contribution rates between such minimum and maximum rates shall be at one-tenth of 1 percent intervals.

3. If the product obtained as provided in this subsection is not an exact multiple of one-tenth of 1 percent, it shall be increased or reduced, as the case may be, to the nearer multiple of one-tenth of 1 percent. If such product is equally near to two multiples of one-tenth of 1 percent, it shall be increased to the higher multiple of one-tenth of 1 percent. If such product is less than two-tenths of one percent, it shall be increased to two-tenths of 1 percent, and if greater than 5.3%, it shall be reduced to 5.3%.

The contribution rate of each employer for whom wages became benefit wages during the applicable period specified in Section 1503, but who paid no contributions upon wages for insured work during such period on or before the date designated in Section 1503, shall be 5.3%.

The contribution rate of each employer for whom no wages became benefit wages during the applicable period specified in Section 1503, and who paid no contributions upon wages for insured work during such period on or before the date specified in Section 1503, shall be 2.7 percent.

Notwithstanding the other provisions of this Section, no employer's contribution rate with respect to calendar years 1982 and 1983 shall exceed 2.7 percent of the wages for insured work paid by him during any calendar quarter, if such wages paid during such calendar quarter total less than $50,000.

C. The contribution rate for calendar years 1984, 1985 and 1986 of each employer who has incurred liability for the payment of contributions within each of the two calendar years immediately preceding the calendar year for which a rate is being determined shall be the product obtained by multiplying the employer's benefit wage ratio for that calendar year by the adjusted state experience factor for the same year, provided that:

1. An employer's minimum contribution rate shall be the greater of: .2%; or, the product obtained by multiplying .2% by the adjusted state experience factor for the applicable calendar year.

2. An employer's maximum contribution rate shall be the greater of 5.5% or the product of 5.5% and the adjusted State experience factor for the applicable calendar year except that such maximum contribution rate shall not be higher than 6.3% for

New matter indicated by italics - deletions by strikeout
calendar year 1984, nor be higher than 6.6% or lower than 6.4% for calendar year 1985, nor be higher than 6.7% or lower than 6.5% for calendar year 1986.

3. If any product obtained in this subsection is not an exact multiple of one-tenth of one percent, it shall be increased or reduced, as the case may be to the nearer multiple of one-tenth of one percent. If such product is equally near to two multiples of one-tenth of one percent, it shall be increased to the higher multiple of one-tenth of one percent.

4. Intermediate rates between such minimum and maximum rates shall be at one-tenth of one percent intervals.

The contribution rate of each employer for whom wages became benefit wages during the applicable period specified in Section 1503, but who paid no contributions upon wages for insured work during such period on or before the date designated in Section 1503, shall be the maximum contribution rate as determined by paragraph 2 of this subsection. The contribution rate for each employer for whom no wages became benefit wages during the applicable period on or before the date specified in Section 1503, and who paid no contributions upon wages for insured work during such period on or before the date specified in Section 1503, shall be the greater of 2.7% or 2.7% times the then current adjusted state experience factor as determined by the Director in accordance with the provisions of Sections 1504 and 1505.

Notwithstanding, the other provisions of this Section, no employer's contribution rate with respect to the calendar year 1984 shall exceed 2.7 percent times the then current adjusted state experience factor as determined by the Director in accordance with the provisions of Sections 1504 and 1505 of the wages for insured work paid by him during any calendar quarter, if such wages paid during such calendar quarter total less than $50,000.

D. The contribution rate for calendar years 1987, 1988, 1989 and 1990 of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined shall be the product obtained by multiplying the employer's benefit wage ratio for that calendar year by the adjusted state experience factor for the same year, provided, that:

1. An employer's minimum contribution rate shall be the greater of .2% or the product obtained by multiplying .2% by the adjusted State experience factor for the applicable calendar year.

New matter indicated by italics - deletions by strikeout
2. An employer's maximum contribution rate shall be the greater of 5.5% or the product of 5.5% and the adjusted State experience factor for the calendar year 1987 except that such maximum contribution rate shall not be higher than 6.7% or lower than 6.5% and an employer's maximum contribution rate for 1988, 1989 and 1990 shall be the greater of 6.4% or the product of 6.4% and the adjusted State experience factor for the applicable calendar year.

3. If any product obtained in this subsection is not an exact multiple of one-tenth of one percent, it shall be increased or reduced, as the case may be to the nearer multiple of one-tenth of 1 percent. If such product is equally near to two multiples of one-tenth of 1 percent, it shall be increased to the higher multiple of one-tenth of 1 percent.

4. Intermediate rates between such minimum and maximum rates shall be at one-tenth of 1 percent intervals.

The contribution rate of each employer for whom wages became benefit wages during the applicable period specified in Section 1503, but who did not report wages for insured work during such period, shall be the maximum contribution rate as determined by paragraph 2 of this subsection. The contribution rate for each employer for whom no wages became benefit wages during the applicable period specified in Section 1503, and who did not report wages for insured work during such period, shall be the greater of 2.7% or 2.7% times the then current adjusted State experience factor as determined by the Director in accordance with the provisions of Sections 1504 and 1505.

E. The contribution rate for calendar year 1991 and each calendar year thereafter of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined shall be the product obtained by multiplying the employer's benefit ratio defined by Section 1503.1 for that calendar year by the adjusted state experience factor for the same year, provided that:

1. Except as otherwise provided in this paragraph, an employer's minimum contribution rate shall be the greater of 0.2% or the product obtained by multiplying 0.2% by the adjusted state experience factor for the applicable calendar year. An employer's minimum contribution rate shall be 0.1% for calendar year 1996.
2. An employer's maximum contribution rate shall be the greater of 6.4% or the product of 6.4% and the adjusted state experience factor for the applicable calendar year.

3. If any product obtained in this subsection is not an exact multiple of one-tenth of one percent, it shall be increased or reduced, as the case may be to the nearer multiple of one-tenth of one percent. If such product is equally near to two multiples of one-tenth of one percent, it shall be increased to the higher multiple of one-tenth of one percent.

4. Intermediate rates between such minimum and maximum rates shall be at one-tenth of one percent intervals.

The contribution rate of each employer for whom wages became benefit wages during the applicable period specified in Section 1503 or for whom benefit payments became benefit charges during the applicable period specified in Section 1503.1, but who did not report wages for insured work during such period, shall be the maximum contribution rate as determined by paragraph 2 of this subsection. The contribution rate for each employer for whom no wages became benefit wages during the applicable period specified in Section 1503 or for whom no benefit payments became benefit charges during the applicable period specified in Section 1503.1, and who did not report wages for insured work during such period, shall be the greater of 2.7% or 2.7% times the then current adjusted state experience factor as determined by the Director in accordance with the provisions of Sections 1504 and 1505.

F. Notwithstanding the other provisions of this Section, and pursuant to Section 271 of the Tax Equity and Fiscal Responsibility Act of 1982, as amended, no employer's contribution rate with respect to calendar years 1985, 1986, 1987 and 1988 shall, for any calendar quarter during which the wages paid by that employer are less than $50,000, exceed the following: with respect to calendar year 1985, 3.7%; with respect to calendar year 1986, 4.1%; with respect to calendar year 1987, 4.5%; and with respect to calendar year 1988, 5.0%.

G. Notwithstanding the other provisions of this Section, no employer's contribution rate with respect to calendar year 1989 and each calendar year thereafter shall exceed 5.4% of the wages for insured work paid by him during any calendar quarter, if such wages paid during such calendar quarter total less than $50,000, plus any applicable penalty contribution rate calculated pursuant to subsection C of Section 1507.1. (Source: P.A. 89-446, eff. 2-8-96.)

(820 ILCS 405/1506.3) (from Ch. 48, par. 576.3)
Sec. 1506.3. Fund building rates - Temporary Administrative Funding.

A. Notwithstanding any other provision of this Act, the following fund building rates shall be in effect for the following calendar years:

For each employer whose contribution rate for 1988, 1989, 1990, the first, third, and fourth quarters of 1991, 1992, 1993, 1994, 1995, and 1997 through 2003 would, in the absence of this Section, be 0.2% or higher, a contribution rate which is the sum of such rate and a fund building rate of 0.4%;

For each employer whose contribution rate for the second quarter of 1991 would, in the absence of this Section, be 0.2% or higher, a contribution rate which is the sum of such rate and 0.3%;

For each employer whose contribution rate for 1996 would, in the absence of this Section, be 0.1% or higher, a contribution rate which is the sum of such rate and 0.4%;

For each employer whose contribution rate for 2004 through 2009 would, in the absence of this Section, be 0.2% or higher, a contribution rate which is the sum of such rate and the following: a fund building rate of 0.7% for 2004; a fund building rate of 0.9% for 2005; a fund building rate of 0.8% for 2006 and 2007; a fund building rate of 0.6% for 2008; a fund building rate of 0.4% for 2009.

For each employer whose contribution rate for 2010 and any calendar year thereafter would, in the absence of this Section, be 0.2% or higher, a contribution rate which is the sum of such rate and a fund building rate equal to the sum of the rate adjustment applicable to that year pursuant to Section 1400.1, plus the fund building rate in effect pursuant to this Section for the immediately preceding calendar year. Notwithstanding any provision to the contrary, the fund building rate in effect for any calendar year after calendar year 2009 shall not be less than 0.4% or greater than 0.55%.

Notwithstanding the preceding paragraphs of this Section or any other provision of this Act, except for the provisions contained in Section 1500 pertaining to rates applicable to employers classified under the Standard Industrial Code, or another classification system sanctioned by the United States Department of Labor and prescribed by the Director by rule, no employer whose total wages for insured work paid by him during any calendar quarter in 1988 and any calendar year thereafter are less than $50,000 shall pay contributions at a rate with respect to such quarter which exceeds the following: with respect to calendar year 1988, 5%; with
respect to 1989 and any calendar year thereafter, 5.4%, plus any penalty contribution rate calculated pursuant to subsection C of Section 1507.1.

Notwithstanding the preceding paragraph of this Section, or any other provision of this Act, no employer's contribution rate with respect to calendar years 1993 through 1995 shall exceed 5.4% if the employer ceased operations at an Illinois manufacturing facility in 1991 and remained closed at that facility during all of 1992, and the employer in 1993 commits to invest at least $5,000,000 for the purpose of resuming operations at that facility, and the employer rehires during 1993 at least 250 of the individuals employed by it at that facility during the one year period prior to the cessation of its operations, provided that, within 30 days after the effective date of this amendatory Act of 1993, the employer makes application to the Department to have the provisions of this paragraph apply to it. The immediately preceding sentence shall be null and void with respect to an employer which by December 31, 1993 has not satisfied the rehiring requirement specified by this paragraph or which by December 31, 1994 has not made the investment specified by this paragraph. All payments attributable to the fund building rate established pursuant to this Section with respect to the fourth quarter of calendar year 2003, the first quarter of calendar year 2004 and any calendar quarter thereafter as of the close of which there are either bond obligations outstanding pursuant to the Illinois Unemployment Insurance Trust Fund Financing Act, or bond obligations anticipated to be outstanding as of either or both of the 2 immediately succeeding calendar quarters, shall be directed for deposit into the Master Bond Fund. Notwithstanding any other provision of this subsection, no fund building rate shall be added to any penalty contribution rate assessed pursuant to subsection C of Section 1507.1.

B. Notwithstanding any other provision of this Act, for the second quarter of 1991, the contribution rate of each employer as determined in accordance with Sections 1500, 1506.1, and subsection A of this Section shall be equal to the sum of such rate and 0.1%; provided that this subsection shall not apply to any employer whose rate computed under Section 1506.1 for such quarter is between 5.1% and 5.3%, inclusive, and who qualifies for the 5.4% rate ceiling imposed by the last paragraph of subsection A for such quarter. All payments made pursuant to this subsection shall be deposited in the Employment Security Administrative Fund established under Section 2103.1 and used for the administration of this Act.
C. Payments received by the Director which are insufficient to pay the total contributions due under the Act shall be first applied to satisfy the amount due pursuant to subsection B.

C-1. Payments received by the Director with respect to the fourth quarter of calendar year 2003, the first quarter of calendar year 2004 and any calendar quarter thereafter as of the close of which there are either bond obligations outstanding pursuant to the Illinois Unemployment Insurance Trust Fund Financing Act, or bond obligations anticipated to be outstanding as of either or both of the 2 immediately succeeding calendar quarters, shall, to the extent they are insufficient to pay the total amount due under the Act with respect to the quarter, be first applied to satisfy the amount due with respect to that quarter and attributable to the fund building rate established pursuant to this Section. Notwithstanding any other provision to the contrary, with respect to an employer whose contribution rate with respect to a quarter subject to this subsection would have exceeded 5.4% but for the 5.4% rate ceiling imposed pursuant to subsection A, the amount due from the employer with respect to that quarter and attributable to the fund building rate established pursuant to subsection A shall equal the amount, if any, by which the amount due and attributable to the 5.4% rate exceeds the amount that would have been due and attributable to the employer's rate determined pursuant to Sections 1500 and 1506.1, without regard to the fund building rate established pursuant to subsection A.

D. All provisions of this Act applicable to the collection or refund of any contribution due under this Act shall be applicable to the collection or refund of amounts due pursuant to subsection B and amounts directed pursuant to this Section for deposit into the Master Bond Fund to the extent they would not otherwise be considered as contributions.

(Source: P.A. 93-634, eff. 1-1-04.)

(820 ILCS 405/1507) (from Ch. 48, par. 577)

Sec. 1507. Contribution rates of successor and predecessor employing units.

A. Whenever any employing unit succeeds to substantially all of the employing enterprises of another employing unit, then in determining contribution rates for any calendar year, the experience rating record of the predecessor prior to the succession shall be transferred to the successor and thereafter it shall not be treated as the experience rating record of the predecessor, except as provided in subsection B. For the purposes of this Section, such experience rating record shall consist of all years during which liability for the payment of contributions was incurred by the

New matter indicated by italics - deletions by strikeout
predecessor prior to the succession, all benefit wages based upon wages paid by the predecessor prior to the succession, all benefit charges based on separations from, or reductions in work initiated by, the predecessor prior to the succession, and all wages for insured work paid by the predecessor prior to the succession. This amendatory Act of the 93rd General Assembly is intended to be a continuation of prior law.

B. The provisions of this subsection shall be applicable only to the determination of contribution rates for the calendar year 1956 and for each calendar year thereafter. Whenever any employing unit has succeeded to substantially all of the employing enterprises of another employing unit, but the predecessor employing unit has retained a distinct severable portion of its employing enterprises or whenever any employing unit has succeeded to a distinct severable portion which is less than substantially all of the employing enterprises of another employing unit, the successor employing unit shall acquire the experience rating record attributable to the portion to which it has succeeded, and the predecessor employing unit shall retain the experience rating record attributable to the portion which it has retained, if-

1. It files a written application for such experience rating record which is joined in by the employing unit which is then entitled to such experience rating record; and

2. The joint application contains such information as the Director shall by regulation prescribe which will show that such experience rating record is identifiable and segregable and, therefore, capable of being transferred; and

3. The joint application is filed prior to whichever of the following dates is the latest: (a) July 1, 1956; (b) one year after the date of the succession; or (c) the date that the rate determination of the employing unit which has applied for such experience rating record has become final for the calendar year immediately following the calendar year in which the succession occurs. The filing of a timely joint application shall not affect any rate determination which has become final, as provided by Section 1509.

If all of the foregoing requirements are met, then the Director shall transfer such experience rating record to the employing unit which has applied therefor, and it shall not be treated as the experience rating record of the employing unit which has joined in the application.

Whenever any employing unit is reorganized into two or more employing units, and any of such employing units are owned or controlled

New matter indicated by italics - deletions by strikeout
by the same interests which owned or controlled the predecessor prior to the reorganization, and the provisions of this subsection become applicable thereto, then such affiliated employing units during the period of their affiliation shall be treated as a single employing unit for the purpose of determining their rates of contributions.

C. For the calendar year in which a succession occurs which results in the total or partial transfer of a predecessor's experience rating record, the contribution rates of the parties thereto shall be determined in the following manner:

1. If any of such parties had a contribution rate applicable to it for that calendar year, it shall continue with such contribution rate.

2. If any successor had no contribution rate applicable to it for that calendar year, and only one predecessor is involved, then the contribution rate of the successor shall be the same as that of its predecessor.

3. If any successor had no contribution rate applicable to it for that calendar year, and two or more predecessors are involved, then the contribution rate of the successor shall be computed, on the combined experience rating records of the predecessors or on the appropriate part of such records if any partial transfer is involved, as provided in Sections 1500 to 1507, inclusive.

4. Notwithstanding the provisions of paragraphs 2 and 3 of this subsection, if any succession occurs prior to the calendar year 1956 and the successor acquires part of the experience rating record of the predecessor as provided in subsection B of this Section, then the contribution rate of that successor for the calendar year in which such succession occurs shall be 2.7 percent.

D. The provisions of this Section shall not be applicable if the provisions of Section 1507.1 are applicable.

(Source: P.A. 93-634, eff. 1-1-04.)

(820 ILCS 405/1507.1 new)

Sec. 1507.1. Transfer of trade or business; contribution rate.
Notwithstanding any other provision of this Act:

A.(1) If an individual or entity transfers its trade or business, or a portion thereof, and, at the time of the transfer, there is any substantial common ownership, management, or control of the transferor and transferee, then the experience rating records of the transferor and transferee shall be combined for the purpose of determining their rates of contribution. For purposes of this subsection, a transfer of trade or

New matter indicated by italics - deletions by strikeout
business includes but is not limited to the transfer of some or all of the 
transferor's workforce.

(2) For the calendar year in which there occurs a transfer to which 
paragraph (1) applies:

(a) If the transferor or transferee had a contribution rate 
applicable to it for the calendar year, it shall continue with that 
contribution rate for the remainder of the calendar year.

(b) If the transferee had no contribution rate applicable to 
it for the calendar year, then the contribution rate of the transferee 
shall be computed for the calendar year based on the experience 
rating record of the transferor or, where there is more than one 
transferor, the combined experience rating records of the 
transferors, subject to the 5.4% rate ceiling established pursuant 
to subsection G of Section 1506.1 and subsection A of Section 
1506.3.

B. If any individual or entity that is not an employer under this Act 
at the time of the acquisition acquires the trade or business of an 
employing unit, the experience rating record of the acquired business shall 
not be transferred to the individual or entity if the Director finds that the 
individual or entity acquired the business solely or primarily for the 
purpose of obtaining a lower rate of contributions. Evidence that a 
business was acquired solely or primarily for the purpose of obtaining a 
lower rate of contributions includes but is not necessarily limited to the 
following: the cost of acquiring the business is low in relation to the 
individual's or entity's overall operating costs subsequent to the 
acquisition; the individual or entity discontinued the business enterprise of 
the acquired business immediately or shortly after the acquisition; or the 
individual or entity hired a significant number of individuals for 
performance of duties unrelated to the business activity conducted prior to 
acquisition.

C. An individual or entity to which subsection A applies shall pay 
contributions with respect to each calendar year at a rate consistent with 
that subsection, and an individual or entity to which subsection B applies 
shall pay contributions with respect to each calendar year at a rate 
consistent with that subsection. If an individual or entity knowingly 
violates or attempts to violate this subsection, the individual or entity shall 
be subject to the following penalties:

(1) If the individual or entity is an employer, then, in 
addition to the contribution rate that would otherwise be calculated (including any fund building rate provided for pursuant
to Section 1506.3), the employer shall be assigned a penalty contribution rate equivalent to 50% of the contribution rate (including any fund building rate provided for pursuant to Section 1506.3), as calculated without regard to this subsection for the calendar year with respect to which the violation or attempted violation occurred and the immediately following calendar year. In the case of an employer whose contribution rate, as calculated without regard to this subsection or Section 1506.3, equals or exceeds the maximum rate established pursuant to paragraph 2 of subsection E of Section 1506.1, the penalty rate shall equal 50% of the sum of that maximum rate and the fund building rate provided for pursuant to Section 1506.3. In the case of an employer whose contribution rate is subject to the 5.4% rate ceiling established pursuant to subsection G of Section 1506.1 and subsection A of Section 1506.3, the penalty rate shall equal 2.7%. If any product obtained pursuant to this subsection is not an exact multiple of one-tenth of 1%, it shall be increased or reduced, as the case may be, to the nearer multiple of one-tenth of 1%. If such product is equally near to 2 multiples of one-tenth of 1%, it shall be increased to the higher multiple of one-tenth of 1%. Any payment attributable to the penalty contribution rate shall be deposited into the clearing account.

(2) If the individual or entity is not an employer, the individual or entity shall be subject to a penalty of $10,000 for each violation. Any penalty attributable to this paragraph (2) shall be deposited into the Special Administrative Account.

D. An individual or entity shall not knowingly advise another in a way that results in a violation of subsection C. An individual or entity that violates this subsection shall be subject to a penalty of $10,000 for each violation. Any such penalty shall be deposited into the Special Administrative Account.

E. Any individual or entity that knowingly violates subsection C or D shall be guilty of a Class B misdemeanor. In the case of a corporation, the president, the secretary, and the treasurer, and any other officer exercising corresponding functions, shall each be subject to the aforesaid penalty for knowingly violating subsection C or D.

F. The Director shall establish procedures to identify the transfer or acquisition of a trade or business for purposes of this Section.

G. For purposes of this Section:

New matter indicated by italics - deletions by strikeout
"Experience rating record" shall consist of years during which liability for the payment of contributions was incurred, all benefit charges incurred, and all wages paid for insured work, including but not limited to years, benefit charges, and wages attributed to an individual or entity pursuant to Section 1507 or subsection A.

"Knowingly" means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the statutory provision involved.

"Transferee" means any individual or entity to which the transferor transfers its trade or business or any portion thereof.

"Transferor" means the individual or entity that transfers its trade or business or any portion thereof.

H. This Section shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor. Insofar as it applies to the interpretation and application of the term "substantial", as used in subsection A, this subsection H is not intended to alter the meaning of "substantially", as used in Section 1507 and construed by precedential judicial opinion, or any comparable term as elsewhere used in this Act.

Approved July 21, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0302
(Senate Bill No 0833)

AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1,
1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

   (A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

   (B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

   (C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

   (D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

   (E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local

New matter indicated by italics - deletions by strikeout
laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around...
buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban

New matter indicated by italics - deletions by strikeout
Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

New matter indicated by italics - deletions by strikeout
(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the

New matter indicated by italics - deletions by strikeout
designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning,

New matter indicated by italics - deletions by strikeout
subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air

New matter indicated by italics - deletions by strikeout
within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to

New matter indicated by italics - deletions by strikeout
factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and

New matter indicated by italics - deletions by strikeout
servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year
thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of

New matter indicated by italics - deletions by strikeout
the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000;
70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(i) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal
government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;
(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and
(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

New matter indicated by italics - deletions by strikeout
(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates: shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling; ; and shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

New matter indicated by italics - deletions by strikeout
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or

New matter indicated by italics - deletions by strikeout
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or
(DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or

New matter indicated by italics - deletions by strikeout
if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
if the ordinance was adopted on September 21, 1998 by the City of Waukegan.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.
Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that
information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is
located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a

New matter indicated by italics - deletions by strikeout
redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination,
including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily

New matter indicated by italics - deletions by strikeout
incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units located within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations: (i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; (ii) for elementary school districts with a district average 1995-96

New matter indicated by italics - deletions by strikeout
Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and (iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax

New matter indicated by italics - deletions by strikeout
increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961), this amendatory Act of the 93rd General Assembly, a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the

New matter indicated by italics - deletions by strikeout
developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

New matter indicated by italics - deletions by strikeout
Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

New matter indicated by italics - deletions by strikeout
(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

New matter indicated by italics - deletions by strikeout
The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to

New matter indicated by italics - deletions by strikeout
serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

New matter indicated by italics - deletions by strikeout
(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailer's Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailer's Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal
Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a

New matter indicated by italics - deletions by strikeout
preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund...
fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the

New matter indicated by italics - deletions by strikeout
issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and

New matter indicated by italics - deletions by strikeout
the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on

New matter indicated by italics - deletions by strikeout
June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September

New matter indicated by italics - deletions by strikeout
21, 1998 by the City of Waukegan and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

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

Passed in the General Assembly May 20, 2005.
Approved July 21, 2005.
Effective July 21, 2005.

PUBLIC ACT 94-0303
(Senate Bill No 0966)

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

Section 5. The Counties Code is amended by changing Section 5-12001 as follows:

(55 ILCS 5/5-12001) (from Ch. 34, par. 5-12001)

New matter indicated by italics - deletions by strikeout
Sec. 5-12001. Authority to regulate and restrict location and use of structures.

For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the county, lessening or avoiding congestion in the public streets and highways, and lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters, the county board or board of county commissioners, as the case may be, of each county, shall have the power to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other uses which may be specified by such board, to regulate and restrict the intensity of such uses, to establish building or setback lines on or along any street, trafficway, drive, parkway or storm or floodwater runoff channel or basin outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances; to divide the entire county outside the limits of such cities, villages and incorporated towns into districts of such number, shape, area and of such different classes, according to the use of land and buildings, the intensity of such use (including height of buildings and structures and surrounding open space) and other classification as may be deemed best suited to carry out the purposes of this Division; to prohibit uses, buildings or structures incompatible with the character of such districts respectively; and to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder: Provided, that permits with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes shall be issued free of any charge. The corporate authorities of the county may by ordinance require the construction of fences around or protective covers over previously constructed artificial basins of water dug in the ground and used for swimming or wading, which are located on private residential property and intended for the use of the owner and guests. In all ordinances or resolutions passed under the authority of this Division, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantage of the entire county, and the uses to which property is devoted at the time of the enactment of any such ordinance or resolution.

The powers by this Division given shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted, but provisions may be

New matter indicated by italics - deletions by strikeout
made for (i) the gradual elimination of the uses of unimproved lands or lot areas when the existing rights of the persons in possession are terminated or when the uses to which they are devoted are discontinued, (ii) the gradual elimination of uses to which the buildings and structures are devoted if they are adaptable to permitted uses, and (iii) the gradual elimination of the buildings and structures when they are destroyed or damaged in major part; nor shall they be exercised so as to impose regulations, eliminate uses, buildings, or structures, or require permits with respect to land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land, other than parcels of land consisting of less than 5 acres from which $1,000 or less of agricultural products were sold in any calendar year in counties with a population between 300,000 and 400,000 or in counties contiguous to a county with a population between 300,000 and 400,000, and other than parcels of land consisting of less than 5 acres in counties with a population in excess of 400,000, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land except that such buildings or structures for agricultural purposes may be required to conform to building or set back lines and counties may establish a minimum lot size for residences on land used for agricultural purposes; nor shall any such powers be so exercised as to prohibit the temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction activities, except that such facilities may be required to be located not less than 1,000 feet from any building used for residential purposes, and except that the period of such temporary use shall not exceed the duration of the construction contract; nor shall any such powers include the right to specify or regulate the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in the Public Utilities Act, if the public utility is subject to the Messages Tax Act, the Gas Revenue Tax Act or the Public Utilities Revenue Act, or if such facilities or equipment are located on any rights of way and are used for railroad purposes, nor shall any such powers be exercised with respect to uses, buildings, or structures of a public utility as defined in the Public Utilities Act, nor shall any such powers be exercised in any respect as to the facilities, as defined in Section 5-

New matter indicated by italics - deletions by strikeout
12001.1, of a telecommunications carrier, as also defined therein, except to
the extent and in the manner set forth in Section 5-12001.1. As used in
this Act, "agricultural purposes" do not include the extraction of sand,
gravel or limestone, and such activities may be regulated by county zoning
ordinance even when such activities are related to an agricultural purpose.

Nothing in this Division shall be construed to restrict the powers
granted by statute to cities, villages and incorporated towns as to territory
contiguous to but outside of the limits of such cities, villages and
incorporated towns. Any zoning ordinance enacted by a city, village or
incorporated town shall supersede, with respect to territory within the
corporate limits of the municipality, any county zoning plan otherwise
applicable. The powers granted to counties by this Division shall be
treated as in addition to powers conferred by statute to control or approve
maps, plats or subdivisions. In this Division, "agricultural purposes"
include, without limitation, the growing, developing, processing,
conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other
farm seeds.

Nothing in this Division shall be construed to prohibit the
corporate authorities of a county from adopting an ordinance that exempts
pleasure driveways or park districts, as defined in the Park District Code,
with a population of greater than 100,000, from the exercise of the
county's powers under this Division.

The powers granted by this Division may be used to require the
creation and preservation of affordable housing, including the power to
provide increased density or other zoning incentives to developers who
are creating, establishing, or preserving affordable housing.
(Source: P.A. 89-654, eff. 8-14-96; 90-261, eff. 1-1-98; 90-522, eff. 1-1-
98; 90-655, eff. 7-30-98; 90-661, eff. 7-30-98.)

Section 10. The Illinois Municipal Code is amended by changing
Section 11-13-1 as follows:

(65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)
Sec. 11-13-1. To the end that adequate light, pure air, and safety
from fire and other dangers may be secured, that the taxable value of land
and buildings throughout the municipality may be conserved, that
congestion in the public streets may be lessened or avoided, that the
hazards to persons and damage to property resulting from the
accumulation or runoff of storm or flood waters may be lessened or
avoided, and that the public health, safety, comfort, morals, and welfare
may otherwise be promoted, and to insure and facilitate the preservation of
sites, areas, and structures of historical, architectural and aesthetic

New matter indicated by italics - deletions by strikeout
importance; the corporate authorities in each municipality have the following powers:

(1) To regulate and limit the height and bulk of buildings hereafter to be erected; (2) to establish, regulate and limit, subject to the provisions of Division 14 of this Article 11, the building or set-back lines on or along any street, traffic-way, drive, parkway or storm or floodwater runoff channel or basin; (3) to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings; (4) to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses; (5) to divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of this Division 13; (6) to fix standards to which buildings or structures therein shall conform; (7) to prohibit uses, buildings, or structures incompatible with the character of such districts; (8) to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Division 13; (9) to classify, to regulate and restrict the use of property on the basis of family relationship, which family relationship may be defined as one or more persons each related to the other by blood, marriage or adoption and maintaining a common household; and (10) to regulate or forbid any structure or activity which may hinder access to solar energy necessary for the proper functioning of a solar energy system, as defined in Section 1.2 of The Comprehensive Solar Energy Act of 1977; and (11) to require the creation and preservation of affordable housing, including the power to provide increased density or other zoning incentives to developers who are creating, establishing, or preserving affordable housing.

The powers enumerated may be exercised within the corporate limits or within contiguous territory not more than one and one-half miles beyond the corporate limits and not included within any municipality. However, if any municipality adopts a plan pursuant to Division 12 of Article 11 which plan includes in its provisions a provision that the plan applies to such contiguous territory not more than one and one-half miles

New matter indicated by italics - deletions by strikeout
beyond the corporate limits and not included in any municipality, then no other municipality shall adopt a plan that shall apply to any territory included within the territory provided in the plan first so adopted by another municipality. No municipality shall exercise any power set forth in this Division 13 outside the corporate limits thereof, if the county in which such municipality is situated has adopted "An Act in relation to county zoning", approved June 12, 1935, as amended. Nothing in this Section prevents a municipality of more than 112,000 population located in a county of less than 185,000 population that has adopted a zoning ordinance and the county that adopted the zoning ordinance from entering into an intergovernmental agreement that allows the municipality to exercise its zoning powers beyond its territorial limits; provided, however, that the intergovernmental agreement must be limited to the territory within the municipality's planning jurisdiction as defined by law or any existing boundary agreement. The county and the municipality must amend their individual zoning maps in the same manner as other zoning changes are incorporated into revised zoning maps. No such intergovernmental agreement may authorize a municipality to exercise its zoning powers, other than powers that a county may exercise under Section 5-12001 of the Counties Code, with respect to land used for agricultural purposes. This amendatory Act of the 92nd General Assembly is declarative of existing law. No municipality may exercise any power set forth in this Division 13 outside the corporate limits of the municipality with respect to a facility of a telecommunications carrier defined in Section 5-12001.1 of the Counties Code.

Notwithstanding any other provision of law to the contrary, at least 30 days prior to commencing construction of a new telecommunications facility within 1.5 miles of a municipality, the telecommunications carrier constructing the facility shall provide written notice of its intent to construct the facility. The notice shall include, but not be limited to, the following information: (i) the name, address, and telephone number of the company responsible for the construction of the facility and (ii) the address and telephone number of the governmental entity that issued the building permit for the telecommunications facility. The notice shall be provided in person, by overnight private courier, or by certified mail to all owners of property within 250 feet of the parcel in which the telecommunications carrier has a leasehold or ownership interest. For the purposes of this notice requirement, "owners" means those persons or entities identified from the authentic tax records of the county in which the telecommunications facility is to be located. If, after a bona fide effort by
the telecommunications carrier to determine the owner and his or her address, the owner of the property on whom the notice must be served cannot be found at the owner's last known address, or if the mailed notice is returned because the owner cannot be found at the last known address, the notice requirement of this paragraph is deemed satisfied. For the purposes of this paragraph, "facility" means that term as it is defined in Section 5-12001.1 of the Counties Code.

If a municipality adopts a zoning plan covering an area outside its corporate limits, the plan adopted shall be reasonable with respect to the area outside the corporate limits so that future development will not be hindered or impaired; it is reasonable for a municipality to regulate or prohibit the extraction of sand, gravel, or limestone even when those activities are related to an agricultural purpose. If all or any part of the area outside the corporate limits of a municipality which has been zoned in accordance with the provisions of this Division 13 is annexed to another municipality or municipalities, the annexing unit shall thereafter exercise all zoning powers and regulations over the annexed area.

In all ordinances passed under the authority of this Division 13, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire municipality and the uses to which the property is devoted at the time of the enactment of such an ordinance. The powers conferred by this Division 13 shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted, but provisions may be made for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are made or located, including, without being limited thereto, provisions (a) for the elimination of such uses of unimproved lands or lot areas when the existing rights of the persons in possession thereof are terminated or when the uses to which they are devoted are discontinued; (b) for the elimination of uses to which such buildings and structures are devoted, if they are adaptable for permitted uses; and (c) for the elimination of such buildings and structures when they are destroyed or damaged in major part, or when they have reached the age fixed by the corporate authorities of the municipality as the normal useful life of such buildings or structures.

This amendatory Act of 1971 does not apply to any municipality which is a home rule unit.
(Source: P.A. 92-509, eff. 1-1-02; 93-698, eff. 7-9-04.)

New matter indicated by italics - deletions by strikeout
Section 15. The Affordable Housing Planning and Appeal Act is amended by changing Sections 15, 25, 30, and 50 and by adding Section 60 as follows:

(310 ILCS 67/15)

Sec. 15. Definitions. As used in this Act:
"Affordable housing" means housing that has a sales price or rental amount that is within the means of a household that may occupy moderate-income or low-income housing. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit.
"Affordable housing developer" means a nonprofit entity, limited equity cooperative or public agency, or private individual, firm, corporation, or other entity seeking to build an affordable housing development.
"Affordable housing development" means (i) any housing that is subsidized by the federal or State government or (ii) any housing in which at least 20% of the dwelling units are subject to covenants or restrictions that require that the dwelling units be sold or rented at prices that preserve them as affordable housing for a period of at least 15 years, in the case of for-sale housing, and at least 30 years, in the case of rental housing.
"Approving authority" means the governing body of the county or municipality. "Area median household income" means the median household income adjusted for family size for applicable income limit areas as determined annually by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937.
"Community land trust" means a private, not-for-profit corporation organized exclusively for charitable, cultural, and other purposes and created to acquire and own land for the benefit of the local government, including the creation and preservation of affordable housing.
"Development" means any building, construction, renovation, or excavation or any material change in the use or appearance of any structure or in the land, itself; the division of land into parcels; or any change in the intensity or use of such structure or land, that results in a net
increase in the number of dwelling units in a structure or on a parcel of land by more than one dwelling unit such as an increase in the number of dwelling units in a structure or a change to a commercial use.

"Exempt local government" means any local government in which at least 10% of its total year-round housing units are affordable, as determined by the Illinois Housing Development Authority pursuant to Section 20 of this Act; or any municipality under 1,000 population.

"Household" means the person or persons occupying a dwelling unit.

"Housing trust fund" means a separate fund, either within a local government or between local governments pursuant to intergovernmental agreement, established solely for the purposes authorized in subsection (d) of Section 25, including, without limitation, the holding and disbursing of financial resources to address the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing.

"Local government" means a county or municipality.

"Low-income housing" means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed 50% of the area median household income.

"Moderate-income housing" means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that is greater than 50% but does not exceed 80% of the area median household income.

"Non-appealable local government requirements" means all essential requirements that protect the public health and safety, including any local building, electrical, fire, or plumbing code requirements or those requirements that are critical to the protection or preservation of the environment.

(Source: P.A. 93-595, eff. 1-1-04; 93-678, eff. 6-28-04.)

(310 ILCS 67/25)

Sec. 25. Affordable housing plan

(a) Prior to April 1, 2005, all non-exempt local governments must approve an affordable housing plan. Any local government that is determined by the Illinois Housing Development Authority under Section 20 to be non-exempt for the first time based on the recalculation of decennial census data after 2010 shall have 18 months from the date of
notification of its non-exempt status to approve an affordable housing plan under this Act.

(b) For the purposes of this Act, the affordable housing plan shall consist of at least the following:

(i) a statement of the total number of affordable housing units that are necessary to exempt the local government from the operation of this Act as defined in Section 15 and Section 20;

(ii) an identification of lands within the jurisdiction that are most appropriate for the construction of affordable housing and of existing structures most appropriate for conversion to, or rehabilitation for, affordable housing, including a consideration of lands and structures of developers who have expressed a commitment to provide affordable housing and lands and structures that are publicly or semi-publicly owned;

(iii) incentives that local governments may provide for the purpose of attracting affordable housing to their jurisdiction; and

(iv) a goal of a minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in this Act; or a minimum of a 3 percentage point increase in the overall percentage of affordable housing within its jurisdiction, as described in subsection (b) of Section 20 of this Act; or a minimum of a total of 10% affordable housing within its jurisdiction as described in subsection (b) of Section 20 of this Act. These goals may be met, in whole or in part, through the creation of affordable housing units under intergovernmental agreements as described in subsection (e) of this Section.

(c) Within 60 days after the adoption of an affordable housing plan or revisions to its affordable housing plan, the local government must submit a copy of that plan to the Illinois Housing Development Authority.

(d) In order to promote the goals of this Act and to maximize the creation, establishment, or preservation of affordable housing throughout the State of Illinois, a local government, whether exempt or non-exempt under this Act, may adopt the following measures to address the need for affordable housing:

(1) Local governments may individually or jointly create or participate in a housing trust fund or otherwise provide funding or support for the purpose of supporting affordable housing, including, without limitation, to support the following affordable housing activities:

New matter indicated by italics - deletions by strikeout
(A) Housing production, including, without limitation, new construction, rehabilitation, and adaptive re-use.

(B) Acquisition, including, without limitation, land, single-family homes, multi-unit buildings, and other existing structures that may be used in whole or in part for residential use.

(C) Rental payment assistance.

(D) Home-ownership purchase assistance.

(E) Preservation of existing affordable housing.

(F) Weatherization.

(G) Emergency repairs.

(H) Housing related support services, including homeownership education and financial counseling.

(I) Grants or loans to not-for-profit organizations engaged in addressing the affordable housing needs of low-income and moderate-income households.

Local governments may authorize housing trust funds to accept and utilize funds, property, and other resources from all proper and lawful public and private sources so long as those funds are used solely for addressing the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing.

(2) A local government may create a community land trust, which may: acquire developed or undeveloped interests in real property and hold them for affordable housing purposes; convey such interests under long-term leases, including ground leases; convey such interests for affordable housing purposes; and retain an option to reacquire any such real property interests at a price determined by a formula ensuring that such interests may be utilized for affordable housing purposes.

(3) A local government may use its zoning powers to require the creation and preservation of affordable housing as authorized under Section 5-12001 of the Counties Code and Section 11-13-1 of the Illinois Municipal Code.

(4) A local government may accept donations of money or land for the purpose of addressing the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing. These donations may include, without

New matter indicated by italics - deletions by strikeout
limitation, donations of money or land from persons in lieu of building affordable housing.

(e) In order to encourage regional cooperation and the maximum creation of affordable housing in areas lacking such housing in the State of Illinois, any non-exempt local government may enter into intergovernmental agreements under subsection (e) of Section 25 with local governments within 10 miles of its corporate boundaries in order to create affordable housing units to meet the goals of this Act. A non-exempt local government may not enter into an intergovernmental agreement, however, with any local government that contains more than 25% affordable housing as determined under Section 20 of this Act. All intergovernmental agreements entered into to create affordable housing units to meet the goals of this Act must also specify the basis for determining how many of the affordable housing units created will be credited to each local government participating in the agreement for purposes of complying with this Act. All intergovernmental agreements entered into to create affordable housing units to meet the goals of this Act must also specify the anticipated number of newly created affordable housing units that are to be credited to each local government participating in the agreement for purposes of complying with this Act. In specifying how many affordable housing units will be credited to each local government, the same affordable housing unit may not be counted by more than one local government.

(Source: P.A. 93-595, eff. 1-1-04; 93-678, eff. 6-28-04.)

(310 ILCS 67/30)
Sec. 30. Appeal to State Housing Appeals Board.

(a) (Blank). Beginning January 1, 2006, an affordable housing developer whose application is either denied or approved with conditions that in his or her judgment render the provision of affordable housing infeasible may, within 45 days after the decision, submit to the State Housing Appeals Board information regarding why the developer believes he or she was unfairly denied or conditions were placed upon the tentative approval of the development unless the local government that rendered the decision is exempt under Section 15 or Section 20 of this Act. The Board shall maintain all information forwarded to them by developers and shall compile and make available an annual report summarizing the information thus received:

(b) Beginning January 1, 2009, an affordable housing developer whose application is either denied or approved with conditions that in his or her judgment render the provision of affordable housing infeasible may,
within 45 days after the decision, appeal to the State Housing Appeals Board challenging that decision unless the municipality or county that rendered the decision is exempt under Section 15 of this Act. The developer must submit information regarding why the developer believes he or she was unfairly denied or unreasonable conditions were placed upon the tentative approval of the development. In the case of local governments that are determined by the Illinois Housing Development Authority under Section 20 to be non-exempt for the first time based on the recalculation of decennial census data after 2010, no developer may appeal to the State Housing Appeals Board until 60 months after a local government has been notified of its non-exempt status.

(c) Beginning January 1, 2009, the Board shall render a decision on the appeal within 120 days after the appeal is filed. In its determination of an appeal, the Board shall conduct a de novo review of the matter. In rendering its decision, the Board shall consider the facts and whether the developer was treated in a manner that places an undue burden on the development due to the fact that the development contains affordable housing as defined in this Act. The Board shall further consider any action taken by the unit of local government in regards to granting waivers or variances that would have the effect of creating or prohibiting the economic viability of the development. In any proceeding before the Board, the affordable housing developer bears the burden of demonstrating that the proposed affordable housing development (i) he or she has been unfairly denied or (ii) has had unreasonable conditions have been placed upon it by the decision of the local government the tentative approval for the application for an affordable housing development.

(d) The Board shall dismiss any appeal if:

(i) the local government has adopted an affordable housing plan as defined in Section 25 of this Act and submitted that plan to the Illinois Housing Development Authority within the time frame required by this Act; and

(ii) the local government has implemented its affordable housing plan and has met its goal as established in its affordable housing plan as defined in Section 25 of this Act.

(e) The Board shall dismiss any appeal if the reason for denying the application or placing conditions upon the approval is a non-appealable local government requirement under Section 15 of this Act.

(f) The Board may affirm, reverse, or modify the conditions of, or add conditions to, a decision made by the approving authority.

New matter indicated by italics - deletions by strikeout
decision of the Board constitutes an order directed to the approving authority and is binding on the local government.

(g) The appellate court has the exclusive jurisdiction to review decisions of the Board. Any appeal to the Appellate Court of a final ruling by the State Housing Appeals Board may be heard only in the Appellate Court for the District in which the local government involved in the appeal is located.

(Source: P.A. 93-595, eff. 1-1-04.)

(310 ILCS 67/50)
Sec. 50. Housing Appeals Board
(a) Prior to January 1, 2008 July 1, 2006, a Housing Appeals Board shall be created consisting of 7 members appointed by the Governor as follows:

(1) a retired circuit judge or retired appellate judge, who shall act as chairperson;
(2) a zoning board of appeals member;
(3) a planning board member;
(4) a mayor or municipal council or board member;
(5) a county board member;
(6) an affordable housing developer; and
(7) an affordable housing advocate.

In addition, the Chairman of the Illinois Housing Development Authority, ex officio, shall serve as a non-voting member. No more than 4 of the appointed members may be from the same political party. Appointments under items (2), (3), and (4) shall be from local governments that are not exempt under this Act.

(b) Initial terms of 4 members designated by the Governor shall be for 2 years. Initial terms of 3 members designated by the Governor shall be for one year. Thereafter, members shall be appointed for terms of 2 years. A member shall receive no compensation for his or her services, but shall be reimbursed by the State for all reasonable expenses actually and necessarily incurred in the performance of his or her official duties. The board shall hear all petitions for review filed under this Act and shall conduct all hearings in accordance with the rules and regulations established by the chairperson. The Illinois Housing Development Authority shall provide space and clerical and other assistance that the Board may require.

(c) (Blank). The Illinois Housing Development Authority may adopt such other rules and regulations as it deems necessary and

New matter indicated by italics - deletions by strikeout
Sec. 60. Rulemaking authority. The Illinois Housing Development Authority shall adopt other rules and regulations as needed to carry out the Board's responsibilities under this Act and to provide direction to local governments and affordable housing developers.

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

Approved July 21, 2005.
Effective July 21, 2005.

PUBLIC ACT 94-0304
(Senate Bill No 1119)

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

Section 5. The Illinois Vehicle Code is amended by changing Section 12-610.5 and adding Section 18c-7406 as follows:

(625 ILCS 5/12-610.5)
Sec. 12-610.5. Registration plate covers.
(a) In this Section, "registration plate cover" means any tinted, colored, painted, marked, clear, or illuminated object that is designed to:
(1) cover any of the characters of a motor vehicle's registration plate; or
(2) distort a recorded image of any of the characters of a motor vehicle's registration plate recorded by an automated red light enforcement system as defined in Section 1-105.5 of this Code or recorded by an automated traffic control system as defined in Section 15 of the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act.
(b) (a) It shall be unlawful to operate any motor vehicle that is equipped with tinted plastic or tinted glass registration plate covers.
(c) A person may not sell or offer for sale a registration plate cover.
(d) A person may not advertise for the purpose of promoting the sale of registration plate covers.

New matter indicated by italics - deletions by strikeout
(e) (b) A violation of this Section or a similar provision of a local ordinance shall be an offense against laws and ordinances regulating the movement of traffic.  
(Source: P.A. 89-245, eff. 1-1-96.)  
(625 ILCS 5/18c-7406 new)  
Sec. 18c-7406. Closure of at-grade crossings; bicycle and pedestrian trails. When considering the closure of an at-grade railroad crossing to public use, the Commission shall consider the status of the crossing as an element of a bicycle and pedestrian trail funded under the federal Transportation Equity Act for the 21st Century (TEA-21) and its successor Acts.  
Section 99. Effective date. This Act takes effect upon becoming law, except that the changes to Section 12-610.5 of the Illinois Vehicle Code take effect on January 1, 2006.  
Approved July 21, 2005.  

PUBLIC ACT 94-0305  
(Senate Bill No 1751)  

AN ACT concerning civil liabilities.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:  
Section 5. The Illinois Wage Assignment Act is amended by changing Section 4 as follows:  
(740 ILCS 170/4) (from Ch. 48, par. 39.4)  
Sec. 4. The maximum wages, salary, commissions, and bonuses that may be collected by an assignee for any work week shall not exceed the lesser of (1) 15% of such gross amount paid for that week or (2) the amount by which disposable earnings for a week exceed 45 times the Federal Minimum Hourly Wage prescribed by Section 206(a)(1) of Title 29, U.S.C., as amended, or the minimum hourly wage prescribed by Section 4 of the Minimum Wage Law, whichever is greater, in effect at the time the amounts are payable. This provision (and no other) applies irrespective of the place where the compensation was earned or payable and the State where the employee resides. No amounts required by law to be withheld may be taken from the amount collected by the creditor. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any  
New matter indicated by italics - deletions by strikeout
amounts required by law to be withheld. If there is more than one assignment demand received by the employer, the assignees shall collect in the order or priority of service of the demand upon the employer, but the total of all collections shall not exceed the amount that could have been collected if there had been one assignment demand.

Benefits and refunds payable by pension or retirement funds or systems, any assets of employees held by those funds or systems, and any moneys an employee is required to contribute to those funds or systems are exempt and are not subject to a wage assignment under this Act.

A fee of $12 for each wage assignment shall be collected by and paid to the employer and the amount so paid shall be credited against the amount of the wage-earner's outstanding debt.

(Source: P.A. 88-395.)

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

Passed in the General Assembly May 18, 2005.
Approved July 21, 2005.
Effective July 21, 2005.

AN ACT concerning civil liabilities.

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

Section 5. The Code of Civil Procedure is amended by changing Sections 2-1402, 12-803, 12-805, and 12-808 as follows:

(735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)
Sec. 2-1402. Supplementary proceedings.
(a) A judgment creditor, or his or her successor in interest when that interest is made to appear of record, is entitled to prosecute supplementary proceedings for the purposes of examining the judgment debtor or any other person to discover assets or income of the debtor not exempt from the enforcement of the judgment, a deduction order or garnishment, and of compelling the application of non-exempt assets or income discovered toward the payment of the amount due under the judgment. A supplementary proceeding shall be commenced by the service of a citation issued by the clerk. The procedure for conducting supplementary proceedings shall be prescribed by rules. It is not a prerequisite to the commencement of a supplementary proceeding that a

New matter indicated by italics - deletions by strikeout
certified copy of the judgment has been returned wholly or partly unsatisfied. All citations issued by the clerk shall have the following language, or language substantially similar thereto, stated prominently on the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL." The court shall not grant a continuance of the supplementary proceeding except upon good cause shown.

(b) Any citation served upon a judgment debtor or any other person shall include a certification by the attorney for the judgment creditor or the judgment creditor setting forth the amount of the judgment, the date of the judgment, or its revival date, the balance due thereon, the name of the court, and the number of the case, and a copy of the citation notice required by this subsection. Whenever a citation is served upon a person or party other than the judgment debtor, the officer or person serving the citation shall send to the judgment debtor, within three business days of the service upon the cited party, a copy of the citation and the citation notice, which may be sent by regular first-class mail to the judgment debtor's last known address. In no event shall a citation hearing be held sooner than five business days after the mailing of the citation and citation notice to the judgment debtor, except by agreement of the parties. The citation notice need not be mailed to a corporation, partnership, or association. The citation notice shall be in substantially the following form:

"CITATION NOTICE
(Name and address of Court)
Name of Case: (Name of Judgment Creditor),
    Judgment Creditor v.
    (Name of Judgment Debtor),
    Judgment Debtor.
Address of Judgment Debtor: (Insert last known address)
Name and address of Attorney for Judgment
    Creditor or of Judgment Creditor (If no
    attorney is listed): (Insert name and address)
Amount of Judgment: $ (Insert amount)
Name of Person Receiving Citation: (Insert name)
Court Date and Time: (Insert return date and time

New matter indicated by italics - deletions by strikeout
NOTICE: The court has issued a citation against the person named above. The citation directs that person to appear in court to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to the judgment debtor or in which the judgment debtor has an interest. The citation was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above. On or after the court date stated above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. The JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE:

(1) Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed $2,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; worker's compensation benefits; veteran's benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed $1,200 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed $750 in value, in any implements, professional books, or tools of the trade of the debtor.

(2) Under Illinois law, every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of $7,500, which homestead is exempt from judgment.

(3) Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage or, under a wage deduction summons served on or after January 1, 2006, the Illinois minimum hourly wage, whichever is greater.

(4) Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which

New matter indicated by italics - deletions by strikeout
disposable earnings for a week exceed 30 times the federal minimum hourly wage.

(5) Pension and retirement benefits and refunds may be claimed as exempt under Illinois law.

The judgment debtor may have other possible exemptions under the law.

THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The judgment debtor also has the right to seek a declaration at an earlier date, by notifying the clerk in writing at (insert address of clerk). When so notified, the Clerk of the Court will obtain a prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the judgment creditor's attorney regarding the time and location of the hearing. This notice may be sent by regular first class mail."

(c) When assets or income of the judgment debtor not exempt from the satisfaction of a judgment, a deduction order or garnishment are discovered, the court may, by appropriate order or judgment:

(1) Compel the judgment debtor to deliver up, to be applied in satisfaction of the judgment, in whole or in part, money, choses in action, property or effects in his or her possession or control, so discovered, capable of delivery and to which his or her title or right of possession is not substantially disputed.

(2) Compel the judgment debtor to pay to the judgment creditor or apply on the judgment, in installments, a portion of his or her income, however or whenever earned or acquired, as the court may deem proper, having due regard for the reasonable requirements of the judgment debtor and his or her family, if dependent upon him or her, as well as any payments required to be made by prior order of court or under wage assignments outstanding; provided that the judgment debtor shall not be compelled to pay income which would be considered exempt as wages under the Wage Deduction Statute. The court may modify an order for installment payments, from time to time, upon application of either party upon notice to the other.

(3) Compel any person cited, other than the judgment debtor, to deliver up any assets so discovered, to be applied in satisfaction of the judgment, in whole or in part, when those assets are held under such circumstances that in an action by the

New matter indicated by italics - deletions by strikeout
judgment debtor he or she could recover them in specie or obtain a
judgment for the proceeds or value thereof as for conversion or
embezzlement.

(4) Enter any order upon or judgment against the person
cited that could be entered in any garnishment proceeding.

(5) Compel any person cited to execute an assignment of
any chose in action or a conveyance of title to real or personal
property, in the same manner and to the same extent as a court
could do in any proceeding by a judgment creditor to enforce
payment of a judgment or in aid of the enforcement of a judgment.

(6) Authorize the judgment creditor to maintain an action
against any person or corporation that, it appears upon proof
satisfactory to the court, is indebted to the judgment debtor, for the
recovery of the debt, forbid the transfer or other disposition of the
debt until an action can be commenced and prosecuted to
judgment, direct that the papers or proof in the possession or
control of the debtor and necessary in the prosecution of the action
be delivered to the creditor or impounded in court, and provide for
the disposition of any moneys in excess of the sum required to pay
the judgment creditor's judgment and costs allowed by the court.

(d) No order or judgment shall be entered under subsection (c) in
favor of the judgment creditor unless there appears of record a certification
of mailing showing that a copy of the citation and a copy of the citation
notice was mailed to the judgment debtor as required by subsection (b).

(e) All property ordered to be delivered up shall, except as
otherwise provided in this Section, be delivered to the sheriff to be
collected by the sheriff or sold at public sale and the proceeds thereof
applied towards the payment of costs and the satisfaction of the judgment.

(f) (1) The citation may prohibit the party to whom it is directed
from making or allowing any transfer or other disposition of, or
interfering with, any property not exempt from the enforcement of
a judgment therefrom, a deduction order or garnishment, belonging
to the judgment debtor or to which he or she may be entitled or
which may thereafter be acquired by or become due to him or her,
and from paying over or otherwise disposing of any moneys not so
exempt which are due or to become due to the judgment debtor,
until the further order of the court or the termination of the
proceeding, whichever occurs first. The third party may not be
obliged to withhold the payment of any moneys beyond double the
amount of the balance due sought to be enforced by the judgment

New matter indicated by italics - deletions by strikeout
creditor. The court may punish any party who violates the restraining provision of a citation as and for a contempt, or if the party is a third party may enter judgment against him or her in the amount of the unpaid portion of the judgment and costs allowable under this Section, or in the amount of the value of the property transferred, whichever is lesser.

(2) The court may enjoin any person, whether or not a party to the supplementary proceeding, from making or allowing any transfer or other disposition of, or interference with, the property of the judgment debtor not exempt from the enforcement of a judgment, a deduction order or garnishment, or the property or debt not so exempt concerning which any person is required to attend and be examined until further direction in the premises. The injunction order shall remain in effect until vacated by the court or until the proceeding is terminated, whichever first occurs.

(g) If it appears that any property, chose in action, credit or effect discovered, or any interest therein, is claimed by any person, the court shall, as in garnishment proceedings, permit or require the claimant to appear and maintain his or her right. The rights of the person cited and the rights of any adverse claimant shall be asserted and determined pursuant to the law relating to garnishment proceedings.

(h) Costs in proceedings authorized by this Section shall be allowed, assessed and paid in accordance with rules, provided that if the court determines, in its discretion, that costs incurred by the judgment creditor were improperly incurred, those costs shall be paid by the judgment creditor.

(i) This Section is in addition to and does not affect enforcement of judgments or proceedings supplementary thereto, by any other methods now or hereafter provided by law.

(j) This Section does not grant the power to any court to order installment or other payments from, or compel the sale, delivery, surrender, assignment or conveyance of any property exempt by statute from the enforcement of a judgment thereon, a deduction order, garnishment, attachment, sequestration, process or other levy or seizure.

(k) (Blank).

(l) At any citation hearing at which the judgment debtor appears and seeks a declaration that certain of his or her income or assets are exempt, the court shall proceed to determine whether the property which the judgment debtor declares to be exempt is exempt from judgment. At any time before the return date specified on the citation, the judgment
debtor may request, in writing, a hearing to declare exempt certain income and assets by notifying the clerk of the court before that time, using forms as may be provided by the clerk of the court. The clerk of the court will obtain a prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor, or the judgment creditor's attorney, regarding the time and location of the hearing. This notice may be sent by regular first class mail. At the hearing, the court shall immediately, unless for good cause shown that the hearing is to be continued, shall proceed to determine whether the property which the judgment debtor declares to be exempt is exempt from judgment. The restraining provisions of subsection (f) shall not apply to any property determined by the court to be exempt.

(m) The judgment or balance due on the judgment becomes a lien when a citation is served in accordance with subsection (a) of this Section. The lien binds nonexempt personal property, including money, choses in action, and effects of the judgment debtor as follows:

(1) When the citation is directed against the judgment debtor, upon all personal property belonging to the judgment debtor in the possession or control of the judgment debtor or which may thereafter be acquired or come due to the judgment debtor to the time of the disposition of the citation.

(2) When the citation is directed against a third party, upon all personal property belonging to the judgment debtor in the possession or control of the third party or which thereafter may be acquired or come due the judgment debtor and comes into the possession or control of the third party to the time of the disposition of the citation.

The lien established under this Section does not affect the rights of citation respondents in property prior to the service of the citation upon them and does not affect the rights of bona fide purchasers or lenders without notice of the citation. The lien is effective for the period specified by Supreme Court Rule.

This subsection (m), as added by Public Act 88-48, is a declaration of existing law.

(n) If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect the provisions or applications of the Act that can be given effect without the invalid provision or application.
Sec. 12-803. Maximum wages subject to collection. The maximum wages, salary, commissions and bonuses subject to collection under a deduction order, for any work week shall not exceed the lesser of (1) 15% of such gross amount paid for that week or (2) the amount by which disposable earnings for a week exceed 45 times the Federal Minimum Hourly Wage prescribed by Section 206(a)(1) of Title 29 of the United States Code, as amended, or under a wage deduction summons served on or after January 1, 2006, the minimum hourly wage prescribed by Section 4 of the Minimum Wage Law, whichever is greater, in effect at the time the amounts are payable. This provision (and no other) applies irrespective of the place where the compensation was earned or payable and the State where the employee resides. No amounts required by law to be withheld may be taken from the amount collected by the creditor. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

(735 ILCS 5/12-805) (from Ch. 110, par. 12-805)
Sec. 12-805. Summons; Issuance.
(a) Upon the filing by a judgment creditor, its attorney or other designee of (1) an affidavit that the affiant believes any person is indebted to the judgment debtor for wages due or to become due, as provided in Part 8 of Article XII of this Act, and includes the last address of the judgment debtor known to the affiant as well as the name of the judgment debtor, and a certification by the judgment creditor or his attorney that, before filing the affidavit, the wage deduction notice has been mailed to the judgment debtor by first class mail at the judgment debtor's last known address, and (2) written interrogatories to be answered by the employer with respect to the indebtedness, the clerk of the court in which the judgment was entered shall issue summons against the person named in the affidavit as employer commanding the employer to appear in the court and answer the interrogatories in writing under oath. The interrogatories shall elicit all the information necessary to determine the proper amount of non-exempt wages. The interrogatories shall require that the employer certify that a copy of the completed interrogatories as specified in subsection (c) of Section 12-808 has been mailed or hand delivered to the judgment debtor and shall be in a form consistent with local court rules.

New matter indicated by italics - deletions by strikeout
The summons shall further command federal agency employers, upon effective service of summons pursuant to 5 USC 5520a, to commence to pay over deducted wages in accordance with Section 12-808. The summons shall be in a form consistent with local court rules. The summons shall be accompanied by a copy of the underlying judgment or a certification by the clerk of the court that entered the judgment, or by the attorney for the judgment creditor, setting forth the date and amount of the judgment, allowable costs expended, interest accumulated, credits paid by or on behalf of the judgment debtor and the balance due the judgment creditor, and one copy of a wage deduction notice in substantially the following form:

"WAGE DEDUCTION NOTICE

(Name and address of Court)
Name of Case: (Name of Judgment Creditor),
    Judgment Creditor v.
    (Name of Judgment Debtor),
    Judgment Debtor.
Address of Judgment Debtor: (Insert last known address)
Name and Address of Attorney for Judgment
Creditor or of Judgment Creditor (if no
attorney is listed): (Insert name and address)
Amount of Judgment: $...........
Employer: (Name of Employer)

Return Date: (Insert return date specified in summons)
NOTICE: The court shall be asked to issue a wage deduction summons against the employer named above for wages due or about to become due to you. The wage deduction summons may be issued on the basis of a judgment against you in favor of the judgment creditor in the amount stated above.

The amount of wages that may be deducted is limited by federal and Illinois law.

(1) Under Illinois law, the amount of wages that may be deducted is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage or, under a wage deduction summons served on or after January 1, 2006, the minimum hourly wage prescribed by Section 4 of the Minimum Wage Law, whichever is greater.

(2) Under federal law, the amount of wages that may be deducted is limited to the lesser of (i) 25% of disposable earnings

New matter indicated by italics - deletions by strikeout
for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.

(3) Pension and retirement benefits and refunds may be claimed as exempt from wage deduction under Illinois law.

You have the right to request a hearing before the court to dispute the wage deduction because the wages are exempt. To obtain a hearing in counties with a population of 1,000,000 or more, you must notify the Clerk of the Court in person and in writing at (insert address of Clerk) before the Return Date specified above or appear in court on the date and time on that Return Date. To obtain a hearing in counties with a population of less than 1,000,000, you must notify the Clerk of the Court in writing at (insert address of clerk) on or before the Return Date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by you or your attorney and sent to the judgment creditor and the employer, or their attorney, regarding the time and location of the hearing. This notice may be sent by regular first class mail."

(b) In a county with a population of less than 1,000,000, unless otherwise provided by circuit court rule, at the request of the judgment creditor or his or her attorney and instead of personal service, service of a summons for a wage deduction may be made as follows:

(1) For each employer to be served, the judgment creditor or his or her attorney shall pay to the clerk of the court a fee of $2, plus the cost of mailing, and furnish to the clerk an original and one copy of a summons, an original and one copy of the interrogatories and an affidavit setting forth the employer's mailing address, an original and one copy of the wage deduction notice required by subsection (a) of this Section, and a copy of the judgment or certification described in subsection (a) of this Section. The original judgment shall be retained by the clerk.

(2) The clerk shall mail to the employer, at the address appearing in the affidavit, the copy of the judgment or certification described in subsection (a) of this Section, the summons, the interrogatories, and the wage deduction notice required by subsection (a) of this Section, by certified or registered mail, return receipt requested, showing to whom delivered and the date and address of delivery. This Mailing shall be mailed on a "restricted delivery" basis when service is directed to a natural person. The envelope and return receipt shall bear the return address of the clerk, and the return receipt shall be stamped with the docket

New matter indicated by italics - deletions by strikeout
number of the case. The receipt for certified or registered mail shall state the name and address of the addressee, the date of the mailing, shall identify the documents mailed, and shall be attached to the original summons.

(3) The return receipt must be attached to the original summons and, if it shows delivery at least 3 days before the return date, shall constitute proof of service of any documents identified on the return receipt as having been mailed.

(4) The clerk shall note the fact of service in a permanent record.

(c) Instead of personal service, a summons for a wage deduction may be served and returned in the manner provided by Supreme Court rule for service, otherwise than by publication, of a notice for additional relief upon a party in default.

(Source: P.A. 89-28, eff. 6-23-95; 90-677, eff. 1-1-99.)

(735 ILCS 5/12-808) (from Ch. 110, par. 12-808)
Sec. 12-808. Duty of employer.
(a) An employer served as herein provided shall pay the employee the amount of his or her exempt wages.

(b) To the extent of the amount due upon the judgment and costs, the employer shall hold, subject to order of court, any non-exempt wages due or which subsequently come due. The judgment or balance due thereon is a lien on wages due at the time of the service of summons, and such lien shall continue as to subsequent earnings until the total amount due upon the judgment and costs is paid, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated or if the underlying judgment is vacated or modified.

(b-5) If the employer is a federal agency employer and the creditor is represented by an attorney, then the employer, upon service of summons and to the extent of the amount due upon the judgment and costs, shall commence to pay over to the attorney for the judgment creditor any non-exempt wages due or that subsequently come due. The attorney for the judgment creditor shall thereafter hold the deducted wages subject to further order of the court and shall make answer to the court regarding amounts received from the federal agency employer. The federal agency employer's periodic payments shall be considered a sufficient answer to the interrogatories.

(c) Except as provided in subsection (b-5), the employer shall file, on or before the return date or within the further time that the court for cause may allow, a written answer under oath to the interrogatories, setting

New matter indicated by italics - deletions by strikeout
forth the amount due as wages to the judgment debtor for the payroll periods ending immediately prior to the service of the summons and a summary of the computation used to determine the amount of non-exempt wages. Except as provided in subsection (b-5), the employer shall mail by first class mail or hand deliver a copy of the answer to the judgment debtor at the address specified in the affidavit filed under Section 12-805 of this Act, or at any other address or location of the judgment debtor known to the employer.

A lien obtained hereunder shall have priority over any subsequent lien obtained hereunder, except that liens for the support of a spouse or dependent children shall have priority over all other liens obtained hereunder. Subsequent summonses shall be effective in the order in which they are served.

(d) The Illinois Supreme Court may by rule allow an employer to file answers to interrogatories by facsimile transmission.

(e) Pursuant to answer under oath to the interrogatories by the employer, an order shall be entered compelling the employer to deduct from wages of the judgment debtor subject to collection under a deduction order an amount not to exceed the lesser of (i) 15% of the gross amount of the wages or (ii) the amount by which disposable earnings for a week exceed 45 times the Federal Minimum Hourly Wage prescribed by Section 206(a)(1) of Title 29 of the United States Code, as amended, in effect at the time the amounts are payable, for each pay period in which statutory exemptions under Section 12-804 and child support garnishments, if any, leave funds to be remitted or, under a wage deduction summons served on or after January 1, 2006, the minimum hourly wage prescribed by Section 4 of the Minimum Wage Law, whichever is greater. The order shall further provide that deducted wages shall be remitted to the creditor or creditor's attorney on a monthly basis.

(Source: P.A. 89-28, eff. 6-23-95; 90-677, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 18, 2005.
Approved July 21, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0307
(Senate Bill No 1825)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 1-115.3, 6-204, 6-205, 6-206, 6-206.1, 6-500, 6-507, 6-508, 6-509, 6-510, 6-513, 6-514, 6-518, 6-523, 7-702.1, and 11-501.8 as follows:

(625 ILCS 5/1-115.3)
Sec. 1-115.3. Disqualification. Disqualification means any of the following 3 actions:

(a) The suspension, revocation, or cancellation of a CDL by the State or jurisdiction of issuance.

(b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a State or other jurisdiction as a result of a violation of State or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations).

(c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. Part 391. A withdrawal of the privilege to drive a commercial motor vehicle.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/6-204)(from Ch. 95 ½, par. 6-204)
Sec. 6-204. When Court to forward License and Reports.

(a) For the purpose of providing to the Secretary of State the records essential to the performance of the Secretary's duties under this Code to cancel, revoke or suspend the driver's license and privilege to drive motor vehicles of certain minors adjudicated truant minors in need of supervision, addicted, or delinquent and of persons found guilty of the criminal offenses or traffic violations which this Code recognizes as evidence relating to unfitness to safely operate motor vehicles, the following duties are imposed upon public officials:

(1) Whenever any person is convicted of any offense for which this Code makes mandatory the cancellation or revocation of the driver's license or permit of such person by the Secretary of State, the judge of the court in which such conviction is had shall require the surrender to the clerk of the court of all driver's licenses or permits then held by the person so convicted, and the clerk of the court shall, within 5 +0 days thereafter, forward the same, together with a report of such conviction, to the Secretary.

(2) Whenever any person is convicted of any offense under this Code or similar offenses under a municipal ordinance, other than regulations governing standing, parking or weights of

New matter indicated by italics - deletions by strikeout
vehicles, and excepting the following enumerated Sections of this Code: Sections 11-1406 (obstruction to driver's view or control), 11-1407 (improper opening of door into traffic), 11-1410 (coasting on downgrade), 11-1411 (following fire apparatus), 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving vehicle which is in unsafe condition or improperly equipped), 12-201(a) (daytime lights on motorcycles), 12-202 (clearance, identification and side marker lamps), 12-204 (lamp or flag on projecting load), 12-205 (failure to display the safety lights required), 12-401 (restrictions as to tire equipment), 12-502 (mirrors), 12-503 (windshields must be unobstructed and equipped with wipers), 12-601 (horns and warning devices), 12-602 (mufflers, prevention of noise or smoke), 12-603 (seat safety belts), 12-702 (certain vehicles to carry flares or other warning devices), 12-703 (vehicles for oiling roads operated on highways), 12-710 (splash guards and replacements), 13-101 (safety tests), 15-101 (size, weight and load), 15-102 (width), 15-103 (height), 15-104 (name and address on second division vehicles), 15-107 (length of vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights), 15-112 (weights), 15-301 (weights), 15-316 (weights), 15-318 (weights), and also excepting the following enumerated Sections of the Chicago Municipal Code: Sections 27-245 (following fire apparatus), 27-254 (obstruction of traffic), 27-258 (driving vehicle which is in unsafe condition), 27-259 (coasting on downgrade), 27-264 (use of horns and signal devices), 27-265 (obstruction to driver's view or driver mechanism), 27-267 (dimming of headlights), 27-268 (unattended motor vehicle), 27-272 (illegal funeral procession), 27-273 (funeral procession on boulevard), 27-275 (driving freight hauling vehicles on boulevard), 27-276 (stopping and standing of buses or taxicabs), 27-277 (cruising of public passenger vehicles), 27-305 (parallel parking), 27-306 (diagonal parking), 27-307 (parking not to obstruct traffic), 27-308 (stopping, standing or parking regulated), 27-311 (parking regulations), 27-312 (parking regulations), 27-313 (parking regulations), 27-314 (parking regulations), 27-315 (parking regulations), 27-316 (parking regulations), 27-317 (parking regulations), 27-318 (parking regulations), 27-319 (parking regulations), 27-320 (parking regulations), 27-321 (parking regulations), 27-322 (parking regulations), 27-324 (loading and unloading at an angle), 27-333 (wheel and axle loads), 27-334 (load restrictions in the downtown district), 27-335 (load

New matter indicated by italics - deletions by strikeout
restrictions in residential areas), 27-338 (width of vehicles), 27-339 (height of vehicles), 27-340 (length of vehicles), 27-352 (reflectors on trailers), 27-353 (mufflers), 27-354 (display of plates), 27-355 (display of city vehicle tax sticker), 27-357 (identification of vehicles), 27-358 (projecting of loads), and also excepting the following enumerated paragraphs of Section 2-201 of the Rules and Regulations of the Illinois State Toll Highway Authority:

(1) (driving unsafe vehicle on tollway), (m) (vehicles transporting dangerous cargo not properly indicated), it shall be the duty of the clerk of the court in which such conviction is had within 10 days thereafter to forward to the Secretary of State a report of the conviction and the court may recommend the suspension of the driver's license or permit of the person so convicted. The reporting requirements of this subsection shall apply to all violations stated in paragraphs (1) and (2) of this subsection when the individual has been adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987. Such reporting requirements shall also apply to individuals adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987 who have committed a violation of Section 11-501 of this Code, or similar provision of a local ordinance, or Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide.

The reporting requirements of this subsection shall also apply to a truant minor in need of supervision, an addicted minor, or a delinquent minor and whose driver's license and privilege to drive a motor vehicle has been ordered suspended for such times as determined by the Court, but only until he or she attains 18 years of age. It shall be the duty of the clerk of the court in which adjudication is had within 5-10 days thereafter to forward to the Secretary of State a report of the adjudication and the court order requiring the Secretary of State to suspend the minor's driver's license and driving privilege for such time as determined by the Court, but only until he or she attains the age of 18 years. All juvenile court dispositions reported to the Secretary of State under this provision shall be processed by the Secretary of State as if the cases had been adjudicated in traffic or criminal court. However, information reported relative to the offense of reckless homicide, or Section 11-501 of this Code, or a similar provision of a local ordinance, shall be privileged and available only to the Secretary of State, courts, and police officers.

New matter indicated by italics - deletions by strikeout
The reporting requirements of this subsection (a) apply to all violations listed in paragraphs (1) and (2) of this subsection (a), excluding parking violations, when the driver holds a CDL, regardless of the type of vehicle in which the violation occurred, or when any driver committed the violation in a commercial motor vehicle as defined in Section 6-500 of this Code.

(3) Whenever an order is entered vacating the forfeiture of any bail, security or bond given to secure appearance for any offense under this Code or similar offenses under municipal ordinance, it shall be the duty of the clerk of the court in which such vacation was had or the judge of such court if such court has no clerk, within 5 days thereafter to forward to the Secretary of State a report of the vacation.

(4) A report of any disposition of court supervision for a violation of Sections 6-303, 11-401, 11-501 or a similar provision of a local ordinance, 11-503 and 11-504 shall be forwarded to the Secretary of State. A report of any disposition of court supervision for a violation of an offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance committed by a person under the age of 21 years shall be forwarded to the Secretary of State.

(5) Reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium shall be forwarded to the Secretary of State via the Supreme Court in the form and format required by the Illinois Supreme Court and established by a written agreement between the Supreme Court and the Secretary of State. In counties with a population over 300,000, instead of forwarding reports to the Supreme Court, reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium may be forwarded to the Secretary of State by the Circuit Court Clerk in a form and format required by the Secretary of State and established by written agreement between the Circuit Court Clerk and the Secretary of State. Failure to forward the reports of conviction or sentencing hearing under the Juvenile Court Act of 1987 as required by this Section shall be deemed an omission of duty and it shall be the duty of the several State's Attorneys to enforce the requirements of this Section.

New matter indicated by italics - deletions by strikeout
(b) Whenever a restricted driving permit is forwarded to a court, as a result of confiscation by a police officer pursuant to the authority in Section 6-113(f), it shall be the duty of the clerk, or judge, if the court has no clerk, to forward such restricted driving permit and a facsimile of the officer's citation to the Secretary of State as expeditiously as practicable.

(c) For the purposes of this Code, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated, or the failure of a defendant to appear for trial after depositing his driver's license in lieu of other bail, shall be equivalent to a conviction.

(d) For the purpose of providing the Secretary of State with records necessary to properly monitor and assess driver performance and assist the courts in the proper disposition of repeat traffic law offenders, the clerk of the court shall forward to the Secretary of State, on a form prescribed by the Secretary, records of a driver's participation in a driver remedial or rehabilitative program which was required, through a court order or court supervision, in relation to the driver's arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance. The clerk of the court shall also forward to the Secretary, either on paper or in an electronic format or a computer processible medium as required under paragraph (5) of subsection (a) of this Section, any disposition of court supervision for any traffic violation, excluding those offenses listed in paragraph (2) of subsection (a) of this Section. These reports shall be sent within 5 days after disposition, or, if the driver is referred to a driver remedial or rehabilitative program, within 5 days of the driver's referral to that program. These reports received by the Secretary of State, including those required to be forwarded under paragraph (a)(4), shall be privileged information, available only (i) to the affected driver and (ii) for use by the courts, police officers, prosecuting authorities, and the Secretary of State.

In accordance with 49 C.F.R. Part 384, all reports of court supervision, except violations related to parking, shall be forwarded to the Secretary of State for all holders of a CDL or any driver who commits an offense while driving a commercial motor vehicle. These reports shall be recorded to the driver's record as a conviction for use in the disqualification of the driver's commercial motor vehicle privileges and shall not be privileged information.

(Source: P.A. 91-357, eff. 7-29-99; 91-716, eff. 10-1-00; 92-458, eff. 8-22-01.)

(625 ILCS 5/6-205)(from Ch. 95 1/2, par. 6-205)

New matter indicated by italics - deletions by strikeout
Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.

(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
7. Conviction of any offense defined in Section 4-102 of this Code;
8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
9. Violation of Chapters 8 and 9 of this Code;
10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;
11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a peace officer;
12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;
13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar

New matter indicated by italics - deletions by strikeout
provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;

2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit.

(c) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue the restricted driving permit.

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

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a

New matter indicated by italics - deletions by strikeout
restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination thereof, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as
otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age.

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

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The revocation periods contained in this subparagraph shall apply to similar out-of-state convictions.

(e) This Section is subject to the provisions of the Driver License Compact.

New matter indicated by italics - deletions by strikeout
(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

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

(h) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(i) The Secretary of State may not issue a restricted driving permit for a period of one year after a second or subsequent revocation of driving privileges under clause (a)(2) of this Section; however, one year after the date of a second or subsequent revocation of driving privileges under clause (a)(2) of this Section, the Secretary of State may, upon application, issue a restricted driving permit under the terms and conditions of subsection (c).

(j) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked under any provisions of this Code.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-651, eff. 7-11-02; 92-834, eff. 8-22-02; 93-120, eff. 1-1-04.)

(625 ILCS 5/6-206)(from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense

New matter indicated by italics - deletions by strikeout
that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

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

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

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

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

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

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

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

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

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

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

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

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

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

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

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

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

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days.

New matter indicated by italics - deletions by strikeout
For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

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

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

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

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

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

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

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

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar

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

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

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

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

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

(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked under any provisions of this Code.

(Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff. 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04; 93-667, eff. 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; revised 10-22-04.)

(625 ILCS 5/6-206.1)(from Ch. 95 ½, par. 6-206.1)

Sec. 6-206.1. Judicial Driving Permit. Declaration of Policy. It is hereby declared a policy of the State of Illinois that the driver who is impaired by alcohol, other drug or drugs, or intoxicating compound or compounds is a threat to the public safety and welfare. Therefore, to provide a deterrent to such practice and to remove problem drivers from the highway, a statutory summary driver's license suspension is appropriate. It is also recognized that driving is a privilege and therefore, that in some cases the granting of limited driving privileges, where consistent with public safety, is warranted during the period of suspension in the form of a judicial driving permit to drive for the purpose of employment, receiving drug treatment or medical care, and educational pursuits, where no alternative means of transportation is available.

The following procedures shall apply whenever a first offender is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance:

(a) Subsequent to a notification of a statutory summary suspension of driving privileges as provided in Section 11-501.1, the first offender as defined in Section 11-500 may petition the circuit court of venue for a Judicial Driving Permit, hereinafter referred as a JDP, to relieve undue hardship. The court may issue a court order, pursuant to the criteria contained in this Section, directing the Secretary of State to issue such a JDP to the petitioner. A JDP shall not become effective prior to the 31st
day of the original statutory summary suspension and shall always be subject to the following criteria:

1. If ordered for the purposes of employment, the JDP shall be only for the purpose of providing the petitioner the privilege of driving a motor vehicle between the petitioner's residence and the petitioner's place of employment and return; or within the scope of the petitioner's employment related duties, shall be effective only during and limited to those specific times and routes actually required to commute or perform the petitioner's employment related duties.

2. The court, by a court order, may also direct the Secretary of State to issue a JDP to allow transportation for the petitioner, or a household member of the petitioner's family, to receive alcohol, drug, or intoxicating compound treatment or medical care, if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available. Such JDP shall be effective only during the specific times actually required to commute.

3. The court, by a court order, may also direct the Secretary of State to issue a JDP to allow transportation by the petitioner for educational purposes upon demonstrating that there are no alternative means of transportation reasonably available to accomplish those educational purposes. Such JDP shall be only for the purpose of providing transportation to and from the petitioner's residence and the petitioner's place of educational activity, and only during the specific times and routes actually required to commute or perform the petitioner's educational requirement.

4. The Court shall not issue an order granting a JDP to:

   (i) Any person unless and until the court, after considering the results of a current professional evaluation of the person's alcohol or other drug use by an agency pursuant to Section 15-10 of the Alcoholism and Other Drug Abuse and Dependency Act and other appropriate investigation of the person, is satisfied that granting the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

   (ii) Any person who has been convicted of reckless homicide within the previous 5 years.

   (iii) Any person whose privilege to operate a motor vehicle was invalid at the time of arrest for the current violation of Section 11-501, or a similar provision of a

New matter indicated by italics - deletions by strikeout
local ordinance, except in cases where the cause for a driver's license suspension has been removed at the time a JDP is effective. In any case, should the Secretary of State enter a suspension or revocation of driving privileges pursuant to the provisions of this Code while the JDP is in effect or pending, the Secretary shall take the prescribed action and provide a notice to the person and the court ordering the issuance of the JDP that all driving privileges, including those provided by the issuance of the JDP, have been withdrawn.

(iv) Any person under the age of 18 years.

(v) Any person for the operation of a commercial motor vehicle if the person's CDL driving privileges have been suspended under any provision of this Code in accordance with 49 C.F.R. Part 384.

(b) Prior to ordering the issuance of a JDP the Court should consider at least, but not be limited to, the following issues:

1. Whether the person is employed and no other means of commuting to the place of employment is available or that the person must drive as a condition of employment. The employer shall certify the hours of employment and the need and parameters necessary for driving as a condition to employment.

2. Whether the person must drive to secure alcohol or other medical treatment for himself or a family member.

3. Whether the person must drive for educational purposes. The educational institution shall certify the person's enrollment in and academic schedule at the institution.

4. Whether the person has been repeatedly convicted of traffic violations or involved in motor vehicle accidents to a degree which indicates disrespect for public safety.

5. Whether the person has been convicted of a traffic violation in connection with a traffic accident resulting in the death of any person within the last 5 years.

6. Whether the person is likely to obey the limited provisions of the JDP.

7. Whether the person has any additional traffic violations pending in any court.

For purposes of this Section, programs conducting professional evaluations of a person's alcohol, other drug, or intoxicating compound use must report, to the court of venue, using a form prescribed by the
Secretary of State. A copy of such evaluations shall be sent to the Secretary of State by the court. However, the evaluation information shall be privileged and only available to courts and to the Secretary of State, but shall not be admissible in the subsequent trial on the underlying charge.

(c) The scope of any court order issued for a JDP under this Section shall be limited to the operation of a motor vehicle as provided for in subsection (a) of this Section and shall specify the petitioner's residence, place of employment or location of educational institution, and the scope of job related duties, if relevant. The JDP shall also specify days of the week and specific hours of the day when the petitioner is able to exercise the limited privilege of operating a motor vehicle. If the Petitioner, who has been granted a JDP, is issued a citation for a traffic related offense, including operating a motor vehicle outside the limitations prescribed in the JDP or a violation of Section 6-303, or is convicted of any such an offense during the term of the JDP, the court shall consider cancellation of the limited driving permit. In any case, if the Petitioner commits an offense, as defined in Section 11-501, or a similar provision of a local ordinance, as evidenced by the issuance of a Uniform Traffic Ticket, the JDP shall be forwarded by the court of venue to the court ordering the issuance of the JDP, for cancellation. The court shall notify the Secretary of State of any such cancellation.

(d) The Secretary of State shall, upon receiving a court order from the court of venue, issue a JDP to a successful Petitioner under this Section. Such court order form shall also contain a notification, which shall be sent to the Secretary of State, providing the name, driver's license number and legal address of the successful petitioner, and the full and detailed description of the limitations of the JDP. This information shall be available only to the courts, police officers, and the Secretary of State, except during the actual period the JDP is valid, during which time it shall be a public record. The Secretary of State shall design and furnish to the courts an official court order form to be used by the courts when directing the Secretary of State to issue a JDP.

Any submitted court order that contains insufficient data or fails to comply with this Code shall not be utilized for JDP issuance or entered to the driver record but shall be returned to the issuing court indicating why the JDP cannot be so entered. A notice of this action shall also be sent to the JDP petitioner by the Secretary of State.

(e) The circuit court of venue may conduct the judicial hearing, as provided in Section 2-118.1, and the JDP hearing provided in this Section,

New matter indicated by italics - deletions by strikeout
concurrently. Such concurrent hearing shall proceed in the court in the same manner as in other civil proceedings.

(f) The circuit court of venue may, as a condition of the issuance of a JDP, prohibit the person from operating a motor vehicle not equipped with an ignition interlock device.

(Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99; 91-127, eff. 1-1-00.)

(625 ILCS 5/6-500)(from Ch. 95 ½, par. 6-500)

Sec. 6-500. Definitions of words and phrases. Notwithstanding the definitions set forth elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the words and phrases listed below have the meanings ascribed to them as follows:

(1) Alcohol. "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) Alcohol concentration. "Alcohol concentration" means:

(A) the number of grams of alcohol per 210 liters of breath; or
(B) the number of grams of alcohol per 100 milliliters of blood; or
(C) the number of grams of alcohol per 67 milliliters of urine.

Alcohol tests administered within 2 hours of the driver being "stopped or detained" shall be considered that driver's "alcohol concentration" for the purposes of enforcing this UCDLA.

(3) (Blank).

(4) (Blank).

(5) (Blank).

(6) Commercial Motor Vehicle.

(A) "Commercial motor vehicle" or "CMV" means a motor vehicle, except those referred to in subdivision (B), designed to transport passengers or property if:

(i) the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or
(ii) the vehicle is designed to transport 16 or more persons; or
(iii) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, subpart F.

(B) Pursuant to the interpretation of the Commercial Motor Vehicle Safety Act of 1986 by the Federal Highway Administration, the definition of "commercial motor vehicle" does not include:

(i) recreational vehicles, when operated primarily for personal use;

(ii) United States Department of Defense vehicles being operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or

(iii) firefighting and other emergency equipment with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations.

(7) Controlled Substance. "Controlled substance" shall have the same meaning as defined in Section 102 of the Illinois Controlled Substances Act, and shall also include cannabis as defined in Section 3 of the Cannabis Control Act.

(8) Conviction. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) (Blank).

New matter indicated by italics - deletions by strikeout
(13) **Driver.** "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, any person or who is required to hold a CDL, or any person who is a holder of a CDL while operating a non-commercial motor vehicle.

(14) **Employee.** "Employee" means a person who is employed as a commercial motor vehicle driver. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA pertaining to employees. An owner-operator on a long-term lease shall be considered an employee.

(15) **Employer.** "Employer" means a person (including the United States, a State or a local authority) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA.

(16) (Blank).

(16.5) **Fatality.** "Fatality" means the death of a person as a result of a motor vehicle accident.

(17) **Foreign jurisdiction.** "Foreign jurisdiction" means a sovereign jurisdiction that does not fall within the definition of "State".

(18) (Blank).

(19) (Blank).

(20) **Hazardous Material.** Upon a finding by the United States Secretary of Transportation, in his or her discretion, under 49 App. U.S.C. 5103(a), that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property, he or she shall designate the quantity and form of material or group or class of the materials as a hazardous material. The materials so designated may include but are not limited to explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases.

(20.5) **Imminent Hazard.** "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.

(21) **Long-term lease.** "Long-term lease" means a lease of a commercial motor vehicle by the owner-lessee to a lessee, for a period of more than 29 days.

New matter indicated by italics - deletions by strikeout
(22) Motor Vehicle. "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from over head trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheelchair.

(22.5) Non-CMV. "Non-CMV" means a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" or "CMV" in this Section.

(23) Non-resident CDL. "Non-resident CDL" means a commercial driver's license issued by a state under either of the following two conditions:

(i) to an individual domiciled in a foreign country meeting the requirements of Part 383.23(b)(1) of 49 C.F.R. of the Federal Motor Carrier Safety Administration.

(ii) to an individual domiciled in another state meeting the requirements of Part 383.23(b)(2) of 49 C.F.R. of the Federal Motor Carrier Safety Administration. to an individual who is domiciled in a foreign jurisdiction.

(24) (Blank).

(25) (Blank).

(25.5) Railroad-Highway Grade Crossing Violation. "Railroad-highway grade crossing violation" means a violation, while operating a commercial motor vehicle, of any of the following:

(A) Section 11-1201, 11-1202, or 11-1425 of this Code.

(B) (C) (D) (E) (F) (G) (H) Any other similar law or local ordinance of any state relating to railroad-highway grade crossing. (A) (G)

(25.7) School Bus. "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. "School bus" does not include a bus used as a common carrier.

(26) Serious Traffic Violation. "Serious traffic violation" means:

(A) a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CDL, of:

(i) a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or

(ii) a violation relating to reckless driving; or

New matter indicated by italics - deletions by strikeout
(iii) a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or

(iv) a violation of Section 6-501, relating to having multiple driver's licenses; or

(v) a violation of paragraph (a) of Section 6-507, relating to the requirement to have a valid CDL; or

(vi) a violation relating to improper or erratic traffic lane changes; or

(vii) a violation relating to following another vehicle too closely; or

(B) any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines by administrative rule to be serious.

(27) State. "State" means a state of the United States, the District of Columbia and any province or territory of Canada.

(28) (Blank).

(29) (Blank).

(30) (Blank).

(31) (Blank).

(Source: P.A. 92-249, eff. 1-1-02; 92-651, eff. 7-11-02; 92-834, eff. 8-22-02; revised 8-26-02.)

(625 ILCS 5/6-507)(from Ch. 95 ½, par. 6-507)

Sec. 6-507. Commercial Driver's License (CDL) Required.

(a) Except as expressly permitted by this UCMLA, or when driving pursuant to the issuance of a commercial driver instruction permit and accompanied by the holder of a CDL valid for the vehicle being driven; no person shall drive a commercial motor vehicle on the highways without:

(1) a CDL in the driver's possession;

(2) having obtained a CDL; or

(3) the proper class of CDL or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported, unless the person has been issued, and is in the immediate possession of, a CDL bearing all applicable endorsements valid for type or classification of the commercial vehicle being driven:

New matter indicated by italics - deletions by strikeout
(b) Except as otherwise provided by this Code, no person may drive a commercial motor vehicle on the highways while such person's driving privilege, license or permit is:

(1) Suspended, revoked, cancelled, or subject to disqualification. Any person convicted of violating this provision or a similar provision of this or any other state shall have their driving privileges revoked under paragraph 12 of subsection (a) of Section 6-205 of this Code.

(2) Subject to or in violation of an "out-of-service" order. Any person who has been issued a CDL and is convicted of violating this provision or a similar provision of any other state shall be disqualified from operating a commercial motor vehicle under subsection (i) of Section 6-514 of this Code.

(3) Subject to or in violation of an "out of service" order and while transporting passengers or hazardous materials. Any person who has been issued a CDL and is convicted of violating this provision or a similar provision of this or any other state shall be disqualified from operating a commercial motor vehicle under subsection (i) of Section 6-514 of this Code.

(c) Pursuant to the options provided to the States by FHWA Docket No. MC-88-8, the driver of any motor vehicle controlled or operated by or for a farmer is waived from the requirements of this Section, when such motor vehicle is being used to transport: agricultural products; implements of husbandry; or farm supplies; as long as such movement is not over 150 air miles from the originating farm. This waiver does not apply to the driver of any motor vehicle being used in a common or contract carrier type operation. However, for those drivers of any truck-tractor semitrailer combination or combinations registered under subsection (c) of Section 3-815 of this Code, this waiver shall apply only when the driver is a farmer or a member of the farmer's family and the driver is 21 years of age or more and has successfully completed any tests the Secretary of State deems necessary.

In addition, the farmer or a member of the farmer's family who operates a truck-tractor semitrailer combination or combinations pursuant to this waiver shall be granted all of the rights and shall be subject to all of the duties and restrictions with respect to Sections 6-514 and 6-515 of this Code applicable to the driver who possesses a commercial driver's license issued under this Code, except that the driver shall not be subject to any additional duties or restrictions contained in Part 382 of the Federal Motor

New matter indicated by italics - deletions by strikeout
Carrier Safety Regulations that are not otherwise imposed under Section 6-514 or 6-515 of this Code.

For purposes of this subsection (c), a member of the farmer's family is a natural or in-law spouse, child, parent, or sibling.

(c-5) An employee of a township or road district with a population of less than 3,000 operating a vehicle within the boundaries of the township or road district for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting is waived from the requirements of this Section when the employee is needed to operate the vehicle because the employee of the township or road district who ordinarily operates the vehicle and who has a commercial driver's license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

(d) Any person convicted of violating this Section, shall be guilty of a Class A misdemeanor.

(e) Any person convicted of violating paragraph (b) of this Section, shall have all driving privileges revoked by the Secretary of State.

(f) This Section shall not apply to:

(1) A person who currently holds a valid Illinois driver's license, for the type of vehicle being operated, until the expiration of such license or April 1, 1992, whichever is earlier; or

(2) A non-Illinois domiciliary who is properly licensed in another State, until April 1, 1992. A non-Illinois domiciliary, if such domiciliary is properly licensed in another State or foreign jurisdiction, until April 1, 1992.

(Source: P.A. 89-245, eff. 1-1-96; 89-658, eff. 10-1-96; 90-386, eff. 8-15-97; 90-655, eff. 7-30-98.)
(625 ILCS 5/6-508)(from Ch. 95 ½, par. 6-508)
Sec. 6-508. Commercial Driver's License (CDL) - qualification standards.

(a) Testing.

(1) General. No person shall be issued an original or renewal CDL unless that person is domiciled in this State. The Secretary shall cause to be administered such tests as the Secretary deems necessary to meet the requirements of 49 C.F.R. Part 383, subparts G and H.

(2) Third party testing. The Secretary of state may authorize a "third party tester", pursuant to 49 C.F.R. Part 383.75, to administer the skills test or tests specified by Federal Highway Administration pursuant to the Commercial Motor Vehicle Safety Act of 1986 and any appropriate federal rule.
(b) Waiver of Skills Test. The Secretary of State may waive the
skills test specified in this Section for a commercial driver license
applicant who meets the requirements of 49 C.F.R. Part 383.77 and Part
383.123.

(c) Limitations on issuance of a CDL. A CDL, or a commercial
driver instruction permit, shall not be issued to a person while the person
is subject to a disqualification from driving a commercial motor vehicle,
or unless otherwise permitted by this Code, while the person's driver's
license is suspended, revoked or cancelled in any state, or any territory or
province of Canada; nor may a CDL be issued to a person who has a CDL
issued by any other state, or foreign jurisdiction, unless the person first
surrenders all such licenses. No CDL shall be issued to or renewed for a
person who does not meet the requirement of 49 CFR 391.41(b)(11). The
requirement may be met with the aid of a hearing aid.

(c-1) The Secretary may issue a CDL with a school bus driver
endorsement to allow a person to drive the type of bus described in
subsection (d-5) of Section 6-104 of this Code. The CDL with a school
bus driver endorsement may be issued only to a person meeting the
following requirements:

(1) the person has submitted his or her fingerprints to the
Department of State Police in the form and manner prescribed by
the Department of State Police. These fingerprints shall be checked
against the fingerprint records now and hereafter filed in the
Department of State Police and Federal Bureau of Investigation
criminal history records databases for fingerprint based criminal
background checks on current and future information available in
the state system and current information available through the
Federal Bureau of Investigation's system;

(2) the person has passed a written test, administered by the
Secretary of State, on charter bus operation, charter bus safety, and
certain special traffic laws relating to school buses determined by
the Secretary of State to be relevant to charter buses, and submitted
to a review of the applicant's driving habits by the Secretary of
State at the time the written test is given;

(3) the person has demonstrated physical fitness to operate
school buses by submitting the results of a medical examination,
including tests for drug use; and

(4) the person has not been convicted of committing or
attempting to commit any one or more of the following offenses:
(I) those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-
3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (v) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act and (vi) those offenses defined in Section 6-16 of the Liquor Control Act of 1934.

The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and may not exceed the actual cost of the records check.

(c-2) The Secretary shall issue a CDL with a school bus endorsement to allow a person to drive a school bus as defined in this Section. The CDL shall be issued according to the requirements outlined in 49 C.F.R. 383. A person may not operate a school bus as defined in this Section without a school bus endorsement. The Secretary of State may adopt rules consistent with Federal guidelines to implement this subsection (c-2).

(d) Commercial driver instruction permit. A commercial driver instruction permit may be issued to any person holding a valid Illinois driver's license if such person successfully passes such tests as the Secretary determines to be necessary. A commercial driver instruction permit shall not be issued to a person who does not meet the requirements of 49 CFR 391.41 (b)(11), except for the renewal of a commercial driver instruction permit for a person who possesses a commercial instruction permit prior to the effective date of this amendatory Act of 1999.

(Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; revised 11-29-04.)
(625 ILCS 5/6-509)(from Ch. 95 ½, par. 6-509)
Sec. 6-509. Non-resident commercial driver's license.

New matter indicated by italics - deletions by strikeout
(a) The Secretary of State may issue a non-resident CDL to a domiciliary of a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards, in that foreign jurisdiction, do not meet the testing standards established in 49 C.F.R. Part 383. The Secretary of State may also issue a non-resident CDL to an individual domiciled in another state while that state is prohibited from issuing CDLs in accordance with 49 C.F.R. Part 384. A non-resident CDL shall be issued in accordance with the testing and licensing standards contained in subparts F, G, and H of 49 C.F.R. Part 383. The word "Non-resident" must appear on the face of the non-resident CDL. An applicant must surrender any non-resident CDL, license or permit issued by any other state.

(b) If an individual is domiciled in a state while that state is prohibited from issuing CDLs in accordance with 49 C.F.R. Part 384.405, that individual is eligible to obtain a non-resident CDL from any state that elects to issue a non-resident CDL and which complies with the testing and licensing standards contained in subparts F, G, and H of 49 C.F.R. Part 383.23.

(Source: P.A. 86-845.)

(625 ILCS 5/6-510)(from Ch. 95 1/2, par. 6-510)
Sec. 6-510. Application for Commercial Driver's License (CDL).
(a) The application for a CDL or commercial driver instruction permit, must include, but not necessarily be limited to, the following:
   (1) the full legal name and current Illinois domiciliary address (unless the application is for a Non-resident CDL) of the applicant;
   (2) a physical description of the applicant including sex, height, weight, color of eyes and hair color;
   (3) date of birth;
   (4) the applicant's social security number or other identifying number acceptable to the Secretary of State;
   (5) the applicant's signature;
   (6) certifications required by 49 C.F.R. Part 383.71; and
   (6.1) the names of all states where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years pursuant to 49 C.F.R. Part 383; and
   (7) any other information required by the Secretary of State.

(Source: P.A. 93-895, eff. 1-1-05.)
(625 ILCS 5/6-513)(from Ch. 95 1/2, par. 6-513)
Sec. 6-513. Commercial Driver's License or CDL. The content of the CDL shall include, but not necessarily be limited to the following:

(a) A CDL shall be distinctly marked "Commercial Driver's License" or "CDL". It must include, but not necessarily be limited to, the following information:

(1) the legal name and the Illinois domiciliary address (unless it is a Non-resident CDL) of the person to whom the CDL is issued;
(2) the person's color photograph;
(3) a physical description of the person including sex, height, and may include weight, color of eyes and hair color;
(4) date of birth;
(5) a CDL or file number assigned by the Secretary of State;
(6) it also may include the applicant's Social Security Number pursuant to Section 6-106;
(7) the person's signature;
(8) the class or type of commercial vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
(9) the name of the issuing state; and
(10) the issuance and expiration dates of the CDL.

(b) Applicant Record Check.
Prior to the issuance of a CDL, the Secretary of State shall obtain and review the applicant's driving record as required by 49 C.F.R. Part 383 the CMVSA and the United States Secretary of Transportation.

(c) Notification of Commercial Driver's License (CDL) Issuance.
Within 10 days after issuing a CDL, the Secretary of State must notify the Commercial Driver License Information System of that fact, and provide all information required to ensure identification of the person.

(d) Renewal.
Every person applying for a renewal of a CDL must complete the appropriate application form required by this Code and any other test deemed necessary by the Secretary.

(Source: P.A. 93-895, eff. 1-1-05.)

Sec. 6-514. Commercial Driver's License (CDL) - Disqualifications.

(a) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 12 months for the first violation of:

New matter indicated by italics - deletions by strikeout
(1) Refusing to submit to or failure to complete a test or tests to determine the driver's blood concentration of alcohol, other drug, or both, while driving a commercial motor vehicle or, if the driver is a CDL holder, while driving a non-CMV; or

(2) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath or urine is at least 0.04, or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act as indicated by a police officer's sworn report or other verified evidence; or

(3) Conviction for a first violation of:
   (i) Driving a commercial motor vehicle or, if the driver is a CDL holder, driving a non-CMV while under the influence of alcohol, or any other drug, or combination of drugs to a degree which renders such person incapable of safely driving; or
   (ii) Knowingly and wilfully leaving the scene of an accident while operating a commercial motor vehicle or, if the driver is a CDL holder, while driving a non-CMV; or
   (iii) Driving a commercial motor vehicle or, if the driver is a CDL holder, driving a non-CMV while committing any felony; or
   (iv) Driving a commercial motor vehicle if, as a result of prior violations committed while operating a commercial motor vehicle, the driver's CDL is revoked, suspended, or cancelled or the driver is disqualified from operating a commercial motor vehicle; or
   (v) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of reckless driving under Section 9-3 of the Criminal Code of 1961 and aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof under subdivision (d)(1)(F) of Section 11-501 of this Code.

If any of the above violations or refusals occurred while transporting hazardous material(s) required to be placarded, the person shall be disqualified for a period of not less than 3 years.
(b) A person is disqualified for life for a second conviction of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from 2 or more separate incidents.

(c) A person is disqualified from driving a commercial motor vehicle for life if the person either (i) who uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance or (ii) if the person is a CDL holder, uses a non-CMV in the commission of a felony involving any of those activities.

(d) The Secretary of State may, when the United States Secretary of Transportation so authorizes, issue regulations in which a disqualification for life under paragraph (b) may be reduced to a period of not less than 10 years. If a reinstated driver is subsequently convicted of another disqualifying offense, as specified in subsection (a) of this Section, he or she shall be permanently disqualified for life and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations, committed in a commercial motor vehicle, arising from separate incidents, occurring within a 3 year period. However, a person will be disqualified from driving a commercial motor vehicle for a period of not less than 4 months if convicted of 3 serious traffic violations, committed in a commercial motor vehicle, arising from separate incidents, occurring within a 3 year period.

(e-1) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations committed in a non-CMV while holding a CDL, arising from separate incidents, occurring within a 3 year period, if the convictions would result in the suspension or revocation of the CDL holder's non-CMV privileges. A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 4 months, however, if he or she is convicted of 3 or more serious traffic violations committed in a non-CMV while holding a CDL, arising from separate incidents, occurring within a 3 year period, if the convictions would result in the suspension or revocation of the CDL holder's non-CMV privileges.

(f) Notwithstanding any other provision of this Code, any driver disqualified from operating a commercial motor vehicle, pursuant to this UCDLA, shall not be eligible for restoration of commercial driving privileges during any such period of disqualification.

New matter indicated by italics - deletions by strikeout
(g) After suspending, revoking, or cancelling a commercial driver's license, the Secretary of State must update the driver's records to reflect such action within 10 days. After suspending or revoking the driving privilege of any person who has been issued a CDL or commercial driver instruction permit from another jurisdiction, the Secretary shall originate notification to such issuing jurisdiction within 10 days.

(h) The "disqualifications" referred to in this Section shall not be imposed upon any commercial motor vehicle driver, by the Secretary of State, unless the prohibited action(s) occurred after March 31, 1992.

(i) A person is disqualified from driving a commercial motor vehicle in accordance with the following:

1. For 6 months upon a first conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code.
2. For one year upon a second conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code within a 10-year period.
3. For 3 years upon a third or subsequent conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code within a 10-year period.
4. For one year upon a first conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code.
5. For 3 years upon a second conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code within a 10-year period.
6. For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code within a 10-year period.

(j) Disqualification for railroad-highway grade crossing violation.

1. General rule. A driver who is convicted of a violation of a federal, State, or local law or regulation pertaining to one of the following 6 offenses at a railroad-highway grade crossing must be disqualified from operating a commercial motor vehicle for the period of time specified in paragraph (2) of this subsection (j) if the offense was committed while operating a commercial motor vehicle:

   (i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train, as described in subsection (a-5) of Section 11-1201 of this Code;

New matter indicated by italics - deletions by strikeout
(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear, as described in subsection (a) of Section 11-1201 of this Code;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing, as described in Section 11-1202 of this Code;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping, as described in subsection (b) of Section 11-1425 of this Code;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing, as described in subdivision (a)2 of Section 11-1201 of this Code;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance, as described in subsection (d-1) of Section 11-1201 of this Code.

(2) Duration of disqualification for railroad-highway grade crossing violation.

(i) First violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 60 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had no convictions for a violation described in paragraph (1) of this subsection (j).

(ii) Second violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph (1) of this subsection (j) that was committed in a separate incident.

(iii) Third or subsequent violation. A driver must be disqualified from operating a commercial motor vehicle for not less than one year if the driver is convicted of a violation described in paragraph (1) of this subsection (j)
and, in the three-year period preceding the conviction, the driver had 2 or more other convictions for violations described in paragraph (1) of this subsection (j) that were committed in separate incidents.

(k) Upon notification of a disqualification of a driver's commercial motor vehicle privileges imposed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, in accordance with 49 C.F.R. 383.52, the Secretary of State shall immediately record to the driving record the notice of disqualification and confirm to the driver the action that has been taken.

(Source: P.A. 92-249, eff. 1-1-02; 92-834, eff. 8-22-02.)

(625 ILCS 5/6-518)(from Ch. 95 1/2, par. 6-518)
Sec. 6-518. Notification of Traffic Convictions.
(a) Within 10 days after receiving a report of an Illinois conviction, or other verified evidence, of any driver who has been issued a CDL by another State, for a violation of any law or local ordinance of this State, relating to motor vehicle traffic control, other than parking violations, committed in any commercial motor vehicle, the Secretary of State must notify the driver licensing authority which issued such CDL of said conviction.

(b) Within 10 days after receiving a report of an Illinois conviction, or other verified evidence, of any driver from another state, for a violation of any law or local ordinance of this State, relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the Secretary of State must notify the driver licensing authority which issued the person's driver's license of the conviction.

(Source: P.A. 86-845.)

(625 ILCS 5/6-523)(from Ch. 95 1/2, par. 6-523)
Sec. 6-523. Reciprocity.
(a) Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle in this State if such person has a valid commercial driver's license or CDL instruction permit issued by another State or foreign jurisdiction as long as such person has not been an established domiciliary of this State for 30 days or more.

(b) The Secretary of State shall give out of state convictions full faith and credit and treat them for sanctioning purposes, under this UCDLA, just as if they occurred in this State.

(c) A CDL issued by this State or any other state before the date on and after which the state is prohibited from issuing CDLs under 49 C.F.R. Part 384, remains valid until its stated expiration date.

New matter indicated by italics - deletions by strikeout
Sec. 7-702.1. Family financial responsibility driving permits.

Following the entry of an order that an obligor has been found in contempt by the court for failure to pay court ordered child support payments or upon a motion by the obligor who is subject to having his or her driver's license suspended pursuant to subsection (b) of Section 7-703, the court may enter an order directing the Secretary of State to issue a family financial responsibility driving permit for the purpose of providing the obligor the privilege of operating a motor vehicle between the obligor's residence and place of employment, or within the scope of employment related duties; or for the purpose of providing transportation for the obligor or a household member to receive alcohol treatment, other drug treatment, or medical care. The court may enter an order directing the issuance of a permit only if the obligor has proven to the satisfaction of the court that no alternative means of transportation are reasonably available for the above stated purposes. No permit shall be issued to a person under the age of 16 years who possesses an instruction permit. In accordance with 49 C.F.R. Part 384, the Secretary of State may not issue a family financial responsibility driving permit to any person for the operation of a commercial motor vehicle if the person's driving privileges have been suspended under any provisions of this Code.

Upon entry of an order granting the issuance of a permit to an obligor, the court shall report this finding to the Secretary of State on a form prescribed by the Secretary. This form shall state whether the permit has been granted for employment or medical purposes and the specific days and hours for which limited driving privileges have been granted.

The family financial responsibility driving permit shall be subject to cancellation, invalidation, suspension, and revocation by the Secretary of State in the same manner and for the same reasons as a driver's license may be cancelled, invalidated, suspended, or revoked.

The Secretary of State shall, upon receipt of a certified court order from the court of jurisdiction, issue a family financial responsibility driving permit. In order for this permit to be issued, an individual's driving privileges must be valid except for the family financial responsibility suspension. This permit shall be valid only for employment and medical purposes as set forth above. The permit shall state the days and hours for which limited driving privileges have been granted.

Any submitted court order that contains insufficient data or fails to comply with any provision of this Code shall not be used for issuance of

New matter indicated by italics - deletions by strikeout
the permit or entered to the individual's driving record but shall be returned to the court of jurisdiction indicating why the permit cannot be issued at that time. The Secretary of State shall also send notice of the return of the court order to the individual requesting the permit.

(Source: P.A. 90-369, eff. 1-1-98; 91-613, eff. 7-1-00.)

(625 ILCS 5/11-501.8)

Sec. 11-501.8. Suspension of driver's license; persons under age 21.

(a) A person who is less than 21 years of age and who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent to a chemical test or tests of blood, breath, or urine for the purpose of determining the alcohol content of the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance, if a police officer has probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered subject to the following provisions:

(i) Chemical analysis of the person's blood, urine, breath, or other bodily substance, to be considered valid under the provisions of this Section, shall have been performed according to standards promulgated by the Department of State Police by an individual possessing a valid permit issued by that Department for this purpose. The Director of State Police is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct analyses, to issue permits that shall be subject to termination or revocation at the direction of that Department, and to certify the accuracy of breath testing equipment. The Department of State Police shall prescribe regulations as necessary.
(ii) When a person submits to a blood test at the request of a law enforcement officer under the provisions of this Section, only a physician authorized to practice medicine, a registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician may withdraw blood for the purpose of determining the alcohol content therein. This limitation does not apply to the taking of breath or urine specimens.

(iii) The person tested may have a physician, qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests in addition to any test or tests administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the consideration of the previously performed chemical test.

(iv) Upon a request of the person who submits to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or that person’s attorney.

(v) Alcohol concentration means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(vi) If a driver is receiving medical treatment as a result of a motor vehicle accident, a physician licensed to practice medicine, registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol upon the specific request of a law enforcement officer. However, that testing shall not be performed until, in the opinion of the medical personnel on scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person’s privilege to operate a motor vehicle. The loss of driving privileges shall be imposed in accordance with Section 6-208.2 of this Code.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of more than 0.00, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a

New matter indicated by italics - deletions by strikeout
form prescribed by the Secretary of State, certifying that the test or tests were requested under subsection (a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of more than 0.00. The law enforcement officer shall submit the same sworn report when a person under the age of 21 submits to testing under Section 11-501.1 of this Code and the testing discloses an alcohol concentration of more than 0.00 and less than 0.08.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall enter the driver's license sanction on the individual's driving record and the sanctions shall be effective on the 46th day following the date notice of the sanction was given to the person. If this sanction is the individual's first driver's license suspension under this Section, reports received by the Secretary of State under this Section shall, except during the time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the Secretary of State, or the individual personally.

The law enforcement officer submitting the sworn report shall serve immediate notice of this driver's license sanction on the person and the sanction shall be effective on the 46th day following the date notice was given.

In cases where the blood alcohol concentration of more than 0.00 is established by a subsequent analysis of blood or urine, the police officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of that notice in an envelope with postage prepaid and addressed to that person at his last known address and the loss of driving privileges shall be effective on the 46th day following the date notice was given.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall also give notice of the driver's license sanction to the driver by mailing a notice of the effective date of the sanction to the individual. However, should the sworn report be defective by not containing sufficient information or be completed in error, the notice of the driver's license sanction may not be mailed to the person or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

(e) A driver may contest this driver's license sanction by requesting an administrative hearing with the Secretary of State in accordance with Section 2-118 of this Code. An individual whose blood alcohol concentration is shown to be more than 0.00 is not subject to this Section if he or she consumed alcohol in the performance of a religious service or

New matter indicated by italics - deletions by strikeout
ceremony. An individual whose blood alcohol concentration is shown to be more than 0.00 shall not be subject to this Section if the individual's blood alcohol concentration resulted only from ingestion of the prescribed or recommended dosage of medicine that contained alcohol. The petition for that hearing shall not stay or delay the effective date of the impending suspension. The scope of this hearing shall be limited to the issues of:

(1) whether the police officer had probable cause to believe that the person was driving or in actual physical control of a motor vehicle upon the public highways of the State and the police officer had reason to believe that the person was in violation of any provision of the Illinois Vehicle Code or a similar provision of a local ordinance; and

(2) whether the person was issued a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance; and

(3) whether the police officer had probable cause to believe that the driver had consumed any amount of an alcoholic beverage based upon the driver's physical actions or other first-hand knowledge of the police officer; and

(4) whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol concentration; and

(5) whether the person, after being advised by the officer that the privileges to operate a motor vehicle would be suspended if the person submits to a chemical test or tests and the test or tests disclose an alcohol concentration of more than 0.00, did submit to and complete the test or tests that determined an alcohol concentration of more than 0.00; and

(6) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol in the performance of a religious service or ceremony; and

(7) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol through ingestion of the prescribed or recommended dosage of medicine.

Provided that the petitioner may subpoena the officer, the hearing may be conducted upon a review of the law enforcement officer's own official reports. Failure of the officer to answer the subpoena shall be

New matter indicated by italics - deletions by strikeout
grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate. At the conclusion of the hearing held under Section 2-118 of this Code, the Secretary of State may rescind, continue, or modify the driver's license sanction. If the Secretary of State does not rescind the sanction, a restricted driving permit may be granted by the Secretary of State upon application being made and good cause shown. A restricted driving permit may be granted to relieve undue hardship by allowing driving for employment, educational, and medical purposes as outlined in item (3) of part (c) of Section 6-206 of this Code. The provisions of item (3) of part (c) of Section 6-206 of this Code and of subsection (f) of that Section shall apply. The Secretary of State shall promulgate rules providing for participation in an alcohol education and awareness program or activity, a drug education and awareness program or activity, or both as a condition to the issuance of a restricted driving permit for suspensions imposed under this Section.

(f) The results of any chemical testing performed in accordance with subsection (a) of this Section are not admissible in any civil or criminal proceeding, except that the results of the testing may be considered at a hearing held under Section 2-118 of this Code. However, the results of the testing may not be used to impose driver's license sanctions under Section 11-501.1 of this Code. A law enforcement officer may, however, pursue a statutory summary suspension of driving privileges under Section 11-501.1 of this Code if other physical evidence or first hand knowledge forms the basis of that suspension.

(g) This Section applies only to drivers who are under age 21 at the time of the issuance of a Uniform Traffic Ticket for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance, and a chemical test request is made under this Section.

(h) The action of the Secretary of State in suspending, revoking, or denying any license, permit, registration, or certificate of title shall be subject to judicial review in the Circuit Court of Sangamon County or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law and its rules are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State under this Section.

(Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99; 91-828, eff. 1-1-01.)

Section 99. Effective date. This Act takes effect September 30, 2005.

Passed in the General Assembly May 26, 2005.

New matter indicated by italics - deletions by strikeout
Approved July 21, 2005.
Effective September 30, 2005.

PUBLIC ACT 94-0308
(House Bill No 3819)

AN ACT concerning health care.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Department of Public Health Powers and Duties
Law of the Civil Administrative Code of Illinois is amended by adding
Section 2310-145 as follows:
(20 ILCS 2310/2310-145 new)
Sec. 2310-145. Registry of health care professionals. The
Department of Public Health shall maintain a registry of all active-status
health care professionals, including nurses, nurse practitioners, advanced
practice nurses, physicians, physician assistants, psychologists, professional
counselors, clinical professional counselors, and pharmacists.
The registry must consist of information shared between the
Department of Public Health and the Department of Financial and
Professional Regulation via a secure communication link. The registry
must be updated on a quarterly basis.
The registry shall be accessed in the event of an act of bioterrorism
or other public health emergency.
Section 99. Effective date. This Act takes effect upon becoming
law.
Passed in the General Assembly May 16, 2005.
Approved July 22, 2005.
Effective July 22, 2005.

PUBLIC ACT 94-0309
(House Bill No 0156)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The School Code is amended by changing Section 10-
20.12b as follows:
(105 ILCS 5/10-20.12b)

New matter indicated by italics - deletions by strikeout
Sec. 10-20.12b. Residency; payment of tuition; hearing; criminal penalty.

(a) For purposes of this Section:

(1) The residence of a person who has legal custody of a pupil is deemed to be the residence of the pupil.

(2) "Legal custody" means one of the following:

(i) Custody exercised by a natural or adoptive parent with whom the pupil resides.

(ii) Custody granted by order of a court of competent jurisdiction to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iii) Custody exercised under a statutory short-term guardianship, provided that within 60 days of the pupil's enrollment a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iv) Custody exercised by an adult caretaker relative who is receiving aid under the Illinois Public Aid Code for the pupil who resides with that adult caretaker relative for purposes other than to have access to the educational programs of the district.

(v) Custody exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the pupil and provides the pupil with a regular fixed night-time abode for purposes other than to have access to the educational programs of the district.

(a-5) If a pupil's change of residence is due to the military service obligation of a person who has legal custody of the pupil, then, upon the written request of the person having legal custody of the pupil, the residence of the pupil is deemed for all purposes relating to enrollment (including tuition, fees, and costs), for the duration of the custodian's military service obligation, to be the same as the residence of the pupil immediately before the change of residence caused by the military service obligation. A school district is not responsible for providing transportation to or from school for a pupil whose residence is determined under this subsection (a-5). School districts shall facilitate re-enrollment when necessary to comply with this subsection (a-5).
(b) Except as otherwise provided under Section 10-22.5a, only resident pupils of a school district may attend the schools of the district without payment of the tuition required to be charged under Section 10-20.12a. However, children for whom the Guardianship Administrator of the Department of Children and Family Services has been appointed temporary custodian or guardian of the person of a child shall not be charged tuition as a nonresident pupil if the child was placed by the Department of Children and Family Services with a foster parent or placed in another type of child care facility and the foster parent or child care facility is located in a school district other than the child's former school district and it is determined by the Department of Children and Family Services to be in the child's best interest to maintain attendance at his or her former school district.

(c) The provisions of this subsection do not apply in school districts having a population of 500,000 or more. If a school board in a school district with a population of less than 500,000 determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for the nonresident pupil's attendance in the district's schools. The notice shall be given by certified mail, return receipt requested. Within 10 days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 10 days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 nor more than 20 days after the notice of hearing is given. The board or a hearing officer designated by the board shall conduct the hearing. The board and the person who enrolled the pupil may be represented at the hearing by representatives of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency. If the hearing is conducted by a hearing officer, the hearing officer, within 5 days after the conclusion of the hearing, shall send a written report of his or her findings by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 5 days after receiving the findings, file written objections to the findings with the school board by sending the objections by certified mail, return receipt requested.
mail, return receipt requested, addressed to the district superintendent. Whether the hearing is conducted by the school board or a hearing officer, the school board shall, within 15 days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil’s attendance in the schools of the district. The school board shall send a copy of its decision to the person who enrolled the pupil, and the decision of the school board shall be final.

(c-5) The provisions of this subsection apply only in school districts having a population of 500,000 or more. If the board of education of a school district with a population of 500,000 or more determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for the nonresident pupil’s attendance in the district’s schools. The notice shall be given by certified mail, return receipt requested. Within 10 days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 30 days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 nor more than 30 days after the notice of hearing is given. The board or a hearing officer designated by the board shall conduct the hearing. The board and the person who enrolled the pupil may each be represented at the hearing by a representative of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil’s residency. If the hearing is conducted by a hearing officer, the hearing officer, within 20 days after the conclusion of the hearing, shall serve a written report of his or her findings by personal service or by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 10 days after receiving the findings, file written objections to the findings with the board of education by sending the objections by certified mail, return receipt requested, addressed to the general superintendent of schools. If the hearing is conducted by the board of education, the board shall, within 45 days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under

New matter indicated by italics - deletions by strikeout
Section 10-20.12a as a result of the pupil's attendance in the schools of the district. If the hearing is conducted by a hearing officer, the board of education shall, within 45 days after the receipt of the hearing officer's findings, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. The board of education shall send, by certified mail, return receipt requested, a copy of its decision to the person who enrolled the pupil, and the decision of the board shall be final.

(d) If a hearing is requested under subsection (c) or (c-5) to review the determination of the school board or board of education that a nonresident pupil is attending the schools of the district without payment of the tuition required to be charged under Section 10-20.12a, the pupil may, at the request of a person who enrolled the pupil, continue attendance at the schools of the district pending a final decision of the board following the hearing. However, attendance of that pupil in the schools of the district as authorized by this subsection (d) shall not relieve any person who enrolled the pupil of the obligation to pay the tuition charged for that attendance under Section 10-20.12a if the final decision of the board is that the pupil is a nonresident of the district. If a pupil is determined to be a nonresident of the district for whom tuition is required to be charged pursuant to this Section, the board shall refuse to permit the pupil to continue attending the schools of the district unless the required tuition is paid for the pupil.

(e) Except for a pupil referred to in subsection (b) of Section 10-22.5a, a pupil referred to in Section 10-20.12a, or a pupil referred to in subsection (b) of this Section, a person who knowingly enrolls or attempts to enroll in the schools of a school district on a tuition free basis a pupil known by that person to be a nonresident of the district shall be guilty of a Class C misdemeanor.

(f) A person who knowingly or wilfully presents to any school district any false information regarding the residency of a pupil for the purpose of enabling that pupil to attend any school in that district without the payment of a nonresident tuition charge shall be guilty of a Class C misdemeanor.

(g) The provisions of this Section are subject to the provisions of the Education for Homeless Children Act. Nothing in this Section shall be construed to apply to or require the payment of tuition by a parent or guardian of a "homeless child" (as that term is defined in Section 1-5 of the Education for Homeless Children Act) in connection with or as a result

New matter indicated by italics - deletions by strikeout
of the homeless child's continued education or enrollment in a school that is chosen in accordance with any of the options provided in Section 1-10 of that Act.
(Source: P.A. 89-480, eff. 1-1-97; 90-566, eff. 1-2-98.)

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

Passed in the General Assembly May 11, 2005.
Approved July 25, 2005.

PUBLIC ACT 94-0310
(House Bill No 0270)

AN ACT concerning revenue.

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

Section 5. The Property Tax Code is amended by changing Section 15-165 as follows:

(35 ILCS 200/15-165)

Sec. 15-165. Disabled veterans. Property up to an assessed value of $70,000, owned and used exclusively by a disabled veteran, or the spouse or unmarried surviving spouse of the veteran, as a home, is exempt. As used in this Section, a disabled veteran means a person who has served in the Armed Forces of the United States and whose disability is of such a nature that the Federal Government has authorized payment for purchase or construction of Specially Adapted Housing as set forth in the United States Code, Title 38, Chapter 21, Section 2101.

The exemption applies to housing where Federal funds have been used to purchase or construct special adaptations to suit the veteran's disability.

The exemption also applies to housing that is specially adapted to suit the veteran's disability, and purchased entirely or in part by the proceeds of a sale, casualty loss reimbursement, or other transfer of a home for which the Federal Government had previously authorized payment for purchase or construction as Specially Adapted Housing.

However, the entire proceeds of the sale, casualty loss reimbursement, or other transfer of that housing shall be applied to the acquisition of subsequent specially adapted housing to the extent that the proceeds equal the purchase price of the subsequently acquired housing.

New matter indicated by italics - deletions by strikeout
For purposes of this Section, "unmarried surviving spouse" means the surviving spouse of the veteran at any time after the death of the veteran during which such surviving spouse is not married.

This exemption must be reestablished on an annual basis by certification from the Illinois Department of Veterans' Affairs to the Department, which shall forward a copy of the certification to local assessing officials.

(Source: P.A. 91-401, eff. 1-1-00.)

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

Passed in the General Assembly May 11, 2005.
Approved July 25, 2005.

PUBLIC ACT 94-0311
(House Bill 0544)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 3-806.4 as follows:

(625 ILCS 5/3-806.4) (from Ch. 95 1/2, par. 3-806.4)

Sec. 3-806.4. Gold Star recipients. Commencing with the 1991 registration year, upon proper application, the Secretary of State shall issue one pair of registration plates to any Illinois resident, who as the surviving widow or widower, or in the absence thereof, as the surviving parent, is awarded the Gold Star by the United States in recognition of spouses or children who served in the Armed Forces of the United States and lost their lives while in service whether in peacetime or war. If the parent no longer survives, the Secretary of State shall issue the plates to a surviving sibling, of the person who served in the Armed Forces, who is an Illinois resident. No more than one set of plates shall be issued for each Gold Star awarded, and only one surviving parent, or in the absence of a surviving parent, only one surviving sibling shall be issued a set of registration plates, except for those surviving parents who, as recipients of the Gold Star, have legally separated or divorced, in which case each surviving parent shall be allowed one set of registration plates. Registration plates issued under this Section shall be for first division vehicles and second division vehicles of 8,000 pounds or less. Through the 2006 registration year, an applicant shall

New matter indicated by italics - deletions by strikeout
be charged a $15 fee for the original issuance in addition to the appropriate registration fee which shall be deposited into the Road Fund to help defray the administrative processing costs. *Beginning with the 2007 registration year, an applicant shall be charged only the appropriate registration fee.*

(Source: P.A. 93-140, eff. 1-1-04.)

Passed in the General Assembly May 11, 2005.
Approved July 25, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0312

(House Bill No 0551)

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

Section 5. The Property Tax Code is amended by changing Sections 21-15, 21-20, 21-25, 21-30, and 21-310 as follows:

(35 ILCS 200/21-15)

Sec. 21-15. General tax due dates; default by mortgage lender. Except as otherwise provided in this Section or Section 21-40, all property upon which the first installment of taxes remains unpaid on June 1 annually shall be deemed delinquent and shall bear interest after June 1 at the rate of 1 1/2% per month or portion thereof. Except as otherwise provided in this Section or Section 21-40, all property upon which the second installment of taxes remains due and unpaid on September 1, annually, shall be deemed delinquent and shall bear interest after September 1 at the same interest rate. All interest collected shall be paid into the general fund of the county. Payment received by mail and postmarked on or before the required due date is not delinquent.

Property not subject to the interest charge in Section 9-260 or Section 9-265 shall also not be subject to the interest charge imposed by this Section until such time as the owner of the property receives actual notice of and is billed for the principal amount of back taxes due and owing.

If an Illinois resident who is a member of the Illinois National Guard or a reserve component of the armed forces of the United States and who has an ownership interest in property taxed under this Act is called to active duty for deployment outside the continental United States and is on active duty on the due date of any installment of taxes due under this Act, he or she shall not be deemed delinquent in the payment of the

New matter indicated by italics - deletions by strikeout
installment and no interest shall accrue or be charged as a penalty on the installment until 180 30 days after that member returns from active duty. To be deemed not delinquent in the payment of an installment of taxes and any interest on that installment, the reservist or guardsperson must make a reasonable effort to notify the county clerk and the county collector of his or her activation to active duty and must notify the county clerk and the county collector within 180 days after his or her deactivation and provide verification of the date of his or her deactivation. An installment of property taxes on the property of any reservist or guardsperson who fails to provide timely notice and verification of deactivation to the county clerk is subject to interest and penalties as delinquent taxes under this Code from the date of deactivation.

Notwithstanding any other provision of law, when any unpaid taxes become delinquent under this Section through the fault of the mortgage lender, (i) the interest assessed under this Section for delinquent taxes shall be charged against the mortgage lender and not the mortgagor and (ii) the mortgage lender shall pay the taxes, redeem the property and take all necessary steps to remove any liens accruing against the property because of the delinquency. In the event that more than one entity meets the definition of mortgage lender with respect to any mortgage, the interest shall be assessed against the mortgage lender responsible for servicing the mortgage. Unpaid taxes shall be deemed delinquent through the fault of the mortgage lender only if: (a) the mortgage lender has received all payments due the mortgage lender for the property being taxed under the written terms of the mortgage or promissory note secured by the mortgage, (b) the mortgage lender holds funds in escrow to pay the taxes, and (c) the funds are sufficient to pay the taxes after deducting all amounts reasonably anticipated to become due for all hazard insurance premiums and mortgage insurance premiums and any other assessments to be paid from the escrow under the terms of the mortgage. For purposes of this Section, an amount is reasonably anticipated to become due if it is payable within 12 months from the time of determining the sufficiency of funds held in escrow. Unpaid taxes shall not be deemed delinquent through the fault of the mortgage lender if the mortgage lender was directed in writing by the mortgagor not to pay the property taxes, or if the failure to pay the taxes when due resulted from inadequate or inaccurate parcel information provided by the mortgagor, a title or abstract company, or by the agency or unit of government assessing the tax.
(Source: P.A. 93-560, eff. 8-20-03.)
(35 ILCS 200/21-20)

New matter indicated by italics - deletions by strikeout
Sec. 21-20. Due dates; accelerated billing in counties of less than 3,000,000. Except as otherwise provided in Section 21-40, in counties with less than 3,000,000 inhabitants in which the accelerated method of billing and paying taxes provided for in Section 21-30 is in effect, the estimated first installment of unpaid taxes shall be deemed delinquent and shall bear interest after a date not later than June 1 annually as provided for in the ordinance or resolution of the county board adopting the accelerated method, at the rate of 1 1/2% per month or portion thereof until paid or forfeited. The second installment of unpaid taxes shall be deemed delinquent and shall bear interest after August 1 annually at the same interest rate until paid or forfeited. Payment received by mail and postmarked on or before the required due date is not delinquent.

If an Illinois resident who is a member of the Illinois National Guard or a reserve component of the armed forces of the United States and who has an ownership interest in property taxed under this Act is called to active duty for deployment outside the continental United States and is on active duty on the due date of any installment of taxes due under this Act, he or she shall not be deemed delinquent in the payment of the installment and no interest shall accrue or be charged as a penalty on the installment until 180 days after that member returns from active duty. To be deemed not delinquent in the payment of an installment of taxes and any interest on that installment, the reservist or guardsperson must make a reasonable effort to notify the county clerk and the county collector of his or her activation to active duty and must notify the county clerk and the county collector within 180 days after his or her deactivation and provide verification of the date of his or her deactivation. An installment of property taxes on the property of any reservist or guardsperson who fails to provide timely notice and verification of deactivation to the county clerk is subject to interest and penalties as delinquent taxes under this Code from the date of deactivation.

(Source: P.A. 91-199, eff. 1-1-00; 91-898, eff. 7-6-00.)

(35 ILCS 200/21-25)

Sec. 21-25. Due dates; accelerated billing in counties of 3,000,000 or more. Except as hereinafter provided and as provided in Section 21-40, in counties with 3,000,000 or more inhabitants in which the accelerated method of billing and paying taxes provided for in Section 21-30 is in effect, the estimated first installment of unpaid taxes shall be deemed delinquent and shall bear interest after March 1 at the rate of 1 1/2% per month or portion thereof until paid or forfeited. The second installment of
unpaid taxes shall be deemed delinquent and shall bear interest after August 1 annually at the same interest rate until paid or forfeited.

If the county board elects by ordinance adopted prior to July 1 of a levy year to provide for taxes to be paid in 4 installments, each installment for that levy year and each subsequent year shall be deemed delinquent and shall begin to bear interest 30 days after the date specified by the ordinance for mailing bills, at the rate of 1 1/2% per month or portion thereof, until paid or forfeited.

Payment received by mail and postmarked on or before the required due date is not delinquent.

Taxes levied on homestead property in which a member of the National Guard or reserves of the armed forces of the United States who was called to active duty on or after August 1, 1990, and who has an ownership interest, shall not be deemed delinquent and no interest shall accrue or be charged as a penalty on such taxes due and payable in 1991 or 1992 until one year after that member returns to civilian status.

If an Illinois resident who is a member of the Illinois National Guard or a reserve component of the armed forces of the United States and who has an ownership interest in property taxed under this Act is called to active duty for deployment outside the continental United States and is on active duty on the due date of any installment of taxes due under this Act, he or she shall not be deemed delinquent in the payment of the installment and no interest shall accrue or be charged as a penalty on the installment until 180 days after that member returns to civilian status.

To be deemed not delinquent in the payment of an installment of taxes and any interest on that installment, the reservist or guardsperson must make a reasonable effort to notify the county clerk and the county collector of his or her activation to active duty and must notify the county clerk and the county collector within 180 days after his or her deactivation and provide verification of the date of his or her deactivation. An installment of property taxes on the property of any reservist or guardsperson who fails to provide timely notice and verification of deactivation to the county clerk is subject to interest and penalties as delinquent taxes under this Code from the date of deactivation.

(Source: P.A. 91-199, eff. 1-1-00; 91-898, eff. 7-6-00.)

(35 ILCS 200/21-30)

Sec. 21-30. Accelerated billing. Except as provided in this Section, Section 9-260, and Section 21-40, in counties with 3,000,000 or more inhabitants, by January 31 annually, estimated tax bills setting out the first installment of property taxes for the preceding year, payable in that year,

New matter indicated by italics - deletions by strikeout
shall be prepared and mailed. The first installment of taxes on the estimated tax bills shall be computed at 50% of the total of each tax bill for the preceding year. If, prior to the preparation of the estimated tax bills, a certificate of error has been either approved by a court on or before November 30 of the preceding year or certified pursuant to Section 14-15 on or before November 30 of the preceding year, then the first installment of taxes on the estimated tax bills shall be computed at 50% of the total taxes for the preceding year as corrected by the certificate of error. By June 30 annually, actual tax bills shall be prepared and mailed. These bills shall set out total taxes due and the amount of estimated taxes billed in the first installment, and shall state the balance of taxes due for that year as represented by the sum derived from subtracting the amount of the first installment from the total taxes due for that year.

The county board may provide by ordinance, in counties with 3,000,000 or more inhabitants, for taxes to be paid in 4 installments. For the levy year for which the ordinance is first effective and each subsequent year, estimated tax bills setting out the first, second, and third installment of taxes for the preceding year, payable in that year, shall be prepared and mailed not later than the date specified by ordinance. Each installment on estimated tax bills shall be computed at 25% of the total of each tax bill for the preceding year. By the date specified in the ordinance, actual tax bills shall be prepared and mailed. These bills shall set out total taxes due and the amount of estimated taxes billed in the first, second, and third installments and shall state the balance of taxes due for that year as represented by the sum derived from subtracting the amount of the estimated installments from the total taxes due for that year.

The county board of any county with less than 3,000,000 inhabitants may, by ordinance or resolution, adopt an accelerated method of tax billing. The county board may subsequently rescind the ordinance or resolution and revert to the method otherwise provided for in this Code.

Taxes levied on homestead property in which a member of the National Guard or reserves of the armed forces of the United States who was called to active duty on or after August 1, 1990, and who has an ownership interest shall not be deemed delinquent and no interest shall accrue or be charged as a penalty on such taxes due and payable in 1991 or 1992 until one year after that member returns to civilian status.

(Source: P.A. 92-475, eff. 8-23-01; 93-560, eff. 8-20-03.)

(35 ILCS 200/21-310)
Sec. 21-310. Sales in error.

New matter indicated by italics - deletions by strikeout
(a) When, upon application of the county collector, the owner of the certificate of purchase, or a municipality which owns or has owned the property ordered sold, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

1. The property was not subject to taxation, or all or any part of the lien of taxes sold has become null and void pursuant to Section 21-95 or unenforceable pursuant to subsection (c) of Section 18-250 or subsection (b) of Section 22-40,

2. The taxes or special assessments had been paid prior to the sale of the property,

3. There is a double assessment,

4. The description is void for uncertainty,

5. The assessor, chief county assessment officer, board of review, board of appeals, or other county official has made an error (other than an error of judgment as to the value of any property),

5.5 The owner of the homestead property had tendered timely and full payment to the county collector that the owner reasonably believed was due and owing on the homestead property, and the county collector did not apply the payment to the homestead property; provided that this provision applies only to homeowners, not their agents or third-party payors,

6. Prior to the tax sale a voluntary or involuntary petition has been filed by or against the legal or beneficial owner of the property requesting relief under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13, or

7. The property is owned by the United States, the State of Illinois, a municipality, or a taxing district, or:

8. The owner of the property is a reservist or guardsperson who is granted an extension of his or her due date under Sections 21-15, 21-20, and 21-25 of this Act.

(b) When, upon application of the owner of the certificate of purchase only, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

1. A voluntary or involuntary petition under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been filed subsequent to the tax sale and prior to the issuance of the tax deed.

2. The improvements upon the property sold have been substantially destroyed or rendered uninhabitable or otherwise unfit

New matter indicated by italics - deletions by strikeout
for occupancy subsequent to the tax sale and prior to the issuance of the tax deed.

(3) There is an interest held by the United States in the property sold which could not be extinguished by the tax deed.

(4) The real property contains a hazardous substance, hazardous waste, or underground storage tank that would require cleanup or other removal under any federal, State, or local law, ordinance, or regulation, only if the tax purchaser purchased the property without actual knowledge of the hazardous substance, hazardous waste, or underground storage tank. This paragraph (4) applies only if the owner of the certificate of purchase has made application for a sale in error at any time before the issuance of a tax deed.

c) When the county collector discovers, within one year after the date of sale if taxes were sold at an annual tax sale or within 180 days after the date of sale if taxes were sold at a scavenger tax sale, that a tax sale should not have occurred for one or more of the reasons set forth in subdivision (a)(1), (a)(2), (a)(6), or (a)(7) of this Section, the county collector shall notify the last known owner of the certificate of purchase by certified and regular mail, or other means reasonably calculated to provide actual notice, that the county collector intends to declare an administrative sale in error and of the reasons therefor, including documentation sufficient to establish the reason why the sale should not have occurred. The owner of the certificate of purchase may object in writing within 28 days after the date of the mailing by the county collector. If an objection is filed, the county collector shall not administratively declare a sale in error, but may apply to the circuit court for a sale in error as provided in subsection (a) of this Section. Thirty days following the receipt of notice by the last known owner of the certificate of purchase, or within a reasonable time thereafter, the county collector shall make a written declaration, based upon clear and convincing evidence, that the taxes were sold in error and shall deliver a copy thereof to the county clerk within 30 days after the date the declaration is made for entry in the tax judgment, sale, redemption, and forfeiture record pursuant to subsection (d) of this Section. The county collector shall promptly notify the last known owner of the certificate of purchase of the declaration by regular mail and shall promptly pay the amount of the tax sale, together with interest and costs as provided in Section 21-315, upon surrender of the original certificate of purchase.

New matter indicated by italics - deletions by strikeout
(d) If a sale is declared to be a sale in error, the county clerk shall make entry in the tax judgment, sale, redemption and forfeiture record, that the property was erroneously sold, and the county collector shall, on demand of the owner of the certificate of purchase, refund the amount paid, pay any interest and costs as may be ordered under Sections 21-315 through 21-335, and cancel the certificate so far as it relates to the property. The county collector shall deduct from the accounts of the appropriate taxing bodies their prorata amounts paid.

(Source: P.A. 91-177, eff. 1-1-00; 91-357, eff. 7-29-99; 91-924, eff. 1-1-01; 92-224, eff. 1-1-02; 92-729, eff. 7-25-02.)

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

Passed in the General Assembly May 29, 2005.
Approved July 25, 2005.

PUBLIC ACT 94-0313
(House Bill 2550)

AN ACT concerning recreation.

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

Section 5. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by changing Section 805-305 as follows:

(20 ILCS 805/805-305) (was 20 ILCS 805/63a23)

Sec. 805-305. Campsites and housing facilities. The Department has the power to provide facilities for overnight tent and trailer camp sites and to provide suitable housing facilities for student and juvenile overnight camping groups. The Department of Natural Resources may regulate, by administrative order, the fees to be charged for tent and trailer camping units at individual park areas based upon the facilities available. However, for campsites with access to showers or electricity, any Illinois resident who is age 62 or older or has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act shall be charged only one-half of the camping fee charged to the general public during the period Monday through Thursday of any week and shall be charged the same camping fee as the general public on all other days. For campsites without access to showers or electricity, no camping fee authorized by this Section shall be charged to any resident of Illinois who has a Class 2 disability as

New matter indicated by italics - deletions by strikeout
defined in Section 4A of the Illinois Identification Card Act. For campsites without access to showers or electricity, no camping fee authorized by this Section shall be charged to any resident of Illinois who is age 62 or older for the use of a camp site unit during the period Monday through Thursday of any week. No camping fee authorized by this Section shall be charged to any resident of Illinois who is a disabled veteran or a former prisoner of war, as defined in Section 5 of the Department of Veterans Affairs Act. No camping fee authorized by this Section shall be charged to any resident of Illinois after returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces for the amount of time that the active duty member spent in service abroad or mobilized if the person applies for a pass at the Department office in Springfield within 2 years of returning and provides verification of service or mobilization to the Department; any portion of a year that the active duty member spent in service abroad or mobilized shall count as a full year. Nonresidents shall be charged the same fees as are authorized for the general public regardless of age. The Department shall provide by regulation for suitable proof of age, or either a valid driver's license or a "Golden Age Passport" issued by the federal government shall be acceptable as proof of age. The Department shall further provide by regulation that notice of these reduced admission fees be posted in a conspicuous place and manner.

Reduced fees authorized in this Section shall not apply to any charge for utility service.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 10. The Fish and Aquatic Life Code is amended by adding Section 20-47 as follows:

(515 ILCS 5/20-47 new)

Sec. 20-47. Military members returning from mobilization and service outside the United States.

(a) After returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces, an Illinois resident may fish as permitted by this Code without paying any fees required to obtain a fishing license for the time period prescribed by subsection (b) of this Section if the Illinois resident applies for a license within 2 years of returning from service abroad or mobilization. The applicant shall provide verification of service

New matter indicated by italics - deletions by strikeout
or mobilization to the Department at the Department's office in Springfield.

(b) For each year that an applicant is an active duty member pursuant to subsection (a) of this Section, the applicant shall receive one free fishing license. For the purposes of this determination, if the period of active duty is a portion of a year (for example, one year and 3 months), the applicant will be credited with a full year for the portion of a year served.

(c) The Department shall establish what constitutes suitable verification of service or mobilization under subsection (a) of this Section.

Section 15. The Wildlife Code is amended by adding Section 3.1-4 as follows:

(520 ILCS 5/3.1-4 new)
Sec. 3.1-4. Military members returning from mobilization and service outside the United States.

(a) After returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces, an Illinois resident may hunt any of the species protected by Section 2.2 of this Code without paying any fees required to obtain a hunting license for the time period prescribed by subsection (b) of this Section if the Illinois resident applies for a license within 2 years of returning from service abroad or mobilization. The applicant shall provide verification of service or mobilization to the Department at the Department's office in Springfield.

(b) For each year that an applicant is an active duty member pursuant to subsection (a) of this Section, the applicant shall receive one free hunting license, one free Deer Hunting Permit as provided in Section 2.26 of this Code and rules adopted pursuant to that Section, and one free State Habitat Stamp. For the purposes of this determination, if the period of active duty is a portion of a year (for example, one year and 3 months), the applicant will be credited with a full year for the portion of a year served.

(c) The Department shall establish what constitutes suitable verification of service or mobilization under subsection (a) of this Section.

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

Passed in the General Assembly May 16, 2005.
Approved July 25, 2005.

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

Section 5. The Environmental Protection Act is amended by changing Section 58.8 and by adding Sections 22.2d, 22.50, and Title VI-D as follows:

(415 ILCS 5/22.2d new)
Sec. 22.2d. Authority of Director to issue orders.
(a) The purpose of this Section is to allow the Director to quickly and effectively respond to a release or substantial threat of a release of a hazardous substance, pesticide, or petroleum for which the Agency is required to give notice under Section 25d-3(a) of this Act by authorizing the Director to issue orders, unilaterally or on consent, requiring appropriate response actions and by providing for the exclusive administrative and judicial review of these orders. This Section is also intended to allow persons subject to an order under this Section to recover the costs of complying with the order if it is overturned or if they remediate the share of a release or threat of a release for which a bankrupt or insolvent party is liable under this Act.

(b) In addition to any other action taken by federal, State, or local government, for any release or substantial threat of release for which the Agency is required to give notice under Section 25d-3(a) of this Act, the Director may issue to any person who is potentially liable under this Act for the release or substantial threat of release any order that may be necessary to protect the public health and welfare and the environment.

(1) Any order issued under this Section shall require response actions consistent with the federal regulations and amendments thereto promulgated by the United States Environmental Protection Agency to implement Section 105 of CERCLA, as amended, except that the remediation objectives for response actions ordered under this Section shall be determined in accordance with the risk-based remediation objectives adopted by the Board under Title XVII of this Act.

(2) Before the Director issues any order under this Section, the Agency shall send a Special Notice Letter to all persons identified by the Agency as potentially liable under this Act for the

New matter indicated by italics - deletions by strikeout
This Special Notice Letter to the recipients shall include at a minimum the following information:

(A) that the Agency believes the recipient may be liable under the Act for responding to the release or threat of a release;

(B) the reasons why the Agency believes the recipient may be liable under the Act for the release or threat of a release; and

(C) the period of time, not less than 30 days from the date of issuance of the Special Notice Letter, during which the Agency is ready to negotiate with the recipient regarding their response to the release or threat of a release.

(3) To encourage the prompt negotiation of a settlement agreement or an order on consent with a recipient of a Special Notice Letter required under this Section, the Director shall not issue any unilateral order under this Section to the recipient during the 30 days immediately following the date of issuance of the Special Notice Letter.

(c) (1) The recipient of a unilateral order issued by the Director under this Section may petition the Board for a hearing on the order within 35 days after being served with the order. The Board shall take final action on the petition within 60 days after the date the petition is filed with the Board unless all parties to the proceeding agree to the extension. If necessary to expedite the hearing and decision, the Board may hold special meetings of the Board and may provide for alternative public notice of the hearing and meeting, other than as otherwise required by law. In any hearing on the order the Agency shall have the burden of proof to establish that the petitioner is liable under this Act for the release or threat of release and that the actions required by the order are consistent with the requirements of subsection (b)(1) of this Section. The Board shall sustain the order if the petitioner is liable under this Act for the release or threat of release and to the extent the actions ordered are consistent with the requirements of subsection (b)(1) of this Section and are not otherwise unreasonable under the circumstances.

(A) The order issued by the Agency shall remain in full force and effect pending the Board’s final action on the petition for review of the order, provided that the Board may grant a stay of all or a portion of the order if it finds that (i) there is a substantial likelihood that the petitioner is not liable under this Act for the
release or threat of release or (ii) there is a substantial likelihood that the actions required by the order are not consistent with the requirements of subsection (b)(1) of this Section and that the harm to the public from a stay of the order will be outweighed by the harm to the petitioner if a stay is not granted. Any stay granted by the Board under this subsection (c)(1)(A) shall expire upon the Board’s issuance of its final action on the petition for review of the order.

(B) If the Board finds that the petitioner is not liable under this Act for the release or threat of release it may authorize the payment of (i) all reasonable response costs incurred by the petitioner to comply with the order if it finds the petitioner's actions were consistent with the requirements of subsection (b)(1) of this Section and (ii) the petitioner's reasonable and appropriate costs, fees, and expenses incurred in petitioning the Board for review of the order, including, but not limited to, reasonable attorneys' fees and expenses.

(2) Any party to a Board hearing under this subsection (c) may obtain judicial review, by filing a petition for review within 35 days from the date that a copy of the Board's final action sought to be reviewed was served upon the party affected by the final Board action complained of, under the provisions of the Administrative Review Law and the rules adopted pursuant thereto, except that the review shall be afforded in the appellate court for the district in which the cause of action arose and not in the circuit court. The appellate court shall retain jurisdiction during the pendency of any further action conducted by the Board under an order by the appellate court. The appellate court shall have jurisdiction to review all issues of law and fact presented upon appeal.

(A) The order issued by the Agency shall remain in full force and effect pending the appellate court's ruling on the order, provided that the appellate court may grant a stay of all or a portion of the order if it finds that (i) there is a substantial likelihood that the petitioner is not liable under this Act for the release or threat of release or (ii) there is a substantial likelihood that the actions required by the order are not consistent with the requirements of subsection (b)(1) of this Section and that the harm to the public from a stay of the order will be outweighed by the harm to the petitioner if a stay is not granted. Any stay granted by the appellate court under this subsection (c)(2)(A) shall expire
upon the issuance of the appellate court's ruling on the appeal of the Board's final action.

(B) If the appellate court finds that the petitioner is not liable under this Act for the release or threat of release it may authorize the payment of (i) all reasonable response costs incurred by the petitioner to comply with the order if it finds that the petitioner's actions were consistent with the requirements of subsection (b)(1) of this Section and (ii) the petitioner's reasonable and appropriate costs, fees, and expenses incurred in petitioning the Appellate Court for review of the order, including, but not limited to, reasonable attorneys' fees and expenses.

(d) Any person who receives and complies with the terms of any order issued under this Section may, within 60 days after completion of the required action, petition the Director for reimbursement for the reasonable costs of that action, plus interest, subject to all of the following terms and conditions:

(1) The interest payable under this subsection accrues on the amounts expended from the date of expenditure to the date of payment of reimbursement at the rate set forth in Section 3-2 of the Uniform Penalty and Interest Act.

(2) If the Director refuses to grant all or part of a petition made under this subsection, the petitioner may, within 35 days after receipt of the refusal, file a petition with the Board seeking reimbursement.

(3) To obtain reimbursement, the petitioner must establish, by a preponderance of the evidence, that:

(A) the only costs for which the petitioner seeks reimbursement are costs incurred by the petitioner in remediating the share of a release or threat of a release for which a bankrupt or insolvent party is liable under this Act, the costs of the share are a fair and accurate apportionment among the persons potentially liable under this Act for the release or threat of a release, and the bankrupt or insolvent party failed to pay the costs of the share; and

(B) the petitioner's response actions were consistent with the federal regulations and amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Section 105 of CERCLA, as amended, except that the remediation
objectives for response actions shall be determined in accordance with the risk-based remediation objectives adopted by the Board under Title XVII of this Act; and

(C) the costs for which the petitioner seeks reimbursement are reasonable in light of the action required by the relevant order.

(4) Reimbursement awarded by the Board under item (3) of subsection (d) may include appropriate costs, fees, and other expenses incurred in petitioning the Director or Board for reimbursement under subsection (d), including, but not limited to, reasonable fees and expenses of attorneys.

(5) Costs paid to a petitioner under a policy of insurance, another written agreement, or a court order are not eligible for payment under this subsection (d). A petitioner who receives payment under a policy of insurance, another written agreement, or a court order shall reimburse the State to the extent that such payment covers costs for which payment was received under this subsection (d). Any monies received by the State under this item (5) shall be deposited into the Hazardous Waste Fund.

(e) Except as otherwise provided in subsection (c) of this Section, no court nor the Board has jurisdiction to review any order issued under this Section or any administrative or judicial action related to the order.

(f) Except as provided in subsection (g) of this Section, any person may seek contribution from any other person who is liable for the costs of response actions under this Section. In resolving contribution claims, the Board or court may allocate response costs among liable parties using such equitable factors as the court determines are appropriate.

(g) A person who has complied with an order under this Section and has resolved their liability under this Act with respect to the release or threat of a release shall not be liable for claims for contribution relating to the release or threat of a release.

(h) The provisions of Section 58.9 of this Act do not apply to any action taken under this Section.

(i) This Section does not apply to releases or threats of releases from underground storage tanks subject to Title XVI of this Act. Orders issued by the Agency in response to such releases or threats of releases shall be issued under Section 57.12(d) of this Act instead of this Section, and the costs of complying with said orders shall be reimbursed in accordance with Title XVI of this Act instead of this Section.
(j) Any person who, without sufficient cause, willfully violates or fails or refuses to comply with any order issued under this Section is in violation of this Act.

(k) The Agency may adopt rules as necessary for the implementation of this Section.

(415 ILCS 5/22.50 new) Sec. 22.50. Compliance with land use limitations. No person shall use, or cause or allow the use of, any site for which a land use limitation has been imposed under this Act in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of remedial objectives appropriate for the new land use and a new closure letter has been obtained from the Agency and recorded in the chain of title for the site. For the purpose of this Section, the term "land use limitation" shall include, but shall not be limited to, institutional controls and engineered barriers imposed under this Act and the regulations adopted under this Act. For the purposes of this Section, the term "closure letter" shall include, but shall not be limited to, No Further Remediation Letters issued under Titles XVI and XVII of this Act and the regulations adopted under those Titles.

(415 ILCS 5/Title VI-D heading new) TITLE VI-D. RIGHT-TO-KNOW

(415 ILCS 5/25d-1 new) Sec. 25d-1. Definitions. For the purposes of this Title, the terms "community water system", "non-community water system", "potable", "private water system", and "semi-private water system" have the meanings ascribed to them in the Illinois Groundwater Protection Act.

(415 ILCS 5/25d-2 new) Sec. 25d-2. Contaminant evaluation. The Agency shall evaluate releases of contaminants whenever it determines that the extent of soil or groundwater contamination may extend beyond the boundary of the site where the release occurred. The Agency shall take appropriate actions in response to the release, which may include, but shall not be limited to, public notices, investigations, administrative orders under Sections 22.2d or 57.12(d) of this Act, and enforcement referrals. Except as provided in Section 25d-3 of this Act, for releases undergoing investigation or remediation under Agency oversight the Agency may determine that no further action is necessary to comply with this Section.


New matter indicated by italics - deletions by strikeout
(a) Beginning January 1, 2006, if the Agency determines that:

(1) Soil contamination beyond the boundary of the site where the release occurred poses a threat of exposure to the public above the appropriate Tier I remediation objectives, based on the current use of the off-site property, adopted by the Board under Title XVII of this Act, the Agency shall give notice of the threat to the owner of the contaminated property; or

(2) Groundwater contamination poses a threat of exposure to the public above the Class I groundwater quality standards adopted by the Board under this Act and the Groundwater Protection Act, the Agency shall give notice of the threat to the following: (A) for any private, semi-private, or non-community water system, the owners of the properties served by the system; and (B) for any community water system, the owners and operators of the system.

The Agency’s determination must be based on the credible, scientific information available to it, and the Agency is not required to perform additional investigations or studies beyond those required by applicable federal or State laws.

(b) Beginning January 1, 2006, if any of the following actions occur: (i) the Agency refers a matter for enforcement under Section 43(a) of this Act; (ii) the Agency issues a seal order under Section 34(a) of this Act; or (iii) the Agency, the United States Environmental Protection Agency (USEPA), or a third party under Agency or USEPA oversight performs an immediate removal under the federal Comprehensive Environmental Response, Compensation, and Liability Act, as amended, then, within 60 days after the action, the Agency must give notice of the action to the owners of all property within 2,500 feet of the subject contamination or any closer or farther distance that the Agency deems appropriate under the circumstances. Within 30 days after a request by the Agency, the appropriate officials of the county in which the property is located must provide to the Agency the names and addresses of all property owners to whom the Agency is required to give notice under this subsection (b), these owners being the persons or entities that appear from the authentic tax records of the county.

(c) The methods by which the Agency gives the notices required under this Section shall be determined in consultation with members of the public and appropriate members of the regulated community and may include, but shall not be limited to, personal notification, public meetings, signs, electronic notification, and print media. For sites at which a

New matter indicated by italics - deletions by strikeout
responsible party has implemented a community relations plan, the Agency may allow the responsible party to provide Agency-approved notices in lieu of the notices required to be given by the Agency. Notices issued under this Section may contain the following information:

(1) the name and address of the site or facility where the release occurred or is suspected to have occurred;
(2) the identification of the contaminant released or suspected to have been released;
(3) information as to whether the contaminant was released or suspected to have been released into the air, land, or water;
(4) a brief description of the potential adverse health effects posed by the contaminant;
(5) a recommendation that water systems with wells impacted or potentially impacted by the contaminant be appropriately tested; and
(6) the name, business address, and phone number of persons at the Agency from whom additional information about the release or suspected release can be obtained.

(d) Any person who is a responsible party with respect to the release or substantial threat of release for which notice is given under this Section is liable for all reasonable costs incurred by the State in giving the notice. All moneys received by the State under this subsection (d) for costs related to releases and substantial threats of releases of hazardous substances, pesticides, and petroleum other than releases and substantial threats of releases of petroleum from underground storage tanks subject to Title XVI of this Act must be deposited in and used for purposes consistent with the Hazardous Waste Fund. All moneys received by the State under this subsection (d) for costs related to releases and substantial threats of releases of petroleum from underground storage tanks subject to Title XVI of this Act must be deposited in and used for purposes consistent with the Underground Storage Tank Fund.

(415 ILCS 5/25d-4 new)

Sec. 25d-4. Agency authority. Whenever the Agency determines that a public notice should be issued under this Title, the Agency has the authority to issue an information demand letter to the owner or operator of the site or facility where the release occurred or is suspected to have occurred that requires the owner or operator to provide the Agency with the information necessary, to the extent practicable, to give the notices required under Section 25d-3 of this Title. In the case of a release or suspected release from an underground storage tank subject to Title XVI

New matter indicated by italics - deletions by strikeout
of this Act, the Agency has the authority to issue such a letter to the owner or operator of the underground storage tank. Within 30 days after the issuance of a letter under this Section, or within a greater period specified by the Agency, the person who receives the letter shall provide the Agency with the required information. Any person who, without sufficient cause, willfully violates, or fails or refuses to comply with, any letter issued under this Section is in violation of this Act.

(415 ILCS 5/25d-5 new)

Sec. 25d-5. Contamination information. Beginning July 1, 2006, the Agency shall make all of the following information available on the Internet:

(i) Copies of all notifications given under Section 25d-3 of this Section. The copies must be indexed and the index shall, at a minimum, be searchable by notification date, zip code, site or facility name, and geographic location.

(ii) Appropriate Agency databases containing information about releases or suspected releases of contaminants in the State. The databases must, at a minimum, be searchable by notification date, zip code, site or facility name, and geographic location.

(iii) Links to appropriate USEPA databases containing information about releases or suspected releases of contaminants in the State.

(415 ILCS 5/25d-6 new)

Sec. 25d-6. Agency coordination. Beginning January 1, 2006, the Agency shall coordinate with the Department of Public Health to provide training to regional and local health department staff on the use of the information posted on the Internet under Section 25d-5 of this Title. Also beginning January 1, 2006, the Agency shall coordinate with the Department of Public Health to provide training to licensed water well drillers on the use of the information posted on the Internet under Section 25d-5 of this Title in relation to the location and installation of new wells serving private, semi-private, and non-community water systems.

(415 ILCS 5/25d-7 new)

Sec. 25d-7. Rulemaking.

(a) Within 180 days after the effective date of this amendatory Act of the 94th General Assembly, the Agency shall evaluate the Board's rules and propose amendments to the rules as necessary to require potable water supply well surveys and community relations activities where such surveys and activities are appropriate in response to releases of contaminants that have impacted or that may impact offsite potable water

New matter indicated by italics - deletions by strikeout
supply wells. Within 240 days after receiving the Agency's proposal, the Board shall amend its rules as necessary to require potable water supply well surveys and community relations activities where such surveys and activities are appropriate in response to releases of contaminants that have impacted or that may impact offsite potable water supply wells. Community relations activities required by the Board shall include, but shall not be limited to, submitting a community relations plan for Agency approval, maintaining a public information repository that contains timely information about the actions being taken in response to a release, and maintaining dialogue with the community through means such as public meetings, fact sheets, and community advisory groups.

(b) The Agency shall adopt rules setting forth costs for which persons may be liable to the State under Section 25d-3(d) of this Act. In addition, the Agency shall have the authority to adopt other rules as necessary for the administration of this Title.

(415 ILCS 5/25d-8 new)
Sec. 25d-8. Liability. Except for willful and wanton misconduct, neither the State, the Director, nor any State employee shall be liable for any damages or injuries arising out of or resulting from any act or omission occurring under this amendatory Act of the 94th General Assembly.

(415 ILCS 5/25d-9 new)
Sec. 25d-9. Admissibility. The Agency's giving of notice or failure to give notice under Section 25d-3 of this Title shall not be admissible for any purpose in any administrative or judicial proceeding.

(415 ILCS 5/25d-10 new)
Sec. 25d-10. Avoiding duplication. The Agency shall take whatever steps it deems necessary to eliminate the potential for duplicative notices required by this Title and Section 9.1 of the Illinois Groundwater Protection Act.

(415 ILCS 5/58.8)
Sec. 58.8. Duty to record.

(a) The RA receiving a No Further Remediation Letter from the Agency pursuant to Section 58.10, shall submit the letter to the Office of the Recorder or the Registrar of Titles of the county in which the site is located within 45 days of receipt of the letter. The Office of the Recorder or the Registrar of Titles shall accept and record that letter in accordance with Illinois law so that it forms a permanent part of the chain of title for the site.

New matter indicated by italics - deletions by strikeout
(b) A No Further Remediation Letter shall not become effective until officially recorded in accordance with subsection (a) of this Section. The RA shall obtain and submit to the Agency a certified copy of the No Further Remediation Letter as recorded.

(c) (Blank). At no time shall any site for which a land use limitation has been imposed as a result of remediation activities under this Title be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new No Further Remediation Letter obtained and recorded in accordance with this Title:

(d) In the event that a No Further Remediation Letter issues by operation of law pursuant to Section 58.10, the RA may, for purposes of this Section, file an affidavit stating that the letter issued by operation of law. Upon receipt of the No Further Remediation Letter from the Agency, the RA shall comply with the requirements of subsections (a) and (b) of this Section.

(Source: P.A. 92-574, eff. 6-26-02.)

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

Approved July 25, 2005.

PUBLIC ACT 94-0315
(House Bill No 4023)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 11-21 and by adding Articles 12A and 12B as follows:
(720 ILCS 5/11-21) (from Ch. 38, par. 11-21)
Sec. 11-21. Harmful material.
(a) As used in this Section:
"Distribute" means transfer possession of, whether with or without consideration.
"Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when, taken as a

New matter indicated by italics - deletions by strikeout
whole, it (i) predominately appeals to the prurient interest in sex of minors, (ii) is patently offensive to prevailing standards in the adult community in the State as a whole with respect to what is suitable material for minors, and (iii) lacks serious literary, artistic, political, or scientific value for minors.

"Knowingly" means having knowledge of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents.

"Material" means (i) any picture, photograph, drawing, sculpture, film, video game, computer game, video or similar visual depiction, including any such representation or image which is stored electronically, or (ii) any book, magazine, printed matter however reproduced, or recorded audio of any sort.

"Minor" means any person under the age of 18.

"Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernably turgid state.

"Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one clothed for sexual gratification or stimulation.

"Sexual conduct" means acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

"Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(b) A person is guilty of distributing harmful material to a minor when he or she:

(1) knowingly sells, lends, distributes, or gives away to a minor, knowing that the minor is under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age:

(A) any material which depicts nudity, sexual conduct or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-
masochistic abuse, and which taken as a whole is harmful to minors;

(B) a motion picture, show, or other presentation which depicts nudity, sexual conduct or sado-masochistic abuse and is harmful to minors; or

(C) an admission ticket or pass to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation; or

(2) admits a minor to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation, knowing that the minor is a person under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age.

(c) In any prosecution arising under this Section, it is an affirmative defense:

(1) that the minor as to whom the offense is alleged to have been committed exhibited to the accused a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the minor was 18 years of age or older, which was relied upon by the accused;

(2) that the defendant was in a parental or guardianship relationship with the minor or that the minor was accompanied by a parent or legal guardian;

(3) that the defendant was a bona fide school, museum, or public library, or was a person acting in the course of his or her employment as an employee or official of such organization or retail outlet affiliated with and serving the educational purpose of such organization;

(4) that the act charged was committed in aid of legitimate scientific or educational purposes; or

(5) that an advertisement of harmful material as defined in this Section culminated in the sale or distribution of such harmful material to a child under circumstances where there was no personal confrontation of the child by the defendant, his employees, or agents, as where the order or request for such harmful material was transmitted by mail, telephone, Internet or similar means of communication, and delivery of such harmful material to the child was by mail, freight, Internet or similar means of transport, which advertisement contained the following statement, or a substantially similar statement, and that the defendant required the purchaser to certify that he or she was not

New matter indicated by italics - deletions by strikeout
under the age of 18 and that the purchaser falsely stated that he or she was not under the age of 18: "NOTICE: It is unlawful for any person under the age of 18 to purchase the matter advertised. Any person under the age of 18 that falsely states that he or she is not under the age of 18 for the purpose of obtaining the material advertised is guilty of a Class B misdemeanor under the laws of the State."

(d) The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was sold, lent, distributed or given, unless it appears from the nature of the matter or the circumstances of its dissemination or distribution that it is designed for specially susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

(e) Distribution of harmful material in violation of this Section is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony.

(f) Any person under the age of 18 that falsely states, either orally or in writing, that he or she is not under the age of 18, or that presents or offers to any person any evidence of age and identity that is false or not actually his or her own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material is guilty of a Class B misdemeanor.

(a) Elements of the Offense:

A person who, with knowledge that a person is a child, that is a person under 18 years of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to or sends or causes to be sent to, or exhibits to, or offers to distribute or exhibit any harmful material to a child, is guilty of a misdemeanor.

(b) Definitions:

(1) Material is harmful if, to the average person, applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest, that is a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters, and is material the redeeming social importance of which is substantially less than its prurient appeal.

(2) Material, as used in this Section means any writing; picture; record or other representation or embodiment.

(3) Distribute means to transfer possession of, whether with or without consideration.

New matter indicated by italics - deletions by strikeout
(4) Knowingly, as used in this section means having knowledge of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

(e) Interpretation of Evidence:

The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited; unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group:

In prosecutions under this section, where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is in fact substantially less than its prurient appeal:

(d) Sentence:

Distribution of harmful material in violation of this Section is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony.

(e) Affirmative Defenses:

(1) Nothing in this section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under 18 years of age, provided such circulation is in aid of a legitimate scientific or educational purpose; and it shall be an affirmative defense in any prosecution for a violation of this section that the act charged was committed in aid of legitimate scientific or educational purposes:

(2) Nothing in this section shall prohibit any parent from distributing to his child any harmful material:

(3) Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child, shall be a defense to any criminal prosecution under this section: A document issued by the federal government or any state, county or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces:

New matter indicated by italics - deletions by strikeout
(4) In the event an advertisement of harmful material as defined in this section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents, as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication, and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this section that the advertisement contained the following statement, or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under 18 years of age and that the purchaser falsely stated that he was not under 18 years of age: "NOTICE: It is unlawful for any person under 18 years of age to purchase the matter herein advertised. Any person under 18 years of age who falsely states that he is not under 18 years of age for the purpose of obtaining the material advertised herein, is guilty of a Class B misdemeanor under the laws of the State of Illinois."

(f) Child Falsifying Age:

Any person under 18 years of age who falsely states, either orally or in writing, that he is not under the age of 18 years, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material, is guilty of a Class B misdemeanor.

(Source: P.A. 77-2638.)

(720 ILCS 5/Art. 12A heading new)

ARTICLE 12A. VIOLENT VIDEO GAMES

(720 ILCS 5/12A-1 new)

Sec. 12A-1. Short title. This Article may be cited as the Violent Video Games Law.

(720 ILCS 5/12A-5 new)

Sec. 12A-5. Findings.

(a) The General Assembly finds that minors who play violent video games are more likely to:

(1) Exhibit violent, asocial, or aggressive behavior.

(2) Experience feelings of aggression.

(3) Experience a reduction of activity in the frontal lobes of the brain which is responsible for controlling behavior.

New matter indicated by italics - deletions by strikeout
(b) While the video game industry has adopted its own voluntary standards describing which games are appropriate for minors, those standards are not adequately enforced.

(c) Minors are capable of purchasing and do purchase violent video games.

(d) The State has a compelling interest in assisting parents in protecting their minor children from violent video games.

(e) The State has a compelling interest in preventing violent, aggressive, and asocial behavior.

(f) The State has a compelling interest in preventing psychological harm to minors who play violent video games.

(g) The State has a compelling interest in eliminating any societal factors that may inhibit the physiological and neurological development of its youth.

(h) The State has a compelling interest in facilitating the maturation of Illinois' children into law-abiding, productive adults.

Sec. 12A-10. Definitions. For the purposes of this Article, the following terms have the following meanings:

(a) "Video game retailer" means a person who sells or rents video games to the public.

(b) "Video game" means an object or device that stores recorded data or instructions, receives data or instructions generated by a person who uses it, and, by processing the data or instructions, creates an interactive game capable of being played, viewed, or experienced on or through a computer, gaming system, console, or other technology.

(c) "Minor" means a person under 18 years of age.

(d) "Person" includes but is not limited to an individual, corporation, partnership, and association.

(e) "Violent" video games include depictions of or simulations of human-on-human violence in which the player kills or otherwise causes serious physical harm to another human. "Serious physical harm" includes depictions of death, dismemberment, amputation, decapitation, maiming, disfigurement, mutilation of body parts, or rape.

Sec. 12A-15. Restricted sale or rental of violent video games.

(a) A person who sells, rents, or permits to be sold or rented, any violent video game to any minor, commits a petty offense for which a fine of $1,000 may be imposed.
(b) A person who sells, rents, or permits to be sold or rented any violent video game via electronic scanner must program the electronic scanner to prompt sales clerks to check identification before the sale or rental transaction is completed. A person who violates this subsection (b) commits a petty offense for which a fine of $1,000 may be imposed.

(c) A person may not sell or rent, or permit to be sold or rented, any violent video game through a self-scanning checkout mechanism. A person who violates this subsection (c) commits a petty offense for which a fine of $1,000 may be imposed.

(d) A retail sales clerk shall not be found in violation of this Section unless he or she has complete knowledge that the party to whom he or she sold or rented a violent video game was a minor and the clerk sold or rented the video game to the minor with the specific intent to do so.

(720 ILCS 5/12A-20 new)

Sec. 12A-20. Affirmative defenses. In any prosecution arising under this Article, it is an affirmative defense:

(1) that the defendant was a family member of the minor for whom the video game was purchased. "Family member" for the purpose of this Section, includes a parent, sibling, grandparent, aunt, uncle, or first cousin;

(2) that the minor who purchased the video game exhibited a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the minor was 18 years of age or older, which the defendant reasonably relied on and reasonably believed to be authentic;

(3) for the video game retailer, if the retail sales clerk had complete knowledge that the party to whom he or she sold or rented a violent video game was a minor and the clerk sold or rented the video game to the minor with the specific intent to do so; or

(4) that the video game sold or rented was pre-packaged and rated EC, E10+, E, or T by the Entertainment Software Ratings Board.

(720 ILCS 5/12A-25 new)

Sec. 12A-25. Labeling of violent video games.

(a) Video game retailers shall label all violent video games as defined in this Article, with a solid white "18" outlined in black. The "18" shall have dimensions of no less than 2 inches by 2 inches. The "18" shall be displayed on the front face of the video game package.

(b) A retailer's failure to comply with this Section is a petty offense punishable by a fine of $500 for the first 3 violations, and $1,000 for every subsequent violation.
(720 ILCS 5/Art. 12B heading new)
ARTICLE 12B. SEXUALLY EXPLICIT VIDEO GAMES
(720 ILCS 5/12B-1 new)
Sec. 12B-1. Short title. This Article may be cited as the Sexually Explicit Video Games Law.
(720 ILCS 5/12B-5 new)
Sec. 12B-5. Findings. The General Assembly finds sexually explicit video games inappropriate for minors and that the State has a compelling interest in assisting parents in protecting their minor children from sexually explicit video games.
(720 ILCS 5/12B-10 new)
Sec. 12B-10. Definitions. For the purposes of this Article, the following terms have the following meanings:
(a) "Video game retailer" means a person who sells or rents video games to the public.

(b) "Video game" means an object or device that stores recorded data or instructions, receives data or instructions generated by a person who uses it, and, by processing the data or instructions, creates an interactive game capable of being played, viewed, or experienced on or through a computer, gaming system, console, or other technology.

(c) "Minor" means a person under 18 years of age.

(d) "Person" includes but is not limited to an individual, corporation, partnership, and association.

(e) "Sexually explicit" video games include those that the average person, applying contemporary community standards would find, with respect to minors, is designed to appeal or pander to the prurient interest and depict or represent in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act or a lewd exhibition of the genitals or post-pubescent female breast.

(720 ILCS 5/12B-15 new)
Sec. 12B-15. Restricted sale or rental of sexually explicit video games.

(a) A person who sells, rents, or permits to be sold or rented, any sexually explicit video game to any minor, commits a petty offense for which a fine of $1,000 may be imposed.

(b) A person who sells, rents, or permits to be sold or rented any sexually explicit video game via electronic scanner must program the electronic scanner to prompt sales clerks to check identification before the sale or rental transaction is completed. A person who violates this

New matter indicated by italics - deletions by strikeout
subsection (b) commits a petty offense for which a fine of $1,000 may be imposed.

(c) A person may not sell or rent, or permit to be sold or rented, any sexually explicit video game through a self-scanning checkout mechanism. A person who violates this subsection (c) commits a petty offense for which a fine of $1,000 may be imposed.

(d) A retail sales clerk shall not be found in violation of this Section unless he or she has complete knowledge that the party to whom he or she sold or rented a sexually explicit video game was a minor and the clerk sold or rented the video game to the minor with the specific intent to do so.

(720 ILCS 5/12B-20 new)
Sec. 12B-20. Affirmative defenses. In any prosecution arising under this Article, it is an affirmative defense:

(1) that the defendant was a family member of the minor for whom the video game was purchased. "Family member" for the purpose of this Section, includes a parent, sibling, grandparent, aunt, uncle, or first cousin;

(2) that the minor who purchased the video game exhibited a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the minor was 18 years of age or older, which the defendant reasonably relied on and reasonably believed to be authentic;

(3) for the video game retailer, if the retail sales clerk had complete knowledge that the party to whom he or she sold or rented a violent video game was a minor and the clerk sold or rented the video game to the minor with the specific intent to do so; or

(4) that the video game sold or rented was pre-packaged and rated EC, E10+, E, or T by the Entertainment Software Ratings Board.

(720 ILCS 5/12B-25 new)
Sec. 12B-25. Labeling of sexually explicit video games.
(a) Video game retailers shall label all sexually explicit video games as defined in this Act, with a solid white "18" outlined in black. The "18" shall have dimensions of no less than 2 inches by 2 inches. The "18" shall be displayed on the front face of the video game package.

(b) A retailer who fails to comply with this Section is guilty of a petty offense punishable by a fine of $500 for the first 3 violations, and $1,000 for every subsequent violation.

(720 ILCS 5/12B-30 new)
Sec. 12B-30. Posting notification of video games rating system.

New matter indicated by italics - deletions by strikeout
(a) A retailer who sells or rents video games shall post a sign that notifies customers that a video game rating system, created by the Entertainment Software Ratings Board, is available to aid in the selection of a game. The sign shall be prominently posted in, or within 5 feet of, the area in which games are displayed for sale or rental, at the information desk if one exists, and at the point of purchase.

(b) The lettering of each sign shall be printed, at a minimum, in 36-point type and shall be in black ink against a light colored background, with dimensions of no less than 18 by 24 inches.

(c) A retailer's failure to comply with this Section is a petty offense punishable by a fine of $500 for the first 3 violations, and $1,000 for every subsequent violation.

(720 ILCS 5/12B-35 new)
Sec. 12B-35. Availability of brochure describing rating system.
(a) A video game retailer shall make available upon request a brochure to customers that explains the Entertainment Software Ratings Board ratings system.

(b) A retailer who fails to comply with this Section shall receive the punishment described in subsection (b) of Section 12B-25.

Section 98. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 99. Effective Date. This Act takes effect January 1, 2006.
Approved July 25, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0316
(House Bill No 1338)

AN ACT concerning local government.

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

Section 5. The Local Governmental Employees Political Rights Act is amended by adding Section 12 as follows:

(50 ILCS 135/12 new)
Sec. 12. Elective and appointed office. A member of any fire department or fire protection district may:

New matter indicated by italics - deletions by strikeout
(1) be a candidate for elective public office and serve in that public office if elected;
(2) be appointed to any public office and serve in that public office if appointed; and
(3) as long as the member is not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the public office for which the member is a candidate.

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

Passed in the General Assembly May 19, 2005.
Approved July 25, 2005.

PUBLIC ACT 94-0317
(House Bill No 1403)

AN ACT concerning public employee benefits.

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

Section 5. The Illinois Pension Code is amended by changing Section 4-121 as follows:

(40 ILCS 5/4-121) (from Ch. 108 1/2, par. 4-121)

Sec. 4-121. Board created. There is created in each municipality or fire protection district a board of trustees to be known as the "Board of Trustees of the Firefighters' Pension Fund". The membership of the board for each municipality shall be, respectively, as follows: in cities, the treasurer, clerk, marshall or chief officer of the fire department, and the comptroller if there is one, or if not, the mayor; in each township, village or incorporated town, the president of the municipality's board of trustees, the village or town clerk, village or town attorney, village or town treasurer, and the chief officer of the fire department; and in each fire protection district, the president and other 2 members of its board of trustees and the marshall or chief of its fire department or service, as the case may be; and in all the municipalities above designated 3 additional persons chosen from their active firefighters and one other person who has retired under the "Firemen's Pension Fund Act of 1919", or this Article. Notwithstanding any provision of this Section to the contrary, the term of office of each member of a board established on or before the 3rd Monday in April, 2006 shall terminate on the 3rd Monday in April, 2006, but all incumbent members shall continue to exercise all of the powers and be

New matter indicated by italics - deletions by strikeout
subject to all of the duties of a member of the board until all the new members of the board take office.

Beginning on the 3rd Monday in April, 2006, the board for each municipality or fire protection district shall consist of 5 members. Two members of the board shall be appointed by the mayor or president of the board of trustees of the municipality or fire protection district involved. Two members of the board shall be active participants of the pension fund who are elected from the active participants of the fund. One member of the board shall be a person who is retired under the Firemen's Pension Fund Act of 1919 or this Article who is elected from persons retired under the Firemen's Pension Fund Act of 1919 or this Article.

For the purposes of this Section, a firefighter receiving a disability pension shall be considered a retired firefighter. In the event that there are no retired firefighters under the Fund or if none is willing to serve on the board, then an additional active firefighter shall be elected to the board in lieu of the retired firefighter that would otherwise be elected.

If the regularly constituted fire department of a municipality is dissolved and Section 4-106.1 is not applicable, the board shall continue to exist and administer the Fund so long as there continues to be any annuitant or deferred pensioner in the Fund. In such cases, elections shall continue to be held as specified in this Section, except that: (1) deferred pensioners shall be deemed to be active members for the purposes of such elections; (2) any otherwise unfillable positions on the board, including ex officio positions, shall be filled by election from the remaining firefighters and deferred pensioners of the Fund, to the extent possible; and (3) if the membership of the board falls below 3 persons, the Illinois Director of Insurance or his designee shall be deemed a member of the board, ex officio.

The members chosen from the active and retired firefighters shall be elected by ballot at elections to be held on the 3rd Monday in April of the applicable years under the Australian ballot system, at such place or places, in the municipality, and under such regulations as shall be prescribed by the board.

No person shall cast more than one vote for each candidate for whom he or she is eligible to vote. In the elections for board members to be chosen from the active firefighters, all active firefighters and no others may vote. In the elections for board members to be chosen from retired firefighters, the retired firefighters and no others may vote.

Each member of the board so elected shall hold office for a term of 3 years and until his or her successor has been duly elected and qualified.

New matter indicated by italics - deletions by strikeout
The board shall canvass the ballots and declare which persons have been elected and for what term or terms respectively. In case of a tie vote between 2 or more candidates, the board shall determine by lot which candidate or candidates have been elected and for what term or terms respectively. In the event of the failure, resignation, or inability to act of any board member, a successor shall be elected for the unexpired term at a special election called by the board and conducted in the same manner as a regular election.

The board shall elect annually from its members a president and secretary.

Board members shall not receive or have any right to receive any salary from a pension fund for services performed as board members.

(Source: P.A. 84-1039.)

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

Passed in the General Assembly May 19, 2005.
Approved July 25, 2005.

PUBLIC ACT 94-0318
(House Bill No 2449)

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

Section 1. Short title. This Act may be cited as the Railroad Employees Medical Treatment Act.

Section 5. Definitions. As used in this Act:
"Commission" means the Illinois Commerce Commission.
"Discipline" means to bring charges against in a disciplinary proceeding, suspend, terminate, or make a note of reprimand on an employee's record.

Section 10. Railroad employee access to first aid or medical treatment.

(a) A railroad shall make a good faith effort to provide prompt medical attention for a railroad employee who is injured in the course of his or her employment.

(b) It is unlawful for a railroad or person employed by a railroad to:

New matter indicated by italics - deletions by strikeout
(1) deny, delay, or interfere with medical treatment or first aid treatment to an employee of that railroad who has been injured during employment; or
(2) discipline or threaten discipline to an employee of a railroad who has been injured during employment for (i) requesting medical or first aid treatment or (ii) following the orders or treatment plan of his or her treating physician.
(c) Nothing in this Section shall be construed to require a railroad or railroad employee to perform first aid or medical care.
(d) This Section does not prevent an employer from:
   (1) noting in an employee's record that an injury occurred; or
   (2) offering light duty or an alternate work assignment to an injured employee if the light duty or alternate work assignment does not conflict with the orders or treatment plan of the employee's treating physician.
(e) The Commission has exclusive jurisdiction to determine violations of this Section. If, after a proper complaint and hearing, the Commission determines that a violation has occurred, the Commission shall impose, for each violation, a penalty in an amount not exceeding $10,000. This penalty is the exclusive remedy for any violation of this Section. The Commission shall give priority to any complaint alleging a violation of this Section and shall issue its decision as promptly as possible.

Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0319
(House Bill No 2510)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 8-101 as follows:
(625 ILCS 5/8-101) (from Ch. 95 1/2, par. 8-101)

New matter indicated by italics - deletions by strikeout
(a) It is unlawful for any person, firm or corporation to operate any motor vehicle along or upon any public street or highway in any incorporated city, town or village in this State for the carriage of passengers for hire, accepting and discharging all such persons as may offer themselves for transportation unless such person, firm or corporation has given, and there is in full force and effect and on file with the Secretary of State of Illinois, proof of financial responsibility provided in this Act.

(b) In addition this Section shall also apply to persons, firms or corporations who are in the business of providing transportation services for minors to or from educational or recreational facilities, except that this Section shall not apply to public utilities subject to regulation under "An Act concerning public utilities," approved June 29, 1921, as amended, or to school buses which are operated by public or parochial schools and are engaged solely in the transportation of the pupils who attend such schools.

(c) This Section also applies to a contract carrier transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer passengers. As part of proof of financial responsibility, a contract carrier transporting employees in the course of their employment is required to verify hit and run and uninsured motor vehicle coverage, as provided in Section 143a of the Illinois Insurance Code, and underinsured motor vehicle coverage, as provided in Section 143a-2 of the Illinois Insurance Code, in a total amount of not less than $250,000 per passenger.

(d) This Section shall not apply to any person participating in a ridesharing arrangement or operating a commuter van, but only during the performance of activities authorized by the Ridesharing Arrangements Act.

(e) If the person operating such motor vehicle is not the owner, then proof of financial responsibility filed hereunder must provide that the owner is primarily liable.

(Source: P.A. 92-108, eff. 1-1-02.)
Passed in the General Assembly May 16, 2005.
Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0320
(Senate Bill No 0143)

AN ACT concerning government.

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

Section 5. The Illinois Public Labor Relations Act is amended by changing Sections 3 and 7 as follows:

(5 ILCS 315/3) (from Ch. 48, par. 1603)

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Board" means the Illinois Labor Relations Board or, with respect to a matter over which the jurisdiction of the Board is assigned to the State Panel or the Local Panel under Section 5, the panel having jurisdiction over the matter.

(b) "Collective bargaining" means bargaining over terms and conditions of employment, including hours, wages, and other conditions of employment, as detailed in Section 7 and which are not excluded by Section 4.

(c) "Confidential employee" means an employee who, in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies.

(d) "Craft employees" means skilled journeymen, crafts persons, and their apprentices and helpers.

(e) "Essential services employees" means those public employees performing functions so essential that the interruption or termination of the function will constitute a clear and present danger to the health and safety of the persons in the affected community.

(f) "Exclusive representative", except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, means the labor organization that has been (i) designated by the Board as the representative of a majority of public employees in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before July 1, 1984 (the effective date of this Act) as the exclusive representative of the employees in an appropriate bargaining unit, (iii) after July 1, 1984 (the effective date of this Act) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the employees in an appropriate bargaining unit; or (iv)

New matter indicated by italics - deletions by strikeout
recognized as the exclusive representative of personal care attendants or personal assistants under Executive Order 2003-8 prior to the effective date of the amendatory Act of the 93rd General Assembly, and the organization shall be considered to be the exclusive representative of the personal care attendants or personal assistants as defined in this Section; or (v) recognized as the exclusive representative of child and day care home providers, including licensed and license exempt providers, pursuant to an election held under Executive Order 2005-1 prior to the effective date of this amendatory Act of the 94th General Assembly, and the organization shall be considered to be the exclusive representative of the child and day care home providers as defined in this Section.

With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, "exclusive representative" means the labor organization that has been (i) designated by the Board as the representative of a majority of peace officers or fire fighters in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before January 1, 1986 (the effective date of this amendatory Act of 1985) as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit, or (iii) after January 1, 1986 (the effective date of this amendatory Act of 1985) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit.

(g) "Fair share agreement" means an agreement between the employer and an employee organization under which all or any of the employees in a collective bargaining unit are required to pay their proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and other conditions of employment, but not to exceed the amount of dues uniformly required of members. The amount certified by the exclusive representative shall not include any fees for contributions related to the election or support of any candidate for political office. Nothing in this subsection (g) shall preclude an employee from making voluntary political contributions in conjunction with his or her fair share payment.

(g-1) "Fire fighter" means, for the purposes of this Act only, any person who has been or is hereafter appointed to a fire department or fire protection district or employed by a state university and sworn or
commissioned to perform fire fighter duties or paramedic duties, except that the following persons are not included: part-time fire fighters, auxiliary, reserve or voluntary fire fighters, including paid on-call fire fighters, clerks and dispatchers or other civilian employees of a fire department or fire protection district who are not routinely expected to perform fire fighter duties, or elected officials.

(g-2) "General Assembly of the State of Illinois" means the legislative branch of the government of the State of Illinois, as provided for under Article IV of the Constitution of the State of Illinois, and includes but is not limited to the House of Representatives, the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Joint Committee on Legislative Support Services and any legislative support services agency listed in the Legislative Commission Reorganization Act of 1984.

(h) "Governing body" means, in the case of the State, the State Panel of the Illinois Labor Relations Board, the Director of the Department of Central Management Services, and the Director of the Department of Labor; the county board in the case of a county; the corporate authorities in the case of a municipality; and the appropriate body authorized to provide for expenditures of its funds in the case of any other unit of government.

(i) "Labor organization" means any organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public employer concerning wages, hours, and other terms and conditions of employment, including the settlement of grievances.

(j) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of management policies and practices.

(k) "Peace officer" means, for the purposes of this Act only, any persons who have been or are hereafter appointed to a police force, department, or agency and sworn or commissioned to perform police duties, except that the following persons are not included: part-time police officers, special police officers, auxiliary police as defined by Section 3.1-30-20 of the Illinois Municipal Code, night watchmen, "merchant police", court security officers as defined by Section 3-6012.1 of the Counties Code, temporary employees, traffic guards or wardens, civilian parking meter and parking facilities personnel or other individuals specially appointed to aid or direct traffic at or near schools or public functions or to
aid in civil defense or disaster, parking enforcement employees who are not commissioned as peace officers and who are not armed and who are not routinely expected to effect arrests, parking lot attendants, clerks and dispatchers or other civilian employees of a police department who are not routinely expected to effect arrests, or elected officials.

(l) "Person" includes one or more individuals, labor organizations, public employees, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or the State of Illinois or any political subdivision of the State or governing body, but does not include the General Assembly of the State of Illinois or any individual employed by the General Assembly of the State of Illinois.

(m) "Professional employee" means any employee engaged in work predominantly intellectual and varied in character rather than routine mental, manual, mechanical or physical work; involving the consistent exercise of discretion and adjustment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from apprenticeship or from training in the performance of routine mental, manual, or physical processes; or any employee who has completed the courses of specialized intellectual instruction and study prescribed in this subsection (m) and is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in this subsection (m).

(n) "Public employee" or "employee", for the purposes of this Act, means any individual employed by a public employer, including (i) interns and residents at public hospitals and, (ii) as of the effective date of this amendatory Act of the 93rd General Assembly, but not before, personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act, and (iii) as of the effective date of this amendatory Act of the 94th General Assembly, but not before, child and day care home providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code, subject to the limitations set forth in this Act and in Section 9A-11 of the Illinois Public Aid Code, but excluding all of the following: employees of the General Assembly of the State of Illinois; elected officials; executive heads of a department;
members of boards or commissions; the Executive Inspectors General; any special Executive Inspectors General; employees of each Office of an Executive Inspector General; commissioners and employees of the Executive Ethics Commission; the Auditor General's Inspector General; employees of the Office of the Auditor General's Inspector General; the Legislative Inspector General; any special Legislative Inspectors General; employees of the Office of the Legislative Inspector General; commissioners and employees of the Legislative Ethics Commission; employees of any agency, board or commission created by this Act; employees appointed to State positions of a temporary or emergency nature; all employees of school districts and higher education institutions except firefighters and peace officers employed by a state university; managerial employees; short-term employees; confidential employees; independent contractors; and supervisors except as provided in this Act.

Personal care attendants and personal assistants shall not be considered public employees for any purposes not specifically provided for in the amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/).

Child and day care home providers shall not be considered public employees for any purposes not specifically provided for in this amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

Notwithstanding Section 9, subsection (c), or any other provisions of this Act, all peace officers above the rank of captain in municipalities with more than 1,000,000 inhabitants shall be excluded from this Act.

(o) "Public employer" or "employer" means the State of Illinois; any political subdivision of the State, unit of local government or school district; authorities including departments, divisions, bureaus, boards, commissions, or other agencies of the foregoing entities; and any person acting within the scope of his or her authority, express or implied, on behalf of those entities in dealing with its employees. As of the effective date of the amendatory Act of the 93rd General Assembly, but not before, the State of Illinois shall be considered the employer of the personal care attendants and personal assistants working under the Home

New matter indicated by italics - deletions by strikeout
Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act. The State shall not be considered to be the employer of personal care attendants and personal assistants for any purposes not specifically provided for in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/). As of the effective date of this amendatory Act of the 94th General Assembly but not before, the State of Illinois shall be considered the employer of the day and child care home providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code, subject to the limitations set forth in this Act and in Section 9A-11 of the Illinois Public Aid Code. The State shall not be considered to be the employer of child and day care home providers for any purposes not specifically provided for in this amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

"Public employer" or "employer" as used in this Act, however, does not mean and shall not include the General Assembly of the State of Illinois, the Executive Ethics Commission, the Offices of the Executive Inspectors General, the Legislative Ethics Commission, the Office of the Legislative Inspector General, the Office of the Auditor General's Inspector General, and educational employers or employers as defined in the Illinois Educational Labor Relations Act, except with respect to a state university in its employment of firefighters and peace officers. County boards and county sheriffs shall be designated as joint or co-employers of county peace officers appointed under the authority of a county sheriff. Nothing in this subsection (o) shall be construed to prevent the State Panel or the Local Panel from determining that employers are joint or co-employers.

(p) "Security employee" means an employee who is responsible for the supervision and control of inmates at correctional facilities. The term also includes other non-security employees in bargaining units having the majority of employees being responsible for the supervision and control of inmates at correctional facilities.

New matter indicated by italics - deletions by strikeout
(q) "Short-term employee" means an employee who is employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable assurance that he or she will be rehired by the same employer for the same service in a subsequent calendar year.

(r) "Supervisor" is an employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, to adjust their grievances, or to effectively recommend any of those actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment. Except with respect to police employment, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising that authority, State supervisors notwithstanding. In addition, in determining supervisory status in police employment, rank shall not be determinative. The Board shall consider, as evidence of bargaining unit inclusion or exclusion, the common law enforcement policies and relationships between police officer ranks and certification under applicable civil service law, ordinances, personnel codes, or Division 2.1 of Article 10 of the Illinois Municipal Code, but these factors shall not be the sole or predominant factors considered by the Board in determining police supervisory status.

Notwithstanding the provisions of the preceding paragraph, in determining supervisory status in fire fighter employment, no fire fighter shall be excluded as a supervisor who has established representation rights under Section 9 of this Act. Further, in new fire fighter units, employees shall consist of fire fighters of the rank of company officer and below. If a company officer otherwise qualifies as a supervisor under the preceding paragraph, however, he or she shall not be included in the fire fighter unit. If there is no rank between that of chief and the highest company officer, the employer may designate a position on each shift as a Shift Commander, and the persons occupying those positions shall be supervisors. All other ranks above that of company officer shall be supervisors.

(s) (1) "Unit" means a class of jobs or positions that are held by employees whose collective interests may suitably be represented by a labor organization for collective bargaining. Except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining
unit determined by the Board shall not include both employees and supervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on July 1, 1984 (the effective date of this Act). With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both supervisors and nonsupervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on January 1, 1986 (the effective date of this amendatory Act of 1985). A bargaining unit determined by the Board to contain peace officers shall contain no employees other than peace officers unless otherwise agreed to by the employer and the labor organization or labor organizations involved. Notwithstanding any other provision of this Act, a bargaining unit, including a historical bargaining unit, containing sworn peace officers of the Department of Natural Resources (formerly designated the Department of Conservation) shall contain no employees other than such sworn peace officers upon the effective date of this amendatory Act of 1990 or upon the expiration date of any collective bargaining agreement in effect upon the effective date of this amendatory Act of 1990 covering both such sworn peace officers and other employees.

(2) Notwithstanding the exclusion of supervisors from bargaining units as provided in paragraph (1) of this subsection (s), a public employer may agree to permit its supervisory employees to form bargaining units and may bargain with those units. This Act shall apply if the public employer chooses to bargain under this subsection.

(Source: P.A. 93-204, eff. 7-16-03; 93-617, eff. 12-9-03.)

 Sec. 7. Duty to bargain. A public employer and the exclusive representative have the authority and the duty to bargain collectively set forth in this Section.

For the purposes of this Act, "to bargain collectively" means the performance of the mutual obligation of the public employer or his designated representative and the representative of the public employees to meet at reasonable times, including meetings in advance of the budget-making process, and to negotiate in good faith with respect to wages,

New matter indicated by italics - deletions by strikeout
hours, and other conditions of employment, not excluded by Section 4 of this Act, or the negotiation of an agreement, or any question arising thereunder and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

The duty "to bargain collectively" shall also include an obligation to negotiate over any matter with respect to wages, hours and other conditions of employment, not specifically provided for in any other law or not specifically in violation of the provisions of any law. If any other law pertains, in part, to a matter affecting the wages, hours and other conditions of employment, such other law shall not be construed as limiting the duty "to bargain collectively" and to enter into collective bargaining agreements containing clauses which either supplement, implement, or relate to the effect of such provisions in other laws.

The duty "to bargain collectively" shall also include negotiations as to the terms of a collective bargaining agreement. The parties may, by mutual agreement, provide for arbitration of impasses resulting from their inability to agree upon wages, hours and terms and conditions of employment to be included in a collective bargaining agreement. Such arbitration provisions shall be subject to the Illinois "Uniform Arbitration Act" unless agreed by the parties.

The duty "to bargain collectively" shall also mean that no party to a collective bargaining contract shall terminate or modify such contract, unless the party desiring such termination or modification:

(1) serves a written notice upon the other party to the contract of the proposed termination or modification 60 days prior to the expiration date thereof, or in the event such contract contains no expiration date, 60 days prior to the time it is proposed to make such termination or modification;

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) notifies the Board within 30 days after such notice of the existence of a dispute, provided no agreement has been reached by that time; and

(4) continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract for a period of 60 days after such notice is given to the other party or until the expiration date of such contract, whichever occurs later.

New matter indicated by italics - deletions by strikeout
The duties imposed upon employers, employees and labor organizations by paragraphs (2), (3) and (4) shall become inapplicable upon an intervening certification of the Board, under which the labor organization, which is a party to the contract, has been superseded as or ceased to be the exclusive representative of the employees pursuant to the provisions of subsection (a) of Section 9, and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract.

Collective bargaining for personal care attendants and personal assistants under the Home Services Program shall be limited to the terms and conditions of employment under the State's control, as defined in the amendatory Act of the 93rd General Assembly.

Collective bargaining for child and day care home providers under the child care assistance program shall be limited to the terms and conditions of employment under the State's control, as defined in this amendatory Act of the 94th General Assembly.

(Source: P.A. 93-204, eff. 7-16-03.)

Section 10. The Illinois Public Aid Code is amended by changing Section 9A-11 as follows:

(305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)
Sec. 9A-11. Child Care.

(a) The General Assembly recognizes that families with children need child care in order to work. Child care is expensive and families with low incomes, including those who are transitioning from welfare to work, often struggle to pay the costs of day care. The General Assembly understands the importance of helping low income working families become and remain self-sufficient. The General Assembly also believes that it is the responsibility of families to share in the costs of child care. It is also the preference of the General Assembly that all working poor families should be treated equally, regardless of their welfare status.

(b) To the extent resources permit, the Illinois Department shall provide child care services to parents or other relatives as defined by rule who are working or participating in employment or Department approved education or training programs. At a minimum, the Illinois Department shall cover the following categories of families:

(1) recipients of TANF under Article IV participating in work and training activities as specified in the personal plan for employment and self-sufficiency;

New matter indicated by italics - deletions by strikeout
(2) families transitioning from TANF to work;
(3) families at risk of becoming recipients of TANF;
(4) families with special needs as defined by rule; and
(5) working families with very low incomes as defined by rule.

The Department shall specify by rule the conditions of eligibility, the application process, and the types, amounts, and duration of services. Eligibility for child care benefits and the amount of child care provided may vary based on family size, income, and other factors as specified by rule.

In determining income eligibility for child care benefits, the Department annually, at the beginning of each fiscal year, shall establish, by rule, one income threshold for each family size, in relation to percentage of State median income for a family of that size, that makes families with incomes below the specified threshold eligible for assistance and families with incomes above the specified threshold ineligible for assistance. The specified threshold must be no less than 50% of the then-current State median income for each family size.

In determining eligibility for assistance, the Department shall not give preference to any category of recipients or give preference to individuals based on their receipt of benefits under this Code.

The Department shall allocate $7,500,000 annually for a test program for families who are income-eligible for child care assistance, who are not recipients of TANF under Article IV, and who need child care assistance to participate in education and training activities. The Department shall specify by rule the conditions of eligibility for this test program.

Nothing in this Section shall be construed as conferring entitlement status to eligible families.

The Illinois Department is authorized to lower income eligibility ceilings, raise parent co-payments, create waiting lists, or take such other actions during a fiscal year as are necessary to ensure that child care benefits paid under this Article do not exceed the amounts appropriated for those child care benefits. These changes may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply.

The Illinois Department may contract with other State agencies or child care organizations for the administration of child care services.

(c) Payment shall be made for child care that otherwise meets the requirements of this Section and applicable standards of State and local
law and regulation, including any requirements the Illinois Department promulgates by rule in addition to the licensure requirements promulgated by the Department of Children and Family Services and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal and is provided in any of the following:

(1) a child care center which is licensed or exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969;
(2) a licensed child care home or home exempt from licensing;
(3) a licensed group child care home;
(4) other types of child care, including child care provided by relatives or persons living in the same home as the child, as determined by the Illinois Department by rule.

(b-5) Solely for the purposes of coverage under the Illinois Public Labor Relations Act, child and day care home providers, including licensed and license exempt, participating in the Department’s child care assistance program shall be considered to be public employees and the State of Illinois shall be considered to be their employer as of the effective date of this amendatory Act of the 94th General Assembly, but not before. The State shall engage in collective bargaining with an exclusive representative of child and day care home providers participating in the child care assistance program concerning their terms and conditions of employment that are within the State’s control. Nothing in this subsection shall be understood to limit the right of families receiving services defined in this Section to select child and day care home providers or supervise them within the limits of this Section. The State shall not be considered to be the employer of child and day care home providers for any purposes not specifically provided in this amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

In according child and day care home providers and their selected representative rights under the Illinois Public Labor Relations Act, the State intends that the State action exemption to application of federal and State antitrust laws be fully available to the extent that their activities are authorized by this amendatory Act of the 94th General Assembly.

(d) The Illinois Department shall, by rule, require co-payments for child care services by any parent, including parents whose only income is from assistance under this Code. The co-payment shall be assessed based

New matter indicated by italics - deletions by strikeout
on a sliding scale based on family income, family size, and the number of
children in care. Co-payments shall not be increased due solely to a change
in the methodology for counting family income.

(e) The Illinois Department shall conduct a market rate survey
based on the cost of care and other relevant factors which shall be
completed by July 1, 1998.

(f) The Illinois Department shall, by rule, set rates to be paid for
the various types of child care. Child care may be provided through one of
the following methods:

(1) arranging the child care through eligible providers by
use of purchase of service contracts or vouchers;
(2) arranging with other agencies and community volunteer
groups for non-reimbursed child care;
(3) (blank); or
(4) adopting such other arrangements as the Department
determines appropriate.

(f-5) The Illinois Department, in consultation with its Child Care
and Development Advisory Council, shall develop a comprehensive plan
to revise the State's rates for the various types of child care. The plan shall
be completed no later than January 1, 2005 and shall include:

(1) Base reimbursement rates that are adequate to
provide children receiving child care services from the
Department equal access to quality child care, utilizing data
from the most current market rate survey.

(2) A tiered reimbursement rate system that
financially rewards providers of child care services that
meet defined benchmarks of higher-quality care.

(3) Consideration of revisions to existing county
groupings and age classifications, utilizing data from the
most current market rate survey.

(4) Consideration of special rates for certain types
of care such as caring for a child with a disability.

(g) Families eligible for assistance under this Section shall be given
the following options:

(1) receiving a child care certificate issued by the
Department or a subcontractor of the Department that may be used
by the parents as payment for child care and development services
only; or

(2) if space is available, enrolling the child with a child care
provider that has a purchase of service contract with the

New matter indicated by italics - deletions by strikeout
Department or a subcontractor of the Department for the provision of child care and development services. The Department may identify particular priority populations for whom they may request special consideration by a provider with purchase of service contracts, provided that the providers shall be permitted to maintain a balance of clients in terms of household incomes and families and children with special needs, as defined by rule.

(Source: P.A. 93-361, eff. 9-1-03; 93-1062, eff. 12-23-04.)


Approved July 26, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0321
(House Bill No 1480)

AN ACT concerning labor.

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

Section 5. The Labor Dispute Act is amended by adding Sections 1.2, 1.3, 1.4, and 1.5 as follows:

(820 ILCS 5/1.2 new)

Sec. 1.2. Legislative findings and declaration. The General Assembly finds that a union, union members, sympathizers, and an employer's employees have a right to communicate their dispute with a primary employer to the public by picketing the primary employer wherever they happen to be. The picketing may take place not only at the employer's main facility, but at job sites as well. The General Assembly recognizes that peaceful primary picketing of any type is explicitly permitted by statute pursuant to the National Labor Relations Act, 29 U.S.C. 151 et seq., and the Labor Management Relations Act, 29 U.S.C. 141 et seq., including the right to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection as provided in 29 U.S.C. 157 et seq.

(820 ILCS 5/1.3 new)

Sec. 1.3. Definitions. As used in Section 1.2 through 1.5:

"Employee" means any individual permitted to work by an employer in an occupation.

"Employer" means any individual, partnership, association, corporation, business trust, governmental or quasi-governmental body, or any person or group of persons that employs any person to work, labor, or
exercise skill in connection with the operation of any business, industry, vocation, or occupation.

"Picketing" means the stationing of a person for an organization to apprise the public by signs or other means of the existence of a dispute pursuant to the National Labor Relations Act, 29 U.S.C. 151 et seq., and the Labor Management Relations Act, 29 U.S.C. 141 et seq.

"Dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment or other protest, regardless of whether or not the disputants stand in the proximate relationship of employer and employee.

"Public right of way" means that portion of the highway or street adjacent to the roadway for accommodating stopped vehicles or for emergency use; or that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines.

"Temporary sign" means a sign or other display or device that is not permanently affixed and is capable of being removed at the end of each day or shift.

"Temporary shelter" means a tent or shelter that is not permanently affixed and is capable of being removed at the end of each day or shift, not to exceed 300 square feet in size.

(820 ILCS 5/1.4 new)

Sec. 1.4. Use of public right of way.

(a) Persons engaged in picketing shall be allowed to use public rights of way to apprise the public of the existence of a dispute for the following:

(1) The purposes of picketing.

(2) The erection of temporary signs announcing their dispute.

(3) The parking of at least one vehicle on the public right of way. Nothing in this Section shall require the accommodation of parking more than 10 vehicles on the public right of way. This Section shall not be construed to allow the blocking of fire hydrants. Picketers shall ensure that water mains, sewers, and other utilities are accessible for construction, maintenance, and emergency repair work.

(4) The erection of tents or other temporary shelter for the health, welfare, personal safety, and well-being of picketers.

New matter indicated by italics - deletions by strikeout
(b) Any signs, tents, or temporary shelters shall be removed at the end of each day when the picketing has ceased. Signs, tents, or temporary shelters may be maintained so long as individuals participating in the labor dispute are present.

(c) This Section shall not be construed to allow the erection of a tent or shelter or parking of a vehicle where there is insufficient space on the public right of way. This Section shall not be construed to allow the erection of a tent or shelter on the right of way of any Class I highway as defined in Section 1-126.1 of the Illinois Vehicle Code. Picketers shall ensure that a reasonable walkway exists for pedestrians and others to pass by the picketing activities. Persons using the right of way under this Section shall make reasonable attempts to keep the area free from garbage and significant damage.

(d) No sign, tent, or temporary shelter may be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal, or device or to obstruct or physically interfere with a driver's view of approaching, merging, or intersecting traffic. The burden of proof shall rest on the unit of local government making such a claim. If a court determines that a sign, tent, or temporary shelter does not obscure or otherwise physically interfere with an official traffic sign, signal, or device or obstruct or physically interfere with a driver's view of approaching, merging, or intersecting traffic, the unit of local government is liable for all costs and attorney's fees.

(820 ILCS 5/1.5 new)

Sec. 1.5. Preemption. The provisions of any ordinance or resolution adopted before, on, or after the effective date of this amendatory Act of the 94th General Assembly by any unit of local government that impose restrictions or limitations on the picketing of an employer in a manner inconsistent with this Act are invalid, and existing ordinances and resolutions, as they apply to picketing, are void. It is declared to be the policy of this State that the regulation of picketing is an exclusive power and function of the State. A home rule unit may not regulate picketing. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Passed in the General Assembly May 27, 2005.
Approved July 26, 2005.
Effective January 1, 2006.
AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 3-634 as follows:

(625 ILCS 5/3-634)

Sec. 3-634. Illinois Fire Fighters' License Plate.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated to be Illinois Fire Fighters' Memorial license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, recreational vehicles as defined in Section 1-169 of this Code, and subject to the staggered registration system. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. The Secretary of State may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary of State shall prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $27 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $15 shall be deposited into the Secretary of State Special License Plate Fund and $12 shall be deposited into the Illinois Fire Fighters' Memorial Fund. For each registration renewal period, a $17 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $15 shall be deposited into the Illinois Fire Fighters' Memorial Fund.

(d) In addition to the purpose specified in Section 2-119(n), moneys in the Illinois Fire Fighters' Memorial Fund shall, subject to appropriation by the General Assembly and approval by the Secretary, be used exclusively for the following purposes:

(I) maintaining the Illinois Fire Fighters' Memorial;
(2) holding an annual memorial commemoration and Medal of Honor ceremony and related activities; and

(3) for providing scholarships to children of fire fighters killed in the line of duty.

(Source: P.A. 93-717, eff. 7-13-04.)
Passed in the General Assembly May 11, 2005.
Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0323
(House Bill No 0596)

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

Section 5. The Criminal Code of 1961 is amended by adding Sections 2-6.6, 32-5.4, 32-5.5, 32-5.6, and 32-5.7 as follows:

(720 ILCS 5/2-6.6 new)
Sec. 2-6.6. Emergency management worker.
"Emergency management worker" shall include the following:
(a) any person, paid or unpaid, who is a member of a local or county emergency services and disaster agency as defined by the Illinois Emergency Management Agency Act, or who is an employee of the Illinois Emergency Management Agency or the Federal Emergency Management Agency;
(b) any employee or volunteer of the American Red Cross;
(c) any employee of a federal, State, county or local government agency assisting an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency through mutual aid or as otherwise requested or directed in time of disaster or emergency; and
(d) any person volunteering or directed to assist an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency.
(720 ILCS 5/32-5.4 new)
Sec. 32-5.4. False personation of a fire fighter. A person who knowingly and falsely represents himself to be a fire fighter of any jurisdiction commits a Class 4 felony.

New matter indicated by italics - deletions by strikeout
(720 ILCS 5/32-5.5 new)

Sec. 32-5.5. Aggravated false personation of a fire fighter. A person who knowingly and falsely represents himself to be a fire fighter of any jurisdiction in attempting or committing a felony commits a Class 3 felony.

(720 ILCS 5/32-5.6 new)

Sec. 32-5.6. False personation of an emergency management worker. A person who knowingly and falsely represents himself to be an emergency management worker of any jurisdiction in this State or of the American Red Cross commits a Class 4 felony. For purposes of this Section, "emergency management worker" shall have the same meaning as provided under Section 2-6.6 of this Code.

(720 ILCS 5/32-5.7 new)

Sec. 32-5.7. Aggravated false personation of an emergency management worker. A person who knowingly and falsely represents himself to be an emergency management worker of any jurisdiction in this State or of the American Red Cross in attempting or committing a felony commits a Class 3 felony. For purposes of this Section, "emergency management worker" shall have the same meaning as provided under Section 2-6.6 of this Code.

Passed in the General Assembly May 27, 2005.
Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0324
(House Bill No 0763)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Controlled Substances Act is amended by changing Section 402 as follows:
(720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

Sec. 402. Except as otherwise authorized by this Act, it is unlawful for any person knowingly to possess a controlled or counterfeit substance or controlled substance analog. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance which is intended for human consumption, other than a controlled substance, that has a

New matter indicated by italics - deletions by strikeout
chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines, morphinans, ecgonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.

(a) Any person who violates this Section with respect to the following controlled or counterfeit substances and amounts, notwithstanding any of the provisions of subsections (c) and (d) to the contrary, is guilty of a Class 1 felony and shall, if sentenced to a term of imprisonment, be sentenced as provided in this subsection (a) and fined as provided in subsection (b):

(1) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin;
   (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin;
   (C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing heroin;
   (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing heroin;

(2) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of any substance containing cocaine;
   (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of any substance containing cocaine;
   (C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing cocaine;
   (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing cocaine;

New matter indicated by italics - deletions by strikeout
(3) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of any substance containing morphine;
   (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of any substance containing morphine;
   (C) not less than 6 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing morphine;
   (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing morphine;

(4) 200 grams or more of any substance containing peyote;

(5) 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid;

(6) 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine;

(6.5) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine;
   (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine;
   (C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine;
   (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing methamphetamine or any salt of an optical isomer of methamphetamine;

(7) (A) not less than 4 years and not more than 15 years with respect to: (i) 15 grams or more but less than 100 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or

New matter indicated by italics - deletions by strikeout
having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(B) not less than 6 years and not more than 30 years with respect to: (i) 100 grams or more but less than 400 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(C) not less than 8 years and not more than 40 years with respect to: (i) 400 grams or more but less than 900 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(D) not less than 10 years and not more than 50 years with respect to: (i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5) (A) not less than 4 years and not more than 15 years with respect to: (i) 15 grams or more but less than 100 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

New matter indicated by italics - deletions by strikeout
(B) not less than 6 years and not more than 30 years with respect to: (i) 100 grams or more but less than 400 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(C) not less than 8 years and not more than 40 years with respect to: (i) 400 grams or more but less than 900 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(D) not less than 10 years and not more than 50 years with respect to: (i) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof; (9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone;

New matter indicated by italics - deletions by strikeout
(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP);

(10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine;

(11) 200 grams or more of any substance containing any substance classified as a narcotic drug in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (6.5), (7), or (7.5) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not to exceed $200,000 or the full street value of the controlled or counterfeit substances, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $200,000.

(c) Any person who violates this Section with regard to an amount of a controlled or counterfeit substance not set forth in subsection (a) or (d) is guilty of a Class 4 felony. The fine for a violation punishable under this subsection (c) shall not be more than $25,000.

(d) Any person who violates this Section with regard to any amount of anabolic steroid is guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for a subsequent offense committed within 2 years of a prior conviction.

(Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99; 92-256, eff. 1-1-02.)

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

Passed in the General Assembly May 27, 2005.
Approved July 26, 2005.
Effective July 26, 2005.

PUBLIC ACT 94-0325
(House Bill No 0793)

AN ACT concerning criminal law.

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

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 111-8 as follows:

(725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

Sec. 111-8. Orders of protection to prohibit domestic violence.

(a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3, 10-3.1, 10-4, 10-5, 11-15, 11-15.1, 11-20.1, 11-20a, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, or 12-16, 19-4, 21-1, 21-2, or 21-3 of the Criminal Code of 1961 or Section 1-1 of the Harassing and Obscene Communications Act, as now or hereafter amended, is alleged in an information, complaint or indictment on file, and the alleged offender and victim are family or household members, as defined in the Illinois Domestic Violence Act, as now or hereafter amended, the People through the respective State's Attorneys may by separate petition and upon notice to the defendant, except as provided in subsection (c) herein, request the court to issue an order of protection.

(b) In addition to any other remedies specified in Section 208 of the Illinois Domestic Violence Act, as now or hereafter amended, the order may direct the defendant to initiate no contact with the alleged victim or victims who are family or household members and to refrain from entering the residence, school or place of business of the alleged victim or victims.

(c) The court may grant emergency relief without notice upon a showing of immediate and present danger of abuse to the victim or minor children of the victim and may enter a temporary order pending notice and full hearing on the matter.

(Source: P.A. 91-445, eff. 1-1-00.)

Passed in the General Assembly May 18, 2005.
Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0326
(House Bill No 0823)

AN ACT concerning human rights.

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

Section 5. The Illinois Human Rights Act is amended by changing Sections 7A-102 and 7B-102 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 7A-102. Procedures.

(A) Charge.

(1) Within 180 days after the date that a civil rights violation allegedly has been committed, a charge in writing under oath or affirmation may be filed with the Department by an aggrieved party or issued by the Department itself under the signature of the Director.

(2) The charge shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged civil rights violation.

(B) Notice, and Response, and Review of Charge. The Department shall, within 10 days of the date on which the charge was filed, serve a copy of the charge on the respondent. This period shall not be construed to be jurisdictional. The charging party and the respondent may each file a position statement and other materials with the Department regarding the charge of alleged discrimination within 60 days of receipt of the notice of the charge. The position statements and other materials filed shall remain confidential unless otherwise agreed to by the party providing the information and shall not be served on or made available to the other party during pendency of a charge with the Department. The Department shall require the respondent to file a verified response to the allegations contained in the charge within 60 days of receipt of the notice of the charge. The respondent shall serve a copy of its response on the complainant or his representative. All allegations contained in the charge not timely denied by the respondent shall be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The Department may issue a notice of default directed to any respondent who fails to file a verified response to a charge within 60 days of receipt of the notice of the charge, unless the respondent can demonstrate good cause as to why such notice should not issue. The term "good cause" shall be defined by rule promulgated by the Department. Within 30 days of receipt of the respondent's response, the complainant may file a reply to said response and shall serve a copy of said reply on the respondent or his representative. A party shall have the right to supplement his response or reply at any time that the investigation of the charge is pending. The Department shall, within 10 days of the date on which the charge was filed, and again no later than 335 days thereafter, send by certified or registered mail written notice to the complainant and to the respondent informing the complainant of the right to file a

New matter indicated by italics - deletions by strikeout
complaint with the Human Rights Commission under subparagraph (2) of paragraph (G), including in such notice the dates within which the complainant may exercise this right. In the notice the Department shall notify the complainant that the charge of civil rights violation will be dismissed with prejudice and with no right to further proceed if a written complaint is not timely filed with the Commission by the complainant pursuant to subparagraph (2) of paragraph (G) or by the Department pursuant to subparagraph (1) of paragraph (G).

(B-1) Mediation. The complainant and respondent may agree to voluntarily submit the charge to mediation without waiving any rights that are otherwise available to either party pursuant to this Act and without incurring any obligation to accept the result of the mediation process. Nothing occurring in mediation shall be disclosed by the Department or admissible in evidence in any subsequent proceeding unless the complainant and the respondent agree in writing that such disclosure be made.

(C) Investigation.

(1) After the respondent has been notified, the Department shall conduct a full investigation of the allegations set forth in the charge.

(2) The Director or his or her designated representatives shall have authority to request any member of the Commission to issue subpoenas to compel the attendance of a witness or the production for examination of any books, records or documents whatsoever.

(3) If any witness whose testimony is required for any investigation resides outside the State, or through illness or any other good cause as determined by the Director is unable to be interviewed by the investigator or appear at a fact finding conference, his or her testimony or deposition may be taken, within or without the State, in the same manner as is provided for in the taking of depositions in civil cases in circuit courts.

(4) Upon reasonable notice to the complainant and the respondent, the Department shall conduct a fact finding conference prior to 365 days after the date on which the charge was filed, unless the Director has determined whether there is substantial evidence that the alleged civil rights violation has been committed or the charge has been dismissed for lack of jurisdiction. If the parties agree in writing, the fact finding conference may be held at a time after the 365 day limit. Any party's failure to attend the
conference without good cause shall result in dismissal or default. The term "good cause" shall be defined by rule promulgated by the Department. A notice of dismissal or default shall be issued by the Director and shall notify the relevant party that a request for review may be filed in writing with the Chief Legal Counsel of the Department within 30 days of receipt of notice of dismissal or default.

(D) Report.

(1) Each charge shall be the subject of a report to the Director. The report shall be a confidential document subject to review by the Director, authorized Department employees, the parties, and, where indicated by this Act, members of the Commission or their designated hearing officers.

(2) Upon review of the report, the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed. The determination of substantial evidence is limited to determining the need for further consideration of the charge pursuant to this Act and includes, but is not limited to, findings of fact and conclusions, as well as the reasons for the determinations on all material issues and questions of credibility. Substantial evidence is evidence which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance.

(a) If the Director determines that there is no substantial evidence, the charge shall be dismissed by order of the Director and the complainant notified that he or she may seek review of the dismissal order before the Chief Legal Counsel of the Department. The complainant shall have 30 days from receipt of notice to file a request for review by the Chief Legal Counsel of the Department.

(b) If the Director determines that there is substantial evidence, he or she shall designate a Department employee who is an attorney licensed to practice in Illinois to endeavor to eliminate the effect of the alleged civil rights violation and to prevent its repetition by means of conference and conciliation.

(E) Conciliation.

(1) When the Department determines that a formal conciliation conference is necessary, the complainant and
respondent shall be notified of the time and place of the conference by registered or certified mail at least 10 days prior thereto and either or both parties shall appear at the conference in person or by attorney.

(2) The place fixed for the conference shall be within 35 miles of the place where the civil rights violation is alleged to have been committed.

(3) Nothing occurring at the conference shall be disclosed by the Department unless the complainant and respondent agree in writing that such disclosure be made.

(F) Complaint.

(1) When there is a failure to settle or adjust any charge through conciliation, the Department shall prepare a written complaint, under oath or affirmation, stating the nature of the civil rights violation substantially as alleged in the charge previously filed and the relief sought on behalf of the aggrieved party.

(2) The complaint shall be filed with the Commission.

(G) Time Limit.

(1) When a charge of a civil rights violation has been properly filed, the Department, within 365 days thereof or within any extension of that period agreed to in writing by all parties, shall either issue and file a complaint in the manner and form set forth in this Section or shall order that no complaint be issued and dismiss the charge with prejudice without any further right to proceed except in cases in which the order was procured by fraud or duress. Any such order shall be duly served upon both the complainant and the respondent.

(2) Between 365 and 395 days after the charge is filed, or such longer period agreed to in writing by all parties, the aggrieved party may file a complaint with the Commission, if the Director has not sooner issued a report and determination pursuant to paragraphs (D)(1) and (D)(2) of this Section. The form of the complaint shall be in accordance with the provisions of paragraph (F). The aggrieved party shall notify the Department that a complaint has been filed and shall serve a copy of the complaint on the Department on the same date that the complaint is filed with the Commission.

(3) If an aggrieved party files a complaint with the Human Rights Commission pursuant to paragraph (2) of this subsection, or if the time period for filing a complaint has expired, the

New matter indicated by italics - deletions by strikeout
Department shall immediately cease its investigation and dismiss the charge of civil rights violation. Any final order entered by the Chief Legal Counsel under this Section is appealable in accordance with paragraph (A)(1) of Section 8-111. Failure to immediately cease an investigation and dismiss the charge of civil rights violation as provided in this paragraph (3) constitutes grounds for entry of an order by the circuit court permanently enjoining the investigation. The Department may also be liable for any costs and other damages incurred by the respondent as a result of the action of the Department.

(4) The Department shall stay any administrative proceedings under this Section after the filing of a civil action by or on behalf of the aggrieved party under any federal or State law seeking relief with respect to the alleged civil rights violation.

(H) This amendatory Act of 1995 applies to causes of action filed on or after January 1, 1996.

(I) This amendatory Act of 1996 applies to causes of action filed on or after January 1, 1996.

(Source: P.A. 89-370, eff. 8-18-95; 89-520, eff. 7-18-96.)

(775 ILCS 5/7B-102)(from Ch. 68, par. 7B-102)

Sec. 7B-102. Procedures.

(A) Charge.

(1) Within one year after the date that a civil rights violation allegedly has been committed or terminated, a charge in writing under oath or affirmation may be filed with the Department by an aggrieved party or issued by the Department itself under the signature of the Director.

(2) The charge shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged civil rights violation.

(B) Notice and Response to Charge.

(1) The Department shall serve notice upon the aggrieved party acknowledging such charge and advising the aggrieved party of the time limits and choice of forums provided under this Act. The Department shall, within 10 days of the date on which the charge was filed or the identification of an additional respondent under paragraph (2) of this subsection, serve on the respondent a copy of the charge along with a notice identifying the alleged civil rights violation and advising the respondent of the procedural rights and obligations of respondents under this Act and shall
require the respondent to file a verified response to the allegations contained in the charge within 30 days. The respondent shall serve a copy of its response on the complainant or his representative. All allegations contained in the charge not timely denied by the respondent shall be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The Department may issue a notice of default directed to any respondent who fails to file a verified response to a charge within 30 days of the date on which the charge was filed, unless the respondent can demonstrate good cause as to why such notice should not issue. The term "good cause" shall be defined by rule promulgated by the Department. Within 10 days of the date he receives the respondent's response, the complainant may file his reply to said response. If he chooses to file a reply, the complainant shall serve a copy of said reply on the respondent or his representative. A party shall have the right to supplement his response or reply at any time that the investigation of the charge is pending.

(2) A person who is not named as a respondent in a charge, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under subsection (B), to such person, from the Department. Such notice, in addition to meeting the requirements of subsections (A) and (B), shall explain the basis for the Department's belief that a person to whom the notice is addressed is properly joined as a respondent.

(C) Investigation.

(1) The Department shall conduct a full investigation of the allegations set forth in the charge and complete such investigation within 100 days after the filing of the charge, unless it is impracticable to do so.

(2) If the Department is unable to complete the investigation within 100 days after the charge is filed, the Department shall notify the complainant and respondent in writing of the reasons for not doing so.

(3) The Director or his or her designated representative shall have authority to request any member of the Commission to issue subpoenas to compel the attendance of a witness or the production for examination of any books, records or documents whatsoever.

New matter indicated by italics - deletions by strikeout
(4) If any witness whose testimony is required for any investigation resides outside the State, or through illness or any other good cause as determined by the Director is unable to be interviewed by the investigator or appear at a fact finding conference, his or her testimony or deposition may be taken, within or without the State, in the same manner as provided for in the taking of depositions in civil cases in circuit courts.

(5) Upon reasonable notice to the complainant and the respondent, the Department shall conduct a fact finding conference, unless prior to 100 days from the date on which the charge was filed, the Director has determined whether there is substantial evidence that the alleged civil rights violation has been committed. A party's failure to attend the conference without good cause may result in dismissal or default. A notice of dismissal or default shall be issued by the Director and shall notify the relevant party that a request for review may be filed in writing with the Chief Legal Counsel of the Department within 30 days of receipt of notice of dismissal or default.

(D) Report.

(1) Each investigated charge shall be the subject of a report to the Director. The report shall be a confidential document subject to review by the Director, authorized Department employees, the parties, and, where indicated by this Act, members of the Commission or their designated hearing officers.

The report shall contain:
   (a) the names and dates of contacts with witnesses;
   (b) a summary and the date of correspondence and other contacts with the aggrieved party and the respondent;
   (c) a summary description of other pertinent records;
   (d) a summary of witness statements; and
   (e) answers to questionnaires.

A final report under this paragraph may be amended if additional evidence is later discovered.

(2) Upon review of the report and within 100 days of the filing of the charge, unless it is impracticable to do so, the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed or is about to be committed. If the Director is unable to make the determination within 100 days after the filing of the charge, the Director shall

New matter indicated by italics - deletions by strikeout
notify the complainant and respondent in writing of the reasons for not doing so.

(a) If the Director determines that there is no substantial evidence, the charge shall be dismissed and the aggrieved party notified that he or she may seek review of the dismissal order before the Commission. The aggrieved party shall have 30 days from receipt of notice to file a request for review by the Chief Legal Counsel of the Department. The Director shall make public disclosure of each such dismissal.

(b) If the Director determines that there is substantial evidence, he or she shall immediately issue a complaint on behalf of the aggrieved party pursuant to subsection (F).

(E) Conciliation.

(1) During the period beginning with the filing of charge and ending with the filing of a complaint or a dismissal by the Department, the Department shall, to the extent feasible, engage in conciliation with respect to such charge.

When the Department determines that a formal conciliation conference is feasible, the aggrieved party and respondent shall be notified of the time and place of the conference by registered or certified mail at least 7 days prior thereto and either or both parties shall appear at the conference in person or by attorney.

(2) The place fixed for the conference shall be within 35 miles of the place where the civil rights violation is alleged to have been committed.

(3) Nothing occurring at the conference shall be made public or used as evidence in a subsequent proceeding for the purpose of proving a violation under this Act unless the complainant and respondent agree in writing that such disclosure be made.

(4) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Department and Commission.

(5) A conciliation agreement may provide for binding arbitration of the dispute arising from the charge. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

New matter indicated by italics - deletions by strikeout
(6) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Department determines that disclosure is not required to further the purpose of this Act.

(F) Complaint.

(1) When there is a failure to settle or adjust any charge through a conciliation conference and the charge is not dismissed, the Department shall prepare a written complaint, under oath or affirmation, stating the nature of the civil rights violation and the relief sought on behalf of the aggrieved party. Such complaint shall be based on the final investigation report and need not be limited to the facts or grounds alleged in the charge filed under subsection (A).

(2) The complaint shall be filed with the Commission.

(3) The Department may not issue a complaint under this Section regarding an alleged civil rights violation after the beginning of the trial of a civil action commenced by the aggrieved party under any State or federal law, seeking relief with respect to that alleged civil rights violation.

(G) Time Limit.

(1) When a charge of a civil rights violation has been properly filed, the Department, within 100 days thereof, unless it is impracticable to do so, shall either issue and file a complaint in the manner and form set forth in this Section or shall order that no complaint be issued. Any such order shall be duly served upon both the aggrieved party and the respondent.

(2) The Director shall make available to the aggrieved party and the respondent, at any time, upon request following completion of the Department's investigation, information derived from an investigation and any final investigative report relating to that investigation.

(H) This amendatory Act of 1995 applies to causes of action filed on or after January 1, 1996.

(Source: P.A. 89-370, eff. 8-18-95.)

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

Passed in the General Assembly May 20, 2005.
Approved July 26, 2005.
Effective July 26, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 12-4 as follows:

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
Sec. 12-4. Aggravated Battery.
(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.
(b) In committing a battery, a person commits aggravated battery if he or she:
   (1) Uses a deadly weapon other than by the discharge of a firearm;
   (2) Is hooded, robed or masked, in such manner as to conceal his identity;
   (3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;
   (4) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;
   (5) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a
building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties, and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel from performing official duties, or in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knows the individual harmed to be an individual of 60 years of age or older. Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

New matter indicated by italics - deletions by strikeout
(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) Knows the individual harmed to be an employee of the Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;

(14) Knows the individual harmed to be a person who is physically handicapped;

(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code;

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act; or

(17) Knows the individual harmed to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee. For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser

New matter indicated by italics - deletions by strikeout
(d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence. Aggravated battery is a Class 3 felony, except a violation of subsection (a) is a Class 2 felony when the person knows the individual harmed to be a peace officer engaged in the execution of any of his or her official duties, or the battery is to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties.

(Source: P.A. 92-16, eff. 6-28-01; 92-516, eff. 1-1-02; 92-841, eff. 8-22-02; 92-865, eff. 1-3-03; 93-83, eff. 7-2-03.)

Passed in the General Assembly May 18, 2005.

Approved July 26, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0328

(House Bill No 1133)

AN ACT in relation to public aid.

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

Section 5. The Illinois Public Aid Code is amended by adding Section 5-25 as follows:

(305 ILCS 5/5-25 new)

Sec. 5-25. Pediatric asthma initiative.

(a) During fiscal year 2006, the Department of Public Aid shall evaluate current standards of treatment of asthma for its beneficiaries. The review may include state-of-the-art programs in asthma disease management as well as evidence-based best practices for the early diagnosis, treatment, and control of asthma, particularly in children. The Department's review may include asthma disease management as one

New matter indicated by italics - deletions by strikeout
component of a comprehensive disease management model. The Department shall consult with the Department of Public Health and other State agencies, advocates, and providers in conducting this review. The Department’s review shall also seek to maximize collaborations between existing asthma programs in the State of Illinois. The review shall also assess the available methods of implementing and funding asthma disease management and treatment within the Medicaid program.

(b) After completing the review under subsection (a), the Department of Public Aid shall develop a pilot asthma disease management program. The pilot program shall be targeted to an area or areas with the highest prevalence of asthma. The Department shall consult with the Department of Public Health and other State agencies, federal health agencies, experts in asthma and immunology, providers, and consumers in developing the pilot program. The pilot program shall also seek to maximize collaborations between existing asthma programs in the State of Illinois. The pilot program shall be subject to specific appropriations or budget savings derived from the program due to reduced asthma-related hospitalizations or emergency room visits.

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

Passed in the General Assembly May 19, 2005.
Approved July 26, 2005.
Effective July 26, 2005.

PUBLIC ACT 94-0329
(House Bill No 1471)

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

Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

New matter indicated by italics - deletions by strikeout
(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory
minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of
imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 2 felony, and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).

(c-3) (Blank).

(c-4) (Blank).

(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefitting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

New matter indicated by italics - deletions by strikeout
(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall

New matter indicated by italics - deletions by strikeout
receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

New matter indicated by italics - deletions by strikeout
(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that
resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death;:

(G) the person committed the violation while he or she did not possess a driver's license or permit or a restricted driving permit or a judicial driving permit; or

(H) the person committed the violation while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy.

(2) Except as provided in this paragraph (2) and in paragraphs (2), (2.1), and (3) of subsection (c-1), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This

New matter indicated by italics - deletions by strikeout
mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80%
shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-
16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; revised 1-13-05.)

Section 10. The Criminal Code of 1961 is amended by changing Section 36-1 as follows:

(720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit as defined in Section 8-4 of this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code, paragraph (a) of Section 12-4 of this Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or (d) of Section 12-16 of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (d) Section 44 of the Environmental Protection Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) the offenses described in the following provisions of the Illinois Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g) an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code; or (h) an offense described in subsection (e) of Section 6-101 of the Illinois Vehicle Code; may be seized and delivered forthwith to the sheriff of the county of seizure.

Within 15 days after such delivery the sheriff shall give notice of seizure to each person according to the following method: Upon each such person whose right, title or interest is of record in the office of the Secretary of State, the Secretary of Transportation, the Administrator of

New matter indicated by italics - deletions by strikeout
the Federal Aviation Agency, or any other Department of this State, or any other state of the United States if such vessel, vehicle or aircraft is required to be so registered, as the case may be, by mailing a copy of the notice by certified mail to the address as given upon the records of the Secretary of State, the Department of Aeronautics, Department of Public Works and Buildings or any other Department of this State or the United States if such vessel, vehicle or aircraft is required to be so registered. Within that 15 day period the sheriff shall also notify the State's Attorney of the county of seizure about the seizure.

In addition, any mobile or portable equipment used in the commission of an act which is in violation of Section 7g of the Metropolitan Water Reclamation District Act shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vessels, vehicles and aircraft, and any such equipment shall be deemed a vessel, vehicle or aircraft for purposes of this Article.

When a person discharges a firearm at another individual from a vehicle with the knowledge and consent of the owner of the vehicle and with the intent to cause death or great bodily harm to that individual and as a result causes death or great bodily harm to that individual, the vehicle shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vehicles used in violations of clauses (a), (b), (c), or (d) of this Section.

If the spouse of the owner of a vehicle seized for an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code, a violation of subdivision (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501 of the Illinois Vehicle Code, or Section 9-3 of this Code makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the State from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the vehicle shall be transferred to the spouse or family member who is properly licensed and who requires the use of the vehicle for employment or family transportation purposes. A written declaration of forfeiture of a vehicle under this Section shall be sufficient cause for the title to be transferred to the spouse or family member. The provisions of this paragraph shall apply only to one forfeiture per vehicle. If the vehicle is the subject of a subsequent forfeiture proceeding by virtue of a subsequent conviction of either spouse or the family member, the spouse or family member to whom the vehicle was forfeited under the first

New matter indicated by italics - deletions by strikeout
forfeiture proceeding may not utilize the provisions of this paragraph in another forfeiture proceeding. If the owner of the vehicle seized owns more than one vehicle, the procedure set out in this paragraph may be used for only one vehicle.

Property declared contraband under Section 40 of the Illinois Streetgang Terrorism Omnibus Prevention Act may be seized and forfeited under this Article.

(Source: P.A. 92-57, eff. 1-1-02; 92-688, eff. 7-16-02; 93-187, eff. 7-11-03.)

Passed in the General Assembly May 18, 2005.
Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0330
(House Bill No 1483)

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

Section 5. The Unified Code of Corrections is amended by changing Section 5-6-1 as follows:

(730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or

(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or

New matter indicated by italics - deletions by strikeout
(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes;
(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

New matter indicated by italics - deletions by strikeout
(1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

(2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

(1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or

(2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

(1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.
(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

(1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or

(2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance, a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 years been:

(1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions.
for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance.
(Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05.)
Passed in the General Assembly May 19, 2005.
Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0331
(House Bill No 1550)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 12-215 as follows:
(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)
Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:
(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:
1. Law enforcement vehicles of State, Federal or local authorities;
2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;
3. Vehicles of local fire departments and State or federal firefighting vehicles;
4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;
5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;

New matter indicated by italics - deletions by strikeout
7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act; and

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code; and:

9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;

2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

New matter indicated by italics - deletions by strikeout
5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;
6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;
7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;
8. Such other vehicles as may be authorized by local authorities;
9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;
9.5. Propane delivery trucks;
10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;
11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;
12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;
13. Vehicles used by a security company, alarm responder, or control agency;
14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and
15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.
(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:
1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a voluntary firefighter;

New matter indicated by italics - deletions by strikeout
paid firefighter;
part-paid firefighter;
call firefighter;
member of the board of trustees of a fire protection district;
paid or unpaid member of a rescue squad;
paid or unpaid member of a voluntary ambulance unit; or
paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.
However, such lights are not to be lighted except when responding to a bona fide emergency.
Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying the bona fide him or her as a member of a bona-fide fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency that owns or operates that vehicle. The card or letter must include:
(A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;
(B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;
(C) the member's term of service; and
(D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided.
2. Police department vehicles in cities having a population of 500,000 or more inhabitants.
3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.
4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.


8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives may be so equipped; furthermore, such lights shall not be lighted on vehicles of the State of

New matter indicated by italics - deletions by strikeout
Illinois, local authorities, and contractors except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 92-138, eff. 7-24-01; 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff. 8-6-02; 92-820, eff. 8-21-02; 92-872, eff. 6-1-03; 93-181, eff. 1-1-04; 93-725, eff. 1-1-05; 93-794, eff. 7-22-04; 93-829, eff. 7-28-04; revised 10-22-04.)

Passed in the General Assembly May 16, 2005.
Approved July 26, 2005.
Effective January 1, 2006.
(b) A rental company may not void a damage waiver except for one or more of the following reasons:

1. Damage or loss while the rental vehicle is used to carry persons or property for a charge or fee.
2. Damage or loss during an organized or agreed upon racing or speed contest or demonstration or pushing or pulling activity in which the rental vehicle is actively involved.
3. Damage or loss that could reasonably be expected from an intentional or criminal act of the driver other than a traffic infraction.
4. Damage or loss to any rental vehicle resulting from any auto business operation, including but not limited to repairing, servicing, testing, washing, parking, storing, or selling of automobiles.
5. Damage or loss occurring to a rental vehicle if the rental contract is based on fraudulent or material misrepresentation by the renter.
6. Damage or loss arising out of the use of the rental vehicle outside the continental United States when such use is specifically prohibited in the rental agreement.
7. Damage or loss occurring while the rental vehicle is operated by a driver not permitted under the rental agreement.
8. Damage or loss occurring while the rental vehicle is operated by a driver under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and convicted of violating subsection (a) of Section 11-501 of the Illinois Vehicle Code.

(c) A rental company shall not charge more than $9 per full or partial 24 hour rental day for a collision damage waiver if the manufacturer's suggested retail price of the rental vehicle type is not greater than $30,000. A rental company shall not charge more than $12 per full or partial 24 hour rental day for a collision damage waiver if the manufacturer's suggested retail price of the rental vehicle type is greater than $30,000. On January 1, 2000, the maximum charges in this subsection (c) shall be increased to $9.50 and $12.50, respectively, and shall be subsequently increased to $10 and $13 on January 1, 2001 and $10.50 and $13.50 on January 1, 2002.

(Source: P.A. 90-113, eff. 7-14-97.)

Passed in the General Assembly May 29, 2005.
Approved July 26, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 12-4 as follows:

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
Sec. 12-4. Aggravated Battery.
(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.
(b) In committing a battery, a person commits aggravated battery if he or she:

(1) Uses a deadly weapon other than by the discharge of a firearm;
(2) Is hooded, robed or masked, in such manner as to conceal his identity;
(3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;
(4) (Blank) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;
(5) (Blank) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's

New matter indicated by italics - deletions by strikeout

Effective January 1, 2006.
discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties, and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel from performing official duties, or in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

New matter indicated by italics - deletions by strikeout
(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) (Blank) Knows the individual harmed to be an employee of the Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;

(14) Knows the individual harmed to be a person who is physically handicapped;

(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code;

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act; or

(17) (Blank) Knows the individual harmed to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee; or:

(18) Knows the individual harmed to be an officer or employee of the State of Illinois, a unit of local government, or school district engaged in the performance of his or her authorized duties as such officer or employee.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

New matter indicated by italics - deletions by strikeout
(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

Aggravated battery is a Class 3 felony, except a violation of subsection (a) is a Class 2 felony when the person knows the individual harmed to be a peace officer engaged in the execution of any of his or her official duties, or the battery is to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties.

(Source: P.A. 92-16, eff. 6-28-01; 92-516, eff. 1-1-02; 92-841, eff. 8-22-02; 92-865, eff. 1-3-03; 93-83, eff. 7-2-03.)

Passed in the General Assembly May 29, 2005.
Approved July 26, 2005.
Effective July 26, 2005.

PUBLIC ACT 94-0334

(House Bill 2250)

AN ACT concerning State government.

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

Section 5. The Illinois Emergency Management Act is amended by changing Sections 4 and 5 as follows:

(20 ILCS 3305/4) (from Ch. 127, par. 1054)

New matter indicated by italics - deletions by strikeout
Sec. 4. Definitions. As used in this Act, unless the context clearly indicates otherwise, the following words and terms have the meanings ascribed to them in this Section:

"Coordinator" means the staff assistant to the principal executive officer of a political subdivision with the duty of coordinating the emergency management programs of that political subdivision.

"Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, or acts of domestic terrorism.

"Emergency Management" means the efforts of the State and the political subdivisions to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery.

"Emergency Services and Disaster Agency" means the agency by this name, by the name Emergency Management Agency, or by any other name that is established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, the State and federal governments.

"Emergency Operations Plan" means the written plan of the State and political subdivisions describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters.

"Emergency Services" means the coordination of functions by the State and its political subdivision, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair, and alleviate injury and damage resulting from any natural or technological causes. These functions include, without limitation, fire fighting services, police services, emergency aviation services, medical and health services, HazMat and technical rescue teams, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken or threatened areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other

New matter indicated by italics - deletions by strikeout
functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

"Exercise" means a planned event realistically simulating a disaster, conducted for the purpose of evaluating the political subdivision's coordinated emergency management capabilities, including, but not limited to, testing the emergency operations plan.

"HazMat team" means a career or volunteer mobile support team that has been authorized by a unit of local government to respond to hazardous materials emergencies and that is primarily designed for emergency response to chemical or biological terrorism, radiological emergencies, hazardous material spills, releases, or fires, or other contamination events.

"Illinois Emergency Management Agency" means the agency established by this Act within the executive branch of State Government responsible for coordination of the overall emergency management program of the State and with private organizations, political subdivisions, and the federal government. Illinois Emergency Management Agency also means the State Emergency Response Commission responsible for the implementation of Title III of the Superfund Amendments and Reauthorization Act of 1986.

"Mobile Support Team" means a group of individuals designated as a team by the Governor or Director to train prior to and to be dispatched, if the Governor or the Director so determines, to aid and reinforce the State and political subdivision emergency management efforts in response to a disaster.

"Municipality" means any city, village, and incorporated town.

"Political Subdivision" means any county, city, village, or incorporated town or township if the township is in a county having a population of more than 2,000,000.

"Principal Executive Officer" means chair of the county board, supervisor of a township if the township is in a county having a population of more than 2,000,000, mayor of a city or incorporated town, president of a village, or in their absence or disability, the interim successor as established under Section 7 of the Emergency Interim Executive Succecession Act.

"Public health emergency" means an occurrence or imminent threat of an illness or health condition that:

(a) is believed to be caused by any of the following:
   (i) bioterrorism;

New matter indicated by italics - deletions by strikeout
(ii) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;
(iii) a natural disaster;
(iv) a chemical attack or accidental release; or
(v) a nuclear attack or accident; and

(b) poses a high probability of any of the following harms:
(i) a large number of deaths in the affected population;
(ii) a large number of serious or long-term disabilities in the affected population; or
(iii) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

"Technical rescue team" means a career or volunteer mobile support team that has been authorized by a unit of local government to respond to building collapse, high angle rescue, and other specialized rescue emergencies and that is primarily designated for emergency response to technical rescue events.

(Source: P.A. 92-73, eff. 1-1-02; 93-249, eff. 7-22-03.)

(20 ILCS 3305/5) (from Ch. 127, par. 1055)
Sec. 5. Illinois Emergency Management Agency.

(a) There is created within the executive branch of the State Government an Illinois Emergency Management Agency and a Director of the Illinois Emergency Management Agency, herein called the "Director" who shall be the head thereof. The Director shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of 2 years beginning on the third Monday in January of the odd-numbered year, and until a successor is appointed and has qualified; except that the term of the first Director appointed under this Act shall expire on the third Monday in January, 1989. The Director shall not hold any other remunerative public office. The Director shall receive an annual salary as set by the Governor from time to time or the amount set by the Compensation Review Board, whichever is higher. If set by the Governor, the Director's annual salary may not exceed 85% of the Governor's annual salary.

(b) The Illinois Emergency Management Agency shall obtain, under the provisions of the Personnel Code, technical, clerical, stenographic and other administrative personnel, and may make expenditures within the appropriation therefor as may be necessary to carry out the purpose of this Act. The agency created by this Act is

New matter indicated by italics - deletions by strikeout
intended to be a successor to the agency created under the Illinois Emergency Services and Disaster Agency Act of 1975 and the personnel, equipment, records, and appropriations of that agency are transferred to the successor agency as of the effective date of this Act.

(c) The Director, subject to the direction and control of the Governor, shall be the executive head of the Illinois Emergency Management Agency and the State Emergency Response Commission and shall be responsible under the direction of the Governor, for carrying out the program for emergency management of this State. The Director shall also maintain liaison and cooperate with the emergency management organizations of this State and other states and of the federal government.

(d) The Illinois Emergency Management Agency shall take an integral part in the development and revision of political subdivision emergency operations plans prepared under paragraph (f) of Section 10. To this end it shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to the emergency services and disaster agencies. These personnel shall consult with emergency services and disaster agencies on a regular basis and shall make field examinations of the areas, circumstances, and conditions that particular political subdivision emergency operations plans are intended to apply.

(e) The Illinois Emergency Management Agency and political subdivisions shall be encouraged to form an emergency management advisory committee composed of private and public personnel representing the emergency management phases of mitigation, preparedness, response, and recovery. The Local Emergency Planning Committee, as created under the Illinois Emergency Planning and Community Right to Know Act, shall serve as an advisory committee to the emergency services and disaster agency or agencies serving within the boundaries of that Local Emergency Planning Committee planning district for:

1. the development of emergency operations plan provisions for hazardous chemical emergencies; and
2. the assessment of emergency response capabilities related to hazardous chemical emergencies.

(f) The Illinois Emergency Management Agency shall:

1. Coordinate the overall emergency management program of the State.
2. Cooperate with local governments, the federal government and any public or private agency or entity in achieving

New matter indicated by italics - deletions by strikeout
any purpose of this Act and in implementing emergency management programs for mitigation, preparedness, response, and recovery.

(2.5) *Develop a* cooperate with the Department of Nuclear Safety in development of the comprehensive emergency preparedness and response plan for any nuclear accident in accordance with Section 65 2005-65 of the Department of Nuclear Safety Law of 2004 (20 ILCS 3310) the Civil Administrative Code of Illinois and in development of the Illinois Nuclear Safety Preparedness program in accordance with Section 8 of the Illinois Nuclear Safety Preparedness Act.

(2.6) Coordinate with the Department of Public Health with respect to planning for and responding to public health emergencies.

(3) Prepare, for issuance by the Governor, executive orders, proclamations, and regulations as necessary or appropriate in coping with disasters.

(4) Promulgate rules and requirements for political subdivision emergency operations plans that are not inconsistent with and are at least as stringent as applicable federal laws and regulations.

(5) Review and approve, in accordance with Illinois Emergency Management Agency rules, emergency operations plans for those political subdivisions required to have an emergency services and disaster agency pursuant to this Act.

(5.5) Promulgate rules and requirements for the political subdivision emergency management exercises, including, but not limited to, exercises of the emergency operations plans.

(5.10) Review, evaluate, and approve, in accordance with Illinois Emergency Management Agency rules, political subdivision emergency management exercises for those political subdivisions required to have an emergency services and disaster agency pursuant to this Act.

(6) Determine requirements of the State and its political subdivisions for food, clothing, and other necessities in event of a disaster.

(7) Establish a register of persons with types of emergency management training and skills in mitigation, preparedness, response, and recovery.

New matter indicated by italics - deletions by strikeout
(8) Establish a register of government and private response resources available for use in a disaster.

(9) Expand the Earthquake Awareness Program and its efforts to distribute earthquake preparedness materials to schools, political subdivisions, community groups, civic organizations, and the media. Emphasis will be placed on those areas of the State most at risk from an earthquake. Maintain the list of all school districts, hospitals, airports, power plants, including nuclear power plants, lakes, dams, emergency response facilities of all types, and all other major public or private structures which are at the greatest risk of damage from earthquakes under circumstances where the damage would cause subsequent harm to the surrounding communities and residents.

(10) Disseminate all information, completely and without delay, on water levels for rivers and streams and any other data pertaining to potential flooding supplied by the Division of Water Resources within the Department of Natural Resources to all political subdivisions to the maximum extent possible.

(11) Develop agreements, if feasible, with medical supply and equipment firms to supply resources as are necessary to respond to an earthquake or any other disaster as defined in this Act. These resources will be made available upon notifying the vendor of the disaster. Payment for the resources will be in accordance with Section 7 of this Act. The Illinois Department of Public Health shall determine which resources will be required and requested.

(11.5) In coordination with the Department of State Police, develop and implement a community outreach program to promote awareness among the State's parents and children of child abduction prevention and response.

(12) Out of funds appropriated for these purposes, award capital and non-capital grants to Illinois hospitals or health care facilities located outside of a city with a population in excess of 1,000,000 to be used for purposes that include, but are not limited to, preparing to respond to mass casualties and disasters, maintaining and improving patient safety and quality of care, and protecting the confidentiality of patient information. No single grant for a capital expenditure shall exceed $300,000. No single grant for a non-capital expenditure shall exceed $100,000. In awarding such grants, preference shall be given to hospitals that

New matter indicated by italics - deletions by strikeout
serve a significant number of Medicaid recipients, but do not qualify for disproportionate share hospital adjustment payments under the Illinois Public Aid Code. To receive such a grant, a hospital or health care facility must provide funding of at least 50% of the cost of the project for which the grant is being requested. In awarding such grants the Illinois Emergency Management Agency shall consider the recommendations of the Illinois Hospital Association.

(13) Do all other things necessary, incidental or appropriate for the implementation of this Act.

(Source: P.A. 92-73, eff. 1-1-02; 92-597, eff. 6-28-02; 93-249, eff. 7-22-03; 93-310, eff. 7-23-03; revised 9-11-03.)

Section 10. The Counties Code is amended by adding Section 5-1127 as follows:

(55 ILCS 5/5-1127 new)
Sec. 5-1127. HazMat and technical rescue teams.
(a) The county board of any county may, by ordinance, authorize a HazMat team to provide emergency response to chemical and biological terrorism, radiological emergencies, hazardous material spills, releases, or fires, or other contamination events. The county board may make reasonable appropriations from the county treasury to fund and encourage the formation and operation of a Hazmat team. The ordinance may provide for benefits to be paid by the county if a team member suffers disease, injury, or death in the line of duty. A HazMat team authorized under this subsection may be a not-for-profit organization exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code.

(b) The county board of any county may, by ordinance, authorize a technical rescue team to provide emergency response to building collapse, high angle rescue, and other technical and specialized rescue emergencies. The county board may make reasonable appropriations from the county treasury to fund and encourage the formation and operation of a technical rescue team. The ordinance may provide for benefits to be paid by the county if a team member suffers disease, injury, or death in the line of duty. A technical rescue team authorized under this subsection may be a not-for-profit organization exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code.

Section 15. The Illinois Vehicle Code is amended by changing Sections 1-105 and 6-500 as follows:

(625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)

New matter indicated by italics - deletions by strikeout
Sec. 1-105. Authorized emergency vehicle. Emergency vehicles of municipal departments or public service corporations as are designated or authorized by proper local authorities; police vehicles; vehicles of the fire department; vehicles of a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code; ambulances; vehicles of the Illinois Emergency Management Agency; and vehicles of the Illinois Department of Public Health; and vehicles of the Department of Nuclear Safety.

(Source: P.A. 92-138, eff. 7-24-01; 93-829, eff. 7-28-04.)

(625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

Sec. 6-500. Definitions of words and phrases. Notwithstanding the definitions set forth elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the words and phrases listed below have the meanings ascribed to them as follows:

(1) Alcohol. "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) Alcohol concentration. "Alcohol concentration" means:
   (A) the number of grams of alcohol per 210 liters of breath; or
   (B) the number of grams of alcohol per 100 milliliters of blood; or
   (C) the number of grams of alcohol per 67 milliliters of urine.

   Alcohol tests administered within 2 hours of the driver being "stopped or detained" shall be considered that driver's "alcohol concentration" for the purposes of enforcing this UCDLA.

(3) (Blank).

(4) (Blank).

(5) (Blank).

(6) Commercial Motor Vehicle.

   (A) "Commercial motor vehicle" means a motor vehicle, except those referred to in subdivision (B), designed to transport passengers or property if:
      (i) the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

New matter indicated by italics - deletions by strikeout
(ii) the vehicle is designed to transport 16 or more persons; or

(iii) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, subpart F.

(B) Pursuant to the interpretation of the Commercial Motor Vehicle Safety Act of 1986 by the Federal Highway Administration, the definition of "commercial motor vehicle" does not include:

(i) recreational vehicles, when operated primarily for personal use;

(ii) United States Department of Defense vehicles being operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or

(iii) firefighting and other emergency equipment (including, without limitation, equipment owned or operated by a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code), with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations.

(7) Controlled Substance. "Controlled substance" shall have the same meaning as defined in Section 102 of the Illinois Controlled Substances Act, and shall also include cannabis as defined in Section 3 of the Cannabis Control Act.

(8) Conviction. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

New matter indicated by italics - deletions by strikeout
(9) (Blank).
(10) (Blank).
(11) (Blank).
(12) (Blank).

(13) Driver. "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a CDL.

(14) Employee. "Employee" means a person who is employed as a commercial motor vehicle driver. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA pertaining to employees. An owner-operator on a long-term lease shall be considered an employee.

(15) Employer. "Employer" means a person (including the United States, a State or a local authority) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA.

(16) (Blank).

(17) Foreign jurisdiction. "Foreign jurisdiction" means a sovereign jurisdiction that does not fall within the definition of "State".

(18) (Blank).
(19) (Blank).

(20) Hazardous Material. Upon a finding by the United States Secretary of Transportation, in his or her discretion, under 49 App. U.S.C. 5103(a), that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property, he or she shall designate the quantity and form of material or group or class of the materials as a hazardous material. The materials so designated may include but are not limited to explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases.

(21) Long-term lease. "Long-term lease" means a lease of a commercial motor vehicle by the owner-lessee to a lessee, for a period of more than 29 days.

(22) Motor Vehicle. "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from over head trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

New matter indicated by italics - deletions by strikeout
(23) Non-resident CDL. "Non-resident CDL" means a commercial driver's license issued by a state to an individual who is domiciled in a foreign jurisdiction.

(24) (Blank).

(25) (Blank).

(25.5) Railroad-Highway Grade Crossing Violation. "Railroad-highway grade crossing violation" means a violation, while operating a commercial motor vehicle, of any of the following:

(A) Section 11-1201, 11-1202, or 11-1425 of this Code.

(B) (C) (D) (E) (F) (G) (H) Any other similar law or local ordinance of any state relating to railroad-highway grade crossing. (A) (G)

(26) Serious Traffic Violation. "Serious traffic violation" means:

(A) a conviction when operating a commercial motor vehicle of:

(i) a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or

(ii) a violation relating to reckless driving; or

(iii) a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or

(iv) a violation of Section 6-501, relating to having multiple driver's licenses; or

(v) a violation of paragraph (a) of Section 6-507, relating to the requirement to have a valid CDL; or

(vi) a violation relating to improper or erratic traffic lane changes; or

(vii) a violation relating to following another vehicle too closely; or

(B) any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines by administrative rule to be serious.

(27) State. "State" means a state of the United States, the District of Columbia and any province or territory of Canada.

(28) (Blank).

(29) (Blank).

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

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

Section 5. The Hospital Licensing Act is amended by changing Section 6.09 as follows:

(210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

Sec. 6.09. (a) In order to facilitate the orderly transition of aged and disabled patients from hospitals to post-hospital care, whenever a patient who qualifies for the federal Medicare program is hospitalized, the patient shall be notified of discharge at least 24 hours prior to discharge from the hospital. With regard to pending discharges to a skilled nursing facility or if home health services are ordered, the hospital must inform its designated case coordination unit, as defined in 89 Ill. Adm. Code 240.260, of the pending discharge and must provide the patient with the case coordination unit’s telephone number and other contact information.

(b) Every hospital shall develop procedures for a physician with medical staff privileges at the hospital or any appropriate medical staff member to provide the discharge notice prescribed in subsection (a) of this Section. The procedures must include prohibitions against discharging or referring a patient to any of the following if unlicensed, uncertified, or unregistered: (i) a board and care facility, as defined in the Board and Care Home Registration Act; (ii) an assisted living and shared housing establishment, as defined in the Assisted Living and Shared Housing Act; (iii) a facility licensed under the Nursing Home Care Act; (iv) a supportive living facility, as defined in Section 5-5.01a of the Illinois Public Aid Code; or (v) a free-standing hospice facility licensed under the Hospice Program Licensing Act if licensure, certification, or registration is required. The Department of Public Health shall annually provide hospitals with a list of licensed, certified, or registered board and care

New matter indicated by italics - deletions by strikeout
facilities, assisted living and shared housing establishments, nursing homes, supportive living facilities, and hospice facilities. Reliance upon this list by a hospital shall satisfy compliance with this requirement. The procedure may also include a waiver for any case in which a discharge notice is not feasible due to a short length of stay in the hospital by the patient, or for any case in which the patient voluntarily desires to leave the hospital before the expiration of the 24 hour period.

(c) At least 24 hours prior to discharge from the hospital, the patient shall receive written information on the patient's right to appeal the discharge pursuant to the federal Medicare program, including the steps to follow to appeal the discharge and the appropriate telephone number to call in case the patient intends to appeal the discharge.

(Source: P.A. 86-487.)

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

Passed in the General Assembly May 19, 2005.
Approved July 26, 2005.
Effective July 26, 2005.

PUBLIC ACT 94-0336
(House Bill No 2461)

AN ACT concerning aging.

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

Section 5. The Illinois Act on the Aging is amended by changing Section 4.02 as follows:

(20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

Sec. 4.02. The Department shall establish a program of services to prevent unnecessary institutionalization of persons age 60 and older in need of long term care or who are established as persons who suffer from Alzheimer's disease or a related disorder under the Alzheimer's Disease Assistance Act, thereby enabling them to remain in their own homes or in other living arrangements. Such preventive services, which may be coordinated with other programs for the aged and monitored by area agencies on aging in cooperation with the Department, may include, but are not limited to, any or all of the following:

(a) home health services;
(b) home nursing services;
(c) homemaker services;

New matter indicated by italics - deletions by strikeout
(d) chore and housekeeping services;
(e) day care services;
(f) home-delivered meals;
(g) education in self-care;
(h) personal care services;
(i) adult day health services;
(j) habilitation services;
(k) respite care;
(k-5) community reintegration services;
(l) other nonmedical social services that may enable the person to become self-supporting; or
(m) clearinghouse for information provided by senior citizen home owners who want to rent rooms to or share living space with other senior citizens.

The Department shall establish eligibility standards for such services taking into consideration the unique economic and social needs of the target population for whom they are to be provided. Such eligibility standards shall be based on the recipient's ability to pay for services; provided, however, that in determining the amount and nature of services for which a person may qualify, consideration shall not be given to the value of cash, property or other assets held in the name of the person's spouse pursuant to a written agreement dividing marital property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse, provided that the spouse's share of the marital property is not made available to the person seeking such services.

Beginning July 1, 2002, the Department shall require as a condition of eligibility that all financially eligible applicants and recipients apply for medical assistance under Article V of the Illinois Public Aid Code in accordance with rules promulgated by the Department.

The Department shall, in conjunction with the Department of Public Aid, seek appropriate amendments under Sections 1915 and 1924 of the Social Security Act. The purpose of the amendments shall be to extend eligibility for home and community based services under Sections 1915 and 1924 of the Social Security Act to persons who transfer to or for the benefit of a spouse those amounts of income and resources allowed under Section 1924 of the Social Security Act. Subject to the approval of such amendments, the Department shall extend the provisions of Section 5-4 of the Illinois Public Aid Code to persons who, but for the provision of home or community-based services, would require the level of care provided in an institution, as is provided for in federal law. Those persons

New matter indicated by italics - deletions by strikeout
no longer found to be eligible for receiving noninstitutional services due to changes in the eligibility criteria shall be given 60 days notice prior to actual termination. Those persons receiving notice of termination may contact the Department and request the determination be appealed at any time during the 60 day notice period. With the exception of the lengthened notice and time frame for the appeal request, the appeal process shall follow the normal procedure. In addition, each person affected regardless of the circumstances for discontinued eligibility shall be given notice and the opportunity to purchase the necessary services through the Community Care Program. If the individual does not elect to purchase services, the Department shall advise the individual of alternative services. The target population identified for the purposes of this Section are persons age 60 and older with an identified service need. Priority shall be given to those who are at imminent risk of institutionalization. The services shall be provided to eligible persons age 60 and older to the extent that the cost of the services together with the other personal maintenance expenses of the persons are reasonably related to the standards established for care in a group facility appropriate to the person's condition. These non-institutional services, pilot projects or experimental facilities may be provided as part of or in addition to those authorized by federal law or those funded and administered by the Department of Human Services. The Departments of Human Services, Public Aid, Public Health, Veterans' Affairs, and Commerce and Economic Opportunity and other appropriate agencies of State, federal and local governments shall cooperate with the Department on Aging in the establishment and development of the non-institutional services. The Department shall require an annual audit from all chore/housekeeping and homemaker vendors contracting with the Department under this Section. The annual audit shall assure that each audited vendor's procedures are in compliance with Department's financial reporting guidelines requiring a 27% administrative cost split and a 73% employee wages and benefits cost split. The audit is a public record under the Freedom of Information Act. The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department of Public Aid, to effect the following: (1) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (2) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped. On and after July 1, 1996, all nursing home prescreenings
for individuals 60 years of age or older shall be conducted by the Department.

As part of the Department on Aging's routine training of case managers and case manager supervisors, the Department may include information on family futures planning for persons who are age 60 or older and who are caregivers of their adult children with developmental disabilities. The content of the training shall be at the Department's discretion.

The Department is authorized to establish a system of recipient copayment for services provided under this Section, such copayment to be based upon the recipient's ability to pay but in no case to exceed the actual cost of the services provided. Additionally, any portion of a person's income which is equal to or less than the federal poverty standard shall not be considered by the Department in determining the copayment. The level of such copayment shall be adjusted whenever necessary to reflect any change in the officially designated federal poverty standard.

The Department, or the Department's authorized representative, shall recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is no surviving child who is under age 21, blind, or permanently and totally disabled. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery shall not be enforced against any real estate while it is occupied as a homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Illinois Department of Public Aid, regardless of the value of the property.

New matter indicated by italics - deletions by strikeout
The Department shall develop procedures to enhance availability of services on evenings, weekends, and on an emergency basis to meet the respite needs of caregivers. Procedures shall be developed to permit the utilization of services in successive blocks of 24 hours up to the monthly maximum established by the Department. Workers providing these services shall be appropriately trained.

Beginning on the effective date of this Amendatory Act of 1991, no person may perform chore/housekeeping and homemaker services under a program authorized by this Section unless that person has been issued a certificate of pre-service to do so by his or her employing agency. Information gathered to effect such certification shall include (i) the person's name, (ii) the date the person was hired by his or her current employer, and (iii) the training, including dates and levels. Persons engaged in the program authorized by this Section before the effective date of this amendatory Act of 1991 shall be issued a certificate of all pre- and in-service training from his or her employer upon submitting the necessary information. The employing agency shall be required to retain records of all staff pre- and in-service training, and shall provide such records to the Department upon request and upon termination of the employer's contract with the Department. In addition, the employing agency is responsible for the issuance of certifications of in-service training completed to their employees.

The Department is required to develop a system to ensure that persons working as homemakers and chore housekeepers receive increases in their wages when the federal minimum wage is increased by requiring vendors to certify that they are meeting the federal minimum wage statute for homemakers and chore housekeepers. An employer that cannot ensure that the minimum wage increase is being given to homemakers and chore housekeepers shall be denied any increase in reimbursement costs.

The Department on Aging and the Department of Human Services shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall be filed with the Governor and the General Assembly on or before September 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State.
Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

Those persons previously found eligible for receiving non-institutional services whose services were discontinued under the Emergency Budget Act of Fiscal Year 1992, and who do not meet the eligibility standards in effect on or after July 1, 1992, shall remain ineligible on and after July 1, 1992. Those persons previously not required to cost-share and who were required to cost-share effective March 1, 1992, shall continue to meet cost-share requirements on and after July 1, 1992. Beginning July 1, 1992, all clients will be required to meet eligibility, cost-share, and other requirements and will have services discontinued or altered when they fail to meet these requirements.

(Source: P.A. 92-597, eff. 6-28-02; 93-85, eff. 1-1-04; 93-902, eff. 8-10-04.)

Section 10. The Family Caregiver Act is amended by adding Section 27 as follows:

(320 ILCS 65/27 new)

Sec. 27. Elder caregivers of adult children with developmental disabilities. Subject to appropriation or to inclusion of this population in the federal Older Americans Act, the Department may provide support to caregivers who are age 60 or older and who are caring for their adult children with developmental disabilities, in collaboration with the Department of Human Services.

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

Passed in the General Assembly May 19, 2005.

Approved July 26, 2005.

Effective July 26, 2005.

PUBLIC ACT 94-0337
(House Bill No 3831)

AN ACT concerning local government.

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

Section 5. The Fire Protection District Act is amended by adding Section 16d as follows:

(70 ILCS 705/16d new)

Sec. 16d. Transfer of property between districts. When a fire protection district has another fire protection district adjoining it and the

New matter indicated by italics - deletions by strikeout
adjoining district can provide better fire protection to an area of land of no more than 60 acres, consisting of one or more tracts, that is within the corporate limits of the fire protection district, the area may be disconnected from the district and annexed to the adjacent district when each district adopts an ordinance to accomplish the disconnection and annexation.

At least 60 days before the property is disconnected from a district, the disconnecting district must send notice to the owner or owners of record of the area of land stating that the disconnecting and annexing districts intend to adopt ordinances that would disconnect and annex the area under this Section. The notice shall name the annexing district and include a description of the territory to be disconnected and annexed, the reason for doing so, and a map of the territory. The notice must also set forth the time and place of each meeting at which the ordinance will be an agenda item and must state that there will be an opportunity for public comment at each of those meetings. The notice shall be sent by certified mail return receipt requested, but if the name or address of an owner is not known, then the district must publish the notice once a week for 2 successive weeks. The notice shall be published in a newspaper published in the county where the area is located. Each district’s ordinance shall designate the same date for the effective date of the disconnection and annexation.

No earlier than 60 days after the delivery of the notice to the last of the owners involved or 60 days after the date of the first publication of the notice, whichever is later, the disconnecting and annexing districts may adopt an ordinance accomplishing the disconnection and annexation.

After it adopts the ordinance, each fire protection district shall send a certified copy of the ordinance to the proper county clerk or clerks for filing and to the office of the State Fire Marshal.

Passed in the General Assembly May 16, 2005.
Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0338
(House Bill No 3874)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Criminal Code of 1961 is amended by changing Section 33-3 and by adding Section 33-7 as follows:

(720 ILCS 5/33-3) (from Ch. 38, par. 33-3)
Sec. 33-3. Official Misconduct.) A public officer or employee or special government agent commits misconduct when, in his official capacity or capacity as a special government agent, he commits any of the following acts:

(a) Intentionally or recklessly fails to perform any mandatory duty as required by law; or

(b) Knowingly performs an act which he knows he is forbidden by law to perform; or

(c) With intent to obtain a personal advantage for himself or another, he performs an act in excess of his lawful authority; or

(d) Solicits or knowingly accepts for the performance of any act a fee or reward which he knows is not authorized by law.

A public officer or employee or special government agent convicted of violating any provision of this Section forfeits his office or employment or position as a special government agent. In addition, he commits a Class 3 felony.

For purposes of this Section, "special government agent" has the meaning ascribed to it in subsection (l) of Section 4A-101 of the Illinois Governmental Ethics Act.
(Source: P.A. 82-790.)

(720 ILCS 5/33-7 new)
Sec. 33-7. Public contractor misconduct.

(a) A public contractor; a person seeking a public contract on behalf of himself, herself, or another; an employee of a public contractor; or a person seeking a public contract on behalf of himself, herself, or another commits public contractor misconduct when, in the performance of, or in connection with, a contract with the State, a unit of local government, or a school district or in obtaining or seeking to obtain such a contract he or she commits any of the following acts:

(1) intentionally or knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property;

(2) knowingly performs an act that he or she knows he or she is forbidden by law to perform;

(3) with intent to obtain a personal advantage for himself, herself, or another, he or she performs an act in excess of his or her contractual responsibility; or

New matter indicated by italics - deletions by strikeout
(4) solicits or knowingly accepts for the performance of any act a fee or reward that he or she knows is not authorized by law.

(b) Sentence. Any person who violates this Section commits a Class 3 felony.

Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0339
(Senate Bill No 0102)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Controlled Substances Act is amended by adding Section 218 as follows:

(720 ILCS 570/218 new)

Sec. 218. Dietary supplements containing ephedrine or anabolic steroid precursors.

(a) It is a Class A misdemeanor for any manufacturer, wholesaler, retailer, or other person to sell, transfer, or otherwise furnish any of the following to a person under 18 years of age:

(1) a dietary supplement containing an ephedrine group alkaloid; or

(2) a dietary supplement containing any of the following:
(A) Androstaneol;
(B) Androstanedione;
(C) Androstenedione;
(D) Norandrostenediol;
(E) Norandrostenedione; or
(F) Dehydroepiandrosterone.

(b) A seller shall request valid identification from any individual who attempts to purchase a dietary supplement set forth in subsection (a) if that individual reasonably appears to the seller to be under 18 years of age.

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

Passed in the General Assembly May 20, 2005.
Approved July 26, 2005.
Effective July 26, 2005.

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

Section 5. The Capital Crimes Litigation Act is amended by changing Section 5 as follows:

Sec. 5. Appointment of trial counsel in death penalty cases. If an indigent defendant is charged with an offense for which a sentence of death is authorized, and the State's Attorney has not, at or before arraignment, filed a certificate indicating he or she will not seek the death penalty or stated on the record in open court that the death penalty will not be sought, the trial court shall immediately appoint the Public Defender, or such other qualified attorney or attorneys as the Illinois Supreme Court shall by rule provide, to represent the defendant as trial counsel. If the Public Defender is appointed, he or she shall immediately assign such attorney or attorneys who are public defenders to represent the defendant. The counsel shall meet the qualifications as the Supreme Court shall by rule provide. At the request of court appointed counsel in a case in which the death penalty is sought, attorneys employed by the State Appellate Defender may enter an appearance for the limited purpose of assisting counsel appointed under this Section.

(Source: P.A. 91-589, eff. 1-1-00.)

Section 10. The State Appellate Defender Act is amended by changing Section 10 as follows:

Sec. 10. Powers and duties of State Appellate Defender.
(a) The State Appellate Defender shall represent indigent persons on appeal in criminal and delinquent minor proceedings, when appointed to do so by a court under a Supreme Court Rule or law of this State.
(b) The State Appellate Defender shall submit a budget for the approval of the State Appellate Defender Commission.
(c) The State Appellate Defender may:

(1) maintain a panel of private attorneys available to serve as counsel on a case basis;

New matter indicated by italics - deletions by strikeout
(2) establish programs, alone or in conjunction with law schools, for the purpose of utilizing volunteer law students as legal assistants;

(3) cooperate and consult with state agencies, professional associations, and other groups concerning the causes of criminal conduct, the rehabilitation and correction of persons charged with and convicted of crime, the administration of criminal justice, and, in counties of less than 1,000,000 population, study, design, develop and implement model systems for the delivery of trial level defender services, and make an annual report to the General Assembly;

(4) hire investigators to provide investigative services to appointed counsel and county public defenders;

(5) in cases in which a death sentence is an authorized disposition, provide trial counsel with legal advice and the assistance of expert witnesses, investigators, and mitigation specialists from funds appropriated to the State Appellate Defender specifically for that purpose by the General Assembly. The Office of State Appellate Defender shall not be appointed to serve as trial counsel in capital cases.

Investigators employed by the Death Penalty Trial Assistance and Capital Litigation Division of the State Appellate Defender shall be authorized to inquire through the Illinois State Police or local law enforcement with the Law Enforcement Agencies Data System (LEADS) under Section 2605-375 of the Civil Administrative Code of Illinois to ascertain whether their potential witnesses have a criminal background, including: (i) warrants; (ii) arrests; (iii) convictions; and (iv) officer safety information. This authorization applies only to information held on the State level and shall be used only to protect the personal safety of the investigators. Any information that is obtained through this inquiry may not be disclosed by the investigators.

(d) For each State fiscal year, the State Appellate Defender shall appear before the General Assembly and request appropriations to be made from the Capital Litigation Trust Fund to the State Treasurer for the purpose of providing defense assistance in capital cases outside of Cook County and for expenses incurred by the State Appellate Defender in representing petitioners in capital cases in post-conviction proceedings under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases and for the representation of those

New matter indicated by italics - deletions by strikeout
petitioners by attorneys approved by or contracted with the State Appellate Defender. The State Appellate Defender may appear before the General Assembly at other times during the State's fiscal year to request supplemental appropriations from the Trust Fund to the State Treasurer.

(e) The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 93-972, eff. 8-20-04; 93-1011, eff. 1-1-05; revised 10-14-04.)

Passed in the General Assembly May 19, 2005.
Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0341
(Senate Bill No 1230)

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

Section 5. The Criminal Code of 1961 is amended by adding Section 32-5.2-5 as follows:

(720 ILCS 5/32-5.2-5 new)

Sec. 32-5.2-5. False law enforcement badges.

(a) A person who knowingly produces, sells, or distributes a law enforcement badge without the express written consent of the law enforcement agency represented on the badge, or in case of a reorganized or defunct law enforcement agency, its successor law enforcement agency, is guilty of a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony.

(b) It is a defense to a prosecution under this Section that the law enforcement badge is used or is intended to be used exclusively:

(1) as a memento, or in a collection or exhibit;
(2) for decorative purposes;

New matter indicated by italics - deletions by strikeout
(3) for a dramatic presentation, such as a theatrical, film, or television production.

Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0342
(Senate Bill No 1651)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 3 as follows:
(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)
(Section scheduled to be repealed on July 1, 2006)
Sec. 3. Definitions. As used in this Act: "Health care facilities" means and includes the following facilities and organizations:
1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;
2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;
3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;
4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof;
5. Kidney disease treatment centers, including a free-standing hemodialysis unit required to be licensed under the End Stage Renal Disease Facility Act; and
6. An institution, place, building, or room used for the performance of outpatient surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility.

No federally owned facility shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means.

New matter indicated by italics - deletions by strikeout
No facility licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the program demonstration project established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

This Act does not apply to a dialysis facility that provides only dialysis training, support, and related services to individuals with end stage renal disease who have elected to receive home dialysis. This Act does not apply to a dialysis unit located in a licensed nursing home that offers or provides dialysis-related services to residents with end stage renal disease who have elected to receive home dialysis within the nursing home. The Board, however, may require these dialysis facilities and licensed nursing homes to report statistical information on a quarterly basis to the Board to be used by the Board to conduct analyses on the need for proposed kidney disease treatment centers.

This Act shall not apply to the closure of an entity or a portion of an entity licensed under the Nursing Home Care Act that elects to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion
which is subject to facility licensing requirements, irrespective of the party
responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities,
governmental bodies other than federal, or any combination thereof.

"Consumer" means any person other than a person (a) whose major
occupation currently involves or whose official capacity within the last 12
months has involved the providing, administering or financing of any type
of health care facility, (b) who is engaged in health research or the
teaching of health, (c) who has a material financial interest in any activity
which involves the providing, administering or financing of any type of
health care facility, or (d) who is or ever has been a member of the
immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection,
building, alteration, reconstruction, modernization, improvement,
extension, discontinuation, change of ownership, of or by a health care
facility, or the purchase or acquisition by or through a health care facility
of equipment or service for diagnostic or therapeutic purposes or for
facility administration or operation, or any capital expenditure made by or
on behalf of a health care facility which exceeds the capital expenditure
minimum; however, any capital expenditure made by or on behalf of a
health care facility for (i) the construction or modification of a facility
licensed under the Assisted Living and Shared Housing Act or (ii) a
conversion project undertaken in accordance with Section 30 of the Older
Adult Services Act shall be excluded from any obligations under this Act.

"Establish" means the construction of a health care facility or the
replacement of an existing facility on another site.

"Major medical equipment" means medical equipment which is
used for the provision of medical and other health services and which costs
in excess of the capital expenditure minimum, except that such term does
not include medical equipment acquired by or on behalf of a clinical
laboratory to provide clinical laboratory services if the clinical laboratory
is independent of a physician's office and a hospital and it has been
determined under Title XVIII of the Social Security Act to meet the
requirements of paragraphs (10) and (11) of Section 1861(s) of such Act.
In determining whether medical equipment has a value in excess of the
capital expenditure minimum, the value of studies, surveys, designs, plans,
working drawings, specifications, and other activities essential to the
acquisition of such equipment shall be included.
"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means $6,000,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures; provided, however, that when a capital expenditure is for the construction or modification of a health and fitness center, "capital expenditure minimum" means the capital expenditure minimum for all other capital expenditures in effect on March 1, 2000, which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Non-clinical service area" means an area (i) for the benefit of the patients, visitors, staff, or employees of a health care facility and (ii) not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or

New matter indicated by italics - deletions by strikeout
treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.

"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not licensed under the Ambulatory Surgical Treatment Center Act, the
Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities.

Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.

"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

"Charity care" means care provided by a health care facility for which the provider does not expect to receive payment from the patient or a third-party payer.

(Source: P.A. 93-41, eff. 6-27-03; 93-766, eff. 7-20-04; 93-935, eff. 1-1-05; 93-1031, eff. 8-27-04; revised 10-25-04.)

Section 10. The Nursing Home Care Act is amended by changing Section 1-113 as follows:

(210 ILCS 45/1-113) (from Ch. 111 1/2, par. 4151-113)

Sec. 1-113. "Facility" or "long-term care facility" means a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for 3 or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act. It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs.

"Facility" does not include the following:

New matter indicated by italics - deletions by strikeout
(1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois, other than homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;

(2) A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(3) Any "facility for child care" as defined in the Child Care Act of 1969;

(4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act;

(5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act;

(6) Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

(7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

(8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act;

(9) Any "supportive living facility" in good standing with the program demonstration project established under Section 5-5.01a of the Illinois Public Aid Code;

(10) Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act; or


(Source: P.A. 90-14, eff. 7-1-97; 90-763, eff. 8-14-98; 91-656, eff. 1-1-01; 91-838, eff. 6-16-00.)

Section 15. The Illinois Public Aid Code is amended by changing Section 5-5.01a as follows:

(305 ILCS 5/5-5.01a)
Sec. 5-5.01a. Supportive living facilities program demonstration project. The purpose of studying alternative settings for long-term care, the Department shall may establish and provide oversight for a program demonstration project to determine the viability of supportive living facilities that seek to promote resident independence, dignity, respect, and well-being in the most cost-effective manner.

A supportive living facility is either a free-standing facility or a distinct physical and operational entity within a nursing facility. A supportive living facility integrates housing with health, personal care, and supportive services and is a designated setting that offers residents their own separate, private, and distinct living units.

Sites for the operation of the program Demonstration sites shall be selected by the Department based upon criteria that may include the need for services in a geographic area, the availability of funding, and the site's ability to meet the standards.

The Department may adopt rules to implement this Section. Rules that establish or modify the services, standards, and conditions for participation in the program demonstration project shall be adopted by the Department in consultation with the Department on Aging, the Department of Rehabilitation Services, and the Department of Mental Health and Developmental Disabilities (or their successor agencies).

Facilities or distinct parts of facilities which are selected as supportive living facilities and are in good standing with the Department's rules are exempt from the provisions of the Nursing Home Care Act and the Illinois Health Facilities Planning Act.

(Source: P.A. 89-499, eff. 6-28-96.)

Section 20. The Older Adult Services Act is amended by changing Section 20 as follows:

(320 ILCS 42/20)
Sec. 20. Priority service areas; service expansion.
(a) The requirements of this Section are subject to the availability of funding.

(b) The Department shall expand older adult services that promote independence and permit older adults to remain in their own homes and communities. Priority shall be given to both the expansion of services and the development of new services in priority service areas.

(c) Inventory of services. The Department shall develop and maintain an inventory and assessment of (i) the types and quantities of public older adult services and, to the extent possible, privately provided older adult services, including the unduplicated count, location, and
characteristics of individuals served by each facility, program, or service and (ii) the resources supporting those services.

(d) Priority service areas. The Departments shall assess the current and projected need for older adult services throughout the State, analyze the results of the inventory, and identify priority service areas, which shall serve as the basis for a priority service plan to be filed with the Governor and the General Assembly no later than July 1, 2006, and every 5 years thereafter.

(e) Moneys appropriated by the General Assembly for the purpose of this Section, receipts from donations, grants, fees, or taxes that may accrue from any public or private sources to the Department for the purpose of this Section, and savings attributable to the nursing home conversion program as calculated in subsection (h) shall be deposited into the Department on Aging State Projects Fund. Interest earned by those moneys in the Fund shall be credited to the Fund.

(f) Moneys described in subsection (e) from the Department on Aging State Projects Fund shall be used for older adult services, regardless of where the older adult receives the service, with priority given to both the expansion of services and the development of new services in priority service areas.

Fundable services shall include:

(1) Housing, health services, and supportive services:
   (A) adult day care;
   (B) adult day care for persons with Alzheimer's disease and related disorders;
   (C) activities of daily living;
   (D) care-related supplies and equipment;
   (E) case management;
   (F) community reintegration;
   (G) companion;
   (H) congregate meals;
   (I) counseling and education;
   (J) elder abuse prevention and intervention;
   (K) emergency response and monitoring;
   (L) environmental modifications;
   (M) family caregiver support;
   (N) financial;
   (O) home delivered meals;
   (P) homemaker;
   (Q) home health;

New matter indicated by italics - deletions by strikeout
(R) hospice;
(S) laundry;
(T) long-term care ombudsman;
(U) medication reminders;
(V) money management;
(W) nutrition services;
(X) personal care;
(Y) respite care;
(Z) residential care;
(AA) senior benefits outreach;
(BB) senior centers;
(CC) services provided under the Assisted Living and Shared Housing Act, or sheltered care services that meet the requirements of the Assisted Living and Shared Housing Act, or services provided under Section 5-5.01a of the Illinois Public Aid Code (the Supportive Living Facilities Pilot Program);
-DD) telemedicine devices to monitor recipients in their own homes as an alternative to hospital care, nursing home care, or home visits;
(EE) training for direct family caregivers;
(FF) transition;
(GG) transportation;
(HH) wellness and fitness programs; and
(II) other programs designed to assist older adults in Illinois to remain independent and receive services in the most integrated residential setting possible for that person.

(2) Older Adult Services Demonstration Grants, pursuant to subsection (g) of this Section.

(g) Older Adult Services Demonstration Grants. The Department shall establish a program of demonstration grants to assist in the restructuring of the delivery system for older adult services and provide funding for innovative service delivery models and system change and integration initiatives. The Department shall prescribe, by rule, the grant application process. At a minimum, every application must include:

(1) The type of grant sought;
(2) A description of the project;
(3) The objective of the project;
(4) The likelihood of the project meeting identified needs;
(5) The plan for financing, administration, and evaluation of the project;

(6) The timetable for implementation;

(7) The roles and capabilities of responsible individuals and organizations;

(8) Documentation of collaboration with other service providers, local community government leaders, and other stakeholders, other providers, and any other stakeholders in the community;

(9) Documentation of community support for the project, including support by other service providers, local community government leaders, and other stakeholders;

(10) The total budget for the project;

(11) The financial condition of the applicant; and

(12) Any other application requirements that may be established by the Department by rule.

Each project may include provisions for a designated staff person who is responsible for the development of the project and recruitment of providers.

Projects may include, but are not limited to: adult family foster care; family adult day care; assisted living in a supervised apartment; personal services in a subsidized housing project; evening and weekend home care coverage; small incentive grants to attract new providers; money following the person; cash and counseling; managed long-term care; and at least one respite care project that establishes a local coordinated network of volunteer and paid respite workers, coordinates assignment of respite workers to caregivers and older adults, ensures the health and safety of the older adult, provides training for caregivers, and ensures that support groups are available in the community.

A demonstration project funded in whole or in part by an Older Adult Services Demonstration Grant is exempt from the requirements of the Illinois Health Facilities Planning Act. To the extent applicable, however, for the purpose of maintaining the statewide inventory authorized by the Illinois Health Facilities Planning Act, the Department shall send to the Health Facilities Planning Board a copy of each grant award made under this subsection (g).

The Department, in collaboration with the Departments of Public Health and Public Aid, shall evaluate the effectiveness of the projects receiving grants under this Section.

New matter indicated by italics - deletions by strikeout
(h) No later than July 1 of each year, the Department of Public Health shall provide information to the Department of Public Aid to enable the Department of Public Aid to annually document and verify the savings attributable to the nursing home conversion program for the previous fiscal year to estimate an annual amount of such savings that may be appropriated to the Department on Aging State Projects Fund and notify the General Assembly, the Department on Aging, the Department of Human Services, and the Advisory Committee of the savings no later than October 1 of the same fiscal year.
(Source: P.A. 93-1031, eff. 8-27-04.)

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

Passed in the General Assembly May 20, 2005.
Approved July 26, 2005.
Effective July 26, 2005.

PUBLIC ACT 94-0343
(Senate Bill No 1666)

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-609.1, 3-623, 3-628, 3-642, and 3-806.4 as follows:

(625 ILCS 5/3-609.1) (from Ch. 95 1/2, par. 3-609.1)
Sec. 3-609.1. Congressional Medal of Honor plates. Any resident of the State of Illinois who has been awarded the Congressional Medal of Honor, or an Illinois resident who is the surviving spouse of a person who was awarded the Medal of Honor, may make application for the registration of a motor vehicle owned solely or in part by such recipient, to the Secretary of State without the payment of any registration fee. Registration shall be for a multi-year period effective from issuance. The Secretary of State shall furnish at his office at no cost to such Congressional Medal of Honor recipients, plates bearing up to 3 letters designating the recipient's initials followed by the letters C M H signifying the Congressional Medal of Honor. The plate shall be suitable for attachment to a motor vehicle or motorcycle registered under this Code.
(Source: P.A. 92-545, eff. 6-12-02.)

(625 ILCS 5/3-623) (from Ch. 95 1/2, par. 3-623)

New matter indicated by italics - deletions by strikeout
Sec. 3-623. Purple Heart Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to recipients awarded the Purple Heart by a branch of the armed forces of the United States who reside in Illinois, special registration plates. The Secretary, upon receipt of the proper applications, may also issue these special registration plates to an Illinois resident who is the surviving spouse of a person who was awarded the Purple Heart by a branch of the armed forces of the United States. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, including motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds.

The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate registration fee shall accompany the application. However, for an individual who has been issued Purple Heart plates for a vehicle and who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, the annual fee for the registration of the vehicle shall be as provided in Section 3-806.3 of this Code.

(Source: P.A. 92-82, eff. 1-1-02; 92-699, eff. 1-1-03; 93-846, eff. 7-30-04.)

(625 ILCS 5/3-628)

Sec. 3-628. Bronze Star plates.

(a) Beginning January 1, 1996, in addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates to residents of Illinois who have been awarded the Bronze Star by the United States Armed Forces. The Secretary, upon receipt of the proper applications and fees, may also issue these special registration plates to an Illinois resident who is the surviving spouse of a person who was awarded the Bronze Star by a branch of the armed forces of the United States. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or
her discretion, allow the plates to be issued as vanity plates or personalized
in accordance with Section 3-405.1 of this Code. The plates are not
required to designate "Land Of Lincoln", as prescribed in subsection (b) of
Section 3-412 of this Code. The Secretary shall prescribe the eligibility
requirements and, in his or her discretion, shall approve and prescribe
stickers or decals as provided under Section 3-412.

(c) (Blank).

(Source: P.A. 92-545, eff. 6-12-02; 93-140, eff. 1-1-04; 93-937, eff. 1-1-
05.)

(625 ILCS 5/3-642)
Sec. 3-642. Silver Star plates.
(a) The Secretary, upon receipt of all applicable fees and
applications made in the form prescribed by the Secretary, may issue
special registration plates to residents of Illinois who have been awarded
the Silver Star by the United States Armed Forces. The Secretary, upon
receipt of the proper applications and fees, may also issue these special
registration plates to an Illinois resident who is the surviving spouse of a
person who was awarded the Silver Star by a branch of the armed forces
of the United States. The special plate issued under this Section shall be
affixed only to passenger vehicles of the first division, motorcycles, or
motor vehicles of the second division weighing not more than 8,000
pounds. Plates issued under this Section shall expire according to the
staggered multi-year procedure established by Section 3-414.1 of this
Code.

(b) The design, color, and format of the plates shall be wholly
within the discretion of the Secretary. The Secretary may, in his or her
discretion, allow the plates to be issued as vanity plates or personalized in
accordance with Section 3-405.1 of this Code. The plates are not required
to designate "Land Of Lincoln", as prescribed in subsection (b) of Section
3-412 of this Code. The Secretary shall prescribe the eligibility
requirements and, in his or her discretion, shall approve and prescribe
stickers or decals as provided under Section 3-412.

(c) (Blank).

(Source: P.A. 92-545, eff. 6-12-02; 93-140, eff. 1-1-04; 93-937, eff. 1-1-
05.)

(625 ILCS 5/3-806.4) (from Ch. 95 1/2, par. 3-806.4)
Sec. 3-806.4. Gold Star recipients. Commencing with the 1991
registration year and through the 2006 registration year, upon proper
application, the Secretary of State shall issue one pair of registration plates
to any Illinois resident, who as the surviving widow or widower, or in the

New matter indicated by italics - deletions by strikeout
absence thereof, as the surviving parent, is awarded the Gold Star by the United States in recognition of spouses or children who served in the Armed Forces of the United States and lost their lives while in service whether in peacetime or war. Commencing with the 2007 registration year, upon proper application, the Secretary of State shall issue one pair of registration plates to any Illinois resident, who as the surviving widow, widower, or parent, is awarded the Gold Star by the United States in recognition of spouses or children who served in the Armed Forces of the United States and lost their lives while in service whether in peacetime or war. If the parent no longer survives, the Secretary of State shall issue the plates to a surviving sibling, of the person who served in the Armed Forces, who is an Illinois resident. No more than one set of plates shall be issued for each Gold Star awarded, and only one surviving parent, or in the absence of a surviving parent, only one surviving sibling shall be issued a set of registration plates, except for those surviving parents who, as recipients of the Gold Star, have legally separated or divorced, in which case each surviving parent shall be allowed one set of registration plates. Registration plates issued under this Section shall be for first division vehicles and second division vehicles of 8,000 pounds or less. An applicant shall be charged a $15 fee for the original issuance in addition to the appropriate registration fee which shall be deposited into the Road Fund to help defray the administrative processing costs.

(Source: P.A. 93-140, eff. 1-1-04.)

Passed in the General Assembly May 27, 2005.
Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0344
(Senate Bill No 1669)

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

Section 5. The Uniform Peace Officers' Disciplinary Act is amended by changing Section 3.4 as follows:

(50 ILCS 725/3.4) (from Ch. 85, par. 2557)

Sec. 3.4. The officer under investigation shall be informed in writing of the name, rank and unit or command of the officer in charge of the investigation, the interrogators, and all persons who will be present on

New matter indicated by italics - deletions by strikeout
the behalf of the employer during any interrogation except at a public administrative proceeding. The officer under investigation shall inform the employer of any person who will be present on his or her behalf during any interrogation except at a public administrative hearing.
(Source: P.A. 83-981.)

Passed in the General Assembly May 27, 2005.
Approved July 26, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0345
(Senate Bill No 1953)

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

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-170 as follows:

(705 ILCS 405/5-170)
Sec. 5-170. Representation by counsel.
(a) In a proceeding under this Article, a minor who was under 13 years of age at the time of the commission of an act that if committed by an adult would be a violation of Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 must be represented by counsel during the entire custodial interrogation of the minor.
(b) In a judicial proceeding under this Article, a minor may not waive the right to the assistance of counsel in his or her defense.
(Source: P.A. 91-915, eff. 1-1-01; 92-16, eff. 6-28-01.)

Section 10. The Code of Criminal Procedure of 1963 is amended by adding Section 115-1.5 as follows:

(725 ILCS 5/115-1.5 new)
Sec. 115-1.5. Waiver of counsel by persons under 17 years of age prohibited. A person under 17 years of age may not waive the right to the assistance of counsel in his or her defense in any judicial proceeding. This Section does not apply to a minor charged with an offense for which the penalty is a fine only. Except for violations of Sections 11-401, 11-402, 11-501, and 11-503 of the Illinois Vehicle Code, this Section does not apply to proceedings involving violations of the Illinois Vehicle Code.

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 27, 2005.
Approved July 26, 2005.
Effective July 26, 2005.
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Section 12-705.1 as follows:
(625 ILCS 5/12-705.1 new)
Sec. 12-705.1. Required use of biodiesel by certain vehicles.
(a) Beginning July 1, 2006, any diesel powered vehicle owned or operated by this State, any county or unit of local government, any school district, any community college or public college or university, or any mass transit agency must, when refueling at a bulk central fueling facility, use a biodiesel blend that contains 2% biodiesel, as those terms are defined in the Illinois Renewable Fuels Development Program Act, where available, unless the engine is designed or retrofitted to operate on a higher percentage of biodiesel or on ultra low sulfur fuel.
(b) Nothing in this Section prohibits any unit of government from using a biodiesel blend containing more than 2% biodiesel.
(c) As used in this Section, a "bulk central fueling facility" means a non-commercial fueling facility whose primary purpose is the fueling of vehicles owned or operated by the State, a county or unit of local government, a school district, a community college or public college or university, or a mass transit agency.
(d) The Secretary of Transportation shall adopt rules for implementing this Section.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 26, 2005.
Approved July 28, 2005.
Effective July 28, 2005.

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Health Care
Workplace Violence Prevention Act.

Section 5. Findings. The General Assembly finds as follows:

(1) Violence is an escalating problem in many health care workplaces in this State and across the nation.

(2) The actual incidence of workplace violence in health care workplaces, in particular, is likely to be greater than documented because of failure to report such incidents or failure to maintain records of incidents that are reported.

(3) Patients, visitors, and health care employees should be assured a reasonably safe and secure environment in a health care workplace.

(4) Many health care workplaces have undertaken efforts to ensure that patients, visitors, and employees are safe from violence, but additional personnel training and appropriate safeguards may be needed to prevent workplace violence and minimize the risk and dangers affecting people in connection with the delivery of health care.

Section 10. Definitions. In this Act:

"Department" means (i) the Department of Human Services, in the case of a health care workplace that is operated or regulated by the Department of Human Services, or (ii) the Department of Public Health, in the case of a health care workplace that is operated or regulated by the Department of Public Health.

"Director" means the Secretary of Human Services or the Director of Public Health, as appropriate.

"Employee" means any individual who is employed on a full-time, part-time, or contractual basis by a health care workplace.

"Health care workplace" means a mental health facility or developmental disability facility as defined in the Mental Health and Developmental Disabilities Code, other than a hospital or unit thereof licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act. "Health care workplace" does not include, and shall not be construed to include, any office of a physician licensed to practice medicine in all its branches, an advanced practice nurse, or a physician assistant, regardless of the form of such office.

"Imminent danger" means a preliminary determination of immediate, threatened, or impending risk of physical injury as determined by the employee.

"Responsible agency" means the State agency that (i) licenses,
certifies, registers, or otherwise regulates or exercises jurisdiction over a health care workplace or a health care workplace's activities or (ii) contracts with a health care workplace for the delivery of health care services. "Violence" or "violent act" means any act by a patient or resident that causes or threatens to cause an injury to another person.

Section 15. Workplace violence plan.

(a) By July 1, 2007 (in the case of a health care workplace participating in the pilot project under Section 35) or July 1, 2008 (in the case of health care workplaces not participating in the pilot project), every health care workplace must adopt and implement a plan to reasonably prevent and protect employees from violence at that setting. The plan must address security considerations related to the following items, as appropriate to the particular workplace, based on the hazards identified in the assessment required under subsection (b):

(1) The physical attributes of the health care workplace.
(2) Staffing, including security staffing.
(3) Personnel policies.
(4) First aid and emergency procedures.
(5) The reporting of violent acts.
(6) Employee education and training.

(b) Before adopting the plan required under subsection (a), a health care workplace must conduct a security and safety assessment to identify existing or potential hazards for violence and determine the appropriate preventive action to be taken. The assessment must include, but need not be limited to, a measure of the frequency of, and an identification of the causes for and consequences of, violent acts at the workplace during at least the preceding 5 years or for the years for which records are available.

(c) In adopting the plan required by subsection (a), a health care workplace may consider any guidelines on violence in the workplace or in health care workplaces issued by the Department of Public Health, the Department of Human Services, the federal Occupational Safety and Health Administration, Medicare, and health care workplace accrediting organizations.

(d) It is the intent of the General Assembly that any violence protection and prevention plan developed under this Act be appropriate to the setting in which it is to be implemented. To that end, the General Assembly recognizes that not all health care services are provided in a facility or other formal setting. Many health care services are provided in other, less formal settings. The General Assembly finds that it may be inappropriate and

New matter indicated by italics - deletions by strikeout
impractical for all health care workplaces to address workplace violence in the same manner. When enforcing this Act, the Department shall allow a health care workplace sufficient flexibility in recognition of the unique circumstances in which the health care workplace may deliver services.

(e) Promptly after adopting a plan under subsection (a), a health care workplace must file a copy of its plan with the Department. The Department shall then forward a copy of the plan to the appropriate responsible agency.

(f) A health care workplace must review its plan at least once every 3 years and must report each such review to the Department, together with any changes to the plan adopted by the health care workplace. If a health care workplace does not adopt any changes to its plan in response to such a review, it must report that fact to the Department. A health care workplace must promptly report to the Department all changes to the health care workplace's plan, regardless of whether those changes were adopted in response to a periodic review required under this subsection. The Department shall then forward a copy of the review report and changes, if any, to the appropriate responsible agency.

(g) A health care workplace that is required to submit written documentation of active safety and violence prevention plans to comply with national accreditation standards shall be deemed to be in compliance with subsections (a), (b), (c), and (f) of this Section when the health care workplace forwards a copy of that documentation to the Department.

Section 20. Violence prevention training. By July 1, 2006 (in the case of a health care workplace participating in the pilot project under Section 35) or July 1, 2009 (in the case of health care workplaces not participating in the pilot project), and on a regular basis thereafter, as set forth in the plan adopted under Section 15, a health care workplace must provide violence prevention training to all its affected employees as determined by the plan. For temporary employees, training must take into account unique circumstances. A health care workplace also shall provide periodic follow-up training for its employees as appropriate. The training may vary by the plan and may include, but need not be limited to, classes, videotapes, brochures, verbal training, or other verbal or written training that is determined to be appropriate under the plan. The training must address the following topics, as appropriate to the particular health care workplace and to the duties and responsibilities of the particular employee being trained, based on the hazards identified in the assessment required under Section 15:

(1) General safety procedures.
(2) Personal safety procedures.
(3) The violence escalation cycle.
(4) Violence-predicting factors.
(5) Obtaining patient history from a patient with a history of violent behavior.
(6) Verbal and physical techniques to de-escalate and minimize violent behavior.
(7) Strategies to avoid physical harm.
(8) Restraining techniques, as permitted and governed by law.
(9) Appropriate use of medications to reduce violent behavior.
(10) Documenting and reporting incidents of violence.
(11) The process whereby employees affected by a violent act may debrief or be calmed down and the tension of the situation may be reduced.
(12) Any resources available to employees for coping with violence.
(13) The workplace violence prevention plan adopted under Section 15.
(14) The protection of confidentiality in accordance with the Health Insurance Portability and Accountability Act of 1996 and other related provisions of law.

Section 25. Record of violent acts. Beginning no later than July 1, 2007 (in the case of a health care workplace participating in the pilot project under Section 35) or July 1, 2008 (in the case of health care workplaces not participating in the pilot project), every health care workplace must keep a record of any violent act against an employee, a patient, or a visitor occurring at the workplace. At a minimum, the record must include the following:
(1) The health care workplace's name and address.
(2) The date, time, and specific location at the health care workplace where the violent act occurred.
(3) The name, job title, department or ward assignment, and staff identification or other identifier of the victim, if the victim was an employee.
(4) A description of the person against whom the violent act was committed as one of the following:
   (A) A patient.
   (B) A visitor.
   (C) An employee.
   (D) Other.
(5) A description of the person committing the violent act as

New matter indicated by italics - deletions by strikeout
one of the following:
(A) A patient.
(B) A visitor.
(C) An employee.
(D) Other.

(6) A description of the type of violent act as one of the following:
(A) A verbal or physical threat that presents imminent danger.
(B) A physical assault with major soreness, cuts, or large bruises.
(C) A physical assault with severe lacerations, a bone fracture, or a head injury.
(D) A physical assault with loss of limb or death.
(E) A violent act requiring employee response, in the course of which an employee is injured.

(7) An identification of any body part injured.

(8) A description of any weapon used.

(9) The number of employees in the vicinity of the violent act when it occurred.

(10) A description of actions taken by employees and the health care workplace in response to the violent act.

Section 30. Assistance in complying with Act. A health care workplace that needs assistance in complying with this Act may contact the federal Department of Labor for assistance. The Illinois departments of Human Services and Public Health shall collaborate with representatives of health care workplaces to develop technical assistance and training seminars on developing and implementing a workplace violence plan as required under Section 15. Those departments shall coordinate their assistance to health care workplaces.

Section 35. Pilot project; task force.
(a) The Department of Human Services and the Department of Public Health shall initially implement this Act as a 2-year pilot project in which only the following health care workplaces shall participate:
(1) The Chester Mental Health Center.
(2) The Alton Mental Health Center.
(3) The Douglas Singer Mental Health Center.
(4) The Andrew McFarland Mental Health Center.
(5) The Jacksonville Developmental Center.
Each health care workplace participating in the pilot project shall comply with this Act as provided in this Act.

(b) The Governor shall convene a 6-member task force consisting of the following: one member appointed by the President of the Senate; one member appointed by the Minority Leader of the Senate; one member appointed by the Speaker of House of Representatives; one member appointed by the Minority Leader of the House of Representatives; one representative from a statewide association representing licensed registered professional nurses; and one representative from the Department of Human Services. The task force shall submit a report to the Illinois General Assembly by January 1, 2008 that shall (i) evaluate the effectiveness of the health care workplace violence prevention pilot project in the facilities participating in the pilot project and (ii) make recommendations concerning the implementation of workplace violence prevention programs in all health care workplaces.

Section 40. Rules. The Department shall adopt rules to implement this Act.

Section 900. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 72 as follows:

(20 ILCS 1705/72 new)

Sec. 72. Violent acts against employees of facilities under the Department's jurisdiction. Within 6 months after the effective date of this amendatory Act of the 94th General Assembly, the Department shall adopt rules prescribing the procedures for reporting, investigating, and responding to violent acts against employees of facilities under the Department's jurisdiction. As used in this Section, "violent acts" has the meaning ascribed to that term in the Health Care Workplace Violence Prevention Act.

Section 905. The Illinois State Auditing Act is amended by changing Section 3-2 as follows:

(30 ILCS 5/3-2) (from Ch. 15, par. 303-2)

Sec. 3-2. Mandatory and directed post audits. The Auditor General shall conduct a financial audit, a compliance audit, or other attestation engagement, as is appropriate to the agency's operations under generally accepted government auditing standards, of each State agency except the Auditor General or his office at least once during every biennium, except as is otherwise provided in regulations adopted under Section 3-8. The general direction and supervision of the financial audit program may be delegated only to an individual who is a Certified Public Accountant and a payroll employee of the Office of the Auditor General. In the conduct of financial audits, the Auditor General or his office shall take actions that are in the public interest to the greatest extent possible.
audits, compliance audits, and other attestation engagements, the Auditor General may inquire into and report upon matters properly within the scope of a performance audit, provided that such inquiry shall be limited to matters arising during the ordinary course of the financial audit.

In any year the Auditor General shall conduct any special audits as may be necessary to form an opinion on the financial statements of this State, as prepared by the Comptroller, and to certify that this presentation is in accordance with generally accepted accounting principles for government.

Simultaneously with the biennial compliance audit of the Department of Human Services, the Auditor General shall conduct a program audit of each facility under the jurisdiction of that Department that is described in Section 4 of the Mental Health and Developmental Disabilities Administrative Act. The program audit shall include an examination of the records of each facility concerning (i) reports of suspected abuse or neglect of any patient or resident of the facility and (ii) reports of violent acts against facility staff by patients or residents. The Auditor General shall report the findings of the program audit to the Governor and the General Assembly, including findings concerning patterns or trends relating to (i) abuse or neglect of facility patients and residents or (ii) violent acts against facility staff by patients or residents. However, for any year for which the Inspector General submits a report to the Governor and General Assembly as required under Section 6.7 of the Abused and Neglected Long Term Care Facility Residents Reporting Act, the Auditor General need not conduct the program audit otherwise required under this paragraph.

The Auditor General shall conduct a performance audit of a State agency when so directed by the Commission, or by either house of the General Assembly, in a resolution identifying the subject, parties and scope. Such a directing resolution may:

(a) require the Auditor General to examine and report upon specific management efficiencies or cost effectiveness proposals specified therein;
(b) in the case of a program audit, set forth specific program objectives, responsibilities or duties or may specify the program performance standards or program evaluation standards to be the basis of the program audit;
(c) be directed at particular procedures or functions established by statute, by administrative regulation or by precedent; and
(d) require the Auditor General to examine and report upon

New matter indicated by italics - deletions by strikeout
specific proposals relating to state programs specified in the resolution.

The Commission may by resolution clarify, further direct, or limit the scope of any audit directed by a resolution of the House or Senate, provided that any such action by the Commission must be consistent with the terms of the directing resolution.

(Source: P.A. 93-630, eff. 12-23-03.)

Section 910. The Community Living Facilities Licensing Act is amended by changing Section 11 as follows:

(210 ILCS 35/11) (from Ch. 111 1/2, par. 4191)

Sec. 11. Grounds for denial or revocation of a license. The Department may deny or begin proceedings to revoke a license if the applicant or licensee has been convicted of a felony or 2 or more misdemeanors involving moral turpitude, as shown by a certified copy of the court of conviction; if the Department determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust; or upon other satisfactory evidence that the moral character of the applicant or licensee is not reputable. In addition, the Department may deny or begin proceedings to revoke a license at any time if the licensee:

(1) Submits false information either on Department licensure forms or during an inspection;
(2) Refuses to allow an inspection to occur;
(3) Violates this Act or rules and regulations promulgated under this Act;
(4) Violates the rights of its residents;
(5) Fails to submit or implement a plan of correction within the specified time period; or
(6) Fails to submit a workplace violence prevention plan in compliance with the Health Care Workplace Violence Prevention Act.

(Source: P.A. 82-567.)

Section 915. The Community-Integrated Living Arrangements Licensure and Certification Act is amended by changing Section 6 as follows:

(210 ILCS 135/6) (from Ch. 91 1/2, par. 1706)

Sec. 6. (a) The Department shall deny an application for a license, or revoke or refuse to renew the license of a community mental health or developmental services agency, or refuse to issue a license to the holder of a temporary permit, if the Department determines that the applicant, agency or permit holder has not complied with a provision of this Act, the Mental Health and Developmental Disabilities Code, or applicable Department rules

New matter indicated by italics - deletions by strikeout
and regulations. Specific grounds for denial or revocation of a license, or refusal to renew a license or to issue a license to the holder of a temporary permit, shall include but not be limited to:

1. Submission of false information either on Department licensure forms or during an inspection;
2. Refusal to allow an inspection to occur;
3. Violation of this Act or rules and regulations promulgated under this Act;
4. Violation of the rights of a recipient; or
5. Failure to submit or implement a plan of correction within the specified time period; or
6. Failure to submit a workplace violence prevention plan in compliance with the Health Care Workplace Violence Prevention Act.

(b) If the Department determines that the operation of a community mental health or developmental services agency or one or more of the programs or placements certified by the agency under this Act jeopardizes the health, safety or welfare of the recipients served by the agency, the Department may immediately revoke the agency's license and may direct the agency to withdraw recipients from any such program or placement.

(Source: P.A. 85-1250.)


PUBLIC ACT 94-0348

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

Section 5. The Nursing and Advanced Practice Nursing Act is amended by changing Section 15-10 as follows:

225 ILCS 65/15-10
(Section scheduled to be repealed on January 1, 2008)
Sec. 15-10. Advanced practice nurse; qualifications; roster.
(a) A person shall be qualified for licensure as an advanced practice nurse if that person:

1. has applied in writing in form and substance satisfactory

New matter indicated by italics - deletions by strikeout
to the Department and has not violated a provision of this Act or the rules adopted under this Act. The Department may take into consideration any felony conviction of the applicant but a conviction shall not operate as an absolute bar to licensure;

(2) holds a current license to practice as a registered nurse in Illinois;

(3) has successfully completed requirements to practice as, and holds a current, national certification as, a nurse midwife, clinical nurse specialist, nurse practitioner, or certified registered nurse anesthetist from the appropriate national certifying body as determined by rule of the Department;

(4) has paid the required fees as set by rule; and

(5) has obtained a graduate degree appropriate for national certification in a clinical advanced practice nursing specialty or a graduate degree or post-master's certificate from a graduate level program in a clinical advanced practice nursing specialty successfully completed a post-basic advanced practice formal education program in the area of his or her nursing specialty.

(b) Those applicants seeking licensure in more than one advanced practice nursing category need not possess multiple graduate degrees. Applicants may be eligible for licenses for multiple advanced practice nurse licensure categories, provided that the applicant (i) has met the requirements for at least one advanced practice nursing specialty under paragraphs (3) and (5) of subsection (a) of this Section, (ii) possesses an additional graduate education that results in a certificate for another clinical advanced practice nurse category and that meets the requirements for the national certification from the appropriate nursing specialty, and (iii) holds a current national certification from the appropriate national certifying body for that additional advanced practice nursing category. In addition to meeting the requirements of subsection (a), except item (5) of that subsection, beginning July 1, 2001 or 12 months after the adoption of final rules to implement this Section, whichever is sooner, applicants for initial licensure shall have a graduate degree appropriate for national certification in a clinical advanced practice nursing specialty.

(b-5) A registered professional nurse seeking licensure as an advanced practice nurse in the category of certified registered nurse anesthetist who applies on or before December 31, 2006 and does not have a graduate degree as described in subsection (b) shall be qualified for licensure if that person:

(1) submits evidence of having successfully completed a nurse...
anesthesia program described in item (5) of subsection (a) of this Section prior to January 1, 1999;
(2) submits evidence of certification as a registered nurse anesthetist by an appropriate national certifying body, as determined by rule of the Department; and
(3) has continually maintained active, up-to-date recertification status as a certified registered nurse anesthetist by an appropriate national recertifying body, as determined by rule of the Department.
(c) The Department shall provide by rule for APN licensure of registered professional nurses who (1) apply for licensure before July 1, 2001 and (2) submit evidence of completion of a program described in item (5) of subsection (a) or in subsection (b) and evidence of practice for at least 10 years as a nurse practitioner.
(d) The Department shall maintain a separate roster of advanced practice nurses licensed under this Title and their licenses shall indicate "Registered Nurse/Advanced Practice Nurse".
(Source: P.A. 93-296, eff. 7-22-03.)

PUBLIC ACT 94-0349
(Senate Bill No 0201)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Hospital Licensing Act is amended by adding Section 10.9 as follows:
(210 ILCS 85/10.9 new)
Sec. 10.9. Nurse mandated overtime prohibited.
(a) Definitions. As used in this Section:
"Mandated overtime" means work that is required by the hospital in excess of an agreed-to, predetermined work shift. Time spent by nurses required to be available as a condition of employment in specialized units, such as surgical nursing services, shall not be counted or considered in calculating the amount of time worked for the purpose of applying the

New matter indicated by italics - deletions by strikeout
prohibition against mandated overtime under subsection (b).

"Nurse" means any advanced practice nurse, registered professional nurse, or licensed practical nurse, as defined in the Nursing and Advanced Practice Nursing Act, who receives an hourly wage and has direct responsibility to oversee or carry out nursing care. For the purposes of this Section, "advanced practice nurse" does not include a certified registered nurse anesthetist who is primarily engaged in performing the duties of a nurse anesthetist.

"Unforeseen emergent circumstance" means (i) any declared national, State, or municipal disaster or other catastrophic event, or any implementation of a hospital's disaster plan, that will substantially affect or increase the need for health care services or (ii) any circumstance in which patient care needs require specialized nursing skills through the completion of a procedure. An "unforeseen emergent circumstance" does not include situations in which the hospital fails to have enough nursing staff to meet the usual and reasonably predictable nursing needs of its patients.

(b) Mandated overtime prohibited. No nurse may be required to work mandated overtime except in the case of an unforeseen emergent circumstance when such overtime is required only as a last resort. Such mandated overtime shall not exceed 4 hours beyond an agreed-to, predetermined work shift.

(c) Off-duty period. When a nurse is mandated to work up to 12 consecutive hours, the nurse must be allowed at least 8 consecutive hours of off-duty time immediately following the completion of a shift.

(d) Retaliation prohibited. No hospital may discipline, discharge, or take any other adverse employment action against a nurse solely because the nurse refused to work mandated overtime as prohibited under subsection (b).

(e) Violations. Any employee of a hospital that is subject to this Act may file a complaint with the Department of Public Health regarding an alleged violation of this Section. The complaint must be filed within 45 days following the occurrence of the incident giving rise to the alleged violation. The Department must forward notification of the alleged violation to the hospital in question within 3 business days after the complaint is filed. Upon receiving a complaint of a violation of this Section, the Department may take any action authorized under Section 7 or 9 of this Act.

(f) Proof of violation. Any violation of this Section must be proved by clear and convincing evidence that a nurse was required to work overtime against his or her will. The hospital may defeat the claim of a violation by presenting clear and convincing evidence that an unforeseen emergent

New matter indicated by italics - deletions by strikeout
circumstance, which required overtime work, existed at the time the employee was required or compelled to work.


PUBLIC ACT 94-0350
(Senate Bill No 1626)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Sections 24-5, 24-6, and 26-1 as follows:

(105 ILCS 5/24-5) (from Ch. 122, par. 24-5)
Sec. 24-5. Physical fitness and professional growth.

School boards shall require of new employees evidence of physical fitness to perform duties assigned and freedom from communicable disease, including tuberculosis. Such evidence shall consist of a physical examination and a tuberculin skin test and, if appropriate, an x-ray, made by a physician licensed in Illinois or any other state to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician not more than 90 days preceding time of presentation to the board and cost of such examination shall rest with the employee. The board may from time to time require an examination of any employee by a physician licensed in Illinois to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician and shall pay the expenses thereof from school funds. School boards may require teachers in their employ to furnish from time to time evidence of continued professional growth.
(Source: P.A. 78-344.)

New matter indicated by italics - deletions by strikeout
Sec. 24-6. Sick leave. The school boards of all school districts, including special charter districts, but not including school districts in municipalities of 500,000 or more, shall grant their full-time teachers, and also shall grant such of their other employees as are eligible to participate in the Illinois Municipal Retirement Fund under the "600-Hour Standard" established, or under such other eligibility participation standard as may from time to time be established, by rules and regulations now or hereafter promulgated by the Board of that Fund under Section 7-198 of the Illinois Pension Code, as now or hereafter amended, sick leave provisions not less in amount than 10 days at full pay in each school year. If any such teacher or employee does not use the full amount of annual leave thus allowed, the unused amount shall be allowed to accumulate to a minimum available leave of 180 days at full pay, including the leave of the current year. Sick leave shall be interpreted to mean personal illness, quarantine at home, or serious illness or death in the immediate family or household. The school board may require a physician's certificate from a physician licensed in Illinois to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or if the treatment is by prayer or spiritual means, that of a spiritual adviser or practitioner of such person's faith, as a basis for pay during leave after an absence of 3 days for personal illness, or as it may deem necessary in other cases. If the school board does require a physician's certificate or a certificate from a spiritual healer as a basis for pay during leave of less than 3 days, the school board shall pay, from school funds, the expenses incurred by the teachers or other employees in obtaining the certificate.

If, by reason of any change in the boundaries of school districts, or by reason of the creation of a new school district, the employment of a teacher is transferred to a new or different board, the accumulated sick leave of such teacher is not thereby lost, but is transferred to such new or different district.

For purposes of this Section, "immediate family" shall include parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians.

(Source: P.A. 86-838.)

(105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

Sec. 26-1. Compulsory school age-Exemptions. Whoever has custody
or control of any child between the ages of 7 and 17 years (unless the child has already graduated from high school) shall cause such child to attend some public school in the district wherein the child resides the entire time it is in session during the regular school term, except as provided in Section 10-19.1, and during a required summer school program established under Section 10-22.33B; provided, that the following children shall not be required to attend the public schools:

1. Any child attending a private or a parochial school where children are taught the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;

2. Any child who is physically or mentally unable to attend school, such disability being certified to the county or district truant officer by a competent physician licensed in Illinois to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or a Christian Science practitioner residing in this State and listed in the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends; the exemptions in this paragraph (2) do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the county or district truant officer by a competent physician;

3. Any child necessarily and lawfully employed according to the provisions of the law regulating child labor may be excused from attendance at school by the county superintendent of schools or the superintendent of the public school which the child should be attending, on certification of the facts by and the recommendation of the school board of the public school district in which the child resides. In districts having part time continuation schools, children so excused shall attend such schools at least 8 hours each week;

4. Any child over 12 and under 14 years of age while in attendance at confirmation classes;

5. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that he is unable to attend classes or to participate in any examination, study or work requirements on a particular day or days or at a particular time of day, because the tenets of his

New matter indicated by italics - deletions by strikeout
religion forbid secular activity on a particular day or days or at a particular time of day. Each school board shall prescribe rules and regulations relative to absences for religious holidays including, but not limited to, a list of religious holidays on which it shall be mandatory to excuse a child; but nothing in this paragraph 5 shall be construed to limit the right of any school board, at its discretion, to excuse an absence on any other day by reason of the observance of a religious holiday. A school board may require the parent or guardian of a child who is to be excused from attending school due to the observance of a religious holiday to give notice, not exceeding 5 days, of the child's absence to the school principal or other school personnel. Any child excused from attending school under this paragraph 5 shall not be required to submit a written excuse for such absence after returning to school; and

6. Any child 16 years of age or older who (i) submits to a school district evidence of necessary and lawful employment pursuant to paragraph 3 of this Section and (ii) is enrolled in a graduation incentives program pursuant to Section 26-16 of this Code or an alternative learning opportunities program established pursuant to Article 13B of this Code.

(Source: P.A. 93-858, eff. 1-1-05.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 20, 2005.
Approved July 28, 2005.
Effective July 28, 2005.
nurse extern under the direct, on-site supervision of a registered professional nurse licensed under this Act. There shall be one supervising registered professional nurse for every one nurse extern.

(b) An applicant shall be qualified to receive a nurse externship permit if that applicant:

(1) Has submitted a completed written application to the Department, on forms provided by the Department, and paid any fees established by the Department.

(2) Has graduated from a professional nursing education program approved by the Department.

(3) Is licensed as a professional nurse in another state or territory of the United States and has submitted a verification of active and unencumbered licensure in all of the states and territories in which the applicant is licensed.

(4) Has submitted verification of an offer of employment in Illinois as a nurse extern. The Department may prescribe the information necessary to determine if this employment meets the requirements of the permit program. This information shall include a copy of the written employment offer.

(5) Has submitted a written statement from the applicant’s prospective employer stating that the prospective employer agrees to pay the full tuition for the Bilingual Nurse Consortium course or other course approved by rule.

(6) Has submitted proof of taking the Test of English as a Foreign Language (TOEFL) with a minimum score as set by rule. Applicants with the highest TOEFL scores shall be given first consideration to entrance into an extern program.

(7) Has submitted written verification that the applicant has been enrolled in the Bilingual Nurse Consortium course or other course approved by rule. This verification must state that the applicant shall be able to complete the course within the year for which the permit is issued.

(8) Has agreed to submit to the Department a mid-year exam as determined by rule that demonstrates proficiency towards passing the NCLEX.

(9) Has not violated the provisions of Section 10-45 of this Act. The Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as an absolute bar to licensure.

New matter indicated by italics - deletions by strikeout
(10) Has met all other requirements established by rule.

(c) A nurse extern shall be issued no more than one permit in a lifetime. The permit shall expire one calendar year after it is issued. Before being issued a license under this Act, the nurse extern must submit proof of the successful completion of the Bilingual Nurse Consortium course or other course approved by rule and successful passage of the NCLEX. The nurse extern shall not practice autonomous, professional nursing until he or she is licensed under this Act. The nurse extern shall carry out progressive nursing skills under the direct supervision of a registered nurse licensed under this Act and shall not be employed in a supervisory capacity. The nurse extern shall work only in the sponsoring facility. A nurse extern may work for a period not to exceed one calendar year from the date of issuance of the permit or until he or she fails the NCLEX. While working as a nurse extern, the nurse extern is subject to the provisions of this Act and all rules adopted by the Department for the administration of this Act.

(d) The Secretary shall convene a task force within 2 months after the effective date of this amendatory Act of the 94th General Assembly to establish clinical guidelines that allow for the gradual progression of nursing skills in culturally diverse practice settings. The Nursing Act Coordinator or his or her designee shall serve as chairperson of the task force. The task force shall include, but not be limited to, 2 representatives of the Illinois Nurses Association, 2 representatives of the Illinois Hispanic Nurses Association, a nurse engaged in nursing education who possesses a master’s degree or higher, one representative from the Humboldt Park Vocational Educational Center, 2 registered nurses from United States territories who each hold a current State nursing license, one representative from the Chicago Bilingual Nurse Consortium, and one member of the Illinois Hospital Association. The task force shall complete this work no longer than 4 months after convening. After the nurse externship permit program has been in effect for 2 years, the task force shall evaluate the effectiveness of the program and make appropriate recommendations to the Secretary.

AN ACT concerning regulation.

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

Section 5. The Nursing and Advanced Practice Nursing Act is amended by changing Section 10-30 as follows:

(225 ILCS 65/10-30)
(Section scheduled to be repealed on January 1, 2008)
Sec. 10-30. Qualifications for licensure.

(a) Each applicant who successfully meets the requirements of this Section shall be entitled to licensure as a Registered Nurse or Licensed Practical Nurse, whichever is applicable.

(b) An applicant for licensure by examination to practice as a registered nurse or licensed practical nurse shall:

(1) submit a completed written application, on forms provided by the Department and fees as established by the Department;

(2) for registered nurse licensure, have graduated from a professional nursing education program approved by the Department;

(2.5) for licensed practical nurse licensure, have graduated from a practical nursing education program approved by the Department;

(3) have not violated the provisions of Section 10-45 of this Act. The Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as an absolute bar to licensure;

(4) meet all other requirements as established by rule;

(5) pay, either to the Department or its designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee. If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years after filing the application, the application shall be denied. However, the applicant may make a new application accompanied by the required fee and provide evidence of meeting the requirements in force at the time of the new

New matter indicated by italics - deletions by strikeout
An applicant may take and successfully complete a Department-approved examination in another jurisdiction. However, an applicant who has never been licensed previously in any jurisdiction that utilizes a Department-approved examination and who has taken and failed to pass the examination within 3 years after filing the application must submit proof of successful completion of a Department-authorized nursing education program or recompletion of an approved registered nursing program or licensed practical nursing program, as appropriate, prior to re-application.

An applicant shall have one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to again take and pass the examination unless licensed in another jurisdiction of the United States within one year of passing the examination.

(c) An applicant for licensure by endorsement who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or a foreign country, jurisdiction, territory, or province shall:

   (1) submit a completed written application, on forms supplied by the Department, and fees as established by the Department;

   (2) for registered nurse licensure, have graduated from a professional nursing education program approved by the Department;

   (2.5) for licensed practical nurse licensure, have graduated from a practical nursing education program approved by the Department;

   (3) submit verification of licensure status directly from the United States jurisdiction of licensure, if applicable, as defined by rule;

   (4) have passed the examination authorized by the Department;

   (5) meet all other requirements as established by rule.

(d) All applicants for registered nurse licensure pursuant to item (2) of subsection (b) and item (2) of subsection (c) of this Section who are graduates of nursing educational programs in a country other than the United States or its territories shall have their nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program.
approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may, upon recommendation from the nursing evaluation service, waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English. must submit to the Department certification of successful completion of the Commission of Graduates of Foreign Nursing Schools (CGFNS) examination. An applicant who is unable to provide appropriate documentation to satisfy CGFNS of her or his educational qualifications for the CGFNS examination shall be required to pass an examination to test competency in the English language, which shall be prescribed by the Department, if the applicant is determined by the Board to be educationally prepared in nursing. The Board shall make appropriate inquiry into the reasons for any adverse determination by CGFNS before making its own decision.

(d-5) An applicant licensed in another state or territory who is applying for licensure and has received her or his education in a country other than the United States or its territories shall have her or his nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may, upon recommendation from the nursing evaluation service, waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the successful passage of an approved licensing examination given in English. be exempt from the completion of the Commission of Graduates of Foreign Nursing Schools (CGFNS) examination if the applicant meets all of the following requirements:

1. successful passage of the licensure examination authorized by the Department;
2. holds an active, unencumbered license in another state;

New matter indicated by italics - deletions by strikeout
and

(3) has been actively practicing for a minimum of 2 years in another state:

(e) (Blank).

(f) Pending the issuance of a license under subsection (c) of this Section, the Department may grant an applicant a temporary license to practice nursing as a registered nurse or as a licensed practical nurse if the Department is satisfied that the applicant holds an active, unencumbered license in good standing in another jurisdiction. If the applicant holds more than one current active license, or one or more active temporary licenses from other jurisdictions, the Department shall not issue a temporary license until it is satisfied that each current active license held by the applicant is unencumbered. The temporary license, which shall be issued no later than 14 working days following receipt by the Department of an application for the temporary license, shall be granted upon the submission of the following to the Department:

(1) a signed and completed application for licensure under subsection (a) of this Section as a registered nurse or a licensed practical nurse;

(2) proof of a current, active license in at least one other jurisdiction and proof that each current active license or temporary license held by the applicant within the last 5 years is unencumbered;

(3) a signed and completed application for a temporary license; and

(4) the required temporary license fee.

(g) The Department may refuse to issue an applicant a temporary license authorized pursuant to this Section if, within 14 working days following its receipt of an application for a temporary license, the Department determines that:

(1) the applicant has been convicted of a crime under the laws of a jurisdiction of the United States: (i) which is a felony; or (ii) which is a misdemeanor directly related to the practice of the profession, within the last 5 years;

(2) within the last 5 years the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or

(3) it intends to deny licensure by endorsement. For purposes

New matter indicated by italics - deletions by strikeout
of this Section, an "unencumbered license" means a license against which no disciplinary action has been taken or is pending and for which all fees and charges are paid and current.

(h) The Department may revoke a temporary license issued pursuant to this Section if:

   (1) it determines that the applicant has been convicted of a crime under the law of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years;

   (2) it determines that within the last 5 years the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or

   (3) it determines that it intends to deny licensure by endorsement.

A temporary license shall expire 6 months from the date of issuance. Further renewal may be granted by the Department in hardship cases, as defined by rule and upon approval of the Director. However, a temporary license shall automatically expire upon issuance of the Illinois license or upon notification that the Department intends to deny licensure, whichever occurs first.

(i) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years from the date of application, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-39, eff. 6-29-01; 92-744, eff. 7-25-02; revised 2-17-03.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 24, 2005.
Approved July 28, 2005.
Effective July 28, 2005.

PUBLIC ACT 94-0353
(Senate Bill No 1333)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Firearm Owners Identification Card Act is amended by changing Sections 1.1, 3, 3.1, 3a, and 5 as follows:

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

Sec. 1.1. For purposes of this Act:
"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

1. any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

2. any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

3. any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and

4. any antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

1. any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and

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

"Gun show" means an event or function:

1. at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are sold or transferred.

New matter indicated by italics - deletions by strikeout
displayed, offered, or exhibited for sale, transfer, or exchange; or
(2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

“Gun show” includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.

“Gun show” does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

“Gun show promoter” means a person who organizes or operates a gun show.

“Gun show vendor” means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

“Sanctioned competitive shooting event” means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

(Source: P.A. 91-357, eff. 7-29-99; 92-414, eff. 1-1-02.)

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner’s Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm transfers by federally licensed firearm dealers are subject to Section 3.1.

(a-5) Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Department of State Police to conduct a background check on the prospective recipient of the firearm in accordance with Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm if no serial number is available; and, if the transfer was completed

New matter indicated by italics - deletions by strikeout
within this State, the transferee's Firearm Owner's Identification Card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer. If the transfer or sale took place at a gun show, the record shall include the unique identification number. Failure to record the unique identification number is a petty offense.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

(Source: P.A. 92-442, eff. 8-17-01.)

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

Sec. 3.1. Dial up system.

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm under the provisions of this Act. The Department of State Police may utilize existing technology which allows the caller to be charged a fee equivalent to the cost of providing this service but not to exceed $2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms, notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 1961, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer; and

(2) provide the licensee, gun show promoter, or gun show vendor with the number.

New matter indicated by italics - deletions by strikeout
(d) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

(e) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(f) The Department of State Police shall promulgate rules not inconsistent with this Section to implement this system.

(Source: P.A. 91-399, eff. 7-30-99.)

(430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

Sec. 3a. (a) Any resident of Illinois who has obtained a firearm owner's identification card pursuant to this Act and who is not otherwise prohibited from obtaining, possessing or using a firearm may purchase or obtain a rifle or shotgun or ammunition for a rifle or shotgun in Iowa, Missouri, Indiana, Wisconsin or Kentucky. (b) Any resident of Iowa, Missouri, Indiana, Wisconsin or Kentucky or a non-resident with a valid non-resident hunting license, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his domicile, or the United States from obtaining, possessing or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for a rifle or shotgun in Illinois.

(b-5) Any non-resident who is participating in a sanctioned competitive shooting event, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a shotgun or shotgun ammunition in Illinois for the purpose of participating in that event. A person may purchase or obtain a shotgun or shotgun ammunition under this subsection only at the site where the sanctioned competitive shooting event is being held. For purposes of this subsection, "sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

(c) Any transaction under this Section is subject to the provisions of the Gun Control Act of 1968 (18 U.S.C. 922 (b)(3)).

(Source: P.A. 92-528, eff. 2-8-02.)

(430 ILCS 65/5) (from Ch. 38, par. 83-5)

Sec. 5. The Department of State Police shall either approve or deny all applications within 30 days from the date they are received, and every applicant found qualified pursuant to Section 8 of this Act by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a $5 fee. $3 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Wildlife

New matter indicated by italics - deletions by strikeout
and Fish Fund in the State Treasury; $1 of such fee shall be deposited in the State Police Services Fund and $1 of such fee shall be deposited in the Firearm Owner's Notification Fund. Monies in the Firearm Owner's Notification Fund shall be used exclusively to pay for the cost of sending notices of expiration of Firearm Owner's Identification Cards under Section 13.2 of this Act. Excess monies in the Firearm Owner's Notification Fund shall be used to ensure the prompt and efficient processing of applications received under Section 4 of this Act.
(Source: P.A. 84-1426.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 29, 2005.
Effective July 29, 2005.

PUBLIC ACT 94-0354
(House Bill No 0212)

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

Section 5. The Illinois Police Training Act is amended by adding Section 10.7 as follows:

(50 ILCS 705/10.7 new)
Sec. 10.7. Mandatory training; police chief and deputy police chief.
Each police chief and deputy police chief shall obtain at least 20 hours of training each year. The training must be approved by the Illinois Law Enforcement Training and Standards Board and must be related to law enforcement, management or executive development, or ethics. This requirement may be satisfied by attending any training portion of a conference held by an association that represents chiefs of police that has been approved by the Illinois Law Enforcement Training and Standards Board. Any police chief and any deputy police chief, upon presentation of a certificate of completion from the person or entity conducting the training, shall be reimbursed by the municipality in accordance with the municipal policy regulating the terms of reimbursement, for his or her reasonable expenses in obtaining the training required under this Section. No police chief or deputy police chief may attend any recognized training offering without the prior approval of his or her municipal mayor, manager, or immediate supervisor.

New matter indicated by italics - deletions by strikeout
This Section does not apply to the City of Chicago or the Sheriff’s Police Department in Cook County.

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)
Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Passed in the General Assembly May 26, 2005.
Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0355
(House Bill No 0330)

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

Section 5. The Public Building Commission Act is amended by changing Section 4a as follows:

(50 ILCS 20/4a) (from Ch. 85, par. 1034a)
Sec. 4a. A Public Building Commission may be created for the limited purpose of constructing, acquiring, enlarging, improving, repairing or replacing a specific public improvement, building or facility or a special type or class of public improvements, buildings or facilities. The provisions of Section 4 of this Act shall apply to the creation of a Public Building Commission under this Section, except that the resolution adopted by the municipality or county board and the proposition shall specify the limited purpose for which such Public Building Commission is to be created. The provisions of Section 4 authorizing any municipal corporation any part of whose area of jurisdiction lies within the territorial limits of that county seat to join in the organization of the Public Building Commission in the manner set forth in that Section shall not be applicable to a Public Building Commission created under this Section. The county board of any county that has created a public building commission for a limited and specific purpose may expand that purpose by resolution.

The purpose of a public building commission created by the county board of any county may not be expanded until the question of expanding the purpose of the public building commission has been submitted to the electors

New matter indicated by italics - deletions by strikeout
of the county at a regular election and approved by a majority of the electors voting on the question. The county board must certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code.

The election authority must submit the question in substantially the following form:

Shall the county board be authorized to expand the purpose of the (insert name of public building commission) to include (insert the purpose or purposes)? The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, the county board may thereafter expand the purpose of the public building commission.

(Source: P.A. 82-240.)

Passed in the General Assembly May 17, 2005.
Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0356
(House Bill No 0373)

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

Section 5. The Illinois Pension Code is amended by changing Sections 3-110 and 7-139 and adding Sections 3-110.8 and 7-139.11 as follows:

(40 ILCS 5/3-110) (from Ch. 108 1/2, par. 3-110)
Sec. 3-110. Creditable service.
(a) "Creditable service" is the time served by a police officer as a member of a regularly constituted police force of a municipality. In computing creditable service furloughs without pay exceeding 30 days shall not be counted, but all leaves of absence for illness or accident, regardless of length, and all periods of disability retirement for which a police officer has received no disability pension payments under this Article shall be counted.

(a-5) Up to 3 years of time during which the police officer receives a disability pension under Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6 shall be counted as creditable service, provided that (i) the police officer returns to active service after the disability for a period at least equal to the period for
which credit is to be established and (ii) the police officer makes contributions to the fund based on the rates specified in Section 3-125.1 and the salary upon which the disability pension is based. These contributions may be paid at any time prior to the commencement of a retirement pension. The police officer may, but need not, elect to have the contributions deducted from the disability pension or to pay them in installments on a schedule approved by the board. If not deducted from the disability pension, the contributions shall include interest at the rate of 6% per year, compounded annually, from the date for which service credit is being established to the date of payment. If contributions are paid under this subsection (a-5) in excess of those needed to establish the credit, the excess shall be refunded. This subsection (a-5) applies to persons receiving a disability pension under Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6 on the effective date of this amendatory Act of the 91st General Assembly, as well as persons who begin to receive such a disability pension after that date.

(b) Creditable service includes all periods of service in the military, naval or air forces of the United States entered upon while an active police officer of a municipality, provided that upon applying for a permanent pension, and in accordance with the rules of the board, the police officer pays into the fund the amount the officer would have contributed if he or she had been a regular contributor during such period, to the extent that the municipality which the police officer served has not made such contributions in the officer's behalf. The total amount of such creditable service shall not exceed 5 years, except that any police officer who on July 1, 1973 had more than 5 years of such creditable service shall receive the total amount thereof.

(c) Creditable service also includes service rendered by a police officer while on leave of absence from a police department to serve as an executive of an organization whose membership consists of members of a police department, subject to the following conditions: (i) the police officer is a participant of a fund established under this Article with at least 10 years of service as a police officer; (ii) the police officer received no credit for such service under any other retirement system, pension fund, or annuity and benefit fund included in this Code; (iii) pursuant to the rules of the board the police officer pays to the fund the amount he or she would have contributed had the officer been an active member of the police department; and (iv) the organization pays a contribution equal to the municipality's normal cost for that period of service.

(d)(1) Creditable service also includes periods of service originally established in another police pension fund under this Article or in the
Fund established under Article 7 of this Code for which (i) the contributions have been transferred under Section 3-110.7 or Section 7-139.9 and (ii) any additional contribution required under paragraph (2) of this subsection has been paid in full in accordance with the requirements of this subsection (d).

(2) If the board of the pension fund to which creditable service and related contributions are transferred under Section 3-110.7 or 7-139.9 determines that the amount transferred is less than the true cost to the pension fund of allowing that creditable service to be established, then in order to establish that creditable service the police officer must pay to the pension fund, within the payment period specified in paragraph (3) of this subsection, an additional contribution equal to the difference, as determined by the board in accordance with the rules and procedures adopted under paragraph (6) of this subsection.

(3) Except as provided in paragraph (4), the additional contribution must be paid to the board (i) within 5 years from the date of the transfer of contributions under Section 3-110.7 or 7-139.9 and (ii) before the police officer terminates service with the fund. The additional contribution may be paid in a lump sum or in accordance with a schedule of installment payments authorized by the board.

(4) If the police officer dies in service before payment in full has been made and before the expiration of the 5-year payment period, the surviving spouse of the officer may elect to pay the unpaid amount on the officer's behalf within 6 months after the date of death, in which case the creditable service shall be granted as though the deceased police officer had paid the remaining balance on the day before the date of death.

(5) If the additional contribution is not paid in full within the required time, the creditable service shall not be granted and the police officer (or the officer's surviving spouse or estate) shall be entitled to receive a refund of (i) any partial payment of the additional contribution that has been made by the police officer and (ii) those portions of the amounts transferred under subdivision (a)(1) of Section 3-110.7 or subdivisions (a)(1) and (a)(3) of Section 7-139.9 that represent employee contributions paid by the police officer (but not the accumulated interest on those contributions) and interest paid by the police officer to the prior pension fund in order to reinstate service terminated by acceptance of a refund.

New matter indicated by italics - deletions by strikeout
At the time of paying a refund under this item (5), the pension fund shall also repay to the pension fund from which the contributions were transferred under Section 3-110.7 or 7-139.9 the amount originally transferred under subdivision (a)(2) of that Section, plus interest at the rate of 6% per year, compounded annually, from the date of the original transfer to the date of repayment. Amounts repaid to the Article 7 fund under this provision shall be credited to the appropriate municipality. Transferred credit that is not granted due to failure to pay the additional contribution within the required time is lost; it may not be transferred to another pension fund and may not be reinstated in the pension fund from which it was transferred.

(6) The Public Employee Pension Fund Division of the Department of Insurance shall establish by rule the manner of making the calculation required under paragraph (2) of this subsection, taking into account the appropriate actuarial assumptions; the police officer's service, age, and salary history; the level of funding of the pension fund to which the credits are being transferred; and any other factors that the Division determines to be relevant. The rules may require that all calculations made under paragraph (2) be reported to the Division by the board performing the calculation, together with documentation of the creditable service to be transferred, the amounts of contributions and interest to be transferred, the manner in which the calculation was performed, the numbers relied upon in making the calculation, the results of the calculation, and any other information the Division may deem useful.

(e)(1) Creditable service also includes periods of service originally established in the Fund established under Article 7 of this Code for which the contributions have been transferred under Section 7-139.11.

(2) If the board of the pension fund to which creditable service and related contributions are transferred under Section 7-139.11 determines that the amount transferred is less than the true cost to the pension fund of allowing that creditable service to be established, then the amount of creditable service the police officer may establish under this subsection (e) shall be reduced by an amount equal to the difference, as determined by the board in accordance with the rules and procedures adopted under paragraph (3) of this subsection.

(3) The Public Pension Division of the Department of Financial and Professional Regulation shall establish by rule the
manner of making the calculation required under paragraph (2) of this subsection, taking into account the appropriate actuarial assumptions; the police officer's service, age, and salary history; the level of funding of the pension fund to which the credits are being transferred; and any other factors that the Division determines to be relevant. The rules may require that all calculations made under paragraph (2) be reported to the Division by the board performing the calculation, together with documentation of the creditable service to be transferred, the amounts of contributions and interest to be transferred, the manner in which the calculation was performed, the numbers relied upon in making the calculation, the results of the calculation, and any other information the Division may deem useful.

(Source: P.A. 90-460, eff. 8-17-97; 91-887, eff. 7-6-00; 91-939, eff. 2-1-01.)

(40 ILCS 5/3-110.8 new)

Sec. 3-110.8. Transfer to IMRF.

(a) Until January 1, 2006, any active member of the Illinois Municipal Retirement Fund who has less than 8 years of creditable service in a police pension fund under this Article, may apply for transfer of his creditable service accumulated in that fund to the Illinois Municipal Retirement Fund. The creditable service shall be transferred upon payment by the police pension fund to the Illinois Municipal Retirement Fund of an amount equal to:

1. the amounts accumulated to the credit of the applicant on the books of the fund on the date of transfer; and

2. employer contributions in an amount equal to the amount determined under subparagraph (1); and

3. any interest paid by the applicant in order to reinstate service. Participation in this Fund shall terminate on the date of transfer.

(b) Until January 1, 2006, any member under subsection (a) may reinstate service which was terminated by receipt of a refund, by payment to the police pension fund of the amount of the refund with interest thereon at the rate of 6% per year, compounded annually, from the date of refund to the date of payment.

(40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

Sec. 7-139. Credits and creditable service to employees.

(a) Each participating employee shall be granted credits and creditable service, for purposes of determining the amount of any annuity or benefit to which he or a beneficiary is entitled, as follows:

New matter indicated by italics - deletions by strikeout
1. For prior service: Each participating employee who is an employee of a participating municipality or participating instrumentality on the effective date shall be granted creditable service, but no credits under paragraph 2 of this subsection (a), for periods of prior service for which credit has not been received under any other pension fund or retirement system established under this Code, as follows:

If the effective date of participation for the participating municipality or participating instrumentality is on or before January 1, 1998, creditable service shall be granted for the entire period of prior service with that employer without any employee contribution.

If the effective date of participation for the participating municipality or participating instrumentality is after January 1, 1998, creditable service shall be granted for the last 20% of the period of prior service with that employer, but no more than 5 years, without any employee contribution. A participating employee may establish creditable service for the remainder of the period of prior service with that employer by making an application in writing, accompanied by payment of an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service may be made at any time while the employee is still in service.

A municipality that (i) has at least 35 employees; (ii) is located in a county with at least 2,000,000 inhabitants; and (iii) maintains an independent defined benefit pension plan for the benefit of its eligible employees may restrict creditable service in whole or in part for periods of prior service with the employer if the governing body of the municipality adopts an irrevocable resolution to restrict that creditable service and files the resolution with the board before the municipality's effective date of participation.

Any person who has withdrawn from the service of a participating municipality or participating instrumentality prior to the effective date, who reenters the service of the same municipality or participating instrumentality after the effective date and becomes a participating employee is entitled to creditable service for prior service as otherwise provided in this subdivision (a)(1) only if he or

New matter indicated by italics - deletions by strikeout
she renders 2 years of service as a participating employee after the effective date. Application for such service must be made while in a participating status. The salary rate to be used in the calculation of the required employee contribution, if any, shall be the employee's salary rate at the time of first reentering service with the employer after the employer's effective date of participation.

2. For current service, each participating employee shall be credited with:
   
   a. Additional credits of amounts equal to each payment of additional contributions received from him under Section 7-173, as of the date the corresponding payment of earnings is payable to him.
   
   b. Normal credits of amounts equal to each payment of normal contributions received from him, as of the date the corresponding payment of earnings is payable to him, and normal contributions made for the purpose of establishing out-of-state service credits as permitted under the conditions set forth in paragraph 6 of this subsection (a).
   
   c. Municipality credits in an amount equal to 1.4 times the normal credits, except those established by out-of-state service credits, as of the date of computation of any benefit if these credits would increase the benefit.
   
   d. Survivor credits equal to each payment of survivor contributions received from the participating employee as of the date the corresponding payment of earnings is payable, and survivor contributions made for the purpose of establishing out-of-state service credits.

3. For periods of temporary and total and permanent disability benefits, each employee receiving disability benefits shall be granted creditable service for the period during which disability benefits are payable. Normal and survivor credits, based upon the rate of earnings applied for disability benefits, shall also be granted if such credits would result in a higher benefit to any such employee or his beneficiary.

4. For authorized leave of absence without pay: A participating employee shall be granted credits and creditable service for periods of authorized leave of absence without pay under the following conditions:
   
   a. An application for credits and creditable service is
submitted to the board while the employee is in a status of active employment, and within 2 years after termination of the leave of absence period for which credits and creditable service are sought.

b. Not more than 12 complete months of creditable service for authorized leave of absence without pay shall be counted for purposes of determining any benefits payable under this Article.

c. Credits and creditable service shall be granted for leave of absence only if such leave is approved by the governing body of the municipality, including approval of the estimated cost thereof to the municipality as determined by the fund, and employee contributions, plus interest at the effective rate applicable for each year from the end of the period of leave to date of payment, have been paid to the fund in accordance with Section 7-173. The contributions shall be computed upon the assumption earnings continued during the period of leave at the rate in effect when the leave began. d. Benefits under the provisions of Sections 7-141, 7-146, 7-150 and 7-163 shall become payable to employees on authorized leave of absence, or their designated beneficiary, only if such leave of absence is creditable hereunder, and if the employee has at least one year of creditable service other than the service granted for leave of absence. Any employee contributions due may be deducted from any benefits payable.

e. No credits or creditable service shall be allowed for leave of absence without pay during any period of prior service.

5. For military service: The governing body of a municipality or participating instrumentality may elect to allow creditable service to participating employees who leave their employment to serve in the armed forces of the United States for all periods of such service, provided that the person returns to active employment within 90 days after completion of full time active duty, but no creditable service shall be allowed such person for any period that can be used in the computation of a pension or any other pay or benefit, other than pay for active duty, for service in any branch of the armed forces of the United States. If necessary to the computation of any benefit, the board shall establish municipality credits for participating employees.
under this paragraph on the assumption that the employee received earnings at the rate received at the time he left the employment to enter the armed forces. A participating employee in the armed forces shall not be considered an employee during such period of service and no additional death and no disability benefits are payable for death or disability during such period.

Any participating employee who left his employment with a municipality or participating instrumentality to serve in the armed forces of the United States and who again became a participating employee within 90 days after completion of full time active duty by entering the service of a different municipality or participating instrumentality, which has elected to allow creditable service for periods of military service under the preceding paragraph, shall also be allowed creditable service for his period of military service on the same terms that would apply if he had been employed, before entering military service, by the municipality or instrumentality which employed him after he left the military service and the employer costs arising in relation to such grant of creditable service shall be charged to and paid by that municipality or instrumentality.

Notwithstanding the foregoing, any participating employee shall be entitled to creditable service as required by any federal law relating to re-employment rights of persons who served in the United States Armed Services. Such creditable service shall be granted upon payment by the member of an amount equal to the employee contributions which would have been required had the employee continued in service at the same rate of earnings during the military leave period, plus interest at the effective rate.

5.1. In addition to any creditable service established under paragraph 5 of this subsection (a), creditable service may be granted for up to 24 months of service in the armed forces of the United States.

In order to receive creditable service for military service under this paragraph 5.1, a participating employee must (1) apply to the Fund in writing and provide evidence of the military service that is satisfactory to the Board; (2) obtain the written approval of the current employer; and (3) make contributions to the Fund equal to (i) the employee contributions that would have been required had the service been rendered as a member, plus (ii) an amount determined by the board to be equal to the employer's normal cost of the benefits

New matter indicated by italics - deletions by strikeout
accrued for that military service, plus (iii) interest on items (i) and (ii) from the date of first membership in the Fund to the date of payment. If payment is made during the 6-month period that begins 3 months after the effective date of this amendatory Act of 1997, the required interest shall be at the rate of 2.5% per year, compounded annually; otherwise, the required interest shall be calculated at the regular interest rate.

6. For out-of-state service: Creditable service shall be granted for service rendered to an out-of-state local governmental body under the following conditions: The employee had participated and has irrevocably forfeited all rights to benefits in the out-of-state public employees pension system; the governing body of his participating municipality or instrumentality authorizes the employee to establish such service; the employee has 2 years current service with this municipality or participating instrumentality; the employee makes a payment of contributions, which shall be computed at 8% (normal) plus 2% (survivor) times length of service purchased times the average rate of earnings for the first 2 years of service with the municipality or participating instrumentality whose governing body authorizes the service established plus interest at the effective rate on the date such credits are established, payable from the date the employee completes the required 2 years of current service to date of payment. In no case shall more than 120 months of creditable service be granted under this provision.

7. For retroactive service: Any employee who could have but did not elect to become a participating employee, or who should have been a participant in the Municipal Public Utilities Annuity and Benefit Fund before that fund was superseded, may receive creditable service for the period of service not to exceed 50 months; however, a current or former elected or appointed official of a participating municipality may establish credit under this paragraph 7 for more than 50 months of service as an official of that municipality, if the excess over 50 months is approved by resolution of the governing body of the affected municipality filed with the Fund before January 1, 2002.

Any employee who is a participating employee on or after September 24, 1981 and who was excluded from participation by the age restrictions removed by Public Act 82-596 may receive creditable service for the period, on or after January 1, 1979, excluded by the

New matter indicated by italics - deletions by strikeout
age restriction and, in addition, if the governing body of the participating municipality or participating instrumentality elects to allow creditable service for all employees excluded by the age restriction prior to January 1, 1979, for service during the period prior to that date excluded by the age restriction. Any employee who was excluded from participation by the age restriction removed by Public Act 82-596 and who is not a participating employee on or after September 24, 1981 may receive creditable service for service after January 1, 1979. Creditable service under this paragraph shall be granted upon payment of the employee contributions which would have been required had he participated, with interest at the effective rate for each year from the end of the period of service established to date of payment.

8. For accumulated unused sick leave: A participating employee who is applying for a retirement annuity shall be entitled to creditable service for that portion of the employee's accumulated unused sick leave for which payment is not received, as follows:

   a. Sick leave days shall be limited to those accumulated under a sick leave plan established by a participating municipality or participating instrumentality which is available to all employees or a class of employees.

   b. Only sick leave days accumulated with a participating municipality or participating instrumentality with which the employee was in service within 60 days of the effective date of his retirement annuity shall be credited; If the employee was in service with more than one employer during this period only the sick leave days with the employer with which the employee has the greatest number of unpaid sick leave days shall be considered.

   c. The creditable service granted shall be considered solely for the purpose of computing the amount of the retirement annuity and shall not be used to establish any minimum service period required by any provision of the Illinois Pension Code, the effective date of the retirement annuity, or the final rate of earnings.

   d. The creditable service shall be at the rate of 1/20 of a month for each full sick day, provided that no more than 12 months may be credited under this subdivision 8.

   e. Employee contributions shall not be required for

New matter indicated by italics - deletions by strikeout
creditable service under this subdivision 8.

f. Each participating municipality and participating instrumentality with which an employee has service within 60 days of the effective date of his retirement annuity shall certify to the board the number of accumulated unpaid sick leave days credited to the employee at the time of termination of service.

9. For service transferred from another system: Credits and creditable service shall be granted for service under Article 3, 4, 5, 14 or 16 of this Act, to any active member of this Fund, and to any inactive member who has been a county sheriff, upon transfer of such credits pursuant to Section 3-110.3, 4-108.3, 5-235, 14-105.6 or 16-131.4, and payment by the member of the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund as a sheriff's law enforcement employee during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund. Such transferred service shall be deemed to be service as a sheriff's law enforcement employee for the purposes of Section 7-142.1.

10. For service transferred from an Article 3 system under Section 3-110.8: Credits and creditable service shall be granted for service under Article 3 of this Act as provided in Section 3-110.8, to any active member of this Fund upon transfer of such credits pursuant to Section 3-110.8. If the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund, then the amount of creditable service established under this paragraph 10 shall be reduced by a corresponding amount in accordance with the rules and procedures established under this paragraph 10.

The board shall establish by rule the manner of making the calculation required under this paragraph 10, taking into account the appropriate actuarial assumptions; the member's service, age, and
salary history; the level of funding of the employer; and any other factors that the board determines to be relevant.

(b) Creditable service - amount:

1. One month of creditable service shall be allowed for each month for which a participating employee made contributions as required under Section 7-173, or for which creditable service is otherwise granted hereunder. Not more than 1 month of service shall be credited and counted for 1 calendar month, and not more than 1 year of service shall be credited and counted for any calendar year. A calendar month means a nominal month beginning on the first day thereof, and a calendar year means a year beginning January 1 and ending December 31.

2. A seasonal employee shall be given 12 months of creditable service if he renders the number of months of service normally required by the position in a 12-month period and he remains in service for the entire 12-month period. Otherwise a fractional year of service in the number of months of service rendered shall be credited.

3. An intermittent employee shall be given creditable service for only those months in which a contribution is made under Section 7-173.

(c) No application for correction of credits or creditable service shall be considered unless the board receives an application for correction while (1) the applicant is a participating employee and in active employment with a participating municipality or instrumentality, or (2) while the applicant is actively participating in a pension fund or retirement system which is a participating system under the Retirement Systems Reciprocal Act. A participating employee or other applicant shall not be entitled to credits or creditable service unless the required employee contributions are made in a lump sum or in installments made in accordance with board rule.

(d) Upon the granting of a retirement, surviving spouse or child annuity, a death benefit or a separation benefit, on account of any employee, all individual accumulated credits shall thereupon terminate. Upon the withdrawal of additional contributions, the credits applicable thereto shall thereupon terminate. Terminated credits shall not be applied to increase the benefits any remaining employee would otherwise receive under this Article.

(Source: P.A. 92-424, eff. 8-17-01; 93-933, eff. 8-13-04.)

(40 ILCS 5/7-139.11 new)

Sec. 7-139.11. Transfer to Article 3 pension fund.

(a) Until January 1, 2006, a person who has less than 8 years of
creditable service under this Article and who has become an active participant in a police pension fund established under Article 3 of this Code may apply for transfer to that Article 3 fund of his or her creditable service accumulated under this Article. At the time of the transfer the Fund shall pay to the police pension fund an amount equal to:

(1) the amounts accumulated to the credit of the applicant under this Article, including interest; and

(2) the municipality credits based on that service, including interest; and

(3) any interest paid by the applicant in order to reinstate that service. Participation in this Fund with respect to the transferred credits shall terminate on the date of transfer.

(b) An active member of a pension fund established under Article 3 of this Code may reinstate creditable service under this Article that was terminated by receipt of a refund, by paying to the Fund the amount of the refund plus interest thereon at the rate of 6% per year, compounded annually, from the date of refund to the date of payment.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 11, 2005.
Approved July 29, 2005.
Effective July 29, 2005.

PUBLIC ACT 94-0357
(House Bill No 0396)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 6-206.1 as follows:

(625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)
Sec. 6-206.1. Judicial Driving Permit. Declaration of Policy. It is hereby declared a policy of the State of Illinois that the driver who is impaired by alcohol, other drug or drugs, or intoxicating compound or compounds is a threat to the public safety and welfare. Therefore, to provide a deterrent to such practice and to remove problem drivers from the highway, a statutory summary driver's license suspension is appropriate. It is also recognized that driving is a privilege and therefore, that in some cases the granting of limited driving privileges, where consistent with public safety, is

New matter indicated by italics - deletions by strikeout
warranted during the period of suspension in the form of a judicial driving permit to drive for the purpose of employment, receiving drug treatment or medical care, and educational pursuits, where no alternative means of transportation is available.

The following procedures shall apply whenever a first offender is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance:

(a) Subsequent to a notification of a statutory summary suspension of driving privileges as provided in Section 11-501.1, the first offender as defined in Section 11-500 may petition the circuit court of venue for a Judicial Driving Permit, hereinafter referred as a JDP, to relieve undue hardship. The court may issue a court order, pursuant to the criteria contained in this Section, directing the Secretary of State to issue such a JDP to the petitioner. A JDP shall not become effective prior to the 31st day of the original statutory summary suspension and shall always be subject to the following criteria:

1. If ordered for the purposes of employment, the JDP shall be only for the purpose of providing the petitioner the privilege of driving a motor vehicle between the petitioner's residence and the petitioner's place of employment and return; or within the scope of the petitioner's employment related duties, shall be effective only during and limited to those specific times and routes actually required to commute or perform the petitioner's employment related duties.

2. The court, by a court order, may also direct the Secretary of State to issue a JDP to allow transportation for the petitioner, or a household member of the petitioner's family, to receive alcohol, drug, or intoxicating compound treatment or medical care, if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available. Such JDP shall be effective only during the specific times actually required to commute.

3. The court, by a court order, may also direct the Secretary of State to issue a JDP to allow transportation by the petitioner for educational purposes upon demonstrating that there are no alternative means of transportation reasonably available to accomplish those educational purposes. Such JDP shall be only for the purpose of providing transportation to and from the petitioner's residence and the petitioner's place of educational activity, and only during the specific times and routes actually required to commute or perform the petitioner's educational requirement.

New matter indicated by italics - deletions by strikeout
4. The Court shall not issue an order granting a JDP to:
   
   (i) Any person unless and until the court, after considering the results of a current professional evaluation of the person's alcohol or other drug use by an agency pursuant to Section 15-10 of the Alcoholism and Other Drug Abuse and Dependency Act and other appropriate investigation of the person, is satisfied that granting the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

   (ii) Any person who has been convicted of reckless homicide within the previous 5 years.

   (iii) Any person whose privilege to operate a motor vehicle was invalid at the time of arrest for the current violation of Section 11-501, or a similar provision of a local ordinance, except in cases where the cause for a driver's license suspension has been removed at the time a JDP is effective. In any case, should the Secretary of State enter a suspension or revocation of driving privileges pursuant to the provisions of this Code while the JDP is in effect or pending, the Secretary shall take the prescribed action and provide a notice to the person and the court ordering the issuance of the JDP that all driving privileges, including those provided by the issuance of the JDP, have been withdrawn.

   (iv) Any person under the age of 18 years.

(b) Prior to ordering the issuance of a JDP the Court should consider at least, but not be limited to, the following issues:

   1. Whether the person is employed and no other means of commuting to the place of employment is available or that the person must drive as a condition of employment. The employer shall certify the hours of employment and the need and parameters necessary for driving as a condition to employment.

   2. Whether the person must drive to secure alcohol or other medical treatment for himself or a family member.

   3. Whether the person must drive for educational purposes. The educational institution shall certify the person's enrollment in and academic schedule at the institution.

   4. Whether the person has been repeatedly convicted of traffic violations or involved in motor vehicle accidents to a degree which indicates disrespect for public safety.

New matter indicated by italics - deletions by strikeout
5. Whether the person has been convicted of a traffic violation in connection with a traffic accident resulting in the death of any person within the last 5 years.

6. Whether the person is likely to obey the limited provisions of the JDP.

7. Whether the person has any additional traffic violations pending in any court.

For purposes of this Section, programs conducting professional evaluations of a person's alcohol, other drug, or intoxicating compound use must report, to the court of venue, using a form prescribed by the Secretary of State. A copy of such evaluations shall be sent to the Secretary of State by the court. However, the evaluation information shall be privileged and only available to courts and to the Secretary of State, but shall not be admissible in the subsequent trial on the underlying charge.

(c) The scope of any court order issued for a JDP under this Section shall be limited to the operation of a motor vehicle as provided for in subsection (a) of this Section and shall specify the petitioner's residence, place of employment or location of educational institution, and the scope of job related duties, if relevant. The JDP shall also specify days of the week and specific hours of the day when the petitioner is able to exercise the limited privilege of operating a motor vehicle.

(c-1) If the petitioner is issued a citation for a violation of Section 6-303 during the period of a statutory summary suspension entered under Section 11-501.1 of this Code, or if the petitioner is charged with a violation of Section 11-501 or a similar provision of a local ordinance or a similar out of state offense which occurs after the current violation of Section 11-501 or a similar provision of a local ordinance, the court may not grant the petitioner a JDP unless the petitioner is acquitted or the citation or complaint is otherwise dismissed.

If the petitioner is issued a citation for a violation of Section 6-303 or a violation of Section 11-501 or a similar provision of a local ordinance or a similar out of state offense during the term of the JDP, the officer issuing the citation, or the law enforcement agency employing that officer, shall confiscate the JDP and immediately send the JDP and notice of the citation to the court that ordered the issuance of the JDP. Within 10 days of receipt, the issuing court, upon notice to the petitioner, shall conduct a hearing to consider cancellation of the JDP. If the court enters an order of cancellation, the court shall forward the order to the Secretary of State, and the Secretary shall cancel the JDP and notify the petitioner of the cancellation. If, however,
the petitioner is convicted of the offense before the JDP has been cancelled, the court of venue shall send notice of conviction to the court that ordered issuance of the JDP. The court receiving the notice shall immediately enter an order of cancellation and forward the order to the Secretary of State. The Secretary shall cancel the JDP and notify the petitioner of the cancellation.

If the petitioner is issued a citation for any other traffic related offense during the term of the JDP, the officer issuing the citation, or the law enforcement agency employing that officer, shall send notice of the citation to the court that ordered issuance of the JDP. Upon receipt and notice to the petitioner and an opportunity for a hearing, the court shall determine whether the violation constitutes grounds for cancellation of the JDP. If the court enters an order of cancellation, the court shall forward the order to the Secretary of State, and the Secretary shall cancel the JDP and shall notify the petitioner of the cancellation.

If the Petitioner, who has been granted a JDP, is issued a citation for a traffic related offense, including operating a motor vehicle outside the limitations prescribed in the JDP or a violation of Section 6-303, or is convicted of any such an offense during the term of the JDP, the court shall consider cancellation of the limited driving permit. In any case, if the Petitioner commits an offense, as defined in Section 11-501, or a similar provision of a local ordinance, as evidenced by the issuance of a Uniform Traffic Ticket, the JDP shall be forwarded by the court of venue to the court ordering the issuance of the JDP, for cancellation. The court shall notify the Secretary of State of any such cancellation.

(d) The Secretary of State shall, upon receiving a court order from the court of venue, issue a JDP to a successful Petitioner under this Section. Such court order form shall also contain a notification, which shall be sent to the Secretary of State, providing the name, driver's license number and legal address of the successful petitioner, and the full and detailed description of the limitations of the JDP. This information shall be available only to the courts, police officers, and the Secretary of State, except during the actual period the JDP is valid, during which time it shall be a public record. The Secretary of State shall design and furnish to the courts an official court order form to be used by the courts when directing the Secretary of State to issue a JDP.

Any submitted court order that contains insufficient data or fails to comply with this Code shall not be utilized for JDP issuance or entered to the driver record but shall be returned to the issuing court indicating why the JDP cannot be so entered. A notice of this action shall also be sent to the JDP petitioner by the Secretary of State.

New matter indicated by italics - deletions by strikeout
(e) The circuit court of venue may conduct the judicial hearing, as provided in Section 2-118.1, and the JDP hearing provided in this Section, concurrently. Such concurrent hearing shall proceed in the court in the same manner as in other civil proceedings.

(f) The circuit court of venue may, as a condition of the issuance of a JDP, prohibit the person from operating a motor vehicle not equipped with an ignition interlock device.

(Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99; 91-127, eff. 1-1-00.)

Passed in the General Assembly May 19, 2005.
Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0358
(House Bill No 0515)

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

Section 5. The Mobile Home Local Services Tax Act is amended by changing Section 11 and adding Section 2.2 as follows:

(35 ILCS 515/2.2 new)
Sec. 2.2. Abandoned mobile home defined. As used in this Act, "abandoned mobile home" means a mobile home that has no owner currently residing in the mobile home or authorized tenant of the owner currently residing in the mobile home to the best knowledge of the mobile home park owner.

(35 ILCS 515/11) (from Ch. 120, par. 1211)
Sec. 11. Before any mobile home subject to the tax imposed by this Act may be moved, the transporting company must obtain a permit from the county treasurer certifying that the tax on the mobile home has been paid for the current tax period and all previous tax periods for which taxes remain due. It shall be a Class B misdemeanor for any person or entity to move any mobile home or cause it to be moved a distance of more than one mile without having received such permit from the taxpayer. It shall be a Class B misdemeanor for any taxpayer to move any mobile home or cause it to be moved a distance of more than one mile without such permit having been issued by the county treasurer. This Section does not apply to (i) any person or entity who moves a mobile home or causes it to be moved pursuant to a court order, nor does this Section apply to any person or municipality that
moves a mobile home under the Abandoned Mobile Home Act or (ii) a mobile home park owner that moves an abandoned mobile home for its disposal as scrap or otherwise without further use as a mobile home. (Source: P.A. 88-516.)

Section 10. The Mobile Home Local Services Tax Enforcement Act is amended by changing Sections 395 and 402 as follows:

(35 ILCS 516/395)
Sec. 395. Reimbursement of municipality before issuance of tax certificate of title. Except in any proceeding in which the tax purchaser is a county acting as trustee for taxing districts as provided in Section 35, an order for the issuance of a tax certificate of title under this Act shall not be entered affecting the title to or interest in any mobile home in which a city, village, or incorporated town has an interest under the police and welfare power by advancements made from public funds, until the purchaser or assignee makes reimbursement to the city, village, or incorporated town of the money so advanced or the city, village, or town waives its lien on the mobile home for the money so advanced. However, in lieu of reimbursement or waiver, the purchaser or his or her assignee may make application for and the court shall order that the tax purchase be set aside as a sale in error. A filing or appearance fee shall not be required of a city, village, or incorporated town seeking to enforce its claim under this Section in a tax certificate of title proceeding.

The changes made by this amendatory Act of the 94th General Assembly are intended to be declarative of existing law. (Source: P.A. 92-807, eff. 1-1-03.)

(35 ILCS 516/402)
Sec. 402. Mobile homes located in manufactured home community; requirements.

(a) A person, other than a county acting as trustee for taxing districts, as provided in Section 35, who has a certificate of purchase and obtains a court order directing the issuance of a tax certificate of title under Section 400 for a mobile home located on a lot in a manufactured home community is liable for lot rent (at the prevailing rate) beginning on the date of the entry of the court order and shall either (i) qualify for tenancy in the manufactured home community in accordance with the community's normal tenant qualification and screening procedures or (ii) remove the mobile home from the lot no later than 30 days after the date of the entry of the court order.

(b) A county acting as trustee for taxing districts, as provided in Section 35, that obtains a court order directing the issuance of a tax

New matter indicated by italics - deletions by strikeout
AN ACT concerning State government.

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

Section 5. The Military Code of Illinois is amended by changing Sections 28.6 and 28.9 as follows:

(20 ILCS 1805/28.6)
Sec. 28.6. Policy.
(a) A member of the Army National Guard or the Air National Guard may be ordered to funeral honors duty in accordance with this Article. That member shall receive an allowance of $50 for any day on which a minimum of 2 hours of funeral honors duty is performed. Members of the Illinois National Guard ordered to funeral honors duty in accordance with this Article are considered to be in the active service of the State for all purposes except for pay, and the provisions of Sections 52, 53, 54, 55, and 56 of the Military Code of Illinois apply if a member of the Illinois National Guard is injured or disabled in the course of those duties.

(b) The Adjutant General may provide support for other authorized providers who volunteer to participate in a funeral honors detail conducted on behalf of the Governor. This support is limited to transportation, reimbursement for transportation, expenses, materials, and training.

(c) On or after July 1, 2006, if the Adjutant General determines that Illinois National Guard personnel are not available to perform military funeral honors in accordance with this Article, the Adjutant General may authorize another appropriate organization to provide one or more of its members to perform those honors and, subject to appropriations for that purpose, shall authorize the payment of a $100 stipend to the organization.
Public Act 94-0359

(Source: P.A. 92-76, eff. 1-1-02.)

(20 ILCS 1805/28.9)

Sec. 28.9. Availability of funds. Nothing in this Article establishes any entitlement to military funeral honors if the Adjutant General determines that Illinois National Guard or other appropriate personnel are not available to perform those honors or if adequate appropriated funds are not available to fund this program.

(Source: P.A. 92-76, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect July 1, 2006.
Passed in the General Assembly May 11, 2005.
Approved July 29, 2005.
Effective July 1, 2005.

Public Act 94-0360

(House Bill No 0617)

AN ACT concerning civil liabilities.

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

Section 5. The Civil No Contact Order Act is amended by changing Sections 213, 214, and 216 as follows:

(740 ILCS 22/213)

Sec. 213. Civil no contact order; remedies.

(a) If the court finds that the petitioner has been a victim of non-consensual sexual conduct or non-consensual sexual penetration, a civil no contact order shall issue; provided that the petitioner must also satisfy the requirements of Section 214 on emergency orders or Section 215 on plenary orders. The petitioner shall not be denied a civil no contact order because the petitioner or the respondent is a minor. The court, when determining whether or not to issue a civil no contact order, may not require physical injury on the person of the victim. Modification and extension of prior civil no contact orders shall be in accordance with this Act.

(b) A civil no contact order shall order one or more of the following:

(1) order the respondent to stay away from the petitioner; or
(2) other injunctive relief necessary or appropriate.

(c) Denial of a remedy may not be based, in whole or in part, on evidence that:

(1) the respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by

New matter indicated by italics - deletions by strikeout
Article VII of the Criminal Code of 1961;
(2) the respondent was voluntarily intoxicated;
(3) the petitioner acted in self-defense or defense of another, provided that, if the petitioner utilized force, such force was justifiable under Article VII of the Criminal Code of 1961;
(4) the petitioner did not act in self-defense or defense of another;
(5) the petitioner left the residence or household to avoid further non-consensual sexual conduct or non-consensual sexual penetration by the respondent; or
(6) the petitioner did not leave the residence or household to avoid further non-consensual sexual conduct or non-consensual sexual penetration by the respondent.
(d) Monetary damages are not recoverable as a remedy.
(Source: P.A. 93-236, eff. 1-1-04; 93-811, eff. 1-1-05.)
(740 ILCS 22/214)
Sec. 214. Emergency civil no contact order.
(a) An emergency civil no contact order shall issue if the petitioner satisfies the requirements of this subsection (a). The petitioner shall establish that:

(1) the court has jurisdiction under Section 206;
(2) the requirements of Section 213 are satisfied; and
(3) there is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

An emergency civil no contact order shall be issued by the court if it appears from the contents of the petition and the examination of the petitioner that the averments are sufficient to indicate nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent and to support the granting of relief under the issuance of the civil no contact order.

An emergency civil no contact order shall be issued if the court finds that subsections (1), (2), and (3) above are met.

(b) If the respondent appears in court for this hearing for an emergency order, he or she may elect to file a general appearance and testify. Any resulting order may be an emergency order, governed by this Section. Notwithstanding the requirements of this Section, if all requirements of Section 215 have been met, the court may issue a plenary order.

New matter indicated by italics - deletions by strikeout
(c) Emergency orders; court holidays and evenings.

(1) When the court is unavailable at the close of business, the petitioner may file a petition for a 21-day emergency order before any available circuit judge or associate judge who may grant relief under this Act. If the judge finds that there is an immediate and present danger of abuse against the petitioner and that the petitioner has satisfied the prerequisites set forth in subsection (a), that judge may issue an emergency civil no contact order.

(2) The chief judge of the circuit court may designate for each county in the circuit at least one judge to be reasonably available to issue orally, by telephone, by facsimile, or otherwise, an emergency civil no contact order at all times, whether or not the court is in session.

(3) Any order issued under this Section and any documentation in support of the order shall be certified on the next court day to the appropriate court. The clerk of that court shall immediately assign a case number, file the petition, order, and other documents with the court, and enter the order of record and file it with the sheriff for service, in accordance with Section 222. Filing the petition shall commence proceedings for further relief under Section 202. Failure to comply with the requirements of this paragraph (3) does not affect the validity of the order.

(Source: P.A. 93-236, eff. 1-1-04; 93-811, eff. 1-1-05.)

(740 ILCS 22/216)
Sec. 216. Duration and extension of orders.
(a) Unless re-opened or extended or voided by entry of an order of greater duration, an emergency order shall be effective for not less than 14 nor more than 21 days.

(b) Except as otherwise provided in this Section, a plenary civil no contact order shall be effective for a fixed period of time, not to exceed 2 years. A plenary civil no contact order entered in conjunction with a criminal prosecution shall remain in effect as follows:

(1) if entered during pre-trial release, until disposition, withdrawal, or dismissal of the underlying charge; if however, the case is continued as an independent cause of action, the order's duration may be for a fixed period of time not to exceed 2 years;

(2) if in effect in conjunction with a bond forfeiture warrant, until final disposition or an additional period of time not exceeding 2 years; no civil no contact order of protection, however, shall

New matter indicated by italics - deletions by strikeout
be terminated by a dismissal that is accompanied by the issuance of a bond forfeiture warrant;

(3) until expiration of any supervision, conditional discharge, probation, periodic imprisonment, parole, or mandatory supervised release and for an additional period of time thereafter not exceeding 2 years; or

(4) until the date set by the court for expiration of any sentence of imprisonment and subsequent parole or mandatory supervised release and for an additional period of time thereafter not exceeding 2 years.

(c) Any emergency or plenary order may be extended one or more times, as required, provided that the requirements of Section 214 or 215, as appropriate, are satisfied. If the motion for extension is uncontested and the petitioner seeks no modification of the order, the order may be extended on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension. Extensions may be granted only in open court and not under the provisions of subsection (c) of Section 214, which applies only when the court is unavailable at the close of business or on a court holiday.

(d) Any civil no contact order which would expire on a court holiday shall instead expire at the close of the next court business day.

(e) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a civil no contact order undermines the purposes of this Act. This Section shall not be construed as encouraging that practice.

(Source: P.A. 93-236, eff. 1-1-04.)

Passed in the General Assembly May 17, 2005.
Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0361
(House Bill No 0720)

AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by changing Section 7-1-1 and by adding Section 7-1-5.3 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 7-1-1. Annexation of contiguous territory. Any territory that is not within the corporate limits of any municipality but is contiguous to a municipality may be annexed to the municipality as provided in this Article. For the purposes of this Article any territory to be annexed to a municipality shall be considered to be contiguous to the municipality notwithstanding that the territory is separated from the municipality by a railroad or public utility right-of-way or former railroad right-of-way that has been converted to a recreational trail, but upon annexation the area included within that right-of-way or former right-of-way shall not be considered to be annexed to the municipality.

Except in counties with a population of more than 600,000 but less than 3,000,000, territory which is not contiguous to a municipality but is separated therefrom only by a forest preserve district may be annexed to the municipality pursuant to Section Sections 7-1-7 or 7-1-8, but only if the annexing municipality can show that the forest preserve district creates an artificial barrier preventing the annexation and that the location of the forest preserve district property prevents the orderly natural growth of the annexing municipality. It shall be conclusively presumed that the forest preserve district does not create an artificial barrier if the property sought to be annexed is bounded on at least 3 sides by (i) one or more other municipalities (other than the municipality seeking annexation through the existing forest preserve district), (ii) forest preserve district property, or (iii) a combination of other municipalities and forest preserve district property. It shall also be conclusively presumed that the forest preserve district does not create an artificial barrier if the municipality seeking annexation is not the closest municipality to the property to be annexed. The territory included within such forest preserve district shall not be annexed to the municipality nor shall the territory of the forest preserve district be subject to rights-of-way for access or services between the parts of the municipality separated by the forest preserve district without the consent of the governing body of the forest preserve district. The changes made to this Section by this amendatory Act of 91st General Assembly are declaratory of existing law and shall not be construed as a new enactment.

In counties that are contiguous to the Mississippi River with populations of more than 200,000 but less than 255,000, a municipality that is partially located in territory that is wholly surrounded by the Mississippi River and a canal, connected at both ends to the Mississippi River and
located on property owned by the United States of America, may annex noncontiguous territory in the surrounded territory under Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated from the municipality by property owned by the United States of America, but that federal property shall not be annexed without the consent of the federal government.

For the purposes of this Article, any territory to be annexed to a municipality that is located in a county with more than 500,000 inhabitants shall be considered to be contiguous to the municipality if only a river and a national heritage corridor separate the territory from the municipality. Upon annexation, no river or national heritage corridor shall be considered annexed to the municipality.

When any land proposed to be annexed is part of any Fire Protection District or of any Public Library District and the annexing municipality provides fire protection or a public library, as the case may be, the Trustees of each District shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. The notice shall be served 10 days in advance. An affidavit that service of notice has been had as provided by this Section must be filed with the clerk of the court in which the annexation proceedings are pending or will be instituted or, when no court proceedings are involved, with the recorder for the county where the land is situated. No annexation of that land is effective unless service is had and the affidavit filed as provided in this Section.

The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation. When any land proposed to be annexed includes any highway under the jurisdiction of any township, the Township Commissioner of Highways and the Board of Town Trustees shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. In the event that a municipality fails to notify the Township Commissioner of Highways and the Board of Town Trustees of the annexation of an area within the township, the municipality shall reimburse that township for any loss or liability caused by the failure to give notice. If any municipality has annexed any area before October 1, 1975, and the legal description in the petition for annexation did not include the entire adjacent highway, any such annexation shall be valid and any highway adjacent to the area annexed shall be considered to be annexed notwithstanding the failure of the petition to annex to include the description of the entire adjacent highway.

New matter indicated by italics - deletions by strikeout
Any annexation, disconnection and annexation, or disconnection under this Article of any territory must be reported by certified or registered mail by the corporate authority initiating the action to the election authorities having jurisdiction in the territory and the post office branches serving the territory within 30 days of the annexation, disconnection and annexation, or disconnection.

Failure to give notice to the required election authorities or post office branches will not invalidate the annexation or disconnection. For purposes of this Section "election authorities" means the county clerk where the clerk acts as the clerk of elections or the clerk of the election commission having jurisdiction.

No annexation, disconnection and annexation, or disconnection under this Article of territory having electors residing therein made (1) before any primary election to be held within the municipality affected thereby and after the time for filing petitions as a candidate for nomination to any office to be chosen at the primary election or (2) within 60 days before any general election to be held within the municipality shall be effective until the day after the date of the primary or general election, as the case may be.

For the purpose of this Section, a toll highway or connection between parcels via an overpass bridge over a toll highway shall not be considered a deterrent to the definition of contiguous territory.

When territory is proposed to be annexed by court order under this Article, the corporate authorities or petitioners initiating the action shall notify each person who pays real estate taxes on property within that territory unless the person is a petitioner. The notice shall be served by certified or registered mail, return receipt requested, at least 20 days before a court hearing or other court action. If the person who pays real estate taxes on the property is not the owner of record, then the payor shall notify the owner of record of the proposed annexation.

(Source: P.A. 90-14, eff. 7-1-97; 91-824, eff. 6-13-00.)

(Text of Section after amendment by P.A. 93-1098)

Sec. 7-1-1. Annexation of contiguous territory. Any territory that is not within the corporate limits of any municipality but is contiguous to a municipality may be annexed to the municipality as provided in this Article. For the purposes of this Article any territory to be annexed to a municipality shall be considered to be contiguous to the municipality notwithstanding that the territory is separated from the municipality by a strip parcel, railroad or public utility right-of-way, or former railroad right-of-way that has been converted to a recreational trail, but upon annexation the area included

New matter indicated by italics - deletions by strikeout
within that strip parcel, or right-of-way, or former right-of-way shall not be considered to be annexed to the municipality. For purposes of this Section, "strip parcel" means a separation no wider than 30 feet between the territory to be annexed and the municipal boundary.

Except in counties with a population of more than 600,000 but less than 3,000,000, territory which is not contiguous to a municipality but is separated therefrom only by a forest preserve district or open land or open space that is part of an open space program, as defined in Section 115-5 of the Township Code, may be annexed to the municipality pursuant to Section 7-1-7 or 7-1-8, but only if the annexing municipality can show that the forest preserve district, open land, or open space creates an artificial barrier preventing the annexation and that the location of the forest preserve district, open land, or open space property prevents the orderly natural growth of the annexing municipality. It shall be conclusively presumed that the forest preserve district, open land, or open space does not create an artificial barrier if the property sought to be annexed is bounded on at least 3 sides by (i) one or more other municipalities (other than the municipality seeking annexation through the existing forest preserve district, open land, or open space), (ii) forest preserve district property, open land, or open space, or (iii) a combination of other municipalities and forest preserve district property, open land, or open space. It shall also be conclusively presumed that the forest preserve district, open land, or open space does not create an artificial barrier if the municipality seeking annexation is not the closest municipality to the property to be annexed. The territory included within such forest preserve district, open land, or open space shall not be annexed to the municipality nor shall the territory of the forest preserve district, open land, or open space be subject to rights-of-way for access or services between the parts of the municipality separated by the forest preserve district, open land, or open space without the consent of the governing body of the forest preserve district. The changes made to this Section by this amendatory Act of 91st General Assembly are declaratory of existing law and shall not be construed as a new enactment.

In counties that are contiguous to the Mississippi River with populations of more than 200,000 but less than 255,000, a municipality that is partially located in territory that is wholly surrounded by the Mississippi River and a canal, connected at both ends to the Mississippi River and located on property owned by the United States of America, may annex noncontiguous territory in the surrounded territory under Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated from the municipality by

New matter indicated by italics - deletions by strikeout
owned by the United States of America, but that federal property shall not be annexed without the consent of the federal government.

For the purposes of this Article, any territory to be annexed to a municipality that is located in a county with more than 500,000 inhabitants shall be considered to be contiguous to the municipality if only a river and a national heritage corridor separate the territory from the municipality. Upon annexation, no river or national heritage corridor shall be considered annexed to the municipality.

When any land proposed to be annexed is part of any Fire Protection District or of any Public Library District and the annexing municipality provides fire protection or a public library, as the case may be, the Trustees of each District shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. The notice shall be served 10 days in advance. An affidavit that service of notice has been had as provided by this Section must be filed with the clerk of the court in which the annexation proceedings are pending or will be instituted or, when no court proceedings are involved, with the recorder for the county where the land is situated. No annexation of that land is effective unless service is had and the affidavit filed as provided in this Section.

The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation. When any land proposed to be annexed includes any highway under the jurisdiction of any township, the Township Commissioner of Highways and the Board of Town Trustees shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. In the event that a municipality fails to notify the Township Commissioner of Highways and the Board of Town Trustees of the annexation of an area within the township, the municipality shall reimburse that township for any loss or liability caused by the failure to give notice. If any municipality has annexed any area before October 1, 1975, and the legal description in the petition for annexation did not include the entire adjacent highway, any such annexation shall be valid and any highway adjacent to the area annexed shall be considered to be annexed notwithstanding the failure of the petition to annex to include the description of the entire adjacent highway.

Any annexation, disconnection and annexation, or disconnection under this Article of any territory must be reported by certified or registered mail by the corporate authority initiating the action to the election authorities.
having jurisdiction in the territory and the post office branches serving the territory within 30 days of the annexation, disconnection and annexation, or disconnection.

Failure to give notice to the required election authorities or post office branches will not invalidate the annexation or disconnection. For purposes of this Section "election authorities" means the county clerk where the clerk acts as the clerk of elections or the clerk of the election commission having jurisdiction.

No annexation, disconnection and annexation, or disconnection under this Article of territory having electors residing therein made (1) before any primary election to be held within the municipality affected thereby and after the time for filing petitions as a candidate for nomination to any office to be chosen at the primary election or (2) within 60 days before any general election to be held within the municipality shall be effective until the day after the date of the primary or general election, as the case may be. For the purpose of this Section, a toll highway or connection between parcels via an overpass bridge over a toll highway shall not be considered a deterrent to the definition of contiguous territory.

When territory is proposed to be annexed by court order under this Article, the corporate authorities or petitioners initiating the action shall notify each person who pays real estate taxes on property within that territory unless the person is a petitioner. The notice shall be served by certified or registered mail, return receipt requested, at least 20 days before a court hearing or other court action. If the person who pays real estate taxes on the property is not the owner of record, then the payor shall notify the owner of record of the proposed annexation.

(Source: P.A. 93-1098, eff. 1-1-06.)

(65 ILCS 5/7-1-5.3 new)

Sec. 7-1-5.3. Planned unit development; rail-trail. When a developer petitions a municipality to annex property for a planned unit development of residential, commercial, or industrial sub-divisions that is located adjacent to a former railroad right-of-way that has been converted to a recreational trail ("rail-trail") that is owned by the State, a unit of local government, or a non-profit organization, the municipality shall notify the State, unit of local government, or non-profit organization and furnish the proposed development plans to the State, unit of local government, or non-profit organization for review. The municipality shall require the developer petitioning for annexation to reasonably accommodate the rail-trail and modify its proposed development plans to ensure against adverse impacts to

New matter indicated by italics - deletions by strikeout
the users of the rail-trail or the natural and built resources within the right-of-way. If the municipality does not require the developer to make a modification prior to annexation, the municipality shall provide a written explanation to the State, unit of local government, or non-profit organization owning the rail-trail. The intent of this review and planning process is to ensure that no development along a rail-trail negatively affects the safety of users or the natural and built resources within the right-of-way.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Passed in the General Assembly May 29, 2005.
Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0362
(House Bill No 0829)

AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Section 21-330 as follows:
(35 ILCS 200/21-330)
Sec. 21-330. Fund for payment of interest. In counties of under 3,000,000 inhabitants, the county board may impose a fee of up to $60, which shall be paid to the county collector, upon each person purchasing any property at a sale held under this Code, prior to the issuance of any certificate of purchase. Each person purchasing any property at a sale held under this Code in a county with 3,000,000 or more inhabitants shall pay to the county collector, prior to the issuance of any certificate of purchase, a fee of $100 for each item purchased. That amount shall be included in the price paid for the certificate of purchase and the amount required to redeem under Section 21-355.

All sums of money received under this Section shall be paid by the collector to the county treasurer of the county in which the property is situated for deposit into a special fund. It shall be the duty of the county treasurer, as trustee of the fund, to invest the principal and income of the fund.
from time to time, if not immediately required for payments under this Section, in investments as are authorized by Sections 3-10009 and 3-11002 of the Counties Code. The fund shall be held to pay interest and costs by the county treasurer as trustee of the fund. No payment shall be made from the fund except by order of the court declaring a sale in error under Section 21-310, 22-35, or 22-50 or by declaration of the county collector under subsection (c) of Section 21-310. Any moneys accumulated in the fund by the county treasurer in excess of (i) $100,000 in counties with 250,000 or less inhabitants or (ii) $500,000 in counties with more than 250,000 inhabitants shall be paid each year prior to the commencement of the annual tax sale, first to satisfy any existing unpaid judgments entered pursuant to Section 21-295, and any funds remaining thereafter shall be paid to the general fund of the county.

(Source: P.A. 92-224, eff. 1-1-02; 92-729, eff. 7-25-02.)

Section 10. The Mobile Home Local Services Tax Enforcement Act is amended by changing Section 275 as follows:

(35 ILCS 516/275)

Sec. 275. Fund for payment of interest. In counties of under 3,000,000 inhabitants, the county board may impose a fee of up to $10, which shall be paid to the county collector, upon each person purchasing any mobile home at a sale held under this Act, prior to the issuance of any certificate of purchase. That amount shall be included in the price paid for the certificate of purchase and the amount required to redeem under Section 300.

All sums of money received under this Section shall be paid by the collector to the county treasurer of the county in which the mobile home is situated for deposit into a special fund. It shall be the duty of the county treasurer, as trustee of the fund, to invest the principal and income of the fund from time to time, if not immediately required for payments under this Section, in investments as are authorized by Sections 3-10009 and 3-11002 of the Counties Code. The fund shall be held to satisfy orders for payment of interest and costs obtained against the county treasurer as trustee of the fund. No payment shall be made from the fund except by order of the court declaring a sale in error under Section 255. Any moneys accumulated in the fund by the county treasurer in excess of (i) $100,000 in counties with 250,000 or less inhabitants or (ii) $500,000 in counties with more than 250,000 inhabitants shall be paid each year prior to the commencement of the annual tax sale, first to satisfy any existing unpaid judgments entered pursuant to Section 235, and any funds remaining thereafter shall be paid to the general fund of the county.
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 12-4 as follows:

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

Sec. 12-4. Aggravated Battery.

(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

(1) Uses a deadly weapon other than by the discharge of a firearm;

(2) Is hooded, robed or masked, in such manner as to conceal his identity;

(3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such
caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties, and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel from performing official duties, or in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

New matter indicated by italics - deletions by strikeout
(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) Knows the individual harmed to be an employee of the Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;

(14) Knows the individual harmed to be a person who is physically handicapped;

(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code;

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act; or

(17) Knows the individual harmed to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other

New matter indicated by italics - deletions by strikeout
laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5),

"correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

(1) Except as otherwise provided in paragraphs (2) and (3), aggravated battery is a Class 3 felony.

(2) Aggravated battery that does not cause great bodily harm or permanent disability or disfigurement is a Class 2 felony when the person knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee, or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee, or fireman from performing official duties, or in retaliation for the officer, volunteer, employee, or fireman performing official duties, and the battery is committed other than by the discharge of a firearm.

(3) Aggravated battery that causes great bodily harm or permanent disability or disfigurement in except a violation of subsection (a) is a Class 1 2 felony when the person knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee, or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee, or fireman from performing official duties, or in retaliation for the officer, volunteer, employee, or fireman performing official duties, and the battery is committed other than by the discharge of a firearm.

New matter indicated by italics - deletions by strikeout
execution of any of his or her official duties, or the battery is to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties.

(Source: P.A. 92-16, eff. 6-28-01; 92-516, eff. 1-1-02; 92-841, eff. 8-22-02; 92-865, eff. 1-3-03; 93-83, eff. 7-2-03.)

Effective July 29, 2005.

PUBLIC ACT 94-0364
(House Bill No 1002)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 29B-1 as follows:
(720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)
Sec. 29B-1. (a) A person commits the offense of money laundering:
(1) when, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, he or she conducts or attempts to conduct such a financial transaction which in fact involves criminally derived property:
(A) with the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained; or
(B) where he or she knows or reasonably should know that the financial transaction is designed in whole or in part:
(i) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or
(ii) to avoid a transaction reporting requirement under State law; or
(1.5) when he or she transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument:
(A) with the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained; or

New matter indicated by italics - deletions by strikeout
(B) knowing, or having reason to know, that the financial transaction is designed in whole or in part:

(i) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or

(ii) to avoid a transaction reporting requirement under State law when he knowingly engages or attempts to engage in a financial transaction in criminally derived property with either the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained or where he knows or reasonably should know that the financial transaction is designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or

(2) when, with the intent to:

(A) promote the carrying on of a specified criminal activity as defined in this Article; or

(B) conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of a specified criminal activity as defined by subdivision (b)(6); or;

(C) avoid a transaction reporting requirement under State law,
he or she conducts or attempts to conduct a financial transaction involving property he or she believes to be the proceeds of specified criminal activity as defined by subdivision (b)(6) or property used to conduct or facilitate specified criminal activity as defined by subdivision (b)(6).

(b) As used in this Section:

(0.5) "Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, federal, or foreign law, regardless of whether or not such activity is specified in subdivision (b) (4).

(1) "Financial transaction" means a purchase, sale, loan,
pledge, gift, transfer, delivery or other disposition utilizing criminally derived property, and with respect to financial institutions, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit or other monetary instrument, use of safe deposit box, or any other payment, transfer or delivery by, through, or to a financial institution. For purposes of clause (a)2) of this Section, the term "financial transaction" also means a transaction which without regard to whether the funds, monetary instruments, or real or personal property involved in the transaction are criminally derived, any transaction which in any way or degree: (1) involves the movement of funds by wire or any other means; (2) involves one or more monetary instruments; or (3) the transfer of title to any real or personal property. The receipt by an attorney of bona fide fees for the purpose of legal representation is not a financial transaction for purposes of this Section.

(2) "Financial institution" means any bank; saving and loan association; trust company; agency or branch of a foreign bank in the United States; currency exchange; credit union, mortgage banking institution; pawnbroker; loan or finance company; operator of a credit card system; issuer, redeemer or cashier of travelers checks, checks or money orders; dealer in precious metals, stones or jewels; broker or dealer in securities or commodities; investment banker; or investment company.

(3) "Monetary instrument" means United States coins and currency; coins and currency of a foreign country; travelers checks; personal checks, bank checks, and money orders; investment securities; bearer negotiable instruments; bearer investment securities; or bearer securities and certificates of stock in such form that title thereto passes upon delivery.

(4) "Criminally derived property" means: (A) any property, real or personal, constituting or derived from proceeds obtained, directly or indirectly, pursuant to a violation of the Criminal Code of 1961, the Illinois Controlled Substances Act or the Cannabis Control Act; or (B) any property represented to be property constituting or derived from proceeds obtained, directly or indirectly, pursuant to a violation of this Code, the Illinois Controlled Substances Act, or the Cannabis Control Act.

(5) "Conduct" or "conducts" includes, in addition to its

New matter indicated by italics - deletions by strikeout
ordinary meaning, initiating, concluding, or participating in initiating or concluding a transaction.

(6) "Specified criminal activity" means any violation of Section 20.5-5 (720 ILCS 5/20.5-5) and any violation of Article 29D of this Code.

(7) "Director" means the Director of State Police or his or her designated agents.

(8) "Department" means the Department of State Police of the State of Illinois or its successor agency.

(9) "Transaction reporting requirement under State law" means any violation as defined under the Currency Reporting Act.

(c) Sentence.

(1) Laundering of criminally derived property of a value not exceeding $10,000 is a Class 3 felony;

(2) Laundering of criminally derived property of a value exceeding $10,000 but not exceeding $100,000 is a Class 2 felony;

(3) Laundering of criminally derived property of a value exceeding $100,000 but not exceeding $500,000 is a Class 1 felony;

(4) Money laundering in violation of subsection (a)(2) of this Section is a Class X felony;

(5) Laundering of criminally derived property of a value exceeding $500,000 is a Class 1 non-probationable felony.

(d) Evidence. In a prosecution under this Article, either party may introduce the following evidence pertaining to the issue of whether the property or proceeds were known to be some form of criminally derived property or from some form of unlawful activity:

(1) A financial transaction was conducted or structured or attempted in violation of the reporting requirements of any State or federal law; or

(2) A financial transaction was conducted or attempted with the use of a false or fictitious name or a forged instrument; or

(3) A falsely altered or completed written instrument or a written instrument that contains any materially false personal identifying information was made, used, offered or presented, whether accepted or not, in connection with a financial transaction; or

(4) A financial transaction was structured or attempted to be structured so as to falsely report the actual consideration or value of the transaction; or

New matter indicated by italics - deletions by strikeout
3041

(5) A money transmitter, a person engaged in a trade or business or any employee of a money transmitter or a person engaged in a trade or business, knows or reasonably should know that false personal identifying information has been presented and incorporates the false personal identifying information into any report or record; or

(6) The criminally derived property is transported or possessed in a fashion inconsistent with the ordinary or usual means of transportation or possession of such property and where the property is discovered in the absence of any documentation or other indicia of legitimate origin or right to such property; or

(7) A person pays or receives substantially less than face value for one or more monetary instruments; or

(8) A person engages in a transaction involving one or more monetary instruments, where the physical condition or form of the monetary instrument or instruments makes it apparent that they are not the product of bona fide business or financial transactions. (e) Duty to enforce this Article.

(1) It is the duty of the Department of State Police, and its agents, officers, and investigators, to enforce all provisions of this Article, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, or of any state, relating to money laundering. Only an agent, officer, or investigator designated by the Director may be authorized in accordance with this Section to serve seizure notices, warrants, subpoenas, and summonses under the authority of this State.

(2) Any agent, officer, investigator, or peace officer designated by the Director may: (A) make seizure of property pursuant to the provisions of this Article; and (B) perform such other law enforcement duties as the Director designates. It is the duty of all State's Attorneys to prosecute violations of this Article and institute legal proceedings as authorized under this Article.

(f) Protective orders.

(1) Upon application of the State, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (h) for forfeiture under this Article:

(A) upon the filing of an indictment, information, or
complaint charging a violation of this Article for which forfeiture may be ordered under this Article and alleging that the property with respect to which the order is sought would be subject to forfeiture under this Article; or

(B) prior to the filing of such an indictment, information, or complaint, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that:

(i) there is probable cause to believe that the State will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

Provided, however, that an order entered pursuant to subparagraph (B) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment, information, complaint, or administrative notice has been filed.

(2) A temporary restraining order under this subsection may be entered upon application of the State without notice or opportunity for a hearing when an indictment, information, complaint, or administrative notice has not yet been filed with respect to the property, if the State demonstrates that there is probable cause to believe that the property with respect to which the order is sought would be subject to forfeiture under this Section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 30 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

(3) The court may receive and consider, at a hearing held pursuant to this subsection (f), evidence and information that would
be inadmissible under the Illinois rules of evidence.

(4) Order to repatriate and deposit.

(A) In general. Pursuant to its authority to enter a pretrial restraining order under this Section, the court may order a defendant to repatriate any property that may be seized and forfeited and to deposit that property pending trial with the Illinois State Police or another law enforcement agency designated by the Illinois State Police.

(B) Failure to comply. Failure to comply with an order under this subsection (f) is punishable as a civil or criminal contempt of court.

(g) Warrant of seizure. The State may request the issuance of a warrant authorizing the seizure of property described in subsection (h) in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would be subject to forfeiture, the court shall issue a warrant authorizing the seizure of such property.

(h) Forfeiture.

(1) The following are subject to forfeiture:

(A) any property, real or personal, constituting, derived from, or traceable to any proceeds the person obtained directly or indirectly, as a result of a violation of this Article;

(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this Article;

(C) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in subparagraphs (A) and (B), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Article;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission

New matter indicated by italics - deletions by strikeout
which the owner proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(D) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation of this Article or that is the proceeds of any violation or act that constitutes a violation of this Article.

(2) Property subject to forfeiture under this Article may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(A) if the seizure is incident to a seizure warrant;

(B) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding, or in an injunction or forfeiture proceeding based upon this Article;

(C) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(D) if there is probable cause to believe that the property is subject to forfeiture under this Article and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(E) in accordance with the Code of Criminal Procedure of 1963.

(3) In the event of seizure pursuant to paragraph (2), forfeiture proceedings shall be instituted in accordance with subsections (i) through (r).

(4) Property taken or detained under this Section shall not be subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having
jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under this Article. When property is seized under this Article, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(A) place the property under seal;
(B) remove the property to a place designated by the Director;
(C) keep the property in the possession of the seizing agency;
(D) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;
(E) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or
(F) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(5) When property is forfeited under this Article, the Director shall sell all such property unless such property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with paragraph (6). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws, if the agency or prosecutor can demonstrate that the item requested would be useful to the agency or prosecutor in its enforcement efforts. When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in
accordance with paragraph (6).

(6) All monies and the sale proceeds of all other property forfeited and seized under this Article shall be distributed as follows:

(A) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws.

(B) (i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State’s Attorney for use in the enforcement of laws. In counties over 3,000,000 population, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws.

(ii) 12.5% shall be distributed to the Office of the State’s Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(C) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(i) Notice to owner or interest holder.

(1) Whenever notice of pending forfeiture or service of an in

New matter indicated by italics - deletions by strikeout
rem complaint is required under the provisions of this Article, such notice or service shall be given as follows:

(A) If the owner’s or interest holder’s name and current address are known, then by either personal service or mailing a copy of the notice by certified mail, return receipt requested, to that address. For purposes of notice under this Section, if a person has been arrested for the conduct giving rise to the forfeiture, then the address provided to the arresting agency at the time of arrest shall be deemed to be that person’s known address. Provided, however, if an owner or interest holder’s address changes prior to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder’s address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State’s Attorney of the change in address; or

(B) If the property seized is a conveyance, to the address reflected in the office of the agency or official in which title or interest to the conveyance is required by law to be recorded, then by mailing a copy of the notice by certified mail, return receipt requested, to that address; or

(C) If the owner’s or interest holder’s address is not known, and is not on record as provided in paragraph (B), then by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred.

(2) Notice served under this Article is effective upon personal service, the last date of publication, or the mailing of written notice, whichever is earlier.

(j) Notice to State’s Attorney. The law enforcement agency seizing property for forfeiture under this Article shall, within 90 days after seizure, notify the State’s Attorney for the county, either where an act or omission giving rise to the forfeiture occurred or where the property was seized, of the seizure of the property and the facts and circumstances giving rise to the seizure and shall provide the State’s Attorney with the inventory of the property and its estimated value. When the property seized for forfeiture is a vehicle, the law enforcement agency seizing the property shall immediately

New matter indicated by italics - deletions by strikeout
notify the Secretary of State that forfeiture proceedings are pending regarding such vehicle.

(k) Non-judicial forfeiture. If non-real property that exceeds $20,000 in value excluding the value of any conveyance, or if real property is seized under the provisions of this Article, the State's Attorney shall institute judicial in rem forfeiture proceedings as described in subsection (l) of this Section within 45 days from receipt of notice of seizure from the seizing agency under subsection (j) of this Section. However, if non-real property that does not exceed $20,000 in value excluding the value of any conveyance is seized, the following procedure shall be used:

(1) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 45 days after the receipt of notice of seizure from the seizing agency, the State's Attorney shall cause notice of pending forfeiture to be given to the owner of the property and all known interest holders of the property in accordance with subsection (i) of this Section.

(2) The notice of pending forfeiture must include a description of the property, the estimated value of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action.

(3)(A) Any person claiming an interest in property which is the subject of notice under paragraph (1) of this subsection (k), must, in order to preserve any rights or claims to the property, within 45 days after the effective date of notice as described in subsection (i) of this Section, file a verified claim with the State's Attorney expressing his or her interest in the property. The claim must set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;
(ii) the address at which the claimant will accept mail;
(iii) the nature and extent of the claimant's interest in the property;
(iv) the date, identity of the transferor, and circumstances of the claimant's acquisition of the interest in the property;
(v) the name and address of all other persons known to have an interest in the property;
(vi) the specific provision of law relied on in asserting
the property is not subject to forfeiture;
  (vii) all essential facts supporting each assertion; and
  (viii) the relief sought.

(B) If a claimant files the claim and deposits with the State's Attorney a cost bond, in the form of a cashier's check payable to the clerk of the court, in the sum of 10% of the reasonable value of the property as alleged by the State's Attorney or the sum of $100, whichever is greater, upon condition that, in the case of forfeiture, the claimant must pay all costs and expenses of forfeiture proceedings, then the State's Attorney shall institute judicial in rem forfeiture proceedings and deposit the cost bond with the clerk of the court as described in subsection (l) of this Section within 45 days after receipt of the claim and cost bond. In lieu of a cost bond, a person claiming interest in the seized property may file, under penalty of perjury, an indigency affidavit which has been approved by a circuit court judge.

(C) If none of the seized property is forfeited in the judicial in rem proceeding, the clerk of the court shall return to the claimant, unless the court orders otherwise, 90% of the sum which has been deposited and shall retain as costs 10% of the money deposited. If any of the seized property is forfeited under the judicial forfeiture proceeding, the clerk of the court shall transfer 90% of the sum which has been deposited to the State's Attorney prosecuting the civil forfeiture to be applied to the costs of prosecution and the clerk shall retain as costs 10% of the sum deposited.

(4) If no claim is filed or bond given within the 45 day period as described in paragraph (3) of this subsection (k), the State's Attorney shall declare the property forfeited and shall promptly notify the owner and all known interest holders of the property and the Director of State Police of the declaration of forfeiture and the Director shall dispose of the property in accordance with law.

(l) Judicial in rem procedures. If property seized under the provisions of this Article is non-real property that exceeds $20,000 in value excluding the value of any conveyance, or is real property, or a claimant has filed a claim and a cost bond under paragraph (3) of subsection (k) of this Section, the following judicial in rem procedures shall apply:

(1) If, after a review of the facts surrounding the seizure, the
State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 45 days of the receipt of notice of seizure by the seizing agency or the filing of the claim and cost bond, whichever is later, the State's Attorney shall institute judicial forfeiture proceedings by filing a verified complaint for forfeiture and, if the claimant has filed a claim and cost bond, by depositing the cost bond with the clerk of the court. When authorized by law, a forfeiture must be ordered by a court on an action in rem brought by a State's Attorney under a verified complaint for forfeiture.

(2) During the probable cause portion of the judicial in rem proceeding wherein the State presents its case-in-chief, the court must receive and consider, among other things, all relevant hearsay evidence and information. The laws of evidence relating to civil actions apply to all other portions of the judicial in rem proceeding.

(3) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant. Upon motion of the State, the court shall first hold a hearing, wherein any claimant must establish a preponderance of the evidence, that he or she has a lawful, legitimate ownership interest in the property and that it was obtained through a lawful source.

(4) The answer must be signed by the owner or interest holder under penalty of perjury and must set forth:

(A) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;
(B) the address at which the claimant will accept mail; (C) the nature and extent of the claimant's interest in the property;
(D) the date, identity of transferor, and circumstances of the claimant's acquisition of the interest in the property;
(E) the name and address of all other persons known to have an interest in the property;
(F) all essential facts supporting each assertion; and
(G) the precise relief sought.

(5) The answer must be filed with the court within 45 days after service of the civil in rem complaint.

(6) The hearing must be held within 60 days after filing of the answer unless continued for good cause.

New matter indicated by italics - deletions by strikeout
(7) The State shall show the existence of probable cause for forfeiture of the property. If the State shows probable cause, the claimant has the burden of showing by a preponderance of the evidence that the claimant's interest in the property is not subject to forfeiture.

(8) If the State does not show existence of probable cause, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property forfeited to the State. If the State does show existence of probable cause, the court shall order all property forfeited to the State.

(9) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Article regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(10) An acquittal or dismissal in a criminal proceeding does not preclude civil proceedings under this Article; however, for good cause shown, on a motion by the State's Attorney, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a money laundering violation. Such a stay shall not be available pending an appeal. Property subject to forfeiture under this Article shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of such property unless such return or release is consented to by the State's Attorney.

(11) All property declared forfeited under this Article vests in this State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Any such property or proceeds subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited.

(12) A civil action under this Article must be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(m) Stay of time periods. If property is seized for evidence and for

New matter indicated by italics - deletions by strikeout
forfeiture, the time periods for instituting judicial and non-judicial forfeiture proceedings shall not begin until the property is no longer necessary for evidence.

(n) Settlement of claims. Notwithstanding other provisions of this Article, the State's Attorney and a claimant of seized property may enter into an agreed-upon settlement concerning the seized property in such an amount and upon such terms as are set out in writing in a settlement agreement.

(o) Property constituting attorney fees. Nothing in this Article applies to property which constitutes reasonable bona fide attorney's fees paid to an attorney for services rendered or to be rendered in the forfeiture proceeding or criminal proceeding relating directly thereto where such property was paid before its seizure, before the issuance of any seizure warrant or court order prohibiting transfer of the property and where the attorney, at the time he or she received the property did not know that it was property subject to forfeiture under this Article.

(p) Construction. It is the intent of the General Assembly that the forfeiture provisions of this Article be liberally construed so as to effect their remedial purpose. The forfeiture of property and other remedies hereunder shall be considered to be in addition to, and not exclusive of, any sentence or other remedy provided by law.

(q) Judicial review. If property has been declared forfeited under subsection (k) of this Section, any person who has an interest in the property declared forfeited may, within 30 days after the effective date of the notice of the declaration of forfeiture, file a claim and cost bond as described in paragraph (3) of subsection (k) of this Section. If a claim and cost bond is filed under this Section, then the procedures described in subsection (l) of this Section apply.

(r) Burden of proof of exemption or exception. It is not necessary for the State to negate any exemption or exception in this Article in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this Article. The burden of proof of any exemption or exception is upon the person claiming it.

(s) Review of administrative decisions. All administrative findings, rulings, final determinations, findings, and conclusions of the State's Attorney's Office under this Article are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant to that Law. Pending final decision on such review, the administrative acts, orders, and rulings of the State's Attorney's
Office remain in full force and effect unless modified or suspended by order of court pending final judicial decision. Pending final decision on such review, the acts, orders, and rulings of the State's Attorney's Office remain in full force and effect, unless stayed by order of court. However, no stay of any decision of the administrative agency shall issue unless the person aggrieved by the decision establishes by a preponderance of the evidence that good cause exists for the stay. In determining good cause, the court shall find that the aggrieved party has established a substantial likelihood of prevailing on the merits and that granting the stay will not have an injurious effect on the general public.

(Source: P.A. 92-854, eff. 12-5-02; 93-520, eff. 8-6-03.)


PUBLIC ACT 94-0365
(House Bill No 1151)

AN ACT concerning conviction information.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Uniform Conviction Information Act is amended by changing Section 8 as follows:

(20 ILCS 2635/8) (from Ch. 38, par. 1608)

Sec. 8. Form, Manner and Fees for Requesting and Obtaining Conviction Information.

(A) The Department shall prescribe the form and manner for requesting and furnishing conviction information pursuant to this Act. The Department shall prescribe the types of identifying information that must be submitted to the Department in order to process any request for conviction information and the form and manner for making such application, consistent with this Act.

(B) The Department shall establish the maximum fee it shall charge and assess for processing requests for conviction information, and the Authority shall establish the maximum fee that other criminal justice agencies shall charge and assess for processing requests for conviction information pursuant to this Act. Such fees shall include the general costs associated with performing a search for all information about each person for which a request

New matter indicated by italics - deletions by strikeout
is received including classification, search, retrieval, reproduction, manual and automated data processing, telecommunications services, supplies, mailing and those general costs associated with the inquiries required by subsection (B) of Section 9 and Section 13 of this Act, and, when applicable, such fees shall provide for the direct payment to or reimbursement of a criminal justice agency for assisting the requester or the Department pursuant to this Act. In establishing the fees required by this Section, the Department and the Authority may also take into account the costs relating to multiple or automated requests and disseminations and the costs relating to any other special factors or circumstances required by statute or rule. The maximum fees established by the Authority pursuant to this Section shall be reviewed annually, and may be waived or reduced at the discretion of a criminal justice agency.

(Source: P.A. 88-368.)


PUBLIC ACT 94-0366
(House Bill No 1173)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 11-20.1 as follows:
(720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)
Sec. 11-20.1. Child pornography.
(a) A person commits the offense of child pornography who:
(1) films, videotapes, photographs, or otherwise depicts or portrays by means of any similar visual medium or reproduction or depicts by computer any child whom he knows or reasonably should know to be under the age of 18 or any severely or profoundly mentally retarded person where such child or severely or profoundly mentally retarded person is:
(i) actually or by simulation engaged in any act of sexual penetration or sexual conduct with any person or animal; or

New matter indicated by italics - deletions by strikeout
(ii) actually or by simulation engaged in any act of sexual penetration or sexual conduct involving the sex organs of the child or severely or profoundly mentally retarded person and the mouth, anus, or sex organs of another person or animal; or which involves the mouth, anus or sex organs of the child or severely or profoundly mentally retarded person and the sex organs of another person or animal; or

(iii) actually or by simulation engaged in any act of masturbation; or

(iv) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal; or

(v) actually or by simulation engaged in any act of excretion or urination within a sexual context; or

(vi) actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in any sexual context; or

(vii) depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the child or other person; or

(2) with the knowledge of the nature or content thereof, reproduces, disseminates, offers to disseminate, exhibits or possesses with intent to disseminate any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or severely or profoundly mentally retarded person whom the person knows or reasonably should know to be under the age of 18 or to be a severely or profoundly mentally retarded person, engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(3) with knowledge of the subject matter or theme thereof, produces any stage play, live performance, film, videotape or other similar visual portrayal or depiction by computer which includes a child whom the person knows or reasonably should know to be under the age of 18 or a severely or profoundly mentally retarded person engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(4) solicits, uses, persuades, induces, entices, or coerces any

New matter indicated by italics - deletions by strikeout
child whom he knows or reasonably should know to be under the age of 18 or a severely or profoundly mentally retarded person to appear in any stage play, live presentation, film, videotape, photograph or other similar visual reproduction or depiction by computer in which the child or severely or profoundly mentally retarded person is or will be depicted, actually or by simulation, in any act, pose or setting described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(5) is a parent, step-parent, legal guardian or other person having care or custody of a child whom the person knows or reasonably should know to be under the age of 18 or a severely or profoundly mentally retarded person and who knowingly permits, induces, promotes, or arranges for such child or severely or profoundly mentally retarded person to appear in any stage play, live performance, film, videotape, photograph or other similar visual presentation, portrayal or simulation or depiction by computer of any act or activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(6) with knowledge of the nature or content thereof, possesses any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or severely or profoundly mentally retarded person, engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(7) solicits, uses, persuades, induces, entices, or coerces a person to provide a child under the age of 18 or a severely or profoundly mentally retarded person to appear in any videotape, photograph, film, stage play, live presentation, or other similar visual reproduction or depiction by computer in which the child or severely or profoundly mentally retarded person will be depicted, actually or by simulation, in any act, pose, or setting described in subparagraphs (i) through (vii) of paragraph (1) of this subsection.

(b) (1) It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a severely or profoundly mentally retarded person but only where, prior to the act or acts giving rise to a prosecution under
this Section, he took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a severely or profoundly mentally retarded person and his reliance upon the information so obtained was clearly reasonable.

(2) (Blank).

(3) The charge of child pornography shall not apply to the performance of official duties by law enforcement or prosecuting officers or persons employed by law enforcement or prosecuting agencies, court personnel or attorneys, nor to bonafide treatment or professional education programs conducted by licensed physicians, psychologists or social workers.

(4) Possession by the defendant of more than one of the same film, videotape or visual reproduction or depiction by computer in which child pornography is depicted shall raise a rebuttable presumption that the defendant possessed such materials with the intent to disseminate them.

(5) The charge of child pornography does not apply to a person who does not voluntarily possess a film, videotape, or visual reproduction or depiction by computer in which child pornography is depicted. Possession is voluntary if the defendant knowingly procures or receives a film, videotape, or visual reproduction or depiction for a sufficient time to be able to terminate his or her possession.

(c) Violation of paragraph (1), (4), (5), or (7) of subsection (a) is a Class 1 felony with a mandatory minimum fine of $2,000 and a maximum fine of $100,000. Violation of paragraph (3) of subsection (a) is a Class 1 felony with a mandatory minimum fine of $1500 and a maximum fine of $100,000. Violation of paragraph (2) of subsection (a) is a Class 1 felony with a mandatory minimum fine of $1000 and a maximum fine of $100,000. Violation of paragraph (6) of subsection (a) is a Class 3 felony with a mandatory minimum fine of $1000 and a maximum fine of $100,000.

(d) If a person is convicted of a second or subsequent violation of this Section within 10 years of a prior conviction, the court shall order a presentence psychiatric examination of the person. The examiner shall report to the court whether treatment of the person is necessary.

(e) Any film, videotape, photograph or other similar visual reproduction or depiction by computer which includes a child under the age of 18 or a severely or profoundly mentally retarded person engaged in any activity described in subparagraphs (i) through (vii) or paragraph 1 of
subsection (a), and any material or equipment used or intended for use in photographing, filming, printing, producing, reproducing, manufacturing, projecting, exhibiting, depiction by computer, or disseminating such material shall be seized and forfeited in the manner, method and procedure provided by Section 36-1 of this Code for the seizure and forfeiture of vessels, vehicles and aircraft.

(e-5) Upon the conclusion of a case brought under this Section, the court shall seal all evidence depicting a victim or witness that is sexually explicit. The evidence may be unsealed and viewed, on a motion of the party seeking to unseal and view the evidence, only for good cause shown and in the discretion of the court. The motion must expressly set forth the purpose for viewing the material. The State's attorney and the victim, if possible, shall be provided reasonable notice of the hearing on the motion to unseal the evidence. Any person entitled to notice of a hearing under this subsection (e-5) may object to the motion.

(f) Definitions. For the purposes of this Section:

  (1) "Disseminate" means (i) to sell, distribute, exchange or transfer possession, whether with or without consideration or (ii) to make a depiction by computer available for distribution or downloading through the facilities of any telecommunications network or through any other means of transferring computer programs or data to a computer.

  (2) "Produce" means to direct, promote, advertise, publish, manufacture, issue, present or show.

  (3) "Reproduce" means to make a duplication or copy.

  (4) "Depict by computer" means to generate or create, or cause to be created or generated, a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

  (5) "Depiction by computer" means a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

  (6) "Computer", "computer program", and "data" have the meanings ascribed to them in Section 16D-2 of this Code.

  (7) "Child" includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is, or appears to be, that of a person, either in part, or in total, under

New matter indicated by italics - deletions by strikeout
the age of 18, regardless of the method by which the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is created, adopted, or modified to appear as such. "Child" also includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is of a person under the age of 18.

(8) "Sexual penetration" and "sexual conduct" have the meanings ascribed to them in Section 12-12 of this Code.

(g) Re-enactment; findings; purposes.

(1) The General Assembly finds and declares that:


(ii) In addition, Public Act 88-680 was entitled "AN ACT to create a Safe Neighborhoods Law". (A) Article 5 was entitled JUVENILE JUSTICE and amended the Juvenile Court Act of 1987. (B) Article 15 was entitled GANGS and amended various provisions of the Criminal Code of 1961 and the Unified Code of Corrections. (C) Article 20 was entitled ALCOHOL ABUSE and amended various provisions of the Illinois Vehicle Code. (D) Article 25 was entitled DRUG ABUSE and amended the Cannabis Control Act and the Illinois Controlled Substances Act. (E) Article 30 was entitled FIREARMS and amended the Criminal Code of 1961 and the Code of Criminal Procedure of 1963. (F) Article 35 amended the Criminal Code of 1961, the Rights of Crime Victims and Witnesses Act, and the Unified Code of Corrections. (G) Article 40 amended the Criminal Code of 1961 to increase the penalty for compelling organization membership of persons. (H) Article 45 created the Secure Residential Youth Care Facility Licensing Act and amended the State Finance Act, the Juvenile Court Act of 1987, the Unified Code of Corrections, and the Private Correctional Facility Moratorium Act. (I) Article 50 amended the WIC Vendor Management Act, the Firearm Owners Identification

New matter indicated by italics - deletions by strikeout
Card Act, the Juvenile Court Act of 1987, the Criminal Code of 1961, the Wrongs to Children Act, and the Unified Code of Corrections.

(iii) On September 22, 1998, the Third District Appellate Court in People v. Dainty, 701 N.E. 2d 118, ruled that Public Act 88-680 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and was unconstitutional in its entirety. As of the time this amendatory Act of 1999 was prepared, People v. Dainty was still subject to appeal.

(iv) Child pornography is a vital concern to the people of this State and the validity of future prosecutions under the child pornography statute of the Criminal Code of 1961 is in grave doubt.

(2) It is the purpose of this amendatory Act of 1999 to prevent or minimize any problems relating to prosecutions for child pornography that may result from challenges to the constitutional validity of Public Act 88-680 by re-enacting the Section relating to child pornography that was included in Public Act 88-680.

(3) This amendatory Act of 1999 re-enacts Section 11-20.1 of the Criminal Code of 1961, as it has been amended. This re-enactment is intended to remove any question as to the validity or content of that Section; it is not intended to supersede any other Public Act that amends the text of the Section as set forth in this amendatory Act of 1999. The material is shown as existing text (i.e., without underscoring) because, as of the time this amendatory Act of 1999 was prepared, People v. Dainty was subject to appeal to the Illinois Supreme Court.

(4) The re-enactment by this amendatory Act of 1999 of Section 11-20.1 of the Criminal Code of 1961 relating to child pornography that was amended by Public Act 88-680 is not intended, and shall not be construed, to imply that Public Act 88-680 is invalid or to limit or impair any legal argument concerning whether those provisions were substantially re-enacted by other Public Acts.

(Source: P.A. 91-54, eff. 6-30-99; 91-229, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-434, eff. 1-1-02; 92-827, eff. 8-22-02.)


New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Fire Sprinkler Contractor Licensing Act is amended by changing Sections 10 and 15 as follows:

(225 ILCS 317/10)
Sec. 10. Definitions. As used in this Act, unless the context otherwise requires:

"Designated certified person" means an individual who has met the qualifications set forth under Section 20 of this Act.

"Fire protection system layout documents" means layout drawings, catalog information on standard products, and other construction data that provide detail on the location of risers, cross mains, branch lines, sprinklers, piping per applicable standard, and hanger locations. "Fire protection system layout documents" serve as a guide for fabrication and installation of a fire sprinkler system and shall be based upon applicable standards pursuant to Section 30 of this Act.

"Fire sprinkler contractor" means a person who holds himself or herself out to be in the business of or contracts with a person to install or repair a fire sprinkler system.

"Fire sprinkler system" means any water-based automatic fire extinguishing system employing fire sprinklers, including accessory fire pumps and associated piping, fire standpipes, or underground fire main systems starting at the connection to the water service after the approved backflow device is installed under the requirements of the Illinois Plumbing Code and ending at the most remote fire sprinkler. "Fire sprinkler system" includes but is not limited to a fire sprinkler system in a residential, commercial, institutional, educational, public, or private occupancy. "Fire sprinkler system" does not include single sprinkler heads that are in a loop of the potable water system, as referenced in 77 Ill. Adm. Code 890.1130 and 890.1200.

"Licensee" means a person or business organization licensed in accordance with this Act.

"NICET" means the National Institute for Certification in Engineering

New matter indicated by italics - deletions by strikeout
"Person" means an individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois, or department thereof, any other state-owned and operated institution, or any other entity.

"Supervision" means the direction and management by a designated certified person of the activities of non-certified personnel in the installation or repair of fire sprinkler systems.

(Source: P.A. 92-871, eff. 1-3-03.)

Sec. 15. Licensing requirements.

(a) It shall be unlawful for any person or business to engage in, advertise, or hold itself out to be in the business of installing or repairing fire sprinkler systems in this State after 6 months after the effective date of this Act, unless such person or business is licensed by the State Fire Marshal. This license must be renewed every year.

(b) In order to obtain a license, a person or business must submit an application to the State Fire Marshal, on a form provided by the State Fire Marshal containing the information prescribed, along with the application fee.

(c) A business applying for a license must have a designated certified person employed at the business location and the designated certified person shall be identified on the license application.

(d) A person or business applying for a license must show proof of having liability and property damage insurance in such amounts and under such circumstances as may be determined by the State Fire Marshal. The amount of liability and property damage insurance, however, shall not be less than the amount specified in Section 35 of this Act.

(e) A person or business applying for a license must show proof of having workers' compensation insurance covering its employees or be approved as a self-insurer of workers' compensation in accordance with the laws of this State.

(f) A person or business so licensed shall have a separate license for each business location within the State or outside the State when the business location is responsible for any installation or repair of fire sprinkler systems performed within the State.

(g) When an individual proposes to do business in her or his own name, a license, when granted, shall be issued only to that individual.

(h) If the applicant requesting licensure to engage in contracting is a
business organization, such as a partnership, corporation, business trust, or other legal entity, the application shall state the name of the partnership and its partners, the name of the corporation and its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members and shall furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the business entity employs a designated certified person as required under Section 20. The license, when issued upon application of a business organization, shall be in the name of the business organization and the name of the qualifying designated certified person shall be noted thereon.

(i) No license is required for a person or business that is engaged in the installation of fire sprinkler systems only in single family or multiple family residential dwellings up to and including 8 family units that do not exceed 2 1/2 stories in height from the lowest grade level.

(j) All fire protection system layout documents of fire sprinkler systems, as defined in Section 10 of this Act, shall be prepared by (i) a professional engineer who is licensed under the Professional Engineering Practice Act of 1989, (ii) an architect who is licensed under the Illinois Architecture Practice Act of 1989, or (iii) a holder of a valid NICET level 3 or 4 certification in fire protection technology automatic sprinkler system layout who is either licensed under this Act or employed by an organization licensed under this Act.

(Source: P.A. 92-871, eff. 1-3-03.)

Passed in the General Assembly May 27, 2005.
Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0368
(House Bill No 1522)

AN ACT concerning loan repayment assistance for physicians.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Loan Repayment Assistance for Physicians Act.

Section 5. Purpose. The purpose of this Act is to establish a program in the Department of Public Health to increase the total number of physicians in this State by providing educational loan repayment assistance grants to physicians.

New matter indicated by italics - deletions by strikeout
Section 10. Definitions. In this Act, unless the context otherwise requires:

"Department" means the Department of Public Health.
"Educational loans" means higher education student loans that a person has incurred in attending a registered professional physician education program.

"Physician" means a person licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches.

"Program" means the educational loan repayment assistance program for physicians established by the Department under this Act.

Section 15. Establishment of program. The Department shall establish an educational loan repayment assistance program for physicians who practice in Illinois. The Department shall administer the program and make all necessary and proper rules not inconsistent with this Act for the program's effective implementation. The Department may use up to 5% of the appropriation for this program for administration and promotion of physician incentive programs.

Section 20. Application. Beginning July 1, 2005, the Department shall, each year, consider applications for assistance under the program. The form of application and the information required to be set forth in the application shall be determined by the Department, and the Department shall require applicants to submit with their applications such supporting documents as the Department deems necessary.

Section 25. Eligibility. To be eligible for assistance under the program, an applicant must meet all of the following qualifications:

(1) He or she must be a citizen or permanent resident of the United States.
(2) He or she must be a resident of Illinois.
(3) He or she must be practicing full-time in Illinois as a physician.
(4) He or she must currently be repaying educational loans.
(5) He or she must agree to continue full-time practice in Illinois for 3 years.

Section 30. The award of grants. Under the program, for each year that a qualified applicant practices full-time in Illinois as a physician, the Department shall, subject to appropriation, award a grant to that person in an amount equal to the amount in educational loans that the person must repay that year. However, the total amount in grants that a person may be awarded under the program shall not exceed $25,000. The Department shall require
recipients to use the grants to pay off their educational loans.

Section 35. Penalty for failure to fulfill obligation. Loan repayment recipients who fail to practice full-time in Illinois for 3 years shall repay the Department a sum equal to 3 times the amount received under the program.

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 19, 2005.
Approved July 29, 2005.
Effective July 29, 2005.

PUBLIC ACT 94-0369
(House Bill No 1549)

AN ACT concerning public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Radon Industry Licensing Act is amended by changing Sections 5, 10, 15, 20, 25, 30, 35, 45, 50, 55, 60, 65, and 70 as follows:

(420 ILCS 44/5)
Sec. 5. Legislative declaration. The General Assembly declares that it is in the interest of the people of Illinois to establish a comprehensive program for determining the extent to which radon and radon progeny are present in dwellings and other buildings in Illinois at concentrations levels that pose a potential risk to the occupants and for determining measures that can be taken to reduce and prevent such risk. The General Assembly also finds that public concerns over the dangers from radon and radon progeny may give rise to unscrupulous practices that exploit those concerns but do not mitigate the dangers from radon and radon progeny. It is therefore declared to be the public policy of this State that in order to safeguard the health, property, and public welfare of its citizens, persons engaged in the business of measuring detecting the presence of radon or radon progeny in dwellings and reducing the presence of radon and radon progeny in the indoor atmosphere shall be regulated by the State through licensing requirements.
(Source: P.A. 90-262, eff. 7-30-97.)

(420 ILCS 44/10)
Sec. 10. Primary responsibility with Illinois Emergency Management Agency Department of Nuclear Safety. The Illinois Emergency Management Agency shall have primary responsibility for coordination, oversight, and implementation of all State functions in matters concerning the presence, effects, measurement, and mitigation of risks of radon and radon

New matter indicated by italics - deletions by strikeout
progeny in dwellings and other buildings. The Department of Natural Resources, the Environmental Protection Agency, the Department of Public Health, and other State agencies shall consult and cooperate with the Agency Department as requested and as necessary to fulfill the purposes of this Act.

(Source: P.A. 90-262, eff. 7-30-97.)

(420 ILCS 44/15)

Sec. 15. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Agency" means the Illinois Emergency Management Agency "Department" means the Illinois Department of Nuclear Safety.

(b) "Client" means any person who contracts for measurement or mitigation services.

(c) "Director" means the Director of the Illinois Emergency Management Agency.

(d) "Interfere" means to adversely or potentially adversely impact the successful completion of an indoor radon measurement by changing the radon or radon progeny concentrations or altering the performance of measurement equipment or an indoor radon mitigation system installation or operation.

(e) "Laboratory analysis" means the act of analyzing the determining radon or radon progeny concentrations with in air, water, soil, or passive radon testing devices, or the act of calibrating radon or radon progeny measurement devices, or the act of exposing radon or radon progeny devices to known concentrations of radon or radon progeny as a compensated service.

(f) "Mitigation" means the act of repairing or altering a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.

(g) "Person" means entities, including, but not limited to, an individual, company, corporation, firm, group, association, partnership, joint venture, trust, or government agency or subdivision.

(h) "Radon" means a gaseous radioactive decay product of uranium or thorium.

(i) "Radon contractor" or "contractor" means a person licensed to perform radon or radon progeny mitigation or to perform radon measurements of to detect radon or radon progeny in an indoor atmosphere.

(j) "Radon progeny" means any combination of the radioactive decay products of radon.

(Source: P.A. 90-262, eff. 7-30-97.)

New matter indicated by italics - deletions by strikeout
Sec. 20. General powers.

(a) The Agency Department may undertake projects to determine whether and to what extent radon and radon progeny are present in dwellings and other buildings, to determine to what extent their presence constitutes a risk to public health, and to determine what measures are effective in reducing and preventing the risk to public health.

(b) In addition to other powers granted under this Act, the Agency Department is authorized to:

(1) Establish a program for measuring radon or radon progeny in dwellings and other buildings.

(2) Conduct surveys and studies in cooperation with the Department of Natural Resources and the Department of Public Health to determine the distribution and concentration of radon or radon progeny in dwellings and other buildings and the associated health risk and to evaluate measures that may be used to mitigate a present or potential health risk.

(3) Enter into dwellings and other buildings with the consent of the owner or occupant to engage in monitoring activities or to conduct remedial action studies or programs.

(4) Enter into contracts for projects undertaken pursuant to subsection (a).

(5) Enter into agreements with other departments, agencies, and subdivisions of the federal government, the State, and units of local government to implement this Act.

(6) Establish training and educational programs.

(7) Apply for, accept, and use grants or other financial assistance and accept and use gifts of money or property to implement this Act.

(8) Provide technical assistance to persons and to other State departments, agencies, political subdivisions, units of local government, and school districts.

(9) Prescribe forms for application for a license.

(10) Establish the minimum qualifications for a license, including requirements for examinations or performance testing, and issue licenses to persons found to be qualified.

(10.5) Investigate any unlicensed activity.

(11) Conduct hearings or proceedings to revoke, suspend, or refuse to issue or renew a license, or assess civil penalties.

New matter indicated by italics - deletions by strikeout
(12) Adopt rules for the administration and enforcement of this Act.

(13) Establish by rule fees to recover the cost of the application and inspection fees for the licensing program.

(Source: P.A. 92-387, eff. 8-16-01.)

(420 ILCS 44/25)

Sec. 25. License requirement. Beginning January 1, 1998, no person shall sell a device or perform a service for compensation to detect the presence of radon or radon progeny in the indoor atmosphere, perform laboratory analysis, or perform a service to reduce the presence of radon or radon progeny in the indoor atmosphere unless the person has been licensed by the Agency Department. The application procedures for a license licensure shall be established by rule of the Agency Department. This Section does not apply to retail stores that only sell or distribute radon sampling devices but are not engaged in a relationship with the client for other services such as home inspection or representation as in a real estate transaction and that do not perform laboratory analysis, measurement, or mitigation services. This Section does not apply to persons selling or distributing, but not placing, radon sampling devices supplied by a laboratory if the results of the laboratory analysis are reported directly to the owner or occupant of the building sampled.

(Source: P.A. 90-262, eff. 7-30-97.)

(420 ILCS 44/30)

Sec. 30. Reporting of information. Within 45 days after testing for radon or radon progeny, a person performing the testing shall report to his or her client the results of the testing. In addition, if the client is not the owner or occupant of the building, a person shall report to the owner or occupant upon request. To the extent that the testing results contain information pertaining to the medical condition of an identified individual or the concentration level of radon or radon progeny in an identified dwelling, information obtained by the Agency Department pursuant to this Act is exempt from the disclosure requirements of the Freedom of Information Act, except that the Agency Department shall make the information available to the identified individual or the owner or occupant on request.

(Source: P.A. 90-262, eff. 7-30-97.)

(420 ILCS 44/35)

Sec. 35. Penalties.

(a) A person required to be licensed under Section 25 of this Act who
sells a device or performs a service without being properly licensed under this Act may be assessed a civil penalty by the Agency not to the exclusion of any other penalty authorized by law. A person assessed a civil penalty to the Department in an amount not to exceed $5,000, for each offense, as determined by the Agency Department. Any person assessed a civil penalty under this Section shall be afforded an opportunity for hearing in accordance with Agency Department regulations prior to final action by the Agency Department. The civil penalty must be paid within 30 days after the order becomes a final and binding administrative determination.

(b) A person who violates a provision of this Act shall be guilty of a business offense and may be fined not less than $500 nor more than $1,000 for the first offense and shall be guilty of a Class A misdemeanor for a subsequent offense. Each day that a violation continues constitutes a separate offense. A licensed radon contractor found guilty of a violation of a provision of this Act may automatically have his or her license terminated by the Agency Department.

(Source: P.A. 92-387, eff. 8-16-01.)

(420 ILCS 44/45)

Sec. 45. Grounds for disciplinary action. The Agency Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Agency Department may deem proper, including fines not to exceed $1,000 for each violation, with regard to any license for any one or combination of the following causes:

(a) Violation of this Act or its rules.
(b) Conviction of a crime under the laws of any United States jurisdiction that is a felony or a misdemeanor, an essential element of which is dishonesty, or of any crime that directly relates to the practice of detecting or reducing the presence of radon or radon progeny.
(c) Making a misrepresentation for the purpose of obtaining a license.
(d) Professional incompetence or gross negligence in the practice of detecting or reducing the presence of radon or radon progeny.
(e) Gross malpractice, prima facie evidence of which may be a conviction or judgment of malpractice in a court of competent jurisdiction.
(f) Aiding or assisting another person in violating a provision of this Act or its rules.
(g) Failing, within 60 days, to provide information in response to a written request made by the Agency Department that has been sent by certified or registered mail to the licensee's last known address.

New matter indicated by italics - deletions by strikeout
(h) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(i) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(j) Discipline by another United States jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(k) Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for a professional service not actually or personally rendered.

(l) A finding by the Agency Department that the licensee has violated the terms of a license, after having his or her license placed on probationary status, has violated the terms of probation.

(m) Conviction by a court of competent jurisdiction, either within or outside of this State, of a violation of a law governing the practice of detecting or reducing the presence of radon or radon progeny if the Agency Department determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust.

(n) A finding by the Agency Department that a license has been applied for or obtained by fraudulent means.

(o) Practicing or attempting to practice under a name other than the full name as shown on the license or any other authorized name.

(p) Gross and willful overcharging for professional services, including filing false statements for collection of fees or moneys for which services are not rendered.

(q) Failure to file a return or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by a tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(r) Failure to repay The Department shall deny an original or renewal license under this Act to a person who has defaulted on an educational loans guaranteed by the Illinois Student Assistance State Scholarship Commission, as provided in Section 80 of the Nuclear Safety Law of 2004. However, the Agency Department may issue an original or renewal license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance State Scholarship Commission.

(s) Failure to meet child support orders, as provided in Section 10-65

(t) Failure to pay a fee or civil penalty properly assessed by the Agency.
(Source: P.A. 90-262, eff. 7-30-97.)

(420 ILCS 44/50)

Sec. 50. Summary suspension. The Director may summarily suspend the license of a radon contractor without a hearing, simultaneously with the institution of proceedings for a hearing, if the Director finds that evidence in his or her possession indicates that continuation of the contractor in practice would constitute an imminent danger to the public. If the Director summarily suspends a license without a hearing, a hearing by the Agency Department shall be held within 30 days after the suspension has occurred and shall be concluded without appreciable delay.
(Source: P.A. 90-262, eff. 7-30-97.)

(420 ILCS 44/55)

Sec. 55. Liability. The Agency Department and other persons under contract or agreement with the Agency Department under this Act, and their officers, agents, and employees, shall not be liable for conduct in the course of administering or enforcing this Act unless the conduct was malicious.
(Source: P.A. 90-262, eff. 7-30-97.)

(420 ILCS 44/60)

Sec. 60. Deposit of moneys. All moneys received by the Agency Department under this Act shall be deposited into the Radiation Protection Fund and are not refundable. Moneys deposited into the Fund may be used by the Agency Department, pursuant to appropriation, for the administration and enforcement of this Act.
(Source: P.A. 90-262, eff. 7-30-97.)

(420 ILCS 44/65)

Sec. 65. Illinois Administrative Procedure Act. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Agency Department under this Act, except that Section 5-35 of the Illinois Administrative Procedure Act, relating to procedures for rulemaking, does not apply to the adoption of any rule required by federal law in connection with which the Agency Department is precluded from exercising any discretion.
(Source: P.A. 92-651, eff. 7-11-02.)

(420 ILCS 44/70)

Sec. 70. Administrative Review Law. All final administrative decisions of the Agency Department under this Act shall be subject to judicial
review under the provisions of the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.
(Source: P.A. 90-262, eff. 7-30-97.)


PUBLIC ACT 94-0370
(House Bill No 1663)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regional Transportation Authority Act is amended by changing Sections 3A.08, 3A.09, 3A.10, 4.01, 4.09 and 4.11 and by adding Section 2.30 as follows:

(70 ILCS 3615/2.30 new)

Sec. 2.30. Paratransit services.

(a) For purposes of this Act, "ADA paratransit services" shall mean those comparable or specialized transportation services provided by, or under grant or purchase of service contracts of, the Service Boards to individuals with disabilities who are unable to use fixed route transportation systems and who are determined to be eligible, for some or all of their trips, for such services under the Americans with Disabilities Act of 1990 and its implementing regulations.

(b) Beginning July 1, 2005, the Authority is responsible for the funding, financial review and oversight of all ADA paratransit services that are provided by the Authority or by any of the Service Boards. The Suburban Bus Board shall operate or provide for the operation of all ADA paratransit services by no later than July 1, 2006, except that this date may be extended to the extent necessary to obtain approval from the Federal Transit Administration of the plan prepared pursuant to subsection (c).

(c) No later than January 1, 2006, the Authority, in collaboration with the Suburban Bus Board and the Chicago Transit Authority, shall develop a plan for the provision of ADA paratransit services and submit such plan to the Federal Transit Administration for approval. Approval of such plan by the Authority shall require the affirmative votes of 9 of the then Directors.
The Suburban Bus Board, the Chicago Transit Authority and the Authority shall comply with the requirements of the Americans with Disabilities Act of 1990 and its implementing regulations in developing and approving such plan including, without limitation, consulting with individuals with disabilities and groups representing them in the community, and providing adequate opportunity for public comment and public hearings. The plan shall include the contents required for a paratransit plan pursuant to the Americans with Disabilities Act of 1990 and its implementing regulations. The plan shall also include, without limitation, provisions to:

(1) maintain, at a minimum, the levels of ADA paratransit service that are required to be provided by the Service Boards pursuant to the Americans with Disabilities Act of 1990 and its implementing regulations;

(2) transfer the appropriate ADA paratransit services, management, personnel, service contracts and assets from the Chicago Transit Authority to the Authority or the Suburban Bus Board, as necessary, by no later than July 1, 2006, except that this date may be extended to the extent necessary to obtain approval from the Federal Transit Administration of the plan prepared pursuant to this subsection (c);

(3) provide for consistent policies throughout the metropolitan region for scheduling of ADA paratransit service trips to and from destinations, with consideration of scheduling of return trips on a "will-call" open-ended basis upon request of the rider, if practicable, and with consideration of an increased number of trips available by subscription service than are available as of the effective date of this amendatory Act;

(4) provide that service contracts and rates, entered into or set after the approval by the Federal Transit Administration of the plan prepared pursuant to subsection (c) of this Section, with private carriers and taxicabs for ADA paratransit service are procured by means of an open procurement process;

(5) provide for fares, fare collection and billing procedures for ADA paratransit services throughout the metropolitan region;

(6) provide for performance standards for all ADA paratransit service transportation carriers, with consideration of door-to-door service;

(7) provide, in cooperation with the Illinois Department of Transportation, the Illinois Department of Public Aid and other
appropriate public agencies and private entities, for the application and receipt of grants, including, without limitation, reimbursement from Medicaid or other programs for ADA paratransit services;

  (8) provide for a system of dispatch of ADA paratransit services transportation carriers throughout the metropolitan region, with consideration of county-based dispatch systems already in place as of the effective date of this amendatory Act;

  (9) provide for a process of determining eligibility for ADA paratransit services that complies with the Americans with Disabilities Act of 1990 and its implementing regulations;

  (10) provide for consideration of innovative methods to provide and fund ADA paratransit services; and

  (11) provide for the creation of one or more ADA advisory boards, or the reconstitution of the existing ADA advisory boards for the Service Boards, to represent the diversity of individuals with disabilities in the metropolitan region and to provide appropriate ongoing input from individuals with disabilities into the operation of ADA paratransit services.

(d) All revisions and annual updates to the ADA paratransit services plan developed pursuant to subsection (c) of this Section, or certifications of continued compliance in lieu of plan updates, that are required to be provided to the Federal Transit Administration shall be developed by the Authority, in collaboration with the Suburban Bus Board and the Chicago Transit Authority, and the Authority shall submit such revision, update or certification to the Federal Transit Administration for approval. Approval of such revisions, updates or certifications by the Authority shall require the affirmative votes of 9 of the then Directors.

(e) The Illinois Department of Transportation, the Illinois Department of Public Aid, the Authority, the Suburban Bus Board and the Chicago Transit Authority shall enter into intergovernmental agreements as may be necessary to provide funding and accountability for, and implementation of, the requirements of this Section.

(f) By no later than April 1, 2007, the Authority shall develop and submit to the General Assembly and the Governor a funding plan for ADA paratransit services. Approval of such plan by the Authority shall require the affirmative votes of 9 of the then Directors. The funding plan shall, at a minimum, contain an analysis of the current costs of providing ADA paratransit services, projections of the long-term costs of providing ADA paratransit services, identification of and recommendations for possible cost

New matter indicated by italics - deletions by strikeout
efficiencies in providing ADA paratransit services, and identification of and recommendations for possible funding sources for providing ADA paratransit services. The Illinois Department of Transportation, the Illinois Department of Public Aid, the Suburban Bus Board, the Chicago Transit Authority and other State and local public agencies as appropriate shall cooperate with the Authority in the preparation of such funding plan.

(g) Any funds derived from the federal Medicaid program for reimbursement of the costs of providing ADA paratransit services within the metropolitan region shall be directed to the Authority and shall be used to pay for or reimburse the costs of providing such services.

(h) Nothing in this amendatory Act shall be construed to conflict with the requirements of the Americans with Disabilities Act of 1990 and its implementing regulations.

(70 ILCS 3615/3A.08)(from Ch. 111 2/3, par. 703A.08)
Sec. 3A.08. Jurisdiction. Any public transportation by bus within the metropolitan region, other than public transportation by commuter rail or public transportation provided by the Chicago Transit Authority pursuant to agreements in effect on the effective date of this amendatory Act of 1983 or in the City of Chicago and any ADA paratransit services provided pursuant to Section 2.30 of the Regional Transportation Authority Act, shall be subject to the jurisdiction of the Suburban Bus Board.

(Source: P.A. 83-886.)

(70 ILCS 3615/3A.09)(from Ch. 111 2/3, par. 703A.09)
Sec. 3A.09. General Powers. In addition to any powers elsewhere provided to the Suburban Bus Board, it shall have all of the powers specified in Section 2.20 of this Act except for the powers specified in Section 2.20 (a) (v). The Board shall also have the power:

(a) to cooperate with the Regional Transportation Authority in the exercise by the Regional Transportation Authority of all the powers granted it by such Act;

(b) to receive funds from the Regional Transportation Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and 4.10 of the “Regional Transportation Authority Act”, all as provided in the “Regional Transportation Authority Act”;

(c) to receive financial grants from the Regional Transportation Authority or a Service Board, as defined in the “Regional Transportation Authority Act”, upon such terms and conditions as shall be set forth in a grant contract between either the Division and the Regional Transportation Authority or the Division and another Service Board, which contract or

New matter indicated by italics - deletions by strikeout
agreement may be for such number of years or duration as the parties agree, all as provided in the "Regional Transportation Authority Act; and."

(d) to perform all functions necessary for the provision of paratransit services under Section 2.30 of this Act.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/3A.10)(from Ch. 111 2/3, par. 703A.10)

Sec. 3A.10. Budget and Program. The Suburban Bus Board, subject to the powers of the Authority in Section 4.11, shall control the finances of the Division. It shall by ordinance appropriate money to perform the Division's purposes and provide for payment of debts and expenses of the Division. Each year the Suburban Bus Board shall prepare and publish a comprehensive annual budget and program document, and a financial plan for the 2 years thereafter describing the state of the Division and presenting for the forthcoming fiscal year and the 2 following years the Suburban Bus Board's plans for such operations and capital expenditures as it intends to undertake and the means by which it intends to finance them. The proposed budget and financial plan shall be based on the Authority's estimate of funds to be made available to the Suburban Bus Board by or through the Authority and shall conform in all respects to the requirements established by the Authority. The proposed program and budget shall contain a statement of the funds estimated to be on hand at the beginning of the fiscal year, the funds estimated to be received from all sources for such year and the funds estimated to be on hand at the end of such year. After adoption of the Authority's first Five-Year Program, as provided in Section 2.01 of this Act, the proposed program and budget shall specifically identify any respect in which the recommended program deviates from the Authority's then existing Five-Year Program, giving the reasons for such deviation. The fiscal year of the Division shall be the same as the fiscal year of the Authority. Before the proposed budget and program and financial plan are submitted to the Authority, the Suburban Bus Board shall hold at least one public hearing thereon in each of the counties in the metropolitan region in which the Division provides service. The Suburban Bus Board shall hold at least one meeting for consideration of the proposed program and budget with the county board of each of the several counties in the metropolitan region in which the Division provides service. After conducting such hearings and holding such meetings and after making such changes in the proposed program and budget as the Suburban Bus Board deems appropriate, it shall adopt an annual budget ordinance at least by November 15 next preceding the beginning of each fiscal year. The budget and program, and financial plan

New matter indicated by italics - deletions by strikeout
shall then be submitted to the Authority as provided in Section 4.11. In the event that the Board of the Authority determines that the budget and program, and financial plan do not meet the standards of Section 4.11, the Suburban Bus Board shall make such changes as are necessary to meet such requirements and adopt an amended budget ordinance. The amended budget ordinance shall be resubmitted to the Authority pursuant to Section 4.11. The ordinance shall appropriate such sums of money as are deemed necessary to defray all necessary expenses and obligations of the Division, specifying purposes and the objects or programs for which appropriations are made and the amount appropriated for each object or program. Additional appropriations, transfers between items and other changes in such ordinance which do not alter the basis upon which the balanced budget determination was made by the Board of the Authority may be made from time to time by the Suburban Bus Board.

The budget shall:

(i) show a balance between (A) anticipated revenues from all sources including operating subsidies and (B) the costs of providing the services specified and of funding any operating deficits or encumbrances incurred in prior periods, including provision for payment when due of principal and interest on outstanding indebtedness;

(ii) show cash balances including the proceeds of any anticipated cash flow borrowing sufficient to pay with reasonable promptness all costs and expenses as incurred;

(iii) provide for a level of fares or charges and operating or administrative costs for the public transportation provided by or subject to the jurisdiction of the Suburban Bus Board sufficient to allow the Suburban Bus Board to meet its required system generated revenues recovery ratio and, beginning with the 2007 fiscal year, its system generated ADA paratransit services revenue recovery ratio;

(iv) be based upon and employ assumptions and projections which are reasonable and prudent;

(v) have been prepared in accordance with sound financial practices as determined by the Board of the Authority; and

(vi) meet such other uniform financial, budgetary, or fiscal requirements that the Board of the Authority may by rule or regulation establish.

(Source: P.A. 83-886.)

(70 ILCS 3615/4.01)(from Ch. 111 2/3, par. 704.01)

Sec. 4.01. Budget and Program.

New matter indicated by italics - deletions by strikeout
(a) The Board shall control the finances of the Authority. It shall by ordinance appropriate money to perform the Authority's purposes and provide for payment of debts and expenses of the Authority. Each year the Authority shall prepare and publish a comprehensive annual budget and program document describing the state of the Authority and presenting for the forthcoming fiscal year the Authority's plans for such operations and capital expenditures as the Authority intends to undertake and the means by which it intends to finance them. The proposed program and budget shall contain a statement of the funds estimated to be on hand at the beginning of the fiscal year, the funds estimated to be received from all sources for such year and the funds estimated to be on hand at the end of such year. After adoption of the Authority's first Five-Year Program, as provided in Section 2.01 of this Act, the proposed program and budget shall specifically identify any respect in which the recommended program deviates from the Authority's then existing Five-Year Program, giving the reasons for such deviation. The fiscal year of the Authority shall begin on January 1st and end on the succeeding December 31st except that the fiscal year that began October 1, 1982, shall end December 31, 1983. By July 1st 1981 and July 1st of each year thereafter the Director of the Illinois Governor's Office of Management and Budget (formerly Bureau of the Budget) shall submit to the Authority an estimate of revenues for the next fiscal year to be collected from the taxes imposed by the Authority and the amounts to be available in the Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund. For the fiscal year ending on December 31, 1983, the Board shall report its results from operations and financial condition to the General Assembly and the Governor by January 31. For the fiscal year beginning January 1, 1984, and thereafter, the budget and program shall be presented to the General Assembly and the Governor not later than the preceding December 31st. Before the proposed budget and program is adopted, the Authority shall hold at least one public hearing thereon in the metropolitan region. The Board shall hold at least one meeting for consideration of the proposed program and budget with the county board of each of the several counties in the metropolitan region. After conducting such hearings and holding such meetings and after making such changes in the proposed program and budget as the Board deems appropriate, the Board shall adopt its annual budget ordinance. The ordinance may be adopted only upon the affirmative votes of 9 of its then Directors. The ordinance shall appropriate such sums of money as are deemed necessary to defray all necessary expenses and obligations of the Authority, specifying purposes and

New matter indicated by italics - deletions by strikeout
the objects or programs for which appropriations are made and the amount appropriated for each object or program. Additional appropriations, transfers between items and other changes in such ordinance may be made from time to time by the Board upon the affirmative votes of 9 of its then Directors.

(b) The budget shall show a balance between anticipated revenues from all sources and anticipated expenses including funding of operating deficits or the discharge of encumbrances incurred in prior periods and payment of principal and interest when due, and shall show cash balances sufficient to pay with reasonable promptness all obligations and expenses as incurred.

The annual budget and financial plan must show:

(i) that the level of fares and charges for mass transportation provided by, or under grant or purchase of service contracts of, the Service Boards is sufficient to cause the aggregate of all projected fare revenues from such fares and charges received in each fiscal year to equal at least 50% of the aggregate costs of providing such public transportation in such fiscal year. "Fare revenues" include the proceeds of all fares and charges for services provided, contributions received in connection with public transportation from units of local government other than the Authority and from the State pursuant to subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), and all other operating revenues properly included consistent with generally accepted accounting principles but do not include: the proceeds of any borrowings, and, beginning with the 2007 fiscal year, all revenues and receipts, including but not limited to fares and grants received from the federal, State or any unit of local government or other entity, derived from providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act. "Costs" include all items properly included as operating costs consistent with generally accepted accounting principles, including administrative costs, but do not include: depreciation; payment of principal and interest on bonds, notes or other evidences of obligation for borrowed money issued by the Authority; payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20 of this Act; any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made under Section 4.14; any other cost to which it is reasonably expected that a cash expenditure will not be made; costs up to $5,000,000 annually.
for passenger security including grants, contracts, personnel, equipment and administrative expenses, except in the case of the Chicago Transit Authority, in which case the term does not include costs spent annually by that entity for protection against crime as required by Section 27a of the Metropolitan Transit Authority Act; or costs as exempted by the Board for projects pursuant to Section 2.09 of this Act; or, beginning with the 2007 fiscal year, expenses related to providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act; and

(ii) that the level of fares charged for ADA paratransit services is sufficient to cause the aggregate of all projected revenues from such fares charged and received in each fiscal year to equal at least 10% of the aggregate costs of providing such ADA paratransit services in fiscal years 2007 and 2008 and at least 12% of the aggregate costs of providing such ADA paratransit services in fiscal years 2009 and thereafter; for purposes of this Act, the percentages in this subsection (b)(ii) shall be referred to as the "system generated ADA paratransit services revenue recovery ratio".

(c) The actual administrative expenses of the Authority for the fiscal year commencing January 1, 1985 may not exceed $5,000,000. The actual administrative expenses of the Authority for the fiscal year commencing January 1, 1986, and for each fiscal year thereafter shall not exceed the maximum administrative expenses for the previous fiscal year plus 5%. "Administrative expenses" are defined for purposes of this Section as all expenses except: (1) capital expenses and purchases of the Authority on behalf of the Service Boards; (2) payments to Service Boards; and (3) payment of principal and interest on bonds, notes or other evidence of obligation for borrowed money issued by the Authority; (4) costs for passenger security including grants, contracts, personnel, equipment and administrative expenses; (5) payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20 of this Act; and (6) any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made pursuant to Section 4.14.

(d) After withholding 15% of the proceeds of any tax imposed by the Authority and 15% of money received by the Authority from the Regional Transportation Authority Occupation and Use Tax Replacement Fund, the Board shall allocate the proceeds and money remaining to the Service Boards as follows: (1) an amount equal to 85% of the proceeds of those taxes collected within the City of Chicago and 85% of the money received by the
Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund attributable to retail sales within the City of Chicago shall be allocated to the Chicago Transit Authority; (2) an amount equal to 85% of the proceeds of those taxes collected within Cook County outside the City of Chicago and 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund attributable to retail sales within Cook County outside the city of Chicago shall be allocated to the Chicago Transit Authority, 55% to the Commuter Rail Board and 15% to the Suburban Bus Board; and (3) an amount equal to 85% of the proceeds of the taxes collected within the Counties of DuPage, Kane, Lake, McHenry and Will shall be allocated 70% to the Commuter Rail Board and 30% to the Suburban Bus Board.

(e) Moneys received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund shall be allocated among the Authority and the Service Boards as follows: 15% of such moneys shall be retained by the Authority and the remaining 85% shall be transferred to the Service Boards as soon as may be practicable after the Authority receives payment. Moneys which are distributable to the Service Boards pursuant to the preceding sentence shall be allocated among the Service Boards on the basis of each Service Board's distribution ratio. The term "distribution ratio" means, for purposes of this subsection (e) of this Section 4.01, the ratio of the total amount distributed to a Service Board pursuant to subsection (d) of Section 4.01 for the immediately preceding calendar year to the total amount distributed to all of the Service Boards pursuant to subsection (d) of Section 4.01 for the immediately preceding calendar year.

To further and accomplish the preparation of the annual budget and program as well as the Five-Year Program provided for in Section 2.01 of this Act and to make such interim management decisions as may be necessary, the Board shall employ staff which shall: (1) evaluate for the Board public transportation programs operated or proposed by transportation agencies in terms of goals, costs and relative priorities; (2) keep the Board informed of the public transportation programs and accomplishments of such transportation agencies; and (3) coordinate the development and implementation of public transportation programs to the end that the monies available to the Authority may be expended in the most economical manner possible with the least possible duplication. Under such regulations as the

New matter indicated by italics - deletions by strikeout
Board may prescribe, all Service Boards, transportation agencies, comprehensive planning agencies or transportation planning agencies in the metropolitan region shall furnish to the Board such information pertaining to public transportation or relevant for plans therefor as it may from time to time require, upon payment to any such agency or Service Board of the reasonable additional cost of its so providing such information except as may otherwise be provided by agreement with the Authority, and the Board or any duly authorized employee of the Board shall, for the purpose of securing such information, have access to, and the right to examine, all books, documents, papers or records of any such agency or Service Board pertaining to public transportation or relevant for plans therefor.

(Source: P.A. 91-51, eff. 6-30-99; 91-239, eff. 1-1-00; revised 8-23-03.)

Sec. 4.09. Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund.

(a) As soon as possible after the first day of each month, beginning November 1, 1983, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to a special fund in the State Treasury, to be known as the "Public Transportation Fund" $9,375,000 for each month remaining in State fiscal year 1984. As soon as possible after the first day of each month, beginning July 1, 1984, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund an amount equal to 25% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from any tax imposed by the Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the amounts deposited into the Regional Transportation Authority tax fund created by Section 4.03 of this Act, from the County and Mass Transit District Fund as provided in Section 6z-20 of the State Finance Act and 25% of the amounts deposited into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund as provided in Section 6z-17 of the State Finance Act. Net revenue realized for a month shall be the revenue collected by the State pursuant to Sections 4.03 and 4.03.1 during the previous month from within the metropolitan region, less the amount paid out during that same month as refunds to taxpayers for overpayment of liability in the metropolitan region under Sections 4.03 and 4.03.1.

(b)(1) All moneys deposited in the Public Transportation Fund and

New matter indicated by italics - deletions by strikeout
the Regional Transportation Authority Occupation and Use Tax Replacement Fund, whether deposited pursuant to this Section or otherwise, are allocated to the Authority. Pursuant to appropriation, the Comptroller, as soon as possible after each monthly transfer provided in this Section and after each deposit into the Public Transportation Fund, shall order the Treasurer to pay to the Authority out of the Public Transportation Fund the amount so transferred or deposited. Such amounts paid to the Authority may be expended by it for its purposes as provided in this Act.

Subject to appropriation to the Department of Revenue, the Comptroller, as soon as possible after each deposit into the Regional Transportation Authority Occupation and Use Tax Replacement Fund provided in this Section and Section 6z-17 of the State Finance Act, shall order the Treasurer to pay to the Authority out of the Regional Transportation Authority Occupation and Use Tax Replacement Fund the amount so deposited. Such amounts paid to the Authority may be expended by it for its purposes as provided in this Act.

(2) Provided, however, no moneys deposited under subsection (a) of this Section shall be paid from the Public Transportation Fund to the Authority or its assignee for any fiscal year beginning after the effective date of this amendatory Act of 1983 until the Authority has certified to the Governor, the Comptroller, and the Mayor of the City of Chicago that it has adopted for that fiscal year a budget and financial plan meeting the requirements in Section 4.01(b).

(c) In recognition of the efforts of the Authority to enhance the mass transportation facilities under its control, the State shall provide financial assistance ("Additional State Assistance") in excess of the amounts transferred to the Authority from the General Revenue Fund under subsection (a) of this Section. Additional State Assistance shall be calculated as provided in subsection (d), but shall in no event exceed the following specified amounts with respect to the following State fiscal years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1991</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1992</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1993</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1994</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>1995</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>1996</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>1997</td>
<td>$50,000,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
(c-5) The State shall provide financial assistance ("Additional Financial Assistance") in addition to the Additional State Assistance provided by subsection (c) and the amounts transferred to the Authority from the General Revenue Fund under subsection (a) of this Section. Additional Financial Assistance provided by this subsection shall be calculated as provided in subsection (d), but shall in no event exceed the following specified amounts with respect to the following State fiscal years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>$55,000,000; and</td>
</tr>
<tr>
<td>each year thereafter</td>
<td>$55,000,000.</td>
</tr>
<tr>
<td>2000</td>
<td>$0;</td>
</tr>
<tr>
<td>2001</td>
<td>$16,000,000;</td>
</tr>
<tr>
<td>2002</td>
<td>$35,000,000;</td>
</tr>
<tr>
<td>2003</td>
<td>$54,000,000;</td>
</tr>
<tr>
<td>2004</td>
<td>$73,000,000;</td>
</tr>
<tr>
<td>2005</td>
<td>$93,000,000; and</td>
</tr>
<tr>
<td>each year thereafter</td>
<td>$100,000,000.</td>
</tr>
</tbody>
</table>

(d) Beginning with State fiscal year 1990 and continuing for each State fiscal year thereafter, the Authority shall annually certify to the State Comptroller and State Treasurer, separately with respect to each of subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act, the following amounts:

1. The amount necessary and required, during the State fiscal year with respect to which the certification is made, to pay its obligations for debt service on all outstanding bonds or notes issued by the Authority under subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act.

2. An estimate of the amount necessary and required to pay its obligations for debt service for any bonds or notes which the Authority anticipates it will issue under subdivisions (g)(2) and (g)(3) of Section 4.04 during that State fiscal year.

3. Its debt service savings during the preceding State fiscal year from refunding or advance refunding of bonds or notes issued under subdivisions (g)(2) and (g)(3) of Section 4.04.

4. The amount of interest, if any, earned by the Authority during the previous State fiscal year on the proceeds of bonds or notes issued pursuant to subdivisions (g)(2) and (g)(3) of Section 4.04, other than refunding or advance refunding bonds or notes.

The certification shall include a specific schedule of debt service payments, including the date and amount of each payment for all outstanding
bonds or notes and an estimated schedule of anticipated debt service for all bonds and notes it intends to issue, if any, during that State fiscal year, including the estimated date and estimated amount of each payment.

Immediately upon the issuance of bonds for which an estimated schedule of debt service payments was prepared, the Authority shall file an amended certification with respect to item (2) above, to specify the actual schedule of debt service payments, including the date and amount of each payment, for the remainder of the State fiscal year.

On the first day of each month of the State fiscal year in which there are bonds outstanding with respect to which the certification is made, the State Comptroller shall order transferred and the State Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund the Additional State Assistance and Additional Financial Assistance in an amount equal to the aggregate of (i) one-twelfth of the sum of the amounts certified under items (1) and (3) above less the amount certified under item (4) above, plus (ii) the amount required to pay debt service on bonds and notes issued during the fiscal year, if any, divided by the number of months remaining in the fiscal year after the date of issuance, or some smaller portion as may be necessary under subsection (c) or (c-5) of this Section for the relevant State fiscal year, plus (iii) any cumulative deficiencies in transfers for prior months, until an amount equal to the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, has been transferred; except that these transfers are subject to the following limits:

(A) In no event shall the total transfers in any State fiscal year relating to outstanding bonds and notes issued by the Authority under subdivision (g)(2) of Section 4.04 exceed the lesser of the annual maximum amount specified in subsection (c) or the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, with respect to those bonds and notes.

(B) In no event shall the total transfers in any State fiscal year relating to outstanding bonds and notes issued by the Authority under subdivision (g)(3) of Section 4.04 exceed the lesser of the annual maximum amount specified in subsection (c-5) or the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, with respect to those bonds and notes.

The term "outstanding" does not include bonds or notes for which

New matter indicated by italics - deletions by strikeout
refunding or advance refunding bonds or notes have been issued.

(e) Neither Additional State Assistance nor Additional Financial Assistance may be pledged, either directly or indirectly as general revenues of the Authority, as security for any bonds issued by the Authority. The Authority may not assign its right to receive Additional State Assistance or Additional Financial Assistance, or direct payment of Additional State Assistance or Additional Financial Assistance, to a trustee or any other entity for the payment of debt service on its bonds.

(f) The certification required under subsection (d) with respect to outstanding bonds and notes of the Authority shall be filed as early as practicable before the beginning of the State fiscal year to which it relates. The certification shall be revised as may be necessary to accurately state the debt service requirements of the Authority.

(g) Within 6 months of the end of the 3 month period ending December 31, 1983, and each fiscal year thereafter, the Authority shall determine:

(i) whether the aggregate of all system generated revenues for public transportation in the metropolitan region which is provided by, or under grant or purchase of service contracts with, the Service Boards equals 50% of the aggregate of all costs of providing such public transportation. "System generated revenues" include all the proceeds of fares and charges for services provided, contributions received in connection with public transportation from units of local government other than the Authority and from the State pursuant to subsection (i) of Section 2705-305 of the Department of Transportation Law (20ILCS 2705/2705-305), and all other revenues properly included consistent with generally accepted accounting principles but may not include: the proceeds from any borrowing, and, beginning with the 2007 fiscal year, all revenues and receipts, including but not limited to fares and grants received from the federal, State or any unit of local government or other entity, derived from providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act. "Costs" include all items properly included as operating costs consistent with generally accepted accounting principles, including administrative costs, but do not include: depreciation; payment of principal and interest on bonds, notes or other evidences of obligations for borrowed money of the Authority; payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20; any payments with

New matter indicated by italics - deletions by strikeout
respect to rate protection contracts, credit enhancements or liquidity agreements made under Section 4.14; any other cost as to which it is reasonably expected that a cash expenditure will not be made; costs up to $5,000,000 annually for passenger security including grants, contracts, personnel, equipment and administrative expenses, except in the case of the Chicago Transit Authority, in which case the term does not include costs spent annually by that entity for protection against crime as required by Section 27a of the Metropolitan Transit Authority Act; or costs as exempted by the Board for projects pursuant to Section 2.09 of this Act; or, beginning with the 2007 fiscal year, expenses related to providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act. If said system generated revenues are less than 50% of said costs, the Board shall remit an amount equal to the amount of the deficit to the State. The Treasurer shall deposit any such payment in the General Revenue Fund; and:

(ii) whether, beginning with the 2007 fiscal year, the aggregate of all fares charged and received for ADA paratransit services equals the system generated ADA paratransit services revenue recovery ratio percentage of the aggregate of all costs of providing such ADA paratransit services.

(h) If the Authority makes any payment to the State under paragraph (g), the Authority shall reduce the amount provided to a Service Board from funds transferred under paragraph (a) in proportion to the amount by which that Service Board failed to meet its required system generated revenues recovery ratio. A Service Board which is affected by a reduction in funds under this paragraph shall submit to the Authority concurrently with its next due quarterly report a revised budget incorporating the reduction in funds. The revised budget must meet the criteria specified in clauses (i) through (vi) of Section 4.11(b)(2). The Board shall review and act on the revised budget as provided in Section 4.11(b)(3).

(Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

(70 ILCS 3615/4.11)(from Ch. 111 2/3, par. 704.11)
Sec. 4.11. Budget Review Powers.

(a) The provisions of this Section shall only be applicable to financial periods beginning after December 31, 1983. The Transition Board shall adopt a timetable governing the certification of estimates and any submissions required under this Section for fiscal year 1984 which shall control over the

New matter indicated by italics - deletions by strikeout
provisions of this Act. Based upon estimates which shall be given to the Authority by the Director of the Illinois Governor's Office of Management and Budget (formerly Bureau of the Budget) of the receipts to be received by the Authority from the taxes imposed by the Authority and the authorized estimates of amounts to be available from State and other sources to the Service Boards, and the times at which such receipts and amounts will be available, the Board shall, not later than the next preceding September 15th prior to the beginning of the Authority's next fiscal year, advise each Service Board of the amounts estimated by the Board to be available for such Service Board during such fiscal year and the two following fiscal years and the times at which such amounts will be available. The Board shall, at the same time, also advise each Service Board of its required system generated revenues recovery ratio for the next fiscal year which shall be the percentage of the aggregate costs of providing public transportation by or under jurisdiction of that Service Board which must be recovered from system generated revenues. The Board shall, at the same time, beginning with the 2007 fiscal year, also advise each Service Board that provides ADA paratransit services of its required system generated ADA paratransit services revenue recovery ratio for the next fiscal year which shall be the percentage of the aggregate costs of providing ADA paratransit services by or under jurisdiction of that Service Board which must be recovered from system generated revenues. In determining a Service Board's system generated revenue recovery ratio, the Board shall consider the historical system generated revenues recovery ratio for the services subject to the jurisdiction of that Service Board. The Board shall not increase a Service Board's system generated revenues recovery ratio for the next fiscal year over such ratio for the current fiscal year disproportionately or prejudicially to increases in such ratios for other Service Boards. The Board may, by ordinance, provide that (i) the cost of research and development projects in the fiscal year beginning January 1, 1986 and ending December 31, 1986 conducted pursuant to Section 2.09 of this Act, and (ii) up to $5,000,000 annually of the costs for passenger security, may be exempted from the farebox recovery ratio or the system generated revenues recovery ratio of the Chicago Transit Authority, the Suburban Bus Board, and the Commuter Rail Board, or any of them. For the fiscal year beginning January 1, 1986 and ending December 31, 1986, and for the fiscal year beginning January 1, 1987 and ending December 31, 1987, the Board shall, by ordinance, provide that:

New matter indicated by italics - deletions by strikeout
(1) the amount of a grant, pursuant to Section 2705-310 of the Department of Transportation Law (20 ILCS 2705/2705-310), from the Department of Transportation for the cost of services for the mobility limited provided by the Chicago Transit Authority, and (2) the amount of a grant, pursuant to Section 2705-310 of the Department of Transportation Law (20 ILCS 2705/2705-310), from the Department of Transportation for the cost of services for the mobility limited by the Suburban Bus Board or the Commuter Rail Board, be exempt from the farebox recovery ratio or the system generated revenues recovery ratio.

(b)(1) Not later than the next preceding November 15 prior to the commencement of such fiscal year, each Service Board shall submit to the Authority its proposed budget for such fiscal year and its proposed financial plan for the two following fiscal years. Such budget and financial plan shall not project or assume a receipt of revenues from the Authority in amounts greater than those set forth in the estimates provided by the Authority pursuant to subsection (a) of this Section.

(2) The Board shall review the proposed budget and financial plan submitted by each Service Board, and shall adopt a consolidated budget and financial plan. The Board shall approve the budget and plan if:

(i) the Board has approved the proposed budget and cash flow plan for such fiscal year of each Service Board, pursuant to the conditions set forth in clauses (ii) through (vii) of this paragraph;

(ii) such budget and plan show a balance between (A) anticipated revenues from all sources including operating subsidies and (B) the costs of providing the services specified and of funding any operating deficits or encumbrances incurred in prior periods, including provision for payment when due of principal and interest on outstanding indebtedness;

(iii) such budget and plan show cash balances including the proceeds of any anticipated cash flow borrowing sufficient to pay with reasonable promptness all costs and expenses as incurred;

(iv) such budget and plan provide for a level of fares or charges and operating or administrative costs for the public transportation provided by or subject to the jurisdiction of such Service Board sufficient to allow the Service Board to meet its required system generated revenue recovery ratio and, beginning with the 2007 fiscal year, system generated ADA paratransit services revenue recovery ratio;

(v) such budget and plan are based upon and employ

New matter indicated by italics - deletions by strikeout
assumptions and projections which are reasonable and prudent;
(vi) such budget and plan have been prepared in accordance
with sound financial practices as determined by the Board; and
(vii) such budget and plan meet such other financial,
budgetary, or fiscal requirements that the Board may by rule or
regulation establish.
(3) In determining whether the budget and financial plan provide a
level of fares or charges sufficient to allow a Service Board to meet its
required system generated revenue recovery ratio and, beginning with the
2007 fiscal year, system generated ADA paratransit services revenue
recovery ratio under clause (iv) in subparagraph (2), the Board shall allow a
Service Board to carry over cash from farebox revenues to subsequent fiscal
years.
(4) Unless the Board by an affirmative vote of 9 of the then Directors
determines that the budget and financial plan of a Service Board meets the
criteria specified in clauses (ii) through (vii) of subparagraph (2) of this
paragraph (b), the Board shall not release to that Service Board any funds for
the periods covered by such budget and financial plan except for the proceeds
of taxes imposed by the Authority under Section 4.03 which are allocated to
the Service Board under Section 4.01.
(5) If the Board has not found that the budget and financial plan of a
Service Board meets the criteria specified in clauses (i) through (vii) of
subparagraph (2) of this paragraph (b), the Board shall, five working days
after the start of the Service Board's fiscal year adopt a budget and financial
plan meeting such criteria for that Service Board.
(c)(1) If the Board shall at any time have received a revised estimate,
or revises any estimate the Board has made, pursuant to this Section of the
receipts to be collected by the Authority which, in the judgment of the Board,
requires a change in the estimates on which the budget of any Service Board
is based, the Board shall advise the affected Service Board of such revised
estimates, and such Service Board shall within 30 days after receipt of such
advice submit a revised budget incorporating such revised estimates. If the
revised estimates require, in the judgment of the Board, that the system
generated revenues recovery ratio of one or more Service Boards be revised
in order to allow the Authority to meet its required ratio, the Board shall
advise any such Service Board of its revised ratio and such Service Board
shall within 30 days after receipt of such advice submit a revised budget
incorporating such revised estimates or ratio.
(2) Each Service Board shall, within such period after the end of each

New matter indicated by italics - deletions by strikeout
fiscal quarter as shall be specified by the Board, report to the Authority its financial condition and results of operations and the financial condition and results of operations of the public transportation services subject to its jurisdiction, as at the end of and for such quarter. If in the judgment of the Board such condition and results are not substantially in accordance with such Service Board's budget for such period, the Board shall so advise such Service Board and such Service Board shall within the period specified by the Board submit a revised budget incorporating such results.

(3) If the Board shall determine that a revised budget submitted by a Service Board pursuant to subparagraph (1) or (2) of this paragraph (c) does not meet the criteria specified in clauses (ii) through (vii) of subparagraph (2) of paragraph (b) of this Section, the Board shall not release any monies to that Service Board except the proceeds of taxes imposed by the Authority under Section 4.03 or 4.03.1 which are allocated to the Service Board under Section 4.01. If the Service Board submits a revised financial plan and budget which plan and budget shows that the criteria will be met within a four quarter period, the Board shall continue to release funds to the Service Board. The Board by a 9 vote of its then Directors may require a Service Board to submit a revised financial plan and budget which shows that the criteria will be met in a time period less than four quarters.

(d) All budgets and financial plans, financial statements, audits and other information presented to the Authority pursuant to this Section or which may be required by the Board to permit it to monitor compliance with the provisions of this Section shall be prepared and presented in such manner and frequency and in such detail as shall have been prescribed by the Board, shall be prepared on both an accrual and cash flow basis as specified by the Board, and shall identify and describe the assumptions and projections employed in the preparation thereof to the extent required by the Board. Except when the Board adopts a budget and a financial plan for a Service Board under paragraph (b)(5), a Service Board shall provide for such levels of transportation services and fares or charges therefor as it deems appropriate and necessary in the preparation of a budget and financial plan meeting the criteria set forth in clauses (ii) through (vii) of subparagraph (2) of paragraph (b) of this Section. The Board shall have access to and the right to examine and copy all books, documents, papers, records, or other source data of a Service Board relevant to any information submitted pursuant to this Section.

(e) Whenever this Section requires the Board to make determinations with respect to estimates, budgets or financial plans, or rules or regulations with respect thereto such determinations shall be made upon the affirmative
vote of at least 9 of the then Directors and shall be incorporated in a written report of the Board and such report shall be submitted within 10 days after such determinations are made to the Governor, the Mayor of Chicago (if such determinations relate to the Chicago Transit Authority), and the Auditor General of Illinois.

(Source: P.A. 91-239, eff. 1-1-00; revised 8-23-03.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 27, 2005.
Approved July 29, 2005.
Effective July 29, 2005.

PUBLIC ACT 94-0371
(House Bill No 2421)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by adding Section 9A-15 as follows:

(305 ILCS 5/9A-15 new)

Sec. 9A-15. College education assistance; pilot program.
(a) Subject to appropriation, the Department of Human Services shall establish a pilot program to provide recipients of assistance under Article IV with additional assistance in obtaining a post-secondary education degree to the extent permitted by the federal law governing the Temporary Assistance for Needy Families Program. This assistance may include, but is not limited to, moneys for the payment of tuition, but the Department may not use any moneys appropriated for the Temporary Assistance for Needy Families Program (TANF) under Article IV to pay for tuition under the pilot program. In addition to criteria, standards, and procedures related to post-secondary education required by rules applicable to the TANF program, the Department shall provide that the time that a pilot program participant spends in post-secondary classes shall apply toward the time that the recipient is required to spend in education, placement, and training activities under this Article.

The Department shall define the pilot program by rule, including a determination of its duration and scope, the nature of the assistance to be provided, and the criteria, standards, and procedures for participation.

(b) The Department shall enter into an interagency agreement with
the Illinois Student Assistance Commission for the administration of the pilot program.

(c) The Department shall evaluate the pilot program and report its findings and recommendations after 2 years of its operation to the Governor and the General Assembly, including proposed rules to modify or extend the pilot program beyond the scope and schedule upon which it was originally established.

Section 99. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 19, 2005.
Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0372
(House Bill No 2480)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Act is amended by adding Section 7.5 as follows:

(20 ILCS 2305/7.5 new)
Sec. 7.5. Sarcoidosis research. The Department shall provide grants for research of sarcoidosis from funds appropriated for that purpose.

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 19, 2005.
Approved July 29, 2005.
Effective July 29, 2005.

PUBLIC ACT 94-0373
(House Bill No 2593)

AN ACT concerning transportation, which may be referred to as the Dorian Riley Law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)
Sec. 5.640. The Traffic Control Signal Preemption Devices for

New matter indicated by italics - deletions by strikeout
Ambulances Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 12-601.2 as follows:

(625 ILCS 5/12-601.2 new)

Sec. 12-601.2. Traffic control signal preemption devices; ambulances.
(a) In a county with a population of 2,000,000 or more, subject to appropriation, any ambulance owned or operated by a municipality with a population of less than 500,000 must be equipped with a traffic control signal preemption device as defined in Section 12-601.1 of this Code, if any route used by that ambulance includes any roadway that is equipped with traffic control signal preemption technology.

(b) In counties with a population of less than 2,000,000, subject to appropriation, any ambulance owned or operated by a municipality with a population of more than 50,000 must be equipped with a traffic control signal preemption device as defined in Section 12-601.1 of this Code, if any route used by that ambulance includes any roadway that is equipped with traffic control signal preemption technology.

(c) The Traffic Control Signal Preemption Devices for Ambulances Fund is created as a special fund in the State treasury. The Traffic Control Signal Preemption Devices for Ambulances Fund may receive private gifts and contributions. All moneys in the Traffic Control Signal Preemption Devices for Ambulances Fund shall, subject to appropriation by the General Assembly and approval by the Secretary, be paid as grants to municipalities subject to the requirements of this Section for the purpose of equipping their ambulances with traffic control signal preemption devices. The moneys in the Fund may not be used for any other purpose.

Passed in the General Assembly May 19, 2005.
Approved July 29, 2005.
Effective January 1, 2006.
Sec. 11-12-9. If unincorporated territory is within one and one-half miles of the boundaries of two or more corporate authorities that have adopted official plans, the corporate authorities involved may agree upon a line which shall mark the boundaries of the jurisdiction of each of the corporate authorities who have adopted such agreement. On and after September 24, 1987, such agreement may provide that one or more of the municipalities shall not annex territory which lies within the jurisdiction of any other municipality, as established by such line. In the absence of such a boundary line agreement, nothing in this paragraph shall be construed as a limitation on the power of any municipality to annex territory. In arriving at an agreement for a jurisdictional boundary line, the corporate authorities concerned shall give consideration to the natural flow of storm water drainage, and, when practical, shall include all of any single tract having common ownership within the jurisdiction of one corporate authority. Such agreement shall not become effective until copies thereof, certified as to adoption by the municipal clerks of the respective municipalities, have been filed in the Recorder's Office and made available in the office of the municipal clerk of each agreeing municipality.

Any agreement for a jurisdictional boundary line shall be valid for such term of years as may be stated therein, but not to exceed 20 years, and if no term is stated, shall be valid for a term of 20 years. The term of such agreement may be extended, renewed or revised at the end of the initial or extended term thereof by further agreement of the municipalities.

In the absence of such agreement, the jurisdiction of any one of the corporate authorities shall extend to a median line equidistant from its boundary and the boundary of the other corporate authority nearest to the boundary of the first corporate authority at any given point on the line.

On and after January 1, 2006, no corporate authority may enter into an agreement pursuant to this Section unless, not less than 30 days and not more than 120 days prior to formal approval thereof by the corporate authority, it shall have first provided public notice of the proposed boundary agreement by both of the following:

(1) the posting of a public notice for not less than 15 consecutive days in the same location at which notices of village board or city council meetings are posted; and

(2) publication on at least one occasion in a newspaper of general circulation within the territory that is subject to the proposed agreement.

The validity of a boundary agreement may not be legally challenged

New matter indicated by italics - deletions by strikeout
on the grounds that the notice as required by this Section was not properly
given unless the challenge is initiated within 12 months after the formal
approval of the boundary agreement.

An agreement that addresses jurisdictional boundary lines shall be
entirely unenforceable for any party thereto that subsequently enters into
another agreement that addresses jurisdictional boundary lines that is in
conflict with any of the terms of the first agreement without the consent of all
parties to the first agreement.

This amendatory Act of 1990 is declarative of the existing law and
shall not be construed to modify or amend existing boundary line agreements,
nor shall it be construed to create powers of a municipality not already in
existence.

Except for those provisions to take effect prospectively, this
amendatory Act of the 94th General Assembly is declarative of existing law
and shall not be construed to modify or amend existing boundary line
agreements entered into on or before the effective date of this amendatory
Act, nor shall it be construed to create powers of a municipality not already
in existence on the effective date of this amendatory Act.

(Source: P.A. 85-1209; 86-1169.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 29, 2005.

Approved July 29, 2005.

Effective July 29, 2005.

PUBLIC ACT 94-0375
(House Bill No 3648)

AN ACT concerning driving offenses, which may be referred to as
Matt's Law.

Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 5. The Unified Code of Corrections is amended by changing
Sections 5-5-3.2 and 5-6-1 as follows:

(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)
Sec. 5-5-3.2. Factors in Aggravation.
(a) The following factors shall be accorded weight in favor of
imposing a term of imprisonment or may be considered by the court as
reasons to impose a more severe sentence under Section 5-8-1:

(1) the defendant's conduct caused or threatened serious harm;

New matter indicated by italics - deletions by strikeout
(2) the defendant received compensation for committing the offense;

(3) the defendant has a history of prior delinquency or criminal activity;

(4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;

(5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;

(6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;

(7) the sentence is necessary to deter others from committing the same crime;

(8) the defendant committed the offense against a person 60 years of age or older or such person's property;

(9) the defendant committed the offense against a person who is physically handicapped or such person's property;

(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality;

(11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;

(12) the defendant was convicted of a felony committed while he was released on bail or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

New matter indicated by italics - deletions by strikeout
(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;

(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 12-12 of the Criminal Code of 1961, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

(16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of

New matter indicated by italics - deletions by strikeout
1961;

(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act; or

(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm; or:

(20) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code.

For the purposes of this Section:

"School" is defined as a public or private elementary or secondary school, community college, college, or university.

"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.

(b) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(3) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of

New matter indicated by italics - deletions by strikeout
more than one individual; or

(4) When a defendant is convicted of any felony committed against:

   (i) a person under 12 years of age at the time of the offense or such person's property;
   (ii) a person 60 years of age or older at the time of the offense or such person's property; or
   (iii) a person physically handicapped at the time of the offense or such person's property; or

(5) In the case of a defendant convicted of aggravated criminal sexual assault or criminal sexual assault, when the court finds that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective; or

(6) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:

   (i) the brutalizing or torturing of humans or animals;
   (ii) the theft of human corpses;
   (iii) the kidnapping of humans;
   (iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property;
   (v) ritualized abuse of a child; or

(7) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(8) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of

New matter indicated by italics - deletions by strikeout
management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

(9) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 and the court finds that the defendant is a member of an organized gang; or

(10) When a defendant committed the offense using a firearm with a laser sight attached to it. For purposes of this paragraph (10), "laser sight" has the meaning ascribed to it in Section 24.6-5 of the Criminal Code of 1961; or

(11) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or

(12) When a defendant commits an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph (12), "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel.

(b-1) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 where the victim was under 18 years of age at the time of the commission of the offense.

New matter indicated by italics - deletions by strikeout
(d) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961.
(Source: P.A. 91-119, eff. 1-1-00; 91-120, eff. 7-15-99; 91-252, eff. 1-1-00; 91-267, eff. 1-1-00; 91-268, eff. 1-1-00; 91-357, eff. 7-29-99; 91-437, eff. 1-1-00; 91-696, eff. 4-13-00; 92-266, eff. 1-1-02.)

(730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)
Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or
(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or
(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an
offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

(b-1) Subsections (a) and (b) of this Section do not apply to a defendant charged with a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961 if the defendant within the past 12 months has been convicted of or pleaded guilty to a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes;
(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

(1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
(2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the

New matter indicated by italics - deletions by strikeout
Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

(1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or

(2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961. The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

(1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

(1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the

New matter indicated by italics - deletions by strikeout
accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or

(2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance, a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 years been:

(1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05.)
Passed in the General Assembly May 29, 2005.
Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0376
(Senate Bill No 0087)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 14-8.02 as follows:

(105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

New matter indicated by italics - deletions by strikeout

(a) The State Board of Education shall make rules under which local school boards shall determine the eligibility of children to receive special education. Such rules shall ensure that a free appropriate public education be available to all children with disabilities as defined in Section 14-1.02. The State Board of Education shall require local school districts to administer non-discriminatory procedures or tests to limited English proficiency students coming from homes in which a language other than English is used to determine their eligibility to receive special education. The placement of low English proficiency students in special education programs and facilities shall be made in accordance with the test results reflecting the student's linguistic, cultural and special education needs. For purposes of determining the eligibility of children the State Board of Education shall include in the rules definitions of "case study", "staff conference", "individualized educational program", and "qualified specialist" appropriate to each category of children with disabilities as defined in this Article. For purposes of determining the eligibility of children from homes in which a language other than English is used, the State Board of Education, no later than September 1, 1993, shall include in the rules definitions for "qualified bilingual specialists" and "linguistically and culturally appropriate individualized educational programs". In this Section, "parent" includes a foster parent.

(b) No child shall be eligible for special education facilities except with a carefully completed case study fully reviewed by professional personnel in a multidisciplinary staff conference and only upon the recommendation of qualified specialists or a qualified bilingual specialist, if available. At the conclusion of the multidisciplinary staff conference, the parent or guardian of the child shall be given a copy of the multidisciplinary conference summary report and recommendations, which includes options considered, and be informed of their right to obtain an independent educational evaluation if they disagree with the evaluation findings conducted or obtained by the school district. If the school district's evaluation is shown to be inappropriate, the school district shall reimburse the parent for the cost of the independent evaluation. The State Board of Education shall, with advice from the State Advisory Council on Education of Children with Disabilities on the inclusion of specific independent educational evaluators, prepare a list of suggested independent educational evaluators. The State Board of Education shall include on the list clinical psychologists licensed pursuant to the Clinical Psychologist Licensing Act. Such psychologists shall not be paid fees in excess of the amount that would be received by a school
psychologist for performing the same services. The State Board of Education shall supply school districts with such list and make the list available to parents at their request. School districts shall make the list available to parents at the time they are informed of their right to obtain an independent educational evaluation. However, the school district may initiate an impartial due process hearing under this Section within 5 days of any written parent or guardian request for an independent educational evaluation to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has a right to an independent educational evaluation, but not at public expense. An independent educational evaluation at public expense must be completed within 30 days of a parent or guardian written request unless the school district initiates an impartial due process hearing or the parent or guardian or school district offers reasonable grounds to show that such 30 day time period should be extended. If the due process hearing decision indicates that the parent or guardian is entitled to an independent educational evaluation, it must be completed within 30 days of the decision unless the parent or guardian or the school district offers reasonable grounds to show that such 30 day period should be extended. If a parent disagrees with the summary report or recommendations of the multidisciplinary conference or the findings of any educational evaluation which results therefrom, the school district shall not proceed with a placement based upon such evaluation and the child shall remain in his or her regular classroom setting. No child shall be eligible for admission to a special class for the educable mentally disabled or for the trainable mentally disabled except with a psychological evaluation and recommendation by a school psychologist. Consent shall be obtained from the parent or guardian of a child before any evaluation is conducted. If consent is not given by the parent or guardian or if the parent or guardian disagrees with the findings of the evaluation, then the school district may initiate an impartial due process hearing under this Section. The school district may evaluate the child if that is the decision resulting from the impartial due process hearing and the decision is not appealed or if the decision is affirmed on appeal. The determination of eligibility shall be made within 60 school days from the date of referral by school authorities for evaluation by the district or date of application for admittance by the parent or guardian of the child. In those instances when students are referred for evaluation with fewer than 60 pupil attendance days left in the school year, the eligibility determination shall be made prior to the first day of the following school year. After a child has been determined to be eligible for a special education class, such child must be
placed in the appropriate program pursuant to the individualized educational program by or no later than the beginning of the next school semester. The appropriate program pursuant to the individualized educational program of students whose native tongue is a language other than English shall reflect the special education, cultural and linguistic needs. No later than September 1, 1993, the State Board of Education shall establish standards for the development, implementation and monitoring of appropriate bilingual special individualized educational programs. The State Board of Education shall further incorporate appropriate monitoring procedures to verify implementation of these standards. The district shall indicate to the parent or guardian and the State Board of Education the nature of the services the child will receive for the regular school term while waiting placement in the appropriate special education class.

If the child is deaf, hard of hearing, blind, or visually impaired and he or she might be eligible to receive services from the Illinois School for the Deaf or the Illinois School for the Visually Impaired, the school district shall notify the parents or guardian, in writing, of the existence of these schools and the services they provide and shall make a reasonable effort to inform the parents or guardian of the existence of other, local schools that provide similar services and the services that these other schools provide. This notification shall include without limitation information on school services, school admissions criteria, and school contact information.

If the student may be eligible to participate in the Home-Based Support Services Program for Mentally Disabled Adults authorized under the Developmental Disability and Mental Disability Services Act upon becoming an adult, the student's individualized education program shall include plans for (i) determining the student's eligibility for those home-based services, (ii) enrolling the student in the program of home-based services, and (iii) developing a plan for the student's most effective use of the home-based services after the student becomes an adult and no longer receives special educational services under this Article. The plans developed under this paragraph shall include specific actions to be taken by specified individuals, agencies, or officials.

(c) In the development of the individualized education program for a student who is functionally blind, it shall be presumed that proficiency in Braille reading and writing is essential for the student's satisfactory educational progress. For purposes of this subsection, the State Board of Education shall determine the criteria for a student to be classified as functionally blind. Students who are not currently identified as functionally
blind who are also entitled to Braille instruction include: (i) those whose vision loss is so severe that they are unable to read and write at a level comparable to their peers solely through the use of vision, and (ii) those who show evidence of progressive vision loss that may result in functional blindness. Each student who is functionally blind shall be entitled to Braille reading and writing instruction that is sufficient to enable the student to communicate with the same level of proficiency as other students of comparable ability. Instruction should be provided to the extent that the student is physically and cognitively able to use Braille. Braille instruction may be used in combination with other special education services appropriate to the student's educational needs. The assessment of each student who is functionally blind for the purpose of developing the student's individualized education program shall include documentation of the student's strengths and weaknesses in Braille skills. Each person assisting in the development of the individualized education program for a student who is functionally blind shall receive information describing the benefits of Braille instruction. The individualized education program for each student who is functionally blind shall specify the appropriate learning medium or media based on the assessment report.

(d) To the maximum extent appropriate, the placement shall provide the child with the opportunity to be educated with children who are not disabled; provided that children with disabilities who are recommended to be placed into regular education classrooms are provided with supplementary services to assist the children with disabilities to benefit from the regular classroom instruction and are included on the teacher's regular education class register. Subject to the limitation of the preceding sentence, placement in special classes, separate schools or other removal of the disabled child from the regular educational environment shall occur only when the nature of the severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The placement of limited English proficiency students with disabilities shall be in non-restrictive environments which provide for integration with non-disabled peers in bilingual classrooms. By January 1993 and annually thereafter, school districts shall report data on students from non-English speaking backgrounds receiving special education and related services in public and private facilities as prescribed in Section 2-3.30. If there is a disagreement between parties involved regarding the special education placement of any child, either in-state or out-of-state, the placement is subject to impartial due process procedures described in Article
10 of the Rules and Regulations to Govern the Administration and Operation of Special Education.

(e) No child who comes from a home in which a language other than English is the principal language used may be assigned to any class or program under this Article until he has been given, in the principal language used by the child and used in his home, tests reasonably related to his cultural environment. All testing and evaluation materials and procedures utilized for evaluation and placement shall not be linguistically, racially or culturally discriminatory.

(f) Nothing in this Article shall be construed to require any child to undergo any physical examination or medical treatment whose parents or guardian object thereto on the grounds that such examination or treatment conflicts with his religious beliefs.

(g) School boards or their designee shall provide to the parents or guardian of a child prior written notice of any decision (a) proposing to initiate or change, or (b) refusing to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to their child, and the reasons therefor. Such written notification shall also inform the parent or guardian of the opportunity to present complaints with respect to any matter relating to the educational placement of the student, or the provision of a free appropriate public education and to have an impartial due process hearing on the complaint. The notice shall inform the parents or guardian in the parents' or guardian's native language, unless it is clearly not feasible to do so, of their rights and all procedures available pursuant to this Act and federal law 94-142; it shall be the responsibility of the State Superintendent to develop uniform notices setting forth the procedures available under this Act and federal law 94-142 to be used by all school boards. The notice shall also inform the parents or guardian of the availability upon request of a list of free or low-cost legal and other relevant services available locally to assist parents or guardians in initiating an impartial due process hearing. Any parent or guardian who is deaf, or does not normally communicate using spoken English, who participates in a meeting with a representative of a local educational agency for the purposes of developing an individualized educational program shall be entitled to the services of an interpreter.

(h) A Level I due process hearing, hereinafter referred as the hearing, shall be conducted upon the request of the parents or guardian or local school board by an impartial hearing officer appointed as follows: If the request is made through the local school district, within 5 school days of receipt of the

New matter indicated by italics - deletions by strikeout
request, the local school district shall forward the request to the State Superintendent. Within 5 days after receiving this request of hearing, the State Board of Education shall provide a list of 5 prospective, impartial hearing officers. The State Board of Education, by rule or regulation, shall establish criteria for determining which persons can be included on such a list of prospective hearing officers. No one on the list may be a resident of the school district. No more than 2 of the 5 prospective hearing officers shall be gainfully employed by or administratively connected with any school district, or any joint agreement or cooperative program in which school districts participate. In addition, no more than 2 of the 5 prospective hearing officers shall be gainfully employed by or administratively connected with private providers of special education services. The State Board of Education shall actively recruit applicants for hearing officer positions. The board and the parents or guardian or their legal representatives within 5 days shall alternately strike one name from the list until only one name remains. The parents or guardian shall have the right to proceed first with the striking. The per diem allowance for the hearing officer shall be established and paid by the State Board of Education. The hearing shall be closed to the public except that the parents or guardian may require that the hearing be public. The hearing officer shall not be an employee of the school district, an employee in any joint agreement or cooperative program in which the district participates, or any other agency or organization that is directly involved in the diagnosis, education or care of the student or the State Board of Education. All impartial hearing officers shall be adequately trained in federal and state law, rules and regulations and case law regarding special education. The State Board of Education shall use resources from within and outside the agency for the purposes of conducting this training. The impartial hearing officer shall have the authority to require additional information or evidence where he or she deems it necessary to make a complete record and may order an independent evaluation of the child, the cost of said evaluation to be paid by the local school district. Such hearing shall not be considered adversary in nature, but shall be directed toward bringing out all facts necessary for the impartial hearing officer to render an informed decision. The State Board of Education shall, with the advice and approval of the Advisory Council on Education of Children with Disabilities, promulgate rules and regulations to establish the qualifications of the hearing officers and the rules and procedure for such hearings. The school district shall present evidence that the special education needs of the child have been appropriately identified and that the special education program and related services proposed to meet the needs of

New matter indicated by italics - deletions by strikeout
the child are adequate, appropriate and available. Any party to the hearing shall have the right to: (a) be represented by counsel and be accompanied and advised by individuals with special knowledge or training with respect to the problems of children with disabilities at the party's own expense; (b) present evidence and confront and cross-examine witnesses; (c) prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 days before the hearing; (d) obtain a written or electronic verbatim record of the hearing; (e) obtain written findings of fact and a written decision. The student shall be allowed to attend the hearing unless the hearing officer finds that attendance is not in the child's best interest or detrimental to the child. The hearing officer shall specify in the findings the reasons for denying attendance by the student. The hearing officer, or the State Superintendent in connection with State level hearings, may subpoena and compel the attendance of witnesses and the production of evidence reasonably necessary to the resolution of the hearing. The subpoena may be issued upon request of any party. The State Board of Education and the school board shall share equally the costs of providing a written or electronic record of the proceedings. Such record shall be transcribed and transmitted to the State Superintendent no later than 10 days after receipt of notice of appeal. The hearing officer shall render a decision and shall submit a copy of the findings of fact and decision to the parent or guardian and to the local school board within 10 school days after the conclusion of the hearing. The hearing officer may continue the hearing in order to obtain additional information, and, at the conclusion of the hearing, shall issue a decision based on the record which specifies the special education and related services which shall be provided to the child in accordance with the child's needs. The hearing officer's decision shall be binding upon the local school board and the parent unless such decision is appealed pursuant to the provisions of this Section.

(i) Any party aggrieved by the decision may appeal the hearing officer's decision to the State Board of Education and shall serve copies of the notice of such appeal on the State Superintendent and on all other parties. The review referred to in this Section shall be known as the Level II review. The State Board of Education shall provide a list of 5 prospective, impartial reviewing officers. No reviewing officer shall be an employee of the State Board of Education or gainfully employed by or administratively connected with the school district, joint agreement or cooperative program which is a party to this review. Each person on the list shall be accredited by a national arbitration organization. The per diem allowance for the review officers shall

New matter indicated by italics - deletions by strikeout
be paid by the State Board of Education and may not exceed $250. All reviewing officers on the list provided by the State Board of Education shall be trained in federal and state law, rules and regulations and case law regarding special education. The State Board of Education shall use resources from within and outside the agency for the purposes of conducting this training. No one on the list may be a resident of the school district. The board and the parents or guardian or other legal representatives within 5 days shall alternately strike one name from the list until only one name remains. The parents or guardian shall have the right to proceed first with the striking. The reviewing officer so selected shall conduct an impartial review of the Level I hearing and may issue subpoenas requiring the attendance of witnesses at such review. The parties to the appeal shall be afforded the opportunity to present oral argument and additional evidence at the review. Upon completion of the review the reviewing officer shall render a decision and shall provide a copy of the decision to all parties.

(j) No later than 30 days after receipt of notice of appeal, a final decision shall be reached and a copy mailed to each of the parties. A reviewing officer may grant specific extensions of time beyond the 30-day deadline at the request of either party. If a Level II hearing is convened the final decision of a Level II hearing officer shall occur no more than 30 days following receipt of a notice of appeal, unless an extension of time is granted by the hearing officer at the request of either party. The State Board of Education shall establish rules and regulations delineating the standards to be used in determining whether the reviewing officer shall grant such extensions. Each hearing and each review involving oral argument must be conducted at a time and place which are reasonably convenient to the parents and the child involved.

(k) Any party aggrieved by the decision of the reviewing officer, including the parent or guardian, shall have the right to bring a civil action with respect to the complaint presented pursuant to this Section, which action may be brought in any circuit court of competent jurisdiction within 120 days after a copy of the decision is mailed to the party as provided in subsection (j). The civil action provided above shall not be exclusive of any rights or causes of action otherwise available. The commencement of a civil action under subsection (k) of this Section shall operate as a supersedeas. In any action brought under this Section the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and basing its decision on the preponderance of the evidence shall grant such relief as the court determines is appropriate. In any instance where
a school district willfully disregards applicable regulations or statutes regarding a child covered by this Article, and which disregard has been detrimental to the child, the school district shall be liable for any reasonable attorney's fees incurred by the parent or guardian in connection with proceedings under this Section.

(l) During the pendency of any proceedings conducted pursuant to this Section, unless the State Superintendent of Education, or the school district and the parents or guardian otherwise agree, the student shall remain in the then current educational placement of such student, or if applying for initial admission to the school district, shall, with the consent of the parents or guardian, be placed in the school district program until all such proceedings have been completed. The costs for any special education and related services or placement incurred following 60 school days after the initial request for evaluation shall be borne by the school district if such services or placement are in accordance with the final determination as to the special education and related services or placement which must be provided to the child, provided however that in said 60 day period there have been no delays caused by the child's parent or guardian.

(m) Whenever (i) the parents or guardian of a child of the type described in Section 14-1.02 are not known or are unavailable or (ii) the child is a ward of the State residing in a residential facility, a person shall be assigned to serve as surrogate parent for the child in matters relating to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child. Surrogate parents shall be assigned by the State Superintendent of Education. The State Board of Education shall promulgate rules and regulations establishing qualifications of such persons and their responsibilities and the procedures to be followed in making such assignments. Such surrogate parents shall not be employees of the school district, an agency created by joint agreement under Section 10-22.31, an agency involved in the education or care of the student, or the State Board of Education. For a child who is a ward of the State residing in a residential facility, the surrogate parent may be an employee of a nonpublic agency that provides only non-educational care. Services of any person assigned as surrogate parent shall terminate if the parent or guardian becomes available unless otherwise requested by the parents or guardian. The assignment of a person as surrogate parent at no time supersedes, terminates, or suspends the parents' or guardian's legal authority relative to the child. Any person participating in good faith as surrogate parent on behalf of the child before school officials or a hearing

New matter indicated by italics - deletions by strikeout
officer shall have immunity from civil or criminal liability that otherwise might result by reason of such participation, except in cases of willful and wanton misconduct.

(n) At all stages of the hearing the hearing officer shall require that interpreters be made available by the local school district for persons who are deaf or for persons whose normally spoken language is other than English.

(o) Whenever a person refuses to comply with any subpoena issued under this Section, the circuit court of the county in which such hearing is pending, on application of the State Superintendent of Education or the party who requested issuance of the subpoena may compel obedience by attachment proceedings as for contempt, as in a case of disobedience of the requirements of a subpoena from such court for refusal to testify therein.

(Source: P.A. 93-282, eff. 7-22-03.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 4, 2005.

Approved July 29, 2005.

Effective July 29, 2005.

PUBLIC ACT 94-0377
(Senate Bill No 0098)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 602 and 602.1 and by adding Section 601.5 as follows:

(750 ILCS 5/601.5 new)

Sec. 601.5. Training. The chief circuit judge or designated presiding judge may approve 3 hours of training for guardian ad litems appointed under Section 601 of this Act, professional personnel appointed under Section 604 of this Act, evaluators appointed under Section 604.5 of this Act, and investigators appointed under Section 605 of this Act. This training shall include a component on the dynamics of domestic violence and its effect on parents and children.

(750 ILCS 5/602) (from Ch. 40, par. 602)

Sec. 602. Best Interest of Child.

(a) The court shall determine custody in accordance with the best interest of the child. The court shall consider all relevant factors including:

New matter indicated by italics - deletions by strikeout
(1) the wishes of the child's parent or parents as to his custody;
(2) the wishes of the child as to his custodian;
(3) the interaction and interrelationship of the child with his parent or parents, his siblings and any other person who may significantly affect the child's best interest;
(4) the child's adjustment to his home, school and community;
(5) the mental and physical health of all individuals involved;
(6) the physical violence or threat of physical violence by the child's potential custodian, whether directed against the child or directed against another person;
(7) the occurrence of ongoing or repeated abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, whether directed against the child or directed against another person; and
(8) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child.

In the case of a custody proceeding in which a stepparent has standing under Section 601, it is presumed to be in the best interest of the minor child that the natural parent have the custody of the minor child unless the presumption is rebutted by the stepparent.

(b) The court shall not consider conduct of a present or proposed custodian that does not affect his relationship to the child.

(c) Unless the court finds the occurrence of ongoing abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, the court shall presume that the maximum involvement and cooperation of both parents regarding the physical, mental, moral, and emotional well-being of their child is in the best interest of the child. There shall be no presumption in favor of or against joint custody.

(Source: P.A. 90-782, eff. 8-14-98.)

(750 ILCS 5/602.1) (from Ch. 40, par. 602.1)

Sec. 602.1. (a) The dissolution of marriage, the declaration of invalidity of marriage, the legal separation of the parents, or the parents living separate and apart shall not diminish parental powers, rights, and responsibilities except as the court for good reason may determine under the standards of Section 602.

(b) Upon the application of either or both parents, or upon its own motion, the court shall consider an award of joint custody. Joint custody means custody determined pursuant to a Joint Parenting Agreement or a Joint Parenting Order. In such cases, the court shall initially request the parents to

New matter indicated by italics - deletions by strikeout
produce a Joint Parenting Agreement. Such Agreement shall specify each parent's powers, rights and responsibilities for the personal care of the child and for major decisions such as education, health care, and religious training. The Agreement shall further specify a procedure by which proposed changes, disputes and alleged breaches may be mediated or otherwise resolved and shall provide for a periodic review of its terms by the parents. In producing a Joint Parenting Agreement, the parents shall be flexible in arriving at resolutions which further the policy of this State as expressed in Sections 102 and 602. For the purpose of assisting the court in making a determination whether an award of joint custody is appropriate, the court may order mediation and may direct that an investigation be conducted pursuant to the provisions of Section 605. If there is a danger to the health or safety of a partner, joint mediation shall not be required by the court. In the event the parents fail to produce a Joint Parenting Agreement, the court may enter an appropriate Joint Parenting Order under the standards of Section 602 which shall specify and contain the same elements as a Joint Parenting Agreement, or it may award sole custody under the standards of Sections 602, 607, and 608.

(c) The court may enter an order of joint custody if it determines that joint custody would be in the best interests of the child, taking into account the following:

(1) the ability of the parents to cooperate effectively and consistently in matters that directly affect the joint parenting of the child. "Ability of the parents to cooperate" means the parents' capacity to substantially comply with a Joint Parenting Order. The court shall not consider the inability of the parents to cooperate effectively and consistently in matters that do not directly affect the joint parenting of the child;

(2) The residential circumstances of each parent; and

(3) all other factors which may be relevant to the best interest of the child.

(d) Nothing within this section shall imply or presume that joint custody shall necessarily mean equal parenting time. The physical residence of the child in joint custodial situations shall be determined by:

(1) express agreement of the parties; or

(2) order of the court under the standards of this Section.

(e) Notwithstanding any other provision of law, access to records and information pertaining to a child, including but not limited to medical, dental, child care and school records, shall not be denied to a parent for the reason

New matter indicated by italics - deletions by strikeout
that such parent is not the child's custodial parent; however, no parent shall have access to the school records of a child if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended.  
(Source: P.A. 88-409.)
Section 99. Effective date. This Act takes effect upon becoming law.  
Passed in the General Assembly May 27, 2005.  
Approved July 29, 2005.  
Effective July 29, 2005.

PUBLIC ACT 94-0378  
(Senate Bill No 0101)

AN ACT to create the Assistive Technology Protection Act.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:  
Section 1. Short title. This Act may be cited as the Assistive Technology Warranty Act.  
Section 5. Definitions. In this Act:  
"Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is purchased or leased, or whose transfer is accepted in this State, and that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. "Assistive technology device" does not mean any medical device, surgical device, or organ implanted or transplanted into or attached directly to an individual. "Assistive technology device" does not include a "hearing instrument" or "hearing aid" as defined in the Hearing Instrument Consumer Protection Act. "Assistive technology device" also does not include any device for which a certificate of title is issued by the Secretary of State, Division of Motor Vehicles, but does mean any item, piece of equipment, or product system otherwise meeting the definition of "assistive technology device" that is incorporated, attached, or included as a modification in or to such certificated device.  
"Assistive technology device dealer" means a person who is in the business of selling assistive technology devices.  
"Assistive technology device lessor" means a person who leases assistive technology devices to consumers, or who holds the lessor's rights, under a written lease.  
"Collateral cost" means expenses incurred by a consumer in

New matter indicated by italics - deletions by strikeout
connection with the repair of a nonconformity, including the cost of shipping, sales tax, and the cost of obtaining an alternative assistive technology device.

"Consumer" means any one of the following:

1. A purchaser of an assistive technology device, if the assistive technology device was purchased from an assistive technology device dealer or manufacturer for purposes other than resale.

2. A person to whom an assistive technology device is transferred for purposes other than resale, if the transfer occurs before the expiration of an express warranty applicable to the assistive technology device.

3. A person who may enforce a warranty applicable to an assistive technology device.

4. A person who leases an assistive technology device from an assistive technology device lessor under a written lease.

"Consumer" does not include a person who acquires an assistive technology device at no charge through a donation.

"Demonstrator" means an assistive technology device used primarily for the purpose of demonstration to the public.

"Early termination cost" means any expense or obligation that an assistive technology device lessor incurs as a result of both the termination of a written lease before the termination date set forth in the lease and the return of an assistive technology device to the manufacturer, including a penalty for prepayment under a financing arrangement.

"Early termination savings" means any expense or obligation that an assistive technology device lessor avoids as a result of both the termination date set forth in the lease and the return of an assistive technology device to a manufacturer, including an interest charge that the assistive technology device lessor would have paid to finance the assistive technology device or, if the assistive technology device lessor does not finance the assistive technology device, the difference between the total payments remaining for the period of the lease term remaining after the early termination and the present value of those remaining payments at the date of the early termination.

"Loaner" means an assistive technology device provided free of charge to a consumer, for use by the consumer, that need not be new or identical to, or have functional capabilities equal to or greater than, those of the original assistive technology device, but that meets all of the following conditions:
(1) It is in good working order.

(2) It performs, at a minimum, the most essential functions of the original assistive technology device in light of the disabilities of the consumer.

(3) There is no threat to the health or safety of the consumer due to any differences between the loaner and the original assistive technology device.

"Manufacturer" means a person who manufactures or assembles assistive technology devices and (i) any agent of that person, including an importer, distributor, factory branch, or distributor branch, and (ii) any warrantor of an assistive technology device. The term does not include an assistive technology device dealer or assistive technology device lessor.

"Nonconformity" means any defect, malfunction, or condition that substantially impairs the use, value, or safety of an assistive technology device or any of its component parts, but does not include a condition, defect, or malfunction that is the result of abuse, neglect, or unauthorized modification or alteration of the assistive technology device by the consumer.

"Reasonable attempt to repair" means any of the following occurring within the term of an express warranty applicable to a new assistive technology device or within one year after the first delivery of the assistive technology device to a consumer, whichever is sooner:

(1) The manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers accept return of the new assistive technology device for repair at least 2 times.

(2) The manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers place the assistive technology device out of service for an aggregate of at least 30 cumulative days because of nonconformities covered by a warranty that applies to the device.

Section 10. Express warranty. A manufacturer or assistive technology device lessor who sells or leases an assistive technology device to a consumer, either directly or through an assistive technology device dealer, must furnish the consumer with an express warranty for the assistive technology device warranting that the device is free of any nonconformity. The duration of the express warranty must be not less than one year after the date of the initial delivery of the assistive technology device to the consumer. If the manufacturer fails to furnish an express warranty as required by this Section, the manufacturer shall be deemed to have warranted to the consumer

New matter indicated by italics - deletions by strikeout
of an assistive technology device that, for a period of one year after the date of the initial delivery to the consumer, the assistive technology device will be free from any condition or defect that substantially impairs the value of the assistive technology device to the consumer. The express warranty takes effect on the date the consumer initially takes possession of the new assistive technology device.

Section 15. Assistive technology device replacement or refund.

(a) If a new assistive technology device does not conform to an applicable express warranty and the consumer (i) reports the nonconformity to the manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers and (ii) makes the assistive technology device available for repair before one year after the first delivery of the device to the consumer or within the period of the express warranty if the express warranty is longer than one year, then a reasonable attempt to repair the nonconformity must be made at no charge to the consumer.

(b) If, after a reasonable attempt to repair, the nonconformity is not repaired, the person from whom the assistive technology device was purchased or leased must carry out the requirements of either item (1) or item (2) of this subsection at the option of the consumer:

(1) The person from whom the assistive technology device was purchased or leased shall provide a refund to the consumer within 30 days after the request by the consumer. If the consumer chooses this option, he or she shall return the device having a nonconformity to the person from whom the assistive technology device was purchased or leased along with any endorsements necessary to transfer legal possession to the person from whom the assistive technology device was purchased or leased.

If the assistive technology device was purchased by the consumer, the person from whom the assistive technology device was purchased shall accept return of the assistive technology device and refund to the consumer, and to any holder of a perfected security interest in the assistive technology device as the holder's interest may appear, the full purchase price plus any finance charge paid by the consumer at the point of sale and collateral costs, less a reasonable allowance for use.

If the assistive technology device was leased by the consumer, the person from whom the assistive technology device was leased shall accept return of the device, refund to the assistive technology device replacement or refund.
lessor and to any holder of a perfected security interest in the device, as the holder's interest may appear, the current value of the written lease, and refund to the consumer the amount that the consumer paid under the written lease plus any collateral costs, less a reasonable allowance for use.

(2) The person from whom the assistive technology device was purchased or leased shall provide a comparable new assistive technology device. The consumer shall offer to transfer possession of the device having a nonconformity to the person from whom the assistive technology device was purchased or leased. No later than 30 days after that offer, the person from whom the assistive technology device was purchased or leased shall provide the consumer with the comparable new assistive device. Upon receipt of the comparable new assistive device, the consumer shall return the device having the nonconformity to the person from whom the assistive technology device was purchased or leased, along with any endorsements necessary to transfer legal possession to the person from whom the assistive technology device was purchased or leased.

(c) For purposes of this Section, "current value of the written lease" means the total amount for which that lease obligates the consumer during the period of the lease remaining after its early termination, plus the assistive device lessor's early termination costs and the value of the assistive device at the lease expiration date if the lease sets forth that value, less the assistive device lessor's early termination savings.

(d) For purposes of this Section, a "reasonable allowance for use" may not exceed the amount obtained by multiplying the total amount for which the written lease obligates the consumer by a fraction, the denominator of which is 1,825 and the numerator of which is the number of days that the consumer used the assistive device before first reporting the nonconformity to the person from whom the assistive technology device was purchased or leased.

Section 20. Prohibition on enforcement of lease. A person may not enforce an assistive technology device lease against a consumer after the consumer receives a refund under Section 15.

Section 25. Restriction on resale or lease; full disclosure. An assistive technology device returned by a consumer or assistive technology device lessor in this State, or by a consumer or assistive technology device lessor in another state under a similar law of that state, may not be sold or leased again in this State unless full disclosure of the reasons for the return is made to any prospective buyer or lessee of the device.

New matter indicated by italics - deletions by strikeout
Section 30. Waiver of rights void. Any waiver by a consumer of his or her rights under this Act is void.

Section 35. Civil remedies. In addition to pursuing any other remedy, a consumer may bring an action to recover any damages caused by a violation of this Act. The court shall award a consumer who prevails in such an action no more than twice the amount of any pecuniary loss, costs, disbursements, and reasonable attorney's fees, and any equitable relief that the court deems appropriate.

Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0379
(Senate Bill No 0159)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.650 as follows:

(30 ILCS 105/5.650 new)
Sec. 5.650. The Home Care Services Agency Licensure Fund.

Section 10. The Home Health Agency Licensing Act is amended by changing the title of the Act and Sections 1, 1.01, 2, 4, 7, 8, 9.01, 9.02, 9.03, 9.04, 10.01, 12, and 14 and by adding Sections 2.03a, 2.08, 2.09, 2.10, 2.11, 2.12, 3.3, 3.7, 6.3, 6.7, and 10.05 as follows:

(210 ILCS 55/Act title) An Act relating to the regulation of home health, home services, and home nursing agencies.

(210 ILCS 55/1) (from Ch. 111 1/2, par. 2801)
Sec. 1. This Act shall be known and may be cited as the Home Health, Home Services, and Home Nursing Agency Licensing Act. (Source: P.A. 80-804.)

(210 ILCS 55/1.01) (from Ch. 111 1/2, par. 2801.01)
Sec. 1.01. It is declared to be the public policy that the State has a legitimate interest in assuring that all home health services, home nursing services, and in-home support services provided to a person at his residence are performed under circumstances that insure consumer protection and quality care. Therefore, the purpose of this Act is to provide for the better protection of the public health, well-being, and safety through the

New matter indicated by italics - deletions by strikeout
development, establishment, and enforcement of standards for services, as well as standards for the care of individuals receiving home health services and home nursing services, and in the light of advancing knowledge, will provide a viable alternative to the premature institutionalization of these individuals.

It is further declared that health care and support services are provided in the consumer's home by 3 basic types of agencies: home health care, home nursing care, and home support services. It is further understood that each type of agency delivers a different type and scope of care or service. Further, individuals providing the care or service require different levels of education, training, and supervision. Therefore, different types of regulatory oversight are required.

(Source: P.A. 81-490.)

(210 ILCS 55/2) (from Ch. 111 1/2, par. 2802)

Sec. 2. As used in this Act, unless the context requires otherwise, the terms defined in the following Sections proceeding Section 3 2.01 through 2.07 have the meanings ascribed to them in those Sections.

(Source: P.A. 80-804.)

(210 ILCS 55/2.03a new)

Sec. 2.03a. "Agency" means a home health agency, home nursing agency, or home services agency unless specifically stated otherwise.

(210 ILCS 55/2.08 new)

Sec. 2.08. "Home services agency" means an agency that provides services directly, or acts as a placement agency, for the purpose of placing individuals as workers providing home services for consumers in their personal residences. "Home services agency" does not include agencies licensed under the Nurse Agency Licensing Act, the Hospital Licensing Act, the Nursing Home Care Act, or the Assisted Living and Shared Housing Act and does not include an agency that limits its business exclusively to providing housecleaning services. Programs providing services exclusively through the Community Care Program of the Illinois Department on Aging or the Department of Human Services Office of Rehabilitation Services are not considered to be a home services agency under this Act.

(210 ILCS 55/2.09 new)

Sec. 2.09. "Home services" or "in-home services" means assistance with activities of daily living, housekeeping, personal laundry, and companionship provided to an individual in his or her personal residence, which are intended to enable that individual to remain safely and comfortably in his or her own personal residence. "Home services" or "in-
home services" does not include services that would be required to be performed by an individual licensed under the Nursing and Advanced Practice Nursing Act.

(210 ILCS 55/2.10 new)

Sec. 2.10. "Home services worker" or "in-home services worker" means an individual who provides home services to a consumer in the consumer’s personal residence.

(210 ILCS 55/2.11 new)

Sec. 2.11. "Home nursing agency" means an agency that provides services directly, or acts as a placement agency, in order to deliver skilled nursing services to persons in their personal residences. A home nursing agency provides services that would require a licensed nurse to perform. A home nursing agency does not qualify for licensure as a home health agency under this Act. "Home nursing agency" does not include an individually licensed nurse acting as a private contractor or a person that provides or procures temporary employment in health care facilities, as defined in the Nurse Agency Licensing Act.

(210 ILCS 55/2.12 new)

Sec. 2.12. "Placement agency" means any person engaged for gain or profit in the business of securing or attempting to secure (i) work for hire for persons seeking work or (ii) workers for employers. The term includes a private employment agency and any other entity that places a worker for private hire by a consumer in that consumer's residence for purposes of providing home services. The term does not include a person that provides or procures temporary employment in health care facilities, as defined in the Nurse Agency Licensing Act.

(210 ILCS 55/3.3 new)

Sec. 3.3. Home services agency; license required. On and after September 1, 2008, no person shall open, manage, conduct, or maintain a home services agency, or advertise himself or herself as a home services agency or as offering services that would be included in the definition of home services or a home services agency, without a license issued by the Department. The Department shall adopt rules as necessary to protect the health, safety, and well-being of clients through licensure of home services agencies.

(210 ILCS 55/3.7 new)

Sec. 3.7. Home nursing agency; license required. On and after September 1, 2008, no person shall open, manage, conduct, or maintain a home nursing agency, or advertise himself or herself as a home nursing agency.
agency or as offering services that would be included in the definition of a home nursing agency, without a license issued by the Department. The Department shall adopt rules as necessary to protect the health, safety, and well-being of clients through licensure of home nursing agencies.

(210 ILCS 55/4) (from Ch. 111 1/2, par. 2804)
Sec. 4. Types of licenses.
(a) If an applicant for licensure has not been previously licensed, or if the home health agency, home services agency, or home nursing agency is not in operation at the time application is made, the Department may issue a provisional license. A provisional license shall be valid for a period of 120 days unless sooner suspended or revoked pursuant to Section 9 of this Act. Within 30 days prior to the termination of a provisional license, the Department shall inspect the home health agency and, if the applicant substantially meets the requirements for licensure, it shall issue a license under this Section. If the Department finds that a holder of a provisional license does not substantially meet the requirements for licensure, but has made significant progress toward meeting those requirements, the Director may renew the provisional license once for a period not to exceed 120 days from the expiration date of the initial provisional license.

(b)(1) The Director may also issue a provisional license to any licensed home health agency which does not substantially comply with the provisions of this Act and the rules promulgated hereunder, provided he finds that the health, safety, and well-being of the clients patients of the home health agency will be protected during the period for which such provisional license is issued. The term of such provisional license shall not exceed 120 days.

(2) The Director shall advise the licensee of the conditions under which such provisional license is issued, including the manner in which the licensee fails to comply with the provisions of the Act or rules, and the time within which the corrections necessary for the home health agency to substantially comply with the Act and rules shall be completed.

(3) The Director, at his discretion, may extend the term of such provisional license for an additional 120 days, if he finds that the home health agency has made substantial progress toward correcting the violations and bringing the home health agency into full compliance with this Act and the rules promulgated hereunder.

(c) An annual license shall be issued to any person conducting or maintaining a home health agency upon receipt of an application and payment of the licensure fee, and when the other requirements of this Act, and the
standards, rules and regulations promulgated hereunder, are met. The fee for each single home health agency license or any renewal shall be $25.

(d) The Department shall establish, by rule, a system whereby an entity that meets the requirements for licensure may obtain licensure singly or in any combination for the categories authorized under this Act. The Department shall develop and implement one application to be used even if a combination of licenses authorized under the Act is sought. Applicants for multiple licenses under this system shall pay the higher of the licensure fees applicable. Fees collected under this system shall be deposited into the Home Care Services Agency Licensure Fund.

(Source: P.A. 86-130.)

(210 ILCS 55/6.3 new)
Sec. 6.3. Home services agencies; standards; fees.
(a) Before January 1, 2008, the Department shall adopt standards for the licensure and operation of home services agencies operated in this State. The structure of the standards shall be based on the concept of home services and its focus on assistance with activities of daily living, housekeeping, personal laundry, and companionship being provided to an individual intended to enable that individual to remain safely and comfortably in his or her own personal residence. As home services do not include services that would be required to be performed by an individual licensed under the Nursing and Advanced Practice Nursing Act, the standards shall be developed from a similar concept. After consideration and recommendations by the Home Health and Home Services Advisory Committee, the Department shall adopt such rules and regulations as are necessary for the proper regulation of home services agencies. Requirements for licensure as a home services agency shall include the following:

(1) Compliance with the requirements of the Health Care Worker Background Check Act.

(2) Notification, in a form and manner established by the Department by rule, to home services workers and consumers as to the party or parties responsible under State and federal laws for payment of employment taxes, social security taxes, and workers' compensation, liability, the day-to-day supervision of workers, and the hiring, firing, and discipline of workers with the placement arrangement for home services.

(3) Compliance with rules, as adopted by the Department, in regard to (i) reporting by the licensee of any known or suspected incidences of abuse, neglect, or financial exploitation of an eligible

New matter indicated by italics - deletions by strikeout
adult, as defined in the Elder Abuse and Neglect Act, by a home services worker employed by or placed by the licensee or (ii) reports to a law enforcement agency in connection with any other individual protected under the laws of the State of Illinois.

(4) Compliance with rules, as adopted by the Department, addressing the health, safety, and well-being of clients receiving home services.

(b) The Department may establish fees for home services agency licensure in rules in a manner that will make the program self-supporting. The amount of the licensure fees shall be based on the funding required for operation of the licensure program.

(210 ILCS 55/6.7 new)

Sec. 6.7. Home nursing agencies; standards; fees.

(a) Before January 1, 2008, the Department shall adopt standards for the licensure and operation of home nursing agencies operated in this State. After consideration and recommendations by the Home Health and Home Services Advisory Committee, the Department shall adopt such rules as are necessary for the proper regulation of home nursing agencies. Requirements for licensure as a home nursing agency shall include the following:

(1) Compliance with the requirements of the Health Care Worker Background Check Act.

(2) Notification, in a form and manner established by the Department by rule, to home nursing agency workers and consumers as to the party or parties responsible under State and federal laws for payment of employment taxes, social security taxes, and workers’ compensation, liability, the day-to-day supervision of workers, and the hiring, firing, and discipline of workers with the placement arrangement for home nursing services.

(3) Compliance with rules, as adopted by the Department, in regard to (i) reporting by the licensee of any known or suspected incidences of abuse, neglect, or financial exploitation of an eligible adult, as defined in the Elder Abuse and Neglect Act, by a home nursing care worker employed by or placed by the licensee or (ii) reports to a law enforcement agency in connection with any other individual protected under the laws of the State of Illinois.

(4) Compliance with rules, as adopted by the Department, addressing the health, safety, and well-being of clients receiving home nursing services.

(b) The Department may establish fees for home nursing agency
licensure in rules in a manner that will make the program self-supporting. The amount of the licensure fees shall be based on the funding required for the operation of the licensure program.

(210 ILCS 55/7) (from Ch. 111 1/2, par. 2807)

Sec. 7. (a) The Director shall appoint a Home Health and Home Services Advisory Committee composed of 15 persons to advise and consult with the Director in the administration of this Act. Five of the appointed members shall represent the home health agency profession. Of these 5, one shall represent voluntary home health agencies, one shall represent for-profit home health agencies, one shall represent private not-for-profit home health agencies, one shall represent institution-based home health agencies, and one shall represent home health agencies operated by local health departments. Four of the appointed members shall represent the home services agency profession. Four of the appointed members shall represent the general public in the following categories: one individual who is a consumer of home health services or a family member of a consumer of home health services; one individual who is a consumer of home services or a family member of a consumer of home services; one individual who is a home services worker; and one individual who is a representative of an organization that advocates for consumers. One member shall be a practicing Illinois licensed physician; and one member shall be an Illinois registered professional nurse with home health agency experience. The recommendations of professional, and home health industry, and home services industry organizations may be considered in selecting individuals for appointment to the Home Health and Home Services Advisory Committee.

(b) Each member shall hold office for a term of 3 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and the terms of office of the members first taking office shall expire, as designated at the time of appointment, one at the end of the first year, one at the end of the second year, and 3 at the end of the third year. The term of office of each of the original appointees shall commence on January 1, 1978.

(c) The term of office of each of the 6 members appointed to the Committee as a result of this amendatory Act of 1989 shall commence on January 1, 1990. The terms of office of the 6 members appointed as a result of this amendatory Act of 1989 shall expire, as designated at the time of appointment, 2 at the end of the first year, 2 at the end of the second year, and two at the end of the third year.
(d) The Committee shall meet as frequently as the Director deems necessary. Committee members, while serving on business of the Committee, shall receive actual and necessary travel and subsistence expenses while so serving away from their places of residence.

(e) The Committee shall provide input and recommendations to the Department on the development of rules for the licensure of home services agencies and home nursing agencies operating in this State. On or before July 1, 2007, the Committee shall issue an interim report to the General Assembly on the status of development and implementation of the rules for home services agency and home nursing agency licensure.

(Source: P.A. 86-130.)

(210 ILCS 55/8) (from Ch. 111 1/2, par. 2808)
Sec. 8. An application for a license may be denied for any of the following reasons:

(a) failure to meet the minimum standards prescribed by the Department pursuant to Section 6;

(b) satisfactory evidence that the moral character of the applicant or supervisor of the agency is not reputable. In determining moral character, the Department may take into consideration any convictions of the applicant or supervisor but such convictions shall not operate as a bar to licensing;

(c) lack of personnel qualified by training and experience to properly perform the function of a home health agency;

(d) insufficient financial or other resources to operate and conduct a home health, home services, or home nursing agency in accordance with the requirements of this Act and the minimum standards, rules and regulations promulgated thereunder.

(Source: P.A. 81-149.)

(210 ILCS 55/9.01) (from Ch. 111 1/2, par. 2809.01)
Sec. 9.01. The Department may conduct any such investigations and inspections as it deems necessary to assess compliance with this Act and the rules and regulations promulgated pursuant thereto. Investigations and inspections may include the direct observation of patient care or the provision of home services in the home, if consent is given by the consumer or patient under treatment. Agencies licensed under this Act shall make available to the Department all books, records, policies and procedures, or any other materials requested during the course of an investigation or inspection. Refusal to make such materials available to the Department shall be grounds for license revocation, or the imposition of any other penalty provided in this Act.

New matter indicated by italics - deletions by strikeout
Sec. 9.02. When the Department determines that an agency a home health agency is in violation of this Act or any rule promulgated hereunder, a notice of violation shall be served upon the licensee. Each notice of violation shall be prepared in writing and shall specify the nature of the violation and the statutory provision or rule alleged to have been violated. The notice shall inform the licensee of any action the Department may take under this Act, including the requirement of an agency a home health agency plan of correction under Section 9.03, assessment of a penalty under Section 9.04, or licensure action under Section 9. The Director or his designee shall also inform the licensee of rights to a hearing under Section 10.

Sec. 9.03. (a) Each home health agency served with a notice of violation under Section 9.02 of this Act shall file with the Department a written plan of correction within 10 days of receipt of the notice. The plan of correction is subject to approval of the Department. The plan of correction shall state with particularity the method by which the home health agency intends to correct each violation and shall contain a stated date by which each violation shall be corrected.

(b) If the Department rejects a plan of correction, it shall send notice of the rejection and the reason for the rejection to the licensee. The home health agency shall have 10 days after receipt of the notice of rejection in which to submit a modified plan. If the modified plan is not submitted on time, or if the modified plan is rejected, the home health agency shall follow a plan of correction imposed by the Department.

(c) If an agency a home health agency desires to contest any Department action under this Section, it shall send a written request for a hearing under Section 10 to the Department within 10 days of receipt of notice of the contested action. The Department shall commence the hearing as provided under Section 10. Whenever possible, all action of the Department under this Section arising out of a violation shall be contested and determined at a single hearing. Issues decided at a hearing may not be reheard at subsequent hearings under this Section.

Sec. 9.04. (a) The licensee of an a home health agency operating in violation of this Act or any rule adopted hereunder may be subject to the

New matter indicated by italics - deletions by strikeout
penalties or fines levied by the Department as specified in this Section.

(b) When the Director determines that an home health agency has failed to comply with this Act or any rule adopted hereunder, the Department may issue a notice of fine assessment which shall specify the violations for which the fine is levied. The Department may impose a fine of $100 per day commencing on the date the violation was identified and ending on the date the violation is corrected, or action is taken to suspend, revoke, or deny renewal of the license, whichever comes first.

(c) In determining whether a fine is to be imposed, the Director shall consider the following factors:

(1) the gravity of the violation, including the probability that death or serious physical or mental harm to a patient or consumer will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of the applicable statutes or regulations were violated;

(2) the reasonable diligence exercised by the licensee and efforts to correct violations;

(3) any previous violations committed by the licensee; and

(4) the financial benefit to the home health agency of committing or continuing the violation.

(Source: P.A. 86-130.)

(210 ILCS 55/10.01) (from Ch. 111 1/2, par. 2810.01)

Sec. 10.01. All fines shall be paid to the Department within 10 days of the notice of assessment or, if the fine is contested under Section 10 of this Act, within 10 days of the receipt of the final decision, unless the decision is appealed and the order is stayed by court order under Section 12 of this Act. A fine assessed under this Act shall be collected by the Department. If the licensee against whom the fine has been assessed does not comply with a written demand for payment within 30 days, the Director shall issue an order to do any of the following:

(a) certify to the Comptroller, as provided by rule of the Department of delinquent fines due and owing from the licensee or any amounts due and owing as a result of a civil action pursuant to subsection (d) of this Section. The purpose of certification shall be to intercept State income tax refunds and other payments due such licensee in order to satisfy, in whole or in part, any delinquent fines or amounts recoverable in a civil action brought pursuant to subsection (d) of this Section. The rule shall provide for notice to any such licensee or person affected. Any final administrative decision rendered by the Department with respect to any certification made pursuant to this subsection (a) shall be reviewed only under and in accordance with the Administrative

New matter indicated by italics - deletions by strikeout
Review Law.

(b) certify to the Social Security Administration, as provided by rule of the Department, of delinquent fines due and owing from the licensee or any amounts due and owing as a result of a civil action pursuant to subsection (d) of this Section. The purpose of certification shall be to request the Social Security Administration to intercept and remit to the Department Medicaid reimbursement payments due such licensee in order to satisfy, in whole or in part, any delinquent fines or amounts recoverable in a civil action brought pursuant to subsection (d) of this Section. The rules shall provide for notice to any such licensee or person affected. Any final administrative decision rendered by the Department with respect to any certification made pursuant to this subsection (b) shall be reviewed only under and in accordance with the Administrative Review Law.

(c) add the amount of the penalty to the home health agency's licensing fee; if the licensee refuses to make the payment at the time of application for renewal of its license, the license shall not be renewed; or

(d) bring an action in circuit court to recover the amount of the penalty.

(Source: P.A. 86-130.)

(210 ILCS 55/10.05 new)

Sec. 10.05. Home Care Services Agency Licensure Fund. The Department shall deposit all fees and fines collected in relation to the licensure of home services agencies and home nursing agencies into the Home Care Services Agency Licensure Fund, a special fund created in the State treasury, for the purpose of providing funding for the administration of the program of home services agency and home nursing agency licensure.

(Source: P.A. 82-783.)

(210 ILCS 55/14) (from Ch. 111 1/2, par. 2814)

Sec. 14. The operation or maintenance of an agency in violation of this Act or of the Rules and Regulations promulgated by the
Department is declared a public nuisance inimical to the public welfare. The Director of the Department in the name of the People of the State, through the Attorney General or the State's Attorney of the county in which the violation occurs, may in addition to other remedies herein provided, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such home health agency.

(Source: P.A. 81-490.)

Section 15. The End Stage Renal Disease Facility Act is amended by changing Section 15 as follows:

(210 ILCS 62/15)
Sec. 15. Exemptions from licensing requirement. The following facilities are not required to be licensed under this Act:
(1) a home health agency licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act;
(2) a hospital licensed under the Hospital Licensing Act or the University of Illinois Hospital Act; and
(3) the office of a physician.

(Source: P.A. 92-794, eff. 7-1-03.)

Section 20. The Health Care Worker Background Check Act is amended by changing Section 15 as follows:

(225 ILCS 46/15)
Sec. 15. Definitions. For the purposes of this Act, the following definitions apply:

"Applicant" means an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.

"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs, including home services as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act. The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe guidelines for interpreting this definition with regard to the health care employers that it licenses.

"Health care employer" means:
(1) the owner or licensee of any of the following:

New matter indicated by italics - deletions by strikeout
(i) a community living facility, as defined in the Community Living Facilities Act;
(ii) a life care facility, as defined in the Life Care Facilities Act;
(iii) a long-term care facility, as defined in the Nursing Home Care Act;
(iv) a home health agency, home services agency, or home nursing agency as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;
(v) a full hospice, as defined in the Hospice Program Licensing Act;
(vi) a hospital, as defined in the Hospital Licensing Act;
(vii) a community residential alternative, as defined in the Community Residential Alternatives Licensing Act;
(viii) a nurse agency, as defined in the Nurse Agency Licensing Act;
(ix) a respite care provider, as defined in the Respite Program Act;
(ix-a) an establishment licensed under the Assisted Living and Shared Housing Act;
(x) a supportive living program, as defined in the Illinois Public Aid Code;
(xi) early childhood intervention programs as described in 59 Ill. Adm. Code 121;
(xii) the University of Illinois Hospital, Chicago;
(xiii) programs funded by the Department on Aging through the Community Care Program;
(xiv) programs certified to participate in the Supportive Living Program authorized pursuant to Section 5-5.01a of the Illinois Public Aid Code;
(xv) programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers;
(xvi) locations licensed under the Alternative Health Care Delivery Act;
(2) a day training program certified by the Department of Human Services;
(3) a community integrated living arrangement operated by a
community mental health and developmental service agency, as
defined in the Community-Integrated Living Arrangements Licensing
and Certification Act; or
(4) the State Long Term Care Ombudsman Program,
including any regional long term care ombudsman programs under
Section 4.04 of the Illinois Act on the Aging, only for the purpose of
securing background checks.
"Initiate" means the obtaining of the authorization for a record check
from a student, applicant, or employee. The educational entity or health care
employer or its designee shall transmit all necessary information and fees to
the Illinois State Police within 10 working days after receipt of the
authorization.
(Source: P.A. 92-16, eff. 6-28-01; 93-878, eff. 1-1-05.)

Section 25. The Nurse Agency Licensing Act is amended by changing
Sections 3 and 4 as follows:
(225 ILCS 510/3) (from Ch. 111, par. 953)
Sec. 3. Definitions. As used in this Act:
(a) "Certified nurse aide" means an individual certified as defined in
Section 3-206 of the Nursing Home Care Act, as now or hereafter amended.
(b) "Department" means the Department of Labor.
(c) "Director" means the Director of Labor.
(d) "Health care facility" is defined as in Section 3 of the Illinois
Health Facilities Planning Act, as now or hereafter amended.
(e) "Licensee" means any nursing agency which is properly licensed
under this Act.
(f) "Nurse" means a registered nurse or a licensed practical nurse as
defined in the Nursing and Advanced Practice Nursing Act.
(g) "Nurse agency" means any individual, firm, corporation,
partnership or other legal entity that employs, assigns or refers nurses or
certified nurse aides to a health care facility for a fee. The term "nurse
agency" includes nurses registries. The term "nurse agency" does not include
services provided by home health agencies licensed and operated under the
Home Health, Home Services, and Home Nursing Agency Licensing Act or
a licensed or certified individual who provides his or her own services as a
regular employee of a health care facility, nor does it apply to a health care
facility's organizing nonsalaried employees to provide services only in that
facility.
(Source: P.A. 90-742, eff. 8-13-98.)
(225 ILCS 510/4) (from Ch. 111, par. 954)

New matter indicated by italics - deletions by strikeout
Sec. 4. Licensing. The Department shall license nurse agencies in accordance with this Act for the protection of the health, welfare and safety of patients and residents. No person may establish, operate, maintain, or advertise as a nurse agency in the State of Illinois unless the person is licensed under this Act by the Department of Labor. Being licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act does not relieve home health agencies that provide nurse agency services from the requirement of obtaining licensure under this Act. No health care facility shall use the services of an unlicensed nurse agency.
(Source: P.A. 88-230.)

Section 30. The Community Services Act is amended by changing Section 4.3 as follows:

(405 ILCS 30/4.3)
Sec. 4.3. Family Support Services Voucher Pilot Program.
(a) In this Section:
"Family member" means a family member as defined by rules adopted by the Department of Human Services.
"Family support services" means the services and activities described in subsection (d).
(b) The Department of Human Services shall establish a Family Support Services Voucher Pilot Program which shall be a conversion of the program defined in Section 4.1. The Department may establish no more than 5 pilot programs.
(c) The purpose of the pilot program is to do the following:
   (1) Increase the number of families who are able to access family support services.
   (2) Provide families with greater control over family support services.
   (3) Ensure that the diverse family support services needs of families can be accommodated.
   (4) Encourage a family's contribution toward payment for the family support services they receive.
   (5) Serve as a pilot program to evaluate the merits of a family support services voucher program in comparison to the traditional respite program.
(d) The Department shall contract with community agencies to issue vouchers to participating families, or to employ a voucher-like method that similarly makes services available based on the choice of families. A family may use the vouchers to purchase the following services and activities or to
otherwise provide for those services and activities:

(1) Services of an in-home caregiver to supervise the family member with a developmental disability in the home or in the community or both when other family members are not present.

(2) Services of a person to accompany the family member with a developmental disability on outings, community activities, and similar activities.

(3) Registration of the family member with a developmental disability in park district programs, extracurricular school activities, community college classes, and other similar types of community-based programs.

(4) Services of home health care personnel if medical training or expertise is required to meet the needs of the family member with a developmental disability.

(e) Families may employ the following types of individuals to provide family support services:

(1) Related family members who do not reside in the same home as the family member with a developmental disability.

(2) Friends or neighbors whom the family designates as capable of meeting the needs of the family member with a developmental disability.

(3) Individuals recruited from the community (for example, church members or college students).

(4) Individuals who work with the family member with a developmental disability in a different capacity (for example, classroom aide or day program staff).

(5) Persons whose services are contracted for through a home health agency licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act.

(f) Family support services moneys under the pilot program may not be used to purchase or provide for any of the following services or activities:

(1) Out-of-home medical services.

(2) Medical, therapeutic, or developmental evaluations.

(3) Any product or item (for example, sports equipment, therapeutic devices, or clothing).

(4) Family support services provided by a family member whose primary residence is the same as that of the family member with a developmental disability.

(5) Services of a person to accompany the family on an

New matter indicated by italics - deletions by strikeout
overnight trip.

(6) Any service or activity that should be provided by the school in which the family member with a developmental disability is enrolled or that occurs as part of that school's typical school routine.

(7) Child care services while the primary caretaker works.

(g) The Department of Human Services shall submit a report to the General Assembly by March 1, 2000 evaluating the merits of the pilot program.

(Source: P.A. 90-804, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect January 1, 2006.


Approved July 29, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0380
(Senate Bill No 0309)

AN ACT concerning taxes.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Sections 22-5 and 22-10 as follows:

(35 ILCS 200/22-5)

Sec. 22-5. Notice of sale and redemption rights. In order to be entitled to a tax deed, within 4 months and 15 days after any sale held under this Code, the purchaser or his or her assignee shall deliver to the county clerk a notice to be given to the party in whose name the taxes are last assessed as shown by the most recent tax collector's warrant books, in at least 10 point type in the following form completely filled in:

TAKE NOTICE

County of .................................................................
Date Premises Sold ..................................................
Certificate No. ..........................................................
Sold for General Taxes of (year) .........................
Sold for Special Assessment of (Municipality) and special assessment number ...........................................
Warrant No. ......................... Inst. No. .........................

THIS PROPERTY HAS BEEN SOLD FOR

New matter indicated by italics - deletions by strikeout
DELINQUENT TAXES

Property located at ........................................................................................................
Legal Description or Permanent Index No. ....................................................................
........................................................................................................................................
........................................................................................................................................
........................................................................................................................................

This notice is to advise you that the above property has been sold for delinquent taxes and that the period of redemption from the sale will expire on .................................................................

This notice is also to advise you that a petition will be filed for a tax deed which will transfer title and the right to possession of this property if redemption is not made on or before .................................................................

At the date of this notice the total amount which you must pay in order to redeem the above property is .................................................................

YOU ARE URGED TO REDEEM IMMEDIATELY TO PREVENT LOSS OF PROPERTY

Redemption can be made at any time on or before .... by applying to the County Clerk of .... County, Illinois at the County Court House in ...., Illinois.

The above amount is subject to increase at 6 month intervals from the date of sale. Check with the county clerk as to the exact amount you owe before redeeming. Payment must be made by certified check, cashier's check, money order, or in cash.

For further information contact the County Clerk:
ADDRESS:............................
TELEPHONE:..........................
.......................................
Purchaser or Assignee
Dated (insert date).

Within 10 days after receipt of said notice, the county clerk shall mail to the addresses supplied by the purchaser or assignee, by registered or certified mail, copies of said notice to the party in whose name the taxes are last assessed as shown by the most recent tax collector's warrant books. The purchaser or assignee shall pay to the clerk postage plus the sum of $10. The clerk shall write or stamp the date of receiving the notices upon the copies of the notices, and retain one copy.
(Source: P.A. 91-357, eff. 7-29-99.)
(35 ILCS 200/22-10)
Sec. 22-10. Notice of expiration of period of redemption. A purchaser

New matter indicated by italics - deletions by strikeout
or assignee shall not be entitled to a tax deed to the property sold unless, not
less than 3 months nor more than 5 months prior to the expiration of the
period of redemption, he or she gives notice of the sale and the date of
expiration of the period of redemption to the owners, occupants, and parties
interested in the property, including any mortgagee of record, as provided
below.

The Notice to be given to the parties shall be in at least 10 point type
in the following form completely filled in:

TAX DEED NO. .................................. FILED ..................................................

TAKE NOTICE

County of .................................................................

Date Premises Sold ...................................................

Certificate No. ...........................................................

Sold for General Taxes of (year) .............................

Sold for Special Assessment of (Municipality)

and special assessment number .............................

Warrant No. .......................... Inst. No. ..........................

THIS PROPERTY HAS BEEN SOLD FOR
DELINQUENT TAXES

Property located at .....................................................

Legal Description or Property Index No. ........................

.................................................................

This notice is to advise you that the above property has been sold for
delinquent taxes and that the period of redemption from the sale will expire
on .................................................................

The amount to redeem is subject to increase at 6 month intervals from
the date of sale and may be further increased if the purchaser at the tax sale
or his or her assignee pays any subsequently accruing taxes or special
assessments to redeem the property from subsequent forfeitures or tax sales.
Check with the county clerk as to the exact amount you owe before
redeeming.

This notice is also to advise you that a petition has been filed for a tax
deed which will transfer title and the right to possession of this property if
redemption is not made on or before ......................................

This matter is set for hearing in the Circuit Court of this county in ....,
Illinois on ...........

You may be present at this hearing but your right to redeem will
already have expired at that time.

New matter indicated by italics - deletions by strikeout
YOU ARE URGED TO REDEEM IMMEDIATELY TO PREVENT LOSS OF PROPERTY

Redemption can be made at any time on or before .... by applying to the County Clerk of ...., County, Illinois at the County Court House in ...., Illinois.

For further information contact the County Clerk:

ADDRESS:....................

TELEPHONE:....................

Purchaser or Assignee.

Dated (insert date).

In counties with 3,000,000 or more inhabitants, the notice shall also state the address, room number and time at which the matter is set for hearing.

This amendatory Act of 1996 applies only to matters in which a petition for tax deed is filed on or after the effective date of this amendatory Act of 1996.

(Source: P.A. 91-357, eff. 7-29-99; 92-267, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.


Approved July 29, 2005.

Effective July 29, 2005.

PUBLIC ACT 94-0381
(Senate Bill No 0406)

AN ACT concerning liquor.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-2 as follows:

(235 ILCS 5/6-2) (from Ch. 43, par. 120)

Sec. 6-2. Issuance of licenses to certain persons prohibited.

(a) Except as otherwise provided in subsection (b) of this Section and in paragraph (1) of subsection (a) of Section 3-12, no license of any kind issued by the State Commission or any local commission shall be issued to:

(1) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0381

(2) A person who is not of good character and reputation in the community in which he resides.

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

(5) A person who has been convicted of being the keeper or is keeping a house of ill fame.

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) A person whose license issued under this Act has been revoked for cause.

(8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.

(10) A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

(10a) A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois.

New matter indicated by italics - deletions by strikeout
Liability Company Act to transact business in Illinois.

(11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(12) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation.

(13) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city or village with a population of 50,000 or less, to any alderman, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected.

(15) A person who is not a beneficial owner of the business to be operated by the licensee.

(16) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the
aforesaid statutory provisions.

(17) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.

(18) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21.

(b) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Commission shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated.

(Source: P.A. 92-378, eff. 8-16-01; 93-266, eff. 1-1-04; 93-1057, eff. 12-2-04.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 20, 2005.
Approved July 29, 2005.
Effective July 29, 2005.

PUBLIC ACT 94-0382
(Senate Bill No 0478)

AN ACT concerning liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:

(235 ILCS 5/6-15) (from Ch. 43, par. 130)
Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities

New matter indicated by italics - deletions by strikeout
of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquor may be delivered to and sold under the authority of a special use permit on any property owned by a conservation district organized under the Conservation District Act, provided that (i) the alcoholic liquor is sold only at an event authorized by the governing board of the conservation district, (ii) the issuance of the special use permit is authorized by the local liquor control commissioner of the territory in which the property is located, and (iii) the special use permit authorizes the sale of alcoholic liquor for one day or less. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago

New matter indicated by italics - deletions by strikeout
Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the Chicago Storm professional soccer team is playing in that facility, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the WNBA professional women's basketball team is playing in that facility, not more than one and a half hours before the start of the game and not after the 10-minute mark of the second half of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of

New matter indicated by italics - deletions by strikeout
Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University’s acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

New matter indicated by italics - deletions by strikeout
(iii) the organized function is one for which the planned attendance is 25 or more persons; and
(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.
Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;
(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;
(iii) the organized function is one for which the planned attendance is 25 or more persons;
(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and
(v) all applicable local ordinances are complied with.
Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Alcoholic liquor may be served or delivered in buildings and facilities under the control of the Department of Natural Resources upon the written approval of the Director of Natural Resources acting as the controlling government authority. The Director of Natural Resources may specify conditions on that approval, including but not limited to requirements for insurance and hours of operation. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium

New matter indicated by italics - deletions by strikeout
owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:
  a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,
  b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and
  c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX. Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

  New matter indicated by italics - deletions by strikeout
a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

a. the request is from a not-for-profit organization;

b. such sales would not impede normal operations of the departments involved;

c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;

d. no such sale shall be made during normal working hours of the State of Illinois; and

e. the consent is in writing. Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations...
of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;
b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale

New matter indicated by italics - deletions by strikeout
or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Sites and Preservation Division of the Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, and the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum.

Alcoholic liquors may be delivered to and sold at retail or dispensed for consumption at the Michael Bilandic Building at 160 North LaSalle Street, Chicago IL 60601, after the normal business hours of any day care or child care facility located in the building, by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who accepts delivery of, sells, or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify, and save harmless the State of Illinois from all financial loss, damage, or harm arising out of the delivery, sale, or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial, or executive, provided that such agency first obtains written permission to accept delivery of and sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

New matter indicated by italics - deletions by strikeout
a. obtains written consent from the Department of Central Management Services;
b. accepts delivery of and sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
c. accepts delivery of and sells or dispenses alcoholic liquors only in connection with an official activity in the building; and
d. provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless, and indemnify the State of Illinois from all financial loss, damage, or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago, subject to the provisions of Section 7.4 of the State Property Control Act, and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease or sublease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;
b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
d. Provides, or its catering service provides, dram shop

New matter indicated by italics - deletions by strikeout
liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or

New matter indicated by italics - deletions by strikeout
delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

Alcoholic liquors may be delivered to and sold at the Louis Joliet Renaissance Center, City Center Campus, located at 214 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts Department facilities, Main Campus, located at 1215 Houbolt Road, Joliet, owned by or under the control of Joliet Junior College, Illinois Community College District No. 525.

Section 99. Effective date. This Act takes effect upon becoming law.


Approved July 29, 2005.

Effective July 29, 2005.
Section 5. The Unified Code of Corrections is amended by adding Article 17 as follows:

(730 ILCS 5/Ch. III Art. 17 heading new)

ARTICLE 17. PROGRAM OF REENTRY INTO COMMUNITY

(730 ILCS 5/3-17-5 new)

Sec. 3-17-5. Definitions. As used in this Article:
"Board" means the Prisoner Review Board.
"Department" means the Department of Corrections.
"Director" means the Director of Corrections.
"Offender" means a person who has been convicted of a felony under the laws of this State and sentenced to a term of imprisonment.
"Program" means a program established by a county or municipality under Section 3-17-10 for reentry of persons into the community who have been committed to the Department for commission of a felony.

(730 ILCS 5/3-17-10 new)

Sec. 3-17-10. Establishment of program.
(a) A county with the approval of the county board or a municipality that maintains a jail or house of corrections with the approval of the corporate authorities may establish a program for reentry of offenders into the community who have been committed to the Department for commission of a felony. Any program shall be approved by the Director prior to placement of inmates in a program.
(b) If a county or municipality establishes a program under this Section, the sheriff in the case of a county or the police chief in the case of a municipality shall:
   (1) Determine whether offenders who are referred by the Director of Corrections under Section 3-17-15 should be assigned to participate in a program.
   (2) Supervise offenders participating in the program during their participation in the program.
   (c) A county or municipality shall be liable for the well being and actions of inmates in its custody while in a program and shall indemnify the Department for any loss incurred by the Department caused while an inmate is in a program.
   (d) An offender may not be assigned to participate in a program unless the Director of Corrections, in consultation with the Prisoner Review Board, grants prior approval of the assignment under this Section.

(730 ILCS 5/3-17-15 new)

Sec. 3-17-15. Referral of person to sheriff or police chief; assignment

New matter indicated by italics - deletions by strikeout
of person by the Department.

(a) Except as otherwise provided in this Section, if a program has been established in a county or municipality in which an offender was sentenced to imprisonment for a felony, the Director may refer the offender to the county sheriff or municipal police chief if:

1. The offender qualifies under the standards established by the Director in subsection (c);
2. The offender has demonstrated a willingness to:
   A. engage in employment or participate in vocational rehabilitation or job skills training; and
   B. meet any existing obligation for restitution to any victim of his or her crime; and
3. the offender is within one year of his or her probable release from prison, as determined by the Director.

(b) Except as otherwise provided in this Section, if the Director is notified by the sheriff or police chief under Section 3-17-10 that an offender would benefit by being assigned to the custody of the sheriff or police chief to participate in the program, the Director shall review whether the offender should be assigned to participate in a program for not longer than the remainder of his or her sentence.

(c) The Director, by rule, shall adopt standards setting forth which offenders are eligible to be assigned to the custody of the sheriff or police chief to participate in the program under this Section. The standards adopted by the Director must be approved by the Prisoner Review Board and must provide that an offender is ineligible for participation in the program who:

1. has recently committed a serious infraction of the rules of an institution or facility of the Department;
2. has not performed the duties assigned to him or her in a faithful and orderly manner;
3. has, within the immediately preceding 5 years, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;
4. has ever been convicted of a sex offense as defined in Section 10 of the Sex Offender Management Board Act;
5. has escaped or attempted to escape from any jail or correctional institution for adults; or
6. has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director.

New matter indicated by italics - deletions by strikeout
(d) The Director shall adopt rules requiring offenders who are assigned to the custody of the sheriff or police chief under this Section to reimburse the Department for the cost of their participation in a program, to the extent of their ability to pay.

(e) The sheriff or police chief may return the offender to the custody of the Department at any time for any violation of the terms and conditions imposed by the Director in consultation with the Prisoner Review Board.

(f) If an offender assigned to the custody of the sheriff or police chief under this Section violates any of the terms or conditions imposed by the Director in consultation with the Prisoner Review Board and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him or her before he or she was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits under this subsection (f) only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he or she considers proper. The Director, by rule, shall establish procedures for review of forfeiture of good behavior credit. The decision of the Director regarding such a forfeiture is final.

(g) The assignment of an offender to the custody of the sheriff or police chief under this Section shall be deemed:

(1) a continuation of his or her imprisonment and not a release on parole or mandatory supervised release; and

(2) for the purposes of Section 3-8-1, an assignment to a facility of the Department, except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

(h) An offender does not have a right to be assigned to the custody of the sheriff or police chief under this Section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a program creates any right or interest in liberty or property or establishes a basis for any cause of action against this State or its political subdivisions, agencies, boards, commissions, departments, officers, or employees.

(730 ILCS 5/3-17-20 new)
Sec. 3-17-20. Director to contract for certain services for offenders in program.

(a) The Director may enter into one or more contracts with one or more public or private entities to provide any of the following services, as
necessary and appropriate, to offenders participating in a program:

(1) transitional housing;
(2) treatment pertaining to substance abuse or mental health;
(3) training in life skills;
(4) vocational rehabilitation and job skills training; and
(5) any other services required by offenders who are participating in a program.

(b) The Director shall, as necessary and appropriate, provide referrals and information regarding:

(1) any of the services provided pursuant to subsection (a);
(2) access and availability of any appropriate self-help groups; (3) social services for families and children; and
(4) permanent housing.

(c) The Director may apply for and accept any gift, donation, bequest, grant, or other source of money to carry out the provisions of this Section.

(d) As used in this Section, training in life skills includes, without limitation, training in the areas of: (1) parenting; (2) improving human relationships; (3) preventing domestic violence; (4) maintaining emotional and physical health; (5) preventing abuse of alcohol and drugs; (6) preparing for and obtaining employment; and (7) budgeting, consumerism, and personal finances.

(730 ILCS 5/3-17-25 new)

Sec. 3-17-25. Monitoring of participant in program. The Department shall retain the authority to monitor each person who is participating in a program under Section 3-17-15. Such authority shall include site inspections, review of program activities, and access to inmate files and records.

Passed in the General Assembly May 18, 2005.
Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0384
(Senate Bill No 0764)

AN ACT concerning property.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Condominium Property Act is amended by changing Sections 9.2, 18.4, and 18.5 as follows:

(765 ILCS 605/9.2) (from Ch. 30, par. 309.2)

New matter indicated by italics - deletions by strikeout
Sec. 9.2. Other remedies.

(a) In the event of any default by any unit owner, his tenant, invitee or guest in the performance of his obligations under this Act or under the declaration, bylaws, or the rules and regulations of the board of managers, the board of managers or its agents shall have such rights and remedies as provided in the Act or condominium instruments including the right to maintain an action for possession against such defaulting unit owner or his tenant for the benefit of all the other unit owners in the manner prescribed by Article IX of the Code of Civil Procedure.

(b) Any attorneys' fees incurred by the Association arising out of a default by any unit owner, his tenant, invitee or guest in the performance of any of the provisions of the condominium instruments, rules and regulations or any applicable statute or ordinance shall be added to, and deemed a part of, his respective share of the common expense.

(c) Other than attorney's fees, no fees pertaining to the collection of a unit owner's financial obligation to the Association, including fees charged by a manager or managing agent, shall be added to and deemed a part of an owner's respective share of the common expenses unless: (i) the managing agent fees relate to the costs to collect common expenses for the Association; (ii) the fees are set forth in a contract between the managing agent and the Association; and (iii) the authority to add the management fees to an owner's respective share of the common expenses is specifically stated in the declaration or bylaws of the Association.

(Source: P.A. 88-417.)

(765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

Sec. 18.4. Powers and Duties of Board of Managers. The board of managers shall exercise for the association all powers, duties and authority vested in the association by law or the condominium instruments except for such powers, duties and authority reserved by law to the members of the association. The powers and duties of the board of managers shall include, but shall not be limited to, the following:

(a) To provide for the operation, care, upkeep, maintenance, replacement and improvement of the common elements. Nothing in this subsection (a) shall be deemed to invalidate any provision in a condominium instrument placing limits on expenditures for the common elements, provided, that such limits shall not be applicable to expenditures for repair, replacement, or restoration of existing portions of the common elements. The term "repair, replacement or restoration" means expenditures to deteriorated or damaged portions

New matter indicated by italics - deletions by strikeout
of the property related to the existing decorating, facilities, or structural or mechanical components, interior or exterior surfaces, or energy systems and equipment with the functional equivalent of the original portions of such areas. Replacement of the common elements may result in an improvement over the original quality of such elements or facilities; provided that, unless the improvement is mandated by law or is an emergency as defined in item (iv) of subparagraph (8) of paragraph (a) of Section 18, if the improvement results in a proposed expenditure exceeding 5% of the annual budget, the board of managers, upon written petition by unit owners with 20% of the votes of the association delivered to the board within 14 days of the board action to approve the expenditure, shall call a meeting of the unit owners within 30 days of the date of delivery of the petition to consider the expenditure. Unless a majority of the total votes of the unit owners are cast at the meeting to reject the expenditure, it is ratified.

(b) To prepare, adopt and distribute the annual budget for the property.

(c) To levy and expend assessments.

(d) To collect assessments from unit owners.

(e) To provide for the employment and dismissal of the personnel necessary or advisable for the maintenance and operation of the common elements.

(f) To obtain adequate and appropriate kinds of insurance.

(g) To own, convey, encumber, lease, and otherwise deal with units conveyed to or purchased by it.

(h) To adopt and amend rules and regulations covering the details of the operation and use of the property, after a meeting of the unit owners called for the specific purpose of discussing the proposed rules and regulations. Notice of the meeting shall contain the full text of the proposed rules and regulations, and the meeting shall conform to the requirements of Section 18(b) of this Act, except that no quorum is required at the meeting of the unit owners unless the declaration, bylaws or other condominium instrument expressly provides to the contrary. However, no rule or regulation may impair any rights guaranteed by the First Amendment to the Constitution of the United States or Section 4 of Article I of the Illinois Constitution, nor may any rules or regulations conflict with the provisions of this Act or the condominium instruments.
(i) To keep detailed, accurate records of the receipts and expenditures affecting the use and operation of the property.

(j) To have access to each unit from time to time as may be necessary for the maintenance, repair or replacement of any common elements or for making emergency repairs necessary to prevent damage to the common elements or to other units.

(k) To pay real property taxes, special assessments, and any other special taxes or charges of the State of Illinois or of any political subdivision thereof, or other lawful taxing or assessing body, which are authorized by law to be assessed and levied upon the real property of the condominium.

(l) To impose charges for late payment of a unit owner's proportionate share of the common expenses, or any other expenses lawfully agreed upon, and after notice and an opportunity to be heard, to levy reasonable fines for violation of the declaration, by-laws, and rules and regulations of the association.

(m) Unless the condominium instruments expressly provide to the contrary, by a majority vote of the entire board of managers, to assign the right of the association to future income from common expenses or other sources, and to mortgage or pledge substantially all of the remaining assets of the association.

(n) To record the dedication of a portion of the common elements to a public body for use as, or in connection with, a street or utility where authorized by the unit owners under the provisions of Section 14.2.

(o) To record the granting of an easement for the laying of cable television cable where authorized by the unit owners under the provisions of Section 14.3; to obtain, if available and determined by the board to be in the best interests of the association, cable television service for all of the units of the condominium on a bulk identical service and equal cost per unit basis; and to assess and recover the expense as a common expense and, if so determined by the board, to assess each and every unit on the same equal cost per unit basis.

(p) To seek relief on behalf of all unit owners when authorized pursuant to subsection (c) of Section 10 from or in connection with the assessment or levying of real property taxes, special assessments, and any other special taxes or changes of the State of Illinois or of any political subdivision thereof or of any lawful taxing or assessing body.

New matter indicated by italics - deletions by strikeout
(q) To reasonably accommodate the needs of a handicapped unit owner as required by the federal Civil Rights Act of 1968, the Human Rights Act and any applicable local ordinances in the exercise of its powers with respect to the use of common elements or approval of modifications in an individual unit.

(r) To accept service of a notice of claim for purposes of the Mechanics Lien Act on behalf of each respective member of the Unit Owners’ Association with respect to improvements performed pursuant to any contract entered into by the Board of Managers or any contract entered into prior to the recording of the condominium declaration pursuant to this Act, for a property containing more than 8 units, and to distribute the notice to the unit owners within 7 days of the acceptance of the service by the Board of Managers. The service shall be effective as if each individual unit owner had been served individually with notice.

In the performance of their duties, the officers and members of the board, whether appointed by the developer or elected by the unit owners, shall exercise the care required of a fiduciary of the unit owners.

The collection of assessments from unit owners by an association, board of managers or their duly authorized agents shall not be considered acts constituting a collection agency for purposes of the Collection Agency Act.

The provisions of this Section are applicable to all condominium instruments recorded under this Act. Any portion of a condominium instrument which contains provisions contrary to these provisions shall be void as against public policy and ineffective. Any such instrument that fails to contain the provisions required by this Section shall be deemed to incorporate such provisions by operation of law.

(Source: P.A. 91-195, eff. 7-20-99.)

(765 ILCS 605/18.5) (from Ch. 30, par. 318.5)
Sec. 18.5. Master Associations.

(a) If the declaration, other condominium instrument, or other duly recorded covenants provide that any of the powers of the unit owners associations are to be exercised by or may be delegated to a nonprofit corporation or unincorporated association that exercises those or other powers on behalf of one or more condominiums, or for the benefit of the unit owners of one or more condominiums, such corporation or association shall be a master association.

(b) There shall be included in the declaration, other condominium instruments, or other duly recorded covenants establishing the powers and

New matter indicated by italics - deletions by strikeout
duties of the master association the provisions set forth in subsections (c) through (h).

In interpreting subsections (c) through (h), the courts should interpret these provisions so that they are interpreted consistently with the similar parallel provisions found in other parts of this Act.

(c) Meetings and finances.

(1) Each unit owner of a condominium subject to the authority of the board of the master association shall receive, at least 30 days prior to the adoption thereof by the board of the master association, a copy of the proposed annual budget.

(2) The board of the master association shall annually supply to all unit owners of condominiums subject to the authority of the board of the master association an itemized accounting of the common expenses for the preceding year actually incurred or paid, together with a tabulation of the amounts collected pursuant to the budget or assessment, and showing the net excess or deficit of income over expenditures plus reserves.

(3) Each unit owner of a condominium subject to the authority of the board of the master association shall receive written notice mailed or delivered no less than 10 and no more than 30 days prior to any meeting of the board of the master association concerning the adoption of the proposed annual budget or any increase in the budget, or establishment of an assessment.

(4) Meetings of the board of the master association shall be open to any unit owner in a condominium subject to the authority of the board of the master association, except for the portion of any meeting held:

(A) to discuss litigation when an action against or on behalf of the particular master association has been filed and is pending in a court or administrative tribunal, or when the board of the master association finds that such an action is probable or imminent,

(B) to consider information regarding appointment, employment or dismissal of an employee, or

(C) to discuss violations of rules and regulations of the master association or unpaid common expenses owed to the master association.

Any vote on these matters shall be taken at a meeting or portion thereof open to any unit owner of a condominium subject to the authority of

New matter indicated by italics - deletions by strikeout
the master association.

Any unit owner may record the proceedings at meetings required to be open by this Act by tape, film or other means; the board may prescribe reasonable rules and regulations to govern the right to make such recordings. Notice of meetings shall be mailed or delivered at least 48 hours prior thereto, unless a written waiver of such notice is signed by the persons entitled to notice before the meeting is convened. Copies of notices of meetings of the board of the master association shall be posted in entranceways, elevators, or other conspicuous places in the condominium at least 48 hours prior to the meeting of the board of the master association. Where there is no common entranceway for 7 or more units, the board of the master association may designate one or more locations in the proximity of these units where the notices of meetings shall be posted.

(5) If the declaration provides for election by unit owners of members of the board of directors in the event of a resale of a unit in the master association, the purchaser of a unit from a seller other than the developer pursuant to an installment contract for purchase shall, during such times as he or she resides in the unit, be counted toward a quorum for purposes of election of members of the board of directors at any meeting of the unit owners called for purposes of electing members of the board, and shall have the right to vote for the election of members of the board of directors and to be elected to and serve on the board of directors unless the seller expressly retains in writing any or all of those rights. In no event may the seller and purchaser both be counted toward a quorum, be permitted to vote for a particular office, or be elected and serve on the board. Satisfactory evidence of the installment contract shall be made available to the association or its agents. For purposes of this subsection, "installment contract" shall have the same meaning as set forth in subsection (e) of Section 1 of the Dwelling Unit Installment Contract Act.

(6) The board of the master association shall have the authority to establish and maintain a system of master metering of public utility services and to collect payments in connection therewith, subject to the requirements of the Tenant Utility Payment Disclosure Act.

(7) The board of the master association or a common interest community association shall have the power, after notice and an opportunity to be heard, to levy and collect reasonable fines from members for violations of the declaration, bylaws, and rules and

New matter indicated by italics - deletions by strikeout
regulations of the master association or the common interest community association. Nothing contained in this subdivision (7) shall give rise to a statutory lien for unpaid fines.

(8) Other than attorney's fees, no fees pertaining to the collection of a unit owner's financial obligation to the Association, including fees charged by a manager or managing agent, shall be added to and deemed a part of an owner's respective share of the common expenses unless: (i) the managing agent fees relate to the costs to collect common expenses for the Association; (ii) the fees are set forth in a contract between the managing agent and the Association; and (iii) the authority to add the management fees to an owner's respective share of the common expenses is specifically stated in the declaration or bylaws of the Association.

(d) Records.

(1) The board of the master association shall maintain the following records of the association and make them available for examination and copying at convenient hours of weekdays by any unit owners in a condominium subject to the authority of the board or their mortgagees and their duly authorized agents or attorneys:

(i) Copies of the recorded declaration, other condominium instruments, other duly recorded covenants and bylaws and any amendments, articles of incorporation of the master association, annual reports and any rules and regulations adopted by the master association or its board shall be available. Prior to the organization of the master association, the developer shall maintain and make available the records set forth in this subdivision (d)(1) for examination and copying.

(ii) Detailed and accurate records in chronological order of the receipts and expenditures affecting the common areas, specifying and itemizing the maintenance and repair expenses of the common areas and any other expenses incurred, and copies of all contracts, leases, or other agreements entered into by the master association, shall be maintained.

(iii) The minutes of all meetings of the master association and the board of the master association shall be maintained for not less than 7 years.

(iv) Ballots and proxies related thereto, if any, for any

New matter indicated by italics - deletions by strikeout
election held for the board of the master association and for any other matters voted on by the unit owners shall be maintained for not less than one year.

(v) Such other records of the master association as are available for inspection by members of a not-for-profit corporation pursuant to Section 107.75 of the General Not For Profit Corporation Act of 1986 shall be maintained.

(vi) With respect to units owned by a land trust, if a trustee designates in writing a person to cast votes on behalf of the unit owner, the designation shall remain in effect until a subsequent document is filed with the association.

(2) Where a request for records under this subsection is made in writing to the board of managers or its agent, failure to provide the requested record or to respond within 30 days shall be deemed a denial by the board of directors.

(3) A reasonable fee may be charged by the master association or its board for the cost of copying.

(4) If the board of directors fails to provide records properly requested under subdivision (d)(1) within the time period provided in subdivision (d)(2), the unit owner may seek appropriate relief, including an award of attorney's fees and costs.

(e) The board of directors shall have standing and capacity to act in a representative capacity in relation to matters involving the common areas of the master association or more than one unit, on behalf of the unit owners as their interests may appear.

(f) Administration of property prior to election of the initial board of directors.

(1) Until the election, by the unit owners or the boards of managers of the underlying condominium associations, of the initial board of directors of a master association whose declaration is recorded on or after August 10, 1990, the same rights, titles, powers, privileges, trusts, duties and obligations that are vested in or imposed upon the board of directors by this Act or in the declaration or other duly recorded covenant shall be held and performed by the developer.

(2) The election of the initial board of directors of a master association whose declaration is recorded on or after August 10, 1990, by the unit owners or the boards of managers of the underlying condominium associations, shall be held not later than 60 days after the conveyance by the developer of 75% of the units, or 3 years after

New matter indicated by italics - deletions by strikeout
the recording of the declaration, whichever is earlier. The developer shall give at least 21 days notice of the meeting to elect the initial board of directors and shall upon request provide to any unit owner, within 3 working days of the request, the names, addresses, and weighted vote of each unit owner entitled to vote at the meeting. Any unit owner shall upon receipt of the request be provided with the same information, within 10 days of the request, with respect to each subsequent meeting to elect members of the board of directors.

(3) If the initial board of directors of a master association whose declaration is recorded on or after August 10, 1990 is not elected by the unit owners or the members of the underlying condominium association board of managers at the time established in subdivision (f)(2), the developer shall continue in office for a period of 30 days, whereupon written notice of his resignation shall be sent to all of the unit owners or members of the underlying condominium board of managers entitled to vote at an election for members of the board of directors.

(4) Within 60 days following the election of a majority of the board of directors, other than the developer, by unit owners, the developer shall deliver to the board of directors:

(i) All original documents as recorded or filed pertaining to the property, its administration, and the association, such as the declaration, articles of incorporation, other instruments, annual reports, minutes, rules and regulations, and contracts, leases, or other agreements entered into by the association. If any original documents are unavailable, a copy may be provided if certified by affidavit of the developer, or an officer or agent of the developer, as being a complete copy of the actual document recorded or filed.

(ii) A detailed accounting by the developer, setting forth the source and nature of receipts and expenditures in connection with the management, maintenance and operation of the property, copies of all insurance policies, and a list of any loans or advances to the association which are outstanding.

(iii) Association funds, which shall have been at all times segregated from any other moneys of the developer.

(iv) A schedule of all real or personal property,
equipment and fixtures belonging to the association, including documents transferring the property, warranties, if any, for all real and personal property and equipment, deeds, title insurance policies, and all tax bills.

(v) A list of all litigation, administrative action and arbitrations involving the association, any notices of governmental bodies involving actions taken or which may be taken concerning the association, engineering and architectural drawings and specifications as approved by any governmental authority, all other documents filed with any other governmental authority, all governmental certificates, correspondence involving enforcement of any association requirements, copies of any documents relating to disputes involving unit owners, and originals of all documents relating to everything listed in this subparagraph.

(vi) If the developer fails to fully comply with this paragraph (4) within the 60 days provided and fails to fully comply within 10 days of written demand mailed by registered or certified mail to his or her last known address, the board may bring an action to compel compliance with this paragraph (4). If the court finds that any of the required deliveries were not made within the required period, the board shall be entitled to recover its reasonable attorneys' fees and costs incurred from and after the date of expiration of the 10 day demand.

(5) With respect to any master association whose declaration is recorded on or after August 10, 1990, any contract, lease, or other agreement made prior to the election of a majority of the board of directors other than the developer by or on behalf of unit owners or underlying condominium associations, the association or the board of directors, which extends for a period of more than 2 years from the recording of the declaration, shall be subject to cancellation by more than 1/2 of the votes of the unit owners, other than the developer, cast at a special meeting of members called for that purpose during a period of 90 days prior to the expiration of the 2 year period if the board of managers is elected by the unit owners, otherwise by more than 1/2 of the underlying condominium board of managers. At least 60 days prior to the expiration of the 2 year period, the board of directors, or, if the board is still under developer control, then the
board of managers or the developer shall send notice to every unit owner or underlying condominium board of managers, notifying them of this provision, of what contracts, leases and other agreements are affected, and of the procedure for calling a meeting of the unit owners or for action by the underlying condominium board of managers for the purpose of acting to terminate such contracts, leases or other agreements. During the 90 day period the other party to the contract, lease, or other agreement shall also have the right of cancellation.

(6) The statute of limitations for any actions in law or equity which the master association may bring shall not begin to run until the unit owners or underlying condominium board of managers have elected a majority of the members of the board of directors.

(g) In the event of any resale of a unit in a master association by a unit owner other than the developer, the owner shall obtain from the board of directors and shall make available for inspection to the prospective purchaser, upon demand, the following:

(1) A copy of the declaration, other instruments and any rules and regulations.
(2) A statement of any liens, including a statement of the account of the unit setting forth the amounts of unpaid assessments and other charges due and owing.
(3) A statement of any capital expenditures anticipated by the association within the current or succeeding 2 fiscal years.
(4) A statement of the status and amount of any reserve for replacement fund and any portion of such fund earmarked for any specified project by the board of directors.
(5) A copy of the statement of financial condition of the association for the last fiscal year for which such a statement is available.
(6) A statement of the status of any pending suits or judgments in which the association is a party.
(7) A statement setting forth what insurance coverage is provided for all unit owners by the association.
(8) A statement that any improvements or alterations made to the unit, or any part of the common areas assigned thereto, by the prior unit owner are in good faith believed to be in compliance with the declaration of the master association.

The principal officer of the unit owner's association or such other officer as is specifically designated shall furnish the above information when

New matter indicated by italics - deletions by strikeout
A reasonable fee covering the direct out-of-pocket cost of copying and providing such information may be charged by the association or its board of directors to the unit seller for providing the information.

(h) Errors and omissions.

(1) If there is an omission or error in the declaration or other instrument of the master association, the master association may correct the error or omission by an amendment to the declaration or other instrument, as may be required to conform it to this Act, to any other applicable statute, or to the declaration. The amendment shall be adopted by vote of two-thirds of the members of the board of directors or by a majority vote of the unit owners at a meeting called for that purpose, unless the Act or the declaration of the master association specifically provides for greater percentages or different procedures.

(2) If, through a scrivener's error, a unit has not been designated as owning an appropriate undivided share of the common areas or does not bear an appropriate share of the common expenses, or if all of the common expenses or all of the common elements in the condominium have not been distributed in the declaration, so that the sum total of the shares of common areas which have been distributed or the sum total of the shares of the common expenses fail to equal 100%, or if it appears that more than 100% of the common elements or common expenses have been distributed, the error may be corrected by operation of law by filing an amendment to the declaration, approved by vote of two-thirds of the members of the board of directors or a majority vote of the unit owners at a meeting called for that purpose, which proportionately adjusts all percentage interests so that the total is equal to 100%, unless the declaration specifically provides for a different procedure or different percentage vote by the owners of the units and the owners of mortgages thereon affected by modification being made in the undivided interest in the common areas, the number of votes in the unit owners association or the liability for common expenses appertaining to the unit.

(3) If an omission or error or a scrivener's error in the declaration or other instrument is corrected by vote of two-thirds of the members of the board of directors pursuant to the authority established in subdivisions (h)(1) or (h)(2) of this Section, the board, upon written petition by unit owners with 20% of the votes of the
association or resolutions adopted by the board of managers or board of directors of the condominium and common interest community associations which select 20% of the members of the board of directors of the master association, whichever is applicable, received within 30 days of the board action, shall call a meeting of the unit owners or the boards of the condominium and common interest community associations which select members of the board of directors of the master association within 30 days of the filing of the petition or receipt of the condominium and common interest community association resolution to consider the board action. Unless a majority of the votes of the unit owners of the association are cast at the meeting to reject the action, or board of managers or board of directors of condominium and common interest community associations which select over 50% of the members of the board of the master association adopt resolutions prior to the meeting rejecting the action of the board of directors of the master association, it is ratified whether or not a quorum is present.

(4) The procedures for amendments set forth in this subsection (h) cannot be used if such an amendment would materially or adversely affect property rights of the unit owners unless the affected unit owners consent in writing. This Section does not restrict the powers of the association to otherwise amend the declaration, bylaws, or other condominium instruments, but authorizes a simple process of amendment requiring a lesser vote for the purpose of correcting defects, errors, or omissions when the property rights of the unit owners are not materially or adversely affected.

(5) If there is an omission or error in the declaration or other instruments that may not be corrected by an amendment procedure set forth in subdivision (h)(1) or (h)(2) of this Section, then the circuit court in the county in which the master association is located shall have jurisdiction to hear a petition of one or more of the unit owners thereon or of the association, to correct the error or omission, and the action may be a class action. The court may require that one or more methods of correcting the error or omission be submitted to the unit owners to determine the most acceptable correction. All unit owners in the association must be joined as parties to the action. Service of process on owners may be by publication, but the plaintiff shall furnish all unit owners not personally served with process with copies of the petition and final judgment of the court by certified mail, return.
receipt requested, at their last known address.

(6) Nothing contained in this Section shall be construed to invalidate any provision of a declaration authorizing the developer to amend an instrument prior to the latest date on which the initial membership meeting of the unit owners must be held, whether or not it has actually been held, to bring the instrument into compliance with the legal requirements of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Housing Administration, the United States Veterans Administration or their respective successors and assigns.

(i) The provisions of subsections (c) through (h) are applicable to all declarations, other condominium instruments, and other duly recorded covenants establishing the powers and duties of the master association recorded under this Act. Any portion of a declaration, other condominium instrument, or other duly recorded covenant establishing the powers and duties of a master association which contains provisions contrary to the provisions of subsection (c) through (h) shall be void as against public policy and ineffective. Any declaration, other condominium instrument, or other duly recorded covenant establishing the powers and duties of the master association which fails to contain the provisions required by subsections (c) through (h) shall be deemed to incorporate such provisions by operation of law.

(j) The provisions of subsections (c) through (h) are applicable to all common interest community associations and their unit owners for common interest community associations which are subject to the provisions of Section 9-102(a)(8) of the Code of Civil Procedure. For purposes of this subsection, the terms "common interest community" and "unit owners" shall have the same meaning as set forth in Section 9-102(c) of the Code of Civil Procedure.

(Source: P.A. 90-229, eff. 7-25-97; 91-616, eff. 8-19-99.)
Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0385
(Senate Bill No 0926)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 5. The Illinois Explosives Act is amended by changing Section 2001 as follows:

(225 ILCS 210/2001) (from Ch. 96 1/2, par. 1-2001)

Sec. 2001. No person shall possess, use, purchase or transfer explosive materials unless licensed by the Department except as otherwise provided by this Act and the Pyrotechnic Distributor and Operator Licensing Act.

(Source: P.A. 93-263, eff. 7-22-03.)

Section 10. The Pyrotechnic Operator Licensing Act is amended by changing Sections 1, 5, 10, 30, 35, 50, 65, 75, and 90 and adding Section 57 as follows:

(225 ILCS 227/1)

Sec. 1. Short title. This Act may be cited as the Pyrotechnic Distributor and Operator Licensing Act.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/5)

Sec. 5. Definitions. In this Act:

"1.3G fireworks" means fireworks that are used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

"BATFE" means the federal Bureau of Alcohol, Tobacco and Firearms Enforcement.

"Consumer fireworks" means fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" does not include a substance or article exempted under the Fireworks Use Act.

"Display fireworks" means any substance or article defined as a Division 1.3G or special effects fireworks 1.4 explosive by the United States Department of Transportation under 49 CFR 173.50, except a substance or article exempted under the Fireworks Use Act.

"Facility" means an area being used for the conducting of a pyrotechnic display business, but does not include residential premises except for the portion of any residential premises that is actually used in the conduct of a pyrotechnic display business.

"Fireworks" has the meaning given to that term in the Fireworks Use Act.

New matter indicated by italics - deletions by strikeout
"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged in accordance with NFPA 160.

"Lead pyrotechnic operator" means the individual with overall responsibility for the safety, setup, discharge, and supervision of a pyrotechnic display.

"Office" means Office of the State Fire Marshal.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities.

"Pyrotechnic display" or "display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce a visual or audible effect of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged.

"Pyrotechnic distributor" means any person, company, association, group of persons, or corporation who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services.

"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/10)

Sec. 10. License; enforcement. No person may act as a pyrotechnic distributor or lead pyrotechnic operator, or advertise or use any title implying that the person is a pyrotechnic distributor or lead pyrotechnic operator, unless licensed by the Office under this Act. An out-of-state person hired for or engaged in a pyrotechnic display must have a pyrotechnic distributor license issued by the Office. No pyrotechnic display shall be conducted without a person licensed under this Act as a lead pyrotechnic operator supervising the display. The State Fire Marshal, in the name of the People,
through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person who has not been issued a license or whose license has been suspended, revoked, or not renewed, from practicing a licensed activity. Upon filing a verified petition in court, the court, if satisfied by affidavit, or otherwise, that the person is or has been practicing in violation of this Act, may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further unlicensed activity. A copy of the verified complaint shall be served upon the defendant and the proceedings are to be conducted as in other civil cases. The court may enter a judgment permanently enjoining a defendant from further unlicensed activity if it is established that the defendant has been or is practicing in violation of this Act. In case of violation of any injunctive order or judgment entered under this Section, the court may summarily try and punish the offender for contempt of court. Injunctive proceedings are in addition to all penalties and other remedies in this Act.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/30)

Sec. 30. Rules. The State Fire Marshal shall adopt all rules necessary to carry out its responsibilities under this Act including rules requiring the training, examination, and licensing of pyrotechnic distributors and lead pyrotechnic operators engaging in or responsible for the handling and use of Division 1.3G (Class B) and 1.4 (Class C) explosives. The test shall incorporate the rules of the State Fire Marshal, which shall be based upon nationally recognized standards such as those of the National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays, and NFPA 1126 for proximate audience indoor displays, and NFPA 160 for flame effect displays. The State Fire Marshal shall conduct the training and examination of pyrotechnic operators and pyrotechnic distributors or may delegate the responsibility to train and examine pyrotechnic distributors and operators to the Department of Natural Resources. The Fire Marshal shall adopt rules as required for the licensing of a lead pyrotechnic operator involved in an outdoor or indoor pyrotechnic display.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/35)

Sec. 35. Licensure requirements and fees.

(a) Each application for a license to practice under this Act shall be in writing and signed by the applicant on forms provided by the Office. The Office shall have the testing procedures for licensing as a lead pyrotechnic

New matter indicated by italics - deletions by strikeout
operator developed by October 1, 2004.

(b) After January 1, 2006, all pyrotechnic displays, both indoor and outdoor, must comply with the requirements set forth in this Act.

(c) After January 1, 2006, no person may engage in pyrotechnic distribution without first applying for and obtaining a license from the Office. Applicants for a license must submit to the Office the following:

(1) A current BATFE license for distribution of display fireworks.
(2) Proof of $1,000,000 in product liability insurance.
(3) Proof of $1,000,000 in general liability insurance.
(4) Proof of Illinois Worker's Compensation Insurance.
(5) A license fee set by the Office.
(6) Proof of a current United States Department of Transportation (DOT) Identification Number.
(7) Proof of a current USDOT Hazardous Materials Registration Number.
(8) Proof of having the requisite knowledge, either through training, examination, or continuing education, as established by Office rule.

(c-5) After January 1, 2006, no individual may act as a lead operator in a pyrotechnic display without first applying for and obtaining a lead pyrotechnic operator's license from the Office. The Office shall establish separate licenses for lead pyrotechnic operators for indoor and outdoor pyrotechnic displays. Applicants for a license must:

(1) Pay the fees set by the Office.
(2) Have the requisite training or continuing education as established in the Office's rules.
(3) Pass the examination presented by the Office.

(d) A person is qualified to receive a license under this Act if the person meets all of the following minimum requirements:

(1) Is at least 21 years of age.
(2) Has not willfully violated any provisions of this Act.
(3) Has not made any material misstatement or knowingly withheld information in connection with any original or renewal application.
(4) Has not been declared incompetent by any competent court by reasons of mental or physical defect or disease unless a court has since declared the person competent.
(5) Does not have an addiction to or dependency on alcohol or drugs that is likely to endanger the public at a pyrotechnic display.
(6) Has not been convicted in any jurisdiction of any felony within the prior 5 years.
(7) Is not a fugitive from justice.
(8) Has, or has applied for, a BATFE explosives license or a Letter of Clearance from the BATFE.

(e) A person is qualified to assist a lead operator if the person meets all of the following minimum requirements:
(1) Is at least 18 years of age.
(2) Has not willfully violated any provision of this Act.
(3) Has not been declared incompetent by any competent court by reasons of mental or physical defect or disease unless a court has since declared the person competent.
(4) Does not have an addiction to or dependency on alcohol or drugs that is likely to endanger the public at a pyrotechnic display.
(5) Has not been convicted in any jurisdiction of any felony within the prior 5 years.
(6) Is not a fugitive from justice.

(225 ILCS 227/50)
Sec. 50. Issuance of license; renewal; fees nonrefundable.
(a) The Office, upon the applicant's satisfactory completion of the requirements imposed under this Act and upon receipt of the requisite fees, shall issue the appropriate license showing the name, address, and photograph of the licensee and the dates of issuance and expiration. The license shall include the name of the pyrotechnic distributor employing the lead pyrotechnic operator. A lead pyrotechnic operator is required to have a separate license for each pyrotechnic distributor who employs the lead pyrotechnic operator.
(b) Each licensee may apply for renewal of his or her license upon payment of the applicable fees. The expiration date and renewal period for each license issued under this Act shall be set by rule. Failure to renew within 60 days of the expiration date results in lapse of the license. A lapsed license may not be reinstated until a written application is filed, the renewal fee is paid, and the reinstatement fee established by the Office is paid. Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty in the military and who file for renewal or restoration within one year after discharge from the service. A lapsed license may not be reinstated.
after 5 years have elapsed except upon passing an examination to determine
fitness to have the license restored and by paying the required fees.

(c) All fees paid under this Act are nonrefundable.
(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/57 new)

Sec. 57. Training; additional lead pyrotechnic operators. No
pyrotechnic distributor shall allow any person in the pyrotechnic
distributor's employ to act as a lead pyrotechnic operator until the person
has obtained a lead pyrotechnic operator's license from the Office. Nothing
in this Section shall prevent an assistant from acting as a lead pyrotechnic
operator under the direct supervision of a licensed lead pyrotechnic operator
for training purposes.

(225 ILCS 227/65)

Sec. 65. Grounds for discipline. Licensees subject to this Act shall
conduct their practice in accordance with this Act and the rules promulgated
under this Act. A licensee is subject to disciplinary sanctions enumerated
in this Act if the State Fire Marshal finds that the licensee is guilty of any of the
following:

(1) Fraud or material deception in obtaining or renewing a
license.

(2) Engaging in dishonorable, unethical, or unprofessional
conduct of a character likely to deceive, defraud, or harm the public
in the course of professional services or activities.

(3) Conviction of any crime that has a substantial relationship
to his or her practice or an essential element of which is misstatement,
fraud, dishonesty, or conviction in this or another state of any crime
that is a felony under the laws of Illinois or conviction of a felony in
a federal court, unless the licensee demonstrates that he or she has
been sufficiently rehabilitated to warrant the public trust.

(4) Performing any service in a grossly negligent manner or
permitting any lead pyrotechnic operator or assistant licensed
employee to perform a service in a grossly negligent manner,
regardless of whether actual damage or damage to the public is
established.

(5) Addiction to or dependency on alcohol or drugs or use of
alcohol or drugs that is likely to endanger the public at a pyrotechnic
display.

(6) Willfully receiving direct or indirect compensation for any
professional service not actually rendered.

New matter indicated by italics - deletions by strikeout
(7) Having disciplinary action taken against his or her license in another state.
(8) Making differential treatment against any person to his or her detriment because of race, color, creed, sex, religion, or national origin.
(9) Engaging in unprofessional conduct.
(10) Engaging in false or misleading advertising.
(11) Contracting or assisting an unlicensed person to perform services for which a license is required under this Act.
(12) Permitting the use of his or her license to enable an unlicensed person or agency to operate as a licensee.
(13) Performing and charging for a service without having the authorization to do so from the member of the public being served.
(14) Failure to comply with any provision of this Act or the rules promulgated under this Act.
(15) Conducting business regulated by this Act without a currently valid license in those circumstances where a license is required.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/75)
Sec. 75. Formal charges; hearing.
(a) The Office may file formal charges against a licensee. The formal charges, at a minimum, shall inform the licensee of the specific facts that are the basis of the charge to enable the licensee to defend himself or herself.
(b) Each licensee whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of the formal charge at least 30 days before the date of the hearing. The hearing shall be presided over by the Office or a hearing officer authorized by the Office in compliance with the Illinois Administrative Procedure Act. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed certified, return requested, to the licensee at the licensee's last known address as listed with the Office.
(c) The notice of a formal charge shall consist, at a minimum, of the following information:
(1) The time and date of the hearing.
(2) A statement that the licensee may appear personally at the hearing and may be represented by counsel.
(3) A statement that the licensee has the right to produce witnesses and evidence in his or her behalf and the right to cross-
examine witnesses and evidence produced against him or her.

(4) A statement that the hearing can result in disciplinary action being taken against the licensee's license.

(5) A statement that rules for the conduct of these hearings exist and that it may be in the licensee's best interest to obtain a copy.

(6) A statement that the hearing officer authorized by the Office shall preside at the hearing and, following the conclusion of the hearing, make findings of fact, conclusions of law, and recommendations, separately stated, to the Office as to what disciplinary action, if any, should be imposed on the licensee.

(7) A statement that the Office may continue the hearing.

(d) The Office or the hearing officer authorized by the Office shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee, if any. If the hearing is conducted by a hearing officer, at the conclusion of the hearing, the hearing officer shall make findings of fact, conclusions of law, and recommendations, separately stated, and submit them to the Office and to all parties to the proceeding. Submission to the licensee shall be considered as having been made if done in a similar fashion as service of the notice of formal charges. Within 20 days after the service, any party to the proceeding may present to the Office a motion, in writing, for a rehearing. The written motion shall specify the particular grounds for the rehearing.

(e) The Office, following the time allowed for filing a motion for rehearing, shall review the hearing officer's findings of fact, conclusions of law, recommendations, and any motions filed subsequent to the hearing. After review of the information the Office may hear oral arguments and thereafter issue an order. The report of findings of fact, conclusions of law, and recommendations of the hearing officer shall be the basis for the Office's order. If the Office finds that substantial justice was not done, it may issue an order in contravention of the hearing officer's findings.

(f) All proceedings under this Section are matters of public record and a record of the proceedings shall be preserved.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/90)

Sec. 90. Penalties. Any natural person who violates any of the following provisions is guilty of a Class A misdemeanor for the first offense and a corporation or other entity that violates any of the following provision commits a business offense punishable by a fine not to exceed $5,000; a

New matter indicated by italics - deletions by strikeout
second or subsequent offense in violation of any Section of this Act, including this Section, is a Class 4 felony if committed by a natural person, or a business offense punishable by a fine of up to $10,000 if committed by a corporation or other business entity:

(1) Practicing or attempting to practice as a pyrotechnic distributor or lead pyrotechnic operator without a license;

(2) Obtaining or attempting to obtain a license, practice or business, or any other thing of value by fraudulent representation;

(3) Permitting, directing, or authorizing any person in one's employ or under one's direction or supervision to work or serve as a licensee if that individual does not possess an appropriate valid license.

Whenever any person is punished as a repeat offender under this Section, the Office may proceed to obtain a permanent injunction against the person under Section 10. If any person in making any oath or affidavit required by this Act swears falsely, the person is guilty of perjury and upon conviction may be punished accordingly.

(Source: P.A. 93-263, eff. 7-22-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


Approved July 29, 2005.

Effective July 29, 2005.

AN ACT concerning property.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Condominium Property Act is amended by adding Section 30.5 as follows:

(765 ILCS 605/30.5 new)

Sec. 30.5. Conversion of apartments. In the case of the conversion of an apartment building into condominium units, a municipality shall have the right to inspect the apartment building prior to the conversion to condominium units and may require that each new proposed condominium unit comply with the current life safety, building, and zoning codes of the municipality.

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout
AN ACT in relation to immunity.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Premises Liability Act is amended by changing Section 5 as follows:

(740 ILCS 130/5)
Sec. 5. Firearm ranges; liability.
(a) As used in this Section, "firearm range" means a rifle, pistol, silhouette, skeet, trap, black powder, or other similar range in this State used for discharging firearms in a sporting event, for practice or instruction in the use of a firearm, or for the testing of a firearm. "Firearm range" also includes licensed shooting preserves and public hunting areas operated or licensed by the Department of Natural Resources.
(b) An owner or operator of a firearm range in existence on January 1, 1994, is immune from any criminal liability arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range. An owner or operator of a firearm range is not subject to any action for public or private nuisance or trespass and no court in this State shall enjoin the use or operation of a firearm range on the basis of noise or sound emissions resulting from the normal use of the firearm range.
(c) An owner or operator of a firearm range placed in operation after January 1, 1994, is immune from any criminal liability and is not subject to any action for public or private nuisance or trespass arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range, if the firearm range conforms to any one of the following requirements:

(1) All areas from which a firearm may be properly discharged are at least 1,000 yards from any occupied permanent dwelling on adjacent property.

(2) All areas from which a firearm may be properly discharged are enclosed by a permanent building or structure that absorbs or contains sound energy escaping from the muzzle of firearms in use.
(3) If the firearm range is situated on land otherwise subject to land use zoning, the firearm range is in compliance with the requirements of the zoning authority.

(4) The firearm range is operated by a governmental entity or is licensed by the Department of Natural Resources.

(5) The firearm range met the requirements of clause (1) of this subsection (c) at the time the range began its operation and subsequently an occupied permanent dwelling on adjacent property was built within 1,000 yards from an area of the range from which a firearm may be properly discharged.

(Source: P.A. 88-598, eff. 8-31-94; 89-445, eff. 2-7-96.)


PUBLIC ACT 94-0388
(House Bill No 4053)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Illinois Global Partnership Act.

Section 5. Definitions. As used in this Act, unless the context requires otherwise:
"Board" means the board of directors of Illinois Global Partnership, Inc.
"IGP" or "Partnership" means Illinois Global Partnership, Inc., the not-for-profit entity incorporated as provided in this Act.

Section 10. Findings; purpose. The General Assembly finds that it is important to encourage international business developments for Illinois companies and to encourage international tourism in Illinois by creating partnerships that open markets, by accessing customers, and by facilitating transactions. Therefore, the purpose of the Illinois Global Partnership, Inc., is to build Illinois' profile as a region prepared to do business with the world and as a world tourism destination. The Partnership shall encourage international business development for Illinois companies and international tourism by affecting policy and creating partnerships that open markets,

New matter indicated by italics - deletions by strikeout
access customers, and facilitate transactions.

Section 15. Partnership established. A not-for-profit corporation to be known as "Illinois Global Partnership, Inc." is created. IGP shall be incorporated under the General Not for Profit Corporation Act of 1986 and shall be registered, incorporated, organized, and operated in compliance with the laws of this State. IGP shall not be a State agency. The General Assembly determines, however, that public policy dictates that IGP operate in the most open and accessible manner consistent with its public purpose. To this end, the General Assembly specifically declares that IGP and its board and advisory committee shall adopt and adhere to the provisions of the State Records Act, the Open Meetings Act, and the Freedom of Information Act.

IGP shall establish one or more corporate offices, at least one of which shall be located in Sangamon County.

Section 20. Board of directors. IGP shall be governed by a board of directors. The IGP board of directors shall consist of 14 members. Five of the members shall be voting members appointed by the Governor with the advice and consent of the Senate. The Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, the Lieutenant Governor, the Director of Agriculture, the Director of Commerce and Economic Opportunity, the Chairperson of the Illinois Arts Council, and the Director of the Illinois Finance Authority, or the designee of each, shall be non-voting ex officio members.

Of the members appointed by the Governor, one member must have a background in agriculture, one member must have a background in manufacturing, and one member must have a background in international business relations.

Of the initial members appointed by the Governor, 3 members shall serve 4-year terms and 2 members shall serve 2-year terms as designated by the Governor. Thereafter, members appointed by the Governor shall serve 4-year terms. A vacancy among members appointed by the Governor shall be filled by appointment by the Governor for the remainder of the vacated term.

Members of the board shall receive no compensation but shall be reimbursed for expenses incurred in the performance of their duties.

The Governor shall designate the chairman of the board until a successor is designated. The board shall meet at the call of the chair.

No less than 90 days after a majority of the members of the board of directors of the IGP is appointed by the Governor, the board shall develop a policy adopted by resolution of the board stating the board's plan for the use of services provided by businesses owned by minorities, females, and persons

New matter indicated by italics - deletions by strikeout
with disabilities, as defined under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. The board shall provide a copy of this resolution to the Governor and the General Assembly upon its adoption.

On December 31 of each year, the board shall report to the General Assembly and the Governor regarding the use of services provided by businesses owned by minorities, females, and persons with disabilities, as defined under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

Section 25. Powers of IGP. IGP has the power to:

1. Host monthly leadership forums to give small groups of top business leaders the ability to interact with top federal, State, and local governmental officials.

2. Manage trips to Washington, D.C., for key business leaders, giving this group exposure to top policy makers in the federal administration and Congress.

3. Manage trips to the State for members of Congress and their staffs, giving this group exposure to Illinois businesses, research facilities, and other statewide highlights.

4. Host monthly trade missions from international companies, introducing these influential travelers to key leaders at Illinois businesses for the expressed purpose of building partnerships with suppliers and customers.

5. Manage trips to other states and foreign countries for Illinois business leaders to give them and their respective companies exposure to new and expanding markets.

6. Manage meetings with prospective partners to discuss products, markets, pricing, and other elements of the transaction.

7. Attract international participation in high profile Illinois projects.

8. Make recommendations to the Governor and the members of the General Assembly concerning the role the State performs in international business development.

9. Assist Illinois businesses to engage in, expand, and increase foreign trade.

10. Establish or co-sponsor mentoring conferences, using experienced manufacturing exporters, to explain and provide information to prospective export manufacturers and businesses concerning the process of exporting to both domestic and international markets.

New matter indicated by italics - deletions by strikeout
international opportunities.

(11) Provide technical assistance to prospective export manufacturers and businesses seeking to establish domestic and international export opportunities.

(12) Coordinate with the Department of Commerce and Economic Opportunity's Small Business Development Centers to link buyers with prospective export manufacturers and businesses.

(13) Promote, both domestically and abroad, products made in Illinois in order to inform consumers and buyers of their high quality standards and craftsmanship.

(14) Develop an electronic data base to compile information on international trade and investment activities in Illinois companies, provide access to research and business opportunities through external data bases, and connect this data base through international communication systems with appropriate domestic and worldwide networks users.

(15) Collect and distribute to foreign commercial libraries directories, catalogs, brochures, and other information of value to foreign businesses considering doing business in this State.

(16) Establish an export finance awareness program to provide information to banking organizations about methods used by banks to provide financing for businesses engaged in exporting and about other State and federal programs to promote and expedite export financing.

(17) Undertake a survey of Illinois' businesses to identify exportable products and the businesses interested in exporting.

(18) In cooperation with the Department of Agriculture, (i) provide assistance to those manufacturing and service companies that desire to export agricultural machinery, implements, equipment, other manufactured products, and professional services; (ii) encourage Illinois companies to initiate exporting or increase their export sales of agricultural and manufactured products; (iii) cooperate with agencies and instrumentalities of the federal government in trade development activities in overseas markets; (iv) conduct the necessary research within Illinois and in overseas markets in order to assist exporting companies; (v) promote the State of Illinois as a source of agricultural and manufactured products through information and promotion campaigns overseas; and (vi) conduct an information program for foreign buyers of Illinois agricultural and manufactured

New matter indicated by italics - deletions by strikeout
products.

(19) In cooperation with the Department of Agriculture, establish overseas offices for (i) the promotion of the export of Illinois agricultural and manufactured products; (ii) representation of Illinois seaports; (iii) economic development; and (iv) tourism promotion and services.

(20) Charge fees for and recover the costs of its services.

(21) Participate in the authority and responsibility of the State's international tourism programs, initiatives, undertakings, and efforts. IGP and its board may exercise their powers and shall perform their duties in accordance with the fulfillment of IGP's responsibility for international tourism.

(22) Assume from the Department of Agriculture on July 1, 2005, all contractual personnel, books, records, papers, documents, property both real and personal, and pending business in any way pertaining to the international functions of the Bureau of Marketing.

Section 30. Powers of the board of directors. The board of directors shall have the power to:

(1) Secure funding for programs and activities of IGP from federal, State, local, and private sources and from fees charged for services and published materials; solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property; and make expenditures consistent with the powers granted to it.

(2) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions.

(3) Sue and be sued, and appear and defend in all actions and proceedings, in its corporate name to the same extent as a natural person.

(4) Adopt, use, and alter a common corporate seal for IGP.

(5) Elect or appoint officers and agents as its affairs require and allow them reasonable compensation.

(6) Adopt, amend, and repeal bylaws, not inconsistent with the powers granted to it or the articles of incorporation, for the administration of the affairs of IGP and the exercise of its corporate powers.

(7) Acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses, royalties, and other rights or interests thereunder or therein.

(8) Do all acts and things necessary or convenient to carry out the powers granted to it.

New matter indicated by italics - deletions by strikeout
Section 35. President. The board shall appoint a President, who is the chief executive officer of the board and of IGP. In addition to any other duties set forth in this Act, the President shall do the following:

(1) Direct and supervise the administrative affairs and activities of the board and of IGP, in accordance with the board's rules and policies.

(2) Attend meetings of the board.

(3) Keep minutes of all proceedings of the board.

(4) Approve all accounts for salaries, per diem payments, and allowable expenses of the board and IGP employees and consultants and approve all expenses incidental to the operation of the board and IGP.

(5) Report and make recommendations to the board on the merits and status of any proposed facility.

(6) Perform any other duty that the board requires for carrying out the provisions of this Act.

Section 40. Advisory committee. An advisory committee is established for the benefit of IGP and its board of directors in the performance of their powers, duties, and functions under this Act. The board shall provide for the number, qualifications, and appointment of members of the advisory committee.

Section 45. Employees. The Department of Agriculture may establish a lease agreement program under which IGP may hire any individual who, as of July 1, 2005, is employed by the Department of Agriculture or who, as of July 1, 2005, is employed by the Office of the Governor and has responsibilities specifically in support of an international trade or tourism program. Under the agreement, the employee shall retain his or her status as a State employee but shall work under the direct supervision of IGP. Retention of State employee status shall include the right to participate in the State Employees Retirement System. The Department of Central Management Services shall establish the terms and conditions of the lease agreements.

Section 50. Finances; audits; annual report.

(a) IGP may accept funds, grants, gifts, and services from the government of the United States or its agencies, from this State or its departments, agencies, or instrumentalities, from any other governmental unit, and from private and civic sources for the purpose of funding any projects authorized by this Act. IGP may receive appropriations.

(b) Services of personnel, use of equipment and office space, and
other necessary services may be accepted from members of the board as part of IGP’s financial support.

(c) State funds appropriated for the operations and functions of IGP for fiscal year 2011 and each fiscal year thereafter should not exceed 60% of IGP’s funding from all sources for the fiscal year.

(d) The board shall arrange for the annual financial audit of IGP by one or more independent certified public accountants in accordance with generally accepted accounting principles. The annual audit results shall be included in the annual report required under subsection (e).

(e) IGP shall report annually on its activities and finances to the Governor and the members of the General Assembly.

Section 55. Agriculture marketing. IGP has authority and responsibility with respect to:

(1) Marketing and promotion of Illinois agricultural products.

(2) Consulting services and marketing information for Illinois agribusinesses.

(3) Representing Illinois at trade shows and seminars related to the State's agricultural exporting capabilities.

Section 60. Other State programs. State executive branch agencies may consult with IGP before continuing or undertaking any international marketing program or programs authorized by law as of or after the effective date of this Act.

Section 90. Authority of DCEO. Nothing in this Act shall diminish the authority of the Department of Commerce and Economic Opportunity with respect to the Bureau of Tourism and the overseas offices of the Office of Trade and Investment.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect July 1, 2005.


Approved July 29, 2005.

Effective July 29, 2005.

PUBLIC ACT 94-0389
(Senate Bill No 1623)

AN ACT concerning identification.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 1. Short title. This Act may be cited as the Consular Identification Document Act.

Section 5. Definition. As used in this Act, "consular identification document" means an official identification card issued by a foreign government that meets all of the following requirements:

(1) The consular identification document is issued through the foreign government's consular offices for the purpose of identifying a foreign national who is living outside of that nation.

(2) The foreign government requires an individual to provide the following to obtain the consular identification document: (A) proof of nationality; (B) proof of identity; and (C) proof of residence in the consular district.

(3) The foreign government includes the following security features in the consular identification document: (A) a unique identification number; (B) an optically variable feature such as a hologram or color-shifting inks; (C) an ultraviolet image; (D) encoded information; (E) machine readable technology; (F) micro printing; (G) secure laminate; and (H) integrated photograph and signature.

(4) The consular identification document includes the following data: (A) the name and address of the individual to whom it is issued; (B) the date of issuance; (C) the date of expiration; (D) the name of the issuing consulate; and (E) an identification number. The consular identification document must include an English translation of the data fields.

(5) The issuing consulate has filed with the Department of State Police a copy of the issuing consulate's consular identification document and a certification of the procedures that are used to satisfy the requirements of paragraphs (2) and (3).

Section 10. Acceptance of consular identification document.

(a) When requiring members of the public to provide identification, each State agency and officer and unit of local government shall accept a consular identification document as valid identification of a person.

(b) A consular identification document shall be accepted for purposes of identification only and does not convey an independent right to receive benefits of any type.

(c) A consular identification document may not be accepted as identification for obtaining a driver's license or registering to vote.

(d) A consular identification document does not establish or indicate
lawful U.S. immigration status and may not be viewed as valid for that purpose, nor does a consular identification document establish a foreign national's right to be in the United States or remain in the United States.

(e) The requirements of subsection (a) do not apply if:

1. a federal law, regulation, or directive or a federal court decision requires a State agency or officer or a unit of local government to obtain different identification;

2. a federal law, regulation, or directive preempts state regulation of identification requirements; or

3. a State agency or officer or a unit of local government would be unable to comply with a condition imposed by a funding source which would cause the State agency or officer or unit of local government to lose funds from that source.

(f) Nothing in subsection (a) shall be construed to prohibit a State agency or officer or a unit of local government from:

1. requiring additional information from persons in order to verify a current address or other facts that would enable the State agency or officer or unit of local government to fulfill its responsibilities, except that this paragraph (1) does not permit a State agency or officer or a unit of local government to require additional information solely in order to establish identification of the person when the consular identification document is the form of identification presented;

2. requiring fingerprints for identification purposes under circumstances where the State agency or officer or unit of local government also requires fingerprints from persons who have a driver's license or Illinois Identification Card; or

3. requiring additional evidence of identification if the State agency or officer or unit of local government reasonably believes that: (A) the consular identification document is forged, fraudulent, or altered; or (B) the holder does not appear to be the same person on the consular identification document.

Section 15. Privacy and disclosure limitations. Use by a State agency or officer or a unit of local government of information collected from, or appearing on, a consular identification document is subject to the same privacy and disclosure limitations that apply to the Illinois Identification Card.

Passed in the General Assembly May 27, 2005.
Approved July 29, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0390
(Senate Bill No 1832)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by adding Section 24-9.5 as follows:
(720 ILCS 5/24-9.5 new)
Sec. 24-9.5. Handgun safety devices.
(a) It is unlawful for a person licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923) to offer for sale, sell, or transfer a handgun to a person not licensed under that Act, unless he or she sells or includes with the handgun a device or mechanism, other than the firearm safety, designed to render the handgun temporarily inoperable or inaccessible. This includes but is not limited to:
(1) An external device that is:
   (i) attached to the handgun with a key or combination lock; and
   (ii) designed to prevent the handgun from being discharged unless the device has been deactivated.
(2) An integrated mechanical safety, disabling, or locking device that is:
   (i) built into the handgun; and
   (ii) designed to prevent the handgun from being discharged unless the device has been deactivated.
(b) Sentence. A person who violates this Section is guilty of a Class C misdemeanor and shall be fined not less than $1,000. A second or subsequent violation of this Section is a Class A misdemeanor.
(c) For the purposes of this Section, "handgun" has the meaning ascribed to it in clause (h)(2) of subsection (A) of Section 24-3 of this Code.
(d) This Section does not apply to:
(1) the purchase, sale, or transportation of a handgun to or by a federally licensed firearms dealer or manufacturer that provides or services a handgun for:
   (i) personnel of any unit of the federal government;
   (ii) members of the armed forces of the United States

New matter indicated by italics - deletions by strikeout
or the National Guard;
   (iii) law enforcement personnel of the State or any
local law enforcement agency in the State while acting within
the scope of their official duties; and
   (iv) an organization that is required by federal law
governing its specific business or activity to maintain
handguns and applicable ammunition;

(2) a firearm modified to be permanently inoperative;
(3) the sale or transfer of a handgun by a federally licensed
firearms dealer or manufacturer described in item (1) of this
subsection (d);
(4) the sale or transfer of a handgun by a federally licensed
firearms dealer or manufacturer to a lawful customer outside the
State; or
(5) an antique firearm.

Passed in the General Assembly May 29, 2005.
Approved August 1, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0391
(Senate Bill No 0517)

AN ACT concerning nursing mothers.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Jury Act is amended by adding Section 10.3 as
follows:
(705 ILCS 305/10.3 new)
Sec. 10.3. Excusing prospective jurors; nursing mothers. Any mother
nursing her child shall, upon request, be excused from jury service.
Approved August 1, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0392
(Senate Bill No 0015)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the

New matter indicated by italics - deletions by strikeout
General Assembly:

Section 5. The Build Illinois Act is amended by changing Section 9-4.2 and by adding Section 9-4.2a as follows:

(30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)
Sec. 9-4.2. Illinois Capital Revolving Loan Fund.
(a) There is hereby created the Illinois Capital Revolving Loan Fund, hereafter referred to in this Article as the "Capital Fund" to be held as a separate fund within the State Treasury.

The purpose of the Capital Fund is to finance intermediary agreements, administration, technical assistance agreements, loans, grants, or investments in Illinois. In addition, funds may be used for a one time transfer in fiscal year 1994, not to exceed the amounts appropriated, to the Public Infrastructure Construction Loan Revolving Fund for grants and loans pursuant to the Public Infrastructure Loan and Grant Program Act. Investments, administration, grants, and financial aid shall be used for the purposes set for in this Article. Loan financing will be in the form of loan agreements pursuant to the terms and conditions set forth in this Article. All loans shall be conditioned on the project receiving financing from participating lenders or other investors. Loan proceeds shall be available for project costs, except for debt refinancing.

(b) There shall be deposited in the Capital Fund such amounts, including but not limited to:

(i) All receipts, including dividends, principal and interest payments and royalties, from any applicable loan, intermediary, or technical assistance agreement made from the Capital Fund or from direct appropriations from the Build Illinois Bond Fund or the Build Illinois Purposes Fund or the General Revenue Fund by the General Assembly entered into by the Department;

(ii) All proceeds of assets of whatever nature received by the Department as a result of default or delinquency with respect to loan agreements made from the Capital Fund or from direct appropriations by the General Assembly, including proceeds from the sale, disposal, lease or rental of real or personal property which the Department may receive as a result thereof;

(iii) Any appropriations, grants or gifts made to the Capital Fund;

(iv) Any income received from interest on investments of moneys in the Capital Fund;

(v) All moneys resulting from the collection of premiums,
fees, charges, costs, and expenses described in subsection (e) of Section 9-3.

(c) The Treasurer may invest moneys in the Capital Fund in securities constituting obligations of the United States Government, or in obligations the principal of and interest on which are guaranteed by the United States Government, in obligations the principal of and interest on which are guaranteed by the United States Government, or in certificates of deposit of any State or national bank which are fully secured by obligations guaranteed as to principal and interest by the United States Government.

(Source: P.A. 88-422.)

(30 ILCS 750/9-4.2a new)
Sec. 9-4.2a. Rural micro-business loans.
(a) In order to increase the growth of small rural businesses, the rural micro-business loan program is created and shall be administered by the Department of Commerce and Economic Opportunity. This program shall help small businesses that lack sufficient collateral or equity access funds at competitive terms to help create or retain jobs, modernize equipment or facilities, and maintain their competitiveness.

(b) In the making of loans for rural micro-businesses, as defined below, the Department is authorized to employ different criteria in lieu of the general provisions of subsections (b), (d), (e), (f), (h), and (i) of Section 9-4. The Department shall adopt rules for the administration of this program.

For purposes of this Section, "rural micro-business" means a business that: (i) employs 5 or fewer full-time employees, including the owner if the owner is an employee, and (ii) is based on the production, processing, or marketing of agricultural products, forest products, cottage and craft products, or tourism.

(c) The Department shall determine by rule the amount, term, interest rate, and allowable uses of loans awarded under this program, except that:

(1) The loan shall not exceed $25,000 or 50% of the business project costs, unless the Director of the Department determines that a waiver of these limits is required to meet the purposes of this Act.

(2) The loan shall only be made if the Department determines that the number of jobs to be created or retained by the business is reasonable in relation to the loan funds requested.

(3) The borrower shall provide a written statement of the funds required to establish or support the business and shall provide equity capital in an amount equal to 10% of the first $10,000 of the required funds and equity capital, other loans, or leveraged capital,

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0392

or any combination thereof, in an amount equal to 50% of any additional required funds.

(4) The loan shall be in a principal amount and form and contain terms and provisions with respect to security, insurance, reporting, delinquency charges, default remedies, and other matters that the Department determines are appropriate to protect the public interest and are consistent with the purposes of this Section. The terms and provisions may be less than required for similar loans not covered by this Section.

(5) The Department shall award no less than 80% of the amount available for this program for loans to businesses that are located in counties with a population of 100,000 or less.

Approved August 1, 2005.
Effective August 1, 2005.

PUBLIC ACT 94-0393
(Senate Bill No 0104)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 20-1.1 as follows:

(720 ILCS 5/20-1.1) (from Ch. 38, par. 20-1.1)
Sec. 20-1.1. Aggravated Arson.

(a) A person commits aggravated arson when in the course of committing arson he or she knowingly damages, partially or totally, any building or structure, including any adjacent building or structure, including all or any part of a school building, house trailer, watercraft, motor vehicle, or railroad car, and (1) he knows or reasonably should know that one or more persons are present therein or (2) any person suffers great bodily harm, or permanent disability or disfigurement as a result of the fire or explosion or (3) a fireman, or policeman, or correctional officer who is present at the scene acting in the line of duty, is injured as a result of the fire or explosion. For purposes of this Section, property "of another" means a building or other property, whether real or personal, in which a person other than the offender has an interest that the offender has no authority to defeat or impair, even

New matter indicated by italics - deletions by strikeout
though the offender may also have an interest in the building or property; and "school building" means any public or private preschool, elementary or secondary school, community college, college, or university.

(b) Sentence. Aggravated arson is a Class X felony.

(Source: P.A. 92-421, eff. 8-17-01; P.A. 93-335, eff. 7-24-03.)


PUBLIC ACT 94-0394
(Senate Bill No 0533)

AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Business Corporation Act of 1983 is amended by changing Section 12.56 and adding Section 7.90 as follows:

Sec. 7.90. Waiver.

(a) Unless otherwise provided in the articles of incorporation, a shareholder who executes and delivers to the corporation a written instrument irrevocably waiving the right (i) to vote any shares held by such shareholder, whether for the election of directors or otherwise, (ii) to be a director or officer of the corporation, and (iii) in any other manner to control, directly or indirectly, corporate actions or the election or removal of any director or officer of the corporation, and who at the time of such waiver is not a director or officer of the corporation, shall have no fiduciary duty to the corporation or any of its shareholders arising out of the fact that such person is a shareholder of the corporation. No such waiver shall affect any breach of fiduciary duty arising prior to the effective date of the waiver.

(b) The corporation shall give prompt notice of such waiver to the remaining shareholders, except that no such notice need be given by a corporation that has shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association.

(c) The waiver referred to in this Section shall not affect any other rights or obligations of the shareholder, including but not limited to the rights under Sections 7.80, 11.65, 11.70, 12.55 and 12.56 of this Act.

New matter indicated by italics - deletions by strikeout
(d) Shares that cannot be voted because of a waiver under this Section shall not be counted in determining the number of shares necessary for a quorum or for shareholder action under Section 7.60 of this Act. A waiver under this Section shall not apply to any transferee of the shares.

(e) The waiver referred to in this Section is specifically enforceable in accordance with the principles of equity.

(f) This Section is not intended to describe or suggest the circumstances under which any fiduciary duty arises or exists, including with respect to any shareholder who fails to make a waiver under this Section.

(805 ILCS 5/12.56)

Sec. 12.56. Shareholder remedies: non-public corporations.

(a) In an action by a shareholder in a corporation that has no shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association, the Circuit Court may order one or more of the remedies listed in subsection (b) if it is established that:

(1) The directors are deadlocked, whether because of even division in the number of directors or because of greater than majority voting requirements in the articles of incorporation or the by-laws or otherwise, in the management of the corporate affairs; the shareholders are unable to break the deadlock; and either irreparable injury to the corporation is thereby caused or threatened or the business of the corporation can no longer be conducted to the general advantage of the shareholders; or

(2) The shareholders are deadlocked in voting power and have failed, for a period that includes at least 2 consecutive annual meeting dates, to elect successors to directors whose terms have expired and either irreparable injury to the corporation is thereby caused or threatened or the business of the corporation can no longer be conducted to the general advantage of the shareholders; or

(3) The directors or those in control of the corporation have acted, are acting, or will act in a manner that is illegal, oppressive, or fraudulent with respect to the petitioning shareholder whether in his or her capacity as a shareholder, director, or officer; or

(4) The corporation assets are being misapplied or wasted.

(b) The relief which the court may order in an action under subsection (a) includes but is not limited to the following:

(1) The performance, prohibition, alteration, or setting aside of any action of the corporation or of its shareholders, directors, or...
officers of or any other party to the proceedings;

(2) The cancellation or alteration of any provision in the corporation's articles of incorporation or by-laws;

(3) The removal from office of any director or officer;

(4) The appointment of any individual as a director or officer;

(5) An accounting with respect to any matter in dispute;

(6) The appointment of a custodian to manage the business and affairs of the corporation to serve for the term and under the conditions prescribed by the court;

(7) The appointment of a provisional director to serve for the term and under the conditions prescribed by the court;

(8) The submission of the dispute to mediation or other forms of non-binding alternative dispute resolution;

(9) The payment of dividends;

(10) The award of damages to any aggrieved party;

(11) The purchase by the corporation or one or more other shareholders of all, but not less than all, of the shares of the petitioning shareholder for their fair value and on the terms determined under subsection (e); or

(12) The dissolution of the corporation if the court determines that no remedy specified in subdivisions (1) through (11) or other alternative remedy is sufficient to resolve the matters in dispute. In determining whether to dissolve the corporation, the court shall consider among other relevant evidence the financial condition of the corporation but may not refuse to dissolve the corporation solely because it has accumulated earnings or current operating profits.

(c) The remedies set forth in subsection (b) shall not be exclusive of other legal and equitable remedies which the court may impose.

(d) In determining the appropriate relief to order pursuant to this Section, the court may take into consideration the reasonable expectations of the corporation's shareholders as they existed at the time the corporation was formed and developed during the course of the shareholders' relationship with the corporation and with each other.

(e) If the court orders a share purchase, it shall:

(i) Determine the fair value of the shares, with or without the assistance of appraisers, taking into account any impact on the value of the shares resulting from the actions giving rise to a petition under this Section;

(ii) Consider any financial or legal constraints on the...
ability of the corporation or the purchasing shareholder to purchase the shares;

(iii) Specify the terms of the purchase, including, if appropriate, terms for installment payments, interest at the rate and from the date determined by the court to be equitable, subordination of the purchase obligation to the rights of the corporation's other creditors, security for a deferred purchase price, and a covenant not to compete or other restriction on the seller;

(iv) Require the seller to deliver all of his or her shares to the purchaser upon receipt of the purchase price or the first installment of the purchase price; and

(v) Retain jurisdiction to enforce the purchase order by, among other remedies, ordering the corporation to be dissolved if the purchase is not completed in accordance with the terms of the purchase order.

The purchase ordered pursuant to this subsection (e) shall be consummated within 20 days after the date the order becomes final unless before that time the corporation files with the court a notice of its intention to dissolve and articles of dissolution are properly filed with the Secretary of State within 50 days after filing the notice with the court.

After the purchase order is entered and before the purchase price is fully paid, any party may petition the court to modify the terms of the purchase and the court may do so if it finds that such changes are equitable.

Unless the purchase order is modified by the court, the selling shareholder shall have no further rights as a shareholder from the date the seller delivers all of his or her shares to the purchaser or such other date specified by the court.

If the court orders shares to be purchased by one or more other shareholders, in allocating the shares to be purchased by the other shareholders, unless equity requires otherwise, the court shall attempt to preserve the existing distribution of voting rights and other designations, preferences, qualifications, limitations, restrictions and special or relative rights among the holders of the class or classes and may direct that holders of a specific class or classes shall not participate in the purchase.

(f) When the relief requested by the petition includes the purchase of the petitioner's shares, then at any time within 90 days after the filing of the petition under this Section, or at such time determined by the court to be equitable, the corporation or one or more shareholders may elect to purchase
all, but not less than all, of the shares owned by the petitioning shareholder for their fair value. An election pursuant to this Section shall state in writing the amount which the electing party will pay for the shares.

(1) The election shall be irrevocable unless the court determines that it is equitable to set aside or modify the election.

(2) If the election to purchase is filed by one or more shareholders, the corporation shall, within 10 days thereafter, give written notice to all shareholders. The notice must state: (i) the name and number of shares owned by the petitioner; (ii) the name and number of shares owned by each electing shareholder; and (iii) the amount which each electing party will pay for the shares and must advise the recipients of their right to join in the election to purchase shares. Shareholders who wish to participate must file notice of their intention to join in a purchase no later than 30 days after the date of the notice to them or at such time as the court in its discretion may allow. All shareholders who have filed an election or notice of their intention to participate in the election to purchase thereby become parties to the proceeding and shall participate in the purchase in proportion to their ownership of shares as of the date the first election was filed, unless they otherwise agree or the court otherwise directs.

(3) The court in its discretion may allow the corporation and all non-petitioning shareholders to file an election to purchase the petitioning shareholder's shares at a higher price. If the court does so, it shall allow other shareholders an opportunity to join in the purchase at the higher price in accordance with their proportionate ownership interest.

(4) After an election has been filed by the corporation or one or more shareholders, the proceeding filed under this Section may not be discontinued or settled, nor may the petitioning shareholder sell or otherwise dispose of his or her shares, unless the court determines that it would be equitable to the corporation and the shareholders, other than the petitioner, to permit the discontinuance, settlement, sale, or other disposition. In considering whether equity exists to approve any settlement, the court may take into consideration the reasonable expectations of the shareholders as set forth in subsection (d), including any existing agreement among the shareholders.

(5) If, within 30 days of the filing of the latest election allowed by the court, the parties reach agreement as to the fair value and terms of purchase of the petitioner's shares, the court shall enter
an order directing the purchase of petitioner's shares upon the terms and conditions agreed to by the parties.

(6) If the parties are unable to reach an agreement as provided for in paragraph (5) of this subsection (f), the court, upon application of any party, shall stay the proceeding under subsection (a) and shall determine the fair value of the petitioner's shares pursuant to subsection (e) as of the day before the date on which the petition under subsection (a) was filed or as of such other date as the court deems appropriate under the circumstances. (g) In any proceeding under this Section, the court shall allow reasonable compensation to the custodian, provisional director, appraiser, or other such person appointed by the court for services rendered and reimbursement or direct payment of reasonable costs and expenses, which amounts shall be paid by the corporation.

(Source: P.A. 89-169, eff. 7-19-95; 89-364, eff. 8-18-95; 89-626, eff. 8-9-96.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Approved August 1, 2005.
Effective August 1, 2005.

PUBLIC ACT 94-0395

( Senate Bill No 1645)

AN ACT concerning technology development.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Technology Development Act is amended by changing Section 10 and adding Section 20 as follows:
(30 ILCS 265/10)
Sec. 10. Technology Development Account.
(a) The State Treasurer may segregate a portion of the Treasurer's investment portfolio, that at no time shall be greater than 1% of the portfolio, in the Technology Development Account, an account that shall be maintained separately and apart from other moneys invested by the Treasurer. The Treasurer may make investments from the Account that help attract, assist, and retain quality technology businesses in Illinois. The earnings on the Account shall be accounted for separately from other investments made by the Treasurer.
(b) Moneys in the Account may be invested by the State Treasurer to

New matter indicated by italics - deletions by strikeout
provide venture capital to technology businesses seeking to locate, expand, or remain in Illinois by placing money with Illinois venture capital firms for investment by the venture capital firms in technology businesses. "Venture capital", as used in this Act, means equity financing that is provided for starting up, expanding, or relocating a company, or related purposes such as financing for seed capital, research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital. "Technology business", as used in this Act, means a company that has as its principal function the providing of services including computer, information transfer, communication, distribution, processing, administrative, laboratory, experimental, developmental, technical, testing services, manufacture of goods or materials, the processing of goods or materials by physical or chemical change, computer related activities, robotics, biological or pharmaceutical industrial activity, or technology oriented or emerging industrial activity. "Illinois venture capital firms", as used in this Act, means an entity that has a majority of its employees in Illinois or that has at least one managing partner domiciled in Illinois that has made significant capital investments in Illinois companies and that provides equity financing for starting up or expanding a company, or related purposes such as financing for seed capital, research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital.

(c) Any fund created by an Illinois venture capital firm in which the State Treasurer places money pursuant to this Act shall be required by the State Treasurer to seek investments in technology businesses seeking to locate, expand, or remain in Illinois.

(d) The investment of the State Treasurer in any fund created by an Illinois venture capital firm in which the State Treasurer places money pursuant to this Act shall not exceed 10% of the total investments in the fund.

(e) The State Treasurer shall not invest more than one-third of the Technology Development Account in any given calendar year.

(f) The Treasurer may deposit no more than 10% of the earnings of the investments in the Technology Development Account into the Technology Development Fund.

(Source: P.A. 92-851, eff. 8-26-02.)

Sec. 20. Technology Development Fund. The Technology Development Fund is created as a special fund outside the State treasury with the State Treasurer as custodian. Moneys in the Fund may be used by the State Treasurer to pay expenses related to investments from the

New matter indicated by italics - deletions by strikeout
Technology Development Account. Moneys in the Fund in excess of those expenses may be provided as grants to Illinois schools to purchase computers and to upgrade technology.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 1, 2005.
Effective August 1, 2005.

PUBLIC ACT 94-0396
(Senate Bill No 1826)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Illinois Municipal Code is amended by changing
Section 7-1-13 as follows:
(65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)
Sec. 7-1-13. Whenever any unincorporated territory containing 60
acres or less, is wholly bounded by (a) one or more municipalities, (b) one or
more municipalities and a creek in a county with a population of 400,000 or
more, or one or more municipalities and a river or lake in any county, (c) one
or more municipalities and the Illinois State boundary, (d) one or more
municipalities and property owned by the State of Illinois, except highway
right-of-way owned in fee by the State, (e) one or more municipalities and a
forest preserve district or park district, or (f) if the territory is a triangular
parcel of less than 10 acres, one or more municipalities and an interstate
highway owned in fee by the State and bounded by a frontage road, that
territory may be annexed by any municipality by which it is bounded in whole
or in part, by the passage of an ordinance to that effect after notice is given
as provided in this Section. The corporate authorities shall cause notice,
stating that annexation of the territory described in the notice is contemplated
under this Section, to be published once, in a newspaper of general
circulation within the territory to be annexed, not less than 10 days before the
passage of the annexation ordinance. When the territory to be annexed lies
wholly or partially within a township other than that township where the
municipality is situated, the annexing municipality shall give at least 10 days
prior written notice of the time and place of the passage of the annexation
ordinance to the township supervisor of the township where the territory to
be annexed lies. The ordinance shall describe the territory annexed and a

New matter indicated by italics - deletions by strikeout
copy thereof together with an accurate map of the annexed territory shall be recorded in the office of the recorder of the county wherein the annexed territory is situated and a document of annexation shall be filed with the county clerk and County Election Authority. Nothing in this Section shall be construed as permitting a municipality to annex territory of a forest preserve district in a county with a population of 3,000,000 or more without obtaining the consent of the district pursuant to Section 8.3 of the Cook County Forest Preserve District Act nor shall anything in this Section be construed as permitting a municipality to annex territory owned by a park district without obtaining the consent of the district pursuant to Section 8-1.1 of the Park District Code.

(Source: P.A. 86-769; 87-895.)

Section 10. The Park District Code is amended by adding Section 8-1.1 as follows:

(70 ILCS 1205/8-1.1 new)

Sec. 8-1.1. Property owned by a park district shall not be subject to annexation by a municipality without the express consent of the board of park commissioners of the district.


PUBLIC ACT 94-0397
(House Bill No 0701)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 12-18 as follows:

(720 ILCS 5/12-18) (from Ch. 38, par. 12-18)

(a) No person accused of violating Sections 12-13, 12-14, 12-15 or 12-16 of this Code shall be presumed to be incapable of committing an offense prohibited by Sections 12-13, 12-14, 12-14.1, 12-15 or 12-16 of this Code because of age, physical condition or relationship to the victim, except as otherwise provided in subsection (c) of this Section. Nothing in this Section shall be construed to modify or abrogate the affirmative defense of

New matter indicated by italics - deletions by strikeout
infancy under Section 6-1 of this Code or the provisions of Section 5-805 of the Juvenile Court Act of 1987.

(b) Any medical examination or procedure which is conducted by a physician, nurse, medical or hospital personnel, parent, or caretaker for purposes and in a manner consistent with reasonable medical standards is not an offense under Sections 12-13, 12-14, 12-14.1, 12-15 and 12-16 of this Code.

(c) (Blank).

(d) (Blank). In addition to the sentences provided for in Sections 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961 the Court may order any person who is convicted of violating any of those Sections to meet all or any portion of the financial obligations of treatment, including but not limited to medical, psychiatric, rehabilitative or psychological treatment, prescribed for the victim or victims of the offense.

(e) After a finding at a preliminary hearing that there is probable cause to believe that an accused has committed a violation of Section 12-13, 12-14, or 12-14.1 of this Code, or after an indictment is returned charging an accused with a violation of Section 12-13, 12-14, or 12-14.1 of this Code, or after a finding that a defendant charged with a violation of Section 12-13, 12-14, or 12-14.1 of this Code is unfit to stand trial pursuant to Section 104-16 of the Code of Criminal Procedure of 1963 where the finding is made prior to preliminary hearing, at the request of the person who was the victim of the violation of Section 12-13, 12-14, or 12-14.1, the prosecuting State's attorney shall seek an order from the court to compel the accused to be tested for any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV). The medical tests shall be performed only by appropriately licensed medical practitioners. The test for infection with human immunodeficiency virus (HIV) shall consist of an enzyme-linked immunosorbent assay (ELISA) test, or such other test as may be approved by the Illinois Department of Public Health; in the event of a positive result, the Western Blot Assay or a more reliable confirmatory test shall be administered. The results of the tests shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the victim and to the judge who entered the order, for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the result of the testing may be revealed; however, in no case shall the identity of the victim be disclosed. The court shall order that the cost of the tests shall be paid by the county, and may be taxed as costs
against the accused if convicted.

(f) Whenever any law enforcement officer has reasonable cause to believe that a person has been delivered a controlled substance without his or her consent, the law enforcement officer shall advise the victim about seeking medical treatment and preserving evidence.

(g) Every hospital providing emergency hospital services to an alleged sexual assault survivor, when there is reasonable cause to believe that a person has been delivered a controlled substance without his or her consent, shall designate personnel to provide:

(1) An explanation to the victim about the nature and effects of commonly used controlled substances and how such controlled substances are administered.

(2) An offer to the victim of testing for the presence of such controlled substances.

(3) A disclosure to the victim that all controlled substances or alcohol ingested by the victim will be disclosed by the test.

(4) A statement that the test is completely voluntary.

(5) A form for written authorization for sample analysis of all controlled substances and alcohol ingested by the victim.

A physician licensed to practice medicine in all its branches may agree to be a designated person under this subsection.

No sample analysis may be performed unless the victim returns a signed written authorization within 30 days after the sample was collected.

Any medical treatment or care under this subsection shall be only in accordance with the order of a physician licensed to practice medicine in all of its branches. Any testing under this subsection shall be only in accordance with the order of a licensed individual authorized to order the testing.

(Source: P.A. 92-81, eff. 7-12-01; 93-958, eff. 8-20-04.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-6 as follows:

(730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

Sec. 5-5-6. In all convictions for offenses in violation of the Criminal Code of 1961 in which the person received any injury to their person or damage to their real or personal property as a result of the criminal act of the defendant, the court shall order restitution as provided in this Section. In all other cases, except cases in which restitution is required under this Section, the court must at the sentence hearing determine whether restitution is an appropriate sentence to be imposed on each defendant convicted of an offense. If the court determines that an order directing the offender to make

New matter indicated by italics - deletions by strikeout
restitution is appropriate, the offender may be sentenced to make restitution. The court may consider restitution an appropriate sentence to be imposed on each defendant convicted of an offense in addition to a sentence of imprisonment. The sentence of the defendant to a term of imprisonment is not a mitigating factor that prevents the court from ordering the defendant to pay restitution. If the offender is sentenced to make restitution the Court shall determine the restitution as hereinafter set forth:

(a) At the sentence hearing, the court shall determine whether the property may be restored in kind to the possession of the owner or the person entitled to possession thereof; or whether the defendant is possessed of sufficient skill to repair and restore property damaged; or whether the defendant should be required to make restitution in cash, for out-of-pocket expenses, damages, losses, or injuries found to have been proximately caused by the conduct of the defendant or another for whom the defendant is legally accountable under the provisions of Article V of the Criminal Code of 1961.

(b) In fixing the amount of restitution to be paid in cash, the court shall allow credit for property returned in kind, for property damages ordered to be repaired by the defendant, and for property ordered to be restored by the defendant; and after granting the credit, the court shall assess the actual out-of-pocket expenses, damages, and injuries suffered by the victim named in the charge and any other victims who may also have suffered out-of-pocket expenses, damages, and injuries proximately caused by the same criminal conduct of the defendant, and insurance carriers who have indemnified the named victim or other victims for the out-of-pocket expenses, losses, damages, or injuries, provided that in no event shall restitution be ordered to be paid on account of pain and suffering. If a defendant is placed on supervision for, or convicted of, domestic battery, the defendant shall be required to pay restitution to any domestic violence shelter in which the victim and any other family or household members lived because of the domestic battery. The amount of the restitution shall equal the actual expenses of the domestic violence shelter in providing housing and any other services for the victim and any other family or household members living at the shelter. If a defendant fails to pay restitution in the manner or within the time period specified by the court, the court may enter an order directing the sheriff to seize any real or personal property of a defendant to the extent necessary to satisfy the order of restitution and
dispose of the property by public sale. All proceeds from such sale in excess of the amount of restitution plus court costs and the costs of the sheriff in conducting the sale shall be paid to the defendant. The defendant convicted of domestic battery, if a person under 18 years of age who is the child of the offender or of the victim was present and witnessed the domestic battery of the victim, is liable to pay restitution for the cost of any counseling required for the child at the discretion of the court.

(c) In cases where more than one defendant is accountable for the same criminal conduct that results in out-of-pocket expenses, losses, damages, or injuries, each defendant shall be ordered to pay restitution in the amount of the total actual out-of-pocket expenses, losses, damages, or injuries to the victim proximately caused by the conduct of all of the defendants who are legally accountable for the offense.

(1) In no event shall the victim be entitled to recover restitution in excess of the actual out-of-pocket expenses, losses, damages, or injuries, proximately caused by the conduct of all of the defendants.

(2) As between the defendants, the court may apportion the restitution that is payable in proportion to each co-defendant's culpability in the commission of the offense.

(3) In the absence of a specific order apportioning the restitution, each defendant shall bear his pro rata share of the restitution.

(4) As between the defendants, each defendant shall be entitled to a pro rata reduction in the total restitution required to be paid to the victim for amounts of restitution actually paid by co-defendants, and defendants who shall have paid more than their pro rata share shall be entitled to refunds to be computed by the court as additional amounts are paid by co-defendants.

(d) In instances where a defendant has more than one criminal charge pending against him in a single case, or more than one case, and the defendant stands convicted of one or more charges, a plea agreement negotiated by the State's Attorney and the defendants may require the defendant to make restitution to victims of charges that have been dismissed or which it is contemplated will be dismissed under the terms of the plea agreement, and under the agreement, the

New matter indicated by italics - deletions by strikeout
court may impose a sentence of restitution on the charge or charges of which the defendant has been convicted that would require the defendant to make restitution to victims of other offenses as provided in the plea agreement.

(e) The court may require the defendant to apply the balance of the cash bond, after payment of court costs, and any fine that may be imposed to the payment of restitution.

(f) Taking into consideration the ability of the defendant to pay, including any real or personal property or any other assets of the defendant, the court shall determine whether restitution shall be paid in a single payment or in installments, and shall fix a period of time not in excess of 5 years or the period of time specified in subsection (f-1), not including periods of incarceration, within which payment of restitution is to be paid in full. Complete restitution shall be paid in as short a time period as possible. However, if the court deems it necessary and in the best interest of the victim, the court may extend beyond 5 years the period of time within which the payment of restitution is to be paid. If the defendant is ordered to pay restitution and the court orders that restitution is to be paid over a period greater than 6 months, the court shall order that the defendant make monthly payments; the court may waive this requirement of monthly payments only if there is a specific finding of good cause for waiver.

(f-1)(1) In addition to any other penalty prescribed by law and any restitution ordered under this Section that did not include long-term physical health care costs, the court may, upon conviction of any misdemeanor or felony, order a defendant to pay restitution to a victim in accordance with the provisions of this subsection (f-1) if the victim has suffered physical injury as a result of the offense that is reasonably probable to require or has required long-term physical health care for more than 3 months. As used in this subsection (f-1) "long-term physical health care" includes mental health care.

(2) The victim's estimate of long-term physical health care costs may be made as part of a victim impact statement under Section 6 of the Rights of Crime Victims and Witnesses Act or made separately. The court shall enter the long-term physical health care restitution order at the time of sentencing. An order of restitution made under this subsection (f-1) shall fix a monthly amount to be paid by the defendant for as long as long-term physical health care costs...
of the victim is required as a result of the offense. The order may exceed the length of any sentence imposed upon the defendant for the criminal activity. The court shall include as a special finding in the judgment of conviction its determination of the monthly cost of long-term physical health care.

(3) After a sentencing order has been entered, the court may from time to time, on the petition of either the defendant or the victim, or upon its own motion, enter an order for restitution for long-term physical care or modify the existing order for restitution for long-term physical care as to the amount of monthly payments. Any modification of the order shall be based only upon a substantial change of circumstances relating to the cost of long-term physical health care or the financial condition of either the defendant or the victim. The petition shall be filed as part of the original criminal docket.

(g) In addition to the sentences provided for in Sections 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961, the court may order any person who is convicted of violating any of those Sections or who was charged with any of those offenses and which charge was reduced to another charge as a result of a plea agreement under subsection (d) of this Section to meet all or any portion of the financial obligations of treatment, including but not limited to medical, psychiatric, or rehabilitative treatment or psychological counseling, prescribed for the victim or victims of the offense. The court shall, after determining that the defendant has the ability to pay, require the defendant to pay for the victim's counseling services if:

(1) the defendant was convicted of an offense under Sections 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, or was charged with such an offense and the charge was reduced to another charge as a result of a plea agreement under subsection (d) of this Section, and

(2) the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

The payments shall be made by the defendant to the clerk of the circuit court and transmitted by the clerk to the appropriate person or agency as directed by the court. Except as otherwise provided in

New matter indicated by italics - deletions by strikeout
subsection (f-1), the order may require such payments to be made for a period not to exceed 5 years after sentencing, not including periods of incarceration.

(h) The judge may enter an order of withholding to collect the amount of restitution owed in accordance with Part 8 of Article XII of the Code of Civil Procedure.

(i) A sentence of restitution may be modified or revoked by the court if the offender commits another offense, or the offender fails to make restitution as ordered by the court, but no sentence to make restitution shall be revoked unless the court shall find that the offender has had the financial ability to make restitution, and he has wilfully refused to do so. When the offender's ability to pay restitution was established at the time an order of restitution was entered or modified, or when the offender's ability to pay was based on the offender's willingness to make restitution as part of a plea agreement made at the time an order of restitution was entered or modified, there is a rebuttable presumption that the facts and circumstances considered by the court at the hearing at which the order of restitution was entered or modified regarding the offender's ability or willingness to pay restitution have not materially changed. If the court shall find that the defendant has failed to make restitution and that the failure is not wilful, the court may impose an additional period of time within which to make restitution. The length of the additional period shall not be more than 2 years. The court shall retain all of the incidents of the original sentence, including the authority to modify or enlarge the conditions, and to revoke or further modify the sentence if the conditions of payment are violated during the additional period.

(j) The procedure upon the filing of a Petition to Revoke a sentence to make restitution shall be the same as the procedures set forth in Section 5-6-4 of this Code governing violation, modification, or revocation of Probation, of Conditional Discharge, or of Supervision.

(k) Nothing contained in this Section shall preclude the right of any party to proceed in a civil action to recover for any damages incurred due to the criminal misconduct of the defendant.

(l) Restitution ordered under this Section shall not be subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act.

New matter indicated by italics - deletions by strikeout
(m) A restitution order under this Section is a judgment lien in favor of the victim that:

1. Attaches to the property of the person subject to the order;
2. May be perfected in the same manner as provided in Part 3 of Article 9 of the Uniform Commercial Code;
3. May be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and
4. Expires in the same manner as a judgment lien created in a civil proceeding.

When a restitution order is issued under this Section, the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the charge was filed. Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket.

(n) An order of restitution under this Section does not bar a civil action for:

1. Damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damages that is the basis of restitution ordered by the court; and
2. Other damages suffered by the victim.

The restitution order is not discharged by the completion of the sentence imposed for the offense.

A restitution order under this Section is not discharged by the liquidation of a person's estate by a receiver. A restitution order under this Section may be enforced in the same manner as judgment liens are enforced under Article XII of the Code of Civil Procedure.

The provisions of Section 2-1303 of the Code of Civil Procedure, providing for interest on judgments, apply to judgments for restitution entered under this Section.

(Source: P.A. 91-153, eff. 1-1-00; 91-262, eff. 1-1-00; 91-420, eff. 1-1-00; 92-16, eff. 6-28-01.)

Passed in the General Assembly May 11, 2005.
Approved August 2, 2005.
Effective January 1, 2006.
AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Criminal Code of 1961 is amended by adding Section
24-1.7 as follows:
(720 ILCS 5/24-1.7 new)
Sec. 24-1.7. Armed habitual criminal.
(a) A person commits the offense of being an armed habitual criminal
if he or she receives, sells, possesses, or transfers any firearm after having
been convicted a total of 2 or more times of any combination of the following
offenses:
(1) a forcible felony as defined in Section 2-8 of this Code;
(2) unlawful use of a weapon by a felon; aggravated unlawful
use of a weapon; aggravated discharge of a firearm; vehicular
hijacking; aggravated vehicular hijacking; aggravated battery of a
child; intimidation; aggravated intimidation; gunrunning; home
invasion; or aggravated battery with a firearm; or
(3) any violation of the Illinois Controlled Substances Act or
the Cannabis Control Act that is punishable as a Class 3 felony or
higher.
(b) Sentence. Being an armed habitual criminal is a Class X felony.
Section 10. The Unified Code of Corrections is amended by changing
Section 3-6-3 as follows:
(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
Sec. 3-6-3. Rules and Regulations for Early Release.
(a) (1) The Department of Corrections shall prescribe rules
and regulations for the early release on account of good conduct of
persons committed to the Department which shall be subject to
review by the Prisoner Review Board.
(2) The rules and regulations on early release shall provide,
with respect to offenses committed on or after June 19, 1998 or with
respect to the offense of being an armed habitual criminal committed
on or after the effective date of this amendatory Act of the 94th
General Assembly, the following:
(i) that a prisoner who is serving a term of
imprisonment for first degree murder or for the offense of

New matter indicated by italics - deletions by strikeout
terrorism shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, being an armed habitual criminal, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2) committed on or after June 19, 1998, and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit for each month of his or her sentence of imprisonment or recommitment under Section 3-3-9.

New matter indicated by italics - deletions by strikeout
conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) this amendatory Act of the 92nd 93rd General Assembly shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated

New matter indicated by italics - deletions by strikeout
criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2) when the offense is committed on or after June 19, 1998, (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176).

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) while assigned to a boot camp, mental health unit, or electronic detention, or if convicted of an offense enumerated in paragraph (a)(2) of this Section that is committed on or after June 19, 1998, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed

New matter indicated by italics - deletions by strikeout
on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.5) The rules and regulations on early release shall also provide that a prisoner who is serving a sentence for a crime committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354) this

New matter indicated by italics - deletions by strikeout
Amendatory Act of the 93rd General Assembly shall receive no good conduct credit until he or she participates in and completes a substance abuse treatment program. Good conduct credit awarded under clauses (2), (3), and (4) of this subsection (a) for crimes committed on or after September 1, 2003 the effective date of this amendatory Act of the 93rd General Assembly is subject to the provisions of this clause (4.5). If the prisoner completes a substance abuse treatment program, the Department may award good conduct credit for the time spent in treatment. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available, the prisoner shall be placed on a waiting list under criteria established by the Department. The Department may require a prisoner placed on a waiting list to attend a substance abuse education class or attend substance abuse self-help meetings. A prisoner may not lose good conduct credit as a result of being placed on a waiting list. A prisoner placed on a waiting list remains eligible for increased good conduct credit for participation in an educational, vocational, or correctional industry program under clause (4) of subsection (a) of this Section.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount
of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;
(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

New matter indicated by italics - deletions by strikeout
(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or

(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

(e) Nothing in Public Act 90-592 or 90-593 this amendatory Act of 1998 affects the validity of Public Act 89-404.

(Original Source: P.A. 92-176, eff. 7-27-01; 92-854, eff. 12-5-02; 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; revised 10-15-03.)

Section 99. Effective date. This Act takes effect upon becoming law. Passed in the General Assembly May 18, 2005.
Approved August 2, 2005.
Effective August 2, 2005.

PUBLIC ACT 94-0399
(House Bill No 1134)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Crime Victims Compensation Act is amended by changing Section 2 as follows:

(740 ILCS 45/2) (from Ch. 70, par. 72)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Applicant" means any person who applies for compensation

New matter indicated by italics - deletions by strikeout
under this Act or any person the Court of Claims finds is entitled to compensation, including the guardian of a minor or of a person under legal disability. It includes any person who was a dependent of a deceased victim of a crime of violence for his or her support at the time of the death of that victim.

(b) "Court of Claims" means the Court of Claims created by the Court of Claims Act.

(c) "Crime of violence" means and includes any offense defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-11, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-30, 20-1 or 20-1.1 of the Criminal Code of 1961, and driving under the influence of intoxicating liquor or narcotic drugs as defined in Section 11-501 of the Illinois Vehicle Code, if none of the said offenses occurred during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or accident involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the parent of a child killed or injured in this State as a result of a crime of violence perpetrated or attempted against the child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable man under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.1) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other person under the age of 18 who is the brother, sister, half brother, half sister, child, or stepchild of a person killed or injured in this State as a result of a crime of violence, or (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing

New matter indicated by italics - deletions by strikeout
that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible.

(e) "Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of his or her death and shall include the child of a victim born after his or her death.

(f) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle or aunt.

(g) "Child" means an unmarried son or daughter who is under 18 years of age and includes a stepchild, an adopted child or an illegitimate child.

(h) "Pecuniary loss" means, in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, expenses for care or counseling by a licensed clinical psychologist, or licensed clinical social worker, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto; prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime; replacement costs for clothing and bedding used as evidence; costs associated with temporary lodging or relocation necessary as a result of the crime; locks or windows necessary or damaged as a result of the crime; the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; the costs of appropriate crime scene clean-up; replacement services loss, to a maximum of $1000 per month; dependents replacement services loss, to a maximum of $1000 per month; loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a full-time student prior to the injury, or college or graduate school when the victim had been enrolled as a full-time day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her; loss of earnings, loss of future earnings because of disability resulting from the injury, and, in addition, in the case of death, expenses for funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may not exceed a maximum of $5,000 and loss of support of the dependents of the

New matter indicated by italics - deletions by strikeout
victim. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $1000 per month, whichever is less. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Real and personal property includes, but is not limited to, vehicles, houses, apartments, town houses, or condominiums. Pecuniary loss does not include pain and suffering or property loss or damage.

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the permanently injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been permanently injured.

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, step-father, step-mother, child, brother, sister, or spouse.

(Source: P.A. 91-258, eff. 1-1-00; 91-445, eff. 1-1-00; 91-892, eff. 7-6-00; 92-427, eff. 1-1-02.)

Passed in the General Assembly May 11, 2005.
Approved August 2, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0400
(Senate Bill No 0416)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Crime Victims Compensation Act is amended by changing Section 2 as follows:

(740 ILCS 45/2) (from Ch. 70, par. 72)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Applicant" means any person who applies for compensation under this Act or any person the Court of Claims finds is entitled to compensation, including the guardian of a minor or of a person under legal disability. It includes any person who was a dependent of a deceased victim of a crime of violence for his or her support at the time of the death of that victim.

(b) "Court of Claims" means the Court of Claims created by the Court of Claims Act.

(c) "Crime of violence" means and includes any offense defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-1, 11-11, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-30, 20-1 or 20-1.1 of the Criminal Code of 1961, and driving under the influence of intoxicating liquor or narcotic drugs as defined in Section 11-501 of the Illinois Vehicle Code, if none of the said offenses occurred during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or accident involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the parent of a child killed or injured in this State as a result of a crime of violence perpetrated or attempted against the child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable man under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.1) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional  

New matter indicated by italics - deletions by strikeout
condition caused or aggravated by the crime, any other person under the age of 18 who is the brother, sister, half brother, half sister, child, or stepchild of a person killed or injured in this State as a result of a crime of violence, or (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible.

(e) "Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of his or her death and shall include the child of a victim born after his or her death.

(f) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle or aunt.

(g) "Child" means an unmarried son or daughter who is under 18 years of age and includes a stepchild, an adopted child or an illegitimate child.

(h) "Pecuniary loss" means, in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, expenses for care or counseling by a licensed clinical psychologist or licensed clinical social worker and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto; prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime; replacement costs for clothing and bedding used as evidence; costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first month's rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime; locks or windows necessary or damaged as a result of the crime; the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; the costs of appropriate crime scene clean-up; replacement services loss, to a maximum of $1000 per month; dependents replacement services loss, to a maximum of $1000 per month; loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a full-time student prior to the injury, or college or graduate

New matter indicated by italics - deletions by strikeout
school when the victim had been enrolled as a full-time day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her; loss of earnings, loss of future earnings because of disability resulting from the injury, and, in addition, in the case of death, expenses for funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may not exceed a maximum of $5,000 and loss of support of the dependents of the victim. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $1000 per month, whichever is less. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Real and personal property includes, but is not limited to, vehicles, houses, apartments, town houses, or condominiums. Pecuniary loss does not include pain and suffering or property loss or damage.

  (i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the permanently injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been permanently injured.

  (j) "Dependents replacement services loss" means loss reasonably incurred by dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

  (k) "Survivor" means immediate family including a parent, step-father, step-mother, child, brother, sister, or spouse.

(Source: P.A. 91-258, eff. 1-1-00; 91-445, eff. 1-1-00; 91-892, eff. 7-6-00; 92-427, eff. 1-1-02.)

Approved August 2, 2005.

New matter indicated by italics - deletions by strikeout
Effective January 1, 2006.

PUBLIC ACT 94-0401  
(House Bill No 0027)

AN ACT concerning local government.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 5-1049.1 as follows:

(55 ILCS 5/5-1049.1) (from Ch. 34, par. 5-1049.1)

Sec. 5-1049.1. Lease of public lands. The county board may enter into agreements to lease lands owned by the county for $1 per year if the county board determines that the lease will serve public health purposes or public safety purposes as described by subsection (j) of Section 10 of the Illinois Emergency Management Agency Act.  
(Source: P.A. 87-939.)

Section 10. The Illinois Municipal Code is amended by adding Section 11-42-10.2 as follows:

(65 ILCS 5/11-42-10.2 new)

Sec. 11-42-10.2. Regulation and licensure; adult entertainment facility.

(a) The corporate authorities of each municipality having a population of less than 750,000 may license or regulate any business (i) that is operating as an adult entertainment facility; (ii) that permits the consumption of alcoholic liquor on the business premises; and (iii) that is not licensed under the Liquor Control Act of 1934.

(b) For purposes of this Section, "adult entertainment facility" means that term as it is defined in Section 11-5-1.5.

Section 99. Effective date. This Act takes effect upon becoming law.  
Passed in the General Assembly May 29, 2005.  
Approved August 2, 2005.  
Effective August 2, 2005.

PUBLIC ACT 94-0402  
(House Bill No 0059)

AN ACT concerning regulation.  
Be it enacted by the People of the State of Illinois, represented in the

New matter indicated by italics - deletions by strikeout
General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Section 370c as follows:

(215 ILCS 5/370c) (from Ch. 73, par. 982c)

Sec. 370c. Mental and emotional disorders.

(a) (1) On and after the effective date of this Section, every insurer which delivers, issues for delivery or renews or modifies group A&H policies providing coverage for hospital or medical treatment or services for illness on an expense-incurred basis shall offer to the applicant or group policyholder subject to the insurer's standards of insurability, coverage for reasonable and necessary treatment and services for mental, emotional or nervous disorders or conditions, other than serious mental illnesses as defined in item (2) of subsection (b), up to the limits provided in the policy for other disorders or conditions, except (i) the insured may be required to pay up to 50% of expenses incurred as a result of the treatment or services, and (ii) the annual benefit limit may be limited to the lesser of $10,000 or 25% of the lifetime policy limit.

(2) Each insured that is covered for mental, emotional or nervous disorders or conditions shall be free to select the physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor of his choice to treat such disorders, and the insurer shall pay the covered charges of such physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor up to the limits of coverage, provided (i) the disorder or condition treated is covered by the policy, and (ii) the physician, licensed psychologist, licensed clinical social worker, or licensed clinical professional counselor is authorized to provide said services under the statutes of this State and in accordance with accepted principles of his profession.

(3) Insofar as this Section applies solely to licensed clinical social workers and licensed clinical professional counselors, those persons who may provide services to individuals shall do so after the licensed clinical social worker or licensed clinical professional counselor has informed the patient of the desirability of the patient conferring with the patient's primary care physician and the licensed clinical social worker or licensed clinical professional counselor has provided written notification to the patient's primary care physician, if any, that services are being provided to the patient. That notification may, however, be waived by the patient on a written form. Those forms shall be retained by the licensed clinical social worker or

New matter indicated by italics - deletions by strikeout
licenced clinical professional counselor for a period of not less than 5 years.  

(b) (1) An insurer that provides coverage for hospital or medical expenses under a group policy of accident and health insurance or health care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 92nd General Assembly shall provide coverage under the policy for treatment of serious mental illness under the same terms and conditions as coverage for hospital or medical expenses related to other illnesses and diseases. The coverage required under this Section must provide for same durational limits, amount limits, deductibles, and co-insurance requirements for serious mental illness as are provided for other illnesses and diseases. This subsection does not apply to coverage provided to employees by employers who have 50 or fewer employees.

(2) "Serious mental illness" means the following psychiatric illnesses as defined in the most current edition of the Diagnostic and Statistical Manual (DSM) published by the American Psychiatric Association:

(A) schizophrenia;
(B) paranoid and other psychotic disorders; 
(C) bipolar disorders (hypomanic, manic, depressive, and mixed); 
(D) major depressive disorders (single episode or recurrent); 
(E) schizoaffective disorders (bipolar or depressive); 
(F) pervasive developmental disorders; 
(G) obsessive-compulsive disorders; 
(H) depression in childhood and adolescence; and 
(I) panic disorder.

(3) Upon request of the reimbursing insurer, a provider of treatment of serious mental illness shall furnish medical records or other necessary data that substantiate that initial or continued treatment is at all times medically necessary. An insurer shall provide a mechanism for the timely review by a provider holding the same license and practicing in the same specialty as the patient's provider, who is unaffiliated with the insurer, jointly selected by the patient (or the patient's next of kin or legal representative if the patient is unable to act for himself or herself), the patient's provider, and the insurer in the event of a dispute between the insurer and patient's provider regarding the medical necessity of a treatment proposed by a patient's provider. If the reviewing provider determines the treatment to be medically necessary, the insurer shall provide reimbursement for the treatment. Future contractual or employment actions by the insurer regarding the patient's provider may not be based on the provider's participation in this procedure. Nothing prevents

New matter indicated by italics - deletions by strikeout
the insured from agreeing in writing to continue treatment at his or her expense. When making a determination of the medical necessity for a treatment modality for serious mental illness, an insurer must make the determination in a manner that is consistent with the manner used to make that determination with respect to other diseases or illnesses covered under the policy, including an appeals process.

(4) A group health benefit plan:

(A) shall provide coverage based upon medical necessity for the following treatment of mental illness in each calendar year;

(i) 45 days of inpatient treatment; and

(ii) 35 visits for outpatient treatment including group and individual outpatient treatment;

(B) may not include a lifetime limit on the number of days of inpatient treatment or the number of outpatient visits covered under the plan; and

(C) shall include the same amount limits, deductibles, copayments, and coinsurance factors for serious mental illness as for physical illness.

(5) An issuer of a group health benefit plan may not count toward the number of outpatient visits required to be covered under this Section an outpatient visit for the purpose of medication management and shall cover the outpatient visits under the same terms and conditions as it covers outpatient visits for the treatment of physical illness.

(6) An issuer of a group health benefit plan may provide or offer coverage required under this Section through a managed care plan.

(7) This Section shall not be interpreted to require a group health benefit plan to provide coverage for treatment of:

(A) an addiction to a controlled substance or cannabis that is used in violation of law; or

(B) mental illness resulting from the use of a controlled substance or cannabis in violation of law.

(8) (Blank). This subsection (b) is inoperative after December 31, 2005.

(Source: P.A. 92-182, eff. 7-27-01; 92-185, eff. 1-1-02; 92-651, eff. 7-11-02.)

AN ACT concerning liens.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Health Care Services Lien Act is amended by changing Section 5 as follows:

(770 ILCS 23/5)

Sec. 5. Definitions. In this Act:

"Health care professional" means any individual in any of the following license categories: licensed physician, licensed dentist, licensed optometrist, licensed naprapath, licensed clinical psychologist, or licensed physical therapist.

"Health care provider" means any entity in any of the following license categories: licensed hospital, licensed home health agency, licensed ambulatory surgical treatment center, licensed long-term care facilities, or licensed emergency medical services personnel.

This amendatory Act of the 94th General Assembly applies to causes of action accruing on or after its effective date.

(Source: P.A. 93-51, eff. 7-1-03.)

Passed in the General Assembly May 26, 2005.
Approved August 2, 2005.
Effective January 1, 2006.

AN ACT concerning sexually dangerous persons.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Sexually Dangerous Persons Act is amended by changing Section 9 as follows:

(725 ILCS 205/9) (from Ch. 38, par. 105-9)

Sec. 9. Recovery; examination and hearing.

(a) An application in writing setting forth facts showing that such sexually dangerous person or criminal sexual psychopathic person has recovered may be filed before the committing court. Upon receipt thereof, the clerk of the court shall cause a copy of the application to be sent to the
Director of the Department of Corrections. The Director shall then cause to be prepared and sent to the court a socio-psychiatric report concerning the applicant. The report shall be prepared by a social worker and psychologist under the supervision of a licensed psychiatrist assigned to the institution wherein such applicant is confined. The court shall set a date for the hearing upon such application and shall consider the report so prepared under the direction of the Director of the Department of Corrections and any other relevant information submitted by or on behalf of such applicant.

(b) At a hearing under this Section, the Attorney General or State’s Attorney who filed the original application shall represent the State. The sexually dangerous person or the State may elect to have the hearing before a jury. The State has the burden of proving by clear and convincing evidence that the applicant is still a sexually dangerous person.

(c) If the applicant refuses to speak to, communicate with, or otherwise fails to cooperate with the State’s examiner, the applicant may only introduce evidence and testimony from any expert or professional person who is retained to conduct an examination based upon review of the records and may not introduce evidence resulting from an examination of the person. Notwithstanding the provisions of Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act, all evaluations conducted under this Act and all Illinois Department of Corrections treatment records shall be admissible at all proceedings held under this Act.

(d) If a person has previously filed an application in writing setting forth facts showing that the sexually dangerous person or criminal sexual psychopathic person has recovered and the court determined either at a hearing or following a jury trial that the applicant is still a sexually dangerous person, or if the application is withdrawn, no additional application may be filed for one year after a finding that the person is still sexually dangerous or after the application is withdrawn, except if the application is accompanied by a statement from the treatment provider that the applicant has made exceptional progress and the application contains facts upon which a court could find that the condition of the person had so changed that a hearing is warranted.

(e) If the person is found to be no longer dangerous, the court shall order that he be discharged. If the court finds that the person appears no longer to be dangerous but that it is impossible to determine with certainty under conditions of institutional care that such person has fully recovered, the court shall enter an order permitting such person to go at large subject to such conditions and such supervision by the Director as in the opinion of the court.

New matter indicated by italics - deletions by strikeout
will adequately protect the public. In the event the person violates any of the conditions of such order, the court shall revoke such conditional release and recommit the person pursuant to Section 5-6-4 of the Unified Code of Corrections under the terms of the original commitment. Upon an order of discharge every outstanding information and indictment, the basis of which was the reason for the present detention, shall be quashed.

(Source: P.A. 92-786, eff. 8-6-02; revised 10-9-03.)
Passed in the General Assembly May 17, 2005.
Approved August 2, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0405
(House Bill No 0325)

AN ACT concerning real property.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Board of Trustees of The University of Illinois must convey to Gene Michael Vanderport, of Vermilion County, Illinois, in exchange for fair market value, based on the average of 3 certified appraisals, and mutually agreed upon perpetual access rights for educational and research purposes, certain real property located in Vermilion County, Illinois and described as follows:

A tract of land in the Southwest Fractional Quarter of Section 1, Township 18 North, Range 11 West of the 2nd Principal Meridian, bounded and described as follows: Beginning at the Northwest corner of the Southwest Fractional Quarter of Section 1, Township 18 North, Range 11 West of the 2nd Principal Meridian; thence down the Vermilion River following the meanders thereof 58 poles to a stone; thence in a Northeasterly direction or course to a point so as to strike the North line of said Southwest Fractional Quarter of said Section 1, 17 poles West of the Northeast corner of said Southwest Fractional Quarter of said Section 1; thence West to the place of beginning, EXCEPT 4.5 acres in a triangular shape off the Northeast corner of said described tract, situated in Vermilion County, Illinois.

Section 10. (a) The State Property Control Act does not apply to the transfer of the real property described in Section 5 of this Act.
(b) The provisions of this Act are judicially enforceable.

New matter indicated by italics - deletions by strikeout
Section 1.02 as follows:

(30 ILCS 605/1.02) (from Ch. 127, par. 133b3)
Sec. 1.02. "Property" means State owned property and includes all real estate, with the exception of rights of way for State water resource and highway improvements, traffic signs and traffic signals, and with the exception of common school property; and all tangible personal property with the exception of properties specifically exempted by the administrator, provided that any property originally classified as real property which has been detached from its structure shall be classified as personal property.

"Property" does not include property owned by the Illinois Medical District Commission and leased or occupied by others for purposes permitted under the Illinois Medical District Act. "Property" also does not include property owned and held by the Illinois Medical District Commission for redevelopment.

"Property" does not include property described under Section 5 of Public Act 92-371 with respect to depositing the net proceeds from the sale or exchange of the property as provided in Section 10 of that Act.

"Property" does not include that property described under Section 5 of this amendatory Act of the 94th General Assembly.

(Source: P.A. 92-371, eff. 8-15-01; 92-651, eff. 7-11-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 29, 2005.
Approved August 2, 2005.
Effective August 2, 2005.

PUBLIC ACT 94-0406
(House Bill No 0595)

AN ACT in relation to educational materials on hepatitis C for veterans.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-376 as follows:

(20 ILCS 2310/2310-376)
Sec. 2310-376. Hepatitis C education and outreach.
(a) The Illinois General Assembly finds and declares the following:
(1) The World Health Organization characterizes Hepatitis C
as a disease of primary concern to humanity.

(2) Hepatitis E is considered a silent killer; no recognizable signs or symptoms occur until severe liver damage has occurred.

(3) Studies indicate that nearly 4 million Americans (1.8 percent of the population) carry the virus HCV that causes the disease.

(4) 30,000 acute new infections occur each year in the United States, and only 25 to 30 percent are diagnosed.

(5) 8,000 to 10,000 Americans die from the disease each year.

(6) 200,000 Illinois residents may be carriers and could develop the debilitating and potentially deadly liver disease.

(7) Inmates of correctional facilities have a higher incidence of Hepatitis E and, upon their release, present a significant health risk to the general population.

(8) Illinois members of the armed services are subject to an increased risk of contracting Hepatitis due to their possible receipt of contaminated blood during a transfusion occurring for the treatment of wounds and due to their service in areas of the world where the disease is more prevalent and healthcare is less capable of detecting and treating the disease. Many of these service members are unaware of the danger of Hepatitis and their increased risk of contracting the disease.

(b) Subject to appropriation, the Department shall conduct an education and outreach campaign, in addition to its overall effort to prevent infectious disease in Illinois, in order to raise awareness about and promote prevention of Hepatitis E.

(c) Subject to appropriation, in addition to the education and outreach campaign provided in subsection (b), the Department shall develop and make available to physicians, other health care providers, members of the armed services, and other persons subject to an increased risk of contracting Hepatitis, educational materials, in written and electronic forms, on the diagnosis, treatment, and prevention of the disease. These materials shall include the recommendations of the federal Centers for Disease Control and Prevention and any other persons or entities determined by the Department to have particular expertise on Hepatitis, including the American Liver Foundation. These materials shall be written in terms that are understandable by members of the general public.

(d) The Department shall establish an Advisory Council on Hepatitis to develop a Hepatitis prevention plan. The Department shall specify the
membership, members' terms, provisions for removal of members, chairmen, and purpose of the Advisory Council. The Advisory Council shall consist of one representative from each of the following State agencies or offices, appointed by the head of each agency or office:

1. The Department of Public Health.
2. The Department of Public Aid.
3. The Department of Corrections.
4. The Department of Veterans' Affairs.
5. The Department on Aging.
6. The Department of Human Services.
7. The Department of State Police.
8. The office of the State Fire Marshal.

The Director shall appoint representatives of organizations and advocates in the State of Illinois, including, but not limited to, the American Liver Foundation. The Director shall also appoint interested members of the public, including consumers and providers of health services and representatives of local public health agencies, to provide recommendations and information to the members of the Advisory Council. Members of the Advisory Council shall serve on a voluntary, unpaid basis and are not entitled to reimbursement for mileage or other costs they incur in connection with performing their duties.

(Source: P.A. 93-129, eff. 1-1-04.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 27, 2005.
Approved August 2, 2005.
Effective August 2, 2005.

PUBLIC ACT 94-0407
(House Bill No 0612)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Illinois Family Case Management Act.
Section 5. Legislative findings and purpose. The General Assembly finds as follows:

1. The statewide rate of infant mortality continues to remain at an unacceptable level in regard to the national average.

New matter indicated by italics - deletions by strikeout
(2) Within the State of Illinois, certain areas and populations continue to experience rates of infant mortality far greater than either the statewide or national averages. Prevention activities need to be statewide for maximum benefit.

(3) Family case management services are proven to be effective in improving the health of women and infants and lowering the incidence of infant morbidity and mortality, particularly those individuals linked to the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

(4) Family case management improves the health and development of children and families by providing the earliest identification of their needs and promoting linkages to address those needs.

(5) Data demonstrates significantly lower Medicaid expenditures for pregnant and postpartum women and children who have been enrolled in family case management and WIC services than for Medicaid-eligible persons not receiving case management services.

Therefore, as a critical component in delivering comprehensive maternal and child health services in Illinois, it is the purpose of this Act to provide for the establishment and recognition of a program of family case management to ensure and provide statewide wrap-around services targeted toward reducing the incidence of infant mortality, very low birthweight infants, and low birthweight infants within the State.

Section 10. Definitions. In this Act:

"Department" means the Illinois Department of Human Services.

"Eligible participant" means: (i) subject to available appropriations, any pregnant woman or child through the age of one year enrolled in the Medicaid program on the effective date of this Act or whose income is up to 200% of the federal poverty level; and (ii) subject to additional appropriations, any child through the age of 4 years enrolled in Medicaid or whose income is up to 200% of the federal poverty level.

"Family Case Management program" or "program" means the program established under Section 15 of this Act.

"Infant mortality rate" means the number of infant deaths per 1,000 live births as reported on a calendar year basis by the federal Department of Health and Human Services.

"Secretary" means the Secretary of Human Services.

"Targeted Intensive Case Management" means services provided to
any program-eligible pregnant woman or infant through the age of one, where an assessment has been performed that deems the participant at greater risk for infant mortality or morbidity.

Section 15. Family Case Management Program. The Department shall establish and administer a family case management program. The purposes of the program shall be to reduce the incidence of infant mortality, very low birthweight infants, and low birthweight infants and to assist low-income families to obtain available health and human services needed for healthy growth and development, including but not limited to prenatal care, early periodic screening, diagnosis, and treatment (EPSDT) services, immunizations, lead screenings, nutritional support, and other specialized services for families with additional challenges and needs. Under the program, case management shall involve individualized assessment of needs, planning of services, referral, monitoring, and advocacy to assist a client in gaining access to appropriate services. Under the program, case management shall be an active and collaborative process involving a qualified case manager, the client, the client's family, and service providers in the community. Priority shall be given to ensure that Targeted Intensive Case Management, as defined in this Act, is available to each qualified participant as defined within the Department's rules and program standards.

Section 20. Maternal and Child Health Advisory Board.

(a) The Maternal and Child Health Advisory Board ("the Board") is created within the Department to advise the Department on the implementation of this Act, including assessments and advice regarding rate structure, and other activities related to maternal and child health and infant mortality reduction programs in the State of Illinois. The Board shall consist of the Secretary of Human Services (or his or her designee), who shall serve as chairman, and one additional representative of the Department of Human Services designated by the Secretary who has direct responsibility with the family case management program; one representative each from the Departments of Children and Family Services, Public Health, and Public Aid; and 4 members of the Illinois General Assembly, one each appointed by the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives. In addition, the Governor shall appoint 20 additional members of the Board. Of the members appointed by the Governor, 2 shall be physicians licensed to practice medicine in all of its branches who currently serve patients enrolled in the family case management program, one of whom shall be an individual with a specialty in obstetrics and gynecology and one of whom shall be an individual with a

New matter indicated by italics - deletions by strikeout
specialty in pediatric medicine; 5 representatives, one each from certified local health departments within the 5 counties with the largest number of family case management enrollees; 5 representatives from certified local health departments outside the Chicago metropolitan and collar counties areas that shall include a balance of urban and rural health departments; a registered professional nurse serving as a public health nurse within a certified local health department; 5 individuals representing community-based programs currently providing family case management services within Cook County that are not certified local health departments; and 2 consumers who are receiving or have received family case management services.

Legislative members shall serve during their term of office in the Illinois General Assembly. Members appointed by the Governor shall serve a term of 3 years or until their successors are appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(b) The Board shall advise the Secretary on efforts related to maternal and child health programs, including infant mortality reduction, in the State of Illinois. In addition, the Board shall review and make recommendations to the Department and the Governor in regard to the system for maternal and child health programs, collaboration, and interrelation between and delivery of programs, including but not limited to Family Case Management, Targeted Intensive Prenatal Case Management, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), and HealthWorks, and the adequacy of family case management funding and reimbursement levels. In performing its duties, the Board may hold hearings throughout the State and advise and receive advice from any local advisory bodies created to address the infant mortality problem.

(c) The Board shall report to the General Assembly, on January 1 of each year, a listing of activities taken in regard to this Act, other efforts to address maternal and child health and infant mortality in Illinois, and proposed recommendations regarding funding and reimbursement levels to adequately support the family case management program.

Section 25. Rules. Within one year after the effective date of this Act, the Department shall adopt rules to implement this Act. In developing the rules, the Department shall consult with the Maternal and Child Health Advisory Board.

New matter indicated by italics - deletions by strikeout
Section 90. The Infant Mortality Reduction Act is repealed.

Section 95. The Prenatal and Newborn Care Act is amended by changing Section 7 as follows:

Sec. 7. Advisory board consultation. The Department shall consult with the Infant Mortality Reduction Advisory Board, established pursuant to the Infant Mortality Reduction Act, as amended, regarding the implementation of this program. In addition, the Board shall advise the Department on the coordination of services provided under this program with services provided under the Illinois Family Case Management Act, Infant Mortality Reduction Act, and the Problem Pregnancy Health Services and Care Act.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 27, 2005.

Approved August 2, 2005.

Effective August 2, 2005.

PUBLIC ACT 94-0408
(House Bill No 0870)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by adding Section 7-103.113 as follows:

Sec. 7-103.113. Quick-take; Dewitt County. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 94th General Assembly for road improvement purposes for the acquisition of the following described real property:

PARCEL 1
A part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows:
Beginning at the Southeast corner of said Section 35; thence South 88 degrees 49 minutes 30 seconds West, a distance of 85.50 feet

New matter indicated by italics - deletions by strikeout
along the south line of the Southeast Quarter of said Section 35; thence North 1 degree 09 minutes 40 seconds West, 16.57 feet to the north right of way line of a township road; thence North 55 degrees 46 minutes 40 seconds East, 56.79 feet; thence northerly 357.19 feet along a curve to the left having a radius of 8564.37 feet, the chord of said curve bears North 2 degrees 12 minutes 30 seconds East, 357.16 feet; thence North 1 degree 00 minutes 50 seconds East, 496.06 feet; thence North 1 degree 06 minutes 30 seconds East, 599.97 feet; thence North 0 degrees 55 minutes 50 seconds East, 299.96 feet; thence North 0 degrees 55 minutes 50 seconds East, 598.18 feet; thence North 1 degree 16 minutes 00 seconds East, 254.87 feet to the north line of the Southeast Quarter of said Section 35; thence North 88 degrees 58 minutes 30 seconds East along said line, 30.02 feet to the east line of the Southeast Quarter of said Section 35; thence South 0 degrees 58 minutes 50 seconds West along said line, a distance of 2653.24 feet to the point of beginning, including that portion containing 1.717 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 1.967 acres, more or less.

ALSO

A part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: A tract of land 5 feet in width lying between Station 23+15.00 and Station 23+28.73 a distance of 13.73 feet along the east side of the proposed east right of way line of a highway designated as Construction Section 85-00043-00-RS, as surveyed and staked out under the direction of the Dewitt County Highway Department.

PARCEL 2

A part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: Beginning at the Southwest corner of said Section 36; thence North 0 degrees 58 minutes 50 seconds East along the west line of the Southwest Quarter of said Section 36, a distance of 1326.62 feet; thence North 88 degrees 58 minutes 00 seconds East, 29.24 feet; thence South 1 degree 06 minutes 30 seconds West, 428.52 feet; thence South 1 degree 00 minutes 50 seconds West, 496.01 feet; thence southerly 358.88 feet along a curve to the right having a radius of 8624.37 feet, the chord of said curve bears South 2 degrees 12 minutes 20 seconds West, 358.85 feet; thence South 65 degrees 33

New matter indicated by italics - deletions by strikeout
minutes 40 seconds East, 47.95 feet to the north right of way line of a township road; thence South 1 degree 00 minutes 10 seconds East, 23.03 feet to the south line of the Southwest Quarter of said Section 36; thence South 89 degrees 00 minutes 30 seconds West along said south line, a distance of 65.15 feet to the point of beginning, including that portion containing 0.741 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.867 acres, more or less.

PARCEL 3A
A part of the Northwest Quarter of the Southwest Quarter of Section 36, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows:

Beginning at the Northwest Corner of the Southwest Quarter of said Section 36; thence North 88 degrees 55 minutes 30 seconds East, a distance of 30.02 feet; thence South 1 degree 16 minutes 00 seconds West, 257.12 feet; thence South 0 degrees 55 minutes 50 seconds West, 598.00 feet; thence South 0 degrees 55 minutes 00 seconds West, 300.05 feet; thence South 1 degree 06 minutes 30 seconds West, 171.50 feet to the south line of the Northwest Quarter of the Southwest Quarter of said Section 36; thence South 88 degrees 58 minutes 00 seconds West along said line, 29.24 feet to the west line of the Southwest Quarter of said Section 36; thence North 0 degrees 58 minutes 50 seconds East, a distance of 1326.62 feet to the point of beginning, including that portion containing 0.761 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.890 acres, more or less.

ALSO
A part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows:

A tract of land 5 feet in width lying between Station 23+28.54 and Station 23+50.00 a distance of 21.46 feet along the east side of the proposed east right of way line of a highway designated as Construction Section 85-00043-00-RS, as surveyed and staked out under the direction of the Dewitt County Highway Department.

PARCEL 3B
A part of the Southwest Quarter of the Northwest Quarter of Section 36, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows:

Beginning at the Southwest Corner of the Northwest Quarter of said
Section 36; thence North 0 degrees 48 minutes 30 seconds East along the west line of the Northwest Quarter of said Section 36, a distance of 1327.69 feet; thence North 88 degrees 54 minutes 10 seconds East, 31.20 feet; thence South 0 degrees 45 minutes 40 seconds West, 381.76 feet; thence South 0 degrees 47 minutes 50 seconds West, 601.02 feet; thence South 1 degree 04 minutes 50 seconds West, 344.97 feet to the south line of the Northwest Quarter of said Section 36; thence South 88 degrees 55 minutes 30 seconds West along said line, a distance of 30.02 feet to the point of beginning, including that portion containing 0.762 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.955 acres, more or less.

PARCEL 4
A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: Beginning at the Southeast corner of the Northeast Quarter of said Section 35; thence North 0 degrees 48 minutes 30 seconds East along the east line of said Section 35, a distance of 1327.69 feet to the north line of the Southeast Quarter of the Northeast Quarter of said Section 35; thence South 89 degrees 10 minutes 50 seconds West along the said north line, 28.83 feet; thence South 0 degrees 45 minutes 40 seconds West, 379.93 feet; thence South 0 degrees 47 minutes 50 seconds West, 600.85 feet; thence South 1 degree 04 minutes 50 seconds West, 347.05 feet to the south line of the Northeast Quarter of said Section 35; thence North 88 degrees 58 minutes 30 seconds East along said south line, a distance of 30.02 feet to the point of beginning, including that portion containing 0.852 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.874 acres, more or less.

PARCEL 6
A part of the Northwest Quarter of Section 36, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: Beginning at the Northwest corner of said Section 36; thence South 0 degrees 48 minutes 30 seconds West along the west line of said Section 36, a distance of 1327.69 feet to the south line of the Northwest Quarter of the Northwest Quarter of said Section 36; thence North 88 degrees 54 minutes 10 seconds East along the said south line, 31.20 feet; thence North 0 degrees 45 minutes 40 seconds East, 217.18 feet; thence North 0 degrees 56 minutes 50 seconds

New matter indicated by italics - deletions by strikeout
East, 300.01 feet; thence North 0 degrees 41 minutes 10 seconds East, 761.94 feet; thence North 42 degrees 26 minutes 10 seconds East, 30.04 feet to the south right of way line of a township road; thence North 0 degrees 40 minutes 00 seconds East, 26.76 feet to the north line of said Section 36; thence South 88 degrees 53 minutes 00 seconds West along said north line, a distance of 50.02 feet to the point of beginning, including that portion containing 0.777 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.963 acres, more or less.

ALSO

A part of the Northwest Quarter of Section 36, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows:

A tract of land 5 feet in width lying between Station 50+30.00 and Station 50+75.00 a distance of 45.00 feet along the east side of the proposed east right of way line of a highway designated as Construction Section 85-00043-00-RS, as surveyed and staked out under the direction of the Dewitt County Highway Department.

PARCEL 7

A part of the Southeast Quarter of Section 26, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows:

Beginning at the Southeast corner of the Southeast Quarter of said Section 26; thence North 0 degrees 58 minutes 30 seconds East along the east line of said Section 26, a distance of 1331.43 feet to the north line of the Southeast Quarter of the Southeast Quarter of said Section 26; thence South 89 degrees 16 minutes 30 seconds West along said north line, 29.65 feet; thence South 0 degrees 58 minutes 20 seconds West, 339.94 feet; thence South 1 degree 13 minutes 40 seconds West, 600.09 feet; thence South 0 degrees 38 minutes 50 seconds West, 343.24 feet; thence South 42 degrees 37 minutes 30 seconds West, 29.90 feet to the north right of way line of a township road; thence South 0 degrees 40 minutes 00 seconds West, 26.33 feet to the south line of said Section 26; thence North 89 degrees 23 minutes 00 seconds East along said south line, a distance of 50.02 feet to the point of beginning, including that portion containing 0.792 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.954 acres, more or less.

PARCEL 8

A part of the Southwest Quarter of Section 25, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows:
Beginning at the Southwest corner of the Southwest Quarter of said Section 25; thence North 0 degrees 58 minutes 30 seconds East along the west line of said Section 25, a distance of 2662.85 feet to the north line of the Southwest Quarter of said Section 25; thence North 89 degrees 04 minutes 40 seconds East along said north line, 28.37 feet; thence South 0 degrees 49 minutes 50 seconds West, 773.22 feet; thence South 0 degrees 58 minutes 20 seconds West, 900.10 feet; thence South 1 degree 13 minutes 40 seconds West, 599.92 feet; thence South 0 degrees 38 minutes 50 seconds West, 343.01 feet; thence South 40 degrees 45 minutes 00 seconds East, 30.24 feet to the north right of way line of a township road; thence South 0 degrees 40 minutes 00 seconds West, 23.16 feet to the south line of said Section 25; thence South 88 degrees 53 minutes 00 seconds West along said south line, a distance of 28.37 feet to the point of beginning, including that portion containing 1.492 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 1.823 acres, more or less.

PARCEL 11
A part of the Northwest Quarter of Section 25, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: Beginning at the Southwest corner of the Northwest Quarter of said Section 25; thence North 0 degrees 39 minutes 50 seconds East along the west line of said Section 25, a distance of 285.00 feet to the north property line; thence North 89 degrees 04 minutes 40 seconds East along said north line, a distance of 29.52 feet; thence South 0 degrees 53 minutes 40 seconds West, a distance of 285.03 feet to the south line of the Northwest Quarter of said Section 25; thence South 89 degrees 04 minutes 40 seconds West along said south line, a distance of 28.37 feet to the point of beginning, including that portion containing 0.153 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.189 acres, more or less.

PARCEL 12
A part of the Northwest Quarter of Section 25, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: Commencing at the Southwest Corner of said Section 25; thence North 0 degrees 39 minutes 50 seconds East along the west line of said Section 25, a distance of 285.00 feet to the south property line and the point of beginning; thence continuing North 0 degrees 39

New matter indicated by italics - deletions by strikeout
minutes 50 seconds East along said west line, a distance of 1043.42 feet to the north line of the South Half of the Northwest Quarter of said Section 25; thence North 89 degrees 06 minutes 10 seconds East along said north line, a distance of 31.28 feet; thence South 0 degrees 49 minutes 00 seconds West, a distance of 101.59 feet; thence South 0 degrees 33 minutes 40 seconds West, a distance of 400.04 feet; thence South 0 degrees 53 minutes 50 seconds West, 541.83 feet to the south property line; thence South 89 degrees 04 minutes 40 seconds West along the said south line, a distance of 29.52 feet to the point of beginning, including that portion containing 0.571 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.741 acres, more or less.

PARCEL 14
A part of the Northeast Quarter of Section 26, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: Beginning at the Northeast Corner of said Section 26; thence North 89 degrees 06 minutes 10 seconds West along said south monumented parcel line; thence North 0 degrees 39 minutes 50 seconds West along the east line of the Northeast Quarter of said Section 26, a distance of 1130.32 feet to the south monumented parcel line; thence North 89 degrees 13 minutes 10 seconds West, 28.20 feet; thence North 0 degrees 49 minutes 00 seconds East, 201.20 feet; thence North 0 degrees 53 minutes 30 seconds East, 875.01 feet; thence North 29 degrees 29 minutes 30 seconds West, 39.54 feet to the south right of way line of a township road; thence North 0 degrees 52 minutes 30 seconds East, 18.75 feet to the north line of the Northeast Quarter of said Section 26; thence North 89 degrees 12 minutes 20 seconds East along said north line, 44.01 feet to the point of beginning, including that portion containing 0.588 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.696 acres, more or less.

ALSO
A part of the Northeast Quarter of Section 26, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: A tract of land 5 feet in width lying between Station 105+00.00 and Station 105+40.00 a distance of 40.00 feet along the west side of the proposed west right of way line of a highway designated as Construction Section 85-00043-00-RS, as surveyed and staked out under the direction of the Dewitt County Highway Department.

New matter indicated by italics - deletions by strikeout
PARCEL 22
A part of the Southeast Quarter of Section 14, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: Beginning at the Southeast Corner of said Section 14; thence South 89 degrees 21 minutes 00 seconds West along the south line of the Southeast Quarter of said Section 14, a distance of 36.03 feet; thence North 1 degree 06 minutes 30 seconds East, 31.02 feet to the north right of way line of County Highway 15; thence North 11 degrees 32 minutes 30 seconds East, 54.77 feet; thence North 1 degree 01 minute 40 seconds East, 469.47 feet; thence North 0 degrees 51 minutes 40 seconds East, 750.02 feet; thence North 1 degree 05 minutes 10 seconds East, 25.08 feet to the north line of the south half of the Southeast Quarter of said Section 14; thence North 89 degrees 25 minutes 00 seconds East, 28.95 feet to the east line of the Southeast Quarter of said Section 14; thence South 1 degree 03 minutes 40 seconds West along said line, a distance of 1329.19 feet to the point of beginning, including that portion containing 0.725 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.838 acres, more or less.

PARCEL 24
A part of the Southeast Quarter of Section 14, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: Beginning at the Northeast Corner of the Southeast Quarter of said Section 14; thence South 1 degree 03 minutes 40 seconds West along the east line of said Southeast Quarter, a distance of 1329.19 feet to the south line of the Northeast Quarter of the Southeast Quarter of said Section 14; thence South 89 degrees 25 minutes 00 seconds West, 28.95 feet; thence North 1 degree 05 minutes 20 seconds East, 925.01 feet; thence North 1 degree 11 minutes 50 seconds East, 404.25 feet to the north line of said Southeast Quarter; thence North 89 degrees 28 minutes 50 seconds East along said line, a distance of 27.57 feet to the point of beginning, including that portion containing 0.775 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.870 acres, more or less.

PARCEL 26
A part of the Southwest Quarter of Section 13, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: Beginning at the Northwest Corner of the Southwest Quarter of said

New matter indicated by italics - deletions by strikeout
Section 13; thence South 1 degree 03 minutes 40 seconds West, along the west line of the Southwest Quarter of said Section 13, a distance of 440.13 feet to the south parcel line; thence North 89 degrees 10 minutes 40 seconds East along said parcel line, 31.50 feet; thence North 1 degree 05 minutes 20 seconds East, 34.00 feet; thence North 1 degree 11 minutes 55 seconds East, 400.01 feet; thence North 1 degree 03 minutes 00 seconds East, 6.15 feet to the north line of the Southwest Quarter of said Section 13; thence South 89 degrees 11 minutes 10 seconds West along said north line, 32.46 feet to the point of beginning, including that portion containing 0.247 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.323 acres, more or less.

PARCEL 27
A part of the Northeast Quarter of Section 14, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: Beginning at the Southeast Corner of the Northeast Quarter of said Section 14; thence North 0 degrees 58 minutes 50 seconds East along the east line of the Northeast Quarter of said Section 14, a distance of 316.77 feet to the north parcel line; thence South 89 degrees 28 minutes 50 seconds West along said line, 27.18 feet; thence South 1 degree 03 minutes 00 seconds West, 316.78 feet to the south line of the Northeast Quarter of said Section 14; thence North 89 degrees 28 minutes 50 seconds East along said line, 27.57 feet to the point of beginning, including that portion containing 0.176 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.199 acres, more or less.

PARCEL 29
A part of the Northeast Quarter of Section 14, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows: Beginning at the Northeast Corner of said Section 14; thence South 0 degrees 58 minutes 50 seconds West along the east line of the Northeast Quarter of said Section 14, a distance of 2342.88 feet to the south parcel line; thence South 89 degrees 29 minutes 00 seconds West, 27.18 feet; thence North 1 degree 03 minutes 00 seconds East, 878.86 feet; thence North 0 degrees 50 minutes 10 seconds East, 1399.89 feet; thence North 0 degrees 44 minutes 30 seconds East, 22.44 feet; thence North 40 degrees 31 minutes 30 seconds West, 30.32 feet to the existing south right of way line of a township road; thence North 0 degrees 44 minutes 30 seconds East, 18.43 feet to the

New matter indicated by italics - deletions by strikeout
north line of said Northeast Quarter; thence North 89 degrees 31
minutes 50 seconds East along said line, 49.89 feet to the point of
beginning, including that portion containing 1.238 acres, more or
less, which exists as public road right-of-way, said perpetual right-of-
way easement containing 1.490 acres, more or less.

PARCEL 30
A part of the Northwest Quarter of Section 13, Township 19 North,
Range 3 East of the Third Principal Meridian, described as follows:
Beginning at the Northwest Corner of said Section 13; thence South
0 degrees 58 minutes 50 seconds West along the west line of the
Northwest Quarter of said Section 13, a distance of 1329.82 feet to
the south parcel line; thence North 89 degrees 09 minutes 50 seconds
East along said line, 33.58 feet; thence North 0 degrees 50 minutes
10 seconds East, 1264.13 feet; thence North 0 degrees 44 minutes 30
seconds East, 22.64 feet; thence North 42 degrees 44 minutes 20
seconds East, 29.90 feet to the existing north right of way line of a
township road; thence North 0 degrees 44 minutes 40 seconds East,
21.30 feet to the north line of said Northwest Quarter; thence South
89 degrees 08 minutes 50 seconds West along said line, 50.15 feet to
the point of beginning, including that portion containing 0.830 acres,
more or less, which exists as public road right-of-way, said perpetual
right-of-way easement containing 0.989 acres, more or less.

PARCEL 31
A part of the Southwest Quarter of Section 12, Township 19 North,
Range 3 East of the Third Principal Meridian, described as follows:
Beginning at the Southwest Corner of said Section 12; thence North
0 degrees 48 minutes 30 seconds East along the west line of the
Southwest Quarter of said Section 12, a distance of 2580.09 feet to
the north parcel line; thence North 89 degrees 22 minutes 40 seconds
East, 245.61 feet; thence South 0 degrees 52 minutes 40 seconds West,
1099.99 feet; thence South 0 degrees 57 minutes 50 seconds West,
800.03 feet; thence South 0 degrees 44 minutes 30 seconds West,
392.46 feet; thence South 40 degrees 26 minutes 10 seconds East,
30.38 feet to the existing north right of way line of a township road;
thence South 0 degrees 44 minutes 40 seconds West, 18.47 feet to the
south line of said Southwest Quarter; thence South 89 degrees 08
minutes 50 seconds West along said line, 50.15 feet to the point of
beginning, including that portion containing 1.493 acres, more or

New matter indicated by italics - deletions by strikeout
less, which exists as public road right-of-way, said perpetual right-of-way easement containing 1.840 acres, more or less.

ALSO
A part of the Southwest Quarter of Section 12, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows:
A tract of land 5 feet in width lying between Station 235+40.00 and Station 235+70.00 a distance of 30.00 feet along the east side of the proposed east right of way line of a highway designated as Construction Section 85-00043-00-RS, as surveyed and staked out under the direction of the Dewitt County Highway Department.

PARCEL 33
A part of the Southeast Quarter of Section 11, Township 19 North, Range 3 East, Third Principal Meridian, described as follows:
Commencing at the Northeast corner of the Southeast Quarter of said Section 11; thence South 0 degrees 48 minutes 30 seconds West along the east line of the Southeast Quarter of said Section 11, a distance of 13.79 feet to the north parcel line and the point of beginning; thence continuing South 0 degrees 48 minutes 30 seconds West, 70.01 feet to the south parcel line; thence South 89 degrees 56 minutes 00 seconds West along said parcel line, 28.95 feet; thence North 0 degrees 52 minutes 40 seconds East, 70.01 feet to the north parcel line; thence North 89 degrees 56 minutes 00 seconds East, 28.86 feet to the point of beginning, including that portion containing 0.040 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.046 acres, more or less.

PARCEL 34
A part of the Southwest Quarter of Section 12, Township 19 North, Range 3 East, Third Principal Meridian, described as follows:
Beginning at the Northwest corner of the Southwest Quarter of said Section 12; thence North 89 degrees 22 minutes 40 seconds East along the north line of the Southwest Quarter of said Section 12, a distance of 31.17 feet; thence South 0 degrees 52 minutes 40 seconds West, 100.03 feet to the south parcel line; thence South 89 degrees 22 minutes 40 seconds West along said parcel line, 31.05 feet; thence North 0 degrees 48 minutes 30 seconds East, 100.03 feet to the point of beginning, including that portion containing 0.057 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 0.071 acres, more or less.

New matter indicated by italics - deletions by strikeout
PARCEL 38
A part of the Northwest Quarter of Section 12, Township 19 North, Range 3 East of the Third Principal Meridian, described as follows:
Beginning at the Southwest corner of the Northwest Quarter of said Section 12; thence North 89 degrees 22 minutes 40 seconds East along the south line of the Northwest Quarter of said Section 12, a distance of 31.17 feet; thence North 0 degrees 52 minutes 40 seconds East, 154.41 feet; thence North 0 degrees 39 minutes 40 seconds East, 500.00 feet; thence North 0 degrees 46 minutes 30 seconds East, 199.96 feet; thence North 2 degrees 34 minutes 30 seconds East, 400.20 feet; thence North 2 degrees 41 minutes 10 seconds East, 107.55 feet to the south line of the north 80 acres of the Northwest Quarter of said Section 12; thence South 89 degrees 34 minutes 20 seconds West along said south line, 45.86 feet to the west line of the Northwest Quarter of said Section 12; thence South 0 degrees 48 minutes 30 seconds West along the west line of the Northwest Quarter of said Section 12, a distance of 1361.66 feet to the point of beginning including that portion containing 0.758 acres, more or less, which exists as public road right-of-way, said perpetual right-of-way easement containing 1.042 acres, more or less.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 27, 2005.
Approved August 2, 2005.
Effective August 2, 2005.

PUBLIC ACT 94-0409
(House Bill No 0875)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.16 and by adding Section 4.26 as follows:
(5 ILCS 80/4.16)
Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:
The Respiratory Care Practice Act.
The Hearing Instrument Consumer Protection Act.
The Illinois Dental Practice Act.

New matter indicated by italics - deletions by strikeout
The Professional Geologist Licensing Act.
The Illinois Athletic Trainers Practice Act.
The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.
The Collection Agency Act.
The Illinois Roofing Industry Licensing Act.

(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)

(5 ILCS 80/4.26 new)

Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:
The Illinois Dental Practice Act.

Section 10. The Illinois Dental Practice Act is amended by changing Sections 4, 7, 9, 11, 16, 16.1, 19, 24, 25, and 50 and by adding Sections 25.1 and 54.2 as follows:

(225 ILCS 25/4) (from Ch. 111, par. 2304)

(Section scheduled to be repealed on January 1, 2006)

Sec. 4. Definitions. As used in this Act:
(a) "Department" means the Illinois Department of Professional Regulation.
(b) "Director" means the Director of Professional Regulation.
(c) "Board" means the Board of Dentistry established by Section 6 of this Act.
(d) "Dentist" means a person who has received a general license pursuant to paragraph (a) of Section 11 of this Act and who may perform any intraoral and extraoral procedure required in the practice of dentistry and to whom is reserved the responsibilities specified in Section 17.
(e) "Dental hygienist" means a person who holds a license under this Act to perform dental services as authorized by Section 18.
(f) "Dental assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services as authorized by Section 17.
(g) "Dental laboratory" means a person, firm or corporation which:
   (i) engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues; and

New matter indicated by italics - deletions by strikeout
(ii) utilizes or employs a dental technician to provide such services; and
(iii) performs such functions only for a dentist or dentists.

(h) "Supervision" means supervision of a dental hygienist or a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist or dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.

(i) "General supervision" means supervision of a dental hygienist requiring that the patient be a patient of record, that the dentist examine the patient in accordance with Section 18 prior to treatment by the dental hygienist, and that the dentist authorize the procedures which are being carried out by a notation in the patient's record, but not requiring that a dentist be present when the authorized procedures are being performed. The issuance of a prescription to a dental laboratory by a dentist does not constitute general supervision.

(j) "Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.

(k) "Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning and care of conditions within the human oral cavity and its adjacent tissues and structures, as further specified in Section 17.

(l) "Branches of dentistry" means the various specialties of dentistry which, for purposes of this Act, shall be limited to the following: endodontics, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics, and oral and maxillofacial radiology.

(m) "Specialist" means a dentist who has received a specialty license pursuant to Section 11(b).

(n) "Dental technician" means a person who owns, operates or is employed by a dental laboratory and engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues.

(o) "Impaired dentist" or "impaired dental hygienist" means a dentist or dental hygienist who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written
determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish the person's ability to deliver competent patient care.

(p) "Nurse" means a registered professional nurse, a certified registered nurse anesthetist licensed as an advanced practice nurse, or a licensed practical nurse licensed under the Nursing and Advanced Practice Nursing Act.

(q) "Patient of record" means a patient for whom the patient's most recent dentist has obtained a relevant medical and dental history and on whom the dentist has performed an examination and evaluated the condition to be treated.

(r) "Dental emergency responder" means a dentist or dental hygienist who is appropriately certified in emergency medical response, as defined by the Department of Public Health.

(225 ILCS 25/7) (from Ch. 111, par. 2307)

Sec. 7. Recommendations by Board of Dentistry. The Director shall consider the recommendations of the Board in establishing guidelines for professional conduct, for the conduct of formal disciplinary proceedings brought under this Act, and for establishing guidelines for qualifications of applicants. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein. Upon the vote of at least 7/10 of the members of the Board, the Department shall adopt the recommendations of the Board in any rulemaking under this Act. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act. The action or report in writing of a majority of the Board shall be sufficient authority upon which the Director may act.

Whenever the Director is satisfied that substantial justice has not been done either in an examination or in the revocation, suspension or refusal to issue a license, the Director may order a reexamination or rehearing.

(225 ILCS 25/9) (from Ch. 111, par. 2309)

Sec. 9. Qualifications of Applicants for Dental Licenses. The Department shall require that each applicant for a license to practice dentistry shall:

New matter indicated by italics - deletions by strikeout
(a) (Blank).

(b) Be at least 21 years of age and of good moral character.

(c) (1) Present satisfactory evidence of completion of dental education by graduation from a dental college or school in the United States or Canada approved by the Department. The Department shall not approve any dental college or school which does not require at least (A) 60 semester hours of collegiate credit or the equivalent in acceptable subjects from a college or university before admission, and (B) completion of at least 4 academic years of instruction or the equivalent in an approved dental college or school before graduation; or

(2) Present satisfactory evidence of completion of dental education by graduation from a dental college or school outside the United States or Canada and provide satisfactory evidence that:

(A) (blank) the completion of a dental education outside the United States or Canada authorized the applicant to practice dentistry in the country in which he or she completed the dental education;

(B) the applicant has completed a minimum of 2 academic years of general dental clinical training at a dental college or school in the United States or Canada approved by the Department, however, an accredited advanced dental education program approved by the Department of no less than 2 years may be substituted for the 2 academic years of general dental clinical training and except that an applicant who was enrolled for not less than one year in an approved clinical program prior to January 1, 1993 at an Illinois dental college or school shall be required to complete only that program; and

(C) the applicant has received certification from the dean of an approved dental college or school in the United States or Canada or the program director of an approved advanced dental education program stating that the applicant has achieved the same level of scientific knowledge and clinical competence as required of all graduates of the college, or school, or advanced dental education program.

Nothing in this Act shall be construed to prevent either the Department or any dental college or school from establishing higher standards than specified in this Act.

(d) In determining professional capacity under this Section, any individual who has not been actively engaged in the practice of dentistry, has not been a dental student, or has not been engaged in a formal program of dental education during the 5 years immediately preceding the filing of an application...
application may be required to complete such additional testing, training, or remedial education as the Board may deem necessary in order to establish the applicant's present capacity to practice dentistry with reasonable judgment, skill, and safety.

(e) Pass an examination authorized or given by the Department in the theory and practice of the science of dentistry; provided, that the Department (1) may recognize a certificate granted by the National Board of Dental Examiners in lieu of, or subject to, such examination as may be required and (2) may recognize successful completion of the preclinical and clinical examination examinations conducted by approved regional testing services in lieu of such examinations as may be required. For purposes of this Section, successful completion shall mean that the applicant has achieved a minimum passing score on the regional examinations as determined by each approved regional testing service.

(Source: P.A. 88-45; 88-635, eff. 1-1-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)

(225 ILCS 25/11) (from Ch. 111, par. 2311)

(Section scheduled to be repealed on January 1, 2006)

Sec. 11. Types of Dental Licenses. The Department shall have the authority to issue the following types of licenses:

(a) General licenses. The Department shall issue a license authorizing practice as a dentist to any person who qualifies for a license under this Act.

(b) Specialty licenses. The Department shall issue a license authorizing practice as a specialist in any particular branch of dentistry to any dentist who has complied with the requirements established for that particular branch of dentistry at the time of making application. The Department shall establish additional requirements of any dentist who announces or holds himself or herself out to the public as a specialist or as being specially qualified in any particular branch of dentistry.

No dentist shall announce or hold himself or herself out to the public as a specialist or as being specially qualified in any particular branch of dentistry unless he or she is licensed to practice in that specialty of dentistry.

The fact that any dentist shall announce by card, letterhead or any other form of communication using terms as "Specialist," "Practice Limited To" or "Limited to Specialty of" with the name of the branch of dentistry practiced as a specialty, or shall use equivalent words or phrases to announce the same, shall be prima facie evidence that the dentist is holding himself or herself out to the public as a specialist.

(c) Temporary training licenses. Persons who wish to pursue specialty

New matter indicated by italics - deletions by strikeout
or other advanced clinical educational programs in an approved dental school or a hospital situated in this State, or persons who wish to pursue programs of specialty training in dental public health in public agencies in this State, may receive without examination, in the discretion of the Department, a temporary training license. In order to receive a temporary training license under this subsection, an applicant shall furnish satisfactory proof to the Department that:

(1) The applicant is at least 21 years of age and is of good moral character. In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as bar to licensure;

(2) The applicant has been accepted or appointed for specialty or residency training by an approved hospital situated in this State, by an approved dental school situated in this State, or by a public health agency in this State the training programs of which are recognized and approved by the Department. The applicant shall indicate the beginning and ending dates of the period for which he or she has been accepted or appointed;

(3) The applicant is a graduate of a dental school or college approved and in good standing in the judgment of the Department. The Department may consider diplomas or certifications of education, or both, accompanied by transcripts of course work and credits awarded to determine if an applicant has graduated from a dental school or college approved and in good standing. The Department may also consider diplomas or certifications of education, or both, accompanied by transcripts of course work and credits awarded in determining whether a dental school or college is approved and in good standing.

Temporary training licenses issued under this Section shall be valid only for the duration of the period of residency or specialty training and may be extended or renewed as prescribed by rule. The holder of a valid temporary training license shall be entitled thereby to perform acts as may be prescribed by and incidental to his or her program of residency or specialty training; but he or she shall not be entitled to engage in the practice of dentistry in this State.

A temporary training license may be revoked by the Department upon proof that the holder has engaged in the practice of dentistry in this State outside of his or her program of residency or specialty training, or if the

New matter indicated by italics - deletions by strikeout
holder shall fail to supply the Department, within 10 days of its request, with information as to his or her current status and activities in his or her specialty training program.

(d) Restricted faculty licenses. Persons who have received full-time appointments to teach dentistry at an approved dental school or hospital situated in this State may receive without examination, in the discretion of the Department, a restricted faculty license. In order to receive a restricted faculty license an applicant shall furnish satisfactory proof to the Department that:

(1) The applicant is at least 21 years of age, is of good moral character and is licensed to practice dentistry in another state or country; and

(2) The applicant has a full-time appointment to teach dentistry at an approved dental school or hospital situated in this State.

Restricted faculty licenses issued under this Section shall be valid for a period of 3 1/2 years and may be extended or renewed. The holder of a valid restricted faculty license may perform acts as may be required by his or her teaching of dentistry. In addition, the holder of a restricted faculty license may practice general dentistry or in his or her area of specialty, but only in a clinic or office affiliated with the dental school. Any restricted faculty license issued to a faculty member under this Section shall terminate immediately and automatically, without any further action by the Department, if the holder ceases to be a faculty member at an approved dental school or hospital in this State.

The Department may revoke a restricted faculty license for a violation of this Act or its rules, or if the holder fails to supply the Department, within 10 days of its request, with information as to his current status and activities in his teaching program.

(e) Inactive status. Any person who holds one of the licenses under subsection (a) or (b) of Section 11 or under Section 12 of this Act may elect, upon payment of the required fee, to place his or her license on an inactive status and shall, subject to the rules of the Department, be excused from the payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status. Any licensee requesting restoration from inactive status shall be required to pay the current renewal fee and upon payment the Department shall be required to restore his or her license, as provided in Section 16 of this Act. Any licensee whose license is in an inactive status shall not practice in the State of Illinois.

(f) Certificates of Identification. In addition to the licenses authorized

New matter indicated by italics - deletions by strikeout
by this Section, the Department shall deliver to each dentist a certificate of identification in a form specified by the Department. (Source: P.A. 92-280, eff. 1-1-02.)

(225 ILCS 25/16) (from Ch. 111, par. 2316)
(Section scheduled to be repealed on January 1, 2006)

Sec. 16. Expiration, renewal and restoration of licenses.

The expiration date and renewal date period for each license issued under this Act shall be set by rule. The renewal period for each license issued under this Act shall be 3 years. A dentist or dental hygienist may renew a license during the month preceding its expiration date by paying the required fee. A dental hygienist shall provide proof of current cardiopulmonary resuscitation certification at the time of renewal.

Any dentist or dental hygienist whose license has expired or whose license is on inactive status may have his license restored at any time within 5 years after the expiration thereof, upon payment of the required fee and a showing of proof of compliance with current continuing education requirements, as provided by rule.

Any person whose license has been expired for more than 5 years or who has had his license on inactive status for more than 5 years may have his license restored by making application to the Department and filing proof acceptable to the Department of taking continuing education and of his fitness to have the license restored, including sworn evidence certifying to active practice in another jurisdiction, and by paying the required restoration fee. A person practicing on an expired license is deemed to be practicing without a license. However, a holder of a license may renew the license within 90 days after its expiration by complying with the requirements for renewal and payment of an additional fee. A license renewal within 90 days after expiration shall be effective retroactively to the expiration date.

If a person whose license has expired or who has had his license on inactive status for more than 5 years has not maintained an active practice satisfactory to the department, the Department shall determine, by an evaluation process established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience and may require successful completion of a practical examination.

However, any person whose license has expired while he has been engaged (1) in federal or state service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored without paying any lapsed renewal or restoration fee, if within 2 years after termination of such

New matter indicated by italics - deletions by strikeout
service, training or education other than by dishonorable discharge, he furnishes the Department with satisfactory proof that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

(Section scheduled to be repealed on January 1, 2006)

Sec. 16.1. Continuing education. The Department shall promulgate rules of continuing education for persons licensed under this Act. In establishing rules, the Department shall require a minimum of $48 32$ hours of study in approved courses for dentists during each 3-year 2-year licensing period and a minimum of $36 24$ hours of study in approved courses for dental hygienists during each 3-year 2-year licensing period. These continuing education rules shall only apply to licenses renewed after November 1, 1992.

The Department shall approve only courses that are relevant to the treatment and care of patients, including, but not limited to, clinical courses in dentistry and dental hygiene and nonclinical courses such as patient management, legal and ethical responsibilities, and stress management. Courses shall not be approved in such subjects as estate and financial planning, investments, or personal health. Approved courses may include, but shall not be limited to, courses that are offered or sponsored by approved colleges, universities, and hospitals and by recognized national, State, and local dental and dental hygiene organizations.

No license shall be renewed unless the renewal application is accompanied by an affidavit indicating that the applicant has completed the required minimum number of hours of continuing education in approved courses as required by this Section. The affidavit shall not require a listing of courses. The affidavit shall be a prima facie evidence that the applicant has obtained the minimum number of required continuing education hours in approved courses. The Department shall not be obligated to conduct random audits or otherwise independently verify that an applicant has met the continuing education requirement. The Department, however, may not conduct random audits of more than 10% of the licensed dentists and dental hygienists in any one licensing cycle to verify compliance with continuing education requirements. If the Department, however, receives a complaint that a licensee has not completed the required continuing education or if the Department is investigating another alleged violation of this Act by a licensee, the Department may demand and shall be entitled to receive evidence from any licensee of completion of required continuing education courses for the most recently completed 3-year 2-year licensing period.

New matter indicated by italics - deletions by strikeout
Evidence of continuing education may include, but is not limited to, canceled checks, official verification forms of attendance, and continuing education recording forms, that demonstrate a reasonable record of attendance. The Illinois State Board of Dentistry shall determine, in accordance with rules adopted by the Department, whether a licensee or applicant has met the continuing education requirements. Any dentist who holds more than one license under this Act shall be required to complete only the minimum number of hours of continuing education required for renewal of a single license. The Department may provide exemptions from continuing education requirements. The exemptions shall include, but shall not be limited to, dentists and dental hygienists who agree not to practice within the State during the licensing period because they are retired from practice.

(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 90-544, eff. 1-1-98.)

(225 ILCS 25/19) (from Ch. 111, par. 2319)

(Section scheduled to be repealed on January 1, 2006)

Sec. 19. Licensing Applicants from other States. Any person who has been lawfully licensed to practice dentistry, including the practice of a licensed dental specialty, or dental hygiene in another state or territory which has and maintains a standard for the practice of dentistry, a dental specialty, or dental hygiene at least equal to that now maintained in this State, or if the requirements for licensure in such state or territory in which the applicant was licensed were, at the date of his licensure, substantially equivalent to the requirements then in force in this State, and who has been lawfully engaged in the practice of dentistry or dental hygiene for at least 3 of the 5 years immediately preceding the filing of his or her application to practice in this State and who shall deposit with the Department a duly attested certificate from the Board of the state or territory in which he or she is licensed, certifying to the fact of his or her licensing and of his or her being a person of good moral character may, upon payment of the required fee, be granted a license to practice dentistry, a dental specialty, or dental hygiene in this State, as the case may be.

For the purposes of this Section, in computing 3 of the immediately preceding 5 years of practice in another state or territory, any person who left the practice of dentistry to enter the military service and who practiced dentistry while in the military service may count as a part of such period the time spent by him in such service.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply.
and meet the requirements in effect at the time of reapplication.
(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)
(225 ILCS 25/24) (from Ch. 111, par. 2324)
(Sec. 24. Refusal, Suspension or Revocation of Dental Hygienist
License. The Department may refuse to issue or renew or may revoke,
suspend, place on probation, reprimand or take other disciplinary action as
the Department may deem proper, including fines not to exceed $2,500 per
violation, with regard to any dental hygienist license for any one or any
combination of the following causes:
1. Fraud in procuring license.
2. Performing any operation not authorized by this Act.
3. Practicing dental hygiene other than under the supervision of a
licensed dentist as provided by this Act.
4. The wilful violation of, or the wilful procuring of, or knowingly
assisting in the violation of, any Act which is now or which hereafter may be
in force in this State relating to the use of habit-forming drugs.
5. The obtaining of, or an attempt to obtain a license, or practice in the
profession, or money, or any other thing of value by fraudulent
representation.
6. Gross negligence in performing the operative procedure of dental
hygiene.
7. Active practice of dental hygiene while knowingly having any
infectious, communicable, or contagious disease proscribed by rule or
regulation of the Department.
8. Habitual intoxication or addiction to the use of habit-forming
drugs.
9. Conviction in this or another state of any crime which is a felony
under the laws of this State or conviction of a felony in a federal court, if the
Department determines, after investigation, that such person has not been
sufficiently rehabilitated to warrant the public trust.
10. Aiding or abetting the unlicensed practice of dentistry or dental
hygiene.
11. Discipline by another U.S. jurisdiction or a foreign nation, if at
least one of the grounds for the discipline is the same or substantially
equivalent to those set forth in this Act.
13. Violating the prohibitions of Section 38.1 of this Act.
14. Engaging in dishonorable, unethical, or unprofessional conduct

New matter indicated by italics - deletions by strikeout
of a character likely to deceive, defraud, or harm the public.

The provisions of this Act relating to proceedings for the suspension and revocation of a license to practice dentistry shall apply to proceedings for the suspension or revocation of a license as a dental hygienist.

(Source: P.A. 91-520, eff. 1-1-00.)

(225 ILCS 25/25) (from Ch. 111, par. 2325)

(Section scheduled to be repealed on January 1, 2006) Sec. 25. Notice of hearing; investigations and informal conferences.

(a) Upon the motion of either the Department or the Board or upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation of license under this Act, the Board shall investigate the actions of any person, hereinafter called the respondent, who holds or represents that he holds a license. All such motions or complaints shall be brought to the Board.

(b) Prior to taking an in-person statement from a dentist or dental hygienist who is the subject of a complaint, the investigator shall inform the dentist or the dental hygienist in writing:

(1) that the dentist or dental hygienist is the subject of a complaint; and

(2) that the dentist or dental hygienist need not immediately proceed with the interview and may seek appropriate consultation prior to consenting to the interview; and:

(3) that failure of the dentist or dental hygienist to proceed with the interview shall not prohibit the Department from conducting a visual inspection of the facility.

A Department investigator's failure to comply with this subsection may not be the sole ground for dismissal of any order of the Department filed upon a finding of a violation or for dismissal of a pending investigation.

(c) If the Department concludes on the basis of a complaint or its initial investigation that there is a possible violation of the Act, the Department may:

(1) schedule a hearing pursuant to this Act; or

(2) request in writing that the dentist or dental hygienist being investigated attend an informal conference with representatives of the Department.

The request for an informal conference shall contain the nature of the alleged actions or inactions that constitute the possible violations.

A dentist or dental hygienist shall be allowed to have legal counsel at the informal conference. If the informal conference results in a consent order

New matter indicated by italics - deletions by strikeout
between the accused dentist or dental hygienist and the Department, the consent order must be approved by the Board and the Director. However, if the consent order would result in a fine exceeding $5,000 or the suspension or revocation of the dentist or dental hygienist license, the consent order must be approved by the Board and the Director. Participation in the informal conference by a dentist, a dental hygienist, or the Department and any admissions or stipulations made by a dentist, a dental hygienist, or the Department at the informal conference, including any agreements in a consent order that is subsequently disapproved by either the Board or the Director, shall not be used against the dentist, dental hygienist, or Department at any subsequent hearing and shall not become a part of the record of the hearing.

(d) The Director shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Director may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the respondent in writing of any charges made and the time and place for a hearing of the charges before the Board, direct him or her to file his or her written answer thereto to the Board under oath within 20 days after the service on him or her of such notice and inform him or her that if he or she fails to file such answer default will be taken against him or her and his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken with regard thereto, including limiting the scope, nature or extent of his or her practice, as the Director may deem proper.

(e) Such written notice and any notice in such proceedings thereafter may be served by delivery personally to the respondent, or by registered or certified mail to the address last theretofore specified by the respondent in his or her last notification to the Director.

(Source: P.A. 91-689, eff. 1-1-01.)

(225 ILCS 25/25.1 new)

Sec. 25.1. Subpoena powers.

(a) The Department, upon a determination by the chairperson of the Board that reasonable cause exists that a violation of one or more of the grounds for discipline set forth in Section 23 or Section 24 of this Act has occurred or is occurring, may subpoena the dental records of individual patients of dentists and dental hygienists licensed under this Act.

(b) Notwithstanding subsection (a) of this Section, the Board and the Department may subpoena copies of hospital, medical, or dental records in mandatory report cases alleging death or permanent bodily injury when

New matter indicated by italics - deletions by strikeout
consent to obtain the records has not been provided by a patient or a patient's legal representative. All records and other information received pursuant to a subpoena shall be confidential and shall be afforded the same status as information concerning medical studies under Part 21 of Article VIII of the Code of Civil Procedure. The use of these records shall be restricted to members of the Board, the dental coordinator, and appropriate Department staff designated by the Secretary for the purpose of determining the existence of one or more grounds for discipline of the dentist or dental hygienist as provided for in Section 23 or Section 24 of this Act.

(c) Any review of an individual patient's records shall be conducted by the Department in strict confidentiality, provided that the patient records shall be admissible in a disciplinary hearing before the Secretary, the Board, or a hearing officer designated by the Department when necessary to substantiate the grounds for discipline alleged against the dentist or dental hygienist licensed under this Act.

(d) The Department may provide reimbursement for fees and mileage associated with its subpoena power in the same manner prescribed by law for judicial procedure in a civil case.

(e) Nothing in this Section shall be deemed to supersede the provisions of Part 21 of Article VIII of the Code of Civil Procedure, now or hereafter amended, to the extent applicable.

(225 ILCS 25/50) (from Ch. 111, par. 2350)
(Section scheduled to be repealed on January 1, 2006)
Sec. 50. Patient Records. Every dentist shall make a record of all dental work performed for each patient. The record shall be made in a manner and in sufficient detail that it may be used for identification purposes.

Dental records required by this Section shall be maintained for 10 years. Dental records required to be maintained under this Section, or copies of those dental records, shall be made available upon request to the patient or the patient's guardian. A dentist shall be entitled to reasonable reimbursement for the cost of reproducing these records, which shall not exceed the cost allowed under Section 8-2003 of the Code of Civil Procedure, provided that the reasonable cost of reproducing the records has been paid by the patient or the patient's guardian.

(Source: P.A. 87-576.)

(225 ILCS 25/54.2 new)
Sec. 54.2. Dental emergency responders. A dentist or dental hygienist who is a dental emergency responder is deemed to be acting within the bounds of his or her license when providing care during a declared local,
State, or national emergency.

Section 99. Effective date. This Act takes effect December 31, 2005.
Passed in the General Assembly May 27, 2005.
Approved August 2, 2005.
Effective December 31, 2005.

PUBLIC ACT 94-0410

(House Bill No 0881)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 10-22.3a and by adding Article 14A as follows:

(105 ILCS 5/10-22.3a) (from Ch. 122, par. 10-22.3a)
Sec. 10-22.3a. To provide for or to participate in provisions for insurance protection and benefits for its employees and their dependents including but not limited to retirement annuities, medical, surgical and hospitalization benefits in such types and amounts, if any, as shall be determined by the board, for the purpose of aiding in securing and retaining the services of competent employees. Where employee participation in such provisions is involved, the board, with the consent of the employee, may withhold deductions from the employee's salary necessary to defray the employee's share of such insurance costs. Such insurance or benefits may be contracted for only with an insurance company authorized to do business in this State. Such insurance may include provisions for employees and their dependents who rely on treatment by prayer or spiritual means alone for healing, in accordance with the tenets and practice of a recognized religious denomination.

For purposes of this Section, the term "dependent" means an employee's spouse and any unmarried child (1) under the age of 19 years including (a) an adopted child and (b) a step-child or recognized child who lives with the employee in a regular parent-child relationship, or (2) under the age of 23 who is enrolled as a full-time student in any accredited school, college or university. Nothing contained in this Code may preclude an elected school board member from participating in a group health insurance program provided to an employee of the school district that the board member serves if the board member is a dependent of that employee.
(Source: P.A. 90-655, eff. 7-30-98.)

New matter indicated by italics - deletions by strikeout
ARTICLE 14A. GIFTED AND TALENTED CHILDREN

Sec. 14A-5. Applicability. This Article applies beginning with the 2006-2007 school year.

Sec. 14A-10. Legislative findings. The General Assembly finds the following:

1. that gifted and talented children (i) exhibit high performance capabilities in intellectual, creative, and artistic areas, (ii) possess an exceptional leadership potential, (iii) excel in specific academic fields, and (iv) have the potential to be influential in business, government, health care, the arts, and other critical sectors of our economic and cultural environment;

2. that gifted and talented children require services and activities that are not ordinarily provided by schools; and

3. that outstanding talents are present in children and youth from all cultural groups, across all economic strata, and in all areas of human endeavor.

Sec. 14A-15. Purpose. The purpose of this Article is to provide encouragement, assistance, and guidance to school districts in the development and improvement of educational programs for gifted and talented children as defined in Section 14A-20 of this Code. School districts shall continue to have the authority and flexibility to design education programs for gifted and talented children in response to community needs, but these programs must comply with the requirements established in Section 14A-30 of this Code by no later than September 1, 2006 in order to merit approval by the State Board of Education in order to qualify for State funding for the education of gifted and talented children, should such funding become available.

Sec. 14A-20. Gifted and talented children. For purposes of this Article, "gifted and talented children" means children and youth with outstanding talent who perform or show the potential for performing at remarkably high levels of accomplishment when compared with other children and youth of their age, experience, and environment. A child shall be considered gifted and talented in any area of aptitude, and, specifically, in language arts and mathematics, by scoring in the top 5% locally in that area of aptitude.
(105 ILCS 5/14A-25 new)

Sec. 14A-25. Non-discrimination. Eligibility for participation in programs established pursuant to this Article shall be determined solely through identification of a child as gifted or talented. No program shall condition participation upon race, religion, sex, disability, or any factor other than the identification of the child as gifted or talented.

(105 ILCS 5/14A-30 new)

Sec. 14A-30. Local programs; requirements. In order for a local program for the education of gifted and talented children to be approved by the State Board of Education in order to qualify for State funding, if available, as of the beginning of the 2006-2007 academic year, the local program must meet the following minimum requirements and demonstrate the fulfillment of these requirements in a written program description submitted to the State Board of Education by the local educational agency operating the program and modified if the program is substantively altered:

1. The use of a minimum of 3 assessment measures used to identify gifted and talented children in each area in which a program for gifted and talented children is established, which may include without limitation scores on standardized achievement tests, observation checklists, portfolios, and currently-used district assessments.

2. A priority emphasis on language arts and mathematics.

3. An identification method that uses the definition of gifted and talented children as defined in Section 14A-20 of this Code.

4. Assessment instruments sensitive to the inclusion of underrepresented groups, including low-income students, minority students, and English language learners.

5. A process of identification of gifted and talented children that is of equal rigor in each area of aptitude addressed by the program.

6. The use of identification procedures that appropriately correspond with the planned programs, curricula, and services.

7. A fair and equitable decision-making process.

8. The availability of a fair and impartial appeal process within the school, school district, or cooperative of school districts operating a program for parents or guardians whose children are aggrieved by a decision of the school, school district, or cooperative of school districts regarding eligibility for participation in a program.

New matter indicated by italics - deletions by strikeout
(9) Procedures for annually informing the community at-large, including parents, about the program and the methods used for the identification of gifted and talented children.

(10) Procedures for notifying parents or guardians of a child of a decision affecting that child's participation in a program.

(11) A description of how gifted and talented children will be grouped and instructed in order to maximize the educational benefits the children derive from participation in the program, including curriculum modifications and options that accelerate and add depth and complexity to the curriculum content.

(12) An explanation of how the program emphasizes higher-level skills attainment, including problem-solving, critical thinking, creative thinking, and research skills, as embedded within relevant content areas.

(13) A methodology for measuring academic growth for gifted and talented children and a procedure for communicating a child's progress to his or her parents or guardian, including, but not limited to, a report card.

(14) The collection of data on growth in learning for children in a program for gifted and talented children and the reporting of the data to the State Board of Education.

(15) The designation of a supervisor responsible for overseeing the educational program for gifted and talented children.

(16) A showing that the certified teachers who are assigned to teach gifted and talented children understand the characteristics and educational needs of children and are able to differentiate the curriculum and apply instructional methods to meet the needs of the children.

(17) Plans for the continuation of professional development for staff assigned to the program serving gifted and talented children.

Sec. 14A-35. Administrative functions of the State Board of Education.

(a) The State Board of Education must designate a staff person who shall be in charge of educational programs for gifted and talented children. This staff person shall, at a minimum, (i) be responsible for developing an approval process for educational programs for gifted and talented children by no later than September 1, 2006, (ii) receive and maintain the written descriptions of all programs for gifted and talented children in the State, (iii)
collect and maintain the annual growth in learning data submitted by a school, school district, or cooperative of school districts, (iv) identify potential funding sources for the education of gifted and talented children, and (v) serve as the main contact person at the State Board of Education for program supervisors and other school officials, parents, and other stakeholders regarding the education of gifted and talented children.

(b) Subject to the availability of funds for these purposes, the State Board of Education may perform a variety of additional administrative functions with respect to the education of gifted and talented children, including, but not limited to, supervision, quality assurance, compliance monitoring, and oversight of local programs, analysis of performance outcome data submitted by local educational agencies, the establishment of personnel standards, and a program of personnel development for teachers and administrative personnel in the education of gifted and talented children.

(105 ILCS 5/14A-40 new)

Sec. 14A-40. Advisory Council. There is hereby created an Advisory Council on the Education of Gifted and Talented Children to consist of 7 members appointed by the State Superintendent of Education. Upon initial appointment, 4 members of the Advisory Council shall serve terms through January 1, 2007 and 3 members shall serve terms through January 1, 2009. Thereafter, members shall serve 4-year terms. Upon the expiration of the term of a member, that member shall continue to serve until a replacement is appointed. The Council shall meet at least 3 times each year. The Council shall organize with a chairperson selected by the State Superintendent of Education. Members of the Council shall serve without compensation, but shall be reimbursed for their travel to and from meetings and other reasonable expenses in connection with meetings if approved by the State Board of Education. The State Board of Education shall consider recommendations for membership on the Council from organizations of educators and parents of gifted and talented children and other groups with an interest in the education of gifted and talented children. The members appointed shall be residents of the State and be selected on the basis of their knowledge of, or experience in, programs and problems of the education of gifted and talented children. The State Superintendent of Education shall seek the advice of the Council regarding all rules and policies to be adopted by the State Board relating to the education of gifted and talented children. The staff person designated pursuant to subsection (a) of Section 14A-35 of this Code shall serve as the State Board of Education's liaison to the Council. The State Board of Education shall provide necessary clerical support and

New matter indicated by italics - deletions by strikeout
assistance in order to facilitate meetings of the Council.

(105 ILCS 5/14A-45 new)

Sec. 14A-45. Grants for services and materials. Subject to the availability of categorical grant funding or other funding appropriated for such purposes, the State Board of Education shall make grants available to fund educational programs for gifted and talented children. A request-for-proposal process shall be used in awarding grants for services and materials, with carry over to the next fiscal year, under this Section. A proposal may be submitted to the State Board of Education by a school district, 2 or more cooperating school districts, a county, 2 or more cooperating counties, or a regional office of education. The proposals shall include a statement of the qualifications and duties of the personnel required in the field of diagnostic, counseling, and consultative services and the educational materials necessary. Upon receipt, the State Board of Education shall evaluate the proposals in accordance with criteria developed by the State Board of Education that is consistent with this Article and shall award grants to the extent funding is available. Educational programs for gifted and talented children may be offered during the regular school term and may include optional summer programs. As a condition for State funding, a grantee must comply with the requirements of this Article.

(105 ILCS 5/14A-50 new)

Sec. 14A-50. Contracts for experimental projects and institutes. Subject to the availability of funds, the State Board of Education shall have the authority to enter into and monitor contracts with school districts, regional offices of education, colleges, universities, and professional organizations for the conduct of experimental projects and institutes, including summer institutes, in the field of education of gifted and talented children as defined in Section 14A-20 of this Code. These projects and institutes shall be established in accordance with rules adopted by the State Board of Education. Prior to entering into a contract, the State Board of Education shall evaluate the proposal as to the soundness of the design of the project or institute, the probability of obtaining productive outcomes, the adequacy of resources to conduct the proposed project or institute, and the relationship of the project or institute to other projects and institutes already completed or in progress. The contents of these projects and institutes must be designed based on standards adopted by professional organizations for gifted and talented children.

(105 ILCS 5/14A-55 new)

Sec. 14A-55. Rulemaking. The State Board of Education shall have

New matter indicated by italics - deletions by strikeout
the authority to adopt all rules necessary to implement and regulate the provisions in this Article.


PUBLIC ACT 94-0411
(House Bill No 0947)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-114 as follows:

(625 ILCS 5/3-114)(from Ch. 95 1/2, par. 3-114)

Sec. 3-114. Transfer by operation of law.
(a) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in paragraph (b), promptly mail or deliver within 20 days to the Secretary of State the last certificate of title, if available, proof of the transfer, and his application for a new certificate in the form the Secretary of State prescribes. It shall be unlawful for any person having possession of a certificate of title for a motor vehicle, semi-trailer, or house car by reason of his having a lien or encumbrance on such vehicle, to fail or refuse to deliver such certificate to the owner, upon the satisfaction or discharge of the lien or encumbrance, indicated upon such certificate of title.

(b) If the interest of an owner in a vehicle passes to another under the provisions of the Small Estates provisions of the Probate Act of 1975 the transferee shall promptly mail or deliver to the Secretary of State, within 120 days, the last certificate of title, if available, the documentation required under the provisions of the Probate Act of 1975, and an application for certificate of title. The Small Estate Affidavit form shall be furnished by the Secretary of State. The transfer may be to the transferee or to the nominee of the transferee.

(c) If the interest of an owner in a vehicle passes to another under other provisions of the Probate Act of 1975, as amended, and the transfer is made by a representative or guardian, such transferee shall promptly mail or deliver to the Secretary of State, the last certificate of title, if available, and
a certified copy of the letters of office or guardianship, and an application for certificate of title. Such application shall be made before the estate is closed. The transfer may be to the transferee or to the nominee of the transferee.

(d) If the interest of an owner in joint tenancy passes to the other joint tenant with survivorship rights as provided by law, the transferee shall promptly mail or deliver to the Secretary of State, the last certificate of title, if available, proof of death of the one joint tenant and survivorship of the surviving joint tenant, and an application for certificate of title. Such application shall be made within 120 days after the death of the joint tenant. The transfer may be to the transferee or to the nominee of the transferee.

(e) The Secretary of State shall transfer a decedent's vehicle title to any legatee, representative or heir of the decedent who submits to the Secretary a death certificate and an affidavit by an attorney at law on the letterhead stationery of the attorney at law stating the facts of the transfer.

(f) Repossession with assignment of title. In all cases wherein a lienholder has repossessed a vehicle by other than judicial process and holds it for resale under a security agreement, and the owner of record has executed an assignment of the existing certificate of title after default, the lienholder may proceed to sell or otherwise dispose of the vehicle as authorized under the Uniform Commercial Code. Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee the existing certificate of title for the repossessed vehicle, reflecting the release of the lienholder's security interest in the vehicle. The application for a certificate of title made by the purchaser shall comply with subsection (a) of Section 3-104 and be accompanied by the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser. For this purpose, the lienholder is specifically authorized to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the lienholder is not a licensed dealer. Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be
deemed disclosure to the purchaser of the owner of the vehicle.

(f-5) Repossession without assignment of title. Subject to subsection (f-30), in all cases wherein a lienholder has reposessed a vehicle by other than judicial process and holds it for resale under a security agreement, and the owner of record has not executed an assignment of the existing certificate of title, the lienholder shall comply with the following provisions:

(1) Prior to sale, the lienholder shall deliver or mail to the owner at the owner's last known address and to any other lienholder of record, a notice of redemption setting forth the following information: (i) the name of the owner of record and in bold type at or near the top of the notice a statement that the owner's vehicle was repossessed on a specified date for failure to make payments on the loan (or other reason), (ii) a description of the vehicle subject to the lien sufficient to identify it, (iii) the right of the owner to redeem the vehicle, (iv) the lienholder's intent to sell or otherwise dispose of the vehicle after the expiration of 21 days from the date of mailing or delivery of the notice, and (v) the name, address, and telephone number of the lienholder from whom information may be obtained concerning the amount due to redeem the vehicle and from whom the vehicle may be redeemed under Section 9-623 of the Uniform Commercial Code. At the lienholder's option, the information required to be set forth in this notice of redemption may be made a part of or accompany the notification of sale or other disposition required under Section 9-611 of the Uniform Commercial Code, but none of the information required by this notice shall be construed to impose any requirement under Article 9 of the Uniform Commercial Code.

(2) With respect to the repossession of a vehicle used primarily for personal, family, or household purposes, the lienholder shall also deliver or mail to the owner at the owner's last known address an affidavit of defense. The affidavit of defense shall accompany the notice of redemption required in subdivision (f-5)(1) of this Section. The affidavit of defense shall (i) identify the lienholder, owner, and the vehicle; (ii) provide space for the owner to state the defense claimed by the owner; and (iii) include an acknowledgment by the owner that the owner may be liable to the lienholder for fees, charges, and costs incurred by the lienholder in establishing the insufficiency or invalidity of the owner's defense. To stop the transfer of title, the affidavit of defense must be received by
the lienholder no later than 21 days after the date of mailing or delivery of the notice required in subdivision (f-5)(1) of this Section. If the lienholder receives the affidavit from the owner in a timely manner, the lienholder must apply to a court of competent jurisdiction to determine if the lienholder is entitled to possession of the vehicle.

(3) Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee (i) the existing certificate of title for the repossessed vehicle, reflecting the release of the lienholder's security interest in the vehicle; and (ii) an affidavit of repossession made by or on behalf of the lienholder which provides the following information: that the vehicle was repossessed, a description of the vehicle sufficient to identify it, whether the vehicle has been damaged in excess of 33 1/3% of its fair market value as required under subdivision (b)(3) of Section 3-117.1, that the owner and any other lienholder of record were given the notice required in subdivision (f-5)(1) of this Section, that the owner of record was given the affidavit of defense required in subdivision (f-5)(2) of this Section, that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement, and the purchaser's name and address. If the vehicle is damaged in excess of 33 1/3% of its fair market value, the lienholder shall make application for a salvage certificate under Section 3-117.1 and transfer the vehicle to a person eligible to receive assignments of salvage certificates identified in Section 3-118.

(4) The application for a certificate of title made by the purchaser shall comply with subsection (a) of Section 3-104 and be accompanied by the affidavit of repossession furnished by the lienholder and the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser. For this purpose, the lienholder is specifically authorized to execute the assignment on behalf of the owner as seller if the owner has not done so and to complete and execute the space reserved in the certificate of title for a dealer reassignment,
notwithstanding that the lienholder is not a licensed dealer. Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be deemed disclosure to the purchaser of the owner of the vehicle. In the event the lienholder does not hold the certificate of title for the repossessed vehicle, the lienholder shall make application for and may obtain a new certificate of title in the name of the lienholder upon furnishing information satisfactory to the Secretary of State. Upon receiving the new certificate of title, the lienholder may proceed with the sale described in subdivision (f-5)(3), except that upon selling the vehicle the lienholder shall promptly and within 20 days mail or deliver to the purchaser the new certificate of title reflecting the assignment and transfer of title to the purchaser.

(5) Neither the lienholder nor the owner shall file with the Office of the Secretary of State the notice of redemption or affidavit of defense described in subdivisions (f-5)(1) and (f-5)(2) of this Section. The Office of the Secretary of State shall not determine the merits of an owner's affidavit of defense, nor consider any allegations or assertions regarding the validity or invalidity of a lienholder's claim to the vehicle or an owner's asserted defenses to the repossession action.

(f-7) Notice of reinstatement in certain cases.

(1) Subject to subsection (f-30), if at the time of repossession by a lienholder that is seeking to transfer title pursuant to subsection (f-5), the owner has paid an amount equal to 30% or more of the deferred payment price or total of payments due, the owner may, within 21 days of the date of repossession, reinstate the contract or loan agreement and recover the vehicle from the lienholder by tendering in a lump sum (i) the total of all unpaid amounts, including any unpaid delinquency or deferral charges due at the date of reinstatement, without acceleration; and (ii) performance necessary to cure any default other than nonpayment of the amounts due; and (iii) all reasonable costs and fees incurred by the lienholder in retaking, holding, and preparing the vehicle for disposition and in arranging for the sale of the vehicle. Reasonable costs and fees incurred by the lienholder include without limitation
repossession and storage expenses and, if authorized by the contract or loan agreement, reasonable attorneys' fees and collection agency charges.

(2) Tender of payment and performance pursuant to this limited right of reinstatement restores to the owner his rights under the contract or loan agreement as though no default had occurred. The owner has the right to reinstate the contract or loan agreement and recover the vehicle from the lienholder only once under this subsection. The lienholder may, in the lienholder's sole discretion, extend the period during which the owner may reinstate the contract or loan agreement and recover the vehicle beyond the 21 days allowed under this subsection, and the extension shall not subject the lienholder to liability to the owner under the laws of this State.

(3) The lienholder shall deliver or mail written notice to the owner at the owner's last known address, within 3 business days of the date of repossession, of the owner's right to reinstate the contract or loan agreement and recover the vehicle pursuant to the limited right of reinstatement described in this subsection. At the lienholder's option, the information required to be set forth in this notice of reinstatement may be made part of or accompany the notice of redemption required in subdivision (f-5)(1) of this Section and the notification of sale or other disposition required under Section 9-611 of the Uniform Commercial Code, but none of the information required by this notice of reinstatement shall be construed to impose any requirement under Article 9 of the Uniform Commercial Code.

(4) The reinstatement period, if applicable, and the redemption period described in subdivision (f-5)(1) of this Section, shall run concurrently if the information required to be set forth in the notice of reinstatement is part of or accompanies the notice of redemption. In any event, the 21 day redemption period described in subdivision (f-5)(1) of this Section shall commence on the date of mailing or delivery to the owner of the information required to be set forth in the notice of redemption, and the 21 day reinstatement period described in this subdivision, if applicable, shall commence on the date of mailing or delivery to the owner of the information required to be set forth in the notice of reinstatement.

(5) The Office of the Secretary of State shall not determine the merits of an owner's claim of right to reinstatement, nor consider any allegations or assertions regarding the validity or invalidity of a

New matter indicated by italics - deletions by strikeout
lienholder's claim to the vehicle or an owner's asserted right to reinstatement. Where a lienholder is subject to licensing and regulatory supervision by the State of Illinois, the lienholder shall be subject to all of the powers and authority of the lienholder's primary State regulator to enforce compliance with the procedures set forth in this subsection (f-7).

(f-10) Repossession by judicial process. In all cases wherein a lienholder has repossessed a vehicle by judicial process and holds it for resale under a security agreement, order for replevin, or other court order establishing the lienholder's right to possession of the vehicle, the lienholder may proceed to sell or otherwise dispose of the vehicle as authorized under the Uniform Commercial Code or the court order. Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee (i) the existing certificate of title for the repossessed vehicle reflecting the release of the lienholder's security interest in the vehicle; (ii) a certified copy of the court order; and (iii) a bill of sale identifying the new owner's name and address and the year, make, model, and vehicle identification number of the vehicle. The application for a certificate of title made by the purchaser shall comply with subsection (a) of Section 3-104 and be accompanied by the certified copy of the court order furnished by the lienholder and the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser. For this purpose, the lienholder is specifically authorized to execute the assignment on behalf of the owner as seller if the owner has not done so and to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the lienholder is not a licensed dealer. Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be deemed disclosure to the purchaser of the owner of the vehicle. In the event the lienholder does not hold the certificate of title for the repossessed vehicle, the lienholder shall make application for and may obtain a new certificate of title in the name of the

New matter indicated by italics - deletions by strikeout
lienholder upon furnishing information satisfactory to the Secretary of State. Upon receiving the new certificate of title, the lienholder may proceed with the sale described in this subsection, except that upon selling the vehicle the lienholder shall promptly and within 20 days mail or deliver to the purchaser the new certificate of title reflecting the assignment and transfer of title to the purchaser.

(f-15) The Secretary of State shall not issue a certificate of title to a purchaser under subsection (f), (f-5), or (f-10) of this Section, unless the person from whom the vehicle has been repossessed by the lienholder is shown to be the last registered owner of the motor vehicle. The Secretary of State may provide by rule for the standards to be followed by a lienholder in assigning and transferring certificates of title with respect to repossessed vehicles.

(f-20) If applying for a salvage certificate or a junking certificate, the lienholder shall within 20 days make an application to the Secretary of State for a salvage certificate or a junking certificate, as set forth in this Code. The Secretary of State shall not issue a salvage certificate or a junking certificate to such lienholder unless the person from whom such vehicle has been repossessed is shown to be the last registered owner of such motor vehicle and such lienholder establishes to the satisfaction of the Secretary of State that he is entitled to such salvage certificate or junking certificate. The Secretary of State may provide by rule for the standards to be followed by a lienholder in order to obtain a salvage certificate or junking certificate for a repossessed vehicle.

(f-25) If the interest of an owner in a mobile home, as defined in the Mobile Home Local Services Tax Act, passes to another under the provisions of the Mobile Home Local Services Tax Enforcement Act, the transferee shall promptly mail or deliver to the Secretary of State (i) the last certificate of title, if available, (ii) a certified copy of the court order ordering the transfer of title, and (iii) an application for certificate of title.

(f-30) Bankruptcy. If the repossessed vehicle is the subject of a bankruptcy proceeding or discharge:

1. the lienholder may proceed to sell or otherwise dispose of the vehicle as authorized by the Bankruptcy Code and the Uniform Commercial Code;

2. the notice of redemption, affidavit of defense, and notice of reinstatement otherwise required to be sent by the lienholder to the owner of record or other lienholder of record under this Section are not required to be delivered or mailed;

New matter indicated by italics - deletions by strikeout
(3) the requirement to delay disposition of the vehicle for 21 days, (i) from the mailing or delivery of the notice of redemption under subdivision (f-5)(1) of this Section, (ii) from the mailing or delivery of the affidavit of defense under subdivision (f-5)(2) of this Section, or (iii) from the date of repossession when the owner is entitled to a notice of reinstatement under subsection (f-7) of this Section, does not apply;

(4) the affidavit of repossession that is required under subdivision (f-5)(3) shall contain a notation of "bankruptcy" where the affidavit requires the date of the mailing or delivery of the notice of redemption. The notation of "bankruptcy" means the lienholder makes no sworn representations regarding the mailing or delivery of the notice of redemption or affidavit of defense or lienholder's compliance with the requirements that otherwise apply to the notices listed in this subsection (f-30), and makes no sworn representation that the lienholder assumes liability or costs for any litigation that may arise from the issuance of a certificate of title based on the excluded representations;

(5) the right of redemption, the right to assert a defense to the transfer of title, and reinstatement rights under this Section do not apply; and

(6) references to judicial process and court orders in subsection (f-10) of this Section do not include bankruptcy proceedings or orders.

(g) A person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate, within 20 days upon request of the Secretary of State. The delivery of the certificate pursuant to the request of the Secretary of State does not affect the rights of the person surrendering the certificate, and the action of the Secretary of State in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

(h) The Secretary of State may decline to process any application for a transfer of an interest in a vehicle hereunder if any fees or taxes due under this Act from the transferor or the transferee have not been paid upon reasonable notice and demand.

(i) The Secretary of State shall not be held civilly or criminally liable to any person because any purported transferor may not have had the power or authority to make a transfer of any interest in any vehicle or because a

New matter indicated by italics - deletions by strikeout
certificate of title issued in error is subsequently used to commit a fraudulent act.
(Source: P.A. 91-893, eff. 7-1-01; 92-807, eff. 1-1-03.)
Passed in the General Assembly May 18, 2005.
Approved August 2, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0412
(House Bill No 0973)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Sections 20-115, 20-120, 20-165, and 21-295 as follows:
(35 ILCS 200/20-115)
Sec. 20-115. Report of taxes collected; credits. The county collector shall, on the first of every month, report to the county clerk, in writing, which may be transmitted electronically, the amount of county tax received during the preceding month. The county collector shall keep the account as collector of taxes separate from the account as county treasurer. He or she shall credit the account as collector with the amount of his or her monthly reports to the county clerk, and with the amount of bankruptcies, removals, errors, forfeitures, and other credits allowed him or her on settlement with the county board. As county treasurer, he or she shall charge himself or herself with the amount shown in his or her monthly report to the county clerk and such other amounts as may be received as county treasurer. The county board may examine the account and vouchers at any time, by committee or otherwise.
(Source: Laws 1939, p. 886; P.A. 88-455.)
(35 ILCS 200/20-120)
Sec. 20-120. Accounts for collector and treasurer. Each county clerk and county collector shall keep, in written or electronic format, an account stating with the county collector, charging him or her with the amount of county tax to be collected, and with the county tax received by him or her from sales and redemptions of forfeited property, and any other county funds that shall come into the collector's hands. All the county clerk shall credit the collector with the amounts ascertained as required in Section 20-115, charged to the county treasurer's account monthly and with the amount of county tax on bankruptcies, removals, errors, forfeited property, and other credits. The

New matter indicated by italics - deletions by strikeout
county clerks shall also keep a treasurer's account with the county treasurer of their counties. The treasurer shall be charged with the amount of money reported in the collector's monthly statements required by Section 20-115, and all amounts paid to the county treasurers from sources other than the county. It is the duty of all persons paying money into the county treasury, for all purposes except the county taxes, must deposit it with the county clerk in order to the treasurer to collect the money. The treasurer shall give duplicate receipts to the person paying, one to be countersigned by the county clerk and retained by the person paying and the other filed in the county treasurer's office. The amount shall be charged against the treasurer.

(Source: Laws 1939, p. 886; P.A. 88-455.)

(35 ILCS 200/20-165)

Sec. 20-165. List of errors and inability to collect. On or before the third Monday in December, annually, the county collector shall make out and file with the county clerk a detailed list of errors in assessment of property and errors in footing of tax books, giving in each case a description of the property, the valuation and amount of each tax and special assessment, and cause of error. The lists shall be verified by affidavit of the county collector. County collectors, in cases of removals and bankruptcies of taxpayers, may give the same cause for the inability to collect as sworn to by the township collectors, stating in their return that such was the statement made by the township collector, and that the tax still remains uncollected.

(Source: P.A. 83-121; 88-455.)

(35 ILCS 200/21-295)

Sec. 21-295. Creation of indemnity fund.

(a) In counties of less than 3,000,000 inhabitants, each person purchasing any property at a sale under this Code shall pay to the County Collector, prior to the issuance of any certificate of purchase, a fee of $20 for each item purchased. A like sum shall be paid for each year that all or a portion of subsequent taxes are paid by the tax purchaser and posted to the tax judgment, sale, redemption and forfeiture record where the underlying certificate of purchase is recorded.

(a-5) In counties of 3,000,000 or more inhabitants, each person purchasing property at a sale under this Code shall pay to the County Collector a fee of $80 for each item purchased plus an additional sum equal to 5% of taxes, interest, and penalties paid by the purchaser, including the taxes, interest, and penalties paid under Section 21-240. In these counties, the certificate holder shall also pay to the County Collector a fee of $80 for each

New matter indicated by italics - deletions by strikeout
year that all or a portion of subsequent taxes are paid by the tax purchaser and posted to the tax judgment, sale, redemption, and forfeiture record, plus an additional sum equal to 5% of all subsequent taxes, interest, and penalties. The additional 5% fees are not required after December 31, 2006. The changes to this subsection made by this amendatory Act of the 91st General Assembly are not a new enactment, but declaratory of existing law.

(b) The amount paid prior to issuance of the certificate of purchase pursuant to subsection (a) or (a-5) shall be included in the purchase price of the property in the certificate of purchase and all amounts paid under this Section shall be included in the amount required to redeem under Section 21-355. Except as otherwise provided in subsection (b) of Section 21-300, all money received under subsection (a) or (a-5) shall be paid by the Collector to the County Treasurer of the County in which the land is situated, for the purpose of an indemnity fund. The County Treasurer, as trustee of that fund, shall invest all of that fund, principal and income, in his or her hands from time to time, if not immediately required for payments of indemnities under subsection (a) of Section 21-305, in investments permitted by the Illinois State Board of Investment under Article 22A of the Illinois Pension Code. The county collector shall report annually to the county clerk Circuit Court on the condition and income of the fund. The indemnity fund shall be held to satisfy judgments obtained against the County Treasurer, as trustee of the fund. No payment shall be made from the fund, except upon a judgment of the court which ordered the issuance of a tax deed.

(Source: P.A. 91-564, eff. 8-14-99; 91-924, eff. 7-7-00.)

Section 10. The Mobile Home Local Services Tax Enforcement Act is amended by changing Section 235 as follows:

(35 ILCS 516/235)

Sec. 235. Creation of indemnity fund.

(a) Each person purchasing any mobile home at a sale under this Act shall pay to the county collector, prior to the issuance of any certificate of purchase, a fee of $20 for each item purchased. A like sum shall be paid for each year that all or a portion of subsequent taxes are paid by the tax purchaser and posted to the tax judgment, sale, redemption and forfeiture record where the underlying certificate of purchase is recorded.

(b) The amount paid prior to issuance of the certificate of purchase pursuant to subsection (a) shall be included in the purchase price of the mobile home in the certificate of purchase and all amounts paid under this Section shall be included in the amount required to redeem under Section 300. Except as otherwise provided in subsection (b) of Section 240, all

New matter indicated by italics - deletions by strikeout
money received under subsection (a) shall be paid by the collector to the county treasurer of the county in which the mobile home is situated, for the purpose of an indemnity fund. The county treasurer, as trustee of that fund, shall invest all of that fund, principal and income, in his or her hands from time to time, if not immediately required for payments of indemnities under subsection (a) of Section 245, in investments permitted by the Illinois State Board of Investment under Article 22A of the Illinois Pension Act. The county collector shall report annually to the county clerk circuit court on the condition and income of the fund. The indemnity fund shall be held to satisfy judgments obtained against the county treasurer, as trustee of the fund. No payment shall be made from the fund, except upon a judgment of the court which ordered the issuance of a tax certificate of title.

(Source: P.A. 92-807, eff. 1-1-03.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 27, 2005.
Approved August 2, 2005.
Effective August 2, 2005.

PUBLIC ACT 94-0413
(House Bill No 1071)

AN ACT concerning procurement.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Procurement Code is amended by adding Section 25-70 as follows:

(30 ILCS 500/25-70 new)

Sec. 25-70. Electronic mail service; spam free. Electronic mail service providers that provide electronic mail service under State contracts awarded on or after the effective date of this amendatory Act of the 94th General Assembly must take measures reasonably designed to provide a service that is free of unsolicited electronic mail advertisements (sometimes known as "spam"). The electronic mail service provider is responsible for using software filters or other means to accomplish the requirements of this Section. In this Section, the terms "electronic mail service provider" and "unsolicited electronic mail advertisement" have the same meanings as those terms are defined in the Electronic Mail Act (815 ILCS 511/).

Passed in the General Assembly May 27, 2005.
Approved August 2, 2005.

New matter indicated by italics - deletions by strikeout
Effective January 1, 2006.

PUBLIC ACT 94-0414
(House Bill No 1177)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by changing Section 4.16 and by adding Section 4.26 as follows:

(5 ILCS 80/4.16)
Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:
The Respiratory Care Practice Act.
The Hearing Instrument Consumer Protection Act.
The Illinois Dental Practice Act.
The Professional Geologist Licensing Act.
The Illinois Athletic Trainers Practice Act.
The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.
The Collection Agency Act.
The Illinois Roofing Industry Licensing Act.
(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)

(5 ILCS 80/4.26 new)
Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:
The Collection Agency Act.

Section 10. The Collection Agency Act is amended by changing Sections 2.02, 2.04, 3, 4.5, 5, 6a, and 9 as follows:
(225 ILCS 425/2.02) (from Ch. 111, par. 2004)
(Section scheduled to be repealed on January 1, 2006)
Sec. 2.02. "Collection agency" or "agency" means any person, association, partnership, or corporation, or legal entity who, for compensation, either contingent or otherwise, or for other valuable consideration, offers services to collect an alleged delinquent debt.
(Source: P.A. 89-387, eff. 1-1-96.)

New matter indicated by italics - deletions by strikeout
Sec. 2.04. Child support indebtedness.

(a) Persons, associations, partnerships, or corporations, or other legal entities engaged in the business of collecting child support indebtedness owing under a court order as provided under the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Illinois Parentage Act of 1984, or similar laws of other states are not restricted (i) in the frequency of contact with an obligor who is in arrears, whether by phone, mail, or other means, (ii) from contacting the employer of an obligor who is in arrears, (iii) from publishing or threatening to publish a list of obligors in arrears, (iv) from disclosing or threatening to disclose an arrearage that the obligor disputes, but for which a verified notice of delinquency has been served under the Income Withholding for Support Act (or any of its predecessors, Section 10-16.2 of the Illinois Public Aid Code, Section 706.1 of the Illinois Marriage and Dissolution of Marriage Act, Section 4.1 of the Non-Support of Spouse and Children Act, Section 26.1 of the Revised Uniform Reciprocal Enforcement of Support Act, or Section 20 of the Illinois Parentage Act of 1984), or (v) from engaging in conduct that would not cause a reasonable person mental or physical illness. For purposes of this subsection, "obligor" means an individual who owes a duty to make periodic payments, under a court order, for the support of a child. "Arrearage" means the total amount of an obligor's unpaid child support obligations.

(a-5) A collection agency may not impose a fee or charge, including costs, for any child support payments collected through the efforts of a federal, State, or local government agency, including but not limited to child support collected from federal or State tax refunds, unemployment benefits, or Social Security benefits.

No collection agency that collects child support payments shall (i) impose a charge or fee, including costs, for collection of a current child support payment, (ii) fail to apply collections to current support as specified in the order for support before applying collection to arrears or other amounts, or (iii) designate a current child support payment as arrears or other amount owed. In all circumstances, the collection agency shall turn over to the obligee all support collected in a month up to the amount of current support required to be paid for that month.

As to any fees or charges, including costs, retained by the collection agency, that agency shall provide documentation to the obligee demonstrating

New matter indicated by italics - deletions by strikeout
that the child support payments resulted from the actions of the agency.

After collection of the total amount or arrearage, including statutory interest, due as of the date of execution of the collection contract, no further fees may be charged.

(a-10) The Department of Professional Regulation shall determine a fee rate of not less than 25% but not greater than 35%, based upon presentation by the licensees as to costs to provide the service and a fair rate of return. This rate shall be established by administrative rule.

Without prejudice to the determination by the Department of the appropriate rate through administrative rule, a collection agency shall impose a fee of not more than 29% of the amount of child support actually collected by the collection agency subject to the provisions of subsection (a-5). This interim rate is based upon the March 2002 General Account Office report "Child Support Enforcement", GAO-02-349. This rate shall apply until a fee rate is established by administrative rule.

(b) The Department shall adopt rules necessary to administer and enforce the provisions of this Section.

(Source: P.A. 93-896, eff. 8-10-04.)
(225 ILCS 425/3) (from Ch. 111, par. 2006)
(Sec. scheduled to be repealed on January 1, 2006)

Sec. 3. A person, association, partnership, or corporation, or other legal entity acts as a collection agency when he or it:

(a) Engages in the business of collection for others of any account, bill or other indebtedness;

(b) Receives, by assignment or otherwise, accounts, bills, or other indebtedness from any person owning or controlling 20% or more of the business receiving the assignment, with the purpose of collecting monies due on such account, bill or other indebtedness;

(c) Sells or attempts to sell, or gives away or attempts to give away to any other person, other than one registered under this Act, any system of collection, letters, demand forms, or other printed matter where the name of any person, other than that of the creditor, appears in such a manner as to indicate, directly or indirectly, that a request or demand is being made by any person other than the creditor for the payment of the sum or sums due or asserted to be due;

(d) Buys accounts, bills or other indebtedness with recourse and engages in collecting the same; or

(e) Uses a fictitious name in collecting its own accounts, bills, or debts with the intention of conveying to the debtor that a third party has been
employed to make such collection.
(Source: P.A. 83-1539.)

(225 ILCS 425/4.5)
(Section scheduled to be repealed on January 1, 2006)
Sec. 4.5. Unlicensed practice; violation; civil penalty.
(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a collection agency without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity. In addition to taking any other action provided under this Act, whenever the Department has reason to believe a person, association, partnership, corporation, or other legal entity has violated any provision of subsection (a) of this Section, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person, association, partnership, corporation, or other legal entity. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.
(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 425/5) (from Ch. 111, par. 2008)
(Section scheduled to be repealed on January 1, 2006)
Sec. 5. Application for registration shall be made to the Director on forms provided by the Department, shall be accompanied by the required fee and shall state:

(1) The applicant's name and address;
(2) the names and addresses of the officers of the collection agency and, if the collection agency is a corporation, the names and addresses of all persons owning 10% or more of the stock of such corporation, if the

New matter indicated by italics - deletions by strikeout
collection agency is a partnership, the names and addresses of all partners of the partnership holding a 10% or more interest in the partnership, and, if the collection agency is a limited liability company, the names and addresses of all members holding 10% or more interest in the limited liability company; and

(3) Such other information as the Department may deem necessary.

(Source: P.A. 81-1381.)

(225 ILCS 425/6a) (from Ch. 111, par. 2009a)

(Section scheduled to be repealed on January 1, 2006)

Sec. 6a. Any registered collection agency whose certificate of registration has expired may have the certificate of registration restored by making application to the Department and filing proof acceptable to the Department of fitness to have the certificate of registration restored, and by paying the required restoration fee.

However, any registered collection agency whose certificate of registration has expired while the individual registered or while a shareholder, partner, or member owning 50% or more of the shares of stock in a registered corporation has expired while he has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his certificate of registration restored or reinstated without paying any lapsed renewal fees, restoration fee or reinstatement fee if within 2 years after termination of such service, training or education other than by dishonorable discharge he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 84-1299.)

(225 ILCS 425/9) (from Ch. 111, par. 2012)

(Section scheduled to be repealed on January 1, 2006)

Sec. 9. (a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed $5,000 for a first violation and not to exceed $10,000 for a second or subsequent violation $1,000 per licensee per complaint, for any one or any combination of the following causes:

(1) Violations of this Act or of the rules promulgated hereunder.

New matter indicated by italics - deletions by strikeout
(2) Conviction of the collection agency or the principals of the
agency of any crime under the laws of any U.S. jurisdiction which is
a felony, a misdemeanor an essential element of which is dishonesty,
or of any crime which directly relates to the practice of the profession.

(3) Making any misrepresentation for the purpose of obtaining
a license or certificate.

(4) Habitual or excessive use or addiction to alcohol,
narcotics, stimulants or any other chemical agent or drug which
results in the inability to practice with reasonable judgment, skill, or
safety by any of the principals of a collection agency.

(5) Discipline by another U.S. jurisdiction or foreign nation,
if at least one of the grounds for the discipline is the same or
substantially equivalent to those set forth in this Act.

(6) A finding by the Department that the licensee, after having
his license placed on probationary status, has violated the terms of
probation.

(7) Practicing or attempting to practice under a name other
than the name as shown on his or her license or any other legally
authorized name.

(8) A finding by the Federal Trade Commission that a licensee
violated the Federal Fair Debt and Collection Act or its rules.

(9) Failure to file a return, or to pay the tax, penalty or interest
shown in a filed return, or to pay any final assessment of tax, penalty
or interest, as required by any tax Act administered by the Illinois
Department of Revenue until such time as the requirements of any
such tax Act are satisfied.

(10) Using or threatening to use force or violence to cause
physical harm to a debtor, his family or his property.

(11) Threatening to instigate an arrest or criminal prosecution
where no basis for a criminal complaint lawfully exists.

(12) Threatening the seizure, attachment or sale of a debtor's
property where such action can only be taken pursuant to court order
without disclosing that prior court proceedings are required.

(13) Disclosing or threatening to disclose information
adversely affecting a debtor's reputation for credit worthiness with
knowledge the information is false.

(14) Initiating or threatening to initiate communication with
a debtor's employer unless there has been a default of the payment of
the obligation for at least 30 days and at least 5 days prior written

New matter indicated by italics - deletions by strikeout
notice, to the last known address of the debtor, of the intention to communicate with the employer has been given to the employee, except as expressly permitted by law or court order.

(15) Communicating with the debtor or any member of the debtor's family at such a time of day or night and with such frequency as to constitute harassment of the debtor or any member of the debtor's family. For purposes of this Section the following conduct shall constitute harassment:

(A) Communicating with the debtor or any member of his or her family in connection with the collection of any debt without the prior consent of the debtor given directly to the debt collector, or the express permission of a court of competent jurisdiction, at any unusual time or place or a time or place known or which should be known to be inconvenient to the debtor. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8 o'clock a.m. and before 9 o'clock p.m. local time at the debtor's location.

(B) The threat of publication or publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency.

(C) The threat of advertisement or advertisement for sale of any debt to coerce payment of the debt.

(D) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

(16) Using profane, obscene or abusive language in communicating with a debtor, his or her family or others.

(17) Disclosing or threatening to disclose information relating to a debtor's indebtedness to any other person except where such other person has a legitimate business need for the information or except where such disclosure is regulated by law.

(18) Disclosing or threatening to disclose information concerning the existence of a debt which the debt collector knows to be reasonably disputed by the debtor without disclosing the fact that the debtor disputes the debt.

(19) Engaging in any conduct which the Director finds was

New matter indicated by italics - deletions by strikeout
intended to cause and did cause mental or physical illness to the debtor or his or her family.

(20) Attempting or threatening to enforce a right or remedy with knowledge or reason to know that the right or remedy does not exist.

(21) Failing to disclose to the debtor or his or her family the corporate, partnership or proprietary name, or other trade or business name, under which the debt collector is engaging in debt collections and which he or she is legally authorized to use.

(22) Using any form of communication which simulates legal or judicial process or which gives the appearance of being authorized, issued or approved by a governmental agency or official or by an attorney at law when it is not.

(23) Using any badge, uniform, or other indicia of any governmental agency or official except as authorized by law.

(24) Conducting business under any name or in any manner which suggests or implies that a debt collector is bonded if such collector is or is a branch of or is affiliated with any governmental agency or court if such collector is not.

(25) Failing to disclose, at the time of making any demand for payment, the name of the person to whom the claim is owed and at the request of the debtor, the address where payment is to be made and the address of the person to whom the claim is owed.

(26) Misrepresenting the amount of the claim or debt alleged to be owed.

(27) Representing that an existing debt may be increased by the addition of attorney's fees, investigation fees or any other fees or charges when such fees or charges may not legally be added to the existing debt.

(28) Representing that the debt collector is an attorney at law or an agent for an attorney if he is not.

(29) Collecting or attempting to collect any interest or other charge or fee in excess of the actual debt or claim unless such interest or other charge or fee is expressly authorized by the agreement creating the debt or claim unless expressly authorized by law or unless in a commercial transaction such interest or other charge or fee is expressly authorized in a subsequent agreement. If a contingency or hourly fee arrangement (i) is established under an agreement between a collection agency and a creditor to collect a debt and (ii) is

New matter indicated by italics - deletions by strikeout
paid by a debtor pursuant to a contract between the debtor and the creditor, then that fee arrangement does not violate this Section unless the fee is unreasonable. The Department shall determine what constitutes a reasonable collection fee.

(30) Communicating or threatening to communicate with a debtor when the debt collector is informed in writing by an attorney that the attorney represents the debtor concerning the claim, unless authorized by the attorney. If the attorney fails to respond within a reasonable period of time, the collector may communicate with the debtor. The collector may communicate with the debtor when the attorney gives his consent.

(31) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(b) The Department shall deny any license or renewal authorized by this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Scholarship Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois State Scholarship Commission.

No debt collector while collecting or attempting to collect a debt shall engage in any of the Acts specified in this Section, each of which shall be unlawful practice.

(Source: P.A. 91-768, eff. 1-1-01.)

Section 99. Effective date. This Act takes effect December 31, 2005.
Passed in the General Assembly May 19, 2005.
Approved August 2, 2005.
Effective December 31, 2005.

PUBLIC ACT 94-0415
(House Bill No 1384)

AN ACT in relation to public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by adding Section 15-158.4 as follows:

(40 ILCS 5/15-158.4 new)

Sec. 15-158.4. Election of medicare coverage.

(a) The System shall conduct a divided medicare coverage

New matter indicated by italics - deletions by strikeout
referendum, open to employees continuously employed by the same employer since March 31, 1986. The referendum shall be conducted in accordance with the applicable provisions of federal law and Article 21 of this Code.

(b) As used in this Section and in compliance with federal law, "referendum" means the process whereby employees are granted the opportunity to make an irrevocable individual election to participate in the medicare program on a prospective basis.

(c) Employers shall pay the necessary employer contributions and make the necessary deductions from salary for employees who elect to participate in the federal medicare program under this Section, as required by the System, Article 21 of this Code, and federal law.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 18, 2005.
Approved August 2, 2005.
Effective August 2, 2005.

PUBLIC ACT 94-0416
(House Bill No 1406)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by changing Section 12-13.05 as follows:
(305 ILCS 5/12-13.05)
Sec. 12-13.05. Rules for Temporary Assistance for Needy Families. All rules regulating the Temporary Assistance for Needy Families program and all other rules regulating the amendatory changes to this Code made by this amendatory Act of 1997 shall be promulgated pursuant to this Section.
All rules regulating the Temporary Assistance for Needy Families program and all other rules regulating the amendatory changes to this Code made by this amendatory Act of 1997 are repealed on July 1, 2006. On and after July 1, 2006, the Illinois Department may not promulgate any rules regulating the Temporary Assistance for Needy Families program or regulating the amendatory changes to this Code made by this amendatory Act of 1997.
(Source: P.A. 91-5, eff. 5-27-99; 92-111, eff. 1-1-02; 92-597, eff. 6-28-02; revised 11-06-02.)
Passed in the General Assembly May 12, 2005.
Approved August 2, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 9-230 as follows:

(35 ILCS 200/9-230)

Sec. 9-230. Return of township or multi-township assessment books.

(a) The township or multi-township assessors in counties with less than 600,000 inhabitants, based on the 2000 federal decennial census, shall, on or before April 15 of the assessment year, return the assessment books or workbooks to the supervisor of assessments. The township or multi-township assessors in counties with 600,000 or more but no more than 700,000 inhabitants, based on the 2000 federal decennial census, shall, on or before October 15 of the assessment year, return the assessment books or workbooks to the supervisor of assessments. The township or multi-township assessors in counties with less than 3,000,000 inhabitants, but more than 700,000 inhabitants, based on the 2000 federal decennial census, shall, on or before November 15 of the assessment year, return the assessment books or workbooks to the supervisor of assessments. If a township or multi-township assessor in a county with less than 3,000,000 inhabitants, but more than 600,000 inhabitants, based on the 2000 federal decennial census, does not return the assessment books or workbooks within the required time, the supervisor of assessments may take possession of the books and complete the assessments pursuant to law. Each of the books shall be verified by affidavit by the assessor substantially as follows:

State of Illinois)

)ss.

County of .......

I do solemnly swear that the book or books .... in number, to which this affidavit is attached, contains a complete list of all of the property in the township or multi-township or assessment district herein described subject to taxation for the year .... so far as I have been able to ascertain, and that the assessed value set down in the proper column opposite the descriptions of property is a just and equal assessment of the property according to law.

New matter indicated by italics - deletions by strikeout
(b) If the supervisor of assessments determines that the township or multi-township assessor has not completed the assessments as required by law before returning the assessment books under this Section, the county board may submit a bill to the township board of trustees for the reasonable costs incurred by the supervisor of assessments in completing the assessments. The moneys collected under this subsection may be used by the supervisor of assessments only for the purpose of recouping costs incurred in completing the assessments.

(Source: P.A. 93-761, eff. 1-1-05.)


PUBLIC ACT 94-0418
(House Bill No 1511)

AN ACT concerning human services.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Abuse of Adults with Disabilities Intervention Act is amended by changing Section 45 as follows:

(20 ILCS 2435/45) (from Ch. 23, par. 3395-45)

Sec. 45. Consent.

(a) If the Adults with Disabilities Abuse Project has received a report of alleged or suspected abuse, neglect, or exploitation with regard to an adult with disabilities who lacks the capacity to consent to an assessment or to services, the Adults with Disabilities Abuse Project may seek, directly or through another agency, the appointment of a temporary or permanent guardian for assessment, provision of services, or any other decision-making authority as is appropriate for the individual as provided in Article XIa of the Probate Act of 1975 or other relief as provided under the Illinois Domestic Violence Act of 1986.

(a-5) If the adult with disabilities consents to the assessment, such assessment shall be conducted. If the adult with disabilities consents to the services included in the service plan, such services shall be provided. If the adult with disabilities refuses or withdraws his or her consent to the
completion of the assessment, the assessment shall be terminated. If the adult with disabilities refuses or withdraws his or her consent to the provision of services, the services shall not be provided.

(b) A guardian of the person of an adult with disabilities who is abused, neglected, or exploited by another individual in a domestic living situation may consent to an assessment or to services being provided pursuant to the service plan. If the guardian is alleged to be the perpetrator of the abuse, neglect, or exploitation, the Adults with Disabilities Abuse Project shall, when there is an immediate and urgent necessity, seek the appointment of a temporary substitute guardian pursuant to Section 213.3 of the Illinois Domestic Violence Act of 1986 under the provisions of Article XIa of the Probate Act of 1975. If a guardian withdraws his consent or refuses to allow an assessment or services to be provided to the adult with disabilities, the Adults with Disabilities Abuse Project may seek directly or through another agency a court order seeking appropriate remedies, and may in addition request removal of the guardian and appointment of a successor guardian pursuant to Article XIa of the Probate Act of 1975.

(c) For the purposes of this Section only, "lacks the capacity to consent" shall mean that the adult with disabilities reasonably appears to be unable by reason of physical or mental condition to receive and evaluate information related to the assessment or services, or to communicate decisions related to the assessment or services.

(Source: P.A. 90-655, eff. 7-30-98; 91-671, eff. 7-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 27, 2005.
Approved August 2, 2005.
Effective August 2, 2005.

PUBLIC ACT 94-0419

(House Bill No 1570)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Estate and Generation-Skipping Transfer Tax Act is amended by changing Section 3 as follows:
(35 ILCS 405/3) (from Ch. 120, par. 405A-3)
Sec. 3. Illinois estate tax.
(a) Imposition of Tax. An Illinois estate tax is imposed on every

New matter indicated by italics - deletions by strikeout
taxable transfer involving transferred property having a tax situs within the State of Illinois.

(b) Amount of tax. On estates of persons dying before January 1, 2003, the amount of the Illinois estate tax shall be the state tax credit, as defined in Section 2 of this Act, with respect to the taxable transfer reduced by the lesser of:

(1) the amount of the state tax credit paid to any other state or states; and

(2) the amount determined by multiplying the maximum state tax credit allowable with respect to the taxable transfer by the percentage which the gross value of the transferred property not having a tax situs in Illinois bears to the gross value of the total transferred property.

(c) On estates of persons dying on or after January 1, 2003, the amount of the Illinois estate tax shall be the state tax credit, as defined in Section 2 of this Act, reduced by the amount determined by multiplying the state tax credit with respect to the taxable transfer by the percentage which the gross value of the transferred property not having a tax situs in Illinois bears to the gross value of the total transferred property.

(110 ILCS 205/9.30 new)

Sec. 9.30. Course transferability program.

(a) Subject to appropriation, the Board shall implement and administer a statewide program, using the World Wide Web, to assist students, advisors, faculty, and administrators from public and private institutions of higher education in obtaining consistent and accurate
information about transfer courses and their applicability towards degree completion by publishing course equivalency guides, academic programs, courses offered, transfer course evaluations, and degree requirements.

(b) Under the program, the Board shall provide appropriate assistance and support to participating public and private institutions of higher education. The Board shall designate participants based on which institutions apply to be part of the program. However, all data shall be managed by each institution of higher education and each institution shall retain complete ownership of the data submitted.

(c) The program's Internet website shall contain the following:

1. Transfer course articulations, which shall be updated annually.
2. Institutional reference tables.
3. Degree requirements, which shall be updated annually.
4. Course banks, which shall be updated annually.
5. Academic program pull down menus, which shall be updated annually.


PUBLIC ACT 94-0421

(House Bill No 2527)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Act on the Aging is amended by adding Section 4.02e as follows:

(20 ILCS 105/4.02e new)

Sec. 4.02e. Adult day service program certification. For the purpose of long term care insurance payouts to clients of the Department's program of services to prevent unnecessary institutionalization established in Section 4.02 of this Act, a contract with the Department for the procurement of adult day service shall constitute certification by the Department of the adult day service. For the purposes of this Section, "adult day service" means the direct care and supervision of adults aged 60 and over in a community-based setting for the purpose of providing personal attention and promoting social,

New matter indicated by italics - deletions by strikeout
physical, and emotional well-being in a structured setting.

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 19, 2005.
Approved August 2, 2005.
Effective August 2, 2005.

PUBLIC ACT 94-0422
(House Bill No 2689)

AN ACT concerning counties.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by changing Section 3-3034 as follows:
(55 ILCS 5/3-3034) (from Ch. 34, par. 3-3034)
Sec. 3-3034. Disposition of body. After the inquest inquisition the coroner may deliver the body or human remains of the deceased to the family of the deceased or, if there are no family members to accept the body or the remains, then to his friends of the deceased, if there be any, but if not, the coroner shall cause the body or the remains to be decently buried, the expenses to be paid from the property of the deceased, if there is sufficient, if not, by the county. If the State Treasurer, pursuant to the Uniform Disposition of Unclaimed Property Act, delivers human remains to the coroner, the coroner shall cause the human remains to be disposed of as provided in this Section.
(Source: P.A. 86-962.)

Section 10. The Uniform Disposition of Unclaimed Property Act is amended by changing Section 17 as follows:
(765 ILCS 1025/17) (from Ch. 141, par. 117)
Sec. 17. (a) All abandoned property, other than money and that property exempted by paragraphs (1), (2), and (3), and (4) of this subsection, delivered to the State Treasurer under this Act shall be sold within a reasonable time to the highest bidder at public sale in whatever city in the State affords in his or her judgment the most favorable market for the property involved. The State Treasurer may decline the highest bid and reoffer the property for sale if he or she considers the price bid insufficient. The State Treasurer may group items for auction as "box lots" if the value of the individual items makes it impracticable to sell the items individually. He or she need not offer any property for sale, and may destroy or otherwise

New matter indicated by italics - deletions by strikeout
dispose of the property, if, in his or her opinion, the probable cost of sale exceeds the value of the property. Securities or commodities received by the Office of the State Treasurer may be sold by the State Treasurer through a broker or sales agent suitable for the sale of the type of securities or commodities being sold.

(1) Property which the State Treasurer determines may have historical value may be, at his or her discretion, loaned to a recognized exhibitor in the United States where it will be kept until such time as the State Treasurer orders it to be returned to his or her possession.

(2) Property returned to the State Treasurer shall be released to the rightful owner or otherwise disposed of in accordance with this Act. The State Treasurer shall keep identifying records of the property so loaned, the name of rightful owner and the owner's last known address, if available.

(3) The Treasurer, in cooperation with the Department of State Police, shall develop a procedure to determine whether a firearm delivered to the Treasurer under this Act has been stolen or used in the commission of a crime. The Department of State Police shall determine the appropriate disposition of a firearm that has been stolen or used in the commission of a crime. The Treasurer shall attempt to return a firearm that has not been stolen or used in the commission of a crime to the rightful owner, provided that the owner may lawfully possess the firearm as determined by the Department of State Police.

If the Treasurer is unable to return a firearm to its owner, the Treasurer shall transfer custody of the firearm to the Department of State Police. Legal title to a firearm transferred to the Department of State Police under this paragraph (3) is vested in the Department of State Police by operation of law:

(A) if the Treasurer cannot locate the owner of the firearm;

(B) if the owner of the firearm may not lawfully possess the firearm;

(C) if the owner does not respond to notice published under Section 12 of this Act; or

(D) if the owner responds to notice published under Section 12 and states that he or she no longer claims an interest in the firearm.

With respect to a firearm whose title is transferred to the

New matter indicated by italics - deletions by strikeout
Department of State Police under this paragraph (3), that Department may:

(i) retain the firearm for use by the crime laboratory system, for training purposes, or for any other application as deemed appropriate by the Department;
(ii) transfer the firearm to the Illinois State Museum if the firearm has historical value; or
(iii) destroy the firearm if it is not retained pursuant to subparagraph (i) or transferred pursuant to subparagraph (ii).

(4) If human remains are delivered to the Treasurer under this Act, the Treasurer shall deliver those human remains to the coroner of the county in which the human remains were abandoned for disposition under Section 3-3034 of the Counties Code. The only human remains that may be delivered to the Treasurer under this Act and that the Treasurer may receive are those that are reported and delivered as contents of a safe deposit box.

(b) Any sale held under this Section, except a sale of securities or commodities, shall be preceded by a single publication of notice thereof, at least 3 weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold. When property fails to sell and is offered again at a subsequent sale, no additional notice is required for the subsequent sale.

(c) The purchaser at any sale conducted by the State Treasurer pursuant to this Act shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Treasurer shall execute all documents necessary to complete the transfer of title.

(d) The Office of the State Treasurer is not liable for any reduction in the value of property caused by changing market conditions.

(Source: P.A. 91-16, eff. 7-1-99; 91-748, eff. 6-2-00.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 16-163 and 16-165 as follows:

(40 ILCS 5/16-163) (from Ch. 108 1/2, par. 16-163)
Sec. 16-163. Board created. A board of 11 members constitutes the board of trustees authorized to carry out the provisions of this Article and is responsible for the general administration of the System. The board shall be known as the Board of Trustees of the Teachers' Retirement System of the State of Illinois. The board shall be composed of the Superintendent of Education, ex officio, who shall be the president of the board; 4 persons, not members of the System, to be appointed by the Governor, who shall hold no elected State office; 4 persons who, at the time of their election, are teachers as defined in Section 16-106, elected by the contributing members; and 2 annuitant members elected by the annuitants of the System, as provided in Section 16-165.
(Source: P.A. 90-511, eff. 8-22-97; 91-941, eff. 2-6-01.)

(40 ILCS 5/16-165) (from Ch. 108 1/2, par. 16-165)
Sec. 16-165. Board; elected members; vacancies.
(a) In each odd-numbered year, there shall be elected 2 teachers who shall hold office for a term of 4 years beginning July 15 next following their election, in the manner provided under this Section. An elected teacher member of the board who ceases to be a teacher as defined in Section 16-106 may continue to serve on the board for the remainder of the term to which he or she was elected.

(b) One elected annuitant trustee shall first be elected in 1987, and in every fourth year thereafter, for a term of 4 years beginning July 15 next following his or her election.

(c) The elected annuitant position created by this amendatory Act of the 91st General Assembly shall be filled as soon as possible in the manner provided for vacancies, for an initial term ending July 15, 2001. One elected annuitant trustee shall be elected in 2001, and in every fourth year thereafter, for a term of 4 years beginning July 15 next following his or her election.

(d) Elections shall be held on May 1, unless May 1 falls on a Saturday or Sunday, in which event the election shall be conducted on the following Monday. Candidates shall be nominated by petitions in writing, signed by not less than 500 teachers or annuitants, as the case may be, with their addresses shown opposite their names. The petitions shall be filed with the board's Secretary not less than 90 nor more than 120 days prior to May 1.

New matter indicated by italics - deletions by strikeout
Secretary shall determine their validity not less than 75 days before the election.

(e) If, for either teacher or annuitant members, the number of qualified nominees exceeds the number of available positions, the system shall prepare an appropriate ballot with the names of the candidates in alphabetical order and shall mail one copy thereof, at least 10 days prior to the election day, to each teacher or annuitant of this system as of the latest date practicable, at the latest known address, together with a return envelope addressed to the board and also a smaller envelope marked "For Ballot Only", and a slip for signature. Each voter, upon marking his ballot with a cross mark in the square before the name of the person voted for, shall place the ballot in the envelope marked "For Ballot Only", seal the envelope, write on the slip provided therefor his signature and address, enclose both the slip and sealed envelope containing the marked ballot in the return envelope addressed to the board, and mail it. Whether a person is eligible to vote for the teacher nominees or the annuitant nominees shall be determined from system payroll records as of March 1.

Upon receipt of the return envelopes, the system shall open them and set aside unopened the envelopes marked "For Ballot Only". On election day ballots shall be publicly opened and counted by the trustees or canvassers appointed therefor. Each vote cast for a candidate represents one vote only. No ballot arriving after 10 o'clock a.m. on election day shall be counted. The 2 teacher candidates and the annuitant candidate receiving the highest number of votes shall be elected. The board shall declare the results of the election, keep a record thereof, and notify the candidates of the results thereof within 30 days after the election.

If, for either class of members, there are only as many qualified nominees as there are positions available, the balloting as described in this Section shall not be conducted for those nominees, and the board shall declare them duly elected.

(f) A vacancy occurring in the elective membership of on the board shall be filled for the unexpired term by the board with a person qualified for the vacant position, selected by the remaining elected members of the board. (Source: P.A. 91-941, eff. 2-6-01.)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Local Governmental and Governmental Employees Tort Immunity Act is amended by changing Section 1-206 as follows:

(745 ILCS 10/1-206) (from Ch. 85, par. 1-206)

Sec. 1-206. "Local public entity" includes a county, township, municipality, municipal corporation, school district, school board, educational service region, regional board of school trustees, trustees of schools of townships, treasurers of schools of townships, community college district, community college board, forest preserve district, park district, fire protection district, sanitary district, museum district, emergency telephone system board, and all other local governmental bodies. "Local public entity" also includes library systems and any intergovernmental agency or similar entity formed pursuant to the Constitution of the State of Illinois or the Intergovernmental Cooperation Act as well as any not-for-profit corporation organized for the purpose of conducting public business. It does not include the State or any office, officer, department, division, bureau, board, commission, university or similar agency of the State.

The changes made by this amendatory Act of the 94th General Assembly do not apply to an action or proceeding accruing on or before its effective date.

(Source: P.A. 89-403, eff. 1-1-96.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 16, 2005.
Approved August 2, 2005.
Effective August 2, 2005.

AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by adding Section 17-151.1 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 17-151.1. Recovery of amount paid in error.
(a) The Board may retain out of any annuity or benefit payable to any person any amount that the Board determines is owing to the Fund because (i) required employee contributions were not made in whole or in part, (ii) employee or member obligations to return refunds were not met, or (iii) money was paid to any employee, member, or annuitant through misrepresentation, fraud, or error.

(b) The Board and the Fund shall be held free from any liability for any money retained or paid in accordance with this Section, and the employee, member, or pensioner shall be assumed to have assented and agreed to the disposition of money due.

(c) The changes made by this amendatory Act of the 94th General Assembly are not limited to persons in service on or after the effective date of this amendatory Act.

Effective August 2, 2005.

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 27-23 as follows:
(105 ILCS 5/27-23) (from Ch. 122, par. 27-23)
Sec. 27-23. Motor Vehicle Code. The curriculum in all public schools shall include a course dealing with the content of Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code, the rules and regulations adopted pursuant to those Chapters insofar as they pertain to the operation of motor vehicles, and the portions of the Litter Control Act relating to the operation of motor vehicles. Instruction shall be given in safety education in each grade, 1 through 8, equivalent to 1 class period each week, and in at least 1 of the years in grades 10 through 12. The course of instruction required of each eligible student at the high school level shall consist of a minimum of 30 clock hours of classroom instruction taught by a certified high school teacher.

New matter indicated by italics - deletions by strikeout
who has acquired special qualifications as required for participation under the terms of Section 27-24.2 of this Act. Each school district maintaining grades 9 through 12: (i) shall provide the classroom course for each public and non-public high school student resident of the school district who either has received a passing grade in at least 8 courses during the previous 2 semesters or has received a waiver of that requirement from the local superintendent of schools (with respect to a public high school student) or chief school administrator (with respect to a non-public high school student), as provided in Section 27-24.2, and for each out-of-school resident of the district between the age of 15 and 21 years who requests the classroom course, and (ii) may provide such classroom course for any resident of the district over age 55 who requests the classroom course, but only if space therein remains available after all eligible public and non-public high school student residents and out-of-school residents between the age of 15 and 21 who request such course have registered therefor, and only if such resident of the district over age 55 has not previously been licensed as a driver under the laws of this or any other state or country. Each school district (i) shall provide an approved course in practice driving consisting of a minimum of 6 clock hours of individual behind-the-wheel instruction or its equivalent in a car, as determined by the State Board of Education, for each eligible resident of the district between the age of 15 and 21 years who has started an approved high school classroom driver education course on request, and (ii) may provide such approved course in practice driving for any resident of the district over age 55 on request and without regard to whether or not such resident has started any high school classroom driver education course, but only if space therein remains available after all eligible residents of the district between the ages of 15 and 21 years who have started an approved classroom driver education course and who request such course in practice driving have registered therefor, and only if such resident of the district over age 55 has not previously been licensed as a driver under the laws of this or any other state or country. Subject to rules and regulations of the State Board of Education, the district may charge a reasonable fee, not to exceed $50, to students who participate in the course, unless a student is unable to pay for such a course, in which event the fee for such a student shall be waived. The total amount from driver education fees and reimbursement from the State for driver education must not exceed the total cost of the driver education program in any year and must be deposited into the school district's driver education fund as a separate line item budget entry. All moneys deposited into the school district's driver education fund must be used solely for the
funding of a high school driver education program approved by the State Board of Education that uses instructors certified by the State Board of Education. If provided, that if a district provides the classroom or practice driving course or both of such courses to any residents of the district over age 55, the district may charge such residents a fee in any amount up to but not exceeding the actual cost of the course or courses in which such residents participate. The course of instruction given in grades 10 through 12 shall include an emphasis on the development of knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles including motorcycles insofar as they can be taught in the classroom, and in addition the course shall include instruction on special hazards existing at, and required extra safety and driving precautions that must be observed at, emergency situations, highway construction and maintenance zones, and railroad crossings and the approaches thereto.

(Source: P.A. 92-497, eff. 11-29-01.)
Passed in the General Assembly May 27, 2005.
Approved August 2, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0427
(Senate Bill No 0350)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Human Services 211 Collaboration Board Act is amended by changing Section 10 and by adding Section 10.5 as follows:
(20 ILCS 3956/10)
Sec. 10. Human Services 211 Collaboration Board.
(a) The Human Services 211 Collaboration Board is established to implement a non-emergency telephone number that will provide human services information concerning the availability of governmental and non-profit services and provide referrals to human services agencies, which may include referral to an appropriate web site. The Board shall consist of 9 8 members appointed by the Governor. The Governor shall appoint one representative of each of the following Offices and Departments as a member of the Board: the Office of the Governor, the Department of Human Services, the Department of Public Aid, the Department of Public Health, the Department of Children and Family Services, the Department on Aging, the

New matter indicated by italics - deletions by strikeout
Department of Employment Security, *the Department of Human Rights*, and the Illinois Commerce Commission. The Governor shall designate one of the members as Chairperson. Members of the Board shall serve 3-year terms and may be reappointed to serve additional terms.

(b) The Board shall establish standards consistent with the standards established by the National 211 Collaborative and the Alliance of Information and Referral Systems for providing information about and referrals to human services agencies to 211 callers. The standards shall prescribe the technology or manner of delivering 211 calls and shall not exceed any requirements for 211 systems set by the Federal Communications Commission. The standards shall be consistent with the Americans with Disabilities Act, ensuring accessibility for users of Teletypewriters for the Deaf (TTY).

(Source: P.A. 93-613, eff. 11-18-03.)

(20 ILCS 3956/10.5 new)

Sec. 10.5. Advisory panel. The Human Services 211 Collaborative Board advisory panel is created to advise the Board on the implementation and administration of this Act.

The panel shall consist of members appointed by the Governor. The Governor shall appoint one representative of each of the following Offices and Departments as a member of the advisory panel: the Office of the Governor, the Department of Human Services, the Department of Public Aid, the Department of Public Health, the Department of Children and Family Services, the Department on Aging, the Department of Employment Security, the Department of Human Rights, and the Illinois Commerce Commission. The Governor shall appoint up to 14 representatives of not-for-profit human services organizations in the State to the advisory panel. The Governor shall designate one of the members as chairperson. Members of the advisory panel shall serve 3-year terms and may be reappointed to serve additional terms.


Approved August 2, 2005.

Effective January 1, 2006.

**PUBLIC ACT 94-0428**

*(Senate Bill No 0849)*

AN ACT concerning health facilities.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Abused and Neglected Long Term Care Facility

New matter indicated by italics - deletions by strikeout
Residents Reporting Act is amended by changing Sections 6.2 and 10 as follows:

(210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)

Sec. 6.2. Inspector General.

(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General. The Inspector General shall be appointed for a term of 4 years and shall function within the Department of Human Services and report to the Secretary of Human Services and the Governor. The Inspector General shall function independently within the Department of Human Services with respect to the operations of the office, including the performance of investigations and issuance of findings and recommendations. The appropriation for the Office of Inspector General shall be separate from the overall appropriation for the Department of Human Services. The Inspector General shall investigate reports of suspected abuse or neglect (as those terms are defined in Section 3 of this Act) of patients or residents in any mental health or developmental disabilities facility operated by the Department of Human Services and shall have authority to investigate and take immediate action on reports of abuse or neglect of recipients, whether patients or residents, in any mental health or developmental disabilities facility or program that is licensed or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or that is funded by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) and is not licensed or certified by any agency of the State. At the specific, written request of an agency of the State other than the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Inspector General may cooperate in investigating reports of abuse and neglect of persons with mental illness or persons with developmental disabilities. The Inspector General shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of the Department of Human Services or any of its funded agencies.

The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations of abuse and neglect and initiating, conducting, and completing investigations. The promulgated rules shall clearly set forth that in instances where 2 or more State agencies could investigate an allegation of abuse or neglect, the Inspector General shall not conduct an investigation that is redundant to an investigation conducted by another State agency. The rules shall establish criteria for determining, based

New matter indicated by italics - deletions by strikeout
upon the nature of the allegation, the appropriate method of investigation, which may include, but need not be limited to, site visits, telephone contacts, or requests for written responses from agencies. The rules shall also clarify how the Office of the Inspector General shall interact with the licensing unit of the Department of Human Services in investigations of allegations of abuse or neglect. Any allegations or investigations of reports made pursuant to this Act shall remain confidential until a final report is completed. The resident or patient who allegedly was abused or neglected and his or her legal guardian shall be informed by the facility or agency of the report of alleged abuse or neglect. Final reports regarding unsubstantiated or unfounded allegations shall remain confidential, except that final reports may be disclosed pursuant to Section 6 of this Act.

When the Office of the Inspector General has substantiated a case of abuse or neglect, the Inspector General shall include in the final report any mitigating or aggravating circumstances that were identified during the investigation. Upon determination that a report of neglect is substantiated, the Inspector General shall then determine whether such neglect rises to the level of egregious neglect.

(b) The Inspector General shall, within 24 hours after determining that a reported allegation receiving a report of suspected abuse or neglect determine whether the evidence indicates that any possible criminal act has been committed. If he determines that a possible criminal act has been committed, or that special expertise is required in the investigation, he shall immediately notify the Department of State Police or the appropriate law enforcement entity. The Department of State Police shall investigate any report from a State-operated facility indicating a possible murder, rape, or other felony. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(b-5) The Inspector General shall make a determination to accept or reject a preliminary report of the investigation of alleged abuse or neglect based on established investigative procedures. Notice of the Inspector General's determination must be given to the person who claims to be the victim of the abuse or neglect, to the person or persons alleged to have been responsible for abuse or neglect, and to the facility or agency. The facility or agency or the person or persons alleged to have been responsible for the abuse or neglect and the person who claims to be the victim of the abuse or neglect may request clarification or reconsideration based on additional information. For cases where the allegation of abuse or neglect is substantiated, the Inspector

New matter indicated by italics - deletions by strikeout
General shall require the facility or agency to submit a written response. The written response from a facility or agency shall address in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action.

(c) The Inspector General shall, within 10 calendar days after the transmittal date of a completed investigation where abuse or neglect is substantiated or administrative action is recommended, provide a complete report on the case to the Secretary of Human Services and to the agency in which the abuse or neglect is alleged to have happened. The complete report shall include a written response from the agency or facility operated by the State to the Inspector General that addresses in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action. The Secretary of Human Services shall accept or reject the response and establish how the Department will determine whether the facility or program followed the approved response. The Secretary may require Department personnel to visit the facility or agency for training, technical assistance, programmatic, licensure, or certification purposes. Administrative action, including sanctions, may be applied should the Secretary reject the response or should the facility or agency fail to follow the approved response. Within 30 days after the Secretary has approved a response, the facility or agency making the response shall provide an implementation report to the Inspector General on the status of the corrective action implemented. Within 60 days after the Secretary has approved the response, the facility or agency shall send notice of the completion of the corrective action or shall send an updated implementation report. The facility or agency shall continue sending updated implementation reports every 60 days until the facility or agency sends a notice of the completion of the corrective action. The Inspector General shall review any implementation plan that takes more than 120 days. The Inspector General shall monitor compliance through a random review of completed corrective actions. This monitoring may include, but need not be limited to, site visits, telephone contacts, or requests for written documentation from the facility or agency to determine whether the facility or agency is in compliance with the approved response. The facility or agency shall inform the resident or patient and the legal guardian whether the reported allegation was substantiated,
unsubstantiated, or unfounded. There shall be an appeals process for any person or agency that is subject to any action based on a recommendation or recommendations.

(d) The Inspector General may recommend to the Departments of Public Health and Human Services sanctions to be imposed against mental health and developmental disabilities facilities under the jurisdiction of the Department of Human Services for the protection of residents, including appointment of on-site monitors or receivers, transfer or relocation of residents, and closure of units. The Inspector General may seek the assistance of the Attorney General or any of the several State's attorneys in imposing such sanctions. Whenever the Inspector General issues any recommendations to the Secretary of Human Services, the Secretary shall provide a written response.

(e) The Inspector General shall establish and conduct periodic training programs for Department of Human Services employees concerning the prevention and reporting of neglect and abuse.

(f) The Inspector General shall at all times be granted access to any mental health or developmental disabilities facility operated by the Department of Human Services, shall establish and conduct unannounced site visits to those facilities at least once annually, and shall be granted access, for the purpose of investigating a report of abuse or neglect, to the records of the Department of Human Services and to any facility or program funded by the Department of Human Services that is subject under the provisions of this Section to investigation by the Inspector General for a report of abuse or neglect.

(g) Nothing in this Section shall limit investigations by the Department of Human Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority responsible for the operation of State mental health and developmental disability facilities.

(g-5) After notice and an opportunity for a hearing that is separate and distinct from the Office of the Inspector General's appeals process as implemented under subsection (c) of this Section, the Inspector General shall report to the Department of Public Health's nurse aide registry under Section 3-206.01 of the Nursing Home Care Act the identity of individuals against whom there has been a substantiated finding of physical or sexual abuse or egregious neglect of a service recipient.

Nothing in this subsection shall diminish or impair the rights of a person who is a member of a collective bargaining unit pursuant to the
Illinois Public Labor Relations Act or pursuant to any federal labor statute. An individual who is a member of a collective bargaining unit as described above shall not be reported to the Department of Public Health's nurse aide registry until the exhaustion of that individual's grievance and arbitration rights, or until 3 months after the initiation of the grievance process, whichever occurs first, provided that the Department of Human Services' hearing under subsection (c), that is separate and distinct from the Office of the Inspector General's appeals process, has concluded. Notwithstanding anything hereinafter or previously provided, if an action taken by an employer against an individual as a result of the circumstances that led to a finding of physical or sexual abuse or egregious neglect is later overturned under a grievance or arbitration procedure provided for in Section 8 of the Illinois Public Labor Relations Act or under a collective bargaining agreement, the report must be removed from the registry.

The Department of Human Services shall promulgate or amend rules as necessary or appropriate to establish procedures for reporting to the registry, including the definition of egregious neglect, procedures for notice to the individual and victim, appeal and hearing procedures, and petition for removal of the report from the registry. The portion of the rules pertaining to hearings shall provide that, at the hearing, both parties may present written and oral evidence. The Department shall be required to establish by a preponderance of the evidence that the Office of the Inspector General's finding of physical or sexual abuse or egregious neglect warrants reporting to the Department of Public Health's nurse aide registry under Section 3-206.01 of the Nursing Home Care Act.

Notice to the individual shall include a clear and concise statement of the grounds on which the report to the registry is based and notice of the opportunity for a hearing to contest the report. The Department of Human Services shall provide the notice by certified mail to the last known address of the individual. The notice shall give the individual an opportunity to contest the report in a hearing before the Department of Human Services or to submit a written response to the findings instead of requesting a hearing. If the individual does not request a hearing or if after notice and a hearing the Department of Human Services finds that the report is valid, the finding shall be included as part of the registry, as well as a brief statement from the reported individual if he or she chooses to make a statement. The Department of Public Health shall make available to the public information reported to the registry. In a case of inquiries concerning an individual listed in the registry, any information disclosed concerning a finding of abuse or neglect

New matter indicated by italics - deletions by strikeout
shall also include disclosure of the individual's brief statement in the registry relating to the reported finding or include a clear and accurate summary of the statement.

At any time after the report of the registry, an individual may petition the Department of Human Services for removal from the registry of the finding against him or her. Upon receipt of such a petition, the Department of Human Services shall conduct an investigation and hearing on the petition. Upon completion of the investigation and hearing, the Department of Human Services shall report the removal of the finding to the registry unless the Department of Human Services determines that removal is not in the public interest.

(210 ILCS 30/10) (from Ch. 111 1/2, par. 4170)

Sec. 10. If, during the investigation of a report made pursuant to this Act, the Department obtains information indicating possible criminal acts, the Department shall refer the matter to the appropriate law enforcement agency or agencies for further investigation or prosecution. The Department shall make the entire file of its investigation available to the appropriate law enforcement agencies.

With respect to reports of suspected abuse or neglect of residents of facilities operated by the Department of Human Services (as successor to the Department of Rehabilitation Services) or recipients of services through any home, institution, program or other entity licensed in whole or in part by the Department of Human Services (as successor to the Department of Rehabilitation Services), the Department shall refer reports indicating possible criminal acts to the Department of State Police or the appropriate law enforcement entity upon awareness that a possible criminal act has occurred for investigation.

(210 ILCS 30/10) (from Ch. 111 1/2, par. 4170)

Sec. 10. If, during the investigation of a report made pursuant to this Act, the Department obtains information indicating possible criminal acts, the Department shall refer the matter to the appropriate law enforcement agency or agencies for further investigation or prosecution. The Department shall make the entire file of its investigation available to the appropriate law enforcement agencies.

With respect to reports of suspected abuse or neglect of residents of facilities operated by the Department of Human Services (as successor to the Department of Rehabilitation Services) or recipients of services through any home, institution, program or other entity licensed in whole or in part by the Department of Human Services (as successor to the Department of Rehabilitation Services), the Department shall refer reports indicating possible criminal acts to the Department of State Police or the appropriate law enforcement entity upon awareness that a possible criminal act has occurred for investigation.

(210 ILCS 30/10) (from Ch. 111 1/2, par. 4170)
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 2. The Assisted Living and Shared Housing Act is amended
by changing Section 76 as follows:

(210 ILCS 9/76)
Sec. 76. Vaccinations.
(a) Before a prospective resident's admission to an assisted living
establishment or shared housing establishment that does not provide
medication administration as an optional service, the establishment shall
advise the prospective resident to consult a physician to determine whether
the prospective resident should obtain a vaccination against pneumococcal
pneumonia or influenza, or both.
(b) An assisted living establishment or shared housing establishment
that provides medication administration as an optional service shall annually
administer or arrange for administration of a vaccination against influenza
to each resident, in accordance with the recommendations of the Advisory
Committee on Immunization Practices of the Centers for Disease Control and
Prevention that are most recent to the time of vaccination, unless the
vaccination is medically contraindicated or the resident has refused the
vaccine. Influenza vaccinations for all residents age 65 or over shall be
completed by November 30 of each year or as soon as practicable if vaccine
supplies are not available before November 1. Residents admitted after
November 30, during the flu season, and until February 1 shall, as medically
appropriate, receive an influenza vaccination prior to or upon admission or
as soon as practicable if vaccine supplies are not available at the time of the
admission, unless the vaccine is medically contraindicated or the resident has
refused the vaccine. In the event that the Advisory Committee on
Immunization Practices of the Centers for Disease Control and Prevention
determines that dates of administration other than those stated in this Section
are optimal to protect the health of residents, the Department is authorized to
adopt rules to require vaccinations at those times rather than the times stated
in this Section. An establishment shall document in the resident's medication
record that an annual vaccination against influenza was administered, arranged, refused, or medically contraindicated.

An assisted living establishment or shared housing establishment that
provides medication administration as an optional service shall administer or
arrange for administration of a pneumococcal vaccination to each resident
who is age 65 or over, in accordance with the recommendations of the
Advisory Committee on Immunization Practices of the Centers for Disease

New matter indicated by italics - deletions by strikeout
Control and Prevention, who has not received this immunization prior to or upon admission to the establishment, unless the resident refuses the offer for vaccination or the vaccination is medically contraindicated. An establishment shall document in each resident's medication record that a vaccination against pneumococcal pneumonia was offered and administered, arranged, refused, or medically contraindicated.

(Source: P.A. 92-562, eff. 6-24-02; 93-1003, eff. 8-23-04.)

Section 3. The Nursing Home Care Act is amended by changing Section 2-213 as follows:

(210 ILCS 45/2-213)
Sec. 2-213. Vaccinations.

(a) A facility shall annually administer or arrange for administration of a vaccination against influenza to each resident, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination, unless the vaccination is medically contraindicated or the resident has refused the vaccine. Influenza vaccinations for all residents age 65 and over shall be completed by November 30 of each year or as soon as practicable if vaccine supplies are not available before November 1. Residents admitted after November 30, during the flu season, and until February 1 shall, as medically appropriate, receive an influenza vaccination prior to or upon admission or as soon as practicable if vaccine supplies are not available at the time of the admission, unless the vaccine is medically contraindicated or the resident has refused the vaccine. In the event that the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention determines that dates of administration other than those stated in this Act are optimal to protect the health of residents, the Department is authorized to develop rules to mandate vaccinations at those times rather than the times stated in this Act. A facility shall document in the resident's medical record that an annual vaccination against influenza was administered, arranged, refused or medically contraindicated.

(b) A facility shall administer provide or arrange for administration of a pneumococcal vaccination to each resident who is age 65 and over, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, who has not received this immunization prior to or upon admission to the facility, unless the resident refuses the offer for vaccination or the vaccination is medically contraindicated. A facility shall document in each resident's medical record that a vaccination against pneumococcal pneumonia was
offered and administered, arranged, refused, or medically contraindicated.
(Source: P.A. 93-384, eff. 7-25-03.)

Section 5. The Home Health Agency Licensing Act is amended by adding Section 6.5 as follows:

(210 ILCS 55/6.5 new)
Sec. 6.5. Vaccinations.

(a) A home health agency shall annually administer or arrange for administration of a vaccination against influenza to each client, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination, unless the vaccination is medically contraindicated or the client has refused the vaccine. Influenza vaccinations for all clients age 65 or over shall be completed by November 30 of each year or as soon as practicable if vaccine supplies are not available before November 1. Home health clients whose services start after November 30, during the flu season, and until February 1 shall, as medically appropriate, receive an influenza vaccination prior to or upon service initiation or as soon as practicable if vaccine supplies are not available at the time of the service initiation, unless the vaccine is medically contraindicated or the client has refused the vaccine. If the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention determines that dates of administration other than those stated in this Section are optimal to protect the health of clients, the Department may adopt rules to mandate vaccinations at those times rather than the times stated in this Section. A home health agency shall document in the client's medical record that an annual vaccination against influenza was administered, arranged, refused, or medically contraindicated.

(b) A home health agency shall administer or arrange for administration of a pneumococcal vaccination, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, to each client who is age 65 or over and who has not received this immunization prior to or upon service initiation, unless the client refuses the offer for vaccination or the vaccination is medically contraindicated. A home health agency shall document in each client's medical record that a vaccination against pneumococcal pneumonia was offered and was administered, arranged, refused, or medically contraindicated.

Section 99. Effective date. This Act takes effect upon becoming law. Passed in the General Assembly May 26, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning adoption.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Adoption Act is amended by changing Section 18.05 as follows:

(750 ILCS 50/18.05)

Sec. 18.05. The Illinois Adoption Registry and Medical Information Exchange.

(a) General function. Subject to appropriation, the Department of Public Health shall redefine the function of the Illinois Adoption Registry and create the Medical Information Exchange in the manner outlined in subsections (b) and (c) for the purpose of facilitating the voluntary exchange of medical information between mutually consenting birth parents or birth siblings and mutually consenting adoptive parents or legal guardians of adopted or surrendered persons under the age of 21 or adopted or surrendered persons 21 years of age or over. The Department shall establish rules for the confidential operation of the Illinois Adoption Registry. Beginning January 1, 2000, the Department shall conduct a public information campaign through public service announcements and other forms of media coverage and, for a minimum of 4 years, through notices enclosed with driver's license renewal applications, shall inform adopted and surrendered persons born, surrendered, or adopted in Illinois and their adoptive parents, legal guardians, birth parents and birth siblings of the Illinois Adoption Registry and Medical Information Exchange. The Department shall notify all parties who registered with the Illinois Adoption Registry prior to January 1, 2000 of the provisions of this amendatory Act of 1999. The Illinois Adoption Registry shall also maintain an informational Internet site where interested parties may access information about the Illinois Adoption Registry and Medical Information Exchange and download all necessary application forms. The Illinois Adoption Registry shall maintain statistical records regarding Registry participation and publish and circulate to the public informational material about the function and operation of the Registry.

(b) Establishment of the Adoption/Surrender Records File. When a
person has voluntarily registered with the Illinois Adoption Registry and completed an Illinois Adoption Registry Application or a Registration Identification Form, the Registry shall establish a new Adoption/Surrender Records File. Such file may concern an adoption that was finalized by a court action in the State of Illinois, an adoption of a person born in Illinois finalized by a court action in a state other than Illinois or in a foreign country, or a surrender taken in the State of Illinois, or an adoption filed according to Section 16.1 of the Vital Records Act under a Record of Foreign Birth that was not finalized by a court action in the State of Illinois. Such file may be established for adoptions or surrenders finalized prior to as well as after the effective date of this amendatory Act of 1999. A file may be created in any manner to preserve documents including but not limited to microfilm, optical imaging, or electronic documents.

(c) Contents of the Adoption/Surrender Records File. An established Adoption/Surrender Records File shall be limited to the following items, to the extent that they are available:

(1) The General Information Section and Medical Information Exchange Questionnaire of any Illinois Adoption Registry Application or a Registration Identification Form which has been voluntarily completed by the adopted or surrendered person or his or her adoptive parents, legal guardians, birth parents, or birth siblings.

(2) Any photographs voluntarily provided by any registrant for the adopted or surrendered person or his or her adoptive parents, legal guardians, birth parents, or birth siblings at the time of registration or any time thereafter. All such photographs shall be submitted in an unsealed envelope no larger than 8 1/2" x 11", and shall not include identifying information pertaining to any person other than the registrant who submitted them. Any such identifying information shall be redacted by the Department or the information shall be returned for removal of identifying information.

(3) Any Information Exchange Authorization or Denial of Information Exchange which has been filed by a registrant.

(4) For all adoptions finalized after January 1, 2000, copies of the original certificate of live birth and the certificate of adoption.

(5) Any updated address submitted by any registered party about himself or herself.

(6) Any proof of death which has been submitted by an adopted or surrendered person, adoptive parent, legal guardian, birth parent, or birth sibling.

New matter indicated by italics - deletions by strikeout
(d) An established Adoption/Surrender Records File for an adoption filed in Illinois under a Record of Foreign Birth that was not finalized in a court action in the State of Illinois shall be limited to the following items submitted to the State Registrar of Vital Records under Section 16.1 of the Vital Records Act, to the extent that they are available:

(1) Evidence as to the child’s birth date and birthplace (including the country of birth and, if available, the city and province of birth) provided by the original birth certificate, or by a certified copy, extract, or translation thereof or by other document essentially equivalent thereto (the records of the U.S. Immigration and Naturalization Service or of the U.S. Department of State to be considered essentially equivalent thereto).

(2) A certified copy, extract, or translation of the adoption decree or other document essentially equivalent thereto (the records of the U.S. Immigration and Naturalization Service or of the U.S. Department of State to be considered essentially equivalent thereto).

(3) A copy of the IR-3 visa.

(4) The name and address of the adoption agency that handled the adoption.

(Source: P.A. 91-417, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Approved August 2, 2005.
Effective August 2, 2005.

PUBLIC ACT 94-0431
(Senate Bill No 1489)

AN ACT concerning aging.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Elder Abuse and Neglect Act is amended by adding Section 14 as follows:

(320 ILCS 20/14 new)

Sec. 14. Volunteer corps. Qualified volunteers may be used for the purposes of increasing public awareness and providing companion-type services, as prescribed by rule, to eligible adults. A qualified volunteer must undergo training as prescribed by the Department by rule and must adhere to all confidentiality requirements as required by law.

New matter indicated by italics - deletions by strikeout

PUBLIC ACT 94-0432
(Senate Bill No 1493)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Sections 2-3.25g and 5-2.1 and by adding Section 5-1b as follows:
(105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)
Sec. 2-3.25g. Waiver or modification of mandates within the School Code and administrative rules and regulations.
(a) In this Section:
"Board" means a school board or the governing board or administrative district, as the case may be, for a joint agreement.
"Eligible applicant" means a school district, joint agreement made up of school districts, or regional superintendent of schools on behalf of schools and programs operated by the regional office of education.
"State Board" means the State Board of Education.
(b) Notwithstanding any other provisions of this School Code or any other law of this State to the contrary, eligible applicants may petition the State Board of Education for the waiver or modification of the mandates of this School Code or of the administrative rules and regulations promulgated by the State Board of Education. Waivers or modifications of administrative rules and regulations and modifications of mandates of this School Code may be requested when an eligible applicant demonstrates that it can address the intent of the rule or mandate in a more effective, efficient, or economical manner or when necessary to stimulate innovation or improve student performance. Waivers of mandates of the School Code may be requested when the waivers are necessary to stimulate innovation or improve student performance. Waivers may not be requested from laws, rules, and regulations pertaining to special education, teacher certification, or teacher tenure and seniority, or Section 5-2.1 of this Code or from compliance with the No Child Left Behind Act of 2001 (Public Law 107-110).
(c) Eligible applicants, as a matter of inherent managerial policy, and

New matter indicated by italics - deletions by strikeout
any Independent Authority established under Section 2-3.25f may submit an application for a waiver or modification authorized under this Section. Each application must include a written request by the eligible applicant or Independent Authority and must demonstrate that the intent of the mandate can be addressed in a more effective, efficient, or economical manner or be based upon a specific plan for improved student performance and school improvement. Any eligible applicant requesting a waiver or modification for the reason that intent of the mandate can be addressed in a more economical manner shall include in the application a fiscal analysis showing current expenditures on the mandate and projected savings resulting from the waiver or modification. Applications and plans developed by eligible applicants must be approved by the board or regional superintendent of schools applying on behalf of schools or programs operated by the regional office of education following a public hearing on the application and plan and the opportunity for the board or regional superintendent to hear testimony from educators directly involved in its implementation, parents, and students. If the applicant is a school district or joint agreement, the public hearing shall be held on a day other than the day on which a regular meeting of the board is held. If the applicant is a school district, the public hearing must be preceded by at least one published notice occurring at least 7 days prior to the hearing in a newspaper of general circulation within the school district that sets forth the time, date, place, and general subject matter of the hearing. If the applicant is a joint agreement or regional superintendent, the public hearing must be preceded by at least one published notice (setting forth the time, date, place, and general subject matter of the hearing) occurring at least 7 days prior to the hearing in a newspaper of general circulation in each school district that is a member of the joint agreement or that is served by the educational service region, provided that a notice appearing in a newspaper generally circulated in more than one school district shall be deemed to fulfill this requirement with respect to all of the affected districts. The eligible applicant must notify in writing the affected exclusive collective bargaining agent and those State legislators representing the eligible applicant's territory of its intent to seek approval of a waiver or modification and of the hearing to be held to take testimony from educators. The affected exclusive collective bargaining agents shall be notified of such public hearing at least 7 days prior to the date of the hearing and shall be allowed to attend such public hearing. The eligible applicant shall attest to compliance with all of the notification and procedural requirements set forth in this Section.

(d) A request for a waiver or modification of administrative rules and

New matter indicated by italics - deletions by strikeout
regulations or for a modification of mandates contained in this School Code shall be submitted to the State Board of Education within 15 days after approval by the board or regional superintendent of schools. The application as submitted to the State Board of Education shall include a description of the public hearing. Following receipt of the request, the State Board shall have 45 days to review the application and request. If the State Board fails to disapprove the application within that 45 day period, the waiver or modification shall be deemed granted. The State Board may disapprove any request if it is not based upon sound educational practices, endangers the health or safety of students or staff, compromises equal opportunities for learning, or fails to demonstrate that the intent of the rule or mandate can be addressed in a more effective, efficient, or economical manner or have improved student performance as a primary goal. Any request disapproved by the State Board may be appealed to the General Assembly by the eligible applicant as outlined in this Section.

A request for a waiver from mandates contained in this School Code shall be submitted to the State Board within 15 days after approval by the board or regional superintendent of schools. The application as submitted to the State Board of Education shall include a description of the public hearing. The description shall include, but need not be limited to, the means of notice, the number of people in attendance, the number of people who spoke as proponents or opponents of the waiver, a brief description of their comments, and whether there were any written statements submitted. The State Board shall review the applications and requests for completeness and shall compile the requests in reports to be filed with the General Assembly. The State Board shall file reports outlining the waivers requested by eligible applicants and appeals by eligible applicants of requests disapproved by the State Board with the Senate and the House of Representatives before each May 1 and October 1. The General Assembly may disapprove the report of the State Board in whole or in part within 30 calendar days after each house of the General Assembly next convenes after the report is filed by adoption of a resolution by a record vote of the majority of members elected in each house. If the General Assembly fails to disapprove any waiver request or appealed request within such 30 day period, the waiver or modification shall be deemed granted. Any resolution adopted by the General Assembly disapproving a report of the State Board in whole or in part shall be binding on the State Board.

(e) An approved waiver or modification may remain in effect for a period not to exceed 5 school years and may be renewed upon application by
the eligible applicant. However, such waiver or modification may be changed within that 5-year period by a board or regional superintendent of schools applying on behalf of schools or programs operated by the regional office of education following the procedure as set forth in this Section for the initial waiver or modification request. If neither the State Board of Education nor the General Assembly disapproves, the change is deemed granted.

(f) On or before February 1, 1998, and each year thereafter, the State Board of Education shall submit a cumulative report summarizing all types of waivers of mandates and modifications of mandates granted by the State Board or the General Assembly. The report shall identify the topic of the waiver along with the number and percentage of eligible applicants for which the waiver has been granted. The report shall also include any recommendations from the State Board regarding the repeal or modification of waived mandates.

(Source: P.A. 93-470, eff. 8-8-03; 93-557, eff. 8-20-03; 93-707, eff. 7-9-04.)

(105 ILCS 5/5-1b new)

Sec. 5-1b. Elementary school district withdrawal and transfer.

(a) Notwithstanding any other provision of this Code, the school board of an elementary school district that is located in a Class II county school unit and that, with another elementary school district, has a combined fall 2004 aggregate enrollment of at least 5,000 but less than 7,000 pupils and a combined boundary that is coterminous with the boundary of a high school district that crosses township boundaries and is subject to the jurisdiction and served by a different township treasurer and trustees of schools may withdraw from the jurisdiction and authority of the township treasurer and the trustees of schools that currently serve the elementary school district and transfer and otherwise submit to the jurisdiction and authority of the township treasurer and the trustees of schools of another township that then serves the high school district if all of the following conditions are met:

(1) During the same 30-day period, the school board of the elementary school district that is seeking withdrawal and transfer gives written notice by certified mail, return receipt requested, to all of the following: (i) the township treasurer and trustees of schools of the township from which the district seeks to withdraw; (ii) the township treasurer and trustees of schools of the township to which the district seeks to transfer; (iii) each school district currently subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township from which the elementary school

New matter indicated by italics - deletions by strikeout
district is seeking to withdraw; and (iv) each school district currently subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which the elementary school district is seeking to transfer. This notice must set forth the date, time, and place of a meeting of the school board of the elementary school district that is seeking withdrawal and transfer, to be held not more than 90 days before and not less than 60 days after the date on which the notice is given, at which meeting the school board shall consider and vote upon a resolution to withdraw from the jurisdiction and authority of the township treasurer and the trustees of schools that currently serve the elementary school district and transfer and otherwise submit to the jurisdiction and authority of the township treasurer and the trustees of schools of another township that then serves the high school district. No notice given under this subdivision (1) to the township treasurer and trustees of schools of a township shall be deemed sufficient or in compliance with the requirements of this subdivision (1) unless each required notice is given within the same 30-day period.

(2) The school board of the elementary school district that is seeking withdrawal and transfer, by the affirmative vote of at least 5 members of the school board at a school board meeting for which notice has been given as required by subdivision (1) of this subsection (a), adopts the resolution.

(3) The question of whether to withdraw from the jurisdiction and authority of the township treasurer and the trustees of schools that currently serve the elementary school district and transfer and otherwise submit to the jurisdiction and authority of the township treasurer and the trustees of schools of another township that then serves the high school district is submitted to the electors of the elementary school district at a regular election and approved by a majority of the electors voting on the question. After the resolution has been adopted, the school board shall certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code. The election authority must submit the question in substantially the following form:

Shall the school board of School District Number .... be authorized to withdraw from the jurisdiction and authority of the township treasurer and the trustees of schools of .... Township and transfer and otherwise submit to the

New matter indicated by italics - deletions by strikeout
jurisdiction and authority of the township treasurer and the trustees of schools of .... Township?
The election authority shall record the votes as "Yes" or "No". If a majority of the electors voting on the question vote in the affirmative, then the school board of the elementary school district may withdraw from the jurisdiction and authority of the township treasurer and the trustees of schools that currently serve the elementary school district and transfer and otherwise submit to the jurisdiction and authority of the township treasurer and the trustees of schools of another township that then serves the high school district.

(b) If all of the conditions under subsection (a) of this Section have been met, then the withdrawal and transfer shall be effective by operation of law on July 1 of the calendar year in which the election under subdivision (3) of subsection (a) of this Section was held.

(c) Upon the effective date of the transfer of jurisdiction of the township treasurer and trustees of schools to the receiving township under this Section, all of the following shall occur: (i) the receiving trustees of schools, in its corporate capacity, shall be deemed the successor in interest to the trustees of schools of the transferring township with respect to the interest attributable to the school district's common school lands and township loanable funds of the township; (ii) all right, title, and interest attributable to the school district existing or vested in the transferring trustees of schools in the common school lands and township loanable funds of the township and all records, moneys, securities, other assets, rights of property, and causes of action attributable to the school district pertaining to or constituting a part of those common school lands or township loanable funds attributable to the school district shall be transferred to and deemed vested by operation of law in the receiving trustees of schools, which shall hold legal title to, manage, and operate all common school lands and township loanable funds of the township, receive the rents, issues, and profits therefrom, and have and exercise with respect thereto the same powers and duties set forth under this Code to be exercised by trustees of schools; and (iii) whenever there is vested in the transferring trustees of schools, at the time that a transfer is effected under this Section, the legal title to any school buildings or school sites used or occupied for school purposes by an elementary school, subject to the jurisdiction and authority of those trustees of schools at the time that such transfer is effective, the legal title to those school buildings and school sites shall be transferred by operation of law to and invested in the receiving trustees of schools, the same to be held, sold,

New matter indicated by italics - deletions by strikeout
exchanged, leased, or otherwise transferred in accordance with applicable provisions of this Code.

(d) In the event that it is necessary to sell or otherwise dispose of any asset, investment, or security that is in the name of the school district and other districts not transferring from the jurisdiction of a township treasurer and trustees of schools, any fees or costs incurred in such disposition and any loss in value caused by the early sale or disposition shall be entirely borne by the school district transferring from the jurisdiction of a township treasurer and trustees of schools.

(e) As provided under Section 2-3.25g of this Code, a waiver of a mandate established under this Section may not be requested.

(f) This Section is repealed on January 1, 2010.

Sec. 5-2.1. Eligible Voters: For the purposes of this Article persons who are qualified to vote in school elections shall be eligible to vote for the trustees of schools who have jurisdiction over the elementary school district or unit school district in which the person resides.

If however, if the application of this Section results in an elector voting for trustees of a school township in which he does not reside because the elementary or unit school district crosses township boundaries and has been assigned to the jurisdiction of the trustees of an adjoining township, that elector shall also be eligible to vote for the trustees of the township within which he resides. Moreover, an elector who resides in a high school district that crosses township boundaries and has been assigned to the jurisdiction of the trustees of an adjoining township shall be eligible to vote for both the trustees of the township in which he or she resides and the trustees of the township having jurisdiction over the high school district in which he or she resides.

(Source: P.A. 85-1435.)


PUBLIC ACT 94-0433
(Senate Bill No 1680)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the

New matter indicated by italics - deletions by strikeout
General Assembly:

Section 5. The Illinois Public Aid Code is amended by adding Section 12-13.4 as follows:

(305 ILCS 5/12-13.4 new)

Sec. 12-13.4. Materials on nutritional health. The Department of Human Services, in cooperation with the Department of Public Health, shall develop materials and resources on nutritional health for distribution to new enrollees in the TANF program under Article IV and the Food Stamp program. The Department of Public Health shall develop a video presentation on nutritional health to be shown to new enrollees in the TANF program under Article IV and the Food Stamp program. The Department of Human Services shall develop the materials and resources within 6 months after the effective date of this amendatory Act of the 94th General Assembly and shall provide those materials and resources to all persons who enroll in the TANF program and the Food Stamp program after the materials and resources are developed.

Section 99. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 18, 2005.
Approved August 2, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0434
(Senate Bill No 1878)

AN ACT concerning health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Section 5 as follows:

(410 ILCS 70/5)(from Ch. 111 1/2, par. 87-5)

Sec. 5. Minimum requirements for hospitals providing emergency service to sexual assault survivors.

(a) Every hospital providing emergency hospital services to an alleged sexual assault survivor under this Act shall, as minimum requirements for such services, provide, with the consent of the alleged sexual assault survivor, and as ordered by the attending physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes provision of emergency services, or a physician assistant who has been delegated authority to provide emergency services, the following:

New matter indicated by italics - deletions by strikeout
(1) appropriate medical examinations and laboratory tests required to ensure the health, safety, and welfare of an alleged sexual assault survivor or which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, or both; and records of the results of such examinations and tests shall be maintained by the hospital and made available to law enforcement officials upon the request of the alleged sexual assault survivor;

(2) appropriate oral and written information concerning the possibility of infection, sexually transmitted disease and pregnancy resulting from sexual assault;

(3) appropriate oral and written information concerning accepted medical procedures, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault;

(4) such medication as is deemed appropriate by the attending physician, an advanced practice nurse, or a physician assistant, including HIV prophylaxis;

(5) a blood test to determine the presence or absence of sexually transmitted disease;

(6) written and oral instructions indicating the need for a second blood test 6 weeks after the sexual assault to determine the presence or absence of sexually transmitted disease; and

(7) appropriate counseling as determined by the hospital, by trained personnel designated by the hospital.

(b) Any minor who is an alleged survivor of sexual assault who seeks emergency services under this Act shall be provided such services without the consent of the parent, guardian or custodian of the minor.

(Source: P.A. 93-962, eff. 8-20-04.)

Passed in the General Assembly May 24, 2005.
Approved August 2, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0435
(Senate Bill No 1882)

AN ACT concerning libraries.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The Township Code is amended by changing Section 85-30

New matter indicated by italics - deletions by strikeout
as follows:

(60 ILCS 1/85-30)

Sec. 85-30. Purchases; bids. Any purchase by a township having fewer than 10,000 inhabitants and located in a county with a population under 3,000,000 for services, materials, equipment, or supplies in excess of $20,000 (other than professional services) and any purchase by a township in a county with a population of 3,000,000 or more, or by a township having 10,000 or more inhabitants and located in a county with a population of less than 3,000,000, for services, materials, equipment, or supplies in excess of $10,000 (other than professional services) shall be contracted for in one of the following ways:

(1) By a contract let to the lowest responsible bidder after advertising for bids at least once (i) in a newspaper published within the township, or (ii) if no newspaper is published within the township, then in one published within the county, or (iii) if no newspaper is published within the county, then in a newspaper having general circulation within the township.

(2) By a contract let without advertising for bids in the case of an emergency if authorized by the township board.

This Section does not apply to contracts by a township with the federal government.

(Source: P.A. 92-627, eff. 7-11-02.)

Section 4. The Illinois Municipal Code is amended by changing Sections 4-5-11 and 8-9-1 as follows:

(65 ILCS 5/4-5-11) (from Ch. 24, par. 4-5-11)

Sec. 4-5-11. Except as otherwise provided, all contracts, of whatever character, pertaining to public improvement, or to the maintenance of the public property of a municipality involving an outlay of $10,000 or more, shall be based upon specifications to be approved by the council. Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed $20,000, shall be constructed as follows:

(1) By a contract let to the lowest responsible bidder after advertising for bids, in the manner prescribed by ordinance, except that any such contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of 4 of the 5 council members elected; or

(2) In the following manner, if authorized by a vote of 4 of the 5 council members elected: the commissioner of public works or other proper officers to be designated by ordinance, shall superintend and cause to be

New matter indicated by italics - deletions by strikeout
carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor thereon, laborers and artisans whom the city or village shall pay by the day or hour, but all material of the value of $20,000 $10,000 and upward used in the construction of the work or other public improvement, shall be purchased by contract let to the lowest responsible bidder in the manner to be prescribed by ordinance.

Nothing contained in this section shall apply to any contract by a municipality with the United States of America or any agency thereof. (Source: P.A. 86-576.)

(65 ILCS 5/8-9-1) (from Ch. 24, par. 8-9-1)

Sec. 8-9-1. In municipalities of less than 500,000 except as otherwise provided in Articles 4 and 5 any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed $20,000 $10,000, shall be constructed either (1) by a contract let to the lowest responsible bidder after advertising for bids, in the manner prescribed by ordinance, except that any such contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of two-thirds of all the aldermen or trustees then holding office; or (2) in the following manner, if authorized by a vote of two-thirds of all the aldermen or trustees then holding office, to-wit: the commissioner of public works or other proper officers to be designated by ordinance, shall superintend and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor thereon, laborers and artisans whom the municipality shall pay by the day or hour; and all material of the value of $20,000 $10,000 and upward used in the construction of the work or other public improvement, shall be purchased by contract let to the lowest responsible bidder in the manner to be prescribed by ordinance. However, nothing contained in this section shall apply to any contract by a city, village or incorporated town with the federal government or any agency thereof.

In every city which has adopted Division 1 of Article 10, every such laborer or artisan shall be certified by the civil service commission to the commissioner of public works or other proper officers, in accordance with the requirement of that division.

In municipalities of 500,000 or more population the letting of contracts for work or other public improvements of the character described in this section shall be governed by the provisions of Division 10 of this Article 8.
Section 5. The Illinois Local Library Act is amended by changing Section 5-5 as follows:

Sec. 5-5. When the directors determine to commence the construction of the building or the remodeling, repairing or improving of an existing library building or the erection of an addition thereto, the purchase of the necessary equipment for such library, or the acquisition of library materials such as books, periodicals, recordings and electronic data storage and retrieval facilities in connection with either the purchase or construction of a new library building or the expansion of an existing library building, they may then revise the plan therefor or adopt a new plan and provide estimates of the costs thereof, and shall, when the cost is in excess of $20,000, advertise for bids for the construction of the building, or the remodeling, repairing or improving of an existing library building or the erection of an addition thereto, or the purchase of the necessary equipment for such library, or the acquisition of library materials such as books, periodicals, recordings and electronic data storage and retrieval facilities in connection with either the purchase or construction of a new library building or the expansion of an existing library building, and shall let the contract or contracts for the same, when the cost is in excess of $20,000, to the lowest responsible bidder or bidders and may require from such bidders, such security for the performance of the bids as the board shall determine. The directors may let the contract or contracts to one or more bidders, as they shall determine.

Section 10. The Public Library District Act of 1991 is amended by changing Section 40-45 as follows:

Sec. 40-45. Bids for construction, improvements, or equipment purchases.

(a) When the trustees determine to commence constructing the building, purchasing a site or a building, remodeling, repairing, or improving an existing library building, erecting an addition to an existing library building, or purchasing the necessary equipment for the library, they may then revise the plan or adopt a new plan and provide estimates of the costs of the revised or new plan.

(b) The board shall, when the cost is in excess of $20,000, advertise for bids for constructing the building, remodeling, repairing, or improving of an existing library building, erecting an addition to an existing library building, or purchasing the necessary equipment for the library.
library building, or purchasing the necessary equipment for the library and shall let the contract or contracts for the project, when the cost is in excess of $20,000, to the lowest responsible bidder or bidders. The board shall require from the bidders security for the performance of the bids determined by the board pursuant to law. The trustees may let the contract or contracts to one or more bidders as they determine.

(Source: P.A. 87-1277.)

Section 15. The Illinois Highway Code is amended by changing Section 6-201.7 as follows:

(605 ILCS 5/6-201.7) (from Ch. 121, par. 6-201.7)

Sec. 6-201.7. Construct, maintain and repair and be responsible for the construction, maintenance and repair of roads within the district, let contracts, employ labor and purchase material and machinery therefor, subject to the limitations provided in this Code. Contracts, labor, machinery, disposal, and incidental expenses related to special services under Section 6-201.21 of this Code constitute maintenance, for purposes of this Section.

Except for professional services, when the cost of construction, materials, supplies, new machinery or equipment exceeds $20,000, the contract for such construction, materials, supplies, machinery or equipment shall be let to the lowest responsible bidder after advertising for bids at least once, and at least 10 days prior to the time set for the opening of such bids, in a newspaper published within the township or road district, or, if no newspaper is published within the township or road district then in one published within the county, or, if no newspaper is published within the county then in a newspaper having general circulation within the township or road district, but, in case of an emergency, such contract may be let without advertising for bids. For purposes of this Section "new machinery or equipment" shall be defined as that which has been previously untitled or that which shows fewer than 200 hours on its operating clock and that is accompanied by a new equipment manufacturer's warranty.

(Source: P.A. 92-268, eff. 1-1-02; 93-109, eff. 7-8-03; 93-164, eff. 7-10-03; 93-610, eff. 11-18-03; revised 12-4-03.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 2, 2005.
Effective August 2, 2005.
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Community College Act is amended by changing Section 2-16.03 and by adding Section 2-16.09 as follows:

(110 ILCS 805/2-16.03) (from Ch. 122, par. 102-16.2)

Sec. 2-16.03. The AFDC Opportunities Fund is hereby created in the State Treasury. Each month there shall be transferred into that Fund as provided in subsection (d) of Section 12-10.3 of the Illinois Public Aid Code all amounts credited for deposit in the special account established and maintained in the Employment and Training Fund as provided in Section 12-5 of the Illinois Public Aid Code. Expenditures and distributions from the AFDC Opportunities Fund shall be made by the State Board, pursuant to appropriations made by the General Assembly from that Fund, for grants to public community colleges for costs of workforce training and technology and for the operating expenses made and incurred by the State Board in connection with these purposes.

(Source: P.A. 91-776, eff. 6-9-00.)

(110 ILCS 805/2-16.09 new)

Sec. 2-16.09. ICCB Instructional Development and Enhancement Applications Revolving Fund. The ICCB Instructional Development and Enhancement Applications Revolving Fund is created as a special fund in the State treasury. The State Board shall deposit into the Fund moneys received by the State Board from the sale of instructional technology developed by the State Board. All moneys in the Fund shall be used by the State Board, subject to appropriation by the General Assembly, for costs associated with maintaining and updating that instructional technology.

Section 10. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The ICCB Instructional Development and Enhancement Applications Revolving Fund.

(30 ILCS 105/5.499 rep.)

Section 15. The State Finance Act is amended by repealing Section 5.499.

(110 ILCS 805/2-16.04 rep.)

New matter indicated by italics - deletions by strikeout
Section 20. The Public Community College Act is amended by repealing Section 2-16.04.
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 18, 2005.
Approved August 2, 2005.
Effective August 2, 2005.

PUBLIC ACT 94-0437
(House Bill No 1529)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-607 as follows:
(20 ILCS 605/605-607 new)
Sec. 605-607. Promoting government contracts to small manufacturers. To create and maintain a program that generates awareness among Illinois small manufacturers regarding opportunities to bid for work on federal, State, and local government contracts.
Passed in the General Assembly May 16, 2005.
Approved August 4, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0438
(House Bill No 0404)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 18-8.05 as follows:
(105 ILCS 5/18-8.05)
Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.
(A) General Provisions.
(1) The provisions of this Section apply to the 1998-1999 and

New matter indicated by italics - deletions by strikeout
subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

New matter indicated by italics - deletions by strikeout
(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law. School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils.
pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425. For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560. For the 2003-2004 school year, the Foundation Level of support is $4,810.

(3) For the 2004-2005 school year and each school year thereafter, the Foundation Level of support is $4,964 $5,060 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or the average of the attendance data for the 3 preceding school years, whichever is greater. The Average Daily Attendance figures utilized in subsection (H) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance. Calculation of Available Local Resources shall exclude any tax amnesty funds received as a result of Public Act 93-26.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed

New matter indicated by italics - deletions by strikeout
valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to
0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1999-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as

New matter indicated by italics - deletions by strikeout
provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service

New matter indicated by italics - deletions by strikeout
training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may

New matter indicated by italics - deletions by strikeout
count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(i) On the days when the Prairie State Achievement Examination is administered under subsection (c) of Section 2-3.64 of this Code, the day of attendance for a pupil whose school day must be shortened to accommodate required testing procedures may be less than 5 clock hours and shall be counted towards the 176 days of actual pupil attendance required under Section 10-19 of this Code, provided that a sufficient number of minutes of school work in excess of 5 clock hours are first completed on other school days to compensate for the loss of school work on the examination days.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

The Department of Revenue shall add to the equalized assessed value of all taxable property of each school district situated entirely or partially within a county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code (a) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 of the Property Tax Code for real property situated in that school district exceeds the total amount that would have been allowed in that school district if the maximum reduction under Section 15-176 was (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii)
$5,000 in all counties in tax year 2004 and thereafter and (b) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. The county clerk of any county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each school district all homestead exemption amounts under Section 15-176 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. It is the intent of this paragraph that if the general homestead exemption for a parcel of property is determined under Section 15-176 of the Property Tax Code rather than Section 15-175, then the calculation of Available Local Resources shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this paragraph that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than $30,000, then the calculation of Available Local Resources shall not be affected by the difference, if any, because of those additional exemptions.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized

New matter indicated by italics - deletions by strikeout
assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the
Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation,
then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count, then such schools shall receive the same amount of supplemental general State aid for each consecutive school year until the high school district reaches the 400-student threshold.

New matter indicated by italics - deletions by strikeout
count of contiguous elementary school districts, whose boundaries are
coterminous with the high school district, or (ii) a high school district within
2 counties and serving 5 elementary school districts, whose boundaries are
coterminous with the high school district, has a percentage decrease from the
2 most recent federal censuses in the low-income eligible pupil count and
there is a percentage increase in the total low-income eligible pupil count of
a majority of the elementary school districts in excess of 50% from the 2
most recent federal censuses, then the high school district's low-income
eligible pupil count from the earlier federal census shall be the number used
as the low-income eligible pupil count for the high school district, for
purposes of this subsection (H). The changes made to this paragraph (1) by
Public Act 92-28 shall apply to supplemental general State aid grants for
school years preceding the 2003-2004 school year that are paid in fiscal year
1999 or thereafter and to any State aid payments made in fiscal year 1994
through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this
Code (which was repealed on July 1, 1998), and any high school district that
is affected by Public Act 92-28 is entitled to a recomputation of its
supplemental general State aid grant or State aid paid in any of those fiscal
years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and
each school year thereafter. For purposes of this subsection (H), the term
"Low-Income Concentration Level" shall, for each fiscal year, be the low-
income eligible pupil count as of July 1 of the immediately preceding fiscal
year (as determined by the Department of Human Services based on the
number of pupils who are eligible for at least one of the following low
income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding
pupils who are eligible for services provided by the Department of Children
and Family Services, averaged over the 2 immediately preceding fiscal years
for fiscal year 2004 and over the 3 immediately preceding fiscal years for
each fiscal year thereafter) divided by the Average Daily Attendance of the
school district.

(2) Supplemental general State aid pursuant to this subsection (H)
shall be provided as follows for the 1998-1999, 1999-2000, and 2000-2001
school years only:

(a) For any school district with a Low Income Concentration
Level of at least 20% and less than 35%, the grant for any school year
shall be $800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration
Level of at least 35% and less than 50%, the grant for the 1998-1999

New matter indicated by italics - deletions by strikeout
school year shall be $1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be $1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be $675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

(e) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for each school year shall be $1,680 multiplied by the low income eligible pupil count.

(f) For any school district with a Low Income Concentration Level of 60% or more, the grant for each school year shall be $2,080 multiplied by the low income eligible pupil count.

(2.10) Except as otherwise provided, supplemental general State aid

New matter indicated by italics - deletions by strikeout
pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count. For the 2003-2004 and 2004-2005 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2006-2007 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or
more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes.

New matter indicated by italics - deletions by strikeout
as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner

New matter indicated by italics - deletions by strikeout
shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(1) General State Aid for Newly Configured School Districts.

(1) For a new school district formed by combining property included totally within 2 or more previously existing school districts, for its first year of existence the general State aid and supplemental general State aid calculated under this Section shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(2) For a school district which annexes all of the territory of one or more entire other school districts, for the first year during which the change of boundaries attributable to such annexation becomes effective for all purposes as determined under Section 7-9 or 7A-8, the general State aid and supplemental general State aid calculated under this Section shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon such annexation.

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and

New matter indicated by italics - deletions by strikeout
supplemental general State aid as so computed for the annexing or resulting districts as constituted after the annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted prior to the annexation or division, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing or resulting districts, as constituted upon such annexation or division, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing or resulting districts in the same ratio as the pupil enrollment from that portion of the annexed or divided district or districts which is annexed to or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

(3.5) Claims for financial assistance under this subsection (I) shall not be recomputed except as expressly provided under this Section.

(4) Any supplementary payment made under this subsection (I) shall be treated as separate from all other payments made pursuant to this Section.

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the
district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school

New matter indicated by italics - deletions by strikeout
serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members,
by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-
8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

(P) Public Act 93-838 This amendatory Act of the 93rd General Assembly and Public Act 93-808 House Bill 4266 of the 93rd General Assembly make inconsistent changes to this Section. If House Bill 4266 becomes law, then Under Section 6 of the Statute on Statutes there is an irreconcilable conflict between Public Act 93-808 and Public Act 93-838 House Bill 4266 and this amendatory Act. Public Act 93-838 This amendatory Act, being the last acted upon, is controlling. The text of Public Act 93-838 this amendatory Act is the law regardless of the text of Public Act 93-808 House Bill 4266.

(Source: P.A. 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff. 8-7-01; 92-604, eff. 7-1-02; 92-636, eff. 7-11-02; 92-651, eff. 7-11-02; 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808, eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; revised 10-21-04.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 11, 2005.
Approved August 4, 2005.
Effective August 4, 2005.

PUBLIC ACT 94-0439
(House Bill No 3680)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 29-3 as follows:

(105 ILCS 5/29-3) (from Ch. 122, par. 29-3)
Sec. 29-3. Transportation in school districts. School boards of community consolidated districts, community unit districts, consolidated districts, and consolidated high school districts, and combined school districts if the combined district includes any district which was previously required to provide transportation, shall provide free transportation for pupils residing at a distance of one and one-half miles or more from any school to which they are assigned for attendance maintained within the district except for those

New matter indicated by italics - deletions by strikeout
pupils for whom the school board shall certify to the State Board of Education that adequate transportation for the public is available.

For the purpose of this Act 1 1/2 miles distance shall be from the exit of the property where the pupil resides to the point where pupils are normally unloaded at the school attended; such distance shall be measured by determining the shortest distance on normally traveled roads or streets.

Such school board may comply with the provisions of this Section by providing free transportation for pupils to and from an assigned school and a pick-up point located not more than one and one-half miles from the home of each pupil assigned to such point.

For the purposes of this Act "adequate transportation for the public" shall be assumed to exist for such pupils as can reach school by walking, one way, along normally traveled roads or streets less than 1 1/2 miles irrespective of the distance the pupil is transported by public transportation.

In addition to the other requirements of this Section, each school board may provide free transportation for any pupil residing within 1 1/2 miles from the school attended where conditions are such that walking, either to or from the school to which a pupil is assigned for attendance or to or from a pick-up point or bus stop, constitutes a serious hazard to the safety of the pupil due to vehicular traffic or rail crossings. Such transportation shall not be provided if adequate transportation for the public is available.

The determination as to what constitutes a serious safety hazard shall be made by the school board, in accordance with guidelines promulgated by the Illinois Department of Transportation, in consultation with the State Superintendent of Education. A school board, on written petition of the parent or guardian of a pupil for whom adequate transportation for the public is alleged not to exist because the pupil is required to walk along normally traveled roads or streets where walking is alleged to constitute a serious safety hazard due to vehicular traffic or rail crossings, or who is required to walk between the pupil's home and assigned school or between the pupil's home or assigned school and a pick-up point or bus stop along roads or streets where walking is alleged to constitute a serious safety hazard due to vehicular traffic or rail crossings, shall conduct a study and make findings, which the Department of Transportation shall review and approve or disapprove as provided in this Section, to determine whether a serious safety hazard exists as alleged in the petition. The Department of Transportation shall review the findings of the school board and shall approve or disapprove the school board's determination that a serious safety hazard exists within 30 days after the school board submits its findings to the Department. The

New matter indicated by italics - deletions by strikeout
school board shall annually review the conditions and determine whether or not the hazardous conditions remain unchanged. The State Superintendent of Education may request that the Illinois Department of Transportation verify that the conditions have not changed. No action shall lie against the school board, the State Superintendent of Education or the Illinois Department of Transportation for decisions made in accordance with this Section. The provisions of the Administrative Review Law and all amendments and modifications thereof and the rules adopted pursuant thereto shall apply to and govern all proceedings instituted for the judicial review of final administrative decisions of the Department of Transportation under this Section.

(Source: P.A. 90-223, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 20, 2005.
Approved August 4, 2005.
Effective August 4, 2005.

PUBLIC ACT 94-0440
(Senate Bill No 1734)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 27-24.4 and 27-24.5 as follows:

(105 ILCS 5/27-24.4) (from Ch. 122, par. 27-24.4)

Sec. 27-24.4. Reimbursement amount. Each school district shall be entitled to reimbursement, for each pupil, excluding each resident of the district over age 55, who finishes either the classroom instruction part or the practice driving part of a driver education course that meets the minimum requirements of this Act. Such reimbursement is payable from the Drivers Education Fund in the State treasury.

Each year all funds appropriated from the Driver Education Fund to the State Board of Education, with the exception of those funds necessary for administrative purposes of the State Board of Education, shall be distributed in the manner provided in this paragraph to school districts by the State Board of Education for reimbursement of claims from the previous school year. As soon as may be after each quarter of the year, if moneys are available in the Driver Education Fund in the State treasury for payments

New matter indicated by italics - deletions by strikeout
under this Section, the State Comptroller shall draw his or her warrants upon the State Treasurer as directed by the State Board of Education. The warrant for each quarter shall be in an amount equal to one-fourth of the total amount to be distributed to school districts for the year. Payments shall be made to school districts as soon as may be after receipt of the warrants.

The base reimbursement amount shall be calculated by the State Board by dividing the total amount appropriated for distribution by the total of: (a) the number of students, excluding residents of the district over age 55, who have completed the classroom instruction part for whom valid claims have been made times 0.2; plus (b) the number of students, excluding residents of the district over age 55, who have completed the practice driving instruction part for whom valid claims have been made times 0.8.

The amount of reimbursement to be distributed on each claim shall be 0.2 times the base reimbursement amount for each validly claimed student, excluding residents of the district over age 55, who has completed the classroom instruction part, plus 0.8 times the base reimbursement amount for each validly claimed student, excluding residents of the district over age 55, who has completed the practice driving instruction part. In no case, however, shall the amount of reimbursement made on account of any student exceed the per pupil cost to the district of the classroom instruction part and the practice driving instruction part combined. The school district which is the residence of a pupil who attends a nonpublic school in another district that has furnished the driver education course shall reimburse the district offering the course, the difference between the actual per capita cost of giving the course the previous school year and the amount reimbursed by the State.

By April 1 the nonpublic school shall notify the district offering the course of the names and district numbers of the nonresident students desiring to take such course the next school year. The district offering such course shall notify the district of residence of those students affected by April 15. The school district furnishing the course may claim the nonresident pupil for the purpose of making a claim for State reimbursement under this Act.

(105 ILCS 5/27-24.5) (from Ch. 122, par. 27-24.5)

Sec. 27-24.5. Submission of claims. The Claims for reimbursement under this Act shall be submitted in duplicate by each district to the State Board prior to October 1 of each year on such forms and in such manner as shall be prescribed by the State Board. Claims from the 1997-1998 school year that are received after September 1, 1998 but before October 1, 1998, and only these claims, shall be paid in the same manner as if they were

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0440

received before September 1, 1998. In addition to the claim form, the district shall report on forms prescribed by the State Board, on an ongoing basis, a list of students by name, birth date and sex, with the date the behind-the-wheel instruction or the classroom instruction or both were completed and with the status of the course completion.

The State shall not reimburse any district for any student who has repeated any part of the course more than once or who did not meet the age requirements of this Act during the period that the student was instructed in any part of the drivers education course; nor shall the State reimburse any district for any resident of the district over age 55.
(Source: P.A. 90-811, eff. 1-26-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 18, 2005.
Approved August 4, 2005.
Effective August 4, 2005.

PUBLIC ACT 94-0441
(Senate Bill No 1851)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 14C-12 as follows:

(105 ILCS 5/14C-12) (from Ch. 122, par. 14C-12)
Sec. 14C-12. Account of expenditures; Cost report; Reimbursement. Each school district shall keep an accurate, detailed and separate account of all monies paid out by it for the programs in transitional bilingual education required or permitted by this Article, including transportation costs, and shall annually report thereon for the school year ending June 30 indicating the average per pupil expenditure. Each school district shall be reimbursed for the amount by which such costs exceed the average per pupil expenditure by such school district for the education of children of comparable age who are not in any special education program.

Applications for preapproval for reimbursement for costs of transitional bilingual education programs must be submitted to the State Superintendent of Education at least 60 days before a transitional bilingual education program is started, unless a justifiable exception is granted by the State Superintendent of Education. Applications shall set forth a plan for

New matter indicated by italics - deletions by strikeout
transitional bilingual education established and maintained in accordance with this Article.

Reimbursement claims for transitional bilingual education programs shall be made as follows:

Each school district shall claim reimbursement on a current basis for the first 3 quarters of the fiscal year and file a final adjusted claim for the school year ended June 30 preceding computed in accordance with rules prescribed by the State Superintendent's Office. School districts shall file estimated claims with the State Superintendent by October 20, January 20, and April 20 and file final adjusted claims by July 20. The State Superintendent of Education before approving any such claims shall determine their accuracy and whether they are based upon services and facilities provided under approved programs. Upon approval he shall transmit by November 15, February 15, May 15, and August 20 to the Comptroller the vouchers showing the amounts due for school district reimbursement claims. Upon receipt of the July final adjusted claims the State Superintendent of Education shall make a final determination of the accuracy of such claims. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved.

Failure on the part of the school district to prepare and certify the final adjusted claims due under this Section may on or before July 20 of any year, and its failure thereafter to prepare and certify such report to the regional superintendent of schools within 10 days after receipt of notice of such delinquency sent to it by the State Superintendent of Education by registered mail, shall constitute a forfeiture by the school district of its right to be reimbursed by the State under this Section.

(Source: P.A. 90-463, eff. 8-17-97; 91-764, eff. 6-9-00.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 26, 2005.
Approved August 4, 2005.
Effective August 4, 2005.

PUBLIC ACT 94-0442
(House Bill No 0018)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Department of Human Services Act is amended by adding Section 10-8 as follows:

(20 ILCS 1305/10-8 new)

Sec. 10-8. The Autism Research Fund; grants; scientific review committee. The Autism Research Fund is created as a special fund in the State treasury. From appropriations to the Department from the Fund, the Department must make grants to public or private entities in Illinois for the purpose of funding research concerning the disorder of autism. For purposes of this Section, the term "research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of autism and may include clinical trials. No more than 20% of the grant funds may be used for institutional overhead costs, indirect costs, other organizational levies, or costs of community-based support services.

Moneys received for the purposes of this Section, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

Each year, grantees of the grants provided under this Section must submit a written report to the Department that sets forth the types of research that is conducted with the grant moneys and the status of that research.

The Department shall promulgate rules for the creation of a scientific review committee to review and assess applications for the grants authorized under this Section. The Committee shall serve without compensation.

Section 10. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Autism Research Checkoff Fund.

Section 15. The Illinois Income Tax Act is amended by changing Sections 509 and 510 and by adding Section 507EE as follows:

(35 ILCS 5/507EE new)

Sec. 507EE. The Autism Research Fund checkoff. For taxable years ending on or after December 31, 2005, the Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Autism Research Fund, as authorized by this amendatory Act of the 94th General Assembly, he or she may so do by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer’s refund or increase the amount of payment to accompany the return. Failure to remit any amount of

New matter indicated by italics - deletions by strikeout
increased payment shall reduce the contribution accordingly. This Section does not apply to any amended return.

(35 ILCS 5/509)(from Ch. 120, par. 5-509)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Military Family Relief Fund, the Illinois Veterans' Homes Fund, the Autism Research Fund, and the Asthma and Lung Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)

(35 ILCS 5/510)(from Ch. 120, par. 5-510)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Illinois Military Family Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and

New matter indicated by italics - deletions by strikeout
Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Veterans' Homes Fund, the Autism Research Fund, and the Asthma and Lung Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)


### Public Act 94-0443

**House Bill No 0020**

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Commemorative Dates Act is amended by adding Section 83 as follows:

(5 ILCS 490/83 new)

Sec. 83. Alzheimer's Awareness Month. The month of November of each year is designated as Alzheimer's Awareness Month to be observed throughout the State as a month set apart to promote advocacy activities and the study of Alzheimer's Disease and to honor those whose lives have been impacted by Alzheimer's. The Governor may annually issue a proclamation designating November as Alzheimer's Awareness Month and calling upon the citizens of the State to promote awareness of Alzheimer's Disease.


### Public Act 94-0444

**House Bill No 0229**

AN ACT concerning agriculture.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Agricultural Areas Conservation and Protection Act is amended by changing Section 5 as follows:

(505 ILCS 5/5) (from Ch. 5, par. 1005)

Sec. 5. Agricultural Areas; Creation. Any owner or owners of land may submit a proposal to the county board for the creation of an agricultural area within such county. An agricultural area, at the creation of any such area, shall not be less than 350 acres in all counties with a population under 600,000 and not less than 100 acres in all counties with a population of 600,000 or more. Such proposal shall include a description of the proposed area, including the boundaries thereof. Such territory shall be as compact and nearly contiguous as feasible. *If any portion of the proposed area is not contiguous to another portion of the proposed area, that non-contiguous portion must be no more than 1.5 miles from the nearest other portion of the proposed area as measured between the closest boundaries of the 2 portions.* An area created under this Act shall be established for a period of ten years. No land shall be included in an agricultural area without the consent of the owner. No land within an agricultural area shall be used for other than agricultural production as described in Sections 3.01 and 3.02 of this Act. Agreements for the extraction of mineral resources duly agreed upon prior to the creation of an agricultural area shall be exempted from the use provisions of this Section. In addition, the extraction of mineral resources conducted pursuant to The Surface Coal Mining Land Conservation and Reclamation Act shall be considered temporary land use and shall be exempted from the use provisions of this Section.

(Source: P.A. 93-234, eff. 7-22-03.)

Passed in the General Assembly May 11, 2005.
Approved August 4, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0445

(House Bill No 0488)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Metro-East Sanitary District Act of 1974 is amended by changing Section 5-4 as follows:

New matter indicated by italics - deletions by strikeout
(70 ILCS 2905/5-4) (from Ch. 42, par. 505-4)

Sec. 5-4. All contracts for work to be done and supplies and materials to be purchased by the sanitary district, the expense of which will exceed $10,000, $5,000 shall be let to the lowest responsible bidder therefor, upon not less than 21 days public notice of the terms and conditions upon which the contract is to be let, having been given by publication in a newspaper of general circulation published in the district, and the board may reject any and all bids and readvertise. All purchases or sales of $10,000 $5,000 or less may be made in the open market without publication in a newspaper as above provided, but whenever practical shall be based on at least 3 competitive bids. No person may be employed on the work except citizens of the United States, or those who in good faith have declared their intention to become citizens, and 8 hours constitutes a day's work.

(Source: P.A. 84-311.)

Passed in the General Assembly May 17, 2005.
Approved August 4, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0446
(House Bill No 0497)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Veterans Affairs Act is amended by adding Section 4.5 as follows:

(20 ILCS 2805/4.5 new)

Sec. 4.5. Grants to veterans service organizations.

(a) Subject to appropriations for that purpose, the Department shall make grants to veterans service organizations for the purpose of furthering those organizations' work of providing assistance to veterans. The Department shall make grants only to veterans service organizations that maintain an office in the Veterans Affairs Regional Office (VARO) in Chicago. The Department shall apportion the grants equally between the qualifying veterans service organizations.

(b) To be eligible to receive a grant, a veterans service organization must have maintained a state headquarters in this State for at least 10 years before July 1, 2005. A veterans service organization that is being funded with State or county moneys under any other provision of law on the effective date

New matter indicated by italics - deletions by strikeout
of this amendatory Act of the 94th General Assembly may not receive any moneys for any grant under this Section.

(c) Grants made under this Section may not be used to replace or supplant services provided by employees of the Department.

Passed in the General Assembly May 11, 2005.
Approved August 4, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0447
(House Bill No 0615)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Reduction of Racial and Ethnic Health Disparities Act.

Section 5. Legislative findings and intent.

(a) The General Assembly finds that despite State investments in health care programs, certain racial and ethnic populations in Illinois continue to have significantly poorer health outcomes when compared to non-Hispanic whites. The General Assembly finds that local solutions to health care problems can have a dramatic and positive effect on the health status of these populations. Local governments and communities are best equipped to: identify the health education, health promotion, and disease prevention needs of the racial and ethnic populations in their communities; mobilize the community to address health outcome disparities; enlist and organize local public and private resources and faith-based organizations to address these disparities; and evaluate the effectiveness of interventions.

(b) The Illinois Department of Human Services has several initiatives to reduce racial and ethnic disparities in infant mortality and diabetes, and the Illinois Department of Public Health has several initiatives to address asthma; breast, cervical, prostate, and colorectal cancer; kidney disease; HIV/AIDS; hepatitis C; sexually transmitted diseases; adult and child immunizations; cardiovascular disease; and accidental injuries and violence.

(c) It is therefore the intent of the General Assembly to provide funds within Illinois counties, in the form of "Reducing Racial and Ethnic Health Disparities: Closing the Gap" grants, to stimulate the development of community-based and neighborhood-based projects that will improve the health outcomes of racial and ethnic populations. Further, it is the intent of

New matter indicated by italics - deletions by strikeout
the General Assembly that these programs foster the development of coordinated, collaborative, and broad-based participation by public and private entities and by faith-based organizations. Finally, it is the intent of the General Assembly that the grant program function as a partnership between State and local governments, faith-based organizations, and private-sector health care providers, including managed care, voluntary health care resources, social service providers, and nontraditional partners.

Section 10. Definitions. In this Act:
"Department" means the Department of Public Health.
"Director" means the Director of Public Health.

Section 15. Grant program.
(a) Subject to appropriations for that purpose, the Department shall establish and administer a grant program to implement this Act.
(b) The Department shall do the following:
(1) Publicize the availability of funds and establish an application process for submitting a grant proposal.
(2) Provide technical assistance and training, including a statewide meeting promoting best practice programs, as requested, to grant recipients.
(3) Develop uniform data reporting requirements for the purpose of evaluating the performance of the grant recipients and demonstrating improved health outcomes.
(4) Develop a monitoring process to evaluate progress toward meeting grant objectives.
(5) Coordinate with the Illinois Department of Human Services and existing community-based programs, such as chronic disease community intervention programs, cancer prevention and control programs, diabetes control programs, the Children's Health Insurance (KidCare) Program, the HIV/AIDS program, immunization programs, and other related programs at the State and local levels, to avoid duplication of effort and promote consistency.
(c) The Office of Minority Health within the Department shall establish measurable outcomes to achieve the goal of reducing health disparities in the following priority areas: asthma; breast, cervical, prostate, and colorectal cancer screening; kidney disease; HIV/AIDS; hepatitis C; sexually transmitted diseases; adult and child immunizations; cardiovascular disease; and accidental injuries and violence.

The Office of Minority Health shall enhance current data tools to ensure a statewide assessment of the risk behaviors associated with the health

New matter indicated by italics - deletions by strikeout
disparity priority areas identified in this subsection. To the extent feasible, the Office shall conduct the assessment so that the results may be compared to national data.

(d) The Director may appoint an ad hoc advisory committee to: examine areas where public awareness, public education, research, and coordination regarding racial and ethnic health outcome disparities are lacking; consider access and transportation issues that contribute to health status disparities; and make recommendations for closing gaps in health outcomes and increasing the public's awareness and understanding of health disparities that exist between racial and ethnic populations.

Section 20. Eligibility for grant.

(a) Any person, entity, or organization within a county may apply for a grant under this Act and may serve as the lead agency to administer and coordinate project activities within the county and develop community partnerships necessary to implement the grant.

(b) Persons, entities, or organizations within adjoining counties with populations of less than 100,000 may jointly submit a multicounty grant proposal. The proposal must clearly identify a single lead agency with respect to program accountability and administration, however.

(c) In addition to the grants awarded under subsections (a) and (b), up to 20% of the funding for the grant program shall be dedicated to projects that address improving racial and ethnic health status within specific urban areas identified by the Department in rules.

(d) Nothing in this Act prevents a person, entity, or organization within a county or group of counties from separately contracting for the provision of racial and ethnic health promotion, health awareness, and disease prevention services.

Section 25. Grant proposal requirements.

(a) A proposal for a grant under this Act must be submitted to the Department for review.

(b) A proposal for a grant must include each of the following elements:

(1) The purpose and objectives of the proposed project, including identification of the particular racial or ethnic disparity the project will address. The proposal must address one or more of the following priority areas:

(A) Decreasing racial and ethnic disparities in maternal and infant mortality rates.

(B) Decreasing racial and ethnic disparities in

New matter indicated by italics - deletions by strikeout
morbidity and mortality rates relating to cancer.
(C) Decreasing racial and ethnic disparities in morbidity and mortality rates relating to HIV/AIDS.
(D) Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cardiovascular disease.
(E) Decreasing racial and ethnic disparities in morbidity and mortality rates relating to diabetes.
(F) Increasing adult and child immunization rates in certain racial and ethnic populations.
(G) Decreasing racial and ethnic disparities in oral health care.
(2) Identification and relevance of the target population.
(3) Methods for obtaining baseline health status data and assessment of community health needs.
(4) Mechanisms for mobilizing community resources and gaining local commitment.
(5) Development and implementation of health promotion and disease prevention interventions.
(6) Mechanisms and strategies for evaluating the project's objectives, procedures, and outcomes.
(7) A proposed work plan, including a timeline for implementing the project.
(8) The likelihood that project activities will occur and continue in the absence of funding.
(c) The Department shall give priority to proposals that:
(1) Represent areas with the greatest documented racial and ethnic health status disparities.
(2) Exceed the minimum local contribution requirements specified in Section 30.
(3) Demonstrate broad-based local support and commitment from entities representing racial and ethnic populations, including non-Hispanic whites. Indicators of support and commitment may include agreements to participate in the program, letters of endorsement, letters of commitment, interagency agreements, or other forms of support.
(4) Demonstrate a high degree of participation by the health care community in clinical preventive service activities and community-based health promotion and disease prevention.

New matter indicated by italics - deletions by strikeout
interventions.

(5) Have been submitted from counties with a high proportion of residents living in poverty and with poor health status indicators.

(6) Demonstrate a coordinated community approach to addressing racial and ethnic health issues within existing publicly financed health care programs.

(7) Incorporate intervention mechanisms that have a high probability of improving the targeted population's health status.

(8) Demonstrate a commitment to quality management in all aspects of project administration and implementation.

Section 30. Grant awards.

(a) The Department may award one or more grants in a county or in a group of adjoining counties from which a multicounty grant proposal is submitted. The Department may award an urban area grant under subsection (c) of Section 20 in a county or group of adjoining counties that are also receiving a grant award under subsection (a) or (b) of Section 20.

(b) Units of local government may provide matching grants to supplement those made by the Department.

(c) The amount of the grant award shall be based on the county or urban area's population, or on the combined population in a group of adjoining counties from which a multicounty application is submitted, and on other factors, as determined by the Department in rules.

(d) The Department shall begin disseminating grant awards no later than January 1, 2007.

(e) The Department shall fund a grant under this Act for one year and may renew the grant annually upon application to and approval by the Department, subject to the achievement of quality standards, objectives, and outcomes and to the availability of funds.

Section 35. Continued operation of programs to reduce racial and ethnic disparities in infant mortality and diabetes. Subject to the amounts appropriated for that purpose, the Illinois Department of Human Services shall continue to operate programs to reduce racial and ethnic disparities in infant mortality and diabetes.

Passed in the General Assembly May 27, 2005.
Approved August 4, 2005.
Effective January 1, 2006.
PUBLIC ACT 94-0448  
(House Bill No 0756)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Veterans Affairs Act is amended by adding Section 7 as follows:
(20 ILCS 2805/7 new)
Sec. 7. Veterans' Memorial Commission. The Veterans' Memorial Commission is created within the Department. The Commission shall gather information on memorial preservation and management and advise State and local governments and other entities in the creation, custody, care, and upkeep of veterans' memorials. The Commission shall conduct studies and make reports regarding the various laws and rules affecting veteran's memorials to determine whether consolidation or other changes in the laws or rules are needed to facilitate memorial preservation and to raise awareness of issues affecting veterans' memorials. The Commission shall be composed of 12 members as follows: 2 members appointed by the President of the Senate, 2 members appointed by the Minority Leader of the Senate, 2 members appointed by the Speaker of the House of Representatives, 2 members appointed by the Minority Leader of the House of Representatives, one representative of the Department of Veterans Affairs, and 3 representatives of different veterans service organizations appointed by the Director of the Department. Members shall serve 2-year terms, without compensation.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 17, 2005.
Approved August 4, 2005.
Effective August 4, 2005.

PUBLIC ACT 94-0449  
(House Bill No 0816)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 16A-10 and by adding Section 16A-3.5 as follows:

New matter indicated by italics - deletions by strikeout
(720 ILCS 5/16A-3.5 new)

Sec. 16A-3.5. Theft by emergency exit. A person commits the offense of theft by emergency exit when he or she commits a retail theft as defined in Section 16A-3 and to facilitate the theft he or she leaves the retail mercantile establishment by use of a designated emergency exit.

(720 ILCS 5/16A-10) (from Ch. 38, par. 16A-10)

Sec. 16A-10. Sentence. (1) Retail theft of property, the full retail value of which does not exceed $150, is a Class A misdemeanor. Theft by emergency exit of property, the full retail value of which does not exceed $150, is a Class 4 felony.

(2) A person who has been convicted of retail theft of property, the full retail value of which does not exceed $150, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools or home invasion is guilty of a Class 4 felony. A person who has been convicted of theft by emergency exit of property, the full retail value of which does not exceed $150, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools or home invasion is guilty of a Class 3 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge of retail theft as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(3) Any retail theft of property, the full retail value of which exceeds $150, is a Class 3 felony. Theft by emergency exit of property, the full retail value of which exceeds $150, is a Class 2 felony. When a charge of retail theft of property or theft by emergency exit of property, the full value of which exceeds $150, is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $150.

(Source: P.A. 85-691.)

AN ACT concerning public health, which may be referred to as Ally's Law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Restroom Access Act.

Section 5. Definitions. In this Act:
"Customer" means an individual who is lawfully on the premises of a retail establishment.
"Eligible medical condition" means Crohn's disease, ulcerative colitis, any other inflammatory bowel disease, irritable bowel syndrome, or any other medical condition that requires immediate access to a toilet facility.
"Retail establishment" means a place of business open to the general public for the sale of goods or services. "Retail establishment" does not include a filling station or service station, with a structure of 800 square feet or less, that has an employee toilet facility located within that structure.

Section 10. Retail establishment; customer access to restroom facilities. A retail establishment that has a toilet facility for its employees shall allow a customer to use that facility during normal business hours if the toilet facility is reasonably safe and all of the following conditions are met:

1. The customer requesting the use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device.
2. Three or more employees of the retail establishment are working at the time the customer requests use of the employee toilet facility.
3. The retail establishment does not normally make a restroom available to the public.
4. The employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment.
5. A public restroom is not immediately accessible to the customer.

Section 15. Liability.
(a) A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer that has an

New matter indicated by italics - deletions by strikeout
eligible medical condition to use an employee toilet facility that is not a public restroom if the act or omission meets all of the following:

(1) It is not willful or grossly negligent.

(2) It occurs in an area of the retail establishment that is not accessible to the public.

(3) It results in an injury to or death of the customer or any individual other than an employee accompanying the customer.

(b) A retail establishment is not required to make any physical changes to an employee toilet facility under this Act.

Section 20. Violation. A retail establishment or an employee of a retail establishment that violates Section 10 is guilty of a petty offense. The penalty is a fine of not more than $100.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 18, 2005.

Approved August 4, 2005.

Effective August 4, 2005.

**PUBLIC ACT 94-0451**

*(House Bill No 0866)*

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by changing Section 4.16 and by adding Section 4.26 as follows:

(5 ILCS 80/4.16)

Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:

- The Respiratory Care Practice Act.
- The Hearing Instrument Consumer Protection Act.
- The Illinois Dental Practice Act.
- The Professional Geologist Licensing Act.
- The Illinois Athletic Trainers Practice Act.
- The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.
- The Collection Agency Act.
- The Illinois Roofing Industry Licensing Act.

(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95;
Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:

The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.

Section 10. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 is amended by changing Sections 1-4, 1-7, 2-1, 2-7, 2A-7, 3-1, 3-2, 3-4, 3-6, 3-7, 3A-1, 3A-3, 3A-5, 3B-10, 3B-11, 3B-13, 3B-15, 3C-1, 3C-2, 3C-3, 3C-9, 3D-5, 4-1, and 4-2 as follows:

(225 ILCS 410/1-4) (from Ch. 111, par. 1701-4)

(Section scheduled to be repealed on January 1, 2006)

Sec. 1-4. Definitions. In this Act the following words shall have the following meanings:

"Board" means the Barber, Cosmetology, Esthetics, and Nail Technology Board.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Committee" means the Barber, Cosmetology, Esthetics, and Nail Technology Committee.

"Licensed barber" means an individual licensed by the Department to practice barbering and esthetics as defined in this Act and whose license is in good standing.

"Licensed cosmetologist" means an individual licensed by the Department to practice cosmetology, nail technology, and esthetics as defined in this Act and whose license is in good standing.

"Licensed esthetician" means an individual licensed by the Department to practice esthetics as defined in this Act and whose license is in good standing.

"Licensed nail technician" means any individual licensed by the Department to practice nail technology as defined in this Act and whose license is in good standing.

"Licensed barber teacher" means an individual licensed by the Department to practice barbering and esthetics as defined in this Act and to provide instruction in the theory and practice of barbering and esthetics to students in an approved barber school.

"Licensed cosmetology teacher" means an individual licensed by the Department to practice cosmetology, esthetics, and nail technology as defined
in this Act and to provide instruction in the theory and practice of cosmetology, esthetics, and nail technology to students in an approved cosmetology, esthetics, or nail technology school.

"Licensed cosmetology clinic teacher" means an individual licensed by the Department to practice cosmetology, esthetics, and nail technology as defined in this Act and to provide clinical instruction in the practice of cosmetology, esthetics, and nail technology in an approved school of cosmetology, esthetics, or nail technology.

"Licensed esthetics teacher" means an individual licensed by the Department to practice esthetics as defined in this Act and to provide instruction in the theory and practice of esthetics to students in an approved cosmetology or esthetics school.

"Licensed esthetics clinic teacher" means an individual licensed by the Department to practice esthetics as defined in this Act and to provide clinical instruction in the practice of esthetics in an approved school of cosmetology or an approved school of esthetics.

"Licensed nail technology teacher" means an individual licensed by the Department to practice nail technology and to provide instruction in the theory and practice of nail technology to students in an approved nail technology school or cosmetology school.

"Licensed nail technology clinic teacher" means an individual licensed by the Department to practice nail technology as defined in this Act and to provide clinical instruction in the practice of nail technology in an approved school of cosmetology or an approved school of nail technology.

"Enrollment" is the date upon which the student signs an enrollment agreement or student contract.

"Enrollment agreement" or "student contract" is any agreement, instrument, or contract however named, which creates or evidences an obligation binding a student to purchase a course of instruction from a school.

"Enrollment time" means the maximum number of hours a student could have attended class, whether or not the student did in fact attend all those hours.

"Elapsed enrollment time" means the enrollment time elapsed between the actual starting date and the date of the student's last day of physical attendance in the school.

(Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

(225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

(Section scheduled to be repealed on January 1, 2006)

Sec. 1-7. Licensure required; renewal.

New matter indicated by italics - deletions by strikeout
(a) It is unlawful for any person to practice, or to hold himself or herself out to be a cosmetologist, esthetician, nail technician, or barber without a license as a cosmetologist, esthetician, nail technician, or barber issued by the Department of Professional Regulation pursuant to the provisions of this Act and of the Civil Administrative Code of Illinois. It is also unlawful for any person, firm, partnership, or corporation to own, operate, or conduct a cosmetology, esthetics, nail technology, or barber school without a license issued by the Department or to own or operate a cosmetology, esthetics, or nail technology salon or barber shop without a certificate of registration issued by the Department. It is further unlawful for any person to teach in any cosmetology, esthetics, nail technology, or barber college or school approved by the Department or hold himself or herself out as a cosmetology, esthetics, nail technology, or barber teacher without a license as a teacher, issued by the Department or as a cosmetology, esthetics, or nail technology clinic teacher without a license as a clinic teacher issued by the Department.

(b) Notwithstanding any other provision of this Act, a person licensed as a cosmetologist or barber may hold himself or herself out as an esthetician and may engage in the practice of esthetics, as defined in this Act, without being licensed as an esthetician. A person licensed as a cosmetology teacher or barber teacher may teach esthetics or hold himself or herself out as an esthetics teacher without being licensed as an esthetics teacher. A person licensed as a cosmetologist may hold himself or herself out as a nail technician and may engage in the practice of nail technology, as defined in this Act, without being licensed as a nail technician. A person licensed as a cosmetology teacher may teach nail technology and hold himself or herself out as a nail technology teacher without being licensed as a nail technology teacher.

(c) A person licensed as a barber teacher may hold himself or herself out as a barber and may practice barbering without a license as a barber. A person licensed as a cosmetology teacher may hold himself or herself out as a cosmetologist, esthetician, and nail technologist and may practice cosmetology, esthetics, and nail technology without a license as a cosmetologist, esthetician, or nail technologist. A person licensed as an esthetics teacher may hold himself or herself out as an esthetician without being licensed as an esthetician and may practice esthetics. A person licensed as a nail technician teacher may practice nail technology and may hold himself or herself out as a nail technologist without being licensed as a nail technologist.

New matter indicated by italics - deletions by strikeout
(d) The holder of a license issued under this Act may renew that license during the month preceding the expiration date of the license by paying the required fee.

(Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

(225 ILCS 410/2-1) (from Ch. 111, par. 1702-1)
(Section scheduled to be repealed on January 1, 2006)

Sec. 2-1. Barbering defined. Any one or any combination of the following practices constitutes the practice of barbering: To shave or trim the beard or cut the hair; to style, arrange, dress, curl, wave, straighten, clean, singe, epilate, depilate, shampoo, marcel, chemically restructure, bleach, tint, color or similarly work upon the hair or cranial prosthesis of any person; to give relaxing facial or scalp massage or treatments with oils, creams or other preparations either by hand or by mechanical appliances. Nothing in this Act shall be construed to prohibit the shampooing of hair by persons employed for that purpose and who perform such task under the direct supervision of a licensed barber.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 410/2-7) (from Ch. 111, par. 1702-7)
(Section scheduled to be repealed on January 1, 2006)

Sec. 2-7. Examination of applicants. The Department shall hold examinations of applicants for licensure as barbers and teachers of barbering at such times and places as it may determine. Upon request, the examinations shall be administered in Spanish.

Each applicant shall be given a written examination testing both theoretical and practical knowledge of the following subjects insofar as they are related and applicable to the practice of barber science and art: (1) anatomy, (2) physiology, (3) skin diseases, (4) hygiene and sanitation, (5) barber history, (6) barber law, (7) hair cutting and styling, (8) shaving, shampooing, and permanent waving, (9) massaging, (10) bleaching, tinting, and coloring, and (11) implements.

The examination of applicants for licensure registration as a barber teacher shall include: (a) practice of barbering and styling, (b) theory of barbering, (c) methods of teaching, and (d) school management.

This Act does not prohibit the practice as a barber or barber teacher by one who has applied in writing to the Department, in form and substance satisfactory to the Department, for a license and has complied with all the provisions of this Act in order to qualify for a license except the passing of an examination, until: (a) the expiration of 6 months after the filing of such written application, or (b) the decision of the Department that the applicant

New matter indicated by italics - deletions by strikeout
has failed to pass an examination within 6 months or failed without an approved excuse to take an examination conducted within 6 months by the Department, or (c) the withdrawal of the application.

(Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97.)

(225 ILCS 410/2A-7)

(Section scheduled to be repealed on January 1, 2006)

Sec. 2A-7. Requirements for licensure as barber school. No person, firm, or corporation may own, operate or conduct a school or college of barbering for the purpose of teaching barbering for compensation without filing an application with the Department on forms provided by the Department, paying the required fees, and complying with the following requirements:

1. The applicant must submit to the Department for approval:
   a. A floor plan, drawn to a scale specified on the floor plan, showing every detail of the proposed school; and
   b. A lease commitment or proof of ownership for the location of the proposed school; a lease commitment must provide for execution of the lease upon the Department's approval of the school's application and the lease must be for a period of at least one year; and
   c. (Blank). A written inspection report made by the State Fire Marshal approving the use of the proposed premises as a barbering school.

2. An application to own or operate a school shall include the following:
   a. If the owner is a corporation, a copy of the Articles of Incorporation;
   b. If the owner is a partnership, a listing of all partners and their current addresses;
   c. If the applicant is an owner, a completed financial statement showing the owner's ability to operate the school for at least 3 months;
   d. A copy of the official enrollment agreement or student contract to be used by the school, which shall be consistent with the requirements of this Act;
   e. A listing of all teachers who will be in the school's employ, including their teacher license numbers;
   f. A copy of the curricula that will be followed;
   g. The names, addresses, and current status of all

New matter indicated by italics - deletions by strikeout
schools in which the applicant has previously owned any interest, and a declaration as to whether any of these schools were ever denied accreditation or licensing or lost accreditation or licensing from any governmental body or accrediting agency;

h. Each application for a certificate of approval shall be signed and certified under oath by the school's chief managing employee and also by its individual owner or owners; if the applicant is a partnership or a corporation, then the application shall be signed and certified under oath by the school's chief managing employee and also by each member of the partnership or each officer of the corporation, as the case may be;

i. A copy of the school's official transcript; and

j. The required fee. The applicant must submit a certified financial statement prepared by a licensed public accountant who is not an employee of the school, indicating sufficient finances to guarantee operation for one full year.

3. Each application for a license to operate a school shall also contain the following commitments:

a. To conduct the school in accordance with this Act and the standards and rules from time to time adopted under this Act and to meet standards and requirements at least as stringent as those required by Part H of the federal Higher Education Act of 1965.

b. To permit the Department to inspect the school or classes thereof from time to time with or without notice; and to make available to the Department, at any time when required to do so, information including financial information pertaining to the activities of the school required for the administration of this Act and the standards and rules adopted under this Act;

c. To utilize only advertising and solicitation that is free from misrepresentation, deception, fraud, or other misleading or unfair trade practices;

d. To screen applicants to the school prior to enrollment pursuant to the requirements of the school's regional or national accrediting agency, if any, and to maintain any and all records of such screening; if the course

New matter indicated by italics - deletions by strikeout
of instruction is offered in a language other than English, the screening shall also be performed in that language;

e. To post in a conspicuous place a statement, developed by the Department, of student's rights provided under this Act. The proposed barber school or college shall have a minimum of one theory or demonstration room, one workroom, and 2 toilet facilities.

The minimum equipment in the workroom shall be 20 barber chairs, one cabinet and one wet sterilizer for each barber chair, four shampoo basins complete with shampoo spray, one electric vibrator for each 10 barber chairs, and one scalp-treatment high frequency electricity apparatus for each 10 barber chairs.

The municipality in which the proposed new barber school is to be located shall be large enough to support the proposed barber school to the degree that the students who might be enrolled in the proposed barber school would be assured of sufficient practice to enable them to become competent workers.

It shall be a requirement for maintaining and renewing a barber school license that the school or college of barbering actually provide instruction and teaching, as well as maintain the equipment required by this Section. If a barber school ceases operation for any reason, the Department shall place the school's license on inoperative status, without hearing, for a period of up to one year from the date that the school ceases operation. A barber school license on inoperative status may be restored by the Department upon resumption of operation in accordance with the requirements of this Act. A license on inoperative status may not be renewed.

A barber school license that remains on inoperative status for a period of one year shall automatically, without hearing, be cancelled. A cancelled license may not be renewed or restored. A person, firm, or corporation whose license has been cancelled and who wishes to own, operate, or conduct a school or college of barbering for the purpose of teaching barbering for compensation must apply for a new license.

4. The applicant shall establish to the satisfaction of the Department that the owner possesses sufficient liquid assets to meet the prospective expenses of the school for a period of 3 months. In the discretion of the Department, additional proof of financial ability may be required. The proposed barber school or college shall have a

New matter indicated by italics - deletions by strikeout
curriculum that includes each of the following subjects: the preparation and care of barber implements, the art of haircutting, styling, shaving, beard trimming and shampooing, facial and scalp massaging and treatments either by hand or mechanical appliances; hair-tinting, coloring, and bleaching, permanent waving, barber anatomy, physiology, bacteriology, sanitation, barber history; Illinois barber law, electricity and light rays, and a course dealing with the common diseases of the skin and methods to avoid the aggravation and spreading thereof in the practice of barbering. In a 1500-hour barber course all students shall receive a minimum of 150 hours of lectures, demonstrations, or discussions. The remaining 1350 hours shall be devoted to practical application of the student's skill in the workroom, or to additional theory or other classwork, at the discretion of the instructor.

5. The applicant shall comply with all rules of the Department determining the necessary curriculum and equipment required for the conduct of the school. The school shall comply with all rules of the Department establishing the necessary curriculum and equipment required for the conduct of such school.

6. The applicant must demonstrate employment of a sufficient number of qualified teachers who are holders of a current license issued by the Department. The school shall employ a sufficient number of qualified teachers of barbering who are holders of a current license issued by the Department, which staff is adequate only if the ratio of students to teachers does not exceed 25 students for each barber teacher.

7. A final inspection of the barber school shall be made by the Department before the school may commence classes. A final inspection of the barber school shall be made by the Department before the school may commence classes. The inspection shall include a determination of whether:

a. All of the requirements of paragraph 1 of this Section have been met.

b. The school is in compliance with all rules of the Department established for the purpose of determining the necessary curriculum and equipment required for the school.

e. A sufficient number of qualified teachers of barbering who are holders of current licenses issued by the Department are employed.

New matter indicated by italics - deletions by strikeout
8. A written inspection report must be made by a local fire authority or the State Fire Marshal approving the use of the proposed premises as a barber school.

Upon meeting all of the above requirements, the Department may issue a license and the school may commence classes.

No barber school may cease operation without first delivering its student records to a place of safekeeping in accordance with Department rule.

(Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97; 90-580, eff. 5-21-98.)

(225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

(Section scheduled to be repealed on January 1, 2006)

Sec. 3-1. Cosmetology defined. Any one or any combination of the following practices constitutes the practice of cosmetology when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder: arranging, braiding, dressing, cutting, trimming, curling, waving, chemical restructuring, shaping, singeing, bleaching, coloring or similar work, upon the hair of the head or any cranial prosthesis; cutting or trimming facial hair of any person; any practice of manicuring, pedicuring, decorating nails, applying sculptured nails or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances, or in any way caring for the nails or the skin of the hands or feet including massaging the hands, arms, elbows, feet, lower legs, and knees of another person for other than the treatment of medical disorders; any practice of epilation or depilation of any person; any practice for the purpose of cleansing, massaging or toning the skin of the scalp; beautifying, massaging, cleansing, exfoliating, or stimulating the stratum corneum of the epidermis, or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, body treatments, body wraps, the use of hydrotherapy, tonics, lotions or creams, or any device, electrical, mechanical, or otherwise, for the care of the skin; applying make-up or eyelashes to any person or tinting eyelashes and eyebrows and lightening hair on the body and removing superfluous hair from the body of any person by the use of depilatories, waxing or tweezers. The term "cosmetology" does not include the services provided by an electrologist. Nail technology is the practice and the study of cosmetology only to the extent of manicuring, pedicuring, decorating, and applying sculptured or otherwise artificial nails, or in any way caring for the nail or the skin of the hands or feet including massaging the hands, arms, elbows, feet, lower legs, and knees. Cosmetologists are prohibited from using any technique, product, or practice intended to affect the living layers of the skin or performing any procedure that may puncture or

New matter indicated by italics - deletions by strikeout
abrade the skin below the stratum corneum of the epidermis or remove closed milia (whiteheads) which may draw blood or serous body fluid. The term cosmetology includes rendering advice on what is cosmetically appealing, but no person licensed under this Act shall render advice on what is appropriate medical treatment for diseases of the skin. Purveyors of cosmetics may demonstrate such cosmetic products in conjunction with any sales promotion and shall not be required to hold a license under this Act. Nothing in this Act shall be construed to prohibit the shampooing of hair by persons employed for that purpose and who perform that task under the direct supervision of a licensed cosmetologist or licensed cosmetology teacher.

(Source: P.A. 91-863, eff. 7-1-00.)

(225 ILCS 410/3-2) (from Ch. 111, par. 1703-2)
Sec. 3-2. Licensure; qualifications.

(1) A person is qualified to receive a license as a cosmetologist who has filed an application on forms provided by the Department, pays the required fees, and:

a. Is at least 16 years of age; and
b. Is beyond the age of compulsory school attendance or has received a certificate of graduation from a school providing secondary education, or has graduated from an eighth grade elementary school, or the recognized its equivalent of that certificate; and

(2) Has graduated from a school of cosmetology approved by the Department, having completed a program of 1500 hours in the study of cosmetology extending over a period of not less than 8 months nor more than 7 consecutive years. A school of cosmetology may, at its discretion, consistent with the rules of the Department, accept up to 500 hours of barber school training at a recognized barber school toward the 1500 hour program requirement of cosmetology. Time spent in such study under the laws of another state or territory of the United States or of a foreign country or province shall be credited toward the period of study required by the provisions of this paragraph; and

d. Has passed an examination authorized by the Department to determine eligibility fitness to receive a license as a cosmetologist. The requirements for remedial training set forth in Section 3-6 of this Act may be waived in whole or in part by the Department upon proof to the Department that the applicant has demonstrated competence to again sit for the examination. The Department shall promulgate rules

New matter indicated by italics - deletions by strikeout
establishing the standards by which such determination shall be made; and

e. Has met any other requirements of this Act.

(2) (Blank). If the applicant applies for a license as a cosmetologist on September 1, 2000 or September 2, 2000, the Department may accept a verified 10 years of cosmetology experience, which may include esthetics or nail technology experience, before July 1, 2000 in lieu of the requirements in items e and d of subsection (1) of this Section.

(Source: P.A. 93-253, eff. 7-22-03.)

(225 ILCS 410/3-4) (from Ch. 111, par. 1703-4)
(Section scheduled to be repealed on January 1, 2006)

Sec. 3-4. Licensure as cosmetology teacher or cosmetology clinic teacher; qualifications.

(a) A person is qualified to receive license as a cosmetology teacher if that person has applied in writing on forms provided by the Department, has paid the required fees, and:

(1) is at least 18 years of age;
(2) has graduated from high school or its equivalent;
(3) has a current license as a cosmetologist;
(4) has either: (i) completed a program of 500 hours of teacher training in a licensed school of cosmetology and had 2 years of practical experience as a licensed cosmetologist within 5 years preceding the examination; or (ii) completed a program of 1,000 hours of teacher training in a licensed school of cosmetology;
(5) has passed an examination authorized by the Department to determine eligibility fitness to receive a license as a cosmetology teacher; and
(6) has met any other requirements of this Act.

A cosmetology teacher who teaches esthetics, in order to be licensed, shall demonstrate, to the satisfaction of the Department, current skills in the use of machines used in the practice of esthetics.

An individual who receives a license as a cosmetology teacher shall not be required to maintain an active cosmetology license in order to practice cosmetology as defined in this Act.

(b) A person is qualified to receive a license as a cosmetology clinic teacher if he or she has applied in writing on forms provided by the Department, has paid the required fees, and:

(1) is at least 18 years of age;
(2) has graduated from high school or its equivalent;

New matter indicated by italics - deletions by strikeout
(3) has a current license as a cosmetologist;

(4) has (i) completed a program of 250 hours of clinic teacher training in a licensed school of cosmetology or (ii) within 5 years preceding the examination, and has obtained a minimum of 2 years of practical experience working at least 30 full-time hours per week as a licensed cosmetologist and has completed an instructor's institute of 20 hours, as prescribed by the Department, prior to submitting an application for examination within 5 years preceding the examination;

(5) has passed an examination authorized by the Department to determine eligibility fitness to receive a license as a cosmetology teacher; and

(6) has met any other requirements of this Act.

The Department shall not issue any new cosmetology clinic teacher licenses after January 1, 2009. Any person issued a license as a cosmetology clinic teacher before January 1, 2009, may renew the license after that date under this Act and that person may continue to renew the license or have the license restored during his or her lifetime, subject only to the renewal or restoration requirements for the license under this Act; however, such licensee and license shall remain subject to the provisions of this Act, including, but not limited to, provisions concerning renewal, restoration, fees, continuing education, discipline, administration, and enforcement.

(Source: P.A. 90-302, eff. 8-1-97; 91-357, eff. 7-29-99; 91-863, eff. 7-1-00.)

(225 ILCS 410/3-6) (from Ch. 111, par. 1703-6)

Sec. 3-6. Examination. The Department shall authorize examinations of applicants for licensure as cosmetologists and teachers of cosmetology at the times and places it may determine. If an applicant for licensure as a cosmetologist fails to pass 3 examinations conducted by the Department, the applicant shall, before taking a subsequent examination, furnish evidence of not less than 250 hours of additional study of cosmetology in an approved school of cosmetology since the applicant last took the examination. If an applicant for licensure as a cosmetology teacher fails to pass 3 examinations conducted by the Department, the applicant shall, before taking a subsequent examination, furnish evidence of not less than 80 hours of additional study in teaching methodology and educational psychology in an approved school of cosmetology since the applicant last took the examination. An applicant who fails to pass the fourth examination shall not again be admitted to an examination unless: (i) in the case of an applicant for licensure as a

New matter indicated by italics - deletions by strikeout
cosmetologist, the applicant again takes and completes a program of 1500 hours in the study of cosmetology in an approved school of cosmetology extending over a period that commences after the applicant fails to pass the fourth examination and that is not less than 8 months nor more than 7 consecutive years in duration; (ii) in the case of an applicant for licensure as a cosmetology teacher, the applicant again takes and completes a program of 1000 hours of teacher training in an approved school of cosmetology, except that if the applicant had 2 years of practical experience as a licensed cosmetologist within the 5 years preceding the initial examination taken by the applicant, the applicant must again take and complete a program of 500 hours of teacher training in an approved school of cosmetology, esthetics, or nail technology; or (iii) in the case of an applicant for licensure as a cosmetology clinic teacher, the applicant again takes and completes a program of 250 hours of clinic teacher training in a licensed school of cosmetology or an instructor's institute of 20 hours. The requirements for remedial training set forth in this Section may be waived in whole or in part by the Department upon proof to the Department that the applicant has demonstrated competence to again sit for the examination. The Department shall adopt rules establishing the standards by which this determination shall be made. Each cosmetology applicant shall be given a written examination testing both theoretical and practical knowledge, which shall include, but not be limited to, questions that determine the applicant's knowledge of product chemistry, sanitary rules, sanitary procedures, chemical service procedures, hazardous chemicals and exposure minimization, knowledge of the anatomy of the skin, scalp, and hair, and nails as they relate to applicable services under this Act and labor and compensation laws.

The examination of applicants for licensure as a cosmetology, esthetics, or nail technology teacher may include all of the elements of the exam for licensure as a cosmetologist, esthetician, or nail technician and also include teaching methodology, classroom management, record keeping, and any other related subjects that the Department in its discretion may deem necessary to insure competent performance.

This Act does not prohibit the practice of cosmetology by one who has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a cosmetologist, or the teaching of cosmetology by one who has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a cosmetology teacher or cosmetology clinic teacher, if the person has complied with all the provisions of this Act in order to qualify for a license, except the passing of
an examination to be eligible to receive a license, until: (a) the expiration of 6 months after the filing of the written application, (b) the decision of the Department that the applicant has failed to pass an examination within 6 months or failed without an approved excuse to take an examination conducted within 6 months by the Department, or (c) the withdrawal of the application.

A person who took the September 10, 1994 cosmetology licensure examination for the sixth time and failed the examination and failed to request a reader based upon a documented learning disability may reapply for the examination within 6 months of the effective date of this amendatory Act of the 91st General Assembly without having to complete the additional 1,500 hours of instruction required under this Act.

(Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

(225 ILCS 410/3-7) (from Ch. 111, par. 1703-7)
(Section scheduled to be repealed on January 1, 2006)
Sec. 3-7. Licensure; renewal; continuing education; military service. The holder of a license issued under this Article III may renew that license during the month preceding the expiration date thereof by paying the required fee, giving such evidence as the Department may prescribe of completing not less than 14 hours of continuing education for a cosmetologist, and 24 hours of continuing education for a cosmetology teacher or cosmetology clinic teacher, within the 2 years prior to renewal. The training shall be in subjects approved by the Department as prescribed by rule upon recommendation of the Committee.

A license that has been expired for more than 5 years may be restored by payment of the restoration fee and submitting evidence satisfactory to the Department of the current qualifications and fitness of the licensee, which shall include completion of continuing education hours for the period subsequent to expiration.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants, by requiring the filing of continuing education certificates with the Department, or by other means established by the Department. The Department may select a qualified organization that has no direct business relationship with a licensee, licensed entity or a subsidiary of a licensed entity under this Act to maintain and verify records relating to continuing education.

A license issued under the provisions of this Act that has expired while the holder of the license was engaged (1) in federal service on active

New matter indicated by italics - deletions by strikeout
duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may be reinstated or restored without the payment of any lapsed renewal fees, reinstatement fee, or restoration fee if within 2 years after the termination of such service, training, or education other than by dishonorable discharge, the holder furnishes the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

The Department, in its discretion, may waive enforcement of the continuing education requirement in this Section and shall adopt rules defining the standards and criteria for that waiver under the following circumstances:

(a) the licensee resides in a locality where it is demonstrated that the absence of opportunities for such education would interfere with the ability of the licensee to provide service to the public;
(b) that to comply with the continuing education requirements would cause a substantial financial hardship on the licensee;
(c) that the licensee is serving in the United States Armed Forces; or
(d) that the licensee is incapacitated due to illness.

The continuing education requirements of this Section do not apply to a licensee who (i) is at least 62 years of age before January 1, 1999 or (ii) has been licensed as a cosmetologist, cosmetology teacher, or cosmetology clinic teacher for at least 25 years and does not regularly work as a cosmetologist, cosmetology teacher, or cosmetology clinic teacher for more than 14 hours per week.

(Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97; 90-302, eff. 8-1-97; 90-602, eff. 1-1-99.)

(225 ILCS 410/3A-1) (from Ch. 111, par. 1703A-1)
Sec. 3A-1. Esthetics and esthetician defined.

(A) Any one or combination of person who for compensation, whether direct or indirect, including tips, engages in the following practices, when done for cosmetic or beautifying purposes and not for the treatment of disease or of a muscular or nervous disorder, constitutes engages in the practice of esthetics:

New matter indicated by italics - deletions by strikeout
1. Beautifying, massaging, cleansing, exfoliating, or stimulating the stratum corneum of the epidermis of the human body, except the scalp, by the use of cosmetic preparations, body treatments, body wraps, the use of hydrotherapy, antiseptics, tonics, lotions or creams or any device, electrical, mechanical, or otherwise, for the care of the skin;

2. Applying make-up or eyelashes to any person or tinting eyelashes and eyebrows and lightening hair on the body except the scalp; and

3. Removing superfluous hair from the body of any person by the use of depilatories, waxing or tweezers.

However, esthetics does not include the services provided by a cosmetologist or electrologist. Estheticians are prohibited from using techniques, products, and practices intended to affect the living layers of the skin performing any procedure which may puncture or abrade the skin below the stratum corneum of the epidermis or remove closed milia (whiteheads) which may draw blood or serous body fluid. The term esthetics includes rendering advice on what is cosmetically appealing, but no person licensed under this Act shall render advice on what is appropriate medical treatment for diseases of the skin.

(B) "Esthetician" means any person who, with hands or mechanical or electrical apparatus or appliances, engages only in the use of cosmetic preparations, body treatments, body wraps, hydrotherapy, makeups, antiseptics, tonics, lotions, creams or other preparations or in the practice of massaging, cleansing, exfoliating the stratum corneum of the epidermis, stimulating, manipulating, beautifying, grooming or similar work on the face, neck, arms and hands or body in a superficial mode, and not for the treatment of medical disorders.

(225 ILCS 410/3A-3) (from Ch. 111, par. 1703A-3)

Sec. 3A-3. Licensure as an esthetics teacher; qualifications.

(a) A person is qualified to receive a license as an esthetics teacher if that person has applied in writing on forms supplied by the Department, paid the required fees, and:

(1) is at least 18 years of age;

(2) has graduated from high school or its equivalent;

(3) has a current license as a licensed cosmetologist or esthetician;

New matter indicated by italics - deletions by strikeout
(4) has either: (i) completed a program of 500 hours of teacher training in a licensed school of cosmetology or a licensed esthetics school and had 2 years of practical experience as a licensed cosmetologist or esthetician within 5 years preceding the examination; or (ii) completed a program of 750 hours of teacher training in a licensed school of cosmetology approved by the Department to teach esthetics or a licensed esthetics school;

(5) has passed an examination authorized by the Department to determine eligibility fitness to receive a license as a licensed cosmetology or esthetics teacher;

(6) (blank); and demonstrates, to the satisfaction of the Department, current skills in the use of machines used in the practice of esthetics; and

(7) has met any other requirements as required by this Act.

(b) A person is qualified to receive a license as an esthetics clinic teacher if that person has applied in writing on forms supplied by the Department, paid the required fees, and:

(1) is at least 18 years of age;

(2) has graduated from high school or its equivalent;

(3) has a current license as a licensed cosmetologist or esthetician;

(4) has (i) completed a program of 250 hours of clinic teacher training in a licensed school of cosmetology approved by the Department to teach esthetics or a licensed esthetics school or (ii) within 5 years preceding the examination, has obtained a minimum of and had 2 years of practical experience working at least 30 full-time hours per week as a licensed cosmetologist or esthetician and has completed an instructor's institute of 20 hours, as prescribed by the Department, prior to submitting an application for examination within 5 years preceding the examination;

(5) has passed an examination authorized by the Department to determine eligibility fitness to receive a license as a licensed cosmetology teacher or licensed esthetics teacher;

(6) (blank); demonstrates, to the satisfaction of the Department, current skills in the use of machines used in the practice of esthetics; and

(7) has met any other requirements required by this Act.

The Department shall not issue any new esthetics clinic teacher licenses after January 1, 2009. Any person issued a license as an esthetics

New matter indicated by italics - deletions by strikeout
clinic teacher before January 1, 2009, may renew the license after that date under this Act and that person may continue to renew the license or have the license restored during his or her lifetime, subject only to the renewal or restoration requirements for the license under this Act; however, such licensee and license shall remain subject to the provisions of this Act, including, but not limited to, provisions concerning renewal, restoration, fees, continuing education, discipline, administration, and enforcement.

(c) An applicant who is issued a license as an esthetics teacher or esthetics clinic teacher is not required to maintain an esthetics license in order to practice as an esthetician as defined in this Act.

(Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

(225 ILCS 410/3A-5) (from Ch. 111, par. 1703A-5)

Sec. 3A-5. Examination.

(a) The Department shall authorize examinations of applicants for a license as an esthetician or teacher of esthetics at such times and places as it may determine. The Department shall authorize no fewer than 4 examinations for a license as an esthetician or a teacher of esthetics in a calendar year.

If an applicant neglects, fails without an approved excuse, or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited to the Department and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing his or her application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee, if he or she meets the requirements in effect at the time of reapplication. If an applicant for licensure as an esthetician is unsuccessful at 3 examinations conducted by the Department, the applicant shall, before taking a subsequent examination, furnish evidence of not less than 125 hours of additional study of esthetics in an approved school of cosmetology or esthetics since the applicant last took the examination. If an applicant for licensure as an esthetics teacher or esthetics clinic teacher is unsuccessful at 3 examinations conducted by the Department, the applicant shall, before taking a subsequent examination, furnish evidence of not less than 80 hours of additional study in teaching methodology and educational psychology in a licensed school of cosmetology or esthetics since the applicant last took the examination. An applicant who fails to pass a fourth examination shall not again be admitted to an examination unless (i) in the case of an applicant for licensure as an esthetician, the applicant shall again take and complete a program of 750
hours in the study of esthetics in a licensed school of cosmetology approved to teach esthetics or a school of esthetics, extending over a period that commences after the applicant fails to pass the fourth examination and that is not less than 18 weeks nor more than 4 consecutive years in duration; (ii) in the case of an applicant for a license as an esthetics teacher, the applicant shall again take and complete a program of 750 hours of teacher training in a school of cosmetology approved to teach esthetics or a school of esthetics, except that if the applicant had 2 years of practical experience as a licensed cosmetologist or esthetician within 5 years preceding the initial examination taken by the applicant, the applicant must again take and complete a program of 500 hours of teacher training in licensed cosmetology or a licensed esthetics school; or (iii) in the case of an applicant for a license as an esthetics clinic teacher, the applicant shall again take and complete a program of 250 hours of clinic teacher training in a licensed school of cosmetology or a licensed school of esthetics.

(b) Each applicant shall be given a written examination testing both theoretical and practical knowledge which shall include, but not be limited to, questions that determine the applicant's knowledge, as provided by rule.

of:

(1) product chemistry;
(2) sanitary rules and regulations;
(3) sanitary procedures;
(4) chemical service procedures;
(5) knowledge of the anatomy of the skin, as it relates to applicable services under this Act;
(6) the provisions and requirements of this Act; and
(7) labor and compensation laws.

(c) The examination of applicants for licensure as an esthetics teacher may include all of the above and may also include:

(1) teaching methodology;
(2) classroom management; and
(3) record keeping and any other subjects that the Department may deem necessary to insure competent performance.

(d) This Act does not prohibit the practice of esthetics by one who has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as an esthetician, an esthetics teacher, or an esthetics clinic teacher and has complied with all the provisions of this Act in order to qualify for a license, except the passing of an examination to be eligible to receive such license certificate, until: (i) the expiration of 6 months
after the filing of such written application, or (ii) the decision of the
Department that the applicant has failed to pass an examination within 6
months or failed without an approved excuse to take an examination
conducted within 6 months by the Department, or (iii) the withdrawal of the
application.
(Source: P.A. 90-302, eff. 8-1-97; 91-357, eff. 7-29-99; 91-863, eff. 7-1-00.)
(225 ILCS 410/3B-10)
(Section scheduled to be repealed on January 1, 2006)
Sec. 3B-10. Requisites for ownership or operation of school. No
person, firm, or corporation may own, operate, or conduct a school of
cosmetology, esthetics, or nail technology for the purpose of teaching
cosmetology, esthetics, or nail technology for compensation without applying
on forms provided by the Department, paying the required fees, and
complying with the following requirements:
1. The applicant must submit to the Department for approval:
   a. A floor plan, drawn to a scale specified on the floor
      plan, showing every detail of the proposed school; and
   b. A lease commitment or proof of ownership for the
      location of the proposed school; a lease commitment must
      provide for execution of the lease upon the Department's
      approval of the school's application and the lease must be for
      a period of at least one year; and
   c. (Blank). A written inspection report made by the
      State Fire Marshal approving the use of the proposed
      premises as a cosmetology, esthetics, or nail technology
      school.
2. An application to own or operate a school shall include the
   following:
   a. If the owner is a corporation, a copy of the Articles
      of Incorporation;
   b. If the owner is a partnership, a listing of all partners
      and their current addresses;
   c. If the applicant is an owner, a completed financial
      statement showing the owner's ability to operate the school
      for at least 3 months;
   d. A copy of the official enrollment agreement or
      student contract to be used by the school, which shall be
      consistent with the requirements of this Act;
   e. A listing of all teachers who will be in the school's

New matter indicated by italics - deletions by strikeout
employ, including their teacher license numbers;

f. A copy of the curricula that will be followed;

g. The names, addresses, and current status of all schools in which the applicant has previously owned any interest, and a declaration as to whether any of these schools were ever denied accreditation or licensing or lost accreditation or licensing from any governmental body or accrediting agency;

h. Each application for a certificate of approval shall be signed and certified under oath by the school's chief managing employee and also by its individual owner or owners; if the applicant is a partnership or a corporation, then the application shall be signed and certified under oath by the school's chief managing employee and also by each member of the partnership or each officer of the corporation, as the case may be;

i. A copy of the school's official transcript; and

j. The required fee.

3. Each application for a license to operate a school shall also contain the following commitments:

a. To conduct the school in accordance with this Act and the standards, and rules from time to time adopted under this Act and to meet standards and requirements at least as stringent as those required by Part H of the Federal Higher Education Act of 1965.

b. To permit the Department to inspect the school or classes thereof from time to time with or without notice; and to make available to the Department, at any time when required to do so, information including financial information pertaining to the activities of the school required for the administration of this Act and the standards and rules adopted under this Act;

c. To utilize only advertising and solicitation which is free from misrepresentation, deception, fraud, or other misleading or unfair trade practices;

d. To screen applicants to the school prior to enrollment pursuant to the requirements of the school's regional or national accrediting agency, if any, and to maintain any and all records of such screening. If the course

New matter indicated by italics - deletions by strikeout
of instruction is offered in a language other than English, the screening shall also be performed in that language;

   e. To post in a conspicuous place a statement, developed by the Department, of student's rights provided under this Act.

4. The applicant shall establish to the satisfaction of the Department that the owner possesses sufficient liquid assets to meet the prospective expenses of the school for a period of 3 months. In the discretion of the Department, additional proof of financial ability may be required.

5. The applicant shall comply with all rules of the Department determining the necessary curriculum and equipment required for the conduct of the school.

6. The applicant must demonstrate employment of a sufficient number of qualified teachers who are holders of a current license issued by the Department.

7. A final inspection of the cosmetology, esthetics, or nail technology school shall be made by the Department before the school may commence classes.

8. A written inspection report must be made by the State Fire Marshal or a local fire authority approving the use of the proposed premises as a cosmetology, esthetics, or nail technology school.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 410/3B-11)

(Section scheduled to be repealed on January 1, 2006)

Sec. 3B-11. Periodic review of cosmetology, esthetics and nail technology schools. The Department shall review at least biennially all approved schools and courses of instruction. The biennial review shall include consideration of a comparison between the graduation or completion rate for the school and the graduation or completion rate for the schools within that classification of schools. Consideration shall be given to complaints and information forwarded to the Department by the Federal Trade Commission, Better Business Bureaus, the Illinois Attorney General's Office, a State's Attorney's Office, other State or official approval agencies, local school officials, and interested persons. The Department shall investigate all written complaints filed with the Department about a school or its sales representatives.

A school shall retain the records, as defined by rule, of a student who withdraws from or drops out of the school, by written notice of cancellation.

New matter indicated by italics - deletions by strikeout
or otherwise, for any period longer than 7 years from the student's first day of attendance. However, a school shall retain indefinitely the transcript of each student who completes the program and graduates from the school.

(Source: P.A. 89-387, eff. 1-1-96; 89-626, eff. 8-9-96.)

(225 ILCS 410/3B-13)

(Section scheduled to be repealed on January 1, 2006)

Sec. 3B-13. Rules; refunds. Schools regulated under this Section shall issue refunds based on the following schedule. The refund policy shall provide that:

(1) Schools shall, when a student gives written notice of cancellation, provide a refund in the amount of at least the following:

   (a) When notice of cancellation is given within 5 days after the date of enrollment, all application and registration fees, tuition, and any other charges shall be refunded to the student.

   (b) When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain no more than the application and registration fee, plus the cost of any books or materials which have been provided by the school and retained by the student.

   (c) When notice of cancellation is given after the student's completion of the first day of class attendance but prior to the student's completion of 5% of the course of instruction, the school may retain the application and registration fee and an amount not to exceed 10% of the tuition and other instructional charges or $300, whichever is less, plus the cost of any books or materials which have been provided by the school.

   (d) When a student has completed 5% or more of the course of instruction, the school may retain the application and registration fee and the cost of any books or materials which have been provided by the school but shall refund a part of the tuition and other instructional charges in accordance with the National Accrediting Commission of Cosmetology Arts and Sciences and rules that the Department shall promulgate for purposes of this Section.

(2) Applicants not accepted by the school shall receive a refund of all tuition and fees paid.

(3) Application and registration fees shall be chargeable at initial enrollment and shall not exceed $100.

(4) Deposits or down payments shall become part of the tuition.

New matter indicated by italics - deletions by strikeout
(5) The school shall mail a written acknowledgement of a student's cancellation or written withdrawal to the student within 15 calendar days of the date of notification. Written acknowledgement is not necessary if a refund has been mailed to the student within the 15 calendar days.

(6) If the school cancels or discontinues a course, the student shall be entitled to receive from the school such refund or partial refund of the tuition, fees, and other charges paid by the student or on behalf of the student as is provided under rules promulgated by the Department.

(7) Except as otherwise provided by this Act, all student refunds shall be made by the school within 30 calendar days from the date of notice of the student's cancellation.

(8) A student shall give notice of cancellation to the school in writing. The unexplained absence of a student from a school for more than 30 consecutive calendar days shall constitute constructive notice of cancellation to the school. For purposes of cancellation, the cancellation date shall be the last day of attendance.

(9) A school may make refunds which exceed those required by this Section.

(10) Each student and former student shall be entitled to receive from the school that the student attends or attended an official transcript of all hours completed by the student at that school for which the applicable tuition, fees, and other charges have been paid, together with the grades earned by the student for those hours, provided that a student who withdraws from or drops out of a school, by written notice of cancellation or otherwise, shall not be entitled to any transcript of completed hours following the expiration of the 7-year period that began on the student's first day of attendance at the school. A reasonable fee, not exceeding $2, may be charged by the school for each transcript after the first free transcript that the school is required to provide to a student or former student under this Section.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 410/3B-15)

(Section scheduled to be repealed on January 1, 2006)

Sec. 3B-15. Grounds for disciplinary action. In addition to any other cause herein set forth the Department may refuse to issue or renew and may suspend, place on probation, or revoke any license to operate a school, or take any other action that the Department may deem proper, including the imposition of fines civil penalties not to exceed $5,000 $1,000 for each violation, for any one or any combination of the following causes:

(1) Repeated violation of any provision of this Act or any standard or
rule established under this Act.

(2) Knowingly furnishing false, misleading, or incomplete information to the Department or failure to furnish information requested by the Department.

(3) Violation of any commitment made in an application for a license, including failure to maintain standards that are the same as, or substantially equivalent to, those represented in the school's applications and advertising.

(4) Presenting to prospective students information relating to the school, or to employment opportunities or opportunities for enrollment in institutions of higher learning after entering into or completing courses offered by the school, that is false, misleading, or fraudulent.

(5) Failure to provide premises or equipment or to maintain them in a safe and sanitary condition as required by law.

(6) Failure to maintain financial resources adequate for the satisfactory conduct of the courses of instruction offered or to retain a sufficient and qualified instructional and administrative staff.

(7) Refusal to admit applicants on account of race, color, creed, sex, physical or mental handicap unrelated to ability, religion, or national origin.

(8) Paying a commission or valuable consideration to any person for acts or services performed in violation of this Act.

(9) Attempting to confer a fraudulent degree, diploma, or certificate upon a student.

(10) Failure to correct any deficiency or act of noncompliance under this Act or the standards and rules established under this Act within reasonable time limits set by the Department.

(11) Conduct of business or instructional services other than at locations approved by the Department.

(12) Failure to make all of the disclosures or making inaccurate disclosures to the Department or in the enrollment agreement as required under this Act.

(13) Failure to make appropriate refunds as required by this Act.

(14) Denial, loss, or withdrawal of accreditation by any accrediting agency.

(15) During any calendar year, having a failure rate of 25% or greater for those of its students who for the first time take the examination authorized by the Department to determine fitness to receive a license as a cosmetologist, cosmetology teacher, esthetician, esthetician teacher, nail technician, or nail technology teacher, provided that a student who transfers into the school having completed 50% or more of the required program with

New matter indicated by italics - deletions by strikeout
750 or more hours for cosmetologists, 375 or more hours for estheticians, 175 or more hours for nail technician; 500 or more hours for teachers or 125 or more hours for clinic teachers and who takes the examination during that calendar year shall not be counted for purposes of determining the school's failure rate on an examination, without regard to whether that transfer student passes or fails the examination.

(16) Failure to maintain a written record indicating the funds received per student and funds paid out per student. Such records shall be maintained for a minimum of 7 years and shall be made available to the Department upon request. Such records shall identify the funding source and amount for any student who has enrolled as well as any other item set forth by rule.

(17) Failure to maintain a copy of the student record as defined by rule.

(Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

(225 ILCS 410/3C-1) (from Ch. 111, par. 1703C-1)

Sec. 3C-1. Definitions. "Nail technician" means any person who for compensation manucures, pedicures, or decorates nails, applies sculptured or otherwise artificial applications nails by hand or with mechanical or electrical apparatus or appliances, or in any way beautifies cares for the nails or the skin of the hands or feet including massaging the hands, arms, elbows, feet, lower legs, and knees of another person for other than the treatment of medical disorders.

However, nail technicians are prohibited from using techniques, products, and practices intended to affect the living layers of the skin performing any procedure that may puncture the skin or which may draw blood or serous body fluid. The term nail technician includes rendering advice on what is cosmetically appealing, but no person licensed under this Act shall render advice on what is appropriate medical treatment for diseases of the nails or skin.

"Nail technician teacher" means an individual licensed by the Department to provide instruction in the theory and practice of nail technology to students in an approved nail technology school.

"Licensed nail technology clinic teacher" means an individual licensed by the Department to practice nail technology as defined in this Act and to provide clinical instruction in the practice of nail technology in an approved school of cosmetology or an approved school of nail technology.

(Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

(225 ILCS 410/3C-2) (from Ch. 111, par. 1703C-2)
Sec. 3C-2. License; qualifications. A person is qualified to receive a license as a nail technician if that person applies in writing on forms provided by the Department, pays the required fee, and:

(a) Is at least 16 years of age;

(b) Is beyond the age of compulsory school attendance or has a certificate of graduation from a school providing secondary education; or has graduated from an eighth grade elementary school or the recognized its equivalent of that certificate;

(c) Has graduated from a school of cosmetology or school of nail technology approved by the Department, having completed a program curriculum of 350 hours in the study of nail technology extending over a period of not less than 8 weeks nor more than 2 consecutive years and including the following: (1) theory, (2) manicuring and pedicuring, (3) nail treatments, (4) sanitary rules and sterilization, and (5) related electives; and

(d) Has passed an examination authorized by the Department to determine eligibility fitness to receive a license as a nail technician; and

(e) Has met any other requirements of this Act.

Time spent in the study of nail technology under the laws of another state or territory of the United States, or of a foreign country or province, shall be credited toward the period of study required by the provisions of subsection (c).

(Section scheduled to be repealed on January 1, 2006)

Sec. 3C-3. Licensure as a nail technology teacher or nail technology clinic teacher; qualifications.

(a) A person is qualified to receive a license as a nail technology teacher if that person has filed an application on forms provided by the Department, paid the required fee, and:

(1) is at least 18 years of age;

(2) has graduated from high school or its equivalent;

(3) has a current license as a cosmetologist or nail technician;

(4) has either: (1) completed a program of 500 hours of teacher training in a licensed school of nail technology or cosmetology, and had 2 years of practical experience as a nail technician; or (2) has completed a program of 625 hours of teacher

New matter indicated by italics - deletions by strikeout
(5) who has passed an examination authorized by the Department to determine eligibility to receive a license as a cosmetology or nail technology teacher. 

(b) A person is qualified to receive a license as a nail technology clinic teacher if that person has applied in writing on forms supplied by the Department, paid the required fees, and:

(1) is at least 18 years of age;
(2) has graduated from high school or its equivalent;
(3) has a current license as a licensed cosmetologist or nail technician;
(4) has (i) completed a program of 250 hours of clinic teacher training in a licensed school of cosmetology or a licensed nail technology school or (ii) within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full-time hours per week as a licensed cosmetologist or nail technician and has completed an instructor's institute of 20 hours, as prescribed by the Department, prior to submitting an application for examination within 5 years preceding the examination;
(5) has passed an examination authorized by the Department to determine eligibility to receive a license as a licensed cosmetology teacher or licensed nail technology teacher;
(6) demonstrates, to the satisfaction of the Department, current skills in the use of machines used in the practice of nail technology; and
(7) has met any other requirements required by this Act.

The Department shall not issue any new nail technology clinic teacher licenses after January 1, 2009. Any person issued a license as a nail technology clinic teacher before January 1, 2009, may renew the license after that date under this Act and that person may continue to renew the license or have the license restored during his or her lifetime, subject only to the renewal or restoration requirements for the license under this Act; however, such licensee and license shall remain subject to the provisions of this Act, including, but not limited to, provisions concerning renewal, restoration, fees, continuing education, discipline, administration, and enforcement.

(c) An applicant who receives a license as a nail technology teacher or nail technology clinic teacher shall not be required to maintain a license as
Sec. 3C-9. Endorsement. Upon payment of the required fee, an applicant who is a nail technician, nail technology teacher, or nail technology clinic teacher registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may be granted a license as a nail technician, nail technician teacher, or nail technology clinic teacher by the Department in its discretion upon the following conditions:

(a) For a nail technologist registered or licensed elsewhere:

(1) the applicant is at least 16 years of age;

(1.5) the applicant has passed an examination authorized by the Department to determine *eligibility fitness* to receive a license as a nail technician; and

(2) the requirements for the registration or licensing of nail technicians in the particular state, territory, country or province were, at the date of licensure, substantially equivalent to the requirements then in force in this State. The Department shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of nail technology under a cosmetologist or nail technician registered or licensed under the laws of another state or territory of the United States or a foreign country or province by an applicant for a license as a nail technician.

(b) For a nail technology teacher or nail technology clinic teacher licensed or registered elsewhere:

(1) the applicant is at least 18 years of age;

(1.5) the applicant has passed an examination authorized by the Department to determine *eligibility fitness* to receive a license as a nail technology teacher; and

(2) the requirements for the licensing of nail technology teachers or nail technology clinic teachers in the other jurisdiction were, at the date of licensure, substantially equivalent to the requirements then in force in this State; or the applicant has established proof of legal practice as a nail technology teacher or nail technology clinic teacher in another jurisdiction for at least 3 years. The Department shall allow applicants who have been licensed to practice nail technology in other states a credit of at least 75 hours for each year of experience toward the education required under this Act.
Sec. 3D-5. Requisites for ownership or operation of cosmetology, esthetics, and nail technology salons and barber shops.

(a) No person, firm, partnership, limited liability company, or corporation shall own or operate a cosmetology, esthetics, or nail technology salon or barber shop or employ, rent space to, or independently contract with any licensee under this Act without first applying on forms provided by the Department for a certificate of registration.

(b) The application for a certificate of registration under this Section shall set forth the name, address, and telephone number of the proposed cosmetology, esthetics, or nail technology salon or barber shop; the name, address, and telephone number of the person, firm, partnership, or corporation that is to own or operate the salon or shop; and, if the salon or shop is to be owned or operated by an entity other than an individual, the name, address, and telephone number of the managing partner or the chief executive officer of the corporation or other entity that owns or operates the salon or shop.

(c) The Department shall be notified by the owner or operator of a salon or shop that is moved to a new location. If there is a change in the ownership or operation of a salon or shop, the new owner or operator shall report that change to the Department along with completion of any additional requirements set forth by rule.

(d) If a person, firm, partnership, limited liability company, or corporation owns or operates more than one shop or salon, a separate certificate of registration must be obtained for each salon or shop.

(e) A certificate of registration granted under this Section may be revoked in accordance with the provisions of Article IV and the holder of the certificate may be otherwise disciplined by the Department in accordance with rules adopted under this Act.

(f) The Department may promulgate rules to establish additional requirements for owning or operating a salon or shop.

Sec. 4-1. Powers and duties of Department. The Department shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

New matter indicated by italics - deletions by strikeout
(1) To cause to be conducted examinations to ascertain the qualifications and fitness of applicants for licensure as cosmetologists, estheticians, nail technicians, or barbers and as cosmetology, esthetics, nail technology, or barbersing teachers.

(2) To determine the establish qualifications for licensure as a cosmetologist, esthetician, nail technician, or barber or cosmetology, esthetics, nail technology, or barber teacher or cosmetology, esthetics, or nail technology clinic teachers for persons currently licensed as cosmetologists, estheticians, nail technicians, or barbers or cosmetology, esthetics, nail technology, or barber teachers or cosmetology, esthetics, or nail technology clinic teachers outside the State of Illinois or the continental U.S.

(3) To prescribe rules for:
   (i) The method of examination of candidates for licensure as a cosmetologist, esthetician, nail technician, or barber or cosmetology, esthetics, nail technology, or barbersing teacher.
   (ii) Minimum standards as to what constitutes an approved school of cosmetology, esthetics, nail technology, or barbering.

(4) To conduct investigations or hearings on proceedings to determine disciplinary action.

(5) To prescribe reasonable rules governing the sanitary regulation and inspection of cosmetology, esthetics, nail technology, or barbersing schools, salons, or shops.

(6) To prescribe, subject to and consistent with the provisions of Section 4-1.5, reasonable rules for the method of renewal for each license as a cosmetologist, esthetician, nail technician, or barber or cosmetology, esthetics, nail technology, or barbering teacher or cosmetology, esthetics, or nail technology clinic teacher.

(7) To prescribe reasonable rules for the method of registration, the issuance, fees, renewal and discipline of a certificate of registration for the ownership or operation of cosmetology, esthetics, and nail technology salons and barber shops.

(Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

(225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

(Section scheduled to be repealed on January 1, 2006)

Sec. 4-2. The Barber, Cosmetology, Esthetics, and Nail Technology Board Committee. There is established within the Department the Barber, Cosmetology, Esthetics, and Nail Technology Board Committee, composed of 11 persons, which shall serve in an advisory capacity to designated from time to time by the Director to advise the Director in all matters related to the

New matter indicated by italics - deletions by strikeout
practice of barbering, cosmetology, esthetics, and nail technology.

The 11 members of the Board Committee shall be appointed as follows: 6 licensed cosmetologists, all of whom hold a current license as a cosmetologist or cosmetology teacher and, for appointments made after the effective date of this amendatory Act of 1996, at least 2 of whom shall be an owner of or a major stockholder in a school of cosmetology, 2 of whom shall be representatives of either a franchiser or an owner operating salons in 2 or more locations within the State, one of whom shall be a representative of a franchiser with 5 or more locations within the State, one of whom shall be a representative of an owner operating salons in 5 or more locations within the State, one of whom shall be an independent salon owner, and no one of the cosmetologist members shall be a manufacturer, jobber, or stockholder in a factory of cosmetology articles or an immediate family member of any of the above; 2 of whom shall be barbers holding a current license; one member who shall be a licensed esthetician or esthetics teacher; one member who shall be a licensed nail technician or nail technology teacher; and one public member who holds no licenses issued by the Department. The Director shall give due consideration for membership to recommendations by members of the professions and by their professional organizations. Members shall serve 4 year terms and until their successors are appointed and qualified. No member shall be reappointed to the Board Committee for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Members of the Board Committee in office on the effective date of this amendatory Act of 1996 shall continue to serve for the duration of the terms to which they have been appointed, but beginning on that effective date all appointments of licensed cosmetologists and barbers to serve as members of the Board Committee shall be made in a manner that will effect at the earliest possible date the changes made by this amendatory Act of 1996 in the representative composition of the Board Committee.

A majority of Board Committee members then appointed constitutes a quorum. A majority of the quorum is required for a Board Committee decision.

Whenever the Director is satisfied that substantial justice has not been done in an examination, the Director may order a reexamination by the same or other examiners.

(Source: P.A. 93-253, eff. 7-22-03.)
(225 ILCS 410/3C-4 rep.)
(225 ILCS 410/3C-5 rep.)

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0451

(225 ILCS 410/4-1.5 rep.)
Section 15. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 is amended by repealing Sections 3C-4, 3C-5, and 4-1.5.
Section 99. Effective date. This Act takes effect December 31, 2005.
Passed in the General Assembly May 27, 2005.
Approved August 4, 2005.
Effective December 31, 2005.

PUBLIC ACT 94-0452
(House Bill No 0900)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Sections 2105-5 and 2105-15 as follows:
(20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)
Sec. 2105-5. Definitions.
(a) In this Law:
"Department" means the Department of Professional Regulation.
"Director" means the Director of Professional Regulation.
(b) In the construction of this Section and Sections 2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120, 2105-125, 2105-175, and 2105-325, the following definitions shall govern unless the context otherwise clearly indicates:
"Board" means the board of persons designated for a profession, trade, or occupation under the provisions of any Act now or hereafter in force whereby the jurisdiction of that profession, trade, or occupation is devolved on the Department.
"Certificate" means a license, certificate of registration, permit, or other authority purporting to be issued or conferred by the Department by virtue or authority of which the registrant has or claims the right to engage in a profession, trade, occupation, or operation of which the Department has jurisdiction.
"Registrant" means a person who holds or claims to hold a certificate.
"Retiree" means a person who has been duly licensed, registered, or certified in a profession regulated by the Department and who chooses to relinquish or not renew his or her license, registration, or certification.

New matter indicated by italics - deletions by strikeout
Sec. 2105-15. General powers and duties.

(a) The Department has, subject to the provisions of the Civil Administrative Code of Illinois, the following powers and duties:

(1) To authorize examinations in English to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which the examination is held.

(2) To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations.

(3) To pass upon the qualifications of applicants for licenses, certificates, and authorities, whether by examination, by reciprocity, or by endorsement.

(4) To prescribe rules and regulations defining, for the respective professions, trades, and occupations, what shall constitute a school, college, or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college, or university, or department of a university, or other institution, reputable and in good standing, by reference to a compliance with those rules and regulations; provided, that no school, college, or university, or department of a university, or other institution that refuses admittance to applicants solely on account of race, color, creed, sex, or national origin shall be considered reputable and in good standing.

(5) To conduct hearings on proceedings to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to licenses, certificates, or authorities of persons exercising the respective professions, trades, or occupations and to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to those licenses, certificates, or authorities. The Department shall issue a monthly disciplinary report. The Department shall deny any license or renewal authorized by the Civil Administrative Code of Illinois to any person who has defaulted on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, the Department may

New matter indicated by italics - deletions by strikeout
issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, beginning June 1, 1996, any license issued by the Department may be suspended or revoked if the Department, after the opportunity for a hearing under the appropriate licensing Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan. For the purposes of this Section, "satisfactory repayment record" shall be defined by rule. The Department shall refuse to issue or renew a license to, or shall suspend or revoke a license of, any person who, after receiving notice, fails to comply with a subpoena or warrant relating to a paternity or child support proceeding. However, the Department may issue a license or renewal upon compliance with the subpoena or warrant.

The Department, without further process or hearings, shall revoke, suspend, or deny any license or renewal authorized by the Civil Administrative Code of Illinois to a person who is certified by the Illinois Department of Public Aid as being more than 30 days delinquent in complying with a child support order or who is certified by a court as being in violation of the Non-Support Punishment Act for more than 60 days. The Department may, however, issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Department of Public Aid or if the person is determined by the court to be in compliance with the Non-Support Punishment Act. The Department may implement this paragraph as added by Public Act 89-6 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

(6) To transfer jurisdiction of any realty under the control of the Department to any other department of the State Government or to acquire or accept federal lands when the transfer, acquisition, or acceptance is advantageous to the State and is approved in writing by the Governor.

(7) To formulate rules and regulations necessary for the enforcement of any Act administered by the Department.

New matter indicated by italics - deletions by strikeout
(8) To exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Professional Regulation shall not be liable under any federal or State law to any person for any disclosure of information to the Illinois Department of Public Aid under this paragraph (8) or for any other action taken in good faith to comply with the requirements of this paragraph (8).

(9) To perform other duties prescribed by law.

(b) The Department may, when a fee is payable to the Department for a wall certificate of registration provided by the Department of Central Management Services, require that portion of the payment for printing and distribution costs be made directly or through the Department to the Department of Central Management Services for deposit into the Paper and Printing Revolving Fund. The remainder shall be deposited into the General Revenue Fund.

(c) For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs, and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities set forth in Sections 504 and 508 of the Illinois Controlled Substances Act, the Director and agents appointed and authorized by the Director may expend sums from the Professional Regulation Evidence Fund that the Director deems necessary from the amounts appropriated for that purpose. Those sums may be advanced to the agent when the Director deems that procedure to be in the public interest. Sums for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make the purchase from the Professional Regulation Evidence Fund on vouchers signed by the Director. The Director and those agents are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set
forth in this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the written signatures of 2 persons designated by the Director to write those checks and make those withdrawals. Vouchers for those expenditures must be signed by the Director. All such expenditures shall be audited by the Director, and the audit shall be submitted to the Department of Central Management Services for approval.

(d) Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, the information contained in State files that is necessary to fulfill the request.

(e) The provisions of this Section do not apply to private business and vocational schools as defined by Section 1 of the Private Business and Vocational Schools Act.

(f) Beginning July 1, 1995, this Section does not apply to those professions, trades, and occupations licensed under the Real Estate License Act of 2000, nor does it apply to any permits, certificates, or other authorizations to do business provided for in the Land Sales Registration Act of 1989 or the Illinois Real Estate Time-Share Act.

(g) The Department may grant the title "Retired", to be used immediately adjacent to the title of a profession regulated by the Department, to eligible retirees. The use of the title "Retired" shall not constitute representation of current licensure, registration, or certification. Any person without an active license, registration, or certificate in a profession that requires licensure, registration, or certification shall not be permitted to practice that profession.

(Source: P.A. 91-239, eff. 1-1-00; 91-245, eff. 12-31-99; 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

Section 10. The Professional Engineering Practice Act of 1989 is amended by changing Section 9 as follows:

(Section scheduled to be repealed on January 1, 2010)

Sec. 9. Licensure qualifications; Examinations; Failure or refusal to take examinations. Examinations provided for by this Act shall be conducted under rules prescribed by the Department. Examinations shall be held not less frequently than semi-annually, at times and places prescribed by the

New matter indicated by italics - deletions by strikeout
Department, of which applicants shall be notified by the Department in writing.

Beginning on or before January 1, 2005, a principles of practice examination in Software Engineering shall be offered to applicants.

Examinations of the applicants who seek to practice professional engineering shall ascertain: (a) if the applicant has an adequate understanding of the basic and engineering sciences, which shall embrace subjects required of candidates for an approved baccalaureate degree in engineering, and (b) if the training and experience of the applicant have provided a background for the application of the basic and engineering sciences to the solution of engineering problems. The Department may by rule prescribe additional subjects for examination. If an applicant neglects, fails without an approved excuse, or refuses to take the next available examination offered for licensure under this Act within 3 years after filing the application, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee.

(Source: P.A. 92-145, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 18, 2005.
Approved August 4, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0453
(House Bill No 1311)

AN ACT concerning townships.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Township Code is amended by changing Section 30-95 as follows:

(60 ILCS 1/30-95)

Sec. 30-95. Livestock running at large. The electors may restrain, regulate, or prohibit the running at large of poultry, cattle, horses, mules, asses, swine, sheep, or goats and may determine the time and manner in which those animals may go at large, unless they are restrained from running at large in some manner provided by law.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0453
(Source: P.A. 82-783; 88-62.)
Passed in the General Assembly May 11, 2005.
Approved August 14, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0454
(House Bill No 1323)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Conservation District Act is amended by changing
Section 6 as follows:
(70 ILCS 410/6) (from Ch. 96 1/2, par. 7106)
Sec. 6. Within 60 days after their selection, the trustees shall organize
by selecting from their members a president, secretary, treasurer and such
other officers as are deemed necessary, who shall hold office for the fiscal
year in which elected and until their successors are selected and qualify.
Three trustees shall constitute a quorum of the board for the transaction of
business if the district has 5 trustees. If the district has 7 trustees, 4 trustees
shall constitute a quorum of the board for the transaction of business. The
board shall hold regular monthly meetings. Special meetings may be called
by the president and shall be called on the request of a majority of members,
as may be required.

The board shall provide for the proper and safe keeping of its
permanent records and for the recording of the corporate action of the district.
It shall keep a proper system of accounts showing a true and accurate record
of its receipts and disbursements and it shall cause an annual audit to be made
of its books, records and accounts.

The records of the district shall be subject to public inspection at all
reasonable hours and under such regulations as the board may prescribe.

The district shall annually make a full and complete report to the
county board of each county within the district and to the Department of
Natural Resources of its transactions and operations for the preceding year.
Such report shall contain a full statement of its receipts, disbursements and
the program of work for the period covered, and may include such
recommendations as may be deemed advisable.

Executive or ministerial duties may be delegated to one or more
trustees or to an authorized officer, employee, agent, attorney or other

New matter indicated by italics - deletions by strikeout
All officers and employees authorized to receive or retain the custody of money or to sign vouchers, checks, warrants or evidences of indebtedness binding upon the district shall furnish surety bond for the faithful performance of their duties and the faithful accounting for all moneys that may come into their hands in an amount to be fixed and in a form to be approved by the board.

All contracts for supplies, material, or work involving an expenditure in excess of $20,000 shall be let to the lowest responsible bidder, after due advertisement, excepting work requiring personal confidence or necessary supplies under the control of monopolies, where competitive bidding is impossible. All contracts for supplies, material or work shall be signed by the president of the board and by any such other officer as the board in its discretion may designate.

(Source: P.A. 89-445, eff. 2-7-96.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General assembly May 18, 2005.

Approved August 4, 2005.

Effective August 4, 2005.

PUBLIC ACT 94-0455
(House Bill No 1383)

AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 14-130 as follows:

(40 ILCS 5/14-130) (from Ch. 108 1/2, par. 14-130)

Sec. 14-130. Refunds; rules.

(a) Upon withdrawal a member is entitled to receive, upon written request, a refund of the member's contributions, including credits granted while in receipt of disability benefits, without credited interest. The board, in its discretion may withhold payment of the refund of a member's contributions for a period not to exceed 1 year after the member has ceased to be an employee.

For purposes of this Section, a member will be considered to have withdrawn from service if a change in, or transfer of, his position results in his becoming ineligible for continued membership in this System and eligible

New matter indicated by italics - deletions by strikeout
for membership in another public retirement system under this Act.

(b) A member receiving a refund forfeits and relinquishes all accrued rights in the System, including all accumulated creditable service. If the person again becomes a member of the System and establishes at least 2 years of creditable service, the member may repay all the moneys previously refunded or a portion of the moneys previously refunded representing contributions for one or more whole months of creditable service. If a member repays a portion of moneys previously refunded, he or she may later repay some or all of the remaining portion of those previously refunded moneys. However, a former member may restore credits previously forfeited by acceptance of a refund without returning to service by applying in writing and repaying to the System, by April 1, 1993, the amount of the refund plus regular interest calculated from the date of refund to the date of repayment.

The repayment of refunds issued prior to January 1, 1984 shall consist of the amount refunded plus 5% interest per annum compounded annually for the period from the date of the refund to the end of the month in which repayment is made. The repayment of refunds issued after January 1, 1984 shall consist of the amount refunded plus regular interest for the period from the date of refund to the end of the month in which repayment is made. The repayment of the refund of a person who accepts an alternative retirement cancellation payment under Section 14-108.5 shall consist of the entire amount paid to the person under subsection (c) of Section 14-108.5 plus regular interest for the period from the date of the refund to the end of the month in which repayment is made. However, in the case of a refund that is repaid in a lump sum between January 1, 1991 and July 1, 1991, repayment shall consist of the amount refunded plus interest at the rate of 2.5% per annum compounded annually from the date of the refund to the end of the month in which repayment is made.

Upon repayment, the member shall receive credit for the service for which the refund has been repaid, and the corresponding member contributions and regular interest that was forfeited by acceptance of the refund, as well as regular interest for the period of non-membership. Such repayment shall be made in full before retirement either in a lump sum or in installment payments in accordance with such rules as may be adopted by the board.

(b-5) The Board may adopt rules governing the repayment of refunds and establishment of credits in cases involving awards of back pay or reinstatement. The rules may authorize repayment of a refund in installment payments and may waive the payment of interest on refund amounts repaid.

New matter indicated by italics - deletions by strikeout
in full within a specified period.

(c) A member no longer in service who is unmarried and does not have an eligible survivors annuity beneficiary on the date of application therefor is entitled to a refund of contributions for widow's annuity or survivors annuity purposes, or both, as the case may be, without interest. A widow's annuity or survivors annuity shall not be payable upon the death of a person who has received this refund, unless prior to that death the amount of the refund has been repaid to the System, together with regular interest from the date of the refund to the date of repayment.

(d) Any member who has service credit in any position for which an alternative retirement annuity is provided and in relation to which an increase in the rate of employee contribution is required, shall be entitled to a refund, without interest, of that part of the member's employee contribution which results from that increase in the employee rate if the member does not qualify for that alternative retirement annuity at the time of retirement.

(Source: P.A. 93-839, eff. 7-30-04.)


PUBLIC ACT 94-0456

(House Bill No 1527)

AN ACT in relation to public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 7-141.1 as follows:

(40 ILCS 5/7-141.1)

Sec. 7-141.1. Early retirement incentive.

(a) The General Assembly finds and declares that:

(1) Units of local government across the State have been functioning under a financial crisis.

(2) This financial crisis is expected to continue.

(3) Units of local government must depend on additional sources of revenue and, when those sources are not forthcoming, must establish cost-saving programs.

(4) An early retirement incentive designed specifically to
target highly-paid senior employees could result in significant annual
cost savings.

(5) The early retirement incentive should be made available
only to those units of local government that determine that an early
retirement incentive is in their best interest.

(6) A unit of local government adopting a program of early
retirement incentives under this Section is encouraged to implement
personnel procedures to prohibit, for at least 5 years, the rehiring
(whether on payroll or by independent contract) of employees who
receive early retirement incentives.

(7) A unit of local government adopting a program of early
retirement incentives under this Section is also encouraged to replace
as few of the participating employees as possible and to hire
replacement employees for salaries totaling no more than 80% of the
total salaries formerly paid to the employees who participate in the
early retirement program.

It is the primary purpose of this Section to encourage units of local
government that can realize true cost savings, or have determined that an
early retirement program is in their best interest, to implement an early
retirement program.

(b) Until the effective date of this amendatory Act of 1997, this
Section does not apply to any employer that is a city, village, or incorporated
town, nor to the employees of any such employer. Beginning on the effective
date of this amendatory Act of 1997, any employer under this Article,
including an employer that is a city, village, or incorporated town, may
establish an early retirement incentive program for its employees under this
Section. The decision of a city, village, or incorporated town to consider or
establish an early retirement program is at the sole discretion of that city,
village, or incorporated town, and nothing in this amendatory Act of 1997
limits or otherwise diminishes this discretion. Nothing contained in this
Section shall be construed to require a city, village, or incorporated town to
establish an early retirement program and no city, village, or incorporated
town may be compelled to implement such a program.

The benefits provided in this Section are available only to members
employed by a participating employer that has filed with the Board of the
Fund a resolution or ordinance expressly providing for the creation of an
early retirement incentive program under this Section for its employees and
specifying the effective date of the early retirement incentive program.
Subject to the limitation in subsection (h), an employer may adopt a

New matter indicated by italics - deletions by strikeout
resolution or ordinance providing a program of early retirement incentives under this Section at any time.

The resolution or ordinance shall be in substantially the following form:

RESOLUTION (ORDINANCE) NO. ....
A RESOLUTION (ORDINANCE) ADOPTING AN EARLY RETIREMENT INCENTIVE PROGRAM FOR EMPLOYEES
IN THE ILLINOIS MUNICIPAL RETIREMENT FUND
WHEREAS, Section 7-141.1 of the Illinois Pension Code provides that a participating employer may elect to adopt an early retirement incentive program offered by the Illinois Municipal Retirement Fund by adopting a resolution or ordinance; and
WHEREAS, The goal of adopting an early retirement program is to realize a substantial savings in personnel costs by offering early retirement incentives to employees who have accumulated many years of service credit; and
WHEREAS, Implementation of the early retirement program will provide a budgeting tool to aid in controlling payroll costs; and
WHEREAS, The (name of governing body) has determined that the adoption of an early retirement incentive program is in the best interests of the (name of participating employer); therefore be it
RESOLVED (ORDAINED) by the (name of governing body) of (name of participating employer) that:
(1) The (name of participating employer) does hereby adopt the Illinois Municipal Retirement Fund early retirement incentive program as provided in Section 7-141.1 of the Illinois Pension Code. The early retirement incentive program shall take effect on (date).
(2) In order to help achieve a true cost savings, a person who retires under the early retirement incentive program shall lose those incentives if he or she later accepts employment with any IMRF employer in a position for which participation in IMRF is required or is elected by the employee.
(3) In order to utilize an early retirement incentive as a budgeting tool, the (name of participating employer) will use its best efforts either to limit the number of employees who replace the employees who retire under the early retirement program or to limit the salaries paid to the employees who replace the employees who retire under the early retirement program.
(4) The effective date of each employee's retirement under this early retirement program shall be set by (name of employer) and shall be no earlier than the effective date of the program and no later than one year after that

New matter indicated by italics - deletions by strikeout
effective date; except that the employee may require that the retirement date set by the employer be no later than the June 30 next occurring after the effective date of the program and no earlier than the date upon which the employee qualifies for retirement.

(5) To be eligible for the early retirement incentive under this Section, the employee must have attained age 50 and have at least 20 years of creditable service by his or her retirement date.

(6) The (clerk or secretary) shall promptly file a certified copy of this resolution (ordinance) with the Board of Trustees of the Illinois Municipal Retirement Fund.

CERTIFICATION

I, (name), the (clerk or secretary) of the (name of participating employer) of the County of (name), State of Illinois, do hereby certify that I am the keeper of the books and records of the (name of employer) and that the foregoing is a true and correct copy of a resolution (ordinance) duly adopted by the (governing body) at a meeting duly convened and held on (date).

SEAL

(Signature of clerk or secretary)

(c) To be eligible for the benefits provided under an early retirement incentive program adopted under this Section, a member must:

(1) be a participating employee of this Fund who, on the effective date of the program, (i) is in active payroll status as an employee of a participating employer that has filed the required ordinance or resolution with the Board, (ii) is on layoff status from such a position with a right of re-employment or recall to service, (iii) is on a leave of absence from such a position, or (iv) is on disability but has not been receiving benefits under Section 7-146 or 7-150 for a period of more than 2 years from the date of application;

(2) have never previously received a retirement annuity under this Article or under the Retirement Systems Reciprocal Act using service credit established under this Article;

(3) (blank);

(4) have at least 20 years of creditable service in the Fund by the date of retirement, without the use of any creditable service established under this Section;

(5) have attained age 50 by the date of retirement, without the use of any age enhancement received under this Section; and

(6) be eligible to receive a retirement annuity under this

New matter indicated by italics - deletions by strikeout
Article by the date of retirement, for which purpose the age enhancement and creditable service established under this Section may be considered.

(d) The employer shall determine the retirement date for each employee participating in the early retirement program adopted under this Section. The retirement date shall be no earlier than the effective date of the program and no later than one year after that effective date, except that the employee may require that the retirement date set by the employer be no later than the June 30 next occurring after the effective date of the program and no earlier than the date upon which the employee qualifies for retirement. The employer shall give each employee participating in the early retirement program at least 30 days written notice of the employee's designated retirement date, unless the employee waives this notice requirement.

(e) An eligible person may establish up to 5 years of creditable service under this Section. In addition, for each period of creditable service established under this Section, a person shall have his or her age at retirement deemed enhanced by an equivalent period.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final rate of earnings and the determination of earnings, salary, or compensation under this or any other Article of the Code.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of the reduction imposed under subdivision (a)1b(iv) of Section 7-142), except for purposes of a reversionary annuity under Section 7-145 and any distributions required because of age. The age enhancement established under this Section may be used in calculating a proportionate annuity payable by this Fund under the Retirement Systems Reciprocal Act, but shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(f) For all creditable service established under this Section, the member must pay to the Fund an employee contribution consisting of 4.5% of the member's highest annual salary rate used in the determination of the final rate of earnings for retirement annuity purposes for each year of creditable service granted under this Section. For creditable service established under this Section by a person who is a sheriff's law enforcement employee to be deemed service as a sheriff's law enforcement employee, the employee contribution shall be at the rate of 6.5% of highest annual salary per year of creditable service granted. Contributions for fractions of a year of
service shall be prorated. Any amounts that are disregarded in determining the final rate of earnings under subdivision (d)(5) of Section 7-116 (the 125% rule) shall also be disregarded in determining the required contribution under this subsection (f).

The employee contribution shall be paid to the Fund as follows: If the member is entitled to a lump sum payment for accumulated vacation, sick leave, or personal leave upon withdrawal from service, the employer shall deduct the employee contribution from that lump sum and pay the deducted amount directly to the Fund. If there is no such lump sum payment or the required employee contribution exceeds the net amount of the lump sum payment, then the remaining amount due, at the option of the employee, may either be paid to the Fund before the annuity commences or deducted from the retirement annuity in 24 equal monthly installments.

(g) An annuitant who has received any age enhancement or creditable service under this Section and thereafter accepts employment with or enters into a personal services contract with an employer under this Article thereby forfeits that age enhancement and creditable service; except that this restriction does not apply to service in an elective office, so long as the annuitant does not participate in this Fund with respect to that office. A person forfeiting early retirement incentives under this subsection (i) must repay to the Fund that portion of the retirement annuity already received which is attributable to the early retirement incentives that are being forfeited, (ii) shall not be eligible to participate in any future early retirement program adopted under this Section, and (iii) is entitled to a refund of the employee contribution paid under subsection (f). The Board shall deduct the required repayment from the refund and may impose a reasonable payment schedule for repaying the amount, if any, by which the required repayment exceeds the refund amount.

(h) The additional unfunded liability accruing as a result of the adoption of a program of early retirement incentives under this Section by an employer shall be amortized over a period of 10 years beginning on January 1 of the second calendar year following the calendar year in which the latest date for beginning to receive a retirement annuity under the program (as determined by the employer under subsection (d) of this Section) occurs; except that the employer may provide for a shorter amortization period (of no less than 5 years) by adopting an ordinance or resolution specifying the length of the amortization period and submitting a certified copy of the ordinance or resolution to the Fund no later than 6 months after the effective date of the program. An employer, at its discretion, may accelerate payments to the

New matter indicated by italics - deletions by strikeout
Fund.

An employer may provide more than one early retirement incentive program for its employees under this Section. However, an employer that has provided an early retirement incentive program for its employees under this Section may not provide another early retirement incentive program under this Section until the liability arising from the earlier program has been fully paid to the Fund.

(Source: P.A. 90-32, eff. 6-27-97; 91-887, eff. 7-6-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 16, 2005.
Approved August 4, 2005.
Effective August 4, 2005.

PUBLIC ACT 94-0457
(House Bill No 1574)

AN ACT concerning counties.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 5-25012 as follows:

(55 ILCS 5/5-25012) (from Ch. 34, par. 5-25012)
Sec. 5-25012. Board of health. Except in those cases where a board of 12 members is provided for as authorized in this Section, each county health department shall be managed by a board of health consisting of 8 members appointed by the president or chairman of the county board, with the approval of the county board, for a 3 year term, except that of the first appointees 2 shall serve for one year, 2 for 2 years, 3 for 3 years and the term of the member appointed from the county board, as provided in this Section, shall be one year and shall continue until reappointment or until a successor is appointed. Each board of health which has 8 members, may have one additional member appointed by the president or chairman of the county board, with the approval of the county board. The additional member shall first be appointed within 90 days after the effective date of this amendatory Act for a term ending July 1, 2002.

The county health department in a county having a population of 200,000 or more may, if the county board, by resolution, so provides, be managed by a board of health consisting of 12 members appointed by the president or chairman of the county board, with the approval of the county board, as provided in this Section, shall be one year and shall continue until reappointment or until a successor is appointed. Each board of health which has 8 members, may have one additional member appointed by the president or chairman of the county board, with the approval of the county board. The additional member shall first be appointed within 90 days after the effective date of this amendatory Act for a term ending July 1, 2002.

New matter indicated by italics - deletions by strikeout
board, for a 3 year term, except that of the first appointees 3 shall serve for one year, 4 for 2 years, 4 for 3 years and the term of the member appointed from the county board, as provided in this Section, shall be one year and shall continue until reappointment or until a successor is appointed. In counties with a population of 200,000 or more which have a board of health of 8 members, the county board may, by resolution, increase the size of the board of health to 12 members, in which case the 4 members added shall be appointed, as of the next anniversary of the present appointments, 2 for terms of 3 years, one for 2 years and one for one year.

The county board in counties with a population of more than 100,000 but less than 3,000,000 inhabitants and contiguous to any county with a metropolitan area with more than 1,000,000 inhabitants, may establish compensation for the board of health, as remuneration for their services as members of the board of health. Monthly compensation shall not exceed $200 except in the case of the president of the board of health whose monthly compensation shall not exceed $400.

Each multiple-county health department shall be managed by a board of health consisting of 4 members appointed from each county by the president or chairman of the county board with the approval of the county board for a 3 year term, except that of the first appointees from each county one shall serve for one year, one for 2 years, one for 3 years and the term of the member appointed from the county board of each member county, as hereinafter provided, shall be one year and shall continue until reappointment or until a successor is appointed.

The term of office of original appointees shall begin on July 1 following their appointment, and the term of all members shall continue until their successors are appointed. All members shall serve without compensation but may be reimbursed for actual necessary expenses incurred in the performance of their duties. At least 2 members of each county board of health shall be physicians licensed in Illinois to practice medicine in all of its branches and at least one member shall be a dentist licensed in Illinois. In counties with a population under 500,000, one member shall be chosen from the county board or the board of county commissioners as the case may be. In counties with a population over 500,000, two members shall be chosen from the county board or the board of county commissioners as the case may be. At least one member from each county on each multiple-county board of health shall be a physician licensed in Illinois to practice medicine in all of its branches, one member from each county on each multiple-county board of health shall be chosen from the county board or the board of county

New matter indicated by italics - deletions by strikeout
commissioners, as the case may be, and at least one member of the board of health shall be a dentist licensed in Illinois. Whenever possible, at least one member shall have experience in the field of mental health. All members shall be chosen for their special fitness for membership on the board.

Any member may be removed for misconduct or neglect of duty by the chairman or president of the county board, with the approval of the county board, of the county which appointed him.

Vacancies shall be filled as in the case of appointment for a full term.

Notwithstanding any other provision of this Act to the contrary, a county with a population of 240,000 or more inhabitants that does not currently have a county health department may, by resolution of the county board, establish a board of health consisting of the members of such board. Such board of health shall be advised by a committee which shall consist of at least 5 members appointed by the president or chairman of the county board with the approval of the county board for terms of 3 years; except that of the first appointees at least 2 shall serve for 3 years, at least 2 shall serve for 2 years and at least one shall serve for one year. At least one member of the advisory committee shall be a physician licensed in Illinois to practice medicine in all its branches, at least one shall be a dentist licensed in Illinois, and one shall be a nurse licensed in Illinois. All members shall be chosen for their special fitness for membership on the advisory committee.

All members of a board established under this Section must be residents of the county, except that a member who is required to be a physician, dentist, or nurse may reside outside the county if no physician, dentist, or nurse, as applicable, who resides in the county is willing and able to serve.

(Source: P.A. 91-568, eff. 8-14-99.)

Passed in the General Assembly May 16, 2005.
Approved August 4, 2005.
Effective January 1, 2006.
Sec. 1. Short title. This Act may be cited as the Financial Institutions Electronic Documents and Digital Signature Act. (Source: P.A. 90-575, eff. 3-20-98.)

Sec. 5. Definitions. As used in this Act:
"Digital signature" means an encrypted electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.

"Financial institution" means a bank, a savings and loan association, a savings bank, or a credit union, established under the laws of this or any other state or established under the laws of the United States the deposits of which are insured by the Federal Deposit Insurance Corporation or other agency of the federal government.

"Substitute check" means a paper reproduction of an original check, as defined in the Check Clearing for the 21st Century Act (12 U.S.C. 5001, et seq.), as amended from time to time, and the rules promulgated thereunder. (Source: P.A. 90-575, eff. 3-20-98.)

Sec. 10. Electronic documents; digital signatures.
(a) If in the regular course of business, a financial institution possesses, records, or generates any document, representation, image, substitute check, reproduction, or combination thereof, of any agreement, transaction, act, occurrence, or event by any electronic or computer-generated process that accurately reproduces, comprises, or records the agreement, transaction, act, occurrence, or event, the recording, comprising, or reproduction shall have the same force and effect under the laws of this State as one comprised, recorded, or created on paper or other tangible form by writing, typing, printing, or similar means.

(b) In any communication, acknowledgement, agreement, or contract between a financial institution and its customer, in which a signature is required or used, any party to the communication, acknowledgement, agreement, or contract may affix a signature by use of a digital signature, and the digital signature, when lawfully used by the person whose signature it purports to be, shall have the same force and effect as the use of a manual signature if it is unique to the person using it, is capable of verification, is under the sole control of the person using it, and is linked to data in such a manner that if the data are changed, the digital signature is invalidated.

New matter indicated by italics - deletions by strikeout
Nothing in this Section shall require any financial institution or customer to use or permit the use of a digital signature.

(Source: P.A. 90-575, eff. 3-20-98.)

Section 10. The Criminal Code of 1961 is amended by changing Section 17-3 as follows:

(720 ILCS 5/17-3) (from Ch. 38, par. 17-3)
Sec. 17-3. Forgery.
(a) A person commits forgery when, with intent to defraud, he knowingly:

(1) makes or alters any document apparently capable of defrauding another in such manner that it purports to have been made by another or at another time, or with different provisions, or by authority of one who did not give such authority; or
(2) issues or delivers such document knowing it to have been thus made or altered; or
(3) possesses, with intent to issue or deliver, any such document knowing it to have been thus made or altered; or
(4) unlawfully uses the digital signature, as defined in the Financial Institutions Electronic Documents and Digital Signature Act, of another; or
(5) unlawfully uses the signature device of another to create an electronic signature of that other person, as those terms are defined in the Electronic Commerce Security Act.

(b) An intent to defraud means an intention to cause another to assume, create, transfer, alter or terminate any right, obligation or power with reference to any person or property. As used in this Section, "document" includes, but is not limited to, any document, representation, or image produced manually, electronically, or by computer.

(c) A document apparently capable of defrauding another includes, but is not limited to, one by which any right, obligation or power with reference to any person or property may be created, transferred, altered or terminated. A document includes any record or electronic record as those terms are defined in the Electronic Commerce Security Act.

(d) Sentence.
Forgery is a Class 3 felony.

(Source: P.A. 90-575, eff. 3-20-98; 90-759, eff. 7-1-99; 91-357, eff. 7-29-99.)
AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Pharmacy Practice Act of 1987 is amended by changing Section 3 and by adding Section 41 as follows:

(225 ILCS 85/3) (from Ch. 111, par. 4123)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions. For the purpose of this Act, except where otherwise limited therein:

(a) "Pharmacy" or "drugstore" means and includes every store, shop, pharmacy department, or other place where pharmaceutical care is provided by a pharmacist (1) where drugs, medicines, or poisons are dispensed, sold or offered for sale at retail, or displayed for sale at retail; or (2) where prescriptions of physicians, dentists, veterinarians, podiatrists, or therapeutically certified optometrists, within the limits of their licenses, are compounded, filled, or dispensed; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore", "Medicine Store", "Prescriptions", "Drugs", "Medicines", or any word or words of similar or like import, either in the English language or any other language; or (4) where the characteristic prescription sign (Rx) or similar design is exhibited; or (5) any store, or shop, or other place with respect to which any of the above words, objects, signs or designs are used in any advertisement.

(b) "Drugs" means and includes (1) articles recognized in the official United States Pharmacopoeia/National Formulary (USP/NF), or any supplement thereto and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (2) all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (3) articles
(other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and (4) articles having for their main use and intended for use as a component or any articles specified in clause (1), (2) or (3); but does not include devices or their components, parts or accessories.

(c) "Medicines" means and includes all drugs intended for human or veterinary use approved by the United States Food and Drug Administration.

(d) "Practice of pharmacy" means the provision of pharmaceutical care to patients as determined by the pharmacist's professional judgment in the following areas, which may include but are not limited to (1) patient counseling, (2) interpretation and assisting in the monitoring of appropriate drug use and prospective drug utilization review, (3) providing information on the therapeutic values, reactions, drug interactions, side effects, uses, selection of medications and medical devices, and outcome of drug therapy, (4) participation in drug selection, drug monitoring, drug utilization review, evaluation, administration, interpretation, application of pharmacokinetic and laboratory data to design safe and effective drug regimens, (5) drug research (clinical and scientific), and (6) compounding and dispensing of drugs and medical devices.

(e) "Prescription" means and includes any written, oral, facsimile, or electronically transmitted order for drugs or medical devices, issued by a physician licensed to practice medicine in all its branches, dentist, veterinarian, or podiatrist, or therapeutically certified optometrist, within the limits of their licenses, by a physician assistant in accordance with subsection (f) of Section 4, or by an advanced practice nurse in accordance with subsection (g) of Section 4, containing the following: (1) name of the patient; (2) date when prescription was issued; (3) name and strength of drug or description of the medical device prescribed; and (4) quantity, (5) directions for use, (6) prescriber's name, address and signature, and (7) DEA number where required, for controlled substances. DEA numbers shall not be required on inpatient drug orders.

(f) "Person" means and includes a natural person, copartnership, association, corporation, government entity, or any other legal entity.

(g) "Department" means the Department of Professional Regulation.

(h) "Board of Pharmacy" or "Board" means the State Board of Pharmacy of the Department of Professional Regulation.

(i) "Director" means the Director of Professional Regulation.

(j) "Drug product selection" means the interchange for a prescribed pharmaceutical product in accordance with Section 25 of this Act and Section

New matter indicated by italics - deletions by strikeout

(k) "Inpatient drug order" means an order issued by an authorized prescriber for a resident or patient of a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections.

(k-5) "Pharmacist" means an individual health care professional and provider currently licensed by this State to engage in the practice of pharmacy.

(l) "Pharmacist in charge" means the licensed pharmacist whose name appears on a pharmacy license and who is responsible for all aspects of the operation related to the practice of pharmacy.

(m) "Dispense" means the delivery of drugs and medical devices, in accordance with applicable State and federal laws and regulations, to the patient or the patient's representative authorized to receive these products, including the preparation, compounding, packaging, and labeling necessary for delivery, computer entry, and verification of medication orders and prescriptions, and any recommending or advising concerning the contents and therapeutic values and uses thereof. "Dispense" does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier. "Dispense" also does not mean the physical delivery of a drug or medical device to a patient or patient's representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

(n) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(o) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or medical device: (1) as the result of a practitioner's prescription drug order or initiative that is dispensed pursuant to a prescription in the course of professional practice; or (2) for the purpose of, or incident to, research, teaching, or chemical analysis; or (3) in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

(p) "Confidential information" means information, maintained by the

New matter indicated by italics - deletions by strikeout
pharmacist in the patient's records, released only (i) to the patient or, as the patient directs, to other practitioners and other pharmacists or (ii) to any other person authorized by law to receive the information.

(q) "Prospective drug review" or "drug utilization evaluation" means a screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse.

(r) "Patient counseling" means the communication between a pharmacist or a student pharmacist under the direct supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. The offer to counsel by the pharmacist or the pharmacist's designee, and subsequent patient counseling by the pharmacist or student pharmacist, shall be made in a face-to-face communication with the patient or patient's representative unless, in the professional judgment of the pharmacist, a face-to-face communication is deemed inappropriate or unnecessary. In that instance, the offer to counsel or patient counseling may be made in a written communication, by telephone, or in a manner determined by the pharmacist to be appropriate.

(s) "Patient profiles" or "patient drug therapy record" means the obtaining, recording, and maintenance of patient prescription information, including prescriptions for controlled substances, and personal information.

(t) "Pharmaceutical care" includes, but is not limited to, the act of monitoring drug use and other patient care services intended to achieve outcomes that improve the patient's quality of life but shall not include the sale of over-the-counter drugs by a seller of goods and services who does not dispense prescription drugs.

(u) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician". A seller of goods and services who, only for the purpose of retail sales, compounds, sells, rents, or leases medical devices shall not, by reasons thereof, be required to be a licensed pharmacy.

(v) "Unique identifier" means an electronic signature, handwritten signature or initials, thumb print, or other acceptable individual biometric or electronic identification process as approved by the Department.

New matter indicated by italics - deletions by strikeout
Public Act 94-0459

(w) "Current usual and customary retail price" means the actual price that a pharmacy charges a retail purchaser.
(Source: P.A. 92-880, eff. 1-1-04; 93-571, eff. 8-20-03; 93-1075, eff. 1-18-05.)

(225 ILCS 85/41 new)
(Section scheduled to be repealed on January 1, 2008)
Sec. 41. Current usual and customary retail price disclosure. Upon request, a pharmacy must disclose the current usual and customary retail price of any brand or generic prescription drug or medical device that the pharmacy offers for sale to the public. This disclosure requirement applies only to requests made in person or by telephone for the prices of no more than 10 prescription drugs or medical devices for which the person making the request has a prescription. Prices quoted are for informational purposes only and are valid only on the day of inquiry. The requests must specify the name, strength and quantity of the prescription drug.
Approved August 4, 2005.
Effective January 1, 2006.

Public Act 94-0460
(House Bill No 2533)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Works Contract Change Order Act is amended by changing Section 5 as follows:
(50 ILCS 525/5)
Sec. 5. Change orders; bidding. If a change order for any public works contract (i) is entered into by a unit of local government or school district, (ii) is not procured in accordance with the Illinois Procurement Code and the State Finance Act, and (iii) authorizes or necessitates any increase in the contract price that is 50% or more of the original contract price or that authorizes or necessitates any increase in the price of a subcontract under the contract that is 50% or more of the original subcontract price, then the portion of the contract that is covered by the change order must be resubmitted for bidding in the same manner for which the original contract was bid. Bidding for the portion of the contract covered by the change order is subject to any requirements to employ females and minorities on the public

New matter indicated by italics - deletions by strikeout
works project that existed at the bidding for the original contract, together with any later requirements imposed by law.
(Source: P.A. 93-656, eff. 6-1-04; revised 12-20-04.)


PUBLIC ACT 94-0461
(House Bill No 2564)

AN ACT concerning elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Section 9-1.14 as follows:

(10 ILCS 5/9-1.14)
Sec. 9-1.14. Electioneering communication defined.
(a) "Electioneering communication" means, for the purposes of this Article, any form of communication, in whatever medium, including but not limited to a newspaper, radio, television, or Internet communication, that (1) refers to a clearly identified candidate or candidates who will appear on the ballot, refers to a clearly identified political party, or refers to a clearly identified question of public policy that will appear on the ballot and (2) is made within (i) 60 days before a general election or consolidated election or (ii) 30 days before a primary election.

(b) "Electioneering communication" does not include:

(1) A communication, other than an advertisement, appearing in a news story, commentary, or editorial distributed through the facilities of any legitimate news organization, unless the facilities are owned or controlled by any political party, political committee, or candidate.

(2) A communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring the debate or forum.

(3) A communication made as part of a non-partisan activity designed to encourage individuals to vote or to register to vote.

(4) A communication by an organization operating and remaining in good standing under Section 501(c)(3) of the Internal

New matter indicated by italics - deletions by strikeout

(5) A communication exclusively between a labor organization, as defined under federal or State law, and its members.

(6) A communication exclusively between an organization formed under Section 501(c)(6) of the Internal Revenue Code and its members.

(Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03; 93-847, eff. 7-30-04.)


PUBLIC ACT 94-0462
(House Bill No 2577)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-15 as follows:

(20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)
Sec. 2105-15. General powers and duties.
(a) The Department has, subject to the provisions of the Civil Administrative Code of Illinois, the following powers and duties:

(1) To authorize examinations in English to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which the examination is held.

(2) To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations.

(3) To pass upon the qualifications of applicants for licenses, certificates, and authorities, whether by examination, by reciprocity, or by endorsement.

(4) To prescribe rules and regulations defining, for the respective professions, trades, and occupations, what shall constitute a school, college, or university, or department of a university, or other institution, reputable and in good standing, and to determine the

New matter indicated by italics - deletions by strikeout
reputability and good standing of a school, college, or university, or
department of a university, or other institution, reputable and in good
standing, by reference to a compliance with those rules and
regulations; provided, that no school, college, or university, or
department of a university, or other institution that refuses admittance
to applicants solely on account of race, color, creed, sex, or national
origin shall be considered reputable and in good standing.

(5) To conduct hearings on proceedings to revoke, suspend,
refuse to renew, place on probationary status, or take other
disciplinary action as authorized in any licensing Act administered by
the Department with regard to licenses, certificates, or authorities of
persons exercising the respective professions, trades, or occupations
and to revoke, suspend, refuse to renew, place on probationary status,
or take other disciplinary action as authorized in any licensing Act
administered by the Department with regard to those licenses,
certificates, or authorities. The Department shall issue a monthly
disciplinary report. The Department shall deny any license or renewal
authorized by the Civil Administrative Code of Illinois to any person
who has defaulted on an educational loan or scholarship provided by
or guaranteed by the Illinois Student Assistance Commission or any
governmental agency of this State; however, the Department may
issue a license or renewal if the aforementioned persons have
established a satisfactory repayment record as determined by the
Illinois Student Assistance Commission or other appropriate
governmental agency of this State. Additionally, beginning June 1,
1996, any license issued by the Department may be suspended or
revoked if the Department, after the opportunity for a hearing under
the appropriate licensing Act, finds that the licensee has failed to
make satisfactory repayment to the Illinois Student Assistance
Commission for a delinquent or defaulted loan. For the purposes of
this Section, "satisfactory repayment record" shall be defined by rule.
The Department shall refuse to issue or renew a license to, or shall
suspend or revoke a license of, any person who, after receiving notice,
fails to comply with a subpoena or warrant relating to a paternity or
child support proceeding. However, the Department may issue a
license or renewal upon compliance with the subpoena or warrant.

The Department, without further process or hearings, shall
revoke, suspend, or deny any license or renewal authorized by the
Civil Administrative Code of Illinois to a person who is certified by
the Illinois Department of Public Aid as being more than 30 days delinquent in complying with a child support order or who is certified by a court as being in violation of the Non-Support Punishment Act for more than 60 days. The Department may, however, issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Department of Public Aid or if the person is determined by the court to be in compliance with the Non-Support Punishment Act. The Department may implement this paragraph as added by Public Act 89-6 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

(6) To transfer jurisdiction of any realty under the control of the Department to any other department of the State Government or to acquire or accept federal lands when the transfer, acquisition, or acceptance is advantageous to the State and is approved in writing by the Governor.

(7) To formulate rules and regulations necessary for the enforcement of any Act administered by the Department.

(8) To exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Professional Regulation shall not be liable under any federal or State law to any person for any disclosure of information to the Illinois Department of Public Aid under this paragraph (8) or for any other action taken in good faith to comply with the requirements of this paragraph (8).

(9) To perform other duties prescribed by law.

(b) The Department may, when a fee is payable to the Department for a wall certificate of registration provided by the Department of Central Management Services, require that portion of the payment for printing and distribution costs be made directly or through the Department to the

New matter indicated by italics - deletions by strikeout
Department of Central Management Services for deposit into the Paper and Printing Revolving Fund. The remainder shall be deposited into the General Revenue Fund.

(c) For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs, and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities set forth in Sections 504 and 508 of the Illinois Controlled Substances Act, the Director and agents appointed and authorized by the Director may expend sums from the Professional Regulation Evidence Fund that the Director deems necessary from the amounts appropriated for that purpose. Those sums may be advanced to the agent when the Director deems that procedure to be in the public interest. Sums for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make the purchase from the Professional Regulation Evidence Fund on vouchers signed by the Director. The Director and those agents are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set forth in this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the written signatures of 2 persons designated by the Director to write those checks and make those withdrawals. Vouchers for those expenditures must be signed by the Director. All such expenditures shall be audited by the Director, and the audit shall be submitted to the Department of Central Management Services for approval.

(d) Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, the information contained in State files that is necessary to fulfill the request.

(e) The provisions of this Section do not apply to private business and vocational schools as defined by Section 1 of the Private Business and Vocational Schools Act.

(f) Beginning July 1, 1995, this Section does not apply to those

New matter indicated by italics - deletions by strikeout
professions, trades, and occupations licensed under the Real Estate License Act of 2000, nor does it apply to any permits, certificates, or other authorizations to do business provided for in the Land Sales Registration Act of 1989 or the Illinois Real Estate Time-Share Act.

(g) Notwithstanding anything that may appear in any individual licensing statute or administrative rule, the Department shall deny any license application or renewal authorized under any licensing Act administered by the Department to any person who has failed to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirement of any such tax Act are satisfied; however, the Department may issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Department of Revenue. For the purpose of this Section, "satisfactory repayment record" shall be defined by rule.

In addition, a complaint filed with the Department by the Illinois Department of Revenue that includes a certification, signed by its Director or designee, attesting to the amount of the unpaid tax liability or the years for which a return was not filed, or both, is prima facia evidence of the licensee’s failure to comply with the tax laws administered by the Illinois Department of Revenue. Upon receipt of that certification, the Department shall, without a hearing, immediately suspend all licenses held by the licensee. Enforcement of the Department’s order shall be stayed for 60 days. The Department shall provide notice of the suspension to the licensee by mailing a copy of the Department’s order by certified and regular mail to the licensee’s last known address as registered with the Department. The notice shall advise the licensee that the suspension shall be effective 60 days after the issuance of the Department’s order unless the Department receives, from the licensee, a request for a hearing before the Department to dispute the matters contained in the order.

Any suspension imposed under this subsection (g) shall be terminated by the Department upon notification from the Illinois Department of Revenue that the licensee is in compliance with all tax laws administered by the Illinois Department of Revenue.

The Department shall promulgate rules for the administration of this subsection (g).

(Source: P.A. 91-239, eff. 1-1-00; 91-245, eff. 12-31-99; 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

PUBLIC ACT 94-0463
(House Bill No 3022)

AN ACT concerning liquor.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquor may be delivered to and sold under the authority of a special use permit on any property owned by a conservation district organized under the Conservation District Act, provided that (i) the alcoholic liquor is sold only at an event authorized by the governing board of the conservation district, (ii) the issuance of the special use permit is authorized by the local liquor control commissioner of the territory in which the property is located, and (iii) the special use permit authorizes the sale of alcoholic liquor for one day or less. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is

New matter indicated by italics - deletions by strikeout
dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears

New matter indicated by italics - deletions by strikeout
professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram

New matter indicated by italics - deletions by strikeout
shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons;

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Alcoholic liquor may be served or delivered in buildings and facilities under the control of the

New matter indicated by italics - deletions by strikeout
Department of Natural Resources upon the written approval of the Director of Natural Resources acting as the controlling government authority. The Director of Natural Resources may specify conditions on that approval, including but not limited to requirements for insurance and hours of operation. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability insurance in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and

New matter indicated by italics - deletions by strikeout
c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX. Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts. Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

a. the request is from a not-for-profit organization;

b. such sales would not impede normal operations of the departments involved;

c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;

d. no such sale shall be made during normal working hours of the State of Illinois; and

e. the consent is in writing.

New matter indicated by italics - deletions by strikeout
Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.
The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Sites and Preservation Division of the Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, and the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum.

Alcoholic liquors may be delivered to and sold at retail or dispensed for consumption at the Michael Bilandic Building at 160 North LaSalle Street, Chicago IL 60601, after the normal business hours of any day care or child care facility located in the building, by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who accepts

New matter indicated by italics - deletions by strikeout
delivery of, sells, or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify, and save harmless the State of Illinois from all financial loss, damage, or harm arising out of the delivery, sale, or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial, or executive, provided that such agency first obtains written permission to accept delivery of and sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. obtains written consent from the Department of Central Management Services;

b. accepts delivery of and sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. accepts delivery of and sells or dispenses alcoholic liquors only in connection with an official activity in the building; and

d. provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless, and indemnify the State of Illinois from all financial loss, damage, or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago, subject to the provisions of Section 7.4 of the State Property Control Act, and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease or sublease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

New matter indicated by italics - deletions by strikeout
organization, provided that such organization:
    a. Obtains written consent from the Department of Central Management Services;
        b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
        c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
        d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:
    a. Obtains written consent from the Department of Central Management Services;
    b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
    c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
    d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

New matter indicated by italics - deletions by strikeout
Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative. Alcoholic liquors may be delivered to and sold at the Louis Joliet Renaissance Center, City Center Campus, located at 214 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts Department facilities, Main Campus, located at 1215 Houbolt Road, Joliet, owned by or under the control of Joliet Junior College, Illinois Community College District No. 525.

Alcoholic liquors may be delivered to and sold at the building located at 446 East Hickory Avenue in Apple River, Illinois, owned by the Apple River Fire Protection District, and occupied by the Apple River Community Association if the alcoholic liquor is sold or dispensed only in connection with organized functions approved by the Apple River Community

New matter indicated by italics - deletions by strikeout
Association for which the planned attendance is 20 or more persons and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Apple River Fire Protection District, the Village of Apple River, and the Apple River Community Association from all financial loss, damage, and harm.

(Source: P.A. 92-512, eff. 1-1-02; 92-583, eff. 6-26-02; 92-600, eff. 7-1-02; 93-19, eff. 6-20-03; 93-103, eff. 1-1-04; 93-627, eff. 6-1-04; 93-844, eff. 7-30-04.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 16, 2005.
Approved August 4, 2005.
Effective August 4, 2005.

PUBLIC ACT 94-0464
(House Bill 3738)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 15-111 as follows:

(625 ILCS 5/15-111)(from Ch. 95 1/2, par. 15-111)
Sec. 15-111. Wheel and axle loads and gross weights.
(a) On non-designated highways, no vehicle or combination of vehicles equipped with pneumatic tires may be operated, unladen or with load, when the total weight transmitted to the road surface exceeds 18,000 pounds on a single axle or 32,000 pounds on a tandem axle with no axle within the tandem exceeding 18,000 pounds except:

(1) when a different limit is established and posted in accordance with Section 15-316 of this Code;
(2) vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code;
(3) tow trucks subject to the conditions provided in subsection (d) may not exceed 24,000 pounds on a single rear axle or 44,000 pounds on a tandem rear axle;
(4) any single axle of a 2-axle truck weighing 36,000 pounds or less and not a part of a combination of vehicles, shall not exceed
20,000 pounds;

(5) any single axle of a 2-axle truck equipped with a personnel lift or digger derrick, weighing 36,000 pounds or less, owned and operated by a public utility, shall not exceed 20,000 pounds;

(6) any single axle of a 2-axle truck specially equipped with a front loading compactor used exclusively for garbage, refuse, or recycling may not exceed 20,000 pounds per axle, provided that the gross weight of the vehicle does not exceed 40,000 pounds;

(7) a truck, not in combination and specially equipped with a selfcompactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage or refuse operations may, when laden, transmit upon the road surface the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle;

(8) a truck, not in combination and used exclusively for the collection of rendering materials, may, when laden, transmit upon the road surface the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle;

(9) tandem axles on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2014 and first registered in Illinois prior to January 1, 2015, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 18,000 pounds. Any vehicle of this type manufactured after the model year of 2014 or first registered in Illinois after December 31, 2014 may not exceed a combined weight of 32,000 pounds through the series of 2 axles and neither axle of the series may exceed 18,000 pounds;

(10) tandem axles on a 4-axle truck mixer, whose fourth axle is a road surface engaging mixer trailing axle, registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete and manufactured prior to or in the model year of 2014 and first registered in Illinois prior to January 1, 2015, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 18,000 pounds. Any vehicle of this type manufactured after the model year of 2014 or first registered in Illinois after December 31, 2014 may not exceed a combined weight of 32,000 pounds through the series of 2 axles and neither axle of the series may exceed 18,000 pounds;

New matter indicated by italics - deletions by strikeout
(11) 4-axle vehicles or a 5 or more axle combination of vehicles: The weight transmitted upon the road surface through any series of 3 axles whose centers are more than 96 inches apart, measured between extreme axles in the series, may not exceed those allowed in the table contained in subsection (f) of this Section. No axle or tandem axle of the series may exceed the maximum weight permitted under this Section for a single or tandem axle.

No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

(b) On non-designated highways, the gross weight of vehicles and combination of vehicles including the weight of the vehicle or combination and its maximum load shall be subject to the foregoing limitations and further shall not exceed the following gross weights dependent upon the number of axles and distance between extreme axles of the vehicle or combination measured longitudinally to the nearest foot.

VEHICLES HAVING 2 AXLES

<table>
<thead>
<tr>
<th>Minimum distance to nearest foot</th>
<th>Maximum Weight (pounds)</th>
<th>Minimum distance to nearest foot</th>
<th>Maximum Gross Weight (pounds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 feet</td>
<td>41,000</td>
<td>16 feet</td>
<td>46,000</td>
</tr>
<tr>
<td>11</td>
<td>42,000</td>
<td>17</td>
<td>47,000</td>
</tr>
<tr>
<td>12</td>
<td>43,000</td>
<td>18</td>
<td>47,500</td>
</tr>
<tr>
<td>13</td>
<td>44,000</td>
<td>19</td>
<td>48,000</td>
</tr>
<tr>
<td>14</td>
<td>44,500</td>
<td>20</td>
<td>49,000</td>
</tr>
<tr>
<td>15</td>
<td>45,000</td>
<td>21 feet or more</td>
<td>50,000</td>
</tr>
</tbody>
</table>

VEHICLES OR COMBINATIONS HAVING 3 AXLES

<table>
<thead>
<tr>
<th>With Tandem Axles</th>
<th>With or Without Tandem Axles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum distance to nearest foot</td>
<td>Maximum Gross Weight (pounds)</td>
</tr>
<tr>
<td>10 feet</td>
<td>41,000</td>
</tr>
<tr>
<td>11</td>
<td>42,000</td>
</tr>
<tr>
<td>12</td>
<td>43,000</td>
</tr>
<tr>
<td>13</td>
<td>44,000</td>
</tr>
<tr>
<td>14</td>
<td>44,500</td>
</tr>
<tr>
<td>15</td>
<td>45,000</td>
</tr>
</tbody>
</table>

VEHICLES OR COMBINATIONS HAVING 4 AXLES

<table>
<thead>
<tr>
<th>Minimum distance to nearest foot</th>
<th>Maximum Gross Weight (pounds)</th>
<th>Minimum distance to nearest foot</th>
<th>Maximum Gross Weight (pounds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 feet</td>
<td>41,000</td>
<td>16 feet</td>
<td>46,000</td>
</tr>
<tr>
<td>11</td>
<td>42,000</td>
<td>17</td>
<td>47,000</td>
</tr>
<tr>
<td>12</td>
<td>43,000</td>
<td>18</td>
<td>47,500</td>
</tr>
<tr>
<td>13</td>
<td>44,000</td>
<td>19</td>
<td>48,000</td>
</tr>
<tr>
<td>14</td>
<td>44,500</td>
<td>20</td>
<td>49,000</td>
</tr>
<tr>
<td>15</td>
<td>45,000</td>
<td>21 feet or more</td>
<td>50,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>between extreme axles</th>
<th>Weight (pounds)</th>
<th>between extreme axles</th>
<th>Weight (pounds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 feet</td>
<td>50,000</td>
<td>26 feet</td>
<td>57,500</td>
</tr>
<tr>
<td>16</td>
<td>50,500</td>
<td>27</td>
<td>58,000</td>
</tr>
<tr>
<td>17</td>
<td>51,500</td>
<td>28</td>
<td>58,500</td>
</tr>
<tr>
<td>18</td>
<td>52,000</td>
<td>29</td>
<td>59,500</td>
</tr>
<tr>
<td>19</td>
<td>52,500</td>
<td>30</td>
<td>60,000</td>
</tr>
<tr>
<td>20</td>
<td>53,500</td>
<td>31</td>
<td>60,500</td>
</tr>
<tr>
<td>21</td>
<td>54,000</td>
<td>32</td>
<td>61,500</td>
</tr>
<tr>
<td>22</td>
<td>54,500</td>
<td>33</td>
<td>62,000</td>
</tr>
<tr>
<td>23</td>
<td>55,500</td>
<td>34</td>
<td>62,500</td>
</tr>
<tr>
<td>24</td>
<td>56,000</td>
<td>35</td>
<td>63,500</td>
</tr>
<tr>
<td>25</td>
<td>56,500</td>
<td>36 feet or more</td>
<td>64,000</td>
</tr>
</tbody>
</table>

A vehicle not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (b) for 4 axles measured between the extreme axles of the vehicle.

**COMBINATIONS HAVING 5 OR MORE AXLES**

<table>
<thead>
<tr>
<th>Minimum distance to nearest foot between extreme axles</th>
<th>Maximum Gross Weight (pounds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>42 feet or less</td>
<td>72,000</td>
</tr>
<tr>
<td>43</td>
<td>73,000</td>
</tr>
<tr>
<td>44 feet or more</td>
<td>73,280</td>
</tr>
</tbody>
</table>

**VEHICLES OPERATING ON CRAWLER TYPE TRACKS...40,000 pounds TRUCKS EQUIPPED WITH SELFCOMPACTORS OR ROLL-OFF HOISTS AND ROLL-OFF CONTAINERS FOR GARBAGE, OR REFUSE, OR RECYCLING HAULS ONLY AND TRUCKS USED FOR THE COLLECTION OF RENDERING MATERIALS**

- On Highway Not Part of National System of Interstate and Defense Highways
  - with 2 axles: 36,000 pounds
  - with 3 axles: 54,000 pounds

**TWO AXLE TRUCKS EQUIPPED WITH A FRONT LOADING COMPACTOR USED EXCLUSIVELY FOR THE COLLECTION OF GARBAGE, REFUSE, OR RECYCLING**

- with 2 axles: 40,000 pounds

*(b-1) As used in this Section, a "recycling haul" or "recycling haul*
operation” means the hauling of segregated, non-hazardous, non-special, homogeneous non-putrescible materials, such as paper, glass, cans, or plastic, for subsequent use in the secondary materials market.

(c) Cities having a population of more than 50,000 may permit by ordinance axle loads on 2 axle motor vehicles 33 1/2% above those provided for herein, but the increase shall not become effective until the city has officially notified the Department of the passage of the ordinance and shall not apply to those vehicles when outside of the limits of the city, nor shall the gross weight of any 2 axle motor vehicle operating over any street of the city exceed 40,000 pounds.

(d) Weight limitations shall not apply to vehicles (including loads) operated by a public utility when transporting equipment required for emergency repair of public utility facilities or properties or water wells.

A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the weight restriction imposed by this Code, may be operated on a public highway in this State provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself shall exceed the weight limitations permitted under this Chapter. During the towing operation, neither the tow truck nor the vehicle combination shall exceed 24,000 pounds on a single rear axle and 44,000 pounds on a tandem rear axle, provided the towing vehicle:

(1) is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and is equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes;

(2) is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;

(3) is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles; and

(4) does not engage in a tow exceeding 20 miles from the initial point of wreck or disablement. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code. The towing vehicle, however, may tow any disabled vehicle from the initial point of wreck or disablement to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits. Gross weight limits shall not apply to the combination of the tow

New matter indicated by italics - deletions by strikeout
truck and vehicles being towed. The tow truck license plate must cover the operating empty weight of the tow truck only. The weight of each vehicle being towed shall be covered by a valid license plate issued to the owner or operator of the vehicle being towed and displayed on that vehicle. If no valid plate issued to the owner or operator of that vehicle is displayed on that vehicle, or the plate displayed on that vehicle does not cover the weight of the vehicle, the weight of the vehicle shall be covered by the third tow truck plate issued to the owner or operator of the tow truck and temporarily affixed to the vehicle being towed.

The Department may by rule or regulation prescribe additional requirements. However, nothing in this Code shall prohibit a tow truck under instructions of a police officer from legally clearing a disabled vehicle, that may be in violation of weight limitations of this Chapter, from the roadway to the berm or shoulder of the highway. If in the opinion of the police officer that location is unsafe, the officer is authorized to have the disabled vehicle towed to the nearest place of safety.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck.

(e) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated, unladen or with load, upon the highways of this State in violation of the provisions of any permit issued under the provisions of Sections 15-301 through 15-319 of this Chapter.

(f) On designated Class I, II, or III highways and the National System of Interstate and Defense Highways, no vehicle or combination of vehicles with pneumatic tires may be operated, unladen or with load, when the total weight on the road surface exceeds the following: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle with no axle within the tandem exceeding 20,000 pounds; 80,000 pounds gross weight for vehicle combinations of 5 or more axles; or a total weight on a group of 2 or more consecutive axles in excess of that weight produced by the application of the following formula: $W = 500 \times \left( \frac{LN}{N-1} \right) + 12N + 36$, where "W" equals overall total weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" equals the distance measured to the nearest foot between extremes of any group of 2 or more consecutive axles, and "N" equals the number of axles in the group under consideration.

The above formula when expressed in tabular form results in allowable loads as follows:

New matter indicated by italics - deletions by strikeout
Distance measured to the nearest foot between the extremes of any group of 2 or more consecutive axles. Maximum weight in pounds of any group of 2 or more consecutive axles.

<table>
<thead>
<tr>
<th>feet</th>
<th>2 axles</th>
<th>3 axles</th>
<th>4 axles</th>
<th>5 axles</th>
<th>6 axles</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>34,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>34,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>34,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>34,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>38,000*</td>
<td>42,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>39,000</td>
<td>42,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>40,000</td>
<td>43,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>44,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>45,000</td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>45,500</td>
<td>50,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>46,500</td>
<td>51,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>47,000</td>
<td>52,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>48,000</td>
<td>52,500</td>
<td>58,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>48,500</td>
<td>53,500</td>
<td>58,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>49,500</td>
<td>54,000</td>
<td>59,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>50,000</td>
<td>54,500</td>
<td>60,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>51,000</td>
<td>55,500</td>
<td>60,500</td>
<td>66,000</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>51,500</td>
<td>56,000</td>
<td>61,000</td>
<td>66,500</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>52,500</td>
<td>56,500</td>
<td>61,500</td>
<td>67,000</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>53,000</td>
<td>57,500</td>
<td>62,500</td>
<td>68,000</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>54,000</td>
<td>58,000</td>
<td>63,000</td>
<td>68,500</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>54,500</td>
<td>58,500</td>
<td>63,500</td>
<td>69,000</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>55,500</td>
<td>59,500</td>
<td>64,000</td>
<td>69,500</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>56,000</td>
<td>60,000</td>
<td>65,000</td>
<td>70,000</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>57,000</td>
<td>60,500</td>
<td>65,500</td>
<td>71,000</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>57,500</td>
<td>61,500</td>
<td>66,000</td>
<td>71,500</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>58,500</td>
<td>62,000</td>
<td>66,500</td>
<td>72,000</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>59,000</td>
<td>62,500</td>
<td>67,500</td>
<td>72,500</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>60,000</td>
<td>63,500</td>
<td>68,000</td>
<td>73,000</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>64,000</td>
<td>68,500</td>
<td>74,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>64,500</td>
<td>69,000</td>
<td>74,500</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
*If the distance between 2 axles is 96 inches or less, the 2 axles are tandem axles and the maximum total weight may not exceed 34,000 pounds, notwithstanding the higher limit resulting from the application of the formula.

Vehicles not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (f) for 4 axles measured between the extreme axles of the vehicle.

Vehicles in a combination having more than 6 axles may not exceed the weight in the table in this subsection (f) for 6 axles measured between the extreme axles of the combination.

Local authorities, with respect to streets and highways under their jurisdiction, without additional fees, may also by ordinance or resolution allow the weight limitations of this subsection, provided the maximum gross weight on any one axle shall not exceed 20,000 pounds and the maximum total weight on any tandem axle shall not exceed 34,000 pounds, on designated highways when appropriate regulatory signs giving notice are erected upon the street or highway or portion of any street or highway.
affected by the ordinance or resolution.

The following are exceptions to the above formula:

1. Two consecutive sets of tandem axles may carry a total weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

2. Vehicles for which a different limit is established and posted in accordance with Section 15-316 of this Code.

3. Vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code. These vehicles are not subject to the bridge formula.

4. Tow trucks subject to the conditions provided in subsection (d) may not exceed 24,000 pounds on a single rear axle or 44,000 pounds on a tandem rear axle.

5. A tandem axle on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2014, and registered in Illinois prior to January 1, 2015, with a distance between 2 axles in a series greater than 72 inches but not more than 96 inches may not exceed a total weight of 36,000 pounds and neither axle of the series may exceed 18,000 pounds.

6. A truck not in combination, equipped with a self compactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage, or refuse, or recycling operations, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 36,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

7. Combinations of vehicles, registered as Special Hauling Vehicles that include a semitrailer manufactured prior to or in the model year of 2014, and registered in Illinois prior to January 1, 2015, having 5 axles with a distance of 42 feet or less between extreme axles, may not exceed the following maximum weights: 18,000 pounds on a single axle; 32,000 pounds on a tandem axle; and 72,000 pounds gross weight. This combination of vehicles is not subject to the bridge formula. For all those combinations of vehicles that include a semitrailer manufactured after the effective date of this

New matter indicated by italics - deletions by strikeout
amendatory Act of the 92nd General Assembly, the overall distance between the first and last axles of the 2 sets of tandems must be 18 feet 6 inches or more. Any combination of vehicles that has had its cargo container replaced in its entirety after December 31, 2014 may not exceed the weights allowed by the bridge formula.

No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

(f-1) A vehicle and load not exceeding 73,280 pounds is allowed access as follows:

(1) From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:
   (A) The vehicle and load does not exceed 8 feet 6 inches in width and 65 feet overall length.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare between State designated highways.

(2) From any State designated highway onto any county or township highway for a distance of 5 highway miles, or any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:
   (A) The vehicle and load does not exceed 8 feet 6 inches in width and 65 feet overall length.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare between State designated highways.

(f-2) A vehicle and load greater than 73,280 pounds in weight but not exceeding 80,000 pounds is allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(2) From a Class I, II, or III highway onto any State highway or any local designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

Section 5-35 of the Illinois Administrative Procedure Act relating to
procedures for rulemaking shall not apply to the designation of highways under this subsection.

(g) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting part of a highway with a gross weight that is greater than the maximum weight permitted by the Department, when the structure is sign posted as provided in this Section.

(h) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety to itself withstand the weight of vehicles otherwise permissible under this Code the Department shall determine and declare the maximum weight of vehicles that the structures can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of the structure. No person shall operate a vehicle or combination of vehicles over any structure with a gross weight that is greater than the posted maximum weight.

(i) Upon the trial of any person charged with a violation of subsections (g) or (h) of this Section, proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight that can be maintained with safety to the bridge or structure.

(Source: P.A. 92-417, eff. 1-1-02; 93-177, eff. 7-11-03; 93-186, eff. 1-1-04; 93-1023, eff. 8-25-04.)

Passed in the General Assembly May 16, 2005.
Approved August 4, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0465
(House Bill No 3742)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Grant Funds Recovery Act is amended by changing Section 13 as follows:

(30 ILCS 705/13)(from Ch. 127, par. 2313)
Sec. 13. Notwithstanding the requirements of any other State law or regulation, an institution of higher education which conducts annual audits of its own operations may elect to fulfill any audit requirements with respect

New matter indicated by italics - deletions by strikeout
to any or all State grants which it receives by having such audit conducted at the time of its own annual audit at its own cost.

The institution of higher education shall make such election at the time that it receives each grant. The institution of higher education shall not be required to elect that all State grants be included in its annual audit. Such election may be for either financial or compliance audits, or both. In the event of such election, such audits shall fulfill the audit requirements of the applicable State law or regulation authorizing such grants except for the reporting dates required for such audits. Such audits shall be conducted in accordance with generally accepted auditing standards by licensed Certified Public Accountants permitted to perform audits under the Illinois Public Accounting Act certified public accountants authorized to do business in the State of Illinois.

The provisions of this Section do not limit the authority of any State agency to conduct, or enter into contracts for the conduct of, audits and evaluations of State grant programs, nor limit the authority of the Auditor General. Such State agency shall fund the cost of any such additional audits. (Source: P.A. 86-602.)

Section 10. The Local Records Act is amended by changing Section 3a as follows:

(50 ILCS 205/3a)(from Ch. 116, par. 43.103a)

Sec. 3a. Reports and records of the obligation, receipt and use of public funds of the units of local government and school districts, including certified audits, management letters and other audit reports made by the Auditor General, County Auditors, other officers or by licensed Certified Public Accountants permitted to perform audits under the Illinois Public Accounting Act certified public accountants authorized to do business in the State of Illinois and presented to the corporate authorities or boards of the units of local government, are public records available for inspection by the public. These records shall be kept at the official place of business of each unit of local government and school district or at a designated place of business of the unit or district. These records shall be available for public inspection during regular office hours except when in immediate use by persons exercising official duties which require the use of those records. The person in charge of such records may require a notice in writing to be submitted 24 hours prior to inspection and may require that such notice specify which records are to be inspected. Nothing in this Section shall require units of local government and school districts to invade or assist in the invasion of any person's right to privacy.

New matter indicated by italics - deletions by strikeout
(Source: P.A. 91-357, eff. 7-29-99.)

Section 15. The Illinois Municipal Code is amended by changing Sections 4-5-16, 11-65-9, 11-67-9, 11-117-13, 11-122-5, and 11-123-14 as follows:

(65 ILCS 5/4-5-16)(from Ch. 24, par. 4-5-16)

Sec. 4-5-16. Statement of receipts and expenses; examination of books and accounts; expenditure greater than appropriation.

(a) In municipalities with 25,000 or more inhabitants, the council each month shall print in pamphlet form, a detailed itemized statement of all receipts and expenses of the municipality and a summary of its proceedings during the preceding month. In municipalities with fewer than 25,000 inhabitants, the council shall print a similar statement annually instead of monthly. The council shall furnish printed copies of each statement to (i) the State Library, (ii) the city library, (iii) all the daily and weekly newspapers with a general circulation in the municipality, and (iv) persons who apply for a copy at the office of the municipal clerk.

(b) At the end of each fiscal year, the council shall have licensed Certified Public Accountants permitted to perform audits under the Illinois Public Accounting Act competent accountants make a full and complete examination of all books and accounts of the municipality and shall distribute the result of that examination in the manner provided in this Section.

(c) It is unlawful for the council or any commissioner to expend, directly or indirectly, a greater amount for any municipal purpose than the amount appropriated for that purpose in the annual appropriation ordinance passed for that fiscal year. A violation of this provision by any member of the council shall constitute a petty offense.

(Source: P.A. 93-486, eff. 1-1-04.)

(65 ILCS 5/11-65-9)(from Ch. 24, par. 11-65-9)

Sec. 11-65-9. Every municipality owning and operating such a municipal convention hall shall keep books of account for the municipal convention hall separate and distinct from other municipal accounts and in such manner as to show the true and complete financial standing and results of the municipal ownership and operation. These accounts shall be so kept as to show: (1) the actual cost to the municipality of maintenance, extension, and improvement, (2) all operating expenses of every description, (3) if water or other service is furnished for the use of the municipal convention hall without charge, as nearly as possible, the value of that service, and also the value of any use or service rendered by the municipal convention hall to the municipality without charge, (4) reasonable allowances for interest,
depreciation, and insurance, and (5) estimates of the amount of taxes that would be chargeable against the property if owned by a private corporation.

The corporate authorities shall publish a report annually showing the financial results, in the form specified in this section, of the municipal ownership and operation in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality.

The accounts of the convention hall shall be examined at least once a year by a licensed Certified Public Accountant permitted to perform audits under the Illinois Public Accounting Act, an expert accountant who shall report to the corporate authorities the results of his examination. This expert accountant shall be selected as the corporate authorities may direct, and he shall receive for his services such compensation, to be paid out of the revenue from the municipal convention hall, as the corporate authorities may prescribe.

(Source: P.A. 92-774, eff. 1-1-03.)

(65 ILCS 5/11-67-9)(from Ch. 24, par. 11-67-9)

Sec. 11-67-9. Every municipality owning and operating such a municipal coliseum shall keep books of account for the coliseum separate and distinct from other municipal accounts and in such manner as to show the true and complete financial standing and results of the municipal ownership and operation. These accounts shall be so kept as to show: (1) the actual cost to the municipality of maintenance, extension, and improvement, (2) all operating expenses of every description, (3) if water or other service is furnished for the use of the municipal coliseum without charge, as nearly as possible, the value of that service, and also the value of any use or service rendered by the municipal coliseum to the municipality without charge, (4) reasonable allowances for interest, depreciation, and insurance, and (5) estimates of the amount of taxes that would be chargeable against that property if owned by a private corporation. The corporate authorities shall have printed annually for public distribution, a report showing the financial results, in the form specified in this section, of the municipal ownership and operation.

The accounts of the municipal coliseum shall be examined at least once a year by a licensed Certified Public Accountant permitted to perform audits under the Illinois Public Accounting Act, an accountant, who shall report to the corporate authorities the results of his examination. This accountant shall be selected as the corporate authorities may direct, and he shall receive for his services such compensation, to be paid out of the revenue.

New matter indicated by italics - deletions by strikeout
from the municipal coliseum, as the corporate authorities may prescribe.  
(Source: Laws 1961, p. 576.)

(65 ILCS 5/11-117-13)(from Ch. 24, par. 11-117-13)

Sec. 11-117-13. Any municipality, owning a public utility, shall keep the accounts for each public utility distinct from other municipal accounts and in such manner as to show the true and complete financial results of municipal ownership or ownership and operation, as the case may be. These accounts shall be so kept as to show (1) the actual cost of the municipality of each public utility owned; (2) all costs of maintenance, extension, and improvement; (3) all operating expenses of every description, in case of municipal operation; (4) the amounts set aside for sinking fund purposes; (5) if water or other service is furnished for the use of a public utility without charge, as nearly as possible, the value of that service and also the value of any similar service rendered by each public utility to any other municipal department without charge; (6) reasonable allowances for interest, depreciation, and insurance; and (7) estimates of the amount of taxes that would be chargeable against each public utility if owned by a private corporation.

The corporate authorities shall print annually for public distribution, a report, in the form specified in this Section, showing the financial results of the municipal ownership or ownership and operation. The accounts of each public utility shall be examined once each year by a licensed Certified Public Accountant permitted to perform audits under the Illinois Public Accounting Act an expert accountant who shall report to the corporate authorities the results of his examination. This expert accountant shall be selected in such manner as the corporate authorities may direct, and he shall receive for his services such compensation, to be paid out of the revenue from each public utility, as the municipality may prescribe.  
(Source: Laws 1961, p. 576.)

(65 ILCS 5/11-122-5)(from Ch. 24, par. 11-122-5)

Sec. 11-122-5. Every city owning, or owning and operating, street railways, shall keep the books of account for these street railways distinct from other city accounts and in such manner as to show the true and complete financial results of the city ownership, or ownership and operation, as the case may be. These accounts shall be so kept as to show: (1) the actual cost to the city of street railways owned, (2) all costs of maintenance, extension, and improvement, (3) all operating expenses of every description, in case of city operation, (4) the amount set aside for sinking fund purposes, (5) if water or other service is furnished for the use of the street railways without charge,
as nearly as possible, the value of this service, and also the value of any similar service rendered by the street railways to any other city department without charge, (6) reasonable allowances for interest, depreciation, and insurance, and (7) estimates of the amount of taxes that would be chargeable against the property if owned by a private corporation. The city council shall print annually for public distribution, a report showing the financial results, in the form specified in this section, of the city ownership, or ownership and operation.

The accounts of those street railways, shall be examined at least once a year by an expert accountant, who shall report to the city council the results of his examination. This expert accountant shall be selected in such manner as the city council may direct, and he shall receive for his services such compensation, to be paid out of the income from those street railways, as the city council may prescribe. (Source: Laws 1961, p. 576.)

(65 ILCS 5/11-123-14)(from Ch. 24, par. 11-123-14)

Sec. 11-123-14. Every city and village owning and operating, or owning and leasing any portion of a utility, shall keep the accounts for the utilities separate and distinct from other municipal accounts and in such manner as to show the true and complete financial standing and results of the municipal ownership and operation or of the municipal ownership and leasing, as the case may be. These accounts shall be so kept as to show: (1) the actual cost of the municipality of the utilities owned; (2) all costs of maintenance, extension, and improvement; (3) all operating expenses of every description, in case of municipal operation, whether of the whole or of a part of the utilities; (4) if water or other service is furnished for the use of the utilities without charge, as nearly as possible, the value of that service, and also the value of any service rendered by the utilities to any reasonable allowances for interest, depreciation, and other municipal department without charge; (5) insurance; and (6) estimates of the amount of taxes that would be chargeable against the utilities if owned by a private corporation. The corporate authorities of the municipality shall have printed annually for public distribution, a report showing the financial standing and results, in the form specified in this section, of the municipal ownership and operation, or of municipal ownership and leasing. This report shall be published in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality. In municipalities with less than 500 population in

New matter indicated by italics - deletions by strikeout
which no newspaper is published, publication may instead be made by posting a notice in 3 prominent places within the municipality.

The accounts of the utilities shall be examined at least once a year by a licensed Certified Public Accountant permitted to perform audits under the Illinois Public Accounting Act an expert accountant, who shall report to the corporate authorities the results of his examination. This expert accountant shall be selected in such manner as the corporate authorities may direct, and he shall receive for his services such compensation, to be paid out of the revenue from the utilities, as the corporate authorities may prescribe.
(Source: Laws 1961, p. 576.)

Section 20. The Public Water District Act is amended by changing Section 14 as follows:

(70 ILCS 3705/14)(from Ch. 111 2/3, par. 201)
Sec. 14. It shall be the duty of the board of trustees to install and maintain a proper system of accounts showing receipts from operation and the application of the same, and the board shall at least once a year cause such accounts to be properly audited by a licensed Certified Public Accountant permitted to perform audits under the Illinois Public Accounting Act an independent public accountant.
(Source: Laws 1945, p. 1187.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 16, 2005.
Approved August 4, 2005.
Effective August 4, 2005.

PUBLIC ACT 94-0466
(House Bill No 3843)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Airport Authorities Act is amended by changing Section 3.1 as follows:
(70 ILCS 5/3.1) (from Ch. 15 1/2, par. 68.3a)
Sec. 3.1. Boards of commissioners - Appointment. The Boards of Commissioners of Authorities shall be appointed as follows:
(1) In case there are one or more municipalities having a population of 5,000 or more within the Authority, the commissioners shall be appointed as follows:

New matter indicated by italics - deletions by strikeout
(a) Where there is only one such municipality, 3 commissioners shall be appointed from such municipality, and 2 commissioners shall be appointed at large.

(b) Where there are 2 or more such municipalities, one commissioner shall be appointed from each such municipality, one commissioner shall be appointed from the areas within the authority located outside of such municipalities, and 3 2 commissioners shall be appointed at large; except that when the physical facilities of the airport of the Authority are located wholly within a single county with a population between 600,000 and 3,000,000 there shall be one commissioner appointed from each municipality within the corporate limits of the Authority having 5,000 or more population and 5 commissioners appointed at large. If the Authority is located wholly within the corporate limits of such municipalities, 2 commissioners shall be appointed from the one of such municipalities having the largest population, and one commissioner shall be appointed from each of the other such municipalities, and 2 commissioners shall be appointed at large.

(c) Commissioners representing the area within an Authority located outside of any municipality having 5,000 or more population and commissioners appointed at large when the authority is wholly contained within a single county shall be appointed by the presiding officer of the county board with the advice and consent of the county board, and when the physical facilities of the airport of the Authority are located wholly within a single county with a population between 600,000 and 3,000,000 the commissioners appointed at large shall be appointed by the chairman of the county board of such county, and any commissioner representing the area within any such municipality shall be appointed by its mayor or the presiding officer of its governing body. If however the district is located in more than one county other than a county with a population between 600,000 and 3,000,000, the members of the General Assembly whose legislative districts encompass any portion of the Authority shall appoint the commissioners representing the area within an Authority located outside of any municipality having 5,000 or more population and commissioners at large but any commissioner representing the area within any such municipality shall be appointed by its mayor or the presiding officer of its governing body.

(d) A commissioner representing the area within any such

New matter indicated by italics - deletions by strikeout
A municipality shall reside within its corporate limits. A commissioner representing the area within an authority and located outside of any such municipality shall reside within such area. A commissioner appointed at large may reside either within or without any such municipality but must reside within the territory of the authority. Should any commissioner cease to reside within that part of the territory he represents, or should the territory in which he resides cease to be a part of the authority, then his office shall be deemed vacated, and shall be filled by appointment for the remainder of the term as hereinafter provided.

(2) In case there are no municipalities having a population of 5,000 or more within such authority located wholly within a single county, such order shall so find, and in such case the Board shall consist of 5 commissioners who shall be appointed at large by the presiding officer of the county board with the advice and consent of the county board. If however the district is located in more than one county, the members of the General Assembly whose legislative districts encompass any portion of the Authority shall appoint the commissioners at large.

(3) Should a municipality which is wholly within an authority attain, or should such a municipality be established, having a population of 5,000 or more after the entry of said order by the circuit court, the presiding officer of such municipality may petition the circuit court for an order finding and determining the population of such municipality and, if it is found and determined upon the hearing of said petition that the population of such municipality is 5,000 or more, the board of commissioners of such authority as previously established shall be increased by one commissioner who shall reside within the corporate limits of such municipality and shall be appointed by its presiding officer. The initial commissioner so appointed shall serve for a term of 1, 2, 3, 4 or 5 years, as may be determined by lot, and his successors shall be similarly appointed and shall serve for terms of 5 years. All provisions of this section applicable to commissioners representing municipal areas shall apply to any such commissioner. Each such commissioner shall reside within the authority and shall continue to reside therein.

(4) Notwithstanding any other provision of this Section, the Board of Commissioners of a Metropolitan Airport Authority shall consist of 9 commissioners.

Seven commissioners shall be residents of the county with a population between 600,000 and 3,000,000 within which the Metropolitan Airport Authority was established. These commissioners shall be appointed

New matter indicated by italics - deletions by strikeout
by the county board chairman of the county with a population between 600,000 and 3,000,000 within which the Metropolitan Airport Authority was established, with the advice and consent of the county board of that county.

Two commissioners shall be residents of the territory of the Authority located outside the county with a population between 600,000 and 3,000,000. These commissioners shall be appointed jointly by the mayors of the municipalities having a population over 5,000 that are located outside the county with a population between 600,000 and 3,000,000, with the advice and consent of the governing bodies of those municipalities.

The transition from the pre-existing composition of the Metropolitan Airport Authority Board of Commissioners to the composition specified in this amendatory Act of 1991 shall be accomplished as follows:

(A) The appointee who was required to be a resident of the area outside of the county with a population between 600,000 and 3,000,000 may serve until his or her term expires. The replacement shall be one of the 2 appointees who shall be residents of the territory of the Authority located outside the county with a population between 600,000 and 3,000,000.

(B) The other 8 commissioners may serve until their terms expire. Upon the occurrence of the second vacancy among these 8 commissioners after the effective date of this amendatory Act of 1991, the replacement shall be the second of the 2 appointees who shall be residents of the territory of the Authority located outside of the county with a population between 600,000 and 3,000,000. Upon the expiration of the terms of the other 7 commissioners, the replacements shall be residents of the county with a population between 600,000 and 3,000,000.

(C) All commissioners appointed after the effective date of this amendatory Act of 1991, and their successors, shall be appointed in the manner set forth in this amendatory Act of 1991.

(Source: P.A. 87-699.)

Passed in the General Assembly May 16, 2005.
Approved August 4, 2005.
Effective January 1, 2006.
AN ACT concerning safety.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Children's Environmental Health Officer Act.

Section 5. Children's Environmental Health Officer. Subject to specific appropriations for this purpose, the Illinois Department of Public Health shall create and maintain within the Office of Health Protection the Children's Environmental Health Officer. The Officer shall:

(1) serve as the chief advisor to the Director of Public Health on matters within the jurisdiction of the Department relating to environmental health and environmental protection concerning children;

(2) assist the boards, departments, and other offices within the Department in assessing the effectiveness of statutes, rules, and programs designed to protect children from environmental hazards;

(3) coordinate, within the Department and with other State agencies, especially the Environmental Protection Agency, regulatory efforts, research and data collection, and other programs and services that impact the environmental health of children, and coordinate with appropriate federal agencies conducting related regulatory efforts and research and data collection; and

(4) lead and coordinate these efforts among the various Department Offices and programs, as well as among other State agencies.

Section 10. Reports. On and after January 1, 2007, and biannually thereafter, the Children's Environmental Health Officer shall report to the General Assembly and the Governor concerning his or her activities. The report shall include, but not be limited to, information on progress made by programs within the Department to address children's environmental health issues.

Passed in the General Assembly May 16, 2005.
Approved August 4, 2005.
Effective January 1, 2006.
AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 108B-3 as follows:

(725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

Sec. 108B-3. Authorization for the interception of private communication.

(a) The State's Attorney, or a person designated in writing or by law to act for him and to perform his duties during his absence or disability, may authorize, in writing, an ex parte application to the chief judge of a court of competent jurisdiction for an order authorizing the interception of a private oral communication when no party has consented to the interception and (i) the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit, a violation of Section 8-1.1 (solicitation of murder), 8-1.2 (solicitation of murder for hire), 9-1 (first degree murder), or 29B-1 (money laundering) of the Criminal Code of 1961, Section 401, 401.1 (controlled substance trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of the Illinois Controlled Substances Act, a violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or conspiracy to commit money laundering or conspiracy to commit first degree murder; (ii) in response to a clear and present danger of imminent death or great bodily harm to persons resulting from: (1) a kidnapping or the holding of a hostage by force or the threat of the imminent use of force; or (2) the occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel or aircraft; (iii) to aid an investigation or prosecution of a civil action brought under the Illinois Streetgang Terrorism Omnibus Prevention Act when there is probable cause to believe the interception of the private oral communication will provide evidence that a streetgang is committing, has committed, or will commit a second or subsequent gang-related offense or that the interception of the private oral communication will aid in the collection of a judgment entered under that Act; or (iv) upon information and belief that a streetgang has committed, is committing, or is about to commit a felony.

New matter indicated by italics - deletions by strikeout
(b) The State's Attorney or a person designated in writing or by law to act for the State's Attorney and to perform his or her duties during his or her absence or disability, may authorize, in writing, an ex parte application to the chief judge of a circuit court for an order authorizing the interception of a private communication when no party has consented to the interception and the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit, a violation of an offense under Article 29D of the Criminal Code of 1961.

(b-1) Subsection (b) is inoperative on and after January 1, 2005.

(b-2) No conversations recorded or monitored pursuant to subsection (b) shall be made inadmissible in a court of law by virtue of subsection (b-1).

(c) As used in this Section, "streetgang" and "gang-related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(Source: P.A. 92-854, eff. 12-5-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 17, 2005.
Approved August 4, 2005.
Effective August 4, 2005.

PUBLIC ACT 94-0469
(Senate Bill No 0171)

AN ACT concerning the Township Code.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Township Code is amended by adding Section 115-66 as follows:

(60 ILCS 1/115-66 new)
Sec. 115-66. Surplus for maintenance and operation of open spaces. A township that has adopted an open space plan may maintain and receive from year to year funds for maintenance and operation of the township's open spaces in surplus of the amount necessary for the annual maintenance and operation of open spaces within the township. The surplus shall be maintained in a separate fund and not commingled with the township general fund. The surplus shall not be derived from any township tax levy.

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0470
(Senate Bill No 0248)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by adding Section 2-128 as follows:

(625 ILCS 5/2-128 new)
Sec. 2-128. License plate feasibility studies.
(a) The Secretary of State shall undertake a study to determine the feasibility of establishing a standard license plate that would (i) replace some or all special plates currently issued under Article VI of Chapter 3 of this Code and (ii) identify its special plate classification by means of a sticker attached to its left side.

(b) The Secretary shall undertake a study of the feasibility of identifying, on the license plates issued to any vehicle of the first division, the county in which the vehicle is registered, by use of a registration sticker or some other device or method.

(c) The Secretary shall undertake a study of the feasibility of permitting the attachment of a special plate to the front of a vehicle of the first division or a vehicle of second division weighing 8,000 pounds or less and the attachment of a standard registration plate to the rear of that vehicle.

(d) The Secretary shall, by March 1, 2006, report to the Governor and the General Assembly the results of the studies undertaken in compliance with subsections (a), (b), and (c). The Secretary's reports shall contain cost estimates and comparisons of those estimates to comparable costs under present law.

(e) This Section is repealed on January 1, 2007.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 17, 2005.
Approved August 4, 2005.
Effective August 4, 2005.
AN ACT concerning public employee benefits.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:  
Section 5. The Illinois Pension Code is amended by changing Section 1-109.1 as follows:  
(40 ILCS 5/1-109.1) (from Ch. 108 1/2, par. 1-109.1)  
(1) Subject to the provisions of Section 22A-113 of this Code and subsections (2) and (3) of this Section, the board of trustees of a retirement system or pension fund established under this Code may:  
(a) Appoint one or more investment managers as fiduciaries to manage (including the power to acquire and dispose of) any assets of the retirement system or pension fund; and  
(b) Allocate duties among themselves and designate others as fiduciaries to carry out specific fiduciary activities other than the management of the assets of the retirement system or pension fund.  
(2) The board of trustees of a pension fund established under Article 5, 6, 8, 9, 10, 11, 12 or 17 of this Code may not transfer its investment authority, nor transfer the assets of the fund to any other person or entity for the purpose of consolidating or merging its assets and management with any other pension fund or public investment authority, unless the board resolution authorizing such transfer is submitted for approval to the contributors and pensioners of the fund at elections held not less than 30 days after the adoption of such resolution by the board, and such resolution is approved by a majority of the votes cast on the question in both the contributors election and the pensioners election. The election procedures and qualifications governing the election of trustees shall govern the submission of resolutions for approval under this paragraph, insofar as they may be made applicable.  
(3) Pursuant to subsections (h) and (i) of Section 6 of Article VII of the Illinois Constitution, the investment authority of boards of trustees of retirement systems and pension funds established under this Code is declared to be a subject of exclusive State jurisdiction, and the concurrent exercise by a home rule unit of any power affecting such investment authority is hereby specifically denied and preempted.  
(4) For the purposes of this Code, "emerging investment manager" means a qualified investment adviser that manages an investment portfolio
of at least $10,000,000 but less than $2,000,000,000 on January 1, 1993 and is a "minority owned business" or "female owned business" as those terms are defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

It is hereby declared to be the public policy of the State of Illinois to encourage the trustees of public employee retirement systems to use emerging investment managers in managing their system's assets to the greatest extent feasible within the bounds of financial and fiduciary prudence, and to take affirmative steps to remove any barriers to the full participation of emerging investment managers in investment opportunities afforded by those retirement systems.

Each retirement system subject to this Code shall prepare a report to be submitted to the Governor and the General Assembly by September 1 of each year. The report shall identify the emerging investment managers used by the system, the percentage of the system's assets under the investment control of emerging investment managers, and the actions it has undertaken to increase the use of emerging investment managers, including encouraging other investment managers to use emerging investment managers as subcontractors when the opportunity arises.

The use of an emerging investment manager does not constitute a transfer of investment authority for the purposes of subsection (2) of this Section.

(Source: P.A. 92-16, eff. 6-28-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 17, 2005.
Approved August 4, 2005.
Effective August 4, 2005.

PUBLIC ACT 94-0472
(Senate Bill No 0274)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Labor Relations Act is amended by changing Section 6 as follows:
(5 ILCS 315/6) (from Ch. 48, par. 1606)
Sec. 6. Right to organize and bargain collectively; exclusive representation; and fair share arrangements.

New matter indicated by italics - deletions by strikeout
(a) Employees of the State and any political subdivision of the State, excluding employees of the General Assembly of the State of Illinois, have, and are protected in the exercise of, the right of self-organization, and may form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment, not excluded by Section 4 of this Act, and to engage in other concerted activities not otherwise prohibited by law for the purposes of collective bargaining or other mutual aid or protection, free from interference, restraint or coercion. Employees also have, and are protected in the exercise of, the right to refrain from participating in any such concerted activities. Employees may be required, pursuant to the terms of a lawful fair share agreement, to pay a fee which shall be their proportionate share of the costs of the collective bargaining process, contract administration and pursuing matters affecting wages, hours and other conditions of employment as defined in Section 3(g).

(b) Nothing in this Act prevents an employee from presenting a grievance to the employer and having the grievance heard and settled without the intervention of an employee organization; provided that the exclusive bargaining representative is afforded the opportunity to be present at such conference and that any settlement made shall not be inconsistent with the terms of any agreement in effect between the employer and the exclusive bargaining representative.

(c) A labor organization designated by the Board as the representative of the majority of public employees in an appropriate unit in accordance with the procedures herein or recognized by a public employer as the representative of the majority of public employees in an appropriate unit is the exclusive representative for the employees of such unit for the purpose of collective bargaining with respect to rates of pay, wages, hours and other conditions of employment not excluded by Section 4 of this Act. A public employer is required upon request to furnish the exclusive bargaining representative with a complete list of the names and addresses of the public employees in the bargaining unit, provided that a public employer shall not be required to furnish such a list more than once per payroll period. The exclusive bargaining representative shall use the list exclusively for bargaining representation purposes and shall not disclose any information contained in the list for any other purpose. Nothing in this Section, however, shall prohibit a bargaining representative from disseminating a list of its union members.

(d) Labor organizations recognized by a public employer as the
exclusive representative or so designated in accordance with the provisions of this Act are responsible for representing the interests of all public employees in the unit. Nothing herein shall be construed to limit an exclusive representative's right to exercise its discretion to refuse to process grievances of employees that are unmeritorious.

(e) When a collective bargaining agreement is entered into with an exclusive representative, it may include in the agreement a provision requiring employees covered by the agreement who are not members of the organization to pay their proportionate share of the costs of the collective bargaining process, contract administration and pursuing matters affecting wages, hours and conditions of employment, as defined in Section 3 (g), but not to exceed the amount of dues uniformly required of members. The organization shall certify to the employer the amount constituting each nonmember employee's proportionate share which shall not exceed dues uniformly required of members. In such case, the proportionate share payment in this Section shall be deducted by the employer from the earnings of the nonmember employees and paid to the employee organization.

(f) Only the exclusive representative may negotiate provisions in a collective bargaining agreement providing for the payroll deduction of labor organization dues, fair share payment, initiation fees and assessments. Except as provided in subsection (e) of this Section, any such deductions shall only be made upon an employee's written authorization, and continued until revoked in writing in the same manner or until the termination date of an applicable collective bargaining agreement. Such payments shall be paid to the exclusive representative.

Where a collective bargaining agreement is terminated, or continues in effect beyond its scheduled expiration date pending the negotiation of a successor agreement or the resolution of an impasse under Section 14, the employer shall continue to honor and abide by any dues deduction or fair share clause contained therein until a new agreement is reached including dues deduction or a fair share clause. For the benefit of any successor exclusive representative certified under this Act, this provision shall be applicable, provided the successor exclusive representative:

(i) certifies to the employer the amount constituting each non-member's proportionate share under subsection (e); or
(ii) presents the employer with employee written authorizations for the deduction of dues, assessments, and fees under this subsection.

Failure to so honor and abide by dues deduction or fair share clauses
for the benefit of any exclusive representative, including a successor, shall be a violation of the duty to bargain and an unfair labor practice.

(g) Agreements containing a fair share agreement must safeguard the right of nonassociation of employees based upon bona fide religious tenets or teachings of a church or religious body of which such employees are members. Such employees may be required to pay an amount equal to their fair share, determined under a lawful fair share agreement, to a nonreligious charitable organization mutually agreed upon by the employees affected and the exclusive bargaining representative to which such employees would otherwise pay such service fee. If the affected employees and the bargaining representative are unable to reach an agreement on the matter, the Board may establish an approved list of charitable organizations to which such payments may be made.

(Source: P.A. 93-854, eff. 1-1-05.)

Passed in the General Assembly May 27, 2005.
Approved August 4, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0473
(Senate Bill No 0301)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by adding Section 6-103.1 as follows:

(625 ILCS 5/6-103.1 new)

Sec. 6-103.1. New residents; out-of-state revocation.

(a) The Secretary of State may not issue a driver's license to a nonresident who becomes a resident of this State while the new resident's driving privileges are revoked, under terms similar to those provided in Section 1-176 of this Code, in another state.

(b) The Secretary may issue restricted driving permits to new residents whose driving privileges are revoked in another state. These permits must be issued according to the restrictions, and for the purposes, stated in Sections 6-205 and 6-206 of this Code. The Secretary shall adopt rules for the issuance of these permits.

Passed in the General Assembly May 17, 2005.
Approved August 4, 2005.

New matter indicated by italics - deletions by strikeout
Effective January 1, 2006.

PUBLIC ACT 94-0474
(Senate Bill No 0341)

AN ACT concerning the Metropolitan Water Reclamation District.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Metropolitan Water Reclamation District Act is amended by adding Section 9e as follows:

(70 ILCS 2605/9e new)

Sec. 9e. Stormwater working cash fund. The corporate authorities of any such sanitary district may by ordinance establish a fund to be known as the "stormwater working cash fund", which shall be maintained and administered in the manner provided by this Act for the purpose of enabling the corporate authorities to have in the treasury at all times sufficient money to meet demands for ordinary and necessary expenditures for stormwater management purposes as defined in Section 7h of this Act.

To create the stormwater working cash fund, the corporate authorities may transfer funds allowed to be transferred under this Act into the stormwater working cash fund, in an amount not to exceed 100% of the amount produced by multiplying the maximum tax rate permitted under this Act for stormwater purposes by the last known assessed valuation of all taxable property within the territorial boundaries of the sanitary district, as equalized and determined for State and local taxes. All such moneys, when received by the treasurer of the district, shall be set apart in the stormwater working cash fund.

The moneys in the stormwater working cash fund shall not be regarded as current assets available for appropriation and shall not be appropriated by the corporate authorities in the annual sanitary district budget.

In order to provide moneys with which to meet ordinary and necessary disbursements for salaries and other stormwater purposes, moneys in the stormwater working cash fund may be transferred, in whole or in part, to the stormwater fund of the sanitary district and so disbursed therefrom in anticipation of the collection of any taxes lawfully levied for stormwater purposes. Moneys shall be transferred from the stormwater working cash fund to the stormwater fund only upon the authority of the corporate authorities, which shall by resolution direct the treasurer of the sanitary

New matter indicated by italics - deletions by strikeout
district to make transfers. The resolution shall set forth (1) the entire amount of real estate taxes extended or estimated to be extended from which the stormwater working cash fund will be reimbursed, and (2) the aggregate amount of moneys theretofore transferred from the stormwater working cash fund to the stormwater fund in anticipation of the collection of such taxes. The amount that the resolution directs the treasurer of the sanitary district to transfer in anticipation of the collection of taxes levied, when added to the aggregate amount of any such transfers theretofore made, shall not exceed the aggregate of 100% of the actual or estimated amount of such taxes extended or to be extended.

Upon the receipt by the treasurer of the sanitary district of any taxes in anticipation of the collection of which moneys of the stormwater working cash fund have been so transferred for disbursement, that fund shall immediately be reimbursed from those taxes until the full amount so transferred has been retransferred to the fund. If the taxes in anticipation of the collection of which such a transfer was made are not collected in sufficient amounts to effect a complete reimbursement of the stormwater working cash fund within the second budget year following the year in which the transfer was made, the deficiencies between the amounts so transferred and the amounts repaid shall be general obligations of the stormwater fund until repaid from taxes in anticipation of which such transfers were made or from appropriations which may be made in annual sanitary district budgets of sums of money to apply on such general obligations.

Any member of the board of commissioners of the sanitary district, any officer thereof, and any other person holding any other position of trust or employment under that board who is guilty of the willful violation of any of the provisions of this Section commits a business offense and shall be fined an amount not exceeding $10,000 and shall forfeit the right to his or her office, trust, or employment and be removed therefrom. Any such member, officer, or person shall be liable for any sum that he or she may cause to be unlawfully diverted from the stormwater working cash fund or otherwise improperly used, to be recovered by the corporate authorities of the sanitary district or by any taxpayer in the name and for the benefit of the board of commissioners in an appropriate civil action. A taxpayer so suing shall file a bond for, and shall be liable for, all costs taxed against the board of commissioners in the suit. Nothing herein shall bar any other remedies.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 19, 2005.
Approved August 4, 2005.
AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by adding Section 11-141-10.1 as follows:

(65 ILCS 5/11-141-10.1 new)

Sec. 11-141-10.1. Annexation of territory including township sewerage system.

(a) If a municipality annexes part or all of the territory in which a township operates a sewerage system that includes a sewage treatment plant or plants, and if the corporate authorities of the municipality do not operate a sewerage system that includes a sewage treatment plant or plants, the township shall be responsible for that portion of the sewerage system within the annexed territory. Any user fees attributable to the annexed territory shall remain with the township, unless, by agreement, the township assigns those fees.

(b) If a municipality annexes part or all of the territory in which a township operates a sewerage system that does not include a sewage treatment plant or plants, the authority responsible for operating the sewerage system within the annexed territory shall assume responsibility for that portion of the sewerage system within the annexed territory. Beginning upon the date of annexation, any user fees attributable to the maintenance and operation of the sewerage system shall be collected by the corporate authorities of the municipality.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 18, 2005.
Approved August 4, 2005.
Effective August 4, 2005.
General Assembly:

Section 5. The Illinois Highway Code is amended by changing Section 9-127 as follows:

(605 ILCS 5/9-127) (from Ch. 121, par. 9-127)

Sec. 9-127. (a) Except as provided in subsections (b), and (c), and (d) and in cases where the deed, or other instrument, dedicating a highway or part thereof, has expressly provided for a specific devolution of the title thereto upon the abandonment or vacation thereof, whenever any highway or any part thereof is vacated under or by virtue of any Act of this State or by the highway authority authorized to vacate the highway, the title to the land included within the highway or part thereof so vacated, vests in the then owners of the land abutting thereon, in the same proportions and to the same extent, as though the highway had been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee of the highway had been acquired by the owners as a part of the land abutting on the highway except, however, such vacation shall reserve to any public utility with facilities located in, under, over or upon the land an easement for the continued use, if any, by such public utility.

(b) When any highway authority determines to vacate a highway under its jurisdiction, or part thereof, established within a subdivision by a statutory plat, that authority may vacate such highway and convey the highway authority's interest in such highway to any bona fide organization of property owners of the subdivision which (1) is so organized as to be able to receive, hold and convey real property, (2) has petitioned the highway authority for the vacation of the highway, and (3) undertakes to develop the property for the use and benefit of the public. If the association abandons the property, it passes as provided in subsection (a).

(c) When any highway authority determines to vacate a highway or part of a highway under its jurisdiction established within a subdivision by a statutory plat, that authority may vacate the highway and convey the highway authority's interest in the highway to any township road district which (1) has petitioned the highway authority for the vacation of the highway and (2) undertakes to develop the property as a bike path or alley for the use and benefit of the public. If the property is subsequently incorporated within a municipality, the township road district may transfer its interest to the municipality. If the township road district or municipality abandons the property, it passes as provided in subsection (a).

(d) When any highway authority determines to vacate a highway or a part of a highway under its jurisdiction, the authority may sell the vacated

New matter indicated by italics - deletions by strikeout
highway property to any third party at fair market value if (1) the authority has either a fee simple interest in the vacated highway property or a dedication of that property by statutory plat and (2) the right of first refusal with regard to the vacated highway property has been granted to adjoining landowners for fair market value.

(Source: P.A. 93-321, eff. 7-23-03.)


PUBLIC ACT 94-0477
(Senate Bill No 1267)

AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Safety Inspection and Education Act is amended by changing Section 0.2, changing and resectioning Section 2, and adding Sections 2.2, 2.5, 2.6, 2.7, and 2.9 as follows:

(820 ILCS 220/.02) (from Ch. 48, par. 59.02)

Sec. .02. Definitions. As used in this Act:

"Department" means the Department of Labor.

"Director" means the Director of Labor.

"Division" means the Division of Safety Inspection and Education of the Department of Labor.

(Source: P.A. 87-245.)

(820 ILCS 220/2) (from 820 ILCS 220/2, in part)

Sec. 2. Powers and duties: inspections.

(a) The Director of Labor shall enforce the occupational safety and health standards and rules promulgated under the Health and Safety Act and any occupational health and safety laws relating to inspection of places of employment, and shall visit and inspect, as often as practicable, the places of employment covered by this Act.

(b) The Director of Labor or his or her authorized representatives upon presenting appropriate credentials to the owner, operator or agent in charge is authorized to have the right of entry and inspections of all places of all employment in the State as follows:

(1) To enter without delay and at reasonable times any
factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of a public employer in order to enforce such occupational safety and health standards.

(2) If the public employer refuses entry upon being presented proper credentials or allows entry but then refuses to permit or hinders the inspection in some way, the inspector shall leave the premises and immediately report the refusal to authorized management. Authorized management shall notify the Director of Labor to initiate the compulsory legal process or obtain a warrant for entry, or both.

(3) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(4) The owner, operator, manager or lessees of any place affected by the provisions of this Act and his or her agent, superintendent, subordinate or employee, and any employer affected by such provisions shall when requested by the Division of Safety Inspection and Education, or any duly authorized agent thereof, furnish any information in his or her possession or under his control which the Department of Labor is authorized to require, and shall answer truthfully all questions required to be put to him, and shall cooperate in the making of a proper inspection.

(5) A person who gives advance notice of an inspection to be conducted under the authority of this Act without authority from the Director of Labor, or his or her authorized representative, commits a Class B misdemeanor.

(6) Subject to regulations issued by the Director of Labor, a representative of the employer and a representative authorized by his or her employees shall be given an opportunity to accompany the Director of Labor or his or her authorized representative during the physical inspection of any workplace under this Section for the purpose of aiding such inspection. Where there is no authorized employee representative the Director of Labor or his or her authorized agent shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

New matter indicated by italics - deletions by strikeout
(7)(A) Whenever and as soon as an inspector concludes that an imminent danger exists in any place of employment, the inspector shall inform the affected employees or their authorized representatives and employers of the danger and that the inspector is recommending to the Director of Labor that relief be sought.

(B) Whenever the Director is of the opinion that imminent danger exists in the working conditions of any public employee in this State, which condition may reasonably be expected to cause death or serious physical harm, the Director may file a complaint in the circuit court for appropriate relief against an employer and employee, including an order directing the employer or employee to cease and desist from the practice creating the imminent danger and to obtain immediate abatement of the hazard.

(C) If the Director of Labor arbitrarily or capriciously fails to seek relief under this Section, any employee who may be injured by reason of such failure, or the representative of the employee, may bring an action against the Director of Labor in the circuit court for the circuit in which the imminent danger is alleged to exist or the employer has his or her principal office, for relief by mandamus to compel the Director of Labor to seek such an order and for such further relief as may be appropriate.

(Source: P.A. 86-820; 87-245.)

(820 ILCS 220/2.1 new) (from 820 ILCS 220/2, in part)

Sec. 2.1. Complaint inspection procedures.

(a) Any employees or representatives of employees who believe that a violation of a safety or health standard exists or that an imminent danger exists, may request an inspection by submitting a written complaint to the Director of Labor or his or her authorized representative setting forth with reasonable particularity the grounds for the complaint, and signed by the employees or representative of employees.

(b) If the Director of Labor or the Director's authorized representative determines there are no reasonable grounds to believe that a violation or danger exists, he or she shall notify the employees or representatives of the employees in writing of such determination.

(c) If, upon receipt of such complaint, the Director of Labor or his or her authorized representative determines there are reasonable grounds to believe that such violation or danger exists, he or she shall make a special inspection of the workplace in accordance with the provisions of this Act as soon as practicable, to determine if such violation or danger exists.
(d) A copy of the complaint shall be provided the employer or his or her agent by the Director of Labor or his or her authorized representative at the time of inspection, except that, upon the request of the person making such complaint, his name and the name of individual employees referred to therein, shall not appear in such copy or on any record published, released, or made available by the Director of Labor or his or her authorized representative.

(e) Nonformal complaints shall be handled by an authorized representative of the Director of Labor and, based upon the severity and legitimacy of the complaint, the authorized representative of the Director of Labor shall either schedule a complaint inspection or issue a letter to the public employer stating the concern. If upon receipt of such complaint, the Director of Labor or his or her authorized representative determines there are reasonable grounds to believe that such violation or danger exists, he or she shall make a special inspection of the workplace in accordance with the provisions of this Act as soon as practicable, to determine if such violation or danger exists. If the Director of Labor or his or her authorized representative determines there are no reasonable grounds to believe that a violation or danger exists, he or she shall notify the employees or representatives of the employees in writing of such determination.

Sec. 2.2. Discrimination prohibited.

(a) A person may not discharge or in any way discriminate against any employee because the employee has filed a complaint or instituted or caused to be instituted any proceeding under or related to this Act or the Health and Safety Act or has testified or is about to testify in any such proceeding or because of the exercise by the employee on behalf of himself or herself or others of any right afforded by this Act or the Health and Safety Act.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person in violation of this Section may, within 30 calendar days after the violation occurs, file a complaint with the Director of Labor alleging the discrimination. Upon request, the Director of Labor shall withhold the name of the complainant from the employer.
Upon receipt of the complaint, the Director of Labor shall cause such investigation to be made as the Director deems appropriate. If, after the investigation, the Director of Labor determines that the provisions of this Section have been violated, the Director shall, within 120 days after receipt of the complaint, bring an action in the circuit court for appropriate relief, including rehiring or reinstatement of the employee to his or her former position with back pay, after taking into account any interim earnings of the employee.

(c) Within 90 days of the receipt of a complaint filed under this Section, the Director of Labor shall notify the complainant of the Director's determination under subsection (b) of this Section.

(820 ILCS 220/2.3 new) (from 820 ILCS 220/2, in part)
Sec. 2.3. Methods of compelling compliance.
(a) Citations. (d) 1.
(1) If, upon inspection or investigation, the Director of Labor or his or her authorized representative believes that an employer has violated a requirement of Section 3 of the Health and Safety Act, or a standard, rule, regulation or order promulgated pursuant to this Act or the Health and Safety Act, he or she shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing; describe with particularity the nature of the violation and include a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated; and fix a reasonable time for the abatement of the violation.

(2) The Director of Labor may prescribe procedures for the issuance of a notice of de minimis violations which have no direct or immediate relationship to safety or health.

(3) Each citation issued under this Section, or a copy or copies thereof, shall be prominently posted as prescribed in regulations issued by the Director of Labor at or near the place at which the violation occurred.

(4) 2: Citations shall be served on the employer, owner, operator, manager, or agent by delivering an exact copy to the person upon whom the service is to be had, or by leaving a copy at his or her usual place of business or abode, or by sending a copy thereof by registered mail to his place of business.

3: Each citation issued under this Section, or a copy or copies thereof, shall be prominently posted as prescribed in regulations issued by the Director of Labor at or near the place the violation

New matter indicated by italics - deletions by strikeout
(5) No citation may be issued under this Section after the expiration of 6 months following the occurrence of any violation.

(6) If, after an inspection, the Director of Labor issues a citation, he or she shall within 5 days after the issuance of the citation, notify the employer by certified mail of the penalty, if any, proposed to be assessed for the violation set forth in the citation.

(7) If the Director of Labor has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction, the Director of Labor shall notify the employer by certified mail of such failure and of the monetary penalty proposed to be assessed by reason of such failure.

(8) The public entity may submit in writing data relating to the abatement of a hazard to be considered by an authorized representative of the Director of Labor. The authorized representative of the Director of Labor shall notify the interested parties if such data will be used to modify an abatement order.

(b) Proposed violations.

(1) Civil penalties. Civil penalties under subparagraphs (A) through (E) paragraphs A., B., C. and D. may be assessed by the Director of Labor as part of the citation procedure as follows:

(A) Any public employer who repeatedly violates the requirements of the Health and Safety Act or any standard, or rule, or order pursuant to that Act and this Act may be assessed a civil penalty of not more than $10,000.

A. Any employer who has received a citation for violations of any standard, or rule, or order not of a serious nature may be assessed a civil penalty of up to $1,000 for each such violation.

(B) Any employer who has received a citation for a serious violation of the requirements of Section 3 of the Health and Safety Act or any standard, or rule, or order pursuant to that Act and this Act shall be assessed a civil penalty up to $1,000 for each such violation.

For purposes of this Section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or
more practices, means, methods, operations, or processes which have been adopted or are in use in such place of employment unless the employer did not know and could not, with the exercise of reasonable diligence, have known of the presence of the violation as specifically determined.

(C) Any public employer who has received a citation for violations of any standard, or rule, or order not of a serious nature may be assessed a civil penalty of up to $1,000 for each such violation.

(D) Any public employer who fails to correct a violation for which a citation has been issued within the period permitted may be assessed a civil penalty of up to $1,000 for each day the violation continues.

(E) Any public employer who intentionally violates the requirements of the Health and Safety Act or any standard, or rule, or order pursuant to this Act or demonstrates plain indifference to its requirements shall be issued a willful violation and may be assessed a civil penalty of not more than $10,000.

(2) Criminal penalty. Any public employer who willfully violates any standard, rule, or order is guilty of a Class 4 felony if that violation causes death to any employee.

(3) Assessment and reduction of penalties. Any penalty may be reduced by the Director of Labor or the Director's authorized representative by as much as 95% depending upon the public employer's "good faith", "size of business", and "history of previous violations". Up to 60% reduction is permitted for size, up to 25% reduction is permitted for good faith, and up to 10% reduction is permitted for history.

D. Any employer who willfully or repeatedly violates the requirements of Section 3 of the Health and Safety Act or any standard, or rule, or order pursuant to that Act and this Act may be assessed a civil penalty of not more than $10,000.

For purposes of this Section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such place of employment unless the employer did not know and could not, with the exercise of reasonable diligence, have
known of the presence of the violation as specifically determined.
(Source: P.A. 86-820; 87-245.)

(820 ILCS 220/2.4 new) (from 820 ILCS 220/2, in part)
Sec. 2.4. Contested cases.
(a) An employer, firm or corporation, or an agent, manager or superintendent or a person for himself or herself or for other such person, firm or corporation, after receiving a citation, a proposed assessment of penalty, or a notification of failure to correct violation from the Director of Labor or his or her authorized agent that he or she is in violation of this Act, or of any occupational safety or health standard or rule, may within 15 working days from receipt of the notice of citation or penalty request in writing a hearing before the Director for an appeal from the citation order, notice of penalty, or abatement period.

(b) Any employee or representative of an employee may within 15 working days of the issuance of a citation file a request in writing for a hearing before the Director for an appeal from the citation on the ground that the period of time fixed in the citation for the abatement of the violation is unreasonable.

(c)(1) The Director shall schedule a hearing within 15 calendar days after receipt of such request for an appeal from the citation order and shall notify all interested parties of such hearing. Such hearing shall be held no later than 45 calendar days after the date of receipt of such appeal request.

(2) The Director shall afford a hearing to the employer or his or her representatives, at which hearing the employer shall state his or her objections to such citation and provide evidence why such citation shall not stand as entered. The Director of Labor or his or her representative shall be given the opportunity to state his or her reasons for entering such violation citation. Affected employees shall be provided an opportunity to participate as parties to hearings under the rules of procedure prescribed by the Director.

(3) The Director, in consideration of the evidence presented at the formal hearing, shall in accordance with his rules enter a final decision and order no later than 15 calendar days after such hearing affirming, modifying or vacating the Director's citation or proposed penalty, or directing other appropriate relief.

(4) An informal review may be conducted by an authorized representative of the Director of Labor who is authorized to change abatement dates, to reclassify violations (such as willful to serious, serious to other-than-serious), and to modify or withdraw a penalty, a citation, or a citation item if the employer presents evidence during the informal

New matter indicated by italics - deletions by strikeout
conference which convinces the authorized representative of the Director of Labor that the changes are justified.

(5) Appeal.
(A) Any party adversely affected by a final violation order or determination of the Director may obtain judicial review by filing a complaint for review within 35 days after the entry of the order or other final action complained of, pursuant to the provisions of the Administrative Review Law, all amendments and modifications thereof, and the rules adopted pursuant thereto.
(B) If no appeal is taken within 35 days the order of the Director shall become final.
(C) Judicial reviews filed under this Section shall be heard expeditiously.

(6) The Director of Labor has the power:
(A) To issue subpoenas for and compel the attendance of witnesses and the production of pertinent books, papers, documents or other evidence.
(B) To hear testimony and receive evidence and to take or cause to be taken, depositions of witnesses residing within or without this State in the manner prescribed by law for depositions in civil cases in the circuit court. Subpoenas and commissions to take testimony shall be under seal of the Director of Labor.

Service of subpoenas may be made by any sheriff or any other person.
The circuit court for the county where any hearing is pending, upon application of the Director of Labor, may, in the court's discretion, compel the attendance of witnesses, the production of pertinent books, papers, records, or documents and the giving of testimony before the Director of Labor by an attachment proceeding, as for contempt, in the same manner as the production of evidence may be compelled before the court.

9. A. No person shall discharge or in any way discriminate against any employee because such employee has filed a complaint or instituted or caused to be instituted any proceeding under or related to this Act or the Health and Safety Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this Act or the Health and Safety Act.

B. Any employee who believes that he or she has been discharged or otherwise discriminated against by any person in violation of this Section may, within 30 calendar days after such violation occurs, file a complaint with the Director of Labor alleging such discrimination. Upon request, the
Director of Labor shall withhold the name of the complainant from the employer. Upon receipt of such complaint, the Director of Labor shall cause such investigation to be made as he or she deems appropriate. If after such investigation, the Director of Labor determines that the provisions of this Section have been violated, he or she shall, within 120 days after receipt of the complaint, bring an action in the circuit court for appropriate relief, including rehiring, or reinstatement of the employee to his or her former position with back pay, after taking into account any interim earnings of the employee:

C. Within 90 days of the receipt of a complaint filed under this Section the Director of Labor shall notify the complainant of his or her determination under subparagraph 9B. of this Section.

(e) Whenever the Director is of the opinion that imminent danger exists in the working conditions of any employee in this State, which condition can reasonably be expected to cause death or serious physical harm, the Director may file a complaint in the circuit court for appropriate relief against an employer and employee, including an order directing the employer or employee to cease and desist from the practice creating the imminent danger. Whenever and as soon as an inspector concludes that an imminent danger exists in any place of employment, he or she shall inform the affected employees or their authorized representatives and employers of the danger and that he or she is recommending to the Director of Labor that relief be sought.

If the Director of Labor arbitrarily or capriciously fails to seek relief under this Section, any employee who may be injured by reason of such failure, or the representative of such employees, may bring an action against the Director of Labor in the circuit court for the circuit in which the imminent danger is alleged to exist or the employer has his or her principal office, for relief by mandamus to compel the Director of Labor to seek such an order and for such further relief as may be appropriate.

(820 ILCS 220/2.5 new)

Sec. 2.5. Employee access to information.

(a) The Director of Labor shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under the Health and Safety Act.

(1) The regulations shall provide employees or their representatives with an opportunity to observe such monitoring or
measuring, and to have access to the records thereof.

(2) The regulations shall also make appropriate provisions for each employee or former employee to have access to such records as will indicate his or her own exposure to toxic materials or harmful physical agents.

(3) Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an occupational safety and health standard and shall inform any employee who is being thus exposed of the corrective action being taken.

(b) The Director of Labor shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under these Acts, including the provisions of applicable standards.

(820 ILCS 220/2.6 new)
Sec. 2.6. Other prohibited actions and sanctions.

(a) Advance notice. A person who gives advance notice of any inspection to be conducted under the authority of this Act without authority from the Director of Labor, or his or her authorized representative, commits a Class B misdemeanor.

(b) False statements. A person who knowingly makes a false statement, representation, or certification in any application, record, report, plan, or other document required pursuant to this Act commits a Class 4 felony.

(c) Violation of posting requirements. A public employer who violates any of the required posting requirements is subject to the following citations and proposed penalty structure:

(1) Job Safety & Health Poster: an other-than-serious citation with a proposed penalty of $1,000.

(2) Annual Summary of Injuries/Illnesses: an other-than-serious citation and a proposed penalty of $1,000 even if there are no recordable injuries or illnesses.

(3) Citation: an other-than-serious citation and a proposed penalty of $1,000.

(d) All information reported to or otherwise obtained by the Director of Labor or the Director’s authorized representative in connection with any inspection or proceeding under this Act or the Health and Safety Act which contains or might reveal a trade secret shall be considered confidential,

New matter indicated by italics - deletions by strikeout
except that such information may be disclosed confidentially to other officers or employees concerned with carrying out this Act or the Health and Safety Act or when relevant to any proceeding under this Act. In any such proceeding, the Director of Labor or the court shall issue such orders as may be appropriate, including the impoundment of files or portions of files, to protect the confidentiality of trade secrets. A person who violates the confidentiality of trade secrets commits a Class B misdemeanor.

(820 ILCS 220/2.7 new)

Sec. 2.7. Inspection scheduling system.
(a) In general, the priority of accomplishment and assignment of staff resources for inspection categories shall be as follows:
   (1) Imminent Danger.
   (2) Fatality/Catastrophe Investigations.
   (3) Complaints/Referrals Investigation.
   (4) Programmed Inspections - general, advisory, monitoring and follow-up.
(b) The priority for assignment of staff resources for hazard categories shall be the responsibility of an authorized representative of the Director of Labor based upon the inspection category, the type of hazard, the perceived severity of hazard, and the availability of resources.

(820 ILCS 220/2.8 new) (from 820 ILCS 220/2, in part)

Sec. 2.8. Voluntary compliance program.
(f) The Department through the employees of the Division shall foster and promote safety practices.
(a) The Department shall encourage employers and organizations and groups of employees to institute and maintain safety education programs for employees and promote the observation of safety practices.
(b) The Department shall provide and conduct qualified and quality educational programs specifically designed to meet the regulatory requirements and the needs of the public employer.
(c) The educational programs and advisory inspections shall be scheduled secondary to the unprogrammed inspections by priority.
(d) Regular public information programs shall be conducted to inform the public employers of changes to the regulations or updates as necessary.
(e) The Department shall provide support services for any public employer who needs assistance with the public employer’s self-inspection programs. The Department may furnish safety education material and literature and may advise and cooperate with employers and organizations and groups of employees in the conduct of safety education programs and in
the observation of safety practices. The Department shall through the Division enforce the provisions of this Act, and any other law relating to the inspection of places of employment in the State.
(Source: P.A. 86-820; 87-245.)

(820 ILCS 220/2.9 new)
Sec. 2.9. Laboratory services. The Department shall enlist the services of certified laboratories to provide analysis and interpretation of results via contractual services.

(820 ILCS 220/2.10 new) (from 820 ILCS 220/2, in part)
Sec. 2.10. Adoption of rules; designation of personnel to hear evidence in disputed matters.

(a) The Director of Labor shall adopt such rules and regulations as he or she may deem necessary to implement the provisions of this Act, including, but not limited to, rules and regulations dealing with: (1) the inspection of an employer's establishment and (2) the designation of proper parties, pleadings, notice, discovery, the issuance of subpoenas, transcripts, and oral argument.

All information reported to or otherwise obtained by the Director of Labor or his or her authorized representative in connection with any inspection or proceeding under this Act or the Health and Safety Act, which contains or might reveal a trade secret shall be considered confidential, except that such information may be disclosed confidentially to other officers or employees concerned with carrying out this Act or the Health and Safety Act or when relevant to any proceeding under this Act. In any such proceeding, the Director of Labor or the court shall issue such orders as may be appropriate, including the impoundment of files, or portions of files, to protect the confidentiality of trade secrets.

Any person who shall violate the confidentiality of trade secrets shall be guilty of a Class B misdemeanor.

(b) The Director of Labor may designate personnel to hear evidence in disputed matters.

(h) Any employer who willfully violates any standard, rule or order, if that violation caused death to any employee, shall be guilty of a Class 4 felony.

(i) Whoever knowingly makes a false statement, representation, or certification in any application, record, report, plan or other document required pursuant to this Act, shall be guilty of a Class 4 felony.

(j) The Director of Labor shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their

New matter indicated by italics - deletions by strikeout
employees informed of their protections and obligations under these Acts, including the provisions of applicable standards.

(k) The Director of Labor shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic material or harmful physical agents which are required to be monitored or measured under the Health and Safety Act. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provisions for each employee or former employee to have access to such records as will indicate his or her own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an Illinois occupational safety and health standard and shall inform any employee who is being thus exposed of the corrective action being taken.

(Source: P.A. 86-820; 87-245.)

Section 10. The Health and Safety Act is amended by changing Section 2 and changing and resectioning Section 4 as follows:

(820 ILCS 225/2) (from Ch. 48, par. 137.2)

Sec. 2. This Act shall apply to all public employers engaged in any occupation, business or enterprise in this State, and their employees, including the State of Illinois and its employees and all political subdivisions and its employees, except that nothing in this Act shall apply to working conditions of employees with respect to which Federal agencies, and State agencies acting under Section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health. Any regulations in excess of applicable Federal standards shall, before being promulgated, be the subject of hearings as required by this Act.

(Source: P.A. 78-867.)

(820 ILCS 225/4) (from 820 ILCS 225/4, in part)

Sec. 4. Records and reports; work-related deaths, injuries, and illnesses.

(a) The Director shall prescribe rules requiring employers to maintain accurate records of, and to make reports on, work-related deaths, injuries and illnesses, other than minor injuries requiring only first aid treatment which do not involve medical treatment, loss of consciousness, restriction of work or

New matter indicated by italics - deletions by strikeout
motion, or transfer to another job. Such rules shall specifically include all of the reporting provisions of Section 6 of the Workers' Compensation Act and Section 6 of the Workers' Occupational Diseases Act.

(b) Such records shall be available to any State agency requiring such information.

(c) All reports filed hereunder shall be confidential and any person having access to such records filed with the Director as herein required, who shall release any information therein contained including the names or otherwise identify any persons sustaining injuries or disabilities, or give access to such information to any unauthorized person, shall be subject to discipline or discharge, and in addition shall be guilty of a Class B misdemeanor.

(Source: P.A. 87-245.)

(820 ILCS 225/4.1 new) (from 820 ILCS 225/4, in part)
Sec. 4.1. Adoption of federal safety and health standards as rules.
(a) (d) All federal occupational safety and health standards which the United States Secretary of Labor has heretofore promulgated, modified or revoked in accordance with the Federal Occupational Safety and Health Act of 1970, shall be and are hereby made rules of the Director unless the Director shall make, promulgate, and publish an alternate rule at least as effective in providing safe and healthful employment and places of employment as a federal standard. Prior to the development and promulgation of alternate standards or the modification or revocation of existing standards, the Director must consider factual information including:

(1) Expert technical knowledge.
(2) Input from interested persons including employers, employees, recognized standards-producing organizations, and the public.

(b) All federal occupational safety and health standards which the United States Secretary of Labor shall hereafter promulgate, modify or revoke in accordance with the Federal Occupational Safety and Health Act of 1970 shall become the rules of the Department 6 months 60 days after their federal effective date, unless there shall have been in effect in this State at the time of the promulgation, modification or revocation of such rule an alternate State rule at least as effective in providing safe and healthful employment and places of employment as a federal standard. However, such rule shall not become effective until the following requirements have been met:

(1) The Department shall within 45 days after the federal effective date of such rule, publish in the "Illinois Occupational

New matter indicated by italics - deletions by strikeout
Safety and Health Bulletin" the provisions of such rule and in addition thereto shall file with the office of the Secretary of State in Springfield, Illinois, a certified copy of such rule as provided in "The Illinois Administrative Procedure Act", approved August 22, 1975, as amended; or

(2) In the event of the Department's failure to publish or file a certified copy with the Secretary of State, any resident of the State of Illinois may upon 5 days written notice to the Director publish such rule in one or more newspapers of general circulation and file a certified copy thereof with the office of the Secretary of State in Springfield, Illinois, whereupon such rule shall become effective provided that in no event shall such effective date be less than 60 days after the federal effective date.

(c) The Director of Labor may promulgate emergency temporary standards or rules to take effect immediately by filing such rule or rules with the Illinois Secretary of State providing that the Director of Labor shall first expressly determine:

(1) that the employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards; and

(2) that such emergency standard is necessary to protect employees from such danger.

The Director of Labor shall adopt emergency temporary standards promulgated by the federal Occupational Safety and Health Administration within 30 days of federal notice. Such temporary emergency standards shall be effective until superseded by a permanent standard but in no event for more than 6 months from the date of its publication. The publication of such temporary emergency standards shall be deemed to be a petition to the Director of Labor for the promulgation of a permanent standard and shall be deemed to be filed with the Director of Labor on the date of its publication and the proceeding for the permanent promulgation of the rule shall be pursued in accordance with the provisions of this Act.

(d)(1) Any standard promulgated under this Act shall prescribe the use of labels or other appropriate forms of warning as are necessary to ensure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure.

(2) Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in

New matter indicated by italics - deletions by strikeout
connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees.

(3) In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at the employer's cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. The results of such examinations or tests shall be furnished by the employer only to the Department of Labor, or at the direction of the Department to authorized medical personnel and at the request of the employee to the employee's physician.

(4) The Director of Labor, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately ensures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of the employee's working life.

(5) Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

(Source: P.A. 87-245.)
(820 ILCS 225/4.2 new) (from 820 ILCS 225/4, in part)
Sec. 4.2. Variances.
(a) The Director of Labor has the authority to grant either temporary or permanent variances from any of the State standards upon application by a public employer. Any variance from a State health and safety standard may have only future effect.
(b) Any public employer may apply to the Director of Labor for a temporary order granting a variance from a standard or any provision thereof promulgated under this Act.
(1) Such temporary order shall be granted only if the employer files an application which meets the requirements of paragraph (1) of

New matter indicated by italics - deletions by strikeout
this subsection (b) (e) and establishes:

(A) that he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date;

(B) that he is taking all available steps to safeguard his employees against the hazards covered by the standard; and

(C) that he has an effective program for coming into compliance with a standard as quickly as practicable.

Any temporary or der issued under this Section shall prescribe the practices, means, methods, operations and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard.

(2) Such a temporary order may be granted only after notice to employees and an opportunity for a hearing. However, in cases involving only documentary evidence in support of the application for a temporary variance and in which no objection is made or hearing requested by the employees or their representative, the Director of Labor may issue a temporary variance in accordance with this Act.

(3) In the event the application is contested or a hearing requested, the application shall be heard and determined by the Director.

(4) No order for a temporary variance may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice, so long as the requirements of this paragraph are met and if an application for renewal is filed at least 90 days prior to the expiration date of the order. No interim renewal of an order may remain in effect for longer than 180 days.

(5) An application for a temporary order as herein provided shall contain:

(A) a specification of the standard or portion thereof from which the employer seeks a variance;

(B) a representation by the employer, supported by representations from qualified persons having first-hand knowledge of the facts represented, that he is unable to
comply with a standard or portion thereof and a detailed statement of the reasons therefor;

(C) a statement of the steps he has taken and will take (with specific dates) to protect employees against a hazard covered by the standard;

(D) a statement of when the date by which he expects to be able to comply with the standard and what steps he has taken and will take (with dates specified) to comply with the standard; and

(E) a certification that he has informed his employees of the application by giving a copy thereof to their authorized representatives, posting a statement summarizing the application and specifying where employees may examine a copy of such application.

A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the Director for a hearing.

(6) (2) The Director of Labor is authorized to grant a variance from any standard or portion thereof whenever the Director of Labor determines that such variance is necessary to permit an employer to participate in an experiment approved by the Director of Labor designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

(c) (4) Any affected employer may apply to the Director of Labor for a rule or order for a permanent variance other than a temporary variance from a standard promulgated under this Act. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The Director of Labor shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, or employees, or by the Director of Labor on his own

New matter indicated by italics - deletions by strikeout
motion, in the manner prescribed for its issuance under this Section at any time after 6 months from its issuance.

(g) The Director of Labor may promulgate emergency temporary standards or rules to take effect immediately by filing such rule or rules with the Illinois Secretary of State and publishing them in the "Illinois Occupational Safety and Health Bulletin" or if that is not available, in one or more newspapers of general circulation providing that the Director of Labor shall first expressly determine (1) that the employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and (2) that such emergency standard is necessary to protect employees from such danger.

Such emergency standard shall be effective until superseded by a permanent standard but in no event for more than 6 months from the date of its publication.

The publication of such emergency standard shall be deemed to be a petition to the Director of Labor for the promulgation of a permanent standard and shall be deemed to be filed with the Director of Labor on the date of its publication and the proceeding for the permanent promulgation of the rule shall be pursued in accordance with the provisions of Section 7 of this Act.

(h) Any standard promulgated under this Act shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for a monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. The results of such examinations or tests shall be furnished by the employer only to the Department of Labor, or at the direction of the Department to authorized medical personnel and at the request of the employee to his physician. The Director of Labor, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which

New matter indicated by italics - deletions by strikeout
most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

(Source: P.A. 87-245.)

Approved August 4, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0478
(House Bill No 0312)

AN ACT concerning schools.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 27-20.3 as follows:

(105 ILCS 5/27-20.3) (from Ch. 122, par. 27-20.3)

Sec. 27-20.3. Holocaust and Genocide Study. Every public elementary school and high school shall include in its curriculum a unit of instruction studying the events of the Nazi atrocities of 1933 to 1945. This period in world history is known as the Holocaust, during which 6,000,000 Jews and millions of non-Jews were exterminated. One of the universal lessons of the Holocaust is that national, ethnic, racial, or religious hatred can overtake any nation or society, leading to calamitous consequences. To reinforce that lesson, such curriculum shall include an additional unit of instruction studying other acts of genocide across the globe. This unit shall include, but not be limited to, the Armenian Genocide, the Famine-Genocide in Ukraine, and more recent atrocities in Cambodia, Bosnia, Rwanda, and Sudan. The studying of this material is a reaffirmation of the commitment of free peoples from all nations to never again permit the occurrence of another
Holocaust and a recognition that crimes of genocide continue to be perpetrated across the globe as they have been in the past and to deter indifference to crimes against humanity and human suffering wherever they may occur.

The State Superintendent of Education may prepare and make available to all school boards instructional materials which may be used as guidelines for development of a unit of instruction under this Section; provided, however, that each school board shall itself determine the minimum amount of instruction time which shall qualify as a unit of instruction satisfying the requirements of this Section.

(Source: P.A. 86-780.)

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)
Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 11, 2005.
Approved August 5, 2005.
Effective August 5, 2005.

PUBLIC ACT 94-0479  
(House Bill No 2435)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Southern Illinois University Management Act is amended by adding Section 8i as follows:

(110 ILCS 520/8i new)
Sec. 8i. Vince Demuzio Governmental Internship Program.
(a) The president of the University, in consultation with the Board, shall establish a governmental internship program consisting of up to 30 governmental interns allocated between the Carbondale and Edwardsville campuses.
(b) In order to be eligible under the program, a person must be enrolled as a full-time undergraduate student during the entirety of his or her participation in the program.

New matter indicated by italics - deletions by strikeout
(c) The following shall be the goals of the program:
   (1) To attract highly motivated students into the program.
   (2) To provide students with a broad overview of State government.
   (3) To offer students a unique hands-on experience.
   (4) To provide students with a personal look into the budgetary, legislative, and programmatic areas of State government.
   (5) To provide students with a unique opportunity to learn about and to advance into public service careers, including policy-making positions in government.
   (6) To offer a governmental experience to meet the public sector's future need for competent administrators.
   (7) To provide a public sector internship that encourages talented college graduates to consider careers in State government.
   (8) To enable college graduates to supplement their academic learning with practical governmental experience.
   (9) To achieve diversity through the placement of qualified minorities, women, and persons with disabilities.
   (10) To enable the University to play an ever-increasing role in directing talented students to consider careers in public service.

(d) All students participating in the program shall receive academic credit as determined by the University. Students shall also be compensated financially as determined by the University. The program shall not include a waiver of tuition or fees.

(e) The program is subject to specific annual appropriation by the General Assembly.

Sec. 3. Information to be furnished peace officers and commanding officers of certain military installations in Illinois.

(A) The Department shall file or cause to be filed all plates, photographs, outline pictures, measurements, descriptions and information which shall be received by it by virtue of its office and shall make a complete and systematic record and index of the same, providing thereby a method of convenient reference and comparison. The Department shall furnish, upon application, all information pertaining to the identification of any person or persons, a plate, photograph, outline picture, description, measurements, or any data of which there is a record in its office. Such information shall be furnished to peace officers of the United States, of other states or territories, of the Insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois, to investigators of the Illinois Law Enforcement Training Standards Board and, conviction information only, to units of local government, school districts and private organizations, under the provisions of Section 2605-10, 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115, 2605-120, 2605-130, 2605-140, 2605-190, 2605-200, 2605-205, 2605-210, 2605-215, 2605-250, 2605-275, 2605-300, 2605-305, 2605-315, 2605-325, 2605-335, 2605-340, 2605-350, 2605-355, 2605-360, 2605-365, 2605-375, 2605-390, 2605-400, 2605-405, 2605-420, 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the Department of State Police Law (20 ILCS 2605/2605-10, 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105, 2605/2605-110, 2605/2605-115, 2605/2605-120, 2605/2605-130, 2605/2605-140, 2605/2605-190, 2605/2605-200, 2605/2605-205, 2605/2605-210, 2605/2605-215, 2605/2605-250, 2605/2605-275, 2605/2605-300, 2605/2605-305, 2605/2605-315, 2605/2605-325, 2605/2605-335, 2605/2605-340, 2605/2605-350, 2605/2605-355, 2605/2605-360, 2605/2605-365, 2605/2605-375, 2605/2605-390, 2605/2605-400, 2605/2605-405, 2605/2605-420, 2605/2605-430, 2605/2605-435, 2605/2605-500, 2605/2605-525, or 2605/2605-550). Applications shall be in writing and accompanied by a certificate, signed by the peace officer or chief administrative officer or his designee making such application, to the effect that the information applied for is necessary in the interest of and will be used solely in the due administration of the criminal laws or for the purpose of evaluating the qualifications and character of employees, prospective employees, volunteers, or prospective volunteers of units of local government, school districts, and private organizations, or for the purpose of evaluating the character of persons who may be granted or

New matter indicated by italics - deletions by strikeout
denied access to municipal utility facilities under Section 11-117.1-1 of the Illinois Municipal Code.

For the purposes of this subsection, "chief administrative officer" is defined as follows:

a) The city manager of a city or, if a city does not employ a city manager, the mayor of the city.

b) The manager of a village or, if a village does not employ a manager, the president of the village.

c) The chairman or president of a county board or, if a county has adopted the county executive form of government, the chief executive officer of the county.

d) The president of the school board of a school district.

e) The supervisor of a township.

f) The official granted general administrative control of a special district, an authority, or organization of government establishment by law which may issue obligations and which either may levy a property tax or may expend funds of the district, authority, or organization independently of any parent unit of government.

g) The executive officer granted general administrative control of a private organization defined in Section 2605-335 of the Department of State Police Law (20 ILCS 2605/2605-335).

(B) Upon written application and payment of fees authorized by this subsection, State agencies and units of local government, not including school districts, are authorized to submit fingerprints of employees, prospective employees and license applicants to the Department for the purpose of obtaining conviction information maintained by the Department and the Federal Bureau of Investigation about such persons. The Department shall submit such fingerprints to the Federal Bureau of Investigation on behalf of such agencies and units of local government. The Department shall charge an application fee, based on actual costs, for the dissemination of conviction information pursuant to this subsection. The Department is empowered to establish this fee and shall prescribe the form and manner for requesting and furnishing conviction information pursuant to this subsection.

(C) Upon payment of fees authorized by this subsection, the Department shall furnish to the commanding officer of a military installation in Illinois having an arms storage facility, upon written request of such commanding officer or his designee, and in the form and manner prescribed by the Department, all criminal history record information pertaining to any

New matter indicated by italics - deletions by strikeout
individual seeking access to such a storage facility, where such information is sought pursuant to a federally-mandated security or criminal history check. The Department shall establish and charge a fee, not to exceed actual costs, for providing information pursuant to this subsection.

(Source: P.A. 91-176, eff. 7-16-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

Section 10. The Illinois Municipal Code is amended by adding Division 117.1 to Article 11 as follows:

(65 ILCS 5/Art. 11 Div. 117.1 heading new)

DIVISION 117.1. TERRORISM PREVENTION

(65 ILCS 5/11-117.1-1 new)

Sec. 11-117.1-1. Terrorism prevention measures. A municipality that owns or operates a municipal utility may promulgate rules for the exclusion of any person, based upon criminal conviction information received about that person under the Criminal Identification Act, from all or a portion of any water treatment facility, water pumping station, electrical transfer station, electrical generation facility, natural gas facility, or any other utility facility owned or operated by the municipality. The rules must be promulgated by the appropriate municipal agency in cooperation with the principal law enforcement agency of the municipality and, in the case of rules concerning the exclusion of employees, in cooperation with bona fide collective bargaining representatives. The rules may apply to employees of the municipality, any other persons performing work at the facility, or any visitors to the facility. The rules must identify the types of criminal convictions that disqualify a person from entering a particular area, based solely on whether the person poses an unreasonable risk to the public safety because of the person's potential for future criminal conduct affecting a municipal utility facility. The rules may be amended from time to time and shall be available for inspection under the Freedom of Information Act.

Section 15. The Public Utilities Act is amended by changing Section 4-101 as follows:

(220 ILCS 5/4-101) (from Ch. 111 2/3, par. 4-101)

Sec. 4-101. The Commerce Commission shall have general supervision of all public utilities, except as otherwise provided in this Act, shall inquire into the management of the business thereof and shall keep itself informed as to the manner and method in which the business is conducted. It shall examine those public utilities and keep informed as to their general condition, their franchises, capitalization, rates and other charges, and the manner in which their plants, equipment and other property owned, leased, controlled or operated are managed, conducted and operated, not only with
respect to the adequacy, security and accommodation afforded by their service but also with respect to their compliance with this Act and any other law, with the orders of the Commission and with the charter and franchise requirements.

Whenever the Commission is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request.

The Commission shall require all electric public utilities to establish a security policy that includes on-site safeguards to restrict physical or electronic access to critical infrastructure and computerized control and data systems by personnel employed by or under contract with the electric public utility company or by personnel of any entity regulated by the Commission that supplies power to wholesale or residential markets. The Commission shall maintain a record of and each regulated entity that supplies power to wholesale or residential markets shall provide to the Commission an annual affidavit signed by a representative of the regulated entity that states that the entity follows, at a minimum, the most current security standards set forth by the North American Electric Reliability Council.

(Source: P.A. 91-239, eff. 1-1-00; 91-638, eff. 1-1-00; 92-16, eff. 6-28-01.)

Passed in the General Assembly May 16, 2005.
Approved August 5, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0481
(House Bill No 0181)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-575 as follows:

(20 ILCS 2605/2605-575 new)
Sec. 2605-575. Children’s fingerprints. With the written permission

New matter indicated by italics - deletions by strikeout
of the child’s parent or guardian, the Department may retain the fingerprint record of a child fingerprinted by the Department at any location of collection, such as a State fair, county fair, or other place the Department collects such data. The record may be retained and used only if the child is later missing or abducted, if an Amber Alert is issued for that child, or if a missing person report is filed for that child with one or more local law enforcement agencies, and for no other purpose. After the child reaches the age of 18, the record must be destroyed unless the Department, within a reasonable period after the fingerprinted person’s 18th birthday, obtains the permission of the fingerprinted person to retain the fingerprint record.

Passed in the General Assembly May 11, 2005.
Approved August 8, 2005.
Effective January 1, 2006.

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Sections 12-2 and 12-4 as follows:
Sec. 12-2. Aggravated assault.
(a) A person commits an aggravated assault, when, in committing an assault, he:

(1) Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(2) Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be

New matter indicated by italics - deletions by strikeout
substantially similar in appearance to a firearm;

(3) Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees’ discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from

New matter indicated by italics - deletions by strikeout
performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(9.5) Is, or the individual assaulted is, in or about a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking place in this venue;

(10) Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee;

(11) Knowingly and without legal justification, commits an assault on a physically handicapped person;

(12) Knowingly and without legal justification, commits an assault on a person 60 years of age or older;

(13) Discharges a firearm;

(14) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties;

(15) Knows the individual assaulted to be a correctional employee or an employee of the Department of Human Services
supervising or controlling sexually dangerous persons or sexually violent persons, while the employee is engaged in the execution of any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee;

(16) Knows the individual assaulted to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee; or

(17) Knows the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault to the sports official or coach occurred within an athletic facility or an indoor or outdoor playing field or within the immediate vicinity of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. For the purposes of this paragraph (17), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (8) through (12) and (17) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in paragraphs (6), (7), and (16) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraphs (6), (7), and (16) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault.

(Source: P.A. 92-841, eff. 8-22-02; 92-865, eff. 1-3-03; 93-692, eff. 1-1-05.)
(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
Sec. 12-4. Aggravated Battery.

New matter indicated by italics - deletions by strikeout
(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

(1) Uses a deadly weapon other than by the discharge of a firearm;

(2) Is hooded, robed or masked, in such manner as to conceal his identity;

(3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties,

New matter indicated by italics - deletions by strikeout
and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel from performing official duties, or in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(8.5) Is, or the person battered is, on a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking place in this venue;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) Knows the individual harmed to be an employee of the Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;

(14) Knows the individual harmed to be a person who is physically handicapped;

New matter indicated by italics - deletions by strikeout
(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code;

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act; or

(17) Knows the individual harmed to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of

New matter indicated by italics - deletions by strikeout
this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.
Aggravated battery is a Class 3 felony, except a violation of subsection (a) is a Class 2 felony when the person knows the individual harmed to be a peace officer engaged in the execution of any of his or her official duties, or the battery is to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties.

(Source: P.A. 92-16, eff. 6-28-01; 92-516, eff. 1-1-02; 92-841, eff. 8-22-02; 92-865, eff. 1-3-03; 93-83, eff. 7-2-03.)

Passed in the General Assembly May 12, 2005.
Approved August 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0483
(House Bill No 1458)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Section 10-1-16 as follows:

(65 ILCS 5/10-1-16) (from Ch. 24, par. 10-1-16)

Sec. 10-1-16. Persons who were engaged in the active military or naval service of the United States for a period of at least one year at any time during the years 1898 through 1902, 1914 through 1919, at any time between September 16, 1940 and July 25, 1947, or at any time during the national emergency between June 25, 1950 and January 31, 1955, or at any time between January 1, 1961 and the date Congress declares the Viet Nam conflict ended, and who were honorably discharged therefrom and all persons who were engaged in such military or naval service during any of such years who are now or may hereafter be on inactive or reserve duty in such military or naval service, not including, however, persons who were convicted by court-martial of disobedience of orders, where such disobedience consisted in the refusal to perform military service on the ground of alleged religious or conscientious objections against war, shall be preferred for appointments to civil offices, positions, and places of employment in the classified service of any municipality coming under the provisions of this Division 1, provided

New matter indicated by italics - deletions by strikeout
they are found to possess the business capacity necessary for the proper discharge of the duties of such office, position, or place of employment as determined by examination.

The civil service commission shall give preference points for original appointment to qualified veterans whose names appear on any register of eligibles resulting from an examination for original entrance in the classified service of any municipality coming under the provisions of this Division 1 by adding to the final grade average that they receive or will receive as the result of any examination held for original entrance, 5 points. The numerical result thus attained shall be applied by the civil service commission in determining the position of those persons on any eligibility list that has been created as the result of any examination for original entrance for purposes of preference in certification and appointment from that eligibility list.

Persons who were engaged in the active military or naval service of the United States for a period of at least one year shall be given preference points for original appointment to persons as hereinabove designated whose names appear on any register of eligibles resulting from an examination for original entrance held under the provisions of this Division 1 for original entrance commencing on or after September 1, 1949 by adding to the final grade average which they received or will receive as the result of any examination held for original entrance, 5 points. The numerical result thus attained shall be applied by the civil service commission in determining the position of such persons on any eligible list which has been created as the result of any examination for original entrance commencing on or after September 1, 1949 for purposes of preference in certification and appointment from such eligible list.

Every certified civil service employee who was called to, or who volunteered for, the military or naval service of the United States at any time during the years specified in this Division 1, at any time between September 16, 1940 and July 25, 1947, or at any time during the national emergency between June 25, 1950 and January 31, 1955, or at any time between January 1, 1961 and the date Congress declares the Viet Nam conflict ended, and who
were honorably discharged therefrom or who are now or who may hereafter be on inactive or reserve duty in such military or naval service, not including, however, persons who were convicted by court martial of disobedience of orders where such disobedience consisted in the refusal to perform military service on the ground of alleged religious or conscientious objections against war, and whose names appear on existing promotional eligible registers or any promotional eligible register that may hereafter be created, as provided for by this Division 1, shall be preferred for promotional appointment to civil offices, positions and places of employment in the classified civil service of any municipality coming under the provisions of this Division 1.

The civil service commission shall give preference for promotional appointment to persons as hereinabove designated whose names appear on existing promotional eligible registers or promotional eligible registers that may hereafter be created by adding to the final grade average which they received or will receive as the result of any promotional examination commencing prior to September 1, 1949, six-tenths of one point for each 6 months or fraction thereof of military or naval service not exceeding 30 months, and by adding to the final grade average which they will receive as the result of any promotional examinations held commencing on or after September 1, 1949 seven-tenths of one point for each 6 months or fraction thereof of active military or naval service not exceeding 30 months. The numerical result thus attained shall be applied by the civil service commission in determining the position of such persons on any eligible list which has been created or will be created as the result of any promotional examination held hereunder for purposes of preference in certification and appointment from such eligible list.

No person shall receive the preference for a promotional appointment granted by this Section after he has received one promotion from an eligible list on which he was allowed such preference and which was prepared as a result of an examination held on or after September 1, 1949.

No person entitled to preference or credit for military or naval service hereunder shall be required to furnish evidence or record of honorable discharge from the armed forces before the publication or posting of any eligible register or list resulting from the examination. Such preference shall be given after the posting or publication of any eligible list or register resulting from such examination and before any certifications or appointments are made from such list or register.

(Source: P.A. 76-69.)

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout
AN ACT concerning missing children.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Find Our Children Act.

Section 5. State agency webpage requirements.
(a) Each State agency that maintains an Internet website must include a hypertext link to the homepage website maintained and operated by the National Center For Missing And Exploited Children.
(b) Each State agency that maintains an Internet website must include a hypertext link to any State agency website that posts information concerning AMBER alerts or similar broadcasts concerning missing children.
(c) For the purpose of this Act, "State agency" has the meaning set forth in Section 5-105 of the Electronic Commerce Security Act.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 16, 2005.
Approved August 8, 2005.
Effective August 8, 2005.
President; or (iii) a period in which a member of a reserve component of the armed forces of the United States is ordered to active duty pursuant to Section 12304 of Title 10 of the United States Code.

"Owner" means a person with at least a 20% ownership interest in a small business.

"Key employee" means an individual who is employed by a small business and whose managerial or technical expertise is critical to the successful day-to-day operation of the business.

"Small business" means a business with 50 or fewer employees.

"Substantial economic injury" means an economic harm to a small business that results in the inability of the small business to (i) meet its obligations as they mature; (ii) pay its ordinary and necessary operating expenses; or (iii) market, produce, or provide a product or service.

(b) In the making of military reservist business assistance loans, the Department is authorized to employ different criteria in lieu of the general provisions of subsections (b), (d), (e), (f), (h), and (i) of Section 9-4.

(c) From funds appropriated for that purpose, the Department shall administer a Military Reservist Business Assistance Loan Program. The Director shall make loans to small businesses (i) that lose an owner or a key employee due to a period of military conflict and (ii) that will experience substantial economic injury as a result of the loss of that owner or key employee.

(d) The Department may accept grants, loans, or appropriations from the federal government or from any private entity to be used for the purposes of this program and may enter into contracts and agreements in connection with those grants, loans, or appropriations.

(e) Loans made pursuant to this Section:

(1) Shall not exceed $150,000.

(2) Shall have an interest rate below the market rate loan percent.

(3) Shall have repayment terms determined by the Department and that do not exceed 30 years.

(4) Shall be protected by security. Financial assistance may be secured by first, second, or subordinate mortgage positions on real or personal property, by royalty payments, by personal notes or guarantees, or by any other security satisfactory to the Department to secure repayment. Security valuation requirements, as determined by the Department, for the purposes of this Section, may be less than required for similar loans not covered by this Section, provided the

New matter indicated by italics - deletions by strikeout
applicant demonstrates adequate business experience, entrepreneurial training, or a combination thereof, as determined by the Department.

(5) Shall be in the principal amount and form and contain the terms and provisions with respect to security, insurance, reporting, delinquency charges, default remedies, and other matters that the Department determines are appropriate to protect the public interest and consistent with the purposes of this Section.

(f) The Department shall not award any loan under this Section to:
   (i) a small business or subsidiary of that business that has already been awarded a loan under this Section within the same fiscal year; or (ii) a small business that was awarded a loan under this Section on which the balance remains unpaid.

(g) Within 30 days after the owner or key employee returns to non-active duty status, arrangements shall be made for the repayment of the loan.


PUBLIC ACT 94-0486
(Senate Bill No 1491)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 17-6 as follows:

(720 ILCS 5/17-6) (from Ch. 38, par. 17-6)

Sec. 17-6. State Benefits Fraud. (a) Any person who obtains or attempts to obtain money or benefits from the State of Illinois, from any political subdivision thereof, or from any program funded or administered in whole or in part by the State of Illinois or any political subdivision thereof through the knowing use of false identification documents or through the knowing misrepresentation of his age, place of residence, number of dependents, marital or family status, employment status, financial status, or any other material fact upon which his eligibility for or degree of participation in any benefit program might be based, is guilty of State benefits fraud.

New matter indicated by italics - deletions by strikeout
(b) Notwithstanding any provision of State law to the contrary, every application or other document submitted to an agency or department of the State of Illinois or any political subdivision thereof to establish or determine eligibility for money or benefits from the State of Illinois or from any political subdivision thereof, or from any program funded or administered in whole or in part by the State of Illinois or any political subdivision thereof, shall be made available upon request to any law enforcement agency for use in the investigation or prosecution of State benefits fraud or for use in the investigation or prosecution of any other crime arising out of the same transaction or occurrence. Except as otherwise permitted by law, information disclosed pursuant to this subsection shall be used and disclosed only for the purposes provided herein. The provisions of this Section shall be operative only to the extent that they do not conflict with any federal law or regulation governing federal grants to this State.

(c) Any employee of the State of Illinois or any agency or political subdivision thereof may seize as evidence any false or fraudulent document presented to him in connection with an application for or receipt of money or benefits from the State of Illinois, from any political subdivision thereof, or from any program funded or administered in whole or in part by the State of Illinois or any political subdivision thereof.

(d)(1) State benefits fraud is a Class 4 felony except when more than $300 is obtained, in which case State benefits fraud is a Class 3 felony.

(2) State benefits fraud is a Class 3 felony when $300 or less is obtained and a Class 2 felony when more than $300 is obtained if a person knowingly misrepresents oneself as a veteran or as a dependent of a veteran with the intent of obtaining benefits or privileges provided by the State or its political subdivisions to veterans or their dependents. For the purposes of this paragraph (2), benefits and privileges include, but are not limited to, those benefits and privileges available under the Veterans' Employment Act, the Viet Nam Veterans Compensation Act, the Prisoner of War Bonus Act, the War Bonus Extension Act, the Military Veterans Assistance Act, the Veterans' Employment Representative Act, the Veterans Preference Act, the Service Member's Employment Tenure Act, the Disabled Veterans Housing Act, the Under Age Veterans Benefits Act, the Survivors Compensation Act, the Children of Deceased Veterans Act, the Veterans Burial Places Act, the Higher Education Student Assistance Act, or any other loans, assistance in employment, monetary payments, or tax exemptions offered by the State or its political subdivisions for veterans or their dependents.

(Source: P.A. 82-999.)
AN ACT concerning criminal law, which may be referred to as the Patrick Leahy Law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 3-5 as follows:

(720 ILCS 5/3-5) (from Ch. 38, par. 3-5)
Sec. 3-5. General Limitations.
(a) A prosecution for: (1) first degree murder, attempt to commit first degree murder, second degree murder, involuntary manslaughter, reckless homicide, leaving the scene of a motor vehicle accident involving death or personal injuries under Section 11-401 of the Illinois Vehicle Code, failing to give information and render aid under Section 11-403 of the Illinois Vehicle Code, concealment of homicidal death, treason, arson, aggravated arson, forgery, or (2) any offense involving sexual conduct or sexual penetration as defined by Section 12-12 of this Code in which the DNA profile of the offender is obtained and entered into a DNA database within 10 years after the commission of the offense and the identity of the offender is unknown after a diligent investigation by law enforcement authorities, may be commenced at any time. Clause (2) of this subsection (a) applies if either: (i) the victim reported the offense to law enforcement authorities within 2 years after the commission of the offense unless a longer period for reporting the offense to law enforcement authorities is provided in Section 3-6 or (ii) the victim is murdered during the course of the offense or within 2 years after the commission of the offense.

(b) Unless the statute describing the offense provides otherwise, or the period of limitation is extended by Section 3-6, a prosecution for any offense not designated in Subsection (a) must be commenced within 3 years after the commission of the offense if it is a felony, or within one year and 6 months after its commission if it is a misdemeanor.
(Source: P.A. 92-752, eff. 8-2-02; 93-834, eff. 7-29-04.)

Passed in the General Assembly May 11, 2005.
Approved August 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0488
(House Bill No 1370)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Prevailing Wage Act is amended by changing Sections 6, 11, 11a, and 11b as follows:
Sec. 6. Any officer, agent or representative of any public body who wilfully violates, or omits to comply with, any of the provisions of this Act, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who neglects to keep, or cause to be kept, an accurate record of the names, occupation and actual wages paid to each laborer, worker and mechanic employed by him, in connection with the public work or who refuses to allow access to same at any reasonable hour to any person authorized to inspect same under this Act, is guilty of a Class A B misdemeanor.

The Department of Labor shall inquire diligently as to any violation of this Act, shall institute actions for penalties herein prescribed, and shall enforce generally the provisions of this Act. The Attorney General shall prosecute such cases upon complaint by the Department or any interested person.
(Source: P.A. 81-992.)
Sec. 11. No public works project shall be instituted unless the provisions of this Act have been complied with. The provisions of this Act shall not be applicable to Federal construction projects which require a prevailing wage determination by the United States Secretary of Labor. The Illinois Department of Labor represented by the Attorney General is empowered to sue for injunctive relief against the awarding of any contract or the continuation of work under any contract for public works at a time when the prevailing wage prerequisites have not been met. Any contract for public works awarded at a time when the prevailing wage prerequisites had not been met shall be void as against public policy and the contractor is prohibited from recovering any damages for the voiding of the contract or

New matter indicated by italics - deletions by strikeout
pursuant to the terms of the contract. The contractor is limited to a claim for amounts actually paid for labor and materials supplied to the public body. Where objections to a determination of the prevailing rate of wages or a court action relative thereto is pending, the public body shall not continue work on the project unless sufficient funds are available to pay increased wages if such are finally determined or unless the Department of Labor certifies such determination of the prevailing rate of wages as correct.

Any laborer, worker or mechanic employed by the contractor or by any sub-contractor under him who is paid for his services in a sum less than the stipulated rates for work done under such contract, shall have a right of action for whatever difference there may be between the amount so paid, and the rates provided by the contract together with costs and such reasonable attorney's fees as shall be allowed by the court. Such contractor or subcontractor shall also be liable to the Department of Labor for 20% of such underpayments and shall be additionally liable to the laborer, worker or mechanic for punitive damages in the amount of 2% of the amount of any such penalty to the State for underpayments for each month following the date of payment during which such underpayments remain unpaid. Where a second or subsequent action to recover underpayments is brought against a contractor or subcontractor and the contractor or subcontractor is found liable for underpayments to any laborer, worker, or mechanic, the contractor or subcontractor shall also be liable to the Department of Labor for 50% of the underpayments payable as a result of the second or subsequent action, and shall be additionally liable for 5% of the amount of any such penalty to the State for underpayments for each month following the date of payment during which the underpayments remain unpaid. The Department shall also have a right of action on behalf of any individual who has a right of action under this Section. An action brought to recover same shall be deemed to be a suit for wages, and any and all judgments entered therein shall have the same force and effect as other judgments for wages. At the request of any laborer, workman or mechanic employed by the contractor or by any subcontractor under him who is paid less than the prevailing wage rate required by this Act, the Department of Labor may take an assignment of such wage claim in trust for the assigning laborer, workman or mechanic and may bring any legal action necessary to collect such claim, and the contractor or subcontractor shall be required to pay the costs incurred in collecting such claim.

(Source: P.A. 86-799.)

(820 ILCS 130/11a) (from Ch. 48, par. 39s-11a)
Sec. 11a. The Director of the Department of Labor shall publish in the Illinois Register no less often than once each calendar quarter a list of contractors or subcontractors found to have disregarded their obligations to employees under this Act. The Department of Labor shall determine the contractors or subcontractors who, on 2 separate occasions within 5 years, have been determined to have violated the provisions of this Act. Upon such determination the Department shall notify the violating contractor or subcontractor. Such contractor or subcontractor shall then have 10 working days to request a hearing by the Department on the alleged violations. Failure to respond within the 10 working day period shall result in automatic and immediate placement and publication on the list. If the contractor or subcontractor requests a hearing within the 10 working day period, the Director shall set a hearing on the alleged violations. Such hearing shall take place no later than 45 calendar days after the receipt by the Department of Labor of the request for a hearing. The Department of Labor is empowered to promulgate, adopt, amend and rescind rules and regulations to govern the hearing procedure. No contract shall be awarded to a contractor or subcontractor appearing on the list, or to any firm, corporation, partnership or association in which such contractor or subcontractor has an interest until 42 years have elapsed from the date of publication of the list containing the name of such contractor or subcontractor.

(Source: P.A. 93-38, eff. 6-1-04.)

(820 ILCS 130/11b)

Sec. 11b. Discharge or discipline of "whistle blowers" prohibited.

(a) No person shall discharge, discipline, or in any other way discriminate against, or cause to be discharged, disciplined, or discriminated against, any employee or any authorized representative of employees by reason of the fact that the employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of this Act, or offers any evidence of any violation of this Act.

(b) Any employee or a representative of employees who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of subsection (a) of this Section may, within 30 days after the alleged violation occurs, apply to the Director of Labor for a review of the discharge, discipline, or alleged discrimination. A copy of the application shall be sent to the person who allegedly committed the violation, who shall be the respondent. Upon receipt of an application, the Director shall cause such investigation to be made as he or she deems appropriate. The

New matter indicated by italics - deletions by strikeout
investigation shall provide an opportunity for a public hearing at the request of any party to the review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least 5 days before the hearing. Upon receiving the report of the investigation, the Director shall make findings of fact. If the Director finds that a violation did occur, he or she shall issue a decision incorporating his or her findings and requiring the party committing the violation to take such affirmative action to abate the violation as the Director deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his or her former position and compensating him or her for the time he or she was unemployed. The party committing the violation shall also be liable to the Department of Labor for a penalty of $5,000 for each violation of this Section. If the Director finds that there was no violation, he or she shall issue an order denying the application. An order issued by the Director under this Section shall be subject to judicial review under the Administrative Review Law.

(c) The Director shall adopt rules implementing this Section in accordance with the Illinois Administrative Procedure Act.

(Source: P.A. 88-359.)

Passed in the General Assembly May 12, 2005.
Approved August 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0489

(AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Section 31-25 as follows:
(35 ILCS 200/31-25)
Sec. 31-25. Transfer declaration. At the time a deed, a document transferring a controlling interest in real property, or trust document is presented for recordation, or within 3 business days after the transfer is effected, whichever is earlier, there shall also be presented to the recorder or registrar of titles a declaration, signed by at least one of the sellers and also signed by at least one of the buyers in the transaction or by the attorneys or agents for the sellers or buyers. The declaration shall state information

New matter indicated by italics - deletions by strikeout
including, but not limited to: (a) the value of the real property or beneficial interest in real property located in Illinois so transferred; (b) the parcel identifying number of the property; (c) the legal description of the property; (d) the date of the deed, the date the transfer was effected, or the date of the trust document; (e) the type of deed, transfer, or trust document; (f) the address of the property; (g) the type of improvement, if any, on the property; (h) information as to whether the transfer is between related individuals or corporate affiliates or is a compulsory transaction; (i) the lot size or acreage; (j) the value of personal property sold with the real estate; (k) the year the contract was initiated if an installment sale; and (l) any homestead exemptions, as provided in Sections 15-170, 15-172, 15-175, and 15-176 as reflected on the most recent annual tax bill; and (m) the name, address, and telephone number of the person preparing the declaration. Except as provided in Section 31-45, a deed, a document transferring a controlling interest in real property, or trust document shall not be accepted for recordation unless it is accompanied by a declaration containing all the information requested in the declaration. When the declaration is signed by an attorney or agent on behalf of sellers or buyers who have the power of direction to deal with the title to the real estate under a land trust agreement, the trustee being the mere repository of record legal title with a duty of conveying the real estate only when and if directed in writing by the beneficiary or beneficiaries having the power of direction, the attorneys or agents executing the declaration on behalf of the sellers or buyers need identify only the land trust that is the repository of record legal title and not the beneficiary or beneficiaries having the power of direction under the land trust agreement. The declaration form shall be prescribed by the Department and shall contain sales information questions. For sales occurring during a period in which the provisions of Section 17-10 require the Department to adjust sale prices for seller paid points and prevailing cost of cash, the declaration form shall contain questions regarding the financing of the sale. The subject of the financing questions shall include any direct seller participation in the financing of the sale or information on financing that is unconventional so as to affect the fair cash value received by the seller. The intent of the sales and financing questions is to aid in the reduction in the number of buyers required to provide financing information necessary for the adjustment outlined in Section 17-10. For sales occurring during a period in which the provisions of Section 17-10 require the Department to adjust sale prices for seller paid points and prevailing cost of cash, the declaration form shall include, at a minimum, the following data: (a) seller paid points, (b) the sales price, (c) type of financing (conventional, 

New matter indicated by italics - deletions by strikeout
VA, FHA, seller-financed, or other), (d) down payment, (e) term, (f) interest rate, (g) type and description of interest rate (fixed, adjustable or renegotiable), and (h) an appropriate place for the inclusion of special facts or circumstances, if any. The Department shall provide an adequate supply of forms to each recorder and registrar of titles in the State.

(Source: P.A. 93-657, eff. 6-1-04.)


PUBLIC ACT 94-0490
(House Bill No 2594)

AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Home Repair and Remodeling Act is amended by changing Sections 15 and 30 and by adding Section 15.1 as follows:

(815 ILCS 513/15)

Sec. 15. Written contract; costs enumerated requirements; contents.

Prior to initiating home repair or remodeling work for over $1,000, a person engaged in the business of home repair or remodeling shall furnish to the customer for signature a written contract or work order that states the total cost, including parts and materials listed with reasonable particularity and any charge for an estimate. In addition, the contract shall state the business name and address of the person engaged in the business of home repair or remodeling. If the person engaged in the business of home repair or remodeling uses a post office box or mail receiving service or agent to receive home repair or remodeling business correspondence, the contract shall state the residence address of the person engaged in the business of home repair or remodeling.

(Source: P.A. 91-230, eff. 1-1-00.)

(815 ILCS 513/15.1 new)

Sec. 15.1. Notice of contractual provisions.

(a) A person engaged in the business of home repair and remodeling, that prepares or presents a written offer for home repair and remodeling to a consumer, shall advise the consumer, before the contract or agreement is accepted and executed, of the presence of any contractual provision that

New matter indicated by italics - deletions by strikeout
requires the consumer to: (i) submit all contract or agreement disputes to binding arbitration in place of a hearing in court before a judge or jury; and (ii) waive his or her right to a trial by jury.

(b) The consumer shall be given the option of accepting or rejecting both the binding arbitration clause and the jury trial waiver clause before the contract or agreement is accepted and executed by the consumer. If the consumer rejects either the binding arbitration clause or the jury trial waiver clause, or rejects both clauses, it shall be viewed as a counter offer to proceed with the proposed contract or agreement without the clause or clauses rejected. A person engaged in the business of home repair and remodeling shall have the right to reject the proposed contract or agreement. Proof that the consumer was given the option of accepting or rejecting both the binding arbitration clause and the jury trial waiver clause shall be demonstrated by having the consumer sign his or her name and write the word "accept" or "reject" in the margin next to each of the above clauses where it appears in the executed contract or agreement.

(c) Failure to advise a consumer of the presence of the binding arbitration clause or the jury trial waiver clause or to secure the necessary acceptance, rejection or consumer signature as provided in this Section shall render null and void each clause that has not been accepted or rejected and signed by the consumer.

(815 ILCS 513/30)
Sec. 30. Unlawful acts. It is unlawful for any person engaged in the business of home repairs and remodeling to remodel or make repairs or charge for remodeling or repair work before obtaining a signed contract or work order over $1,000 and before notifying and securing the signed acceptance or rejection, by the consumer, of the binding arbitration clause and the jury trial waiver clause as required in Section 15 and Section 15.1 of this Act. This conduct is unlawful but is not exclusive nor meant to limit other kinds of methods, acts, or practices that may be unfair or deceptive.
(Source: P.A. 91-230, eff. 1-1-00.)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Section 3-6-3 as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
Sec. 3-6-3. Rules and Regulations for Early Release.
(a) (1) The Department of Corrections shall prescribe rules and regulations for the early release on account of good conduct of persons committed to the Department which shall be subject to review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide, with respect to offenses committed on or after June 19, 1998, the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good

New matter indicated by italics - deletions by strikeout
conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2) committed on or after June 19, 1998, and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommittal under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommittal under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.
(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2) when the offense is committed on or after June 19, 1998, (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, or (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the

New matter indicated by italics - deletions by strikeout
(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) while assigned to a boot camp, mental health unit, or electronic detention, or if convicted of an offense enumerated in paragraph (a)(2) of this Section that is committed on or after June 19, 1998, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121) this amendatory Act of 1999, or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) shall be evaluated by the Department on the basis of documented standards. The Department shall report the
results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.5) The rules and regulations on early release shall also provide that a prisoner who is serving a sentence for a crime committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354) this Amendatory Act of the 93rd General Assembly shall receive no good conduct credit until he or she participates in and completes a substance abuse treatment program. Good conduct credit awarded under clauses (2), (3), and (4) of this subsection (a) for crimes committed on or after September 1, 2003 the effective date of this amendatory Act of the 93rd General Assembly is subject to the provisions of this clause (4.5). If the prisoner completes a substance abuse treatment program, the Department may award good conduct credit for the time spent in treatment. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available, the prisoner shall be placed on a waiting list under criteria established by the Department. The Department may require a prisoner placed on a waiting list to attend a substance abuse education class or attend substance abuse self-help meetings. A prisoner may not lose good conduct credit as a result of being placed on a waiting list. A prisoner placed on a waiting list remains eligible for increased good conduct credit for participation in an educational, vocational, or correctional industry program under clause (4) of subsection (a) of this Section.

(5) Whenever the Department is to release any inmate earlier
than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court...
against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):

1. "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:
   A. it lacks an arguable basis either in law or in fact;
   B. it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
   C. the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
   D. the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or
   E. the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.


(Source: P.A. 92-176, eff. 7-27-01; 92-854, eff. 12-5-02; 93-213, eff. 7-18-
AN ACT concerning elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Election Code is amended by changing Section 1A-16 and by adding Section 1A-30 as follows:
(10 ILCS 5/1A-16)
Sec. 1A-16. Voter registration information; internet posting; processing of voter registration forms; content of such forms. Notwithstanding any law to the contrary, the following provisions shall apply to voter registration under this Code.
(a) Voter registration information; Internet posting of voter registration form. Within 90 days after the effective date of this amendatory Act of the 93rd General Assembly, the State Board of Elections shall post on its World Wide Web site the following information:
(1) A comprehensive list of the names, addresses, phone numbers, and websites, if applicable, of all county clerks and boards of election commissioners in Illinois.
(2) A schedule of upcoming elections and the deadline for voter registration.
(3) A downloadable, printable voter registration form, in at least English and in Spanish versions, that a person may complete and mail or submit to the State Board of Elections or the appropriate county clerk or board of election commissioners.
Any forms described under paragraph (3) must state the following:
If you do not have a driver's license or social security number, and this form is submitted by mail, and you have never registered to vote in the jurisdiction you are now registering in, then you must send, with this application, either (i) a copy of a current and valid photo identification, or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government New matter indicated by italics - deletions by strikeout
document that shows the name and address of the voter. If you do not provide the information required above, then you will be required to provide election officials with either (i) or (ii) described above the first time you vote at a voting place or by absentee ballot.

(b) Acceptance of registration forms by the State Board of Elections and county clerks and board of election commissioners. The State Board of Elections, county clerks, and board of election commissioners shall accept all completed voter registration forms described in subsection (a)(3) of this Section and Section 1A-30 that are:

   (1) postmarked on or before the day that voter registration is closed under the Election Code;
   (2) not postmarked, but arrives no later than 5 days after the close of registration;
   (3) submitted in person by a person using the form on or before the day that voter registration is closed under the Election Code; or
   (4) submitted in person by a person who submits one or more forms on behalf of one or more persons who used the form on or before the day that voter registration is closed under the Election Code.

   Upon the receipt of a registration form, the State Board of Elections shall mark the date on which the form was received and send the form via first class mail to the appropriate county clerk or board of election commissioners, as the case may be, within 2 business days based upon the home address of the person submitting the registration form. The county clerk and board of election commissioners shall accept and process any form received from the State Board of Elections.

(c) Processing of registration forms by county clerks and boards of election commissioners. The county clerk or board of election commissioners shall promulgate procedures for processing the voter registration form.

(d) Contents of the voter registration form. The State Board shall create a voter registration form, which must contain the following content:

   (1) Instructions for completing the form.
   (2) A summary of the qualifications to register to vote in Illinois.
   (3) Instructions for mailing in or submitting the form in person.
   (4) The phone number for the State Board of Elections should a person submitting the form have questions.

New matter indicated by italics - deletions by strikeout
(5) A box for the person to check that explains one of 3 reasons for submitting the form:
   (a) new registration;
   (b) change of address; or
   (c) change of name.

(6) A box for the person to check yes or no that asks, "Are you a citizen of the United States?", a box for the person to check yes or no that asks, "Will you be 18 years of age on or before election day?", and a statement of "If you checked 'no' in response to either of these questions, then do not complete this form."

(7) A space for the person to fill in his or her home telephone number.

(8) Spaces for the person to fill in his or her first, middle, and last names, street address (principal place of residence), county, city, state, and zip code.

(9) Spaces for the person to fill in his or her mailing address, city, state, and zip code if different from his or her principal place of residence.

(10) A space for the person to fill in his or her Illinois driver's license number if the person has a driver's license.

(11) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number.

(12) A space for a person without an Illinois driver's license to fill in his or her identification number from his or her State Identification card issued by the Secretary of State.

(13) A space for the person to fill the name appearing on his or her last voter registration, the street address of his or her last registration, including the city, county, state, and zip code.

(14) A space where the person swears or affirms the following under penalty of perjury with his or her signature:
   (a) "I am a citizen of the United States."
   (b) "I will be at least 18 years old on or before the next election."
   (c) "I will have lived in the State of Illinois and in my election precinct at least 30 days as of the date of the next election."
   "The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided
false information, then I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States."

(d) Compliance with federal law; rulemaking authority. The voter registration form described in this Section shall be consistent with the form prescribed by the Federal Election Commission under the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, and the Help America Vote Act of 2002, P.L. 107-252, in all relevant respects. The State Board of Elections shall periodically update the form based on changes to federal or State law. The State Board of Elections shall promulgate any rules necessary for the implementation of this Section; provided that the rules comport with the letter and spirit of the National Voter Registration Act of 1993 and Help America Vote Act of 2002 and maximize the opportunity for a person to register to vote.

(e) Forms available in paper form. The State Board of Elections shall make the voter registration form available in regular paper stock and form in sufficient quantities for the general public. The State Board of Elections may provide the voter registration form to the Secretary of State, county clerks, boards of election commissioners, designated agencies of the State of Illinois, and any other person or entity designated to have these forms by the Election Code in regular paper stock and form or some other format deemed suitable by the Board. Each county clerk or board of election commissioners has the authority to design and print its own voter registration form so long as the form complies with the requirements of this Section. The State Board of Elections, county clerks, boards of election commissioners, or other designated agencies of the State of Illinois required to have these forms under the Election Code shall provide a member of the public with any reasonable number of forms that he or she may request. Nothing in this Section shall permit the State Board of Elections, county clerk, board of election commissioners, or other appropriate election official who may accept a voter registration form to refuse to accept a voter registration form because the form is printed on photocopier or regular paper stock and form.

(f) Internet voter registration study. The State Board of Elections shall investigate the feasibility of offering voter registration on its website and consider voter registration methods of other states in an effort to maximize the opportunity for all Illinois citizens to register to vote. The State Board of Elections shall assemble its findings in a report and submit it to the General Assembly no later than January 1, 2006. The report shall contain legislative recommendations to the General Assembly on improving voter registration.
in Illinois.
(Source: P.A. 93-574, eff. 8-21-03.)
(10 ILCS 5/1A-30 new)
Sec. 1A-30. College voter outreach. Each public institution of higher
learning in Illinois must make available on its World Wide Web site a
downloadable, printable voter registration form that complies with the
requirements in subsection (d) of Section 1A-16 for the State Board of
Elections' voter registration form.

Each public institution of higher learning in Illinois must include
voter registration information and a voter registration form supplied by the
State Board of Elections under subsection (e) of Section 1A-16 in any mailing
of student registration materials to an address located in Illinois. Each
public institution of higher learning must provide voter registration
information and a voter registration form supplied by the State Board of
Elections under subsection (e) of Section 1A-16 to each person with whom
the institution conducts in-person student registration.

Passed in the General Assembly May 17, 2005.
Approved August 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0493
(House Bill No 0744)

AN ACT concerning school students.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 5. The Department of Transportation Law of the Civil
Administrative Code is amended by adding Section 2705-317 as follows:
(20 ILCS 2705/2705-317 new)
Sec. 2705-317. Safe Routes to School Construction Program.

(a) Upon enactment of a federal transportation bill with a dedicated
fund available to states for safe routes to schools, the Department, in
cooperation with the State Board of Education and the Department of State
Police, shall establish and administer a Safe Routes to School Construction
Program for the construction of bicycle and pedestrian safety and traffic-
calming projects using the federal Safe Routes to Schools Program funds.

(b) The Department shall make construction grants available to local
governmental agencies under the Safe Routes to School Construction
Program based on the results of a statewide competition that requires
submission of Safe Routes to School proposals for funding and that rates those proposals on all of the following factors:

1. Demonstrated needs of the grant applicant.
2. Potential of the proposal for reducing child injuries and fatalities.
3. Potential of the proposal for encouraging increased walking and bicycling among students.
4. Identification of safety hazards.
5. Identification of current and potential walking and bicycling routes to school.
6. Consultation and support for projects by school-based associations, local traffic engineers, local elected officials, law enforcement agencies, and school officials.
7. Proximity to parks and other recreational facilities.

With respect to the use of federal Safe Routes to Schools Program funds, prior to the award of a construction grant or the use of those funds for a Safe Routes to School project encompassing a highway, the Department shall consult with and obtain approval from the Department of State Police and the highway authority with jurisdiction to ensure that the Safe Routes to School proposal is consistent with a statewide pedestrian safety statistical analysis.

(c) On March 30, 2006 and each March 30th thereafter, the Department shall submit a report to the General Assembly listing and describing the projects funded under the Safe Routes to School Construction Program.

(d) The Department shall study the effectiveness of the Safe Routes to School Construction Program, with particular emphasis on the Program’s effectiveness in reducing traffic accidents and its contribution to improving safety and reducing the number of child injuries and fatalities in the vicinity of a Safe Routes to School project. The Department shall submit a report to the General Assembly on or before December 31, 2006 regarding the results of the study.

(e) The Department, the State Board of Education, and the Department of State Police may adopt any rules necessary to implement this Section.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 11, 2005.
Approved August 8, 2005.
Effective August 8, 2005.
AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The County Jail Act is amended by changing Section 17 as follows:
(730 ILCS 125/17) (from Ch. 75, par. 117)
Sec. 17. Bedding, clothing, fuel, and medical aid; reimbursement for medical or hospital expenses. The Warden of the jail shall furnish necessary bedding, clothing, fuel and medical aid for all prisoners under his charge, and keep an accurate account of the same. When medical or hospital services are required by any person held in custody, the county, private hospital, physician or any public agency which provides such services shall be entitled to obtain reimbursement from the county or from the Arrestee's Medical Costs Fund to the extent that moneys in the Fund are available for the cost of such services. The county board of a county may adopt an ordinance or resolution providing for reimbursement for the cost of those services at the Department of Public Aid's rates for medical assistance. To the extent that such person is reasonably able to pay for such care, including reimbursement from any insurance program or from other medical benefit programs available to such person, he or she shall reimburse the county or arresting authority. If such person has already been determined eligible for medical assistance under The Illinois Public Aid Code at the time the person is initially detained pending trial, the cost of such services, to the extent such cost exceeds $500, shall be reimbursed by the Department of Public Aid under that Code. A reimbursement under any public or private program authorized by this Section shall be paid to the county or arresting authority to the same extent as would have been obtained had the services been rendered in a non-custodial environment.
An arresting authority shall be responsible for any incurred medical expenses relating to the arrestee until such time as the arrestee is placed in the custody of the sheriff. However, the arresting authority shall not be so responsible if the arrest was made pursuant to a request by the sheriff. When medical or hospital services are required by any person held in custody, the county or arresting authority shall be entitled to obtain reimbursement from the Arrestee's Medical Costs Fund to the extent moneys are available from the Fund. To the extent that the person is reasonably able to pay for that care,
including reimbursement from any insurance program or from other medical benefit programs available to the person, he or she shall reimburse the county.

The county shall be entitled to a $10 fee for each conviction or order of supervision for a criminal violation, other than a petty offense or business offense. The fee shall be taxed as costs to be collected from the defendant, if possible, upon conviction or entry of an order of supervision. The fee shall not be considered a part of the fine for purposes of any reduction in the fine.

All such fees collected shall be deposited by the county in a fund to be established and known as the Arrestee's Medical Costs Fund. Moneys in the Fund shall be used solely for reimbursement of costs for medical expenses relating to the arrestee while he or she is in the custody of the sheriff and administration of the Fund.

For the purposes of this Section, "arresting authority" means a unit of local government, other than a county, which employs peace officers and whose peace officers have made the arrest of a person. For the purposes of this Section, "medical expenses relating to the arrestee" means only those expenses incurred for medical care or treatment provided to an arrestee on account of an injury suffered by the arrestee during the course of his arrest; the term does not include any expenses incurred for medical care or treatment provided to an arrestee on account of a health condition of the arrestee which existed prior to the time of his arrest.

(Source: P.A. 89-654, eff. 8-14-96; 89-676, 8-14-96; 90-14, eff. 7-1-97.)

Section 99. Effective date. This Act takes effect upon becoming law. Passed in the General Assembly May 18, 2005.
Approved August 8, 2005.
Effective August 8, 2005.

PUBLIC ACT 94-0495
(House Bill No 1301)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Banking Act is amended by changing Section 48.1 as follows:
(205 ILCS 5/48.1) (from Ch. 17, par. 360)
Sec. 48.1. Customer financial records; confidentiality.
(a) For the purpose of this Section, the term "financial records" means
any original, any copy, or any summary of:

(1) a document granting signature authority over a deposit or account;

(2) a statement, ledger card or other record on any deposit or account, which shows each transaction in or with respect to that account;

(3) a check, draft or money order drawn on a bank or issued and payable by a bank; or

(4) any other item containing information pertaining to any relationship established in the ordinary course of a bank's business between a bank and its customer, including financial statements or other financial information provided by the customer.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a bank having custody of the records, or the examination of the records by a certified public accountant engaged by the bank to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records by a bank to, any officer, employee or agent of (i) the Commissioner of Banks and Real Estate, (ii) after May 31, 1997, a state regulatory authority authorized to examine a branch of a State bank located in another state, (iii) the Comptroller of the Currency, (iv) the Federal Reserve Board, or (v) the Federal Deposit Insurance Corporation for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to customers where the data cannot be identified to any particular customer or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a bank and other banks or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a bank and other banks or financial institutions or
commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the bank or assets or liabilities of the bank.

(7) The furnishing of information to the appropriate law enforcement authorities where the bank reasonably believes it has been the victim of a crime.

(8) The furnishing of information under the Uniform Disposition of Unclaimed Property Act.


(10) The furnishing of information under the federal Currency and Foreign Transactions Reporting Act Title 31, United States Code, Section 1051 et seq.

(11) The furnishing of information under any other statute that by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The furnishing of information about the existence of an account of a person to a judgment creditor of that person who has made a written request for that information.

(13) The exchange in the regular course of business of information between commonly owned banks in connection with a transaction authorized under paragraph (23) of Section 5 and conducted at an affiliate facility.

(14) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any bank governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the bank a reasonable fee not to exceed its actual cost incurred. A bank providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the bank in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A bank shall have no obligation to hold, encumber, or surrender assets until it has been served with a

New matter indicated by italics - deletions by strikeout
subpoena, summons, warrant, court or administrative order, lien, or levy.

(15) The exchange in the regular course of business of information between a bank and any commonly owned affiliate of the bank, subject to the provisions of the Financial Institutions Insurance Sales Law.

(16) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if there is suspicion by the investigatory entity, the guardian, or the bank suspects that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (16), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the bank to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A bank or person furnishing information pursuant to this item (16) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act, and the Illinois Domestic Violence Act of 1986, and the Abuse of Adults with Disabilities Intervention Act.

(17) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the customer, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the customer;

(B) maintaining or servicing a customer's account with the bank; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a customer.

Nothing in this item (17), however, authorizes the sale of the

New matter indicated by italics - deletions by strikeout
financial records or information of a customer without the consent of
the customer.

(18) The disclosure of financial records or information as
necessary to protect against actual or potential fraud, unauthorized
transactions, claims, or other liability.

(19) (a) The disclosure of financial records or information
related to a private label credit program between a financial
institution and a private label party in connection with that private
label credit program. Such information is limited to outstanding
balance, available credit, payment and performance and account
history, product references, purchase information, and information
related to the identity of the customer.

(b) (1) For purposes of this paragraph (19) of subsection (b) of
Section 48.1, a "private label credit program" means a credit program
involving a financial institution and a private label party that is used
by a customer of the financial institution and the private label party
primarily for payment for goods or services sold, manufactured, or
distributed by a private label party.

(2) For purposes of this paragraph (19) of subsection (b) of
Section 48.1, a "private label party" means, with respect to a private
label credit program, any of the following: a retailer, a merchant, a
manufacturer, a trade group, or any such person's affiliate, subsidiary,
member, agent, or service provider.

(c) Except as otherwise provided by this Act, a bank may not disclose
to any person, except to the customer or his duly authorized agent, any
financial records or financial information obtained from financial records
relating to that customer of that bank unless:

(1) the customer has authorized disclosure to the person;

(2) the financial records are disclosed in response to a lawful
subpoena, summons, warrant or court order which meets the
requirements of subsection (d) of this Section; or

(3) the bank is attempting to collect an obligation owed to the
bank and the bank complies with the provisions of Section 2I of the
Consumer Fraud and Deceptive Business Practices Act.

(d) A bank shall disclose financial records under paragraph (2) of
subsection (c) of this Section under a lawful subpoena, summons, warrant,
or court order only after the bank mails a copy of the subpoena, summons,
warrant, or court order to the person establishing the relationship with the
bank, if living, and, otherwise his personal representative, if known, at his

New matter indicated by italics - deletions by strikeout
last known address by first class mail, postage prepaid, unless the bank is specifically prohibited from notifying the person by order of court or by applicable State or federal law. A bank shall not mail a copy of a subpoena to any person pursuant to this subsection if the subpoena was issued by a grand jury under the Statewide Grand Jury Act.

(e) Any officer or employee of a bank who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(f) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a bank to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) A bank shall be reimbursed for costs that are reasonably necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required or requested to be produced pursuant to a lawful subpoena, summons, warrant, or court order. The Commissioner shall determine the rates and conditions under which payment may be made.

(Source: P.A. 91-330, eff. 7-29-99; 91-929, eff. 12-15-00; 92-483, eff. 8-23-01; 92-543, eff. 6-12-02.)

Section 10. The Illinois Savings and Loan Act of 1985 is amended by changing Section 3-8 as follows:

(205 ILCS 105/3-8) (from Ch. 17, par. 3303-8)

Sec. 3-8. Access to books and records; communication with members.

(a) Every member or holder of capital shall have the right to inspect the books and records of the association that pertain to his account. Otherwise, the right of inspection and examination of the books and records shall be limited as provided in this Act, and no other person shall have access to the books and records or shall be entitled to a list of the members.

(b) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (i) a document granting signature authority over a deposit or account; (ii) a statement, ledger card, or other record on any deposit or account that shows each transaction in or with respect to that account; (iii) a check, draft, or money order drawn on an association or issued and payable by an association; or (iv) any other item containing information pertaining to any relationship established in the ordinary course of an association's business between an association and its customer, including financial statements or other financial information provided by the member or holder of capital.
(c) This Section does not prohibit:

   (1) The preparation, examination, handling, or maintenance of any financial records by any officer, employee, or agent of an association having custody of those records or the examination of those records by a certified public accountant engaged by the association to perform an independent audit.

   (2) The examination of any financial records by, or the furnishing of financial records by an association to, any officer, employee, or agent of the Commissioner of Banks and Real Estate or federal depository institution regulator for use solely in the exercise of his duties as an officer, employee, or agent.

   (3) The publication of data furnished from financial records relating to members or holders of capital where the data cannot be identified to any particular member, holder of capital, or account.

   (4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

   (5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

   (6) The exchange in the regular course of business of (i) credit information between an association and other associations or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between an association and other associations or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the association or assets or liabilities of the association.

   (7) The furnishing of information to the appropriate law enforcement authorities where the association reasonably believes it has been the victim of a crime.

   (8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act.


   (10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", (Title 31, United States Code, Section 1051 et seq.).

   (11) The furnishing of information pursuant to any other
statute that by its terms or by regulations promulgated thereunder
requires the disclosure of financial records other than by subpoena,
summons, warrant, or court order.

(12) The exchange of information between an association and
an affiliate of the association; as used in this item, "affiliate" includes
any company, partnership, or organization that controls, is controlled
by, or is under common control with an association.

(13) The furnishing of information in accordance with the
federal Personal Responsibility and Work Opportunity Reconciliation
Act of 1996. Any association governed by this Act shall enter into an
agreement for data exchanges with a State agency provided the State
agency pays to the association a reasonable fee not to exceed its
actual cost incurred. An association providing information in
accordance with this item shall not be liable to any account holder or
other person for any disclosure of information to a State agency, for
cumbering or surrendering any assets held by the association in
response to a lien or order to withhold and deliver issued by a State
agency, or for any other action taken pursuant to this item, including
individual or mechanical errors, provided the action does not
constitute gross negligence or willful misconduct. An association
shall have no obligation to hold, encumber, or surrender assets until
it has been served with a subpoena, summons, warrant, court or
administrative order, lien, or levy.

(14) The furnishing of information to law enforcement
authorities, the Illinois Department on Aging and its regional
administrative and provider agencies, the Department of Human
Services Office of Inspector General, or public guardians, if there is
suspicion by the investigatory entity, the guardian, or the association
suspects that a customer who is an elderly or disabled person has been
or may become the victim of financial exploitation. For the purposes
of this item (14), the term: (i) "elderly person" means a person who
is 60 or more years of age, (ii) "disabled person" means a person who
has or reasonably appears to the association to have a physical or
mental disability that impairs his or her ability to seek or obtain
protection from or prevent financial exploitation, and (iii) "financial
exploitation" means tortious or illegal use of the assets or resources
of an elderly or disabled person, and includes, without limitation,
misappropriation of the elderly or disabled person's assets or
resources by undue influence, breach of fiduciary relationship,
intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. An association or person furnishing information pursuant to this item (14) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act, and the Illinois Domestic Violence Act of 1986, and the Abuse of Adults with Disabilities Intervention Act.

(15) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member or holder of capital, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member or holder of capital;

(B) maintaining or servicing an account of a member or holder of capital with the association; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member or holder of capital.

Nothing in this item (15), however, authorizes the sale of the financial records or information of a member or holder of capital without the consent of the member or holder of capital.

(16) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(17) (a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b) (1) For purposes of this paragraph (17) of subsection (c) of Section 3-8, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (17) of subsection(c) of Section 3-8, a "private label party" means, with respect to a private
label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(d) An association may not disclose to any person, except to the member or holder of capital or his duly authorized agent, any financial records relating to that member or holder of capital of that association unless:

(1) The member or holder of capital has authorized disclosure to the person; or

(2) The financial records are disclosed in response to a lawful subpoena, summons, warrant, or court order that meets the requirements of subsection (e) of this Section.

(e) An association shall disclose financial records under subsection (d) of this Section pursuant to a lawful subpoena, summons, warrant, or court order only after the association mails a copy of the subpoena, summons, warrant, or court order to the person establishing the relationship with the association, if living, and, otherwise, his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the association is specifically prohibited from notifying that person by order of court.

(f) (1) Any officer or employee of an association who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(2) Any person who knowingly and willfully induces or attempts to induce any officer or employee of an association to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) However, if any member desires to communicate with the other members of the association with reference to any question pending or to be presented at a meeting of the members, the association shall give him upon request a statement of the approximate number of members entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requesting member then shall submit the communication to the Commissioner who, if he finds it to be appropriate and truthful, shall direct that it be prepared and mailed to the members upon the requesting member's payment or adequate provision for payment of the expenses of preparation and mailing.

(h) An association shall be reimbursed for costs that are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required to be reproduced

New matter indicated by italics - deletions by strikeout
pursuant to a lawful subpoena, warrant, or court order.
(Source: P.A. 92-483, eff. 8-23-01; 92-543, eff. 6-12-02; 93-271, eff. 7-22-03.)

Section 15. The Savings Bank Act is amended by changing Section 4013 as follows:

(205 ILCS 205/4013) (from Ch. 17, par. 7304-13)
Sec. 4013. Access to books and records; communication with members and shareholders.

(a) Every member or shareholder shall have the right to inspect books and records of the savings bank that pertain to his accounts. Otherwise, the right of inspection and examination of the books and records shall be limited as provided in this Act, and no other person shall have access to the books and records nor shall be entitled to a list of the members or shareholders.

(b) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over a deposit or account; (2) a statement, ledger card, or other record on any deposit or account that shows each transaction in or with respect to that account; (3) a check, draft, or money order drawn on a savings bank or issued and payable by a savings bank; or (4) any other item containing information pertaining to any relationship established in the ordinary course of a savings bank's business between a savings bank and its customer, including financial statements or other financial information provided by the member or shareholder.

(c) This Section does not prohibit:

(1) The preparation examination, handling, or maintenance of any financial records by any officer, employee, or agent of a savings bank having custody of records or examination of records by a certified public accountant engaged by the savings bank to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records by a savings bank to, any officer, employee, or agent of the Commissioner of Banks and Real Estate or the federal depository institution regulator for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to members or holders of capital where the data cannot be identified to any particular member, shareholder, or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

New matter indicated by italics - deletions by strikeout
(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a savings bank and other savings banks or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a savings bank and other savings banks or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the savings bank or assets or liabilities of the savings bank.

(7) The furnishing of information to the appropriate law enforcement authorities where the savings bank reasonably believes it has been the victim of a crime.

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act.


(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", (Title 31, United States Code, Section 1051 et seq.).

(11) The furnishing of information pursuant to any other statute which by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any savings bank governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the savings bank a reasonable fee not to exceed its actual cost incurred. A savings bank providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the savings bank in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not

New matter indicated by italics - deletions by strikeout
constitute gross negligence or willful misconduct. A savings bank shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if there is suspicion by the investigatory entity, the guardian, or the savings bank suspects that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (13), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the savings bank to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A savings bank or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act, and the Illinois Domestic Violence Act of 1986, and the Abuse of Adults with Disabilities Intervention Act.

(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member or holder of capital, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member or holder of capital;

(B) maintaining or servicing an account of a member or holder of capital with the savings bank; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member or holder of capital.

Nothing in this item (14), however, authorizes the sale of the
financial records or information of a member or holder of capital without the consent of the member or holder of capital.

(15) The exchange in the regular course of business of information between a savings bank and any commonly owned affiliate of the savings bank, subject to the provisions of the Financial Institutions Insurance Sales Law.

(16) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(17) (a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b) (1) For purposes of this paragraph (17) of subsection (c) of Section 4013, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (17) of subsection (c) of Section 4013, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(d) A savings bank may not disclose to any person, except to the member or holder of capital or his duly authorized agent, any financial records relating to that member or shareholder of the savings bank unless:

(1) the member or shareholder has authorized disclosure to the person; or

(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant, or court order that meets the requirements of subsection (e) of this Section.

(e) A savings bank shall disclose financial records under subsection (d) of this Section pursuant to a lawful subpoena, summons, warrant, or court order only after the savings bank mails a copy of the subpoena, summons, warrant, or court order to the person establishing the relationship with the

New matter indicated by italics - deletions by strikeout
savings bank, if living, and otherwise, his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the savings bank is specifically prohibited from notifying the person by order of court.

(f) Any officer or employee of a savings bank who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a savings bank to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(h) If any member or shareholder desires to communicate with the other members or shareholders of the savings bank with reference to any question pending or to be presented at an annual or special meeting, the savings bank shall give that person, upon request, a statement of the approximate number of members or shareholders entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requesting member shall submit the communication to the Commissioner who, upon finding it to be appropriate and truthful, shall direct that it be prepared and mailed to the members upon the requesting member's or shareholder's payment or adequate provision for payment of the expenses of preparation and mailing.

(i) A savings bank shall be reimbursed for costs that are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required to be reproduced pursuant to a lawful subpoena, warrant, or court order.

(j) Notwithstanding the provisions of this Section, a savings bank may sell or otherwise make use of lists of customers' names and addresses. All other information regarding a customer's account are subject to the disclosure provisions of this Section. At the request of any customer, that customer's name and address shall be deleted from any list that is to be sold or used in any other manner beyond identification of the customer's accounts.

(Source: P.A. 92-483, eff. 8-23-01; 92-543, eff. 6-12-02; 93-271, eff. 7-22-03.)

Section 20. The Illinois Credit Union Act is amended by changing Section 10 as follows:

(205 ILCS 305/10) (from Ch. 17, par. 4411)
Sec. 10. Credit union records; member financial records.
(1) A credit union shall establish and maintain books, records,

New matter indicated by italics - deletions by strikeout
accounting systems and procedures which accurately reflect its operations and which enable the Department to readily ascertain the true financial condition of the credit union and whether it is complying with this Act.

(2) A photostatic or photographic reproduction of any credit union records shall be admissible as evidence of transactions with the credit union.

(3) (a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over an account, (2) a statement, ledger card or other record on any account which shows each transaction in or with respect to that account, (3) a check, draft or money order drawn on a financial institution or other entity or issued and payable by or through a financial institution or other entity, or (4) any other item containing information pertaining to any relationship established in the ordinary course of business between a credit union and its member, including financial statements or other financial information provided by the member.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a credit union having custody of such records, or the examination of such records by a certified public accountant engaged by the credit union to perform an independent audit.

(2) The examination of any financial records by or the furnishing of financial records by a credit union to any officer, employee or agent of the Department, the National Credit Union Administration, Federal Reserve board or any insurer of share accounts for use solely in the exercise of his duties as an officer, employee or agent.

(3) The publication of data furnished from financial records relating to members where the data cannot be identified to any particular customer of account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1954.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a credit union and other credit

New matter indicated by italics - deletions by strikeout
unions or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a credit union and other credit unions or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a merger or a purchase or sale of assets or liabilities of the credit union.

(7) The furnishing of information to the appropriate law enforcement authorities where the credit union reasonably believes it has been the victim of a crime.

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act.


(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", Title 31, United States Code, Section 1051 et sequentia.

(11) The furnishing of information pursuant to any other statute which by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant or court order.

(12) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any credit union governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the credit union a reasonable fee not to exceed its actual cost incurred. A credit union providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the credit union in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A credit union shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or

New matter indicated by italics - deletions by strikeout
administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if there is suspicion by the investigatory entity, the guardian, or the credit union suspects that a member who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (13), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the credit union to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A credit union or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act, and the Illinois Domestic Violence Act of 1986, and the Abuse of Adults with Disabilities Intervention Act.

(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member;

(B) maintaining or servicing a member's account with the credit union; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member. Nothing in this item (14), however, authorizes the sale of the financial records or information of a member without the consent of the member.

New matter indicated by italics - deletions by strikeout
(15) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(16) (a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b) (1) For purposes of this paragraph (16) of subsection (b) of Section 10, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (16) of subsection (b) of Section 10, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(c) Except as otherwise provided by this Act, a credit union may not disclose to any person, except to the member or his duly authorized agent, any financial records relating to that member of the credit union unless:

(1) the member has authorized disclosure to the person;

(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant or court order that meets the requirements of subparagraph (d) of this Section; or

(3) the credit union is attempting to collect an obligation owed to the credit union and the credit union complies with the provisions of Section 2I of the Consumer Fraud and Deceptive Business Practices Act.

(d) A credit union shall disclose financial records under subparagraph (c)(2) of this Section pursuant to a lawful subpoena,

New matter indicated by italics - deletions by strikeout
summons, warrant or court order only after the credit union mails a copy of the subpoena, summons, warrant or court order to the person establishing the relationship with the credit union, if living, and otherwise his personal representative, if known, at his last known address by first class mail, postage prepaid unless the credit union is specifically prohibited from notifying the person by order of court or by applicable State or federal law. In the case of a grand jury subpoena, a credit union shall not mail a copy of a subpoena to any person pursuant to this subsection if the subpoena was issued by a grand jury under the Statewide Grand Jury Act or notifying the person would constitute a violation of the federal Right to Financial Privacy Act of 1978.

(e) (1) Any officer or employee of a credit union who knowingly and wilfully furnishes financial records in violation of this Section is guilty of a business offense and upon conviction thereof shall be fined not more than $1,000.

(2) Any person who knowingly and wilfully induces or attempts to induce any officer or employee of a credit union to disclose financial records in violation of this Section is guilty of a business offense and upon conviction thereof shall be fined not more than $1,000.

(f) A credit union shall be reimbursed for costs which are reasonably necessary and which have been directly incurred in searching for, reproducing or transporting books, papers, records or other data of a member required or requested to be produced pursuant to a lawful subpoena, summons, warrant or court order. The Director may determine, by rule, the rates and conditions under which payment shall be made. Delivery of requested documents may be delayed until final reimbursement of all costs is received.

(Source: P.A. 91-929, eff. 12-15-00; 92-293, eff. 8-9-01; 92-483, eff. 8-23-01; 92-543, eff. 6-12-02.)

Approved August 8, 2005.
Effective August 8, 2005.
AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by changing Section 5-1097.5 and by adding Section 5-1097.7 as follows:

(55 ILCS 5/5-1097.5)
Sec. 5-1097.5. Adult entertainment facility. It is prohibited within an unincorporated area of a county to locate an adult entertainment facility within 3,000 feet of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship, or residence.

For the purposes of this Section, "adult entertainment facility" means (i) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or (ii) an adult bookstore or adult video store whose primary business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions. "Unincorporated area of a county" means any area not within the boundaries of a municipality.

The State's Attorney of the county where the adult entertainment facility is located or the Attorney General may institute a civil action for an injunction to restrain violations of this Section. In that proceeding, the court shall determine whether a violation has been committed and shall enter such orders as it considers necessary to remove the effect of any violation and to prevent the violation from continuing or from being renewed in the future. (Source: P.A. 93-1056, eff. 11-23-04.)

(55 ILCS 5/5-1097.7 new)
Sec. 5-1097.7. Local ordinances to regulate adult entertainment facilities and obscenity.

(a) Definitions. In this Act:
"Specified anatomical area" means human genitals or pubic region, buttocks, anus, or the female breast below a point immediately above the top the areola that is less than completely or opaquely covered, or human male genitals in a discernibly turgid state even if completely or opaquely covered.
"Specified sexual activities" means (i) human genitals in a state of sexual stimulation or excitement; (ii) acts of human masturbation, sexual

New matter indicated by italics - deletions by strikeout
intercourse, fellatio, or sodomy; (iii) fondling, kissing, or erotic touching of specified anatomical areas; (iv) flagellation or torture in the context of a sexual relationship; (v) masochism, erotic or sexually oriented torture, beating, or the infliction of pain; (vi) erotic touching, fondling, or other such contact with an animal by a human being; or (vii) human excretion, urination, menstruation, or vaginal or anal irrigation as part of or in connection with any of the activities set forth in items (i) through (vi).

(b) Ordinance to regulate adult entertainment facilities. A county may adopt by ordinance reasonable regulations concerning the operation of any business: (i) defined as an adult entertainment facility in Section 5-1097.5 of this Act or (ii) that offers or provides activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities in view of any patron, client, or customer of the business. A county ordinance may also prohibit the sale, dissemination, display, exhibition, or distribution of obscene materials or conduct. A county adopting an ordinance to regulate adult entertainment facilities may authorize the State's Attorney to institute a civil action to restrain violations of that ordinance. In that proceeding, the court shall enter such orders as it considers necessary to abate the violation and to prevent the violation from continuing or from being renewed in the future. In addition to any injunctive relief granted by the court, an ordinance may further authorize the court to assess fines of up to $1,000 per day for each violation of the ordinance, with each day in violation constituting a new and separate offense.

Passed in the General Assembly May 11, 2005.
Approved August 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0497
(House Bill No 1343)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Child Welfare Student Loan Forgiveness Act. Section 5. Purpose. The purpose of this Act is to attract capable and promising students to the child welfare profession, increase employment and retention of individuals who are working towards or who have received either a bachelor's degree or a master's degree in social

New matter indicated by italics - deletions by strikeout
work or any human services subject area that qualifies the individual for employment as a family services worker, and provide opportunities for persons making mid-career decisions to enter the child welfare profession.

Section 10. Definitions. In this Act:
"Commission" means the Illinois Student Assistance Commission.
"Contracting agency" means an agency that the Department of Children and Family Services contracts with for the provision of child protective services.
"Forgivable loan" means a higher education student loan that a person has incurred in attending a social work program approved by the Council on Social Work Education or an accredited human services degree program.

Section 15. Establishment of program. There is created the Child Welfare Student Loan Forgiveness Program to be administered by the Illinois Student Assistance Commission. The program shall provide loan assistance, subject to appropriation, to eligible students for upper-division undergraduate and graduate study. The Commission shall adopt rules necessary to administer the program.

Section 20. Maximum loan time period; maximum loan amount.
(a) Subject to appropriation, an undergraduate forgivable loan may be awarded for a maximum of 2 academic years. The amount of this loan shall not exceed $4,000 per year.
(b) Subject to appropriation, a graduate forgivable loan may be awarded for a maximum of 2 academic years. The amount of this loan shall not exceed $8,000 per year.

Section 25. Eligibility.
(a) To be eligible for assistance under the Child Welfare Student Loan Forgiveness Program, an applicant for an undergraduate forgivable loan must meet all of the following qualifications:

(1) Be a full-time student at the upper-division undergraduate level in a social work program approved by the Council on Social Work Education leading to a bachelor's degree in social work or an accredited human services degree program.

(2) Have declared an intent to work in child welfare at the Department of Children and Family Services, its successor, or a contracting agency for at least the number of years for which a forgivable loan is received.

(3) Have maintained a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work. If applying for renewal of an undergraduate forgivable loan, an
applicant must have maintained a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work and have earned at least 12 semester credits per term, or the equivalent.

(b) To be eligible for assistance under the Child Welfare Student Loan Forgiveness Program, an applicant for a graduate forgivable loan must meet all of the following qualifications:

(1) Be a full-time student at the graduate level in a social work program approved by the Council on Social Work Education leading to a master's degree in social work or an accredited human services degree program.

(2) Have declared an intent to work in child welfare at the Department of Children and Family Services, its successor, or a contracting agency for at least the number of years for which a forgivable loan is received.

(3) Hold a bachelor's degree from a school or department of social work at any college or university accredited by the Council on Social Work Education, or hold a degree in a human services field from an accredited college or university.

(4) Have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate Record Examination (GRE) score of at least 1,000. If applying for renewal of a graduate forgivable loan, an applicant must have maintained a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.

(5) Not have received an undergraduate forgivable loan under the program.

Section 30. Repayment schedule; credit; penalty for non-compliance.

(a) A forgivable loan must be repaid within 10 years after completion of the approved or accredited social work or human services program. The Commission shall adopt, by rule, repayment schedules and applicable interest rates.

(b) Credit for repayment of a forgivable loan shall be in an amount not to exceed $4,000 in loan principal plus applicable accrued interest for each full year of eligible service in the child welfare profession. Forgivable loan recipients may receive loan repayment credit for child welfare service rendered at any time during the scheduled repayment period. However, such repayment credit shall be applicable only to the current principal and accrued interest balance that remains at the time the repayment credit is earned. No
loan recipient shall be reimbursed for previous cash payments of principal
and interest.

(c) Any forgivable loan recipient who fails to work at the Department
of Children and Family Services, its successor, or a contracting agency, as
required under the terms of the loan, is responsible for repaying the loan plus
accrued interest at 8% annually.

Passed in the General Assembly May 11, 2005.
Approved August 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0498
(House Bill No 1345)

AN ACT in relation to health.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Community Services Act is amended by adding
Sections 4.4 and 4.5 as follows:
(405 ILCS 30/4.4 new)
Sec. 4.4. Funding reinvestment.
(a) The purposes of this Section are as follows:
   (1) The General Assembly recognizes that the United States
       Supreme Court in Olmstead v. L.C. ex Rel. Zimring, 119 S. Ct. 2176
       (1999), affirmed that the unjustifiable institutionalization of a person
       with a disability who could live in the community with proper
       support, and wishes to do so, is unlawful discrimination in violation
       of the Americans with Disabilities Act (ADA). The State of Illinois,
       along with all other states, is required to provide appropriate
       residential and community-based support services to persons with
       disabilities who wish to live in a less restrictive setting.
   (2) It is the purpose of this Section to help fulfill the State's
       obligations under the Olmstead decision by maximizing the level of
       funds for both developmental disability and mental health services
       and supports in order to maintain and create an array of residential
       and supportive services for people with mental health needs and
       developmental disabilities whenever they are transferred into another
       facility or a community-based setting.
   (b) In this Section:
      "Office of Developmental Disabilities" means the Office of

New matter indicated by italics - deletions by strikeout
Developmental Disabilities within the Department of Human Services.

"Office of Mental Health" means the Office of Mental Health within the Department of Human Services.

(c) On and after the effective date of this amendatory Act of the 94th General Assembly, every appropriation of State moneys relating to funding for the Office of Developmental Disabilities or the Office of Mental Health must comply with this Section.

(d) Whenever any appropriation, or any portion of an appropriation, for any fiscal year relating to the funding of any State-operated facility operated by the Office of Developmental Disabilities or any mental health facility operated by the Office of Mental Health is reduced because of any of the reasons set forth in the following items (1) through (3), to the extent that savings are realized from these items, those moneys must be directed toward providing other services and supports for persons with developmental disabilities or mental health needs:

(1) The closing of any such State-operated facility for the developmentally disabled or mental health facility.

(2) Reduction in the number of units or available beds in any such State-operated facility for the developmentally disabled or mental health facility.

(3) Reduction in the number of staff employed in any such State-operated facility for the developmentally disabled or mental health facility.

In determining whether any savings are realized from items (1) through (3), sufficient moneys shall be made available to ensure that there is an appropriate level of staffing and that life, safety, and care concerns are addressed so as to provide for the remaining persons with developmental disabilities or mental illness at any facility in the case of item (2) or (3) or, in the case of item (1), such remaining persons at the remaining State-operated facilities that will be expected to handle the individuals previously served at the closed facility.

(e) The purposes of redirecting this funding shall include, but not be limited to, providing the following services and supports for individuals with developmental disabilities and mental health needs:

(1) Residence in the most integrated setting possible, whether independent living in a private residence, a Community Integrated Living Arrangement (CILA), a supported residential program, an Intermediate Care Facility for persons with Developmental Disabilities (ICFDD), a supervised residential program, or

New matter indicated by italics - deletions by strikeout
supportive housing, as appropriate.

(2) Residence in another State-operated facility.

(3) Rehabilitation and support services, including assertive community treatment, case management, supportive and supervised day treatment, and psychosocial rehabilitation.

(4) Vocational or developmental training, as appropriate, that contributes to the person’s independence and employment potential.

(5) Employment or supported employment, as appropriate, free from discrimination pursuant to the Constitution and laws of this State.

(6) In-home family supports, such as respite services and client and family supports.

(7) Periodic reevaluation, as needed.

(f) An appropriation may not circumvent the purposes of this Section by transferring moneys within the funding system for services and supports for the developmentally disabled and mentally ill and then compensating for this transfer by redirecting other moneys away from these services to provide funding for some other governmental purpose or to relieve other State funding expenditures.

(405 ILCS 30/4.5 new)
Sec. 4.5. Consultation with advisory and advocacy groups. Whenever any appropriation, or any part of an appropriation, for any fiscal year relating to the funding of (i) a State-operated facility operated by the Office of Developmental Disabilities within the Department of Human Services or (ii) a mental health facility operated by the Office of Mental Health within the Department of Human Services is reduced because of any of the reasons set forth in items (1) through (3) of subsection (d) of Section 4.4, the plan for using any savings realized from those items (1) through (3) shall be shared and discussed with advocates, advocacy organizations, and advisory groups whose mission includes advocacy for persons with developmental disabilities or persons with mental illness.


New matter indicated by italics - deletions by strikeout
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections
18c-2102 and 18c-2106 as follows:
(625 ILCS 5/18c-2102) (from Ch. 95 1/2, par. 18c-2102)
Sec. 18c-2102. Hearings in other than household goods carrier
authority cases.
(1) Hearing required. Except as otherwise provided in subsection (2)
of this Section, and in Section 18c-2108 of this Chapter the Commission
shall, in other than household goods carrier authority cases, issue orders
granting authority or other relief, prescribing rates, imposing sanctions, or
directing that a person take, continue to take, refrain from taking or cease and
desist from continuing to take any action, only after notice and hearing in
accordance with the rules of practice applicable to proceedings under this
Chapter.
(1.1) Service of notice in a case involving a motor carrier of
passengers. In any case involving a motor carrier of passengers, if an airport
is a point to be served, in addition to public notice by publication, notice of
an application for a license or transfer of a license must be served by
certified mail, return receipt requested, on (i) the corporation counsel or
chief legal officer of any municipality or other political subdivision
operating the airport and (ii) the agent for service of process in Illinois of any motor
carrier possessing a license under Section 18c-6201 authorizing all or part
of the service for which authority is sought under Section 18c-6201 of this
Chapter.
(2) Hearing not required. Except as otherwise provided in Section
18c-2108 of this Chapter, the Commission may, in other than household
goods carrier authority cases, conduct its review and issue orders without
hearing, the taking of evidence, or the making of a record where action taken
in the order:
(a) Was not opposed in a timely pleading addressed to the
Commission;
(b) Was opposed in a timely pleading, but such opposition
was later withdrawn or the parties in opposition waived further
hearing and taking of evidence;
New matter indicated by italics - deletions by strikeout
(c) Was taken on an emergency temporary or interim basis in accordance with Section 18c-2108 of this Chapter; or
(d) Is interlocutory in nature.

(3) Section not applicable to household goods carrier authority cases. Nothing in this Section shall have application to any household goods carrier authority case.

(Source: P.A. 89-444, eff. 1-25-96.)

(625 ILCS 5/18c-2106) (from Ch. 95 1/2, par. 18c-2106)
Sec. 18c-2106. Standing.

(1) General Provisions. Each person with an administratively cognizable interest in a proceeding before the Commission shall, upon compliance with procedural rules adopted by the Commission for such proceedings, be entitled to appear and participate as a party to the proceeding. The Commission may, in addition, grant leave to appear and participate on such terms as it may prescribe, where to do so would assist the Commission in reaching an informed and just decision in the proceeding.

(2) Definition of Administratively Cognizable Interest. The following persons or entities shall be deemed to have an administratively cognizable interest in proceedings under this Chapter:

(a) Licensing Proceedings. A person or an entity shall be deemed to have an administratively cognizable interest in a proceeding in which an application for a new, amended, or extended intrastate license is under consideration only if:

   (i) The person possesses a license authorizing all or part of the service for which authority is sought, such license is in good standing, and the person has transported or actively solicited traffic or both within the scope of the application during the 12 month period immediately preceding initiation of the proceeding; or

   (ii) The proceeding involves an application for a household goods carrier license and the person is an organization representing employees of a household goods carrier; or

   (iii) The entity is a municipality or other political subdivision operating an airport that is a point to be served for the license under consideration.

(b) Rate Proceedings. A person shall be deemed to have an administratively cognizable interest in a proceeding in which new or amended rates are under consideration only if the person is:

New matter indicated by italics - deletions by strikeout
(i) A carrier authorized to transport traffic such as would be subject to or affected by the rates;
(ii) A shipper or receiver of traffic such as would be subject to or affected by the rates;
(iii) An association of two or more carriers, acting at the request of and on behalf of one or more carriers authorized to transport traffic such as would be subject to or affected by the rates; or an association of two or more shippers or receivers acting at the request of and on behalf of one or more shippers or receivers of such traffic; or
(iv) An organization representing employees of a household goods carrier.

(c) Proceedings to Transfer a License. A person shall be deemed to have an administratively cognizable interest in a proceeding to transfer an intrastate license only if the person:

(i) Has an ownership interest in or control of the license which is the subject of the proceeding;
(ii) Would, if the proposed transfer is approved, acquire ownership or control of the license which is the subject of the proceeding;
(iii) Possesses a license authorizing all or part of the service authorized by the license sought to be transferred, such license is in good standing, and the person or entity has transported or actively solicited traffic within the scope of the license sought to be transported during the 12 months period immediately preceding initiation of the proceeding;
(iv) Would be directly affected by the transfer; or
(v) Is an organization representing employees of a household goods carrier; or
(vi) Is a municipality or other political subdivision operating an airport that is a point to be served for the license under consideration.

(d) Complaint and Enforcement Proceedings. A person shall be deemed to have an administratively cognizable interest in a complaint proceeding if the person:

(i) Has an ownership interest in or control of the license which is the subject of the proceeding;
(ii) Would be directly and adversely affected by failure to grant relief sought in the complaint or enforcement action

New matter indicated by italics - deletions by strikeout
and such adverse effect is contrary to the purposes of this Chapter; or

(iii) Is an organization representing employees of a household goods carrier of property.

(e) All Proceedings. Notwithstanding the provisions of subsections (2) (a) through (2) (d) of this Section, a person shall be deemed to have an administratively cognizable interest in a proceeding other than a complaint proceeding if the person:

(i) Filed the pleading pursuant to which the proceeding was initiated; or

(ii) Is an organization representing employees of a household goods carrier.

(Source: P.A. 89-444, eff. 1-25-96.)

Passed in the General assembly May 19, 2005.

Approved August 8, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0500
(House Bill No 2341)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Power of Attorney Act is amended by changing Section 2-7.5 as follows:

(755 ILCS 45/2-7.5)

Sec. 2-7.5. Incapacitated principal.

(a) This Section shall apply only to an agent acting for a principal who is incapacitated. A principal shall be considered incapacitated if that individual is under a legal disability as defined in Section 11a-2 of the Probate Act of 1975. A principal shall also be considered incapacitated if: (i) a physician licensed to practice medicine in all its branches has examined the principal and has determined that the principal lacks decision making capacity; and (ii) that physician has made a written record of this determination and has signed the written record within 90 days after the examination; and (iii) the written record has been delivered to the agent. The agent may rely conclusively on that written record.

(b) An agent shall provide a record of all receipts, disbursements, and significant actions taken under the authority of the agency when requested to

New matter indicated by italics - deletions by strikeout
do so: (i) by a representative of a provider agency, as defined in Section 2 of the Elder Abuse and Neglect Act, acting in the course of an assessment of a complaint of elder abuse or neglect under that Act; or (ii) by a representative of the Office of the State Long Term Care Ombudsman acting in the course of an investigation of a complaint of financial exploitation of a nursing home resident under Section 4.04 of the Illinois Act on the Aging; or (iii) by a representative of the Office of Inspector General for the Department of Human Services acting in the course of an assessment of a complaint of financial exploitation of an adult with disabilities pursuant to Section 35 of the Abuse of Adults with Disabilities Intervention Act.

(Source: P.A. 91-790, eff. 6-9-00.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 16, 2005.

Approved August 8, 2005.

Effective August 8, 2005.

**PUBLIC ACT 94-0501**

*(House Bill No. 2344)*

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-33 as follows:

(20 ILCS 2310/2310-33 new)

Sec. 2310-33. Access to patient claims and encounter data. To establish reasonable billing rates for persons requesting electronic access to patient data collected under Section 4-2 of the Illinois Health Finance Reform Act for use by a requesting entity, including, but not limited to, an agency, academic research organization, or private sector organization, and for producing studies, data products, or analyses of such data. All moneys received by the Department from the billing authorized under this Section must be deposited into the Public Health Special State Projects Fund. In providing electronic access to patient claims and encounter data, the Department shall undertake all steps necessary under State and federal law, including the Gramm-Leach-Bliley Act (12 U.S.C. §1811 et. seq.) and the Health Insurance Portability and Accountability Act privacy regulations (45 C.F.R. Part 164), to protect patient confidentiality in order to prevent the
identification of individual patients.


PUBLIC ACT 94-0502
(House Bill No. 2375)

AN ACT concerning insurance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Health Insurance Portability and Accountability Act is amended by changing Sections 5 and 50 and by adding Section 60 as follows:

(215 ILCS 97/5)
Sec. 5. Definitions.
"Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with the person specified.
"Beneficiary" has the meaning given such term under Section 3(8) of the Employee Retirement Income Security Act of 1974.
"Bona fide association" means, with respect to health insurance coverage offered in a State, an association which:

(1) has been actively in existence for at least 5 years;
(2) has been formed and maintained in good faith for purposes other than obtaining insurance;
(3) does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee);
(4) makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member);
(5) does not make health insurance coverage offered through the association available other than in connection with a member of the association; and
(6) meets such additional requirements as may be imposed under State law.

New matter indicated by italics - deletions by strikeout
"Church plan" has the meaning given that term under Section 3(33) of the Employee Retirement Income Security Act of 1974.
"COBRA continuation provision" means any of the following:
   (1) Section 4980B of the Internal Revenue Code of 1986, other than subsection (f)(1) of that Section insofar as it relates to pediatric vaccines.
   (3) Title XXII of federal Public Health Service Act.
"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, the holding of policyholders' proxies by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is solely the result of an official position with or corporate office held by the person. Control is presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds shareholders' proxies representing 10% or more of the voting securities of any other person or holds or controls sufficient policyholders' proxies to elect the majority of the board of directors of the domestic company. This presumption may be rebutted by a showing made in a manner as the Secretary may provide by rule. The Secretary may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.
"Department" means the Department of Insurance.
"Employee" has the meaning given that term under Section 3(6) of the Employee Retirement Income Security Act of 1974.
"Employer" has the meaning given that term under Section 3(5) of the Employee Retirement Income Security Act of 1974, except that the term shall include only employers of 2 or more employees.
"Enrollment date" means, with respect to an individual covered under a group health plan or group health insurance coverage, the date of enrollment of the individual in the plan or coverage, or if earlier, the first day of the waiting period for enrollment.
"Federal governmental plan" means a governmental plan established or maintained for its employees by the government of the United States or by any agency or instrumentality of that government.
"Governmental plan" has the meaning given that term under Section

"Group health insurance coverage" means, in connection with a group health plan, health insurance coverage offered in connection with the plan.

"Group health plan" means an employee welfare benefit plan (as defined in Section 3(1) of the Employee Retirement Income Security Act of 1974) to the extent that the plan provides medical care (as defined in paragraph (2) of that Section and including items and services paid for as medical care) to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.

"Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

"Health insurance issuer" means an insurance company, insurance service, or insurance organization (including a health maintenance organization, as defined herein) which is licensed to engage in the business of insurance in a state and which is subject to Illinois law which regulates insurance (within the meaning of Section 514(b)(2) of the Employee Retirement Income Security Act of 1974). The term does not include a group health plan.

"Health maintenance organization (HMO)" means:

(1) a Federally qualified health maintenance organization (as defined in Section 1301(a) of the Public Health Service Act.);

(2) an organization recognized under State law as a health maintenance organization; or

(3) a similar organization regulated under State law for solvency in the same manner and to the same extent as such a health maintenance organization.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, but does not include short-term limited duration insurance.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"Large employer" means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 51 employees on business days during the preceding
calendar year and who employs at least 2 employees on the first day of the plan year.

(1) Application of aggregation rule for large employers. All persons treated as a single employer under subsection (b), (c), (m), or (o) of Section 414 of the Internal Revenue Code of 1986 shall be treated as one employer.

(2) Employers not in existence in preceding year. In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether the employer is a large employer shall be based on the average number of employees that it is reasonably expected the employer will employ on business days in the current calendar year.

(3) Predecessors. Any reference in this Act to an employer shall include a reference to any predecessor of such employer.

"Large group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by a large employer.

"Late enrollee" means with respect to coverage under a group health plan, a participant or beneficiary who enrolls under the plan other than during:

(1) the first period in which the individual is eligible to enroll under the plan; or
(2) a special enrollment period under subsection (F) of Section 20.

"Medical care" means amounts paid for:

(1) the diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body;
(2) amounts paid for transportation primarily for and essential to medical care referred to in item (1); and
(3) amounts paid for insurance covering medical care referred to in items (1) and (2).

"Nonfederal governmental plan" means a governmental plan that is not a federal governmental plan.

"Network plan" means health insurance coverage of a health insurance issuer under which the financing and delivery of medical care (including items and services paid for as medical care) are provided, in whole or in part, through a defined set of providers under contract with the issuer.

New matter indicated by italics - deletions by strikeout
"Participant" has the meaning given that term under Section 3(7) of the Employee Retirement Income Security Act of 1974.

"Person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing acting in concert, but does not include any securities broker performing no more than the usual and customary broker's function or joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property other than capital stock.

"Placement" or being "placed" for adoption, in connection with any placement for adoption of a child with any person, means the assumption and retention by the person of a legal obligation for total or partial support of the child in anticipation of adoption of the child. The child's placement with the person terminates upon the termination of the legal obligation.

"Plan sponsor" has the meaning given that term under Section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

"Preexisting condition exclusion" means, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date.

"Small employer" means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

(1) Application of aggregation rule for small employers. All persons treated as a single employer under subsection (b), (c), (m), or (o) of Section 414 of the Internal Revenue Code of 1986 shall be treated as one employer.

(2) Employers not in existence in preceding year. In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether the employer is a small employer shall be based on the average number of employees that it is reasonably expected the employer will employ on business days in the current calendar year.

(3) Predecessors. Any reference in this Act to a small employer shall include a reference to any predecessor of that employer.

New matter indicated by italics - deletions by strikeout
"Small group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by a small employer.

"State" means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"Waiting period" means with respect to a group health plan and an individual who is a potential participant or beneficiary in the plan, the period of time that must pass with respect to the individual before the individual is eligible to be covered for benefits under the terms of the plan.

(Source: P.A. 90-30, eff. 7-1-97.)

(215 ILCS 97/50)

Sec. 50. Guaranteed renewability of individual health insurance coverage.

(A) In general. Except as provided in this Section, a health insurance issuer that provides individual health insurance coverage to an individual shall renew or continue in force such coverage at the option of the individual.

(B) General exceptions. A health insurance issuer may nonrenew or discontinue health insurance coverage of an individual in the individual market based only on one or more of the following:

(1) Nonpayment of premiums. The individual has failed to pay premiums or contributions in accordance with the terms of the health insurance coverage or the issuer has not received timely premium payments.

(2) Fraud. The individual has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of the coverage.

(3) Termination of plan. The issuer is ceasing to offer coverage in the individual market in accordance with subsection (C) of this Section and applicable Illinois law.

(4) Movement outside the service area. In the case of a health insurance issuer that offers health insurance coverage in the market through a network plan, the individual no longer resides, lives, or works in the service area (or in an area for which the issuer is authorized to do business), but only if such coverage is terminated under this paragraph uniformly without regard to any health status-related factor of covered individuals.

(5) Association membership ceases. In the case of health
insurance coverage that is made available in the individual market only through one or more bona fide associations, the membership of the individual in the association (on the basis of which the coverage is provided) ceases, but only if such coverage is terminated under this paragraph uniformly without regard to any health status-related factor of covered individuals.

(C) Requirements for uniform termination of coverage.

(1) Particular type of coverage not offered. In any case in which an issuer decides to discontinue offering a particular type of health insurance coverage offered in the individual market, coverage of such type may be discontinued by the issuer only if:

(a) the issuer provides notice to each covered individual provided coverage of this type in such market of such discontinuation at least 90 days prior to the date of the discontinuation of such coverage;

(b) the issuer offers, to each individual in the individual market provided coverage of this type, the option to purchase any other individual health insurance coverage currently being offered by the issuer for individuals in such market; and

(c) in exercising the option to discontinue coverage of that type and in offering the option of coverage under subparagraph (b), the issuer acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for such coverage.

(2) Discontinuance of all coverage.

(a) In general. Subject to subparagraph (c), in any case in which a health insurance issuer elects to discontinue offering all health insurance coverage in the individual market in Illinois, health insurance coverage may be discontinued by the issuer only if:

(i) the issuer provides notice to the Director and to each individual of the discontinuation at least 180 days prior to the date of the expiration of such coverage; and

(ii) all health insurance issued or delivered for issuance in Illinois in such market is discontinued and coverage under such health insurance coverage in such market is not renewed; and:

New matter indicated by italics - deletions by strikeout
(iii) in the case where the issuer has affiliates in the individual market, the issuer gives notice to each affected individual at least 180 days prior to the date of the expiration of the coverage of the individual’s option to purchase all other individual health benefit plans currently offered by any affiliate of the carrier.

(b) Prohibition on market reentry. In the case of a discontinuation under subparagraph (a) in the individual market, the issuer may not provide for the issuance of any health insurance coverage in Illinois involved during the 5-year period beginning on the date of the discontinuation of the last health insurance coverage not so renewed.

(c) If an issuer elects to discontinue offering all health insurance coverage in the individual market under subparagraph (a), its affiliates that offer health insurance coverage in the individual market in Illinois shall offer individual health insurance coverage to all individuals who were covered by the discontinued health insurance coverage on the date of the notice provided to affected individuals under subdivision (iii) of subparagraph (a) of this item (2) if the individual applies for coverage no later than 63 days after the discontinuation of coverage.

(d) Subject to subparagraph (e) of this item (2), an affiliate that issues coverage under subparagraph (c) shall waive the preexisting condition exclusion period to the extent that the individual has satisfied the preexisting condition exclusion period under the individual’s prior contract or policy.

(e) An affiliate that issues coverage under subparagraph (c) may require the individual to satisfy the remaining part of the preexisting condition exclusion period, if any, under the individual’s prior contract or policy that has not been satisfied, unless the coverage has a shorter preexisting condition exclusion period, and may include in any coverage issued under subparagraph (c) any waivers or limitations of coverage that were included in the individual’s prior contract or policy.

(D) Exception for uniform modification of coverage. At the time of
coverage renewal, a health insurance issuer may modify the health insurance coverage for a policy form offered to individuals in the individual market so long as the modification is consistent with Illinois law and effective on a uniform basis among all individuals with that policy form.

(E) Application to coverage offered only through associations. In applying this Section in the case of health insurance coverage that is made available by a health insurance issuer in the individual market to individuals only through one or more associations, a reference to an "individual" is deemed to include a reference to such an association (of which the individual is a member).

The changes to this Section made by this amendatory Act of the 94th General Assembly apply only to discontinuances of coverage occurring on or after the effective date of this amendatory Act of the 94th General Assembly.

(215 ILCS 97/60 new)

Sec. 60. Notice requirement. In any case where a health insurance issuer elects to uniformly modify coverage, uniformly terminate coverage, or discontinue coverage in a marketplace in accordance with Sections 30 and 50 of this Act, the issuer shall provide notice to the Department prior to notifying the plan sponsors, participants, beneficiaries, and covered individuals. The notice shall be sent by certified mail to the Department 90 days in advance of any notification of the company's actions sent to plan sponsors, participants, beneficiaries, and covered individuals. The notice shall include: (i) a complete description of the action to be taken, (ii) a specific description of the type of coverage affected, (iii) the total number of covered lives affected, (iv) a sample draft of all letters being sent to the plan sponsors, participants, beneficiaries, or covered individuals, (v) time frames for the actions being taken, (vi) options the plan sponsors, participants, beneficiaries, or covered individuals may have available to them under this Act, and (vii) any other information as required by the Department.

This Section applies only to discontinuances of coverage occurring on or after the effective date of this amendatory Act of the 94th General Assembly.


New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0503
(House Bill No. 2467)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by adding Section 3-806.6 as follows:

(625 ILCS 5/3-806.6 new)

Sec. 3-806.6. Victims of domestic violence.

(a) The Secretary shall issue new and different license plates immediately upon request to the registered owner of a vehicle who appears in person and submits a completed application, if all of the following are provided:

(1) proof of ownership of the vehicle that is acceptable to the Secretary;
(2) a driver's license or identification card containing a picture of the licensee or cardholder issued to the registered owner by the Secretary under Section 6-110 or 6-107 of this Code or Section 4 of the Illinois Identification Card Act. The Office of the Secretary shall conduct a search of its records to verify the authenticity of any document submitted under this paragraph (2);
(3) the previously issued license plates from the vehicle;
(4) payment of the required fee for the issuance of duplicate license plates under Section 3-417; and
(5) one of the following:
   (A) a copy of a police report, court documentation, or other law enforcement documentation identifying the registered owner of the vehicle as the victim of an incident of abuse, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, or the subject of stalking, as defined in Section 12-7.3 of the Criminal Code of 1961;
   (B) a written acknowledgment, dated within 30 days of submission, on the letterhead of a domestic violence agency, that the registered owner is actively seeking assistance or has sought assistance from that agency within the past year; or
   (C) an order of protection issued under Section 214 of the Illinois Domestic Violence Act of 1986 that names the

New matter indicated by italics - deletions by strikeout
registered owner as a protected party.

(b) This Section does not apply to license plates issued under Section 3-806.4 or to special license plates issued under Article VI of this Chapter.

Passed in the General Assembly May 19, 2005.
Approved August 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0504
(House Bill No. 3033)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 3.50 as follows:

(210 ILCS 50/3.50)
Sec. 3.50. Emergency Medical Technician (EMT) Licensure.
(a) "Emergency Medical Technician-Basic" or "EMT-B" means a person who has successfully completed a course of instruction in basic life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an EMS System.

(b) "Emergency Medical Technician-Intermediate" or "EMT-I" means a person who has successfully completed a course of instruction in intermediate life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an Intermediate or Advanced Life Support EMS System.

(c) "Emergency Medical Technician-Paramedic" or "EMT-P" means a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an Advanced Life Support EMS System.

(d) The Department shall have the authority and responsibility to:

(1) Prescribe education and training requirements, which includes training in the use of epinephrine, for all levels of EMT, based on the respective national curricula of the United States

New matter indicated by italics - deletions by strikeout
Department of Transportation and any modifications to such curricula specified by the Department through rules adopted pursuant to this Act;

(2) Prescribe licensure testing requirements for all levels of EMT, which shall include a requirement that all phases of instruction, training, and field experience be completed before taking the EMT licensure examination. Candidates may elect to take the National Registry of Emergency Medical Technicians examination in lieu of the Department's examination, but are responsible for making their own arrangements for taking the National Registry examination;

(3) License individuals as an EMT-B, EMT-I, or EMT-P who have met the Department's education, training and testing requirements;

(4) Prescribe annual continuing education and relicensure requirements for all levels of EMT;

(5) Relicense individuals as an EMT-B, EMT-I, or EMT-P every 4 years, based on their compliance with continuing education and relicensure requirements;

(6) Grant inactive status to any EMT who qualifies, based on standards and procedures established by the Department in rules adopted pursuant to this Act;

(7) Charge each candidate for EMT a fee to be submitted with an application for a licensure examination;

(8) Suspend, revoke, or refuse to renew the license of an EMT, after an opportunity for a hearing, when findings show one or more of the following:

   (A) The EMT has not met continuing education or relicensure requirements as prescribed by the Department;

   (B) The EMT has failed to maintain proficiency in the level of skills for which he or she is licensed;

   (C) The EMT, during the provision of medical services, engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

   (D) The EMT has failed to maintain or has violated standards of performance and conduct as prescribed by the Department in rules adopted pursuant to this Act or his or her EMS System's Program Plan;

   (E) The EMT is physically impaired to the extent that
he or she cannot physically perform the skills and functions for which he or she is licensed, as verified by a physician, unless the person is on inactive status pursuant to Department regulations;

(F) The EMT is mentally impaired to the extent that he or she cannot exercise the appropriate judgment, skill and safety for performing the functions for which he or she is licensed, as verified by a physician, unless the person is on inactive status pursuant to Department regulations; or

(G) The EMT has violated this Act or any rule adopted by the Department pursuant to this Act.

The education requirements prescribed by the Department under this subsection must allow for the suspension of those requirements in the case of a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard who is on active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor at the time that the member would otherwise be required to fulfill a particular education requirement. Such a person must fulfill the education requirement within 6 months after his or her release from active duty.

(e) In the event that any rule of the Department or an EMS Medical Director that requires testing for drug use as a condition for EMT licensure conflicts with or duplicates a provision of a collective bargaining agreement that requires testing for drug use, that rule shall not apply to any person covered by the collective bargaining agreement.

(Source: P.A. 92-376, eff. 8-15-01.)


PUBLIC ACT 94-0505
(House Bill No. 3576)

AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by changing Section 6z-27 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 6z-27. All moneys in the Audit Expense Fund shall be transferred, appropriated and used only for the purposes authorized by, and subject to the limitations and conditions prescribed by, the State Auditing Act.

Within 30 days after the effective date of this amendatory Act of 2005, the State Comptroller shall order transferred and the State Treasurer shall transfer from the following funds moneys in the specified amounts for deposit into the Audit Expense Fund:

- Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund: $4,632
- Agricultural Premium Fund: $118,035
- Anna Veterans Home Fund: $3,442
- Appraisal Administration Fund: $4,782
- Asbestos Abatement Fund: $3,262
- Attorney General Whistleblower Reward and Protection Fund: $564
- Auction Regulation Administration Fund: $514
- Bank and Trust Company Fund: $82,180
- Brownfields Redevelopment Fund: $1,403
- Capital Development Board Revolving Fund: $807
- Capital Litigation Fund: $783
- Care Provider Fund for Persons with Developmental Disability: $10,637
- Career and Technical Education Fund: $2,984
- Child Labor Enforcement Fund: $1,894
- Child Support Administrative Fund: $6,449
- 8,545

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAA Permit Fund</td>
<td>15,485</td>
</tr>
<tr>
<td>Common School Fund</td>
<td>160,903</td>
</tr>
<tr>
<td>The Communications Revolving Fund</td>
<td>11,579</td>
</tr>
<tr>
<td>Community Mental Health Medicaid Trust Fund</td>
<td>24,799</td>
</tr>
<tr>
<td>Community Water Supply Laboratory Fund</td>
<td>6,436</td>
</tr>
<tr>
<td>Conservation 2000 Fund</td>
<td>30,623</td>
</tr>
<tr>
<td>Conservation 2000 Projects Fund</td>
<td>14,035</td>
</tr>
<tr>
<td>Continuing Legal Education Trust Fund</td>
<td>573</td>
</tr>
<tr>
<td>Corporate Franchise Tax Refund Fund</td>
<td>1,027</td>
</tr>
<tr>
<td>Credit Union Fund</td>
<td>14,005</td>
</tr>
<tr>
<td>DCFS Children's Services Fund</td>
<td>101,062</td>
</tr>
<tr>
<td>Department of Business Services Special Operations Fund</td>
<td>1,107</td>
</tr>
<tr>
<td>Department of Children and Family Services Training Fund</td>
<td>2,507</td>
</tr>
<tr>
<td>Department of Corrections Reimbursement and Education Fund</td>
<td>54,027</td>
</tr>
<tr>
<td>Design Professionals Administration and Investigation Fund</td>
<td>3,330</td>
</tr>
<tr>
<td>The Downstate Public Transportation Fund</td>
<td>3,090</td>
</tr>
<tr>
<td>Drivers Education Fund</td>
<td>948</td>
</tr>
<tr>
<td>Drug Rebate Fund</td>
<td>16,903</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug Treatment Fund</td>
<td>1,464</td>
</tr>
<tr>
<td>Drunk and Drugged Driving Prevention Fund</td>
<td>571</td>
</tr>
<tr>
<td>Drycleaner Environmental Response Trust Fund</td>
<td>18,936</td>
</tr>
<tr>
<td>The Education Assistance Fund</td>
<td>101,329</td>
</tr>
<tr>
<td>Efficiency Initiatives Revolving Fund</td>
<td>3,977</td>
</tr>
<tr>
<td>Environmental Protection Permit and Inspection Fund</td>
<td>11,822</td>
</tr>
<tr>
<td>Estate Tax Collection Distributive Fund</td>
<td>1,117</td>
</tr>
<tr>
<td>Fair and Exposition Fund</td>
<td>7,292</td>
</tr>
<tr>
<td>Feed Control Fund</td>
<td>4,830</td>
</tr>
<tr>
<td>Fertilizer Control Fund</td>
<td>2,393</td>
</tr>
<tr>
<td>The Fire Prevention Fund</td>
<td>1,018</td>
</tr>
<tr>
<td>Fund for Illinois' Future</td>
<td>3,246</td>
</tr>
<tr>
<td>General Professions Dedicated Fund</td>
<td>14,032</td>
</tr>
<tr>
<td>The General Revenue Fund</td>
<td>10,917,078</td>
</tr>
<tr>
<td>Grade Crossing Protection Fund</td>
<td>1,667</td>
</tr>
<tr>
<td>Guardianship and Advocacy Fund</td>
<td>848</td>
</tr>
<tr>
<td>Hazardous Waste Fund</td>
<td>12,956</td>
</tr>
<tr>
<td>Home Inspector Administration Fund</td>
<td>963</td>
</tr>
<tr>
<td>ICCB Adult Education Fund</td>
<td>4,294</td>
</tr>
<tr>
<td>Illinois Affordable Housing Trust Fund</td>
<td>2,103</td>
</tr>
<tr>
<td>Illinois Aquaculture Development Fund</td>
<td>5,104</td>
</tr>
<tr>
<td>Illinois Department of Agriculture Laboratory Services Revolving Fund</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois Standardbred Breeders Fund</td>
<td>3,836</td>
</tr>
<tr>
<td>Illinois State Dental Disciplinary Fund</td>
<td>8,620</td>
</tr>
<tr>
<td>Illinois State Fair Fund</td>
<td>3,248</td>
</tr>
<tr>
<td>Illinois State Medical Disciplinary Fund</td>
<td>27,050</td>
</tr>
<tr>
<td>Illinois State Pharmacy Disciplinary Fund</td>
<td>14,069</td>
</tr>
<tr>
<td>Illinois Beach Marina Fund</td>
<td>4,488</td>
</tr>
<tr>
<td>Illinois Charity Bureau Fund</td>
<td>4,965</td>
</tr>
<tr>
<td>Illinois Community College Board Contracts and Grants Fund</td>
<td>2,449</td>
</tr>
<tr>
<td>Illinois Forestry Development Fund</td>
<td>2,080</td>
</tr>
<tr>
<td>Illinois Gaming Law Enforcement Fund</td>
<td>2,072</td>
</tr>
<tr>
<td>Illinois Habitat Fund</td>
<td>573</td>
</tr>
<tr>
<td>Illinois Historic Sites Fund</td>
<td>8,784</td>
</tr>
<tr>
<td>Illinois Tax Increment Fund</td>
<td>906</td>
</tr>
<tr>
<td>Illinois Thoroughbred Breeders Fund</td>
<td>12,966</td>
</tr>
<tr>
<td>Illinois Veterans Rehabilitation Fund</td>
<td>1,176</td>
</tr>
<tr>
<td>IMSA Income Fund</td>
<td>2,330</td>
</tr>
<tr>
<td>Income Tax Refund Fund</td>
<td>85,419</td>
</tr>
<tr>
<td>Industrial Commission Operations Fund</td>
<td>25,602</td>
</tr>
<tr>
<td>Insurance Financial Regulation Fund</td>
<td>69,653</td>
</tr>
<tr>
<td>Insurance Premium Tax Refund Fund</td>
<td>12,875</td>
</tr>
<tr>
<td>Insurance Producer Administration Fund</td>
<td>50,489</td>
</tr>
<tr>
<td>Juvenile Accountability Incentive Block Grant Fund</td>
<td>20,278</td>
</tr>
<tr>
<td>LaSalle Veterans Home Fund</td>
<td>7,615</td>
</tr>
<tr>
<td>Live and Learn Fund</td>
<td>8,533</td>
</tr>
<tr>
<td>The Local Government Distributive</td>
<td>3,278</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Fund</td>
<td>41,810</td>
</tr>
<tr>
<td>The Local Initiative Fund</td>
<td>6,180</td>
</tr>
<tr>
<td>Long Term Care Provider Fund</td>
<td>33,418</td>
</tr>
<tr>
<td>Mandatory Arbitration Fund</td>
<td>2,767</td>
</tr>
<tr>
<td>Manteno Veterans Home Fund</td>
<td></td>
</tr>
<tr>
<td>Medicaid Provider Relief Fund</td>
<td>35,469</td>
</tr>
<tr>
<td>Medical Research and Development Fund</td>
<td>534</td>
</tr>
<tr>
<td>Mental Health Fund</td>
<td>8,160</td>
</tr>
<tr>
<td>Metro-East Public Transportation Fund</td>
<td>1,317</td>
</tr>
<tr>
<td>The Motor Fuel Tax Fund</td>
<td>53,638</td>
</tr>
<tr>
<td>Motor Vehicle License Plate Fund</td>
<td>5,492</td>
</tr>
<tr>
<td>Motor Vehicle Theft Prevention Trust Fund</td>
<td>17,889</td>
</tr>
<tr>
<td>Natural Areas Acquisition Fund</td>
<td>4,675</td>
</tr>
<tr>
<td>Nuclear Safety Emergency Preparedness Fund</td>
<td>129,658</td>
</tr>
<tr>
<td>Nursing Dedicated and Professional Fund</td>
<td>6,123</td>
</tr>
<tr>
<td>Open Space Lands Acquisition and Development Fund</td>
<td>18,445</td>
</tr>
<tr>
<td>Optometric Licensing and Disciplinary Board Fund</td>
<td>1,709</td>
</tr>
<tr>
<td>Park and Conservation Fund</td>
<td>14,739</td>
</tr>
<tr>
<td>Pension Contribution Fund</td>
<td>259,341</td>
</tr>
<tr>
<td>The Personal Property Tax Replacement Fund</td>
<td>42,688</td>
</tr>
<tr>
<td>Pesticide Control Fund</td>
<td>12,281</td>
</tr>
<tr>
<td>Post-Tertiary Clinical Services Fund</td>
<td>534</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Museum Operating Fund

Prevention and Treatment of Alcoholism and Substance Abuse

Block Grant Fund

Professions Indirect Cost Fund

Public Pension Regulation Fund

The Public Transportation Fund

Quincy Veterans Home Fund

Radiation Protection Fund

Radioactive Waste Facility Development and Operation Fund

Real Estate License Administration Fund

The Road Fund

Regional Transportation Authority

Occupation and Use Tax Replacement Fund

Savings and Residential Finance Regulatory Fund

School Infrastructure Fund

Secretary of State DUI Administration Fund

Secretary of State Special Services Fund

Securities Audit and Enforcement Fund

Solid Waste Management Fund

Special Education Medicaid Matching Fund

State and Local Sales Tax

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reform Fund</td>
<td>1,957</td>
</tr>
<tr>
<td>State Boating Act Fund</td>
<td>9,343</td>
</tr>
<tr>
<td>State Construction Account Fund</td>
<td>52,399</td>
</tr>
<tr>
<td>State Boating Act Fund</td>
<td>1,080</td>
</tr>
<tr>
<td>State Construction Account Fund</td>
<td>9,313</td>
</tr>
<tr>
<td>The State Gaming Fund</td>
<td>5,874</td>
</tr>
<tr>
<td>The State Garage Revolving Fund</td>
<td>3,372</td>
</tr>
<tr>
<td>The State Lottery Fund</td>
<td>14,822</td>
</tr>
<tr>
<td>State Migratory Waterfowl Stamp Fund</td>
<td>646</td>
</tr>
<tr>
<td>State Parks Fund</td>
<td>6,355</td>
</tr>
<tr>
<td>State's Attorneys Appellate Prosecutor's County Fund</td>
<td>5,893</td>
</tr>
<tr>
<td>State Treasurer's Bank Services Trust Fund</td>
<td>518</td>
</tr>
<tr>
<td>The Statistical Services Revolving Fund</td>
<td>7,108</td>
</tr>
<tr>
<td>Subtitle D Management Fund</td>
<td>766</td>
</tr>
<tr>
<td>Tobacco Settlement Recovery Fund</td>
<td>22,942</td>
</tr>
<tr>
<td>U of I Hospital Services Fund</td>
<td>7,237</td>
</tr>
<tr>
<td>Underground Storage Tank Fund</td>
<td>42,714</td>
</tr>
<tr>
<td>The Vehicle Inspection Fund</td>
<td>955</td>
</tr>
<tr>
<td>Violence Prevention Fund</td>
<td>6,295</td>
</tr>
<tr>
<td>Violent Crime Victims Assistance Fund</td>
<td>17,104</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Notwithstanding any provision of the law to the contrary, the General Assembly hereby authorizes the use of such funds for the purposes set forth in this Section.

These provisions do not apply to funds classified by the Comptroller as federal trust funds or State trust funds. The Audit Expense Fund may receive transfers from those trust funds only as directed herein, except where prohibited by the terms of the trust fund agreement. The Auditor General shall notify the trustees of those funds of the estimated cost of the audit to be incurred under the Illinois State Auditing Act for the fund. The trustees of those funds shall direct the State Comptroller and Treasurer to transfer the estimated amount to the Audit Expense Fund.

The Auditor General may bill entities that are not subject to the above transfer provisions, including private entities, related organizations and entities whose funds are locally-held, for the cost of audits, studies, and investigations incurred on their behalf. Any revenues received under this provision shall be deposited into the Audit Expense Fund.

In the event that moneys on deposit in any fund are unavailable, by reason of deficiency or any other reason preventing their lawful transfer, the State Comptroller shall order transferred and the State Treasurer shall transfer the amount deficient or otherwise unavailable from the General Revenue Fund for deposit into the Audit Expense Fund.

On or before December 1, 1992, and each December 1 thereafter, the Auditor General shall notify the Governor's Office of Management and Budget (formerly Bureau of the Budget) of the amount estimated to be necessary to pay for audits, studies, and investigations in accordance with the Illinois State Auditing Act during the next succeeding fiscal year for each State fund for which a transfer or reimbursement is anticipated.

Beginning with fiscal year 1994 and during each fiscal year thereafter, the Auditor General may direct the State Comptroller and Treasurer to
transfer moneys from funds authorized by the General Assembly for that fund. In the event funds, including federal and State trust funds but excluding the General Revenue Fund, are transferred, during fiscal year 1994 and during each fiscal year thereafter, in excess of the amount to pay actual costs attributable to audits, studies, and investigations as permitted or required by the Illinois State Auditing Act or specific action of the General Assembly, the Auditor General shall, on September 30, or as soon thereafter as is practicable, direct the State Comptroller and Treasurer to transfer the excess amount back to the fund from which it was originally transferred.

(Source: P.A. 92-494, eff. 8-23-01; 92-746, eff. 7-25-02; 93-452, eff. 8-7-03; 93-880, eff. 8-6-04.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 19, 2005.
Approved August 8, 2005.
Effective August 8, 2005.

PUBLIC ACT 94-0506
(House Bill No. 3822)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Sections 2-3.71, 2-3.71a, and 2-3.89 as follows:
(105 ILCS 5/2-3.71) (from Ch. 122, par. 2-3.71)
Sec. 2-3.71. Grants for preschool educational and related model research training programs.
(a) Preschool program.
(1) The State Board of Education shall implement and administer a grant program under the provisions of this subsection which shall consist of grants to public school districts and other eligible entities, as defined by the State Board of Education, to conduct voluntary preschool educational programs for children ages 3 to 5 which include a parent education component. A public school district which receives grants under this subsection may subcontract with other entities that are eligible private school, not-for-profit corporation or other governmental agency to conduct a preschool educational program. These grants must be used to supplement, not supplant, funds received from any other source. Except as otherwise

New matter indicated by italics - deletions by strikeout
provided in paragraphs (2) and (3) of this subsection, all teachers of such programs shall (i) hold early childhood teaching certificates issued under Article 21, or (ii) hold elementary certificates issued under Article 21 with kindergarten or preschool experience, or (iii) hold baccalaureate degrees in child development, or (iv) meet the requirements for supervising a day care center under the Child Care Act of 1969, as amended.

(2) (Blank). After December 31, 1989, any persons newly hired to teach in the program authorized pursuant to this subsection shall hold the certification required pursuant to subparagraphs (i), (ii) or (iii) of paragraph (1) of this subsection.

(3) Any After July 1, 1998, any teacher of preschool children in the program authorized by this subsection shall hold an early childhood teaching certificate.

(4) The State Board of Education shall provide the primary source of funding through appropriations for this program. Such funds shall be distributed for the benefit of children who because of their home and community environment are subject to such language, cultural, economic and like disadvantages that they have been determined as a result of screening procedures to be at risk of academic failure. Such screening procedures shall be based on criteria established by the State Board of Education.

(5) The State Board of Education shall develop and provide evaluation tools, including tests, that school districts and other eligible entities may use to evaluate children for school readiness prior to age 5. The State Board of Education shall require school districts and other eligible entities to obtain consent from the parents or guardians of children before any evaluations are conducted. The State Board of Education shall encourage local school districts and other eligible entities to evaluate the population of preschool children in their communities and provide preschool programs, pursuant to this subsection, where appropriate.

(6) The State Board of Education shall report to the General Assembly by July 1, 1989 and every 3 years thereafter, on the results and progress of students who were enrolled in preschool educational programs, including an assessment of which programs have been most successful in promoting academic excellence and alleviating academic failure. The State Board of Education shall assess the

New matter indicated by italics - deletions by strikeout
academic progress of all students who have been enrolled in preschool educational programs.

(b) (Blank). Up to 5% of the amounts annually appropriated for purposes of preschool educational programs under this Section may be used by the State Board of Education for grants to school districts and public and private institutions of higher education to establish and implement coordinated model programs which include both a research component in early childhood development and psychology and a personnel training component in preferred teaching methodologies in effective preschool educational programs. The State Board of Education shall by rule establish criteria for the content, objectives and manner of implementing model programs which may qualify for grant awards under this subsection. Such criteria may include considerations of the ability of a proposed model program to serve children from preschool and early childhood age groupings, including children therefrom who are or may not be at risk, and of the ability of the proposed model program to incorporate program site student teaching, for early childhood certification purposes, of the children actually served by the model program. The State Board of Education shall establish standards within its rules for the form of grant applications submitted under this subsection and for evaluating those applications against the qualifying criteria established as provided in this subsection for model program content, objectives and implementation:

(Source: P.A. 86-316; 86-400; 86-1028; 87-141; 87-515; 87-895.)

(105 ILCS 5/2-3.71a) (from Ch. 122, par. 2-3.71a)

Sec. 2-3.71a. Grants for model pilot early childhood parental training programs.

The State Board of Education shall implement and administer a grant program consisting of grants to public school districts and other eligible entities, as defined by the State Board of Education, to conduct model pilot early childhood parental training programs for the parents of children in the period of life from birth to kindergarten. A public school district that receives grants under this Section may contract with other eligible entities another district, private school, not-for-profit corporation or other governmental agency to conduct an early childhood parental training program. These grants must be used to supplement, not supplant, funds received from any other source. A school board or other eligible entity shall employ appropriately qualified personnel for its early childhood parental training program, including but not limited to certified teachers, counselors, psychiatrists, psychologists and social workers.
(a) As used in this Section, "parental training" means and includes instruction in the following:
   (1) Child growth and development, including prenatal development.
   (2) Childbirth and child care.
   (3) Family structure, function and management.
   (4) Prenatal and postnatal care for mothers and infants.
   (5) Prevention of child abuse.
   (6) The physical, mental, emotional, social, economic and psychological aspects of interpersonal and family relationships.
   (7) Parenting skill development.
   The programs shall include activities that require substantial participation and interaction between parent and child.

(b) The Board shall annually award funds through a grant approval process established by the State Board of Education annual grants on a competitive basis, providing that an annual appropriation is made for this purpose from State, federal or private funds. Nothing in this Section shall preclude school districts from applying for or accepting private funds to establish and implement programs.

(c) The State Board of Education shall assist those districts and other eligible entities offering early childhood parental training programs, upon request, in developing instructional materials, training teachers and staff, and establishing appropriate time allotments for each of the areas included in such instruction.

(d) School districts and other eligible entities may offer early childhood parental training courses during that period of the day which is not part of the regular school day. Residents of the community school district may enroll in such courses. The school board or other eligible entity may establish fees and collect such charges as may be necessary for attendance at such courses in an amount not to exceed the per capita cost of the operation thereof, except that the board or other eligible entity may waive all or part of such charges if it determines that the parent is indigent or that the educational needs of the parent require his or her attendance at such courses.

(e) Parents who participate in early childhood parental training programs under this Section may be eligible for reasonable reimbursement of any incidental transportation and child care expenses from the school district receiving funds pursuant to this Section.

(f) Districts and other eligible entities receiving grants pursuant to this Section shall coordinate programs created under this Section with other

New matter indicated by italics - deletions by strikeout
preschool educational programs, including "at-risk" preschool programs, special and vocational education, and related services provided by other governmental agencies and not-for-profit agencies.

(g) The State Board of Education shall report to the General Assembly by July 1, 1991, on the results of the programs funded pursuant to this Section and whether a need continues for such programs.

(h) After July 1, 2006, any parental training services funded pursuant to this Section on the effective date of this amendatory Act of the 94th General Assembly shall continue to be funded pursuant to this Section, subject to appropriation and the meeting of program standards. Any additional parental training services must be funded, subject to appropriation, through preschool education grants pursuant to subdivision (4) of subsection (a) of Section 2-3.71 of this Code for families with children ages 3 to 5 and through prevention initiative grants pursuant to subsection (b) of Section 2-3.89 of this Code for expecting families and those with children from birth to 3 years of age.

(Source: P.A. 85-1046.)

(105 ILCS 5/2-3.89) (from Ch. 122, par. 2-3.89)

Sec. 2-3.89. Programs Pilot programs concerning services to at-risk children and their families.

(a) The State Board of Education may provide grants to eligible entities, as defined by the State Board of Education, enter into contracts with public or not-for-profit, private organizations to establish pilot programs which offer coordinated services to at-risk infants and toddlers and their families. Each pilot program shall include a parent education program relating to the development and nurturing of infants and toddlers and case management services to coordinate existing services available in the region served by the pilot program. These services shall be provided through the implementation of an individual family service plan. Each pilot program will have a community involvement component to provide coordination in the service system.

(b) The State Board of Education shall administer the programs through the grants to public school districts and other eligible entities. These grants must be used to supplement, not supplant, funds received from any other source. School districts and other eligible entities receiving grants pursuant to this Section shall conduct voluntary, intensive, research-based, and comprehensive prevention services, as defined by the State Board of Education, for expecting parents and families with children from birth to age 3 who are at-risk of academic failure. A public school district that receives
a grant under this Section may subcontract with other eligible entities.

(c) The State Board of Education shall report to the General Assembly by July 1, 2006 and every 2 years thereafter on the status of programs funded under this Section, including without limitation characteristics of participants, services delivered, program models used, unmet needs, and results of the programs funded.

(Source: P.A. 85-1046.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 16, 2005.
Approved August 8, 2005.
Effective August 8, 2005.

PUBLIC ACT 94-0507
(Senate Bill No. 0010)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Parental Participation Pilot Project Fund.
This Section is repealed on December 31, 2010.

Section 10. The School Code is amended by adding Section 2-3.137 as follows:

(105 ILCS 5/2-3.137 new)

Sec. 2-3.137. Parental participation pilot project.

(a) By the beginning of the 2006-2007 school year, the State Board of Education shall by rule establish a parental participation pilot project to provide grants to the lowest performing school districts to help such districts improve parental participation through activities, including, but not limited to, parent-teacher conferences, open houses, family nights, volunteer opportunities, and family outreach materials.

(b) The pilot project shall be for a period of at least 4 school years. The State Board shall establish a procedure and develop criteria for the administration of the pilot project. In administering the pilot project, the State Board shall do the following:

(1) select participating school districts or schools;

(2) define the conditions for the distribution and use of grant funds;

New matter indicated by italics - deletions by strikeout
(3) enter into contracts as necessary to implement the pilot project; and
(4) monitor local pilot project implementation.

(c) The Parental Participation Pilot Project Fund is created as a special fund in the State treasury. All money in the Parental Participation Pilot Project Fund shall be used, subject to appropriation, by the State Board for the pilot project. To implement the pilot project, the State Board may use any funds appropriated by the General Assembly for the purposes of the pilot project as well as any gift, grant, or donation given for the pilot project. The State Board may solicit and accept a gift, grant, or donation of any kind from any source, including from a foundation, private entity, governmental entity, or institution of higher education, for the implementation of the pilot project.

The State Board shall use pilot project funds for grants to low-performing school districts to encourage parental participation.

The State Board may not allocate more than $250,000 annually for the pilot project. The pilot project may be implemented only if sufficient funds are available under this Section for that purpose.

(d) A school district may apply to the State Board for the establishment of a parental participation pilot project for the entire district or for a particular school or group of schools in the district.

The State Board shall select 4 school districts to participate in the pilot project. One school district shall be located in the City of Chicago, one school district shall be located in that portion of Cook County that is located outside of the City of Chicago, one school district shall be located in the area that makes up the counties of DuPage, Kane, Lake, McHenry, and Will, and one school district shall be located in the remainder of the State.

The State Board shall select the participating districts and schools for the pilot project based on each district's or school's need for the pilot project. In selecting participants, the State Board shall consider the following criteria:

(1) whether the district or school has any of the following problems and whether those problems can be mitigated or addressed through enhanced parental participation:
   (A) low rates of satisfactory performance on assessment instruments under Section 2-3.64 of this Code;
   (B) high rates of low-income students, limited English proficient students, dropouts, chronically truant students, and student mobility; or
   (C) low student attendance rates; and

New matter indicated by italics - deletions by strikeout
(2) the methods the district or school will use to measure the progress of the pilot project in the district or school in accordance with subsection (f) of this Section.

(e) Each participating school district or school shall establish a parental participation committee to assist in developing and implementing the parental participation pilot project.

The school board of a participating district or of a district in which a participating school is located shall appoint individuals to the committee. The committee may be composed of any of the following:

(1) educators;
(2) district-level administrators;
(3) community leaders;
(4) parents of students who attend a participating school; or
(5) any other individual the school board finds appropriate.

The committee shall develop an academic improvement plan that details how the pilot project should be implemented in the participating district or school. In developing the academic improvement plan, the committee shall consider the educational problems in the district or school that could be mitigated through the implementation of the pilot project.

The committee shall recommend to the school board how the pilot project funds should be used to implement the academic improvement plan. The committee may recommend annually any necessary changes in the academic improvement plan to the school board. The State Board must approve the academic improvement plan or any changes in the academic improvement plan before disbursing pilot project funds to the school board.

(f) The school board of each school district participating in the pilot project shall send an annual progress report to the State Board no later than August 1 of each year that the district is participating in the pilot project. The report must state in detail the type of plan being used in the district or school and the effect of the pilot project on the district or school, including the following:

(1) the academic progress of students who are participating in the pilot project, as measured by performance on assessment instruments;
(2) if applicable, a comparison of student progress in a school or classroom that is participating in the pilot project as compared with student progress in the schools or classrooms in the district that are not participating in the pilot project;
(3) any elements of the pilot project that contribute to
improved student performance on assessment instruments administered under Section 2-3.64 of this Code or any other assessment instrument required by the State Board;
  (4) any cost savings and improved efficiency relating to school personnel;
  (5) any effect on student dropout and attendance rates;
  (6) any effect on student enrollment in higher education;
  (7) any effect on teacher performance and retention;
  (8) any improvement in communications among students, teachers, parents, and administrators;
  (9) any improvement in parental involvement in the education of the parent’s child; and
  (10) any effect on community involvement and support for the district or school.

(g) After the expiration of the 4-year pilot project, the State Board shall review the pilot project, based on the annual reports the State Board receives from the school boards of participating school districts, conduct a final evaluation, and report its findings to the General Assembly no later than December 31, 2010.

(h) This Section is repealed on December 31, 2010.


PUBLIC ACT 94-0508
(Senate Bill No 0052)

AN ACT concerning government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

(1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

New matter indicated by italics - deletions by strikeout
(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;

(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection; and

(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably
contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
   (ii) interfere with pending administrative enforcement proceedings conducted by any public body;
   (iii) deprive a person of a fair trial or an impartial hearing;
   (iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;
   (v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;
   (vi) constitute an invasion of personal privacy under subsection (b) of this Section;
   (vii) endanger the life or physical safety of law enforcement personnel or any other person; or
   (viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:
   (i) chronologically maintained arrest information, such as traditional arrest logs or blotters;
   (ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;
   (iii) court records that are public;
   (iv) records that are otherwise available under State or local law; or
   (v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising

New matter indicated by italics - deletions by strikeout
therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including:

(i) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(ii) All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund’s managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.
(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only to the extent that disclosure would compromise security, including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of

New matter indicated by italics - deletions by strikeout
public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

(u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of student or
employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.

(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation

New matter indicated by italics - deletions by strikeout
Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(gg) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(hh) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act.

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(kk) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(mm) Maps and other records regarding the location or security of a utility's generation, transmission, distribution, storage, gathering, treatment, or switching facilities.

(nn) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(oo) Records and information provided to a residential health

New matter indicated by italics - deletions by strikeout
care facility resident sexual assault and death review team or the Residential Health Care Facility Resident Sexual Assault and Death Review Teams Executive Council under the Residential Health Care Facility Resident Sexual Assault and Death Review Team Act.

(2) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff. 8-21-03; 93-617, eff. 12-9-03.)

Passed in the General Assembly May 18, 2005.
Approved August 8, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0509
(House Bill No. 0120)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Sections 21-1 and 21-3 as follows:

(720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

Sec. 21-1. Criminal damage to property.

(1) A person commits an illegal act when he:

   (a) knowingly damages any property of another without his consent; or
   (b) recklessly by means of fire or explosive damages property of another; or
   (c) knowingly starts a fire on the land of another without his consent; or
   (d) knowingly injures a domestic animal of another without his consent; or
   (e) knowingly deposits on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or
   (f) damages any property, other than as described in

New matter indicated by italics - deletions by strikeout
subsection (b) of Section 20-1, with intent to defraud an insurer; or
(g) knowingly shoots a firearm at any portion of a railroad train.

When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(2) The acts described in items (a), (b), (c), (e), and (f) are Class A misdemeanors if the damage to property does not exceed $300. The acts described in items (a), (b), (c), (e), and (f) are Class 4 felonies if the damage to property does not exceed $300 if the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns. The act described in item (d) is a Class 4 felony if the damage to property does not exceed $10,000. The act described in item (g) is a Class 4 felony. The acts described in items (a), (b), (c), (e), and (f) are Class 4 felonies if the damage to property exceeds $300 but does not exceed $10,000. The acts described in items (a) through (f) are Class 3 felonies if the damage to property exceeds $300 but does not exceed $10,000 if the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns. The acts described in items (a) through (f) are Class 3 felonies if the damage to property exceeds $10,000 but does not exceed $100,000. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds $10,000 but does not exceed $100,000 if the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds $100,000. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds $100,000 and the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns. If the damage to property exceeds $10,000, the court shall impose upon the offender a fine equal to the value of the damages to the property.

For the purposes of this subsection (2), “farm equipment” means machinery or other equipment used in farming.

(3) In addition to any other sentence that may be imposed, a court
shall order any person convicted of criminal damage to property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

This subsection does not apply when the court imposes a sentence of incarceration.

(Source: P.A. 91-360, eff. 7-29-99; 92-454, eff. 1-1-02.)

(720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

Sec. 21-3. Criminal trespass to real property.

(a) Except as provided in subsection (a-5), whoever:

(1) knowingly and without lawful authority enters or remains within or on a building; or

(2) enters upon the land of another, after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden; or

(3) remains upon the land of another, after receiving notice from the owner or occupant to depart; or

(4) enters upon one of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle), after receiving prior to that entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart:

(A) any field that is used for growing crops or which is capable of being used for growing crops; or

(B) an enclosed area containing livestock; or

(C) an orchard; or

(D) a barn or other agricultural building containing livestock;

commits a Class B misdemeanor

For purposes of item (1) of this subsection, this Section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this Section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(a-5) Except as otherwise provided in this subsection, whoever enters

New matter indicated by italics - deletions by strikeout
upon any of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle) after receiving, prior to that entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart commits a Class A misdemeanor:

(1) A field that is used for growing crops or that is capable of being used for growing crops.
(2) An enclosed area containing livestock.
(3) An orchard.
(4) A barn or other agricultural building containing livestock.

(b) A person has received notice from the owner or occupant within the meaning of Subsection (a) if he has been notified personally, either orally or in writing including a valid court order as defined by subsection (7) of Section 112A-3 of the Code of Criminal Procedure of 1963 granting remedy (2) of subsection (b) of Section 112A-14 of that Code, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(c) This Section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on such land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his agent, nor to anyone invited by such migrant worker or other person so living on such land to visit him at the place he is so living upon the land.

(d) A person shall be exempt from prosecution under this Section if he beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the purpose of this subsection, "unoccupied and abandoned residential and industrial property" means any real estate (1) in which the taxes have not been paid for a period of at least 2 years; and (2) which has been left unoccupied and abandoned for a period of at least one year; and "beautifies" means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(e) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to subsection (d) of this Section.

(f) This Section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this subsection (f), "emergency" means a condition or circumstance in which an
individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(Source: P.A. 89-346, eff. 1-1-96; 89-373, eff. 1-1-96; 89-626, eff. 8-9-96; 90-419, eff. 8-15-97.)


PUBLIC ACT 94-0510
(House Bill No. 3121)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Regional Planning Act.

Section 5. Purpose. The General Assembly declares and determines that a streamlined, consolidated regional planning agency is necessary in order to plan for the most effective public and private investments in the northeastern Illinois region and to better integrate plans for land use and transportation. It is the intent of the General Assembly to consolidate, through an orderly transition, the functions of the Northeastern Illinois Planning Commission (NIPC) and the Chicago Area Transportation Study (CATS) in order to address the development and transportation challenges in the northeastern Illinois region.

Section 10. Definitions.
"Board" means the Regional Planning Board.
"CATS" means the Chicago Area Transportation Study.
"CATS Policy Committee" means the policy board of the Chicago Area Transportation Study.
"Chief elected county official" means the Board Chairman in DuPage, Kane, Kendall, Lake, and McHenry Counties and the County Executive in Will County.
"Fiscal year" means the fiscal year of the State.
"IDOT" means the Illinois Department of Transportation.
"MPO" means the metropolitan planning organization designated under 23 U.S.C. 134.

New matter indicated by italics - deletions by strikeout
'"Members" means the members of the Regional Planning Board.
"NIPC" means the Northeastern Illinois Planning Commission.
"Person" means an individual, partnership, firm, public or private corporation, State agency, transportation agency, or unit of local government.
"Region" or "northeastern Illinois region" means Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will Counties.
"State agency" means "agency" as defined in Section 1-20 of the Illinois Administrative Procedure Act.
"Transition period" means the period of time the Regional Planning Board takes to fully implement the funding and implementation strategy described under subsection (a) of Section 15.
"Transportation agency" means the Regional Transportation Authority and its Service Boards; the Illinois Toll Highway Authority; the Illinois Department of Transportation; and the transportation functions of units of local government.
"Unit of local government" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, that is located within the jurisdiction and area of operation of the Board.
"USDOT" means the United States Department of Transportation.

Section 15. Regional Planning Board; powers.
(a) The Regional Planning Board is established as a political subdivision, body politic, and municipal corporation. The Board shall be responsible for developing and adopting a funding and implementation strategy for an integrated land use and transportation planning process for the northeastern Illinois region. The strategy shall include a process for the orderly transition of the CATS Policy Committee to be a standing transportation planning body of the Board and NIPC to be a standing comprehensive planning body of the Board. The CATS Policy Committee and NIPC shall continue to exist and perform their duties throughout the transition period. The strategy must also include recommendations for legislation for transition, which must contain a complete description of recommended comprehensive planning functions of the Board and an associated funding strategy and recommendations related to consolidating the functions of the Board, the CATS Policy Committee, and NIPC. The Board shall submit its strategy to the General Assembly no later than September 1, 2006.

(b) The Regional Planning Board shall, in addition to those powers enumerated elsewhere in this Act:
(1) Provide a policy framework under which all regional plans

New matter indicated by italics - deletions by strikeout
are developed.
(2) Coordinate regional transportation and land use planning.
(3) Identify and promote regional priorities.
(4) Serve as a single point of contact and direct all public involvement activities.
(5) Create a Citizens' Advisory Committee.
(c) The Board shall consist of 15 voting members as follows:
(1) One member from DuPage County appointed cooperatively by the mayors of DuPage County and the chief elected county official of DuPage County.
(2) One member representing both Kane and Kendall Counties appointed cooperatively by the mayors of Kane County and Kendall County and the chief elected county officials of Kane County and Kendall County.
(3) One member from Lake County appointed cooperatively by the mayors of Lake County and the chief elected county official of Lake County.
(4) One member from McHenry County appointed cooperatively by the mayors of McHenry County and the chief elected county official of McHenry County.
(5) One member from Will County appointed cooperatively by the mayors of Will County and the chief elected county official of Will County.
(6) Five members from the City of Chicago appointed by the Mayor of the City of Chicago.
(7) One member from that portion of Cook County outside of the City of Chicago appointed by the President of the Cook County Board of Commissioners.
(8) Four members from that portion of Cook County outside of the City of Chicago appointed, with the consent of the President of the Cook County Board of Commissioners, as follows:
(i) One by the mayors representing those communities in Cook County that are outside of the City of Chicago and north of Devon Avenue.
(ii) One by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Devon Avenue, and north of Interstate 55, and in addition the Village of Summit.
(iii) One by the mayors representing those communities...
communities in Cook County that are outside of the City of Chicago, south of Interstate 55, and west of Interstate 57, excluding the communities of Summit, Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park.

(iv) One by the mayors representing those communities in Cook County that are outside of the City of Chicago and east of Interstate 57, and, in addition, the communities of Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park.

The terms of the members initially appointed to the Board shall begin within 60 days after this Act takes effect.

(d) The CATS Policy Committee and NIPC shall each appoint one of their members to serve as a non-voting member of the Regional Planning Board.

(e) Concurrence of four-fifths of the Board members in office is necessary for the Board to take any action, including remanding regional plans with comments to the CATS Policy Committee and NIPC.

Section 20. Duties. In addition to those duties enumerated elsewhere in this Act, the Regional Planning Board shall:

(1) Hire an executive director to coordinate staff work of CATS and NIPC. The executive director shall hire a deputy for comprehensive planning and a deputy for transportation planning with the approval of NIPC and the CATS Policy Committee, respectively.

(2) Merge the staffs of CATS and NIPC into a single staff over a transition period that protects current employees’ benefits.

(3) Secure agreements with funding agencies to provide support for Board operations.

(4) Develop methods to handle operational and administrative matters relating to the transition, including labor and employment matters, pension benefits, equipment and technology, leases and contracts, office space, and excess property.

(5) Notwithstanding any other provision of law to the contrary, within 180 days after this Act becomes law, locate the staffs of CATS and NIPC within the same office.

Section 25. Operations.

(a) Each appointing authority shall give notice of its Board appointments to each other appointing authority, to the Board, and to the Secretary of State. Within 30 days after his or her appointment and before

New matter indicated by italics - deletions by strikeout
entering upon the duties of the office, each Board member shall take and subscribe to the constitutional oath of office and file it with the Secretary of State. Board members shall hold office for a term of 4 years or until successors are appointed and qualified. The terms of the initial Board members shall expire as follows:

1. The terms of the member from DuPage County and the member representing both Kane and Kendall Counties shall expire on July 1, 2007.
2. The terms of those members from Lake, McHenry, and Will Counties shall expire on July 1, 2009.
3. As designated at the time of appointment, the terms of 2 members from the City of Chicago shall expire on July 1, 2007 and the terms of 3 members from the City of Chicago shall expire on July 1, 2009.
4. The term of the member appointed by the President of the Cook County Board of Commissioners shall expire on July 1, 2007.
5. The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago and north of Devon Avenue shall expire on July 1, 2007.
6. The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Interstate 55, and west of Interstate 57, excluding the communities of Summit, Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park, shall expire on July 1, 2007.
7. The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayor representing those communities in Cook County that are outside of the City of Chicago, south of Devon Avenue, and north of Interstate 55, and, in addition, the Village of Summit, shall expire on July 1, 2009.
8. The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago and east of Interstate 57, and, in addition, the communities of Dixmoor, Posen, Robbins, Midlothian,
Oak Forest, and Tinley Park, shall expire on July 1, 2009.

(b) If a vacancy occurs, the appropriate appointing authority shall fill the vacancy by an appointment for the unexpired term. Board members shall receive no compensation, but shall be reimbursed for expenses incurred in the performance of their duties.

(c) The Board shall be so appointed as to represent the City of Chicago, that part of Cook County outside the City of Chicago, and that part of the metropolitan region outside of Cook County on a one man one vote basis. Within 6 months after the release of each certified federal decennial census, the Board shall review its composition and, if a change is necessary in order to comply with the representation requirements of this subsection (c), shall recommend the necessary revision for approval by the General Assembly.

(d) Regular meetings of the Board shall be held at least once in each calendar quarter. The time and place of Board meetings shall be fixed by resolution of the Board. Special meetings of the Board may be called by the chairman or a majority of the Board members. A written notice of the time and place of any special meeting shall be provided to all Board members at least 3 days prior to the date fixed for the meeting, except that if the time and place of a special meeting is fixed at a regular meeting at which all Board members are present, no such written notice is required. A majority of the Board members in office constitutes a quorum for the purpose of convening a meeting of the Board.

(e) The meetings of the Board shall be held in compliance with the Open Meetings Act. The Board shall maintain records in accordance with the provisions of the State Records Act.

(f) At its initial meeting and its first regular meeting after July 1 of each year thereafter, the Board shall appoint from its membership a chairman and vice chairman and shall provide the term and duties of those officers pursuant to its bylaws. The vice chairman shall act as chairman during the absence or disability of the chairman and in case of resignation or death of the chairman. Before entering upon duties of office, the chairman shall execute a bond with corporate sureties to be approved by the Board and shall file it with the principal office of the Board. The bond shall be payable to the Board in whatever penal sum may be directed and shall be conditioned upon the faithful performance of the duties of office and the payment of all money received by the chairman according to law and the orders of the Board. The Board may appoint, from time to time, an executive committee and standing and ad hoc committees to assist in carrying out its responsibilities.

New matter indicated by italics - deletions by strikeout
Section 30. Jurisdiction and area of operation. The jurisdiction and area of operation of the Board includes Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will Counties. The Board may enter into agreements with units of local government located outside of, but contiguous to, its jurisdiction and area of operation in order to include those areas in plans for the region. For activities related to the MPO, the jurisdiction of the MPO shall be that area defined by federal requirements.

Section 35. General powers and authority. In addition to any other rights, powers, duties, or obligations granted to the Board under this Act or specifically granted to the Board under any other law, the Board has all of the following general powers and authority:

   (1) To sue and be sued in its official name.
   (2) To enter into agreements with units of local government, transportation agencies, State agencies, federal agencies, and persons in order to implement any of the provisions of this Act, including agreements for specialized planning services.
   (3) To accept and expend, for purposes consistent with the purposes of this Act, funds and moneys from any source, including gifts, bequests, grants, appropriations, loans, or contributions made by any person, unit of local government, the State, or the federal government.
   (4) To enter into contracts or other transactions with any unit of local government, transportation agency, State agency, public or private organization, or any other source in furtherance of the purpose of this Act, and to take any necessary action in order to avail itself of such aid and cooperation.
   (5) To purchase, receive, take by grant, gift, devise, or bequest, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with real or personal property, or any interest therein, wherever situated.
   (6) To adopt, alter, or repeal its own bylaws and any rules that the Board deems necessary in governing the exercise of its authority and the performance of its duties under this Act.
   (7) To make purchases under this Act in compliance with the Local Government Prompt Payment Act.
   (8) To adopt an annual operating budget and work program for each fiscal year and make appropriations in accordance with the Illinois Municipal Budget Law and to have the power to expend such budgeted moneys.

New matter indicated by italics - deletions by strikeout
(9) To exercise any other implied powers that are necessary or convenient for the Board to accomplish its purposes and that are not inconsistent with its expressed powers.

(10) To cooperate with any planning agency of a state contiguous to the region in order to integrate and coordinate plans for development of urban areas in that state with the regional comprehensive plan developed under this Act.

Section 40. Public participation; public hearing; Citizens' Advisory Committee.

(a) The Board shall develop, implement, and maintain a process of public participation designed to: (i) inform and involve the public in all of the public activities and decisions of the Board; (ii) provide access to public records and information maintained by the Board; and (iii) provide mechanisms for public suggestions. The Board shall serve as the single point of contact and direct all public involvement activities.

(b) In connection with its review and development of any regional plans and prior to any plan's approval, the Board must hold a public hearing. Notice of the time, date, and place set for the hearing must be published in a newspaper having a general circulation within the Chicago region at least 30 days prior to the date of the hearing. The notice must contain a short explanation of the purpose of the hearing. The hearing may be continued, as deemed necessary by the Board.

(c) The Board shall create a standing Citizens' Advisory Committee to provide continuous and balanced public representation in the development of regional plans and policies.

Section 45. Regional comprehensive plan. At intervals not to exceed every 5 years, the Board shall develop a regional comprehensive plan that integrates land use and transportation. The regional comprehensive plan and any modifications to it shall be developed cooperatively by the Board, the CATS Policy Committee, and NIPC with the involvement of citizens, units of local government, business and labor organizations, environmental organizations, transportation and planning agencies, State agencies, private and civic organizations, public and private providers of transportation, and land preservation agencies. Units of local government shall continue to maintain control over land use and zoning decisions.

Section 50. Coordinated regional advocacy.

(a) The Board shall be responsible for identifying regional priorities and providing coordinated advocacy of regional priorities. The Board shall act to ensure that regional priorities are supported by consistent information

New matter indicated by italics - deletions by strikeout
and that plans of various agencies related to those regional priorities are fully integrated.

(b) The Board shall annually publish a list of regional priorities and major public projects for which it is providing coordinated regional advocacy.

Section 55. Transportation financial plan.

(a) Concurrent with preparation of the regional transportation and comprehensive plans, the Board shall prepare and adopt, in cooperation with the CATS Policy Committee, a transportation financial plan for the region in accordance with federal and State laws, rules, and regulations.

(b) The transportation financial plan shall address the following matters related to the transportation agencies: (i) adequacy of funding to meet identified needs; and (ii) allocation of funds to regional priorities.

(c) The transportation financial plan may propose recommendations for additional funding by the federal government, the State, or units of local government that may be necessary to fully implement regional plans.

Section 60. Metropolitan planning organization.

(a) It is the intent of this Act that the CATS Policy Committee, as the Transportation Planning Committee for the Board, remain the federally designated Metropolitan Planning Organization for the Chicago region under the requirements of federal regulations promulgated by USDOT. The CATS Policy Committee shall prepare and approve all plans, reports, and programs required of an MPO, including the federally mandated Regional Transportation Plan, Transportation Improvement Program and Unified Work Program.

(b) The processes previously established by the CATS Policy Committee shall be continued as the means by which local elected officials program federal Surface Transportation Program and Congestion, Mitigation, and Air Quality funds and address other regional transportation issues.

Section 65. Annual report. The Board shall prepare, publish, and distribute an annual report and any other reports and plans that relate to the purpose of this Act.

Section 70. Transition period. The transition period must end no later than 36 months after the initial appointment of the Board, provided that sufficient funding sources have been identified and implemented. The Board must fully implement the funding and implementation strategy it is charged with developing and adopting in subsection (a) of Section 15 by the end of the transition period.

Section 99. Effective date. This Act takes effect upon becoming law. Passed in the General Assembly May 27, 2005.
AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by changing Section 8h as follows:

(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005

New matter indicated by italics - deletions by strikeout
through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to: (i) any fund established under the Community Senior Services and Resources Act; or (ii) on or after the effective date of this amendatory Act of the 94th General Assembly, the Child Labor and Day and Temporary Labor Enforcement Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)

Section 10. The Day and Temporary Labor Services Act is amended by changing Sections 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 70, 75, and 85 and adding Sections 2, 12, 90, 95, and 97 as follows:

(820 ILCS 175/2 new)

Sec. 2. Legislative Findings. The General Assembly finds as follows:

Over 300,000 workers work as day or temporary laborers in Illinois. Approximately 150 day labor and temporary labor service agencies with nearly 600 branch offices are licensed throughout Illinois. In addition, there is a large, though unknown, number of unlicensed day labor and temporary labor service agencies that operate outside the radar of law enforcement.

Recent studies and a survey of low-wage day or temporary laborers themselves finds that as a group, they are particularly vulnerable to abuse of their labor rights, including unpaid wages, failure to pay for all hours worked, minimum wage and overtime violations, and unlawful deduction from pay for meals, transportation, equipment and other items.

Current law is inadequate to protect the labor and employment rights of these workers.

At the same time, in Illinois and in other states, democratically run nonprofit day labor centers, which charge no fee for their services, have been established to provide an alternative for day or temporary laborers to solicit work on street corners. These centers are not subject to this Act.

New matter indicated by italics - deletions by strikeout
Sec. 5. Definitions. As used in this Act:
"Day or temporary laborer" means a natural person who contracts for employment with a day and temporary labor service agency.
"Day and temporary labor" means labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day and temporary labor service agency or the third party client employer for work undertaken by day or temporary laborers pursuant to a contract between the day and temporary labor service agency with the third party client employer. "Day and temporary labor" does not include labor or employment of a professional or clerical nature.
"Day and temporary labor service agency" means any person or entity engaged in the business of employing day or temporary laborers to provide services, for a fee, to or for any third party client employer pursuant to a contract with the day and temporary labor service agency and the third party client employer.

"Department" means the Department of Labor.
"Third party client employer" means any person that contracts with a day and temporary labor service agency for obtaining the employment of day or temporary laborers.
"Person" means every natural person, firm, partnership, copartnership, limited liability company, corporation, association, business trust, or other legal entity, or its legal representatives, agents, or assigns.
(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

Sec. 10. Employment Notice Statement.
(a) Whenever a day and temporary labor service agency agrees to send one or more persons to work as day or temporary laborers, the day and temporary labor service agency shall provide to each, upon request by a day or temporary laborer, at the time of dispatch, a statement containing the following items on a form approved by the Department:

1. The name of the day or temporary laborer;
2. Name and nature of the work to be performed;
3. The wages offered;
4. The name and address of the destination of each day or
temporary laborer; 
(5) terms "terms of transportation; 
(6) whether a meal or equipment, or both, is
is provided, either by the day and temporary labor service agency or the
third party client employer, and the cost of the meal and equipment, if any.

If a day or temporary laborer is assigned to the same assignment for
more than one day, the day and temporary labor service agency is required
to provide the employment notice only on the first day of the assignment and
on any day that any of the terms listed on the employment notice are
changed.

If the day or temporary laborer is not placed with a third party client
or otherwise contracted to work for that day, the day and temporary labor
service agency shall, upon request, provide the day and temporary laborer
with a confirmation that the day or temporary laborer sought work, signed
by an employee of the day and temporary labor service agency, which shall
include the name of the agency, the name and address of the day or
temporary laborer, and the date and the time that the day or temporary
laborer receives the confirmation.

(b) No day and temporary labor service agency may send any day or
temporary laborer to any place where a strike, a lockout, or other labor
trouble exists.

(c) The Department shall recommend to day and temporary labor
service agencies that those agencies employ personnel who can effectively
communicate information required in subsections (a) and (b) to day or
temporary laborers in Spanish, Polish, or any other language that is generally
understood used in the locale of the day and temporary labor service agency.
(Source: P.A. 92-783, eff. 1-1-03; 93-375, eff. 1-1-04.)

(820 ILCS 175/12 new)
Sec. 12. Recordkeeping.
(a) Whenever a day and temporary labor service agency sends one or
more persons to work as day or temporary laborers, the day and temporary
labor service agency shall keep the following records relating to that
transaction:

(1) the name, address and telephone number of each third
party client, including each worksite, to which day or temporary
laborers were sent by the agency and the date of the transaction;
(2) for each day or temporary laborer: the name and address,
the specific location sent to work, the type of work performed, the

New matter indicated by italics - deletions by strikeout
number of hours worked, the hourly rate of pay and the date sent;
(3) the name and title of the individual or individuals at each third party client's place of business responsible for the transaction;
(4) any specific qualifications or attributes of a day or temporary laborer, requested by each third party client;
(5) copies of all contracts, if any, with the third party client and copies of all invoices for the third party client;
(6) copies of all employment notices provided in accordance with subsection (a) of Section 10;
(7) deductions to be made from each day or temporary laborer's compensation made by either the third party client or by the day and temporary labor service agency for the day or temporary laborer's transportation, food, equipment, withheld income tax, withheld social security payments and every other deduction;
(8) verification of the actual cost of any equipment or meal charged to a day or temporary laborer;
(9) the race and gender of each day or temporary laborer sent by the day and temporary labor service agency, as provided by the day or temporary laborer; and
(10) any additional information required by rules issued by the Department.

(b) The day and temporary labor service agency shall maintain all records under this Section for a period of 3 years from their creation. The records shall be open to inspection by the Department during normal business hours. Records described in paragraphs (1), (2), (3), (6), (7), and (8) of subsection (a) shall be available for review or copying by that day or temporary laborer during normal business hours within 5 days following a written request. In addition, a day and temporary labor service agency shall make records related to the number of hours billed to a third party client for that individual day or temporary laborer's hours of work available for review or copying during normal business hours within 5 days following a written request. The day and temporary labor service agency shall make forms, in duplicate, for such requests available to day or temporary laborers at the dispatch office. The day or temporary laborer shall be given a copy of the request form. It is a violation of this Section to make any false, inaccurate or incomplete entry into any record required by this Section, or to delete required information from any such record.

(820 ILCS 175/15)
Sec. 15. Meals. A day and temporary labor service agency or a third

New matter indicated by italics - deletions by strikeout
party client employer shall not charge a day or temporary laborer for any meal not consumed by the day and temporary laborer and, if consumed, no more than the actual cost of a meal. In no case shall the purchase of a meal be a condition of employment for a day or temporary laborer.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/20)

Sec. 20. Transportation.

(a) A day and temporary labor service agency or a third party client or a contractor or agent of either employer shall charge no fee more than the actual cost to transport a day or temporary laborer to or from the designated work site.

(b) A day and temporary labor service agency is responsible for the conduct and performance of any person who transports a day or temporary laborer from the agency to a work site, unless the transporter is: (1) a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act; (2) a common carrier; (3) the day or temporary laborer providing his or her own transportation; or (4) selected exclusively by and at the sole choice of the day or temporary laborer for transportation in a vehicle not owned or operated by the day and temporary labor service agency. If any day and temporary labor service agency provides transportation to a day or temporary laborer or refers a day or temporary laborer as provided in subsection (c), the day and temporary labor service agency may not allow a motor vehicle to be used for the transporting of day or temporary laborers if the agency knows or should know that the motor vehicle used for the transportation of day or temporary laborers is unsafe or not equipped as required by this Act or by any rule adopted under this Act, unless the vehicle is: (1) the property of a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act; (2) the property of a common carrier; (3) the day or temporary laborer's personal vehicle; or (4) a vehicle of a day or temporary laborer used to carpool other day or temporary laborers and which is selected exclusively by and at the sole choice of the day or temporary laborer for transportation.

(c) A day and temporary labor service agency may not refer a day or temporary laborer to any person for transportation to a work site unless that person is (1) a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act or (2) providing the transportation at no fee. Directing the day or temporary laborer to accept a specific car pool as a condition of work shall be considered a referral by the day and temporary labor service agency. Any mention or discussion of the cost of a car pool

New matter indicated by italics - deletions by strikeout
shall be considered a referral by the agency. Informing a day or temporary laborer of the availability of a car pool driven by another day or temporary laborer shall not be considered a referral by the agency.

(d) However, the total cost to each day or temporary laborer shall not exceed 3% of the day or temporary laborer's daily wages. Any motor vehicle that is owned or operated by the day and temporary labor service agency or a third party client employer, or a contractor or agent of either, or to which a day and temporary labor service agency refers a day or temporary laborer, which is used for the transportation of day or temporary laborers shall have proof of financial responsibility as provided for in Chapter 8 of the Illinois Vehicle Code or as required by Department rules. The driver of the vehicle shall hold a valid license to operate motor vehicles in the correct classification and shall be required to produce the license immediately upon demand by the Department, its inspectors or deputies, or any other person authorized to enforce this Act. The Department shall forward a violation of this subsection to the appropriate law enforcement authorities or regulatory agencies, whichever is applicable.

(e) No motor vehicle that is owned or operated by the day and temporary labor service agency or a third party client, or a contractor or agent of either, or to which a day and temporary labor service agency refers a day or temporary laborer, which is used for the transportation of day or temporary laborers may be operated if it does not have a seat and a safety belt for each passenger. The Department shall forward a violation of this subsection to the appropriate law enforcement authorities or regulatory agencies, whichever is applicable.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/25)

Sec. 25. Day or temporary laborer equipment. For any safety equipment, clothing, accessories, or any other items required by the nature of the work, either by law, custom, or as a requirement of the third party client employer, the day and temporary labor service agency or the third party client employer may charge the day or temporary laborer the market value of the item temporarily provided to the day or temporary laborer by the third party client employer if the day or temporary laborer fails to return such items to the third party client employer or the day and temporary labor service agency. For any other equipment, clothing, accessories, or any other items the day and temporary labor service agency makes available for purchase, the day or temporary laborer shall not be charged more than the actual market value for the item.

New matter indicated by italics - deletions by strikeout
Sec. 30. Wage Payment and Notice.

(a) At the time of the payment of wages, a day and temporary labor service agency shall provide each day or temporary laborer with an itemized statement, on the day or temporary laborer's paycheck stub or on a form approved by the Department, listing the following:

1. the name, address, and telephone number of each third party client at which the day or temporary laborer worked. If this information is provided on the day or temporary laborer's paycheck stub, a code for each third party client may be used so long as the required information for each coded third party client is made available to the day or temporary laborer;

2. the number of hours worked by the day or temporary laborer at each third party client each day during the pay period;

3. the rate of payment for each hour worked, including any premium rate or bonus;

4. the total pay period earnings;

5. all deductions made from the day or temporary laborer's compensation made either by the third party client or by the day and temporary labor service agency, and the purpose for which deductions were made, including for the day or temporary laborer's transportation, food, equipment, withheld income tax, withheld social security payments, and every other deduction; and

6. any additional information required by rules issued by the Department showing in detail each deduction made from the wages.

(a-1) For each day or temporary laborer who is contracted to work a single day, the third party client shall, at the end of the work day, provide such day or temporary laborer with a Work Verification Form, approved by the Department, which shall contain the date, the day or temporary laborer's name, the work location, and the hours worked on that day. Any third party client who violates this subsection (a-1) may be subject to a civil penalty not to exceed $500 for each violation found by the Department. Such civil penalty may increase to $2,500 for a second or subsequent violation. For purposes of this subsection (a-1), each violation of this subsection (a-1) for each day or temporary laborer and for each day the violation continues shall constitute a separate and distinct violation.

(b) A day and temporary labor service agency shall provide each worker an annual earnings summary within a reasonable time after the
preceding calendar year, but in no case later than February 1. A day and temporary labor service agency shall, at the time of each wage payment, give notice to day or temporary laborers of the availability of the annual earnings summary or post such a notice in a conspicuous place in the public reception area.

(c) At the request of a day or temporary laborer, a day and temporary labor service agency shall hold the daily wages of the day or temporary laborer and make either weekly, bi-weekly, or semi-monthly payments. The wages shall be paid in a single check, or, at the day or temporary laborer's sole option, by direct deposit or other manner approved by the Department, representing the wages earned during the period, either weekly, bi-weekly, or semi-monthly, designated by the day or temporary laborer in accord with the Illinois Wage Payment and Collection Act. Vouchers or any other method of payment which is not generally negotiable shall be prohibited as a method of payment of wages. Day and temporary labor service agencies that make daily wage payments shall provide written notification to all day or temporary laborers of the right to request weekly, bi-weekly, or semi-monthly payments. The day and temporary labor service agency may provide this notice by conspicuously posting the notice at the location where the wages are received by the day or temporary laborers.

(d) No day and temporary labor service agency shall charge any day or temporary laborer for cashing a check issued by the agency for wages earned by a day or temporary laborer who performed work through that agency.

(e) Day or temporary laborers shall be paid no less than the wage rate stated in the notice as provided in Section 10 of this Act for all the work performed on behalf of the third party client employer in addition to the work listed in the written description.

(f) The total amount deducted for meals, equipment, and transportation may not cause a day or temporary laborer's hourly wage to fall below the State or federal minimum wage. However, a day and temporary labor service agency may deduct the actual market value of reusable equipment provided to the day or temporary laborer by the day and temporary labor service agency which the day or temporary laborer fails to return, if the day or temporary laborer provides a written authorization for such deduction at the time the deduction is made.

(g) A day or temporary laborer who is contracted by a day and temporary labor service agency to work at a third party client's worksite but is not utilized by the third party client shall be paid by the day and temporary

New matter indicated by italics - deletions by strikeout
labor service agency for a minimum of 4 hours of pay at the agreed upon rate of pay. However, in the event the day and temporary labor service agency contracts the day or temporary laborer to work at another location during the same shift, the day or temporary laborer shall be paid by the day and temporary labor service agency for a minimum of 2 hours of pay at the agreed upon rate of pay.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/35)

Sec. 35. Public Access Area. Each day and temporary labor service agency shall provide adequate seating in the public access area of the offices of the agency. The public access area shall be the location for the employment and wage notices required by Section 45 of this Act and any other State or federally mandated posting. The public access area shall allow for access to restrooms and water.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/40)

Sec. 40. Work Restriction. No day and temporary labor service agency shall restrict the right of a day or temporary laborer to accept a permanent position with a third party client employer to whom the day or temporary laborer has been referred for work or restrict the right of such third party client employer to offer such employment to a day or temporary laborer. A day and temporary labor service agency may charge a placement fee to a third party client for employing a day or temporary laborer for whom a contract for work was effected by the day and temporary labor service agency not to exceed the equivalent of the total daily commission rate the day and temporary labor service agency would have received over a 60-day period, reduced by the equivalent of the daily commission rate the day and temporary labor service agency would have received for each day the day or temporary laborer has performed work for the day and temporary labor service agency in the preceding 12 months. Days worked at a day and temporary labor service agency in the 12 months preceding the effective date of this amendatory Act of the 94th General Assembly shall be included for purposes of calculating the maximum placement fee described in this Section. However, placement of a day or temporary laborer who is contracted by a day and temporary labor service agency to provide skilled labor shall not be subject to any placement fee cap. For purposes of this Section, a day or temporary laborer who performs "skilled labor" shall apply only where the day and temporary labor service agency performs an advanced application process, a screening process, which may include processes such as advanced

New matter indicated by italics - deletions by strikeout
testing, and a job interview. No fee provided for under this Section may be assessed or collected by the day and temporary labor service agency when the day or temporary laborer is offered permanent work following the suspension or revocation of the day and temporary labor service agency’s registration by the Department. Nothing in this Section shall restrict a day and temporary labor service agency from receiving a placement fee from the third party employer for employing a day or temporary laborer for whom a contract for work was effected by the day and temporary labor service agency:

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/45)

Sec. 45. Registration; Department of Labor.

(a) A day and temporary labor service agency which is located, operates or transacts business within this State shall register with the Department of Labor in accordance with rules adopted by the Department for day and temporary labor service agencies and shall be subject to this Act and any rules adopted under this Act that operate within the State. Each day and temporary labor service agency shall provide proof of an employer account number issued by the Department of Employment Security for the payment of unemployment insurance contributions as required under the Unemployment Insurance Act, and proof of valid workers' compensation insurance in effect at the time of registration covering all of its employees. If, at any time, a day and temporary labor service agency's workers' compensation insurance coverage lapses, the agency shall have an affirmative duty to report the lapse of such coverage to the Department and the agency's registration shall be suspended until the agency's workers' compensation insurance is reinstated. The Department may assess each day and temporary labor service agency a non-refundable registration fee not exceeding $1,000 $250 per year per agency and a non-refundable fee not to exceed $250 for each branch office or other location where the agency regularly contracts with day or temporary laborers for services. The fee may be paid by check or money order and the Department may not refuse to accept a check on the basis that it is not a certified check or a cashier's check. The Department may charge an additional fee to be paid by a day and temporary labor service agency if the agency, or any person on the agency's behalf, issues or delivers a check to the Department that is not honored by the financial institution upon which it is drawn. The Department shall also adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the fines and penalties set forth in this

New matter indicated by italics - deletions by strikeout
Act.

(b) It is a violation of this Act to operate a day and temporary labor service agency without first registering with the Department in accordance with subsection (a) of this Section. The Department shall create and maintain at regular intervals on its website, accessible to the public: (1) a list of all registered day and temporary labor service agencies in the State whose registration is in good standing; (2) a list of day and temporary labor service agencies in the State whose registration has been suspended, including the reason for the suspension, the date the suspension was initiated, and the date, if known, the suspension is to be lifted; and (3) a list of day and temporary labor service agencies in the State whose registration has been revoked, including the reason for the revocation and the date the registration was revoked. The Department has the authority to assess a penalty against any day and temporary labor service agency that fails to register with the Department of Labor in accordance with this Act or any rules adopted under this Act of $500 for each violation. Each day during which a day and temporary labor service agency operates without registering with the Department shall be a separate and distinct violation of this Act. 

(c) An applicant is not eligible to register to operate a day and temporary labor service agency under this Act if the applicant or any of its officers, directors, partners, or managers or any owner of 25% or greater beneficial interest:

(1) has been involved, as owner, officer, director, partner, or manager, of any day and temporary labor service agency whose registration has been revoked or has been suspended without being reinstated within the 5 years immediately preceding the filing of the application; or

(2) is under the age of 18.

(d) Every agency shall post and keep posted at each location, in a position easily accessible to all employees, notices as supplied and required by the Department containing a copy or summary of the provisions of the Act and a notice which informs the public of a toll-free telephone number for day or temporary laborers and the public to file wage dispute complaints and other alleged violations by day and temporary labor service agencies. Such notices shall be in English or any other language generally understood in the locale of the day and temporary labor service agency.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/50)

New matter indicated by italics - deletions by strikeout
Sec. 50. Violations. The Department shall have the authority to deny, suspend, or revoke the registration of a day and temporary labor service agency if warranted by public health and safety concerns or violations of this Act.
(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)
(820 ILCS 175/55)

Sec. 55. Enforcement. It shall be the duty of the Department to enforce the provisions of this Act. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act and any investigator with the Department shall be authorized to visit and inspect, at all reasonable times, any places covered by this Act and shall be authorized to inspect, at all reasonable times, contracts for the employment of all day or temporary laborers entered into by a third party client employer if the Department has received a complaint indicating that the third party client employer may have contracted with a day and temporary labor service agency that is not registered under this Act. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act upon written complaint by an investigator of the Department or any interested person of a violation of the Act. After the hearing, if supported by the evidence, the Department may (i) issue and cause to be served on any party an order to cease and desist from further violation of the Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, (iii) deny, suspend, or revoke any registration under this Act, and (iv) determine the amount of any civil penalty allowed by the Act. The Director of Labor or his or her representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation or hearing and may administer oaths to witnesses; however, proprietary lists of a day and temporary labor service agency are not subject to subpoena. Nothing in this Act applies to labor or employment of a clerical or professional nature.
(Source: P.A. 92-783, eff. 1-1-03; 93-441, eff. 1-1-04.)
(820 ILCS 175/70)

Sec. 70. Penalties.
(a) A day and temporary labor service agency that violates any of the provisions of this Act or any rule adopted under this Act concerning registration, transportation, equipment, meals, wages, or waiting rooms shall be subject to a civil penalty not to exceed $6,000 for any violations found in the first audit by the Department. Following a first audit, a day and temporary labor service agency that violates any of the provisions of this Act or any rule adopted under this Act concerning registration, transportation, equipment, meals, wages, or waiting rooms shall New matter indicated by italics - deletions by strikeout
temporary labor service agency shall be subject to a civil penalty and not to exceed $2,500 $5,000 for each repeat violation any violations found in the second audit by the Department within 3 years. For purposes of this subsection, each violation of this Act for each day or temporary laborer and for each day the violation continues shall constitute a separate and distinct violation. For any violations that are found in the third audit by the Department that are within 7 years of the earlier violations, the Department may revoke the registration of the violator. In determining the amount of a penalty, the Director shall consider the appropriateness of the penalty to the day and temporary labor service agency charged, upon the determination of the gravity of the violations. For any violation determined by the Department to be willful which is within 3 years of an earlier violation, the Department may revoke the registration of the violator. The amount of the penalty, when finally determined, may be:

(1) Recovered in a civil action brought by the Director of Labor in any circuit court. In this litigation, the Director of Labor shall be represented by the Attorney General.

(2) Ordered by the court, in an action brought by any party for a violation under this Act, to be paid to the Director of Labor.

(b) The Department shall adopt rules for violation hearings and penalties for violations of this Act or the Department’s rules in conjunction with the penalties set forth in this Act.

Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 60 of this Act.

(Source: P.A. 92-783, eff. 1-1-03.)

(820 ILCS 175/75)

Sec. 75. Willful violations.

(a) Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act, or whoever obstructs the Department of Labor, its inspectors or deputies, or any other person authorized to inspect places of employment under this Act shall be liable for penalties up to double the statutory amount.

(b) Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act which results in an underpayment to a day or temporary laborer shall be liable to the Department for up to 20% of the day and temporary labor service agency’s or the third party client’s total underpayment and shall also be liable to the employee for punitive damages in the amount of 2% of the amount of any such underpayments for each

New matter indicated by italics - deletions by strikeout
month following the date of payment during which the underpayments remain unpaid.

(c) The Director may promulgate rules for the collection of these penalties. The penalty shall be imposed in cases in which a day and temporary labor service agency's or a third party client's conduct is proven by a preponderance of the evidence to be willful. The penalty may be recovered in a civil action brought by the Director of Labor in any circuit court. In any such action, the Director of Labor shall be represented by the Attorney General. Each day during which a violation of this Act continues shall constitute a separate and distinct offense, and the employment of any person in violation of the Act shall, with respect to each person so employed, constitute a separate and distinct offense. Whenever, in the opinion of the Department, a violation of the Act has occurred, the Department shall report the violation to the Attorney General of this State who shall have authority to prosecute all reported violations.

(Source: P.A. 92-783, eff. 1-1-03.)

(820 ILCS 175/85)

Sec. 85. Third party clients employers.

(a) It is a violation of this Act for a third party client to enter into a contract with a day or temporary labor service agency not registered under Section 45 of this Act. Third party employers are prohibited from entering into contracts for the employment of day or temporary laborers with any day and temporary labor service agency not registered under Section 45 of this Act. A third party client has a duty to verify a day and temporary labor service agency's status with the Department before entering into a contract with such an agency, and on March 1 and September 1 of each year. A day and temporary labor service agency shall be required to provide each of its third party clients with proof of valid registration issued by the Department at the time of entering into a contract. A day and temporary labor service agency shall be required to notify, both by telephone and in writing, each day or temporary laborer it employs and each third party client with whom it has a contract within 24 hours of any denial, suspension, or revocation of its registration by the Department. All contracts between any day and temporary labor service agency and any third party client shall be considered null and void from the date any such denial, suspension, or revocation of registration becomes effective and until such time as the day and temporary labor service agency becomes registered and considered in good standing by the Department as provided in Section 50 and Section 55. Upon request, the Department shall provide to a third party client employer a list of entities registered as day and temporary labor service agencies. The Department shall provide on the
Internet a list of entities registered as day and temporary labor service agencies. A third party client may rely on information provided by the Department or maintained on the Department’s website pursuant to Section 45 of this Act and shall be held harmless if such information maintained or provided by the Department was inaccurate. Any third party client that violates this provision of the Act is subject to a civil penalty not to exceed $500. Each day during which a third party client contracts with a day and temporary labor service agency not registered under Section 45 of this Act shall constitute a separate and distinct offense.

(b) If a third party client leases or contracts with a day and temporary service agency for the services of a day or temporary laborer, the third party client shall share all legal responsibility and liability for the payment of wages under the Illinois Wage Payment and Collection Act and the Minimum Wage Law.

(Source: P.A. 93-441, eff. 1-1-04.)

(820 ILCS 175/90 new)

Sec. 90. Retaliation.

(a) Prohibition. It is a violation of this Act for a day and temporary labor service agency or third party client, or any agent of a day and temporary labor service agency or third party client, to retaliate through discharge or in any other manner against any day or temporary laborer for exercising any rights granted under this Act. Such retaliation shall subject a day and temporary labor service agency or third party client, or both, to civil penalties pursuant to this Act or a private cause of action.

(b) Protected Acts from Retaliation. It is a violation of this Act for a day and temporary labor service agency or third party client to retaliate against a day or temporary laborer for:

(1) making a complaint to a day and temporary labor service agency, to a third party client, to a co-worker, to a community organization, before a public hearing, or to a State or federal agency that rights guaranteed under this Act have been violated;

(2) causing to be instituted any proceeding under or related to this Act; or

(3) testifying or preparing to testify in an investigation or proceeding under this Act.

(820 ILCS 175/95 new)

Sec. 95. Private Right of Action.

(a) A person aggrieved by a violation of this Act or any rule adopted under this Act by a day and temporary labor service agency or a third party

New matter indicated by italics - deletions by strikeout
client may file suit in circuit court of Illinois, in the county where the alleged offense occurred or where any day or temporary laborer who is party to the action resides, without regard to exhaustion of any alternative administrative remedies provided in this Act. Actions may be brought by one or more day or temporary laborers for and on behalf of themselves and other day or temporary laborers similarly situated. A day or temporary laborer whose rights have been violated under this Act by a day and temporary labor service agency or a third party client is entitled to collect:

(1) in the case of a wage and hour violation, the amount of any wages, salary, employment benefits, or other compensation denied or lost to the day or temporary laborer by reason of the violation, plus an equal amount in liquidated damages;

(2) in the case of a health and safety or notice violation, compensatory damages and an amount up to $500 for the violation of each subpart of each Section;

(3) in the case of unlawful retaliation, all legal or equitable relief as may be appropriate; and

(4) attorney's fees and costs.

(b) The right of an aggrieved person to bring an action under this Section terminates upon the passing of 3 years from the final date of employment by the day and temporary labor agency or the third party client. This limitations period is tolled if a day labor employer has deterred a day or temporary laborer's exercise of rights under this Act by contacting or threatening to contact law enforcement agencies.

(820 ILCS 175/97 new)

Sec. 97. Severability. Should one or more of the provisions of this Act be held invalid, such invalidity shall not affect any of the valid provisions hereof.

Passed in the General Assembly May 16, 2005.
Approved August 9, 2005.
Effective January 1, 2006.
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 21-3 as follows:

(720 ILCS 5/21-3) (from Ch. 38, par. 21-3)
Sec. 21-3. Criminal trespass to real property.
(a) Whoever:

(1) knowingly and without lawful authority enters or remains within or on a building; or

(2) enters upon the land of another, after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden; or

(3) remains upon the land of another, after receiving notice from the owner or occupant to depart; or

(4) enters upon one of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle), after receiving prior to that entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart:

(A) any field that is used for growing crops or which is capable of being used for growing crops; or

(B) an enclosed area containing livestock; or

(C) or an orchard; or

(D) a barn or other agricultural building containing livestock;

commits a Class B misdemeanor.

For purposes of item (1) of this subsection, this Section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this Section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(b) A person has received notice from the owner or occupant within the meaning of Subsection (a) if he has been notified personally, either orally or in writing including a valid court order as defined by subsection (7) of

New matter indicated by italics - deletions by strikeout
Section 112A-3 of the Code of Criminal Procedure of 1963 granting remedy (2) of subsection (b) of Section 112A-14 of that Code, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(c) This Section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on such land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his agent, nor to anyone invited by such migrant worker or other person so living on such land to visit him at the place he is so living upon the land.

(d) A person shall be exempt from prosecution under this Section if he beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the purpose of this subsection, "unoccupied and abandoned residential and industrial property" means any real estate (1) in which the taxes have not been paid for a period of at least 2 years; and (2) which has been left unoccupied and abandoned for a period of at least one year; and "beautifies" means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(e) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to subsection (d) of this Section.

(f) This Section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this subsection (f), "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(g) A person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor vehicle as prohibited under paragraph (4) of subsection (a) of this Section. A person may also be liable to the owner for court costs and reasonable attorney's fees. The measure of damages shall be: (i) the actual damages, but not less than $250, if the vehicle is operated in a nature preserve or registered area as defined in Sections 3.11 and 3.14 of the Illinois Natural Areas Preservation Act; (ii) twice the actual damages if the owner has previously notified the person to cease trespassing; or (iii) in any other case, the actual damages, but not less than $50. If the person operating the vehicle is under
the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable. For the purposes of this subsection (g):

"Land" includes, but is not limited to, land used for crop land, fallow land, orchard, pasture, feed lot, timber land, prairie land, mine spoil nature preserves and registered areas. "Land" does not include driveways or private roadways upon which the owner allows the public to drive.

"Owner" means the person who has the right to possession of the land, including the owner, operator or tenant.

"Vehicle" has the same meaning as provided under Section 1-217 of the Illinois Vehicle Code.

(Source: P.A. 89-346, eff. 1-1-96; 89-373, eff. 1-1-96; 89-626, eff. 8-9-96; 90-419, eff. 8-15-97.)

Passed in the General Assembly May 16, 2005.
Approved August 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0513
(House Bill No. 3544)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Treasurer Act is amended by changing Section 18 as follows:

(15 ILCS 505/18)
Sec. 18. Banking and automatic teller machine services.
(a) The Treasurer may enter into written agreements with financial institutions for the provision of banking services at the State Capitol and for the provision of automatic teller machine services at State office buildings, State parks, and State tourism centers, and State fairs at Springfield and DuQuoin. The Treasurer shall establish competitive procedures for the selection of financial institutions to provide the services authorized under this Section. No State agency may procure services authorized by this Section without the approval of the Treasurer.

(b) The Treasurer shall enter into written agreements with the authorities having jurisdiction of the property where the services are intended to be provided. These agreements shall include, but need not be limited to, the quantity of machines to be located at the property and the exact location

New matter indicated by italics - deletions by strikeout
of the service or machine and shall establish responsibility for payment of expenses incurred in locating the machine or service.

(c) The Treasurer's agreement with a financial institution may authorize the financial institution to provide any or all of the banking services that the financial institution is otherwise authorized by law to provide to the public.

The Treasurer's agreement with a financial institution shall establish the amount of compensation to be paid by the financial institution. The financial institution shall pay the compensation to the Treasurer in accordance with the terms of the agreement. The Treasurer shall deposit moneys received under this Section into the Treasurer's Rental Fee Fund, a special fund hereby created in the State treasury. The Treasurer shall use the moneys in the Fund for the operation of the program established under this Section.

(d) This Section does not apply to a State office building in which a currency exchange or a credit union providing financial services located in the building on July 1, 1995 (the effective date of Public Act 88-640) is operating.

(Source: P.A. 88-640, eff. 7-1-95; 89-634, eff. 8-9-96.)
Passed in the General Assembly May 16, 2005.
Approved August 9, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0514
(House Bill No. 0165)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by adding Section 17-106.1 and changing Section 17-139 as follows:
(40 ILCS 5/17-106.1 new)
Sec. 17-106.1. Administrator. Administrator means a member who is employed in a position that requires him or her to hold a Type 75 Certificate issued by the State Teacher Certification Board.
(40 ILCS 5/17-139) (from Ch. 108 1/2, par. 17-139)
Sec. 17-139. Board elections and vacancies.
(1) Contributors other than principals election. Every member who is not a principal or an administrator may vote at the election for as many

New matter indicated by italics - deletions by strikeout
persons as there are trustees to be elected by the contributors who are not principals or administrators. The name of a candidate shall not be printed upon the ballot unless he or she has been assigned on a regular certificate for at least 10 years in the Chicago public schools or charter schools and nominated by a petition signed by not less than 200 contributors who are not principals or administrators.

Petitions shall be filed with the recording secretary of the Fund on or after September 15 of each year and not later than October 1st of that year. No more than one candidate may be nominated by any one petition. If the nominations do not exceed the number of candidates to be elected, the canvassing board shall declare the nominated candidates elected. Otherwise, candidates receiving the highest number of votes cast for their respective terms shall be declared elected. The location and number of polling places shall be designated by the Board. The election shall be conducted by the teachers who are not principals or administrators, and the judges of the election shall be selected from the teachers who are not principals or administrators, in such manner as the board in its bylaws or rules provides.

Elections to fill vacancies on the Board shall be held at the next annual election.

(2) Pensioners election. The name of a candidate shall not be printed on the ballot unless he or she has been nominated by a petition signed by not less than 100 pensioners of the Fund. Petitions shall be filed with the recording secretary of the Fund on or before October 1 of the odd-numbered year. If the nominations do not exceed 3, the mailing of ballots shall be eliminated and the nominated candidates shall be declared elected. Otherwise, the 3 candidates receiving the highest number of votes cast shall be declared elected. The mailing and counting of the ballots shall be conducted by the office of the Fund with volunteer assistance from pensioners at the request of the Board.

(3) Principals election. The name of a candidate shall not be printed on the ballot unless he or she has been nominated by a petition signed by at least 25 contributors who are principals or administrators. Petitions shall be filed with the recording secretary of the Fund on or before October 1 of the election year. Every member who is a principal or an administrator may vote at the election for one candidate who is a contributor who is a principal. If only one eligible candidate is nominated, the election shall not be held and the nominated candidate shall be declared elected. Otherwise, the candidate receiving the highest number of votes cast shall be declared elected. The mailing and counting of the ballots shall be conducted by the office of the Board.

New matter indicated by italics - deletions by strikeout
Fund.

(4) Vacancies. The Board may fill vacancies occurring in the membership of the Board elected by the principals, administrators, teachers other than principals or administrators, or pensioners at any regular meeting of the Board. The Board of Education may fill vacancies occurring in the membership of the Board appointed by the Board of Education at any regular meeting of the Board of Education.

(Source: P.A. 89-136, eff. 7-14-95; 90-566, eff. 1-2-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 19, 2005.
Approved August 10, 2005.
Effective August 10, 2005.

PUBLIC ACT 94-0515
(House Bill No. 0188)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Prevailing Wage Act is amended by changing Section 5 as follows:

(820 ILCS 130/5) (from Ch. 48, par. 39s-5)

Sec. 5. Certified payroll.
(a) While participating on public works, the contractor and each subcontractor or the officer of the public body in charge of the project shall:

(1) make and keep, for a period of not less than 3 years, true and accurate records of all laborers, mechanics, and other workers employed by them on the project; the records shall include each worker's name, address, telephone number when available, social security number, classification or classifications, and occupation of all laborers, workers and mechanics employed by them, in connection with said public work. The records shall also show the actual hourly wages paid in each pay period, to each employee and the number of hours worked each day, and in each work week by each employee.

(2) submit monthly, in person, by mail, or electronically a certified payroll to the public body in charge of the project. The
certified payroll shall consist of a complete copy of the records identified in paragraph (1) of this subsection (a). The certified payroll shall be accompanied by a statement signed by the contractor or subcontractor which avers that: (i) such records are true and accurate; (ii) the hourly rate paid to each worker is not less than the general prevailing rate of hourly wages required by this Act; and (iii) the contractor or subcontractor is aware that filing a certified payroll that he or she knows to be false is a Class B misdemeanor. A general contractor is not prohibited from relying on the certification of a lower tier subcontractor, provided the general contractor does not knowingly rely upon a subcontractor's false certification. Any contractor or subcontractor subject to this Act who fails to submit a certified payroll or knowingly files a false certified payroll is in violation of this Act and guilty of a Class B misdemeanor. The public body in charge of the project shall keep the records submitted in accordance with this paragraph (2) of subsection (a) for a period of not less than 3 years. The records submitted in accordance with this paragraph (2) of subsection (a) shall be considered public records, except an employee's address, telephone number, and social security number, and made available in accordance with the Freedom of Information Act. The public body shall accept any reasonable submissions by the contractor that meet the requirements of this Section.

(b) Upon 2 business days' notice, the contractor and each subcontractor shall make available for inspection the records identified in paragraph (1) of subsection (a) of this Section. The record shall be open at all reasonable hours to the inspection of the public body in charge of the project awarding the contract, its officers and agents, and to the Director of Labor and his deputies and agents. Upon 2 business days' notice, the contractor and each subcontractor shall make such records available at all reasonable hours at a location within this State.

Any contractor or subcontractor that maintains its principal place of business outside of this State shall make the required records or accurate copies of those records available within this State at all reasonable hours for inspection.

(Source: P.A. 92-783, eff. 8-6-02; 93-38, eff. 6-1-04.)


New matter indicated by italics - deletions by strikeout
Effective August 10, 2005.

PUBLIC ACT 94-0516
(House Bill No. 0669)

AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Non-Game Wildlife Protection Act is amended by changing Section 4 as follows:
(30 ILCS 155/4) (from Ch. 61, par. 404)
Sec. 4. (a) There is created the Illinois Wildlife Preservation Fund, a special fund in the State Treasury. The Department of Revenue shall determine annually the total amount contributed to such fund pursuant to this Act and shall notify the State Comptroller and the State Treasurer of such amount to be transferred to the Illinois Wildlife Preservation Fund, and upon receipt of such notification the State Comptroller shall transfer such amount.
(b) The Department of Natural Resources shall deposit any donations including federal reimbursements received for the purposes in the Illinois Wildlife Preservation Fund.
(c) The General Assembly may appropriate annually from the Illinois Wildlife Preservation Fund such monies credited to such fund from the check-off contribution system provided in this Act and from other funds received for the purposes of this Act, to the Department of Natural Resources to be used for the purposes of preserving, protecting, perpetuating and enhancing non-game wildlife in this State. Beginning with fiscal year 2006, 5% of the Illinois Wildlife Preservation Fund must be committed to or expended on grants by the Department of Natural Resources for the maintenance of wildlife rehabilitation facilities that take care of threatened or endangered species. For purposes of calculating the 5%, the amount in the Fund is exclusive of any federal funds deposited in or credited to the Fund. The Department shall establish criteria for the grants by rules adopted in accordance with the Illinois Administrative Procedure Act before January 1, 2006. However, no amount appropriated from the Illinois Wildlife Preservation Fund may be used by the Department of Natural Resources to exercise its power of eminent domain.
(Source: P.A. 88-130; 89-445, eff. 2-7-96.)
Section 99. Effective date. This Act takes effect upon becoming law. Passed in the General Assembly May 27, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Clean Indoor Air Act is amended by changing Sections 2 and 11 as follows:

(410 ILCS 80/2) (from Ch. 111 1/2, par. 8202)

Sec. 2. The General Assembly finds that tobacco smoke is annoying, harmful and dangerous to human beings and a hazard to public health. Secondhand tobacco smoke causes at least 65,000 deaths each year from heart disease and lung cancer according to the National Cancer Institute. Secondhand tobacco smoke causes sudden infant death syndrome, low-birth-weight in infants, asthma and exacerbation of asthma, bronchitis and pneumonia in children and adults. Secondhand tobacco smoke is the third leading cause of preventable death in the United States. Illinois workers exposed to secondhand tobacco smoke are at increased risk of premature death. An estimated 1,570 Illinois citizens die each year from exposure to secondhand tobacco smoke.

(Source: P.A. 86-1018.)

(410 ILCS 80/11) (from Ch. 111 1/2, par. 8211)

Sec. 11. Home rule.

(a) Except as provided in subsection (b), a home rule or non-home rule unit of local government or any municipality in this State may not have the power and authority, after the effective date of this Act, to regulate smoking in public places, but that regulation must be no less restrictive than this Act. This subsection (a) is a limitation on the concurrent exercise of home rule power under subsection (i) of Section 6 of Article VII of the Illinois Constitution.

(b) Pursuant to Article VII, Section 6, paragraph (h) of the Illinois Constitution of 1970, it is declared to be the law of this State that the regulation of smoking as provided by this Act is a power which pre-empts home rule units from exercising such power subject to the limitations provided in the Act, provided that Any home rule unit that has passed an ordinance concerning the regulation of smoking prior to October 1, 1989 is
exempt from the requirements of subsection (a). 
(Source: P.A. 86-1018.)
Passed in the General Assembly May 17, 2005.
Approved August 10, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0518
(House Bill No. 1149)

AN ACT concerning environmental safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Environmental Protection Act is amended by adding Section 22.50 as follows:
(415 ILCS 5/22.50 new)
Sec. 22.50. Computer Equipment Disposal and Recycling Commission.
(a) The General Assembly finds that improper disposal of computer equipment presents a serious environmental threat. Computer equipment contains quantities of lead, mercury, other heavy metals, and plastics that, when improperly disposed of, can lead to environmental contamination.
(b) There is hereby created the Computer Equipment Disposal and Recycling Commission consisting of 7 members appointed as follows: 2 members appointed by the Governor, one of whom shall serve as Chairperson of the Commission; one member appointed by the Lieutenant Governor who shall serve as vice-chairperson; one member appointed by the Speaker of the House of Representatives; one member appointed by the Minority Leader of the House of Representatives; one member appointed by the President of the Senate; and one member appointed by the Minority Leader of the Senate; all of whom shall serve without compensation. The Commission may accept and expend for its purposes any funds granted to the Commission by any agency of State or federal government or through private donation dealing exclusively with computer equipment disposal.
(c) The Commission shall have all of the following objectives:
(1) To investigate problems and concerns related to the disposal and recycling of computer equipment.
(2) To advise the General Assembly and State agencies with respect to legislative, regulatory, or other actions within the area of computer equipment disposal, and any related subject matter (i.e. fax

New matter indicated by italics - deletions by strikeout
machines, printers, etc.).

(3) To make recommendations regarding the development and establishment of pilot programs and ongoing programs for the recycling and proper disposal of computer equipment.

(d) The Commission shall issue a report of its findings and recommendations in relation to the objectives listed in subsection (c) of this Section to the Governor, the General Assembly, and the Director of the Environmental Protection Agency on or before May 31, 2006. In preparing its report, the Commission shall seek input from and consult with business organizations, trade organizations, trade associations, solid waste agencies, and environmental organizations with expertise in computer equipment disposal and recycling.

(e) Beginning on May 31, 2007, the Commission shall evaluate the implementation of programs by the State relating to computer equipment disposal and recycling, and shall issue a report of its findings and recommendations to the Governor, the General Assembly, and the Director of the Environmental Protection Agency on or before December 31, 2008.

(f) The Commission, upon issuing the report described in subsection (e) of this Section, is dissolved.


PUBLIC ACT 94-0519
(House Bill No. 1387)

AN ACT concerning transportation
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 11-1202, 18b-105, and 18b-107 and by adding Section 12-815.2 as follows:

(625 ILCS 5/11-1202) (from Ch. 95 1/2, par. 11-1202)
Sec. 11-1202. Certain vehicles must stop at all railroad grade crossings.

(a) The driver of any of the following vehicles shall, before crossing a railroad track or tracks at grade, stop such vehicle within 50 feet but not less than 15 feet from the nearest rail and, while so stopped, shall listen and look for the approach of a train and shall not proceed until such movement can be

New matter indicated by italics - deletions by strikeout
made with safety:

1. Any second division vehicle carrying passengers for hire;
2. Any bus that meets all of the special requirements for school buses in Sections 12-801, 12-803, and 12-805 of this Code. The driver of the bus, in addition to complying with all other applicable requirements of this subsection (a), must also turn off all noise producing accessories, including heater blowers, defroster fans, auxiliary fans, and radios, before crossing a railroad track or tracks;
3. Any other vehicle which is required by Federal or State law to be placarded when carrying as a cargo or part of a cargo hazardous material as defined in the "Illinois Hazardous Materials Transportation Act".

After stopping as required in this Section, the driver shall proceed only in a gear not requiring a change of gears during the crossing, and the driver shall not shift gears while crossing the track or tracks.

(b) This Section shall not apply:
1. At any railroad grade crossing where traffic is controlled by a police officer or flagperson;
2. At any railroad grade crossing controlled by a functioning traffic-control signal transmitting a green indication which, under law, permits the vehicle to proceed across the railroad tracks without slowing or stopping, except that subsection (a) shall apply to any school bus;
3. At any streetcar grade crossing within a business or residence district; or
4. At any abandoned, industrial or spur track railroad grade crossing designated as exempt by the Illinois Commerce Commission and marked with an official sign as authorized in the State Manual on Uniform Traffic Control Devices for Streets and Highways.

(Source: P.A. 89-658, eff. 1-1-97.)

(625 ILCS 5/12-815.2 new)

Sec. 12-815.2. Noise suppression switch. Any school bus manufactured on or after January 1, 2006 must be equipped with a noise suppression switch capable of turning off noise producing accessories, including: heater blowers; defroster fans; auxiliary fans; and radios.

(Source: P.A. 95/1, eff. 1-1-08.)

(625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

Sec. 18b-105. Rules and Regulations.
(a) The Department is authorized to make and adopt reasonable rules
and regulations and orders consistent with law necessary to carry out the provisions of this Chapter.

(b) The following parts of Title 49 of the Code of Federal Regulations, as now in effect, are hereby adopted by reference as though they were set out in full:

Part 40 - Procedures For Transportation Workplace Drug and Alcohol Testing Programs;
Part 380 - Special Training Requirements;
Part 382 - Controlled Substances and Alcohol Use and Testing;
Part 383 - Commercial Driver's License Standards, Requirements, and Penalties;
Part 385 - Safety Fitness Procedures;
Part 386 Appendix B - Penalty Schedule; Violations and Maximum Monetary Penalties;
Part 390 - Federal Motor Carrier Safety Regulations: General;
Part 391 - Qualifications of Drivers;
Part 392 - Driving of Motor Vehicles;
Part 393 - Parts and Accessories Necessary for Safe Operation;
Part 395 - Hours of Service of Drivers, except as provided in Section 18b-106.1; and
Part 396 - Inspection, Repair and Maintenance; and
Part 397 - Transportation of hazardous materials; Driving and Parking Rules.

(b-5) Individuals who meet the requirements set forth in the definition of "medical examiner" in Section 390.5 of Part 390 of Title 49 of the Code of Federal Regulations may act as medical examiners in accordance with Part 391 of Title 49 of the Code of Federal Regulations.

(c) The following parts and Sections of the Federal Motor Carrier Safety Regulations shall not apply to those intrastate carriers, drivers or vehicles subject to subsection (b).

(1) Section 393.93 of Part 393 for those vehicles manufactured before June 30, 1972.
(2) Section 393.86 of Part 393 for those vehicles which are registered as farm trucks under subsection (c) of Section 3-815 of this Code.
(3) (Blank).
(4) (Blank).

New matter indicated by italics - deletions by strikeout
(5) Paragraph (b)(1) of Section 391.11 of Part 391.

(6) All of Part 395 for all agricultural movements as defined in Chapter 1, between the period of February 1 through November 30 each year, and all farm to market agricultural transportation as defined in Chapter 1 and for grain hauling operations within a radius of 200 air miles of the normal work reporting location.

(7) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of Section 391.41 of Part 391, but only for any driver who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to this Section and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of Part 391 by reason of the application of paragraphs (b)(3) and (b)(10) of Section 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.

(d) Intrastate carriers subject to the recording provisions of Section 395.8 of Part 395 of the Federal Motor Carrier Safety Regulations shall be exempt as established under paragraph (1) of Section 395.8; provided, however, for the purpose of this Code, drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.

(e) Regulations adopted by the Department subsequent to those adopted under subsection (b) hereof shall be identical in substance to the Federal Motor Carrier Safety Regulations of the United States Department of Transportation and adopted in accordance with the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(Source: P.A. 91-179, eff. 1-1-00; 92-108; eff. 1-1-02; 92-249; eff. 1-1-02; 92-651, eff. 7-11-02; 92-703, eff. 7-19-02; revised 7-30-02.)

(625 ILCS 5/18b-107) (from Ch. 95 1/2, par. 18b-107)

Sec. 18b-107. Violations - Civil penalties. Except as provided in Section 18b-108, any person who is determined by the Department after reasonable notice and opportunity for a fair and impartial hearing to have committed an act in violation of this Chapter or any rule or regulation issued under this Chapter is liable to the State for a civil penalty. Such person is subject to a civil penalty as prescribed by Appendix B to 49 CFR Part 386 -- Penalty Schedule; Violations and Maximum Monetary Penalties of not more than $5,000 for such violation, except that a person committing a railroad-highway grade crossing violation is subject to a civil penalty of not more than $5,000 for such violation.

New matter indicated by italics - deletions by strikeout
$10,000, and, if any such violation is a continuing one, each day of violation constitutes a separate offense. The amount of any such penalty shall be assessed by the Department by a written notice. In determining the amount of such penalty, the Department shall take into account the nature, circumstances, extent and gravity of the violation and, with respect to a person found to have committed such violation, the degree of culpability, history or prior offenses, ability to pay, effect on ability to continue to do business and such other matters as justice may require.

Such civil penalty is recoverable in an action brought by the State's Attorney or the Attorney General on behalf of the State in the circuit court or, prior to referral to the State's Attorney or the Attorney General, such civil penalty may be compromised by the Department. The amount of such penalty when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the State to the person charged. All civil penalties collected under this subsection shall be deposited in the Road Fund.

(Source: P.A. 92-249, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 27, 2005.

Approved August 10, 2005.

Effective August 10, 2005.

PUBLIC ACT 94-0520
(House Bill No. 3749)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Cemetery Protection Act is amended by changing Section 16 as follows:

(765 ILCS 835/16)

Sec. 16. When a multiple interment right owner becomes deceased, the ownership of any unused rights of interment shall pass in accordance with the specific bequest in the decedent's will. If there is no will or specific bequest then the ownership and use of the unused rights of interment shall be determined by a cemetery authority in accordance with the information set out on a standard affidavit for cemetery interment rights use form if such a form has been prepared. The unused right of interment shall be used for the interment of the first deceased heir listed on the standard affidavit and continue in sequence until all listed heirs are deceased. In the event that an

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout

interment right is not used, the interment right shall pass to the heirs of the heirs of the deceased interment right owner in perpetuity. Except as otherwise provided in this Section, this shall not preclude the ability of the heirs to sell said interment rights, in the event that all listed living heirs are in agreement, and it shall not preclude the ability of a 2/3 majority of the living heirs to sell a specific interment right to the spouse of a living or deceased heir. If the standard affidavit for cemetery interment rights use, showing heirship of decedent interment right owner's living heirs is provided to and followed by a cemetery authority, the cemetery authority shall be released of any liability in relying on that affidavit.

The following is the form of the standard affidavit:

STATE OF ILLINOIS )
  ) SS
COUNTY OF )

AFFIDAVIT FOR CEMETERY INTERMENT RIGHTS USE
I, ..........., being first duly sworn on oath depose and say that:
1. A. My place of residence is ......................
   B. My post office address is ......................
   C. I understand that I am providing the information contained in this affidavit to the .......... ("Cemetery") and the Cemetery shall, in the absence of directions to the contrary in my will, rely on this information to allow the listed individuals to be interred in any unused interment rights in the order of their death.
   D. I understand that, if I am an out-of-state resident, I submit myself to the jurisdiction of Illinois courts for all matters related to the preparation and use of this affidavit. My agent for service of process in Illinois is:
      Name ................. Address ....................
      City ................. Telephone ...................

Items 2 through 6 must be completed by the executor of the decedent's estate, a personal representative, owner's surviving spouse, or surviving heir.
2. The decedent's name is .........................
3. The date of decedent's death was ................
4. The decedent's place of residence immediately before his or her death was .........................
5. My relationship to the decedent is ............ and I am authorized to sign and file this affidavit.
6. At the time of death, the decedent (had no) (had a) surviving spouse. The name of the surviving spouse, if any, is .................., and he or
she (has) (has not) remarried.

7. The following is a list of the cemetery interment rights that may be used by the heirs if the owner is deceased:

............................................................
............................................................

8. The following persons have an ownership interest in and the right to use the cemetery interment rights in the order of their death:

.......................... Address ..........................
.......................... Address ..........................
.......................... Address ..........................
.......................... Address ..........................
.......................... Address ..........................
.......................... Address ..........................
.......................... Address ..........................

9. This affidavit is made for the purpose of obtaining the consent of the undersigned to transfer the right of interment at the above mentioned cemetery property to the listed heirs. Affiants agree that they will save, hold harmless, and indemnify Cemetery, its heirs, successors, employees, and assigns, from all claims, loss, or damage whatsoever that may result from relying on this affidavit to record said transfer in its records and allow interments on the basis of the information contained in this affidavit.

WHEREFORE affiant requests Cemetery to recognize the above named heirs-at-law as those rightfully entitled to the ownership of and use of said interment (spaces) (space).

THE FOREGOING STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY. (A FRAUDULENT STATEMENT MADE UNDER THE PENALTIES OF PERJURY IS PERJURY AS DEFINED IN THE CRIMINAL CODE OF 1961.)

Dated this ....... day of ..........., ....

.................... (Seal) (To be signed by the owner or the individual who completes items 2 through 6 above.)

Subscribed and sworn to before me, a Notary Public in and for the County and State of ............ aforesaid this ....... day of ..........., ....

.................... Notary Public.

(Source: P.A. 92-419, eff. 1-1-02; 93-772, eff. 1-1-05.)

Section 99. Effective date. This Act takes effect upon becoming law. Passed in the General Assembly May 19, 2005.

Approved August 10, 2005.

Effective August 10, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT in relation to health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Section 3-801 and adding Section 3-801.5 as follows:

(405 ILCS 5/3-801) (from Ch. 91 1/2, par. 3-801)

Sec. 3-801. A respondent may request admission as an informal or voluntary recipient at any time prior to an adjudication that he is subject to involuntary admission. The facility director shall approve such a request unless the facility director determines that the respondent lacks the capacity to consent to informal or voluntary admission or that informal or voluntary admission is clinically inappropriate. The director shall not find that voluntary admission is clinically inappropriate in the absence of a documented history of the respondent's illness and treatment demonstrating that the respondent is unlikely to continue to receive needed treatment following release from informal or voluntary admission and that an order for alternative treatment or for care and custody is necessary in order to ensure continuity of treatment outside a mental health facility.

If the facility director approves such a request, the court may dismiss the pending proceedings but may require proof that such dismissal is in the best interest of the respondent and of the public.

(Source: P.A. 88-380.)

(405 ILCS 5/3-801.5 new)

Sec. 3-801.5. Agreed order for alternative treatment or care and custody.

(a) At any time before the conclusion of the hearing and the entry of the court's findings, a respondent may enter into an agreement to be subject to an order for alternative treatment or care and custody as provided for in Sections 3-811, 3-812, 3-813, and 3-815 of this Code, provided that:

(1) The court and the parties have been presented with a written report pursuant to Section 3-810 of this Code containing a recommendation for alternative treatment or care and custody and setting forth in detail the conditions for such an order, and the court is satisfied that the proposal for alternative treatment or care and custody is in the best interest of the respondent and of the public.

New matter indicated by italics - deletions by strikeout
(2) The court advises the respondent of the conditions of the proposed order in open court and is satisfied that the respondent understands and agrees to the conditions of the proposed order for alternative treatment or care and custody.

(3) The proposed custodian is advised of the recommendation for care and custody and agrees to abide by the terms of the proposed order.

(4) No such order may require the respondent to be hospitalized except as provided in subsection (b) of this Section.

(5) No order may include as one of its conditions the administration of psychotropic medication, unless the court determines, based on the documented history of the respondent's treatment and illness, that the respondent is unlikely to continue to receive needed psychotropic medication in the absence of such an order.

(b) An agreed order of care and custody entered pursuant to this Section may grant the custodian the authority to admit a respondent to a hospital if the respondent fails to comply with the conditions of the agreed order. If necessary in order to obtain the hospitalization of the respondent, the custodian may apply to the court for an order authorizing an officer of the peace to take the respondent into custody and transport the respondent to the hospital specified in the agreed order. The provisions of Section 3-605 of this Code shall govern the transportation of the respondent to a mental health facility, except to the extent that those provisions are inconsistent with this Section. However, a person admitted to a hospital pursuant to powers granted under an agreed order for care and custody shall be treated as a voluntary recipient pursuant to Article IV of this Chapter and shall be advised immediately of his or her right to request a discharge pursuant to Section 3-403 of this Code.

(c) If the court has appointed counsel for the respondent pursuant to Section 3-805 of this Code, that appointment shall continue for the duration of any order entered under this Section, and the respondent shall be represented by counsel in any proceeding held pursuant to this Section.

(d) An order entered under this Section shall not constitute a finding that the respondent is subject to involuntary admission.

(e) Nothing in this Section shall be deemed to create an agency relationship between the respondent and any custodian appointed pursuant to this Section.

(f) Notwithstanding any other provision of Illinois law, no respondent

New matter indicated by italics - deletions by strikeout
may be cited for contempt for violating the terms and conditions of his or her agreed order of care and custody.

Passed in the General Assembly May 19, 2005.
Approved August 10, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0522
(Senate Bill No. 0066)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 4-203 as follows:
(625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)
Sec. 4-203. Removal of motor vehicles or other vehicles; Towing or hauling away.
(a) When a vehicle is abandoned, or left unattended, on a toll highway, interstate highway, or expressway for 2 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.
(b) When a vehicle is abandoned on a highway in an urban district 10 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.
(c) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for 24 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.
(d) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.
(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of Section 11-501, or a similar provision of a local ordinance, the arresting officer shall have the vehicle which the person was operating at the time of arrest impounded.
the arrest impounded for a period of not more than 12 hours after the time of arrest. However, such vehicle may be released by the arresting law enforcement agency prior to the end of the impoundment period if:

(1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this Code; or

(2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of this Code.

(e-5) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

(1) 24 hours for a second violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses; or

(2) 48 hours for a third violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses.

The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

(f) Except as provided in Chapter 18a of this Code, the owner or lessor of privately owned real property within this State, or any person authorized by such owner or lessor, or any law enforcement agency in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by

New matter indicated by italics - deletions by strikeout
a towing service without liability for the costs of removal, transportation or storage or damage caused by such removal, transportation or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

1. Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

2. The towing service shall within 30 minutes of completion of such towing or removal, notify the law enforcement agency having jurisdiction of such towing or removal, and the make, model, color and license plate number of the vehicle, and shall obtain and record the name of the person at the law enforcement agency to whom such information was reported.

3. If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one half the posted rate of the towing service as provided in paragraph 6 of this subsection, for which a receipt shall be given.

4. The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited. Any individual who violates this paragraph shall be guilty of a Class A misdemeanor.

5. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other...
legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

b. The notice must indicate clearly, in not less than 2 inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

6. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section.

7. No person shall engage in the removal of vehicles from private property as described in this Section without filing a notice of intent in each community where he intends to do such removal, and such notice shall be filed at least 7 days before commencing such towing.

8. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

9. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the
vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

10. When a vehicle has been towed or removed pursuant to this Section, it must be released to its owner or custodian within one half hour after requested, if such request is made during business hours. Any vehicle owner or custodian or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

This Section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency vehicles which are marked as such or to property owned by any governmental entity.

When an authorized person improperly causes a motor vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost or removal, transportation and storage, any damages resulting from the removal, transportation and storage, attorney's fee and court costs.

Any towing or storage charges accrued shall be payable by the use of any major credit card, in addition to being payable in cash.

11. Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of this Chapter will be impounded or otherwise stored, and shall adequately cover loss by fire, theft or other risks.

Any person who fails to comply with the conditions and restrictions of this subsection shall be guilty of a Class C misdemeanor and shall be fined not less than $100 nor more than $500.

(g) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code, its removal and impoundment by a towing service may be authorized by a law enforcement agency with appropriate jurisdiction.

When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle shall be responsible for all towing and storage charges.

Vehicles removed from public or private property and stored by a
commercial vehicle relocators or any other towing service in compliance with this Section and Sections 4-201 and 4-202 of this Code, or at the request of the vehicle owner or operator, shall be subject to a possessor lien for services pursuant to the Labor and Storage Lien (Small Amount) Act. "An Act concerning liens for labor, services, skill or materials furnished upon or storage furnished for chattels", filed July 24, 1941, as amended, and The provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and subsection (6) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with subsection (6) of Section 18a-200 of this Code. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act. Every such lien shall be payable by use of any major credit card, in addition to being payable in cash.

Any personal property belonging to the vehicle owner in a vehicle subject to a lien under this subsection (g) shall likewise be subject to that lien, excepting only: food; medicine; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; and any wallet, purse, or other property containing any operator's license or other identifying documents or materials, cash, credit cards, checks, or checkbooks.

No lien under this subsection (g) shall: exceed $2,000 in its total amount; or be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act.

(Source: P.A. 90-738, eff. 1-1-99.)

Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:

The Respiratory Care Practice Act.
The Hearing Instrument Consumer Protection Act.
The Illinois Dental Practice Act.
The Professional Geologist Licensing Act.
The Illinois Athletic Trainers Practice Act.
The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.
The Collection Agency Act.
The Illinois Roofing Industry Licensing Act.

(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)

(5 ILCS 80/4.26 new)

Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:
The Respiratory Care Practice Act.

Section 10. The Respiratory Care Practice Act is amended by changing Sections 10, 15, 20, 35, 50, and 95 as follows:

(225 ILCS 106/10)

(Section scheduled to be repealed on January 1, 2006)

Sec. 10. Definitions. In this Act:

"Advanced practice nurse" means an advanced practice nurse licensed under the Nursing and Advanced Practice Nursing Act.

"Board" means the Respiratory Care Board appointed by the Director.

"Basic respiratory care activities" means and includes all of the following activities:

(1) Cleaning, disinfecting, and sterilizing equipment used in the practice of respiratory care as delegated by a licensed health care professional or other authorized licensed personnel.

(2) Assembling equipment used in the practice of respiratory care as delegated by a licensed health care professional or other authorized licensed personnel.

(3) Collecting and reviewing patient data through non-invasive means, provided that the collection and review does not include the individual’s interpretation of the clinical significance of the data. Collecting and reviewing patient data includes the
performance of pulse oximetry and non-invasive monitoring procedures in order to obtain vital signs and notification to licensed health care professionals and other authorized licensed personnel in a timely manner.

(4) Maintaining a nasal cannula or face mask for oxygen therapy in the proper position on the patient’s face.

(5) Assembling a nasal cannula or face mask for oxygen therapy at patient bedside in preparation for use.

(6) Maintaining a patient’s natural airway by physically manipulating the jaw and neck, suctioning the oral cavity, or suctioning the mouth or nose with a bulb syringe.

(7) Performing assisted ventilation during emergency resuscitation using a manual resuscitator.

(8) Using a manual resuscitator at the direction of a licensed health care professional or other authorized licensed personnel who is present and performing routine airway suctioning. These activities do not include care of a patient’s artificial airway or the adjustment of mechanical ventilator settings while a patient is connected to the ventilator.

"Basic respiratory care activities" does not mean activities that involve any of the following:

(1) Specialized knowledge that results from a course of education or training in respiratory care.

(2) An unreasonable risk of a negative outcome for the patient.

(3) The assessment or making of a decision concerning patient care.

(4) The administration of aerosol medication or oxygen.

(5) The insertion and maintenance of an artificial airway.

(6) Mechanical ventilatory support.

(7) Patient assessment.

(8) Patient education.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Licensed" means that which is required to hold oneself out as a respiratory care practitioner as defined in this Act.

"Licensed health care professional" means a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that
authorizes the advanced practice nurse to transmit orders to a respiratory care practitioner, or a physician assistant who has been delegated the authority to transmit orders to a respiratory care practitioner by his or her supervising physician.  "Physician" means a physician licensed to practice medicine in all its branches.

"Order" means a written, oral, or telecommunicated authorization for respiratory care services for a patient by (i) a licensed health care professional who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a respiratory care practitioner or (ii) a certified registered nurse anesthetist in a licensed hospital or ambulatory surgical treatment center.

"Other authorized licensed personnel" means a licensed respiratory care practitioner, a licensed registered nurse, or a licensed practical nurse whose scope of practice authorizes the professional to supervise an individual who is not licensed, certified, or registered as a health professional.

"Proximate supervision" means a situation in which an individual is responsible for directing the actions of another individual in the facility and is physically close enough to be readily available, if needed, by the supervised individual.

"Respiratory care" and "cardiorespiratory care" mean preventative services, evaluation and assessment services, therapeutic services, and rehabilitative services under the order of a licensed health care professional or a certified registered nurse anesthetist in a licensed hospital for an individual with a disorder, disease, or abnormality of the cardiopulmonary system. These terms include, but are not limited to, measuring, observing, assessing, and monitoring signs and symptoms, reactions, general behavior, and general physical response of individuals to respiratory care services, including the determination of whether those signs, symptoms, reactions, behaviors, or general physical responses exhibit abnormal characteristics; the administration of pharmacological and therapeutic agents related to respiratory care services; the collection of blood specimens and other bodily fluids and tissues for, and the performance of, cardiopulmonary diagnostic testing procedures, including, but not limited to, blood gas analysis; development, implementation, and modification of respiratory care treatment plans based on assessed abnormalities of the cardiopulmonary system, respiratory care guidelines, referrals, and orders of a licensed health care professional; application, operation, and management of mechanical ventilatory support and other means of life support; and the initiation of
emergency procedures under the rules promulgated by the Department. A respiratory care practitioner shall refer to a physician licensed to practice medicine in all its branches any patient whose condition, at the time of evaluation or treatment, is determined to be beyond the scope of practice of the respiratory care practitioner. Include, but are not limited to, direct and indirect services in the implementation of treatment, management, disease prevention, diagnostic testing, monitoring, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system, including (i) a determination of whether such signs and symptoms, reactions, behavior, and general response exhibit abnormal characteristics and (ii) implementation of treatment based on the observed abnormalities, of appropriate reporting, referral, respiratory care protocols, or changes in treatment pursuant to the written, oral, or telephone transmitted orders of a licensed physician. "Respiratory care" includes the transcription and implementation of written, oral, and telephone transmitted orders by a licensed physician pertaining to the practice of respiratory care and the initiation of emergency procedures under rules promulgated by the Board or as otherwise permitted in this Act. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling, or other place considered appropriate by the Board in accordance with the written, oral, or telephone transmitted order of a physician and shall be performed under the direction of a licensed physician. "Respiratory care" includes inhalation and respiratory therapy.

"Respiratory care education program" means a course of academic study leading to eligibility for registry or certification in respiratory care. The training is to be approved by an accrediting agency recognized by the Board and shall include an evaluation of competence through a standardized testing mechanism that is determined by the Board to be both valid and reliable.

"Respiratory care practitioner" means a person who is licensed by the Department of Professional Regulation and meets all of the following criteria:

(1) The person is engaged in the practice of cardiorespiratory care and has the knowledge and skill necessary to administer respiratory care.

(2) The person is capable of serving as a resource to the licensed health care professional physician in relation to the technical aspects of cardiorespiratory care and the safe and effective methods for administering cardiorespiratory care modalities.

(3) The person is able to function in situations of unsupervised patient contact requiring great individual judgment.
(4) The person is capable of supervising, directing, or teaching less skilled personnel in the provision of respiratory care services.
(Source: P.A. 89-33, eff. 1-1-96.)
(225 ILCS 106/15)
(Section scheduled to be repealed on January 1, 2006)
Sec. 15. Exemptions.
(a) This Act does not prohibit a person legally regulated in this State by any other Act from engaging in any practice for which he or she is authorized, as long as he or she does not represent himself or herself by the title of respiratory care practitioner. This Act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of respiratory care as long as these practitioners do not represent themselves as or use the title of a respiratory care practitioner.
(b) Nothing in this Act shall prohibit the practice of respiratory care by a person who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of the employee's official duties.
(c) Nothing in this Act shall be construed to limit the activities and services of a person enrolled in an approved course of study leading to a degree or certificate of registry or certification eligibility in respiratory care if these activities and services constitute a part of a supervised course of study and if the person is designated by a title which clearly indicates his or her status as a student or trainee. Status as a student or trainee shall not exceed 3 years from the date of enrollment in an approved course.
(d) Nothing in this Act shall prohibit a person from treating ailments by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.
(e) Nothing in this Act shall be construed to prevent a person who is a registered nurse, an advanced practice nurse, an anesthetist, a certified registered nurse anesthetist or a licensed practical nurse, a physician assistant, or a physician licensed to practice medicine in all its branches from providing respiratory care.
(f) Nothing in this Act shall limit a person who is credentialed by the National Society for Cardiopulmonary Technology or the National Board for Respiratory Care from performing pulmonary function tests and related respiratory care procedures related to the pulmonary function test for which appropriate competencies have been demonstrated.
(g) Nothing in this Act shall prohibit the collection and analysis of blood by clinical laboratory personnel meeting the personnel standards of the
Illinois Clinical Laboratory Act.

(h) Nothing in this Act shall prohibit a polysomnographic technologist, technician, or trainee, as defined in the job descriptions jointly accepted by the American Academy of Sleep Medicine, the Association of Polysomnographic Technologists, the Board of Registered Polysomnographic Technologists, and the American Society of Electroneurodiagnostic Technologists, from performing activities within the scope of practice of polysomnographic technology while under the direction of a physician licensed in this State limit the activities of a person who is not licensed under this Act from performing respiratory care if he or she does not represent himself or herself as a respiratory care practitioner.

(i) Nothing in this Act shall prohibit a family member from providing respiratory care services to an ill person qualified members of other professional groups, including but not limited to nurses, from performing or advertising that he or she performs the work of a respiratory care practitioner in a manner consistent with his or her training, or any code of ethics of his or her respective professions, but only if he or she does not represent himself or herself by any title or description as a respiratory care practitioner.

(j) Nothing in this Act shall be construed to limit an unlicensed practitioner in a licensed hospital who is working under the proximate supervision of a licensed health care professional or other authorized licensed personnel and providing direct patient care services from performing basic respiratory care activities if the unlicensed practitioner (i) has been trained to perform the basic respiratory care activities at the facility that employs or contracts with the individual and (ii) at a minimum, has annually received an evaluation of the unlicensed practitioner’s performance of basic respiratory care activities documented by the facility. This Act does not prohibit a hospital, nursing home, long-term care facility, home health agency, health system or network, or any other organization or institution that provides health or illness care for individuals or communities from providing respiratory care through practitioners that the organization considers competent. These entities shall not be required to utilize licensed respiratory care practitioners to practice respiratory care when providing respiratory care for their patients or customers. Organizations providing respiratory care may decide who is competent to deliver that respiratory care. Nothing in this Act shall be construed to limit the ability of an employer to utilize a respiratory care practitioner within the employment setting consistent with the individual’s skill and training.

(k) Nothing in this Act shall be construed to prohibit a person

New matter indicated by italics - deletions by strikeout
enrolled in an approved course of study leading to a degree or certification in a health care-related discipline that provides respiratory care activities within his or her scope of practice and employed in a licensed hospital in order to provide direct patient care services under the direction of other authorized licensed personnel from providing respiratory care activities.

(Source: P.A. 91-259, eff. 1-1-00.)

(225 ILCS 106/20)

(Section scheduled to be repealed on January 1, 2006)

Sec. 20. Restrictions and limitations.

(a) No person shall, without a valid license as a respiratory care practitioner (i) hold himself or herself out to the public as a respiratory care practitioner; or (ii) use the title "respiratory care practitioner"; or (iii) perform the duties of a respiratory care practitioner, except as provided in Section 15 of this Act.

(b) Nothing in the Act shall be construed to permit a person licensed as a respiratory care practitioner to engage in any manner in the practice of medicine in all its branches as defined by State law.

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/35)

(Section scheduled to be repealed on January 1, 2006)

Sec. 35. Respiratory Care Board.

(a) The Director shall appoint a Respiratory Care Board which shall serve in an advisory capacity to the Director. The Board shall consist of 9 persons of which 4 members shall be currently engaged in the practice of respiratory care with a minimum of 3 years practice in the State of Illinois, 3 members shall be qualified medical directors, and 2 members shall be hospital administrators.

(b) Members shall be appointed to a 3-year term; except, initial appointees shall serve the following terms: 3 members shall serve for one year, 3 members shall serve for 2 years, and 3 members shall serve for 3 years. A member whose term has expired shall continue to serve until his or her successor is appointed and qualified. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 years. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act.

(c) The membership of the Board shall reasonably represent all the geographic areas in this State. The Director shall consider the recommendations of the organization representing the largest number of

New matter indicated by italics - deletions by strikeout
respiratory care practitioners for appointment of the respiratory care practitioner members of the Board and the organization representing the largest number of licensed physicians licensed to practice medicine in all its branches for the appointment of medical directors to the board.

(d) The Director has the authority to remove any member of the Board from office for neglect of any duty required by law, for incompetence, or for unprofessional or dishonorable conduct.

(e) The Director shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline, and qualifications of candidates for licensure under this Act.

(f) The members of the Board shall be reimbursed for all legitimate and necessary expenses incurred in attending meetings of the Board.

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/50)

Sec. 50. Qualifications for a license.

(a) A person is qualified to be licensed as a licensed respiratory care practitioner, and the Department may issue a license authorizing the practice of respiratory care to an applicant who:

(1) has applied in writing on the prescribed form and has paid the required fee;

(2) has successfully completed a respiratory care training program approved by the Department;

(3) has successfully passed an examination for the practice of respiratory care authorized by the Department, within 5 years of making application; and

(4) has paid the fees required by this Act. Any person who has received certification by any state or national organization whose standards are accepted by the Department as being substantially similar to the standards in this Act may apply for a respiratory care practitioner license without examination.

(b) Beginning 6 months after December 31, 2005, all individuals who provide satisfactory evidence to the Department of 3 years of experience, with a minimum of 400 hours per year, in the practice of respiratory care during the 5 years immediately preceding December 31, 2005 shall be issued a license, unless the license may be denied under Section 95 of this Act. This experience must have been obtained while under the supervision of a certified respiratory therapist, a registered respiratory therapist, or a licensed registered nurse or under the supervision or direction of a licensed health

New matter indicated by italics - deletions by strikeout
care professional. All applications for a license under this subsection (b) shall be postmarked within 12 months after December 31, 2005. All individuals who, on the effective date of this Act, provide satisfactory evidence to the Department of 3 years experience in the practice of respiratory care during the 5 years immediately preceding the effective date of this Act shall be issued a license. To qualify for a license under subsection (b), all applications for a license under this subsection (b) shall be filed within 24 months after the effective date of this Act.

(c) A person may practice as a respiratory care practitioner if he or she has applied in writing to the Department in form and substance satisfactory to the Department for a license as a licensed respiratory care practitioner and has complied with all the provisions under this Section except for the passing of an examination to be eligible to receive such license, until the Department has made the decision that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 6 months. An applicant practicing professional registered respiratory care under this subsection (c) who passes the examination, however, may continue to practice under this subsection (c) until such time as he or she receives his or her license to practice or until the Department notifies him or her that the license has been denied. No applicant for licensure practicing under the provisions of this subsection (c) shall practice professional respiratory care except under the direct supervision of a licensed health care professional or authorized licensed personnel. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/95)
(Section scheduled to be repealed on January 1, 2006)
Sec. 95. Grounds for discipline.
(a) The Department may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department considers appropriate, including the issuance of fines not to exceed $5,000 for each violation, with regard to any license for any one or more of the following:

(1) Material misstatement in furnishing information to the Department or to any other State or federal agency.
(2) Violations of this Act, or any of its rules.

New matter indicated by italics - deletions by strikeout
(3) Conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor, an essential element of which is dishonesty, or of any crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining a license.

(5) Professional incompetence or negligence in the rendering of respiratory care services.

(6) Malpractice.

(7) Aiding or assisting another person in violating any rules or provisions of this Act.

(8) Failing to provide information within 60 days in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(10) Violating the rules of professional conduct adopted by the Department.

(11) Discipline by another jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually rendered.

(13) A finding by the Department that the licensee, after having the license placed on probationary status, has violated the terms of the probation.

(14) Abandonment of a patient.

(15) Willfully filing false reports relating to a licensee's practice including, but not limited to, false records filed with a federal or State agency or department.

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(17) Providing respiratory care, other than pursuant to an order the prescription of a licensed physician.

(18) Physical or mental disability including, but not limited to, deterioration through the aging process or loss of motor skills that results in the inability to practice the profession with reasonable

New matter indicated by italics - deletions by strikeout
judgment, skill, or safety.

(19) Solicitation of professional services by using false or misleading advertising.

(20) Failure to file a tax return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(21) Irregularities in billing a third party for services rendered or in reporting charges for services not rendered.

(22) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(23) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an inability to practice with reasonable skill, judgment, or safety.

(24) Being named as a perpetrator in an indicated report by the Department on Aging under the Elder Abuse and Neglect Act, and upon proof by clear and convincing evidence that the licensee has caused an elderly person to be abused or neglected as defined in the Elder Abuse and Neglect Act.

(25) Willfully failing to report an instance of suspected elder abuse or neglect as required by the Elder Abuse and Neglect Act.

(b) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(Source: P.A. 90-655, eff. 7-30-98; 91-259, eff. 1-1-00.)

(225 ILCS 106/55 rep.)

Section 15. The Respiratory Care Practice Act is amended by repealing Section 55.

Section 99. Effective date. This Act takes effect January 1, 2006.

New matter indicated by italics - deletions by strikeout
AN ACT in relation to public health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 11-8 as follows:

(305 ILCS 5/11-8) (from Ch. 23, par. 11-8)

Sec. 11-8. Appeals - to whom taken. Applicants or recipients of aid may, at any time within 60 days after the decision of the County Department or local governmental unit, as the case may be, appeal a decision denying or terminating aid, or granting aid in an amount which is deemed inadequate, or changing, cancelling, revoking or suspending grants as provided in Section 11-16, or determining to make a protective payment under the provisions of Sections 3-5a or 4-9, or a decision by an administrative review board to impose administrative safeguards as provided in Section 8A-8. An appeal shall also lie when an application is not acted upon within the time period after filing of the application as provided by rule of the Illinois Department.

If an appeal is not made, the action of the County Department or local governmental unit shall be final.

Appeals by applicants or recipients under Articles III, IV, or V shall be taken to the Illinois Department.

Appeals by applicants or recipients under Article VI shall be taken as follows:

(1) In counties under township organization (except such counties in which the governing authority is a Board of Commissioners) appeals shall be to a Public Aid Committee consisting of the Chairman of the County Board, and 4 members who are township supervisors of general assistance, appointed by the Chairman, with the advice and consent of the county board.

(2) In counties in excess of 3,000,000 population and under township organization in which the governing authority is a Board of Commissioners, appeals of persons from government units outside the corporate limits of a city, village or incorporated town of more
than 500,000 population, and of persons from incorporated towns which have superseded civil townships in respect to aid under Article VI, shall be to the Cook County Townships Public Aid Committee consisting of 2 township supervisors and 3 persons knowledgeable in the area of General Assistance and the regulations of the Illinois Department pertaining thereto and who are not officers, agents or employees of any township, except that township supervisors may serve as members of the Cook County Township Public Aid and Committee. The 5 member committee shall be appointed by the township supervisors. The first appointments shall be made with one person serving a one year term, 2 persons serving a 2 year term, and 2 persons serving a 3 year term. Committee members shall thereafter serve 3 year terms. In any appeal involving a local governmental unit whose supervisor of general assistance is a member of the Committee, such supervisor shall not act as a member of the Committee for the purposes of such appeal, and the Committee shall select another township supervisor to serve as an alternate member for that appeal. The township whose action, inaction, or decision is being appealed shall bear the expenses related to the appeal as determined by the Cook County Townships Public Aid Committee. A township supervisor's compensation for general assistance or township related duties shall not be considered an expense related to the appeal except for expenses related to service on the Committee.

(3) In counties described in paragraph (2) appeals of persons from a city, village or incorporated town of more than 500,000 population shall be to the Illinois Department.

(4) In counties not under township organization, appeals shall be to the County Board of Commissioners which shall for this purpose be the Public Aid Committee of the County.

In counties designated in paragraph (1) the Chairman or President of the County Board shall appoint, with the advice and consent of the county board, one or more alternate members of the Public Aid Committee. All regular and alternate members shall be Supervisors of General Assistance. In any appeal involving a local governmental unit whose Supervisor of General Assistance is a member of the Committee, he shall be replaced for that appeal by an alternate member designated by the Chairman or President of the County Board, with the advice and consent of the county board. In these counties not more than 3 of the 5 regular appointees shall be members of the same political party unless the political composition of the Supervisors of the

New matter indicated by italics - deletions by strikeout
General Assistance precludes such a limitation. In these counties at least one member of the Public Aid Committee shall be a person knowledgeable in the area of general assistance and the regulations of the Illinois Department pertaining thereto. If no member of the Committee possesses such knowledge, the Illinois Department shall designate an employee of the Illinois Department having such knowledge to be present at the Committee hearings to advise the Committee.

In every county the County Board shall provide facilities for the conduct of hearings on appeals under Article VI. All expenses incident to such hearings shall be borne by the county except that in counties under township organization in which the governing authority is a Board of Commissioners (1) the salary and other expenses of the Commissioner of Appeals shall be paid from General Assistance funds available for administrative purposes, and (2) all expenses incident to such hearings shall be borne by the township and the per diem and traveling expenses of the township supervisors serving on the Public Aid Committee shall be fixed and paid by their respective townships. In all other counties the members of the Public Aid Committee shall receive the compensation and expenses provided by law for attendance at meetings of the County Board.

In appeals under Article VI involving a governmental unit receiving State funds, the Public Aid Committee and the Commissioner of Appeals shall be bound by the rules and regulations of the Illinois Department which are relevant to the issues on appeal, and shall file such reports concerning appeals as the Illinois Department requests.

The members of each Public Aid Committee and the members of the Cook County Townships Public Aid Committee are immune from personal liability in connection with their service on the committee to the same extent as an elected or appointed judge in this State is immune from personal liability in connection with the performance of his or her duties as judge. This immunity applies only to causes of action accruing on or after the effective date of this amendatory Act of the 94th General Assembly.

An appeal shall be without cost to the appellant and shall be made, at the option of the appellant, either upon forms provided and prescribed by the Illinois Department or, for appeals to a Public Aid Committee, upon forms prescribed by the County Board; or an appeal may be made by calling a toll-free number provided for that purpose by the Illinois Department and providing the necessary information. The Illinois Department may assist County Boards or a Commissioner of Appeals in the preparation of appeal forms, or upon request of a County Board or Commissioner of Appeals may

New matter indicated by italics - deletions by strikeout
furnish such forms. County Departments and local governmental units shall render all possible aid to persons desiring to make an appeal. The provisions of Sections 11-8.1 to 11-8.7, inclusive, shall apply to all such appeals.
(Source: P.A. 92-111, eff. 1-1-02; 93-295, eff. 7-22-03.)


PUBLIC ACT 94-0525
(Senate Bill No. 0297)

AN ACT relating to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 27-24.4 as follows:

(105 ILCS 5/27-24.4) (from Ch. 122, par. 27-24.4)
Sec. 27-24.4. Reimbursement amount. Each school district shall be entitled to reimbursement, for each pupil, excluding each resident of the district over age 55, who finishes either the classroom instruction part or the practice driving part of a driver education course that meets the minimum requirements of this Act. However, if a school district has adopted a policy to permit proficiency examinations for the practice driving part of the driver education course as provided under Section 27-24.3, then the school district is entitled to only one-half of the reimbursement amount for the practice driving part for each pupil who has passed the proficiency examination, and the State Board of Education shall adjust the reimbursement formula accordingly. Reimbursement under this Act is payable from the Drivers Education Fund in the State treasury.

Each year all funds appropriated from the Driver Education Fund to the State Board of Education, with the exception of those funds necessary for administrative purposes of the State Board of Education, shall be distributed to school districts by the State Board of Education for reimbursement of claims from the previous school year.

The base reimbursement amount shall be calculated by the State Board by dividing the total amount appropriated for distribution by the total of: (a) the number of students, excluding residents of the district over age 55, who have completed the classroom instruction part for whom valid claims
have been made times 0.2; plus (b) the number of students, excluding residents of the district over age 55, who have completed the practice driving instruction part for whom valid claims have been made times 0.8.

The amount of reimbursement to be distributed on each claim shall be 0.2 times the base reimbursement amount for each validly claimed student, excluding residents of the district over age 55, who has completed the classroom instruction part, plus 0.8 times the base reimbursement amount for each validly claimed student, excluding residents of the district over age 55, who has completed the practice driving instruction part. In no case, however, shall the amount of reimbursement made on account of any student exceed the per pupil cost to the district of the classroom instruction part and the practice driving instruction part combined. The school district which is the residence of a pupil who attends a nonpublic school in another district that has furnished the driver education course shall reimburse the district offering the course, the difference between the actual per capita cost of giving the course the previous school year and the amount reimbursed by the State.

By April 1 the nonpublic school shall notify the district offering the course of the names and district numbers of the nonresident students desiring to take such course the next school year. The district offering such course shall notify the district of residence of those students affected by April 15. The school district furnishing the course may claim the nonresident pupil for the purpose of making a claim for State reimbursement under this Act.

(Source: P.A. 85-359.)

Passed in the General Assembly May 19, 2005.
Approved August 10, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0526
(Senate Bill No. 0397)

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 1-101.5 and adding Section 13B-99 and Chapter 13C as follows:

(625 ILCS 5/1-101.5)
(Source: P.A. 90-89, eff. 1-1-98.)

New matter indicated by italics - deletions by strikeout
Sec. 13B-99. Repeal. This Chapter 13B is repealed on July 1, 2007.

CHAPTER 13C. EMISSION INSPECTION

Sec. 13C-1. Short title. This Chapter may be cited as the Vehicle Emissions Inspection Law of 2005.

Sec. 13C-5. Definitions. For the purposes of this Chapter:

"Affected counties" means Cook County; DuPage County; Lake County; those parts of Kane County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60109, 60119, 60135, 60140, 60142, 60144, 60147, 60151, 60152, 60178, 60182, 60511, 60520, 60545, and 60554; those parts of Kendall County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60447, 60450, 60512, 60536, 60537, 60541, those parts of 60543 that are not within the census defined urbanized area, 60545, 60548, and 60560; those parts of McHenry County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60001, 60033, 60034, 60071, 60072, 60097, 60098, 60135, 60142, 60152, and 60180; those parts of Will County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60401, 60407, 60408, 60410, 60416, 60418, 60421, 60442, 60447, 60468, 60481, 60935, and 60950; those parts of Madison County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 62001, 62012, 62021, 62026, 62046, 62058, 62061, 62067, 62074, 62086, 62088, 62097, 62249, 62275, 62281, and 62293; those parts of Monroe County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 62244, 62248, 62256, 62261, 62264, 62276, 62277, 62278, 62279, 62295, and 62298; and those parts of St. Clair County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date
of this amendatory Act of the 94th General Assembly: 62224, 62243, 62248, 62254, 62255, 62257, 62258, 62260, 62265, 62269, 62278, 62282, 62285, 62289, 62293, and 62298.

"Board" means the Illinois Pollution Control Board.

"Claim evaluation center" means an automotive diagnostic facility that meets the standards prescribed by the Agency for performing examinations of vehicle emissions inspection damage claims.

"Contractor" means the vehicle emissions test contractor for official inspection stations described in Section 13C-45.

"Diagnostic code" means a code stored in a vehicle's on-board diagnostic computer to indicate the occurrence of an emissions-related condition or malfunction.

"Inspection area" means Cook County, DuPage County, Lake County, and those portions of Kane, Kendall, Madison, McHenry, Monroe, Will, and St. Clair Counties included in the definition of "affected counties".

"Malfunction indicator lamp" means a dashboard lamp designed to illuminate to alert the driver to the occurrence of a problem or condition resulting in excessive emissions.

"On-board diagnostic system" or "OBD system" means the computer-based system built into all 1996 and newer light-duty vehicles and trucks, as required by the federal Clean Air Act Amendments of 1990, that is designed to monitor the performance of major engine and emissions controls, to alert the operator to emissions-related malfunctions, and to store diagnostic codes and other vehicle operating information useful in repairing the vehicle.

"Official inspection station" means a structure or physical location where the Agency has authorized vehicle emissions testing to be conducted.

"Owner" means the registered owner of the vehicle, as indicated on the vehicle's registration. In the case of an unregistered vehicle, "owner" has the meaning set forth in Section 1-155 of this Code.

"Program" means the vehicle emission inspection program established under this Chapter.

"Readiness status" means an indication of whether a vehicle's on-board diagnostic system has completed a periodic check of the performance of a monitored system or component.

"Resident" includes natural persons, foreign and domestic corporations, partnerships, associations, and all other commercial and governmental entities. For the purpose of determining residence, the owner of a vehicle shall be presumed to reside at the address indicated on the vehicle's registration. A governmental entity, including the federal

New matter indicated by italics - deletions by strikeout
government and its agencies, and any unit of local government or school district, any part of which is located within an affected county, shall be deemed a resident of an affected county for the purpose of any vehicle that is owned by the governmental entity and regularly operated in an affected county.

"Registration" of a vehicle means its registration under Article IV of Chapter 3 of this Code.

"Vehicle age" means the numerical difference between the current calendar year and the vehicle model year.

(625 ILCS 5/13C-10 new)

Sec. 13C-10. Program.

(a) The Agency shall establish a program to begin February 1, 2007, to reduce the emission of pollutants by motor vehicles. This program shall be a replacement for and continuation of the program established under the Vehicle Emissions Inspection Law of 1995, Chapter 13B of this Code. At a minimum, this program shall provide for all of the following:

(1) The inspection of certain motor vehicles every 2 years, as required under Section 13C-15.

(2) The establishment and operation of official inspection stations.

(3) The designation of official test equipment and testing procedures.

(4) The training and supervision of inspectors and other personnel.

(5) Procedures to assure the correct operation, maintenance, and calibration of test equipment.

(6) Procedures for certifying test results and for reporting and maintaining relevant data and records.

(b) The Agency shall provide for the operation of a sufficient number of official inspection stations to prevent undue difficulty for motorists to obtain the inspections required under this Chapter. In the event that the Agency operates inspection stations or contracts with one or more parties to operate inspection stations on its behalf, the Agency shall endeavor to: (i) locate the stations so that the owners of vehicles subject to inspection reside within 12 miles of an official inspection station; and (ii) have sufficient inspection capacity at the stations so that the usual wait before the start of an inspection does not exceed 15 minutes.

(625 ILCS 5/13C-15 new)

Sec. 13C-15. Inspections.

New matter indicated by italics - deletions by strikeout
(a) Beginning with the implementation of the program required by this Chapter, every motor vehicle that is owned by a resident of an affected county, other than a vehicle that is exempt under subsection (f) or (g), is subject to inspection under the program.

The Agency shall send notice of the assigned inspection month, at least 15 days before the beginning of the assigned month, to the owner of each vehicle subject to the program. An initial emission inspection sticker or initial inspection certificate, as the case may be, expires on the last day of the third month following the month assigned by the Agency for the first inspection of the vehicle. A renewal inspection sticker or certificate expires on the last day of the third month following the month assigned for inspection in the year in which the vehicle’s next inspection is required.

The Agency or its agent may issue an interim emission inspection sticker or certificate for any vehicle subject to inspection that does not have a currently valid emission inspection sticker or certificate at the time the Agency is notified by the Secretary of State of its registration by a new owner, and for which an initial emission inspection sticker or certificate has already been issued. An interim emission inspection sticker or certificate expires no later than the last day of the sixth complete calendar month after the date the Agency issued the interim emission inspection sticker or certificate.

The owner of each vehicle subject to inspection shall obtain an emission inspection sticker or certificate for the vehicle in accordance with this subsection. Before the expiration of the emission inspection sticker or certificate, the owner shall have the vehicle inspected and, upon demonstration of compliance, obtain a renewal emission inspection sticker or certificate. A renewal emission inspection sticker or certificate shall not be issued more than 5 months before the expiration date of the previous inspection sticker or certificate.

(b) Except as provided in subsection (c), vehicles shall be inspected every 2 years on a schedule that begins either in the second, fourth, or later calendar year after the vehicle model year. The beginning test schedule shall be set by the Agency and shall be consistent with the State’s requirements for emission reductions as determined by the applicable United States Environmental Protection Agency vehicle emissions estimation model and applicable guidance and rules.

(c) A vehicle may be inspected at a time outside of its normal 2-year inspection schedule, if (i) the vehicle was acquired by a new owner and (ii) the vehicle was required to be in compliance with this Act at the time the vehicle was acquired by the new owner.

New matter indicated by italics - deletions by strikeout
vehicle was acquired by the new owner, but it was not then in compliance.

(d) The owner of a vehicle subject to inspection shall have the vehicle inspected and shall obtain and display on the vehicle or carry within the vehicle, in a manner specified by the Agency, a valid unexpired emission inspection sticker or certificate in the manner specified by the Agency. A person who violates this subsection (d) is guilty of a petty offense, except that a third or subsequent violation within one year of the first violation is a Class C misdemeanor. The fine imposed for a violation of this subsection shall be not less than $50 if the violation occurred within 60 days following the date by which a new or renewal emission inspection sticker or certificate was required to be obtained for the vehicle, and not less than $300 if the violation occurred more than 60 days after that date.

(e) For a $20 fee, to be paid into the Vehicle Inspection Fund, the Agency may inspect:

(1) A vehicle registered in and subject to the emission inspections requirements of another state.

(2) A vehicle presented for inspection on a voluntary basis. Any fees collected under this subsection shall not offset Motor Fuel Tax Funds normally appropriated for the program.

(f) The following vehicles are not subject to inspection:

(1) Vehicles not subject to registration under Article IV of Chapter 3 of this Code, other than vehicles owned by the federal government.

(2) Motorcycles, motor driven cycles, and motorized pedalcycles.

(3) Farm vehicles and implements of husbandry.

(4) Implements of warfare owned by the State or federal government.

(5) Antique vehicles, custom vehicles, street rods, and vehicles of model year 1967 or before.

(6) Vehicles operated exclusively for parade or ceremonial purposes by any veterans, fraternal, or civic organization, organized on a not-for-profit basis.

(7) Vehicles for which the Secretary of State, under Section 3-117 of this Code, has issued a Junking Certificate.

(8) Diesel powered vehicles and vehicles that are powered exclusively by electricity.

(9) Vehicles operated exclusively in organized amateur or professional sporting activities, as defined in Section 3.310 of the

New matter indicated by italics - deletions by strikeout
Environmental Protection Act.

(10) Vehicles registered in, subject to, and in compliance with the emission inspection requirements of another state.

(11) Vehicles participating in an OBD continuous monitoring program operated in accordance with procedures adopted by the Agency.

(12) Vehicles of model year 1995 or earlier that do not have an expired emissions test sticker or certificate on February 1, 2007. The Agency may issue temporary or permanent exemption stickers or certificates for vehicles temporarily or permanently exempt from inspection under this subsection (f). An exemption sticker or certificate does not need to be displayed.

(g) According to criteria that the Agency may adopt, a motor vehicle may be exempted from the inspection requirements of this Section by the Agency on the basis of an Agency determination that the vehicle is located and primarily used outside of the affected counties or in other jurisdictions where vehicle emission inspections are not required. The Agency may issue an annual exemption sticker or certificate without inspection for any vehicle exempted from inspection under this subsection.

(h) Any owner or lessee of a fleet of 15 or more motor vehicles that are subject to inspection under this Section may apply to the Agency for a permit to establish and operate a private official inspection station in accordance with rules adopted by the Agency.

(i) Pursuant to Title 40, Section 51.371 of the Code of Federal Regulations, the Agency may establish a program of on-road testing of in-use vehicles through the use of remote sensing devices. In any such program, the Agency shall evaluate the emission performance of 0.5% of the subject fleet or 20,000 vehicles, whichever is less. Under no circumstances shall on-road testing include any sort of roadblock or roadside pullover or cause any type of traffic delay. If, during the course of an on-road inspection, a vehicle is found to exceed the on-road emissions standards established for the model year and type of vehicle, the Agency shall send a notice to the vehicle owner. The notice shall document the occurrence and the results of the on-road exceedance. The notice of a second on-road exceedance shall indicate that the vehicle has been reassigned and is subject to an out-of-cycle follow-up inspection at an official inspection station. In no case shall the Agency send a notice of an on-road exceedance to the owner of a vehicle that was found to exceed the on-road emission standards established for the model year and type of vehicle, if the vehicle is registered outside of the affected counties.

(a) The rules and emission standards adopted under subsection (a) of Section 13B-20 of this Code shall apply to the program established under this Chapter and continue in effect until amended or repealed by the Board under this subsection.

The Agency shall propose any other standards necessary to achieve reductions in the emission of hydrocarbons, carbon monoxide, and oxides of nitrogen from motor vehicles subject to inspection under this Chapter. Within 120 days after the Agency proposes those standards, the Board shall adopt any necessary rules establishing standards for the emission of hydrocarbons, carbon monoxide, and oxides of nitrogen from motor vehicles subject to inspection under this Chapter. The rules may be amended from time to time pursuant to Agency proposals. The Board shall set standards necessary to achieve the reductions in vehicle hydrocarbons, carbon monoxide, and oxides of nitrogen emissions, as determined by the applicable vehicle emission estimation model and rules developed by the United States Environmental Protection Agency, that are required by the federal Clean Air Act. A predetermined rate of failure shall not be used in determining standards necessary to achieve the reductions in vehicle hydrocarbons, carbon monoxide, and oxides of nitrogen emissions. The emission standards established by the Board for vehicles of model year 1981 or later shall be identical in substance, as defined in Section 7.2(a) of the Environmental Protection Act, to the emission standards promulgated by the United States Environmental Protection Agency.

Except as otherwise provided in this subsection, subsection (b) of Section 27 of the Environmental Protection Act and the rulemaking provisions of the Illinois Administrative Procedure Act do not apply to rules adopted by the Board under this subsection. Challenges to the validity of rules adopted by the Board under this subsection or subsection (a) of Section 13B-20 may be brought only by filing a petition for review in the Appellate Court under Section 29 of the Environmental Protection Act within 35 days after the rule is filed with the Secretary of State.

(b) The procedures established by the Agency under subsection (b) of Section 13B-20 of this Code shall apply to the program established under this Chapter and remain in effect until amended or repealed under this subsection. The Agency may at any time amend or repeal those procedures and may establish additional procedures designed to implement this Chapter.

New matter indicated by italics - deletions by strikeout
Sec. 13C-25. Performance of inspections.

(a) Except as provided in subsection (b), the inspection of vehicles required under this Chapter shall be performed only: (i) by inspectors who have been certified by the Agency after successfully completing a course of training and successfully passing a written test; (ii) at official inspection stations, including on-road inspection sites established under this Chapter; and (iii) with equipment that has been approved by the Agency for these inspections.

(b) The requirements of subdivisions (a)(i) and (a)(ii) of this Section do not preclude the performance of inspections (1) at self-service official inspection stations, (2) using Agency-approved wireless communication interfaces, and (3) using systems designed to perform remote on-board diagnostic inspections.

(c) Except as provided in subsection (d), the inspection shall consist of an on-board diagnostic system test. The owner of the vehicle or the owner's agent shall be entitled to an emission inspection certificate issued by the Agency only if all required tests are passed at the time of the inspection.

(d) A steady-state idle exhaust gas analysis and the evaporative system integrity test may be substituted for the on-board diagnostic system test in the following cases:

(1) On any heavy duty vehicle with a manufacturer gross vehicle weight rating in excess of 8,500 pounds not equipped at the time of manufacture with an on-board diagnostic system meeting federal OBD-II specifications.

(2) On any vehicle for which on-board diagnostic testing is not possible due to the vehicle's originally certified design or its design as modified in accordance with federal law and regulations, and on any vehicle with known on-board diagnostic communications or software problems, as determined by the Agency.

(e) The exhaust gas analysis shall consist of a test of an exhaust gas sample to determine whether the quantities of exhaust gas pollutants emitted by the vehicle meet the standards set for vehicles of that type under Section 13C-20. A vehicle shall be deemed to have passed this portion of the inspection if the evaluation of the exhaust gas sample indicates that the quantities of exhaust gas pollutants emitted by the vehicle do not exceed the standards set for vehicles of that type under Section 13C-20 or an inspector certifies that the vehicle qualifies for a waiver of the exhaust gas pollutant standards under Section 13C-30.

(f) The evaporative system integrity test shall consist of a procedure
to determine if leaks exist in all or a portion of the vehicle fuel evaporation emission control system. A vehicle shall be deemed to have passed this test if it meets the criteria that the Board may adopt for an evaporative system integrity test.

(g) The on-board diagnostic system test shall consist of accessing the vehicle’s on-board computer system, determining the vehicle’s readiness status and malfunction indicator lamp status, and retrieving any stored diagnostic codes that may be present. The vehicle shall be deemed to have passed this test if the vehicle readiness status indicates that the vehicle’s OBD system has completed all required system and component checks, the malfunction indicator lamp status is appropriate, and the diagnostic codes retrieved do not exceed standards set for vehicles of that type under Section 13C-20.

(625 ILCS 5/13C-30 new)
Sec. 13C-30. Waivers.
(a) The Agency shall certify that a vehicle that has failed a vehicle emission retest qualifies for a waiver of the emission inspection standards if all of the following criteria are met:

(1) The vehicle has received all repairs and adjustments for which it is eligible under any emission performance warranty provided under Section 207 of the federal Clean Air Act.

(2) The Agency determines by normal inspection procedures that the vehicle’s emission control devices are present and appear to be properly connected and operating.

(3) Consistent with Title 40, Section 51.360 of the Code of Federal Regulations, for vehicles required to be tested under this Chapter, an expenditure of at least $450 in emission-related repairs (but exclusive of any repairs related to tampering) has been made.

(4) For a vehicle of model year 1981 or later, the repairs were performed by a recognized repair technician.

(5) Evidence of repair is presented, consisting of either (i) signed and dated receipts identifying the vehicle and describing the work performed and the amount charged for the eligible emission-related repairs or (ii) an affidavit executed by the person performing the eligible emission-related repairs.

(b) The Agency may issue an emission inspection certificate to a vehicle failing a retest if a complete documented physical and functional diagnosis and inspection shows that no additional emission-related repairs are needed. This diagnostic inspection must be performed by the Agency or
its designated agent and shall be available only to a vehicle owner whose vehicle was repaired by a recognized repair technician.

(c) The Agency may extend the emission inspection certificate expiration date by one year upon receipt of a petition by the vehicle owner that needed repairs cannot be made due to economic hardship. Consistent with Title 40, Section 51.360 of the Code of Federal Regulations, this extension may be granted more than once during the life of the vehicle.

(d) The Agency may issue an emission inspection certificate for a vehicle subject to inspection under this Chapter that is located and primarily used in an area subject to the vehicle inspection requirements of another state. An emission inspection certificate shall be issued under this subsection only upon receipt by the Agency of evidence that the vehicle has been inspected and is in compliance with the emission inspection requirements and standards applicable in the state or local jurisdiction where the vehicle is being used.

(625 ILCS 5/13C-35 new)
Sec. 13C-35. Inquiries. The Agency shall develop a means of responding to inquiries from inspectors and members of the public concerning the program, including (i) when inspections are required, (ii) what kind of inspections are required, (iii) whether emission inspection stickers or certificates previously required for a vehicle have been obtained, and (iv) the procedures for resolving disputes concerning inspections.

(625 ILCS 5/13C-40 new)
Sec. 13C-40. Grievance and damage claim requirements and procedures.

(a) Emissions inspection and waiver denial grievance procedures.

(1) Any person aggrieved by a decision regarding the failure of an emissions test or the denial of a waiver may file a petition with the Agency within 30 days after the decision was made, and the Agency shall thereupon investigate the matter. Within 45 days after its receipt of the petition, the Agency shall submit to the petitioner and any affected inspector or station its written determination of the correctness or incorrectness of the decision being grieved. The written determination shall include a statement of the facts relied upon and the legal and technical issues decided by the Agency in making its determination, and may also include an order directing the inspector (i) to issue an emission inspection certificate for the vehicle effective on such date as the Agency may specify, (ii) to reinspect the vehicle, (iii) to apply the standards that the Agency has
determined to be applicable, or (iv) to take any other action that the Agency deems to be appropriate. In conducting the investigation, the Agency may require the petitioner to present the vehicle for inspection by the Agency or its designated agent.

(2) The written determination of the Agency shall be subject to review in circuit court in accordance with the provisions of the Administrative Review Law, except that no challenge to the validity of a rule adopted or continued under subsection (a) of Section 13C-20 shall be heard by the circuit court if the challenge could have been raised in a timely petition for review as provided in Section 13C-20.

(b) Vehicle damage claim requirements and procedures.

(1) The contractor shall make vehicle damage claim forms authorized by the Agency available for vehicle owners in sufficient quantities at all official inspection stations.

(2) Notice of the vehicle damage claim procedures and the vehicle owner's rights in relation to a vehicle damage claim shall be conspicuously posted at all official inspection stations.

(3) If a vehicle owner believes that his or her vehicle was damaged by an act or omission of the contractor during or as a result of an emissions inspection performed on or after August 1, 2002, the owner may initiate resolution of the damage claim under this subsection by complying with the following:

(A) Within 30 days of the date of the vehicle emissions inspection that allegedly caused the vehicle damage, the vehicle owner shall submit a vehicle damage claim to the contractor at the official inspection station at which the vehicle damage allegedly occurred.

(B) Within 30 days of filing the claim, the owner shall submit to the contractor any relevant information relating to the owner's claim for vehicle damage, including but not limited to evaluations conducted by a claims evaluation center or automotive repair shop meeting standards prescribed by the Agency.

(4) The contractor shall promptly notify the Agency of each vehicle damage claim received by the contractor under subdivision (b)(3) and shall forward to the Agency any additional information provided by the owner.

(5) Within 60 days after the filing of a vehicle damage claim, the contractor shall notify the vehicle owner of its proposed
resolution of the damage claim.

(6) Within 30 days after receiving the contractor's proposed resolution of the damage claim, the owner may petition the Agency for a review of the adequacy and completeness of the contractor's proposed resolution. The petition shall be in a form specified by the Agency.

(7) Upon receiving a petition for review, the Agency shall request the contractor to deliver to the Agency a copy of the contractor's proposed resolution of the damage claim, together with all documents, videotapes, and information relevant to the damage claim and the proposed resolution. The contractor shall provide the requested materials to the Agency within 15 days of receiving the Agency's request.

(8) Within 30 days after receiving the relevant materials from the contractor, the Agency shall review the materials and determine whether the contractor's proposed resolution of the damage claim is adequate and complete. The Agency may deem the proposed resolution of the damage claim to be adequate and complete. If the Agency does not deem the proposed resolution of the damage claim to be adequate and complete, it may request the contractor to further investigate and evaluate the damage claim and resubmit its proposed resolution of the claim. The contractor shall then have 30 days to respond in writing to the Agency with the results of its further evaluation of the damage claim and its proposed resolution.

(9) The Agency shall notify the vehicle owner in writing of the result of its review of the adequacy and completeness of the contractor's proposed resolution of the damage claim. Copies of all correspondence between the Agency and the contractor relating to the damage claim shall also be sent to the vehicle owner.

(10) If, after the Agency's review, the vehicle owner still does not agree with all or a portion of the proposed resolution of the damage claim by the contractor, the vehicle owner may further pursue the damage claim through the binding arbitration process established by the contractor and accepted by the Agency, or in circuit court.

(11) The Agency's review of the adequacy and completeness of the contractor's proposed resolution of a damage claim is not binding upon the vehicle owner or the contractor and does not affect the rights of the vehicle owner or the contractor under law. The
Agency's review of the adequacy and completeness of the contractor's proposed resolution of a damage claim is not a final action subject to administrative review and is not subject to review by the Pollution Control Board or otherwise appealable.

(625 ILCS 5/13C-45 new)
Sec. 13C-45. Contracts.
(a) The Agency may enter into contracts with one or more responsible parties to construct and operate official inspection stations, provide and maintain approved test equipment, administer tests, certify results, issue emission inspection stickers or certificates, maintain records, train personnel, provide information to the public concerning the program, or to otherwise further the goals of this Chapter.

(b) In preparing its proposals for bidding by potential contractors, the Agency shall endeavor to include provisions relating to the following factors:

(1) The demonstrated financial responsibility of the potential contractor.

(2) The specialized experience and technical competence of the potential contractor in connection with the type of services required and the complexity of the project.

(3) The potential contractor's past record of performance on contracts with the Agency, with other government agencies or public bodies, and with private industry, including such items as cost, quality of work, and ability to meet schedules.

(4) The capacity of the potential contractor to perform the work within the time limitations.

(5) The familiarity of the potential contractor with the types of problems applicable to the project.

(6) The potential contractor's proposed method to accomplish the work required, including where appropriate any demonstrated capability of exploring and developing innovative or advanced techniques and methods.

(7) Avoidance of personal and organizational conflicts of interest prohibited under federal, State, or local law.

(8) The potential contractor's present and prior involvement in the community and in the State of Illinois.

(625 ILCS 5/13C-50 new)
Sec. 13C-50. Costs.
(a) Except as otherwise provided in subsection (e) of Section 13C-15,
no fee shall be charged to motor vehicle owners for obtaining inspections required under this Chapter. The Vehicle Inspection Fund, which is a fund created in the State treasury for the purpose of receiving moneys from the Motor Fuel Tax Fund and other sources, shall be used, subject to appropriation, for the payment of the costs of the program, including reimbursement of those agencies of the State that incur expenses in the administration or enforcement of the program. The Vehicle Inspection Fund shall continue in existence notwithstanding the repeal of Chapter 13B. Any money in the Vehicle Inspection Fund on February 1, 2007, shall be used for the purposes set forth in this Chapter.

(b) The Agency may acquire, own, maintain, operate, sell, lease and otherwise transfer real and personal property and interests in real and personal property for the purpose of creating or operating inspection stations and for any other purpose relating to the administration of this Chapter, and may use money from the Vehicle Inspection Fund for these purposes.

(625 ILCS 5/13C-55 new)
Sec. 13C-55. Enforcement.

(a) The Agency shall cooperate in the enforcement of this Chapter by (i) identifying probable violations through computer matching of vehicle registration records and inspection records; (ii) sending one notice to each suspected violator identified through such matching, stating that registration and inspection records indicate that the vehicle owner has not complied with this Chapter; (iii) directing the vehicle owner to notify the Agency or the Secretary of State if he or she has ceased to own the vehicle or has changed residence; and (iv) advising the vehicle owner of the consequences of violating this Chapter.

The Agency shall cooperate with the Secretary of State in the administration of this Chapter and the related provisions of Chapter 3, and shall provide the Secretary of State with such information as the Secretary of State may deem necessary for these purposes, including regular and timely access to vehicle inspection records.

The Secretary of State shall cooperate with the Agency in the administration of this Chapter and shall provide the Agency with such information as the Agency may deem necessary for the purposes of this Chapter, including regular and timely access to vehicle registration records. Section 2-123 of this Code does not apply to the provision of this information.

(b) The Secretary of State shall suspend either the driving privileges or the vehicle registration, or both, of any vehicle owner who has not
complied with this Chapter, if (i) the vehicle owner has failed to satisfactorily respond to the one notice sent by the Agency under subsection (a), and (ii) the Secretary of State has mailed the vehicle owner a notice that the suspension will be imposed if the owner does not comply within a stated period, and the Secretary of State has not received satisfactory evidence of compliance within that period. The Secretary of State shall send this notice only after receiving a statement from the Agency that the vehicle owner has failed to comply with this Section. Notice shall be effective as specified in subsection (c) of Section 6-211 of this Code.

A suspension under this subsection shall not be terminated until satisfactory proof of compliance has been submitted to the Secretary of State. No driver’s license or permit, or renewal of a license or permit, may be issued to a person whose driving privileges have been suspended under this Section until the suspension has been terminated. No vehicle registration or registration plate that has been suspended under this Section may be reinstated or renewed, or transferred by the owner to any other vehicle, until the suspension has been terminated.

(625 ILCS 5/13C-60 new)
Sec. 13C-60. Other offenses.

(a) Any person who knowingly displays an emission inspection sticker or exemption sticker on any vehicle other than the one for which the sticker was lawfully issued in accordance with the provisions of this Chapter, or duplicates, alters, uses, possesses, issues, or distributes any emission inspection sticker, exemption sticker, inspection certificate, or facsimile thereof, except in accordance with the provisions of this Chapter and the rules and regulations adopted hereunder, is guilty of a Class C misdemeanor.

(b) A vehicle owner shall pay a monetary fine equivalent to the test fee plus the applicable waiver repair expenditure for the continued operation of a noncomplying vehicle beyond 4 months past the expiration of the vehicle emission inspection certificate. Any fines collected under this Section shall be divided equally between the local jurisdiction issuing the citation and the Vehicle Inspection Fund.

(625 ILCS 5/13C-75 new)
Sec. 13C-75. Home rule. The vehicle emission inspection program created by this Chapter is hereby declared to be the subject of exclusive State jurisdiction. Pursuant to subsection (h) of Section 6 of Article VII of the Illinois Constitution, the exercise by a home rule unit of any power that is inconsistent with this Chapter is hereby specifically denied and preempted.

Passed in the General Assembly May 19, 2005.

New matter indicated by italics - deletions by strikeout
Approved August 10, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0527
(Senate Bill No. 0450)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing
Section 4.16 and adding Section 4.26 as follows:
(5 ILCS 80/4.16)
Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:
The Respiratory Care Practice Act.
The Hearing Instrument Consumer Protection Act.
The Illinois Dental Practice Act.
The Professional Geologist Licensing Act.
The Illinois Athletic Trainers Practice Act.
The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.
The Collection Agency Act.
The Illinois Roofing Industry Licensing Act.
(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95;
89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)
(5 ILCS 80/4.26 new)
Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:
The Hearing Instrument Consumer Protection Act.
Section 99. Effective date. This Act takes effect December 31, 2005.
Passed in the General Assembly May 19, 2005.
Approved August 10, 2005.
Effective December 31, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Sections 3, 3.5, 4, 5, 7.1, and 8 as follows:

(225 ILCS 110/3) (from Ch. 111, par. 7903)
(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions. The following words and phrases shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(a) "Department" means the Department of Professional Regulation.
(b) "Director" means the Director of Professional Regulation.
(c) "Board" means the Board of Speech-Language Pathology and Audiology established under Section 5 of this Act.
(d) "Speech-Language Pathologist" means a person who has received a license pursuant to this Act and who engages in the practice of speech-language pathology.
(e) "Audiologist" means a person who has received a license pursuant to this Act and who engages in the practice of audiology.
(f) "Public member" means a person who is not a health professional.
For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.
(g) "The practice of audiology" is the application of nonmedical methods and procedures for the identification, measurement, testing, appraisal, prediction, habilitation, rehabilitation, or instruction related to hearing and disorders of hearing. These procedures are for the purpose of counseling, consulting and rendering or offering to render services or for participating in the planning, directing or conducting of programs that are designed to modify communicative disorders involving speech, language or auditory function related to hearing loss. The practice of audiology may include, but shall not be limited to, the following:

(1) any task, procedure, act, or practice that is necessary for the evaluation of hearing or vestibular function;
(2) training in the use of amplification devices; including hearing aids;

New matter indicated by italics - deletions by strikeout
(3) the fitting, dispensing, or servicing of hearing instruments; and

(4) performing basic speech and language screening tests and procedures consistent with audiology training.

(h) "The practice of speech-language pathology" is the application of nonmedical methods and procedures for the identification, measurement, testing, appraisal, prediction, habilitation, rehabilitation, and modification related to communication development, and disorders or disabilities of speech, language, voice, swallowing, and other speech, language and voice related disorders. These procedures are for the purpose of counseling, consulting and rendering or offering to render services, or for participating in the planning, directing or conducting of programs that are designed to modify communicative disorders and conditions in individuals or groups of individuals involving speech, language, voice and swallowing function.

"The practice of speech-language pathology" shall include, but shall not be limited to, the following:

(1) hearing screening tests and aural rehabilitation procedures consistent with speech-language pathology training;

(2) tasks, procedures, acts or practices that are necessary for the evaluation of, and training in the use of, augmentative communication systems, communication variation, cognitive rehabilitation, non-spoken language production and comprehension.

(i) "Speech-language pathology assistant" means a person who has received a license pursuant to this Act to assist a speech-language pathologist in the manner provided in this Act.

(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/4) (from Ch. 111, par. 7904)

Sec. 4. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers and duties:

(a) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for license and issue licenses to those who are found to be fit and qualified.

(b) Prescribe rules and regulations for a method of examination of candidates.

(c) Prescribe rules and regulations defining what shall constitute an approved school, college or department of a university, except that no school, college or department of a university that refuses admittance to applicants

New matter indicated by italics - deletions by strikeout
solely on account of race, color, creed, sex or national origin shall be approved.

(d) Conduct hearings on proceedings to revoke, suspend, or refusal to issue such licenses.

(e) Promulgate rules and regulations required for the administration of this Act.

(f) Discipline the supervisor of a graduate audiology or speech-language pathology student as provided in this Act for a violation by the graduate audiology or speech-language pathology student.

(Source: P.A. 91-932, eff. 1-1-01; 91-949, eff. 2-9-01.)

(225 ILCS 110/5) (from Ch. 111, par. 7905)

(Sec. scheduled to be repealed on January 1, 2008)

Sec. 5. Board of Speech-Language Pathology and Audiology. There is created a Board of Speech-Language Pathology and Audiology to be composed of persons designated from time to time by the Director, as follows:

(a) Five persons, 2 of whom have been licensed speech-language pathologists for a period of 5 years or more, 2 of whom have been licensed audiologists for a period of 5 years or more, and one public member. The board shall annually elect a chairperson and a vice-chairperson.

(b) Terms for all members shall be for 3 years. Partial terms over 2 years in length shall be considered as full terms. A member may be reappointed for a successive term, but no member shall serve more than 2 full terms.

(c) The membership of the Board should reasonably reflect representation from the various geographic areas of the State.

(d) In making appointments to the Board, the Director shall give due consideration to recommendations by organizations of the speech-language pathology and audiology professions in Illinois, including the Illinois Speech-Language-Hearing Association and the Illinois Academy of Audiology, and shall promptly give due notice to such organizations of any vacancy in the membership of the Board. The Director may terminate the appointment of any member for any cause, which in the opinion of the Director, reasonably justifies such termination.

(e) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform

New matter indicated by italics - deletions by strikeout
all the duties of the Board.

(f) The members of the Board shall each receive as compensation a reasonable sum as determined by the Director for each day actually engaged in the duties of the office, and all legitimate and necessary expenses incurred in attending the meetings of the Board.

(g) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(h) The Director may consider the recommendations of the Board in establishing guidelines for professional conduct, the conduct of formal disciplinary proceedings brought under this Act, and qualifications of applicants. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made in the response. The Department, at any time, may seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

(i) Whenever the Director is satisfied that substantial justice has not been done either in an examination or in the revocation, suspension, or refusal of a license, or other disciplinary action relating to a license, the Director may order a reexamination or rehearing.

(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/7.1)

(Section scheduled to be repealed on January 1, 2008)

Sec. 7.1. Graduate audiology students. Full-time Graduate students enrolled in a program of audiology in an accredited college or university may engage in the dispensing of hearing instruments as a part of a program of audiology without a license under the supervision of an audiologist licensed under this Act.

The supervisor and the supervisor's employer shall be jointly and severally liable for any acts of the student relating to the practice of fitting or dispensing hearing instruments as defined in the rules promulgated under this Act.

(Source: P.A. 91-932, eff. 1-1-01.)

(225 ILCS 110/8) (from Ch. 111, par. 7908)

(Section scheduled to be repealed on January 1, 2008)

Sec. 8. Qualifications for licenses to practice speech-language pathology or audiology. The Department shall require that each applicant for

New matter indicated by italics - deletions by strikeout
a license to practice speech-language pathology or audiology shall:

(a) (Blank);
(b) be at least 21 years of age;
(c) not have violated any provisions of Section 16 of this Act;
(d) present satisfactory evidence of receiving a master's or doctoral degree in speech-language pathology or audiology from a program approved by the Department. Nothing in this Act shall be construed to prevent any program from establishing higher standards than specified in this Act;
(e) pass a national examination recognized authorized by the Department in the theory and practice of the profession, provided that the Department may recognize a certificate granted by the
American Speech-Language-Hearing Association in lieu of such examination; and
(f) for a license as a speech-language pathologist, have completed the equivalent of 9 months of full-time, supervised professional experience; and:
(g) for a license as an audiologist, have completed a minimum of 1,500 clock hours of supervised experience.
Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.
(Source: P.A. 92-510, eff. 6-1-02.)


PUBLIC ACT 94-0529
(Senate Bill No. 0465)

AN ACT concerning townships.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 3. The Election Code is amended by changing Section 25-2 as follows:

(10 ILCS 5/25-2) (from Ch. 46, par. 25-2)
Sec. 25-2. Events on which an elective office becomes vacant. Every

New matter indicated by italics - deletions by strikeout
elective office shall become vacant on the happening of any of the following events before the expiration of the term of such office:

(1) The death of the incumbent.
(2) His or her resignation.
(3) His or her becoming a person under legal disability.
(4) His or her ceasing to be an inhabitant of the State; or if the office is local, his or her ceasing to be an inhabitant of the district, county, town, or precinct for which he or she was elected; provided, that the provisions of this paragraph shall not apply to township officers whose township boundaries are changed in accordance with Section 10-20 of the Township Code, to a township officer after disconnection as set forth in Section 15-17 of the Township Code, nor to township or multi-township assessors elected under Sections 2-5 through 2-15 of the Property Tax Code.
(5) His or her conviction of an infamous crime, or of any offense involving a violation of official oath.
(6) His or her removal from office.
(7) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit or file such oath or bond within the time prescribed by law.
(8) The decision of a competent tribunal declaring his or her election void.

No elective office, except as herein otherwise provided, shall become vacant until the successor of the incumbent of such office has been appointed or elected, as the case may be, and qualified.

An unconditional resignation, effective at a future date, may not be withdrawn after it is received by the officer authorized to fill the vacancy. Such resignation shall create a vacancy in office for the purpose of determining the time period which would require an election. The resigning office holder may continue to hold such office until the date or event specified in such resignation, but no later than the date at which his or her successor is elected and qualified.

An admission of guilt of a criminal offense that would, upon conviction, disqualify the holder of an elective office from holding that office, in the form of a written agreement with State or federal prosecutors to plead guilty to a felony, bribery, perjury, or other infamous crime under State or federal law, shall constitute a resignation from that office, effective at the time the plea agreement is made.

For purposes of this Section, a conviction for an offense that
disqualifies the holder of an elective office from holding that office shall occur on the date of the return of a guilty verdict or, in the case of a trial by the court, the entry of a finding of guilt.
(Source: P.A. 90-707, eff. 8-7-98.)

Section 5. The Township Code is amended by adding Section 15-17 and by changing Section 15-30 as follows:

(60 ILCS 1/15-17 new)

Sec. 15-17. Township officer after disconnection. A township officer of a township from which territory is disconnected shall continue as an officer of the township until the expiration of the term for which he or she was elected or appointed and until a successor is elected or appointed and qualified, without regard to whether the township officer resides in the township or the territory disconnected from the township.

(60 ILCS 1/15-30)

Sec. 15-30. Payment for property taxes collected by coterminous city. After August 11, 1986, whenever territory is disconnected from a township and connected to a coterminous township before the effective date of this amendatory Act of the 94th General Assembly, the coterminous city shall provide, on or before December 31 of each year for a period of 10 years, to the township from which the territory was disconnected an amount equal to the real estate tax that was collected on the property in the tax year immediately preceding the disconnection. Whenever territory is disconnected from a township and connected to a coterminous township on or after the effective date of this amendatory Act of the 94th General Assembly, the coterminous city shall provide to the township from which the territory was disconnected, for a period of 10 years: (i) no later than 60 days after the first due date for real estate taxes in that county for that tax year, an amount equal to at least 50% of the real estate tax that was collected on the property in the tax year immediately preceding the disconnection and (ii) on or before December 31 of each year an amount equal to 50% of the real estate tax that was collected on the property in the tax year immediately preceding the disconnection.

(Source: P.A. 86-1299; 87-1197; 88-62.)

AN ACT concerning adoption.

Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 5. The Adoption Act is amended by changing Sections 7 and
8 as follows:

(750 ILCS 50/7)(from Ch. 40, par. 1509)
Sec. 7. Process.
A. All persons named in the petition for adoption or standby adoption,
other than the petitioners and any party who has previously either denied
being a parent pursuant to Section 12a of this Act or whose rights have been
terminated pursuant to Section 12a of this Act, but including the person
sought to be adopted, shall be made parties defendant by name, and if the
name or names of any such persons are alleged in the petition to be unknown
such persons shall be made parties defendant under the name and style of "All
whom it may concern". In all such actions petitioner or his attorney shall file,
at the office of the clerk of the court in which the action is pending, an
affidavit showing that the defendant resides or has gone out of this State, or
on due inquiry cannot be found, or is concealed within this State, so that
process cannot be served upon him, and stating the place of residence of the
defendant, if known, or that upon diligent inquiry his place of residence
cannot be ascertained, the clerk shall cause publication to be made in some
newspaper published in the county in which the action is pending. If there is
no newspaper published in that county, then the publication shall be in a
newspaper published in an adjoining county in this State, having a circulation
in the county in which such action is pending. In the event there is service on
any of the parties by publication, the publication shall contain notice of
pendency of the action, the name of the person to be adopted and the name
of the parties to be served by publication, and the date on or after which
default may be entered against such parties. Neither the name of petitioners
nor the name of any party who has either surrendered said child, has given
their consent to the adoption of the child, or whose parental rights have been
terminated by a court of competent jurisdiction shall be included in the notice
of publication. The Clerk shall also, within ten (10) days of the first
publication of the notice, send a copy thereof by mail, addressed to each
defendant whose place of residence is stated in such affidavit. The certificate
of the Clerk that he sent the copies pursuant to this section is evidence that

New matter indicated by italics - deletions by strikeout
he has done so. Except as provided in this section pertaining to service by publication, all parties defendant shall be notified of the proceedings in the same manner as is now or may hereafter be required in other civil cases or proceedings. Any party defendant who is of age of 14 years or upward may waive service of process by entering an appearance in writing. The form to be used for publication shall be substantially as follows: "ADOPTION NOTICE - STATE OF ILLINOIS, County of ...., ss. - Circuit Court of .... County. In the matter of the Petition for the Adoption of ...., a male child. Adoption No. ..... To-- ..... (whom it may concern or the named parent) Take notice that a petition was filed in the Circuit Court of .... County, Illinois, for the adoption of a child named ..... Now, therefore, unless you ..... and all whom it may concern, file your answer to the Petition in the action or otherwise file your appearance therein, in the said Circuit Court of .... County, Room ..... ..... in the City of ...., Illinois, on or before the ..... day of ..... a default may be entered against you at any time after that day and a judgment entered in accordance with the prayer of said Petition. Dated, ..... Illinois, ..... Clerk. (Name and address of attorney for petitioners.)

B. A minor defendant who has been served in accordance with this Section may be defaulted in the same manner as any other defendant.

C. Notwithstanding any inconsistent provision of this or any other law, and in addition to the notice requirements of any law pertaining to persons other than those specified in this subsection, the persons entitled to notice that a petition has been filed under Section 5 of this Act shall include:

(a) any person adjudicated by a court in this State to be the father of the child;
(b) any person adjudicated by a court of another state or territory of the United States to be the father of the child, when a certified copy of the court order has been filed with the Putative Father Registry under Section 12.1 of this Act;
(c) any person who at the time of the filing of the petition is registered in the Putative Father Registry under Section 12.1 of this Act as the putative father of the child;
(d) any person who is recorded on the child's birth certificate as the child's father;
(e) any person who is openly living with the child or the child's mother at the time the proceeding is initiated and who is holding himself out to be the child's father;
(f) any person who has been identified as the child's father by the mother in a written, sworn statement, including an Affidavit of

New matter indicated by italics - deletions by strikeout
Identification as specified under Section 11 of this Act;

(g) any person who was married to the child's mother on the date of the child's birth or within 300 days prior to the child's birth.

The sole purpose of notice under this Section shall be to enable the person receiving notice to appear in the adoption proceedings to present evidence to the court relevant to whether the consent or surrender of the person to the adoption is required pursuant to Section 8 of this Act. If the court determines that the consent or surrender of the person is not required pursuant to Section 8, then the person shall not be entitled to participate in the proceedings or to any further notice of the proceedings for the best interests of the child.

(Source: P.A. 91-572, eff. 1-1-00.)

(750 ILCS 50/8)(from Ch. 40, par. 1510)

Sec. 8. Consents to adoption and surrenders for purposes of adoption.

(a) Except as hereinafter provided in this Section consents or surrenders shall be required in all cases, unless the person whose consent or surrender would otherwise be required shall be found by the court:

(1) to be an unfit person as defined in Section 1 of this Act, by clear and convincing evidence; or

(2) not to be the biological or adoptive father of the child; or

(3) to have waived his parental rights to the child under Section 12a or 12.1 of this Act; or

(4) to be the parent of an adult sought to be adopted; or

(5) to be the father of the child as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961; or

(6) to be the father of a child who:

    (i) is a family member of the mother of the child, and the mother is under the age of 18 at the time of the child's conception; for purposes of this subsection, a "family member" is a parent, step-parent, grandparent, step-grandparent, sibling, or cousin of the first degree, whether by whole blood, half-blood, or adoption, as well as a person age 18 or over at the time of the child's conception who has resided in the household with the mother continuously for at least one year; or

    (ii) is at least 5 years older than the child's mother, and the mother was under the age of 17 at the time of the child's conception, unless the mother and father voluntarily

New matter indicated by italics - deletions by strikeout
acknowledge the father's paternity of the child by marrying or by establishing the father's paternity by consent of the parties pursuant to the Illinois Parentage Act of 1984 or pursuant to a substantially similar statute in another state.

A criminal conviction of any offense pursuant to Article 12 of the Criminal Code of 1961 is not required. to have been indicated for child sexual abuse as defined in the Abused and Neglected Child Reporting Act that involved sexual penetration of the mother; or

(7) to be at least 5 years older than the mother and the mother was under the age 17 at the time of conception of the child to be adopted.

(b) Where consents are required in the case of an adoption of a minor child, the consents of the following persons shall be sufficient:

(1) (A) The mother of the minor child; and
(B) The father of the minor child, if the father:
   (i) was married to the mother on the date of birth of the child or within 300 days before the birth of the child, except for a husband or former husband who has been found by a court of competent jurisdiction not to be the biological father of the child; or
   (ii) is the father of the child under a judgment for adoption, an order of parentage, or an acknowledgment of parentage or paternity pursuant to subsection (a) of Section 5 of the Illinois Parentage Act of 1984; or
   (iii) in the case of a child placed with the adopting parents less than 6 months after birth, openly lived with the child, the child's biological mother, or both, and held himself out to be the child's biological father during the first 30 days following the birth of the child; or
   (iv) in the case of a child placed with the adopting parents less than 6 months after birth, made a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child before the expiration of 30 days following the birth of the child, provided that the court may consider in its determination all relevant

New matter indicated by italics - deletions by strikeout
circumstances, including the financial condition of both biological parents; or

(v) in the case of a child placed with the adopting parents more than 6 months after birth, has maintained substantial and continuous or repeated contact with the child as manifested by: (I) the payment by the father toward the support of the child of a fair and reasonable sum, according to the father's means, and either (II) the father's visiting the child at least monthly when physically and financially able to do so and not prevented from doing so by the person or authorized agency having lawful custody of the child, or (III) the father's regular communication with the child or with the person or agency having the care or custody of the child, when physically and financially unable to visit the child or prevented from doing so by the person or authorized agency having lawful custody of the child. The subjective intent of the father, whether expressed or otherwise unsupported by evidence of acts specified in this subparagraph as manifesting such intent, shall not preclude a determination that the father failed to maintain substantial and continuous or repeated contact with the child; or

(vi) in the case of a child placed with the adopting parents more than six months after birth, openly lived with the child for a period of six months within the one year period immediately preceding the placement of the child for adoption and openly held himself out to be the father of the child; or

(vii) has timely registered with Putative Father Registry, as provided in Section 12.1 of this Act, and prior to the expiration of 30 days from the date of such registration, commenced legal proceedings to establish paternity under the Illinois Parentage Act of 1984 or under the law of the jurisdiction of the child's birth; or

(2) The legal guardian of the person of the child, if there is no surviving parent; or

New matter indicated by italics - deletions by strikeout
(3) An agency, if the child has been surrendered for adoption to such agency; or

(4) Any person or agency having legal custody of a child by court order if the parental rights of the parents have been judicially terminated, and the court having jurisdiction of the guardianship of the child has authorized the consent to the adoption; or

(5) The execution and verification of the petition by any petitioner who is also a parent of the child sought to be adopted shall be sufficient evidence of such parent's consent to the adoption.

(c) Where surrenders to an agency are required in the case of a placement for adoption of a minor child by an agency, the surrenders of the following persons shall be sufficient:

(1) (A) The mother of the minor child; and
(B) The father of the minor child, if the father:
   (i) was married to the mother on the date of birth of the child or within 300 days before the birth of the child, except for a husband or former husband who has been found by a court of competent jurisdiction not to be the biological father of the child; or
   (ii) is the father of the child under a judgment for adoption, an order of parentage, or an acknowledgment of parentage or paternity pursuant to subsection (a) of Section 5 of the Illinois Parentage Act of 1984; or
   (iii) in the case of a child placed with the adopting parents less than 6 months after birth, openly lived with the child, the child's biological mother, or both, and held himself out to be the child's biological father during the first 30 days following the birth of a child; or
   (iv) in the case of a child placed with the adopting parents less than 6 months after birth, made a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child before the expiration of 30 days following the birth of the child, provided that the court may consider in its determination all relevant

New matter indicated by italics - deletions by strikeout
circumstances, including the financial condition of both biological parents; or

(v) in the case of a child placed with the adopting parents more than six months after birth, has maintained substantial and continuous or repeated contact with the child as manifested by: (I) the payment by the father toward the support of the child of a fair and reasonable sum, according to the father's means, and either (II) the father's visiting the child at least monthly when physically and financially able to do so and not prevented from doing so by the person or authorized agency having lawful custody of the child or (III) the father's regular communication with the child or with the person or agency having the care or custody of the child, when physically and financially unable to visit the child or prevented from doing so by the person or authorized agency having lawful custody of the child. The subjective intent of the father, whether expressed or otherwise, unsupported by evidence of acts specified in this subparagraph as manifesting such intent, shall not preclude a determination that the father failed to maintain substantial and continuous or repeated contact with the child; or

(vi) in the case of a child placed with the adopting parents more than six months after birth, openly lived with the child for a period of six months within the one year period immediately preceding the placement of the child for adoption and openly held himself out to be the father of the child; or

(vii) has timely registered with the Putative Father Registry, as provided in Section 12.1 of this Act, and prior to the expiration of 30 days from the date of such registration, commenced legal proceedings to establish paternity under the Illinois Parentage Act of 1984, or under the law of the jurisdiction of the child's birth.

(d) In making a determination under subparagraphs (b)(1) and (c)(1), no showing shall be required of diligent efforts by a person or agency to
encourage the father to perform the acts specified therein.

(e) In the case of the adoption of an adult, only the consent of such adult shall be required.

(Source: P.A. 93-510, eff. 1-1-04.)

Approved August 10, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0531
(Senate Bill No. 0516)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by changing Section 2-1001 as follows:

(735 ILCS 5/2-1001) (from Ch. 110, par. 2-1001)
Sec. 2-1001. Substitution of judge.
(a) A substitution of judge in any civil action may be had in the following situations:

1) Involvement of judge. When the judge is a party or interested in the action, or his or her testimony is material to either of the parties to the action, or he or she is related to or has been counsel for any party in regard to the matter in controversy. In any such situation a substitution of judge may be awarded by the court with or without the application of either party.

2) Substitution as of right. When a party timely exercises his or her right to a substitution without cause as provided in this paragraph (2).

(i) Each party shall be entitled to one substitution of judge without cause as a matter of right.

(ii) An application for substitution of judge as of right shall be made by motion and shall be granted if it is presented before trial or hearing begins and before the judge to whom it is presented has ruled on any substantial issue in the case, or if it is presented by consent of the parties.

(iii) If any party has not entered an appearance in the case and has not been found in default, rulings in the case by the judge on any substantial issue before the party's
appearance shall not be grounds for denying an otherwise timely application for substitution of judge as of right by the party.

(3) Substitution for cause. When cause exists.

   (i) Each party shall be entitled to a substitution or substitutions of judge for cause.

   (ii) Every application for substitution of judge for cause shall be made by petition, setting forth the specific cause for substitution and praying a substitution of judge. The petition shall be verified by the affidavit of the applicant.

   (iii) Upon the filing of a petition for substitution of judge for cause, a hearing to determine whether the cause exists shall be conducted as soon as possible by a judge other than the judge named in the petition. The judge named in the petition need not testify but may submit an affidavit if the judge wishes. If the petition is allowed, the case shall be assigned to a judge not named in the petition. If the petition is denied, the case shall be assigned back to the judge named in the petition.

(4) Substitution in contempt proceedings. When any defendant in a proceeding for contempt arising from an attack upon the character or conduct of a judge occurring otherwise than in open court, and the proceeding is pending before the judge whose character or conduct was impugned, fears that he or she will not receive a fair and impartial trial before that judge. In any such situation the application shall be by petition, verified by the applicant, and shall be filed before the trial of the contempt proceeding.

   (b) An application for substitution of judge may be made to the court in which the case is pending, reasonable notice of the application having been given to the adverse party or his or her attorney.

   (c) When a substitution of judge is granted, the case may be assigned to some other judge in the same county, or in some other convenient county, to which there is no valid objection. If the case is assigned to a judge in some other county, the provisions of subsections (f) through (m) of Section 2-1001.5 shall apply.

(Source: P.A. 87-949; 88-35.)

Passed in the General Assembly May 18, 2005.
Approved August 10, 2005.
Effective January 1, 2006.

New matter indicated by italics - deletions by strikeout
AN ACT concerning procurement.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Procurement Code is amended by adding Article 33 as follows:

(30 ILCS 500/Art. 33 heading new)

ARTICLE 33. CONSTRUCTION MANAGEMENT SERVICES

(30 ILCS 500/33-5 new)

Sec. 33-5. Definitions. In this Article:

"Construction management services" includes:

(1) services provided in the planning and pre-construction phases of a construction project including, but not limited to, consulting with, advising, assisting, and making recommendations to the Capital Development Board and architect, engineer, or licensed land surveyor on all aspects of planning for project construction; reviewing all plans and specifications as they are being developed and making recommendations with respect to construction feasibility, availability of material and labor, time requirements for procurement and construction, and projected costs; making, reviewing, and refining budget estimates based on the Board's program and other available information; making recommendations to the Board and the architect or engineer regarding the division of work in the plans and specifications to facilitate the bidding and awarding of contracts; soliciting the interest of capable contractors and taking bids on the project; analyzing the bids received; and preparing and maintaining a progress schedule during the design phase of the project and preparation of a proposed construction schedule; and

(2) services provided in the construction phase of the project including, but not limited to, maintaining competent supervisory staff to coordinate and provide general direction of the work and progress of the contractors on the project; directing the work as it is being performed for general conformance with working drawings and specifications; establishing procedures for coordinating among the Board, architect or engineer, contractors, and construction manager with respect to all aspects of the project and implementing those procedures; maintaining job site records and making appropriate

New matter indicated by italics - deletions by strikeout
progress reports; implementing labor policy in conformance with the requirements of the public owner; reviewing the safety and equal opportunity programs of each contractor for conformance with the public owner's policy and making recommendations; reviewing and processing all applications for payment by involved contractors and material suppliers in accordance with the terms of the contract; making recommendations and processing requests for changes in the work and maintaining records of change orders; scheduling and conducting job meetings to ensure orderly progress of the work; developing and monitoring a project progress schedule, coordinating and expediting the work of all contractors and providing periodic status reports to the owner and the architect or engineer; and establishing and maintaining a cost control system and conducting meetings to review costs.

"Construction manager" means any individual, sole proprietorship, firm, partnership, corporation, or other legal entity providing construction management services for the Board and prequalified by the State in accordance with 30 ILCS 500/33-10.

"Board" means the Capital Development Board.

(30 ILCS 500/33-10 new)

Sec. 33-10. Prequalification. The Board shall establish procedures to prequalify firms seeking to provide construction management services or may use prequalification lists from other State agencies to meet the requirements of this Section.

(30 ILCS 500/33-15 new)

Sec. 33-15. Public notice. Whenever a project requiring construction management services is proposed for a State agency, the Board shall provide no less than a 14-day advance notice published in a request for proposals setting forth the projects and services to be procured. The request for proposals shall be mailed to each firm that is prequalified under Section 33-10. The request for proposals shall include a description of each project and shall state the time and place for interested firms to submit a letter of interest and, if required by the request for proposals, a statement of qualifications.

(30 ILCS 500/33-20 new)

Sec. 33-20. Evaluation procedure. The Board shall evaluate the construction managers submitting letters of interest and other prequalified construction managers, taking into account qualifications; and the Board may consider, but shall not be limited to considering, ability of personnel, past record and experience, performance data on file, willingness to meet

New matter indicated by italics - deletions by strikeout
time requirements, location, workload of the construction manager, and any other qualifications-based factors as the Board may determine in writing are applicable. The Board may conduct discussions with and require public presentations by construction managers deemed to be the most qualified regarding their qualifications, approach to the project, and ability to furnish the required services.

The Board shall establish a committee to select construction managers to provide construction management services. A selection committee may include at least one public member. The public member may not be employed or associated with any firm holding a contract with the Board nor may the public member's firm be considered for a contract with that Board while he or she is serving as a public member of the committee.

In no case shall the Board, prior to selecting a construction manager for negotiation under Section 33-30, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.

(30 ILCS 500/33-25 new)

Sec. 33-25. Selection Procedure. On the basis of evaluations, discussions, and any presentations, the Board shall select no less than 3 firms it determines to be qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The Board shall then contract at a fair and reasonable compensation. If fewer than 3 firms submit letters of interest and the Board determines that one or both of those firms are so qualified, the Board may proceed to negotiate a contract under Section 33-30. The decision of the Board shall be final and binding.

(30 ILCS 500/33-30 new)

Sec. 33-30. Contract Negotiation.

(a) The Board shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest ranked construction management firm at compensation that the Board determines in writing to be fair and reasonable. In making this decision, the Board shall take into account the estimated value, scope, complexity, and nature of the services to be rendered. In no case may the Board establish a payment formula designed to eliminate firms from contention or restrict competition or negotiation of fees.

(b) If the Board is unable to negotiate a satisfactory contract with the firm that is highest ranked, negotiations with that firm shall be terminated.
The Board shall then begin negotiations with the firm that is next highest ranked. If the Board is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be terminated. The Board shall then begin negotiations with the firm that is next highest ranked.

(c) If the Board is unable to negotiate a satisfactory contract with any of the selected firms, the Board shall re-evaluate the construction management services requested, including the estimated value, scope, complexity, and fee requirements. The Board shall then compile a list of not less than 3 prequalified firms and proceed in accordance with the provisions of this Act.

(30 ILCS 500/33-35 new)
Sec. 33-35. Small Contracts. The provisions of Sections 33-20, 33-25, and 33-30 do not apply to construction management contracts of less than $25,000.

(30 ILCS 500/33-40 new)
Sec. 33-40. Emergency services. Sections 33-20, 33-25, and 33-30 do not apply in the procurement of construction management services by the Board (i) when the Board determines in writing that it is in the best interest of the State to proceed with the immediate selection of a firm or (ii) in emergencies when immediate services are necessary to protect the public health and safety, including, but not limited to, earthquake, tornado, storm, or natural or man-made disaster.

(30 ILCS 500/33-45 new)
Sec. 33-45. Firm performance evaluation. The Board shall evaluate the performance of each firm upon completion of a contract. That evaluation shall be made available to the firm and the firm may submit a written response, with the evaluation and response retained solely by the Board. The evaluation and response shall not be made available to any other person or firm and is exempt from disclosure under the Freedom of Information Act. The evaluation shall be based on the terms identified in the construction manager's contract.

(30 ILCS 500/33-50 new)
Sec. 33-50. Duties of construction manager; additional requirements for persons performing construction work.

(a) Upon the award of a construction management services contract, a construction manager must contract with the Board to furnish his or her skill and judgment in cooperation with, and reliance upon, the services of the project architect or engineer. The construction manager must furnish business administration, management of the construction process, and other

New matter indicated by italics - deletions by strikeout
specified services to the Board and must perform his or her obligations in an expeditious and economical manner consistent with the interest of the Board. If it is in the State’s best interest, the construction manager may provide or perform basic services for which reimbursement is provided in the general conditions to the construction management services contract.

(b) The actual construction work on the project must be awarded to contractors under this Code. The Capital Development Board may further separate additional divisions of work under this Article. This subsection is subject to the applicable provisions of the following Acts:

(1) the Prevailing Wage Act;
(2) the Public Construction Bond Act;
(3) the Public Works Employment Discrimination Act;
(4) the Public Works Preference Act;
(5) the Employment of Illinois Workers on Public Works Act;
(6) the Public Contract Fraud Act;
(7) the Illinois Construction Evaluation Act; and

(30 ILCS 500/33-55 new)

Sec. 33-55. Prohibited conduct. No construction management services contract may be awarded by the Board on a negotiated basis as provided in this Article if the construction manager or an entity that controls, is controlled by, or shares common ownership or control with the construction manager (i) guarantees, warrants, or otherwise assumes financial responsibility for the work of others on the project; (ii) provides the Board with a guaranteed maximum price for the work of others on the project; or (iii) furnishes or guarantees a performance or payment bond for other contractors on the project. In any such case, the contract for construction management services must be let by competitive bidding as in the case of contracts for construction work.

Approved August 10, 2005.
Effective August 10, 2005.
AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Sections 6-1.7 and 12-4.4 and by adding Section 9A-15 as follows:

Sec. 6-1.7. A recipient of financial aid under this Article, which money or vendor payment is made by a local governmental unit which administers aid under this Article and is not a County Department, who is required under Section 6-1.4 to register for and accept bona fide offers of employment as provided in Section 11-20 but is not required to participate in a job search, training and work program under Section 9-6, must also register for work with such local governmental unit and must perform work without compensation for a taxing district or private not-for-profit organization as provided in this Section.

A local governmental unit which administers aid under this Article shall maintain a roster of the persons who have registered for work in such local governmental unit, and shall assure that such roster is available for the inspection of the governing authorities of all taxing districts or private not-for-profit organizations, or the duly authorized agents thereof, for the selection of possible workers. Each such local governmental unit shall cause persons, who are selected by a taxing district or private not-for-profit organization to perform work, to be notified at least 24 hours in advance of the time the work is to begin.

Each such local governmental unit shall assure that the following additional requirements are complied with:

(a) The taxing district or private not-for-profit organization may not use a person selected to work under this Section to replace a regular employee.

(b) The work to be performed for the taxing district or private not-for-profit organization must be reasonably related to the skills or interests of the recipient.

(c) The maximum number of hours such work may be performed is 8 hours per day and 40 hours per week.

(d) The recipient shall be provided or compensated for transportation to and from the work location.

New matter indicated by italics - deletions by strikeout
(e) The person selected to work under this Section shall receive credit against his or her monthly benefits under this Article, based on the State or federal minimum wage rate, whichever is higher, for the work performed.

However, a taxing district or private not-for-profit organization using the services of such recipient must pay the recipient at least the State or federal minimum wage, whichever is higher, after such recipient has received credit by the Illinois Department equal to the amount of financial aid received under this Article, or the recipient shall be discharged. Moneys made available for public aid purposes under this Article may be expended to purchase worker's compensation insurance or to pay worker's compensation claims.

For the purposes of this Section, "taxing district" means any unit of local government, as defined in Section 1 of Article VII of the Constitution, with the power to tax, and any school district or community college district.

(Source: P.A. 85-114.)

(305 ILCS 5/9A-15 new)

Sec. 9A-15. Work activity; applicable minimum wage. The State or federal minimum wage, whichever is higher, shall be used to calculate the required number of hours of participation in any earnfare or pay-after-performance activity under Section 9A-9 or any other Section of this Code in which a recipient of public assistance performs work as a condition of receiving the public assistance and the recipient is not paid wages for the work.

(305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)

Sec. 12-4.4. Administration of federally-aided programs.

Direct County Departments of Public Aid in the administration of the federally funded food stamp program, programs to aid refugees and Articles III, IV, and V of this Code.

The Illinois Department of Human Services shall operate a Food Stamp Employment and Training (FSE&T) program in compliance with federal law. The FSE&T program will have an Earnfare component. The Earnfare component shall be available in selected geographic areas based on criteria established by the Illinois Department of Human Services by rule. Participants in Earnfare will, to the extent resources allow, earn their assistance. Participation in the Earnfare program is voluntary, except when ordered by a court of competent jurisdiction. Eligibility for Earnfare may be limited to only 6 months out of any 12 consecutive month period. Clients are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit. Earnfare shall be available to persons

New matter indicated by italics - deletions by strikeout
receiving food stamps who meet eligibility criteria established by the Illinois Department of Human Services by rule. The Illinois Department may, by rule, extend the Earnfare Program to clients who do not receive food stamps. Receipt of food stamps is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual to participate in the Earnfare Program. To the extent resources permit, the Earnfare program will allow participants to engage in work-related activities to earn monthly financial assistance payments and to improve participants’ employability in order for them to succeed in obtaining employment. The Illinois Department of Human Services may enter into contracts with other public agencies including State agencies, with local governmental units, and with not-for-profit community based organizations to carry out the elements of the Program that the Department of Human Services deems appropriate.

The Earnfare Program shall contain the following elements:

(1) To the extent resources allow and slots exist, the Illinois Department of Human Services shall refer recipients of food stamp assistance who meet eligibility criteria, as established by rule. Receipt of food stamps is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual to participate in the Earnfare Program.

(2) Persons participating in Earnfare shall engage in employment assigned activities equal to the amount of the food stamp benefits divided by the State or federal minimum wage, whichever is higher, and subsequently shall earn minimum wage assistance for each additional hour of performance in Earnfare activity. Earnfare participants shall be offered the opportunity to earn up to $154. The Department of Human Services may establish a higher amount by rule provided resources permit. If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment assigned activities shall first be applied for a $50 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in employment assigned activities equal to the amount of the food stamp benefits divided by the State or federal minimum wage, whichever is higher, and subsequently shall earn State or federal minimum wage assistance, whichever is higher, for each additional hour of performance in Earnfare activity.

(3) To the extent appropriate slots are available, the Illinois Department of Human Services shall assign Earnfare participants to
Earnfare activities based on an assessment of the person's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known to the Department of Human Services or to the contractor and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment.

(4) The Department of Human Services shall consider the participant's preferences and personal employment goals in making assignments to the extent administratively possible and to the extent that resources allow.

(5) The Department of Human Services may enter into cooperative agreements with local governmental units (which may, in turn, enter into agreements with not-for-profit community based organizations): with other public, including State, agencies; directly with not-for-profit community based organizations, and with private employers to create Earnfare activities for program participants.

(6) To the extent resources permit, the Department of Human Services shall provide the Earnfare participants with the costs of transportation in looking for work and in getting to and from the assigned Earnfare job site and initial expenses of employment.

(7) All income and asset limitations of the Federal Food Stamp Program will govern continued Earnfare participation, except that court ordered participants shall participate for 6 months unless the court orders otherwise.

(8) Earnfare participants shall not displace or substitute for regular, full time or part time employees, regardless of whether or not the employee is currently working, on a leave of absence or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the effect of filling the vacancy so created with a participant subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.

(9) Persons who fail to cooperate with the FSE&T program shall become ineligible for food stamp assistance according to Food Stamp regulations, and for Earnfare participation. Failure to participate in Earnfare for all of the hours assigned is not a failure to cooperate unless so established by the employer pursuant to Department of Human Services rules. If a person who is ordered by

New matter indicated by italics - deletions by strikeout
a court of competent jurisdiction to participate in the Earnfare Program fails to cooperate with the Program, the person shall be referred to the court for failure to comply with the court order.

(Source: P.A. 92-111, eff. 1-1-02.)


PUBLIC ACT 94-0534
(Senate Bill No. 0574)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the College and Career Success for All Students Act.

Section 5. Purpose. The purpose of this Act is to ensure that each Illinois student has a sufficient education for success after high school and that all students have equal access to a substantive and rigorous curriculum that is designed to challenge their minds, enhance their knowledge and skills, and prepare them for success in college and work.

Section 10. Definitions. In this Act:

"Advanced Placement course" means a course sponsored by the College Board and offered for college credit at the high school level.

"Advanced Placement teacher" means a teacher of an Advanced Placement course.

"Pre-Advanced Placement" means set professional development resources and services that equip all middle and high school teachers with the strategies and tools they need to engage their students in active, high-level learning, thereby ensuring that every middle and high school student develops the skills, habits of mind, and concepts they need to succeed in Advanced Placement courses.

"Vertical Team" means a group of teachers and educators from different grade levels in a given discipline who work cooperatively to develop and implement a vertically aligned program aimed at helping students from diverse backgrounds acquire the academic skills necessary for success in Advanced Placement courses and other challenging courses. Section 15. Teacher training.

New matter indicated by italics - deletions by strikeout
(a) Subject to appropriation, a teacher of an Advanced Placement course must obtain appropriate training. Subject to appropriation, the State Board of Education shall establish clear, specific, and challenging training guidelines that require teachers of Advanced Placement courses to obtain recognized Advanced Placement training endorsed by the College Board.

(b) Advanced Placement and Pre-Advanced Placement training to teachers in Illinois high schools must do all of the following:

   (1) Provide teachers of Advanced Placement and teachers in courses that lead to Advanced Placement with the necessary content knowledge and instructional skills to prepare students for success in Advanced Placement courses and examinations and other advanced course examinations and mastery of postsecondary course content.

   (2) Provide administrators, including principals and counselors, with professional development that will enable them to create strong and effective Advanced Placement programs in their schools.

   (3) Provide middle grade, junior high, and high school teachers with Advanced Placement Vertical Team training and other Pre-Advanced Placement professional development that prepares students for success in Advanced Placement courses.

   (4) Support the implementation of an instructional program for students in grades 6 through 12 that provides an integrated set of instructional materials, diagnostic assessments, and teacher professional development in reading, writing, and mathematics that prepares all students for enrollment and success in Advanced Placement courses and in college.

Section 20. Duties of the State Board.

(a) In order to fulfill the purposes of this Act, the State Board of Education shall encourage school districts to offer rigorous courses in grades 6 through 11 that prepare students for the demands of Advanced Placement course work. The State Board of Education shall also encourage school districts to make it a goal that all 10th graders take the Preliminary SAT/National Merit Scholars Qualifying Test (PSAT/NMSQT) so that test results will provide each high school with a database of student assessment data that guidance counselors and teachers will be able to use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in Advanced Placement courses, using a research-based Advanced Placement identification program provided by the College Board.

New matter indicated by italics - deletions by strikeout
(b) The State Board of Education shall do all of the following:

(1) Seek federal funding through the Advanced Placement Incentive Program and the Math-Science Partnership Program and use it to support Advanced Placement and Pre-Advanced Placement teacher professional development and to support the implementation of an integrated instructional program for students in grades 6 through 12 in reading, writing, and mathematics that prepares all students for enrollment and success in Advanced Placement courses and in college.

(2) Focus State and federal funding with the intent to carry out activities that target school districts serving high concentrations of low-income students.

(3) Subject to appropriation, provide a plan of communication that includes without limitation disseminating to parents materials that emphasize the importance of Advanced Placement or other advanced courses to a student's ability to gain access to and to succeed in postsecondary education and materials that emphasize the importance of the PSAT/NMSQT, which provides diagnostic feedback on skills and relates student scores to the probability of success in Advanced Placement courses and examinations, and disseminating this information to students, teachers, counselors, administrators, school districts, public community colleges, and State universities.

(4) Subject to appropriation, annually evaluate the impact of this Act on rates of student enrollment and success in Advanced Placement courses, on high school graduation rates, and on college enrollment rates.

Passed in the General Assembly May 20, 2005.
Approved August 10, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0535
(Senate Bill No. 0635)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by changing Section 8h and by adding Sections 5.640 and 6z-68 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 5.640. The Intercity Passenger Rail Fund.

(a) The Intercity Passenger Rail Fund is created as a special fund in the State treasury. Moneys in the Fund may be used by the Department of Transportation, subject to appropriation, for the operation of intercity passenger rail services in the State through Amtrak or its successor.

Moneys received for the purposes of this Section, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

(b) At least one month before the beginning of each fiscal year, the chief operating officer of Amtrak or its successor must certify to the State Treasurer the number of Amtrak tickets sold at the State rate during that current fiscal year.

On the first day of that next fiscal year, or as soon thereafter as practical, the State Treasurer must transfer, from the General Revenue Fund to the Intercity Passenger Rail Fund, an amount equal to the tickets certified by the chief operating officer of Amtrak multiplied by $50.

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that
are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the "Intercity Passenger Rail Fund," the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 10, 2005.
Effective August 10, 2005.

PUBLIC ACT 94-0536
(Senate Bill No. 0763)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Section 2-134 as follows:

(40 ILCS 5/2-134) (from Ch. 108 1/2, par. 2-134)
Sec. 2-134. To certify required State contributions and submit

New matter indicated by italics - deletions by strikeout
vouchers.

(a) The Board shall certify to the Governor on or before December 15 of each year the amount of the required State contribution to the System for the next fiscal year. The certification shall include a copy of the actuarial recommendations upon which it is based.

On or before May 1, 2004, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to the System for State fiscal year 2005, taking into account the amounts appropriated to and received by the System under subsection (d) of Section 7.2 of the General Obligation Bond Act.

(b) Beginning in State fiscal year 1996, on or as soon as possible after the 15th day of each month the Board shall submit vouchers for payment of State contributions to the System, in a total monthly amount of one-twelfth of the required annual State contribution certified under subsection (a). From the effective date of this amendatory Act of the 93rd General Assembly through June 30, 2004, the Board shall not submit vouchers for the remainder of fiscal year 2004 in excess of the fiscal year 2004 certified contribution amount determined under this Section after taking into consideration the transfer to the System under subsection (d) of Section 6z-61 of the State Finance Act. These vouchers shall be paid by the State Comptroller and Treasurer by warrants drawn on the funds appropriated to the System for that fiscal year. If in any month the amount remaining unexpended from all other appropriations to the System for the applicable fiscal year (including the appropriations to the System under Section 8.12 of the State Finance Act and Section 1 of the State Pension Funds Continuing Appropriation Act) is less than the amount lawfully vouchered under this Section, the difference shall be paid from the General Revenue Fund under the continuing appropriation authority provided in Section 1.1 of the State Pension Funds Continuing Appropriation Act.

(c) The full amount of any annual appropriation for the System for State fiscal year 1995 shall be transferred and made available to the System at the beginning of that fiscal year at the request of the Board. Any excess funds remaining at the end of any fiscal year from appropriations shall be retained by the System as a general reserve to meet the System's accrued liabilities.

(Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04.)


New matter indicated by italics - deletions by strikeout
Effective August 10, 2005.

PUBLIC ACT 94-0537
(Senate Bill No. 0780)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Voluntary Payroll Deductions Act of 1983 is amended by changing Section 3 as follows:
(5 ILCS 340/3) (from Ch. 15, par. 503)
Sec. 3. Definitions. As used in this Act unless the context otherwise requires:
(a) "Employee" means any regular officer or employee who receives salary or wages for personal services rendered to the State of Illinois, and includes an individual hired as an employee by contract with that individual.
(b) "Qualified organization" means an organization representing one or more benefiting agencies, which organization is designated by the State Comptroller as qualified to receive payroll deductions under this Act. An organization desiring to be designated as a qualified organization shall:
(1) Submit written designations on forms approved by the State Comptroller by 4,000 or more employees or State annuitants, in which such employees or State annuitants indicate that the organization is one for which the employee or State annuitant intends to authorize withholding. The forms shall require the name, last 4 digits only of the social security number, and employing State agency for each employee. Upon notification by the Comptroller that such forms have been approved, the organization shall, within 30 days, notify in writing the Governor or his or her designee of its intention to obtain the required number of designations. Such organization shall have 12 months from that date to obtain the necessary designations and return to the State Comptroller's office the completed designations, which shall be subject to verification procedures established by the State Comptroller;
(2) Certify that all benefiting agencies are tax exempt under Section 501(c)(3) of the Internal Revenue Code;
(3) Certify that all benefiting agencies are in compliance with the Illinois Human Rights Act;
(4) Certify that all benefiting agencies are in compliance with

New matter indicated by italics - deletions by strikeout
the Charitable Trust Act and the Solicitation for Charity Act;

(5) Certify that all benefiting agencies actively conduct health or welfare programs and provide services to individuals directed at one or more of the following common human needs within a community: service, research, and education in the health fields; family and child care services; protective services for children and adults; services for children and adults in foster care; services related to the management and maintenance of the home; day care services for adults; transportation services; information, referral and counseling services; services to eliminate illiteracy; the preparation and delivery of meals; adoption services; emergency shelter care and relief services; disaster relief services; safety services; neighborhood and community organization services; recreation services; social adjustment and rehabilitation services; health support services; or a combination of such services designed to meet the special needs of specific groups, such as children and youth, the ill and infirm, and the physically handicapped; and that all such benefiting agencies provide the above described services to individuals and their families in the community and surrounding area in which the organization conducts its fund drive, or that such benefiting agencies provide relief to victims of natural disasters and other emergencies on a where and as needed basis;

(6) Certify that the organization has disclosed the percentage of the organization's total collected receipts from employees or State annuitants that are distributed to the benefiting agencies and the percentage of the organization's total collected receipts from employees or State annuitants that are expended for fund-raising and overhead costs. These percentages shall be the same percentage figures annually disclosed by the organization to the Attorney General. The disclosure shall be made to all solicited employees and State annuitants and shall be in the form of a factual statement on all petitions and in the campaign's brochures for employees and State annuitants;

(7) Certify that all benefiting agencies receiving funds which the employee or State annuitant has requested or designated for distribution to a particular community and surrounding area use a majority of such funds distributed for services in the actual provision of services in that community and surrounding area;

(8) Certify that neither it nor its member organizations will

New matter indicated by italics - deletions by strikeout
solicit State employees for contributions at their workplace, except pursuant to this Act and the rules promulgated thereunder. Each qualified organization, and each participating United Fund, is encouraged to cooperate with all others and with all State agencies and educational institutions so as to simplify procedures, to resolve differences and to minimize costs;

(9) Certify that it will pay its share of the campaign costs and will comply with the Code of Campaign Conduct as approved by the Governor or other agency as designated by the Governor; and

(10) Certify that it maintains a year-round office, the telephone number, and person responsible for the operations of the organization in Illinois. That information shall be provided to the State Comptroller at the time the organization is seeking participation under this Act.

Each qualified organization shall submit to the State Comptroller between January 1 and March 1 of each year, a statement that the organization is in compliance with all of the requirements set forth in paragraphs (2) through (10). The State Comptroller shall exclude any organization that fails to submit the statement from the next solicitation period.

In order to be designated as a qualified organization, the organization shall have existed at least 2 years prior to submitting the written designation forms required in paragraph (1) and shall certify to the State Comptroller that such organization has been providing services described in paragraph (5) in Illinois. If the organization seeking designation represents more than one benefiting agency, it need not have existed for 2 years but shall certify to the State Comptroller that each of its benefiting agencies has existed for at least 2 years prior to submitting the written designation forms required in paragraph (1) and that each has been providing services described in paragraph (5) in Illinois.

Organizations which have met the requirements of this Act shall be permitted to participate in the State and Universities Combined Appeal as of January 1st of the year immediately following their approval by the Comptroller.

Where the certifications described in paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10) above are made by an organization representing more than one benefiting agency they shall be based upon the knowledge and belief of such qualified organization. Any qualified organization shall immediately notify the State Comptroller in writing if the qualified organization receives
information or otherwise believes that a benefiting agency is no longer in compliance with the certification of the qualified organization. A qualified organization representing more than one benefiting agency shall thereafter withhold and refrain from distributing to such benefiting agency those funds received pursuant to this Act until the benefiting agency is again in compliance with the qualified organization's certification. The qualified organization shall immediately notify the State Comptroller of the benefiting agency's resumed compliance with the certification, based upon the qualified organization's knowledge and belief, and shall pay over to the benefiting agency those funds previously withheld.

In order to qualify, a qualified organization must receive 250 deduction pledges from the immediately preceding solicitation period as set forth in Section 6. The Comptroller shall, by February 1st of each year, so notify any qualified organization that failed to receive the minimum deduction requirement. at least 500 payroll deduction pledges during each immediately preceding solicitation period as set forth in Section 6. The notification shall give such qualified organization until March 1st to provide the Comptroller with documentation that the minimum 500 deduction requirement has been met. On the basis of all the documentation, the Comptroller shall, by March 15th of each year, submit to the Governor or his or her designee, or such other agency as may be determined by the Governor, a list of all organizations which have met the minimum 500 payroll deduction requirement. Only those organizations which have met such requirements, as well as the other requirements of this Section, shall be permitted to solicit State employees or State annuitants for voluntary contributions, and the Comptroller shall discontinue withholding for any such organization which fails to meet these requirements, except qualified organizations that received deduction pledges during the 2004 solicitation period are deemed to be qualified for the 2005 solicitation period.

(c) "United Fund" means the organization conducting the single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and services purposes, which is commonly known as the United Fund, or the organization which serves in place of the United Fund organization in communities where an organization known as the United Fund is not organized.

In order for a United Fund to participate in the State and Universities Employees Combined Appeal, it shall comply with the provisions of paragraph (9) of subsection (b).

(d) "State and Universities Employees Combined Appeal", otherwise

New matter indicated by italics - deletions by strikeout
known as "SECA", means the State-directed joint effort of all of the qualified organizations, together with the United Funds, for the solicitation of voluntary contributions from State and University employees and State annuitants.

(e) "Retirement system" means any or all of the following: the General Assembly Retirement System, the State Employees' Retirement System of Illinois, the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, and the Judges Retirement System.

(f) "State annuitant" means a person receiving an annuity or disability benefit under Article 2, 14, 15, 16, or 18 of the Illinois Pension Code.

(Source: P.A. 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 91-896, eff. 7-6-00; 92-634, eff. 7-11-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 10, 2005.
Effective August 10, 2005.

PUBLIC ACT 94-0538
(Senate Bill No. 1629)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Currency Exchange Act is amended by changing Section 6 as follows:
(205 ILCS 405/6) (from Ch. 17, par. 4813)
Sec. 6. Insurance against loss.

(a) Every applicant for a license hereunder shall, after his application for a license has been approved, file with and have approved by the Secretary of Financial and Professional Regulation Director, a policy or policies of insurance issued by an insurance company or indemnity company authorized to do business under the law of this State, which shall insure the applicant against loss by theft, burglary, robbery or forgery in a principal sum as hereinafter provided; if the average amount of cash and liquid funds to be kept on hand in the office of the community currency exchange during the year will not be in excess of $10,000 the policy or policies shall be in the principal sum of $10,000. If such average amount will be in excess of $10,000, the policy or policies shall be for an additional principal sum of $500 for each $1,000 or fraction thereof of such excess over the original

New matter indicated by italics - deletions by strikeout
$10,000. From time to time, the Secretary Director may determine the amount of cash and liquid funds on hand in the office of any community currency exchange and shall require the licensee to submit additional policies if the same are determined to be necessary in accordance with the requirements of this Section.

However, any community currency exchange licensed under this Act may meet the bonding requirements of this subsection (a) by submitting evidence satisfactory to the Secretary that the licensee is covered by a blanket bond that covers multiple licensees. The blanket bond: (i) shall insure the licensee against loss by theft, robbery, or forgery; (ii) shall be issued by a bonding company authorized to do business in this State; and (iii) shall be in the principal sum of an amount equal to the maximum amount required under this Section for any one licensee covered by the bond.

Any such policy or policies, with respect to forgery, may carry a condition that the community currency exchange assumes the first $1,000 of each claim thereunder.

(b) Before an ambulatory currency exchange shall sell or issue money orders, it shall file with and have approved by the Secretary Director, a policy or policies of insurance issued by an insurance company or indemnity company authorized to do business under the laws of this State, which shall insure such ambulatory currency exchange against loss by theft, burglary, robbery, forgery or embezzlement in the principal sum of not less than $500,000. If the average amount of cash and liquid funds to be kept on hand during the year will exceed $500,000, the policy or policies shall be for an additional principal sum of $500 for each $1,000 or fraction thereof in excess of $500,000. From time to time the Secretary Director may determine the amount of cash and liquid funds kept on hand by an ambulatory currency exchange and shall require it to submit such additional policies as are determined to be required within the limits of this Section. No ambulatory currency exchange subject to this Section shall be required to furnish more than one policy of insurance if the policy furnished insures it against the foregoing losses at all locations served by it.

Any such policy may contain a condition that the insured assumes a portion of the loss, provided the insured shall file with such policy a sworn financial statement indicating its ability to act as self-insurer in the amount of such deductible portion of the policy without prejudice to the safety of any funds belonging to its customers. If the Secretary Director is not satisfied as to the financial ability of the ambulatory currency exchange, he may require it to deposit cash or United States Government Bonds in the amount of part
or all of the deductible portion of the policy.
(Source: P.A. 92-271, eff. 8-7-01.)
Passed in the General Assembly May 20, 2005.
Approved August 10, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0539
(Senate Bill No. 1660)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Illinois Pension Code is amended by changing Sections
16-149, 16-149.1, and 16-149.2 and adding Section 16-149.6 as follows:
(40 ILCS 5/16-149) (from Ch. 108 1/2, par. 16-149)
Sec. 16-149. Disability benefit.
(a) A disability benefit is payable to a member who was in active
service on or after June 30, 1977 and has at least 3 years of creditable service.
Part-time and substitute teachers who are in active service on or after July 1,
1990 must have worked as a teacher for at least 340 hours in either the school
year in which the disability occurs or in the preceding school year.

The benefit is payable upon application of a member who is not
receiving a benefit under either Section 16-133, Section 16-149.1 or Section
16-149.2. The benefit shall be granted only if the member is found by
medical examination to be incapacitated to perform the duties of his or her
position as a teacher and only if the commencement of the incapacity
occurred while the member was employed as a teacher or within 90 days of
such employment.

A member shall be considered disabled only when the System has
received (1) a written certificate by at least 2 licensed and practicing
physicians designated by the System, certifying that the member is disabled
and unable to properly perform the duties of his or her position at the time of
disability, except in the case of disability due to pregnancy where a written
certificate from only one licensed and practicing physician is required; (2) a
written statement from the employer certifying that the member is not eligible
to receive a salary; and (3) a certification from the member that he or she is
not and has not been engaged in gainful employment during the period of
disability.

The benefit shall begin to accrue on the 31st day of absence from

New matter indicated by italics - deletions by strikeout
service on account of disability, except that when an application is made more than 90 days subsequent to the later of the commencement of disability or the date eligibility for salary ceases, it shall begin to accrue from the date of application, and shall be payable during the time the member does not receive a retirement annuity. The benefit is not payable to a member who is receiving or has a right to receive any salary as a teacher, or is employed in any capacity as a teacher by the employers included under this System or in an equivalent capacity in any other public or private school, college or university, except as provided in Section 16-149.6.

Service credits under the State Employees' Retirement System of Illinois, the State Universities Retirement System and the Illinois Municipal Retirement Fund shall be considered in determining the member's eligibility for a disability benefit and the total period during which the disability benefit is payable.

(b) The disability benefit shall be 40% of the greater of the member's most recent annual contract salary rate at the time the disability benefit becomes payable or the member's annual contract rate on the date the disability commenced. Prior to July 1, 1990, if the most recent period of service of any member was rendered on a less than full-time but not less than half-time basis, the amount of the disability benefit payable to such member shall be computed on the basis of the salary received by such member for the member's last year of service on a full-time basis if such salary was greater than the member's most recent salary. For part-time and substitute members after June 30, 1990, the disability benefit shall be 40% of the greater of the member's most recent annualized salary rate at the time the disability benefit becomes payable or the annualized salary rate or contract salary rate at the time the disability commenced.

In addition to the above benefit, the member shall receive creditable service and credit for contributions that the member would have made in active employment during any period of disability for which benefits are paid by the System on the basis of the annual salary rate used in computing the benefit, except as provided in Section 16-149.6.

(c) Effective January 1, 1988, the disability benefit shall continue until the time one of the following events first occurs: (1) disability ceases; (2) the member requests termination of the benefit; (3) the aggregate period for which disability payments made during the member's entire period of service equals 1/4 of the total period of creditable service, not including the time he or she has received the disability payments; or (4) the member is engaged or found to be able to engage in gainful employment, other than

New matter indicated by italics - deletions by strikeout
limited employment under Section 16-149.6. If the disability benefit is discontinued under item (4) but the member is subsequently found to be unable to be gainfully employed due to the disability which was the cause for his or her most recent incapacity to perform the duties of a teacher, the disability benefit will be resumed, upon notification of the System, as soon as the member is not eligible to receive salary.

A disabled member who receives disability benefits for the maximum period specified above or who requests that the disability benefits be terminated may be retired on a disability retirement annuity.

(d) The board shall prescribe rules governing the filing, investigation, control, and supervision of disability claims. The rules shall include specific standards to be used when requesting additional medical examinations, hospital records or other data necessary for determining the employment capacity and condition of the member. Costs incurred by a claimant in connection with completing a claim for disability benefits shall be paid by the claimant.

(Source: P.A. 86-272; 86-273; 86-1028; 87-794; 87-1265.)

(40 ILCS 5/16-149.1) (from Ch. 108 1/2, par. 16-149.1)

Sec. 16-149.1. Occupational disability benefit.

(a) A member who becomes totally and immediately incapacitated for duty as the proximate result of bodily injuries sustained or a hazard undergone while in the performance and within the scope of his or her duties, if such injuries or hazard were not the consequence of the member's willful negligence, shall receive an occupational disability benefit upon making proper application. If application is made more than 90 days subsequent to the later of the commencement of disability or the date eligibility for salary ceases, benefits shall begin to accrue from the date of application, but service credit and credit for contributions will be earned from the date of disability. The benefit is not payable to, and credit for service and contributions may not be earned under this Section by, a member who is receiving a benefit under Section 16-133, 16-149, or 16-149.2, or who is receiving salary as a teacher, or is employed in any capacity as a teacher by the employers included under this System or in an equivalent capacity in any other public or private school, college or university, except as provided in Section 16-149.6.

Proper proof of disability shall consist of: (1) a written certificate by at least 2 licensed and practicing physicians designated by the System, certifying that member is disabled and unable to perform assigned duties; (2) a written statement from the employer certifying that the member is disabled and not receiving a salary, and related information as to the cause and
commencement of disability; and (3) a written statement from the member certifying that the member is not and has not been engaged in gainful employment.

Occupational disability benefits under this Section shall be payable only if (1) on the basis of a claim filed by the applicant with the Illinois Workers' Compensation Commission, it is determined by the Commission that the disability was incurred while in the performance and within the scope of assigned duties, under the terms of the Illinois Workers' Compensation or Occupational Diseases Act, whichever applies, and the claim is adjudicated as compensable by the Commission under either of the aforesaid Acts; or (2) on the basis of a claim filed by the applicant with an insurance carrier with which the employer of the applicant has a workers' compensation insurance policy, it is determined under the terms of the aforesaid policy that the disability was incurred while in the performance and within the scope of the member's assigned duties and the claim is approved as compensable.

(b) The occupational disability benefit shall be the greater of 60% of the member's contract salary rate at the time the disability benefit becomes payable or the member's annual contract rate on the date the disability commenced, and shall be payable monthly in equal installments. For part-time and substitute teachers after June 30, 1990, the benefit shall be the greater of the member's most recent annualized salary rate at the time the disability benefit becomes payable or the annualized salary rate or annual contract rate at the time the disability commenced.

Any amounts provided for a member or a member's dependents under the Illinois Workers' Compensation Act, the Illinois Occupational Diseases Act or a workers' compensation insurance policy provided by the employer shall be applied as an offset to any occupational benefit provided under this Section in such manner as may be prescribed by the board.

In addition to the above benefit, the member shall receive creditable service and credit for contributions that the member would have made in active employment during the period of disability, except as provided in Section 16-149.6. Creditable service and credit for contributions shall be calculated on the basis of the annual salary rate used in computing the benefit; however, such credit shall not be used in the determination of the period for which disability benefits are payable. A member who remains disabled after the termination of benefits due to age or the expiration of the maximum period for which benefits are payable shall be entitled to the retirement annuity provided under Section 16-133, notwithstanding that the member may not have the required minimum period of creditable service.
prescribed for such annuity.

(c) Effective January 1, 1988, the occupational disability benefit shall continue until the time one of the following first occurs: (1) disability ceases; (2) the member requests termination of the benefit; or (3) the member is engaged or found to be able to engage in gainful employment, other than limited employment under Section 16-149.6. If the disability benefit is discontinued under item (3) but the member is subsequently found to be unable to be gainfully employed due to the disability which was the cause for his or her most recent incapacity to perform the duties of a teacher, the disability benefit will be resumed, upon notification of the System, as soon as the member is not eligible to receive salary.

(d) The board shall prescribe rules governing the filing, investigation, control, and supervision of disability claims. Costs incurred by a claimant in connection with completing a claim for disability benefits shall be paid by the claimant.

(Source: P.A. 93-721, eff. 1-1-05.)

(40 ILCS 5/16-149.2) (from Ch. 108 1/2, par. 16-149.2)
Sec. 16-149.2. Disability retirement annuity.

(a) A member whose disability benefit has been terminated under the provisions of Section 16-149 may be retired on a disability retirement annuity payable effective the day following such termination provided the member remains disabled under the standard of disability provided in Section 16-149. The disability retirement annuity shall be payable upon receipt of written certificates from at least 2 licensed physicians designated by the System verifying the continuation of the disability condition. A disability retirement annuity shall not be paid during any period for which the member receives benefits under Section 16-133, Section 16-149, or Section 16-149.1 or has a right to receive a salary as a teacher, or is employed in any capacity as a teacher by the employers included under this System or in an equivalent capacity in any other public or private school, college or university, except as provided in Section 16-149.6.

(b) The disability retirement annuity shall be equal to the larger of: (1) 35% of the most recent annual contract salary rate or for part-time and substitute members after June 30, 1990, the most recent annualized salary rate; or (2) if disability commences prior to the member's attainment of age 55, the amount computed in accordance with Section 16-133, provided the amount computed under paragraph (B) of Section 16-133 shall be reduced by 1/2 of 1% for each month that the member is less than age 55; or (3) if disability commences after the member's attainment of age 55, and the

New matter indicated by italics - deletions by strikeout
member is not receiving a retirement annuity under Section 16-133, the amount computed in accordance with Section 16-133.

Prior to July 1, 1990, if the most recent period of service of any member eligible to receive a disability retirement annuity was rendered on a less than full-time but not less than half-time basis, the amount of the disability retirement annuity payable shall be computed on the basis of the salary received by such member for the member's last year of service on a full-time basis if such salary was greater than the member's most recent salary.

(c) If an annuitant receiving a disability retirement annuity under this Section is engaged in or able to engage in gainful employment (including limited employment under Section 16-149.6) paying more than the difference between the disability retirement annuity and the salary rate upon which the disability benefit is based, with no salary to be considered less than the minimum prescribed in Section 24-8 of the School Code, the disability retirement annuity shall be reduced to an amount which together with the amount earned by the annuitant, equals the salary rate upon which the disability benefit is based. However, for the purposes of this subsection (c) only, the salary rate upon which the benefit is based shall be deemed to increase by 15% on the tenth anniversary of the commencement of the annuity.

Once each year during the first 5 years following retirement on a disability retirement annuity, and once in every 3-year period thereafter, the System may require an annuitant to undergo a medical examination, by a physician or physicians designated by the System. If the annuitant refuses to submit to such medical examination, the annuity shall be discontinued until such time as the annuitant consents to the examination, and if refusal continues for one year, all the rights to the annuity shall be revoked.

(d) If an annuitant in receipt of a disability retirement annuity returns to active service as a teacher (other than limited employment under Section 16-149.6) or is no longer disabled, such annuity shall cease and the annuitant shall again become a member of the Retirement System and, if in active service as a teacher, shall make regular contributions. All service for which the annuitant had credit on the date of disability shall be properly reestablished.

An annuitant in receipt of a disability retirement annuity who returns to active service as a teacher and who again becomes disabled shall not be entitled to a recomputation of the disability retirement annuity based on amendments enacted while the annuitant was in receipt of the annuity unless

New matter indicated by italics - deletions by strikeout
at least one year of creditable service is rendered after the latest re-entry into service.

(e) An annuitant in receipt of a disability retirement annuity may, upon reaching retirement age as specified in Section 16-132, apply for a retirement annuity which is to be calculated as specified in Section 16-133. The disability retirement annuity shall be discontinued upon commencement of the retirement annuity.

(f) The board shall prescribe rules governing the filing, investigation, control, and supervision of disability retirement claims. The rules shall include specific standards to be used when requesting additional medical examinations, hospital records or other data necessary for determining the employment capacity and condition of the annuitant. Costs incurred by a claimant in connection with completing a claim for disability benefits shall be paid by the claimant.

The changes to this Section made by this amendatory Act of 1991 shall apply not only to persons who on or after its effective date are in service as a teacher under the System, but also to persons whose status as a teacher terminated prior to that date, whether or not the person is an annuitant on that date.

(Source: P.A. 93-469, eff. 8-8-03.)

(40 ILCS 5/16-149.6 new)

Sec. 16-149.6. Limited employment during disability.

(a) A teacher who (i) has been receiving a disability, occupational disability, or disability retirement benefit under Section 16-149, 16-149.1, or 16-149.2 for at least one year and (ii) remains unable to resume regular full-time teaching due to disability, but is able to engage in limited or part-time employment as a teacher, may engage in such limited or part-time employment as a teacher without loss of the disability, occupational disability, or disability retirement benefit, provided that the teacher’s earnings for that limited or part-time employment, when added to the amount of the benefit, do not exceed 100% of the salary rate upon which the benefit is based.

(b) A disabled teacher who engages in limited or part-time teaching under this Section and earns service and contribution credits for that teaching shall not receive duplicate service or contribution credits under Section 16-149 or 16-149.1.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 20, 2005.
Approved August 10, 2005.
AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Procurement of Domestic Products Act is amended by changing Sections 5, 10, 15, 25, and 30 as follows:

(30 ILCS 517/5)
Sec. 5. Definitions. As used in this Act:
"Manufactured in the United States" means, in the case of assembled articles, materials, or supplies, that design, final assembly, processing, packaging, testing, or other process that adds value, quality, or reliability occurs in the United States.
"Procured products" means assembled articles, materials, or supplies purchased by a State agency.
"Purchasing agency" means a State agency.
"State agency" means each agency, department authority, board, commission of the executive branch of State government, including each university, whether created by statute or by executive order of the Governor.
"United States" means the United States and any place subject to the jurisdiction of the United States.
(Source: P.A. 93-954, eff. 1-1-05.)

(30 ILCS 517/10)
Sec. 10. United States products. Each purchasing agency making purchases of procured products manufactured articles, materials, and supplies shall promote the purchase of and give preference to manufactured articles, materials, and supplies that have been manufactured in the United States. Procured products Manufactured articles, materials, and supplies manufactured in the United States shall be specified and purchased unless the purchasing agency determines that any of the following applies:

(1) The procured products manufactured articles, materials, and supplies are not manufactured in the United States in reasonably available quantities.

(2) The price of the procured products manufactured articles, materials, and supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable

New matter indicated by italics - deletions by strikeout
procured products manufactured articles, materials, and supplies manufactured outside the United States.

(3) The quality of the procured products manufactured articles, materials, and supplies manufactured in the United States is substantially less than the quality of the comparably priced, available, and comparable procured products manufactured articles, materials, and supplies manufactured outside the United States.

(4) The purchase of the procured products manufactured articles, materials, and supplies manufactured outside in the United States better serves is not in the public interest by helping to protect or save life, property, or the environment.

(5) The purchase of the procured products manufactured articles, materials, or supplies is made in conjunction with contracts or offerings of telecommunications, fire suppression, security systems, communications services, or Internet services, or information services.

(6) The purchase is of pharmaceutical products, drugs, biologics, vaccines, medical devices used to provide medical and health care or treat disease or used in medical or research diagnostic tests, and medical nutritionals regulated by the Food and Drug Administration under the federal Food, Drug and Cosmetic Act. In determining the price of procured products manufactured articles, materials, and supplies for purposes of this Section, consideration shall be given to the life-cycle cost, including maintenance and repair of those procured products manufactured articles, materials, and supplies.

(Source: P.A. 93-954, eff. 1-1-05.)

(30 ILCS 517/15)
Sec. 15. Contracts; prequalification.
(a) Each contract awarded by a purchasing agency on or after the effective date of this Act through the use of the preference required under Section 10 shall contain the contractor's certification that procured products manufactured articles, materials, and supplies provided pursuant to the contract or a subcontract shall be manufactured in the United States.

(b) Chief procurement officers, as provided in Section 20-45 of the Illinois Procurement Code, and the Capital Development Board, as provided in Section 30-20 of the Illinois Procurement Code, must promulgate rules for prequalification of suppliers and contractors under this Section.

(Source: P.A. 93-954, eff. 1-1-05.)

(30 ILCS 517/25)

New matter indicated by italics - deletions by strikeout
Sec. 25. Penalties. If a contractor is awarded a contract through the use of a preference under this Act and knowingly supplies procured products manufactured articles, materials, or supplies under that contract that are not manufactured in the United States, then (i) the contractor is barred from obtaining any State contract for a period of 5 years after the violation is discovered by the purchasing agency, (ii) the purchasing agency may void the contract, and (iii) the purchasing agency may recover damages in a civil action in an amount 3 times the value of the preference.
(Source: P.A. 93-954, eff. 1-1-05.)

(30 ILCS 517/30)

Sec. 30. Capital Development Board; exemption. The Capital Development Board (CDB) is exempt from the requirements of this Act with respect to a specific project if (i) CDB determines that the project is too complex for the 5 major construction building trades to identify the numerous individual procured products articles, materials, and supplies required for the project or (ii) CDB determines that the procured products the articles, materials, and supplies required for the project are too numerous or complex to be able to efficiently assess the sites where manufactured.
(Source: P.A. 93-954, eff. 1-1-05.)

Passed in the General Assembly May 18, 2005.
Approved August 10, 2005.
Effective January 1, 2006.
insurance as defined in Section 143.13 of the "Illinois Insurance Code", as amended, and the personal multiperil coverages commonly known as homeowner's insurance. However, no portion of salaries, wages or annuities may be withheld to pay premiums on automobile, homeowner's, life or accident and health insurance policies issued by any one insurance company or insurance service company unless a minimum of 100 employees or annuitants insured by that company authorize the withholding by an Office within 6 months after such withholding begins. If such minimum is not satisfied the Office may discontinue withholding for such company. For any insurance company or insurance service company which has not previously had withholding, the Office may allow withholding for premiums, where less than 100 policies have been written, to cover a probationary period. An insurance company which has discontinued withholding may reinstate it upon presentation of facts indicating new management or re-organization satisfactory to the Office;

(3) for payment to any labor organization designated by the employee;

(4) for payment of dues to any association the membership of which consists of State employees and former State employees;

(5) for deposit in any credit union, in which State employees are within the field of membership as a result of their employment;

(6) for payment to or for the benefit of an institution of higher education by an employee of that institution;

(7) for payment of parking fees at the underground facility located south of the William G. Stratton State Office Building in Springfield, the parking ramp located at 401 South College Street, west of the William G. Stratton State Office Building in Springfield, or at the parking facilities located on the Urbana-Champaign campus of the University of Illinois;

(8) for voluntary payment to the State of Illinois of amounts then due and payable to the State;

(9) for investment purchases made as a participant in College Savings Programs established pursuant to Section 30-15.8a of the School Code;

(10) for voluntary payment to the Illinois Department of Revenue of amounts due or to become due under the Illinois Income Tax Act;

(11) for payment of optional contributions to a retirement system subject to the provisions of the Illinois Pension Code;

(12) for contributions to organizations found qualified by the State Comptroller under the requirements set forth in the Voluntary Payroll Deductions Act of 1983;

(13) for payment of fringe benefit contributions to employee benefit

New matter indicated by italics - deletions by strikeout
trust funds (whether such employee benefit trust funds are governed by the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1001 et seq. or not) for State contractual employees hired through labor organizations and working pursuant to a signed agreement between a labor organization and a State agency, whether subject to the Illinois Prevailing Wage Act or not; this item (13) is not intended to limit employee benefit trust funds and the contributions to be made thereto to be limited to those which are encompassed for purposes of computing the prevailing wage in any particular locale, but rather such employee benefit trusts are intended to include contributions to be made to such funds that are intended to assist in training, building and maintenance, industry advancement, and the like, including but not limited to those benefit trust funds such as pension and welfare that are normally computed in the prevailing wage rates and which otherwise would be subject to contribution obligations by private employers that are signatory to agreements with labor organizations.

(Source: P.A. 90-102, eff. 7-1-98; 90-448, eff. 8-16-97; 90-655, eff. 7-30-98.)

Passed in the General Assembly May 24, 2005.

Approved August 10, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0542
(Senate Bill No. 1857)

AN ACT concerning government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Open Meetings Act is amended by changing Section 2.06 as follows:

(5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

Sec. 2.06. (a) All public bodies shall keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes shall include, but need not be limited to:

(1) the date, time and place of the meeting;
(2) the members of the public body recorded as either present or absent; and
(3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(b) The minutes of meetings open to the public shall be available for

New matter indicated by italics - deletions by strikeout
public inspection within 7 days of the approval of such minutes by the public body.

(c) The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after:

(1) the public body approves the destruction of a particular recording; and
(2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section.

(d) Each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection. The failure of a public body to strictly comply with the semi-annual review of closed session written minutes, whether before or after the effective date of this amendatory Act of the 94th General Assembly, shall not cause the written minutes or related verbatim record to become public or available for inspection in any judicial proceeding, other than a proceeding involving an alleged violation of this Act, if the public body, within 60 days of discovering its failure to strictly comply with the technical requirements of this subsection, reviews the closed session minutes and determines and thereafter reports in open session that either (1) the need for confidentiality still exists as to all or part of the minutes or verbatim record, or (2) that the minutes or recordings or portions thereof no longer require confidential treatment and are available for public inspection.

(e) Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. In the case of a civil action brought to enforce this Act, the court, if the judge believes such an examination is necessary, must conduct such in camera examination of the verbatim record as it finds appropriate in order to determine whether there has been a violation of this Act. In the case of a criminal proceeding, the court may conduct an examination in order to determine what portions, if any, must be made available to the parties for use as evidence in the

New matter indicated by italics - deletions by strikeout
prosecution. Any such initial inspection must be held in camera. If the court
determines that a complaint or suit brought for noncompliance under this Act
is valid it may, for the purposes of discovery, redact from the minutes of the
meeting closed to the public any information deemed to qualify under the
attorney-client privilege. The provisions of this subsection do not supersede
the privacy or confidentiality provisions of State or federal law.

(f) Minutes of meetings closed to the public shall be available only
after the public body determines that it is no longer necessary to protect the
public interest or the privacy of an individual by keeping them confidential.

(Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 24, 2005.
Approved August 10, 2005.
Effective August 10, 2005.

PUBLIC ACT 94-0543
(Senate Bill No. 1876)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 5. The Department of Professional Regulation Law of the
Civil Administrative Code of Illinois is amended by changing Section 2105-
75 as follows:

(20 ILCS 2105/2105-75) (was 20 ILCS 2105/61f)
Sec. 2105-75. Design professionals designated employees.
There are established within the Department certain design
professionals designated employees. These employees shall be devoted
primarily to the administration and enforcement of the Illinois Architecture
Practice Act, the Illinois Professional Land Surveyor Act of 1989, the
Professional Engineering Practice Act of 1989, and the Structural
Engineering Practice Act of 1989. The design professionals designated
employees that the Director shall employ, in conformity with the Personnel
Code, shall include but not be limited to one full-time Design Licensing
Manager, one full-time Assistant Licensing Manager, 3 full-time licensing
clerks, one full-time attorney, and 3 full-time investigators. These
employees shall work primarily in the licensing and enforcement of the
design profession Acts set forth in this Section and may be used, when
available, for other duties in the Department subject to the authorization of

New matter indicated by italics - deletions by strikeout
the Department.
(Source: P.A. 92-16, eff. 6-28-01; 93-1009, eff. 1-1-05.)

Section 10. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 13, 20, 22, and 23.5 as follows:

(225 ILCS 305/13) (from Ch. 111, par. 1313)
(Section scheduled to be repealed on January 1, 2010)

Sec. 13. Qualifications of applicants. Any person who is of good moral character may take an examination for licensure if he or she is a graduate with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board and has completed such diversified professional training, including academic training, as is required by rules of the Department. Until January 1, 2014, in lieu of the requirement of graduation with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, the Department may admit an applicant who is a graduate with a pre-professional 4 year baccalaureate degree accepted for direct entry into a first professional master of architecture degree program, and who has completed such additional diversified professional training, including academic training, as is required by rules of the Department. The Department may adopt, as its own rules relating to diversified professional training, those guidelines published from time to time by the National Council of Architectural Registration Boards.

Good moral character means such character as will enable a person to discharge the fiduciary duties of an architect to that person's client and to the public in a manner which protects health, safety and welfare. Evidence of inability to discharge such duties may include the commission of an offense justifying discipline under Section 19. In addition, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.
(Source: P.A. 93-1009, eff. 1-1-05.)

(225 ILCS 305/20) (from Ch. 111, par. 1320)
(Section scheduled to be repealed on January 1, 2010)

Sec. 20. Roster of licensees and registrants. A roster showing the names and addresses of all architects, architectural corporations and partnerships and professional design firms licensed or registered under this Act shall be prepared by the Department each year. This roster shall be organized by discipline and available by discipline upon written request and payment of the required fee.
(Source: P.A. 88-428.)

New matter indicated by italics - deletions by strikeout
(225 ILCS 305/22) (from Ch. 111, par. 1322)
(Section scheduled to be repealed on January 1, 2010)
Sec. 22. Refusal, suspension and revocation of licenses; Causes.
(a) The Department may, singularly or in combination, refuse to issue, renew or restore, or may suspend or revoke any license or registration, or may place on probation, reprimand, or fine, with a civil penalty not to exceed $10,000 for each violation, any person, corporation, or partnership, or professional design firm licensed or registered under this Act for any of the following reasons:

(1) material misstatement in furnishing information to the Department;
(2) negligence, incompetence or misconduct in the practice of architecture;
(3) failure to comply with any of the provisions of this Act or any of the rules;
(4) making any misrepresentation for the purpose of obtaining licensure;
(5) purposefully making false statements or signing false statements, certificates or affidavits to induce payment;
(6) conviction of any crime under the laws of the United States, or any state or territory thereof, which is a felony, whether related to the practice of architecture or not; or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty, wanton disregard for the rights of others, or which is directly related to the practice of architecture;
(7) aiding or assisting another person in violating any provision of this Act or its rules;
(8) signing, affixing the licensed architect's seal or permitting the architect's seal to be affixed to any construction documents not prepared by the architect or under that architect's direct supervision and control;
(9) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;
(10) habitual intoxication or addiction to the use of drugs;
(11) making a statement of compliance pursuant to the Environmental Barriers Act that construction documents prepared by the Licensed Architect or prepared under the licensed architect's direct supervision and control for construction or alteration of an occupancy required to be in compliance with the Environmental

New matter indicated by italics - deletions by strikeout
Barriers Act are in compliance with the Environmental Barriers Act when such construction documents are not in compliance;

(12) a finding by the Board that an applicant or registrant has failed to pay a fine imposed by the Department or a registrant, whose license has been placed on probationary status, has violated the terms of probation;

(13) discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth herein;

(14) failure to provide information in response to a written request made by the Department within 30 days after the receipt of such written request;

(15) physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill or safety.

(a-5) In enforcing this Section, the Board upon a showing of a possible violation may request that the Department compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may recommend that the Department require that person to submit to care, counseling, or treatment by physicians approved or designated by the Department Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in

New matter indicated by italics - deletions by strikeout
lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the licensee be allowed to resume practice.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, shall not be liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The attorney general shall defend such persons in any such action or proceeding.

(225 ILCS 305/23.5)

Sec. 23.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as an architect without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(a-5) Any entity that advertises architecture services in a
telecommunications directory must include its architecture firm registration number or, in the case of a sole proprietor, his or her individual license number. Nothing in this subsection (a-5) requires the publisher of a telecommunications directory to investigate or verify the accuracy of the registration or license number provided by the advertiser of architecture services.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 89-474, eff. 6-18-96.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 24, 2005.
Approved August 10, 2005.
Effective August 10, 2005.

PUBLIC ACT 94-0544
(Senate Bill No. 2085)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Section 11-149-1 as follows:
(65 ILCS 5/11-149-1) (from Ch. 24, par. 11-149-1)
Sec. 11-149-1. The corporate authorities of a municipality may provide by ordinance for the extension and maintenance of municipal sewers and water mains, or both, in specified areas outside the corporate limits. Such service shall not be extended, however, unless a majority of the owners of record of the real property in the specified area petition the corporate authorities for the service. In a non-home rule municipality, if such service has been provided to another unit of local government, the municipality cannot thereafter require the annexation of the property owned by the unit of local government to the municipality as a prerequisite to the continuation and maintenance of such service.
(Source: P.A. 76-1516.)

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-280 as follows:

(20 ILCS 2310/2310-280 new)

Sec. 2310-280. Clinical trials information. The Director of Public Health shall make available on the Department's website information directing citizens to publicly available information on ongoing clinical trials, and the results of completed clinical studies, including those sponsored by the National Institutes of Health, those sponsored by academic researchers, and those sponsored by the private sector.

Approved August 10, 2005.
Effective January 1, 2006.

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Retailers' Occupation Tax Act is amended by adding Section 1p as follows:

(35 ILCS 120/1p new)

Sec. 1p. Building materials exemption; intermodal terminal facility areas. Each retailer that makes a qualified sale of building materials to be incorporated into real estate in a redevelopment project area within an intermodal terminal facility area in accordance with Section 11-74.4-3.1 of the Illinois Municipal Code by remodeling, rehabilitating, or new construction may deduct receipts from those sales when calculating the tax

New matter indicated by italics - deletions by strikeout
imposed by this Act. For purposes of this Section, "qualified sale" means a sale of building materials that will be incorporated into real estate as part of an industrial or commercial project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the corporate authorities of the municipality in which the building project is located. To document the exemption allowed under this Section, the retailer must obtain from the purchaser a copy of the Certificate of Eligibility for Sales Tax Exemption issued by the corporate authorities of the municipality in which the real estate into which the building materials will be incorporated is located. The Certificate of Eligibility for Sales Tax Exemption must contain all of the following:

(1) A statement that the commercial or industrial project identified in the Certificate meets all the requirements of the jurisdiction in which the project is located.
(2) The location or address of the building project.
(3) The signature of the chief executive officer of the municipality in which the building project is located, or the chief executive officer's delegate.

In addition, the retailer must obtain a certificate from the purchaser that contains all of the following:

(1) A statement that the building materials are being purchased for incorporation into real estate located in an intermodal terminal facility area included in a redevelopment project area in accordance with Section 11-74.4-3.1 of the Illinois Municipal Code.
(2) The location or address of the real estate into which the building materials will be incorporated.
(3) The name of the intermodal terminal facility area in which that real estate is located.
(4) A description of the building materials being purchased.
(5) The purchaser's signature and date of purchase.

The provisions of this Section are exempt from Section 2-70.

Section 10. The Illinois Municipal Code is amended by adding Section 11-74.4-3.1 as follows:

(65 ILCS 5/11-74.4-3.1 new)
Sec. 11-74.4-3.1. Redevelopment project area within an intermodal terminal facility area.
(a) Notwithstanding any other provision of law to the contrary, if a municipality designates an area within the territorial limits of the municipality as an intermodal terminal facility area, then that municipality

New matter indicated by italics - deletions by strikeout
may establish a redevelopment project area within the intermodal terminal facility area for the purpose of developing new intermodal terminal facilities, rehabilitating obsolete intermodal terminal facilities, or both. If there is no existing intermodal terminal facility within the redevelopment project area, then the municipality must establish a new intermodal terminal facility within the redevelopment project area. If there is an obsolete intermodal terminal facility within the redevelopment project area, then the municipality may establish a new intermodal terminal facility, rehabilitate the existing intermodal terminal facility for use as an intermodal terminal facility or for any other commercial purpose, or both.

(b) For purposes of this Division, an intermodal terminal facility area is deemed to be a blighted area and no proof of blight need be shown in establishing a redevelopment project area in accordance with this Section.

(c) As used in this Section:

"Intermodal terminal facility area” means an area that: (i) does not include any existing intermodal terminal facility or includes an obsolete intermodal terminal facility; (ii) comprises a minimum of 150 acres and not more than 2 square miles in total area, exclusive of lakes and waterways; (iii) has at least one Class 1 railroad right-of-way located within it or within one quarter mile of it; and (iv) has no boundary limit further than 3 miles from the right-of-way.

"Intermodal terminal facility" means land, improvements to land, equipment, and appliances necessary for the receipt and transfer of goods between one mode of transportation and another, at least one of which must be transportation by rail.

Approved August 11, 2005.
Effective January 1, 2006.
areas at airports.) Whoever enters upon, or remains in, any restricted area or
restricted landing area used in connection with an airport facility, or part
thereof, in this State, after such person has received notice from the airport
authority that such entry is forbidden commits a Class 4 felony. 
A
misdemeanor. Whoever enters upon, or remains in, any restricted area or
restricted landing area used in connection with an airport facility, or part
thereof, in this State, while in possession of a weapon, replica of a weapon,
or ammunition, after the person has received notice from the airport
authority that the entry is forbidden commits a Class 3 felony. Notice that the
area is "restricted" and entry thereto "forbidden", for purposes of this Section,
means that the person or persons have been notified personally, either orally
or in writing, or by a printed or written notice forbidding such entry to him
or a group or an organization of which he is a member, which has been
conspicuously posted or exhibited at every usable entrance to such area or the
forbidden part thereof.

The terms "Restricted area" or "Restricted landing area" in this
Section are defined to incorporate the meaning ascribed to those terms in
Section 8 of the "Illinois Aeronautics Act", approved July 24, 1945, as
amended, and also include any other area of the airport that has been
designated such by the airport authority.
(Source: P.A. 81-564.)

Passed in the General Assembly May 17, 2005.
Approved August 11, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0548
(House Bill No. 1559)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing
Sections 17-2 and 21-7 as follows:
(720 ILCS 5/17-2)(from Ch. 38, par. 17-2)
Sec. 17-2. False personation; use of title; solicitation; certain entities.
(a) A person commits a false personation when he or she falsely
represents himself or herself to be a member or representative of any veterans'
or public safety personnel organization or a representative of any charitable
organization, or when any person exhibits or uses in any manner any decal,

New matter indicated by italics - deletions by strikeout
badge or insignia of any charitable, public safety personnel, or veterans' organization when not authorized to do so by the charitable, public safety personnel, or veterans' organization. "Public safety personnel organization" has the meaning ascribed to that term in Section 1 of the Solicitation for Charity Act.

(a-5) A person commits a false personation when he or she falsely represents himself or herself to be a veteran in seeking employment or public office. In this subsection, "veteran" means a person who has served in the Armed Services or Reserved Forces of the United States.

(b) No person shall use the words "Chicago Police," "Chicago Police Department," "Chicago Patrolman," "Chicago Sergeant," "Chicago Lieutenant," "Chicago Peace Officer" or any other words to the same effect in the title of any organization, magazine, or other publication without the express approval of the Chicago Police Board.

(b-5) No person shall use the words "Cook County Sheriff's Police" or "Cook County Sheriff" or any other words to the same effect in the title of any organization, magazine, or other publication without the express approval of the office of the Cook County Sheriff's Merit Board. The references to names and titles in this Section may not be construed as authorizing use of the names and titles of other organizations or public safety personnel organizations otherwise prohibited by this Section or the Solicitation for Charity Act.

(c) (Blank).

(c-1) No person may claim or represent that he or she is acting on behalf of any police department, chief of a police department, fire department, chief of a fire department, sheriff's department, or sheriff when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements unless the chief of the police department, fire department, and the corporate or municipal authority thereof, or the sheriff has first entered into a written agreement with the person or with an organization with which the person is affiliated and the agreement permits the activity.

(c-2) No person, when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements may claim or represent that he or she is representing or acting on behalf of any nongovernmental organization by any name which includes "officer", "peace officer", "police", "law enforcement", "trooper", "sheriff", "deputy", "deputy sheriff", "State police", or any other word or words which would reasonably be understood to imply that the
organization is composed of law enforcement personnel unless the person is actually representing or acting on behalf of the nongovernmental organization, and the nongovernmental organization is controlled by and governed by a membership of and represents a group or association of active duty peace officers, retired peace officers, or injured peace officers and before commencing the solicitation or the sale or the offers to sell any merchandise, goods, services, memberships, or advertisements, a written contract between the soliciting or selling person and the nongovernmental organization has been entered into.

(c-3) No person may solicit financial contributions or sell or deliver or offer to sell or deliver any merchandise, goods, services, memberships, or advertisements on behalf of a police, sheriff, or other law enforcement department unless that person is actually representing or acting on behalf of the department or governmental organization and has entered into a written contract with the police chief, or head of the law enforcement department, and the corporate or municipal authority thereof, or the sheriff, which specifies and states clearly and fully the purposes for which the proceeds of the solicitation, contribution, or sale will be used.

(c-4) No person, when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements, may claim or represent that he or she is representing or acting on behalf of any nongovernmental organization by any name which includes the term "fireman", "fire fighter", "paramedic", or any other word or words which would reasonably be understood to imply that the organization is composed of fire fighter or paramedic personnel unless the person is actually representing or acting on behalf of the nongovernmental organization, and the nongovernmental organization is controlled by and governed by a membership of and represents a group or association of active duty, retired, or injured fire fighters (for the purposes of this Section, "fire fighter" has the meaning ascribed to that term in Section 2 of the Illinois Fire Protection Training Act) or active duty, retired, or injured emergency medical technicians - ambulance, emergency medical technicians - intermediate, emergency medical technicians - paramedic, ambulance drivers, or other medical assistance or first aid personnel, and before commencing the solicitation or the sale or delivery or the offers to sell or deliver any merchandise, goods, services, memberships, or advertisements, a written contract between the soliciting or selling person and the nongovernmental organization has been entered into.

(c-5) No person may solicit financial contributions or sell or deliver

New matter indicated by italics - deletions by strikeout
or offer to sell or deliver any merchandise, goods, services, memberships, or advertisements on behalf of a department or departments of fire fighters unless that person is actually representing or acting on behalf of the department or departments and has entered into a written contract with the department chief and corporate or municipal authority thereof which specifies and states clearly and fully the purposes for which the proceeds of the solicitation, contribution, or sale will be used.

(c-6) No person may claim or represent that he or she is an airman, airline employee, airport employee, or contractor at an airport in order to obtain the uniform, identification card, license, or other identification paraphernalia of an airman, airline employee, airport employee, or contractor at an airport.

(d) Sentence. False personation, unapproved use of a name or title, or solicitation in violation of subsection (a), (b), or (b-5) of this Section is a Class C misdemeanor. False personation in violation of subsections (a-5) and (c-6) is a Class A misdemeanor. Engaging in any activity in violation of subsection (c-1), (c-2), (c-3), (c-4), or (c-5) of this Section is a Class 4 felony.

(Source: P.A. 91-301, eff. 7-29-99; 91-302, eff. 7-29-99; 92-16, eff. 6-28-01.)

(720 ILCS 5/21-7) (from Ch. 38, par. 21-7)

Sec. 21-7. Criminal trespass to restricted areas and restricted landing areas at airports; aggravated criminal trespass to restricted areas and restricted landing areas at airports.

(a) Criminal trespass to Restricted areas and restricted Landing areas at airports.) Whoever enters upon, or remains in, any restricted area or restricted landing area used in connection with an airport facility, or part thereof, in this State, after such person has received notice from the airport authority that such entry is forbidden commits a Class A misdemeanor. Notice that the area is "restricted" and entry thereto "forbidden", for purposes of this Section, means that the person or persons have been notified personally, either orally or in writing, or by a printed or written notice forbidding such entry to him or a group or an organization of which he is a member, which has been conspicuously posted or exhibited at every usable entrance to such area or the forbidden part thereof.

(b) Whoever enters upon, or remains in, any restricted area or restricted landing area as prohibited in subsection (a) of this Section, while dressed in the uniform of, improperly wearing the identification of, presenting false credentials of, or otherwise physically impersonating an airman, employee of an airline, employee of an airport, or contractor at an
airport commits a Class 4 felony.

The terms "Restricted area" or "Restricted landing area" in this Section are defined to incorporate the meaning ascribed to those terms in Section 8 of the "Illinois Aeronautics Act", approved July 24, 1945, as amended, and also include any other area of the airport that has been designated such by the airport authority.

*The terms "airman" and "airport" in this Section are defined to incorporate the meaning ascribed to those terms in Sections 6 and 12 of the Illinois Aeronautics Act.*

(Source: P.A. 81-564.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 19, 2005.

Approved August 11, 2005.

Effective August 11, 2005.

PUBLIC ACT 94-0549

(House Bill No. 2411)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by adding Article 17 to Chapter III as follows:

(730 ILCS 5/Ch. III Art. 17 heading new)

**ARTICLE 17. METHAMPHETAMINE ABUSERS PILOT PROGRAMS**

(730 ILCS 5/3-17-5 new)

Sec. 3-17-5. Methamphetamine abusers pilot program; Franklin County Juvenile Detention Center.

(a) There is created the Methamphetamine Abusers Pilot Program at the Franklin County Juvenile Detention Center. The Program shall be established upon adoption of a resolution or ordinance by the Franklin County Board and with the consent of the Secretary of Human Services.

(b) A person convicted of the unlawful possession of methamphetamine under Section 402 of the Illinois Controlled Substances Act, after an assessment by a designated program licensed under the Alcoholism and Other Drug Abuse and Dependency Act that the person is a methamphetamine abuser or addict and may benefit from treatment for his or her abuse or addiction, may be ordered by the court to be committed to the Program established under this Section.

New matter indicated by italics - deletions by strikeout
(c) The Program shall consist of medical and psychiatric treatment for the abuse or addiction for a period of at least 90 days and not to exceed 180 days. A treatment plan for each person participating in the Program shall be approved by the court in consultation with the Department of Human Services. The Secretary of Human Services shall appoint a Program Administrator to operate the Program who shall be licensed to provide residential treatment for alcoholism and other drug abuse and dependency.

(d) Persons committed to the Program who are 17 years of age or older shall be separated from minors under 17 years of age who are detained in the Juvenile Detention Center and there shall be no contact between them.

(e) Upon the establishment of the Pilot Program, the Secretary of Human Services shall inform the chief judge of each judicial circuit of this State of the existence of the Program and its date of termination.

(f) The Secretary of Human Services, after consultation with the Program Administrator, shall determine the effectiveness of the Program in rehabilitating methamphetamine abusers and addicts committed to the Program. The Secretary shall prepare a report based on his or her assessment of the effectiveness of the Program and shall submit the report to the Governor and General Assembly within one year after the effective date of this amendatory Act of the 94th General Assembly and each year thereafter that the Program continues operation.

(730 ILCS 5/3-17-10 new)

Sec. 3-17-10. Methamphetamine abusers pilot program; Franklin County Jail.

(a) There is created the Methamphetamine Abusers Pilot Program at the Franklin County Jail. The Program shall be established upon adoption of a resolution or ordinance by the Franklin County Board and with the consent of the Secretary of Human Services.

(b) A person convicted of the unlawful possession of methamphetamine under Section 402 of the Illinois Controlled Substances Act, after an assessment by a designated program licensed under the Alcoholism and Other Drug Abuse and Dependency Act that the person is a methamphetamine abuser or addict and may benefit from treatment for his or her abuse or addiction, may be ordered by the court to be committed to the Program established under this Section.

(c) The Program shall consist of medical and psychiatric treatment for the abuse or addiction for a period of at least 90 days and not to exceed 180 days. A treatment plan for each person participating in the Program shall be approved by the court in consultation with the Department of Human

New matter indicated by italics - deletions by strikeout
Services. The Secretary of Human Services shall appoint a Program Administrator to operate the Program who shall be licensed to provide residential treatment for alcoholism and other drug abuse and dependency.

(d) Upon the establishment of the Pilot Program, the Secretary of Human Services shall inform the chief judge of each judicial circuit of this State of the existence of the Program and its date of termination.

(e) The Secretary of Human Services, after consultation with the Program Administrator, shall determine the effectiveness of the Program in rehabilitating methamphetamine abusers and addicts committed to the Program. The Secretary shall prepare a report based on his or her assessment of the effectiveness of the Program and shall submit the report to the Governor and General Assembly within one year after the effective date of this amendatory Act of the 94th General Assembly and each year thereafter that the Program continues operation.

Passed in the General Assembly May 16, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0550
(House Bill No. 3504)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)
Sec. 5.640. The Methamphetamine Law Enforcement Fund.
Section 10. The Unified Code of Corrections is amended by changing Sections 5-9-1.1 and 5-9-1.2 and by adding Section 5-9-1.1-5 as follows:

(730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)
Sec. 5-9-1.1. Drug related offenses.
(a) When a person has been adjudged guilty of a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance, other than methamphetamine, as defined in the Cannabis Control Act, as amended, or the Illinois Controlled Substances Act, as amended, in addition to any other penalty imposed, a fine shall be levied by the court at not less than the full street value of the cannabis or controlled substances seized.

New matter indicated by italics - deletions by strikeout
"Street value" shall be determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount seized and such testimony as may be required by the court as to the current street value of the cannabis or controlled substance seized.

(b) In addition to any penalty imposed under subsection (a) of this Section, a fine of $100 shall be levied by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Trauma Center Fund for distribution as provided under Section 3.225 of the Emergency Medical Services (EMS) Systems Act.

(c) In addition to any penalty imposed under subsection (a) of this Section, a fee of $5 shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.

(730 ILCS 5/5-9-1.1-5 new)

Sec. 5-9-1.1-5. Methamphetamine related offenses.

(a) When a person has been adjudged guilty of a methamphetamine related offense involving possession or delivery of methamphetamine or any salt of an optical isomer of methamphetamine or possession of a methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 of the Illinois Controlled Substances Act with the intent to manufacture a substance containing methamphetamine or salt of an optical isomer of methamphetamine, in addition to any other penalty imposed, a fine shall be levied by the court at not less than the full street value of the methamphetamine or salt of an optical isomer of methamphetamine or methamphetamine manufacturing chemicals seized.

"Street value" shall be determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount seized and such testimony as may be required by the court as to the current street value of the methamphetamine or salt of an optical isomer of methamphetamine or methamphetamine manufacturing chemicals seized.

(b) In addition to any penalty imposed under subsection (a) of this Section, a fine of $100 shall be levied by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the
Methamphetamine Law Enforcement Fund and allocated as provided in subsection (d) of Section 5-9-1.2.

Sec. 5-9-1.2. (a) Twelve and one-half percent of all amounts collected as fines pursuant to Section 5-9-1.1 shall be paid into the Youth Drug Abuse Prevention Fund, which is hereby created in the State treasury, to be used by the Department of Human Services for the funding of programs and services for drug-abuse treatment, and prevention and education services, for juveniles.

(b) Eighty-seven and one-half percent of the proceeds of all fines received pursuant to Section 5-9-1.1 shall be transmitted to and deposited in the treasurer's office at the level of government as follows:

(1) If such seizure was made by a combination of law enforcement personnel representing differing units of local government, the court levying the fine shall equitably allocate 50% of the fine among these units of local government and shall allocate 37 1/2% to the county general corporate fund. In the event that the seizure was made by law enforcement personnel representing a unit of local government from a municipality where the number of inhabitants exceeds 2 million in population, the court levying the fine shall allocate 87 1/2% of the fine to that unit of local government. If the seizure was made by a combination of law enforcement personnel representing differing units of local government, and at least one of those units represents a municipality where the number of inhabitants exceeds 2 million in population, the court shall equitably allocate 87 1/2% of the proceeds of the fines received among the differing units of local government.

(2) If such seizure was made by State law enforcement personnel, then the court shall allocate 37 1/2% to the State treasury and 50% to the county general corporate fund.

(3) If a State law enforcement agency in combination with a law enforcement agency or agencies of a unit or units of local government conducted the seizure, the court shall equitably allocate 37 1/2% of the fines to or among the law enforcement agency or agencies of the unit or units of local government which conducted the seizure and shall allocate 50% to the county general corporate fund.

(c) The proceeds of all fines allocated to the law enforcement agency or agencies of the unit or units of local government pursuant to subsection (b) shall be made available to that law enforcement agency as expendable.

New matter indicated by italics - deletions by strikeout
receipts for use in the enforcement of laws regulating controlled substances and cannabis. The proceeds of fines awarded to the State treasury shall be deposited in a special fund known as the Drug Traffic Prevention Fund. Monies from this fund may be used by the Department of State Police for use in the enforcement of laws regulating controlled substances and cannabis; to satisfy funding provisions of the Intergovernmental Drug Laws Enforcement Act; and to defray costs and expenses associated with returning violators of the Cannabis Control Act and the Illinois Controlled Substances Act only, as provided in those Acts, when punishment of the crime shall be confinement of the criminal in the penitentiary. Monies in the Drug Traffic Prevention Fund deposited from fines awarded as a direct result of enforcement efforts of the Illinois Conservation Police may be used by the Department of Natural Resources Office of Law Enforcement for use in enforcing laws regulating controlled substances and cannabis on Department of Natural Resources regulated lands and waterways. All other monies shall be paid into the general revenue fund in the State treasury.

(d) There is created in the State treasury the Methamphetamine Law Enforcement Fund. Moneys in the Fund shall be equitably allocated to local law enforcement agencies to: (1) reimburse those agencies for the costs of securing and cleaning up sites and facilities used for the illegal manufacture of methamphetamine; (2) defray the costs of employing full-time or part-time peace officers from a Metropolitan Enforcement Group or other local drug task force, including overtime costs for those officers; and (3) defray the costs associated with medical or dental expenses incurred by the county resulting from the incarceration of methamphetamine addicts in the county jail or County Department of Corrections.

(Source: P.A. 92-601, eff. 7-1-02.)

Passed in the General Assembly May 19, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0551
(House Bill No. 3507)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Controlled Substances Act is amended by changing Section 411.3 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 411.3. Methamphetamine restitution. If a person is convicted of a violation of clause (6.5) or (6.6) of subsection (a), subsection (c)(6.5), subsection (c-5), clause (d)(iii), or subsection (d-5) of Section 401, and the offense involves the manufacture of methamphetamine or the possession of a methamphetamine manufacturing chemical as defined in paragraph (z-1) of Section 102, and the manufacture of methamphetamine or possession of one or more methamphetamine manufacturing chemicals requires an emergency response, the person convicted shall be required to make restitution to all public entities involved in the emergency response, to cover the reasonable cost of their participation in the emergency response, including but not limited to regular and overtime costs incurred by local law enforcement agencies and private contractors paid by the public agencies in securing the site. The convicted person shall make this restitution in addition to any other fine or penalty required by law. Any restitution payments made under this Section shall be disbursed equitably by the circuit clerk in the following order:

(1) first, to the local agencies involved in the emergency response;
(2) second, to the State agencies involved in the emergency response; and
(3) third, to the federal agencies involved in the emergency response.

In this Section, "emergency response" includes, but is not limited to, collecting evidence, securing the site, and cleaning up the site where the relevant offense or offenses took place, whether these actions are performed by the public entities themselves or by private contractors paid by the public entities.

(Source: P.A. 93-297, eff. 1-1-04.)

Passed in the General Assembly May 16, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0552
(House Bill No. 3515)

AN ACT concerning drug courts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Drug Court Treatment Act is amended by adding Section 40 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 40. Education seminars for judges. The Administrative Office of the Illinois Courts shall conduct education seminars for judges throughout the State on how to operate drug court programs with a specific emphasis on cases involving the illegal possession of methamphetamine.

Section 99. Effective date. This Act takes effect on July 1, 2005.
Passed in the General Assembly May 16, 2005.
Approved August 12, 2005.
Effective August 12, 2005.

PUBLIC ACT 94-0553
(House Bill No. 3526)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by adding Section 205-450 as follows:

(20 ILCS 205/205-450 new)
Sec. 205-450. Anhydrous ammonia security grants. The Department of Agriculture shall establish a grant program to improve security at anhydrous ammonia facilities by encouraging the industry to utilize industry approved ammonia additives, install tank locking devices, or install security systems to prevent the use of anhydrous ammonia in the illegal manufacture of methamphetamine. The Department shall determine the eligibility of applicants for grants under this Section. Subject to appropriation made for this purpose by the General Assembly, the Department shall award grants to eligible recipients in accordance with rules adopted by the Department.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 16, 2005.
Approved August 12, 2005.
Effective August 12, 2005.

PUBLIC ACT 94-0554
(House Bill No. 3531)

AN ACT concerning children.
Be it enacted by the People of the State of Illinois, represented in the

New matter indicated by italics - deletions by strikeout
General Assembly:

Section 5. The Children and Family Services Act is amended by adding Section 6.5 as follows:

(20 ILCS 505/6.5 new)

Sec. 6.5. Children; methamphetamine; protocol.
(a) The Department of Children and Family Services, the Department of State Police, and the State Board of Education shall jointly develop a sample protocol to be followed by the Department of Children and Family Services, the Department of State Police or a local law enforcement agency, or a school when:

(1) a person or persons are arrested for manufacturing methamphetamine at a place where a child under 18 years of age resides; or

(2) the Department of Children and Family Services, the Department of State Police or a local law enforcement agency, or a school has reason to believe that a child under 18 years of age is being exposed to an environment where methamphetamine is manufactured or used.

(b) At a minimum, the protocol developed under this Section must do the following:

(1) Provide for an appropriate custodian of the affected child.

(2) Provide for the necessary care and supervision of the affected child, including appropriate shelter, clothing, food, and medical care.

(3) Provide for the child’s attendance at an appropriate school.

(c) The Department of Children and Family Services, the Department of State Police, and the State Board of Education must develop the protocol by January 1, 2006.

(d) The Department of Children and Family Services must post the protocol on the official Web site maintained by the Department.

Section 10. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-212 as follows:

(20 ILCS 2605/2605-212 new)

Sec. 2605-212. Children; methamphetamine; protocol. The Department shall cooperate with the Department of Children and Family Services and the State Board of Education in developing the protocol required under Section 6.5 of the Children and Family Services Act. The

New matter indicated by italics - deletions by strikeout
Department must post the protocol on the official Web site maintained by the Department.

Section 15. The School Code is amended by adding Section 1A-11 as follows:

(105 ILCS 5/1A-11 new)

Sec. 1A-11. Children; methamphetamine; protocol. The State Board of Education shall cooperate with the Department of Children and Family Services and the Department of State Police in developing the protocol required under Section 6.5 of the Children and Family Services Act. The Board must post the protocol on the official Web site maintained by the Board.

Passed in the General Assembly May 19, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0555
(House Bill No. 3532)

AN ACT concerning methamphetamine.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-211 as follows:

(20 ILCS 2605/2605-211 new)

Sec. 2605-211. Protocol; methamphetamine; illegal manufacture.
(a) The Department of State Police shall develop a protocol to be followed in performing gross remediation of clandestine laboratory sites not to exceed the standards established by the United States Drug Enforcement Administration.

(b) "Gross remediation" means the removal of any and all identifiable clandestine laboratory ingredients and apparatus.
(c) The Department of State Police must post the protocol on its official Web site.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 12, 2005.
Effective August 12, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning methamphetamine.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Methamphetamine Control and Community Protection Act.

Section 5. Purpose. The purpose of this Act is to reduce the damage that the manufacture, distribution, and use of methamphetamine are inflicting on children, families, communities, businesses, the economy, and the environment in Illinois. The General Assembly recognizes that methamphetamine is fundamentally different from other drugs regulated by the Illinois Controlled Substances Act because the harms relating to methamphetamine stem not only from the distribution and use of the drug, but also from the manufacture of the drug in this State. Because methamphetamine is not only distributed and used but also manufactured here, and because the manufacture of methamphetamine is extremely and uniquely harmful, the General Assembly finds that a separate Act is needed to address the manufacture, distribution, and use of methamphetamine in Illinois.

Section 10. Definitions. As used in this Act:

"Anhydrous ammonia" has the meaning provided in subsection (d) of Section 3 of the Illinois Fertilizer Act of 1961.

"Anhydrous ammonia equipment" means all items used to store, hold, contain, handle, transfer, transport, or apply anhydrous ammonia for lawful purposes.

"Booby trap" means any device designed to cause physical injury when triggered by an act of a person approaching, entering, or moving through a structure, a vehicle, or any location where methamphetamine has been manufactured, is being manufactured, or is intended to be manufactured.

"Deliver" or "delivery" has the meaning provided in subsection (h) of Section 102 of the Illinois Controlled Substances Act.

"Director" means the Director of State Police or the Director's designated agents.

"Dispose" or "disposal" means to abandon, discharge, release, deposit, inject, dump, spill, leak, or place methamphetamine waste onto or into any land, water, or well of any type so that the waste has the potential to enter the environment, be emitted into the air, or be discharged into the soil or any waters, including groundwater.
"Emergency response" means the act of collecting evidence, securing a methamphetamine laboratory site, methamphetamine waste site or other methamphetamine-related site and cleaning up the site, whether these actions are performed by public entities or private contractors paid by public entities. "Emergency service provider" means a local, State, or federal peace officer, firefighter, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical or first aid personnel rendering aid, or any agent or designee of the foregoing. "Finished methamphetamine" means methamphetamine in a form commonly used for personal consumption. "Firearm" has the meaning provided in Section 1.1 of the Firearm Owners Identification Card Act. "Manufacture" means to produce, prepare, compound, convert, process, synthesize, concentrate, purify, separate, extract, or package any methamphetamine, methamphetamine precursor, methamphetamine manufacturing catalyst, methamphetamine manufacturing reagent, methamphetamine manufacturing solvent, or any substance containing any of the foregoing. "Methamphetamine" means the chemical methamphetamine (a Schedule II controlled substance under the Illinois Controlled Substances Act) or any salt, optical isomer, salt of optical isomer, or analog thereof, with the exception of 3,4-Methylenedioxymethamphetamine (MDMA) or any other scheduled substance with a separate listing under the Illinois Controlled Substances Act. "Methamphetamine manufacturing catalyst" means any substance that has been used, is being used, or is intended to be used to activate, accelerate, extend, or improve a chemical reaction involved in the manufacture of methamphetamine. "Methamphetamine manufacturing environment" means a structure or vehicle in which:

(1) methamphetamine is being or has been manufactured;
(2) chemicals that are being used, have been used, or are intended to be used to manufacture methamphetamine are stored;
(3) methamphetamine manufacturing materials that have been used to manufacture methamphetamine are stored; or
(4) methamphetamine manufacturing waste is stored.
"Methamphetamine manufacturing material" means any methamphetamine precursor, substance containing any methamphetamine...
precursor, methamphetamine manufacturing catalyst, substance containing any methamphetamine manufacturing catalyst, methamphetamine manufacturing reagent, substance containing any methamphetamine manufacturing reagent, methamphetamine manufacturing solvent, substance containing any methamphetamine manufacturing solvent, or any other chemical, substance, ingredient, equipment, apparatus, or item that is being used, has been used, or is intended to be used in the manufacture of methamphetamine.

"Methamphetamine manufacturing reagent" means any substance other than a methamphetamine manufacturing catalyst that has been used, is being used, or is intended to be used to react with and chemically alter any methamphetamine precursor.

"Methamphetamine manufacturing solvent" means any substance that has been used, is being used, or is intended to be used as a medium in which any methamphetamine precursor, methamphetamine manufacturing catalyst, methamphetamine manufacturing reagent, or any substance containing any of the foregoing is dissolved, diluted, or washed during any part of the methamphetamine manufacturing process.

"Methamphetamine manufacturing waste" means any chemical, substance, ingredient, equipment, apparatus, or item that is left over from, results from, or is produced by the process of manufacturing methamphetamine, other than finished methamphetamine.

"Methamphetamine precursor" means ephedrine, pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone, phenylacetone, phenyl-2-propanone, P2P, or any salt, optical isomer, or salt of an optical isomer of any of these chemicals.

"Multi-unit dwelling" means a unified structure used or intended for use as a habitation, home, or residence that contains 2 or more condominiums, apartments, hotel rooms, motel rooms, or other living units.

"Package" means an item marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

"Participate" or "participation" in the manufacture of methamphetamine means to produce, prepare, compound, convert, process, synthesize, concentrate, purify, separate, extract, or package any methamphetamine, methamphetamine precursor, methamphetamine manufacturing catalyst, methamphetamine manufacturing reagent, methamphetamine manufacturing solvent, or any substance containing any of the foregoing, or to assist in any of these actions, or to attempt to take any of these actions, regardless of whether this action or these actions result in the

New matter indicated by italics - deletions by strikeout
production of finished methamphetamine.

"Person with a disability" means a person who suffers from a permanent physical or mental impairment resulting from disease, injury, functional disorder, or congenital condition which renders the person incapable of adequately providing for his or her own health and personal care.

"Procure" means to purchase, steal, gather, or otherwise obtain, by legal or illegal means, or to cause another to take such action.

"Second or subsequent offense" means an offense under this Act committed by an offender who previously committed an offense under this Act, the Illinois Controlled Substances Act, the Cannabis Control Act, or another Act of this State, another state, or the United States relating to methamphetamine, cannabis, or any other controlled substance.

"Standard dosage form", as used in relation to any methamphetamine precursor, means that the methamphetamine precursor is contained in a pill, tablet, capsule, caplet, gel cap, or liquid cap that has been manufactured by a lawful entity and contains a standard quantity of methamphetamine precursor.

"Unauthorized container", as used in relation to anhydrous ammonia, means any container that is not designed for the specific and sole purpose of holding, storing, transporting, or applying anhydrous ammonia. "Unauthorized container" includes, but is not limited to, any propane tank, fire extinguisher, oxygen cylinder, gasoline can, food or beverage cooler, or compressed gas cylinder used in dispensing fountain drinks. "Unauthorized container" does not encompass anhydrous ammonia manufacturing plants, refrigeration systems where anhydrous ammonia is used solely as a refrigerant, anhydrous ammonia transportation pipelines, anhydrous ammonia tankers, or anhydrous ammonia barges.

Section 15. Participation in methamphetamine manufacturing.
(a) Participation in methamphetamine manufacturing.
(1) It is unlawful to participate in the manufacture of methamphetamine with the intent that methamphetamine or a substance containing methamphetamine be produced.
(2) A person who violates paragraph (1) of this subsection (a) is subject to the following penalties:

(A) A person who participates in the manufacture of less than 15 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class 1 felony.

(B) A person who participates in the manufacture of 15 or more grams but less than 100 grams of methamphetamine is guilty of a Class 2 felony.

New matter indicated by italics - deletions by strikeout
methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed $100,000 or the street value of the methamphetamine manufactured, whichever is greater.

(C) A person who participates in the manufacture of 100 or more grams but less than 400 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 9 years and not more than 40 years, and subject to a fine not to exceed $200,000 or the street value of the methamphetamine manufactured, whichever is greater.

(D) A person who participates in the manufacture of 400 or more grams but less than 900 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 12 years and not more than 50 years, and subject to a fine not to exceed $300,000 or the street value of the methamphetamine manufactured, whichever is greater.

(E) A person who participates in the manufacture of 900 grams or more of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 15 years and not more than 60 years, and subject to a fine not to exceed $400,000 or the street value of the methamphetamine, whichever is greater.

(b) Aggravated participation in methamphetamine manufacturing.

(1) It is unlawful to engage in aggravated participation in the manufacture of methamphetamine. A person engages in aggravated participation in the manufacture of methamphetamine when the person violates paragraph (1) of subsection (a) and:

(A) the person knowingly does so in a multi-unit dwelling;

(B) the person knowingly does so in a structure or vehicle where a child under the age of 18, a person with a disability, or a person 60 years of age or older who is
incapable of adequately providing for his or her own health and personal care resides, is present, or is endangered by the manufacture of methamphetamine;

(C) the person does so in a structure or vehicle where a woman the person knows to be pregnant (including but not limited to the person herself) resides, is present, or is endangered by the methamphetamine manufacture;

(D) the person knowingly does so in a structure or vehicle protected by one or more firearms, explosive devices, booby traps, alarm systems, surveillance systems, guard dogs, or dangerous animals;

(E) the methamphetamine manufacturing in which the person participates is a contributing cause of the death, serious bodily injury, disability, or disfigurement of another person, including but not limited to an emergency service provider;

(F) the methamphetamine manufacturing in which the person participates is a contributing cause of a fire or explosion that damages property belonging to another person; or

(G) the person knowingly organizes, directs, or finances the methamphetamine manufacturing or activities carried out in support of the methamphetamine manufacturing.

(2) A person who violates paragraph (1) of this subsection (b) is subject to the following penalties:

(A) A person who participates in the manufacture of less than 15 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed $100,000 or the street value of the methamphetamine, whichever is greater.

(B) A person who participates in the manufacture of 15 or more grams but less than 100 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 9 years and not more than 40 years, and subject to a fine not to exceed $200,000 or
the street value of the methamphetamine, whichever is greater.

(C) A person who participates in the manufacture of 100 or more grams but less than 400 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 12 years and not more than 50 years, and subject to a fine not to exceed $300,000 or the street value of the methamphetamine, whichever is greater.

(D) A person who participates in the manufacture of 400 grams or more of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 15 years and not more than 60 years, and subject to a fine not to exceed $400,000 or the street value of the methamphetamine, whichever is greater.

Section 20. Methamphetamine precursor.

(a) Methamphetamine precursor or substance containing any methamphetamine precursor in standard dosage form.

(1) It is unlawful to possess, procure, transport, store, or deliver any methamphetamine precursor or substance containing any methamphetamine precursor in standard dosage form with the intent that it be used to manufacture methamphetamine or a substance containing methamphetamine.

(2) A person who violates paragraph (1) of this subsection (a) is subject to the following penalties:

(A) A person who possesses, procures, transports, stores, or delivers less than 15 grams of methamphetamine precursor or substance containing any methamphetamine precursor is guilty of a Class 2 felony.

(B) A person who possesses, procures, transports, stores, or delivers 15 or more grams but less than 30 grams of methamphetamine precursor or substance containing any methamphetamine precursor is guilty of a Class 1 felony.

(C) A person who possesses, procures, transports, stores, or delivers 30 or more grams but less than 150 grams of methamphetamine precursor or substance containing any methamphetamine precursor is guilty of a Class X felony,
subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed $100,000.

(D) A person who possesses, procures, transports, stores, or delivers 150 or more grams but less than 500 grams of methamphetamine precursor or substance containing any methamphetamine precursor is guilty of a Class X felony, subject to a term of imprisonment of not less than 8 years and not more than 40 years, and subject to a fine not to exceed $200,000.

(E) A person who possesses, procures, transports, stores, or delivers 500 or more grams of methamphetamine precursor or substance containing any methamphetamine precursor is guilty of a Class X felony, subject to a term of imprisonment of not less than 10 years and not more than 50 years, and subject to a fine not to exceed $300,000.

(b) Methamphetamine precursor or substance containing any methamphetamine precursor in any form other than a standard dosage form.

(1) It is unlawful to possess, procure, transport, store, or deliver any methamphetamine precursor or substance containing any methamphetamine precursor in any form other than a standard dosage form with the intent that it be used to manufacture methamphetamine or a substance containing methamphetamine.

(2) A person who violates paragraph (1) of this subsection (b) is subject to the following penalties:

(A) A person who violates paragraph (1) of this subsection (b) with the intent that less than 10 grams of methamphetamine or a substance containing methamphetamine be manufactured is guilty of a Class 2 felony.

(B) A person who violates paragraph (1) of this subsection (b) with the intent that 10 or more grams but less than 20 grams of methamphetamine or a substance containing methamphetamine be manufactured is guilty of a Class 1 felony.

(C) A person who violates paragraph (1) of this subsection (b) with the intent that 20 or more grams but less than 100 grams of methamphetamine or a substance containing methamphetamine be manufactured is guilty of a

New matter indicated by italics - deletions by strikeout
Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed $100,000.

(D) A person who violates paragraph (1) of this subsection (b) with the intent that 100 or more grams but less than 350 grams of methamphetamine or a substance containing methamphetamine be manufactured is guilty of a Class X felony, subject to a term of imprisonment of not less than 8 years and not more than 40 years, and subject to a fine not to exceed $200,000.

(E) A person who violates paragraph (1) of this subsection (b) with the intent that 350 or more grams of methamphetamine or a substance containing methamphetamine be manufactured is guilty of a Class X felony, subject to a term of imprisonment of not less than 10 years and not more than 50 years, and subject to a fine not to exceed $300,000.

(c) Rule of evidence. The presence of any methamphetamine precursor in a sealed, factory imprinted container, including, but not limited to, a bottle, box, package, or blister pack, at the time of seizure by law enforcement, is prima facie evidence that the methamphetamine precursor located within the container is in fact the material so described and in the amount listed on the container. The factory imprinted container is admissible for a violation of this Act for purposes of proving the contents of the container.

Section 25. Anhydrous ammonia.
  (a) Possession, procurement, transportation, storage, or delivery of anhydrous ammonia with the intent that it be used to manufacture methamphetamine.
    (1) It is unlawful to engage in the possession, procurement, transportation, storage, or delivery of anhydrous ammonia or to attempt to engage in any of these activities or to assist another in engaging in any of these activities with the intent that the anhydrous ammonia be used to manufacture methamphetamine.
    (2) A person who violates paragraph (1) of this subsection (a) is guilty of a Class I felony.
  (b) Aggravated possession, procurement, transportation, storage, or delivery of anhydrous ammonia with the intent that it be used to manufacture methamphetamine.
(1) It is unlawful to engage in the aggravated possession, procurement, transportation, storage, or delivery of anhydrous ammonia with the intent that it be used to manufacture methamphetamine. A person commits this offense when the person engages in the possession, procurement, transportation, storage, or delivery of anhydrous ammonia or attempts to engage in any of these activities or assists another in engaging in any of these activities with the intent that the anhydrous ammonia be used to manufacture methamphetamine and:

(A) the person knowingly does so in a multi-unit dwelling;
(B) the person knowingly does so in a structure or vehicle where a child under the age of 18, or a person with a disability, or a person who is 60 years of age or older who is incapable of adequately providing for his or her own health and personal care resides, is present, or is endangered by the anhydrous ammonia;
(C) the person's possession, procurement, transportation, storage, or delivery of anhydrous ammonia is a contributing cause of the death, serious bodily injury, disability, or disfigurement of another person; or
(D) the person's possession, procurement, transportation, storage, or delivery of anhydrous ammonia is a contributing cause of a fire or explosion that damages property belonging to another person.

(2) A person who violates paragraph (1) of this subsection (b) is guilty of a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed $100,000.

(c) Possession, procurement, transportation, storage, or delivery of anhydrous ammonia in an unauthorized container.

(1) It is unlawful to possess, procure, transport, store, or deliver anhydrous ammonia in an unauthorized container.

(2) A person who violates paragraph (1) of this subsection (c) is guilty of a Class 3 felony.

(3) Affirmative defense. It is an affirmative defense that the person charged possessed, procured, transported, stored, or delivered anhydrous ammonia in a manner that substantially complied with the rules governing anhydrous ammonia equipment found in 8 Illinois

(d) Tampering with anhydrous ammonia equipment.

(1) It is unlawful to tamper with anhydrous ammonia equipment. A person tampers with anhydrous ammonia equipment when, without authorization from the lawful owner, the person:

(A) removes or attempts to remove anhydrous ammonia from the anhydrous ammonia equipment used by the lawful owner;

(B) damages or attempts to damage the anhydrous ammonia equipment used by the lawful owner; or

(C) vents or attempts to vent anhydrous ammonia into the environment.

(2) A person who violates paragraph (1) of this subsection (d) is guilty of a Class 3 felony.

Section 30. Methamphetamine manufacturing material.

(a) It is unlawful to engage in the possession, procurement, transportation, storage, or delivery of any methamphetamine manufacturing material, other than a methamphetamine precursor, substance containing a methamphetamine precursor, or anhydrous ammonia, with the intent that it be used to manufacture methamphetamine.

(b) A person who violates subsection (a) of this Section is guilty of a Class 2 felony.

Section 35. Use of property.

(a) It is unlawful for a person knowingly to use or allow the use of a vehicle, a structure, real property, or personal property within the person's control to help bring about a violation of this Act.

(b) A person who violates subsection (a) of this Section is guilty of a Class 2 felony.

Section 40. Protection of methamphetamine manufacturing.

(a) It is unlawful to engage in the protection of methamphetamine manufacturing. A person engages in the protection of methamphetamine manufacturing when:

(1) the person knows that others have been participating, are participating, or will be participating in the manufacture of methamphetamine; and

(2) with the intent to help prevent detection of or interference
with the methamphetamine manufacturing, the person serves as a lookout for or guard of the methamphetamine manufacturing.

(b) A person who violates subsection (a) of this Section is guilty of a Class 2 felony.

Section 45. Methamphetamine manufacturing waste.

(a) It is unlawful to knowingly burn, place in a trash receptacle, or dispose of methamphetamine manufacturing waste.

(b) A person who violates subsection (a) of this Section is guilty of a Class 2 felony.

Section 50. Methamphetamine-related child endangerment.

(a) Methamphetamine-related child endangerment.

(1) It is unlawful to engage in methamphetamine-related child endangerment. A person engages in methamphetamine-related child endangerment when the person knowingly endangers the life and health of a child by exposing or allowing exposure of the child to a methamphetamine manufacturing environment.

(2) A person who violates paragraph (1) of this subsection (a) is guilty of a Class 2 felony.

(b) Aggravated methamphetamine-related child endangerment.

(1) It is unlawful to engage in aggravated methamphetamine-related child endangerment. A person engages in aggravated methamphetamine-related child endangerment when the person violates paragraph (1) of this subsection (a) of this Section and the child experiences death, great bodily harm, disability, or disfigurement as a result of the methamphetamine-related child endangerment.

(2) A person who violates paragraph (1) of this subsection (b) is guilty of a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed $100,000.

Section 55. Methamphetamine delivery.

(a) Delivery or possession with intent to deliver methamphetamine or a substance containing methamphetamine.

(1) It is unlawful knowingly to engage in the delivery or possession with intent to deliver methamphetamine or a substance containing methamphetamine.

(2) A person who violates paragraph (1) of this subsection (a) is subject to the following penalties:

(A) A person who delivers or possesses with intent to
deliver less than 5 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class 2 felony.

(B) A person who delivers or possesses with intent to deliver 5 or more grams but less than 15 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class 1 felony.

(C) A person who delivers or possesses with intent to deliver 15 or more grams but less than 100 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed $100,000 or the street value of the methamphetamine, whichever is greater.

(D) A person who delivers or possesses with intent to deliver 100 or more grams but less than 400 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 9 years and not more than 40 years, and subject to a fine not to exceed $200,000 or the street value of the methamphetamine, whichever is greater.

(E) A person who delivers or possesses with intent to deliver 400 or more grams but less than 900 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 12 years and not more than 50 years, and subject to a fine not to exceed $300,000 or the street value of the methamphetamine, whichever is greater.

(F) A person who delivers or possesses with intent to deliver 900 or more grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 15 years and not more than 60 years, and subject to a fine not to exceed $400,000 or the street value of the methamphetamine, whichever is greater.

(b) Aggravated delivery or possession with intent to deliver methamphetamine or a substance containing methamphetamine.

New matter indicated by italics - deletions by strikeout
(1) It is unlawful to engage in the aggravated delivery or possession with intent to deliver methamphetamine or a substance containing methamphetamine. A person engages in the aggravated delivery or possession with intent to deliver methamphetamine or a substance containing methamphetamine when the person violates paragraph (1) of subsection (a) of this Section and:

(A) the person is at least 18 years of age and knowingly delivers or possesses with intent to deliver the methamphetamine or substance containing methamphetamine to a person under 18 years of age;

(B) the person is at least 18 years of age and knowingly uses, engages, employs, or causes another person to use, engage, or employ a person under 18 years of age to deliver the methamphetamine or substance containing methamphetamine;

(C) the person knowingly delivers or possesses with intent to deliver the methamphetamine or substance containing methamphetamine in any structure or vehicle protected by one or more firearms, explosive devices, booby traps, alarm systems, surveillance systems, guard dogs, or dangerous animals;

(D) the person knowingly delivers or possesses with intent to deliver the methamphetamine or substance containing methamphetamine in any school, on any real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity;

(E) the person delivers or causes another person to deliver the methamphetamine or substance containing methamphetamine to a woman that the person knows to be pregnant; or

(F) the person knowingly brings or causes another to bring the methamphetamine or substance containing methamphetamine into Illinois from a location outside of Illinois.

(2) A person who violates paragraph (1) of this subsection (b) is subject to the following penalties:

(A) A person who delivers or possesses with intent to deliver less than 5 grams of methamphetamine or a substance
containing methamphetamine is guilty of a Class 1 felony.

(B) A person who delivers or possesses with intent to deliver 5 or more grams but less than 15 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed $100,000 or the street value of the methamphetamine, whichever is greater.

(C) A person who delivers or possesses with intent to deliver 15 or more grams but less than 100 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 8 years and not more than 40 years, and subject to a fine not to exceed $200,000 or the street value of the methamphetamine, whichever is greater.

(D) A person who delivers or possesses with intent to deliver 100 or more grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 10 years and not more than 50 years, and subject to a fine not to exceed $300,000 or the street value of the methamphetamine, whichever is greater.

Section 60. Methamphetamine possession.
(a) It is unlawful knowingly to possess methamphetamine or a substance containing methamphetamine.

(b) A person who violates subsection (a) is subject to the following penalties:

(1) A person who possesses less than 5 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class 3 felony.

(2) A person who possesses 5 or more grams but less than 15 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class 2 felony.

(3) A person who possesses 15 or more grams but less than 100 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class 1 felony.

(4) A person who possesses 100 or more grams but less than
400 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed $100,000.

(5) A person who possesses 400 or more grams but less than 900 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 8 years and not more than 40 years, and subject to a fine not to exceed $200,000.

(6) A person who possesses 900 or more grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 10 years and not more than 50 years, and subject to a fine not to exceed $300,000.

Section 65. Methamphetamine conspiracy.
(a) It is unlawful to engage in a methamphetamine conspiracy. A person engages in a methamphetamine conspiracy when:

1. the person intends to violate one or more provisions of this Act;
2. the person agrees with one or more persons to violate one or more provisions of this Act; and
3. the person or any party to the agreement commits an act in furtherance of the agreement.

(b) A person convicted of engaging in a methamphetamine conspiracy shall face the penalty for the offense that is the object of the conspiracy and may be held accountable for the cumulative weight of any methamphetamine, substance containing methamphetamine, methamphetamine precursor, or substance containing methamphetamine precursor attributable to the conspiracy for the duration of the conspiracy.

(c) It is not a defense to a methamphetamine conspiracy charge that the person or persons with whom the person charged is alleged to have conspired have not been prosecuted or convicted, have been acquitted, have been convicted of a different offense, are not amenable to justice, or lacked the capacity to commit the offense.

(d) When any person is convicted under this Section of engaging in a methamphetamine conspiracy, the following shall be subject to forfeiture to the State of Illinois: the receipts the person obtained in the conspiracy and any of the person's interests in, claims against, receipts from, or property or rights of any kind affording a source of influence over, the conspiracy. The
circuit court may enter such injunctions, restraining orders, directions, or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, in connection with any property, claim, receipt, right, or other interest subject to forfeiture under this Section, as it deems proper.

Section 70. Probation.

(a) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for any offense under this Act, the Illinois Controlled Substances Act, the Cannabis Control Act, or any law of the United States or of any state relating to cannabis or controlled substances, pleads guilty to or is found guilty of possession of less than 15 grams of methamphetamine under paragraph (1) or (2) of subsection (b) of Section 60 of this Act, the court, without entering a judgment and with the consent of the person, may sentence him or her to probation.

(b) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(c) The conditions of probation shall be that the person:
   (1) not violate any criminal statute of any jurisdiction;
   (2) refrain from possessing a firearm or other dangerous weapon;
   (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and
   (4) perform no less than 30 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board.

(d) The court may, in addition to other conditions, require that the person take one or more of the following actions:
   (1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;
   (2) pay a fine and costs;
   (3) work or pursue a course of study or vocational training;
   (4) undergo medical or psychiatric treatment; or treatment or rehabilitation approved by the Illinois Department of Human Services;

New matter indicated by italics - deletions by strikeout
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his or her dependents;
(7) refrain from having in his or her body the presence of any illicit drug prohibited by this Act, the Cannabis Control Act, or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or
(8) if a minor:
   (i) reside with his or her parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth; or
   (iv) contribute to his or her own support at home or in a foster home.

(e) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(f) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against the person.

(g) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal, however, discharge and dismissal under this Section is not a conviction for purposes of this Act or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(h) There may be only one discharge and dismissal under this Section, Section 410 of the Illinois Controlled Substances Act, or Section 10 of the Cannabis Control Act with respect to any person.

(i) If a person is convicted of an offense under this Act, the Cannabis Control Act, or the Illinois Controlled Substances Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section are admissible in the sentencing proceeding for that conviction as evidence in aggravation.

Section 75. Fines.

(a) Whenever any person pleads guilty to, is found guilty of, or is placed on supervision for an offense under this Act, a fine may be levied in addition to any other penalty imposed by the court.

(b) In determining whether to impose a fine under this Section and the amount, time for payment, and method of payment of any fine so imposed,
the court shall:

(1) consider the defendant's income, regardless of source, the defendant's earning capacity and the defendant's financial resources, as well as the nature of the burden the fine will impose on the defendant and any person legally or financially dependent upon the defendant;

(2) consider the proof received at trial, or as a result of a plea of guilty, concerning the full street value of the controlled substances seized and any profits or other proceeds derived by the defendant from the violation of this Act;

(3) take into account any other pertinent equitable considerations; and

(4) give primary consideration to the need to deprive the defendant of illegally obtained profits or other proceeds from the offense.

For the purpose of paragraph (2) of this subsection (b), "street value" shall be determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount seized and such testimony as may be required by the court as to the current street value of the controlled substances.

(c) As a condition of a fine, the court may require that payment be made in specified installments or within a specified period of time, but the period shall not be greater than the maximum applicable term of probation or imprisonment, whichever is greater. Unless otherwise specified, payment of a fine shall be due immediately.

(d) If a fine for a violation of this Act is imposed on an organization, it is the duty of each individual authorized to make disbursements of the assets of the organization to pay the fine from the assets of the organization.

(e) A defendant who has been sentenced to pay a fine, and who has paid part but not all of the fine, may petition the court for an extension of the time for payment or modification of the method of payment. The court may grant the petition if it finds that:

(1) the circumstances that warranted payment by the time or method specified no longer exist; or

(2) it is otherwise unjust to require payment of the fine by the time or method specified.

Section 80. Assessment.

(a) Every person convicted of a violation of this Act, and every person placed on probation, conditional discharge, supervision, or probation under

New matter indicated by italics - deletions by strikeout
this Act, shall be assessed for each offense a sum fixed at:

(1) $3,000 for a Class X felony;
(2) $2,000 for a Class 1 felony;
(3) $1,000 for a Class 2 felony;
(4) $500 for a Class 3 or Class 4 felony.

(b) The assessment under this Section is in addition to and not in lieu of any fines, restitution, costs, forfeitures, or other assessments authorized or required by law.

(c) As a condition of the assessment, the court may require that payment be made in specified installments or within a specified period of time. If the assessment is not paid within the period of probation, conditional discharge, or supervision to which the defendant was originally sentenced, the court may extend the period of probation, conditional discharge, or supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as applicable, until the assessment is paid or until successful completion of public or community service set forth in subsection (e) or the successful completion of the substance abuse intervention or treatment program set forth in subsection (f). If a term of probation, conditional discharge, or supervision is not imposed, the assessment shall be payable upon judgment or as directed by the court.

(d) If an assessment for a violation of this Act is imposed on an organization, it is the duty of each individual authorized to make disbursements of the assets of the organization to pay the assessment from assets of the organization.

(e) A defendant who has been ordered to pay an assessment may petition the court to convert all or part of the assessment into court-approved public or community service. One hour of public or community service shall be equivalent to $4 of assessment. The performance of this public or community service shall be a condition of the probation, conditional discharge, or supervision and shall be in addition to the performance of any other period of public or community service ordered by the court or required by law.

(f) The court may suspend the collection of the assessment imposed under this Section if the defendant agrees to enter a substance abuse intervention or treatment program approved by the court and the defendant agrees to pay for all or some portion of the costs associated with the intervention or treatment program. In this case, the collection of the assessment imposed under this Section shall be suspended during the defendant's participation in the approved intervention or treatment program.
Upon successful completion of the program, the defendant may apply to the court to reduce the assessment imposed under this Section by any amount actually paid by the defendant for his or her participation in the program. The court shall not reduce the penalty under this subsection unless the defendant establishes to the satisfaction of the court that he or she has successfully completed the intervention or treatment program. If the defendant's participation is for any reason terminated before his or her successful completion of the intervention or treatment program, collection of the entire assessment imposed under this Section shall be enforced. Nothing in this Section shall be deemed to affect or suspend any other fines, restitution costs, forfeitures, or assessments imposed under this or any other Act.

(g) The court shall not impose more than one assessment per complaint, indictment, or information. If the person is convicted of more than one offense in a complaint, indictment, or information, the assessment shall be based on the highest class offense for which the person is convicted.

(h) In counties with a population under 3,000,000, all moneys collected under this Section shall be forwarded by the clerk of the circuit court to the State Treasurer for deposit in the Drug Treatment Fund. The Department of Human Services may make grants to persons licensed under Section 15-10 of the Alcoholism and Other Drug Abuse and Dependency Act or to municipalities or counties from funds appropriated to the Department from the Drug Treatment Fund for the treatment of pregnant women who are addicted to alcohol, cannabis or controlled substances and for the needed care of minor, unemancipated children of women undergoing residential drug treatment. If the Department of Human Services grants funds to a municipality or a county that the Department determines is not experiencing a problem with pregnant women addicted to alcohol, cannabis or controlled substances, or with care for minor, unemancipated children of women undergoing residential drug treatment, or intervention, the funds shall be used for the treatment of any person addicted to alcohol, cannabis, or controlled substances. The Department may adopt such rules as it deems appropriate for the administration of such grants.

(i) In counties with a population of 3,000,000 or more, all moneys collected under this Section shall be forwarded to the County Treasurer for deposit into the County Health Fund. The County Treasurer shall, no later than the 15th day of each month, forward to the State Treasurer 30 percent of all moneys collected under this Act and received into the County Health Fund since the prior remittance to the State Treasurer. Funds retained by the County shall be used for community-based treatment of pregnant women who

New matter indicated by italics - deletions by strikeout
are addicted to alcohol, cannabis, or controlled substances or for the needed care of minor, unemancipated children of these women. Funds forwarded to the State Treasurer shall be deposited into the State Drug Treatment Fund maintained by the State Treasurer from which the Department of Human Services may make grants to persons licensed under Section 15-10 of the Alcoholism and Other Drug Abuse and Dependency Act or to municipalities or counties from funds appropriated to the Department from the Drug Treatment Fund, provided that the moneys collected from each county be returned proportionately to the counties through grants to licensees located within the county from which the assessment was received and moneys in the State Drug Treatment Fund shall not supplant other local, State or federal funds. If the Department of Human Services grants funds to a municipality or county that the Department determines is not experiencing a problem with pregnant women addicted to alcohol, cannabis or controlled substances, or with care for minor, unemancipated children or women undergoing residential drug treatment, the funds shall be used for the treatment of any person addicted to alcohol, cannabis or controlled substances. The Department may adopt such rules as it deems appropriate for the administration of such grants.

Section 85. Forfeiture.

(a) The following are subject to forfeiture:

(1) all substances containing methamphetamine which have been produced, manufactured, delivered, or possessed in violation of this Act;

(2) all methamphetamine manufacturing materials which have been produced, delivered, or possessed in connection with any substance containing methamphetamine in violation of this Act;

(3) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2) that constitutes a felony violation of the Act, but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner

New matter indicated by italics - deletions by strikeout
proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended for use in a felony violation of this Act;

(5) everything of value furnished or intended to be furnished by any person in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any felony violation of this Act.

(6) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of this Act or that is the proceeds of any violation or act that constitutes a violation of this Act.

(b) Property subject to forfeiture under this Act may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(1) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding or in an injunction or forfeiture proceeding based upon this Act or the Drug Asset Forfeiture Procedure Act;

(2) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(3) if there is probable cause to believe that the property is subject to forfeiture under this Act and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(4) in accordance with the Code of Criminal Procedure of 1963.

(c) In the event of seizure pursuant to subsection (b), forfeiture

New matter indicated by italics - deletions by strikeout
proceedings shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act.

(d) Property taken or detained under this Section is not subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under the Drug Asset Forfeiture Procedure Act. When property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property, estimate the property's value, and forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;
(2) remove the property to a place designated by him or her;
(3) keep the property in the possession of the seizing agency;
(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;
(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or
(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(e) No disposition may be made of property under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court.

(f) When property is forfeited under this Act, the Director shall sell the property unless the property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with subsection (g). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws relating to methamphetamine, cannabis, or controlled substances, if the agency or prosecutor demonstrates that the item requested would be useful

New matter indicated by italics - deletions by strikeout
to the agency or prosecutor in their enforcement efforts. When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in accordance with subsection (g).

(g) All moneys and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws governing methamphetamine, cannabis, and controlled substances, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund as provided in Section 2-115 of the Illinois Vehicle Code.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances. In counties with a population over 3,000,000, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that Office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing methamphetamine, cannabis, and controlled substances. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with a
population over 3,000,000.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

Section 90. Methamphetamine restitution.
(a) If a person commits a violation of this Act in a manner that requires an emergency response, the person shall be required to make restitution to all public entities involved in the emergency response, to cover the reasonable cost of their participation in the emergency response, including but not limited to regular and overtime costs incurred by local law enforcement agencies and private contractors paid by the public agencies in securing the site. The convicted person shall make this restitution in addition to any other fine or penalty required by law.

(b) Any restitution payments made under this Section shall be disbursed equitably by the circuit clerk in the following order:

(1) first, to the local agencies involved in the emergency response;
(2) second, to the State agencies involved in the emergency response; and
(3) third, to the federal agencies involved in the emergency response.

Section 95. Youth Drug Abuse Prevention Fund.
(a) Twelve and one-half percent of all amounts collected as fines pursuant to the provisions of this Article shall be paid into the Youth Drug Abuse Prevention Fund created by the Controlled Substances Act in the State treasury, to be used by the Department for the funding of programs and services for drug-abuse treatment, and prevention and education services, for juveniles.

(b) Eighty-seven and one-half percent of the proceeds of all fines received under the provisions of this Act shall be transmitted to and deposited into the State treasury and distributed as follows:

(1) If such seizure was made by a combination of law enforcement personnel representing differing units of local government, the court levying the fine shall equitably allocate 50% of the fine among these units of local government and shall allocate 37.5% to the county general corporate fund. If the seizure was made by law enforcement personnel representing a unit of local government from a municipality where the number of inhabitants exceeds 2 million in population, the court levying the fine shall allocate 87.5%
of the fine to that unit of local government. If the seizure was made by a combination of law enforcement personnel representing differing units of local government and if at least one of those units represents a municipality where the number of inhabitants exceeds 2 million in population, the court shall equitably allocate 87.5% of the proceeds of the fines received among the differing units of local government.

(2) If such seizure was made by State law enforcement personnel, then the court shall allocate 37.5% to the State treasury and 50% to the county general corporate fund.

(3) If a State law enforcement agency in combination with any law enforcement agency or agencies of a unit or units of local government conducted the seizure, the court shall equitably allocate 37.5% of the fines to or among the law enforcement agency or agencies of the unit or units of local government that conducted the seizure and shall allocate 50% to the county general corporate fund.

(c) The proceeds of all fines allocated to the law enforcement agency or agencies of the unit or units of local government pursuant to subsection (b) shall be made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating controlled substances and cannabis. The proceeds of fines awarded to the State treasury shall be deposited in a special fund known as the Drug Traffic Prevention Fund, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code. Moneys from this Fund may be used by the Department of State Police for use in the enforcement of laws regulating controlled substances and cannabis; to satisfy funding provisions of the Intergovernmental Drug Laws Enforcement Act; to defray costs and expenses associated with returning violators of the Cannabis Control Act and this Act only, as provided in those Acts, when punishment of the crime shall be confinement of the criminal in the penitentiary; and all other moneys shall be paid into the General Revenue Fund in the State treasury.

Section 100. Second or subsequent offenses.

(a) Any person convicted of a second or subsequent offense under this Act may be sentenced to imprisonment for a term up to twice the maximum term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

(b) Any penalty imposed for any violation of this Act is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by this Act or any other law.

New matter indicated by italics - deletions by strikeout
Section 105. Applicability. A prosecution for any violation of law occurring prior to the effective date of this Act is not affected or abated by this Act. If the offense being prosecuted would be a violation of this Act, and has not reached the sentencing stage or final adjudication, then for purposes of penalty the penalties under this Act apply if they are less than under the prior law upon which the prosecution was commenced.

Section 110. Scope of Act. Nothing in this Act limits any authority or activity authorized by the Illinois Controlled Substances Act, the Medical Practice Act of 1987, the Nursing and Advanced Practice Nursing Act, the Pharmacy Practice Act of 1987, the Illinois Dental Practice Act, the Podiatric Medical Practice Act of 1987, or the Veterinary Medicine and Surgery Practice Act of 2004. Nothing in this Act limits the authority or activity of any law enforcement officer acting within the scope of his or her employment.

Section 901. The Alcoholism and Other Drug Abuse and Dependency Act is amended by changing Sections 5-10, 40-5, and 50-35 as follows:

(20 ILCS 301/5-10)
Sec. 5-10. Functions of the Department.
(a) In addition to the powers, duties and functions vested in the Department by this Act, or by other laws of this State, the Department shall carry out the following activities:

(1) Design, coordinate and fund a comprehensive and coordinated community-based and culturally and gender-appropriate array of services throughout the State for the prevention, intervention, treatment and rehabilitation of alcohol and other drug abuse and dependency that is accessible and addresses the needs of at-risk or addicted individuals and their families.

(2) Act as the exclusive State agency to accept, receive and expend, pursuant to appropriation, any public or private monies, grants or services, including those received from the federal government or from other State agencies, for the purpose of providing an array of services for the prevention, intervention, treatment and rehabilitation of alcoholism or other drug abuse or dependency. Monies received by the Department shall be deposited into appropriate funds as may be created by State law or administrative action.

(3) Coordinate a statewide strategy among State agencies for the prevention, intervention, treatment and rehabilitation of alcohol and other drug abuse and dependency. This strategy shall include the

New matter indicated by italics - deletions by strikeout
development of an annual comprehensive State plan for the provision of an array of services for education, prevention, intervention, treatment, relapse prevention and other services and activities to alleviate alcoholism and other drug abuse and dependency. The plan shall be based on local community-based needs and upon data including, but not limited to, that which defines the prevalence of and costs associated with the abuse of and dependency upon alcohol and other drugs. This comprehensive State plan shall include identification of problems, needs, priorities, services and other pertinent information, including the needs of minorities and other specific populations in the State, and shall describe how the identified problems and needs will be addressed. For purposes of this paragraph, the term "minorities and other specific populations" may include, but shall not be limited to, groups such as women, children, intravenous drug users, persons with AIDS or who are HIV infected, African-Americans, Puerto Ricans, Hispanics, Asian Americans, the elderly, persons in the criminal justice system, persons who are clients of services provided by other State agencies, persons with disabilities and such other specific populations as the Department may from time to time identify. In developing the plan, the Department shall seek input from providers, parent groups, associations and interested citizens.

Beginning with State fiscal year 1996, the annual comprehensive State plan developed under this Section shall include an explanation of the rationale to be used in ensuring that funding shall be based upon local community needs, including, but not limited to, the incidence and prevalence of, and costs associated with, the abuse of and dependency upon alcohol and other drugs, as well as upon demonstrated program performance.

The annual comprehensive State plan developed under this Section shall contain a report detailing the activities of and progress made by the programs for the care and treatment of addicted pregnant women, addicted mothers and their children established under subsection (j) of Section 35-5 of this Act.

Each State agency which provides or funds alcohol or drug prevention, intervention and treatment services shall annually prepare an agency plan for providing such services, and these shall be used by the Department in preparing the annual comprehensive statewide

New matter indicated by italics - deletions by strikeout
plan. Each agency’s annual plan for alcohol and drug abuse services shall contain a report on the activities and progress of such services in the prior year. The Department may provide technical assistance to other State agencies, as required, in the development of their agency plans.

(4) Lead, foster and develop cooperation, coordination and agreements among federal and State governmental agencies and local providers that provide assistance, services, funding or other functions, peripheral or direct, in the prevention, intervention, treatment or rehabilitation of alcoholism and other drug abuse and dependency. This shall include, but shall not be limited to, the following:

   (A) Cooperate with and assist the Department of Corrections and the Department on Aging in establishing and conducting programs relating to alcoholism and other drug abuse and dependency among those populations which they respectively serve.

   (B) Cooperate with and assist the Illinois Department of Public Health in the establishment, funding and support of programs and services for the promotion of maternal and child health and the prevention and treatment of infectious diseases, including but not limited to HIV infection, especially with respect to those persons who may abuse drugs by intravenous injection, or may have been sexual partners of drug abusers, or may have abused substances so that their immune systems are impaired, causing them to be at high risk.

   (C) Supply to the Department of Public Health and prenatal care providers a list of all alcohol and other drug abuse service providers for addicted pregnant women in this State.

   (D) Assist in the placement of child abuse or neglect perpetrators (identified by the Illinois Department of Children and Family Services) who have been determined to be in need of alcohol or other drug abuse services pursuant to Section 8.2 of the Abused and Neglected Child Reporting Act.

   (E) Cooperate with and assist the Illinois Department of Children and Family Services in carrying out its mandates to:

       (i) identify alcohol and other drug abuse issues among its clients and their families; and

New matter indicated by italics - deletions by strikeout
(ii) develop programs and services to deal with such problems.
These programs and services may include, but shall not be limited to, programs to prevent the abuse of alcohol or other drugs by DCFS clients and their families, rehabilitation services, identifying child care needs within the array of alcohol and other drug abuse services, and assistance with other issues as required.

(F) Cooperate with and assist the Illinois Criminal Justice Information Authority with respect to statistical and other information concerning drug abuse incidence and prevalence.

(G) Cooperate with and assist the State Superintendent of Education, boards of education, schools, police departments, the Illinois Department of State Police, courts and other public and private agencies and individuals in establishing prevention programs statewide and preparing curriculum materials for use at all levels of education. An agreement shall be entered into with the State Superintendent of Education to assist in the establishment of such programs.

(H) Cooperate with and assist the Illinois Department of Public Aid in the development and provision of services offered to recipients of public assistance for the treatment and prevention of alcoholism and other drug abuse and dependency.

(I) Provide training recommendations to other State agencies funding alcohol or other drug abuse prevention, intervention, treatment or rehabilitation services.

(5) From monies appropriated to the Department from the Drunk and Drugged Driving Prevention Fund, make grants to reimburse DUI evaluation and remedial education programs licensed by the Department for the costs of providing indigent persons with free or reduced-cost services relating to a charge of driving under the influence of alcohol or other drugs.

(6) Promulgate regulations to provide appropriate standards for publicly and privately funded programs as well as for levels of payment to government funded programs which provide an array of services for prevention, intervention, treatment and rehabilitation for alcoholism and other drug abuse or dependency.

New matter indicated by italics - deletions by strikeout
(7) In consultation with local service providers, specify a uniform statistical methodology for use by agencies, organizations, individuals and the Department for collection and dissemination of statistical information regarding services related to alcoholism and other drug use and abuse. This shall include prevention services delivered, the number of persons treated, frequency of admission and readmission, and duration of treatment.

(8) Receive data and assistance from federal, State and local governmental agencies, and obtain copies of identification and arrest data from all federal, State and local law enforcement agencies for use in carrying out the purposes and functions of the Department.

(9) Designate and license providers to conduct screening, assessment, referral and tracking of clients identified by the criminal justice system as having indications of alcoholism or other drug abuse or dependency and being eligible to make an election for treatment under Section 40-5 of this Act, and assist in the placement of individuals who are under court order to participate in treatment.

(10) Designate medical examination and other programs for determining alcoholism and other drug abuse and dependency.

(11) Encourage service providers who receive financial assistance in any form from the State to assess and collect fees for services rendered.

(12) Make grants with funds appropriated from the Drug Treatment Fund in accordance with Section 7 of the Controlled Substance and Cannabis Nuisance Act, or in accordance with Section 80 of the Methamphetamine Control and Community Protection Act, or in accordance with subsections (h) and (i) of Section 411.2 of the Illinois Controlled Substances Act.

(13) Encourage all health and disability insurance programs to include alcoholism and other drug abuse and dependency as a covered illness.

(14) Make such agreements, grants-in-aid and purchase-care arrangements with any other department, authority or commission of this State, or any other state or the federal government or with any public or private agency, including the disbursement of funds and furnishing of staff, to effectuate the purposes of this Act.

(15) Conduct a public information campaign to inform the State's Hispanic residents regarding the prevention and treatment of alcoholism.

New matter indicated by italics - deletions by strikeout
(b) In addition to the powers, duties and functions vested in it by this Act, or by other laws of this State, the Department may undertake, but shall not be limited to, the following activities:

(1) Require all programs funded by the Department to include an education component to inform participants regarding the causes and means of transmission and methods of reducing the risk of acquiring or transmitting HIV infection, and to include funding for such education component in its support of the program.

(2) Review all State agency applications for federal funds which include provisions relating to the prevention, early intervention and treatment of alcoholism and other drug abuse and dependency in order to ensure consistency with the comprehensive statewide plan developed pursuant to this Act.

(3) Prepare, publish, evaluate, disseminate and serve as a central repository for educational materials dealing with the nature and effects of alcoholism and other drug abuse and dependency. Such materials may deal with the educational needs of the citizens of Illinois, and may include at least pamphlets which describe the causes and effects of fetal alcohol syndrome, which the Department may distribute free of charge to each county clerk in sufficient quantities that the county clerk may provide a pamphlet to the recipients of all marriage licenses issued in the county.

(4) Develop and coordinate, with regional and local agencies, education and training programs for persons engaged in providing the array of services for persons having alcoholism or other drug abuse and dependency problems, which programs may include specific HIV education and training for program personnel.

(5) Cooperate with and assist in the development of education, prevention and treatment programs for employees of State and local governments and businesses in the State.

(6) Utilize the support and assistance of interested persons in the community, including recovering addicts and alcoholics, to assist individuals and communities in understanding the dynamics of addiction, and to encourage individuals with alcohol or other drug abuse or dependency problems to voluntarily undergo treatment.

(7) Promote, conduct, assist or sponsor basic clinical, epidemiological and statistical research into alcoholism and other drug abuse and dependency, and research into the prevention of those problems either solely or in conjunction with any public or private
(8) Cooperate with public and private agencies, organizations and individuals in the development of programs, and to provide technical assistance and consultation services for this purpose.

(9) Publish or provide for the publishing of a manual to assist medical and social service providers in identifying alcoholism and other drug abuse and dependency and coordinating the multidisciplinary delivery of services to addicted pregnant women, addicted mothers and their children. The manual may be used only to provide information and may not be used by the Department to establish practice standards. The Department may not require recipients to use specific providers nor may they require providers to refer recipients to specific providers. The manual may include, but need not be limited to, the following:

   (A) Information concerning risk assessments of women seeking prenatal, natal, and postnatal medical care.
   (B) Information concerning risk assessments of infants who may be substance-affected.
   (C) Protocols that have been adopted by the Illinois Department of Children and Family Services for the reporting and investigation of allegations of child abuse or neglect under the Abused and Neglected Child Reporting Act.
   (D) Summary of procedures utilized in juvenile court in cases of children alleged or found to be abused or neglected as a result of being born to addicted women.
   (E) Information concerning referral of addicted pregnant women, addicted mothers and their children by medical, social service, and substance abuse treatment providers, by the Departments of Children and Family Services, Public Aid, Public Health, and Human Services.
   (F) Effects of substance abuse on infants and guidelines on the symptoms, care, and comfort of drug-withdrawing infants.
   (G) Responsibilities of the Illinois Department of Public Health to maintain statistics on the number of children in Illinois addicted at birth.

(10) To the extent permitted by federal law or regulation, establish and maintain a clearinghouse and central repository for the development and maintenance of a centralized data collection and

New matter indicated by italics - deletions by strikeout
dissemination system and a management information system for all alcoholism and other drug abuse prevention, early intervention and treatment services.

(11) Fund, promote or assist programs, services, demonstrations or research dealing with addictive or habituating behaviors detrimental to the health of Illinois citizens.

(12) With monies appropriated from the Group Home Loan Revolving Fund, make loans, directly or through subcontract, to assist in underwriting the costs of housing in which individuals recovering from alcohol or other drug abuse or dependency may reside in groups of not less than 6 persons, pursuant to Section 50-40 of this Act.

(13) Promulgate such regulations as may be necessary for the administration of grants or to otherwise carry out the purposes and enforce the provisions of this Act.

(14) Fund programs to help parents be effective in preventing substance abuse by building an awareness of drugs and alcohol and the family's role in preventing abuse through adjusting expectations, developing new skills, and setting positive family goals. The programs shall include, but not be limited to, the following subjects: healthy family communication; establishing rules and limits; how to reduce family conflict; how to build self-esteem, competency, and responsibility in children; how to improve motivation and achievement; effective discipline; problem solving techniques; and how to talk about drugs and alcohol. The programs shall be open to all parents.

(Source: P.A. 88-80; incorporates 88-171; 88-670, eff. 12-2-94; 89-363, eff. 1-1-96; 89-507, eff. 7-1-97.)

(20 ILCS 301/40-5)
Sec. 40-5. Election of treatment. An addict or alcoholic who is charged with or convicted of a crime may elect treatment under the supervision of a licensed program designated by the Department, referred to in this Article as "designated program", unless:

(1) the crime is a crime of violence;

(2) the crime is a violation of Section 401(a), 401(b), 401(c) where the person electing treatment has been previously convicted of a non-probationable felony or the violation is non-probationable, 401(d) where the violation is non-probationable, 401.1, 402(a), 405 or 407 of the Illinois Controlled Substances Act, or Section 4(d), 4(e), 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the Cannabis Control

New matter indicated by italics - deletions by strikeout
Act or Section 15, 20, 55, 60, or 65 of the Methamphetamine Control and Community Protection Act;

(3) the person has a record of 2 or more convictions of a crime of violence;

(4) other criminal proceedings alleging commission of a felony are pending against the person;

(5) the person is on probation or parole and the appropriate parole or probation authority does not consent to that election;

(6) the person elected and was admitted to a designated program on 2 prior occasions within any consecutive 2-year period;

(7) the person has been convicted of residential burglary and has a record of one or more felony convictions;

(8) the crime is a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(9) the crime is a reckless homicide or a reckless homicide of an unborn child, as defined in Section 9-3 or 9-3.2 of the Criminal Code of 1961, in which the cause of death consists of the driving of a motor vehicle by a person under the influence of alcohol or any other drug or drugs at the time of the violation.

(Source: P.A. 90-397, eff. 8-15-97.)

(20 ILCS 301/50-35)

Sec. 50-35. Drug Treatment Fund.

(a) There is hereby established the Drug Treatment Fund, to be held as a separate fund in the State treasury. There shall be deposited into this fund such amounts as may be received under subsections (h) and (i) of Section 411.2 of the Illinois Controlled Substances Act, under Section 80 of the Methamphetamine Control and Community Protection Act, and under Section 7 of the Controlled Substance and Cannabis Nuisance Act.

(b) Monies in this fund shall be appropriated to the Department for the purposes and activities set forth in subsections (h) and (i) of Section 411.2 of the Illinois Controlled Substances Act, or in Section 7 of the Controlled Substance and Cannabis Nuisance Act.

(Source: P.A. 88-80.)

Section 902. The Department of Human Services (Alcoholism and Substance Abuse) Law of the Civil Administrative Code of Illinois is amended by changing Section 310-5 as follows:

(20 ILCS 310/310-5) (was 20 ILCS 5/9.29)

Sec. 310-5. Powers under certain Acts. The Department of Human Services, as successor to the Department of Alcoholism and Substance

New matter indicated by italics - deletions by strikeout
Abuse, shall exercise, administer, and enforce all rights, powers, and duties formerly vested in the Department of Mental Health and Developmental Disabilities by the following named Acts or Sections of those Acts as they pertain to the provision of alcoholism services and the Dangerous Drugs Commission:

(1) The Cannabis Control Act.
(2) The Illinois Controlled Substances Act.
(3) The Community Mental Health Act.
(4) The Community Services Act.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 905. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-555 as follows:

(20 ILCS 2605/2605-555)
Sec. 2605-555. Pilot program; Project Exile.
(a) The Department shall establish a Project Exile pilot program to combat gun violence.
(b) Through the pilot program, the Department, in coordination with local law enforcement agencies, State's Attorneys, and United States Attorneys, shall, to the extent possible, encourage the prosecution in federal court of all persons who illegally use, attempt to use, or threaten to use firearms against the person or property of another, of all persons who use or possess a firearm in connection with a violation of the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, all persons who have been convicted of a felony under the laws of this State or any other jurisdiction who possess any weapon prohibited under Section 24-1 of the Criminal Code of 1961 or any firearm or any firearm ammunition, and of all persons who use or possess a firearm in connection with a violation of an order of protection issued under the Illinois Domestic Violence Act of 1986 or Article 112A of the Code of Criminal Procedure of 1963 or in connection with the offense of domestic battery. The program shall also encourage public outreach by law enforcement agencies.
(c) There is created the Project Exile Fund, a special fund in the State treasury. Moneys appropriated for the purposes of Project Exile and moneys from any other private or public source, including without limitation grants from the Department of Commerce and Economic Opportunity Community

New matter indicated by italics - deletions by strikeout
Affairs, shall be deposited into the Fund. Moneys in the Fund, subject to appropriation, may be used by the Department of State Police to develop and administer the Project Exile pilot program.

(d) The Department shall report to the General Assembly by March 1, 2003 regarding the implementation and effects of the Project Exile pilot program and shall by that date make recommendations to the General Assembly for changes in the program that the Department deems appropriate.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader, and the Clerk of the House of Representatives, with the President, the Minority Leader, and the Secretary of the Senate, and with the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 92-332, eff. 8-10-01; 92-342, eff. 8-10-01; 92-651, eff. 7-11-02; revised 12-6-03.)

Section 910. The State Police Act is amended by changing Section 12.5 as follows:

(20 ILCS 2610/12.5)

Sec. 12.5. Zero tolerance drug policy. Any person employed by the Department of State Police who tests positive in accordance with established Departmental drug testing procedures for any substance prohibited by the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall be discharged from employment. Refusal to submit to a drug test, ordered in accordance with Departmental procedures, by any person employed by the Department shall be construed as a positive test, and the person shall be discharged from employment.

(Source: P.A. 92-80, eff. 1-1-02.)

Section 915. The Narcotic Control Division Abolition Act is amended by changing Sections 7 and 8 as follows:

(20 ILCS 2620/7) (from Ch. 127, par. 55j)

Sec. 7. Expenditures; evidence; forfeited property.

(a) The Director and the inspectors appointed by him, when authorized by the Director, may expend such sums as the Director deems necessary in the purchase of controlled substances and cannabis for evidence and in the employment of persons to obtain evidence.

Such sums to be expended shall be advanced to the officer who is to

New matter indicated by italics - deletions by strikeout
make such purchase or employment from funds appropriated or made available by law for the support or use of the Department on vouchers therefor signed by the Director. The Director and such officers are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purchase of evidence and for the employment of persons to obtain evidence; provided that no check may be written on nor any withdrawal made from any such account except on the written signatures of 2 persons designated by the Director to write such checks and make such withdrawals.

(b) The Director is authorized to maintain one or more commercial bank accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act, as now or hereafter amended, for the deposit or withdrawal of (i) moneys forfeited to the Department, including the proceeds of the sale of forfeited property, as provided in Section 2 of the State Officers and Employees Money Disposition Act, as now or hereafter amended, pending disbursement to participating agencies and deposit of the Department's share as provided in subsection (c), and (ii) all moneys being held as evidence by the Department, pending final court disposition; provided that no check may be written on or any withdrawal made from any such account except on the written signatures of 2 persons designated by the Director to write such checks and make such withdrawals.

(c) All moneys received by the Illinois State Police as their share of forfeited funds (including the proceeds of the sale of forfeited property) received pursuant to the Drug Asset Forfeiture Procedure Act, the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, the Environmental Protection Act, or any other Illinois law shall be deposited into the State Asset Forfeiture Fund, which is hereby created as an interest-bearing special fund in the State treasury.

All moneys received by the Illinois State Police as their share of forfeited funds (including the proceeds of the sale of forfeited property) received pursuant to federal equitable sharing transfers shall be deposited into the Federal Asset Forfeiture Fund, which is hereby created as an interest-bearing special fund in the State treasury.

The moneys deposited into the State Asset Forfeiture Fund and the Federal Asset Forfeiture Fund shall be appropriated to the Department of State Police and may be used by the Illinois State Police in accordance with law.

New matter indicated by italics - deletions by strikeout
Sec. 8. The Attorney General, upon the request of the Department, shall prosecute any violation of this Act, and of the "Illinois Controlled Substances Act", and the "Cannabis Control Act" enacted by the 77th General Assembly, and the Methamphetamine Control and Community Protection Act as now or hereafter amended.

Section 920. The Criminal Identification Act is amended by changing Sections 2.1 and 5 as follows:

Sec. 2.1. For the purpose of maintaining complete and accurate criminal records of the Department of State Police, it is necessary for all policing bodies of this State, the clerk of the circuit court, the Illinois Department of Corrections, the sheriff of each county, and State's Attorney of each county to submit certain criminal arrest, charge, and disposition information to the Department for filing at the earliest time possible. Unless otherwise noted herein, it shall be the duty of all policing bodies of this State, the clerk of the circuit court, the Illinois Department of Corrections, the sheriff of each county, and the State's Attorney of each county to report such information as provided in this Section, both in the form and manner required by the Department and within 30 days of the criminal history event. Specifically:

(a) Arrest Information. All agencies making arrests for offenses which are required by statute to be collected, maintained or disseminated by the Department of State Police shall be responsible for furnishing daily to the Department fingerprints, charges and descriptions of all persons who are arrested for such offenses. All such agencies shall also notify the Department of all decisions by the arresting agency not to refer such arrests for prosecution. With approval of the Department, an agency making such arrests may enter into arrangements with other agencies for the purpose of furnishing daily such fingerprints, charges and descriptions to the Department upon its behalf.

(b) Charge Information. The State's Attorney of each county shall notify the Department of all charges filed and all petitions filed alleging that a minor is delinquent, including all those added subsequent to the filing of a case, and whether charges were not filed in cases for which the Department has received information required to be reported pursuant to paragraph (a) of this Section. With approval of the Department, the State's Attorney may enter
into arrangements with other agencies for the purpose of furnishing the information required by this subsection (b) to the Department upon the State's Attorney's behalf.

(c) Disposition Information. The clerk of the circuit court of each county shall furnish the Department, in the form and manner required by the Supreme Court, with all final dispositions of cases for which the Department has received information required to be reported pursuant to paragraph (a) or (d) of this Section. Such information shall include, for each charge, all (1) judgments of not guilty, judgments of guilty including the sentence pronounced by the court, findings that a minor is delinquent and any sentence made based on those findings, discharges and dismissals in the court; (2) reviewing court orders filed with the clerk of the circuit court which reverse or remand a reported conviction or findings that a minor is delinquent or that vacate or modify a sentence or sentence made following a trial that a minor is delinquent; (3) continuances to a date certain in furtherance of an order of supervision granted under Section 5-6-1 of the Unified Code of Corrections or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, Section 10 of the Steroid Control Act, or Section 5-615 of the Juvenile Court Act of 1987; and (4) judgments or court orders terminating or revoking a sentence to or juvenile disposition of probation, supervision or conditional discharge and any resentencing or new court orders entered by a juvenile court relating to the disposition of a minor's case involving delinquency after such revocation.

(d) Fingerprints After Sentencing.

(1) After the court pronounces sentence, sentences a minor following a trial in which a minor was found to be delinquent or issues an order of supervision or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, Section 10 of the Steroid Control Act, or Section 5-615 of the Juvenile Court Act of 1987 for any offense which is required by statute to be collected.

New matter indicated by italics - deletions by strikeout
maintained, or disseminated by the Department of State Police, the State's Attorney of each county shall ask the court to order a law enforcement agency to fingerprint immediately all persons appearing before the court who have not previously been fingerprinted for the same case. The court shall so order the requested fingerprinting, if it determines that any such person has not previously been fingerprinted for the same case. The law enforcement agency shall submit such fingerprints to the Department daily.

(2) After the court pronounces sentence or makes a disposition of a case following a finding of delinquency for any offense which is not required by statute to be collected, maintained, or disseminated by the Department of State Police, the prosecuting attorney may ask the court to order a law enforcement agency to fingerprint immediately all persons appearing before the court who have not previously been fingerprinted for the same case. The court may so order the requested fingerprinting, if it determines that any so sentenced person has not previously been fingerprinted for the same case. The law enforcement agency may retain such fingerprints in its files.

(e) Corrections Information. The Illinois Department of Corrections and the sheriff of each county shall furnish the Department with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency or discharge of an individual who has been sentenced or committed to the agency's custody for any offenses which are mandated by statute to be collected, maintained or disseminated by the Department of State Police. For an individual who has been charged with any such offense and who escapes from custody or dies while in custody, all information concerning the receipt and escape or death, whichever is appropriate, shall also be so furnished to the Department.

(Source: P.A. 90-590, eff. 1-1-00.)

(20 ILCS 2630/5) (from Ch. 38, par. 206-5)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 5. Arrest reports; expungement.

(a) All policing bodies of this State shall furnish to the Department, daily, in the form and detail the Department requires, fingerprints and descriptions of all persons who are arrested on charges of violating any penal statute of this State for offenses that are classified as felonies and Class A or B misdemeanors and of all minors of the age of 10 and over who have been

New matter indicated by italics - deletions by strikeout
arrested for an offense which would be a felony if committed by an adult, and may forward such fingerprints and descriptions for minors arrested for Class A or B misdemeanors. Moving or nonmoving traffic violations under the Illinois Vehicle Code shall not be reported except for violations of Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In addition, conservation offenses, as defined in the Supreme Court Rule 501(c), that are classified as Class B misdemeanors shall not be reported.

Whenever an adult or minor prosecuted as an adult, not having previously been convicted of any criminal offense or municipal ordinance violation, charged with a violation of a municipal ordinance or a felony or misdemeanor, is acquitted or released without being convicted, whether the acquittal or release occurred before, on, or after the effective date of this amendatory Act of 1991, the Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial may upon verified petition of the defendant order the record of arrest expunged from the official records of the arresting authority and the Department and order that the records of the clerk of the circuit court be sealed until further order of the court upon good cause shown and the name of the defendant obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. The Department may charge the petitioner a fee equivalent to the cost of processing any order to expunge or seal the records, and the fee shall be deposited into the State Police Services Fund. The records of those arrests, however, that result in a disposition of supervision for any offense shall not be expunged from the records of the arresting authority or the Department nor impounded by the court until 2 years after discharge and dismissal of supervision. Those records that result from a supervision for a violation of Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Section 12-3.2, 12-15 or 16A-3 of the Criminal Code of 1961, or probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act when the judgment of conviction

New matter indicated by italics - deletions by strikeout
has been vacated, or Section 10 of the Steroid Control Act shall not be expunged from the records of the arresting authority nor impounded by the court until 5 years after termination of probation or supervision. Those records that result from a supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, shall not be expunged. All records set out above may be ordered by the court to be expunged from the records of the arresting authority and impounded by the court after 5 years, but shall not be expunged by the Department, but shall, on court order be sealed by the Department and may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual.

(a-5) Those records maintained by the Department for persons arrested prior to their 17th birthday shall be expunged as provided in Section 5-915 of the Juvenile Court Act of 1987.

(b) Whenever a person has been convicted of a crime or of the violation of a municipal ordinance, in the name of a person whose identity he has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the chief judge to correct the arrest record, conviction record, if any, and all official records of the arresting authority, the Department, other criminal justice agencies, the prosecutor, and the trial court concerning such arrest, if any, by removing his name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of the aggrieved's name. The records of the clerk of the circuit court clerk shall be sealed until further order of the court upon good cause shown and the name of the aggrieved person obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Nothing in this Section shall limit the Department of State Police or other criminal justice agencies or prosecutors from listing under an offender's name the false names he or she has used. For purposes of this Section, convictions for moving and nonmoving traffic violations other than convictions for violations of Chapter

New matter indicated by italics - deletions by strikeout
4, Section 11-204.1 or Section 11-501 of the Illinois Vehicle Code shall not be a bar to expunging the record of arrest and court records for violation of a misdemeanor or municipal ordinance.

(c) Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, he may, upon verified petition to the chief judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, may have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the clerk of the circuit court and the Department be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he had been pardoned but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual. Upon entry of the order of expungement, the clerk of the circuit court shall promptly mail a copy of the order to the person who was pardoned.

(c-5) Whenever a person has been convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, the victim of that offense may request that the State's Attorney of the county in which the conviction occurred file a verified petition with the presiding trial judge at the defendant's trial to have a court order entered to seal the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning that offense. However, the records of the arresting authority and the Department of State Police concerning the offense shall not be sealed. The court, upon good cause shown, shall make the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning the offense available for public inspection.

(c-6) If a conviction has been set aside on direct review or on collateral attack and the court determines by clear and convincing evidence

New matter indicated by italics - deletions by strikeout
that the defendant was factually innocent of the charge, the court shall enter an expungement order as provided in subsection (b) of Section 5-5-4 of the Unified Code of Corrections.

(d) Notice of the petition for subsections (a), (b), and (c) shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government affecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to the petition within 30 days from the date of the notice, the court shall enter an order granting or denying the petition. The clerk of the court shall promptly mail a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge.

(e) Nothing herein shall prevent the Department of State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act.

(f) No court order issued under the expungement provisions of this Section shall become final for purposes of appeal until 30 days after notice is received by the Department. Any court order contrary to the provisions of this Section is void.

(g) Except as otherwise provided in subsection (c-5) of this Section, the court shall not order the sealing or expungement of the arrest records and records of the circuit court clerk of any person granted supervision for or convicted of any sexual offense committed against a minor under 18 years of age. For the purposes of this Section, "sexual offense committed against a minor" includes but is not limited to the offenses of indecent solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.

(h)(1) Applicability. Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, this subsection authorizes the sealing of criminal records of adults and of minors prosecuted as adults.

New matter indicated by italics - deletions by strikeout
(2) Sealable offenses. The following offenses may be sealed:

(A) All municipal ordinance violations and misdemeanors, with the exception of the following:

(i) violations of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance;

(ii) violations of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance, except Section 11-14 of the Criminal Code of 1961 as provided in clause B(i) of this subsection (h);

(iii) violations of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance;

(iv) violations that are a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance;

(v) Class A misdemeanor violations of the Humane Care for Animals Act; and

(vi) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(B) Misdemeanor and Class 4 felony violations of:

(i) Section 11-14 of the Criminal Code of 1961;

(ii) Section 4 of the Cannabis Control Act;

(iii) Section 402 of the Illinois Controlled Substances Act; and

(iv) Section 60 of the Methamphetamine Control and Community Protection Act.

(iv) However, for purposes of this subsection (h), a sentence of first offender probation under Section 10 of the Cannabis Control Act, and Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall be treated as a Class 4 felony conviction.

(3) Requirements for sealing. Records identified as sealable under clause (h) (2) may be sealed when the individual was:

(A) Acquitted of the offense or offenses or released without being convicted.

(B) Convicted of the offense or offenses and the conviction or convictions were reversed.

(C) Placed on misdemeanor supervision for an offense or
offenses; and

(i) at least 3 years have elapsed since the completion of the term of supervision, or terms of supervision, if more than one term has been ordered; and

(ii) the individual has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor or felony during the period specified in clause (i).

(D) Convicted of an offense or offenses; and

(i) at least 4 years have elapsed since the last such conviction or term of any sentence, probation, parole, or supervision, if any, whichever is last in time; and

(ii) the individual has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor or felony during the period specified in clause (i).

(4) Requirements for sealing of records when more than one charge and disposition have been filed. When multiple offenses are petitioned to be sealed under this subsection (h), the requirements of the relevant provisions of clauses (h)(3)(A) through (D) each apply. In instances in which more than one waiting period is applicable under clauses (h)(C)(i) and (ii) and (h)(D)(i) and (ii), the longer applicable period applies, and the requirements of clause (h)(3) shall be considered met when the petition is filed after the passage of the longer applicable waiting period. That period commences on the date of the completion of the last sentence or the end of supervision, probation, or parole, whichever is last in time.

(5) Subsequent convictions. A person may not have subsequent felony conviction records sealed as provided in this subsection (h) if he or she is convicted of any felony offense after the date of the sealing of prior felony records as provided in this subsection (h).

(6) Notice of eligibility for sealing. Upon acquittal, release without conviction, or being placed on supervision for a sealable offense, or upon conviction of a sealable offense, the person shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records.

(7) Procedure. Upon becoming eligible for the sealing of records under this subsection (h), the person who seeks the sealing of his or her records shall file a petition requesting the sealing of records with the clerk of the court where the charge or charges were brought. The records may be sealed by the Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than

New matter indicated by italics - deletions by strikeout
3,000,000 inhabitants, the presiding trial judge at the defendant's trial, if any. If charges were brought in multiple jurisdictions, a petition must be filed in each such jurisdiction. The petitioner shall pay the applicable fee, if not waived.

(A) Contents of petition. The petition shall contain the petitioner's name, date of birth, current address, each charge, each case number, the date of each charge, the identity of the arresting authority, and such other information as the court may require. During the pendency of the proceeding, the petitioner shall promptly notify the clerk of the court of any change of address.

(B) Drug test. A person filing a petition to have his or her records sealed for a Class 4 felony violation of Section 4 of the Cannabis Control Act or for a Class 4 felony violation of Section 402 of the Illinois Controlled Substances Act must attach to the petition proof that the petitioner has passed a test taken within the previous 30 days before the filing of the petition showing the absence within his or her body of all illegal substances in violation of either the Illinois Controlled Substances Act or the Cannabis Control Act.

(C) Service of petition. The clerk shall promptly serve a copy of the petition on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest.

(D) Entry of order. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to sealing of the records within 90 days of notice the court shall enter an order sealing the defendant's records.

(E) Hearing upon objection. If an objection is filed, the court shall set a date for a hearing and notify the petitioner and the parties on whom the petition had been served, and shall hear evidence on whether the sealing of the records should or should not be granted, and shall make a determination on whether to issue an order to seal the records based on the evidence presented at the hearing.

(F) Service of order. After entering the order to seal records, the court must provide copies of the order to the Department, in a form and manner prescribed by the Department, to the petitioner, to the State's Attorney or prosecutor charged with the duty of prosecuting the offense, to the arresting agency, to the chief legal officer of the unit of local government effecting the arrest, and to such
other criminal justice agencies as may be ordered by the court.

(8) Fees. Notwithstanding any provision of the Clerk of the Courts Act to the contrary, and subject to the approval of the county board, the clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund.

(i) Subject to available funding, the Illinois Department of Corrections shall conduct a study of the impact of sealing, especially on employment and recidivism rates, utilizing a random sample of those who apply for the sealing of their criminal records under Public Act 93-211, in accordance to rules adopted by the Department. At the request of the Illinois Department of Corrections, records of the Illinois Department of Employment Security shall be utilized as appropriate to assist in the study. The study shall not disclose any data in a manner that would allow the identification of any particular individual or employing unit. The study shall be made available to the General Assembly no later than September 1, 2006.

(Source: P.A. 92-651, eff. 7-11-02; 93-210, eff. 7-18-03; 93-211, eff. 1-1-04; 93-1084, eff. 6-1-05.)

Section 925. The Illinois Uniform Conviction Information Act is amended by changing Section 3 as follows:

(20 ILCS 2635/3) (from Ch. 38, par. 1603)

Sec. 3. Definitions. Whenever used in this Act, and for the purposes of this Act, unless the context clearly indicates otherwise:

(A) "Accurate" means factually correct, containing no mistake or error of a material nature.

(B) The phrase "administer the criminal laws" includes any of the following activities: intelligence gathering, surveillance, criminal investigation, crime detection and prevention (including research), apprehension, detention, pretrial or post-trial release, prosecution, the correctional supervision or rehabilitation of accused persons or criminal offenders, criminal identification activities, or the collection, maintenance or dissemination of criminal history record information.

(C) "The Authority" means the Illinois Criminal Justice Information Authority.

(D) "Automated" means the utilization of computers, telecommunication lines, or other automatic data processing equipment for data collection or storage, analysis, processing, preservation, maintenance, dissemination, or display and is distinguished from a system in which such
activities are performed manually.

(E) "Complete" means accurately reflecting all the criminal history record information about an individual that is required to be reported to the Department pursuant to Section 2.1 of the Criminal Identification Act.

(F) "Conviction information" means data reflecting a judgment of guilt or nolo contendere. The term includes all prior and subsequent criminal history events directly relating to such judgments, such as, but not limited to: (1) the notation of arrest; (2) the notation of charges filed; (3) the sentence imposed; (4) the fine imposed; and (5) all related probation, parole, and release information. Information ceases to be "conviction information" when a judgment of guilt is reversed or vacated.

For purposes of this Act, continuances to a date certain in furtherance of an order of supervision granted under Section 5-6-1 of the Unified Code of Corrections or an order of probation granted under either Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act shall not be deemed "conviction information".

(G) "Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pretrial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individual are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(H) "Criminal justice agency" means (1) a government agency or any subunit thereof which is authorized to administer the criminal laws and which allocates a substantial part of its annual budget for that purpose, or (2) an agency supported by public funds which is authorized as its principal function to administer the criminal laws and which is officially designated by the Department as a criminal justice agency for purposes of this Act.

(I) "The Department" means the Illinois Department of State Police.

(J) "Director" means the Director of the Illinois Department of State Police.

New matter indicated by italics - deletions by strikeout
"Disseminate" means to disclose or transmit conviction information in any form, oral, written, or otherwise.

"Exigency" means pending danger or the threat of pending danger to an individual or property.

"Non-criminal justice agency" means a State agency, Federal agency, or unit of local government that is not a criminal justice agency. The term does not refer to private individuals, corporations, or non-governmental agencies or organizations.

"Request" means the submission to the Department, in the form and manner required, the necessary data elements or fingerprints, or both, to allow the Department to initiate a search of its criminal history record information files.

"Requester" means any private individual, corporation, organization, employer, employment agency, labor organization, or non-criminal justice agency that has made a request pursuant to this Act to obtain conviction information maintained in the files of the Department of State Police regarding a particular individual.

"Statistical information" means data from which the identity of an individual cannot be ascertained, reconstructed, or verified and to which the identity of an individual cannot be linked by the recipient of the information.

(Source: P.A. 88-368; 88-670, eff. 12-2-94.)

Section 926. The State Officers and Employees Money Disposition Act is amended by changing Section 2 as follows:

(30 ILCS 230/2) (from Ch. 127, par. 171)

Sec. 2. Accounts of money received; payment into State treasury.

(a) Every officer, board, commission, commissioner, department, institution, arm or agency brought within the provisions of this Act by Section 1 shall keep in proper books a detailed itemized account of all moneys received for or on behalf of the State of Illinois, showing the date of receipt, the payor, and purpose and amount, and the date and manner of disbursement as hereinabove provided, and, unless a different time of payment is expressly provided by law or by rules or regulations promulgated under subsection (b) of this Section, shall pay into the State treasury the gross amount of money so received on the day of actual physical receipt with respect to any single item of receipt exceeding $10,000, within 24 hours of actual physical receipt with respect to an accumulation of receipts of $10,000 or more, or within 48 hours of actual physical receipt with respect to an accumulation of receipts exceeding $500 but less than $10,000, disregarding

New matter indicated by italics - deletions by strikeout
holidays, Saturdays and Sundays, after the receipt of same, without any deduction on account of salaries, fees, costs, charges, expenses or claims of any description whatever; provided that:

(1) the provisions of (i) Section 2505-475 of the Department of Revenue Law (20 ILCS 2505/2505-475), (ii) any specific taxing statute authorizing a claim for credit procedure instead of the actual making of refunds, (iii) Section 505 of the Illinois Controlled Substances Act, (iv) Section 85 of the Methamphetamine Control and Community Protection Act, authorizing the Director of State Police to dispose of forfeited property, which includes the sale and disposition of the proceeds of the sale of forfeited property, and the Department of Central Management Services to be reimbursed for costs incurred with the sales of forfeited vehicles, boats or aircraft and to pay to bona fide or innocent purchasers, conditional sales vendors or mortgagees of such vehicles, boats or aircraft their interest in such vehicles, boats or aircraft, and (v) (iv) Section 6b-2 of the State Finance Act, establishing procedures for handling cash receipts from the sale of pari-mutuel wagering tickets, shall not be deemed to be in conflict with the requirements of this Section;

(2) any fees received by the State Registrar of Vital Records pursuant to the Vital Records Act which are insufficient in amount may be returned by the Registrar as provided in that Act;

(3) any fees received by the Department of Public Health under the Food Handling Regulation Enforcement Act that are submitted for renewal of an expired food service sanitation manager certificate may be returned by the Director as provided in that Act;

(3.5) the State Treasurer may permit the deduction of fees by third-party unclaimed property examiners from the property recovered by the examiners for the State of Illinois during examinations of holders located outside the State under which the Office of the Treasurer has agreed to pay for the examinations based upon a percentage, set by rule by the State Treasurer in accordance with the Illinois Administrative Procedure Act, of the property recovered during the examination; and

(4) if the amount of money received does not exceed $500, such money may be retained and need not be paid into the State treasury until the total amount of money so received exceeds $500, or until the next succeeding 1st or 15th day of each month (or until the next business day if these days fall on Sunday or a holiday),

New matter indicated by italics - deletions by strikeout
whichever is earlier, at which earlier time such money shall be paid into the State treasury, except that if a local bank or savings and loan association account has been authorized by law, any balances shall be paid into the State treasury on Monday of each week if more than $500 is to be deposited in any fund. Single items of receipt exceeding $10,000 received after 2 p.m. on a working day may be deemed to have been received on the next working day for purposes of fulfilling the requirement that the item be deposited on the day of actual physical receipt.

No money belonging to or left for the use of the State shall be expended or applied except in consequence of an appropriation made by law and upon the warrant of the State Comptroller. However, payments made by the Comptroller to persons by direct deposit need not be made upon the warrant of the Comptroller, but if not made upon a warrant, shall be made in accordance with Section 9.02 of the State Comptroller Act. All moneys so paid into the State treasury shall, unless required by some statute to be held in the State treasury in a separate or special fund, be covered into the General Revenue Fund in the State treasury. Moneys received in the form of checks, drafts or similar instruments shall be properly endorsed, if necessary, and delivered to the State Treasurer for collection. The State Treasurer shall remit such collected funds to the depositing officer, board, commission, commissioner, department, institution, arm or agency by Treasurers Draft or through electronic funds transfer. The draft or notification of the electronic funds transfer shall be provided to the State Comptroller to allow deposit into the appropriate fund.

(b) Different time periods for the payment of public funds into the State treasury or to the State Treasurer, in excess of the periods established in subsection (a) of this Section, but not in excess of 30 days after receipt of such funds, may be established and revised from time to time by rules or regulations promulgated jointly by the State Treasurer and the State Comptroller in accordance with the Illinois Administrative Procedure Act. The different time periods established by rule or regulation under this subsection may vary according to the nature and amounts of the funds received, the locations at which the funds are received, whether compliance with the deposit requirements specified in subsection (a) of this Section would be cost effective, and such other circumstances and conditions as the promulgating authorities consider to be appropriate. The Treasurer and the Comptroller shall review all such different time periods established pursuant to this subsection every 2 years from the establishment thereof and upon such
review, unless it is determined that it is economically unfeasible for the agency to comply with the provisions of subsection (a), shall repeal such different time period.
(Source: P.A. 90-37, eff. 6-27-97; 90-655, eff. 7-30-98; 91-239, eff. 1-1-00; 91-862, eff. 1-1-01.)

Section 930. The Counties Code is amended by changing Section 5-1103 as follows:
(55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)
Sec. 5-1103. Court services fee. A county board may enact by ordinance or resolution a court services fee dedicated to defraying court security expenses incurred by the sheriff in providing court services or for any other court services deemed necessary by the sheriff to provide for court security, including without limitation court services provided pursuant to Section 3-6023, as now or hereafter amended. Such fee shall be paid in civil cases by each party at the time of filing the first pleading, paper or other appearance; provided that no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance. In criminal, local ordinance, county ordinance, traffic and conservation cases, such fee shall be assessed against the defendant upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision, or sentence of probation without entry of judgment pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act. In setting such fee, the county board may impose, with the concurrence of the Chief Judge of the judicial circuit in which the county is located by administrative order entered by the Chief Judge, differential rates for the various types or categories of criminal and civil cases, but the maximum rate shall not exceed $25. All proceeds from this fee must be used to defray court security expenses incurred by the sheriff in providing court services. No fee shall be imposed or collected, however, in traffic, conservation, and ordinance cases in which fines are paid without a court appearance. The fees shall be collected in the manner in which all other court fees or costs are collected and shall be deposited into the county general fund for payment solely of costs incurred by the sheriff in providing court security or for any other court services deemed necessary by the sheriff to provide for court security.

New matter indicated by italics - deletions by strikeout
Section 935. The Park District Code is amended by changing Section 8-23 as follows:

(70 ILCS 1205/8-23)

Sec. 8-23. Criminal background investigations.

(a) An applicant for employment with a park district is required as a condition of employment to authorize an investigation to determine if the applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, within 7 years of the application for employment with the park district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the park district. Upon receipt of this authorization, the park district shall submit the applicant's name, sex, race, date of birth, and social security number to the Department of State Police on forms prescribed by the Department of State Police. The Department of State Police shall conduct a search of the Illinois criminal history records database to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the park district, any other felony under the laws of this State. The Department of State Police shall charge the park district a fee for conducting the investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. The applicant shall not be charged a fee by the park district for the investigation.

(b) If the search of the Illinois criminal history record database indicates that the applicant has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the park district, any other felony under the laws of this State, the Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check, records of convictions, until expunged, to the president of the park district. Any information concerning the record of convictions obtained by the president shall be confidential and may only be transmitted to those persons who are necessary to the decision on whether to hire the

New matter indicated by italics - deletions by strikeout
applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No park district shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder, a Class X felony, or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; (iv) those defined in the Methamphetamine Control and Community Protection Act; and (v) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no park district shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. No park district shall knowingly employ a person for whom a criminal background investigation has not been initiated.

(Source: P.A. 93-418, eff. 1-1-04.)

Section 940. The Chicago Park District Act is amended by changing Section 16a-5 as follows:

(70 ILCS 1505/16a-5)
Sec. 16a-5. Criminal background investigations.
(a) An applicant for employment with the Chicago Park District is required as a condition of employment to authorize an investigation to determine if the applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, within 7 years of the application for employment with the Chicago Park District, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the Chicago Park District.

New matter indicated by italics - deletions by strikeout
Upon receipt of this authorization, the Chicago Park District shall submit the applicant's name, sex, race, date of birth, and social security number to the Department of State Police on forms prescribed by the Department of State Police. The Department of State Police shall conduct a search of the Illinois criminal history record information database to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, of committing or attempting to commit within 7 years of the application for employment with the Chicago Park District, any other felony under the laws of this State. The Department of State Police shall charge the Chicago Park District a fee for conducting the investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. The applicant shall not be charged a fee by the Chicago Park District for the investigation.

(b) If the search of the Illinois criminal history record database indicates that the applicant has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the Chicago Park District, any other felony under the laws of this State, the Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check, records of convictions, until expunged, to the General Superintendent and Chief Executive Officer of the Chicago Park District. Any information concerning the record of convictions obtained by the General Superintendent and Chief Executive Officer shall be confidential and may only be transmitted to those persons who are necessary to the decision on whether to hire the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The Chicago Park District may not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder, a Class X felony, or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act,

New matter indicated by italics - deletions by strikeout
except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; (iv) those defined in the Methamphetamine Control and Community Protection Act; and (v) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the Chicago Park District may not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. The Chicago Park District may not knowingly employ a person for whom a criminal background investigation has not been initiated.

(Source: P.A. 93-418, eff. 1-1-04.)

Section 945. The Metropolitan Transit Authority Act is amended by changing Section 28b as follows:

(70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

Sec. 28b. Any person applying for a position as a driver of a vehicle owned by a private carrier company which provides public transportation pursuant to an agreement with the Authority shall be required to authorize an investigation by the private carrier company to determine if the applicant has been convicted of any of the following offenses: (i) those offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.1, 18-1, 18-2, 20-1, 20-1.1, 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act; and (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses. Upon receipt of this authorization, the private carrier company shall submit the applicant's name, sex, race, date of birth, fingerprints and social security number to the Department of State Police on forms prescribed by the Department. The Department of State Police shall conduct an investigation to ascertain if the applicant has been convicted of any of the above enumerated offenses. The Department shall charge the private carrier

New matter indicated by italics - deletions by strikeout
company a fee for conducting the investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such investigation by the private carrier company. The Department of State Police shall furnish, pursuant to positive identification, records of convictions, until expunged, to the private carrier company which requested the investigation. A copy of the record of convictions obtained from the Department shall be provided to the applicant. Any record of conviction received by the private carrier company shall be confidential. Any person who releases any confidential information concerning any criminal convictions of an applicant shall be guilty of a Class A misdemeanor, unless authorized by this Section.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

Section 950. The School Code is amended by changing Sections 10-21.9, 10-27.1B, 21-23a, 34-18.5, and 34-84b as follows:

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal history records checks.

(a) Certified and noncertified applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint

New matter indicated by italics - deletions by strikeout
images, and other identifiers, as prescribed by the Department of State Police, to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse school districts and regional superintendents for fees paid to obtain criminal history records checks under this Section.

(b) Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the school district, the presidents of the appropriate school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then

New matter indicated by italics - deletions by strikeout
the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute teacher in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own criminal history records check of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No school board shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the "Criminal Code of 1961"; (ii) those defined in the "Cannabis Control Act" except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the "Illinois Controlled Substances Act"; (iv) those defined in the "Methamphetamine Control and Community Protection Act"; and (v) (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person for whom a criminal history records check has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the appropriate regional superintendent
of schools or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a check prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04.)

(105 ILCS 5/10-27.1B)
Sec. 10-27.1B. Reporting drug-related incidents in schools.
(a) In this Section:
"Drug" means "cannabis" as defined under subsection (a) of Section 3 of the Cannabis Control Act, or "narcotic drug" as defined under subsection (aa) of Section 102 of the Illinois Controlled Substances Act, or "methamphetamine" as defined under Section 10 of the Methamphetamine Control and Community Protection Act.
"School" means any public or private elementary or secondary school.
(b) Upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving drugs in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel, the superintendent or his or her designee, or other appropriate administrative officer for a private school, shall report all such drug-related incidents occurring in a school or on school property to the local law enforcement authorities immediately and to the Department of State Police in a form, manner, and frequency as prescribed by the Department of State Police.
(c) The State Board of Education shall receive an annual statistical compilation and related data associated with drug-related incidents in schools from the Department of State Police. The State Board of Education shall compile this information by school district and make it available to the

New matter indicated by italics - deletions by strikeout
Sec. 21-23a. Conviction of sex or narcotics offense, first degree murder, attempted first degree murder, or Class X felony as grounds for revocation of certificate.

(a) Whenever the holder of any certificate issued pursuant to this Article has been convicted of any sex offense or narcotics offense as defined in this Section, the regional superintendent or the State Superintendent of Education shall forthwith suspend the certificate. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him are dismissed, the suspending authority shall forthwith terminate the suspension of the certificate. When the conviction becomes final, the State Superintendent of Education shall forthwith revoke the certificate. "Sex offense" as used in this Section means any one or more of the following offenses: (1) any offense defined in Sections 11-6 and 11-9 and Sections 11-14 through 11-21, inclusive, and Sections 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the “Criminal Code of 1961”; (2) any attempt to commit any of the foregoing offenses, and (3) any offense committed or attempted in any other state which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. "Narcotics offense" as used in this Section means any one or more of the following offenses: (1) any offense defined in the “Cannabis Control Act” except those defined in Sections 4(a), 4(b) and 5(a) of that Act and any offense for which the holder of any certificate is placed on probation under the provisions of Section 10 of that Act and fulfills the terms and conditions of probation as may be required by the court; (2) any offense defined in the “Illinois Controlled Substances Act” except any offense for which the holder of any certificate is placed on probation under the provisions of Section 410 of that Act and fulfills the terms and conditions of probation as may be required by the court; (3) any offense defined in the Methamphetamine Control and Community Protection Act except any offense for which the holder of any certificate is placed on probation under the provision of Section 70 of that Act and fulfills the terms and conditions of probation as may be required by the court; (4) any attempt to commit any of the foregoing offenses; and (5) any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses.

(b) Whenever the holder of a certificate issued pursuant to this Article

New matter indicated by italics - deletions by strikeout
has been convicted of first degree murder, attempted first degree murder, or a Class X felony, the regional superintendent or the State Superintendent of Education shall forthwith suspend the certificate. If the conviction is reversed and the holder is acquitted of that offense in a new trial or the charges that he or she committed that offense are dismissed, the suspending authority shall forthwith terminate the suspension of the certificate. When the conviction becomes final, the State Superintendent of Education shall forthwith revoke the certificate. The stated offenses of "first degree murder", "attempted first degree murder", and "Class X felony" referred to in this Section include any offense committed in another state that, if committed in this State, would have been punishable as any one of the stated offenses.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-610, eff. 8-6-96.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)
Sec. 34-18.5. Criminal history records checks.

(a) Certified and noncertified applicants for employment with the school district are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police,

New matter indicated by italics - deletions by strikeout
to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse the school district and regional superintendent for fees paid to obtain criminal history records checks under this Section.

(b) Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the

New matter indicated by italics - deletions by strikeout
regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own criminal history records check of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The board of education shall not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; (iv) those defined in the Methamphetamine Control and Community Protection Act; and (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) The board of education shall not knowingly employ a person for whom a criminal history records check has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section

New matter indicated by italics - deletions by strikeout
34-8.1 or 34-83 of the School Code, the board of education or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a check prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04.)

(105 ILCS 5/34-84b) (from Ch. 122, par. 34-84b)

Sec. 34-84b. Conviction of sex or narcotics offense, first degree murder, attempted first degree murder, or Class X felony as grounds for revocation of certificate.

(a) Whenever the holder of any certificate issued by the board of education has been convicted of any sex offense or narcotics offense as defined in this Section, the board of education shall forthwith suspend the certificate. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him are dismissed, the board shall forthwith terminate the suspension of the certificate. When the conviction becomes final, the board shall forthwith revoke the certificate. "Sex offense" as used in this Section means any one or more of the following offenses: (1) any offense defined in Sections 11-6 and 11-9 and Sections 11-14 through 11-21, inclusive, and Sections 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the "Criminal Code of 1961"; (2) any attempt to commit any of the foregoing offenses, and (3) any offense committed or attempted in any other state which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. "Narcotics offense" as used in this Section means any one or more of the following offenses: (1) any offense defined in the "Cannabis Control Act" except those defined in Sections 4(a), 4(b) and 5(a) of that Act and any offense for which the holder of any

New matter indicated by italics - deletions by strikeout
certificate is placed on probation under the provisions of Section 10 of that Act and fulfills the terms and conditions of probation as may be required by the court; (2) any offense defined in the "Illinois Controlled Substances Act" except any offense for which the holder of any certificate is placed on probation under the provisions of Section 410 of that Act and fulfills the terms and conditions of probation as may be required by the court; (3) any offense defined in the Methamphetamine Control and Community Protection Act except any offense for which the holder of any certificate is placed on probation under the provisions of Section 70 of that Act and fulfills the terms and conditions of probation as may be required by the court; (4) any attempt to commit any of the foregoing offenses; and (5) any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses.

(b) Whenever the holder of any certificate issued by the board of education or pursuant to Article 21 or any other provisions of the School Code has been convicted of first degree murder, attempted first degree murder, or a Class X felony, the board of education or the State Superintendent of Education shall forthwith suspend the certificate. If the conviction is reversed and the holder is acquitted of that offense in a new trial or the charges that he or she committed that offense are dismissed, the suspending authority shall forthwith terminate the suspension of the certificate. When the conviction becomes final, the State Superintendent of Education shall forthwith revoke the certificate. The stated offenses of "first degree murder", "attempted first degree murder", and "Class X felony" referred to in this Section include any offense committed in another state that, if committed in this State, would have been punishable as any one of the stated offenses.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-610, eff. 8-6-96.)

Section 955. The School Reporting of Drug Violations Act is amended by changing Section 2 as follows:

(105 ILCS 127/2)

Sec. 2. Duty of school administrators. It is the duty of the principal of a public elementary or secondary school, or his or her designee, and the chief administrative officer of a private elementary or secondary school or a public or private community college, college, or university, or his or her designee, to report to the municipal police department or office of the county sheriff of the municipality or county where the school is located violations of Section

New matter indicated by italics - deletions by strikeout
5.2 of the Cannabis Control Act, and violations of Section 401 and subsection (b) of Section 407 of the Illinois Controlled Substances Act, and violations of the Methamphetamine Control and Community Protection Act occurring in a school, on the real property comprising any school, on a public way within 1,000 feet of a school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity within 48 hours of becoming aware of the incident.
(Source: P.A. 90-395, eff. 8-15-97.)

Section 960. The Acupuncture Practice Act is amended by changing Section 135 as follows:
(225 ILCS 2/135)
(Section scheduled to be repealed on January 1, 2008)
Sec. 135. Criminal violations. Whoever knowingly practices or offers to practice acupuncture in this State without being licensed for that purpose shall be guilty of a Class A misdemeanor and for each subsequent conviction shall be guilty of a Class 4 felony. Notwithstanding any other provision of this Act, all criminal fines, moneys, or other property collected or received by the Department under this Section or any other State or federal statute, including but not limited to property forfeited to the Department under Section 505 of the Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Professional Regulation Evidence Fund.
(Source: P.A. 90-61, eff. 7-3-97.)

Section 965. The Child Care Act of 1969 is amended by changing Section 4.2 as follows:
(225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)
Sec. 4.2. (a) No applicant may receive a license from the Department and no person may be employed by a licensed child care facility who refuses to authorize an investigation as required by Section 4.1.

(b) In addition to the other provisions of this Section, no applicant may receive a license from the Department and no person may be employed by a child care facility licensed by the Department who has been declared a sexually dangerous person under "An Act in relation to sexually dangerous persons, and providing for their commitment, detention and supervision", approved July 6, 1938, as amended, or convicted of committing or attempting to commit any of the following offenses stipulated under the Criminal Code of 1961:

(1) murder;
(1.1) solicitation of murder;

New matter indicated by italics - deletions by strikeout
(1.2) solicitation of murder for hire;
(1.3) intentional homicide of an unborn child;
(1.4) voluntary manslaughter of an unborn child;
(1.5) involuntary manslaughter;
(1.6) reckless homicide;
(1.7) concealment of a homicidal death;
(1.8) involuntary manslaughter of an unborn child;
(1.9) reckless homicide of an unborn child;
(1.10) drug-induced homicide;
(2) a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, and 11-13;
(3) kidnapping;
(3.1) aggravated unlawful restraint;
(3.2) forcible detention;
(3.3) harboring a runaway;
(3.4) aiding and abetting child abduction;
(4) aggravated kidnapping;
(5) child abduction;
(6) aggravated battery of a child;
(7) criminal sexual assault;
(8) aggravated criminal sexual assault;
(8.1) predatory criminal sexual assault of a child;
(9) criminal sexual abuse;
(10) aggravated sexual abuse;
(11) heinous battery;
(12) aggravated battery with a firearm;
(13) tampering with food, drugs, or cosmetics;
(14) drug induced infliction of great bodily harm;
(15) hate crime;
(16) stalking;
(17) aggravated stalking;
(18) threatening public officials;
(19) home invasion;
(20) vehicular invasion;
(21) criminal transmission of HIV;
(22) criminal abuse or neglect of an elderly or disabled person;
(23) child abandonment;
(24) endangering the life or health of a child;

New matter indicated by italics - deletions by strikeout
(25) ritual mutilation;
(26) ritualized abuse of a child;
(27) an offense in any other jurisdiction the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

(b-1) In addition to the other provisions of this Section, beginning January 1, 2004, no new applicant and, on the date of licensure renewal, no current licensee may operate or receive a license from the Department to operate, no person may be employed by, and no adult person may reside in a child care facility licensed by the Department who has been convicted of committing or attempting to commit any of the following offenses or an offense in any other jurisdiction the elements of which are similar and bear a substantial relationship to any of the following offenses:

(I) BODILY HARM
(1) Felony aggravated assault.
(2) Vehicular endangerment.
(3) Felony domestic battery.
(4) Aggravated battery.
(5) Heinous battery.
(6) Aggravated battery with a firearm.
(7) Aggravated battery of an unborn child.
(8) Aggravated battery of a senior citizen.
(9) Intimidation.
(10) Compelling organization membership of persons.
(11) Abuse and gross neglect of a long term care facility resident.
(12) Felony violation of an order of protection.

(II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY
(1) Felony unlawful use of weapons.
(2) Aggravated discharge of a firearm.
(3) Reckless discharge of a firearm.
(4) Unlawful use of metal piercing bullets.
(5) Unlawful sale or delivery of firearms on the premises of any school.
(6) Disarming a police officer.
(7) Obstructing justice.
(8) Concealing or aiding a fugitive.
(9) Armed violence.

New matter indicated by italics - deletions by strikeout
(10) Felony contributing to the criminal delinquency of a juvenile.

(III) DRUG OFFENSES
(1) Possession of more than 30 grams of cannabis.
(2) Manufacture of more than 10 grams of cannabis.
(3) Cannabis trafficking.
(4) Delivery of cannabis on school grounds.
(5) Unauthorized production of more than 5 cannabis sativa plants.
(6) Calculated criminal cannabis conspiracy.
(7) Unauthorized manufacture or delivery of controlled substances.
(8) Controlled substance trafficking.
(9) Manufacture, distribution, or advertisement of look-alike substances.
(10) Calculated criminal drug conspiracy.
(11) Street gang criminal drug conspiracy.
(12) Permitting unlawful use of a building.
(13) Delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property.
(14) Using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances.
(15) Delivery of controlled substances.
(16) Sale or delivery of drug paraphernalia.
(17) Felony possession, sale, or exchange of instruments adapted for use of a controlled substance, methamphetamine, or cannabis by subcutaneous injection.
(18) Felony possession of a controlled substance.
(19) Any violation of the Methamphetamine Control and Community Protection Act.

(b-2) For child care facilities other than foster family homes, the Department may issue a new child care facility license to or renew the existing child care facility license of an applicant, a person employed by a child care facility, or an applicant who has an adult residing in a home child care facility who was convicted of an offense described in subsection (b-1), provided that all of the following requirements are met:
(1) The relevant criminal offense occurred more than 5 years prior to the date of application or renewal, except for drug offenses.
The relevant drug offense must have occurred more than 10 years prior to the date of application or renewal, unless the applicant passed a drug test, arranged and paid for by the child care facility, no less than 5 years after the offense.

(2) The Department must conduct a background check and assess all convictions and recommendations of the child care facility to determine if waiver shall apply in accordance with Department administrative rules and procedures.

(3) The applicant meets all other requirements and qualifications to be licensed as the pertinent type of child care facility under this Act and the Department's administrative rules.

(c) In addition to the other provisions of this Section, no applicant may receive a license from the Department to operate a foster family home, and no adult person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the following offenses stipulated under the Criminal Code of 1961, the Cannabis Control Act, the Methamphetamine Control and Community Protection Act, and the Illinois Controlled Substances Act:

(I) OFFENSES DIRECTED AGAINST THE PERSON

(A) KIDNAPPING AND RELATED OFFENSES

(1) Unlawful restraint.

(B) BODILY HARM

(2) Felony aggravated assault.
(3) Vehicular endangerment.
(4) Felony domestic battery.
(5) Aggravated battery.
(6) Heinous battery.
(7) Aggravated battery with a firearm.
(8) Aggravated battery of an unborn child.
(9) Aggravated battery of a senior citizen.
(10) Intimidation.
(11) Compelling organization membership of persons.
(12) Abuse and gross neglect of a long term care facility resident.
(13) Felony violation of an order of protection.

(II) OFFENSES DIRECTED AGAINST PROPERTY

(14) Felony theft.
(15) Robbery.
(16) Armed robbery.

New matter indicated by italics - deletions by strikeout
(17) Aggravated robbery.
(18) Vehicular hijacking.
(19) Aggravated vehicular hijacking.
(20) Burglary.
(21) Possession of burglary tools.
(22) Residential burglary.
(23) Criminal fortification of a residence or building.
(24) Arson.
(25) Aggravated arson.
(26) Possession of explosive or explosive incendiary devices.

(III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

(27) Felony unlawful use of weapons.
(28) Aggravated discharge of a firearm.
(29) Reckless discharge of a firearm.
(30) Unlawful use of metal piercing bullets.
(31) Unlawful sale or delivery of firearms on the premises of any school.
(32) Disarming a police officer.
(33) Obstructing justice.
(34) Concealing or aiding a fugitive.
(35) Armed violence.
(36) Felony contributing to the criminal delinquency of a juvenile.

(IV) DRUG OFFENSES

(37) Possession of more than 30 grams of cannabis.
(38) Manufacture of more than 10 grams of cannabis.
(39) Cannabis trafficking.
(40) Delivery of cannabis on school grounds.
(41) Unauthorized production of more than 5 cannabis sativa plants.
(42) Calculated criminal cannabis conspiracy.
(43) Unauthorized manufacture or delivery of controlled substances.
(44) Controlled substance trafficking.
(45) Manufacture, distribution, or advertisement of look-alike substances.
(46) Calculated criminal drug conspiracy.
(46.5) Streetgang criminal drug conspiracy.

New matter indicated by italics - deletions by strikeout
(47) Permitting unlawful use of a building.

(48) Delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property.

(49) Using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances.

(50) Delivery of controlled substances.

(51) Sale or delivery of drug paraphernalia.

(52) Felony possession, sale, or exchange of instruments adapted for use of a controlled substance, methamphetamine, or cannabis by subcutaneous injection.

(53) Any violation of the Methamphetamine Control and Community Protection Act.

(d) Notwithstanding subsection (c), the Department may issue a new foster family home license or may renew an existing foster family home license of an applicant who was convicted of an offense described in subsection (c), provided all of the following requirements are met:

(1) The relevant criminal offense or offenses occurred more than 10 years prior to the date of application or renewal.

(2) The applicant had previously disclosed the conviction or convictions to the Department for purposes of a background check.

(3) After the disclosure, the Department either placed a child in the home or the foster family home license was issued.

(4) During the background check, the Department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time of the waiver.

(5) The applicant meets all other requirements and qualifications to be licensed as a foster family home under this Act and the Department's administrative rules.

(6) The applicant has a history of providing a safe, stable home environment and appears able to continue to provide a safe, stable home environment.

(Source: P.A. 92-328, eff. 1-1-02; 93-151, eff. 7-10-03.)

Section 970. The Health Care Worker Background Check Act is amended by changing Section 25 as follows:

(225 ILCS 46/25)

Sec. 25. Persons ineligible to be hired by health care employers.

(a) After January 1, 1996, or January 1, 1997, as applicable, no health care employer shall knowingly hire, employ, or retain any individual in a

New matter indicated by italics - deletions by strikeout
position with duties involving direct care for clients, patients, or residents, who has been convicted of committing or attempting to commit one or more of the offenses defined in Sections 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6, 11-9.1, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-12, 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961; those provided in Section 4 of the Wrongs to Children Act; those provided in Section 53 of the Criminal Jurisprudence Act; those defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those defined in the Methamphetamine Control and Community Protection Act; or those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances Act, unless the applicant or employee obtains a waiver pursuant to Section 40.

(a-1) After January 1, 2004, no health care employer shall knowingly hire any individual in a position with duties involving direct care for clients, patients, or residents who has (i) been convicted of committing or attempting to commit one or more of the offenses defined in Section 12-3.3, 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act; or Section 5.1 of the Wrongs to Children Act; or (ii) violated Section 10-5 of the Nursing and Advanced Practice Nursing Act.

A UCIA criminal history record check need not be redone for health care employees who have been continuously employed by a health care employer since January 1, 2004, but nothing in this Section prohibits a health care employer from initiating a criminal history check for these employees.

A health care employer is not required to retain an individual in a position with duties involving direct care for clients, patients, or residents who has been convicted of committing or attempting to commit one or more of the offenses enumerated in this subsection.

(b) A health care employer shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a) or (a-1), as verified by court records, records from a state agency, or an FBI criminal history record check. This shall not be construed

New matter indicated by italics - deletions by strikeout
to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided.

(Source: P.A. 93-224, eff. 7-18-03.)

Section 975. The Medical Practice Act of 1987 is amended by changing Section 22 as follows:

(225 ILCS 60/22) (from Ch. 111, par. 4400-22)

Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probationary status, or take any other disciplinary action as the Department may deem proper with regard to the license or visiting professor permit of any person issued under this Act to practice medicine, or to treat human ailments without the use of drugs and without operative surgery upon any of the following grounds:

(1) Performance of an elective abortion in any place, locale, facility, or institution other than:

   (a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;
   (b) an institution licensed under the Hospital Licensing Act; or
   (c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or any agency thereof, where such department or agency has authority under law to establish and enforce standards for the ambulatory surgical treatment centers, hospitalization, or care facilities under its management and control; or
   (d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or
   (e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.

(2) Performance of an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.

(3) The conviction of a felony in this or any other jurisdiction, except as otherwise provided in subsection B of this Section, whether or not related to practice under this Act, or the entry of a guilty or
nolo contendere plea to a felony charge.

(4) Gross negligence in practice under this Act.

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(6) Obtaining any fee by fraud, deceit, or misrepresentation.

(7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.

(8) Practicing under a false or, except as provided by law, an assumed name.

(9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(10) Making a false or misleading statement regarding their skill or the efficacy or value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind.

(11) Allowing another person or organization to use their license, procured under this Act, to practice.

(12) Disciplinary action of another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof.

(13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Director, after consideration of the recommendation of the Disciplinary Board.

(14) Dividing with anyone other than physicians with whom the licensee practices in a partnership, Professional Association, limited liability company, or Medical or Professional Corporation any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing medicine in partnership under a partnership agreement, including a limited liability partnership, in a limited liability company under the Limited Liability Company Act, in a corporation authorized by the Medical
Corporation Act, as an association authorized by the Professional Association Act, or in a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the Board of Directors of the corporation or association. Nothing contained in this subsection prohibits 2 or more corporations authorized by the Medical Corporation Act, from forming a partnership or joint venture of such corporations, and providing medical, surgical and scientific research and knowledge by employees of these corporations if such employees are licensed under this Act, or from pooling, sharing, dividing, or apportioning the fees and monies received by the partnership or joint venture in accordance with the partnership or joint venture agreement. Nothing contained in this subsection shall abrogate the right of 2 or more persons, holding valid and current licenses under this Act, to each receive adequate compensation for concurrently rendering professional services to a patient and divide a fee; provided, the patient has full knowledge of the division, and, provided, that the division is made in proportion to the services performed and responsibility assumed by each.

(15) A finding by the Medical Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

(17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.

(19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related

New matter indicated by italics - deletions by strikeout
to the licensee's practice.

(21) Wilfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Public Aid under the Illinois Public Aid Code.

(22) Wilful omission to file or record, or wilfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or wilfully failing to report an instance of suspected abuse or neglect as required by law.

(23) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(24) Solicitation of professional patronage by any corporation, agents or persons, or profiting from those representing themselves to be agents of the licensee.

(25) Gross and wilful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department of Public Aid under the Illinois Public Aid Code.

(26) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Wilfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

(32) Aiding and abetting an individual not licensed under this Act.

New matter indicated by italics - deletions by strikeout
Act in the practice of a profession licensed under this Act.

(33) Violating state or federal laws or regulations relating to controlled substances.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(37) Failure to transfer copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

(39) Violating the Health Care Worker Self-Referral Act.

(40) Willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

(42) Entering into an excessive number of written collaborative agreements with licensed advanced practice nurses resulting in an inability to adequately collaborate and provide medical direction.

(43) Repeated failure to adequately collaborate with or
provide medical direction to a licensed advanced practice nurse.

All proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 3 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9) and (29), no action shall be commenced more than 5 years after the date of the incident or act alleged to have violated this Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of one year from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the Medical Disciplinary Board that they have been determined to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Illinois Department of Revenue.

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

(a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;

(b) what constitutes dishonorable, unethical or unprofessional

New matter indicated by italics - deletions by strikeout
conduct of a character likely to deceive, defraud, or harm the public;
(c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and
(d) what constitutes gross negligence in the practice of medicine.
However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Medical Disciplinary Board, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician or physicians shall be those specifically designated by the Disciplinary Board. The Medical Disciplinary Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination, when directed, shall be grounds for suspension of his or her license until such time as the individual submits to the examination if the Disciplinary Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause. If the Disciplinary Board finds a physician unable to practice because of the reasons set forth in this Section, the Disciplinary Board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the Disciplinary Board, as a condition for continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Director for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the

New matter indicated by italics - deletions by strikeout
Disciplinary Board. In instances in which the Director immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed $5,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Medical Disciplinary Fund.

(B) The Department shall revoke the license or visiting permit of any person issued under this Act to practice medicine or to treat human ailments without the use of drugs and without operative surgery, who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or visiting permit is revoked under this subsection B of Section 22 of this Act shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The Medical Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person without notice as required under the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of $1,000 and for a second or subsequent violation, a civil penalty of $5,000.

(Source: P.A. 89-18, eff. 6-1-95; 89-201, eff. 1-1-96; 89-626, eff. 8-9-96; 89-702, eff. 7-1-97; 90-742, eff. 8-13-98.)

New matter indicated by italics - deletions by strikeout
Section 980. The Naprapathic Practice Act is amended by changing Section 123 as follows:

(225 ILCS 63/123)

(Sec. scheduled to be repealed on January 1, 2013)

Sec. 123. Violation; penalty. Whoever knowingly practices or offers to practice naprapathy in this State without being licensed for that purpose shall be guilty of a Class A misdemeanor and for each subsequent conviction shall be guilty of a Class 4 felony. Notwithstanding any other provision of this Act, all criminal fines, moneys, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of the Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Professional Regulation Evidence Fund.

(Source: P.A. 89-61, eff. 6-30-95.)

Section 985. The Nursing and Advanced Practice Nursing Act is amended by changing Section 20-75 as follows:

(225 ILCS 65/20-75)

(Sec. scheduled to be repealed on January 1, 2008)

Sec. 20-75. Injunctive remedies.

(a) If any person violates the provision of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in which the action is brought, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person shall practice as a nurse or hold herself or himself out as a nurse without being licensed under the provisions of this Act, then any licensed nurse, any interested party, or any person injured thereby may, in addition to the Director, petition for relief as provided in subsection (a) of this Section.

Whoever knowingly practices or offers to practice nursing in this State without a license for that purpose shall be guilty of a Class A misdemeanor and for each subsequent conviction, shall be guilty of a Class

New matter indicated by italics - deletions by strikeout
4 felony. All criminal fines, monies, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of the Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Professional Regulation Evidence Fund.

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 90-742, eff. 8-13-98.)

Section 990. The Illinois Optometric Practice Act of 1987 is amended by changing Section 26.1 as follows:

(a) If any person violates the provision of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State’s Attorney of any county in which the action is brought, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person shall practice as an optometrist or hold himself or herself out as an optometrist without being licensed under the provisions of this Act then any licensed optometrist, any interested party or any person injured thereby may, in addition to the Director, petition for relief as provided in subsection (a) of this Section.

Whoever knowingly practices or offers to practice optometry in this State without being licensed for that purpose shall be guilty of a Class A misdemeanor and for each subsequent conviction, shall be guilty of a Class 4 felony. Notwithstanding any other provision of this Act, all criminal fines,
monies, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of the Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Professional Regulation Evidence Fund.

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 89-702, eff. 7-1-97.)

Section 995. The Podiatric Medical Practice Act of 1987 is amended by changing Section 41 as follows:

(225 ILCS 100/41) (from Ch. 111, par. 4841)
(Section scheduled to be repealed on January 1, 2008)
Sec. 41. Violations. Any person who is found to have violated any provisions of this Act is guilty of a Class A misdemeanor. All criminal fines, monies, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of The Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Professional Regulation Evidence Fund.

The Board, with the advice of the Director and attorneys for the Department, may establish by rule a schedule of fines payable by those who have violated any provisions of this Act.

Fines assessed and collected for violations of this Act shall be deposited in the Illinois State Podiatric Medical Disciplinary Fund.

(Source: P.A. 86-685.)

Section 1000. The Veterinary Medicine and Surgery Practice Act of 2004 is amended by changing Section 25.16 as follows:

(225 ILCS 115/25.16) (from Ch. 111, par. 7025.16)
(Section scheduled to be repealed on January 1, 2014)
Sec. 25.16. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor. On conviction of a second or subsequent offense, the violator shall be guilty of a Class 4 felony. All

New matter indicated by italics - deletions by strikeout
criminal fines, monies, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of The Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Professional Regulation Evidence Fund.
(Source: P.A. 86-685.)

Section 1005. The Wholesale Drug Distribution Licensing Act is amended by changing Sections 55 and 170 as follows:

(225 ILCS 120/55) (from Ch. 111, par. 8301-55)
(Section scheduled to be repealed on January 1, 2013)
Sec. 55. Discipline; grounds.
(a) The Department may refuse to issue, restore, or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper for any of the following reasons:
(1) Violation of this Act or its rules.
(2) Aiding or assisting another person in violating any provision of this Act or its rules.
(3) Failing, within 60 days, to respond to a written requirement made by the Department for information.
(4) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public. This includes violations of "good faith" as defined by the Illinois Controlled Substances Act and applies to all prescription drugs.
(5) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.
(6) Selling or engaging in the sale of drug samples provided at no cost by drug manufacturers.
(7) Conviction of the applicant or licensee, or any officer, director, manager or shareholder who owns more than 5% of stock, in State or federal court of any crime that is a felony.
(8) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to function with reasonable judgment, skill, or safety.
(b) The Department may refuse to issue, restore, or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem property including fines not to exceed $1000 for any of the following reasons:

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0556 3870

(1) Material misstatement in furnishing information to the Department.

(2) Making any misrepresentation for the purpose of obtaining a license.

(3) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(4) A finding that licensure or registration has been applied for or obtained by fraudulent means.

(5) Willfully making or filing false records or reports.

(6) A finding of a substantial discrepancy in a Department audit of a prescription drug, including a controlled substance as that term is defined in this Act or in the Illinois Controlled Substances Act.

(c) The Department may refuse to issue or may suspend the license or registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the time the requirements of the tax Act are satisfied.

(d) The Department shall revoke the license or certificate of registration issued under this Act or any prior Act of this State of any person who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or certificate of registration issued under this Act or any prior Act of this State is revoked under this subsection (c) shall be prohibited from engaging in the practice of pharmacy in this State.

(Source: P.A. 87-594.)

(225 ILCS 120/170) (from Ch. 111, par. 8301-170)
(Section scheduled to be repealed on January 1, 2013)
Sec. 170. Penalties. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor. On conviction of a second or subsequent offense, the violator shall be guilty of a Class 4 felony. All criminal fines, monies, or property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of

New matter indicated by italics - deletions by strikeout
the Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Professional Regulation Evidence Fund.
(Source: P.A. 87-594.)

Section 1010. The Illinois Public Aid Code is amended by changing Section 1-10 as follows:
(305 ILCS 5/1-10)
Sec. 1-10. Drug convictions.
(a) Persons convicted of an offense under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act which is a Class X felony, or a Class 1 felony, or comparable federal criminal law which has as an element the possession, use, or distribution of a controlled substance, as defined in Section 102(6) of the federal Controlled Substances Act (21 U.S.C. 802(c)), shall not be eligible for cash assistance provided under this Code.
(b) Persons convicted of any other felony under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act which is not a Class X or Class 1 felony, or comparable federal criminal law which has as an element the possession, use, or distribution of a controlled substance, as defined in Section 102(6) of the federal Controlled Substances Act (21 U.S.C. 802(c)), shall not be eligible for cash assistance provided under this Code for 2 years from the date of conviction. This prohibition shall not apply if the person is in a drug treatment program, aftercare program, or similar program as defined by rule.
(c) Persons shall not be determined ineligible for food stamps provided under this Code based upon a conviction of any felony or comparable federal or State criminal law which has an element the possession, use or distribution of a controlled substance, as defined in Section 102(6) of the federal Controlled Substance Act (21 U.S.C. 802(c)).
(Source: P.A. 90-17, eff. 7-1-97.)

Section 1015. The Housing Authorities Act is amended by changing Section 8.1a as follows:
(310 ILCS 10/8.1a) (from Ch. 67 1/2, par. 8.1a)
Sec. 8.1a. Police powers.
(a) A Housing Authority in any municipality having over 500,000 inhabitants has power to police its property and to exercise police powers for the protection of the persons and property of its residents, employees and visitors, for the enforcement of any rule or regulation adopted by the

New matter indicated by italics - deletions by strikeout
Authority, and in furtherance of the purposes for which such Authority was organized. In particular, and subject to amounts appropriated for that purpose, the Housing Authority in exercising its police powers shall strive to eliminate or reduce the following activities within the property or facilities of the Authority: streetgang-related activities (as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act), illegal activities involving controlled substances (as defined in the Illinois Controlled Substances Act), illegal activities involving cannabis (as defined in the Cannabis Control Act), illegal activities involving methamphetamine (as defined in the Methamphetamine Control and Community Protection Act), and illegal activities involving firearms. Such Authority has power to establish, appoint and support a police force for such purposes.

(b) A Housing Authority in a municipality having 500,000 or fewer inhabitants may establish, appoint, and support a police force to police the Authority's property, to protect the persons and property of the Authority's residents, employees, and visitors, to enforce the Authority's adopted rules and regulations, and to otherwise further the purposes for which the Authority was organized. A police force may be established under this subsection only with the approval of the mayor or president of the municipality and only if, in the opinion of the Authority and the mayor or president, the severity of streetgang-related activities (as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act), illegal activities involving controlled substances (as defined in the Illinois Controlled Substances Act), illegal activities involving cannabis (as defined in the Cannabis Control Act), illegal activities involving methamphetamine (as defined in the Methamphetamine Control and Community Protection Act), or illegal activities involving firearms makes the establishment of a police force desirable.

(c) Members of a Housing Authority police force shall be conservators of the peace and shall have all powers possessed by the police of cities, and sheriffs, including the power to make arrests for violations of federal and state statutes, city and county ordinances, and rules and regulations of the Authority and governing federal agencies; provided, that they may exercise such powers only within the property or facilities of such Authority, and only (i) when such exercise is appropriate for the protection of Authority properties and interests, or its residents, employees and visitors, or (ii) otherwise, within the municipality in which the Authority operates, when specifically requested by appropriate federal, state and local law enforcement officials. Unless expressly limited by the Authority, when outside the property or facilities of the Authority, the members of the police
force shall have the same powers as those conferred on the police of organized cities and villages when acting outside of the territorial limits of their city or village. "Property or facilities of the Authority" means property owned or leased by the Authority and property over which the Authority has easement rights. The Authority shall establish minimum standards for selection and training of members of such police force, provided that the members of such police force shall be certified and trained under the provisions of the Illinois Police Training Act, as now or hereafter amended. The members of such police force may serve and execute civil process. The establishment of such a police force shall not affect the power of the Authority to use or employ other security personnel as permitted by law. Neither the Authority, the members of its Board nor its officers or employees shall be held liable for failure to provide a security or police force or, if a security or police force is provided, for failure to provide adequate police protection or security, failure to prevent the commission of crimes or failure to apprehend criminals.

(Source: P.A. 89-351, eff. 1-1-96.)

Section 1020. The Abandoned Housing Rehabilitation Act is amended by changing Section 2 as follows:

(310 ILCS 50/2) (from Ch. 67 1/2, par. 852)

Sec. 2. Definitions. As used in this Act:

(a) "Property" means any residential real estate which has been continuously unoccupied by persons legally in possession for the preceding 1 year.

(b) "Nuisance" means any property which because of its physical condition or use is a public nuisance, or any property which constitutes a blight on the surrounding area, or any property which is not fit for human habitation under the applicable fire, building and housing codes. "Nuisance" also means any property on which any illegal activity involving controlled substances (as defined in the Illinois Controlled Substances Act), methamphetamine (as defined in the Methamphetamine Control and Community Protection Act), or cannabis (as defined in the Cannabis Control Act) takes place or any property on which any streetgang-related activity (as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act) takes place.

(c) "Organization" means any Illinois corporation, agency, partnership, association, firm or other entity consisting of 2 or more persons organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of its operation which has among its purposes

New matter indicated by italics - deletions by strikeout
the improvement of housing.

(d) "Parties in interest" means any owner or owners of record, judgment creditor, tax purchaser or other party having any legal or equitable title or interest in the property.

(e) "Last known address" includes the address where the property is located, or the address as listed in the tax records or as listed pursuant to any owner's registration ordinance duly adopted by a home rule unit of government.

(f) "Low or moderate income housing" means housing for persons and families with low or moderate incomes, provided that the income limits for such persons and families shall be the same as those established by rule by the Illinois Housing Development Authority in accordance with subsection (g) of Section 2 of the Illinois Housing Development Act, as amended.

(g) "Rehabilitation" means the process of improving the property, including but not limited to bringing property into compliance with applicable fire, housing and building codes.

(Source: P.A. 91-357, eff. 7-29-99; 91-807, eff. 1-1-01.)

Section 1025. The Abused and Neglected Child Reporting Act is amended by changing Section 3 as follows:

(325 ILCS 5/3) (from Ch. 23, par. 2053)

Sec. 3. As used in this Act unless the context otherwise requires:

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Department" means Department of Children and Family Services.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

New matter indicated by italics - deletions by strikeout
(c) commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon such child;

(e) inflicts excessive corporal punishment;

(f) commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child; or

(g) causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act in violation of Article IV of the Illinois Controlled Substances Act or in violation of the Methamphetamine Control and Community Protection Act, except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of

New matter indicated by italics - deletions by strikeout
an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

"Child Protective Service Unit" means certain specialized State employees of the Department assigned by the Director to perform the duties and responsibilities as provided under Section 7.2 of this Act.

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; relative caregiver; any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a public or private profit or not for profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated for such custody by the Department, subject to review by the Court, including a licensed foster home, group home, or other institution; but such place shall not be a jail or other place for the detention of criminal or juvenile offenders.

"An unfounded report" means any report made under this Act for which it is determined after an investigation that no credible evidence of abuse or neglect exists.

"An indicated report" means a report made under this Act if an investigation determines that credible evidence of the alleged abuse or neglect exists.

"An undetermined report" means any report made under this Act in which it was not possible to initiate or complete an investigation on the basis of information provided to the Department.

"Subject of report" means any child reported to the central register of child abuse and neglect established under Section 7.7 of this Act and his or
her parent, guardian or other person responsible who is also named in the report.

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Member of the clergy" means a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs.

(Source: P.A. 91-802, eff. 1-1-01; 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 92-801, eff. 8-16-02.)

Section 1030. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 24 as follows:

(410 ILCS 620/24) (from Ch. 56 1/2, par. 524)
Sec. 24.
Nothing in this Act shall be construed to limit or repeal any provisions of the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act.
(Source: P.A. 77-765.)

Section 1035. The Firearm Owners Identification Card Act is amended by changing Section 10 as follows:

(430 ILCS 65/10) (from Ch. 38, par. 83-10)
Sec. 10. (a) Whenever an application for a Firearm Owner's Identification Card is denied, whenever the Department fails to act on an application within 30 days of its receipt, or whenever such a Card is revoked or seized as provided for in Section 8 of this Act, the aggrieved party may appeal to the Director of the Department of State Police for a hearing upon such denial, revocation or seizure, unless the denial, revocation, or seizure was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of either the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, any felony violation of Article 24 of the Criminal Code of 1961, or any adjudication as a delinquent minor for the commission of an offense that if committed by an adult would be a felony, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon such denial, revocation, or seizure.

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the relevant State's Attorney with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing the court shall determine whether substantial justice has been done.

New matter indicated by italics - deletions by strikeout
Should the court determine that substantial justice has not been done, the court shall issue an order directing the Department of State Police to issue a Card.

(c) Any person prohibited from possessing a firearm under Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or acquiring a Firearm Owner's Identification Card under Section 8 of this Act may apply to the Director of the Department of State Police or petition the circuit court in the county where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Director or court may grant such relief if it is established by the applicant to the court's or Director's satisfaction that:

(0.05) when in the circuit court, the State's Attorney has been served with a written copy of the petition at least 30 days before any such hearing in the circuit court and at the hearing the State's Attorney was afforded an opportunity to present evidence and object to the petition;

(1) the applicant has not been convicted of a forcible felony under the laws of this State or any other jurisdiction within 20 years of the applicant's application for a Firearm Owner's Identification Card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction;

(2) the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety; and

(3) granting relief would not be contrary to the public interest.

(d) When a minor is adjudicated delinquent for an offense which if committed by an adult would be a felony, the court shall notify the Department of State Police.

(e) The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an application for relief has been filed at least 10 years after the adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants relief, the court shall notify the Department of State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

(Source: P.A. 92-442, eff. 8-17-01; 93-367, eff. 1-1-04.)

New matter indicated by italics - deletions by strikeout
Section 1040. The Illinois Vehicle Code is amended by changing Sections 2-115, 6-103, 6-106.1, 6-107, 6-108, 6-201, 6-206, and 6-508 as follows:

(625 ILCS 5/2-115) (from Ch. 95 1/2, par. 2-115)
Sec. 2-115. Investigators.
(a) The Secretary of State, for the purpose of more effectively carrying out the provisions of the laws in relation to motor vehicles, shall have power to appoint such number of investigators as he may deem necessary. It shall be the duty of such investigators to investigate and enforce violations of the provisions of this Act administered by the Secretary of State and provisions of Chapters 11, 12, 13, 14 and 15 and to investigate and report any violation by any person who operates as a motor carrier of property as defined in Section 18-100 of this Act and does not hold a valid certificate or permit. Such investigators shall have and may exercise throughout the State all of the powers of peace officers.

No person may be retained in service as an investigator under this Section after he has reached 60 years of age.

The Secretary of State must authorize to each investigator employed under this Section and to any other employee of the Office of the Secretary of State exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Office of the Secretary of State and (ii) contains a unique identifying number. No other badge shall be authorized by the Office of the Secretary of State.

(b) The Secretary may expend such sums as he deems necessary from Contractual Services appropriations for the Department of Police for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence. Such sums shall be advanced to investigators authorized by the Secretary to expend funds, on vouchers signed by the Secretary. In addition, the Secretary of State is authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used solely for the purchase of evidence and for the employment of persons to obtain evidence, or for the payment for any goods or services related to obtaining evidence; provided that no check may be written on nor any withdrawal made from any such account except on the written signatures of 2 persons designated by the Secretary to write such checks and make such withdrawals, and provided further that the balance of moneys on deposit in any such account shall not exceed $5,000 at any time, nor shall any one check

New matter indicated by italics - deletions by strikeout
written on or single withdrawal made from any such account exceed $5,000.

All fines or moneys collected or received by the Department of Police under any State or federal forfeiture statute; including, but not limited to moneys forfeited under Section 12 of the Cannabis Control Act, moneys forfeited under Section 85 of the Methamphetamine Control and Community Protection Act, and moneys distributed under Section 413 of the Illinois Controlled Substances Act, shall be deposited into the Secretary of State Evidence Fund.

In all convictions for offenses in violation of this Act, the Court may order restitution to the Secretary of any or all sums expended for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence. All such restitution received by the Secretary shall be deposited into the Secretary of State Evidence Fund. Moneys deposited into the fund shall, subject to appropriation, be used by the Secretary of State for the purposes provided for under the provisions of this Section.

(Source: P.A. 91-883, eff. 1-1-01.)

(625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:

1. To any person, as a driver, who is under the age of 18 years except as provided in Section 6-107, and except that an instruction permit may be issued under Section 6-107.1 to a child who is not less than 15 years of age if the child is enrolled in an approved driver education course as defined in Section 1-103 of this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years and 9 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 6 months of age, is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe;

2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person has, in addition to meeting the provisions of Section 6-107 of this Code, successfully completed a motorcycle training course approved by the state Department of Treasury and Public Administration and has passed an examination administered by the Department of Transportation.
Illinois Department of Transportation and successfully completes the required Secretary of State's motorcycle driver's examination;

3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208;

4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle;

5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation;

7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof;

8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of State, from a competent medical specialist to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety;

9. To any person, as a driver, who is 69 years of age or older, unless the person has successfully complied with the provisions of Section 6-109;

10. To any person convicted, within 12 months of application for a license, of any of the sexual offenses enumerated in paragraph 2 of subsection (b) of Section 6-205;

11. To any person who is under the age of 21 years with a classification prohibited in paragraph (b) of Section 6-104 and to any person who is under the age of 18 years with a classification prohibited in paragraph (c) of Section 6-104;

New matter indicated by italics - deletions by strikeout
12. To any person who has been either convicted of or adjudicated under the Juvenile Court Act of 1987 based upon a violation of the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, or Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. The Secretary of State shall not issue a new license or permit for a period of one year;

13. To any person who is under the age of 18 years and who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101;

14. To any person who is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code;

15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide or for violating subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, within 24 months of release from a term of imprisonment;

16. To any person who, with intent to influence any act related to the issuance of any driver's license or permit, by an employee of the Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give

New matter indicated by italics - deletions by strikeout
driving instructions or administer all or part of a driver's license examination, promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit for 120 consecutive days. The Secretary of State shall establish by rule the procedures for implementing this period of disqualification and the procedures by which persons so disqualified may obtain administrative review of the decision to disqualify; or

17. To any person for whom the Secretary of State cannot verify the accuracy of any information or documentation submitted in application for a driver's license.

The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.

(Source: P.A. 92-343, eff. 1-1-02; 93-174, eff. 1-1-04; 93-712, eff. 1-1-05; 93-783, eff. 1-1-05; 93-788, eff. 1-1-05; 93-895, eff. 1-1-05; revised 10-22-04.)

(625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

Sec. 6-106.1. School bus driver permit.

(a) The Secretary of State shall issue a school bus driver permit to those applicants who have met all the requirements of the application and screening process under this Section to insure the welfare and safety of children who are transported on school buses throughout the State of Illinois. Applicants shall obtain the proper application required by the Secretary of State from their prospective or current employer and submit the completed application to the prospective or current employer along with the necessary fingerprint submission as required by the Department of State Police to conduct fingerprint based criminal background checks on current and future information available in the state system and current information available through the Federal Bureau of Investigation's system. Applicants who have completed the fingerprinting requirements shall not be subjected to the fingerprinting process when applying for subsequent permits or submitting proof of successful completion of the annual refresher course. Individuals who on the effective date of this Act possess a valid school bus driver permit that has been previously issued by the appropriate Regional School Superintendent are not subject to the fingerprinting provisions of this Section as long as the permit remains valid and does not lapse. The applicant shall be required to pay all related application and fingerprinting fees as established

New matter indicated by italics - deletions by strikeout
by rule including, but not limited to, the amounts established by the Department of State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. All fees paid for fingerprint processing services under this Section shall be deposited into the State Police Services Fund for the cost incurred in processing the fingerprint based criminal background investigations. All other fees paid under this Section shall be deposited into the Road Fund for the purpose of defraying the costs of the Secretary of State in administering this Section. All applicants must:

1. be 21 years of age or older;
2. possess a valid and properly classified driver's license issued by the Secretary of State;
3. possess a valid driver's license, which has not been revoked, suspended, or canceled for 3 years immediately prior to the date of application, or have not had his or her commercial motor vehicle driving privileges disqualified within the 3 years immediately prior to the date of application;
4. successfully pass a written test, administered by the Secretary of State, on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;
5. demonstrate ability to exercise reasonable care in the operation of school buses in accordance with rules promulgated by the Secretary of State;
6. demonstrate physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use for each applicant not subject to such testing pursuant to federal law, conducted by a licensed physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician which authorizes him or her to perform medical examinations, or a physician assistant who has been delegated the performance of medical examinations by his or her supervising physician within 90 days of the date of application according to standards promulgated by the Secretary of State;
7. affirm under penalties of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for permit;
8. have completed an initial classroom course, including first

New matter indicated by italics - deletions by strikeout
aid procedures, in school bus driver safety as promulgated by the Secretary of State; and after satisfactory completion of said initial course an annual refresher course; such courses and the agency or organization conducting such courses shall be approved by the Secretary of State; failure to complete the annual refresher course, shall result in cancellation of the permit until such course is completed;

9. not have been convicted of 2 or more serious traffic offenses, as defined by rule, within one year prior to the date of application that may endanger the life or safety of any of the driver's passengers within the duration of the permit period;

10. not have been convicted of reckless driving, driving while intoxicated, or reckless homicide resulting from the operation of a motor vehicle within 3 years of the date of application;

11. not have been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act; (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (vi) the offenses defined in Section 4.1 and 5.1 of the Wrongs to Children Act and (vii) those offenses defined in Section 6-16 of the Liquor Control Act of 1934;

12. not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree

New matter indicated by italics - deletions by strikeout
which indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

13. not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person; and

14. not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease.

(b) A school bus driver permit shall be valid for a period specified by the Secretary of State as set forth by rule. It shall be renewable upon compliance with subsection (a) of this Section.

(c) A school bus driver permit shall contain the holder's driver's license number, legal name, residence address, zip code, social security number and date of birth, a brief description of the holder and a space for signature. The Secretary of State may require a suitable photograph of the holder.

(d) The employer shall be responsible for conducting a pre-employment interview with prospective school bus driver candidates, distributing school bus driver applications and medical forms to be completed by the applicant, and submitting the applicant's fingerprint cards to the Department of State Police that are required for the criminal background investigations. The employer shall certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed including the successful completion of an Illinois specific criminal background investigation through the Department of State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information available through the Federal Bureau of Investigation system. The applicant shall present the certification to the Secretary of State at the time of submitting the school bus driver permit application.

(e) Permits shall initially be provisional upon receiving certification from the employer that all pre-employment conditions have been successfully completed, and upon successful completion of all training and examination requirements for the classification of the vehicle to be operated, the Secretary of State shall provisionally issue a School Bus Driver Permit. The permit shall remain in a provisional status pending the completion of the Federal Bureau of Investigation's criminal background investigation based upon fingerprinting specimens submitted to the Federal Bureau of Investigation by the Department of State Police. The Federal Bureau of Investigation shall report the findings directly to the Secretary of State. The Secretary of State
shall remove the bus driver permit from provisional status upon the applicant's successful completion of the Federal Bureau of Investigation's criminal background investigation.

(f) A school bus driver permit holder shall notify the employer and the Secretary of State if he or she is convicted in another state of an offense that would make him or her ineligible for a permit under subsection (a) of this Section. The written notification shall be made within 5 days of the entry of the conviction. Failure of the permit holder to provide the notification is punishable as a petty offense for a first violation and a Class B misdemeanor for a second or subsequent violation.

(g) Cancellation; suspension; notice and procedure.

(1) The Secretary of State shall cancel a school bus driver permit of an applicant whose criminal background investigation discloses that he or she is not in compliance with the provisions of subsection (a) of this Section.

(2) The Secretary of State shall cancel a school bus driver permit when he or she receives notice that the permit holder fails to comply with any provision of this Section or any rule promulgated for the administration of this Section.

(3) The Secretary of State shall cancel a school bus driver permit if the permit holder's restricted commercial or commercial driving privileges are withdrawn or otherwise invalidated.

(4) The Secretary of State may not issue a school bus driver permit for a period of 3 years to an applicant who fails to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

(5) The Secretary of State shall forthwith suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

The Secretary of State shall notify the State Superintendent of Education and the permit holder's prospective or current employer that the applicant has (1) has failed a criminal background investigation or (2) is no longer eligible for a school bus driver permit; and of the related cancellation of the applicant's provisional school bus driver permit. The cancellation shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of this Code. The scope of the hearing shall be limited to the issuance criteria contained in subsection (a) of this Section. A petition requesting a hearing shall be submitted to the Secretary of State and shall contain the reason the

New matter indicated by italics - deletions by strikeout
individual feels he or she is entitled to a school bus driver permit. The permit holder's employer shall notify in writing to the Secretary of State that the employer has certified the removal of the offending school bus driver from service prior to the start of that school bus driver's next workshift. An employing school board that fails to remove the offending school bus driver from service is subject to the penalties defined in Section 3-14.23 of the School Code. A school bus contractor who violates a provision of this Section is subject to the penalties defined in Section 6-106.11.

All valid school bus driver permits issued under this Section prior to January 1, 1995, shall remain effective until their expiration date unless otherwise invalidated.

(Source: P.A. 92-703, eff. 7-19-02; 93-895, eff. 1-1-05.)

(625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)
Sec. 6-107. Graduated license.
(a) The purpose of the Graduated Licensing Program is to develop safe and mature driving habits in young, inexperienced drivers and reduce or prevent motor vehicle accidents, fatalities, and injuries by:

1. providing for an increase in the time of practice period before granting permission to obtain a driver's license;
2. strengthening driver licensing and testing standards for persons under the age of 21 years;
3. sanctioning driving privileges of drivers under age 21 who have committed serious traffic violations or other specified offenses; and
4. setting stricter standards to promote the public's health and safety.

(b) The application of any person under the age of 18 years, and not legally emancipated by marriage, for a drivers license or permit to operate a motor vehicle issued under the laws of this State, shall be accompanied by the written consent of either parent of the applicant; otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult.

No graduated driver's license shall be issued to any applicant under 18 years of age, unless the applicant is at least 16 years of age and has:

1. Held a valid instruction permit for a minimum of 3 months.
2. Passed an approved driver education course and submits proof of having passed the course as may be required.
3. Certification by the parent, legal guardian, or responsible

New matter indicated by italics - deletions by strikeout
adult that the applicant has had a minimum of 25 hours of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle.

(c) No graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101 of this Code and no graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of this Code or who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, or Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such.

(d) No graduated driver's license shall be issued for 6 months to any applicant under the age of 18 years who has been convicted of any offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance.

(e) No graduated driver's license holder under the age of 18 years shall operate any motor vehicle, except a motor driven cycle or motorcycle, with more than one passenger in the front seat of the motor vehicle and no more passengers in the back seats than the number of available seat safety belts as set forth in Section 12-603 of this Code.

(f) No graduated driver's license holder under the age of 18 shall operate a motor vehicle unless each driver and front or back seat passenger under the age of 18 is wearing a properly adjusted and fastened seat safety belt.

(g) If a graduated driver's license holder is under the age of 18 when he or she receives the license, for the first 6 months he or she holds the license or until he or she reaches the age of 18, whichever occurs sooner, the graduated license holder may not operate a motor vehicle with more than one

New matter indicated by italics - deletions by strikeout
passenger in the vehicle who is under the age of 20, unless any additional passenger or passengers are siblings, step-siblings, children, or stepchildren of the driver.
(Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05.)
(625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)
Sec. 6-108. Cancellation of license issued to minor.
(a) The Secretary of State shall cancel the license or permit of any minor under the age of 18 years in any of the following events:

1. Upon the verified written request of the person who consented to the application of the minor that the license or permit be cancelled;

2. Upon receipt of satisfactory evidence of the death of the person who consented to the application of the minor;

3. Upon receipt of satisfactory evidence that the person who consented to the application of a minor no longer has legal custody of the minor.

After cancellation, the Secretary of State shall not issue a new license or permit until the applicant meets the provisions of Section 6-107 of this Code.

(b) The Secretary of State shall cancel the license or permit of any person under the age of 18 years if he or she is convicted of violating the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, or Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation or until the minor attains the age of 18 years, whichever is longer. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the person's residence and person's place of employment or within the scope of the person's employment.

New matter indicated by italics - deletions by strikeout
related duties, or to allow transportation for the person or a household member of the person's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the person to attend classes, as a student, in an accredited educational institution; if the person is able to demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue such restricted driving permit. In each case the Secretary of State may issue a restricted driving permit for a period as he deems appropriate, except that the permit shall expire within one year from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a driver remedial or rehabilitative program. Thereafter, upon reapplication for a license as provided in Section 6-106 of this Code or a permit as provided in Section 6-105 of this Code and upon payment of the appropriate application fee, the Secretary of State shall issue the applicant a license as provided in Section 6-106 of this Code or shall issue the applicant a permit as provided in Section 6-105.

(Source: P.A. 86-1450; 87-1114.)

Sec. 6-201. Authority to cancel licenses and permits.
(a) The Secretary of State is authorized to cancel any license or permit upon determining that the holder thereof:
  1. was not entitled to the issuance thereof hereunder; or
  2. failed to give the required or correct information in his application; or
  3. failed to pay any fees, civil penalties owed to the Illinois Commerce Commission, or taxes due under this Act and upon reasonable notice and demand; or
  4. committed any fraud in the making of such application; or
  5. is ineligible therefor under the provisions of Section 6-103 of this Act, as amended; or

New matter indicated by italics - deletions by strikeout
6. has refused or neglected to submit an alcohol, drug, and intoxicating compound evaluation or to submit to examination or re-examination as required under this Act; or
7. has been convicted of violating the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Use of Intoxicating Compounds Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, or Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the person's residence and person's place of employment or within the scope of the person's employment related duties, or to allow transportation for the person or a household member of the person's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the person to attend classes, as a student, in an accredited educational institution; if the person is able to demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue such restricted driving permit. In each case the Secretary of State may issue such restricted driving permit for such period as he deems appropriate, except that such permit shall expire within one year from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked or suspended;

New matter indicated by italics - deletions by strikeout
except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a driver remedial or rehabilitative program; or

8. failed to submit a report as required by Section 6-116.5 of this Code.

(b) Upon such cancellation the licensee or permittee must surrender the license or permit so cancelled to the Secretary of State.

(c) Except as provided in Sections 6-206.1 and 7-702.1, the Secretary of State shall have exclusive authority to grant, issue, deny, cancel, suspend and revoke driving privileges, drivers' licenses and restricted driving permits. (Source: P.A. 89-92, eff. 7-1-96; 89-584, eff. 7-31-96; 90-779, eff. 1-1-99.)

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic,
which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under

New matter indicated by italics - deletions by strikeout
Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, or any cannabis prohibited under the provisions of the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one

New matter indicated by italics - deletions by strikeout
year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act, or any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the

New matter indicated by italics - deletions by strikeout
date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code;

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;

39. Has committed a second or subsequent violation of Section 11-1201 of this Code; or

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code; or

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or

New matter indicated by italics - deletions by strikeout
suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship,
issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section

New matter indicated by italics - deletions by strikeout
11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff. 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04; 93-667, eff. 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; revised 10-22-04.)

(625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)
Sec. 6-508. Commercial Driver's License (CDL) - qualification standards.

(a) Testing.

(1) General. No person shall be issued an original or renewal CDL unless that person is domiciled in this State. The Secretary shall
cause to be administered such tests as the Secretary deems necessary to meet the requirements of 49 C.F.R. Part 383, subparts G and H.

(2) Third party testing. The Secretary of state may authorize a "third party tester", pursuant to 49 C.F.R. Part 383.75, to administer the skills test or tests specified by Federal Highway Administration pursuant to the Commercial Motor Vehicle Safety Act of 1986 and any appropriate federal rule.

(b) Waiver of Skills Test. The Secretary of State may waive the skills test specified in this Section for a commercial driver license applicant who meets the requirements of 49 C.F.R. Part 383.77.

(c) Limitations on issuance of a CDL. A CDL, or a commercial driver instruction permit, shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or unless otherwise permitted by this Code, while the person's driver's license is suspended, revoked or cancelled in any state, or any territory or province of Canada; nor may a CDL be issued to a person who has a CDL issued by any other state, or foreign jurisdiction, unless the person first surrenders all such licenses. No CDL shall be issued to or renewed for a person who does not meet the requirement of 49 CFR 391.41(b)(11). The requirement may be met with the aid of a hearing aid.

(c-1) The Secretary may issue a CDL with a school bus driver endorsement to allow a person to drive the type of bus described in subsection (d-5) of Section 6-104 of this Code. The CDL with a school bus driver endorsement may be issued only to a person meeting the following requirements:

(1) the person has submitted his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases for fingerprint based criminal background checks on current and future information available in the state system and current information available through the Federal Bureau of Investigation's system;

(2) the person has passed a written test, administered by the Secretary of State, on charter bus operation, charter bus safety, and certain special traffic laws relating to school buses determined by the Secretary of State to be relevant to charter buses, and submitted to a review of the applicant's driving habits by the Secretary of State at the

New matter indicated by italics - deletions by strikeout
time the written test is given;

(3) the person has demonstrated physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use; and

(4) the person has not been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act; (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (vi) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act; and (vii) those offenses defined in Section 6-16 of the Liquor Control Act of 1934.

The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and may not exceed the actual cost of the records check.

(d) Commercial driver instruction permit. A commercial driver instruction permit may be issued to any person holding a valid Illinois driver's license if such person successfully passes such tests as the Secretary determines to be necessary. A commercial driver instruction permit shall not be issued to a person who does not meet the requirements of 49 CFR 391.41 (b)(11), except for the renewal of a commercial driver instruction permit for a person who possesses a commercial instruction permit prior to the effective date of this amendatory Act of 1999.

(Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; revised 11-29-04.)

Section 1045. The Clerks of Courts Act is amended by changing

New matter indicated by italics - deletions by strikeout
Section 27.6 as follows:

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of $55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (d) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Public Aid. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under

New matter indicated by italics - deletions by strikeout
2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay...
an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

1. 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;
2. 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and
3. 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(Source: P.A. 92-431, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; 92-651, eff. 7-11-02; 93-800, eff. 1-1-05.)

Section 1050. The Juvenile Court Act of 1987 is amended by changing Sections 1-7, 1-8, 6-130, 6-601, 6-615, 6-710, 6-715, 6-805, and 6-901 as follows:

(705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

New matter indicated by italics - deletions by strikeout
Sec. 1-7. Confidentiality of law enforcement records.

(A) Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following:

(1) Any local, State or federal law enforcement officers of any jurisdiction or agency when necessary for the discharge of their official duties during the investigation or prosecution of a crime or relating to a minor who has been adjudicated delinquent and there has been a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang. For purposes of this Section, "criminal street gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(2) Prosecutors, probation officers, social workers, or other individuals assigned by the court to conduct a pre-adjudication or pre-disposition investigation, and individuals responsible for supervising or providing temporary or permanent care and custody for minors pursuant to the order of the juvenile court, when essential to performing their responsibilities.

(3) Prosecutors and probation officers:
   (a) in the course of a trial when institution of criminal proceedings has been permitted or required under Section 5-805; or
   (b) when institution of criminal proceedings has been permitted or required under Section 5-805 and such minor is the subject of a proceeding to determine the amount of bail; or
   (c) when criminal proceedings have been permitted or required under Section 5-805 and such minor is the subject of a pre-trial investigation, pre-sentence investigation, fitness hearing, or proceedings on an application for probation.

(4) Adult and Juvenile Prisoner Review Board.

(5) Authorized military personnel.

(6) Persons engaged in bona fide research, with the permission of the Presiding Judge of the Juvenile Court and the chief executive of the respective law enforcement agency; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the minor's record.

New matter indicated by italics - deletions by strikeout
(7) Department of Children and Family Services child protection investigators acting in their official capacity.

(8) The appropriate school official. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested or taken into custody for any of the following offenses:

(i) unlawful use of weapons under Section 24-1 of the Criminal Code of 1961;
(ii) a violation of the Illinois Controlled Substances Act;
(iii) a violation of the Cannabis Control Act; or
(iv) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961; or
(v) a violation of the Methamphetamine Control and Community Protection Act.

(9) Mental health professionals on behalf of the Illinois Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act relating to a person who is the subject of juvenile law enforcement records or the respondent to a petition brought under the Sexually Violent Persons Commitment Act who is the subject of the juvenile law enforcement records sought. Any records and any information obtained from those records under this paragraph (9) may be used only in sexually violent persons commitment proceedings.

(B) (1) Except as provided in paragraph (2), no law enforcement officer or other person or agency may knowingly transmit to the Department of Corrections, Adult Division or the Department of State Police or to the Federal Bureau of Investigation any fingerprint or photograph relating to a minor who has been arrested or taken into custody before his or her 17th birthday, unless the court in proceedings under this Act authorizes the transmission or enters an order under Section 5-805 permitting or requiring the institution of criminal proceedings.

New matter indicated by italics - deletions by strikeout
(2) Law enforcement officers or other persons or agencies shall transmit to the Department of State Police copies of fingerprints and descriptions of all minors who have been arrested or taken into custody before their 17th birthday for the offense of unlawful use of weapons under Article 24 of the Criminal Code of 1961, a Class X or Class 1 felony, a forcible felony as defined in Section 2-8 of the Criminal Code of 1961, or a Class 2 or greater felony under the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or Chapter 4 of the Illinois Vehicle Code, pursuant to Section 5 of the Criminal Identification Act. Information reported to the Department pursuant to this Section may be maintained with records that the Department files pursuant to Section 2.1 of the Criminal Identification Act. Nothing in this Act prohibits a law enforcement agency from fingerprinting a minor taken into custody or arrested before his or her 17th birthday for an offense other than those listed in this paragraph (2).

(C) The records of law enforcement officers concerning all minors under 17 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public except by order of the court or when the institution of criminal proceedings has been permitted or required under Section 5-805 or such a person has been convicted of a crime and is the subject of pre-sentence investigation or proceedings on an application for probation or when provided by law.

(D) Nothing contained in subsection (C) of this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection and disclosure is conducted in the presence of a law enforcement officer for the purpose of the identification or apprehension of any person subject to the provisions of this Act or for the investigation or prosecution of any crime.

(E) Law enforcement officers may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor.

(F) Nothing contained in this Section shall prohibit law enforcement agencies from communicating with each other by letter, memorandum, teletype or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 17 years of age if there are reasonable grounds to believe that the person poses a real and present danger.

New matter indicated by italics - deletions by strikeout
to the safety of the public or law enforcement officers. The information provided under this subsection (F) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

(G) Nothing in this Section shall prohibit the right of a Civil Service Commission or appointing authority of any state, county or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department from obtaining and examining the records of any law enforcement agency relating to any record of the applicant having been arrested or taken into custody before the applicant's 17th birthday.

(Source: P.A. 91-357, eff. 7-29-99; 91-368, eff. 1-1-00; 92-415, eff. 8-17-01.)

(705 ILCS 405/1-8)  (from Ch. 37, par. 801-8)

Sec. 1-8. Confidentiality and accessibility of juvenile court records.

(A) Inspection and copying of juvenile court records relating to a minor who is the subject of a proceeding under this Act shall be restricted to the following:

(1) The minor who is the subject of record, his parents, guardian and counsel.

(2) Law enforcement officers and law enforcement agencies when such information is essential to executing an arrest or search warrant or other compulsory process, or to conducting an ongoing investigation or relating to a minor who has been adjudicated delinquent and there has been a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang.

Before July 1, 1994, for the purposes of this Section, "criminal street gang" means any ongoing organization, association, or group of 3 or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts and that has a common name or common identifying sign, symbol or specific color apparel displayed, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity.

Beginning July 1, 1994, for purposes of this Section, "criminal street gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(3) Judges, hearing officers, prosecutors, probation officers, social workers or other individuals assigned by the court to conduct a pre-adjudication or predisposition investigation, and individuals

New matter indicated by italics - deletions by strikeout
responsible for supervising or providing temporary or permanent care and custody for minors pursuant to the order of the juvenile court when essential to performing their responsibilities.

(4) Judges, prosecutors and probation officers:
   (a) in the course of a trial when institution of criminal proceedings has been permitted or required under Section 5-805; or
   (b) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a proceeding to determine the amount of bail; or
   (c) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a pre-trial investigation, pre-sentence investigation or fitness hearing, or proceedings on an application for probation; or
   (d) when a minor becomes 17 years of age or older, and is the subject of criminal proceedings, including a hearing to determine the amount of bail, a pre-trial investigation, a pre-sentence investigation, a fitness hearing, or proceedings on an application for probation.

(5) Adult and Juvenile Prisoner Review Boards.

(6) Authorized military personnel.

(7) Victims, their subrogees and legal representatives; however, such persons shall have access only to the name and address of the minor and information pertaining to the disposition or alternative adjustment plan of the juvenile court.

(8) Persons engaged in bona fide research, with the permission of the presiding judge of the juvenile court and the chief executive of the agency that prepared the particular records; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record.

(9) The Secretary of State to whom the Clerk of the Court shall report the disposition of all cases, as required in Section 6-204 of the Illinois Vehicle Code. However, information reported relative to these offenses shall be privileged and available only to the Secretary of State, courts, and police officers.

(10) The administrator of a bonafide substance abuse student assistance program with the permission of the presiding judge of the juvenile court.

(11) Mental health professionals on behalf of the Illinois
Department of Corrections or the Department of Human Services or
prosecutors who are evaluating, prosecuting, or investigating a
potential or actual petition brought under the Sexually Persons
Commitment Act relating to a person who is the subject of juvenile
court records or the respondent to a petition brought under the
Sexually Violent Persons Commitment Act, who is the subject of
juvenile court records sought. Any records and any information
obtained from those records under this paragraph (11) may be used
only in sexually violent persons commitment proceedings.

(B) A minor who is the victim in a juvenile proceeding shall be
provided the same confidentiality regarding disclosure of identity as the
minor who is the subject of record.

(C) Except as otherwise provided in this subsection (C), juvenile court
records shall not be made available to the general public but may be inspected
by representatives of agencies, associations and news media or other properly
interested persons by general or special order of the court. The State's
Attorney, the minor, his parents, guardian and counsel shall at all times have
the right to examine court files and records.

(1) The court shall allow the general public to have access to
the name, address, and offense of a minor who is adjudicated a
delinquent minor under this Act under either of the following
circumstances:

(A) The adjudication of delinquency was based upon
the minor's commission of first degree murder, attempt to
commit first degree murder, aggravated criminal sexual
assault, or criminal sexual assault; or

(B) The court has made a finding that the minor was
at least 13 years of age at the time the act was committed and
the adjudication of delinquency was based upon the minor's
commission of: (i) an act in furtherance of the commission of
a felony as a member of or on behalf of a criminal street gang,
(ii) an act involving the use of a firearm in the commission of
a felony, (iii) an act that would be a Class X felony offense
under or the minor's second or subsequent Class 2 or greater
felony offense under the Cannabis Control Act if committed
by an adult, (iv) an act that would be a second or subsequent
offense under Section 402 of the Illinois Controlled
Substances Act if committed by an adult, or (v) an act that
would be an offense under Section 401 of the Illinois

New matter indicated by italics - deletions by strikeout
Controlled Substances Act if committed by an adult, (vi) an act that would be a second or subsequent offense under Section 60 of the Methamphetamine Control and Community Protection Act, or (vii) an act that would be an offense under another Section of the Methamphetamine Control and Community Protection Act.

(2) The court shall allow the general public to have access to the name, address, and offense of a minor who is at least 13 years of age at the time the offense is committed and who is convicted, in criminal proceedings permitted or required under Section 5-4, under either of the following circumstances:

   (A) The minor has been convicted of first degree murder, attempt to commit first degree murder, aggravated criminal sexual assault, or criminal sexual assault,

   (B) The court has made a finding that the minor was at least 13 years of age at the time the offense was committed and the conviction was based upon the minor's commission of: (i) an offense in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang, (ii) an offense involving the use of a firearm in the commission of a felony, (iii) a Class X felony offense under or a second or subsequent Class 2 or greater felony offense under the Cannabis Control Act, (iv) a second or subsequent offense under Section 402 of the Illinois Controlled Substances Act, or (v) an offense under Section 401 of the Illinois Controlled Substances Act, (vi) an act that would be a second or subsequent offense under Section 60 of the Methamphetamine Control and Community Protection Act, or (vii) an act that would be an offense under another Section of the Methamphetamine Control and Community Protection Act.

   (D) Pending or following any adjudication of delinquency for any offense defined in Sections 12-13 through 12-16 of the Criminal Code of 1961, the victim of any such offense shall receive the rights set out in Sections 4 and 6 of the Bill of Rights for Victims and Witnesses of Violent Crime Act; and the juvenile who is the subject of the adjudication, notwithstanding any other provision of this Act, shall be treated as an adult for the purpose of affording such rights to the victim.

   (E) Nothing in this Section shall affect the right of a Civil Service Commission or appointing authority of any state, county or municipality

New matter indicated by italics - deletions by strikeout
examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department to ascertain whether that applicant was ever adjudicated to be a delinquent minor and, if so, to examine the records of disposition or evidence which were made in proceedings under this Act.

(F) Following any adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the State's Attorney shall ascertain whether the minor respondent is enrolled in school and, if so, shall provide a copy of the dispositional order to the principal or chief administrative officer of the school. Access to such juvenile records shall be limited to the principal or chief administrative officer of the school and any guidance counselor designated by him.

(G) Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

(H) When a Court hearing a proceeding under Article II of this Act becomes aware that an earlier proceeding under Article II had been heard in a different county, that Court shall request, and the Court in which the earlier proceedings were initiated shall transmit, an authenticated copy of the Court record, including all documents, petitions, and orders filed therein and the minute orders, transcript of proceedings, and docket entries of the Court.

(I) The Clerk of the Circuit Court shall report to the Department of State Police, in the form and manner required by the Department of State Police, the final disposition of each minor who has been arrested or taken into custody before his or her 17th birthday for those offenses required to be reported under Section 5 of the Criminal Identification Act. Information reported to the Department under this Section may be maintained with records that the Department files under Section 2.1 of the Criminal Identification Act.

(Source: P.A. 91-357, eff. 7-29-99; 91-368, eff. 1-1-00, 92-415, eff. 8-17-01.)

(705 ILCS 405/5-130)
Sec. 5-130. Excluded jurisdiction.

(1) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of an offense was at least 15 years of age and who is charged with first degree murder, aggravated

New matter indicated by italics - deletions by strikeout
criminal sexual assault, aggravated battery with a firearm committed in a school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on, boarding, or departing from any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity regardless of the time of day or time of year that the offense was committed, armed robbery when the armed robbery was committed with a firearm, or aggravated vehicular hijacking when the hijacking was committed with a firearm.

These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

For purposes of this paragraph (a) of subsection (1):
"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (1) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the Criminal Code of 1961 on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (1) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the Criminal Code of 1961.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (1), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (1), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To
request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(2) (a) The definition of a delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with an offense under Section 401 of the Illinois Controlled Substances Act or an offense under the Methamphetamine Control and Community Protection Act, while in a school, regardless of the time of day or the time of year, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any school, regardless of the time of day or the time of year, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on a public way within 1,000 feet of the real property comprising any school, regardless of the time of day or the time of year, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development. School is defined, for the purposes of this Section, as any public or private elementary or secondary school, community college, college, or university. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.
(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (2) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (2) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (2), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (2), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions

New matter indicated by italics - deletions by strikeout
so prescribed.

(3)(a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with a violation of the provisions of paragraph (1), (3), (4), or (10) of subsection (a) of Section 24-1 of the Criminal Code of 1961 while in school, regardless of the time of day or the time of year, or on the real property comprising any school, regardless of the time of day or the time of year. School is defined, for purposes of this Section as any public or private elementary or secondary school, community college, college, or university. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (3) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (3) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (3), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (3), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among

New matter indicated by italics - deletions by strikeout
other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(4) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of an offense was at least 13 years of age and who is charged with first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping. However, this subsection (4) does not include a minor charged with first degree murder based exclusively upon the accountability provisions of the Criminal Code of 1961.

(b) (i) If before trial or plea an information or indictment is filed that does not charge first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, and additional charges that are not specified in paragraph (a) of this subsection, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

New matter indicated by italics - deletions by strikeout
(ii) If the minor was not yet 15 years of age at the time of the offense, and if after trial or plea the court finds that the minor committed an offense other than first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, the finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine whether the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the best interest of the minor and the security of the public require sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(5) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who is charged with a violation of subsection (a) of Section 31-6 or Section 32-10 of the Criminal Code of 1961 when the minor is subject to prosecution under the criminal laws of this State as a result of the application of the provisions of Section 5-125, or subsection (1) or (2) of this Section. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (5), the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial

New matter indicated by italics - deletions by strikeout
the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (5) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (5), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (5), the conviction shall not invalidate the verdict or the prosecution of the minor under the criminal laws of this State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if whether the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(6) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who, pursuant to subsection (1), (2), or (3) of Section 5-805, or 5-810, has previously been placed under the jurisdiction of the criminal court and has been convicted of a crime under an
adult criminal or penal statute. Such a minor shall be subject to prosecution under the criminal laws of this State.

(7) The procedures set out in this Article for the investigation, arrest and prosecution of juvenile offenders shall not apply to minors who are excluded from jurisdiction of the Juvenile Court, except that minors under 17 years of age shall be kept separate from confined adults.

(8) Nothing in this Act prohibits or limits the prosecution of any minor for an offense committed on or after his or her 17th birthday even though he or she is at the time of the offense a ward of the court.

(9) If an original petition for adjudication of wardship alleges the commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of this State, the minor, with the consent of his or her counsel, may, at any time before commencement of the adjudicatory hearing, file with the court a motion that criminal prosecution be ordered and that the petition be dismissed insofar as the act or acts involved in the criminal proceedings are concerned. If such a motion is filed as herein provided, the court shall enter its order accordingly.

(10) If a minor is subject to the provisions of subsection (2) of this Section, other than a minor charged with a Class X felony violation of the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act, any party including the minor or the court sua sponte may, before trial, move for a hearing for the purpose of trying and sentencing the minor as a delinquent minor. To request a hearing, the party must file a motion prior to trial. Reasonable notice of the motion shall be given to all parties. On its own motion or upon the filing of a motion by one of the parties including the minor, the court shall conduct a hearing to determine whether the minor should be tried and sentenced as a delinquent minor under this Article. In making its determination, the court shall consider among other matters:

(a) The age of the minor;
(b) Any previous delinquent or criminal history of the minor;
(c) Any previous abuse or neglect history of the minor;
(d) Any mental health or educational history of the minor, or both;
and
(e) Whether there is probable cause to support the charge, whether the minor is charged through accountability, and whether there is evidence the minor possessed a deadly weapon or caused serious bodily harm during the offense.

Any material that is relevant and reliable shall be admissible at the
hearing. In all cases, the judge shall enter an order permitting prosecution under the criminal laws of Illinois unless the judge makes a finding based on a preponderance of the evidence that the minor would be amenable to the care, treatment, and training programs available through the facilities of the juvenile court based on an evaluation of the factors listed in this subsection (10).

(Source: P.A. 91-15, eff. 1-1-00; 91-673, eff. 12-22-99; 92-16, eff. 6-28-01; 92-665, eff. 1-1-03.)

(705 ILCS 405/5-601)
Sec. 5-601. Trial.
(1) When a petition has been filed alleging that the minor is a delinquent, a trial must be held within 120 days of a written demand for such hearing made by any party, except that when the State, without success, has exercised due diligence to obtain evidence material to the case and there are reasonable grounds to believe that the evidence may be obtained at a later date, the court may, upon motion by the State, continue the trial for not more than 30 additional days.

(2) If a minor respondent has multiple delinquency petitions pending against him or her in the same county and simultaneously demands a trial upon more than one delinquency petition pending against him or her in the same county, he or she shall receive a trial or have a finding, after waiver of trial, upon at least one such petition before expiration relative to any of the pending petitions of the period described by this Section. All remaining petitions thus pending against the minor respondent shall be adjudicated within 160 days from the date on which a finding relative to the first petition prosecuted is rendered under Section 5-620 of this Article, or, if the trial upon the first petition is terminated without a finding and there is no subsequent trial, or adjudication after waiver of trial, on the first petition within a reasonable time, the minor shall receive a trial upon all of the remaining petitions within 160 days from the date on which the trial, or finding after waiver of trial, on the first petition is concluded. If either such period of 160 days expires without the commencement of trial, or adjudication after waiver of trial, of any of the remaining pending petitions, the petition or petitions shall be dismissed and barred for want of prosecution unless the delay is occasioned by any of the reasons described in this Section.

(3) When no such trial is held within the time required by subsections (1) and (2) of this Section, the court shall, upon motion by any party, dismiss the petition with prejudice.

(4) Without affecting the applicability of the tolling and multiple

New matter indicated by italics - deletions by strikeout
prosecution provisions of subsections (8) and (2) of this Section when a petition has been filed alleging that the minor is a delinquent and the minor is in detention or shelter care, the trial shall be held within 30 calendar days after the date of the order directing detention or shelter care, or the earliest possible date in compliance with the provisions of Section 5-525 as to the custodial parent, guardian or legal custodian, but no later than 45 calendar days from the date of the order of the court directing detention or shelter care. When the petition alleges the minor has committed an offense involving a controlled substance as defined in the Illinois Controlled Substances Act or methamphetamine as defined in the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State, continue the trial for receipt of a confirmatory laboratory report for up to 45 days after the date of the order directing detention or shelter care. When the petition alleges the minor committed an offense that involves the death of, great bodily harm to or sexual assault or aggravated criminal sexual abuse on a victim, the court may, upon motion of the State, continue the trial for not more than 70 calendar days after the date of the order directing detention or shelter care.

Any failure to comply with the time limits of this Section shall require the immediate release of the minor from detention, and the time limits set forth in subsections (1) and (2) shall apply.

(5) If the court determines that the State, without success, has exercised due diligence to obtain the results of DNA testing that is material to the case, and that there are reasonable grounds to believe that the results may be obtained at a later date, the court may continue the cause on application of the State for not more than 120 additional days. The court may also extend the period of detention of the minor for not more than 120 additional days.

(6) If the State's Attorney makes a written request that a proceeding be designated an extended juvenile jurisdiction prosecution, and the minor is in detention, the period the minor can be held in detention pursuant to subsection (4), shall be extended an additional 30 days after the court determines whether the proceeding will be designated an extended juvenile jurisdiction prosecution or the State's Attorney withdraws the request for extended juvenile jurisdiction prosecution.

(7) When the State's Attorney files a motion for waiver of jurisdiction pursuant to Section 5-805, and the minor is in detention, the period the minor can be held in detention pursuant to subsection (4), shall be extended an additional 30 days if the court denies motion for waiver of jurisdiction or the

New matter indicated by italics - deletions by strikeout
State's Attorney withdraws the motion for waiver of jurisdiction.

(8) The period in which a trial shall be held as prescribed by subsections (1), (2), (3), (4), (5), (6), or (7) of this Section is tolled by: (i) delay occasioned by the minor; (ii) a continuance allowed pursuant to Section 114-4 of the Code of Criminal Procedure of 1963 after the court's determination of the minor's incapacity for trial; (iii) an interlocutory appeal; (iv) an examination of fitness ordered pursuant to Section 104-13 of the Code of Criminal Procedure of 1963; (v) a fitness hearing; or (vi) an adjudication of unfitness for trial. Any such delay shall temporarily suspend, for the time of the delay, the period within which a trial must be held as prescribed by subsections (1), (2), (4), (5), and (6) of this Section. On the day of expiration of the delays the period shall continue at the point at which the time was suspended.

(9) Nothing in this Section prevents the minor or the minor's parents, guardian or legal custodian from exercising their respective rights to waive the time limits set forth in this Section.

(Source: P.A. 90-590, eff. 1-1-99.)

(705 ILCS 405/5-615)

Sec. 5-615. Continuance under supervision.

(1) The court may enter an order of continuance under supervision for an offense other than first degree murder, a Class X felony or a forcible felony (a) upon an admission or stipulation by the appropriate respondent or minor respondent of the facts supporting the petition and before proceeding to adjudication, or after hearing the evidence at the trial, and (b) in the absence of objection made in open court by the minor, his or her parent, guardian, or legal custodian, the minor's attorney or the State's Attorney.

(2) If the minor, his or her parent, guardian, or legal custodian, the minor's attorney or State's Attorney objects in open court to any continuance and insists upon proceeding to findings and adjudication, the court shall so proceed.

(3) Nothing in this Section limits the power of the court to order a continuance of the hearing for the production of additional evidence or for any other proper reason.

(4) When a hearing where a minor is alleged to be a delinquent is continued pursuant to this Section, the period of continuance under supervision may not exceed 24 months. The court may terminate a continuance under supervision at any time if warranted by the conduct of the minor and the ends of justice.

(5) When a hearing where a minor is alleged to be delinquent is

New matter indicated by italics - deletions by strikeout
continued pursuant to this Section, the court may, as conditions of the continuance under supervision, require the minor to do any of the following:
   (a) not violate any criminal statute of any jurisdiction;
   (b) make a report to and appear in person before any person or agency as directed by the court;
   (c) work or pursue a course of study or vocational training;
   (d) undergo medical or psychotherapeutic treatment rendered by a therapist licensed under the provisions of the Medical Practice Act of 1987, the Clinical Psychologist Licensing Act, or the Clinical Social Work and Social Work Practice Act, or an entity licensed by the Department of Human Services as a successor to the Department of Alcoholism and Substance Abuse, for the provision of drug addiction and alcoholism treatment;
   (e) attend or reside in a facility established for the instruction or residence of persons on probation;
   (f) support his or her dependents, if any;
   (g) pay costs;
   (h) refrain from possessing a firearm or other dangerous weapon, or an automobile;
   (i) permit the probation officer to visit him or her at his or her home or elsewhere;
   (j) reside with his or her parents or in a foster home;
   (k) attend school;
   (k-5) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she committed a crime of violence as defined in Section 2 of the Crime Victims Compensation Act in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
   (l) attend a non-residential program for youth;
   (m) contribute to his or her own support at home or in a foster home;
   (n) perform some reasonable public or community service;
   (o) make restitution to the victim, in the same manner and under the same conditions as provided in subsection (4) of Section 5-710, except that the "sentencing hearing" referred to in that Section shall be the adjudicatory hearing for purposes of this Section;
   (p) comply with curfew requirements as designated by the court;

New matter indicated by italics - deletions by strikeout
(q) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer;

(r) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(r-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;

(s) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or

(t) comply with any other conditions as may be ordered by the court.

(6) A minor whose case is continued under supervision under subsection (5) shall be given a certificate setting forth the conditions imposed by the court. Those conditions may be reduced, enlarged, or modified by the court on motion of the probation officer or on its own motion, or that of the State's Attorney, or, at the request of the minor after notice and hearing.

(7) If a petition is filed charging a violation of a condition of the continuance under supervision, the court shall conduct a hearing. If the court finds that a condition of supervision has not been fulfilled, the court may proceed to findings and adjudication and disposition. The filing of a petition for violation of a condition of the continuance under supervision shall toll the period of continuance under supervision until the final determination of the charge, and the term of the continuance under supervision shall not run until the hearing and disposition of the petition for violation; provided where the petition alleges conduct that does not constitute a criminal offense, the hearing must be held within 30 days of the filing of the petition unless a delay shall continue the tolling of the period of continuance under supervision for the period of the delay.

(8) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the minor to perform community
service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the alleged violation or similar damage to property located in the municipality or county in which the alleged violation occurred. The condition may be in addition to any other condition.

(8.5) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the minor to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.

(9) When a hearing in which a minor is alleged to be a delinquent is continued under this Section, the court, before continuing the case, shall make a finding whether the offense alleged to have been committed either: (i) was related to or in furtherance of the activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (ii) is a violation of paragraph (13) of subsection (a) of Section 12-2 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the unlawful use of a firearm. If the court determines the question in the affirmative the court shall, as a condition of the continuance under supervision and as part of or in addition to any other condition of the supervision, require the minor to perform community service for not less than 30 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by an alleged violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the alleged violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(10) The court shall impose upon a minor placed on supervision, as a condition of the supervision, a fee of $25 for each month of supervision ordered by the court, unless after determining the inability of the minor

New matter indicated by italics - deletions by strikeout
placed on supervision to pay the fee, the court assesses a lesser amount. The
court may not impose the fee on a minor who is made a ward of the State
under this Act while the minor is in placement. The fee shall be imposed only
upon a minor who is actively supervised by the probation and court services
department. A court may order the parent, guardian, or legal custodian of the
minor to pay some or all of the fee on the minor's behalf.
(Source: P.A. 91-98; eff. 1-1-00; 91-332, eff. 7-29-99; 92-16, ff. 6-28-01; 92-
282, eff. 8-7-01; 92-454, eff. 1-1-02; 92-651, eff. 7-11-02.)

(705 ILCS 405/5-710)
Sec. 5-710. Kinds of sentencing orders.
(1) The following kinds of sentencing orders may be made in respect
of wards of the court:
(a) Except as provided in Sections 5-805, 5-810, 5-815, a
minor who is found guilty under Section 5-620 may be:
(i) put on probation or conditional discharge and
released to his or her parents, guardian or legal custodian,
provided, however, that any such minor who is not committed
to the Department of Corrections, Juvenile Division under
this subsection and who is found to be a delinquent for an
offense which is first degree murder, a Class X felony, or a
forcible felony shall be placed on probation;
(ii) placed in accordance with Section 5-740, with or
without also being put on probation or conditional discharge;
(iii) required to undergo a substance abuse assessment
conducted by a licensed provider and participate in the
indicated clinical level of care;
(iv) placed in the guardianship of the Department of
Children and Family Services, but only if the delinquent
minor is under 13 years of age;
(v) placed in detention for a period not to exceed 30
days, either as the exclusive order of disposition or, where
appropriate, in conjunction with any other order of disposition
issued under this paragraph, provided that any such detention
shall be in a juvenile detention home and the minor so
detained shall be 10 years of age or older. However, the 30-
day limitation may be extended by further order of the court
for a minor under age 13 committed to the Department of
Children and Family Services if the court finds that the minor
is a danger to himself or others. The minor shall be given

New matter indicated by italics - deletions by strikeout
credit on the sentencing order of detention for time spent in detention under Sections 5-501, 5-601, 5-710, or 5-720 of this Article as a result of the offense for which the sentencing order was imposed. The court may grant credit on a sentencing order of detention entered under a violation of probation or violation of conditional discharge under Section 5-720 of this Article for time spent in detention before the filing of the petition alleging the violation. A minor shall not be deprived of credit for time spent in detention before the filing of a violation of probation or conditional discharge alleging the same or related act or acts;

(vi) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Mature Minors Act;

(vii) subject to having his or her driver's license or driving privileges suspended for such time as determined by the court but only until he or she attains 18 years of age;

(viii) put on probation or conditional discharge and placed in detention under Section 3-6039 of the Counties Code for a period not to exceed the period of incarceration permitted by law for adults found guilty of the same offense or offenses for which the minor was adjudicated delinquent, and in any event no longer than upon attainment of age 21; this subdivision (viii) notwithstanding any contrary provision of the law; or

(ix) ordered to undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body.

(b) A minor found to be guilty may be committed to the Department of Corrections, Juvenile Division, under Section 5-750 if the minor is 13 years of age or older, provided that the commitment to the Department of Corrections, Juvenile Division, shall be made only if a term of incarceration is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. The time during which a minor is in custody before being released upon the request of a parent, guardian or legal custodian shall be considered as time spent in detention.

(c) When a minor is found to be guilty for an offense which is a violation of the Illinois Controlled Substances Act, or the

New matter indicated by italics - deletions by strikeout
Cannabis Control Act, or the Methamphetamine Control and Community Protection Act and made a ward of the court, the court may enter a disposition order requiring the minor to undergo assessment, counseling or treatment in a substance abuse program approved by the Department of Human Services.

(2) Any sentencing order other than commitment to the Department of Corrections, Juvenile Division, may provide for protective supervision under Section 5-725 and may include an order of protection under Section 5-730.

(3) Unless the sentencing order expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 5-750.

(4) In addition to any other sentence, the court may order any minor found to be delinquent to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentencing hearing" referred to in that Section shall be the sentencing hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may be ordered by the court to pay some or all of the restitution on the minor's behalf, pursuant to the Parental Responsibility Law. The State's Attorney is authorized to act on behalf of any victim in seeking restitution in proceedings under this Section, up to the maximum amount allowed in Section 5 of the Parental Responsibility Law.

(5) Any sentencing order where the minor is committed or placed in accordance with Section 5-740 shall provide for the parents or guardian of the estate of the minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. The payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the sentencing order requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) In no event shall a guilty minor be committed to the Department of Corrections, Juvenile Division for a period of time in excess of that period for which an adult could be committed for the same act.

(8) A minor found to be guilty for reasons that include a violation of
Section 21-1.3 of the Criminal Code of 1961 shall be ordered to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the violation or similar damage to property located in the municipality or county in which the violation occurred. The order may be in addition to any other order authorized by this Section.

(8.5) A minor found to be guilty for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 shall be ordered to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The order may be in addition to any other order authorized by this Section.

(9) In addition to any other sentencing order, the court shall order any minor found to be guilty for an act which would constitute, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse if committed by an adult to undergo medical testing to determine whether the defendant has any sexually transmissible disease including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agency of acquired immunodeficiency syndrome (AIDS). Any medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the minor's person. Except as otherwise provided by law, the results of the test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the sentencing order was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom the results of the testing may be revealed. The court shall notify the minor of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or the legal guardian, of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at the Department of Public Health facilities to all parties to whom the results of the testing are revealed. The court shall order that the cost of any test shall be paid by the county and may be taxed as costs against
(10) When a court finds a minor to be guilty the court shall, before entering a sentencing order under this Section, make a finding whether the offense committed either: (a) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (b) involved a violation of subsection (a) of Section 12-7.1 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the wrongful use of a firearm. If the court determines the question in the affirmative, and the court does not commit the minor to the Department of Corrections, Juvenile Division, the court shall order the minor to perform community service for not less than 30 hours nor more than 120 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. This order shall be in addition to any other order authorized by this Section except for an order to place the minor in the custody of the Department of Corrections, Juvenile Division. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(705 ILCS 405/5-715)
Sec. 5-715. Probation.

(1) The period of probation or conditional discharge shall not exceed 5 years or until the minor has attained the age of 21 years, whichever is less, except as provided in this Section for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony or a forcible felony. The juvenile court may terminate probation or conditional discharge and discharge the minor at any time if warranted by the conduct of the minor and the ends of justice; provided, however, that the period of probation for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony, or a forcible felony shall be at least 5 years.

(2) The court may as a condition of probation or of conditional discharge require that the minor:

(a) not violate any criminal statute of any jurisdiction;

New matter indicated by italics - deletions by strikeout
(b) make a report to and appear in person before any person or agency as directed by the court;
(c) work or pursue a course of study or vocational training;
(d) undergo medical or psychiatric treatment, rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist or social work services rendered by a clinical social worker, or treatment for drug addiction or alcoholism;
(e) attend or reside in a facility established for the instruction or residence of persons on probation;
(f) support his or her dependents, if any;
(g) refrain from possessing a firearm or other dangerous weapon, or an automobile;
(h) permit the probation officer to visit him or her at his or her home or elsewhere;
(i) reside with his or her parents or in a foster home;
(j) attend school;
(j-5) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she committed a crime of violence as defined in Section 2 of the Crime Victims Compensation Act in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(k) attend a non-residential program for youth;
(l) make restitution under the terms of subsection (4) of Section 5-710;
(m) contribute to his or her own support at home or in a foster home;
(n) perform some reasonable public or community service;
(o) participate with community corrections programs including unified delinquency intervention services administered by the Department of Human Services subject to Section 5 of the Children and Family Services Act;
(p) pay costs;
(q) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the minor:
   (i) remain within the interior premises of the place designated for his or her confinement during the hours designated by the court;

New matter indicated by italics - deletions by strikeout
(ii) admit any person or agent designated by the court into the minor's place of confinement at any time for purposes of verifying the minor's compliance with the conditions of his or her confinement; and

(iii) use an approved electronic monitoring device if ordered by the court subject to Article 8A of Chapter V of the Unified Code of Corrections;

(r) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer, if the minor has been placed on probation, or advance approval by the court, if the minor has been placed on conditional discharge;

(s) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(s-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;

(t) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and shall submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or

(u) comply with other conditions as may be ordered by the court.

(3) The court may as a condition of probation or of conditional discharge require that a minor found guilty on any alcohol, cannabis, methamphetamine, or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If the minor is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(3.5) The court shall, as a condition of probation or of conditional discharge, require that a minor found to be guilty and placed on probation for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section

New matter indicated by italics - deletions by strikeout
21-1 of the Criminal Code of 1961 undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.

(3.10) The court shall order that a minor placed on probation or conditional discharge for a sex offense as defined in the Sex Offender Management Board Act undergo and successfully complete sex offender treatment. The treatment shall be in conformance with the standards developed under the Sex Offender Management Board Act and conducted by a treatment provider approved by the Board. The treatment shall be at the expense of the person evaluated based upon that person's ability to pay for the treatment.

(4) A minor on probation or conditional discharge shall be given a certificate setting forth the conditions upon which he or she is being released.

(5) The court shall impose upon a minor placed on probation or conditional discharge, as a condition of the probation or conditional discharge, a fee of $25 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the minor placed on probation or conditional discharge to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. The court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(6) The General Assembly finds that in order to protect the public, the juvenile justice system must compel compliance with the conditions of probation by responding to violations with swift, certain, and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of supervision, probation or conditional discharge, under this Act.

The court shall provide as a condition of a disposition of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-720 of this Act.

(Source: P.A. 92-282, eff. 8-7-01; 92-454, eff. 1-1-02; 93-616, eff. 1-1-04.)
Sec. 5-805. Transfer of jurisdiction.

(1) Mandatory transfers.

(a) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes a forcible felony under the laws of this State, and if a motion by the State's Attorney to prosecute the minor under the criminal laws of Illinois for the alleged forcible felony alleges that (i) the minor has previously been adjudicated delinquent or found guilty for commission of an act that constitutes a felony under the laws of this State or any other state and (ii) the act that constitutes the offense was committed in furtherance of criminal activity by an organized gang, the Juvenile Judge assigned to hear and determine those motions shall, upon determining that there is probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(b) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes a felony under the laws of this State, and if a motion by a State's Attorney to prosecute the minor under the criminal laws of Illinois for the alleged felony alleges that (i) the minor has previously been adjudicated delinquent or found guilty for commission of an act that constitutes a forcible felony under the laws of this State or any other state and (ii) the act that constitutes the offense was committed in furtherance of criminal activities by an organized gang, the Juvenile Judge assigned to hear and determine those motions shall, upon determining that there is probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(c) If a petition alleges commission by a minor 15 years of age or older of: (i) an act that constitutes an offense enumerated in the presumptive transfer provisions of subsection (2); and (ii) the minor has previously been adjudicated delinquent or found guilty of a forcible felony, the Juvenile Judge designated to hear and determine those motions shall, upon determining that there is probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(d) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes the offense of aggravated discharge of a firearm committed in a school, on the real property comprising a school, within 1,000 feet of the real property comprising a school,
at a school related activity, or on, boarding, or departing from any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or the time of year, the juvenile judge designated to hear and determine those motions shall, upon determining that there is probable cause that the allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

For purposes of this paragraph (d) of subsection (1):

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district. (2) Presumptive transfer.

(a) If the State's Attorney files a petition, at any time prior to commencement of the minor's trial, to permit prosecution under the criminal laws and the petition alleges the commission by a minor 15 years of age or older of: (i) a Class X felony other than armed violence; (ii) aggravated discharge of a firearm; (iii) armed violence with a firearm when the predicate offense is a Class 1 or Class 2 felony and the State's Attorney's motion to transfer the case alleges that the offense committed is in furtherance of the criminal activities of an organized gang; (iv) armed violence with a firearm when the predicate offense is a violation of the Illinois Controlled Substances Act, or a violation of the Cannabis Control Act, or a violation of the Methamphetamine Control and Community Protection Act; (v) armed violence when the weapon involved was a machine gun or other weapon described in subsection (a)(7) of Section 24-1 of the Criminal Code of 1961, and, if the juvenile judge assigned to hear and determine motions to transfer a case for prosecution in the criminal court determines that there is probable cause to believe that the allegations in the petition and motion are true, there is a rebuttable presumption that the minor is not a fit and proper subject to be dealt with under the Juvenile Justice Reform Provisions of 1998 (Public Act 90-590), and that, except as provided in paragraph (b), the case should be transferred to the criminal court.

(b) The judge shall enter an order permitting prosecution under the criminal laws of Illinois unless the judge makes a finding
based on clear and convincing evidence that the minor would be amenable to the care, treatment, and training programs available through the facilities of the juvenile court based on an evaluation of the following:

(i) The seriousness of the alleged offense;
(ii) The minor's history of delinquency;
(iii) The age of the minor;
(iv) The culpability of the minor in committing the alleged offense;
(v) Whether the offense was committed in an aggressive or premeditated manner;
(vi) Whether the minor used or possessed a deadly weapon when committing the alleged offense;
(vii) The minor's history of services, including the minor's willingness to participate meaningfully in available services;
(viii) Whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;
(ix) The adequacy of the punishment or services available in the juvenile justice system.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to the other factors listed in this subsection.

(3) Discretionary transfer.

(a) If a petition alleges commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of this State and, on motion of the State's Attorney to permit prosecution of the minor under the criminal laws, a Juvenile Judge assigned by the Chief Judge of the Circuit to hear and determine those motions, after hearing but before commencement of the trial, finds that there is probable cause to believe that the allegations in the motion are true and that it is not in the best interests of the public to proceed under this Act, the court may enter an order permitting prosecution under the criminal laws.

(b) In making its determination on the motion to permit prosecution under the criminal laws, the court shall consider among other matters:

(i) The seriousness of the alleged offense;
(ii) The minor's history of delinquency;

New matter indicated by italics - deletions by strikeout
(iii) The age of the minor;
(iv) The culpability of the minor in committing the alleged offense;
(v) Whether the offense was committed in an aggressive or premeditated manner;
(vi) Whether the minor used or possessed a deadly weapon when committing the alleged offense;
(vii) The minor's history of services, including the minor's willingness to participate meaningfully in available services;
(viii) The adequacy of the punishment or services available in the juvenile justice system.
In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to the other factors listed in this subsection.

(4) The rules of evidence for this hearing shall be the same as under Section 5-705 of this Act. A minor must be represented in court by counsel before the hearing may be commenced.

(5) If criminal proceedings are instituted, the petition for adjudication of wardship shall be dismissed insofar as the act or acts involved in the criminal proceedings. Taking of evidence in a trial on petition for adjudication of wardship is a bar to criminal proceedings based upon the conduct alleged in the petition.
(Source: P.A. 90-590, eff. 1-1-99; 91-15, eff. 1-1-00; 91-357, eff. 7-29-99.)
(705 ILCS 405/5-901)
Sec. 5-901. Court file.
(1) The Court file with respect to proceedings under this Article shall consist of the petitions, pleadings, victim impact statements, process, service of process, orders, writs and docket entries reflecting hearings held and judgments and decrees entered by the court. The court file shall be kept separate from other records of the court.

(a) The file, including information identifying the victim or alleged victim of any sex offense, shall be disclosed only to the following parties when necessary for discharge of their official duties:
   (i) A judge of the circuit court and members of the staff of the court designated by the judge;
   (ii) Parties to the proceedings and their attorneys;
   (iii) Victims and their attorneys, except in cases of multiple victims of sex offenses in which case the information identifying the nonrequesting victims shall be redacted;

New matter indicated by italics - deletions by strikeout
(iv) Probation officers, law enforcement officers or prosecutors or their staff;
(v) Adult and juvenile Prisoner Review Boards.

(b) The Court file redacted to remove any information identifying the victim or alleged victim of any sex offense shall be disclosed only to the following parties when necessary for discharge of their official duties:

(i) Authorized military personnel;
(ii) Persons engaged in bona fide research, with the permission of the judge of the juvenile court and the chief executive of the agency that prepared the particular recording: provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record;
(iii) The Secretary of State to whom the Clerk of the Court shall report the disposition of all cases, as required in Section 6-204 or Section 6-205.1 of the Illinois Vehicle Code. However, information reported relative to these offenses shall be privileged and available only to the Secretary of State, courts, and police officers;
(iv) The administrator of a bonafide substance abuse student assistance program with the permission of the presiding judge of the juvenile court;
(v) Any individual, or any public or private agency or institution, having custody of the juvenile under court order or providing educational, medical or mental health services to the juvenile or a court-approved advocate for the juvenile or any placement provider or potential placement provider as determined by the court.

(3) A minor who is the victim or alleged victim in a juvenile proceeding shall be provided the same confidentiality regarding disclosure of identity as the minor who is the subject of record. Information identifying victims and alleged victims of sex offenses, shall not be disclosed or open to public inspection under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing his or her identity.

(4) Relevant information, reports and records shall be made available to the Department of Corrections when a juvenile offender has been placed in the custody of the Department of Corrections, Juvenile Division.

New matter indicated by italics - deletions by strikeout
(5) Except as otherwise provided in this subsection (5), juvenile court records shall not be made available to the general public but may be inspected by representatives of agencies, associations and news media or other properly interested persons by general or special order of the court. The State's Attorney, the minor, his or her parents, guardian and counsel shall at all times have the right to examine court files and records.

(a) The court shall allow the general public to have access to the name, address, and offense of a minor who is adjudicated a delinquent minor under this Act under either of the following circumstances:

(i) The adjudication of delinquency was based upon the minor's commission of first degree murder, attempt to commit first degree murder, aggravated criminal sexual assault, or criminal sexual assault; or

(ii) The court has made a finding that the minor was at least 13 years of age at the time the act was committed and the adjudication of delinquency was based upon the minor's commission of: (A) an act in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang, (B) an act involving the use of a firearm in the commission of a felony, (C) an act that would be a Class X felony offense under the Cannabis Control Act if committed by an adult, (D) an act that would be a second or subsequent offense under Section 402 of the Illinois Controlled Substances Act if committed by an adult, or (E) an act that would be an offense under Section 401 of the Illinois Controlled Substances Act if committed by an adult, or (F) an act that would be an offense under the Methamphetamine Control and Community Protection Act if committed by an adult.

(b) The court shall allow the general public to have access to the name, address, and offense of a minor who is at least 13 years of age at the time the offense is committed and who is convicted, in criminal proceedings permitted or required under Section 5-805, under either of the following circumstances:

(i) The minor has been convicted of first degree murder, attempt to commit first degree murder, aggravated criminal sexual assault, or criminal sexual assault,
(ii) The court has made a finding that the minor was at least 13 years of age at the time the offense was committed and the conviction was based upon the minor's commission of: (A) an offense in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang, (B) an offense involving the use of a firearm in the commission of a felony, (C) a Class X felony offense under the Cannabis Control Act or a second or subsequent Class 2 or greater felony offense under the Cannabis Control Act, (D) a second or subsequent offense under Section 402 of the Illinois Controlled Substances Act, or (E) an offense under Section 401 of the Illinois Controlled Substances Act, or (F) an offense under the Methamphetamine Control and Community Protection Act.

(6) Nothing in this Section shall be construed to limit the use of a adjudication of delinquency as evidence in any juvenile or criminal proceeding, where it would otherwise be admissible under the rules of evidence, including but not limited to, use as impeachment evidence against any witness, including the minor if he or she testifies.

(7) Nothing in this Section shall affect the right of a Civil Service Commission or appointing authority examining the character and fitness of an applicant for a position as a law enforcement officer to ascertain whether that applicant was ever adjudicated to be a delinquent minor and, if so, to examine the records or evidence which were made in proceedings under this Act.

(8) Following any adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the State's Attorney shall ascertain whether the minor respondent is enrolled in school and, if so, shall provide a copy of the sentencing order to the principal or chief administrative officer of the school. Access to such juvenile records shall be limited to the principal or chief administrative officer of the school and any guidance counselor designated by him or her.

(9) Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

New matter indicated by italics - deletions by strikeout
(11) The Clerk of the Circuit Court shall report to the Department of State Police, in the form and manner required by the Department of State Police, the final disposition of each minor who has been arrested or taken into custody before his or her 17th birthday for those offenses required to be reported under Section 5 of the Criminal Identification Act. Information reported to the Department under this Section may be maintained with records that the Department files under Section 2.1 of the Criminal Identification Act.

(12) Information or records may be disclosed to the general public when the court is conducting hearings under Section 5-805 or 5-810.

(Source: P.A. 90-590, eff. 1-1-99.)

Section 1055. The Criminal Code of 1961 is amended by changing Sections 9-3.3, 11-19.2, 14-3, 19-5, 20-2, 24-1.1, 24-1.6, 29B-1, 31A-1.1, 31A-1.2, 33A-3, 37-1, 44-2, and 44-3 as follows:

(720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)
Sec. 9-3.3. Drug-induced homicide.
(a) A person who violates Section 401 of the Illinois Controlled Substances Act or Section 55 of the Methamphetamine Control and Community Protection Act by unlawfully delivering a controlled substance to another, and any person dies as a result of the injection, inhalation or ingestion of any amount of that controlled substance, commits the offense of drug-induced homicide.
(b) Sentence. Drug-induced homicide is a Class X felony.
(c) A person who commits drug-induced homicide by violating subsection (a) or subsection (c) of Section 401 of the Illinois Controlled Substances Act or Section 55 of the Methamphetamine Control and Community Protection Act commits a Class X felony for which the defendant shall in addition to a sentence authorized by law, be sentenced to a term of imprisonment of not less than 15 years and not more than 30 years or an extended term of not less than 30 years and not more than 60 years.

(Source: P.A. 91-357, eff. 7-29-99; 92-256, eff. 1-1-02.)

(720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)
Sec. 11-19.2. Exploitation of a child.
(A) A person commits exploitation of a child when he or she confines a child under the age of 16 or a severely or profoundly mentally retarded person against his or her will by the infliction or threat of imminent infliction of great bodily harm, permanent disability or disfigurement or by administering to the child or severely or profoundly mentally retarded person without his or her consent or by threat or deception and for other than

New matter indicated by italics - deletions by strikeout
medical purposes, any alcoholic intoxicant or a drug as defined in the Illinois Controlled Substances Act or the Cannabis Control Act or methamphetamine as defined in the Methamphetamine Control and Community Protection Act and:

(1) compels the child or severely or profoundly mentally retarded person to become a prostitute; or
(2) arranges a situation in which the child or severely or profoundly mentally retarded person may practice prostitution; or
(3) receives any money, property, token, object, or article or anything of value from the child or severely or profoundly mentally retarded person knowing it was obtained in whole or in part from the practice of prostitution.

(B) For purposes of this Section, administering drugs, as defined in subsection (A), or an alcoholic intoxicant to a child under the age of 13 or a severely or profoundly mentally retarded person shall be deemed to be without consent if such administering is done without the consent of the parents or legal guardian.

(C) Exploitation of a child is a Class X felony.

(D) Any person convicted under this Section is subject to the forfeiture provisions of Section 11-20.1A of this Act.

(Source: P.A. 91-357, eff. 7-29-99; 91-696, eff. 4-13-00; 92-434, eff. 1-1-02.)

(720 ILCS 5/14-3) (from Ch. 38, par. 14-3)
Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency
services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, a felony violation of the Methamphetamine Control and Community Protection Act, or any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of any

New matter indicated by italics - deletions by strikeout
offense defined in Article 29D of this Code. In all such cases, an application
for an order approving the previous or continuing use of an eavesdropping
device must be made within 48 hours of the commencement of such use. In
the absence of such an order, or upon its denial, any continuing use shall
immediately terminate. The Director of State Police shall issue rules as are
necessary concerning the use of devices, retention of tape recordings, and
reports regarding their use.

Any recording or evidence obtained or derived in the course of an
investigation of any offense defined in Article 29D of this Code shall, upon
motion of the State's Attorney or Attorney General prosecuting any violation
of Article 29D, be reviewed in camera with notice to all parties present by the
court presiding over the criminal case, and, if ruled by the court to be relevant
and otherwise admissible, it shall be admissible at the trial of the criminal
case.

This subsection (g-5) is inoperative on and after January 1, 2005. No
conversations recorded or monitored pursuant to this subsection (g-5) shall
be inadmissible in a court of law by virtue of the repeal of this
subsection (g-5) on January 1, 2005;

(h) Recordings made simultaneously with a video recording of an oral
conversation between a peace officer, who has identified his or her office,
and a person stopped for an investigation of an offense under the Illinois
Vehicle Code;

(i) Recording of a conversation made by or at the request of a person,
not a law enforcement officer or agent of a law enforcement officer, who is
a party to the conversation, under reasonable suspicion that another party to
the conversation is committing, is about to commit, or has committed a
criminal offense against the person or a member of his or her immediate
household, and there is reason to believe that evidence of the criminal offense
may be obtained by the recording;

(j) The use of a telephone monitoring device by either (1) a
corporation or other business entity engaged in marketing or opinion research
or (2) a corporation or other business entity engaged in telephone solicitation,
as defined in this subsection, to record or listen to oral telephone solicitation
conversations or marketing or opinion research conversations by an employee
of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality
control of marketing or opinion research or telephone solicitation, the
education or training of employees or contractors engaged in
marketing or opinion research or telephone solicitation, or internal

New matter indicated by italics - deletions by strikeout
research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

(i) soliciting the sale of goods or services;
(ii) receiving orders for the sale of goods or services;
(iii) assisting in the use of goods or services; or
(iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business entity

New matter indicated by italics - deletions by strikeout
whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or political issues, or both;

(k) Electronic recordings, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of a custodial interrogation of an individual at a police station or other place of detention by a law enforcement officer under Section 5-401.5 of the Juvenile Court Act of 1987 or Section 103-2.1 of the Code of Criminal Procedure of 1963; and

(l) Recording the interview or statement of any person when the person knows that the interview is being conducted by a law enforcement officer or prosecutor and the interview takes place at a police station that is currently participating in the Custodial Interview Pilot Program established under the Illinois Criminal Justice Information Act.

(Source: P.A. 92-854, eff. 12-5-02; 93-206, eff. 7-18-03; 93-517, eff. 8-6-03; 93-605, eff. 11-19-03; revised 12-9-03.)

(720 ILCS 5/19-5) (from Ch. 38, par. 19-5)

Sec. 19-5. Criminal fortification of a residence or building. (a) A person commits the offense of criminal fortification of a residence or building when, with the intent to prevent the lawful entry of a law enforcement officer or another, he maintains a residence or building in a fortified condition, knowing that such residence or building is used for the manufacture, storage, delivery, or trafficking of cannabis, or controlled substances, or methamphetamine as defined in the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act.

(b) "Fortified condition" means preventing or impeding entry through the use of steel doors, wooden planking, crossbars, alarm systems, dogs, or other similar means.

(c) Sentence. Criminal fortification of a residence or building is a Class 3 felony.

(d) This Section does not apply to the fortification of a residence or building used in the manufacture of methamphetamine as described in Sections 10 and 15 of the Methamphetamine Control and Community Protection Act.

(Source: P.A. 86-760.)

(720 ILCS 5/20-2) (from Ch. 38, par. 20-2)

Sec. 20-2. Possession of explosives or explosive or incendiary devices.
(a) A person commits the offense of possession of explosives or explosive or incendiary devices in violation of this Section when he or she possesses, manufactures or transports any explosive compound, timing or detonating device for use with any explosive compound or incendiary device and either intends to use such explosive or device to commit any offense or knows that another intends to use such explosive or device to commit a felony.

(b) Sentence.
Possession of explosives or explosive or incendiary devices in violation of this Section is a Class 1 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 30 years.

(c) (Blank). In this Section, "explosive compound" or "incendiary device" includes a methamphetamine manufacturing chemical as defined in clause (z-1) of Section 102 of the Illinois Controlled Substances Act.
(Source: P.A. 93-594, eff. 1-1-04.)

(720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)
Sec. 24-1.1. Unlawful Use or Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities.

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Department of State Police under Section 10 of the Firearm Owners Identification Card Act.

(b) It is unlawful for any person confined in a penal institution, which is a facility of the Illinois Department of Corrections, to possess any weapon prohibited under Section 24-1 of this Code or any firearm or firearm ammunition, regardless of the intent with which he possesses it.

(c) It shall be an affirmative defense to a violation of subsection (b), that such possession was specifically authorized by rule, regulation, or directive of the Illinois Department of Corrections or order issued pursuant thereto.

(d) The defense of necessity is not available to a person who is charged with a violation of subsection (b) of this Section.

(e) Sentence. Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to no less than 2 years and no

New matter indicated by italics - deletions by strikeout
more than 10 years. Violation of this Section by a person not confined in a penal institution who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act, stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun. Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under Section 24-1 of this Code regardless of the intent with which he possesses it, a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or in possession of body armor as defined in Section 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years.

(Source: P.A. 93-906, eff. 8-11-04.)

(720 ILCS 5/24-1.6)
Sec. 24-1.6. Aggravated unlawful use of a weapon.
(a) A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:

(1) Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm; or

(2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm; and

New matter indicated by italics - deletions by strikeout
(3) One of the following factors is present:
   (A) the firearm possessed was uncased, loaded and immediately accessible at the time of the offense; or
   (B) the firearm possessed was uncased, unloaded and the ammunition for the weapon was immediately accessible at the time of the offense; or
   (C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or
   (D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or
   (E) the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act, or in a misdemeanor violation of the Illinois Controlled Substances Act, or in a misdemeanor violation of the Methamphetamine Control and Community Protection Act; or
   (F) the person possessing the weapon is a member of a street gang or is engaged in street gang related activity, as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act; or
   (G) the person possessing the weapon had an order of protection issued against him or her within the previous 2 years; or
   (H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or
   (I) the person possessing the weapon was under 21 years of age and in possession of a handgun as defined in Section 24-3, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2(b)(1), (b)(3), or 24-2(f).

(b) "Stun gun or taser" as used in this Section has the same definition given to it in Section 24-1 of this Code.

(c) This Section does not apply to or affect the transportation or possession of weapons that:
   (i) are broken down in a non-functioning state; or
(ii) are not immediately accessible; or
(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(d) Sentence. Aggravated unlawful use of a weapon is a Class 4 felony; a second or subsequent offense is a Class 2 felony. Aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony. Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearms Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act is a Class X felony.

(Source: P.A. 93-906, eff. 8-11-04.)

(720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)
Sec. 29B-1. (a) A person commits the offense of money laundering:
(1) when he knowingly engages or attempts to engage in a financial transaction in criminally derived property with either the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained or where he knows or reasonably should know that the financial transaction is designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or
(2) when, with the intent to:
   (A) promote the carrying on of a specified criminal activity as defined in this Article; or
   (B) conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of a specified criminal activity as defined by subdivision (b)(6),
he or she conducts or attempts to conduct a financial transaction involving property he or she believes to be the proceeds of specified criminal activity as defined by subdivision (b)(6) or property used to conduct or facilitate specified criminal activity as defined by subdivision (b)(6).

(b) As used in this Section:
(1) "Financial transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery or other disposition utilizing criminally

New matter indicated by italics - deletions by strikeout
derived property, and with respect to financial institutions, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit or other monetary instrument or any other payment, transfer or delivery by, through, or to a financial institution. For purposes of clause (a)(2) of this Section, the term "financial transaction" also means a transaction which without regard to whether the funds, monetary instruments, or real or personal property involved in the transaction are criminally derived, any transaction which in any way or degree: (1) involves the movement of funds by wire or any other means; (2) involves one or more monetary instruments; or (3) the transfer of title to any real or personal property. The receipt by an attorney of bona fide fees for the purpose of legal representation is not a financial transaction for purposes of this Section.

(2) "Financial institution" means any bank; saving and loan association; trust company; agency or branch of a foreign bank in the United States; currency exchange; credit union, mortgage banking institution; pawnbroker; loan or finance company; operator of a credit card system; issuer, redeemer or cashier of travelers checks, checks or money orders; dealer in precious metals, stones or jewels; broker or dealer in securities or commodities; investment banker; or investment company.

(3) "Monetary instrument" means United States coins and currency; coins and currency of a foreign country; travelers checks; personal checks, bank checks, and money orders; investment securities; bearer negotiable instruments; bearer investment securities; or bearer securities and certificates of stock in such form that title thereto passes upon delivery.

(4) "Criminally derived property" means: (A) any property constituting or derived from proceeds obtained, directly or indirectly, pursuant to a violation of the Criminal Code of 1961, the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act; or (B) any property represented to be property constituting or derived from proceeds obtained, directly or indirectly, pursuant to a violation of this Code, the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act.

(5) "Conduct" or "conducts" includes, in addition to its

New matter indicated by italics - deletions by strikeout
ordinary meaning, initiating, concluding, or participating in initiating or concluding a transaction.

(6) "Specified criminal activity" means any violation of Section 20.5-5 (720 ILCS 5/20.5-5) and any violation of Article 29D of this Code.

(c) Sentence.

(1) Laundering of criminally derived property of a value not exceeding $10,000 is a Class 3 felony;
(2) Laundering of criminally derived property of a value exceeding $10,000 but not exceeding $100,000 is a Class 2 felony;
(3) Laundering of criminally derived property of a value exceeding $100,000 but not exceeding $500,000 is a Class 1 felony;
(4) Money laundering in violation of subsection (a)(2) of this Section is a Class X felony;
(5) Laundering of criminally derived property of a value exceeding $500,000 is a Class 1 non-probationable felony.

(Source: P.A. 92-854, eff. 12-5-02; 93-520, eff. 8-6-03.)

(720 ILCS 5/31A-1.1)  (from Ch. 38, par. 31A-1.1)
Sec. 31A-1.1. Bringing Contraband into a Penal Institution;
Possessing Contraband in a Penal Institution.

(a) A person commits the offense of bringing contraband into a penal institution when he knowingly and without authority of any person designated or authorized to grant such authority (1) brings an item of contraband into a penal institution or (2) causes another to bring an item of contraband into a penal institution or (3) places an item of contraband in such proximity to a penal institution as to give an inmate access to the contraband.

(b) A person commits the offense of possessing contraband in a penal institution when he possesses contraband in a penal institution, regardless of the intent with which he possesses it.

(c) For the purposes of this Section, the words and phrases listed below shall be defined as follows:

(1) "Penal institution" means any penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house or other institution or place for the incarceration or custody of persons under sentence for offenses awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing; provided that where the place for incarceration or custody is
housed within another public building this Act shall not apply to that part of such building unrelated to the incarceration or custody of persons.

(2) "Item of contraband" means any of the following:

(i) "Alcoholic liquor" as such term is defined in Section 1-3.05 of the Liquor Control Act of 1934 as such Act may be now or hereafter amended.

(ii) "Cannabis" as such term is defined in subsection (a) of Section 3 of the "Cannabis Control Act", approved August 16, 1971, as now or hereafter amended.

(iii) "Controlled substance" as such term is defined in the "Illinois Controlled Substances Act", approved August 16, 1971, as now or hereafter amended.

(iii-a) "Methamphetamine" as such term is defined in the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act.

(iv) "Hypodermic syringe" or hypodermic needle, or any instrument adapted for use of controlled substances or cannabis by subcutaneous injection.

(v) "Weapon" means any knife, dagger, dirk, billy, razor, stiletto, broken bottle, or other piece of glass which could be used as a dangerous weapon. Such term includes any of the devices or implements designated in subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of this Act, or any other dangerous weapon or instrument of like character.

(vi) "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, including but not limited to:

(A) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter, or;

(B) any device used exclusively for signaling or safety and required as recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(C) any device used exclusively for the firing of stud cartridges, explosive rivets or industrial ammunition; or

New matter indicated by italics - deletions by strikeout
(D) any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning, commonly referred to as a stun gun or taser.

(vii) "Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm, including but not limited to:

   (A) any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

   (B) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

(viii) "Explosive" means, but is not limited to, bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes such as black powder bombs and Molotov cocktails or artillery projectiles.

(ix) "Tool to defeat security mechanisms" means, but is not limited to, handcuff or security restraint key, tool designed to pick locks, or device or instrument capable of unlocking handcuff or security restraints, doors to cells, rooms, gates or other areas of the penal institution.

(x) "Cutting tool" means, but is not limited to, hacksaw blade, wirecutter, or device, instrument or file capable of cutting through metal.

(xi) "Electronic contraband" means, but is not limited to, any electronic, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment brought into or possessed in a penal

New matter indicated by italics - deletions by strikeout
institution without the written authorization of the Chief Administrative Officer.

(d) Bringing alcoholic liquor into a penal institution is a Class 4 felony. Possessing alcoholic liquor in a penal institution is a Class 4 felony.

(e) Bringing cannabis into a penal institution is a Class 3 felony. Possessing cannabis in a penal institution is a Class 3 felony.

(f) Bringing any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Controlled Substance Act into a penal institution is a Class 2 felony. Possessing any amount of a controlled substance classified in Schedule III, IV, or V of Article II of the Controlled Substance Act in a penal institution is a Class 2 felony.

(g) Bringing any amount of a controlled substance classified in Schedules I or II of Article II of the Controlled Substance Act into a penal institution is a Class 1 felony. Possessing any amount of a controlled substance classified in Schedules I or II of Article II of the Controlled Substance Act in a penal institution is a Class 1 felony.

(h) Bringing an item of contraband listed in paragraph (iv) of subsection (c)(2) into a penal institution is a Class 1 felony. Possessing an item of contraband listed in paragraph (iv) of subsection (c)(2) in a penal institution is a Class 1 felony.

(i) Bringing an item of contraband listed in paragraph (v), (ix), (x), or (xi) of subsection (c)(2) into a penal institution is a Class 1 felony. Possessing an item of contraband listed in paragraph (v), (ix), (x), or (xi) of subsection (c)(2) in a penal institution is a Class 1 felony.

(j) Bringing an item of contraband listed in paragraphs (vi), (vii) or (viii) of subsection (c)(2) in a penal institution is a Class X felony. Possessing an item of contraband listed in paragraphs (vi), (vii), or (viii) of subsection (c)(2) in a penal institution is a Class X felony.

(k) It shall be an affirmative defense to subsection (b) hereof, that such possession was specifically authorized by rule, regulation, or directive of the governing authority of the penal institution or order issued pursuant thereto.

(l) It shall be an affirmative defense to subsection (a)(1) and subsection (b) hereof that the person bringing into or possessing contraband in a penal institution had been arrested, and that that person possessed such contraband at the time of his arrest, and that such contraband was brought into or possessed in the penal institution by that person as a direct and immediate result of his arrest.

(m) Items confiscated may be retained for use by the Department of
Corrections or disposed of as deemed appropriate by the Chief Administrative Officer in accordance with Department rules or disposed of as required by law.
(Source: P.A. 88-678, eff. 7-1-95; 89-688, eff. 6-1-97.)

(720 ILCS 5/31A-1.2) (from Ch. 38, par. 31A-1.2)

Sec. 31A-1.2. Unauthorized bringing of contraband into a penal institution by an employee; unauthorized possessing of contraband in a penal institution by an employee; unauthorized delivery of contraband in a penal institution by an employee.

(a) A person commits the offense of unauthorized bringing of contraband into a penal institution by an employee when a person who is an employee knowingly and without authority or any person designated or authorized to grant such authority:

(1) brings or attempts to bring an item of contraband listed in paragraphs (i) through (iv) of subsection (d)(4) into a penal institution, or
(2) causes or permits another to bring an item of contraband listed in paragraphs (i) through (iv) of subsection (d)(4) into a penal institution.

(b) A person commits the offense of unauthorized possession of contraband in a penal institution by an employee when a person who is an employee knowingly and without authority of any person designated or authorized to grant such authority possesses contraband listed in paragraphs (i) through (iv) of subsection (d)(4) in a penal institution, regardless of the intent with which he possesses it.

(c) A person commits the offense of unauthorized delivery of contraband in a penal institution by an employee when a person who is an employee knowingly and without authority of any person designated or authorized to grant such authority:

(1) delivers or possesses with intent to deliver an item of contraband to any inmate of a penal institution, or
(2) conspires to deliver or solicits the delivery of an item of contraband to any inmate of a penal institution, or
(3) causes or permits the delivery of an item of contraband to any inmate of a penal institution, or
(4) permits another person to attempt to deliver an item of contraband to any inmate of a penal institution.

(d) For purpose of this Section, the words and phrases listed below shall be defined as follows:

New matter indicated by italics - deletions by strikeout
(1) "Penal Institution" shall have the meaning ascribed to it in subsection (c)(1) of Section 31A-1.1 of this Code;

(2) "Employee" means any elected or appointed officer, trustee or employee of a penal institution or of the governing authority of the penal institution, or any person who performs services for the penal institution pursuant to contract with the penal institution or its governing authority.

(3) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of an item of contraband, with or without consideration, whether or not there is an agency relationship;

(4) "Item of contraband" means any of the following:

   (i) "Alcoholic liquor" as such term is defined in Section 1-3.05 of the Liquor Control Act of 1934.
   (ii) "Cannabis" as such term is defined in subsection (a) of Section 3 of the Cannabis Control Act.
   (iii) "Controlled substance" as such term is defined in the Illinois Controlled Substances Act.
   (iii-a) "Methamphetamine" as such term is defined in the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act.
   (iv) "Hypodermic syringe" or hypodermic needle, or any instrument adapted for use of controlled substances or cannabis by subcutaneous injection.
   (v) "Weapon" means any knife, dagger, dirk, billy, razor, stiletto, broken bottle, or other piece of glass which could be used as a dangerous weapon. Such term includes any of the devices or implements designated in subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of this Act, or any other dangerous weapon or instrument of like character.
   (vi) "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, including but not limited to:

      (A) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter; or
      (B) any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce
(C) any device used exclusively for the firing of stud cartridges, explosive rivets or industrial ammunition; or

(D) any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning, commonly referred to as a stun gun or taser.

(vii) "Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm, including but not limited to:

(A) any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(B) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

(viii) "Explosive" means, but is not limited to, bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes such as black powder bombs and Molotov cocktails or artillery projectiles.

(ix) "Tool to defeat security mechanisms" means, but is not limited to, handcuff or security restraint key, tool designed to pick locks, or device or instrument capable of unlocking handcuff or security restraints, doors to cells, rooms, gates or other areas of the penal institution.

(x) "Cutting tool" means, but is not limited to, hacksaw blade, wirecutter, or device, instrument or file capable of cutting through metal.

(xi) "Electronic contraband" means, but is not limited to, any electronic, video recording device, computer, or
cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment.

(e) A violation of paragraphs (a) or (b) of this Section involving alcohol is a Class 4 felony. A violation of paragraph (a) or (b) of this Section involving cannabis is a Class 2 felony. A violation of paragraph (a) or (b) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act is a Class I felony. A violation of paragraph (a) or (b) of this Section involving any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph (a) or (b) involving an item of contraband listed in paragraph (iv) of subsection (d)(4) is a Class X felony. A violation of paragraph (a) or (b) involving an item of contraband listed in paragraph (v) or (xi) of subsection (d)(4) is a Class I felony. A violation of paragraph (a) or (b) involving an item of contraband listed in paragraphs (vi), (vii) or (viii) of subsection (d)(4) is a Class X felony.

(f) A violation of paragraph (c) of this Section involving alcoholic liquor is a Class 3 felony. A violation of paragraph (c) involving cannabis is a Class 1 felony. A violation of paragraph (c) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph (c) involving any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph (c) involving an item of contraband listed in paragraph (iv) of subsection (d)(4) is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph (c) involving an item of contraband listed in paragraph (v), (ix) or (x) of subsection (d)(4) is a Class X felony for which the minimum term of imprisonment shall be 10 years. A violation of paragraph (c) involving an item of contraband listed in paragraphs (vi), (vii) or (viii) of subsection (d)(4) is a Class X felony for which the minimum term of imprisonment shall be 12 years.

(g) Items confiscated may be retained for use by the Department of Corrections or disposed of as deemed appropriate by the Chief Administrative Officer in accordance with Department rules or disposed of as required by law.

New matter indicated by italics - deletions by strikeout
Sec. 33A-3. Sentence.
(a) Violation of Section 33A-2(a) with a Category I weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 15 years.
(a-5) Violation of Section 33A-2(a) with a Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 10 years.
(b) Violation of Section 33A-2(a) with a Category III weapon is a Class 2 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty. A second or subsequent violation of Section 33A-2(a) with a Category III weapon is a Class 1 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty.
(b-5) Violation of Section 33A-2(b) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 20 years.
(b-10) Violation of Section 33A-2(c) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 25 years nor more than 40 years.
(c) Unless sentencing under Section 33B-1 is applicable, any person who violates subsection (a) or (b) of Section 33A-2 with a firearm, when that person has been convicted in any state or federal court of 3 or more of the following offenses: treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, arson, kidnapping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, a violation of the Methamphetamine Control and Community Protection Act, or a violation of Section 401(a) of the Illinois Controlled Substances Act, when the third offense was committed after conviction on the second, the second offense was committed after conviction on the first, and the violation of Section 33A-2 was committed after conviction on the third, shall be sentenced to a term of imprisonment of not less than 25 years nor more than 50 years.
(c-5) Except as otherwise provided in paragraph (b-10) or (c) of this Section, a person who violates Section 33A-2(a) with a firearm that is a Category I weapon or Section 33A-2(b) in any school, in any conveyance

New matter indicated by italics - deletions by strikeout
owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on the real property comprising any school or public park, and where the offense was related to the activities of an organized gang, shall be sentenced to a term of imprisonment of not less than the term set forth in subsection (a) or (b-5) of this Section, whichever is applicable, and not more than 30 years. For the purposes of this subsection (c-5), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(d) For armed violence based upon a predicate offense listed in this subsection (d) the court shall enter the sentence for armed violence to run consecutively to the sentence imposed for the predicate offense. The offenses covered by this provision are:

(i) solicitation of murder,
(ii) solicitation of murder for hire,
(iii) heinous battery,
(iv) aggravated battery of a senior citizen,
(v) criminal sexual assault,
(vi) a violation of subsection (g) of Section 5 of the Cannabis Control Act,
(vii) cannabis trafficking,
(viii) a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act,
(ix) controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act,
(x) calculated criminal drug conspiracy, or
(xi) streetgang criminal drug conspiracy, or
(xii) a violation of the Methamphetamine Control and Community Protection Act.

(Source: P.A. 91-404, eff. 1-1-00; 91-696, eff. 4-13-00.)

(720 ILCS 5/37-1) (from Ch. 38, par. 37-1)

Sec. 37-1. Maintaining Public Nuisance. Any building used in the commission of offenses prohibited by Sections 9-1, 10-1, 10-2, 11-14, 11-15, 11-16, 11-17, 11-20, 11-20.1, 11-21, 11-22, 12-5.1, 16-1, 20-2, 23-1, 23-1(a)(1), 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or 39A-1 of the Criminal Code of 1961, or prohibited by the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act, or used in the commission of an inchoate offense relative to any of the aforesaid principal offenses, or any real property erected, established,
maintained, owned, leased, or used by a streetgang for the purpose of conducting streetgang related activity as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act is a public nuisance.

(b) Sentence. A person convicted of knowingly maintaining such a public nuisance commits a Class A misdemeanor. Each subsequent offense under this Section is a Class 4 felony.

(Source: P.A. 91-876, eff. 1-1-01.)

(720 ILCS 5/44-2) (from Ch. 38, par. 44-2)

Sec. 44-2. (a) A person commits unlawful transfer of a telecommunications device to a minor when he gives, sells or otherwise transfers possession of a telecommunications device to a person under 18 years of age with the intent that the device be used to commit any offense under this Code, the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act.

(b) Unlawful transfer of a telecommunications device to a minor is a Class A misdemeanor.

(Source: P.A. 86-811.)

(720 ILCS 5/44-3) (from Ch. 38, par. 44-3)

Sec. 44-3. (a) Seizure. Any telecommunications device possessed by a person on the real property of any elementary or secondary school without the authority of the school principal, or used in the commission of an offense prohibited by this Code, the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act or which constitutes evidence of the commission of such offenses may be seized and delivered forthwith to the investigating law enforcement agency. A person who is not a student of the particular elementary or secondary school, who is on school property as an invitee of the school, and who has possession of a telecommunication device for lawful and legitimate purposes, shall not need to obtain authority from the school principal to possess the telecommunication device on school property. Such telecommunication device shall not be seized unless it was used in the commission of an offense specified above, or constitutes evidence of such an offense. Within 15 days after such delivery the investigating law enforcement agency shall give notice of seizure to any known owners, lienholders and secured parties of such property. Within that 15 day period the investigating law enforcement agency shall also notify the State's Attorney of the county of seizure about the seizure.

(b) Rights of lienholders and secured parties.
The State's Attorney shall promptly release a telecommunications device seized under the provisions of this Article to any lienholder or secured party if such lienholder or secured party shows to the State's Attorney that his lien or security interest is bona fide and was created without actual knowledge that such telecommunications device was or possessed in violation of this Section or used or to be used in the commission of the offense charged.

(c) Action for forfeiture. (1) The State's Attorney in the county in which such seizure occurs if he finds that such forfeiture was incurred without willful negligence or without any intention on the part of the owner of the telecommunications device or a lienholder or secured party to violate the law, or finds the existence of such mitigating circumstances as to justify remission of the forfeiture, may cause the investigating law enforcement agency to remit the same upon such terms and conditions as the State's Attorney deems reasonable and just. The State's Attorney shall exercise his discretion under the foregoing provision of this Section promptly after notice is given in accordance with subsection (a). If the State's Attorney does not cause the forfeiture to be remitted he shall forthwith bring an action for forfeiture in the circuit court within whose jurisdiction the seizure and confiscation has taken place. The State's Attorney shall give notice of the forfeiture proceeding by mailing a copy of the complaint in the forfeiture proceeding to the persons and in the manner set forth in subsection (a). The owner of the device or any person with any right, title, or interest in the device may within 20 days after the mailing of such notice file a verified answer to the complaint and may appear at the hearing on the action for forfeiture. The State shall show at such hearing by a preponderance of the evidence that the device was used in the commission of an offense described in subsection (a). The owner of the device or any person with any right, title, or interest in the device may show by a preponderance of the evidence that he did not know, and did not have reason to know, that the device was possessed in violation of this Section or to be used in the commission of such an offense or that any of the exceptions set forth in subsection (d) are applicable. Unless the State shall make such showing, the Court shall order the device released to the owner. Where the State has made such showing, the Court may order the device destroyed; may upon the request of the investigating law enforcement agency, order it delivered to any local, municipal or county law enforcement agency, or the Department of State Police or the Department of Revenue of the State of Illinois; or may order it sold at public auction.

New matter indicated by italics - deletions by strikeout
(2) A copy of the order shall be filed with the investigating law enforcement agency of the county in which the seizure occurs. Such order, when filed, confers ownership of the device to the department or agency to whom it is delivered or any purchaser thereof. The investigating law enforcement agency shall comply promptly with instructions to remit received from the State's Attorney or Attorney General in accordance with paragraph (1) of this subsection or subsection (d).

(3) The proceeds of any sale at public auction pursuant to this subsection, after payment of all liens and deduction of the reasonable charges and expenses incurred by the investigating law enforcement agency in storing and selling the device, shall be paid into the general fund of the level of government responsible for the operation of the investigating law enforcement agency.

(d) Exceptions to forfeiture. (b) No device shall be forfeited under the provisions of subsection (c) by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than the owner while the device was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States, or of any state.

(e) Remission by Attorney General. Whenever any owner of, or other person interested in, a device seized under the provisions of this Section files with the Attorney General before the sale or destruction of the device a petition for the remission of such forfeiture the Attorney General if he finds that such forfeiture was incurred without willful negligence or without any intention on the part of the owner or any person with any right, title or interest in the device to violate the law, or finds the existence of such mitigating circumstances as to justify the remission of forfeiture, may cause the same to be remitted upon such terms and conditions as he deems reasonable and just, or order discontinuance of any forfeiture proceeding relating thereto.

(Source: P.A. 86-811.)

(720 ILCS 5/12-4.10 rep., from P.A. 93-111)
(720 ILCS 5/12-4.10 rep., from P.A. 93-340)
(720 ILCS 5/12-4.11 rep., from P.A. 93-340)
(720 ILCS 5/20-1.4 rep.)
(720 ILCS 5/20-1.5 rep.)
(720 ILCS 5/21-1.5 rep.)

Section 1056. The Criminal Code of 1961 is amended by repealing Sections 12-4.10 (as added by Public Act 93-111), 12-4.10 (as added by Public Act 93-340), 12-4.11 (as added by Public Act 93-340), 20-1.4, 20-1.5,
and 21-1.5.

Section 1060. The Cannabis Control Act is amended by changing Sections 10 and 10.2 as follows:

(720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

Sec. 10. (a) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for, any offense under this Act or any law of the United States or of any State relating to cannabis, or controlled substances as defined in the Illinois Controlled Substances Act, pleads guilty to or is found guilty of violating Sections 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court may, without entering a judgment and with the consent of such person, sentence him to probation.

(b) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months, and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(c) The conditions of probation shall be that the person: (1) not violate any criminal statute of any jurisdiction; (2) refrain from possession of a firearm or other dangerous weapon; (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and (4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.

(d) The court may, in addition to other conditions, require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous weapon;
(7-5) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, or the Illinois

New matter indicated by italics - deletions by strikeout
Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(8) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home.

(e) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(f) Upon fulfillment of the terms and conditions of probation, the court shall discharge such person and dismiss the proceedings against him.

(g) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal, however, discharge and dismissal under this Section is not a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime (including the additional penalty imposed for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d) of this Act).

(h) Discharge and dismissal under this Section, or under Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act may occur only once with respect to any person.

(i) If a person is convicted of an offense under this Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as a factor in aggravation.

(Source: P.A. 91-696, eff. 4-13-00.)

(720 ILCS 550/10.2) (from Ch. 56 1/2, par. 710.2)
Sec. 10.2. (a) Twelve and one-half percent of all amounts collected as fines pursuant to the provisions of this Act shall be paid into the Youth Drug Abuse Prevention Fund, which is hereby created in the State treasury, to be used by the Department of Human Services for the funding of programs and services for drug-abuse treatment, and prevention and education services, for juveniles.

New matter indicated by italics - deletions by strikeout
(b) Eighty-seven and one-half percent of the proceeds of all fines received under the provisions of this Act shall be transmitted to and deposited in the treasurer's office at the level of government as follows:

(1) If such seizure was made by a combination of law enforcement personnel representing differing units of local government, the court levying the fine shall equitably allocate 50% of the fine among these units of local government and shall allocate 37 1/2% to the county general corporate fund. In the event that the seizure was made by law enforcement personnel representing a unit of local government from a municipality where the number of inhabitants exceeds 2 million in population, the court levying the fine shall allocate 87 1/2% of the fine to that unit of local government. If the seizure was made by a combination of law enforcement personnel representing differing units of local government, and at least one of those units represents a municipality where the number of inhabitants exceeds 2 million in population, the court shall equitably allocate 87 1/2% of the proceeds of the fines received among the differing units of local government.

(2) If such seizure was made by State law enforcement personnel, then the court shall allocate 37 1/2% to the State treasury and 50% to the county general corporate fund.

(3) If a State law enforcement agency in combination with a law enforcement agency or agencies of a unit or units of local government conducted the seizure, the court shall equitably allocate 37 1/2% of the fines to or among the law enforcement agency or agencies of the unit or units of local government which conducted the seizure and shall allocate 50% to the county general corporate fund.

(c) The proceeds of all fines allocated to the law enforcement agency or agencies of the unit or units of local government pursuant to subsection (b) shall be made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating controlled substances and cannabis. The proceeds of fines awarded to the State treasury shall be deposited in a special fund known as the Drug Traffic Prevention Fund, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code. Monies from this fund may be used by the Department of State Police for use in the enforcement of laws regulating controlled substances and cannabis; to satisfy funding provisions of the Intergovernmental Drug Laws Enforcement Act; to defray costs and expenses

New matter indicated by italics - deletions by strikeout
associated with returning violators of this Act, and the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act only, as provided in such Acts, when punishment of the crime shall be confinement of the criminal in the penitentiary; and all other monies shall be paid into the general revenue fund in the State treasury.

(Source: P.A. 88-517; 89-507, eff. 7-1-97.)

Section 1065. The Illinois Controlled Substances Act is amended by changing Sections 102, 401, 401.1, 401.5, 402, 405.2, 405.3, 406.1, 407, 410, and 413 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

(1) a practitioner (or, in his presence, by his authorized agent),
(2) the patient or research subject at the lawful direction of the practitioner, or
(3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(i) boldenone,
(ii) chlorotestosterone,
(iii) chostebol,
(iv) dehydrochlormethyltestosterone,
(v) dihydrotestosterone,

New matter indicated by italics - deletions by strikeout
(vi) drostanolone,
(vii) ethylestrenol,
(viii) fluoxymesterone,
(ix) formebulone,
(x) mesterolone,
(xi) methandienone,
(xii) methandranone,
(xiii) methandriol,
(xiv) methandrostenolone,
(xv) methenolone,
(xvi) methyltestosterone,
(xvii) mibolerone,
(xviii) nandrolone,
(xix) norethandrolone,
(xx) oxandrolone,
(xxi) oxymesterone,
(xxii) oxymetholone,
(xxiii) stanolone,
(xxiv) stanozolol,
(xxv) testolactone,
(xxvi) testosterone,
(xxvii) trenbolone, and
(xxviii) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(e) "Control" means to add a drug or other substance, or immediate
precursor, to a Schedule under Article II of this Act whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means a drug, substance, or immediate precursor in the Schedules of Article II of this Act.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) "Department of State Police" means the Department of State Police of the State of Illinois or its successor agency.

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Professional Regulation" means the Department of Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" or "stimulant substance" means:

(1) a drug which contains any quantity of (i) barbituric acid or any of the salts of barbituric acid which has been designated as habit forming under section 502 (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 (d)); or

(2) a drug which contains any quantity of (i) amphetamine or methamphetamine and any of their optical isomers; (ii) any salt of amphetamine or methamphetamine or any salt of an optical isomer of amphetamine; or (iii) any substance which the Department, after investigation, has found to be, and by rule designated as, habit forming because of its depressant or stimulant effect on the central nervous system; or

(3) lysergic acid diethylamide; or

(4) any drug which contains any quantity of a substance which the Department, after investigation, has found to have, and by rule designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

New matter indicated by italics - deletions by strikeout
(n) (Blank).

(o) "Director" means the Director of the Department of State Police or the Department of Professional Regulation or his designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-5) "Euthanasia agency" means an entity certified by the Department of Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

New matter indicated by italics - deletions by strikeout
(1) lack of consistency of doctor-patient relationship,
(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,
(3) quantities beyond those normally prescribed,
(4) unusual dosages,
(5) unusual geographic distances between patient, pharmacist and prescriber,
(6) consistent prescribing of habit-forming drugs.

(u-l) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(v) "Immediate precursor" means a substance:
(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;
(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and
(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the
substance concerning its nature, use or effect;
(b) statements made to the buyer or recipient that the
substance may be resold for profit;
(c) whether the substance is packaged in a manner normally
used for the illegal distribution of controlled substances;
(d) whether the distribution or attempted distribution included
an exchange of or demand for money or other property as
consideration, and whether the amount of the consideration was
substantially greater than the reasonable retail market value of the
substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled
substance in its finished dosage form that was initially introduced into
commerce prior to the initial introduction into commerce of a controlled
substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing
of noncontrolled substances by persons authorized to dispense and distribute
controlled substances under this Act, provided that such action would be
deemed to be carried out in good faith under subsection (u) if the substances
involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture,
preparation, propagation, compounding, processing, packaging, advertising
or distribution of a drug or drugs by any person registered pursuant

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a
state of the United States, other than Illinois, that delivers, dispenses or
distributes, through the United States Postal Service or other common
carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation,
compounding, conversion or processing of a controlled substance other than
methamphetamine, either directly or indirectly, by extraction from substances
of natural origin, or independently by means of chemical synthesis, or by a
combination of extraction and chemical synthesis, and includes any
packaging or repackaging of the substance or labeling of its container, except
that this term does not include:

(1) by an ultimate user, the preparation or compounding of a
controlled substance for his own use; or
(2) by a practitioner, or his authorized agent under his
supervision, the preparation, compounding, packaging, or labeling of
a controlled substance:

New matter indicated by italics - deletions by strikeout
(a) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or
(b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) (Blank). "Methamphetamine manufacturing chemical" means any of the following chemicals or substances containing any of the following chemicals: benzyl methyl ketone, ephedrine, methyl benzyl ketone, phenylacetone, phenyl-2-propanone, pseudoephedrine, or red phosphorous or any of the salts, optical isomers, or salts of optical isomers of the above-listed chemicals.

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
(1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;
(2) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), but not including the isoquinoline alkaloids of opium;
(3) opium poppy and poppy straw;
(4) coca leaves and any salts, compound, isomer, salt of an isomer, derivative, or preparation of coca leaves including cocaine or ecgonine, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine (for the purpose of this paragraph, the term "isomer" includes optical, positional and geometric isomers).

(bb) "Nurse" means a registered nurse licensed under the Nursing and Advanced Practice Nursing Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.
(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act of 1987.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian who issues a prescription, a physician assistant who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse with prescriptive authority in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

(nn) "Prescription" means a lawful written, facsimile, or verbal order of a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian for any controlled substance, of a physician assistant for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or of an advanced practice nurse who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and a written collaborative agreement under Sections 15-
15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(Source: P.A. 92-449, eff. 1-1-02; 93-596, eff. 8-26-03; 93-626, eff. 12-23-03.)

(720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

Sec. 401. Except as authorized by this Act, it is unlawful for any person knowingly to: (i) manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance other than methamphetamine, a counterfeit substance, or a controlled substance analog or (ii) possess any methamphetamine manufacturing chemical listed in paragraph (z-1) of Section 102 with the intent to manufacture methamphetamine or the salt of an optical isomer of methamphetamine or an analog thereof. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance which is intended for human consumption, other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines, morphinans, eegonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.
(a) Any person who violates this Section with respect to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (c), (c-5), (d), (d-5), (e), (f), (g) or (h) to the contrary, is guilty of a Class X felony and shall be sentenced to a term of imprisonment as provided in this subsection (a) and fined as provided in subsection (b):

1. (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing heroin, or an analog thereof;
   (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing heroin, or an analog thereof;

2. (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing cocaine, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing cocaine, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing cocaine, or an analog thereof;
   (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing cocaine, or an analog thereof;

3. (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing morphine, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing morphine, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing morphine, or an analog thereof;
(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing morphine, or an analog thereof;
(4) 200 grams or more of any substance containing peyote, or an analog thereof;
(5) 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;
(6) 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;
(6.5) (blank); (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;
(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;
(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;
(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;
(6.6) (blank); (A) not less than 6 years and not more than 30 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 30 grams or more but less than 150 grams of any substance containing methamphetamine, or salt of any optical isomer of methamphetamine, or an analog thereof;
(B) not less than 6 years and not more than 40 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 150 grams or more but less than 500 grams of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

New matter indicated by italics - deletions by strikeout
(C) not less than 6 years and not more than 50 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 500 grams or more but less than 1200 grams of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

(D) not less than 6 years and not more than 60 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 1200 grams or more of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

(7) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amounts of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

New matter indicated by italics - deletions by strikeout
(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof; or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed

New matter indicated by italics - deletions by strikeout
in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(11) 200 grams or more of any substance containing any other controlled substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (6.5), (6.6), (7), or (7.5) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not more than $500,000 or the full street value of the controlled or counterfeit substance or controlled substance analog, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $500,000.

(c) Any person who violates this Section with regard to the following amounts of controlled or counterfeit substances or controlled substance
analogs, notwithstanding any of the provisions of subsections (a), (b), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class 1 felony. The fine for violation of this subsection (c) shall not be more than $250,000:

   (1) 1 gram or more but less than 15 grams of any substance containing heroin, or an analog thereof;
   (2) 1 gram or more but less than 15 grams of any substance containing cocaine, or an analog thereof;
   (3) 10 grams or more but less than 15 grams of any substance containing morphine, or an analog thereof;
   (4) 50 grams or more but less than 200 grams of any substance containing peyote, or an analog thereof;
   (5) 50 grams or more but less than 200 grams of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;
   (6) 50 grams or more but less than 200 grams of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;
   (6.5) blank; 5 grams or more but less than 15 grams of any substance containing methamphetamine or any salt or optical isomer of methamphetamine, or an analog thereof;
   (7) (i) 5 grams or more but less than 15 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof; or (ii) more than 10 objects or more than 15 segregated parts of an object or objects but less than 15 objects or less than 15 segregated parts of an object containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;
   (7.5) (i) 5 grams or more but less than 15 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) more than 10 pills, tablets, caplets, capsules, or objects but less than 15 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;
   (8) 10 grams or more but less than 30 grams of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

New matter indicated by italics - deletions by strikeout
(9) 10 grams or more but less than 30 grams of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 10 grams or more but less than 30 grams of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 10 grams or more but less than 30 grams of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(11) 50 grams or more but less than 200 grams of any substance containing a substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(c-5) (Blank). Any person who violates this Section with regard to possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 15 grams or more but less than 30 grams of methamphetamine, or salt of an optical isomer of methamphetamine or any analog thereof, is guilty of a Class 1 felony. The fine for violation of this subsection (c-5) shall not be more than $250,000.

(d) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedules I or II, or an analog thereof, which is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or an analog thereof, or (iii) any substance containing amphetamine or methamphetamine or any salt or optical isomer of amphetamine or methamphetamine, or an analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d) shall not be more than $200,000.

(d-5) (Blank). Any person who violates this Section with regard to possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture less than 15 grams of methamphetamine, or salt of an optical isomer of methamphetamine or any analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d-5) shall not be more than $200,000.

(e) Any person who violates this Section with regard to any other amount of a controlled substance other than methamphetamine or counterfeit substance classified in Schedule I or II, or an analog thereof, which substance is not included under subsection (d) of this Section, is guilty of a Class 3 felony. The fine for violation of this subsection (e) shall not be more than $150,000.

(f) Any person who violates this Section with regard to any other

New matter indicated by italics - deletions by strikeout
amount of a controlled or counterfeit substance classified in Schedule III is guilty of a Class 3 felony. The fine for violation of this subsection (f) shall not be more than $125,000.

(g) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule IV is guilty of a Class 3 felony. The fine for violation of this subsection (g) shall not be more than $100,000.

(h) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule V is guilty of a Class 3 felony. The fine for violation of this subsection (h) shall not be more than $75,000.

(i) This Section does not apply to the manufacture, possession or distribution of a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act.

(j) (Blank). The presence of any methamphetamine manufacturing chemical in a sealed, factory imprinted container, including, but not limited to a bottle, box, or plastic blister package, at the time of seizure by law enforcement, is prima facie evidence that the methamphetamine manufacturing chemical located within the container is in fact the chemical so described and in the amount and dosage listed on the container. The factory imprinted container is admissible for a violation of this Section for purposes of proving the contents of the container.

(720 ILCS 570/401.1) (from Ch. 56 1/2, par. 1401.1)
Sec. 401.1. Controlled Substance Trafficking.

(a) Except for purposes as authorized by this Act, any person who knowingly brings or causes to be brought into this State for the purpose of manufacture or delivery or with the intent to manufacture or deliver a controlled substance other than methamphetamine or counterfeit substance in this or any other state or country is guilty of controlled substance trafficking.

(b) A person convicted of controlled substance trafficking shall be sentenced to a term of imprisonment not less than twice the minimum term and fined an amount as authorized by Section 401 of this Act, based upon the amount of controlled or counterfeit substance brought or caused to be brought into this State, and not more than twice the maximum term of imprisonment and fined twice the amount as authorized by Section 401 of this Act, based
upon the amount of controlled or counterfeit substance brought or caused to be brought into this State.

(c) It shall be a Class 2 felony for which a fine not to exceed $100,000 may be imposed for any person to knowingly use a cellular radio telecommunication device in the furtherance of controlled substance trafficking. This penalty shall be in addition to any other penalties imposed by law.

(Source: P.A. 85-1294; 86-1391.)

(720 ILCS 570/401.5)

Sec. 401.5. Chemical breakdown of illicit controlled substance.

(a) It is unlawful for any person to manufacture a controlled substance other than methamphetamine prohibited by this Act by chemically deriving the controlled substance from one or more other controlled substances prohibited by this Act.

(a-5) It is unlawful for any person to possess any substance with the intent to use the substance to facilitate the manufacture of any controlled substance other than methamphetamine, any or counterfeit substance, or any controlled substance analog other than as authorized by this Act.

(b) A violation of this Section is a Class 4 felony.

(c) (Blank). This Section does not apply to the possession of any methamphetamine manufacturing chemicals with the intent to manufacture methamphetamine or any salt of an optical isomer of methamphetamine, or an analog of methamphetamine.

(Source: P.A. 90-775, eff. 1-1-99; 91-403, eff. 1-1-00; 91-825, eff. 6-13-00.)

(720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

Sec. 402. Except as otherwise authorized by this Act, it is unlawful for any person knowingly to possess a controlled or counterfeit substance. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act.

(a) Any person who violates this Section with respect to the following controlled or counterfeit substances and amounts, notwithstanding any of the provisions of subsections (c) and (d) to the contrary, is guilty of a Class 1 felony and shall, if sentenced to a term of imprisonment, be sentenced as provided in this subsection (a) and fined as provided in subsection (b):

(1) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin;

(B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of
a substance containing heroin;
   (C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing heroin;
   (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing heroin;
(2) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of any substance containing cocaine;
   (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of any substance containing cocaine;
   (C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing cocaine;
   (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing cocaine;
(3) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of any substance containing morphine;
   (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of any substance containing morphine;
   (C) not less than 6 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing morphine;
   (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing morphine;
(4) 200 grams or more of any substance containing peyote;
(5) 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid;
(6) 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine;
   (6.5) (blank); (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of a
substance containing methamphetamine or any salt of an optical isomer of methamphetamine;

(B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine;

(C) not less than 8 years and not more than 40-900 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine;

(D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing methamphetamine or any salt of an optical isomer of methamphetamine;

(7) (A) not less than 4 years and not more than 15 years with respect to: (i) 15 grams or more but less than 100 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(B) not less than 6 years and not more than 30 years with respect to: (i) 100 grams or more but less than 400 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(C) not less than 8 years and not more than 40 years with respect to: (i) 400 grams or more but less than 900 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an

New matter indicated by italics - deletions by strikeout
(D) not less than 10 years and not more than 50 years with respect to: (i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5) (A) not less than 4 years and not more than 15 years with respect to: (i) 15 grams or more but less than 100 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(B) not less than 6 years and not more than 30 years with respect to: (i) 100 grams or more but less than 400 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(C) not less than 8 years and not more than 40 years with respect to: (i) 400 grams or more but less than 900 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),

New matter indicated by italics - deletions by strikeout
(25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(D) not less than 10 years and not more than 50 years with respect to: (i) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; or (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone;

(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP);

(10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine;

(11) 200 grams or more of any substance classified as a narcotic drug in Schedules I or II which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (6.5), (7), or (7.5) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not to exceed $200,000 or the full street value of the controlled or counterfeit substances, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $200,000.

(c) Any person who violates this Section with regard to an amount of a controlled substance other than methamphetamine or counterfeit substance not set forth in subsection (a) or (d) is guilty of a Class 4 felony. The fine for a violation punishable under this subsection (c) shall not be more than $25,000.
(d) Any person who violates this Section with regard to any amount of anabolic steroid is guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for a subsequent offense committed within 2 years of a prior conviction.

(Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99; 92-256, eff. 1-1-02.)

(720 ILCS 570/405.2)

Sec. 405.2. Streetgang criminal drug conspiracy.

(a) Any person who engages in a streetgang criminal drug conspiracy, as defined in this Section, is guilty of a Class X felony for which the offender shall be sentenced to a term of imprisonment as follows:

(1) not less than 15 years and not more than 60 years for a violation of subsection (a) of Section 401;

(2) not less than 10 years and not more than 30 years for a violation of subsection (c) of Section 401.

For the purposes of this Section, a person engages in a streetgang criminal drug conspiracy when:

(i) he or she violates any of the provisions of subsection (a) or (c) of Section 401 of this Act or any provision of the Methamphetamine Control and Community Protection Act; and

(ii) such violation is part of a conspiracy undertaken or carried out with 2 or more other persons; and

(iii) such conspiracy is in furtherance of the activities of an organized gang as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act; and

(iv) he or she occupies a position of organizer, a supervising person, or any other position of management with those persons identified in clause (ii) of this subsection (a).

The fine for a violation of this Section shall not be more than $500,000, and the offender shall be subject to the forfeitures prescribed in subsection (b).

(b) Subject to the provisions of Section 8 of the Drug Asset Forfeiture Procedure Act, any person who is convicted under this Section of engaging in a streetgang criminal drug conspiracy shall forfeit to the State of Illinois:

(1) the receipts obtained by him or her in such conspiracy; and

(2) any of his or her interests in, claims against, receipts from, or property or rights of any kind affording a source of influence over, such conspiracy.

(c) The circuit court may enter such injunctions, restraining orders, directions or prohibitions, or may take such other actions, including the

New matter indicated by italics - deletions by strikeout
acceptance of satisfactory performance bonds, in connection with any property, claim, receipt, right or other interest subject to forfeiture under this Section, as it deems proper.

(Source: P.A. 89-498, eff. 6-27-96.)

Sec. 406.1. (a) Any person who controls any building and who performs the following act commits the offense of permitting unlawful use of a building:

Knowingly grants, permits or makes the building available for use for the purpose of unlawfully manufacturing or delivering a controlled substance other than methamphetamine.

(b) Permitting unlawful use of a building is a Class 4 felony.

(Source: P.A. 85-537.)

Sec. 407. (a) (1)(A) Any person 18 years of age or over who violates any subsection of Section 401 or subsection (b) of Section 404 by delivering a controlled, counterfeit or look-alike substance to a person under 18 years of age may be sentenced to imprisonment for a term up to twice the maximum term and fined an amount up to twice that amount otherwise authorized by the pertinent subsection of Section 401 and Subsection (b) of Section 404.

(B) (Blank). Any person 18 years of age or over who violates subdivision (a)(6.5), subdivision (a)(6.6), subdivision (c)(6.5), subdivision (e-5), subsection (d), or subsection (d-5) of Section 401 by manufacturing methamphetamine, preparing to manufacture methamphetamine, or storing methamphetamine ingredients, methamphetamine waste, or methamphetamine manufacturing process may be sentenced to imprisonment for a term up to twice the maximum term and fined an amount up to twice that amount otherwise authorized by the pertinent subsection of Section 401 and subsection (b) of Section 404.

(2) Except as provided in paragraph (3) of this subsection, any person who violates:

(A) subsection (c) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 1 felony, the fine for which shall not exceed
$250,000;

(B) subsection (d) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 2 felony, the fine for which shall not exceed $200,000;

(C) subsection (e) of Section 401 or subsection (b) of Section 404 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed $150,000;

(D) subsection (f) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed $125,000;

(E) subsection (g) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed $100,000;

(F) subsection (h) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed $75,000;

(3) Any person who violates paragraph (2) of this subsection (a) by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of a truck stop or a safety rest area, following a prior conviction or convictions of paragraph (2) of this subsection (a) may be sentenced to a term of imprisonment up to 2 times the maximum term and fined an amount up to 2 times the amount otherwise authorized by Section 401.

(4) For the purposes of this subsection (a):

(A) "Safety rest area" means a roadside facility removed from the roadway with parking and facilities designed for motorists' rest, comfort, and information needs; and

(B) "Truck stop" means any facility (and its parking areas) used to provide fuel or service, or both, to any commercial motor

New matter indicated by italics - deletions by strikeout
vehicle as defined in Section 18b-101 of the Illinois Vehicle Code.

(b) Any person who violates:

(1) subsection (c) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class X felony, the fine for which shall not exceed $500,000;

(2) subsection (d) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or

New matter indicated by italics - deletions by strikeout
residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 1 felony, the fine for which shall not exceed $250,000;

(3) subsection (e) of Section 401 or Subsection (b) of Section 404 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet

New matter indicated by italics - deletions by strikeout
of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed $200,000;

(4) subsection (f) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed $150,000;

(5) subsection (g) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed $150,000;

New matter indicated by italics - deletions by strikeout
any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed $125,000;

(6) subsection (h) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or

New matter indicated by italics - deletions by strikeout
structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed $100,000.

(c) Regarding penalties prescribed in subsection (b) for violations committed in a school or on or within 1,000 feet of school property, the time of day, time of year and whether classes were currently in session at the time of the offense is irrelevant.

(Source: P.A. 92-16, eff. 6-28-01; 93-223, eff. 1-1-04.)

(720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

Sec. 410. (a) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for any offense under this Act or any law of the United States or of any State relating to cannabis or controlled substances, pleads guilty to or is found guilty of possession of a controlled or counterfeit substance under subsection (c) of Section 402, the court, without entering a judgment and with the consent of such person, may sentence him to probation.

(b) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(c) The conditions of probation shall be that the person: (1) not violate any criminal statute of any jurisdiction; (2) refrain from possessing a firearm or other dangerous weapon; (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and (4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.

(d) The court may, in addition to other conditions, require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;

New matter indicated by italics - deletions by strikeout
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical or psychiatric treatment; or treatment or rehabilitation approved by the Illinois Department of Human Services;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(6-5) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;
(7) and in addition, if a minor:  
(i) reside with his parents or in a foster home;
(ii) attend school;
(iii) attend a non-residential program for youth;
(iv) contribute to his own support at home or in a foster home.
(e) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.
(f) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against him.
(g) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal, however, discharge and dismissal under this Section is not a conviction for purposes of this Act or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.
(h) There may be only one discharge and dismissal under this Section, or Section 10 of the Cannabis Control Act, or Section 70 of the Methamphetamine Control and Community Protection Act with respect to any person.
(i) If a person is convicted of an offense under this Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as evidence in

New matter indicated by italics - deletions by strikeout
aggravation.
(Source: P.A. 91-696, eff. 4-13-00.)
(720 ILCS 570/413) (from Ch. 56 1/2, par. 1413)
Sec. 413. (a) Twelve and one-half percent of all amounts collected as
fines pursuant to the provisions of this Article shall be paid into the Youth
Drug Abuse Prevention Fund, which is hereby created in the State treasury,
to be used by the Department for the funding of programs and services for
drug-abuse treatment, and prevention and education services, for juveniles.
(b) Eighty-seven and one-half percent of the proceeds of all fines
received under the provisions of this Article shall be transmitted to and
deposited in the treasurer's office at the level of government as follows:
(1) If such seizure was made by a combination of law
enforcement personnel representing differing units of local
government, the court levying the fine shall equitably allocate 50% of
the fine among these units of local government and shall allocate
37 1/2% to the county general corporate fund. In the event that the
seizure was made by law enforcement personnel representing a unit
of local government from a municipality where the number of
inhabitants exceeds 2 million in population, the court levying the fine
shall allocate 87 1/2% of the fine to that unit of local government. If
the seizure was made by a combination of law enforcement personnel
representing differing units of local government, and at least one of
those units represents a municipality where the number of inhabitants
exceeds 2 million in population, the court shall equitably allocate 87
1/2% of the proceeds of the fines received among the differing units
of local government.
(2) If such seizure was made by State law enforcement
personnel, then the court shall allocate 37 1/2% to the State treasury
and 50% to the county general corporate fund.
(3) If a State law enforcement agency in combination with a
law enforcement agency or agencies of a unit or units of local
government conducted the seizure, the court shall equitably allocate
37 1/2% of the fines to or among the law enforcement agency or
agencies of the unit or units of local government which conducted the
seizure and shall allocate 50% to the county general corporate fund.
(c) The proceeds of all fines allocated to the law enforcement agency
or agencies of the unit or units of local government pursuant to subsection (b)
shall be made available to that law enforcement agency as expendable
receipts for use in the enforcement of laws regulating cannabis,

New matter indicated by italics - deletions by strikeout
methamphetamine, and other controlled substances and cannabis. The proceeds of fines awarded to the State treasury shall be deposited in a special fund known as the Drug Traffic Prevention Fund, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code. Monies from this fund may be used by the Department of State Police or use in the enforcement of laws regulating cannabis, methamphetamine, and other controlled substances and cannabis, to satisfy funding provisions of the Intergovernmental Drug Laws Enforcement Act; to defray costs and expenses associated with returning violators of the Cannabis Control Act and this Act only, as provided in those Acts, when punishment of the crime shall be confinement of the criminal in the penitentiary; and all other monies shall be paid into the general revenue fund in the State treasury.

(Source: P.A. 87-342; 87-993.)

(720 ILCS 570/405.3 rep.)
(720 ILCS 570/411.3 rep.)

Section 1066. The Illinois Controlled Substances Act is amended by repealing Sections 405.3 and 411.3.

Section 1070. The Drug Paraphernalia Control Act is amended by changing Section 2 as follows:

(720 ILCS 600/2) (from Ch. 56 1/2, par. 2102)
Sec. 2. As used in this Act, unless the context otherwise requires:
(a) The term "cannabis" shall have the meaning ascribed to it in Section 3 of the "Cannabis Control Act", as if that definition were incorporated herein.
(b) The term "controlled substance" shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substances Act", as if that definition were incorporated herein.
(c) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.
(d) "Drug paraphernalia" means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance.

New matter indicated by italics - deletions by strikeout
in violation of the "Cannabis Control Act, or the "Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act." It includes, but is not limited to:

(1) kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;

(2) isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;

(3) testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;

(4) diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;

(5) objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:

(A) water pipes;
(B) carburetion tubes and devices;
(C) smoking and carburetion masks;
(D) miniature cocaine spoons and cocaine vials;
(E) carburetor pipes;
(F) electric pipes;
(G) air-driven pipes;
(H) chillums;
(I) bongs;
(J) ice pipes or chillers;

(6) any item whose purpose, as announced or described by the seller, is for use in violation of this Act.

(Source: P.A. 93-526, eff. 8-12-03.)

Section 1075. The Methamphetamine Manufacturing Chemical Retail Sale Control Act is amended by changing Sections 1, 5, 10, 15, 30, 45, 50, and 60 as follows:

(720 ILCS 647/1)

Sec. 1. Short title. This Act may be cited as the Methamphetamine precursor Methamphetamine Manufacturing Chemical Retail Sale Control Act.

(Source: P.A. 93-1008, eff. 1-1-05.)

New matter indicated by italics - deletions by strikeout
Sec. 5. Purpose. The purpose of this Act is to reduce the harm that methamphetamine is inflicting on individuals, families, communities, the economy, and the environment in Illinois by making it more difficult for persons engaged in the unlawful manufacture of methamphetamine to obtain methamphetamine precursor methamphetamine manufacturing chemicals. (Source: P.A. 93-1008, eff. 1-1-05.)

Sec. 10. Definitions. In this Act:

"Methamphetamine precursor" has the meaning ascribed to it in Section 10 of the Methamphetamine Control and Community Protection Act. "Methamphetamine manufacturing chemical" has the meaning ascribed to it in subsection (z-1) of Section 102 of the Illinois Controlled Substances Act.

"Targeted methamphetamine precursor methamphetamine manufacturing chemical" and "targeted medications" mean a subset of "methamphetamine precursor methamphetamine manufacturing chemicals".

"Targeted methamphetamine precursor methamphetamine manufacturing chemical" means any medication in the form of a tablet, capsule, caplet, or similar product that is sold over the counter, without a prescription, and that contains either (A) more than 15 milligrams of ephedrine or its salts, optical isomers, or salts of optical isomers or (B) more than 15 milligrams of pseudoephedrine or its salts, optical isomers, or salts of optical isomers. "Targeted methamphetamine precursor methamphetamine manufacturing chemical" does not include any medication in the form of a liquid, liquid cap, gel cap, or other similar substance, or any medication dispensed by a licensed pharmacist pursuant to a valid prescription.

"Package" means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

"Targeted package" means a package containing any amount of a targeted methamphetamine precursor methamphetamine manufacturing chemical.

"Single active ingredient targeted methamphetamine precursor methamphetamine manufacturing chemical" means a targeted methamphetamine precursor methamphetamine manufacturing chemical whose sole active ingredient is ephedrine or its salts, optical isomers, or salts of optical isomers; or pseudoephedrine or its salts, optical isomers, or salts of optical isomers.

"Single active ingredient targeted package" means a package...
containing any amount of single active ingredient targeted methamphetamine precursor methamphetamine manufacturing chemical.

"Multiple active ingredient targeted methamphetamine precursor methamphetamine manufacturing chemical" means a targeted methamphetamine precursor methamphetamine manufacturing chemical that contains at least one active ingredient other than ephedrine or its salts, optical isomers, or salts of optical isomers; or pseudoephedrine or its salts, optical isomers, or salts of optical isomers.

"Multiple active ingredient targeted package" means a package containing any amount of multiple active ingredient targeted methamphetamine precursor methamphetamine manufacturing chemical.

"Stock keeping unit" or "SKU" means the primary or basic unit of measure assigned to an item sold by a retail distributor and the smallest unit of an item that may be dispensed from a retail distributor's inventory.

"Targeted stock keeping unit" means a stock keeping unit assigned to a targeted package.

"Blister pack" means a unit dose package commonly constructed from a formed cavity containing one or more individual doses.

"Capsule" means a solid dosage form in which a medicinal substance is enclosed and consisting of either a hard or soft soluble outer shell.

"Customer" means a person who buys goods from a retail distributor.

"Distribute" means to sell, give, provide or otherwise transfer.

"Dosage unit" means an exact amount of a drug's treatment pre-packaged by the manufacturer or pharmacist in standardized amounts.

"Sales employee" means any employee who at any time (a) operates a cash register at which targeted packages may be sold, (b) works at or behind a pharmacy counter, (c) stocks shelves containing targeted packages, or (d) trains or supervises other employees who engage in any of the preceding activities.

"Tablet" means a solid dosage form of varying weight, size, and shape that may be molded or compressed and that contains a medicinal substance in pure or diluted form.

"Single retail transaction" means a sale by a retail distributor to a specific customer at a specific time.

"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine precursor methamphetamine manufacturing chemicals are limited exclusively or almost exclusively to sales for personal use, both in

New matter indicated by italics - deletions by strikeout
number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.
(Source: P.A. 93-1008, eff. 1-1-05.)

(720 ILCS 647/15)
Sec. 15. Package sale restrictions.
(a) Any targeted methamphetamine precursor methamphetamine manufacturing chemical displayed or distributed by any retail distributor in Illinois shall be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets or pouches.

(b) Any targeted package displayed or distributed by any retail distributor in Illinois shall contain no more than 3 grams of ephedrine or its salts, optical isomers, or salts of optical isomers; or pseudoephedrine or its salts, optical isomers, or salts of optical isomers.

(c) A retail distributor may not distribute more than 2 targeted packages in a single retail transaction.

(d) A retail distributor may not permit the purchase of any targeted package by means of a self-service checkout station, unless the self-service checkout station is programmed in a manner that satisfies all of the following conditions for each retail transaction:

(1) When a particular customer seeks to purchase a single targeted package, the self-service checkout station may allow him or her to do so without any special prompts or actions.

(2) If the customer seeks to purchase a second targeted package, the self-service checkout station shall not allow him or her to purchase the second targeted package without the assistance of a sales employee. If the customer then seeks the assistance of a sales employee, the sales employee may instruct the self-service checkout station to allow the sale of the second targeted package.

(3) If the customer seeks to purchase a third targeted package, neither the self-service checkout station nor the store employee shall allow him or her to do so.

(e) A retail distributor, its employees, or its agents may not distribute any targeted package or packages with knowledge that they will be used to manufacture methamphetamine or with reckless disregard of the likely use of such package or packages to manufacture methamphetamine.
(Source: P.A. 93-1008, eff. 1-1-05.)

(720 ILCS 647/30)
Sec. 30. Training and certification.

New matter indicated by italics - deletions by strikeout
(a) Every retail distributor of any targeted methamphetamine precursor methamphetamine manufacturing chemical shall train each sales employee on the topics listed on the certification form described in subsection (b) of this Section. This training may be conducted by a live trainer or by means of a computer-based training program. This training shall be completed by the effective date of this Act or within 30 days of the date that each sales employee begins working for the retail distributor, whichever of these 2 dates comes later.

(b) Immediately after training each sales employee as required in subsection (a) of this Section, every retail distributor of any targeted methamphetamine precursor methamphetamine manufacturing chemical shall have each sales employee read, sign, and date a certification form containing the following language:

1. My name is (insert name of employee) and I am an employee of (insert name of business) at (insert street address).
2. I understand that in Illinois there are laws governing the sale of certain over-the-counter medications that contain a chemical called ephedrine or a second chemical called pseudoephedrine. Medications that are subject to these laws are called "targeted medications" and they are sold in "targeted packages".
3. I understand that "targeted medications" can be used to manufacture the illegal and dangerous drug methamphetamine and that methamphetamine is causing great harm to individuals, families, communities, the economy, and the environment throughout Illinois.
4. I understand that under Illinois law, the store where I work is not allowed to sell more than 2 "targeted packages" in a single retail transaction. That means the store cannot sell more than 2 "targeted packages" to a single customer at one time.
5. I understand that under Illinois law, the store where I work cannot allow customers to buy "targeted packages" at self-service check-out lanes, except under certain conditions which have been described to me.
6. I understand that under Illinois law, I cannot sell "targeted medications" to a person if I know that the person is going to use them to make methamphetamine.
7. I understand that there are a number of ingredients that are used to make the illegal drug methamphetamine, including "targeted medications" sold in "targeted packages". My employer has shown me a list of these various ingredients, and I have reviewed the list.
(8) I understand that there are certain procedures that I should follow if I suspect that a store customer is purchasing "targeted medications" or other products for the purpose of manufacturing methamphetamine. These procedures have been described to me, and I understand them.

(c) A certification form of the type described in subsection (b) of this Section may be signed with a handwritten signature or a reliable electronic signature that includes, a unique identifier for each employee. The certification shall be retained by the retail distributor for each sales employee for the duration of his or her employment and for at least 30 days following the end of his or her employment. Any such form shall be made available for inspection and copying by any law enforcement officer upon request.

(d) The office of the Illinois Attorney General shall make available to retail distributors the list of methamphetamine ingredients referred to in subsection (b) of this Section.

(Source: P.A. 93-1008, eff. 1-1-05.)

(720 ILCS 647/45)

Sec. 45. Immunity from civil liability. In the event that any agent or employee of a retail distributor reports to any law-enforcement agency any suspicious activity concerning a targeted methamphetamine precursor methamphetamine manufacturing chemical or other methamphetamine ingredient or ingredients, the agent or employee and the retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct.

(Source: P.A. 93-1008, eff. 1-1-05.)

(720 ILCS 647/50)

Sec. 50. Special exclusion. If the United States Drug Enforcement Administration has formally certified that a targeted methamphetamine precursor methamphetamine manufacturing chemical has been produced in a manner that prevents its use for the manufacture of methamphetamine, this Act does not apply to the sale of the targeted methamphetamine precursor methamphetamine manufacturing chemical produced in that manner.

(Source: P.A. 93-1008, eff. 1-1-05.)

(720 ILCS 647/60)

Sec. 60. Preemption and home rule powers.

(a) Except as provided in subsection (b) of this Section, a county or municipality, including a home rule unit, may regulate the sale of targeted methamphetamine precursor methamphetamine manufacturing chemicals and
targeted packages in a manner that is not more or less restrictive than the regulation by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(b) Any regulation of the sale of targeted methamphetamine precursor methamphetamine manufacturing chemicals and targeted packages by a home rule unit that took effect on or before May 1, 2004, is exempt from the provisions of subsection (a) of this Section.

(Source: P.A. 93-1008, eff. 1-1-05.)

Section 1080. The Code of Criminal Procedure of 1963 is amended by changing Sections 108B-3, 110-5, 110-6, 110-6.1, 110-7, 110-10, 115-10.5, and 115-15 as follows:

(725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)
Sec. 108B-3. Authorization for the interception of private communication.

(a) The State's Attorney, or a person designated in writing or by law to act for him and to perform his duties during his absence or disability, may authorize, in writing, an ex parte application to the chief judge of a court of competent jurisdiction for an order authorizing the interception of a private oral communication when no party has consented to the interception and (i) the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit, a violation of Section 8-1.1 (solicitation of murder), 8-1.2 (solicitation of murder for hire), 9-1 (first degree murder), or 29B-1 (money laundering) of the Criminal Code of 1961, Section 401, 401.1 (controlled substance trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of the Illinois Controlled Substances Act or any Section of the Methamphetamine Control and Community Protection Act, a violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or conspiracy to commit money laundering or conspiracy to commit first degree murder; (ii) in response to a clear and present danger of imminent death or great bodily harm to persons resulting from: (1) a kidnapping or the holding of a hostage by force or the threat of the imminent use of force; or (2) the occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel or aircraft; (iii) to aid an investigation or prosecution of a civil action brought under the Illinois Streetgang Terrorism Omnibus Prevention Act when there is probable cause to believe the
interception of the private oral communication will provide evidence that a streetgang is committing, has committed, or will commit a second or subsequent gang-related offense or that the interception of the private oral communication will aid in the collection of a judgment entered under that Act; or (iv) upon information and belief that a streetgang has committed, is committing, or is about to commit a felony.

(b) The State's Attorney or a person designated in writing or by law to act for the State's Attorney and to perform his or her duties during his or her absence or disability, may authorize, in writing, an ex parte application to the chief judge of a circuit court for an order authorizing the interception of a private communication when no party has consented to the interception and the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit, a violation of an offense under Article 29D of the Criminal Code of 1961.

(b-1) Subsection (b) is inoperative on and after January 1, 2005.

(b-2) No conversations recorded or monitored pursuant to subsection (b) shall be made inadmissible in a court of law by virtue of subsection (b-1).

(c) As used in this Section, "streetgang" and "gang-related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(Source: P.A. 92-854, eff. 12-5-02.)

(725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

Sec. 110-5. Determining the amount of bail and conditions of release.

(a) In determining the amount of monetary bail or conditions of release, if any, which will reasonably assure the appearance of a defendant as required or the safety of any other person or the community and the likelihood of compliance by the defendant with all the conditions of bail, the court shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, whether the evidence shows that as part of the offense there was a use of violence or threatened use of violence, whether the offense involved corruption of public officials or employees, whether there was physical harm or threats of physical harm to any public official, public employee, judge, prosecutor, juror or witness, senior citizen, child or handicapped person, whether evidence shows that during the offense or during the arrest the defendant possessed or used a firearm, machine gun, explosive or metal piercing ammunition or explosive bomb device or any military or paramilitary armament, whether the evidence shows that the offense committed was related to or in furtherance of the
criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang, the condition of the victim, any written statement submitted by the victim or proffer or representation by the State regarding the impact which the alleged criminal conduct has had on the victim and the victim's concern, if any, with further contact with the defendant if released on bail, whether the offense was based on racial, religious, sexual orientation or ethnic hatred, the likelihood of the filing of a greater charge, the likelihood of conviction, the sentence applicable upon conviction, the weight of the evidence against such defendant, whether there exists motivation or ability to flee, whether there is any verification as to prior residence, education, or family ties in the local jurisdiction, in another county, state or foreign country, the defendant's employment, financial resources, character and mental condition, past conduct, prior use of alias names or dates of birth, and length of residence in the community, the consent of the defendant to periodic drug testing in accordance with Section 110-6.5, whether a foreign national defendant is lawfully admitted in the United States of America, whether the government of the foreign national maintains an extradition treaty with the United States by which the foreign government will extradite to the United States its national for a trial for a crime allegedly committed in the United States, whether the defendant is currently subject to deportation or exclusion under the immigration laws of the United States, whether the defendant, although a United States citizen, is considered under the law of any foreign state a national of that state for the purposes of extradition or non-extradition to the United States, the amount of unrecovered proceeds lost as a result of the alleged offense, the source of bail funds tendered or sought to be tendered for bail, whether from the totality of the court's consideration, the loss of funds posted or sought to be posted for bail will not deter the defendant from flight, whether the evidence shows that the defendant is engaged in significant possession, manufacture, or delivery of a controlled substance or cannabis, either individually or in consort with others, whether at the time of the offense charged he was on bond or pre-trial release pending trial, probation, periodic imprisonment or conditional discharge pursuant to this Code or the comparable Code of any other state or federal jurisdiction, whether the defendant is on bond or pre-trial release pending the imposition or execution of sentence or appeal of sentence for any offense under the laws of Illinois or any other state or federal jurisdiction, whether the defendant is under parole or mandatory supervised release or work release from the Illinois Department of Corrections or any penal institution or corrections department of any state or federal jurisdiction,

New matter indicated by italics - deletions by strikeout
the defendant's record of convictions, whether the defendant has been convicted of a misdemeanor or ordinance offense in Illinois or similar offense in other state or federal jurisdiction within the 10 years preceding the current charge or convicted of a felony in Illinois, whether the defendant was convicted of an offense in another state or federal jurisdiction that would be a felony if committed in Illinois within the 20 years preceding the current charge or has been convicted of such felony and released from the penitentiary within 20 years preceding the current charge if a penitentiary sentence was imposed in Illinois or other state or federal jurisdiction, the defendant's records of juvenile adjudication of delinquency in any jurisdiction, any record of appearance or failure to appear by the defendant at court proceedings, whether there was flight to avoid arrest or prosecution, whether the defendant escaped or attempted to escape to avoid arrest, whether the defendant refused to identify himself, or whether there was a refusal by the defendant to be fingerprinted as required by law. Information used by the court in its findings or stated in or offered in connection with this Section may be by way of proffer based upon reliable information offered by the State or defendant. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at criminal trials. If the State presents evidence that the offense committed by the defendant was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang, and if the court determines that the evidence may be substantiated, the court shall prohibit the defendant from associating with other members of the organized gang as a condition of bail or release. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(b) The amount of bail shall be:

(1) Sufficient to assure compliance with the conditions set forth in the bail bond, which shall include the defendant's current address with a written admonishment to the defendant that he or she must comply with the provisions of Section 110-12 regarding any change in his or her address. The defendant's address shall at all times remain a matter of public record with the clerk of the court.

(2) Not oppressive.

(3) Considerate of the financial ability of the accused.

(4) When a person is charged with a drug related offense involving possession or delivery of cannabis or possession or delivery...
of a controlled substance as defined in the Cannabis Control Act, as amended, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act as amended, the full street value of the drugs seized shall be considered. "Street value" shall be determined by the court on the basis of a proffer by the State based upon reliable information of a law enforcement official contained in a written report as to the amount seized and such proffer may be used by the court as to the current street value of the smallest unit of the drug seized.

(b-5) Upon the filing of a written request demonstrating reasonable cause, the State's Attorney may request a source of bail hearing either before or after the posting of any funds. If the hearing is granted, before the posting of any bail, the accused must file a written notice requesting that the court conduct a source of bail hearing. The notice must be accompanied by justifying affidavits stating the legitimate and lawful source of funds for bail. At the hearing, the court shall inquire into any matters stated in any justifying affidavits, and may also inquire into matters appropriate to the determination which shall include, but are not limited to, the following:

1. the background, character, reputation, and relationship to the accused of any surety; and
2. the source of any money or property deposited by any surety, and whether any such money or property constitutes the fruits of criminal or unlawful conduct; and
3. the source of any money posted as cash bail, and whether any such money constitutes the fruits of criminal or unlawful conduct; and
4. the background, character, reputation, and relationship to the accused of the person posting cash bail.

Upon setting the hearing, the court shall examine, under oath, any persons who may possess material information.

The State's Attorney has a right to attend the hearing, to call witnesses and to examine any witness in the proceeding. The court shall, upon request of the State's Attorney, continue the proceedings for a reasonable period to allow the State's Attorney to investigate the matter raised in any testimony or affidavit. If the hearing is granted after the accused has posted bail, the court shall conduct a hearing consistent with this subsection (b-5). At the conclusion of the hearing, the court must issue an order either approving of disapproving the bail.

(c) When a person is charged with an offense punishable by fine only
the amount of the bail shall not exceed double the amount of the maximum penalty.

(d) When a person has been convicted of an offense and only a fine has been imposed the amount of the bail shall not exceed double the amount of the fine.

(e) The State may appeal any order granting bail or setting a given amount for bail.

(Source: P.A. 93-254, eff. 1-1-04; 93-817, eff. 7-27-04.)

(725 ILCS 5/110-6) (from Ch. 38, par. 110-6)
Sec. 110-6. (a) Upon verified application by the State or the defendant or on its own motion the court before which the proceeding is pending may increase or reduce the amount of bail or may alter the conditions of the bail bond or grant bail where it has been previously revoked or denied. If bail has been previously revoked pursuant to subsection (f) of this Section or if bail has been denied to the defendant pursuant to subsection (e) of Section 110-6.1 or subsection (e) of Section 110-6.3, the defendant shall be required to present a verified application setting forth in detail any new facts not known or obtainable at the time of the previous revocation or denial of bail proceedings. If the court grants bail where it has been previously revoked or denied, the court shall state on the record of the proceedings the findings of facts and conclusion of law upon which such order is based.

(b) Violation of the conditions of Section 110-10 of this Code or any special conditions of bail as ordered by the court shall constitute grounds for the court to increase the amount of bail, or otherwise alter the conditions of bail, or, where the alleged offense committed on bail is a forcible felony in Illinois or a Class 2 or greater offense under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, revoke bail pursuant to the appropriate provisions of subsection (e) of this Section.

(c) Reasonable notice of such application by the defendant shall be given to the State.

(d) Reasonable notice of such application by the State shall be given to the defendant, except as provided in subsection (e).

(e) Upon verified application by the State stating facts or circumstances constituting a violation or a threatened violation of any of the conditions of the bail bond the court may issue a warrant commanding any peace officer to bring the defendant without unnecessary delay before the court for a hearing on the matters set forth in the application. If the actual court before which the proceeding is pending is absent or otherwise
unavailable another court may issue a warrant pursuant to this Section. When
the defendant is charged with a felony offense and while free on bail is
charged with a subsequent felony offense and is the subject of a proceeding
set forth in Section 109-1 or 109-3 of this Code, upon the filing of a verified
petition by the State alleging a violation of Section 110-10 (a) (4) of this
Code, the court shall without prior notice to the defendant, grant leave to file
such application and shall order the transfer of the defendant and the
application without unnecessary delay to the court before which the previous
felony matter is pending for a hearing as provided in subsection (b) or this
subsection of this Section. The defendant shall be held without bond pending
transfer to and a hearing before such court. At the conclusion of the hearing
based on a violation of the conditions of Section 110-10 of this Code or any
special conditions of bail as ordered by the court the court may enter an order
increasing the amount of bail or alter the conditions of bail as deemed
appropriate.

(f) Where the alleged violation consists of the violation of one or
more felony statutes of any jurisdiction which would be a forcible felony in
Illinois or a Class 2 or greater offense under the Illinois Controlled
Substances Act, the Cannabis Control Act, or the Methamphetamine
Control and Community Protection Act and the defendant is on bail for the
alleged commission of a felony, or where the defendant is on bail for a felony
domestic battery (enhanced pursuant to subsection (b) of Section 12-3.2 of
the Criminal Code of 1961), aggravated domestic battery, aggravated battery,
unlawful restraint, aggravated unlawful restraint or domestic battery in
violation of item (1) of subsection (a) of Section 12-3.2 of the Criminal Code
of 1961 against a family or household member as defined in Section 112A-3
of this Code and the violation is an offense of domestic battery against the
same victim the court shall, on the motion of the State or its own motion,
revoke bail in accordance with the following provisions:

(1) The court shall hold the defendant without bail pending
the hearing on the alleged breach; however, if the defendant is not
admitted to bail the hearing shall be commenced within 10 days from
the date the defendant is taken into custody or the defendant may not
be held any longer without bail, unless delay is occasioned by the
defendant. Where defendant occasions the delay, the running of the
10 day period is temporarily suspended and resumes at the
termination of the period of delay. Where defendant occasions the
delay with 5 or fewer days remaining in the 10 day period, the court
may grant a period of up to 5 additional days to the State for good

New matter indicated by italics - deletions by strikeout
cause shown. The State, however, shall retain the right to proceed to hearing on the alleged violation at any time, upon reasonable notice to the defendant and the court.

(2) At a hearing on the alleged violation the State has the burden of going forward and proving the violation by clear and convincing evidence. The evidence shall be presented in open court with the opportunity to testify, to present witnesses in his behalf, and to cross-examine witnesses if any are called by the State, and representation by counsel and if the defendant is indigent to have counsel appointed for him. The rules of evidence applicable in criminal trials in this State shall not govern the admissibility of evidence at such hearing. Information used by the court in its findings or stated in or offered in connection with hearings for increase or revocation of bail may be by way of proffer based upon reliable information offered by the State or defendant. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at criminal trials. A motion by the defendant to suppress evidence or to suppress a confession shall not be entertained at such a hearing. Evidence that proof may have been obtained as a result of an unlawful search and seizure or through improper interrogation is not relevant to this hearing.

(3) Upon a finding by the court that the State has established by clear and convincing evidence that the defendant has committed a forcible felony or a Class 2 or greater offense under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act while admitted to bail, or where the defendant is on bail for a felony domestic battery (enhanced pursuant to subsection (b) of Section 12-3.2 of the Criminal Code of 1961), aggravated domestic battery, aggravated battery, unlawful restraint, aggravated unlawful restraint or domestic battery in violation of item (1) of subsection (a) of Section 12-3.2 of the Criminal Code of 1961 against a family or household member as defined in Section 112A-3 of this Code and the violation is an offense of domestic battery, against the same victim, the court shall revoke the bail of the defendant and hold the defendant for trial without bail. Neither the finding of the court nor any transcript or other record of the hearing shall be admissible in the State's case in chief, but shall be admissible for impeachment, or as

New matter indicated by italics - deletions by strikeout
provided in Section 115-10.1 of this Code or in a perjury proceeding.

(4) If the bail of any defendant is revoked pursuant to paragraph (f) (3) of this Section, the defendant may demand and shall be entitled to be brought to trial on the offense with respect to which he was formerly released on bail within 90 days after the date on which his bail was revoked. If the defendant is not brought to trial within the 90 day period required by the preceding sentence, he shall not be held longer without bail. In computing the 90 day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant.

(5) If the defendant either is arrested on a warrant issued pursuant to this Code or is arrested for an unrelated offense and it is subsequently discovered that the defendant is a subject of another warrant or warrants issued pursuant to this Code, the defendant shall be transferred promptly to the court which issued such warrant. If, however, the defendant appears initially before a court other than the court which issued such warrant, the non-issuing court shall not alter the amount of bail heretofore set on such warrant unless the court sets forth on the record of proceedings the conclusions of law and facts which are the basis for such altering of another court's bond. The non-issuing court shall not alter another court's bail set on a warrant unless the interests of justice and public safety are served by such action.

(g) The State may appeal any order where the court has increased or reduced the amount of bail or altered the conditions of the bail bond or granted bail where it has previously been revoked.

(Source: P.A. 93-417, eff. 8-5-03.)

(725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

Sec. 110-6.1. Denial of bail in non-probationable felony offenses.

(a) Upon verified petition by the State, the court shall hold a hearing to determine whether bail should be denied to a defendant who is charged with a felony offense for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, is required by law upon conviction, when it is alleged that the defendant's admission to bail poses a real and present threat to the physical safety of any person or persons.

(1) A petition may be filed without prior notice to the defendant at the first appearance before a judge, or within the 21 calendar days, except as provided in Section 110-6, after arrest and release of the defendant upon reasonable notice to defendant; provided that while such petition is pending before the court, the

New matter indicated by italics - deletions by strikeout
defendant if previously released shall not be detained.

(2) The hearing shall be held immediately upon the defendant's appearance before the court, unless for good cause shown the defendant or the State seeks a continuance. A continuance on motion of the defendant may not exceed 5 calendar days, and a continuance on the motion of the State may not exceed 3 calendar days. The defendant may be held in custody during such continuance.

(b) The court may deny bail to the defendant where, after the hearing, it is determined that:

(1) the proof is evident or the presumption great that the defendant has committed an offense for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, must be imposed by law as a consequence of conviction, and

(2) the defendant poses a real and present threat to the physical safety of any person or persons, by conduct which may include, but is not limited to, a forcible felony, the obstruction of justice, intimidation, injury, physical harm, or an offense under the Illinois Controlled Substances Act which is a Class X felony, or an offense under the Methamphetamine Control and Community Protection Act which is a Class X felony, and

(3) the court finds that no condition or combination of conditions set forth in subsection (b) of Section 110-10 of this Article, can reasonably assure the physical safety of any other person or persons.

(c) Conduct of the hearings.

(1) The hearing on the defendant's culpability and dangerousness shall be conducted in accordance with the following provisions:

(A) Information used by the court in its findings or stated in or offered at such hearing may be by way of proffer based upon reliable information offered by the State or by defendant. Defendant has the right to be represented by counsel, and if he is indigent, to have counsel appointed for him. Defendant shall have the opportunity to testify, to present witnesses in his own behalf, and to cross-examine witnesses if any are called by the State. The defendant has the right to present witnesses in his favor. When the ends of justice so require, the court may exercises its discretion and

New matter indicated by italics - deletions by strikeout
compel the appearance of a complaining witness. The court shall state on the record reasons for granting a defense request to compel the presence of a complaining witness. Cross-examination of a complaining witness at the pretrial detention hearing for the purpose of impeaching the witness' credibility is insufficient reason to compel the presence of the witness. In deciding whether to compel the appearance of a complaining witness, the court shall be considerate of the emotional and physical well-being of the witness. The pretrial detention hearing is not to be used for purposes of discovery, and the post arraignment rules of discovery do not apply. The State shall tender to the defendant, prior to the hearing, copies of defendant's criminal history, if any, if available, and any written or recorded statements and the substance of any oral statements made by any person, if relied upon by the State in its petition. The rules concerning the admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. At the trial concerning the offense for which the hearing was conducted neither the finding of the court nor any transcript or other record of the hearing shall be admissible in the State's case in chief, but shall be admissible for impeachment, or as provided in Section 115-10.1 of this Code, or in a perjury proceeding.

(B) A motion by the defendant to suppress evidence or to suppress a confession shall not be entertained. Evidence that proof may have been obtained as the result of an unlawful search and seizure or through improper interrogation is not relevant to this state of the prosecution.

(2) The facts relied upon by the court to support a finding that the defendant poses a real and present threat to the physical safety of any person or persons shall be supported by clear and convincing evidence presented by the State.

(d) Factors to be considered in making a determination of dangerousness. The court may, in determining whether the defendant poses a real and present threat to the physical safety of any person or persons, consider but shall not be limited to evidence or testimony concerning:

(1) The nature and circumstances of any offense charged, including whether the offense is a crime of violence, involving a

New matter indicated by italics - deletions by strikeout
weapon.

(2) The history and characteristics of the defendant including:
   (A) Any evidence of the defendant's prior criminal history indicative of violent, abusive or assaultive behavior, or lack of such behavior. Such evidence may include testimony or documents received in juvenile proceedings, criminal, quasi-criminal, civil commitment, domestic relations or other proceedings.
   (B) Any evidence of the defendant's psychological, psychiatric or other similar social history which tends to indicate a violent, abusive, or assaultive nature, or lack of any such history.

(3) The identity of any person or persons to whose safety the defendant is believed to pose a threat, and the nature of the threat;

(4) Any statements made by, or attributed to the defendant, together with the circumstances surrounding them;

(5) The age and physical condition of any person assaulted by the defendant;

(6) Whether the defendant is known to possess or have access to any weapon or weapons;

(7) Whether, at the time of the current offense or any other offense or arrest, the defendant was on probation, parole, mandatory supervised release or other release from custody pending trial, sentencing, appeal or completion of sentence for an offense under federal or state law;

(8) Any other factors, including those listed in Section 110-5 of this Article deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive or assaultive behavior, or lack of such behavior.

(e) Detention order. The court shall, in any order for detention:
   (1) briefly summarize the evidence of the defendant's culpability and its reasons for concluding that the defendant should be held without bail;
   (2) direct that the defendant be committed to the custody of the sheriff for confinement in the county jail pending trial;
   (3) direct that the defendant be given a reasonable opportunity for private consultation with counsel, and for communication with others of his choice by visitation, mail and telephone; and
   (4) direct that the sheriff deliver the defendant as required for
appearances in connection with court proceedings.

(f) If the court enters an order for the detention of the defendant pursuant to subsection (e) of this Section, the defendant shall be brought to trial on the offense for which he is detained within 90 days after the date on which the order for detention was entered. If the defendant is not brought to trial within the 90 day period required by the preceding sentence, he shall not be held longer without bail. In computing the 90 day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant.

(g) Rights of the defendant. Any person shall be entitled to appeal any order entered under this Section denying bail to the defendant.

(h) The State may appeal any order entered under this Section denying any motion for denial of bail.

(i) Nothing in this Section shall be construed as modifying or limiting in any way the defendant's presumption of innocence in further criminal proceedings.

(Source: P.A. 85-1209.)

(725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

(a) The person for whom bail has been set shall execute the bail bond and deposit with the clerk of the court before which the proceeding is pending a sum of money equal to 10% of the bail, but in no event shall such deposit be less than $25. The clerk of the court shall provide a space on each form for a person other than the accused who has provided the money for the posting of bail to so indicate and a space signed by an accused who has executed the bail bond indicating whether a person other than the accused has provided the money for the posting of bail. The form shall also include a written notice to such person who has provided the defendant with the money for the posting of bail indicating that the bail may be used to pay costs, attorney's fees, fines, or other purposes authorized by the court and if the defendant fails to comply with the conditions of the bail bond, the court shall enter an order declaring the bail to be forfeited. The written notice must be: (1) distinguishable from the surrounding text; (2) in bold type or underscored; and (3) in a type size at least 2 points larger than the surrounding type. When a person for whom bail has been set is charged with an offense under the "Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act" which is a Class X felony, the court may require the defendant to deposit a sum equal to 100% of the bail. Where any person is charged with a forcible felony while free on bail and is the subject of proceedings under

New matter indicated by italics - deletions by strikeout
Section 109-3 of this Code the judge conducting the preliminary examination may also conduct a hearing upon the application of the State pursuant to the provisions of Section 110-6 of this Code to increase or revoke the bail for that person's prior alleged offense.

(b) Upon depositing this sum and any bond fee authorized by law, the person shall be released from custody subject to the conditions of the bail bond.

(c) Once bail has been given and a charge is pending or is thereafter filed in or transferred to a court of competent jurisdiction the latter court shall continue the original bail in that court subject to the provisions of Section 110-6 of this Code.

(d) After conviction the court may order that the original bail stand as bail pending appeal or deny, increase or reduce bail subject to the provisions of Section 110-6.2.

(e) After the entry of an order by the trial court allowing or denying bail pending appeal either party may apply to the reviewing court having jurisdiction or to a justice thereof sitting in vacation for an order increasing or decreasing the amount of bail or allowing or denying bail pending appeal subject to the provisions of Section 110-6.2.

(f) When the conditions of the bail bond have been performed and the accused has been discharged from all obligations in the cause the clerk of the court shall return to the accused or to the defendant's designee by an assignment executed at the time the bail amount is deposited, unless the court orders otherwise, 90% of the sum which had been deposited and shall retain as bail bond costs 10% of the amount deposited. However, in no event shall the amount retained by the clerk as bail bond costs be less than $5. Bail bond deposited by or on behalf of a defendant in one case may be used, in the court's discretion, to satisfy financial obligations of that same defendant incurred in a different case due to a fine, court costs, restitution or fees of the defendant's attorney of record. In counties with a population of 3,000,000 or more, the court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs and attorney's fees in the case in which the bail bond has been deposited and any other unpaid child support obligations are satisfied. In counties with a population of less than 3,000,000, the court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs in the case in which the bail bond has

New matter indicated by italics - deletions by strikeout
At the request of the defendant the court may order such 90% of defendant's bail deposit, or whatever amount is repayable to defendant from such deposit, to be paid to defendant's attorney of record.

(g) If the accused does not comply with the conditions of the bail bond the court having jurisdiction shall enter an order declaring the bail to be forfeited. Notice of such order of forfeiture shall be mailed forthwith to the accused at his last known address. If the accused does not appear and surrender to the court having jurisdiction within 30 days from the date of the forfeiture or within such period satisfy the court that appearance and surrender by the accused is impossible and without his fault the court shall enter judgment for the State if the charge for which the bond was given was a felony or misdemeanor, or if the charge was quasi-criminal or traffic, judgment for the political subdivision of the State which prosecuted the case, against the accused for the amount of the bail and costs of the court proceedings; however, in counties with a population of less than 3,000,000, instead of the court entering a judgment for the full amount of the bond the court may, in its discretion, enter judgment for the cash deposit on the bond, less costs, retain the deposit for further disposition or, if a cash bond was posted for failure to appear in a matter involving enforcement of child support or maintenance, the amount of the cash deposit on the bond, less outstanding costs, may be awarded to the person or entity to whom the child support or maintenance is due. The deposit made in accordance with paragraph (a) shall be applied to the payment of costs. If judgment is entered and any amount of such deposit remains after the payment of costs it shall be applied to payment of the judgment and transferred to the treasury of the municipal corporation wherein the bond was taken if the offense was a violation of any penal ordinance of a political subdivision of this State, or to the treasury of the county wherein the bond was taken if the offense was a violation of any penal statute of this State. The balance of the judgment may be enforced and collected in the same manner as a judgment entered in a civil action.

(h) After a judgment for a fine and court costs or either is entered in the prosecution of a cause in which a deposit had been made in accordance with paragraph (a) the balance of such deposit, after deduction of bail bond costs, shall be applied to the payment of the judgment.

(Source: P.A. 92-16, eff. 6-28-01; 93-371, eff. 1-1-04; 93-760, eff. 1-1-05.)

(725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

Sec. 110-10. Conditions of bail bond.

New matter indicated by italics - deletions by strikeout
(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of the bail bond shall be that he or she will:

(1) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court;

(2) Submit himself or herself to the orders and process of the court;

(3) Not depart this State without leave of the court;

(4) Not violate any criminal statute of any jurisdiction;

(5) At a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the clerk of the circuit court when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of either the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961; the court may, however, forgo the imposition of this condition when the circumstances of the case clearly do not warrant it or when its imposition would be impractical; all legally possessed firearms shall be returned to the person upon that person completing a sentence for a conviction on a misdemeanor domestic battery, upon the charges being dismissed, or if the person is found not guilty, unless the finding of not guilty is by reason of insanity; and

(6) At a time and place designated by the court, submit to a psychological evaluation when the person has been charged with a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 and that violation occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State, the defendant, and the court. As a further condition of bail under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to
transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of bail, pursuant to Section 110-6 of this Code. The court may change the conditions of bail to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of the psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.

(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

1. Report to or appear in person before such person or agency as the court may direct;
2. Refrain from possessing a firearm or other dangerous weapon;
3. Refrain from approaching or communicating with particular persons or classes of persons;
4. Refrain from going to certain described geographical areas or premises;
5. Refrain from engaging in certain activities or indulging in intoxicating liquors or in certain drugs;
6. Undergo treatment for drug addiction or alcoholism;
7. Undergo medical or psychiatric treatment;
8. Work or pursue a course of study or vocational training;
9. Attend or reside in a facility designated by the court;
10. Support his or her dependents;
11. If a minor resides with his or her parents or in a foster home, attend school, attend a non-residential program for youths, and contribute to his or her own support at home or in a foster home;
12. Observe any curfew ordered by the court;
13. Remain in the custody of such designated person or organization agreeing to supervise his release. Such third party custodian shall be responsible for notifying the court if the defendant fails to observe the conditions of release which the custodian has

New matter indicated by italics - deletions by strikeout
agreed to monitor, and shall be subject to contempt of court for
failure so to notify the court;

(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;

(14.1) The court shall impose upon a defendant who is charged with any alcohol, cannabis, *methamphetamine*, or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee that represents costs incidental to the electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code;

(14.2) The court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be;

(14.3) The Chief Judge of the Judicial Circuit may establish reasonable fees to be paid by a person receiving pretrial services.

New matter indicated by italics - deletions by strikeout
while under supervision of a pretrial services agency, probation department, or court services department. Reasonable fees may be charged for pretrial services including, but not limited to, pretrial supervision, diversion programs, electronic monitoring, victim impact services, drug and alcohol testing, and victim mediation services. The person receiving pretrial services may be ordered to pay all costs incidental to pretrial services in accordance with his or her ability to pay those costs;

(14.4) For persons charged with violating Section 11-501 of the Illinois Vehicle Code, refrain from operating a motor vehicle not equipped with an ignition interlock device, as defined in Section 1-129.1 of the Illinois Vehicle Code, pursuant to the rules promulgated by the Secretary of State for the installation of ignition interlock devices. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment;

(15) Comply with the terms and conditions of an order of protection issued by the court under the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory;

(16) Under Section 110-6.5 comply with the conditions of the drug testing program; and

(17) Such other reasonable conditions as the court may impose.

(c) When a person is charged with an offense under Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961", involving a victim who is a minor under 18 years of age living in the same household with the defendant at the time of the offense, in granting bail or releasing the defendant on his own recognizance, the judge shall impose conditions to restrict the defendant's access to the victim which may include, but are not limited to conditions that he will:

1. Vacate the Household.
2. Make payment of temporary support to his dependents.
3. Refrain from contact or communication with the child victim, except as ordered by the court.

(d) When a person is charged with a criminal offense and the victim is a family or household member as defined in Article 112A, conditions shall be imposed at the time of the defendant's release on bond that restrict the
defendant's access to the victim. Unless provided otherwise by the court, the restrictions shall include requirements that the defendant do the following:

(1) refrain from contact or communication with the victim for a minimum period of 72 hours following the defendant's release; and

(2) refrain from entering or remaining at the victim's residence for a minimum period of 72 hours following the defendant's release.

(e) Local law enforcement agencies shall develop standardized bond forms for use in cases involving family or household members as defined in Article 112A, including specific conditions of bond as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).

(f) If the defendant is admitted to bail after conviction the conditions of the bail bond shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:

(1) Duly prosecute his appeal;

(2) Appear at such time and place as the court may direct;

(3) Not depart this State without leave of the court;

(4) Comply with such other reasonable conditions as the court may impose; and

(5) If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was bailed.

(g) Upon a finding of guilty for any felony offense, the defendant shall physically surrender, at a time and place designated by the court, any and all firearms in his or her possession and his or her Firearm Owner's Identification Card as a condition of remaining on bond pending sentencing.

(725 ILCS 5/115-10.5)
Sec. 115-10.5. Hearsay exception regarding safe zone testimony.

(a) In any prosecution for any offense charged as a violation of Section 407 of the Illinois Controlled Substances Act, Section 55 of the Methamphetamine Control and Community Protection Act, or Section 5-130 of the Juvenile Court Act of 1987 the following evidence shall be admitted as an exception to the hearsay rule any testimony by any qualified individual regarding the status of any property as:

(1) a truck stop or safety rest area, or

(2) a school or conveyance owned, leased or contracted by a

New matter indicated by italics - deletions by strikeout
school to transport students to or from school, or
(3) residential property owned, operated, and managed by a public housing agency, or
(4) a public park, or
(5) the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or
(6) the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities.

(b) As used in this Section, "qualified individual" means any person who (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; and (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place.

(c) For the purposes of this Section, "qualified individual" includes any peace officer, or any member of any duly organized State, county, or municipal peace unit, assigned to the territorial jurisdiction where the offense took place when the offense took place.

(d) This Section applies to all prosecutions pending at the time this amendatory Act of the 91st General Assembly takes effect and to all prosecutions commencing on or after its effective date.

(Source: P.A. 91-899, eff. 1-1-01.)

(725 ILCS 5/115-15)

Sec. 115-15. Laboratory reports.

(a) In any criminal prosecution for a violation of either the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, a laboratory report from the Department of State Police, Division of Forensic Services, that is signed and sworn to by the person performing an analysis and that states (1) that the substance that is the basis of the alleged violation has been weighed and analyzed, and (2) the person's findings as to the contents, weight and identity of the substance, and (3) that it contains any amount of a controlled substance or cannabis is prima facie evidence of the contents, identity and weight of the substance. Attached to the report shall be a copy of a notarized statement by the signer of the report giving the name of the signer and stating (i) that he or she is an employee of the Department of State Police, Division of Forensic Services.
Police, Division of Forensic Services, (ii) the name and location of the laboratory where the analysis was performed, (iii) that performing the analysis is a part of his or her regular duties, and (iv) that the signer is qualified by education, training and experience to perform the analysis. The signer shall also allege that scientifically accepted tests were performed with due caution and that the evidence was handled in accordance with established and accepted procedures while in the custody of the laboratory.

(a-5) In any criminal prosecution for reckless homicide under Section 9-3 of the Criminal Code of 1961 or driving under the influence of alcohol, other drug, or combination of both, in violation of Section 11-501 of the Illinois Vehicle Code or in any civil action held under a statutory summary suspension hearing under Section 2-118.1 of the Illinois Vehicle Code, a laboratory report from the Department of State Police, Division of Forensic Services, that is signed and sworn to by the person performing an analysis, and that states that the sample of blood or urine was tested for alcohol or drugs, and contains the person's findings as to the presence and amount of alcohol or drugs and type of drug is prima facie evidence of the presence, content, and amount of the alcohol or drugs analyzed in the blood or urine. Attached to the report must be a copy of a notarized statement by the signer of the report giving the name of the signer and stating (1) that he or she is an employee of the Department of State Police, Division of Forensic Services, (2) the name and location of the laboratory where the analysis was performed, (3) that performing the analysis is a part of his or her regular duties, (4) that the signer is qualified by education, training, and experience to perform the analysis, and (5) that scientifically accepted tests were performed with due caution and that the evidence was handled in accordance with established and accepted procedures while in the custody of the laboratory.

(b) The State's Attorney shall serve a copy of the report on the attorney of record for the accused, or on the accused if he or she has no attorney, before any proceeding in which the report is to be used against the accused other than at a preliminary hearing or grand jury hearing when the report may be used without having been previously served upon the accused.

(c) The report shall not be prima facie evidence if the accused or his or her attorney demands the testimony of the person signing the report by serving the demand upon the State's Attorney within 7 days from the accused or his or her attorney's receipt of the report.

(Source: P.A. 90-130, eff. 1-1-98; 91-563, eff. 1-1-00.)

Section 1085. The Drug Asset Forfeiture Procedure Act is amended by changing Sections 2, 3, 5, 6, 7, and 9 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 2. Legislative Declaration. The General Assembly finds that the civil forfeiture of property which is used or intended to be used in, is attributable to or facilitates the manufacture, sale, transportation, distribution, possession or use of substances in certain violations of the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act will have a significant beneficial effect in deterring the rising incidence of the abuse and trafficking of such substances within this State. While forfeiture may secure for State and local units of government some resources for deterring drug abuse and drug trafficking, forfeiture is not intended to be an alternative means of funding the administration of criminal justice. The General Assembly further finds that the federal narcotics civil forfeiture statute upon which this Act is based has been very successful in deterring the use and distribution of controlled substances within this State and throughout the country. It is therefore the intent of the General Assembly that the forfeiture provisions of this Act be construed in light of the federal forfeiture provisions contained in 21 U.S.C. 881 as interpreted by the federal courts, except to the extent that the provisions of this Act expressly differ therefrom.

(Source: P.A. 86-1382; 87-614.)

Sec. 3. Applicability. The provisions of this Act are applicable to all property forfeitable under the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act.

(Source: P.A. 86-1382.)

Sec. 5. Notice to State's Attorney. The law enforcement agency seizing property for forfeiture under the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act shall, within 52 days of seizure, notify the State's Attorney for the county in which an act or omission giving rise to the forfeiture occurred or in which the property was seized of the seizure of the property and the facts and circumstances giving rise to the seizure and shall provide the State's Attorney with the inventory of the property and its estimated value. When the property seized for forfeiture is a vehicle, the law enforcement agency seizing the property shall immediately notify the Secretary of State that forfeiture proceedings are pending regarding such vehicle.

New matter indicated by italics - deletions by strikeout
Sec. 6. Non-Judicial Forfeiture. If non-real property that exceeds $20,000 in value excluding the value of any conveyance, or if real property is seized under the provisions of the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, the State's Attorney shall institute judicial in rem forfeiture proceedings as described in Section 9 of this Act within 45 days from receipt of notice of seizure from the seizing agency under Section 5 of this Act. However, if non-real property that does not exceed $20,000 in value excluding the value of any conveyance is seized, the following procedure shall be used:

(A) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 45 days of the receipt of notice of seizure from the seizing agency, the State's Attorney shall cause notice of pending forfeiture to be given to the owner of the property and all known interest holders of the property in accordance with Section 4 of this Act.

(B) The notice of pending forfeiture must include a description of the property, the estimated value of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action.

(C) (1) Any person claiming an interest in property which is the subject of notice under subsection (A) of Section 6 of this Act, may, within 45 days after the effective date of notice as described in Section 4 of this Act, file a verified claim with the State's Attorney expressing his or her interest in the property. The claim must set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;
(ii) the address at which the claimant will accept mail;
(iii) the nature and extent of the claimant's interest in the property;
(iv) the date, identity of the transferor, and circumstances of the claimant's acquisition of the interest in the property;
(v) the name and address of all other persons known to have an interest in the property;
(vi) the specific provision of law relied on in asserting

New matter indicated by italics - deletions by strikeout
the property is not subject to forfeiture;

(vii) all essential facts supporting each assertion; and
(viii) the relief sought.

(2) If a claimant files the claim and deposits with the State's Attorney a cost bond, in the form of a cashier's check payable to the clerk of the court, in the sum of 10 percent of the reasonable value of the property as alleged by the State's Attorney or the sum of $100, whichever is greater, upon condition that, in the case of forfeiture, the claimant must pay all costs and expenses of forfeiture proceedings, then the State's Attorney shall institute judicial in rem forfeiture proceedings and deposit the cost bond with the clerk of the court as described in Section 9 of this Act within 45 days after receipt of the claim and cost bond. In lieu of a cost bond, a person claiming interest in the seized property may file, under penalty of perjury, an indigency affidavit.

(3) If none of the seized property is forfeited in the judicial in rem proceeding, the clerk of the court shall return to the claimant, unless the court orders otherwise, 90% of the sum which has been deposited and shall retain as costs 10% of the money deposited. If any of the seized property is forfeited under the judicial forfeiture proceeding, the clerk of the court shall transfer 90% of the sum which has been deposited to the State's Attorney prosecuting the civil forfeiture to be applied to the costs of prosecution and the clerk shall retain as costs 10% of the sum deposited.

(D) If no claim is filed or bond given within the 45 day period as described in subsection (C) of Section 6 of this Act, the State's Attorney shall declare the property forfeited and shall promptly notify the owner and all known interest holders of the property and the Director of the Illinois Department of State Police of the declaration of forfeiture and the Director shall dispose of the property in accordance with law.

(Source: P.A. 86-1382; 87-614.)

(725 ILCS 150/7) (from Ch. 56 1/2, par. 1677)

Sec. 7. Presumptions. The following situations shall give rise to a presumption that the property described therein was furnished or intended to be furnished in exchange for a substance in violation of the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, or is the proceeds of such an exchange, and therefore forfeitable under this Act, such presumptions being rebuttable by a preponderance of the evidence:

New matter indicated by italics - deletions by strikeout
(1) All moneys, coin, or currency found in close proximity to forfeitable substances, to forfeitable drug manufacturing or distributing paraphernalia, or to forfeitable records of the importation, manufacture or distribution of substances;

(2) All property acquired or caused to be acquired by a person either between the dates of occurrence of two or more acts in felony violation of the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, or an act committed in another state, territory or country which would be punishable as a felony under either the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, committed by that person within 5 years of each other, or all property acquired by such person within a reasonable amount of time after the commission of such acts if:

(a) At least one of the above acts was committed after the effective date of this Act; and

(b) At least one of the acts is or was punishable as a Class X, Class 1, or Class 2 felony; and

(c) There was no likely source for such property other than a violation of the above Acts.

(Source: P.A. 86-1382.)

(725 ILCS 150/9) (from Ch. 56 1/2, par. 1679)

Sec. 9. Judicial in rem procedures. If property seized under the provisions of the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act is non-real property that exceeds $20,000 in value excluding the value of any conveyance, or is real property, or a claimant has filed a claim and a cost bond under subsection (C) of Section 6 of this Act, the following judicial in rem procedures shall apply:

(A) If, after a review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then within 45 days of the receipt of notice of seizure by the seizing agency or the filing of the claim and cost bond, whichever is later, the State's Attorney shall institute judicial forfeiture proceedings by filing a verified complaint for forfeiture and, if the claimant has filed a claim and cost bond, by depositing the cost bond with the clerk of the court. When authorized by law, a forfeiture must be ordered by a court on an action in rem brought by a State's Attorney under a verified complaint for forfeiture.

(B) During the probable cause portion of the judicial in rem
proceeding wherein the State presents its case-in-chief, the court must receive and consider, among other things, all relevant hearsay evidence and information. The laws of evidence relating to civil actions shall apply to all other portions of the judicial in rem proceeding.

(C) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant.

(D) The answer must be signed by the owner or interest holder under penalty of perjury and must set forth:
   (i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;
   (ii) the address at which the claimant will accept mail;
   (iii) the nature and extent of the claimant's interest in the property;
   (iv) the date, identity of transferor, and circumstances of the claimant's acquisition of the interest in the property;
   (v) the name and address of all other persons known to have an interest in the property;
   (vi) the specific provisions of Section 8 of this Act relied on in asserting it is not subject to forfeiture;
   (vii) all essential facts supporting each assertion; and
   (viii) the precise relief sought.

(E) The answer must be filed with the court within 45 days after service of the civil in rem complaint.

(F) The hearing must be held within 60 days after filing of the answer unless continued for good cause.

(G) The State shall show the existence of probable cause for forfeiture of the property. If the State shows probable cause, the claimant has the burden of showing by a preponderance of the evidence that the claimant's interest in the property is not subject to forfeiture.

(H) If the State does not show existence of probable cause or a claimant has established by a preponderance of evidence that the claimant has an interest that is exempt under Section 8 of this Act, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property forfeited to the State. If the State does show existence of probable cause and the claimant does not establish by a preponderance of evidence that the claimant has an interest that is exempt under Section 8 of this Act, the court shall order all property forfeited to the State.

New matter indicated by italics - deletions by strikeout
(I) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Act regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(J) An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this Act; however, for good cause shown, on a motion by the State's Attorney, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a violation of the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act. Such a stay shall not be available pending an appeal. Property subject to forfeiture under the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of such property unless such return or release is consented to by the State's Attorney.

(K) All property declared forfeited under this Act vests in this State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Any such property or proceeds subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited unless the transferee claims and establishes in a hearing under the provisions of this Act that the transferee's interest is exempt under Section 8 of this Act.

(L) A civil action under this Act must be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(Source: P.A. 89-404, eff. 8-20-95; 90-593, eff. 6-19-98.)

Section 1090. The Narcotics Profit Forfeiture Act is amended by changing Section 3 as follows:

(725 ILCS 175/3) (from Ch. 56 1/2, par. 1653)

Sec. 3. Definitions. (a) "Narcotics activity" means:

1. Any conduct punishable as a felony under the Cannabis Control Act or the Illinois Controlled Substances Act, or
2. Any conduct punishable, by imprisonment for more than one year, as an offense against the law of the United States or any State, concerning

New matter indicated by italics - deletions by strikeout
narcotics, controlled substances, dangerous drugs, or any substance or things scheduled or listed under the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act.

(b) "Pattern of narcotics activity" means 2 or more acts of narcotics activity of which at least 2 such acts were committed within 5 years of each other. At least one of those acts of narcotics activity must have been committed after the effective date of this Act and at least one of such acts shall be or shall have been punishable as a Class X, Class 1 or Class 2 felony.

(c) "Person" includes any individual or entity capable of holding a legal or beneficial interest in property.

(d) "Enterprise" includes any individual, partnership, corporation, association, or other entity, or group of individuals associated in fact, although not a legal entity.

(340x650)Section 1095. The Sexually Violent Persons Commitment Act is amended by changing Section 40 as follows:

(725 ILCS 207/40)

Sec. 40. Commitment.

(a) If a court or jury determines that the person who is the subject of a petition under Section 15 of this Act is a sexually violent person, the court shall order the person to be committed to the custody of the Department for control, care and treatment until such time as the person is no longer a sexually violent person.

(b) (1) The court shall enter an initial commitment order under this Section pursuant to a hearing held as soon as practicable after the judgment is entered that the person who is the subject of a petition under Section 15 is a sexually violent person. If the court lacks sufficient information to make the determination required by paragraph (b)(2) of this Section immediately after trial, it may adjourn the hearing and order the Department to conduct a predisposition investigation or a supplementary mental examination, or both, to assist the court in framing the commitment order. A supplementary mental examination under this Section shall be conducted in accordance with Section 3-804 of the Mental Health and Developmental Disabilities Code.

(2) An order for commitment under this Section shall specify either institutional care in a secure facility, as provided under Section 50 of this Act, or conditional release. In determining whether
commitment shall be for institutional care in a secure facility or for conditional release, the court shall consider the nature and circumstances of the behavior that was the basis of the allegation in the petition under paragraph (b)(1) of Section 15, the person's mental history and present mental condition, where the person will live, how the person will support himself or herself, and what arrangements are available to ensure that the person has access to and will participate in necessary treatment. All treatment, whether in institutional care, in a secure facility, or while on conditional release, shall be conducted in conformance with the standards developed under the Sex Offender Management Board Act and conducted by a treatment provider approved by the Board. The Department shall arrange for control, care and treatment of the person in the least restrictive manner consistent with the requirements of the person and in accordance with the court's commitment order.

(3) If the court finds that the person is appropriate for conditional release, the court shall notify the Department. The Department shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. The Department may contract with a county health department, with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 60 days after the court finding that the person is appropriate for conditional release, unless the Department and the person to be released request additional time to develop the plan. The conditional release program operated under this Section is not subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act.

(4) An order for conditional release places the person in the custody and control of the Department. A person on conditional release is subject to the conditions set by the court and to the rules of the Department. Before a person is placed on conditional release by the court under this Section, the court shall so notify the municipal police department and county sheriff for the municipality and county

New matter indicated by italics - deletions by strikeout
in which the person will be residing. The notification requirement under this Section does not apply if a municipal police department or county sheriff submits to the court a written statement waiving the right to be notified. If the Department alleges that a released person has violated any condition or rule, or that the safety of others requires that conditional release be revoked, he or she may be taken into custody under the rules of the Department.

At any time during which the person is on conditional release, if the Department determines that the person has violated any condition or rule, or that the safety of others requires that conditional release be revoked, the Department may request the Attorney General or State's Attorney to request the court to issue an emergency ex parte order directing any law enforcement officer to take the person into custody and transport the person to the county jail. The Department may request, or the Attorney General or State's Attorney may request independently of the Department, that a petition to revoke conditional release be filed. When a petition is filed, the court may order the Department to issue a notice to the person to be present at the Department or other agency designated by the court, order a summons to the person to be present, or order a body attachment for all law enforcement officers to take the person into custody and transport him or her to the county jail, hospital, or treatment facility. The Department shall submit a statement showing probable cause of the detention and a petition to revoke the order for conditional release to the committing court within 48 hours after the detention. The court shall hear the petition within 30 days, unless the hearing or time deadline is waived by the detained person. Pending the revocation hearing, the Department may detain the person in a jail, in a hospital or treatment facility. The State has the burden of proving by clear and convincing evidence that any rule or condition of release has been violated, or that the safety of others requires that the conditional release be revoked. If the court determines after hearing that any rule or condition of release has been violated, or that the safety of others requires that conditional release be revoked, it may revoke the order for conditional release and order that the released person be placed in an appropriate institution until the person is discharged from the commitment under Section 65 of this Act or until again placed on conditional release under Section 60 of this Act.

(5) An order for conditional release places the person in the
custody, care, and control of the Department. The court shall order the person be subject to the following rules of conditional release, in addition to any other conditions ordered, and the person shall be given a certificate setting forth the conditions of conditional release. These conditions shall be that the person:

(A) not violate any criminal statute of any jurisdiction;
(B) report to or appear in person before such person or agency as directed by the court and the Department;
(C) refrain from possession of a firearm or other dangerous weapon;
(D) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature, that prior consent by the court is not possible without the prior notification and approval of the Department;
(E) at the direction of the Department, notify third parties of the risks that may be occasioned by his or her criminal record or sexual offending history or characteristics, and permit the supervising officer or agent to make the notification requirement;
(F) attend and fully participate in assessment, treatment, and behavior monitoring including, but not limited to, medical, psychological or psychiatric treatment specific to sexual offending, drug addiction, or alcoholism, to the extent appropriate to the person based upon the recommendation and findings made in the Department evaluation or based upon any subsequent recommendations by the Department;
(G) waive confidentiality allowing the court and Department access to assessment or treatment results or both;
(H) work regularly at a Department approved occupation or pursue a course of study or vocational training and notify the Department within 72 hours of any change in employment, study, or training;
(I) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by the Department officer;
(J) submit to the search of his or her person, residence, vehicle, or any personal or real property under his or her
control at any time by the Department;

(K) financially support his or her dependents and
provide the Department access to any requested financial
information;

(L) serve a term of home confinement, the conditions
of which shall be that the person:

(i) remain within the interior premises of the
place designated for his or her confinement during the
hours designated by the Department;

(ii) admit any person or agent designated by
the Department into the offender's place of
confinement at any time for purposes of verifying the
person's compliance with the condition of his or her
confinement;

(iii) if deemed necessary by the Department,
be placed on an electronic monitoring device;

(M) comply with the terms and conditions of an order
of protection issued by the court pursuant to the Illinois
Domestic Violence Act of 1986. A copy of the order of
protection shall be transmitted to the Department by the clerk
of the court;

(N) refrain from entering into a designated geographic
area except upon terms the Department finds appropriate. The
terms may include consideration of the purpose of the entry,
the time of day, others accompanying the person, and advance
approval by the Department;

(O) refrain from having any contact, including written
or oral communications, directly or indirectly, with certain
specified persons including, but not limited to, the victim or
the victim's family, and report any incidental contact with the
victim or the victim's family to the Department within 72
hours; refrain from entering onto the premises of, traveling
past, or loitering near the victim's residence, place of
employment, or other places frequented by the victim;

(P) refrain from having any contact, including written
or oral communications, directly or indirectly, with particular
types of persons, including but not limited to members of
street gangs, drug users, drug dealers, or prostitutes;

(Q) refrain from all contact, direct or indirect,
personally, by telephone, letter, or through another person, with minor children without prior identification and approval of the Department;

(R) refrain from having in his or her body the presence of alcohol or any illicit drug prohibited by the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her breath, saliva, blood, or urine for tests to determine the presence of alcohol or any illicit drug;

(S) not establish a dating, intimate, or sexual relationship with a person without prior written notification to the Department;

(T) neither possess or have under his or her control any material that is pornographic, sexually oriented, or sexually stimulating, or that depicts or alludes to sexual activity or depicts minors under the age of 18, including but not limited to visual, auditory, telephonic, electronic media, or any matter obtained through access to any computer or material linked to computer access use;

(U) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers or any other sex-related telephone numbers;

(V) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of the Department and report any incidental contact with minor children to the Department within 72 hours;

(W) not establish any living arrangement or residence without prior approval of the Department;

(X) not publish any materials or print any advertisements without providing a copy of the proposed publications to the Department officer and obtaining permission prior to publication;

(Y) not leave the county except with prior permission of the Department and provide the Department officer or agent with written travel routes to and from work and any

New matter indicated by italics - deletions by strikeout
other designated destinations;

(Z) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending items including video or still camera items or children's toys;

(AA) provide a written daily log of activities as directed by the Department;

(BB) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access or potential victims.

(6) A person placed on conditional release and who during the term undergoes mandatory drug or alcohol testing or is assigned to be placed on an approved electronic monitoring device may be ordered to pay all costs incidental to the mandatory drug or alcohol testing and all costs incidental to the approved electronic monitoring in accordance with the person's ability to pay those costs. The Department may establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing and all costs incidental to approved electronic monitoring.

(Source: P.A. 92-415, eff. 8-17-01; 93-616, eff. 1-1-04.)

Section 1100. The State's Attorneys Appellate Prosecutor's Act is amended by changing Section 4.01 as follows:

(725 ILCS 210/4.01) (from Ch. 14, par. 204.01)

Sec. 4.01. The Office and all attorneys employed thereby may represent the People of the State of Illinois on appeal in all cases which emanate from a county containing less than 3,000,000 inhabitants, when requested to do so and at the direction of the State's Attorney, otherwise responsible for prosecuting the appeal, and may, with the advice and consent of the State's Attorney prepare, file and argue such appellate briefs in the Illinois Appellate Court and, when requested and authorized to do so by the Attorney General, in the Illinois Supreme Court. The Office may also assist County State's Attorneys in the discharge of their duties under the Illinois Controlled Substances Act, the Cannabis Control Act, the Methamphetamine Control and Community Protection Act, the Drug Asset Forfeiture Procedure Act, the Narcotics Profit Forfeiture Act, and the Illinois Public Labor Relations Act, including negotiations conducted on behalf of a county or pursuant to an intergovernmental agreement as well as in the trial and appeal of said cases and of tax objections, and the counties which use services

New matter indicated by italics - deletions by strikeout
relating to labor relations shall reimburse the Office on pro-rated shares as determined by the board based upon the population and number of labor relations cases of the participating counties. In addition, the Office and all attorneys employed by the Office may also assist State's Attorneys in the discharge of their duties in the prosecution and trial of other cases when requested to do so by, and at the direction of, the State's Attorney otherwise responsible for the case. In addition, the Office and all attorneys employed by the Office may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction. To be effective, the order appointing the Office or its attorneys as Special Prosecutor must (i) identify the case and its subject matter and (ii) state that the Special Prosecutor serves at the pleasure of the Attorney General, who may substitute himself or herself as the Special Prosecutor when, in his or her judgment, the interest of the people of the State so requires. Within 5 days after receiving a copy of an order from the court appointing the Office or any of its attorneys as a Special Prosecutor, the Office must forward a copy of the order to the Springfield office of the Attorney General.

(Source: P.A. 92-683, eff. 7-16-02.)

Section 1105. The Statewide Grand Jury Act is amended by changing Section 3 as follows:

(725 ILCS 215/3) (from Ch. 38, par. 1703)

Sec. 3. Written application for the appointment of a Circuit Judge to convene and preside over a Statewide Grand Jury, with jurisdiction extending throughout the State, shall be made to the Chief Justice of the Supreme Court. Upon such written application, the Chief Justice of the Supreme Court shall appoint a Circuit Judge from the circuit where the Statewide Grand Jury is being sought to be convened, who shall make a determination that the convening of a Statewide Grand Jury is necessary.

In such application the Attorney General shall state that the convening of a Statewide Grand Jury is necessary because of an alleged offense or offenses set forth in this Section involving more than one county of the State and identifying any such offense alleged; and

(a) that he or she believes that the grand jury function for the investigation and indictment of the offense or offenses cannot effectively be performed by a county grand jury together with the reasons for such belief, and

(b)(1) that each State's Attorney with jurisdiction over an offense or offenses to be investigated has consented to the impaneling of the Statewide Grand Jury, or

New matter indicated by italics - deletions by strikeout
(2) if one or more of the State's Attorneys having jurisdiction over an offense or offenses to be investigated fails to consent to the impaneling of the Statewide Grand Jury, the Attorney General shall set forth good cause for impaneling the Statewide Grand Jury.

If the Circuit Judge determines that the convening of a Statewide Grand Jury is necessary, he or she shall convene and impanel the Statewide Grand Jury with jurisdiction extending throughout the State to investigate and return indictments:

(a) For violations of any of the following or for any other criminal offense committed in the course of violating any of the following: Article 29D of the Criminal Code of 1961, the Illinois Controlled Substances Act, the Cannabis Control Act, the Methamphetamine Control and Community Protection Act, the Narcotics Profit Forfeiture Act, or the Cannabis and Controlled Substances Tax Act; a streetgang related felony offense; Section 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4),24-1(a)(6),24-1(a)(7),24-1(a)(9),24-1(a)(10), or 24-1(c) of the Criminal Code of 1961; or a money laundering offense; provided that the violation or offense involves acts occurring in more than one county of this State; and

(a-5) For violations facilitated by the use of a computer, including the use of the Internet, the World Wide Web, electronic mail, message board, newsgroup, or any other commercial or noncommercial on-line service, of any of the following offenses: indecent solicitation of a child, sexual exploitation of a child, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, juvenile pimping, or child pornography; and

(b) For the offenses of perjury, subornation of perjury, communicating with jurors and witnesses, and harassment of jurors and witnesses, as they relate to matters before the Statewide Grand Jury.

"Streetgang related" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

Upon written application by the Attorney General for the convening of an additional Statewide Grand Jury, the Chief Justice of the Supreme Court shall appoint a Circuit Judge from the circuit for which the additional Statewide Grand Jury is sought. The Circuit Judge shall determine the necessity for an additional Statewide Grand Jury in accordance with the

New matter indicated by italics - deletions by strikeout
provisions of this Section. No more than 2 Statewide Grand Juries may be empaneled at any time.
(Source: P.A. 91-225, eff. 1-1-00; 91-947, eff. 2-9-01; 92-854, eff. 12-5-02.)

Section 1110. The Unified Code of Corrections is amended by changing Sections 3-7-2.5, 5-4-1, 5-5-3, 5-5-3.2, 5-6-2, 5-6-3, 5-6-3.1, 5-8-4, 5-9-1, 5-9-1.1, 5-9-1.2, and 5-9-1.4 as follows:

(730 ILCS 5/3-7-2.5)
Sec. 3-7-2.5. Zero tolerance drug policy.

(a) Any person employed by the Department of Corrections who tests positive in accordance with established Departmental drug testing procedures for any substance prohibited by the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall be discharged from employment. Refusal to submit to a drug test, ordered in accordance with Departmental procedures, by any person employed by the Department shall be construed as a positive test, and the person shall be discharged from employment.

Testing of employees shall be conducted in accordance with established Departmental drug testing procedures. Changes to established drug testing procedures that are inconsistent with the federal guidelines specified in the Mandatory Guidelines for Federal Workplace Drug Testing Program, 59 FR 29908, or that affect terms and conditions of employment, shall be negotiated with an exclusive bargaining representative in accordance with the Illinois Public Labor Relations Act.

(1) All samples used for the purpose of drug testing shall be collected by persons who have at least 40 hours of initial training in the proper collection procedures and at least 8 hours of annual follow-up training. Proof of this training shall be available upon request. In order to ensure that these persons possess the necessary knowledge, skills, and experience to carry out their duties, their training must include guidelines and procedures used for the collection process and must also incorporate training on the appropriate interpersonal skills required during the collection process.

(2) With respect to any bargaining unit employee, the Department shall not initiate discipline of any employee who authorizes the testing of a split urine sample in accordance with established Departmental drug testing procedures until receipt by the Department of the test results from the split urine sample evidencing a positive test for any substance prohibited by the Cannabis Control Act, or the Illinois Controlled Substances Act, or the
Methamphetamine Control and Community Protection Act.

(b) Any employee discharged in accordance with the provisions of subsection (a) shall not be eligible for rehire by the Department.

(Source: P.A. 92-80, eff. 1-1-02.)

(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)
Sec. 5-4-1. Sentencing Hearing.

(a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon charges with a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such individual's residence. The court may in its sentencing order approve an eligible defendant for placement in a Department of Corrections impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3. At the hearing the court shall:

(1) consider the evidence, if any, received upon the trial;
(2) consider any presentence reports;
(3) consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;
(4) consider evidence and information offered by the parties in aggravation and mitigation;
(5) hear arguments as to sentencing alternatives;
(6) afford the defendant the opportunity to make a statement in his own behalf;
(7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, or a qualified individual affected by: (i) a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act or a violation of Section 55 or Section 65 of the Methamphetamine Control and Community Protection Act, or (ii) a Class 4 felony violation of Section 11-14, 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of 1961, committed by the defendant the opportunity to make a statement concerning the impact
on the victim and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation must first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Any sworn testimony offered by the victim is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7) shall become part of the record of the court. For the purpose of this paragraph (7), "qualified individual" means any person who (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; and (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. For the purposes of this paragraph (7), "qualified individual" includes any peace officer, or any member of any duly organized State, county, or municipal peace unit assigned to the territorial jurisdiction where the offense took place when the offense took place;

(8) in cases of reckless homicide afford the victim's spouse, guardians, parents or other immediate family members an opportunity to make oral statements; and

(9) in cases involving a felony sex offense as defined under the Sex Offender Management Board Act, consider the results of the sex offender evaluation conducted pursuant to Section 5-3-2 of this Act.

(b) All sentences shall be imposed by the judge based upon his independent assessment of the elements specified above and any agreement as to sentence reached by the parties. The judge who presided at the trial or the judge who accepted the plea of guilty shall impose the sentence unless he is no longer sitting as a judge in that court. Where the judge does not impose sentence at the same time on all defendants who are convicted as a result of being involved in the same offense, the defendant or the State's Attorney may advise the sentencing court of the disposition of any other defendants who have been sentenced.

(c) In imposing a sentence for a violent crime or for an offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof, or a similar provision of a local ordinance, when such offense resulted in the personal injury to someone other than the defendant, the trial judge shall specify on the record the particular evidence, information, factors in mitigation and aggravation or other reasons that led to his sentencing determination. The full verbatim

New matter indicated by italics - deletions by strikeout
record of the sentencing hearing shall be filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated kidnapping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment or a sentence of death is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period of time the defendant will serve in custody according to the then current statutory rules and regulations for early release found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant's actual release, and may not be relied on by the defendant on appeal.

The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3 committed on or after June 19, 1998, and other than when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of
the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, and other than when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176) this amendatory Act of the 92nd 93rd General Assembly, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 90 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176) this amendatory Act of the 92nd 93rd General Assembly, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the
defendant is entitled to no more than 4 1/2 days of good conduct credit for each month of his or her sentence of imprisonment. Therefore, this defendant will serve at least 85% of his or her sentence. Assuming the defendant receives 4 1/2 days credit for each month of his or her sentence, the period of estimated actual custody is ... years and ... months. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations receives lesser credit, the actual time served in prison will be longer."

When a sentence of imprisonment is imposed for first degree murder and the offense was committed on or after June 19, 1998, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is not entitled to good conduct credit. Therefore, this defendant will serve 100% of his or her sentence."

When the sentence is imposed for any offense that results in incarceration in a Department of Corrections facility committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and the crime was committed on or after September 1, 2003 (the effective date of this amendatory Act of the 93rd General Assembly), the judge's statement, in addition to any other judge's statement required under this Section, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant shall receive no good conduct credit until he or she participates in and completes a substance abuse treatment program."

(d) When the defendant is committed to the Department of Corrections, the State's Attorney shall and counsel for the defendant may file a statement with the clerk of the court to be transmitted to the department, agency or institution to which the defendant is committed to furnish such department, agency or institution with the facts and circumstances of the

New matter indicated by italics - deletions by strikeout
offense for which the person was committed together with all other factual information accessible to them in regard to the person prior to his commitment relative to his habits, associates, disposition and reputation and any other facts and circumstances which may aid such department, agency or institution during its custody of such person. The clerk shall within 10 days after receiving any such statements transmit a copy to such department, agency or institution and a copy to the other party, provided, however, that this shall not be cause for delay in conveying the person to the department, agency or institution to which he has been committed.

(e) The clerk of the court shall transmit to the department, agency or institution, if any, to which the defendant is committed, the following:

(1) the sentence imposed;
(2) any statement by the court of the basis for imposing the sentence;
(3) any presentence reports;
(3.5) any sex offender evaluations;
(4) the number of days, if any, which the defendant has been in custody and for which he is entitled to credit against the sentence, which information shall be provided to the clerk by the sheriff;
(4.1) any finding of great bodily harm made by the court with respect to an offense enumerated in subsection (c-1);
(5) all statements filed under subsection (d) of this Section;
(6) any medical or mental health records or summaries of the defendant;
(7) the municipality where the arrest of the offender or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;
(8) all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and
(9) all additional matters which the court directs the clerk to transmit.

(Source: P.A. 92-176, eff. 7-27-01; 92-806, eff. 1-1-03; 93-213, eff. 7-18-03; 93-317, eff. 1-1-04; 93-354, eff. 9-1-03; 93-616, eff. 1-1-04; revised 12-9-03.)

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.
(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.

New matter indicated by italics - deletions by strikeout
(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.
(9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (e)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or
cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act paragraph (6.6) of subsection (a), subsection (c-5), or subsection (d-5) of Section 401 of the Illinois Controlled Substances Act.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated

New matter indicated by italics - deletions by strikeout
association convicted of any offense to:
(A) a period of conditional discharge;
(B) a fine;
(C) make restitution to the victim under Section 5-5-6 of this Code.
(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.
(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.
(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.
(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.
(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.
(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was
committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) (11) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-
sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
   (B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
      (i) removal from the household;
      (ii) restricted contact with the victim;
      (iii) continued financial support of the family;
      (iv) restitution for harm done to the victim;
      (v) compliance with any other measures that the court may deem appropriate; and
   (2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.
(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

New matter indicated by italics - deletions by strikeout
(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, or Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the
court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who willfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a willful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or
to use any form of birth control.

(I) (A) Except as provided in paragraph (C) of subsection (I), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, or Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (I) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial

New matter indicated by italics - deletions by strikeout
sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; revised 10-25-04.)

(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)
Sec. 5-5-3.2. Factors in Aggravation.
(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1:

(1) the defendant's conduct caused or threatened serious harm;
(2) the defendant received compensation for committing the offense;
(3) the defendant has a history of prior delinquency or criminal activity;
(4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;
(5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;
(6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;

New matter indicated by italics - deletions by strikeout
(7) the sentence is necessary to deter others from committing the same crime;

(8) the defendant committed the offense against a person 60 years of age or older or such person's property;

(9) the defendant committed the offense against a person who is physically handicapped or such person's property;

(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality;

(11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;

(12) the defendant was convicted of a felony committed while he was released on bail or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;

(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 12-12 of the Criminal Code of 1961, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 against that victim;

New matter indicated by italics - deletions by strikeout
(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

(16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961;

(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act; or

(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with

New matter indicated by italics - deletions by strikeout
a firearm. For the purposes of this Section:

"School" is defined as a public or private elementary or secondary school, community college, college, or university.

"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.

(b) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

1. When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

2. When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

3. When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of more than one individual; or

4. When a defendant is convicted of any felony committed against:

   i. a person under 12 years of age at the time of the offense or such person's property;
   ii. a person 60 years of age or older at the time of the offense or such person's property; or
   iii. a person physically handicapped at the time of the offense or such person's property; or

5. In the case of a defendant convicted of aggravated criminal sexual assault or criminal sexual assault, when the court finds that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective; or

New matter indicated by italics - deletions by strikeout
(6) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:
   (i) the brutalizing or torturing of humans or animals;
   (ii) the theft of human corpses;
   (iii) the kidnapping of humans;
   (iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or
   (v) ritualized abuse of a child; or
(7) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (e)(2) of Section 5-5-3, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or
(8) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or
(9) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 and the court finds that the defendant is a member of an organized gang; or
(10) When a defendant committed the offense using a firearm with a laser sight attached to it. For purposes of this paragraph (10), "laser sight" has the meaning ascribed to it in Section 24.6-5 of the Criminal Code of 1961; or
(11) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within
10 years after the previous adjudication, excluding time spent in custody; or

(12) When a defendant commits an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act, the illegal manufacture of methamphetamine under Section 25 of the Methamphetamine Control and Community Protection Act, or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph (12), "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel.

(b-1) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a) (1) of Section 12-14.1 of the Criminal Code of 1961 where the victim was under 18 years of age at the time of the commission of the offense.

(d) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961.

(Source: P.A. 91-119, eff. 1-1-00; 91-120, eff. 7-15-99; 91-252, eff. 1-1-00; 91-267, eff. 1-1-00; 91-268, eff. 1-1-00; 91-357, eff. 7-29-99; 91-437, eff. 1-1-00; 91-696, eff. 4-13-00; 92-266, eff. 1-1-02.)

(730 ILCS 5/5-6-2) (from Ch. 38, par. 1005-6-2)

Sec. 5-6-2. Incidents of Probation and of Conditional Discharge.

(a) When an offender is sentenced to probation or conditional discharge, the court shall impose a period under paragraph (b) of this Section, and shall specify the conditions under Section 5-6-3.

(b) Unless terminated sooner as provided in paragraph (c) of this

New matter indicated by italics - deletions by strikeout
Section or extended pursuant to paragraph (e) of this Section, the period of probation or conditional discharge shall be as follows:

(1) for a Class 1 or Class 2 felony, not to exceed 4 years;
(2) for a Class 3 or Class 4 felony, not to exceed 30 months;
(3) for a misdemeanor, not to exceed 2 years;
(4) for a petty offense, not to exceed 6 months.

Multiple terms of probation imposed at the same time shall run concurrently.

(c) The court may at any time terminate probation or conditional discharge if warranted by the conduct of the offender and the ends of justice, as provided in Section 5-6-4.

(d) Upon the expiration or termination of the period of probation or of conditional discharge, the court shall enter an order discharging the offender.

(e) The court may extend any period of probation or conditional discharge beyond the limits set forth in paragraph (b) of this Section upon a violation of a condition of the probation or conditional discharge, for the payment of an assessment required by Section 10.3 of the Cannabis Control Act, or Section 411.2 of the Illinois Controlled Substances Act, or Section 80 of the Methamphetamine Control and Community Protection Act, or for the payment of restitution as provided by an order of restitution under Section 5-5-6 of this Code.

(f) The court may impose a term of probation that is concurrent or consecutive to a term of imprisonment so long as the maximum term imposed does not exceed the maximum term provided under Article 8 of this Chapter. The court may provide that probation may commence while an offender is on mandatory supervised release, participating in a day release program, or being monitored by an electronic monitoring device.

(Source: P.A. 93-1014, eff. 1-1-05.)

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.
(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;
(2) report to or appear in person before such person or agency as directed by the court;
(3) refrain from possessing a firearm or other dangerous weapon;
(4) not leave the State without the consent of the court or, in

New matter indicated by italics - deletions by strikeout
circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The

New matter indicated by italics - deletions by strikeout
court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act, the or Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act, or Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction

New matter indicated by italics - deletions by strikeout
or residence of defendants on probation;
(6) support his dependents;
(7) and in addition, if a minor:
  (i) reside with his parents or in a foster home;
  (ii) attend school;
  (iii) attend a non-residential program for youth;
  (iv) contribute to his own support at home or in a foster home;
  (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:
  (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
  (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
  (iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;
  (iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be
imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area

New matter indicated by italics - deletions by strikeout
except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under

New matter indicated by italics - deletions by strikeout
Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from

New matter indicated by italics - deletions by strikeout
this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

New matter indicated by italics - deletions by strikeout
Sec. 5-6-3.1. Incidents and Conditions of Supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act, or Section 411.2 of the Illinois Controlled Substances Act, or Section 80 of the Methamphetamine Control and Community Protection Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and no more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;

(2) pay a fine and costs;

New matter indicated by italics - deletions by strikeout
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment;
or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction
or residence of defendants on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous
weapon;
(8) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a
   foster home; or
   (v) with the consent of the superintendent of the
   facility, attend an educational program at a facility other than
   the school in which the offense was committed if he or she is
   placed on supervision for a crime of violence as defined in
   Section 2 of the Crime Victims Compensation Act committed
   in a school, on the real property comprising a school, or
   within 1,000 feet of the real property comprising a school;
(9) make restitution or reparation in an amount not to exceed
actual loss or damage to property and pecuniary loss or make
restitution under Section 5-5-6 to a domestic violence shelter. The
court shall determine the amount and conditions of payment;
(10) perform some reasonable public or community service;
(11) comply with the terms and conditions of an order of
protection issued by the court pursuant to the Illinois Domestic
Violence Act of 1986 or an order of protection issued by the court of
another state, tribe, or United States territory. If the court has
ordered the defendant to make a report and appear in person under paragraph
(1) of this subsection, a copy of the order of protection shall be
transmitted to the person or agency so designated by the court;
(12) reimburse any "local anti-crime program" as defined in
Section 7 of the Anti-Crime Advisory Council Act for any reasonable
expenses incurred by the program on the offender's case, not to
exceed the maximum amount of the fine authorized for the offense
for which the defendant was sentenced;
(13) contribute a reasonable sum of money, not to exceed the
maximum amount of the fine authorized for the offense for which the
defendant was sentenced, to a "local anti-crime program", as defined
in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area
except upon such terms as the court finds appropriate. Such terms
may include consideration of the purpose of the entry, the time of day,
other persons accompanying the defendant, and advance approval by
a probation officer;

(15) refrain from having any contact, directly or indirectly,
with certain specified persons or particular types of person, including
but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any
illicit drug prohibited by the Cannabis Control Act, or the Illinois
Controlled Substances Act, or the Methamphetamine Control and
Community Protection Act, unless prescribed by a physician, and
submit samples of his or her blood or urine or both for tests to
determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped
with an ignition interlock device as defined in Section 1-129.1 of the
Illinois Vehicle Code. Under this condition the court may allow a
defendant who is not self-employed to operate a vehicle owned by the
defendant's employer that is not equipped with an ignition interlock
device in the course and scope of the defendant's employment.

(d) The court shall defer entering any judgment on the charges until
the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court
determines that the defendant has successfully complied with all of the
conditions of supervision, the court shall discharge the defendant and enter
a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a
disposition of supervision shall be deemed without adjudication of guilt and
shall not be termed a conviction for purposes of disqualification or
disabilities imposed by law upon conviction of a crime. Two years after the
discharge and dismissal under this Section, unless the disposition of
supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or
11-503 of the Illinois Vehicle Code or a similar provision of a local
ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal
Code of 1961, in which case it shall be 5 years after discharge and dismissal,
a person may have his record of arrest sealed or expunged as may be provided
by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The fees shall be deposited in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of $50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the
clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational

New matter indicated by italics - deletions by strikeout
The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(a) When multiple sentences of imprisonment are imposed on a defendant at the same time, or when a term of imprisonment is imposed on a defendant who is already subject to sentence in this State or in another state, or for a sentence imposed by any district court of the United States, the sentences shall run concurrently or consecutively as determined by the court. When a term of imprisonment is imposed on a defendant by an Illinois circuit court and the defendant is subsequently sentenced to a term of imprisonment

New matter indicated by italics - deletions by strikeout
by another state or by a district court of the United States, the Illinois circuit court which imposed the sentence may order that the Illinois sentence be made concurrent with the sentence imposed by the other state or district court of the United States. The defendant must apply to the circuit court within 30 days after the defendant's sentence imposed by the other state or district of the United States is finalized. The court shall impose consecutive sentences if:

(i) one of the offenses for which defendant was convicted was first degree murder or a Class X or Class 1 felony and the defendant inflicted severe bodily injury, or

(ii) the defendant was convicted of a violation of Section 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961, or

(iii) the defendant was convicted of armed violence based upon the predicate offense of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, a violation of the Methamphetamine Control and Community Protection Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy, or

(iv) the defendant was convicted of the offense of leaving the scene of a motor vehicle accident involving death or personal injuries under Section 11-401 and either: (A) aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof under Section 11-501 of the Illinois Vehicle Code, or (B) reckless homicide under Section 9-3 of the Criminal Code of 1961, or both an offense described in subdivision (A) and an offense described in subdivision (B), or

(v) the defendant was convicted of a violation of Section 9-3.1 (concealment of homicidal death) or Section 12-20.5 (dismembering a human body) of the Criminal Code of 1961, in which event the court shall enter sentences to run consecutively. Sentences shall run concurrently unless otherwise specified by the court.

(b) Except in cases where consecutive sentences are mandated, the court shall impose concurrent sentences unless, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is of the opinion that consecutive sentences are required to
protect the public from further criminal conduct by the defendant, the basis for which the court shall set forth in the record.

(c) (1) For sentences imposed under law in effect prior to February 1, 1978 the aggregate maximum of consecutive sentences shall not exceed the maximum term authorized under Section 5-8-1 for the 2 most serious felonies involved. The aggregate minimum period of consecutive sentences shall not exceed the highest minimum term authorized under Section 5-8-1 for the 2 most serious felonies involved. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(2) For sentences imposed under the law in effect on or after February 1, 1978, the aggregate of consecutive sentences for offenses that were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective shall not exceed the sum of the maximum terms authorized under Section 5-8-2 for the 2 most serious felonies involved, but no such limitation shall apply for offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(d) An offender serving a sentence for a misdemeanor who is convicted of a felony and sentenced to imprisonment shall be transferred to the Department of Corrections, and the misdemeanor sentence shall be merged in and run concurrently with the felony sentence.

(e) In determining the manner in which consecutive sentences of imprisonment, one or more of which is for a felony, will be served, the Department of Corrections shall treat the offender as though he had been committed for a single term with the following incidents:

(1) the maximum period of a term of imprisonment shall consist of the aggregate of the maximums of the imposed indeterminate terms, if any, plus the aggregate of the imposed determinate sentences for felonies plus the aggregate of the imposed determinate sentences for misdemeanors subject to paragraph (c) of this Section;

(2) the parole or mandatory supervised release term shall be as provided in paragraph (e) of Section 5-8-1 of this Code for the

New matter indicated by italics - deletions by strikeout
most serious of the offenses involved;
(3) the minimum period of imprisonment shall be the aggregate of the minimum and determinate periods of imprisonment imposed by the court, subject to paragraph (c) of this Section; and
(4) the offender shall be awarded credit against the aggregate maximum term and the aggregate minimum term of imprisonment for all time served in an institution since the commission of the offense or offenses and as a consequence thereof at the rate specified in Section 3-6-3 of this Code.
(f) A sentence of an offender committed to the Department of Corrections at the time of the commission of the offense shall be served consecutive to the sentence under which he is held by the Department of Corrections. However, in case such offender shall be sentenced to punishment by death, the sentence shall be executed at such time as the court may fix without regard to the sentence under which such offender may be held by the Department.
(g) A sentence under Section 3-6-4 for escape or attempted escape shall be served consecutive to the terms under which the offender is held by the Department of Corrections.
(h) If a person charged with a felony commits a separate felony while on pre-trial release or in pretrial detention in a county jail facility or county detention facility, the sentences imposed upon conviction of these felonies shall be served consecutively regardless of the order in which the judgments of conviction are entered.
(i) If a person admitted to bail following conviction of a felony commits a separate felony while free on bond or if a person detained in a county jail facility or county detention facility following conviction of a felony commits a separate felony while in detention, any sentence following conviction of the separate felony shall be consecutive to that of the original sentence for which the defendant was on bond or detained.
(Source: P.A. 92-16, eff. 6-28-01; 92-674, eff. 1-1-03; 93-160, eff. 7-10-03; 93-768, eff. 7-20-04.)
(730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)
Sec. 5-9-1. Authorized fines.
(a) An offender may be sentenced to pay a fine which shall not exceed for each offense:
(1) for a felony, $25,000 or the amount specified in the offense, whichever is greater, or where the offender is a corporation, $50,000 or the amount specified in the offense, whichever is greater;
(2) for a Class A misdemeanor, $2,500 or the amount specified in the offense, whichever is greater;
(3) for a Class B or Class C misdemeanor, $1,500;
(4) for a petty offense, $1,000 or the amount specified in the offense, whichever is less;
(5) for a business offense, the amount specified in the statute defining that offense.

(b) A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment.

(c) There shall be added to every fine imposed in sentencing for a criminal or traffic offense, except an offense relating to parking or registration, or offense by a pedestrian, an additional penalty of $5 for each $40, or fraction thereof, of fine imposed. The additional penalty of $5 for each $40, or fraction thereof, of fine imposed, if not otherwise assessed, shall also be added to every fine imposed upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision in criminal, traffic, local ordinance, county ordinance, and conservation cases (except parking, registration, or pedestrian violations), or upon a sentence of probation without entry of judgment under Section 10 of the Cannabis Control Act, or Section 410 of the Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act.

Such additional amounts shall be assessed by the court imposing the fine and shall be collected by the Circuit Clerk in addition to the fine and costs in the case. Each such additional penalty shall be remitted by the Circuit Clerk within one month after receipt to the State Treasurer. The State Treasurer shall deposit $1 for each $40, or fraction thereof, of fine imposed into the LEADS Maintenance Fund. The remaining surcharge amount shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, unless the fine, costs or additional amounts are subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act. Such additional penalty shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c) during the preceding calendar year. Except as otherwise provided by Supreme Court Rules, if a court in imposing a fine against an offender levies a gross amount for fine, costs, fees and penalties, the amount of the additional penalty provided for herein shall be computed on the amount remaining after deducting from the

New matter indicated by italics - deletions by strikeout
gross amount levied all fees of the Circuit Clerk, the State's Attorney and the Sheriff. After deducting from the gross amount levied the fees and additional penalty provided for herein, less any other additional penalties provided by law, the clerk shall remit the net balance remaining to the entity authorized by law to receive the fine imposed in the case. For purposes of this Section "fees of the Circuit Clerk" shall include, if applicable, the fee provided for under Section 27.3a of the Clerks of Courts Act and the fee, if applicable, payable to the county in which the violation occurred pursuant to Section 5-1101 of the Counties Code.

(c-5) In addition to the fines imposed by subsection (c), any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional $100 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c-5) during the preceding calendar year.

The Circuit Clerk may accept payment of fines and costs by credit card from an offender who has been convicted of a traffic offense, petty offense or misdemeanor and may charge the service fee permitted where fines and costs are paid by credit card provided for in Section 27.3b of the Clerks of Courts Act.

(c-7) In addition to the fines imposed by subsection (c), any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional $5 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c-7) during the preceding calendar year.

(c-9) There shall be added to every fine imposed in sentencing for a criminal or traffic offense, except an offense relating to parking or registration, or offense by a pedestrian, an additional penalty of $4 imposed.
The additional penalty of $4 shall also be added to every fine imposed upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision in criminal, traffic, local ordinance, county ordinance, or conservation cases (except parking, registration, or pedestrian violations), or upon a sentence of probation without entry of judgment under Section 10 of the Cannabis Control Act, or Section 410 of the Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act. Such additional penalty of $4 shall be assessed by the court imposing the fine and shall be collected by the circuit clerk in addition to any other fine, costs, fees, and penalties in the case. Each such additional penalty of $4 shall be remitted to the State Treasurer by the circuit clerk within one month after receipt. The State Treasurer shall deposit the additional penalty of $4 into the Traffic and Criminal Conviction Surcharge Fund. The additional penalty of $4 shall be in addition to any other fine, costs, fees, and penalties and shall not reduce or affect the distribution of any other fine, costs, fees, and penalties.

(d) In determining the amount and method of payment of a fine, except for those fines established for violations of Chapter 15 of the Illinois Vehicle Code, the court shall consider:

(1) the financial resources and future ability of the offender to pay the fine; and
(2) whether the fine will prevent the offender from making court ordered restitution or reparation to the victim of the offense; and
(3) in a case where the accused is a dissolved corporation and the court has appointed counsel to represent the corporation, the costs incurred either by the county or the State for such representation.

(e) The court may order the fine to be paid forthwith or within a specified period of time or in installments.

(f) All fines, costs and additional amounts imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 92-431, eff. 1-1-02; 93-32, eff. 6-20-03.)

(730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)
Sec. 5-9-1.1. Drug related offenses.

(a) When a person has been adjudged guilty of a drug related offense involving possession or delivery of cannabis or possession or delivery of a

New matter indicated by italics - deletions by strikeout
controlled substance as defined in the Cannabis Control Act, as amended, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act as amended, in addition to any other penalty imposed, a fine shall be levied by the court at not less than the full street value of the cannabis or controlled substances seized.

"Street value" shall be determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount seized and such testimony as may be required by the court as to the current street value of the cannabis or controlled substance seized.

(b) In addition to any penalty imposed under subsection (a) of this Section, a fine of $100 shall be levied by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Trauma Center Fund for distribution as provided under Section 3.225 of the Emergency Medical Services (EMS) Systems Act.

(c) In addition to any penalty imposed under subsection (a) of this Section, a fee of $5 shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.

(Source: P.A. 92-431, eff. 1-1-02.)

(730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

Sec. 5-9-1.2. (a) Twelve and one-half percent of all amounts collected as fines pursuant to Section 5-9-1.1 shall be paid into the Youth Drug Abuse Prevention Fund, which is hereby created in the State treasury, to be used by the Department of Human Services for the funding of programs and services for drug-abuse treatment, and prevention and education services, for juveniles.

(b) Eighty-seven and one-half percent of the proceeds of all fines received pursuant to Section 5-9-1.1 shall be transmitted to and deposited in the treasurer's office at the level of government as follows:

(1) If such seizure was made by a combination of law enforcement personnel representing differing units of local government, the court levying the fine shall equitably allocate 50% of the fine among these units of local government and shall allocate 37 1/2% to the county general corporate fund. In the event that the seizure was made by law enforcement personnel representing a unit
of local government from a municipality where the number of inhabitants exceeds 2 million in population, the court levying the fine shall allocate 87 1/2% of the fine to that unit of local government. If the seizure was made by a combination of law enforcement personnel representing differing units of local government, and at least one of those units represents a municipality where the number of inhabitants exceeds 2 million in population, the court shall equitably allocate 87 1/2% of the proceeds of the fines received among the differing units of local government.

(2) If such seizure was made by State law enforcement personnel, then the court shall allocate 37 1/2% to the State treasury and 50% to the county general corporate fund.

(3) If a State law enforcement agency in combination with a law enforcement agency or agencies of a unit or units of local government conducted the seizure, the court shall equitably allocate 37 1/2% of the fines to or among the law enforcement agency or agencies of the unit or units of local government which conducted the seizure and shall allocate 50% to the county general corporate fund.

(c) The proceeds of all fines allocated to the law enforcement agency or agencies of the unit or units of local government pursuant to subsection (b) shall be made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating controlled substances and cannabis. The proceeds of fines awarded to the State treasury shall be deposited in a special fund known as the Drug Traffic Prevention Fund. Monies from this fund may be used by the Department of State Police for use in the enforcement of laws regulating controlled substances and cannabis; to satisfy funding provisions of the Intergovernmental Drug Laws Enforcement Act; and to defray costs and expenses associated with returning violators of the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act only, as provided in those Acts, when punishment of the crime shall be confinement of the criminal in the penitentiary. Moneys in the Drug Traffic Prevention Fund deposited from fines awarded as a direct result of enforcement efforts of the Illinois Conservation Police may be used by the Department of Natural Resources Office of Law Enforcement for use in enforcing laws regulating controlled substances and cannabis on Department of Natural Resources regulated lands and waterways. All other monies shall be paid into the general revenue fund in the State treasury.

(Source: P.A. 92-601, eff. 7-1-02.)

New matter indicated by italics - deletions by strikeout
Sec. 5-9-1.4. (a) "Crime laboratory" means any not-for-profit laboratory registered with the Drug Enforcement Administration of the United States Department of Justice, substantially funded by a unit or combination of units of local government or the State of Illinois, which regularly employs at least one person engaged in the analysis of controlled substances, cannabis, methamphetamine, or steroids for criminal justice agencies in criminal matters and provides testimony with respect to such examinations.

(b) When a person has been adjudged guilty of an offense in violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Steroid Control Act, in addition to any other disposition, penalty or fine imposed, a criminal laboratory analysis fee of $100 for each offense for which he was convicted shall be levied by the court. Any person placed on probation pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, or Section 10 of the Steroid Control Act shall be assessed a criminal laboratory analysis fee of $100 for each offense for which he was charged. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(c) In addition to any other disposition made pursuant to the provisions of the Juvenile Court Act of 1987, any minor adjudicated delinquent for an offense which if committed by an adult would constitute a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Steroid Control Act shall be assessed a criminal laboratory analysis fee of $100 for each adjudication. Upon verified petition of the minor, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee. The parent, guardian or legal custodian of the minor may pay some or all of such fee on the minor's behalf.

(d) All criminal laboratory analysis fees provided for by this Section shall be collected by the clerk of the court and forwarded to the appropriate crime laboratory fund as provided in subsection (f).

(e) Crime laboratory funds shall be established as follows:

(1) Any unit of local government which maintains a crime laboratory.
laboratory may establish a crime laboratory fund within the office of the county or municipal treasurer.

(2) Any combination of units of local government which maintains a crime laboratory may establish a crime laboratory fund within the office of the treasurer of the county where the crime laboratory is situated.

(3) The State Crime Laboratory Fund is hereby created as a special fund in the State Treasury.

(f) The analysis fee provided for in subsections (b) and (c) of this Section shall be forwarded to the office of the treasurer of the unit of local government that performed the analysis if that unit of local government has established a crime laboratory fund, or to the State Crime Laboratory Fund if the analysis was performed by a laboratory operated by the Illinois State Police. If the analysis was performed by a crime laboratory funded by a combination of units of local government, the analysis fee shall be forwarded to the treasurer of the county where the crime laboratory is situated if a crime laboratory fund has been established in that county. If the unit of local government or combination of units of local government has not established a crime laboratory fund, then the analysis fee shall be forwarded to the State Crime Laboratory Fund. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(g) Fees deposited into a crime laboratory fund created pursuant to paragraphs (1) or (2) of subsection (e) of this Section shall be in addition to any allocations made pursuant to existing law and shall be designated for the exclusive use of the crime laboratory. These uses may include, but are not limited to, the following:

(1) costs incurred in providing analysis for controlled substances in connection with criminal investigations conducted within this State;

(2) purchase and maintenance of equipment for use in performing analyses; and

(3) continuing education, training and professional development of forensic scientists regularly employed by these laboratories.

(h) Fees deposited in the State Crime Laboratory Fund created pursuant to paragraph (3) of subsection (d) of this Section shall be used by State crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing law

New matter indicated by italics - deletions by strikeout
and shall be designated for the exclusive use of State crime laboratories. These uses may include those enumerated in subsection (g) of this Section. (Source: P.A. 92-312, eff. 1-1-02.)

Section 1115. The Code of Civil Procedure is amended by changing Sections 9-118 and 12-903.5 as follows:

(735 ILCS 5/9-118) (from Ch. 110, par. 9-118)
Sec. 9-118. Emergency housing eviction proceedings.
(a) As used in this Section:
"Cannabis" has the meaning ascribed to that term in the Cannabis Control Act.
"Narcotics" and "controlled substance" have the meanings ascribed to those terms in the Illinois Controlled Substances Act.
(b) This Section applies only if all of the following conditions are met:

(1) The complaint seeks possession of premises that are owned or managed by a housing authority established under the Housing Authorities Act or privately owned and managed.

(2) The verified complaint alleges that there is direct evidence of any of the following:

(A) unlawful possessing, serving, storing, manufacturing, cultivating, delivering, using, selling, giving away, or trafficking in cannabis, methamphetamine, narcotics, or controlled substances within or upon the premises by or with the knowledge and consent of, or in concert with, the person or persons named in the complaint; or

(B) the possession, use, sale, or delivery of a firearm which is otherwise prohibited by State law within or upon the premises by or with the knowledge and consent of, or in concert with, the person or persons named in the complaint; or

(C) murder, attempted murder, kidnapping, attempted kidnapping, arson, attempted arson, aggravated battery, criminal sexual assault, attempted criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or criminal sexual abuse within or upon the premises by or with the knowledge and consent of, or in concert with, the person or persons named in the complaint.

(3) Notice by verified complaint setting forth the relevant facts, and a demand for possession of the type specified in Section 9-
104 is served on the tenant or occupant of the premises at least 14 days before a hearing on the complaint is held, and proof of service of the complaint is submitted by the plaintiff to the court.

(b-5) In all actions brought under this Section 9-118, no predicate notice of termination or demand for possession shall be required to initiate an eviction action.

(c) When a complaint has been filed under this Section, a hearing on the complaint shall be scheduled on any day after the expiration of 14 days following the filing of the complaint. The summons shall advise the defendant that a hearing on the complaint shall be held at the specified date and time, and that the defendant should be prepared to present any evidence on his or her behalf at that time.

If a plaintiff which is a public housing authority accepts rent from the defendant after an action is initiated under this Section, the acceptance of rent shall not be a cause for dismissal of the complaint.

(d) If the defendant does not appear at the hearing, judgment for possession of the premises in favor of the plaintiff shall be entered by default. If the defendant appears, a trial shall be held immediately as is prescribed in other proceedings for possession. The matter shall not be continued beyond 7 days from the date set for the first hearing on the complaint except by agreement of both the plaintiff and the defendant. After a trial, if the court finds, by a preponderance of the evidence, that the allegations in the complaint have been proven, the court shall enter judgment for possession of the premises in favor of the plaintiff and the court shall order that the plaintiff shall be entitled to re-enter the premises immediately.

(d-5) If cannabis, methamphetamine, narcotics, or controlled substances are found or used anywhere in the premises, there is a rebuttable presumption either (1) that the cannabis, methamphetamine, narcotics, or controlled substances were used or possessed by a tenant or occupant or (2) that a tenant or occupant permitted the premises to be used for that use or possession, and knew or should have reasonably known that the substance was used or possessed.

(e) A judgment for possession entered under this Section may not be stayed for any period in excess of 7 days by the court. Thereafter the plaintiff shall be entitled to re-enter the premises immediately. The sheriff or other lawfully deputized officers shall give priority to service and execution of orders entered under this Section over other possession orders.

(f) This Section shall not be construed to prohibit the use or possession of cannabis, methamphetamine, narcotics, or a controlled

New matter indicated by italics - deletions by strikeout
substance that has been legally obtained in accordance with a valid prescription for the personal use of a lawful occupant of a dwelling unit.
(Source: P.A. 90-557, eff. 6-1-98; 90-768, eff. 8-14-98; 91-504, eff. 8-13-99.)
(735 ILCS 5/12-903.5)
Sec. 12-903.5. Drug asset forfeitures.
(a) The homestead exemption under this Part 9 of Article XII does not apply to property subject to forfeiture under Section 505 of the Illinois Controlled Substances Act, Section 12 of the Cannabis Control Act, Section 85 of the Methamphetamine Control and Community Protection Act, or Section 5 of the Narcotics Profit Forfeiture Act.
(b) This Section applies to actions pending on or commenced on or after the effective date of this Section.
(Source: P.A. 89-404, eff. 8-20-95; 90-593, eff. 6-19-98.)
Section 1120. The Cannabis and Controlled Substances Tort Claims Act is amended by changing Sections 2, 4, and 6 as follows:
(740 ILCS 20/2) (from Ch. 70, par. 902)
Sec. 2. Findings and intent.
(a) The General Assembly finds that the abuse of cannabis and controlled substances:
   (1) greatly increases incidents involving crimes of violence and threats of crimes of violence;
   (2) causes death or severe and often irreversible injuries to newborn children;
   (3) accounts for the commission of the majority of property crimes committed within this State;
   (4) causes motor vehicle, job related, and numerous other types of accidents that frequently result in death or permanent injuries;
   (5) contributes to the disintegration of the family;
   (6) interferes with the duty of parents and legal guardians to provide for the physical, mental, and emotional well-being of their unemancipated children and with the rights of parents and legal guardians to raise the children free from the physical, mental, and emotional trauma that is caused by the abuse of cannabis and controlled substances;
   (7) encourages and fosters the growth of urban gangs engaged in violent and nonviolent crime;
   (8) furthers the interests of elements of organized criminals;
   (9) increases the dropout, truancy, and failure rates of children

New matter indicated by italics - deletions by strikeout
attending schools within this State;
(10) stifles educational opportunities for both drug users and
nonusers;
(11) contributes to the unemployment rate within this State;
(12) reduces the productivity of employees, retards
competitiveness within the established business community, and
hinders the formation and growth of new businesses;
(13) reduces the value of real property;
(14) costs the citizens of this State billions of dollars in
federal, State, and local taxes for increased costs for law enforcement,
welfare, and education;
(15) costs the citizens of this State billions of dollars in
increased costs for consumer goods and services, insurance
premiums, and medical treatment;
(16) hinders citizens from freely using public parks, streets,
schools, forest preserves, playgrounds, and other public areas; and
(17) contributes to a lower quality of life and standard of
living for the citizens of this State.
(b) The General Assembly finds that, in light of the findings made in
subsection (a), any violation of the Cannabis Control Act, the
Methamphetamine Control and Community Protection Act, or the Illinois
Controlled Substances Act that involves the nonconsensual use of the real or
personal property of another person, whether that person is an individual or
a governmental or private entity representing a collection of individuals, is
so injurious to the property interests and the well-being of that person that the
violation gives rise to a cause of action sounding in tort. The General
Assembly also finds that the delivery of a controlled substance or cannabis
in violation of the Illinois Controlled Substances Act, the Methamphetamine
Control and Community Protection Act, or the Cannabis Control Act to an
unemancipated minor under the age of 18 is so injurious to the rights and
duties of parents and legal guardians relating to the physical, mental, and
emotional well-being of that minor that the violation also gives rise to a cause
of action sounding in tort. The General Assembly further finds that although
the damage a person suffers through the nonconsensual use of his property to
facilitate such a violation or the damage a parent or legal guardian suffers as
the result of the delivery to the minor of cannabis or a substance in violation
of the Cannabis Control Act, the Methamphetamine Control and Community
Protection Act, or the Illinois Controlled Substances Act is often subtle and
incapable of precise articulation, that damage is nonetheless real and

New matter indicated by italics - deletions by strikeout
substantial. It is therefore the intent of the General Assembly to create a cause of action with statutorily prescribed damages for the conduct described in this Act.
(Source: P.A. 87-544.)
(740 ILCS 20/4) (from Ch. 70, par. 904)
Sec. 4. Civil liability.
(a) A person who uses or causes to be used any property without the consent of the owner of that property to facilitate in any manner a violation of the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or any inchoate offense under either of those Acts is liable to the owner for civil damages as set forth in this Act.

(b) A person who delivers or causes to be delivered in violation of the Illinois Controlled Substances Act, or the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act a controlled substance, or cannabis, or methamphetamine to an unemancipated minor under the age of 18 is liable to the parent or legal guardian of that minor as set forth in this Act.

(c) A person who knowingly delivers or causes to be delivered cannabis, or a controlled or counterfeit substance, or methamphetamine that is later involved in a transaction or activity that gives rise to a cause of action under subsection (a) or (b) of this Section is liable under subsection (a) or (b), as the case may be, in the same manner and amount as the person or persons whose conduct gives immediate rise to the cause of action.
(Source: P.A. 87-544.)
(740 ILCS 20/6) (from Ch. 70, par. 906)
Sec. 6. Damages.
(a) The damages to which an owner of property is entitled under subsection (a) of Section 4 shall be based on the highest classification of offense prescribed under the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act that involves the nonconsensual use of his property in an amount as follows:

1. When the property is used to facilitate the commission of a Class B or C misdemeanor, no less than $1,000.
2. When the property is used to facilitate the commission of a Class A misdemeanor, no less than $1,500.
3. When the property is used to facilitate the commission of a Class 4 felony, no less than $2,500.

New matter indicated by italics - deletions by strikeout
(4) When the property is used to facilitate the commission of a Class 3 felony, no less than $5,000.
(5) When the property is used to facilitate the commission of a Class 2 felony, no less than $10,000.
(6) When the property is used to facilitate the commission of a Class 1 felony, no less than $15,000.
(7) When the property is used to facilitate the commission of a Class X felony, no less than $20,000.

(b) The damages to which a parent or legal guardian is entitled under subsection (b) of Section 4 shall be based on the highest classification of offense prescribed under the Cannabis Control Act, or the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act committed by the person delivering the cannabis or controlled substance to the minor in an amount as follows:

(1) When the delivery is classified as a Class B or C misdemeanor, no less than $1,500.
(2) When the delivery is classified as a Class A misdemeanor, no less than $2,500.
(3) When the delivery is classified as a Class 4 felony, no less than $5,000.
(4) When the delivery is classified as a Class 3 felony, no less than $10,000.
(5) When the delivery is classified as a Class 2 felony, no less than $15,000.
(6) When the delivery is classified as a Class 1 felony, no less than $20,000.
(7) When the delivery is classified as a Class X felony, no less than $25,000.

(c) In addition to the amounts set forth in subsections (a) and (b), the owner of the property bringing a cause of action under subsection (a), other than a government or a governmental subdivision or agency, or the parent or legal guardian of the minor bringing a cause of action under subsection (b), may be entitled to receive punitive damages.

(d) A party prevailing in a cause of action brought under this Act is entitled to reasonable attorneys fees in addition to damages awarded under subsections (a), (b), and (c) of this Section.

(Source: P.A. 87-544.)

Section 9999. Effective date. This Act takes effect 30 days after becoming law.
PUBLIC ACT 94-0557
(House Bill No. 0115)

AN ACT concerning elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Election Code is amended by changing Sections 19-8 and 20-8 as follows:
(10 ILCS 5/19-8) (from Ch. 46, par. 19-8)
Sec. 19-8. Time and place of counting ballots.
(a) Each absent voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority in time to be delivered to the polling place of the precinct where the elector resides and to be counted by the judges of election at that polling place shall be handled in accordance with this subsection. If in case an absent voter's ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct where the elector resides, then the absent voter's such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in the same such package with the official ballots and therewith delivered to the judges of that such precinct. If in case the official ballots for that such precinct have already been delivered to the judges of election when at the time of the receipt by the election authority receives the of such absent voter's ballot, then the such authority shall immediately enclose the said envelope containing the absent voter's ballot, together with the voter's his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which the such absent voter is a qualified elector, and the words "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed;". The election authority shall mail the ballot mailing the same, postage prepaid, to the such judges of election, or if more convenient, the election authority such officer may deliver the such absent voter's ballot to the judges of election in person or by duly deputized agent, the authority said officer to secure a his receipt for delivery of the such ballot or ballots.

New matter indicated by italics - deletions by strikeout
An absent voter’s ballot delivered in error to the wrong precinct polling place shall be returned to the election authority and counted as provided in subsection (b).

(b) Each absent voter’s ballot returned to an election authority, by any means authorized by this Article, and received by that election authority before the closing of the polls on election day but too late to be delivered to and counted at the proper precinct polling place shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m.

(c) Each absent voter’s ballot that is mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the office of the election authority during the period for counting provisional ballots.

(d) Special write-in absentee voter’s blank ballots returned to an election authority, by any means authorized by this Article, and received by the election authority at any time before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the office of the election authority during the same period provided for counting absent voters’ ballots under subsection (b). Special write-in absentee voter’s blank ballots that are mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that are received by the election authority after the polls close on election day and before the closing of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the office of the election authority during the same periods provided for counting absent voters’ ballots under subsection (c).

(e) Except as otherwise provided in this Section, absent absentee voters' ballots and special write-in absentee voter's blank ballots received by returned by absentee voters to the election authority after the closing of the polls on an election day shall be endorsed by the election authority receiving them the same with the day and hour of receipt and shall be safely kept unopened by the such election authority for the period of time required for the preservation of ballots used at the such election, and shall then, without being opened, be destroyed in like manner as the used ballots of that such election.

New matter indicated by italics - deletions by strikeout
All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day; and Special Write-In Absentee Voter's Blank Ballots, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision; however, all absentee ballots received by the election authority by the close of absentee voting in the office of the election authority on the day preceding the day of election shall be delivered to the proper precinct polling places in time to be counted by the judges of election.

(f) Counting required under this Section to begin on election day after the closing of the polls such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. The such counting shall continue until all absent voters' ballots and special write-in absentee voter's blank ballots required to be counted on election day received as aforesaid have been counted.

(g) The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code shall apply to all absent voters' ballots counted under this Section provision, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded without regard to precinct designation, except for precinct offices.

(h) Where ballots are counted in the office of the election authority as provided in this Section, each political party, candidate, and qualified civic organization shall be entitled to have present one poll watcher for each panel of election judges therein assigned.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/20-8) (from Ch. 46, par. 20-8)
Sec. 20-8. Time and place of counting ballots.
(a) Each absent voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority in time to be delivered to the polling place of the precinct where the absent voter is a qualified elector and to be counted by the judges of election of that polling place shall be handled in accordance with this subsection. If the case any such ballot is received by the election authority prior to the delivery
of the official ballots to the judges of election of the precinct where the absent voter is a qualified in which said elector resides, then the absent voter's such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in the same package with the other official ballots and therewith delivered to the judges of that such precinct. If in case the official ballots for the such precinct have already been delivered to the judges of election when at the time of the receipt by the election authority receives the of such absent voter's ballot, then the election authority it shall immediately enclose the said envelope containing the absent voter's ballot, together with the voter's his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which the such absent voter is a qualified elector, and the words, "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed;". The election authority shall mail the ballot mailing the same, postage prepaid, to the such judges of election, or if more convenient then the election authority he or it may deliver the such absent voter's ballot to the judges of election in person or by duly deputized agent and secure a his receipt for delivery of the such ballot or ballots. An absent voter's ballot delivered in error to the wrong precinct polling place shall be returned to the election authority and counted as provided in subsection (b).

(b) Each absent voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority before the closing of the polls on election day but too late to be delivered to and counted at the proper precinct polling place shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m.

(c) Each absent voter's ballot that is mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the office of the election authority during the period for counting provisional ballots.

(d) Special write-in absentee voter's blank ballots returned to an election authority, by any means authorized by this Article, and received by the election authority at any time before the closing of the polls on election
day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the office of the election authority during the same period provided for counting absent voters' ballots under subsection (b). Special write-in absentee voter's blank ballot that are mailed to an election authority and postmarked by midnight preceding the opening of the polls on election day, but that are received by the election authority after the polls close on election day and before the closing of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the office of the election authority during the same periods provided for counting absent voters' ballots under subsection c).

(e) Except as otherwise provided in this Section, absent voters’ ballots and special write-in absentee voter’s blank ballots received by Absent voter's ballots postmarked after 11:59 p.m. of the day immediately preceding the election returned to the election authority after too late to be delivered to the proper polling place before the closing of the polls on the day of election shall be endorsed by the person receiving the ballots same with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at the election, and shall then, without being opened, be destroyed in like manner as the used ballots of that election.

All absent voters’ ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters’ ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision.

(f) Counting required under this Section to begin on election day after the closing of the polls Shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. The Shall counting shall continue until all absent voters' ballots and special write-in absentee voter's blank ballots required to be counted on election day received as aforesaid have been counted.

(g) The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters’ ballots counted under this Section provision; except that votes shall be recorded without regard to precinct designation.
(h) Where certain absent voters' ballots are counted in the office of the
election authority as provided in this Section, each political party, candidate,
and qualified civic organization shall be entitled to have present one
pollwatcher for each panel of election judges therein assigned.
(Source: P.A. 84-861.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 17, 2005.
Approved August 12, 2005.
Effective August 12, 2005.

PUBLIC ACT 94-0558
(House Bill No. 0504)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Property Tax Code is amended by changing Section
23-20 as follows:
(35 ILCS 200/23-20)
Sec. 23-20. Effect of protested payments; refunds. No protest shall
prevent or be a cause of delay in the distribution of tax collections to the
taxing districts of any taxes collected which were not paid under protest. If
the final order of the Property Tax Appeal Board or of a court results in a
refund to the taxpayer, refunds shall be made by the collector from funds
remaining in the Protest Fund until such funds are exhausted and thereafter
from the next funds collected after entry of the final order until full payment
of the refund and interest thereon has been made. Interest from the date of
payment, regardless of whether the payment was made before the effective
date of this amendatory Act of 1997, or from the date payment is due,
whichever is later, to the date of refund shall also be paid to the taxpayer at the
annual rate of the lesser of (i) 5% or (ii) the percentage increase in the
Consumer Price Index For All Urban Consumers during the 12-month
calendar year preceding the levy year for which the refund was made, as
published by the federal Bureau of Labor Statistics per year.
(Source: P.A. 90-556, eff. 12-12-97.)

Section 99. Effective date. This Act takes effect on January 1, 2006.
Passed in the General Assembly May 17, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

New matter indicated by italics - deletions by strikeout
AN ACT concerning infants who are born alive.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Statute on Statutes is amended by adding Section 1.36 as follows:

(5 ILCS 70/1.36 new)

Sec. 1.36. Born alive infant.

(a) In determining the meaning of any statute or of any rule, regulation, or interpretation of the various administrative agencies of this State, the words "person", "human being", "child", and "individual" shall include every infant member of the species homo sapiens who is born alive at any stage of development.

(b) As used in this Section, the term "born alive", with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(c) Nothing in this Section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being born alive, as defined in this Section.

(d) Nothing in this Section shall be construed to affect existing federal or State law regarding abortion.

(e) Nothing in this Section shall be construed to alter generally accepted medical standards.

Passed in the General Assembly May 18, 2005.

Approved August 12, 2005.

Effective January 1, 2006.

AN ACT concerning criminal law.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 9-3.3 as follows:

(720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)
Sec. 9-3.3. Drug-induced homicide.
(a) A person who violates Section 401 of the Illinois Controlled Substances Act by unlawfully delivering a controlled substance to another, and any person's death is caused by person dies as a result of the injection, inhalation or ingestion of any amount of that controlled substance, commits the offense of drug-induced homicide.

(b) Sentence. Drug-induced homicide is a Class X felony.

(c) A person who commits drug-induced homicide by violating subsection (a) or subsection (c) of Section 401 of the Illinois Controlled Substances Act commits a Class X felony for which the defendant shall in addition to a sentence authorized by law, be sentenced to a term of imprisonment of not less than 15 years and not more than 30 years or an extended term of not less than 30 years and not more than 60 years.

(Source: P.A. 91-357, eff. 7-29-99; 92-256, eff. 1-1-02.)
Passed in the General Assembly May 18, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0561
(House Bill No. 1517)

AN ACT concerning remains.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Disposition of Remains Act.

Section 5. Right to control disposition; priority. Unless a decedent has left directions in writing for the disposition of the decedent's remains as provided in Section 65 of the Crematory Regulation Act or in subsection (a) of Section 40 of this Act, the following persons, in the priority listed, have the right to control the disposition, including cremation, of the decedent's remains and are liable for the reasonable costs of the disposition:

(1) the person designated in a written instrument that satisfies the provisions of Sections 10 and 15 of this Act;

New matter indicated by italics - deletions by strikeout
(2) any person serving as executor or legal representative of the decedent's estate and acting according to the decedent's written instructions contained in the decedent's will;

(3) the individual who was the spouse of the decedent at the time of the decedent's death;

(4) the sole surviving competent adult child of the decedent, or if there is more than one surviving competent adult child of the decedent, the majority of the surviving competent adult children; however, less than one-half of the surviving adult children shall be vested with the rights and duties of this Section if they have used reasonable efforts to notify all other surviving competent adult children of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving competent adult children;

(5) the surviving competent parents of the decedent; if one of the surviving competent parents is absent, the remaining competent parent shall be vested with the rights and duties of this Act after reasonable efforts have been unsuccessful in locating the absent surviving competent parent;

(6) the surviving competent adult person or persons respectively in the next degrees of kindred or, if there is more than one surviving competent adult person of the same degree of kindred, the majority of those persons; less than the majority of surviving competent adult persons of the same degree of kindred shall be vested with the rights and duties of this Act if those persons have used reasonable efforts to notify all other surviving competent adult persons of the same degree of kindred of their instructions and are not aware of any opposition to those instructions on the part of one-half or more of all surviving competent adult persons of the same degree of kindred;

(7) in the case of indigents or any other individuals whose final disposition is the responsibility of the State or any of its instrumentalities, a public administrator, medical examiner, coroner, State appointed guardian, or any other public official charged with arranging the final disposition of the decedent;

(8) in the case of individuals who have donated their bodies to science, or whose death occurred in a nursing home or other private institution, who have executed cremation authorization forms under Section 65 of the Crematory Regulation Act and the institution

New matter indicated by italics - deletions by strikeout
is charged with making arrangements for the final disposition of the
decedent, a representative of the institution; or
(9) any other person or organization that is willing to assume
legal and financial responsibility. As used in Section, "adult" means
any individual who has reached his or her eighteenth birthday.

Section 10. Form. The written instrument authorizing the disposition
of remains shall be in substantially the following form:

"APPOINTMENT OF AGENT TO CONTROL DISPOSITION OF
REMAINS

I, ................................, being of sound mind, willfully and
voluntarily make known my desire that, upon my death, the
disposition of my remains shall be controlled by .................... (name
of agent) and, with respect to that subject only, I hereby appoint such
person as my agent (attorney-in-fact). All decisions made by my agent
with respect to the disposition of my remains, including cremation,
shall be binding.

SPECIAL DIRECTIONS:

Set forth below are any special directions limiting the power
granted to my agent:
..................................................
..................................................
..................................................

If the disposition of my remains is by cremation, then:
( ) I do not wish to allow any of my survivors the option of canceling my
cremation and selecting alternative arrangements, regardless of whether my
survivors deem a change to be appropriate.
( ) I wish to allow only the survivors I have designated below the option of
canceling my cremation and selecting alternative arrangements, if they deem
a change to be appropriate:

AGENT:
Name: ........................................
Address: ......................................
Telephone Number: .........................
Acceptance of Appointment: ...............  
Signature of Agent:  .........................
Date of Signature:  .........................

SUCCESSORS:

If my agent dies, becomes legally disabled, resigns, or refuses
to act, I hereby appoint the following persons (each to act alone and

New matter indicated by italics - deletions by strikeout
successively, in the order named) to serve as my agent (attorney-in-fact) to control the disposition of my remains as authorized by this document:

1. First Successor
   Name: ......................................
   Address: ...................................
   Telephone Number: ..........................
   Signature Indicating Acceptance of Appointment: ........
   Date of Signature: .......................  
2. Second Successor
   Name: ......................................
   Address: ...................................
   Telephone Number: ..........................
   Signature Indicating Acceptance of Appointment: ........
   Date of Signature: ........................

DURATION:
This appointment becomes effective upon my death.

PRIOR APPOINTMENTS REVOKED:
I hereby revoke any prior appointment of any person to control the disposition of my remains.

RELIANCE:
I hereby agree that any cemetery organization, business operating a crematory or columbarium or both, funeral director or embalmer, or funeral establishment who receives a copy of this document may act under it. Any modification or revocation of this document is not effective as to any such party until that party receives actual notice of the modification or revocation. No such party shall be liable because of reliance on a copy of this document.

ASSUMPTION:
THE AGENT, AND EACH SUCCESSOR AGENT, BY ACCEPTING THIS APPOINTMENT, AGREES TO AND ASSUMES THE OBLIGATIONS PROVIDED HEREIN.

Signed this ...... day of .............., ...........

STATE OF .....................
COUNTY OF ....................

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared .................., proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she

New matter indicated by italics - deletions by strikeout
executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ..... day of .............., 2........

Printed Name: ............................
Notary Public, State of .....................
My Commission Expires: .....................

Section 15. Requirements for written instrument. A written instrument is legally sufficient under Section 5 if the wording of the instrument complies substantially with Section 10, the instrument is properly completed, the instrument is signed by the decedent, the agent, and each successor agent, and the signature of the decedent is notarized. The written instrument may be modified or revoked only by a subsequent written instrument that complies with this Section.

Section 20. Duties of authorized agent.
(a) A person listed in Section 5 has the right, duty, and liability provided by that Section only if there is no person in a priority listed before the person.

(b) If any person who would otherwise have the right to control disposition pursuant to Section 5 has been charged with first or second degree murder or voluntary manslaughter in connection with the decedent's death and those charges are known to the funeral director or cemetery authority, that person's right to control is relinquished and passed on to the next listed person or group of persons in accordance with Section 5.

Section 25. Body parts. In the case of body parts, a representative of the institution that has arranged with a funeral home, cemetery, or crematory authority to cremate or make other appropriate disposition of the body parts may serve as the authorizing agent.

Section 30. Prohibition of cremation; written instructions. No person shall be allowed to authorize cremation when a decedent has left written instructions that he or she does not wish to be cremated.

Section 35. Misrepresentation; liability. A person who represents that he or she knows the identity of a decedent and, in order to procure the disposition, including cremation, of the decedent's remains, signs an order or statement, other than a death certificate, warrants the identity of the decedent and is liable for all damages that result, directly or indirectly, from that warrant.

Section 40. Directions by decedent.
(a) A person may provide written directions for the disposition,
including cremation, of the person's remains in a will, a prepaid funeral or burial contract, a cremation authorization form that complies with the Crematory Regulation Act, or in a written instrument that satisfies the provisions of Sections 10 and 15 and that is signed by the person and notarized. The directions may be modified or revoked only by a subsequent writing signed by the person and notarized. The person otherwise entitled to control the disposition of a decedent's remains under this Act shall faithfully carry out the directions of the decedent to the extent that the decedent's estate or the person controlling the disposition are financially able to do so.

(b) If the directions are in a will, they shall be carried out immediately without the necessity of probate. If the will is not probated or is declared invalid for testamentary purposes, the directions are valid to the extent to which they have been acted on in good faith.

Section 45. Liability. There shall be no liability for a cemetery organization, a business operating a crematory or columbarium or both, a funeral director or an embalmer, or a funeral establishment that carries out the written directions of a decedent or the directions of any person who represents that the person is entitled to control the disposition of the decedent's remains. Nothing herein shall be intended or construed to reduce or eliminate liability for the gross negligence or willful acts of any cemetery organization, business operating a crematory or columbarium or both, funeral director or embalmer, or funeral establishment.

Section 50. Disputes. Any dispute among any of the persons listed in Section 5 concerning their right to control the disposition, including cremation, of a decedent's remains shall be resolved by a court of competent jurisdiction. A cemetery organization or funeral establishment shall not be liable for refusing to accept the decedent's remains, or to inter or otherwise dispose of the decedent's remains, until it receives a court order or other suitable confirmation that the dispute has been resolved or settled.

Section 300. The Crematory Regulation Act is amended by changing Section 15 as follows:

(410 ILCS 18/15)

Sec. 15. Authorizing agent. The priority of the person or persons who have the right to serve as the authorizing agent for cremation is in the same priority as provided for in Section 5 of the Disposition of Remains Act.

(a) The following persons, in the priority listed, shall have the right to serve as an authorizing agent:

(1) The individual who was the spouse of the decedent at the time of the decedent's death, except as set forth in paragraphs (2) or

New matter indicated by italics - deletions by strikeout
(3) of this subsection.

(2) Any person acting on the instructions of a decedent who authorized his or her own cremation through the execution, on a pre-need basis, of a cremation authorization form under Section 70, unless the authorization specifically provides for a designated survivor to alter the arrangements under subsection (b) of Section 70; and the designated survivor has contacted the crematory authority and expressed the desire to alter the arrangements. The actions of such a designated survivor, however, shall not prevent another individual, who has a priority right superior to that of the designated survivor according to this Section, from authorizing the cremation of the decedent by executing a new cremation authorization form.

(3) Any person serving as executor or legal representative of a decedent's estate and acting according to the decedent's written instructions:

(4) The decedent's surviving adult children. If there is more than one adult child, any adult child, who confirms in writing the notification of all other adult children, may serve as the authorizing agent, unless the crematory authority receives a written objection to the cremation from another adult child.

(5) The decedent's surviving parent. If the decedent is survived by 2 parents, either parent may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from the other parent.

(6) The person in the next degree of kinship under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may serve as the authorizing agent.

(7) In the case of indigents or any other individuals whose final disposition is the responsibility of the State or any of its instrumentalities, a public administrator, medical examiner, coroner or State appointed guardian, or any other public official charged with arranging the final disposition of the decedent may serve as the authorizing agent.

(8) In the case of individuals who have donated their bodies to science or whose death occurred in a nursing home or other private institution, who have executed cremation authorization forms under Section 65 and the institution is charged with making arrangements for the final disposition of the decedent, a representative of the

New matter indicated by italics - deletions by strikeout
(9) In the absence of any person under paragraphs (1) through (8), any person willing to assume the responsibility as authorizing agent, as specified in this Act.

(b) In the case of body parts, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) No person may serve or shall be allowed to serve as an authorizing agent when a decedent has left instructions in the manner provided under subsection (a) of this Section that they do not wish to be cremated.

(Source: P.A. 87-1187.)

Passed in the General assembly May 27, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0562
(House Bill No. 1679)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Kaskaskia Regional Port District Act is amended by changing Section 20.2 as follows:

(70 ILCS 1830/20.2)
Sec. 20.2. Authorization to borrow moneys. The District's Board may borrow money from any bank or other financial institution, and may provide appropriate security for that borrowing, if the money is repaid within 3 years one year after the money is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, any savings bank subject to the Savings Bank Act, and any federally chartered commercial bank or savings and loan association organized and operated in this State pursuant to the laws of the United States.
(Source: P.A. 92-389, eff. 1-1-02.)

Section 10. The Tri-City Regional Port District Act is amended by adding Section 7.5 as follows:

(70 ILCS 1860/7.5 new)
Sec. 7.5. Authorization to borrow moneys. The District's Board may borrow money from any bank or other financial institution and may provide

New matter indicated by italics - deletions by strikeout
appropriate security for that borrowing, if the money is repaid within 3 years after the money is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, any savings bank subject to the Savings Bank Act, and any federally chartered commercial bank or savings and loan association organized and operated in this State pursuant to the laws of the United States.

Passed in the General Assembly May 27, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0563
(House Bill No. 1870)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Adoption Act is amended by changing Section 1 as follows:

(750 ILCS 50/1) (from Ch. 40, par. 1501)

Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:

A. "Child" means a person under legal age subject to adoption under this Act.

B. "Related child" means a child subject to adoption where either or both of the adopting parents stands in any of the following relationships to the child by blood or marriage: parent, grand-parent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt, great-uncle, great-aunt, or cousin of first degree. A child whose parent has executed a final irrevocable consent to adoption or a final irrevocable surrender for purposes of adoption, or whose parent has had his or her parental rights terminated, is not a related child to that person, unless the consent is determined to be void or is void pursuant to subsection O of Section 10.

C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed child welfare agency.

D. "Unfit person" means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be considered an unfit person for the

New matter indicated by italics - deletions by strikeout
sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act:

(a) Abandonment of the child.
(a-1) Abandonment of a newborn infant in a hospital.
(a-2) Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.
(b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.
(c) Desertion of the child for more than 3 months next preceding the commencement of the Adoption proceeding.
(d) Substantial neglect of the child if continuous or repeated.
(d-1) Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.
(e) Extreme or repeated cruelty to the child.
(f) Two or more findings of physical abuse to any children under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987, the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; a criminal conviction or a finding of not guilty by reason of insanity resulting from the death of any child by physical child abuse; or a finding of physical child abuse resulting from the death of any child under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987.
(g) Failure to protect the child from conditions within his environment injurious to the child's welfare.
(h) Other neglect of, or misconduct toward the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act of 1987.
(i) Depravity. Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence: (1) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or conviction of second degree

New matter indicated by italics - deletions by strikeout
murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 of a parent of the child to be adopted; (2) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (3) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (4) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or (5) aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961.

There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.

There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 within 10 years of the filing date of the petition or motion to terminate parental rights.

(j) Open and notorious adultery or fornication.
(j-1) (Blank).
(k) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding.

There is a rebuttable presumption that a parent is unfit under this subsection with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

(l) Failure to demonstrate a reasonable degree of interest,

New matter indicated by italics - deletions by strikeout
concern or responsibility as to the welfare of a new born child during the first 30 days after its birth.

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (iii) to make reasonable progress toward the return of the child to the parent during any 9-month period after the end of the initial 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes (I) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987 and (II) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period after the end of the initial 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

Notwithstanding any other provision, when a petition or motion seeks to terminate parental rights on the basis of item (iii) of this subsection (m), the petitioner shall file with the court and serve on the parties a pleading that specifies the 9-month period or periods relied on. The pleading shall be filed and served on the parties no later than 3 weeks before the date set by the court for closure of discovery, and the allegations in the pleading shall be treated as incorporated into the petition or motion. Failure of a respondent to file a written denial of the allegations in the pleading shall not be treated as an admission that the allegations are true.

(m-1) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after the effective date of this amendatory Act of 1998.
unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987. The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that (i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made or (ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made. For purposes of this subdivision (m-1), the date of entering foster care is the earlier of: (i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or (ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984 or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subparagraph (n)(2)(ii) shall only be available where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child

New matter indicated by italics - deletions by strikeout
that does not demonstrate affection and concern does not constitute reasonable contact and planning under subdivision (n). In the absence of evidence to the contrary, the ability to visit, communicate, maintain contact, pay expenses and plan for the future shall be presumed. The subjective intent of the parent, whether expressed or otherwise, unsupported by evidence of the foregoing parental acts manifesting that intent, shall not preclude a determination that the parent has intended to forgo his or her parental rights. In making this determination, the court may consider but shall not require a showing of diligent efforts by an authorized agency to encourage the parent to perform the acts specified in subdivision (n).

It shall be an affirmative defense to any allegation under paragraph (2) of this subsection that the father's failure was due to circumstances beyond his control or to impediments created by the mother or any other person having legal custody. Proof of that fact need only be by a preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.

(p) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or mental retardation as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code, or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period. However, this subdivision (p) shall not be construed so as to permit a licensed clinical social worker to conduct any medical diagnosis to determine mental illness or mental impairment.

(q) The parent has been criminally convicted of aggravated battery, heinous battery, or attempted murder of any child.

(r) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her

New matter indicated by italics - deletions by strikeout
parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

(s) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination of parental rights is filed, the parent has been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.

(t) A finding that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means the father or mother of a legitimate or illegitimate child. For the purpose of this Act, a person who has executed a final and irrevocable consent to adoption or a final and irrevocable surrender for purposes of adoption, or whose parental rights have been terminated by a court, is not a parent of the child who was the subject of the consent or surrender, unless the consent is void pursuant to subsection O of Section 10.

F. A person is available for adoption when the person is:

(a) a child who has been surrendered for adoption to an agency and to whose adoption the agency has thereafter consented;

(b) a child to whose adoption a person authorized by law, other than his parents, has consented, or to whose adoption no consent is required pursuant to Section 8 of this Act;

(c) a child who is in the custody of persons who intend to adopt him through placement made by his parents;

(c-1) a child for whom a parent has signed a specific consent pursuant to subsection O of Section 10;

New matter indicated by italics - deletions by strikeout
(d) an adult who meets the conditions set forth in Section 3 of this Act; or
(e) a child who has been relinquished as defined in Section 10 of the Abandoned Newborn Infant Protection Act.

A person who would otherwise be available for adoption shall not be deemed unavailable for adoption solely by reason of his or her death.

G. The singular includes the plural and the plural includes the singular and the "male" includes the "female", as the context of this Act may require.

H. "Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.

I. "Foreign placing agency" is an agency or individual operating in a country or territory outside the United States that is authorized by its country to place children for adoption either directly with families in the United States or through United States based international agencies.

J. "Immediate relatives" means the biological parents, the parents of the biological parents and siblings of the biological parents.

K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted.

L. "Intercountry Adoption Coordinator" is a staff person of the Department of Children and Family Services appointed by the Director to coordinate the provision of services by the public and private sector to prospective parents of foreign-born children.

M. "Interstate Compact on the Placement of Children" is a law enacted by most states for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

N. "Non-Compact state" means a state that has not enacted the Interstate Compact on the Placement of Children.

O. "Preadoption requirements" are any conditions established by the laws or regulations of the Federal Government or of each state that must be met prior to the placement of a child in an adoptive home.

P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

New matter indicated by italics - deletions by strikeout
(b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 1961 and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon the child; or

(e) inflicts excessive corporal punishment.

Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.

A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the Abused and Neglected Child Reporting Act. A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for the child's welfare failed to vaccinate, delayed vaccination, or refused vaccination for the child due to a waiver on religious or medical grounds as permitted by law.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961.

S. "Standby adoption" means an adoption in which a parent consents

New matter indicated by italics - deletions by strikeout
to custody and termination of parental rights to become effective upon the occurrence of a future event, which is either the death of the parent or the request of the parent for the entry of a final judgment of adoption.

T. (Blank).

(Source: P.A. 92-16, eff. 6-28-01; 92-375, eff. 1-1-02; 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 92-651, eff. 7-11-02; 93-732, eff. 1-1-05.)

Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0564
(House Bill No. 2351)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing the heading of Article VI of Chapter 3 and Sections 3-412 and 12-503 and adding Section 3-663 as follows:

(625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

Sec. 3-412. Registration plates and registration stickers to be furnished by the Secretary of State.

(a) The Secretary of State upon registering a vehicle subject to annual registration for the first time shall issue or shall cause to be issued to the owner one registration plate for a motorcycle, trailer, semitrailer, motorized pedalcycle or truck-tractor, 2 registration plates for other motor vehicles and, where applicable, current registration stickers for motor vehicles of the first division. The provisions of this Section may be made applicable to such vehicles of the second division, as the Secretary of State may, from time to time, in his discretion designate. On subsequent annual registrations during the term of the registration plate as provided in Section 3-414.1, the Secretary shall issue or cause to be issued registration stickers as evidence of current registration. However, the issuance of annual registration stickers to vehicles registered under the provisions of Sections 3-402.1 and 3-405.3 of this Code may not be required if the Secretary deems the issuance unnecessary.

(b) Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of this State, which may be abbreviated, the year number for which it was issued, which may be abbreviated, the phrase "Land of Lincoln" (except as
otherwise provided in this Code (Chapter 3), and such other letters or numbers as the Secretary may prescribe. However, for apportionment plates issued to vehicles registered under Section 3-402.1 and fleet plates issued to vehicles registered under Section 3-405.3, the phrase "Land of Lincoln" may be omitted to allow for the word "apportioned", the word "fleet", or other similar language to be displayed. Registration plates issued to a vehicle registered as a fleet vehicle may display a designation determined by the Secretary.

The Secretary may in his discretion prescribe that letters be used as prefixes only on registration plates issued to vehicles of the first division which are registered under this Code and only as suffixes on registration plates issued to other vehicles. Every registration sticker issued as evidence of current registration shall designate the year number for which it is issued and such other letters or numbers as the Secretary may prescribe and shall be of a contrasting color with the registration plates and registration stickers of the previous year.

(c) Each registration plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight, and shall be coated with reflectorizing material. The dimensions of the plate issued to vehicles of the first division shall be 6 by 12 inches.

(d) The Secretary of State shall issue for every passenger motor vehicle rented without a driver the same type of registration plates as the type of plates issued for a private passenger vehicle.

(e) The Secretary of State shall issue for every passenger car used as a taxicab or livery, distinctive registration plates.

(f) The Secretary of State shall issue for every motorcycle distinctive registration plates distinguishing between motorcycles having 150 or more cubic centimeters piston displacement, or having less than 150 cubic centimeter piston displacement.

(g) Registration plates issued to vehicles for-hire may display a designation as determined by the Secretary that such vehicles are for-hire.

(h) The Secretary of State shall issue for each electric vehicle distinctive registration plates which shall distinguish between electric vehicles having a maximum operating speed of 45 miles per hour or more and those having a maximum operating speed of less than 45 miles per hour.

(i) The Secretary of State shall issue for every public and private ambulance registration plates identifying the vehicle as an ambulance. The Secretary shall forward to the Department of Public Aid registration information for the purpose of verification of claims filed with the

New matter indicated by italics - deletions by strikeout
Department by ambulance owners for payment for services to public assistance recipients.

(j) The Secretary of State shall issue for every public and private medical carrier or rescue vehicle livery registration plates displaying numbers within ranges of numbers reserved respectively for medical carriers and rescue vehicles. The Secretary shall forward to the Department of Public Aid registration information for the purpose of verification of claims filed with the Department by owners of medical carriers or rescue vehicles for payment for services to public assistance recipients.

(k) The Secretary of State shall issue distinctive license plates or distinctive license plate stickers for every vehicle exempted from subsection (a) of Section 12-503 by subsection (g-5) of that Section.

Art. VI. SPECIAL PLATES AND SPECIAL LICENSE PLATE STICKERS

Sec. 3-663. Medically Required Tinted Window plates or plate stickers. The Secretary, upon receipt of an application made in the form prescribed by the Secretary, shall issue special registration plates or plate stickers designated as Medically Required Tinted Window license plates or plate stickers. The special plates or plate stickers issued under this Section shall be affixed only to passenger vehicles of the first division or their license plates and to motor vehicles of the second division weighing not more than 8,000 pounds or their license plates. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code. Plate stickers issued under this Section shall expire in accordance with rules adopted by the Secretary. The design and color of the plates or plate stickers shall be wholly within the discretion of the Secretary of State.
shall create a cause of action on behalf of a buyer against a dealer or manufacturer who sells a motor vehicle with a window which is in violation of this Section.

(b) Nothing contained in this Section shall prohibit the use of nonreflective, smoked or tinted glass, nonreflective film, perforated window screen or other decorative window application on windows to the rear of the driver's seat, except that any motor vehicle with a window to the rear of the driver's seat treated in this manner shall be equipped with a side mirror on each side of the motor vehicle which are in conformance with Section 12-502.

(c) No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield, rear window, side wings or side windows immediately adjacent to each side of the driver which materially obstructs the driver's view.

(d) Every motor vehicle, except motorcycles, shall be equipped with a device, controlled by the driver, for cleaning rain, snow, moisture or other obstructions from the windshield; and no person shall drive a motor vehicle with snow, ice, moisture or other material on any of the windows or mirrors, which materially obstructs the driver's clear view of the highway.

(e) No person shall drive a motor vehicle when the windshield, side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side or rear. A vehicle equipped with a side mirror on each side of the vehicle which are in conformance with Section 12-502 will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured.

(f) Paragraphs (a) and (b) of this Section shall not apply to:
   (1) motor vehicles manufactured prior to January 1, 1982; or
   (2) to those motor vehicles properly registered in another jurisdiction.

(g) Paragraph (a) of this Section shall not apply to any motor vehicle with a window treatment, including but not limited to a window application, reflective material, nonreflective material, or tinted film, applied or affixed to the motor vehicle for the purposes set forth in item (1) or (2) before the effective date of this amendatory Act of 1997 and:
   (1) that is owned and operated by a person afflicted with or suffering from a medical illness, ailment, or disease which would require that person to be shielded from the direct rays of the sun; or
   (2) that is used in transporting a person when the person resides at the same address as the registered owner of the vehicle and

New matter indicated by italics - deletions by strikeout
the person is afflicted with or suffering from a medical illness, ailment or disease which would require the person to be shielded from the direct rays of the sun;

It must be certified by a physician licensed to practice medicine in Illinois that such person owning and operating or being transported in a motor vehicle is afflicted with or suffers from such illness, ailment, or disease and such certification must be carried in the motor vehicle at all times. The certification shall be legible and shall contain the date of issuance, the name, address and signature of the attending physician, and the name, address, and medical condition of the person requiring exemption. The information on the certificate for a window treatment applied or affixed before the effective date of this amendatory Act of 1997 must remain current and shall be renewed annually by the attending physician, but in no event shall a certificate issued for purposes of this subsection be valid on or after January 1, 2008. The person shall also submit a copy of the certification to the Secretary of State. The Secretary of State may forward notice of certification to law enforcement agencies. This subsection shall not be construed to authorize window treatments applied or affixed on or after the effective date of this amendatory Act of 1997.

The exemption provided by this subsection (g) shall not apply to any motor vehicle on and after January 1, 2008.

This subsection (g) does not apply to the exemption set forth in subsection (g-5).

(g-5) Paragraph (a) of this Section does not apply to any motor vehicle with a window treatment, including but not limited to a window application, reflective material, nonreflective material, or tinted film, applied or affixed to a motor vehicle that:

(i) is owned and operated by a person afflicted with or suffering from systemic or discoid lupus erythematosus or albinism; or

(ii) is used in transporting a person who resides at the same address as the registered owner and is afflicted with or suffers from systemic or discoid lupus erythematosus or albinism.

It must be certified by a physician licensed to practice medicine in Illinois that the person owning and operating or being transported in a motor vehicle is afflicted with or suffers from systemic or discoid lupus erythematosus or albinism and the certification must be carried in the motor vehicle.
vehicle at all times. The certification shall be legible and shall contain the
date of issuance, the name, address, and signature of the attending physician,
and the name, address, and medical condition of the person requiring
exemption. The information on the certificate for a window treatment must
remain current and shall be renewed annually by the attending physician.
The owner of the vehicle shall also submit a copy of the certification to the
Secretary of State. The Secretary of State may forward notice of certification
to law enforcement agencies.

(h) Paragraph (a) of this Section shall not apply to motor vehicle
stickers or other certificates issued by State or local authorities which are
required to be displayed upon motor vehicle windows to evidence compliance
with requirements concerning motor vehicles.

(i) Those motor vehicles exempted under paragraph (f)(1) of this
Section shall not cause their windows to be treated as described in paragraph
(a) after January 1, 1993.

(j) A person found guilty of violating paragraphs (a), (b), or (i) of this
Section shall be guilty of a petty offense and fined no less than $50 nor more
than $500. A second or subsequent violation of paragraphs (a), (b), or (i) of
this Section shall be treated as a Class C misdemeanor and the violator fined
no less than $100 nor more than $500. Any person convicted under
paragraphs (a), (b), or (i) of this Section shall be ordered to alter any
nonconforming windows into compliance with this Section.
(Source: P.A. 90-389, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 12, 2005.
Effective August 12, 2005.

PUBLIC ACT 94-0565
(House Bill No. 2487)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 5. The General Assembly Organization Act is amended by
changing Section 3.1 as follows:
(25 ILCS 5/3.1) (from Ch. 63, par. 3.1)
Sec. 3.1. Whenever any law or resolution requires a report to the
General Assembly, that reporting requirement shall be satisfied by filing one

New matter indicated by italics - deletions by strikeout
copy of the report with each of the following: the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit. In addition, the reporting entity must make a copy of the report available for a reasonable time on its Internet site or on the Internet site of the public entity that hosts the reporting entity's World Wide Web page, if any. Additional copies shall be filed with the State Government Report Distribution Center for the General Assembly as required under paragraph (t) of Section 7 of the State Library Act.
(Source: P.A. 83-1257.)

Passed in the General Assembly May 27, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0566
(House Bill No. 2589)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by renumbering and changing Section 2-3.134, added by Public Act 93-814, as follows:
(105 ILCS 5/2-3.136)
Sec. 2-3.134. K-3 class size reduction grant program. A class size reduction grant program is created. The program shall be implemented and administered by the State Board of Education. From appropriations made for purposes of this Section, the State Board shall award grants to schools that meet the criteria established by this Section for the award of those grants.

Grants shall be awarded pursuant to application. The form and manner of applications and the criteria for the award of grants shall be prescribed by the State Board of Education. The grant criteria as so prescribed, however, shall provide that only those schools that are on the State Board of Education Early Academic Warning List or the academic watch list under Section 2-3.25d that maintain grades kindergarten through 3 are grant eligible.

Grants awarded to eligible schools under this Section shall be used and applied by the schools to defray the costs and expenses of operating and maintaining classes in grades kindergarten through 3 with an average class size within a specific grade of no more than 20 pupils. If a school's facilities

New matter indicated by italics - deletions by strikeout
are inadequate to allow for this specified class size, then a school may use the grant funds for teacher aides instead.

If a school board determines that a school is using funds awarded under this Section for purposes not authorized by this Section, then the school board, rather than the school, shall determine how the funds are used.

The State Board of Education shall adopt any rules, consistent with the requirements of this Section, that are necessary to implement and administer the K-3 class size reduction grant program.

(Source: P.A. 93-814, eff. 7-27-04; revised 11-10-04.)

Passed in the General Assembly May 16, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0567
(House Bill No. 2853)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2VV as follows:

(815 ILCS 505/2VV new)

Sec. 2VV. Wireless telephone service provider; third party billings. A wireless telephone service provider shall provide a contact telephone number and brief description of the service for all third-party billings on the consumer's bill, to the extent allowed by federal law, or through a customer service representative. For purposes of this Section, "third-party billings" means any billing done by a wireless telephone service provider on behalf of a third party where the wireless telephone service provider is merely the billing agent for the third party with no ability to provide refunds, credits, or otherwise adjust the billings.

Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0568
(House Bill No. 4014)

AN ACT concerning regulation.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 3.10 as follows:

(210 ILCS 50/3.10)
Sec. 3.10. Scope of Services.
(a) "Advanced Life Support (ALS) Services" means an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical services care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures, as outlined in the Advanced Life Support national curriculum of the United States Department of Transportation and any modifications to that curriculum specified in rules adopted by the Department pursuant to this Act.

That care shall be initiated as authorized by the EMS Medical Director in a Department approved advanced life support EMS System, under the written or verbal direction of a physician licensed to practice medicine in all of its branches or under the verbal direction of an Emergency Communications Registered Nurse.

(b) "Intermediate Life Support (ILS) Services" means an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical services care that includes basic life support care plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures, as outlined in the Intermediate Life Support national curriculum of the United States Department of Transportation and any modifications to that curriculum specified in rules adopted by the Department pursuant to this Act.

That care shall be initiated as authorized by the EMS Medical Director in a Department approved intermediate or advanced life support EMS System, under the written or verbal direction of a physician licensed to practice medicine in all of its branches or under the verbal direction of an Emergency Communications Registered Nurse.

(c) "Basic Life Support (BLS) Services" means a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical services care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in the Basic Life Support national curriculum of the United States Department of Transportation and any modifications to that curriculum.
specified in rules adopted by the Department pursuant to this Act.

That care shall be initiated, where authorized by the EMS Medical Director in a Department approved EMS System, under the written or verbal direction of a physician licensed to practice medicine in all of its branches or under the verbal direction of an Emergency Communications Registered Nurse.

(d) "First Response Services" means a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the First Responder curriculum of the United States Department of Transportation and any modifications to that curriculum specified in rules adopted by the Department pursuant to this Act.

(e) "Pre-hospital care" means those emergency medical services rendered to emergency patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to hospitals.

(f) "Inter-hospital care" means those emergency medical services rendered to emergency patients for analytic, resuscitative, stabilizing, or preventive purposes, during transportation of such patients from one hospital to another hospital.

(g) "Non-emergency medical services care" means medical care or monitoring services rendered to patients whose conditions do not meet this Act's definition of emergency, before or during transportation of such patients to or from health care facilities visited for the purpose of obtaining medical or health care services which are not emergency in nature, using a vehicle regulated by this Act.

(h) The provisions of this Act shall not apply to the use of an ambulance or SEMSV for a non-medical transport (e.g. to an individual's residence), unless and until emergency or non-emergency medical services are needed during the use of the ambulance or SEMSV such transport.

(Source: P.A. 89-177, eff. 7-19-95.)

Approved August 12, 2005.
Effective January 1, 2006
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Metropolitan Water Reclamation District Act is amended by adding Section 297 as follows:

(70 ILCS 2605/297 new)

Sec. 297. District enlarged. Upon the effective date of this amendatory Act of the 94th General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include within those limits the following described tracts of land and those tracts are annexed to the District:

Parcel 1:

BARRINGTON HILLS PARCEL(NORTH): THAT PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE SOUTH 89°40'35" WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 2592.78 FEET TO THE EAST LINE OF ILLINOIS ROUTE 59 ACCORDING TO DOCUMENT NUMBER 11194096; THENCE SOUTH 00°11'17" EAST ALONG SAID EAST LINE, 193.36 FEET TO THE POINT OF BEGINNING; THENCE NORTH 81°58'50" EAST, 221.47 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1501.93 FEET WITH AN ARC LENGTH OF 341.98 FEET AND A CHORD BEARING OF SOUTH 01°29'47" EAST TO A POINT OF NON-TANGENCY; THENCE NORTH 84°58'24" WEST, 228.14 FEET TO THE EAST LINE OF ILLINOIS ROUTE 59, AFORESAID; THENCE NORTH 00°11'17" WEST ALONG SAID EAST LINE, 290.24 FEET TO THE POINT OF BEGINNING, CONTAINING 1.670 ACRES OF LAND MORE OR LESS.

Parcel 2:

BARRINGTON HILLS PARCEL(SOUTH): THAT PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE SOUTH 89°40'35" WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 2592.78

New matter indicated by italics - deletions by strikeout
FEET TO THE EAST LINE OF ILLINOIS ROUTE 59 ACCORDING TO DOCUMENT NUMBER 11194096; THENCE SOUTH 00° 11' 17" EAST ALONG SAID EAST LINE, 1007.47 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 50° 00' 12" EAST, 114.07 FEET; THENCE NORTH 62° 51' 00" EAST, 135.00 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 165.00 FEET WITH AN ARC LENGTH OF 91.17 FEET AND A CHORD BEARING OF SOUTH 42° 58' 45" EAST TO A POINT OF NON-TANGENCY; THENCE SOUTH 22° 20' 04" EAST, 241.05 FEET; THENCE SOUTH 89° 51' 05" WEST, 176.29 FEET TO THE EAST LINE OF ILLINOIS ROUTE 59, AFORESAID; THENCE NORTH 00° 11' 17" WEST ALONG SAID EAST LINE, 301.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.356 ACRES OF LAND MORE OR LESS.

Section 99. Effective date. This Act takes effect upon becoming law. Passed in the General Assembly May 27, 2005.
Approved August 12, 2005.
Effective August 12, 2005.

PUBLIC ACT 94-0570
(Senate Bill No. 0026)

AN ACT concerning regulation.
WHEREAS, The General Assembly intends to provide one standard definition of "hospice" by establishing minimum standards for all providers of hospice care in Illinois; and
WHEREAS, The General Assembly does not intend to force any volunteer hospice program out of business but instead intends to bring such programs into compliance with certain minimum standards applicable to all providers of hospice care in Illinois; therefore
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Assisted Living and Shared Housing Act is amended by changing Section 75 as follows:
(210 ILCS 9/75)
Sec. 75. Residency Requirements.
(a) No individual shall be accepted for residency or remain in residence if the establishment cannot provide or secure appropriate services,

New matter indicated by italics - deletions by strikeout
if the individual requires a level of service or type of service for which the establishment is not licensed or which the establishment does not provide, or if the establishment does not have the staff appropriate in numbers and with appropriate skill to provide such services.

(b) Only adults may be accepted for residency.

(c) A person shall not be accepted for residency if:

(1) the person poses a serious threat to himself or herself or to others;

(2) the person is not able to communicate his or her needs and no resident representative residing in the establishment, and with a prior relationship to the person, has been appointed to direct the provision of services;

(3) the person requires total assistance with 2 or more activities of daily living;

(4) the person requires the assistance of more than one paid caregiver at any given time with an activity of daily living;

(5) the person requires more than minimal assistance in moving to a safe area in an emergency;

(6) the person has a severe mental illness, which for the purposes of this Section means a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1994), where the individual is substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders;

(7) the person requires intravenous therapy or intravenous feedings unless self-administered or administered by a qualified, licensed health care professional;

(8) the person requires gastrostomy feedings unless self-administered or administered by a licensed health care professional;

(9) the person requires insertion, sterile irrigation, and replacement of catheter, except for routine maintenance of urinary catheters, unless the catheter care is self-administered or administered by a licensed health care professional;

(10) the person requires sterile wound care unless care is self-
administered or administered by a licensed health care professional;
(11) the person requires sliding scale insulin administration unless self-performed or administered by a licensed health care professional;
(12) the person is a diabetic requiring routine insulin injections unless the injections are self-administered or administered by a licensed health care professional;
(13) the person requires treatment of stage 3 or stage 4 decubitus ulcers or exfoliative dermatitis;
(14) the person requires 5 or more skilled nursing visits per week for conditions other than those listed in items (13) and (15) of this subsection for a period of 3 consecutive weeks or more except when the course of treatment is expected to extend beyond a 3 week period for rehabilitative purposes and is certified as temporary by a physician; or
(15) other reasons prescribed by the Department by rule.
(d) A resident with a condition listed in items (1) through (15) of subsection (c) shall have his or her residency terminated.
(e) Residency shall be terminated when services available to the resident in the establishment are no longer adequate to meet the needs of the resident. This provision shall not be interpreted as limiting the authority of the Department to require the residency termination of individuals.
(f) Subsection (d) of this Section shall not apply to terminally ill residents who receive or would qualify for hospice care and such care is coordinated by a hospice program licensed under the Hospice Program Licensing Act or other licensed health care professional employed by a licensed home health agency and the establishment and all parties agree to the continued residency.
(g) Items (3), (4), (5), and (9) of subsection (c) shall not apply to a quadriplegic, paraplegic, or individual with neuro-muscular diseases, such as muscular dystrophy and multiple sclerosis, or other chronic diseases and conditions as defined by rule if the individual is able to communicate his or her needs and does not require assistance with complex medical problems, and the establishment is able to accommodate the individual's needs. The Department shall prescribe rules pursuant to this Section that address special safety and service needs of these individuals.
(h) For the purposes of items (7) through (11) of subsection (c), a licensed health care professional may not be employed by the owner or operator of the establishment, its parent entity, or any other entity with

New matter indicated by italics - deletions by strikeout
ownership common to either the owner or operator of the establishment or parent entity, including but not limited to an affiliate of the owner or operator of the establishment. Nothing in this Section is meant to limit a resident's right to choose his or her health care provider.  

(Source: P.A. 93-141, eff. 7-10-03.)  

Section 10. The Hospice Program Licensing Act is amended by changing Sections 2, 3, 4, 5, 8, and 9 and by adding Sections 4.5, 8.5, and 8.10 as follows:

(210 ILCS 60/2) (from Ch. 111 1/2, par. 6102)  
Sec. 2. Purpose. The intent of this Act is to ensure quality hospice care to consumers in the State of Illinois. Legislation is to encourage the orderly development of hospice programs which provide supportive and palliative care to terminally ill persons and their families during the final stages of their illness and during dying and bereavement. It is the intent of the General Assembly that persons requiring the services of hospice programs be assured the best quality of care during their time of need and vulnerability. This is to be accomplished through the development, establishment and enforcement of standards governing the care provided by hospice programs.  
(Source: P.A. 83-457.)  
(210 ILCS 60/3) (from Ch. 111 1/2, par. 6103)  
Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Bereavement" means the period of time during which the hospice patient's family experiences and adjusts to the death of the hospice patient.  
(a-5) "Bereavement services" means counseling services provided to an individual's family after the individual's death.  
(a-10) "Attending physician" means a physician who:

   (1) is a doctor of medicine or osteopathy; and  
   (2) is identified by an individual, at the time the individual elects to receive hospice care, as having the most significant role in the determination and delivery of the individual's medical care.

(b) "Department" means the Illinois Department of Public Health.  
(c) "Director" means the Director of the Illinois Department of Public Health.

(d) "Hospice care Full hospice" means a coordinated program of palliative care that provides for the physical, emotional, and spiritual care needs of a terminally ill patient and his or her family. The goal of such care is to achieve the highest quality of life as defined by the patient and his or her family through the relief of suffering and control of symptoms. home and

New matter indicated by italics - deletions by strikeout
inpatient care, providing directly, or through agreement, palliative and supportive medical, health and other services to terminally ill patients and their families. A full hospice utilizes a medically directed interdisciplinary care team of professionals and volunteers. The program provides care to meet the physical, psychological, social, spiritual and other special needs which are experienced during the final stages of illness and during dying and bereavement. Home care is to be provided on a part-time, intermittent, regularly scheduled basis, and on an on-call around-the-clock basis according to patient and family need. To the maximum extent possible, care shall be furnished in the patient's home. Should in-patient care be required, services are to be provided with the intent of minimizing the length of such care and shall only be provided in a hospital licensed under the Hospital Licensing Act, or a skilled nursing facility licensed under the Nursing Home Care Act.

(e) "Hospice care team" means an interdisciplinary group or groups composed of individuals who provide or supervise the care and services offered by the hospice. working unit composed of but not limited to a physician licensed to practice medicine in all of its branches, a nurse licensed pursuant to the Nursing and Advanced Practice Nursing Act, a social worker, a pastoral or other counselor, and trained volunteers. The patient and the patient's family are considered members of the hospice care team when development or revision of the patient's plan of care takes place.

(f) "Hospice patient" means a terminally ill person receiving hospice services.

(g) "Hospice patient's family" means a hospice patient's immediate family consisting of a spouse, sibling, child, parent and those individuals designated as such by the patient for the purposes of this Act.

(g-1) "Hospice residence" means a separately licensed home, apartment building, or similar building providing living quarters:

1. that is owned or operated by a person licensed to operate as a comprehensive full hospice; and
2. at which hospice services are provided to facility residents.

A building that is licensed under the Hospital Licensing Act or the Nursing Home Care Act is not a hospice residence.

(h) "Hospice services" means a range of professional and other supportive services provided to a hospice patient and his or her family. These services may include, but are not limited to, physician services, nursing services, medical social work services, spiritual counseling services, bereavement services, and volunteer services. Palliative and supportive care provided to a hospice patient and his family to meet the special need arising

New matter indicated by italics - deletions by strikeout
out of the physical, emotional, spiritual and social stresses which are experienced during the final stages of illness and during dying and bereavement. Services provided to the terminally ill patient shall be furnished, to the maximum extent possible, in the patient's home. Should inpatient care be required, services are to be provided with the intent of minimizing the length of such care:

(h-5) "Hospice program" means a licensed public agency or private organization, or a subdivision of either of those, that is primarily engaged in providing care to terminally ill individuals through a program of home care or inpatient care, or both home care and inpatient care, utilizing a medically directed interdisciplinary hospice care team of professionals or volunteers, or both professionals and volunteers. A hospice program may be licensed as a comprehensive hospice program or a volunteer hospice program.

(h-10) "Comprehensive hospice" means a program that provides hospice services and meets the minimum standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR Part 418 but is not required to be Medicare-certified.

(i) "Palliative care" means the management of pain and other distressing symptoms that incorporates medical, nursing, psychosocial, and spiritual care according to the needs, values, beliefs, and culture or cultures of the patient and his or her family. The evaluation and treatment is patient-centered, with a focus on the central role of the family unit in decision-making, treatment to provide for the reduction or abatement of pain and other troubling symptoms, rather than treatment aimed at investigation and intervention for the purpose of cure or inappropriate prolongation of life.

(j) "Hospice service plan" means a plan detailing the specific hospice services offered by a comprehensive full or volunteer hospice program, and the administrative and direct care personnel responsible for those services. The plan shall include but not be limited to:

(1) Identification of the person or persons administratively responsible for the program.
(2) The estimated average monthly patient census.
(3) The proposed geographic area the hospice will serve.
(4) A listing of those hospice services provided directly by the hospice, and those hospice services provided indirectly through a contractual agreement.
(5) The name and qualifications of those persons or entities under contract to provide indirect hospice services.
(6) The name and qualifications of those persons providing
direct hospice services, with the exception of volunteers.

(7) A description of how the hospice plans to utilize volunteers in the provision of hospice services.

(8) A description of the program's record keeping system.

(k) "Terminally ill" means a medical prognosis by a physician licensed to practice medicine in all of its branches that a patient has an anticipated life expectancy of one year or less.

(l) "Volunteer" means a person who offers his or her services to a hospice without compensation. Reimbursement for a volunteer's expenses in providing hospice service shall not be considered compensation.

(l-5) "Employee" means a paid or unpaid member of the staff of a hospice program, or, if the hospice program is a subdivision of an agency or organization, of the agency or organization, who is appropriately trained and assigned to the hospice program. "Employee" also means a volunteer whose duties are prescribed by the hospice program and whose performance of those duties is supervised by the hospice program.

(l-10) "Representative" means an individual who has been authorized under State law to terminate an individual's medical care or to elect or revoke the election of hospice care on behalf of a terminally ill individual who is mentally or physically incapacitated.

(m) "Volunteer hospice" means a program which provides hospice services to patients regardless of their ability to pay, with emphasis on the utilization of volunteers to provide services, under the administration of a not-for-profit agency. This definition does not prohibit the employment of staff.

(Source: P.A. 93-319, eff. 7-23-03.)

(210 ILCS 60/4) (from Ch. 111 1/2, par. 6104)

Sec. 4. License.

(a) No person shall establish, conduct or maintain a comprehensive full or volunteer hospice program without first obtaining a license from the Department. A hospice residence may be operated only at the locations listed on the license. A comprehensive full hospice program owning or operating a hospice residence is not subject to the provisions of the Nursing Home Care Act in owning or operating a hospice residence.

(b) No public or private agency shall advertise or present itself to the public as a comprehensive full or volunteer hospice program which provides hospice services without meeting the provisions of subsection (a).

(c) The license shall be valid only in the possession of the hospice to which it was originally issued and shall not be transferred or assigned to any...
other person, agency, or corporation.

(d) The license shall be renewed annually.

(e) The license shall be displayed in a conspicuous place inside the hospice program office.

(Source: P.A. 93-319, eff. 7-23-03.)

(210 ILCS 60/4.5 new)

Sec. 4.5. Provisional license. Every licensed hospice program in operation on the effective date of this Act that does not meet all of the requirements for a comprehensive hospice program or a volunteer hospice program as set forth in this Act shall be deemed to hold a provisional license to continue that operation on and after that date. The provisional license shall remain in effect for one year after the effective date of this Act or until the Department issues a regular license under Section 4, whichever is earlier. The Department may coordinate the issuance of a regular hospice program license under Section 4 with the renewal date of the license that is in effect on the effective date of this Act.

(Source: P.A. 84-427.)

(210 ILCS 60/8) (from Ch. 111 1/2, par. 6108)

Sec. 8. General Requirements for hospice programs. Every hospice program shall comply with the following requirements:

(a) The hospice program's services shall include physician services, nursing services, medical social work services, bereavement services, and hospice services.
counseling, and volunteer services. These services shall be coordinated with those of the hospice patient's primary or attending physician and shall be substantially provided by hospice program employees. The hospice program must make nursing services, medical social work services, volunteer services, and bereavement services available on a 24-hour basis to the extent necessary to meet the needs of individuals for care that is reasonable and necessary for the palliation and management of terminal illness and related conditions. The hospice program must provide these services in a manner consistent with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR Part 418. Hospice services, as defined in Section 3, may be furnished in a home or inpatient setting, with the intent of minimizing the length of inpatient care. The home care component shall be the primary form of care and shall be available on a part-time, intermittent, regularly-scheduled basis.

(a-5) The hospice program must have a governing body that designates an individual responsible for the day-to-day management of the hospice service plan. The governing body must also ensure that all services are provided in accordance with accepted standards of practice and shall assume full legal responsibility for determining, implementing, and maintaining the hospice program's total operation.

(a-10) The hospice program must fully disclose in writing to any hospice patient, or to any hospice patient's family or representative, prior to the patient's admission, the hospice services available from the hospice program and the hospice services for which the hospice patient may be eligible under the patient's third-party payer plan (that is, Medicare, Medicaid, the Veterans Administration, private insurance, or other plans).

(b) The hospice program shall coordinate its services with professional and nonprofessional services already in the community. The program may contract out for elements of its services; however, direct patient contact and overall coordination of hospice services shall be maintained by the hospice care team. Any contract entered into between a hospice and a health care facility or service provider shall specify that the hospice retain the responsibility for planning and coordinating hospice services and care on behalf of a hospice patient and his family. All contracts shall be in compliance with this Act. No hospice which contracts for any hospice service shall charge fees for services provided directly by the hospice care team which duplicate contractual services provided to the individual patient or his family.

(c) The hospice program must have functioning hospice care teams
that develop the hospice patient plans of care in accordance with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR Part 418. The hospice care team shall be responsible for the coordination of home and inpatient care.

(c-5) A hospice patient's plan of care must be established and maintained for each individual admitted to a hospice program, and the services provided to an individual must be in accordance with the individual's plan of care. The plans of care must be established and maintained in accordance with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR Part 418.

(d) The hospice program shall have a medical director who shall be a doctor of medicine or osteopathy and physician licensed to practice medicine in all of its branches. The medical director shall have overall responsibility for medical direction of the patient care component of the hospice program and treatment of patients and their families rendered by the hospice care team, and shall consult and cooperate with the patient's attending physician.

(e) The hospice program shall have a bereavement program which shall provide a continuum of supportive services for the family after the patient's death. The bereavement services must be provided in accordance with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR Part 418.

(f) The hospice program shall foster independence of the patient and his family by providing training, encouragement and support so that the patient and family can care for themselves as much as possible.

(g) The hospice program shall not impose the dictates of any value or belief system on its patients and their families.

(h) The hospice program shall clearly define its admission criteria. Decisions on admissions shall be made by a hospice care team and shall be dependent upon the expressed request and informed consent of the patient or the patient's legal guardian. For purposes of this Act, "informed consent" means that a hospice program must demonstrate respect for an individual's rights by ensuring that an informed consent form that specifies the type of care and services that may be provided as hospice care during the course of the patient's illness has been obtained for every hospice patient, either from the patient or from the patient's representative.

(i) The hospice program shall keep accurate, current, and confidential records on all hospice patients and their families in accordance with the

New matter indicated by italics - deletions by strikeout
standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR Part 418, except that standards or conditions in connection with Medicare or Medicaid election forms do not apply to patients receiving hospice care at no charge.

(j) The hospice program shall utilize the services of trained volunteers in accordance with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR Part 418.

(k) (Blank). The hospice program shall consist of both home care and inpatient care which incorporates the following characteristics:

(1) The home care component shall be the primary form of care, and shall be available on a part-time, intermittent, regularly scheduled basis and on an on-call around-the-clock basis, according to patient and family need.

(2) The inpatient component shall primarily be used only for short-term stays; if possible, inpatient care should closely approximate a home-like environment, and provide overnight family visitation within the facility.

(l) The hospice program must maintain professional management responsibility for hospice care and ensure that services are furnished in a safe and effective manner by persons meeting the qualifications as defined in this Act and in accordance with the patient’s plan of care.

(m) The hospice program must conduct a quality assurance program in accordance with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR Part 418.

(n) Where applicable, every hospice program employee must be licensed, certified, or registered in accordance with federal, State, and local laws and regulations.

(o) The hospice program shall provide an ongoing program for the training and education of its employees appropriate to their responsibilities.

(Source: P.A. 83-457.)

(210 ILCS 60/8.5 new)

Sec. 8.5. Additional requirements; comprehensive hospice program. In addition to complying with the standards prescribed by the Department under Section 9 and complying with all other applicable requirements under this Act, a comprehensive hospice program must meet the minimum standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR Part 418.

New matter indicated by italics - deletions by strikeout
addition to complying with the standards prescribed by the Department under Section 9 and complying with all other applicable requirements under this Act, a volunteer hospice program must do the following:

1. Provide hospice care to patients regardless of their ability to pay, with emphasis on the utilization of volunteers to provide services. Nothing in this paragraph prohibits a volunteer hospice program from employing paid staff, however.

2. Provide services not required under subsection (a) of Section 8 in accordance with generally accepted standards of practice and in accordance with applicable local, State, and federal laws.

3. Include the word "Volunteer" in its corporate name and in all verbal and written communications to patients, patients' families and representatives, and the community and public at large.

4. Provide information regarding other hospice care providers available in the hospice program's service area.

Sec. 9. Standards. The Department shall prescribe, by regulation, minimum standards for licensed hospice programs.

(a) The standards for all hospice programs full hospices shall include, but not be limited to, the following:

1. Compliance with the requirements in Section 8.

2. The number and qualifications of persons providing direct hospice services.

3. The qualifications of those persons contracted with to provide indirect hospice services.

4. The palliative and supportive care and bereavement counseling provided to a hospice patient and his family.

5. Hospice services provided on an inpatient basis.


7. The quality of care provided to patients.

8. Procedures for the accurate and centralized maintenance of records on hospice services provided to patients and their families.

9. The use of volunteers in the hospice program, and the training of those volunteers.

10. The rights of the patient and the patient's family.

(b) The standards for volunteer hospice programs shall include but not be limited to:

1. The direct and indirect services provided by the hospice;
including the qualifications of personnel providing medical care:

(2) Quality review of the services provided by the hospice program:

(3) Procedures for the accurate and centralized maintenance of records on hospice services provided to patients and their families:

(4) The rights of the patient and the patient's family:

(5) The use of volunteers in the hospice program:

(6) The disclosure to the patients of the range of hospice services provided and not provided by the hospice program:

(c) The standards for hospices owning or operating hospice residences shall address the following:

(1) The safety, cleanliness, and general adequacy of the premises, including provision for maintenance of fire and health standards that conform to State laws and municipal codes, to provide for the physical comfort, well-being, care, and protection of the residents.

(2) Provisions and criteria for admission, discharge, and transfer of residents.

(3) Fee and other contractual agreements with residents.

(4) Medical and supportive services for residents.

(5) Maintenance of records and residents' right of access of those records.

(6) Procedures for reporting abuse or neglect of residents.

(7) The number of persons who may be served in a residence, which shall not exceed 16 persons per location.

(8) The ownership, operation, and maintenance of buildings containing a hospice residence.

(9) The number of licensed hospice residences shall not exceed 6 before December 31, 1996 and shall not exceed 12 before December 31, 1997. The Department shall conduct a study of the benefits of hospice residences and make a recommendation to the General Assembly as to the need to limit the number of hospice residences after June 30, 1997.

(d) In developing the standards for hospices, the Department shall take into consideration the category of the hospice programs.

(Source: P.A. 89-278, eff. 8-10-95.)

Section 15. The Health Care Worker Background Check Act is amended by changing Section 15 as follows:

(225 ILCS 46/15)

New matter indicated by italics - deletions by strikeout
Sec. 15. Definitions. For the purposes of this Act, the following definitions apply:

"Applicant" means an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.

"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs. The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe guidelines for interpreting this definition with regard to the health care employers that it licenses.

"Health care employer" means:

(1) the owner or licensee of any of the following:
   (i) a community living facility, as defined in the Community Living Facilities Act;
   (ii) a life care facility, as defined in the Life Care Facilities Act;
   (iii) a long-term care facility, as defined in the Nursing Home Care Act;
   (iv) a home health agency, as defined in the Home Health Agency Licensing Act;
   (v) a comprehensive full hospice program or volunteer hospice program, as defined in the Hospice Program Licensing Act;
   (vi) a hospital, as defined in the Hospital Licensing Act;
   (vii) a community residential alternative, as defined in the Community Residential Alternatives Licensing Act;
   (viii) a nurse agency, as defined in the Nurse Agency Licensing Act;
   (ix) a respite care provider, as defined in the Respite Program Act;
   (ix-a) an establishment licensed under the Assisted Living and Shared Housing Act;
   (x) a supportive living program, as defined in the

New matter indicated by italics - deletions by strikeout
Illinois Public Aid Code;
   (xi) early childhood intervention programs as described in 59 Ill. Adm. Code 121;
   (xii) the University of Illinois Hospital, Chicago;
   (xiii) programs funded by the Department on Aging through the Community Care Program;
   (xiv) programs certified to participate in the Supportive Living Program authorized pursuant to Section 5-5.01a of the Illinois Public Aid Code;
   (xv) programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers;
   (xvi) locations licensed under the Alternative Health Care Delivery Act;
(2) a day training program certified by the Department of Human Services;
   (3) a community integrated living arrangement operated by a community mental health and developmental service agency, as defined in the Community-Integrated Living Arrangements Licensing and Certification Act; or
   (4) the State Long Term Care Ombudsman Program, including any regional long term care ombudsman programs under Section 4.04 of the Illinois Act on the Aging, only for the purpose of securing background checks.

"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. The educational entity or health care employer or its designee shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.

(Source: P.A. 92-16, eff. 6-28-01; 93-878, eff. 1-1-05.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 27, 2005.
Approve August 12, 2005.
Effective August 12, 2005.

PUBLIC ACT 94-0571
(Senate Bill No. 0053)

AN ACT concerning firearm ammunition.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Firearm Owners Identification Card Act is amended by changing Section 3 as follows:

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm transfers by federally licensed firearm dealers are subject to Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer.

(b-5) Any resident may purchase ammunition from a person outside of Illinois. Any resident purchasing ammunition outside the State of Illinois must provide the seller with a copy of his or her valid Firearm Owner's Identification Card and either his or her Illinois driver's license or Illinois State Identification Card prior to the shipment of the ammunition. The ammunition may be shipped only to an address on either of those 2 documents.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

(Source: P.A. 92-442, eff. 8-17-01.)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Section 11-20-8 as follows:

(65 ILCS 5/11-20-8) (from Ch. 24, par. 11-20-8)
Sec. 11-20-8. Pest extermination; liens. The corporate authorities of each municipality may provide for the extermination of pests rats in the municipality, and charge to and collect from the owners of and persons interested in private property the reasonable cost and expense of preventing ingress of pests rats to their property and of pest rat extermination therein, after notice to such owners or persons as provided by ordinance and failures of such owners or persons to comply. This cost and expense is a lien upon the real estate affected, superior to all other existing liens and encumbrances, except tax liens if within 60 days after such cost and expense is incurred the municipality, or person performing the service by authority of the municipality, in his or its own name, files notice of lien in the office of the recorder in the county in which the real estate is located or in the office of the Registrar of Titles of such county if the real estate affected is registered under "An Act concerning land titles", approved May 1, 1897, as amended. The notice shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expense was incurred by the municipality. However, the lien of such municipality shall not be valid as to any purchaser, mortgagee, judgment creditor, or other lienor whose rights in and to the real estate arise subsequent to the pest rat extermination and prior to the filing of the notice of such lien in the office of the recorder, or in the office of the Registrar of Titles, as aforesaid. Upon payment of the cost and expense by the owner of or persons interested in the property after notice of lien has been filed, the lien shall be released by the municipality or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. Actions to foreclose this lien shall be commenced within one year after the date of filing notice of lien.

New matter indicated by italics - deletions by strikeout
"Pests", as used in this Section 11-20-8, means undesirable arthropods (including certain insects, spiders, mites, ticks, and related organisms), wood infesting organisms, rats, mice, and other obnoxious undesirable animals, but does not include a feral cat, a "companion animal" as that term is defined in the Humane Care for Animals Act (510 ILCS 70/), "animals" as that term is defined in the Illinois Diseased Animals Act (510 ILCS 50/), or animals protected by the Wildlife Code (520 ILCS 5/).
(Source: P.A. 83-358.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 17, 2005.
Approved August 12, 2005.
Effective August 12, 2005.

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Capital Development Board Act is amended by changing Section 10.04 as follows:

(20 ILCS 3105/10.04) (from Ch. 127, par. 780.04)
Sec. 10.04. Construction and repair of buildings; green building.
(a) To construct and repair, or contract for and supervise the construction and repair of, buildings under the control of or for the use of any State agency, as authorized by the General Assembly. To the maximum extent feasible, any construction or repair work shall utilize the best available technologies for minimizing building energy costs as determined through consultation with the Department of Commerce and Economic Opportunity Community Affairs.

(b) On and after the effective date of this amendatory Act of the 94th General Assembly, the Board shall initiate a series of training workshops across the State to increase awareness and understanding of green building techniques and green building rating systems. The workshops shall be designed for relevant State agency staff, construction industry personnel, and other interested parties.

The Board shall identify no less than 3 construction projects to serve as case studies for achieving certification using nationally recognized and accepted green building guidelines, standards, or systems approved by the Board.

New matter indicated by italics - deletions by strikeout
State. Consideration shall be given for a variety of representative building types in different geographic regions of the State to provide additional information and data related to the green building design and construction process. The Board shall report its findings to the General Assembly following the completion of the case study projects and in no case later than December 31, 2008.

The Board shall establish a Green Building Advisory Committee to assist the Board in determining guidelines for which State construction and major renovation projects should be developed to green building standards. The guidelines should take into account the size and type of buildings, financing considerations, and other appropriate criteria. The guidelines must take effect within 3 years after the effective date of this amendatory Act of the 94th General Assembly and are subject to Board approval or adoption. In addition to using a green building rating system in the building design process, the Committee shall consider the feasibility of requiring certain State construction projects to be certified using a green building rating system.

This subsection (b) of this Section is repealed on January 1, 2009.

(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

Section 99. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 27, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0574
(Senate Bill No. 0283)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Sections 5-130, 5-805, and 5-810 and by adding Section 5-821 as follows:
(705 ILCS 405/5-130)
Sec. 5-130. Excluded jurisdiction.
(1) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of an offense was at least 15 years of age and who is charged with: (i) first degree murder, (ii) aggravated criminal sexual assault, (iii) aggravated battery with a firearm

New matter indicated by italics - deletions by strikeout
committed in a school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on; boarding, or departing from any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity regardless of the time of day or time of year that the offense was committed; where the minor personally discharged a firearm as defined in Section 2-15.5 of the Criminal Code of 1961, (iv) armed robbery when the armed robbery was committed with a firearm, or (v) aggravated vehicular hijacking when the hijacking was committed with a firearm.

These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

For purposes of this paragraph (a) of subsection (1):

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (1) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the Criminal Code of 1961 on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (1) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the Criminal Code of 1961.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (1), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (1), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To
request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(2) (Blank). (a) The definition of a delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with an offense under Section 401 of the Illinois Controlled Substances Act, while in a school, regardless of the time of day or the time of year, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any school, regardless of the time of day or the time of year, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or on a public way within 1,000 feet of the real property comprising any school, regardless of the time of day or the time of year, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development. School is defined, for the purposes of this Section, as any public or private elementary or secondary school, community college, college, or university. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State:

(b) (i) If before trial or plea an information or indictment is filed that

New matter indicated by italics - deletions by strikeout
does not charge an offense specified in paragraph (a) of this subsection (2) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (2) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (2), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (2), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

New matter indicated by italics - deletions by strikeout
(3) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with a violation of the provisions of paragraph (1), (3), (4), or (10) of subsection (a) of Section 24-1 of the Criminal Code of 1961 while in school, regardless of the time of day or the time of year, or on the real property comprising any school, regardless of the time of day or the time of year. School is defined, for purposes of this Section as any public or private elementary or secondary school, community college, college, or university. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (3) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (3) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (3), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (3), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed

New matter indicated by italics - deletions by strikeout
in an aggressive and premeditated manner; (b) the age of the minor; (c) the
previous history of the minor; (d) whether there are facilities particularly
available to the Juvenile Court or the Department of Corrections, Juvenile
Division, for the treatment and rehabilitation of the minor; (e) whether the
security of the public requires sentencing under Chapter V of the Unified
Code of Corrections; and (f) whether the minor possessed a deadly weapon
when committing the offense. The rules of evidence shall be the same as if
at trial. If after the hearing the court finds that the minor should be sentenced
under Chapter V of the Unified Code of Corrections, then the court shall
sentence the minor accordingly having available to it any or all dispositions
so prescribed.

(4)(a) The definition of delinquent minor under Section 5-120 of this
Article shall not apply to any minor who at the time of an offense was at least
13 years of age and who is charged with first degree murder committed
during the course of either aggravated criminal sexual assault, criminal sexual
assault, or aggravated kidnaping. However, this subsection (4) does not
include a minor charged with first degree murder based exclusively upon the

(b) (i) If before trial or plea an information or indictment is filed that
does not charge first degree murder committed during the course of
aggravated criminal sexual assault, criminal sexual assault, or aggravated
kidnaping, the State's Attorney may proceed on any lesser charge or charges,
but only in Juvenile Court under the provisions of this Article. The State's
Attorney may proceed under the criminal laws of this State on a lesser charge
if before trial the minor defendant knowingly and with advice of counsel
waives, in writing, his or her right to have the matter proceed in Juvenile
Court.

(ii) If before trial or plea an information or indictment is filed that
includes first degree murder committed during the course of aggravated
criminal sexual assault, criminal sexual assault, or aggravated kidnaping, and
additional charges that are not specified in paragraph (a) of this subsection,
all of the charges arising out of the same incident shall be prosecuted under
the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of first degree
murder committed during the course of aggravated criminal sexual assault,
criminal sexual assault, or aggravated kidnaping, in sentencing the minor, the
court shall have available any or all dispositions prescribed for that offense
under Chapter V of the Unified Code of Corrections.

(ii) If the minor was not yet 15 years of age at the time of the offense,
and if after trial or plea the court finds that the minor committed an offense other than first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, the finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine whether the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the best interest of the minor and the security of the public require sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(5) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who is charged with a violation of subsection (a) of Section 31-6 or Section 32-10 of the Criminal Code of 1961 when the minor is subject to prosecution under the criminal laws of this State as a result of the application of the provisions of Section 5-125, or subsection (1) or (2) of this Section. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (5), the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing,
his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (5) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (5), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (5), the conviction shall not invalidate the verdict or the prosecution of the minor under the criminal laws of this State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if whether the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(6) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who, pursuant to subsection (1), (2), or (3) or Section 5-805, or 5-810, has previously been placed under the jurisdiction of the criminal court and has been convicted of a crime under an adult criminal or penal statute. Such a minor shall be subject to prosecution

New matter indicated by italics - deletions by strikeout
under the criminal laws of this State.

(7) The procedures set out in this Article for the investigation, arrest and prosecution of juvenile offenders shall not apply to minors who are excluded from jurisdiction of the Juvenile Court, except that minors under 17 years of age shall be kept separate from confined adults.

(8) Nothing in this Act prohibits or limits the prosecution of any minor for an offense committed on or after his or her 17th birthday even though he or she is at the time of the offense a ward of the court.

(9) If an original petition for adjudication of wardship alleges the commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of this State, the minor, with the consent of his or her counsel, may, at any time before commencement of the adjudicatory hearing, file with the court a motion that criminal prosecution be ordered and that the petition be dismissed insofar as the act or acts involved in the criminal proceedings are concerned. If such a motion is filed as herein provided, the court shall enter its order accordingly.

(10) If prior to the effective date of this amendatory Act of the 94th General Assembly, a minor is charged with a violation of Section 401 of the Illinois Controlled Substances Act under the criminal laws of this State subject to the provisions of subsection (2) of this Section, other than a minor charged with a Class X felony violation of the Illinois Controlled Substances Act, any party including the minor or the court sua sponte may, before trial, move for a hearing for the purpose of trying and sentencing the minor as a delinquent minor. To request a hearing, the party must file a motion prior to trial. Reasonable notice of the motion shall be given to all parties. On its own motion or upon the filing of a motion by one of the parties including the minor, the court shall conduct a hearing to determine whether the minor should be tried and sentenced as a delinquent minor under this Article. In making its determination, the court shall consider among other matters:

(a) The age of the minor;
(b) Any previous delinquent or criminal history of the minor;
(c) Any previous abuse or neglect history of the minor;
(d) Any mental health or educational history of the minor, or both;
and
(e) Whether there is probable cause to support the charge, whether the minor is charged through accountability, and whether there is evidence the minor possessed a deadly weapon or caused serious bodily harm during the offense.

Any material that is relevant and reliable shall be admissible at the
hearing. In all cases, the judge shall enter an order permitting prosecution under the criminal laws of Illinois unless the judge makes a finding based on a preponderance of the evidence that the minor would be amenable to the care, treatment, and training programs available through the facilities of the juvenile court based on an evaluation of the factors listed in this subsection (10).

(Source: P.A. 91-15, eff. 1-1-00; 91-673, eff. 12-22-99; 92-16, eff. 6-28-01; 92-665, eff. 1-1-03.)

(705 ILCS 405/5-805)
Sec. 5-805. Transfer of jurisdiction.
(1) Mandatory transfers.

(a) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes a forcible felony under the laws of this State, and if a motion by the State's Attorney to prosecute the minor under the criminal laws of Illinois for the alleged forcible felony alleges that (i) the minor has previously been adjudicated delinquent or found guilty for commission of an act that constitutes a felony under the laws of this State or any other state and (ii) the act that constitutes the offense was committed in furtherance of criminal activity by an organized gang, the Juvenile Judge assigned to hear and determine those motions shall, upon determining that there is probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(b) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes a felony under the laws of this State, and if a motion by a State's Attorney to prosecute the minor under the criminal laws of Illinois for the alleged felony alleges that (i) the minor has previously been adjudicated delinquent or found guilty for commission of an act that constitutes a forcible felony under the laws of this State or any other state and (ii) the act that constitutes the offense was committed in furtherance of criminal activities by an organized gang, the Juvenile Judge assigned to hear and determine those motions shall, upon determining that there is probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(c) If a petition alleges commission by a minor 15 years of age or older of: (i) an act that constitutes an offense enumerated in the presumptive transfer provisions of subsection (2); and (ii) the minor has previously been adjudicated delinquent or found guilty of a

New matter indicated by italics - deletions by strikeout
forcible felony, the Juvenile Judge designated to hear and determine those motions shall, upon determining that there is probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(d) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes the offense of aggravated discharge of a firearm committed in a school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on, boarding, or departing from any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or the time of year, the juvenile judge designated to hear and determine those motions shall, upon determining that there is probable cause that the allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

For purposes of this paragraph (d) of subsection (1):

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district. (2) Presumptive transfer.

(a) If the State's Attorney files a petition, at any time prior to commencement of the minor's trial, to permit prosecution under the criminal laws and the petition alleges the commission by a minor 15 years of age or older of: (i) a Class X felony other than armed violence; (ii) aggravated discharge of a firearm; (iii) armed violence with a firearm when the predicate offense is a Class 1 or Class 2 felony and the State's Attorney's motion to transfer the case alleges that the offense committed is in furtherance of the criminal activities of an organized gang; (iv) armed violence with a firearm when the predicate offense is a violation of the Illinois Controlled Substances Act or a violation of the Cannabis Control Act; (v) armed violence when the weapon involved was a machine gun or other weapon described in subsection (a)(7) of Section 24-1 of the Criminal Code of 1961; (vi) an act in violation of Section 401 of the Illinois Controlled Substances Act which is a Class X felony, while in a school, regardless of the time of day or the time of year, or on any

New matter indicated by italics - deletions by strikeout
conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development; or (vii) an act in violation of Section 401 of the Illinois Controlled Substances Act and the offense is alleged to have occurred while in a school or on a public way within 1,000 feet of the real property comprising any school, regardless of the time of day or the time of year when the delivery or intended delivery of any amount of the controlled substance is to a person under 17 years of age, (to qualify for a presumptive transfer under paragraph (vi) or (vii) of this clause (2) (a), the violation cannot be based upon subsection (b) of Section 407 of the Illinois Controlled Substances Act) ; and, if the juvenile judge assigned to hear and determine motions to transfer a case for prosecution in the criminal court determines that there is probable cause to believe that the allegations in the petition and motion are true, there is a rebuttable presumption that the minor is not a fit and proper subject to be dealt with under the Juvenile Justice Reform Provisions of 1998 (Public Act 90-590), and that, except as provided in paragraph (b), the case should be transferred to the criminal court.

(b) The judge shall enter an order permitting prosecution under the criminal laws of Illinois unless the judge makes a finding based on clear and convincing evidence that the minor would be amenable to the care, treatment, and training programs available through the facilities of the juvenile court based on an evaluation of the following:

(i) the age of the minor;
(ii) the history of the minor, including:
   (a) any previous delinquent or criminal history of the minor,
   (b) any previous abuse or neglect history of the minor, and
   (c) any mental health, physical or educational history of the minor or combination of these factors;
(iii) the circumstances of the offense, including:
   (a) the seriousness of the offense,
   (b) whether the minor is charged through accountability,

New matter indicated by italics - deletions by strikeout
(c) whether there is evidence the offense was committed in an aggressive and premeditated manner,

(d) whether there is evidence the offense caused serious bodily harm,

(e) whether there is evidence the minor possessed a deadly weapon;

(iv) the advantages of treatment within the juvenile justice system including whether there are facilities or programs, or both, particularly available in the juvenile system;

(v) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections:

(a) the minor's history of services, including the minor's willingness to participate meaningfully in available services;

(b) whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;

(c) the adequacy of the punishment or services.

(i) The seriousness of the alleged offense;

(ii) The minor's history of delinquency;

(iii) The age of the minor;

(iv) The culpability of the minor in committing the alleged offense;

(v) Whether the offense was committed in an aggressive or premeditated manner;

(vi) Whether the minor used or possessed a deadly weapon when committing the alleged offense;

(vii) The minor's history of services, including the minor's willingness to participate meaningfully in available services;

(viii) Whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;

(ix) The adequacy of the punishment or services available in the juvenile justice system:

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to the other factors listed in this subsection.

For purposes of clauses (2)(a) (vi) and (vii):

"School" means a public or private elementary or
secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(3) Discretionary transfer.

(a) If a petition alleges commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of this State and, on motion of the State's Attorney to permit prosecution of the minor under the criminal laws, a Juvenile Judge assigned by the Chief Judge of the Circuit to hear and determine those motions, after hearing but before commencement of the trial, finds that there is probable cause to believe that the allegations in the motion are true and that it is not in the best interests of the public to proceed under this Act, the court may enter an order permitting prosecution under the criminal laws.

(b) In making its determination on the motion to permit prosecution under the criminal laws, the court shall consider among other matters:

(i) the age of the minor;
(ii) the history of the minor, including:
(a) any previous delinquent or criminal history of the minor,
(b) any previous abuse or neglect history of the minor,
and
(c) any mental health, physical, or educational history of the minor or combination of these factors;
(iii) the circumstances of the offense, including:
(a) the seriousness of the offense,
(b) whether the minor is charged through accountability,
(c) whether there is evidence the offense was committed in an aggressive and premeditated manner,
(d) whether there is evidence the offense caused serious bodily harm,
(e) whether there is evidence the minor possessed a deadly weapon;
(iv) the advantages of treatment within the juvenile justice system including whether there are facilities or programs, or both,

New matter indicated by italics - deletions by strikeout
particularly available in the juvenile system;

(v) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections:

(a) the minor's history of services, including the minor's willingness to participate meaningfully in available services;

(b) whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;

(c) the adequacy of the punishment or services.

(i) The seriousness of the alleged offense;
(ii) The minor's history of delinquency;
(iii) The age of the minor;
(iv) The culpability of the minor in committing the alleged offense;
(v) Whether the offense was committed in an aggressive or premeditated manner;
(vi) Whether the minor used or possessed a deadly weapon when committing the alleged offense;
(vii) The minor's history of services, including the minor's willingness to participate meaningfully in available services;
(viii) The adequacy of the punishment or services available in the juvenile justice system.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to the other factors listed in this subsection.

(4) The rules of evidence for this hearing shall be the same as under Section 5-705 of this Act. A minor must be represented in court by counsel before the hearing may be commenced.

(5) If criminal proceedings are instituted, the petition for adjudication of wardship shall be dismissed insofar as the act or acts involved in the criminal proceedings. Taking of evidence in a trial on petition for adjudication of wardship is a bar to criminal proceedings based upon the conduct alleged in the petition.

(Source: P.A. 90-590, eff. 1-1-99; 91-15, eff. 1-1-00; 91-357, eff. 7-29-99.)
(705 ILCS 405/5-810)
Sec. 5-810. Extended jurisdiction juvenile prosecutions.

(1) If the State's Attorney files a petition, at any time prior to commencement of the minor's trial, to designate the proceeding as an

New matter indicated by italics - deletions by strikeout
extended jurisdiction juvenile prosecution and the petition alleges the commission by a minor 13 years of age or older of any offense which would be a felony if committed by an adult, and, if the juvenile judge assigned to hear and determine petitions to designate the proceeding as an extended jurisdiction juvenile prosecution determines that there is probable cause to believe that the allegations in the petition and motion are true, there is a rebuttable presumption that the proceeding shall be designated as an extended jurisdiction juvenile proceeding.

(b) The judge shall enter an order designating the proceeding as an extended jurisdiction juvenile proceeding unless the judge makes a finding based on clear and convincing evidence that sentencing under the Chapter V of the Unified Code of Corrections would not be appropriate for the minor based on an evaluation of the following factors:

(i) the age of the minor;
(ii) the history of the minor, including:
   (a) any previous delinquent or criminal history of the minor,
   (b) any previous abuse or neglect history of the minor, and
   (c) any mental health, physical and/or educational history of the minor;
(iii) the circumstances of the offense, including:
   (a) the seriousness of the offense,
   (b) whether the minor is charged through accountability,
   (c) whether there is evidence the offense was committed in an aggressive and premeditated manner,
   (d) whether there is evidence the offense caused serious bodily harm,
   (e) whether there is evidence the minor possessed a deadly weapon;
(iv) the advantages of treatment within the juvenile justice system including whether there are facilities or programs, or both, particularly available in the juvenile system;
(v) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections:
   (a) the minor's history of services, including the minor's willingness to participate meaningfully in available services;

New matter indicated by italics - deletions by strikeout
(b) whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;
(c) the adequacy of the punishment or services.

(i) The seriousness of the alleged offense;
(ii) The minor's history of delinquency;
(iii) The age of the minor;
(iv) The culpability of the minor in committing the alleged offense;
(v) Whether the offense was committed in an aggressive or premeditated manner;
(vi) Whether the minor used or possessed a deadly weapon when committing the alleged offense.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to other factors listed in this subsection.

(2) Procedures for extended jurisdiction juvenile prosecutions.

(a) The State's Attorney may file a written motion for a proceeding to be designated as an extended juvenile jurisdiction prior to commencement of trial. Notice of the motion shall be in compliance with Section 5-530. When the State's Attorney files a written motion that a proceeding be designated an extended jurisdiction juvenile prosecution, the court shall commence a hearing within 30 days of the filing of the motion for designation, unless good cause is shown by the prosecution or the minor as to why the hearing could not be held within this time period. If the court finds good cause has been demonstrated, then the hearing shall be held within 60 days of the filing of the motion. The hearings shall be open to the public unless the judge finds that the hearing should be closed for the protection of any party, victim or witness. If the Juvenile Judge assigned to hear and determine a motion to designate an extended jurisdiction juvenile prosecution determines that there is probable cause to believe that the allegations in the petition and motion are true the court shall grant the motion for designation. Information used by the court in its findings or stated in or offered in connection with this Section may be by way of proffer based on reliable information offered by the State or the minor. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence.

New matter indicated by italics - deletions by strikeout
(3) Trial. A minor who is subject of an extended jurisdiction juvenile prosecution has the right to trial by jury. Any trial under this Section shall be open to the public.

(4) Sentencing. If an extended jurisdiction juvenile prosecution under subsections (1) results in a guilty plea, a verdict of guilty, or a finding of guilt, the court shall impose the following:
   (i) one or more juvenile sentences under Section 5-710; and
   (ii) an adult criminal sentence in accordance with the provisions of Chapter V of the Unified Code of Corrections, the execution of which shall be stayed on the condition that the offender not violate the provisions of the juvenile sentence.

Any sentencing hearing under this Section shall be open to the public.

(5) If, after an extended jurisdiction juvenile prosecution trial, a minor is convicted of a lesser-included offense or of an offense that the State's Attorney did not designate as an extended jurisdiction juvenile prosecution, the State's Attorney may file a written motion, within 10 days of the finding of guilt, that the minor be sentenced as an extended jurisdiction juvenile prosecution offender. The court shall rule on this motion using the factors found in paragraph (1) (b) of Section 5-805. If the court denies the State's Attorney's motion for sentencing under the extended jurisdiction juvenile prosecution provision, the court shall proceed to sentence the minor under Section 5-710.

(6) When it appears that a minor convicted in an extended jurisdiction juvenile prosecution under subsection (1) has violated the conditions of his or her sentence, or is alleged to have committed a new offense upon the filing of a petition to revoke the stay, the court may, without notice, issue a warrant for the arrest of the minor. After a hearing, if the court finds by a preponderance of the evidence that the minor committed a new offense, the court shall order execution of the previously imposed adult criminal sentence. After a hearing, if the court finds by a preponderance of the evidence that the minor committed a violation of his or her sentence other than by a new offense, the court may order execution of the previously imposed adult criminal sentence or may continue him or her on the existing juvenile sentence with or without modifying or enlarging the conditions. Upon revocation of the stay of the adult criminal sentence and imposition of that sentence, the minor's extended jurisdiction juvenile status shall be terminated. The on-going jurisdiction over the minor's case shall be assumed by the adult criminal court and juvenile court jurisdiction shall be terminated and a report of the imposition of the adult sentence shall be sent to the Department of

New matter indicated by italics - deletions by strikeout
State Police.

(7) Upon successful completion of the juvenile sentence the court shall vacate the adult criminal sentence.

(8) Nothing in this Section precludes the State from filing a motion for transfer under Section 5-805.
(Source: P.A. 90-590, eff. 1-1-99.)

(705 ILCS 405/5-821 new)

Sec. 5-821. Legislative report. The General Assembly recognizes that the issue of trial of youth in adult court continues to command the General Assembly's attention. The intent of the General Assembly is to encourage the use of appropriate transfer to adult court for youth. It is further the intent of the General Assembly to have the changes in this amendatory Act of the 94th General Assembly studied to determine the impact of this amendatory Act on the youth in Illinois. The General Assembly authorizes the Illinois Criminal Justice Information Authority to commission a study on the changes in jurisdiction made in this amendatory Act and requests that the Illinois Criminal Justice Information Authority provide a written report to the General Assembly 3 years after the effective date of this amendatory Act of the 94th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 20, 2005.
Approved August 12, 2005.
Effective August 12, 2005.

PUBLIC ACT 94-0575
(Senate Bill No. 0417)

AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 is amended by changing Sections 15, 20, 25, 30, and 35 as follows:

(30 ILCS 167/15)
Sec. 15. Certifications; directory; tax stamps.
(a) Every tobacco product manufacturer whose cigarettes are sold in this State whether directly or through a distributor, retailer, or similar intermediary or intermediaries shall execute and deliver on a form prescribed by the Attorney General a certification to the Attorney General, no later than

New matter indicated by italics - deletions by strikeout
the thirtieth day of April each year, certifying under penalty of perjury that, as of the date of the certification, the tobacco product manufacturer either: (i) is a participating manufacturer and has generally performed its financial obligations under the Master Settlement Agreement; or (ii) is in full compliance with the Escrow Act, including all quarterly installment payments.

(1) A participating manufacturer shall include in its certification a list of its brand families. The participating manufacturer shall update the list 30 days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the Attorney General.

(2) A non-participating manufacturer shall include in its certification a complete list of all of its brand families: (i) separately listing brand families of cigarettes and the number of units sold for each brand family that were sold in the State during the preceding calendar year; (ii) listing all of its brand families that have been sold in the State at any time during the current calendar year; (iii) indicating by an asterisk, any brand family sold in the State during the preceding calendar year that is no longer being sold in the State as of the date of the certification; and (iv) identifying by name and address any other manufacturer of the brand families in the preceding calendar year. The non-participating manufacturer shall update the list 30 days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the Attorney General.

(3) In the case of a non-participating manufacturer, the certification shall further certify:

   (A) that the non-participating manufacturer is registered to do business in this State or has appointed a resident agent for service of process and provided notice thereof as required by Section 20 item 4 of subsection (a) of this Section;

   (B) that the non-participating manufacturer has (i) established and continues to maintain a qualified escrow fund as that term is defined in Section 10 of the Escrow Act, and (ii) executed a qualified escrow agreement that has been reviewed and approved by the Attorney General and that governs the qualified escrow fund;

   (C) that the non-participating manufacturer is in full compliance with the Escrow Act.
(4) A tobacco product manufacturer may not include a brand family in its certification unless: (i) in the case of a participating manufacturer, the participating manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of calculating its payments under the master settlement agreement for the relevant year, in the volume and shares determined pursuant to the master settlement agreement; and (ii) in the case of a non-participating manufacturer, the non-participating manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of Section 15 of the Escrow Act.

Nothing in this Section shall be construed as limiting or otherwise affecting the State's right to maintain that a brand family constitutes cigarettes of a different tobacco product manufacturer for purposes of calculating payments under the master settlement agreement or for purposes of Section 15 of the Escrow Act.

(5) The tobacco product manufacturers shall maintain all invoices and documentation of sales and other information relied upon for certification for a period of 5 years, unless otherwise
required by law to maintain them for a greater period of time.

(b) Not later than 6 months after the effective date of this Act, the Attorney General shall develop and make available for public inspection, through publishing on its website, a directory listing all tobacco product manufacturers that have provided current and accurate certifications conforming to the requirements of subsection (a) of Section 15 and all brand families that are listed in the certifications, except for the following:

(1) The Attorney General shall not include or retain in the directory the name or brand families of any non-participating manufacturer that fails to provide the required certification or whose certification the Attorney General determines is not in compliance with subsections (a)(2) or (a)(3) of Section 15, unless the Attorney General has determined that the violation has been cured to the satisfaction of the Attorney General.

(2) Neither a tobacco product manufacturer nor brand family shall be included or retained in the directory if the Attorney General concludes that: (i) in the case of a non-participating manufacturer all escrow payments required pursuant to Section 15 of the Escrow Act for any period for any brand family, whether or not listed by the non-participating manufacturer, have not been fully paid into a qualified escrow fund governed by a qualified escrow agreement that has been approved by the Attorney General; or (ii) all outstanding final judgments, including interest thereon, for violations of Section 15 of the Escrow Act have not been fully satisfied for that brand family and manufacturer.

(c) The Attorney General shall update the directory as necessary in order to correct mistakes and to add or remove a tobacco product manufacturer or brand families to keep the directory in conformity with the requirements of this Act.

(d) Every distributor shall provide and update as necessary an electronic mail address to the Attorney General for the purpose of receiving any notifications as may be required by this Act.

(e) It shall be unlawful for any person: (i) to affix a stamp to a package or other container of cigarettes of a tobacco product manufacturer or brand family not included in the directory; or (ii) to sell, offer for sale, or possess for sale in this State, or import for personal consumption in this State, cigarettes of a tobacco product manufacturer or brand family not included in the directory.

(Source: P.A. 93-446, eff. 1-1-04; 93-930, eff. 1-1-05.)
Sec. 20. Agent for service of process.

(a) Any non-resident or foreign non-participating manufacturer that has not registered to do business in this State as a foreign corporation or business entity shall, as a condition precedent to having its brand families listed or retained in the directory, appoint and continually engage without interruption the services of an agent in this State to act as agent for the service of process on whom all process, and any action or proceeding against it concerning or arising out of the enforcement of this Act and the Escrow Act, may be served in any manner authorized by law. The service shall constitute legal and valid service of process on the non-participating manufacturer. The non-participating manufacturer shall provide the name, address, phone number, and proof of the appointment and availability of the agent to and to the satisfaction of the Director and Attorney General.

(b) The non-participating manufacturer shall provide notice to the Director and Attorney General 30 calendar days prior to termination of the authority of an agent and shall further provide proof to the satisfaction of the Attorney General of the appointment of a new agent no less than 5 calendar days prior to the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the non-participating manufacturer shall notify the Director and Attorney General of the termination within 5 calendar days and shall include proof to the satisfaction of the Attorney General of the appointment of a new agent.

(c) Any non-participating manufacturer whose products are sold in this State, without appointing or designating an agent as herein required shall be deemed to have appointed the Secretary of State as the agent and may be proceeded against in courts of this State by service of process upon the Secretary of State; however, the appointment of the Secretary of State as an agent shall not satisfy the condition precedent to having its brand families listed or retained in the directory.

(Source: P.A. 93-446, eff. 1-1-04.)
previous calendar quarter or otherwise paid the tax due for these cigarettes. The distributor shall maintain, and make available to the Attorney General, all invoices and documentation of sales of all non-participating manufacturer cigarettes and any other information relied upon in reporting to the Attorney General for a period of 5 years.

(b) The Attorney General is authorized to disclose to the Director any information received under this Act and requested by the Attorney General for purposes of determining compliance with and enforcing the provisions of this Act. The Director and Attorney General shall share with each other the information received under this Act, and may share the information with other federal, State, or local agencies only for purposes of enforcement of this Act, the Escrow Act, or corresponding laws of other states.

(c) The Attorney General may require at any time, from the non-participating manufacturer, proof from the financial institution in which the manufacturer has established a qualified escrow fund for the purpose of compliance with the Escrow Act of the amount of money in the fund being held on behalf of the State and the dates of deposits, and listing the amounts of all withdrawals from the fund and the dates thereof.

(d) In addition to the information required to be submitted pursuant to this Act, the Attorney General may require a distributor or tobacco product manufacturer to submit any additional information including, but not limited to, samples of the packaging or labeling of each brand family, as is necessary to enable the Attorney General to determine whether a tobacco product manufacturer is in compliance with this Act.

(e) To promote compliance with the provisions of this Act, the Attorney General may promulgate regulations requiring a tobacco product manufacturer subject to the requirements of subsection (a)(2) of Section 15 to make the escrow deposits required in quarterly installments during the year in which the sales covered by the deposits are made. The Attorney General may require production of information sufficient to enable the Attorney General to determine the adequacy of the amount of the installment deposit.

(Source: P.A. 93-446, eff. 1-1-04.)

(30 ILCS 167/30) Sec. 30. Penalties and other remedies.

(a) In addition to or in lieu of any other civil or criminal remedy provided by law, upon a determination that a distributor has violated subsection (e) of Section 15 or any regulation adopted pursuant thereto, the Director may revoke or suspend the license of any distributor stamping agent in the manner provided by Section 6 of the Cigarette Tax Act, Section 6 of
the Cigarette Use Tax Act, or Section 10-25 of the Tobacco Products Tax Act of 1995, as appropriate. Each stamp affixed and each offer to sell cigarettes in violation of subsection (e) of Section 15 shall constitute a separate violation. For each violation, the Director may also impose a civil penalty in an amount not to exceed the greater of 500% of the retail value of the cigarettes sold or $5,000 upon a determination of violation of subsection (e) of Section 15 or any regulations adopted pursuant thereto.

(b) Any cigarettes that have been sold, offered for sale, or possessed for sale in this State, or imported for personal consumption in this State in violation of subsection (e) of Section 15 shall be subject to seizure and forfeiture as provided in Sections 18, 18a, and 20 of the Cigarette Tax Act and Sections 24, 25, 25a and 26 of the Cigarette Use Tax Act, and all cigarettes so seized and forfeited shall be destroyed and not resold.

(c) The Attorney General may seek an injunction to restrain a threatened or actual violation of subsection (e) of Section 15, subsection (a) of Section 25, or subsection (d) of Section 25 by a distributor stamping agent and to compel the distributor stamping agent to comply with such subsections. In any action brought pursuant to this Section, the State shall be entitled to recover the costs of investigation, costs of the action, and reasonable attorney fees.

(d) It shall be unlawful for a person to: (i) sell or distribute cigarettes; or (ii) acquire, hold, own, possess, transport, import, or cause to be imported cigarettes that the person knows or should know are intended for distribution or sale in the State in violation of subsection (e) of Section 15. A violation of this Section shall be a Class 2 felony.

(e) A person who violates subsection (e) of Section 15 engages in an unfair and deceptive trade practice in violation of the Uniform Deceptive Trade Practices Act.

(Source: P.A. 93-446, eff. 1-1-04; 93-930, eff. 1-1-05.)

(30 ILCS 167/35) Sec. 35. Miscellaneous provisions.

(a) Every final administrative decision of the Attorney General to not list or to remove from the directory a brand family or tobacco product manufacturer shall be subject to judicial review only under and in accordance with the Administrative Review Law. The provisions of the Administrative Review Law, and the rules adopted pursuant thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Attorney General under this subsection. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure in the manner prescribed by rule.

New matter indicated by italics - deletions by strikeout
(b) No person shall be issued a license or granted a renewal of a license to act as a distributor unless the person has certified in writing, under penalty of perjury, that the person will comply fully with this Act.

(c) The Attorney General may promulgate rules necessary to effect the purposes of this Act.

(d) In any action brought by the State to enforce this Act, the State shall be entitled to recover the costs of investigation, expert witness fees, costs of the action, and reasonable attorney fees.

(e) If a court determines that a person has violated this Act, the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the General Revenue Fund.

(f) Unless otherwise expressly provided, the remedies or penalties provided by this Act are cumulative to each other and to the remedies or penalties available under all other laws of this State.

(Source: P.A. 93-446, eff. 1-1-04.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 20, 2005.
Approved August 12, 2005.
Effective August 12, 2005.

PUBLIC ACT 94-0576
(Senate Bill No. 0502)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Metropolitan Water Reclamation District Act is amended by adding Section 300 as follows:

(70 ILCS 2605/300 new)

Sec. 300. District enlarged. Upon the effective date of this amendatory Act of the 94th General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include within those limits the following described tracts of land and those tracts are annexed to the District.

Parcel 1:
THAT PART OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF OUTLOT E

New matter indicated by italics - deletions by strikeout
OF STERLING OAKS UNIT 2, RECORDED JULY 15, 2002 AS DOCUMENT NO. 0020769602 AND AMENDED BY CERTIFICATE OF CORRECTION RECORDED AUGUST 12, 2002 AS DOCUMENT NO. 0020876507 IN THE RECORDER’S OFFICE OF COOK COUNTY, ILLINOIS; THENCE NORTH 28 DEGREES 21 MINUTES 03 SECONDS EAST ON THE EASTERLY LINE OF SAID STERLING OAKS UNIT 2, A DISTANCE OF 544.84 FEET TO A POINT ON THE SOUTHERLY LINE OF OUTLOT D AS DESIGNATED UPON SAID STERLING OAKS UNIT 2; THENCE NORTH 74 DEGREES 38 MINUTES 21 SECONDS EAST ON THE EASTERLY LINE OF SAID OUTLOT D, A DISTANCE OF 37.48 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74 DEGREES 38 MINUTES 21 SECONDS EAST ON THE EASTERLY LINE OF SAID OUTLOT D, A DISTANCE OF 267.38 FEET; THENCE SOUTH 15 DEGREES 41 MINUTES 41 SECONDS EAST, A DISTANCE OF 45.58 FEET; THENCE SOUTH 74 DEGREES 24 MINUTES 40 SECONDS WEST, A DISTANCE OF 54.96 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON A CIRCULAR CURVE WHOSE RADIUS IS 210 FEET AND WHOSE CENTER LIES TO THE SOUTH, A DISTANCE OF 131.72, THE LONG CHORD OF SAID CURVE BEARS SOUTH 56 DEGREES 26 MINUTES 32 SECONDS WEST, A CHORD DISTANCE OF 129.57 FEET TO A POINT OF TANGENCY; THENCE SOUTH 38 DEGREES 28 MINUTES 25 SECONDS WEST, A DISTANCE OF 21.32 FEET; THENCE NORTH 51 DEGREES 31 MINUTES 35 SECONDS WEST, A DISTANCE OF 122.44 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED IN COOK COUNTY, ILLINOIS.

Parcel 2:
THAT PART OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF OUTLOT E OF STERLING OAKS UNIT 2 RECORDED JULY 15, 2002 AS DOCUMENT NO. 0020769602 AND AMENDED BY CERTIFICATE OF CORRECTION RECORDED AUGUST 12, 2002 AS DOCUMENT NO. 0020876507 IN THE RECORDER’S OFFICE OF COOK COUNTY, ILLINOIS; THENCE NORTH 28 DEGREES 21 MINUTES 03 SECONDS EAST ON THE EASTERLY LINE OF SAID
STERLING OAKS UNIT 2, A DISTANCE OF 544.84 FEET TO A POINT ON THE SOUTHERLY LINE OF OUTLOT D AS DESIGNATED UPON SAID STERLING OAKS UNIT 2; THENCE NORTH 74 DEGREES 38 MINUTES 21 SECONDS EAST ON THE EASTERLY LINE OF SAID LOT D, A DISTANCE OF 306.36 FEET; THENCE NORTH 74 DEGREES 43 MINUTES 56 SECONDS EAST, A DISTANCE OF 203.36 FEET TO A POINT ON THE SOUTHERLY LINE OF OUTLOT A AS DESIGNATED UPON SAID STERLING OAKS UNIT 2; THENCE SOUTH 60 DEGREES 28 MINUTES 18 SECONDS EAST ON THE SOUTHERLY LINE OF SAID OUTLOT A, A DISTANCE OF 23.78 FEET TO THE NORTHWEST CORNER OF OUTLOT F AS DESIGNATED UPON SAID STERLING OAKS UNIT 2; THENCE SOUTH 38 DEGREES 28 MINUTES 25 SECONDS WEST IN THE WESTERLY LINES OF SAID OUTLOT F AND THE WESTERLY LINES OF LOTS 31 AND 32, LOTS 44 AND 45 AND LOT 14 AS DESIGNATED UPON SAID STERLING OAKS UNIT 2, A DISTANCE OF 1011.41 FEET TO THE CENTERLINE OF THE RIGHT OF WAY OF OLD CHICAGO-ELGIN ROAD, NOW KNOWN AS IRVING PARK BOULEVARD (STATE ROUTE 19) AS SHOWN ON THE PLAT OF DEDICATION RECORDED JUNE 9, 1933 AS DOCUMENT NO. 11245764 IN SAID RECORDER’S OFFICE AND AS SHOWN ON THE PLAT OF SURVEY DATED SEPTEMBER 22, 1932 APPROVED BY THE SUPERINTENDENT OF HIGHWAYS OF COOK COUNTY, ILLINOIS, ON DECEMBER 17, 1932; THENCE NORTH 44 DEGREES 31 MINUTES 14 SECONDS WEST IN THE CENTERLINE OF THE RIGHT OF WAY OF SAID CHICAGO-ELGIN ROAD, A DISTANCE OF 81.85 FEET TO AN ANGLE POINT IN SAID CENTERLINE, ALSO BEING ON THE CENTERLINE AS SHOWN IN THE AFORESAID PLAT OF DEDICATION; THENCE NORTH 51 DEGREES 31 MINUTES 35 SECONDS WEST ON THE CENTERLINE OF SAID CHICAGO-ELGIN ROAD, ALSO BEING THE CENTERLINE AS SHOWN ON THE AFORESAID PLAT OF DEDICATION, A DISTANCE OF 138.62 FEET TO THE SOUTHWESTERLY EXTENSION OF THE EASTERLY LINE OF SAID OUTLOT E; THENCE NORTH 28 DEGREES 21 SECONDS 03 MINUTES EAST ON THE SOUTHWESTERLY EXTENSION OF THE EASTERLY LINE OF SAID OUTLOT E, A DISTANCE OF 50.85 FEET TO THE POINT OF BEGINNING.

New matter indicated by italics - deletions by strikeout
EXCEPTING THEREFROM THAT PART OF THE CHICAGO-ELGIN ROAD KNOWN AS IRVING PARK BOULEVARD (STATE ROUTE 19) DESCRIBED ON THE PLAT OF DEDICATION RECORDED JUNE 9, 1933 AS DOCUMENT NO. 11245764, IN SAID RECORDER’S OFFICE.

FURTHER EXCEPTING THEREFROM THAT PART OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF OUTLOT E OF STERLING OAKS UNIT 2, RECORDED JULY 15, 2002 AS DOCUMENT NO. 0020769602 AND AMENDED BY CERTIFICATE OF CORRECTION RECORDED AUGUST 12, 2002 AS DOCUMENT NO. 0020876507 IN THE RECORDER’S OFFICE OF COOK COUNTY, ILLINOIS; THENCE NORTH 28 DEGREES 21 MINUTES 03 SECONDS EAST ON THE EASTERLY LINE OF SAID STERLING OAKS UNIT 2, A DISTANCE OF 544.84 FEET TO A POINT ON THE SOUTHERLY LINE OF OUTLOT D AS DESIGNATED UPON SAID STERLING OAKS UNIT 2; THENCE NORTH 74 DEGREES 38 MINUTES 21 SECONDS EAST ON THE EASTERLY LINE OF SAID OUTLOT D, A DISTANCE OF 37.48 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74 DEGREES 38 MINUTES 21 SECONDS EAST ON THE EASTERLY LINE OF SAID OUTLOT D, A DISTANCE OF 267.38 FEET; THENCE SOUTH 15 DEGREES 41 MINUTES 41 SECONDS EAST, A DISTANCE OF 45.58 FEET; THENCE SOUTH 74 DEGREES 24 MINUTES 40 SECONDS WEST, A DISTANCE OF 54.96 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON A CIRCULAR CURVE WHOSE RADIUS IS 210 FEET AND WHOSE CENTER LIES TO THE SOUTH, A DISTANCE OF 131.72, THE LONG CHORD OF SAID CURVE BEARS SOUTH 56 DEGREES 26 MINUTES 32 SECONDS WEST, A CHORD DISTANCE OF 129.57 FEET TO A POINT OF TANGENCY; THENCE SOUTH 38 DEGREES 28 MINUTES 25 SECONDS WEST, A DISTANCE OF 21.32 FEET; THENCE NORTH 51 DEGREES 31 MINUTES 35 SECONDS WEST, A DISTANCE OF 122.44 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED IN COOK COUNTY, ILLINOIS.

Parcel 3:

PART OF THE WEST HALF OF SECTION 21, TOWNSHIP 41

New matter indicated by italics - deletions by strikeout
NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF OUTLOT H AS DESIGNATED UPON THE PLAT OF STERLING OAKS UNIT 2, THE PLAT WHICH WAS RECORDED JULY 15, 2002 AS DOCUMENT NO. 0020769602 IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS AND AMENDED BY CERTIFICATE OF CORRECTION RECORDED AUGUST 12, 2002 AS DOCUMENT NO. 0020876507 IN SAID RECORDER'S OFFICE; THENCE NORTH 38 DEGREES 32 MINUTES 35 SECONDS EAST ON THE EASTERLY LINE OF SAID STERLING OAKS UNIT 2, A DISTANCE OF 1049.30 FEET TO THE NORTHEAST CORNER OF OUTLOT F AS DESIGNATED UPON SAID STERLING OAKS UNIT 2; THENCE SOUTH 60 DEGREES 28 MINUTES 18 SECONDS EAST ON THE SOUTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID OUTLOT F, A DISTANCE OF 439.34 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE SOUTH 00 DEGREES 09 MINUTES 50 SECONDS EAST ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 250.54 FEET; THENCE WESTERLY ON A CIRCULAR CURVE WHOSE RADIUS IS 180 FEET AND WHOSE CENTER LIES TO THE NORTH, A DISTANCE OF 9.73 FEET, THE LONG CHORD OF SAID CURVE BEARS SOUTH 85 DEGREES 11 MINUTES 01 SECONDS WEST, A CHORD DISTANCE OF 9.73 FEET TO A POINT OF TANGENCY; THENCE SOUTH 86 DEGREES 43 MINUTES 56 SECONDS WEST, A DISTANCE OF 199.89 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ON A CIRCULAR CURVE WHOSE RADIUS IS 180 FEET AND WHOSE CENTER LIES TO THE NORTH, A DISTANCE OF 99.59 FEET, THE LONG CHORD OF SAID CURVE BEARS NORTH 77 DEGREES 25 MINUTES 05 SECONDS WEST, A CHORD DISTANCE OF 98.32 FEET TO A POINT OF TANGENCY; THENCE NORTH 77 DEGREES 33 MINUTES 52 SECONDS WEST, A DISTANCE OF 46.86 FEET; THENCE SOUTH 38 DEGREES 29 MINUTES 15 SECONDS WEST, A DISTANCE OF 248.33 FEET; THENCE SOUTH 24 DEGREES 32 MINUTES 16 SECONDS WEST, A DISTANCE OF 147.51 FEET; THENCE SOUTH 12 DEGREES 33 MINUTES 52 SECONDS WEST, A DISTANCE OF 85.19 FEET;

New matter indicated by italics - deletions by strikeout
THENCE SOUTH 45 DEGREES 55 MINUTES 42 SECONDS WEST A DISTANCE OF 145.34 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 58 SECONDS WEST, A DISTANCE OF 141.71 FEET; THENCE SOUTH 20 DEGREES 34 MINUTES 05 SECONDS WEST, A DISTANCE OF 36.24 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO-ELGIN ROAD, NOW KNOWN AS IRVING PARK BOULEVARD (STATE ROUTE 19); THENCE NORTH 51 DEGREES 30 MINUTES 35 SECONDS WEST ON SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 252.02 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED IN THE COUNTY OF COOK AND IN THE STATE OF ILLINOIS.

Parcel 4:
THAT PART OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN WITHIN THE CHICAGO-ELGIN ROAD KNOWN AS IRVING PARK BOULEVARD (STATE ROUTE 19) DESCRIBED ON THE PLAT OF DEDICATION RECORDED JUNE 9, 1933 AS DOCUMENT NO. 11245764, IN SAID RECORDER'S OFFICE, IN COOK COUNTY, ILLINOIS.

Parcel 5:
THAT PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF THE COMMONWEALTH EDISON COMPANY RIGHT-OF-WAY, AS MONUMENTED, PER DOCUMENT NUMBERS 9476636 AND 9836576 WITH THE CENTERLINE OF SHOE FACTORY ROAD, AS MONUMENTED, PER DOCUMENT NUMBER 12259969; THENCE SOUTH 00 DEGREES 04 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 04 MINUTES 04 SECONDS WEST A DISTANCE OF 954.46 FEET TO A BEND POINT IN LOT 25 OF CANTERBURY FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 3, 2000 AS DOCUMENT NUMBER 00868489; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID CANTERBURY FARMS SUBDIVISION THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) THENCE NORTH 13 DEGREES 16 MINUTES 02 SECONDS WEST A DISTANCE OF
410.25 FEET; (2) THENCE SOUTH 80 DEGREES 47 MINUTES 15 SECONDS WEST A DISTANCE OF 141.61 FEET; (3) THENCE NORTH 09 DEGREES 09 MINUTES 46 SECONDS WEST A DISTANCE OF 528.97 FEET TO A POINT ALONG THE ARC OF A CURVE; THENCE EASTERLY ALONG THE ARC OF A NON-TANGENTIAL CURVE, CONCAVE TO THE NORTH AND HAVING A RADIUS OF 4,100.00 FEET, A DISTANCE OF 55.29 FEET AND WHOSE CHORD LENGTH OF 55.30 FEET BEARS NORTH 80 DEGREES 26 MINUTES 25 SECONDS EAST TO A POINT OF TANGENCY; THENCE NORTH 80 DEGREES 03 MINUTES 14 SECONDS EAST A DISTANCE OF 268.81 FEET TO THE POINT OF BEGINNING CONTAINING 3.8691 ACRES, MORE OR LESS, SAID DESCRIBED PROPERTY LYING IN COOK COUNTY, ILLINOIS.

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 27, 2005.

Approved August 12, 2005.

Effective August 12, 2005.

PUBLIC ACT 94-0577
(Senate Bill No. 0538)

AN ACT in relation to fraud.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Emergency Medical Services (EMS) Systems Act is amended by adding Section 3.133 as follows:

(210 ILCS 50/3.133 new)

Sec. 3.133. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the

New matter indicated by italics - deletions by strikeout
Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 10. The Acupuncture Practice Act is amended by adding Section 117 as follows:

(225 ILCS 2/117 new)

Sec. 117. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 15. The Illinois Athletic Trainers Practice Act is amended by adding Section 16.5 as follows:

(225 ILCS 5/16.5 new)

Sec. 16.5. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 20. The Clinical Psychologist Licensing Act is amended by adding Section 15.1 as follows:

(225 ILCS 15/15.1 new)

Sec. 15.1. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 25. The Clinical Social Work and Social Work Practice Act is amended by adding Section 19.5 as follows:

(225 ILCS 20/19.5 new)

New matter indicated by italics - deletions by strikeout
Sec. 19.5. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 30. The Illinois Dental Practice Act is amended by adding Section 23c as follows:

(225 ILCS 25/23c new)
Sec. 23c. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 35. The Hearing Instrument Consumer Protection Act is amended by adding Section 18.5 as follows:

(225 ILCS 50/18.5 new)
Sec. 18.5. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 40. The Home Medical Equipment and Services Provider License Act is amended by adding Section 77 as follows:

(225 ILCS 51/77 new)
Sec. 77. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

New matter indicated by italics - deletions by strikeout
practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 45. The Marriage and Family Therapy Licensing Act is amended by adding Section 87 as follows:

(225 ILCS 55/87 new)

Sec. 87. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 50. The Medical Practice Act of 1987 is amended by adding Section 22.5 as follows:

(225 ILCS 60/22.5 new)

Sec. 22.5. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 55. The Naprapathic Practice Act is amended by adding Section 113 as follows:

(225 ILCS 63/113 new)

Sec. 113. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 60. The Nursing and Advanced Practice Nursing Act is amended by adding Section 20-13 as follows:

(225 ILCS 65/20-13 new)

Sec. 20-13. Suspension of license or registration for failure to pay

New matter indicated by italics - deletions by strikeout
restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 65. The Illinois Occupational Therapy Practice Act is amended by adding Section 19.17 as follows:

(225 ILCS 75/19.17 new)

Sec. 19.17. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 70. The Illinois Optometric Practice Act of 1987 is amended by adding Section 24.5 as follows:

(225 ILCS 80/24.5 new)

Sec. 24.5. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 75. The Orthotics, Prosthetics, and Pedorthics Practice Act is amended by adding Section 93 as follows:

(225 ILCS 84/93 new)

Sec. 93. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until
the restitution is made in full.

Section 80. The Pharmacy Practice Act of 1987 is amended by adding Section 30.5 as follows:

(225 ILCS 85/30.5 new)

Sec. 30.5. Suspension of license or certificate for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 85. The Illinois Physical Therapy Act is amended by adding Section 17.5 as follows:

(225 ILCS 90/17.5 new)

Sec. 17.5. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 90. The Physician Assistant Practice Act of 1987 is amended by adding Section 21.5 as follows:

(225 ILCS 95/21.5 new)

Sec. 21.5. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 95. The Podiatric Medical Practice Act of 1987 is amended by adding Section 24.5 as follows:

(225 ILCS 100/24.5 new)

Sec. 24.5. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or

New matter indicated by italics - deletions by strikeout
other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 100. The Respiratory Care Practice Act is amended by adding Section 97 as follows:

(225 ILCS 106/97 new)

Sec. 97. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 105. The Professional Counselor and Clinical Professional Counselor Licensing Act is amended by adding Section 83 as follows:

(225 ILCS 107/83 new)

Sec. 83. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 110. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by adding Section 16.3 as follows:

(225 ILCS 110/16.3 new)

Sec. 16.3. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

New matter indicated by italics - deletions by strikeout
Section 115. The Perfusionist Practice Act is amended by adding Section 107 as follows:

(225 ILCS 125/107 new)

Sec. 107. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 120. The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act is amended by adding Section 77 as follows:

(225 ILCS 130/77 new)

Sec. 77. Suspension of registration for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 125. The Genetic Counselor Licensing Act is amended by adding Section 97 as follows:

(225 ILCS 135/97 new)

Sec. 97. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 130. The Illinois Public Aid Code is amended by adding Sections 8A-3.5 and 8A-3.6 as follows:

(305 ILCS 5/8A-3.5 new)

Sec. 8A-3.5. Vendor fraud and recipient fraud in medical assistance; restitution. A person convicted of recipient fraud, unauthorized use of

New matter indicated by italics - deletions by strikeout
medical assistance, vendor fraud in relation to the provision of medical assistance under Article V of this Code, or convicted of a federal criminal violation associated with defrauding the Medicaid program shall be ordered to pay monetary restitution to a person for any financial loss sustained by that person as a result of a violation of Section 8A-2, 8A-2.5, or 8A-3 of this Code, including any court costs and attorney fees. An order of restitution also includes expenses incurred and paid in connection with any medical evaluation or treatment.

(305 ILCS 5/8A-3.6 new)
Sec. 8A-3.6. Actions by State licensing agencies.
(a) All State licensing agencies, the Illinois State Police, and the Department of Financial and Professional Regulation shall coordinate enforcement efforts relating to acts of recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to the provision of medical assistance under Article V of this Code.
(b) If a person who is licensed or registered under the laws of the State of Illinois to engage in a business or profession is convicted of or pleads guilty to engaging in an act of recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to the provision of medical assistance under Article V of this Code, the Illinois State Police must forward to each State agency by which the person is licensed or registered a copy of the conviction or plea and all supporting evidence.
(c) Any agency that receives information under this Section shall, not later than 6 months after the date on which it receives the information, publicly report the final action taken against the convicted person, including but not limited to the revocation or suspension of the license or any other disciplinary action taken.

Section 135. The Criminal Code of 1961 is amended by changing Section 46-1 and by adding Section 46-6 as follows:
(720 ILCS 5/46-1)
Sec. 46-1. Insurance fraud.
(a) A person commits the offense of insurance fraud when he or she knowingly obtains, attempts to obtain, or causes to be obtained, by deception, control over the property of an insurance company or self-insured entity by the making of a false claim or by causing a false claim to be made on any policy of insurance issued by an insurance company or by the making of a false claim to a self-insured entity, intending to deprive an insurance company or self-insured entity permanently of the use and benefit of that property.

New matter indicated by italics - deletions by strikeout
(b) Sentence.

(1) A violation of this Section in which the value of the property obtained or attempted to be obtained is $300 or less is a Class A misdemeanor.

(2) A violation of the Section in which the value of the property obtained or attempted to be obtained is more than $300 but not more than $10,000 is a Class 3 felony.

(3) A violation of this Section in which the value of the property obtained or attempted to be obtained is more than $10,000 but not more than $100,000 is a Class 2 felony.

(4) A violation of this Section in which the value of the property obtained or attempted to be obtained is more than $100,000 is a Class 1 felony.

(5) A person convicted of insurance fraud, vendor fraud, or a federal criminal violation associated with defrauding the Medicaid program shall be ordered to pay monetary restitution to the insurance company or self-insured entity or any other person for any financial loss sustained as a result of a violation of this Section, including any court costs and attorney fees. An order of restitution also includes expenses incurred and paid by the State of Illinois or an insurance company or self-insured entity in connection with any medical evaluation or treatment services.

(c) For the purposes of this Article, where the exact value of property obtained or attempted to be obtained is either not alleged by the accused or not specifically set by the terms of a policy of insurance, the value of the property shall be the fair market replacement value of the property claimed to be lost, the reasonable costs of reimbursing a vendor or other claimant for services to be rendered, or both.

(d) Definitions. For the purposes of this Article:

(1) "Insurance company" means "company" as defined under Section 2 of the Illinois Insurance Code.

(2) "Self-insured entity" means any person, business, partnership, corporation, or organization that sets aside funds to meet his, her, or its losses or to absorb fluctuations in the amount of loss, the losses being charged against the funds set aside or accumulated.

(3) "Obtain", "obtains control", "deception", "property" and "permanent deprivation" have the meanings ascribed to those terms in Article 15 of this Code.

(4) "Governmental entity" means each officer, board,
commission, and agency created by the constitution, whether in the executive, legislative, or judicial branch of State government; each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the State; each administrative unit or corporate outgrowth of State government that is created by or pursuant to statute, including units of local government and their officers, school districts, and boards of election commissioners; and each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor.

(5) "False claim" means any statement made to any insurer, purported insurer, servicing corporation, insurance broker, or insurance agent, or any agent or employee of the entities, and made as part of, or in support of, a claim for payment or other benefit under a policy of insurance, or as part of, or in support of, an application for the issuance of, or the rating of, any insurance policy, when the statement contains any false, incomplete, or misleading information concerning any fact or thing material to the claim, or conceals the occurrence of an event that is material to any person's initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled.

(6) "Statement" means any assertion, oral, written, or otherwise, and includes, but is not limited to, any notice, letter, or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account, or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record, x-ray, photograph, videotape, or movie film; test result; other evidence of loss, injury, or expense; computer-generated document; and data in any form.

(Source: P.A. 90-333, eff. 1-1-98; 91-232, eff. 1-1-00.)

(720 ILCS 5/46-6 new)
Sec. 46-6. Actions by State licensing agencies.
(a) All State licensing agencies, the Illinois State Police, and the Department of Financial and Professional Regulation shall coordinate enforcement efforts relating to acts of insurance fraud.
(b) If a person who is licensed or registered under the laws of the State of Illinois to engage in a business or profession is convicted of or pleads guilty to engaging in an act of insurance fraud, the Illinois State Police must forward to each State agency by which the person is licensed or
registered a copy of the conviction or plea and all supporting evidence.

(c) Any agency that receives information under this Section shall, not later than 6 months after the date on which it receives the information, publicly report the final action taken against the convicted person, including but not limited to the revocation or suspension of the license or any other disciplinary action taken.

Section 999. Effective date. This Act takes effect January 1, 2006.
Passed in the General Assembly May 27, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0578
(Senate Bill No. 0599)

AN ACT concerning elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Sections 28-2 and 28-5 as follows:

(10 ILCS 5/28-2) (from Ch. 46, par. 28-2)
Sec. 28-2. (a) Except as otherwise provided in this Section, petitions for the submission of public questions to referendum must be filed with the appropriate officer or board not less than 78 days prior to a regular election to be eligible for submission on the ballot at such election; and petitions for the submission of a question under Section 18-120 of the Property Tax Code must be filed with the appropriate officer or board not more than 10 months nor less than 6 months prior to the election at which such question is to be submitted to the voters.

(b) However, petitions for the submission of a public question to referendum which proposes the creation or formation of a political subdivision must be filed with the appropriate officer or board not less than 108 days prior to a regular election to be eligible for submission on the ballot at such election.

(c) Resolutions or ordinances of governing boards of political subdivisions which initiate the submission of public questions pursuant to law must be adopted not less than 65 days before a regularly scheduled election to be eligible for submission on the ballot at such election.

(d) A petition, resolution or ordinance initiating the submission of a public question may specify a regular election at which the question is to be

New matter indicated by italics - deletions by strikeout
submitted, and must so specify if the statute authorizing the public question requires submission at a particular election. However, no petition, resolution or ordinance initiating the submission of a public question, other than a legislative resolution initiating an amendment to the Constitution, may specify such submission at an election more than one year, or 15 months in the case of a back door referendum as defined in subsection (f), after the date on which it is filed or adopted, as the case may be. A petition, resolution or ordinance initiating a public question which specifies a particular election at which the question is to be submitted shall be so limited, and shall not be valid as to any other election, other than an emergency referendum ordered pursuant to Section 2A-1.4.

(e) If a petition initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 78 days after the filing of the petition, or not less than 108 days after the filing of a petition for referendum to create a political subdivision. If a resolution or ordinance initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 65 days after the adoption of the resolution or ordinance.

(f) In the case of back door referenda, any limitations in another statute authorizing such a referendum which restrict the time in which the initiating petition may be validly filed shall apply to such petition, in addition to the filing deadlines specified in this Section for submission at a particular election. In the case of any back door referendum, the publication of the ordinance or resolution of the political subdivision shall include a notice of (1) the specific number of voters required to sign a petition requesting that a public question be submitted to the voters of the subdivision; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The secretary or clerk of the political subdivision shall provide a petition form to any individual requesting one. As used herein, a "back door referendum" is the submission of a public question to the voters of a political subdivision, initiated by a petition of voters or residents of such political subdivision, to determine whether an action by the governing body of such subdivision shall be adopted or rejected.

(g) A petition for the incorporation or formation of a new political subdivision whose officers are to be elected rather than appointed must have attached to it an affidavit attesting that at least 108 days and no more than 138 days prior to such election notice of intention to file such petition was published in a newspaper published within the proposed political subdivision,
or if none, in a newspaper of general circulation within the territory of the proposed political subdivision in substantially the following form:

**NOTICE OF PETITION TO FORM A NEW........**

Residents of the territory described below are notified that a petition will or has been filed in the Office of............requesting a referendum to establish a new........., to be called the..........

*The officers of the new............will be elected on the same day as the referendum. Candidates for the governing board of the new......may file nominating petitions with the officer named above until.............

The territory proposed to comprise the new........is described as follows:

(description of territory included in petition)

(signature)....................................

Name and address of person or persons proposing
the new political subdivision.

* Where applicable.

Failure to file such affidavit, or failure to publish the required notice with the correct information contained therein shall render the petition, and any referendum held pursuant to such petition, null and void.

Notwithstanding the foregoing provisions of this subsection (g) or any other provisions of this Code, the publication of notice and affidavit requirements of this subsection (g) shall not apply to any petition filed under Article 7, 7A, 11A, 11B, or 11D of the School Code nor to any referendum held pursuant to any such petition, and neither any petition filed under any of those Articles nor any referendum held pursuant to any such petition shall be rendered null and void because of the failure to file an affidavit or publish a notice with respect to the petition or referendum as required under this subsection (g) for petitions that are not filed under any of those Articles of the School Code.

(Source: P.A. 90-459, eff. 8-17-97.)

(10 ILCS 5/28-5) (from Ch. 46, par. 28-5)

Sec. 28-5. Not less than 61 days before a regularly scheduled election, each local election official shall certify the public questions to be submitted to the voters of or within his political subdivision at that election which have been initiated by petitions filed in his office or by action of the governing board of his political subdivision.

Not less than 61 days before a regularly scheduled election, each circuit court clerk shall certify the public questions to be submitted to the voters of a political subdivision at that election which have been ordered to

New matter indicated by italics - deletions by strikeout
be so submitted by the circuit court pursuant to law. Not less than 30 days before the date set by the circuit court for the conduct of an emergency referendum pursuant to Section 2A-1.4, the circuit court clerk shall certify the public question as herein required.

Local election officials and circuit court clerks shall make their certifications, as required by this Section, to each election authority having jurisdiction over any of the territory of the respective political subdivision in which the public question is to be submitted to referendum.

Not less than 61 days before the next regular election, the county clerk shall certify the public questions to be submitted to the voters of the entire county at that election, which have been initiated by petitions filed in his office or by action of the county board, to the board of election commissioners, if any, in his county.

Not less than 67 days before the general election, the State Board of Elections shall certify any questions proposing an amendment to Article IV of the Constitution pursuant to Section 3, Article XIV of the Constitution and any advisory public questions to be submitted to the voters of the entire State, which have been initiated by petitions received or filed at its office, to the respective county clerks. Not less than 61 days before the general election, the county clerk shall certify such questions to the board of election commissioners, if any, in his county.

The certifications shall include the form of the public question to be placed on the ballot, the date on which the public question was initiated by either the filing of a petition or the adoption of a resolution or ordinance by a governing body, as the case may be, and a certified copy of any court order or political subdivision resolution or ordinance requiring the submission of the public question. Certifications of propositions for annexation to, disconnection from, or formation of political subdivisions or for other purposes shall include a description of the territory in which the proposition is required to be submitted, whenever such territory is not coterminous with an existing political subdivision.

The certification of a public question described in subsection (b) of Section 28-6 shall include the precincts included in the territory concerning which the public question is to be submitted, as well as a common description of such territory, in plain and nonlegal language, and specify the election at which the question is to be submitted. The description of the territory shall be prepared by the local election official as set forth in the resolution or ordinance initiating the public question.

Whenever a local election official, an election authority, or the State

New matter indicated by italics - deletions by strikeout
Board of Elections is in receipt of an initiating petition, or a certification for the submission of a public question at an election at which the public question may not be placed on the ballot or submitted because of the limitations of Section 28-1, such officer or board shall give notice of such prohibition, by registered mail, as follows:

(a) in the case of a petition, to any person designated on a certificate attached thereto as the proponent or as the proponents' attorney for purposes of notice of objections;

(b) in the case of a certificate from a local election authority, to such local election authority, who shall thereupon give notice as provided in subparagraph (a), or notify the governing board which adopted the initiating resolution or ordinance;

(c) in the case of a certification from a circuit court clerk of a court order, to such court, which shall thereupon give notice as provided in subparagraph (a) and shall modify its order in accordance with the provisions of this Act.

If the petition, resolution or ordinance initiating such prohibited public question did not specify a particular election for its submission, the officer or board responsible for certifying the question to the election authorities shall certify or recertify the question, in the manner required herein, for submission on the ballot at the next regular election no more than one year, or 15 months in the case of a back door referendum as defined in subsection (f) of Section 28-2, subsequent to the filing of the initiating petition or the adoption of the initiating resolution or ordinance and at which the public question may be submitted, and the appropriate election authorities shall submit the question at such election, unless the public question is ordered submitted as an emergency referendum pursuant to Section 2A-1.4 or is withdrawn as may be provided by law.

(Source: P.A. 86-875.)


PUBLIC ACT 94-0579
(Senate Bill No. 0658)

AN ACT concerning estates.
Be it enacted by the People of the State of Illinois, represented in the

New matter indicated by italics - deletions by strikeout
General Assembly:
Section 5. The Probate Act of 1975 is amended by changing Sections 11-3 and 11a-5 as follows:
(755 ILCS 5/11-3) (from Ch. 110 1/2, par. 11-3)
Sec. 11-3. Who may act as guardian.
(a) A person who has attained the age of 18 years, is a resident of the United States, is not of unsound mind, is not an adjudged disabled person as defined in this Act, has not been convicted of a felony, and who the court finds is capable of providing an active and suitable program of guardianship for the minor if the court finds that the proposed guardian is capable of providing an active and suitable program of guardianship for the minor and that the proposed guardian:

(1) has attained the age of 18 years;
(2) is a resident of the United States;
(3) is not of unsound mind;
(4) is not an adjudged disabled person as defined in this Act;
and
(5) has not been convicted of a felony, unless the court finds appointment of the person convicted of a felony to be in the minor’s best interests, and as part of the best interest determination, the court has considered the nature of the offense, the date of offense, and the evidence of the proposed guardian’s rehabilitation. No person shall be appointed who has been convicted of a felony involving harm or threat to a child, including a felony sexual offense.

One person may be appointed guardian of the person and another person appointed guardian of the estate.

(b) The Department of Human Services or the Department of Children and Family Services may with the approval of the court designate one of its employees to serve without fees as guardian of the estate of a minor patient in a State mental hospital or a resident in a State institution when the value of the personal estate does not exceed $1,000.
(Source: P.A. 89-507, eff. 7-1-97; 90-430, eff. 8-16-97; 90-472, eff. 8-17-97.)
(755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)
Sec. 11a-5. Who may act as guardian.
(a) A person who has attained the age of 18 years, is a resident of the United States, is not of unsound mind, is not an adjudged disabled person as defined in this Act, has not been convicted of a felony, and who the court finds is capable of providing an active and suitable program of guardianship

New matter indicated by italics - deletions by strikeout
for the disabled person is qualified to act as guardian of the person and as
guardian of the estate of a disabled person if the court finds that the proposed
guardian is capable of providing an active and suitable program of
guardianship for the disabled person and that the proposed guardian:

(1) has attained the age of 18 years;
(2) is a resident of the United States;
(3) is not of unsound mind;
(4) is not an adjudged disabled person as defined in this Act;

and

(5) has not been convicted of a felony, unless the court finds
appointment of the person convicted of a felony to be in the disabled
person's best interests, and as part of the best interest determination,
the court has considered the nature of the offense, the date of offense,
and the evidence of the proposed guardian's rehabilitation. No
person shall be appointed who has been convicted of a felony
involving harm or threat to an elderly or disabled person, including
a felony sexual offense.

(b) Any public agency, or not-for-profit corporation found capable by
the court of providing an active and suitable program of guardianship for the
disabled person, taking into consideration the nature of such person's
disability and the nature of such organization's services, may be appointed
guardian of the person or of the estate, or both, of the disabled person. The
court shall not appoint as guardian an agency which is directly providing
residential services to the ward. One person or agency may be appointed
guardian of the person and another person or agency appointed guardian of
the estate.

(c) Any corporation qualified to accept and execute trusts in this State
may be appointed guardian of the estate of a disabled person.
(Source: P.A. 90-430, eff. 8-16-97; 90-472, eff. 8-17-97.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 20, 2005.
Approved August 12, 2005.
Effective August 12, 2005.

PUBLIC ACT 94-0580
(Senate Bill No. 1701)

AN ACT concerning environmental protection.
Be it enacted by the People of the State of Illinois, represented in the

New matter indicated by italics - deletions by strikeout
General Assembly:

Section 5. The Environmental Protection Act is amended by changing Sections 25b-3, 25b-4, 39.5 and 42 as follows:

(415 ILCS 5/25b-3) (from Ch. 111 1/2, par. 1025b-3)
Sec. 25b-3. In cooperation with the United States Environmental Protection Agency, the Agency shall provide establish and maintain in a computer data base an Illinois Toxic Chemical Inventory. The Inventory shall be based on the information submitted to the Agency on the toxic chemical release forms filed pursuant to Section 313 of the federal Emergency Planning and Community Right-to-know Act of 1986 this Title and may include, to the extent practicable, any other information on emissions, discharges, source reduction activities, and recycling of toxic contaminants submitted to the Agency pursuant to this Act. The Agency shall maintain the data in the Inventory by individual facility and company name, standard industrial classification, type of chemical, and geographic location.
(Source: P.A. 87-1213.)

(415 ILCS 5/25b-4) (from Ch. 111 1/2, par. 1025b-4)
Sec. 25b-4. On or before September 1 of each year January 1, 1989, and by each April 1 thereafter, the Agency shall publish an annual toxic chemical report. Such report shall summarize the information on releases of toxic chemicals into the environment and the source reduction and recycling of toxic chemicals contained in the toxic chemical release reports filed with the Agency pursuant to Section 313 of the federal Emergency Planning and Community Right-to-know Act of 1986 25b-2 and any other information contained in the Illinois Toxic Chemical Inventory. Such report, at a minimum, shall contain information on the types and quantities of toxic chemicals discharged, emitted or disposed into the environment in Illinois, the types and quantities of toxic chemicals recycled or reduced at the source in Illinois, and a summary of such data by county or region and type of business. The Agency shall send copies of such annual report to the chief executive officer of each county in the State, to local public health departments, and to members of the General Assembly.
(Source: P.A. 87-1213.)

(415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)
Sec. 39.5. Clean Air Act Permit Program.
1. Definitions.
For purposes of this Section:
"Administrative permit amendment" means a permit revision subject to subsection 13 of this Section.

New matter indicated by italics - deletions by strikeout
"Affected source for acid deposition" means a source that includes one or more affected units under Title IV of the Clean Air Act.

"Affected States" for purposes of formal distribution of a draft CAAPP permit to other States for comments prior to issuance, means all States:

(1) Whose air quality may be affected by the source covered by the draft permit and that are contiguous to Illinois; or
(2) That are within 50 miles of the source.

"Affected unit for acid deposition" shall have the meaning given to the term "affected unit" in the regulations promulgated under Title IV of the Clean Air Act.

"Applicable Clean Air Act requirement" means all of the following as they apply to emissions units in a source (including regulations that have been promulgated or approved by USEPA pursuant to the Clean Air Act which directly impose requirements upon a source and other such federal requirements which have been adopted by the Board. These may include requirements and regulations which have future effective compliance dates. Requirements and regulations will be exempt if USEPA determines that such requirements need not be contained in a Title V permit):

(1) Any standard or other requirement provided for in the applicable state implementation plan approved or promulgated by USEPA under Title I of the Clean Air Act that implement the relevant requirements of the Clean Air Act, including any revisions to the state Implementation Plan promulgated in 40 CFR Part 52, Subparts A and O and other subparts applicable to Illinois. For purposes of this subsection (1) of this definition, "any standard or other requirement" shall mean only such standards or requirements directly enforceable against an individual source under the Clean Air Act.

(2)(i) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated by USEPA under Title I of the Clean Air Act, including Part C or D of the Clean Air Act.

(ii) Any term or condition as required pursuant to Section 39.5 of any federally enforceable State operating permit issued pursuant to regulations approved or promulgated by USEPA under Title I of the Clean Air Act, including Part C or D of the Clean Air Act.

(3) Any standard or other requirement under Section 111 of the Clean Air Act, including Section 111(d).
(4) Any standard or other requirement under Section 112 of the Clean Air Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Clean Air Act.

(5) Any standard or other requirement of the acid rain program under Title IV of the Clean Air Act or the regulations promulgated thereunder.

(6) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the Clean Air Act.

(7) Any standard or other requirement governing solid waste incineration, under Section 129 of the Clean Air Act.

(8) Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Clean Air Act.

(9) Any standard or other requirement for tank vessels, under Section 183(f) of the Clean Air Act.

(10) Any standard or other requirement of the program to control air pollution from Outer Continental Shelf sources, under Section 328 of the Clean Air Act.

(11) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Clean Air Act, unless USEPA has determined that such requirements need not be contained in a Title V permit.

(12) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Clean Air Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the Clean Air Act.

"Applicable requirement" means all applicable Clean Air Act requirements and any other standard, limitation, or other requirement contained in this Act or regulations promulgated under this Act as applicable to sources of air contaminants (including requirements that have future effective compliance dates).

"CAAPP" means the Clean Air Act Permit Program, developed pursuant to Title V of the Clean Air Act.

"CAAPP application" means an application for a CAAPP permit.

"CAAPP Permit" or "permit" (unless the context suggests otherwise) means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

"CAAPP source" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

New matter indicated by italics - deletions by strikeout
"Clean Air Act" means the Clean Air Act, as now and hereafter amended, 42 U.S.C. 7401, et seq.

"Designated representative" shall have the meaning given to it in Section 402(26) of the Clean Air Act and the regulations promulgated thereunder which states that the term 'designated representative' shall mean a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in all matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit.

"Draft CAAPP permit" means the version of a CAAPP permit for which public notice and an opportunity for public comment and hearing is offered by the Agency.

"Effective date of the CAAPP" means the date that USEPA approves Illinois' CAAPP.

"Emission unit" means any part or activity of a stationary source that emits or has the potential to emit any air pollutant. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the Clean Air Act.

"Federally enforceable" means enforceable by USEPA.

"Final permit action" means the Agency's granting with conditions, refusal to grant, renewal of, or revision of a CAAPP permit, the Agency's determination of incompleteness of a submitted CAAPP application, or the Agency's failure to act on an application for a permit, permit renewal, or permit revision within the time specified in paragraph 5(j), subsection 13, or subsection 14 of this Section.

"General permit" means a permit issued to cover numerous similar sources in accordance with subsection 11 of this Section.

"Major source" means a source for which emissions of one or more air pollutants meet the criteria for major status pursuant to paragraph 2(c) of this Section.

"Maximum achievable control technology" or "MACT" means the maximum degree of reductions in emissions deemed achievable under Section 112 of the Clean Air Act.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

"Permit modification" means a revision to a CAAPP permit that cannot be accomplished under the provisions for administrative permit amendments under subsection 13 of this Section.
"Permit revision" means a permit modification or administrative permit amendment.

"Phase II" means the period of the national acid rain program, established under Title IV of the Clean Air Act, beginning January 1, 2000, and continuing thereafter.

"Phase II acid rain permit" means the portion of a CAAPP permit issued, renewed, modified, or revised by the Agency during Phase II for an affected source for acid deposition.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by USEPA. This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term "capacity factor" as used in Title IV of the Clean Air Act or the regulations promulgated thereunder.

"Preconstruction Permit" or "Construction Permit" means a permit which is to be obtained prior to commencing or beginning actual construction or modification of a source or emissions unit.

"Proposed CAAPP permit" means the version of a CAAPP permit that the Agency proposes to issue and forwards to USEPA for review in compliance with applicable requirements of the Act and regulations promulgated thereunder.

"Regulated air pollutant" means the following:

1. Nitrogen oxides (NOx) or any volatile organic compound.
2. Any pollutant for which a national ambient air quality standard has been promulgated.
3. Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.
4. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act.
5. Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Clean Air Act, including Sections 112(g), (j) and (r).
   i. Any pollutant subject to requirements under Section 112(j) of the Clean Air Act. Any pollutant listed under Section 112(b) for which the subject source would be major shall be considered to be regulated 18 months after the

New matter indicated by italics - deletions by strikeout
date on which USEPA was required to promulgate an applicable standard pursuant to Section 112(e) of the Clean Air Act, if USEPA fails to promulgate such standard.

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Renewal" means the process by which a permit is reissued at the end of its term.

"Responsible official" means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or (ii) the delegation of authority to such representative is approved in advance by the Agency.

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively, or in the case of a partnership in which all of the partners are corporations, a duly authorized representative of the partnership if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or (ii) the delegation of authority to such representative is approved in advance by the Agency.

(3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA).

(4) For affected sources for acid deposition:

(i) The designated representative shall be the
"responsible official" in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated thereunder are concerned.

(ii) The designated representative may also be the "responsible official" for any other purposes with respect to air pollution control.

"Section 502(b)(10) changes" means changes that contravene express permit terms. "Section 502(b)(10) changes" do not include changes that would violate applicable requirements or contravene federally enforceable permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

"Solid waste incineration unit" means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). The term does not include incinerators or other units required to have a permit under Section 3005 of the Solid Waste Disposal Act. The term also does not include (A) materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals, (B) qualifying small power production facilities, as defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as defined in Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes, or (C) air curtain incinerators provided that such incinerators only burn wood wastes, yard waste and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the USEPA by rule.

"Source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties that are under common control of the same person (or persons under common control) and that belongs to a single major industrial grouping. For the purposes of defining "source," a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at such source or group of sources located on contiguous or adjacent properties and under common control belong to the

New matter indicated by italics - deletions by strikeout
same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987, or such pollutant emitting activities at a stationary source (or group of stationary sources) located on contiguous or adjacent properties and under common control constitute a support facility. The determination as to whether any group of stationary sources are located on contiguous or adjacent properties, and/or are under common control, and/or whether the pollutant emitting activities at such group of stationary sources constitute a support facility shall be made on a case by case basis.

"Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act.

"Support facility" means any stationary source (or group of stationary sources) that conveys, stores, or otherwise assists to a significant extent in the production of a principal product at another stationary source (or group of stationary sources). A support facility shall be considered to be part of the same source as the stationary source (or group of stationary sources) that it supports regardless of the 2-digit Standard Industrial Classification code for the support facility.

"USEPA" means the Administrator of the United States Environmental Protection Agency (USEPA) or a person designated by the Administrator.

1.1. Exclusion From the CAAPP.
   a. An owner or operator of a source which determines that the source could be excluded from the CAAPP may seek such exclusion prior to the date that the CAAPP application for the source is due but in no case later than 9 months after the effective date of the CAAPP through the imposition of federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph 2(c) of this Section, within a State operating permit issued pursuant to Section 39(a) of this Act. After such date, an exclusion from the CAAPP may be sought under paragraph 3(c) of this Section.
   b. An owner or operator of a source seeking exclusion from the CAAPP pursuant to paragraph (a) of this subsection must submit a permit application consistent with the existing State permit program which specifically requests such exclusion through the imposition of such federally enforceable conditions.
   c. Upon such request, if the Agency determines that the owner
or operator of a source has met the requirements for exclusion pursuant to paragraph (a) of this subsection and other applicable requirements for permit issuance under Section 39(a) of this Act, the Agency shall issue a State operating permit for such source under Section 39(a) of this Act, as amended, and regulations promulgated thereunder with federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph 2(c) of this Section.

d. The Agency shall provide an owner or operator of a source which may be excluded from the CAAPP pursuant to this subsection with reasonable notice that the owner or operator may seek such exclusion.

e. The Agency shall provide such sources with the necessary permit application forms.

2. Applicability.

   a. Sources subject to this Section shall include:

      i. Any major source as defined in paragraph (c) of this subsection.

      ii. Any source subject to a standard or other requirements promulgated under Section 111 (New Source Performance Standards) or Section 112 (Hazardous Air Pollutants) of the Clean Air Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the Clean Air Act.

      iii. Any affected source for acid deposition, as defined in subsection 1 of this Section.

      iv. Any other source subject to this Section under the Clean Air Act or regulations promulgated thereunder, or applicable Board regulations.

   b. Sources exempted from this Section shall include:

      i. All sources listed in paragraph (a) of this subsection which are not major sources, affected sources for acid deposition or solid waste incineration units required to obtain a permit pursuant to Section 129(e) of the Clean Air Act, until the source is required to obtain a CAAPP permit pursuant to the Clean Air Act or regulations promulgated thereunder.

      ii. Nonmajor sources subject to a standard or other

New matter indicated by italics - deletions by strikeout
requirements subsequently promulgated by USEPA under Section 111 or 112 of the Clean Air Act which are determined by USEPA to be exempt at the time a new standard is promulgated.

iii. All sources and source categories that would be required to obtain a permit solely because they are subject to Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters (40 CFR Part 60).

iv. All sources and source categories that would be required to obtain a permit solely because they are subject to Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145 (40 CFR Part 61).

v. Any other source categories exempted by USEPA regulations pursuant to Section 502(a) of the Clean Air Act.

c. For purposes of this Section the term "major source" means any source that is:

i. A major source under Section 112 of the Clean Air Act, which is defined as:

   A. For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Clean Air Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as USEPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such stations are major sources.

   B. For radionuclides, "major source" shall have the meaning specified by the USEPA by rule.

ii. A major stationary source of air pollutants, as
defined in Section 302 of the Clean Air Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by USEPA). For purposes of this subsection, "fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Clean Air Act, unless the source belongs to one of the following categories of stationary source:

A. Coal cleaning plants (with thermal dryers).
B. Kraft pulp mills.
C. Portland cement plants.
D. Primary zinc smelters.
E. Iron and steel mills.
F. Primary aluminum ore reduction plants.
G. Primary copper smelters.
H. Municipal incinerators capable of charging more than 250 tons of refuse per day.
I. Hydrofluoric, sulfuric, or nitric acid plants.
J. Petroleum refineries.
K. Lime plants.
L. Phosphate rock processing plants.
M. Coke oven batteries.
N. Sulfur recovery plants.
O. Carbon black plants (furnace process).
P. Primary lead smelters.
Q. Fuel conversion plants.
R. Sintering plants.
S. Secondary metal production plants.
T. Chemical process plants.
U. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input.
V. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
W. Taconite ore processing plants.

New matter indicated by italics - deletions by strikeout
X. Glass fiber processing plants.
Y. Charcoal production plants.
Z. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.

AA. All other stationary source categories, which as of August 7, 1980 are being regulated by a standard promulgated under Section 111 or 112 of the Clean Air Act, but only with respect to those air pollutants that have been regulated for that category.

BB. Any other stationary source category designated by USEPA by rule.

iii. A major stationary source as defined in part D of Title I of the Clean Air Act including:

A. For ozone nonattainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", 50 tons or more per year in areas classified as "serious", 25 tons or more per year in areas classified as "severe", and 10 tons or more per year in areas classified as "extreme"; except that the references in this clause to 100, 50, 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which USEPA has made a finding, under Section 182(f)(1) or (2) of the Clean Air Act, that requirements otherwise applicable to such source under Section 182(f) of the Clean Air Act do not apply. Such sources shall remain subject to the major source criteria of paragraph 2(c)(ii) of this subsection.

B. For ozone transport regions established pursuant to Section 184 of the Clean Air Act, sources with the potential to emit 50 tons or more per year of volatile organic compounds (VOCs).

C. For carbon monoxide nonattainment areas (1) that are classified as "serious", and (2) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by USEPA, sources with the potential to emit 50 tons or
more per year of carbon monoxide.

D. For particulate matter (PM-10) nonattainment areas classified as "serious", sources with the potential to emit 70 tons or more per year of PM-10.

3. Agency Authority To Issue CAAPP Permits and Federally Enforceable State Operating Permits.

   a. The Agency shall issue CAAPP permits under this Section consistent with the Clean Air Act and regulations promulgated thereunder and this Act and regulations promulgated thereunder.

   b. The Agency shall issue CAAPP permits for fixed terms of 5 years, except CAAPP permits issued for solid waste incineration units combusting municipal waste which shall be issued for fixed terms of 12 years and except CAAPP permits for affected sources for acid deposition which shall be issued for initial terms to expire on December 31, 1999, and for fixed terms of 5 years thereafter.

   c. The Agency shall have the authority to issue a State operating permit for a source under Section 39(a) of this Act, as amended, and regulations promulgated thereunder, which includes federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph 2(c) of this Section, thereby excluding the source from the CAAPP, when requested by the applicant pursuant to paragraph 5(u) of this Section. The public notice requirements of this Section applicable to CAAPP permits shall also apply to the initial issuance of permits under this paragraph.

   d. For purposes of this Act, a permit issued by USEPA under Section 505 of the Clean Air Act, as now and hereafter amended, shall be deemed to be a permit issued by the Agency pursuant to Section 39.5 of this Act.

4. Transition.

   a. An owner or operator of a CAAPP source shall not be required to renew an existing State operating permit for any emission unit at such CAAPP source once a CAAPP application timely submitted prior to expiration of the State operating permit has been deemed complete. For purposes other than permit renewal, the obligation upon the owner or operator of a CAAPP source to obtain a State operating permit is not removed upon submittal of the complete CAAPP permit application. An owner or operator of a
CAAPP source seeking to make a modification to a source prior to the issuance of its CAAPP permit shall be required to obtain a construction and/or operating permit as required for such modification in accordance with the State permit program under Section 39(a) of this Act, as amended, and regulations promulgated thereunder. The application for such construction and/or operating permit shall be considered an amendment to the CAAPP application submitted for such source.

b. An owner or operator of a CAAPP source shall continue to operate in accordance with the terms and conditions of its applicable State operating permit notwithstanding the expiration of the State operating permit until the source's CAAPP permit has been issued.

c. An owner or operator of a CAAPP source shall submit its initial CAAPP application to the Agency no later than 12 months after the effective date of the CAAPP. The Agency may request submittal of initial CAAPP applications during this 12 month period according to a schedule set forth within Agency procedures, however, in no event shall the Agency require such submittal earlier than 3 months after such effective date of the CAAPP. An owner or operator may voluntarily submit its initial CAAPP application prior to the date required within this paragraph or applicable procedures, if any, subsequent to the date the Agency submits the CAAPP to USEPA for approval.

d. The Agency shall act on initial CAAPP applications in accordance with subsection 5(j) of this Section.

e. For purposes of this Section, the term "initial CAAPP application" shall mean the first CAAPP application submitted for a source existing as of the effective date of the CAAPP.

f. The Agency shall provide owners or operators of CAAPP sources with at least three months advance notice of the date on which their applications are required to be submitted. In determining which sources shall be subject to early submittal, the Agency shall include among its considerations the complexity of the permit application, and the burden that such early submittal will have on the source.

g. The CAAPP permit shall upon becoming effective supersede the State operating permit.

h. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act,
as the Agency deems necessary, to implement this subsection.

5. Applications and Completeness.
   a. An owner or operator of a CAAPP source shall submit its complete CAAPP application consistent with the Act and applicable regulations.
   b. An owner or operator of a CAAPP source shall submit a single complete CAAPP application covering all emission units at that source.
   c. To be deemed complete, a CAAPP application must provide all information, as requested in Agency application forms, sufficient to evaluate the subject source and its application and to determine all applicable requirements, pursuant to the Clean Air Act, and regulations thereunder, this Act and regulations thereunder. Such Agency application forms shall be finalized and made available prior to the date on which any CAAPP application is required.
   d. An owner or operator of a CAAPP source shall submit, as part of its complete CAAPP application, a compliance plan, including a schedule of compliance, describing how each emission unit will comply with all applicable requirements. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
   e. Each submitted CAAPP application shall be certified for truth, accuracy, and completeness by a responsible official in accordance with applicable regulations.
   f. The Agency shall provide notice to a CAAPP applicant as to whether a submitted CAAPP application is complete. Unless the Agency notifies the applicant of incompleteness, within 60 days of receipt of the CAAPP application, the application shall be deemed complete. The Agency may request additional information as needed to make the completeness determination. The Agency may to the extent practicable provide the applicant with a reasonable opportunity to correct deficiencies prior to a final determination of completeness.
   g. If after the determination of completeness the Agency finds that additional information is necessary to evaluate or take final action on the CAAPP application, the Agency may request in writing such information from the source with a reasonable deadline for response.
   h. If the owner or operator of a CAAPP source submits a
timely and complete CAAPP application, the source's failure to have a CAAPP permit shall not be a violation of this Section until the Agency takes final action on the submitted CAAPP application, provided, however, where the applicant fails to submit the requested information under paragraph 5(g) within the time frame specified by the Agency, this protection shall cease to apply.

i. Any applicant who fails to submit any relevant facts necessary to evaluate the subject source and its CAAPP application or who has submitted incorrect information in a CAAPP application shall, upon becoming aware of such failure or incorrect submittal, submit supplementary facts or correct information to the Agency. In addition, an applicant shall provide to the Agency additional information as necessary to address any requirements which become applicable to the source subsequent to the date the applicant submitted its complete CAAPP application but prior to release of the draft CAAPP permit.

j. The Agency shall issue or deny the CAAPP permit within 18 months after the date of receipt of the complete CAAPP application, with the following exceptions: (i) permits for affected sources for acid deposition shall be issued or denied within 6 months after receipt of a complete application in accordance with subsection 17 of this Section; (ii) the Agency shall act on initial CAAPP applications within 24 months after the date of receipt of the complete CAAPP application; (iii) the Agency shall act on complete applications containing early reduction demonstrations under Section 112(i)(5) of the Clean Air Act within 9 months of receipt of the complete CAAPP application.

Where the Agency does not take final action on the permit within the required time period, the permit shall not be deemed issued; rather, the failure to act shall be treated as a final permit action for purposes of judicial review pursuant to Sections 40.2 and 41 of this Act.

k. The submittal of a complete CAAPP application shall not affect the requirement that any source have a preconstruction permit under Title I of the Clean Air Act.

l. Unless a timely and complete renewal application has been submitted consistent with this subsection, a CAAPP source operating upon the expiration of its CAAPP permit shall be deemed to be operating without a CAAPP permit. Such operation is prohibited

New matter indicated by italics - deletions by strikeout
under this Act.

m. Permits being renewed shall be subject to the same procedural requirements, including those for public participation and federal review and objection, that apply to original permit issuance.

n. For purposes of permit renewal, a timely application is one that is submitted no less than 9 months prior to the date of permit expiration.

o. The terms and conditions of a CAAPP permit shall remain in effect until the issuance of a CAAPP renewal permit provided a timely and complete CAAPP application has been submitted.

p. The owner or operator of a CAAPP source seeking a permit shield pursuant to paragraph 7(j) of this Section shall request such permit shield in the CAAPP application regarding that source.

q. The Agency shall make available to the public all documents submitted by the applicant to the Agency, including each CAAPP application, compliance plan (including the schedule of compliance), and emissions or compliance monitoring report, with the exception of information entitled to confidential treatment pursuant to Section 7 of this Act.

r. The Agency shall use the standardized forms required under Title IV of the Clean Air Act and regulations promulgated thereunder for affected sources for acid deposition.

s. An owner or operator of a CAAPP source may include within its CAAPP application a request for permission to operate during a startup, malfunction, or breakdown consistent with applicable Board regulations.

t. An owner or operator of a CAAPP source, in order to utilize the operational flexibility provided under paragraph 7(l) of this Section, must request such use and provide the necessary information within its CAAPP application.

u. An owner or operator of a CAAPP source which seeks exclusion from the CAAPP through the imposition of federally enforceable conditions, pursuant to paragraph 3(c) of this Section, must request such exclusion within a CAAPP application submitted consistent with this subsection on or after the date that the CAAPP application for the source is due. Prior to such date, but in no case later than 9 months after the effective date of the CAAPP, such owner or operator may request the imposition of federally enforceable conditions pursuant to paragraph 1.1(b) of this Section.

New matter indicated by italics - deletions by strikeout
v. CAAPP applications shall contain accurate information on allowable emissions to implement the fee provisions of subsection 18 of this Section.

w. An owner or operator of a CAAPP source shall submit within its CAAPP application emissions information regarding all regulated air pollutants emitted at that source consistent with applicable Agency procedures. Emissions information regarding insignificant activities or emission levels, as determined by the Agency pursuant to Board regulations, may be submitted as a list within the CAAPP application. The Agency shall propose regulations to the Board defining insignificant activities or emission levels, consistent with federal regulations, if any, no later than 18 months after the effective date of this amendatory Act of 1992, consistent with Section 112(n)(1) of the Clean Air Act. The Board shall adopt final regulations defining insignificant activities or emission levels no later than 9 months after the date of the Agency's proposal.

x. The owner or operator of a new CAAPP source shall submit its complete CAAPP application consistent with this subsection within 12 months after commencing operation of such source. The owner or operator of an existing source that has been excluded from the provisions of this Section under subsection 1.1 or subsection 3(c) of this Section and that becomes subject to the CAAPP solely due to a change in operation at the source shall submit its complete CAAPP application consistent with this subsection at least 180 days before commencing operation in accordance with the change in operation.

y. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

6. Prohibitions.

a. It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. All terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph 7(m) of this Section.
b. After the applicable CAAPP permit or renewal application submittal date, as specified in subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the Agency.

c. No owner or operator of a CAAPP source shall cause or threaten or allow the continued operation of an emission source during malfunction or breakdown of the emission source or related air pollution control equipment if such operation would cause a violation of the standards or limitations applicable to the source, unless the CAAPP permit granted to the source provides for such operation consistent with this Act and applicable Board regulations.

7. Permit Content.

a. All CAAPP permits shall contain emission limitations and standards and other enforceable terms and conditions, including but not limited to operational requirements, and schedules for achieving compliance at the earliest reasonable date, which are or will be required to accomplish the purposes and provisions of this Act and to assure compliance with all applicable requirements.

b. The Agency shall include among such conditions applicable monitoring, reporting, record keeping and compliance certification requirements, as authorized by paragraphs d, e, and f of this subsection, that the Agency deems necessary to assure compliance with the Clean Air Act, the regulations promulgated thereunder, this Act, and applicable Board regulations. When monitoring, reporting, record keeping, and compliance certification requirements are specified within the Clean Air Act, regulations promulgated thereunder, this Act, or applicable regulations, such requirements shall be included within the CAAPP permit. The Board shall have authority to promulgate additional regulations where necessary to accomplish the purposes of the Clean Air Act, this Act, and regulations promulgated thereunder.

c. The Agency shall assure, within such conditions, the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable emission limitations, standards, and other requirements contained in the permit.

d. To meet the requirements of this subsection with respect to monitoring, the permit shall:

i. Incorporate and identify all applicable emissions
monitoring and analysis procedures or test methods required under the Clean Air Act, regulations promulgated thereunder, this Act, and applicable Board regulations, including any procedures and methods promulgated by USEPA pursuant to Section 504(b) or Section 114(a)(3) of the Clean Air Act.

ii. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), require periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit, as reported pursuant to paragraph (f) of this subsection. The Agency may determine that recordkeeping requirements are sufficient to meet the requirements of this subparagraph.

iii. As necessary, specify requirements concerning the use, maintenance, and when appropriate, installation of monitoring equipment or methods.

e. To meet the requirements of this subsection with respect to record keeping, the permit shall incorporate and identify all applicable recordkeeping requirements and require, where applicable, the following:

i. Records of required monitoring information that include the following:
   A. The date, place and time of sampling or measurements.
   B. The date(s) analyses were performed.
   C. The company or entity that performed the analyses.
   D. The analytical techniques or methods used.
   E. The results of such analyses.
   F. The operating conditions as existing at the time of sampling or measurement.

ii. Retention of records of all monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
f. To meet the requirements of this subsection with respect to reporting, the permit shall incorporate and identify all applicable reporting requirements and require the following:
   i. Submittal of reports of any required monitoring every 6 months. More frequent submittals may be requested by the Agency if such submittals are necessary to assure compliance with this Act or regulations promulgated by the Board thereunder. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with subsection 5 of this Section.
   ii. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

g. Each CAAPP permit issued under subsection 10 of this Section shall include a condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Clean Air Act or the regulations promulgated thereunder, consistent with subsection 17 of this Section and applicable regulations, if any.

h. All CAAPP permits shall state that, where another applicable requirement of the Clean Air Act is more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act, both provisions shall be incorporated into the permit and shall be State and federally enforceable.

i. Each CAAPP permit issued under subsection 10 of this Section shall include a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

j. The following shall apply with respect to owners or operators requesting a permit shield:
   i. The Agency shall include in a CAAPP permit, when requested by an applicant pursuant to paragraph 5(p) of this Section, a provision stating that compliance with the conditions of the permit shall be deemed compliance with applicable requirements which are applicable as of the date of release of the proposed permit, provided that:
      A. The applicable requirement is specifically

New matter indicated by italics - deletions by strikeout
B. The Agency in acting on the CAAPP application or revision determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes that determination or a concise summary thereof.

ii. The permit shall identify the requirements for which the source is shielded. The shield shall not extend to applicable requirements which are promulgated after the date of release of the proposed permit unless the permit has been modified to reflect such new requirements.

iii. A CAAPP permit which does not expressly indicate the existence of a permit shield shall not provide such a shield.

iv. Nothing in this paragraph or in a CAAPP permit shall alter or affect the following:

A. The provisions of Section 303 (emergency powers) of the Clean Air Act, including USEPA's authority under that section.

B. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

C. The applicable requirements of the acid rain program consistent with Section 408(a) of the Clean Air Act.

D. The ability of USEPA to obtain information from a source pursuant to Section 114 (inspections, monitoring, and entry) of the Clean Air Act.

k. Each CAAPP permit shall include an emergency provision providing an affirmative defense of emergency to an action brought for noncompliance with technology-based emission limitations under a CAAPP permit if the following conditions are met through properly signed, contemporaneous operating logs, or other relevant evidence:

i. An emergency occurred and the permittee can identify the cause(s) of the emergency.

ii. The permitted facility was at the time being properly operated.

iii. The permittee submitted notice of the emergency to the Agency within 2 working days of the time when

New matter indicated by italics - deletions by strikeout
emission limitations were exceeded due to the emergency. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

iv. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations, standards, or requirements in the permit.

For purposes of this subsection, "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, such as an act of God, that requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operation error.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof. This provision is in addition to any emergency or upset provision contained in any applicable requirement. This provision does not relieve a permittee of any reporting obligations under existing federal or state laws or regulations.

I. The Agency shall include in each permit issued under subsection 10 of this Section:

i. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application. The permit terms and conditions for each such operating scenario shall meet all applicable requirements and the requirements of this Section.

A. Under this subparagraph, the source must record in a log at the permitted facility a record of the scenario under which it is operating contemporaneously with making a change from one operating scenario to another.

B. The permit shield described in paragraph 7(j) of this Section shall extend to all terms and conditions under each such operating scenario.

New matter indicated by italics - deletions by strikeout
ii. Where requested by an applicant, all terms and conditions allowing for trading of emissions increases and decreases between different emission units at the CAAPP source, to the extent that the applicable requirements provide for trading of such emissions increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

A. Shall include all terms required under this subsection to determine compliance;
B. Must meet all applicable requirements;
C. Shall extend the permit shield described in paragraph 7(j) of this Section to all terms and conditions that allow such increases and decreases in emissions.

m. The Agency shall specifically designate as not being federally enforceable under the Clean Air Act any terms and conditions included in the permit that are not specifically required under the Clean Air Act or federal regulations promulgated thereunder. Terms or conditions so designated shall be subject to all applicable state requirements, except the requirements of subsection 7 (other than this paragraph, paragraph q of subsection 7, subsections 8 through 11, and subsections 13 through 16 of this Section. The Agency shall, however, include such terms and conditions in the CAAPP permit issued to the source.

n. Each CAAPP permit issued under subsection 10 of this Section shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

o. Each CAAPP permit issued under subsection 10 of this Section shall include provisions stating the following:

i. Duty to comply. The permittee must comply with all terms and conditions of the CAAPP permit. Any permit noncompliance constitutes a violation of the Clean Air Act and the Act, and is grounds for any or all of the following: enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

ii. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that

New matter indicated by italics - deletions by strikeout
it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

iii. Permit actions. The permit may be modified, revoked, reopened, and reissued, or terminated for cause in accordance with the applicable subsections of Section 39.5 of this Act. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

iv. Property rights. The permit does not convey any property rights of any sort, or any exclusive privilege.

v. Duty to provide information. The permittee shall furnish to the Agency within a reasonable time specified by the Agency any information that the Agency may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Agency copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to USEPA along with a claim of confidentiality.

vi. Duty to pay fees. The permittee must pay fees to the Agency consistent with the fee schedule approved pursuant to subsection 18 of this Section, and submit any information relevant thereto.

vii. Emissions trading. No permit revision shall be required for increases in emissions allowed under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are authorized by the applicable requirement.

p. Each CAAPP permit issued under subsection 10 of this Section shall contain the following elements with respect to compliance:

i. Compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by a
CAAPP permit shall contain a certification by a responsible official that meets the requirements of subsection 5 of this Section and applicable regulations.

ii. Inspection and entry requirements that necessitate that, upon presentation of credentials and other documents as may be required by law and in accordance with constitutional limitations, the permittee shall allow the Agency, or an authorized representative to perform the following:

A. Enter upon the permittee's premises where a CAAPP source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

C. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

D. Sample or monitor any substances or parameters at any location:

1. As authorized by the Clean Air Act, at reasonable times, for the purposes of assuring compliance with the CAAPP permit or applicable requirements; or

2. As otherwise authorized by this Act.

iii. A schedule of compliance consistent with subsection 5 of this Section and applicable regulations.

iv. Progress reports consistent with an applicable schedule of compliance pursuant to paragraph 5(d) of this Section and applicable regulations to be submitted semiannually, or more frequently if the Agency determines that such more frequent submittals are necessary for compliance with the Act or regulations promulgated by the Board thereunder. Such progress reports shall contain the following:

A. Required dates for achieving the activities, milestones, or compliance required by the schedule of compliance and dates when such activities, milestones

New matter indicated by italics - deletions by strikeout
or compliance were achieved.

B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

v. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

A. The frequency (annually or more frequently as specified in any applicable requirement or by the Agency pursuant to written procedures) of submissions of compliance certifications.

B. A means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

C. A requirement that the compliance certification include the following:

1. The identification of each term or condition contained in the permit that is the basis of the certification.
2. The compliance status.
3. Whether compliance was continuous or intermittent.
4. The method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with subsection 7 of Section 39.5 of the Act.

D. A requirement that all compliance certifications be submitted to USEPA as well as to the Agency.

E. Additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the Clean Air Act.

F. Other provisions as the Agency may require.

q. If the owner or operator of CAAPP source can demonstrate in its CAAPP application, including an application for a significant modification, that an alternative emission limit would be equivalent
to that contained in the applicable Board regulations, the Agency shall include the alternative emission limit in the CAAPP permit, which shall supersede the emission limit set forth in the applicable Board regulations, and shall include conditions that insure that the resulting emission limit is quantifiable, accountable, enforceable, and based on replicable procedures.

8. Public Notice; Affected State Review.
   a. The Agency shall provide notice to the public, including an opportunity for public comment and a hearing, on each draft CAAPP permit for issuance, renewal or significant modification, subject to Sections 7(a) and 7.1 of this Act.
   b. The Agency shall prepare a draft CAAPP permit and a statement that sets forth the legal and factual basis for the draft CAAPP permit conditions, including references to the applicable statutory or regulatory provisions. The Agency shall provide this statement to any person who requests it.
   c. The Agency shall give notice of each draft CAAPP permit to the applicant and to any affected State on or before the time that the Agency has provided notice to the public, except as otherwise provided in this Act.
   d. The Agency, as part of its submittal of a proposed permit to USEPA (or as soon as possible after the submittal for minor permit modification procedures allowed under subsection 14 of this Section), shall notify USEPA and any affected State in writing of any refusal of the Agency to accept all of the recommendations for the proposed permit that an affected State submitted during the public or affected State review period. The notice shall include the Agency's reasons for not accepting the recommendations. The Agency is not required to accept recommendations that are not based on applicable requirements or the requirements of this Section.
   e. The Agency shall make available to the public any CAAPP permit application, compliance plan (including the schedule of compliance), CAAPP permit, and emissions or compliance monitoring report. If an owner or operator of a CAAPP source is required to submit information entitled to protection from disclosure under Section 7(a) or Section 7.1 of this Act, the owner or operator shall submit such information separately. The requirements of Section 7(a) or Section 7.1 of this Act shall apply to such information, which shall not be included in a CAAPP permit unless required by law.

New matter indicated by italics - deletions by strikeout
contents of a CAAPP permit shall not be entitled to protection under Section 7(a) or Section 7.1 of this Act.

f. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

9. USEPA Notice and Objection.

a. The Agency shall provide to USEPA for its review a copy of each CAAPP application (including any application for permit modification), statement of basis as provided in paragraph 8(b) of this Section, proposed CAAPP permit, CAAPP permit, and, if the Agency does not incorporate any affected State's recommendations on a proposed CAAPP permit, a written statement of this decision and its reasons for not accepting the recommendations, except as otherwise provided in this Act or by agreement with USEPA. To the extent practicable, the preceding information shall be provided in computer readable format compatible with USEPA's national database management system.

b. The Agency shall not issue the proposed CAAPP permit if USEPA objects in writing within 45 days of receipt of the proposed CAAPP permit and all necessary supporting information.

c. If USEPA objects in writing to the issuance of the proposed CAAPP permit within the 45-day period, the Agency shall respond in writing and may revise and resubmit the proposed CAAPP permit in response to the stated objection, to the extent supported by the record, within 90 days after the date of the objection. Prior to submitting a revised permit to USEPA, the Agency shall provide the applicant and any person who participated in the public comment process, pursuant to subsection 8 of this Section, with a 10-day period to comment on any revision which the Agency is proposing to make to the permit in response to USEPA's objection in accordance with Agency procedures.

d. Any USEPA objection under this subsection, according to the Clean Air Act, will include a statement of reasons for the objection and a description of the terms and conditions that must be in the permit, in order to adequately respond to the objections. Grounds for a USEPA objection include the failure of the Agency to:

(1) submit the items and notices required under this subsection;
(2) submit any other information necessary to adequately review the proposed CAAPP permit; or (3) process the permit under subsection

New matter indicated by italics - deletions by strikeout
8 of this Section except for minor permit modifications.

e. If USEPA does not object in writing to issuance of a permit under this subsection, any person may petition USEPA within 60 days after expiration of the 45-day review period to make such objection.

f. If the permit has not yet been issued and USEPA objects to the permit as a result of a petition, the Agency shall not issue the permit until USEPA's objection has been resolved. The Agency shall provide a 10-day comment period in accordance with paragraph c of this subsection. A petition does not, however, stay the effectiveness of a permit or its requirements if the permit was issued after expiration of the 45-day review period and prior to a USEPA objection.

g. If the Agency has issued a permit after expiration of the 45-day review period and prior to receipt of a USEPA objection under this subsection in response to a petition submitted pursuant to paragraph e of this subsection, the Agency may, upon receipt of an objection from USEPA, revise and resubmit the permit to USEPA pursuant to this subsection after providing a 10-day comment period in accordance with paragraph c of this subsection. If the Agency fails to submit a revised permit in response to the objection, USEPA shall modify, terminate or revoke the permit. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

h. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.


a. The Agency shall issue a CAAPP permit, permit modification, or permit renewal if all of the following conditions are met:

i. The applicant has submitted a complete and certified application for a permit, permit modification, or permit renewal consistent with subsections 5 and 14 of this Section, as applicable, and applicable regulations.

ii. The applicant has submitted with its complete application an approvable compliance plan, including a schedule for achieving compliance, consistent with subsection 5 of this Section and applicable regulations.
iii. The applicant has timely paid the fees required pursuant to subsection 18 of this Section and applicable regulations.

iv. The Agency has received a complete CAAPP application and, if necessary, has requested and received additional information from the applicant consistent with subsection 5 of this Section and applicable regulations.

v. The Agency has complied with all applicable provisions regarding public notice and affected State review consistent with subsection 8 of this Section and applicable regulations.

vi. The Agency has provided a copy of each CAAPP application, or summary thereof, pursuant to agreement with USEPA and proposed CAAPP permit required under subsection 9 of this Section to USEPA, and USEPA has not objected to the issuance of the permit in accordance with the Clean Air Act and 40 CFR Part 70.

b. The Agency shall have the authority to deny a CAAPP permit, permit modification, or permit renewal if the applicant has not complied with the requirements of paragraphs (a)(i)-(a)(iv) of this subsection or if USEPA objects to its issuance.

c. i. Prior to denial of a CAAPP permit, permit modification, or permit renewal under this Section, the Agency shall notify the applicant of the possible denial and the reasons for the denial.

ii. Within such notice, the Agency shall specify an appropriate date by which the applicant shall adequately respond to the Agency's notice. Such date shall not exceed 15 days from the date the notification is received by the applicant. The Agency may grant a reasonable extension for good cause shown.

iii. Failure by the applicant to adequately respond by the date specified in the notification or by any granted extension date shall be grounds for denial of the permit.

For purposes of obtaining judicial review under Sections 40.2 and 41 of this Act, the Agency shall provide to USEPA and each applicant, and, upon request, to affected States, any person who participated in the public comment process, and any other person who could obtain judicial

New matter indicated by italics - deletions by strikeout
review under Sections 40.2 and 41 of this Act, a copy of each CAAPP permit or notification of denial pertaining to that party.
d. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

11. General Permits.
   a. The Agency may issue a general permit covering numerous similar sources, except for affected sources for acid deposition unless otherwise provided in regulations promulgated under Title IV of the Clean Air Act.
   b. The Agency shall identify, in any general permit, criteria by which sources may qualify for the general permit.
   c. CAAPP sources that would qualify for a general permit must apply for coverage under the terms of the general permit or must apply for a CAAPP permit consistent with subsection 5 of this Section and applicable regulations.
   d. The Agency shall comply with the public comment and hearing provisions of this Section as well as the USEPA and affected State review procedures prior to issuance of a general permit.
   e. When granting a subsequent request by a qualifying CAAPP source for coverage under the terms of a general permit, the Agency shall not be required to repeat the public notice and comment procedures. The granting of such request shall not be considered a final permit action for purposes of judicial review.
   f. The Agency may not issue a general permit to cover any discrete emission unit at a CAAPP source if another CAAPP permit covers emission units at the source.
   g. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

12. Operational Flexibility.
   a. An owner or operator of a CAAPP source may make changes at the CAAPP source without requiring a prior permit revision, consistent with subparagraphs (a)(i) through (a)(iii) of this subsection, so long as the changes are not modifications under any provision of Title I of the Clean Air Act and they do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions), provided that the
owner or operator of the CAAPP source provides USEPA and the Agency with written notification as required below in advance of the proposed changes, which shall be a minimum of 7 days, unless otherwise provided by the Agency in applicable regulations regarding emergencies. The owner or operator of a CAAPP source and the Agency shall each attach such notice to their copy of the relevant permit.

i. An owner or operator of a CAAPP source may make Section 502 (b) (10) changes without a permit revision, if the changes are not modifications under any provision of Title I of the Clean Air Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).

A. For each such change, the written notification required above shall include a brief description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

B. The permit shield described in paragraph 7(j) of this Section shall not apply to any change made pursuant to this subparagraph.

ii. An owner or operator of a CAAPP source may trade increases and decreases in emissions in the CAAPP source, where the applicable implementation plan provides for such emission trades without requiring a permit revision. This provision is available in those cases where the permit does not already provide for such emissions trading.

A. Under this subparagraph (a)(ii), the written notification required above shall include such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including at a minimum, when the proposed changes will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan, and the pollutants emitted subject to the emissions trade. The notice shall also
refer to the provisions in the applicable implementation plan with which the source will comply and provide for the emissions trade.

B. The permit shield described in paragraph 7(j) of this Section shall not apply to any change made pursuant to this subparagraph (a) (ii). Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to the requirements of the applicable implementation plan authorizing the emissions trade. iii. If requested within a CAAPP application, the Agency shall issue a CAAPP permit which contains terms and conditions, including all terms required under subsection 7 of this Section to determine compliance, allowing for the trading of emissions increases and decreases at the CAAPP source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The owner or operator of a CAAPP source shall include in its CAAPP application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The permit shall also require compliance with all applicable requirements.

A. Under this subparagraph (a)(iii), the written notification required above shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

B. The permit shield described in paragraph 7(j) of this Section shall extend to terms and conditions that allow such increases and decreases in emissions.

b. An owner or operator of a CAAPP source may make changes that are not addressed or prohibited by the permit, other than those which are subject to any requirements under Title IV of the Clean Air Act or are modifications under any provisions of Title I of the Clean Air Act, without a permit revision, in accordance with the following requirements:

New matter indicated by italics - deletions by strikeout
(i) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition;

(ii) Sources must provide contemporaneous written notice to the Agency and USEPA of each such change, except for changes that qualify as insignificant under provisions adopted by the Agency or the Board. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change;

(iii) The change shall not qualify for the shield described in paragraph 7(j) of this Section; and

(iv) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable Clean Air Act requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

c. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

13. Administrative Permit Amendments.

a. The Agency shall take final action on a request for an administrative permit amendment within 60 days of receipt of the request. Neither notice nor an opportunity for public and affected State comment shall be required for the Agency to incorporate such revisions, provided it designates the permit revisions as having been made pursuant to this subsection.

b. The Agency shall submit a copy of the revised permit to USEPA.

c. For purposes of this Section the term "administrative permit amendment" shall be defined as a permit revision that can accomplish one or more of the changes described below:

i. Corrects typographical errors;

ii. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

iii. Requires more frequent monitoring or reporting by the permittee;

iv. Allows for a change in ownership or operational...
control of a source where the Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Agency;

v. Incorporates into the CAAPP permit the requirements from preconstruction review permits authorized under a USEPA-approved program, provided the program meets procedural and compliance requirements substantially equivalent to those contained in this Section;

vi. (Blank); or

vii. Any other type of change which USEPA has determined as part of the approved CAAPP permit program to be similar to those included in this subsection.

d. The Agency shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in paragraph 7(j) of this Section for administrative permit amendments made pursuant to subparagraph (c)(v) of this subsection which meet the relevant requirements for significant permit modifications.

e. Permit revisions and modifications, including administrative amendments and automatic amendments (pursuant to Sections 408(b) and 403(d) of the Clean Air Act or regulations promulgated thereunder), for purposes of the acid rain portion of the permit shall be governed by the regulations promulgated under Title IV of the Clean Air Act. Owners or operators of affected sources for acid deposition shall have the flexibility to amend their compliance plans as provided in the regulations promulgated under Title IV of the Clean Air Act.

f. The CAAPP source may implement the changes addressed in the request for an administrative permit amendment immediately upon submittal of the request.

g. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

14. Permit Modifications.

a. Minor permit modification procedures.

i. The Agency shall review a permit modification using the "minor permit" modification procedures only for
those permit modifications that:

A. Do not violate any applicable requirement;
B. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
C. Do not require a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis;
D. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying requirement and which avoids an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

1. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Clean Air Act; and
2. An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Clean Air Act;
E. Are not modifications under any provision of Title I of the Clean Air Act; and
F. Are not required to be processed as a significant modification.

ii. Notwithstanding subparagraphs (a)(i) and (b)(ii) of this subsection, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by USEPA.

iii. An applicant requesting the use of minor permit modification procedures shall meet the requirements of subsection 5 of this Section and shall include the following in its application:

A. A description of the change, the emissions

New matter indicated by italics - deletions by strikeout
resulting from the change, and any new applicable requirements that will apply if the change occurs;

B. The source's suggested draft permit;

C. Certification by a responsible official, consistent with paragraph 5(e) of this Section and applicable regulations, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

D. Completed forms for the Agency to use to notify USEPA and affected States as required under subsections 8 and 9 of this Section.

iv. Within 5 working days of receipt of a complete permit modification application, the Agency shall notify USEPA and affected States of the requested permit modification in accordance with subsections 8 and 9 of this Section. The Agency promptly shall send any notice required under paragraph 8(d) of this Section to USEPA.

v. The Agency may not issue a final permit modification until after the 45-day review period for USEPA or until USEPA has notified the Agency that USEPA will not object to the issuance of the permit modification, whichever comes first, although the Agency can approve the permit modification prior to that time. Within 90 days of the Agency's receipt of an application under the minor permit modification procedures or 15 days after the end of USEPA's 45-day review period under subsection 9 of this Section, whichever is later, the Agency shall:

A. Issue the permit modification as proposed;
B. Deny the permit modification application;
C. Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or
D. Revise the draft permit modification and transmit to USEPA the new proposed permit modification as required by subsection 9 of this Section.

vi. Any CAAPP source may make the change

New matter indicated by italics - deletions by strikeout
proposed in its minor permit modification application immediately after it files such application. After the CAAPP source makes the change allowed by the preceding sentence, and until the Agency takes any of the actions specified in subparagraphs (a)(v)(A) through (a)(v)(C) of this subsection, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. If the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions which it seeks to modify may be enforced against it.

vii. The permit shield under subparagraph 7(j) of this Section may not extend to minor permit modifications.

viii. If a construction permit is required, pursuant to Section 39(a) of this Act and regulations thereunder, for a change for which the minor permit modification procedures are applicable, the source may request that the processing of the construction permit application be consolidated with the processing of the application for the minor permit modification. In such cases, the provisions of this Section, including those within subsections 5, 8, and 9, shall apply and the Agency shall act on such applications pursuant to subparagraph 14(a)(v). The source may make the proposed change immediately after filing its application for the minor permit modification. Nothing in this subparagraph shall otherwise affect the requirements and procedures applicable to construction permits.

b. Group Processing of Minor Permit Modifications.

i. Where requested by an applicant within its application, the Agency shall process groups of a source's applications for certain modifications eligible for minor permit modification processing in accordance with the provisions of this paragraph (b).

ii. Permit modifications may be processed in accordance with the procedures for group processing, for those modifications:

A. Which meet the criteria for minor permit
modification procedures under subparagraph 14(a)(i) of this Section; and

B. That collectively are below 10 percent of the emissions allowed by the permit for the emissions unit for which change is requested, 20 percent of the applicable definition of major source set forth in subsection 2 of this Section, or 5 tons per year, whichever is least.

iii. An applicant requesting the use of group processing procedures shall meet the requirements of subsection 5 of this Section and shall include the following in its application:

A. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

B. The source's suggested draft permit.

C. Certification by a responsible official consistent with paragraph 5(e) of this Section, that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

D. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph (b)(ii)(B) of this subsection.

E. Certification, consistent with paragraph 5(e), that the source has notified USEPA of the proposed modification. Such notification need only contain a brief description of the requested modification.

F. Completed forms for the Agency to use to notify USEPA and affected states as required under subsections 8 and 9 of this Section.

iv. On a quarterly basis or within 5 business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set forth within subparagraph (b)(ii)(B) of this subsection.

New matter indicated by italics - deletions by strikeout
subsection, whichever is earlier, the Agency shall promptly notify USEPA and affected States of the requested permit modifications in accordance with subsections 8 and 9 of this Section. The Agency shall send any notice required under paragraph 8(d) of this Section to USEPA.

v. The provisions of subparagraph (a)(v) of this subsection shall apply to modifications eligible for group processing, except that the Agency shall take one of the actions specified in subparagraphs (a)(v)(A) through (a)(v)(D) of this subsection within 180 days of receipt of the application or 15 days after the end of USEPA's 45-day review period under subsection 9 of this Section, whichever is later.

vi. The provisions of subparagraph (a)(vi) of this subsection shall apply to modifications for group processing.

vii. The provisions of paragraph 7(j) of this Section shall not apply to modifications eligible for group processing.

c. Significant Permit Modifications.

i. Significant modification procedures shall be used for applications requesting significant permit modifications and for those applications that do not qualify as either minor permit modifications or as administrative permit amendments.

ii. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping requirements shall be considered significant. A modification shall also be considered significant if in the judgment of the Agency action on an application for modification would require decisions to be made on technically complex issues. Nothing herein shall be construed to preclude the permittee from making changes consistent with this Section that would render existing permit compliance terms and conditions irrelevant.

iii. Significant permit modifications must meet all the requirements of this Section, including those for applications (including completeness review), public participation, review by affected States, and review by USEPA applicable to initial permit issuance and permit renewal. The Agency shall take final action on significant permit modifications within 9 months after receipt of a complete application.

d. The Agency shall have the authority to adopt procedural
rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

15. Reopenings for Cause by the Agency.

a. Each issued CAAPP permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. Such revisions shall be made as expeditiously as practicable. A CAAPP permit shall be reopened and revised under any of the following circumstances, in accordance with procedures adopted by the Agency:

i. Additional requirements under the Clean Air Act become applicable to a major CAAPP source for which 3 or more years remain on the original term of the permit. Such a reopening shall be completed not later than 18 months after the promulgation of the applicable requirement. No such revision is required if the effective date of the requirement is later than the date on which the permit is due to expire.

ii. Additional requirements (including excess emissions requirements) become applicable to an affected source for acid deposition under the acid rain program. Excess emissions offset plans shall be deemed to be incorporated into the permit upon approval by USEPA.

iii. The Agency or USEPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards, limitations, or other terms or conditions of the permit.

iv. The Agency or USEPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

b. In the event that the Agency determines that there are grounds for revoking a CAAPP permit, for cause, consistent with paragraph a of this subsection, it shall file a petition before the Board setting forth the basis for such revocation. In any such proceeding, the Agency shall have the burden of establishing that the permit should be revoked under the standards set forth in this Act and the Clean Air Act. Any such proceeding shall be conducted pursuant to the Board's procedures for adjudicatory hearings and the Board shall render its decision within 120 days of the filing of the petition. The Agency shall take final action to revoke and reissue a CAAPP permit consistent with the Board's order.

New matter indicated by italics - deletions by strikeout
c. Proceedings regarding a reopened CAAPP permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.

d. Reopenings under paragraph (a) of this subsection shall not be initiated before a notice of such intent is provided to the CAAPP source by the Agency at least 30 days in advance of the date that the permit is to be reopened, except that the Agency may provide a shorter time period in the case of an emergency.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

16. Reopenings for Cause by USEPA.

a. When USEPA finds that cause exists to terminate, modify, or revoke and reissue a CAAPP permit pursuant to subsection 15 of this Section, and thereafter notifies the Agency and the permittee of such finding in writing, the Agency shall forward to USEPA and the permittee a proposed determination of termination, modification, or revocation and reissuance as appropriate, in accordance with paragraph b of this subsection. The Agency's proposed determination shall be in accordance with the record, the Clean Air Act, regulations promulgated thereunder, this Act and regulations promulgated thereunder. Such proposed determination shall not affect the permit or constitute a final permit action for purposes of this Act or the Administrative Review Law. The Agency shall forward to USEPA such proposed determination within 90 days after receipt of the notification from USEPA. If additional time is necessary to submit the proposed determination, the Agency shall request a 90-day extension from USEPA and shall submit the proposed determination within 180 days of receipt of notification from USEPA.

b. i. Prior to the Agency's submittal to USEPA of a proposed determination to terminate or revoke and reissue the permit, the Agency shall file a petition before the Board setting forth USEPA's objection, the permit record, the Agency's proposed determination, and the justification for its proposed determination. The Board shall conduct a hearing pursuant to the rules prescribed by Section 32 of this Act, and the burden of proof shall be on the Agency.

ii. After due consideration of the written and oral
statements, the testimony and arguments that shall be submitted at hearing, the Board shall issue and enter an interim order for the proposed determination, which shall set forth all changes, if any, required in the Agency's proposed determination. The interim order shall comply with the requirements for final orders as set forth in Section 33 of this Act. Issuance of an interim order by the Board under this paragraph, however, shall not affect the permit status and does not constitute a final action for purposes of this Act or the Administrative Review Law.

iii. The Board shall cause a copy of its interim order to be served upon all parties to the proceeding as well as upon USEPA. The Agency shall submit the proposed determination to USEPA in accordance with the Board's Interim Order within 180 days after receipt of the notification from USEPA.

c. USEPA shall review the proposed determination to terminate, modify, or revoke and reissue the permit within 90 days of receipt.

i. When USEPA reviews the proposed determination to terminate or revoke and reissue and does not object, the Board shall, within 7 days of receipt of USEPA's final approval, enter the interim order as a final order. The final order may be appealed as provided by Title XI of this Act. The Agency shall take final action in accordance with the Board's final order.

ii. When USEPA reviews such proposed determination to terminate or revoke and reissue and objects, the Agency shall submit USEPA's objection and the Agency's comments and recommendation on the objection to the Board and permittee. The Board shall review its interim order in response to USEPA's objection and the Agency's comments and recommendation and issue a final order in accordance with Sections 32 and 33 of this Act. The Agency shall, within 90 days after receipt of such objection, respond to USEPA's objection in accordance with the Board's final order.

iii. When USEPA reviews such proposed determination to modify and objects, the Agency shall, within 90 days after receipt of the objection, resolve the objection and modify the permit in accordance with USEPA's objection,
based upon the record, the Clean Air Act, regulations promulgated thereunder, this Act, and regulations promulgated thereunder.

d. If the Agency fails to submit the proposed determination pursuant to paragraph a of this subsection or fails to resolve any USEPA objection pursuant to paragraph c of this subsection, USEPA will terminate, modify, or revoke and reissue the permit.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

17. Title IV; Acid Rain Provisions.

a. The Agency shall act on initial CAAPP applications for affected sources for acid deposition in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. The Agency shall issue initial CAAPP permits to the affected sources for acid deposition which shall become effective no earlier than January 1, 1995, and which shall terminate on December 31, 1999, in accordance with this Section. Subsequent CAAPP permits issued to affected sources for acid deposition shall be issued for a fixed term of 5 years. Title IV of the Clean Air Act and regulations promulgated thereunder, including but not limited to 40 C.F.R. Part 72, as now or hereafter amended, are applicable to and enforceable under this Act.

b. A designated representative of an affected source for acid deposition shall submit a timely and complete Phase II acid rain permit application and compliance plan to the Agency, not later than January 1, 1996, that meets the requirements of Titles IV and V of the Clean Air Act and regulations. The Agency shall act on the Phase II acid rain permit application and compliance plan in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. The Agency shall issue the Phase II acid rain permit to an affected source for acid deposition no later than December 31, 1997, which shall become effective on January 1, 2000, in accordance with this Section, except as modified by Title IV and regulations promulgated thereunder; provided that the designated representative of the source submitted a timely and complete Phase II permit application and compliance plan

New matter indicated by italics - deletions by strikeout
to the Agency that meets the requirements of Title IV and V of the Clean Air Act and regulations.

c. Each Phase II acid rain permit issued in accordance with this subsection shall have a fixed term of 5 years. Except as provided in paragraph b above, the Agency shall issue or deny a Phase II acid rain permit within 18 months of receiving a complete Phase II permit application and compliance plan.

d. A designated representative of a new unit, as defined in Section 402 of the Clean Air Act, shall submit a timely and complete Phase II acid rain permit application and compliance plan that meets the requirements of Titles IV and V of the Clean Air Act and its regulations. The Agency shall act on the new unit's Phase II acid rain permit application and compliance plan in accordance with this Section and Title V of the Clean Air Act and its regulations, except as modified by Title IV of the Clean Air Act and its regulations. The Agency shall reopen the new unit's CAAPP permit for cause to incorporate the approved Phase II acid rain permit in accordance with this Section. The Phase II acid rain permit for the new unit shall become effective no later than the date required under Title IV of the Clean Air Act and its regulations.

e. A designated representative of an affected source for acid deposition shall submit a timely and complete Title IV NOx permit application to the Agency, not later than January 1, 1998, that meets the requirements of Titles IV and V of the Clean Air Act and its regulations. The Agency shall reopen the Phase II acid rain permit for cause and incorporate the approved NOx provisions into the Phase II acid rain permit not later than January 1, 1999, in accordance with this Section, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. Such reopening shall not affect the term of the Phase II acid rain permit.

f. The designated representative of the affected source for acid deposition shall renew the initial CAAPP permit and Phase II acid rain permit in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder.

g. In the case of an affected source for acid deposition for which a complete Phase II acid rain permit application and compliance plan are timely received under this subsection, the

New matter indicated by italics - deletions by strikeout
complete permit application and compliance plan, including amendments thereto, shall be binding on the owner, operator and designated representative, all affected units for acid deposition at the affected source, and any other unit, as defined in Section 402 of the Clean Air Act, governed by the Phase II acid rain permit application and shall be enforceable as an acid rain permit for purposes of Titles IV and V of the Clean Air Act, from the date of submission of the acid rain permit application until a Phase II acid rain permit is issued or denied by the Agency.

h. The Agency shall not include or implement any measure which would interfere with or modify the requirements of Title IV of the Clean Air Act or regulations promulgated thereunder.

i. Nothing in this Section shall be construed as affecting allowances or USEPA's decision regarding an excess emissions offset plan, as set forth in Title IV of the Clean Air Act or regulations promulgated thereunder.

i. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.

ii. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

iii. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Clean Air Act.

j. To the extent that the federal regulations promulgated under Title IV, including but not limited to 40 C.F.R. Part 72, as now or hereafter amended, are inconsistent with the federal regulations promulgated under Title V, the federal regulations promulgated under Title IV shall take precedence.

k. The USEPA may intervene as a matter of right in any permit appeal involving a Phase II acid rain permit provision or denial of a Phase II acid rain permit.

l. It is unlawful for any owner or operator to violate any terms or conditions of a Phase II acid rain permit issued under this subsection, to operate any affected source for acid deposition except

New matter indicated by italics - deletions by strikeout
in compliance with a Phase II acid rain permit issued by the Agency under this subsection, or to violate any other applicable requirements.

m. The designated representative of an affected source for acid deposition shall submit to the Agency the data and information submitted quarterly to USEPA, pursuant to 40 CFR 75.64, concurrently with the submission to USEPA. The submission shall be in the same electronic format as specified by USEPA.

n. The Agency shall act on any petition for exemption of a new unit or retired unit, as those terms are defined in Section 402 of the Clean Air Act, from the requirements of the acid rain program in accordance with Title IV of the Clean Air Act and its regulations.

o. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.


a. For each 12 month period after the date on which the USEPA approves or conditionally approves the CAAPP, but in no event prior to January 1, 1994, a source subject to this Section or excluded under subsection 1.1 or paragraph 3(c) of this Section, shall pay a fee as provided in this part (a) of this subsection 18. However, a source that has been excluded from the provisions of this Section under subsection 1.1 or paragraph 3(c) of this Section because the source emits less than 25 tons per year of any combination of regulated air pollutants shall pay fees in accordance with paragraph (1) of subsection (b) of Section 9.6.

i. The fee for a source allowed to emit less than 100 tons per year of any combination of regulated air pollutants shall be $1,800 per year.

ii. The fee for a source allowed to emit 100 tons or more per year of any combination of regulated air pollutants, except for those regulated air pollutants excluded in paragraph 18(f) of this subsection, shall be as follows:

A. The Agency shall assess an annual fee of $18.00 per ton for the allowable emissions of all regulated air pollutants at that source during the term of the permit. These fees shall be used by the Agency and the Board to fund the activities required by Title V of the Clean Air Act including such activities as may be carried out by other State or local agencies.

New matter indicated by italics - deletions by strikeout
pursuant to paragraph (d) of this subsection. The amount of such fee shall be based on the information supplied by the applicant in its complete CAAPP permit application or in the CAAPP permit if the permit has been granted and shall be determined by the amount of emissions that the source is allowed to emit annually, provided however, that no source shall be required to pay an annual fee in excess of $250,000. The Agency shall provide as part of the permit application form required under subsection 5 of this Section a separate fee calculation form which will allow the applicant to identify the allowable emissions and calculate the fee for the term of the permit. In no event shall the Agency raise the amount of allowable emissions requested by the applicant unless such increases are required to demonstrate compliance with terms of a CAAPP permit.

Notwithstanding the above, any applicant may seek a change in its permit which would result in increases in allowable emissions due to an increase in the hours of operation or production rates of an emission unit or units and such a change shall be consistent with the construction permit requirements of the existing State permit program, under Section 39(a) of this Act and applicable provisions of this Section. Where a construction permit is required, the Agency shall expeditiously grant such construction permit and shall, if necessary, modify the CAAPP permit based on the same application.

B. The applicant or permittee may pay the fee annually or semiannually for those fees greater than $5,000. However, any applicant paying a fee equal to or greater than $100,000 shall pay the full amount on July 1, for the subsequent fiscal year, or pay 50% of the fee on July 1 and the remaining 50% by the next January 1. The Agency may change any annual billing date upon reasonable notice, but shall prorate the new bill so that the permittee or applicant does not pay more than its required fees for the fee period for
which payment is made.

b. (Blank).

c. (Blank).

d. There is hereby created in the State Treasury a special fund to be known as the "CAA Permit Fund". All Funds collected by the Agency pursuant to this subsection shall be deposited into the Fund. The General Assembly shall appropriate monies from this Fund to the Agency and to the Board to carry out their obligations under this Section. The General Assembly may also authorize monies to be granted by the Agency from this Fund to other State and local agencies which perform duties related to the CAAPP. Interest generated on the monies deposited in this Fund shall be returned to the Fund.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

f. For purposes of this subsection, the term "regulated air pollutant" shall have the meaning given to it under subsection 1 of this Section but shall exclude the following:

i. carbon monoxide;

ii. any Class I or II substance which is a regulated air pollutant solely because it is listed pursuant to Section 602 of the Clean Air Act; and

iii. any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Clean Air Act based on the emissions allowed in the permit effective in that calendar year, at the time the applicable bill is generated.


a. In the event that the USEPA fails to promulgate in a timely manner a standard pursuant to Section 112(d) of the Clean Air Act, the Agency shall have the authority to issue permits, pursuant to Section 112(j) of the Clean Air Act and regulations promulgated thereunder, which contain emission limitations which are equivalent to the emission limitations that would apply to a source if an emission standard had been promulgated in a timely manner by USEPA pursuant to Section 112(d). Provided, however, that the owner or operator of a source shall have the opportunity to submit to the Agency a proposed emission limitation which it determines to be

New matter indicated by italics - deletions by strikeout
equivalent to the emission limitations that would apply to such source if an emission standard had been promulgated in a timely manner by USEPA. If the Agency refuses to include the emission limitation proposed by the owner or operator in a CAAPP permit, the owner or operator may petition the Board to establish whether the emission limitation proposal submitted by the owner or operator provides for emission limitations which are equivalent to the emission limitations that would apply to the source if the emission standard had been promulgated by USEPA in a timely manner. The Board shall determine whether the emission limitation proposed by the owner or operator or an alternative emission limitation proposed by the Agency provides for the level of control required under Section 112 of the Clean Air Act, or shall otherwise establish an appropriate emission limitation, pursuant to Section 112 of the Clean Air Act.

b. Any Board proceeding brought under paragraph (a) or (e) of this subsection shall be conducted according to the Board's procedures for adjudicatory hearings and the Board shall render its decision within 120 days of the filing of the petition. Any such decision shall be subject to review pursuant to Section 41 of this Act. Where USEPA promulgates an applicable emission standard prior to the issuance of the CAAPP permit, the Agency shall include in the permit the promulgated standard, provided that the source shall have the compliance period provided under Section 112(i) of the Clean Air Act. Where USEPA promulgates an applicable standard subsequent to the issuance of the CAAPP permit, the Agency shall revise such permit upon the next renewal to reflect the promulgated standard, providing a reasonable time for the applicable source to comply with the standard, but no longer than 8 years after the date on which the source is first required to comply with the emissions limitation established under this subsection.

c. The Agency shall have the authority to implement and enforce complete or partial emission standards promulgated by USEPA pursuant to Section 112(d), and standards promulgated by USEPA pursuant to Sections 112(f), 112(h), 112(m), and 112(n), and may accept delegation of authority from USEPA to implement and enforce Section 112(l) and requirements for the prevention and detection of accidental releases pursuant to Section 112(r) of the Clean Air Act.

d. The Agency shall have the authority to issue permits

New matter indicated by italics - deletions by strikeout
pursuant to Section 112(i)(5) of the Clean Air Act.

  e. The Agency has the authority to implement Section 112(g) of the Clean Air Act consistent with the Clean Air Act and federal regulations promulgated thereunder. If the Agency refuses to include the emission limitations proposed in an application submitted by an owner or operator for a case-by-case maximum achievable control technology (MACT) determination, the owner or operator may petition the Board to determine whether the emission limitation proposed by the owner or operator or an alternative emission limitation proposed by the Agency provides for a level of control required by Section 112 of the Clean Air Act, or to otherwise establish an appropriate emission limitation under Section 112 of the Clean Air Act.


  a. For purposes of this subsection:

"Program" is the Small Business Stationary Source Technical and Environmental Compliance Assistance Program created within this State pursuant to Section 507 of the Clean Air Act and guidance promulgated thereunder, to provide technical assistance and compliance information to small business stationary sources;

"Small Business Assistance Program" is a component of the Program responsible for providing sufficient communications with small businesses through the collection and dissemination of information to small business stationary sources; and

"Small Business Stationary Source" means a stationary source that:

1. is owned or operated by a person that employs 100 or fewer individuals;
2. is a small business concern as defined in the "Small Business Act";
3. is not a major source as that term is defined in subsection 2 of this Section;
4. does not emit 50 tons or more per year of any regulated air pollutant; and
5. emits less than 75 tons per year of all regulated pollutants.

  b. The Agency shall adopt and submit to USEPA, after reasonable notice and opportunity for public comment, as a revision to the Illinois state implementation plan, plans for establishing the

New matter indicated by italics - deletions by strikeout
Program.

c. The Agency shall have the authority to enter into such contracts and agreements as the Agency deems necessary to carry out the purposes of this subsection.

d. The Agency may establish such procedures as it may deem necessary for the purposes of implementing and executing its responsibilities under this subsection.

e. There shall be appointed a Small Business Ombudsman (hereinafter in this subsection referred to as "Ombudsman") to monitor the Small Business Assistance Program. The Ombudsman shall be a nonpartisan designated official, with the ability to independently assess whether the goals of the Program are being met.

f. The State Ombudsman Office shall be located in an existing Ombudsman office within the State or in any State Department.

g. There is hereby created a State Compliance Advisory Panel (hereinafter in this subsection referred to as "Panel") for determining the overall effectiveness of the Small Business Assistance Program within this State.

h. The selection of Panel members shall be by the following method:

1. The Governor shall select two members who are not owners or representatives of owners of small business stationary sources to represent the general public;

2. The Director of the Agency shall select one member to represent the Agency; and

3. The State Legislature shall select four members who are owners or representatives of owners of small business stationary sources. Both the majority and minority leadership in both Houses of the Legislature shall appoint one member of the panel.

i. Panel members should serve without compensation but will receive full reimbursement for expenses including travel and per diem as authorized within this State.

j. The Panel shall select its own Chair by a majority vote. The Chair may meet and consult with the Ombudsman and the head of the Small Business Assistance Program in planning the activities for the Panel.

21. Temporary Sources.

a. The Agency may issue a single permit authorizing
emissions from similar operations by the same source owner or operator at multiple temporary locations, except for sources which are affected sources for acid deposition under Title IV of the Clean Air Act.

b. The applicant must demonstrate that the operation is temporary and will involve at least one change of location during the term of the permit.

c. Any such permit shall meet all applicable requirements of this Section and applicable regulations, and include conditions assuring compliance with all applicable requirements at all authorized locations and requirements that the owner or operator notify the Agency at least 10 days in advance of each change in location.

22. Solid Waste Incineration Units.

a. A CAAPP permit for a solid waste incineration unit combusting municipal waste subject to standards promulgated under Section 129(e) of the Clean Air Act shall be issued for a period of 12 years and shall be reviewed every 5 years, unless the Agency requires more frequent review through Agency procedures.

b. During the review in paragraph (a) of this subsection, the Agency shall fully review the previously submitted CAAPP permit application and corresponding reports subsequently submitted to determine whether the source is in compliance with all applicable requirements.

c. If the Agency determines that the source is not in compliance with all applicable requirements it shall revise the CAAPP permit as appropriate.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

(Source: P.A. 92-24, eff. 7-1-01; 93-32, eff. 7-1-03.)

(415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

Sec. 42. Civil penalties.

(a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed $50,000 for the violation and an additional civil penalty of not to exceed $10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the
Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

(b) Notwithstanding the provisions of subsection (a) of this Section:

(1) Any person that violates Section 12(f) of this Act or any NPDES permit or term or condition thereof, or any filing requirement, regulation or order relating to the NPDES permit program, shall be liable to a civil penalty of not to exceed $10,000 per day of violation.

(2) Any person that violates Section 12(g) of this Act or any UIC permit or term or condition thereof, or any filing requirement, regulation or order relating to the State UIC program for all wells, except Class II wells as defined by the Board under this Act, shall be liable to a civil penalty not to exceed $2,500 per day of violation; provided, however, that any person who commits such violations relating to the State UIC program for Class II wells, as defined by the Board under this Act, shall be liable to a civil penalty of not to exceed $10,000 for the violation and an additional civil penalty of not to exceed $1,000 for each day during which the violation continues.

(3) Any person that violates Sections 21(f), 21(g), 21(h) or 21(i) of this Act, or any RCRA permit or term or condition thereof, or any filing requirement, regulation or order relating to the State RCRA program, shall be liable to a civil penalty of not to exceed $25,000 per day of violation.

(4) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (o) of Section 21 of this Act shall pay a civil penalty of $500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency. Such penalties shall be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(4-5) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (p) of Section 21 of this Act shall pay a civil penalty of $1,500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency, except that the civil penalty amount shall be $3,000 for each violation of any provision of

New matter indicated by italics - deletions by strikeout
subsection (p) of Section 21 that is the person's second or subsequent adjudication violation of that provision. The penalties shall be deposited into the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(5) Any person who violates subsection 6 of Section 39.5 of this Act or any CAAPP permit, or term or condition thereof, or any fee or filing requirement, or any duty to allow or carry out inspection, entry or monitoring activities, or any regulation or order relating to the CAAPP shall be liable for a civil penalty not to exceed $10,000 per day of violation.

(b.5) In lieu of the penalties set forth in subsections (a) and (b) of this Section, any person who fails to file, in a timely manner, toxic chemical release forms with the Agency pursuant to Section 25b-2 of this Act shall be liable for a civil penalty of $100 per day for each day the forms are late, not to exceed a maximum total penalty of $6,000. This daily penalty shall begin accruing on the thirty-first day after the date that the person receives the warning notice issued by the Agency pursuant to Section 25b-6 of this Act; and the penalty shall be paid to the Agency. The daily accrual of penalties shall cease as of January 1 of the following year. All penalties collected by the Agency pursuant to this subsection shall be deposited into the Environmental Protection Permit and Inspection Fund.

(c) Any person that violates this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order and causes the death of fish or aquatic life shall, in addition to the other penalties provided by this Act, be liable to pay to the State an additional sum for the reasonable value of the fish or aquatic life destroyed. Any money so recovered shall be placed in the Wildlife and Fish Fund in the State Treasury.

(d) The penalties provided for in this Section may be recovered in a civil action.

(e) The State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his own motion, institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, or to require such other actions as may be necessary to address violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of

New matter indicated by italics - deletions by strikeout
a permit, or any Board order.

(f) The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring such actions in the name of the people of the State of Illinois. Without limiting any other authority which may exist for the awarding of attorney's fees and costs, the Board or a court of competent jurisdiction may award costs and reasonable attorney's fees, including the reasonable costs of expert witnesses and consultants, to the State's Attorney or the Attorney General in a case where he has prevailed against a person who has committed a willful, knowing or repeated violation of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

Any funds collected under this subsection (f) in which the Attorney General has prevailed shall be deposited in the Hazardous Waste Fund created in Section 22.2 of this Act. Any funds collected under this subsection (f) in which a State's Attorney has prevailed shall be retained by the county in which he serves.

(g) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

(h) In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(5) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

(1) the duration and gravity of the violation;

(2) the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;

(3) any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;

(4) the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other

New matter indicated by italics - deletions by strikeout
persons similarly subject to the Act;

(5) the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;

(6) whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency; and

(7) whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In determining the appropriate civil penalty to be imposed under subsection (a) or paragraph (1), (2), (3), or (5) of subsection (b) of this Section, the Board shall ensure, in all cases, that the penalty is at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship. However, such civil penalty may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent.

(i) A person who voluntarily self-discloses non-compliance to the Agency, of which the Agency had been unaware, is entitled to a 100% reduction in the portion of the penalty that is not based on the economic benefit of non-compliance if the person can establish the following:

(1) that the non-compliance was discovered through an environmental audit or a compliance management system documented by the regulated entity as reflecting the regulated entity's due diligence in preventing, detecting, and correcting violations, as defined in Section 52.2 of this Act, and the person waives the environmental audit privileges as provided in that Section with respect to that non-compliance;

(2) that the non-compliance was disclosed in writing within 30 days of the date on which the person discovered it;

(3) that the non-compliance was discovered and disclosed prior to:

(i) the commencement of an Agency inspection, investigation, or request for information;

(ii) notice of a citizen suit;

(iii) the filing of a complaint by a citizen, the Illinois

New matter indicated by italics - deletions by strikeout
Attorney General, or the State's Attorney of the county in which the violation occurred;

(iv) the reporting of the non-compliance by an employee of the person without that person's knowledge; or

(v) imminent discovery of the non-compliance by the Agency;

(4) that the non-compliance is being corrected and any environmental harm is being remediated in a timely fashion;

(5) that the person agrees to prevent a recurrence of the non-compliance;

(6) that no related non-compliance events have occurred in the past 3 years at the same facility or in the past 5 years as part of a pattern at multiple facilities owned or operated by the person;

(7) that the non-compliance did not result in serious actual harm or present an imminent and substantial endangerment to human health or the environment or violate the specific terms of any judicial or administrative order or consent agreement;

(8) that the person cooperates as reasonably requested by the Agency after the disclosure; and

(9) that the non-compliance was identified voluntarily and not through a monitoring, sampling, or auditing procedure that is required by statute, rule, permit, judicial or administrative order, or consent agreement.

If a person can establish all of the elements under this subsection except the element set forth in paragraph (1) of this subsection, the person is entitled to a 75% reduction in the portion of the penalty that is not based upon the economic benefit of non-compliance.

(Source: P.A. 93-152, eff. 7-10-03; 93-575, eff. 1-1-04; 93-831, eff. 7-28-04.) (415 ILCS 5/52.2 rep.)

Section 10. The Environmental Protection Act is amended by repealing Section 52.2.

AN ACT in relation to the military.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Military Code of Illinois is amended by adding Section 13.5 as follows:

(20 ILCS 1805/13.5 new)

Sec. 13.5. Illinois Patriot Law.

(a) Short title. This Section may be cited as the Illinois Patriot Law.

(b) Governor's Regiment. There is created within the Department of Military Affairs an honorary regiment of Colonels to be known as the Governor's Regiment. The Governor, from time to time as necessary, may appoint individuals to the Regiment with the honorary title of Colonel whose accomplishments, achievements, or service have contributed to the fellowship and goodwill of the State of Illinois.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 27, 2005.

Approved August 12, 2005.

Effective August 12, 2005.

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by changing Section 2-402 as follows:

(735 ILCS 5/2-402) (from Ch. 110, par. 2-402)

(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 2-402. Respondents in discovery. The plaintiff in any civil action may designate as respondents in discovery in his or her pleading those individuals or other entities, other than the named defendants, believed by the plaintiff to have information essential to the determination of who should properly be named as additional defendants in the action.

Persons or entities so named as respondents in discovery shall be
required to respond to discovery by the plaintiff in the same manner as are defendants and may, on motion of the plaintiff, be added as defendants if the evidence discloses the existence of probable cause for such action.

A person or entity named a respondent in discovery may upon his or her own motion be made a defendant in the action, in which case the provisions of this Section are no longer applicable to that person.

A copy of the complaint shall be served on each person or entity named as a respondent in discovery.

Each respondent in discovery shall be paid expenses and fees as provided for witnesses.

A person or entity named as a respondent in discovery in any civil action may be made a defendant in the same action at any time within 6 months after being named as a respondent in discovery, even though the time during which an action may otherwise be initiated against him or her may have expired during such 6 month period. An extension from the original 6-month period for good cause may be granted only once for up to 90 days for (i) withdrawal of plaintiff’s counsel or (ii) good cause. Notwithstanding the limitations in this Section, the court may grant additional reasonable extensions from this 6-month period for a failure or refusal on the part of the respondent to comply with timely filed discovery.

The plaintiff shall serve upon the respondent or respondents a copy of the complaint together with a summons in a form substantially as follows:

"STATE OF ILLINOIS
COUNTY OF ..................

IN THE CIRCUIT COURT OF .................. COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION
(or, In the Circuit Court of the ............ Judicial Circuit)

Plaintiff(s),

v.

No.

Defendant(s),

and PLEASE SERVE:

Respondent(s) in Discovery.

SUMMONS FOR DISCOVERY
TO RESPONDENT IN DISCOVERY:

New matter indicated by italics - deletions by strikeout
YOU ARE HEREBY NOTIFIED that on .............., 20..... , a complaint, a copy of which is attached, was filed in the above Court naming you as a Respondent in Discovery. Pursuant to the Illinois Code of Civil Procedure Section 2-402 and Supreme Court Rules 201 et. seq., and/or Court Order entered on ....................., the above named Plaintiff(s) are authorized to proceed with the discovery of the named Respondent(s) in Discovery.

YOU ARE SUMMONED AND COMMANDED to appear for deposition, before a notary public (answer the attached written interrogatories), (respond to the attached request to produce), (or other appropriate discovery tool).

We are scheduled to take the oral discovery deposition of the above named Respondent, ................................., on....................., 20..., at the hour of .... a.m./p.m., at the office ................................., Illinois, in accordance with the rules and provisions of this Court. Witness and mileage fees in the amount of ....................... are attached (or)

(serve the following interrogatories, request to produce, or other appropriate discovery tool upon Respondent, ....................... to be answered under oath by Respondent, ........................., and delivered to the office of .........................., Illinois, within 28 days from date of service).

TO THE OFFICER/SPECIAL PROCESS SERVER:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement or affidavit of service and fees and an endorsement or affidavit of payment to the Respondent of witness and mileage fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

WITNESS, ..................

..........................

Clerk of Court
Date of Service: ..........., 20...

(To be inserted by officer on copy left with Respondent or other person)

Attorney No.
Name:
Attorney for:
Address:
City/State/Zip:
Telephone: ".

New matter indicated by italics - deletions by strikeout
This amendatory Act of the 94th General Assembly applies to causes of action pending on or after its effective date.
(Source: P.A. 86-483.)
Passed in the General Assembly May 26, 2005.
Approved August 12, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0583
(House Bill No. 0815)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Higher Education Student Assistance Act is amended by changing Sections 40 and 45 as follows:
(110 ILCS 947/40)
Sec. 40. Illinois Veteran grant program.
(a) As used in this Section:
"Qualified applicant" means a person who served in the Armed Forces of the United States, a Reserve component of the Armed Forces, or the Illinois National Guard, excluding members of the Reserve Officers' Training Corps and those whose only service has been attendance at a service academy, and who meets all of the following qualifications:
(1) At the time of entering federal active duty service the person was one of the following:
   (A) An Illinois resident.
   (B) An Illinois resident within 6 months of entering such service.
   (C) Enrolled at a State-controlled university or public community college in this State.
(2) The person meets one of the following requirements:
   (A) He or she served at least one year of federal active duty.
   (B) He or she served less than one year of federal active duty and received an honorable discharge for medical reasons directly connected with such service.
   (C) He or she served less than one year of federal active duty and was discharged prior to August 11, 1967.
   (D) He or she served less than one year of federal
active duty in a foreign country during a time of hostilities in that foreign country.

(3) The person received an honorable discharge after leaving each period of federal active duty service.

(4) The person returned to this State within 6 months after leaving federal active duty service, or, if married to a person in continued military service stationed outside this State, returned to this State within 6 months after his or her spouse left service or was stationed within this State.

"Time of hostilities" means any action by the Armed Forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the Armed Forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

(b) A person who otherwise qualifies under subsection (a) of this Section but has not left federal active duty service and has served at least one year of federal active duty or has served for less than one year of federal active duty in a foreign country during a time of hostilities in that foreign country and who can provide documentation demonstrating an honorable service record is eligible to receive assistance under this Section.

(c) A qualified applicant is not required to pay any tuition or mandatory fees while attending a State-controlled university or public community college in this State for a period that is equivalent to 4 years of full-time enrollment, including summer terms.

A qualified applicant who has previously received benefits under this Section for a non-mandatory fee shall continue to receive benefits covering such fees while he or she is enrolled in a continuous program of study. The qualified applicant shall no longer receive a grant covering non-mandatory fees if he or she fails to enroll during an academic term, unless he or she is serving federal active duty service.

(d) A qualified applicant who has been or is to be awarded assistance under this Section shall receive that assistance if the qualified applicant notifies his or her postsecondary institution of that fact by the end of the school term for which assistance is requested.

(e) Assistance under this Section is considered an entitlement that the State-controlled college or public community college in which the qualified applicant is enrolled shall honor without any condition other than the qualified applicant's maintenance of minimum grade levels and a satisfactory student loan repayment record pursuant to subsection (c) of Section 20 of this...
(f) The Commission shall administer the grant program established by this Section and shall make all necessary and proper rules not inconsistent with this Section for its effective implementation.

(g) All applications for assistance under this Section must be made to the Commission on forms that the Commission shall provide. The Commission shall determine the form of application and the information required to be set forth in the application, and the Commission shall require qualified applicants to submit with their applications any supporting documents that the Commission deems necessary. Upon request, the Department of Veterans' Affairs shall assist the Commission in determining the eligibility of applicants for assistance under this Section.

(h) Assistance under this Section is available as long as the federal government provides educational benefits to veterans. Assistance must not be paid under this Section after 6 months following the termination of educational benefits to veterans by the federal government, except for persons who already have begun their education with assistance under this Section. If the federal government terminates educational benefits to veterans and at a later time resumes those benefits, assistance under this Section shall resume. Any person who served in the armed forces of the United States, not including members of the Student Army Training Corps, who at the time of entering service was an Illinois resident or was an Illinois resident within 6 months of entering such service, and who returned to Illinois within 6 months after leaving service or, if married to a person in continued military service stationed outside Illinois, within 6 months after his or her spouse has left service or has been stationed within Illinois, and who has been honorably discharged from such service, and who possesses all necessary entrance requirements shall, except as otherwise provided in this Act, upon application and proper proof, be awarded an Illinois Veteran Grant consisting of the equivalent of 4 calendar years of full-time enrollment, including summer terms, to the State-controlled college or university or community college of his choice. Such veterans shall also be entitled, upon proper proof and application, to enroll in any extension course offered by a State-controlled college or university or community college without the payment of tuition or fees.

Any veteran who so served, and who, at the time of entering such service, was a student at a State-controlled college or university or community college, and who was honorably discharged from such service, shall, upon application and proper proof be awarded a Veteran Grant entitling
him to complete his course of study at any State-controlled college or university or community college of his choice, but shall not be entitled to a grant consisting of more than the equivalent of 4 calendar years of full-time enrollment including summer sessions.

Any member of the armed forces of the United States who either (i) has served in such armed forces at least one year, or (ii) has served in the armed forces of the United States for less than one year in a time of hostilities in a foreign country, and who would be qualified for a grant under this Section if he had been discharged from such service shall be eligible to receive a Veteran Grant under this Section:

The holder of a Veteran Grant to the State-controlled college or university or community college of his choice as authorized under this Section shall not be required to pay any matriculation or application fees; tuition, activities fees; graduation fees, or other fees except multipurpose building fees or similar fees for supplies and materials.

Any veteran who has been or shall be awarded a Veteran Grant shall be reimbursed by the appropriate college, university, or community college for any fees which he has paid and for which exemption is granted under this Section, if application for reimbursement is made within 2 months following the school term for which the fees were paid.

A Veteran Grant shall be considered an entitlement which the State-controlled college or university or community college in which the holder is enrolled shall honor without any condition other than the holder's maintenance of minimum grade levels and a satisfactory student loan repayment record pursuant to subsection (c) of Section 20.

A grant authorized under this Section shall not be awarded to veterans who received a discharge from the armed forces of the United States under dishonorable conditions, or to any veteran whose service with the armed forces was for less than one year unless he received an honorable discharge from such service for medical reasons directly connected with such service; except for those veterans discharged prior to August 11, 1967 whose service may be for less than one year, and except for those veterans (i) who serve in the armed forces of the United States for less than one year in a time of hostilities in a foreign country and (ii) who receive an honorable discharge.

The amounts that become due to any State-controlled college or university or community college shall be payable by the Comptroller to that institution on vouchers approved by the Commission. The Commission, or its designated representative at that institution, shall determine the eligibility of the persons who make application for the benefits provided for in this

New matter indicated by italics - deletions by strikeout
The Department of Veterans' Affairs shall assist the Commission in determining the eligibility of applicants. On July 29, 1986, the Illinois Department of Veterans' Affairs shall transfer and deliver to the Commission all books, records, papers, documents, applications and pending business in any way pertaining to the duties, responsibilities and authority theretofore exercised or performed by the Illinois Department of Veterans' Affairs under and pursuant to Section 4.1 of the Department of Veterans Affairs Act.

The benefits provided for in this Section shall be available as long as the federal government provides educational benefits to veterans. No benefits shall be paid under this Section, except for veterans who already have begun their education under this Section, after 6 months following the termination of educational benefits to veterans by the federal government. If the federal government terminates educational benefits to veterans and at a later time resumes those benefits, the benefits of this Section shall resume.

As used in this Section, "time of hostilities in a foreign country" means any action by the armed forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

(Source: P.A. 90-752, eff. 8-14-98; 91-496, eff. 8-13-99.)

(110 ILCS 947/45)
Sec. 45. Illinois National Guard grant program.
(a) As used in this Section:
"State controlled university or community college" means those institutions under the administration of the Chicago State University Board of Trustees, the Eastern Illinois University Board of Trustees, the Governors State University Board of Trustees, the Illinois State University Board of Trustees, the Northeastern Illinois University Board of Trustees, the Northern Illinois University Board of Trustees, the Western Illinois University Board of Trustees, Southern Illinois University Board of Trustees, University of Illinois Board of Trustees, or the Illinois Community College Board.
"Tuition and fees" shall not include expenses for any sectarian or denominational instruction, the construction or maintenance of sectarian or denominational facilities, or any other sectarian or denominational purposes or activity.
"Fees" means matriculation, graduation, activity, term, or incidental fees. Exemption shall not be granted from any other fees, including book rental, service, laboratory, supply, and union building fees, hospital and medical insurance fees, and any fees established for the operation and

New matter indicated by italics - deletions by strikeout
maintenance of buildings, the income of which is pledged to the payment of interest and principal on bonds issued by the governing board of any university or community college.

(b) Any enlisted person or any company grade officer, including warrant officers, First and Second Lieutenants, and Captains in the Army and Air National Guard; who has served at least one year in the Illinois National Guard and who possesses all necessary entrance requirements shall, upon application and proper proof, be awarded a grant to the State-controlled university or community college of his or her choice, consisting of exemption from tuition and fees for not more than the equivalent of 4 years of full-time enrollment, including summer terms, in relation to his or her course of study at that State controlled university or community college while he or she is a member of the Illinois National Guard. Except as otherwise provided in this Section, if the recipient of any grant awarded under this Section ceases to be a member of the Illinois National Guard while enrolled in a course of study under that grant, the grant shall be terminated as of the date membership in the Illinois National Guard ended, and the recipient shall be permitted to complete the school term in which he or she is then enrolled only upon payment of tuition and other fees allocable to the part of the term then remaining. If the recipient of a grant awarded under this Section ceases to be a member of the Illinois National Guard while enrolled in a course of study under that grant but (i) has served in the Illinois National Guard for at least 5 years and (ii) has served a cumulative total of at least 6 months of active duty, then that recipient shall continue to be eligible for a grant for one year after membership in the Illinois National Guard ended, provided that the recipient has not already received the exemption from tuition and fees for the equivalent of 4 years of full-time enrollment, including summer terms, under this Section. If the recipient of the grant fails to complete his or her military service obligations or requirements for satisfactory participation, the Department of Military Affairs shall require the recipient to repay the amount of the grant received, prorated according to the fraction of the service obligation not completed, and, if applicable, reasonable collection fees. The Department of Military Affairs may adopt rules relating to its collection activities for repayment of the grant under this Section. Unsatisfactory participation shall be defined by rules adopted by the Department of Military Affairs. Repayments shall be deposited in the National Guard Grant Fund. The National Guard Grant Fund is created as a special fund in the State treasury. All money in the National Guard Grant Fund shall be used, subject to appropriation, by the Illinois Student Assistance Commission for the
purposes of this Section.

A grant awarded under this Section shall be considered an entitlement which the State-controlled university or community college in which the holder is enrolled shall honor without any condition other than the holder's maintenance of minimum grade levels and a satisfactory student loan repayment record pursuant to subsection (c) of Section 20 of this Act.

(c) Subject to a separate appropriation for such purposes, the Commission may reimburse the State-controlled university or community college for grants authorized by this Section.

(Source: P.A. 92-589, eff. 7-1-02; 93-838, eff. 7-30-04; 93-856, eff. 8-3-04; revised 10-22-04.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 18, 2005.
Approved August 15, 2005.
Effective August 15, 2005.

PUBLIC ACT 94-0584
(House Bill No. 2190)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Section 370c as follows:
(215 ILCS 5/370c) (from Ch. 73, par. 982c)
Sec. 370c. Mental and emotional disorders.
(a) (1) On and after the effective date of this Section, every insurer which delivers, issues for delivery or renews or modifies group A&H policies providing coverage for hospital or medical treatment or services for illness on an expense-incurred basis shall offer to the applicant or group policyholder subject to the insurers standards of insurability, coverage for reasonable and necessary treatment and services for mental, emotional or nervous disorders or conditions, other than serious mental illnesses as defined in item (2) of subsection (b), up to the limits provided in the policy for other disorders or conditions, except (i) the insured may be required to pay up to 50% of expenses incurred as a result of the treatment or services, and (ii) the annual benefit limit may be limited to the lesser of $10,000 or 25% of the lifetime policy limit.
(2) Each insured that is covered for mental, emotional or nervous

New matter indicated by italics - deletions by strikeout
disorders or conditions shall be free to select the physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor of his choice to treat such disorders, and the insurer shall pay the covered charges of such physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor up to the limits of coverage, provided (i) the disorder or condition treated is covered by the policy, and (ii) the physician, licensed psychologist, licensed clinical social worker, or licensed clinical professional counselor is authorized to provide said services under the statutes of this State and in accordance with accepted principles of his profession.

(3) Insofar as this Section applies solely to licensed clinical social workers and licensed clinical professional counselors, those persons who may provide services to individuals shall do so after the licensed clinical social worker or licensed clinical professional counselor has informed the patient of the desirability of the patient conferring with the patient's primary care physician and the licensed clinical social worker or licensed clinical professional counselor has provided written notification to the patient's primary care physician, if any, that services are being provided to the patient. That notification may, however, be waived by the patient on a written form. Those forms shall be retained by the licensed clinical social worker or licensed clinical professional counselor for a period of not less than 5 years.

(b) (1) An insurer that provides coverage for hospital or medical expenses under a group policy of accident and health insurance or health care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 92nd General Assembly shall provide coverage under the policy for treatment of serious mental illness under the same terms and conditions as coverage for hospital or medical expenses related to other illnesses and diseases. The coverage required under this Section must provide for same durational limits, amount limits, deductibles, and co-insurance requirements for serious mental illness as are provided for other illnesses and diseases. This subsection does not apply to coverage provided to employees by employers who have 50 or fewer employees.

(2) "Serious mental illness" means the following psychiatric illnesses as defined in the most current edition of the Diagnostic and Statistical Manual (DSM) published by the American Psychiatric Association:

(A) schizophrenia;

(B) paranoid and other psychotic disorders;

(C) bipolar disorders (hypomanic, manic, depressive, and
mixed);
(D) major depressive disorders (single episode or recurrent);
(E) schizoaffective disorders (bipolar or depressive);
(F) pervasive developmental disorders;
(G) obsessive-compulsive disorders;
(H) depression in childhood and adolescence; and
(I) panic disorder; and
(J) post-traumatic stress disorders (acute, chronic, or with delayed onset).

(3) Upon request of the reimbursing insurer, a provider of treatment of serious mental illness shall furnish medical records or other necessary data that substantiate that initial or continued treatment is at all times medically necessary. An insurer shall provide a mechanism for the timely review by a provider holding the same license and practicing in the same specialty as the patient's provider, who is unaffiliated with the insurer, jointly selected by the patient (or the patient's next of kin or legal representative if the patient is unable to act for himself or herself), the patient's provider, and the insurer in the event of a dispute between the insurer and patient's provider regarding the medical necessity of a treatment proposed by a patient's provider. If the reviewing provider determines the treatment to be medically necessary, the insurer shall provide reimbursement for the treatment. Future contractual or employment actions by the insurer regarding the patient's provider may not be based on the provider's participation in this procedure. Nothing prevents the insured from agreeing in writing to continue treatment at his or her expense. When making a determination of the medical necessity for a treatment modality for serious mental illness, an insurer must make the determination in a manner that is consistent with the manner used to make that determination with respect to other diseases or illnesses covered under the policy, including an appeals process.

(4) A group health benefit plan:
(A) shall provide coverage based upon medical necessity for the following treatment of mental illness in each calendar year;
   (i) 45 days of inpatient treatment; and
   (ii) 35 visits for outpatient treatment including group and individual outpatient treatment;
(B) may not include a lifetime limit on the number of days of inpatient treatment or the number of outpatient visits covered under the plan; and
   (C) shall include the same amount limits, deductibles,
copayments, and coinsurance factors for serious mental illness as for physical illness.

(5) An issuer of a group health benefit plan may not count toward the number of outpatient visits required to be covered under this Section an outpatient visit for the purpose of medication management and shall cover the outpatient visits under the same terms and conditions as it covers outpatient visits for the treatment of physical illness.

(6) An issuer of a group health benefit plan may provide or offer coverage required under this Section through a managed care plan.

(7) This Section shall not be interpreted to require a group health benefit plan to provide coverage for treatment of:

   (A) an addiction to a controlled substance or cannabis that is used in violation of law; or
   (B) mental illness resulting from the use of a controlled substance or cannabis in violation of law.

(8) This subsection (b) is inoperative after December 31, 2005.

(Source: P.A. 92-182, eff. 7-27-01; 92-185, eff. 1-1-02; 92-651, eff. 7-11-02.)


PUBLIC ACT 94-0585
(House Bill No. 3472)

AN ACT concerning State government. 
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Lottery Law is amended by changing Sections 2 and 20 and by adding Section 21.6 as follows:

(20 ILCS 1605/2) (from Ch. 120, par. 1152)

Sec. 2. This Act is enacted to implement and establish within the State a lottery to be operated by the State, the entire net proceeds of which are to be used for the support of The State's Common School Fund, except as provided in Sections Section 21.2 and 21.6.

(Source: P.A. 84-215.)

(20 ILCS 1605/20) (from Ch. 120, par. 1170)

Sec. 20. State Lottery Fund.

(a) There is created in the State Treasury a special fund to be known

New matter indicated by italics - deletions by strikeout
as the "State Lottery Fund". Such fund shall consist of all revenues received from (1) the sale of lottery tickets or shares, (net of commissions, fees representing those expenses that are directly proportionate to the sale of tickets or shares at the agent location, and prizes of less than $600 which have been validly paid at the agent level), (2) application fees, and (3) all other sources including moneys credited or transferred thereto from any other fund or source pursuant to law. Interest earnings of the State Lottery Fund shall be credited to the Common School Fund.

(b) The receipt and distribution of moneys under Section 21.6 of this Act shall be in accordance with Section 21.6.

(Source: P.A. 90-603, eff. 1-1-99.)

(20 ILCS 1605/21.6 new)
(a) The Department shall offer a special instant scratch-off game for the benefit of Illinois veterans. The game shall commence on January 1, 2006 or as soon thereafter, at the discretion of the Director, as is reasonably practical. The operation of the game shall be governed by this Act and any rules adopted by the Department. If any provision of this Section is inconsistent with any other provision of this Act, then this Section governs.

(b) The Illinois Veterans Assistance Fund is created as a special fund in the State treasury. The net revenue from the Illinois veterans scratch-off game shall be deposited into the Fund for appropriation by the General Assembly solely to the Department of Veterans Affairs for making grants, funding additional services, or conducting additional research projects relating to:

(i) veterans' post traumatic stress disorder;
(ii) veterans' homelessness;
(iii) the health insurance costs of veterans;
(iv) veterans' disability benefits, including but not limited to, disability benefits provided by veterans service organizations and veterans assistance commissions or centers; and
(v) the long-term care of veterans.

Moneys collected from the special instant scratch-off game shall be used only as a supplemental financial resource and shall not supplant existing moneys that the Department of Veterans Affairs may currently expend for the purposes set forth in items (i-v).

Moneys received for the purposes of this Section, including, without limitation, net revenue from the special instant scratch-off game and from gifts, grants, and awards from any public or private entity, must be deposited

New matter indicated by italics - deletions by strikeout
into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

For purposes of this subsection, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in the prizes and the actual administrative expenses of the Department solely related to the scratch-off game under this Section.

(c) During the time that tickets are sold for the Illinois veterans scratch-off game, the Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game.

(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section.

Section 15. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)
Sec. 5.640. The Illinois Veterans Assistance Fund.

Approved August 15, 2005.
Effective August 15, 2005.

PUBLIC ACT 94-0586
(House Bill No. 3628)

AN ACT concerning children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Child Care Act of 1969 is amended by changing Sections 2, 2.05, 2.08, 4, 7, 8, 11, 11.1, and 12 and by adding Sections 2.24, 2.25, 2.26, 2.27, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 8.3, 8.4, 9.1a, 9.1b, 14.6, and 14.7 as follows:

(225 ILCS 10/2) (from Ch. 23, par. 2212)
Sec. 2. Terms used in this Act, unless the context otherwise requires, have the meanings ascribed to them in Sections 2.01 through 2.27 2.24.
(Source: P.A. 86-278; 86-386.)

(225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)
Sec. 2.05. "Facility for child care" or "child care facility" means any person, group of persons, agency, association, or organization, corporation, institution, center, or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children,

New matter indicated by italics - deletions by strikeout
unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in this Act, established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of this Act.
(Source: P.A. 89-21, eff. 7-1-95.)

Sec. 2.08.
"Child welfare agency" means a public or private child care facility, receiving any child or children for the purpose of placing or arranging for the placement or free care of the child or children in foster family homes, unlicensed pre-adoptive and adoptive homes, or other facilities for child care, apart from the custody of the child's or children's parents. The term "child welfare agency" includes all agencies established and maintained by a municipality or other political subdivision of the State of Illinois to protect, guard, train or care for children outside their own homes and all agencies, persons, groups of persons, associations, organizations, corporations, institutions, centers, or groups providing adoption services, but does not include any circuit court or duly appointed juvenile probation officer or youth counselor of the court, who receives and places children under an order of the court.
(Source: P.A. 76-63.)

Sec. 2.24. "Adoption services" includes any one or more of the following services performed for any type of compensation or thing of value, directly or indirectly: (i) arranging for the placement of or placing out a child, (ii) identifying a child for adoption, (iii) matching adoptive parents with biological parents, (iv) arranging or facilitating an adoption, (v) taking or acknowledging consents or surrenders for termination of parental rights for purposes of adoption, as defined in the Adoption Act, (vi) performing background studies on a child or adoptive parents, (vii) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child, or (viii) post-placement monitoring of a child prior to adoption. "Adoption services" does not include the following: (1) the provision of legal services by a licensed attorney for which the attorney must be licensed as an attorney under Illinois law, (2) adoption-related services performed by public governmental entities or entities or persons performing investigations by court appointment as described in subsection A of Section 6 of the Adoption Act, (3) prospective biological
parents or adoptive parents operating on their own behalf; (4) the provision of general education and training on adoption-related topics, or (5) post-adoption services, including supportive services to families to promote the well-being of members of adoptive families or birth families.

(225 ILCS 10/2.25 new)
Sec. 2.25. "Unlicensed pre-adoptive and adoptive home" means any home that is not licensed by the Department as a foster family home and that receives a child or children for the purpose of adopting the child or children.

(225 ILCS 10/2.26 new)
Sec. 2.26. "Eligible agency" means a licensed child welfare agency that (i) is currently fully accredited by the Council on Accreditation for Children and Family Services (COA) for adoption services and (ii) has had no Department substantiated licensing violations or COA accrediting violations that affect the health, safety, morals, or welfare of children served by that agency for the 4 years immediately preceding a determination of eligibility.

(225 ILCS 10/2.27 new)
Sec. 2.27. "Deemed compliant" means that an eligible agency is presumed to be in compliance with requirements, provided that the Department has determined that current COA standards are at least substantially equivalent to those requirements. This presumption of compliance may be rebutted by Department substantiated evidence to the contrary. The Department may require periodic certification of COA accreditation from eligible agencies.

(225 ILCS 10/4) (from Ch. 23, par. 2214)
Sec. 4. License requirement; application; notice.
(a) Any person, group of persons or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator must apply for a license to operate one of the types of facilities defined in Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any relative who receives a child or children for placement by the Department on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of this Act.

(a-5) Any agency, person, group of persons, association, organization, corporation, institution, center, or group providing adoption services must be licensed by the Department as a child welfare agency as defined in Section 2.08 of this Act. "Providing adoption services" as used in this Act includes facilitating or engaging in adoption services.

(b) Application for a license to operate a child care facility must be

New matter indicated by italics - deletions by strikeout
made to the Department in the manner and on forms prescribed by it. An
application to operate a foster family home shall include, at a minimum: a
completed written form; written authorization by the applicant and all adult
members of the applicant's household to conduct a criminal background
investigation; medical evidence in the form of a medical report, on forms
prescribed by the Department, that the applicant and all members of the
household are free from communicable diseases or physical and mental
conditions that affect their ability to provide care for the child or children; the
names and addresses of at least 3 persons not related to the applicant who can
attest to the applicant's moral character; and fingerprints submitted by the
applicant and all adult members of the applicant's household.

(c) The Department shall notify the public when a child care
institution, maternity center, or group home licensed by the Department
undergoes a change in (i) the range of care or services offered at the facility,
(ii) the age or type of children served, or (iii) the area within the facility used
by children. The Department shall notify the public of the change in a
newspaper of general circulation in the county or municipality in which the
applicant's facility is or is proposed to be located.

(d) If, upon examination of the facility and investigation of persons
responsible for care of children, the Department is satisfied that the facility
and responsible persons reasonably meet standards prescribed for the type of
facility for which application is made, it shall issue a license in proper form,
designating on that license the type of child care facility and, except for a
child welfare agency, the number of children to be served at any one time.

(e) The Department shall not issue or renew the license of any child
welfare agency providing adoption services, unless the agency (i) is officially
recognized by the United States Internal Revenue Service as a tax-exempt
organization described in Section 501(c)(3) of the Internal Revenue Code of
1986 (or any successor provision of federal tax law) and (ii) is in compliance
with all of the standards necessary to maintain its status as an organization
described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any
successor provision of federal tax law). The Department shall grant a grace
period of 24 months from the effective date of this amendatory Act of the 94th
General Assembly for existing child welfare agencies providing adoption
services to obtain 501(c)(3) status. The Department shall permit an existing
child welfare agency that converts from its current structure in order to be
recognized as a 501(c)(3) organization as required by this Section to either
retain its current license or transfer its current license to a newly formed
entity, if the creation of a new entity is required in order to comply with this

New matter indicated by italics - deletions by strikeout
Section, provided that the child welfare agency demonstrates that it continues to meet all other licensing requirements and that the principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original. The Department shall have the sole discretion to grant a one year extension to any agency unable to obtain 501(c)(3) status within the timeframe specified in this subsection (e), provided that such agency has filed an application for 501(c)(3) status with the Internal Revenue Service within the 2-year timeframe specified in this subsection (e). (Source: P.A. 89-21, eff. 7-1-95; 90-90, eff. 7-11-97; 90-608, eff. 6-30-98.)

(225 ILCS 10/7) (from Ch. 23, par. 2217)

Sec. 7. (a) The Department must prescribe and publish minimum standards for licensing that apply to the various types of facilities for child care defined in this Act and that are equally applicable to like institutions under the control of the Department and to foster family homes used by and under the direct supervision of the Department. The Department shall seek the advice and assistance of persons representative of the various types of child care facilities in establishing such standards. The standards prescribed and published under this Act take effect as provided in the Illinois Administrative Procedure Act, and are restricted to regulations pertaining to the following matters and to any rules and regulations required or permitted by any other Section of this Act:

(1) The operation and conduct of the facility and responsibility it assumes for child care;

(2) The character, suitability and qualifications of the applicant and other persons directly responsible for the care and welfare of children served. All child day care center licensees and employees who are required to report child abuse or neglect under the Abused and Neglected Child Reporting Act shall be required to attend training on recognizing child abuse and neglect, as prescribed by Department rules;

(3) The general financial ability and competence of the applicant to provide necessary care for children and to maintain prescribed standards;

(4) The number of individuals or staff required to insure adequate supervision and care of the children received. The standards shall provide that each child care institution, maternity center, day care center, group home, day care home, and group day care home shall have on its premises during its hours of operation at least one

New matter indicated by italics - deletions by strikeout
staff member certified in first aid, in the Heimlich maneuver and in cardiopulmonary resuscitation by the American Red Cross or other organization approved by rule of the Department. Child welfare agencies shall not be subject to such a staffing requirement. The Department may offer, or arrange for the offering, on a periodic basis in each community in this State in cooperation with the American Red Cross, the American Heart Association or other appropriate organization, voluntary programs to train operators of foster family homes and day care homes in first aid and cardiopulmonary resuscitation;

(5) The appropriateness, safety, cleanliness and general adequacy of the premises, including maintenance of adequate fire prevention and health standards conforming to State laws and municipal codes to provide for the physical comfort, care and well-being of children received;

(6) Provisions for food, clothing, educational opportunities, program, equipment and individual supplies to assure the healthy physical, mental and spiritual development of children served;

(7) Provisions to safeguard the legal rights of children served;

(8) Maintenance of records pertaining to the admission, progress, health and discharge of children, including, for day care centers and day care homes, records indicating each child has been immunized as required by State regulations. The Department shall require proof that children enrolled in a facility have been immunized against Haemophilus Influenzae B (HIB);

(9) Filing of reports with the Department;

(10) Discipline of children;

(11) Protection and fostering of the particular religious faith of the children served;

(12) Provisions prohibiting firearms on day care center premises except in the possession of peace officers;

(13) Provisions prohibiting handguns on day care home premises except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside on the premises of a day care home;

(14) Provisions requiring that any firearm permitted on day care home premises, except handguns in the possession of peace officers, shall be kept in a disassembled state, without ammunition, in locked storage, inaccessible to children and that ammunition

New matter indicated by italics - deletions by strikeout
permitted on day care home premises shall be kept in locked storage
separate from that of disassembled firearms, inaccessible to children;

(15) Provisions requiring notification of parents or guardians
enrolling children at a day care home of the presence in the day care
home of any firearms and ammunition and of the arrangements for the
separate, locked storage of such firearms and ammunition.

(b) If, in a facility for general child care, there are children diagnosed
as mentally ill, mentally retarded or physically handicapped, who are
determined to be in need of special mental treatment or of nursing care, or
both mental treatment and nursing care, the Department shall seek the advice
and recommendation of the Department of Human Services, the Department
of Public Health, or both Departments regarding the residential treatment and
nursing care provided by the institution.

(c) The Department shall investigate any person applying to be
licensed as a foster parent to determine whether there is any evidence of
current drug or alcohol abuse in the prospective foster family. The
Department shall not license a person as a foster parent if drug or alcohol
abuse has been identified in the foster family or if a reasonable suspicion of
such abuse exists, except that the Department may grant a foster parent
license to an applicant identified with an alcohol or drug problem if the
applicant has successfully participated in an alcohol or drug treatment
program, self-help group, or other suitable activities.

(d) The Department, in applying standards prescribed and published,
as herein provided, shall offer consultation through employed staff or other
qualified persons to assist applicants and licensees in meeting and
maintaining minimum requirements for a license and to help them otherwise
to achieve programs of excellence related to the care of children served. Such
consultation shall include providing information concerning education and
training in early childhood development to providers of day care home
services. The Department may provide or arrange for such education and
training for those providers who request such assistance.

(e) The Department shall distribute copies of licensing standards to
all licensees and applicants for a license. Each licensee or holder of a permit
shall distribute copies of the appropriate licensing standards and any other
information required by the Department to child care facilities under its
supervision. Each licensee or holder of a permit shall maintain appropriate
documentation of the distribution of the standards. Such documentation shall
be part of the records of the facility and subject to inspection by authorized
representatives of the Department.

New matter indicated by italics - deletions by strikeout
(f) The Department shall prepare summaries of day care licensing standards. Each licensee or holder of a permit for a day care facility shall distribute a copy of the appropriate summary and any other information required by the Department, to the legal guardian of each child cared for in that facility at the time when the child is enrolled or initially placed in the facility. The licensee or holder of a permit for a day care facility shall secure appropriate documentation of the distribution of the summary and brochure. Such documentation shall be a part of the records of the facility and subject to inspection by an authorized representative of the Department.

(g) The Department shall distribute to each licensee and holder of a permit copies of the licensing or permit standards applicable to such person's facility. Each licensee or holder of a permit shall make available by posting at all times in a common or otherwise accessible area a complete and current set of licensing standards in order that all employees of the facility may have unrestricted access to such standards. All employees of the facility shall have reviewed the standards and any subsequent changes. Each licensee or holder of a permit shall maintain appropriate documentation of the current review of licensing standards by all employees. Such records shall be part of the records of the facility and subject to inspection by authorized representatives of the Department.

(h) Any standards involving physical examinations, immunization, or medical treatment shall include appropriate exemptions for children whose parents object thereto on the grounds that they conflict with the tenets and practices of a recognized church or religious organization, of which the parent is an adherent or member, and for children who should not be subjected to immunization for clinical reasons.

(Source: P.A. 89-274, eff. 1-1-96; 89-507, eff. 7-1-97; 89-648, eff. 8-9-96; 90-14, eff. 7-1-97.)

(225 ILCS 10/7.4 new)

Sec. 7.4. Disclosures.

(a) Every child welfare agency providing adoption services and licensed by the Department shall provide to all prospective clients and to the public written disclosures with respect to its adoption services, policies, and practices, including general eligibility criteria, fees, and the mutual rights and responsibilities of clients, including biological parents and adoptive parents. The written disclosure shall be posted on any website maintained by the child welfare agency that relates to adoption services. The Department shall adopt rules relating to the contents of the written disclosures. Eligible agencies may be deemed compliant with this subsection (a).

New matter indicated by italics - deletions by strikeout
(b) Every licensed child welfare agency providing adoption services shall provide to all applicants, prior to application, a written schedule of estimated fees, expenses, and refund policies. Every child welfare agency providing adoption services shall have a written policy that shall be part of its standard adoption contract and state that it will not charge additional fees and expenses beyond those disclosed in the adoption contract unless additional fees are reasonably required by the circumstances and are disclosed to the adoptive parents or parent before they are incurred. The Department shall adopt rules relating to the contents of the written schedule and policy. Eligible agencies may be deemed compliant with this subsection (b).

(c) Every licensed child welfare agency providing adoption services must make full and fair disclosure to its clients, including biological parents and adoptive parents, of all circumstances material to the placement of a child for adoption. The Department shall adopt rules necessary for the implementation and regulation of the requirements of this subsection (c).

(d) Every licensed child welfare agency providing adoption services shall meet minimum standards set forth by the Department concerning the taking or acknowledging of a consent prior to taking or acknowledging a consent from a prospective biological parent. The Department shall adopt rules concerning the minimum standards required by agencies under this Section.

(225 ILCS 10/7.5 new)

Sec. 7.5. Adoptive parent training program. Every licensed child welfare agency providing adoption services shall provide prospective adoptive parents with a training program that includes counseling and guidance for the purpose of promoting a successful adoption in conjunction with placing a child for adoption with the prospective adoptive parents and which must be completed to the satisfaction of the licensed child welfare agency prior to the finalization of the adoption. The training may be provided by an agent or independent contractor of the child welfare agency or by a Department-approved training individual or entity. The Department shall adopt rules concerning minimum hours, content, and agency documentation of the training and rules concerning the approval of individuals or entities conducting training under this Section. Eligible agencies may be deemed compliant with this Section.

(225 ILCS 10/7.6 new)

Sec. 7.6. Annual report. Every licensed child welfare agency providing adoption services shall file an annual report with the Department
and with the Attorney General on forms and on a date prescribed by the Department. The annual reports for the preceding 2 years must be made available, upon request, to the public by the Department and every licensed agency and must be included on the website of the Department. Each licensed agency that maintains a website shall provide the reports on its website. The annual report shall include all of the following matters and all other matters required by the Department:

(1) a balance sheet and a statement of income and expenses for the year, certified by an independent public accountant; for purposes of this item (1), the audit report filed by an agency with the Department may be included in the annual report and, if so, shall be sufficient to comply with the requirement of this item (1);

(2) non-identifying information concerning the placements made by the agency during the year, consisting of the number of adoptive families in the process of obtaining a foster family license, the number of adoptive families that are licensed and awaiting placement, the number of biological parents that the agency is actively working with, the number of placements, and the number of adoptions initiated during the year and the status of each matter at the end of the year;

(3) any instance during the year in which the agency lost the right to provide adoption services in any State or country, had its license suspended for cause, or was the subject of other sanctions by any court, governmental agency, or governmental regulatory body relating to the provision of adoption services;

(4) any actions related to licensure that were initiated against the agency during the year by a licensing or accrediting body;

(5) any pending investigations by federal or State authorities;

(6) any criminal charges, child abuse charges, malpractice complaints, or lawsuits against the agency or any of its employees, officers, or directors related to the provision of adoption services and the basis or disposition of the actions;

(7) any instance in the year where the agency was found guilty of, or pled guilty to, any criminal or civil or administrative violation under federal, State, or foreign law that relates to the provision of adoption services;

(8) any instance in the year where any employee, officer, or director of the agency was found guilty of any crime or was determined to have violated a civil law or administrative rule under

New matter indicated by italics - deletions by strikeout
federal, State, or foreign law relating to the provision of adoption services; and

(9) any civil or administrative proceeding instituted by the agency during the year and relating to adoption services, excluding uncontested adoption proceedings and proceedings filed pursuant to Section 12a of the Adoption Act.

Failure to disclose information required under this Section may result in the suspension of the agency's license for a period of 90 days. Subsequent violations may result in revocation of the license.

Information disclosed in accordance with this Section shall be subject to the applicable confidentiality requirements of this Act and the Adoption Act.

(225 ILCS 10/7.7 new)

Sec. 7.7. Certain waivers prohibited. Licensed child welfare agencies providing adoption services shall not require biological or adoptive parents to sign any document that purports to waive claims against an agency for intentional or reckless acts or omissions or for gross negligence. Nothing in this Section shall require an agency to assume risks that are not within the reasonable control of the agency.

(225 ILCS 10/7.8 new)

Sec. 7.8. Preferential treatment in child placement prohibited. No licensed child welfare agency providing adoption services may give preferential treatment to its board members, contributors, volunteers, employees, agents, consultants, or independent contractors or to their relatives with respect to the placement of a child or any matters relating to adoption services. The Department shall define "preferential treatment" by rule and shall adopt any rules necessary to implement this Section. Eligible agencies may be deemed compliant with this Section.

(225 ILCS 10/7.9 new)

Sec. 7.9. Excessive fees in adoption services prohibited. Adoption services fees must be based on the costs associated with service delivery, and clients may be charged fees only for services provided. The Department shall define "excessive fees" by rule and shall adopt any rules necessary to implement this Section. Eligible agencies may be deemed compliant with this Section.

(225 ILCS 10/8) (from Ch. 23, par. 2218)

Sec. 8. The Department may revoke or refuse to renew the license of any child care facility or child welfare agency or refuse to issue full license to the holder of a permit should the licensee or holder of a permit:

New matter indicated by italics - deletions by strikeout
(1) fail to maintain standards prescribed and published by the Department;
(2) violate any of the provisions of the license issued;
(3) furnish or make any misleading or any false statement or report to the Department;
(4) refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;
(5) fail or refuse to submit to an investigation by the Department;
(6) fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;
(7) fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of such facility;
(8) refuse to display its license or permit;
(9) be the subject of an indicated report under Section 3 of the Abused and Neglected Child Reporting Act or fail to discharge or sever affiliation with the child care facility of an employee or volunteer at the facility with direct contact with children who is the subject of an indicated report under Section 3 of that Act;
(10) fail to comply with the provisions of Section 7.1;
(11) fail to exercise reasonable care in the hiring, training and supervision of facility personnel;
(12) fail to report suspected abuse or neglect of children within the facility, as required by the Abused and Neglected Child Reporting Act;
(13) fail to comply with Section 5.1 or 5.2 of this Act; or
(14) be identified in an investigation by the Department as an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, or be a person whom the Department knows has abused alcohol or drugs, and has not successfully participated in treatment, self-help groups or other suitable activities, and the Department determines that because of such abuse the licensee, holder of the permit, or any other person directly responsible for the care and welfare of the children served, does not comply with standards relating to character, suitability or other qualifications established under Section 7 of this Act.
(Source: P.A. 91-357, eff. 7-29-99; 91-413, eff. 1-1-00.)
(225 ILCS 10/8.3 new)
Sec. 8.3. Tax exempt agency.

New matter indicated by italics - deletions by strikeout
(a) The Department shall revoke or refuse to renew the license of any child welfare agency providing adoption services that is not (i) officially recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) and (ii) in compliance with all of the standards necessary to maintain its status as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law).

(b) The Department shall grant a grace period of 24 months from the effective date of this amendatory Act of the 94th General Assembly for existing child welfare agencies providing adoption services to obtain 501(c)(3) status. The Department shall permit an existing child welfare agency that converts from its current structure in order to be recognized as a 501(c)(3) organization as required by this Section to either retain its current license or transfer its current license to a newly formed entity, if the creation of a new entity is required in order to comply with this Section, provided that the child welfare agency demonstrates that it continues to meet all other licensing requirements and that the principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original. The Department shall have the sole discretion to grant a one year extension to any agency unable to obtain 501(c)(3) status within the timeframe specified in this Section, provided that such agency has filed an application for 501(c)(3) status with the Internal Revenue Service within the 2-year timeframe specified in this Section.

(c) Nothing in this Section shall prohibit a licensed child welfare agency from using the services of any person, group of persons, agency, association, organization, corporation, institution, center, or group as an independent contractor to perform services on behalf of the licensed agency, provided that the licensed agency has a written agreement with the independent contractor specifying the terms of remuneration, the services to be performed, the personnel performing those services, and the qualifications of the personnel, in addition to any other information or requirements the Department may specify by rule. The licensed agency is not exempt, by reason of the use of the contractor, from compliance with all of the provisions of this Act. The Department has the authority to disapprove the use of any contractor if the Department is not satisfied with the agency’s agreement with the contractor, the personnel of the contractor who are performing the services, or the qualifications of the personnel or if the

New matter indicated by italics - deletions by strikeout
contractor violates any provision of this Act or the Adoption Act.

(225 ILCS 10/8.4 new)
Sec. 8.4. Cessation or dissolution of an agency. In the event that a licensed child welfare agency ceases to exist or dissolves its corporate entity as an agency, and in so doing ceases to provide adoption services as defined in this Act, all records pertaining to adoption services, as that term is defined in Section 2.24 of this Act, shall be forwarded to another licensed child welfare agency with notice to the Department or to the Department within 30 days after such cessation or dissolution. This Section shall be interpreted in a manner consistent with rules adopted by the Department governing child welfare agencies.

(225 ILCS 10/9.1a new)
Sec. 9.1a. Complaint registry.
(a) The Department shall establish a complaint registry to assist in the monitoring of licensed child welfare agencies providing adoption services, which shall record and track the resolution and disposition of substantiated licensing violations.
(b) The Department shall establish and maintain a statewide toll-free telephone number and post information on its website where the public can access information contained in the complaint registry, as it pertains to the past history and record of any licensed child welfare agency providing adoption services. This information shall include, but shall not be limited to, Department substantiated licensing violations against a child welfare agency providing adoption services and Department findings of any license violations against a child welfare agency providing adoption services.
(c) Information disclosed in accordance with this Section shall be subject to the applicable confidentiality requirements of this Act and the Adoption Act.

(225 ILCS 10/9.1b new)
Sec. 9.1b. Complaint procedures. All child welfare agencies providing adoption services shall be required by the Department to have complaint policies and procedures that shall be provided in writing to their prospective clients, including biological parents, adoptive parents, and adoptees that they have served, at the earliest time possible, and, in the case of biological and adoptive parents, prior to placement or prior to entering into any written contract with the clients. These complaint procedures must be filed with the Department within 6 months after the effective date of this amendatory Act of the 94th General Assembly. Failure to comply with this Section may result in the suspension of licensure for a period of 90 days. Subsequent violations

New matter indicated by italics - deletions by strikeout
may result in licensure revocation. The Department shall adopt rules that describe the complaint procedures required by each agency. These rules shall include without limitation prompt complaint response time, recording of the complaints, prohibition of agency retaliation against the person making the complaint, and agency reporting of all complaints to the Department in a timely manner. Any agency that maintains a website shall post the prescribed complaint procedures and its license number, as well as the statewide toll-free complaint registry telephone number, on its website.

(225 ILCS 10/11) (from Ch. 23, par. 2221)

Sec. 11. Whenever the Department is advised, or has reason to believe, that any person, group of persons or corporation is operating a child welfare agency or a child care facility without a license or permit, it shall make an investigation to ascertain the facts. If the Department is denied access, it shall request intervention of local, county or State law enforcement agencies to seek an appropriate court order or warrant to examine the premises. A person or entity preventing the Department from carrying out its duties under this Section shall be guilty of a violation of this Act and shall be subject to such penalties related thereto. If it finds that the child welfare agency or child care facility is being, or has been operated without a license or permit, it shall report the results of its investigation to the Attorney General, and to the appropriate State's Attorney for investigation and, if appropriate, prosecution.

Operating a child welfare agency or child care facility without a license constitutes a Class A misdemeanor, followed by a business offense, if the operator continues to operate the facility and no effort is made to obtain a license. The business offense fine shall not exceed $10,000 and each day of a violation is a separate offense.

(Source: P.A. 85-215.)

(225 ILCS 10/11.1) (from Ch. 23, par. 2221.1)

Sec. 11.1. Referrals to law enforcement.

(a) If the Department has reasonable cause to believe upon request of the Director, the Attorney General or the State's Attorney of the county in which the violation occurred, shall initiate injunction proceedings whenever it appears that any person, group of persons, or corporation, agency, association, organization, institution, center, or group is engaged or about to engage in any acts or practices that constitute or will constitute a violation of this Act, the Department shall inform the Attorney General or the State's Attorney of the appropriate county, who may initiate the appropriate civil or criminal proceedings or any rule or regulation prescribed

New matter indicated by italics - deletions by strikeout
under authority thereof. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or temporary restraining order without bond to enforce this Act or any rule or regulation prescribed thereunder in addition to the penalties and other remedies provided in this Act.

(b) If the Department has reasonable cause to believe that any person, group of persons, corporation, agency, association, organization, institution, center, or group is engaged or is about to engage in any act or practice that constitutes or may constitute a violation of any rule adopted under the authority of this Act, the Department may inform the Attorney General or the State's Attorney of the appropriate county, who may initiate the appropriate civil or criminal proceedings. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or temporary restraining order without bond to enforce this Act or any rule prescribed under this Act, in addition to the penalties and other remedies provided in this Act.

(Source: P.A. 84-548.)
(225 ILCS 10/12) (from Ch. 23, par. 2222)
Sec. 12. Advertisements.

(a) In this Section, "advertise" means communication by any public medium originating or distributed in this State, including, but not limited to, newspapers, periodicals, telephone book listings, outdoor advertising signs, radio, or television.

(b) A child care facility or child welfare agency licensed or operating under a permit issued by the Department may publish advertisements for the services that the facility is specifically licensed or issued a permit under this Act to provide. A person, group of persons, agency, association, organization, corporation, institution, center, or group who advertises or causes to be published any advertisement offering, soliciting, or promising to perform adoption services as defined in Section 2.24 of this Act is guilty of a Class A misdemeanor and shall be subject to a fine not to exceed $10,000 or 9 months imprisonment for each advertisement, unless that person, group of persons, agency, association, organization, corporation, institution, center, or group is (i) licensed or operating under a permit issued by the Department as a child care facility or child welfare agency, (ii) a biological parent or a prospective adoptive parent acting on his or her own behalf, or (iii) a licensed attorney advertising his or her availability to provide legal services relating to adoption, as permitted by law.

(c) Every advertisement published after the effective date of this amendatory Act of the 94th General Assembly shall include the Department-issued license number of the facility or agency.
(d) Any licensed child welfare agency providing adoption services that, after the effective date of this amendatory Act of the 94th General Assembly, causes to be published an advertisement containing reckless or intentional misrepresentations concerning adoption services or circumstances material to the placement of a child for adoption is guilty of a Class A misdemeanor and is subject to a fine not to exceed $10,000 or 9 months imprisonment for each advertisement.

(e) An out-of-state agency that is not licensed in Illinois and that has a written interagency agreement with one or more Illinois licensed child welfare agencies may advertise under this Section, provided that (i) the out-of-state agency must be officially recognized by the United States Internal Revenue Service as a tax-exempt organization under 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law), (ii) the out-of-state agency provides only international adoption services and is covered by the Intercountry Adoption Act of 2000, (iii) the out-of-state agency displays, in the advertisement, the license number of at least one of the Illinois licensed child welfare agencies with which it has a written agreement, and (iv) the advertisements pertain only to international adoption services. Subsection (d) of this Section shall apply to any out-of-state agencies described in this subsection (e).

(f) An advertiser, publisher, or broadcaster, including, but not limited to, newspapers, periodicals, telephone book publishers, outdoor advertising signs, radio stations, or television stations, who knowingly or recklessly advertises or publishes any advertisement offering, soliciting, or promising to perform adoption services, as defined in Section 2.24 of this Act, on behalf of a person, group of persons, agency, association, organization, corporation, institution, center, or group, not authorized to advertise under subsection (b) or subsection (e) of this Section, is guilty of a Class A misdemeanor and is subject to a fine not to exceed $10,000 or 9 months imprisonment for each advertisement.

(g) The Department shall maintain a website listing child welfare agencies licensed by the Department that provide adoption services and other general information for biological parents and adoptive parents. The website shall include, but not be limited to, agency addresses, phone numbers, e-mail addresses, website addresses, annual reports as referenced in Section 7.6 of this Act, agency license numbers, the Birth Parent Bill of Rights, the Adoptive Parents Bill of Rights, and the Department's complaint registry established under Section 9.1a of this Act. The Department shall adopt any rules necessary to implement this Section.

New matter indicated by italics - deletions by strikeout
licensed or operating under a permit issued by the Department may publish advertisements of the services for which it is specifically licensed or issued a permit under this Act. No person, unless licensed or holding a permit as a child care facility, may cause to be published any advertisement soliciting a child or children for care or placement or offering a child or children for care or placement.

(Source: P.A. 76-63.)

Sec. 14.6. Agency payment of salaries or other compensation.

(a) A licensed child welfare agency may pay salaries or other compensation to its officers, employees, agents, contractors, or any other persons acting on its behalf for providing adoption services, provided that all of the following limitations apply:

(1) The fees, wages, salaries, or other compensation of any description paid to the officers, employees, contractors, or any other person acting on behalf of a child welfare agency providing adoption services shall not be unreasonably high in relation to the services actually rendered. Every form of compensation shall be taken into account in determining whether fees, wages, salaries, or compensation are unreasonably high, including, but not limited to, salary, bonuses, deferred and non-cash compensation, retirement funds, medical and liability insurance, loans, and other benefits such as the use, purchase, or lease of vehicles, expense accounts, and food, housing, and clothing allowances.

(2) Any earnings, if applicable, or compensation paid to the child welfare agency's directors, stockholders, or members of its governing body shall not be unreasonably high in relation to the services rendered.

(3) Persons providing adoption services for a child welfare agency may be compensated only for services actually rendered and only on a fee-for-service, hourly wage, or salary basis.

(b) The Department may adopt rules setting forth the criteria to determine what constitutes unreasonably high fees and compensation as those terms are used in this Section. In determining the reasonableness of fees, wages, salaries, and compensation under paragraphs (1) and (2) of subsection (a) of this Section, the Department shall take into account the location, number, and qualifications of staff, workload requirements, budget, and size of the agency or person and available norms for compensation within the adoption community. Every licensed child welfare agency

New matter indicated by italics - deletions by strikeout
providing adoption services shall provide the Department and the Attorney General with a report, on an annual basis, providing a description of the fees, wages, salaries and other compensation described in paragraphs (1), (2), and (3) of this Section. Nothing in the Adoption Compensation Prohibition Act shall be construed to prevent a child welfare agency from charging fees or the payment of salaries and compensation as limited in this Section and any applicable Section of this Act or the Adoption Act.

(c) This Section does not apply to international adoption services performed by those child welfare agencies governed by the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and the Intercountry Adoption Act of 2000.

(d) Eligible agencies may be deemed compliant with this Section.

Sec. 14.7. Payments to biological parents.

(a) Payment of reasonable living expenses by a child welfare agency shall not obligate the biological parents to place the child for adoption. In the event that the biological parents choose not to place the child for adoption, the child welfare agency shall have no right to seek reimbursement from the biological parents, or from any relative of the biological parents, of moneys paid to, or on behalf of, the biological parents, except as provided in subsection (b) of this Section.

(b) Notwithstanding subsection (a) of this Section, a child welfare agency may seek reimbursement of reasonable living expenses from a person who receives such payments only if the person who accepts payment of reasonable living expenses before the child’s birth, as described in subsection (a) of this Section, knows that the person on whose behalf they are accepting payment is not pregnant at the time of the receipt of such payments or the person receives reimbursement for reasonable living expenses simultaneously from more than one child welfare agency without the agencies’ knowledge.

Section 10. The Adoption Compensation Prohibition Act is amended by changing Sections 1, 2, 3, 4, and 4.1 and by adding Section 4.9 as follows:

Sec. 1. No person and no agency, association, corporation, institution, society, or other organization, except a child welfare agency as defined by the Child Care Act of 1969, as now or hereafter amended, shall request, receive or accept any compensation or thing of value, directly or indirectly, for providing adoption services, as defined in Section 2.24 of the Child Care Act of 1969 placing out of a child.

(Source: P.A. 86-820.)

New matter indicated by italics - deletions by strikeout
Sec. 2. No person shall pay or give any compensation or thing of value, directly or indirectly, for providing adoption services, as defined in Section 2.24 of the Child Care Act of 1969, including placing out of a child to any person or to any agency, association, corporation, institution, society, or other organization except a child welfare agency as defined by the Child Care Act of 1969, as now or hereafter amended.

(720 ILCS 525/3) (from Ch. 40, par. 1703)

Sec. 3. Definitions. As used in this Act: the term "Placing placing out" means to arrange for the free care or placement of a child in a family other than that of the child's parent, stepparent, grandparent, brother, sister, uncle or aunt or legal guardian, for the purpose of adoption or for the purpose of providing care.

"Adoption services" has the meaning given that term in the Child Care Act of 1969.

(720 ILCS 525/4) (from Ch. 40, par. 1704)

Sec. 4. The provisions of this Act shall not be construed to prevent the payment of salaries or other compensation by a licensed child welfare agency providing adoption services, as that term is defined by the Child Care Act of 1969, as now or hereafter amended, to the officers, employees, agents, contractors, or any other persons acting on behalf of the child welfare agency, provided that such salaries and compensation are consistent with subsection (a) of Section 14.5 of the Child Care Act of 1969.

The provisions of this Act shall not thereof, nor shall it be construed to prevent the payment by a person with whom a child has been placed for adoption out of reasonable and actual medical fees or hospital charges for services rendered in connection with the birth of such child, if such payment is made to the physician or hospital who or which rendered the services or to the biological natural mother of the child or to prevent the receipt of such payment by such physician, hospital, or mother.

(720 ILCS 525/4.1) (from Ch. 40, par. 1704.1)

(Text of Section after amendment by P.A. 93-1063)

Sec. 4.1. Payment of certain expenses.

(a) A person or persons who have filed or intend to file a petition to adopt a child under the Adoption Act shall be permitted to pay the reasonable living expenses of the biological parents of the child sought to be adopted, in
Public Act 94-0586

(addition to those expenses set forth in Section 4, only in accordance with the provisions of this Section.

"Reasonable living expenses" means those expenses related to activities of daily living and meeting basic needs, including, but not limited to, the reasonable costs of lodging, food, and clothing for the biological parents during the period of the biological mother's pregnancy and for no more than 120 days prior to the biological mother's expected date of delivery and for no more than 60 days after the birth of the child. The term does not include expenses for lost wages, gifts, educational expenses, or other similar expenses of the biological parents.

(b) The petitioners may seek leave of the court to pay the reasonable living expenses of the biological parents. They shall be permitted to pay the reasonable living expenses of the biological parents only upon prior order of the circuit court where the petition for adoption will be filed, or if the petition for adoption has been filed in the circuit court where the petition is pending.

(c) Payments under this Section shall be permitted only in those circumstances where there is a demonstrated need for the payment of such expenses to protect the health of the biological parents or the health of the child sought to be adopted.

(d) Payment of their reasonable living expenses, as provided in this Section, shall not obligate the biological parents to place the child for adoption. In the event the biological parents choose not to place the child for adoption, the petitioners shall have no right to seek reimbursement from the biological parents, or from any relative or associate of the biological parents, of moneys paid to, or on behalf of, the biological parents pursuant to a court order under this Section.

(d-5) No person or entity shall offer, provide, or co-sign a loan or any other credit accommodation, directly or indirectly, with a biological parent or a relative or associate of a biological parent based on the contingency of a surrender or placement of a child for adoption.

(e) Within 14 days after the completion of all payments for reasonable living expenses of the biological parents under this Section, the petitioners shall present a final accounting of all those expenses to the court. The accounting shall include vouchers for all moneys expended, copies of all checks written, and receipts for all cash payments. The accounting shall also include the verified statements of the petitioners, each attorney of record, and the biological parents or parents to whom or on whose behalf the payments were made attesting to the accuracy of the accounting.

(f) If the placement of a child for adoption is made in accordance with
the Interstate Compact on the Placement of Children, and if the sending state permits the payment of any expenses of biological parents that are not permitted under this Act, then the payment of those expenses shall not be a violation of this Act. In that event, the petitioners shall file an accounting of all payments of the expenses of the biological parent or parents with the court in which the petition for adoption is filed or is to be filed. The accounting shall include a copy of the statutory provisions of the sending state that permit payments in addition to those permitted by this Act and a copy of all orders entered in the sending state that relate to expenses of the biological parents paid by the petitioners in the sending state.

(g) The petitioners shall be permitted to pay the reasonable attorney's fees of the biological parents' attorney in connection with proceedings under this Act or in connection with proceedings for the adoption of the child. The attorney's fees shall be paid only after a petition seeking leave to pay those fees is filed with the court in which the adoption proceeding is filed or to be filed. The court shall review the petition for leave to pay attorney's fees, and if the court determines that the fees requested are reasonable, the court shall permit the petitioners to pay them. If the court determines that the fees requested are not reasonable, the court shall determine and set the reasonable attorney's fees of the biological parents' attorney which may be paid by the petitioners.

(h) The court may appoint a guardian ad litem for an unborn child to represent the interests of the child in proceedings under this Section.

(i) The provisions of this Section apply to a person who has filed or intends to file a petition to adopt a child under the Adoption Act. This Section does not apply to a licensed child welfare agency, as that term is defined in the Child Care Act of 1969, whose payments are governed by the Child Care Act of 1969 and the Department rules adopted thereunder.

(Source: P.A. 93-1063, eff. 6-1-05.)

(720 ILCS 525/4.9 new)

Sec. 4.9. Injunctive relief.

(a) Whenever it appears that any person, agency, association, corporation, institution, society, or other organization is engaged or about to engage in any acts or practices that constitute or will constitute a violation of this Act, the Department shall inform the Attorney General and the State's Attorney of the appropriate county. Under such circumstances, the Attorney General or the State's Attorney may initiate injunction proceedings. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or temporary restraining order without bond to enforce this Act.

New matter indicated by italics - deletions by strikeout
or any rule adopted under this Act in addition to any other penalties and other remedies provided in this Act.

(b) Whenever it appears that any person, agency, association, corporation, institution, society, or other organization is engaged or is about to engage in any act or practice that constitutes or will constitute a violation of any rule adopted under the authority of this Act, the Department may inform the Attorney General and the State’s Attorney of the appropriate county. Under such circumstances, the Attorney General or the State’s Attorney may initiate injunction proceedings. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or a temporary restraining order without bond to enforce this Act or any rule adopted under this Act, in addition to any other penalties and remedies provided in this Act.

Section 15. The Adoption Act is amended by changing Sections 4.1 and 21 as follows:

(750 ILCS 50/4.1) (from Ch. 40, par. 1506)

Sec. 4.1. Except for children placed with relatives by the Department of Children and Family Services pursuant to subsection (b) of Section 7 of the Children and Family Services Act, placements under this Act shall comply with the Child Care Act of 1969 and the Interstate Compact on the Placement of Children. Placements of children born outside the United States or a territory thereof shall comply with rules promulgated by the United States Department of Immigration and Naturalization.

Rules promulgated by the Department of Children and Family Services shall include but not be limited to the following:

(a) Any agency providing adoption services as defined in Section 2.24 of the Child Care Act of 1969 which places such children for adoption in this State:

(i) Shall be licensed in this State as a child welfare agency as defined in Section 2.08 of the Child Care Act of 1969; or

(ii) Shall be licensed as a child placement agency in a state which is a party to the Interstate Compact on the Placement of Children and shall be approved by the Department to place children into Illinois in accordance with subsection (a-5) of this Section; or

(iii) Shall be licensed as a child placement agency in a country other than the United States or, if located in such a country but not so licensed, shall provide information such as a license or court document which authorizes that agency to place children for adoption and to establish that such agency has legal authority to place children for adoption; or

New matter indicated by italics - deletions by strikeout
(iv) Shall be a child placement agency which is so licensed in a non-compact state and shall be approved by the Department to place children into Illinois in accordance with subsection (a-5) of this Section, if such agency first files with the Department of Children and Family Services a bond with surety in the amount of $5,000 for each such child to ensure that such child shall not become a public charge upon this State. Such bond shall remain in effect until a judgment for adoption is entered with respect to such child pursuant to this Act. The Department of Children and Family Services may accept, in lieu of such bond, a written agreement with such agency which provides that such agency shall be liable for all costs associated with the placement of such child in the event a judgment of adoption is not entered, upon such terms and conditions as the Department deems appropriate.

The rules shall also provide that any agency that places children for adoption in this State may not, in any policy or practice relating to the placement of children for adoption, discriminate against any child or prospective adoptive parent on the basis of race.

(a-5) Out-of-state private placing agencies that seek to place children into Illinois for the purpose of foster care or adoption shall provide all of the following to the Department:

(i) A copy of the agency's current license or other form of authorization from the approving authority in the agency's state. If no such license or authorization is issued, the agency must provide a reference statement from the approving authority stating the agency is authorized to place children in foster care or adoption or both in its jurisdiction.

(ii) A description of the program, including home studies, placements, and supervisions that the child placing agency conducts within its geographical area, and, if applicable, adoptive placements and the finalization of adoptions. The child placing agency must accept continued responsibility for placement planning and replacement if the placement fails.

(iii) Notification to the Department of any significant child placing agency changes after approval.

(iv) Any other information the Department may require.

If the adoption is finalized prior to bringing or sending the child to Illinois, Department approval of the out-of-state child placing agency involved is not required under this Section, nor is compliance with the
Interstate Compact on the Placement of Children.

(b) As an alternative to requiring the bond provided for in paragraph (a)(iv) of this Section, the Department of Children and Family Services may require the filing of such a bond by the individual or individuals seeking to adopt such a child through placement of such child by a child placement agency located in a state which is not a party to the Interstate Compact on the Placement of Children.

(c) In the case of any foreign-born child brought to the United States for adoption in this State, the following preadoption requirements shall be met:

   (1) Documentation that the child is legally free for adoption prior to entry into the United States shall be submitted.
   (2) A medical report on the child, by authorized medical personnel in the country of the child's origin, shall be provided when such personnel are available.
   (3) Verification that the adoptive family has been licensed as a foster family home pursuant to the Child Care Act of 1969, as now or hereafter amended, shall be provided.
   (4) A valid home study conducted by a licensed child welfare agency that complies with guidelines established by the United States Immigration and Naturalization Service at 8 CFR 204.4(d)(2)(i), as now or hereafter amended, shall be submitted. A home study is considered valid if it contains:
       (i) A factual evaluation of the financial, physical, mental and moral capabilities of the prospective parent or parents to rear and educate the child properly.
       (ii) A detailed description of the living accommodations where the prospective parent or parents currently reside.
       (iii) A detailed description of the living accommodations in the United States where the child will reside, if known.
       (iv) A statement or attachment recommending the proposed adoption signed by an official of the child welfare agency which has conducted the home study.
   (5) The placing agency located in a non-compact state or a family desiring to adopt through an authorized placement party in a non-compact state or a foreign country shall file with the Department of Children and Family Services a bond with surety in the amount of

New matter indicated by italics - deletions by strikeout
$5,000 as protection that a foreign-born child accepted for care or
supervision not become a public charge upon the State of Illinois.

(6) In lieu of the $5,000 bond, the placement agency may sign
a binding agreement with the Department of Children and Family
Services to assume full liability for all placements should, for any
reason, the adoption be disrupted or not be completed, including
financial and planning responsibility until the child is either returned
to the country of its origin or placed with a new adoptive family in the
United States and that adoption is finalized.

(7) Compliance with the requirements of the Interstate
Compact on the Placement of Children, when applicable, shall be
demonstrated.

(8) When a child is adopted in a foreign country and a final,
complete and valid Order of Adoption is issued in that country, as
determined by both the United States Department of State and the
United States Department of Justice, this State shall not impose any
additional preadoption requirements. The adoptive family, however,
must comply with applicable requirements of the United States
Department of Immigration and Naturalization as provided in 8 CFR
204.4 (d)(2)(ii), as now or hereafter amended.

d) The Department of Children and Family Services shall
maintain the office of Intercountry Adoption Coordinator, shall maintain and protect
the rights of families and children participating in adoption of foreign born
children, and shall develop ongoing programs of support and services to such
families and children. The Intercountry Adoption Coordinator shall determine
that all preadoption requirements have been met and report such information
to the Department of Immigration and Naturalization.
(Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-626, eff. 8-9-96.)
(750 ILCS 50/21) (from Ch. 40, par. 1526)

Sec. 21. Compensation for placing of children prohibited.

No person, agency, association, corporation, institution, society or
other organization, except a child welfare agency as defined by the "Child
Care Act", approved July 10, 1957, as now or hereafter amended, shall
receive or accept, or pay or give any compensation or thing of value, directly
or indirectly, for providing adoption services, as that term is defined in the
Child Care Act of 1969, including placing out of a child as is more
specifically provided in "An Act to prevent the payment or receipt of
compensation for placing out children for adoption or for the purpose of
providing care", approved July 14, 1955, as now or hereafter amended.

New matter indicated by italics - deletions by strikeout
NEW MATTER INDICATED BY ITALICS - DELETIONS BY STRIKETHROUGH

PUBLIC ACT 94-0586
(Source: Laws, 1959, p. 1269.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.


PUBLIC ACT 94-0587
(House Bill No. 3724)

AN ACT concerning higher education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The University of Illinois Act is amended by adding Section 35 as follows:

(110 ILCS 305/35 new)
Sec. 35. Students called to active military service. The University shall allow a currently enrolled student who is called to active military service to complete any unfinished courses at a later date at no additional charge, unless course credit has already been given or the student received a full refund upon withdrawing from the course (in which case the student's record shall reflect that the withdrawal is due to active military service). The student must be given priority over other students in reenrolling in the course or courses. The Board of Trustees may adopt any rules necessary to implement this Section.

Section 10. The Southern Illinois University Management Act is amended by adding Section 20 as follows:

(110 ILCS 520/20 new)
Sec. 20. Students called to active military service. The University shall allow a currently enrolled student who is called to active military service to complete any unfinished courses at a later date at no additional charge, unless course credit has already been given or the student received a full refund upon withdrawing from the course (in which case the student's record shall reflect that the withdrawal is due to active military service). The student must be given priority over other students in reenrolling in the course

New matter indicated by italics - deletions by strikeout
or courses. The Board may adopt any rules necessary to implement this Section.

Section 15. The Chicago State University Law is amended by adding Section 5-130 as follows:

(110 ILCS 660/5-130 new)

Sec. 5-130. Students called to active military service. The University shall allow a currently enrolled student who is called to active military service to complete any unfinished courses at a later date at no additional charge, unless course credit has already been given or the student received a full refund upon withdrawing from the course (in which case the student's record shall reflect that the withdrawal is due to active military service). The student must be given priority over other students in reenrolling in the course or courses. The Board may adopt any rules necessary to implement this Section.

Section 20. The Eastern Illinois University Law is amended by adding Section 10-130 as follows:

(110 ILCS 665/10-130 new)

Sec. 10-130. Students called to active military service. The University shall allow a currently enrolled student who is called to active military service to complete any unfinished courses at a later date at no additional charge, unless course credit has already been given or the student received a full refund upon withdrawing from the course (in which case the student's record shall reflect that the withdrawal is due to active military service). The student must be given priority over other students in reenrolling in the course or courses. The Board may adopt any rules necessary to implement this Section.

Section 25. The Governors State University Law is amended by adding Section 15-130 as follows:

(110 ILCS 670/15-130 new)

Sec. 15-130. Students called to active military service. The University shall allow a currently enrolled student who is called to active military service to complete any unfinished courses at a later date at no additional charge, unless course credit has already been given or the student received a full refund upon withdrawing from the course (in which case the student's record shall reflect that the withdrawal is due to active military service). The student must be given priority over other students in reenrolling in the course or courses. The Board may adopt any rules necessary to implement this Section.

Section 30. The Illinois State University Law is amended by adding

New matter indicated by italics - deletions by strikeout
Section 20-135 as follows:

(110 ILCS 675/20-135 new)

Sec. 20-135. Students called to active military service. The University shall allow a currently enrolled student who is called to active military service to complete any unfinished courses at a later date at no additional charge, unless course credit has already been given or the student received a full refund upon withdrawing from the course (in which case the student’s record shall reflect that the withdrawal is due to active military service). The student must be given priority over other students in reenrolling in the course or courses. The Board may adopt any rules necessary to implement this Section.

Section 35. The Northeastern Illinois University Law is amended by adding Section 25-130 as follows:

(110 ILCS 680/25-130 new)

Sec. 25-130. Students called to active military service. The University shall allow a currently enrolled student who is called to active military service to complete any unfinished courses at a later date at no additional charge, unless course credit has already been given or the student received a full refund upon withdrawing from the course (in which case the student’s record shall reflect that the withdrawal is due to active military service). The student must be given priority over other students in reenrolling in the course or courses. The Board may adopt any rules necessary to implement this Section.

Section 40. The Northern Illinois University Law is amended by adding Section 30-140 as follows:

(110 ILCS 685/30-140 new)

Sec. 30-140. Students called to active military service. The University shall allow a currently enrolled student who is called to active military service to complete any unfinished courses at a later date at no additional charge, unless course credit has already been given or the student received a full refund upon withdrawing from the course (in which case the student’s record shall reflect that the withdrawal is due to active military service). The student must be given priority over other students in reenrolling in the course or courses. The Board may adopt any rules necessary to implement this Section.

Section 45. The Western Illinois University Law is amended by adding Section 35-135 as follows:

(110 ILCS 690/35-135 new)

Sec. 35-135. Students called to active military service. The University
shall allow a currently enrolled student who is called to active military service to complete any unfinished courses at a later date at no additional charge, unless course credit has already been given or the student received a full refund upon withdrawing from the course (in which case the student's record shall reflect that the withdrawal is due to active military service). The student must be given priority over other students in reenrolling in the course or courses. The Board may adopt any rules necessary to implement this Section.

Section 50. The Public Community College Act is amended by changing Section 3-21 and by adding Section 3-26.5 as follows:

(110 ILCS 805/3-21) (from Ch. 122, par. 103-21)

Sec. 3-21. The board of community college districts shall have the duties enumerated in the Sections following this Section and preceding Section 3-30 Sections 3-22 through 3-29.2.

Notwithstanding any provision of this Article to the contrary, when bonds are issued by any district and the purposes for which such bonds have been issued have been accomplished and paid for in full and there remains funds on hand in such bond and interest account, the board by resolution may transfer such excess to the fund of the district which bears the nearest relation to the purpose for which the bonds from which such excess funds arose were issued.

(Source: P.A. 86-1246.)

(110 ILCS 805/3-26.5 new)

Sec. 3-26.5. Students called to active military service. A community college shall allow a currently enrolled student who is called to active military service to complete any unfinished courses at a later date at no additional charge, unless course credit has already been given or the student received a full refund upon withdrawing from the course (in which case the student's record shall reflect that the withdrawal is due to active military service). The student must be given priority over other students in reenrolling in the course or courses. The Board may adopt any rules necessary to implement this Section.

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 5. The Department of Veterans Affairs Act is amended by
changing Section 2.01 as follows:

(20 ILCS 2805/2.01) (from Ch. 126 1/2, par. 67.01)

Sec. 2.01. Veterans Home admissions.

(a) Any honorably discharged veteran is entitled to admission to an
Illinois Veterans Home; if the applicant meets the requirements of this
Section. 

(b) (a) The Veteran must:

(1) have served in the armed forces of the United States
at least 1 day in the Spanish American War, World War I, World War
II, thunde Korean Conflict, the Viet Nam Campaign, or the Persian
Gulf Conflict between the dates recognized by the U.S. Department
of Veterans Affairs or between any other present or future dates
recognized by the U.S. Department of Veterans Affairs as a war
period, or have served in a hostile fire environment and has been
awarded a campaign or expeditionary medal signifying his or her
service, for purposes of eligibility for domiciliary or nursing home
care; or

(2) have served and been honorably discharged or retired
from the armed forces of the United States for a service connected
disability or injury, for purposes of eligibility for domiciliary or
nursing home care;

(3) have served as an enlisted person at least 90 days on
active duty in the armed forces of the United States, excluding service
on active duty for training purposes only, and entered active duty
before September 8, 1980, for purposes of eligibility for domiciliary
or nursing home care;

(4) have served as an officer at least 90 days on active duty in
the armed forces of the United States, excluding service on active
duty for training purposes only, and entered active duty before
October 17, 1981, for purposes of eligibility for domiciliary or
nursing home care;

(5) have served on active duty in the armed forces of the

New matter indicated by italics - deletions by strikeout
United States for 24 months of continuous service or more, excluding active duty for training purposes only, and enlisted after September 7, 1980, for purposes of eligibility for domiciliary or nursing home care;

(6) have served as a reservist in the armed forces of the United States or the National Guard and the service included being called to federal active duty, excluding service on active duty for training purposes only, and who completed the term, for purposes of eligibility for domiciliary or nursing home care;

(7) have been discharged for reasons of hardship or released from active duty due to a reduction in the United States armed forces prior to the completion of the required period of service, regardless of the actual time served, for purposes of eligibility for domiciliary or nursing home care; or

(8) have (2) served on active duty in the armed forces for one year for purposes of eligibility for domiciliary care only or (ii) served in the National Guard or Reserve Forces of the United States and completed 20 years of satisfactory service, be otherwise eligible to receive reserve or active duty retirement benefits, and have been an Illinois resident for at least one year before applying for admission for purposes of eligibility for domiciliary care only. ; and

(c) The veteran must have (b) service accredited to the State of Illinois or have been a resident of this State for one year immediately preceding the date of application. ; and

(d) (c) For admission to the Illinois Veterans Homes at Anna and Quincy, the veteran must be disabled by disease, wounds, or otherwise and because of the disability be incapable of earning a living. ; or

(e) (d) For admission to the Illinois Veterans Homes at LaSalle and Manteno and for admission to the John Joseph Kelly Veteran's Home, the veteran must be disabled by disease, wounds, or otherwise and, for purposes of eligibility for nursing home care, require nursing care because of the disability.

(f) An individual who served during a time of conflict as set forth in subsection (a)(1) of this Section has preference over all other qualifying candidates, for purposes of eligibility for domiciliary or nursing home care at any Illinois Veterans Home.

(Source: P.A. 91-634, eff. 8-19-99; 92-351, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law. Passed in the General Assembly May 19, 2005.

New matter indicated by italics - deletions by strikeout
AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Family Military Leave Act.

Section 5. Definitions. In this Act:
"Employee" means any person who may be permitted, required, or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment. "Employee" does include an independent contractor. "Employee" includes an employee of a covered employer who has been employed by the same employer for at least 12 months, and has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

"Employee benefits" means all benefits, other than salary and wages, provided or made available to employees by an employer and includes group life insurance, health insurance, disability insurance and pensions, regardless of whether benefits are provided by a policy or practice of an employer.

"Employer" means (1) any person, partnership, corporation, association, or other business entity; and (2) the State of Illinois, municipalities and other units of local government.

"Family military leave" means leave requested by an employee who is the spouse or parent of a person called to military service lasting longer than 30 days with the State or United States pursuant to the orders of the Governor or the President of the United States.

Section 10. Family Military Leave Requirement.
(a) Any employer, as defined in Section 5 of this Act, that employs between 15 and 50 employees shall provide up to 15 days of unpaid family military leave to an employee during the time federal or State deployment orders are in effect, subject to the conditions set forth in this Section. Family military leave granted under this Act may consist of unpaid leave.

(b) An employer, as defined in Section 5 of this Act, that employs more than 50 employees shall provide up to 30 days of unpaid family military leave to an employee during the time federal or State deployment orders are
in effect, subject to the conditions set forth in this Section. Family military leave granted under this Act may consist of unpaid leave.

(c) The employee shall give at least 14 days notice of the intended date upon which the family military leave will commence if leave will consist of 5 or more consecutive work days. Where able, the employee shall consult with the employer to schedule the leave so as to not unduly disrupt the operations of the employer. Employees taking military family leave for less than 5 consecutive days shall give the employer advanced notice as is practicable. The employer may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

(d) An employee shall not take leave as provided under this Act unless he or she has exhausted all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the employee, except sick leave and disability leave.

Section 15. Employee benefits protection.

(a) Any employee who exercises the right to family military leave under this Act, upon expiration of the leave, shall be entitled to be restored by the employer to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. This Section does not apply if the employer proves that the employee was not restored as provided in this Section because of conditions unrelated to the employee's exercise of rights under this Act.

(b) During any family military leave taken under this Act, the employer shall make it possible for employees to continue their benefits at the employee's expense. The employer and employee may negotiate for the employer to maintain benefits at the employer's expense for the duration of the leave.

Section 20. Effect on existing employee benefits.

(a) Taking family military leave under this Act shall not result in the loss of any employee benefit accrued before the date on which the leave commenced.

(b) Nothing in this Act shall be construed to affect an employer's obligation to comply with any collective bargaining agreement or employee benefit plan that provides greater leave rights to employees than the rights provided under this Act.

(c) The family military leave rights provided under this Act shall not be diminished by any collective bargaining agreement or employee benefit
plan.

(d) Nothing in this Act shall be construed to affect or diminish the contract rights or seniority status of any other employee of any employer covered under this Act.

Section 25. Prohibited acts.

(a) An employer shall not interfere with, restrain, or deny the exercise or the attempt to exercise any right provided under this Act.

(b) An employer shall not discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee that exercises any right provided under this Act.

(c) An employer shall not discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee for opposing any practice made unlawful by this Act.

Section 30. Enforcement. A civil action may be brought in the circuit court having jurisdiction by an employee to enforce this Act. The circuit court may enjoin any act or practice that violates or may violate this Act and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce this Act.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 27, 2005.

Approved August 15, 2005.

Effective August 15, 2005.

PUBLIC ACT 94-0590

(House Bill No. 0892)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 110-10 as follows:

(725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

Sec. 110-10. Conditions of bail bond.

(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of the bail bond shall be that he or she will:

(1) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court;

New matter indicated by italics - deletions by strikeout
(2) Submit himself or herself to the orders and process of the court;
(3) Not depart this State without leave of the court;
(4) Not violate any criminal statute of any jurisdiction;
(5) At a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the clerk of the circuit court when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of either the Illinois Controlled Substances Act or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961; the court may, however, forgo the imposition of this condition when the circumstances of the case clearly do not warrant it or when its imposition would be impractical; all legally possessed firearms shall be returned to the person upon that person completing a sentence for a conviction or a misdemeanor domestic battery; upon the charges being dismissed, or if the person is found not guilty, unless the finding of not guilty is by reason of insanity; and
(6) At a time and place designated by the court, submit to a psychological evaluation when the person has been charged with a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 and that violation occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State, the defendant, and the court. As a further condition of bail under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of bail, pursuant to Section 110-6 of this Code. The court may change the conditions of bail to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of
the psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.

(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

   (1) Report to or appear in person before such person or agency as the court may direct;
   (2) Refrain from possessing a firearm or other dangerous weapon;
   (3) Refrain from approaching or communicating with particular persons or classes of persons;
   (4) Refrain from going to certain described geographical areas or premises;
   (5) Refrain from engaging in certain activities or indulging in intoxicating liquors or in certain drugs;
   (6) Undergo treatment for drug addiction or alcoholism;
   (7) Undergo medical or psychiatric treatment;
   (8) Work or pursue a course of study or vocational training;
   (9) Attend or reside in a facility designated by the court;
   (10) Support his or her dependents;
   (11) If a minor resides with his or her parents or in a foster home, attend school, attend a non-residential program for youths, and contribute to his or her own support at home or in a foster home;
   (12) Observe any curfew ordered by the court;
   (13) Remain in the custody of such designated person or organization agreeing to supervise his release. Such third party custodian shall be responsible for notifying the court if the defendant fails to observe the conditions of release which the custodian has agreed to monitor, and shall be subject to contempt of court for failure so to notify the court;
   (14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;

New matter indicated by italics - deletions by strikeout
(14.1) The court shall impose upon a defendant who is charged with any alcohol, cannabis or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee that represents costs incidental to the electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code;

(14.2) The court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be;

(14.3) The Chief Judge of the Judicial Circuit may establish reasonable fees to be paid by a person receiving pretrial services while under supervision of a pretrial services agency, probation department, or court services department. Reasonable fees may be charged for pretrial services including, but not limited to, pretrial supervision, diversion programs, electronic monitoring, victim impact services, drug and alcohol testing, and victim mediation services. The person receiving pretrial services may be ordered to pay all costs incidental to pretrial services in accordance with his or her ability to
pay those costs;

(14.4) For persons charged with violating Section 11-501 of the Illinois Vehicle Code, refrain from operating a motor vehicle not equipped with an ignition interlock device, as defined in Section 1-129.1 of the Illinois Vehicle Code, pursuant to the rules promulgated by the Secretary of State for the installation of ignition interlock devices. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment;

(15) Comply with the terms and conditions of an order of protection issued by the court under the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory;

(16) Under Section 110-6.5 comply with the conditions of the drug testing program; and

(17) Such other reasonable conditions as the court may impose.

(c) When a person is charged with an offense under Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961", involving a victim who is a minor under 18 years of age living in the same household with the defendant at the time of the offense, in granting bail or releasing the defendant on his own recognizance, the judge shall impose conditions to restrict the defendant's access to the victim which may include, but are not limited to conditions that he will:

1. Vacate the Household.
2. Make payment of temporary support to his dependents.
3. Refrain from contact or communication with the child victim, except as ordered by the court.

(d) When a person is charged with a criminal offense and the victim is a family or household member as defined in Article 112A, conditions shall be imposed at the time of the defendant's release on bond that restrict the defendant's access to the victim. Unless provided otherwise by the court, the restrictions shall include requirements that the defendant do the following:

1. Refrain from contact or communication with the victim for a minimum period of 72 hours following the defendant's release; and
2. Refrain from entering or remaining at the victim's residence for a minimum period of 72 hours following the defendant's release.

(e) Local law enforcement agencies shall develop standardized bond

New matter indicated by italics - deletions by strikeout
forms for use in cases involving family or household members as defined in Article 112A, including specific conditions of bond as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).

(f) If the defendant is admitted to bail after conviction the conditions of the bail bond shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:

1. Duly prosecute his appeal;
2. Appear at such time and place as the court may direct;
3. Not depart this State without leave of the court;
4. Comply with such other reasonable conditions as the court may impose; and
5. If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was bailed.

(g) Upon a finding of guilty for any felony offense, the defendant shall physically surrender, at a time and place designated by the court, any and all firearms in his or her possession and his or her Firearm Owner's Identification Card as a condition of remaining on bond pending sentencing.

(Source: P.A. 92-329, eff. 8-9-01; 92-442, eff. 8-17-01; 92-651, eff. 7-11-02; 93-184, eff. 1-1-04.)

Passed in the General Assembly May 18, 2005.
Approved August 15, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0591
(House Bill No. 0918)

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Environmental Protection Act is amended by changing Section 39.2 as follows:

(415 ILCS 5/39.2) (from Ch. 111 1/2, par. 1039.2)
Sec. 39.2. Local siting review.
(a) The county board of the county or the governing body of the municipality, as determined by paragraph (c) of Section 39 of this Act, shall approve or disapprove the request for local siting approval for each pollution

New matter indicated by italics - deletions by strikeout
control facility which is subject to such review. An applicant for local siting approval shall submit sufficient details describing the proposed facility to demonstrate compliance, and local siting approval shall be granted only if the proposed facility meets the following criteria:

(i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;

(ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(iii) the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;

(iv) (A) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year flood plain or the site is flood-proofed; (B) for a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain, or if the facility is a facility described in subsection (b)(3) of Section 22.19a, the site is flood-proofed;

(v) the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

(vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;

(vii) if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;

(viii) if the facility is to be located in a county where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan; *for purposes of this criterion (viii), the "solid waste management plan" means the plan that is in effect as of the date the application for siting approval is filed;* and

(ix) if the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.

The county board or the governing body of the municipality may also consider as evidence the previous operating experience and past record of

New matter indicated by italics - deletions by strikeout
convictions or admissions of violations of the applicant (and any subsidiary or parent corporation) in the field of solid waste management when considering criteria (ii) and (v) under this Section.

(b) No later than 14 days before the date on which the county board or governing body of the municipality receives a request for site approval, the applicant shall cause written notice of such request to be served either in person or by registered mail, return receipt requested, on the owners of all property within the subject area not solely owned by the applicant, and on the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of the County in which such facility is to be located; provided, that the number of all feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement; provided further, that in no event shall this requirement exceed 400 feet, including public streets, alleys and other public ways.

Such written notice shall also be served upon members of the General Assembly from the legislative district in which the proposed facility is located and shall be published in a newspaper of general circulation published in the county in which the site is located.

Such notice shall state the name and address of the applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted, and a description of the right of persons to comment on such request as hereafter provided.

(c) An applicant shall file a copy of its request with the county board of the county or the governing body of the municipality in which the proposed site is located. The request shall include (i) the substance of the applicant's proposal and (ii) all documents, if any, submitted as of that date to the Agency pertaining to the proposed facility, except trade secrets as determined under Section 7.1 of this Act. All such documents or other materials on file with the county board or governing body of the municipality shall be made available for public inspection at the office of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

Any person may file written comment with the county board or governing body of the municipality concerning the appropriateness of the proposed site for its intended purpose. The county board or governing body of the municipality shall consider any comment received or postmarked not later than 30 days after the date of the last public hearing.

New matter indicated by italics - deletions by strikeout
(d) At least one public hearing is to be held by the county board or governing body of the municipality no sooner than 90 days but no later than 120 days after the date on which it received the request for site approval. No later than 14 days prior to such hearing, notice shall be published in a newspaper of general circulation published in the county of the proposed site, and delivered by certified mail to all members of the General Assembly from the district in which the proposed site is located, to the governing authority of every municipality contiguous to the proposed site or contiguous to the municipality in which the proposed site is to be located, to the county board of the county where the proposed site is to be located, if the proposed site is located within the boundaries of a municipality, and to the Agency. Members or representatives of the governing authority of a municipality contiguous to the proposed site or contiguous to the municipality in which the proposed site is to be located and, if the proposed site is located in a municipality, members or representatives of the county board of a county in which the proposed site is to be located may appear at and participate in public hearings held pursuant to this Section. The public hearing shall develop a record sufficient to form the basis of appeal of the decision in accordance with Section 40.1 of this Act. The fact that a member of the county board or governing body of the municipality has publicly expressed an opinion on an issue related to a site review proceeding shall not preclude the member from taking part in the proceeding and voting on the issue.

(e) Decisions of the county board or governing body of the municipality are to be in writing, specifying the reasons for the decision, such reasons to be in conformance with subsection (a) of this Section. In granting approval for a site the county board or governing body of the municipality may impose such conditions as may be reasonable and necessary to accomplish the purposes of this Section and as are not inconsistent with regulations promulgated by the Board. Such decision shall be available for public inspection at the office of the county board or governing body of the municipality and may be copied upon payment of the actual cost of reproduction. If there is no final action by the county board or governing body of the municipality within 180 days after the date on which it received the request for site approval, the applicant may deem the request approved.

At any time prior to completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for cross-questioning by the county board or governing body of the municipality and any participants, the applicant may file not more than one amended application upon payment of additional fees pursuant to subsection (k); in which case the
time limitation for final action set forth in this subsection (e) shall be extended for an additional period of 90 days.

If, prior to making a final local siting decision, a county board or governing body of a municipality has negotiated and entered into a host agreement with the local siting applicant, the terms and conditions of the host agreement, whether written or oral, shall be disclosed and made a part of the hearing record for that local siting proceeding. In the case of an oral agreement, the disclosure shall be made in the form of a written summary jointly prepared and submitted by the county board or governing body of the municipality and the siting applicant and shall describe the terms and conditions of the oral agreement.

(e-5) Siting approval obtained pursuant to this Section is transferable and may be transferred to a subsequent owner or operator. In the event that siting approval has been transferred to a subsequent owner or operator, that subsequent owner or operator assumes and takes subject to any and all conditions imposed upon the prior owner or operator by the county board of the county or governing body of the municipality pursuant to subsection (e). However, any such conditions imposed pursuant to this Section may be modified by agreement between the subsequent owner or operator and the appropriate county board or governing body. Further, in the event that siting approval obtained pursuant to this Section has been transferred to a subsequent owner or operator, that subsequent owner or operator assumes all rights and obligations and takes the facility subject to any and all terms and conditions of any existing host agreement between the prior owner or operator and the appropriate county board or governing body.

(f) A local siting approval granted under this Section shall expire at the end of 2 calendar years from the date upon which it was granted, unless the local siting approval granted under this Section is for a sanitary landfill operation, in which case the approval shall expire at the end of 3 calendar years from the date upon which it was granted, and unless within that period the applicant has made application to the Agency for a permit to develop the site. In the event that the local siting decision has been appealed, such expiration period shall be deemed to begin on the date upon which the appeal process is concluded.

Except as otherwise provided in this subsection, upon the expiration of a development permit under subsection (k) of Section 39, any associated local siting approval granted for the facility under this Section shall also expire.

If a first development permit for a municipal waste incineration
Public Act 94-0591

Facility expires under subsection (k) of Section 39 after September 30, 1989 due to circumstances beyond the control of the applicant, any associated local siting approval granted for the facility under this Section may be used to fulfill the local siting approval requirement upon application for a second development permit for the same site, provided that the proposal in the new application is materially the same, with respect to the criteria in subsection (a) of this Section, as the proposal that received the original siting approval, and application for the second development permit is made before January 1, 1990.

(g) The siting approval procedures, criteria and appeal procedures provided for in this Act for new pollution control facilities shall be the exclusive siting procedures and rules and appeal procedures for facilities subject to such procedures. Local zoning or other local land use requirements shall not be applicable to such siting decisions.

(h) Nothing in this Section shall apply to any existing or new pollution control facility located within the corporate limits of a municipality with a population of over 1,000,000.

(i) (Blank.)

The Board shall adopt regulations establishing the geologic and hydrologic siting criteria necessary to protect usable groundwater resources which are to be followed by the Agency in its review of permit applications for new pollution control facilities. Such regulations, insofar as they apply to new pollution control facilities authorized to store, treat or dispose of any hazardous waste, shall be at least as stringent as the requirements of the Resource Conservation and Recovery Act and any State or federal regulations adopted pursuant thereto.

(j) Any new pollution control facility which has never obtained local siting approval under the provisions of this Section shall be required to obtain such approval after a final decision on an appeal of a permit denial.

(k) A county board or governing body of a municipality may charge applicants for siting review under this Section a reasonable fee to cover the reasonable and necessary costs incurred by such county or municipality in the siting review process.

(l) The governing Authority as determined by subsection (c) of Section 39 of this Act may request the Department of Transportation to perform traffic impact studies of proposed or potential locations for required pollution control facilities.

(m) An applicant may not file a request for local siting approval which is substantially the same as a request which was disapproved pursuant
to a finding against the applicant under any of criteria (i) through (ix) of subsection (a) of this Section within the preceding 2 years.

(n) In any review proceeding of a decision of the county board or governing body of a municipality made pursuant to the local siting review process, the petitioner in the review proceeding shall pay to the county or municipality the cost of preparing and certifying the record of proceedings. Should the petitioner in the review proceeding fail to make payment, the provisions of Section 3-109 of the Code of Civil Procedure shall apply.

In the event the petitioner is a citizens' group that participated in the siting proceeding and is so located as to be affected by the proposed facility, such petitioner shall be exempt from paying the costs of preparing and certifying the record.

(o) Notwithstanding any other provision of this Section, a transfer station used exclusively for landscape waste, where landscape waste is held no longer than 24 hours from the time it was received, is not subject to the requirements of local siting approval under this Section, but is subject only to local zoning approval.

(Source: P.A. 91-588, eff. 8-14-99; 92-574, eff. 6-26-02.)

Section 98. Applicability. The change made to Section 39.2 of the Environmental Protection Act by this amendatory Act of the 94th General Assembly applies only to siting applications filed on or after the effective date of this amendatory Act.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 18, 2005.

Approved August 15, 2005.

Effective August 15, 2005.

PUBLIC ACT 94-0592

(House Bill No. 1181)

AN ACT concerning fish and aquatic life.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Fish and Aquatic Life Code is amended by changing Sections 1-55, 1-125, 10-100, 20-35, and 20-70 and by adding Section 1-53 as follows:

(515 ILCS 5/1-53 new)


New matter indicated by italics - deletions by strikeout
Sec. 1-55. Minnow. "Minnow" means any fish in the family Cyprinidae except common carp (Cyprinus carpio), and goldfish (Carassius auratus), and Asian carp [bighead carp (Hypophthalmichthys nobilis), black carp (Mylopharyngodon piceus), grass carp (Ctenopharyngodon idella), and silver carp (Hypophthalmichthys molotrix)].

(Source: P.A. 87-833.)

Sec. 1-125. Administrative rules. The Department is authorized to issue administrative rules for carrying out, administering, and enforcing the provisions of this Code. The administrative rules shall be promulgated in accordance with the Illinois Administrative Procedure Act.

Rules, after becoming effective, shall be enforced in the same manner as are any other provisions of this Code. It is unlawful for any person to violate any provision of any administrative rule promulgated by the Department. Violators of administrative rules are subject to the penalties set out in this Code.

(Source: P.A. 89-66, eff. 1-1-96.)

Sec. 10-100. Release of aquatic life.

(a) It shall be unlawful to release any aquatic life into the wild in waters of this State without first securing permission of the Department to do so, except that the owner of a body of water may release aquatic life indigenous to the State of Illinois into waters wholly upon his or her property that are indigenous to the State of Illinois. The Department shall have the authority to promulgate necessary rules and regulations, under the Illinois Administrative Procedure Act, regulating the possession, transportation, and shipping of aquatic life not indigenous to the State of Illinois. All aquatic life may be immediately returned unharmed released into waters from which they were taken.

(b) It is unlawful to possess, transport, or release any live specimen or viable gametes of any species listed as injurious by administrative rule, unless authorized by that rule. A violation of this subsection (b) is a Class A misdemeanor.

(Source: P.A. 89-66, eff. 1-1-96.)

Sec. 20-35. Offenses.

(a) Except as prescribed in Section 5-25 and unless otherwise provided in this Code, any person who is found guilty of violating any of the
provisions of this Code, including administrative rules, is guilty of a petty offense.


Any person who violates any of the provisions of Section 1-200, 1-205, 10-55, 10-80, 10-100(b), 15-35, or 20-120 of this Code, including administrative rules relating to those Sections, is guilty of a Class A misdemeanor.

Any person who violates any of the provisions of this Code, including administrative rules, during the 5 years following the revocation of his or her license, permit, or privileges under Section 20-105 is guilty of a Class A misdemeanor.

Any person who violates Section 5-25 of this Code, including administrative rules, is guilty of a Class 3 felony.

(b)(1) It is unlawful for any person to take or attempt to take aquatic life from any aquatic life farm except with the consent of the owner of the aquatic life farm. Any person possessing fishing tackle on the premises of an aquatic life farm is presumed to be fishing. The presumption may be rebutted by clear and convincing evidence. All fishing tackle, apparatus, and vehicles used in the violation of this subsection (b) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in the violation of this subsection (b), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

(2) A violation of paragraph (1) of this subsection (b) is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(c)(1) It is unlawful for any person to trespass or fish on an aquatic life farm located on a strip mine lake or other body of water used for aquatic life farming operations, or within a 200 foot buffer zone surrounding cages
or netpens that are clearly delineated by buoys of a posted aquatic life farm, by swimming, scuba diving, or snorkeling in, around, or under the aquatic life farm or by operating a watercraft over, around, or in the aquatic life farm without the consent of the owner of the aquatic life farm.

(2) A violation of paragraph (1) of this subsection (c) is a Class B misdemeanor for a first offense and a Class A misdemeanor for a second or subsequent offense. All fishing tackle, apparatus, and watercraft used in a second or subsequent violation of this subsection (c) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in a violation of this subsection (c), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

(d) Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section or as otherwise provided in this Code.

(e) In addition to any fines imposed under this Section, or as otherwise provided in this Code, any person found guilty of unlawfully taking or possessing any aquatic life protected by this Code shall be assessed a civil penalty for that aquatic life in accordance with the values prescribed in Section 5-25 of this Code. This civil penalty shall be imposed at the time of the conviction by the Circuit Court for the county where the offense was committed. Except as otherwise provided for in subsections (b) and (c) of this Section, all penalties provided for in this Section shall be remitted to the Department in accordance with the provisions of Section 1-180 of this Code.

(515 ILCS 5/20-70) (from Ch. 56, par. 20-70)

Sec. 20-70. Non-resident and resident aquatic fish dealers. Non-resident and resident aquatic fish dealers shall maintain records of all fish and other aquatic life bought, sold, or shipped in Illinois. These records shall include the name of the seller and the species and poundage of the fish or aquatic life involved. The records shall be kept for a minimum of one year from the date of the transaction and shall be made immediately available to authorized employees of the Department upon request.

(a) Non-resident aquatic fish dealers. Any person not a resident of Illinois who sells or ships to other wholesalers, retailers, or consumers any
of the aquatic life protected by this Code, whether from waters within or without the State is a non-resident aquatic life fish dealer within the meaning of this Code.

All licenses issued to non-resident aquatic life fish dealers are valid only in the location described and designated in the application for the license. Wholesalers may deliver their products by truck or common carrier of any type but must possess a separate license for each truck from which aquatic life are being sold if business is solicited from the trucks.

Application for a non-resident aquatic life fish dealer's license shall be made to and upon forms furnished by the Department and shall be in the form as the Department may prescribe. The annual fee for a non-resident aquatic life fish dealer's license shall be $100. All non-resident aquatic life fish dealer licenses shall expire on January 31 of each year.

Non-residents purchasing aquatic life fish in Illinois for sale solely outside the State are exempt from possessing an aquatic life fish dealer's license if purchases are made from a licensed resident wholesale or retail aquatic life fish dealer.

(b) Resident aquatic life fish dealer's licenses. Any person conducting a fish market or buying, selling, or shipping any aquatic life (except minnows) protected by this Code, whether from waters within or without the State, shall first procure a license from the Department to do so, including any commercial fisherman selling live fish for stocking only. Any commercial fisherman person selling fish legally caught or taken by themselves to a resident licensed wholesale aquatic life fish dealer, however, is exempt from the provisions of this Section.

(1) Wholesale aquatic life fish dealer's license. Any resident of this State who, within the State of Illinois, conducts a wholesale fish market or who sells or ships to any other wholesaler, retailer, or other commercial institution aquatic life indigenous to this State (except minnows) and protected by this Code, whether from waters within or without the State, is a resident wholesale aquatic life fish dealer in the meaning of this Code.

This provision, however, does not apply to minnows or saltwater species commonly used as seafood that will not survive in freshwater, such as lobsters, clams, mussels, and oysters.

All licenses issued to resident wholesale aquatic life fish dealers are valid only in the location described and designated in the application for license. Wholesale aquatic life fish dealers may deliver their products by truck or other common carrier but must
possess a separate license for each truck from which aquatic life is being sold if business is solicited from the truck. Applications for resident wholesale aquatic life fish dealer's licenses shall be made to and upon forms furnished by the Department, which shall be in the form as the Department may prescribe. The annual license fee for each wholesale aquatic life fish dealer's license is $50. All wholesale aquatic life fish dealer's licenses shall expire on January 31 of each year.

(2) Retail aquatic life fish dealer's license. Any resident of the State of Illinois who, within the State of Illinois, conducts a retail fish market where he or she sells or offers for sale any aquatic life indigenous to this State (except minnows) and protected by this Code, whether from waters from within or without the State, is a retail aquatic life fish dealer in the meaning of this Code. This provision, however, does not apply to minnows or saltwater species commonly used as seafood that will not survive in freshwater, such as lobsters, clams, mussels, and oysters.

All licenses issued to resident aquatic life fish dealers are valid only in the location described and designated in the application for the license. Retailers may deliver their products by truck or other common carrier but must possess a separate license for each truck from which aquatic life is being sold if business is solicited from the truck.

Applications for resident retail aquatic life fish dealer's licenses shall be made to and upon forms furnished by the Department, which shall be in the form the Department may prescribe. The annual license for each resident retail aquatic life fish dealer's license is $10. All these licenses shall expire on January 31 of each year.

(3) Separate licenses. A license shall be procured for each separate fish market or place of business operated by any wholesale or retail aquatic life fish dealer, whether a resident or non-resident, and for each vehicle from which aquatic life is sold. All licenses shall be conspicuously displayed at all times.

(c) The Department may adopt administrative rules pertaining to non-resident and resident aquatic life dealers. Any person who violates any provision of this Section 20-70, or related administrative rule, is guilty of a Class B misdemeanor.

(Source: P.A. 89-66, eff. 1-1-96.)

New matter indicated by italics - deletions by strikeout
AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The One Day Rest In Seven Act is amended by adding Section 3.1 as follows:

(820 ILCS 140/3.1 new)

Sec. 3.1. Hotel room attendants.

(a) As used in this Section, "hotel room attendant" means a person who cleans or puts in order guest rooms in a hotel or other establishment licensed for transient occupancy.

(b) This Section applies only to hotels and other establishments licensed for transient occupancy that are located in a county with a population greater than 3,000,000.

(c) Notwithstanding any other provision of law, every hotel room attendant shall receive a minimum of 2 15-minute paid rest breaks and one 30-minute meal period in each workday on which the hotel room attendant works at least 7 hours. An employer may not require any hotel room attendant to work during a break period.

(d) Every employer of hotel room attendants shall make available at all times a room on the employer's premises with adequate seating and tables for the purpose of allowing hotel room attendants to enjoy break periods in a clean and comfortable environment. The room shall have clean drinking water provided without charge.

(e) Each employer of hotel room attendants shall keep a complete and accurate record of the break periods of its hotel room attendants.

(f) An employer who violates this Section shall pay to the hotel room attendant 3 times the hotel room attendant's regular hourly rate of pay for each workday during which the required breaks were not provided.

(g) It is unlawful for any employer or an employer's agent or representative to take any action against any person in retaliation for the exercise of rights under this Section. In any civil proceeding brought under this subsection (f), if the plaintiff establishes that he or she was employed by

New matter indicated by italics - deletions by strikeout
the defendant, exercised rights under this Section, or alleged in good faith that the defendant was not complying with this Section, and was thereafter terminated, demoted, or otherwise penalized by the defendant, then a rebuttable presumption shall arise that the defendant's action was taken in retaliation for the exercise of rights established by this Section. To rebut the presumption, the defendant must prove that the sole reason for the termination, demotion, or penalty was a legitimate business reason.

(h) In addition to the remedies provided in Sections 6 and 7, a person claiming violation of this Section shall be entitled to all remedies available under law or in equity, including but not limited to damages, back pay, reinstatement, or injunctive relief. Any person terminated in violation of this Section shall recover treble his or her lost normal daily compensation and fringe benefits, together with interest thereon, and any consequential damages suffered by the employee. The court shall award reasonable attorney's fees and costs to a prevailing plaintiff in an enforcement action under this Section.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 20, 2005.
Approved August 15, 2005.
Effective August 15, 2005.

PUBLIC ACT 94-0594
(Senate Bill No. 1221)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by adding Section 12-613 as follows:

(625 ILCS 5/12-613 new)
Sec. 12-613. Possession and use of radar or laser jamming devices prohibited.
(a) Except as provided in subsection (b), a person may not operate or be in actual physical control of a motor vehicle while the motor vehicle is equipped with any instrument designed to interfere with microwaves or lasers at frequencies used by police radar for the purpose of monitoring vehicular speed.

New matter indicated by italics - deletions by strikeout
(b) A person operating a motor vehicle who possesses within the vehicle a radar or laser jamming device that is contained in a locked opaque box or similar container, or that is not in the passenger compartment of the vehicle, and that is not in operation, is not in violation of this Section.

(c) Any person found guilty of violating this Section is guilty of a petty offense. A minimum fine of $50 shall be imposed for a first offense and a minimum fine of $100 for a second or subsequent offense.

(d) The radar or laser jamming device or mechanism shall be seized by the law enforcement officer at the time of the violation. This Section does not authorize the permanent forfeiture to the State of any radar or laser jamming device or mechanism. The device or mechanism shall be taken and held for the period when needed as evidence. When no longer needed for evidence, the defendant may petition the court for the return of the device or mechanism. The defendant, however, must prove to the court by a preponderance of the evidence that the device or mechanism will be used only for a legitimate and lawful purpose.

(d) A law enforcement officer may not stop or search any motor vehicle or the driver of any motor vehicle solely on the basis of a violation or suspected violation of this Section.

(625 ILCS 5/12-715 rep.)

Section 10. The Illinois Vehicle Code is amended by repealing Section 12-715.

Passed in the General Assembly May 18, 2005.

Approved August 15, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0595
(Senate Bill No. 1443)

AN ACT concerning courts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Clerks of Courts Act is amended by changing Section 27.3a as follows:

(705 ILCS 105/27.3a) (from Ch. 25, par. 27.3a)

Sec. 27.3a. Fees for automated record keeping.

1. The expense of establishing and maintaining automated record keeping systems in the offices of the clerks of the circuit court shall be borne by the county. To defray such expense in any county having established such

New matter indicated by italics - deletions by strikeout
an automated system or which elects to establish such a system, the county board may require the clerk of the circuit court in their county to charge and collect a court automation fee of not less than $1 nor more than $15 to be charged and collected by the clerk of the court. Such fee shall be paid at the time of filing the first pleading, paper or other appearance filed by each party in all civil cases or by the defendant in any felony, traffic, misdemeanor, municipal ordinance, or conservation case upon a judgment of guilty or grant of supervision, provided that the record keeping system which processes the case category for which the fee is charged is automated or has been approved for automation by the county board, and provided further that no additional fee shall be required if more than one party is presented in a single pleading, paper or other appearance. Such fee shall be collected in the manner in which all other fees or costs are collected.

2. Each clerk shall commence such charges and collections upon receipt of written notice from the chairman of the county board together with a certified copy of the board's resolution, which the clerk shall file of record in his office.

3. Such fees shall be in addition to all other fees and charges of such clerks, and assessable as costs, and may be waived only if the judge specifically provides for the waiver of the court automation fee. The fees shall be remitted monthly by such clerk to the county treasurer, to be retained by him in a special fund designated as the court automation fund. The fund shall be audited by the county auditor, and the board shall make expenditure from the fund in payment of any cost related to the automation of court records, including hardware, software, research and development costs and personnel related thereto, provided that the expenditure is approved by the clerk of the court and by the chief judge of the circuit court or his designate.

4. Such fees shall not be charged in any matter coming to any such clerk on change of venue, nor in any proceeding to review the decision of any administrative officer, agency or body.

(Source: P.A. 87-669; 87-670; 87-671; 87-838; 87-1230.)
Passed in the General Assembly May 18, 2005.
Approved August 15, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0596
(Senate Bill No. 1444)

AN ACT concerning courts.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Clerks of Courts Act is amended by changing Section 27.3c as follows:

(705 ILCS 105/27.3c) (from Ch. 25, par. 27.3c)

Sec. 27.3c. Document storage system.

(a) The expense of establishing and maintaining a document storage system in the offices of the circuit court clerks in the several counties of this State shall be borne by the county. To defray the expense in any county that elects to establish a document storage system and convert the records of the circuit court clerk to electronic or micrographic storage, the county board may require the clerk of the circuit court in its county to collect a court document fee of not less than $1 nor more than $15, to be charged and collected by the clerk of the court. The fee shall be paid at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases or by the defendant in any felony, misdemeanor, traffic, ordinance, or conservation matter on a judgment of guilty or grant of supervision, provided that the document storage system is in place or has been authorized by the county board and further that no additional fee shall be required if more than one party is presented in a single pleading, paper, or other appearance. The fee shall be collected in the manner in which all other fees or costs are collected. The court document fee provided in this subsection (a) shall not apply to any petty offense moving violation written by a municipal police department in counties having a population of more than 650,000 but less than 3,000,000 inhabitants whether written under the Illinois Vehicle Code or under any municipal ordinance.

(b) Each clerk shall commence charges and collections of a court document fee upon receipt of written notice from the chairman of the county board together with a certified copy of the board's resolution, which the clerk shall file of record in his or her office.

(c) Court document fees shall be in addition to other fees and charges of the clerk, shall be assessable as costs, and may be waived only if the judge specifically provides for the waiver of the court document storage fee. The fees shall be remitted monthly by the clerk to the county treasurer, to be retained by the treasurer in a special fund designated as the Court Document Storage Fund. The fund shall be audited by the county auditor, and the board shall make expenditures from the fund in payment of any costs relative to the storage of court records, including hardware, software, research and development costs, and related personnel, provided that the expenditure is

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0596

approved by the clerk of the circuit court.

(d) A court document fee shall not be charged in any matter coming to the clerk on change of venue or in any proceeding to review the decision of any administrative officer, agency, or body.

(Source: P.A. 86-1386; 87-670.)

Passed in the General Assembly May 18, 2005.
Approved August 15, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0597
(Senate Bill No. 2043)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Employment Records Act is amended by changing Section 20 as follows:

(5 ILCS 410/20)
Sec. 20. Reports. State agencies shall collect, classify, maintain, and report all information required by this Act on a fiscal year basis. Agencies shall file, as public information and by January 1, 1993 and each year thereafter, a copy of all reports required by this Act with the Office of the Secretary of State, and shall submit an annual report to the Governor.

Each agency's annual report shall include a description of the agency's activities in implementing the State Hispanic Employment Plan and the bilingual employment plan in accordance with the reporting requirements developed by the Department of Central Management Services pursuant to Section 405-125 of the Civil Administrative Code.

(Source: P.A. 87-1211.)

Section 10. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Sections 405-120 and 405-125 as follows:

(20 ILCS 405/405-120) (was 20 ILCS 405/67.29)
Sec. 405-120. Hispanic and bilingual employees. The Department shall develop and implement plans to increase the number of Hispanics employed by State government and the number of bilingual persons employed in State government at supervisory, technical, professional, and managerial levels.

*The Department shall prepare and revise annually a State Hispanic*
Employment Plan in consultation with individuals and organizations informed on this subject. The Department shall report to the General Assembly by February 1 of each year each State agency's activities in implementing the State Hispanic Employment Plan.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 405/405-125) (was 20 ILCS 405/67.31)

Sec. 405-125. State agency affirmative action and equal employment opportunity goals. Each State agency shall implement strategies and programs in accordance with the State Hispanic Employment Plan to increase the number of Hispanics employed by the State and the number of bilingual persons employed by the State at supervisory, technical, professional, and managerial levels. Each State agency shall report annually to the Department and the Department of Human Rights, in a format prescribed by the Department, all of the agency's activities in implementing the State Hispanic Employment Plan. Each agency’s annual report shall include reports or information related to the agency’s Hispanic and bilingual employment strategies and programs that the agency has received from the Illinois Department of Human Rights, the Department of Central Management Services, or the Auditor General, pursuant to their periodic review responsibilities; findings made by the Governor in his or her report to the General Assembly; assessments of bilingual service needs based upon the agency's service populations; information on the agency's studies and monitoring success concerning the number of Hispanics and bilingual persons employed by the agency at the supervisory, technical, professional, and managerial levels and any increases in those categories from the prior year; and information concerning the agency’s Hispanic and bilingual employment budget allocations. The Department shall assist State agencies required to establish preparation and promotion training programs under subsection (H) of Section 7-105 of the Illinois Human Rights Act for failure to meet their affirmative action and equal employment opportunity goals. The Department shall survey State agencies to identify effective existing training programs and shall serve as a resource to other State agencies. The Department shall assist agencies in the development and modification of training programs to enable them to meet their affirmative action and equal employment opportunity goals and shall provide information regarding other existing training and educational resources, such as the Upward Mobility Program, the Illinois Institute for Training and Development, and the Central Management Services Training Center, Executive Recruitment Internships, and Graduate Public Service Internships.

New matter indicated by italics - deletions by strikeout
(Source: P.A. 91-239, eff. 1-1-00.)

Passed in the General Assembly May 18, 2005.
Approved August 15, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0598
(House Bill No. 0361)

AN ACT concerning economic development.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-685 as follows:

(20 ILCS 605/605-685 new)

Sec. 605-685. Business park certification program.

(a) The Department may, subject to appropriation, establish and maintain a program devoted to encouraging the rapid establishment of businesses and employers in business parks by developing standards for the development, location, and maintenance of business parks in the State and by certifying business parks that meet or exceed those standards.

(b) The Department may, subject to appropriation, advertise the program to encourage business park certification and business development and location in certified business parks.

(c) The Department must adopt rules to administer the provisions of this Section.

(d) A business park that meets the Department's certification standards and that was established before the effective date of this amendatory Act may receive certification under the program.

Section 99. Effective date. This Act takes effect January 1, 2006.
Approved August 16, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0599
(House Bill No. 0594)

AN ACT concerning volunteer emergency workers.

Be it enacted by the People of the State of Illinois, represented in the

New matter indicated by italics - deletions by strikeout
General Assembly:
   Section 5. The Volunteer Firefighter Job Protection Act is amended by changing Sections 1, 3, 5, and 20 as follows:
   (50 ILCS 748/1)
   Sec. 1. Short title. This Act may be cited as the Volunteer Emergency Worker Firefighter Job Protection Act.
   (Source: P.A. 93-1027, eff. 8-25-04.)
   (50 ILCS 748/3)
   Sec. 3. Definitions. As used in this Act:
   "Volunteer emergency worker firefighter" means a firefighter who does not receive monetary compensation for his or her services to a fire department or fire protection district and who does not work for any other fire department or fire protection district for monetary compensation. "Volunteer emergency worker firefighter" also means a person who does not receive monetary compensation for his or her services as a volunteer Emergency Medical Technician (licensed as an EMT-B, EMT-I, or EMT-P under the Emergency Medical Services (EMS) Systems Act), a volunteer ambulance driver or attendant, or a volunteer "First Responder", as defined in Sec. 3.60 of the Emergency Medical Services (EMT) Systems Act, to a fire department, fire protection district, or other governmental entity and who does not work in one of these capacities for any other fire department, fire protection district, or governmental entity for monetary compensation.
   "Monetary compensation" does not include a monetary incentive awarded to a firefighter by the board of trustees of a fire protection district under Section 6 of the Fire Protection District Act.
   (Source: P.A. 93-1027, eff. 8-25-04.)
   (50 ILCS 748/5)
   Sec. 5. Volunteer emergency worker firefighter; when termination of employment prohibited.
   (a) No public or private employer may terminate an employee who is a volunteer emergency worker firefighter because the employee, when acting as a volunteer emergency worker firefighter, is absent from or late to his or her employment in order to respond to an emergency prior to the time the employee is to report to his or her place of employment.
   (b) An employer may charge, against the employee's regular pay, any time that an employee who is a volunteer emergency worker firefighter loses from employment because of the employee's response to an emergency in the course of performing his or her duties as a volunteer emergency worker firefighter.

New matter indicated by italics - deletions by strikeout
(c) In the case of an employee who is a volunteer emergency worker firefighter and who loses time from his or her employment in order to respond to an emergency in the course of performing his or her duties as a volunteer emergency worker firefighter, the employer has the right to request the employee to provide the employer with a written statement from the supervisor or acting supervisor of the volunteer fire department or governmental entity that the volunteer emergency worker serves stating that the employee responded to an emergency and stating the time and date of the emergency.

(d) An employee who is a volunteer emergency worker firefighter and who may be absent from or late to his or her employment in order to respond to an emergency in the course of performing his or her duties as a volunteer emergency worker firefighter must make a reasonable effort to notify his or her employer that he or she may be absent or late.

(Source: P.A. 93-1027, eff. 8-25-04.)

(50 ILCS 748/20)

Sec. 20. Applicability. This Act does not apply to any employer that is a municipality. This Act applies only to municipalities with a population of 3,500 or more.

(Source: P.A. 93-1027, eff. 8-25-04.)

Passed in the General Assembly May 19, 2005.
Approved August 16, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0600
(House Bill No. 2693)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the School Safety Drill Act.

Section 5. Definitions. In this Act:
"First responder" means and includes all fire departments and districts, law enforcement agencies and officials, emergency medical responders, and emergency management officials involved in the execution and documentation of the drills administered under this Act.

"School" means a public or private facility that offers elementary or secondary education to students under the age of 21. As used in this

New matter indicated by italics - deletions by strikeout
definition, "public facility" means a facility operated by the State or by a unit of local government. As used in this definition, "private facility" means any non-profit, non-home-based, non-public elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code. While more than one school may be housed in a facility, for purposes of this Act, the facility shall be considered a school. When a school has more than one location, for purposes of this Act, each different location shall be considered its own school.

"School safety drill" means a pre-planned exercise conducted by a school in accordance with the drills and requirements set forth in this Act.

Section 10. Purpose. The purpose of this Act is to establish minimum requirements and standards for schools to follow when conducting school safety drills and reviewing school emergency and crisis response plans and to encourage schools and first responders to work together for the safety of children. Communities and schools may exceed these requirements and standards.

Section 15. Types of drills. Under this Act, the following school safety drills shall be instituted by all schools in this State:

(1) School evacuation drills, which shall address and prepare students and school personnel for situations that occur when conditions outside of a school building are safer than inside a school building. Evacuation incidents are based on the needs of particular communities and may include without limitation the following:
   (A) fire;
   (B) suspicious items;
   (C) incidents involving hazardous materials, including, but not limited to, chemical, incendiary, and explosives; and
   (D) bomb threats.

(2) Bus evacuation drills, which shall address and prepare students and school personnel for situations that occur when conditions outside of a bus are safer than inside the bus. Evacuation incidents are based on the needs of particular communities and may include without limitation the following:
   (A) fire;
   (B) suspicious items; and
   (C) incidents involving hazardous materials, including, but not limited to, chemical, incendiary, and
explosives.

(3) Law enforcement drills, which shall address and prepare students and school personnel for situations calling for the involvement of law enforcement when conditions inside a school building are safer than outside of a school building and it is necessary to protect building occupants from potential dangers in a school building. Law enforcement drills may involve situations that call for the reverse-evacuation or the lock-down of a school building. Evacuations incidents may include without limitation the following:

(A) shooting incidents;
(B) bomb threats;
(C) suspicious persons; and
(D) incidents involving hazardous materials.

(4) Severe weather and shelter-in-place drills, which shall address and prepare students for situations involving severe weather emergencies or the release of external gas or chemicals. Severe weather and shelter-in-place incidents shall be based on the needs and environment of particular communities and may include without limitation the following:

(A) severe weather, including, but not limited to, shear winds, lightning, and earthquakes;
(B) incidents involving hazardous materials, including, but not limited to, chemical, incendiary, and explosives; and
(C) incidents involving weapons of mass destruction, including, but not limited to, biological, chemical, and nuclear weapons.

Section 20. Number of drills; incidents covered; local authority participation.

(a) During each academic year, schools must conduct a minimum of 3 school evacuation drills to address and prepare students and school personnel for fire incidents. These drills must meet all of the following criteria:

(1) One of the 3 school evacuation drills shall require the participation of the appropriate local fire department or district.

(A) Each local fire department or fire district must contact the appropriate school administrator or his or her designee no later than September 1 of each year in order to arrange for the participation of the department or district in
the school evacuation drill.

(B) Each school administrator or his or her designee must contact the responding local fire official no later than September 15 of each year and propose to the local fire official 4 dates within the month of October, during at least 2 different weeks of October, on which the drill shall occur. The fire official may choose any of the 4 available dates, and if he or she does so, the drill shall occur on that date.

(C) The school administrator or his or her designee and the local fire official may also, by mutual agreement, set any other date for the drill, including a date outside of the month of October.

(D) If the fire official does not select one of the 4 offered dates in October or set another date by mutual agreement, the requirement that the school include the local fire service in one of its mandatory school evacuation drills shall be waived. Schools, however, shall continue to be strongly encouraged to include the fire service in a school evacuation drill at a mutually agreed-upon time.

(E) Upon the participation of the local fire service, the appropriate local fire official shall certify that the school evacuation drill was conducted.

(F) When scheduling the school evacuation drill, the school administrator or his or her designee and the local fire department or fire district may, by mutual agreement on or before September 14, choose to waive the provisions of subparagraphs (B), (C), and (D) of this paragraph (1). Additional school evacuation drills for fire incidents may involve the participation of the appropriate local fire department or district.

(2) Schools may conduct additional school evacuation drills to account for other evacuation incidents, including without limitation suspicious items or bomb threats.

(3) All drills shall be conducted at each school building that houses school children.

(b) During each academic year, schools must conduct a minimum of one bus evacuation drill. This drill shall be accounted for in the curriculum in all public schools and in all other educational institutions in this State that are supported or maintained, in whole or in part, by public funds and that

New matter indicated by italics - deletions by strikeout
provide instruction in any of the grades kindergarten through 12. This curriculum shall include instruction in safe bus riding practices for all students. Schools may conduct additional bus evacuation drills. All drills shall be conducted at each school building that houses school children.

(c) During each academic year, schools may conduct strongly encouraged law enforcement drills to address and prepare students and school personnel for incidents, including without limitation reverse evacuations, lock-downs, shootings, bomb threats, or hazardous materials.

(1) If conducted, a law enforcement drill must meet all of the following criteria:

(A) During each calendar year, the appropriate local law enforcement agency shall contact the appropriate school administrator to request to participate in a law enforcement drill and may actively participate on-site in a drill.

(B) Upon the participation of a local law enforcement agency in a law enforcement drill, the appropriate local law enforcement official shall certify that the law enforcement drill was conducted.

(2) Schools may conduct additional law enforcement drills at their discretion.

(3) All drills shall be conducted at each school building that houses school children.

(d) During each academic year, schools must conduct a minimum of one severe weather and shelter-in-place drill to address and prepare students and school personnel for possible tornado incidents and may conduct additional severe weather and shelter-in-place drills to account for other incidents, including without limitation earthquakes or hazardous materials. All drills shall be conducted at each school building that houses school children.

Section 25. Annual review.

(a) Each public school district, through its school board or the board's designee, shall conduct a minimum of one annual meeting at which it will review each school building's emergency and crisis response plans, protocols, and procedures and each building's compliance with the school safety drill programs. The purpose of this annual review shall be to review and update the emergency and crisis response plans, protocols, and procedures and the school safety drill programs of the district and each of its school buildings.

(b) Each school board or the board's designee is required to participate in the annual review and to invite each of the following parties to the annual review and provide each party with a minimum of 30-days' notice before the
date of the annual review:

(1) The principal of each school within the school district or his or her official designee.

(2) Representatives from any other education-related organization or association deemed appropriate by the school district.

(3) Representatives from all local first responder organizations to participate, advise, and consult in the review process, including, but not limited to:

   (A) the appropriate local fire department or district;
   (B) the appropriate local law enforcement agency;
   (C) the appropriate local emergency medical services agency if the agency is a separate, local first responder unit; and

   (D) any other member of the first responder or emergency management community that has contacted the district superintendent or his or her designee during the past year to request involvement in a school's emergency planning or drill process.

(4) The school board or its designee may also choose to invite to the annual review any other persons whom it believes will aid in the review process, including, but not limited to, any members of any other education-related organization or the first responder or emergency management community.

(c) Upon the conclusion of the annual review, the school board or the board's designee shall sign a one page report, which may be in either a check-off format or a narrative format, that does the following:

   (1) summarizes the review's recommended changes to the existing school safety plans and drill plans;
   (2) lists the parties that participated in the annual review, and includes the annual review's attendance record;
   (3) certifies that an effective review of the emergency and crisis response plans, protocols, and procedures and the school safety drill programs of the district and each of its school buildings has occurred;
   (4) states that the school district will implement those plans, protocols, procedures, and programs, during the academic year; and
   (5) includes the authorization of the school board or the board's designee.

(d) The school board or its designee shall send a copy of the report to

New matter indicated by italics - deletions by strikeout
each party that participates in the annual review process and to the appropriate regional superintendent of schools. If any of the participating parties have comments on the certification document, those parties shall submit their comments in writing to the appropriate regional superintendent. The regional superintendent shall maintain a record of these comments. The certification document may be in a check-off format or narrative format, at the discretion of the district superintendent.

(e) The review must occur at least once during the calendar year, at a specific time chosen at the school district superintendent’s discretion.

Section 30. Reporting; duties of the State Fire Marshal, regional superintendents, and the State Board of Education.

(a) The Office of the State Fire Marshal shall accept, directly, one-page annual review compliance reports from private schools. The Office of the State Fire Marshal shall create a mechanism for the reporting and filing of these reports and give notice to the private schools as to how this reporting shall be made. The Office of the State Fire Marshal shall make these records available directly to the State Board of Education.

(b) Each regional superintendent of schools shall provide an annual school safety review compliance report to the State Board of Education as a part of its regular annual report to the State Board, which shall set forth those school districts that have successfully completed their annual review and those school districts that have failed to complete their annual review. These reports shall be delivered to the State Board of Education on or before October 1 of each year.

(c) The State Board of Education shall file and maintain records of the annual school safety review compliance reports received from each of the regional superintendents of schools. The State Board shall be responsible for ensuring access to the records by the Office of the State Fire Marshal and other State agencies. The State Board shall provide an annual report to the Office of the Governor and the Office of the State Fire Marshal concerning the compliance of school districts with the annual school safety review requirement.

Section 35. Reporting and recording mechanism for fires. The Office of the State Fire Marshal, in conjunction with the State Board of Education, shall create a reporting and recording mechanism concerning fires that occur in schools located in this State. The recording system shall be based in the Office of the State Fire Marshal.

Section 40. Common rules. The State Board of Education and the Office of the State Fire Marshal shall cooperate together and coordinate with

New matter indicated by italics - deletions by strikeout
all appropriate education, first responder, and emergency management officials to (i) develop and implement one common set of rules to be administered under this Act and (ii) develop clear and definitive guidelines to school districts, private schools, and first responders as to how to develop school emergency and crisis response plans, how to develop school emergency and crisis response plans, how to exercise and drill based on such plans, and how to incorporate lessons learned from these exercises and drills into school emergency and crisis response plans.

(105 ILCS 5/2-3.129 rep.)
(105 ILCS 5/10-20.22 rep.)
(105 ILCS 5/10-20.23 rep.)
(105 ILCS 5/10-20.32 rep.)
(105 ILCS 5/27-26 rep.)
(105 ILCS 5/34-18.19 rep.)


(105 ILCS 120/Act rep.)
Section 915. The Fire Drill Act is repealed.
Section 990. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)
Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 999. Effective date. This Act takes effect June 1, 2005.
Passed in the General Assembly May 19, 2005.
Approved August 16, 2005.
Effective August 16, 2005.

PUBLIC ACT 94-0601
(House Bill No. 0237)

AN ACT concerning landlords.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Landlord and Tenant Act is amended by changing Section 1 as follows:

(765 ILCS 705/1) (from Ch. 80, par. 91)
Sec. 1. Liability exemptions.

New matter indicated by italics - deletions by strikeout
(a) Except as otherwise provided in subsection (b), every covenant, agreement, or understanding in or in connection with or collateral to any lease of real property, exempting the lessor from liability for damages for injuries to person or property caused by or resulting from the negligence of the lessor, his or her agents, servants or employees, in the operation or maintenance of the demised premises or the real property containing the demised premises shall be deemed to be void as against public policy and wholly unenforceable.

(b) Subsection (a) does not apply to a provision in a non-residential lease that exempts the lessor from liability for property damage.

(Source: P.A. 84-551.)


PUBLIC ACT 94-0602
(House Bill No. 0395)

AN ACT concerning public health.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 5. The Department of Public Health Powers and Duties Law
of the Civil Administrative Code of Illinois is amended by adding Section
2310-612 as follows:

(20 ILCS 2310/2310-612 new)
Sec. 2310-612. Blindness prevention grants.

(a) From funds appropriated from the Blindness Prevention Fund, a
special fund created in the State treasury, the Department must make grants
to charitable or educational entities in Illinois for the purpose of funding (i)
public education on the importance of eye care and the prevention of
blindness and (ii) the provision of eye care to children, senior citizens, and
other needy individuals whose needs are not covered by any other source of
funds.

(b) Grants under this Section must be awarded on both a statewide
and regional basis, taking into consideration each region’s contributions to
the Fund. At least 25% of the grants must be made to regional grantees.

(c) A grant under this Section shall be made for a period of one year
and, subject to the availability of funds, may be renewed by the Department.

(d) The Department must create an advisory committee to make

New matter indicated by italics - deletions by strikeout
recommendations to the Department concerning grant proposals. The advisory committee shall consist of one representative from the Illinois Society for the Prevention of Blindness, one licensed doctor of optometry, one member of the Gateway Lions & Partners, one optometric educator from a school of optometry located within Illinois, and one member from the general public. Members of the advisory committee may not receive compensation or reimbursement for their services. Members of the committee must recuse themselves from consideration of any grant proposals submitted by any entity from which they were appointed.

(e) The Department must adopt any rules necessary to implement and administer this Section, including, without limitation, a methodology for determining regions of the State.

Section 10. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)
Sec. 5.640. The Blindness Prevention Fund.

Section 15. The Illinois Income Tax Act is amended by adding Section 507EE and amending Sections 509 and 510 as follows:

(35 ILCS 5/507EE new)
Sec. 507EE. Blindness Prevention Fund checkoff. For taxable years ending on or after December 31, 2005, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Blindness Prevention Fund, as authorized by this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer’s refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)
Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's
Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Military Family Relief Fund, the Blindness Prevention Fund, the Illinois Veterans' Homes Fund, and the Asthma and Lung Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)

(35 ILCS 5/510) (from Ch. 120, par. 5-510)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Illinois Military Family Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Veterans' Homes Fund, the Blindness Prevention Fund, and the Asthma and Lung Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout
AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Governmental Ethics Act is amended by changing Section 4A-106 as follows:

(5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)
Sec. 4A-106. The statements of economic interests required of persons listed in items (a) through (f), item (j), and item (l) of Section 4A-101 shall be filed with the Secretary of State. The statements of economic interests required of persons listed in items (g), (h), (i), and (k) of Section 4A-101 shall be filed with the county clerk of the county in which the principal office of the unit of local government with which the person is associated is located. If it is not apparent which county the principal office of a unit of local government is located, the chief administrative officer, or his or her designee, has the authority, for purposes of this Act, to determine the county in which the principal office is located. On or before February 1 annually, (1) the chief administrative officer of any State agency in the executive, legislative, or judicial branch employing persons required to file under item (f) or item (l) of Section 4A-101 shall certify to the Secretary of State the names and mailing addresses of those persons, and (2) the chief administrative officer, or his or her designee, of each unit of local government with persons described in items (h), (i), and (k) of Section 4A-101 shall certify to the appropriate county clerk a list of names and addresses of persons described in items (h), (i), and (k) of Section 4A-101 that are required to file. In preparing the lists, each chief administrative officer, or his or her designee, shall set out the names in alphabetical order.

On or before April 1 annually, the Secretary of State shall notify (1) all persons whose names have been certified to him under items (f) and (l) of Section 4A-101, and (2) all persons described in items (a) through (e) and item (j) of Section 4A-101, other than candidates for office who have filed their statements with their nominating petitions, of the requirements for filing statements of economic interests. A person required to file with the Secretary

New matter indicated by italics - deletions by strikeout
of State by virtue of more than one item among items (a) through (f) and items (j) and (l) shall be notified of and is required to file only one statement of economic interests relating to all items under which the person is required to file with the Secretary of State.

On or before April 1 annually, the county clerk of each county shall notify all persons whose names have been certified to him under items (g), (h), (i), and (k) of Section 4A-101, other than candidates for office who have filed their statements with their nominating petitions, of the requirements for filing statements of economic interests. A person required to file with a county clerk by virtue of more than one item among items (g), (h), (i), and (k) shall be notified of and is required to file only one statement of economic interests relating to all items under which the person is required to file with that county clerk.

Except as provided in Section 4A-106.1, the notices provided for in this Section shall be in writing and deposited in the U.S. Mail, properly addressed, first class postage prepaid, on or before the day required by this Section for the sending of the notice. A certificate executed by the Secretary of State or county clerk attesting that he has mailed the notice constitutes prima facie evidence thereof.

From the lists certified to him under this Section of persons described in items (g), (h), (i), and (k) of Section 4A-101, the clerk of each county shall compile an alphabetical listing of persons required to file statements of economic interests in his office under any of those items. As the statements are filed in his office, the county clerk shall cause the fact of that filing to be indicated on the alphabetical listing of persons who are required to file statements. Within 30 days after the due dates, the county clerk shall mail to the State Board of Elections a true copy of that listing showing those who have filed statements.

The county clerk of each county shall note upon the alphabetical listing the names of all persons required to file a statement of economic interests who failed to file a statement on or before May 1. It shall be the duty of the several county clerks to give notice as provided in Section 4A-105 to any person who has failed to file his or her statement with the clerk on or before May 1.

Any person who files or has filed a statement of economic interest under this Act is entitled to receive from the Secretary of State or county clerk, as the case may be, a receipt indicating that the person has filed such a statement, the date of such filing, and the identity of the governmental unit or units in relation to which the filing is required.
The Secretary of State may employ such employees and consultants as he considers necessary to carry out his duties hereunder, and may prescribe their duties, fix their compensation, and provide for reimbursement of their expenses.

All statements of economic interests filed under this Section shall be available for examination and copying by the public at all reasonable times. Not later than 12 months after the effective date of this amendatory Act of the 93rd General Assembly, beginning with statements filed in calendar year 2004, the Secretary of State shall make statements of economic interests filed with the Secretary available for inspection and copying via the Secretary's website. Each person examining a statement filed with the county clerk must first fill out a form prepared by the Secretary of State identifying the examiner by name, occupation, address and telephone number, and listing the date of examination and reason for such examination. The Secretary of State shall supply such forms to the county clerks annually and replenish such forms upon request.

The county clerk shall promptly notify each person required to file a statement under this Article of each instance of an examination of his statement by sending him a duplicate original of the identification form filled out by the person examining his statement.

(Source: P.A. 92-101, eff. 1-1-02; 93-617, eff. 12-9-03.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 19, 2005.
Approved August 16, 2005.
Effective August 16, 2005.

PUBLIC ACT 94-0604
(House Bill No. 3415)

AN ACT concerning minors.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Juvenile Court Act of 1987 is amended by changing Sections 2-10 and 2-10.1 as follows:

(705 ILCS 405/2-10) (from Ch. 37, par. 802-10)
Sec. 2-10. Temporary custody hearing. At the appearance of the minor before the court at the temporary custody hearing, all witnesses present shall be examined before the court in relation to any matter connected with the allegations made in the petition.

New matter indicated by italics - deletions by strikeout
(1) If the court finds that there is not probable cause to believe that the minor is abused, neglected or dependent it shall release the minor and dismiss the petition.

(2) If the court finds that there is probable cause to believe that the minor is abused, neglected or dependent, the court shall state in writing the factual basis supporting its finding and the minor, his or her parent, guardian, custodian and other persons able to give relevant testimony shall be examined before the court. The Department of Children and Family Services shall give testimony concerning indicated reports of abuse and neglect, of which they are aware of through the central registry, involving the minor's parent, guardian or custodian. After such testimony, the court may, consistent with the health, safety and best interests of the minor, enter an order that the minor shall be released upon the request of parent, guardian or custodian if the parent, guardian or custodian appears to take custody. Custodian shall include any agency of the State which has been given custody or wardship of the child. If it is consistent with the health, safety and best interests of the minor, the court may also prescribe shelter care and order that the minor be kept in a suitable place designated by the court or in a shelter care facility designated by the Department of Children and Family Services or a licensed child welfare agency; however, a minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except a minor less than 13 years of age and committed to the Department of Children and Family Services under Section 5-710 of this Act or a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule. In placing the minor, the Department or other agency shall, to the extent compatible with the court's order, comply with Section 7 of the Children and Family Services Act. In determining the health, safety and best interests of the minor to prescribe shelter care, the court must find that it is a matter of immediate and urgent necessity for the safety and protection of the minor or of the person or property of another that the minor be placed in a shelter care facility or that he or she is likely to flee the jurisdiction of the court, and must further find that reasonable efforts have been made or that, consistent with the health, safety and best interests of the minor, no efforts reasonably can be made to prevent or eliminate the necessity of removal of the minor from his or her home. The court shall require documentation from the Department of Children and Family Services as to the reasonable efforts that were made to prevent or eliminate the necessity of removal of the minor from his or her home.
home or the reasons why no efforts reasonably could be made to prevent or eliminate the necessity of removal. When a minor is placed in the home of a relative, the Department of Children and Family Services shall complete a preliminary background review of the members of the minor's custodian's household in accordance with Section 4.3 of the Child Care Act of 1969 within 90 days of that placement. If the minor is ordered placed in a shelter care facility of the Department of Children and Family Services or a licensed child welfare agency, the court shall, upon request of the appropriate Department or other agency, appoint the Department of Children and Family Services Guardianship Administrator or other appropriate agency executive temporary custodian of the minor and the court may enter such other orders related to the temporary custody as it deems fit and proper, including the provision of services to the minor or his family to ameliorate the causes contributing to the finding of probable cause or to the finding of the existence of immediate and urgent necessity.

Where the Department of Children and Family Services Guardianship Administrator is appointed as the executive temporary custodian, the Department of Children and Family Services shall file with the court and serve on the parties a parent-child visiting plan, within 10 days, excluding weekends and holidays, after the appointment. The parent-child visiting plan shall set out the time and place of visits, the frequency of visits, the length of visits, who shall be present at the visits, and where appropriate, the minor’s opportunities to have telephone and mail communication with the parents. For good cause, the court may waive the requirement to file the parent-child visiting plan or extend the time for filing the parent-child visiting plan. Any party may, by motion, request the court to review the parent-child visiting plan to determine whether it is reasonably calculated to expeditiously facilitate the achievement of the permanency goal and is consistent with the minor's best interest. The frequency, duration, and locations of visitation shall be measured by the needs of the child and family, and not by the convenience of Department personnel. Child development principles shall be considered by the court in its analysis of how frequent visitation should be, how long it should last, where it should take place, and who should be present. If upon motion of the party to review the plan and after receiving evidence, the court determines that the parent-child visiting plan is not reasonably calculated to expeditiously facilitate the achievement of the permanency goal or that the restrictions placed on parent-child contact are contrary to the child’s best interests, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the

New matter indicated by italics - deletions by strikeout
evidence. The court shall enter an order for the Department to implement changes to the parent-child visiting plan, consistent with the court's findings. At any stage of proceeding, any party may by motion request the court to enter any orders necessary to implement the parent-child visiting plan. Nothing under this subsection (2) shall restrict the court from granting discretionary authority to the Department to increase opportunities for additional parent-child contacts, without further court orders. Nothing in this subsection (2) shall restrict the Department from immediately restricting or terminating parent-child contact, without either amending the parent-child visiting plan or obtaining a court order, where the Department or its assigns reasonably believe that continuation of parent-child contact, as set out in the parent-child visiting plan, would be contrary to the child’s health, safety, and welfare. The Department shall file with the court and serve on the parties any amendments to the visitation plan within 10 days, excluding weekends and holidays, of the change of the visitation. Any party may, by motion, request the court to review the parent-child visiting plan to determine whether the parent-child visiting plan is reasonably calculated to expeditiously facilitate the achievement of the permanency goal, and is consistent with the minor’s health, safety, and best interest.

Acceptance of services shall not be considered an admission of any allegation in a petition made pursuant to this Act, nor may a referral of services be considered as evidence in any proceeding pursuant to this Act, except where the issue is whether the Department has made reasonable efforts to reunite the family. In making its findings that it is consistent with the health, safety and best interests of the minor to prescribe shelter care, the court shall state in writing (i) the factual basis supporting its findings concerning the immediate and urgent necessity for the protection of the minor or of the person or property of another and (ii) the factual basis supporting its findings that reasonable efforts were made to prevent or eliminate the removal of the minor from his or her home or that no efforts reasonably could be made to prevent or eliminate the removal of the minor from his or her home. The parents, guardian, custodian, temporary custodian and minor shall each be furnished a copy of such written findings. The temporary custodian shall maintain a copy of the court order and written findings in the case record for the child. The order together with the court's findings of fact in support thereof shall be entered of record in the court.

Once the court finds that it is a matter of immediate and urgent necessity for the protection of the minor that the minor be placed in a shelter care facility, the minor shall not be returned to the parent, custodian or

New matter indicated by italics - deletions by strikeout
guardian until the court finds that such placement is no longer necessary for the protection of the minor.

If the child is placed in the temporary custody of the Department of Children and Family Services for his or her protection, the court shall admonish the parents, guardian, custodian or responsible relative that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions which require the child to be in care, or risk termination of their parental rights.

(3) If prior to the shelter care hearing for a minor described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is unable to serve notice on the party respondent, the shelter care hearing may proceed ex-parte. A shelter care order from an ex-parte hearing shall be endorsed with the date and hour of issuance and shall be filed with the clerk's office and entered of record. The order shall expire after 10 days from the time it is issued unless before its expiration it is renewed, at a hearing upon appearance of the party respondent, or upon an affidavit of the moving party as to all diligent efforts to notify the party respondent by notice as herein prescribed. The notice prescribed shall be in writing and shall be personally delivered to the minor or the minor's attorney and to the last known address of the other person or persons entitled to notice. The notice shall also state the nature of the allegations, the nature of the order sought by the State, including whether temporary custody is sought, and the consequences of failure to appear and shall contain a notice that the parties will not be entitled to further written notices or publication notices of proceedings in this case, including the filing of an amended petition or a motion to terminate parental rights, except as required by Supreme Court Rule 11; and shall explain the right of the parties and the procedures to vacate or modify a shelter care order as provided in this Section. The notice for a shelter care hearing shall be substantially as follows:

NOTICE TO PARENTS AND CHILDREN
OF SHELTER CARE HEARING

On ............ at ......., before the Honorable ............, (address:) ............, the State of Illinois will present evidence (1) that (name of child or children) .................... are abused, neglected or dependent for the following reasons:

.............................................. and (2) that there is "immediate and urgent necessity" to remove the child or children from the responsible relative.

YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN PLACEMENT of the child or children in foster care

New matter indicated by italics - deletions by strikeout
until a trial can be held. A trial may not be held for up to 90 days. You will not be entitled to further notices of proceedings in this case, including the filing of an amended petition or a motion to terminate parental rights.

At the shelter care hearing, parents have the following rights:

1. To ask the court to appoint a lawyer if they cannot afford one.
2. To ask the court to continue the hearing to allow them time to prepare.
3. To present evidence concerning:
   a. Whether or not the child or children were abused, neglected or dependent.
   b. Whether or not there is "immediate and urgent necessity" to remove the child from home (including: their ability to care for the child, conditions in the home, alternative means of protecting the child other than removal).
   c. The best interests of the child.
4. To cross examine the State's witnesses.

The Notice for rehearings shall be substantially as follows:

NOTICE OF PARENT'S AND CHILDREN'S RIGHTS TO REHEARING ON TEMPORARY CUSTODY

If you were not present at and did not have adequate notice of the Shelter Care Hearing at which temporary custody of ............... was awarded to ................., you have the right to request a full rehearing on whether the State should have temporary custody of ............... To request this rehearing, you must file with the Clerk of the Juvenile Court (address): ................., in person or by mailing a statement (affidavit) setting forth the following:

1. That you were not present at the shelter care hearing.
2. That you did not get adequate notice (explaining how the notice was inadequate).
3. Your signature.
4. Signature must be notarized.

The rehearing should be scheduled within 48 hours of your filing this affidavit.

At the rehearing, your rights are the same as at the initial shelter care hearing. The enclosed notice explains those rights.

New matter indicated by italics - deletions by strikeout
At the Shelter Care Hearing, children have the following rights:

1. To have a guardian ad litem appointed.
2. To be declared competent as a witness and to present testimony concerning:
   a. Whether they are abused, neglected or dependent.
   b. Whether there is "immediate and urgent necessity" to be removed from home.
   c. Their best interests.
3. To cross examine witnesses for other parties.
4. To obtain an explanation of any proceedings and orders of the court.

(4) If the parent, guardian, legal custodian, responsible relative, minor age 8 or over, or counsel of the minor did not have actual notice of or was not present at the shelter care hearing, he or she may file an affidavit setting forth these facts, and the clerk shall set the matter for rehearing not later than 48 hours, excluding Sundays and legal holidays, after the filing of the affidavit. At the rehearing, the court shall proceed in the same manner as upon the original hearing.

(5) Only when there is reasonable cause to believe that the minor taken into custody is a person described in subsection (3) of Section 5-105 may the minor be kept or detained in a detention home or county or municipal jail. This Section shall in no way be construed to limit subsection (6).

(6) No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 17 years of age must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to the criminal law.

(7) If the minor is not brought before a judicial officer within the time period as specified in Section 2-9, the minor must immediately be released from custody.

(8) If neither the parent, guardian or custodian appears within 24 hours to take custody of a minor released upon request pursuant to subsection (2) of this Section, then the clerk of the court shall set the matter for rehearing not later than 7 days after the original order and shall issue a summons directed to the parent, guardian or custodian to appear. At the same time the probation department shall prepare a report on the minor. If a parent, guardian

New matter indicated by italics - deletions by strikeout
or custodian does not appear at such rehearing, the judge may enter an order prescribing that the minor be kept in a suitable place designated by the Department of Children and Family Services or a licensed child welfare agency.

(9) Notwithstanding any other provision of this Section any interested party, including the State, the temporary custodian, an agency providing services to the minor or family under a service plan pursuant to Section 8.2 of the Abused and Neglected Child Reporting Act, foster parent, or any of their representatives, on notice to all parties entitled to notice, may file a motion that it is in the best interests of the minor to modify or vacate a temporary custody order on any of the following grounds:

(a) It is no longer a matter of immediate and urgent necessity that the minor remain in shelter care; or
(b) There is a material change in the circumstances of the natural family from which the minor was removed and the child can be cared for at home without endangering the child's health or safety; or
(c) A person not a party to the alleged abuse, neglect or dependency, including a parent, relative or legal guardian, is capable of assuming temporary custody of the minor; or
(d) Services provided by the Department of Children and Family Services or a child welfare agency or other service provider have been successful in eliminating the need for temporary custody and the child can be cared for at home without endangering the child's health or safety.

In ruling on the motion, the court shall determine whether it is consistent with the health, safety and best interests of the minor to modify or vacate a temporary custody order.

The clerk shall set the matter for hearing not later than 14 days after such motion is filed. In the event that the court modifies or vacates a temporary custody order but does not vacate its finding of probable cause, the court may order that appropriate services be continued or initiated in behalf of the minor and his or her family.

(10) When the court finds or has found that there is probable cause to believe a minor is an abused minor as described in subsection (2) of Section 2-3 and that there is an immediate and urgent necessity for the abused minor to be placed in shelter care, immediate and urgent necessity shall be presumed for any other minor residing in the same household as the abused minor provided:

New matter indicated by italics - deletions by strikeout
(a) Such other minor is the subject of an abuse or neglect petition pending before the court; and
(b) A party to the petition is seeking shelter care for such other minor.

Once the presumption of immediate and urgent necessity has been raised, the burden of demonstrating the lack of immediate and urgent necessity shall be on any party that is opposing shelter care for the other minor.

(Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-582, eff. 1-1-97; 89-626, eff. 8-9-96; 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590, eff. 1-1-99; 90-655, eff. 7-30-98.)

(705 ILCS 405/2-10.1) (from Ch. 37, par. 802-10.1)

Sec. 2-10.1. Whenever a minor is placed in shelter care with the Department or a licensed child welfare agency in accordance with Section 2-10, the Department or agency, as appropriate, shall prepare and file with the court within 45 days of placement under Section 2-10 a case plan which complies with the federal Adoption Assistance and Child Welfare Act of 1980 and is consistent with the health, safety and best interests of the minor.

For the purposes of this Act, "case plan" and "service plan" shall have the same meaning.

(Source: P.A. 90-28, eff. 1-1-98.)

Approved August 16, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0605
(Senate Bill No. 0468)

AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Business Corporation Act of 1983 is amended by changing Sections 9.05, 9.20, 12.45, and 13.60, as follows:

(805 ILCS 5/9.05) (from Ch. 32, par. 9.05)
Sec. 9.05. Power of corporation to acquire its own shares.
(a) A corporation may acquire its own shares, subject to limitations set forth in Section 9.10 of this Act.
(b) If a corporation acquires its own shares after the effective date of this amendatory Act of 1993, the shares constitute treasury shares until

New matter indicated by italics - deletions by strikeout
cancelled as provided by subsection (d) of this Section.

(c) A corporation shall file a report under Section 14.25 of this Act in the case of its acquisition of its own shares that occurs either prior to January 1, 1991 or on or prior to the last day of the third month immediately preceding the corporation's anniversary month in 1991. A corporation shall file a report under Section 14.30 of this Act in the case of its acquisition and cancellation of its own shares that occurs after both December 31, 1990 and the last day of such third month. However, if the articles of incorporation provide that the number of authorized shares is reduced by an acquisition and cancellation of shares, then the corporation shall, within 60 days after the date of acquisition, execute and file in duplicate in accordance with Section 1.10 of this Act, a statement of cancellation which sets forth:

(1) The name of the corporation.

(2) The aggregate number of shares which the corporation has authority to issue, itemized by classes and series, if any, within a class before giving effect to the cancellation.

(3) The aggregate number of issued shares, itemized by classes and series, if any, within a class before giving effect to the cancellation.

(4) The number of shares cancelled, itemized by classes and series, if any, within a class.

(5) The aggregate number of shares which the corporation has the authority to issue, itemized by classes and series, if any, within a class after giving effect to the cancellation.

(6) The aggregate number of issued shares, itemized by classes and series, if any, within a class, after giving effect to the cancellation.

(7) A statement, expressed in dollars, of the amount of the paid-in capital of the corporation before giving effect to the cancellation.

(8) A statement, expressed in dollars, of the amount of the paid-in capital of the corporation after giving effect to the cancellation.

Upon the filing of the statement of cancellation by the Secretary of State, the paid-in capital of the corporation shall be deemed to be reduced by that part of the paid-in capital which was, at the time of the cancellation, represented by the shares so cancelled, to the extent of the cost from the paid-in capital of the reacquired and cancelled shares or a lesser amount as may be elected by the corporation, and the statement of cancellation shall operate

New matter indicated by italics - deletions by strikeout
as an amendment to the articles of incorporation so as to reduce the number of authorized shares by the number of shares so cancelled.

(d) A corporation, by resolution of the board of directors, may cancel any of its treasury shares. When cancelled, the shares shall constitute authorized but unissued shares unless the articles of incorporation provide that the shares shall not be reissued, in which case the number of authorized shares shall be reduced by the number of shares cancelled.

(e) Until the report required by subsection (c) of this Section, or the report required by Section 14.25 or Section 14.30 of this Act reporting a reduction in paid-in capital, shall have been filed in the office of the Secretary of State, the basis of the annual franchise tax payable by the corporation shall not be reduced, provided, however, in no event shall the annual franchise tax for any taxable year be reduced if such report is not filed prior to the first day of the anniversary month or, in the case of a corporation which has established an extended filing month, the extended filing month of that taxable year and before payment of its annual franchise tax.

(Source: P.A. 88-151.)

(805 ILCS 5/9.20)
Sec. 9.20. Reduction of paid-in capital.
(a) A corporation may reduce its paid-in capital:

(1) by resolution of its board of directors by charging against its paid-in capital (i) the paid-in capital represented by shares acquired and cancelled by the corporation as permitted by law, to the extent of the cost from the paid-in capital of the reacquired and cancelled shares or a lesser amount as may be elected by the corporation, (ii) dividends paid on preferred shares, or (iii) distributions as liquidating dividends; or

(2) pursuant to an approved reorganization in bankruptcy that specifically directs the reduction to be effected.

(b) Notwithstanding anything to the contrary contained in this Act, at no time shall the paid-in capital be reduced to an amount less than the aggregate par value of all issued shares having a par value.

(c) Until the report under Section 14.30 has been filed in the Office of the Secretary of State showing a reduction in paid-in capital, the basis of the annual franchise tax payable by the corporation shall not be reduced; provided, however, that in no event shall the annual franchise tax for any taxable year be reduced if the report is not filed prior to the first day of the anniversary month or, in the case of a corporation that has established an extended filing month, the extended filing month of the corporation of that taxable year and before payment of its annual franchise tax.
taxable year and before payment of its annual franchise tax.

(d) A corporation that reduced its paid-in capital after December 31, 1986 by one or more of the methods described in subsection (a) may report the reduction pursuant to Section 14.30, subject to the restrictions of subsections (b) and (c) of this Section. A reduction in paid-in capital reported pursuant to this subsection shall have no effect for any purpose under this Act with respect to a taxable year ending before the report is filed.

(e) Nothing in this Section shall be construed to forbid any reduction in paid-in capital to be effected under Section 9.05 of this Act.

(f) In the case of a vertical merger, the paid-in capital of a subsidiary may be eliminated if either (1) it was created, totally funded, and wholly owned by the parent or (2) the amount of the parent's investment in the subsidiary was equal to or exceeded the subsidiary's paid-in capital.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 5/12.45) (from Ch. 32, par. 12.45)
Sec. 12.45. Reinstatement following administrative dissolution.

(a) A domestic corporation administratively dissolved under Section 12.40 may be reinstated by the Secretary of State within five years following the date of issuance of the certificate of dissolution upon:

(1) The filing of an application for reinstatement.

(2) The filing with the Secretary of State by the corporation of all reports then due and theretofore becoming due.

(3) The payment to the Secretary of State by the corporation of all fees, franchise taxes, and penalties then due and theretofore becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 1.10 of this Act and shall set forth:

(1) The name of the corporation at the time of the issuance of the certificate of dissolution.

(2) If such name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the corporation as changed, provided however, and any change of name is properly effected pursuant to Section 10.05 and Section 10.30 of this Act.

(3) The date of the issuance of the certificate of dissolution.

(4) The address, including street and number, or rural route number of the registered office of the corporation upon reinstatement thereof, and the name of its registered agent at such address upon the reinstatement of the corporation, provided however, that any change

New matter indicated by italics - deletions by strikeout
from either the registered office or the registered agent at the time of
dissolution is properly reported pursuant to Section 5.10 of this Act.
(c) When a dissolved corporation has complied with the provisions
of this Sec the Secretary of State shall file the application for reinstatement.
(d) Upon the filing of the application for reinstatement, the corporate
existence shall be deemed to have continued without interruption from the
date of the issuance of the certificate of dissolution, and the corporation shall
stand revived with such powers, duties and obligations as if it had not been
dissolved; and all acts and proceedings of its officers, directors and
shareholders, acting or purporting to act as such, which would have been
legal and valid but for such dissolution, shall stand ratified and confirmed.
(Source: P.A. 92-33, eff. 7-1-01.)
(805 ILCS 5/13.60) (from Ch. 32, par. 13.60)
Sec. 13.60. Reinstatement following revocation.
(a) A foreign corporation revoked under Section 13.55 may be
reinstated by the Secretary of State within five years following the date of
issuance of the certificate of revocation upon:
(1) The filing of an application for reinstatement.
(2) The filing with the Secretary of State by the corporation of
all reports then due and theretofore becoming due.
(3) The payment to the Secretary of State by the corporation
of all fees, franchise taxes, and penalties then due and theretofore
becoming due.
(b) The application for reinstatement shall be executed and filed in
duplicate in accordance with Section 1.10 of this Act and shall set forth:
(1) The name of the corporation at the time of the issuance of
the certificate of revocation.
(2) If such name is not available for use as determined by the
Secretary of State at the time of filing the application for
reinstatement, the name of the corporation as changed; provided,
however, that any change of name is properly effected pursuant to
Section 13.30 and Section 13.40 of this Act.
(3) The date of the issuance of the certificate of revocation.
(4) The address, including street and number, or rural route
number, of the registered office of the corporation upon reinstatement
thereof, and the name of its registered agent at such address upon the
reinstatement of the corporation; provided, however, that any change
from either the registered office or the registered agent at the time of
reinstatement is properly reported pursuant to Section 5.10 of this act.

New matter indicated by italics - deletions by strikeout
(c) When a revoked corporation has complied with the provisions of this Section, the Secretary of State shall file the application for reinstatement.

(d) Upon the filing of the application for reinstatement, the authority of the corporation to transact business in this State shall be deemed to have continued without interruption from the date of the issuance of the certificate of revocation, and the corporation shall stand revived as if its certificate of authority had not been revoked; and all acts and proceedings of its officers, directors and shareholders, acting or purporting to act as such, which would have been legal and valid but for such revocation, shall stand ratified and confirmed.

(Source: P.A. 92-33, eff. 7-1-01.)

Section 10. The General Not For Profit Corporation Act of 1986 is amended by changing Sections 105.10, 112.45, 113.60, 114.05, and 115.10 as follows:

(805 ILCS 105/105.10) (from Ch. 32, par. 105.10)

Sec. 105.10. Change of registered office or registered agent.

(a) A domestic corporation or a foreign corporation may from time to time change the address of its registered office. A domestic corporation or a foreign corporation shall change its registered agent if the office of registered agent shall become vacant for any reason, or if its registered agent becomes disqualified or incapacitated to act, or if the corporation revokes the appointment of its registered agent.

(b) A domestic corporation or a foreign corporation may change the address of its registered office or change its registered agent, or both, by so indicating on the statement of change on the annual report of that corporation filed pursuant to Section 114.10 of this Act or by executing and filing in duplicate, in accordance with Section 101.10 of this Act, a statement setting forth:

(1) the name of the corporation;
(2) the address, including street and number, or rural route number, of its then registered office;
(3) if the address of its registered office be changed, the address, including street and number, or rural route number, to which the registered office is to be changed;
(4) the name of its then registered agent;
(5) if its registered agent be changed, the name of its successor registered agent;
(6) that the address of its registered office and the address of the business office of its registered agent, as changed, will be

New matter indicated by italics - deletions by strikeout
identical;
(7) that such change was authorized by resolution duly adopted by the board of directors.
(c) **Blank**. A legible copy of the statement of change as on the annual report returned by the Secretary of State shall be filed for record within the time prescribed by this Act in the office of the Recorder of the county in which the registered office of the corporation in this State was situated before the filing of the statement in the Office of the Secretary of State.
(d) If the registered office is changed from one county to another county, then the corporation shall also file for record within the time prescribed by this Act in the office of the Recorder of the county to which such registered office is changed:
(1) In the case of a domestic corporation:
   (i) A copy of its articles of incorporation certified by the Secretary of State.
   (ii) A copy of the statement of change of address of its registered office, certified by the Secretary of State.
(2) In the case of a foreign corporation:
   (i) A copy of its application for authority to transact business in this State, certified by the Secretary of State.
   (ii) A copy of all amendments to such certificate of authority, if any, likewise certified by the Secretary of State.
   (iii) A copy of the statement of change of address of its registered office certified by the Secretary of State.
(e) The change of address of the registered office, or the change of registered agent, or both, as the case may be, shall become effective upon the filing of such statement by the Secretary of State.
(Source: P.A. 91-357, eff. 7-29-99; 92-33, eff. 7-1-01.)
(805 ILCS 105/112.45) (from Ch. 32, par. 112.45)
Sec. 112.45. Reinstatement following administrative dissolution.
(a) A domestic corporation administratively dissolved under Section 112.40 of this Act may be reinstated by the Secretary of State within five years following the date of issuance of the certificate of dissolution upon:
   (1) The filing of an application for reinstatement;
   (2) The filing with the Secretary of State by the corporation of all reports then due and theretofore becoming due;
   (3) The payment to the Secretary of State by the corporation of all fees and penalties then due and theretofore becoming due.
(b) The application for reinstatement shall be executed and filed in
duplicate in accordance with Section 101.10 of this Act and shall set forth:

(1) The name of the corporation at the time of the issuance of the certificate of dissolution;

(2) If such name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the corporation as changed; provided, however, that any change of name is properly effected pursuant to Section 110.05 and Section 110.30 of this Act;

(3) The date of the issuance of the certificate of dissolution;

(4) The address, including street and number, or rural route number, of the registered office of the corporation upon reinstatement thereof, and the name of its registered agent at such address upon the reinstatement of the corporation, provided however, that any change from either the registered office or the registered agent at the time of dissolution is properly reported pursuant to Section 105.10 of this Act.

(c) When a dissolved corporation has complied with the provisions of this Section, the Secretary of State shall file the application for reinstatement.

(d) Upon the filing of the application for reinstatement, the corporate existence shall be deemed to have continued without interruption from the date of the issuance of the certificate of dissolution, and the corporation shall stand revived with such powers, duties and obligations as if it had not been dissolved; and all acts and proceedings of its officers, directors and members, acting or purporting to act as such, which would have been legal and valid but for such dissolution, shall stand ratified and confirmed.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 105/113.60) (from Ch. 32, par. 113.60)
Sec. 113.60. Reinstatement following revocation.

(a) A foreign corporation revoked under Section 113.55 of this Act may be reinstated by the Secretary of State within five years following the date of issuance of the certificate of revocation upon:

(1) The filing of an application for reinstatement;

(2) The filing with the Secretary of State by the corporation of all reports then due and thereafter becoming due; and

(3) The payment to the Secretary of State by the corporation of all fees and penalties then due and thereafter becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 101.10 of this Act and shall set forth:

New matter indicated by italics - deletions by strikeout
(1) The name of the corporation at the time of the issuance of the certificate of revocation;

(2) If such name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the corporation as changed, or the assumed corporate name which the corporation elects to adopt for use in this State in accordance with Section 104.05; provided, however, that any change of name is properly effected pursuant to Sections 113.30 and Section 113.40 of this Act, and any adoption of assumed corporate name is properly effected pursuant to Section 104.15 of this Act;

(3) The date of the issuance of the certificate of revocation; and

(4) The address, including street and number, or rural route number, of the registered office of the corporation upon reinstatement thereof, and the name of its registered agent at such address upon the reinstatement of the corporation; provided, however, that any change from either the registered office or the registered agent at the time of revocation is properly reported pursuant to Section 105.10 of this Act.

(c) When a revoked corporation has complied with the provisions of this Section, the Secretary of State shall file the application for reinstatement.

(d) Upon the filing of the application for reinstatement, the authority of the corporation to conduct affairs in this State shall be deemed to have continued without interruption from the date of the issuance of the certificate of revocation, and the corporation shall stand revived as if its authority had not been revoked; and all acts and proceedings of its officers, directors and members, acting or purporting to act as such, which would have been legal and valid but for such revocation, shall stand ratified and confirmed.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 105/114.05) (from Ch. 32, par. 114.05)

Sec. 114.05. Annual report of domestic or foreign corporation. Each domestic corporation organized under this Act, and each foreign corporation authorized to conduct affairs in this State, shall file, within the time prescribed by this Act, an annual report setting forth:

(a) The name of the corporation.

(b) The address, including street and number, or rural route number, of its registered office in this State, and the name of its registered agent at such address and a statement of change of its registered office or registered agent, or both, if any.

(c) The address, including street and number, if any, of its principal
office.

(d) The names and respective addresses, including street and number, or rural route number, of its directors and officers.

(e) A brief statement of the character of the affairs which the corporation is actually conducting from among the purposes authorized in Section 103.05 of this Act.

(f) Whether the corporation is a Condominium Association as established under the Condominium Property Act, a Cooperative Housing Corporation defined in Section 216 of the Internal Revenue Code of 1954 or a Homeowner Association which administers a common-interest community as defined in subsection (c) of Section 9-102 of the Code of Civil Procedure.

(g) Such additional information as may be necessary or appropriate in order to enable the Secretary of State to administer this Act and to verify the proper amount of fees payable by the corporation.

Such annual report shall be made on forms prescribed and furnished by the Secretary of State, and the information therein required by subsections (a) to (d), both inclusive, of this Section, shall be given as of the date of the execution of the annual report. It shall be executed by the corporation by any authorized officer and verified by him or her, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by such receiver or trustee.

(Source: P.A. 92-33, eff. 7-1-01; 93-59, eff. 7-1-03.)

(805 ILCS 105/115.10) (from Ch. 32, par. 115.10)

Sec. 115.10. Fees for filing documents. The Secretary of State shall charge and collect for:

(a) Filing articles of incorporation, $50.

(b) Filing articles of amendment, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.

(c) Filing articles of merger or consolidation, $25.

(d) Filing articles of dissolution, $5.

(e) Filing application to reserve a corporate name, $25.

(f) Filing a notice of transfer or cancellation of a reserved corporate name, $25.

(g) Filing statement of change of address of registered office or change of registered agent, or both, if other than on an annual report, $5.

(h) Filing an application of a foreign corporation for authority to conduct affairs in this State, $50.

(i) Filing an application of a foreign corporation for amended

New matter indicated by italics - deletions by strikeout
authority to conduct affairs in this State, $25.

(j) Filing a copy of amendment to the articles of incorporation of a foreign corporation holding authority to conduct affairs in this State, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.

(k) Filing a copy of articles of merger of a foreign corporation holding authority to conduct affairs in this State, $25.

(l) Filing an application for withdrawal and final report or a copy of articles of dissolution of a foreign corporation, $5.

(m) Filing an annual report of a domestic or foreign corporation, $5.

(n) Filing an application for reinstatement of a domestic or a foreign corporation, $25.

(o) Filing an application for use of an assumed corporate name, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, and a renewal fee for each assumed corporate name, $150.

(p) Filing an application for change or cancellation of an assumed corporate name, $5.

(q) Filing an application to register the corporate name of a foreign corporation, $50; and an annual renewal fee for the registered name, $50.

(r) Filing an application for cancellation of a registered name of a foreign corporation, $5.

(s) Filing a statement of correction, $25.

(t) Filing an election to accept this Act, $25.

(u) Filing any other statement or report, $5.

(Source: P.A. 92-33, eff. 7-1-01; 92-651, eff. 7-11-02; 93-59, eff. 7-1-03.)

Section 15. The Limited Liability Company Act is amended by changing Sections 1-35, 35-40, 45-65, 50-10, and 50-15 and by adding Sections 1-36 and 1-37 as follows:

(805 ILCS 180/1-35)

Sec. 1-35. Registered office and registered agent.

(a) Each limited liability company and foreign limited liability company shall continuously maintain in this State a registered agent and registered office, which agent must be an individual resident of this State, a domestic corporation, or a foreign corporation having a place of business in, and authorized to do business in, this State. If the agent is a corporation, the corporation must be authorized by its articles of incorporation to act as an
agent.

(b) A limited liability company or foreign limited liability company may change its registered agent or the address of its registered office pursuant to Section 1-36 and the registered agent of a limited liability company or a foreign limited liability company may change the address of its registered office pursuant to Section 1-37 5-15.

(c) The registered agent may at any time resign by filing in the Office of the Secretary of State written notice thereof and by mailing a copy thereof to the limited liability company or foreign limited liability company at its principal office as it is known to the resigning registered agent. The notice must be mailed at least 10 days before the date of filing thereof with the Secretary of State. The notice shall be executed by the registered agent, if an individual, or by a principal officer, if the registered agent is a corporation. The notice shall set forth all of the following:

1. The name of the limited liability company for which the registered agent is acting.
2. The name of the registered agent.
3. The address, including street, number, city and county of the limited liability company's then registered office in this State.
4. That the registered agent resigns.
5. The effective date of the resignation, which shall not be sooner than 30 days after the date of filing.
6. The address of the principal office of the limited liability company as it is known to the registered agent.
7. A statement that a copy of the notice has been sent by registered or certified mail to the principal office of the limited liability company within the time and in the manner prescribed by this Section.

(d) A new registered agent must be placed on record within 60 days after a registered agent's notice of resignation under this Section.

(Source: P.A. 90-424, eff. 1-1-98; 91-354, eff. 1-1-00.)

(805 ILCS 180/1-36 new)

Sec. 1-36. Change of registered office or registered agent.

(a) A domestic limited liability company or a foreign limited liability company may from time to time change the address of its registered office.

A domestic limited liability company or a foreign limited liability company shall change its registered agent if the office of registered agent shall become vacant for any reason, or if its registered agent becomes disqualified or incapacitated to act.

New matter indicated by italics - deletions by strikeout
(b) A domestic limited liability company or a foreign limited liability company may change the address of its registered office or change its registered agent, or both, by executing and filing, in duplicate, in accordance with Section 5-45 of this Act a statement setting forth:

(1) The name of the limited liability company.
(2) The address, including street and number, or rural route number, of its then registered office.
(3) If the address of its registered office be changed, the address, including street and number, or rural route number, to which the registered office is to be changed.
(4) The name of its then registered agent.
(5) If its registered agent be changed, the name of its successor registered agent.
(6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.
(7) That such change was authorized by resolution duly adopted by the members or managers.

(c) The change of address of the registered office, or the change of registered agent, or both, as the case may be, shall become effective upon the filing of such statement by the Secretary of State.

(805 ILCS 180/1-37 new)
Sec. 1-37. Change of address of registered agent.
(a) A registered agent may change the address of the registered office of the domestic limited liability company or of the foreign limited liability company, for which he or she or it is a registered agent, to another address in this State, by filing, in duplicate, in accordance with Section 5-45 of this Act a statement setting forth:

(1) The name of the limited liability company.
(2) The address, including street and number, or rural route number, of its then registered office.
(3) The address, including street and number, or rural route number, to which the registered office is to be changed.
(4) The name of its registered agent.
(5) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical. Such statement shall be executed by the registered agent.

(b) The change of address of the registered office shall become effective upon the filing of such statement by the Secretary of State.

New matter indicated by italics - deletions by strikeout
Sec. 35-40. Reinstatement following administrative dissolution.
(a) A limited liability company administratively dissolved under Section 35-25 may be reinstated by the Secretary of State within 5 years following the date of issuance of the notice of dissolution upon the occurrence of all of the following:

1. The filing of an application for reinstatement.
2. The filing with the Secretary of State by the limited liability company of all reports then due and theretofore becoming due.
3. The payment to the Secretary of State by the limited liability company of all fees and penalties then due and theretofore becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 5-45 of this Act and shall set forth all of the following:

1. The name of the limited liability company at the time of the issuance of the notice of dissolution.
2. If the name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the limited liability company as changed, provided that any change of name is properly effected under Section 1-10 and Section 5-25 of this Act.
3. The date of issuance of the notice of dissolution.
4. The address, including street and number or rural route number of the registered office of the limited liability company upon reinstatement thereof and the name of its registered agent at that address upon the reinstatement of the limited liability company, provided that any change from either the registered office or the registered agent at the time of dissolution is properly reported under Section 1-35 of this Act.

(c) When a dissolved limited liability company has complied with the provisions of the Section, the Secretary of State shall file the application for reinstatement.

(d) Upon the filing of the application for reinstatement, the limited liability company existence shall be deemed to have continued without interruption from the date of the issuance of the notice of dissolution, and the limited liability company shall stand revived with the powers, duties, and obligations as if it had not been dissolved; and all acts and proceedings of its
members or managers, acting or purporting to act in that capacity, that would have been legal and valid but for the dissolution, shall stand ratified and confirmed.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 180/45-65)

Sec. 45-65. Reinstatement following revocation.

(a) A limited liability company whose admission has been revoked under Section 45-35 may be reinstated by the Secretary of State within 5 years following the date of issuance of the certificate of revocation upon the occurrence of all of the following:

(1) The filing of the application for reinstatement.

(2) The filing with the Secretary of State by the limited liability company of all reports then due and becoming due.

(3) The payment to the Secretary of State by the limited liability company of all fees and penalties then due and becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 5-45 and shall set forth all of the following:

(1) The name of the limited liability company at the time of the issuance of the notice of revocation.

(2) If the name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the limited liability company as changed, provided that any change is properly effected under Sections 1-10 and 45-25.

(3) The date of the issuance of the notice of revocation.

(4) The address, including street and number or rural route number of the registered office of the limited liability company upon reinstatement and the name of its registered agent at that address upon the reinstatement of the limited liability company, provided that any change from either the registered office or the registered agent at the time of revocation is properly reported under Section 1-35.

(c) When a limited liability company whose admission has been revoked has complied with the provisions of this Section, the Secretary of State shall file the application for reinstatement.

(d) Upon the filing of the application for reinstatement: (i) the admission of the limited liability company to transact business in this State shall be deemed to have continued without interruption from the date of the
issuance of the notice of revocation, (ii) the limited liability company shall stand revived with the powers, duties, and obligations as if its admission had not been revoked, and (iii) all acts and proceedings of its members or managers, acting or purporting to act in that capacity, that would have been legal and valid but for the revocation, shall stand ratified and confirmed. (Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 180/50-10)
Sec. 50-10. Fees.
(a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated under its authority all of the following:

(1) Fees for filing documents.
(2) Miscellaneous charges.
(3) Fees for the sale of lists of filings and for copies of any documents.

(b) The Secretary of State shall charge and collect for all of the following:

(1) Filing articles of organization of limited liability companies (domestic), application for admission (foreign), and restated articles of organization (domestic), $500.
(2) Filing amendments (domestic or foreign), :
   (A) For other than change of registered agent name or registered office, or both, $150.
   (B) For the purpose of changing the registered agent name or registered office, or both, $35.
(3) Filing articles of dissolution or application for withdrawal, $100.
(4) Filing an application to reserve a name, $300.
(5) Renewal fee for reserved name, $100. (Blank)
(6) Filing a notice of a transfer of a reserved name, $100.
(7) Registration of a name, $300.
(8) Renewal of registration of a name, $100.
(9) Filing an application for use of an assumed name under Section 1-20 of this Act, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, and a renewal for each assumed name, $150.
(10) Filing an application for change of an assumed name,
$100.

(11) Filing an annual report of a limited liability company or foreign limited liability company, $250, if filed as required by this Act, plus a penalty if delinquent.

(12) Filing an application for reinstatement of a limited liability company or foreign limited liability company $500.

(13) Filing Articles of Merger, $100 plus $50 for each party to the merger in excess of the first 2 parties.

(14) Filing an Agreement of Conversion or Statement of Conversion, $100.

(15) Filing a statement of change of address of registered office or change of registered agent, or both, or filing a statement of correction, $25.

(16) Filing a petition for refund, $15.

(17) Filing any other document, $100.

(c) The Secretary of State shall charge and collect all of the following:

(1) For furnishing a copy or certified copy of any document, instrument, or paper relating to a limited liability company or foreign limited liability company, or for a certificate, $25 plus $1 per page, but not less than $25, and $25 for the certificate and for affixing the seal thereto.

(2) For the transfer of information by computer process media to any purchaser, fees established by rule.

(Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59, eff. 7-1-03; revised 9-5-03.)

(805 ILCS 180/50-15)
Sec. 50-15. Penalty.

(a) The Secretary of State shall declare any limited liability company or foreign limited liability company to be delinquent and not in good standing if any of the following occur:

(1) It has failed to file its annual report and pay the requisite fee as required by this Act before the first day of the anniversary month in the year in which it is due.

(2) It has failed to appoint and maintain a registered agent in Illinois within 60 days of notification of the Secretary of State by the resigning registered agent.

(3) (Blank).

(b) If the limited liability company or foreign limited liability company has not corrected the default within the time periods prescribed by

New matter indicated by italics - deletions by strikeout
this Act, the Secretary of State shall be empowered to invoke any of the following penalties:

(1) For failure or refusal to comply with subsection (a) of this Section within 60 days after the due date, a penalty of $300 plus $100 for each year or fraction thereof beginning with the second year of delinquency until returned to good standing or until reinstatement is effected.

(2) The Secretary of State shall not file any additional documents, amendments, reports, or other papers relating to any limited liability company or foreign limited liability company organized under or subject to the provisions of this Act until any delinquency under subsection (a) is satisfied.

(3) In response to inquiries received in the Office of the Secretary of State from any party regarding a limited liability company that is delinquent, the Secretary of State may show the limited liability company as not in good standing.

(Source: P.A. 93-32, eff. 12-1-03.)

Approved August 16, 2005.
Effective January 1, 2006.
OF MOBILE HOME
model year and 1st and 2nd
year following: 15¢
3rd, 4th and 5th years following
model year: 13.5¢
6th, 7th and 8th years following
model year: 12¢
9th, 10th and 11th years following
model year: 10.5¢
12th, 13th and 14th years following
model year: 9¢
15th year following model year
and subsequent years: 7.5¢
For purposes of this Act, the square-footage shall be based upon the outside
dimensions of the mobile home excluding the length of the tongue and hitch.
The owner of a mobile home on January 1 of any year shall be liable for the
tax of that year, except that the owner of a mobile home on July 1, 1976, shall
be liable for the tax for the period of July 1, 1976, to December 31, 1976.
This is not a limitation on any home rule county.
(Source: P.A. 79-1184.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 19, 2005.
Approved August 16, 2005.
Effective August 16, 2005.

PUBLIC ACT 94-0607
(Senate Bill No. 0504)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Limited Liability Company Act is amended by
changing Section 50-10 and by adding Section 37-40 as follows:
(805 ILCS 180/37-40 new)
Sec. 37-40. Series of members, managers or limited liability company
interests.
(a) An operating agreement may establish or provide for the

New matter indicated by italics - deletions by strikeout
establishment of designated series of members, managers or limited liability company interests having separate rights, powers or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations, and to the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective.

(b) Notwithstanding anything to the contrary set forth in this Section or under other applicable law, in the event that an operating agreement creates one or more series, and if separate and distinct records are maintained for any such series and the assets associated with any such series are held (directly or indirectly, including through a nominee or otherwise) and accounted for separately from the other assets of the limited liability company, or any other series thereof, and if the operating agreement so provides, and notice of the limitation on liabilities of a series as referenced in this subsection is set forth in the articles of organization of the limited liability company and if the limited liability company has filed a certificate of designation for each series which is to have limited liability under this Section, then the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, and unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof shall be enforceable against the assets of such series. The fact that the articles of organization contain the foregoing notice of the limitation on liabilities of a series and a certificate of designation for a series is on file in the Office of the Secretary of State shall constitute notice of such limitation on liabilities of a series. A series with limited liability shall be treated as a separate entity to the extent set forth in the articles of organization. Each series with limited liability may, in its own name, contract, hold title to assets, grant security interests, sue and be sued and otherwise conduct business and exercise the powers of a limited liability company under this Act. The limited liability company and any of its series may elect to consolidate their operations as a single taxpayer to the extent permitted under applicable law, elect to work cooperatively, elect to contract jointly or elect to be treated as a single business for purposes of qualification to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in this Section except to the extent that the
series have specifically accepted joint liability by contract.

(c) The name of the series with limited liability must contain the entire name of the limited liability company and be distinguishable from the names of the other series set forth in the articles of organization.

(d) Upon the filing of the certificate of designation with the Secretary of State setting forth the name of each series with limited liability, the series’ existence shall begin, and each of the duplicate copies stamped "Filed" and marked with the filing date shall be conclusive evidence, except as against the State, that all conditions precedent required to be performed have been complied with and that the series has been or shall be, on a later date if so specified in the articles of organization or certificate of designation, legally organized and formed under this Act. If different from the limited liability company, the certificate of designation for each series shall list the names of the members if the series is member managed or the names of the managers if the series is manager managed. The name of a series with limited liability under subsection (b) of this Section may be changed by filing with the Secretary of State a certificate of designation identifying the series whose name is being changed and the new name of such series. If not the same as the limited liability company, the names of the members of a member managed series or of the managers of a manager managed series may be changed by filing a new certificate of designation with the Secretary of State. A series with limited liability under subsection (b) of this Section may be dissolved by filing with the Secretary of State a certificate of designation identifying the series being dissolved or by the dissolution of the limited liability company as provided in subsection (m) of this Section. Certificates of designation may be filed by the limited liability company or any manager, person or entity designated in the operating agreement for the limited liability company.

(e) A series of a limited liability company will be deemed to be in good standing as long as the limited liability company is in good standing.

(f) The registered agent and registered office for the limited liability company in Illinois shall serve as the agent and office for service of process in Illinois for each series.

(g) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation of additional classes or groups of members or managers associated with the series having such relative rights, powers and duties as may from time to time be established, including rights, powers

New matter indicated by italics - deletions by strikeout
and duties senior to existing classes and groups of members or managers associated with the series.

(h) A series may be managed by either the member or members associated with the series or by a manager or managers chosen by the members of such series, as provided in the operating agreement. Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series.

(i) An operating agreement may grant to all or certain identified members or managers or a specified class or group of the members or managers associated with a series the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights.

(j) Except to the extent modified in this Section, the provisions of this Act which are generally applicable to limited liability companies, their managers, members and transferees shall be applicable to each particular series with respect to the operation of such series.

(k) Except as otherwise provided in an operating agreement, any event under this Act or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(l) Except as otherwise provided in an operating agreement, any event under this Act or an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series or terminate the continued membership of a member in the limited liability company or cause the termination of the series, regardless of whether such member was the last remaining member associated with such series.

(m) Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series established in accordance with subsection (b) of this Section shall not affect the limitation on liabilities of such series provided by subsection (b) of this Section. A series is terminated and its affairs shall be wound up upon the dissolution of the limited liability company under Section 35 of this Act.

(n) If a limited liability company with a series does not register to do business in a foreign jurisdiction for itself and certain of its series, a series

New matter indicated by italics - deletions by strikeout
of a limited liability company may itself register to do business as a limited liability company in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction.

(o) If a foreign limited liability company, as permitted in the jurisdiction of its organization, has established a series having separate rights, powers or duties and has limited the liabilities of such series so that the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, or so that the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof are not enforceable against the assets of such series, then the limited liability company, on behalf of itself or any of its series, or any of its series on their own behalf may register to do business in the State in accordance with Section 45-5 of this Act. The limitation of liability shall be so stated on the application for admission as a foreign limited liability company and a certificate of designation shall be filed for each series being registered to do business in the State by the limited liability company. Unless otherwise provided in the operating agreement, the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series of such a foreign limited liability company shall be enforceable against the assets of such series only, and not against the assets of the foreign limited liability company generally or any other series thereof and none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to such a foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.

(805 ILCS 180/50-10)
Sec. 50-10. Fees.

(a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated under its authority all of the following:

(1) Fees for filing documents.
(2) Miscellaneous charges.
(3) Fees for the sale of lists of filings and for copies of any documents.

(b) The Secretary of State shall charge and collect for all of the following:

(1) Filing articles of organization of limited liability
companies (domestic), application for admission (foreign), and restated articles of organization (domestic), $500. Notwithstanding the foregoing, the fee for filing articles of organization (domestic), application for admission (foreign), and restated articles of organization (domestic) in connection with a limited liability company with a series pursuant to Section 37-40 of this Act is $750.

(2) Filing amendments:
   (A) For other than change of registered agent name or registered office, or both, $150.
   (B) For the purpose of changing the registered agent name or registered office, or both, $35.
(3) Filing articles of dissolution or application for withdrawal, $100.

(4) Filing an application to reserve a name, $300.
(5) (Blank).
(6) Filing a notice of a transfer of a reserved name, $100.
(7) Registration of a name, $300.
(8) Renewal of registration of a name, $100.
(9) Filing an application for use of an assumed name under Section 1-20 of this Act, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, and a renewal for each assumed name, $150.
(10) Filing an application for change of an assumed name, $100.
(11) Filing an annual report of a limited liability company or foreign limited liability company, $250, if filed as required by this Act, plus a penalty if delinquent. Notwithstanding the foregoing, the fee for filing an annual report of a limited liability company or foreign limited liability company is $250 plus $50 for each series for which a certificate of designation has been filed pursuant to Section 37-40 of this Act, plus a penalty if delinquent.
(12) Filing an application for reinstatement of a limited liability company or foreign limited liability company $500.
(13) Filing Articles of Merger, $100 plus $50 for each party to the merger in excess of the first 2 parties.
(14) Filing an Agreement of Conversion or Statement of Conversion, $100.
(15) Filing a statement of correction, $25.
(16) Filing a petition for refund, $15.
(17) Filing any other document, $100.
(18) Filing a certificate of designation of a limited liability company with a series pursuant to Section 37-40 of this Act, $50.
(c) The Secretary of State shall charge and collect all of the following:
(1) For furnishing a copy or certified copy of any document, instrument, or paper relating to a limited liability company or foreign limited liability company, $1 per page, but not less than $25, and $25 for the certificate and for affixing the seal thereto.
(2) For the transfer of information by computer process media to any purchaser, fees established by rule.
(Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59, eff. 7-1-03; revised 9-5-03.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 20, 2005.
Approved August 16, 2005.
Effective August 16, 2005.

PUBLIC ACT 94-0608
(Senate Bill No 1210)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Cemetery Protection Act is amended by changing Section 1 as follows:
(765 ILCS 835/1) (from Ch. 21, par. 15)
Sec. 1. (a) Any person who acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.
(a-5) Any person who acts without proper legal authority and who willfully and knowingly removes any portion of the remains of a deceased human being from a burial ground where skeletal remains are buried or from a grave, crypt, vault, mausoleum, or other repository of human remains is guilty of a Class 4 felony.
(b) Any person who acts without proper legal authority and who willfully and knowingly:
(1) obliterates, vandalizes, or desecrates a burial ground where

New matter indicated by italics - deletions by strikeout
skeletal remains are buried or a grave, crypt, vault, mausoleum, or other repository of human remains;

(2) obliterates, vandalizes, or desecrates a park or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons;

(3) obliterates, vandalizes, or desecrates plants, trees, shrubs, or flowers located upon or around a repository for human remains or within a human graveyard or cemetery; or

(4) obliterates, vandalizes, or desecrates a fence, rail, curb, or other structure of a similar nature intended for the protection or for the ornamentation of any tomb, monument, gravestone, or other structure of like character;

is guilty of a Class A misdemeanor if the amount of the damage is less than $500, a Class 4 felony if the amount of the damage is at least $500 and less than $10,000, a Class 3 felony if the amount of the damage is at least $10,000 and less than $100,000, or a Class 2 felony if the damage is $100,000 or more and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused.

(b-5) Any person who acts without proper legal authority and who willfully and knowingly defaces, vandalizes, injures, or removes a gravestone or other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside of a recognized cemetery, memorial park, or battlefield is guilty of a Class 4 felony for damaging at least one but no more than 4 gravestones, a Class 3 felony for damaging at least 5 but no more than 10 gravestones, or a Class 2 felony for damaging more than 10 gravestones and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused.

(b-7) Any person who acts without proper legal authority and who willfully and knowingly removes with the intent to resell a gravestone or other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside a recognized cemetery, memorial park, or battlefield, is guilty of a Class 2 felony.

(c) The provisions of this Section shall not apply to the removal or unavoidable breakage or injury by a cemetery authority of anything placed in or upon any portion of its cemetery in violation of any of the rules and regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority that in the judgment of the cemetery authority has become wrecked, unsightly, or dilapidated.

New matter indicated by italics - deletions by strikeout
(d) If an unemancipated minor is found guilty of violating any of the provisions of subsection (b) of this Section and is unable to provide restitution to the cemetery authority or property owner, the parents or legal guardians of that minor shall provide restitution to the cemetery authority or property owner for the amount of any damage caused, up to the total amount allowed under the Parental Responsibility Law.

(d-5) Any person who commits any of the following:

   (1) any unauthorized, non-related third party or person who enters any sheds, crematories, or employee areas;
   (2) any non-cemetery personnel who solicits cemetery mourners or funeral directors on the grounds or in the offices or chapels of a cemetery before, during, or after a burial;
   (3) any person who harasses or threatens any employee of a cemetery on cemetery grounds; or
   (4) any unauthorized person who removes, destroys, or disturbs any cemetery devices or property placed for safety of visitors and cemetery employees;

is guilty of a Class A misdemeanor for the first offense and of a Class 4 felony for a second or subsequent offense.

(e) Any person who shall hunt, shoot or discharge any gun, pistol or other missile, within the limits of any cemetery, or shall cause any shot or missile to be discharged into or over any portion thereof, or shall violate any of the rules made and established by the board of directors of such cemetery, for the protection or government thereof, is guilty of a Class C misdemeanor.

(f) Any person who knowingly enters or knowingly remains upon the premises of a public or private cemetery without authorization during hours that the cemetery is posted as closed to the public is guilty of a Class A misdemeanor.

(g) All fines when recovered, shall be paid over by the court or officer receiving the same to the cemetery association and be applied, as far as possible in repairing the injury, if any, caused by such offense. Provided, nothing contained in this Act shall deprive such cemetery association, or the owner of any lot or monument from maintaining an action for the recovery of damages caused by any injury caused by a violation of the provisions of this Act, or of the rules established by the board of directors of such cemetery association. Nothing in this Section shall be construed to prohibit the discharge of firearms loaded with blank ammunition as part of any funeral, any memorial observance or any other patriotic or military ceremony.

(Source: P.A. 92-419, eff. 1-1-02.)

New matter indicated by italics - deletions by strikeout

PUBLIC ACT 94-0609
(Senate Bill No. 1495)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:
(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.
(a) A person shall not drive or be in actual physical control of any vehicle within this State while:
(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.
(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a

New matter indicated by italics - deletions by strikeout
defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined
in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional
mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.  

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.  

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.  

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.  

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.
(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in

New matter indicated by italics - deletions by strikeout
addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;
(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;
(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;
(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);
(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under
subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be

New matter indicated by italics - deletions by strikeout
required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to

New matter indicated by italics - deletions by strikeout
purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response"
means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; revised 1-13-05.)

Passed in the General Assembly May 20, 2005.
Approved August 16, 2005.
Effective January 1, 2006.

**PUBLIC ACT 94-0610**  
*(Senate Bill No. 2038)*

AN ACT concerning property.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. "An Act to authorize the Department of Mental Health to convey certain State-owned lands in Kane County", approved August 10, 1965, as amended by "An Act to amend Section 3 of "An Act to authorize the Department of Mental Health to convey certain State-owned lands in Kane County", approved August 10, 1965", approved March 2, 1967, is amended by changing Section 3 as follows:

(Laws 1965, p. 2927, Sec. 3; Laws 1967, p. 28, Sec. 1)

Sec. 3. *(a) Except as provided in subsection (b), the purchaser shall agree that the land described in Section 1 shall be used for public educational and recreational purposes, but may convey any part of that land to the board of a public junior college district which includes any part of Kane County in its territory at a purchase price computed on the basis of a price per acre which does not exceed that authorized by this Act for the conveyance to the City of Elgin. Such an agreement does not prevent the City of Elgin from selling or leasing, under the conditions and in the manner provided in Division 76 of Article 11 of the Illinois Municipal Code, any part of that land not so conveyed. *(b) The provisions of subsection (a) do not apply to the following described land, which is a part of the land described in Section 1: THAT PART OF THE SOUTH HALF OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST
CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE SOUTH 88 DEGREES 16 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 474.18 FEET; THENCE NORTH 58 DEGREES 14 MINUTES 37 SECONDS WEST, A DISTANCE OF 235.77 FEET; THENCE NORTH 32 DEGREES 44 MINUTES 49 SECONDS WEST, A DISTANCE OF 162.03 FEET; THENCE NORTH 09 DEGREES 02 MINUTES 18 SECONDS WEST, A DISTANCE OF 360.85 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 09 DEGREES 02 MINUTES 18 SECONDS EAST, A DISTANCE OF 360.85 FEET; THENCE SOUTH 32 DEGREES 44 MINUTES 49 SECONDS EAST, A DISTANCE OF 162.03 FEET; THENCE SOUTH 58 DEGREES 14 MINUTES 37 SECONDS EAST, A DISTANCE OF 74.33 FEET; THENCE SOUTH 37 DEGREES 46 MINUTES 46 SECONDS EAST, A DISTANCE OF 109.91 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE SOUTH 88 DEGREES 16 MINUTES 35 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21 ALSO BEING THE SOUTH LINE OF PROPERTY PREVIOUSLY OWNED BY THE STATE OF ILLINOIS BY DOCUMENT NUMBER 498148, A DISTANCE OF 783.03 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH 00 DEGREES 56 MINUTES 00 SECONDS WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21 ALSO BEING THE MOST WESTERLY LINE OF PROPERTY PREVIOUSLY OWNED BY THE STATE OF ILLINOIS BY DOCUMENT NUMBER 498148, A DISTANCE OF 624.62 FEET TO THE INTERSECTION WITH A LINE THAT IS 30.00 FEET, AS MEASURED PERPENDICULAR, SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF PROPERTY PREVIOUSLY OWNED BY THE STATE OF ILLINOIS BY DOCUMENT NUMBER 498148; THENCE NORTH 88 DEGREES 01 MINUTES 35 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 518.58 FEET TO THE POINT OF BEGINNING. BEING SITUATED IN THE CITY OF ELGIN, KANE COUNTY, ILLINOIS AND CONTAINING 8.59 ACRES MORE OR LESS.

(Source: Laws 1965, p. 2927; Laws 1967, p. 28.)

(P.A. 81-910, Sec. 1-6 rep.)

New matter indicated by italics - deletions by strikeout
Section 10. "An Act authorizing the Director of Mental Health and Developmental Disabilities to convey certain real property", approved September 22, 1979, Public Act 81-910, is amended by repealing Section 1-6.

Section 15. Upon the payment of the sum of $1 to the State of Illinois, Department of Corrections, the Director of the Department of Corrections, on behalf of the State of Illinois, is authorized to execute and deliver to the Community Unit School District 303 a Quit Claim Deed to the following described real property, to wit:


The conveyance of land under this Section is subject to the condition that the land must be used or held by the Community Unit School District 303 for public purposes unless otherwise authorized by law. If at any time the condition is breached then the land shall revert back to the State of Illinois, Department of Corrections, by operation of law.

Section 20. The General Assembly finds as follows:

(1) Public Act 92-532 authorized the transfer of parcels of land from the Illinois Department of Corrections to the City of St. Charles.
(2) It was the understanding of the Illinois Department of Corrections and the City of St. Charles that the conveyance described in Section 10 of this Act would be included in Public Act 92-532.
(3) It has since been discovered that the conveyance described in Section 10 of this Act was not included in Public Act 92-532, and this Act is necessary to ensure that the conveyance be made so that the land may be used
for a public purpose.

Section 25. The Director of the Illinois Department of Corrections is authorized to convey a permanent exclusive easement to the City of St. Charles, Illinois, lessees of the City of St. Charles, Illinois, and all public utility companies of any kind of operation under franchise agreements granting them easement rights from the City of St. Charles, Illinois, and their successors and assigns in, upon, across, over, under, and through the following described land in Kane County, Illinois:

Parcel 10: ILLINOIS DEPARTMENT OF CORRECTIONS
The Westerly Sixty Feet and the Northerly Ten Feet of that part of the Southeast Quarter of Section 31 Township 40 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at the Northeast corner of Tract of Land conveyed to the City of St. Charles by Quit Claim Deed recorded November 30, 1993 as Document No. 93K095347 (Parcel 1) in the Kane County Recorders Office; thence Southerly along the East Line of said Tract, 749.89 feet; thence Southwesterly along the Southeast Line of said Tract which forms an angle of 210 degrees 30 minutes and 00 seconds with last described course (measured clockwise therefrom) 309.61 feet; thence Easterly along a line that forms an angle of 59 degrees 55 minutes and 57 seconds with the last described course (measured clockwise therefrom) 715.24 feet, to a point on the Southerly Extension of the West Line of Tract of Land conveyed to the Illinois Department of Transportation by document No. 1690232 in said Recorders Office, said point being 550.00 feet South of Southwest corner of said Tract; thence Northerly along said Southerly Extension and the West Line of said Tract, and which line forms an angle of 90 degrees 00 minutes and 00 seconds with the last described course (measured clockwise therefrom) 1050.00 feet, to the Northwest corner of said Illinois Department of Transportation Tract, being on the South Right of Way of Illinois State Route 38, (said South Right of Way Line being 60.00 feet normally distant South of the Centerline of Illinois State Route 38); thence westerly along said Right of Way line 566.70 feet, to the Point of Beginning, in St. Charles Township, Kane County, Illinois.

Section 90. The Director of the Illinois Department of Corrections shall obtain a certified copy of the portion of this Act containing the title, enacting clause, effective date, the appropriate Sections containing the land descriptions of the property listed in Sections 15 and 25 to be transferred or otherwise affected under this Act after its effective date and, upon receipt of payment, if payment is required by the Section, shall record the certified document in the Recorder's Office in Kane County.

PUBLIC ACT 94-0611
(House Bill No. 0128)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Social Security Number Protection Task Force Act is amended by changing Section 10 as follows:
(20 ILCS 4040/10)
Sec. 10. Social Security Number Protection Task Force.
(a) The Social Security Number Protection Task Force is created. The Task Force shall consist of the following members:
(1) One member representing the House of Representatives, appointed by the Speaker of the House of Representatives;
(2) One member representing the House of Representatives, appointed by the Minority Leader of the House of Representatives;
(3) One member representing the Senate, appointed by the President of the Senate;
(4) One member representing the Senate, appointed by the Minority Leader of the Senate;
(5) One member representing the Office of the Attorney General, appointed by the Attorney General;
(6) One member representing the Office of the Secretary of State, appointed by the Secretary of State;
(7) One member representing the Office of the Governor, appointed by the Governor;
(8) One member representing the Department of Natural Resources, appointed by the Director of Natural Resources;
(9) One member representing the Department of Public Aid, appointed by the Director of Public Aid;
(10) One member representing the Department of Revenue, appointed by the Director of Revenue;
(11) One member representing the Department of State Police, appointed by the Director of State Police; and

New matter indicated by italics - deletions by strikeout
(12) One member representing the Department of Employment Security, appointed by the Director of Employment Security;

(13) One member representing the Illinois Courts, appointed by the Director of the Administrative Office of Illinois Courts; and

(14) One member representing the Department on Aging, appointed by the Director of the Department on Aging.

(b) The Task Force shall examine the procedures used by the State to protect an individual against the unauthorized disclosure of his or her social security number when the State requires the individual to provide his or her social security number to an officer or agency of the State.

(c) The Task Force shall report its findings and recommendations to the Governor, the Attorney General, the Secretary of State, and the General Assembly no later than March 1, 2006, the first day of the 2004 fall veto session of the 93rd General Assembly.

(Source: P.A. 93-813, eff. 7-27-04.)


PUBLIC ACT 94-0612

(AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 8-152 and 14-104 and adding Section 8-152.1 as follows:

(40 ILCS 5/8-152) (from Ch. 108 1/2, par. 8-152)

Sec. 8-152. Widows or former wives not entitled to annuity. Except as provided in Section 8-152.1, the following widows or former wives of employees have no right to annuity from the fund:

(a) The widow, married subsequent to the effective date, of an employee who dies in service if she was not married to him before he attained age 65;

(b) The widow, married subsequent to the effective date, of an employee who withdraws from service whether or not he enters upon annuity, and who dies while out of service, if she was not his wife while he was in

New matter indicated by italics - deletions by strikeout
service and before he attained age 65;
  (c) The widow of an employee with 10 or more years of service whose
death occurs out of and after he has withdrawn from service, and who has
received a refund of his contributions for annuity purposes;
  (d) The widow of an employee with less than 10 years of service who
dies out of service after he has withdrawn from service before he attained age
60;
  (e) The former wife of an employee whose judgment of dissolution
of marriage has been vacated or set aside after the employee's death, unless
the proceedings to vacate or set aside the judgment were filed in court within
5 years after the entry thereof and within one year after the employee's death,
and unless the board is made a party defendant to such proceedings.
(Source: P.A. 81-1536.)

(40 ILCS 5/8-152.1 new)

Sec. 8-152.1. Widow's annuity for widow married to member for at
least 10 years. Notwithstanding Section 8-152 or any other provision of this
Code to the contrary, if (1) a member has a spouse who would have qualified
for a minimum annuity for widows under Section 8-150.1 at the time of the
member's retirement, (2) the qualifying spouse dies, (3) the member
subsequently remarries, and (4) the member does not receive a refund under
Section 8-169, then the member's widow shall be entitled to a widow's
annuity if (i) the member dies after May 1, 2004 and before November 1,
2004 and (ii) the widow was married to the member for at least the last 10
years prior to the member's death. A widow who elects to receive a widow's
annuity under this Section is thereafter ineligible to receive any other
survivor's benefit under this Article. A widow who is receiving any survivor's
benefit under this Article is thereafter ineligible to receive a widow's annuity
under this Section. If a widow who is receiving a widow's annuity under this
Section remarries, then the benefits paid to that widow shall be terminated
effective on the last day of the month in which the widow remarries. To
establish credit under this Section, the widow must apply to the Fund on or
before July 1, 2006.

(40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

Sec. 14-104. Service for which contributions permitted. Contributions
provided for in this Section shall cover the period of service granted. Except
as otherwise provided in this Section, the contributions shall be based upon
the employee's compensation and contribution rate in effect on the date he
last became a member of the System; provided that for all employment prior
to January 1, 1969 the contribution rate shall be that in effect for a

New matter indicated by italics - deletions by strikeout
noncovered employee on the date he last became a member of the System. Except as otherwise provided in this Section, contributions permitted under this Section shall include regular interest from the date an employee last became a member of the System to the date of payment.

These contributions must be paid in full before retirement either in a lump sum or in installment payments in accordance with such rules as may be adopted by the board.

(a) Any member may make contributions as required in this Section for any period of service, subsequent to the date of establishment, but prior to the date of membership.

(b) Any employee who had been previously excluded from membership because of age at entry and subsequently became eligible may elect to make contributions as required in this Section for the period of service during which he was ineligible.

(c) An employee of the Department of Insurance who, after January 1, 1944 but prior to becoming eligible for membership, received salary from funds of insurance companies in the process of rehabilitation, liquidation, conservation or dissolution, may elect to make contributions as required in this Section for such service.

(d) Any employee who rendered service in a State office to which he was elected, or rendered service in the elective office of Clerk of the Appellate Court prior to the date he became a member, may make contributions for such service as required in this Section. Any member who served by appointment of the Governor under the Civil Administrative Code of Illinois and did not participate in this System may make contributions as required in this Section for such service.

(e) Any person employed by the United States government or any instrumentality or agency thereof from January 1, 1942 through November 15, 1946 as the result of a transfer from State service by executive order of the President of the United States shall be entitled to prior service credit covering the period from January 1, 1942 through December 31, 1943 as provided for in this Article and to membership service credit for the period from January 1, 1944 through November 15, 1946 by making the contributions required in this Section. A person so employed on January 1, 1944 but whose employment began after January 1, 1942 may qualify for prior service and membership service credit under the same conditions.

(f) An employee of the Department of Labor of the State of Illinois who performed services for and under the supervision of that Department prior to January 1, 1944 but who was compensated for those services directly
by federal funds and not by a warrant of the Auditor of Public Accounts paid by the State Treasurer may establish credit for such employment by making the contributions required in this Section. An employee of the Department of Agriculture of the State of Illinois, who performed services for and under the supervision of that Department prior to June 1, 1963, but was compensated for those services directly by federal funds and not paid by a warrant of the Auditor of Public Accounts paid by the State Treasurer, and who did not contribute to any other public employee retirement system for such service, may establish credit for such employment by making the contributions required in this Section.

(g) Any employee who executed a waiver of membership within 60 days prior to January 1, 1944 may, at any time while in the service of a department, file with the board a rescission of such waiver. Upon making the contributions required by this Section, the member shall be granted the creditable service that would have been received if the waiver had not been executed.

(h) Until May 1, 1990, an employee who was employed on a full-time basis by a regional planning commission for at least 5 continuous years may establish creditable service for such employment by making the contributions required under this Section, provided that any credits earned by the employee in the commission's retirement plan have been terminated.

(i) Any person who rendered full time contractual services to the General Assembly as a member of a legislative staff may establish service credit for up to 8 years of such services by making the contributions required under this Section, provided that application therefor is made not later than July 1, 1991.

(j) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, but with all of the interest calculated from the date the employee last became a member of the System or November 19, 1991, whichever is later, to the date of payment, an employee may establish service credit for a period of up to 2 years spent in active military service for which he does not qualify for credit under Section 14-105, provided that (1) he was not dishonorably discharged from such military service, and (2) the amount of service credit established by a member under this subsection (j), when added to the amount of military service credit granted to the member under subsection (b) of Section 14-105, shall not exceed 5 years. The change in the manner of calculating interest under this subsection (j) made by this amendatory Act of the 92nd General Assembly applies to credit purchased by
an employee on or after its effective date and does not entitle any person to a refund of contributions or interest already paid.

(k) An employee who was employed on a full-time basis by the Illinois State's Attorneys Association Statewide Appellate Assistance Service LEAA-ILEC grant project prior to the time that project became the State's Attorneys Appellate Service Commission, now the Office of the State's Attorneys Appellate Prosecutor, an agency of State government, may establish creditable service for not more than 60 months service for such employment by making contributions required under this Section.

(l) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member may establish service credit for periods of less than one year spent on authorized leave of absence from service, provided that (1) the period of leave began on or after January 1, 1982 and (2) any credit established by the member for the period of leave in any other public employee retirement system has been terminated. A member may establish service credit under this subsection for more than one period of authorized leave, and in that case the total period of service credit established by the member under this subsection may exceed one year. In determining the contributions required for establishing service credit under this subsection, the interest shall be calculated from the beginning of the leave of absence to the date of payment.

(m) Any person who rendered contractual services to a member of the General Assembly as a worker in the member's district office may establish creditable service for up to 3 years of those contractual services by making the contributions required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To establish credit under this subsection, the applicant must apply to the System by March 1, 1998.

(n) Any person who rendered contractual services to a member of the General Assembly as a worker providing constituent services to persons in the member's district may establish creditable service for up to 8 years of those contractual services by making the contributions required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To establish credit under this subsection, the applicant must apply to the System by March 1, 1998.

(o) A member who participated in the Illinois Legislative Staff Internship Program may establish creditable service for up to one year of that participation by making the contribution required under this Section.
System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. Credit may not be established under this subsection for any period for which service credit is established under any other provision of this Code.

(p) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member may establish service credit for a period of up to 8 years during which he or she was employed by the Visually Handicapped Managers of Illinois in a vending program operated under a contractual agreement with the Department of Rehabilitation Services or its successor agency.

This subsection (p) applies without regard to whether the person was in service on or after the effective date of this amendatory Act of the 94th General Assembly. In the case of a person who is receiving a retirement annuity on that effective date, the increase, if any, shall begin to accrue on the first annuity payment date following receipt by the System of the contributions required under this subsection (p).

(Source: P.A. 92-54, eff. 7-12-01.)

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 18, 2005.
Effective August 18, 2005.

PUBLIC ACT 94-0613
(House Bill No. 0509)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Southeastern Illinois Economic Development Authority Act is amended by changing Sections 20, 25 and 45 as follows:

(70 ILCS 518/20)

Sec. 20. Creation.

New matter indicated by italics - deletions by strikeout
(a) There is created a political subdivision, body politic, and municipal corporation named the Southeastern Illinois Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of the following counties: Fayette, Cumberland, Clark, Effingham, Jasper, Crawford, Marion, Clay, Richland, Lawrence, Jefferson, Wayne, Edwards, Wabash, Hamilton, and White; *Irvington Township in Washington County*; and any navigable waters and airspace located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 10 members as follows:

1. Nine members shall be appointed by the Governor with the advice and consent of the Senate.

2. One member shall be appointed by the Director of Commerce and Economic Opportunity.

All public members shall reside within the territorial jurisdiction of the Authority. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, state or local government, commercial agriculture, small business management, real estate development, community development, venture finance, organized labor, or civic or community organization.

(c) Six members shall constitute a quorum.

(d) The chairman of the Authority shall be elected annually by the Board.

(e) The terms of all initial members of the Authority shall begin 30 days after the effective date of this Act. Of the 10 original members appointed pursuant to subsection (b), one shall serve until the third Monday in January, 2005; one shall serve until the third Monday in January, 2006; 2 shall serve until the third Monday in January, 2007; 2 shall serve until the third Monday in January, 2008; 2 shall serve until the third Monday in January, 2009; and 2 shall serve until the third Monday in January, 2010. All successors to these original public members shall be appointed by the Governor with the advice and consent of the Senate, or by the Director of Commerce and Economic Opportunity, as the case may be, pursuant to subsection (b), and shall hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in the case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a
temporary appointment until the next meeting of the Senate when a person shall be nominated to fill the office and, upon confirmation by the Senate, he or she shall hold office during the remainder of the term and until a successor is appointed and qualified. Members of the Authority are not entitled to compensation for their services as members but are entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members. Members of the Board may participate in Board meetings by teleconference or video conference.

(f) The Governor may remove any public member of the Authority appointed by the Governor, and the Director of Commerce and Economic Opportunity may remove any public member appointed by the Director, in case of incompetence, neglect of duty, or malfeasance in office.

(g) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate, or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, perform such other duties as may be prescribed from time to time by the members, and receive compensation fixed by the Authority. The Executive Director shall attend all meetings of the Authority. However, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of the Illinois Finance Authority, attorneys, appraisers, engineers, accountants, credit analysts, and other consultants, if the Southeastern Illinois Economic Development Authority deems it advisable.

(Source: P.A. 93-968, eff. 8-20-04.)

(70 ILCS 518/25)

Sec. 25. Duty. All official acts of the Authority shall require the approval of at least 6 members. It shall be the duty of the Authority to promote development within the territorial jurisdiction of the Authority. The Authority shall use the powers conferred upon it to assist in the development, construction, and acquisition of industrial, commercial, housing, or residential projects within its territorial jurisdiction those counties.

(Source: P.A. 93-968, eff. 8-20-04.)

(70 ILCS 518/45)

Sec. 45. Acquisition.

(a) The Authority may, but need not, acquire title to any project with
respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift, or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic, or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any of these sources.

(c) The Authority shall have power to develop, construct, and improve, either under its own direction or through collaboration with any approved applicant, or to acquire, through purchase or otherwise, any project, using for this purpose the proceeds derived from its sale of revenue bonds, notes, or other evidences of indebtedness or governmental loans or grants and shall have the power to hold title to those projects in the name of the Authority.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Fayette, Cumberland, Clark, Effingham, Jasper, Crawford, Marion, Clay, Richland, Lawrence, Jefferson, Wayne, Edwards, Wabash, Hamilton, and White; Irvington Township in Washington County; the Illinois Development Finance Authority, the Illinois Housing Development Authority, the Illinois Education Facilities Authority, the Illinois Farm Development Authority, the Rural Bond Bank, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority, or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois, and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the Illinois Municipal Code.

(Source: P.A. 93-968, eff. 8-20-04.)

Section 10. The Public Water District Act is amended by changing Section 9 as follows:

(70 ILCS 3705/9) (from Ch. 111 2/3, par. 196)
Sec. 9. Every public water district organized under this Act and every

New matter indicated by italics - deletions by strikeout
non-profit private water company is authorized to construct, maintain, alter and extend its water mains as a proper use of highways along, upon, under and across any highway, street, alley or public ground in the State, but so as not to inconvenience the public use thereof, and the right and authority are hereby granted to any such district or non-profit private water company to construct, maintain and operate any conduit or conduits, water pipe or pipes, wholly or partially buried or otherwise in, upon and along any of the lands owned by said State under any of the public waters therein; provided that the right, permission and authority hereby granted shall be subject to all public rights of commerce and navigation and the authority of the United States in behalf of such public rights, and also to the laws of the State of Illinois to regulate and control the same.

(Source: Laws 1945, p. 1187.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 29, 2005.
Approved August 18, 2005.
Effective August 18, 2005.

PUBLIC ACT 94-0614
(House Bill No. 0511)

AN ACT concerning health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Mercury-Free Vaccine Act.

Section 5. Banned mercury-containing vaccines.
(a) Commencing January 1, 2006, a person shall not be vaccinated with a mercury-containing vaccine that contains more than 1.25 micrograms of mercury per dose.
(b) Commencing January 1, 2008, no person shall be vaccinated with a vaccine or injected with any product that contains, or prior to dilution, had contained as an additive, any mercury based product, whether at preservative or trace amount levels.

Section 10. Exemption. The Department of Public Health may exempt the use of a vaccine from this Act if the Department finds that an actual or potential bio-terrorist incident or other actual or potential public health emergency, including an epidemic or shortage of supply of a vaccine at a reasonable cost that would prevent a person from receiving the needed vaccine.

New matter indicated by italics - deletions by strikeout
vaccine, makes necessary the administration of a vaccine containing more mercury than the maximum level set forth in subsection (a) or subsection (b) of Section 5 in the case of influenza vaccine. The exemption shall meet all of the following conditions:

(1) The exemption shall not be issued for more than 12 months.

(2) At the end of the effective period of any exemption, the Department may issue another exemption for up to 12 months for the same incident or public health emergency, if the Department makes a determination that any exemption is necessary as set forth in this Section and the Department notifies the legislature and interested parties pursuant to paragraphs (3), (4), and (5).

(3) Upon issuing an exemption, the Department shall, within 48 hours, notify the legislature about any exemption and about the Department's findings justifying the exemption's approval.

(4) Upon request for an exemption, the Department shall notify an interested party, who has expressed his or her interest to the Department in writing, that an exemption request has been made.

(5) Upon issuing an exemption, the Department shall, within 7 days, notify an interested party, who has expressed his or her interest to the Department in writing, about any exemption and about the Department's findings justifying the exemption's approval.

Passed in the General Assembly May 29, 2005.
Approved August 18, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0615
(House Bill No. 0566)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 2. If and only if Senate Bill 1930 of the 94th General Assembly becomes law in the form in which it passed the Senate, the Mechanics Lien Act is amended by changing Section 21 as follows:

Sec. 21. Sub-contractor defined; lien of sub-contractor; notice; size of type; service of notice; amount of lien; default by contractor.

(a) Subject to the provisions of Section 5, every mechanic, worker or
other person who shall furnish any labor, services, material, fixtures, apparatus or machinery, forms or form work for the contractor, or shall furnish any material to be employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed form or form work where concrete, cement or like material is used in whole or in part, shall be known under this Act as a sub-contractor, and shall have a lien for the value thereof, with interest on such amount from the date the same is due, from the same time, on the same property as provided for the contractor, and, also, as against the creditors and assignees, and personal and legal representatives of the contractor, on the material, fixtures, apparatus or machinery furnished, and on the moneys or other considerations due or to become due from the owner under the original contract.

(b) If the legal effect of any contract between the owner and contractor is that no lien or claim may be filed or maintained by any one and the waiver is not prohibited by this Act, or that such contractor's lien shall be subordinated to the interests of any other party, such provision shall be binding; but the only admissible evidence thereof as against a subcontractor or material supplier, shall be proof of actual notice thereof to him or her before his or her contract is entered into. Such waiver or subordination provision shall not be binding on the subcontractor unless set forth in its entirety in writing in the contract between the contractor and subcontractor or material supplier.

(c) It shall be the duty of each subcontractor who has furnished, or is furnishing, labor, services, material, fixtures, apparatus or machinery, forms or form work for an existing owner-occupied single family residence, in order to preserve his lien, to notify the occupant either personally or by certified mail, return receipt requested, addressed to the occupant or his agent of the residence within 60 days from his first furnishing labor, services, material, fixtures, apparatus or machinery, forms or form work, that he is supplying labor, services, material, fixtures, apparatus or machinery, forms or form work provided, however, that any notice given after 60 days by the subcontractor shall preserve his lien, but only to the extent that the owner has not been prejudiced by payments made prior to receipt of the notice. The notification shall include a warning to the owner that before any payment is made to the contractor, the owner should receive a waiver of lien executed by each subcontractor who has furnished labor, services, material, fixtures, apparatus or machinery, forms or form work.

The notice shall contain the name and address of the subcontractor or

New matter indicated by italics - deletions by strikeout
material man, the date he started to work or to deliver materials, the type of work done and to be done or the type of materials delivered and to be delivered, and the name of the contractor requesting the work. The notice shall also contain the following warning:

"NOTICE TO OWNER

The subcontractor providing this notice has performed work for or delivered material to your home improvement contractor. These services or materials are being used in the improvements to your residence and entitle the subcontractor to file a lien against your residence if the services or materials are not paid for by your home improvement contractor. A lien waiver will be provided to your contractor when the subcontractor is paid, and you are urged to request this waiver from your contractor when paying for your home improvements."

Such warning shall be in at least 10 point bold face type. For purposes of this Section, notice by certified mail is considered served at the time of its mailing.

(d) In no case, except as hereinafter provided, shall the owner be compelled to pay a greater sum for or on account of the completion of such house, building or other improvement than the price or sum stipulated in said original contract or agreement, unless payment be made to the contractor or to his order, in violation of the rights and interests of the persons intended to be benefited by this act: Provided, if it shall appear to the court that the owner and contractor fraudulently, and for the purpose of defrauding sub-contractors fixed an unreasonably low price in their original contract for the erection or repairing of such house, building or other improvement, then the court shall ascertain how much of a difference exists between a fair price for labor, services, material, fixtures, apparatus or machinery, forms or form work used in said house, building or other improvement, and the sum named in said original contract, and said difference shall be considered a part of the contract and be subject to a lien. But where the contractor's statement, made as provided in Section 5, shows the amount to be paid to the sub-contractor, or party furnishing material, or the sub-contractor's statement, made pursuant to Section 22, shows the amount to become due for material; or notice is given to the owner, as provided in Sections 24 and 25, and thereafter such subcontract shall be performed, or material to the value of the amount named in such statements or notice, shall be prepared for use and delivery, or delivered without written protest on the part of the owner previous to such performance or delivery, or preparation for delivery, then, and in any of such cases, such sub-contractor or party furnishing or preparing material, regardless of the

New matter indicated by italics - deletions by strikeout
price named in the original contract, shall have a lien therefor to the extent of the amount named in such statements or notice. In case of default or abandonment by the contractor, the sub-contractor or party furnishing material, shall have and may enforce his lien to the same extent and in the same manner that the contractor may under conditions that arise as provided for in Section 4 of this Act, and shall have and may exercise the same rights as are therein provided for the contractor.

(e) Any provision in a contract, agreement, or understanding, when payment from a contractor to a subcontractor or supplier is conditioned upon receipt of the payment from any other party including a private or public owner, shall not be a defense by the party responsible for payment to a claim brought under Section 21, 22, 23, or 28 of this Act against the party. For the purpose of this Section, "contractor" also includes subcontractor or supplier. The provisions of Public Act 87-1180 shall be construed as declarative of existing law and not as a new enactment.

(Source: P.A. 87-361; 87-362; 87-895; 87-1180; 88-45; 94SB1930eng.)

Section 5. The Tool and Die Lien Act is amended by changing Sections 1, 2, 3, 5, and 6 and by adding Sections 4.1 and 5.1 as follows:

(770 ILCS 105/1) (from Ch. 82, par. 351)

Sec. 1. Lien.

(A) Plastic or metal processors or persons conducting a plastic or metal processing business shall have a lien on the tools, dies, molds, jigs, fixtures, forms or patterns in their possession belonging to a customer, for the balance due them from such customer for plastic or metal processing work, and for all materials related to such work. The processor may retain possession of the tool, die, mold, jig, fixture, form or pattern until such balance is paid, subject only to a security interest properly perfected pursuant to Article 9 of the Uniform Commercial Code.

(B) A toolmaker has a lien on all special tools produced by it and on all proceeds from the assignment, sale, transfer, exchange, or other disposition of the special tool produced by it until the toolmaker is paid in full all amounts due the toolmaker for the production of the special tool. For the purpose of this subsection:

(1) the lien attaches when the special tool is delivered from the toolmaker to the customer;

(2) the amount of the lien is the amount that a customer or processor owes the toolmaker for the fabrication, repair, or modification of the special tool; and

(3) the toolmaker retains the lien even if the toolmaker is not
a possession of the special tool for which the lien is claimed.
(Source: P.A. 85-381.)

(770 ILCS 105/2) (from Ch. 82, par. 352)
Sec. 2. Definitions. For purposes of this Act:

(A) The term "processor" means any individual or entity including, but not limited to, a tool or die maker, who contracted with, or uses a tool, die, mold, jig, fixture, form or pattern to manufacture, assemble, or otherwise make a plastic or metal product or products for a customer.

(B) The term "customer" means any individual or entity who contracted with, or caused a plastic or metal processor to use a tool, die, mold, jig, fixture, form or pattern to manufacture, assemble, or otherwise make plastic or metal components or products.

(C) The term "special tool" means a tool, die, mold, jig, fixture, form, or pattern, or part used to manufacture, assemble, or otherwise make plastic or metal components or products.

(D) The term "toolmaker" means a person including, but not limited to, a mold builder, model maker, patternmaker, molder, die maker, metal former, jig and fixture builder, die sinker, die caster, mold designer, mold programmer, die designer, die programmer, and mold or die engineer, that fabricates, cuts, casts, forms, or designs molds for the plastic industry or dies for the metal forming industry.
(Source: P.A. 85-381.)

(770 ILCS 105/3) (from Ch. 82, par. 353)
Sec. 3. Notice. Before enforcing a lien as provided for in subsection (A) of Section 1 of this Act, an initial notice in writing shall be given to the customer, either delivered personally or sent by registered mail to the last known address of the customer. This notice shall state that a lien is claimed in the amount therein set forth or thereto attached for processing work contracted or performed for the customer. This notice shall also include a demand for payment.

Before enforcing a lien as provided in subsection (B) of Section 1 of this Act, an initial notice in writing shall be given to the customer and processor, either delivered personally or sent by registered mail to the last known address of the customer and the processor. The notice shall state that a lien is claimed in the amount set forth in or attached to the notice for the fabrication, repair, or modification of the special tool. The notice shall also include a demand for payment.
(Source: P.A. 85-381.)

(770 ILCS 105/4.1 new)
Sec. 4.1. Possession of special tool. If the toolmaker has not been paid the amount claimed in the notice within 90 days after the initial notice is received by the customer and by the processor, the toolmaker has a right to possession of the special tool and may do the following:

(1) enforce the right to possession of the special tool by judgement, foreclosure, or any available judicial procedure;

(2) commence a civil action in circuit court to enforce the lien, including by obtaining a judgment for the amount owed and a judgment permitting the special tool to be sold at an execution sale;

(3) take possession of the special tool, if possession without judicial process can be done without breach of the peace; and

(4) sell the special tool in a public auction.

A toolmaker that suffers damages under this Act may obtain appropriate legal and equitable relief, including damages, in a civil action. The court shall award the toolmaker that is the prevailing party reasonable attorney's fees, court costs, and expenses related to enforcement of the lien.

(770 ILCS 105/5) (from Ch. 82, par. 355)

Sec. 5. Second notice; publication; sale by processor.

(A) Before a processor may sell the die, mold or special tool, the processor shall provide a second written notification to the customer, by registered mail, return receipt requested. The second notice shall include the following information:

(1) The processor's intention to sell the die, mold, or special tool;

(2) A description of the die, mold, or special tool to be sold;

(3) The time and place of the sale; and

(4) An itemized statement for the amount due.

(B) In addition to this notification by mail, the processor shall publish in a newspaper of general circulation in the place where the die, mold, or special tool is being held for sale by the processor, notice of the processor's intention to sell the die, mold, or special tool. The notice shall include a description of the die, mold, or special tool and name of the customer.

(Source: P.A. 85-381.)

(770 ILCS 105/5.1 new)

Sec. 5.1. Second notice; publication; sale by toolmaker.

(A) Before a toolmaker may sell the special tool, the toolmaker shall provide a second written notification to the customer and processor, by registered mail, return receipt requested. The second notice shall include the following information:

(1) the toolmaker's intention to sell the special tool;

New matter indicated by italics - deletions by strikeout
(2) a description of the special tool to be sold;
(3) the time and place of the sale; and
(4) an itemized statement for the amount due.

(B) In addition to this notification by mail, the toolmaker shall publish in a newspaper of general circulation in the place where the special tool is being held for sale by the toolmaker, notice of the toolmaker's intention to sell the special tool. The notice shall include a description of the special tool and name of the customer and processor.

(770 ILCS 105/6) (from Ch. 82, par. 356)
Sec. 6. Inspection. (A) Prior to the sale of any die, mold or special tool in accordance with this Act, such item must be available for inspection, upon request, by members of the public during normal business hours for a period of at least 2 weeks prior to the sale.

(B) If the sale is for a sum greater than the amount of the lien, the excess shall be paid to any prior lienholder and any remainder to the customer and the processor.

(C) A sale shall not be made or a possession shall not be obtained under this Act if it would be in violation of any right of a customer or a processor under federal patent, bankruptcy, or copyright law.

(Source: P.A. 85-381.)
Approved August 18, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0616
(House Bill No. 0655)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by changing Section 5-41020 as follows:
(55 ILCS 5/5-41020)
Sec. 5-41020. Instituting proceedings.
(a) When a code enforcement officer observes a code violation, the officer shall note or, in the case of an animal control violation, the code enforcement officer may respond to the filing of a formal complaint by noting the violation on a violation notice and report form, indicating the following: the name and address of the respondent, if known; the name, address, and
(b) The violation notice and report form shall contain a file number and a hearing date noted by the code enforcement officer in the blank spaces provided for that purpose on the form. The violation notice and report shall state that failure to appear at the hearing on the date indicated may result in a determination of liability for the cited violation and the imposition of fines and assessment of costs as provided by the applicable county ordinance. The violation notice and report shall also state that upon a determination of liability and the exhaustion of or failure to exhaust procedures for judicial review, any unpaid fines or costs imposed will constitute a debt due and owed to the county.

(c) A copy of the violation notice and report form shall be served on the respondent either personally or by first class mail, postage prepaid, sent to the address of the respondent. If the name of the respondent property owner cannot be ascertained or if service on the respondent cannot be made by mail, service may be made on the respondent property owner by posting, not less than 20 days before the hearing is scheduled, a copy of the violation notice and report form in a prominent place on the property where the violation is found. If the violation notice and report form requires the respondent to answer within a certain amount of time, the county must reply to the answer within the same amount of time afforded to the respondent.

(65 ILCS 5/1-2.1-5)
Sec. 1-2.1-5. Administrative hearing proceedings.
(a) Any ordinance establishing a system of administrative adjudication, pursuant to this Division, shall afford parties due process of law, including notice and opportunity for hearing. Parties shall be served with process in a manner reasonably calculated to give them actual notice, including, as appropriate, personal service of process upon a party or its employees or agents; service by mail at a party's address; or notice that is posted upon the property where the violation is found when the party is the owner or manager of the property. In municipalities with a population under 3,000,000, if the notice requires the respondent to answer within a certain amount of time, the municipality must reply to the answer within the same amount of time afforded to the respondent.

New matter indicated by italics - deletions by strikeout
amount of time afforded to the respondent.

(b) Parties shall be given notice of an adjudicatory hearing which includes the type and nature of the code violation to be adjudicated, the date and location of the adjudicatory hearing, the legal authority and jurisdiction under which the hearing is to be held, and the penalties for failure to appear at the hearing.

(c) Parties shall be provided with an opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross-examine opposing witnesses. Parties may request the hearing officer to issue subpoenas to direct the attendance and testimony of relevant witnesses and the production of relevant documents. Hearings shall be scheduled with reasonable promptness, provided that for hearings scheduled in all non-emergency situations, if requested by the defendant, the defendant shall have at least 15 days after service of process to prepare for a hearing. For purposes of this subsection (c), "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, or welfare. If service is provided by mail, the 15-day period shall begin to run on the day that the notice is deposited in the mail.

(Source: P.A. 90-516, eff. 1-1-98.)

(65 ILCS 5/1-2.2-20)

Sec. 1-2.2-20. Instituting code hearing proceedings. When a police officer or other individual authorized to issue a code violation finds a code violation to exist, he or she shall note the violation on a multiple copy violation notice and report form that indicates (i) the name and address of the defendant, (ii) the type and nature of the violation, (iii) the date and time the violation was observed, and (iv) the names of witnesses to the violation.

The violation report form shall be forwarded to the code hearing department where a docket number shall be stamped on all copies of the report and a hearing date shall be noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30 nor more than 40 days after the violation is reported.

One copy of the violation report form shall be maintained in the files of the code hearing department and shall be part of the record of hearing, one copy of the report form shall be returned to the individual representing the municipality in the case so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail to the defendant along with a summons commanding the defendant to appear at the hearing. In municipalities with a population under 3,000,000, if the violation report form...
requires the respondent to answer within a certain amount of time, the municipality must reply to the answer within the same amount of time afforded to the respondent.  
(Source: P.A. 90-777, eff. 1-1-99.)

Approved August 18, 2005.  
Effective January 1, 2006.

PUBLIC ACT 94-0617  
(House Bill No. 0668)

AN ACT concerning local government.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:  
Section 5. The Public Officer Prohibited Activities Act is amended by changing Section 1 as follows:  
(50 ILCS 105/1) (from Ch. 102, par. 1)

Sec. 1. County board. No member of a county board, during the term of office for which he or she is elected, may be appointed to, accept, or hold any office other than (i) chairman of the county board or member of the regional planning commission by appointment or election of the board of which he or she is a member, or (ii) alderman of a city or member of the board of trustees of a village or incorporated town if the city, village, or incorporated town has fewer than 1,000 inhabitants and is located in a county having fewer than 50,000 inhabitants, or (iii) trustee of a forest preserve district created under Section 18.5 of the Conservation District Act, unless he or she first resigns from the office of county board member or unless the holding of another office is authorized by law. Any such prohibited appointment or election is void. This Section shall not preclude a member of the county board from being selected or from serving as a member of a County Extension Board as provided in Section 7 of the County Cooperative Extension Law, as a member of an Emergency Telephone System Board as provided in Section 15.4 of the Emergency Telephone System Act, or as appointed members of the board of review as provided in Section 6-30 of the Property Tax Code. Nothing in this Act shall be construed to prohibit an elected county official from holding elected office in another unit of local government so long as there is no contractual relationship between the county and the other unit of local government. This amendatory Act of 1995 is declarative of existing law and is not a new enactment.

New matter indicated by italics - deletions by strikeout
Section 10. The Conservation District Act is amended by changing Sections 5, 13, and 15 and by adding Section 18.5 as follows:

(70 ILCS 410/5) (from Ch. 96 1/2, par. 7105)

Sec. 5. Board of trustees.

(a) The affairs of a conservation district shall be managed by a board which shall consist of 5 trustees, except as otherwise provided in this Section. If the boundaries of the district are coextensive with the boundaries of one county, the trustees shall be residents of that county. If the district embraces 2 counties, 3 trustees shall be residents of the county with the larger population and 2 trustees shall be residents of the other county. If the district embraces 3 counties, one trustee shall be a resident of the county with the smallest population and each of the other counties shall have 2 resident trustees. If the district embraces 4 counties, 2 trustees shall be residents of the county with the largest population and each of the other counties shall have one resident trustee. If the district embraces 5 counties, each county shall have one resident trustee.

(b) A district that is entirely within a county of under 750,000 inhabitants and contiguous to a county of more than 2,000,000 inhabitants and that is authorized by referendum as provided in subsection (d) of Section 15 to incur indebtedness over 0.575% but not to exceed 1.725% shall have a board consisting of 7 trustees, all of whom shall be residents of the county. The additional 2 trustees shall be appointed by the chairman of the county board, with the consent of the county board, and shall hold office for terms expiring on June 30 as follows: one trustee after 4 years and one trustee after 5 years from the date of the referendum. Successor trustees shall be appointed in the same manner no later than June 1 before the commencement of the term of the trustee.

(c) Trustees shall be qualified voters of such district who do not hold any other public office and are not officers of any political party. Trustees, if nominated by the county board chairman as hereinafter provided, shall be selected on the basis of their demonstrated interest in the purpose of conservation districts.

(d) The chairman of the county board for the county of which the trustee is a resident shall, with the consent of the county board of that county, appoint the first trustees who shall hold office for terms expiring on June 30 after one, 2, 3, 4, and 5 year periods respectively as determined and fixed by lot. Thereafter, successor trustees shall be appointed in the same manner no later than June 1 prior to the commencement of term of the trustee.
(e) Each successor trustee shall serve for a term of 5 years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term by appointment of a trustee by the county board chairman of the county of which the trustee shall be a resident, with the approval of the county board of that county. A trustee who has served a full term of 5 years is ineligible to serve as a trustee for a period of one year following the expiration of his term. When any trustee during his term of office shall cease to be a bona fide resident of the district he is disqualified as a trustee and his office becomes vacant.

(f) Trustees shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties.

(g) A trustee may be removed for cause by the county board chairman for the county of which the trustee is a resident, with the approval of the county board of that county, but every such removal shall be by a written order, which shall be filed with the county clerk.

(h) A conservation district with 5 trustees may determine by majority vote of the board to increase the size of the board to 7 trustees. With respect to a 7-member board, no more than 3 members may be residents of any township in a county under township organization or of any congressional township in a county not under township organization. In the case of a 7-member board representing a district that embraces 2 counties, 4 trustees shall be residents of the county with the larger population and 3 trustees shall be residents of the other county. If the district embraces 3 counties, 2 trustees shall be residents of each of the 2 counties with the smallest population and the largest county shall have 3 resident trustees. If the district embraces 4 counties, one trustee shall be a resident of the county with the smallest population and each of the other counties shall have 2 resident trustees. If the district embraces 5 counties, the 2 counties with the largest population shall each have 2 resident trustees and each of the other counties shall have one resident trustee. The pertinent appointing authorities shall appoint the additional 2 trustees to initial terms as equally staggered as possible from the terms of the trustees already appointed from that township or county so that 2 trustees representing the same area shall not be succeeded in the same year. (Source: P.A. 90-195, eff. 7-24-97; 91-629, eff. 8-19-99.)

(70 ILCS 410/13) (from Ch. 96 1/2, par. 7114)

Sec. 13. The fiscal year of each district shall commence April 1 and extend through the following March 31.

The board shall, within the first quarter of each fiscal year, adopt a
combined annual budget and appropriation ordinance as provided in the Illinois Municipal Budget Law. In a district located entirely within a county with a population of less than 750,000 that is contiguous to a county with a population of more than 2,000,000, the district’s combined annual budget and appropriation ordinance shall not be considered to be adopted until it is also adopted by resolution of the county board of the county in which the district is located.

Except as otherwise provided in this Act, a district may annually levy taxes upon all the taxable property therein at the value thereof, as equalized or assessed by the Department of Revenue, to be extended at not more than the rates and for the purposes specified hereinafter:

(1) 0.025% for the general purposes of the district, including acquisition and development of real property which may be in excess of current requirements and allowed to accumulate from year to year, and for any purposes specified by the district; however, no tax may be extended at a rate that will result in accumulation of any amount representing more than 0.075% of the equalized assessed valuation of the district.

(2) 0.075% for acquisition of real property, which may be in excess of current requirements and allowed to accumulate from year to year, and for any purposes specified by the district; however, no tax may be extended at a rate that will result in accumulation of any amount representing more than 0.25% of the equalized assessed valuation of the district.

(3) 0.1%, in lieu of the two rates specified in (1) and (2) above, for the general purposes of the district, including the acquisition, development, operation and maintenance of real property which may be in excess of current requirements and allowed to accumulate from year to year, and for any purposes specified by the district; however, no tax may be extended at a rate that will result in accumulation of any amount representing more than 0.325% of the equalized assessed valuation of the district.

Except as provided in some other Act, a district may not levy annual taxes, for all its purposes in the aggregate, in excess of 0.1% of the value, as equalized or assessed by the Department of Revenue, of the taxable property therein.

After the adoption of the combined budget and appropriation ordinance and within the second quarter of each fiscal year, the board shall ascertain the total amount of the appropriations legally made which are to be
provided for from tax levies for the current year. Then, by an ordinance specifying in detail the purposes for which such appropriations have been made and the amounts appropriated for such purposes, the board shall levy not to exceed the total amount so ascertained upon all the property subject to taxation within the district as the same is assessed and equalized for state and county purposes for the current year. A certified copy of such ordinance shall be filed on or before the first Tuesday in October with the clerk of each county wherein the district or any part thereof is located.

(Source: P.A. 91-629, eff. 8-19-99.)

(70 ILCS 410/15) (from Ch. 96 1/2, par. 7116)

Sec. 15. (a) Whenever a district does not have sufficient money in its treasury to meet all necessary expenses and liabilities thereof, it may issue tax anticipation warrants. Such issue of tax anticipation warrants shall be subject to the provisions of Section 2 of "An Act to provide for the manner of issuing warrants upon the treasurer of the State or of any county, township, or other municipal corporation or quasi municipal corporation, or of any farm drainage district, river district, drainage and levee district, fire protection district and jurors' certificates", approved June 27, 1913, as now and hereafter amended.

(b) For the purpose of acquisition of real property, or rights thereto, a district may incur indebtedness and, as evidence of the indebtedness thus created, may issue and sell bonds without first obtaining the consent of the legal voters of the district.

(c) For the purpose of development of real property, a district may incur indebtedness and, as evidence of the indebtedness thus created, may issue and sell bonds only after the proposition to issue bonds has been submitted to the legal voters of the district at an election and has been approved by a majority of those voting on the proposition. Such election is subject to Section 15.1 of this Act.

(d) No district shall become indebted in any manner or for any purpose, to any amount including existing indebtedness in the aggregate exceeding 0.575% of the value, as equalized or assessed by the Department of Revenue, of the taxable property therein; except that a district entirely within a county of under 750,000 inhabitants and contiguous to a county of more than 2,000,000 inhabitants may incur indebtedness, including existing indebtedness, in the aggregate not exceeding 1.725% of that value if the aggregate indebtedness over 0.575% is submitted to the legal voters of the district at an election and is approved by a majority of those voting on the proposition as provided in Section 15.1.

New matter indicated by italics - deletions by strikeout
(e) Before or at the time of issuing bonds for acquisition or development of real property, the district shall provide by ordinance for the collection of an annual tax, in addition to all other taxes authorized by this act, sufficient to pay such bonds and the interest thereon as the same respectively become due. Such bonds shall be divided into series, the first of which shall mature not later than 5 years after the date of issue and the last of which shall mature not later than 20 years after the date of issue; shall bear interest at a rate or rates not exceeding the maximum rate permitted in "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as now or hereafter amended; shall be in such form as the district shall by resolution provide and shall be payable as to both principal and interest from the proceeds of the annual levy of taxes authorized to be levied by this Section, or so much thereof as will be sufficient to pay the principal thereof and the interest thereon. Prior to the authorization and issuance of such bonds the district may, with or without notice, negotiate and enter into an agreement or agreements with any bank, investment banker, trust company or insurance company or group thereof whereunder the marketing of such bonds may be assured and consummated. The proceeds of such bonds shall be deposited in a special fund, to be kept separate and apart from all other funds of the conservation district.

(Source: P.A. 91-629, eff. 8-19-99.)

(70 ILCS 410/18.5 new)

Sec. 18.5. Dissolution of conservation district and creation of forest preserve district.

(a) Notwithstanding any provision of law to the contrary, if the boundaries of a conservation district are coextensive with the boundaries of one county, then the county board may adopt a resolution to submit the question of whether the conservation district shall be dissolved and, upon the dissolution of the conservation district, a forest preserve district created. The question shall be submitted to the electors of the conservation district at a regular election and approved by a majority of the electors voting on the question. The county board must certify the question to the proper election authorities, which must submit the question at an election in accordance with the Election Code.

The election authorities must submit the question in substantially the following form:

Shall the (insert name of conservation district) be dissolved and, upon its dissolution, a forest preserve district created with

New matter indicated by italics - deletions by strikeout
boundaries that are coextensive with the boundaries of (insert name of county)?

The election authorities must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, then, on the thirtieth day after the results of the referendum are certified, the conservation district is dissolved and the forest preserve district is created. The terms of all trustees of the conservation district are terminated and the county board members shall serve ex officio as the commissioners of the forest preserve district. The chairman of the county board shall serve as chairman of the board of commissioners of the forest preserve district.

(b) Each county board member shall serve ex officio as a commissioner of the forest preserve district until the expiration of his or her term as a county board member or until the member's position on the county board is otherwise vacated. Upon the expiration of the term of any county board member serving as a commissioner or upon the occurrence of any other vacancy on the county board, the office of commissioner shall be filled by that county board member's successor on the county board.

(c) The forest preserve district shall serve as the successor entity to the dissolved conservation district and references to the dissolved conservation district or to its officers or employees in any document, contract, agreement, or law shall, in appropriate contexts, be deemed to refer to the successor forest preserve district. Thirty days after the dissolution of the conservation district, all of its assets, liabilities, property (both real and personal), employees, books, and records are transferred to the forest preserve district by operation of law. All rules and ordinances of the dissolved conservation district shall remain in effect as rules and ordinances of the forest preserve district until amended or repealed by the forest preserve district.

(d) If there are any bonds of the conservation district outstanding and unpaid at the time the conservation district is dissolved, the forest preserve district shall be liable for that bond indebtedness and the forest preserve district may continue to levy and extend taxes upon the taxable property in that territory for the purpose of amortizing those bonds until such time as the bonds are retired.

(e) The county board members may be reimbursed for their reasonable expenses actually incurred in performing their official duties as members of the board of commissioners of the forest preserve district in accordance with the provisions of Section 3a of the Downstate Forest

New matter indicated by italics - deletions by strikeout
Preserve Act. Any reimbursement paid under this subsection shall be paid by the forest preserve district.

(f) A forest preserve district created under this Section shall have the same powers, duties, and authority as a forest preserve district created under the Downstate Forest Preserve District Act, except that it shall have the same bonding and taxing authority as a conservation district under the Conservation District Act. To the extent that any provision of this Section conflicts with any provision of the Downstate Forest Preserve District Act, this Section controls.

Section 15. The Downstate Forest Preserve District Act is amended by changing Sections 3c, 13 and 13.1 and by adding Section 13.1a as follows:

(70 ILCS 805/3c)

Sec. 3c. Elected board of commissioners in certain counties. If the boundaries of a district are co-extensive with the boundaries of a county having a population of more than 800,000 but less than 3,000,000, all commissioners of the forest preserve district shall be elected from the same districts as members of the county board beginning with the general election held in 2002 and each succeeding general election. One commissioner shall be elected from each district. At their first meeting after their election in 2002 and following each subsequent decennial reapportionment of the county under Division 2-3 of the Counties Code, the elected commissioners shall publicly by lot divide themselves into 2 groups, as equal in size as possible. Commissioners from the first group shall serve for terms of 2, 4, and 4 years; and commissioners from the second group shall serve terms of 4, 4, and 2 years. Beginning with the general election in 2002, the president of the board of commissioners of the forest preserve district shall be elected by the voters of the county, rather than by the commissioners. The president shall be a resident of the county and shall be elected throughout the county for a 4-year term without having been first elected as commissioner of the forest preserve district. Each commissioner shall be a resident of the county board district from which he or she was elected not later than the date of the commencement of the term of office. The term of office for the president and commissioners elected under this Section shall commence on the first Monday of the month following the month of election. Neither a commissioner nor the president of the board of commissioners of that forest preserve district shall serve simultaneously as member or chairman of the county board. No person shall seek election to both the forest preserve commission and the county board at the same election. The compensation for the president shall be an amount equal to 85% of the annual salary of the

New matter indicated by italics - deletions by strikeout
county board chairman. The president, with the advice and consent of the board of commissioners shall appoint a secretary, treasurer, and such other officers as deemed necessary by the board of commissioners, which officers need not be members of the board of commissioners. The president shall have the powers and duties as specified in Section 12 of this Act.

Candidates for president and commissioner shall be candidates of established political parties.

If a vacancy in the office of president or commissioner occurs, other than by expiration of the president's or commissioner's term, the forest preserve district board of commissioners shall declare that a vacancy exists and notification of the vacancy shall be given to the county central committee of each established political party within 3 business days after the occurrence of the vacancy. If the vacancy occurs in the office of forest preserve district commissioner, the president of the board of commissioners shall, within 60 days after the date of the vacancy, with the advice and consent of other commissioners then serving, appoint a person to serve for the remainder of the unexpired term. The appointee shall be affiliated with the same political party as the commissioner in whose office the vacancy occurred and be a resident of such district. If a vacancy in the office of president occurs, other than by expiration of the president's term, the remaining members of the board of commissioners shall, within 60 days after the vacancy, appoint one of the commissioners to serve as president for the remainder of the unexpired term. In that case, the office of the commissioner who is appointed to serve as president shall be deemed vacant and shall be filled within 60 days by appointment of the president with the advice and consent of the other forest preserve district commissioners. The commissioner who is appointed to fill a vacancy in the office of president shall be affiliated with the same political party as the person who occupied the office of president prior to the vacancy. A person appointed to fill a vacancy in the office of president or commissioner shall establish his or her party affiliation by his or her record of voting in primary elections or by holding or having held an office in an established political party organization before the appointment. If the appointee has not voted in a party primary election or is not holding or has not held an office in an established political party organization before the appointment, the appointee shall establish his or her political party affiliation by his or her record of participating in an established political party's nomination or election caucus. If, however, more than 28 months remain in the unexpired term of a commissioner or the president, the appointment shall be until the next general election, at which time the vacated office of

New matter indicated by italics - deletions by strikeout
commissioner or president shall be filled by election for the remainder of the term. Notwithstanding any law to the contrary, if a vacancy occurs after the last day provided in Section 7-12 of the Election Code for filing nomination papers for the office of president of a forest preserve district where that office is elected as provided for in this Section, or as set forth in Section 7-61 of the Election Code, a vacancy in nomination shall be filled by the passage of a resolution by the nominating committee of the affected political party within the time periods specified in the Election Code. The nominating committee shall consist of the chairman of the county central committee and the township chairman of the affected political party. All other vacancies in nomination shall be filled in accordance with the provisions of the Election Code.

The president and commissioners elected under this Section may be reimbursed for their reasonable expenses actually incurred in performing their official duties under this Act in accordance with the provisions of Section 3a. The reimbursement paid under this Section shall be paid by the forest preserve district.

Compensation for forest preserve commissioners elected under this Section shall be the same as that of county board members of the county with which the forest preserve district's boundaries are co-extensive.

_This Section does not apply to a forest preserve district created under Section 18.5 of the Conservation District Act._

(Source: P.A. 91-933, eff. 12-30-00; 92-583, eff. 6-26-02.)

(70 ILCS 805/13) (from Ch. 96 1/2, par. 6323)

Sec. 13. Bonds; limitation on indebtedness. The board of any forest preserve district organized hereunder may, for any of the purposes enumerated in this Act, borrow money upon the faith and credit of such district, and may issue bonds therefor. However, a district with a population of less than 3,000,000 may not become indebted in any manner or for any purpose to an amount including existing indebtedness in the aggregate exceeding 2.3% of the assessed value of the taxable property therein, as ascertained by the last equalized assessment for State and county purposes. No district may incur (i) indebtedness in excess of .3% of the assessed value of taxable property in the district, as ascertained by the last equalized assessment for State and county purposes, for the development of forest preserve lands held by the district, or (ii) indebtedness for any other purpose except the acquisition of land including acquiring lands in fee simple along or enclosing water courses, drainage ways, lakes, ponds, planned impoundments or elsewhere which are required to store flood waters or

New matter indicated by italics - deletions by strikeout
control other drainage and water conditions necessary for the preservation and management of the water resources of the District, unless the proposition to issue bonds or otherwise incur indebtedness is certified by the board to the proper election officials who shall submit the proposition at an election in accordance with the general election law, and approved by a majority of those voting upon the proposition. No district containing fewer than 3,000,000 inhabitants may incur indebtedness for the acquisition of land or lands for any purpose in excess of 55,000 acres, including all lands theretofore acquired, unless the proposition to issue bonds or otherwise incur indebtedness is first submitted to the voters of the district at a referendum in accordance with the general election law and approved by a majority of those voting upon the proposition. Before or at the time of issuing bonds, the board shall provide by ordinance for the collection of an annual tax sufficient to pay the interest on the bonds as it falls due, and to pay the bonds as they mature. All bonds issued by any forest preserve district must be divided into series, the first of which matures not later than 5 years after the date of issue and the last of which matures not later than 20 years after the date of issue.

This Section does not apply to a forest preserve district created under Section 18.5 of the Conservation District Act.

(Source: P.A. 83-927.)

(70 ILCS 805/13.1) (from Ch. 96 1/2, par. 6324)

Sec. 13.1. Tax levies. After the first Monday in October and by the first Monday in December in each year, the board shall levy the general taxes for the district by general categories for the next fiscal year. A certified copy of the levy ordinance shall be filed with the county clerk by the last Tuesday in December each year.

In forest preserve districts with a population of less than 3,000,000, the amount of taxes levied for general corporate purposes for a fiscal year may not exceed the rate of .06% of the value, as equalized or assessed by the Department of Revenue, of the taxable property therein. In addition, in forest preserve districts having a population of 100,000 or more but less than 3,000,000, the board may levy taxes for constructing, restoring reconditioning, reconstructing and acquiring improvements and for the development of the forests and lands of such district, the amount of which tax each fiscal year shall be extended at a rate not to exceed .025% of the assessed value of all taxable property as equalized by the Department of Revenue.

All such taxes and rates are exclusive of the taxes required for the payment of the principal of and interest on bonds, and exclusive of taxes
levied for employees' annuity and benefit purposes.

The rate of tax levied for general corporate purposes in a forest preserve district may not be increased by virtue of this amendatory Act of 1977 unless the board first adopts a resolution authorizing such increase and publishes notice thereof in a newspaper having general circulation in the district at least once not less than 45 days prior to the effective date of the increase. The notice shall include a statement of (1) the specific number of voters required to sign a petition requesting that the question of the adoption of the resolution be submitted to the electors of the district; (2) the time in which the petition must be filed; and (3) the date of the prospective referendum. The Secretary of the district shall provide a petition form to any individual requesting one. If, no later than 30 days after the publication of such notice, petitions signed by voters of the district equal to 10% or more of the registered voters of the district, as determined by reference to the number of voters registered at the next preceding general election, and residing in the district are presented to the board expressing opposition to the increase, the proposition must first be certified by the board to the proper election officials, who shall submit the proposition to the legal voters of the district at an election in accordance with the general election law and approved by a majority of those voting on the proposition.

The rate of the tax levied for general corporate purposes in a forest preserve district may be increased, up to the maximum rate identified in this Section, by the Board by a resolution calling for the submission of the question of increasing the rate to the voters of the district in accordance with the general election law. The question must be in substantially the following form:

"Shall (name of district) be authorized to establish its general corporate tax rate at (insert rate) on the equalized assessed value on taxable property located within the district for its general purposes, including education, outdoor recreation, maintenance, operations, public safety at the forest preserves, trails, and other properties of the district (and, optionally, insert any other lawful purposes or programs determined by the Board).

The ballot must have printed on it, but not as part of the proposition submitted, the following: "The approximate impact of the proposed increase on the owner of a single-family home having a market value of (insert value) would be (insert amount) in the first year of the increase if the increase is fully implemented." The ballot may have printed on it, but not as part of the proposition, one or both of the following: "The last tax rate extended for the
purposes of the district was (insert rate). The last rate increase approved for the purposes of the district was in (insert year)." No other information needs to be included on the ballot.

The votes must be recorded as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, the district may thereafter levy the tax.

This Section does not apply to a forest preserve district established under Section 18.5 of the Conservation District Act.

(Source: P.A. 92-103, eff. 7-20-01.)

(70 ILCS 805/13.1a new)

Sec. 13.1a. Forest preserve districts created under Conservation District Act. Notwithstanding any other provision of law to the contrary, a forest preserve district created under Section 18.5 of the Conservation District Act shall have the same powers, duties, and authority as a forest preserve district created under this Act, except that it shall have the same bonding and taxing authority as a conservation district under the Conservation District Act.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 29, 2005.

Approved August 18, 2005.

Effective August 18, 2005.

PUBLIC ACT 94-0618

(House Bill No. 0769)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 6-306.6 as follows:

(625 ILCS 5/6-306.6) (from Ch. 95 1/2, par. 6-306.6)

Sec. 6-306.6. Failure to pay traffic fines, penalties, or court costs.

(a) Whenever any resident of this State fails to pay any traffic fine, penalty, or cost imposed for a violation of this Code, or similar provision of local ordinance, the clerk may notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue or reinstatement of such resident's driving privileges until such fine, penalty, or cost has been paid in full. The clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records,

New matter indicated by italics - deletions by strikeout
stating that such action will be effective on the 46th day following the date of the above notice if payment is not received in full by the court of venue.

(a-1) Whenever any resident of this State who has made a partial payment on any traffic fine, penalty, or cost that was imposed under a conviction entered on or after the effective date of this amendatory Act of the 93rd General Assembly, for a violation of this Code or a similar provision of a local ordinance, fails to pay the remainder of the outstanding fine, penalty, or cost within the time limit set by the court, the clerk may notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, penalty, or cost has been paid in full. The clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records, stating that the action will be effective on the 46th day following the date of the notice if payment is not received in full by the court of venue.

(b) Except as provided in subsection (b-1), following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the driver's file to prohibit the renewal, reissue or reinstatement of such driver's driving privileges. Except as provided in paragraph (2) of subsection (d) of this Section, such notation shall not be removed from the driver's record until the driver satisfies the outstanding fine, penalty, or cost and an appropriate notice on a form prescribed by the Secretary is received by the Secretary from the court of venue, stating that such fine, penalty, or cost has been paid in full. Upon payment in full of a traffic fine, penalty, or court cost which has previously been reported under this Section as unpaid, the clerk of the court shall present the driver with a signed receipt containing the seal of the court indicating that such fine, penalty, or cost has been paid in full, and shall forward forthwith to the Secretary of State a notice stating that the fine, penalty, or cost has been paid in full.

(b-1) In a county with a population of 3,000,000 or more, following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the driver's file to prohibit the renewal, reissue or reinstatement of such driver's driving privileges. Such notation shall not be removed from the driver's record until the driver satisfies the outstanding fine, penalty, or cost and an appropriate notice on a form prescribed by the Secretary is received by the Secretary directly from the court of venue, stating that such fine, penalty, or cost has been paid in full. Upon payment in full of a traffic fine, penalty, or court cost which has previously been
reported under this Section as unpaid, the clerk of the court shall forward forthwith directly to the Secretary of State a notice stating that the fine, penalty, or cost has been paid in full and shall provide the driver with a signed receipt containing the seal of the court, indicating that the fine, penalty, and cost have been paid in full. The receipt may not be used by the driver to clear the driver's record.

(c) The provisions of this Section shall be limited to a single action per arrest and as a post conviction measure only. Fines, penalty, or costs to be collected subsequent to orders of court supervision, or other available court diversions are not applicable to this Section.

(d) (1) Notwithstanding the receipt of a report from the clerk as prescribed in subsection (a), nothing in this Section is intended to place any responsibility upon the Secretary of State to provide independent notice to the driver of any potential action to disallow the renewal, reissue or reinstatement of such driver's driving privileges.

(2) Except as provided in subsection (b-1), the Secretary of State shall renew, reissue or reinstate a driver's driving privileges which were previously refused pursuant to this Section upon presentation of an original receipt which is signed by the clerk of the court and contains the seal of the court indicating that the fine, penalty, or cost has been paid in full. The Secretary of State shall retain such receipt for his records.

(Source: P.A. 93-788, eff. 1-1-05.)

Section 99. Effective date. This Act takes effect January 1, 2006.
Approved August 18, 2005.
Effective January 1, 2006.
certificate of title, registration card, permit, license, registration plate, plates, disability person with disabilities license plate or parking decal or device, or registration sticker issued by him upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued. Police officers who have reasonable grounds to believe that any item or items listed in this section should be seized shall request the Secretary of State to take possession of such item or items.

(b) The Secretary of State is authorized to confiscate any suspected fraudulent, fictitious, or altered documents submitted by an applicant in support of an application for a driver's license or permit.

(Source: P.A. 93-895, eff. 1-1-05.)

(625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

Sec. 3-616. Disability Person with disabilities license plates.

(a) Upon receiving an application for a certificate of registration for a motor vehicle of the first division or for a motor vehicle of the second division weighing no more than 8,000 pounds, accompanied with payment of the registration fees required under this Code from a person with disabilities or a person who is deaf or hard of hearing, the Secretary of State, if so requested, shall issue to such person registration plates as provided for in Section 3-611, provided that the person with disabilities or person who is deaf or hard of hearing must not be disqualified from obtaining a driver's license under subsection 8 of Section 6-103 of this Code, and further provided that any person making such a request must submit a statement, certified by a licensed physician, by a physician assistant who has been delegated the authority to make this certification by his or her supervising physician, or by an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make this certification, to the effect that such person is a person with disabilities as defined by Section 1-159.1 of this Code, or alternatively provide adequate documentation that such person has a Class 1A, Class 2A or Type Four disability under the provisions of Section 4A of the Illinois Identification Card Act. For purposes of this Section, an Illinois Disabled Person Identification Card issued pursuant to the Illinois Identification Card Act indicating that the person thereon named has a disability shall be adequate documentation of such a disability.

(b) The Secretary shall issue plates under this Section to a parent or legal guardian of a person with disabilities if the person with disabilities has a Class 1A or Class 2A disability as defined in Section 4A of the Illinois Identification Card Act or is a person with disabilities as defined by Section

New matter indicated by italics - deletions by strikeout
1-159.1 of this Code, and does not possess a vehicle registered in his or her name, provided that the person with disabilities relies frequently on the parent or legal guardian for transportation. Only one vehicle per family may be registered under this subsection, unless the applicant can justify in writing the need for one additional set of plates. Any person requesting special plates under this subsection shall submit such documentation or such physician's, physician assistant's, or advanced practice nurse's statement as is required in subsection (a) and a statement describing the circumstances qualifying for issuance of special plates under this subsection.

(c) The Secretary may issue a person with disabilities parking decal or device to a person with disabilities as defined by Section 1-159.1 without regard to qualification of such person with disabilities for a driver's license or registration of a vehicle by such person with disabilities or such person's immediate family, provided such person with disabilities making such a request has been issued a Disabled Person Identification Card indicating that the person named thereon has a Class 1A or Class 2A disability, or alternatively, submits a statement certified by a licensed physician, or by a physician assistant or an advanced practice nurse as provided in subsection (a), to the effect that such person is a person with disabilities as defined by Section 1-159.1.

(d) The Secretary shall prescribe by rules and regulations procedures to certify or re-certify as necessary the eligibility of persons whose disabilities are other than permanent for special plates or person with disabilities parking decals or devices issued under subsections (a), (b) and (c). Except as provided under subsection (f) of this Section, no such special plates, decals or devices shall be issued by the Secretary of State to or on behalf of any person with disabilities unless such person is certified as meeting the definition of a person with disabilities pursuant to Section 1-159.1 or meeting the requirement of a Type Four disability as provided under Section 4A of the Illinois Identification Card Act for the period of time that the physician, or the physician assistant or advanced practice nurse as provided in subsection (a), determines the applicant will have the disability, but not to exceed 6 months from the date of certification or recertification.

(e) Any person requesting special plates under this Section may also apply to have the special plates personalized, as provided under Section 3-405.1.

(f) The Secretary of State, upon application, shall issue disability person with disabilities registration plates or a person with disabilities parking decal to corporations, school districts, State or municipal agencies,

New matter indicated by italics - deletions by strikeout
limited liability companies, nursing homes, convalescent homes, or special education cooperatives which will transport persons with disabilities. The Secretary shall prescribe by rule a means to certify or re-certify the eligibility of organizations to receive disability plates or decals and to designate which of the 2 person with disabilities emblems shall be placed on qualifying vehicles.

(g) The Secretary of State, or his designee, may enter into agreements with other jurisdictions, including foreign jurisdictions, on behalf of this State relating to the extension of parking privileges by such jurisdictions to permanently disabled residents of this State who display a special license plate or parking device that contains the International symbol of access on his or her motor vehicle, and to recognize such plates or devices issued by such other jurisdictions. This State shall grant the same parking privileges which are granted to disabled residents of this State to any non-resident whose motor vehicle is licensed in another state, district, territory or foreign country if such vehicle displays the international symbol of access or a distinguishing insignia on license plates or parking device issued in accordance with the laws of the non-resident's state, district, territory or foreign country.

(Source: P.A. 92-16, eff. 6-28-01; 92-411, eff. 1-1-02; 92-651, eff. 7-11-02; 93-182, eff. 7-11-03.)

(625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

Sec. 3-704. Authority of Secretary of State to suspend or revoke a registration or certificate of title; authority to suspend or revoke the registration of a vehicle.

(a) The Secretary of State may suspend or revoke the registration of a vehicle or a certificate of title, registration card, registration sticker, registration plate, disability parking decal or device, or any nonresident or other permit in any of the following events:

1. When the Secretary of State is satisfied that such registration or that such certificate, card, plate, registration sticker or permit was fraudulently or erroneously issued;

2. When a registered vehicle has been dismantled or wrecked or is not properly equipped;

3. When the Secretary of State determines that any required fees have not been paid to either the Secretary of State or the Illinois Commerce Commission and the same are not paid upon reasonable notice and demand;

4. When a registration card, registration plate, registration sticker or permit is knowingly displayed upon a vehicle other than the

New matter indicated by italics - deletions by strikeout
one for which issued;

5. When the Secretary of State determines that the owner has committed any offense under this Chapter involving the registration or the certificate, card, plate, registration sticker or permit to be suspended or revoked;

6. When the Secretary of State determines that a vehicle registered not-for-hire is used or operated for-hire unlawfully, or used or operated for purposes other than those authorized;

7. When the Secretary of State determines that an owner of a for-hire motor vehicle has failed to give proof of financial responsibility as required by this Act;

8. When the Secretary determines that the vehicle is not subject to or eligible for a registration;

9. When the Secretary determines that the owner of a vehicle registered under the mileage weight tax option fails to maintain the records specified by law, or fails to file the reports required by law, or that such vehicle is not equipped with an operable and operating speedometer or odometer;

10. When the Secretary of State is so authorized under any other provision of law;

11. When the Secretary of State determines that the holder of a disability person with disabilities parking decal or device has committed any offense under Chapter 11 of this Code involving the use of a disability person with disabilities parking decal or device.

(b) The Secretary of State may suspend or revoke the registration of a vehicle as follows:

1. When the Secretary of State determines that the owner of a vehicle has not paid a civil penalty or a settlement agreement arising from the violation of rules adopted under the Illinois Motor Carrier Safety Law or the Illinois Hazardous Materials Transportation Act or that a vehicle, regardless of ownership, was the subject of violations of these rules that resulted in a civil penalty or settlement agreement which remains unpaid.

2. When the Secretary of State determines that a vehicle registered for a gross weight of more than 16,000 pounds within an affected area is not in compliance with the provisions of Section 13-109.1 of the Illinois Vehicle Code.

(Source: P.A. 92-437, eff. 8-17-01.)

(625 ILCS 5/3-808.1) (from Ch. 95 1/2, par. 3-808.1)
Sec. 3-808.1. (a) Permanent vehicle registration plates shall be issued, at no charge, to the following:

1. Vehicles, other than medical transport vehicles, owned and operated by the State of Illinois or by any State agency financed by funds appropriated by the General Assembly;

2. Special disability person with disabilities plates issued to vehicles owned and operated by the State of Illinois or by any State agency financed by funds appropriated by the General Assembly.

(b) Permanent vehicle registration plates shall be issued, for a one time fee of $8.00, to the following:

1. Vehicles, other than medical transport vehicles, operated by or for any county, township or municipal corporation;

2. Vehicles owned by counties, townships or municipal corporations for persons with disabilities.

3. Beginning with the 1991 registration year, county-owned vehicles operated by or for any county sheriff and designated deputy sheriffs. These registration plates shall contain the specific county code and unit number.

4. All-terrain vehicles owned by counties, townships, or municipal corporations and used for law enforcement purposes when the Manufacturer's Statement of Origin is accompanied with a letter from the original manufacturer or a manufacturer's franchised dealer stating that this all-terrain vehicle has been converted to a street worthy vehicle that meets the equipment requirements set forth in Chapter 12 of this Code.

5. Beginning with the 2001 registration year, municipally-owned vehicles operated by or for any police department. These registration plates shall contain the designation "municipal police" and shall be numbered and distributed as prescribed by the Secretary of State.

(Source: P.A. 90-324, eff. 8-1-97; 91-383, eff. 7-30-99.)

(625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

Sec. 11-1301.3. Unauthorized use of parking places reserved for persons with disabilities.

(a) It shall be prohibited to park any motor vehicle which is not properly displaying registration plates or decals issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a disabled veteran pursuant to Section 3-609 of this Act, as evidence that the vehicle is operated by or for a person with

New matter indicated by italics - deletions by strikeout
disabilities or disabled veteran, in any parking place, including any private or public offstreet parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying such registration plates. When using the parking privileges for persons with disabilities, the parking decal or device must be displayed properly in the vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the dashboard of the vehicle in clear view. An individual with a vehicle properly displaying a person with disabilities license plate or parking decal or device issued to a disabled person under Sections 3-616, 11-1301.1, or 11-1301.2 is in violation of this Section if the person is not the authorized holder of a person with disabilities license plate or parking decal or device and is not transporting the authorized holder of a person with disabilities license plate or parking decal or device to or from the parking location and the person uses the person with disabilities license plate or parking decal or device to exercise any privileges granted through the person with disabilities license plates or parking decals or devices under this Code. Any motor vehicle properly displaying a disability person with disabilities license plate or a person with disabilities parking decal or device containing the International symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized by State and local authorities as a valid license plate or device and receive the same parking privileges as residents of this State.

(a-1) An individual with a vehicle displaying disability license plates or a parking decal or device issued to a qualified person with a disability under Sections 3-616, 11-1301.1, or 11-1301.2 or to a disabled veteran under Section 3-609 is in violation of this Section if (i) the person using the disability license plate or parking decal or device is not the authorized holder of the disability license plate or parking decal or device or is not transporting the authorized holder of the disability license plate or parking decal or device to or from the parking location and (ii) the person uses the disability license plate or parking decal or device to exercise any privileges granted through the disability license plate or parking decals or devices under this Code.

(b) Any person or local authority owning or operating any public or private offstreet parking facility may, after notifying the police or sheriff's
department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by a person with disabilities which does not display person with disabilities registration plates or a special decal or device as required under this Section.

(c) Any person found guilty of violating the provisions of subsection (a) this Section shall be fined $250 $100 in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this Section; but municipalities by ordinance may impose a fine up to $350 $200 and shall display signs indicating the fine imposed. If the amount of the fine is subsequently changed, the municipality shall change the sign to indicate the current amount of the fine. It shall not be a defense to a charge under this Section that either the sign posted pursuant to this Section or the intended accessible parking place does not comply with the technical requirements of Section 11-301, Department regulations, or local ordinance if a reasonable person would be made aware by the sign or notice on or near the parking place that the place is reserved for a person with disabilities.

(c-1) Any person found guilty of violating the provisions of subsection (a-1) shall be fined $500 and may have his or her driving privileges suspended or revoked by the Secretary of State for a period of time determined by the Secretary of State. The Secretary of State may also suspend or revoke the disability license plates or parking decal or device for a period of time determined by the Secretary of State. The circuit clerk shall distribute $250 of the $500 fine imposed on any person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, to the law enforcement agency that issued the citation or made the arrest. If more than one law enforcement agency is responsible for issuing the citation or making the arrest, the $250 shall be shared equally.

(d) Local authorities shall impose fines as established in subsections (c) and (c-1) for violations of this Section.

(e) As used in this Section, "authorized holder" means an individual issued a disability license plate under Section 3-616 of this Code, or an individual issued a person with disabilities parking decal or device under Section 11-1301.2 of this Code, or an individual issued a disabled veteran's license plate under Section 3-609 of this Code.

(Source: P.A. 91-427, eff. 8-6-99; 92-411, eff. 1-1-02; 92-637, eff. 1-1-03.)

Sec. 11-1301.5. Fictitious or unlawfully altered disability license plate or parking decal or device.

New matter indicated by italics - deletions by strikeout
(a) As used in this Section:

"Fictitious disability person with disabilities license plate or parking decal or device" means any issued disability person with disabilities license plate or parking decal or device, or any license plate issued to a disabled veteran under Section 3-609 of this Code, that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application.

"False information" means any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans under Section 3-609 of this Code, a person with disabilities license plate or parking permit or device that falsifies the content of the application.

"Unlawfully altered disability person with disabilities license plate or parking permit or device" means any disability person with disabilities license plate or parking permit or device, or any license plate issued to a disabled veteran under Section 3-609 of this Code, issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device.

"Authorized holder" means an individual issued a disability person with disabilities license plate under Section 3-616 of this Code or an individual issued a person with disabilities parking decal or device under Section 11-1301.2 of this Code, or an individual issued a disabled veteran's license plate under Section 3-609 of this Code.

(b) It is a violation of this Section for any person:

(1) to knowingly possess any fictitious or unlawfully altered disability person with disabilities license plate or parking decal or device;

(2) to knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious disability person with disabilities license plate or parking decal or device;

(3) to knowingly alter any disability person with disabilities license plate or parking decal or device;

(4) to knowingly manufacture, possess, transfer, or provide any documentation used in the application process whether real or fictitious, for the purpose of obtaining a fictitious disability person...
(5) to knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a disability person with disabilities license plate or parking decal or device; or

(6) to knowingly transfer a disability person with disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to an authorized holder of a disability person with disabilities license plate or parking decal or device under this Code in the absence of the authorized holder.

(c) Sentence.

(1) Any person convicted of a violation of paragraph (1), (2), (3), (4), or (5) of subsection (b) of this Section shall be guilty of a Class A misdemeanor and fined not less than $500 for a first offense and shall be guilty of a Class 4 felony and fined not less than $1,000 for a second or subsequent offense. Any person convicted of a violation of subdivision (b)(6) of this Section is guilty of a Class A misdemeanor and shall be fined not less than $500 for a first offense and not less than $1,000 for a second or subsequent offense. The circuit clerk shall distribute one-half of any fine imposed on any person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, to the law enforcement agency that issued the citation or made the arrest. If more than one law enforcement agency is responsible for issuing the citation or making the arrest, one-half of the fine imposed shall be shared equally.

(2) Any person who commits a violation of this Section may have his or her driving privileges suspended or revoked by the Secretary of State for a period of time determined by the Secretary of State. The Secretary of State may suspend or revoke the parking decal or device or the disability license plate of any person who commits a violation of this Section.

(3) Any police officer may seize the parking decal or device from any person who commits a violation of this Section. Any police officer may seize the disability person with disabilities license plate upon authorization from the Secretary of State. Any police officer may request that the Secretary of State revoke the parking decal or device or the disability person with disabilities license plate of any person who commits a violation of this Section.

New matter indicated by italics - deletions by strikeout
Sec. 11-1301.6. Fraudulent disability person with disabilities license plate or parking decal or device.

(a) As used in this Section:

"Fraudulent disability person with disabilities license plate or parking decal or device" means any disability person with disabilities license plate or parking decal or device that purports to be an official disability person with disabilities license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government.

"Disability Person with disabilities license plate or parking decal or device-making implement" means any implement specially designed or primarily used in the manufacture, assembly, or authentication of a disability person with disabilities license plate or parking decal or device, or a license plate issued to a disabled veteran under Section 3-609 of this Code, issued by the Secretary of State or a unit of local government.

(b) It is a violation of this Section for any person:

(1) to knowingly possess any fraudulent disability person with disabilities license plate or parking decal;

(2) to knowingly possess without authority any disability person with disabilities license plate or parking decal or device-making implement;

(3) to knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen disability person with disabilities license plate or parking decal or device;

(4) to knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent, or stolen, or reported lost or damaged disability person with disabilities license plate or parking decal or device; or

(5) to advertise or distribute a fraudulent disability person with disabilities license plate or parking decal or device.

(c) Sentence.

(1) Any person convicted of a violation of this Section shall be guilty of a Class A misdemeanor and fined not less than $1,000 for a first offense and shall be guilty of a Class 4 felony and fined not less than $2,000 for a second or subsequent offense. The circuit clerk shall distribute half of any fine imposed on any person who is found

New matter indicated by italics - deletions by strikeout
guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, to the law enforcement agency that issued the citation or made the arrest. If more than one law enforcement agency is responsible for issuing the citation or making the arrest, one-half of the fine imposed shall be shared equally.

(2) Any person who commits a violation of this Section may have his or her driving privileges suspended or revoked by the Secretary of State for a period of time determined by the Secretary of State.

(3) Any police officer may seize the parking decal or device from any person who commits a violation of this Section. Any police officer may seize the disability person with disabilities license plate upon authorization from the Secretary of State. Any police officer may request that the Secretary of State revoke the parking decal or device or the disability person with disabilities license plate of any person who commits a violation of this Section.

(Source: P.A. 92-411, eff. 1-1-02.)

(625 ILCS 5/12-401) (from Ch. 95 1/2, par. 12-401)

Sec. 12-401. Restriction as to tire equipment. No metal tired vehicle, including tractors, motor vehicles of the second division, traction engines and other similar vehicles, shall be operated over any improved highway of this State, if such vehicle has on the periphery of any of the road wheels any block, stud, flange, cleat, ridge, lug or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire. This prohibition does not apply to pneumatic tires with metal studs used on vehicles operated by rural letter carriers who are employed or enjoy a contract with the United States Postal Service for the purpose of delivering mail if such vehicle is actually used for such purpose during operations between November 15 of any year and April 1 of the following year, or to motor vehicles displaying a disability person with disabilities license plate whose owner resides in an unincorporated area located upon a county or township highway or road and possesses a valid driver's license and operates the vehicle with such tires only during the period heretofore described, or to tracked type motor vehicles when that part of the vehicle coming in contact with the road surface does not contain any projections of any kind likely to injure the surface of the road; however, tractors, traction engines, and similar vehicles may be operated which have upon their road wheels V-shaped, diagonal or other cleats arranged in such a manner as to be

New matter indicated by italics - deletions by strikeout
continuously in contact with the road surface, provided that the gross weight upon such wheels per inch of width of such cleats in contact with the road surface, when measured in the direction of the axle of the vehicle, does not exceed 800 pounds.

All motor vehicles and all other vehicles in tow thereof, or thereunto attached, operating upon any roadway, shall have tires of rubber or some material of equal resiliency. Solid tires shall be considered defective and shall not be permitted to be used if the rubber or other material has been worn or otherwise reduced to a thickness of less than three-fourths of an undue vibration when the vehicle is in motion or to cause undue concentration of the wheel load on the surface of the road. The requirements of this Section do not apply to agricultural tractors or traction engines or to agricultural machinery, including wagons being used for agricultural purposes in tow thereof, or to road rollers or road building machinery operated at a speed not in excess of 10 miles per hour. All motor vehicles of the second division, operating upon any roadway shall have pneumatic tires, unless exempted herein.

Nothing in this Section shall be deemed to prohibit the use of tire chains of reasonable proportion upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

(Source: P.A. 88-685, eff. 1-24-95.)

Approved August 18, 2005.
Effective January 1, 2006.
(3) the purpose of State agencies is to serve the people of this State in a manner that is as accessible, efficient, and responsive as possible;
(4) when a person calls a State agency and receives an automated operator or an automated menu instead of a live operator, often that person is not able to adequately receive assistance or services; and
(5) the number of people calling a State agency and not getting the assistance or services that they are entitled to because the State agency does not have a live operator answering incoming phone calls grows by the day.

Section 10. Definition. In this Act, "State agency" means the same as in Section 1-7 of the Illinois State Auditing Act.

Section 15. Automated telephone answering equipment. A State agency that uses automated telephone answering equipment to answer incoming telephone calls must, during the normal business hours of the agency, provide the caller with the option of speaking to a live operator. This Section does not apply to field offices, telephone lines dedicated as hot lines for emergency services, telephone lines dedicated to providing general information, and any system that is designed to permit an individual to conduct a complete transaction with the State agency over the telephone solely by pressing one or more touch tone telephone keys in response to automated prompts.

Section 99. Effective date. This Act takes effect January 1, 2007.
Passed in the General Assembly May 29, 2005.
Approved August 18, 2005.

PUBLIC ACT 94-0621
(House Bill No. 2379)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:


(40 ILCS 5/13-301) (from Ch. 10
Sec. 13-301. Retirement annuity; eligibility. Any employee who withdraws from service and meets the age and service requirements and other

New matter indicated by italics - deletions by strikeout
conditions set forth in subsections (a), (b), (c) or (d) hereof is entitled to receive a retirement annuity.

(a) Withdrawal on or after age 60. Any employee, upon withdrawal from service on or after attainment of age 60 and having at least 5 years of service, is entitled to a retirement annuity.

(b) Withdrawal on or after attainment of minimum retirement qualifications and prior to age 60.

(1) Any employee, upon withdrawal from service on or after attainment of age 55 (age 50 if the employee first entered service before June 13, 1997) but prior to age 60 and having at least 10 years of service, is entitled to a retirement annuity as of the date of withdrawal or, at the option of the employee, at any time thereafter.

(2) Any employee who withdraws on or after attainment of age 55 (age 50 if the employee first entered service before June 13, 1997) and prior to age 60 having at least 5 years but less than 10 years of service is entitled to a retirement annuity upon attainment of age 62, subject to the other requirements of this Article.

(3) Any employee who withdraws from service on or after attainment of age 50 but prior to age 60 and is eligible for early retirement without discount under the Rule of 80 as provided in subsection (c) of Section 13-302 is entitled to a retirement annuity at the time of withdrawal.

(c) Withdrawal prior to minimum retirement age. Any employee, upon withdrawal from service prior to age 55 (age 50 if the employee first entered service before June 13, 1997) and having at least 10 years of service, shall become entitled to a retirement annuity upon attainment of age 55 (age 50 if the employee first entered service before June 13, 1997) or, at the option of the employee, at any time thereafter, subject to the other requirements of this Article.

(d) Withdrawal while disabled. Any employee having at least 5 years of service who has received ordinary disability benefits on or after January 1, 1986 for the maximum period of time hereinafter prescribed, and who continues to be disabled and withdraws from service, shall be entitled to a retirement annuity. In the case of an employee who enters service after the effective date of this amendatory Act of the 94th General Assembly, the required 5 years of service is exclusive of service credit described in Section 13-313. The age and service conditions as to eligibility for such annuity shall be waived as to the employee, but the early retirement discount under Section 13-302(b) shall apply. If the employee is under age 55 on the date of
withdrawal, the retirement annuity shall be computed by assuming that the employee is then age 55 and then reduced to its actuarial equivalent at his attained age on that date according to applicable mortality tables and interest rates. The retirement annuity shall not be payable for any period prior to the employee's attainment of age 55 during which the employee is able to return to gainful employment. Upon the employee's death while in receipt of a retirement annuity, a surviving spouse or minor children shall be entitled to receive a surviving spouse's annuity or child's annuity subject to the conditions hereinafter prescribed in Sections 13-305 through 13-308.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/13-302) (from Ch. 108 1/2, par. 13-302)

Sec. 13-302. Computation of retirement annuity.

(a) Computation of annuity. An employee who withdraws from service on or after July 1, 1989 and who has met the age and service requirements and other conditions for eligibility set forth in Section 13-301 of this Article is entitled to receive a retirement annuity for life equal to 2.2% of average final salary for each of the first 20 years of service, and 2.4% of average final salary for each year of service in excess of 20. The retirement annuity shall not exceed 80% of average final salary.

(b) Early retirement discount. If an employee retires prior to attainment of age 60 with less than 30 years of service, the annuity computed above shall be reduced by 1/2 of 1% for each full month between the date the annuity begins and attainment of age 60, or each full month by which the employee's service is less than 30 years, whichever is less. However, where the employee first enters service after June 13, 1997 and does not have at least 10 years of service exclusive of credit under Article 20, the annuity computed above shall be reduced by 1/2 of 1% for each full month between the date the annuity begins and attainment of age 60.

(c) Rule of 80 - Early retirement without discount. For an employee who retires on or after January 1, 2003 but on or before December 31, 2007, if the employee is eligible for a retirement annuity under Section 13-301 and has at least 10 years of service exclusive of credit under Article 20 and if at the date of withdrawal the employee's age when added to the number of years of his or her creditable service equals at least 80, the early retirement discount in subsection (b) of this Section does not apply. For purposes of this Rule of 80, portions of years shall be considered in whole months.

An employee who has terminated employment with the employer under this Article prior to the effective date of this amendatory Act of the 92nd General Assembly and subsequently re-enters service must remain in
service with the employer under this Article for at least 2 years after re-entry during the period beginning on January 1, 2003 and ending on December 31, 2007 to be entitled to early retirement without discount under this subsection (c).

In the case of an employee who retires under the terms of Article 20, eligibility for early retirement without discount under this subsection (c) shall be based upon the employee's age and service credit at the time of withdrawal from the final fund.

(c-1) Early retirement without discount; retirement after June 29, 1997 and before January 1, 2003. An employee who (i) has attained age 55 (age 50 if the employee first entered service before June 13, 1997), (ii) has at least 10 years of service exclusive of credit under Article 20, (iii) retires after June 29, 1997 and before January 1, 2003, and (iv) retires within 6 months of the last day for which retirement contributions were required, may elect at the time of application to make a one-time employee contribution to the Fund and thereby avoid the early retirement reduction specified in subsection (b). The exercise of the election shall also obligate the employer to make a one-time nonrefundable contribution to the Fund.

The one-time employee and employer contributions shall be a percentage of the retiring employee's highest full-time annual salary, calculated as the total amount of salary included in the highest 26 consecutive pay periods as used in the average final salary calculation, and based on the employee's age and service at retirement. The employee rate shall be 7% multiplied by the lesser of the following 2 numbers: (1) the number of years, or portion thereof, that the employee is less than age 60; or (2) the number of years, or portion thereof, that the employee's service is less than 30 years. The employer contribution shall be at the rate of 20% for each year, or portion thereof, that the participant is less than age 60.

Upon receipt of the application, the Board shall determine the corresponding employee and employer contributions. The annuity shall not be payable under this subsection until both the required contributions have been received by the Fund. However, the date the contributions are received shall not be considered in determining the effective date of retirement.

The number of employees who may retire under this Section in any year may be limited at the option of the District to a specified percentage of those eligible, not lower than 30%, with the right to participate to be allocated among those applying on the basis of seniority in the service of the employer.

An employee who has terminated employment and subsequently re-enters service shall not be entitled to early retirement without discount under

New matter indicated by italics - deletions by strikeout
this subsection unless the employee continues in service for at least 4 years after re-entry.

(d) Annual increase. Except for employees retiring and receiving a term annuity, an employee who retires on or after July 1, 1985 but before July 12, 2001, shall, upon the first payment date following the first anniversary of the date of retirement, have the monthly annuity increased by 3% of the amount of the monthly annuity fixed at the date of retirement. Except for employees retiring and receiving a term annuity, an employee who retires on or after July 12, 2001 shall, on the first day of the month in which the first anniversary of the date of retirement occurs, have the monthly annuity increased by 3% of the amount of the monthly annuity fixed at the date of retirement. The monthly annuity shall be increased by an additional 3% on the same date each year thereafter. Beginning January 1, 1993, all annual increases payable under this subsection (or any predecessor provision, regardless of the date of retirement) shall be calculated at the rate of 3% of the monthly annuity payable at the time of the increase, including any increases previously granted under this Article.

Any employee who (i) retired before July 1, 1985 with at least 10 years of creditable service, (ii) is receiving a retirement annuity under this Article, other than a term annuity, and (iii) has not received any annual increase under this subsection, shall begin receiving the annual increases provided under this subsection (d) beginning on the next annuity payment date following June 13, 1997.

(e) Minimum retirement annuity. Beginning January 1, 1993, the minimum monthly retirement annuity shall be $500 for any annuitant having at least 10 years of service under this Article, other than a term annuitant or an annuitant who began receiving the annuity before attaining age 60. Any such annuitant who is receiving a monthly annuity of less than $500 shall have the annuity increased to $500 on that date.

Beginning January 1, 1993, the minimum monthly retirement annuity shall be $250 for any annuitant (other than a term or reciprocal annuitant or an annuitant under subsection (d) of Section 13-301) having less than 10 years of service under this Article, and for any annuitant (other than a term annuitant) having at least 10 years of service under this Article who began receiving the annuity before attaining age 60. Any such annuitant who is receiving a monthly annuity of less than $250 shall have the annuity increased to $250 on that date.

Beginning August 1, 2001 on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes

New matter indicated by italics - deletions by strikeout
(and without regard to whether the annuitant was in service on or after that effective date), the minimum monthly retirement annuity for any annuitant having at least 10 years of service, other than an annuitant whose annuity is subject to an early retirement discount, shall be $500 plus $25 for each year of service in excess of 10, not to exceed $750 for an annuitant with 20 or more years of service. In the case of a reciprocal annuity, this minimum shall apply only if the annuitant has at least 10 years of service under this Article, and the amount of the minimum annuity shall be reduced by the sum of all the reciprocal annuities payable to the annuitant by other participating systems under Article 20 of this Code.

Notwithstanding any other provision of this subsection, beginning on the first annuity payment date following July 12, 2001, an employee who retired before August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount) shall be entitled to the same minimum monthly retirement annuity under this subsection as an employee who retired with at least 10 years of service under this Article and after attaining age 60.

Notwithstanding any other provision of this subsection, beginning on the first day of the month following the month in which this amendatory Act of the 94th General Assembly takes effect (and without regard to whether the annuitant was in service on or after that effective date), an employee who retired on or after August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount), except for an employee who is eligible for an annuity under Section 13-301(d), shall be entitled to the same minimum monthly retirement annuity under this subsection as an employee who retired with at least 10 years of service under this Article and after attaining age 60.

(Source: P.A. 92-53, eff. 7-12-01; 92-599, eff. 6-28-02.)

(40 ILCS 5/13-305) (from Ch. 108 1/2, par. 13-305)

Sec. 13-305. Surviving spouse's annuity; eligibility. A surviving spouse who was married to an employee on the date of the employee's death while in service, or was married to an employee on the date of withdrawal from service and remained married to that employee until the employee's death, shall be entitled to a surviving spouse's annuity payable for life. However, the annuity shall not be payable to the surviving spouse of (1) an employee who withdraws from service before attaining the minimum retirement age unless the deceased employee had at least

New matter indicated by italics - deletions by strikeout
10 years of service, or at least less than 5 years of service if the employee was eligible for an annuity upon attainment of age 62 pursuant to Section 13-301(b) or had been receiving a retirement annuity pursuant to Section 13-301(d), or (2) an employee not described in item (1) who first enters service on or after the effective date of this amendatory Act of 1997 and who has been employed as an employee for (i) less than 36 months from the date of the employee's original entry into service or (ii) less than 12 months from the employee's date of latest re-entry into service; except as otherwise provided in Section 13-306(a) for an employee whose death arises out of or in the course of the employee's service to the employer.

A dissolution of marriage after retirement shall not divest the employee's spouse of the entitlement to a surviving spouse's annuity upon the subsequent death of the employee, provided that the surviving spouse and the deceased employee had been married to each other for a period of not less than 10 continuous years on the date of retirement.

(Source: P.A. 90-12, eff. 6-13-97.)

(40 ILCS 5/13-306) (from Ch. 108 1/2, par. 13-306)
(a) Computation of the annuity. The surviving spouse's annuity shall be equal to 60% of the retirement annuity earned and accrued to the credit of the deceased employee, whether death occurs while in service or after withdrawal, plus 1% for each year of total service of the employee to a maximum of 85%; provided, however, that if the employee's death arises out of and in the course of the employee's service to the employer and is compensable under either the Illinois Workers' Compensation Act or Illinois Workers' Occupational Diseases Act, the surviving spouse's annuity is payable regardless of the employee's length of service and shall be not less than 50% of the employee's salary at the date of death.

For any death in service the early retirement discount required under Section 13-302(b) shall not be applied in computing the retirement annuity upon which is based the surviving spouse's annuity.

For any death after withdrawal and prior to application for annuity benefits, the early retirement discount required under Section 13-302(b) shall be applied in computing the retirement annuity upon which the surviving spouse’s annuity is based. The maximum age discount applied to the employee's retirement annuity shall not exceed 60%.

Further, the annuity for a surviving spouse of a withdrawn employee who was eligible for an annuity upon attainment of age 62 pursuant to Section 13-301(b) but who died prior to age 60 shall be based upon an

New matter indicated by italics - deletions by strikeout
employee annuity that has been reduced by 1/2% for each full month between
the date the surviving spouse's annuity begins and the employee's attainment
of age 60.

(b) Reciprocal service. For any employee or annuitant who retires on
or after July 1, 1985 and whose death occurs after January 1, 1991, having at
least 15 years of service with the employer under this Article, and who was
eligible at the time of death or elected at the time of retirement to have his or
her retirement annuity calculated as provided in Section 20-131 of this Code,
the surviving spouse benefit shall be calculated as of the date of the
employee's death as indicated in subsection (a) as a percentage of the
employee's total benefit as if all service had been with the employer. That
benefit shall then be reduced by the amounts payable by each of the
reciprocal funds as of the date of death so that the total surviving spouse
benefit at that date will be equal to the benefit which would have been
payable had all service been with the employer under this Article.

(c) Discount for age differential. The annuity for a surviving spouse
shall be discounted by 0.25% for each full month that the spouse is younger
than the employee as of the date of withdrawal from service or death in
service to a maximum discount of 60% of the surviving spouse annuity as
calculated under subsections (a), (b), and (e) of this Section. The discount
shall be reduced by 10% for each full year the marriage has been in
continuous effect as of the date of withdrawal or death in service. There shall
be no discount if the marriage has been in continuous effect for 10 full years
or more at the time of withdrawal or death in service.

(d) Annual increase. Effective August 23, 1989, on the first day of
each calendar month in which there occurs an anniversary of the employee's
date of retirement or date of death, whichever occurred first, the surviving
spouse's annuity, other than a term annuity under Section 13-307, shall be
increased by an amount equal to 3% of the amount of the annuity. Beginning
January 1, 1993, all annual increases payable under this subsection (or any
predecessor provision of this Article) shall be calculated at the rate of 3% of
the monthly annuity payable at the time of the increase, including any
increases previously granted under this Article.

Beginning January 1, 1993, surviving spouse annuitants whose
deceased spouse died, retired or withdrew from service before August 23,
1989 with at least 10 years of service under this Article shall be eligible for
the annual increases provided under this subsection.

(e) Minimum surviving spouse's annuity.

(1) Beginning January 1, 1993, the minimum monthly

New matter indicated by italics - deletions by strikeout
surviving spouse's annuity shall be $500 for any annuitant whose deceased spouse had at least 10 years of service under this Article, other than a surviving spouse who is a term annuitant or whose deceased spouse began receiving a retirement annuity under this Article before attainment of age 60. Any such surviving spouse annuitant who is receiving a monthly annuity of less than $500 shall have the annuity increased to $500 on that date.

Beginning January 1, 1993, the minimum monthly surviving spouse's annuity shall be $250 for any annuitant (other than a term or reciprocal annuitant or an annuitant survivor under subsection (d) of Section 13-301) whose deceased spouse had less than 10 years of service under this Article, and for any annuitant (other than a term annuitant) whose deceased spouse had at least 10 years of service under this Article and began receiving a retirement annuity under this Article before attainment of age 60. Any such surviving spouse annuitant who is receiving a monthly annuity of less than $250 shall have the annuity increased to $250 on that date.

(2) Beginning August 1, 2001 on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect (and without regard to whether the deceased spouse was in service on or after that effective date), the minimum monthly surviving spouse's annuity for any annuitant whose deceased spouse had at least 10 years of service shall be the greater of the following:

(A) An amount equal to $500, plus $25 for each year of the deceased spouse's service in excess of 10, not to exceed $750 for an annuitant whose deceased spouse had 20 or more years of service. This subdivision (A) is not applicable if the deceased spouse received a retirement annuity that was subject to an early retirement discount.

(B) An amount equal to (i) 50% of the retirement annuity earned and accrued to the credit of the deceased spouse at the time of death, plus (ii) the amount of any annual increases applicable to the surviving spouse's annuity (including the amount of any reversionary annuity) under subsection (d) before July 12, 2001 the effective date of this amendatory Act of the 92nd General Assembly. In any case in which a refund of excess contributions for the surviving spouse annuity has been paid by the Fund and the surviving

New matter indicated by italics - deletions by strikeout
spouse annuity is increased due to the application of this subdivision (B), the amount of that refund shall be recovered by the Fund as an offset against the amount of the increase in annuity arising from the application of this subdivision (B).

In the case of a reciprocal annuity, the minimum annuity calculated under this subdivision (e)(2) shall apply only if the deceased spouse of the annuitant had at least 10 years of service under this Article, and the amount of the minimum annuity shall be reduced by the sum of all the reciprocal annuities payable to the annuitant by other participating systems under Article 20 of this Code.

The minimum annuity calculated under this subdivision (e)(2) is in addition to the amount of any reversionary annuity that may be payable.

(3) Beginning August 1, 2001 on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect (and without regard to whether the deceased spouse was in service on or after that effective date), any surviving spouse who is receiving a term annuity under Section 13-307 or any predecessor provision of this Article may have that term annuity recalculated and converted to a minimum surviving spouse annuity under this subsection (e).

(4) Notwithstanding any other provision of this subsection, beginning August 1, 2001 on the first annuity payment date following the effective date of this amendatory Act of the 92nd General Assembly, an annuitant whose deceased spouse retired before August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount) shall be entitled to the same minimum monthly surviving spouse's annuity under this subsection as an annuitant whose deceased spouse retired with at least 10 years of service under this Article and after attaining age 60. Further notwithstanding any other provision of this subsection, beginning on the first day of the month following the month in which this amendatory Act of the 94th General Assembly takes effect, an annuitant whose deceased spouse retired on or after August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount) shall be entitled to the same

New matter indicated by italics - deletions by strikeout
minimum monthly surviving spouse's annuity under this subsection as an annuitant whose deceased spouse retired with at least 10 years of service under this Article and after attaining age 60.

(5) The minimum annuity provided under this subsection (e) shall be subject to the age discount provided under subsection (c) of this Section.

(Source: P.A. 92-53, eff. 7-12-01.)

(40 ILCS 5/13-308) (from Ch. 108 1/2, par. 13-308)
Sec. 13-308. Child's annuity.
(a) Eligibility. A child's annuity shall be provided for each unmarried child under the age of 18 years (under the age of 23 years in the case of a full-time student) whose employee parent dies while in service, or whose deceased parent is an annuitant or former employee with at least 10 years of creditable service who did not take a refund of employee contributions. Eligibility for benefits to unmarried children over the age of 18 but under the age of 23 begins no earlier than the first day of the month following the month in which this amendatory Act of the 94th General Assembly takes effect.

For purposes of this Section, "employee" includes a former employee, and "child" means the issue of an employee, or a child adopted by an employee if the proceedings for adoption were instituted at least one year prior to the employee's death.

Payments shall cease when a child attains the age of 18 years (age of 23 years in the case of a full-time student) or marries, whichever first occurs. The annuity shall not be payable unless the employee has been employed as an employee for at least 36 months from the date of the employee's original entry into service (at least 24 months in the case of an employee who first entered service before June 13, the effective date of this amendatory Act of 1997) and at least 12 months from the date of the employee's latest re-entry into service; provided, however, that if death arises out of and in the course of service to the employer and is compensable under either the Illinois Workers' Compensation Act or Illinois Workers' Occupational Diseases Act, the annuity is payable regardless of the employee's length of service.

(b) Amount. A child's annuity shall be $500 per month for one child and $350 per month for each additional child, up to a maximum of $2,500 per month for all children of the employee, as provided in this Section, if a parent of the child is living. The child's annuity shall be $1,000 per month for one child and $500 per month for each additional child, up to a maximum of $2,500 for all children of the employee, when neither parent is alive. The
total amount payable to all children of the employee shall be divided equally among those children. Any child's annuity which commenced prior to July 12, 2001 shall be increased upon the first day of the month following the month in which that effective date occurs, to the amount set forth herein.

c) Payment. Until a child attains the age of 18 years, a child's annuity shall be paid to the child's parent or other person who shall be providing for the child without requiring formal letters of guardianship, unless another person shall be appointed by a court of law as guardian.

(Source: P.A. 92-53, eff. 7-12-01.)

(40 ILCS 5/13-309) (from Ch. 108 1/2, par. 13-309)
Sec. 13-309. Duty disability benefit.

(a) Any employee who becomes disabled, which disability is the result of an injury or illness compensable under the Illinois Workers' Compensation Act or the Illinois Workers' Occupational Diseases Act, is entitled to a duty disability benefit during the period of disability for which the employee does not receive any part of salary, or any part of a retirement annuity under this Article; except that in the case of an employee who first enters service on or after June 13, 1997 and becomes disabled before the effective date of this amendatory Act of the 94th General Assembly, a duty disability benefit is not payable for the first 3 days of disability that would otherwise be payable under this Section if the disability does not continue for at least 11 additional days. The changes made to this Section by this amendatory Act of the 94th General Assembly are prospective only and do not entitle an employee to a duty disability benefit for the first 3 days of any disability that occurred before that effective date and did not continue for at least 11 additional days. This benefit shall be 75% of salary at the date disability begins. However, if the disability in any measure resulted from any physical defect or disease which existed at the time such injury was sustained or such illness commenced, the duty disability benefit shall be 50% of salary.

Unless the employer acknowledges that the disability is a result of injury or illness compensable under the Workers' Compensation Act or the Workers' Occupational Diseases Act, the duty disability benefit shall not be payable until the issue of compensability under those Acts is finally adjudicated. The period of disability shall be as determined by the Illinois Workers' Compensation Commission or acknowledged by the employer.

The first payment shall be made not later than one month after the benefit is granted, and subsequent payments shall be made at least monthly.

New matter indicated by italics - deletions by strikeout
The Board shall by rule prescribe for the payment of such benefits on the basis of the amount of salary lost during the period of disability.

(b) The benefit shall be allowed only if the following requirements are met by the employee:

(1) Application is made to the Board within 90 days from the date disability begins;

(2) A medical report is submitted by at least one licensed and practicing physician as part of the employee's application; and

(3) The employee is examined by at least one licensed and practicing physician appointed by the Board and found to be in a disabled physical condition, and shall be re-examined at least annually thereafter during the continuance of disability. The employee need not be re-examined by a licensed and practicing physician if the attorney for the district certifies in writing that the employee is entitled to receive compensation under the Workers' Compensation Act or the Workers' Occupational Diseases Act.

(c) The benefit shall terminate when:

(1) The employee returns to work or receives a retirement annuity paid wholly or in part under this Article;

(2) The disability ceases;

(3) The employee attains age 65, but if the employee becomes disabled at age 60 or later, benefits may be extended for a period of no more than 5 years after disablement;

(4) The employee (i) refuses to submit to reasonable examinations by physicians or other health professionals appointed by the Board, (ii) fails or refuses to consent to and sign an authorization allowing the Board to receive copies of or to examine the employee's medical and hospital records, or (iii) fails or refuses to provide complete information regarding any other employment for compensation he or she has received since becoming disabled; or

(5) The employee willfully and continuously refuses to follow medical advice and treatment to enable the employee to return to work. However this provision does not apply to an employee who relies in good faith on treatment by prayer through spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof.

In the case of a duty disability recipient who returns to work, the employee must make application to the Retirement Board within 2 years from
the date the employee last received duty disability benefits in order to become again entitled to duty disability benefits based on the injury for which a duty disability benefit was theretofore paid.

(Source: P.A. 93-721, eff. 1-1-05.)

(40 ILCS 5/13-310) (from Ch. 108 1/2, par. 13-310)

Sec. 13-310. Ordinary disability benefit.

(a) Any employee who becomes disabled as the result of any cause other than injury or illness incurred in the performance of duty for the employer or any other employer, or while engaged in self-employment activities, shall be entitled to an ordinary disability benefit. The eligible period for this benefit shall be 25% of the employee's total actual service prior to the date of disability with a cumulative maximum period of 5 years.

(b) The benefit shall be allowed only if the employee files an application in writing with the Board, and a medical report is submitted by at least one licensed and practicing physician as part of the employee's application.

The benefit is not payable for any disability which begins during any period of unpaid leave of absence. No benefit shall be allowed for any period of disability prior to 30 days before application is made, unless the Board finds good cause for the delay in filing the application. The benefit shall not be paid during any period for which the employee receives or is entitled to receive any part of salary.

The benefit is not payable for any disability which begins during any period of absence from duty other than allowable vacation time in any calendar year. An employee whose disability begins during any such ineligible period of absence from service may not receive benefits until the employee recovers from the disability and is in service for at least 15 consecutive working days after such recovery.

In the case of an employee who first enters service on or after June 13, the effective date of this amendatory Act of 1997, an ordinary disability benefit is not payable for the first 3 days of disability that would otherwise be payable under this Section if the disability does not continue for at least 11 additional days.

Beginning on the effective date of this amendatory Act of the 94th General Assembly, an employee who first entered service on or after June 13, 1997 is also eligible for ordinary disability benefits on the 31st day after the last day worked, provided all sick leave is exhausted.

(c) The benefit shall be 50% of the employee's salary at the date of disability, and shall terminate when the earliest of the following occurs:
(1) The employee returns to work or receives a retirement annuity paid wholly or in part under this Article;
(2) The disability ceases;
(3) The employee willfully and continuously refuses to follow medical advice and treatment to enable the employee to return to work. However this provision does not apply to an employee who relies in good faith on treatment by prayer through spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof;
(4) The employee (i) refuses to submit to a reasonable physical examination within 30 days of application by a physician appointed by the Board, (ii) in the case of chronic alcoholism, the employee refuses to join a rehabilitation program licensed by the Department of Public Health of the State of Illinois and certified by the Joint Commission on the Accreditation of Hospitals, (iii) fails or refuses to consent to and sign an authorization allowing the Board to receive copies of or to examine the employee's medical and hospital records, or (iv) fails or refuses to provide complete information regarding any other employment for compensation he or she has received since becoming disabled; or
(5) The eligible period for this benefit has been exhausted.

The first payment of the benefit shall be made not later than one month after the same has been granted, and subsequent payments shall be made at intervals of not more than 30 days.

(Source: P.A. 90-12, eff. 6-13-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/13-314) (from Ch. 108 1/2, par. 13-314)

(a) Transfer of credits. Any Water Reclamation District commissioner elected by vote of the people and who has elected to participate in this Fund may transfer to this Fund credits and creditable service accumulated under any other pension fund or retirement system established under Articles 2 through 18 of this Code, upon payment to the Fund of (1) the amount by which the employer and employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest, exceeds the amounts actually transferred from such other fund or system to this Fund, plus (2) interest thereon at 6% per year compounded annually from the date of transfer to the date of

New matter indicated by italics - deletions by strikeout
payment.

(b) Alternative annuity. Any participant commissioner may elect to establish alternative credits for an alternative annuity by electing in writing to make additional optional contributions in accordance with this Section and procedures established by the Board. Unless and until such time as the U.S. Internal Revenue Service or the federal courts provide a favorable ruling as described in Section 13-502(f), a such commissioner may discontinue making the additional optional contributions by notifying the Fund in writing in accordance with this Section and procedures established by the Board.

Additional optional contributions for the alternative annuity shall be as follows:

(1) For service after the option is elected, an additional contribution of 3% of salary shall be contributed to the Fund on the same basis and under the same conditions as contributions required under Section 13-502.

(2) For contributions on past service, the additional contribution shall be 3% of the salary for the applicable period of service, plus interest at the annual rate from time to time as determined by the Board, compounded annually from the date of service to the date of payment. Contributions for service before the option is elected may be made in a lump sum payment to the Fund or by contributing to the Fund on the same basis and under the same conditions as contributions required under Section 13-502. All payments for past service must be paid in full before credit is given. No additional optional contributions may be made for any period of service for which credit has been previously forfeited by acceptance of a refund, unless the refund is repaid in full with interest at the rate specified in Section 13-603, from the date of refund to the date of repayment.

In lieu of the retirement annuity otherwise payable under this Article, any commissioner who has elected to participate in the Fund and make additional optional contributions in accordance with this Section, has attained age 55, and has at least 6 years of service credit, may elect to have the retirement annuity computed as follows: 3% of the participant's average final salary as a commissioner for each of the first 8 years of service credit, plus 4% of such salary for each of the next 4 years of service credit, plus 5% of such salary for each year of service credit in excess of 12 years, subject to a maximum of 80% of such salary. To the extent such commissioner has made additional optional contributions with respect to only a portion of years of

New matter indicated by italics - deletions by strikeout
service credit, the retirement annuity will first be determined in accordance with this Section to the extent such additional optional contributions were made, and then in accordance with the remaining Sections of this Article to the extent of years of service credit with respect to which additional optional contributions were not made. The change in minimum retirement age (from 60 to 55) made by this amendatory Act of 1993 applies to persons who begin receiving a retirement annuity under this Section on or after the effective date of this amendatory Act, without regard to whether they are in service on or after that date.

(c) Disability benefits. In lieu of the disability benefits otherwise payable under this Article, any commissioner who (1) has elected to participate in the Fund, and (2) has become permanently disabled and as a consequence is unable to perform the duties of office, and (3) was making optional contributions in accordance with this Section at the time the disability was incurred, may elect to receive a disability annuity calculated in accordance with the formula in subsection (b). For the purposes of this subsection, such commissioner shall be considered permanently disabled only if: (i) disability occurs while in service as a commissioner and is of such a nature as to prevent the reasonable performance of the duties of office at the time; and (ii) the Board has received a written certification by at least 2 licensed physicians appointed by it stating that such commissioner is disabled and that the disability is likely to be permanent.

(d) Alternative survivor's benefits. In lieu of the survivor's benefits otherwise payable under this Article, the spouse or eligible child of any deceased commissioner who (1) had elected to participate in the Fund, and (2) was either making (or had already made) additional optional contributions on the date of death, or was receiving an annuity calculated under this Section at the time of death, may elect to receive an annuity beginning on the date of the commissioner's death, provided that the spouse and commissioner must have been married on the date of the last termination of a service as commissioner and for a continuous period of at least one year immediately preceding death.

The annuity shall be payable beginning on the date of the commissioner's death if the spouse is then age 50 or over, or beginning at age 50 if the age of the spouse is less than 50 years. If a minor unmarried child or children of the commissioner, under age 18 (age 23 in the case of a full-time student), also survive, and the child or children are under the care of the eligible spouse, the annuity shall begin as of the date of death of the commissioner without regard to the spouse's age.

New matter indicated by italics - deletions by strikeout
The annuity to a spouse shall be the greater of (i) 66 2/3% of the amount of retirement annuity earned by the commissioner on the date of death, subject to a minimum payment of 10% of salary, provided that if an eligible spouse, regardless of age, has in his or her care at the date of death of the commissioner any unmarried child or children of the commissioner under age 18, the minimum annuity shall be 30% of the commissioner's salary, plus 10% of salary on account of each minor child of the commissioner, subject to a combined total payment on account of a spouse and minor children not to exceed 50% of the deceased commissioner's salary or (ii) for the spouse of a commissioner whose death occurs on or after the effective date of this amendatory Act of the 94th General Assembly, the surviving spouse annuity shall be computed in the same manner as described in Section 13-306(a). The number of total service years used to calculate the commissioner's annuity shall be the number of service years used to calculate the annuity for that commissioner's surviving spouse. In the event there shall be no spouse of the commissioner surviving, or should a spouse die while eligible minor children still survive the commissioner, each such child shall be entitled to an annuity equal to 20% of salary of the commissioner subject to a combined total payment on account of all such children not to exceed 50% of salary of the commissioner. The salary to be used in the calculation of these benefits shall be the same as that prescribed for determining a retirement annuity as provided in subsection (b) of this Section.

Upon the death of a commissioner occurring after termination of a service or while in receipt of a retirement annuity, the combined total payment to a spouse and minor children, or to minor children alone if no eligible spouse survives, shall be limited to 85% 75% of the amount of retirement annuity earned by the commissioner.

Adopted children shall have status as natural children of the commissioner only if the proceedings for adoption were commenced at least one year prior to the date of the commissioner's death.

Marriage of a child or attainment of age 18 (age 23 in the case of a full-time student), whichever first occurs, shall render the child ineligible for further consideration in the payment of annuity to a spouse or in the increase in the amount thereof. Upon attainment of ineligibility of the youngest minor child of the commissioner, the annuity shall immediately revert to the amount payable upon death of a commissioner leaving no minor children surviving. If the spouse is under age 50 at such time, the annuity as revised shall be deferred until such age is attained.

(e) Refunds. Refunds of additional optional contributions shall be

New matter indicated by italics - deletions by strikeout
made on the same basis and under the same conditions as provided under Section 13-601. Interest shall be credited on the same basis and under the same conditions as for other contributions.

Optional contributions shall be accounted for in a separate Commission's Optional Contribution Reserve. Optional contributions under this Section shall be included in the amount of employee contributions used to compute the tax levy under Section 13-503.

(f) Effective date. The effective date of this plan of optional alternative benefits and contributions shall be the date upon which approval was received from the U.S. Internal Revenue Service. The plan of optional alternative benefits and contributions shall not be available to any former employee receiving an annuity from the Fund on the effective date, unless said former employee re-enters service and renders at least 3 years of additional service after the date of re-entry as a commissioner.

(Source: P.A. 90-12, eff. 6-13-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/13-402) (from Ch. 108 1/2, par. 13-402)

Sec. 13-402. Length of service. For the purpose of computing the length of service for the retirement annuity, surviving spouse's annuity, and child's annuity, and calculating the minimum service requirement for payment of military service under subsection (b) of Section 13-403, service of 120 days in any one calendar year shall constitute one year of service and service for any fractional part thereof shall constitute an equal fractional part of one year of service unless specifically provided otherwise. For all other purposes under this Article, including but not limited to the optional plans of additional benefits and contributions provided under Sections 13-304, 13-304.1, and 13-314 of this Article, 26 pay periods of service during any 12 consecutive months shall constitute a year of service, and service rendered for 50% or more of a single pay period shall constitute service for the full pay period. Service of less than 50% of a single pay period shall not be counted.

(Source: P.A. 93-334, eff. 7-24-03.)

(40 ILCS 5/13-403) (from Ch. 108 1/2, par. 13-403)

Sec. 13-403. Military service.

(a) Any employee who, after commencement of service with the Employer, enlisted, was inducted or was otherwise ordered to serve in the military forces of the United States pursuant to any law, shall receive full service credit for the various purposes of this Article as though the employee were in the active service of the Employer during the period of military service provided that:

(1) beginning July 1, 1963, such service credit shall be granted

New matter indicated by italics - deletions by strikeout
only for military service for which the employee volunteers or is inducted or called into military service pursuant to a call of a duly constituted authority or a law of the United States declaring a national emergency;

(2) the employee returns to the employ of the Employer within 90 days after the termination of the national emergency; and

(3) the total service credit for such military service shall not exceed 5 years except that any employee who on July 1, 1963 had accrued more than 5 years of such credit shall be entitled to the total amount thereof.

(b) For a ten-year period following July 24, 2003 the effective date of this amendatory Act of the 93rd General Assembly, a contributing employee or commissioner meeting the minimum service requirements provided under this subsection may establish additional service credit for a period of up to 2 years of active military service in the United States Armed Forces for which he or she does not qualify for credit under subsection (a), provided that (1) the person was not dishonorably discharged from the military service, and (2) the amount of service credit established by the person under this subsection (b), when added to the amount of any military service credit granted to the person under subsection (a), shall not exceed 5 years.

The minimum service requirement for a contributing employee is 10 years of service credit as provided in Sections 13-401 and 13-402 of this Article and exclusive of Article 20. The minimum service requirement for a contributing commissioner is 5 years of service credit as provided in Sections 13-401 and 13-402 of this Article and exclusive of Article 20.

In order to establish military service credit under this subsection (b), the applicant must submit a written application to the Fund, including the applicant's discharge papers from military service, and pay to the Fund (i) employee contributions at the rates provided in this Article, based upon the person's salary on the last date as a participating employee prior to the military service or on the first date as a participating employee after the military service, whichever is greater, plus (ii) the current amount determined by the board to be equal to the employer's normal cost of the benefits accrued for such military service, plus (iii) regular interest of 3% compounded annually on items (i) and (ii) from the date of entry or re-entry as a participating employee following the military service to the date of payment. Contributions must be paid in full before the credit is granted. Credit established under this subsection may be used for pension purposes only.

Notwithstanding any other provision of this Section, a person may not
establish creditable service under this Section for any period for which the person receives credit under any other public employee retirement system, unless the credit under that other retirement system has been irrevocably relinquished.

(Source: P.A. 93-334, eff. 7-24-03.)

(40 ILCS 5/13-502) (from Ch. 108 1/2, par. 13-502)

Sec. 13-502. Employee contributions; deductions from salary.

(a) Retirement annuity and child's annuity. There shall be deducted from each payment of salary an amount equal to 7 1/2% of salary as the employee's contribution for the retirement annuity, including annual increases therefore and child's annuity.

(b) Surviving spouse's annuity. There shall be deducted from each payment of salary an amount equal to 1 1/2% of salary as the employee's contribution for the surviving spouse's annuity and annual increases therefor.

(c) Pickup of employee contributions. The Employer may pick up employee contributions required under subsections (a) and (b) of this Section. If contributions are picked up they shall be treated as Employer contributions in determining tax treatment under the United States Internal Revenue Code, and shall not be included as gross income of the employee until such time as they are distributed. The Employer shall pay these employee contributions from the same source of funds used in paying salary to the employee. The Employer may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up they shall be treated for all purposes of this Article 13, including Sections 13-503 and 13-601, in the same manner and to the same extent as employee contributions made prior to the date picked up.

(d) Subject to the requirements of federal law, the Employer shall pick up optional contributions that the employee has elected to pay to the Fund under Section 13-304.1, and the contributions so picked up shall be treated as employer contributions for the purposes of determining federal tax treatment. The Employer shall pick up the contributions by a reduction in the cash salary of the employee and shall pay the contributions from the same fund that is used to pay earnings to the employee. The Employer shall, however, continue to withhold federal and State income taxes based upon contributions made under Section 13-304.1 until the Internal Revenue Service or the federal courts rule that pursuant to Section 414(h) of the U.S. Internal Revenue Code of 1986, as amended, these contributions shall not be included

New matter indicated by italics - deletions by strikeout
as gross income of the employee until such time as they are distributed or made available.

(e) Each employee is deemed to consent and agree to the deductions from compensation provided for in this Article.

(f) Subject to the requirements of federal law, the Employer shall pick up contributions that a commissioner has elected to pay to the Fund under Section 13-314, and the contributions so picked up shall be treated as Employer contributions for the purposes of determining federal tax treatment. The Employer shall pick up the contributions by a reduction in the cash salary of the commissioner and shall pay the contributions from the same fund as is used to pay earnings to the commissioner. The Employer shall, however, continue to withhold federal and State income taxes based upon contributions made under Section 13-314 until the U.S. Internal Revenue Service or the federal courts rule that pursuant to Section 414(h) of the Internal Revenue Code of 1986, as amended, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/13-601) (from Ch. 108 1/2, par. 13-601)

Sec. 13-601. Refunds.

(a) Withdrawal from service. Upon withdrawal from service, an employee under age 55 (age 50 if the employee first entered service before June 13, 1997), or an employee age 55 (age 50 if the employee first entered service before June 13, 1997) or over but less than 60 having less than 20 years of service, or an employee age 60 or over having less than 5 years of service shall be entitled, upon application, to a refund of total contributions from salary deductions or amounts otherwise paid under this Article by the employee. The refund shall not include interest credited to the contributions. The Board may, in its discretion, withhold payment of a refund for a period not to exceed one year from the date of filing an application for refund.

(b) Surviving spouse's annuity contributions. A refund of all amounts deducted from salary or otherwise contributed by an employee for the surviving spouse's annuity shall be paid upon retirement to any employee who on the date of retirement is either not married or is married but whose spouse is not eligible for a surviving spouse's annuity paid wholly or in part under this Article. The refund shall include interest on each contribution at the rate of 3% per annum compounded annually from the date of the contribution to the date of the refund.

(c) When paid to children, estate or beneficiary. Whenever the total
accumulations, to the account of an employee from employee contributions, including interest to the employee's date of withdrawal, have not been paid to the employee and surviving spouse as a retirement or spouse's annuity before the death of the survivor of the employee and spouse, a refund shall be paid as follows: an amount equal to the excess of such amounts over the amounts paid on such annuities without interest on either such amount, shall be paid to the children of the employee, in equal parts to each, unless the employee has directed in writing, signed by him before an officer authorized to administer oaths, and filed with the Board before the employee's death, that any such amount shall be refunded and paid to any one or more of such children; and if there are not children, such other beneficiary or beneficiaries as might be designated by the employee. If there are no such children or designation of beneficiary, the refund shall be paid to the personal representative of the employee's estate.

If a personal representative of the estate has not been appointed within 90 days from the date on which a refund became payable, the refund may be applied, in the discretion of the Board, toward the payment of the employee's or the surviving spouse's burial expenses. Any remaining balance shall be paid to the heirs of the employee according to the law of descent and distribution of the State of Illinois.

If a reversionary annuity becomes payable under Section 13-303, the refund provided in this section shall not be paid until the death of the reversionary annuitant and the refund otherwise payable under this section shall be then further reduced by the amount of the reversionary annuity paid.

(d) In lieu of annuity. Notwithstanding the provisions set forth in subsection (a) of this section, whenever an employee's or surviving spouse's annuity will be less than $200 per month, the employee or surviving spouse, as the case may be, may elect to receive a refund of accumulated employee contributions; provided, however, that if the election is made by a surviving spouse the refund shall be reduced by any amounts theretofore paid to the employee in the form of an annuity.

(e) Forfeiture of rights. An employee or surviving spouse who receives a refund forfeits the right to receive an annuity or any other benefit payable under this Article except that if the refund is to a surviving spouse, any child or children of the employee shall not be deprived of the right to receive a child's annuity as provided in Section 13-308 of this Article, and the payment of a child's annuity shall not reduce the amount refundable to the surviving spouse.
(Source: P.A. 87-794; 87-1265.)

New matter indicated by italics - deletions by strikeout
Sec. 13-603. Restoration of rights. If an employee who has received a refund subsequently re-enters the service and renders one year of contributing service from the date of such re-entry, the employee shall be entitled to have restored all accumulation and service credits previously forfeited by making a repayment of the refund, including interest from the date of the refund to the date of repayment at a rate equal to the higher of 8% per annum or the actuarial investment return assumption used in the Fund's most recent Annual Actuarial Statement. Repayment may be made either directly to the Fund or in a manner similar to that provided for the contributions required under Section 13-502. The service credits represented thereby, or any part thereof, shall not become effective unless the full amount due has been paid by the employee, including interest. The repayment must be made in full by the employee no later than 90 days following the date of the employee's final withdrawal from service. If the employee fails to make a full repayment, any partial amounts paid by the employee shall be refunded without interest if the employee dies in service or withdraws.

(Source: P.A. 91-887, eff. 7-6-00.)

Sec. 13-706. Board powers and duties. The Board shall have the powers and duties set forth in this Section, in addition to such other powers and duties as may be provided in this Article and in this Code:

(a) To supervise collections. To see that all amounts specified in this Article to be applied to the Fund, from any source, are collected and applied.

(b) To notify of deductions. To notify the Clerk of the Water Reclamation District of the deductions to be made from the salaries of employees.

(c) To accept gifts. To accept by gift, grant, bequest or otherwise any money or property of any kind and use the same for the purposes of the Fund.

(d) To invest the reserves. To invest the reserves of the Fund in accordance with the provisions set forth in Section 1-113 of Article 1 of this Code. The Board is also authorized to transfer securities to the Illinois State Board of Investment for the purpose of participation in any commingled investment fund as provided in Article 22A of this Code.

(e) To authorize payments. To consider and pass upon all applications for annuities and benefits; to authorize or suspend the payment of any annuity or benefit; to inquire into the validity and legality of any grant of annuity or benefit paid from or payable out of the Fund; to increase, reduce, or suspend any such annuity or benefit whenever the annuity or benefit, or any part

New matter indicated by italics - deletions by strikeout
thereof, was secured or granted, or the amount thereof fixed, as the result of misrepresentation, fraud, or error. No such annuity or benefit shall be permanently reduced or suspended until the affected annuitant or beneficiary is first notified of the proposed action and given an opportunity to be heard. No trustee of the Board shall vote upon that trustee's own personal claim for annuity, benefit or refund, or participate in the deliberations of the Board as to the validity of any such claim. The Board shall have exclusive original jurisdiction in all matters of claims for annuities, benefits and refunds.

(f) To submit an annual report. To submit a report in July of each year to the Board of Commissioners of the Water Reclamation District as of the close of business on December 31st of the preceding year. The report shall include the following:

1. A balance sheet, showing the financial and actuarial condition of the Fund as of the end of the calendar year;
2. A statement of receipts and disbursements during such year;
3. A statement showing changes in the asset, liability, reserve and surplus accounts during such year;
4. A detailed statement of investments as of the end of the year; and
5. Any additional information as is deemed necessary for proper interpretation of the condition of the Fund.

(g) To subpoena witnesses. To compel witnesses to attend and testify before it upon any matter concerning the Fund and allow witness fees not in excess of $6 for attendance upon any one day. The President and other members of the Board may administer oaths to witnesses.

(h) To appoint employees and consultants. To appoint such actuarial, medical, legal, investigational, clerical or financial employees and consultants as are necessary, and fix their compensation.

(i) To make rules. To make rules and regulations necessary for the administration of the affairs of the Fund.

(j) To waive guardianship. To waive the requirement of legal guardianship of any minor unmarried beneficiary of the Fund living with a parent or grandparent, and legal guardianship of any beneficiary under legal disability whose husband, wife, or parent is managing such beneficiary's affairs, whenever the Board deems such waiver to be in the best interest of the beneficiary.

(k) To collect amounts due. To collect any amounts due to the Fund from any participant or beneficiary prior to payment of any annuity, benefit
or refund.

(l) To invoke rule of offset. To offset against any amount payable to
an employee or to any other person such sums as may be due to the Fund or
may have been paid by the Fund due to misrepresentation, fraud or error.

(m) To assess and collect interest on amounts due to the Fund using
the annual rate as shall from time to time be determined by the Board,
compounded annually from the date of notification to the date of payment.
(Source: P.A. 87-794.)

Section 90. The State Mandates Act is amended by adding Section
8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this
Act, no reimbursement by the State is required for the implementation of any
mandate created by this amendatory Act of the 94th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 18, 2005.
Effective August 18, 2005.

PUBLIC ACT 94-0622
(House Bill No. 2613)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 5. The Township Code is amended by changing Sections 115-10,
115-20, 120-10, 125-10, and 125-15 and by adding Section 125-12 as
follows:

(60 ILCS 1/115-10)

Sec. 115-10. Open space plan; petition.
(a) A board desiring to enter upon an open space program may do so
only after adoption of an open space plan under Section 115-15. The board
shall commence preparation of an open space plan under that Section only
upon the filing with the township clerk of a petition signed by not less than
5% or 50, whichever is greater, of the registered voters of the township
(according to the voting registration records at the time the petition is filed)
recommending that the board commence preparation of an open space plan.
Within 5 business days after the filing of the petition, the township clerk shall
provide public notice of the existence of the filed petition in the same manner

New matter indicated by italics - deletions by strikeout
as notices of meetings of the township board are provided. A hearing shall be conducted no less than 30 days after the filing of the petition to determine the validity of the petition, which may be challenged in accordance with the general election law.

(b) A proposed open space plan shall (i) identify all open land within the township that the board deems necessary to acquire in order to accomplish the purposes of the open space program; (ii) state the ways in which the acquisition of open land will further open space purposes; (iii) state the estimated costs of implementing the proposed plan; (iv) state the approximate tax, per $100 of assessed value, that will be levied to provide the necessary funds for implementing the proposed plan; (v) state the estimated timetable for implementing the proposed plan; and (vi) establish standards and procedures for establishing priorities for the acquisition of parcels identified in the plan.

(Source: P.A. 85-1140; 88-62.)

(60 ILCS 1/115-20)

Sec. 115-20. Referendum on recommended plan; petition.

(a) If the board recommends adoption of the open space plan, or if a subsequent petition is filed by not less than 5% or 50, whichever is greater, of the registered voters of the township (according to the voting registration records at the time the petition is filed) recommending adoption of the open space plan, then the Board, within 30 days of making of the recommendation or the approval filing of the petition, shall file a petition with the township clerk, requesting the clerk to submit to the voters of the township the question of whether the township shall adopt the open space plan and enter upon an open space program, with the power to acquire open land by purchase, condemnation (except townships in counties having a population of more than 150,000 but not more than 250,000), or otherwise in the township and with the power to issue bonds for those purposes under this Article. Approval of a petition recommending adoption of the open space plan shall be given if the petition is determined to be valid following public notice and a hearing consistent with the requirements of Section 115-10 for the initial petition. The total amount of bonds to be issued under this Section may not exceed 5% of the valuation of all taxable property in the township and shall be set forth in the question as a dollar amount. The township clerk shall certify that proposition to the proper election officials, who shall submit the proposition to the township voters at the next regular election. The referendum shall be conducted and notice given in accordance with the general election law.

(b) The question submitted to the voters at the election shall be in
substantially the following form:

Shall (name of township) adopt the open space plan considered at the public hearing on (date) and enter upon an open space program, and shall the Township Board have the power (i) to acquire open land by purchase (insert ", condemnation," if the township is in a county having a population of more than 250,000) or otherwise, (ii) to issue bonds for open space purposes in an amount not exceeding $(amount), and (iii) to levy a tax to pay the principal of and interest on those bonds, as provided in Article 115 of the Township Code?

The votes shall be recorded as "Yes" or "No".

(c) If a majority of the voters voting at the election on the question vote in favor of the question, the township shall thereafter adopt the open space plan recommended by the board or by the petition of the registered voters of the township and shall enter upon an open space program under this Article. If the proposition does not receive the approval of a majority of the voters voting at the election on the question, no proposition may be submitted to the voters under this Section less than 23 months after the date of the election.

(d) If a majority of the legal voters voting at referendum in any township approved a proposition at the consolidated election in 2001 in reliance upon and consistent with this Section 115-20 as it existed prior to the effective date of Public Act 91-847, then that referendum and all actions taken in reliance thereon are hereby validated and are legally binding in all respects.

(Source: P.A. 91-641, eff. 8-20-99; 91-847, eff. 6-22-00; 92-6, eff. 6-7-01.)

(60 ILCS 1/120-10)

Sec. 120-10. Method of acquiring land. A township desiring to procure lands for park purposes under this Article may purchase the lands from the owner or owners or, in the discretion of the township board, may acquire the lands by the exercise of the power of eminent domain in the manner provided by the laws of this State for taking or damaging private property for public purposes. A township may not utilize eminent domain powers with respect to lands located within the boundaries of a municipality that is served by a municipal recreation department, or a park district.

(Source: Laws 1915, p. 724; P.A. 88-62.)

(60 ILCS 1/125-10)

Sec. 125-10. Petition and referendum.

(a) Legal One hundred legal voters of a township numbering no less
than 5% or 50, whichever is greater, of the registered voters of the township, may file a petition in writing in the office of the circuit clerk in the county in which the township is located, with a copy of such petition required to be filed on the same day with the township clerk, asking that a referendum be held to authorize the issuance of bonds for the purpose of providing funds for the purchase and improvement of one or more public parks in the township. The petition shall designate the amount of bonds proposed to be issued for the acquisition and improvement of the parks. Within 5 business days after the filing of the petition, the township clerk shall provide public notice of the existence of the filed petition in the same manner as notices of meetings of the township board are provided. After a hearing conducted no less than 30 days after the filing of the petition, at which time the validity of the petition may be challenged in accordance with the general election law, the circuit court, if it determines that the petition conforms with the requirements of the law, shall certify the question to the proper election officials, who shall submit the question at an election to the legally qualified voters of the township. The court shall designate the election at which the question shall be submitted. The notice of the referendum shall state the amount of bonds proposed to be issued and identify any specific park acquisition or improvement projects intended to be supported by the bond proceeds, and the notice shall be given and the referendum conducted in accordance with the general election law.

(b) The proposition at the referendum shall be in substantially in one of the following forms:

Form A

Shall (name of township) be authorized to issue park bonds to the amount of $(amount) for the purpose of procuring and improving one or more small parks?

Form B

Shall (name of township) be authorized to issue park bonds to the amount of $(amount) for the purpose of (identify specific park acquisition or improvement projects)?

The votes shall be recorded as "Yes" or "No".

(c) If a majority of the votes cast upon the proposition are in favor of the issuance of bonds, the township supervisor and township clerk shall issue the bonds of the township not exceeding the amount voted upon at the township election. The bonds shall become due not more than 20 years after their date, shall be in denominations of $100 or any multiple of $100, and shall bear interest, evidenced by coupons, at the rate of not exceeding 5% per
annum, payable semiannually.
(Source: Laws 1915, p. 722; P.A. 81-1489; 88-62.)

(60 ILCS 1/125-12 new)

Sec. 125-12. Public hearing following referendum approval.

(a) Before the bonds shall be sold, the township board shall hold at least one public hearing on the subject of how the bond proceeds may be spent. In addition to providing no less than 15 days' advance public notice of such hearing in a manner consistent with meetings of the township board, notice of such public hearing shall be provided to all municipalities and park districts located within the township. All interested residents and local government officials within the township shall be afforded an opportunity to be heard during the public hearing.

(b) When Form A of the referendum question is used, the township shall consider all legitimate park acquisition and improvement projects that are submitted in connection with the public hearing. When Form B of the referendum question is used, the township shall consider only those park acquisition and improvement projects that were identified in the question.

(60 ILCS 1/125-15)

Sec. 125-15. Supervisor's and clerk's certificate; tax; board of park commissioners.

(a) The bonds shall be sold, and the proceeds shall be used, solely for the purpose of procuring and improving one or more parks in the township; specifically, the bond proceeds may be used in connection with one or more acquisition projects, one or more improvement projects, or a combination thereof. The bond proceeds may be used to support projects at parks operated by the township or, through grants or intergovernmental agreements, at parks operated by a municipality or park district. At or before the time of the delivery of the bonds for value, the township supervisor and township clerk shall file with the county clerk of the county in which the township is situated their certificate in writing, under their signatures, stating the amount of bonds to be issued, their denomination, and the rate of interest and where payable. The certificate shall include a form of the bond to be issued.

(b) The supervisor and clerk shall levy a direct annual tax upon all the taxable property in the township sufficient to pay the principal and interest of the bonds as and when they respectively mature. The certificate filed with the county clerk is full and complete authority to the county clerk to extend the tax named in the certificate upon all the taxable property in the township. The tax is in addition to all other taxes authorized by law.

New matter indicated by italics - deletions by strikeout
(c) If there is a board of park commissioners invested by law with control over any park that lies wholly or in part in the township, the duties required of the supervisor and clerk by this Section and subsection (c) of Section 125-10 shall be performed by the board of park commissioners or under its authority.

(Source: P.A. 84-550; 88-62.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 30, 3005.
Approved August 18, 2005.
Effective August 18, 2005.

PUBLIC ACT 94-0623
(House Bill No. 3755)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Underground Utility Facilities Damage Prevention Act is amended by changing Sections 2, 2.2, 2.3, 4, 6, 10, and 11 and by adding Sections 2.9, 2.10, and 2.11 as follows:

(220 ILCS 50/2) (from Ch. 111 2/3, par. 1602)

Sec. 2. Definitions. As used in this Act, unless the context clearly otherwise requires, the terms specified in Sections 2.1 through 2.11 have the meanings ascribed to them in those Sections.

(Source: P.A. 92-179, eff. 7-1-02.)

(220 ILCS 50/2.2) (from Ch. 111 2/3, par. 1602.2)

Sec. 2.2. Underground utility facilities. "Underground utility facilities" or "facilities" means and includes wires, ducts, fiber optic cable, conduits, pipes, sewers, and cables and their connected appurtenances installed beneath the surface of the ground by a public utility (as is defined in the Illinois Public Utilities Act, as amended), or by a municipally owned or mutually owned utility providing a similar utility service, except an electric cooperative as defined in the Illinois Public Utilities Act, as amended, or by a pipeline entity transporting gases, crude oil, petroleum products, or other hydrocarbon materials within the State, or by a telecommunications carrier as defined in the Universal Telephone Service Protection Law of 1985, or by a company described in Section 1 of "An Act relating to the powers, duties and property of telephone companies", approved May 16, 1903, as amended, or by a community antenna television system, hereinafter referred to as
"CATS", as defined in the Illinois Municipal Code, as amended.
(Source: P.A. 92-179, eff. 7-1-02.)

(220 ILCS 50/2.3) (from Ch. 111 2/3, par. 1602.3)

Sec. 2.3. Excavation. "Excavation" means any operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by means of any tools, power equipment or explosives, and includes, without limitation, grading, trenching, digging, ditching, drilling, augering, boring, tunneling, scraping, cable or pipe plowing, and driving but does not include farm tillage operations or railroad right-of-way maintenance or operations or coal mining operations regulated under the Federal Surface Mining Control and Reclamation Act of 1977 or any State law or rules or regulations adopted under the federal statute, or land surveying operations as defined in the Illinois Professional Land Surveyor Act of 1989 when not using power equipment, or roadway surface milling.
(Source: P.A. 92-179, eff. 7-1-02.)

(220 ILCS 50/2.9 new)

Sec. 2.9. "Forty-eight hours" means 2 business days beginning at 8 a.m. and ending at 4 p.m. (exclusive of Saturdays, Sundays, and holidays recognized by the State-Wide One-Call Notice System or the municipal one-call notice system). All requests for locates received after 4 p.m. will be processed as if received at 8 a.m. the next business day.

(220 ILCS 50/2.10 new)

Sec. 2.10. "Open cut utility locate" means a method of locating underground utility facilities that requires excavation by the owner, operator, or agent of the underground facility.

(220 ILCS 50/2.11 new)

Sec. 2.11. "Roadway surface milling" means the removal of a uniform pavement section by rotomilling, grinding, or other means not including the base or subbase.

(220 ILCS 50/4) (from Ch. 111 2/3, par. 1604)

Sec. 4. Required activities. Every person who engages in nonemergency excavation or demolition shall:

(a) take reasonable action to inform himself of the location of any underground utility facilities or CATS facilities in and near the area for which such operation is to be conducted;

(b) plan the excavation or demolition to avoid or minimize interference with underground utility facilities or CATS facilities within the tolerance zone by utilizing such precautions that include, but are not limited to, hand excavation, vacuum excavation methods, and visually inspecting the

New matter indicated by italics - deletions by strikeout
public act 94-0623

4474

excavation while in progress until clear of the existing marked facility;
(c) if practical, use white paint, flags, stakes, or both, to outline the
dig site;
(d) provide notice not less than 48 hours (exclusive of Saturdays,
Sundays and holidays) but no more than 14 calendar days in advance of the
start of the excavation or demolition to the owners or operators of the
underground utility facilities or CATS facilities in and near the excavation or
demolition area through the State-Wide One-Call Notice System or, in the
case of nonemergency excavation or demolition within the boundaries of a
municipality of at least one million persons which operates its own one-call
notice system, through the one-call notice system which operates in that
municipality;
(e) provide, during and following excavation or demolition, such
support for existing underground utility facilities or CATS facilities in and
near the excavation or demolition area as may be reasonably necessary for the
protection of such facilities unless otherwise agreed to by the owner or
operator of the underground facility or CATS facility;
(f) backfill all excavations in such manner and with such materials as
may be reasonably necessary for the protection of existing underground utility
facilities or CATS facilities in and near the excavation or demolition area;
and
(g) After February 29, 2004, when the excavation or demolition
project will extend past 28 calendar days from the date of the original notice
provided under clause (d), the excavator shall provide a subsequent notice to
the owners or operators of the underground utility facilities or CATS facilities
in and near the excavation or demolition area through the State-Wide One-
Call Notice System or, in the case of excavation or demolition within the
boundaries of a municipality having a population of at least 1,000,000
inhabitants that operates its own one-call notice system, through the one-call
notice system that operates in that municipality informing utility owners and
operators that additional time to complete the excavation or demolition
project will be required. The notice will provide the excavator with an
additional 28 calendar days from the date of the subsequent notification to
continue or complete the excavation or demolition project.
At a minimum, the notice required under clause (d) shall provide:
(1) the person's name, address, and (i) phone number at which
a person can be reached and (ii) fax number, if available;
(2) the start date of the planned excavation or demolition;
(3) the address at which the excavation or demolition will take

New matter indicated by italics - deletions by strikeout
place;
(4) the type and extent of the work involved; and
(5) section/quarter sections when the above information does not allow the State-Wide One-Call Notice System to determine the appropriate geographic section/quarter sections. This item (5) does not apply to residential property owners.
Nothing in this Section prohibits the use of any method of excavation if conducted in a manner that would avoid interference with underground utility facilities or CATS facilities.
(Source: P.A. 92-179, eff. 7-1-02; 93-430, eff. 8-5-03.)
(220 ILCS 50/6) (from Ch. 111 2/3, par. 1606)
Sec. 6. Emergency excavation or demolition.
(a) Every person who engages in emergency excavation or demolition outside of the boundaries of a municipality of at least one million persons which operates its own one-call notice system shall take all reasonable precautions to avoid or minimize interference between the emergency work and existing underground utility facilities or CATS facilities in and near the excavation or demolition area, through the State-Wide One-Call Notice System, and shall notify, as far in advance as possible, the owners or operators of such underground utility facilities or CATS facilities in and near the emergency excavation or demolition area, through the State-Wide One-Call Notice System. At a minimum, the notice required under this subsection (a) shall provide:
(1) the person's name, address, and (i) phone number at which a person can be reached and (ii) fax number, if available;
(2) the start date of the planned emergency excavation or demolition;
(3) the address at which the excavation or demolition will take place; and
(4) the type and extent of the work involved.
There is a wait time of 2 hours or the date and time requested on the notice, whichever is longer. A 2-hour wait time exists after an emergency locate notification request is made through the State-Wide One-Call Notice System. If the conditions at the site dictate an earlier start than the required 2-hour wait time, it is the responsibility of the excavator to demonstrate that site conditions warranted this earlier start time.
Upon notice by the person engaged in emergency excavation or demolition, the owner or operator of an underground utility facility or CATS facility in or near the excavation or demolition area shall communicate with

New matter indicated by italics - deletions by strikeout
the person engaged in emergency excavation or demolition within 2 hours or by the date and time requested on the notice, whichever is longer.

The notice by the owner or operator to the person engaged in emergency excavation or demolition may be provided by phone or phone message or by marking the excavation or demolition area. The owner or operator has discharged the owner's or operator's obligation to provide notice under this Section if the owner or operator attempts to provide notice by telephone but is unable to do so because the person engaged in the emergency excavation or demolition does not answer his or her telephone or does not have an answering machine or answering service to receive the telephone call. If the owner or operator attempts to provide notice by telephone or by facsimile but receives a busy signal, that attempt shall not discharge the owner or operator from the obligation to provide notice under this Section.

(b) Every person who engages in emergency excavation or demolition within the boundaries of a municipality of at least one million persons which operates its own one-call notice system shall take all reasonable precautions to avoid or minimize interference between the emergency work and existing underground utility facilities or CATS facilities in and near the excavation or demolition area, through the municipality's one-call notice system, and shall notify, as far in advance as possible, the owners and operators of underground utility facilities or CATS facilities in and near the emergency excavation or demolition area, through the municipality's one-call notice system.

(c) The reinstallation of traffic control devices shall be deemed an emergency for purposes of this Section.

(d) An open cut utility locate shall be deemed an emergency for purposes of this Section.

(Source: P.A. 92-179, eff. 7-1-02.)

(220 ILCS 50/10) (from Ch. 111 2/3, par. 1610)

Sec. 10. Record of notice; marking of facilities. Upon notice by the person engaged in excavation or demolition, the person owning or operating underground utility facilities or CATS facilities in or near the excavation or demolition area shall cause a written record to be made of the notice and shall mark, within 48 hours (excluding Saturdays, Sundays and holidays) of receipt of notice, the approximate locations of such facilities so as to enable the person excavating or demolishing to establish the location of the underground utility facilities or CATS facilities. Owners and operators of underground sewer facilities that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants shall be required to
respond and mark the approximate location of those sewer facilities when the excavator indicates, in the notice required in Section 4, that the excavation or demolition project will exceed a depth of 7 feet. "Depth", in this case, is defined as the distance measured vertically from the surface of the ground to the top of the sewer facility. Owners and operators of underground sewer facilities that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants shall be required at all times to locate the approximate location of those sewer facilities when: (1) directional boring is the indicated type of excavation work being performed within the notice; (2) the underground sewer facilities owned are non-gravity, pressurized force mains; or (3) the excavation indicated will occur in the immediate proximity of known underground sewer facilities that are less than 7 feet deep. Owners or operators of underground sewer facilities that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants shall not hold an excavator liable for damages that occur to sewer facilities that were not required to be marked under this Section, provided that prompt notice of the damage is made to the State-Wide One-Call Notice System and the utility owner as required in Section 7.

All persons subject to the requirements of this Act shall plan and conduct their work consistent with reasonable business practices. Conditions may exist making it unreasonable to request that locations be marked within 48 hours. It is unreasonable to request owners and operators of underground utility facilities and CATS facilities to locate all of their facilities in an affected area upon short notice in advance of a large or extensive nonemergency project, or to request extensive locates in excess of a reasonable excavation or demolition work schedule, or to request locates under conditions where a repeat request is likely to be made because of the passage of time or adverse job conditions. Owners and operators of underground utility facilities and CATS facilities must reasonably anticipate seasonal fluctuations in the number of locate requests and staff accordingly.

If a person owning or operating underground utility facilities or CATS facilities receives a notice under this Section but does not own or operate any underground utility facilities or CATS facilities within the proposed excavation or demolition area described in the notice, that person, within 48 hours (excluding Saturdays, Sundays, and holidays) after receipt of the notice, shall so notify the person engaged in excavation or demolition who initiated the notice, unless the person who initiated the notice expressly waives the right to be notified that no facilities are located within the excavation or demolition area. The notification by the owner or operator of underground

New matter indicated by italics - deletions by strikeout
utility facilities or CATS facilities to the person engaged in excavation or demolition may be provided in any reasonable manner including, but not limited to, notification in any one of the following ways: by face-to-face communication; by phone or phone message; by facsimile; by posting in the excavation or demolition area; or by marking the excavation or demolition area. The owner or operator of those facilities has discharged the owner's or operator's obligation to provide notice under this Section if the owner or operator attempts to provide notice by telephone or by facsimile, if the person has supplied a facsimile number, but is unable to do so because the person engaged in the excavation or demolition does not answer his or her telephone or does not have an answering machine or answering service to receive the telephone call or does not have a facsimile machine in operation to receive the facsimile transmission. If the owner or operator attempts to provide notice by telephone or by facsimile but receives a busy signal, that attempt shall not serve to discharge the owner or operator of the obligation to provide notice under this Section.

A person engaged in excavation or demolition may expressly waive the right to notification from the owner or operator of underground utility facilities or CATS facilities that the owner or operator has no facilities located in the proposed excavation or demolition area. Waiver of notice is only permissible in the case of regular or nonemergency locate requests. The waiver must be made at the time of the notice to the State-Wide One-Call Notice System. A waiver made under this Section is not admissible as evidence in any criminal or civil action that may arise out of, or is in any way related to, the excavation or demolition that is the subject of the waiver.

For the purposes of this Act, underground facility operators may utilize a combination of flags, stakes, and paint when possible on non-paved surfaces and when dig site and seasonal conditions warrant. If the approximate location of an underground utility facility or CATS facility is marked with stakes or other physical means, the following color coding shall be employed:

<table>
<thead>
<tr>
<th>Underground Facility</th>
<th>Utility or Identification Color</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Community Antenna</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Television Systems and Type of Product</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Facility Owner or Agent Use Only</strong></td>
<td></td>
</tr>
<tr>
<td>Electric Power, Distribution and Transmission</td>
<td>Safety Red</td>
</tr>
<tr>
<td>Municipal Electric Systems</td>
<td>Safety Red</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>System</th>
<th>Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gas Distribution and Transmission.....</td>
<td>High Visibility</td>
</tr>
<tr>
<td>Oil Distribution and Transmission.....</td>
<td>Safety Yellow</td>
</tr>
<tr>
<td>Telephone and Telegraph Systems........</td>
<td>High Visibility</td>
</tr>
<tr>
<td>Community Antenna Television Systems..</td>
<td>Safety Alert Orange</td>
</tr>
<tr>
<td>Water Systems................................</td>
<td>Safety Precaution Blue</td>
</tr>
<tr>
<td>Sewer Systems................................</td>
<td>Safety Green</td>
</tr>
<tr>
<td>Non-potable Water and Slurry Lines.....</td>
<td>Safety Purple</td>
</tr>
<tr>
<td><strong>Excavator Use Only</strong></td>
<td></td>
</tr>
<tr>
<td>Temporary Survey.........................</td>
<td>Safety Pink</td>
</tr>
<tr>
<td>Proposed Excavation.....................</td>
<td>Safety White (Black when snow is on the ground)</td>
</tr>
</tbody>
</table>

(Source: P.A. 92-179, eff. 7-1-02; 93-430, eff. 8-5-03.)

(220 ILCS 50/11) (from Ch. 111 2/3, par. 1611)

Sec. 11. Penalties; liability; fund.

(a) Every person who, while engaging in excavation or demolition, wilfully fails to comply with the Act by failing to provide the notice to the owners or operators of the underground facilities or CATS facility near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 or 6 of this Act shall be subject to a penalty of up to $5,000 for each separate offense and shall be liable for the damage caused to the owners or operators of the facility.

(b) Every person who, while engaging in excavation or demolition, has provided the notice to the owners or operators of the underground utility facilities or CATS facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 or 6 of this Act, but otherwise wilfully fails to comply with this Act, shall be subject to a penalty of up to $2,500 for each separate offense and shall be liable for the damage caused to the owners or operators of the facility.

(c) Every person who, while engaging in excavation or demolition, has provided the notice to the owners or operators of the underground utility facilities or CATS facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 or 6 of this Act, but otherwise, while acting reasonably, damages any underground utility facilities or CATS facilities, shall not be subject to a penalty, but shall be liable for the damage caused to the owners or operators.
of the facility provided the underground utility facility or CATS facility is properly marked as provided in Section 10 of this Act.

(d) Every person who, while engaging in excavation or demolition, provides notice to the owners or operators of the underground utility facilities or CATS facilities through the State-Wide One-Call Notice System as an emergency locate request and the locate request is not an emergency locate request as defined in Section 2.6 of this Act shall be subject to a penalty of up to $2,500 for each separate offense.

(e) Owners and operators of underground utility facilities or CATS facilities (i) who willfully fail to comply with this Act by a failure to mark the location of an underground utility or CATS facility or a failure to provide notice that facilities are not within the proposed excavation or demolition area as required in Section 10, or (ii) who willfully fail to respond as required in Section 6 to an emergency request, after being notified of planned excavation or demolition through the State-Wide One-Call Notice System, shall be subject to a penalty of up to $5,000 for each separate offense resulting from the failure to mark an underground utility facility or CATS facility.

(f) As provided in Section 3 of this Act, all owners or operators of underground utility facilities or CATS facilities who fail to join the State-Wide One-Call Notice System by January 1, 2003 shall be subject to a penalty of $100 per day for each separate offense. Every day an owner or operator fails to join the State-Wide One-Call Notice System is a separate offense. This subsection (f) does not apply to utilities operating facilities or CATS facilities exclusively within the boundaries of a municipality with a population of at least 1,000,000 persons.

(g) No owner or operator of underground utility facilities or CATS facilities shall be subject to a penalty where a delay in marking or a failure to mark or properly mark the location of an underground utility or CATS facility is caused by conditions beyond the reasonable control of such owner or operator.

(h) Any person who is neither an agent, employee, or authorized locating contractor of the owner or operator of the underground utility facility or CATS facility nor an excavator involved in the excavation activity who removes, alters, or otherwise damages markings, flags, or stakes used to mark the location of an underground utility or CATS facility other than during the course of the excavation for which the markings were made or before completion of the project shall be subject to a penalty up to $1,000 for each separate offense.

New matter indicated by italics - deletions by strikeout
(i) The excavator shall exercise due care at all times to protect underground utility facilities and CATS facilities. If, after proper notification through the State-Wide One-Call Notice System and upon arrival at the site of a proposed excavation, the excavator observes clear evidence of the presence of an unmarked utility or CATS facility in the area of the proposed excavation, the excavator shall not begin excavating until 2 hours after an additional call is made to the State-Wide One-Call Notice System for the area. The operator of the utility or CATS facility shall respond within 2 hours of the excavator's call to the State-Wide One-Call Notice System.

(j) The Illinois Commerce Commission shall have the power and jurisdiction to, and shall, enforce the provisions of this Act. The Illinois Commerce Commission may impose administrative penalties as provided in this Section. The Illinois Commerce Commission may promulgate rules and develop enforcement policies in the manner provided by the Public Utilities Act in order to implement compliance with this Act. When a penalty is warranted, the following criteria shall be used in determining the magnitude of the penalty:

1. gravity of noncompliance;
2. culpability of offender;
3. history of noncompliance for the 18 months prior to the date of the incident;
4. ability to pay penalty;
5. show of good faith of offender;
6. ability to continue business; and
7. other special circumstances.

(k) There is hereby created in the State treasury a special fund to be known as the Illinois Underground Utility Facilities Damage Prevention Fund. All penalties recovered in any action under this Section shall be paid into the Fund and shall be distributed annually as a grant to the State-Wide One-Call Notice System to be used in safety and informational programs to reduce the number of incidents of damage to underground utility facilities and CATS facilities in Illinois. The distribution shall be made during January of each calendar year based on the balance in the Illinois Underground Utility Facilities Damage Prevention Fund as of December 31 of the previous calendar year. In all such actions under this Section, the procedure and rules of evidence shall conform with the Code of Civil Procedure, and with rules of courts governing civil trials.

(l) The Illinois Commerce Commission shall establish an Advisory Committee consisting of a representative from each of the following: utility
operator, JULIE, excavator, municipality, and the general public. The Advisory Committee shall serve as a peer review panel for any contested penalties resulting from the enforcement of this Act.

The members of the Advisory Committee shall be immune, individually and jointly, from civil liability for any act or omission done or made in performance of their duties while serving as members of such Advisory Committee, unless the act or omission was the result of willful and wanton misconduct.

(m) If, after the Advisory Committee has considered a particular contested penalty and performed its review functions under this Act and the Commission's rules, there remains a dispute as to whether the Commission should impose a penalty under this Act, the matter shall proceed in the manner set forth in Article X of the Public Utilities Act, including the provisions governing judicial review.  
(Source: P.A. 92-179, eff. 7-1-02.)


PUBLIC ACT 94-0624  
(Senate Bill No. 0021)

AN ACT concerning public employee benefits.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 5-174 as follows:

(40 ILCS 5/5-174) (from Ch. 108 1/2, par. 5-174)  
Sec. 5-174. Contributions in case of certain employments in police department.

(a) Whenever a policeman is assigned to a position in the police department other than the position he holds by certification and appointment as a result of competitive civil service examination, there shall be deducted from his salary the amount which would have been deducted had he continued in his civil service position. If such deductions are not made, the policeman may pay such amount direct to the fund and shall be credited with the corresponding city contributions, to the end that he may retain all rights he otherwise would have had were his employment continuous in his civil

New matter indicated by italics - deletions by strikeout
service position; provided, that any such amount not so deducted from his salary nor paid by him shall be deducted from the earliest possible and practicable payment of salary due and payable to him, or from any annuity, benefit or refund payable to him or on his account. The policeman shall receive credit for such employment as service for all purposes of this Article.

(b) From and after January 1, 1970, in lieu of the provisions of the preceding paragraph (a) of this Section, any policeman serving in a non-civil service position in the police department shall have salary deductions made for age and service annuity and widow's annuity on salary as defined in Section 5-114 (e).

Any active policeman serving in a non-civil service position on the effective date of this amendatory Act may elect, prior to January 1, 1970, to contribute directly to the fund for age and service and widow's annuity on salary received in excess of that provided for in his civil service rank for police service rendered in a non-civil service position prior to the operative date of his election. Such election shall be exercised prior to January 1, 1974, by a policeman in service on such effective date or within 6 months prior to such date. Any policeman in service not serving in a non-civil service position on the effective date of this amendatory Act who is subsequently assigned and serving in a non-civil service position may make like election within 6 months after such assignment. Contributions for such past service shall include interest at the applicable rate to the end that the contributions shall equal the amount that would have been credited to the policeman had deductions been made from such excess salary for such service. For such contributions the policeman shall be credited with the corresponding city contributions with interest for all annuity purposes at the rates in effect at the time the service was rendered.

Contributions for past service, if elected, shall be made for the entire period of service and for the total amount of the excess salary and no credit shall be granted or payment permitted for any part of such service or excess salary. Payment of contributions on such past service shall be completed within 3 years of the date of election and in any event before death or retirement. If not paid in full within such period, or before death, no credit shall be granted thereon, and the sums so paid, with interest at the rate of 1 1/2% per year, compounded annually, shall be refunded to the policeman, or his surviving widow or children, or if there are no such survivors, then in accordance with Section 5-167, provided, however, that if the repayment has not been made in full before death, his widow shall have the option of completing such payment within 60 days from the date of his death.

New matter indicated by italics - deletions by strikeout
A policeman assigned to a non-civil service position within 3 years of the date of his reaching compulsory retirement age or within 3 years of retirement at his own option, whichever is earlier, shall not qualify for the benefits authorized herein. The limitation contained in this paragraph shall not apply to a policeman assigned to a non-civil service position whose retirement from active service is caused by duty disability. Beginning January 1, 2000, the limitation contained in this paragraph shall not apply to a policeman assigned to a non-civil service position with the title of Captain. A policeman who has made contributions as provided by this Section but who fails to qualify for the benefits due to the limitation of this paragraph is entitled to refund of said contributions, upon application therefor, according to the provisions of Section 5-163 (f).

In no event shall the provisions of this or any other Section of this Article, allowing payment for or granting credit on salary received in excess of that provided for his civil service rank or position be applicable in the case of any former policeman who is receiving annuity from this fund who subsequently re-enters service as a policeman.

(Source: P.A. 81-1536.)

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 18, 2005.
Effective August 18, 2005.

PUBLIC ACT 94-0625
(Senate Bill No. 0251)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Recreational Use of Land and Water Areas Act is amended by changing Sections 1 and 2 as follows:
(745 ILCS 65/1) (from Ch. 70, par. 31)
Sec. 1. This Act shall be known and may be cited as the "Recreational

New matter indicated by italics - deletions by strikeout
Use of Land and Water Areas Act’.

The purpose of this Act is to encourage owners of land to make land and water areas available to any individual or members of the public for recreational or conservation purposes by limiting their liability toward persons entering thereon for such purposes.

(Source: P.A. 85-959.)

(745 ILCS 65/2) (from Ch. 70, par. 32)

Sec. 2. As used in this Act, unless the context otherwise requires:

(a) "Land" includes roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty, but does not include residential buildings or residential property.

(b) "Owner" includes the possessor of any interest in land, whether it be a tenant, lessee, occupant, the State of Illinois and its political subdivisions, or person in control of the premises.

(c) "Recreational or conservation purpose" means entry onto the land of another to conduct hunting or recreational shooting or a combination thereof or any activity solely related to the aforesaid hunting or recreational shooting, any activity undertaken for conservation, resource management, exercise, education, relaxation, or pleasure on land owned by another.

(d) "Charge" means an admission fee for permission to go upon the land, but does not include: the sharing of game, fish or other products of recreational use; or benefits to or arising from the recreational use; or contributions in kind, services or cash made for the purpose of properly conserving the land.

(e) "Person" includes any person, regardless of age, maturity, or experience, who enters upon or uses land for recreational purposes.

(Source: P.A. 85-959.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 18, 2005.
Effective August 18, 2005.

PUBLIC ACT 94-0626
(Senate Bill No. 1209)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. Upon the payment of the sum of $7,033,333, based on the

New matter indicated by italics - deletions by strikeout
average of 3 certified appraisals, to the University of Illinois, the Board of Trustees of the University of Illinois is authorized to convey by quitclaim deed all rights, title, and interest in and to the following described land in Cook County, Illinois, to the Chicago Park District:

PARCEL 1:
LOTS 1 TO 8 IN SPRY'S SUBDIVISION OF LOTS 11, 12 AND 13 OF BLOCK 8 OF DUNCAN'S ADDITION TO CHICAGO, A SUBDIVISION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:
LOTS 4 TO 10 IN BLOCK 8 IN DUNCAN'S ADDITION TO CHICAGO, A SUB OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Section 10. The Board of Trustees of the University of Illinois shall obtain a certified copy of this Act within 60 days after this Act's effective date and, upon receipt of the payment required by Section 5 of this Act, shall record the certified document in the Recorder's Office of Cook County, Illinois.

Approved August 18, 2005.
Effective August 18, 2005.

PUBLIC ACT 94-0627
(Senate Bill No. 1930)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mechanics Lien Act is amended by changing Sections 1, 2, 3, 5, 7, 11, 13, 21, 21.01, 21.02, 22, 24, 25, 26, 28, 30, 32, and 35 as follows:

(770 ILCS 60/1) (from Ch. 82, par. 1)
Sec. 1. Contractor defined; amount of lien; waiver of lien; attachment of lien; agreement to waive; when not enforceable.
(a) Any person who shall by any contract or contracts, express or implied, or partly expressed or implied, with the owner of a lot or tract of

New matter indicated by italics - deletions by strikeout
land, or with one whom the owner has authorized or knowingly permitted to contract, to improve the lot or tract of land or for the purpose of improving the tract of land, or to manage a structure under construction thereon, is known under this Act as a contractor and has a lien upon the whole of such lot or tract of land and upon adjoining or adjacent lots or tracts of land of such owner constituting the same premises and occupied or used in connection with such lot or tract of land as a place of residence or business; and in case the contract relates to 2 or more buildings, on 2 or more lots or tracts of land, upon all such lots and tracts of land and improvements thereon for the amount due to him or her for the material, fixtures, apparatus, machinery, services or labor, and interest at the rate of 10% per annum from the date the same is due. This lien extends to an estate in fee, for life, for years, or any other estate or any right of redemption or other interest that the owner may have in the lot or tract of land at the time of making such contract or may subsequently acquire and this lien attaches as of the date of the contract.

(b) As used in subsection (a) of this Section, "improve" means thereon, or to furnish labor, services, material, fixtures, apparatus or machinery, forms or form work used in the process of construction where cement, concrete or like material is used for the purpose of or in the building, altering, repairing or ornamenting any house or other building, walk or sidewalk, whether the walk or sidewalk is on the land or bordering thereon, driveway, fence or improvement or appurtenances to the lot or tract of land or connected therewith, and upon, over or under a sidewalk, street or alley adjoining; or fill, sod or excavate such lot or tract of land, or do landscape work thereon or therefor; or raise or lower any house thereon or remove any house thereto, or remove any house or other structure therefrom, or perform any services or incur any expense as an architect, structural engineer, professional engineer, land surveyor or property manager in, for or on a lot or tract of land for any such purpose; or drill any water well thereon; or furnish or perform labor or services as superintendent, time keeper, mechanic, laborer or otherwise, in the building, altering, repairing or ornamenting of the same; or furnish material, fixtures, apparatus, machinery, labor or services, forms or form work used in the process of construction where concrete, cement or like material is used, or drill any water well on the order of his agent, architect, structural engineer or superintendent having charge of the improvements, building, altering, repairing or ornamenting the same. is known under this Act as a contractor, and has a lien upon the whole of such lot or tract of land and upon adjoining or adjacent lots or tracts of land of

New matter indicated by italics - deletions by strikeout
such owner constituting the same premises and occupied or used in connection with such lot or tract of land as a place of residence or business; and in case the contract relates to 2 or more buildings, on 2 or more lots or tracts of land, upon all such lots and tracts of land and improvements thereon for the amount due to him for such material, fixtures, apparatus, machinery, services or labor, and interest at the rate of 10% per annum from the date the same is due. This lien extends to an estate in fee, for life, for years, or any other estate or any right of redemption, or other interest which the owner may have in the lot or tract of land at the time of making such contract or may subsequently acquire.

(c) The taking of additional security by the contractor or subcontractor is not a waiver of any right of lien which he may have by virtue of this Act, unless made a waiver by express agreement of the parties and the waiver is not prohibited by this Act. This lien attaches as of the date of the contract.

(d) An agreement to waive any right to enforce or claim any lien under this Act where the agreement is in anticipation of and in consideration for the awarding of a contract or subcontract, either express or implied, to perform work or supply materials for an improvement upon real property is against public policy and unenforceable. This Section does not prohibit release of lien under subsection (b) of Section 35 of this Act or prohibit subordination of the lien, except as provided in Section 21.

(Source: P.A. 86-807; 87-361.)

(770 ILCS 60/2) (from Ch. 82, par. 2)

Sec. 2. Labor, services, material, fixtures, apparatus or machinery, forms or form work furnished by mistake. Any person furnishing labor, services, labor or material, fixtures, apparatus or machinery, forms or form work for the erection of a building, or structure, or improvement, by mistake upon land owned by another than the party contracting as owner, shall have a lien for such labor, services, labor or material, fixtures, apparatus or machinery, forms or form work upon such building, or structure or improvement, and the court, in the enforcement of such lien, shall order and direct such building, structure or improvement to be separately sold under its judgment, and the purchaser may remove the same within such reasonable time as the court may fix.

(Source: P.A. 84-452; 84-545.)

(770 ILCS 60/3) (from Ch. 82, par. 3)

Sec. 3. Labor, services, material, fixtures, apparatus or machinery, forms or form work furnished for lands of married person; lands held by
husband and wife. If any such labor, services, material, fixtures, apparatus or machinery, forms or form work are performed upon or materials are furnished for lands belonging to any married person, with the married person's knowledge and not against the married person's protest in writing, as provided in Section 1 of this Act, in pursuance of a contract with the spouse of such married person, the person furnishing such labor, services, material, fixtures, apparatus or machinery, forms or form work shall have a lien upon such property, the same as if such contract had been made with the married person, and in case the title to such lands upon which improvements are made is held by married persons jointly, the lien given by this act shall attach to such lands and improvements, if the improvements be made in pursuance of a contract with both of them, or in pursuance of a contract with either of them, and in such cases no claim of homestead right set up by a husband or wife shall defeat the lien given by this Act. For purposes of this Section, property shall be deemed to be held jointly if title is held by the parties either in tenancy by the entirety or jointly, with right of survivorship and not as tenants in common.

(770 ILCS 60/5) (from Ch. 82, par. 5)

Sec. 5. Statement of persons furnishing labor, services, material, fixtures, apparatus or machinery, forms or form work notice to owner of waiver; size of type.

(a) It shall be the duty of the contractor to give the owner, and the duty of the owner to require of the contractor, before the owner or his agent, architect, or superintendent shall pay or cause to be paid to the contractor or to his order any moneys or other consideration due or to become due to the contractor, or make or cause to be made to the contractor any advancement of any moneys or any other consideration, a statement in writing, under oath or verified by affidavit, of the names and addresses of all parties furnishing materials and labor, services, material, fixtures, apparatus or machinery, forms or form work and of the amounts due or to become due to each. Merchants and dealers in materials only shall not be required to make statements required in this Section.

(b) The following shall apply to an owner-occupied single-family residence:

(i) Each contractor shall provide the each owner or his or her agent, either as part of the contract or as a separate printed statement given before the owner or his agent makes the first payment for labor, materials, fixtures, apparatus or machinery, the following:

New matter indicated by italics - deletions by strikeout
"THE LAW REQUIRES THAT THE CONTRACTOR SHALL SUBMIT A SWORN STATEMENT OF PERSONS FURNISHING MATERIALS—AND LABOR, SERVICES, MATERIAL, FIXTURES, APPARATUS OR MACHINERY, FORMS OR FORM WORK BEFORE ANY PAYMENTS ARE REQUIRED TO BE MADE TO THE CONTRACTOR."

If the owners of the property are persons living together, the aforesaid statement is conclusively presumed given to each such owners if given to one of them. printed in the contract, the statement shall be set in type that is at least the same size as the largest type used in the body of the contract and is bold face or another font that clearly contrasts with and sets the statement apart from the rest of the body of the contract.

(ii) Each It shall be the duty of each subcontractor who has furnished, or is furnishing, labor, services, material, fixtures, apparatus or machinery, forms or form work materials or labor for an existing owner-occupied single-family residence, in order to preserve his lien, shall to notify the occupant either personally or by certified mail, return receipt requested, addressed to the occupant or his agent at the residence within 60 days from his first furnishing labor, services, material, fixtures, apparatus or machinery, forms or form work, of his agreement to do so. materials or labor, that he is supplying materials or labor. Any notice given after 60 days by the subcontractor, however, shall preserve his lien, but only to the extent that the owner has not been prejudiced by payments made before receipt of the notice.

The notice shall contain the name and address of the subcontractor or material man, the date he started to work or to deliver materials, the type of work done and to be done or the type of labor, services, material, fixtures, apparatus or machinery, forms or form work materials delivered and to be delivered, and the name of the contractor requesting the work. The notice shall also contain the following warning:

"NOTICE TO OWNER

The subcontractor providing this notice has performed work for or delivered material to your home improvement contractor. These services or materials are being used in the improvements to your residence and entitle the subcontractor to file a lien against your residence if the labor, services, material, fixtures, apparatus or

New matter indicated by italics - deletions by strikeout
machinery, forms or form work or materials are not paid for by your home improvement contractor. A lien waiver will be provided to your contractor when the subcontractor is paid, and you are urged to request this waiver from your contractor when paying for your home improvements."

(iii) The statement and the notices required by subdivisions (b)(i) and (b)(ii) of this Section The warning shall be in at least 10 point boldface type. For purposes of this Section, notice by certified mail is considered served at the time of its mailing. Any notice given pursuant to subdivision (b)(ii) of this Section after 60 days by the subcontractor, however, shall preserve his or her lien, but only to the extent that the owner has not been prejudiced by payments made before receipt of the notice.

(Source: P.A. 87-362.)

(770 ILCS 60/7) (from Ch. 82, par. 7)

Sec. 7. Claim for lien; third parties; errors or overcharges; multiple buildings or lots. No contractor shall be allowed to enforce such lien against or to the prejudice of any other creditor or incumbrancer or purchaser, unless within 4 months after completion, or if extra or additional work is done or labor, services, material, fixtures, apparatus or machinery, forms or form work is delivered therefor within 4 months after the completion of such extra or additional work or the final delivery of such extra or additional labor, services, material, fixtures, apparatus or machinery, forms or form work, he or she shall either bring an action to enforce his or her lien therefor or shall file in the office of the recorder of the county in which the building, erection or other improvement to be charged with the lien is situated, a claim for lien, verified by the affidavit of himself or herself, or his or her agent or employee, which shall consist of a brief statement of the claimant's contract, the balance due after allowing all credits, and a sufficiently correct description of the lot, lots or tracts of land to identify the same. Such claim for lien may be filed at any time after the claimant's contract is made, and as to the owner may be filed at any time after the contract is made and within 2 years after the completion of the contract, or the completion of any extra work or the furnishing of any extra labor, services, material, fixtures, apparatus or machinery, forms or form work thereunder, and as to such owner may be amended at any time before the final judgment. No such lien shall be defeated to the proper amount thereof because of an error or overcharging on the part of any person claiming a lien therefor under this Act, unless it shall be shown that such error or overcharge is made with intent to defraud; nor shall any

New matter indicated by italics - deletions by strikeout
such lien for material be defeated because of lack of proof that the material after the delivery thereof, actually entered into the construction of such building or improvement, although it be shown that such material was not actually used in the construction of such building or improvement; 

(provided, that Provided: it is shown that such material was delivered either to the owner or his or her agent for that building or improvement, to be used in that building or improvement, or at the place where said building or improvement was being constructed, for the purpose of being used in construction or for the purpose of being employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed forms or form work where concrete, cement or like material is used, in whole or in part.

In case of the construction of a number of buildings under contract between the same parties, it shall be sufficient in order to establish such lien for material, if it be shown that such material was in good faith delivered at one of these buildings for the purpose of being used in the construction of any one or all of such buildings, or delivered to the owner or his or her agent for such buildings, to be used therein; and such lien for such material shall attach to all of said buildings, together with the land upon which the same are being constructed, the same as in a single building or improvement. In the event the contract relates to 2 or more buildings on 2 or more lots or tracts of land, then all of these buildings and lots or tracts of land may be included in one statement of claims for a lien.

A statement that a party is a subcontractor shall not constitute an admission by the lien claimant that its status is that of subcontractor if it is later determined that the party with whom the lien claimant contracted was the owner or an agent of the owner.

(Source: P.A. 83-358.)

(770 ILCS 60/11) (from Ch. 82, par. 11)

Sec. 11. Averments in pleading; parties; dismissal; notice.

(a) Any pleading asserting a claim for lien \( \text{The complaint} \) shall contain (i) a brief statement of the contract or contracts to which the person (hereinafter called the "claimant") asserting a claim for lien in the pleading is a party and by the terms of which the claimant is employed to furnish lienable services or material for the real property (herein called the "premises"), (ii) the date when the contract or contracts were dated or entered into, (iii) the date on which the claimant's work, labor or material labor, services, material, fixtures, apparatus or machinery, forms or form work was last performed or furnished, whether the claimant completed

New matter indicated by italics - deletions by strikeout
furnishing or performing its work, labor and material labor, services, material, fixtures, apparatus or machinery, forms or form work and if not why, (iv) on which it is founded, the date, when made, and when completed, if not completed, why, and it shall also set forth the amount due and unpaid to the claimant, (v) a description of the premises, and (vi) premises which are subject to the lien, and such other facts as may be necessary for to a full understanding of the rights of the parties. Where plans and specifications are by reference made a part of a the contract that is required to be alleged in a pleading, it shall not be necessary to set the same out in the pleading or attached as exhibits, but the same may be produced on the trial of the suit. It shall not be necessary to include a statement of any contract to which the claimant is not a contracting party.

(b) Each claimant shall make as parties to its pleading (hereinafter called "necessary parties") the owner of the premises, the contractor, all persons in the chain of contracts between the claimant and the owner, all persons who have asserted or may assert liens against the premises under this Act, and any other person against whose interest in the premises the claimant asserts a claim.

(c) Necessary parties whose claims or interests are not disclosed by a document recorded at the time a proper lis pendens of the action under Section 2-1901 of the Code of Civil Procedure has been recorded (or if the action is instituted as a mortgage foreclosure at the time a proper notice of foreclosure under Section 15-1503 of the Code of Civil Procedure has been recorded) may be named and made parties under the description of "unknown necessary parties". Persons other than unknown necessary parties who may be interested in the premises but whose identities are unknown to the claimant may be named and made parties to the action under the description of "unknown owners".

(d) A claimant may, in its, his or her discretion, make as parties (hereinafter called "permissible parties") to the action any other persons having a legal, equitable or possessory interest in or claim to the whole or any part of the premises, but failure to make any such permissible party a party to the action shall not defeat the lien, but the claim of each claimant asserting a lien claim under this Act in the action shall be subject to the interest of such permissible party not made a party, and the action shall not adversely affect the interest of any such permissible party not made a party and not served with notice by summons or publication in the action as provided in this Act.

(e) The plaintiff shall cause notice to be given to all such necessary

New matter indicated by italics - deletions by strikeout
parties or cause them to be served by summons or by publication in like manner and upon the same conditions as in other civil actions, and the plaintiff's failure to do so, shall be grounds for judgment against him, her, or it on the merits. A claimant other than the plaintiff asserting a claim in the action under this Act shall also cause notice to be given to or cause summons to be served upon any necessary parties who have not been joined to the action, and his, her, or its failure to do so shall be grounds for judgment against him, her or it on the merits. Process may issue and service by publication may be had against those persons so named under the descriptions of "unknown necessary parties" or "unknown owners", and judgments entered against them shall be of the same effect as though they had been designated by and served under their proper names, provided that any judgment shall only bind any person served by publication with respect to their interests in the premises and liens asserted or assertable against the premises under this Act. A person who has been properly served in the action by summons or by publication by any claimant shall be deemed properly served by all claimants in the action regardless of whether such persons have been served before or after such claimants or any of them shall have appeared, filed their pleadings or become parties to the action, provided that nothing in this Section 11 shall excuse a claimant from joining all necessary parties to the claimant's pleading, whether as named parties, unknown necessary parties, or unknown owners, within the time permitted by this Act. Nothing in this Section 11 shall prevent service by publication in any proceeding brought under this Act where authorized by this Act in like manner and upon the same conditions as in other civil actions.

(f) Any necessary party or permissible party who has not been joined to the action under his, her, or its proper name, may, upon application of such party, The plaintiff shall make all parties interested, of whose interest he is notified or has knowledge, parties defendant, and summons shall issue and service thereof be had as in other civil actions; and when any defendant resides or has gone out of the State, or on inquiry cannot be found, or is concealed within this State, so that process cannot be served on him, the plaintiff shall cause a notice to be given to him, or cause a copy of the complaint to be served upon him, in like manner and upon the same conditions as is provided in other civil actions, and his failure to so act with regard to summons or notice shall be ground for judgment against him as upon the merits. The same rule shall prevail with counterclaimants with regard to any person of whose interest they have knowledge, and who are not already parties to the suit or action. Parties in interest, within the meaning of

New matter indicated by italics - deletions by strikeout
this act, shall include persons entitled to liens thereunder whose claims are not, as well as are, due at the time of the commencement of suit, and such claim shall be allowed subject to a reduction of interest from the date of judgment to the time the claim is due; also all persons who may have any valid claim to the whole or any part of the premises upon which a lien may be attempted to be enforced under the provisions thereof, or who are interested in the subject matter of the suit. Any such persons may, on application to the court wherein the action suit is pending, be made or become a party parties at any time before final judgment, but such joinder shall not give such party any substantive rights not otherwise provided by law, or excuse failure to comply with the provisions of any applicable law.

(g) No action under the provisions of this act shall be voluntarily dismissed by the party bringing it without due notice to all parties to before the action, court and upon leave of court for upon good cause shown and upon terms approved designated by the court.

(Source: P.A. 79-1358.)

(770 ILCS 60/13) (from Ch. 82, par. 13)
Sec. 13. Defendant shall answer as in other civil actions.

(a) The owner may make any defense against the contractor by way of counter claim that he could in any civil action for the payment of money, and may have the same right of recovery on proof of such in excess of the claim of the contractor against the contractor only, but for matters not growing out of the contract recovery shall be without prejudice to the rights of the sub-contractors thereunder for payment out of the contract price or fund.

(b) In any proceedings to enforce a lien on account of wages due for labor the claimant need file only an affidavit giving the amount due, between what dates the labor was performed and the kind of labor performed, and the court shall direct the amount due for wages as therein specified to be paid within a short day to be fixed by the court, unless within 10 days after the filing of the claim the amount claimed is contested by the owner or some other party to the suit. The party making such contest shall file an affidavit which shall state his defense to the allowance of the claim, and the court shall proceed at once to hear the evidence, and determine the merits of the claim, and in the event the allowance for wages is not paid within the time fixed by the court, the court shall order the premises sold to pay the amount in such manner as it directs.

(Source: P.A. 79-1358.)

(770 ILCS 60/21) (from Ch. 82, par. 21)
Sec. 21. Sub-contractor defined; lien of sub-contractor; notice; size of type; service of notice; amount of lien; default by contractor.

(a) Subject to the provisions of Section 5, every mechanic, worker or other person who shall furnish any labor, services, material, fixtures, apparatus or machinery, forms or form work or fixtures, or furnish or perform services or labor for the contractor, or shall furnish any material to be employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed form or form work where concrete, cement or like material is used in whole or in part, shall be known under this Act as a sub-contractor, and shall have a lien for the value thereof, with interest on such amount from the date the same is due, from the same time, on the same property as provided for the contractor, and, also, as against the creditors and assignees, and personal and legal representatives of the contractor, on the material, fixtures, apparatus or machinery furnished, and on the moneys or other considerations due or to become due from the owner under the original contract.

(b) If the legal effect of any contract between the owner and contractor is that no lien or claim may be filed or maintained by any one and the waiver is not prohibited by this Act, or that such contractor's lien shall be subordinated to the interests of any other party, such provision shall be binding; but the only admissible evidence thereof as against a subcontractor or material supplier, shall be proof of actual notice thereof to him or her before his or her contract is entered into. Such waiver or subordination provision shall not be binding on the subcontractor unless set forth in its entirety in writing in the contract between the contractor and subcontractor or material supplier, before any labor or material is furnished by him; or proof that a duly written and signed stipulation or agreement to that effect has been filed in the office of the recorder of the county or counties where the house, building or other improvement is situated; prior to the commencement of the work upon such house, building or other improvement; or within 10 days after the execution of the principal contract or not less than 10 days prior to the contract of the sub-contractor or material man. The recorder shall record the same at length in the order of time of its reception in books provided by him for that purpose, and the recorder shall index the same, in the name of the contractor and in the name of the owner, in books kept for that purpose, and also in the tract or abstract book of the tract, lot, or parcel of land, upon which the house, building or other improvement is located; and the recorder shall receive therefor a fee, such as is provided for the recording of instruments in his office.

New matter indicated by italics - deletions by strikeout
(c) It shall be the duty of each subcontractor who has furnished, or is furnishing, materials or labor, services, material, fixtures, apparatus or machinery, forms or form work for an existing owner-occupied single family residence, in order to preserve his lien, to notify the occupant either personally or by certified mail, return receipt requested, addressed to the occupant or his agent of the residence within 60 days from his first furnishing materials or labor, services, material, fixtures, apparatus or machinery, forms or form work, that he is supplying labor, services, material, fixtures, apparatus or machinery, forms or form work materials or labor; provided, however, that any notice given after 60 days by the subcontractor shall preserve his lien, but only to the extent that the owner has not been prejudiced by payments made prior to receipt of the notice. The notification shall include a warning to the owner that before any payment is made to the contractor, the owner should receive a waiver of lien executed by each subcontractor who has furnished materials or labor, services, material, fixtures, apparatus or machinery, forms or form work.

The notice shall contain the name and address of the subcontractor or material man, the date he started to work or to deliver materials, the type of work done and to be done or the type of materials delivered and to be delivered, and the name of the contractor requesting the work. The notice shall also contain the following warning:

"NOTICE TO OWNER

The subcontractor providing this notice has performed work for or delivered material to your home improvement contractor. These services or materials are being used in the improvements to your residence and entitle the subcontractor to file a lien against your residence if the services or materials are not paid for by your home improvement contractor. A lien waiver will be provided to your contractor when the subcontractor is paid, and you are urged to request this waiver from your contractor when paying for your home improvements."

Such warning shall be in at least 10 point bold face type. For purposes of this Section, notice by certified mail is considered served at the time of its mailing.

(d) In no case, except as hereinafter provided, shall the owner be compelled to pay a greater sum for or on account of the completion of such house, building or other improvement than the price or sum stipulated in said original contract or agreement, unless payment be made to the contractor or to his order, in violation of the rights and interests of the persons intended to be benefited by this act: Provided, if it shall appear to the court that the owner

New matter indicated by italics - deletions by strikeout
and contractor fraudulently, and for the purpose of defrauding sub-contractors
fixed an unreasonably low price in their original contract for the erection or
repairing of such house, building or other improvement, then the court shall
ascertain how much of a difference exists between a fair price for labor,

\textit{services, and material, fixtures, apparatus or machinery, forms or form work}

used in said house, building or other improvement, and the sum named in
said original contract, and said difference shall be considered a part of the
contract and be subject to a lien. But where the contractor's statement, made
as provided in Section 5, shows the amount to be paid to the sub-contractor,
or party furnishing material, or the sub-contractor's statement, made pursuant
to Section 22, shows the amount to become due for material; or notice is
given to the owner, as provided in Sections 24 and 25, and thereafter such
sub-contract shall be performed, or material to the value of the amount named
in such statements or notice, shall be prepared for use and delivery, or
delivered without written protest on the part of the owner previous to such
performance or delivery, or preparation for delivery, then, and in any of such
cases, such sub-contractor or party furnishing or preparing material,
regardless of the price named in the original contract, shall have a lien
therefor to the extent of the amount named in such statements or notice. In
case of default or abandonment by the contractor, the sub-contractor or party
furnishing material, shall have and may enforce his lien to the same extent
and in the same manner that the contractor may under conditions that arise as
provided for in Section 4 of this Act, and shall have and may exercise the
same rights as are therein provided for the contractor.

\textit{(e) Any provision in a contract, agreement, or understanding, when}

payment from a contractor to a subcontractor or supplier is conditioned upon
receipt of the payment from any other party including a private or public
owner, shall not be a defense by the party responsible for payment to a claim
brought under Section 21, 22, 23, or 28 of this Act against the party. For the
purpose of this Section, "contractor" also includes subcontractor or supplier.
The provisions of Public Act 87-1180 shall be construed as declarative of
existing law and not as a new enactment.

(Source: P.A. 87-361; 87-362; 87-895; 87-1180; 88-45.)

(770 ILCS 60/21.01) (from Ch. 82, par. 21.01)

Sec. 21.01. \textit{Failure of contractor to pay sub-contractor; fraud;}

\textit{penalty}. Any contractor, or if the contractor is a corporation any officer or
employee thereof, who with intent to defraud induces a subcontractor, as
defined in Section 21, to execute and deliver a waiver of lien for the purpose
of enabling the contractor to obtain final payment under his contract and upon

New matter indicated by italics - deletions by strikeout
the representation that the contractor will, from such final payment, pay the subcontractor the amount due the subcontractor, and who willfully fails to pay the subcontractor in full within 30 days after such final payment shall be guilty of a Class A misdemeanor.

(Source: P.A. 77-2705.)

(770 ILCS 60/21.02)

Sec. 21.02. Construction Trust Funds.

(a) Money held in trust; trustees. Any owner, contractor, subcontractor, or supplier of any tier who requests or requires the execution and delivery of a waiver of mechanics lien by any person who furnishes labor, services, material, fixtures, apparatus or machinery, forms or form work or materials for the improvement of a lot or a tract of land in exchange for payment or the promise of payment, shall hold in trust the sums received by such person as the result of unpaid sums subject to the waiver of mechanics lien, as trustee for the person who furnished the labor, services, material, fixtures, apparatus or machinery, forms or form work or the person otherwise entitled to payment in exchange for such waiver.

(b) How trust moneys held; commingling. Nothing contained in this Section shall be construed as requiring moneys held in trust by an owner, contractor, subcontractor, or material supplier under this Section to be placed in a separate account. If an owner, contractor, subcontractor, or material supplier commingles moneys held in trust under this Section with other moneys, the mere commingling of the moneys does not constitute a violation of this Section.

(c) Violation of this Section. Any owner, contractor, subcontractor, or material supplier who knowingly retains or uses the moneys held in trust under this Section or any part thereof, for any purpose other than to pay those persons for whom the moneys are held in trust, shall be liable to any person who successfully enforces his or her rights under this Section for all damages sustained by that person.

(Source: P.A. 90-208, eff. 7-25-97.)

(770 ILCS 60/22) (from Ch. 82, par. 22)

Sec. 22. Partners or joint contractors; sub-letting of contract; statement by sub-contractor; failure to provide; penalty. Whenever, after a contract has been made, the contractor shall associate one or more persons as partners or joint contractors, in carrying out the same, or any part thereof, the lien for labor, services, material, fixtures, apparatus or machinery, forms or form work furnished by a sub-contractor to such contractor and his partners or associates, as originally agreed upon, shall
continue the same as if the sub-contract had been made with all of said partners. When the contractor shall sub-let his contract or a specific portion thereof to a sub-contractor, the party furnishing material to or performing labor, services, material, fixtures, apparatus or machinery, forms or form work for such sub-contractor shall have a lien therefor; and may enforce his lien in the same manner as is herein provided for the enforcement of liens by sub-contractors. Any sub-contractor shall, as often as requested in writing by the owner, or contractor, or the agent of either, make out and give to such owner, contractor or agent, a statement of the persons furnishing labor, services, material, fixtures, apparatus or machinery, forms or form work material and labor, giving their names and how much, if anything, is due or to become due to each of them, and which statement shall be made under oath if required. If any sub-contractor shall fail to furnish such statement within 5 days after such demand, he shall forfeit to such owner or contractor the sum of $50 for every offense, which may be recovered in a civil action and shall have no right of action against either owner or contractor until he shall furnish such statement, and the lien of such sub-contractor shall be subject to the liens of all other creditors.

(770 ILCS 60/24) (from Ch. 82, par. 24)
Sec. 24. Written notice by sub-contractor; service; when notice not necessary; form of notice.
(a) Sub-contractors, or parties furnishing labor, or materials, fixtures, apparatus, machinery, or services, may at any time after making his or her contract with the contractor, and shall within 90 days after the completion thereof, or, if extra or additional work or material is delivered thereafter, within 90 days after the date of completion of such extra or additional work or final delivery of such extra or additional material, cause a written notice of his or her claim and the amount due or to become due thereunder, to be sent by registered or certified mail, with return receipt requested, and delivery limited to addressee only, to or personally served on the owner of record or his agent or architect, or the superintendent having charge of the building or improvement and to the lending agency, if known; however, if the lot or lots and tract or tracts of land in question are registered under the provisions of "An Act concerning land titles", approved May 1, 1897, as amended, the notice shall not be served as above stated, but shall be filed in the office of the registrar of titles of the county in which such lot or lots and tract or tracts of land are situated; and such notice shall not be necessary when the sworn statement of the contractor or subcontractor

New matter indicated by italics - deletions by strikeout
provided for herein shall serve to give the owner notice of the amount due and to whom due, but where such statement is incorrect as to the amount, the subcontractor or material man named shall be protected to the extent of the amount named therein as due or to become due to him or her. For purposes of this Section, notice by registered or certified mail is considered served at the time of its mailing.

The form of such notice may be as follows: To (name of owner): You are hereby notified that I have been employed by (the name of contractor) to (state here what was the contract or what was done, or to be done, or what the claim is for) under his or her contract with you, on your property at (here give substantial description of the property) and that there was due to me, or is to become due (as the case may be) therefor, the sum of $.....

Dated at .... this .... day of ...., ..... (Signature).....

(b) The serving of notice pursuant to subsection (a) of this Section shall not constitute an admission by the lien claimant that its status is that of subcontractor if it is later determined that the party with whom the lien claimant contracted was the owner or an agent of the owner.

(Source: P.A. 84-551.)

(770 ILCS 60/25) (from Ch. 82, par. 25)

Sec. 25. Notice to persons not found or not residing in county.

(a) In all cases where the owner of record, his or her agent, architect, or superintendent or lending agency, if known, cannot, upon reasonable diligence, be found in the county in which said improvement is made, or shall not reside therein, the sub-contractor or person furnishing labor, services, materials, fixtures, apparatus or ; machinery, forms labor or form work services may give notice to such persons who cannot be found by filing within 90 days after the completion of his or her contract with the contractor, or if extra or additional work or material is delivered thereafter, within 90 days after the date of completion of such extra or additional work or final delivery of such extra or additional material, by filing in the office of the recorder against the person making the contract and the owner a claim for lien verified by the affidavit of himself or herself, or his or her ; agent or employee, which shall consist of a brief statement of his or her contract or demand, and the balance due after allowing all credits, and a sufficient correct description of the lot, lots or tract of land to identify the same. An itemized account shall not be necessary.

(b) The notice recorded pursuant to subsection (a) of this Section shall satisfy the notice requirements of Section 24 of this Act only as to any
owner of record, his or her agent, architect, superintendent, or lending agency, if known, who or which cannot, upon reasonable diligence, be found or shall not reside in the county in which said improvement is made. In the event that notice is recorded as provided herein, if such notice complies with Section 7 of this Act it shall also be deemed a claim for lien recorded pursuant to Section 7 of this Act.

(c) The recording of notice pursuant to subsection (a) of this Section shall not constitute an admission by the lien claimant that its status is that of subcontractor if it is later determined that the party with whom the lien claimant contracted was the owner or an agent of the owner.

(Source: P.A. 83-358.)

(770 ILCS 60/26) (from Ch. 82, par. 26)
Sec. 26. Claim for wages as laborer preferred. The claim of any person for wages as a laborer under Sections section fifteen, twenty-one and twenty-two of this Act shall be a preferred lien.

(Source: Laws 1903, p. 230.)

(770 ILCS 60/28) (from Ch. 82, par. 28)
Sec. 28. Suits by laborers, materialmen or sub-contractors. If any money due to the laborers, materialmen, or sub-contractors be not paid within 10 days after his notice is served as provided in sections 5, 24, and 27; then such person may either file a claim for lien or file a complaint and enforce such lien within the same limits as to time and in such other manner as hereinbefore provided for the contractor in section 7 and sections 9 to 20 inclusive, of this Act, or he may sue the owner and contractor jointly for the amount due in the circuit court, and a personal judgment may be rendered therein, as in other cases. In such actions, as in suits to enforce the lien, the owner shall be liable to the plaintiff for no more than the pro rata share that such person would be entitled to with other sub-contractors out of the funds due to the contractor from the owner or one knowingly permitted by the owner to under the contract for such improvements and the contractor between them, except as hereinbefore provided for laborers and materialmen, and such action shall be maintained against the owner only in case the plaintiff establishes a right to the lien. All suits and actions by sub-contractors shall be against both contractor and owner jointly, and no judgment shall be rendered therein until both are duly brought before the court by process or publication, and such process may be served and publication made as to all persons except the owners as in other civil actions. All such judgments, where the lien is established shall be against both jointly, but shall be enforced against the owner only to the extent that he is liable under his
contract as by this Act provided, and shall recite the date from which the lien thereof attached according to the provisions of Sections 1 to 20 of this Act; but this shall not preclude a judgment against the contractor, personally, where the lien is defeated.

(Source: P.A. 79-1358.)

(770 ILCS 60/30) (from Ch. 82, par. 30)

Sec. 30. Multiple liens; insufficient funds; hearing; judgment. If there are several liens under sections 21 and 22 of this Act upon the same premises, and the owner or any person having such a lien shall fear that there is not a sufficient amount coming to the contractor to pay all such liens, the owner or any one or more persons having such lien may file his, her or their complaint in the circuit court of the proper county, stating such fact and such other facts as may be sufficient to a full understanding of the rights of the parties. The contractor and all persons having liens upon or who are interested in the premises, so far as the same are known to or can be ascertained by the plaintiff, upon diligent inquiry shall be made parties. Upon the hearing the court shall find the amount due from the owner to the contractor, and the amount due to each of the persons having liens, and in case the amount found to be due to the contractor shall be insufficient to discharge all the liens in full, the amount so found in favor of the contractor shall be divided between the persons entitled to such liens pro rata after the payment of all claims for wages in proportion to the amounts so found to be due them respectively. If the amount so found to be due to the contractor shall be sufficient to pay the liens in full, the same shall be so ordered. The premises may be sold as in other cases under this Act. The parties to such action shall prosecute the same under like requirements as are directed in section 11 of this Act, and all persons who shall be duly notified of such proceedings, and who shall fail to prove their claims, whether the same be in judgment against the owner or not, shall forever lose the benefit of and be precluded from their liens and all claims against the owner. Upon the filing of such complaint the court may, on the motion of any person interested, and shall, upon final judgment stay further proceedings upon any action against the owner on account of such liens, and costs in such cases shall be adjusted as provided for in section 17 of this Act.

(Source: P.A. 81-251.)

(770 ILCS 60/32) (from Ch. 82, par. 32)

Sec. 32. Payments to contractor by owner. No payments to the contractor or to his order of any money or other considerations due or to become due to the contractor shall be regarded as rightfully made, as against

New matter indicated by italics - deletions by strikeout
the sub-contractor, laborer, or party furnishing labor, services, material, fixtures, apparatus or machinery, forms or form work or materials, if made by the owner without exercising and enforcing the rights and powers conferred upon him in Sections 5, 21 and 22 of this Act.
(Source: P.A. 80-1333.)

(770 ILCS 60/35) (from Ch. 82, par. 35)

Sec. 35. Satisfaction or release; recording; neglect; penalty. Whenever a claim for lien has been filed with the recorder or the Registrar of deeds Titles, either by the contractor or sub-contractor, and is paid before October 1, 1973; with cost of filing same, or where there is a failure to institute suit to enforce the same after demand as provided in the preceding section; within the time by this Act limited; the person filing the same or some one by him duly authorized in writing so to do, shall acknowledge satisfaction or release thereof, in writing, on written demand of the owner, lienor, or any person interested in the real estate, or his or her agent or attorney, and on neglect to do so for 10 days after such written demand he or she shall be liable to the owner for the sum of $2,500, $25; which may be recovered in a civil action together with the costs and the reasonable attorney's fees of the owner, lienor, or other person interested in the real estate, or his or her agent or attorney incurred in bringing such action.

(b) Such a satisfaction or release of lien may be filed with the recorder or Registrar of deeds Titles in whose office the claim for lien had been filed and when so filed shall forever thereafter discharge and release the claim for lien and shall bar all actions brought or to be brought thereupon.

(c) Whenever a claim for lien has been filed with the recorder or the Registrar of Titles, either by the contractor or sub-contractor, and is paid after October 1, 1973 with cost of filing such claim for lien, the person filing the claim or someone by him duly authorized in writing so to do shall, upon receipt of the satisfaction of such claim deliver a release of lien in writing to the owner within 30 days after receipt of payment or shall be liable to the owner for the sum of $100 which may be recovered in a civil action. The release of lien shall have the following imprinted thereon in bold letters at least 1/4 inch in height: "FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHOULD BE FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES IN WHOSE OFFICE THE CLAIM FOR LIEN WAS FILED." The Recorder or the Registrar of Titles in whose office the claim for lien had been filed, upon receipt of a release and the payment of the recording or registration fee, shall record or register the release.
(Source: P.A. 83-358.)

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0627

(770 ILCS 60/1.1 rep.) (from Ch. 82, par. 1.1)

Section 10. The Mechanics Lien Act is amended by repealing Section 1.1.

Approved August 18, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0628
(Senate Bill No. 2054)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Park District Code is amended by changing Section 6-4 as follows:

(70 ILCS 1205/6-4) (from Ch. 105, par. 6-4)

Sec. 6-4. The issue of bonds or notes by any park district shall be authorized by ordinance, and a copy of that ordinance properly certified by the secretary shall be filed in the office of the clerk in each of the counties wherein such district lies. Except as otherwise provided in this Section, bonds and notes the aggregate outstanding unpaid principal balance of which exceeds 0.575% of the total assessed valuation of all taxable property in the district may not be issued by any park district, until the proposition to issue the same has been certified by the secretary to the proper election officials who shall submit the proposition at an election in accordance with the general election law. Notice of the referendum shall be given and the referendum shall be conducted in the manner provided by the general election law.

Submission of any proposition of issuing bonds or notes shall be authorized by resolution to be adopted by the board which shall designate the election at which the proposition is to be submitted and designate the amount of bonds and purpose for which the bonds are to be issued.

Any proposition to issue bonds shall be in substantially the following form:

-------------------------------------------------------------
Shall bonds or notes of the
..... Park District (name it) to YES
the amount of..... Dollars ($.....) be issued for the
purpose of.....? (Here insert

New matter indicated by italics - deletions by strikeout
This Section shall not be construed to require a referendum for bonds issued under Section 9-2b nor for bonds to refund any maturing bond issues as provided in the Park District Refunding Bond Act, or to refund any judgment indebtedness including any unpaid public benefits and amounts assessed against any park district, whether due or not due under Division 2 of Article 9 of the Illinois Municipal Code, but bonds may be issued for such purposes without referendum.

Bonds heretofore or hereafter issued and outstanding that are approved by referendum, *refunding bonds issued under the Park District Refunding Bond Act (70 ILCS 1270/) that refund or continue to refund bonds approved by referendum*, bonds issued under this Section that have been paid in full or for which provisions for payment have been made by an irrevocable deposit of funds in an amount sufficient to pay the principal and interest on those bonds to their respective maturity date, non-referendum bonds issued under any other provision of this Act, and bonded indebtedness assumed from another park district do not limit in any way the right of a park district to issue non-referendum bonds in accordance with this Section.

This Section shall not be construed to permit issuance of bonds for the purpose of refunding revenue bonds as provided in Section 6-2 until the proposition to issue the same has been submitted as herein provided at an election in accordance with the general election law.

(Source: P.A. 91-293, eff. 7-29-99.)

Passed in the General Assembly May 26, 2005.
Approved August 18, 2005.
Effective January 1, 2006.
HIV/AIDS in the African-American community is a crisis separate and apart from the overall issue of HIV/AIDS in other communities.

Section 10. African-American HIV/AIDS Response Officer. An African-American HIV/AIDS Response Officer, responsible for coordinating efforts to address the African-American AIDS crisis within his or her respective Office or Department and serving as a liaison to governmental and non-governmental entities beyond his or her respective Office or Department regarding the same, shall be designated in each of the following:

(1) The Office of the Governor.
(2) The Department of Human Services.
(3) The Department of Public Health.
(4) The Department of Corrections.

Section 15. State agencies; HIV testing.
(a) In this Section:
"High-risk community" means a community designated as high-risk by the Department of Public Health in rules.
"High-traffic facility" means a high-traffic facility as defined by the State agency operating the facility.
"State agency" means (i) any department of State government created under Section 5-15 of the Departments of State Government Law of the Civil Administrative Code of Illinois or (ii) the Office of the Secretary of State.

(b) The Department of Public Health shall coordinate the response to HIV/AIDS in the African-American community.
(c) A State agency that operates a facility that (i) is accessible to the public, (ii) is a high-traffic facility, and (iii) serves a high-risk community must provide the following in each such facility where space and security reasonably permit: space for free HIV counseling and antibody testing to a community-based organization licensed to do testing, in accordance with the AIDS Confidentiality Act and rules adopted by the Department of Public Health. The State agency or its employees shall not conduct any counseling or testing required to be provided under this subsection, but the agency shall make appropriate arrangements with one or more certified community-based organizations to conduct the counseling or testing. The testing required to be provided under this subsection is the rapid testing authorized under Section 5.5 of the AIDS Confidentiality Act.
(d) Neither the State of Illinois nor any State agency supplying space for services authorized by this Section shall be liable for damages based on the provision of such space or claimed to result from any services performed in such space, except that this immunity does not apply in the case of willful
and wanton misconduct.

Section 20. Study. The Illinois HIV/AIDS Policy and Research Institute at Chicago State University shall conduct a study to determine whether there is a correlation between incarceration and HIV infection.

(a) The HIV/AIDS Response Review Panel is established within the Office of the Governor. The Panel shall consist of the following members:
   (1) One member appointed by the Governor. This member shall serve as the Chair of the Panel.
   (2) One representative of each of the following, appointed by the head of the department: the Department of Corrections; the Department of Human Services; and the Department of Public Health.
   (3) Two ex-offenders who are familiar with the issue of HIV/AIDS as it relates to incarceration, appointed by Governor. One of these members must be from Cook County, and the other must be from a county other than Cook. Both of these members must have received a final discharge from the Department of Corrections.
   (4) Three representatives of HIV/AIDS organizations that have been in business for at least 2 years, appointed by Governor. In the case of such an organization that represents a constituency the majority of whom are African-American, the organization's representative who is a member of the Panel must be African-American.
(b) The Panel shall review the implementation of this Act within the Department of Corrections and shall file a report with the General Assembly and with the Governor every January 1 stating the results of its review.

Section 30. Rules.
(a) No later than March 15, 2006, the Department of Public Health shall issue proposed rules for designating high-risk communities and for implementing subsection (c) of Section 15. The rules must include, but may not be limited to, a standard testing protocol, training for staff, community-based organization experience, and the removal and proper disposal of hazardous waste.
(b) The Department of Human Services, the Department of Public Health, and the Department of Corrections shall adopt rules as necessary to ensure that this Act is implemented within 6 months after the effective date of this Act.

Section 35. Implementation subject to appropriation. Implementation
of this Act is subject to appropriation.

Section 90. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-321 as follows:

(20 ILCS 2310/2310-321 new)

Sec. 2310-321. Information for persons committed to the Department of Corrections and persons confined in a county jail. On the Department's official Web site, the Department shall provide Web-friendly and printer-friendly versions of educational materials targeted to persons presently or previously committed to the Department of Corrections or confined in a county jail, as well as family members and friends of such persons. The information shall include information concerning testing, counseling, and case management, including referrals and support services, in connection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Implementation of this Section is subject to appropriation.

Section 92. The Illinois Public Aid Code is amended by changing Sections 5-2 and 9A-4 and by adding Section 5-5.04 as follows:

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

Sec. 5-2. Classes of Persons Eligible. Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Persons otherwise eligible for basic maintenance under Articles III and IV but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:

   (a) All persons otherwise eligible for basic maintenance under Article III but who fail to qualify under that Article on the basis of need and who meet either of the following requirements:

   (i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised

New matter indicated by italics - deletions by strikeout
annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size; or

(ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined in item (i) of this subparagraph (a).

(b) All persons who would be determined eligible for such basic maintenance under Article IV by disregarding the maximum earned income permitted by federal law.

3. Persons who would otherwise qualify for Aid to the Medically Indigent under Article VII.

4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.

5. (a) Women during pregnancy, after the fact of pregnancy has been determined by medical diagnosis, and during the 60-day period beginning on the last day of the pregnancy, together with their infants and children born after September 30, 1983, whose income and resources are insufficient to meet the costs of necessary medical care to the maximum extent possible under Title XIX of the Federal Social Security Act.

(b) The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 5(a) by April 1, 1990. Such plan shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 133% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in
at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.

6. Persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent permitted under Title XIX of the Federal Social Security Act.

7. Persons who are under 21 years of age and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the Illinois Department determines that:

   (a) the person requires a level of care provided by a hospital, skilled nursing facility, or intermediate care facility, as determined by a physician licensed to practice medicine in all its branches;

   (b) it is appropriate to provide such care outside of an institution, as determined by a physician licensed to practice medicine in all its branches;

   (c) the estimated amount which would be expended for care outside the institution is not greater than the estimated amount which would be expended in an institution.

8. Persons who become ineligible for basic maintenance assistance under Article IV of this Code in programs administered by the Illinois Department due to employment earnings and persons in assistance units comprised of adults and children who become ineligible for basic maintenance assistance under Article VI of this Code due to employment earnings. The plan for coverage for this class of persons shall:

   (a) extend the medical assistance coverage for up to 12 months following termination of basic maintenance assistance; and

   (b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:

      (i) such coverage shall be pursuant to provisions of the
federal Social Security Act;
   (ii) such coverage shall include all services covered while the person was eligible for basic maintenance assistance;
   (iii) no premium shall be charged for such coverage;
and
   (iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.
9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.
10. Participants in the long-term care insurance partnership program established under the Partnership for Long-Term Care Act who meet the qualifications for protection of resources described in Section 25 of that Act.
11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as provided by the Illinois Department by rule.
12. Subject to federal approval, persons who are eligible for medical assistance coverage under applicable provisions of the federal Social Security Act and the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Those eligible persons are defined to include, but not be limited to, the following persons:
   (1) persons who have been screened for breast or cervical cancer under the U.S. Centers for Disease Control and Prevention Breast and Cervical Cancer Program established under Title XV of the federal Public Health Services Act in accordance with the requirements of Section 1504 of that Act as administered by the Illinois Department of Public Health; and
   (2) persons whose screenings under the above program were funded in whole or in part by funds appropriated to the Illinois Department of Public Health for breast or cervical cancer screening. "Medical assistance" under this paragraph 12 shall be identical to the benefits

New matter indicated by italics - deletions by strikeout
provided under the State's approved plan under Title XIX of the Social Security Act. The Department must request federal approval of the coverage under this paragraph 12 within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

13. Subject to appropriation and to federal approval, persons living with HIV/AIDS who are not otherwise eligible under this Article and who qualify for services covered under Section 5-5.04 as provided by the Illinois Department by rule.

The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 7 as soon as possible after July 1, 1984.

The eligibility of any such person for medical assistance under this Article is not affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than $2,000, and the amount of assets of a married couple to be disregarded shall not be less than $3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIII A shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

(Source: P.A. 92-16, eff. 6-28-01; 92-47, eff. 7-3-01; 92-597, eff. 6-28-02; 93-20, eff. 6-20-03.)

(305 ILCS 5/5-5.04 new)

Sec. 5-5.04. Persons living with HIV/AIDS. The Department of Public Aid may seek federal approval to expand access to health care for persons living with HIV/AIDS. Implementation of this Section is subject to appropriation.

(305 ILCS 5/9A-4) (from Ch. 23, par. 9A-4)
Sec. 9A-4. Participation.
(a) Except for those exempted under subsection (b) below, and to the extent resources permit, the Illinois Department as a condition of eligibility for public aid, may, as provided by rule, require all recipients to participate in an education, training, and employment program, which shall include accepting suitable employment and refraining from terminating employment or reducing earnings without good cause.

(b) Recipients shall be exempt from the requirement of participation in the education, training, and employment program in the following circumstances:

(1) The recipient is a person over age 60; or
(2) The recipient is a person with a child under age one.

Recipients are entitled to request a reasonable modification to the requirement of participation in the education, training and employment program in order to accommodate a qualified individual with a disability as defined by the Americans with Disabilities Act. Requests for a reasonable modification shall be evaluated on a case-by-case functional basis by designated staff based on Department rule. All such requests shall be monitored as part of the agency's quality assurance process or processes to attest to the expediency with which such requests are addressed. Implementation of the changes made to this Section by this amendatory Act of the 94th General Assembly is subject to appropriation.

(Source: P.A. 89-6, eff. 3-6-95; 90-17, eff. 7-1-97.)

Section 94. The Unified Code of Corrections is amended by changing Sections 3-6-2, 3-7-2, 3-8-2, and 3-10-2 and by adding Section 3-2-11 as follows:

(730 ILCS 5/3-2-11 new)
Sec. 3-2-11. Web link to Department of Public Health information. On the Department's official Web site, the Department shall provide a link to the information provided to persons committed to the Department and those persons' family members and friends by the Department of Public Health pursuant to Section 2310-321 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Implementation of this Section is subject to appropriation.

(730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)
Sec. 3-6-2. Institutions and Facility Administration.
(a) Each institution and facility of the Department shall be administered by a chief administrative officer appointed by the Director. A chief administrative officer shall be responsible for all persons assigned to the

New matter indicated by italics - deletions by strikeout
institution or facility. The chief administrative officer shall administer the programs of the Department for the custody and treatment of such persons.

(b) The chief administrative officer shall have such assistants as the Department may assign.

(c) The Director or Assistant Director shall have the emergency powers to temporarily transfer individuals without formal procedures to any State, county, municipal or regional correctional or detention institution or facility in the State, subject to the acceptance of such receiving institution or facility, or to designate any reasonably secure place in the State as such an institution or facility and to make transfers thereto. However, transfers made under emergency powers shall be reviewed as soon as practicable under Article 8, and shall be subject to Section 5-905 of the Juvenile Court Act of 1987. This Section shall not apply to transfers to the Department of Human Services which are provided for under Section 3-8-5 or Section 3-10-5.

(d) The Department shall provide educational programs for all committed persons so that all persons have an opportunity to attain the achievement level equivalent to the completion of the twelfth grade in the public school system in this State. Other higher levels of attainment shall be encouraged and professional instruction shall be maintained wherever possible. The Department may establish programs of mandatory education and may establish rules and regulations for the administration of such programs. A person committed to the Department who, during the period of his or her incarceration, participates in an educational program provided by or through the Department and through that program is awarded or earns the number of hours of credit required for the award of an associate, baccalaureate, or higher degree from a community college, college, or university located in Illinois shall reimburse the State, through the Department, for the costs incurred by the State in providing that person during his or her incarceration with the education that qualifies him or her for the award of that degree. The costs for which reimbursement is required under this subsection shall be determined and computed by the Department under rules and regulations that it shall establish for that purpose. However, interest at the rate of 6% per annum shall be charged on the balance of those costs from time to time remaining unpaid, from the date of the person's parole, mandatory supervised release, or release constituting a final termination of his or her commitment to the Department until paid.

(d-5) A person committed to the Department is entitled to confidential testing for infection with human immunodeficiency virus (HIV) and to counseling in connection with such testing, with no copay to the committed

New matter indicated by italics - deletions by strikeout
person. A person committed to the Department who has tested positive for infection with HIV is entitled to medical care while incarcerated, counseling, and referrals to support services, in connection with that positive test result. Implementation of this subsection (d-5) is subject to appropriation.

(e) A person committed to the Department who becomes in need of medical or surgical treatment but is incapable of giving consent thereto shall receive such medical or surgical treatment by the chief administrative officer consenting on the person's behalf. Before the chief administrative officer consents, he or she shall obtain the advice of one or more physicians licensed to practice medicine in all its branches in this State. If such physician or physicians advise:

(1) that immediate medical or surgical treatment is required relative to a condition threatening to cause death, damage or impairment to bodily functions, or disfigurement; and

(2) that the person is not capable of giving consent to such treatment; the chief administrative officer may give consent for such medical or surgical treatment, and such consent shall be deemed to be the consent of the person for all purposes, including, but not limited to, the authority of a physician to give such treatment.

(e-5) If a physician providing medical care to a committed person on behalf of the Department advises the chief administrative officer that the committed person's mental or physical health has deteriorated as a result of the cessation of ingestion of food or liquid to the point where medical or surgical treatment is required to prevent death, damage, or impairment to bodily functions, the chief administrative officer may authorize such medical or surgical treatment.

(f) In the event that the person requires medical care and treatment at a place other than the institution or facility, the person may be removed therefrom under conditions prescribed by the Department. The Department shall require the committed person receiving medical or dental services on a non-emergency basis to pay a $2 co-payment to the Department for each visit for medical or dental services. The amount of each co-payment shall be deducted from the committed person's individual account. A committed person who has a chronic illness, as defined by Department rules and regulations, shall be exempt from the $2 co-payment for treatment of the chronic illness. A committed person shall not be subject to a $2 co-payment for follow-up visits ordered by a physician, who is employed by, or contracts with, the Department. A committed person who is indigent is exempt from the $2 co-payment and is entitled to receive medical or dental services on the
same basis as a committed person who is financially able to afford the co-payment. Notwithstanding any other provision in this subsection (f) to the contrary, any person committed to any facility operated by the Juvenile Division, as set forth in subsection (b) of Section 3-2-5 of this Code, is exempt from the co-payment requirement for the duration of confinement in those facilities.

(g) Any person having sole custody of a child at the time of commitment or any woman giving birth to a child after her commitment, may arrange through the Department of Children and Family Services for suitable placement of the child outside of the Department of Corrections. The Director of the Department of Corrections may determine that there are special reasons why the child should continue in the custody of the mother until the child is 6 years old.

(h) The Department may provide Family Responsibility Services which may consist of, but not be limited to the following:
   (1) family advocacy counseling;
   (2) parent self-help group;
   (3) parenting skills training;
   (4) parent and child overnight program;
   (5) parent and child reunification counseling, either separately or together, preceding the inmate's release; and
   (6) a prerelease reunification staffing involving the family advocate, the inmate and the child's counselor, or both and the inmate.

(i) Prior to the release of any inmate who has a documented history of intravenous drug use, and upon the receipt of that inmate's written informed consent, the Department shall provide for the testing of such inmate for infection with human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS). The testing provided under this subsection shall consist of an enzyme-linked immunosorbent assay (ELISA) test or such other test as may be approved by the Illinois Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered. All inmates tested in accordance with the provisions of this subsection shall be provided with pre-test and post-test counseling. Notwithstanding any provision of this subsection to the contrary, the Department shall not be required to conduct the testing and counseling required by this subsection unless sufficient funds to cover all costs of such testing and counseling are appropriated for that purpose by the General Assembly.

New matter indicated by italics - deletions by strikeout
(j) Any person convicted of a sex offense as defined in the Sex Offender Management Board Act shall be required to receive a sex offender evaluation prior to release into the community from the Department of Corrections. The sex offender evaluation shall be conducted in conformance with the standards and guidelines developed under the Sex Offender Management Board Act and by an evaluator approved by the Board.

(k) Any minor committed to the Department of Corrections-Juvenile Division for a sex offense as defined by the Sex Offender Management Board Act shall be required to undergo sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the Sex Offender Management Board Act.

(l) Prior to the release of any inmate, the Department must provide the inmate with the option of testing for infection with human immunodeficiency virus (HIV), as well as counseling in connection with such testing, with no copayment for the test. At the same time, the Department shall require each such inmate to sign a form stating that the inmate has been informed of his or her rights with respect to the testing required to be offered under this subsection (l) and providing the inmate with an opportunity to indicate either that he or she wants to be tested or that he or she does not want to be tested. The Department, in consultation with the Department of Public Health, shall prescribe the contents of the form. The testing provided under this subsection (l) shall consist of an enzyme-linked immunosorbent assay (ELISA) test or any other test approved by the Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered.

Prior to the release of an inmate who the Department knows has tested positive for infection with HIV, the Department in a timely manner shall offer the inmate transitional case management, including referrals to other support services.

Implementation of this subsection (l) is subject to appropriation.

(Source: P.A. 92-292, eff. 8-9-01; 93-616, eff. 1-1-04; 93-928, eff. 1-1-05.)

(730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

Sec. 3-7-2. Facilities.

(a) All institutions and facilities of the Department shall provide every committed person with access to toilet facilities, barber facilities, bathing facilities at least once each week, a library of legal materials and published materials including newspapers and magazines approved by the Director. A committed person may not receive any materials that the Director deems pornographic.

New matter indicated by italics - deletions by strikeout
(b) (Blank).

(c) All institutions and facilities of the Department shall provide facilities for every committed person to leave his cell for at least one hour each day unless the chief administrative officer determines that it would be harmful or dangerous to the security or safety of the institution or facility.

(d) All institutions and facilities of the Department shall provide every committed person with a wholesome and nutritional diet at regularly scheduled hours, drinking water, clothing adequate for the season, bedding, soap and towels and medical and dental care.

(e) All institutions and facilities of the Department shall permit every committed person to send and receive an unlimited number of uncensored letters, provided, however, that the Director may order that mail be inspected and read for reasons of the security, safety or morale of the institution or facility.

(f) All of the institutions and facilities of the Department shall permit every committed person to receive visitors, except in case of abuse of the visiting privilege or when the chief administrative officer determines that such visiting would be harmful or dangerous to the security, safety or morale of the institution or facility. The chief administrative officer shall have the right to restrict visitation to non-contact visits for reasons of safety, security, and order, including, but not limited to, restricting contact visits for committed persons engaged in gang activity. No committed person in a super maximum security facility or on disciplinary segregation is allowed contact visits. Any committed person found in possession of illegal drugs or who fails a drug test shall not be permitted contact visits for a period of at least 6 months. Any committed person involved in gang activities or found guilty of assault committed against a Department employee shall not be permitted contact visits for a period of at least 6 months. The Department shall offer every visitor appropriate written information concerning HIV and AIDS, including information concerning how to contact the Illinois Department of Public Health for counseling information. The Department shall develop the written materials in consultation with the Department of Public Health. The Department shall ensure that all such information and materials are culturally sensitive and reflect cultural diversity as appropriate. Implementation of the changes made to this Section by this amendatory Act of the 94th General Assembly is subject to appropriation.

(g) All institutions and facilities of the Department shall permit religious ministrations and sacraments to be available to every committed person, but attendance at religious services shall not be required.
(h) Within 90 days after December 31, 1996, the Department shall prohibit the use of curtains, cell-coverings, or any other matter or object that obstructs or otherwise impairs the line of vision into a committed person's cell.

(Source: P.A. 90-14, eff. 7-1-97; 91-912, eff. 7-7-00.)

(730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

Sec. 3-8-2. Social Evaluation; physical examination; HIV/AIDS. (a) A social evaluation shall be made of a committed person's medical, psychological, educational and vocational condition and history, including the use of alcohol and other drugs, the circumstances of his offense, and such other information as the Department may determine. The committed person shall be assigned to an institution or facility in so far as practicable in accordance with the social evaluation. Recommendations shall be made for medical, dental, psychiatric, psychological and social service treatment.

(b) A record of the social evaluation shall be entered in the committed person's master record file and shall be forwarded to the institution or facility to which the person is assigned.

(c) Upon admission to a correctional institution each committed person shall be given a physical examination. If he is suspected of having a communicable disease that in the judgment of the Department medical personnel requires medical isolation, the committed person shall remain in medical isolation until it is no longer deemed medically necessary.

(d) Upon arrival at an inmate's final destination, the Department must provide the committed person with appropriate written information and counseling concerning HIV and AIDS. The Department shall develop the written materials in consultation with the Department of Public Health. At the same time, the Department also must offer the committed person the option of being tested, with no copayment, for infection with human immunodeficiency virus (HIV). The Department shall require each committed person to sign a form stating that the committed person has been informed of his or her rights with respect to the testing required to be offered under this subsection (d) and providing the committed person with an opportunity to indicate either that he or she wants to be tested or that he or she does not want to be tested. The Department, in consultation with the Department of Public Health, shall prescribe the contents of the form. The testing provided under this subsection (d) shall consist of an enzyme-linked immunosorbent assay (ELISA) test or any other test approved by the Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered. Implementation of this subsection (d)
Sec. 3-10-2. Examination of Persons Committed to the Juvenile Division.

(a) A person committed to the Juvenile Division shall be examined in regard to his medical, psychological, social, educational and vocational condition and history, including the use of alcohol and other drugs, the circumstances of his offense and any other information as the Department may determine.

(a-5) Upon admission of a person committed to the Juvenile Division, the Department must provide the person with appropriate written information and counseling concerning HIV and AIDS. The Department shall develop the written materials in consultation with the Department of Public Health. At the same time, the Department also must offer the person the option of being tested, at no charge to the person, for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). The Department shall require each person committed to the Juvenile Division to sign a form stating that the person has been informed of his or her rights with respect to the testing required to be offered under this subsection (a-5) and providing the person with an opportunity to indicate either that he or she wants to be tested or that he or she does not want to be tested. The Department, in consultation with the Department of Public Health, shall prescribe the contents of the form. The testing provided under this subsection (a-5) shall consist of an enzyme-linked immunosorbent assay (ELISA) test or any other test approved by the Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered.

Also upon admission of a person committed to the Juvenile Division, the Department must inform the person of the Department’s obligation to provide the person with medical care.

Implementation of this subsection (a-5) is subject to appropriation.

(b) Based on its examination, the Department may exercise the following powers in developing a treatment program of any person committed to the Juvenile Division:

(1) Require participation by him in vocational, physical, educational and corrective training and activities to return him to the community.

(2) Place him in any institution or facility of the Juvenile Division.
Division.

(3) Order replacement or referral to the Parole and Pardon Board as often as it deems desirable. The Department shall refer the person to the Parole and Pardon Board as required under Section 3-3-4.

(4) Enter into agreements with the Secretary of Human Services and the Director of Children and Family Services, with courts having probation officers, and with private agencies or institutions for separate care or special treatment of persons subject to the control of the Department.

(c) The Department shall make periodic reexamination of all persons under the control of the Juvenile Division to determine whether existing orders in individual cases should be modified or continued. This examination shall be made with respect to every person at least once annually.

(d) A record of the treatment decision including any modification thereof and the reason therefor, shall be part of the committed person's master record file.

(e) The Department shall by certified mail, return receipt requested, notify the parent, guardian or nearest relative of any person committed to the Juvenile Division of his physical location and any change thereof.

(Source: P.A. 89-507, eff. 7-1-97.)

Section 95. The County Jail Act is amended by adding Section 17.10 as follows:

(730 ILCS 125/17.10 new)

Sec. 17.10. Requirements in connection with HIV/AIDS.

(a) In each county other than Cook, during the medical admissions exam, the warden of the jail, a correctional officer at the jail, or a member of the jail medical staff must provide the prisoner with appropriate written information concerning human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS). The Department of Public Health and community-based organizations certified to provide HIV/AIDS testing must provide these informational materials to the warden at no cost to the county.

The warden, a correctional officer, or a member of the jail medical staff must inform the prisoner of the option of being tested for infection with HIV by a certified local community-based agency or other available medical provider at no charge to the prisoner.

(b) In Cook County, during the medical admissions exam, an employee of the Cook County Bureau of Health Services must provide the prisoner with appropriate written information concerning human

New matter indicated by italics - deletions by strikeout
immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) and must also provide the prisoner with option of testing for infection with HIV or any other identified causative agent of AIDS, as well as counseling in connection with such testing. The Department of Public Health and community-based organizations certified to provide HIV/AIDS testing must provide these informational materials to the Bureau at no cost to the county. The testing provided under this subsection (b) shall be conducted by the Cook County Bureau of Health Services and shall consist of an enzyme-linked immunosorbent assay (ELISA) test or any other test approved by the Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered.

(c) In each county, the warden of the jail must make appropriate written information concerning HIV/AIDS available to every visitor to the jail. This information must include information concerning persons or entities to contact for local counseling and testing. The Department of Public Health and community-based organizations certified to provide HIV/AIDS testing must provide these informational materials to the warden at no cost to the office of the county sheriff.

(d) Implementation of this Section is subject to appropriation.

Section 99. Effective date. This Act takes effect January 1, 2006.
Approved August 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0630
(Senate Bill No. 0046)

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Building Egress Act is amended by adding Section 1.5 as follows:

(425 ILCS 55/1.5 new)
Sec. 1.5. Stairwell door access.
(a) Stairwell enclosures in buildings greater than 4 stories shall comply with one of the following requirements:

(1) No stairwell enclosure door shall be locked at any time in order to provide re-entry from the stair enclosure to the interior of the building; or

New matter indicated by italics - deletions by strikeout
(2) Stairwell enclosure doors that are locked shall be equipped with an electronic lock release system that is activated upon loss of power, manually by a single switch accessible to building management or firefighting personnel, and automatically by activation of the building's fire alarm system.

A telephone or other two-way communications system connected to an approved constantly attended location shall be provided on not less than every fifth floor in each stairway where the doors to the stairway are locked. If this option is selected, the building must comply with these requirements by January 1, 2006.

(b) Regardless of which option is selected under subsection (a) of this Section, stairwell enclosure doors at the main egress level of the building shall remain unlocked from the stairwell enclosure side at all times.

(c) Building owners that select the option under paragraph (2) of subsection (a) of this Section must comply with the following requirements during the time necessary to install a lock release system and the two-way communication system:

(1) Re-entry into the building interior shall be possible at all times on the highest story or second highest story, whichever allows access to another exit stair;
(2) There shall not be more than 4 stories intervening between stairwell enclosure doors that provides access to another exit stair;
(3) Doors allowing re-entry shall be identified as such on the stair side of the door;
(4) Doors not allowing re-entry shall be provided with a sign on the stair side indicating the location of the nearest exit, in each direction of travel that allows re-entry; and
(5) The information required to be posted on the door under paragraphs (3) and (4) of this subsection (c), shall be posted at eye level and at the bottom of the door.

(d) Nothing in this Section applies to any stairwell enclosure door that opens directly into a dwelling unit, provided the dwelling unit door has a self-closer, latch, and no self-locking hardware. Where all doors in the stairwell meet these criteria, the stairwell shall be provided with either a two-way communication system or readily operable windows on each landing or intermediate landing.

(e) Except as otherwise provided in subsection (e), a home rule unit may not regulate stairwell door access in a manner less restrictive than the regulation by the State of stairwell door access under this Act. This
subsection (e) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(e) This Section does not apply in a home rule municipality that, on or before January 1, 2005, has passed an ordinance regulating building access from stairwell enclosures in buildings that are more than 4 stories in height.

Approved August 19, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0631
(House Bill No. 0480)

AN ACT concerning public health, which may be referred to as Adamin and Ryan's Law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Newborn Eye Pathology Act.
Section 5. Policy. It is the policy of the State of Illinois to make efforts to detect pediatric congenital ocular abnormalities that lead to premature death, blindness, or vision impairment unless treated soon after birth.
Section 10. Newborn Eye Pathology Advisory Committee.
(a) By January 1, 2006, the Department of Public Health shall organize a Newborn Eye Pathology Advisory Committee and appoint members of the Advisory Committee, including, but not limited to, the following:
(1) Three ophthalmologists with backgrounds in or knowledge of providing services to infants with retinoblastoma, one from the Chicago metropolitan area, one representing DuPage, Kane, Lake, McHenry, and Will counties, and one from the southern counties of Illinois.
(2) A pediatric ophthalmologist who sees general pediatric patients and is a designee of the American Association for Pediatric Ophthalmology and Strabismus.
(3) An academic pediatrician with a background in or knowledge of infant eye pathology.

New matter indicated by italics - deletions by strikeout
(4) Three parents representing families with child blindness or other ocular abnormalities affecting vision, one from the Chicago metropolitan area, one representing DuPage, Kane, Lake, McHenry, and Will counties, and one from the southern counties of Illinois.

(5) Two community pediatricians.

(6) A nurse with a background in or knowledge of the current Department's program for instillation of eye drops to prevent conjunctivitis.

(7) A retinal specialist with research experience in detecting the signs of treatable congenital eye disease.

(8) An optometrist with a background in or experience with pupil dilation in infants and red reflex screening for intraocular pathology.

(b) The Advisory Committee members shall serve without compensation, but shall be reimbursed for necessary travel expenses incurred in the performance of their duties.

(c) The duties of the Advisory Committee shall be to do all of the following:

(1) Develop and conduct training for hospitals implementing newborn eye pathology.

(2) Develop a referral system for early intervention services for those infants diagnosed with a congenital abnormality of the eye.

(3) Develop educational and informational materials for hospital personnel, health care professionals, and parents on appropriate follow-up procedures for infants diagnosed with a congenital abnormality of the eye.

(4) Monitor any reports made available to the State with respect to the eye pathology status of all newborns.

Section 15. Department of Public Health.

(a) All hospitals shall report information on all congenital abnormalities or diseases of the eye detected in newborns to the Department of Public Health. Reports shall be made to the Department's Adverse Pregnancy Outcomes Reporting System.

(b) The Department of Public Health shall maintain a registry of cases of reported congenital abnormalities or diseases of the eye in newborns, including information needed for the purpose of follow-up service. This information shall be treated in the same manner as information under the Communicable Disease Report Act.

(c) Any person or hospital making a report under this Act shall have

New matter indicated by italics - deletions by strikeout
immunity from any liability, civil or criminal, that may result by reason of making the report, except for willful or wanton misconduct.

Section 20. Rules. The Department of Public Health shall adopt rules necessary to implement this Act.

Section 99. Effective date. This Act takes effect July 1, 2005.
Passed in the General Assembly May 26, 2005.
Approved August 19, 2005.
Effective August 19, 2005.

PUBLIC ACT 94-0632
(Senate Bill No. 1698)

AN ACT concerning health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act shall be cited as the Autism Spectrum Disorders Reporting Act.

Section 5. Legislative findings and purpose.
(a) The General Assembly finds that:
   (1) the incidence of autism spectrum disorders has increased significantly in Illinois, as in other states;
   (2) the Centers for Disease Control and Prevention estimates that autism spectrum disorders affects 1 in 166 children;
   (3) autism spectrum disorders affect children of every racial, ethnic, and socioeconomic background, and occurs in every part of Illinois;
   (4) little is known about causes of autism, although research has indicated that autism is due to an abnormality of brain development that may be related to environmental factors, pharmacological agents, and other prenatal or early childhood exposures, genetics or a combination thereof;
   (5) because there is no biologic marker for autism, surveillance for this disability presents several technical and logistic challenges that must be overcome;
   (6) families of children with autism experience tremendous psychological and financial stress related to their child's disability;
   (7) children with autism require long-term care and services; special education costs for a child with autism average more than $19,000 per year nationwide, more than 3 times the cost of the

New matter indicated by italics - deletions by strikeout
average student and more than any other special education category; some specially structured programs cost over $40,000 per year, and care in a residential school costs between $80,000 and $100,000 per year; these costs continue as children become adults, which can be more than $50,000 per person;

(8) genetic and environmental factors have been suggested;

(9) there is no known cure for autism, although some available therapies, treatments, and medicines may relieve the severity and symptoms associated with the disorders;

(10) there exists no unified effort to collect and analyze information on autism spectrum disorders and their potential effects on public health, families, schools, and the economy in Illinois;

(11) the lack of comprehensive information has caused concern on the part of Illinois citizens and a lack of effective control by the State;

(12) it is the obligation of the State to inform and protect the citizens of Illinois by developing a comprehensive and integrated data system on autism spectrum disorders and public health; and

(13) the establishment of an Autism Spectrum Disorder Registry will help better define who is affected by autism and the impact of autism; define the range of impairments and disability associated with autism; identify better mechanisms to refer persons with autism to available services; and provide a research tool for universities, physicians, and policymakers to conduct studies in Illinois.

(b) It is the purpose of this Act to establish a unified statewide project to collect, compile, and correlate information on public health and autism spectrum disorders, to be known as the Autism Spectrum Disorders Registry. The information is to be used to assist in the determination of public policy and to provide a source of information for researchers and the public, except when public disclosure of the information would violate the provisions of this Act and other applicable laws concerning confidentiality.

(c) In particular, the purpose of the collection of autism spectrum disorder incidence information is to:

(1) monitor incidence trends of autism spectrum disorders to detect potential public health problems, predict risks, and assist in investigating clusters;

(2) more accurately target intervention resources for communities and patients and their families;

New matter indicated by italics - deletions by strikeout
(3) inform health professionals and citizens about risks, early detection, and treatment of autism spectrum disorders;

(4) promote high quality research to provide better information for the study of autism spectrum disorders, treatment, interventions, and services, and the impact of autism spectrum disorders on families, schools, public health, and the economy; and

(5) promote Illinois as a national leader in research into the causes, effects, and treatment of autism spectrum disorders.

Section 10. Definitions. In this Act:

"Autism spectrum disorder" means a pervasive developmental disorder described by the American Psychiatric Association or the World Health Organization diagnostic manuals as an autistic disorder, atypical autism, Asperger Syndrome, Rett Syndrome, childhood disintegrative disorder, or pervasive developmental disorder not otherwise specified; or a special education classification for autism or other disabilities related to autism.

"Department" means the Department of Public Health.

"Director" means the Director of the Department of Public Health.

"Facility" means a governmental or private agency, department, institution, clinic, laboratory, hospital, or a health maintenance organization, association, or other similar unit designated by the Director.

"Health care professional" means a physician licensed to practice medicine in all of its branches under the Illinois Medical Practice Act of 1987 or a clinical psychologist licensed under the Clinical Psychologist Licensing Act.

Section 15. Reporting autism spectrum disorders. A health care professional who diagnoses any individual that resides in the State with an autism spectrum disorder shall report within 30 days the existence of an autism spectrum disorder diagnosis along with all such additional information as determined in rules promulgated pursuant to this Act. On or before September 1, 2005, the Department of Human Services, Department of Public Aid, and the State Board of Education shall report the existence and content of data compiled by them in the course of their duties pertaining to individuals with autism spectrum disorders. The annual reports shall be filed on January 1 of each year. The Director shall also promulgate rules and procedures allowing for individuals with autism spectrum disorder and their parents or guardians to voluntarily report their own diagnosis and information.

Section 20. Reports; contents, filing, availability for research and

New matter indicated by italics - deletions by strikeout
public inspection.

(a) The reports prescribed in Section 15 of this Act shall be designated an autism spectrum disorder report and shall contain information that the Director considers necessary to identify, locate, and investigate the occurrence, frequency, incidence, cause, effect, and prognosis of autism spectrum disorder and other relevant data and findings.

(b) The Director shall promulgate rules regarding the form, content, and manner of filing the report prescribed in Section 15 of this Act, which shall be submitted to the Department unless otherwise prescribed by the Director. Any rules promulgated by the Director shall contain a specific provision guaranteeing the maintenance of the physician-patient privilege and compliance with all provisions of the Genetic Information Privacy Act.

(c) Autism spectrum disorder reports and data shall be maintained by the Department in a manner suitable for use for research purposes and shall be made available to persons as prescribed in Section 25 of this Act.

(d) A report or other data relating to autism spectrum disorder that discloses the identity of an individual that was reported as having autism spectrum disorder shall be made available only to persons that demonstrate a need for the report or other data that is essential to health related research and complies with the Illinois Health Statistics Act. No report or data or portion of the data that discloses the identity of the individual or health care professional shall be made available to the public. This data shall be subject to the provisions of the Communicable Disease Report Act.

(e) Nothing in this Section shall mandate the Department to investigate or otherwise follow-up any reported incidence of autism spectrum disorder.

(f) Any person making a report under this Act shall have immunity from any liability, civil or criminal, that may result by reason of making the report, except for willful or wanton misconduct.

Section 25. Contracts; Autism Spectrum Disorder Registry. The Department may enter into contracts with individuals, corporations, hospitals, universities, not-for-profit corporations, governmental entities, or other organizations whereby such individuals, organizations, or agencies agree to provide assistance in the compilation of the Autism Spectrum Disorder Registry or to conduct research on behalf of the Department consistent with the purposes of this Act. The Director shall adopt rules governing such contracts, which shall include: (i) requirements for a written protocol outlining the purpose and public benefit of the research; (ii) the description, methods, and projected results of the research; (iii) peer review by other
scientists; (iv) the methods and facilities to protect the confidentiality of the data; and (v) the qualifications of the researcher proposing to undertake the research.

Section 30. Annual progress reports. The Department shall annually report to the General Assembly beginning September 1, 2005. Beginning January 1, 2006, the Department shall provide annual progress reports to the Governor and the General Assembly by January 1 of each year. The annual report shall include information on the progress of the Autism Spectrum Disorder Registry, as well as descriptions of any studies which are underway or have been completed, including those performed to determine the potential public health significance of an increase in autism incidence, together with any findings and recommendations. The annual report shall also include a list of those persons, organizations, and agencies which have refused to cooperate with the Department in the collection or transmission of information under this Act.

Section 35. Implementation. The Director shall promulgate rules to implement this Act which fosters the study, research, diminution, and control of autism spectrum disorders in this State. This Act shall be subject to appropriation.


PUBLIC ACT 94-0633
(Senate Bill No. 1935)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by adding Section 2505-745 as follows:

(20 ILCS 2505/2505-745 new)

Sec. 2505-745. Annual report.

(a) The Department must prepare an annual report listing all revenue and fee collections of the Department for the prior fiscal year. The report must be sufficiently itemized to identify the type and source of each collection. The requirement to report all revenue and fee collections applies

New matter indicated by italics - deletions by strikeout
to all taxes and fees administered by the Department.

(b) No later than January 1 of each year, the Department must submit the annual report to the Governor and the General Assembly and make an electronic copy of the report available on its Internet website.


PUBLIC ACT 94-0634
(House Bill No. 2380)

AN ACT in relation to public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Arthritis Prevention, Control, and Cure Act.

Section 5. Findings and purposes.
(a) Findings. The legislature hereby finds the following:

(1) Arthritis encompasses more than 100 diseases and conditions that affect joints, the surrounding tissues, and other connective tissues.

(2) One of the most common family of diseases in the United States, arthritis or chronic joint symptoms affect nearly one of every 3 Americans.

(3) Arthritis is the leading cause of disability in the United States, limiting daily activities for more than 7,000,000 citizens.

(4) Although prevailing myths inaccurately portray arthritis as an old person's disease, arthritis is a multi-generational disease that has become one of the country's most pressing public health problems.

(5) This disease has a significant impact on quality of life not only for the individual who experiences its painful symptoms and resulting disability, but also for family members and caregivers.

(6) Compounding this picture are the enormous economic and social costs associated with treating arthritis and its complications, which are estimated at almost $86,000,000,000 annually.

(7) Currently, the challenge exists to ensure delivery of effective, but often underutilized, interventions that are necessary in

New matter indicated by italics - deletions by strikeout
the prevention or reduction of arthritis-related pain and disability.

(8) Although there exists a large quantity of public information and programs about arthritis, it remains inadequately disseminated and insufficient in addressing the needs of specific diverse populations and other underserved groups.

(9) The Arthritis Foundation, the Centers for Disease Control and Prevention (CDC), and the Association of State and Territorial Health Officials have led the development of a public health strategy, the National Arthritis Action Plan, to respond to this challenge.

(10) Educating the public and health care community throughout the State about this devastating disease is of paramount importance and is in every respect in the public interest and to the benefit of all residents of this State.

(b) Purposes. The purposes of this Act are:

(1) To create and foster a statewide program that promotes public awareness and increases knowledge about the causes of arthritis, the importance of early diagnosis and appropriate management, effective prevention strategies, and pain prevention and management.

(2) To develop knowledge and enhance understanding of arthritis by disseminating educational materials and information on research results, services provided, and strategies for prevention and control to patients, health professionals, and the public.

(3) To establish a solid scientific base of knowledge on the prevention of arthritis and related disability through surveillance, epidemiology, and prevention research.

(4) To utilize educational and training resources and services developed by organizations with appropriate expertise and knowledge of arthritis and to use available technical assistance.

(5) To evaluate the need for improving the quality and accessibility of existing community-based arthritis services.

(6) To heighten awareness about the prevention, detection, and treatment of arthritis among State and local health and human services officials, health professionals and providers, and policy makers.

(7) To implement and coordinate State and local programs and services to reduce the public health burden of arthritis.

(8) To adequately fund these programs on a State level.

(9) To provide lasting improvements in the delivery of health

New matter indicated by italics - deletions by strikeout
care for individuals with arthritis and their families, thus improving their quality of life while also containing health care costs.

Section 10. Arthritis Prevention, Control, and Cure Program.

(a) The Department of Public Health shall establish, promote, and maintain an Arthritis Prevention, Control, and Cure Program to raise public awareness, educate consumers, and educate and train health professionals, teachers, and human services providers, and for other purposes. The program shall include the following components:

(1) Needs assessment. The Department of Public Health shall conduct a needs assessment to identify the following:

(A) Epidemiological and other public health research being conducted within the State.

(B) Available technical assistance and educational materials and programs nationwide and within the State.

(C) The level of public and professional arthritis awareness.

(D) The needs of people with arthritis and their families and caregivers.

(E) Educational and support service needs of health care providers, including physicians, nurses, managed care organizations, and other health care providers.

(F) The services available to a person with arthritis.

(G) The existence of arthritis treatment, self-management, physical activity, and other education programs.

(H) The existence of rehabilitation services.

(2) Advisory Council on Arthritis. The Department of Public Health shall establish and coordinate an Advisory Council on Arthritis to provide non-governmental input regarding the Arthritis Prevention, Control, and Cure Program. Membership of the Council must include, but need not be limited to, persons with arthritis, public health educators, medical experts on arthritis, providers of arthritis health care, persons knowledgeable in health promotion and education, and representatives of national arthritis organizations and their local chapters.

(3) Public awareness. The Department of Public Health shall use, but is not limited to, strategies consistent with the National Arthritis Action Plan and existing State planning efforts to raise public awareness and knowledge on the causes and nature of arthritis, personal risk factors, the value of prevention and early detection,
ways to minimize preventable pain, and options for diagnosing and treating the disease.

(4) Technical assistance. The Department of Public Health may replicate and use successful arthritis programs and enter into contracts with or purchase materials or services from entities with appropriate expertise for services and materials that are necessary to carry out the goals of the Arthritis Prevention, Control, and Cure Program. The Department may enter into agreements with one or more national organizations with expertise in arthritis to implement parts of the Arthritis Prevention, Control, and Cure Program.

(b) In addition to the components described in subsection (a), the Arthritis Prevention, Control, and Cure Program shall include a pilot program for the study of arthritis public health innovation projects. Under the pilot program, the Department of Public Health may give grants to academic organizations or to public or community health organizations to conduct the study or studies. The Department shall review all grant applications, in collaboration with the Arthritis Foundation and the Illinois Arthritis Partnership. Under the pilot program, the Department of Public Health also may fund community health projects for the following activities: surveillance, awareness campaigns, public education, professional education, screenings, and physical activity programs. The Department of Public Health, in coordination with selected grantees, shall evaluate the success of the community health projects and their outcomes.

(c) The Department of Public Health shall do all of the following:

(1) Provide sufficient staff to implement the Arthritis Prevention, Control, and Cure Program.

(2) Provide appropriate training for staff of the Arthritis Prevention, Control, and Cure Program.

(3) Identify the appropriate organizations to carry out the program.

(4) Base the program on the most current scientific information and findings.

(5) Work to increase and improve community-based services available to people with arthritis and their family members.

(6) Work with governmental offices, national voluntary health organizations and their local chapters, community and business leaders, community organizations, and health care and human services providers to coordinate efforts and maximize State resources in the areas of prevention, education, detection, pain management,

New matter indicated by italics - deletions by strikeout
and treatment of arthritis.

(7) Identify and, when appropriate, use evidence-based arthritis programs and obtain related materials and services from organizations with appropriate expertise and knowledge of arthritis.

Section 15. Funding. The Department of Public Health may accept grants, services, and property from the federal government, foundations, organizations, medical schools, and other entities that may be available for the purposes of fulfilling the obligations of the Arthritis Prevention, Control, and Cure Program.

Section 20. Waivers. The Department of Public Health shall seek all waivers of federal law and regulations that may be necessary to maximize funds from the federal government to implement the Arthritis Prevention, Control, and Cure Program.

Section 25. Implementation subject to appropriation. Implementation of this Act is subject to appropriation.

Approved August 22, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0635
(Senate Bill No. 2060)

AN ACT concerning military personnel, which may be referred to as the Illinois Patriot Plan.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Military Personnel Cellular Phone Contract Termination Act.

Section 5. Definition. In this Act:
"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.
"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

Section 10. Termination of cellular phone contract without penalty. Any service member who is deployed on active duty, or the spouse of that service member, may terminate, without penalty, a cellular phone contract that meets both of the following requirements:

(1) The contract is entered into on or after the effective date

New matter indicated by italics - deletions by strikeout
of this Act.

(2) The contract is executed by or on behalf of the service member who is deployed on active duty.

Section 15. Effective date of termination. Termination of the cellular phone contract shall not be effective until:

(1) thirty days after the service member who is deployed on active duty or the service member's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the cellular phone contract together with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty; and

(2) unless the service member who is deployed on active duty owns the cellular phone, the cellular phone is returned to the custody or control of the cellular telephone company, or the service member who is deployed on active duty or the service member's spouse agrees in writing to return the cellular phone as soon as practical after the deployment is completed.

Section 900. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by adding Section 405-272 as follows:

(20 ILCS 405/405-272 new)

Sec. 405-272. Bulk long distance telephone services for military personnel on active duty.

(a) In this Section:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Immediate family" means a service member's spouse residing in the service member's household, brothers and sisters of the whole or of the half blood, children, including adopted children and stepchildren, parents, and grandparents.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) The Department may enter into a contract to purchase bulk long distance telephone services and make them available at cost, or may make bulk long distance telephone services available at cost under any existing contract the Department has entered into, to persons in the immediate family of service members deployed on active duty so that those persons in the

New matter indicated by italics - deletions by strikeout
service members' families can communicate with the service members so deployed. If the Department enters into a contract under this Section, it shall do so in accordance with the Illinois Procurement Code and in a nondiscriminatory manner that does not place any potential vendor at a competitive disadvantage.

(c) In order to be eligible to use bulk long distance telephone services purchased by the Department under this Section, a service member or person in the service member's immediate family must provide the Department with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

(d) If the Department enters into a contract under this Section, the Department shall adopt rules as necessary to implement this Section.

Section 902. The Illinois Municipal Code is amended by adding Section 11-117-12.2 as follows:

(65 ILCS 5/11-117-12.2 new)
Sec. 11-117-12.2. Military personnel on active duty; no stoppage of gas or electricity; arrearage.

(a) In this Section:
"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.
"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) No municipality owning a public utility shall stop gas or electricity from entering the residential premises of which a service member was a primary occupant immediately before the service member was deployed on active duty for nonpayment for gas or electricity supplied to the residential premises.

(c) Upon the return from active duty of a residential consumer who is a service member, the municipality shall offer the residential consumer a period equal to at least the period of the residential consumer's deployment on active duty to pay any arrearages incurred during the period of the residential consumer's deployment. The municipality shall inform the residential consumer that, if the period the municipality offers presents a hardship to the consumer, the consumer may request a longer period to pay the arrearages.

(d) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the municipality with a

New matter indicated by italics - deletions by strikeout
copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

Section 905. The Illinois Insurance Code is amended by adding Section 224.05 as follows:

(215 ILCS 5/224.05 new)

Sec. 224.05. Military personnel on active duty; no lapse of life insurance policy.

(a) Except as provided in subsection (b), this Section shall apply to any individual life insurance policy insuring the life of a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard who is on active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor, if the life insurance policy meets both of the following conditions:

(1) The policy has been in force for at least 180 days.
(2) The policy has been brought within the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. App. 541 and following.

(b) This Section does not apply to any policy that was cancelled or that had lapsed for the nonpayment of premiums prior to the commencement of the insured's period of military service.

(c) An individual life insurance policy described in this Section shall not lapse or be forfeited for the nonpayment of premiums during the military service of a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard or during the 2-year period subsequent to the end of the member's period of military service.

(d) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the life insurance company with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

(e) This Section does not limit a life insurance company's enforcement of provisions in the insured's policy relating to naval or military service in time of war.

Section 910. The Public Utilities Act is amended by adding Section 8-201.5 as follows:

(220 ILCS 5/8-201.5 new)

Sec. 8-201.5. Military personnel on active duty; no stoppage of gas

New matter indicated by italics - deletions by strikeout
or electricity; arrearage.

(a) In this Section:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) No company or electric cooperative shall stop gas or electricity from entering the residential premises of which a service member was a primary occupant immediately before the service member was deployed on active duty for nonpayment for gas or electricity supplied to the residential premises.

(c) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the company or electric cooperative with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

(d) Upon the return from active duty of a residential consumer who is a service member, the company or electric cooperative shall offer the residential consumer a period equal to at least the period of deployment on active duty to pay any arrearages incurred during the period of the residential consumer's deployment. The company or electric cooperative shall inform the residential consumer that, if the period that the company or electric cooperative offers presents a hardship to the consumer, the consumer may request a longer period to pay the arrearages and, in the case of a company that is a public utility, may request the assistance of the Illinois Commerce Commission to obtain a longer period. No late payment fees or interest shall be charged to the residential consumer during the period of deployment or the repayment period.

Section 915. The Code of Civil Procedure is amended by adding Section 9-107.10 as follows:

(735 ILCS 5/9-107.10 new)

Sec. 9-107.10. Military personnel on active duty; action for possession.

(a) In this Section:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Service member" means a member of the armed services or reserve
forces of the United States or a member of the Illinois National Guard.

(b) In an action for possession of residential premises of a tenant, including a tenant who is a resident of a mobile home park, who is a service member deployed on active duty, or of any member of the tenant’s family who resides with the tenant, if the tenant entered into the rental agreement on or after the effective date of this amendatory Act of the 94th General Assembly, the court may, on its own motion, and shall, upon motion made by or on behalf of the tenant, do either of the following if the tenant’s ability to pay the agreed rent is materially affected by the tenant’s deployment on active duty:

(1) Stay the proceedings for a period of 90 days, unless, in the opinion of the court, justice and equity require a longer or shorter period of time.

(2) Adjust the obligation under the rental agreement to preserve the interest of all parties to it.

(c) In order to be eligible for the benefits granted to service members under this Section, a service member or a member of the service member’s family who resides with the service member must provide the landlord or mobile home park operator with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member’s period of active duty.

(d) If a stay is granted under this Section, the court may grant the landlord or mobile home park operator such relief as equity may require.

Section 920. The Interest Act is amended by changing Section 4 and by adding Section 4.05 as follows:

(815 ILCS 205/4) (from Ch. 17, par. 6404)

Sec. 4. General interest rate.

(1) Except as otherwise provided in this Section 4.05, in all written contracts it shall be lawful for the parties to stipulate or agree that 9% per annum, or any less sum of interest, shall be taken and paid upon every $100 of money loaned or in any manner due and owing from any person to any other person or corporation in this state, and after that rate for a greater or less sum, or for a longer or shorter time, except as herein provided.

The maximum rate of interest that may lawfully be contracted for is determined by the law applicable thereto at the time the contract is made. Any provision in any contract, whether made before or after July 1, 1969, which provides for or purports to authorize, contingent upon a change in the Illinois law after the contract is made, any rate of interest greater than the maximum lawful rate at the time the contract is made, is void.

It is lawful for a state bank or a branch of an out-of-state bank, as

New matter indicated by italics - deletions by strikeout
those terms are defined in Section 2 of the Illinois Banking Act, to receive or to contract to receive and collect interest and charges at any rate or rates agreed upon by the bank or branch and the borrower. It is lawful for a savings bank chartered under the Savings Bank Act or a savings association chartered under the Illinois Savings and Loan Act of 1985 to receive or contract to receive and collect interest and charges at any rate agreed upon by the savings bank or savings association and the borrower.

It is lawful to receive or to contract to receive and collect interest and charges as authorized by this Act and as authorized by the Consumer Installment Loan Act and by the "Consumer Finance Act", approved July 10, 1935, as now or hereafter amended. It is lawful to charge, contract for, and receive any rate or amount of interest or compensation with respect to the following transactions:

(a) Any loan made to a corporation;
(b) Advances of money, repayable on demand, to an amount not less than $5,000, which are made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds or other negotiable instruments pledged as collateral security for such repayment, if evidenced by a writing;
(c) Any credit transaction between a merchandise wholesaler and retailer; any business loan to a business association or copartnership or to a person owning and operating a business as sole proprietor or to any persons owning and operating a business as joint venturers, joint tenants or tenants in common, or to any limited partnership, or to any trustee owning and operating a business or whose beneficiaries own and operate a business, except that any loan which is secured (1) by an assignment of an individual obligor's salary, wages, commissions or other compensation for services, or (2) by his household furniture or other goods used for his personal, family or household purposes shall be deemed not to be a loan within the meaning of this subsection; and provided further that a loan which otherwise qualifies as a business loan within the meaning of this subsection shall not be deemed as not so qualifying because of the inclusion, with other security consisting of business assets of any such obligor, of real estate occupied by an individual obligor solely as his residence. The term "business" shall be deemed to mean a commercial, agricultural or industrial enterprise which is carried on for the purpose of investment or profit, but shall not be deemed to mean the ownership or maintenance of real estate occupied by an

New matter indicated by italics - deletions by strikeout
individual obligor solely as his residence;

(d) Any loan made in accordance with the provisions of Subchapter I of Chapter 13 of Title 12 of the United States Code, which is designated as "Housing Renovation and Modernization";

(e) Any mortgage loan insured or upon which a commitment to insure has been issued under the provisions of the National Housing Act, Chapter 13 of Title 12 of the United States Code;

(f) Any mortgage loan guaranteed or upon which a commitment to guaranty has been issued under the provisions of the Veterans' Benefits Act, Subchapter II of Chapter 37 of Title 38 of the United States Code;

(g) Interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, or registered under the Illinois Securities Law of 1953, approved July 13, 1953, as now or hereafter amended, on a debit balance in an account for a customer if such debit balance is payable at will without penalty and is secured by securities as defined in Uniform Commercial Code-Investment Securities;

(h) Any loan made by a participating bank as part of any loan guarantee program which provides for loans and for the refinancing of such loans to medical students, interns and residents and which are guaranteed by the American Medical Association Education and Research Foundation;

(i) Any loan made, guaranteed, or insured in accordance with the provisions of the Housing Act of 1949, Subchapter III of Chapter 8A of Title 42 of the United States Code and the Consolidated Farm and Rural Development Act, Subchapters I, II, and III of Chapter 50 of Title 7 of the United States Code;

(j) Any loan by an employee pension benefit plan, as defined in Section 3 (2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an individual participating in such plan, provided that such loan satisfies the prohibited transaction exemption requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d) (1)) of the Employee Retirement Income Security Act of 1974;

(k) Written contracts, agreements or bonds for deed providing for installment purchase of real estate;

(1) Loans secured by a mortgage on real estate;

(m) Loans made by a sole proprietorship, partnership, or

New matter indicated by italics - deletions by strikeout
corporation to an employee or to a person who has been offered employment by such sole proprietorship, partnership, or corporation made for the sole purpose of transferring an employee or person who has been offered employment to another office maintained and operated by the same sole proprietorship, partnership, or corporation;

(n) Loans to or for the benefit of students made by an institution of higher education.

(2) Except for loans described in subparagraph (a), (c), (d), (e), (f) or (i) of subsection (1) of this Section, and except to the extent permitted by the applicable statute for loans made pursuant to Section 4a or pursuant to the Consumer Installment Loan Act:

(a) Whenever the rate of interest exceeds 8% per annum on any written contract, agreement or bond for deed providing for the installment purchase of residential real estate, or on any loan secured by a mortgage on residential real estate, it shall be unlawful to provide for a prepayment penalty or other charge for prepayment.

(b) No agreement, note or other instrument evidencing a loan secured by a mortgage on residential real estate, or written contract, agreement or bond for deed providing for the installment purchase of residential real estate, may provide for any change in the contract rate of interest during the term thereof. However, if the Congress of the United States or any federal agency authorizes any class of lender to enter, within limitations, into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, any person, firm, corporation or other entity not otherwise prohibited from entering into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, within the same limitations.

(3) In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on which the total indebtedness, with the exception of late payment penalties, is paid in full.

For purposes of this Section, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if

New matter indicated by italics - deletions by strikeout
incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to 1/360 of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act, but shall not apply to contracts or loans entered into on or after that date that are subject to Section 4a of this Act, the Consumer Installment Loan Act, or the Retail Installment Sales Act, or that provide for the refund of precomputed interest on prepayment in the manner provided by such Act.

(815 ILCS 205/4.05 new)

Sec. 4.05. Military personnel on active duty; limitation on interest rate.

(a) In this Section:
"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Obligation" means any retail installment sales contract, other contract for the purchase of goods or services, or bond, note, or other instrument of writing for the payment of money arising out of a contract or other transaction for the purchase of goods or services.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) Notwithstanding any contrary provision of State law, but subject to the federal Servicemembers Civil Relief Act, no creditor in connection with an obligation entered into on or after the effective date of this amendatory Act of the 94th General Assembly, but prior to a service member's
deployment on active duty, shall charge or collect from a service member who is deployed on active duty, or the spouse of that service member, interest or finance charges exceeding 6% per annum during the period that the service member is deployed on active duty.

(c) Notwithstanding any contrary provision of law, interest or finance charges in excess of 6% per annum that otherwise would be incurred but for the prohibition in subsection (b) are forgiven.

(d) The amount of any periodic payment due from a service member who is deployed on active duty, or the spouse of that service member, under the terms of the obligation shall be reduced by the amount of the interest and finance charges forgiven under subsection (c) that is allocable to the period for which the periodic payment is made.

(e) In order for an obligation to be subject to the interest and finance charges limitation of this Section, the service member deployed on active duty, or the spouse of that service member, shall provide the creditor with written notice of and a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty, not later than 180 days after the date of the service member's termination of or release from active duty.

(f) Upon receipt of the written notice and a copy of the orders referred to in subsection (e), the creditor shall treat the obligation in accordance with subsection (b), effective as of the date on which the service member is deployed to active duty.

(g) A court may grant a creditor relief from the interest and finance charges limitation of this Section, if, in the opinion of the court, the ability of the service member deployed on active duty, or the spouse of that service member, to pay interest or finance charges with respect to the obligation at a rate in excess of 6% per annum is not materially affected by reason of the service member's deployment on active duty.

Section 925. The Motor Vehicle Leasing Act is amended by adding Section 37 as follows:

(815 ILCS 636/37 new)
Sec. 37. Military personnel on active duty; termination of lease.
(a) In this Act:
"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.
"Motor vehicle" means any automobile, car minivan, passenger van, sport utility vehicle, pickup truck, or other self-propelled vehicle not operated

New matter indicated by italics - deletions by strikeout
or driven on fixed rails or track.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) Any service member who is deployed on active duty for a period of not less than 180 days, or the spouse of that service member, may terminate any motor vehicle lease that meets both of the following requirements:

(1) The lease is entered into on or after the effective date of this amendatory Act of the 94th General Assembly.

(2) The lease is executed by or on behalf of the service member who is deployed on active duty.

(c) Termination of the motor vehicle lease shall not be effective until:

(1) the service member who is deployed on active duty, or the service member's spouse, gives the lessor by certified mail, return receipt requested, a notice of the intention to terminate the lease together with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty; and

(2) the motor vehicle subject to the lease is returned to the custody or control of the lessor not later than 15 days after the delivery of the written notice.

(d) Lease amounts unpaid for the period preceding the effective date of the lease's termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, costs of summons, and title or registration fees and any other obligation and liability of the lessee under the terms of the lease, including reasonable charges to the lessee for excess wear, use, and mileage, that are due and unpaid at the time of the lease's termination shall be paid by the lessee.

(e) The lessor shall refund to the lessee lease amounts paid in advance for a period after the effective date of the lease's termination within 30 days after the effective date of the lease's termination.

(f) Upon application by the lessor to a court before the effective date of the lease's termination, relief granted by this Section may be modified as justice and equity require.

PUBLIC ACT 94-0636  
(Senate Bill No. 1964)

AN ACT in relation to transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Toll Highway Act is amended by changing Sections 10, 11, 17, 23, and 27.1 and by adding Sections 16.2, 16.3, and 27.2 as follows:

(605 ILCS 10/10) (from Ch. 121, par. 100-10)
Sec. 10. The Authority shall have power:
(a) To pass resolutions, make by-laws, rules and regulations for the management, regulation and control of its affairs, and to fix tolls, and to make, enact and enforce all needful rules and regulations in connection with the construction, operation, management, care, regulation or protection of its property or any toll highways, constructed or reconstructed hereunder.
(a-5) To fix, assess, and collect civil fines for a vehicle's operation on a toll highway without the required toll having been paid. The Authority may establish by rule a system of civil administrative adjudication to adjudicate only alleged instances of a vehicle's operation on a toll highway without the required toll having been paid, as detected by the Authority's video or photo surveillance system. In cases in which the operator of the vehicle is not the registered vehicle owner, the establishment of ownership of the vehicle creates a rebuttable presumption that the vehicle was being operated by an agent of the registered vehicle owner. If the registered vehicle owner liable for a violation under this Section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator in the circuit court. Rules establishing a system of civil administrative adjudication must provide for written notice, by first class mail or other means provided by law, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease, of the alleged violation and an opportunity to be heard on the question of the violation and must provide for the establishment of a toll-free telephone number to receive inquiries concerning alleged violations. The notice shall also inform the registered vehicle owner that failure to contest in the manner and time provided shall be deemed an admission of liability and that a final order of liability may be entered on that admission. A duly authorized agent of the Authority may perform or execute

New matter indicated by italics - deletions by strikeout
the preparation, certification, affirmation, or mailing of the notice. A notice of violation, sworn or affirmed to or certified by a duly authorized agent of the Authority, or a facsimile of the notice, based upon an inspection of photographs, microphotographs, videotape, or other recorded images produced by a video or photo surveillance system, shall be admitted as prima facie evidence of the correctness of the facts contained in the notice or facsimile. Only civil fines, along with the corresponding outstanding toll, and costs may be imposed by administrative adjudication. A fine may be imposed under this paragraph only if a violation is established by a preponderance of the evidence. Judicial review of all final orders of the Authority under this paragraph shall be conducted in the circuit court of the county in which the administrative decision was rendered in accordance with the Administrative Review Law.

Any outstanding toll, fine, additional late payment fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law are a debt due and owing the Authority and may be collected in accordance with applicable law. After expiration of the period in which judicial review under the Administrative Review Law may be sought, unless stayed by a court of competent jurisdiction, a final order of the Authority under this subsection (a-5) may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Notwithstanding any other provision of this Act, the Authority may, with the approval of the Attorney General, retain a law firm or law firms with expertise in the collection of government fines and debts for the purpose of collecting fines, costs, and other moneys due under this subsection (a-5).

A system of civil administrative adjudication may also provide for a program of vehicle immobilization, tow, or impoundment for the purpose of facilitating enforcement of any final order or orders of the Authority under this subsection (a-5) that result in a finding or liability for 5 or more violations after expiration of the period in which judicial review under the Administrative Review Law may be sought. The registered vehicle owner of a vehicle immobilized, towed, or impounded for nonpayment of a final order of the Authority under this subsection (a-5) shall have the right to request a hearing before the Authority’s civil administrative adjudicatory system to challenge the validity of the immobilization, tow, or impoundment. This hearing, however, shall not constitute a readjudication of the merits of previously adjudicated notices. Judicial review of all final orders of the

New matter indicated by italics - deletions by strikeout
Authority under this subsection (a-5) shall be conducted in the circuit court of the county in which the administrative decision was rendered in accordance with the Administrative Review Law.

No commercial entity that is the lessor of a vehicle under a written lease agreement shall be liable for an administrative notice of violation for toll evasion issued under this subsection (a-5) involving that vehicle during the period of the lease if the lessor provides a copy of the leasing agreement to the Authority within 21 days of the issue date on the notice of violation. The leasing agreement also must contain a provision or addendum informing the lessee that the lessee is liable for payment of all tolls and any fines for toll evasion. Each entity must also post a sign at the leasing counter notifying the lessee of that liability. The copy of the leasing agreement provided to the Authority must contain the name, address, and driver's license number of the lessee, as well as the check-out and return dates and times of the vehicle and the vehicle license plate number and vehicle make and model.

As used in this subsection (a-5), "lessor" includes commercial leasing and rental entities but does not include public passenger vehicle entities.

The Authority shall establish an amnesty program for violations adjudicated under this subsection (a-5). Under the program, any person who has an outstanding notice of violation for toll evasion or a final order of a hearing officer for toll evasion dated prior to the effective date of this amendatory Act of the 94th General Assembly and who pays to the Authority the full percentage amounts listed in this paragraph remaining due on the notice of violation or final order of the hearing officer and the full fees and costs paid by the Authority to the Secretary of State relating to suspension proceedings, if applicable, on or before 5:00 p.m., Central Standard Time, of the 60th day after the effective date of this amendatory Act of the 94th General Assembly shall not be required to pay more than the listed percentage of the original fine amount and outstanding toll as listed on the notice of violation or final order of the hearing officer and the full fees and costs paid by the Authority to the Secretary of State relating to suspension proceedings, if applicable. The payment percentage scale shall be as follows: a person with 25 or fewer violations shall be eligible for amnesty upon payment of 50% of the original fine amount and the outstanding tolls; a person with more than 25 but fewer than 51 violations shall be eligible for amnesty upon payment of 60% of the original fine amount and the outstanding tolls; and a person with 51 or more violations shall be eligible for amnesty upon payment of 75% of the original fine amount and the outstanding tolls. In such a situation, the Executive Director of the Authority...
or his or her designee is authorized and directed to waive any late fine amount above the applicable percentage of the original fine amount. Partial payment of the amount due shall not be a basis to extend the amnesty payment deadline nor shall it act to relieve the person of liability for payment of the late fine amount. In order to receive amnesty, the full amount of the applicable percentage of the original fine amount and outstanding toll remaining due on the notice of violation or final order of the hearing officer and the full fees and costs paid by the Authority to the Secretary of State relating to suspension proceedings, if applicable, must be paid in full by 5:00 p.m., Central Standard Time, of the 60th day after the effective date of this amendatory Act of the 94th General Assembly. This amendatory Act of the 94th General Assembly has no retroactive effect with regard to payments already tendered to the Authority that were full payments or payments in an amount greater than the applicable percentage, and this Act shall not be the basis for either a refund or a credit. This amendatory Act of the 94th General Assembly does not apply to toll evasion citations issued by the Illinois State Police or other authorized law enforcement agencies and for which payment may be due to or through the clerk of the circuit court. The Authority shall adopt rules as necessary to implement the provisions of this amendatory Act of the 94th General Assembly. The Authority, by a resolution of the Board of Directors, shall have the discretion to implement similar amnesty programs in the future. The Authority, at its discretion and in consultation with the Attorney General, is further authorized to settle an administrative fine or penalty if it determines that settling for less than the full amount is in the best interests of the Authority after taking into account the following factors: (1) the merits of the Authority’s claim against the respondent; (2) the amount that can be collected relative to the administrative fine or penalty owed by the respondent; (3) the cost of pursuing further enforcement or collection action against the respondent; (4) the likelihood of collecting the full amount owed; and (5) the burden on the judiciary. The provisions in this Section may be extended to other toll facilities in the State of Illinois through a duly executed agreement between the Authority and the operator of the toll facility.

(b) To prescribe rules and regulations applicable to traffic on highways under the jurisdiction of the Authority, concerning:

(1) Types of vehicles permitted to use such highways or parts thereof, and classification of such vehicles;

(2) Designation of the lanes of traffic to be used by the different types of vehicles permitted upon said highways;

New matter indicated by italics - deletions by strikeout
(3) Stopping, standing, and parking of vehicles;

(4) Control of traffic by means of police officers or traffic control signals;

(5) Control or prohibition of processions, convoys, and assemblages of vehicles and persons;

(6) Movement of traffic in one direction only on designated portions of said highways;

(7) Control of the access, entrance, and exit of vehicles and persons to and from said highways; and

(8) Preparation, location and installation of all traffic signs; and to prescribe further rules and regulations applicable to such traffic, concerning matters not provided for either in the foregoing enumeration or in the Illinois Vehicle Code. Notice of such rules and regulations shall be posted conspicuously and displayed at appropriate points and at reasonable intervals along said highways, by clearly legible markers or signs, to provide notice of the existence of such rules and regulations to persons traveling on said highways. At each toll station, the Authority shall make available, free of charge, pamphlets containing all of such rules and regulations.

(c) The Authority, in fixing the rate for tolls for the privilege of using the said toll highways, is authorized and directed, in fixing such rates, to base the same upon annual estimates to be made, recorded and filed with the Authority. Said estimates shall include the following: The estimated total amount of the use of the toll highways; the estimated amount of the revenue to be derived therefrom, which said revenue, when added to all other receipts and income, will be sufficient to pay the expense of maintaining and operating said toll highways, including the administrative expenses of the Authority, and to discharge all obligations of the Authority as they become due and payable.

(d) To accept from any municipality or political subdivision any lands, easements or rights in land needed for the operation, construction, relocation or maintenance of any toll highways, with or without payment therefor, and in its discretion to reimburse any such municipality or political subdivision out of its funds for any cost or expense incurred in the acquisition of land, easements or rights in land, in connection with the construction and relocation of the said toll highways, widening, extending roads, streets or avenues in connection therewith, or for the construction of any roads or streets forming extension to and connections with or between any toll highways, or for the cost or expense of widening, grading, surfacing or
improving any existing streets or roads or the construction of any streets and roads forming extensions of or connections with any toll highways constructed, relocated, operated, maintained or regulated hereunder by the Authority. Where property owned by a municipality or political subdivision is necessary to the construction of an approved toll highway, if the Authority cannot reach an agreement with such municipality or political subdivision and if the use to which the property is being put in the hands of the municipality or political subdivision is not essential to the existence or the administration of such municipality or political subdivision, the Authority may acquire the property by condemnation.

(Source: P.A. 89-120, eff. 7-7-95.)

(605 ILCS 10/11) (from Ch. 121, par. 100-11)
Sec. 11. The Authority shall have power:
(a) To enter upon lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations as may be necessary, expedient or convenient for the purposes of this Act, and such entry shall not be deemed to be a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending; provided, however, that the Authority shall make reimbursement for any actual damage resulting to such lands, waters and premises as the result of such activities.

(b) To construct, maintain and operate stations for the collection of tolls or charges upon and along any toll highways.

(c) To provide for the collection of tolls and charges for the privilege of using the said toll highways. Before it adopts an increase in the rates for toll, the Authority shall hold a public hearing at which any person may appear, express opinions, suggestions, or objections, or direct inquiries relating to the proposed increase. Any person may submit a written statement to the Authority at the hearing, whether appearing in person or not. The hearing shall be held in the county in which the proposed increase of the rates is to take place. The Authority shall give notice of the hearing by advertisement on 3 successive days at least 15 days prior to the date of the hearing in a daily newspaper of general circulation within the county within which the hearing is held. The notice shall state the date, time, and place of the hearing, shall contain a description of the proposed increase, and shall specify how interested persons may obtain copies of any reports, resolutions, or certificates describing the basis on which the proposed change, alteration, or modification was calculated. After consideration of any statements filed or oral opinions, suggestions, objections, or inquiries made at the hearing, the

New matter indicated by italics - deletions by strikeout
Authority may proceed to adopt the proposed increase of the rates for toll. No change or alteration in or modification of the rates for toll shall be effective unless at least 30 days prior to the effective date of such rates notice thereof shall be given to the public by publication in a newspaper of general circulation, and such notice, or notices, thereof shall be posted and publicly displayed at each and every toll station upon or along said toll highways.

(d) To construct, at the Authority's discretion, grade separations at intersections with any railroads, waterways, street railways, streets, thoroughfares, public roads or highways intersected by the said toll highways, and to change and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separation and to construct interchange improvements. The Authority is authorized to provide such grade separations or interchange improvements at its own cost or to enter into contracts or agreements with reference to division of cost therefor with any municipality or political subdivision of the State of Illinois, or with the Federal Government, or any agency thereof, or with any corporation, individual, firm, person or association. Where such structures have been built by the Authority and a local highway agency did not enter into an agreement to the contrary, the Authority shall maintain the entire structure, including the road surface, at the Authority's expense.

(e) To contract with and grant concessions to or lease or license to any person, partnership, firm, association or corporation so desiring the use of any part of any toll highways, excluding the paved portion thereof, but including the right of way adjoining, under, or over said paved portion for the placing of telephone, telegraph, electric, power lines and other utilities, and for the placing of pipe lines, and to enter into operating agreements with or to contract with and grant concessions to or to lease to any person, partnership, firm, association or corporation so desiring the use of any part of the toll highways, excluding the paved portion thereof, but including the right of way adjoining, or over said paved portion for motor fuel service stations and facilities, garages, stores and restaurants, or for any other lawful purpose, and to fix the terms, conditions, rents, rates and charges for such use.

The Authority shall also have power to establish reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called public utilities) of any public utility as defined in the Public Utilities Act along, over or under any toll road project. Whenever the Authority shall determine that it is necessary that any such public utility facilities which now are located in, on, along, over

New matter indicated by italics - deletions by strikeout
or under any project or projects be relocated or removed entirely from any such project or projects, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Authority. All costs and expenses of such relocation or removal, including the cost of installing such facilities in a new location or locations, and the cost of any land or lands, or interest in land, or any other rights required to accomplish such relocation or removal shall be ascertained and paid by the Authority as a part of the cost of any such project or projects, and further, there shall be no rent, fee or other charge of any kind imposed upon the public utility owning or operating any facilities ordered relocated on the properties of the said Authority and the said Authority shall grant to the said public utility owning or operating said facilities and its successors and assigns the right to operate the same in the new location or locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate such facilities in their former location or locations.

(f) To enter into an intergovernmental agreement or contract with a unit of local government or other public or private entity for the collection, enforcement, and administration of tolls, fees, revenue, and violations.

(Source: P.A. 90-681, eff. 7-31-98.)

(605 ILCS 10/16.2 new)

Sec. 16.2. Financial benefit prohibited.

(a) A director, employee, or agent of the Authority may not receive a financial benefit from a contract let by the Authority during his or her term of service with the Authority and for a period of one year following the termination of his or her term of service as a director of the Authority or as an employee or agent of the Authority.

(b) A member of the immediate family or household of a director, employee, or agent of the Authority may not receive a financial benefit from a contract let by the Authority during the immediate family or household member's term of service with the Authority and for a period of one year following the termination of the immediate family or household member's term of service as a director of the Authority or as an employee or agent of the Authority.

(c) A director, employee, or agent of the Authority may not use material non-public information for personal financial gain nor may he or she disclose that information to any other person for that person's personal financial gain when that information was obtained as a result of his or her directorship, employment, or agency with the Authority.

(d) A member of the immediate family or household of a director,
employee, or agent of the Authority may not use material non-public information for personal financial gain nor may he or she disclose that information to any other person for that person's personal financial gain when that information was obtained as a result of his or her immediate family or household member's directorship, employment, or agency with the Authority.

(e) For purposes of this Section, "immediate family or household member" means the spouse, child, parent, brother, sister, grandparent, or grandchild, whether of the whole blood or half blood or by adoption, or a person who shares a common dwelling with a director of the Authority or with an employee or agent of the Authority.

(605 ILCS 10/16.3 new)

Sec. 16.3. Consistent with general law, the Authority shall:

(a) set goals for the award of contracts to disadvantaged businesses and attempt to meet the goals;

(b) attempt to identify disadvantaged businesses that provide or have the potential to provide supplies, materials, equipment, or services to the Authority;

(c) give disadvantaged businesses full access to the Authority's contact bidding process, inform the businesses about the process, offer the businesses assistance concerning the process, and identify and take all reasonable steps to remove barriers to the businesses' participation in the process.

(605 ILCS 10/23) (from Ch. 121, par. 100-23)

Sec. 23. Legislative declaration; Authority budget.

(a) It is hereby declared, as a matter of legislative determination, that it is in the best interest of the State of Illinois, the public, and the holders of Authority bonds that Authority funds be expended only on goods and services that protect and enhance the efficiency, safety, and environmental quality of the toll highway system.

(b) The Authority shall spend moneys received from the issuance of bonds and as tolls or otherwise in the operation of the toll highway system only on the following:

(1) operations and maintenance expenditures that are reasonable and necessary to keep the toll highway system in a state of good repair in accordance with contemporary highway safety and maintenance standards;

(2) principal and interest payments and payment of other obligations the Authority has incurred in connection with bonds.
issued under this Act;

(3) renewal and replacement expenditures necessary and sufficient to protect and preserve the long-term structural integrity of the toll highway system; and

(4) system improvement expenditures necessary and sufficient to improve and expand the toll highway system, subject to the requirements of this Act.

(c) Any moneys remaining after the expenditures listed in subsection (b) may be spent only for reasonable and necessary Authority purposes that will enhance the safety, efficiency, and environmental quality of the toll highway system in a cost-effective manner. Authority funds may not be spent for purposes not reasonably related to toll highway operations and improvements or in a manner that is not cost-effective.

(d) The Authority must at all times maintain a reserve for maintenance and operating expenses that is no more than 130% of the operating expenses it has budgeted for its current fiscal year, unless the requirements of any bond resolution or trust indenture then securing obligations of the Authority mandate a greater amount.

(e) The Authority shall file with the Governor, the Clerk of the House of Representatives, the Secretary of the Senate, and the Commission on Government Forecasting and Accountability, on or prior to March 15th of each year, a written statement and report covering its activities for the preceding calendar year. The Authority shall present, to the committees of the House of Representatives designated by the Speaker of the House and to the committees of the Senate designated by the President of the Senate, an annual report outlining its planned revenues and expenditures. The Authority shall prepare an annual capital plan which identifies capital projects by location and details the project costs in correct dollar amounts. The Authority shall also prepare and file a ten-year capital plan that includes a listing of all capital improvement projects contemplated during the ensuing ten-year period. The first ten-year capital plan shall be filed in 1991 and thereafter on the anniversary of each ten-year period.

(f) It shall also be the duty of the Auditor General of the State of Illinois, annually to audit or cause to be audited the books and records of the Authority and to file a certified copy of the report of such audit with the Governor and with the Legislative Audit Commission, which audit reports, when so filed, shall be open to the public for inspection.

(g) The Authority shall hold a public hearing on its proposed annual budget, not less than 15 days before its directors meet to consider adoption
of the annual budget, at which any person may appear, express opinions, suggestions, or objections, or direct inquiries relating to the proposed budget. The Authority must give notice of the hearing at least 15 days prior to the hearing stating the time, place, and purpose of the hearing in a daily newspaper of general circulation throughout the Authority's service area and by posting the meeting notice and a copy of the proposed budget on the Authority's website. The proceedings at the hearing shall be transcribed. The transcript shall be made available at reasonable hours for public inspection, and a copy of the transcript, together with a copy of all written statements submitted at the hearing, shall be submitted to the directors before the vote on adoption of the proposed annual budget.

(h) The Authority shall post on its website copies of its annual report and its budget for the current year, along with any other financial information necessary to adequately inform the public of the Authority's financial condition and capital plan.

(i) The requirements set forth in subsections (b) through (g) may not be construed or applied in a manner that impairs the rights of bondholders under any bond resolution or trust indenture entered into in accordance with a bond resolution authorized by the Authority's directors, nor may those requirements be construed as a limitation on the Authority's powers as set forth elsewhere in this Act.

(Source: P.A. 93-1067, eff. 1-15-05.)

(605 ILCS 10/27.1) (from Ch. 121, par. 100-27.1)

Sec. 27.1. Any person who shall use any spurious or counterfeit tickets, coupons or tokens in payment of any toll required to be paid by the Authority under the provisions of this Act, or who shall attempt to use the highway without payment of the tolls prescribed by the Authority, shall be deemed guilty of a petty offense and shall be fined not less than $5 nor more than $100 for each such offense. The fine range set forth in this Section for prosecution of toll evasion as a petty offense shall not apply to toll evasion offenses that are adjudicated in the Authority's administration system.

The provisions in this Section may be extended to other public toll facilities in this State through a duly executed intergovernmental agreement between the Authority and another public body. Each day any toll highway is used by any person in violation of this Act shall constitute a separate offense.

(605 ILCS 10/27.2 new)

Sec. 27.2. Obstruction of registration plate visibility to electronic image recording.

New matter indicated by italics - deletions by strikeout
(a) A person may not operate on a toll highway any motor vehicle that is equipped with tinted plastic or tinted glass registration plate covers or any covers, coating, wrappings, materials, streaking, distorting, holographic, reflective, or other devices that obstruct the visibility or electronic image recording of the plate. This subsection (a) shall not apply to automatic vehicle identification transponder devices, cards or chips issued by a governmental body or authorized by a governmental body for the purpose of electronic payment of tolls or other authorized payments, the exemption of which shall preempt any local legislation to the contrary.

(b) If a State or local law enforcement officer having jurisdiction observes that a cover or other device or material or substance is obstructing the visibility or electronic image recording of the plate, the officer shall issue a Uniform Traffic Citation and shall confiscate the cover or other device that obstructs the visibility or electronic image recording of the plate. If the State or local law enforcement officer having jurisdiction observes that the plate itself has been physically treated with a substance or material that is obstructing the visibility or electronic image recording of the plate, the officer shall issue a Uniform Traffic Citation and shall confiscate the plate. The Secretary of State shall revoke the registration of any plate that has been found by a court or administrative tribunal to have been physically altered with any chemical or reflective substance or coating that obstructs the visibility or electronic image recording of the plate. A fine of $750 shall be imposed in any instance where a plate cover obstructs the visibility or electronic image recording of the plate. A fine of $1,000 shall be imposed where a plate has been physically altered with any chemical or reflective substance or coating that obstructs the visibility or electronic image recording of the plate.

(c) The Illinois Attorney General may file suit against any individual or entity offering or marketing the sale, including via the Internet, of any product advertised as having the capacity to obstruct the visibility or electronic image recording of a license plate. In addition to injunctive and monetary relief, punitive damages, and attorneys fees, the suit shall also seek a full accounting of the records of all sales to residents of or entities within the State of Illinois.

(d) The provisions in this Section may be extended to other public toll facilities in the State of Illinois through a duly executed intergovernmental agreement between the Authority and another public body.


New matter indicated by italics - deletions by strikeout
Approved August 22, 2005.
Effective August 22, 2005.

PUBLIC ACT 94-0637
(House Bill No. 0114)

AN ACT concerning elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Election Code is amended by changing Sections 3-5, 19-1, 19-2, and 19-5 as follows:
(10 ILCS 5/3-5) (from Ch. 46, par. 3-5)
Sec. 3-5. No person who has been legally convicted, in this or another State or in any federal court, of any crime, and is serving a sentence of confinement in any penal institution, or who has been convicted under any section of this Act and is serving a sentence of confinement in any penal institution, shall vote, offer to vote, attempt to vote or be permitted to vote at any election until his release from confinement.
Confinement for purposes of this Section shall include any person convicted and imprisoned but granted a furlough as provided by Section 3-11-1 of the "Unified Code of Corrections", or admitted to a work release program as provided by Section 3-13-2 of the "Unified Code of Corrections".
Confinement shall not include any person convicted and imprisoned but released on parole.

Confinement or detention in a jail pending acquittal or conviction of a crime is not a disqualification for voting.
(Source: P.A. 80-699.)
(10 ILCS 5/19-1) (from Ch. 46, par. 19-1)
Sec. 19-1. Any qualified elector of the State of Illinois having duly registered where such registration is required who expects to be absent from the county in which he is a qualified elector or who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority or the State Board of Elections or who because of election duties for a law enforcement agency, including but not limited to the offices of the Attorney General, a State's Attorney, a United States Attorney, or a State, county, or municipal police department, or who, because he is temporarily abiding outside the precinct in which he is

New matter indicated by italics - deletions by strikeout
registered to vote due to the fact he is a student attending an institution of higher education or who is serving as a sequestered juror on a State or federal jury, or who because of his or her confinement or detention in a jail pending acquittal or conviction of a crime, will be unable to be present at the polls on the day of holding any special, general or primary election at which any presidential preference is indicated or any candidates are chosen or elected, for any congressional, State, district, county, town, city, village, precinct or judicial offices or at which questions of public policy are submitted, may vote at such election as hereinafter in this Article provided.

Each Election Authority, law enforcement agency, and the State Board of Elections shall compile and keep current a list of his or its officers or employees who are eligible to vote under this Article by reason of election duties.

For purposes of this Article 19, a physically incapacitated voter marks his or her ballot "personally" when the voter exercises his or her physical abilities to their reasonable limit in marking the ballot, and marking personally may include instructing the person assisting the incapacitated voter when giving such instruction represents the reasonable limit of the physical abilities.

(Source: P.A. 86-873; 86-875; 86-1028.)

(10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

Sec. 19-2. Any elector as defined in Section 19-1 expecting to be absent from the county of his residence or any such elector who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority, the State Board of Elections, or a law enforcement agency, or who because of his or her confinement or detention in a jail pending acquittal or conviction of a crime, will be unable to be present at the polls on the day of such election may by mail, not more than 40 nor less than 5 days prior to the date of such election, or by personal delivery not more than 40 nor less than one day prior to the date of such election, make application to the county clerk or to the Board of Election Commissioners for an official ballot for the voter's precinct to be voted at such election.

(Source: P.A. 84-808.)

(10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

Sec. 19-5. It shall be the duty of the election authority to fold the ballot or ballots in the manner specified by the statute for folding ballots prior
to their deposit in the ballot box, and to enclose such ballot or ballots in an
evelope unsealed to be furnished by him, which envelope shall bear upon
the face thereof the name, official title and post office address of the election
authority, and upon the other side if the ballot is to go to an elector who is to
be out of the county on the day of the election a printed certification in
substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of
.... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city
or town in the county of .... and State of Illinois, that I have lived at such
address for .... months last past; that I am lawfully entitled to vote in such
precinct at the .... election to be held on ....; and I expect to be absent from the
county of my residence on the date of such election.
*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.
Under penalties of perjury as provided by law pursuant to Section 29-
10 of The Election Code, the undersigned certifies that the statements set
forth in this certification are true and correct.

..............................

If the ballot is to go to an elector who is physically incapacitated the
envelope shall bear upon the back thereof a certification in substantially the
following form:

I state that I am a resident of the .... precinct of the (1) *township of
.... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city
or town in the county of .... and State of Illinois, that I have lived at such
address for .... months last past; that I am lawfully entitled to vote in such
precinct at the .... election to be held on ....; that I shall be physically
incapable of being present at the polls of such precinct on the date of holding
such election.
*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.
If I received assistance in casting my ballot, I further attest that, due to
physical incapacity, I marked the enclosed ballot in secret with the assistance of

..............................
(Individual rendering assistance)

..............................
(Residence Address)

Under penalties of perjury as provided by law pursuant to Section 29-
10 of The Election Code, the undersigned certifies that the statements set

New matter indicated by italics - deletions by strikeout
forth in this certification are true and correct.

In the case of a voter who is voting absentee by reason of physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister of the candidate), the voter's employer, an agent of that employer or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

If the ballot is to go to an elector who is unable to be present at the polls on the date of the election because of the observance of a religious holiday, the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) * .... ward in the city of .... residing at .... in said city or town in the county of .... and State of Illinois, that I have lived at such address for .... months last past; that I am lawfully entitled to vote in such precinct at the .... election to be held on ....; that I shall be unable to be present at the polls of such precinct on the date of holding such election because of the tenets of my religion in the observance of a religious holiday.

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

If the ballot is to go to an elector who is unable to be present at the polls on the date of the election because he or she is confined or detained in jail pending acquittal or conviction of a crime, the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of.... or (3) * .... ward in the city of .... residing at .... in that city or town in the county of .... and State of Illinois, that I have lived at such address for .... months last past; that I am lawfully entitled to vote in such precinct at the .... election to be held on ....; that I shall be unable to be present at the polls of such precinct on the date of holding such election because of my confinement or detention in jail pending acquittal or conviction of a crime.

*fill in either (1), (2) or (3).

New matter indicated by italics - deletions by strikeout
I further state that I personally marked the enclosed ballot in secret.
Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

If the ballot is to go to an elector who is temporarily abiding outside the precinct in which he is registered to vote due to the fact he is a student attending an institution of higher education the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... in such city or town in the county of .... and State of Illinois, that I have lived at such address for .... months last past; that I am lawfully entitled to vote in such precinct at the .... election to be held on ....; and I expect to be absent from the precinct of my residence on the date of such election because I am temporarily abiding outside such precinct in the (1) *township of .... (2) *city of .... in the county of .... and State of .... due to the fact I am a student attending an institution of higher education.
*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.
Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

If the election authority adopts the standard absentee ballot application blank provided in Section 19-3, the printed certification on the absentee ballot envelope shall be in substantially the following form:

I state that I am a resident of the ...... precinct of the (1) *township of..... (2) *City of ..... or (3) *...... ward in the city of ...... residing at ..... in said city or town in the county of ...... and State of Illinois, that I have lived at such address for .... months last past; that I shall be unable to be present at the polls of such precinct on the date of holding such election for the reason indicated on the application for ballot enclosed herein.
*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.
If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of

...............................

New matter indicated by italics - deletions by strikeout
(Individual rendering assistance)

..................................

(Residence Address)

Under penalties of perjury provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

..................................

In the case of a voter who is voting absentee by reason of physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister of the candidate), the voter's employer, an agent of that employer, or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

Provided, that if the ballot enclosed is to be voted at a primary election, the certification shall designate the name of the political party with which the voter is affiliated.

In addition to the above, the election authority shall provide printed slips giving full instructions regarding the manner of marking and returning the ballot in order that the same may be counted, and shall furnish one of such printed slips to each of such applicants at the same time the ballot is delivered to him. Such instructions shall include the following statement: "In signing the certification on the absentee ballot envelope, you are attesting that you personally marked this absentee ballot in secret. If you are physically unable to mark the ballot, a friend or relative may assist you after completing the enclosed affidavit. Federal and State laws prohibit a candidate whose name appears on the ballot (unless you are the spouse or a parent, child, brother, or sister of the candidate), your employer, your employer's agent or an officer or agent of your union from assisting physically disabled voters."

In addition to the above, if a ballot to be provided to an elector pursuant to this Section contains a public question described in subsection (b) of Section 28-6 and the territory concerning which the question is to be submitted is not described on the ballot due to the space limitations of such ballot, the election authority shall provide a printed copy of a notice of the public question, which shall include a description of the territory in the manner required by Section 16-7. The notice shall be furnished to the elector at the same time the ballot is delivered to the elector.

(Source: P.A. 89-653, eff. 8-14-96.)


New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Home Health and Hospice Drug Dispensation and Administration Act.

Section 5. Legislative intent. The General Assembly intends to protect the home health care and hospice service patient by allowing authorized nursing employees in the home health and hospice professions to have specified drugs readily available when a patient may require their use.

Section 10. Definitions. In this Act:

"Authorized nursing employee" means a registered nurse or advanced practice nurse, as defined in the Nursing and Advanced Practice Nursing Act, who is employed by a home health agency or hospice licensed in this State.

"Health care professional" means a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes services under this Act, or a physician assistant who has been delegated the authority to perform services under this Act by his or her supervising physician.

"Home health agency" has the meaning ascribed to it in Section 2.04 of the Home Health Agency Licensing Act.

"Hospice" means a full hospice, as defined in Section 3 of the Hospice Program Licensing Act.

"Physician" means a physician licensed under the Medical Practice Act of 1987 to practice medicine in all its branches.

Section 15. Purchase of specified drugs. A home health agency or hospice may purchase sealed portable containers of drugs specified in Section 20 of this Act pursuant to a prescription from its medical director who is a physician or from a health care professional for the purpose of administration to the agency's or hospice's patients under the patient's treating health care professional's orders.

Section 20. Possession of specified drugs.

(a) A home health agency, hospice, or authorized nursing employee

New matter indicated by italics - deletions by strikeout
of an agency or hospice, in compliance with this Section, may possess or transport the following specified drugs in a sealed portable container for the purpose of administration to the agency's or hospice's patients pursuant to the patient's treating health care professional's orders:

1. Sterile saline in a sealed portable container of a size determined by the dispensing pharmacist.
2. Sterile water.
3. Not more than 5 dosage units of any of the following items in an individually sealed, unused portable container:
   - Heparin sodium lock flush in a concentration of 10 units per milliliter or 100 units per milliliter.
   - Epinephrine HCl solution in a concentration of one to 1,000.
4. Not more than 2 dosage units of Diphenhydramine (Benadryl) 50 milligrams intravenously in an individually sealed, unused portable container, clearly labeled, and placed in a protective carrier.

Section 25. Proper procedures.

(a) A home health agency, hospice, or authorized nursing employee of an agency or hospice may purchase, possess, or transport drugs listed in Section 20 of this Act in a sealed portable container only if the agency or hospice has established policies and procedures to ensure that:

1. the container is handled properly with respect to storage, transportation, and temperature stability;
2. a drug is removed from the container only on a health care professional's written or oral order;
3. the administration of any drug in the container is performed in accordance with a specific treatment protocol; and
4. the agency or hospice maintains a written signature record of the dates and times the container is in the possession of an authorized nursing employee.

(b) An authorized nursing employee of an agency or hospice who administers a drug listed in Section 20 of this Act may administer the drug only in the patient's residence under a treating health care professional's orders in connection with the provision of emergency treatment or the adjustment of parenteral drug therapy.

(c) When an authorized nursing employee of an agency or hospice administers a drug listed in Section 20 of this Act pursuant to a treating health care professional's oral order, the authorized nursing employee or the

New matter indicated by italics - deletions by strikeout
agency or hospice shall reduce the order to written form and send this written confirmation to the patient's treating health care professional by mail or facsimile transmission, not later than 24 hours after receipt of the order.

(d) A pharmacist who dispenses a sealed portable container under Section 20 of this Act shall ensure that the container:

(1) Is designed to allow access to the contents of the container only if a tamper-proof seal is broken.

(2) Bears a label that lists the drugs in the container and provides notice of the container's expiration date, which is the earlier of:

   (A) the date that is 6 months after the date on which the container is dispensed; or
   
   (B) the earliest expiration date of any drug in the container.

(e) A pharmacy that dispenses a sealed portable container under this Act shall provide written instructions and counsel the authorized nursing employee of a home health agency or hospice on the safe storage, transportation, and temperature stability of the contents of the sealed container.

Section 99. Effective date. This Act takes effect upon becoming law. Passed in the General Assembly May 29, 2005.
Approved August 22, 2005.
Effective August 22, 2005.

PUBLIC ACT 94-0639
(House Bill No. 0315)

AN ACT concerning animals, which may be referred to as the Anna Cieslewicz Act.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Illinois Public Health and Safety Animal Population Control Act.

Section 5. Findings. The General Assembly finds the following:

(1) Controlling the dog and cat population would have a significant benefit to the public health and safety by aiding in the prevention of dog attacks, reducing the number of dog and cat bite cases involving children, and decreasing the number of automobile accidents caused by stray dogs and cats.

New matter indicated by italics - deletions by strikeout
(2) Increasing the number of rabies-vaccinated, owned pets in low-income areas will reduce potential threats to public health and safety from rabies.

(3) Controlling the dog and cat population will save taxpayer dollars by reducing the number of dogs and cats handled by county and municipal animal control agencies. Targeted low-cost spay or neuter programs for dogs and cats in select Illinois counties and other states have proven to save taxpayers money.

(4) This Act is established to provide a variety of means by which population control and rabies vaccinations may be financed.

Section 10. Definitions. As used in this Act:
"Director" means the Director of Public Health.
"Department" means the Department of Public Health.
"Companion animal" means any domestic dog (canis lupus familiaris) or domestic cat (felis catus).
"Fund" means the Pet Population Control Fund established in this Act.

Section 15. Income tax checkoff. Each individual income tax payer may contribute to the Pet Population Control Fund through the income tax checkoff described in Section 507EE of the Illinois Income Tax Act.

Section 20. Program established. The Department shall establish and implement an Illinois Public Health and Safety Animal Population Control Program by December 31, 2005. The purpose of this program is to reduce the population of unwanted and stray dogs and cats in Illinois by encouraging the owners of dogs and cats to have them permanently sexually sterilized and vaccinated, thereby reducing potential threats to public health and safety. The program shall begin collecting funds on January 1, 2006 and shall begin distributing funds for vaccinations or spaying and neutering operations on January 1, 2007. No dog or cat imported from another state is eligible to be sterilized or vaccinated under this program. Beginning June 30, 2007, the Director must make an annual written report relative to the progress of the program to the President of the Senate, the Speaker of the House of Representatives, and the Governor.

Section 25. Eligibility to participate. A resident of the State who owns a dog or cat and who is eligible for the Food Stamp Program or the Social Security Disability Insurance Benefits Program shall be eligible to participate in the program at a reduced rate if the owner signs a consent form certifying that he or she is the owner of the dog or cat or is authorized by the eligible owner to present the dog or cat for the procedure. An owner must submit

New matter indicated by italics - deletions by strikeout
proof of eligibility to the Department. Upon approval, the Department shall furnish an eligible owner with an eligibility voucher to be presented to a participating veterinarian. A resident of this State who is managing a feral cat colony and who humanely traps feral cats for spaying or neutering and return is eligible to participate in the program provided the trap, sterilize, and return program is recognized by the municipality or by the county, if it is located in an unincorporated area. The sterilization shall be performed by a voluntarily participating veterinarian or veterinary student under the supervision of a veterinarian. The co-payment for the cat or dog sterilization procedure and vaccinations shall be $15.

Section 30. Veterinarian participation. Any veterinarian may participate in the program established under this Act. A veterinarian shall file with the Director an application, on which the veterinarian must supply, in addition to any other information requested by the Director, a fee schedule listing the fees charged for dog and cat sterilization, examination, and the presurgical immunizations specified in this Act in the normal course of business. The dog or cat sterilization fee may vary with the animal's weight, sex, and species. The Director shall compile the fees and establish reasonable reimbursement rates for the State.

The Director shall reimburse, to the extent funds are available, participating veterinarians for each dog or cat sterilization procedure administered. To receive this reimbursement, the veterinarian must submit a certificate approved by the Department on a form approved by the Director that must be signed by the veterinarian and the owner of the dog or cat or the feral cat caretaker. At the same time, the veterinarian must submit the eligibility voucher provided by the Department to the eligible owner. The Director shall notify all participating veterinarians if the program must be suspended for any period due to a lack of revenue and shall also notify all participating veterinarians when the program will resume. Veterinarians who voluntarily participate in this sterilization and vaccination program may decline to treat feral cats if they choose.

For all dogs and cats sterilized under this Act, the Director shall also reimburse, to the extent funds are available, participating veterinarians for (1) an examination fee and the presurgical immunization of dogs against rabies and other diseases pursuant to Department rules or (2) examination fees and the presurgical immunizations of cats against rabies and other diseases pursuant to Department rules. Reimbursement for the full cost of the covered presurgical immunizations shall be made by the Director to the participating veterinarian upon the written certification, signed by the veterinarian and the
owner of the companion animal or the feral cat caretaker, that the immunization has been administered. There shall be no additional charges to the owner of a dog or cat sterilized under this Act or feral cat caretaker for examination fees or the presurgical immunizations.

Section 35. Rulemaking. The Director shall adopt rules relative to:

1. Other immunizations covered.
2. Format and content of all forms required under this Act.
3. Proof of eligibility.
4. Administration of the Fund.
5. The percentage of fines to be allocated to education of the public concerning spaying and neutering of dogs and cats.
6. Any other matter necessary for the administration of this Act.

Section 40. Enforcement; administrative fine. Any person who knowingly falsifies proof of eligibility for or participation in any program under this Act, knowingly furnishes any licensed veterinarian with inaccurate information concerning the ownership of a dog or cat submitted for a sterilization procedure, or violates any provision of this Act may be subject to an administrative fine not to exceed $500 for each violation.

Section 45. Pet Population Control Fund. The Pet Population Control Fund is established as a special fund in the State treasury. The moneys generated from the public safety fines collected as provided in the Animal Control Act, from Pet Friendly license plates under Section 3-653 of the Illinois Vehicle Code, from Section 507EE of the Illinois Income Tax Act, and from voluntary contributions must be kept in the Fund and shall be used only to sterilize and vaccinate dogs and cats in this State pursuant to the program, to promote the sterilization program, to educate the public about the importance of spaying and neutering, and for reasonable administrative and personnel costs related to the Fund.

Section 905. The State Finance Act is amended by changing Sections 5.568 and 8h as follows:

(30 ILCS 105/5.568)
Sec. 5.568. The Pet Population Overpopulation Control Fund.
(Source: P.A. 92-520, eff. 6-1-02; 92-651, eff. 7-11-02.)

(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.
(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified

New matter indicated by italics - deletions by strikeout
sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. **No transfers may be made under this Section from the Pet Population Control Fund.** Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)

New matter indicated by italics - deletions by strikeout
Section 910. The Illinois Income Tax Act is amended by adding
Section 507EE as follows:
(35 ILCS 5/507EE new)
Sec. 507EE. Pet Population Control Fund checkoff. The Department
must print on its standard individual income tax form a provision indicating
that if the taxpayer wishes to contribute to the Pet Population Control Fund,
as established in the Illinois Public Health and Safety Animal Population
Control Act, he or she may do so by stating the amount of the contribution
(not less than $1) on the return and that the contribution will reduce the
taxpayer's refund or increase the amount of payment to accompany the
return. Failure to remit any amount of increased payment reduces the
contribution accordingly. This Section does not apply to any amended return.

The Department of Revenue shall determine annually the total amount
contributed to the Fund pursuant to this Section and shall notify the State
Comptroller and the State Treasurer of the amount to be transferred to the
Pet Population Control Fund, and upon receipt of the notification the State
Comptroller shall transfer the amount.

Section 915. The Animal Control Act is amended by changing
Sections 2.04a, 2.05a, 2.11a, 2.11b, 2.16, 2.19a, 3, 5, 8, 9, 10, 11, 13, 15,
15.1, and 26 and by adding Sections 2.11c, 30, and 35 as follows:
(510 ILCS 5/2.04a)
Sec. 2.04a. "Cat" means Felis catus all members of the family
Felidae.
(Source: P.A. 93-548, eff. 8-19-03.)
(510 ILCS 5/2.05a)
Sec. 2.05a. "Dangerous dog" means (i) any individual dog anywhere
other than upon the property of the owner or custodian of the dog and when
unmuzzled, unleashed, or unattended by its owner or custodian that behaves
in a manner that a reasonable person would believe poses a serious and
unjustified imminent threat of serious physical injury or death to a person or
a companion animal or (ii) a dog that, without justification, bites a person
and does not cause serious physical injury in a public place.
(Source: P.A. 93-548, eff. 8-19-03.)
(510 ILCS 5/2.11a)
Sec. 2.11a. "Enclosure" means a fence or structure of at least 6 feet in
height, forming or causing an enclosure suitable to prevent the entry of young
children, and suitable to confine a vicious dog in conjunction with other
measures that may be taken by the owner or keeper, such as tethering of the

New matter indicated by italics - deletions by strikeout
vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.11b)

Sec. 2.11b. "Feral cat" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, or (ii) is a formerly owned cat that has been abandoned and is no longer socialized, or (iii) lives on a farm.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.11c new)

Sec. 2.11c. Intact animal. "Intact animal" means an animal that has not been spayed or neutered.

(510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

Sec. 2.16. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.

(510 ILCS 5/2.19a)

Sec. 2.19a. "Serious physical injury" means a physical injury that creates a substantial risk of death or that causes death, serious or protracted disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

(510 ILCS 5/3) (from Ch. 8, par. 353)

Sec. 3. The County Board Chairman with the consent of the County Board shall appoint an Administrator. Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many Deputy Administrators and Animal Control Wardens to aid him or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Board. The Administrator may be removed from office by the County Board Chairman, with the consent of the County Board.
The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program and may establish a county animal population control program.

The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Act.

The Board is authorized by ordinance to require the registration and may require microchipping of dogs and cats. The Board shall impose an individual dog or cat animal and litter registration fee with a minimum differential of $10 for intact dogs or cats. Ten dollars of the differential shall be placed either in a county animal population control fund or in the State’s Pet Population Control Fund. If the money is placed in the county animal population control fund it shall be used to (i) spay, neuter, or sterilize adopted dogs or cats or (ii) spay or neuter dogs or cats owned by low income county residents who are eligible for the Food Stamp Program. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats. If microchips are required, the microchip number may serve as the county animal control registration number. All microchips shall have an operating frequency of 125 kilohertz.

In obtaining information required to implement this Act, the Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law for civil cases in courts of this State.

The Director shall have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

This Section does not apply to feral cats.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/5) (from Ch. 8, par. 355)

Sec. 5. Duties and powers.

(a) It shall be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies and to exercise dog and cat overpopulation control. It shall also be the duty of the Administrator to
investigate and substantiate all claims made under Section 19 of this Act.

(b) Counties may by ordinance determine the extent of the police powers that may be exercised by the Administrator, Deputy Administrators, and Animal Control Wardens, which powers shall pertain only to this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for violations of this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may not carry weapons unless they have been specifically authorized to carry weapons by county ordinance. Animal Control Wardens, however, may use tranquilizer guns and other nonlethal weapons and equipment without specific weapons authorization.

A person authorized to carry firearms by county ordinance under this subsection must have completed the training course for peace officers prescribed in the Peace Officer Firearm Training Act. The cost of this training shall be paid by the county.

(c) The sheriff and all sheriff's deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Act.

(d) The Administrator and animal control wardens shall aid in the enforcement of the Humane Care for Animals Act and have the ability to impound animals and apply for security posting for violation of that Act.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/8) (from Ch. 8, par. 358)

Sec. 8. Every owner of a dog 4 months or more of age shall have each dog inoculated against rabies by a licensed veterinarian. Every dog shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall contain the microchip number of the animal if it has one and which shall be signed by the licensed veterinarian administering the vaccine. Veterinarians who inoculate a dog shall procure from the County Animal Control in the county where their office is located serially numbered tags, one to be issued with each inoculation certificate. Only one dog shall be included on each certificate. The veterinarian immunizing or microchipping an animal shall provide the Administrator of the county in which the animal resides with a certificate of immunization and microchip number. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies.

New matter indicated by italics - deletions by strikeout
Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture.

If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies shot requirement, but the owner must still be responsible for the fees.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/9) (from Ch. 8, par. 359)

Sec. 9. Any dog found running at large contrary to provisions of this Act may be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter. The dog's owner shall pay a $25 public safety fine, $20 of which shall be deposited into the Pet Population Control Fund and $5 of which shall be retained by the county or municipality. A dog found running at large contrary to the provisions of this Act a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/10) (from Ch. 8, par. 360)

Sec. 10. Impoundment; redemption. When dogs or cats are apprehended and impounded by the Administrator, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as defined by Section 2.16 as soon as possible. The Administrator shall give notice of not less than 7 business days to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner of the animal.

In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so by doing on the following conditions:

a. Presenting present proof of current rabies inoculation; and registration, if applicable. or
b. Paying pay for the rabies inoculation of the dog or cat; and registration, if applicable. and
c. Paying pay the pound for the board of the dog or cat for the period it was impounded. or
   d. Paying pay into the Animal Control Fund an additional
impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense.  

and  
e. Paying a $25 public safety fine to be deposited into the Pet Population Control Fund; the fine shall be waived if it is the dog’s or cat’s first impoundment and the owner has the animal spayed or neutered within 14 days.  
f. Paying for microchipping and registration if not already done.  

Animal control facilities that are open to the public 7 days per week for animal reclamation are exempt from the business day requirement.  

The payments required for redemption under this Section shall be in addition to any other penalties invoked under this Act and the Illinois Public Health and Safety Animal Population Control Act. An animal control agency shall assist and share information with the Director of Public Health in the collection of public safety fines.  

(Source: P.A. 93-548, eff. 8-19-03; revised 10-9-03.)  

(510 ILCS 5/11) (from Ch. 8, par. 361)  

Sec. 11. When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, dogs or cats deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it that has been impounded shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act or offered for adoption. An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been surgically rendered incapable of reproduction by spaying or neutering and microchipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal pound or shelter, and any monies which have been deposited shall be forfeited and submitted to the Pet Population Control Fund on a yearly basis. This Act shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group, unless the group has
been licensed or has a foster care permit issued by the Illinois Department of Agriculture or is a representative of incorporated as a not-for-profit out-of-state organization. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this Section or that fails to report its intake and euthanasia statistics each year.

(Source: P.A. 92-449, eff. 1-1-02; 93-548, eff. 8-19-03.)

(510 ILCS 5/13) (from Ch. 8, par. 363)

Sec. 13. Dog or other animal bites; observation of animal.

(a) Except as otherwise provided in subsection (b) of this Section, when the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by an animal, the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of 10 days. The Department may permit such confinement to be reduced to a period of less than 10 days. A veterinarian shall report the clinical condition of the animal immediately, with confirmation in writing to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator within 24 hours after the animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of the animal, and whether the animal has been spayed or neutered, on appropriate forms approved by the Department. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator advising him or her of the final disposition of the animal on appropriate forms approved by the Department. When evidence is presented that the animal was inoculated against rabies within the time prescribed by law, it shall be confined in a house, or in a manner which will prohibit it from biting any person for a period of 10 days, if a licensed veterinarian adjudges such confinement satisfactory. The Department may permit such confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian.

Any person having knowledge that any person has been bitten by an animal shall notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator promptly. It is unlawful for the owner
of the animal to euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is released by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative. It is unlawful for the owner of the animal to refuse or fail to comply with the reasonable written or printed instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of the animal by regular mail. Any expense incurred in the handling of an animal under this Section and Section 12 shall be borne by the owner. The owner of a biting animal must also remit to the Department of Public Health, for deposit into the Pet Population Control Fund, a $25 public safety fine within 30 days after notice.

(b) When a person has been bitten by a police dog that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/15) (from Ch. 8, par. 365)

Sec. 15. (a) In order to have a dog deemed "vicious", the Administrator, Deputy Administrator, animal control warden, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the States Attorney's Office and the owner. The Administrator, State's Attorney, Director or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

A dog may not be declared vicious if the court determines the
conduct of the dog was justified because:

(1) the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal upon the property of the owner or custodian of the dog;

(2) the injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or

(3) the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

If a dog is found to be a vicious dog, the owner shall pay a $100 public safety fine to be deposited into the Pet Population Control Fund, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a $500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without court approval from the Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(b) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog's life is threatened, or (3) to comply with the order of a court of
competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 6 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area.

If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 working days, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(c) If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

(d) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

New matter indicated by italics - deletions by strikeout
(e) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/15.1)

Sec. 15.1. Dangerous dog determination. (a) After a thorough investigation including: sending, within 10 business days of the Administrator or Director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" unless shown to be a dangerous dog by a preponderance of evidence without clear and convincing evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

(b) A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:

(1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;

(2) the threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

(3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) the dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

(c) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

New matter indicated by italics - deletions by strikeout
(d) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order (i) the dog's owner to pay a $50 public safety fine to be deposited into the Pet Population Control Fund, (ii) the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and (iii) one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

(1) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or

(2) direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

(e) The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(f) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him or her.

(g) An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the requirements of this Act.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/26) (from Ch. 8, par. 376)

Sec. 26. (a) Any person violating or aiding in or abetting the violation of any provision of this Act, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Act, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Act, or refusing to...
produce for inoculation any dog in his possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a Class C misdemeanor for a first offense and for a subsequent offense, is guilty of a Class B misdemeanor.

Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this Act shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

(b) If the owner of a vicious dog subject to enclosure:

(1) fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog **within the time period prescribed**; and

(2) the dog inflicts serious physical injury upon any other person or causes the death of another person; and

(3) the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be;

the owner shall be guilty of a Class 4 felony, unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 felony. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.

(c) If the owner of a dangerous dog knowingly fails to comply with any order of the court regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 4 felony.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/30 new)

**Sec. 30. Rules.** The Department shall administer this Act and shall promulgate rules necessary to effectuate the purposes of this Act. The Director may, in formulating rules pursuant to this Act, seek the advice and recommendations of humane societies and societies for the protection of animals.

(510 ILCS 5/35 new)

**Sec. 35. Liability.**

(a) Any municipality or political subdivision allowing feral cat colonies and trap, sterilize, and return programs to help control cat overpopulation shall be immune from criminal liability and shall not be

New matter indicated by italics - deletions by strikeout
civilly liable, except for willful and wanton misconduct, for damages that may result from a feral cat. Any municipality or political subdivision allowing dog parks shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from occurrences in the dog park.

(b) Any veterinarian or animal shelter who in good faith contacts the registered owner of a microchipped animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

(c) Any veterinarian who sterilizes feral cats and any feral cat caretaker who traps cats for a trap, sterilize, and return program shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

(d) Any animal shelter worker who microchips an animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

Section 920. The Illinois Vehicle Code is amended by changing Section 3-653 as follows:

(625 ILCS 5/3-653)
Sec. 3-653. Pet Friendly license plates.
(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Pet Friendly license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined in Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the phrase "I am pet friendly" shall be on the plates. The Secretary may allow the plates to be issued as vanity plates or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this additional fee, $25 shall be deposited into the Pet Population Overpopulation Control Fund and $15 shall be deposited into the Secretary of State Special
License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, $25 shall be deposited into the Pet Population Overpopulation Control Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Pet Overpopulation Control Fund is created as a special fund in the State treasury. All moneys in the Pet Overpopulation Control Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to humane societies exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to be used solely for the humane sterilization of dogs and cats in the State of Illinois. In approving grants under this subsection (d), the Secretary shall consider recommendations for grants made by a volunteer board appointed by the Secretary that shall consist of 5 Illinois residents who are officers or directors of humane societies operating in different regions in Illinois.

(Source: P.A. 92-520, eff. 6-1-02; 92-651, eff. 7-11-02.)

Section 995. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)
Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 999. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 29, 2005.
Approved August 22, 2005.
Effective August 22, 2005.

PUBLIC ACT 94-0640
(House Bill No. 0360)

AN ACT concerning families.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 506 and 608 as follows:

(750 ILCS 5/506) (from Ch. 40, par. 506)
Sec. 506. Representation of child.
(a) Duties. In any proceedings involving the support, custody,
visitation, education, parentage, property interest, or general welfare of a minor or dependent child, the court may, on its own motion or that of any party, and subject to the terms or specifications the court determines, appoint an attorney to serve in one of the following capacities to address the issues the court delineates:

(1) Attorney. The attorney shall provide independent legal counsel for the child and shall owe the same duties of undivided loyalty, confidentiality, and competent representation as are due an adult client. as an attorney to represent the child;

(2) Guardian ad litem. The guardian ad litem shall testify or submit a written report to the court regarding his or her recommendations in accordance with the best interest of the child. The report shall be made available to all parties. The guardian ad litem may be called as a witness for purposes of cross-examination regarding the guardian ad litem’s report or recommendations. The guardian ad litem shall investigate the facts of the case and interview the child and the parties. as a guardian ad litem to address issues the court delineates;

(3) Child representative. The child representative shall as a child’s representative whose duty shall be to advocate what the child representative finds to be in the best interests of the child after reviewing the facts and circumstances of the case. The child representative shall meet with the child and the parties, investigate the facts of the case, and encourage settlement and the use of alternative forms of dispute resolution. The child child’s representative shall have the same power and authority and obligation to participate in the conduct of the litigation as does an attorney for a party and shall possess all the powers of investigation and recommendation as does a guardian ad litem. The child child’s representative shall consider, but not be bound by, the expressed wishes of the child. A child child’s representative shall have received training in child advocacy or shall possess such experience as determined to be equivalent to such training by the chief judge of the circuit where the child child’s representative has been appointed. The child child’s representative shall not disclose confidential communications made by the child, except as required by law or by the Rules of Professional Conduct. The child child’s representative shall not render an opinion, recommendation, or report to the court and shall not be called as a witness, but shall offer evidence-based

New matter indicated by italics - deletions by strikeout
legal arguments regarding the issues set forth in this subsection. The child representative shall disclose the position as to what the child representative intends to advocate in a pre-trial memorandum that shall be served upon all counsel of record prior to the trial. The position disclosed in the pre-trial memorandum shall not be considered evidence. The court and the parties may consider the position of the child representative for purposes of a settlement conference.

(a-3) Additional appointments. During the proceedings the court may appoint an additional attorney to serve in the capacity described in subdivision (a)(1) or an additional attorney to serve in another of the capacities described in subdivisions (a)(1), (a)(2), or (a)(3) on the court’s own motion or that of a party only for good cause shown and when the reasons for the additional appointment are set forth in specific findings.

(a-5) Appointment considerations. In deciding whether to make an appointment of an attorney for the minor child, a guardian ad litem, or a child representative, the court shall consider the nature and adequacy of the evidence to be presented by the parties and the availability of other methods of obtaining information, including social service organizations and evaluations by mental health professions, as well as resources for payment.

In no event is this Section intended to or designed to abrogate the decision making power of the trier of fact. Any appointment made under this Section is not intended to nor should it serve to place any appointed individual in the role of a surrogate judge.

(b) Fees and costs. The court shall enter an order as appropriate for costs, fees, and disbursements, including a retainer, when the attorney, guardian ad litem, or child's representative is appointed, and thereafter as necessary. Any person appointed under this Section shall file with the court within 90 days of his or her appointment, and every subsequent 90-day period thereafter during the course of his or her representation, a detailed invoice for services rendered with a copy being sent to each party. The court shall review the invoice submitted and approve the fees, if they are reasonable and necessary. Any order approving the fees shall require payment by either or both parents, by any other party or source, or from the marital estate or the child's separate estate. The court may not order payment by the Illinois Department of Public Aid in cases in which the Department is providing child support enforcement services under Article X of the Illinois Public Aid Code. Unless otherwise ordered by the court at the time fees and costs are approved, all fees and costs payable to an attorney,

New matter indicated by italics - deletions by strikeout
guardian ad litem, or child's representative under this Section are by implication deemed to be in the nature of support of the child and are within the exceptions to discharge in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections 501 and 508 of this Act shall apply to fees and costs for attorneys appointed under this Section.

(Source: P.A. 91-410, eff. 1-1-00; 92-590, eff. 7-1-02.)

(750 ILCS 5/608) (from Ch. 40, par. 608)
Sec. 608. Judicial Supervision.

(a) Except as otherwise agreed by the parties in writing at the time of the custody judgment or as otherwise ordered by the court, the custodian may determine the child's upbringing, including but not limited to, his education, health care and religious training, unless the court, after hearing, finds, upon motion by the noncustodial parent, that the absence of a specific limitation of the custodian's authority would clearly be contrary to the best interests of the child.

(b) If both parents or all contestants agree to the order, or if the court finds that in the absence of agreement the child's physical health would be endangered or his emotional development significantly impaired, the court may order the Department of Children and Family Services to exercise continuing supervision over the case to assure that the custodial or visitation terms of the judgment are carried out. Supervision shall be carried out under the provisions of Section 5 of the Children and Family Services Act.

(c) The court may order individual counseling for the child, family counseling for one or more of the parties and the child, or parental education for one or more of the parties, when it finds one or more of the following:

(1) both parents or all parties agree to the order;

(2) the court finds that the child's physical health is endangered or his or her emotional development is impaired including, but not limited to, a finding of visitation abuse as defined by Section 607.1; or

(3) the court finds that one or both of the parties have violated the joint parenting agreement with regard to conduct affecting or in the presence of the child.

(d) If the court finds that one or more of the parties has violated an order of the court with regards to custody, visitation, or joint parenting, the court shall assess the costs of counseling against the violating party or parties. Otherwise, the court may apportion the costs between the parties as appropriate.

(e) The remedies provided in this Section are in addition to, and shall

New matter indicated by italics - deletions by strikeout
not diminish or abridge in any way, the court’s power to exercise its authority through contempt or other proceedings.

(f) All counseling sessions shall be confidential. The communications in counseling shall not be used in any manner in litigation nor relied upon by any expert appointed by the court or retained by any party.

(Source: P.A. 87-824.)

Passed in the General Assembly May 26, 2005.
Approved August 22, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0641
(House Bill No. 0523)

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-252 as follows:

(20 ILCS 2310/2310-252 new)
Sec. 2310-252. Guidelines for needle disposal; education.

(a) The Illinois Department of Public Health, in cooperation with the Illinois Environmental Protection Agency, must create guidelines for the proper disposal of hypodermic syringes, needles, and other sharps used for self-administration purposes that are consistent with the available guidelines regarding disposal for home health care products provided by the United States Environmental Protection Agency. In establishing these guidelines, the Department shall promote flexible and convenient disposal methods appropriate to the area and level of services available to the person disposing of the hypodermic syringe, needle, or other sharps. The Department guidelines shall encourage the use of safe disposal programs that include, but are not limited to, the following:

(1) drop box or supervised collection sites;
(2) sharps mail-back programs;
(3) syringe exchange programs; and
(4) at-home needle destruction devices.

(b) The Illinois Department of Public Health must develop educational materials regarding the safe disposal of hypodermic syringes, needles, and other sharps and distribute copies of these educational

New matter indicated by italics - deletions by strikeout
materials to pharmacies and the public. The educational materials must include information regarding safer injection, HIV prevention, proper methods for the disposal of hypodermic syringes, needles, and other sharps, and contact information for obtaining treatment for drug abuse and addiction.

Section 10. The Environmental Protection Act is amended by changing Section 56.1 and by adding Sections 3.458 and 56.7 as follows:

(415 ILCS 5/3.458 new)
Sec. 3.458. Sharps collection station.
(a) "Sharps collection station" means a designated area at an applicable facility where (i) hypodermic, intravenous, or other medical needles or syringes or other sharps, or (ii) medical household waste containing medical sharps, including, but not limited to, hypodermic, intravenous, or other medical needles or syringes or other sharps, are collected for transport, storage, treatment, transfer, or disposal.
(b) For purposes of this Section, "applicable facility" means any of the following:
(1) A hospital.
(2) An ambulatory surgical treatment center, physician's office, clinic, or other setting where a physician provides care.
(3) A pharmacy employing a registered pharmacist.
(4) The principal place of business of any government official who is authorized under Section 1 of the Hypodermic Syringes and Needles Act (720 ILCS 635/) to possess hypodermic, intravenous, or other medical needles, or hypodermic or intravenous syringes, by reason of his or her official duties.

(415 ILCS 5/56.1) (from Ch. 111 1/2, par. 1056.1)
Sec. 56.1. Acts prohibited.
(A) No person shall:
(a) Cause or allow the disposal of any potentially infectious medical waste. Sharps may be disposed in any landfill permitted by the Agency under Section 21 of this Act to accept municipal waste for disposal, if both:
(1) the infectious potential has been eliminated from the sharps by treatment; and
(2) the sharps are packaged in accordance with Board regulations.
(b) Cause or allow the delivery of any potentially infectious medical waste for transport, storage, treatment, or transfer except in accordance with Board regulations.
(c) Beginning July 1, 1992, cause or allow the delivery of any potentially infectious medical waste to a person or facility for storage, treatment, or transfer that does not have a permit issued by the agency to receive potentially infectious medical waste, unless no permit is required under subsection (g)(1).

(d) Beginning July 1, 1992, cause or allow the delivery or transfer of any potentially infectious medical waste for transport unless:

1. the transporter has a permit issued by the Agency to transport potentially infectious medical waste, or the transporter is exempt from the permit requirement set forth in subsection (f)(1).
2. a potentially infectious medical waste manifest is completed for the waste if a manifest is required under subsection (h).

(e) Cause or allow the acceptance of any potentially infectious medical waste for purposes of transport, storage, treatment, or transfer except in accordance with Board regulations.

(f) Beginning July 1, 1992, conduct any potentially infectious medical waste transportation operation:

1. Without a permit issued by the Agency to transport potentially infectious medical waste. No permit is required under this provision (f)(1) for:
   A. a person transporting potentially infectious medical waste generated solely by that person’s activities;
   B. noncommercial transportation of less than 50 pounds of potentially infectious medical waste at any one time; or
   C. the U.S. Postal Service.
2. In violation of any condition of any permit issued by the Agency under this Act.
3. In violation of any regulation adopted by the Board.
4. In violation of any order adopted by the Board under this Act.

(g) Beginning July 1, 1992, conduct any potentially infectious medical waste treatment, storage, or transfer operation:

1. Without a permit issued by the Agency that specifically authorizes the treatment, storage, or transfer of potentially infectious medical waste. No permit is required under this subsection (g) or subsection (d)(1) of Section 21 for any:
   A. Person conducting a potentially infectious medical waste treatment, storage, or transfer operation for potentially

New matter indicated by italics - deletions by strikeout
infectious medical waste generated by the person's own activities that are treated, stored, or transferred within the site where the potentially infectious medical waste is generated.

(B) Hospital that treats, stores, or transfers only potentially infectious medical waste generated by its own activities or by members of its medical staff.

(C) *[Sharps collection station that is operated in accordance with Section 56.7.]*

(2) in violation of any condition of any permit issued by the Agency under this Act.

(3) in violation of any regulation adopted by the Board.

(4) in violation of any order adopted by the Board under this Act.

(h) Transport potentially infectious medical waste unless the transporter carries a completed potentially infectious medical waste manifest. No manifest is required for the transportation of:

(1) potentially infectious medical waste being transported by generators who generated the waste by their own activities, when the potentially infectious medical waste is transported within or between sites or facilities owned, controlled, or operated by that person;

(2) less than 50 pounds of potentially infectious medical waste at any one time for a noncommercial transportation activity; or

(3) potentially infectious medical waste by the U.S. Postal Service.

(i) Offer for transportation, transport, deliver, receive or accept potentially infectious medical waste for which a manifest is required, unless the manifest indicates that the fee required under Section 56.4 of this Act has been paid.

(j) Beginning January 1, 1994, conduct a potentially infectious medical waste treatment operation at an incinerator in existence on the effective date of this Title in violation of emission standards established for these incinerators under Section 129 of the Clean Air Act (42 USC 7429), as amended.

(B) In making its orders and determinations relative to penalties, if any, to be imposed for violating subdivision (A)(a) of this Section, the Board, in addition to the factors in Sections 33(c) and 42(h) of this Act, or the Court shall take into consideration whether the owner or operator of the landfill reasonably relied on written statements from the person generating or treating the waste that the waste is not potentially infectious medical waste.

New matter indicated by italics - deletions by strikeout
Sec. 56.7. No permit shall be required under subsection (d)(1) of Section 21 or subsection (g) of Section 56.1 of this Act for a sharps collection station if the station is operated in accordance with all of the following:

(1) The only waste accepted at the sharps collection station is (i) hypodermic, intravenous, or other medical needles or syringes or other sharps, or (ii) medical household waste containing used or unused sharps, including but not limited to, hypodermic, intravenous, or other medical needles or syringes or other sharps.

(2) The waste is stored and transferred in the same manner as required for potentially infectious medical waste under this Act and under Board regulations.

(3) The waste is not treated at the sharps collection station unless it is treated in the same manner as required for potentially infectious medical waste under this Act and under Board regulations.

(4) The waste is not disposed of at the sharps collection station.

(5) The waste is transported in the same manner as required for potentially infectious medical waste under this Act and under Board regulations.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 29, 2005.

Approved August 22, 2005.

Effective August 22, 2005.
areas of fine arts and physical development/health.

Beginning with the 1998-1999 school year until the 2004-2005 school year, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading, writing, and English grammar) and mathematics; and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences and the social sciences (history, geography, civics, economics, and government). Unless the testing required to be implemented no later than the 2005-2006 school year under this subsection (a) is implemented for the 2004-2005 school year, for the 2004-2005 school year, the State Board of Education shall test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading and English grammar) and mathematics and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences. The maximum time allowed for all actual testing required under this paragraph shall not exceed 25 hours, as allocated among the required tests by the State Board of Education, across all grades tested.

Beginning no later than the 2005-2006 school year, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in reading and mathematics and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences. After the addition of grades and change in subjects as delineated in this paragraph and including whatever other tests that may be approved from time to time no later than the 2005-2006 school year, the maximum time allowed for all State testing in grades 3 through 8 shall not exceed 38 hours across those grades.

Beginning with the 2004-2005 school year, the State Board of Education shall not test pupils under this subsection (a) in writing, physical development and health, fine arts, and the social sciences (history, geography, civics, economics, and government).

The State Board of Education shall establish the academic standards that are to be applicable to pupils who are subject to State tests under this Section beginning with the 1998-1999 school year. However, the State Board of Education shall not establish any such standards in final form without first providing opportunities for public participation and local input in the development of the final academic standards. Those opportunities shall include a well-publicized period of public comment, public hearings throughout the State, and opportunities to file written comments. Beginning with the 1998-99 school year and thereafter, the State tests will identify pupils in the 3rd grade or 5th grade who do not meet the State standards.
If, by performance on the State tests or local assessments or by teacher judgment, a student's performance is determined to be 2 or more grades below current placement, the student shall be provided a remediation program developed by the district in consultation with a parent or guardian. Such remediation programs may include, but shall not be limited to, increased or concentrated instructional time, a remedial summer school program of not less than 90 hours, improved instructional approaches, tutorial sessions, retention in grade, and modifications to instructional materials. Each pupil for whom a remediation program is developed under this subsection shall be required to enroll in and attend whatever program the district determines is appropriate for the pupil. Districts may combine students in remediation programs where appropriate and may cooperate with other districts in the design and delivery of those programs. The parent or guardian of a student required to attend a remediation program under this Section shall be given written notice of that requirement by the school district a reasonable time prior to commencement of the remediation program that the student is to attend. The State shall be responsible for providing school districts with the new and additional funding, under Section 2-3.51.5 or by other or additional means, that is required to enable the districts to operate remediation programs for the pupils who are required to enroll in and attend those programs under this Section. Every individualized educational program as described in Article 14 shall identify if the State test or components thereof are appropriate for that student. The State Board of Education shall develop rules and regulations governing the administration of alternative tests prescribed within each student's individualized educational program which are appropriate to the disability of each student.

All pupils who are in a State approved transitional bilingual education program or transitional program of instruction shall participate in the State tests. The time allotted to take the State tests, however, may be extended as determined by the State Board of Education by rule. Any student who has been enrolled in a State approved bilingual education program less than 3 cumulative academic years may take an accommodated Limited English Proficient student academic content assessment, as determined by the State Board of Education. The State test, to be known as the Illinois Measure of Annual Growth in English (IMAGE), if the student's lack of English as determined by an English language proficiency test would keep the student from understanding the regular State test. If the school district determines, on a case-by-case individual basis, that a Limited English Proficient student academic content assessment IMAGE would likely yield more accurate and
reliable information on what the student knows and can do, the school district may make a determination to assess the student using a *Limited English Proficient student academic content assessment* for a period that does not exceed 2 additional consecutive years, provided that the student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what the student knows and can do on the regular State test.

Reasonable accommodations as prescribed by the State Board of Education shall be provided for individual students in the testing procedure. All test procedures prescribed by the State Board of Education shall require: (i) that each test used for State and local student testing under this Section identify by name the pupil taking the test; (ii) that the name of the pupil taking the test be placed on the test at the time the test is taken; (iii) that the results or scores of each test taken under this Section by a pupil of the school district be reported to that district and identify by name the pupil who received the reported results or scores; and (iv) that the results or scores of each test taken under this Section be made available to the parents of the pupil. In addition, in each school year the highest scores attained by a student on the Prairie State Achievement Examination administered under subsection (c) of this Section and any Prairie State Achievement Awards received by the student shall become part of the student's permanent record and shall be entered on the student's transcript pursuant to regulations that the State Board of Education shall promulgate for that purpose in accordance with Section 3 and subsection (e) of Section 2 of the Illinois School Student Records Act. Beginning with the 1998-1999 school year and in every school year thereafter, scores received by students on the State assessment tests administered in grades 3 through 8 shall be placed into students' temporary records.

The State Board of Education shall establish a period of time, to be referred to as the State test window, in each school year for which State testing shall occur to meet the objectives of this Section. However, if the schools of a district are closed and classes are not scheduled during any week that is established by the State Board of Education as the State test window, the school district may (at the discretion of the State Board of Education) move its State test window one week earlier or one week later than the established State test window, so long as the school district gives the State Board of Education written notice of its intention to deviate from the established schedule by December 1 of the school year in which falls the State test window established by the State Board of Education for the testing.

New matter indicated by italics - deletions by strikeout
(a-5) All tests administered pursuant to this Section shall be academically based. For the purposes of this Section "academically based tests" shall mean tests consisting of questions and answers that are measurable and quantifiable to measure the knowledge, skill, and ability of students in the subject matters covered by tests. The scoring of academically based tests shall be reliable, valid, unbiased and shall meet the guidelines for test development and use prescribed by the American Psychological Association, the National Council of Measurement and Evaluation, and the American Educational Research Association. Academically based tests shall not include assessments or evaluations of attitudes, values, or beliefs, or testing of personality, self-esteem, or self-concept. Nothing in this amendatory Act is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed during the passage of HB 1005/P.A. 90-296. Nothing in this Section is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed in the preamble of this amendatory Act of the 93rd General Assembly.

The State Board of Education shall monitor the use of short answer questions in the math and reading assessments or in other assessments in order to demonstrate that the use of short answer questions results in a statistically significant improvement in student achievement as measured on the State assessments for math and reading or on other State assessments and is justifiable in terms of cost and student performance.

(b) It shall be the policy of the State to encourage school districts to continuously test pupil proficiency in the fundamental learning areas in order to: (i) provide timely information on individual students' performance relative to State standards that is adequate to guide instructional strategies; (ii) improve future instruction; and (iii) complement the information provided by the State testing system described in this Section. Each district's school improvement plan must address specific activities the district intends to implement to assist pupils who by teacher judgment and test results as prescribed in subsection (a) of this Section demonstrate that they are not meeting State standards or local objectives. Such activities may include, but shall not be limited to, summer school, extended school day, special homework, tutorial sessions, modified instructional materials, other modifications in the instructional program, reduced class size or retention in grade. To assist school districts in testing pupil proficiency in reading in the primary grades, the State Board shall make optional reading inventories for diagnostic purposes available to each school district that requests such

New matter indicated by italics - deletions by strikeout
assistance. Districts that administer the reading inventories may develop remediation programs for students who perform in the bottom half of the student population. Those remediation programs may be funded by moneys provided under the School Safety and Educational Improvement Block Grant Program established under Section 2-3.51.5. Nothing in this Section shall prevent school districts from implementing testing and remediation policies for grades not required under this Section.

(c) Beginning with the 2000-2001 school year, each school district that operates a high school program for students in grades 9 through 12 shall annually administer the Prairie State Achievement Examination established under this subsection to its students as set forth below. The Prairie State Achievement Examination shall be developed by the State Board of Education to measure student performance in the academic areas of reading, writing, mathematics, science, and social sciences. Beginning with the 2004-2005 school year, however, the State Board of Education shall not test a student in writing and the social sciences (history, geography, civics, economics, and government) as part of the Prairie State Achievement Examination unless the student is retaking the Prairie State Achievement Examination in the fall of 2004. The State Board of Education shall establish the academic standards that are to apply in measuring student performance on the Prairie State Achievement Examination including the minimum examination score in each area that will qualify a student to receive a Prairie State Achievement Award from the State in recognition of the student's excellent performance. Each school district that is subject to the requirements of this subsection (c) shall afford all students 2 opportunities to take the Prairie State Achievement Examination beginning as late as practical during the second semester of grade 11, but in no event before March 1. The State Board of Education shall annually notify districts of the weeks during which these test administrations shall be required to occur. Every individualized educational program as described in Article 14 shall identify if the Prairie State Achievement Examination or components thereof are appropriate for that student. Each student, exclusive of a student whose individualized educational program developed under Article 14 identifies the Prairie State Achievement Examination as inappropriate for the student, shall be required to take the examination in grade 11. For each academic area the State Board of Education shall establish the score that qualifies for the Prairie State Achievement Award on that portion of the examination. Any student who fails to earn a qualifying score for a Prairie State Achievement Award in any one or more of the academic areas on the initial test administration or who
wishes to improve his or her score on any portion of the examination shall be permitted to retake such portion or portions of the examination during grade 12. Districts shall inform their students of the timelines and procedures applicable to their participation in every yearly administration of the Prairie State Achievement Examination. Students receiving special education services whose individualized educational programs identify the Prairie State Achievement Examination as inappropriate for them nevertheless shall have the option of taking the examination, which shall be administered to those students in accordance with standards adopted by the State Board of Education to accommodate the respective disabilities of those students. A student who successfully completes all other applicable high school graduation requirements but fails to receive a score on the Prairie State Achievement Examination that qualifies the student for receipt of a Prairie State Achievement Award shall nevertheless qualify for the receipt of a regular high school diploma. In no case, however, shall a student receive a regular high school diploma without taking the Prairie State Achievement Examination, unless the student is exempted from taking the Prairie State Achievement Examination under this subsection (c) because the student's individualized educational program developed under Article 14 of this Code identifies the Prairie State Achievement Examination as inappropriate for the student, (ii) the student is exempt due to the student's lack of English language proficiency under subsection (a) of this Section, or (iii) the student is enrolled in a program of Adult and Continuing Education as defined in the Adult Education Act.

(d) Beginning with the 2002-2003 school year, all schools in this State that are part of the sample drawn by the National Center for Education Statistics, in collaboration with their school districts and the State Board of Education, shall administer the biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under Section 111(b)(2) of the National Education Statistics Act of 1994 (20 U.S.C. 9010) if the Secretary of Education pays the costs of administering the assessments.

(e) Beginning no later than the 2005-2006 school year, subject to available federal funds to this State for the purpose of student assessment, the State Board of Education shall provide additional tests and assessment resources that may be used by school districts for local diagnostic purposes. These tests and resources shall include without limitation additional high school writing, physical development and health, and fine arts assessments. The State Board of Education shall annually distribute a listing of these
additional tests and resources, using funds available from appropriations made for student assessment purposes.

(f) For the assessment and accountability purposes of this Section, "all pupils" includes those pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law, a school operated by a regional office of education under Section 13A-3 of this Code, or a public school administered by a local public agency or the Department of Human Services. (Source: P.A. 92-604, eff. 7-1-02; 93-426, eff. 8-5-03; 93-838, eff. 7-30-04; 93-857, eff. 8-3-04; revised 10-25-04.)

Passed in the General Assembly May 27, 2005.
Approved August 22, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0643
(House Bill No. 0712)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 602 and 610 and adding Section 609.5 as follows:
(750 ILCS 5/602) (from Ch. 40, par. 602)
Sec. 602. Best Interest of Child.
(a) The court shall determine custody in accordance with the best interest of the child. The court shall consider all relevant factors including:
(1) the wishes of the child's parent or parents as to his custody;
(2) the wishes of the child as to his custodian;
(3) the interaction and interrelationship of the child with his parent or parents, his siblings and any other person who may significantly affect the child's best interest;
(4) the child's adjustment to his home, school and community;
(5) the mental and physical health of all individuals involved;
(6) the physical violence or threat of physical violence by the child's potential custodian, whether directed against the child or directed against another person;
(7) the occurrence of ongoing abuse as defined in Section 103

New matter indicated by italics - deletions by strikeout
of the Illinois Domestic Violence Act of 1986, whether directed against the child or directed against another person; and

(8) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child; and:

(9) whether one of the parents is a sex offender.

In the case of a custody proceeding in which a stepparent has standing under Section 601, it is presumed to be in the best interest of the minor child that the natural parent have the custody of the minor child unless the presumption is rebutted by the stepparent.

(b) The court shall not consider conduct of a present or proposed custodian that does not affect his relationship to the child.

(c) Unless the court finds the occurrence of ongoing abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, the court shall presume that the maximum involvement and cooperation of both parents regarding the physical, mental, moral, and emotional well-being of their child is in the best interest of the child. There shall be no presumption in favor of or against joint custody.

(Source: P.A. 90-782, eff. 8-14-98.)

(750 ILCS 5/609.5 new)

Sec. 609.5. Notification of remarriage or residency with a sex offender. A parent who intends to marry or reside with a sex offender, and knows or should know that the person with whom he or she intends to marry or reside is a sex offender, shall provide reasonable notice to the other parent with whom he or she has a minor child prior to the marriage or the commencement of the residency.

(750 ILCS 5/610) (from Ch. 40, par. 610)

Sec. 610. Modification.

(a) Unless by stipulation of the parties or except as provided in subsection (a-5), no motion to modify a custody judgment may be made earlier than 2 years after its date, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously his physical, mental, moral or emotional health.

(a-5) A motion to modify a custody judgment may be made at any time by a party who has been informed of the existence of facts requiring notice to be given under Section 609.5.

(b) The court shall not modify a prior custody judgment unless it finds by clear and convincing evidence, upon the basis of facts that have arisen

New matter indicated by italics - deletions by strikeout
since the prior judgment or that were unknown to the court at the time of entry of the prior judgment, that a change has occurred in the circumstances of the child or his custodian, or in the case of a joint custody arrangement that a change has occurred in the circumstances of the child or either or both parties having custody, and that the modification is necessary to serve the best interest of the child. The existence of facts requiring notice to be given under Section 609.5 of this Act shall be considered a change in circumstance. In the case of joint custody, if the parties agree to a termination of a joint custody arrangement, the court shall so terminate the joint custody and make any modification which is in the child's best interest. The court shall state in its decision specific findings of fact in support of its modification or termination.

(c) Attorney fees and costs shall be assessed against a party seeking modification if the court finds that the modification action is vexatious and constitutes harassment.

(d) Notice under this Section shall be given as provided in subsections (c) and (d) of Section 601.

(Source: P.A. 87-1255.)

Passed in the General Assembly May 29, 2005.

Approved August 22, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0644
(House Bill No. 0832)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 6-1002.5 as follows:

(55 ILCS 5/6-1002.5)

Sec. 6-1002.5. Capital Improvement, Repair, or Replacement Fund.

(a) In its annual budget, a county may appropriate an amount not to exceed 5% of the amount appropriated to the county's general corporate or operating fund, for the purpose of making specified capital improvements, repairs, or replacements with respect to real property or equipment or other tangible personal property of the county. Any amount so appropriated shall be deposited into a special fund to be known as the County Capital

New matter indicated by italics - deletions by strikeout
Improvement, Repair, or Replacement Fund ("the Fund"). Expenditures from the Fund shall be budgeted in the fiscal year in which the capital improvement, repair, or replacement will occur.

(b) Moneys shall be transferred from the Fund into the county's general corporate or operating fund as follows:

(1) When a capital improvement, repair, or replacement project is completed, or when such a project is abandoned, and the county board determines that there remain in the Fund unspent moneys that were budgeted for the project, those unspent moneys shall be transferred.

(2) When the county board determines that surplus moneys, not needed for any capital improvement, repair, or replacement project for which the Fund was established, remain in the Fund, those surplus moneys shall be transferred.

Moneys transferred to the county's general corporate or operating fund under this subsection shall be transferred on the first day of the fiscal year following the fiscal year in which the unspent or surplus moneys were determined to exist.

(Source: P.A. 88-446.)


PUBLIC ACT 94-0645
(House Bill No. 1968)

AN ACT concerning elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:


New matter indicated by italics - deletions by strikeout
19A-55, 19A-60, 19A-65, 19A-70, 19A-75, and 23-50 as follows:

(10 ILCS 5/1A-16)

Sec. 1A-16. Voter registration information; internet posting; 
processing of voter registration forms; content of such forms. 
Notwithstanding any law to the contrary, the following provisions shall apply 
to voter registration under this Code.

(a) Voter registration information; Internet posting of voter 
registration form. Within 90 days after the effective date 
of this amendatory 
Act of the 93rd General Assembly, the State Board of Elections shall post on 
its World Wide Web site the following information:

(1) A comprehensive list of the names, addresses, phone 
numbers, and websites, if applicable, of all county clerks and boards 
of election commissioners in Illinois.

(2) A schedule of upcoming elections and the deadline for 
voter registration.

(3) A downloadable, printable voter registration form, in at 
least English and in Spanish versions, that a person may complete and 
mail or submit to the State Board of Elections or the appropriate 
county clerk or board of election commissioners.

Any forms described under paragraph (3) must state the following:

If you do not have a driver's license or social security number, 
and this form is submitted by mail, and you have never registered to 
vote in the jurisdiction you are now registering in, then you must 
send, with this application, either (i) a copy of a current and valid 
photo identification, or (ii) a copy of a current utility bill, bank 
statement, government check, paycheck, or other government 
document that shows the name and address of the voter. If you do not 
provide the information required above, then you will be required 
to provide election officials with either (i) or (ii) described above the 
first time you vote at a voting place or by absentee ballot.

(b) Acceptance of registration forms by the State Board of Elections 
and county clerks and board of election commissioners. The State Board of 
Elections, county clerks, and board of election commissioners shall accept all 
completed voter registration forms described in subsection (a)(3) of this 
Section and Section 1A-17 that are:

(1) postmarked on or before the day that voter registration is 
closed under the Election Code;

(2) not postmarked, but arrives no later than 5 days after the
close of registration;

(3) submitted in person by a person using the form on or before the day that voter registration is closed under the Election Code; or

(4) submitted in person by a person who submits one or more forms on behalf of one or more persons who used the form on or before the day that voter registration is closed under the Election Code.

Upon the receipt of a registration form, the State Board of Elections shall mark the date on which the form was received and send the form via first class mail to the appropriate county clerk or board of election commissioners, as the case may be, within 2 business days based upon the home address of the person submitting the registration form. The county clerk and board of election commissioners shall accept and process any form received from the State Board of Elections.

(c) Processing of registration forms by county clerks and boards of election commissioners. The county clerk or board of election commissioners shall promulgate procedures for processing the voter registration form.

(d) Contents of the voter registration form. The State Board shall create a voter registration form, which must contain the following content:

(1) Instructions for completing the form.

(2) A summary of the qualifications to register to vote in Illinois.

(3) Instructions for mailing in or submitting the form in person.

(4) The phone number for the State Board of Elections should a person submitting the form have questions.

(5) A box for the person to check that explains one of 3 reasons for submitting the form:

    (a) new registration;
    (b) change of address; or
    (c) change of name.

(6) a box for the person to check yes or no that asks, "Are you a citizen of the United States?", a box for the person to check yes or no that asks, "Will you be 18 years of age on or before election day?", and a statement of "If you checked 'no' in response to either of these questions, then do not complete this form."

(7) A space for the person to fill in his or her home telephone number.

New matter indicated by italics - deletions by strikeout
(8) Spaces for the person to fill in his or her first, middle, and last names, street address (principal place of residence), county, city, state, and zip code.

(9) Spaces for the person to fill in his or her mailing address, city, state, and zip code if different from his or her principal place of residence.

(10) A space for the person to fill in his or her Illinois driver's license number if the person has a driver's license.

(11) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number.

(12) A space for a person without an Illinois driver's license to fill in his or her identification number from his or her State Identification card issued by the Secretary of State.

(13) A space for the person to fill the name appearing on his or her last voter registration, the street address of his or her last registration, including the city, county, state, and zip code.

(14) A space where the person swears or affirms the following under penalty of perjury with his or her signature:

   (a) "I am a citizen of the United States."
   (b) "I will be at least 18 years old on or before the next election."
   (c) "I will have lived in the State of Illinois and in my election precinct at least 30 days as of the date of the next election."

   "The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, then than I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States."

   (d) Compliance with federal law; rule making authority. The voter registration form described in this Section shall be consistent with the form prescribed by the Federal Election Commission under the National Voter Registration Act of 1993, P. L. 103-31, as amended from time to time, and the Help America Vote Act of 2002, P. L. 107-252, in all relevant respects. The State Board of Elections shall periodically update the form based on changes to federal or State law. The State Board of Elections shall promulgate any rules necessary for the implementation of this Section; provided that the rules comport with the letter and spirit of the National Voter
Registration Act of 1993 and Help America Vote Act of 2002 and maximize the opportunity for a person to register to vote.

(e) Forms available in paper form. The State Board of Elections shall make the voter registration form available in regular paper stock and form in sufficient quantities for the general public. The State Board of Elections may provide the voter registration form to the Secretary of State, county clerks, boards of election commissioners, designated agencies of the State of Illinois, and any other person or entity designated to have these forms by the Election Code in regular paper stock and form or some other format deemed suitable by the Board. Each county clerk or board of election commissioners has the authority to design and print its own voter registration form so long as the form complies with the requirements of this Section. The State Board of Elections, county clerks, boards of election commissioners, or other designated agencies of the State of Illinois required to have these forms under the Election Code shall provide a member of the public with any reasonable number of forms that he or she may request. Nothing in this Section shall permit the State Board of Elections, county clerk, board of election commissioners, or other appropriate election official who may accept a voter registration form to refuse to accept a voter registration form because the form is printed on photocopier or regular paper stock and form.

(f) Internet voter registration study. The State Board of Elections shall investigate the feasibility of offering voter registration on its website and consider voter registration methods of other states in an effort to maximize the opportunity for all Illinois citizens to register to vote. The State Board of Elections shall assemble its findings in a report and submit it to the General Assembly no later than January 1, 2006. The report shall contain legislative recommendations to the General Assembly on improving voter registration in Illinois. (Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/1A-17 new)

Sec. 1A-17. Voter registration outreach.

(a) The Secretary of State, the Department of Human Services, the Department of Children and Family Services, the Department of Public Aid, the Department of Employment Security, and each public institution of higher learning in Illinois must make available on its World Wide Web site a downloadable, printable voter registration form that complies with the requirements in subsection (d) of Section 1A-16 for the State Board of Elections' voter registration form.

(b) Each public institution of higher learning in Illinois must include voter registration information and a voter registration form supplied by the
State Board of Elections under subsection (e) of Section 1A-16 in any mailing of student registration materials to an address located in Illinois. Each public institution of higher learning must provide voter registration information and a voter registration form supplied by the State Board of Elections under subsection (e) of Section 1A-16 to each person with whom the institution conducts in-person student registration.

(c) As used in this Section, a public institution of higher learning means a public university, college, or community college in Illinois.

(10 ILCS 5/1A-18 new)

Sec. 1A-18. Voter registration applications; General Assembly district offices. Each member of the General Assembly, and his or her State employees (as defined in Section 1-5 of the State Officials and Employees Ethics Act) authorized by the member, may make available voter registration forms supplied by the State Board of Elections under subsection (e) of Section 1A-16 to the public and may undertake that and other voter registration activities at the member's district office, during regular business hours or otherwise, in a manner determined by the member.

(10 ILCS 5/1A-25)

Sec. 1A-25. Centralized statewide voter registration list. The centralized statewide voter registration list required by Title III, Subtitle A, Section 303 of the Help America Vote Act of 2002 shall be created and maintained by the State Board of Elections as provided in this Section.

(1) The centralized statewide voter registration list shall be compiled from the voter registration data bases of each election authority in this State.

(2) All new voter registration forms and applications to register to vote, including those reviewed by the Secretary of State at a driver services facility, shall be transmitted only to the appropriate election authority as required by Articles 4, 5, and 6 of this Code and not to the State Board of Elections. The election authority shall process and verify each voter registration form and electronically enter verified registrations on an expedited basis onto the statewide voter registration list. All original registration cards shall remain permanently in the office of the election authority as required by this Code Sections 4-20, 5-28, and 6-65.

(3) The centralized statewide voter registration list shall:

   (i) Be designed to allow election authorities to utilize the registration data on the statewide voter registration list pertinent to voters registered in their election jurisdiction on

New matter indicated by italics - deletions by strikeout
locally maintained software programs that are unique to each jurisdiction.

(ii) Allow each election authority to perform essential election management functions, including but not limited to production of voter lists, processing of absentee voters, production of individual, pre-printed applications to vote, administration of election judges, and polling place administration, but shall not prevent any election authority from using information from that election authority's own systems.

(4) The registration information maintained by each election authority shall at all times be synchronized with that authority's information on the statewide list at least once every 24 hours on a constant, real-time basis.

To protect the privacy and confidentiality of voter registration information, the disclosure of any portion of the centralized statewide voter registration list to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited.

(Source: P.A. 93-1071, eff. 1-18-05.)

(10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

Sec. 4-6.2. (a) The county clerk shall appoint all municipal and township or road district clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of the State their respective municipalities, townships and road districts. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of the municipality, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the State county, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the State county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall

New matter indicated by italics - deletions by strikeout
be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The county clerk shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the State county at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any qualified resident of the State county at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the State county at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the State county.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the State county. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking

New matter indicated by italics - deletions by strikeout
individuals. In no event shall a county clerk fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bonafide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the State county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

New matter indicated by italics - deletions by strikeout
Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

........................................

(Signature Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year; except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the appointing proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the appointing proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of

New matter indicated by italics - deletions by strikeout
subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession.

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the county clerk.

(g) Completed registration materials returned by deputy registrars for persons residing outside the county shall be transmitted by the county clerk within 2 days after receipt to the election authority of the person's election jurisdiction of residence.

(Source: P.A. 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)

(10 ILCS 5/4-16) (from Ch. 46, par. 4-16)

Sec. 4-16. Any registered voter who changes his residence from one address to another within the same county wherein this Article is in effect, may have his registration transferred to his new address by making and signing an application for change of residence address upon a form to be provided by the county clerk. Such application must be made to the office of the county clerk and may be made either in person or by mail. In case the person is unable to sign his name, the county clerk shall require him to execute the application in the presence of the county clerk or of his properly authorized representative, by his mark, and if satisfied of the identity of the person, the county clerk shall make the transfer.

Upon receipt of the application, the county clerk, or one of his employees deputized to take registrations shall cause the signature of the voter and the data appearing upon the application to be compared with the signature and data on the registration record card, and if it appears that the applicant is the same person as the person previously registered under that name the transfer shall be made.

No transfers of registration under the provisions of this Section shall be made during the 27 days preceding any election at which such voter would be entitled to vote. When a removal of a registered voter takes place from one address to another within the same precinct within a period during which a transfer of registration cannot be made before any election or primary, he shall be entitled to vote upon presenting the judges of election his affidavit

New matter indicated by italics - deletions by strikeout
substantially in the form prescribed in Section 17-10 of this Act of a change of residence address within the precinct on a date therein specified.

The county clerk may obtain information from utility companies, city, village, incorporated town and township records, the post office, or from other sources, regarding the removal of registered voters, and may treat such information, and information procured from his death and marriage records on file in his office, as an application to erase from the register any name concerning which he may so have information that the voter is no longer qualified to vote under the name, or from the address from which registered, and give notice thereof in the manner provided by Section 4--12 of this Article, and notify voters who have changed their address that a transfer of registration may be made in the manner provided in this Section enclosing a form therefor.

If any person be registered by error in a precinct other than that in which he resides, the county clerk may transfer his registration to the proper precinct, and if the error is or may be on the part of the registration officials, and is disclosed too late before an election or primary to mail the certificate required by Section 4--15, such certificate may be personally delivered to the voter and he may vote thereon as therein provided, but such certificates so issued shall be specially listed with the reason for the issuance thereof.

Where a revision or rearrangement of precincts is made by the county board, the county clerk shall immediately transfer to the proper precinct the registration of any voter affected by such revision or rearrangement of the precinct; make the proper notations on the registration cards of a voter affected by the revision or rearrangement and shall issue revised certificates to each registrant of such change.

Any registered voter who changes his or her name by marriage or otherwise shall be required to register anew and authorize the cancellation of the previous registration; but if the voter still resides in the same precinct and if the change of name takes place within a period during which a transfer of registration cannot be made, preceding any election or primary, the elector may, if otherwise qualified, vote upon making an affidavit at the polling place attesting that the voter is the same person who is registered to vote under his or her former name. The affidavit shall be treated by the election authority as authorization to cancel the registration under the former name, and the election authority shall register the person under his or her current name. substantially in the form prescribed in Section 17-10 of this Act.

The precinct election officials shall report to the county clerk the names and addresses of all persons who have changed their addresses and

New matter indicated by italics - deletions by strikeout
voted, which shall be treated as an application to change address accordingly, and the names and addresses of all persons otherwise voting by affidavit as in this Section provided, which shall be treated as an application to erase under Section 4--12 hereof.
(Source: P.A. 92-816, eff. 8-21-02.)

(10 ILCS 5/4-105 new)
Sec. 4-105. First time voting. If a person registered to vote by mail, the person must vote for the first time in person and not by an absentee ballot, except that the person may vote by absentee ballot in person if the person first provides the appropriate election authority with sufficient proof of identity by the person’s driver’s license number or State identification card number or, if the person does not have either of those, by the last 4 digits of the person’s social security number, a copy of a current and valid photo identification, or a copy of any of the following current documents that show the person’s name and address: utility bill, bank statement, paycheck, government check, or other government document.
(10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)

Sec. 5-16.2. (a) The county clerk shall appoint all municipal and township clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of the State their respective counties. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of any county in which the municipality is located, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committee persons in the county as deputy registrars who may accept the registration of any qualified resident of the State county, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the State county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The county clerk shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

New matter indicated by italics - deletions by strikeout
1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the State county, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the State county, at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the State county, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the State county.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the State county. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations.

New matter indicated by italics - deletions by strikeout
Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the State county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

New matter indicated by italics - deletions by strikeout
"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

........................................

(Signature of Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the appointing proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the appointing proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar

New matter indicated by italics - deletions by strikeout
regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession.

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registers shall not be deemed to be employees of the county clerk.

(g) Completed registration materials returned by deputy registrars for persons residing outside the county shall be transmitted by the county clerk within 2 days after receipt to the election authority of the person's election jurisdiction of residence.

(Source: P.A. 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)

Sec. 5-23. Any registered voter who changes his residence from one address, number or place to another within the same county wherein this article 5 is in effect, may have his registration transferred to his new address by making and signing an application for such change of residence upon a form to be provided by the county clerk. Such application must be made to the office of the county clerk. In case the person is unable to sign his name the county clerk shall require such person to execute the request in the presence of the county clerk or of his properly authorized representative, by his mark, and if satisfied of the identity of the person, the county clerk shall make the transfer.

Upon receipt of such application, the county clerk, or one of his employees deputized to take registrations shall cause the signature of the voter and the data appearing upon the application to be compared with the signature and data on the registration record, and if it appears that the applicant is the same person as the party previously registered under that name the transfer shall be made.

Transfer of registration under the provisions of this section may not be made within the period when the county clerk's office is closed to registration prior to an election at which such voter would be entitled to vote.

Any registered voter who changes his or her name by marriage or otherwise, shall be required to register anew and authorize the cancellation of the previous registration; provided, however, that if the change of name takes place within a period during which such new registration cannot be made, next preceding any election or primary, the elector may, if otherwise qualified, vote upon making the following affidavit before the judges of election:

New matter indicated by italics - deletions by strikeout
I do solemnly swear that I am the same person now registered in the .... precinct of the .... ward of the city of .... or .... District Town of .... under the name of .... and that I still reside in said precinct or district.

(Signed) ....

If the voter whose name has changed still resides in the same precinct, the voter may vote after making the affidavit at the polling place regardless of when the change of name occurred. In that event, the affidavit shall not state that the voter is required to register; the affidavit shall be treated by the election authority as authorization to cancel the registration under the former name, and the election authority shall register the voter under his or her current name.

When a removal of a registered voter takes place from one address to another within the same precinct within a period during which such transfer of registration cannot be made, before any election or primary, he shall be entitled to vote upon presenting to the judges of election an affidavit of a change and having said affidavit supported by the affidavit of a qualified voter of the same precinct.

Suitable forms for this purpose shall be provided by the county clerk. The form in all cases shall be similar to the form furnished by the county clerk for county and state elections.

The precinct election officials shall report to the county clerk the names and addresses of all such persons who have changed their addresses and voted. The city, village, town and incorporated town clerks shall within five days after every election report to the county clerk the names and addresses of the persons reported to them as having voted by affidavit as in this section provided.

The county clerk may obtain information from utility companies, city, village, town and incorporated town records, the post office or from other sources regarding the removal of registered voters and notify such voters that a transfer of registration may be made in the manner provided by this section.

If any person be registered by error in a precinct other than that in which he resides the county clerk shall be empowered to transfer his registration to the proper precinct.

Where a revision or rearrangement of precincts is made by the board of county commissioners, the county clerk shall immediately transfer to the proper precinct the registration of any voter affected by such revision or rearrangement of the precincts; make the proper notations on the registration cards of a voter affected by the revision of registration and shall notify the registrant of such change.

New matter indicated by italics - deletions by strikeout
Sec. 5-105. First time voting. If a person registered to vote by mail, the person must vote for the first time in person and not by an absentee ballot, except that the person may vote by absentee ballot in person if the person first provides the appropriate election authority with sufficient proof of identity by the person's driver's license number or State identification card number or, if the person does not have either of those, by the last 4 digits of the person's social security number, a copy of a current and valid photo identification, or a copy of any of the following current documents that show the person's name and address: utility bill, bank statement, paycheck, government check, or other government document.

Sec. 6-50.2. (a) The board of election commissioners shall appoint all precinct committee persons in the election jurisdiction as deputy registrars who may accept the registration of any qualified resident of the State election jurisdiction, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the State county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The board of election commissioners shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the State election jurisdiction, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the State election jurisdiction, at such school. The board of election commissioners shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated in the election jurisdiction of their appointment.

New matter indicated by italics - deletions by strikeout
eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the State election jurisdiction, who may accept the registrations of any resident of the election jurisdiction, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the State election jurisdiction.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the State election jurisdiction. In determining the number of deputy registrars that shall be appointed, the board of election commissioners shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a board of election commissioners fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the election jurisdiction at any such public aid office.

New matter indicated by italics - deletions by strikeout
7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the election jurisdiction at any such unemployment office. If the request to be appointed as deputy registrar is denied, the board of election commissioners shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

8. The president of any corporation, as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the election jurisdiction. The board of election commissioners may appoint as many additional deputy registrars as it considers necessary. The board of election commissioners shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The board of election commissioners, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the board by November 30 of each year. The board may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the election jurisdiction and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of registration officer to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

....................................

New matter indicated by italics - deletions by strikeout
This oath shall be administered and certified to by one of the commissioners or by the executive director or by some person designated by the board of election commissioners, and shall immediately thereafter be filed with the board of election commissioners. The members of the board of election commissioners and all persons authorized by them under the provisions of this Article to take registrations, after themselves taking and subscribing to the above oath, are authorized to take or administer such oaths and execute such affidavits as are required by this Article.

Appointments of deputy registrars under this Section, except precinct committeeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The board of election commissioners shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the board of election commissioners and such appointees. The board of election commissioners shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars appointed pursuant to subsection (a) shall be returned to the appointing proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the appointing proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar
regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession.

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The board of election commissioners shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the board of election commissioners.

(g) Completed registration materials returned by deputy registrars for persons residing outside the election jurisdiction shall be transmitted by the board of election commissioners within 2 days after receipt to the election authority of the person's election jurisdiction of residence. (Source: P.A. 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)

(10 ILCS 5/6-54) (from Ch. 46, par. 6-54)

Sec. 6-54. Any registered voter who changes his or her name by marriage or otherwise, shall be required to register anew and authorize the cancellation of the previous registration; provided, however, that if the change of name takes place within a period during which such new registration cannot be made, next preceding any election or primary, the elector may, if otherwise qualified, vote upon making the following affidavit before the judges of election:

"I do solemnly swear that I am the same person now registered in the .... precinct of the .... ward, under the name of .... and that I still reside in said precinct.

(Signed)...."

If the voter whose name has changed still resides in the same precinct, the voter may vote after making the affidavit at the polling place regardless of when the change of name occurred. In that event, the affidavit shall not state that the voter is required to register; the affidavit shall be treated by the election authority as authorization to cancel the registration under the former name, and the election authority shall register the voter under his or her current name.

(Source: Laws 1943, vol. 2, p. 1.)

(10 ILCS 5/6-105 new)

Sec. 6-105. First time voting. If a person registered to vote by mail, the person must vote for the first time in person and not by an absentee ballot, except that the person may vote by absentee ballot in person if the person first provides the appropriate election authority with sufficient proof of identity by the person's driver's license number or State identification card

New matter indicated by italics - deletions by strikeout
number or, if the person does not have either of those, by the last 4 digits of the person's social security number, a copy of a current and valid photo identification, or a copy of any of the following current documents that show the person's name and address: utility bill, bank statement, paycheck, government check, or other government document.

(10 ILCS 5/7-7) (from Ch. 46, par. 7-7)

Sec. 7-7. For the purpose of making nominations in certain instances as provided in this Article and this Act, the following committees are authorized and shall constitute the central or managing committees of each political party, viz: A State central committee, whose responsibilities include, but are not limited to, filling by appointment vacancies in nomination for statewide offices, including but not limited to the office of United States Senator, a congressional committee for each congressional district, a county central committee for each county, a municipal central committee for each city, incorporated town or village, a ward committeeman for each ward in cities containing a population of 500,000 or more; a township committeeman for each township or part of a township that lies outside of cities having a population of 200,000 or more, in counties having a population of 2,000,000 or more; a precinct committeeman for each precinct in counties having a population of less than 2,000,000; a county board district committee for each county board district created under Division 2-3 of the Counties Code; a State's Attorney committee for each group of 2 or more counties which jointly elect a State's Attorney; a Superintendent of Multi-County Educational Service Region committee for each group of 2 or more counties which jointly elect a Superintendent of a Multi-County Educational Service Region; a judicial subcircuit committee in a judicial circuit divided into subcircuits for each judicial subcircuit in that circuit; and a board of review election district committee for each Cook County Board of Review election district.

(10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

Sec. 7-8. The State central committee shall be composed of one or two members from each congressional district in the State and shall be elected as follows:

State Central Committee

(a) Within 30 days after the effective date of this amendatory Act of 1983 the State central committee of each political party shall certify to the State Board of Elections which of the following alternatives it wishes to apply to the State central committee of that party.

New matter indicated by italics - deletions by strikeout
Alternative A. At the primary held on the third Tuesday in March 1970, and at the primary held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State central committeeman from the district. A political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of such party, determine to thereafter elect the State central committeemen in the manner following:

At the county convention held by such political party State central committeemen shall be elected in the same manner as provided in this Article for the election of officers of the county central committee, and such election shall follow the election of officers of the county central committee. Each elected ward, township or precinct committeeman shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party. In the case of a county lying partially within one congressional district and partially within another congressional district, each ward, township or precinct committeeman shall vote only with respect to the congressional district in which his ward, township, part of a township or precinct is located. In the case of a congressional district which encompasses more than one county, each ward, township or precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

The State central committee shall adopt rules to provide for and govern the procedures to be followed in the election of members of the State central committee.

After the effective date of this amendatory Act of the 91st General Assembly, whenever a vacancy occurs in the office of Chairman of a State central committee, or at the end of the term of office of Chairman, the State central committee of each political party that has selected Alternative A shall elect a Chairman who shall not be required to be a member of the State Central Committee. The Chairman shall be a registered voter in this State and

New matter indicated by italics - deletions by strikeout
of the same political party as the State central committee.

Alternative B. Each congressional committee shall, within 30 days after the adoption of this alternative, appoint a person of the sex opposite that of the incumbent member for that congressional district to serve as an additional member of the State central committee until his or her successor is elected at the general primary election in 1986. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section. In each congressional district at the general primary election held in 1986 and every 4 years thereafter, the male candidate receiving the highest number of votes of the party's male candidates for State central committeeman, and the female candidate receiving the highest number of votes of the party's female candidates for State central committeewoman, shall be declared elected State central committeeman and State central committeewoman from the district. At the general primary election held in 1986 and every 4 years thereafter, if all a party's candidates for State central committeemen or State central committeewomen from a congressional district are of the same sex, the candidate receiving the highest number of votes shall be declared elected a State central committeeman or State central committeewoman from the district, and, because of a failure to elect one male and one female to the committee, a vacancy shall be declared to exist in the office of the second member of the State central committee from the district. This vacancy shall be filled by appointment by the congressional committee of the political party, and the person appointed to fill the vacancy shall be a resident of the congressional district and of the sex opposite that of the committeeman or committeewoman elected at the general primary election. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section.

The Chairman of a State central committee composed as provided in this Alternative B must be selected from the committee's members.

Except as provided for in Alternative A with respect to the selection of the Chairman of the State central committee, under both of the foregoing alternatives, the State central committee of each political party shall be composed of members elected or appointed from the several congressional districts of the State, and of no other person or persons whomsoever. The members of the State central committee shall, within 41 30 days after each quadrennial election of the full committee, meet in the city of Springfield and organize by electing a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or expedient. The outgoing chairman of the State central committee of the

New matter indicated by italics - deletions by strikeout
party shall, 10 days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting. In the organization and proceedings of the State central committee, each State central committeeman and State central committeewoman shall have one vote for each ballot voted in his or her congressional district by the primary electors of his or her party at the primary election immediately preceding the meeting of the State central committee. Whenever a vacancy occurs in the State central committee of any political party, the vacancy shall be filled by appointment of the chairmen of the county central committees of the political party of the counties located within the congressional district in which the vacancy occurs and, if applicable, the ward and township committeemen of the political party in counties of 2,000,000 or more inhabitants located within the congressional district. If the congressional district in which the vacancy occurs lies wholly within a county of 2,000,000 or more inhabitants, the ward and township committeemen of the political party in that congressional district shall vote to fill the vacancy. In voting to fill the vacancy, each chairman of a county central committee and each ward and township committeeman in counties of 2,000,000 or more inhabitants shall have one vote for each ballot voted in each precinct of the congressional district in which the vacancy exists of his or her county, township, or ward cast by the primary electors of his or her party at the primary election immediately preceding the meeting to fill the vacancy in the State central committee. The person appointed to fill the vacancy shall be a resident of the congressional district in which the vacancy occurs, shall be a qualified voter, and, in a committee composed as provided in Alternative B, shall be of the same sex as his or her predecessor. A political party may, by a majority vote of the delegates of any State convention of such party, determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors. Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

(b) At the primary held on the third Tuesday in March, 1972, and every 4 years thereafter, each primary elector in cities having a population of 200,000 or over may vote for one candidate of his party in his ward for ward committeeman. Each candidate for ward committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman. The one having the highest number of votes shall be such ward committeeman of such

New matter indicated by italics - deletions by strikeout
party for such ward. At the primary election held on the third Tuesday in March, 1970, and every 4 years thereafter, each primary elector in counties containing a population of 2,000,000 or more, outside of cities containing a population of 200,000 or more, may vote for one candidate of his party for township committeeman. Each candidate for township committeeman must be a resident of and in the township or part of a township (which lies outside of a city having a population of 200,000 or more, in counties containing a population of 2,000,000 or more), and in which township or part of a township he seeks to be elected township committeeman. The one having the highest number of votes shall be such township committeeman of such party for such township or part of a township. At the primary held on the third Tuesday in March, 1970 and every 2 years thereafter, each primary elector, except in counties having a population of 2,000,000 or over, may vote for one candidate of his party in his precinct for precinct committeeman. Each candidate for precinct committeeman must be a bona fide resident of the precinct where he seeks to be elected precinct committeeman. The one having the highest number of votes shall be such precinct committeeman of such party for such precinct. The official returns of the primary shall show the name of the committeeman of each political party.

Terms of Committeemen. All precinct committeemen elected under the provisions of this Article shall continue as such committeemen until the date of the primary to be held in the second year after their election. Except as otherwise provided in this Section for certain State central committeemen who have 2 year terms, all State central committeemen, township committeemen and ward committeemen shall continue as such committeemen until the date of primary to be held in the fourth year after their election. However, a vacancy exists in the office of precinct committeeman when a precinct committeeman ceases to reside in the precinct in which he was elected and such precinct committeeman shall thereafter neither have nor exercise any rights, powers or duties as committeeman in that precinct, even if a successor has not been elected or appointed.

(c) The Multi-Township Central Committee shall consist of the precinct committeemen of such party, in the multi-township assessing district formed pursuant to Section 2-10 of the Property Tax Code and shall be organized for the purposes set forth in Section 45-25 of the Township Code. In the organization and proceedings of the Multi-Township Central Committee each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected.
County Central Committee

(d) The county central committee of each political party in each county shall consist of the various township committeemen, precinct committeemen and ward committeemen, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected; each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee; and in the organization and proceedings of the county central committee, each ward committeeman shall have one vote for each ballot voted in his ward by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee.

Cook County Board of Review Election District Committee

(d-1) Each board of review election district committee of each political party in Cook County shall consist of the various township committeemen and ward committeemen, if any, of that party in the portions of the county composing the board of review election district. In the organization and proceedings of each of the 3 election district committees, each township committeeman shall have one vote for each ballot voted in his or her township or part of a township, as the case may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee; and in the organization and proceedings of each of the 3 election district committees, each ward committeeman shall have one vote for each ballot voted in his or her ward or part of that ward, as the case may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee.

Congressional Committee

(e) The congressional committee of each party in each congressional district shall be composed of the chairmen of the county central committees of the counties composing the congressional district, except that in congressional districts wholly within the territorial limits of one county, or partly within 2 or more counties, but not coterminous with the county lines of all of such counties, the precinct committeemen, township committeemen
and ward committeemen, if any, of the party representing the precincts within
the limits of the congressional district, shall compose the congressional
committee. A State central committeeman in each district shall be a member
and the chairman or, when a district has 2 State central committeemen, a co-
chairman of the congressional committee, but shall not have the right to vote
except in case of a tie.

In the organization and proceedings of congressional committees
composed of precinct committeemen or township committeemen or ward
committeemen, or any combination thereof, each precinct committeeman
shall have one vote for each ballot voted in his precinct by the primary
electors of his party at the primary at which he was elected, each township
committeeman shall have one vote for each ballot voted in his township or
part of a township as the case may be by the primary electors of his party at
the primary election immediately preceding the meeting of the congressional
committee, and each ward committeeman shall have one vote for each ballot
voted in each precinct of his ward located in such congressional district by
the primary electors of his party at the primary election immediately
preceding the meeting of the congressional committee; and in the
organization and proceedings of congressional committees composed of the
chairmen of the county central committees of the counties within such
district, each chairman of such county central committee shall have one vote
for each ballot voted in his county by the primary electors of his party at the
primary election immediately preceding the meeting of the congressional
committee.

Judicial District Committee

(f) The judicial district committee of each political party in each
judicial district shall be composed of the chairman of the county central
committees of the counties composing the judicial district.

In the organization and proceedings of judicial district committees
composed of the chairmen of the county central committees of the counties
within such district, each chairman of such county central committee shall
have one vote for each ballot voted in his county by the primary electors of
his party at the primary election immediately preceding the meeting of the
judicial district committee.

Circuit Court Committee

(g) The circuit court committee of each political party in each judicial
circuit outside Cook County shall be composed of the chairmen of the county
central committees of the counties composing the judicial circuit.

In the organization and proceedings of circuit court committees, each
chairman of a county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the circuit court committee.

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in a judicial circuit divided into subcircuits shall be composed of (i) the ward and township committeemen of the townships and wards composing the judicial subcircuit in Cook County and (ii) the precinct committeemen of the precincts composing the judicial subcircuit in any county other than Cook County.

In the organization and proceedings of each judicial subcircuit committee, each township committeeman shall have one vote for each ballot voted in his township or part of a township, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; each precinct committeeman shall have one vote for each ballot voted in his precinct or part of a precinct, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; and each ward committeeman shall have one vote for each ballot voted in his ward or part of a ward, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee.

Municipal Central Committee

(h) The municipal central committee of each political party shall be composed of the precinct, township or ward committeemen, as the case may be, of such party representing the precincts or wards, embraced in such city, incorporated town or village. The voting strength of each precinct, township or ward committeeman on the municipal central committee shall be the same as his voting strength on the county central committee.

For political parties, other than a statewide political party, established only within a municipality or township, the municipal or township managing committee shall be composed of the party officers of the local established party. The party officers of a local established party shall be as follows: the chairman and secretary of the caucus for those municipalities and townships authorized by statute to nominate candidates by caucus shall serve as party officers for the purpose of filling vacancies in nomination under Section 7-61; for municipalities and townships authorized by statute or ordinance to nominate candidates by petition and primary election, the party officers shall

New matter indicated by italics - deletions by strikeout
be the party's candidates who are nominated at the primary. If no party primary was held because of the provisions of Section 7-5, vacancies in nomination shall be filled by the party's remaining candidates who shall serve as the party's officers.

Powers

(i) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Article. The several committees herein provided for shall not have power to delegate any of their powers, or functions to any other person, officer or committee, but this shall not be construed to prevent a committee from appointing from its own membership proper and necessary subcommittees.

(j) The State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section shall adopt a plan to give effect to the delegate selection rules of the national political party and file a copy of such plan with the State Board of Elections when approved by a national political party.

(k) For the purpose of the designation of a proxy by a Congressional Committee to vote in place of an absent State central committeeman or committeewoman at meetings of the State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section, the proxy shall be appointed by the vote of the ward and township committeemen, if any, of the wards and townships which lie entirely or partially within the Congressional District from which the absent State central committeeman or committeewoman was elected and the vote of the chairmen of the county central committees of those counties which lie entirely or partially within that Congressional District and in which there are no ward or township committeemen. When voting for such proxy the county chairman, ward committeeman or township committeeman, as the case may be shall have one vote for each ballot voted in his county, ward or township, or portion thereof within the Congressional District, by the primary electors of his party at the primary at which he was elected. However, the absent State central committeeman or committeewoman may designate a proxy when permitted by the rules of a political party which elects its members by Alternative B under paragraph (a) of this Section.

Notwithstanding any law to the contrary, a person is ineligible to hold the position of committeeperson in any committee established pursuant to this Section if he or she is statutorily ineligible to vote in a general election because of conviction of a felony. When a committeeperson is convicted of

New matter indicated by italics - deletions by strikeout
a felony, the position occupied by that committeeperson shall automatically become vacant.
(Source: P.A. 93-541, eff. 8-18-03; 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

(10 ILCS 5/7-10) (from Ch. 46, par. 7-10)
Sec. 7-10. Form of petition for nomination. The name of no candidate for nomination, or State central committeeman, or township committeeman, or precinct committeeman, or ward committeeman or candidate for delegate or alternate delegate to national nominating conventions, shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:

We, the undersigned, members of and affiliated with the .... party and qualified primary electors of the .... party, in the .... of ...., in the county of .... and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the .... party for the nomination for (or in case of committeemen for election to) the office or offices hereinafter specified, to be voted for at the primary election to be held on (insert date).

Name                               Office                                 Address
John Jones                        Governor                      Belvidere, Ill.
Thomas Smith                 Attorney                GeneralOakland, Ill.

I, ...., do hereby certify that I reside at No. .... street, in the .... of ...., county of ...., and State of ......, that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the .... party, and that their respective residences are correctly stated, as above set forth.

Subscribed and sworn to before me on (insert date).

Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office,
the political party represented and place of residence; and the heading of each sheet shall be the same.

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However the county or city, village or town, and state of residence of the electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; and certifying that the signatures on that sheet were signed in his or her presence and certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the filing of the petition and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 for the filing of such petition.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

Such sheets before being filed shall be neatly fastened together in

New matter indicated by italics - deletions by strikeout
book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets. Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified (in the case of a candidate for State's Attorney it shall state that the candidate is at the time of filing such statement a licensed attorney-at-law of this State), shall state that he has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgment of deeds in the State and shall be in substantially the following form:

Statement of Candidacy

Name: John Jones
Address: 102 Main St.
Office: Governor
District: Statewide
Party: Republican

Belvidere,
Illinois

State of Illinois) )
)ss.
County of .......

I, ...., being first duly sworn, say that I reside at .... Street in the city (or village) of ...., in the county of ...., State of Illinois; that I am a qualified voter therein and am a qualified primary voter of the .... party; that I am a candidate for nomination (for election in the case of committeeman and delegates and alternate delegates) to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official

New matter indicated by italics - deletions by strikeout
primary ballot for nomination for (or election to in the case of committeemen and delegates and alternate delegates) such office.

Signed ......................

Subscribed and sworn to (or affirmed) before me by ...., who is to me personally known, on (insert date).

Signed ......................

(Official Character)
(Seal, if officer has one.)

The petitions, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the State Board of Elections, election authority or local election official with whom the petition is required to be filed, and before the filing of such petition. Whoever forges the name of a signer upon any petition required by this Article is deemed guilty of a forgery and on conviction thereof shall be punished accordingly.

A candidate for the offices listed in this Section must obtain the number of signatures specified in this Section on his or her petition for nomination.

(a) Statewide office or delegate to a national nominating convention. If a candidate seeks to run for statewide office or as a delegate or alternate delegate to a national nominating convention elected from the State at-large, then the candidate's petition for nomination must contain at least 5,000 but not more than 10,000 signatures.

(b) Congressional office or congressional delegate to a national nominating convention. If a candidate seeks to run for United States Congress or as a congressional delegate or alternate congressional delegate to a national nominating convention elected from a congressional district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her congressional district. In the first primary election following a redistricting of congressional districts, a candidate's petition for nomination must contain at least 600 signatures of qualified primary electors of the candidate's political party in his or her congressional district.

(c) County office. If a candidate seeks to run for any countywide office, including but not limited to county board chairperson or county board member, elected on an at-large basis, in a county other than Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in his or her county. If a
candidate seeks to run for county board member elected from a county board district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the county board district. In the first primary election following a redistricting of county board districts or the initial establishment of county board districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the number of signatures be less than 25.

(d) County office; Cook County only.
(1) If a candidate seeks to run for countywide office in Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in Cook County.

(2) If a candidate seeks to run for Cook County Board Commissioner, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her county board district. In the first primary election following a redistricting of Cook County Board of Commissioner districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the number of signatures be less than 25.

(3) If a candidate seeks to run for Cook County Board of Review Commissioner, which is elected from a district pursuant to subsection (c) of Section 5-5 of the Property Tax Code, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the total number of registered voters in his or her board of review district in the last general election at which a commissioner was regularly scheduled to be elected from that board of review district. In no event shall the number of signatures required be greater than the requisite number for a candidate who seeks countywide office in Cook County under subsection (d)(1) of this

New matter indicated by italics - deletions by strikeout
Section. In the first primary election following a redistricting of Cook County Board of Review districts, a candidate's petition for nomination must contain at least 4,000 signatures or at least the number of signatures required for a countywide candidate in Cook County, whichever is less, of the qualified electors of his or her party in the district.

(e) Municipal or township office. If a candidate seeks to run for municipal or township office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the municipality or township. If a candidate seeks to run for alderman of a municipality, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party of the ward. In the first primary election following redistricting of aldermanic wards or trustee districts of a municipality or the initial establishment of wards or districts, a candidate's petition for nomination must contain the number of signatures equal to at least 0.5% of the total number of votes cast for the candidate of that political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts. In no event shall the number of signatures be less than 25.

(f) State central committeeperson. If a candidate seeks to run for State central committeeperson, then the candidate's petition for nomination must contain at least 100 signatures of the primary electors of his or her party of his or her congressional district.

(g) Sanitary district trustee. If a candidate seeks to run for trustee of a sanitary district in which trustees are not elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party from the sanitary district. If a candidate seeks to run for trustee of a sanitary district in which trustees are elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the ward of that sanitary district. In the first primary election following redistricting of sanitary districts elected from wards, a candidate's petition for nomination must contain at least the signatures of 150 qualified primary electors of his or her ward of that sanitary district.

(h) Judicial office. If a candidate seeks to run for judicial office in a

New matter indicated by italics - deletions by strikeout
district, then the candidate's petition for nomination must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures. If a candidate seeks to run for judicial office in a district, circuit, or subcircuit, then the candidate's petition for nomination must contain the number of signatures equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last general election at which a judicial officer from the same district, circuit or subcircuit was regularly scheduled to be elected, but in no event less than 500 signatures.

(i) Precinct, ward, and township committeeperson. If a candidate seeks to run for precinct committeeperson, then the candidate's petition for nomination must contain at least 10 signatures of the primary electors of his or her party for the precinct. If a candidate seeks to run for ward committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 10% of the primary electors of his or her party of the ward, but no more than 16% of those same electors; provided that the maximum number of signatures may be 50 more than the minimum number, whichever is greater. If a candidate seeks to run for township committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 5% of the primary electors of his or her party of the township, but no more than 8% of those same electors; provided that the maximum number of signatures may be 50 more than the minimum number, whichever is greater.

(j) State's attorney or regional superintendent of schools for multiple counties. If a candidate seeks to run for State's attorney or regional Superintendent of Schools who serves more than one county, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the territory comprising the counties.

(k) Any other office. If a candidate seeks any other office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the registered voters of the political subdivision, district, or division for which the nomination is made or 25 signatures, whichever is greater.

For purposes of this Section the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for that political party who received the highest number of votes,
statewide, at the last general election in the State at which electors for President of the United States were elected. For political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the political subdivision at the last regular election at which an officer was regularly scheduled to be elected from that subdivision. For wards or districts of political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the ward or district at the last regular election at which an officer was regularly scheduled to be elected from that ward or district.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

The changes made to this Section of this amendatory Act of the 93rd General Assembly are declarative of existing law, except for item (3) of subsection (d).

Petitions of candidates for nomination for offices herein specified, to be filed with the same officer, may contain the names of 2 or more candidates of the same political party for the same or different offices. (Source: P.A. 92-16, eff. 6-28-01; 92-129, eff. 7-20-01; 93-574, eff. 8-21-03.)

(10 ILCS 5/7-15) (from Ch. 46, par. 7-15)

Sec. 7-15. At least 60 days prior to each general and consolidated primary, the election authority shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of registration and voting aids under the Federal Voting Accessibility for the Elderly and Handicapped Act, of the availability of assistance in marking the ballot, and procedures for voting by absentee ballot, and procedures for early voting by personal appearance. At least 20 days before the general primary the county clerk of each county, and not more than 30 nor less than 10 days before the consolidated primary the election authority, shall prepare in the manner provided in this Act, a notice of such primary which notice shall state the time and place of holding the primary, the hours during which the polls will be open, the offices for which candidates will be nominated at such primary and the political parties entitled to participate therein, notwithstanding that no candidate of any such political party may be entitled to have his name printed on the primary ballot. Such notice shall also include the list of addresses of precinct polling places for the consolidated primary unless such list is separately published by the election authority not less than 10 days

New matter indicated by italics - deletions by strikeout
before the consolidated primary.

In counties, municipalities, or towns having fewer than 500,000 inhabitants notice of the general primary shall be published once in two or more newspapers published in the county, municipality or town, as the case may be, or if there is no such newspaper, then in any two or more newspapers published in the county and having a general circulation throughout the community.

In counties, municipalities, or towns having 500,000 or more inhabitants notice of the general primary shall be published at least 15 days prior to the primary by the same authorities and in the same manner as notice of election for general elections are required to be published in counties, municipalities or towns of 500,000 or more inhabitants under this Act.

Notice of the consolidated primary shall be published once in one or more newspapers published in each political subdivision having such primary, and if there is no such newspaper, then published once in a local, community newspaper having general circulation in the subdivision, and also once in a newspaper published in the county wherein the political subdivisions, or portions thereof, having such primary are situated. (Source: P.A. 84-808.)

(10 ILCS 5/7-34) (from Ch. 46, par. 7-34)

Sec. 7-34. Pollwatchers in a primary election shall be authorized in the following manner:

1) Each established political party shall be entitled to appoint one pollwatcher per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching and must be a registered voter in Illinois.

2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For Federal, State, and county, township, and municipal primary elections, the pollwatchers must be registered to vote in Illinois.

3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the names and addresses of its principal officers with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. For all primary elections, the pollwatcher must be registered to vote in Illinois.

4) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the

New matter indicated by italics - deletions by strikeout
proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. The pollwatcher must be registered to vote in Illinois.

(5) In any primary election held to nominate candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of a county in which any part of the municipality is situated shall be eligible to serve as a pollwatcher in any polling place located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (4) of this Section and is a registered voter whose residence is within Illinois.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ........ (name of pollwatcher) at ........ (address) in the county of ........, ........ (township or municipality) of ........ (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the ........ precinct of the ........ ward (if applicable) of the ........ (township or municipality) of ........ at the ........ election to be held on (insert date).

..................

(Signature of Appointing Authority)

..................

TITLE (party official, candidate, civic organization president, proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ........ (address) in the county of ........, ........ (township or municipality) of ........ (name), State of Illinois, and is duly registered to vote in Illinois.

..................

(Precinct and/or Ward in)

..................

(Signature of Pollwatcher)
Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates, qualified civic organizations and proponents and opponents of a ballot proposition can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed, pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS
TO THE JUDGES OF ELECTION:

New matter indicated by italics - deletions by strikeout
In accordance with the provisions of the Election Code, I ...... (name of candidate) hereby certify that I am a candidate for ...... (name of office) and seek admittance to ...... precinct of the ...... ward (if applicable) of the ...... (township or municipality) of ...... at the ...... election to be held on (insert date).

.......................................................... ..........................................................
(Signature of Candidate) OFFICE FOR WHICH

NOMINATION OR ELECTION

CANDIDATE SEEKS

Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each candidate and each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act. (Source: P.A.

New matter indicated by italics - deletions by strikeout
Sec. 7-56. As soon as complete returns are delivered to the proper election authority, the returns shall be canvassed for all primary elections as follows:

1. In the case of the nomination of candidates for city offices, by the mayor, the city attorney and the city clerk.

2. In the case of nomination of candidates for village offices, by the president of the board of trustees, one member of the board of trustees, and the village clerk.

3. In the case of nomination of candidates for township offices, by the town supervisor, the town assessor and the town clerk; in the case of nomination of candidates for incorporated town offices, by the corporate authorities of the incorporated town.

3.5. For multi-township assessment districts, by the chairman, clerk, and assessor of the multi-township assessment district.

4. For road district offices, by the highway commissioner and the road district clerk.

5. The officers who are charged by law with the duty of canvassing returns of general elections made to the county clerk, shall also open and canvass the returns of a primary made to such county clerk. Upon the completion of the canvass of the returns by the county canvassing board, said canvassing board shall make a tabulated statement of the returns for each political party separately, stating in appropriate columns and under proper headings, the total number of votes cast in said county for each candidate for nomination by said party, including candidates for President of the United States and for State central committeemen, and for delegates and alternate delegates to National nominating conventions, and for precinct committeemen, township committeemen, and for ward committeemen. Within two (2) days after the completion of said canvass by said canvassing board the county clerk shall mail to the State Board of Elections a certified copy of such tabulated statement of returns. Provided, however, that the number of votes cast for the nomination for offices, the certificates of election for which offices, under this Act or any other laws are issued by the county clerk shall not be included in such certified copy of said tabulated statement of returns, nor shall the returns on the election of precinct, township or ward committeemen be so certified to the State Board of Elections. The said officers shall also determine and set down as to each precinct the number of ballots voted by the primary electors of each party at

New matter indicated by italics - deletions by strikeout
the primary.

6. In the case of the nomination of candidates for offices, including President of the United States and the State central committeemen, and delegates and alternate delegates to National nominating conventions, certified tabulated statement of returns for which are filed with the State Board of Elections, said returns shall be canvassed by the board. And, provided, further, that within 5 days after said returns shall be canvassed by the said Board, the Board shall cause to be published in one daily newspaper of general circulation at the seat of the State government in Springfield a certified statement of the returns filed in its office, showing the total vote cast in the State for each candidate of each political party for President of the United States, and showing the total vote for each candidate of each political party for President of the United States, cast in each of the several congressional districts in the State.

7. Where in cities or villages which have a board of election commissioners, the returns of a primary are made to such board of election commissioners, said return shall be canvassed by such board, and, excepting in the case of the nomination for any municipal office, tabulated statements of the returns of such primary shall be made to the county clerk.

8. Within 48 hours of the delivery of complete returns of the consolidated primary to the election authority, the election authority shall deliver an original certificate of results to each local election official, with respect to whose political subdivisions nominations were made at such primary, for each precinct in his jurisdiction in which such nominations were on the ballot. Such original certificate of results need not include any offices or nominations for any other political subdivisions. The local election official shall immediately transmit the certificates to the canvassing board for his political subdivisions, which shall open and canvass the returns, make a tabulated statement of the returns for each political party separately, and as nearly as possible, follow the procedures required for the county canvassing board. Such canvass of votes shall be conducted within 21 days after the close of the consolidated primary. (Source: P.A. 87-1052.)

(10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

Sec. 7-60. Not less than 67 days before the date of the general election, the State Board of Elections shall certify to the county clerks the names of each of the candidates who have been nominated as shown by the proclamation of the State Board of Elections as a canvassing board or who have been nominated to fill a vacancy in nomination and direct the election authority to place upon the official ballot for the general election the names

New matter indicated by italics - deletions by strikeout
of such candidates in the same manner and in the same order as shown upon the certification, except as otherwise provided in this Section.

Not less than 61 days before the date of the general election, each county clerk shall certify the names of each of the candidates for county offices who have been nominated as shown by the proclamation of the county canvassing board or who have been nominated to fill a vacancy in nomination and declare that the names of such candidates for the respective offices shall be placed upon the official ballot for the general election in the same manner and in the same order as shown upon the certification, except as otherwise provided by this Section. Each county clerk shall place a copy of the certification on file in his or her office and at the same time issue to the State Board of Elections a copy of such certification. In addition, each county clerk in whose county there is a board of election commissioners shall, not less than 61 days before the date of the general election, issue to such board a copy of the certification that has been filed in the county clerk's office, together with a copy of the certification that has been issued to the clerk by the State Board of Elections, with directions to the board of election commissioners to place upon the official ballot for the general election in that election jurisdiction the names of all candidates that are listed on such certifications, in the same manner and in the same order as shown upon such certifications, except as otherwise provided in this Section.

Whenever there are two or more persons nominated by the same political party for multiple offices for any board, the name of the candidate of such party receiving the highest number of votes in the primary election as a candidate for such office, as shown by the official election returns of the primary, shall be certified first under the name of such offices, and the names of the remaining candidates of such party for such offices shall follow in the order of the number of votes received by them respectively at the primary election as shown by the official election results.

No person who is shown by the canvassing board's proclamation to have been nominated or elected at the primary as a write-in candidate shall have his or her name certified unless such person shall have filed with the certifying office or board within 10 days after the canvassing board's proclamation a statement of candidacy pursuant to Section 7-10, and a statement pursuant to Section 7-10.1, and a receipt for the filing of a statement of economic interests in relation to the unit of government to which he or she has been elected or nominated.

Each county clerk and board of election commissioners shall determine by a fair and impartial method of random selection the order of
placement of established political party candidates for the general election ballot. Such determination shall be made within 30 days following the canvass and proclamation of the results of the general primary in the office of the county clerk or board of election commissioners and shall be open to the public. Seven days written notice of the time and place of conducting such random selection shall be given, by each such election authority, to the County Chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. Each election authority shall post in a conspicuous, open and public place, at the entrance of the election authority office, notice of the time and place of such lottery. However, a board of election commissioners may elect to place established political party candidates on the general election ballot in the same order determined by the county clerk of the county in which the city under the jurisdiction of such board is located.

Each certification shall indicate, where applicable, the following:

(1) The political party affiliation of the candidates for the respective offices;
(2) If there is to be more than one candidate elected to an office from the State, political subdivision or district;
(3) If the voter has the right to vote for more than one candidate for an office;
(4) The term of office, if a vacancy is to be filled for less than a full term or if the offices to be filled in a political subdivision are for different terms.

The State Board of Elections or the county clerk, as the case may be, shall issue an amended certification whenever it is discovered that the original certification is in error. (Source: P.A. 86-867; 86-875; 86-1028.)

Sec. 7-61. Whenever a special election is necessary the provisions of this Article are applicable to the nomination of candidates to be voted for at such special election.

In cases where a primary election is required the officer or board or commission whose duty it is under the provisions of this Act relating to general elections to call an election, shall fix a date for the primary for the nomination of candidates to be voted for at such special election. Notice of such primary shall be given at least 15 days prior to the maximum time provided for the filing of petitions for such a primary as provided in Section 7-12.

New matter indicated by italics - deletions by strikeout
Any vacancy in nomination under the provisions of this Article 7 occurring on or after the primary and prior to certification of candidates by the certifying board or officer, must be filled prior to the date of certification. Any vacancy in nomination occurring after certification but prior to 15 days before the general election shall be filled within 8 days after the event creating the vacancy. The resolution filling the vacancy shall be sent by U. S. mail or personal delivery to the certifying officer or board within 3 days of the action by which the vacancy was filled; provided, if such resolution is sent by mail and the U. S. postmark on the envelope containing such resolution is dated prior to the expiration of such 3 day limit, the resolution shall be deemed filed within such 3 day limit. Failure to so transmit the resolution within the time specified in this Section shall authorize the certifying officer or board to certify the original candidate. Vacancies shall be filled by the officers of a local municipal or township political party as specified in subsection (h) of Section 7-8, other than a statewide political party, that is established only within a municipality or township and the managing committee (or legislative committee in case of a candidate for State Senator or representative committee in the case of a candidate for State Representative in the General Assembly or State central committee in the case of a candidate for statewide office, including but not limited to the office of United States Senator) of the respective political party for the territorial area in which such vacancy occurs.

The resolution to fill a vacancy in nomination shall be duly acknowledged before an officer qualified to take acknowledgements of deeds and shall include, upon its face, the following information:

(a) the name of the original nominee and the office vacated;
(b) the date on which the vacancy occurred;
(c) the name and address of the nominee selected to fill the vacancy and the date of selection.

The resolution to fill a vacancy in nomination shall be accompanied by a Statement of Candidacy, as prescribed in Section 7-10, completed by the selected nominee and a receipt indicating that such nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act.

The provisions of Section 10-8 through 10-10.1 relating to objections to certificates of nomination and nomination papers, hearings on objections, and judicial review, shall apply to and govern objections to resolutions for filling a vacancy in nomination.

Any vacancy in nomination occurring 15 days or less before the
consolidated election or the general election shall not be filled. In this event, the certification of the original candidate shall stand and his name shall appear on the official ballot to be voted at the general election.

A vacancy in nomination occurs when a candidate who has been nominated under the provisions of this Article 7 dies before the election (whether death occurs prior to, on or after the day of the primary), or declines the nomination; provided that nominations may become vacant for other reasons.

If the name of no established political party candidate was printed on the consolidated primary ballot for a particular office and if no person was nominated as a write-in candidate for such office, a vacancy in nomination shall be created which may be filled in accordance with the requirements of this Section. If the name of no established political party candidate was printed on the general primary ballot for a particular office and if no person was nominated as a write-in candidate for such office, a vacancy in nomination shall be created, but no candidate of the party for the office shall be listed on the ballot at the general election unless such vacancy is filled in accordance with the requirements of this Section within 60 days after the date of the general primary.

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at such primary election, is ineligible to be listed on the ballot at that general or consolidated election as a candidate of another political party.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus, is ineligible to be listed on the ballot at that general or consolidated election as a candidate of another political party.

In the proceedings to nominate a candidate to fill a vacancy or to fill a vacancy in the nomination, each precinct, township, ward, county or congressional district, as the case may be, shall through its representative on such central or managing committee, be entitled to one vote for each ballot voted in such precinct, township, ward, county or congressional district, as the case may be, by the primary electors of its party at the primary election immediately preceding the meeting at which such vacancy is to be filled.

For purposes of this Section, the words "certify" and "certification" shall refer to the act of officially declaring the names of candidates entitled to be printed upon the official ballot at an election and directing election authorities to place the names of such candidates upon the official ballot.
"Certifying officers or board" shall refer to the local election official, election authority or the State Board of Elections, as the case may be, with whom nomination papers, including certificates of nomination and resolutions to fill vacancies in nomination, are filed and whose duty it is to "certify" candidates. (Source: P.A. 86-867; 86-1348; 87-1052.)

(10 ILCS 5/7-100 new)
Sec. 7-100. Definition of a vote.
(a) Notwithstanding any law to the contrary, for the purpose of this Article, a person casts a valid vote on a punch card ballot when:

1. A chad on the card has at least one corner detached from
the card;

2. The fibers of paper on at least one edge of the chad are
broken in a way that permits unimpeded light to be seen through the
card; or

3. An indentation on the chad from the stylus or other object
is present and indicates a clearly ascertainable intent of the voter to
vote based on the totality of the circumstances, including but not
limited to any pattern or frequency of indentations on other ballot
positions from the same ballot card.

(b) Write-in votes shall be counted in a manner consistent with the
existing provisions of this Code.

(c) For purposes of this Section, a "chad" is that portion of a ballot
card that a voter punches or perforates with a stylus or other designated
marking device to manifest his or her vote for a particular ballot position on
a ballot card as defined in subsection (a).

(d) Prior to the original counting of any punch card ballots, an
election judge may not alter a punch card ballot in any manner, including,
but not limited to, the removal or manipulation of chads.

(10 ILCS 5/8-8) (from Ch. 46, par. 8-8)
Sec. 8-8. Form of petition for nomination. The name of no candidate
for nomination shall be printed upon the primary ballot unless a petition for
nomination shall have been filed in his behalf as provided for in this Section.
Each such petition shall include as a part thereof the oath required by Section
7-10.1 of this Act and a statement of candidacy by the candidate filing or in
whose behalf the petition is filed. This statement shall set out the address of
such candidate, the office for which he is a candidate, shall state that the
candidate is a qualified primary voter of the party to which the petition
relates, is qualified for the office specified and has filed a statement of
economic interests as required by the Illinois Governmental Ethics Act, shall

New matter indicated by italics - deletions by strikeout
request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn by such candidate before some officer authorized to take acknowledgment of deeds in this State and may be in substantially the following form:

State of Illinois) ) ss.
County ..........)

I, ...., being first duly sworn, say that I reside at .... street in the city (or village of) .... in the county of .... State of Illinois; that I am a qualified voter therein and am a qualified primary voter of .... party; that I am a candidate for nomination to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified to hold such office and that I have filed a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for such office.

Signed ....................

Subscribed and sworn to (or affirmed) before me by ...., who is to me personally known, on (insert date).

Signed .... (Official Character)
(Seal if officer has one.)

The receipt issued by the Secretary of State indicating that the candidate has filed the statement of economic interests required by the Illinois Governmental Ethics Act must be filed with the petitions for nomination as provided in subsection (8) of Section 7-12 of this Code.

All petitions for nomination for the office of State Senator shall be signed by 1% or 1,000 600, whichever is greater, of the qualified primary electors of the candidate's party in his legislative district, except that for the first primary following a redistricting of legislative districts, such petitions shall be signed by at least 1,000 600 qualified primary electors of the candidate's party in his legislative district.

All petitions for nomination for the office of Representative in the General Assembly shall be signed by at least 1% or 500 300, whichever is greater, of the qualified primary electors of the candidate's party in his or her representative district, except that for the first primary following a redistricting of representative districts such petitions shall be signed by at least 500 300 qualified primary electors of the candidate's party in his or her representative district.

Opposite the signature of each qualified primary elector who signs a petition for nomination for the office of State Representative or State Senator

New matter indicated by italics - deletions by strikeout
such elector's residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signor, as the case may be, as well as the signor's county and city, village or town.

For the purposes of this Section, the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for such political party who received the highest number of votes, state-wide, at the last general election in the State at which electors for President of the United States were elected.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

In the affidavit at the bottom of each sheet, the petition circulator, who shall be a person 18 years of age or older who is a citizen of the United States, shall state his or her street address or rural route number, as the case may be, as well as his or her county, city, village or town, and state; and shall certify that the signatures on that sheet of the petition were signed in his or her presence; and shall certify that the signatures are genuine; and shall certify that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petition qualified primary voters for which the nomination is sought.

In the affidavit at the bottom of each petition sheet, the petition circulator shall either (1) indicate the dates on which he or she circulated that sheet, or (2) indicate the first and last dates on which the sheet was circulated, or (3) certify that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition. No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 8-9 for the filing of such petition.

All petition sheets which are filed with the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

1. the person striking the signature shall initial the petition at the place where the signature is struck; and
2. the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the
petition.
(Source: P.A. 91-57, eff. 6-30-99; 91-357, eff. 7-29-99; 92-129, eff. 7-20-01.)
(10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)
Sec. 9-1.4. "Contribution" means-
(1) a gift, subscription, donation, dues, loan, advance, or deposit of
money or anything of value, knowingly received in connection with the
nomination for election, or election, of any person to public office, in
connection with the election of any person as ward or township
committeeman in counties of 3,000,000 or more population, or in connection
with any question of public policy;
(1.5) a gift, subscription, donation, dues, loan, advance, deposit of
money, or anything of value that constitutes an electioneering communication
regardless of whether the communication is made in concert or cooperation
with or at the request, suggestion, or knowledge of a candidate, a candidate's
authorized local political committee, a State political committee, a political
committee in support of or opposition to a question of public policy, or any
of their agents;
(2) the purchase of tickets for fund-raising events, including but not
limited to dinners, luncheons, cocktail parties, and rallies made in connection
with the nomination for election, or election, of any person to public office,
in connection with the election of any person as ward or township
committeeman in counties of 3,000,000 or more population, or in connection
with any question of public policy;
(3) a transfer of funds between political committees; and
(4) the services of an employee donated by an employer, in which
case the contribution shall be listed in the name of the employer, except that
any individual services provided voluntarily and without promise or
expectation of compensation from any source shall not be deemed a
contribution; but
(5) does not include--
(a) the use of real or personal property and the cost of
invitations, food, and beverages, voluntarily provided by an
individual in rendering voluntary personal services on the individual's
residential premises for candidate-related activities; provided the
value of the service provided does not exceed an aggregate of $150
in a reporting period;
(b) the sale of any food or beverage by a vendor for use in a
candidate's campaign at a charge less than the normal comparable
charge, if such charge for use in a candidate's campaign is at least

New matter indicated by italics - deletions by strikeout
equal to the cost of such food or beverage to the vendor.
(Source: P.A. 89-405, eff. 11-8-95.)

(10 ILCS 5/9-1.14)
Sec. 9-1.14. Electioneering communication defined.

(a) "Electioneering communication" means, for the purposes of this Article, any form of communication, in whatever medium, including but not limited to a newspaper, radio, television, or Internet communication, that (1) refers to a clearly identified candidate or candidates who will appear on the ballot, refers to a clearly identified political party, or refers to a clearly identified question of public policy that will appear on the ballot and (2) is made within (i) 60 days before a general election or consolidated election or (ii) 30 days before a primary election.

(b) "Electioneering communication" does not include:

(1) A communication, other than an advertisement, appearing in a news story, commentary, or editorial distributed through the facilities of any legitimate news organization, unless the facilities are owned or controlled by any political party, political committee, or candidate.

(2) A communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring the debate or forum.

(3) A communication made as part of a non-partisan activity designed to encourage individuals to vote or to register to vote.

(4) A communication by an organization operating and remaining in good standing under Section 501(c)(3) of the Internal Revenue Code of 1986.

(5) A communication exclusively between a labor organization, as defined under federal or State law, and its members.

(6) A communication exclusively between an organization formed under Section 501(c)(6) of the Internal Revenue Code and its members.

(Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03; 93-847, eff. 7-30-04.)

(10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

Sec. 9-3. Every state political committee and every local political committee shall file with the State Board of Elections, and every local political committee shall file with the county clerk, a statement of organization within 10 business days of the creation of such committee, except any political committee created within the 30 days before an election.
shall file a statement of organization within 5 business days. A political committee that acts as both a state political committee and a local political committee shall file a copy of each statement of organization with the State Board of Elections and the county clerk. The Board shall impose a civil penalty of $25 per business day upon political committees for failing to file or late filing of a statement of organization, except that for committees formed to support candidates for statewide office, the civil penalty shall be $50 per business day. Such penalties shall not exceed $5,000, and shall not exceed $10,000 for statewide office political committees. There shall be no fine if the statement is mailed and postmarked at least 72 hours prior to the filing deadline.

In addition to the civil penalties authorized by this Section, the State Board of Elections or any other affected political committee may apply to the circuit court for a temporary restraining order or a preliminary or permanent injunction against the political committee to cease the expenditure of funds and to cease operations until the statement of organization is filed.

For the purpose of this Section, "statewide office" means the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and State Comptroller.

The statement of organization shall include -

(a) the name and address of the political committee (the name of the political committee must include the name of any sponsoring entity);
(b) the scope, area of activity, party affiliation, candidate affiliation and his county of residence, and purposes of the political committee;
(c) the name, address, and position of each custodian of the committee's books and accounts;
(d) the name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any;
(e) (Blank);
(f) a statement of what specific disposition of residual fund will be made in the event of the dissolution or termination of the committee;
(g) a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee;
(h) the amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization.

For purposes of this Section, a "sponsoring entity" is (i) any person, political committee, organization, corporation, or association that contributes

New matter indicated by italics - deletions by strikeout
at least 33% of the total funding of the political committee or (ii) any person or other entity that is registered or is required to register under the Lobbyist Registration Act and contributes at least 33% of the total funding of the political committee; except that a political committee is not a "sponsoring entity" for purposes of this Section if it is a political committee organized by (i) an established political party as defined in Section 10-2, (ii) a partisan caucus of either house of the General Assembly, or (iii) the Speaker or Minority Leader of the House of Representatives or the President or Minority Leader of the Senate, in his or her capacity as a legislative leader of the House of Representatives or Senate and not as a candidate for Representative or Senator.

(Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03.)

(10 ILCS 5/9-7.5)
Sec. 9-7.5. Nonprofit organization registration and disclosure.

(a) Each nonprofit organization, except for a labor union, (i) registered under the Lobbyist Registration Act or for which lobbying is undertaken by persons registered under that Act, (ii) that has not established a political committee, and (iii) that accepts contributions, makes contributions, or makes expenditures during any 12-month period in an aggregate amount exceeding $5,000 (I) on behalf of or in opposition to public officials, candidates for public office, or a question of public policy or (II) for electioneering communications and (II) for the purpose of influencing legislative, executive, or administrative action as defined in the Lobbyist Registration Act, shall register with the State Board of Elections. The Board by rule shall prescribe the registration procedure and form. The registration form shall require the following information:

(1) The registrant's name, address, and purpose.

(2) The name, address, and position of each custodian of the registrant's financial books, accounts, and records.

(3) The name, address, and position of each of the registrant's principal officers.

(b) Each nonprofit organization required to register under subsection (a) shall file contribution and expenditure reports with the Board. The Board by rule shall prescribe the form, which shall require the following information:

(1) The organization's name, address, and purpose.

(2) The amount of funds on hand at the beginning of the reporting period.

(3) The full name and address of each person who has made

New matter indicated by italics - deletions by strikeout
one or more contributions to or for the organization within the reporting period in an aggregate amount or value in excess of $150, together with the amount and date of the contributions, and if a contributor is an individual who contributed more than $500, the occupation and employer of the contributor or, if the occupation and employer of the contributor are unknown, a statement that the organization has made a good faith effort to ascertain this information.

(4) The total sum of individual contributions made to or for the organization during the reporting period and not reported in item (3).

(5) The name and address of each organization and political committee from which the reporting organization received, or to which that organization made, any transfer of funds in an aggregate amount or value in excess of $150, together with the amounts and dates of the transfers.

(6) The total sum of transfers made to or from the organization during the reporting period and not reported in item (5).

(7) Each loan to or from any person within the reporting period by or to the organization in an aggregate amount or value in excess of $150, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of the loans, and if a lender or endorser is an individual who loaned or endorsed a loan of more than $500, the occupation and employer of the individual or, if the occupation and employer of the individual are unknown, a statement that the organization has made a good faith effort to ascertain this information.

(8) The total amount of proceeds received by the organization from (i) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fundraising event, (ii) mass collections made at those events, and (iii) sales of items such as buttons, badges, flags, emblems, hats, banners, literature, and similar materials.

(9) Each contribution, rebate, refund, or other receipt in excess of $150 received by the organization not otherwise listed under items (3) through (8), and if a contributor is an individual who contributed more than $500, the occupation and employer of the contributor or, if the occupation and employer of the contributor are unknown, a statement that the organization has made a good faith effort to ascertain this information.

New matter indicated by italics - deletions by strikeout
(10) The total sum of all receipts by or for the organization during the reporting period.

(11) The full name and mailing address of each person to whom expenditures have been made by the organization within the reporting period in an aggregate amount or value in excess of $150, the amount, date, and purpose of each expenditure, and the question of public policy on behalf of which the expenditure was made.

(12) The full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $150 has been made and which is not otherwise reported, including the amount, date, and purpose of the expenditure.

(13) The total sum of expenditures made by the organization during the reporting period.

(14) The full name and mailing address of each person to whom the organization owes debts or obligations in excess of $150 and the amount of the debts or obligations. The State Board by rule shall define a "good faith effort".

(c) The reports required under subsection (b) shall be filed at the same times and for the same reporting periods as reports of campaign contributions and semi-annual reports of campaign contributions and expenditures required by this Article of political committees. The reports required under subsection (b) shall be available for public inspection and copying in the same manner as reports filed by political committees. The Board may charge a fee that covers the costs of copying and distribution, if any.

(d) An organization required to file reports under subsection (b) shall include a statement on all literature and advertisements soliciting funds stating the following:

"A copy of our report filed with the State Board of Elections is (or will be) available for purchase from the State Board of Elections, Springfield, Illinois".

(Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-9.5)

Sec. 9-9.5. Disclosures in political communications. Any political committee, organized under the Election Code, that makes an expenditure for a pamphlet, circular, handbill, Internet or telephone communication, radio, television, or print advertisement, or other communication directed at voters and mentioning the name of a candidate in the next upcoming election shall ensure that the name of the political committee paying for any part of the communication, including, but not limited to, its preparation and distribution,

New matter indicated by italics - deletions by strikeout
is identified clearly within the communication as the payor. This Section does not apply to items that are too small to contain the required disclosure. Nothing in this Section shall require disclosure on any telephone communication using random sampling or other scientific survey methods to gauge public opinion for or against any candidate or question of public policy.

Whenever any vendor or other person provides any of the services listed in this Section, other than any telephone communication using random sampling or other scientific survey methods to gauge public opinion for or against any candidate or question of public policy, the vendor or person shall keep and maintain records showing the name and address of the person who purchased or requested the services and the amount paid for the services. The records required by this Section shall be kept for a period of one year after the date upon which payment was received for the services.

(Source: P.A. 93-615, eff. 11-19-03; 93-847, eff. 7-30-04.)

(10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

Sec. 9-10. Financial reports.

(a) The treasurer of every state political committee and the treasurer of every local political committee shall file with the Board, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures on forms to be prescribed or approved by the Board. The treasurer of every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the State Board of Elections and the county clerk. Entities subject to Section 9-7.5 shall file reports required by that Section at times provided in this Section and are subject to the penalties provided in this Section.

(b) Reports of campaign contributions shall be filed no later than the 15th day next preceding each election including a primary election in connection with which the political committee has accepted or is accepting contributions or has made or is making expenditures. Such reports shall be complete as of the 30th day next preceding each election including a primary election. The Board shall assess a civil penalty not to exceed $5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. The fine, however, shall not exceed $500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State
officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer. However, a continuing political committee that does not make neither accepts contributions nor makes expenditures in excess of $500 on behalf of or in opposition to any candidate or public question on the ballot at an election shall not be required to file the reports heretofore prescribed but may file in lieu thereof a Statement of Nonparticipation in the Election with the Board or the Board and the county clerk; except that if the political committee, by the terms of its statement of organization filed in accordance with this Article, is organized to support or oppose a candidate or public question on the ballot at the next election or primary, that committee must file reports required by this subsection (b) and by subsection (b-5).

(b-5) Notwithstanding the provisions of subsection (b) and Section 1.25 of the Statute on Statutes, any contribution of more than $500 received in the interim between the last date of the period covered by the last report filed under subsection (b) prior to the election and the date of the election shall be filed with and must actually be received by the State Board of Elections within 2 business days after receipt of such contribution. The State Board shall allow filings of reports of contributions of more than $500 under this subsection (b-5) by political committees that are not required to file electronically to be made by facsimile transmission. For the purpose of this subsection, a contribution is considered received on the date the public official, candidate, or political committee (or equivalent person in the case of a reporting entity other than a political committee) actually receives it or, in the case of goods or services, 2 business days after the date the public official, candidate, committee, or other reporting entity receives the certification required under subsection (b) of Section 9-6. Failure to report each contribution is a separate violation of this subsection. In the final disposition of any matter by the Board on or after the effective date of this amendatory Act of the 93rd General Assembly, the Board may impose fines for violations of this subsection not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported. When considering the amount of the fine to be imposed, the Board shall consider, but is not limited to, the following factors:

(1) whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally;
(2) the number of days the contribution was reported late; and
(3) past violations of Sections 9-3 and 9-10 of this Article by

New matter indicated by italics - deletions by strikeout
the committee.

(c) In addition to such reports the treasurer of every political committee shall file semi-annual reports of campaign contributions and expenditures no later than July 31st, covering the period from January 1st through June 30th immediately preceding, and no later than January 31st, covering the period from July 1st through December 31st of the preceding calendar year. Reports of contributions and expenditures must be filed to cover the prescribed time periods even though no contributions or expenditures may have been received or made during the period. The Board shall assess a civil penalty not to exceed $5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. The fine, however, shall not exceed $500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

(c-5) A political committee that acts as either (i) a State and local political committee or (ii) a local political committee and that files reports electronically under Section 9-28 is not required to file copies of the reports with the appropriate county clerk if the county clerk has a system that permits access to, and duplication of, reports that are filed with the State Board of Elections. A State and local political committee or a local political committee shall file with the county clerk a copy of its statement of organization pursuant to Section 9-3.

(d) A copy of each report or statement filed under this Article shall be preserved by the person filing it for a period of two years from the date of filing.

(10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

Sec. 10-9. The following electoral boards are designated for the purpose of hearing and passing upon the objector's petition described in Section 10-8.

1. The State Board of Elections will hear and pass upon objections to the nominations of candidates for State offices, nominations of candidates for congressional, legislative and judicial offices of districts, subcircuits, or circuits situated in more than one county, nominations of candidates for the offices of State's attorney or regional superintendent of schools to be elected

New matter indicated by italics - deletions by strikeout
from more than one county, and petitions for proposed amendments to the Constitution of the State of Illinois as provided for in Section 3 of Article XIV of the Constitution.

2. The county officers electoral board to hear and pass upon objections to the nominations of candidates for county offices, for congressional, legislative and judicial offices of a district, subcircuit, or circuit coterminous with or less than a county, for school trustees to be voted for by the electors of the county or by the electors of a township of the county, for the office of multi-township assessor where candidates for such office are nominated in accordance with this Code, and for all special district offices, shall be composed of the county clerk, or an assistant designated by the county clerk, the State's attorney of the county or an Assistant State's Attorney designated by the State's Attorney, and the clerk of the circuit court, or an assistant designated by the clerk of the circuit court, of the county, of whom the county clerk or his designee shall be the chairman, except that in any county which has established a county board of election commissioners that board shall constitute the county officers electoral board ex-officio.

3. The municipal officers electoral board to hear and pass upon objections to the nominations of candidates for officers of municipalities shall be composed of the mayor or president of the board of trustees of the city, village or incorporated town, and the city, village or incorporated town clerk, and one member of the city council or board of trustees, that member being designated who is eligible to serve on the electoral board and has served the greatest number of years as a member of the city council or board of trustees, of whom the mayor or president of the board of trustees shall be the chairman.

4. The township officers electoral board to pass upon objections to the nominations of township officers shall be composed of the township supervisor, the town clerk, and that eligible town trustee elected in the township who has had the longest term of continuous service as town trustee, of whom the township supervisor shall be the chairman.

5. The education officers electoral board to hear and pass upon objections to the nominations of candidates for offices in school or community college districts shall be composed of the presiding officer of the school or community college district board, who shall be the chairman, the secretary of the school or community college district board and the eligible elected school or community college board member who has the longest term of continuous service as a board member.

6. In all cases, however, where the Congressional or Legislative

New matter indicated by italics - deletions by strikeout
district is wholly within the jurisdiction of a board of election commissioners and in all cases where the school district or special district is wholly within the jurisdiction of a municipal board of election commissioners and in all cases where the municipality or township is wholly or partially within the jurisdiction of a municipal board of election commissioners, the board of election commissioners shall ex-officio constitute the electoral board.

For special districts situated in more than one county, the county officers electoral board of the county in which the principal office of the district is located has jurisdiction to hear and pass upon objections. For purposes of this Section, "special districts" means all political subdivisions other than counties, municipalities, townships and school and community college districts.

In the event that any member of the appropriate board is a candidate for the office with relation to which the objector's petition is filed, he shall not be eligible to serve on that board and shall not act as a member of the board and his place shall be filled as follows:

a. In the county officers electoral board by the county treasurer, and if he or she is ineligible to serve, by the sheriff of the county.

b. In the municipal officers electoral board by the eligible elected city council or board of trustees member who has served the second greatest number of years as a city council or board of trustees member.

c. In the township officers electoral board by the eligible elected town trustee who has had the second longest term of continuous service as a town trustee.

d. In the education officers electoral board by the eligible elected school or community college district board member who has had the second longest term of continuous service as a board member.

In the event that the chairman of the electoral board is ineligible to act because of the fact that he is a candidate for the office with relation to which the objector's petition is filed, then the substitute chosen under the provisions of this Section shall be the chairman; In this case, the officer or board with whom the objector's petition is filed, shall transmit the certificate of nomination or nomination papers as the case may be, and the objector's petition to the substitute chairman of the electoral board.

When 2 or more eligible individuals, by reason of their terms of service on a city council or board of trustees, township board of trustees, or school or community college district board, qualify to serve on an electoral

New matter indicated by italics - deletions by strikeout
board, the one to serve shall be chosen by lot.

Any vacancies on an electoral board not otherwise filled pursuant to this Section shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county wherein the electoral board hearing is being held upon notification to the Chief Judge of such vacancies. The Chief Judge shall be so notified by a member of the electoral board or the officer or board with whom the objector's petition was filed. In the event that none of the individuals designated by this Section to serve on the electoral board are eligible, the chairman of an electoral board shall be designated by the Chief Judge.

(Source: P.A. 87-570.)

(10 ILCS 5/12-1) (from Ch. 46, par. 12-1)
Sec. 12-1. At least 60 days prior to each general and consolidated election, the election authority shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of registration and voting aids under the Federal Voting Accessibility for the Elderly and Handicapped Act, of the availability of assistance in marking the ballot, and procedures for voting by absentee ballot, and procedures for voting early by personal appearance.

At least 30 days before any general election, and at least 20 days before any special congressional election, the county clerk shall publish a notice of the election in 2 or more newspapers published in the county, city, village, incorporated town or town, as the case may be, or if there is no such newspaper, then in any 2 or more newspapers published in the county and having a general circulation throughout the community. The notice may be substantially as follows:

Notice is hereby given that on (give date), at (give the place of holding the election and the name of the precinct or district) in the county of (name county), an election will be held for (give the title of the several offices to be filled), which election will be open at 6:00 a.m. and continued open until 7:00 p.m. of that day.

Dated at .... on (insert date).
(Source: P.A. 90-358, eff. 1-1-98; 91-357, eff. 7-29-99.)

(10 ILCS 5/Art. 12A heading new)

ARTICLE 12A
VOTERS' GUIDES

(10 ILCS 5/12A-2 new)
Sec. 12A-2. Definitions. As used in this Article, unless the context otherwise requires:

New matter indicated by italics - deletions by strikeout
"Board" means the State Board of Elections.
"Internet Guide" refers to information disseminated by the State Board of Elections on a website, pursuant to Section 12A-5.
"Local election authority" means a county clerk or board of election commissioners.
"Public question" or "question" means any question, proposition, or referendum submitted to the voters under Article 28 of this Code.
"Statewide candidate" means any candidate who runs for a statewide office, including Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Comptroller, United States President, or United States Senator.
"Voters' guide" means any information disseminated by the State Board of Elections pursuant to Section 12A-5.

(10 ILCS 5/12A-5 new)
Sec. 12A-5. Internet Guide. The Board shall publish, no later than the 45th day before a general election in which a statewide candidate appears on the ballot, an Internet website with the following information:

(1) The date and time of the general election.
(2) Requirements for a citizen to qualify as an elector.
(3) The deadline for registering as an elector in the State of Illinois for the next election.
(4) Contact information for local election authorities.
(5) A description of the following offices, when they appear on the ballot, including their term of office, basic duties, and base salary: United States President, United States Senator, United States Representative, Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Comptroller, Illinois Supreme Court Judge, and Illinois Appellate Court Judge. The Board shall not include information on any office other than the offices listed in this item (5).
(6) The names and party affiliations of qualified candidates for the following offices, when these offices appear on the ballot: United States President, United States Senator, United States Representative, Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Comptroller, Illinois Supreme Court Judge, and Illinois Appellate Court Judge. The Board shall not include information on candidates for any office other than the offices listed in this item (6).
(7) Challenged candidates. Where a candidate's right to
appear on the general election ballot has been challenged, and any appeal remains pending regarding those challenges, the challenged candidate may appear on the Internet Guide, subject to the other provisions of Section 12A-10. In this instance, the Board may note that the candidate’s candidacy has been challenged and that he or she may be removed from the ballot prior to election day. If the candidate is removed from the ballot prior to election day, the Board shall remove the candidate’s name and other information from the Internet Guide.

(8) Any personal statement and photograph submitted by a candidate named in the Internet Guide, subject to Sections 12A-10 and 12A-35.

(9) A means by which an elector may determine what type of balloting equipment is used by his or her local election authority, and the instructions for properly using that equipment.

(10) The text of any public question that may appear on the ballot.

(11) A mechanism by which electors may determine in which congressional and judicial districts they reside. The Internet Guide shall allow visitors to search for candidates by office (e.g., Governor or United States Senator) and candidate’s name.

(12) Information concerning how to become an election judge. The Board shall archive the contents of the Internet Guide for a period of at least 5 years.

In addition, the Board has the discretion to publish a voters’ guide before a general primary election in the manner provided in this Article.

(10 ILCS 5/12A-10 new)

Sec. 12A-10. Candidate statements and photographs in the Internet Guide.

(a) Any candidate whose name appears in the Internet Guide may submit a written statement and a photograph to appear in the Internet Guide, provided that:

(1) No personal statement may exceed a brief biography (name, age, education, and current employment) and an additional 400 words.

(2) Personal statements may include contact information for the candidate, including the address and phone number of the campaign headquarters, and the candidate’s website.

(3) Personal statements may not mention a candidate’s
opponents by name.

(4) No personal statement may include language that may not be legally sent through the mail.

(5) The photograph shall be a conventional photograph with a plain background and show only the face, or the head, neck, and shoulders, of the candidate.

(6) The photograph shall not (i) show the candidate's hands, anything in the candidate's hands, or the candidate wearing a judicial robe, a hat, or a military, police, or fraternal uniform or (ii) include the uniform or insignia of any organization.

(b) The Board must note in the text of the Internet Guide that personal statements were submitted by the candidate or his or her designee and were not edited by the Board.

(c) Where a candidate declines to submit a statement, the Board may note that the candidate declined to submit a statement.

(d) The candidate must pay $600 for inclusion of his or her personal statement and photograph, and the Board shall not include photographs or statements from candidates who do not pay the fee. The Board may adopt rules for refunding that fee at the candidate's request, provided that the Board may not include a statement or photograph from a candidate who has requested a refund of a fee. Fees collected pursuant to this subsection shall be deposited into the Voters' Guide Fund, a special fund created in the State treasury. Moneys in the Voters' Guide Fund shall be appropriated solely to the State Board of Elections for use in the implementation and administration of this Article 12A.

(e) Anyone other than the candidate submitting a statement or photograph from a candidate must attest that he or she is doing so on behalf and at the direction of the candidate. The Board may assess a civil fine of no more than $1,000 against a person or entity who falsely submits a statement or photograph not authorized by the candidate.

(f) Nothing in this Article makes the author of any statement exempt from any civil or criminal action because of any defamatory statements offered for posting or contained in the Internet Guide. The persons writing, signing, or offering a statement for inclusion in the Internet Guide are deemed to be its authors and publishers, and the Board shall not be liable in any case or action relating to the content of any material submitted by any candidate.

(g) The Board may set reasonable deadlines for the submission of personal statements and photographs, provided that a deadline may not be
less than 5 business days after the last day for filing new party petitions.

(h) The Board may set formats for the submission of statements and photographs. The Board may require that statements and photographs are submitted in an electronic format.

(i) Fees and fines collected pursuant to subsections (d) and (e), respectively, of this Section shall be deposited into the Voters' Guide Fund, a special fund created in the State treasury. Moneys in the Voters' Guide Fund shall be appropriated solely to the State Board of Elections for use in the implementation and administration of this Article 12A.

(10 ILCS 5/12A-15 new)

Sec. 12A-15. Language. The Board may translate all of the material it is required to provide for the Internet Guide into other languages as it deems necessary to comply with the federal Voting Rights Act or at its discretion. Visitors to the site shall have the option of viewing the Guide in all languages into which the Guide has been translated. Candidates may, at their option and expense, submit statements in languages other than English. The Board shall not be responsible for translating candidate statements.

(10 ILCS 5/12A-35 new)

Sec. 12A-35. Board's review of candidate photograph and statement; procedure for revision.

(a) If a candidate files a photograph and statement under item (8) of Section 12A-5 in a voters' guide, the Board shall review the photograph and statement to ensure that they comply with the requirements of Section 12A-10. Review by the Board under this Section shall be limited to determining whether the photograph and statement comply with the requirements of Section 12A-10 and may not include any determination relating to the accuracy or truthfulness of the substance or contents of the materials filed.

(b) The Board shall review each photograph and statement not later than 3 business days following the deadline for filing a photograph and statement. If the Board determines that the photograph or statement of a candidate must be revised in order to comply with the requirements of Section 12A-10, the Board shall attempt to contact the candidate not later than the 5th day after the deadline for filing a photograph and statement. A candidate contacted by the Board under this Section may file a revised photograph or statement no later than the 7th business day following the deadline for filing a photograph and statement.

(c) If the Board is required to attempt to contact a candidate under subsection (b) of this Section, the Board shall attempt to contact the candidate by telephone or by using an electronic transmission facsimile.

New matter indicated by italics - deletions by strikeout
machine, if such contact information is provided by the candidate.

(d) If the Board is unable to contact a candidate, if the candidate does not file a revised photograph or statement, or if the revised filing under subsection (b) again fails to meet the standards of review set by the Board:

(1) If a photograph does not comply with Section 12A-10, the Board may modify the photograph. The candidate shall pay the expense of any modification before publication of the photograph in the voters' guide. If the photograph cannot be modified to comply with Section 12A-10, the photograph shall not be printed in the guide.

(2) If a statement does not comply with Section 12A-10, the statement shall not be published in the voters' guide.

(e) If the photograph or statement of a candidate filed under item (8) of Section 12A-5 does not comply with a requirement of Section 12A-10 and the Board does not attempt to contact the candidate by the deadline specified in subsection (b) of this Section, then, for purposes of this Section only, the photograph or statement shall be published as filed.

(f) A candidate revising a photograph or statement under this Section shall make only those revisions necessary to comply with Section 12A-10.

(g) The Board may by rule define the term "contact" as used in this Section.

(10 ILCS 5/12A-40 new)

Sec. 12A.40. Exemption from public records laws. Notwithstanding any other provision of law, materials filed by a candidate, political party, political committee, or other person for inclusion in a voters' guide are exempt from public inspection until the 4th business day after the final date for filing the materials.

(10 ILCS 5/12A-45 new)

Sec. 12A.45. Material submitted for inclusion in any voters' guide may not be admitted as evidence in any suit or action against the Board to restrain or enjoin the publication of a voters' guide.

(10 ILCS 5/12A-50 new)

Sec. 12A.50. Order of appearance within the guides. For all guides disseminated by the Board, all information about offices and candidates on the ballot shall be listed together in the same part of the guide or insert. All candidates for one office, together with their statements and photographs if any, shall be listed before information on other offices and candidates is listed. To the extent possible, offices and candidates shall be listed in the same order in which they appear on the ballot.
Sec. 12A-55. Constitutional issues. If a constitutional amendment appears on the ballot, the contents of the pamphlet issued by the Secretary of State under Section 2 of the Illinois Constitutional Amendment Act may be included in any guide issued by the Board.

(10 ILCS 5/13-2.5 new)

Sec. 13-2.5. Time off from work to serve as election judge. Any person who is appointed as an election judge under Section 13-1 or 13-2 may, after giving his or her employer at least 20 days' written notice, be absent from his or her place of work for the purpose of serving as an election judge. An employer may not penalize an employee for that absence other than a deduction in salary for the time the employee was absent from his or her place of employment.

This Section does not apply to an employer with fewer than 25 employees. An employer with more than 25 employees shall not be required to permit more than 10% of the employees to be absent under this Section on the same election day.

(10 ILCS 5/14-4.5 new)

Sec. 14-4.5. Time off from work to serve as election judge. Any person who is appointed as an election judge under Section 13-1 or 13-2 may, after giving his or her employer at least 20 days' written notice, be absent from his or her place of work for the purpose of serving as an election judge. An employer may not penalize an employee for that absence other than a deduction in salary for the time the employee was absent from his or her place of employment.

This Section does not apply to an employer with fewer than 25 employees. An employer with more than 25 employees shall not be required to permit more than 10% of the employees to be absent under this Section on the same election day.

(10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

Sec. 17-9. Any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and audible; the judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee or early ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee or early ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of

New matter indicated by italics - deletions by strikeout
election, for cancellation or revocation, his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, an affidavit executed before the judges of election specifying that the voter never received an absentee ballot, or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter’s name. All applicable provisions of Articles 4, 5 or 6 shall be complied with and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed to enter within the proximity of the voting booths, as above provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of which ballots such judge shall indorse his initials in such manner that they may be seen when each such ballot is properly folded, and the voter's name shall be immediately checked on the register list. In those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be cast above the perforation, the election authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall endorse his or her initials in both spaces. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter. At all elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he or she shall not receive a ballot until he or she shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have established his right to vote in the manner provided hereinafter; and if he or she shall be challenged after he has received his ballot, he shall not be permitted to vote until he or she has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than 2 voters in excess of the whole number of voting booths provided shall be allowed within the proximity of the voting booths at one time. The provisions of this Act, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to

New matter indicated by italics - deletions by strikeout
vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

All such persons shall also make an affidavit which shall be in substantially the following form:

State of Illinois,

County of .......

........................ Pestinct ............... Ward

I, ...., do solemnly swear (or affirm) that I am a citizen of the United States, of the age of 18 years or over, and that within the past 60 days prior to the date of this election at which I am applying to vote, I have been engaged in the .... (military or naval) service of the United States; and I am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and that I am a legally qualified voter of this precinct and ward except that I have, because of such service, been unable to register as a voter; that I now reside at .... (insert street and number, if any) in this precinct and ward; that I have maintained a legal residence in this precinct and ward for 30 days and in this State 30 days next preceding this election.

..........................

Subscribed and sworn to before me on (insert date).

..........................

Judge of Election.

The affidavit of any such person shall be supported by the affidavit of a resident and qualified voter of any such precinct and ward, which affidavit shall be in substantially the following form:

State of Illinois,

County of .......

........................ Pestinct ............... Ward

I, ...., do solemnly swear (or affirm), that I am a resident of this precinct and ward entitled to vote at this election; that I am acquainted with .... (name of the applicant); that I verily believe him to be an actual bona fide resident of this precinct and ward and that I verily believe that he or she has maintained a legal residence therein 30 days and in this State 30 days next preceding this election.

New matter indicated by italics - deletions by strikeout
Subscribed and sworn to before me on (insert date).

Judge of Election.

All affidavits made under the provisions of this Section shall be enclosed in a separate envelope securely sealed, and shall be transmitted with the returns of the elections to the county clerk or to the board of election commissioners, who shall preserve the said affidavits for the period of 6 months, during which period such affidavits shall be deemed public records and shall be freely open to examination as such.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/17-15) (from Ch. 46, par. 17-15)

Sec. 17-15. Any person entitled to vote at a general or special election or at any election at which propositions are submitted to a popular vote in this State, shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed, for a period of 2 hours between the time of opening and closing the polls; and such voter shall not because of so absenting himself be liable to any penalty; Provided, however, that application for such leave of absence shall be made prior to the day of election. The employer may specify the hours during which said employee may absent himself as aforesaid, except that the employer must permit a 2-hour absence during working hours if the employee's working hours begin less than 2 hours after the opening of the polls and end less than 2 hours before the closing of the polls. No person or corporation shall refuse to an employee the privilege hereby conferred, nor shall subject an employee to a penalty, including a reduction in compensation due to an absence under this Section, because of the exercise of such privilege, nor shall directly or indirectly violate the provisions of this section.

(Source: Laws 1963, p. 2532.)

(10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

Sec. 17-23. Pollwatchers in a general election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint two pollwatchers per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching. For all elections, the pollwatchers must be registered to vote in Illinois.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For all elections, the pollwatchers must be registered to vote in Illinois.
(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the name and addresses of its principal officers with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. For all elections, the pollwatcher must be registered to vote in Illinois.

(4) In any general election held to elect candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of Illinois shall be eligible to serve as a pollwatcher in any poll located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (3) of this Section and is a registered voter in Illinois.

(5) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. The pollwatcher must be registered to vote in Illinois.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS
TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints .......... (name of pollwatcher) who resides at .......... (address) in the county of .........., .......... (township or municipality) of .......... (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the .......... precinct of the .......... ward (if applicable) of the .......... (township or municipality) of .......... at the .......... election to be held on (insert date).

........................ (Signature of Appointing Authority)
........................ TITLE (party official, candidate,

New matter indicated by italics - deletions by strikeout
civic organization president, proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at .......... (address) in the county of .........., ....... (township or municipality) of .......... (name), State of Illinois, and is duly registered to vote in Illinois.

.......................... ................................
(Precinct and/or Ward in (Signature of Pollwatcher)
Which Pollwatcher Resides)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates and qualified civic organizations can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper

New matter indicated by italics - deletions by strikeout
credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ...... (name of candidate) hereby certify that I am a candidate for ...... (name of office) and seek admittance to ...... precinct of the ...... ward (if applicable) of the ...... (township or municipality) of ...... at the ...... election to be held on (insert date).

........................................
(Signature of Candidate)

OFFICE FOR WHICH CANDIDATE SEEKS NOMINATION OR ELECTION

Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police

New matter indicated by italics - deletions by strikeout
department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act. (Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/17-100 new)

Sec. 17-100. Definition of a vote.

(a) Notwithstanding any law to the contrary, for the purpose of this Article, a person casts a valid vote on a punch card ballot when:

(1) A chad on the card has at least one corner detached from the card;

(2) The fibers of paper on at least one edge of the chad are broken in a way that permits unimpeded light to be seen through the card; or

(3) An indentation on the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote based on the totality of the circumstances, including but not limited to any pattern or frequency of indentations on other ballot positions from the same ballot card.

(b) Write-in votes shall be counted in a manner consistent with the existing provisions of this Code.

(c) For purposes of this Section, a "chad" is that portion of a ballot card that a voter punches or perforates with a stylus or other designated marking device to manifest his or her vote for a particular ballot position on a ballot card as defined in subsection (a).

(d) Prior to the original counting of any punch card ballots, an election judge may not alter a punch card ballot in any manner, including, but not limited to, the removal or manipulation of chads.

(10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

Sec. 18-5. Any person desiring to vote and whose name is found upon the register of voters by the person having charge thereof, shall then be questioned by one of the judges as to his nativity, his term of residence at present address, precinct, State and United States, his age, whether naturalized and if so the date of naturalization papers and court from which secured, and he shall be asked to state his residence when last previously

New matter indicated by italics - deletions by strikeout
registered and the date of the election for which he then registered. The
judges of elections shall check each application for ballot against the list of
voters registered in that precinct to whom absentee and early ballots have
been issued for that election, which shall be provided by the election
authority and which list shall be available for inspection by pollwatchers. A
voter applying to vote in the precinct on election day whose name appears on
the list as having been issued an absentee or early ballot shall not be
permitted to vote in the precinct unless that voter submits to the judges of
election, for cancellation or revocation, his absentee ballot. In the case that
the voter's absentee ballot is not present in the polling place, it shall be
sufficient for any such voter to submit to the judges of election in lieu of his
absentee ballot, either a portion of such ballot if torn or mutilated, an affidavit
executed before the judges of election specifying that the voter never received
an absentee ballot, or an affidavit executed before the judges of election
specifying that the voter desires to cancel or revoke any absentee ballot that
may have been cast in the voter's name. If such person so registered shall be
challenged as disqualified, the party challenging shall assign his reasons
therefor, and thereupon one of the judges shall administer to him an oath to
answer questions, and if he shall take the oath he shall then be questioned by
the judge or judges touching such cause of challenge, and touching any other
cause of disqualification. And he may also be questioned by the person
challenging him in regard to his qualifications and identity. But if a majority
of the judges are of the opinion that he is the person so registered and a
qualified voter, his vote shall then be received accordingly. But if his vote be
rejected by such judges, such person may afterward produce and deliver an
affidavit to such judges, subscribed and sworn to by him before one of the
judges, in which it shall be stated how long he has resided in such precinct,
and state; that he is a citizen of the United States, and is a duly qualified voter
in such precinct, and that he is the identical person so registered. In addition
to such an affidavit, the person so challenged shall provide to the judges of
election proof of residence by producing 2 forms of identification showing
the person's current residence address, provided that such identification to the
person at his current residence address and postmarked not earlier than 30
days prior to the date of the election, or the person shall procure a witness
personally known to the judges of election, and resident in the precinct (or
district), or who shall be proved by some legal voter of such precinct or
district, known to the judges to be such, who shall take the oath following,
viz:

I do solemnly swear (or affirm) that I am a resident of this election
precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for 30 days last past, and am well acquainted with the person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided therein 30 days, and as I verily believe, in this State, 30 days next preceding this election.

The oath in each case may be administered by one of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths. Also supported by an affidavit by a registered voter residing in such precinct, stating his own residence, and that he knows such person; and that he does reside at the place mentioned and has resided in such precinct and state for the length of time as stated by such person, which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received, and entered as other votes. But such judges, having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to the judges, shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter, and in this fashion the ballots shall be handed to the voter by the judge.

The voter shall, upon quitting the voting booth, deliver to one of the judges of election all of the ballots, properly folded, which he received. The judge of election to whom the voter delivers his ballots shall not accept the same unless all of the ballots given to the voter are returned by him. If a voter delivers less than all of the ballots given to him, the judge to whom the same are offered shall advise him in a voice clearly audible to the other judges of election that the voter must return the remainder of the ballots. The statement of the judge to the voter shall clearly express the fact that the voter is not required to vote such remaining ballots but that whether or not he votes them he must fold and deliver them to the judge. In making such statement the judge of election shall not indicate by word, gesture or intonation of voice that the unreturned ballots shall be voted in any particular manner. No new voter shall be permitted to enter the voting booth of a voter who has failed to
deliver the total number of ballots received by him until such voter has
returned to the voting booth pursuant to the judge's request and again quit the
booth with all of the ballots required to be returned by him. Upon receipt of
all such ballots the judges of election shall enter the name of the voter, and
his number, as above provided in this section, and the judge to whom the
ballots are delivered shall immediately put the ballots into the ballot box. If
any voter who has failed to deliver all the ballots received by him refuses to
return to the voting booth after being advised by the judge of election as
herein provided, the judge shall inform the other judges of such refusal, and
thereupon the ballot or ballots returned to the judge shall be deposited in the
ballot box, the voter shall be permitted to depart from the polling place, and
a new voter shall be permitted to enter the voting booth.

The judge of election who receives the ballot or ballots from the voter
shall announce the residence and name of such voter in a loud voice. The
judge shall put the ballot or ballots received from the voter into the ballot box
in the presence of the voter and the judges of election, and in plain view of
the public. The judges having charge of such registers shall then, in a column
prepared thereon, in the same line of, the name of the voter, mark "Voted" or
the letter "V".

No judge of election shall accept from any voter less than the full
number of ballots received by such voter without first advising the voter in
the manner above provided of the necessity of returning all of the ballots, nor
shall any such judge advise such voter in a manner contrary to that which is
herein permitted, or in any other manner violate the provisions of this section;
provided, that the acceptance by a judge of election of less than the full
number of ballots delivered to a voter who refuses to return to the voting
booth after being properly advised by such judge shall not be a violation of
this Section.

(Source: P.A. 89-653, eff. 8-14-96.)
(10 ILCS 5/18-100 new)
Sec. 18-100. Definition of a vote.
(a) Notwithstanding any law to the contrary, for the purpose of this
Article, a person casts a valid vote on a punch card ballot when:
(1) A chad on the card has at least one corner detached from
the card;
(2) The fibers of paper on at least one edge of the chad are
broken in a way that permits unimpeded light to be seen through the
card; or
(3) An indentation on the chad from the stylus or other object

New matter indicated by italics - deletions by strikeout
is present and indicates a clearly ascertainable intent of the voter to vote based on the totality of the circumstances, including but not limited to any pattern or frequency of indentations on other ballot positions from the same ballot card.

(b) Write-in votes shall be counted in a manner consistent with the existing provisions of this Code.

(c) For purposes of this Section, a "chad" is that portion of a ballot card that a voter punches or perforates with a stylus or other designated marking device to manifest his or her vote for a particular ballot position on a ballot card as defined in subsection (a).

(d) Prior to the original counting of any punch card ballots, an election judge may not alter a punch card ballot in any manner, including, but not limited to, the removal or manipulation of chads.

(10 ILCS 5/18A-5)
(Text of Section before amendment by P.A. 93-1071)
Sec. 18A-5. Provisional voting; general provisions.
(a) A person who claims to be a registered voter is entitled to cast a provisional ballot under the following circumstances:

(1) The person's name does not appear on the official list of eligible voters, whether a list of active or inactive voters, for the precinct in which the person seeks to vote. The official list is the centralized statewide voter registration list established and maintained in accordance with Section 1A-25;

(2) The person's voting status has been challenged by an election judge, a pollwatcher, or any legal voter and that challenge has been sustained by a majority of the election judges; or

(3) A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period; or

(4) The voter registered to vote by mail and is required by law to present identification when voting either in person or by absentee ballot, but fails to do so.

(b) The procedure for obtaining and casting a provisional ballot at the polling place shall be as follows:

(1) After first verifying through an examination of the precinct register that the person's address is within the precinct boundaries, an election judge at the polling place shall notify a person who is entitled to cast a provisional ballot pursuant to subsection (a) that he or she may cast a provisional ballot in that election. An election judge

New matter indicated by italics - deletions by strikeout
must accept any information provided by a person who casts a
provisional ballot that the person believes supports his or her claim
that he or she is a duly registered voter and qualified to vote in the
election. However, if the person's residence address is outside the
precinct boundaries, the election judge shall inform the person of that
fact, give the person the appropriate telephone number of the election
authority in order to locate the polling place assigned to serve that
address, and instruct the person to go to the proper polling place to
vote.

(2) The person shall execute a written form provided by the
election judge that shall state or contain all of the following that is
available:

(i) an affidavit stating the following:

State of Illinois, County of 
................................., Township ................., Precinct
................................., Ward ..........., I, ........................., do solemnly
swear (or affirm) that: I am a citizen of the United States; I
am 18 years of age or older; I have resided in this State and in
this precinct for 30 days preceding this election; I have not
voted in this election; I am a duly registered voter in every
respect; and I am eligible to vote in this election. Signature
...... Printed Name of Voter ....... Printed Residence Address
of Voter ...... City ...... State .... Zip Code ...... Telephone
Number ...... Date of Birth ...... and Illinois Driver's License
Number ...... or Last 4 digits of Social Security Number......
or State Identification Card Number issued to you by the
Illinois Secretary of State....... (ii) Written instruction stating
the following:

In order to expedite the verification of your voter
registration status, the ..... (insert name of county clerk of
board of election commissioners here) requests that you
include your phone number and both the last four digits of
your social security number and your driver's license number
or State Identification Card Number issued to you by the
Secretary of State. At minimum, you are required to include
either (A) your driver's license number or State Identification
Card Number issued to you by the Secretary of State or (B)
the last 4 digits of your social security number.

(ii) (iii) A box for the election judge to check one of the 4
reasons why the person was given a provisional ballot under subsection (a) of Section 18A-5.

(iii) An area for the election judge to affix his or her signature and to set forth any facts that support or oppose the allegation that the person is not qualified to vote in the precinct in which the person is seeking to vote.

The written affidavit form described in this subsection (b)(2) must be printed on a multi-part form prescribed by the county clerk or board of election commissioners, as the case may be.

(3) After the person executes the portion of the written affidavit described in subsection (b)(2)(i) of this Section, the election judge shall complete the portion of the written affidavit described in subsection (b)(2)(iii) and (b)(2)(iv).

(4) The election judge shall give a copy of the completed written affidavit to the person. The election judge shall place the original written affidavit in a self-adhesive clear plastic packing list envelope that must be attached to a separate envelope marked as a "provisional ballot envelope". The election judge shall also place any information provided by the person who casts a provisional ballot in the clear plastic packing list envelope. Each county clerk or board of election commissioners, as the case may be, must design, obtain or procure self-adhesive clear plastic packing list envelopes and provisional ballot envelopes that are suitable for implementing this subsection (b)(4) of this Section.

(5) The election judge shall provide the person with a provisional ballot, written instructions for casting a provisional ballot, and the provisional ballot envelope with the clear plastic packing list envelope affixed to it, which contains the person's original written affidavit and, if any, information provided by the provisional voter to support his or her claim that he or she is a duly registered voter. An election judge must also give the person written information that states that any person who casts a provisional ballot shall be able to ascertain, pursuant to guidelines established by the State Board of Elections, whether the provisional vote was counted in the official canvass of votes for that election and, if the provisional vote was not counted, the reason that the vote was not counted.

(6) After the person has completed marking his or her provisional ballot, he or she shall place the marked ballot inside of the provisional ballot envelope, close and seal the envelope, and return the envelope to an election judge, who shall then deposit the sealed provisional ballot envelope into a secureable container separately identified and utilized for containing sealed
provisional ballot envelopes. *Ballots that are provisional because they are cast after 7:00 p.m. by court order shall be kept separate from other provisional ballots.* Upon the closing of the polls, the securable container shall be sealed with filament tape provided for that purpose, which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and each of the election judges shall sign the seal.

(c) Instead of the affidavit form described in subsection (b), the county clerk or board of election commissioners, as the case may be, may design and use a multi-part affidavit form that is imprinted upon or attached to the provisional ballot envelope described in subsection (b). If a county clerk or board of election commissioners elects to design and use its own multi-part affidavit form, then the county clerk or board of election commissioners shall establish a mechanism for accepting any information the provisional voter has supplied to the election judge to support his or her claim that he or she is a duly registered voter. In all other respects, a county clerk or board of election commissioners shall establish procedures consistent with subsection (b).

(d) The county clerk or board of election commissioners, as the case may be, shall use the completed affidavit form described in subsection (b) to update the person's voter registration information in the State voter registration database and voter registration database of the county clerk or board of election commissioners, as the case may be. If a person is later determined not to be a registered voter based on Section 18A-15 of this Code, then the affidavit shall be processed by the county clerk or board of election commissioners, as the case may be, as a voter registration application.

(Source: P.A. 93-574, eff. 8-21-03.)

(Text of Section after amendment by P.A. 93-1071)
Sec. 18A-5. Provisional voting; general provisions.
(a) A person who claims to be a registered voter is entitled to cast a provisional ballot under the following circumstances:

(1) The person's name does not appear on the official list of eligible voters for the precinct in which the person seeks to vote. The official list is the centralized statewide voter registration list established and maintained in accordance with Section 1A-25;

(2) The person's voting status has been challenged by an election judge, a pollwatcher, or any legal voter and that challenge has been sustained by a majority of the election judges; or

(3) A federal or State court order extends the time for closing the polls beyond the time period established by State law and the

New matter indicated by italics - deletions by strikeout
person votes during the extended time period; or:

(4) The voter registered to vote by mail and is required by law to present identification when voting either in person or by absentee ballot, but fails to do so.

(b) The procedure for obtaining and casting a provisional ballot at the polling place shall be as follows:

(1) After first verifying through an examination of the precinct register that the person’s address is within the precinct boundaries, an election judge at the polling place shall notify a person who is entitled to cast a provisional ballot pursuant to subsection (a) that he or she may cast a provisional ballot in that election. An election judge must accept any information provided by a person who casts a provisional ballot that the person believes supports his or her claim that he or she is a duly registered voter and qualified to vote in the election. However, if the person's residence address is outside the precinct boundaries, the election judge shall inform the person of that fact, give the person the appropriate telephone number of the election authority in order to locate the polling place assigned to serve that address, and instruct the person to go to the proper polling place to vote.

(2) The person shall execute a written form provided by the election judge that shall state or contain all of the following that is available:

(i) an affidavit stating the following:

State of Illinois, County of ................., Township ................., Precinct ................., Ward ................., I, ................., do solemnly swear (or affirm) that: I am a citizen of the United States; I am 18 years of age or older; I have resided in this State and in this precinct for 30 days preceding this election; I have not voted in this election; I am a duly registered voter in every respect; and I am eligible to vote in this election.

Signature ............ Printed Name of Voter ............ Printed Residence Address of Voter ............ City ........ State ........ Zip Code .......

Telephone Number ............ Date of Birth ............ and Illinois Driver's License Number ............ or Last 4 digits of Social Security Number ............ or State Identification Card Number issued to you by the Illinois Secretary of State. (ii) Written instruction stating the following:

In order to expedite the verification of your voter

New matter indicated by italics - deletions by strikeout
registration status, the .... (insert name of county clerk of board of election commissioners here) requests that you include your phone number and both the last four digits of your social security number and your driver's license number or State Identification Card Number issued to you by the Secretary of State. At minimum, you are required to include either (A) your driver's license number or State Identification Card Number issued to you by the Secretary of State or (B) the last 4 digits of your social security number.

(ii) (iii) A box for the election judge to check one of the 3 reasons why the person was given a provisional ballot under subsection (a) of Section 18A-5.

(iii) (iv) An area for the election judge to affix his or her signature and to set forth any facts that support or oppose the allegation that the person is not qualified to vote in the precinct in which the person is seeking to vote.

The written affidavit form described in this subsection (b)(2) must be printed on a multi-part form prescribed by the county clerk or board of election commissioners, as the case may be.

(3) After the person executes the portion of the written affidavit described in subsection (b)(2)(i) of this Section, the election judge shall complete the portion of the written affidavit described in subsection (b)(2)(iii) and (b)(2)(iv).

(4) The election judge shall give a copy of the completed written affidavit to the person. The election judge shall place the original written affidavit in a self-adhesive clear plastic packing list envelope that must be attached to a separate envelope marked as a "provisional ballot envelope". The election judge shall also place any information provided by the person who casts a provisional ballot in the clear plastic packing list envelope. Each county clerk or board of election commissioners, as the case may be, must design, obtain or procure self-adhesive clear plastic packing list envelopes and provisional ballot envelopes that are suitable for implementing this subsection (b)(4) of this Section.

(5) The election judge shall provide the person with a provisional ballot, written instructions for casting a provisional ballot, and the provisional ballot envelope with the clear plastic packing list envelope affixed to it, which contains the person's original written affidavit and, if any, information provided by the provisional voter to support his or her claim that he or she is a duly registered voter. An election judge must also give the person written

New matter indicated by italics - deletions by strikeout
information that states that any person who casts a provisional ballot shall be able to ascertain, pursuant to guidelines established by the State Board of Elections, whether the provisional vote was counted in the official canvass of votes for that election and, if the provisional vote was not counted, the reason that the vote was not counted.

(6) After the person has completed marking his or her provisional ballot, he or she shall place the marked ballot inside of the provisional ballot envelope, close and seal the envelope, and return the envelope to an election judge, who shall then deposit the sealed provisional ballot envelope into a securable container separately identified and utilized for containing sealed provisional ballot envelopes. *Ballots that are provisional because they are cast after 7:00 p.m. by court order shall be kept separate from other provisional ballots.* Upon the closing of the polls, the securable container shall be sealed with filament tape provided for that purpose, which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and each of the election judges shall sign the seal.

(c) Instead of the affidavit form described in subsection (b), the county clerk or board of election commissioners, as the case may be, may design and use a multi-part affidavit form that is imprinted upon or attached to the provisional ballot envelope described in subsection (b). If a county clerk or board of election commissioners elects to design and use its own multi-part affidavit form, then the county clerk or board of election commissioners shall establish a mechanism for accepting any information the provisional voter has supplied to the election judge to support his or her claim that he or she is a duly registered voter. In all other respects, a county clerk or board of election commissioners shall establish procedures consistent with subsection (b).

(d) The county clerk or board of election commissioners, as the case may be, shall use the completed affidavit form described in subsection (b) to update the person's voter registration information in the State voter registration database and voter registration database of the county clerk or board of election commissioners, as the case may be. If a person is later determined not to be a registered voter based on Section 18A-15 of this Code, then the affidavit shall be processed by the county clerk or board of election commissioners, as the case may be, as a voter registration application.

(Source: P.A. 93-574, eff. 8-21-03; 93-1071, eff. 6-1-05.)

(10 ILCS 5/18A-15)

Sec. 18A-15. Validating and counting provisional ballots.

(a) The county clerk or board of election commissioners shall
complete the validation and counting of provisional ballots within 14 calendar days of the day of the election. The county clerk or board of election commissioners shall have 7 calendar days from the completion of the validation and counting of provisional ballots to conduct its final canvass. The State Board of Elections shall complete within 31 calendar days of the election or sooner if all the returns are received, its final canvass of the vote for all public offices.

(b) If a county clerk or board of election commissioners determines that all of the following apply, then a provisional ballot is valid and shall be counted as a vote:

(1) The provisional voter cast the provisional ballot in the correct precinct based on the address provided by the provisional voter. The provisional voter's affidavit shall serve as a change of address request by that voter for registration purposes for the next ensuing election if it bears an address different from that in the records of the election authority;

(2) The affidavit executed by the provisional voter pursuant to subsection (b)(2) of Section 18A-5 contains, at a minimum, the provisional voter's first and last name, house number and street name, and signature or mark 18A-10 is properly executed; and

(3) The provisional voter is a registered voter based on information available to the county clerk or board of election commissioners provided by or obtained from any of the following:
   i. the provisional voter;
   ii. an election judge;
   iii. the statewide voter registration database maintained by the State Board of Elections;
   iv. the records of the county clerk or board of election commissioners' database; or
   v. the records of the Secretary of State.

(c) With respect to subsection (b)(3) of this Section, the county clerk or board of election commissioners shall investigate and record whether or not the specified each of the 5 types of information is available from each of the 5 identified sources and record whether this information is or is not available. If the one or more types of information is available from one or more of the identified sources, then the county clerk or board of election commissioners shall seek to obtain the all relevant information from each of those sources until satisfied, with information from at least one of those sources, that the provisional voter is registered and entitled to vote all

New matter indicated by italics - deletions by strikeout
The county clerk or board of election commissioners shall use any information it obtains as the basis for determining the voter registration status of the provisional voter. If a conflict exists among the information available to the county clerk or board of election commissioners as to the registration status of the provisional voter, then the county clerk or board of election commissioners shall make a determination based on the totality of the circumstances. In a case where the above information equally supports or opposes the registration status of the voter, the county clerk or board of election commissioners shall decide in favor of the provisional voter as being duly registered to vote. If the statewide voter registration database maintained by the State Board of Elections indicates that the provisional voter is registered to vote, but the county clerk's or board of election commissioners' voter registration database indicates that the provisional voter is not registered to vote, then the information found in the statewide voter registration database shall control the matter and the provisional voter shall be deemed to be registered to vote. If the records of the county clerk or board of election commissioners indicates that the provisional voter is registered to vote, but the statewide voter registration database maintained by the State Board of Elections indicates that the provisional voter is not registered to vote, then the information found in the records of the county clerk or board of election commissioners shall control the matter and the provisional voter shall be deemed to be registered to vote. If the provisional voter's signature on his or her provisional ballot request varies from the signature on an otherwise valid registration application solely because of the substitution of initials for the first or middle name, the election authority may not reject the provisional ballot.

(d) In validating the registration status of a person casting a provisional ballot, the county clerk or board of election commissioners shall not require a provisional voter to complete any form other than the affidavit executed by the provisional voter under subsection (b)(2) of Section 18A-5. In addition, the county clerk or board of election commissioners shall not require all provisional voters or any particular class or group of provisional voters to appear personally before the county clerk or board of election commissioners or as a matter of policy require provisional voters to submit additional information to verify or otherwise support the information already submitted by the provisional voter. The provisional voter may, within 2 calendar days after the election, submit additional information to the county clerk or board of election commissioners. This information must be received by the county clerk or board of election commissioners within the 2-calendar-
day period.

(e) If the county clerk or board of election commissioners determines that subsection (b)(1), (b)(2), or (b)(3) does not apply, then the provisional ballot is not valid and may not be counted. The provisional ballot envelope containing the ballot cast by the provisional voter may not be opened. The county clerk or board of election commissioners shall write on the provisional ballot envelope the following: "Provisional ballot determined invalid."

(f) If the county clerk or board of election commissioners determines that a provisional ballot is valid under this Section, then the provisional ballot envelope shall be opened. The outside of each provisional ballot envelope shall also be marked to identify the precinct and the date of the election.

(g) The provisional ballots determined to be valid shall be added to the vote totals for the precincts from which they were cast in the order in which the ballots were opened. The county clerk or board of election commissioners may, in the alternative, create a separate provisional-voter precinct for the purpose of counting and recording provisional ballots and adding the recorded votes to its official canvass. The validation and counting of provisional ballots shall be subject to the provisions of this Code that apply to pollwatchers. If the provisional ballots are a ballot of a punch card voting system, then the provisional ballot shall be counted in a manner consistent with Article 24A. If the provisional ballots are a ballot of optical scan or other type of approved electronic voting system, then the provisional ballots shall be counted in a manner consistent with Article 24B.

(h) As soon as the ballots have been counted, the election judges or election officials shall, in the presence of the county clerk or board of election commissioners, place each of the following items in a separate envelope or bag: (1) all provisional ballots, voted or spoiled; (2) all provisional ballot envelopes of provisional ballots voted or spoiled; and (3) all executed affidavits of the provisional ballots voted or spoiled. All provisional ballot envelopes for provisional voters who have been determined not to be registered to vote shall remain sealed. The county clerk or board of election commissioners shall treat the provisional ballot envelope containing the written affidavit as a voter registration application for that person for the next election and process that application. The election judges or election officials shall then securely seal each envelope or bag, initial the envelope or bag, and plainly mark on the outside of the envelope or bag in ink the precinct in which the provisional ballots were cast. The election judges or election officials shall then place each sealed envelope or bag into a box, secure and

New matter indicated by italics - deletions by strikeout
seal it in the same manner as described in item (6) of subsection (b) of Section 18A-5. Each election judge or election official shall take and subscribe an oath before the county clerk or board of election commissioners that the election judge or election official securely kept the ballots and papers in the box, did not permit any person to open the box or otherwise touch or tamper with the ballots and papers in the box, and has no knowledge of any other person opening the box. For purposes of this Section, the term "election official" means the county clerk, a member of the board of election commissioners, as the case may be, and their respective employees.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

Sec. 19-2.1. At the consolidated primary, general primary, consolidated, and general elections, electors entitled to vote by absentee ballot under the provisions of Section 19-1 may vote in person at the office of the municipal clerk, if the elector is a resident of a municipality not having a board of election commissioners, or at the office of the township clerk or, in counties not under township organization, at the office of the road district clerk if the elector is not a resident of a municipality; provided, in each case that the municipal, township or road district clerk, as the case may be, is authorized to conduct in-person absentee voting pursuant to this Section. Absentee voting in such municipal and township clerk's offices under this Section shall be conducted from the 22nd day through the day before the election.

Municipal and township clerks (or road district clerks) who have regularly scheduled working hours at regularly designated offices other than a place of residence and whose offices are open for business during the same hours as the office of the election authority shall conduct in-person absentee voting for said elections. Municipal and township clerks (or road district clerks) who have no regularly scheduled working hours but who have regularly designated offices other than a place of residence shall conduct in-person absentee voting for said elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not during such hours as the office of the election authority is closed, unless the clerk files a written waiver with the election authority not later than July 1 of each year stating that he or she is unable to conduct such voting and the reasons therefor. Such clerks who conduct in-person absentee voting may extend their hours for that purpose to include any hours in which the election authority's office is open. Municipal and township clerks (or road district clerks) who have no regularly scheduled office hours and no regularly

New matter indicated by italics - deletions by strikeout
designated offices other than a place of residence may not conduct in-person absentee voting for said elections. The election authority may devise alternative methods for in-person absentee voting before said elections for those precincts located within the territorial area of a municipality or township (or road district) wherein the clerk of such municipality or township (or road district) has waived or is not entitled to conduct such voting. In addition, electors may vote by absentee ballot under the provisions of Section 19-1 at the office of the election authority having jurisdiction over their residence.

In conducting absentee voting under this Section, the respective clerks shall not be required to verify the signature of the absentee voter by comparison with the signature on the official registration record card. However, the clerk shall reasonably ascertain the identity of such applicant, shall verify that each such applicant is a registered voter, and shall verify the precinct in which he or she is registered and the proper ballots of the political subdivisions in which the applicant resides and is entitled to vote, prior to providing any absentee ballot to such applicant. The clerk shall verify the applicant’s registration and from the most recent poll list provided by the county clerk, and if the applicant is not listed on that poll list then by telephoning the office of the county clerk.

Absentee voting procedures in the office of the municipal, township and road district clerks shall be subject to all of the applicable provisions of this Article 19. Pollwatchers may be appointed to observe in-person absentee voting procedures and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, at the office of the municipal, township or road district clerks’ offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers must be registered to vote in Illinois and possess valid pollwatcher credentials. All requirements in this Article applicable to election authorities shall apply to the respective local clerks, except where inconsistent with this Section.

The sealed absentee ballots in their carrier envelope shall be delivered by the respective clerks, or by the election authority on behalf of a clerk if the clerk and the election authority agree, to the proper polling place before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.
Not more than 23 days before the nonpartisan, general and consolidated elections, the county clerk shall make available to those municipal, township and road district clerks conducting in-person absentee voting within such county, a sufficient number of applications, absentee ballots, envelopes, and printed voting instruction slips for use by absentee voters in the offices of such clerks. The respective clerks shall receipt for all ballots received, shall return all unused or spoiled ballots to the county clerk on the day of the election and shall strictly account for all ballots received.

The ballots delivered to the respective clerks shall include absentee ballots for each precinct in the municipality, township or road district, or shall include such separate ballots for each political subdivision conducting an election of officers or a referendum on that election day as will permit any resident of the municipality, township or road district to vote absentee in the office of the proper clerk.

The clerks of all municipalities, townships and road districts may distribute applications for absentee ballot for the use of voters who wish to mail such applications to the appropriate election authority. Such applications for absentee ballots shall be made on forms provided by the election authority. Duplication of such forms by the municipal, township or road district clerk is prohibited.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/19-4) (from Ch. 46, par. 19-4)
Sec. 19-4. Mailing or delivery of ballots - Time.)

Immediately upon the receipt of such application either by mail, not more than 40 days nor less than 5 days prior to such election, or by personal delivery not more than 40 days nor less than one day prior to such election, at the office of such election authority, it shall be the duty of such election authority to examine the records to ascertain whether or not such applicant is lawfully entitled to vote as requested, and if found so to be, to post within one business day thereafter the name, street address, ward and precinct number or township and district number, as the case may be, of such applicant given on a list, the pages of which are to be numbered consecutively to be kept by such election authority for such purpose in a conspicuous, open and public place accessible to the public at the entrance of the office of such election authority, and in such a manner that such list may be viewed without necessity of requesting permission therefor. Within one business day after posting the name and other information of an applicant for an absentee ballot, the election authority shall transmit that name and other posted information to the State Board of Elections, which shall maintain those

New matter indicated by italics - deletions by strikeout
names and other information in an electronic format on its website, arranged by county and accessible to State and local political committees. Within 2 business days after posting a name and other information on the list within its office, the election authority shall thereafter mail, postage prepaid, or deliver in person in such office an official ballot or ballots if more than one are to be voted at said election. Mail delivery of Temporarily Absent Student ballot applications pursuant to Section 19-12.3 shall be by nonforwardable mail. However, for the consolidated election, absentee ballots for certain precincts may be delivered to applicants not less than 25 days before the election if so much time is required to have prepared and printed the ballots containing the names of persons nominated for offices at the consolidated primary. The election authority shall enclose with each absentee ballot or application written instructions on how voting assistance shall be provided pursuant to Section 17-14 and a document, written and approved by the State Board of Elections, enumerating the circumstances under which a person is authorized to vote by absentee ballot pursuant to this Article; such document shall also include a statement informing the applicant that if he or she falsifies or is solicited by another to falsify his or her eligibility to cast an absentee ballot, such applicant or other is subject to penalties pursuant to Section 29-10 and Section 29-20 of the Election Code. Each election authority shall maintain a list of the name, street address, ward and precinct, or township and district number, as the case may be, of all applicants who have returned absentee ballots to such authority, and the name of such absent voter shall be added to such list within one business day from receipt of such ballot. If the absentee ballot envelope indicates that the voter was assisted in casting the ballot, the name of the person so assisting shall be included on the list. The list, the pages of which are to be numbered consecutively, shall be kept by each election authority in a conspicuous, open, and public place accessible to the public at the entrance of the office of the election authority and in a manner that the list may be viewed without necessity of requesting permission for viewing.

Each election authority shall maintain a list for each election of the voters to whom it has issued absentee ballots. The list shall be maintained for each precinct within the jurisdiction of the election authority. Prior to the opening of the polls on election day, the election authority shall deliver to the judges of election in each precinct the list of registered voters in that precinct to whom absentee ballots have been issued by mail.

Each election authority shall maintain a list for each election of voters to whom it has issued temporarily absent student ballots. The list shall be

New matter indicated by italics - deletions by strikeout
maintained for each election jurisdiction within which such voters temporarily abide. Immediately after the close of the period during which application may be made by mail for absentee ballots, each election authority shall mail to each other election authority within the State a certified list of all such voters temporarily abiding within the jurisdiction of the other election authority.

In the event that the return address of an application for ballot by a physically incapacitated elector is that of a facility licensed or certified under the Nursing Home Care Act, within the jurisdiction of the election authority, and the applicant is a registered voter in the precinct in which such facility is located, the ballots shall be prepared and transmitted to a responsible judge of election no later than 9 a.m. on the Saturday, Sunday or Monday immediately preceding the election as designated by the election authority under Section 19-12.2. Such judge shall deliver in person on the designated day the ballot to the applicant on the premises of the facility from which application was made. The election authority shall by mail notify the applicant in such facility that the ballot will be delivered by a judge of election on the designated day.

All applications for absentee ballots shall be available at the office of the election authority for public inspection upon request from the time of receipt thereof by the election authority until 30 days after the election, except during the time such applications are kept in the office of the election authority pursuant to Section 19-7, and except during the time such applications are in the possession of the judges of election.

(10 ILCS 5/19-10) (from Ch. 46, par. 19-10)

Sec. 19-10. Pollwatchers may be appointed to observe in-person absentee voting procedures and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, at the office of the election authority as well as at municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers must be registered to vote in Illinois and possess valid pollwatcher credentials.

In the polling place on election day, pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of
any absent voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's place of residence.

Where certain absent voters' ballots are counted on the day of the election in the office of the election authority as provided in Section 19-8 of this Act, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions as are provided for pollwatchers in Sections 7-34 and 17-23 of this Code, and shall be permitted to observe the election judges making the signature comparison between that which is on the ballot envelope and that which is on the permanent voter registration record card taken from the master file.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/Art. 19A heading new)

ARTICLE 19A.

EARLY VOTING BY PERSONAL APPEARANCE

(10 ILCS 5/19A-5 new)

Sec. 19A-5. Issuance of ballots; voting booths.
(a) If a request is made to vote early by a registered voter in person, the election authority shall issue a ballot for early voting to the voter. The ballot must be voted on the premises of the election authority, except as otherwise provided in this Article, and returned to the election authority.
(b) On the dates for early voting prescribed in Section 19A-15, each election authority shall provide voting booths, with suitable equipment for voting, on the premises of the election authority and any other early voting polling place for use by registered voters who are issued ballots for early voting in accordance with this Article.
(c) The election authority must maintain a list for each election of the voters to whom it has issued early ballots. The list must be maintained for each precinct within the election authority's jurisdiction. Before the opening of the polls on election day, the election authority shall deliver to the judges of election in each precinct the list of registered voters who have voted by early ballot.

(10 ILCS 5/19A-10 new)

Sec. 19A-10. Permanent polling places for early voting.
(a) An election authority may establish permanent polling places for
early voting by personal appearance at locations throughout the election authority's jurisdiction, including but not limited to a municipal clerk's office, a township clerk's office, a road district clerk's office, or a county or local public agency office. Except as otherwise provided in subsection (b), any person entitled to vote early by personal appearance may do so at any polling place established for early voting.

(b) If it is impractical for the election authority to provide at each polling place for early voting a ballot in every form required in the election authority's jurisdiction, the election authority may:

(1) provide appropriate forms of ballots to the office of the municipal clerk in a municipality not having a board of election commissioners; the township clerk; or in counties not under township organization, the road district clerk; and

(2) limit voting at that polling place to registered voters in that municipality, ward or group of wards, township, or road district.

If the early voting polling place does not have the correct ballot form for a person seeking to vote early, the election judge or election official conducting early voting at that polling place shall inform the person of that fact, give the person the appropriate telephone number of the election authority in order to locate an early voting polling place with the correct ballot form for use in that person's assigned precinct, and instruct the person to go to the proper early voting polling place to vote early.

(10 ILCS 5/19A-15 new)
Sec. 19A-15. Period for early voting; hours.
(a) The period for early voting by personal appearance begins the 22nd day preceding a general primary, consolidated primary, consolidated, or general election and extends through the 5th day before election day.

(b) A permanent polling place for early voting must remain open during the hours of 8:30 a.m. to 4:30 p.m., or 9:00 a.m. to 5:00 p.m., on weekdays and 9:00 a.m. to 12:00 p.m. on Saturdays, Sundays, and holidays.

(10 ILCS 5/19A-20 new)
Sec. 19A-20. Temporary branch polling places.
(a) In addition to permanent polling places for early voting, the election authority may establish temporary branch polling places for early voting.

(b) The provisions of subsection (b) of Section 19A-15 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance that are determined by the

New matter indicated by italics - deletions by strikeout
election authority.

(c) The schedules for conducting voting do not need to be uniform among the temporary branch polling places.

(d) The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

(10 ILCS 5/19A-25 new)

Sec. 19A-25. Schedule of locations and times for early voting.

(a) The election authority shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation in the election authority's jurisdiction a schedule stating:

(1) the location of each permanent and temporary polling place for early voting and the precincts served by each location; and
(2) the dates and hours that early voting will be conducted at each location.

(b) The election authority shall post a copy of the schedule at any office or other location that is to be used as a polling place for early voting. The schedule must be posted continuously for a period beginning not later than the 5th day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

(c) The election authority must make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

(d) If the election authority maintains a website, it shall make the schedule available on its website.

(e) No additional polling places for early voting may be established after the schedule is published under this Section.

(10 ILCS 5/19A-25.5 new)

Sec. 19A-25.5. Voting machines, automatic tabulating equipment, and precinct tabulation optical scan technology voting equipment.

(a) In all jurisdictions in which voting machines are used, the provisions of this Code that are not inconsistent with this Article relating to the furnishing of ballot boxes, printing and furnishing ballots and supplies, the canvassing of ballots, and the making of returns, apply with full force and effect to the extent necessary to make this Article effective, provided that the number of ballots to be printed shall be in the discretion of the election authority, and provided further that early ballots shall not be counted until

New matter indicated by italics - deletions by strikeout
after the polls are closed on election day.

(b) If the election authority has adopted the use of automatic tabulating equipment under Article 24A of this Code, and the provisions of that Article are in conflict with the provisions of this Article 19A, the provisions of Article 24A shall govern the procedures followed by the election authority, its judges of election, and all employees and agents; provided that early ballots shall not be counted until after the polls are closed on election day.

(c) If the election authority has adopted the use of precinct tabulation optical scan technology voting equipment under Article 24B of this Code, and the provisions of that Article are in conflict with the provisions of this Article 19A, the provisions of Article 24B shall govern the procedures followed by the election authority, its judges of election, and all employees and agents; provided that early ballots shall not be counted until after the polls are closed on election day.

(d) If the election authority has adopted the use of Direct Recording Electronic Voting Systems under Article 24C of this Code, and the provisions of that Article are in conflict with the provisions of this Article 19A, the provisions of Article 24C shall govern the procedures followed by the election authority, its judges of election, and all employees and agents; provided that early ballots shall not be counted until after the polls are closed on election day.

(10 ILCS 5/19A-30 new)
(a) The election authority (i) must use election judges to conduct early voting at an early voting polling place or (ii) must appoint an employee or, if appropriate, designate a municipal clerk, township clerk, or road district clerk to serve as the election official in charge of a polling place for early voting.

(b) If the election authority uses an employee or designates a municipal, township, or road district clerk under subsection (a), then the election authority may also appoint as many additional election officials as it deems necessary for the proper conduct of the election.

(10 ILCS 5/19A-35 new)
Sec. 19A-35. Procedure for voting.
(a) Not more than 23 days before the start of early voting, the county clerk shall make available to the election authority conducting early voting by personal appearance a sufficient number of early ballots, envelopes, and printed voting instruction slips for the use of early voters. The election
authority shall receipt for all ballots received and shall return unused or spoiled ballots at the close of the early voting period to the county clerk and must strictly account for all ballots received. The ballots delivered to the election authority must include early ballots for each precinct in the election authority's jurisdiction and must include separate ballots for each political subdivision conducting an election of officers or a referendum at that election.

(b) In conducting early voting under this Article, the election judge or official is not required to verify the signature of the early voter by comparison with the signature on the official registration card, however, the judge or official must verify (i) the identity of the applicant, (ii) that the applicant is a registered voter, (iii) the precinct in which the applicant is registered, and (iv) the proper ballots of the political subdivision in which the applicant resides and is entitled to vote before providing an early ballot to the applicant. The applicant's identity must be verified by the applicant's presentation of an Illinois driver's license, a non-driver identification card issued by the Illinois Secretary of State, or another government-issued identification document containing the applicant's photograph. The election judge or official must verify the applicant's registration from the most recent poll list provided by the election authority, and if the applicant is not listed on that poll list, by telephoning the office of the election authority.

(c) The sealed early ballots in their carrier envelope shall be delivered by the election authority to the proper polling place before the close of the polls on the day of the election.

(10 ILCS 5/19A-40 new)
Sec. 19A-40. Enclosure of ballots in envelope. It is the duty of the election judge or official to fold the ballot or ballots in the manner specified by the statute for folding ballots prior to their deposit in the ballot box, and to enclose the ballot or ballots in an envelope unsealed to be furnished by him or her, which envelope shall bear upon the face thereof the name, official title, and post office address of the election authority, and upon the other side a printed certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in that city or town in the county of .... and State of Illinois, that I have lived at that address for .... months last past; that I am lawfully entitled to vote in that precinct at the .... election to be held on .... .
*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

New matter indicated by italics - deletions by strikeout
Under penalties of perjury as provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

If the ballot enclosed is to be voted at a primary election, the certification shall designate the name of the political party with which the voter is affiliated.

In addition to the above, the election authority shall provide printed slips giving full instructions regarding the manner of marking and returning the ballot in order that the same may be counted, and shall furnish one of the printed slips to each of such applicants at the same time the ballot is delivered to him or her. The instructions shall include the following statement: "In signing the certification on the early ballot envelope, you are attesting that you personally marked this early ballot in secret. If you are physically unable to mark the ballot, a friend or relative may assist you. Federal and State laws prohibit your employer, your employer’s agent, or an officer or agent of your union from assisting physically disabled voters."

In addition to the above, if a ballot to be provided to a voter pursuant to this Section contains a public question described in subsection (b) of Section 28-6 and the territory concerning which the question is to be submitted is not described on the ballot due to the space limitations of the ballot, the election authority shall provide a printed copy of a notice of the public question, which shall include a description of the territory in the manner required by Section 16-7. The notice shall be furnished to the voter at the same time the ballot is delivered to the voter.

(10 ILCS 5/19A-45 new)
Sec. 19A-45. Certification. The voter shall make and subscribe the certification provided for on the return envelope of the ballot, and the ballot or ballots shall be folded by the voter in the manner required to be folded before depositing the ballot in the ballot box, and shall be deposited in the envelope and the envelope securely sealed. The voter shall then endorse his or her certificate on the back of the envelope and the envelope shall be returned to the election judge or official conducting the early voting.

(10 ILCS 5/19A-50 new)
Sec. 19A-50. Receipt of ballots. Upon receipt of the voter’s ballot, the election judge or official shall enclose the unopened ballot in a large or carrier envelope that shall be securely sealed and endorsed with the name and official title of the election judge or official and the words, "This envelope contains a ballot and must be opened on election day", together
with the number and description of the precinct in which the ballot is to be voted, and the election authority shall safely keep the envelope in its office until delivered to the judges of election as provided in Section 19A-35.

(10 ILCS 5/19A-55 new)

Sec. 19A-55. Casting the ballots. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct shall proceed to cast the early voter's ballot separately, and as each early voter's ballot is taken shall open the outer or carrier envelope, announce the early voter's name, and compare the signature upon the official registration card with the signature upon the certification on the ballot envelope. In case the judges find the certification properly executed, that the signatures correspond, that the applicant is a duly qualified voter in the precinct, and the voter has not been present and voted on the election day, they shall open the envelope containing the early voter's ballot in a manner that does not deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and enter the early voter's name in the poll book the same as if he or she had voted on election day. The judges shall place the early ballot certification envelopes in a separate envelope as per the direction of the election authority. The envelope containing the early ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case the signatures do not correspond, or the applicant is not a duly qualified voter in the precinct or the ballot envelope is open or has been opened and resealed, or the voter has voted on election day, the previously cast vote shall not be allowed, but without opening the early voter's envelope the judge of the election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains more than one ballot of any kind, the ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The early voters' envelopes and affidavits and the early voters' envelope with its contents unopened, when the early vote is rejected, shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at the election.

(10 ILCS 5/19A-60 new)

Sec. 19A-60. Pollwatchers. Pollwatchers may be appointed to observe
early voting by personal appearance at each permanent and temporary polling place where early voting is conducted. The pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except that each candidate, political party, or organization of citizens may appoint only one pollwatcher for each location where early voting by personal appearance is conducted. Pollwatchers must be residents of the State and possess valid pollwatcher credentials.

In the polling place on election day, pollwatchers are permitted to be present during the casting of the early ballots and the vote of an early voter may be challenged for cause the same as if the voter were present and voted on election day. The judges of election or election authority personnel conducting early voting, or a majority of either of these, have the power and authority to hear and determine the legality of the early ballot, provided that if a challenge to any early voter's right to vote is sustained, notice of the challenge must be given by the judges of election or election authority by mail addressed to the voter's place of residence.

(10 ILCS 5/19A-65 new)

Sec. 19A-65. Death of voter before opening of polls. Whenever due proof is made to the judges of election or election authority personnel counting early ballots that any voter who has marked an early ballot as provided in this Article has died before the opening of the polls on the date of the election, the ballot of the deceased voter shall be returned in the same manner provided for rejected ballots; but the casting of the ballot of a deceased voter shall not invalidate the election.

(10 ILCS 5/19A-70 new)

Sec. 19A-70. Advertising or campaigning in proximity of polling place; penalty. During the period prescribed in Section 19A-15 for early voting by personal appearance, no advertising pertaining to any candidate or proposition to be voted on may be displayed in or within 100 feet of any polling place used by voters under this Article. No person may engage in electioneering in or within 100 feet of any polling place used by voters under this Article. The provisions of Section 17-29 with respect to establishment of a campaign free zone apply to polling places under this Article.

Any person who violates this Section may be punished for contempt of court.

(10 ILCS 5/19A-75 new)

Sec. 19A-75. Early voting in jurisdictions using Direct Recording Electronic Voting Systems under Article 24C. Election authorities that have adopted for use Direct Recording Electronic Voting Systems under Article

New matter indicated by italics - deletions by strikeout
24C may either use those voting systems to conduct early voting or, so long as at least one Direct Recording Electronic Voting System device is available at each early voting polling place, use whatever method the election authority uses for absentee balloting conducted by mail; provided that no early ballots are counted before the polls close on election day.

(10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

Sec. 20-4. Immediately upon the receipt of the official postcard or an application as provided in Section 20-3 within the times heretofore prescribed, the election authority shall ascertain whether or not such applicant is legally entitled to vote as requested. If the election authority ascertains that the applicant is lawfully entitled to vote, it shall enter the name, street address, ward and precinct number of such applicant on a list to be posted in his or its office in a place accessible to the public. Within one business day after posting the name and other information of an applicant for a ballot, the election authority shall transmit that name and posted information to the State Board of Elections, which shall maintain the names and other information in an electronic format on its website, arranged by county and accessible to State and local political committees. As soon as the official ballot is prepared the election authority shall immediately deliver the same to the applicant in person or by mail, in the manner prescribed in Section 20-5.

If any such election authority receives a second or additional application which it believes is from the same person, he or it shall submit it to the chief judge of the circuit court or any judge of that court designated by the chief judge. If the chief judge or his designate determines that the application submitted to him is a second or additional one, he shall so notify the election authority who shall disregard the second or additional application.

The election authority shall maintain a list for each election of the voters to whom it has issued absentee ballots. The list shall be maintained for each precinct within the jurisdiction of the election authority. Prior to the opening of the polls on election day, the election authority shall deliver to the judges of election in each precinct the list of registered voters in that precinct to whom absentee ballots have been issued. (Source: P.A. 81-0155; 81-0953; 81-1509.)

(10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

Sec. 22-1. Abstracts of votes. Within 21 days after the close of the election at which candidates for offices hereinafter named in this Section are voted upon, the county clerks of the respective counties, with the assistance
of the chairmen of the county central committees of the Republican and Democratic parties of the county, shall open the returns and make abstracts of the votes on a separate sheet for each of the following:

A. For Governor and Lieutenant Governor;
B. For State officers;
C. For presidential electors;
D. For United States Senators and Representatives to Congress;
E. For judges of the Supreme Court;
F. For judges of the Appellate Court;
G. For judges of the circuit court;
H. For Senators and Representatives to the General Assembly;
I. For State's Attorneys elected from 2 or more counties;
J. For amendments to the Constitution, and for other propositions submitted to the electors of the entire State;
K. For county officers and for propositions submitted to the electors of the county only;
L. For Regional Superintendent of Schools;
M. For trustees of Sanitary Districts; and
N. For Trustee of a Regional Board of School Trustees.

Each sheet shall report the returns by precinct or ward.

Multiple originals of each of the sheets shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2, or his duly authorized representative immediately after the completion of the entries on the sheets and before the totals have been compiled.

The foregoing abstracts shall be preserved by the county clerk in his office.

Whenever any county chairman is also county clerk or whenever any county chairman is unable to serve as a member of such canvassing board the vice-chairman or secretary of his county central committee, in that order, shall serve in his place as member of such canvassing board; provided, that if none of these persons is able to serve, the county chairman may appoint a member of his county central committee to serve as a member of such canvassing board.

The powers and duties of the county canvassing board are limited to those specified in this Section. In no event shall such canvassing board open any package in which the ballots have been wrapped or any envelope containing "defective" or "objected to" ballots, or in any manner undertake to examine the ballots used in the election, except as provided in Section 22-
9.1 or when directed by a court in an election contest. Nor shall such canvassing board call in the precinct judges of election or any other persons to open or recount the ballots.

No person who is shown by the canvassing board's proclamation to have been elected at the consolidated election or general election as a write-in candidate shall take office unless that person has first filed with the certifying office or board a statement of candidacy pursuant to Section 7-10 or Section 10-5, a statement pursuant to Section 7-10.1, and a receipt for filing a statement of economic interests in relation to the unit of government to which he or she has been elected. For officers elected at the consolidated election, the certifying officer shall notify the election authority of the receipt of those documents, and the county clerk shall issue the certification of election under the provisions of Section 22-18. (Source: P.A. 93-847, eff. 7-30-04.)

(10 ILCS 5/22-5) (from Ch. 46, par. 22-5)
Sec. 22-5. Immediately after the completion of the abstracts of votes by precinct or ward, the county clerk shall make 2 correct copies of the abstracts of votes for Governor, Lieutenant Governor, Secretary of State, State Comptroller, Treasurer, Attorney General, both of which said copies he shall envelope and seal up, and endorse upon the envelopes in substance, "Abstracts of votes for State Officers from .... County"; and shall seal up a copy of each of the abstracts of votes for other officers and amendments to the Constitution and other propositions voted on, and endorse the same so as to show the contents of the package, and address the same to the State Board of Elections. The several packages shall then be placed in one envelope and addressed to the State Board of Elections. The county clerk shall send the sealed envelope addressed to the State Board of Elections via overnight mail so it arrives at the address the following calendar day.
(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/22-7) (from Ch. 46, par. 22-7)
Sec. 22-7. Canvass of votes; declaration and proclamation of result. The State Board of Elections, shall proceed within 31 days after the election, and sooner if all the returns are received, to canvass the votes given for United States Senators and Representatives to Congress, State executive officers, judges of the Supreme Court, judges of the Appellate Court, judges of the Circuit Court, Senators, Representatives to the General Assembly, State's Attorneys and Regional Superintendents of Schools elected from 2 or more counties, respectively, and the persons having the highest number of votes for the respective offices shall be declared duly elected, but if it appears

New matter indicated by italics - deletions by strikeout
that more than the number of persons to be elected have the highest and an equal number of votes for the same office, the electoral board shall decide by lot which of such persons shall be elected; and to each person duly elected, the Governor shall give a certificate of election or commission, as the case may require, and shall cause proclamation to be made of the result of the canvass, and they shall at the same time and in the same manner, canvass the vote cast upon amendments to the Constitution, and upon other propositions submitted to the electors of the entire State; and the Governor shall cause to be made such proclamation of the result of the canvass as the statutes elsewhere provide. The State Board of Elections shall transmit to the State Comptroller a list of the persons elected to the various offices. The State Board of Elections shall also transmit to the Supreme Court the names of persons elected to judgeships in adversary elections and the names of judges who fail to win retention in office.

No person who is shown by the canvassing board's proclamation to have been elected at the consolidated election or general election as a write-in candidate shall take office unless that person has first filed with the certifying office or board a statement of candidacy pursuant to Section 7-10 or Section 10-5, a statement pursuant to Section 7-10.1, and a receipt for filing a statement of economic interests in relation to the unit of government to which he or she has been elected. For officers elected at the consolidated election, the certifying officer shall notify the election authority of the receipt of those documents, and the county clerk shall issue the certification of election under the provisions of Section 22-18. (Source: P.A. 93-847, eff. 7-30-04.)

(10 ILCS 5/22-8) (from Ch. 46, par. 22-8)

Sec. 22-8. In municipalities operating under Article 6 of this Act, within 21 days after the close of such election, a judge of the circuit court, with the assistance of the city attorney and the board of election commissioners, who are hereby declared a canvassing board for such city, shall open all returns left respectively, with the election commissioners, the county clerk, and city comptroller, and shall make abstracts or statements of the votes in the following manner, as the case may require, viz: All votes for Governor and Lieutenant Governor on one sheet; all votes for other State officers on another sheet; all votes for presidential electors on another sheet; all votes for United States Senators and Representatives to Congress on another sheet; all votes for judges of the Supreme Court on another sheet; all votes for judges of the Appellate Court on another sheet; all votes for Judges of the Circuit Court on another sheet; all votes for Senators and

New matter indicated by italics - deletions by strikeout
Representatives to the General Assembly on another sheet; all votes for State's Attorneys where elected from 2 or more counties on another sheet; all votes for County Officers on another sheet; all votes for City Officers on another sheet; all votes for Town Officers on another sheet; and all votes for any other office on a separate and appropriate sheet; all votes for any proposition, which may be submitted to a vote of the people, on another sheet, and all votes against any proposition, submitted to a vote of the people, on another sheet.

Each sheet shall report the returns by precinct or ward.

Multiple originals of each of the sheets shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2, or his duly authorized representative immediately after the completion of the entries on the sheets and before the totals have been compiled.

(Source: P.A. 93-847, eff. 7-30-04.)

(10 ILCS 5/22-9) (from Ch. 46, par. 22-9)

Sec. 22-9. It shall be the duty of such Board of Canvassers to canvass, and add up and declare the result of every election hereafter held within the boundaries of such city, village or incorporated town, operating under Article 6 of this Act, and the judge of the circuit court shall thereupon enter of record such abstract and result by precinct or ward, and a certified copy of such record shall thereupon be filed with the County Clerk of the county; and such abstracts or results shall be treated, by the County Clerk in all respects, as if made by the Canvassing Board now provided by the foregoing sections of this law, and he shall transmit the same to the State Board of Elections, or other proper officer, as required hereinabove. The county clerk or board of election commissioners, as the case may be, shall send the abstract by precinct or ward and result in a sealed envelope addressed to the State Board of Elections via overnight mail so it arrives at the address the following calendar day. And such abstracts or results so entered and declared by such judge, and a certified copy thereof, shall be treated everywhere within the state, and by all public officers, with the same binding force and effect as the abstract of votes now authorized by the foregoing provisions of this Act.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/22-15) (from Ch. 46, par. 22-15)

Sec. 22-15. The county clerk or board of election commissioners shall, upon request, and by mail if so requested, furnish free of charge to any candidate for State office, including State Senator and Representative in the General Assembly, and any candidate for congressional office, whose name

New matter indicated by italics - deletions by strikeout
appeared upon the ballot within the jurisdiction of the county clerk or board of election commissioners, a copy of the abstract of votes by precinct or ward for all candidates for the office for which such person was a candidate. Such abstract shall be furnished no later than 2 days after the receipt of the request or 8 days after the completing of the canvass, whichever is later.

Within one calendar day following the canvass and proclamation of each general primary election and general election, each election authority shall transmit to the principal office of the State Board of Elections copies of the abstracts of votes by precinct or ward for the above-named offices and for the offices of ward, township, and precinct committeeman via overnight mail so that the abstract of votes arrives at the address the following calendar day. Each election authority shall also transmit to the principal office of the State Board of Elections copies of current precinct poll lists.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/22-15.1) (from Ch. 46, par. 22-15.1)

Sec. 22-15.1. (a) Within 60 days following the canvass of the general election within each election jurisdiction, the election authority shall prepare, in typewritten or legible computer-generated form, a report of the abstracts of votes by precinct for all offices and questions of public policy in connection with which votes were cast within the election jurisdiction at the general election. The report shall include the total number of ballots cast within each precinct or ward and the total number of registered voters within each precinct or ward. The election authority shall provide a copy of the report to the chairman of the county central committee of each established political party in the county within which the election jurisdiction is contained, and shall make a reasonable number of copies of the report available for distribution to the public.

(b) Within 60 days after the effective date of this amendatory Act of 1985, each election authority shall prepare, in typewritten or legible computer-generated form, a report of the type required by subsection (a) concerning the general election of 1984. The election authority shall provide a copy of the report to the chairman of the county central committee of each established political party in the county in which the election jurisdiction is contained, and shall make a reasonable number of copies of the report available for distribution to the public.

(c) An election authority may charge a fee to reimburse the actual cost of duplicating each copy of a report provided pursuant to subsection (a) or (b).

(Source: P.A. 89-700, eff. 1-17-97.)
Sec. 22-17. (a) Except as provided in subsection (b), the canvass of votes cast at the nonpartisan and consolidated election elections shall be conducted by the following canvassing boards within 21 days after the close of such elections:

1. For city offices, by the mayor, the city attorney and the city clerk.

2. For village and incorporated town offices, by the president of the board of trustees, one member of the board of trustees, and the village or incorporated town clerk.

3. For township offices, by the township supervisor, the eligible town trustee elected in the township who has the longest term of continuous service as town trustee, and the township clerk.

4. For road district offices, by the highway commissioner and the road district clerk.

5. For school district or community college district offices, by the school or community college district board.

6. For special district elected offices, by the board of the special district.

7. For multi-county educational service region offices, by the regional board of school trustees.

8. For township trustee of schools or land commissioner, by the township trustees of schools or land commissioners.

9. For park district offices, by the president of the park board, one member of the board of park commissioners and the secretary of the park district.

10. For multi-township assessment districts, by the chairman, clerk, and assessor of the multi-township assessment district.

(b) The city canvassing board provided in Section 22-8 shall canvass the votes cast at the nonpartisan and consolidated election elections for offices of any political subdivision entirely within the jurisdiction of a municipal board of election commissioners.

(c) The canvass of votes cast upon any public questions submitted to the voters of any political subdivision, or any precinct or combination of precincts within a political subdivision, at any regular election or at any emergency referendum election, including votes cast by voters outside of the political subdivision where the question is for annexation thereto, shall be canvassed by the same board provided for in this Section for the canvass of votes of the officers of such political subdivision. However, referenda

New matter indicated by italics - deletions by strikeout
conducted throughout a county and referenda of sanitary districts whose officers are elected at general elections shall be canvassed by the county canvassing board. The votes cast on a public question for the formation of a political subdivision shall be canvassed by the circuit court that ordered the question submitted, or by such officers of the court as may be appointed for such purpose, except where in the formation or reorganization of a school district or districts the regional superintendent of schools is designated by law as the canvassing official.

(c-5) No person who is shown by the canvassing board’s proclamation to have been elected at the consolidated election or general election as a write-in candidate shall take office unless that person has first filed with the certifying office or board a statement of candidacy pursuant to Section 7-10 or Section 10-5, a statement pursuant to Section 7-10.1, and a receipt for filing a statement of economic interests in relation to the unit of government to which he or she has been elected. For officers elected at the consolidated election, the certifying officer shall notify the election authority of the receipt of those documents, and the county clerk shall issue the certification of election under the provisions of Section 22-18.

(d) The canvass of votes for offices of political subdivisions cast at special elections to fill vacancies held on the day of any regular election shall be conducted by the canvassing board which is responsible for canvassing the votes at the regularly scheduled election for such office.

(e) Abstracts of votes prepared pursuant to canvasses under this Section shall report returns by precinct or ward.

(Source: P.A. 93-847, eff. 7-30-04.)

(10 ILCS 5/23-15.1)

Sec. 23-15.1. Production of ballot counting code and attendance of witnesses. All voting-system vendors shall, within 90 days after the adoption of rules or upon application for voting-system approval, place in escrow all computer code for its voting system with the State Board of Elections. The State Board of Elections shall promulgate rules to implement this Section. For purposes of this Section, the term "computer code" includes, but is not limited to, ballot counting source code, table structures, modules, program narratives, and other human readable computer instructions used to count ballots. Any computer code submitted by vendors to the State Board of Elections shall be considered strictly confidential and the intellectual property of the vendors and shall not be subject to public disclosure under the Freedom of Information Act.

The State Board of Elections shall determine which software

New matter indicated by italics - deletions by strikeout
components of a voting system it deems necessary to enable the review and verification of the computer. The State Board of Elections shall secure and maintain all proprietary computer codes in strict confidence and shall make a computer code available to authorized persons in connection with an election contest or pursuant to any State or federal court order.

In an election contest, each party to the contest may designate one or more persons who are authorized to receive the computer code of the relevant voting systems. The person or persons authorized to receive the relevant computer code shall enter into a confidentiality agreement with the State Board of Elections and must exercise the highest degree of reasonable care to maintain the confidentiality of all proprietary information.

The State Board of Elections shall promulgate rules to provide for the security, review, and verification of computer codes. Verification includes, but is not limited to, determining that the computer code corresponds to computer instructions actually in use to count ballots. The State Board of Elections shall hire, contract with, or otherwise provide sufficiently qualified resources, both human and capital, to conduct the reviews with the greatest possible expectation of thoroughness, completeness, and effectiveness. The resources shall be independent of and have no business, personal, professional, or other affiliation with any of the system vendors currently or prospectively supplying voting systems to any county in the State of Illinois.

Nothing in this Section shall impair the obligation of any contract between a voting-systems vendor and an election authority that provides access to computer code that is equal to or greater than that provided by this Section.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/23-50 new)

Sec. 23-50. Definition of a vote. For the purpose of any recount of votes under this Code, a vote is defined as provided in Sections 7-100, 17-100, 18-100, 24A-22, 24B-9.1, or 24C-10, depending upon the type of voting equipment or system used to cast the vote.

(10 ILCS 5/24A-10) (from Ch. 46, par. 24A-10)

Sec. 24A-10. (1) In an election jurisdiction which has adopted an electronic voting system, the election official in charge of the election shall select one of the 3 following procedures for receiving, counting, tallying, and return of the ballots:

(a) Two ballot boxes shall be provided for each polling place. The first ballot box is for the depositing of votes cast on the electronic voting system; and the second ballot box is for all votes cast on paper ballots, including absentee paper and early paper ballots and any other paper ballots

New matter indicated by italics - deletions by strikeout
required to be voted other than on the electronic voting system. Ballots, except absentee and early ballots for candidates and propositions which are listed on the electronic voting system, deposited in the second ballot box shall be counted, tallied, and returned as is elsewhere provided in "The Election Code," as amended, for the counting and handling of paper ballots. Immediately after the closing of the polls the absentee and early ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that such ballots comply with Sections 19-9, 19A-55, and 20-9 of "The Election Code," as amended, and are entitled to be deposited in the ballot box provided therefor; those entitled to be deposited in this ballot box shall be initialed by the precinct judges of election and deposited therein. Those not entitled to be deposited in this ballot box shall be marked "Rejected" and disposed of as provided in Sections 19-9, 19A-55, and 20-9. The precinct judges of election shall then open the second ballot box and examine all paper absentee and early ballots which are in the ballot box to determine whether the absentee and early ballots bear the initials of a precinct judge of election. If any absentee or early ballot is not so initialed, it shall be marked on the back "Defective," initialed as to such label by all judges immediately under such word "Defective," and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope." The judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall examine the paper absentee and early ballots which were in such ballot box and properly initialed so as to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted for on the paper absentee or early ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for such record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark such paper or early absentee ballot "Objected To" on the back thereof and write on its back the manner in which such ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee and early ballots, the judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee or early ballot which was in the ballot box and properly initialed, by using the electronic voting system used in the precinct and one of the marking devices of the precinct so as to transfer the remaining valid votes.

New matter indicated by italics - deletions by strikeout
votes of the voter on the paper absentee ballot to an official ballot or a ballot card of that kind used in the precinct at that election. The original paper absentee or early ballot shall be clearly labeled "Absentee Ballot" or "Early Ballot", as the case may be, and the ballot card so produced "Duplicate Absentee Ballot;" or "Duplicate Early Ballot", as the case may be, and each shall bear the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" and "Duplicate Early Ballot" ballots or ballot cards and shall place them in the first ballot box provided for return of the ballots to be counted at the central counting location in lieu of the paper absentee and early ballots. The paper absentee and early ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots."

As soon as the absentee and early ballots have been deposited in the first ballot box, the judges of election shall make out a slip indicating the number of persons who voted in the precinct at the election. Such slip shall be signed by all the judges of election and shall be inserted by them in the first ballot box. The judges of election shall thereupon immediately lock the first ballot box; provided, that if such box is not of a type which may be securely locked, such box shall be sealed with filament tape provided for such purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and in such manner that the seal completely covers the slot in the ballot box, and each of the judges shall sign such seal. Thereupon two of the judges of election, of different political parties, shall forthwith and by the most direct route transport both ballot boxes to the counting location designated by the county clerk or board of election commissioners.

Before the ballots of a precinct are fed to the electronic tabulating equipment, the first ballot box shall be opened at the central counting station by the two precinct transport judges. Upon opening a ballot box, such team shall first count the number of ballots in the box. If 2 or more are folded together so as to appear to have been cast by the same person, all of the ballots so folded together shall be marked and returned with the other ballots in the same condition, as near as may be, in which they were found when first opened, but shall not be counted. If the remaining ballots are found to exceed the number of persons voting in the precinct as shown by the slip signed by the judges of election, the ballots shall be replaced in the box, and the box closed and well shaken and again opened and one of the precinct transport judges shall publicly draw out so many ballots unopened as are equal to such excess.

New matter indicated by italics - deletions by strikeout
Such excess ballots shall be marked "Excess-Not Counted" and signed by the two precinct transport judges and shall be placed in the "After 7:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots.

The precinct transport judges shall then examine the remaining ballots for write-in votes and shall count and tabulate the write-in vote; or

(b) A single ballot box, for the deposit of all votes cast, shall be used. All ballots which are not to be tabulated on the electronic voting system shall be counted, tallied, and returned as elsewhere provided in "The Election Code," as amended, for the counting and handling of paper ballots.

All ballots to be processed and tabulated with the electronic voting system shall be processed as follows:

Immediately after the closing of the polls the absentee and early ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that such ballots comply with Sections 19-9, 19A-55, and 20-9 of "The Election Code," as amended, and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges of election and deposited in the ballot box. Those not entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in said Sections 19-9, 19A-55, and 20-9. The precinct judges of election then shall open the ballot box and canvass the votes polled to determine that the number of ballots therein agree with the number of voters voting as shown by the applications for ballot or if the same do not agree the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of "The Election Code." The judges of election shall then examine all paper absentee and early ballots, ballot cards and ballot card envelopes which are in the ballot box to determine whether the paper ballots, ballot cards and ballot card envelopes bear the initials of a precinct judge of election. If any paper ballot, ballot card or ballot card envelope is not initialed, it shall be marked on the back "Defective," initialed as to such label by all judges immediately under such word "Defective," and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope." The judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall examine the paper absentee and early ballots which were in the ballot box and properly initialed so as to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted

New matter indicated by italics - deletions by strikeout
for on the paper absentee or early ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for such record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark such paper absentee or early ballot "Objected To" on the back thereof and write on its back the manner in which such ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee and early ballots, the judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee and early ballot which was in the ballot box and properly initialed, by using the electronic voting system used in the precinct and one of the marking devices of the precinct so as to transfer the remaining valid votes of the voter on the paper absentee or early ballot to an official ballot or a ballot card of that kind used in the precinct at that election. The original paper absentee ballot shall be clearly labeled "Absentee Ballot" or "Early Ballot", as the case may be, and the ballot card so produced "Duplicate Absentee Ballot;" or "Duplicate Early Ballot", as the case may be, and each shall bear the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" and "Duplicate Early Ballot" ballots or ballot cards, and shall place them in the box for return of the ballots with all other ballots or ballot cards to be counted at the central counting location in lieu of the paper absentee and early ballots. The paper absentee and early ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots."

When an electronic voting system is used which utilizes a ballot card, before separating the remaining ballot cards from their respective covering envelopes, the judges of election shall examine the ballot card envelopes for write-in votes. When the voter has voted a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot card to determine whether such write-in results in an overvote for any office. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall make a true duplicate ballot of all votes on such ballot card except for the office which is overvoted, by using the ballot label booklet of the precinct and one of the marking devices of the precinct so as to transfer all votes of the voter except for the office overvoted, to an official ballot card of that kind.
used in the precinct at that election. The original ballot card and envelope upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Overvoted Ballot" ballot cards and shall place them in the box for return of the ballots. The "Overvoted Ballot" ballots and their envelopes shall be placed in the "Duplicate Ballots" envelope. Envelopes bearing write-in votes marked in the place designated therefor and bearing the initials of a precinct judge of election and not resulting in an overvote and otherwise complying with the election laws as to marking shall be counted, tallied, and their votes recorded on a tally sheet provided by the election official in charge of the election. The ballot cards and ballot card envelopes shall be separated and all except any defective or overvoted shall be placed separately in the box for return of the ballots, along with all "Duplicate Absentee Ballots;" "Duplicate Early Ballots," and "Duplicate Overvoted Ballots." The judges of election shall examine the ballots and ballot cards to determine if any is damaged or defective so that it cannot be counted by the automatic tabulating equipment. If any ballot or ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall make a true duplicate ballot of all votes on such ballot card by using the ballot label booklet of the precinct and one of the marking devices of the precinct. The original ballot or ballot card and envelope shall be clearly labeled "Damaged Ballot" and the ballot or ballot card so produced "Duplicate Damaged Ballot," and each shall bear the same number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot or ballot cards, and shall place them in the box for return of the ballots. The "Damaged Ballot" ballots or ballot cards and their envelopes shall be placed in the "Duplicated Ballots" envelope. A slip indicating the number of voters voting in person, number of absentee votes deposited in the ballot box, and the total number of voters of the precinct who voted at the election shall be made out, signed by all judges of election, and inserted in the box for return of the ballots. The tally sheets recording the write-in votes shall be placed in this box. The judges of election thereupon immediately shall securely lock the ballot box or other suitable box furnished for return of the ballots by the
election official in charge of the election; provided that if such box is not of a type which may be securely locked, such box shall be sealed with filament tape provided for such purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box so as to cover any slot therein and to identify the box of the precinct; and if such box is sealed with filament tape as provided herein rather than locked, such tape shall be wrapped around the box as provided herein, but in such manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Thereupon, 2 of the judges of election, of different major political parties, forthwith shall by the most direct route transport the box for return of the ballots and enclosed ballots and returns to the central counting location designated by the election official in charge of the election. If, however, because of the lack of adequate parking facilities at the central counting location or for any other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at such other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the two major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from such other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations.

The "Defective Ballots" envelope, and "Duplicated Ballots" envelope each shall be securely sealed and the flap or end thereof of each signed by the precinct judges of election and returned to the central counting location with the box for return of the ballots, enclosed ballots and returns.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall check the box returned containing the ballots to determine that all seals are intact, and thereupon shall open the box, check the voters' slip and compare the number of ballots so delivered against the total number of voters of the precinct who voted, remove the ballots or ballot cards and deliver them to the technicians.
operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges; or

(c) A single ballot box, for the deposit of all votes cast, shall be used. Immediately after the closing of the polls the judges of election shall examine the absentee and early ballots received by the precinct judges of election from the election authority of voters in that precinct to determine that they comply with the provisions of Sections 19-9, 19A-55, 20-8, and 20-9 of the Election Code, as amended, and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges and deposited in the ballot box. Those not entitled to be deposited in the ballot box, in accordance with Sections 19-9, 19A-55, 20-8, and 20-9 of the Election Code, as amended, shall be marked "Rejected" and preserved in the manner provided in The Election Code for the retention and preservation of official ballots rejected at such election. Immediately upon the completion of the absentee and early balloting, the precinct judges of election shall securely lock the ballot box; provided that if such box is not of a type which may be securely locked, such box shall be sealed with filament tape provided for such purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box so as to cover any slot therein and to identify the box of the precinct; and if such box is sealed with filament tape as provided herein rather than locked, such tape shall be wrapped around the box as provided herein, but in such manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Thereupon, 2 of the judges of election, of different major political parties, shall forthwith by the most direct route transport the box for return of the ballots and enclosed absentee and early ballots and returns to the central counting location designated by the election official in charge of the election. If however, because of the lack of adequate parking facilities at the central counting location or for some other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at such other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the two major political parties, designated for such purpose by the election official in charge of elections from
recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from such other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for such purpose by the election official in charge of the election from recommendations by the appropriate political party organizations.

At the central counting location there shall be one or more teams of tally judges who possess the same qualifications as tally judges in election jurisdictions using paper ballots. The number of such teams shall be determined by the election authority. Each team shall consist of 5 tally judges, 3 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the majority of members on the county board and 2 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the second largest number of members on the county board. At the central counting location a team of tally judges shall open the ballot box and canvass the votes polled to determine that the number of ballot sheets therein agree with the number of voters voting as shown by the applications for ballot and for absentee and early ballot; and, if the same do not agree, the tally judges shall make such ballots agree with the number of applications for ballot in the manner provided by Section 17-18 of the Election Code. The tally judges shall then examine all ballot sheets which are in the ballot box to determine whether they bear the initials of the precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to such label by all tally judges immediately under such word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". Write-in votes, not causing an overvote for an office otherwise voted for on the absentee and early ballot sheet, and otherwise properly voted, shall be counted, tallied and recorded by the central counting location judges on the tally sheet provided for such record. A write-in vote causing an overvote for an office shall not be counted for that office, but the tally judges shall mark such absentee ballot sheet "Objected To" on the back thereof and write on its back the manner in which such ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall deliver the ballot sheets to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall
be noted on a sheet furnished for that purpose and signed by the tally judges.

(2) Regardless of which procedure described in subsection (1) of this Section is used, the judges of election designated to transport the ballots, properly signed and sealed as provided herein, shall ensure that the ballots are delivered to the central counting station no later than 12 hours after the polls close. At the central counting station a team of tally judges designated by the election official in charge of the election shall examine the ballots so transported and shall not accept ballots for tabulating which are not signed and sealed as provided in subsection (1) of this Section until the judges transporting the same make and sign the necessary corrections. Upon acceptance of the ballots by a team of tally judges at the central counting station, the election judges transporting the same shall take a receipt signed by the election official in charge of the election and stamped with the date and time of acceptance. The election judges whose duty it is to transport any ballots shall, in the event such ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. (Source: P.A. 83-1362.)

(10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

Sec. 24A-10.1. In an election jurisdiction where in-precinct counting equipment is utilized, the following procedures for counting and tallying the ballots shall apply:

Immediately after the closing of the polls, the absentee and early ballots delivered to the precinct judges of election by the election authority shall be examined to determine that such ballots comply with Sections 19-9 and 20-9 of this Act and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges of election and deposited in the ballot box. Those not entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in said Sections 19-9, 19A-55, and 20-9.

The precinct judges of election shall open the ballot box and count the number of ballots therein to determine if such number agrees with the number of voters voting as shown by the applications for ballot or, if the same do not agree, the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Act. The judges of election shall then examine all ballot cards and ballot card envelopes which are in the ballot box to determine whether the ballot cards and ballot card envelopes contain the initials of a precinct judge of election. If any ballot card or ballot card envelope is not initialed, it shall be marked on the back "Defective", initialed as to such label by all judges immediately

New matter indicated by italics - deletions by strikeout
under the word "Defective" and not counted. The judges of election shall place an initialed blank official ballot card in the place of the defective ballot card, so that the count of the ballot cards to be counted on the automatic tabulating equipment will be the same, and each "Defective Ballot" card and "Replacement" card shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" card shall be placed in the "Defective Ballot Envelope" provided for that purpose.

When an electronic voting system is used which utilizes a ballot card, before separating the remaining ballot cards from their respective covering envelopes, the judges of election shall examine the ballot card envelopes for write-in votes. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot card to determine whether such write-in results in an overvote for any office. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot card except for the office which is overvoted, by using the ballot label booklet of the precinct and one of the marking devices of the precinct so as to transfer all votes of the voter, except for the office overvoted, to a duplicate card. The original ballot card and envelope upon which there is an overvote shall be clearly labeled "O verroted Ballot", and each such "O verroted Ballot" as well as its "Replacement" shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The "O verroted Ballot" card and ballot envelope shall be placed in an envelope provided for that purpose labeled "Duplicate Ballot" envelope, and the judges of election shall initial the "Replacement" ballot cards and shall place them with the other ballot cards to be counted on the automatic tabulating equipment. Envelopes containing write-in votes marked in the place designated therefor and containing the initials of a precinct judge of election and not resulting in an overvote and otherwise complying with the election laws as to marking shall be counted and tallied and their votes recorded on a tally sheet provided by the election authority.

The ballot cards and ballot card envelopes shall be separated in preparation for counting by the automatic tabulating equipment provided for that purpose by the election authority.

Before the ballots are entered into the automatic tabulating equipment,
a precinct identification card provided by the election authority shall be entered into the device to ensure that the totals are all zeroes in the count column on the printing unit. A precinct judge of election shall then count the ballots by entering each ballot card into the automatic tabulating equipment, and if any ballot or ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot card by using the ballot label booklet of the precinct and one of the marking devices of the precinct. The original ballot or ballot card and envelope shall be clearly labeled "Damaged Ballot" and the ballot or ballot card so produced shall be clearly labeled "Duplicate Damaged Ballot", and each shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot or ballot cards and shall enter the duplicate damaged cards into the automatic tabulating equipment. The "Damaged Ballot" cards shall be placed in the "Duplicated Ballots" envelope; after all ballot cards have been successfully read, the judges of election shall check to make certain that the last number printed by the printing unit is the same as the number of voters making application for ballot in that precinct. The number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated; 4 sets shall be attached to the 4 sets of "Certificate of Results" provided by the election authority; one set shall be posted in a conspicuous place inside the polling place; and every effort shall be made by the judges of election to provide a set for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots; but in no case shall the number of sets to be made available to pollwatchers be fewer than 4, chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the set which has been posted.

The judges of election shall count all unused ballot cards and enter the number on the "Statement of Ballots". All "Spoiled", "Defective" and "Duplicated" ballot cards shall be counted and the number entered on the "Statement of Ballots".

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along
with all other election materials as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape provided for such purpose which shall be wrapped around the container lengthwise and crosswise, at least twice each way, in such manner that the ballots cannot be removed from such container without breaking the seal and filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by such authority, open for at least 12 consecutive hours after the polls close or until the ballots from all precincts with in-precinct counting equipment within the jurisdiction of the election authority have been returned to the election authority. Ballots returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the same make and sign the necessary corrections. Upon acceptance of the ballots by the election authority, the judges returning the same shall take a receipt signed by the election authority and stamped with the time and date of such return. The election judges whose duty it is to return any ballots as herein provided shall, in the event such ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(10 ILCS 5/24A-15.1) (from Ch. 46, par. 24A-15.1)

Sec. 24A-15.1. Except as herein provided, discovery recounts and election contests shall be conducted as otherwise provided for in "The Election Code", as amended. The automatic tabulating equipment shall be tested prior to the discovery recount or election contest as provided in Section 24A-9, and then the official ballots or ballot cards shall be recounted on the automatic tabulating equipment. In addition, (1) the ballot or ballot cards shall be checked for the presence or absence of judges' initials and other distinguishing marks, and (2) the ballots marked "Rejected", "Defective", Objected to", and "Absentee Ballot", and "Early Ballot" shall be examined to determine the propriety of the such labels, and (3) the "Duplicate Absentee Ballots", "Duplicate Early Ballots", "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots" shall be compared with their respective originals to determine the correctness of the duplicates.

Any person who has filed a petition for discovery recount may request that a redundant count be conducted in those precincts in which the discovery recount is being conducted. The additional costs of such a redundant count shall be borne by the requesting party.

New matter indicated by italics - deletions by strikeout
The log of the computer operator and all materials retained by the election authority in relation to vote tabulation and canvass shall be made available for any discovery recount or election contest.
(Source: P.A. 82-1014.)

(10 ILCS 5/24A-22)
Sec. 24A-22. Definition of a vote.
(a) Notwithstanding any law to the contrary, for the purpose of this Article, a person casts a valid vote on a punch card ballot when:

(1) A chad on the card has at least one corner detached from the card;

(2) The fibers of paper on at least one edge of the chad are broken in a way that permits unimpeded light to be seen through the card; or

(3) An indentation on the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote based on the totality of the circumstances, including but not limited to any pattern or frequency of indentations on other ballot positions from the same ballot card.

(b) Write-in votes shall be counted in a manner consistent with the existing provisions of this Code.

(c) For purposes of this Section, a "chad" is that portion of a ballot card that a voter punches or perforates with a stylus or other designated marking device to manifest his or her vote for a particular ballot position on a ballot card as defined in subsection (a). Chads shall be removed from ballot cards prior to their processing and tabulation in election jurisdictions that utilize a ballot card as a means of recording votes at an election. Election jurisdictions that utilize a mechanical means or device for chad removal as a component of their tabulation shall use that means or device for chad removal.

(d) Prior to the original counting of any punch card ballots, an election judge may not alter a punch card ballot in any manner, including, but not limited to, the removal or manipulation of chads.
(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/24B-10)
Sec. 24B-10. Receiving, Counting, Tallying and Return of Ballots; Acceptance of Ballots by Election Authority.

(a) In an election jurisdiction which has adopted an electronic Precinct Tabulation Optical Scan Technology voting system, the election official in charge of the election shall select one of the 3 following procedures for
receiving, counting, tallying, and return of the ballots:

(1) Two ballot boxes shall be provided for each polling place. The first ballot box is for the depositing of votes cast on the electronic voting system; and the second ballot box is for all votes cast on other ballots, including absentee paper and early paper ballots and any other paper ballots required to be voted other than on the Precinct Tabulation Optical Scan Technology electronic voting system. Ballots, except absentee and early ballots for candidates and propositions which are listed on the Precinct Tabulation Optical Scan Technology electronic voting system, deposited in the second ballot box shall be counted, tallied, and returned as is elsewhere provided in this Code for the counting and handling of paper ballots. Immediately after the closing of the polls the absentee and early ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that the ballots comply with Sections 19-9, 19A-55, and 20-9 of this Code and are entitled to be inserted into the counting equipment and deposited into the ballot box provided; those entitled to be deposited in this ballot box shall be initialed by the precinct judges of election and deposited. Those not entitled to be deposited in this ballot box shall be marked "Rejected" and disposed of as provided in Sections 19-9, 19A-55, and 20-9. The precinct judges of election shall then open the second ballot box and examine all paper absentee and early ballots which are in the ballot box to determine whether the absentee or early ballots bear the initials of a precinct judge of election. If any absentee or early ballot is not so initialed, it shall be marked on the back "Defective", initialed as to the label by all judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". The judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall examine the paper absentee and early ballots which were in such ballot box and properly initialed to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted for on the paper absentee or early ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark such paper absentee or early ballot

New matter indicated by italics - deletions by strikeout
"Objected To" on the back and write on its back the manner in which the ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee and early ballots, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee and early ballot which was in the ballot box and properly initialized, by using the electronic Precinct Tabulation Optical Scan Technology voting system used in the precinct and one of the marking devices, or equivalent marking device or equivalent ballot, of the precinct to transfer the remaining valid votes of the voter on the paper absentee or early ballot to an official ballot or a ballot card of that kind used in the precinct at that election. The original paper absentee ballot shall be clearly labeled "Absentee Ballot" or "Early Ballot", as the case may be, and the ballot card so produced "Duplicate Absentee Ballot" or "Duplicate Early Ballot", as the case may be, and each shall bear the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" and "Duplicate Early Ballot" ballots and shall place them in the first ballot box provided for return of the ballots to be counted at the central counting location in lieu of the paper absentee and early ballots. The paper absentee and early ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots".

As soon as the absentee and early ballots have been deposited in the first ballot box, the judges of election shall make out a slip indicating the number of persons who voted in the precinct at the election. The slip shall be signed by all the judges of election and shall be inserted by them in the first ballot box. The judges of election shall thereupon immediately lock the first ballot box; provided, that if the box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose that shall be wrapped around the box lengthwise and crosswise, at least twice each way, and in a manner that the seal completely covers the slot in the ballot box, and each of the judges shall sign the seal. Two of the judges of election, of different political parties, shall by the most direct route transport both ballot boxes to the counting location.
designated by the county clerk or board of election commissioners.

Before the ballots of a precinct are fed to the electronic Precinct Tabulation Optical Scan Technology tabulating equipment, the first ballot box shall be opened at the central counting station by the 2 precinct transport judges. Upon opening a ballot box, the team shall first count the number of ballots in the box. If 2 or more are folded together to appear to have been cast by the same person, all of the ballots folded together shall be marked and returned with the other ballots in the same condition, as near as may be, in which they were found when first opened, but shall not be counted. If the remaining ballots are found to exceed the number of persons voting in the precinct as shown by the slip signed by the judges of election, the ballots shall be replaced in the box, and the box closed and well shaken and again opened and one of the precinct transport judges shall publicly draw out so many ballots unopened as are equal to the excess.

The excess ballots shall be marked "Excess-Not Counted" and signed by the 2 precinct transport judges and shall be placed in the "After 7:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots.

The precinct transport judges shall then examine the remaining ballots for write-in votes and shall count and tabulate the write-in vote.

(2) A single ballot box, for the deposit of all votes cast, shall be used. All ballots which are not to be tabulated on the electronic voting system shall be counted, tallied, and returned as elsewhere provided in this Code for the counting and handling of paper ballots.

All ballots to be processed and tabulated with the electronic Precinct Tabulation Optical Scan Technology voting system shall be processed as follows:

Immediately after the closing of the polls the absentee and early ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that such ballots comply with Sections 19-9, 19A-55, and 20-9 of this Code and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges of election and deposited in the ballot box. Those not

New matter indicated by italics - deletions by strikeout
entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in Sections 19-9, 19A-55, and 20-9. The precinct judges of election then shall open the ballot box and canvass the votes polled to determine that the number of ballots agree with the number of voters voting as shown by the applications for ballot, or if the same do not agree the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code. The judges of election shall then examine all paper absentee and early ballots and ballot envelopes which are in the ballot box to determine whether the ballots and ballot envelopes bear the initials of a precinct judge of election. If any ballot or ballot envelope is not initialed, it shall be marked on the back "Defective", initialed as to the label by all judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". The judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall examine the paper absentee and early ballots which were in the ballot box and properly initialed to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted for on the paper absentee or early ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark the paper absentee or early ballot "Objected To" on the back and write on its back the manner the ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee and early ballots, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee and early ballot which was in the ballot box and properly initialed, by using the electronic voting system used in the precinct and one of the marking devices of the precinct to transfer the remaining valid votes of the voter on the paper absentee or early ballot to an official ballot of that kind used in the precinct at that election. The original paper absentee or early ballot shall be clearly labeled "Absentee Ballot" or "Early Ballot", as the case may be, and the ballot so produced "Duplicate Absentee Ballot"
or "Duplicate Early Ballot", as the case may be, and each shall bear the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" and "Duplicate Early Ballot" ballots and shall place them in the box for return of the ballots with all other ballots to be counted at the central counting location in lieu of the paper absentee and early ballots. The paper absentee ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots".

In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on the ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct to transfer all votes of the voter except for the office overvoted, to an official ballot of that kind used in the precinct at that election. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Overvoted Ballot" ballots and shall place them in the box for return of the ballots. The "Overvoted Ballot" ballots shall be placed in the "Duplicate Ballots" envelope. The ballots except any defective or overvoted ballot shall be placed separately in the box for return of the ballots, along with all "Duplicate Absentee Ballots", "Duplicate Early Ballots", and "Duplicate Overvoted Ballots". The judges of election shall examine the ballots to determine if any is damaged or defective so that it cannot be counted by the automatic tabulating equipment. If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct. The original ballot and ballot envelope shall be clearly labeled "Damaged Ballot" and the ballot so produced "Duplicate Damaged Ballot", and each shall bear the same

New matter indicated by italics - deletions by strikeout
number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall place them in the box for return of the ballots. The "Damaged Ballot" ballots shall be placed in the "Duplicated Ballots" envelope. A slip indicating the number of voters voting in person, number of absentee and early votes deposited in the ballot box, and the total number of voters of the precinct who voted at the election shall be made out, signed by all judges of election, and inserted in the box for return of the ballots. The tally sheets recording the write-in votes shall be placed in this box. The judges of election immediately shall securely lock the ballot box or other suitable box furnished for return of the ballots by the election official in charge of the election; provided that if the box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box to cover any slot therein and to identify the box of the precinct; and if the box is sealed with filament tape as provided rather than locked, such tape shall be wrapped around the box as provided, but in such manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Two of the judges of election, of different major political parties, shall by the most direct route transport the box for return of the ballots and enclosed ballots and returns to the central counting location designated by the election official in charge of the election. If, however, because of the lack of adequate parking facilities at the central counting location or for any other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at the other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As

New matter indicated by italics - deletions by strikeout
soon as possible, the boxes shall be transported from the other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of elections from recommendations by the appropriate political party organizations.

The "Defective Ballots" envelope, and "Duplicated Ballots" envelope each shall be securely sealed and the flap or end of each envelope signed by the precinct judges of election and returned to the central counting location with the box for return of the ballots, enclosed ballots and returns.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall check the box returned containing the ballots to determine that all seals are intact, and shall open the box, check the voters' slip and compare the number of ballots so delivered against the total number of voters of the precinct who voted, remove the ballots and deliver them to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(3) A single ballot box, for the deposit of all votes cast, shall be used. Immediately after the closing of the polls the judges of election shall examine the absentee and early ballots received by the precinct judges of election from the election authority of voters in that precinct to determine that they comply with the provisions of Sections 19-9, 19A-55, 20-8, and 20-9 of this Code and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges and deposited in the ballot box. Those not entitled to be deposited in the ballot box, in accordance with Sections 19-9, 19A-55, 20-8, and 20-9 of this Code shall be marked "Rejected" and preserved in the manner provided in this Code for the retention and preservation of official ballots rejected at such election. Immediately upon the completion of the absentee and early balloting, the precinct judges of election shall securely lock the ballot box; provided that if such box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate

New matter indicated by italics - deletions by strikeout
adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box to cover any slot therein and to identify the box of the precinct; and if the box is sealed with filament tape as provided rather than locked, such tape shall be wrapped around the box as provided, but in a manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Two of the judges of election, of different major political parties, shall by the most direct route transport the box for return of the ballots and enclosed absentee and early ballots and returns to the central counting location designated by the election official in charge of the election. If however, because of the lack of adequate parking facilities at the central counting location or for some other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at the other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from the other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of the election from recommendations by the appropriate political party organizations.

At the central counting location there shall be one or more teams of tally judges who possess the same qualifications as tally judges in election jurisdictions using paper ballots. The number of the teams shall be determined by the election authority. Each team shall consist of 5 tally judges, 3 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the majority of members on the county board and 2 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the second largest number of members on the county board. At the central counting location a team of tally

New matter indicated by italics - deletions by strikeout
judges shall open the ballot box and canvass the votes polled to determine that the number of ballot sheets therein agree with the number of voters voting as shown by the applications for ballot and for absentee and early ballot; and, if the same do not agree, the tally judges shall make such ballots agree with the number of applications for ballot in the manner provided by Section 17-18 of this Code. The tally judges shall then examine all ballot sheets that are in the ballot box to determine whether they bear the initials of the precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to that label by all tally judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". Write-in votes, not causing an overvote for an office otherwise voted for on the absentee or early ballot sheet, and otherwise properly voted, shall be counted, tallied, and recorded by the central counting location judges on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the tally judges shall mark the absentee or early ballot sheet "Objected To" and write the manner in which the ballot is counted on its back and initial the sheet. An overvote for one office shall invalidate only the vote or count for that particular office.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall deliver the ballot sheets to the technicians operating the automatic Precinct Tabulation Optical Scan Technology tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(b) Regardless of which procedure described in subsection (a) of this Section is used, the judges of election designated to transport the ballots properly signed and sealed, shall ensure that the ballots are delivered to the central counting station no later than 12 hours after the polls close. At the central counting station, a team of tally judges designated by the election official in charge of the election shall examine the ballots so transported and shall not accept ballots for tabulating which are not signed and sealed as provided in subsection (a) of this Section until the judges transporting the ballots make and sign the necessary corrections. Upon acceptance of the ballots by a team of tally judges at the central counting station, the election judges transporting the ballots shall take a receipt signed by the election

New matter indicated by italics - deletions by strikeout
official in charge of the election and stamped with the date and time of acceptance. The election judges whose duty it is to transport any ballots shall, in the event the ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/24B-10.1)

Sec. 24B-10.1. In-Precinct Counting Equipment; Procedures for Counting and Tallying Ballots. In an election jurisdiction where Precinct Tabulation Optical Scan Technology counting equipment is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, and before the ballots are entered into the automatic tabulating equipment, the judges of election shall be sure that the totals are all zeros in the counting column. Ballots may then be counted by entering or scanning each ballot into the automatic tabulating equipment. Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or proposition on the automatic tabulating equipment. Such automatic tabulating equipment shall be programmed so that no person may reset the equipment for refeeding of ballots unless provided a code from an authorized representative of the election authority. At the option of the election authority, the ballots may be fed into the Precinct Tabulation Optical Scan Technology equipment by the voters under the direct supervision of the judges of elections.

Immediately after the closing of the polls, the absentee or early ballots delivered to the precinct judges of election by the election authority shall be examined to determine that the ballots comply with Sections 19-9, 19A-55, and 20-9 of this Code and are entitled to be scanned by the Precinct Tabulation Optical Scan Technology equipment and then deposited in the ballot box; those entitled to be scanned and deposited in the ballot box shall be initialed by the precinct judges of election and then scanned and deposited in the ballot box. Those not entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in said Sections 19-9, 19A-55, and 20-9.

The precinct judges of election shall open the ballot box and count the number of ballots to determine if the number agrees with the number of voters voting as shown on the Precinct Tabulation Optical Scan Technology equipment and by the applications for ballot or, if the same do not agree, the judges of election shall make the ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code. The judges of election shall then examine all ballots which are in the ballot box to determine

New matter indicated by italics - deletions by strikeout
whether the ballots contain the initials of a precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to such label by all judges immediately under the word "Defective" and not counted. The judges of election shall place an initialed blank official ballot in the place of the defective ballot, so that the count of the ballots to be counted on the automatic tabulating equipment will be the same, and each "Defective Ballot" and "Replacement" ballot shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" ballot shall be placed in the "Defective Ballot Envelope" provided for that purpose.

If the judges of election have removed a ballot pursuant to Section 17-18, have labeled "Defective" a ballot which is not initialed, or have otherwise determined under this Code to not count a ballot originally deposited into a ballot box, the judges of election shall be sure that the totals on the automatic tabulating equipment are reset to all zeros in the counting column. Thereafter the judges of election shall enter or otherwise scan each ballot to be counted in the automatic tabulating equipment. Resetting the automatic tabulating equipment to all zeros and re-entering of ballots to be counted may occur at the precinct polling place, the office of the election authority, or any receiving station designated by the election authority. The election authority shall designate the place for resetting and re-entering or re-scanning.

When a Precinct Tabulation Optical Scan Technology electronic voting system is used which uses a paper ballot, the judges of election shall examine the ballot for write-in votes. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot to determine whether the write-in results in an overvote for any office, unless the Precinct Tabulation Optical Scan Technology equipment has already done so. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct so as to transfer all votes of the voter, except for the office overvoted, to a duplicate ballot. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each such "Overvoted Ballot" as well as its "Replacement" shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The "Overvoted

New matter indicated by italics - deletions by strikeout
Ballot" shall be placed in an envelope provided for that purpose labeled "Duplicate Ballot" envelope, and the judges of election shall initial the "Replacement" ballots and shall place them with the other ballots to be counted on the automatic tabulating equipment.

If any ballot is damaged or defective, or if any ballot contains a Voting Defect, so that it cannot properly be counted by the automatic tabulating equipment, the voter or the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices of the precinct, or equivalent. If a damaged ballot, the original ballot shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Duplicate Damaged Ballot", and each shall contain the same serial number which shall be placed by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall enter or otherwise scan the duplicate damaged ballot into the automatic tabulating equipment. The "Damaged Ballots" shall be placed in the "Duplicated Ballots" envelope; after all ballots have been successfully read, the judges of election shall check to make certain that the Precinct Tabulation Optical Scan Technology equipment readout agrees with the number of voters making application for ballot in that precinct. The number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated; and 4 copies of a "Certificate of Results" shall be generated by the automatic tabulating equipment; one copy shall be posted in a conspicuous place inside the polling place; and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots; but in no case shall the number of copies to be made available to pollwatchers be fewer than 4, chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

The judges of election shall count all unused ballots and enter the number on the "Statement of Ballots". All "Spoiled", "Defective" and "Duplicated" ballots shall be counted and the number entered on the "Statement of Ballots".

The precinct judges of election shall select a bi-partisan team of 2
judges, who shall immediately return the ballots in a sealed container, along with all other election materials as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose which shall be wrapped around the container lengthwise and crosswise, at least twice each way, in a manner that the ballots cannot be removed from the container without breaking the seal and filament tape and disturbing any signatures affixed by the election judges to the container, or which other approved sealing devices are affixed in a manner approved by the election authority. The election authority shall keep the office of the election authority or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots from all precincts with in-precinct counting equipment within the jurisdiction of the election authority have been returned to the election authority. Ballots returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots as provided shall, in the event the ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. The precinct judges of election shall also deliver the Precinct Tabulation Optical Scan Technology equipment to the election authority.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/24B-15.1)

Sec. 24B-15.1. Discovery; recounts and election contests. Except as provided, discovery recounts and election contests shall be conducted as otherwise provided for in this Code. The automatic Precinct Tabulation Optical Scan Technology tabulating equipment shall be tested prior to the discovery recount or election contest as provided in Section 24B-9, and then the official ballots shall be recounted on the automatic tabulating equipment. In addition, (a) the ballots shall be checked for the presence or absence of judges' initials and other distinguishing marks, and (b) the ballots marked "Rejected", "Defective", "Objected To", "Early Ballot", and "Absentee Ballot" shall be examined to determine the propriety of the labels, and (c) the "Duplicate Absentee Ballots", "Duplicate Overvoted Ballots", "Duplicate Early Ballot", and "Duplicate Damaged Ballots" shall be compared with their respective originals to determine the correctness of the duplicates.

New matter indicated by italics - deletions by strikeout
Any person who has filed a petition for discovery recount may request that a redundant count be conducted in those precincts in which the discovery recount is being conducted. The additional costs of a redundant count shall be borne by the requesting party.

The log of the computer operator and all materials retained by the election authority in relation to vote tabulation and canvass shall be made available for any discovery recount or election contest.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24C-2)

Sec. 24C-2. Definitions. As used in this Article:

"Audit trail" or "audit capacity" means a continuous trail of evidence linking individual transactions related to the casting of a vote, the vote count and the summary record of vote totals, but which shall not allow for the identification of the voter. It shall permit verification of the accuracy of the count and detection and correction of problems and shall provide a record of each step taken in: defining and producing ballots and generating related software for specific elections; installing ballots and software; testing system readiness; casting and tabulating ballots; and producing images of votes cast and reports of vote totals. The record shall incorporate system status and error messages generated during election processing, including a log of machine activities and routine and unusual intervention by authorized and unauthorized individuals. Also part of an audit trail is the documentation of such items as ballots delivered and collected, administrative procedures for system security, pre-election testing of voting systems, and maintenance performed on voting equipment. All test plans, test results, documentation, and other records used to plan, execute, and record the results of the testing and verification, including all material prepared or used by independent testing authorities or other third parties, shall be made part of the public record and shall be freely available via the Internet and paper copy to anyone. "Audit trail" or "audit capacity" also means that the voting system is capable of producing and shall produce immediately after a ballot is cast a permanent paper record of each ballot cast that shall be available as an official record for any recount, redundant count, or verification or retabulation of the vote count conducted with respect to any election in which the voting system is used.

"Ballot" means an electronic audio or video display or any other medium, including paper, used to record a voter's choices for the candidates of their preference and for or against public questions.

"Ballot configuration" means the particular combination of political

New matter indicated by italics - deletions by strikeout
subdivision or district ballots including, for each political subdivision or
district, the particular combination of offices, candidate names and public
questions as it appears for each group of voters who may cast the same ballot.

"Ballot image" means a corresponding representation in electronic or
paper form of the mark or vote position of a ballot.

"Ballot label" or "ballot screen" means the display of material
containing the names of offices and candidates and public questions to be
voted on.

"Central counting" means the counting of ballots in one or more
locations selected by the election authority for the processing or counting, or
both, of ballots. A location for central counting shall be within the territorial
jurisdiction of the election authority unless there is no suitable tabulating
equipment available within his territorial jurisdiction. However, in any event
a counting location shall be within this State.

"Computer", "automatic tabulating equipment" or "equipment"
includes apparatus necessary to automatically examine and count votes as
designated on ballots, and data processing machines which can be used for
counting ballots and tabulating results.

"Computer operator" means any person or persons designated by the
election authority to operate the automatic tabulating equipment during any
portion of the vote tallying process in an election, but shall not include judges
of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating
instructions for the automatic tabulating equipment that examines, records,
displays, counts, tabulates, canvasses, or and prints votes recorded by a voter
on a ballot or that displays any and all information, graphics, or other visual
or audio information or images used in presenting voting information,
instructions, or voter choices.

"Direct recording electronic voting system", "voting system" or
"system" means the total combination of mechanical, electromechanical or
electronic equipment, programs and practices used to define ballots, cast and
count votes, report or display election results, maintain or produce any audit
trail information, identify all system components, test the system during
development, maintenance and operation, maintain records of system errors
and defects, determine specific system changes to be made to a system after
initial qualification, and make available any materials to the voter such as
notices, instructions, forms or paper ballots.

"Edit listing" means a computer generated listing of the names of each
candidate and public question as they appear in the program for each precinct.
"In-precinct counting" means the recording and counting of ballots on automatic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Marking device" means any device approved by the State Board of Elections for marking a ballot so as to enable the ballot to be recorded, counted and tabulated by automatic tabulating equipment.

"Permanent paper record" means a paper record upon which shall be printed in human readable form the votes cast for each candidate and for or against each public question on each ballot recorded in the voting system. Each permanent paper record shall be printed by the voting device upon activation of the marking device by the voter and shall contain a unique, randomly assigned identifying number that shall correspond to the number randomly assigned by the voting system to each ballot as it is electronically recorded.

"Redundant count" means a verification of the original computer count of ballots by another count using compatible equipment or other means as part of a discovery recount, including a count of the permanent paper record of each ballot cast by using compatible equipment, different equipment approved by the State Board of Elections for that purpose, or by hand.

"Separate ballot" means a separate page or display screen of the ballot that is clearly defined and distinguishable from other portions of the ballot.

"Voting device" or "voting machine" means an apparatus that contains the ballot label or ballot screen and allows the voter to record his or her vote.

(10 ILCS 5/24C-12)


In an election jurisdiction where a Direct Recording Electronic Voting System is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to activate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate data cards containing passwords and data codes that will select the proper ballot formats selected for that polling place and that will prevent inadvertent or unauthorized activation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of election shall cause to be printed a record of the following: the election's identification

New matter indicated by italics - deletions by strikeout
data, the device's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zero votes, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, a voting device with the proper ballot to which the voter is entitled shall be enabled to be used by the voter. The ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete, change or correct his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by entering electronically as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. Upon activation, the voting system shall also print a permanent paper record of each ballot cast as defined in Section 24C-2 of this Code. This permanent paper record shall (i) be printed in a clear, readily readable format that can be easily reviewed by the voter for completeness and accuracy and (ii) either be self-contained within the voting device or shall be deposited by the voter into a secure ballot box. No permanent paper record shall be removed from the polling place except by election officials as authorized by this Article. All permanent paper records shall be preserved and secured by election officials in the same manner as paper ballots and shall be available as an official record for any recount, redundant count, or verification or retabulation of the vote count conducted with respect to any election in which the voting system is used. The voter shall exit the voting station and the voting system shall prevent any further attempt to vote until it has been properly re-activated. If a voting device has been enabled for voting but the voter leaves the polling place

New matter indicated by italics - deletions by strikeout
without casting a ballot, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment. Such equipment shall be programmed so that no person may reset the equipment for reentry of ballots unless provided the proper code from an authorized representative of the election authority.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated; and 4 copies of a "Certificate of Results" shall be printed by the automatic tabulating equipment; one copy shall be posted in a conspicuous place inside the polling place; and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots; but in no case shall the number of copies to be made available to pollwatchers be fewer than 4, chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials and equipment as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by the authority, open for at least 12 consecutive hours

New matter indicated by italics - deletions by strikeout
after the polls close or until the ballots and election material and equipment from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials or equipment cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/24C-13)

Sec. 24C-13. Absentee ballots; Early voting ballots; Proceedings at Location for Central Counting; Employees; Approval of List.

(a) All jurisdictions using Direct Recording Electronic Voting Systems shall use paper ballots or paper ballot sheets approved for use under Articles 16, 24A or 24B of this Code when conducting absentee voting except that Direct Recording Electronic Voting Systems may be used for in-person absentee voting conducted pursuant to Section 19-2.1 of this Code. All absentee ballots shall be counted at the office of the election authority. The provisions of Section 24A-9, 24B-9 and 24C-9 of this Code shall apply to the testing and notice requirements for central count tabulation equipment, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file. Absentee ballots other than absentee ballots voted in person pursuant to Section 19-2.1 of this Code shall be examined and processed pursuant to Sections 19-9 and 20-9 of this Code. Vote results shall be recorded by precinct and shall be added to the vote results for the precinct in which the absent voter was eligible to vote prior to completion of the official canvass.

(a-5) Early voting ballots cast in accordance with Article 19A shall be counted in precincts as provided in that Article. Early votes cast through the use of Direct Recording Electronic Voting System devices shall be counted using the procedures of this Article. Early votes cast by a method other than the use of Direct Recording Electronic Voting System devices shall
be counted using the procedures of this Code for that method.

(b) All proceedings at the location for central counting shall be under the direction of the county clerk or board of election commissioners. Except for any specially trained technicians required for the operation of the Direct Recording Electronic Voting System, the employees at the counting station shall be equally divided between members of the 2 leading political parties and all duties performed by the employees shall be by teams consisting of an equal number of members of each political party. Thirty days before an election the county clerk or board of election commissioners shall submit to the chairman of each political party, for his or her approval or disapproval, a list of persons of his or her party proposed to be employed. If a chairman fails to notify the election authority of his or her disapproval of any proposed employee within a period of 10 days thereafter the list shall be deemed approved.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/24C-15)

Sec. 24C-15. Official Return of Precinct; Check of Totals; Audit. The precinct return printed by the Direct Recording Electronic Voting System tabulating equipment shall include the number of ballots cast and votes cast for each candidate and public question and shall constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the total number of ballots and absentee ballots counted in each precinct for each political subdivision and district and the number of registered voters in each precinct. However, the election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct audited to correct the return. The procedures for this audit shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots or voting devices except for election contests and discovery recounts. The certificate of results, which has been prepared and signed by the judges of election in the polling place after the ballots have been tabulated, shall be the document used for the canvass of votes for such precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals reflected on the certificate of results, the ballots for that precinct shall be audited to correct the return.

New matter indicated by italics - deletions by strikeout
Prior to the proclamation, the election authority shall test the voting devices and equipment in 5% +1% of the precincts within the election jurisdiction. The precincts to be tested shall be selected after election day on a random basis by the election authority, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of Elections shall design a standard and scientific random method of selecting the precincts that are to be tested, and the election authority shall be required to use that method. The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the random selection procedure and may be represented at the procedure.

The test shall be conducted by counting the votes marked on the permanent paper record of each ballot cast in the tested precinct printed by the voting system at the time that each ballot was cast and comparing the results of this count with the results shown by the certificate of results prepared by the Direct Recording Electronic Voting System in the test precinct. The election authority shall test count these votes either by hand or by using an automatic tabulating device other than a Direct Recording Electronic voting device that has been approved by the State Board of Elections for that purpose and tested before use to ensure accuracy. The election authority shall print the results of each test count. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results. If an errorless count cannot be conducted and there continues to be difference in vote results between the certificate of results produced by the Direct Recording Electronic Voting System and the count of the permanent paper records or if an error was detected and corrected, the election authority shall immediately prepare and forward to the appropriate canvassing board a written report explaining the results of the test and any errors encountered and the report shall be made available for public inspection.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the test and may be represented at the test.

The results of this post-election test shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code.

New matter indicated by italics - deletions by strikeout
Public Act 94-0645

Section 10. The State Finance Act is amended by adding Section 5.700 and by changing Section 8h as follows:

Sec. 5.700. The Voters' Guide Fund.

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or the Voters' Guide Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be

New matter indicated by italics - deletions by strikeout
available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act. (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)

Section 15. The Illinois Municipal Code is amended by changing Sections 3.1-10-50 and 5-5-1 as follows:

(65 ILCS 5/3.1-10-50)
Sec. 3.1-10-50. Vacancies.
(a) A municipal officer may resign from office. A vacancy occurs in an office by reason of resignation, failure to elect or qualify (in which case the incumbent shall remain in office until the vacancy is filled), death, permanent physical or mental disability rendering the person incapable of performing the duties of his or her office, conviction of a disqualifying crime, abandonment of office, removal from office, or removal of residence from the municipality or, in the case of aldermen of a ward or trustees of a district, removal of residence from the ward or district, as the case may be. An admission of guilt of a criminal offense that would, upon conviction, disqualify the municipal officer from holding that office, in the form of a written agreement with State or federal prosecutors to plead guilty to a felony, bribery, perjury, or other infamous crime under State or federal law, shall constitute a resignation from that office, effective at the time the plea agreement is made. For purposes of this Section, a conviction for an offense that disqualifies the municipal officer from holding that office shall occur on the date of the return of a guilty verdict or, in the case of a trial by the court, the entry of a finding of guilt.

(b) If a vacancy occurs in an elective municipal office with a 4-year term and there remains an unexpired portion of the term of at least 28 months, and the vacancy occurs at least 130 days before the general municipal election next scheduled under the general election law, the vacancy shall be filled for the remainder of the term at that general municipal election. Whenever an election is held for this purpose, the municipal clerk shall certify the office to be filled and the candidates for the office to the proper election authorities as provided in the general election law. If the vacancy is in the office of mayor, the city council shall elect one of their members acting

New matter indicated by italics - deletions by strikeout
mayor; if the vacancy is in the office of president, the vacancy shall be filled by the appointment by the trustees of an acting president from the members of the board of trustees. In villages with a population of less than 5,000, if each of the members of the board of trustees either declines the appointment as acting president or is not approved for the appointment by a majority vote of the trustees presently holding office, then the board of trustees may appoint as acting president any other village resident who is qualified to hold municipal office. The acting mayor or acting president shall perform the duties and possess all the rights and powers of the mayor or president until a successor to fill the vacancy has been elected and has qualified. If the vacancy is in any other elective municipal office, then until the office is filled by election, the mayor or president shall appoint a qualified person to the office subject to the advice and consent of the city council or trustees.

(c) In a 2 year term, or if the vacancy occurs later than the time provided in subsection (b) in a 4 year term, a vacancy in the office of mayor shall be filled by the corporate authorities electing one of their members acting mayor; if the vacancy is in the office of president, the vacancy shall be filled by the appointment by the trustees of an acting president from the members of the board of trustees. In villages with a population of less than 5,000, if each of the members of the board of trustees either declines the appointment as acting president or is not approved for the appointment by a majority vote of the trustees presently holding office, then the board of trustees may appoint as acting president any other village resident who is qualified to hold municipal office. The acting mayor or acting president shall perform the duties and possess all the rights and powers of the mayor or president until a successor to fill the vacancy has been elected and has qualified. A vacancy in any elective office other than mayor or president shall be filled by appointment by the mayor or president, with the advice and consent of the corporate authorities.

(d) This subsection applies on and after January 1, 2006. The election of an acting mayor or acting president in a municipality with a population under 500,000 does not create a vacancy in the original office of the person on the city council or as a trustee, as the case may be, unless the person resigns from the original office following election as acting mayor or acting president. If the person resigns from the original office following election as acting mayor or acting president, then the original office must be filled pursuant to the terms of this Section and the acting mayor or acting president shall exercise the powers of the mayor or president and shall vote and have veto power in the manner provided by law for a mayor or president. If the

New matter indicated by italics - deletions by strikeout
person does not resign from the original office following election as acting mayor or acting president, then the acting mayor or acting president shall exercise the powers of the mayor or president but shall be entitled to vote only in the manner provided for as the holder of the original office and shall not have the power to veto. If the person does not resign from the original office following election as acting mayor or acting president, and if that person's original term of office has not expired when a mayor or president is elected and has qualified for office, the acting mayor or acting president shall return to the original office for the remainder of the term thereof.

(e) Municipal officers appointed or elected under this Section shall hold office until their successors are elected and have qualified.

(f) An appointment to fill a vacancy in the office of alderman shall be made within 60 days after the vacancy occurs. The requirement that an appointment be made within 60 days is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to require that an appointment be made within a different period after the vacancy occurs.

(Source: P.A. 90-429, eff. 8-15-97; 90-707, eff. 8-7-98; 91-357, eff. 7-29-99.)

Sec. 5-5-1. Petition for abandonment of managerial form; referendum; succeeding elections of officers and aldermen or trustees.

(a) A city or village that has operated for 4 years or more under the managerial form of municipal government may abandon that organization as provided in this Section. For the purposes of this Article, the operation of the managerial form of municipal government shall be deemed to begin on the date of the appointment of the first manager in the city or village. When a petition for abandonment signed by electors of the municipality equal in number to at least 10% of the number of votes cast for candidates for mayor at the preceding general quadrennial municipal election is filed with the circuit court for the county in which that city or village is located, the court shall set a date not less than 10 nor more than 30 days thereafter for a hearing on the sufficiency of the petition. Notice of the filing of the petition and of the date of the hearing shall be given in writing to the city or village clerk and to the mayor or village president at least 7 days before the date of the hearing. If the petition is found sufficient, the court shall enter an order directing that the proposition be submitted at an election other than a primary election for the municipality. The clerk of the court shall certify the proposition to the proper election authorities for submission. The proposition shall be in
Shall (name of city or village) retain the managerial form of municipal government?

(b) If the majority of the votes at the election are "yes", then the proposition to abandon is rejected and the municipality shall continue operating under this Article 5. If the majority of the votes are "no", then the proposition to abandon operation under this Article 5 is approved.

(c) If the proposition for abandonment is approved, the city or village shall become subject to Article 3.1 or Article 4, whichever Article was in force in the city or village immediately before the adoption of the plan authorized by this Article 5, upon the election and qualification of officers to be elected at the next succeeding general municipal election. Those officers shall be those prescribed by Article 3.1 or Article 4, as the case may be, but the change shall not in any manner or degree affect the property rights or liabilities of the city or village. The mayor, clerk, and treasurer and all other elected officers of a city or village in office at the time the proposition for abandonment is approved shall continue in office until the expiration of the term for which they were elected.

(d) If a city or village operating under this Article 5 has aldermen or trustees elected from wards or districts and a proposition to abandon operation under this Article 5 is approved, then the officers to be elected at the next succeeding general municipal election shall be elected from the same wards or districts as exist immediately before the abandonment.

(e) If a city or village operating under this Article 5 has a council or village board elected from the municipality at large and a proposition to abandon operation under this Article 5 is approved, then the first group of aldermen, board of trustees, or commissioners so elected shall be of the same number as was provided for in the municipality at the time of the adoption of a plan under this Article 5, with the same ward or district boundaries in cities or villages that immediately before the adoption of this Article 5 had wards or districts, unless the municipal boundaries have been changed. If there has been such a change, the council or village board shall so alter the former ward or district boundaries so as to conform as nearly as possible to the former division. If the plan authorized by this Article 5 is abandoned, the next general municipal election for officers shall be held at the time specified in Section 3.1-10-75 or 3.1-25-15 for that election. The aldermen or trustees elected at that election shall, if the city or village was operating under Article 3 at the time of adoption of this Article 5 and had at that time staggered 4 year terms of office for the aldermen or trustees, choose by lot which shall

New matter indicated by italics - deletions by strikeout
serve initial 2 year terms as provided by Section 3.1-20-35 or 3.1-15-5, whichever may be applicable, in the case of election of those officers at the first election after a municipality is incorporated.

(f) The proposition to abandon the managerial form of municipal government shall not be submitted in any city or village oftener than once in 46 +2 months.

(Source: P.A. 93-847, eff. 7-30-04.)

Section 20. The Revised Cities and Villages Act of 1941 is amended by changing Section 21-28 as follows:

(65 ILCS 20/21-28) (from Ch. 24, par. 21-28)

Sec. 21-28. Nomination by petition.

(a) All nominations for alderman of any ward in the city shall be by petition. All petitions for nominations of candidates shall be signed by such a number of legal voters of the ward as will aggregate not less than two percent of all the votes cast for alderman in such ward at the last preceding general election. For the election following the redistricting of wards petitions for nominations of candidates shall be signed by the number of legal voters of the ward as will aggregate not less than 2% of the total number of votes cast for mayor at the last preceding municipal election divided by the number of wards.

(b) All nominations for mayor, city clerk, and city treasurer in the city shall be by petition. Each petition for nomination of a candidate must be signed by at least 12,500 legal voters of the city.

(c) All such petitions, and procedure with respect thereto, shall conform in other respects to the provisions of the election and ballot laws then in force in the city of Chicago concerning the nomination of independent candidates for public office by petition. The method of nomination herein provided is exclusive of and replaces all other methods heretofore provided by law. (Source: P.A. 81-1535.)

Section 25. The Illinois Highway Code is amended by changing Section 6-116 as follows:

(605 ILCS 5/6-116) (from Ch. 121, par. 6-116)

Sec. 6-116. Except as otherwise provided in this Section with respect to highway commissioners of township and consolidated township road districts, at the election provided by the general election law in 1985 and every 4 years thereafter in all counties, other than counties in which a county unit road district has been established and other than in Cook County, the highway commissioner of each road district and the district clerk of each road district having an elected clerk, shall be elected to hold office for a term of

New matter indicated by italics - deletions by strikeout
4 years, and until his successor is elected and qualified. The highway commissioner of each road district and the district clerk of each road district elected in 1979 shall hold office for an additional 2 years and until his successor is elected and has qualified.

In each township and consolidated township road district outside Cook County, highway commissioners shall be elected at the election provided for such commissioners by the general election law in 1981 and every 4 years thereafter to hold office for a term of 4 years and until his successor is elected and qualified. The highway commissioner of each road district in Cook County shall be elected at the election provided for said commissioner by the general election law in 1981 and every 4 years thereafter for a term of 4 years, and until his successor is elected and qualified.

Each highway commissioner shall enter upon the duties of his office on the **third** Monday in May after his election.

In road districts comprised of a single township, the highway commissioner shall be elected at the election provided for said commissioner by the general election law. All elections as are provided in this Section shall be conducted in accordance with the general election law.

(Source: P.A. 83-108.)

Section 30. The Illinois Vehicle Code is amended by changing Section 2-105 as follows:

(625 ILCS 5/2-105) (from Ch. 95 1/2, par. 2-105)

Sec. 2-105. Offices of Secretary of State. The Secretary of State shall maintain offices in the State capital and in such other places in the State as he may deem necessary to properly carry out the powers and duties vested in him.

The Secretary of State may construct and equip one or more buildings in the State of Illinois outside of the County of Sangamon as he deems necessary to properly carry out the powers and duties vested in him. The Secretary of State may, on behalf of the State of Illinois, acquire public or private property needed therefor by lease, purchase or eminent domain. The care, custody and control of such sites and buildings constructed thereon shall be vested in the Secretary of State. Expenditures for the construction and equipping of any of such buildings upon premises owned by another public entity shall not be subject to the provisions of any State law requiring that the State be vested with absolute fee title to the premises. The exercise of the authority vested in the Secretary of State by this Section is subject to the appropriation of the necessary funds.

Pursuant to Sections 4-6.2, 5-16.2, and 6-50.2 of The Election Code,

New matter indicated by italics - deletions by strikeout
the Secretary of State shall make driver services facilities available for use as temporary places of registration. Registration within the offices shall be in the most public, orderly and convenient portions thereof, and Section 4-3, 5-3, and 11-4 of The Election Code relative to the attendance of police officers during the conduct of registration shall apply. Registration under this Section shall be made in the manner provided by Sections 4-8, 4-10, 5-7, 5-9, 6-34, 6-35, and 6-37 of The Election Code.

Within 30 days after the effective date of this amendatory Act of 1990, and no later than November 1 of each even-numbered year thereafter, the Secretary of State, to the extent practicable, shall designate to each election authority in the State a reasonable number of employees at each driver services facility registered to vote within the jurisdiction of such election authority and within adjacent election jurisdictions for appointment as deputy registrars by the election authority located within the election jurisdiction where the employees maintain their residences. Such designation shall be in writing and certified by the Secretary of State.

Each person applying at a driver services facility for a driver's license or permit, a corrected driver's license or permit, an Illinois identification card or a corrected Illinois identification card shall be notified that the person may register at such station to vote in the State election jurisdiction in which the station is located or in an election jurisdiction adjacent to the location of the station and may also transfer his voter registration at such station to a different address in the State election jurisdiction within which the station is located or to an address in an adjacent election jurisdiction. Such notification may be made in writing or verbally issued by an employee or the Secretary of State.

The Secretary of State shall promulgate such rules as may be necessary for the efficient execution of his duties and the duties of his employees under this amendatory Act of 1990.

(Source: P.A. 90-89, eff. 1-1-98.)

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 95. Severability. The provisions of this amendatory Act of the 94th General Assembly are severable under Section 1.31 of the Statute on Statutes.
Section 97. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.


PUBLIC ACT 94-0646
(House Bill No. 2345)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Electronic Health Records Taskforce Act.

Section 5. Electronic Health Records Taskforce established. There is hereby created the Electronic Health Records Taskforce, hereinafter referred to as the EHR Taskforce. The EHR Taskforce shall be convened by the Department of Public Health, in coordination with the Department of Public Aid and the Department of Human Services.

Section 10. Taskforce duties; membership.
(a) The EHR Taskforce shall create a plan for the development and utilization of electronic health records (EHR) in the State in order to improve the quality of patient care, increase the efficiency of health care practice, improve safety, and reduce health care errors. The EHR plan shall provide policy guidance for application for federal, State, or private grants to phase in utilization of EHR by health care providers.

(b) The Taskforce shall include representatives of physicians, hospitals, pharmacies and long-term health care facilities, academic health care centers, payors, patients and consumers, and information technology providers.

(c) The Taskforce shall prepare and submit a report on the EHR plan to the General Assembly by December 31, 2006.

Section 15. EHR plan. The EHR plan shall include, but not be limited to, a consideration of all of the following:

(1) key components of and standards for comprehensive

New matter indicated by italics - deletions by strikeout
EHR systems for recording, storing, analyzing and accessing patient health information, assisting with health care decision-making and quality assurance, and providing for online health care;

(2) consistent data elements, definitions, and formats that should be incorporated in EHR systems;

(3) analysis of costs and benefits in implementing EHR by various types and sizes of health care providers;

(4) survey of equipment, technical assistance, and resources that would be necessary to assist smaller health care providers with EHR implementation and utilization;

(5) standards, technology platforms, and issues related to patient access to their individual medical and health data;

(6) a potential phase-in plan for implementing EHR by health care providers throughout Illinois; and


PUBLIC ACT 94-0647
(House Bill No. 2417)

AN ACT concerning elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Sections 6-9, 6-11, 6-74, 7-56, 7-58, 7-59, 7-60, 7-60.1, 7-63, 22-1, 22-8, 22-9, 22-9.1, 22-12, 22-15, 22-17, 22-18, and 23-23 and by adding Section 1-8 as follows:

(10 ILCS 5/1-8 new)

Sec. 1-8. Canvassing boards abolished. Notwithstanding any other provision of this Code, local canvassing boards are abolished. In this Code or any other law a reference to a local or county canvassing board means (i) for elections in which the political subdivision that is choosing candidates or submitting a public question is located entirely within the jurisdiction of a single election authority, that election authority and (ii) for elections for offices and public questions not listed in Section 22-1 of this Code in which

New matter indicated by italics - deletions by strikeout
the political subdivision that is choosing candidates or submitting a public question is located within the jurisdiction of 2 or more election authorities, the election authority having jurisdiction over the location at which the political subdivision has its principal office.

(10 ILCS 5/6-9) (from Ch. 46, par. 6-9)

Sec. 6-9. After ascertaining and announcing the result as aforesaid, such judges shall make, fill up and sign duplicate triplicate returns or statements of the votes cast for and against such proposition as aforesaid, in the form found in Section 6--3 of this Article, each of which shall be attested by the other judges, and each of which shall then be enclosed and sealed in an envelope, one of which shall be on the outside addressed to the appropriate election authority, the circuit court, one to the clerk of the circuit court, and one to the comptroller of such city, or to the officer whose duties correspond with those of the comptroller. Upon each of which statements shall be endorsed "city election law returns". In the same manner the tally sheet in duplicate shall be signed by the judges, and shall be enclosed and sealed in separate envelopes, one of which shall be addressed to the county judge and one to the city clerk; upon both of the envelopes shall be endorsed "city election law tallies". On the outside of each envelope shall be endorsed whether it contains a statement of the votes cast or the tallies, and for what precinct and ward. After the envelopes respectively containing such returns and tallies are closed and sealed, the judges of election shall each write across the folds of such envelopes their names, and thereupon each of the judges of election shall take one of said returns or tallies, and shall deliver, each one respectively, to the person or officer to whom addressed, by noon of the next day, and when delivered he shall receive a receipt therefor from the officer to whom delivered, and it shall be the duty of such officer to give such receipts, and to safely keep such envelopes unopened until called for by the election authority as canvassing board herein provided.

(Source: P.A. 80-704.)

(10 ILCS 5/6-11) (from Ch. 46, par. 6-11)

Sec. 6-11. The returns must be canvassed in the same manner as any other referendum held in the municipality. On the sixth day after such election the judge of the circuit court shall call to his assistance two well known electors of integrity and character, one of whom voted for and one of whom voted against such proposition, who shall constitute the canvassing board to canvass the returns and votes so cast for and against such proposition. Such canvass shall be conducted in public in the room usually occupied by the circuit court. The envelopes containing all the returns and all

New matter indicated by italics - deletions by strikeout
the tally sheets shall, upon the demand of the judge of the court, be delivered to said board by the officers, so having either of them in his possession. Thereupon the same shall be opened in order and the vote on such proposition ascertained and announded. All of such returns and tallies may be used in ascertaining the result, and when, in the opinion of said board, any doubt exists as to what the actual vote was which was cast for or against such proposition in any precinct, or upon the written application of 2 persons who were at such canvass and who shall make oath that they believe that the returns of the said judges of election as to such proposition are not correct; said judge shall demand of and receive possession from such county clerk the ballots so cast in such precinct at such election, and it shall then be the duty of said board to open the envelope containing such ballots and to recount the same, and to hear evidence of any person present at such precinct canvass touching the same; and thereupon, said board shall announce and declare the vote cast for and against such proposition in such precinct, which shall be conclusive as to the ballots so cast; and, thereupon, the judge of the court, so having received possession of such ballots, shall again place them upon a string or twine and place them in the same envelope, or another with like endorsements, and seal the same, and shall write across the face thereof, "Opened by the judge of the circuit court," and sign his name thereunder, and shall then return such ballots to the possession of the county clerk. Said returns and tallies shall also be returned to the officers from whom received, who shall safely keep the same for 6 months, and then destroy the same if there be no contest. At the completion of the canvass of all of the precincts in such city, the total number of votes cast for and against such proposition in the various precincts ascertained as aforesaid shall be added together by said board, who shall then declare the total result; thereupon said court shall enter an order declaring the number of votes so ascertained cast for, and the number of votes cast against such proposition, and if such proposition shall have received a majority of the votes cast for and against the same at such election, the court shall, by its order, declare this Article 6 and Articles 14 and 18 of this Act adopted. And it shall be the duty of such judge to file a copy of such order in the office of the Secretary of State, and thereupon said Articles of this act shall become operative and binding, and the law for all elections in such city, and for the electors thereof, and all courts and other persons shall take notice thereof.

(Source: Laws 1965, p. 3481.)

(10 ILCS 5/6-74) (from Ch. 46, par. 6-74)

Sec. 6-74. The quadruple returns of the judges of election of such
village or incorporated town, mentioned in the last section, in case of a village or town election for any officer of such village or town, shall be made to the same officer as otherwise required by law, who shall receipt therefor; and all such returns shall be canvassed by the election authority canvassing board of such village or incorporated town, as established by law, with the same powers of investigation and examination by the election authority such board as is authorized by this act to the canvassing board of any such city.

(Source: Laws 1957, p. 1450.)

(10 ILCS 5/7-56) (from Ch. 46, par. 7-56)

Sec. 7-56. As soon as complete returns are delivered to the proper election authority, the returns shall be canvassed for all primary elections as follows. *The election authority acting as the canvassing board pursuant to Section 1-8 of this Code:*

1. In the case of the nomination of candidates for city offices, by the mayor, the city attorney and the city clerk.

2. In the case of nomination of candidates for village offices, by the president of the board of trustees, one member of the board of trustees, and the village clerk.

3. In the case of nomination of candidates for township offices, by the town supervisor, the town assessor and the town clerk; in the case of nomination of candidates for incorporated town offices, by the corporate authorities of the incorporated town.

3.5. For multi-township assessment districts, by the chairman, clerk, and assessor of the multi-township assessment district.

4. For road district offices, by the highway commissioner and the road district clerk.

5. The officers who are charged by law with the duty of canvassing returns of general elections made to the county clerk, shall also open and canvass the returns of a primary made to such county clerk. Upon the completion of the canvass of the returns by the election authority county canvassing board, *the election authority said canvassing board* shall make a tabulated statement of the returns for each political party separately, stating in appropriate columns and under proper headings, the total number of votes cast in said county for each candidate for nomination or election by said party, including candidates for President of the United States and for State central committeemen, and for delegates and alternate delegates to National nominating conventions, and for precinct committeemen, township committeemen, and for ward committeemen. Within two (2) days after the completion of said canvass by the election authority, *said canvassing board*

New matter indicated by italics - deletions by strikeout
the county clerk shall mail to the State Board of Elections a certified copy of such tabulated statement of returns. Provided, however, that the number of votes cast for the nomination for offices, the certificates of election for which offices, under this Act or any other laws are issued by the county clerk shall not be included in such certified copy of said tabulated statement of returns; nor shall the returns on the election of precinct, township or ward committeemen be so certified to the State Board of Elections. The election authority said officers shall also determine and set down as to each precinct the number of ballots voted by the primary electors of each party at the primary.

6. In the case of the nomination or election of candidates for offices, including President of the United States and the State central committeemen, and delegates and alternate delegates to National nominating conventions, certified tabulated statement of returns for which are filed with the State Board of Elections, said returns shall be canvassed by the election authority board. And, provided, further, that within 5 days after said returns shall be canvassed by the said Board, the Board shall cause to be published in one daily newspaper of general circulation at the seat of the State government in Springfield a certified statement of the returns filed in its office, showing the total vote cast in the State for each candidate of each political party for President of the United States, and showing the total vote for each candidate of each political party for President of the United States, cast in each of the several congressional districts in the State.

7. Where in cities or villages which have a board of election commissioners, the returns of a primary are made to such board of election commissioners, said return shall be canvassed by such board, and, excepting in the case of the nomination for any municipal office, tabulated statements of the returns of such primary shall be made to the county clerk.

8. Within 48 hours of conducting a canvass, as required by this Code, the delivery of complete returns of the consolidated primary, to the election authority, the election authority shall deliver an original certificate of results to each local election official, with respect to whose political subdivisions nominations were made at such primary, for each precinct in his jurisdiction in which such nominations were on the ballot. Such original certificate of results need not include any offices or nominations for any other political subdivisions. The local election official shall immediately transmit the certificates to the canvassing board for his political subdivisions, which shall open and canvass the returns, make a tabulated statement of the returns for each political party separately, and as nearly as possible, follow the

New matter indicated by italics - deletions by strikeout
procedures required for the county canvassing board. Such canvass of votes shall be conducted within 7 days after the close of the consolidated primary.

(Source: P.A. 87-1052.)

(10 ILCS 5/7-58) (from Ch. 46, par. 7-58)

Sec. 7-58. Each county clerk or board of election commissioners of the canvassing boards respectively shall, upon completion of the canvassing of the returns, make and transmit to the State Board of Elections and to each election authority whose duty it is to print the official ballot for the election for which the nomination is made a proclamation of the results of the primary. The proclamation shall state the name of each candidate of each political party so nominated or elected, as shown by the returns, together with the name of the office for which he or she was nominated or elected, including precinct, township and ward committeemen, and including in the case of the State Board of Elections, candidates for State central committeemen, and delegates and alternate delegates to National nominating conventions. If a notice of contest is filed, the election authority such canvassing board shall, within one business day after receiving a certified copy of the court's judgment or order, amend its proclamation accordingly and proceed to file an amended proclamation with the appropriate election authorities and with the State Board of Elections.

The State Board of Elections shall issue a certificate of election to each of the persons shown by the returns and the proclamation thereof to be elected State central committeemen, and delegates and alternate delegates to National nomination conventions; and the county clerk shall issue a certificate of election to each person shown by the returns to be elected precinct, township or ward committeeman. The certificate issued to such precinct committeeman shall state the number of ballots voted in his or her precinct by the primary electors of his or her party at the primary at which he or she was elected. The certificate issued to such township committeeman shall state the number of ballots voted in his or her township or part of a township, as the case may be, by the primary electors of his or her party at the primary at which he or she was elected. The certificate issued to such ward committeeman shall state the number of ballots voted in his or her ward by the primary electors of his or her party at the primary at which he or she was elected.

(Source: P.A. 84-1308.)

(10 ILCS 5/7-59) (from Ch. 46, par. 7-59)

Sec. 7-59. (a) The person receiving the highest number of votes at a primary as a candidate of a party for the nomination for an office shall be the

New matter indicated by italics - deletions by strikeout
candidate of that party for such office, and his name as such candidate shall be placed on the official ballot at the election then next ensuing; provided, that where there are two or more persons to be nominated for the same office or board, the requisite number of persons receiving the highest number of votes shall be nominated and their names shall be placed on the official ballot at the following election.

Except as otherwise provided by Section 7-8 of this Act, the person receiving the highest number of votes of his party for State central committeeman of his congressional district shall be declared elected State central committeeman from said congressional district.

Unless a national political party specifies that delegates and alternate delegates to a National nominating convention be allocated by proportional selection representation according to the results of a Presidential preference primary, the requisite number of persons receiving the highest number of votes of their party for delegates and alternate delegates to National nominating conventions from the State at large, and the requisite number of persons receiving the highest number of votes of their party for delegates and alternate delegates to National nominating conventions in their respective congressional districts shall be declared elected delegates and alternate delegates to the National nominating conventions of their party.

A political party which elects the members to its State Central Committee by Alternative B under paragraph (a) of Section 7-8 shall select its congressional district delegates and alternate delegates to its national nominating convention by proportional selection representation according to the results of a Presidential preference primary in each congressional district in the manner provided by the rules of the national political party and the State Central Committee, when the rules and policies of the national political party so require.

A political party which elects the members to its State Central Committee by Alternative B under paragraph (a) of Section 7-8 shall select its at large delegates and alternate delegates to its national nominating convention by proportional selection representation according to the results of a Presidential preference primary in the whole State in the manner provided by the rules of the national political party and the State Central Committee, when the rules and policies of the national political party so require.

The person receiving the highest number of votes of his party for precinct committeeman of his precinct shall be declared elected precinct committeeman from said precinct.

New matter indicated by italics - deletions by strikeout
The person receiving the highest number of votes of his party for township committeeman of his township or part of a township as the case may be, shall be declared elected township committeeman from said township or part of a township as the case may be. In cities where ward committeemen are elected, the person receiving the highest number of votes of his party for ward committeeman of his ward shall be declared elected ward committeeman from said ward.

When two or more persons receive an equal and the highest number of votes for the nomination for the same office or for committeeman of the same political party, or where more than one person of the same political party is to be nominated as a candidate for office or committeeman, if it appears that more than the number of persons to be nominated for an office or elected committeeman have the highest and an equal number of votes for the nomination for the same office or for election as committeeman, the election authority board by which the returns of the primary are canvassed shall decide by lot which of said persons shall be nominated or elected, as the case may be. In such case the election authority such canvassing board shall issue notice in writing to such persons of such tie vote stating therein the place, the day (which shall not be more than 5 five (5) days thereafter) and the hour when such nomination or election shall be so determined.

(b) Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the proper election authority or authorities not later than 5:00 p.m. on the Tuesday immediately preceding the primary.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the election authorities. Such declaration shall specify the office for which the person seeks nomination or election as a write-in candidate.

The election authority or authorities shall deliver a list of all persons who have filed such declarations to the election judges in the appropriate precincts prior to the primary.

(c) (1) Notwithstanding any other provisions of this Section, where the number of candidates whose names have been printed on a party's ballot for nomination for or election to an office at a primary is less than the number of persons the party is entitled to nominate for or elect to the office at the primary, a person whose name was not printed on the party's primary ballot as a candidate for nomination for or election to the office, is not nominated for or elected to that office as a result of a write-in vote at the primary unless the number of votes he received equals or exceeds the number of signatures required on a petition for nomination for that office; or unless the number of

New matter indicated by italics - deletions by strikeout
votes he receives exceeds the number of votes received by at least one of the
candidates whose names were printed on the primary ballot for nomination
for or election to the same office.

(2) Paragraph (1) of this subsection does not apply where the number
of candidates whose names have been printed on the party's ballot for
nomination for or election to the office at the primary equals or exceeds the
number of persons the party is entitled to nominate for or elect to the office
at the primary.

(Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

Sec. 7-60. Not less than 67 days before the date of the general
election, the State Board of Elections shall certify to the county clerks the
names of each of the candidates who have been nominated as shown by the
proclamation of the State Board of Elections as a canvassing board or who
have been nominated to fill a vacancy in nomination and direct the election
authority to place upon the official ballot for the general election the names
of such candidates in the same manner and in the same order as shown upon
the certification, except as otherwise provided in this Section.

Not less than 61 days before the date of the general election, each
county clerk shall certify the names of each of the candidates for county
offices who have been nominated as shown by the proclamation of the county
election authority canvassing board or who have been nominated to fill a
vacancy in nomination and declare that the names of such candidates for the
respective offices shall be placed upon the official ballot for the general
election in the same manner and in the same order as shown upon the
certification, except as otherwise provided by this Section. Each county clerk
shall place a copy of the certification on file in his or her office and at the
same time issue to the State Board of Elections a copy of such certification.
In addition, each county clerk in whose county there is a board of election
commissioners shall, not less than 61 days before the date of the general
election, issue to such board a copy of the certification that has been filed in
the county clerk's office, together with a copy of the certification that has
been issued to the clerk by the State Board of Elections, with directions to the
board of election commissioners to place upon the official ballot for the
general election in that election jurisdiction the names of all candidates that
are listed on such certifications, in the same manner and in the same order as
shown upon such certifications, except as otherwise provided in this Section.

Whenever there are two or more persons nominated by the same
political party for multiple offices for any board, the name of the candidate

New matter indicated by italics - deletions by strikeout
of such party receiving the highest number of votes in the primary election as a candidate for such office, as shown by the official election returns of the primary, shall be certified first under the name of such offices, and the names of the remaining candidates of such party for such offices shall follow in the order of the number of votes received by them respectively at the primary election as shown by the official election results.

No person who is shown by the election authority's canvassing board's proclamation to have been nominated at the primary as a write-in candidate shall have his or her name certified unless such person shall have filed with the certifying office or board within 10 days after the election authority's canvassing board's proclamation a statement of candidacy pursuant to Section 7-10 and a statement pursuant to Section 7-10.1.

Each county clerk and board of election commissioners shall determine by a fair and impartial method of random selection the order of placement of established political party candidates for the general election ballot. Such determination shall be made within 30 days following the canvass and proclamation of the results of the general primary in the office of the county clerk or board of election commissioners and shall be open to the public. Seven days written notice of the time and place of conducting such random selection shall be given, by each such election authority, to the County Chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. Each election authority shall post in a conspicuous, open and public place, at the entrance of the election authority office, notice of the time and place of such lottery. However, a board of election commissioners may elect to place established political party candidates on the general election ballot in the same order determined by the county clerk of the county in which the city under the jurisdiction of such board is located.

Each certification shall indicate, where applicable, the following:

(1) The political party affiliation of the candidates for the respective offices;
(2) If there is to be more than one candidate elected to an office from the State, political subdivision or district;
(3) If the voter has the right to vote for more than one candidate for an office;
(4) The term of office, if a vacancy is to be filled for less than a full term or if the offices to be filled in a political subdivision are for different terms.

New matter indicated by italics - deletions by strikeout
The State Board of Elections or the county clerk, as the case may be, shall issue an amended certification whenever it is discovered that the original certification is in error. (Source: P.A. 86-867; 86-875; 86-1028.)

(10 ILCS 5/7-60.1) (from Ch. 46, par. 7-60.1)

Sec. 7-60.1. Certification of Candidates - Consolidated Election. Each local election official of a political subdivision in which candidates for the respective local offices are nominated at the consolidated primary shall, no later than 5 days following the canvass and proclamation of the results of the consolidated primary, certify to each election authority whose duty it is to prepare the official ballot for the consolidated election in that political subdivision the names of each of the candidates who have been nominated as shown by the proclamation of the appropriate election authority canvassing board or who have been nominated to fill a vacancy in nomination and direct the election authority to place upon the official ballot for the consolidated election the names of such candidates in the same manner and in the same order as shown upon the certification, except as otherwise provided by this Section.

Whenever there are two or more persons nominated by the same political party for multiple offices for any board, the name of the candidate of such party receiving the highest number of votes in the consolidated primary election as a candidate for such consolidated primary, shall be certified first under the name of such office, and the names of the remaining candidates of such party for such offices shall follow in the order of the number of votes received by them respectively at the consolidated primary election as shown by the official election results.

No person who is shown by the election authority's canvassing board's proclamation to have been nominated at the consolidated primary as a write-in candidate shall have his or her name certified unless such person shall have filed with the certifying office or board within 5 days after the election authority's canvassing board's proclamation a statement of candidacy pursuant to Section 7-10 and a statement pursuant to Section 7-10.1.

Each board of election commissioners of the cities in which established political party candidates for city offices are nominated at the consolidated primary shall determine by a fair and impartial method of random selection the order of placement of the established political party candidates for the consolidated ballot. Such determination shall be made within 5 days following the canvass and proclamation of the results of the consolidated primary and shall be open to the public. Three days written

New matter indicated by italics - deletions by strikeout
notice of the time and place of conducting such random selection shall be
given, by each such election authority, to the County Chairman of each
established political party, and to each organization of citizens within the
election jurisdiction which was entitled, under this Article, at the next
preceding election, to have pollwatchers present on the day of election. Each
election authority shall post in a conspicuous, open and public place, at the
entrance of the election authority office, notice of the time and place of such
lottery.

Each local election official of a political subdivision in which
established political party candidates for the respective local offices are
nominated by primary shall determine by a fair and impartial method of
random selection the order of placement of the established political party
candidates for the consolidated election ballot and, in the case of certain
municipalities having annual elections, on the general primary ballot for
election. Such determination shall be made prior to the canvass and
proclamation of results of the consolidated primary or special municipal
primary, as the case may be, in the office of the local election official and
shall be open to the public. Three days written notice of the time and place
of conducting such random selection shall be given, by each such local
election official, to the County Chairman of each established political party,
and to each organization of citizens within the election jurisdiction which was
entitled, under this Article, at the next preceding election, to have
pollwatchers present on the day of election. Each local election official shall
post in a conspicuous, open and public place notice of such lottery.

Immediately thereafter, the local election official shall certify the ballot
placement order so determined to the proper election authorities charged with
the preparation of the consolidated election, or general primary, ballot for that
political subdivision.

Not less than 61 days before the date of the consolidated election,
each local election official of a political subdivision in which established
political party candidates for the respective local offices have been nominated
by caucus or have been nominated because no primary was required to be
held shall certify to each election authority whose duty it is to prepare the
official ballot for the consolidated election in that political subdivision the
names of each of the candidates whose certificates of nomination or
nomination papers have been filed in his or her office and direct the election
authority to place upon the official ballot for the consolidated election the
names of such candidates in the same manner and in the same order as shown
upon the certification. Such local election official shall, prior to certification,

New matter indicated by italics - deletions by strikeout
determine by a fair and impartial method of random selection the order of placement of the established political party candidates for the consolidated election ballot. Such determination shall be made in the office of the local election official and shall be open to the public. Three days written notice of the time and place of conducting such random selection shall be given by each such local election official to the county chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. Each local election official shall post in a conspicuous, open and public place, at the entrance of the office, notice of the time and place of such lottery. The local election official shall certify the ballot placement order so determined as part of his official certification of candidates to the election authorities whose duty it is to prepare the official ballot for the consolidated election in that political subdivision.

The certification shall indicate, where applicable, the following:

1. The political party affiliation of the candidates for the respective offices;

2. If there is to be more than one candidate elected or nominated to an office from the State, political subdivision or district;

3. If the voter has the right to vote for more than one candidate for an office;

4. The term of office, if a vacancy is to be filled for less than a full term or if the offices to be filled in a political subdivision or district are for different terms.

The local election official shall issue an amended certification whenever it is discovered that the original certification is in error.

(Source: P.A. 84-1308.)

(10 ILCS 5/7-63) (from Ch. 46, par. 7-63)

Sec. 7-63. Any candidate whose name appears upon the primary ballot of any political party may contest the election of the candidate or candidates nominated for the office for which he or she was a candidate by his or her political party, upon the face of the returns, by filing with the clerk of the circuit court a petition in writing, setting forth the grounds of contest, which petition shall be verified by the affidavit of the petitioner or other person, and which petition shall be filed within 10 days after the completion of the canvass of the returns by the election authority canvassing board making the final canvass of returns. The contestant shall also file with the election authority canvassing board (and if for the nomination for an office, certified

New matter indicated by italics - deletions by strikeout
tabulated statements of the returns of which are to be filed with the State Board of Elections, also with the election authorities in whose jurisdiction the election was held county canvassing board), a notice of the pendency of the contest.

If the contest relates to an office involving more than one county, the venue of the contest is (a) in the county in which the alleged grounds of the contest exist or (b) if grounds for the contest are alleged to exist in more than one county, then in any of those counties or in the county in which any defendant resides.

Authority and jurisdiction are hereby vested in the circuit court, to hear and determine primary contests. When a petition to contest a primary is filed in the office of the clerk of the court, the petition shall forthwith be presented to a judge thereof, who shall note thereon the date of presentation, and shall note thereon the day when the petition will be heard, which shall not be more than 10 days thereafter.

Summons shall forthwith issue to each defendant named in the petition and shall be served for the same manner as is provided for other civil cases. Summons may be issued and served in any county in the State. The case may be heard and determined by the circuit court at any time not less than 5 days after service of process, and shall have preference in the order of hearing to all other cases. The petitioner shall give security for all costs.

In any contest involving the selection of nominees for the office of State representative, each candidate of the party and district involved, who is not a petitioner or a named defendant in the contest, shall be given notice of the contest at the same time summons is issued to the defendants, and any other candidate may, upon application to the court within 5 days after receiving such notice, be made a party to the contest.

Any defendant may, within 5 days after service of process upon him or her, file a counterclaim in the same manner as in other civil cases and shall give security for all costs relating to such counterclaim.

Any party to such proceeding may have a substitution of judge from the judge to whom such contest is assigned for hearing, where he or she fears or has cause to believe such judge is prejudiced against, or is related to any of the parties either by blood or by marriage. Notice of the application for such substitution of judge must be served upon the opposite party and filed with such judge not later than one day after such contest is assigned to such judge, Sundays and legal holidays excepted. No party shall be entitled to more than one substitution of judge in such proceeding:

If, in the opinion of the court, in which the petition is filed, the

New matter indicated by italics - deletions by strikeout
grounds for contest alleged are insufficient in law the petition shall be dismissed. If the grounds alleged are sufficient in law, the court shall proceed in a summary manner and may hear evidence, examine the returns, recount the ballots and make such orders and enter such judgment as justice may require. In the case of a contest relating to nomination for the office of Representative in the General Assembly where the contestant received votes equal in number to at least 95% of the number of votes cast for any apparently successful candidate for nomination for that office by the same political party, the court may order a recount for the entire district and may order the cost of such recount to be borne by the respective counties. The court shall ascertain and declare by a judgment to be entered of record, the result of such election in the territorial area for which the contest is made. The judgment of the court shall be appealable as in other civil cases. A certified copy of the judgment shall forthwith be made by the clerk of the court and transmitted to the election authority board canvassing the returns for such office, and in case of contest, if for nomination for an office, tabulated statements of returns for which are filed with the State Board of Elections, also in the office of the election authorities having jurisdiction county clerk in the proper county. The proper election authority or authorities canvassing board, or boards, as the case may be, shall correct the returns or the tabulated statement of returns in accordance with the judgment. (Source: P.A. 84-1308.)

(10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

Sec. 22-1. Abstracts of votes. Within 21 days after the close of the election at which candidates for offices hereinafter named in this Section are voted upon, the election authorities county clerks of the respective counties, with the assistance of the chairmen of the county central committees of the Republican and Democratic parties of the county, shall open the returns and make abstracts of the votes on a separate sheet for each of the following:

A. For Governor and Lieutenant Governor;
B. For State officers;
C. For presidential electors;
D. For United States Senators and Representatives to Congress;
E. For judges of the Supreme Court;
F. For judges of the Appellate Court;
G. For judges of the circuit court;
H. For Senators and Representatives to the General Assembly;
I. For State's Attorneys elected from 2 or more counties;
J. For amendments to the Constitution, and for other propositions

New matter indicated by italics - deletions by strikeout
submitted to the electors of the entire State;

K. For county officers and for propositions submitted to the electors of the county only;
L. For Regional Superintendent of Schools;
M. For trustees of Sanitary Districts; and
N. For Trustee of a Regional Board of School Trustees.

Multiple originals of each of the sheets shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2, or his duly authorized representative immediately after the completion of the entries on the sheets and before the totals have been compiled.

The foregoing abstracts shall be preserved by the election authority county clerk in its his office.

Whenever any county chairman is also county clerk or whenever any county canvassing chairman is unable to canvass the vote, serve as a member of such canvassing board the deputy county clerk or a designee of the county clerk vice-chairman or secretary of his county central committee, in that order, shall serve in his or her place as member of such canvassing board; provided, that if none of these persons is able to serve, the county chairman may appoint a member of his county central committee to serve as a member of such canvassing board.

The powers and duties of the election authority canvassing the votes county canvassing board are limited to those specified in this Section. In no event shall such canvassing board open any package in which the ballots have been wrapped or any envelope containing "defective" or "objected to" ballots, or in any manner undertake to examine the ballots used in the election, except as provided in Section 22-9.1 or when directed by a court in an election contest. Nor shall such canvassing board call in the precinct judges of election or any other persons to open or recount the ballots.

(Source: P.A. 93-847, eff. 7-30-04.)

(10 ILCS 5/22-8) (from Ch. 46, par. 22-8)

Sec. 22-8. In municipalities operating under Article 6 of this Act, within 21 days after the close of such election, a judge of the circuit court, with the assistance of the city attorney and the board of election commissioners, who are hereby declared a canvassing board for such city, shall open all returns left respectively, with the election commissioners, the county clerk, and city comptroller, and shall make abstracts or statements of the votes for all offices and questions voted on at the election in the following manner, as the case may require, viz: All votes for Governor and

New matter indicated by italics - deletions by strikeout
Lieutenant Governor on one sheet; all votes for other State officers on another sheet; all votes for presidential electors on another sheet; all votes for United States Senators and Representatives to Congress on another sheet; all votes for judges of the Supreme Court on another sheet; all votes for judges of the Appellate Court on another sheet; all votes for Judges of the Circuit Court on another sheet; all votes for Senators and Representatives to the General Assembly on another sheet; all votes for State's Attorneys where elected from 2 or more counties on another sheet; all votes for County Officers on another sheet; all votes for City Officers on another sheet; all votes for Town Officers on another sheet; and all votes for any other office on a separate and appropriate sheet; all votes for any proposition, which may be submitted to a vote of the people, on another sheet, and all votes against any proposition, submitted to a vote of the people, on another sheet.

Multiple originals of each of the abstracts or statements sheets shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2, or his duly authorized representative immediately after the completion of the entries on the sheets and before the totals have been compiled.

(Source: P.A. 93-847, eff. 7-30-04.)

(10 ILCS 5/22-9) (from Ch. 46, par. 22-9)

Sec. 22-9. It shall be the duty of the election authority such Board of Canvassers to canvass, and add up and declare the result of every election hereafter held within the boundaries of such city, village or incorporated town; operating under Article 6 of this Act. The election authority shall file, and the judge of the circuit court shall thereupon enter of record such abstract and result, and a certified copy of the such record shall thereupon be filed with the County Clerk of the county; and such abstracts or results shall be treated, by the County Clerk in all respects, as if made by the election authority Canvassing Board now provided by the foregoing sections of this law, and he shall transmit the same, by facsimile, e-mail, or any other electronic means, to the State Board of Elections, or other proper officer, as required hereinabove. The county clerk or board of election commissioners, as the case may be, shall also send the abstract and result in a sealed envelope addressed to the State Board of Elections via overnight mail so it arrives at the address the following calendar day. And such abstracts or results so entered and declared by such judge, and a certified copy thereof, shall be treated everywhere within the state, and by all public officers, with the same binding force and effect as the abstract of votes now authorized by the
foregoing provisions of this Act.
(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/22-9.1) (from Ch. 46, par. 22-9.1)
Sec. 22-9.1. Within 5 days after the last day for proclamation of the results of any canvass declaring persons nominated, elected or declared eligible for a runoff election for any office or declaring the adoption or rejection of a question of public policy, the following persons may file a petition for discovery:

(a) any candidate who, in the entire area in which votes may be cast for the office for which he is a candidate, received votes equal in number to at least 95% of the number of votes cast for any successful candidate for the same office; and

(b) any 5 electors of the same area within which votes may be cast on a question of public policy, if the results of the canvass are such that the losing side on the question would have been the prevailing side had it received an additional number of votes equal to 5% of the total number of votes cast on the question.

A petition under this Section shall be filed with the election authority for purposes of discovery only. The petition shall ask that ballots, voting machines, or ballot cards - as the case may be - shall be examined, that any automatic tabulating equipment shall be tested, and that ballots, recorded votes, or ballot cards - as the case may be - shall be counted in specified precincts, not exceeding 25% of the total number of precincts within the jurisdiction of the election authority. Where there are fewer than 4 precincts under the jurisdiction of the election authority and within the area in which votes could be cast in the election in connection with which the petition has been filed, discovery shall be permitted in one of such precincts.

A petition filed under this Section shall be accompanied by the payment of a fee of $10.00 per precinct specified. All such fees shall be paid by the election authority into the county or city treasury, as the case may be.

Upon receipt of such petition the county canvassing board or board of election commissioners shall reconvene. Where a local canvassing board, as provided in Section 22-17, has jurisdiction, the election authority shall notify the chairman of such board who shall reconvene such board in the office of the election authority or other location designated by the election authority.

After 3 days notice in writing to the successful candidate for the same office or, in the case of a question of public policy, such notice as will reasonably inform interested persons of the time and place of the discovery
proceedings, the election authority such board shall examine the ballots, voting machines, ballot cards, voter affidavits and applications for ballot, test the automatic tabulating equipment, and count the ballots, recorded votes, and ballot cards in the specified election districts or precincts. At the request of any candidate entitled to participate in the discovery proceedings, the election authority shall also make available for examination the ballot applications and voter affidavits for the specified precincts. Each candidate affected by such examination shall have the right to attend the same in person or by his representative. In the case of a question of public policy, the board shall permit an equal number of acknowledged proponents and acknowledged opponents to attend the examination.

On completion of the count of any ballots in each district or precinct, the ballots shall be secured and sealed in the same manner required of judges of election by Sections 7-54 and 17-20 of the Election Code. The handling of the ballots in accord with this Section shall not of itself affect the admissibility in evidence of the ballots in any other proceedings, either legislative or judicial.

The results of the examination and count shall not be certified, used to amend or change the abstracts of the votes previously completed, used to deny the successful candidate for the same office his certificate of nomination or election, nor used to change the previously declared result of the vote on a question of public policy. Such count shall not be binding in an election contest brought about under the provisions of the Election Code, shall not be a prerequisite to bringing such an election contest, shall not prevent the bringing of such an election contest, nor shall it affect the results of the canvass previously proclaimed.

(Source: P.A. 84-966.)

(10 ILCS 5/22-12) (from Ch. 46, par. 22-12)
Sec. 22-12. In the canvass of such votes by the election authority canvassing board, provided in section 22-8 hereof, the election authority said board shall declare who is elected to any city or town office. In the case of a tie in the election to any city, or to any office voted for only within the territory of such city, it shall be determined by lot, in such manner as such canvassers shall direct, which candidate or candidates shall hold the office, and thereupon the person in whose favor it shall result, shall be declared elected by the order entered in the court as aforesaid.

(Source: Laws 1967, p. 3843.)

(10 ILCS 5/22-15) (from Ch. 46, par. 22-15)
Sec. 22-15. The election authority county clerk or board of election

New matter indicated by italics - deletions by strikeout
commissioners shall, upon request, and by mail if so requested, furnish free of charge to any candidate for any State office, including State Senator and Representative in the General Assembly, and any candidate for congressional office; whose name appeared upon the ballot within the jurisdiction of the election authority county clerk or board of election commissioners, a copy of the abstract of votes by precinct for all candidates for the office for which such person was a candidate. Such abstract shall be furnished no later than 2 days after the receipt of the request or 8 days after the completing of the canvass, whichever is later.

Within one calendar day following the canvass and proclamation of each general primary election and general election, each election authority shall transmit to the principal office of the State Board of Elections copies of the abstracts of votes by precinct for the above-named offices and for the offices of ward, township, and precinct committeeman via overnight mail so that the abstract of votes arrives at the address the following calendar day. Each election authority shall also transmit to the principal office of the State Board of Elections copies of current precinct poll lists.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/22-17) (from Ch. 46, par. 22-17)

Sec. 22-17. (a) Except as provided in subsection (b), the canvass of votes cast at the nonpartisan and consolidated elections shall be conducted by the election authority following canvassing boards within 21 days after the close of such elections.

1. For city offices, by the mayor, the city attorney and the city clerk:

2. For village and incorporated town offices, by the president of the board of trustees, one member of the board of trustees, and the village or incorporated town clerk:

3. For township offices, by the township supervisor, the eligible town trustee elected in the township who has the longest term of continuous service as town trustee, and the township clerk:

4. For road district offices, by the highway commissioner and the road district clerk:

5. For school district or community college district offices, by the school or community college district board:

6. For special district elected offices, by the board of the special district:

7. For multi-county educational service region offices, by the regional board of school trustees.

New matter indicated by italics - deletions by strikeout
8. For township trustee of schools or land commissioner, by the township trustees of schools or land commissioners.

9. For park district offices, by the president of the park board, one member of the board of park commissioners and the secretary of the park district.

10. For multi-township assessment districts, by the chairman, clerk, and assessor of the multi-township assessment district.

(b) The board of election commissioners as city canvassing board provided in Section 22-8 shall canvass the votes cast at the nonpartisan and consolidated elections for offices of any political subdivision entirely within the jurisdiction of a municipal board of election commissioners.

(c) The canvass of votes cast upon any public questions submitted to the voters of any political subdivision, or any precinct or combination of precincts within a political subdivision, at any regular election or at any emergency referendum election, including votes cast by voters outside of the political subdivision where the question is for annexation thereto, shall be canvassed by the same election authority as board provided for in this Section for the canvass of votes of the officers of such political subdivision. However, referenda conducted throughout a county and referenda of sanitary districts whose officers are elected at general elections shall be canvassed by the county clerk canvassing board. The votes cast on a public question for the formation of a political subdivision shall be canvassed by the relevant election authority and filed with the circuit court that ordered the question submitted, or by such officers of the court as may be appointed for such purpose, except where in the formation or reorganization of a school district or districts the regional superintendent of schools is designated by law as the canvassing official.

(d) The canvass of votes for offices of political subdivisions cast at special elections to fill vacancies held on the day of any regular election shall be conducted by the election authority canvassing board which is responsible for canvassing the votes at the regularly scheduled election for such office. (Source: P.A. 93-847, eff. 7-30-04.)

(10 ILCS 5/22-18) (from Ch. 46, par. 22-18)

Sec. 22-18. The canvass of votes and the proclamation of results by the election authority local canvassing boards provided in Section 22-17 shall be conducted in accordance with the procedures and requirements otherwise provided in this Article. Each local canvassing board shall immediately transmit a signed copy or original duplicate of its completed abstract of votes must be transmitted to each election authority having jurisdiction over any of
the territory of the respective political subdivision; and transmitted, by facsimile, e-mail, or any other electronic means, to the State Board of Elections in the same manner as provided in Section 22-5.

The county clerk shall make out a certificate of election to each person declared elected to an office by the election authorities such local canvassing boards, and transmit such certificate to the person so entitled, upon his application. For political subdivisions whose territory extends into more than one county, the certificates of election shall be issued by the county clerk of the county which contains the principal office of the political subdivision.

Whenever an election authority a canvassing board canvasses the votes cast upon a public question submitted to referendum pursuant to a court order, the election authority board shall immediately transmit a signed copy or an original duplicate of its completed abstract of the votes to the court which ordered the referendum.

(Source: P.A. 81-1050.)

(10 ILCS 5/23-23) (from Ch. 46, par. 23-23)

Sec. 23-23. The case shall be tried in like manner as other civil cases, and may be heard and determined by the court at any time not less than 10 days after service of process, or at any time after the defendant is required by notification to appear, and shall have preference in the order of hearing to all other cases. The court may make and enforce all necessary orders for the preservation and production of the ballots, poll books, tally papers, returns, registers and other papers or evidence that may bear upon the contest.

Whenever a petition for a recount has been filed as provided in this Article, any opposing candidate or any elector, under like provisions and in like manner may file a petition within 10 days after the completion of the canvass of the precincts specified in the petition for a further recount of the votes cast in any or all of the balance of the precincts in the county, municipality or other political subdivision, as the case may be.

In event the court, in any such case, is of the opinion that such action will expedite hearing and determination of the contest, the court may appoint a Board of Election Commissioners or a Canvassing Board, as the case may be; and refer the case to the election authority to recount the ballots, to take testimony and other evidence, to examine the election returns, to make a record of all objections to be heard by the court that may be made to the election returns or to any of them or to any ballots cast or counted, and to take all necessary steps and do all necessary things to determine the true and correct result of the election and to make report thereof to the court. The

New matter indicated by italics - deletions by strikeout
election authority. Such Board of Election Commissioners or Canvassing Board, as the case may be, shall have authority to count the ballots or cause the same to be counted under its supervision and direction, to conduct such hearing or hearings as may be necessary and proper, to apply to the court in the manner provided by law for the issuance of subpoenas or for any other appropriate order or orders to compel the attendance of witnesses, and to take such steps and perform such duties and acts in connection with the conduct of any such hearing or hearings as may be necessary. The election authority. Such Board of Election Commissioners or Canvassing Board, as the case may be, may, with the approval of the court, employ such assistants as may be necessary and proper to provide for counting the ballots, examining the election returns and for taking all necessary steps and doing all necessary things to determine the true and correct result of the election under the direction and supervision of the election authority. Such Board of Election Commissioners or the Canvassing Board, as the case may be. The election authority. Such Board of Election Commissioners or the Canvassing Board, as the case may be, shall receive such compensation for its services and such allowances for the services of its assistants and for reimbursement of expenses incurred by it as shall be approved by the court, and all such compensation and allowances when approved by the court shall be taxed and allowed as costs in such cause. The court may from time to time, upon the court’s own motion or upon the application of the election authority. Such Board of Election Commissioners or the Canvassing Board, as the case may be, or of any party to said cause, require the parties to the cause or any of them to deposit such amounts of money with the court as security for costs as the court may deem reasonable and proper.

Any petitioner may amend his petition at any time before the completion of the recount by withdrawing his request for a recount of certain precincts, or by requesting a recount of additional specified precincts. The petitioner shall deposit or shall cause to be deposited, such amounts of money as the court may require as security for costs for such additional precincts as the court may deem reasonable and proper.

Any money deposited as security for costs by a petitioner contesting an election must be returned to such petitioner if the judgment of the court is to annul the election or to declare as elected someone other than the person whose election is contested.

Any money deposited as security for costs by a petitioner in opposition to a petition contesting an election must be returned to such petitioner if the judgment of the court is to confirm the election or to declare

New matter indicated by italics - deletions by strikeout
as elected the person whose election is contested.
(Source: P.A. 78-255; 78-891; 78-1297.)
(10 ILCS 5/22-1.2 rep.)
(10 ILCS 5/22-14 rep.)
Section 10. The Election Code is amended by repealing Sections 22-1.2 and 22-14.
Passed in the General Assembly May 29, 2005.
Approved August 22, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0648
(House Bill No. 2509)

AN ACT concerning hospitals.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Hospital Basic Services Preservation Act.
Section 5. Definitions. As used in this Act:
"Basic services" means emergency room and obstetrical services provided within a hospital. "Basic services" is limited to the emergency and obstetric units and services provided by those units.
"Eligible expenses" means expenses for expanding obstetrical or emergency units, updating equipment, repairing essential equipment, and purchasing new equipment that will increase the quality of basic services provided. "Eligible expenses" does not include expenses related to cosmetic upgrades, staff expansion or salary, or structural expansion of any unit or department of a hospital.
"Essential community hospital provider" means a facility meeting criteria established by rule by the State Treasurer.
Section 7. Hospital Basic Services Review Board.
(a) The Hospital Basic Services Review Board is created for the purpose of reviewing and recommending to the State Treasurer essential community hospitals seeking collateralization of basic service loans for eligible expenses related to completing, attaining, or upgrading basic services.
(b) The Board shall consist of 5 members as follows: one member appointed by the Governor; one member appointed by the Speaker of the House of Representatives; one member appointed by the President of the
Senate; one member appointed by the Minority Leader of the House of Representatives; and one member appointed by the Minority Leader of the Senate. The members of the Board shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the same manner as the original appointment.

(c) The Department of Public Health shall provide staff assistance to the Board as is reasonably required in order for the Board to carry out its responsibilities.

Section 10. Hospital Basic Services Preservation Fund. There is created in the State treasury the Hospital Basic Services Preservation Fund. The Fund shall be administered by the State Treasurer to collateralize loans from financial institutions for capital projects necessary to maintain certain basic services required for the efficient and effective operation of essential community hospital providers who otherwise may not be able to meet financial institution credit standards for issuance of a standard commercial loan. The Fund shall consist of all public and private moneys donated or transferred to the Fund for the purpose of enabling essential community hospitals to continue to provide basic quality health care services that are subject to and meet standards of need under the Health Facilities Planning Act. All public funds deposited into the Fund shall be subject to appropriation by the General Assembly.

Section 15. Basic services loans.

(a) Essential community hospitals seeking collateralization of loans under this Act must apply to the Illinois Health Facilities Planning Board on a form prescribed by the Illinois Health Facilities Planning Board by rule. The Illinois Health Facilities Planning Board shall review the application and, if it approves the applicant's plan, shall forward the application and its approval to the Hospital Basic Services Review Board.

(b) Upon receipt of the applicant's application and approval from the Illinois Health Facilities Planning Board, the Hospital Basic Services Review Board shall request from the applicant and the applicant shall submit to the Hospital Basic Services Review Board all of the following information:

1. A copy of the hospital's last audited financial statement.
2. The percentage of the hospital's patients each year who are Medicaid patients.
3. The percentage of the hospital's patients each year who are Medicare patients.
4. The percentage of the hospital's patients each year who are uninsured.

New matter indicated by italics - deletions by strikeout
(5) The percentage of services provided by the hospital each year for which the hospital expected payment but for which no payment was received.

(6) Any other information required by the Hospital Basic Services Review Board by rule.

The Hospital Basic Services Review Board shall review the applicant's original application, the approval of the Illinois Health Facilities Planning Board, and the information provided by the applicant to the Hospital Basic Services Review Board under this Section and make a recommendation to the State Treasurer to accept or deny the application.

(c) If the Hospital Basic Services Review Board recommends that the application be accepted, the State Treasurer may collateralize the applicant's basic service loan for eligible expenses related to completing, attaining, or upgrading basic services, including, but not limited to, delivery, installation, staff training, and other eligible expenses as defined by the State Treasurer by rule. The total cost for any one project to be undertaken by the applicants shall not exceed $10,000,000 and the amount of each basic services loan collateralized under this Act shall not exceed $5,000,000. Expenditures related to basic service loans shall not exceed the amount available in the Fund necessary to collateralize the loans. The terms of any basic services loan collateralized under this Act must be approved by the State Treasurer in accordance with standards established by the State Treasurer by rule.

Section 20. Responsibility of hospitals. Each hospital that receives a loan collateralized under this Act shall take the necessary measures, as defined by the State Treasurer by rule, to account for all moneys and to ensure that they are spent on the basic services for which the loan was approved. Any hospital receiving a loan collateralized under this Act is not eligible for collateralization of another basic services loan under this Act within 10 years after the deposit of funds awarded under the first collateralized loan.

Section 25. Rules. The State Treasurer shall promulgate rules necessary for the administration of this Act.

Section 90. The State Finance Act is amended by adding Section 5.640 and by changing Section 8h as follows:

(30 ILCS 105/5.640 new)
Sec. 5.640. The Hospital Basic Services Preservation Fund.
(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.
(a) Except as provided in subsection (b), notwithstanding any other

New matter indicated by italics - deletions by strikeout
State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or the Hospital Basic Services Preservation Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04;
AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-359 as follows:

(20 ILCS 2310/2310-359 new)
Sec. 2310-359. The Illinois Brain Tumor Research Fund. The Illinois Brain Tumor Research Fund is hereby created as a special fund in the State treasury. From appropriations to the Department from the Fund, the Department shall make grants to public and private entities for the purpose of research dedicated to the elimination of brain tumors.

Section 10. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)
Sec. 5.640. The Illinois Brain Tumor Research Fund.

Section 15. The Illinois Income Tax Act is amended by adding Section 507EE and by changing Sections 509 and 510 as follows:

(35 ILCS 5/507EE new)
Sec. 507EE. The Illinois Brain Tumor Research checkoff. For taxable years ending on or after December 31, 2005, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Illinois Brain Tumor Research Fund, as authorized by this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer’s refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

New matter indicated by italics - deletions by strikeout
Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Military Family Relief Fund, the Illinois Veterans' Homes Fund, and the Asthma and Lung Research Fund, and the Illinois Brain Tumor Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)

(35 ILCS 5/510) (from Ch. 120, par. 5-510)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Illinois Military Family Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois...
Veterans' Homes Fund, and the Asthma and Lung Research Fund, and the Illinois Brain Tumor Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.
(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 27, 2005.
Approved August 22, 2005.
Effective August 22, 2005.

PUBLIC ACT 94-0650
(Senate Bill No. 0501)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 4-208 and 18a-300 as follows:
(625 ILCS 5/4-208) (from Ch. 95 1/2, par. 4-208)
Sec. 4-208. Disposal of unclaimed vehicles.
(a) In cities having a population of more than 500,000, whenever an abandoned, lost, stolen or unclaimed vehicle, or vehicle determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code, remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of 18 to 15 days after notice has been given under Sections 4-205 and 4-206 of this Code, if during that 18 days the possessor of the vehicle has sent an additional notice by first class mail to the registered owner, lienholder, or other legally entitled person, the vehicle shall be disposed, pursuant to the provisions of the "Municipal purchasing act for cities of 500,000 or more population", to a person licensed as an automotive parts recycler, rebuilder or scrap processor under Chapter 5 of this Code. With respect to any vehicle that has been booted, impounded, or both in accordance with subsection (c) of Section 11-208.3, a city with a population over 500,000 may establish a program whereby the registered owner, lienholder, or other legally entitled person is entitled to any proceeds from the disposition of the vehicle, less any

New matter indicated by italics - deletions by strikeout
reasonable storage charges, administrative fees, booting fees, towing fees, and parking and compliance fines and penalties.

(b) Except as provided in Section 4-208 for cities with more than 500,000 inhabitants, when an abandoned, lost, stolen or unclaimed vehicle 7 years of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled persons for a period of 30 days after notice has been given as provided in Sections 4-205 and 4-206 of this Code, the law enforcement agency or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under Chapter 5 of this Code or the towing operator which towed the vehicle. Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the vehicle has been impounded. At least 10 days prior to the sale, the law enforcement agency where the vehicle is impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other legally entitled persons. Notice as provided in Sections 4-205 and 4-206 of this Code and as provided in this subsection (b) shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

(c) If an abandoned, lost, stolen, or unclaimed vehicle displays dealer plates, notice under this Section and Section 4-209 of this Code shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons.

(d) In those instances where the certified notification specified in Sections 4-205 and 4-206 of this Code has been returned by the postal authorities to the law enforcement agency or towing service, the sending of a second certified notice will not be required.

(Source: P.A. 89-433, eff. 12-15-95; 90-330, eff. 8-8-97.)

(625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

Sec. 18a-300. Commercial vehicle relocators - Unlawful practices. It shall be unlawful for any commercial vehicle relocator:

(1) To operate in any county in which this Chapter is applicable without a valid, current relocator's license as provided in Article IV of this Chapter;

(2) To employ as an operator, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current

New matter indicated by italics - deletions by strikeout
operator's employment permit, or temporary operator's employment permit issued in accordance with Sections 18a-403 or 18a-405 of this Chapter; or to fail to notify the Commission, in writing, of any known criminal conviction of any employee occurring at any time before or during the course of employment or service;

(3) To employ as a dispatcher, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current dispatcher's or operator's employment permit or temporary dispatcher's or operator's employment permit issued in accordance with Sections 18a-403 or 18a-407 of this Chapter; or to fail to notify the Commission, in writing, of any known criminal conviction of any employee occurring at any time before or during the course of employment or service;

(4) To operate upon the highways of this State any vehicle used in connection with any commercial vehicle relocation service unless:

(A) There is painted or firmly affixed to the vehicle on both sides of the vehicle in a color or colors vividly contrasting to the color of the vehicle the name, address and telephone number of the relocator. The Commission shall prescribe reasonable rules and regulations pertaining to insignia to be painted or firmly affixed to vehicles and shall waive the requirements of the address on any vehicle in cases where the operator of a vehicle has painted or otherwise firmly affixed to the vehicle a seal or trade mark that clearly identifies the operator of the vehicle; and

(B) There is carried in the power unit of the vehicle a certified copy of the currently effective relocator's license and operator's employment permit. Copies may be photographed, photocopied, or reproduced or printed by any other legible and durable process. Any person guilty of not causing to be displayed a copy of his relocator's license and operator's employment permit may in any hearing concerning the violation be excused from the payment of the penalty hereinafter provided upon a showing that the license was issued by the Commission, but was subsequently lost or destroyed;

(5) To operate upon the highways of this State any vehicle used in connection with any commercial vehicle relocation service that bears the name or address and telephone number of any person or entity other than the relocator by which it is owned or to which it is leased;

(6) To advertise in any newspaper, book, list, classified directory or other publication unless there is contained in the advertisement the license

New matter indicated by italics - deletions by strikeout
number of the relocator;

(7) To remove any vehicle from private property without having first obtained the written authorization of the property owner or other person in lawful possession or control of the property, his authorized agent, or an authorized law enforcement officer. The authorization may be on a contractual basis covering a period of time or limited to a specific removal;

(8) To charge the private property owner, who requested that an unauthorized vehicle be removed from his property, with the costs of removing the vehicle contrary to any terms that may be a part of the contract between the property owner and the commercial relocator. Nothing in this paragraph shall prevent a relocator from assessing, collecting, or receiving from the property owner, lessee, or their agents any fee prescribed by the Commission;

(9) To remove a vehicle when the owner or operator of the vehicle is present or arrives at the vehicle location at any time prior to the completion of removal, and is willing and able to remove the vehicle immediately;

(10) To remove any vehicle from property on which signs are required and on which there are not posted appropriate signs under Section 18a-302;

(11) To fail to notify law enforcement authorities in the jurisdiction in which the trespassing vehicle was removed within one hour of the removal. Notification shall include a complete description of the vehicle, registration numbers if possible, the locations from which and to which the vehicle was removed, the time of removal, and any other information required by regulation, statute or ordinance;

(12) To impose any charge other than in accordance with the rates set by the Commission as provided in paragraph (6) of Section 18a-200 of this Chapter;

(13) To fail, in the office or location at which relocated vehicles are routinely returned to their owners, to prominently post the name, address and telephone number of the nearest office of the Commission to which inquiries or complaints may be sent;

(13.1) To fail to distribute to each owner or operator of a relocated vehicle, in written form as prescribed by Commission rule or regulation, the relevant statutes, regulations and ordinances governing commercial vehicle relocators, including, in at least 12 point boldface type, the name, address and telephone number of the nearest office of the Commission to which inquiries or complaints may be sent;

(13.2) To fail, in the office or location at which relocated vehicles are routinely returned to their owners, to ensure that the relocator's
representative provides suitable evidence of his or her identity to the owners of relocated vehicles upon request;

(14) To remove any vehicle, otherwise in accordance with this Chapter, more than 15 air miles from its location when towed from a location in an unincorporated area of a county or more than 10 air miles from its location when towed from any other location;

(15) To fail to make a telephone number available to the police department of any municipality in which a relocator operates at which the relocator or an employee of the relocator may be contacted at any time during the hours in which the relocator is engaged in the towing of vehicles, or advertised as engaged in the towing of vehicles, for the purpose of effectuating the release of a towed vehicle; or to fail to include the telephone number in any advertisement of the relocator's services published or otherwise appearing on or after the effective date of this amendatory Act; or to fail to have an employee available at any time on the premises owned or controlled by the relocator for the purposes of arranging for the immediate release of the vehicle.

Apart from any other penalty or liability authorized under this Act, if after a reasonable effort, the owner of the vehicle is unable to make telephone contact with the relocator for a period of one hour from his initial attempt during any time period in which the relocator is required to respond at the number, all fees for towing, storage, or otherwise are to be waived. Proof of 3 attempted phone calls to the number provided to the police department by an officer or employee of the department on behalf of the vehicle owner within the space of one hour, at least 2 of which are separated by 45 minutes, shall be deemed sufficient proof of the owner's reasonable effort to make contact with the vehicle relocator. Failure of the relocator to respond to the phone calls is not a criminal violation of this Chapter;

(16) To use equipment which the relocator does not own, except in compliance with Section 18a-306 of this Chapter and Commission regulations. No equipment can be leased to more than one relocator at any time. Equipment leases shall be filed with the Commission. If equipment is leased to one relocator, it cannot thereafter be leased to another relocator until a written cancellation of lease is properly filed with the Commission;

(17) To use drivers or other personnel who are not employees or contractors of the relocator;

(18) To fail to refund any amount charged in excess of the reasonable rate established by the Commission;

(19) To violate any other provision of this Chapter, or of Commission

New matter indicated by italics - deletions by strikeout
regulations or orders adopted under this Chapter.
(Source: P.A. 88-448.)
Approved August 22, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0651
(Senate Bill No. 0930)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.16 and by adding Section 4.26 as follows:
(5 ILCS 80/4.16)
Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:
The Respiratory Care Practice Act.
The Hearing Instrument Consumer Protection Act.
The Illinois Dental Practice Act.
The Professional Geologist Licensing Act.
The Illinois Athletic Trainers Practice Act.
The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.
The Collection Agency Act.
The Illinois Roofing Industry Licensing Act.
(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)
(5 ILCS 80/4.26 new)
Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:
Section 10. The Illinois Physical Therapy Act is amended by changing Sections 1, 6, 8, 8.1, 12, 15, 17, 19, 20, 22, 23, 25, 26, 27, and 29 as follows:
(225 ILCS 90/1) (from Ch. 111, par. 4251)
(Section scheduled to be repealed on January 1, 2006)
Sec. 1. Definitions. As used in this Act:

New matter indicated by italics - deletions by strikeout
(1) "Physical therapy" means all of the following:

(A) Examining, evaluating, and testing individuals who may have mechanical, physiological, or developmental impairments, functional limitations, disabilities, or other health and movement-related conditions, classifying these disorders, determining a rehabilitation prognosis and plan of therapeutic intervention, and assessing the on-going effects of the interventions.

(B) Alleviating impairments, functional limitations, or disabilities by designing, implementing, and modifying therapeutic interventions that may include, but are not limited to, the evaluation or treatment of a person through the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air and use of therapeutic massage, therapeutic exercise, mobilization, and rehabilitative procedures, with or without assistive devices, for the purposes of preventing, correcting, or alleviating a physical or mental impairment, functional limitation, or disability.

(C) Reducing the risk of injury, impairment, functional limitation, or disability, including the promotion and maintenance of fitness, health, and wellness.

(D) Engaging in administration, consultation, education, and research. the evaluation or treatment of a person by the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air; and the use of therapeutic massage, therapeutic exercise, mobilization, and the rehabilitative procedures with or without assistive devices for the purposes of preventing, correcting, or alleviating a physical or mental disability, or promoting physical fitness and well-being.

Physical therapy includes, but is not limited to: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures, (c) interpretation of referrals from physicians, dentists, advanced practice nurses, physician assistants, and podiatrists, (d) establishment, and modification of physical therapy treatment programs, (e) administration of topical medication used in generally accepted physical therapy procedures when such medication is prescribed by the patient's physician, licensed to practice medicine in all its branches, the patient's physician licensed to practice podiatric medicine, the patient's advanced practice nurse, the patient's physician assistant, or the patient's dentist, and (f) supervision or teaching of physical therapy. Physical therapy does not include

New matter indicated by italics - deletions by strikeout
radiology, electrosurgery, chiropractic technique or determination of a
differential diagnosis; provided, however, the limitation on determining a
differential diagnosis shall not in any manner limit a physical therapist
licensed under this Act from performing an evaluation pursuant to such
license. Nothing in this Section shall limit a physical therapist from
employing appropriate physical therapy techniques that he or she is educated
and licensed to perform. A physical therapist shall refer to a licensed
physician, advanced practice nurse, physician assistant, dentist, or podiatrist
any patient whose medical condition should, at the time of evaluation or
treatment, be determined to be beyond the scope of practice of the physical
therapist.

(2) "Physical therapist" means a person who practices physical
therapy and who has met all requirements as provided in this Act.

(3) "Department" means the Department of Professional Regulation.

(4) "Director" means the Director of Professional Regulation.

(5) "Board" means the Physical Therapy Licensing and
Disciplinary Board Examining Committee approved by the Director.

(6) "Referral" means a written or oral authorization for physical
therapy services for a patient by a physician, dentist, advanced practice nurse,
physician assistant, or podiatrist who maintains medical supervision of the
patient and makes a diagnosis or verifies that the patient's condition is such
that it may be treated by a physical therapist.

(7) "Documented current and relevant diagnosis" for the purpose of
this Act means a diagnosis, substantiated by signature or oral verification of
a physician, dentist, advanced practice nurse, physician assistant, or
podiatrist, that a patient's condition is such that it may be treated by physical
therapy as defined in this Act, which diagnosis shall remain in effect until
changed by the physician, dentist, advanced practice nurse, physician
assistant, or podiatrist.

(8) "State" includes:
  (a) the states of the United States of America;
  (b) the District of Columbia; and
  (c) the Commonwealth of Puerto Rico.

(9) "Physical therapist assistant" means a person licensed to assist a
physical therapist and who has met all requirements as provided in this Act
and who works under the supervision of a licensed physical therapist to assist
in implementing the physical therapy treatment program as established by the
licensed physical therapist. The patient care activities provided by the
physical therapist assistant shall not include the interpretation of referrals,
evaluation procedures, or the planning or major modification of patient programs.

(10) "Physical therapy aide" means a person who has received on the job training, specific to the facility in which he is employed, but who has not completed an approved physical therapist assistant program.

(11) "Advanced practice nurse" means a person licensed under the Nursing and Advanced Practice Nursing Act who has a collaborative agreement with a collaborating physician that authorizes referrals to physical therapists.

(12) "Physician assistant" means a person licensed under the Physician Assistant Practice Act of 1987 who has been delegated authority to make referrals to physical therapists.

(Source: P.A. 92-651, eff. 7-11-02; 93-1010, eff. 8-24-04.)

(225 ILCS 90/6) (from Ch. 111, par. 4256)

(Sec. 6. Duties and functions of Director and Board Committee. The Director shall appoint a Physical Therapy Licensing and Disciplinary Board Committee as follows: Seven persons who shall be appointed by and shall serve in an advisory capacity to the Director. Six members must be actively engaged in the practice of physical therapy in this State for a minimum of 5 years and one member must be a member of the public who is not licensed under this Act, or a similar Act of another jurisdiction.

Members shall serve 4 year terms and until their successors are appointed and qualified, except that of the initial appointments, 2 members shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years and the remaining shall be appointed to serve for 4 years and until their successors are appointed and qualified. No member shall be reappointed to the Board Committee for a term which would cause his continuous service on the Board Committee to be longer than 9 successive years. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this amendatory Act of 1987 and Committee members in office on that date shall be eligible for appointment to specific terms as indicated herein.

For the initial appointment of the Board Committee, the Director shall give priority to filling the public member terms as vacancies become available.

Members of the Board Committee shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed

New matter indicated by italics - deletions by strikeout
in good faith as members of the Board Committee.

A vacancy in the membership of the Board Committee shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board Committee.

The members of the Board Committee are entitled to receive as compensation a reasonable sum as determined by the Director for each day actually engaged in the duties of the office and all legitimate and necessary expenses incurred in attending the meetings of the Board Committee.

The membership of the Board Committee should reasonably reflect representation from the geographic areas in this State.

The Director may terminate the appointment of any member for cause which in the opinion of the Director reasonably justifies such termination.

The Director shall consider the recommendations of the Board Committee on questions involving standards of professional conduct, discipline and qualifications of candidates and licensees under this Act.

Nothing shall limit the ability of the Board Committee to provide recommendations to the Director in regard to any matter affecting the administration of this Act. The Director shall give due consideration to all recommendations of the Board Committee. If the Director takes action contrary to a recommendation of the Board Committee, the Director shall promptly provide a written explanation of that action.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 90/8) (from Ch. 111, par. 4258)
(Section scheduled to be repealed on January 1, 2006)

Sec. 8. Qualifications for licensure as a Physical Therapist.

(a) A person is qualified to receive a license as a physical therapist if that person has applied in writing, on forms prescribed by the Department, has paid the required fees, and meets all of the following requirements:

(1) He or she is at least 18 years of age and of good moral character. In determining moral character, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate automatically as a complete bar to a license.

(2) He or she has graduated from a curriculum in physical therapy approved by the Department. In approving a curriculum in physical therapy, the Department shall consider, but not be bound by, accreditation by the Commission on Accreditation in Physical Therapy Education. A person who graduated from a physical therapy program outside the United States or its territories shall have his or
her degree validated as equivalent to a physical therapy degree conferred by a regionally accredited college or university in the United States. The Department may establish by rule a method for the completion of course deficiencies.

(3) He or she has passed an examination approved by the Department to determine his fitness for practice as a physical therapist, or is entitled to be licensed without examination as provided in Sections 10 and 11 of this Act. A person who graduated from a physical therapy program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) as defined by rule prior to taking the licensure examination.

(b) The Department reserves the right and may request a personal interview of an applicant before the Board Committee to further evaluate his or her qualifications for a license.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 90/8.1) (from Ch. 111, par. 4258.1)

(Sec. 8.1. Qualifications for licensure as a physical therapist assistant.

A person is qualified to receive a license as a physical therapist assistant if that person has applied in writing, on forms prescribed by the Department, has paid the required fees and:

(1) Is at least 18 years of age and of good moral character. In determining moral character, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate automatically as a complete bar to a license;

(2) Has graduated from a 2-year college-level physical therapist assistant program approved by the Department and attained, at a minimum, an associate’s degree from the program. In approving such a physical therapist assistant program the Department shall consider but not be bound by accreditation by the Commission on Accreditation in Physical Therapy Education. Any person who graduated from a physical therapist assistant program outside the United States or its territories shall have his or her degree validated as equivalent to a physical therapy assistant degree conferred by a regionally accredited college or university in the United States. The Department may establish by rule a method for the
completion of course deficiencies; and

(3) Has successfully completed the examination authorized by the Department. A person who graduated from a physical therapist assistant program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) as defined by rule prior to taking the licensure examination.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 90/12) (from Ch. 111, par. 4262)
(Section scheduled to be repealed on January 1, 2006)

Sec. 12. Examinations. The Department shall examine applicants for licenses as physical therapists or physical therapist assistants at such times and places as it may determine. At least 2 written examinations shall be given during each calendar year for both physical therapists and physical therapist assistants. The examination shall be approved by the Department.

Following notification of eligibility for examination, an applicant who fails to take the next scheduled examination for a license under this Act within 60 days of the notification shall forfeit his or her fee; and his or her right to practice as a physical therapist or physical therapist assistant until such time as the applicant has passed the appropriate examination. Any applicant failing the examination three times in any jurisdiction will not be allowed to sit for another examination until the applicant has presented satisfactory evidence to the Board committee of appropriate remedial work as set forth in the rules and regulations.

If an applicant neglects, fails or refuses to take an examination or fails to pass an examination for a license or otherwise fails to complete the application process under this Act within 3 years after filing his application, the application shall be denied. However, such applicant may make a new application for examination accompanied by the required fee, and must furnish proof of meeting qualifications for examination in effect at the time of new application.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 90/15) (from Ch. 111, par. 4265)
(Section scheduled to be repealed on January 1, 2006)

Sec. 15. Restoration of expired licenses. A physical therapist or physical therapist assistant who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable
to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

If the physical therapist or physical therapist assistant has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board Committee shall determine, by an evaluation program established by rule his or her fitness to resume active status and may require the physical therapist or physical therapist assistant to complete a period of evaluated clinical experience and may require successful completion of an examination.

Any physical therapist or physical therapist assistant whose license has been expired or placed on inactive status for more than 5 years may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction and by paying the required restoration fee.

However, any physical therapist or physical therapist assistant whose license has expired while he has been engaged (1) in the federal service in active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored without paying any lapsed renewal fees or restoration fee, if within 2 years after termination of such service, training or education, other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 90/17) (from Ch. 111, par. 4267)
(Section scheduled to be repealed on January 1, 2006)

Sec. 17. (1) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed $5000, with regard to a license for any one or a combination of the following:

A. Material misstatement in furnishing information to the Department or otherwise making misleading, deceptive, untrue, or fraudulent representations in violation of this Act or otherwise in the practice of the profession;

New matter indicated by italics - deletions by strikeout
B. Violations of this Act, or of the rules or regulations promulgated hereunder;

C. Conviction of any crime under the laws of the United States or any state or territory thereof which is a felony or which is a misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of the profession; conviction, as used in this paragraph, shall include a finding or verdict of guilty, an admission of guilt or a plea of nolo contendere;

D. Making any misrepresentation for the purpose of obtaining licenses, or violating any provision of this Act or the rules promulgated thereunder pertaining to advertising;

E. A pattern of practice or other behavior which demonstrates incapacity or incompetency to practice under this Act;

F. Aiding or assisting another person in violating any provision of this Act or Rules;

G. Failing, within 60 days, to provide information in response to a written request made by the Department;

H. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing physical therapy practice, in which proceeding actual injury to a patient need not be established;

I. Unlawful distribution of any drug or narcotic, or unlawful conversion of any drug or narcotic not belonging to the person for such person's own use or benefit or for other than medically accepted therapeutic purposes;

J. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in a physical therapist's or physical therapist assistant's inability to practice with reasonable judgment, skill or safety;

K. Revocation or suspension of a license to practice physical therapy as a physical therapist or physical therapist assistant or the taking of other disciplinary action by the proper licensing authority of another state, territory or country;

L. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered. Nothing

New matter indicated by italics - deletions by strikeout
contained in this paragraph prohibits persons holding valid and current licenses under this Act from practicing physical therapy in partnership under a partnership agreement, including a limited liability partnership, a limited liability company, or a corporation under the Professional Service Corporation Act or from pooling, sharing, dividing, or apportioning the fees and monies received by them or by the partnership, company, or corporation in accordance with the partnership agreement or the policies of the company or professional corporation;

M. A finding by the Board Committee that the licensee after having his or her license placed on probationary status has violated the terms of probation;

N. Abandonment of a patient;

O. Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

P. Willfully failing to report an instance of suspected elder abuse or neglect as required by the Elder Abuse Reporting Act;

Q. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgement, skill or safety;

R. The use of any words (such as physical therapy, physical therapist physiotherapy or physiotherapist), abbreviations, figures or letters with the intention of indicating practice as a licensed physical therapist without a valid license as a physical therapist issued under this Act;

S. The use of the term physical therapist assistant, or abbreviations, figures, or letters with the intention of indicating practice as a physical therapist assistant without a valid license as a physical therapist assistant issued under this Act;

T. Willfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;

U. Continued practice by a person knowingly having an infectious, communicable or contagious disease;

V. Having treated ailments of human beings otherwise than by the practice of physical therapy as defined in this Act, or having treated ailments of human beings as a licensed physical therapist independent of a documented referral or a documented current and

New matter indicated by italics - deletions by strikeout
relevant diagnosis from a physician, dentist, advanced practice nurse, physician assistant, or podiatrist, or having failed to notify the physician, dentist, advanced practice nurse, physician assistant, or podiatrist who established a documented current and relevant diagnosis that the patient is receiving physical therapy pursuant to that diagnosis;

W. Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

X. Interpretation of referrals, performance of evaluation procedures, planning or making major modifications of patient programs by a physical therapist assistant;

Y. Failure by a physical therapist assistant and supervising physical therapist to maintain continued contact, including periodic personal supervision and instruction, to insure safety and welfare of patients;

Z. Violation of the Health Care Worker Self-Referral Act.

(2) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient; and upon the recommendation of the Board Committee to the Director that the licensee be allowed to resume his practice.

(3) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 93-1010, eff. 8-24-04.)

(225 ILCS 90/19) (from Ch. 111, par. 4269)
(Section scheduled to be repealed on January 1, 2006)
Sec. 19. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons holding

New matter indicated by italics - deletions by strikeout
or claiming to hold a license. The Department shall, before refusing to issue, to renew or discipline a license pursuant to Section 17, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license of the nature of the charges, that a hearing will be held on the date designated, and direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of his last notification to the Department. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board Committee shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board Committee may continue a hearing from time to time.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 90/20) (from Ch. 111, par. 4270)
(Section scheduled to be repealed on January 1, 2006)

Sec. 20. Stenographer - Transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue, renew or discipline of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board Committee and order of the Department shall be the record of such proceeding.

(Source: P.A. 84-595.)

(225 ILCS 90/22) (from Ch. 111, par. 4272)
(Section scheduled to be repealed on January 1, 2006)

Sec. 22. Findings and Recommendations. At the conclusion of the hearing the Board Committee shall present to the Director a written report of

New matter indicated by italics - deletions by strikeout
its findings and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board Committee shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Director.

The report of findings and recommendations of the Board Committee shall be the basis for the Department's order or refusal or for the granting of a license or permit unless the Director shall determine that the Board Committee report is contrary to the manifest weight of the evidence, in which case the Director may issue an order in contravention of the Board Committee report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 84-595.)

(225 ILCS 90/23) (from Ch. 111, par. 4273)
(Section scheduled to be repealed on January 1, 2006)

Sec. 23. Rehearing. In any case involving the refusal to issue, renew or discipline of a license, a copy of the Board's Committee's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial the Director may enter an order in accordance with recommendations of the Board Committee except as provided in Section 22 of this Act. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 90-655, eff. 7-30-98.)

(225 ILCS 90/25) (from Ch. 111, par. 4275)
(Section scheduled to be repealed on January 1, 2006)

Sec. 25. Appointment of a Hearing Officer. The Director shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, renew or discipline of a license or permit. The hearing officer shall have full authority to conduct the hearing. At least one member of the Board

New matter indicated by italics - deletions by strikeout
Committee shall attend each hearing. The hearing officer shall report his findings and recommendations to the Board Committee and the Director. The Board Committee shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the Director. If the Board Committee fails to present its report within the 60 day period, the Director shall issue an order based on the report of the hearing officer. If the Director determines that the Board's Committee's report is contrary to the manifest weight of the evidence, he may issue an order in contravention of the Board's Committee's report.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 90/26) (from Ch. 111, par. 4276)
Sec. 26. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof that:
(a) the signature is the genuine signature of the Director;
(b) the Director is duly appointed and qualified; and
(c) the Board Committee and the members thereof are qualified to act.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 90/27) (from Ch. 111, par. 4277)
Sec. 27. Restoration of Suspended or Revoked License. At any time after the suspension or revocation of any license, the Department may restore it to the accused person, upon the written recommendation of the Board Committee unless after an investigation and a hearing, the Board Committee determines that restoration is not in the public interest.

(Source: P.A. 84-595.)

(225 ILCS 90/29) (from Ch. 111, par. 4279)
Sec. 29. Temporary Suspension of a License. The Director may temporarily suspend the license of a physical therapist or physical therapist assistant without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 19 of this Act, if the Director finds that evidence in his possession indicates that a physical therapist's or a physical therapist assistant's continuation in practice would constitute an imminent danger to the public. In the event that the Director suspends, temporarily, the license of a physical therapist or physical therapist assistant without a
hearing, a hearing by the Board Committee must be held within 30 calendar
days after such suspension has occurred.
(Source: P.A. 89-387, eff. 1-1-96.)
Approved August 22, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0652
(Senate Bill No. 1180)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Unified Code of Corrections is amended by changing
Section 5-9-1 as follows:
(730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)
Sec. 5-9-1. Authorized fines.
(a) An offender may be sentenced to pay a fine which shall not exceed
for each offense:
(1) for a felony, $25,000 or the amount specified in the
offense, whichever is greater, or where the offender is a corporation,
$50,000 or the amount specified in the offense, whichever is greater;
(2) for a Class A misdemeanor, $2,500 or the amount
specified in the offense, whichever is greater;
(3) for a Class B or Class C misdemeanor, $1,500;
(4) for a petty offense, $1,000 or the amount specified in the
offense, whichever is less;
(5) for a business offense, the amount specified in the statute
defining that offense.
(b) A fine may be imposed in addition to a sentence of conditional
discharge, probation, periodic imprisonment, or imprisonment.
(c) There shall be added to every fine imposed in sentencing for a
criminal or traffic offense, except an offense relating to parking or
registration, or offense by a pedestrian, an additional penalty of $9 $5 for
each $40, or fraction thereof, of fine imposed. The additional penalty of $9
$5 for each $40, or fraction thereof, of fine imposed, if not otherwise
assessed, shall also be added to every fine imposed upon a plea of guilty,
stipulation of facts or findings of guilty, resulting in a judgment of
conviction, or order of supervision in criminal, traffic, local ordinance,

New matter indicated by italics - deletions by strikeout
count ordinance, and conservation cases (except parking, registration, or pedestrian violations), or upon a sentence of probation without entry of judgment under Section 10 of the Cannabis Control Act or Section 410 of the Controlled Substances Act.

Such additional amounts shall be assessed by the court imposing the fine and shall be collected by the Circuit Clerk in addition to the fine and costs in the case. Each such additional penalty shall be remitted by the Circuit Clerk within one month after receipt to the State Treasurer. The State Treasurer shall deposit $1 for each $40, or fraction thereof, of fine imposed into the LEADS Maintenance Fund. The remaining surcharge amount shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, unless the fine, costs or additional amounts are subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act. Such additional penalty shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c) during the preceding calendar year. Except as otherwise provided by Supreme Court Rules, if a court in imposing a fine against an offender levies a gross amount for fine, costs, fees and penalties, the amount of the additional penalty provided for herein shall be computed on the amount remaining after deducting from the gross amount levied all fees of the Circuit Clerk, the State's Attorney and the Sheriff. After deducting from the gross amount levied the fees and additional penalty provided for herein, less any other additional penalties provided by law, the clerk shall remit the net balance remaining to the entity authorized by law to receive the fine imposed in the case. For purposes of this Section "fees of the Circuit Clerk" shall include, if applicable, the fee provided for under Section 27.3a of the Clerks of Courts Act and the fee, if applicable, payable to the county in which the violation occurred pursuant to Section 5-1101 of the Counties Code.

(c-5) In addition to the fines imposed by subsection (c), any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional $100 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the

New matter indicated by italics - deletions by strikeout
amount of funds remitted to the State Treasurer under this subsection (c-5) during the preceding calendar year.

The Circuit Clerk may accept payment of fines and costs by credit card from an offender who has been convicted of a traffic offense, petty offense or misdemeanor and may charge the service fee permitted where fines and costs are paid by credit card provided for in Section 27.3b of the Clerks of Courts Act.

(c-7) In addition to the fines imposed by subsection (c), any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional $5 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c-7) during the preceding calendar year.

(c-9) (Blank). There shall be added to every fine imposed in sentencing for a criminal or traffic offense, except an offense relating to parking or registration, or offense by a pedestrian, an additional penalty of $4 imposed. The additional penalty of $4 shall also be added to every fine imposed upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision in criminal, traffic, local ordinance, county ordinance, or conservation cases (except parking, registration, or pedestrian violations), or upon a sentence of probation without entry of judgment under Section 10 of the Cannabis Control Act or Section 410 of the Controlled Substances Act. Such additional penalty of $4 shall be assessed by the court imposing the fine and shall be collected by the circuit clerk in addition to any other fine, costs, fees, and penalties in the case. Each such additional penalty of $4 shall be remitted to the State Treasurer by the circuit clerk within one month after receipt. The State Treasurer shall deposit the additional penalty of $4 into the Traffic and Criminal Conviction Surcharge Fund. The additional penalty of $4 shall be in addition to any other fine, costs, fees, and penalties and shall not reduce or affect the distribution of any other fine, costs, fees, and penalties.

(d) In determining the amount and method of payment of a fine, except for those fines established for violations of Chapter 15 of the Illinois Vehicle Code, the court shall consider:

New matter indicated by italics - deletions by strikeout
(1) the financial resources and future ability of the offender to pay the fine; and
(2) whether the fine will prevent the offender from making court ordered restitution or reparation to the victim of the offense; and
(3) in a case where the accused is a dissolved corporation and the court has appointed counsel to represent the corporation, the costs incurred either by the county or the State for such representation.
(e) The court may order the fine to be paid forthwith or within a specified period of time or in installments.
(f) All fines, costs and additional amounts imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.
(Source: P.A. 92-431, eff. 1-1-02; 93-32, eff. 6-20-03.)
Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 22, 2005.
Effective August 22, 2005.
WHEREAS, Parks, open spaces, and forests are important components for the health and well-being of urban residents, contributing to the prevention and amelioration of illness not only by facilitating improvements in physical fitness through exercise, but also by facilitating positive emotional, intellectual, and social experiences; and

WHEREAS, The Dunning Community Area, in which the property is located, has been identified as underserved by open space and parks in the Land Policies Plans completed by the City and the Chicago Park District, that note that 2 large segments of the Dunning Community have no open space or parkland whatsoever; and

WHEREAS, The Dunning property was originally donated to Cook County in 1868 by the Dunning family for health and social purposes and was operated by the County as a "poor farm" and a facility for the mentally ill until 1912; and

WHEREAS, In 1912 Cook County conveyed the 235-acre Dunning property to the State of Illinois to be used for health and social purposes as stated in the original land covenant; therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Department of Human Services is hereby authorized to grant and convey a permanent conservation easement to the Illinois Department of Natural Resources on a parcel containing 30 acres, more or less, that is located in Section 18, Township 40 North, Range 13 East of the third principal meridian, Cook County, Illinois, situated to the West and South of the Chicago Read Mental Health Center, for the purpose of preserving and protecting the wetlands and forested area for the benefit of the patients of the facility, the community, and the general public, this 30-acre parcel being more particularly described under Section 10 of this Act.

Section 10. A parcel containing 30 acres, more or less, located in Section 18, Township 40 North, Range 13 East of the third principal meridian, Cook County, Illinois, situated to the West and South of the Chicago Read Mental Health Center, a more accurate description to be made by an Illinois professional land surveyor, the cost of the survey to be paid for by Friends of the Parks.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 30, 3005.
Approved August 22, 2005.
Effective August 22, 2005.
AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Motor Fuel Tax Law is amended by changing Section 13 as follows:

(35 ILCS 505/13) (from Ch. 120, par. 429)

Sec. 13. Refund of tax paid. Any person other than a distributor or supplier, who loses motor fuel through any cause or uses motor fuel (upon which he has paid the amount required to be collected under Section 2 of this Act) for any purpose other than operating a motor vehicle upon the public highways or waters, shall be reimbursed and repaid the amount so paid.

Any person who purchases motor fuel in Illinois and uses that motor fuel in another state and that other state imposes a tax on the use of such motor fuel shall be reimbursed and repaid the amount of Illinois tax paid under Section 2 of this Act on the motor fuel used in such other state. Reimbursement and repayment shall be made by the Department upon receipt of adequate proof of taxes paid to another state and the amount of motor fuel used in that state.

Claims for such reimbursement must be made to the Department of Revenue, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim must state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary, and the time when, and the circumstances of its loss or the specific purpose for which it was used (as the case may be), together with such other information as the Department may reasonably require. No claim based upon idle time shall be allowed.

Claims for full reimbursement for taxes paid on or before December 31, 1999 must be filed not later than one year after the date on which the tax was paid by the claimant. If, however, a claim for such reimbursement otherwise meeting the requirements of this Section is filed more than one year but less than 2 years after that date, the claimant shall be reimbursed at the rate of 80% of the amount to which he would have been entitled if his claim had been timely filed.

Claims for full reimbursement for taxes paid on or after January 1,
2000 must be filed not later than 2 years after the date on which the tax was paid by the claimant.

The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department has approved any such claim, it shall pay to the claimant (or to the claimant's legal representative, as such if the claimant has died or become a person under legal disability) the reimbursement provided in this Section, out of any moneys appropriated to it for that purpose.

Any distributor or supplier who has paid the tax imposed by Section 2 of this Act upon motor fuel lost or used by such distributor or supplier for any purpose other than operating a motor vehicle upon the public highways or waters may file a claim for credit or refund to recover the amount so paid. Such claims shall be filed on forms prescribed by the Department. Such claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary and the time when the loss or nontaxable use occurred, and the circumstances of its loss or the specific purpose for which it was used (as the case may be), together with such other information as the Department may reasonably require. Claims must be filed not later than one year after the date on which the tax was paid by the claimant.

The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department approves a claim, the Department shall issue a refund or credit memorandum as requested by the taxpayer, to the distributor or supplier who made the payment for which the refund or credit is being given or, if the distributor or supplier has died or become incompetent, to such distributor's or supplier's legal representative, as such. The amount of such credit memorandum shall be credited against any tax due or to become due under this Act from the distributor or supplier who made the payment for which credit has been given.

Any credit or refund that is allowed under this Section shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act.

In case the distributor or supplier requests and the Department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it

New matter indicated by italics - deletions by strikeout
appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department, by rule or regulation, shall provide for the payment of refunds in hardship cases and shall define what types of cases qualify as hardship cases.

In any case in which there has been an erroneous refund of tax payable under this Section, a notice of tax liability may be issued at any time within 3 years from the making of that refund, or within 5 years from the making of that refund if it appears that any part of the refund was induced by fraud or the misrepresentation of material fact. The amount of any proposed assessment set forth by the Department shall be limited to the amount of the erroneous refund.

If no tax is due and no proceeding is pending to determine whether such distributor or supplier is indebted to the Department for tax, the credit memorandum so issued may be assigned and set over by the lawful holder thereof, subject to reasonable rules of the Department, to any other licensed distributor or supplier who is subject to this Act, and the amount thereof applied by the Department against any tax due or to become due under this Act from such assignee.

If the payment for which the distributor's or supplier's claim is filed is held in the protest fund of the State Treasury during the pendency of the claim for credit proceedings pursuant to the order of the court in accordance with Section 2a of the State Officers and Employees Money Disposition Act and if it is determined by the Department or by the final order of a reviewing court under the Administrative Review Law that the claimant is entitled to all or a part of the credit claimed, the claimant, instead of receiving a credit memorandum from the Department, shall receive a cash refund from the protest fund as provided for in Section 2a of the State Officers and Employees Money Disposition Act.

If any person ceases to be licensed as a distributor or supplier while still holding an unused credit memorandum issued under this Act, such person may, at his election (instead of assigning the credit memorandum to a licensed distributor or licensed supplier under this Act), surrender such unused credit memorandum to the Department and receive a refund of the amount to which such person is entitled.

For claims based upon taxes paid on or before December 31, 2000, a claim based upon the use of undyed diesel fuel shall not be allowed except (i) if allowed under the following paragraph or (ii) for undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-111.8 of the

New matter indicated by italics - deletions by strikeout
Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the public highways and unlicensed commercial vehicles operating on private property. Claims shall be limited to commercial vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways.

For claims based upon taxes paid on or after January 1, 2000, a claim based upon the use of undyed diesel fuel shall not be allowed except (i) if allowed under the preceding paragraph or (ii) for claims for the following:

(1) Undyed diesel fuel used (i) in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the undyed diesel fuel becomes a component part of a product or by-product, other than fuel or motor fuel, when the use of dyed diesel fuel in that manufacturing process results in a product that is unsuitable for its intended use or (ii) for testing machinery and equipment in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the testing takes place on private property.

(2) Undyed diesel fuel used by a manufacturer on private property in the research and development, as defined in Section 1.29, of machinery or equipment intended for manufacture.

(3) Undyed diesel fuel used by a single unit self-propelled agricultural fertilizer implement, designed for on and off road use, equipped with flotation tires and specially adapted for the application of plant food materials or agricultural chemicals.

(4) Undyed diesel fuel used by a commercial motor vehicle for any purpose other than operating the commercial motor vehicle upon the public highways. Claims shall be limited to commercial motor vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways.

(5) Undyed diesel fuel used by a unit of local government in its operation of an airport if the undyed diesel fuel is used directly in airport operations on airport property.

(6) Undyed diesel fuel used by refrigeration units that are permanently mounted to a semitrailer, as defined in Section 1.28 of this Law, wherein the refrigeration units have a fuel supply system dedicated solely for the operation of the refrigeration units.

(7) Undyed diesel fuel used by power take-off equipment as defined in Section 1.27 of this Law.

New matter indicated by italics - deletions by strikeout
(8) Beginning on the effective date of this amendatory Act of the 94th General Assembly, undyed diesel fuel used by tugs and spotter equipment to shift vehicles or parcels on both private and airport property. Any claim under this item (8) may be made only by a claimant that owns tugs and spotter equipment and operates that equipment on both private and airport property. The aggregate of all credits or refunds resulting from claims filed under this item (8) by a claimant in any calendar year may not exceed $100,000. A claim may not be made under this item (8) by the same claimant more often than once each quarter. For the purposes of this item (8), "tug" means a vehicle designed for use on airport property that shifts custom-designed containers of parcels from loading docks to aircraft, and "spotter equipment" means a vehicle designed for use on both private and airport property that shifts trailers containing parcels between staging areas and loading docks.

Any person who has paid the tax imposed by Section 2 of this Law upon undyed diesel fuel that is unintentionally mixed with dyed diesel fuel and who owns or controls the mixture of undyed diesel fuel and dyed diesel fuel may file a claim for refund to recover the amount paid. The amount of undyed diesel fuel unintentionally mixed must equal 500 gallons or more. Any claim for refund of unintentionally mixed undyed diesel fuel and dyed diesel fuel shall be supported by documentation showing the date and location of the unintentional mixing, the number of gallons involved, the disposition of the mixed diesel fuel, and any other information that the Department may reasonably require. Any unintentional mixture of undyed diesel fuel and dyed diesel fuel shall be sold or used only for non-highway purposes.

The Department shall promulgate regulations establishing specific limits on the amount of undyed diesel fuel that may be claimed for refund.

For purposes of claims for refund, "loss" means the reduction of motor fuel resulting from fire, theft, spillage, spoilage, leakage, or any other provable cause, but does not include a reduction resulting from evaporation or shrinkage due to temperature variations.

(Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 29, 2005.
Approved August 22, 2005.
Effective August 22, 2005.
AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Business Corporation Act of 1983 is amended by changing Section 7.05 as follows:

(805 ILCS 5/7.05) (from Ch. 32, par. 7.05)

Sec. 7.05. Meetings of shareholders. Meetings of shareholders may be held either within or without this State, as may be provided in the by-laws or in a resolution of the board of directors pursuant to authority granted in the by-laws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this State.

An annual meeting of the shareholders shall be held at such time as may be provided in the by-laws or in a resolution of the board of directors pursuant to authority granted in the by-laws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation nor affect the validity of corporate action. If an annual meeting has not been held within the earlier of six months after the end of the corporation's fiscal year or fifteen months after its last annual meeting and if, after a request in writing directed to the president of the corporation, a notice of meeting is not given within 60 days of such request, then any shareholder entitled to vote at an annual meeting may apply to the circuit court of the county in which the registered office or principal place of business of the corporation is located for an order directing that the meeting be held and fixing the time and place of the meeting. The court may issue such additional orders as may be necessary or appropriate for the holding of the meeting.

Unless specifically prohibited by the articles of incorporation or by-laws, a corporation may allow shareholders to participate in and act at any meeting of the shareholders through the use of a conference telephone or interactive technology, including but not limited to electronic transmission, Internet usage, or remote communication, by means of which all persons participating in the meeting can communicate with each other. A shareholder entitled to vote at a meeting of the shareholders shall be permitted to attend the meeting where space permits, and subject to the corporation's by-laws and rules governing the conduct of the meeting and the power of the chairman to regulate the orderly conduct of the meeting. Participation in such meeting shall constitute attendance and presence in person at the meeting of

New matter indicated by italics - deletions by strikeout
the person or persons so participating.

Special meetings of the shareholders may be called by the president, by the board of directors, by the holders of not less than one-fifth of all the outstanding shares entitled to vote on the matter for which the meeting is called or by such other officers or persons as may be provided in the articles of incorporation or the by-laws.

(Source: P.A. 92-771, eff. 8-6-02.)

Passed in the General Assembly May 27, 2005.

Approved August 22, 2005.

Effective January 1, 2006.

PUBLIC ACT 94-0656
(Senate Bill No. 1435)

AN ACT concerning land.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. Upon the payment of the sum of $9,900 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in LaSalle County, Illinois:

Parcel No. 3LR0077

That part of the East 12.00 acres of the North One Half of the Northeast Quarter of the Southwest Quarter of Section 5, Township 33 North, Range 2 East of the Third Principal Meridian, LaSalle County, Illinois, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 5; thence North 89 degrees 59 minutes 26 seconds East, 1,824.63 feet along the north line of the Southwest Quarter of said Section 5 to the Point of Beginning, said point being on the west line of the East 12.00 acres of the North One Half of the Northeast Quarter of the Southwest Quarter of said Section 5; thence continuing North 89 degrees 59 minutes 26 seconds East, 631.74 feet along the north line of the Southwest Quarter of said Section 5; thence South 00 degrees 00 minutes 34 seconds East, 30.00 feet to the north right of way line of existing U.S. Route 6; thence South 89 degrees 59 minutes 26 seconds West, 281.04 feet; thence South 89 degrees 04 minutes 26 seconds West, 125.62 feet; thence South 84 degrees 16

New matter indicated by italics - deletions by strikeout
minutes 26 seconds West, 125.62 feet; thence South 76 degrees 29 minutes 26 seconds West, 77.13 feet; thence South 73 degrees 21 minutes 26 seconds West, 26.2 feet to the west line of said East 12.00 acres; thence North 00 degrees 21 minutes 50 seconds West, 70.0 feet along said west line to the Point of Beginning, said tract containing 0.522 acre, more or less, situated in Utica Township, LaSalle County, Illinois.

Section 10. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Sections 900 and 950 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Henry County, Illinois:

Parcel No. 2DHY010

A part of the Southeast Quarter of Section 7, Township 25 North, Range 3 East of the Fourth Principal Meridian, Henry County, State of Illinois, described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 7; thence South 00 degrees 29 minutes 46 seconds West, 630.78 feet (Bearings assumed for description purposes only) on the east line of said Southeast Quarter; thence North 58 degrees 46 minutes 14 seconds West, 63.72 feet to the Point of Beginning.

From the Point of Beginning; thence North 58 degrees 46 minutes 14 seconds West, 296.41 feet on the southerly right of way line of an abandoned railroad to the northeast corner of Lot 9 in Block 29 as designated upon the Plat of Gould's Addition to the Village of Cambridge; thence South 00 degrees 28 minutes 21 seconds West, 76.01 feet on the east line of Lot 9 in said Block 29, to the southeast corner of Lot 9 in said Block 29; thence South 89 degrees 48 minutes 24 seconds East, 66.00 feet on the easterly extension of the south line of said Block 29; thence South 00 degrees 28 minutes 20 seconds West, 43.85 feet; thence South 54 degrees 20 minutes 39 seconds East, 77.10 feet; thence South 42 degrees 23 minutes 31 seconds East, 65.83 feet; thence North 53 degrees 37 minutes 34 seconds East, 101.11 feet to the Point of Beginning, containing 17,775 square feet (0.408 acres), more or less.

The said Real Estate being also shown by the plat hereto attached and made a part hereof.

Section 15. Upon the payment of the sum of $2,967 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the
Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Logan County, Illinois, to Investment Trust, c/o Thomas Davies, Morton, Illinois:

Parcel No. 675X240
A part of the East 10 acres of the Northeast Quarter of the Northeast Quarter of Section 23, Township 18 North, Range 2 West of the Third Principal Meridian, Logan County, Illinois, said tract being referenced to the relocated centerline of Survey and Plans for Federal Aid Route 73, Section 117,134(X,RS), on file in the office of the Department of Public Works and Buildings of the State of Illinois in Springfield, Illinois, and as acquired by Condemnation December 24, 1975 as Case No. 74-ED-5 and described as follows:
Beginning at the northeast corner of said Section 23; thence North 89 degrees 23 minutes West, 973.9 feet to a point on the centerline of the proposed highway; thence around a curve to the left (tangent to a line at that point having a bearing of South 16 degrees 45 minutes East) having a radius of 2291.8 feet, for a distance of 1205.8 feet to the Point of Beginning.
From said Point of Beginning North, 69.2 feet; thence around a curve to the left (tangent to a line at that point having a bearing of South 45 degrees 41 minutes East) having a radius of 2241.8 feet, for a distance of 457.8 feet; thence South 0 degrees 06 minutes West, 96.9 feet; thence North 68 degrees 14 minutes West, 385.1 feet; thence North 169.2 feet to the Point of Beginning, containing 0.96 acres, excluding the existing highway right of way.

Section 20. Upon the payment of the sum of $8,400 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes and all additional real property interests acquired by the People of the State of Illinois are released over and through the following described land in Logan County, Illinois:

Parcel No. 675X228
A part of the West Half of Section 7, Township 18 North, Range 3 West of the Third Principal Meridian in Logan County, described as follows:
Commencing at the southwest corner of the Southwest Quarter of said Section 7; thence North 00 degrees 44 minutes 04 seconds West along the west line of the Southwest Quarter of Said Section 7, a distance of 339.45 feet to the existing centerline of FA Route 5;

New matter indicated by italics - deletions by strikeout
thence North 35 degrees 23 minutes 03 seconds East along the existing centerline of FA Route 5, a distance of 1492.38 feet; thence North 54 degrees 36 minutes 57 seconds West, a distance of 8.00 feet to the Point of Beginning; thence continuing North 54 degrees 36 minutes 57 seconds West, a distance of 114.08 feet to a point on the existing westerly right of way line of FA Route 5; thence North 43 degrees 19 minutes 05 seconds East, a distance of 87.51 feet; thence North 34 degrees 25 minutes 45 seconds East, a distance of 900.12 feet; thence North 35 degrees 36 minutes 16 seconds East, a distance of 507.38 feet; thence northerly 302.52 feet along a curve to the left having a radius of 5890.66 feet, the chord of said curve bears North 47 degrees 48 minutes 07 seconds East, a distance of 302.49 feet; thence South 54 degrees 36 minutes 57 seconds East, a distance of 50.00 feet; thence South 35 degrees 23 minutes 03 seconds West along a line 8.00 feet northwest of and parallel with the existing centerline of FA Route 5, a distance of 1789.46 feet to the Point of Beginning, containing 4.380 acres, more or less.

Section 25. Upon the payment of the sum of $83,542 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Rock Island County, Illinois, to Diwali, Inc:

Parcel No. 200P21G

A part of the Northeast Quarter of Section 21, Township 17 North, Range 1 West of the Fourth Principal Meridian, Rock Island County, State of Illinois, described as follows:

Commencing at a concrete monument at the northwest corner of the Northeast Quarter of said Section 21; thence North 88 degrees 33 minutes 08 seconds East, (Bearings assumed for description purposes only) 40.90 feet to the center line of a public highway designated FA Route 138 (US 150); thence South 00 degrees 05 minutes 09 seconds West on said center line 837.61 feet to a point of curve; thence South 00 degrees 05 minutes 09 seconds West on the tangent of said curve 240.16 feet to the westerly extension of the north line of the premises conveyed to Midway Oil Company from Althea Beal by Warranty Deed recorded March 23, 1954 in Book 473 at Page 160 in the Recorder's Office of Rock Island County; thence North 89 degrees 10 minutes 00 seconds East on said north line and westerly extension 139.85 feet to the Point of Beginning.

New matter indicated by italics - deletions by strikeout
From the Point of Beginning, thence North 89 degrees 10 minutes 00 seconds East 211.79 feet on the north line of said premises so conveyed to the northeast corner of said premises so conveyed; thence South 00 degrees 59 minutes 55 seconds East 191.22 feet on the east line of said premises so conveyed; thence northwesterly 288.10 feet on a non-tangential curve to the right, having a radius of 650.00 feet, a central angle of 25 degrees 23 minutes 42 seconds and the long chord of said curve bears North 48 degrees 49 minutes 47 seconds West, a chord distance of 285.75 feet to the Point of Beginning, containing 0.535 acre, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FA Route 138 (US Route 150), previously declared a freeway.

Section 30. Upon the payment of the sum of $2,167 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Kankakee County, Illinois:

Parcel No. 3LR0091

A part of the Northeast Quarter of Section 6, Township 32 North, Range 12 East of the Third Principal Meridian, Kankakee County, Illinois, described as follows: Commencing at an iron pipe at the northeast corner of said Northeast Quarter; thence South 00 degrees 16 minutes 05 seconds West 432.03 feet along the east line of said Northeast Quarter; thence North 89 degrees 44 minutes 25 seconds West 28.16 feet to the easterly right of way line of U.S. Route 45, said point being 25 feet left of Station 595+85; thence North 31 degrees 38 minutes 30 seconds West 287.74 feet along said right of way line to the Point of Beginning, said point being 18 feet left of Station 599+21; thence continuing North 31 degrees 38 minutes 30 seconds West 88.50 feet; thence North 03 degrees 03 minutes 55 seconds East 96.47 feet to the north line of SBI Route 44, as described in the above mentioned right of way plat; thence South 89 degrees 44 minutes 05 seconds East 195.35 feet along said right of way line, said point being 212 feet right of Station 599+21; thence South 42 degrees 03 minutes 30 seconds West 230.00 feet along the east right of way line to the Point of Beginning, containing 19,179 square feet more or less.
Section 35. Upon the payment of the sum of $400 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Logan County, Illinois, to Inland Tool Company:
Parcel No. 675X267
A part of the Northwest Quarter of the Northeast Quarter of Section 14, Township 18 North, Range 2 West of the Third Principal Meridian as recorded in a Final Judgment Order, Parcel 12F, filed as Cause Number 74-ED-4, January 13, 1975 in the Circuit Clerk’s Office in Logan County, Illinois.
Beginning at the northwest corner of the Southeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 2 West of the Third Principal Meridian; thence North 89 degrees 35 minutes West, 915.0 feet to a point on the centerline of the proposed highway; thence South 25 degrees 20 minutes East, along and with said centerline of the proposed highway, 1850.7 feet; thence around a curve tangent to the last named bearing (having a radius of 3819.7 feet) for a distance of 1046.8 feet to a point on the south line of the North Half of the Northeast Quarter of said Section 14; thence South 89 degrees 59 minutes West along the said south line 205.2 feet, to the Point of Beginning.
From said Point of Beginning South 89 degrees 59 minutes West along the said south line, 162.5 feet; thence around a curve to the left (tangent to a line at that point having a bearing of North 37 degrees 15 minutes West) having a radius of 1031.6 feet, for a distance of 100.0 feet; thence North 47 degrees 12 minutes East, 40.0 feet; thence South 65 degrees 29 minutes East, 109.60 feet; thence North 89 degrees 59 minutes East, 94.8 feet; thence South 00 degrees 20 minutes West, 55.0 feet to the Point of Beginning.
Excluding the existing right of way of Township Road 197A and excluding existing right of way of SBI 121 (Illinois Route 121) (0.18 acre) as both now located.
Section 40. Upon the payment of the sum of $7,767 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Logan County, Illinois, to Douglas A. Muck and Laurie E. Muck as joint tenants:

New matter indicated by italics - deletions by strikeout
Parcel No. 675X271

A part of the Northeast Quarter of the Northeast Quarter of Section 14, Township 18 North, Range 2 West of the Third Principal Meridian, said tract being referenced to the relocated centerline of Survey and Plans for Federal Aid Route 73, Section 117,134(X,RS), on file in the office of the Department of Transportation of the State of Illinois in Springfield, Illinois, and recorded as Card No. D-9283 as Document No. 2680777 on April 2, 1974 in the Office of Recorder in Logan County, Illinois.

TRACT A:
Beginning at the northwest corner of the Southeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 2 West of the Third Principal Meridian, thence North 89 degrees 35 minutes West, 915.0 feet to a point on the centerline of the proposed highway; thence South 25 degrees 20 minutes East, along and with said centerline of the proposed highway, 1850.7 feet; thence around a curve to the right tangent to the last named bearing (having a radius of 3819.7 feet) for a distance of 285.6 feet to a point on the west line of the Northeast Quarter of the Northeast Quarter of said Section 14, said point being the Point of Beginning.

From said Point of Beginning North 00 degrees 20 minutes East, along said west line, 156.3 feet; thence around a curve to the right (tangent to a line at that point having a bearing of South 23 degrees 12 minutes East) having a radius of 3879.7 feet, for a distance of 367.6 feet; thence South 00 degrees 20 minutes West, 541.3 feet to a point on the south line of the Northeast Quarter of the Northeast Quarter of said Section 14; thence South 89 degrees 59 minutes West, along said south line, 132.0 feet; thence North 00 degrees 01 minute West, 55.0 feet; thence North 89 degrees 59 minutes East, 81.2 feet; thence North 33 degrees 42 minutes East, 66.6 feet; thence around a curve to the left (tangent to a line at that point having a bearing of North 11 degrees 31 minutes West) having a radius of 3754.7 feet, for a distance of 448.0 feet; thence North 00 degrees 20 minutes East, 190.0 feet to the Point of Beginning, containing 1.48 acres, more or less.

TRACT B:
Beginning at the northwest corner of the Southeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 2 West of the Third Principal Meridian, thence North 89 degrees 35 minutes

New matter indicated by italics - deletions by strikeout
West, 915.0 feet to a point on the centerline of the proposed highway; thence South 25 degrees 20 minutes East, 1850.7 feet; thence around a curve to the right tangent to the last named bearing (having a radius of 3819.7 feet) for a distance of 1046.8 feet to a point on the south line of the Northeast Quarter of the Northeast Quarter of said Section 14; thence North 89 degrees 59 minutes East along said south line, 157.8 feet to the Point of Beginning.
From said Point of Beginning North 00 degrees 20 minutes East, 53.7 feet; thence South 78 degrees 35 minutes East, 100.8 feet; thence South 00 degrees 20 minutes West, 33.7 feet to a point on the said south line; thence South 89 degrees 59 minutes West along said south line 99.0 feet to the Point of Beginning, containing 0.04 acres, more or less.
Excluding the existing right of way (0.13 acre) for Township Road 197A as now located.
The total area contained in Tract A and Tract B is 1.52 acres, more or less.

Parcel No. 675X272
A part of the Northeast Quarter of the Northeast Quarter of Section 14, Township 18 North, Range 2, West of the Third Principal Meridian, said tract being referenced to the relocated centerline of Survey and Plans for Federal Aid Route 73, Section 117,134(X,RS) on file in the office of the Department of Transportation of the State of Illinois in Springfield, Illinois, and recorded on Card No. D-9282 as Document No. 268075 filed April 2, 1974 in the Office of Recorder in Logan County, Illinois.
Beginning at the northwest corner of the Southeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 2 West of the Third Principal Meridian, thence North 89 degrees 35 minutes West, 915.0 feet to a point on the centerline of the proposed highway; thence South 25 degrees 20 minutes East, along and with said centerline of the proposed highway, 1850.7 feet; thence around a curve tangent to the last named bearing (having a radius of 3819.7 feet) for a distance of 725.5 feet to the Point of Beginning.
From said Point of Beginning North 00 degrees 20 minutes East, 210.7 feet; thence around a curve to the right (tangent to a line at that point having a bearing of South 17 degrees 46 minutes East) having a radius of 3879.7 feet, for a distance of 438.8 feet; thence South 48 degrees 55 minutes East, 84.3 feet; thence South 78 degrees 35

New matter indicated by italics - deletions by strikeout
minutes East, 57.0 feet; thence South 00 degrees 20 minutes West, 53.7 feet to a point on the south line of the Northeast Quarter, of the Northeast Quarter of said Section 14; thence South 89 degrees 59 minutes West along the said south line, 231.0 feet; thence North 00 degrees 20 minutes East, 330.6 feet to the Point of Beginning, containing 0.97 acres, more or less.
Excluding the existing right of way (0.13 acre) for Township Road 197A as now located.

Section 45. Upon the payment of the sum of $3,533 to the State of Illinois, the rights or easements of access, crossing, light, air and view from, to and over the following described line and FA Route 49 are restored subject to permit requirements of the State of Illinois, Department of Transportation:
Parcel No. 675X264
A part of the West Half of the Northeast Quarter of Section 15, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, being part of the following tract surveyed by J. Colby Beekman, Recorded in Book 412, Page 544, document no. 238435 beginning at a point that is 411.17 feet south and 3935.7 feet east of the northwest corner of said Section 15, Township 16 North, Range 4 West of the Third Principal Meridian; thence South 13 minutes East, 1568.3 feet; thence West 874 feet; thence North 1560 feet; thence East 874 feet to the place of beginning.
Commencing 148.0 feet east of a found pipe at the southwest corner of aforesaid tract; thence North and parallel with said west line 435.80 feet (436.27 feet measured) to a point on the south existing right of way line of FA Route 49 being a found iron pin being 58.88 feet right of Station 128+75.14 and also being the northwest corner of Lot 1 on the proposed final plat of Taylor Minor Subdivision, said point also being the Point of Beginning of the release of access control; thence northeasterly along the south existing right of way line along a curve to the right having a radius of 3,075.67 feet an arc distance of 460.11 feet and having a chord bearing North 72 degrees 35 minutes 04 seconds East, 459.68 feet to the Point of Termination being 59.84 feet right of Station 133+26.35 and also being the northeast corner of Lot 2 in said Taylor Minor Subdivision.

Section 50. Upon the payment of the sum of $2,917 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described...
land in Sangamon County, Illinois, to Ralph H. Faught and Rebecca J. Faught as joint tenants:
Parcel No. 675X245
A part of the Southeast Quarter of Section 3, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois and being more particularly described as follows:
Beginning at the northeast corner of Lot 3 of Hunting Meadows subdivision, the plat thereof being recorded in Plat Cabinet A in Slide 302 of the Sangamon County Recorder's Office; thence South 73 degrees 36 minutes 39 seconds West (Bearings are based on the Illinois State Plane Coordinate System N.A.D. 1983, West Zone), 80.08 feet along the north line of said Lot 3 to the northwest corner of said Lot 3; thence North 16 degrees 28 minutes 58 seconds West, 75.00 feet along the northerly prolongation of the west line of said Lot 3; thence North 72 degrees 45 minutes 48 seconds East, 80.10 feet to the northerly prolongation of the east line of said Lot 3; thence South 16 degrees 28 minutes 05 seconds East, 80.10 feet along said northerly prolongation of the east line of Lot 3 to the point of beginning, containing 6,054 Square Feet, more or less.
Subject to the existing easement on the property described below.

PERMANENT EASEMENT
A part of the Southeast Quarter of Section 3, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois and being more particularly described as follows:
Beginning at the northeast corner of Lot 3 of Hunting Meadows subdivision, the plat thereof being recorded in Plat Cabinet A in Slide 302 of the Sangamon County Recorder's Office; thence South 73 degrees 36 minutes 39 seconds West (Bearings are based on the Illinois State Plane Coordinate System N.A.D. 1983, West Zone), 80.08 feet along the north line of said Lot 3 to the northwest corner of said Lot 3; thence North 16 degrees 28 minutes 58 seconds West, 20.00 feet; thence North 73 degrees 30 minutes 46 seconds East, 80.08 feet; thence South 16 degrees 28 minutes 05 seconds East, 20.13 feet to the Point of Beginning, containing 1,607 Square Feet, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 55, previously declared a freeway.

New matter indicated by italics - deletions by strikeout
Section 55. Upon the payment of the sum of $1,033 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Montgomery County, Illinois:
Parcel No. 675X230
A part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 8 North, Range 3 West, of the Third Principal Meridian, Montgomery County, Illinois, described as follows:
Beginning at a found 5/8 inch rebar being at the intersection of the southerly existing right of way line of the Norfolk Southern railroad and the east line of the Southeast Quarter of the Northwest Quarter of said Section 36; thence along said section line South 00 degrees 11 minutes 34 seconds West, 75.13 feet to a point on a line being 45.00 feet left of the existing centerline of County Highway 9; thence along said line, South 73 degrees 47 minutes 27 seconds West, 22.47 feet to a found right of way marker; thence North 07 degrees 09 minutes 18 seconds West, 10.13 feet to a found right of way marker on a line being 55.00 feet left of the existing centerline of County Highway 9; thence along said line, South 73 degrees 47 minutes 26 seconds West, 1247.82 feet to the south line of the Southeast Quarter of the Northwest Quarter of said Section 36; thence along said section line, South 87 degrees 05 minutes 55 seconds West, 104.63 feet to a found 5/8 inch rebar at the southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 36; thence North 00 degrees 07 minutes 20 seconds East, 40.07 feet along the west line of the Southeast Quarter of the Northwest Quarter of said Section 36 to the southerly existing right of way line of the Norfolk Southern railroad; thence along said right of way line, North 73 degrees 48 minutes 36 seconds East, 1380.46 feet to the Point of Beginning, containing 1.950 acres of existing right of way.

Section 60. Upon the payment of the sum of $3,067 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Schuyler County, Illinois:
Parcel No. 675X236
A part of the Southwest Quarter of the Southeast Quarter of Section 25, Township 2 North, Range 2 West, Fourth Principal Meridian,
Schuyler County, Illinois, described as follows:
Commencing at a found ¼" pipe marking the South Quarter Corner of said Section 25; thence South 89 degrees 59 minutes 17 seconds East, 268.00 feet to a point on the west existing right of way line of F.A. Route 4 (US Route 67) as acquired from Bert Hartman and Mary Hartman as shown as recorded in Book 2 Page 188 as document no. 177458, said point being the Point of Beginning; thence along said west right of way line, North 00 degrees 39 minutes 21 seconds East, 94.74 feet to the easterly extension of the north line of Lot 33 in Parkview Addition to Rushville, Illinois; thence along said easterly extension, North 89 degrees 55 minutes 37 seconds East, 43.82 feet to a point being 62.96 feet left of F.A. Route 4 (US Route 67) centerline Station 469+41.11; thence South 28 degrees 40 minutes 21 seconds East, 108.06 feet to a found concrete right of marker at 60.00 feet left of centerline Station 468+33.09; thence North 89 degrees 59 minutes 17 seconds West, 96.76 feet to the Point of Beginning, containing 0.153 acres.

Section 65. Upon the payment of the sum of $21,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Sangamon County, Illinois, to United Community Bank:
Parcel No. 675X290
Part of Lot 41 of County Clerk's Subdivision of part of Section 9, 10, 15 and 16 in Township 15 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois; described more particularly as follows:
Beginning at an iron pin marking the southwest corner of the aforementioned Lot 41; said iron pin marks the beginning of a non-tangent 215.00 foot radius curve to the right, thence northeasterly 218.60 feet along said curve having a long chord with a course of North 33 degrees 12 minutes 26 seconds East and a distance of 209.31 feet to an iron pin on the south right of way line of Adlai Stevenson Drive extended west, thence North 89 degrees 59 minutes 02 seconds East along said right of way line a distance of 31.07 feet to an iron pin, thence South 39 degrees 45 minutes 30 seconds West a distance of 227.82 feet to the Point of Beginning. Said tract contained 6,565 square feet (0.151 acre), more or less, all in the County of Sangamon, State of Illinois.

New matter indicated by italics - deletions by strikeout
Basis of bearing is North 89 degrees 59 minutes 02 seconds East along the south right of way line of Adlai Stevenson Drive.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from Stevenson Drive, nor 6th Street.

Section 70. Subject to an agreement between the Illinois Department of Transportation and the United States Department of the Interior, Fish and Wildlife Service, and subject to the conditions set forth in Section 900 of this Act, the easements for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Pulaski County, Illinois:

Parcel No. 9012X73

General Description: A part of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, County of Pulaski, State of Illinois.

Detail Description: Commencing at the northwest corner of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, located 138.14 feet northerly of the proposed centerline of FAS 942 (Mounds Road) at Station 18+22.55; thence South 00 degrees 37 minutes 20 seconds West along the west line of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, a distance of 67.43 feet to a point in the existing north right of way line of FAS 942 (Mounds Road), located 75.77 feet northerly of the said proposed centerline at Station 18+48.19; thence North 85 degrees 15 minutes 57 seconds East, along said right of way line, a distance of 40.42 feet to a point located 94.51 feet northeasterly of said centerline at Station 18+84.01; thence easterly along a non-tangential curve right, having a radius of 558.17 feet, an arc distance of 12.10 feet, the chord of said curve bears North 85 degrees 52 minutes 57 seconds East, to a point of intersection of the existing and proposed right of way lines located 100.00 feet northeasterly of said centerline at Station 18+94.78, said point being the Point of Beginning of this description; thence South 67 degrees 06 minutes 45 seconds East along the proposed right of way line a distance of 222.46 feet to a point located 100.00 feet northeasterly of said centerline at Station 21+17.24; thence southeasterly along the proposed right of way line and along a tangential curve right, concentric with said centerline, having a radius...
of 1054.93 feet, an arc distance of 393.48 feet, the chord of said curve bears South 56 degrees 25 minutes 38 seconds East, to a point of intersection of the existing and proposed right of way lines located 100.00 feet northeasterly of said centerline at Station 24+73.43; thence northwesterly along the existing right of way line and along a non-tangential curve left, having a radius of 558.16 feet, an arc distance of 646.79 feet, the chord of said curve bears North 60 degrees 17 minutes 48 seconds West, to the Point of Beginning. The above described tract contains 0.572 acres (24921.63 sq. feet) more or less.

AND

General Description: A part of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, County of Pulaski, State of Illinois.

Detail Description: Commencing at the southeast corner of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, located 343.18 feet left of the proposed centerline of FAS 942 (Mounds Road) at Station 41+38.85; thence South 89 degrees 04 minutes 21 seconds West along the south line of the Northwest Quarter of the Northwest Quarter of the said Section 18, a distance of 441.24 feet to a point in the existing north right of way line of FAS 942 (Mounds Road), located 43.78 feet left of the said proposed centerline at Station 36+38.80; thence North 26 degrees 04 minutes 01 second West along the proposed north right of way line of FAS 942 (Mounds Road), a distance of 110.46 feet to a point, located 57.82 feet left of the said proposed centerline at Station 35+29.23, said point being the Point of Beginning for this description; from said Point of Beginning, thence North 26 degrees 04 minutes 01 second West along the proposed north right of way line of FAS 942 (Mounds Road), a distance of 331.92 feet to a point, located 100 feet left of the said proposed centerline at Station 32+00; thence North 33 degrees 22 minutes 04 seconds West along the proposed north right of way line of FAS 942 (Mounds Road), a distance of 186.67 feet to a point in the existing north right of way line of FAS 942 (Mounds Road), located 100 feet left of the said proposed centerline at Station 30+13.33; thence southeasterly along the existing north right of way line of FAS 942 (Mounds Roads) on an arc of a circular curve concave to the southwest, said arc having a radius of 721.30 feet and an internal arc distance of 393.48 feet, the chord of said curve bears South 56 degrees 25 minutes 38 seconds East, to a point of intersection of the existing and proposed right of way lines located 100.00 feet northeasterly of said centerline at Station 24+73.43; thence northwesterly along the existing right of way line and along a non-tangential curve left, having a radius of 558.16 feet, an arc distance of 646.79 feet, the chord of said curve bears North 60 degrees 17 minutes 48 seconds West, to the Point of Beginning. The above described tract contains 0.572 acres (24921.63 sq. feet) more or less.

New matter indicated by italics - deletions by strikeout
angle of 24 degrees 15 minutes 25 seconds, said arc also having a chord that bears South 34 degrees 23 minutes 58 seconds East, an arc distance of 305.37 feet to a point, located 105.46 feet left of the said proposed centerline at Station 33+16.38; thence South 22 degrees 16 minutes 15 seconds East along the existing north right of way line of FAS 942 (Mounds Road), a distance of 220.30 feet to a point, located 63.06 feet left of the said proposed centerline at Station 35+32.56; thence South 89 degrees 04 minutes 21 seconds West along a line, a distance of 6.21 feet to the Point of Beginning for this description. The above described contains 0.178 acres more or less.

Section 75. Upon the payment of the sum of $18,475 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Monroe County, Illinois:

Parcel No. 800XB47
Part of Tax Lot No. 2A of Survey 429, Claim 1800 in Township 1 South, Range 10 West of the Third Principal Meridian, Monroe County, Illinois, described as follows:
Beginning at the point of intersection of the westerly right of way line of the former East St. Louis, Columbia and Waterloo Railway with the Monroe County/St. Clair County line; thence on an assumed bearing of South 19 degrees 17 minutes 42 seconds West on said westerly right of way line, 243.98 feet to the southeast corner of the tract of land dedicated to the State of Illinois according to the Dedication of Right of Way for Public Road Purposes recorded November 12, 1948 in Book 66 of Deeds on Page 455 in the Monroe County Recorder's Office; thence North 66 degrees 19 minutes 55 seconds West on the south line of said tract of land dedicated to the State of Illinois, 114.63 feet to the easterly project right of way line of FAI Route 270 (Interstate Route 255); thence North 26 degrees 16 minutes 07 seconds East on said easterly project right of way line, 294.27 feet to said Monroe County/St. Clair County line; thence South 34 degrees 48 minutes 41 seconds East on said Monroe County/St. Clair County line, 96.98 feet to the Point of Beginning. Parcel 800XB47 herein described contains 0.6068 acre or 26,432 square feet, more or less.
And
Parcel No. 800XB63

New matter indicated by italics - deletions by strikeout
Part of Tax Lot No. 2 of Survey 429, Claim 1800 in Township 1 South, Range 10 West of the Third Principal Meridian, Monroe County, Illinois, described as follows:
Beginning at the point of intersection of the easterly right of way line of the former East St. Louis, Columbia and Waterloo Railway with the Monroe County/St. Clair County line; thence on an assumed bearing of South 34 degrees 48 minutes 41 seconds East on said Monroe County/St. Clair County line, 54.82 feet to the westerly right of way line of Old Illinois Route 3; thence South 22 degrees 45 minutes 58 seconds West on said westerly right of way line of Old Illinois Route 3, a distance of 733.56 feet to a point on said easterly right of way line of the former East St. Louis, Columbia and Waterloo Railway; thence North 19 degrees 17 minutes 42 seconds East on said easterly right of way line of the former East St. Louis, Columbia and Waterloo Railway, 764.35 feet, to the Point of Beginning.
Parcel 800XB63 herein described contains 0.3897 acre, or 16,974 square feet, more or less.
And
Parcel No. 800XB71
Part of Tax Lot No. 2B of Survey 429, Claim 1800 in Township 1 South, Range 10 West of the Third Principal Meridian, Monroe County, Illinois, described as follows:
Beginning at the northwest corner of Lot 5 of George Weber III Commercial Park, a subdivision recorded September 9, 1991 in Plat Envelope 188B in the Monroe County Recorder's Office, said northwest corner lies on the easterly project right of way line of F.A.I. 270 (Interstate Route 255); thence on an assumed bearing of North 32 degrees 26 minutes 24 seconds East on said easterly project right of way line, 93.02 feet; thence North 26 degrees 16 minutes 07 seconds East, continuing on said easterly project right of way line, 405.19 feet to the north line of the tract of land dedicated to the State of Illinois according to the Dedication of Right of Way for Public Road Purposes recorded September 8, 1948 in Book 68 of Deeds on Page 73 in the Monroe County Recorder's Office; thence South 66 degrees 19 minutes 55 seconds East, on said north line, 141.66 feet to a point on the westerly right of way line of the former East St. Louis, Columbia and Waterloo Railway; thence South 19 degrees 17 minutes 42 seconds West on said westerly right of way line, 500.94 feet to the north line of said Lot 5 of George Weber III Commercial

New matter indicated by italics - deletions by strikeout
Park; thence North 65 degrees 35 minutes 01 second West, on said north line of Lot 5, a distance of 212.44 feet, to the Point of Beginning.

Parcel 800XB71 herein described contains 1.9778 acres, or 86,153 square feet, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 270 (I-255), previously declared a freeway.

Section 80. Upon the payment of the sum of $53,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 12 (US 40) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XB13

A line through part of the Northeast Quarter of Section 32, Township 4 North, Range 5 West of the Third Principal Meridian, situated in the City of Highland, Madison County, Illinois and described as follows:

Commencing at the intersection of the north line of the Northeast Quarter of said Section 32 and the existing westerly right of way line of Illinois Route 160; thence on an assumed bearing of South 00 degrees 00 minutes 04 seconds East on said existing westerly right of way line of Illinois Route 160, a distance of 2,426.36 feet to the former northerly right of way line of FA Route 12, Section R-1, as described in the deed to the State of Illinois and recorded in Book 814, Page 229 in the Recorder's Office of Madison County, Illinois and the Point of Beginning.

From said Point of Beginning; thence South 58 degrees 26 minutes 30 seconds West on said former right of way line of FA Route 12, a distance of 45.00 feet; thence on the existing northerly right of way line of said FA Route 12 the following four (4) courses and distances:

(1) continuing South 58 degrees 26 minutes 30 seconds West, 30.88 feet; (2) thence South 76 degrees 59 minutes 06 seconds West, 286.35 feet; (3) thence North 13 degrees 00 minutes 00 seconds West, 10.00 feet; (4) thence South 76 degrees 59 minutes 06 seconds West, 122.50 feet to the southwest corner of a tract of land as described in the warranty deed to Gateway Properties, L.P. as recorded in Book 4404, Page 1620, said southwest corner being the terminus of said line.
Section 85. Upon the payment of the sum of $300 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Williamson County, Illinois, to Davis Prairie Cemetery:

Parcel No. 9183X73

A part of the Northeast Quarter of the Northeast Quarter of Section 23, Township 9 South, Range 3 East of the Third Principal Meridian, Williamson County, Illinois, more particularly described as follows:

Commencing at the northeast corner of said Section 23; thence North 89 degrees 41 minutes 33 seconds West, along the north line of said Section 23, a distance of 623.55 feet to a point; thence South 00 degrees 17 minutes 43 seconds West, a distance of 135.45 feet to a point on the southerly right of way line of FAP 111 located 110.29 feet southerly of the located transitline of FAP 111 (Illinois Route 13) centerline of median at Station 147+64.91, said point being the Point of Beginning of this description; thence South 81 degrees 59 minutes 25 seconds West, along said right of way line, a distance of 383.13 feet to a point located 164.90 feet southerly of said transitline at Station 143+85.97; thence North 00 degrees 17 minutes 43 seconds East a distance of 29.90 feet to a point located 135.00 feet southerly of said transitline at Station 143+85.75; thence South 89 degrees 49 minutes 04 seconds East a distance of 214.25 feet to a point located 134.06 feet southerly of said transitline at Station 146+00.00; thence North 00 degrees 17 minutes 43 seconds East a distance of 24.17 feet to a point located 107.00 feet southerly of said transitline at Station 146+00.00; thence South 89 degrees 49 minutes 04 seconds East a distance of 164.91 feet to the Point of Beginning.

Above described parcel contains 0.119 acres more or less.

All distances as measured from the located centerline of FAP 111 (Illinois Route 13) are measured normal to said centerline.

The basis of the bearings in this description is the Illinois State Plane Coordinate System.

Section 90. Upon the payment of the sum of $2,450 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Woodford County, Illinois:

Parcel No. 3LR0097

New matter indicated by italics - deletions by strikeout
Part of Southeast Quarter of Section 24, Township 26 North, Range 2 West, Third Principal Meridian, Woodford County, Illinois, being more particularly described as follows:
Commencing at the southeast corner of said Section 24, thence North 00 degrees 00 minutes 25 seconds West, 808.02 feet, to the Point of Beginning; thence South 29 degrees 29 minutes 16 seconds West 50.18 feet along the existing right of way line of Illinois 117; thence South 32 degrees 12 minutes 16 seconds West, 75.03 feet along the existing right of way line of Illinois 117; thence southwesterly 456.81 feet along the existing right of way line of Illinois 117 along a 1,032.76 foot radius curve to the right whose chord bears South 39 degrees 41 minutes 58 seconds East, 304.60 feet along a 1,989.86 foot radius curve to the left whose chord bears north 25 degrees 03 minutes 26 seconds East, 304.31 feet; thence North 89 degrees 59 minutes 36 seconds East 32.01 feet; thence South 00 degrees 00 minutes 25 seconds East, 152.00 feet to the Point of Beginning; containing 0.971 acre, more or less.

Section 95. Upon the payment of the sum of $9,850 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in St. Clair County, Illinois:
Parcel No. 800XB27
That part of the Southwest Quarter of the Northwest Quarter of Section 8, Township 2 North, Range 9 West of the Third Principal Meridian, St. Clair County, Illinois, being a tract of land as described in the Administrator's Deed to the State of Illinois as recorded on February 23, 1960 in Book 1669 on Page 96, and more particularly described as follows:
Commencing at the northwest corner of the Southwest Quarter of the Northwest Quarter of Section 8, Township 2 North, Range 9 West of the Third Principal Meridian; thence eastwardly along the northerly line of said Southwest Quarter of the Northwest Quarter of Section 8, a distance of 420.5 feet to a point; thence southerly at right angles to the last said course, a distance of 50.00 feet to the Point of the Beginning.

New matter indicated by italics - deletions by strikeout
From said Point of Beginning; thence in an easterly direction and parallel to said northerly line of said Southwest Quarter of the Northwest Quarter of said Section 8, a distance of 140.0 feet to a stone in the northwesterly right of way line of U.S. Route 40; thence in a southwesterly direction along said northwesterly right of way line of U.S. Route 40, said right of way being an arc of a circle having a radius of 1,005.37 feet, a distance of 121.55 feet to a point; thence in a northwesterly direction along a straight line, 64.43 feet to the Point of Beginning.

Parcel 800XB27 herein described contains 0.0835 acre or 3,636 square feet, more or less. AND

Parcel No. 800XB37
Part of the Northwest Quarter of the Northwest Quarter of Section 8, Township 2 North, Range 9 West of the Third Principal Meridian, St. Clair County, Illinois, described as follows:
Beginning at the southwest corner of said Northwest Quarter of the Northwest Quarter of Section 8; thence on an assumed bearing of South 89 degrees 48 minutes 11 seconds East on the south line of said Quarter Quarter Section, also being the south line of a tract of land described in the Deed for Dedication of Right of Way to the State of Illinois as recorded on March 10, 1924 in Book 584 on Page 207, a distance of 654.72 feet; thence North 00 degrees 11 minutes 49 seconds East, 50.00 feet; thence North 89 degrees 48 minutes 11 seconds West, 655.83 feet to the west line of said Quarter Quarter Section; thence South 01 degree 04 minutes 42 seconds East on said west line, 50.01 feet to the Point of Beginning.

Parcel 800XB37 herein described contains 0.7521 acre or 32,763 square feet, more or less.

Section 100. Upon the payment of the sum of $202,333 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Will County, Illinois, to the Village of Tinley Park:
Parcel No. 1WY1011
That part of the Southeast Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, in Will County, Illinois, described as follows: Commencing at the southeast corner of said Southeast Quarter; thence on an assumed bearing of South 88 degrees 08 minutes 44 seconds West, on the south line of said
Southeast Quarter, 86.43 feet to the Point of Beginning; thence continuing South 88 degrees 08 minutes 44 seconds West, on said south line, 53.57 feet to the west right of way line of Harlem Avenue; thence North 01 degree 38 minutes 39 seconds West, on said west right of way line, 377.68 feet to an angle point in said west right of way line; thence North 03 degrees 56 minutes 11 seconds West, on said west right of way line, 647.60 feet to a point of curvature on said west right of way line; thence northwest on said west right of way line, being a 410.00 foot radius curve concave to the southwest, 276.96 feet, the chord of said curve bears North 23 degrees 17 minutes 11 seconds West, 271.72 feet; thence northwest on said west right of way line, being a 11,349.16 foot radius curve concave to the southwest, 261.05 feet, the chord of said curve bears North 43 degrees 17 minutes 50 seconds West, 261.05 feet; thence North 48 degrees 57 minutes 41 seconds West, on said west right of way line, 264.30 feet to an angle point in said west right of way line; thence North 88 degrees 21 minutes 33 seconds East, on said west right of way line, 78.25 feet; thence South 47 degrees 07 minutes 22 seconds East, 47.53 feet; thence South 43 degrees 35 minutes 33 seconds West, 6.00 feet; thence South 46 degrees 24 minutes 27 seconds East, 12.00 feet; thence North 43 degrees 35 minutes 33 seconds East, 6.15 feet; thence South 46 degrees 22 minutes 21 seconds East, 137.82 feet; thence South 44 degrees 54 minutes 12 seconds East, 158.91 feet; thence South 42 degrees 14 minutes 03 seconds East, 118.94 feet to a point of curvature; thence southeast on a 467.00 foot radius curve concave to the southwest, 307.43 feet, the chord of said curve bears South 23 degrees 22 minutes 29 seconds East, 301.91 feet; thence South 04 degrees 30 minutes 56 seconds East, 282.37 feet; thence South 04 degrees 08 minutes 29 seconds East, 196.49 feet; thence South 03 degrees 39 minutes 37 seconds East, 172.58 feet; thence South 02 degrees 24 minutes 19 seconds East, 178.49 feet; thence South 01 degree 48 minutes 35 seconds East, 195.93 feet to the Point of Beginning.

Said parcel containing 2.060 acres, more or less. It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 80, previously declared a freeway.

Section 105. Upon the payment of the sum of $64,667 to the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 80, previously declared a freeway.
Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Kane County, Illinois:

Parcel No. 1WY0820

That part of the Southeast Quarter of Section 30, Township 42 North, Range 7 East of the Third Principal Meridian, Kane County, Illinois, described as follows:

Commencing at the northeast corner of the said Southeast Quarter of Section 30; thence West along the north line of the said Southeast Quarter of Section 30 for a distance of 1347.4 feet; thence South at right angles to the last described course for a distance of 36.4 feet; thence West at right angles to the last described course for a distance of 247.65 feet; thence southwesterly along a curve to the left having a radius of 25.0 feet and tangent to the last described course for a distance of 34.33 feet to the Point of Beginning, said point being 60.0 feet normally distant southerly of the centerline of SBI Route 5 (U.S. Route 20); thence continuing southerly and southeasterly along said curve 31.76 feet to a point; thence southeasterly along a curve to the right having a radius of 1045.6 feet and tangent to the last described curve at the last described point for a distance of 423.84 feet to a point; thence easterly along a curve to the left having a radius of 25.0 feet and tangent to the last described curve at the last described point for a distance of 23.65 feet to a point on a line parallel with and 67.5 feet normally distant westerly of the centerline of FA Route 64 (State Route 47); thence southerly along said parallel line which forms an angle of 82 degrees 42 minutes to the right with the tangent to the last described curve at the last described point for a distance of 257.7 feet; thence northwesterly along a curve to the left having a radius of 965.6 feet and tangent to a line which forms an angle of 166 degrees 18 minutes to the right with a prolongation of the last described course for a distance of 925.3 feet to a point on a parallel with and 60.0 feet normally distant southerly of the said centerline of SBI Route 5; thence easterly along said parallel line which forms an angle of 168 degrees 19 minutes to the right with the tangent to the last described curve at the last described point for a distance of 292.2 feet to the Point of Beginning, containing 1.307 acres, more or less.

Section 110. Upon the payment of the sum of $65,333 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the

New matter indicated by italics - deletions by strikeout
easement for highway purposes acquired by the People of the State of Illinois
is released over and through the following described land in DuPage County,
Illinois:
Parcel No. 1WY0554

That part of the Southwest Quarter of Section 15, Township 39 North,
Range 9 East of the Third Principal Meridian in DuPage County,
Illinois, lying between the west right-of-way of Illinois Route 59, the
south right-of-way of Dayton Avenue, and a line 30.00 feet to the left
of the centerline of construction as described in dedication recorded
November 16, 1920, as Document No. 145278, said parcel more
particularly described as follows:
Beginning at a point on the southerly right-of-way of Dayton Avenue
(formerly SBI Route 6), said point being the northeast corner of Tract
2 of Plat of Dedication recorded July 27, 1932, as Document No.
327507 as monumented; thence on an assumed bearing of South 86
degrees 02 minutes 29 seconds East, 227.76 feet along said south
right-of-way of Dayton Avenue to the west right-of-way of Illinois
Route 59; thence South 00 degrees 17 minutes 23 seconds East,
208.16 feet along said west right-of-way to said line, 30.00 feet to the
left of centerline described in Document No. 145278; thence
northwesterly, 342.18 feet along said line having a radius of 269.94
feet, the chord of said curve bears North 45 degrees 33 minutes 22
seconds West, 319.73 feet to the Point of Beginning.
Said parcel contains 0.281 acre, more or less.

Section 115. Upon the payment of the sum of $17,250 to the State of
Illinois, and subject to the conditions set forth in Section 900 of this Act, the
Secretary of the Department of Transportation is authorized to convey by
quitclaim deed all right, title and interest in and to the following described
land in Logan County, Illinois, to Kenneth Connolley and C. Jeanne
Connolley:
Parcel No. 675X241

A part of the Southeast Quarter of the Northeast Quarter and a part of
the Northeast Quarter of the Southeast Quarter, all in Section 14,
Township 18 North, Range 2 West of the Third Principal Meridian,
said tract being referenced to the relocated centerline of Survey and
Plans for Federal Aid Route 73, Section 117,134(X, RS) on file in the
Office of the Department of Transportation of the State of Illinois in
Springfield, Illinois.
Beginning at the northwest corner of the Southeast Quarter of the

New matter indicated by italics - deletions by strikeout
Southeast Quarter of Section 11, Township 18 North, Range 2 West of the Third Principal Meridian; thence North 89 degrees 35 minutes West, 915.0 feet to a point on the centerline of the proposed highway; thence South 25 degrees 20 minutes East, along and with said centerline of the proposed highway, 1850.7 feet; thence around a curve to the right tangent to the last named bearing (having a radius of 3819.7 feet) for a distance of 1046.8 feet to the Point of Beginning. From said Point of Beginning North 89 degrees 59 minutes East, 300.0 feet; thence South 00 degrees 01 minute East, 25.0 feet; thence South 77 degrees 12 minutes West, 180.8 feet; thence South 38 degrees 55 minutes West, 78.0 feet; thence around a curve to the right (tangent to a line at that point having a bearing of South 07 degrees 37 minutes East) having a radius of 3874.7 feet, for a distance of 543.1 feet; thence South 00 degrees 25 minutes West, 274.6 feet; thence South 18 degrees 52 minutes East, 105.9 feet; thence South 05 degrees 03 minutes East 669.7 feet; thence North 89 degrees 55 minutes West, 225.0 feet; thence North 04 degrees 57 minutes East, 569.8 feet; thence North 00 degrees 25 minutes East, 374.6 feet; thence around a curve to the left tangent to the last named bearing (having a radius of 3749.7 feet) for a distance of 550.1 feet; thence North 39 degrees 30 minutes West, 81.6 feet; thence South 89 degrees 59 minutes West, 101.0 feet; thence North 00 degrees 20 minutes East, 55.0 feet, thence North 89 degrees 59 minutes East, 205.2 feet; to the Point of Beginning, containing 5.55 acres, more or less except the existing highway right of way for T.R. 197A. Situated in Logan County, Illinois AND A part of the Southeast Quarter of the Northeast Quarter and a part of the Northeast Quarter of the Southeast Quarter, all in Section 14, Township 18 North, Range 2 West of the Third Principal Meridian, said tract being referenced to the relocated centerline of Survey and Plans for Federal Aid Route 73, Section 117,134(X, RS) on file in the office of the Department of Transportation of the State of Illinois in Springfield, Illinois. Beginning at the northwest corner of the Southeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 2 West of the Third Principal Meridian; thence North 89 degrees 35 minutes West, 915.0 feet to a point on the centerline of the proposed highway; thence South 25 degrees 20 minutes East, along and with said

New matter indicated by italics - deletions by strikeout
centerline of the proposed highway, 1850.7 feet; thence around a curve to the right tangent to the last named bearing (having a radius of 3819.7 feet) for a distance of 1716.7 feet; thence South 00 degrees 25 minutes West 274.6 feet; thence South 89 degrees 35 minutes East 55.0 feet to the Point of Beginning. From said Point of Beginning South 18 degrees 52 minutes East 105.9 feet; thence South 05 degrees 03 minutes East 568.7 feet; thence North 89 degrees 55 minutes West 30.0 feet; thence North 05 degrees 03 minutes West 669.7 feet; more or less to the Point of Beginning and containing 0.43 acres, more or less.

Section 120. Upon the payment of the sum of $35,200 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Logan County, Illinois, to Suzanne Harp:

Parcel No. 675X285

A part of the East Half of the Southeast Quarter of Section 14, Township 18 North, Range 2 West of the Third Principal Meridian, said tract being referenced to the relocated centerline of Survey and Plans for Federal Aid Route 73, Section 117,134(X,RS), on file in the office of the Department of Transportation of the State of Illinois in Springfield, Illinois.

Tract A

Beginning at the southeast corner of Section 14, Township 18 North, Range 2 West of the Third Principal Meridian, thence North 89 degrees 23 minutes West, 973.9 feet to a point on the centerline of the proposed highway; thence around a curve to the right (tangent to a line at that point having a bearing of North 16 degrees 45 minutes West) having a radius of 2291.8 feet, for a distance of 572.8 feet to the Point of Beginning.

From said Point of Beginning North 89 degrees 44 minutes West, 80.4 feet; thence North 5 degrees 49 minutes West, 114.6 feet; thence North 6 degrees 47 minutes West, 239.5 feet; thence North 89 degrees 35 minutes West, 95.0 feet; thence North 0 degrees 25 minutes East, 586.3 feet; thence North 56 degrees 42 minutes East, 474.9 feet; thence South 0 degrees 25 minutes West, 349.9 feet; thence South 7 degrees 23 minutes West, 743.1 feet; thence South 0 degrees 02 minutes East, 113.5 feet; thence North 89 degrees 44 minutes West, 88.1 feet to the Point of Beginning, containing 7.12

New matter indicated by italics - deletions by strikeout
acres, more or less, excluding the existing right of way of SBI 121 (IL Route 121) as both now located.

Tract B:
Beginning at the southeast corner of Section 14, Township 18 North, Range 2 West of the Third Principal Meridian; thence North 89 degrees 23 minutes West, 973.9 feet to a point on the centerline of the proposed highway; thence around a curve to the right (tangent to a line at that point having a bearing of North 16 degrees 45 minutes West) having a radius of 2291.8 feet, for a distance of 686.5; thence North 0 degrees 25 minutes East, 1088.9 feet to the Point of Beginning.

From said Point of Beginning South 56 degrees 42 minutes West, 258.5 feet; thence North 0 degrees 25 minutes East, 733.1 feet; thence South 89 degrees 55 minutes East, 325.0 feet; thence South 6 degrees 53 minutes East, 481.1 feet; thence South 56 degrees 42 minutes West, 205.9 feet to the Point of Beginning, containing 4.22 acres more or less, excluding the existing right of way of SBI 121 (IL 121) as both now located.

Section 125. Upon the payment of the sum of $2,500 to the State of Illinois, the rights or easements of access, crossing, light, air and view from, to and over the following described line and FAS Route 12 are restored subject to permit requirements of the State of Illinois, Department of Transportation:
Parcel No. 800XB58
Part of the Southeast Quarter of Section 35, Township 6 North, Range 2 West of the Third Principal Meridian in Bond County, Illinois more particularly described as follows:
Beginning at the intersection of the west right of way line of 7th Street of the Village of Mulberry Grove, Illinois and the north right of way line of FAS Route 12 (U.S. Route 40), as described in Deed Book 114 on Page 353, said point being centerline survey Station 2309+12, 137.00 feet left; thence on an assumed bearing of South 53 degrees 21 minutes 18 seconds West on the north right of way line of FAS Route 12 (U.S. Route 40), a distance of 104.90 feet to a point, said point being centerline survey Station 2308+25, 75.00 feet left; thence South 89 degrees 35 minutes 00 seconds West on said north right of way line, 315.00 feet to a point, said point being centerline survey Station 2305+12, 75.00 feet left, and the point of terminus.
Section 130. Upon the payment of the sum of $1,400 to the State of Illinois, the rights or easements of access, crossing, light, air and view from, to and over the following described line and FAS Route 12 are restored subject to permit requirements of the State of Illinois, Department of Transportation:
Parcel No. 800XB58
Part of the Southeast Quarter of Section 35, Township 6 North, Range 2 West of the Third Principal Meridian in Bond County, Illinois more particularly described as follows:
Beginning at the intersection of the west right of way line of 7th Street of the Village of Mulberry Grove, Illinois and the north right of way line of FAS Route 12 (U.S. Route 40), as described in Deed Book 114 on Page 353, said point being centerline survey Station 2309+12, 137.00 feet left; thence on an assumed bearing of South 53 degrees 21 minutes 18 seconds West on the north right of way line of FAS Route 12 (U.S. Route 40), a distance of 104.90 feet to a point, said point being centerline survey Station 2308+25, 75.00 feet left; thence South 89 degrees 35 minutes 00 seconds West on said north right of way line, 315.00 feet to a point, said point being centerline survey Station 2305+12, 75.00 feet left, and the point of terminus.

New matter indicated by italics - deletions by strikeout
Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Logan County, Illinois, to Cooper Farm, Inc:

Parcel No. 675X296

A part of Northwest Quarter and a part of the Southwest Quarter, all in Section 11, Township 18 North, Range 2 West of the Third Principal Meridian, said tract, being referenced to the relocated centerline of Survey and Plans for Federal Aid Route 73, Section 117, 134(X,RS), on file in the office of the Department of Transportation of the State of Illinois in Springfield, Illinois.

Beginning at the northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 11, thence North 89 degrees 35 minutes West, 915 feet to a point on the centerline of the proposed highway; thence North 25 degrees 20 minutes West, along and with said centerline 480.8 feet; thence around a curve to the right tangent to the last named bearing (having a radius of 2291.8 feet) for a distance of 1028.7 feet to the Point of Beginning.

From said Point of Beginning South 00 degrees 23 minutes West, 610.9 feet; thence around a curve to the right (tangent to a line at that point having a bearing of North 14 degrees 33 minutes West) having a radius of 2371.8 feet, for a distance of 617.9 feet; thence North 00 degrees 23 minutes East, 148.5 feet; thence North 22 degrees 11 minutes east 107.7 feet; thence South 89 degrees 37 minutes East, 40.0 feet; thence South 00 degrees 23 minutes West, 248.5 feet to the Point of Beginning, containing 0.45 acres, and excluding the existing highway right of way of Illinois 121.

Section 135. Upon the payment of the sum of $341,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to Park Ridge Point:

Parcel No. 0ZZ0942

That part of the Northeast Quarter of Section 21, Township 41 North, Range 12 East of the Third Principal Meridian bounded and described as follows: Commencing at the northeast corner of said Section 21; thence South 00 degrees 05 minutes 10 seconds East being an assumed bearing on the east line of the Northeast Quarter of said Section 21, a distance of 49.26 feet to the northeast corner of Lot 1 in

New matter indicated by italics - deletions by strikeout
Methodist Publishing House Re-subdivision according to the plat thereof recorded June 12, 1961 as Document Number 18185502; thence South 77 degrees 28 minutes 47 seconds West on the northerly line of said Lot 1, being the same as the northerly line of Park Ridge Pointe according to the plat thereof recorded April 30, 1997 as Document Number 97303969, a distance of 385.35 feet (386.27 feet = record); thence South 46 degrees 35 minutes 22 seconds West, on the northwesterly line of said Park Ridge Pointe, 437.25 feet (437.00 feet = record); thence South 13 degrees 15 minutes 32 seconds West 50.01 feet; thence South 47 degrees 45 minutes 32 seconds West, 41.00 feet to the northwesterly corner of Lot 1 in said Methodist Publishing House Re-subdivision; thence North 47 degrees 45 minutes 32 seconds East, 33.33 feet to the northeasterly right-of-way line of Old Rand Road as shown on Garland Estate Division according to the plat thereof recorded September 8, 1911 as Document Number 4826189 for the Point of Beginning; thence South 13 degrees 46 minutes 26 seconds West, 73.00 feet; thence South 18 degrees 19 minutes 47 seconds East, 43.30 feet; thence South 34 degrees 09 minutes 22 seconds East, 315.50 feet to the northeasterly line of U.S. Route 14 as established 50.0 feet northeasterly of and concentric to the centerline of said Route 14 as occupied; thence southeasterly on said northeasterly line, 231.58 feet along a curved line to the right, concave to the southwest, having a radius of 1054.53 feet, with a chord bearing of South 50 degrees 44 minutes 57 seconds East and a chord distance of 231.11 feet to the northeasterly right-of-way line of said Old Rand Road; thence North 34 degrees 09 minutes 22 seconds West along said northeasterly right-of-way line, 627.65 feet to the Point of Beginning; all in Cook County, Illinois.

Said parcel contains 0.7114 acres more or less.

Section 900. The Secretary of Transportation shall obtain a certified copy of the portion of this Act containing the title, enacting clause, the effective date, the appropriate Section containing the land description of the property to be transferred or otherwise affected under this Act within 60 days after its effective date and, upon receipt of payment required by the Section shall record the certified document in the Recorder's Office in the county which the land is located.

Section 950. The release of an easement for highway purposes authorized by Section 10 shall be made subject to the express condition that any part of the easement that ceases to be used for public purposes shall

New matter indicated by italics - deletions by strikeout
revert back to the State of Illinois, Department of Transportation, without further action on the part of the State or the Department.

Section 999. Effective date. This Act takes effect upon becoming law. Passed in the General Assembly May 31, 2005.
Approved August 22, 2005.
Effective August, 22, 2005.

PUBLIC ACT 94-0657
(Senate Bill No. 1446)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Section 1-119 as follows:
(40 ILCS 5/1-119)
Sec. 1-119. Qualified Illinois Domestic Relations Orders.
(a) For the purposes of this Section:
(1) "Alternate payee" means the spouse, former spouse, child, or other dependent of a member, as designated in a QILDRO.
(2) "Death benefit" means any nonperiodic benefit payable upon the death of a member to a survivor of the member or to the member's estate or designated beneficiary, including any refund of contributions following the member's death, whether or not the benefit is so called under the applicable Article of this Code.
(3) "Disability benefit" means any periodic or nonperiodic benefit payable to a disabled member based on occupational or nonoccupational disability or disease, including any periodic or nonperiodic increases in the benefit, whether or not the benefit is so called under the applicable Article of this Code.
(4) "Member" means any person who participates in or has service credits in a retirement system, including a person who is receiving or is eligible to receive a retirement or disability benefit, without regard to whether the person has withdrawn from service.
(5) "Member's refund" means a return of all or a portion of a member's contributions that is elected by the member (or provided by operation of law) and is payable before the member's death.
(5.5) "Permissive service" means service credit purchased by the member, unused vacation, and unused sick leave that the

New matter indicated by italics - deletions by strikeout
retirement system includes by statute in a member's benefit calculations.

(6) "Qualified Illinois Domestic Relations Order" or "QILDRO" means an Illinois court order that creates or recognizes the existence of an alternate payee's right to receive all or a portion of a member's accrued benefits in a retirement system, is issued pursuant to this Section and Section 503(b)(2) of the Illinois Marriage and Dissolution of Marriage Act, and meets the requirements of this Section. A QILDRO is not the same as a qualified domestic relations order or QDR issued pursuant to Section 414(p) of the Internal Revenue Code of 1986. The requirements of paragraphs (2) and (3) of that Section do not apply to orders issued under this Section and shall not be deemed a guide to the interpretation of this Section; a QILDRO is intended to be a domestic relations order within the meaning of paragraph (11) of that Section.

(7) "Regular payee" means the person to whom a benefit would be payable in the absence of an effective QILDRO.

(7.5) "Regular service" means service credit earned by the member, including a repayment of a refund for regular service that the retirement system includes by statute in a member's benefit calculations. "Regular service" does not include service credit purchased by the member, unused vacation, or unused sick leave.

(8) "Retirement benefit" means any periodic or nonperiodic benefit payable to a retired member based on age or service, or on the amounts accumulated to the credit of the member for retirement purposes, including any periodic or nonperiodic increases in the benefit, whether or not the benefit is so called under the applicable Article of this Code.

(9) "Retirement system" or "system" means any retirement system, pension fund, or other public employee retirement benefit plan that is maintained or established under any of Articles 2 through 18 of this Code.

(10) "Surviving spouse" means the spouse of a member at the time of the member's death.

(11) "Survivor's benefit" means any periodic benefit payable to a surviving spouse, child, parent, or other survivor of a deceased member, including any periodic or nonperiodic increases in the benefit or nonperiodic payment included with the benefit, whether or not the benefit is so called under the applicable Article of this Code.

New matter indicated by italics - deletions by strikeout
(b) (1) An Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for support or the distribution of property, or any proceeding to amend or enforce such support or a property distribution, may order that all or any part of any (i) member's retirement benefit, or (ii) member's refund payable to or on behalf of the member, or (iii) death benefit, or portion thereof, that would otherwise be payable to the member's death benefit beneficiaries or estate be instead paid by the retirement system to the designated alternate payee.

(2) An order issued under this subsection provides only for the diversion to an alternate payee of certain benefits otherwise payable by the retirement system under the provisions of this Code. The existence of a QILDRO shall not cause the retirement system to pay any benefit, or any amount of benefit, to an alternate payee that would not have been payable by the system to a regular payee in the absence of the QILDRO.

(3) A QILDRO shall not affect the vesting, accrual, or amount of any benefit, nor the date or conditions upon which any benefit becomes payable, nor the right of the member or the member's survivors to make any election otherwise authorized under this Code, except as provided in subsections (i) and (j).

(4) A QILDRO shall not apply to or affect the payment of any survivor's benefit, death benefit, disability benefit, life insurance benefit, or health insurance benefit.

(c) (1) A QILDRO must contain the name, mailing residence address, and social security number of the member and of the alternate payee and must identify the retirement system to which it is directed and the court issuing the order.

(2) A QILDRO must specify each benefit to which it applies, and it must specify the amount of the benefit to be paid to the alternate payee. In the case of a non-periodic benefit, this amount must be specified as a dollar amount or as a percentage as specifically provided in subsection (n). In the case of a periodic benefit, this amount must be specified as a dollar amount per month or as a percentage per month as specifically provided in subsection (n). which in the case of a nonperiodic benefit shall be expressed as a dollar amount (except that a nonperiodic benefit payable to an alternate payee of a participant in the self-managed plan authorized under Article 15 of this Code may be expressed as a dollar amount or as a percentage of the participant's account), and in the case of a periodic benefit shall be expressed as a dollar amount per month.

New matter indicated by italics - deletions by strikeout
(3) With respect to each benefit to which it applies, a QILDRO must specify when the order will take effect. In the case of a lump sum benefit payable to an alternate payee of a participant in the self-managed plan authorized under Article 15 of this Code, the benefit shall be paid upon the proper request of the alternate payee. In the case of a periodic benefit that is being paid at the time the order is received, a QILDRO shall take effect immediately or on a specified later date; if it takes effect immediately, it shall become effective on the first benefit payment date occurring at least 30 days after the order is received by the retirement system. In the case of any other benefit, a QILDRO shall take effect when the benefit becomes payable, unless some later date is specified pursuant to subsection (n). except that a lump-sum benefit payable to an alternate payee of a participant in the self-managed plan authorized under Article 15 of this Code may be paid upon the request of the alternate payee. However, in no event shall a QILDRO apply to any benefit paid by the retirement system before or within 30 days after the order is received. A retirement system may adopt rules to prorate the amount of the first and final periodic payments to an alternate payee.

(4) A QILDRO must also contain any provisions required under subsection (n) or (p).

(5) If a QILDRO indicates that the alternate payee is to receive a percentage of any retirement system benefit, the calculations required shall be performed by the member, the alternate payee, their designated representatives or their designated experts. The results of said calculations shall be provided to the retirement system via a QILDRO Calculation Court Order issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage. The QILDRO Calculation Court Order shall follow the form provided in subsection (n-5). The retirement system shall have no duty or obligation to assist in such calculations or in completion of the QILDRO Calculation Court Order, other than to provide the information required to be provided pursuant to subsection (h).

(6) Within 45 days after the receipt of a QILDRO Calculation Court Order, the retirement system shall notify the member and the alternate payee (or one designated representative of each) of the receipt of the Order. If a valid QILDRO underlying the QILDRO Calculation Court Order has not been filed with the retirement system, or if the QILDRO Calculation Court Order does not clearly indicate the amount the retirement system is to pay to the alternate payee, then the retirement system shall at the same time notify the member and the alternate payee (or one designated representative of

New matter indicated by italics - deletions by strikeout
each) of the situation. Unless a valid QILDRO has not been filed with the retirement system, or the QILDRO Calculation Court Order does not clearly indicate the amount the retirement system is to pay the alternate payee, the retirement system shall implement the QILDRO based on the QILDRO Calculation Court Order as soon as administratively possible once benefits are payable. The retirement system shall have no obligation to make any determination as to whether the calculations in the QILDRO Calculation Court Order are accurate or whether the calculations are in accordance with the parties' QILDRO, agreement, or judgment. The retirement system shall not reject a QILDRO Calculation Court Order because the calculations are not accurate or not in accordance with the parties' QILDRO, agreement, or judgment. The retirement system shall have no responsibility for the consequences of its implementation of a QILDRO Calculation Court Order that is inaccurate or not in accordance with the parties' QILDRO, agreement, or judgment.

(d) (1) An order issued under this Section shall not be implemented unless a certified copy of the order has been filed with the retirement system. The system shall promptly notify the member and the alternate payee by first class mail of its receipt of the order.

(2) Neither the retirement system, nor its board, nor any of its employees shall be liable to the member, the regular payee, or any other person for any amount of a benefit that is paid in good faith to an alternate payee in accordance with a QILDRO.

(3) Each new or modified QILDRO or QILDRO Calculation Court Order that is submitted to the retirement system shall be accompanied by a nonrefundable $50 processing fee payable to the retirement system, to be used by the system to defer any administrative costs arising out of the implementation of the order QILDRO.

(e) (1) Each alternate payee is responsible for maintaining a current mailing address on file with the retirement system. The retirement system shall have no duty to attempt to locate any alternate payee by any means other than sending written notice to the last known address of the alternate payee on file with the system.

(2) In the event that the system cannot locate an alternate payee when a benefit becomes payable, the system shall hold the amount of the benefit payable to the alternate payee and make payment to the alternate payee if he or she is located within the following 180 days. If the alternate payee has not been located within 180 days from the date the benefit becomes payable, the system shall pay the benefit and the amounts held to the regular payee. If the

New matter indicated by italics - deletions by strikeout
alternate payee is subsequently located, the system shall thereupon implement the QILDRO, but the interest of the alternate payee in any amounts already paid to the regular payee shall be extinguished. Amounts held under this subsection shall not bear interest.

(f) (1) If the amount of a benefit that is specified in a QILDRO or QILDRO Calculation Court Order for payment to an alternate payee exceeds the actual amount of that benefit payable by the retirement system, the excess shall be disregarded. The retirement system shall have no liability to any alternate payee or any other person for the disregarded amounts.

(2) In the event of multiple QILDROs against a member, the retirement system shall honor all of the QILDROs to the extent possible. However, if the total amount of a benefit to be paid to alternate payees under all QILDROs in effect against the member exceeds the actual amount of that benefit payable by the system, the QILDROs shall be satisfied in the order of their receipt by the system until the amount of the benefit is exhausted, and shall not be adjusted pro rata. Any amounts that cannot be paid due to exhaustion of the benefit shall remain unpaid, and the retirement system shall have no liability to any alternate payee or any other person for such amounts.

(3) A modification of a QILDRO shall be filed with the retirement system in the same manner as a new QILDRO. A modification that does not increase the amount of any benefit payable to the alternate payee, as that amount was designated in the QILDRO, and does not expand the QILDRO to affect any benefit not affected by the unmodified QILDRO, does not affect the priority of payment under subdivision (f)(2); the priority of payment of a QILDRO that has been modified to increase the amount of any benefit payable to the alternate payee, or to expand the QILDRO to affect a benefit not affected by the unmodified QILDRO, shall be based on the date on which the system receives the modification of the QILDRO.

(4) A modification of a QILDRO Calculation Court Order shall be filed with the retirement system in the same manner as a new QILDRO Calculation Court Order.

(g) (1) Upon the death of the alternate payee under a QILDRO, the QILDRO shall expire and cease to be effective, and in the absence of another QILDRO, the right to receive any affected benefit shall revert to the regular payee.

(2) All QILDROs relating to a member's participation in a particular retirement system shall expire and cease to be effective upon the issuance of a member's refund that terminates the member's participation in that retirement system, without regard to whether the refund was paid to the

New matter indicated by italics - deletions by strikeout
member or to an alternate payee under a QILDRO. An expired QILDRO shall not be automatically revived by any subsequent return by the member to service under that retirement system.

(h) (1) Within 45 days after receiving a subpoena from any party to a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage in which a QILDRO may be issued, or after receiving a request from the member, a retirement system shall provide in response to a statement of a member's accumulated contributions, accrued benefits, and other interests in the plan administered by the retirement system based on the data on file with the system on the date the subpoena is received. If so requested in the subpoena, the retirement system shall also provide in response general retirement plan information available to a member; and of any relevant procedures, rules, or modifications to the model QILDRO form that have been adopted by the retirement system.

(1.5) If a QILDRO provides for the alternate payee to receive a percentage of a retirement benefit (as opposed to providing for the alternate payee to receive specified dollar amounts of a retirement benefit), then the retirement system shall provide the applicable information to the member and to the alternate payee, or to one designated representative of each (e.g., the member's attorney and the alternate payee's attorney) as indicated below:

(A) If the member is a participant in the self-managed plan authorized under Article 15 of this Code and the QILDRO provides that the only benefit the alternate payee is to receive is a percentage of a lump sum benefit as of a specific date that has already past, then, within 45 days after the retirement system receives the QILDRO, the retirement system shall provide the lump sum amount to which the QILDRO percentage is to be applied.

(B) For all situations except that situation described in item (A), if the retirement system receives the QILDRO before the member's effective date of retirement, then, within 45 days after the retirement system receives the QILDRO, the retirement system shall provide all of the following information:

(i) The date of the member's initial membership in the retirement system, expressed as month, day, and year, if available, or the most exact date that is available to the retirement system.

(ii) The amount of permissive and regular service the member accumulated in the retirement system from the time of initial membership through the most recent date available

New matter indicated by italics - deletions by strikeout
prior to the retirement system receiving the QILDRO (the dates used by the retirement system shall also be provided). Service amounts shall be expressed using the most exact time increments available to the retirement system (e.g., months or fractions of years).

(iii) The gross amount of the member’s non-reduced monthly annuity benefit earned, calculated as of the most recent date available prior to the retirement system receiving the QILDRO, the date used by the retirement system, and the earliest date the member may be eligible to commence the benefit. This amount shall include any permissive service and upgrades purchased by the member, and those amounts shall be noted separately.

(iv) The gross amount of the member’s refund or partial refund, including any interest payable on those amounts, calculated as of the most recent date available prior to the retirement system receiving the QILDRO (the date used by the retirement system shall also be provided).

(v) The gross amount of the death benefits that would be payable to the member’s death benefit beneficiaries or estate, assuming the member died on the date or a date as close as possible to the date the QILDRO was received by the retirement system, including any interest payable on the amounts, calculated as of the most recent date available prior to the retirement system receiving the QILDRO (the date used by the retirement system shall also be provided).

(vi) Whether the member has notified the retirement system of the date the member intends to retire, and if so, that date.

(vii) If the member has provided a date that he or she intends to retire, the date, if available, that the retirement system reasonably believes will be the member’s effective date of retirement.

(C) For all situations except that situation described in item (A), if the retirement system receives the QILDRO after the effective date of retirement, then, within 45 days after the retirement system receives the QILDRO, or, if the retirement system receives the QILDRO before the member’s effective date of retirement, then as soon as administratively possible before or after the member’s
effective date of retirement (but not later than 45 days after the member's effective date of retirement), the retirement system shall provide all of the following information:

(i) The member's effective date of retirement.
(ii) The date the member commenced benefits or, if not yet commenced, the date the retirement system has scheduled the member's benefits to commence.
(iii) The amount of permissive and regular service the member accumulated in the retirement system from the time of initial membership through the member's effective date of retirement. Service amounts shall be expressed using the most exact time increments available to the retirement system (e.g., months or fractions of years).
(iv) The gross amount of the member's monthly retirement benefit, calculated as of the member's effective date of retirement. This amount shall include any permissive service and upgrades purchased by the member, and those amounts shall be noted separately.
(v) The gross amount of the member's refund or partial refund, including any interest payable on those amounts, calculated as of the member's effective date of retirement.
(vi) The gross amount of death benefits that would be payable to the member's death benefit beneficiaries or estate, assuming the member died on the member's effective date of retirement, including any interest payable on those amounts.
(D) If, and only if, the alternate payee is entitled to benefits under Section VII of the QILDRO, then, within 45 days after the retirement system receives notice of the member's death, the retirement system shall provide the gross amount of death benefits payable, including any interest payable on those amounts, calculated as of the member's date of death.

(2) In no event shall the retirement system be required to furnish to any person an actuarial opinion as to the present value of the member's benefits or other interests.

(3) The papers, entries, and records, or parts thereof, of any retirement system may be proved by a copy thereof, certified under the signature of the secretary of the system or other duly appointed keeper of the records of the system and the corporate seal, if any.
(i) In a retirement system in which a member or beneficiary is required to apply to the system for payment of a benefit, the required application may be made by an alternate payee who is entitled to all of a termination refund or retirement benefit or part of a death benefit that is payable under a QILDRO, provided that all other qualifications and requirements have been met. However, the alternate payee may not make the required application for death benefits while the member is alive or for a member's refund or a retirement benefit if the member is in active service or below the minimum age for receiving an undiscounted retirement annuity in the retirement system that has received the QILDRO or in any other retirement system in which the member has regular or permissive credited service and in which the member's rights under the Retirement Systems Reciprocal Act would be affected as a result of the alternate payee's application for a member's refund or retirement benefit.

(j) (1) So long as there is in effect a QILDRO relating to a member's retirement benefit, the affected member may not elect a form of payment that has the effect of diminishing the amount of the payment to which any alternate payee is entitled, unless the alternate payee has consented to the election in a writing that includes the alternate payee's notarized signature, and this written and notarized consent has been filed with the retirement system.

(2) If a member attempts to make an election prohibited under subdivision (j)(1), the retirement system shall reject the election and advise the member of the need to obtain the alternate payee's consent.

(3) If a retirement system discovers that it has mistakenly allowed an election prohibited under subdivision (j)(1), it shall thereupon disallow that election and recalculate any benefits affected thereby. If the system determines that an amount paid to a regular payee should have been paid to an alternate payee, the system shall, if possible, recoup the amounts as provided in subsection (k) of this Section.

(k) In the event that a regular payee or an alternate payee is overpaid, the retirement system shall have the authority to and shall recoup the amounts by deducting the overpayment from future payments and making payment to the other payee. The system may make deductions for recoupment over a period of time in the same manner as is provided by law or rule for the recoupment of other amounts incorrectly disbursed by the system in instances not involving a QILDRO. The retirement system shall incur no liability to either the alternate payee or the regular payee as a result of any payment made in good faith, regardless of whether the system is able to accomplish
recoupment.

(1) A retirement system that has, before the effective date of this Section, received and implemented a domestic relations order that directs payment of a benefit to a person other than the regular payee may continue to implement that order, and shall not be liable to the regular payee for any amounts paid in good faith to that other person in accordance with the order.

(2) A domestic relations order directing payment of a benefit to a person other than the regular payee that was issued by a court but not implemented by a retirement system prior to the effective date of this Section shall be void. However, a person who is the beneficiary or alternate payee of a domestic relations order that is rendered void under this subsection may petition the court that issued the order for an amended order that complies with this Section.

(3) A retirement system that received a valid QILDRO before the effective date of this amendatory Act of the 94th General Assembly shall continue to implement the QILDRO and shall not be liable to any party for amounts paid in good faith pursuant to the QILDRO.

(m) (1) In accordance with Article XIII, Section 5 of the Illinois Constitution, which prohibits the impairment or diminishment of benefits granted under this Code, a QILDRO issued against a member of a retirement system established under an Article of this Code that exempts the payment of benefits or refunds from attachment, garnishment, judgment or other legal process shall not be effective without the written consent of the member if the member began participating in the retirement system on or before the effective date of this Section. That consent must specify the retirement system, the court case number, and the names and social security numbers of the member and the alternate payee. The consent must accompany the QILDRO when it is filed with the retirement system, and must be in substantially the following form:

CONSENT TO ISSUANCE OF QILDRO

Case Caption: ......................................
Court Case Number: .........................
Member's Name: ...............................
Member's Social Security Number: ..................
Alternate payee's Name: .......................
Alternate payee's Social Security Number: .............

I, (name), a member of the (retirement system), hereby irrevocably consent to the issuance of a Qualified Illinois Domestic Relations Order. I understand that under the Order, certain benefits that would otherwise be

New matter indicated by italics - deletions by strikeout
payable to me, or to my death benefit beneficiaries, surviving spouse or estate, will instead be payable to (name of alternate payee). I also understand that my right to elect certain forms of payment of my retirement benefit or member's refund may be limited as a result of the Order.

DATED:....................
SIGNED:.....................

(2) A member's consent to the issuance of a QILDRO shall be irrevocable, and shall apply to any QILDRO that pertains to the alternate payee and retirement system named in the consent.

(n) A QILDRO An order issued under this Section shall be in substantially the following form (omitting any provisions that are not applicable to benefits that are or may be ultimately payable to the member):
QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDER

(Enter Case Caption Here)

(Enter Retirement System Name Here)

THIS CAUSE coming before the Court for the purpose of the entry of a Qualified Illinois Domestic Relations Order under the provisions of Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119), the Court having jurisdiction over the parties and the subject matter hereof; the Court finding that one of the parties to this proceeding is a member of a retirement system subject to Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119), this Order is entered to implement a division of that party's interest in the retirement system; and the Court being fully advised;
IT IS HEREBY ORDERED AS FOLLOWS:

I. The definitions and other provisions of Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119) are adopted by reference and made a part of this Order.

II. Identification of Retirement System and parties:
Retirement System:

(Member)

(Enter Retirement System Name Here)

Name)

(Enter Retirement System Name Here)

Address)

Member:

(Member)

(Enter Retirement System Name Here)

Name)

(Enter Retirement System Name Here)

(Mailing Address)

New matter indicated by italics - deletions by strikeout
Alternate payee: ........................................
(Name) ........................................
(Mailing Address)  ........................................
(Social Security Number)

The alternate payee is the member's current or former spouse/ child or other dependent [check one].

III. The Retirement System shall pay the indicated amounts of the member's retirement benefits to the alternate payee under the following terms and conditions:

(A) The Retirement System shall pay the alternate payee pursuant to one of the following methods [complete the ONE option that applies]:

(1) $...... per month [enter amount]; or
(2) ......% [enter percentage] per month of the marital portion of said benefit with the marital portion defined using the formula in Section IX; or
(3) ......% [enter percentage] per month of the gross amount of said benefit calculated as of the date the .... member’s/ .... alternate payee’s [check one] benefit commences [check alternate payee only if the alternate payee will commence benefits after the member commences benefits, e.g. if the member is receiving retirement benefits at the time this Order is entered].

(B) If the member's retirement benefit has already commenced, payments to the alternate payee shall commence either [check/complete the ONE option that applies]:

(1) .... as soon as administratively possible upon this order being received and accepted by the Retirement System; or
(2) .... on the date of ....... [enter any benefit payment date that will occur at least 30 days after the date the retirement system receives a valid QILDRO, but ONLY if payment to the alternate payee is to be delayed to some future date; otherwise, check item (1) above].

(C) If the member's retirement benefit has not yet commenced, payments to the alternate payee shall commence as of the date the

New matter indicated by italics - deletions by strikeout
member's retirement benefit commences.

(D) Payments to the alternate payee under this Section III shall terminate [check/complete the ONE option that applies]:

(1) .... upon the death of the member or the death of the alternate payee, whichever is the first to occur; or

(2) .... after ....... payments are made to the alternate payee [enter any set number] or upon the death of the member or the death of the alternate payee, whichever is the first to occur.

IV. If the member's retirement benefits are subject to annual post-retirement increases, the alternate payee's share of said benefits .... shall/ .... shall not [check one] be recalculated or increased annually to include a proportionate share of the applicable annual increases.

V. The Retirement System shall pay to the alternate payee the indicated amounts of any refund upon termination or any lump sum retirement benefit that becomes payable to the member, under the following terms and conditions:

(A) The Retirement System shall pay the alternate payee pursuant to one of the following methods [complete the ONE option that applies]:

(1) $..... [enter amount]; or

(2) .....% [enter percentage] of the marital portion of the refund or lump sum retirement benefit, with the marital portion defined using the formula in Section IX; or

(3) ......% [enter percentage] of the gross amount of the refund or lump sum retirement benefit, calculated when the member's refund or lump sum retirement benefit is paid.

(B) The amount payable to an alternate payee under Section V(A)(2) or V(A)(3) shall include any applicable interest that would otherwise be payable to the member under the rules of the Retirement System.

(C) The alternate payee's share of the refund or lump sum retirement benefit under this Section V shall be paid when the member's refund or lump sum retirement benefit is paid.

VI. The Retirement System shall pay to the alternate payee the indicated amounts of any partial refund that becomes payable to the member under the following terms and conditions:

(A) The Retirement System shall pay the alternate payee pursuant to one of the following methods [complete the ONE option

New matter indicated by italics - deletions by strikeout

4861
that applies]:

(1) $...... [enter amount]; or
(2) ......% [enter percentage] of the marital portion of said benefit, with the marital portion defined using the formula in Section IX; or
(3) ......% [enter percentage] of the gross amount of the benefit calculated when the member's refund is paid.

(B) The amount payable to an alternate payee under Section VI(A)(2) or VI(A)(3) shall include any applicable interest that would otherwise be payable to the member under the rules of the Retirement System.

(C) The alternate payee's share of the refund under this Section VI shall be paid when the member's refund is paid.

VII. The Retirement System shall pay to the alternate payee the indicated amounts of any death benefits that become payable to the member's death benefit beneficiaries or estate under the following terms and conditions:

(A) To the extent and only to the extent required to effectuate this Section VII, the alternate payee shall be designated as and considered to be a beneficiary of the member at the time of the member's death and shall receive [complete ONE of the following options]:

(1) $...... [enter amount]; or
(2) ......% [enter percentage] of the marital portion of death benefits, with the marital portion defined using the formula in Section IX; or
(3) ......% [enter percentage] of the gross amount of death benefits calculated when said benefits become payable.

(B) The amount payable to an alternate payee under Section VII(A)(2) or VII(A)(3) shall include any applicable interest payable to the death benefit beneficiaries under the rules of the Retirement System.

(C) The alternate payee's share of death benefits under this Section VII shall be paid as soon as administratively possible after the member's death.

VIII. If this Order indicates that the alternate payee is to receive a percentage of any retirement benefit or refund, upon receipt of the information required to be provided by the Retirement System under Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119), the calculations

New matter indicated by italics - deletions by strikeout
required shall be performed by the member, by the alternate payee, or by their designated representatives or designated experts. The results of the calculations shall be provided to the Retirement System via a QILDRO Calculation Court Order in accordance with Section 1-119 of the Illinois Pension Code.

IX. Marital Portion Benefit Calculation Formula (Option to calculate benefit in items III(A)(2), V(A)(2), VI(A)(2), and VII(A)(2) above). If in this Section "other" is circled in the definition of A, B, or C, then a supplemental order must be entered simultaneously with this QILDRO clarifying the intent of the parties or the Court as to that item. The supplemental order cannot require the Retirement System to take any action not permitted under Illinois law or the Retirement System's administrative rules. To the extent that the supplemental order does not conform to Illinois law or administrative rule, it shall not be binding upon the Retirement System.

1. The amount of the alternate payee's benefit shall be the result of (A/B) x C x D where:
   "A" equals the number of months of .... regular/ .... regular plus permissive/ .... other [check only one] service that the member accumulated in the Retirement System from the date of marriage ................ [enter date MM/DD/YYYY] to the date of divorce ................ [enter date MM/DD/YYYY]. This number of months of service shall be calculated as whole months after receipt of information required from the Retirement System pursuant to Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119).
   "B" equals the number of months of .... regular/ .... regular plus permissive/ .... other [check only one] service that the member accumulated in the Retirement System from the time of initial membership in the Retirement System through the member's effective date of retirement. The number of months of service shall be calculated as whole months after receipt of information required from the Retirement System pursuant to Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119).
   "C" equals the gross amount of:
      (i) the member's monthly retirement benefit (Section III(A)) calculated as of the member's effective date of retirement, .... including/ .... not including/ .... other [check only one] permissive service, upgrades

New matter indicated by italics - deletions by strikeout
purchased, and other benefit formula enhancements;
(ii) the member’s refund payable upon termination or lump sum retirement benefit that becomes payable, including any payable interest (Section V(A)) calculated as of the time said refund becomes payable to the member;
(iii) the member's partial refund, including any payable interest (Section VI(A)) calculated as of the time said partial refund becomes payable to the member; or
(iv) the death benefit payable to the member's death benefit beneficiaries or estate, including any payable interest (Section VII(A)) calculated as of the time said benefit becomes payable to the member's beneficiary;

whichever are applicable pursuant to Section III, V, VI, or VII of this Order. These gross amounts shall be provided by the Retirement System pursuant to Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119).

"D" equals the percentage noted in Section III(A)(2), V(A)(2), VI(A)(2), or VII(A)(2), whichever are applicable.

(2) The alternate payee's benefit under this Section IX shall be paid in accordance with all Sections of this Order that apply.

X. In accordance with subsection (j) of Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119), so long as this QILDRO is in effect, the member may not elect a form of payment of the retirement benefit that has the effect of diminishing the amount of the payment to which the alternate payee is entitled, unless the alternate payee has consented to the election in writing, the consent has been notarized, and the consent has been filed with the Retirement System.

XI. If the member began participating in the Retirement System before July 1, 1999, this Order shall not take effect unless accompanied by the written consent of the member as required under subsection (m) of Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119).

XII. The Court retains jurisdiction over this matter for all of the following purposes:

(1) To establish or maintain this Order as a Qualified Illinois Domestic Relations Order.
(2) To enter amended QILDROs and QILDRO Calculation
Court Orders to conform to the parties' Marital Settlement Agreement or Agreement for Legal Separation ("Agreement"), to the parties' Judgment for Dissolution of Marriage or Judgment for Legal Separation ("Judgment"), to any modifications of the parties' Agreement or Judgment, or to any supplemental orders entered to clarify the parties' Agreement or Judgment.

(3) To enter supplemental orders to clarify the intent of the parties or the Court regarding the benefits allocated herein in accordance with the parties' Agreement or Judgment, with any modifications of the parties' Agreement or Judgment, or with any supplemental orders entered to clarify the parties' Agreement or Judgment. A supplemental order may not require the Retirement System to take any action not permitted under Illinois law or the Retirement System's administrative rules. To the extent that the supplemental order does not conform to Illinois law or administrative rule, it shall not be binding upon the Retirement System.

DATED: ......................
SIGNED: .....................
[Judge's Signature]

(n-5) A QILDRO Calculation Court Order issued under this Section shall be in substantially the following form:

QILDRO Calculation Court Order

[Enter case caption here]

[Enter Retirement System name here]

THIS CAUSE coming before the Court for the purpose of the entry of a QILDRO Calculation Court Order under the provisions of Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119), the Court having jurisdiction over the parties and the subject matter hereof; the Court finding that a QILDRO has previously been entered in this matter, that the QILDRO has been received and accepted by the Retirement System, and that the QILDRO requires percentage calculations to allocate the alternate payee's share of the member's benefit or refund, the Court not having found that the QILDRO has become void or invalid, and the Court being fully advised;

IT IS HEREBY ORDERED AS FOLLOWS:

(1) The definitions and other provisions of Section 1-119 of the Illinois Pension Code [40 ILCS 5/1-119] are adopted by reference and made a part of this Order.

New matter indicated by italics - deletions by strikeout
(2) Identification of Retirement System and parties:

Retirement System: ............................
............................
............................

Member: ............................
............................
............................

Alternate payee: ............................
............................
............................

The Alternate payee is the member's .... current or former spouse/ .... child or other dependent [check one].

(3) The following shall apply if and only if the QILDRO allocated benefits to the alternate payee in the specific Section noted. The Retirement System shall pay the amounts as directed below, but only if and when the benefits are payable pursuant to the QILDRO and Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119). Parties shall see QILDRO Section IX for the definitions of A, B, C and D as used below.

(a) The alternate payee's benefit pursuant to QILDRO Section III(A)(2) shall be calculated pursuant to Section IX of the QILDRO and paid as follows:

........... X ........... X ............ = ............
[Enter A] [Enter B] [Enter C] [Enter D] [Monthly Amount]

(b) The alternate payee's benefit pursuant to QILDRO Section V(A)(2) shall be calculated pursuant to Section IX of the QILDRO and paid as follows:

........... X ........... X ............ = ............
[Enter A] [Enter B] [Enter C] [Enter D] [Amount]

(c) The alternate payee's benefit pursuant to QILDRO Section VI(A)(2) shall be calculated pursuant to Section IX of the QILDRO and paid as follows:

........... X ........... X ............ = ............

New matter indicated by italics - deletions by strikeout
(d) The alternate payee's benefit pursuant to QILDRO Section VII(A)(2) shall be calculated pursuant to Section IX of the QILDRO and paid as follows:

\[ \frac{\text{(....)/\text{....).}}}{\times \text{....} \times \text{....} \times \text{....} = \text{....}} \]

The Retirement System's sole obligation with respect to the equations in this paragraph (3) is to pay the amounts indicated as the result of the equations. The Retirement System shall have no obligation to review or verify the equations or to assist in the calculations used to determine such amounts.

(4) The following shall apply only if the QILDRO allocated benefits to the alternate payee in the specific Section noted. The Retirement System shall pay the amounts as directed below, but only if and when the benefits are payable pursuant to the QILDRO and Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119).

(A) The alternate payee's benefit pursuant to QILDRO Section III(A)(3) shall be calculated and paid as follows:

\[ \frac{\text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Monthly Amount]} } {\times \text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Amount]} } = \text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Amount]} \]

(B) The alternate payee's benefit pursuant to QILDRO Section V(A)(3) shall be calculated and paid as follows:

\[ \frac{\text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Amount]} } {\times \text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Amount]} } = \text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Amount]} \]

(C) The alternate payee's benefit pursuant to QILDRO Section VI(A)(3) shall be calculated and paid as follows:

\[ \frac{\text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Amount]} } {\times \text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Amount]} } = \text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Amount]} \]

(D) The alternate payee's benefit pursuant to QILDRO Section VII(A)(3) shall be calculated and paid as follows:

\[ \frac{\text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Amount]} } {\times \text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Amount]} } = \text{[Gross benefit amount]} \times \text{[Percentage]} \times \text{[Amount]} \]

The Retirement System's sole obligation with respect to the equations in this paragraph (4) is to pay the amounts indicated as the result of the equations. The Retirement System shall have no obligation to review or verify the equations or to assist in the calculations used to determine such amounts.

(5) The Court retains jurisdiction over this matter for the following purposes:

(A) to establish or maintain this Order as a QILDRO Calculation Court Order;
(B) to enter amended QILDROs and QILDRO Calculation Court Orders to conform to the parties' QILDRO, Marital Settlement Agreement or Agreement for Legal Separation ("Agreement"), to the parties' Judgment for Dissolution of Marriage or Judgment for Legal Separation ("Judgment"), to any modifications of the parties' QILDRO, Agreement, or Judgment, or to any supplemental orders entered to clarify the parties' QILDRO, Agreement, or Judgment; and

(C) To enter supplemental orders to clarify the intent of the parties or the Court regarding the benefits allocated herein in accordance with the parties' Agreement or Judgment, with any modifications of the parties' Agreement or Judgment, or with any supplemental orders entered to clarify the parties' Agreement or Judgment. A supplemental order may not require the Retirement System to take any action not permitted under Illinois law or the Retirement System's administrative rules. To the extent the supplemental order does not conform to Illinois law or administrative rule, it shall not be binding upon the Retirement System.

DATED: ......................
SIGNED: .....................
[Judge's Signature]

QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDER

THIS CAUSE coming before the Court for the purpose of the entry of a Qualified Illinois Domestic Relations Order under the provisions of Section 1-119 of the Illinois Pension Code, the Court having jurisdiction over the parties and the subject matter hereof; the Court finding that one of the parties to this proceeding is a member of a retirement system subject to Section 1-119 of the Illinois Pension Code, this Order is entered to implement a division of that party's interest in the retirement system; and the Court being fully advised;

IT IS HEREBY ORDERED AS FOLLOWS:

(1) The definitions and other provisions of Section 1-119 of the Illinois Pension Code are adopted by reference and made a part of this Order.

(2) Identification of Retirement System and parties:

Retirement System: (name and address)
Member: (name, residence address and social security number)
Alternate payee: (name, residence address and social security number)

(3) The Retirement System shall pay the indicated amounts of the following specified benefits to the alternate payee under the following terms

New matter indicated by italics - deletions by strikeout
and conditions:

(i) Of the member's retirement benefit, the Retirement System shall pay to the alternate payee $...... per month, beginning (if the benefit is already being paid, either immediately or on a specified later date, otherwise, on the date the retirement benefit commences); and ending upon the termination of the retirement benefit or the death of the alternate payee, whichever occurs first.

(ii) Of any member's refund that becomes payable, the Retirement System shall pay to the alternate payee $...... when the member's refund becomes payable.

(4) In accordance with subsection (j) of Section 1-119 of the Illinois Pension Code, so long as this QILDRO is in effect, the member may not elect a form of payment of the retirement benefit that has the effect of diminishing the amount of the payment to which the alternate payee is entitled, unless the alternate payee has consented to the election in writing and this consent has been filed with the retirement system.

(5) If the member began participating in the Retirement System before the effective date of this Section, this Order shall not take effect unless accompanied by the written consent of the member as required under subsection (m) of Section 1-119 of the Illinois Pension Code.

(6) The Court retains jurisdiction to modify this Order.

DATED:....................
SIGNED:......................

(o) (1) A court in Illinois that has issued a QILDRO shall retain jurisdiction of all issues relating to the modification of the QILDRO as indicated in Section XII of the QILDRO and in accordance with Illinois law. A court in Illinois that has issued a QILDRO Calculation Court Order shall retain jurisdiction of all issues relating to the modification of the QILDRO Calculation Court Order as indicated in Section 5 of the QILDRO Calculation Court Order and in accordance with Illinois law.

(2) The Administrative Review Law and the rules adopted pursuant thereto shall govern and apply to all proceedings for judicial review of final administrative decisions of the board of trustees of the retirement system arising under this Section.

(2) The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. The venue for review under the Administrative Review Law shall be the same as is provided by law for judicial review of other administrative decisions of the retirement system.

(p) (1) Each retirement system may adopt any procedures or rules that
it deems necessary or useful for the implementation of this Section.

(2) Each retirement system may by rule modify the model QILDRO form provided in subsection (n), except that no retirement system may change that form in a way that limits the choices provided to the alternate payee in subsections (n) or (n-5). Each retirement system may by rule or require that additional information be included in QILDROs presented to the system, as may be necessary to meet the needs of the retirement system.

(3) Each retirement system shall define its blank model QILDRO form and blank model QILDRO Calculation Court Order form as an original of the forms or a paper copy of the forms. Each retirement system shall, whenever possible, make the forms available on the internet in non-modifiable computer format (for example, Adobe Portable Document Format files) for printing purposes.

(4) If a retirement system in good faith implements an order under this Section that follows substantially the same form as the model order and the retirement system later discovers that the implemented order was not absolutely identical to the retirement system's model order, the retirement system's implementation shall not be a violation of this Section and the retirement system shall have no responsibility to compensate the member or the alternate payee for moneys that would have been paid or not paid had the order been identical to the model order.

(Source: P.A. 93-347, eff. 7-24-03.)

Section 99. Effective date. This Act takes effect on July 1, 2006.
Passed in the General Assembly May 29, 2005.
Approved August 22, 2005.
Effective July 1, 2006.

PUBLIC ACT 94-0658
(Senate Bill No. 1821)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Pyrotechnic Operator Licensing Act is amended by changing Section 5 as follows:

(225 ILCS 227/5)
Sec. 5. Definitions. In this Act:
"Display fireworks" means any substance or article defined as a Division 1.3G explosive or special effects fireworks 1.4 explosive by the
United States Department of Transportation under 49 C.F.R. 173.50, except a substance or article exempted under the Fireworks Use Act.

"Fireworks" has the meaning given to that term in the Fireworks Use Act.

"Lead pyrotechnic operator" means the individual with overall responsibility for the safety, setup, discharge, and supervision of a pyrotechnic display.

"Office" means Office of the State Fire Marshal.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities.

"Pyrotechnic display" or "display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce a visual or audible effect of an exhibition nature before the public, invitees, or licensees, regardless of whether admission is charged.

(Source: P.A. 93-263, eff. 7-22-03.)

Section 10. The Fireworks Use Act is amended by changing Sections 1, 2, 4.1, and 5 and by adding Sections 2.1, 2.2, and 2.3 as follows:

(425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

Sec. 1. Definitions. As used in this Act, the following words shall have the following meanings:

"1.3G fireworks" means those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

"Consumer distributor" means any person who distributes, offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois to another distributor or directly to any retailer or person for resale.

"Consumer fireworks" means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are
used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

"Consumer fireworks display" or "consumer display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

"Consumer operator" means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in Section 2.2 of this Act.

"Consumer retailer" means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit.

"Display fireworks" means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Operator Licensing Act.

"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines, and as may be further defined in the Pyrotechnic Operator Licensing Act.

"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display and who is licensed pursuant to the Pyrotechnic Operator Licensing Act.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.

"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of a exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Operator Licensing Act.

"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101. The term fireworks shall mean and include any explosive composition, or any
A substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitionary nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects: provided, however, that the term "fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads" and "auto burglar alarms"; sparklers; toy pistols; toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times:

(Source: P.A. 83-474.)

(425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

Sec. 2. Possession, sale, and use of fireworks. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any display fireworks, flame effects, or consumer fireworks; provided that city councils in cities, the president and board of trustees in villages and incorporated towns, and outside the corporate limits of cities, villages and incorporated towns, the county board, shall have power to adopt reasonable rules and regulations for the granting of permits for pyrotechnic and consumer displays. Supervised public displays of fireworks. Every such display shall be handled by a competent individual who is licensed as a lead pyrotechnic operator. Application for permits shall be made in writing at least 15 days in advance of the date of the display and action shall be taken on such application within 48 hours after such application is made. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Permits may be granted hereunder to any groups of 3 or more adult individuals applying therefor. No permit shall be required, under the provisions of this Act, for supervised public displays by State or County fair

New matter indicated by italics - deletions by strikeout
The governing body shall require proof of insurance from the permit applicant in a sum not less than $1,000,000 conditioned on compliance with the provisions of this law and the regulations of the State Fire Marshal adopted hereunder, except that no municipality shall be required to provide evidence of insurance.

Such permit shall be issued only after inspection of the display site by the issuing officer, to determine that such display shall be in full compliance with the rules of the State Fire Marshal, which shall be based upon nationally recognized standards such as those of the National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays and NFPA 1126 guidelines for indoor displays and shall not be hazardous to property or endanger any person or persons. Nothing in this Section shall prohibit the issuer of the permit from adopting more stringent rules.

All indoor pyrotechnic displays shall be conducted in buildings protected by automatic sprinkler systems.

The chief of the fire department providing fire protection coverage to the area of display, or his or her designee, shall sign the permit.

Possession by any party holding a certificate of registration under "The Fireworks Regulation Act of Illinois", filed July 20, 1935, or by any employee or agent of such party or by any person transporting fireworks for such party, shall not be a violation, provided such possession is within the scope of business of the fireworks plant registered under that Act.

(Source: P.A. 93-263, eff. 7-22-03.)

(425 ILCS 35/2.1 new)

Sec. 2.1. Pyrotechnic displays. Each pyrotechnic display shall be conducted by a licensed lead pyrotechnic operator. Applications for a pyrotechnic display permit shall be made in writing at least 15 days in advance of the date of the pyrotechnic display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur. After a permit has been granted, sales, possession, use, and distribution of display fireworks for the display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Pyrotechnic display permits may be granted hereunder to any adult individual applying therefor. No permit shall be required under the provisions of this Act for supervised public displays by State or County fair associations.

The applicant seeking the pyrotechnic display permit must provide

New matter indicated by italics - deletions by strikeout
proof of liability insurance in a sum not less than $1,000,000 to the local governmental entity issuing the permit.

A permit shall be issued only after the chief of the fire department providing fire protection coverage to the area of display, or his or her designee, has inspected the site and determined that the display can be performed in full compliance with the rules adopted by the State Fire Marshal and that the display shall not be hazardous to property or endanger any person or persons. Nothing in this Section shall prohibit the issuer of a permit from adopting more stringent rules.

All indoor pyrotechnic displays shall be conducted in buildings protected by automatic sprinkler systems and meeting the requirements of rules adopted by the State Fire Marshal pursuant to this Act.

Permits shall be signed by the chief of the fire department providing fire protection to the area of display, or his or her designee, and must identify the lead pyrotechnic operator.

(425 ILCS 35/2.2 new)

Sec. 2.2. Consumer displays. Each consumer display shall be handled by a competent individual who has received training from a consumer fireworks training class approved by the Office of the State Fire Marshal. Applications for consumer display permits shall be made in writing at least 15 days in advance of the date of the display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur. After a permit has been granted, sales, possession, use, and distribution of consumer fireworks for display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Permits may be granted hereunder to any adult individual applying for a permit who provides proof that he or she has received the requisite training. The local jurisdiction issuing the permit is authorized to conduct a criminal background check of the applicant as a condition of issuing a permit.

A permit shall be issued only after inspection of the display site by the fire chief providing fire protection coverage to the area of display, or his or her designee, to determine that the display is in full compliance with the rules adopted by the State Fire Marshal. Nothing in this Section shall prohibit the issuer of a permit from adopting more stringent rules.

(425 ILCS 35/2.3 new)

Sec. 2.3. Consumer distributors and retailers. No person may act as a consumer distributor or retailer or advertise or use any title implying that
the person is a consumer distributor or retailer unless registered with the Office of the State Fire Marshal. No consumer fireworks may be distributed, sold, transferred, or provided free of charge to an individual who has not been issued a permit in accordance with Section 2.2 of this Act or has not registered with the Office of the State Fire Marshal in accordance with this Section. No person may sell to a single individual a quantity of consumer fireworks exceeding 499 pounds without prior approval by the Office of the State Fire Marshal. The State Fire Marshal, in the name of the People, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person who has not registered from distributing or selling consumer fireworks. Upon filing a verified petition in court, the court, if satisfied by affidavit, or otherwise, that the person is or has been distributing in violation of this Act, may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings are to be conducted as in other civil cases. The court may enter a judgment permanently enjoining a defendant from further unregistered activity if it is established that the defendant has been or is distributing in violation of this Act. In case of violation of any injunctive order or judgment entered under this Section, the court may summarily try and punish the offender for contempt of court. Injunctive proceedings are in addition to all penalties and other remedies in this Act.

(425 ILCS 35/4.1) (from Ch. 127 1/2, par. 130.1)

Sec. 4.1. The State Fire Marshal may adopt necessary rules and regulations for the administration of this Act which shall be based upon nationally recognized standards such as those of the National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays, NFPA 1126 guidelines for proximate audience displays, and NFPA 160 guidelines for flame effects. The State Fire Marshal is authorized to adopt rules that establish audience proximity distances for consumer display fireworks.

The Office of the State Fire Marshal shall maintain a list of approved consumer fireworks and update the list annually or as new consumer fireworks items are submitted to the Office by consumer distributors.

All applications, permits, and site inspection records shall be on forms approved by the State Fire Marshal.

(Source: P.A. 81-623.)

(425 ILCS 35/5) (from Ch. 127 1/2, par. 131)

Sec. 5. (a) Any person, firm, co-partnership, or corporation violating

New matter indicated by italics - deletions by strikeout
the provisions of this Act, except as provided in subsection b, shall be guilty of a Class A misdemeanor.

(b) The possession, offering for sale, exposing for sale, or selling at retail of fireworks in violation of this Act is:

1. a petty offense if involving up to 1 pound of fireworks, exclusive of external packaging; or
2. a Class B misdemeanor if involving an amount greater than 1 pound but up to 3 pounds of fireworks, exclusive of external packaging; or
3. a Class A misdemeanor if involving an amount greater than 3 pounds of fireworks, exclusive of external packaging.

“External packaging”, for purposes of this subsection, shall mean any materials which are not an integral part of the operative unit of fireworks.

(Source: P.A. 82-620.)

Approved August 22, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0658
(Senate Bill No. 1883)

AN ACT concerning attorneys.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Attorney Act is amended by changing Section 1 as follows:

(705 ILCS 205/1) (from Ch. 13, par. 1)

Sec. 1. No person shall be permitted to practice as an attorney or counselor at law within this State without having previously obtained a license for that purpose from the Supreme Court of this State.

No person shall receive any compensation directly or indirectly for any legal services other than a regularly licensed attorney, nor may an unlicensed person advertise or hold himself or herself out to provide legal services.

A license, as provided for herein, constitutes the person receiving the same an attorney and counselor at law, according to the law and customs thereof, for and during his good behavior in the practice and authorizes him to demand and receive fees for any services which he may render as an attorney and counselor at law in this State. No person shall be granted a
license or renewal authorized by this Act who has defaulted on an educational
loan guaranteed by the Illinois Student Assistance Commission; however, a
license or renewal may be issued to the aforementioned persons who have
established a satisfactory repayment record as determined by the Illinois
Student Assistance Commission. No person shall be granted a license or
renewal authorized by this Act who is more than 30 days delinquent in
complying with a child support order; a license or renewal may be issued,
however, if the person has established a satisfactory repayment record as
determined (i) by the Illinois Department of Public Aid for cases being
enforced under Article X of the Illinois Public Aid Code or (ii) in all other
cases by order of court or by written agreement between the custodial parent
and non-custodial parent. No person shall be refused a license under this Act
on account of sex.

Any person practicing, charging or receiving fees for legal services or
advertising or holding himself or herself out to provide legal services within
this State, either directly or indirectly, without being licensed to practice as
herein required, is guilty of contempt of court and shall be punished
accordingly, upon complaint being filed in any Circuit Court of this State.
Such proceedings shall be conducted in the Courts of the respective counties
where the alleged contempt has been committed in the same manner as in
cases of indirect contempt and with the right of review by the parties thereto.

The provisions of this Act shall be in addition to other remedies
permitted by law and shall not be construed to deprive courts of this State of
their inherent right to punish for contempt or to restrain the unauthorized
practice of law.

Nothing in this Act shall be construed to conflict with, amend, or
modify Section 5 of the Corporation Practice of Law Prohibition Act or
prohibit representation of a party by a person who is not an attorney in a
proceeding before either panel of the Illinois Labor Relations Board under the
Illinois Public Labor Relations Act, as now or hereafter amended, the Illinois
Educational Labor Relations Board under the Illinois Educational Labor
Relations Act, as now or hereafter amended, the State Civil Service
Commission, the local Civil Service Commissions, or the University Civil
Service Merit Board, to the extent allowed pursuant to rules and regulations
promulgated by those Boards and Commissions or the giving of information,
training, or advocacy or assistance in any meetings or administrative
proceedings held pursuant to the federal Individuals with Disabilities
Education Act, the federal Rehabilitation Act of 1973, the federal Americans
with Disabilities Act of 1990, or the federal Social Security Act, to the extent
allowed by those laws or the federal regulations or State statutes implementing those laws.
(Source: P.A. 91-798, eff. 7-9-00.)

Passed in the General Assembly May 27, 2005.
Approved August 22, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0660
(Senate Bill No. 1968)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by adding Section 7-103.113 as follows:

(735 ILCS 5/7-103.113 new)

Sec. 7-103.113. Quick-take; Williamson County. The corporate authorities of Williamson County are hereby authorized to acquire, singularly or jointly with other parties, by gift, purchase, condemnation, or otherwise, any land or interest in land, necessary for the construction and development of a coal mine or transportation facilities to serve a coal mine, to improve or arrange for the improvement of the land and, if deemed to be in the public interest, to convey such land, or interest in land, so acquired and improved to a railroad or company developing the coal mine for fair market value. In addition, quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 94th General Assembly by Williamson County for the acquisition of the following described property for the purpose of constructing a railroad spur line:

PARCEL 1
As described by deed record book 162, page 337:
A triangular tract of land located in the Northwest Quarter of the Southeast Quarter of Section 7, Township 8 South, Range 3 East of the 3rd Principal Meridian bounded and described as follows:
Beginning at the Southwest corner of said Northwest Quarter of the Southeast Quarter and running thence north, along the west line of said land, two hundred forty (240) feet more or less, to a point sixty-five (65) feet northwesterly from the located center line of the track to the Lake Creek Mine, measured at right angle thereto. Thence
south fifty-seven (57) degrees east magnetic bearing, parallel to said center line four hundred (400) feet more or less, to a point in the south line of said land, thence west along said south line three hundred twenty (320) feet more or less, to a point of beginning, containing eighty-eight (0.88) of an acre more or less, excepting the coal underlying same which has heretofore been disposed of.

Parcel 1: Containing an estimated 0.88 Acres.

PARCEL 2
As described by deed record book 162, page 336:
A strip of land one hundred thirty (130) feet wide, extending over and across the north half of the Southwest Quarter of the Southeast Quarter of Section Seven (7), Township Eight (8) South, Range Three (3) East of the Third (3rd) Principal Meridian, said strip of land being sixty-five (65) feet in width on each side of the located center line of the track to Lake Creek Mine. Said located center line intersects the north line of said land, at a point two hundred ten (210) feet east of the northwest corner of said land and run thence south fifty-seven (57) degrees east, magnetic bearing, eleven hundred fifty-three (1153) feet more or less, to a point in the south line of said land one hundred eighty-nine (189) feet west of the southeast corner of said land. Said strip of land contains three and forty-five hundredths (3.45) acres more or less.

Parcel 2: Containing an estimated 3.45 Acres.

PARCEL 3
As described by deed record book 162, page 339:
A triangular tract of land located in the South Half of the Southwest Quarter of the Southeast Quarter of Section Seven (7), Township Eight (8) South, Range Three (3) East of the Third (3rd) Principal Meridian, bounded and described as follows:
Beginning at the northeast corner of said land, and running thence west two hundred seventy (270) feet more or less, to a point fifty (50) feet southwesterly from the located center line to the track to Lake Creek Mine, thence south fifty-seven (57) degrees east, magnetic bearing, parallel to said center line, three hundred thirty (330) feet more or less, to the point of beginning, containing sixty-three hundredths (0.63) of an acre more or less; excepting the coal underlying same which has heretofore been disposed of.

Parcel 3: Containing an estimated 0.63 Acres.

PARCEL 4

New matter indicated by italics - deletions by strikeout
A parcel of land to the extent owned one hundred and thirty-five (135) feet wide located in and running across the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of Section Seven (7), Township Eight (8) South, Range Three (3) East of the Third (3rd) Principal Meridian, bounded and described as follows:
Beginning at the northwest corner of said South Half (S 1/2) of the Southeast Quarter (SE 1/4) of Section Seven (7), Township Eight (8) South, Range Three (3) East and running thence south along the west line of said land fifty-three (53) feet more or less to the point of beginning, thence south along the west line of the said land one hundred and fifty-nine (159) feet thence south fifty-seven degrees (57) east, magnetic bearing eight hundred (800) feet more or less to a point on the south line of Section Seven (7), Township Eight (8) South, Range Three (3) East; said point being six hundred seventy (670) feet east of the southeast corner of said Section Seven (7), thence east along the south line of said Section Seven (7) two hundred twenty-three (223) feet to a point being four hundred and forty-seven (447) feet east of the southeast corner of said Section Seven (7) thence north fifty-seven (57) degrees west one thousand and sixty-four (1064) feet more or less to the point of beginning; containing 1.48 acres more or less.
Parcel 4: Containing an estimated 1.48 Acres.

PUBLIC ACT 94-0661
(Senate Bill No. 2012)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Genetic Counselor Licensing Act is amended by changing Sections 10, 15, 20, 25, 30, 40, 50, 55, 60, 65, 75, 85, 95, and 180 and by adding Section 73 as follows:
(225 ILCS 135/10)
(Section scheduled to be repealed on January 1, 2015)
Sec. 10. Definitions. As used in this Act:

New matter indicated by italics - deletions by strikeout
"ABGC" means the American Board of Genetic Counseling.  
"ABMG" means the American Board of Medical Genetics.  
"Active candidate status" is awarded to applicants who have received approval from the ABGC or ABMG to sit for their respective certification examinations.  
"Department" means the Department of Professional Regulation.  
"Director" means the Director of Professional Regulation.  
"Genetic anomaly" means a variation in an individual's DNA that has been shown to confer a genetically influenced disease or predisposition to a genetically influenced disease or makes a person a carrier of such variation.  
A "carrier" of a genetic anomaly means a person who may or may not have a predisposition or risk of incurring a genetically influenced condition and who is at risk of having offspring with a genetically influenced condition.  
"Genetic counseling" means the provision of services, pursuant to a referral, to individuals, couples, groups, families, and organizations by one or more appropriately trained individuals to address the physical and psychological issues associated with the occurrence or risk of occurrence or recurrence of a genetic disorder, birth defect, disease, or potentially inherited or genetically influenced condition in an individual or a family.  
"Genetic counseling" consists of the following:  
(A) Estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. This assessment may involve:  
   (i) obtaining and analyzing a complete health history of the person and his or her family;  
   (ii) reviewing pertinent medical records;  
   (iii) evaluating the risks from exposure to possible mutagens or teratogens;  
   (iv) recommending genetic testing or other evaluations to diagnose a condition or determine the carrier status of one or more family members;  
(B) Helping the individual, family, health care provider, or health care professional (i) appreciate the medical, psychological and social implications of a disorder, including its features, variability, usual course and management options, (ii) learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members, and (iii) understand available options for coping with, preventing, or reducing the chance of occurrence or recurrence of a condition.

New matter indicated by italics - deletions by strikeout
(C) Facilitating an individual's or family's (i) exploration of the perception of risk and burden associated with the disorder and (ii) adjustment and adaptation to the condition or their genetic risk by addressing needs for psychological, social, and medical support.

"Genetic counselor" means a person licensed under this Act to engage in the practice of genetic counseling.

"Person" means an individual, association, partnership, or corporation.

"Qualified supervisor" means any person who is a licensed genetic counselor, as defined by rule, or a physician licensed to practice medicine in all its branches. A qualified supervisor may be provided at the applicant's place of work, or may be contracted by the applicant to provide supervision. The qualified supervisor shall file written documentation with the Department of employment, discharge, or supervisory control of a genetic counselor at the time of employment, discharge, or assumption of supervision of a genetic counselor.

"Referral" means a written or telecommunicated authorization for genetic counseling services from a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a collaborative agreement with a collaborating physician that authorizes referrals to a genetic counselor, or a physician assistant who has been delegated authority to make referrals to genetic counselors.

"Supervision" means review of aspects of genetic counseling and case management in a bimonthly meeting with the person under supervision.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/15)

(Section scheduled to be repealed on January 1, 2015)

Sec. 15. Exemptions.

(a) This Act does not prohibit any persons legally regulated in this State by any other Act from engaging in the practice for which they are authorized as long as they do not represent themselves by the title of "genetic counselor" or "licensed genetic counselor". This Act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of human services as long as these practitioners do not represent themselves as or use the title of "genetic counselor" or "licensed genetic counselor".

(b) Nothing in this Act shall be construed to limit the activities and services of (i) a student, intern, resident, or fellow in genetic counseling or genetics seeking to fulfill educational requirements in order to qualify for a
license under this Act if these activities and services constitute a part of the student's supervised course of study or (ii) an individual seeking to fulfill the post-degree experience requirements in order to qualify for licensing under this Act, as long as the activities and services are supervised by a qualified supervisor. A student, intern, resident, or fellow must be designated by the title "intern", "resident", "fellow", or any other designation of trainee status. Nothing contained in this subsection shall be construed to permit students, interns, residents, or fellows to offer their services as genetic counselors or geneticists to any other person and to accept remuneration for such genetic counseling services, except as specifically provided in this subsection or subsection (c).

(c) Corporations, partnerships, and associations may employ students, interns, or post-degree candidates seeking to fulfill educational requirements or the professional experience requirements needed to qualify for a license under this Act if their activities and services constitute a part of the student's supervised course of study or post-degree professional experience requirements. Nothing in this subsection shall prohibit a corporation, partnership, or association from contracting with a licensed health care professional to provide services that they are licensed to provide.

(d) Nothing in this Act shall prevent the employment, by a genetic counselor, person, association, partnership, or corporation furnishing genetic counseling services for remuneration, of persons not licensed as genetic counselors under this Act to perform services in various capacities as needed, if these persons are not in any manner held out to the public or do not hold themselves out to the public by any title or designation stating or implying that they are genetic counselors.

(e) Nothing in this Act shall be construed to limit the services of a person, not licensed under the provisions of this Act, in the employ of a federal, State, county, or municipal agency or other political subdivision or not-for-profit corporation providing human services if (i) the services are a part of the duties in his or her salaried position, (ii) the services are performed solely on behalf of his or her employer, and (iii) that person does not in any manner represent himself or herself as or use the title of "genetic counselor" or "licensed genetic counselor".

(f) Duly recognized members of any religious organization shall not be restricted from functioning in their ministerial capacity provided they do not represent themselves as being genetic counselors or as providing genetic counseling.

(g) Nothing in this Act shall be construed to require or prohibit any
hospital, clinic, home health agency, hospice, or other entity that provides health care to employ or to contract with a person licensed under this Act to provide genetic counseling services.

(h) Nothing in this Act shall be construed to prevent any licensed social worker, licensed clinical social worker, licensed clinical psychologist, licensed professional counselor, or licensed clinical professional counselor from practicing professional counseling as long as that person is not in any manner held out to the public as a "genetic counselor" or "licensed genetic counselor" or does not hold out his or her services as being genetic counseling.

(i) Nothing in this Act shall be construed to limit the practice of a person not licensed under this Act who is a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or intern, fellow, or resident from using the title "genetic counselor" or any other title tending to indicate they are a genetic counselor.

(j) Nothing in the Act shall prohibit a visiting ABGC or ABMG certified genetic counselor from outside the State working as a consultant, or organizations from outside the State employing ABGC or ABMG certified genetic counselors providing occasional services, who are not licensed under this Act, from engaging in the practice of genetic counseling subject to the stated circumstances and limitations defined by rule.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/20)

(Section scheduled to be repealed on January 1, 2015)

Sec. 20. Restrictions and limitations.

(a) Beginning 12 months after the adoption of the final administrative rules on January 1, 2006, except as provided in Section 15, no person shall, without a valid license as a genetic counselor issued by the Department (i) in any manner hold himself or herself out to the public as a genetic counselor under this Act; (ii) use in connection with his or her name or place of business the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", or "genetic associate" or any words, letters, abbreviations, or insignia indicating or implying a person has met the qualifications for or has the license issued under this Act; or (iii) offer to render or render to individuals, corporations, or the public genetic counseling services if the words "genetic counselor" or "licensed genetic counselor" are used to describe the person offering to render or rendering them, or "genetic counseling" is used to describe the services rendered or offered to be rendered.

New matter indicated by italics - deletions by strikeout
(b) Beginning 12 months after the adoption of the final administrative rules on January 1, 2006, no licensed genetic counselor may provide genetic counseling to individuals, couples, groups, or families without a written referral from a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a collaborative agreement with a collaborating physician that authorizes referrals to a genetic counselor, or a physician assistant who has been delegated authority to make referrals to genetic counselors. The physician, advanced practice nurse, or physician assistant shall maintain supervision of the patient and be provided written reports on the services provided by the licensed genetic counselor. Genetic testing shall be ordered by a physician licensed to practice medicine in all its branches. Genetic test reports shall be provided to the referring physician, advanced practice nurse, or physician assistant. General seminars or talks to groups or organizations on genetic counseling that do not include individual, couple, or family specific counseling may be conducted without a referral. In clinical settings, genetic counselors who serve as a liaison between family members of a patient and a genetic research project, may, with the consent of the patient, provide information to family members for the purpose of gathering additional information, as it relates to the patient, without a referral. In non-clinical settings where no patient is being treated, genetic counselors who serve as a liaison between a genetic research project and participants in that genetic research project may provide information to the participants, without a referral.

(c) Beginning 12 months after the adoption of the final administrative rules on January 1, 2006, no association or partnership shall practice genetic counseling unless every member, partner, and employee of the association or partnership who practices genetic counseling or who renders genetic counseling services holds a valid license issued under this Act. No license shall be issued to a corporation, the stated purpose of which includes or which practices or which holds itself out as available to practice genetic counseling, unless it is organized under the Professional Service Corporation Act.

(d) Nothing in this Act shall be construed as permitting persons licensed as genetic counselors to engage in any manner in the practice of medicine in all its branches as defined by law in this State.

(e) Nothing in this Act shall be construed to authorize a licensed genetic counselor to diagnose, test, or treat any genetic or other disease or condition.

(f) When, in the course of providing genetic counseling services to

New matter indicated by italics - deletions by strikeout
any person, a genetic counselor licensed under this Act finds any indication of a disease or condition that in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer that person to a physician licensed to practice medicine in all of its branches.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/25)

(Section scheduled to be repealed on January 1, 2015)

Sec. 25. Unlicensed practice; violation; civil penalty.

(a) Beginning 12 months after the adoption of the final administrative rules on January 1, 2006, any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a genetic counselor without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense, as determined by the Department. Civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. (Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/30)

(Section scheduled to be repealed on January 1, 2015)

Sec. 30. Powers and duties of the Department. Subject to the provisions of this Act, the Department may:

(a) authorize examinations to ascertain the qualifications and fitness of applicants for licensing as genetic counselors and pass upon the qualifications of applicants for licensure by endorsement;

(b) conduct hearings on proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, censure, or reprimand persons licensed under this Act, and to refuse to issue or renew or to revoke licenses, or suspend, place on probation, censure, or reprimand persons licensed under this Act;

(c) adopt rules necessary for the administration of this Act; and

(d) maintain rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, or denied renewal.

New matter indicated by italics - deletions by strikeout
for cause within the previous calendar year. These rosters shall be available upon written request and payment of the required fee.
(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/40)

(Section scheduled to be repealed on January 1, 2015)
Sec. 40. Application for original license. Applications for original licenses shall be made to the Department on forms prescribed by the Department and accompanied by the required fee, which is not refundable. All applications shall contain such information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license to practice as a genetic counselor.

If an applicant fails to obtain a license under this Act within 3 years after filing his or her application, the application shall be denied. The applicant may make a new application, which shall be accompanied by the required nonrefundable fee. The applicant shall be required to meet the qualifications required for licensure at the time of reapplication.
(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/50)

(Section scheduled to be repealed on January 1, 2015)
Sec. 50. Examination; failure or refusal to take examination.
(a) Applicants for genetic counseling licensure must provide evidence that they have successfully completed the certification examination provided by the ABGC or ABMG, if they are master's degree trained genetic counselors, or the ABMG, if they are PhD trained medical geneticists; or successfully completed the examination provided by the successor agencies of the ABGC or ABMG. The examinations shall be of a character to fairly test the competence and qualifications of the applicants to practice genetic counseling.

(b) (Blank). If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 2 exam cycles after receiving a temporary license, the application will be denied. However, such applicant may thereafter make a new application for license only if the applicant provides documentation of passing the certification examination offered through the ABGC or ABMG or their successor agencies and satisfies the requirements then in existence for a license.
(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/55)
(Section scheduled to be repealed on January 1, 2015)
Sec. 55. Qualifications for licensure. A person shall be qualified for licensure as a genetic counselor and the Department may issue a license if that person:

(1) has applied in writing in form and substance satisfactory to the Department; is at least 21 years of age;
(2) has not engaged in conduct or activities which would constitute grounds for discipline under this Act;
(3) (i) has successfully completed a Master's degree in genetic counseling from an ABGC or ABMG accredited training program or an equivalent program approved by the ABGC or the ABMG or (ii) is a physician licensed to practice medicine in all its branches or (iii) has a doctoral degree and has successfully completed an ABMG accredited medical genetics training program or an equivalent program approved by the ABMG has not violated any of the provisions of Sections 20 or 25 of this Act or the rules promulgated thereunder. The Department may take into consideration any felony conviction of the applicant but such conviction shall not operate as an absolute bar to licensure;
(4) has successfully completed an examination provided by the ABGC or its successor, the ABMG or its successor, or a substantially equivalent examination approved by the Department; provided documentation of the successful completion of the certification examination and current certification provided by the American Board of Genetic Counseling or the American Board of Medical Genetics, or their successor agencies; and
(5) has paid the fees required by rule; this Act.
(6) has met the requirements for certification set forth by the ABGC or its successor or the ABMG or its successor; and
(7) has met any other requirements established by rule.

(Source: P.A. 93-1041, eff. 9-29-04.)
(225 ILCS 135/60)
(Section scheduled to be repealed on January 1, 2015)

Sec. 60. Temporary licensure. A temporary license may be issued to an individual who has made application to the Department, has submitted evidence to the Department of admission to the certifying examination administered by the ABGC or the ABMG or either of its successor agencies, has met all of the requirements for licensure in accordance with Section 55 of this Act, except the examination requirement of item (4) of Section 55 of this Act, and has met any other condition established by rule. The holder of

New matter indicated by italics - deletions by strikeout
a temporary license shall practice only under the supervision of a qualified supervisor.

(a) A person shall be qualified for temporary licensure as a genetic counselor and the Department shall issue a temporary license if that person:

(1) has successfully completed a Master's degree in genetic counseling from an ABGC or ABMG accredited training program or its equivalent as established by the ABGC or is a physician or has a doctoral degree and has successfully completed an ABMG accredited medical genetics training program or its equivalent as established by the ABMG;

(2) has submitted evidence to the Department of active candidate status for the certifying examination administered by the ABGC or the ABMG or their successor agencies; and

(3) has made application to the Department and paid the required fees.

(b) A temporary license shall allow the applicant to practice under the supervision of a qualified supervisor until he or she receives certification from the ABGC or the ABMG or their successor agencies or 2 exam cycles have elapsed, whichever comes first.

(c) Under no circumstances shall an applicant continue to practice on the temporary license for more than 30 days after notification that he or she has not passed the examination within 2 exam cycles after receiving the temporary license. However, the applicant may thereafter make a new application to the Department for a license satisfying the requirements then in existence for a license:

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/65)

(Section scheduled to be repealed on January 1, 2015)

Sec. 65. Licenses; renewal; restoration; person in military service; inactive status.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. As a condition of renewal of a license, a licensee must complete continuing education requirements established by rule of the Department. The licensee may renew a license during the 30-day period preceding its expiration date by paying the required fee and demonstrating compliance with continuing education requirements established by rule.

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application

New matter indicated by italics - deletions by strikeout
to the Department and filing proof of fitness, as defined by rule, to have the license restored, including, if appropriate, evidence which is satisfactory to the Department certifying the active practice of genetic counseling in another jurisdiction, and by paying the required fee.

(c) If the person has not maintained an active practice in another jurisdiction that is satisfactory to the Department, the Department shall determine the person's fitness to resume active status. The Department may also require the person to complete a specific period of evaluated genetic counseling work experience under the supervision of a qualified clinical supervisor and may require demonstration of completion of continuing education requirements.

(d) Any person whose license expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia, or while in training or education under the supervision of the United States government prior to induction into military service may have his license restored without paying any renewal fees if, within 2 years after the termination of such service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that such service, training, or education has been so terminated.

(e) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, or physical impairment.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/73 new) .

(Section scheduled to be repealed on January 1, 2015)

Sec. 73. Inactive status. A person who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rule of the Department, be excused from payment of renewal fees until he or she notifies the Department, in writing, of his or her desire to resume active status.

A person requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license, pursuant to Section 65 of this Act.

Practice by an individual whose license is on inactive status shall be considered to be the unlicensed practice of genetic counseling and shall be grounds for discipline under this Act.

(225 ILCS 135/75)

(Section scheduled to be repealed on January 1, 2015)
Sec. 75. Fees; deposit of fees. The Department shall, by rule, establish a schedule of fees for the administration and enforcement of this Act. These fees shall be nonrefundable.

All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. The moneys deposited into the General Professions Dedicated Fund shall be used by the Department, as appropriate, for the ordinary and contingent expenses of the Department. Moneys in the General Professions Dedicated Fund may be invested and reinvested, with all earnings received from these investments being deposited into that Fund and used for the same purposes as the fees and fines deposited in that Fund.

The fees imposed under this Act shall be set by rule and are not refundable.

All of the fees collected under this Act shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/85)

(Section scheduled to be repealed on January 1, 2015)

Sec. 85. Endorsement. The Department may issue a license as a genetic counselor, without administering the required examination, to an applicant currently licensed under the laws of another state, a U.S. territory, or another country if the requirements for licensure in that state, U.S. territory, or country are, on the date of licensure, substantially equal to the requirements of this Act or to a person who, at the time of his or her application for licensure, possesses individual qualifications that are substantially equivalent to the requirements of this Act. An applicant under this Section shall pay all of the required fees.

An applicant shall have 3 years from the date of application to complete the application process. If the process has not been completed within the 3-year time period, the application shall be denied, the fee shall be forfeited, and the applicant shall be required to reapply and meet the requirements in effect at the time of reapplication or United States jurisdiction whose standards, in the opinion of the Department, were substantially equivalent at the date of his or her licensure in the other jurisdiction to the requirements of this Act. Such an applicant shall pay all of the required fees. Applicants have 6 months from the date of application to complete the application process. If the process has not been completed within 6 months, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

New matter indicated by italics - deletions by strikeout
Sec. 95. Grounds for discipline.

(a) The Department may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed $1,000 for each violation, with regard to any license for any one or more of the following:

1. Material misstatement in furnishing information to the Department or to any other State agency.
2. Violations or negligent or intentional disregard of this Act, or any of its rules.
3. Conviction of any crime under the laws of the United States or any state or territory thereof that is a felony, a misdemeanor, an essential element of which is dishonesty, or a crime that is directly related to the practice of the profession.
4. Making any misrepresentation for the purpose of obtaining a license, or violating any provision of this Act or its rules.
5. Professional incompetence or gross negligence in the rendering of genetic counseling services.
6. Gross or repeated negligence.
7. Aiding or assisting another person in violating any provision of this Act or any rules.
8. Failing to provide information within 60 days in response to a written request made by the Department.
9. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department.
10. Failing to maintain the confidentiality of any information received from a client, unless otherwise authorized or required by law.
11. Exploiting a client for personal advantage, profit, or interest.
12. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in inability to practice with reasonable skill, judgment, or safety.

New matter indicated by italics - deletions by strikeout
(13) Discipline by another jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(14) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(15) A finding by the Department that the licensee, after having the license placed on probationary status has violated the terms of probation.

(16) Failing to refer a client to other health care professionals when the licensee is unable or unwilling to adequately support or serve the client.

(17) Willfully filing false reports relating to a licensee's practice, including but not limited to false records filed with federal or State agencies or departments.

(18) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(19) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(20) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills which results in the inability to practice the profession with reasonable judgment, skill, or safety.

(21) Solicitation of professional services by using false or misleading advertising.

(22) Failure to file a return, or to pay the tax, penalty of interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(23) A finding that licensure has been applied for or obtained by fraudulent means.

(24) Practicing or attempting to practice under a name other

New matter indicated by italics - deletions by strikeout
than the full name as shown on the license or any other legally authorized name.

(25) Gross overcharging for professional services, including filing statements for collection of fees or monies for which services are not rendered.

(26) Providing genetic counseling services to individuals, couples, groups, or families without a referral from either a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make referrals to a genetic counselor, or a physician assistant who has been delegated authority to make referrals to genetic counselors.

(b) The Department shall deny, without hearing, any application or renewal for a license under this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(c) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the determination of the Director that the licensee be allowed to resume professional practice.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/180)

Sec. 180. Administrative Procedure Act; application. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of such Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the certificate, is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.
(Source: P.A. 93-1041, eff. 9-29-04.)
(225 ILCS 135/70 rep.)
Section 90. The Genetic Counselor Licensing Act is amended by repealing Section 70.
Passed in the General Assembly May 29, 2005.
Approved August 22, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0662
(Senate Bill No. 2053)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Sections 21-310 and 21-315 as follows:
(35 ILCS 200/21-310)
Sec. 21-310. Sales in error.
(a) When, upon application of the county collector, the owner of the certificate of purchase, or a municipality which owns or has owned the property ordered sold, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:
(1) the property was not subject to taxation, or all or any part of the lien of taxes sold has become null and void pursuant to Section 21-95 or unenforceable pursuant to subsection (c) of Section 18-250 or subsection (b) of Section 22-40,
(2) the taxes or special assessments had been paid prior to the sale of the property,
(3) there is a double assessment,
(4) the description is void for uncertainty,
(5) the assessor, chief county assessment officer, board of review, board of appeals, or other county official has made an error (other than an error of judgment as to the value of any property),
(5.5) the owner of the homestead property had tendered timely and full payment to the county collector that the owner reasonably believed was due and owing on the homestead property, and the county collector did not apply the payment to the homestead property; provided that this provision applies only to homeowners, not their

New matter indicated by italics - deletions by strikeout
agents or third-party payors,

(6) prior to the tax sale a voluntary or involuntary petition has been filed by or against the legal or beneficial owner of the property requesting relief under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13, or

(7) the property is owned by the United States, the State of Illinois, a municipality, or a taxing district.

(b) When, upon application of the owner of the certificate of purchase only, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) A voluntary or involuntary petition under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been filed subsequent to the tax sale and prior to the issuance of the tax deed.

(2) The improvements upon the property sold have been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy subsequent to the tax sale and prior to the issuance of the tax deed.

(3) There is an interest held by the United States in the property sold which could not be extinguished by the tax deed.

(4) The real property contains a hazardous substance, hazardous waste, or underground storage tank that would require cleanup or other removal under any federal, State, or local law, ordinance, or regulation, only if the tax purchaser purchased the property without actual knowledge of the hazardous substance, hazardous waste, or underground storage tank. This paragraph (4) applies only if the owner of the certificate of purchase has made application for a sale in error at any time before the issuance of a tax deed.

(c) When the county collector discovers, prior to the expiration of the period of redemption within one year after the date of sale if taxes were sold at annual tax sale or within 180 days after the date of sale if taxes were sold at a scavenger tax sale, that a tax sale should not have occurred for one or more of the reasons set forth in subdivision (a)(1), (a)(2), (a)(6), or (a)(7) of this Section, the county collector shall notify the last known owner of the certificate of purchase by certified and regular mail, or other means reasonably calculated to provide actual notice, that the county collector intends to declare an administrative sale in error and of the reasons therefor, including documentation sufficient to establish the reason why the sale

New matter indicated by italics - deletions by strikeout
should not have occurred. The owner of the certificate of purchase may object in writing within 28 days after the date of the mailing by the county collector. If an objection is filed, the county collector shall not administratively declare a sale in error, but may apply to the circuit court for a sale in error as provided in subsection (a) of this Section. Thirty days following the receipt of notice by the last known owner of the certificate of purchase, or within a reasonable time thereafter, the county collector shall make a written declaration, based upon clear and convincing evidence, that the taxes were sold in error and shall deliver a copy thereof to the county clerk within 30 days after the date the declaration is made for entry in the tax judgment, sale, redemption, and forfeiture record pursuant to subsection (d) of this Section. The county collector shall promptly notify the last known owner of the certificate of purchase of the declaration by regular mail and shall promptly pay the amount of the tax sale, together with interest and costs as provided in Section 21-315, upon surrender of the original certificate of purchase.

(d) If a sale is declared to be a sale in error, the county clerk shall make entry in the tax judgment, sale, redemption and forfeiture record, that the property was erroneously sold, and the county collector shall, on demand of the owner of the certificate of purchase, refund the amount paid, pay any interest and costs as may be ordered under Sections 21-315 through 21-335, and cancel the certificate so far as it relates to the property. The county collector shall deduct from the accounts of the appropriate taxing bodies their pro rata amounts paid.

(Source: P.A. 91-177, eff. 1-1-00; 91-357, eff. 7-29-99; 91-924, eff. 1-1-01; 92-224, eff. 1-1-02; 92-729, eff. 7-25-02.)

(35 ILCS 200/21-315)

Sec. 21-315. Refund of costs; interest on refund.

(a) If a sale in error under Section 21-310, 22-35, or 22-50 is declared, the amount refunded shall also include all costs paid by the owner of the certificate of purchase or his or her assignor which were posted to the tax judgment, sale, redemption and forfeiture record.

(b) In those cases which arise solely under grounds set forth in Section 21-310, the amount refunded shall also include interest on the refund of the amount paid for the certificate of purchase, except as otherwise provided in this Section. Interest shall be awarded and paid to the tax purchaser at the rate of 1% per month from the date of sale to the date of payment, or in an amount equivalent to the penalty interest which would be recovered on a redemption at the time of payment pursuant to the order for sale in error, whichever is less. Interest shall not be paid when the sale in error is made pursuant to
paragraph (2) or (4) of subsection (b) of Section 21-310, Section 22-35, Section 22-50, any ground not enumerated in Section 21-310, or in any other case where the court determines that the tax purchaser had actual knowledge prior to the sale of the grounds on which the sale is declared to be erroneous.

(c) When the county collector files a petition for sale in error under Section 21-310 and mails a notice thereof by certified or registered mail to the last known owner of the certificate of purchase, any interest otherwise payable under this Section shall cease to accrue as of the date the petition is filed, unless the tax purchaser agrees to an order for sale in error upon the presentation of the petition to the court. Notices under this subsection may be mailed to the last known owner of the certificate of purchase. When the owner of the certificate of purchase contests the collector's petition solely to determine whether the grounds for sale in error are such as to support a claim for interest, the court may direct that the principal amount of the refund be paid to the owner of the certificate of purchase forthwith. If the court thereafter determines that a claim for interest lies under this Section, it shall award such interest from the date of sale to the date the principal amount was paid. If the owner of the certificate of purchase files an objection to the county collector's intention to declare an administrative sale in error, as provided under subsection (c) of Section 21-310, and, thereafter, the county collector elects to apply to the circuit court for a sale in error under subsection (a) of Section 21-310, then, if the circuit court grants the county collector's application for a sale in error, the court may not award interest to the owner of the certificate of purchase for the period after the mailing date of the county collector's notice of intention to declare an administrative sale in error.

(Source: P.A. 92-224, eff. 1-1-02; 92-729, eff. 7-25-02.)

Approved August 22, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0663
(Senate Bill No. 2072)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. If and only if the provisions of House Bill 2525 of the 94th General Assembly changing Sections 2 and 8 of the Physical Fitness Services

New matter indicated by italics - deletions by strikeout
Act become law, the Physical Fitness Services Act is amended by changing Sections 2 and 8 as follows:

(815 ILCS 645/2) (from Ch. 29, par. 52)

Sec. 2. Definitions. (a) "Physical fitness center" or "center" means any person or business entity offering physical fitness services to the public.

(b) "Physical fitness services" or "services" includes instruction, training or assistance in physical culture, bodybuilding, exercising, weight reducing, figure development, judo, karate, self-defense training, or any similar activity; use of the facilities of a physical fitness center for any of the above activities; or membership in any group formed by a physical fitness center for any of the above purposes.

(c) "Basic physical fitness services" means access or membership to the physical fitness center and the use of the equipment and facilities as well as any classes, programs or physical fitness services offered by the physical fitness center as provided under subsection (b) of this Section, which are allowed for or provided as part of the membership fee or package, and excluding optional physical fitness services and any non-physical fitness services which may be offered by the physical fitness center.

(d) "Optional physical fitness services" means additional goods or physical fitness services offered by the physical fitness center which are not part of the membership package or contract but are available for additional cost and includes, but are not limited to, personal training services, physical fitness, wellness or exercise classes, nutritional counseling, weight reduction, court time, privileges to use other physical fitness centers, and use of specialized physical fitness equipment or facilities such as rock climbing walls or aquatic facilities.

(e) "Personal training services" means services performed for a fee by a personal trainer or fitness instructor for individuals or groups relating to developing, monitoring or supervising physical training, exercise or fitness programs, education and instruction regarding the use of exercise equipment or techniques, or rendering advice relating to any of the aforementioned subjects or related issues such as diet.

(f) "Non-physical fitness services" means services or amenities offered by the physical fitness center which are not directly related to physical fitness activities and which are not included in the price of membership to the physical fitness center and includes, but are not limited to, locker fees, spa treatments, massage, tanning, personal grooming services, laundry fees, room rental, parking, food and beverage, vitamins, nutritional supplements, shoes, clothing, clothing apparel, and sports or exercise equipment.

New matter indicated by italics - deletions by strikeout
Sec. 8. Prohibited contract provisions. (a) No contract for basic physical fitness services shall require payment of a total amount in excess of $2500 per year, and every such contract must so provide in writing; except that this limit shall not apply to any contract for: (1) family or couple memberships, or (2) group memberships, where the purchaser is a corporation or other business entity or any social, fraternal or charitable organization not created for the purpose of encouraging this contractual arrangement.

(b) No contract for family or couple memberships for basic physical fitness services shall require payment in excess of $2,500 per year per person covered under the membership.

(c) No contract for physical fitness services shall require payments or financing over a period in excess of 3 years from the date the contract is entered into, nor shall the term of any such contract be measured by the life of the customer. The initial term of services to be rendered under the contract may not extend over a period of more than 2 years from the date the parties enter into the contract; provided that the customer may be given an option to renew the contract for consecutive periods of not more than one year each for a reasonable consideration not less than 10% of the cash price of the original membership.

(d) No contract for physical fitness services shall require or entail the execution of any note by the customer which, when separately negotiated, will cut off as to third parties any right of action or defense which the customer may have against the physical fitness center. No right of action or defense arising out of a contract for physical fitness services which the customer has against the center shall be cut off by assignment of the contract whether or not the assignee acquires the contract in good faith and for value. Such an assignee is not a holder in due course.

Approved August 22, 2005.
Effective January 1, 2006.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:
(5 ILCS 140/7) (from Ch. 116, par. 207)
Sec. 7. Exemptions.
(1) The following shall be exempt from inspection and copying:
   (a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.
   (b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:
      (i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;
      (ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;
      (iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;
      (iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;
      (v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a

New matter indicated by italics - deletions by strikeout
clearly unwarranted per se invasion of personal privacy under this subsection; and

(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any public body;

(iii) deprive a person of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or

New matter indicated by italics - deletions by strikeout
local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or

New matter indicated by italics - deletions by strikeout
final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only to the extent that disclosure would compromise security, including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to

New matter indicated by italics - deletions by strikeout
software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

(u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of student or employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.
(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.
(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.
(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.
(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.
(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.
(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.
(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.
(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.
(gg) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

New matter indicated by italics - deletions by strikeout
the State Officials and Employees Ethics Act.

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(kk) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(mm) Maps and other records regarding the location or security of a utility's generation, transmission, distribution, storage, gathering, treatment, or switching facilities.

(nn) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(oo) Records and information provided to a residential health care facility resident sexual assault and death review team or the Residential Health Care Facility Resident Sexual Assault and Death Review Teams Executive Council under the Residential Health Care Facility Resident Sexual Assault and Death Review Team Act.

(pp) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as
provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (pp) shall apply until the conclusion of the trial and appeal of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(2) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff. 8-21-03; 93-617, eff. 12-9-03.)

Section 10. The Capital Crimes Litigation Act is amended by changing Sections 10 and 15 as follows:

(725 ILCS 124/10)

Sec. 10. Court appointed trial counsel; compensation and expenses.

(a) This Section applies only to compensation and expenses of trial counsel appointed by the court as set forth in Section 5, other than public defenders, for the period after arraignment and so long as the State's Attorney has not, at any time, filed a certificate indicating he or she will not seek the death penalty or stated on the record in open court that the death penalty will not be sought.

(a-5) Litigation budget.

(1) In a case in which the State has filed a statement of intent to seek the death penalty, the court shall require appointed counsel, including those appointed in Cook County, after counsel has had adequate time to review the case and prior to engaging trial assistance, to submit a proposed estimated litigation budget for court approval, that will be subject to modification in light of facts and developments that emerge as the case proceeds. Case budgets should be submitted ex parte and filed and maintained under seal in order to protect the defendant's right to effective assistance of counsel, right not to incriminate him or herself and all applicable privileges. Case budgets shall be reviewed and approved by the judge assigned to try the case. As provided under subsection (c) of this Section, petitions for compensation shall be reviewed by both the trial judge and the presiding judge or the presiding judge's designee.

(2) The litigation budget shall serve purposes comparable to those of private retainer agreements by confirming both the court's and the attorney's expectations regarding fees and expenses.

New matter indicated by italics - deletions by strikeout
Consideration should be given to employing an ex parte pretrial conference in order to facilitate reaching agreement on a litigation budget at the earliest opportunity.

(3) The budget shall be incorporated into a sealed initial pretrial order that reflects the understandings of the court and counsel regarding all matters affecting counsel compensation and reimbursement and payments for investigative, expert and other services, including but not limited to the following matters:

(A) The hourly rate at which counsel will be compensated;

(B) The hourly rate at which private investigators, other than investigators employed by the Office of the State Appellate Defender, will be compensated; and

(C) The best preliminary estimate that can be made of the cost of all services, including, but not limited to, counsel, expert, and investigative services, that are likely to be needed through the guilt and penalty phases of the trial. The court shall have discretion to require that budgets be prepared for shorter intervals of time.

(4) Appointed counsel may obtain, subject to later review, investigative, expert or other services without prior authorization if necessary for an adequate defense. If such services are obtained, the presiding judge or the presiding judge's designee shall consider in an ex parte proceeding that timely procurement of necessary services could not await prior authorization. If an ex parte hearing is requested by defense counsel or deemed necessary by the trial judge prior to modifying a budget, the ex parte hearing shall be before the presiding judge or the presiding judge's designee. The judge may then authorize such services nunc pro tunc. If the presiding judge or the presiding judge's designee finds that the services were not reasonable, payment may be denied.

(5) An approved budget shall guide counsel's use of time and resources by indicating the services for which compensation is authorized. The case budget shall be re-evaluated when justified by changed or unexpected circumstances and shall be modified by the court when reasonable and necessary for an adequate defense. If an ex parte hearing is requested by defense counsel or deemed necessary by the trial judge prior to modifying a budget, the ex parte hearing shall be before the presiding judge or the presiding judge's designee.

New matter indicated by italics - deletions by strikeout
(b) Appointed trial counsel shall be compensated upon presentment and certification by the circuit court of a claim for services detailing the date, activity, and time duration for which compensation is sought. Compensation for appointed trial counsel may be paid at a reasonable rate not to exceed $125 per hour. The court shall not authorize payment of bills that are not properly itemized. A request for payment shall be presented under seal and reviewed ex parte with a court reporter present.

Beginning in 2001, every January 20, the statutory rate prescribed in this subsection shall be automatically increased or decreased, as applicable, by a percentage equal to the percentage change in the consumer price index-u during the preceding 12-month calendar year. "Consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84=100. The new rate resulting from each annual adjustment shall be determined by the State Treasurer and made available to the chief judge of each judicial circuit.

(c) Appointed trial counsel may also petition the court for certification of expenses for reasonable and necessary capital litigation expenses including, but not limited to, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists. Counsel may not petition for certification of expenses that may have been provided or compensated by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act. The petitions shall be filed under seal and considered ex parte but with a court reporter present for all ex parte conferences. If the requests are submitted after services have been rendered, the requests shall be supported by an invoice describing the services rendered, the dates the services were performed and the amount of time spent. These petitions shall be reviewed by both the trial judge and the presiding judge of the circuit court or the presiding judge's designee. The petitions and orders shall be kept under seal and shall be exempt from Freedom of Information requests until the conclusion of the trial, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing. If an ex parte hearing is requested by defense counsel or deemed necessary by the trial judge, the hearing shall be before the presiding judge or the presiding judge's designee.

(d) Appointed trial counsel shall petition the court for certification of compensation and expenses under this Section periodically during the course of counsel's representation. The petitions shall be supported by itemized bills.
showing the date, the amount of time spent, the work done and the total being charged for each entry. The court shall not authorize payment of bills that are not properly itemized. The petitions shall be filed under seal and considered ex parte but with a court reporter present for all ex parte conferences. The petitions shall be reviewed by both the trial judge and the presiding judge of the circuit court or the presiding judge's designee. If an ex parte hearing is requested by defense counsel or deemed necessary by the trial judge, the ex parte hearing shall be before the presiding judge or the presiding judge's designee. If the court determines that the compensation and expenses should be paid from the Capital Litigation Trust Fund, the court shall certify, on a form created by the State Treasurer, that all or a designated portion of the amount requested is reasonable, necessary, and appropriate for payment from the Trust Fund. Certification of compensation and expenses by a court in any county other than Cook County shall be delivered by the court to the State Treasurer and paid by the State Treasurer directly from the Capital Litigation Trust Fund if there are sufficient moneys in the Trust Fund to pay the compensation and expenses. The petitions and orders shall be kept under seal and shall be exempt from Freedom of Information requests until the conclusion of the trial and appeal of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing. Certification of compensation and expenses by a court in Cook County shall be delivered by the court to the county treasurer and paid by the county treasurer from moneys granted to the county from the Capital Litigation Trust Fund. 

(Source: P.A. 91-589, eff. 1-1-00.)

(725 ILCS 124/15)

Sec. 15. Capital Litigation Trust Fund.

(a) The Capital Litigation Trust Fund is created as a special fund in the State Treasury. The Trust Fund shall be administered by the State Treasurer to provide moneys for the appropriations to be made, grants to be awarded, and compensation and expenses to be paid under this Act. All interest earned from the investment or deposit of moneys accumulated in the Trust Fund shall, under Section 4.1 of the State Finance Act, be deposited into the Trust Fund.

(b) Moneys deposited into the Trust Fund shall not be considered general revenue of the State of Illinois.

(c) Moneys deposited into the Trust Fund shall be used exclusively for the purposes of providing funding for the prosecution and defense of capital cases and for providing funding for post-conviction proceedings in capital
cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases as provided in this Act and shall not be appropriated, loaned, or in any manner transferred to the General Revenue Fund of the State of Illinois.

(d) Every fiscal year the State Treasurer shall transfer from the General Revenue Fund to the Capital Litigation Trust Fund an amount equal to the full amount of moneys appropriated by the General Assembly (both by original and supplemental appropriation), less any unexpended balance from the previous fiscal year, from the Capital Litigation Trust Fund for the specific purpose of making funding available for the prosecution and defense of capital cases and for the litigation expenses associated with post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases. The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall make annual requests for appropriations from the Trust Fund.

(1) The Public Defender in Cook County shall request appropriations to the State Treasurer for expenses incurred by the Public Defender and for funding for private appointed defense counsel in Cook County.

(2) The State's Attorney in Cook County shall request an appropriation to the State Treasurer for expenses incurred by the State's Attorney.

(3) The State Appellate Defender shall request a direct appropriation from the Trust Fund for expenses incurred by the State Appellate Defender in providing assistance to trial attorneys under item (c)(5) of Section 10 of the State Appellate Defender Act and for expenses incurred by the State Appellate Defender in representing petitioners in capital cases in post-conviction proceedings under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases and for the representation of those petitioners by attorneys approved by or contracted with the State Appellate Defender and an appropriation to the State Treasurer for payments from the Trust Fund for the defense of cases in counties other than Cook County.

(4) The State's Attorneys Appellate Prosecutor shall request
a direct appropriation from the Trust Fund to pay expenses incurred by the State's Attorneys Appellate Prosecutor and an appropriation to the State Treasurer for payments from the Trust Fund for expenses incurred by State's Attorneys in counties other than Cook County.

(5) The Attorney General shall request a direct appropriation from the Trust Fund to pay expenses incurred by the Attorney General in assisting the State's Attorneys in counties other than Cook County and to pay for expenses incurred by the Attorney General when the Attorney General is ordered by the presiding judge of the Criminal Division of the Circuit Court of Cook County to prosecute or supervise the prosecution of Cook County cases and for expenses incurred by the Attorney General in representing the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases. The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General may each request supplemental appropriations from the Trust Fund during the fiscal year.

(e) Moneys in the Trust Fund shall be expended only as follows:

(1) To pay the State Treasurer's costs to administer the Trust Fund. The amount for this purpose may not exceed 5% in any one fiscal year of the amount otherwise appropriated from the Trust Fund in the same fiscal year.

(2) To pay the capital litigation expenses of trial defense and post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases including, but not limited to, DNA testing, including DNA testing under Section 116-3 of the Code of Criminal Procedure of 1963, analysis, and expert testimony, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists, and grants and aid provided to public defenders, appellate defenders, and any attorney approved by or contracted with the State Appellate Defender representing petitioners in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases or assistance to attorneys who have been appointed by the court

New matter indicated by italics - deletions by strikeout
to represent defendants who are charged with capital crimes.

(3) To pay the compensation of trial attorneys, other than public defenders or appellate defenders, who have been appointed by the court to represent defendants who are charged with capital crimes or attorneys approved by or contracted with the State Appellate Defender to represent petitioners in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases.

(4) To provide State's Attorneys with funding for capital litigation expenses and for expenses of representing the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases including, but not limited to, investigatory and other assistance and expert, forensic, and other witnesses necessary to prosecute capital cases. State's Attorneys in any county other than Cook County seeking funding for capital litigation expenses and for expenses of representing the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases including, but not limited to, investigatory and other assistance and expert, forensic, or other witnesses under this Section may request that the State's Attorneys Appellate Prosecutor or the Attorney General, as the case may be, certify the expenses as reasonable, necessary, and appropriate for payment from the Trust Fund, on a form created by the State Treasurer. Upon certification of the expenses and delivery of the certification to the State Treasurer, the Treasurer shall pay the expenses directly from the Capital Litigation Trust Fund if there are sufficient moneys in the Trust Fund to pay the expenses.

(5) To provide financial support through the Attorney General pursuant to the Attorney General Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the Attorney General's Office, except when the Attorney General is ordered by the presiding judge of the Criminal Division of the Circuit Court of Cook County to prosecute or supervise the prosecution of Cook County cases.

(6) To provide financial support through the State's Attorneys...
Appellate Prosecutor pursuant to the State's Attorneys Appellate Prosecutor's Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the State's Attorneys Appellate Prosecutor.

(7) To provide financial support to the State Appellate Defender pursuant to the State Appellate Defender Act. Moneys expended from the Trust Fund shall be in addition to county funding for Public Defenders and State's Attorneys, and shall not be used to supplant or reduce ordinary and customary county funding.

(f) Moneys in the Trust Fund shall be appropriated to the State Appellate Defender, the State's Attorneys Appellate Prosecutor, the Attorney General, and the State Treasurer. The State Appellate Defender shall receive an appropriation from the Trust Fund to enable it to provide assistance to appointed defense counsel and attorneys approved by or contracted with the State Appellate Defender to represent petitioners in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases throughout the State and to Public Defenders in counties other than Cook. The State's Attorneys Appellate Prosecutor and the Attorney General shall receive appropriations from the Trust Fund to enable them to provide assistance to State's Attorneys in counties other than Cook County and when the Attorney General is ordered by the presiding judge of the Criminal Division of the Circuit Court of Cook County to prosecute or supervise the prosecution of Cook County cases. Moneys shall be appropriated to the State Treasurer to enable the Treasurer (i) to make grants to Cook County, (ii) to pay the expenses of Public Defenders, the State Appellate Defender, the Attorney General, the Office of the State's Attorneys Appellate Prosecutor, and State's Attorneys in counties other than Cook County, (iii) to pay the expenses and compensation of appointed defense counsel and attorneys approved by or contracted with the State Appellate Defender to represent petitioners in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases in counties other than Cook County, and (iv) to pay the costs of administering the Trust Fund. All expenditures and grants made from the Trust Fund shall be subject to audit by the Auditor General.

(g) For Cook County, grants from the Trust Fund shall be made and administered as follows:

New matter indicated by italics - deletions by strikeout
(1) For each State fiscal year, the State's Attorney and Public Defender must each make a separate application to the State Treasurer for capital litigation grants.

(2) The State Treasurer shall establish rules and procedures for grant applications. The rules shall require the Cook County Treasurer as the grant recipient to report on a periodic basis to the State Treasurer how much of the grant has been expended, how much of the grant is remaining, and the purposes for which the grant has been used. The rules may also require the Cook County Treasurer to certify on a periodic basis that expenditures of the funds have been made for expenses that are reasonable, necessary, and appropriate for payment from the Trust Fund.

(3) The State Treasurer shall make the grants to the Cook County Treasurer as soon as possible after the beginning of the State fiscal year.

(4) The State's Attorney or Public Defender may apply for supplemental grants during the fiscal year.

(5) Grant moneys shall be paid to the Cook County Treasurer in block grants and held in separate accounts for the State's Attorney, the Public Defender, and court appointed defense counsel other than the Cook County Public Defender, respectively, for the designated fiscal year, and are not subject to county appropriation.

(6) Expenditure of grant moneys under this subsection (g) is subject to audit by the Auditor General.

(7) The Cook County Treasurer shall immediately make payment from the appropriate separate account in the county treasury for capital litigation expenses to the State's Attorney, Public Defender, or court appointed defense counsel other than the Public Defender, as the case may be, upon order of the State's Attorney, Public Defender or the court, respectively.

(h) If a defendant in a capital case in Cook County is represented by court appointed counsel other than the Cook County Public Defender, the appointed counsel shall petition the court for an order directing the Cook County Treasurer to pay the court appointed counsel's reasonable and necessary compensation and capital litigation expenses from grant moneys provided from the Trust Fund. The petitions shall be supported by itemized bills showing the date, the amount of time spent, the work done and the total being charged for each entry. The court shall not authorize payment of bills that are not properly itemized. The petitions shall be filed under seal and

New matter indicated by italics - deletions by strikeout
considered ex parte but with a court reporter present for all ex parte conferences. The petitions shall be reviewed by both the trial judge and the presiding judge of the circuit court or the presiding judge’s designee. The petitions and orders shall be kept under seal and shall be exempt from Freedom of Information requests until the conclusion of the trial and appeal of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing. These petitions shall be considered in camera. Orders denying petitions for compensation or expenses are final. Counsel may not petition for expenses that may have been provided or compensated by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act.

(i) In counties other than Cook County, and when the Attorney General is ordered by the presiding judge of the Criminal Division of the Circuit Court of Cook County to prosecute or supervise the prosecution of Cook County cases, and excluding capital litigation expenses or services that may have been provided by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act:

(1) Upon certification by the circuit court, on a form created by the State Treasurer, that all or a portion of the expenses are reasonable, necessary, and appropriate for payment from the Trust Fund and the court’s delivery of the certification to the Treasurer, the Treasurer shall pay the certified expenses of Public Defenders and the State Appellate Defender from the money appropriated to the Treasurer for capital litigation expenses of Public Defenders and post-conviction proceeding expenses in capital cases of the State Appellate Defender and expenses in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases in any county other than Cook County, if there are sufficient moneys in the Trust Fund to pay the expenses.

(2) If a defendant in a capital case is represented by court appointed counsel other than the Public Defender, the appointed counsel shall petition the court to certify compensation and capital litigation expenses including, but not limited to, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists as reasonable, necessary, and appropriate for payment from the Trust Fund. If a petitioner in a capital case who has filed a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963 or a petition under Section 2-1401 of the Code of Civil Procedure in relation to capital cases is represented by an
attorney approved by or contracted with the State Appellate Defender other than the State Appellate Defender, that attorney shall petition the court to certify compensation and litigation expenses of post-conviction proceedings under Article 122 of the Code of Criminal Procedure of 1963 or in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases. Upon certification on a form created by the State Treasurer of all or a portion of the compensation and expenses certified as reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the State Treasurer shall pay the certified compensation and expenses from the money appropriated to the Treasurer for that purpose, if there are sufficient moneys in the Trust Fund to make those payments.

(3) A petition for capital litigation expenses or post-conviction proceeding expenses or expenses incurred in filing a petition under Section 2-1401 of the Code of Civil Procedure in relation to capital cases under this subsection shall be considered under seal and reviewed ex parte with a court reporter present in camera. Orders denying petitions for compensation or expenses are final.

(j) If the Trust Fund is discontinued or dissolved by an Act of the General Assembly or by operation of law, any balance remaining in the Trust Fund shall be returned to the General Revenue Fund after deduction of administrative costs, any other provision of this Act to the contrary notwithstanding.

(Source: P.A. 93-127, eff. 1-1-04; 93-605, eff. 11-19-03; 93-972, eff. 8-20-04.)

Passed in the General Assembly May 27, 2005.
Approved August 22, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0665
(House Bill No. 2531)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Health Care Worker Background Check Act is amended by changing Sections 5, 10, 15, 25, 30, and 40 and by adding Section 70 as follows:

New matter indicated by italics - deletions by strikeout
(225 ILCS 46/5)

Sec. 5. Purpose. The General Assembly finds that it is in the public interest to protect the most frail and disabled citizens of the State of Illinois from possible harm through a criminal background check of certain health care workers and all employees of licensed and certified long-term care facilities who have or may have contact with residents or have access to the living quarters or the financial, medical, or personal records of residents.

(Source: P.A. 89-197, eff. 7-21-95.)

(225 ILCS 46/10)

Sec. 10. Applicability. This Act applies to all individuals employed or retained by a health care employer as home health care aides, nurse aides, personal care assistants, private duty nurse aides, day training personnel, or an individual working in any similar health-related occupation where he or she provides direct care or has access to long-term care residents or the living quarters or financial, medical, or personal records of long-term care residents. This Act also applies to all employees of licensed or certified long-term care facilities who have or may have contact with residents or access to the living quarters or the financial, medical, or personal records of residents.

(Source: P.A. 89-197, eff. 7-21-95; 89-674, eff. 8-14-96.)

(225 ILCS 46/15)

Sec. 15. Definitions. For the purposes of this Act, the following definitions apply:

"Applicant" means an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.

"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs. The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe guidelines for interpreting this definition with regard to the health care employers that it licenses.

"Health care employer" means:

(1) the owner or licensee of any of the following:
   (i) a community living facility, as defined in the
Community Living Facilities Act;
   (ii) a life care facility, as defined in the Life Care Facilities Act;
   (iii) a long-term care facility, as defined in the Nursing Home Care Act;
   (iv) a home health agency, as defined in the Home Health Agency Licensing Act;
   (v) a full hospice, as defined in the Hospice Program Licensing Act;
   (vi) a hospital, as defined in the Hospital Licensing Act;
   (vii) a community residential alternative, as defined in the Community Residential Alternatives Licensing Act;
   (viii) a nurse agency, as defined in the Nurse Agency Licensing Act;
   (ix) a respite care provider, as defined in the Respite Program Act;
   (ix-a) an establishment licensed under the Assisted Living and Shared Housing Act;
   (x) a supportive living program, as defined in the Illinois Public Aid Code;
   (xi) early childhood intervention programs as described in 59 Ill. Adm. Code 121;
   (xii) the University of Illinois Hospital, Chicago;
   (xiii) programs funded by the Department on Aging through the Community Care Program;
   (xiv) programs certified to participate in the Supportive Living Program authorized pursuant to Section 5-5.01a of the Illinois Public Aid Code;
   (xv) programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers;
   (xvi) locations licensed under the Alternative Health Care Delivery Act;
(2) a day training program certified by the Department of Human Services;
   (3) a community integrated living arrangement operated by a community mental health and developmental service agency, as defined in the Community-Integrated Living Arrangements Licensing

New matter indicated by italics - deletions by strikeout
and Certification Act; or

(4) the State Long Term Care Ombudsman Program, including any regional long term care ombudsman programs under Section 4.04 of the Illinois Act on the Aging, only for the purpose of securing background checks.

"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. The educational entity or health care employer or its designee shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.

"Long-term care facility" means a facility licensed by the State or certified under federal law as a long-term care facility, a supportive living facility, an assisted living establishment, or a shared housing establishment or registered as a board and care home.

(Source: P.A. 92-16, eff. 6-28-01; 93-878, eff. 1-1-05.)

Sec. 25. Persons ineligible to be hired by health care employers and long-term care facilities.

(a) After January 1, 1996, or January 1, 1997, as applicable, no health care employer shall knowingly hire, employ, or retain any individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses defined in Sections 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6, 11-9.1, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961; those provided in Section 4 of the Wrongs to Children Act; those provided in Section 53 of the Criminal Jurisprudence Act; those defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act; or those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances Act, unless the applicant or employee obtains a waiver pursuant to Section 40.

(a-1) After January 1, 2004, no health care employer shall knowingly...
hire any individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility shall knowingly hire any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has (i) been convicted of committing or attempting to commit one or more of the offenses defined in Section 12-3.3, 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act; or Section 5.1 of the Wrongs to Children Act; or (ii) violated Section 10-5 of the Nursing and Advanced Practice Nursing Act.

A UCIA criminal history record check need not be redone for health care employees who have been continuously employed by a health care employer since January 1, 2004, but nothing in this Section prohibits a health care employer from initiating a criminal history check for these employees.

A health care employer is not required to retain an individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility is required to retain an individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses enumerated in this subsection.

(b) A health care employer shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a) or (a-1), as verified by court records, records from a state agency, or an FBI criminal history record check.

This shall not be construed to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided.

(Source: P.A. 93-224, eff. 7-18-03.)

(225 ILCS 46/30)

Sec. 30. Non-fingerprint based UCIA criminal records check.
(a) Beginning on January 1, 1997, an educational entity, other than a
secondary school, conducting a nurse aide training program must initiate a UCIA criminal history records check prior to entry of an individual into the training program. A nurse aide seeking to be included on the nurse aide registry shall authorize the Department of Public Health or its designee that tests nurse aides or the health care employer or its designee to request a criminal history record check pursuant to the Uniform Conviction Information Act (UCIA) for each nurse aide applying for inclusion on the State nurse aide registry. Any nurse aide not submitting the required authorization and information for the record check will not be added to the State nurse aide registry. A nurse aide will not be entered on the State nurse aide registry if the report from the Department of State Police indicates that the nurse aide has a record of conviction of any of the criminal offenses enumerated in Section 25 unless the nurse aide’s identity is validated and it is determined that the nurse aide does not have a disqualifying criminal history record based upon a fingerprint-based records check pursuant to Section 35 or the nurse aide receives a waiver pursuant to Section 40.

(b) The Department of Public Health shall notify each health care employer inquiring as to the information on the State nurse aide registry of the date of the nurse aide's last UCIA criminal history record check. If it has been more than one year since the records check, the health care employer must initiate or have initiated on his or her behalf a UCIA criminal history record check for the nurse aide pursuant to this Section. The health care employer must send a copy of the results of the record check to the State nurse aide registry for an individual employed as a nurse aide.

(c) Beginning January 1, 1996, a health care employer who makes a conditional offer of employment to an applicant other than a nurse aide for position with duties that involve direct care for clients, patients, or residents must initiate or have initiated on his or her behalf a UCIA criminal history record check for that applicant.

(d) No later than January 1, 1997, a health care employer must initiate or have initiated on his or her behalf a UCIA criminal history record check for all employees other than those enumerated in subsections (a), (b), and (c) of this Section with duties that involve direct care for clients, patients, or residents. A health care employer having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of this Act must initiate a fingerprint-based background check within 10 working days of acquiring that knowledge. The employer may continue to employ that individual in a direct care position, may reassign that
individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received.

(d-5) Beginning January 1, 2006, each long-term care facility operating in the State must initiate, or have initiated on its behalf, a criminal history record check for all employees hired on or after January 1, 2006 with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents.

(e) The request for a UCIA criminal history record check must be in the form prescribed by the Department of State Police.

(f) The applicant or employee must be notified of the following whenever a non-fingerprint check is made:

(i) that the health care employer shall request or have requested on his or her behalf a UCIA criminal history record check pursuant to this Act;

(ii) that the applicant or employee has a right to obtain a copy of the criminal records report from the health care employer, challenge the accuracy and completeness of the report, and request a waiver under Section 40 of this Act;

(iii) that the applicant, if hired conditionally, may be terminated if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in Section 25 unless the applicant's identity is validated and it is determined that the applicant does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to Section 35.

(iv) that the applicant, if not hired conditionally, shall not be hired if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in Section 25 unless the applicant's record is cleared based on a fingerprint-based records check pursuant to Section 35.

(v) that the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in Section 25 unless the employee's record is cleared based on a fingerprint-based records check pursuant to Section 35.

(g) A health care employer may conditionally employ an applicant to provide direct care for up to 3 months pending the results of a UCIA criminal history record check.

(Source: P.A. 91-598, eff. 1-1-00.)

New matter indicated by italics - deletions by strikeout
Sec. 40. Waiver.

(a) An applicant, employee, or nurse aide may request a waiver of the prohibition against employment by submitting the following information to the entity responsible for inspecting, licensing, certifying, or registering the health care employer within 5 working days after the receipt of the criminal records report:

(1) Information necessary to initiate a fingerprint-based UCIA criminal records check in a form and manner prescribed by the Department of State Police; and

(2) The fee for a fingerprint-based UCIA criminal records check, which shall not exceed the actual cost of the record check.

(a-5) The entity responsible for inspecting, licensing, certifying, or registering the health care employer may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by paragraphs (1) and (2) of subsection (a).

(b) The entity responsible for inspecting, licensing, certifying, or registering the health care employer may grant a waiver based upon any mitigating circumstances, which may include, but need not be limited to:

(1) The age of the individual at which the crime was committed;

(2) The circumstances surrounding the crime;

(3) The length of time since the conviction;

(4) The applicant or employee's criminal history since the conviction;

(5) The applicant or employee's work history;

(6) The applicant or employee's current employment references;

(7) The applicant or employee's character references;

(8) Nurse aide registry records; and

(9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, patients, or clients.

(c) The entity responsible for inspecting, licensing, certifying, or registering a health care employer must inform the health care employer if a waiver is being sought and must act upon the waiver request within 30 days of receipt of all necessary information, as defined by rule.

(d) An individual shall not be employed in a direct care position from
the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with Section 35.

(e) The entity responsible for inspecting, licensing, certifying, or registering the health care employer shall be immune from liability for any waivers granted under this Section.

(f) A health care employer is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver under this Section.

(Source: P.A. 91-598, eff. 1-1-00.)

(225 ILCS 46/70 new)

Sec. 70. Centers for Medicare and Medicaid Services (CMMS) grant.

(a) In this Section:

"Centers for Medicare and Medicaid Services (CMMS) grant" means the grant awarded to and distributed by the Department of Public Health to enhance the conduct of criminal history records checks of certain health care employees. The CMMS grant is authorized by Section 307 of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, which establishes the framework for a program to evaluate national and state background checks on prospective employees with direct access to patients of long-term care facilities or providers.

"Selected health care employer" means any of the following selected to participate in the CMMS grant:

(1) a community living facility as defined in the Community Living Facility Act;

(2) a long-term care facility as defined in the Nursing Home Care Act;

(3) a home health agency as defined in the Home Health Agency Licensing Act;

(4) a full hospice as defined in the Hospice Licensing Act;

(5) an establishment licensed under the Assisted Living and Shared Housing Act;

(6) a supportive living facility as defined in the Illinois Public Aid Code;

New matter indicated by italics - deletions by strikeout
(7) a day training program certified by the Department of Human Services; or

(8) a community integrated living arrangement operated by a community mental health and developmental service agency as defined in the Community Integrated Living Arrangements Licensing and Certification Act.

(b) Selected health care employers shall be phased in to participate in the CMMS grant between January 1, 2006 and January 1, 2007, as prescribed by the Department of Public Health by rule.

(c) With regards to individuals hired on or after January 1, 2006 who have direct access to residents, patients, or clients of the selected health care employer, selected health care employers must comply with Section 25 of this Act.

"Individuals who have direct access" includes, but is not limited to, (i) direct care workers as described in subsection (a) of Section 25; (ii) individuals licensed by the Department of Financial and Professional Regulation, such as nurses, social workers, physical therapists, occupational therapists, and pharmacists; (iii) individuals who provide services on site, through contract; and (iv) non-direct care workers, such as those who work in environmental services, food service, and administration.

"Individuals who have direct access" does not include physicians or volunteers.

The Department of Public Health may further define "individuals who have direct access" by rule.

(d) Each applicant seeking employment in a position described in subsection (c) of this Section with a selected health care employer shall, as a condition of employment, have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information by the Department of State Police and the Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall not exceed the actual cost of the records check and shall be deposited into the State Police Services Fund. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department of Public Health.

(e) A selected health care employer who makes a conditional offer of
employment to an applicant shall:

(1) ensure that the applicant has complied with the fingerprinting requirements of this Section;

(2) complete documentation relating to any criminal history record, as revealed by the applicant, as prescribed by rule by the Department of Public Health;

(3) complete documentation of the applicant's personal identifiers as prescribed by rule by the Department of Public Health; and

(4) provide supervision, as prescribed by rule by the licensing agency, if the applicant is hired and allowed to work prior to the results of the criminal history records check being obtained.

(f) A selected health care employer having actual knowledge from a source that an individual with direct access to a resident, patient, or client has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of this Act shall contact the licensing agency or follow other instructions as prescribed by administrative rule.

(g) A fingerprint-based criminal history records check submitted in accordance with subsection (d) of this Section must be submitted as a fee applicant inquiry in the form and manner prescribed by the Department of State Police.

(h) This Section shall be inapplicable upon the conclusion of the CMMS grant.

Passed in the General Assembly May 29, 2005.
Approved August 23, 2005.
Effective January 1, 2006.
responsible for administering public schools, such as cooperatives, joint agreements, charter schools, special charter districts, regional offices of education, local agencies, and the Department of Human Services.

(b) In addition to the standards established pursuant to Section 2-3.25, the State Board of Education shall develop recognition standards for student performance and school improvement in all public schools operated by school districts. The indicators to determine adequate yearly progress shall be limited to the State assessment of student performance in reading and mathematics, student attendance rates at the elementary school level, graduation rates at the high school level, and participation rates on student assessments. Unless the federal government formally disapproves of such policy through the submission and review process for the Illinois Accountability Workbook, the indicators to determine adequate yearly progress for children with disabilities shall be based on their individualized education plans. The standards shall be designed to permit the measurement of student performance and school improvement by schools and school districts compared to student performance and school improvement for the preceding academic years.

(Source: P.A. 93-470, eff. 8-8-03.)

(105 ILCS 5/2-3.25d) (from Ch. 122, par. 2-3.25d)
Sec. 2-3.25d. Academic early warning and watch status.

(a) Beginning with the 2005-2006 school year, unless the federal government formally disapproves of such policy through the submission and review process for the Illinois Accountability Workbook, those schools that do not meet adequate yearly progress criteria, as specified by the State Board of Education, for 2 consecutive annual calculations in the same subgroup and in the same subject or in their participation rate, attendance rate, or graduation rate; shall be placed on academic early warning status for the next school year. Schools on academic early warning status that do not meet adequate yearly progress criteria for a third annual calculation in the same subgroup and in the same subject or in their participation rate, attendance rate, or graduation rate shall remain on academic early warning status. Schools on academic early warning status that do not meet adequate yearly progress criteria for a fourth annual calculation in the same subgroup and in the same subject or in their participation rate, attendance rate, or graduation rate shall be placed on initial academic watch status. Schools on academic watch status that do not meet adequate yearly progress criteria for a fifth or subsequent annual calculation in the same subgroup and in the same subject or in their participation rate, attendance rate, or graduation rate shall be placed on initial academic watch status. Schools on academic watch status that do not meet adequate yearly progress criteria for a fifth or subsequent annual calculation in the same subgroup and in the same subject or in their participation rate, attendance rate, or graduation rate

New matter indicated by italics - deletions by strikeout
shall remain on academic watch status. Schools on academic early warning or academic watch status that meet adequate yearly progress criteria for one annual calculation shall be acknowledged for making improvement and shall maintain their current statuses for the next school year. Schools on academic early warning or academic watch status that meet adequate yearly progress criteria for 2 consecutive annual calculations shall be considered as having met expectations and shall be removed from any status designation.

The school district of a school placed on either academic early warning status or academic watch status may appeal the status to the State Board of Education in accordance with Section 2-3.25m of this Code.

A school district that has one or more schools on academic early warning or academic watch status shall prepare a revised School Improvement Plan or amendments thereto setting forth the district's expectations for removing each school from academic early warning or academic watch status and for improving student performance in the affected school or schools. Districts operating under Article 34 of this Code may prepare the School Improvement Plan required under Section 34-2.4 of this Code.

The revised School Improvement Plan for a school that is initially placed on academic early warning status or that remains on academic early warning status after a third annual calculation must be approved by the school board (and by the school's local school council in a district operating under Article 34 of this Code, unless the school is on probation pursuant to subsection (c) of Section 34-8.3 of this Code).

The revised School Improvement Plan for a school placed on initial academic watch status after a fourth annual calculation must be approved by the school board (and by the school's local school council in a district operating under Article 34 of this Code, unless the school is on probation pursuant to subsection (c) of Section 34-8.3 of this Code) and the State Superintendent of Education.

The revised School Improvement Plan for a school that remains on academic watch status after a fifth annual calculation must be approved by the school board (and by the school's local school council in a district operating under Article 34 of this Code, unless the school is on probation pursuant to subsection (c) of Section 34-8.3 of this Code) and the State Superintendent of Education. In addition, the district must develop a school restructuring plan for the school that must be approved by the school board (and by the school's local school council in a district operating under Article 34 of this Code) and subsequently approved by the State Superintendent of

New matter indicated by italics - deletions by strikeout
A school on academic watch status that does not meet adequate yearly progress criteria for a sixth annual calculation shall implement its approved school restructuring plan beginning with the next school year, subject to the State interventions specified in Section 2-3.25f of this Code.

(b) Beginning with the 2005-2006 school year, unless the federal government formally disapproves of such policy through the submission and review process for the Illinois Accountability Workbook, those school districts that do not meet adequate yearly progress criteria, as specified by the State Board of Education, for 2 consecutive annual calculations in the same subgroup and in the same subject or in their participation rate, attendance rate, or graduation rate shall be placed on academic early warning status for the next school year. Districts on academic early warning status that do not meet adequate yearly progress criteria for a third annual calculation in the same subgroup and in the same subject or in their participation rate, attendance rate, or graduation rate shall remain on academic early warning status. Districts on academic early warning status that do not meet adequate yearly progress criteria for a fourth annual calculation in the same subgroup and in the same subject or in their participation rate, attendance rate, or graduation rate shall be placed on initial academic watch status. Districts on academic watch status that do not meet adequate yearly progress criteria for a fifth or subsequent annual calculation in the same subgroup and in the same subject or in their participation rate, attendance rate, or graduation rate shall remain on academic watch status. Districts on academic early warning or academic watch status that meet adequate yearly progress criteria for one annual calculation shall be acknowledged for making improvement and shall maintain their current statuses for the next school year. Districts on academic early warning or academic watch status that meet adequate yearly progress criteria for 2 consecutive annual calculations shall be considered as having met expectations and shall be removed from any status designation.

A district placed on either academic early warning status or academic watch status may appeal the status to the State Board of Education in accordance with Section 2-3.25m of this Code.

Districts on academic early warning or academic watch status shall prepare a District Improvement Plan or amendments thereto setting forth the district's expectations for removing the district from academic early warning or academic watch status and for improving student performance in the district.

The District Improvement Plan for a district that is initially placed on
academic early warning status must be approved by the school board.

The revised District Improvement Plan for a district that remains on academic early warning status after a third annual calculation must be approved by the school board.

The revised District Improvement Plan for a district that remains on academic early warning status after a third annual calculation must be approved by the school board.

The revised District Improvement Plan for a district on initial academic watch status after a fourth annual calculation must be approved by the school board and the State Superintendent of Education.

The revised District Improvement Plan for a district that remains on academic watch status after a fifth annual calculation must be approved by the school board and the State Superintendent of Education. In addition, the district must develop a district restructuring plan that must be approved by the school board and the State Superintendent of Education.

A district on academic watch status that does not meet adequate yearly progress criteria for a sixth annual calculation shall implement its approved district restructuring plan beginning with the next school year, subject to the State interventions specified in Section 2-3.25f of this Code.

(c) All revised School and District Improvement Plans shall be developed in collaboration with staff in the affected school or school district. All revised School and District Improvement Plans shall be developed, submitted, and approved pursuant to rules adopted by the State Board of Education. The revised Improvement Plan shall address measurable outcomes for improving student performance so that such performance meets adequate yearly progress criteria as specified by the State Board of Education.

(d) All federal requirements apply to schools and school districts utilizing federal funds under Title I, Part A of the federal Elementary and Secondary Education Act of 1965.

(e) The State Board of Education, from any moneys it may have available for this purpose, must implement and administer a grant program that provides 2-year grants to school districts on the academic watch list and other school districts that have the lowest achieving students, as determined by the State Board of Education, to be used to improve student achievement. In order to receive a grant under this program, a school district must establish an accountability program. The accountability program must involve the use of statewide testing standards and local evaluation measures. A grant shall be automatically renewed when achievement goals are met. The Board may adopt any rules necessary to implement and administer this grant program. (Source: P.A. 93-470, eff. 8-8-03; 93-890, eff. 8-9-04.)

Approved August 23, 2005.
Effective August 23, 2005.

PUBLIC ACT 94-0667
(House Bill No. 1919)

AN ACT concerning gaming.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The Riverboat Gambling Act is amended by changing
Section 7 as follows:
(230 ILCS 10/7) (from Ch. 120, par. 2407)
Sec. 7. Owners Licenses.
(a) The Board shall issue owners licenses to persons, firms or
corporations which apply for such licenses upon payment to the Board of the
non-refundable license fee set by the Board, upon payment of a $25,000
license fee for the first year of operation and a $5,000 license fee for each
succeeding year and upon a determination by the Board that the applicant is
eligible for an owners license pursuant to this Act and the rules of the Board.
A person, firm or corporation is ineligible to receive an owners license if:
(1) the person has been convicted of a felony under the laws
of this State, any other state, or the United States;
(2) the person has been convicted of any violation of Article
28 of the Criminal Code of 1961, or substantially similar laws of any
other jurisdiction;
(3) the person has submitted an application for a license under
this Act which contains false information;
(4) the person is a member of the Board;
(5) a person defined in (1), (2), (3) or (4) is an officer, director
or managerial employee of the firm or corporation;
(6) the firm or corporation employs a person defined in (1),
(2), (3) or (4) who participates in the management or operation
of gambling operations authorized under this Act;
(7) (blank); or
(8) a license of the person, firm or corporation issued under
this Act, or a license to own or operate gambling facilities in any
other jurisdiction, has been revoked.
(b) In determining whether to grant an owners license to an applicant,
the Board shall consider:

New matter indicated by italics - deletions by strikeout
(1) the character, reputation, experience and financial integrity of the applicants and of any other or separate person that either:
   (A) controls, directly or indirectly, such applicant, or
   (B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;
(2) the facilities or proposed facilities for the conduct of riverboat gambling;
(3) the highest prospective total revenue to be derived by the State from the conduct of riverboat gambling;
(4) the extent to which the ownership of the applicant reflects the diversity of the State by including minority persons and females and the good faith affirmative action plan of each applicant to recruit, train and upgrade minority persons and females in all employment classifications;
(5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;
(6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat;
(7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule; and
(8) The amount of the applicant's license bid.
(c) Each owners license shall specify the place where riverboats shall operate and dock.
(d) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints.
(e) The Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. The Board shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, or, with approval by the municipality in which the riverboat was is docked on August 7, 2003 and with Board approval, be authorized to relocate to a new location the effective date of this amendatory Act of the 93rd Assembly, in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2), on August 7, 2003, had the effective date of this amendatory Act of the 93rd General Assembly.

New matter indicated by italics - deletions by strikeout
Assembly, has a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act; one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis. One other license shall authorize riverboat gambling on the Illinois River south of Marshall County. The Board shall issue one additional license to become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992. In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the State share in the economic benefits of riverboat gambling.

In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners licenses, and shall inform each applicant of the Board's decision. The Board may grant an owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in this Section that favored the winning bidder.

In addition to any other revocation powers granted to the Board under this Act, the Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board's approval of the application if the Board determines that license revocation is in the best interests of the State.

(f) The first 10 owners licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment thereon for a period of 3 years after the effective date of the license. Holders of the first 10 owners licenses must pay the annual license fee for each of the 3 years during which they are authorized to own riverboats.

(g) Upon the termination, expiration, or revocation of each of the first 10 licenses, which shall be issued for a 3 year period, all licenses are renewable annually upon payment of the fee and a determination by the Board that the licensee continues to meet all of the requirements of this Act and the Board's rules. However, for licenses renewed on or after May 1, 1998, renewal shall be for a period of 4 years, unless the Board sets a shorter period.
(h) An owner's license shall entitle the licensee to own up to 2 riverboats. A licensee shall limit the number of gambling participants to 1,200 for any such owners license. A licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on both riverboats does not exceed 1,200. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons. Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons.

(i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from the Board necessary for the operation of a riverboat, including a liquor license, a license to prepare and serve food for human consumption, and other necessary licenses. All use, occupation and excise taxes which apply to the sale of food and beverages in this State and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat.

(j) The Board may issue or re-issue a license authorizing a riverboat to dock in a municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality. The Board may issue or re-issue a license authorizing a riverboat to dock in areas of a county outside any municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the county has by a majority vote approved of the docking of riverboats within such areas.

(Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; revised 1-27-04.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 26, 2005.
Approved August 23, 2005.
Effective August 23, 2005.

PUBLIC ACT 94-0668
(House Bill No. 0215)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 114-8 as follows:

(725 ILCS 5/114-8) (from Ch. 38, par. 114-8)
Sec. 114-8. Motion for severance.
(a) If it appears that a defendant or the State is prejudiced by a joinder of related prosecutions or defendants in a single charge or by joinder of separate charges or defendants for trial the court may order separate trials, grant a severance of defendants, or provide any other relief as justice may require.

(b) In the case of a prosecution of multiple defendants for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse arising out of the same course of conduct, the court, in deciding a motion to sever the charges and try the defendants separately, must consider, subject to constitutional limitations, the impact upon the alleged victim of multiple trials requiring the victim's testimony.

(Source: Laws 1963, p. 2836.)
Passed in the General Assembly May 29, 2005.
Approved August 23, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0669
(House Bill No. 0760)
AN ACT in relation to funeral expenses.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by changing Section 12-4.11 as follows:

(305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)
Sec. 12-4.11. Grant amounts. The Department, with due regard for and subject to budgetary limitations, shall establish grant amounts for each of the programs, by regulation. The grant amounts may vary by program, size of assistance unit and geographic area.
Aid payments shall not be reduced except: (1) for changes in the cost of items included in the grant amounts, or (2) for changes in the expenses of the recipient, or (3) for changes in the income or resources available to the recipient, or (4) for changes in grants resulting from adoption of a consolidated grant amount.

New matter indicated by italics - deletions by strikeout
In fixing standards to govern payments or reimbursements for funeral and burial expenses, the Department shall establish a minimum allowable amount of not less than $1,000 for Department payment of funeral services and not less than $500 for Department payment of burial or cremation services. On January 1, 2006, July 1, 2006, and July 1, 2007, the Department shall increase the minimum reimbursement amount for funeral and burial expenses under this Section by a percentage equal to the percentage increase in the Consumer Price Index for All Urban Consumers, if any, during the 12 months immediately preceding that January 1 or July 1. In establishing the minimum allowable amount, the Department shall take into account the services essential to a dignified, low-cost (i) funeral and (ii) burial or cremation, including reasonable amounts that may be necessary for burial space and cemetery charges, and any applicable taxes or other required governmental fees or charges. If no person has agreed to pay the total cost of the (i) funeral and (ii) burial or cremation charges, the Department shall pay the vendor the actual costs of the (i) funeral and (ii) burial or cremation, or the minimum allowable amount for each service as established by the Department, whichever is less, provided that the Department reduces its payments by the amount available from the following sources: the decedent's assets and available resources and the anticipated amounts of any death benefits available to the decedent's estate, and amounts paid and arranged to be paid by the decedent's legally responsible relatives. A legally responsible relative is expected to pay (i) funeral and (ii) burial or cremation expenses unless financially unable to do so.

Nothing contained in this Section or in any other Section of this Code shall be construed to prohibit the Illinois Department (1) from consolidating existing standards on the basis of any standards which are or were in effect on, or subsequent to July 1, 1969, or (2) from employing any consolidated standards in determining need for public aid and the amount of money payment or grant for individual recipients or recipient families.

(Source: P.A. 91-24, eff. 7-1-99; 92-419, eff. 1-1-02.)


New matter indicated by italics - deletions by strikeout
PUBLIC ACT 94-0670
(House Bill No. 0991)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 1. Short title. This Act may be cited as the Asthma Inhalers
at Recreational Camps Act.

Section 5. Definitions. In this Act:
"Recreational camp" means any place set apart for recreational
purposes for boys and girls. "Recreational camp" shall not apply to private
camps owned or leased for individual or family use, or to any camp operated
for a period of less than 10 days in a year.

Section 10. Possession, self-administration, and use of epinephrine
auto-injectors or inhalers at recreation camps.
(a) A recreation camp shall permit a child with severe, potentially life-
threatening allergies to possess, self-administer, and use an epinephrine auto-
injector or inhaler, if the following conditions are satisfied:
(1) The child has the written approval of his or her parent or
guardian.
(2) The recreational camp administrator or, if a nurse is
assigned to the camp, the nurse shall receive copies of the written
approvals required under paragraph (1) of subsection (a) of this
Section.
(3) The child's parent or guardian shall submit written
verification confirming that the child has the knowledge and skills to
safely possess, self-administer, and use an epinephrine auto-injector or inhaler in a camp setting.
(b) The child's parent or guardian shall provide the camp with the
following information:
(1) the child's name;
(2) the name, route, and dosage of medication;
(3) the frequency and time of medication administration or
assistance;
(4) the date of the order;
(5) a diagnosis and any other medical conditions requiring
medications, if not a violation of confidentiality or if not contrary to
the request of the parent or guardian to keep confidential;
(6) specific recommendations for administration;

New matter indicated by italics - deletions by strikeout
(7) any special side effects, contraindications, and adverse reactions to be observed;
(8) the name of each required medication; and
(9) any severe adverse reactions that may occur to another child, for whom the epinephrine auto-injector or inhaler is not prescribed, should the other child receive a dose of the medication.
(c) If the conditions of this Act are satisfied, the child may possess, self-administer, and use an epinephrine auto-injector or inhaler at the camp or at any camp-sponsored activity, event, or program.
(d) The recreational camp must inform the parents or guardians of the child, in writing, that the recreational camp and its employees and agents are to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the self-administration of medication to the child. The parents or guardians of the child must sign a statement acknowledging that the recreational camp is to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the self-administration of medication by the child and that the parents or guardians must indemnify and hold harmless the recreational camp and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the self-administration of medication by the child.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 29, 2005.
Approved August 23, 2005.
Effective August 23, 2005.

PUBLIC ACT 94-0671
(House Bill No. 1350)

AN ACT in relation to public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Hospital Licensing Act is amended by adding Section 6.14f as follows:

(210 ILCS 85/6.14f new)

Sec. 6.14f. Reports to the trauma registry; certain accidents involving persons under the age of 18 years. A trauma center that treats any person under the age of 18 years for injuries suffered in an accident involving a motor vehicle backing over a child or the power window of a motor vehicle must report the accident to the trauma registry.

New matter indicated by italics - deletions by strikeout
Section 10. The Vital Records Act is amended by changing Section 18 as follows:

(410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

Sec. 18. (1) Each death which occurs in this State shall be registered by filing a death certificate with the local registrar of the district in which the death occurred or the body was found, within 7 days after such death (within 5 days if the death occurs prior to January 1, 1989) and prior to cremation or removal of the body from the State, except when death is subject to investigation by the coroner or medical examiner.

(a) For the purposes of this Section, if the place of death is unknown, a death certificate shall be filed in the registration district in which a dead body is found, which shall be considered the place of death.

(b) When a death occurs on a moving conveyance, the place where the body is first removed from the conveyance shall be considered the place of death and a death certificate shall be filed in the registration district in which such place is located.

(c) The funeral director who first assumes custody of a dead body shall be responsible for filing a completed death certificate. He shall obtain the personal data from the next of kin or the best qualified person or source available; he shall enter on the certificate the name, relationship, and address of his informant; he shall enter the date, place, and method of final disposition; he shall affix his own signature and enter his address; and shall present the certificate to the person responsible for completing the medical certification of cause of death.

(2) The medical certification shall be completed and signed within 48 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when death is subject to the coroner's or medical examiner's investigation. In the absence of the physician or with his approval, the medical certificate may be completed and signed by his associate physician, the chief medical officer of the institution in which death occurred or by the physician who performed an autopsy upon the decedent.

(3) When a death occurs without medical attendance, or when it is otherwise subject to the coroner's or medical examiner's investigation, the coroner or medical examiner shall be responsible for the completion of a coroner's or medical examiner's certificate of death and shall sign the medical certification within 48 hours after death, except as provided by regulation in

New matter indicated by italics - deletions by strikeout
special problem cases. If the decedent was under the age of 18 years at the time of his or her death, and the death was due to injuries suffered as a result of a motor vehicle backing over a child, or if the death occurred due to the power window of a motor vehicle, the coroner or medical examiner must send a copy of the medical certification, with information documenting that the death was due to a vehicle backing over the child or that the death was caused by a power window of a vehicle, to the Department of Children and Family Services. The Department of Children and Family Services shall (i) collect this information for use by Child Death Review Teams and (ii) compile and maintain this information as part of its Annual Child Death Review Team Report to the General Assembly.

(3.5) The medical certification of cause of death shall expressly provide an opportunity for the person completing the certification to indicate that the death was caused in whole or in part by a dementia-related disease, Parkinson's Disease, or Parkinson-Dementia Complex.

(4) When the deceased was a veteran of any war of the United States, the funeral director shall prepare a "Certificate of Burial of U. S. War Veteran", as prescribed and furnished by the Illinois Department of Veterans Affairs, and submit such certificate to the Illinois Department of Veterans Affairs monthly.

(5) When a death is presumed to have occurred in this State but the body cannot be located, a death certificate may be prepared by the State Registrar upon receipt of an order of a court of competent jurisdiction which includes the finding of facts required to complete the death certificate. Such death certificate shall be marked "Presumptive" and shall show on its face the date of the registration and shall identify the court and the date of the judgment.

(Source: P.A. 93-454, eff. 8-7-03.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 29, 2005.
Approved August 23, 2005.
Effective August 23, 2005.

PUBLIC ACT 94-0672
(Senate Bill No 0013)

AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The State Prompt Payment Act is amended by changing Section 7 as follows:

(30 ILCS 540/7) (from Ch. 127, par. 132.407)

Sec. 7. Payments to subcontractors and material suppliers.

(a) When a State official or agency responsible for administering a contract submits a voucher to the Comptroller for payment to a contractor, that State official or agency shall promptly make available electronically the voucher number, the date of the voucher, and the amount of the voucher. The State official or agency responsible for administering the contract shall provide subcontractors and material suppliers, known to the State official or agency, with instructions on how to access the electronic information. When a contractor receives any payment, the contractor shall pay each subcontractor and material supplier in proportion to the work completed by each subcontractor and material supplier their application less any retention. If the contractor receives less than the full payment due under the public construction contract, the contractor shall be obligated to disburse on a prorata basis those funds received, with the contractor, subcontractors and material suppliers each receiving a prorated portion based on the amount of payment. When, however, the public owner does not release the full payment due under the contract because there are specific areas of work or materials the contractor is rejecting or because the contractor has otherwise determined such areas are not suitable for payment, then those specific subcontractors or suppliers involved shall not be paid for that portion of work rejected or deemed not suitable for payment and all other subcontractors and suppliers shall be paid in full.

(b) If the contractor, without reasonable cause, fails to make full any payment of amounts due under subsection (a) to his subcontractors and material suppliers within 15 days after receipt of payment under the public construction contract, the contractor shall pay to his subcontractors and material suppliers, in addition to the payment due them, interest in the amount of 2% per month, calculated from the expiration of the 15-day period until fully paid. This subsection shall also apply to any payments made by subcontractors and material suppliers to their subcontractors and material suppliers and to all payments made to lower tier subcontractors and material suppliers throughout the contracting chain.

(1) If a contractor, without reasonable cause, fails to make payment in full as provided in subsection (a) within 15 days after receipt of payment under the public construction contract, any subcontractor or material supplier to whom payments are owed may

New matter indicated by italics - deletions by strikeout
file a written notice with the State official or agency setting forth the amount owed by the contractor and the contractor's failure to timely pay the amount owed.

(2) The State official or agency, within 15 days after receipt of a subcontractor's or material supplier's written notice of the failure to receive payment from the contractor, shall hold a hearing convened by an administrative law judge to determine whether the contractor withheld payment, without reasonable cause, from the subcontractors and material suppliers and what amount, if any, is due to the subcontractors and material suppliers. The State official or agency shall provide appropriate notice to the parties of the date, time, and location of the hearing. Each contractor, subcontractor, and material supplier has the right to be represented by counsel at the hearing and to cross-examine witnesses and challenge documents.

(3) If there is a finding by the administrative law judge that the contractor failed to make payment in full, without reasonable cause, as provided in subsection (a), then the administrative law judge shall, in writing, direct the contractor to pay the amount owed to the subcontractors and material suppliers plus interest within 15 days after the finding.

(4) If a contractor fails to make full payment within 15 days after the administrative law judge's finding, then the contractor shall be barred from entering into a State public construction contract for a period of one year beginning on the date of the administrative law judge's finding.

(Source: P.A. 87-773.)

Passed in the General Assembly May 29, 2005.
Approved August 23, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0673
(Senate Bill No. 0316)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Riverboat Gambling Act is amended by changing Sections 12 and 13 as follows:
(230 ILCS 10/12) (from Ch. 120, par. 2412)

New matter indicated by italics - deletions by strikeout
Sec. 12. Admission tax; fees.

(a) A tax is hereby imposed upon admissions to riverboats operated by licensed owners authorized pursuant to this Act. Until July 1, 2002, the rate is $2 per person admitted. From July 1, 2002 and until July 1, 2003, the rate is $3 per person admitted. From Beginning July 1, 2003 until the effective date of this amendatory Act of the 94th General Assembly, for a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted. Beginning on the effective date of this amendatory Act of the 94th General Assembly, for a licensee that admitted 1,000,000 persons or fewer in calendar year 2004, the rate is $2 per person admitted, and for all other licensees the rate is $3 per person admitted. Beginning July 1, 2003, for a licensee that admitted 2,300,000 persons or fewer in the previous calendar year, the rate is $4 per person admitted and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted. This admission tax is imposed upon the licensed owner conducting gambling.

(1) The admission tax shall be paid for each admission.
(2) (Blank).
(3) The riverboat licensee may issue tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the riverboat.
(4) The number and issuance of tax-free passes is subject to the rules of the Board, and a list of all persons to whom the tax-free passes are issued shall be filed with the Board.

(a-5) A fee is hereby imposed upon admissions operated by licensed managers on behalf of the State pursuant to Section 7.3 at the rates provided in this subsection (a-5). For a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted.

(1) The admission fee shall be paid for each admission.
(2) (Blank).
(3) The licensed manager may issue fee-free passes to actual

New matter indicated by italics - deletions by strikeout
and necessary officials and employees of the manager or other persons actually working on the riverboat.

(4) The number and issuance of fee-free passes is subject to the rules of the Board, and a list of all persons to whom the fee-free passes are issued shall be filed with the Board.

(b) From the tax imposed under subsection (a) and the fee imposed under subsection (a-5), a municipality shall receive from the State $1 for each person embarking on a riverboat docked within the municipality, and a county shall receive $1 for each person embarking on a riverboat docked within the county but outside the boundaries of any municipality. The municipality's or county's share shall be collected by the Board on behalf of the State and remitted quarterly by the State, subject to appropriation, to the treasurer of the unit of local government for deposit in the general fund.

(c) The licensed owner shall pay the entire admission tax to the Board and the licensed manager shall pay the entire admission fee to the Board. Such payments shall be made daily. Accompanying each payment shall be a return on forms provided by the Board which shall include other information regarding admissions as the Board may require. Failure to submit either the payment or the return within the specified time may result in suspension or revocation of the owners or managers license.

(d) The Board shall administer and collect the admission tax imposed by this Section, to the extent practicable, in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

(Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; revised 8-1-03.)

(230 ILCS 10/13) (from Ch. 120, par. 2413)

Sec. 13. Wagering tax; rate; distribution.

(a) Until January 1, 1998, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this Act at the rate of 20%.

(a-1) From January 1, 1998 until July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

New matter indicated by italics - deletions by strikeout
20% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;
25% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;
30% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;
35% of annual adjusted gross receipts in excess of $100,000,000.

(a-2) From July 1, 2002 until July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:
15% of annual adjusted gross receipts up to and including $25,000,000;
22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;
27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;
32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;
37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;
45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;
50% of annual adjusted gross receipts in excess of $200,000,000.

(a-3) Beginning July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:
15% of annual adjusted gross receipts up to and including $25,000,000;
27.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $37,500,000;
32.5% of annual adjusted gross receipts in excess of $37,500,000 but not exceeding $50,000,000;

New matter indicated by italics - deletions by strikeout
37.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;
45% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;
50% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $250,000,000;
70% of annual adjusted gross receipts in excess of $250,000,000.

An amount equal to the amount of wagering taxes collected under this subsection (a-3) that are in addition to the amount of wagering taxes that would have been collected if the wagering tax rates under subsection (a-2) were in effect shall be paid into the Common School Fund.

The privilege tax imposed under this subsection (a-3) shall no longer be imposed beginning on the earlier of (i) July 1, 2005; (ii) the first date after June 20, 2003 the effective date of this amendatory Act of the 93rd General Assembly that riverboat gambling operations are conducted pursuant to a dormant license; or (iii) the first day that riverboat gambling operations are conducted under the authority of an owner’s license that is in addition to the 10 owners licenses initially authorized under this Act. For the purposes of this subsection (a-3), the term "dormant license" means an owner’s license that is authorized by this Act under which no riverboat gambling operations are being conducted on June 20, 2003 the effective date of this amendatory Act of the 93rd General Assembly.

(a-4) Beginning on the first day on which the tax imposed under subsection (a-3) is no longer imposed, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;
22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;
27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;
32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;
37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;

New matter indicated by italics - deletions by strikeout
45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;
50% of annual adjusted gross receipts in excess of $200,000,000.

(a-8) Riverboat gambling operations conducted by a licensed manager on behalf of the State are not subject to the tax imposed under this Section.

(a-10) The taxes imposed by this Section shall be paid by the licensed owner to the Board not later than 3:00 o'clock p.m. of the day after the day when the wagers were made.

(a-15) If the privilege tax imposed under subsection (a-3) is no longer imposed pursuant to item (i) of the last paragraph of subsection (a-3), then by June 15 of each year, each owners licensee, other than an owners licensee that admitted 1,000,000 persons or fewer in calendar year 2004, must, in addition to the payment of all amounts otherwise due under this Section, pay to the Board the amount, if any, by which the base amount for the licensed owner exceeds the amount of tax paid under this Section by the licensed owner in the then current State fiscal year. The obligation imposed by this subsection (a-15) is binding on any person, firm, corporation, or other entity that acquires an ownership interest in any such owners license. The obligation imposed under this subsection (a-15) terminates on the earliest of:

(i) July 1, 2007, (ii) the first day after the effective date of this amendatory Act of the 94th General Assembly that riverboat gambling operations are conducted pursuant to a dormant license, (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act, or (iv) the first day that a licensee under the Illinois Horse Racing Act of 1975 conducts gaming operations with slot machines or other electronic gaming devices. The Board must reduce the obligation imposed under this subsection (a-15) by an amount the Board deems reasonable for any of the following reasons: (A) an act or acts of God, (B) an act of bioterrorism or terrorism or a bioterrorism or terrorism threat that was investigated by a law enforcement agency, or (C) a condition beyond the control of the owners licensee that does not result from any act or omission by the owners licensee or any of its agents and that poses a hazardous threat to the health and safety of patrons. If an owners licensee pays an amount in excess of its liability under this Section, the Board shall apply the overpayment to future payments required under this Section.

For purposes of this subsection (a-15):
"Act of God" means an incident caused by the operation of an
extraordinary force that cannot be foreseen, that cannot be avoided by the exercise of due care, and for which no person can be held liable.

"Base amount" means the following:
For a riverboat in Alton, $31,000,000.
For a riverboat in East Peoria, $43,000,000.
For the Empress riverboat in Joliet, $86,000,000.
For a riverboat in Metropolis, $45,000,000.
For the Harrah's riverboat in Joliet, $114,000,000.
For a riverboat in Aurora, $86,000,000.
For a riverboat in East St. Louis, $48,500,000.
For a riverboat in Elgin, $198,000,000.

"Dormant license" has the meaning ascribed to it in subsection (a-3).

(b) Until January 1, 1998, 25% of the tax revenue deposited in the State Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home dock of the riverboat. Beginning January 1, 1998, from the tax revenue deposited in the State Gaming Fund under this Section, an amount equal to 5% of adjusted gross receipts generated by a riverboat shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat. From the tax revenue deposited in the State Gaming Fund pursuant to riverboat gambling operations conducted by a licensed manager on behalf of the State, an amount equal to 5% of adjusted gross receipts generated pursuant to those riverboat gambling operations shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted.

(c) Appropriations, as approved by the General Assembly, may be made from the State Gaming Fund to the Department of Revenue and the Department of State Police for the administration and enforcement of this Act, or to the Department of Human Services for the administration of programs to treat problem gambling.

(c-5) After the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners license conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3 7.2, whichever comes first, shall be paid from the...
State Gaming Fund into the Horse Racing Equity Fund.

(c-10) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid into the Horse Racing Equity Fund pursuant to subsection (c-5) in the prior calendar year.

(c-15) After the payments required under subsections (b), (c), and (c-5) have been made, an amount equal to 2% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3 7.2, whichever comes first, shall be paid, subject to appropriation from the General Assembly, from the State Gaming Fund to each home rule county with a population of over 3,000,000 inhabitants for the purpose of enhancing the county's criminal justice system.

(c-20) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid to each home rule county with a population of over 3,000,000 inhabitants pursuant to subsection (c-15) in the prior calendar year.

(c-25) After the payments required under subsections (b), (c), (c-5) and (c-15) have been made, an amount equal to 2% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3 7.2, whichever comes first, shall be paid from the State Gaming Fund to Chicago State University.

(d) From time to time, the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue.

(f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

New matter indicated by italics - deletions by strikeout
(Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; revised 1-28-04.)

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 23, 2005.
Effective August 23, 2005.

PUBLIC ACT 94-0674
(Senate Bill No. 1354)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-215 as follows:

(20 ILCS 605/605-215 new)


(a) To coordinate the State's activities on and to act as a communications center for issues relating to current and former military bases in the State, the Interagency Military Base Support and Economic Development Committee is created as an entity within the Department.

(b) The Committee shall be composed of the following 7 ex officio members or their designees: the Lieutenant Governor, the Director of Commerce and Economic Opportunity, the Secretary of Transportation, the Director of Natural Resources, the Director of the Environmental Protection Agency, the Director of Revenue, and the Adjutant General of the Department of Military Affairs. In addition, 4 members of the General Assembly shall be appointed, one each appointed by the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. The chair and vice-chair of the committee, in consultation with the full Committee, shall appoint 8 public members to serve as representatives from the counties, or adjoining counties, of a current or former military base site as necessary to carry out the work of the Commission.

(c) The Lieutenant Governor shall serve as chair of the Committee,

New matter indicated by italics - deletions by strikeout
and the Director of Commerce and Economic Opportunity shall serve as vice-chair and shall oversee the administration of the Committee and its functions. Expenses necessary to carry out the function of the Committee shall be shared among the agencies represented on the Committee pursuant to an interagency agreement and from funds appropriated for this purpose or from existing funds within the budgets of those agencies. General Assembly appointees shall serve for the duration of the General Assembly in which the appointee is appointed, but the appointee’s term shall expire if the appointee no longer remains a member of that General Assembly. The Committee shall meet not less than quarterly.

(d) Each member of the Committee must request reimbursement from his or her individual agency for actual and necessary expenses incurred while performing his or her duties as a member of the Committee. Public members shall be reimbursed from funds appropriated to the Department for that purpose.

(e) The Committee shall provide advice and recommendations to the Department on the following:

(1) The formation of a strategic plan for State and local military base retention, realignment, and reuse efforts.

(2) The issues impacting current and former military bases in the State, including infrastructure requirements, environmental impact issues, military force structure possibilities, tax implications, property considerations, and other issues requiring State agency coordination and support.

(3) The status of community involvement and participation in retention, realignment, and reuse efforts and the community support for economic development before and after a military base closing.

(4) The State’s retention, realignment, and reuse advocacy efforts on the federal level.

(5) The development of impact studies concerning the closing of a base on the community, housing, the economy, schools, and other public and private entities, including additional economic development ideas to minimize the impact in the event of the base closing.

(6) The development of future economic expansion plans for areas that are subject to closure or realignment.

(f) The Committee, in cooperation with the Department, shall keep the Governor and General Assembly informed concerning the progress of military base retention, realignment, reuse, and economic development
efforts in the State.

(g) The Committee shall serve as the central information clearinghouse for all military base reuse, retention, and realignment activities. This shall include: (i) serving as a liaison between the State and community organizations that support the long-term viability of military bases; (ii) communicating with the State’s congressional delegation; and (iii) generally coordinating with the public, governmental bodies, and officials in communicating about the future of military bases in the State.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 27, 2005.
Approved August 23, 2005.
Effective August 23, 2005.

PUBLIC ACT 94-0675
(Senate Bill No. 1910)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by adding Section 5-1062.2 as follows:

(55 ILCS 5/5-1062.2 new)

Sec. 5-1062.2. Stormwater management.

(a) The purpose of this Section is to allow management and mitigation of the effects of urbanization on stormwater drainage in the metropolitan counties of Madison, St. Clair, Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone and references to "county" in this Section apply only to those counties. This Section does not apply to counties in the Northeastern Illinois Planning Commission that are granted authorities in Section 5-1062. The purpose of this Section shall be achieved by:

(1) Consolidating the existing stormwater management framework into a united, countywide structure.

(2) Setting minimum standards for floodplain and stormwater management.

(3) Preparing a countywide plan for the management of stormwater runoff, including the management of natural and man-made drainageways. The countywide plan may incorporate

New matter indicated by italics - deletions by strikeout
watershed plans.

(b) A stormwater management planning committee may be established by county board resolution, with its membership consisting of equal numbers of county board and municipal representatives from each county board district, and such other members as may be determined by the county and municipal members. If the county has more than 6 county board districts, however, the county board may by ordinance divide the county into not less than 6 areas of approximately equal population, to be used instead of county board districts for the purpose of determining representation on the stormwater management planning committee.

The county board members shall be appointed by the chairman of the county board. Municipal members from each county board district or other represented area shall be appointed by a majority vote of the mayors of those municipalities that have the greatest percentage of their respective populations residing in that county board district or other represented area. All municipal and county board representatives shall be entitled to a vote; the other members shall be nonvoting members, unless authorized to vote by the unanimous consent of the municipal and county board representatives. A municipality that is located in more than one county may choose, at the time of formation of the stormwater management planning committee and based on watershed boundaries, to participate in the stormwater management planning program of either or both of the counties. Subcommittees of the stormwater management planning committee may be established to serve a portion of the county or a particular drainage basin that has similar stormwater management needs. The stormwater management planning committee shall adopt bylaws, by a majority vote of the county and municipal members, to govern the functions of the committee and its subcommittees. Officers of the committee shall include a chair and vice chair, one of whom shall be a county representative and one a municipal representative.

The principal duties of the committee shall be to develop a stormwater management plan for presentation to and approval by the county board, and to direct the plan's implementation and revision. The committee may retain engineering, legal, and financial advisors and inspection personnel. The committee shall meet at least quarterly and shall hold at least one public meeting during the preparation of the plan and prior to its submittal to the county board. The committee may make grants to units of local government that have adopted an ordinance requiring actions consistent with the stormwater management plan and to landowners for the

New matter indicated by italics - deletions by strikeout
purposes of stormwater management, including special projects; use of the grant money must be consistent with the stormwater management plan.

The committee shall not have or exercise any power of eminent domain.

(c) In the preparation of a stormwater management plan, a county stormwater management planning committee shall coordinate the planning process with each adjoining county to ensure that recommended stormwater projects will have no significant impact on the levels or flows of stormwaters in inter-county watersheds or on the capacity of existing and planned stormwater retention facilities. An adopted stormwater management plan shall identify steps taken by the county to coordinate the development of plan recommendations with adjoining counties.

(d) The stormwater management committee may not enforce any rules or regulations that would interfere with (i) any power granted by the Illinois Drainage Code (70 ILCS 605/) to operate, construct, maintain, or improve drainage systems or (ii) the ability to operate, maintain, or improve the drainage systems used on or by land or a facility used for production agriculture purposes, as defined in the Use Tax Act (35 ILCS 105/), except newly constructed buildings and newly installed impervious paved surfaces. Disputes regarding an exception shall be determined by a mutually agreed upon arbitrator paid by the disputing party or parties.

(e) Before the stormwater management planning committee recommends to the county board a stormwater management plan for the county or a portion thereof, it shall submit the plan to the Office of Water Resources of the Department of Natural Resources for review and recommendations. The Office, in reviewing the plan, shall consider such factors as impacts on the levels or flows in rivers and streams and the cumulative effects of stormwater discharges on flood levels. The Office of Water Resources shall determine whether the plan or ordinances enacted to implement the plan complies with the requirements of subsection (f). Within a period not to exceed 60 days, the review comments and recommendations shall be submitted to the stormwater management planning committee for consideration. Any amendments to the plan shall be submitted to the Office for review.

(f) Prior to recommending the plan to the county board, the stormwater management planning committee shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard. The hearing shall be held in the county seat. Notice of the hearing shall be published at least once no less than 15 days in advance of the
hearing in a newspaper of general circulation published in the county. The
notice shall state the time and place of the hearing and the place where
copies of the proposed plan will be accessible for examination by interested
parties. If an affected municipality having a stormwater management plan
adopted by ordinance wishes to protest the proposed county plan provisions,
it shall appear at the hearing and submit in writing specific proposals to the
stormwater management planning committee. After consideration of the
matters raised at the hearing, the committee may amend or approve the plan
and recommend it to the county board for adoption.

The county board may enact the proposed plan by ordinance. If the
proposals for modification of the plan made by an affected municipality
having a stormwater management plan are not included in the proposed
county plan, and the municipality affected by the plan opposes adoption of
the county plan by resolution of its corporate authorities, approval of the
county plan shall require an affirmative vote of at least two-thirds of the
county board members present and voting. If the county board wishes to
amend the county plan, it shall submit in writing specific proposals to the
stormwater management planning committee. If the proposals are not
approved by the committee, or are opposed by resolution of the corporate
authorities of an affected municipality having a municipal stormwater
management plan, amendment of the plan shall require an affirmative vote
of at least two-thirds of the county board members present and voting.

(g) The county board may prescribe by ordinance reasonable rules
and regulations for floodplain management and for governing the location,
width, course, and release rate of all stormwater runoff channels, streams,
and basins in the county, in accordance with the adopted stormwater
management plan. Land, facilities, and drainage district facilities used for
production agriculture as defined in subsection (d) shall not be subjected to
regulation by the county board or stormwater management committee under
this Section for floodplain management and for governing location, width,
course, maintenance, and release rate of stormwater runoff channels,
streams and basins, or water discharged from a drainage district. These
rules and regulations shall, at a minimum, meet the standards for floodplain
management established by the Office of Water Resources and the
requirements of the Federal Emergency Management Agency for
participation in the National Flood Insurance Program. The Commission
may not impose more stringent regulations regarding water quality on
entities discharging in accordance with a valid National Pollution Discharge
Elimination System permit issued under the Environmental Protection Act.

New matter indicated by italics - deletions by strikeout
(h) In accordance with, and if recommended in, the adopted stormwater management plan, the county board may adopt a schedule of fees as may be necessary to mitigate the effects of increased stormwater runoff resulting from new development based on actual costs. The fees shall not exceed the cost of satisfying the onsite stormwater retention or detention requirements of the adopted stormwater management plan. The fees shall be used to finance activities undertaken by the county or its included municipalities to mitigate the effects of urban stormwater runoff by providing regional stormwater retention or detention facilities, as identified in the county plan. The county board shall provide for a credit or reduction in fees for any onsite retention, detention, drainage district assessments, or other similar stormwater facility that the developer is required to construct consistent with the stormwater management ordinance. All these fees collected by the county shall be held in a separate fund, and shall be expended only in the watershed within which they were collected.

(i) For the purpose of implementing this Section and for the development, design, planning, construction, operation, and maintenance of stormwater facilities provided for in the stormwater management plan, a county board that has established a stormwater management planning committee pursuant to this Section may cause an annual tax of not to exceed 0.20% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county to be levied upon all the taxable property in the county or occupation and use taxes of 1/10 of one cent. The property tax shall be in addition to all other taxes authorized by law to be levied and collected in the county and shall be in addition to the maximum tax rate authorized by law for general county purposes. The 0.20% limitation provided in this Section may be increased or decreased by referendum in accordance with the provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code (35 ILCS 200/).

Any revenues generated as a result of ownership or operation of facilities or land acquired with the tax funds collected pursuant to this subsection shall be held in a separate fund and be used either to abate such property tax or for implementing this Section.

However, the tax authorized by this subsection shall not be levied until the question of its adoption, either for a specified period or indefinitely, has been submitted to the electors thereof and approved by a majority of those voting on the question. This question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county. The
county board shall certify the resolution and proposition to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. If a majority of the votes cast on the question is in favor of the levy of the tax, it may thereafter be levied in the county for the specified period or indefinitely, as provided in the proposition. The question shall be put in substantially the following form:

   Shall an annual tax be levied for stormwater management purposes (for a period of not more than ..... years) at a rate not exceeding .....% of the equalized assessed value of the taxable property of ..... County?

Or this question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county to authorize use and occupation taxes of 1/10 of one cent:

   Shall use and occupation taxes be raised for stormwater management purposes (for a period of not more than ..... years) at a rate of 1/10 of one cent for taxable goods in ..... County?

Votes shall be recorded as Yes or No.

(j) For those counties that adopt a property tax in accordance with the provisions in this Section, the stormwater management committee shall offer property tax abatements or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. For those counties that adopt use and occupation taxes in accordance with the provisions of this Section, the stormwater management committee may offer tax rebates or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. The stormwater management committee is authorized to offer credits to the property tax, if applicable, based on authorized practices consistent with the stormwater management plan and approved by the committee. Expenses of staff of a stormwater management committee that are expended on regulatory project review may be no more than 20% of the annual budget of the committee, including funds raised under subsections (h) and (i).

(k) Any county that has adopted a county stormwater management plan under this Section may, after 10 days written notice receiving consent of the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting stormwater facilities or causing the removal of any obstruction to an affected watercourse. If consent is denied or cannot be reasonably obtained, the county ordinance shall provide a process or procedure for an administrative warrant to be obtained. The county shall be
responsible for any damages occasioned thereby.

(l) Upon petition of the municipality, and based on a finding of the stormwater management planning committee, the county shall not enforce rules and regulations adopted by the county in any municipality located wholly or partly within the county that has a municipal stormwater management ordinance that is consistent with and at least as stringent as the county plan and ordinance, and is being enforced by the municipal authorities. On issues that the county ordinance is more stringent as deemed by the committee, the county shall only enforce rules and regulations adopted by the county on the more stringent issues and accept municipal permits. The county shall have no more than 60 days to review permits or the permits shall be deemed approved.

(m) A county may issue general obligation bonds for implementing any stormwater plan adopted under this Section in the manner prescribed in Section 5-1012; except that the referendum requirement of Section 5-1012 does not apply to bonds issued pursuant to this Section on which the principal and interest are to be paid entirely out of funds generated by the taxes and fees authorized by this Section.

(n) The powers authorized by this Section may be implemented by the county board for a portion of the county subject to similar stormwater management needs.

(o) The powers and taxes authorized by this Section are in addition to the powers and taxes authorized by Division 5-15; in exercising its powers under this Section, a county shall not be subject to the restrictions and requirements of that Division.

Sec. 27-22. Required high school courses.

(a) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 1984-1985 school year through the 2004-2005 school year and subsequent years must, in addition to other course requirements, successfully complete the following courses:

1. three years of language arts;
2. two years of mathematics, one of which may be related to computer technology;
3. one year of science;
4. two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government; and
5. one year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language or (D) vocational education.

(b) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2005-2006 school year must, in addition to other course requirements, successfully complete all of the following courses:

1. Three years of language arts.
2. Three years of mathematics.
3. One year of science.
4. Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.
5. One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(c) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2006-2007 school year must, in addition to other course requirements, successfully complete all of the following courses:

1. Three years of language arts.
2. Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.
3. Three years of mathematics, one of which must be Algebra I and one of which must include geometry content.
4. One year of science.
5. Two years of social studies, of which at least one year

New matter indicated by italics - deletions by strikeout
must be history of the United States or a combination of history of the United States and American government.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(d) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2007-2008 school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Three years of language arts.
(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.
(3) Three years of mathematics, one of which must be Algebra I and one of which must include geometry content.
(4) Two years of science.
(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.
(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(e) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2008-2009 school year or a subsequent school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Four years of language arts.
(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.
(3) Three years of mathematics, one of which must be Algebra I and one of which must include geometry content.
(4) Two years of science.
(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.
(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign
Language, or (D) vocational education.

(f) The State Board of Education shall develop and inform school districts of standards for writing-intensive coursework.

(g) This amendatory Act of 1983 does not apply to pupils entering the 9th grade in 1983-1984 school year and prior school years or to students with disabilities whose course of study is determined by an individualized education program.

This amendatory Act of the 94th General Assembly does not apply to pupils entering the 9th grade in the 2004-2005 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

(h) The provisions of this Section are subject to the provisions of Section 27-22.05.

(Source: P.A. 88-269; 89-397, eff. 8-20-95.)


PUBLIC ACT 94-0677
(Senate Bill No. 0475)

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 1. FINDINGS
Section 101. Findings. The General Assembly finds as follows:

(1) The increasing cost of medical liability insurance results in increased financial burdens on physicians and hospitals.

(2) The increasing cost of medical liability insurance in Illinois is believed to have contributed to the reduction of the availability of medical care in portions of the State and is believed to have discouraged some medical students from choosing Illinois as the place they will receive their medical education and practice medicine.

(3) The public would benefit from making the services of hospitals and physicians more available.

(4) This health care crisis, which endangers the public health, safety, and welfare of the citizens of Illinois, requires significant reforms to the civil justice system currently endangering health care

New matter indicated by italics - deletions by strikeout
for citizens of Illinois. Limiting non-economic damages is one of these significant reforms designed to benefit the people of the State of Illinois. An increasing number of citizens or municipalities are enacting ordinances that limit damages and help maintain the health care delivery system in Illinois and protect the health, safety, and welfare of the people of Illinois.

(5) In order to preserve the public health, safety, and welfare of the people of Illinois, the current medical malpractice situation requires reforms that enhance the State's oversight of physicians and ability to discipline physicians, that increase the State's oversight of medical liability insurance carriers, that reduce the number of nonmeritorious healing art malpractice actions, that limit non-economic damages in healing art malpractice actions, that encourage physicians to provide voluntary services at free medical clinics, that encourage physicians and hospitals to continue providing health care services in Illinois, and that encourage physicians to practice in medical care shortage areas.

ARTICLE 3. AMENDATORY PROVISIONS

Section 310. The Illinois Insurance Code is amended by changing Sections 155.18, 155.19, and 1204 and by adding Section 155.18a as follows:

(215 ILCS 5/155.18) (from Ch. 73, par. 767.18)

Sec. 155.18. (a) This Section shall apply to insurance on risks based upon negligence by a physician, hospital or other health care provider, referred to herein as medical liability insurance. This Section shall not apply to contracts of reinsurance, nor to any farm, county, district or township mutual insurance company transacting business under an Act entitled "An Act relating to local mutual district, county and township insurance companies", approved March 13, 1936, as now or hereafter amended, nor to any such company operating under a special charter.

(b) The following standards shall apply to the making and use of rates pertaining to all classes of medical liability insurance:

(1) Rates shall not be excessive or inadequate, as herein defined, nor shall they be unfairly discriminatory. No rate shall be held to be excessive unless such rate is unreasonably high for the insurance provided, and a reasonable degree of competition does not exist in the area with respect to the classification to which such rate is applicable.

No rate shall be held inadequate unless it is unreasonably low for the insurance provided and continued use of it would endanger

New matter indicated by italics - deletions by strikeout
solvency of the company.

(2) Consideration shall be given, to the extent applicable, to past and prospective loss experience within and outside this State, to a reasonable margin for underwriting profit and contingencies, to past and prospective expenses both countrywide and those especially applicable to this State, and to all other factors, including judgment factors, deemed relevant within and outside this State.

Consideration may also be given in the making and use of rates to dividends, savings or unabsorbed premium deposits allowed or returned by companies to their policyholders, members or subscribers.

(3) The systems of expense provisions included in the rates for use by any company or group of companies may differ from those of other companies or groups of companies to reflect the operating methods of any such company or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof.

(4) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any difference among risks that have a probable effect upon losses or expenses. Such classifications or modifications of classifications of risks may be established based upon size, expense, management, individual experience, location or dispersion of hazard, or any other reasonable considerations and shall apply to all risks under the same or substantially the same circumstances or conditions. The rate for an established classification should be related generally to the anticipated loss and expense factors of the class.

c (1) Every company writing medical liability insurance shall file with the Secretary of Financial and Professional Regulation Director of Insurance the rates and rating schedules it uses for medical liability insurance. A rate shall go into effect upon filing, except as otherwise provided in this Section.

(2) If (i) 1% of a company's insureds within a specialty or 25 of the company's insureds (whichever is greater) request a public hearing, (ii) the Secretary at his or her discretion decides to convene a public hearing, or (iii) the percentage increase in a company's rate is greater than 6%, then the Secretary shall convene a public hearing in accordance with this paragraph

New matter indicated by italics - deletions by strikeout
(2). The Secretary shall notify the public of any application by an insurer for a rate increase to which this paragraph (2) applies. A public hearing under this paragraph (2) must be concluded within 90 days after the request, decision, or increase that gave rise to the hearing. The Secretary may, by order, adjust a rate or take any other appropriate action at the conclusion of the hearing.

(3) A rate filing shall occur upon a company's commencement of medical liability insurance business in this State at least annually and thereafter as often as the rates are changed or amended.

(4) (2) For the purposes of this Section, any change in premium to the company's insureds as a result of a change in the company's base rates or a change in its increased limits factors shall constitute a change in rates and shall require a filing with the Secretary Director.

(5) (3) It shall be certified in such filing by an officer of the company and a qualified actuary that the company's rates are based on sound actuarial principles and are not inconsistent with the company's experience. The Secretary may request any additional statistical data and other pertinent information necessary to determine the manner the company used to set the filed rates and the reasonableness of those rates. This data and information shall be made available, on a company-by-company basis, to the general public.

(d) If after a public hearing the Secretary Director finds:

(1) that any rate, rating plan or rating system violates the provisions of this Section applicable to it, he shall may issue an order to the company which has been the subject of the hearing specifying in what respects such violation exists and, in that order, may adjust the rate stating when, within a reasonable period of time, the further use of such rate or rating system by such company in contracts of insurance made thereafter shall be prohibited;

(2) that the violation of any of the provisions of this Section applicable to it by any company which has been the subject of the hearing was wilful or that any company has repeatedly violated any provision of this Section, he may take either or both of the following actions:

   (A) Suspend or revoke, in whole or in part, the certificate of authority of such company with respect to the class of insurance which has been the subject of the hearing.

   (B) Impose a penalty of up to $1,000 against the
company for each violation. Each day during which a violation occurs constitutes a separate violation.

The burden is on the company to justify the rate or proposed rate at the public hearing.

(e) Every company writing medical liability insurance in this State shall offer to each of its medical liability insureds the option to make premium payments in quarterly installments as prescribed by and filed with the Secretary. This offer shall be included in the initial offer or in the first policy renewal occurring after the effective date of this amendatory Act of the 94th General Assembly, but no earlier than January 1, 2006.

(f) Every company writing medical liability insurance is encouraged, but not required, to offer the opportunity for participation in a plan offering deductibles to its medical liability insureds. Any plan to offer deductibles shall be filed with the Department.

(g) Every company writing medical liability insurance is encouraged, but not required, to offer their medical liability insureds a plan providing premium discounts for participation in risk management activities. Any such plan shall be reported to the Department.

(h) A company writing medical liability insurance in Illinois must give 180 days' notice before the company discontinues the writing of medical liability insurance in Illinois.

(Source: P.A. 79-1434.)

(215 ILCS 5/155.18a new)

Sec. 155.18a. Professional Liability Insurance Resource Center. The Secretary of Financial and Professional Regulation shall establish a Professional Liability Insurance Resource Center on the Department's Internet website containing the name, telephone number, and base rates of each licensed company providing medical liability insurance and the name, address, and telephone number of each producer who sells medical liability insurance and the name of each licensed company for which the producer sells medical liability insurance. Each company and producer shall submit the information to the Department on or before September 30 of each year in order to be listed on the website. Hyperlinks to company websites shall be included, if available. The publication of the information on the Department's website shall commence on January 1, 2006. The Department shall update the information on the Professional Liability Insurance Resource Center at least annually.

(215 ILCS 5/155.19) (from Ch. 73, par. 767.19)

Sec. 155.19. All claims filed after December 31, 1976 with any

New matter indicated by italics - deletions by strikeout
insurer and all suits filed after December 31, 1976 in any court in this State, alleging liability on the part of any physician, hospital or other health care provider for medically related injuries, shall be reported to the Secretary of Financial and Professional Regulation Director of Insurance in such form and under such terms and conditions as may be prescribed by the Secretary Director. In addition, and notwithstanding any other provision of law to the contrary, any insurer, stop loss insurer, captive insurer, risk retention group, county risk retention trust, religious or charitable risk pooling trust, surplus line insurer, or other entity authorized or permitted by law to provide medical liability insurance in this State shall report to the Secretary, in such form and under such terms and conditions as may be prescribed by the Secretary, all claims filed after December 31, 2005 and all suits filed after December 31, 2005 in any court in this State alleging liability on the part of any physician, hospital, or health care provider for medically related injuries. Each clerk of the circuit court shall provide to the Secretary such information as the Secretary may deem necessary to verify the accuracy and completeness of reports made to the Secretary under this Section. The Secretary Director shall maintain complete and accurate records of all such claims and suits including their nature, amount, disposition (categorized by verdict, settlement, dismissal, or otherwise and including disposition of any post-trial motions and types of damages awarded, if any, including but not limited to economic damages and non-economic damages) and other information as he may deem useful or desirable in observing and reporting on health care provider liability trends in this State. Records received by the Secretary under this Section shall be available to the general public; however, the records made available to the general public shall not include the names or addresses of the parties to any claims or suits. The Secretary Director shall release to appropriate disciplinary and licensing agencies any such data or information which may assist such agencies in improving the quality of health care or which may be useful to such agencies for the purpose of professional discipline.

With due regard for appropriate maintenance of the confidentiality thereof, the Secretary Director may release, on an annual basis, from time to time to the Governor, the General Assembly and the general public statistical reports based on such data and information.

If the Secretary finds that any entity required to report information in its possession under this Section has violated any provision of this Section by filing late, incomplete, or inaccurate reports, the Secretary may fine the entity up to $1,000 for each offense. Each day during which a violation

New matter indicated by italics - deletions by strikeout
occurs constitutes a separate offense.

The Secretary Director may promulgate such rules and regulations as may be necessary to carry out the provisions of this Section.
(Source: P.A. 79-1434.)

(215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

Sec. 1204. (A) The Secretary Director shall promulgate rules and regulations which shall require each insurer licensed to write property or casualty insurance in the State and each syndicate doing business on the Illinois Insurance Exchange to record and report its loss and expense experience and other data as may be necessary to assess the relationship of insurance premiums and related income as compared to insurance costs and expenses. The Secretary Director may designate one or more rate service organizations or advisory organizations to gather and compile such experience and data. The Secretary Director shall require each insurer licensed to write property or casualty insurance in this State and each syndicate doing business on the Illinois Insurance Exchange to submit a report, on a form furnished by the Secretary Director, showing its direct writings in this State and companywide.

(B) Such report required by subsection (A) of this Section may include, but not be limited to, the following specific types of insurance written by such insurer:

(1) Political subdivision liability insurance reported separately in the following categories:
   (a) municipalities;
   (b) school districts;
   (c) other political subdivisions;
(2) Public official liability insurance;
(3) Dram shop liability insurance;
(4) Day care center liability insurance;
(5) Labor, fraternal or religious organizations liability insurance;
(6) Errors and omissions liability insurance;
(7) Officers and directors liability insurance reported separately as follows:
   (a) non-profit entities;
   (b) for-profit entities;
(8) Products liability insurance;
(9) Medical malpractice insurance;
(10) Attorney malpractice insurance;

New matter indicated by italics - deletions by strikeout
(11) Architects and engineers malpractice insurance; and
(12) Motor vehicle insurance reported separately for commercial and private passenger vehicles as follows:
   (a) motor vehicle physical damage insurance;
   (b) motor vehicle liability insurance.

(C) Such report may include, but need not be limited to the following data, both specific to this State and companywide, in the aggregate or by type of insurance for the previous year on a calendar year basis:
   (1) Direct premiums written;
   (2) Direct premiums earned;
   (3) Number of policies;
   (4) Net investment income, using appropriate estimates where necessary;
   (5) Losses paid;
   (6) Losses incurred;
   (7) Loss reserves:
      (a) Losses unpaid on reported claims;
      (b) Losses unpaid on incurred but not reported claims;
   (8) Number of claims:
      (a) Paid claims;
      (b) Arising claims;
   (9) Loss adjustment expenses:
      (a) Allocated loss adjustment expenses;
      (b) Unallocated loss adjustment expenses;
   (10) Net underwriting gain or loss;
   (11) Net operation gain or loss, including net investment income;
   (12) Any other information requested by the Secretary.

(C-5) Additional information required from medical malpractice insurers.

(1) In addition to the other requirements of this Section, the following information shall be included in the report required by subsection (A) of this Section in such form and under such terms and conditions as may be prescribed by the Secretary:
   (a) paid and incurred losses by county for each of the past 10 policy years;
   (b) earned exposures by ISO code, policy type, and policy year by county for each of the past 10 years; and

New matter indicated by italics - deletions by strikeout
(c) the following actuarial information:

   (i) Base class and territory equivalent exposures by report year by relative accident year.

   (ii) Cumulative loss array by accident year by calendar year of development. This array will show frequency of claims in the following categories: open, closed with indemnity (CWI), closed with expense (CWE), and closed no pay (CNP); paid severity in the following categories: indemnity and allocated loss adjustment expenses (ALAE) on closed claims; and indemnity and expense reserves on pending claims.

   (iii) Cumulative loss array by report year by calendar year of development. This array will show frequency of claims in the following categories: open, closed with indemnity (CWI), closed with expense (CWE), and closed no pay (CNP); paid severity in the following categories: indemnity and allocated loss adjustment expenses (ALAE) on closed claims; and indemnity and expense reserves on pending claims.

   (iv) Maturity year and tail factors.

   (v) Any expense, contingency ddr (death, disability, and retirement), commission, tax, and/or off-balance factors.

(2) The following information must also be annually provided to the Department:

   (a) copies of the company's reserve and surplus studies; and

   (b) consulting actuarial report and data supporting the company's rate filing.

(3) All information collected by the Secretary under paragraphs (1) and (2) shall be made available, on a company-by-company basis, to the General Assembly and the general public. This provision shall supersede any other provision of State law that may otherwise protect such information from public disclosure as confidential.

(D) In addition to the information which may be requested under subsection (C), the Secretary Director may also request on a companywide, aggregate basis, Federal Income Tax recoverable, net realized capital gain or loss, net unrealized capital gain or loss, and all other expenses not requested

New matter indicated by italics - deletions by strikeout
in subsection (C) above.

(E) Violations - Suspensions - Revocations.

(1) Any company or person subject to this Article, who willfully or repeatedly fails to observe or who otherwise violates any of the provisions of this Article or any rule or regulation promulgated by the Secretary Director under authority of this Article or any final order of the Secretary Director entered under the authority of this Article shall by civil penalty forfeit to the State of Illinois a sum not to exceed $2,000. Each day during which a violation occurs constitutes a separate offense.

(2) No forfeiture liability under paragraph (1) of this subsection may attach unless a written notice of apparent liability has been issued by the Secretary Director and received by the respondent, or the Secretary Director sends written notice of apparent liability by registered or certified mail, return receipt requested, to the last known address of the respondent. Any respondent so notified must be granted an opportunity to request a hearing within 10 days from receipt of notice, or to show in writing, why he should not be held liable. A notice issued under this Section must set forth the date, facts and nature of the act or omission with which the respondent is charged and must specifically identify the particular provision of this Article, rule, regulation or order of which a violation is charged.

(3) No forfeiture liability under paragraph (1) of this subsection may attach for any violation occurring more than 2 years prior to the date of issuance of the notice of apparent liability and in no event may the total civil penalty forfeiture imposed for the acts or omissions set forth in any one notice of apparent liability exceed $100,000.

(4) All administrative hearings conducted pursuant to this Article are subject to 50 Ill. Adm. Code 2402 and all administrative hearings are subject to the Administrative Review Law.

(5) The civil penalty forfeitures provided for in this Section are payable to the General Revenue Fund of the State of Illinois, and may be recovered in a civil suit in the name of the State of Illinois brought in the Circuit Court in Sangamon County or in the Circuit Court of the county where the respondent is domiciled or has its principal operating office.

(6) In any case where the Secretary Director issues a notice of apparent liability looking toward the imposition of a civil penalty
forfeiture under this Section that fact may not be used in any other proceeding before the Secretary Director to the prejudice of the respondent to whom the notice was issued, unless (a) the civil penalty forfeiture has been paid, or (b) a court has ordered payment of the civil penalty forfeiture and that order has become final.

(7) When any person or company has a license or certificate of authority under this Code and knowingly fails or refuses to comply with a lawful order of the Secretary Director requiring compliance with this Article, entered after notice and hearing, within the period of time specified in the order, the Secretary Director may, in addition to any other penalty or authority provided, revoke or refuse to renew the license or certificate of authority of such person or company, or may suspend the license or certificate of authority of such person or company until compliance with such order has been obtained.

(8) When any person or company has a license or certificate of authority under this Code and knowingly fails or refuses to comply with any provisions of this Article, the Secretary Director may, after notice and hearing, in addition to any other penalty provided, revoke or refuse to renew the license or certificate of authority of such person or company, or may suspend the license or certificate of authority of such person or company, until compliance with such provision of this Article has been obtained.

(9) No suspension or revocation under this Section may become effective until 5 days from the date that the notice of suspension or revocation has been personally delivered or delivered by registered or certified mail to the company or person. A suspension or revocation under this Section is stayed upon the filing, by the company or person, of a petition for judicial review under the Administrative Review Law.

(Source: P.A. 93-32, eff. 7-1-03.)

Section 315. The Medical Practice Act of 1987 is amended by changing Sections 7, 22, 23, 24, and 36 and adding Section 24.1 as follows:

(225 ILCS 60/7) (from Ch. 111, par. 4400-7)
(Section scheduled to be repealed on January 1, 2007)
Sec. 7. Medical Disciplinary Board.
(A) There is hereby created the Illinois State Medical Disciplinary Board (hereinafter referred to as the "Disciplinary Board"). The Disciplinary Board shall consist of 11 9 members, to be appointed by the Governor by and with the advice and consent of the Senate. All members shall be residents of

New matter indicated by italics - deletions by strikeout
the State, not more than 6 of whom shall be members of the same political party. All members shall be voting members. Five members shall be physicians licensed to practice medicine in all of its branches in Illinois possessing the degree of doctor of medicine, and it shall be the goal that at least one of the members practice in the field of neurosurgery, one of the members practice in the field of obstetrics and gynecology, and one of the members practice in the field of cardiology. One member shall be a physician licensed to practice in Illinois possessing the degree of doctor of osteopathy or osteopathic medicine. One member shall be a physician licensed to practice in Illinois and possessing the degree of doctor of chiropractic. Four members shall be members of the public, who shall not be engaged in any way, directly or indirectly, as providers of health care. The 2 public members shall act as voting members. One member shall be a physician licensed to practice in Illinois possessing the degree of doctor of osteopathy or osteopathic medicine. One member shall be a physician licensed to practice in Illinois and possessing the degree of doctor of chiropractic.

(B) Members of the Disciplinary Board shall be appointed for terms of 4 years. Upon the expiration of the term of any member, their successor shall be appointed for a term of 4 years by the Governor by and with the advice and consent of the Senate. The Governor shall fill any vacancy for the remainder of the unexpired term by and with the advice and consent of the Senate. Upon recommendation of the Board, any member of the Disciplinary Board may be removed by the Governor for misfeasance, malfeasance, or wilful neglect of duty, after notice, and a public hearing, unless such notice and hearing shall be expressly waived in writing. Each member shall serve on the Disciplinary Board until their successor is appointed and qualified. No member of the Disciplinary Board shall serve more than 2 consecutive 4 year terms.

In making appointments the Governor shall attempt to insure that the various social and geographic regions of the State of Illinois are properly represented.

In making the designation of persons to act for the several professions represented on the Disciplinary Board, the Governor shall give due consideration to recommendations by members of the respective professions and by organizations therein.

(C) The Disciplinary Board shall annually elect one of its voting members as chairperson and one as vice chairperson. No officer shall be elected more than twice in succession to the same office. Each officer shall serve until their successor has been elected and qualified.

New matter indicated by italics - deletions by strikeout
(D) (Blank).

(E) Six, at least 4 of whom are physicians, our voting members of the Disciplinary Board shall constitute a quorum. A vacancy in the membership of the Disciplinary Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Disciplinary Board. Any action taken by the Disciplinary Board under this Act may be authorized by resolution at any regular or special meeting and each such resolution shall take effect immediately. The Disciplinary Board shall meet at least quarterly. The Disciplinary Board is empowered to adopt all rules and regulations necessary and incident to the powers granted to it under this Act.

(F) Each member, and member-officer, of the Disciplinary Board shall receive a per diem stipend as the Secretary Director of the Department, hereinafter referred to as the Secretary Director, shall determine. The Secretary Director shall also determine the per diem stipend that each ex-officio member shall receive. Each member shall be paid their necessary expenses while engaged in the performance of their duties.

(G) The Secretary Director shall select a Chief Medical Coordinator and not less than 2 a Deputy Medical Coordinators Coordinator who shall not be members of the Disciplinary Board. Each medical coordinator shall be a physician licensed to practice medicine in all of its branches, and the Secretary Director shall set their rates of compensation. The Secretary Director shall assign at least one medical coordinator to a region composed of Cook County and such other counties as the Secretary Director may deem appropriate, and such medical coordinator or coordinators shall locate their office in Chicago. The Secretary Director shall assign at least one the remaining medical coordinator to a region composed of the balance of counties in the State, and such medical coordinator or coordinators shall locate their office in Springfield. Each medical coordinator shall be the chief enforcement officer of this Act in his or her their assigned region and shall serve at the will of the Disciplinary Board.

The Secretary Director shall employ, in conformity with the Personnel Code, not less than one full time investigator for every 5,000 physicians licensed in the State. Each investigator shall be a college graduate with at least 2 years' investigative experience or one year advanced medical education. Upon the written request of the Disciplinary Board, the Secretary Director shall employ, in conformity with the Personnel Code, such other professional, technical, investigative, and clerical help, either on a full or part-time basis as the Disciplinary Board deems necessary for the proper performance of its duties.

New matter indicated by italics - deletions by strikeout
(H) Upon the specific request of the Disciplinary Board, signed by either the chairman, vice chairman, or a medical coordinator of the Disciplinary Board, the Department of Human Services or the Department of State Police shall make available any and all information that they have in their possession regarding a particular case then under investigation by the Disciplinary Board.

(I) Members of the Disciplinary Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Disciplinary Board.

(J) The Disciplinary Board may compile and establish a statewide roster of physicians and other medical professionals, including the several medical specialties, of such physicians and medical professionals, who have agreed to serve from time to time as advisors to the medical coordinators. Such advisors shall assist the medical coordinators or the Disciplinary Board in their investigations and participation in complaints against physicians. Such advisors shall serve under contract and shall be reimbursed at a reasonable rate for the services provided, plus reasonable expenses incurred. While serving in this capacity, the advisor, for any act undertaken in good faith and in the conduct of their duties under this Section, shall be immune from civil suit.

(Source: P.A. 93-138, eff. 7-10-03.)

(225 ILCS 60/22) (from Ch. 111, par. 4400-22)
Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probationary status, refuse to renew, or take any other disciplinary action as the Department may deem proper with regard to the license or visiting professor permit of any person issued under this Act to practice medicine, or to treat human ailments without the use of drugs and without operative surgery upon any of the following grounds:

(1) Performance of an elective abortion in any place, locale, facility, or institution other than:

   (a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;
   (b) an institution licensed under the Hospital Licensing Act; or
   (c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or any agency thereof, where such department or agency has
authority under law to establish and enforce standards for the ambulatory surgical treatment centers, hospitalization, or care facilities under its management and control; or

(d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or

(e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.

(2) Performance of an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.

(3) The conviction of a felony in this or any other jurisdiction, except as otherwise provided in subsection B of this Section, whether or not related to practice under this Act, or the entry of a guilty or nolo contendere plea to a felony charge.

(4) Gross negligence in practice under this Act.

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(6) Obtaining any fee by fraud, deceit, or misrepresentation.

(7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.

(8) Practicing under a false or, except as provided by law, an assumed name.

(9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(10) Making a false or misleading statement regarding their skill or the efficacy or value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind.

(11) Allowing another person or organization to use their license, procured under this Act, to practice.

(12) Disciplinary action of another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or doctor of
chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof.

(13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Secretary Director, after consideration of the recommendation of the Disciplinary Board.

(14) Dividing with anyone other than physicians with whom the licensee practices in a partnership, Professional Association, limited liability company, or Medical or Professional Corporation any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing medicine in partnership under a partnership agreement, including a limited liability partnership, in a limited liability company under the Limited Liability Company Act, in a corporation authorized by the Medical Corporation Act, as an association authorized by the Professional Association Act, or in a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the Board of Directors of the corporation or association. Nothing contained in this subsection prohibits 2 or more corporations authorized by the Medical Corporation Act, from forming a partnership or joint venture of such corporations, and providing medical, surgical and scientific research and knowledge by employees of these corporations if such employees are licensed under this Act, or from pooling, sharing, dividing, or apportioning the fees and monies received by the partnership or joint venture in accordance with the partnership or joint venture agreement. Nothing contained in this subsection shall abrogate the right of 2 or more persons, holding valid and current licenses under this Act, to each receive adequate compensation for concurrently rendering professional services to a patient and divide a fee; provided, the patient has full knowledge of the division, and, provided, that the division is made in proportion to the services performed and responsibility assumed by each.

(15) A finding by the Medical Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the terms of the

New matter indicated by italics - deletions by strikeout
probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

(17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.

(19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

(21) Wilfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Public Aid under the Illinois Public Aid Code.

(22) Wilful omission to file or record, or wilfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or wilfully failing to report an instance of suspected abuse or neglect as required by law.

(23) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(24) Solicitation of professional patronage by any corporation, agents or persons, or profiting from those representing themselves to be agents of the licensee.

(25) Gross and wilful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department.
of Public Aid under the Illinois Public Aid Code.

(26) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Wilfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

(32) Aiding and abetting an individual not licensed under this Act in the practice of a profession licensed under this Act.

(33) Violating state or federal laws or regulations relating to controlled substances, legend drugs, or ephedra, as defined in the Ephedra Prohibition Act.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute
grounds for action as defined in this Section.

(37) Failure to transfer copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

(39) Violating the Health Care Worker Self-Referral Act.

(40) Willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

(42) Entering into an excessive number of written collaborative agreements with licensed advanced practice nurses resulting in an inability to adequately collaborate and provide medical direction.

(43) Repeated failure to adequately collaborate with or provide medical direction to a licensed advanced practice nurse.

Except for actions involving the ground numbered (26), all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 3 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9), (26), and (29), no action shall be commenced more than 10 years after the date of the incident or act alleged to have violated this Section. For actions involving the ground numbered (26), a pattern of practice or other behavior includes all incidents alleged to be part of the pattern of practice or other behavior that occurred or a report pursuant to Section 23 of this Act received within the 10-year period preceding the filing of the complaint. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years one year from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during
which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the Medical Disciplinary Board that they have been determined to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Illinois Department of Revenue.

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

(a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;

(b) what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and

(d) what constitutes gross negligence in the practice of medicine.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Medical Disciplinary Board, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician or physicians shall be those specifically designated by the Disciplinary Board. The Medical Disciplinary Board or the Department may order the examining physician to present testimony concerning this mental or physical examination.
examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination, when directed, shall be grounds for suspension of his or her license until such time as the individual submits to the examination if the Disciplinary Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause. If the Disciplinary Board finds a physician unable to practice because of the reasons set forth in this Section, the Disciplinary Board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the Disciplinary Board, as a condition for continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Secretary Director for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the Disciplinary Board. In instances in which the Secretary Director immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed $10,000 $5,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds
collected from such fines shall be deposited in the Medical Disciplinary Fund.

(B) The Department shall revoke the license or visiting permit of any person issued under this Act to practice medicine or to treat human ailments without the use of drugs and without operative surgery, who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or visiting permit is revoked under this subsection B of Section 22 of this Act shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The Medical Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person without notice as required under the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of $1,000 and for a second or subsequent violation, a civil penalty of $5,000.

(Source: P.A. 89-18, eff. 6-1-95; 89-201, eff. 1-1-96; 89-626, eff. 8-9-96; 89-702, eff. 7-1-97; 90-742, eff. 8-13-98.)

(225 ILCS 60/23) (from Ch. 111, par. 4400-23)
(Section scheduled to be repealed on January 1, 2007)
Sec. 23. Reports relating to professional conduct and capacity.
(A) Entities required to report.

(1) Health care institutions. The chief administrator or executive officer of any health care institution licensed by the Illinois Department of Public Health shall report to the Disciplinary Board when any person's clinical privileges are terminated or are restricted based on a final determination, in accordance with that institution's by-laws or rules and regulations, that a person has either committed an act or acts which may directly threaten patient care, and not of an administrative nature, or that a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care. Such officer also shall report if a person accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon conduct related directly to patient care and not of an
administrative nature, or in lieu of formal action seeking to determine whether a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care. The Medical Disciplinary Board shall, by rule, provide for the reporting to it of all instances in which a person, licensed under this Act, who is impaired by reason of age, drug or alcohol abuse or physical or mental impairment, is under supervision and, where appropriate, is in a program of rehabilitation. Such reports shall be strictly confidential and may be reviewed and considered only by the members of the Disciplinary Board, or by authorized staff as provided by rules of the Disciplinary Board. Provisions shall be made for the periodic report of the status of any such person not less than twice annually in order that the Disciplinary Board shall have current information upon which to determine the status of any such person. Such initial and periodic reports of impaired physicians shall not be considered records within the meaning of The State Records Act and shall be disposed of, following a determination by the Disciplinary Board that such reports are no longer required, in a manner and at such time as the Disciplinary Board shall determine by rule. The filing of such reports shall be construed as the filing of a report for purposes of subsection (C) of this Section.

(2) Professional associations. The President or chief executive officer of any association or society, of persons licensed under this Act, operating within this State shall report to the Disciplinary Board when the association or society renders a final determination that a person has committed unprofessional conduct related directly to patient care or that a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care.

(3) Professional liability insurers. Every insurance company which offers policies of professional liability insurance to persons licensed under this Act, or any other entity which seeks to indemnify the professional liability of a person licensed under this Act, shall report to the Disciplinary Board the settlement of any claim or cause of action, or final judgment rendered in any cause of action, which alleged negligence in the furnishing of medical care by such licensed person when such settlement or final judgment is in favor of the plaintiff.

(4) State's Attorneys. The State's Attorney of each county shall report to the Disciplinary Board all instances in which a person
licensed under this Act is convicted or otherwise found guilty of the commission of any felony. The State's Attorney of each county may report to the Disciplinary Board through a verified complaint any instance in which the State's Attorney believes that a physician has willfully violated the notice requirements of the Parental Notice of Abortion Act of 1995.

(5) State agencies. All agencies, boards, commissions, departments, or other instrumentalities of the government of the State of Illinois shall report to the Disciplinary Board any instance arising in connection with the operations of such agency, including the administration of any law by such agency, in which a person licensed under this Act has either committed an act or acts which may be a violation of this Act or which may constitute unprofessional conduct related directly to patient care or which indicates that a person licensed under this Act may be mentally or physically disabled in such a manner as to endanger patients under that person's care.

(B) Mandatory reporting. All reports required by items (34), (35), and (36) of subsection (A) of Section 22 and by Section 23 shall be submitted to the Disciplinary Board in a timely fashion. The reports shall be filed in writing within 60 days after a determination that a report is required under this Act. All reports shall contain the following information:

(1) The name, address and telephone number of the person making the report.

(2) The name, address and telephone number of the person who is the subject of the report.

(3) The name and date of birth or other means of identification of any patient or patients whose treatment is a subject of the report, if available, or other means of identification if such information is not available, identification of the hospital or other healthcare facility where the care at issue in the report was rendered, provided, however, no medical records may be revealed without the written consent of the patient or patients.

(4) A brief description of the facts which gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report.

(5) If court action is involved, the identity of the court in which the action is filed, along with the docket number and date of filing of the action.

(6) Any further pertinent information which the reporting
party deems to be an aid in the evaluation of the report.

The Department shall have the right to inform patients of the right to provide written consent for the Department to obtain copies of hospital and medical records. The Disciplinary Board or Department may also exercise the power under Section 38 of this Act to subpoena copies of hospital or medical records in mandatory report cases alleging death or permanent bodily injury when consent to obtain records is not provided by a patient or legal representative. Appropriate rules shall be adopted by the Department with the approval of the Disciplinary Board.

When the Department has received written reports concerning incidents required to be reported in items (34), (35), and (36) of subsection (A) of Section 22, the licensee's failure to report the incident to the Department under those items shall not be the sole grounds for disciplinary action.

Nothing contained in this Section shall act to in any way, waive or modify the confidentiality of medical reports and committee reports to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Disciplinary Board, the Medical Coordinators, the Disciplinary Board's attorneys, the medical investigative staff, and authorized clerical staff, as provided in this Act, and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation. Furthermore, information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense.

(C) Immunity from prosecution. Any individual or organization acting in good faith, and not in a wilful and wanton manner, in complying with this Act by providing any report or other information to the Disciplinary Board or a peer review committee, or assisting in the investigation or preparation of such information, or by voluntarily reporting to the Disciplinary Board or a peer review committee information regarding alleged errors or negligence by a person licensed under this Act, or by participating in proceedings of the Disciplinary Board or a peer review committee, or by serving as a member of the Disciplinary Board or a peer review committee, shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(D) Indemnification. Members of the Disciplinary Board, the Medical Coordinators, the Disciplinary Board's attorneys, the medical investigative
staff, physicians retained under contract to assist and advise the medical coordinators in the investigation, and authorized clerical staff shall be indemnified by the State for any actions occurring within the scope of services on the Disciplinary Board, done in good faith and not wilful and wanton in nature. The Attorney General shall defend all such actions unless he or she determines either that there would be a conflict of interest in such representation or that the actions complained of were not in good faith or were wilful and wanton.

Should the Attorney General decline representation, the member shall have the right to employ counsel of his or her choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were not in good faith or were wilful and wanton.

The member must notify the Attorney General within 7 days of receipt of notice of the initiation of any action involving services of the Disciplinary Board. Failure to so notify the Attorney General shall constitute an absolute waiver of the right to a defense and indemnification.

The Attorney General shall determine within 7 days after receiving such notice, whether he or she will undertake to represent the member.

(E) Deliberations of Disciplinary Board. Upon the receipt of any report called for by this Act, other than those reports of impaired persons licensed under this Act required pursuant to the rules of the Disciplinary Board, the Disciplinary Board shall notify in writing, by certified mail, the person who is the subject of the report. Such notification shall be made within 30 days of receipt by the Disciplinary Board of the report.

The notification shall include a written notice setting forth the person's right to examine the report. Included in such notification shall be the address at which the file is maintained, the name of the custodian of the reports, and the telephone number at which the custodian may be reached. The person who is the subject of the report shall submit a written statement responding, clarifying, adding to, or proposing the amending of the report previously filed. The person who is the subject of the report shall also submit with the written statement any medical records related to the report. The statement and accompanying medical records shall become a permanent part of the file and must be received by the Disciplinary Board no more than 30 days after the date on which the person was notified by the Disciplinary Board of the existence of the original report.

The Disciplinary Board shall review all reports received by it, together with any supporting information and responding statements submitted by
persons who are the subject of reports. The review by the Disciplinary Board shall be in a timely manner but in no event, shall the Disciplinary Board's initial review of the material contained in each disciplinary file be less than 61 days nor more than 180 days after the receipt of the initial report by the Disciplinary Board.

When the Disciplinary Board makes its initial review of the materials contained within its disciplinary files, the Disciplinary Board shall, in writing, make a determination as to whether there are sufficient facts to warrant further investigation or action. Failure to make such determination within the time provided shall be deemed to be a determination that there are not sufficient facts to warrant further investigation or action.

Should the Disciplinary Board find that there are not sufficient facts to warrant further investigation, or action, the report shall be accepted for filing and the matter shall be deemed closed and so reported to the Secretary Director. The Secretary Director shall then have 30 days to accept the Medical Disciplinary Board's decision or request further investigation. The Secretary Director shall inform the Board in writing of the decision to request further investigation, including the specific reasons for the decision. The individual or entity filing the original report or complaint and the person who is the subject of the report or complaint shall be notified in writing by the Secretary Director of any final action on their report or complaint.

(F) Summary reports. The Disciplinary Board shall prepare, on a timely basis, but in no event less than one every other month, a summary report of final actions taken upon disciplinary files maintained by the Disciplinary Board. The summary reports shall be sent by the Disciplinary Board to every health care facility licensed by the Illinois Department of Public Health, every professional association and society of persons licensed under this Act functioning on a statewide basis in this State, the American Medical Association, the American Osteopathic Association, the American Chiropractic Association, all insurers providing professional liability insurance to persons licensed under this Act in the State of Illinois, the Federation of State Medical Licensing Boards, and the Illinois Pharmacists Association.

(G) Any violation of this Section shall be a Class A misdemeanor.

(H) If any such person violates the provisions of this Section an action may be brought in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, for an order enjoining such violation or for an order enforcing compliance with this Section. Upon filing of a verified petition in such court, the court may issue a temporary restraining

New matter indicated by italics - deletions by strikeout
order without notice or bond and may preliminarily or permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this paragraph shall be in addition to, and not in lieu of, all other remedies and penalties provided for by this Section.

(Source: P.A. 89-18, eff. 6-1-95; 89-702, eff. 7-1-97; 90-699, eff. 1-1-99.)

(225 ILCS 60/24) (from Ch. 111, par. 4400-24)

(Section scheduled to be repealed on January 1, 2007)

Sec. 24. Report of violations; medical associations. Any physician licensed under this Act, the Illinois State Medical Society, the Illinois Association of Osteopathic Physicians and Surgeons, the Illinois Chiropractic Society, the Illinois Prairie State Chiropractic Association, or any component societies of any of these 4 groups, and any other person, may report to the Disciplinary Board any information the physician, association, society, or person may have that appears to show that a physician is or may be in violation of any of the provisions of Section 22 of this Act.

The Department may enter into agreements with the Illinois State Medical Society, the Illinois Association of Osteopathic Physicians and Surgeons, the Illinois Prairie State Chiropractic Association, or the Illinois Chiropractic Society to allow these organizations to assist the Disciplinary Board in the review of alleged violations of this Act. Subject to the approval of the Department, any organization party to such an agreement may subcontract with other individuals or organizations to assist in review.

Any physician, association, society, or person participating in good faith in the making of a report under this Act or participating in or assisting with an investigation or review under this Act shall have immunity from any civil, criminal, or other liability that might result by reason of those actions.

The medical information in the custody of an entity under contract with the Department participating in an investigation or review shall be privileged and confidential to the same extent as are information and reports under the provisions of Part 21 of Article VIII of the Code of Civil Procedure.

Upon request by the Department after a mandatory report has been filed with the Department, an attorney for any party seeking to recover damages for injuries or death by reason of medical, hospital, or other healing art malpractice shall provide patient records related to the physician involved in the disciplinary proceeding to the Department within 30 days of the Department's request for use by the Department in any disciplinary matter under this Act. An attorney who provides patient records to the

New matter indicated by italics - deletions by strikeout
Department in accordance with this requirement shall not be deemed to have violated any attorney-client privilege. Notwithstanding any other provision of law, consent by a patient shall not be required for the provision of patient records in accordance with this requirement.

For the purpose of any civil or criminal proceedings, the good faith of any physician, association, society or person shall be presumed. The Disciplinary Board may request the Illinois State Medical Society, the Illinois Association of Osteopathic Physicians and Surgeons, the Illinois Prairie State Chiropractic Association, or the Illinois Chiropractic Society to assist the Disciplinary Board in preparing for or conducting any medical competency examination as the Board may deem appropriate.

(Source: P.A. 88-324.)

(225 ILCS 60/24.1 new)

Sec. 24.1. Physician profile.

(a) This Section may be cited as the Patients' Right to Know Law.

(b) The Department shall make available to the public a profile of each physician. The Department shall make this information available through an Internet web site and, if requested, in writing. The physician profile shall contain the following information:

(1) the full name of the physician;
(2) a description of any criminal convictions for felonies and Class A misdemeanors, as determined by the Department, within the most recent 5 years. For the purposes of this Section, a person shall be deemed to be convicted of a crime if he or she pleaded guilty or if he was found or adjudged guilty by a court of competent jurisdiction;
(3) a description of any final Department disciplinary actions within the most recent 5 years;
(4) a description of any final disciplinary actions by licensing boards in other states within the most recent 5 years;
(5) a description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that have been taken by the hospital's governing body or any other official of the hospital after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent 5 years shall be disclosed by the Department to the public;

New matter indicated by italics - deletions by strikeout
(6) all medical malpractice court judgments and all medical malpractice arbitration awards in which a payment was awarded to a complaining party during the most recent 5 years and all settlements of medical malpractice claims in which a payment was made to a complaining party within the most recent 5 years. A medical malpractice judgment or award that has been appealed shall be identified prominently as "Under Appeal" on the profile within 20 days of formal written notice to the Department. Information concerning all settlements shall be accompanied by the following statement: "Settlement of a claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

Nothing in this subdivision (6) shall be construed to limit or prevent the Disciplinary Board from providing further explanatory information regarding the significance of categories in which settlements are reported. Pending malpractice claims shall not be disclosed by the Department to the public. Nothing in this subdivision (6) shall be construed to prevent the Disciplinary Board from investigating and the Department from disciplining a physician on the basis of medical malpractice claims that are pending;

(7) names of medical schools attended, dates of attendance, and date of graduation;

(8) graduate medical education;

(9) specialty board certification. The toll-free number of the American Board of Medical Specialties shall be included to verify current board certification status;

(10) number of years in practice and locations;

(11) names of the hospitals where the physician has privileges;

(12) appointments to medical school faculties and indication as to whether a physician has a responsibility for graduate medical education within the most recent 5 years;

(13) information regarding publications in peer-reviewed medical literature within the most recent 5 years;

(14) information regarding professional or community service activities and awards;

(15) the location of the physician’s primary practice setting;

New matter indicated by italics - deletions by strikeout
(16) identification of any translating services that may be available at the physician’s primary practice location;
(17) an indication of whether the physician participates in the Medicaid program.

(c) The Disciplinary Board shall provide individual physicians with a copy of their profiles prior to release to the public. A physician shall be provided 60 days to correct factual inaccuracies that appear in such profile.

(d) A physician may elect to have his or her profile omit certain information provided pursuant to subdivisions (12) through (14) of subsection (b) concerning academic appointments and teaching responsibilities, publication in peer-reviewed journals and professional and community service awards. In collecting information for such profiles and in disseminating the same, the Disciplinary Board shall inform physicians that they may choose not to provide such information required pursuant to subdivisions (12) through (14) of subsection (b).

(e) The Department shall promulgate such rules as it deems necessary to accomplish the requirements of this Section.

(225 ILCS 60/36) (from Ch. 111, par. 4400-36)
(Section scheduled to be repealed on January 1, 2007)

Sec. 36. Upon the motion of either the Department or the Disciplinary Board or upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for suspension or revocation under Section 22 of this Act, the Department shall investigate the actions of any person, so accused, who holds or represents that they hold a license. Such person is hereinafter called the accused.

The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Disciplinary Board, direct them to file their written answer thereto to the Disciplinary Board under oath within 20 days after the service on them of such notice and inform them that if they fail to file such answer default will be taken against them and their license may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of their practice, as the Department may deem proper taken with regard thereto.

Where a physician has been found, upon complaint and investigation of the Department, and after hearing, to have performed an abortion

New matter indicated by italics - deletions by strikeout
procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed, the Department shall automatically revoke the license of such physician to practice medicine in Illinois.

Such written notice and any notice in such proceedings thereafter may be served by delivery of the same, personally, to the accused person, or by mailing the same by registered or certified mail to the address last theretofore specified by the accused in their last notification to the Department.

All information gathered by the Department during its investigation including information subpoenaed under Section 23 or 38 of this Act and the investigative file shall be kept for the confidential use of the Secretary Director, Disciplinary Board, the Medical Coordinators, persons employed by contract to advise the Medical Coordinator or the Department, the Disciplinary Board's attorneys, the medical investigative staff, and authorized clerical staff, as provided in this Act and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation. Furthermore, information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense.

(Source: P.A. 90-699, eff. 1-1-99.)

Section 320. The Clerks of Courts Act is amended by adding Section 27.10 as follows:

(705 ILCS 105/27.10 new)

Sec. 27.10. Secretary of Financial and Professional Regulation. Each clerk of the circuit court shall provide to the Secretary of Financial and Professional Regulation such information as the Secretary of Financial and Professional Regulation requests under Section 155.19 of the Illinois Insurance Code.

Section 330. The Code of Civil Procedure is amended by reenacting and changing Sections 2-622 and 8-2501, by changing Section 8-1901, and by adding Sections 2-1704.5 and 2-1706.5 as follows:

(735 ILCS 5/2-622) (from Ch. 110, par. 2-622)

(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 2-622. Healing art malpractice.

(a) In any action, whether in tort, contract or otherwise, in which the

New matter indicated by italics - deletions by strikeout
plaintiff seeks damages for injuries or death by reason of medical, hospital, or other healing art malpractice, the plaintiff's attorney or the plaintiff, if the plaintiff is proceeding pro se, shall file an affidavit, attached to the original and all copies of the complaint, declaring one of the following:

1. That the affiant has consulted and reviewed the facts of the case with a health professional who the affiant reasonably believes: (i) is knowledgeable in the relevant issues involved in the particular action; (ii) practices or has practiced within the last 5 6 years or teaches or has taught within the last 5 6 years in the same area of health care or medicine that is at issue in the particular action; and (iii) meets the expert witness standards set forth in paragraphs (a) through (d) of Section 8-2501; is qualified by experience or demonstrated competence in the subject of the case; that the reviewing health professional has determined in a written report, after a review of the medical record and other relevant material involved in the particular action that there is a reasonable and meritorious cause for the filing of such action; and that the affiant has concluded on the basis of the reviewing health professional's review and consultation that there is a reasonable and meritorious cause for filing of such action. A single written report must be filed to cover each defendant in the action. As to defendants who are individuals, the affidavit is filed as to a defendant who is a physician licensed to treat human ailments without the use of drugs or medicines and without operative surgery, a dentist, a podiatrist, a psychologist, or a naprapath. The written report must be from a health professional licensed in the same profession, with the same class of license, as the defendant. For written reports affidavits filed as to all other defendants, who are not individuals, the written report must be from a physician licensed to practice medicine in all its branches who is qualified by experience with the standard of care, methods, procedures and treatments relevant to the allegations at issue in the case. In either event, the written report affidavit must identify the profession of the reviewing health professional. A copy of the written report, clearly identifying the plaintiff and the reasons for the reviewing health professional's determination that a reasonable and meritorious cause for the filing of the action exists, including the reviewing health care professional's name, address, current license number, and state of licensure, must be attached to the affidavit; but information which would identify the reviewing health professional

New matter indicated by italics - deletions by strikeout
may be deleted from the copy so attached. Information regarding the preparation of a written report by the reviewing health professional shall not be used to discriminate against that professional in the issuance of medical liability insurance or in the setting of that professional’s medical liability insurance premium. No professional organization may discriminate against a reviewing health professional on the basis that the reviewing health professional has prepared a written report.

2. That the affiant was unable to obtain a consultation required by paragraph 1 because a statute of limitations would impair the action and the consultation required could not be obtained before the expiration of the statute of limitations. If an affidavit is executed pursuant to this paragraph, the affidavit certificate and written report required by paragraph 1 shall be filed within 90 days after the filing of the complaint. No additional 90-day extensions pursuant to this paragraph shall be granted, except where there has been a withdrawal of the plaintiff’s counsel. The defendant shall be excused from answering or otherwise pleading until 30 days after being served with an affidavit and a report a certificate required by paragraph 1.

3. That a request has been made by the plaintiff or his attorney for examination and copying of records pursuant to Part 20 of Article VIII of this Code and the party required to comply under those Sections has failed to produce such records within 60 days of the receipt of the request. If an affidavit is executed pursuant to this paragraph, the affidavit certificate and written report required by paragraph 1 shall be filed within 90 days following receipt of the requested records. All defendants except those whose failure to comply with Part 20 of Article VIII of this Code is the basis for an affidavit under this paragraph shall be excused from answering or otherwise pleading until 30 days after being served with the affidavit and report certificate required by paragraph 1.

(b) Where an affidavit a certificate and written report are required pursuant to this Section a separate affidavit certificate and written report shall be filed as to each defendant who has been named in the complaint and shall be filed as to each defendant named at a later time.

(c) Where the plaintiff intends to rely on the doctrine of "res ipsa loquitur", as defined by Section 2-1113 of this Code, the affidavit certificate and written report must state that, in the opinion of the reviewing health professional, negligence has occurred in the course of medical treatment. The
(d) When the attorney intends to rely on the doctrine of failure to inform of the consequences of the procedure, the attorney shall certify upon the filing of the complaint that the reviewing health professional has, after reviewing the medical record and other relevant materials involved in the particular action, concluded that a reasonable health professional would have informed the patient of the consequences of the procedure.

(e) Allegations and denials in the affidavit, made without reasonable cause and found to be untrue, shall subject the party pleading them or his attorney, or both, to the payment of reasonable expenses, actually incurred by the other party by reason of the untrue pleading, together with reasonable attorneys' fees to be summarily taxed by the court upon motion made within 30 days of the judgment or dismissal. In no event shall the award for attorneys' fees and expenses exceed those actually paid by the moving party, including the insurer, if any. In proceedings under this paragraph (e), the moving party shall have the right to depose and examine any and all reviewing health professionals who prepared reports used in conjunction with an affidavit required by this Section.

(f) A reviewing health professional who in good faith prepares a report used in conjunction with an affidavit required by this Section shall have civil immunity from liability which otherwise might result from the preparation of such report.

(g) The failure of the plaintiff to file an affidavit and report in compliance with the certificate required by this Section shall be grounds for dismissal under Section 2-619.

(h) This Section does not apply to or affect any actions pending at the time of its effective date, but applies to cases filed on or after its effective date.

(i) This amendatory Act of 1997 does not apply to or affect any actions pending at the time of its effective date, but applies to cases filed on or after its effective date.

(j) The changes to this Section made by this amendatory Act of the 94th General Assembly apply to causes of action accruing on or after its effective date.

(Source: P.A. 86-646; 90-579, eff. 5-1-98.)

(735 ILCS 5/2-1704.5 new)

Sec. 2-1704.5. Guaranteed payment of future medical expenses and costs of life care.

New matter indicated by italics - deletions by strikeout
(a) At any time, but no later than 5 days after a verdict in the
plaintiff’s favor for a plaintiff’s future medical expenses and costs of life care
is reached, either party in a medical malpractice action may elect, or the
court may enter an order, to have the payment of the plaintiff’s future medical
expenses and costs of life care made under this Section.

(b) In all cases in which a defendant in a medical malpractice action
is found liable for the plaintiff’s future medical expenses and costs of care, the
trier of fact shall make the following findings based on evidence
presented at trial:

1. the present cash value of the plaintiff’s future medical
expenses and costs of life care;

2. the current year annual cost of the plaintiff’s future
medical expenses and costs of life care; and

3. the annual composite rate of inflation that should be
applied to the costs specified in item (2).

Based upon evidence presented at trial, the trier of fact may also vary
the amount of future costs under this Section from year to year to account for
different annual expenditures, including the immediate medical and life care
needs of the plaintiff. The jury shall not be informed of an election to pay for
future medical expenses and costs of life care by purchasing an annuity.

(c) When an election is made to pay for future medical expenses and
costs of life care by purchasing an annuity, the court shall enter a judgment
ordering that the defendant pay the plaintiff an amount equal to 20% of the
present cash value of future medical expenses and cost of life care
determined under subsection (b)(1) of this Section and ordering that the
remaining future expenses and costs be paid by the purchase of an annuity
by or on behalf of the defendant from a company that has itself, or is
irrevocably supported financially by a company that has, at least 2 of the
following 4 ratings: "A+ X" or higher from A.M. Best Company; "AA-" or
higher from Standard & Poor's; "Aa3" or higher from Moody's; and "AA-
" or higher from Fitch. The annuity must guarantee that the plaintiff will
receive annual payments equal to 80% of the amount determined in
subsection (b)(2) inflated by the rate determined in subsection (b)(3) for the
life of the plaintiff.

(d) If the company providing the annuity becomes unable to pay
amounts required by the annuity, the defendant shall secure a replacement
annuity for the remainder of the plaintiff’s life from a company that satisfies
the requirements of subsection (c).

(e) A plaintiff receiving future payments by means of an annuity under

---

New matter indicated by italics - deletions by strikeout
this Section may seek leave of court to assign or otherwise transfer the right
to receive such payments in exchange for a negotiated lump sum value of the
remaining future payments or any portion of the remaining future payments
under the annuity to address an unanticipated financial hardship under such
terms as approved by the court.

(f) This Section applies to all causes of action accruing on or after the
effective date of this amendatory Act of the 94th General Assembly.

(735 ILCS 5/2-1706.5 new)
Sec. 2-1706.5. Standards for economic and non-economic damages.
(a) In any medical malpractice action or wrongful death action based
on medical malpractice in which economic and non-economic damages may
be awarded, the following standards shall apply:

(1) In a case of an award against a hospital and its personnel
or hospital affiliates, as defined in Section 10.8 of the Hospital
Licensing Act, the total amount of non-economic damages shall not
exceed $1,000,000 awarded to all plaintiffs in any civil action arising
out of the care.

(2) In a case of an award against a physician and the
physician's business or corporate entity and personnel or health care
professional, the total amount of non-economic damages shall not
exceed $500,000 awarded to all plaintiffs in any civil action arising
out of the care.

(3) In awarding damages in a medical malpractice case, the
finder of fact shall render verdicts with a specific award of damages
for economic loss, if any, and a specific award of damages for non-
economic loss, if any.

The trier of fact shall not be informed of the provisions of items (1)
and (2) of this subsection (a).

(b) In any medical malpractice action where an individual plaintiff
earns less than the annual average weekly wage, as determined by the Illinois
Workers' Compensation Commission, at the time the action is filed, any
award may include an amount equal to the wage the individual plaintiff earns
or the annual average weekly wage.

(c) This Section applies to all causes of action accruing on or after
the effective date of this amendatory Act of the 94th General Assembly.

(735 ILCS 5/8-1901) (from Ch. 110, par. 8-1901)
Sec. 8-1901. Admission of liability - Effect.
(a) The providing of, or payment for, medical, surgical, hospital, or
rehabilitation services, facilities, or equipment by or on behalf of any person,

New matter indicated by italics - deletions by strikeout
or the offer to provide, or pay for, any one or more of the foregoing, shall not be construed as an admission of any liability by such person or persons. Testimony, writings, records, reports or information with respect to the foregoing shall not be admissible in evidence as an admission of any liability in any action of any kind in any court or before any commission, administrative agency, or other tribunal in this State, except at the instance of the person or persons so making any such provision, payment or offer.

(b) Any expression of grief, apology, or explanation provided by a health care provider, including, but not limited to, a statement that the health care provider is "sorry" for the outcome to a patient, the patient's family, or the patient's legal representative about an inadequate or unanticipated treatment or care outcome that is provided within 72 hours of when the provider knew or should have known of the potential cause of such outcome shall not be admissible as evidence in any action of any kind in any court or before any tribunal, board, agency, or person. The disclosure of any such information, whether proper, or improper, shall not waive or have any effect upon its confidentiality or inadmissibility. As used in this Section, a "health care provider" is any hospital, nursing home or other facility, or employee or agent thereof, a physician, or other licensed health care professional. Nothing in this Section precludes the discovery or admissibility of any other facts regarding the patient's treatment or outcome as otherwise permitted by law.

(c) The changes to this Section made by this amendatory Act of the 94th General Assembly apply to causes of action accruing on or after its effective date.

(Source: P.A. 82-280.)

(735 ILCS 5/8-2501) (from Ch. 110, par. 8-2501)

(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 8-2501. Expert Witness Standards. In any case in which the standard of care applicable to given by a medical professional profession is at issue, the court shall apply the following standards to determine if a witness qualifies as an expert witness and can testify on the issue of the appropriate standard of care.

(a) Whether the witness is board certified or board eligible, or has completed a residency, in the same or substantially similar medical specialties as the defendant and is otherwise qualified by significant experience with the standard of care, methods, procedures, and treatments relevant to the allegations against the defendant.
specialties of the witness to the medical problem or problems and the type of treatment administered in the case;

(b) Whether the witness has devoted a majority substantial portion of his or her work time to the practice of medicine, teaching or University based research in relation to the medical care and type of treatment at issue which gave rise to the medical problem of which the plaintiff complains;

(c) whether the witness is licensed in the same profession with the same class of license as the defendant if the defendant is an individual; and

(d) whether, in the case against a nonspecialist, the witness can demonstrate a sufficient familiarity with the standard of care practiced in this State.

An expert shall provide evidence of active practice, teaching, or engaging in university-based research. If retired, an expert must provide evidence of attendance and completion of continuing education courses for 3 years previous to giving testimony. An expert who has not actively practiced, taught, or been engaged in university-based research, or any combination thereof, during the preceding 5 years may not be qualified as an expert witness.

The changes to this Section made by this amendatory Act of the 94th General Assembly apply to causes of action accruing on or after its effective date.

(Source: P.A. 84-7.)

Section 340. The Good Samaritan Act is amended by changing Section 30 as follows:

(745 ILCS 49/30)

Sec. 30. Free medical clinic; exemption from civil liability for services performed without compensation.

(a) A person licensed under the Medical Practice Act of 1987, a person licensed to practice the treatment of human ailments in any other state or territory of the United States, or a health care professional, including but not limited to an advanced practice nurse, retired physician, physician assistant, nurse, pharmacist, physical therapist, podiatrist, or social worker licensed in this State or any other state or territory of the United States, who, in good faith, provides medical treatment, diagnosis, or advice as a part of the services of an established free medical clinic providing care, including but not limited to home visits, without charge to medically indigent patients which is limited to care that does not require the services of a licensed hospital or ambulatory surgical treatment center and who receives no fee or compensation from that source shall not be liable for civil damages as a result

New matter indicated by italics - deletions by strikeout
of his or her acts or omissions in providing that medical treatment, except for willful or wanton misconduct.

(b) For purposes of this Section, a "free medical clinic" is an organized community based program providing medical care without charge to individuals unable to pay for it, at which the care provided does not include the use of general anesthesia or require an overnight stay in a health-care facility.

(c) The provisions of subsection (a) of this Section do not apply to a particular case unless the free medical clinic has posted in a conspicuous place on its premises an explanation of the exemption from civil liability provided herein.

(d) The immunity from civil damages provided under subsection (a) also applies to physicians, retired physicians, hospitals, and other health care providers that provide further medical treatment, diagnosis, or advice, including but not limited to hospitalization, office visits, and home visits, to a patient upon referral from an established free medical clinic without fee or compensation.

(d-5) A free medical clinic may receive reimbursement from the Illinois Department of Public Aid, provided any reimbursements shall be used only to pay overhead expenses of operating the free medical clinic and may not be used, in whole or in part, to provide a fee or other compensation to any person licensed under the Medical Practice Act of 1987 or any other health care professional who is receiving an exemption under this Section. Any health care professional receiving an exemption under this Section may not receive any fee or other compensation in connection with any services provided to, or any ownership interest in, the clinic. Medical care shall not include an overnight stay in a health care facility.

(e) Nothing in this Section prohibits a free medical clinic from accepting voluntary contributions for medical services provided to a patient who has acknowledged his or her ability and willingness to pay a portion of the value of the medical services provided.

(f) Any voluntary contribution collected for providing care at a free medical clinic shall be used only to pay overhead expenses of operating the clinic. No portion of any moneys collected shall be used to provide a fee or other compensation to any person licensed under Medical Practice Act of 1987.

(g) The changes to this Section made by this amendatory Act of the 94th General Assembly apply to causes of action accruing on or after its effective date.

New matter indicated by italics - deletions by strikeout
ARTICLE 4. SORRY WORKS! PILOT PROGRAM ACT

Section 401. Short title. This Article 4 may be cited as the Sorry Works! Pilot Program Act, and references in this Article to "this Act" mean this Article.

Section 405. Sorry Works! pilot program. The Sorry Works! pilot program is established. During the first year of the program's operation, participation in the program shall be open to one hospital. Hospitals may participate only with the approval of the hospital administration and the hospital's organized medical staff. During the second year of the program's operation, participation in the program shall be open to one additional hospital.

The first participating hospital selected by the committee established under Section 410 shall be located in a county with a population greater than 200,000 that is contiguous with the Mississippi River.

Under the program, participating hospitals and physicians shall promptly acknowledge and apologize for mistakes in patient care and promptly offer fair settlements. Participating hospitals shall encourage patients and families to retain their own legal counsel to ensure that their rights are protected and to help facilitate negotiations for fair settlements. Participating hospitals shall report to the committee their total costs for healing art malpractice verdicts, settlements, and defense litigation for the preceding 5 years to enable the committee to determine average costs for that hospital during that period. The committee shall develop standards and protocols to compare costs for cases handled by traditional means and cases handled under the Sorry Works! protocol.

If the committee determines that the total costs of cases handled under the Sorry Works! protocol by a hospital participating in the program exceed the total costs that would have been incurred if the cases had been handled by traditional means, the hospital may apply for a grant from the Sorry Works! Fund, a special fund that is created in the State Treasury, for an amount, as determined by the committee, by which the total costs exceed the total costs that would have been incurred if the cases had been handled by traditional means; however, the total of all grants from the Fund for cases in any single participating hospital in any year may not exceed the amount in the Fund or $2,000,000, whichever is less. All grants shall be subject to appropriation. Moneys in the Fund shall consist of funds transferred into the Fund or otherwise made available from any source.

Section 410. Establishment of committee.
(a) A committee is established to develop, oversee, and implement the Sorry Works! pilot program. The committee shall have 9 members, each of whom shall be a voting member. Six members of the committee shall constitute a quorum. The committee shall be comprised as follows:

(1) The President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall each appoint 2 members.

(2) The Secretary of Financial and Professional Regulation or his or her designee.

(b) The committee shall establish criteria for the program, including but not limited to: selection of hospitals, physicians, and insurers to participate in the program; and creation of a subcommittee to review cases from hospitals and determine whether hospitals, physicians, and insurers are entitled to compensation under the program.

(c) The committee shall communicate with hospitals, physicians, and insurers that are interested in participating in the program. The committee shall make final decisions as to which applicants are accepted for the program.

(d) The committee shall report to the Governor and the General Assembly annually.

(e) The committee shall publish data regarding the program.

(f) Committee members shall receive no compensation for the performance of their duties as members, but each member shall be paid necessary expenses while engaged in the performance of those duties.

Section 415. Termination of program.

(a) The program may be terminated at any time if the committee, by a vote of two-thirds of its members, votes to terminate the program.

(b) If the program is not terminated under subsection (a), the program shall terminate after its second year of operation.

Section 495. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Sorry Works! Fund.

ARTICLE 9. MISCELLANEOUS

Section 995. Inseverability. The provisions of this Act are mutually dependent and inseverable. If any provision is held invalid, then this entire Act, including all new and amendatory provisions, is invalid.

Section 999. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:
Section 5. The County Jail Act is amended by changing Section 5 as
follows:
(730 ILCS 125/5) (from Ch. 75, par. 105)
Sec. 5. Costs of maintaining prisoners.
(a) Except as provided in subsection (b), all costs of maintaining
persons committed for violations of Illinois law, shall be the responsibility
of the county. Except as provided in subsection (b), all costs of maintaining
persons committed under any ordinance or resolution of a unit of local
government, including medical costs, is the responsibility of the unit of local
government enacting the ordinance or resolution, and arresting the person.
(b) If a person who has been convicted of a felony and has violated
mandatory supervised release for that felony is incarcerated in a county jail
pending the resolution of the violation of mandatory supervised release, the
Illinois Department of Corrections shall pay the county in which that jail is
located one-half of the cost of incarceration, as calculated by the Governor’s
Office of Management and Budget and the county’s chief financial officer, for
each day that the person remains in the county jail. Calculation of the per
diem cost shall be agreed upon prior to the passage of the annual State
budget.
(Source: P.A. 83-1073.)
Passed in the General Assembly May 20, 2005.
Approved November 3, 2005.
Effective January 1, 2006.
General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 8-11-1.1, 8-11-1.3, 8-11-1.4, and 8-11-1.5 as follows:

(65 ILCS 5/8-11-1.1) (from Ch. 24, par. 8-11-1.1)

Sec. 8-11-1.1. Non-home rule municipalities; imposition of taxes.

(a) The corporate authorities of a non-home rule municipality may, upon approval of the electors of the municipality pursuant to subsection (b) of this Section, impose by ordinance or resolution the tax authorized in Sections 8-11-1.3, 8-11-1.4 and 8-11-1.5 of this Act.

(b) The corporate authorities of the municipality may by ordinance or resolution call for the submission to the electors of the municipality the question of whether the municipality shall impose such tax. Such question shall be certified by the municipal clerk to the election authority in accordance with Section 28-5 of the Election Code and shall be in a form in accordance with Section 16-7 of the Election Code.

If a majority of the electors in the municipality voting upon the question vote in the affirmative, such tax shall be imposed.

An ordinance or resolution imposing the tax of not more than \( \frac{1}{2} \) of 1% hereunder or discontinuing the same shall be adopted and a certified copy thereof, together with a certification that the ordinance or resolution received referendum approval in the case of the imposition of such tax, filed with the Department of Revenue, on or before the first day of June, whereupon the Department shall proceed to administer and enforce the additional tax or to discontinue the tax, as the case may be, as of the first day of September next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing. Beginning October 1, 2002, an ordinance or resolution imposing or discontinuing the tax under this Section or effecting a change in the rate of tax must either (i) be adopted and a certified copy of the ordinance or resolution filed with the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce this
Section as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy of the ordinance or resolution filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing. A non-home rule municipality may file a certified copy of an ordinance or resolution, with a certification that the ordinance or resolution received referendum approval in the case of the imposition of the tax, with the Department of Revenue, as required under this Section, only after October 2, 2000.

The tax authorized by this Section may not be more than 1/2 of 1% and may be imposed only in 1/4% increments.

(Source: P.A. 91-51, eff. 6-30-99; 91-649, eff. 1-1-00; 92-739, eff. 1-1-03.)

Sec. 8-11-1.3. Non-Home Rule Municipal Retailers' Occupation Tax Act. The corporate authorities of a non-home rule municipality may impose a tax upon all persons engaged in the business of selling tangible personal property, other than on an item of tangible personal property which is titled and registered by an agency of this State's Government, at retail in the municipality for expenditure on public infrastructure or for property tax relief or both as defined in Section 8-11-1.2 if approved by referendum as provided in Section 8-11-1.1, of the gross receipts from such sales made in the course of such business. The tax imposed may not be more than 1/2 of 1% and may be imposed only in 1/4% increments. The tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed by a municipality pursuant to this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit such retailer to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or
penalty hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as fully as if those provisions were set forth herein.

No municipality may impose a tax under this Section unless the municipality also imposes a tax at the same rate under Section 8-11-1.4 of this Code.

Persons subject to any tax imposed pursuant to the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the non-home rule municipal retailers' occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which retailers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, and not including

New matter indicated by italics - deletions by strikeout
any amount which the Department determines is necessary to offset any amounts which were payable to a different taxing body but were erroneously paid to the municipality. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities, provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

For the purpose of determining the local governmental unit whose tax is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the constitution of the United States may not be made the subject of taxation by this State.

When certifying the amount of a monthly disbursement to a municipality under this Section, the Department shall increase or decrease such amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

The Department of Revenue shall implement this amendatory Act of the 91st General Assembly so as to collect the tax on and after January 1, 2002.

As used in this Section, "municipal" and "municipality" means a city, village or incorporated town, including an incorporated town which has superseded a civil township.

This Section shall be known and may be cited as the "Non-Home Rule Municipal Retailers' Occupation Tax Act".

(Source: P.A. 91-51, eff. 6-30-99; 91-649, eff. 1-1-00; 92-739, eff. 1-1-03.)

(65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation Tax Act. The corporate authorities of a non-home rule municipality may impose a tax upon all persons engaged, in such municipality, in the business of making sales of service for expenditure on public infrastructure or for property tax relief or both as defined in Section 8-11-1.2 if approved by referendum as provided in Section 8-11-1.1, of the selling price of all tangible

New matter indicated by italics - deletions by strikeout
personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax imposed may not be more than \( \frac{1}{2} \) of 1% and may be imposed only in 1/4% increments. The tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed by a municipality pursuant to this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers’ Occupation Tax Act or under the Service Occupation Tax Act shall permit such registrant to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the taxing municipality), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the taxing municipality), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this municipal tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers’ Occupation Tax Act), 13 (except that any reference to the State shall mean the taxing municipality), the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

No municipality may impose a tax under this Section unless the
municipality also imposes a tax at the same rate under Section 8-11-1.3 of this Code.

Persons subject to any tax imposed pursuant to the authority granted in this Section may reimburse themselves for their serviceman's tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the municipal retailers' occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which suppliers and servicemen have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities and the General Revenue Fund, provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

The Department of Revenue shall implement this amendatory Act of the 91st General Assembly so as to collect the tax on and after January 1, 2002.

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the constitution of the United States may not be made the subject of taxation by this State.

As used in this Section, "municipal" or "municipality" means or refers
to a city, village or incorporated town, including an incorporated town which has superseded a civil township.

This Section shall be known and may be cited as the "Non-Home Rule Municipal Service Occupation Tax Act".

(Source: P.A. 91-51, eff. 6-30-99; 91-649, eff. 1-1-00; 92-739, eff. 1-1-03.)

(65 ILCS 5/8-11-1.5) (from Ch. 24, par. 8-11-1.5)

Sec. 8-11-1.5. Non-Home Rule Municipal Service Occupation Tax Act. The corporate authorities of a non-home rule municipality may impose a tax upon the privilege of using, in such municipality, any item of tangible personal property which is purchased at retail from a retailer, and which is titled or registered with an agency of this State's government, based on the selling price of such tangible personal property, as "selling price" is defined in the Use Tax Act, for expenditure on public infrastructure or for property tax relief or both as defined in Section 8-11-1.2, if approved by referendum as provided in Section 8-11-1.1. The tax imposed may not be more than $\frac{1}{2}$ of 1% and may be imposed only in $\frac{1}{4}$% increments. Such tax shall be collected from persons whose Illinois address for title or registration purposes is given as being in such municipality. Such tax shall be collected by the municipality imposing such tax. A non-home rule municipality may not impose and collect the tax prior to January 1, 2002.

This Section shall be known and may be cited as the "Non-Home Rule Municipal Service Occupation Tax Act".

(Source: P.A. 91-649, eff. 1-1-00; 92-739, eff. 1-1-03.)

Approved November 3, 2005.
Effective January 1, 2006.
development, assistant director of information technology, comptroller, assistant treasurer, assistant purchasing agent, assistant director of personnel, and laborers, the appointing officer shall make requisition upon the Director, and the Director shall certify to him from the register of eligibles for the position the names and addresses (a) of the five candidates standing highest upon the register of eligibles for the position, or (b) of the candidates within the highest ranking group upon the register of eligibles if the register is by categories such as excellent, well qualified, and qualified, provided, however, that any certification shall consist of at least 5 names, if available. The Director shall certify names from succeeding categories in the order of excellence of the categories until at least 5 names are provided to the appointing officer. The appointing officer shall notify the Director of each position to be filled separately and shall fill the position by appointment of one of the persons certified to him by the Director. Appointments shall be on probation for a period to be fixed by the rules, not exceeding one year. At any time during the period of probation, the appointing officer with the approval of the Director may discharge a person so certified and shall forthwith notify the civil service board in writing of this discharge. If a person is not discharged, his appointment shall be deemed complete.

When there is no eligible list, the appointing officer may, with the authority of the Director, make a temporary appointment to remain in force only until a permanent appointment from an eligible register or list can be made in the manner specified in the previous provisions of this Section, and examinations to supply an eligible list therefor shall be held and an eligible list established therefrom within one year from the making of such appointment. In employment of an essentially temporary and transitory nature, the appointing officer may, with the authority of the Director of Personnel make temporary appointments to fill a vacancy. No temporary appointment of an essentially temporary and transitory nature may be granted for a period of more than 120 days and is not subject to renewal. The Director must include in his annual report, and if required by the commissioners, in any special report, a statement of all temporary authorities granted during the year or period specified by the commissioners, together with a statement of the facts in each case because of which the authority was granted.

The acceptance or refusal by an eligible person of a temporary appointment does not affect his standing on the register for permanent appointment.

All laborers shall be appointed by the General Superintendent and shall be on probation for a period to be fixed by the rules, not exceeding one
year.

The deputy chief engineer, assistant chief engineers, deputy attorney, head assistant attorneys, assistant director of research and development, assistant director of information technology, comptroller, assistant treasurer, and assistant purchasing agent, and assistant director of personnel shall be appointed by the General Superintendent upon the recommendation of the respective department head and shall be on probation for a period to be fixed by the rules, not exceeding two years. At any time during the period of probation, the General Superintendent on the recommendation of the department head concerned, may discharge a person so appointed and he shall forthwith notify the Civil Service Board in writing of such discharge. If a person is not so discharged, his appointment shall be deemed complete under the laws governing the classified civil service.
(Source: P.A. 92-726, eff. 7-25-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 19, 2005.
Approved November 3, 2005.
Effective November 3, 2005.

PUBLIC ACT 94-0681
(Senate Bill No. 0847)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Library District Act of 1991 is amended by adding Section 15-82 as follows:

(75 ILCS 16/15-82 new)

Sec. 15-82. Disconnection of municipalities and townships; advisory question; disconnection procedures.

(a) An advisory question of public policy concerning the disconnection of a municipality or township from the public library district may be placed on the ballot (i) upon the adoption of an ordinance by the governing body of the municipality or township or (ii) when 5% of the legal voters of the public library district present a petition to the board of trustees requesting the advisory question. The governing body adopting an ordinance or the board of trustees receiving a petition must certify the question to the proper election authority, which, in accordance with the Election Code, must submit the question to the electors at the next regularly scheduled election in

New matter indicated by italics - deletions by strikeout
each public library district in which the municipality or township is located.

The election authority must submit the question in substantially the following form:

Should the (insert name of township or municipality) be disconnected from (insert name of library district)?

The votes must be recorded as "Yes" or "No".

(b) Regardless of the occurrence or outcome of any advisory question under subsection (a), the governing body of a municipality or township may adopt an ordinance to disconnect the territory of the municipality or township from the public library district. Any ordinance adopted under this subsection shall not take effect until it is approved by the board of trustees of each public library district in which any part of the municipality or township is located.

(c) If the disconnecting entity is a city, then, no later than 90 days after the adoption of the disconnection ordinance, the governing body of the city must establish and maintain a public library under Section 2-1 of the Illinois Local Library Act.

If the disconnecting entity is an incorporated town, a village, or a township, then, no later than 90 days after the adoption of the disconnection ordinance, the governing body of the incorporated town, village, or township must adopt an ordinance for a referendum to establish a public library under Section 2-2 of the Illinois Local Library Act.

(d) After an ordinance to establish and maintain a library is adopted by a city under Section 2-1 of the Illinois Local Library Act or after the approval by the electors in an incorporated town, a village, or a township of a referendum to establish and maintain a library under Section 2-2 of the Illinois Local Library Act, the municipality or township shall file with the circuit court in which a majority of the disconnected territory lies an appropriate petition and a certified copy of the disconnection ordinance. The petition shall request entry of an order of disconnection and the preparation of an appraisal setting forth the value of the tangible property of the district, the liabilities of the district, and the excess of the liabilities over tangible assets or property. Notice shall be published by and within the disconnecting territory.

The circuit court shall, after a hearing upon the matter, enter its order revising the limits and boundaries of the district and setting forth the liability, if any, yet to be retired and paid for by the property owners of the disconnected territory.

(e) When any territory has been disconnected from a district under
this Section and the court order providing for the disconnection also sets forth a continuing liability to be paid by the property owners of the disconnected territory, then the county collector of each county affected shall debit upon his or her books the taxes to be paid and thereafter levied by the district and extended against taxable property within the disconnected territory. The county clerk shall continue to extend district library taxes upon the taxable property within the disconnected territory, and the county collector shall continue to collect district library taxes upon the taxable property within the disconnected territory until the excess liability has been paid and retired.

The residents and property owners of the disconnected territory are entitled to full and free library service from the district until the earlier of: (i) the final and full payment of the liability; or (ii) the entry of the disconnection order by the court. Upon the date of disconnection, the residents and property owners of the disconnected territory shall no longer be subject to any tax levies by the district other than levies for the excess liability. Upon full and final payment of the liability and thereafter, no resident or property owner of the disconnected territory shall have any right, title, and interest in and to the assets and tangible property of the district affected by the disconnection.

(f) The board must record a certified copy of the disconnection order with the recorder of deeds and with the county clerk and county collector of each county affected.

Section 10. The Illinois Local Library Act is amended by changing Section 2-2 as follows:

(75 ILCS 5/2-2) (from Ch. 81, par. 2-2)

Sec. 2-2. To provide local public institutions of general education for citizens of Illinois, the citizens residing in a village, incorporated town or township without local library service may establish and maintain a public library for the use and benefit of the residents of the respective village, incorporated town or township as herein provided.

Upon the adoption of an ordinance by the governing body of an incorporated town, village, or township or when 100 legal voters of any incorporated town, village or township present a petition to the clerk thereof asking for the establishment and maintenance of a public library in such incorporated town, village or township, the clerk shall certify the question of whether to establish and maintain a public library to the proper election authorities who shall submit the question at a regular election in accordance with the general election law.

New matter indicated by italics - deletions by strikeout
The petition shall specify the maximum library tax rate, if the rate is to be in excess of .15%. In no case shall the rate specified in the petition be in excess of .60% of the value as equalized and assessed by the Department of Revenue. The proposition shall be in substantially the following form:

-------------------------------------------------------------
Shall a public library be established YES
and maintained in (name of incorporated town, village or township)? NO
-------------------------------------------------------------

If the petition specified a maximum tax rate in excess of the statutory maximum tax rate of .15%, the proposition shall be in substantially the following form:

-------------------------------------------------------------
Shall a public library be established and maintained in (name of incorporated town, village or township), YES
with a maximum annual public library tax rate at % of the value of all taxable property as equalized and assessed by the Department of Revenue? NO
-------------------------------------------------------------

If the majority of all votes cast in the incorporated town, village or township on the proposition are in favor of a public library, an annual tax may be levied for the establishment and maintenance of such library, subject to the limitations of Article 3.

(Source: P.A. 85-751.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 27, 2005.
Approved November 3, 2005.
Effective November 3, 2005.

PUBLIC ACT 94-0682
(Senate Bill No. 2087)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Addison Creek Restoration Commission Act is amended by changing Sections 15 and 20 and by adding Section 17 as

New matter indicated by italics - deletions by strikeout
follows:

(20 ILCS 3901/15)
(Section scheduled to be repealed on January 1, 2010)
Sec. 15. Acceptance of grants, loans, advances, and appropriations.
The Commission may apply for and accept grants, loans, advances, and appropriations from the federal government and from the State of Illinois or any agency or instrumentality thereof to be used for the purposes of the Commission and may enter into any agreement in relation to these grants, loans, advances, and appropriations. The Commission may also accept from the State, any State agency, department, or commission, any unit of local government, any railroad, school authority, or jointly therefrom, grants of funds or services for any of the purposes of this Act.
(Source: P.A. 93-948, eff. 8-19-04.)

(20 ILCS 3901/17 new)
Sec. 17. Borrowing money and issuance of bonds.
(a) The Commission may incur debt and borrow money from time to time and, in evidence thereof, may issue and sell bonds in an amount sufficient to provide funds for carrying out the purposes of this Act, to pay all costs and expenses incident to issuing the bonds, and to refund and refinance, from time to time, bonds so issued and sold.

(b) Before issuing any bonds under this Section, the Commission shall adopt a resolution calling for the submission of the question of issuing the bonds and imposing a tax sufficient for payment of the interest on the bonds as it falls due and to pay the bonds as they mature to the voters of that part of the territory of the Commission that is within the Addison Creek floodplain in accordance with the general election law. The question must be in substantially the following form:

Shall the Commission issue bonds in an amount not to exceed (insert amount) and levy a tax at a rate not to exceed (insert rate) of the equalized assessed value of all taxable property located within that part of the territory of the Commission that is within the Addison Creek floodplain for the payment of the interest on the bonds as it falls due and to pay the bonds as they mature?

The ballot must have printed on it, but not as part of the proposition submitted, the following: "The approximate impact of the proposed tax rate on the owner of a single family home having a market value of (insert value) would be (insert amount) in the first year of the tax if the tax is fully implemented." No other information needs to be included on the ballot.
The votes must be recorded as "Yes" or "No".

New matter indicated by italics - deletions by strikeout
If a majority of the electors voting on the question vote in the affirmative, the Commission may thereafter issue the bonds and levy the tax.

(c) The total amount levied and extended under this Section and Section 20, in the aggregate, in any single taxable year, shall not exceed $10,000,000.

(20 ILCS 3901/20)
(Sec. 20. Taxing powers.
(a) After the first Monday in October and by the first Monday in December in each year, the Commission shall levy the general taxes for the Commission by general categories for the next fiscal year. A certified copy of the levy ordinance shall be filed with the county clerk of each county in which the part of the territory of the Commission that is within the Addison Creek floodplain is located by the last Tuesday in December each year.

(b) The amount of taxes levied for general corporate purposes for a fiscal year may not exceed the rate of .01% of the value, as equalized or assessed by the Department of Revenue, of the taxable property located within that part of the territory of the Commission that is within the Addison Creek floodplain, provided that the total amount levied and extended under this Section and Section 17, in the aggregate, in any single taxable year, shall not exceed $10,000,000.

(c) This tax and tax rate are exclusive of the taxes required for the payment of the principal of and interest on bonds.

(d) The rate of the tax levied for general corporate purposes of the Commission may be initially imposed or thereafter increased, up to the maximum rate identified in subsection (b), by the Commission by a resolution calling for the submission of the question of imposing or increasing the rate to the voters of that part of the territory of the Commission that is within the Addison Creek floodplain in accordance with the general election law. The question must be in substantially the following form:

Shall the Commission be authorized to establish its general corporate tax rate at (insert rate) on the equalized assessed value on all taxable property located within that part of the territory of the Commission that is within the Addison Creek floodplain for its general purposes?

The ballot must have printed on it, but not as part of the proposition submitted, the following: "The approximate impact of the proposed (tax rate or increase) on the owner of a single family home having a market value of

New matter indicated by italics - deletions by strikeout
(insert value) would be (insert amount) in the first year of the (tax rate or increase) if the (tax rate or increase) is fully implemented." The ballot may have printed on it, but not as part of the proposition, one or both of the following: "The last tax rate extended for the purposes of the Commission was (insert rate). The last rate increase approved for the purposes of the Commission was in (insert year)." No other information needs to be included on the ballot.

The votes must be recorded as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, the Commission may thereafter levy the tax. The Commission shall not have the power to levy real property taxes for any purpose whatsoever.

(Source: P.A. 93-948, eff. 8-19-04.)

Section 99. Effective date. This Act takes effect on July 1, 2005.
Approved November 3, 2005.
Effective November 3, 2005.

PUBLIC ACT 94-0683
(Senate Bill No. 1943)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. "An Act concerning criminal law, which may be referred to as the Patrick Leahy Law", approved August 8, 2005, (Public Act 94-487) is amended by adding Section 99 as follows:

(P.A. 94-487, Sec. 99 new)

Sec. 99. Effective date. This Act (Public Act 94-487) takes effect on the effective date of this amendatory Act of the 94th General Assembly (Senate Bill 1943 of the 94th General Assembly).

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly November 4, 2005.
Approved November 9, 2005.
Effective November 9, 2005.
AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Sections 12-10 and 12-10.1 as follows:

(720 ILCS 5/12-10) (from Ch. 38, par. 12-10)

Sec. 12-10. Tattooing Body of Minor.

(a) Any person, other than a person licensed to practice medicine in all its branches, who tattoos or offers to tattoo a person under the age of 18 is guilty of a Class A misdemeanor.

(b) Any person who is an owner or employed by a business that performs tattooing, other than a person licensed to practice medicine in all its branches, may not permit a person under 18 years of age to enter or remain on the premises where tattooing is being performed unless the person under 18 years of age is accompanied by his or her parent or legal guardian.

A violation of this subsection (b) is a Class A misdemeanor.

(c) As used in this Section, to "tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.

(d) Subsection (a) of this Section does not apply to a person under 18 years of age who tattoos or offers to tattoo another person under 18 years of age away from the premises of any business at which tattooing is performed.

(Source: P.A. 77-2638.)

(720 ILCS 5/12-10.1)

Sec. 12-10.1. Piercing the body of a minor.

(a)(1) Any person who pierces the body or oral cavity of a person under 18 years of age without written consent of a parent or legal guardian of that person commits the offense of piercing the body of a minor. Before the oral cavity of a person under 18 years of age may be pierced, the written consent form signed by the parent or legal guardian must contain a provision in substantially the following form:

"I understand that the oral piercing of the tongue, lips, cheeks, or any other area of the oral cavity carries serious risk of infection or damage to the mouth and teeth, or both infection and damage to those areas, that could result but is not limited to nerve damage, numbness,"
and life threatening blood clots."

A person who pierces the oral cavity of a person under 18 years of age without obtaining a signed written consent form from a parent or legal guardian of the person that includes the provision describing the health risks of body piercing, violates this Section.

(1.5) Any person who is an owner or employed by a business that performs body piercing may not permit a person under 18 years of age to enter or remain on the premises where body piercing is being performed unless the person under 18 years of age is accompanied by his or her parent or legal guardian.

(2) Sentence. A violation of clause (a)(1) or (a)(1.5) of this Section Piercing the body of a minor is a Class A misdemeanor.

(b) Definition. As used in this Section, to "pierce" means to make a hole in the body or oral cavity in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body. "Piercing" does not include tongue splitting as defined in Section 12-10.2.

(c) Exceptions. This Section may not be construed in any way to prohibit any injection, incision, acupuncture, or similar medical or dental procedure performed by a licensed health care professional or other person authorized to perform that procedure or the presence on the premises where that procedure is being performed by a health care professional or other person authorized to perform that procedure of a person under 18 years of age who is not accompanied by a parent or legal guardian. This Section does not prohibit ear piercing. This Section does not apply to a minor emancipated under the Juvenile Court Act of 1987 or the Emancipation of Mature Minors Act or by marriage. This Section does not apply to a person under 18 years of age who pierces the body or oral cavity of another person under 18 years of age away from the premises of any business at which body piercing or oral cavity piercing is performed.

(Source: P.A. 92-692, eff. 1-1-03; 93-449, eff. 1-1-04; revised 10-9-03.)

Passed in the General Assembly May 17, 2005.
Approved November 11, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0685
(House Bill No. 0911)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the

New matter indicated by italics - deletions by strikeout
General Assembly:

Section 5. The Intergovernmental Cooperation Act is amended by changing Section 6 as follows:

(5 ILCS 220/6) (from Ch. 127, par. 746)

Sec. 6. Joint self-insurance. An intergovernmental contract may, among other undertakings, authorize public agencies to jointly self-insure and authorize each public agency member of the contract to utilize its funds to pay to a joint insurance pool its costs and reserves to protect, wholly or partially, itself or any public agency member of the contract against liability or loss in the designated insurable area. A joint insurance pool shall have an annual audit performed by an independent certified public accountant and shall file an annual audited financial report with the Director of Insurance no later than 150 days after the end of the pool's immediately preceding fiscal year. The Director of Insurance shall issue rules necessary to implement this audit and report requirement. The rule shall establish the due date for filing the initial annual audited financial report. Within 30 days after January 1, 1991, and within 30 days after each January 1 thereafter, public agencies that are jointly self-insured to protect against liability under the Workers' Compensation Act and the Workers' Occupational Diseases Act shall file with the Illinois Workers' Compensation Commission a report indicating an election to self-insure.

For purposes of this Section, "public agency member" means any public agency defined or created under this Act, any local public entity as defined in Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act, and any public agency, authority, instrumentality, council, board, service region, district, unit, bureau, or, commission, or any municipal corporation, college, or university, whether corporate or otherwise, and any other local governmental body or similar entity that is presently existing or created after the effective date of this amendatory Act of the 92nd General Assembly, whether or not specified in this Section. Only public agency members with tax receipts, tax revenues, taxing authority, or other resources sufficient to pay costs and to service debt related to intergovernmental activities described in this Section, or public agency members created by or as part of a public agency with these powers, may enter into contracts or otherwise associate among themselves as permitted in this Section.

No joint insurance pool or other intergovernmental cooperative offering health insurance shall interfere with the statutory obligation of any public agency member to bargain over or to reach agreement with a labor

New matter indicated by italics - deletions by strikeout
organization over a mandatory subject of collective bargaining as those terms are used in the Illinois Public Labor Relations Act. No intergovernmental contract of insurance offering health insurance shall limit the rights or obligations of public agency members to engage in collective bargaining, and it shall be unlawful for a joint insurance pool or other intergovernmental cooperative offering health insurance to discriminate against public agency members or otherwise retaliate against such members for limiting their participation in a joint insurance pool as a result of a collective bargaining agreement.

It shall not be considered a violation of this Section for an intergovernmental contract of insurance relating to health insurance coverage, life insurance coverage, or both to permit the pool or cooperative, if a member withdraws employees or officers into a union-sponsored program, to re-price the costs of benefits provided to the continuing employees or officers based upon the same underwriting criteria used by that pool or cooperative in the normal course of its business, but no member shall be expelled from a pool or cooperative if the continuing employees or officers meet the general criteria required of other members.

(Source: P.A. 92-530, eff. 2-8-02; 93-721, eff. 1-1-05.)

Approved November 2, 2005.
Effective November 2, 2005.

PUBLIC ACT 94-0686
(House Bill No. 1391)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Uniform Disposition of Unclaimed Property Act is amended by changing Sections 11 and 12 and by adding Section 3a as follows:

(765 ILCS 1025/3a new)
Sec. 3a. Demutualization; insurance company.
(a) Property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company shall be deemed abandoned as follows:

(1) any funds, 2 years after the date of the demutualization,
rehabilitation, or reorganization, if the funds remain unclaimed, and the owner has not otherwise communicated with the holder or its agent regarding the property as evidenced by a memorandum or other record on file with the holder or its agent;

(2) any stock, 2 years after the date of the demutualization, rehabilitation, or reorganization if instruments or statements reflecting the distribution are either mailed to the owner and returned by the post office as undeliverable, or not mailed to the owner because of an address on the books and records of the holder that is known to be incorrect, and the owner has not otherwise communicated with the holder or its agent regarding the property as evidenced by a memorandum or other record on file with the holder or its agent; and

(b) Property subject to items (1) and (2) of subsection (a) of this Section shall be set apart and held in the Demutualization Trust Fund, a special non-appropriated fund hereby created in the State treasury, for the payment of claims and expenses associated with the processing of the claims by the State Treasurer and shall not be transferred to any other fund until such time as the property would be reportable under other Sections of this Act. The Demutualization Trust Fund shall not be subject to Section 8h or 8j of the State Finance Act.

(c) Property not subject to the provisions of subsection (a), within 2 years of distribution shall remain reportable under other Sections of this Act.

Sec. 11. Report of holder.

(a) Except as otherwise provided in subsection (c) of Section 4, every person holding funds or other property, tangible or intangible, presumed abandoned under this Act shall report and remit all abandoned property specified in the report to the State Treasurer with respect to the property as hereinafter provided. The State Treasurer may exempt any businesses from the reporting requirement if he deems such businesses unlikely to be holding unclaimed property.

(b) The information shall be obtained in one or more reports as required by the State Treasurer. The information shall be verified and shall include:

(1) the name, social security or federal tax identification number, if known, and last known address, including zip code, of each person appearing from the records of the holder to be the owner of any property of the value of $25 or more presumed abandoned

New matter indicated by italics - deletions by strikeout
under this Act;

(2) in case of unclaimed funds of life insurance corporations
the full name of the insured and any beneficiary or annuitant and the
last known address according to the life insurance corporation's
records;

(3) the date when the property became payable, demandable,
or returnable, and the date of the last transaction with the owner with
respect to the property; and

(4) other information which the State Treasurer prescribes by
rule as necessary for the administration of this Act.

(c) If the person holding property presumed abandoned is a successor
to other persons who previously held the property for the owner, or if the
holder has changed his name while holding the property, he shall file with his
report all prior known names and addresses of each holder of the property.

(d) The report and remittance of the property specified in the report
shall be filed by banking organizations, financial organizations, insurance
companies other than life insurance corporations, and governmental entities
before November 1 of each year as of June 30 next preceding. The report and
remittance of the property specified in the report shall be filed by business
associations, utilities, and life insurance corporations before May 1 of each
year as of December 31 next preceding. The Director may postpone the
reporting date upon written request by any person required to file a report.

The report and remittance of the property specified in the report for property
subject to subsection (a) of Section 3a of this Act shall be filed before a date
established by the State Treasurer that is on or after the later of: (i) 30 days
after the effective date of this amendatory Act of the 94th General Assembly;
or (ii) November 1, 2005.

(d-5) Notwithstanding the foregoing, currency exchanges shall be
required to report and remit property specified in the report within 30 days
after the conclusion of its annual examination by the Department of Financial
Institutions. As part of the examination of a currency exchange, the
Department of Financial Institutions shall instruct the currency exchange to
submit a complete unclaimed property report using the State Treasurer's
formatted diskette reporting program or an alternative reporting format
approved by the State Treasurer. The Department of Financial Institutions
shall provide the State Treasurer with an accounting of the money orders
located in the course of the annual examination including, where available,
the amount of service fees deducted and the date of the conclusion of the
examination.

New matter indicated by italics - deletions by strikeout
(e) Before filing the annual report, the holder of property presumed abandoned under this Act shall communicate with the owner at his last known address if any address is known to the holder, setting forth the provisions hereof necessary to occur in order to prevent abandonment from being presumed. If the holder has not communicated with the owner at his last known address at least 120 days before the deadline for filing the annual report, the holder shall mail, at least 60 days before that deadline, a letter by first class mail to the owner at his last known address unless any address is shown to be inaccurate, setting forth the provisions hereof necessary to prevent abandonment from being presumed.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(g) Any person who has possession of property which he has reason to believe will be reportable in the future as unclaimed property, may report and deliver it prior to the date required for such reporting in accordance with this Section and is then relieved of responsibility as provided in Section 14.

(h) (1) Records pertaining to presumptively abandoned property held by a trust division or trust department or by a trust company, or affiliate of any of the foregoing that provides nondealer corporate custodial services for securities or securities transactions, organized under the laws of this or another state or the United States shall be retained until the property is delivered to the State Treasurer.

As of January 1, 1998, this subdivision (h)(1) shall not be applicable unless the Department of Financial Institutions has commenced, but not finalized, an examination of the holder as of that date and the property is included in a final examination report for the period covered by the examination.

(2) In the case of all other holders commencing on the effective date of this amendatory Act of 1993, property records for the period required for presumptive abandonment plus the 9 years immediately preceding the beginning of that period shall be retained for 5 years after the property was reportable.

(i) The State Treasurer may promulgate rules establishing the format and media to be used by a holder in submitting reports required under this Act.

(j) Other than the Notice to Owners required by Section 12 and other discretionary means employed by the State Treasurer for notifying owners of the existence of abandoned property, the State Treasurer shall not disclose

New matter indicated by italics - deletions by strikeout
any information provided in reports filed with the State Treasurer or any information obtained in the course of an examination by the State Treasurer to any person other than governmental agencies for the purposes of returning abandoned property to its owners or to those individuals who appear to be the owner of the property or otherwise have a valid claim to the property, unless written consent from the person entitled to the property is obtained by the State Treasurer.

(Source: P.A. 92-271, eff. 8-7-01; 93-531, eff. 8-14-03.)

(765 ILCS 1025/12) (from Ch. 141, par. 112)

Sec. 12. Notice to owners.

(a) For property reportable by May 1, as identified by Section 11, the State Treasurer shall cause notice to be published once in an English language newspaper of general circulation in the county in which is located the last known address of any person to be named in the notice on or before November 1 of the same year. For property reportable by November 1, as identified by Section 11, the State Treasurer shall cause notice to be published once in an English language newspaper of general circulation in the county in which is located the last known address of any person named in the notice on or before May 1 of the next year. If no address is listed or if the address is outside this State, the notice shall be published in the county in which the holder of the abandoned property has his principal place of business within this State. However, if an out-of-state address is in a state that is not a party to a reciprocal agreement with this State concerning abandoned property, the notice may be published in the Illinois Register. The names of owners that are identified and contacted directly by the State Treasurer do not have to be published as described in this Section.

(b) The published notice shall be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property", and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county as hereinbefore specified.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the State Treasurer.

(3) A statement that the abandoned property has been placed in the custody of the State Treasurer to whom all further claims must thereafter be directed.

(c) The State Treasurer is not required to publish in such notice any
item of less than $100 or any item for which the address of the last known owner is in a state that has a reciprocal agreement with this State concerning abandoned property unless he deems such publication to be in the public interest.

(Source: P.A. 93-531, eff. 8-14-03.)

Section 10. The State Finance Act is amended by amending Sections 8h and 8j and by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Demutualization Trust Fund.

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal

New matter indicated by italics - deletions by strikeout
Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)

(30 ILCS 105/8j)

Sec. 8j. Allocation and transfer of fee receipts to General Revenue Fund. If and only if any one or more of Senate Bills 774, 841, 842, and 1903 of the 93rd General Assembly become law, Notwithstanding any other law to the contrary, additional amounts generated by the new and increased fees created or authorized by Public Acts 93-22, 93-23, 93-24, and 93-32 these amendatory Acts of the 93rd General Assembly this amendatory Act of the 93rd General Assembly and by Senate Bill 774, Senate Bill 841, and Senate Bill 842 of the 93rd General Assembly, if those bills become law, shall be allocated between the fund otherwise entitled to receive the fee and the General Revenue Fund by the Governor's Office of Management and Budget Bureau of the Budget. In determining the amount of the allocation to the General Revenue Fund, the Director of the Governor's Office of Management and Budget Bureau of the Budget shall calculate whether the available resources in the fund are sufficient to satisfy the unexpended and unreserved appropriations from the fund for the fiscal year.

In calculating the available resources in a fund, the Director of the Governor's Office of Management and Budget Bureau of the Budget may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

Upon determining the amount of an allocation to the General Revenue Fund under this Section, the Director of the Governor's Office of Management and Budget Bureau of the Budget may direct the State Treasurer and Comptroller to transfer the amount of that allocation from the fund in

New matter indicated by italics - deletions by strikeout
which the fee amounts have been deposited to the General Revenue Fund; provided, however, that the Director shall not direct the transfer of any amount that would have the effect of reducing the available resources in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Director of the Governor's Office of Management and Budget. This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(Source: P.A. 93-25, eff. 6-20-03; 93-32, eff. 6-20-03; revised 8-21-03.)

Section 99. Effective date. This Act takes effect upon becoming law. Passed in the General Assembly May 12, 2005.
Approved November 2, 2005.
Effective November 2, 2005.

PUBLIC ACT 94-0687
(House Bill No. 2525)

AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Physical Fitness Services Act is amended by changing Sections 2, 8, and 9 as follows:

(815 ILCS 645/2) (from Ch. 29, par. 52)

Sec. 2. Definitions. (a) "Physical fitness center" or "center" means any person or business entity offering physical fitness services to the public.

(b) "Physical fitness services" or "services" includes instruction, training or assistance in physical culture, bodybuilding, exercising, weight reducing, figure development, judo, karate, self-defense training, or any similar activity; use of the facilities of a physical fitness center for any of the above activities; or membership in any group formed by a physical fitness center for any of the above purposes.

(c) "Basic physical fitness services" means access or membership to the physical fitness center and the use of the equipment and facilities as well as any classes, programs or physical fitness services offered by the physical fitness center as provided under subsection (b) of this Section, which are allowed for or provided as part of the membership fee or package, and

New matter indicated by italics - deletions by strikeout
excluding optional physical fitness services and any non-physical fitness services which may be offered by the physical fitness center.

(d) "Optional physical services" means additional goods or physical fitness services offered by the physical fitness center which are not part of the membership package or contract but are available for additional cost and includes, but are not limited to, personal training services, physical fitness, wellness or exercise classes, nutritional counseling, weight reduction, court time, privileges to use other physical fitness centers, and use of specialized physical fitness equipment or facilities such as rock climbing walls or aquatic facilities.

(e) "Personal training services" means services performed for a fee by a personal trainer or fitness instructor for individuals or groups relating to developing, monitoring or supervising physical training, exercise or fitness programs, education and instruction regarding the use of exercise equipment or techniques, or rendering advice relating to any of the aforementioned subjects or related issues such as diet.

(f) "Non-physical fitness services" means services or amenities offered by the physical fitness center which are not directly related to physical fitness activities and which are not included in the price of membership to the physical fitness center and includes, but are not limited to, locker fees, spa treatments, massage, tanning, personal grooming services, laundry fees, room rental, parking, food and beverage, vitamins, nutritional supplements, shoes, clothing, clothing apparel, and sports or exercise equipment.

(Source: P.A. 84-850.)

(815 ILCS 645/8) (from Ch. 29, par. 58)

Sec. 8. Prohibited contract provisions. (a) No contract for physical fitness services shall require payment of a total amount in excess of $2500 per year, and every such contract must so provide in writing; except that this limit shall not apply to any contract for: (1) family or couple memberships, or (2) group memberships, membership, other than family membership, where the purchaser is a corporation or other business entity or any social, fraternal or charitable organization not created for the purpose of encouraging this contractual arrangement.

(b) No contract for family or couple memberships for basic physical fitness services shall require payment in excess of $2,500 per year per person covered under the membership.

(c) No contract for physical fitness services shall require payments or financing over a period in excess of 3 years from the date the contract is
entered into, nor shall the term of any such contract be measured by the life of the customer. The initial term of services to be rendered under the contract may not extend over a period of more than 2 years from the date the parties enter into the contract; provided that the customer may be given an option to renew the contract for consecutive periods of not more than one year each for a reasonable consideration not less than 10% of the cash price of the original membership.

(d) No contract for physical fitness services shall require or entail the execution of any note by the customer which, when separately negotiated, will cut off as to third parties any right of action or defense which the customer may have against the physical fitness center. No right of action or defense arising out of a contract for physical fitness services which the customer has against the center shall be cut off by assignment of the contract whether or not the assignee acquires the contract in good faith and for value. Such an assignee is not a holder in due course.

(Source: P.A. 84-1463.)

(815 ILCS 645/9) (from Ch. 29, par. 59)

Sec. 9. General provisions. (a) All contracts for basic physical fitness services which may be in effect between the same center and the same customer, the terms of which overlap for any period, shall be considered as one contract for the purposes of this Act. No physical fitness center may sell, induce, or permit any purchaser of basic physical fitness services to become obligated directly or contingently under more than one contract for services at the same time for purposes of avoiding the provisions of this Act.

(b) Any waiver by the customer of the provisions of this Act shall be void and unenforceable.

(c) Any contract for physical fitness services which does not comply with the applicable provisions of this Act shall be void and unenforceable.

(d) If any court finds, as a matter of law, that a contract or any provision thereof was unconscionable when made, the court may refuse to enforce the contract, enforce the remainder of the contract without the unconscionable provision, or limit the application of any unconscionable provision to avoid an unconscionable result.

(Source: P.A. 84-850.)

AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Facilities Closure Act is amended by changing Section 5-10 as follows:

(30 ILCS 608/5-10)

Sec. 5-10. Facility closure process.

(a) Before a State facility may be closed, the State executive branch officer with jurisdiction over the facility shall file notice of the proposed closure with the Commission. The notice must be filed within 2 days after the first public announcement of any planned or proposed closure. Within 10 days after it receives notice of the proposed closure, the Commission, in its discretion, may require the State executive branch officer with jurisdiction over the facility to file a recommendation for the closure of the facility with the Commission. In the case of a proposed closure of: (i) a prison, youth center, work camp, or work release center operated by the Department of Corrections; (ii) a school, mental health center, or center for the developmentally disabled operated by the Department of Human Services; or (iii) a residential facility operated by the Department of Veterans' Affairs, the Commission must require the executive branch officers to file a recommendation for closure. The recommendation must be filed within 30 days after the Commission delivers the request for recommendation to the State executive branch officer. The recommendation must include, but is not limited to, the following:

(1) the location and identity of the State facility proposed to be closed;
(2) the number of employees for which the State facility is the primary stationary work location and the effect of the closure of the facility on those employees;
(3) the location or locations to which the functions and employees of the State facility would be moved;
(4) the availability and condition of land and facilities at both the existing location and any potential locations;
(5) the ability to accommodate the functions and employees at the existing and at any potential locations;
(6) the cost of operations of the State facility and at any
potential locations and any other related budgetary impacts;
(7) the economic impact on existing communities in the vicinity of the State facility and any potential facility;
(8) the ability of the existing and any potential community's infrastructure to support the functions and employees;
(9) the impact on State services delivered at the existing location, in direct relation to the State services expected to be delivered at any potential locations; and
(10) the environmental impact, including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

(b) If a recommendation is required by the Commission, a 30-day public comment period must follow the filing of the recommendation. The Commission, in its discretion, may conduct one or more public hearings on the recommendation. In the case of a proposed closure of: (i) a prison, youth center, work camp, or work release center operated by the Department of Corrections; (ii) a school, mental health center, or center for the developmentally disabled operated by the Department of Human Services; or (iii) a residential facility operated by the Department of Veterans' Affairs, the Commission must conduct one or more public hearings on the recommendation. Public hearings conducted by the Commission shall be conducted no later than 35 days after the filing of the recommendation. At least one of the public hearings on the recommendation shall be held at a convenient location within 25 miles of the facility for which closure is recommended. The Commission shall provide reasonable notice of the comment period and of any public hearings to the public and to units of local government and school districts that are located within 25 miles of the facility.

(c) Within 50 days after the State executive branch officer files the required recommendation, the Commission shall issue an advisory opinion on that recommendation. The Commission shall file the advisory opinion with the appropriate State executive branch officer, the Governor, the General Assembly, and the Index Department of the Office of the Secretary of State and shall make copies of the advisory opinion available to the public upon request.

(d) No action may be taken to implement the recommendation for closure of a State facility until 50 days after the filing of any required recommendation.

(e) The requirements of this Section do not apply if all of the

New matter indicated by italics - deletions by strikeout
functions and employees of a State facility are relocated to another State facility that is within 10 miles of the closed facility.
(Source: P.A. 93-839, eff. 7-30-04.)
Passed in the General Assembly May 19, 2005.
Approved November 2, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0689
(House Bill No. 2595)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by adding Section 27-87 as follows:
(35 ILCS 200/27-87 new)
Sec. 27-87. Special service areas to protect the health and safety of workers, tenants, and visitors in buildings. A municipality may propose a special service area as provided in this Law for the purpose of providing improvements to any one or more buildings if the improvements are required by municipal ordinance in order to protect the health and safety of workers, tenants, and visitors in the buildings; provided that if the owners of 100% of the number of lots, tracts, and parcels of the real estate that are to be subject to the tax file a petition with the clerk of the municipality agreeing with the establishment of a special service area, then the corporate authorities of the municipality may proceed with the establishment of the special service area.
If a petition is not filed or contains an insufficient number of signatures, the corporate authorities of the municipality may not proceed further, and the same establishment of a special service area shall not again be initiated for a period of one year.
Approved November 2, 2005.
Effective January 1, 2006.

PUBLIC ACT 94-0690
(House Bill No. 3095)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the

New matter indicated by italics - deletions by strikeout
General Assembly:

Section 5. The School Code is amended by changing Section 17-2.2d as follows:

(105 ILCS 5/17-2.2d)

Sec. 17-2.2d. Special taxing and bonding for temporary relocation expense and emergency replacement purposes.

(a) In addition to any other taxes and notwithstanding any limitation imposed by the Property Tax Extension Limitation Law or any other limitations specified in this Code or any other law, the school board of any district subject to this Code having a population of less than 500,000 inhabitants that meets the criteria specified in subsection (c) of this Section, may, by proper resolution, levy an annual tax not to exceed 0.05% upon the value of the taxable property as equalized or assessed by the Department of Revenue for a period not to exceed 7 years for the purpose of providing for the repayment of moneys paid to the district distributed for temporary relocation expenses of the district pursuant to Section 2-3.77 of this Code.

(b) The school board of any district that meets the criteria specified in subsection (c) of this Section may repair, reconstruct, or replace a condemned building without seeking referendum approval for the repair, reconstruction, or replacement.

(c) In order for this Section to apply, the school district must (i) be located in a county subject to the Property Tax Extension Limitation Law; (ii) have had a total enrollment of at least 1,075 students as shown on the 2003 Illinois State Report Card; and (iii) have had a school building condemned within 10 years after the building’s initial occupancy after January 1, 2004 and prior to June 30, 2004.

(d) Notwithstanding any limitation imposed by the Property Tax Extension Limitation Law or any other limitations specified in this Code or any other law, the school board of any district that meets the criteria specified in subsection (c) of this Section, may, by proper resolution, issue bonds, without referendum, in an amount sufficient to finance the total cost of repair, reconstruction, or replacement of the condemned building, including the costs of providing for the payment of any obligations heretofore or hereafter entered into for such purposes. Any premium and all interest earnings on the proceeds of the bonds so issued shall be used for the purposes for which the bonds were issued. The proceeds of any bonds issued under this Section shall be deposited and accounted for separately within the district’s site and construction/capital improvements fund. The recording officer of the board shall file in the office of the county clerk of each county in which a portion

New matter indicated by italics - deletions by strikeout
of the district is situated a certified copy of the resolution providing for the issuance of the bonds and levy of a tax without limit as to rate or amount to pay the bonds. Bonds issued under this Section and any bonds issued to refund those bonds are not subject to any debt limitation imposed by this Code or any other law.

(e) The school board, as an express condition to receiving a temporary relocation loan under Section 2-3.77 of this Code, must agree to levy the tax provided in this Section at the maximum rate permitted and to pay to the State of Illinois for deposit into the Temporary Relocation Expenses Revolving Grant Fund (i) all proceeds of the tax attributable to the first year and succeeding years for which the tax is levied after moneys appropriated for purposes of Section 2-3.77 have been distributed to the school district and (ii) all insurance proceeds that become payable to the district under those provisions of any contract or policy of insurance that provide reimbursement for or other coverage against loss with respect to any temporary relocation expenses of the district or proceeds of any legal judgment or settlement regarding the temporary relocation expenses incurred by the district, provided that the aggregate of any tax and insurance or other proceeds paid by the district to the State pursuant to this subsection (e) shall not exceed in amount the moneys distributed to the district pursuant to Section 2-3.77 as a loan or grant.

(f) If bonds under this Section have been issued by the school district and the purposes for which the bonds have been issued are accomplished and paid for in full and there remain funds on hand from the proceeds of the bonds or interest earnings or premiums, then the school board, by resolution, shall transfer those excess funds to the district's bond and interest fund for the purpose of abating taxes to pay debt service on the bonds or for defeasance of the debt or both.

(g) If the school district receives a construction grant under the School Construction Law or any other law and the purposes for which the grant was issued are accomplished and paid for in full and there remains funds on hand from the grant or interest earnings thereon, then the excess funds shall be paid to the State of Illinois for deposit into the School Construction Fund or other State fund from which the construction grant was paid.

(h) All insurance proceeds that become payable to the school district under those provisions of a contract or policy of insurance that provide reimbursement for or other coverage against losses other than with respect to any temporary relocation expenses of the district or proceeds of any legal judgment or settlement regarding the repair, reconstruction, or replacement

New matter indicated by italics - deletions by strikeout
of the condemned building shall be applied to the repair, reconstruction, or replacement. If the project is completed and, therefore, all costs have been paid for in full and there remain funds on hand, including any interest earnings thereon, from the insurance coverage, legal judgment, or settlement, then a portion of those excess funds equal to the State's share of the construction cost of the project shall be paid to the State of Illinois for deposit into the School Construction Fund or other State fund from which the construction grant was paid, and the remainder of the excess funds shall be transferred to the district's bond and interest fund for the purpose of abating taxes to pay debt service on the bonds or for defeasance of the debt or both. If no debt service remains to be paid, then the excess may be transferred to whichever fund that, as determined by the school board, is most in need of the funds.

(Source: P.A. 93-690, eff. 7-1-04.)


PUBLIC ACT 94-0691
(House Bill No. 3272)

AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by changing Section 8h as follows:

(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.
(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and

New matter indicated by italics - deletions by strikeout
direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher Health Insurance Security Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)

AN ACT concerning highways.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Township Code is amended by changing Section 30-20 as follows:

(60 ILCS 1/30-20)

Sec. 30-20. Powers of electors at annual township meeting.

(a) The electors present at the annual township meeting have the powers enumerated in this Article 30. An elector is a person registered to vote within the township no less than 28 days before the date of the annual meeting.

(b) Notwithstanding the provisions of any other Act, except as provided in Section 6-620 of the Illinois Highway Code, before establishing or increasing any township tax rate that may be established or increased by the electors at the annual township meeting, a petition containing the signatures of not less than 10% of the registered voters of the township must be presented to the township clerk authorizing that action.

(c) Nothing in this amendatory Act of 1983 (Public Act 83-281) shall be construed to alter existing tax rates.

(Source: P.A. 88-62; 89-331, eff. 8-17-95.)

Section 10. The Illinois Highway Code is amended by adding Section 6-620 as follows:

(605 ILCS 5/6-620 new)

Sec. 6-620. Validation of certain levies.

(a) Any road district tax that was authorized by the electors at an annual or special town meeting during the years 1975 through 1979 for a period not exceeding 5 years, but that was not re-authorized within 5 years after it was authorized due to Public Acts 81-779, 81-821, and 81-1509, which repealed the 5-year limitation, is hereby validated for all tax levy years subsequent to 1980 only to the extent that the authority to tax did not automatically expire after 1980.

(b) Any road district tax that was levied prior to 1980 shall not be subject to the requirements of subsection (b) of Section 30-20 of the Township Code if that tax was or is:

(i) re-authorized by the electors at an annual or special town meeting after the year 1980; and

New matter indicated by italics - deletions by strikeout
(ii) levied at least once during the 3-year period preceding the reauthorization.


PUBLIC ACT 94-0693
(House Bill No. 0806)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Covering ALL KIDS Health Insurance Act.

Section 5. Legislative intent. The General Assembly finds that, for the economic and social benefit of all residents of the State, it is important to enable all children of this State to access affordable health insurance that offers comprehensive coverage and emphasizes preventive healthcare. Many children in working families, including many families whose family income ranges between $40,000 and $80,000, are uninsured. Numerous studies, including the Institute of Medicine's report, "Health Insurance Matters", demonstrate that lack of insurance negatively affects health status. The General Assembly further finds that access to healthcare is a key component for children's healthy development and successful education. The effects of lack of insurance also negatively impact those who are insured because the cost of paying for care to the uninsured is often shifted to those who have insurance in the form of higher health insurance premiums. A Families USA 2005 report indicates that family premiums in Illinois are increased by $1,059 due to cost-shifting from the uninsured. It is, therefore, the intent of this legislation to provide access to affordable health insurance to all uninsured children in Illinois.

Section 10. Definitions. In this Act:
"Application agent" means an organization or individual, such as a licensed health care provider, school, youth service agency, employer, labor union, local chamber of commerce, community-based organization, or other organization, approved by the Department to assist in enrolling children in the Program.
"Child" means a person under the age of 19.

New matter indicated by italics - deletions by strikeout
"Department" means the Department of Healthcare and Family Services.

"Medical assistance" means health care benefits provided under Article V of the Illinois Public Aid Code.

"Program" means the Covering ALL KIDS Health Insurance Program.

"Resident" means an individual (i) who is in the State for other than a temporary or transitory purpose during the taxable year or (ii) who is domiciled in this State but is absent from the State for a temporary or transitory purpose during the taxable year.

Section 15. Operation of Program. The Covering ALL KIDS Health Insurance Program is created. The Program shall be administered by the Department of Healthcare and Family Services. The Department shall have the same powers and authority to administer the Program as are provided to the Department in connection with the Department's administration of the Illinois Public Aid Code and the Children's Health Insurance Program Act. The Department shall coordinate the Program with the existing children's health programs operated by the Department and other State agencies.

Section 20. Eligibility.
(a) To be eligible for the Program, a person must be a child:
   (1) who is a resident of the State of Illinois; and
   (2) who is ineligible for medical assistance under the Illinois Public Aid Code or benefits under the Children's Health Insurance Program Act; and
   (3) either (i) who has been without health insurance coverage for a period set forth by the Department in rules, but not less than 6 months during the first month of operation of the Program, 7 months during the second month of operation, 8 months during the third month of operation, 9 months during the fourth month of operation, 10 months during the fifth month of operation, 11 months during the sixth month of operation, and 12 months thereafter, (ii) whose parent has lost employment that made available affordable dependent health insurance coverage, until such time as affordable employer-sponsored dependent health insurance coverage is again available for the child as set forth by the Department in rules, (iii) who is a newborn whose responsible relative does not have available affordable private or employer-sponsored health insurance, or (iv) who, within one year of applying for coverage under this Act, lost medical benefits under the Illinois Public Aid Code or the Children's Health Insurance Program Act.

New matter indicated by italics - deletions by strikeout
An entity that provides health insurance coverage (as defined in Section 2 of the Comprehensive Health Insurance Plan Act) to Illinois residents shall provide health insurance data match to the Department of Healthcare and Family Services for the purpose of determining eligibility for the Program under this Act.

The Department of Healthcare and Family Services, in collaboration with the Department of Financial and Professional Regulation, Division of Insurance, shall adopt rules governing the exchange of information under this Section. The rules shall be consistent with all laws relating to the confidentiality or privacy of personal information or medical records, including provisions under the Federal Health Insurance Portability and Accountability Act (HIPAA).

(b) The Department shall monitor the availability and retention of employer-sponsored dependent health insurance coverage and shall modify the period described in subdivision (a)(3) if necessary to promote retention of private or employer-sponsored health insurance and timely access to healthcare services, but at no time shall the period described in subdivision (a)(3) be less than 6 months.

(c) The Department, at its discretion, may take into account the affordability of dependent health insurance when determining whether employer-sponsored dependent health insurance coverage is available upon reemployment of a child's parent as provided in subdivision (a)(3).

(d) A child who is determined to be eligible for the Program shall remain eligible for 12 months, provided that the child maintains his or her residence in this State, has not yet attained 19 years of age, and is not excluded under subsection (e).

(e) A child is not eligible for coverage under the Program if:

(1) the premium required under Section 40 has not been timely paid; if the required premiums are not paid, the liability of the Program shall be limited to benefits incurred under the Program for the time period for which premiums have been paid; if the required monthly premium is not paid, the child is ineligible for re-enrollment for a minimum period of 3 months; re-enrollment shall be completed before the next covered medical visit, and the first month's required premium shall be paid in advance of the next covered medical visit; or

(2) the child is an inmate of a public institution or an institution for mental diseases.

(f) The Department shall adopt eligibility rules, including, but not

New matter indicated by italics - deletions by strikeout
limited to: rules regarding annual renewals of eligibility for the Program; rules providing for re-enrollment, grace periods, notice requirements, and hearing procedures under subdivision (e)(1) of this Section; and rules regarding what constitutes availability and affordability of private or employer-sponsored health insurance, with consideration of such factors as the percentage of income needed to purchase children or family health insurance, the availability of employer subsidies, and other relevant factors.

Section 25. Enrollment in Program. The Department shall develop procedures to allow application agents to assist in enrolling children in the Program or other children's health programs operated by the Department. At the Department's discretion, technical assistance payments may be made available for approved applications facilitated by an application agent.

Section 30. Program outreach and marketing. The Department may provide grants to application agents and other community-based organizations to educate the public about the availability of the Program. The Department shall adopt rules regarding performance standards and outcomes measures expected of organizations that are awarded grants under this Section, including penalties for nonperformance of contract standards.

Section 35. Health care benefits for children.

(a) The Department shall purchase or provide health care benefits for eligible children that are identical to the benefits provided for children under the Illinois Children's Health Insurance Program Act, except for non-emergency transportation.

(b) As an alternative to the benefits set forth in subsection (a), and when cost-effective, the Department may offer families subsidies toward the cost of privately sponsored health insurance, including employer-sponsored health insurance.

(c) Notwithstanding clause (i) of subdivision (a)(3) of Section 20, the Department may consider offering, as an alternative to the benefits set forth in subsection (a), partial coverage to children who are enrolled in a high-deductible private health insurance plan.

(d) Notwithstanding clause (i) of subdivision (a)(3) of Section 20, the Department may consider offering, as an alternative to the benefits set forth in subsection (a), a limited package of benefits to children in families who have private or employer-sponsored health insurance that does not cover certain benefits such as dental or vision benefits.

(e) The content and availability of benefits described in subsections (b), (c), and (d), and the terms of eligibility for those benefits, shall be at the Department's discretion and the Department's determination of efficacy and

New matter indicated by italics - deletions by strikeout
cost-effectiveness as a means of promoting retention of private or employer-sponsored health insurance.

Section 40. Cost-sharing.
(a) Children enrolled in the Program under subsection (a) of Section 35 are subject to the following cost-sharing requirements:

(1) The Department, by rule, shall set forth requirements concerning co-payments and coinsurance for health care services and monthly premiums. This cost-sharing shall be on a sliding scale based on family income. The Department may periodically modify such cost-sharing.

(2) Notwithstanding paragraph (1), there shall be no co-payment required for well-baby or well-child health care, including, but not limited to, age-appropriate immunizations as required under State or federal law.

(b) Children enrolled in a privately sponsored health insurance plan under subsection (b) of Section 35 are subject to the cost-sharing provisions stated in the privately sponsored health insurance plan.

(c) Notwithstanding any other provision of law, rates paid by the Department shall not be used in any way to determine the usual and customary or reasonable charge, which is the charge for health care that is consistent with the average rate or charge for similar services furnished by similar providers in a certain geographic area.

Section 45. Study.
(a) The Department shall conduct a study that includes, but is not limited to, the following:

(1) Establishing estimates, broken down by regions of the State, of the number of children with and without health insurance coverage; the number of children who are eligible for Medicaid or the Children's Health Insurance Program, and, of that number, the number who are enrolled in Medicaid or the Children's Health Insurance Program; and the number of children with access to dependent coverage through an employer, and, of that number, the number who are enrolled in dependent coverage through an employer.

(2) Surveying those families whose children have access to employer-sponsored dependent coverage but who decline such coverage as to the reasons for declining coverage.

(3) Ascertaining, for the population of children accessing employer-sponsored dependent coverage or who have access to such coverage, the comprehensiveness of dependent coverage available,
the amount of cost-sharing currently paid by the employees, and the cost-sharing associated with such coverage.

(4) Measuring the health outcomes or other benefits for children utilizing the Covering ALL KIDS Health Insurance Program and analyzing the effects on utilization of healthcare services for children after enrollment in the Program compared to the preceding period of uninsured status.

(b) The studies described in subsection (a) shall be conducted in a manner that compares a time period preceding or at the initiation of the program with a later period.

(c) The Department shall submit the preliminary results of the study to the Governor and the General Assembly no later than July 1, 2008 and shall submit the final results to the Governor and the General Assembly no later than July 1, 2010.

Section 50. Consultation with stakeholders. The Department shall present details regarding implementation of the Program to the Medicaid Advisory Committee, and the Committee shall serve as the forum for healthcare providers, advocates, consumers, and other interested parties to advise the Department with respect to the Program.

Section 55. Charge upon claims and causes of action; right of subrogation; recoveries. Sections 11-22, 11-22a, 11-22b, and 11-22c of the Illinois Public Aid Code apply to health care benefits provided to children under this Act, as provided in those Sections.

Section 60. Federal financial participation. The Department shall request any necessary state plan amendments or waivers of federal requirements in order to allow receipt of federal funds for implementing any or all of the provisions of the Program. The failure of the responsible federal agency to approve a waiver or other State plan amendment shall not prevent the implementation of any provision of this Act.

Section 65. Emergency rulemaking. The Department may adopt rules necessary to establish and implement this Act through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For the purposes of that Act, the General Assembly finds that the adoption of rules to implement this Act is deemed an emergency and necessary for the public interest, safety, and welfare. This Section is repealed on July 1, 2008.

Section 90. The Illinois Public Aid Code is amended by changing Sections 11-22, 11-22a, 11-22b, and 11-22c as follows:

(305 ILCS 5/11-22) (from Ch. 23, par. 11-22)
Sec. 11-22. Charge upon claims and causes of action for injuries. The Illinois Department shall have a charge upon all claims, demands and causes of action for injuries to an applicant for or recipient of (i) financial aid under Articles III, IV, and V or (ii) health care benefits provided under the Covering ALL KIDS Health Insurance Act for the total amount of medical assistance provided the recipient from the time of injury to the date of recovery upon such claim, demand or cause of action. In addition, if the applicant or recipient was employable, as defined by the Department, at the time of the injury, the Department shall also have a charge upon any such claims, demands and causes of action for the total amount of aid provided to the recipient and his dependents, including all cash assistance and medical assistance only to the extent includable in the claimant's action, from the time of injury to the date of recovery upon such claim, demand or cause of action. Any definition of "employable" adopted by the Department shall apply only to persons above the age of compulsory school attendance.

If the injured person was employable at the time of the injury and is provided aid under Articles III, IV, or V and any dependent or member of his family is provided aid under Article VI, or vice versa, both the Illinois Department and the local governmental unit shall have a charge upon such claims, demands and causes of action for the aid provided to the injured person and any dependent member of his family, including all cash assistance, medical assistance and food stamps, from the time of the injury to the date of recovery.

"Recipient", as used herein, means (i) in the case of financial aid provided under this Code, the grantee of record and any persons whose needs are included in the financial aid provided to the grantee of record or otherwise met by grants under the appropriate Article of this Code for which such person is eligible and (ii) in the case of health care benefits provided under the Covering ALL KIDS Health Insurance Act, the child to whom those benefits are provided.

In each case, the notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or recipient has a claim, demand or cause of action. The notice shall claim the charge and describe the interest the Illinois Department, the local governmental unit, or the county, has in the claim, demand, or cause of action. The charge shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

On petition filed by the Illinois Department, or by the local

New matter indicated by italics - deletions by strikeout
governmental unit or county if either is claiming a charge, or by the recipient, or by the defendant, the court, on written notice to all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this Section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the Illinois Department, the local governmental unit or county has charge. The court may determine what portion of the recovery shall be paid to the injured person and what portion shall be paid to the Illinois Department, the local governmental unit or county having a charge against the recovery. In making this determination, the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the recipient incident to the recovery; and whether the Department, unit of local government or county seeking to enforce the charge against the recovery should as a matter of fairness and equity bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) the amount, if any, of the attorney's fees and other costs incurred by the recipient incident to the recovery and paid by the recipient up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) the total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the recipient, by insurance provided by the recipient, and by the Department, unit of local government and county seeking to enforce a charge against the recovery, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment thereof;
of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the recipient;

(5) the age of the recipient and of persons dependent for support upon the recipient, the nature and permanency of the recipient's injuries as they affect not only the future employability and education of the recipient but also the reasonably necessary and foreseeable future material, maintenance, medical, rehabilitative and training needs of the recipient, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) the realistic ability of the recipient to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction.

The court may reduce and apportion the Illinois Department's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The Illinois Department shall pay its pro rata share of the attorney fees based on the Illinois Department's lien as it compares to the total settlement agreed upon. This Section shall not affect the priority of an attorney's lien under the Attorneys Lien Act. The charges of the Illinois Department described in this Section, however, shall take priority over all other liens and charges existing under the laws of the State of Illinois with the exception of the attorney's lien under said statute.

Whenever the Department or any unit of local government has a statutory charge under this Section against a recovery for damages incurred by a recipient because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, irrespective of whether or not an action based on recipient's claim has been filed in court.

This Section shall be inapplicable to any claim, demand or cause of action arising under (a) the Workers' Compensation Act or the predecessor Workers' Compensation Act of June 28, 1913, (b) the Workers' Occupational Diseases Act or the predecessor Workers' Occupational Diseases Act of

New matter indicated by italics - deletions by strikeout
March 16, 1936; and (c) the Wrongful Death Act.
(Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

Sec. 11-22a. Right of Subrogation. To the extent of the amount of (i) medical assistance provided by the Department to or on behalf of a recipient under Article V or VI or (ii) health care benefits provided for a child under the Covering ALL KIDS Health Insurance Act, the Department shall be subrogated to any right of recovery such recipient may have under the terms of any private or public health care coverage or casualty coverage, including coverage under the "Workers' Compensation Act", approved July 9, 1951, as amended, or the "Workers' Occupational Diseases Act", approved July 9, 1951, as amended, without the necessity of assignment of claim or other authorization to secure the right of recovery to the Department. To enforce its subrogation right, the Department may (i) intervene or join in an action or proceeding brought by the recipient, his or her guardian, personal representative, estate, dependents, or survivors against any person or public or private entity that may be liable; (ii) institute and prosecute legal proceedings against any person or public or private entity that may be liable for the cost of such services; or (iii) institute and prosecute legal proceedings, to the extent necessary to reimburse the Illinois Department for its costs, against any noncustodial parent who (A) is required by court or administrative order to provide insurance or other coverage of the cost of health care services for a child eligible for medical assistance under this Code and (B) has received payment from a third party for the costs of those services but has not used the payments to reimburse either the other parent or the guardian of the child or the provider of the services.
(Source: P.A. 92-111, eff. 1-1-02.)

Sec. 11-22b. Recoveries.
(a) As used in this Section:
(1) "Carrier" means any insurer, including any private company, corporation, mutual association, trust fund, reciprocal or interinsurance exchange authorized under the laws of this State to insure persons against liability or injuries caused to another and any insurer providing benefits under a policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance or use of a motor vehicle which provides uninsured motorist endorsement or coverage.
(2) "Beneficiary" means any person or their dependents who has received benefits or will be provided benefits under this Code or under the

New matter indicated by italics - deletions by strikeout
Covering ALL KIDS Health Insurance Act because of an injury for which another person may be liable. It includes such beneficiary's guardian, conservator or other personal representative, his estate or survivors.

(b) (1) When benefits are provided or will be provided to a beneficiary under this Code or under the Covering ALL KIDS Health Insurance Act because of an injury for which another person is liable, or for which a carrier is liable in accordance with the provisions of any policy of insurance issued pursuant to the Illinois Insurance Code, the Illinois Department shall have a right to recover from such person or carrier the reasonable value of benefits so provided. The Attorney General may, to enforce such right, institute and prosecute legal proceedings against the third person or carrier who may be liable for the injury in an appropriate court, either in the name of the Illinois Department or in the name of the injured person, his guardian, personal representative, estate, or survivors.

(2) The Department may:

(A) compromise or settle and release any such claim for benefits provided under this Code, or

(B) waive any such claims for benefits provided under this Code, in whole or in part, for the convenience of the Department or if the Department determines that collection would result in undue hardship upon the person who suffered the injury or, in a wrongful death action, upon the heirs of the deceased.

(3) No action taken on behalf of the Department pursuant to this Section or any judgment rendered in such action shall be a bar to any action upon the claim or cause of action of the beneficiary, his guardian, conservator, personal representative, estate, dependents or survivors against the third person who may be liable for the injury, or shall operate to deny to the beneficiary the recovery for that portion of any damages not covered hereunder.

(c) (1) When an action is brought by the Department pursuant to subsection (b), it shall be commenced within the period prescribed by Article XIII of the Code of Civil Procedure.

However, the Department may not commence the action prior to 5 months before the end of the applicable period prescribed by Article XIII of the Code of Civil Procedure. Thirty days prior to commencing an action, the Department shall notify the beneficiary of the Department's intent to commence such an action.

(2) The death of the beneficiary does not abate any right of action established by subsection (b).

New matter indicated by italics - deletions by strikeout
(3) When an action or claim is brought by persons entitled to bring such actions or assert such claims against a third person who may be liable for causing the death of a beneficiary, any settlement, judgment or award obtained is subject to the Department's claim for reimbursement of the benefits provided to the beneficiary under this Code or under the Covering ALL KIDS Health Insurance Act.

(4) When the action or claim is brought by the beneficiary alone and the beneficiary incurs a personal liability to pay attorney's fees and costs of litigation, the Department's claim for reimbursement of the benefits provided to the beneficiary shall be the full amount of benefits paid on behalf of the beneficiary under this Code or under the Covering ALL KIDS Health Insurance Act less a pro rata share which represents the Department's reasonable share of attorney's fees paid by the beneficiary and that portion of the cost of litigation expenses determined by multiplying by the ratio of the full amount of the expenditures of the full amount of the judgment, award or settlement.

(d) (1) If either the beneficiary or the Department brings an action or claim against such third party or carrier, the beneficiary or the Department shall within 30 days of filing the action give to the other written notice by personal service or registered mail of the action or claim and of the name of the court in which the action or claim is brought. Proof of such notice shall be filed in such action or claim. If an action or claim is brought by either the Department or the beneficiary, the other may, at any time before trial on the facts, become a party to such action or claim or shall consolidate his action or claim with the other if brought independently.

(2) If an action or claim is brought by the Department pursuant to subsection (b)(1), written notice to the beneficiary, guardian, personal representative, estate or survivor given pursuant to this Section shall advise him of his right to intervene in the proceeding, his right to obtain a private attorney of his choice and the Department's right to recover the reasonable value of the benefits provided.

(e) In the event of judgment or award in a suit or claim against such third person or carrier:

(1) If the action or claim is prosecuted by the beneficiary alone, the court shall first order paid from any judgment or award the reasonable litigation expenses incurred in preparation and prosecution of such action or claim, together with reasonable attorney's fees, when an attorney has been retained. After payment of such expenses and attorney's fees the court shall, on the application of the Department, allow as a first lien against the amount

New matter indicated by italics - deletions by strikeout
of such judgment or award the amount of the Department's expenditures for
the benefit of the beneficiary under this Code or under the Covering ALL
KIDS Health Insurance Act, as provided in subsection (c)(4).

(2) If the action or claim is prosecuted both by the beneficiary and the
Department, the court shall first order paid from any judgment or award the
reasonable litigation expenses incurred in preparation and prosecution of such
action or claim, together with reasonable attorney's fees for plaintiffs' attorneys based solely on the services rendered for the benefit of the
beneficiary. After payment of such expenses and attorney's fees, the court
shall apply out of the balance of such judgment or award an amount sufficient
to reimburse the Department the full amount of benefits paid on behalf of the
beneficiary under this Code or under the Covering ALL KIDS Health
Insurance Act.

(f) The court shall, upon further application at any time before the
judgment or award is satisfied, allow as a further lien the amount of any
expenditures of the Department in payment of additional benefits arising out
of the same cause of action or claim provided on behalf of the beneficiary
under this Code or under the Covering ALL KIDS Health Insurance Act,
when such benefits were provided or became payable subsequent to the
original order.

(g) No judgment, award, or settlement in any action or claim by a
beneficiary to recover damages for injuries, when the Department has an
interest, shall be satisfied without first giving the Department notice and a
reasonable opportunity to perfect and satisfy its lien.

(h) When the Department has perfected a lien upon a judgment or
award in favor of a beneficiary against any third party for an injury for which
the beneficiary has received benefits under this Code or under the Covering
ALL KIDS Health Insurance Act, the Department shall be entitled to a writ
of execution as lien claimant to enforce payment of said lien against such
third party with interest and other accruing costs as in the case of other
executions. In the event the amount of such judgment or award so recovered
has been paid to the beneficiary, the Department shall be entitled to a writ of
execution against such beneficiary to the extent of the Department's lien, with
interest and other accruing costs as in the case of other executions.

(i) Except as otherwise provided in this Section, notwithstanding any
other provision of law, the entire amount of any settlement of the injured
beneficiary's action or claim, with or without suit, is subject to the
Department's claim for reimbursement of the benefits provided and any lien
filed pursuant thereto to the same extent and subject to the same limitations

New matter indicated by italics - deletions by strikeout
as in Section 11-22 of this Code.
(Source: P.A. 92-651, eff. 7-11-02.)

(305 ILCS 5/11-22c) (from Ch. 23, par. 11-22c)
Sec. 11-22c. (a) As used in this Section, "recipient" means any person receiving financial assistance under Article IV or Article VI of this Code or receiving health care benefits under the Covering ALL KIDS Health Insurance Act.

(b) If a recipient maintains any suit, charge or other court or administrative action against an employer seeking back pay for a period during which the recipient received financial assistance under Article IV or Article VI of this Code or health care benefits under the Covering ALL KIDS Health Insurance Act, the recipient shall report such fact to the Department. To the extent of the amount of assistance provided to or on behalf of the recipient under Article IV or Article VI or health care benefits provided under the Covering ALL KIDS Health Insurance Act, the Department may by intervention or otherwise without the necessity of assignment of claim, attach a lien on the recovery of back wages equal to the amount of assistance provided by the Department to the recipient under Article IV or Article VI or under the Covering ALL KIDS Health Insurance Act.
(Source: P.A. 86-497.)

Section 97. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 98. Repealer. This Act is repealed on July 1, 2011.
Section 99. Effective date. This Act takes effect July 1, 2006.
Passed in the General Assembly October 27, 2005.
Approved November 15, 2005.
Effective July 1, 2006.

PUBLIC ACT 94-0694
(Senate Bill No. 0273)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Methamphetamine Precursor Control Act.

New matter indicated by italics - deletions by strikeout
Section 5. Purpose. The purpose of this Act is to reduce the harm that methamphetamine manufacturing and manufacturers are inflicting on individuals, families, communities, first responders, the economy, and the environment in Illinois, by making it more difficult for persons engaged in the unlawful manufacture of methamphetamine and related activities to obtain methamphetamine's essential ingredient, ephedrine or pseudoephedrine.

Section 10. Definitions. In this Act:
"Administer" or "administration" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.
"Agent" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.
"Convenience package" means any package that contains 360 milligrams or less of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in liquid or liquid-filled capsule form.
"Deliver" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.
"Dispense" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.
"Distribute" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.
"List I chemical" has the meaning provided in 21 U.S.C. Section 802.
"Methamphetamine precursor" has the meaning provided in Section 10 of the Methamphetamine Control and Community Protection Act.
"Package" means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.
"Pharmacist" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.
"Pharmacy" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.
"Practitioner" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.
"Prescriber" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.
"Prescription" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.
"Readily retrievable" has the meaning provided in 21 C.F.R. part 1300.

New matter indicated by italics - deletions by strikeout
"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine precursor are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

"Sales employee" means any employee or agent who at any time (a) operates a cash register at which targeted packages may be sold, (b) works at or behind a pharmacy counter, (c) stocks shelves containing targeted packages, or (d) trains or supervises any other employee or agent who engages in any of the preceding activities.

"Single retail transaction" means a sale by a retail distributor to a specific customer at a specific time.

"Targeted methamphetamine precursor" means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

"Targeted package" means a package, including a convenience package, containing any amount of targeted methamphetamine precursor.

"Ultimate user" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

Section 15. Basic provisions.
(a) No targeted methamphetamine precursor shall be purchased, received, or otherwise acquired in any manner other than that described in Section 20 of this Act.
(b) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for any purpose other than a medical purpose.
(c) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for the purpose of violating or evading this Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act.
(d) No targeted methamphetamine precursor shall be administered, dispensed, or distributed with knowledge that it will be used to manufacture methamphetamine or with reckless disregard of its likely use to manufacture methamphetamine.
(e) No targeted methamphetamine precursor shall be administered, dispensed, or distributed except by:
   (1) a pharmacist pursuant to the valid order of a prescriber;
(2) any other practitioner authorized to do so by the Illinois Controlled Substances Act;
(3) a drug abuse treatment program, pursuant to subsection (d) of Section 313 of the Illinois Controlled Substances Act;
(4) a pharmacy pursuant to Section 25 of this Act;
(5) a retail distributor pursuant to Sections 30 and 35 of this Act; or
(6) a distributor authorized by the Drug Enforcement Administration to distribute bulk quantities of a list I chemical under the federal Controlled Substances Act and corresponding regulations, or the employee or agent of such a distributor acting in the normal course of business.

Section 20. Restrictions on purchase, receipt, or acquisition.
(a) Except as provided in subsection (e) of this Section, any person 18 years of age or older wishing to purchase, receive, or otherwise acquire a targeted methamphetamine precursor shall, prior to taking possession of the targeted methamphetamine precursor:
(1) provide a driver's license or other government-issued identification showing the person's name, date of birth, and photograph; and
(2) sign a log documenting the name and address of the person, date and time of the transaction, and brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers.
(b) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire, within any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.
(c) Except as provided in subsections (d) and (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than 2 targeted packages in a single retail transaction.
(d) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than one convenience package in a 24-hour period.
(e) This Section shall not apply to any person who purchases, receives, or otherwise acquires a targeted methamphetamine precursor for the purpose of dispensing, distributing, or administering it in a lawful manner described in subsection (e) of Section 15 of this Act.

Section 25. Pharmacies.

New matter indicated by italics - deletions by strikeout
(a) No targeted methamphetamine precursor may be knowingly distributed through a pharmacy, including a pharmacy located within, owned by, operated by, or associated with a retail distributor unless all terms of this Section are satisfied.

(b) The targeted methamphetamine precursor shall:
   (1) be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets; and
   (2) contain no more than 3,000 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) The targeted methamphetamine precursor shall be stored behind the pharmacy counter and distributed by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act of 1987.

(d) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(e) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall verify that:
   (1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and
   (2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(f) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a manner that is readily retrievable and reproducible in hard-copy format.

(g) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(h) No retail distributor operating a pharmacy, and no pharmacist or
pharmacy technician, shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

(i) Except as provided in subsection (h) of this Section, no retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person more than 2 targeted packages in a single retail transaction.

(j) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

Section 30. Retail distributors; general requirements.

(a) No retail distributor shall distribute any convenience package except in accordance with this Section and Section 35 of this Act.

(b) The convenience packages must be displayed behind store counters or in locked cases, so that customers are not able to reach the product without the assistance of a store employee or agent.

(c) The retailer distributor shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(d) The retail distributor shall verify that:

(1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and

(2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(e) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a form that is readily retrievable.

(f) No retail distributor shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(g) No retail distributor shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

(h) No retail distributor shall knowingly distribute to a single person
in any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

Section 35. Retail distributors; training requirements.

(a) Every retail distributor of any targeted methamphetamine precursor shall train each sales employee on the topics listed on the certification form described in subsection (b) of this Section. This training may be conducted by a live trainer or by means of a computer-based training program. This training shall be completed within 30 days of the effective date of this Act or within 30 days of the date that each sales employee begins working for the retail distributor, whichever of these 2 dates comes later.

(b) Immediately after training each sales employee as required in subsection (a) of this Section, every retail distributor of any targeted methamphetamine precursor shall have each sales employee read, sign, and date a certification containing the following language:

(1) My name is (insert name of employee) and I am an employee of (insert name of business) at (insert street address).

(2) I understand that in Illinois there are laws governing the sale of certain over-the-counter medications that contain a chemical called ephedrine or a second chemical called pseudoephedrine. Medications that are subject to these laws are called "targeted methamphetamine precursors".

(3) I understand that "targeted methamphetamine precursors" can be used to manufacture the illegal and dangerous drug methamphetamine and that methamphetamine is causing great harm to individuals, families, communities, the economy, and the environment throughout Illinois.

(4) I understand that under Illinois law, unless they are at a pharmacy counter, customers can only purchase small "convenience packages" of "targeted methamphetamine precursors".

(5) I understand that under Illinois law, customers can only purchase these "convenience packages" if they are 18 years of age or older, show identification, and sign a log according to procedures that have been described to me.

(6) I understand that under Illinois law, I cannot sell more than one "convenience package" to a single customer in one 24-hour period.

(7) I understand that under Illinois law, I cannot sell "targeted methamphetamine precursors" to a person if I know that the person
is going to use them to make methamphetamine.

(8) I understand that there are a number of ingredients that are used to make the illegal drug methamphetamine, including "targeted methamphetamine precursors" sold in "convenience packages". My employer has shown me a list of these various ingredients, and I have reviewed the list.

(9) I understand that there are certain procedures that I should follow if I suspect that a store customer is purchasing "targeted methamphetamine precursors" or other products for the purpose of manufacturing methamphetamine. These procedures have been described to me, and I understand them.

(c) A certification form of the type described in subsection (b) of this Section may be signed with a handwritten signature or an electronic signature that includes a unique identifier for each employee. The certification shall be retained by the retail distributor for each sales employee for the duration of his or her employment and for at least 30 days following the end of his or her employment. Any such form shall be made available for inspection and copying by any law enforcement officer upon request of that officer. These records may be kept in electronic format if they include all the information specified in this Section in a manner that is readily retrievable and reproducible in hard-copy format.

(d) The Office of the Illinois Attorney General shall make available to retail distributors the list of methamphetamine ingredients referred to in subsection (b) of this Section.

Section 40. Penalties.

(a) Any pharmacy or retail distributor that violates this Act is guilty of a petty offense and subject to a fine of $500 for a first offense; and $1,000 for a second offense occurring at the same retail location as and within 3 years of the prior offense. A pharmacy or retail distributor that violates this Act is guilty of a business offense and subject to a fine of $5,000 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses.

(b) An employee or agent of a pharmacy or retail distributor who violates this Act is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third or subsequent offense.

(c) Any other person who violates this Act is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third or subsequent offense.

New matter indicated by italics - deletions by strikeout
Section 45. Immunity from civil liability. In the event that any agent or employee of a pharmacy or retail distributor reports to any law enforcement officer or agency any suspicious activity concerning a targeted methamphetamine precursor or other methamphetamine ingredient or ingredients, the agent or employee and the pharmacy or retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct.

Section 50. Scope of Act.
(a) Nothing in this Act limits the scope, terms, or effect of the Methamphetamine Control and Community Protection Act.
(b) Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nursing and Advanced Practice Nursing Act, or the Pharmacy Practice Act of 1987.
(c) Nothing in this Act limits the authority or activity of any law enforcement officer acting within the scope of his or her employment.

Section 55. Preemption and home rule powers.
(a) Except as provided in subsection (b) of this Section, a county or municipality, including a home rule unit, may regulate the sale of targeted methamphetamine precursor and targeted packages in a manner that is not more or less restrictive than the regulation by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.
(b) Any regulation of the sale of targeted methamphetamine precursor and targeted packages by a home rule unit that took effect on or before May 1, 2004, is exempt from the provisions of subsection (a) of this Section.

Section 900. The Illinois Controlled Substances Act is amended by changing Sections 211, 212, 216, 304, and 312 as follows:
(720 ILCS 570/211) (from Ch. 56 1/2, par. 1211)
Sec. 211. The Department shall issue a rule scheduling a substance in Schedule V if it finds that:
(1) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;
(2) the substance has currently accepted medical use in treatment in the United States; and
(3) abuse of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule IV, or the substance is a targeted methamphetamine precursor as

New matter indicated by italics - deletions by strikeout
Sec. 212. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid which also contains one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone as set forth below:

(1) not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;
(2) not more than 100 milligrams of dihydrocodeine; or any of its salts, per 100 milliliters or per 100 grams;
(3) not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;
(4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
(5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
(6) not more than 0.5 milligram of difenoxin (DEA Drug Code No. 9618) and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Buprenorphine.

(d) Pyrovalerone.

(d-5) Any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(e) Any compound, mixture or preparation which contains any quantity of any controlled substance when such compound, mixture or preparation is not otherwise controlled in Schedules I, II, III or IV.

Sec. 216. Ephedrine.

(a) The following drug products containing ephedrine, its salts, optical isomers and salts of optical isomers shall be exempt from the application of Sections 312 and 313 of this Act if they: (i) may lawfully be sold over-the-counter without a prescription under the Federal Food, Drug, and Cosmetic Act; (ii) are labeled and marketed in a manner consistent with Section 341.76
of Title 21 of the Code of Federal Regulations; (iii) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (iv) are not marketed, advertised, or labeled for the indications of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy:

(1) Solid oral dosage forms, including soft gelatin caplets, which are formulated pursuant to 21 CFR 341 or its successor, and packaged in blister packs of not more than 2 tablets per blister.

(2) Anorectal preparations containing not more than 5% ephedrine.

(b) The marketing, advertising, or labeling of any product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine, for the indications of stimulation, mental alertness, weight loss, appetite control, or energy, is prohibited. In determining compliance with this requirement the Department may consider the following factors:

(1) The packaging of the drug product;
(2) The name and labeling of the product;
(3) The manner of distribution, advertising, and promotion of the product;
(4) Verbal representations made concerning the product;
(5) The duration, scope, and significance of abuse or misuse of the particular product.

(c) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 4 felony.

(d) This Section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(1) are not otherwise prohibited by law; and
(2) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:
   (i) are contained in a matrix of organic material; and
   (ii) do not exceed 15% of the total weight of the natural product.

(e) Nothing in this Section limits the scope or terms of the Methamphetamine Precursor Control Act.

(Source: P.A. 90-775, eff. 1-1-99.)

(720 ILCS 570/304) (from Ch. 56 1/2, par. 1304)
Sec. 304. (a) A registration under Section 303 to manufacture,

New matter indicated by italics - deletions by strikeout
distribute, or dispense a controlled substance or purchase, store, or administer euthanasia drugs may be suspended or revoked by the Department of Professional Regulation upon a finding that the registrant:

1. has furnished any false or fraudulent material information in any application filed under this Act; or
2. has been convicted of a felony under any law of the United States or any State relating to any controlled substance; or
3. has had suspended or revoked his Federal registration to manufacture, distribute, or dispense controlled substances or purchase, store, or administer euthanasia drugs; or
4. has been convicted of bribery, perjury, or other infamous crime under the laws of the United States or of any State; or
5. has violated any provision of this Act or any rules promulgated hereunder, or any provision of the Methamphetamine Precursor Control Act or rules promulgated thereunder, whether or not he has been convicted of such violation; or
6. has failed to provide effective controls against the diversion of controlled substances in other than legitimate medical, scientific or industrial channels.

(b) The Department of Professional Regulation may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) The Department of Professional Regulation shall promptly notify the Administration, the Department and the Department of State Police or their successor agencies, of all orders denying, suspending or revoking registration, all forfeitures of controlled substances, and all final court dispositions, if any, of such denials, suspensions, revocations or forfeitures.

(d) If Federal registration of any registrant is suspended, revoked, refused renewal or refused issuance, then the Department of Professional Regulation shall issue a notice and conduct a hearing in accordance with Section 305 of this Act.

(Source: P.A. 93-626, eff. 12-23-03.)

(720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

Sec. 312. Requirements for dispensing controlled substances.

(a) A practitioner, in good faith, may dispense a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; or pentazocine; and Schedule III, IV, or V controlled substances to any person.
upon a written prescription of any prescriber, dated and signed by the person
prescribing on the day when issued and bearing the name and address of the
patient for whom, or the owner of the animal for which the controlled
substance is dispensed, and the full name, address and registry number under
the laws of the United States relating to controlled substances of the
prescriber, if he is required by those laws to be registered. If the prescription
is for an animal it shall state the species of animal for which it is ordered. The
practitioner filling the prescription shall write the date of filling and his own
signature on the face of the written prescription. The written prescription
shall be retained on file by the practitioner who filled it or pharmacy in which
the prescription was filled for a period of 2 years, so as to be readily
accessible for inspection or removal by any officer or employee engaged in
the enforcement of this Act. Whenever the practitioner's or pharmacy's copy
of any prescription is removed by an officer or employee engaged in the
enforcement of this Act, for the purpose of investigation or as evidence, such
officer or employee shall give to the practitioner or pharmacy a receipt in lieu
thereof. A prescription for a Schedule II controlled substance shall not be
filled more than 7 days after the date of issuance. A written prescription for
Schedule III, IV or V controlled substances shall not be filled or refilled more
than 6 months after the date thereof or refilled more than 5 times unless
renewed, in writing, by the prescriber.

(b) In lieu of a written prescription required by this Section, a
pharmacist, in good faith, may dispense Schedule III, IV, or V substances to
any person either upon receiving a facsimile of a written, signed prescription
transmitted by the prescriber or the prescriber's agent or upon a lawful oral
prescription of a prescriber which oral prescription shall be reduced promptly
to writing by the pharmacist and such written memorandum thereof shall be
dated on the day when such oral prescription is received by the pharmacist
and shall bear the full name and address of the ultimate user for whom, or of
the owner of the animal for which the controlled substance is dispensed, and
the full name, address, and registry number under the law of the United States
relating to controlled substances of the prescriber prescribing if he is required
by those laws to be so registered, and the pharmacist filling such oral
prescription shall write the date of filling and his own signature on the face
of such written memorandum thereof. The facsimile copy of the prescription
or written memorandum of the oral prescription shall be retained on file by
the proprietor of the pharmacy in which it is filled for a period of not less
than two years, so as to be readily accessible for inspection by any officer or
employee engaged in the enforcement of this Act in the same manner as a
written prescription. The facsimile copy of the prescription or oral prescription and the written memorandum thereof shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed, in writing, by the prescriber.

(c) Except for any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act, a controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for the purpose of evading this Act, and then:

(1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his patients, or

(2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself to the pharmacist by means of 2 positive documents of identification.

(3) the dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature.

(4) no person shall purchase or be dispensed more than 120 milliliters or more than 120 grams of any Schedule V substance which contains codeine, dihydrocodeine, or any salts thereof, or ethylmorphine, or any salts thereof, in any 96 hour period. The purchaser shall sign a form, approved by the Department of Professional Regulation, attesting that he has not purchased any Schedule V controlled substances within the immediately preceding 96 hours.

(5) a copy of the records of sale, including all information required by paragraph (3), shall be forwarded to the Department of Professional Regulation at its principal office by the 15th day of the following month.

(6) all records of purchases and sales shall be maintained for not less than 2 years.

(7) no person shall obtain or attempt to obtain within any consecutive 96 hour period any Schedule V substances of more than 120 milliliters or more than 120 grams containing codeine, dihydrocodeine or any of its salts, or ethylmorphine or any of its salts. Any person obtaining any such preparations or combination of preparations in excess of this limitation shall be in unlawful possession of such controlled substance.

(8) a person qualified to dispense controlled substances under this Act and registered thereunder shall at no time maintain or keep
in stock a quantity of Schedule V controlled substances defined and listed in Section 212 (b) (1), (2) or (3) in excess of 4.5 liters for each substance; a pharmacy shall at no time maintain or keep in stock a quantity of Schedule V controlled substances as defined in excess of 4.5 liters for each substance, plus the additional quantity of controlled substances necessary to fill the largest number of prescription orders filled by that pharmacy for such controlled substances in any one week in the previous year. These limitations shall not apply to Schedule V controlled substances which Federal law prohibits from being dispensed without a prescription.

(9) no person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.

(d) Every practitioner shall keep a record of controlled substances received by him and a record of all such controlled substances administered, dispensed or professionally used by him otherwise than by prescription. It shall, however, be sufficient compliance with this paragraph if any practitioner utilizing controlled substances listed in Schedules III, IV and V shall keep a record of all those substances dispensed and distributed by him other than those controlled substances which are administered by the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject. A practitioner who dispenses, other than by administering, a controlled substance in Schedule II, which is a narcotic drug listed in Section 206 of this Act, or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers, pentazocine, or methaqualone shall do so only upon the issuance of a written prescription blank by a prescriber.

(e) Whenever a manufacturer distributes a controlled substance in a package prepared by him, and whenever a wholesale distributor distributes a controlled substance in a package prepared by him or the manufacturer, he shall securely affix to each package in which that substance is contained a label showing in legible English the name and address of the manufacturer, the distributor and the quantity, kind and form of controlled substance contained therein. No person except a pharmacist and only for the purposes of filling a prescription under this Act, shall alter, deface or remove any label so affixed.

(f) Whenever a practitioner dispenses any controlled substance except a non-prescription targeted methamphetamine precursor as defined in the

New matter indicated by italics - deletions by strikeout
Methamphetamine Precursor Control Act, he shall affix to the container in which such substance is sold or dispensed, a label indicating the date of initial filling, the practitioner's name and address, the name of the patient, the name of the prescriber, the directions for use and cautionary statements, if any, contained in any prescription or required by law, the proprietary name or names or the established name of the controlled substance, and the dosage and quantity, except as otherwise authorized by regulation by the Department of Professional Regulation. No person shall alter, deface or remove any label so affixed.

(g) A person to whom or for whose use any controlled substance has been prescribed or dispensed by a practitioner, or other persons authorized under this Act, and the owner of any animal for which such substance has been prescribed or dispensed by a veterinarian, may lawfully possess such substance only in the container in which it was delivered to him by the person dispensing such substance.

(h) The responsibility for the proper prescribing or dispensing of controlled substances is upon the prescriber and the responsibility for the proper filling of a prescription for controlled substance drugs rests with the pharmacist. An order purporting to be a prescription issued to any individual, which is not in the regular course of professional treatment nor part of an authorized methadone maintenance program, nor in legitimate and authorized research instituted by any accredited hospital, educational institution, charitable foundation, or federal, state or local governmental agency, and which is intended to provide that individual with controlled substances sufficient to maintain that individual's or any other individual's physical or psychological addiction, habitual or customary use, dependence, or diversion of that controlled substance is not a prescription within the meaning and intent of this Act; and the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

(i) A prescriber shall not preprint or cause to be preprinted a prescription for any controlled substance; nor shall any practitioner issue, fill or cause to be issued or filled, a preprinted prescription for any controlled substance.

(j) No person shall manufacture, dispense, deliver, possess with intent to deliver, prescribe, or administer or cause to be administered under his direction any anabolic steroid, for any use in humans other than the treatment of disease in accordance with the order of a physician licensed to practice medicine in all its branches for a valid medical purpose in the course of professional practice. The use of anabolic steroids for the purpose of
hormonal manipulation that is intended to increase muscle mass, strength or weight without a medical necessity to do so, or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game, is not a valid medical purpose or in the course of professional practice.
(Source: P.A. 90-253, eff. 7-29-97; 91-576, eff. 4-1-00; 91-714, eff. 6-2-00.)
(720 ILCS 647/Act rep.)
Section 905. The Methamphetamine Precursor Retail Sale Control Act is repealed.
Section 999. Effective date. This Act takes effect January 15, 2006.
Approved November 16, 2006.

PUBLIC ACT 94-0695
(Senate Bill No. 1283)
AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Workers' Compensation Act is amended by changing Sections 7, 8, 8.2, 8.7, and 13.1 as follows:
(820 ILCS 305/7) (from Ch. 48, par. 138.7)
Sec. 7. The amount of compensation which shall be paid for an accidental injury to the employee resulting in death is:
(a) If the employee leaves surviving a widow, widower, child or children, the applicable weekly compensation rate computed in accordance with subparagraph 2 of paragraph (b) of Section 8, shall be payable during the life of the widow or widower and if any surviving child or children shall not be physically or mentally incapacitated then until the death of the widow or widower or until the youngest child shall reach the age of 18, whichever shall come later; provided that if such child or children shall be enrolled as a full time student in any accredited educational institution, the payments shall continue until such child has attained the age of 25. In the event any surviving child or children shall be physically or mentally incapacitated, the payments shall continue for the duration of such incapacity.

The term "child" means a child whom the deceased employee left surviving, including a posthumous child, a child legally adopted, a child whom the deceased employee was legally obligated to support or a child to

New matter indicated by italics - deletions by strikeout
whom the deceased employee stood in loco parentis. The term "children" means the plural of "child".

The term "physically or mentally incapacitated child or children" means a child or children incapable of engaging in regular and substantial gainful employment.

In the event of the remarriage of a widow or widower, where the decedent did not leave surviving any child or children who, at the time of such remarriage, are entitled to compensation benefits under this Act, the surviving spouse shall be paid a lump sum equal to 2 years compensation benefits and all further rights of such widow or widower shall be extinguished.

If the employee leaves surviving any child or children under 18 years of age who at the time of death shall be entitled to compensation under this paragraph (a) of this Section, the weekly compensation payments herein provided for such child or children shall in any event continue for a period of not less than 6 years.

Any beneficiary entitled to compensation under this paragraph (a) of this Section shall receive from the special fund provided in paragraph (f) of this Section, in addition to the compensation herein provided, supplemental benefits in accordance with paragraph (g) of Section 8.

(b) If no compensation is payable under paragraph (a) of this Section and the employee leaves surviving a parent or parents who at the time of the accident were totally dependent upon the earnings of the employee then weekly payments equal to the compensation rate payable in the case where the employee leaves surviving a widow or widower, shall be paid to such parent or parents for the duration of their lives, and in the event of the death of either, for the life of the survivor.

(c) If no compensation is payable under paragraphs (a) or (b) of this Section and the employee leaves surviving any child or children who are not entitled to compensation under the foregoing paragraph (a) but who at the time of the accident were nevertheless in any manner dependent upon the earnings of the employee, or leaves surviving a parent or parents who at the time of the accident were partially dependent upon the earnings of the employee, then there shall be paid to such dependent or dependents for a period of 8 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such

New matter indicated by italics - deletions by strikeout
beneficiary all the rights under this paragraph shall be extinguished.

(d) If no compensation is payable under paragraphs (a), (b) or (c) of this Section and the employee leaves surviving any grandparent, grandparents, grandchild or grandchildren or collateral heirs dependent upon the employee's earnings to the extent of 50% or more of total dependency, then there shall be paid to such dependent or dependents for a period of 5 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all rights hereunder shall be extinguished.

(e) The compensation to be paid for accidental injury which results in death, as provided in this Section, shall be paid to the persons who form the basis for determining the amount of compensation to be paid by the employer, the respective shares to be in the proportion of their respective dependency at the time of the accident on the earnings of the deceased. The Commission or an Arbitrator thereof may, in its or his discretion, order or award the payment to the parent or grandparent of a child for the latter's support the amount of compensation which but for such order or award would have been paid to such child as its share of the compensation payable, which order or award may be modified from time to time by the Commission in its discretion with respect to the person to whom shall be paid the amount of the order or award remaining unpaid at the time of the modification.

The payments of compensation by the employer in accordance with the order or award of the Commission discharges such employer from all further obligation as to such compensation.

(f) The sum of $8,000 for burial expenses shall be paid by the employer to the widow or widower, other dependent, next of kin or to the person or persons incurring the expense of burial.

In the event the employer failed to provide necessary first aid, medical, surgical or hospital service, he shall pay the cost thereof to the person or persons entitled to compensation under paragraphs (a), (b), (c) or (d) of this Section, or to the person or persons incurring the obligation therefore, or providing the same.

On January 15 and July 15, 1981, and on January 15 and July 15 of each year thereafter the employer shall within 60 days pay a sum equal to 1/8 of 1% of all compensation payments made by him after July 1, 1980, either under this Act or the Workers' Occupational Diseases Act, whether by lump
For the purposes hereinafter stated in paragraphs (f) and (g) of Section 8, either upon the order of the Commission or of a competent court. Said special fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. It is subject to audit the same as State funds and accounts and is protected by the General bond given by the State Treasurer.

It is considered always appropriated for the purposes of disbursements as provided in Section 8, paragraph (f), of this Act, and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose.

On January 15, 1991, the employer shall further pay a sum equal to one half of 1% of all compensation payments made by him from January 1, 1990 through June 30, 1990 either under this Act or under the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, into an additional Special Fund which shall be designated as the "Rate Adjustment Fund". On March 15, 1991, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from July 1, 1990 through December 31, 1990. Within 60 days after July 15, 1991, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from January 1, 1991 through June 30, 1991. Within 60 days after January 15 of 1992 and each subsequent year through 1996, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1992 and each subsequent year through 1995, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 1997 and each subsequent year through 2005, the employer shall pay into the Rate Adjustment Fund a sum equal to three-fourths of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1996 and each subsequent year through 2004, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the last 6 months of the preceding calendar year.
Adjustment Fund a sum equal to three-fourths of 1% of all such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 2006 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1% of such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 2005 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1% of such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 2006 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1.25% of such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 2006 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1.25% of such compensation payments made in the first 6 months of the same calendar year. The administrative costs of collecting assessments from employers for the Rate Adjustment Fund shall be paid from the Rate Adjustment Fund. The cost of an actuarial audit of the Fund shall be paid from the Rate Adjustment Fund. The State Treasurer is ex officio custodian of such Special Fund and the same shall be held and disbursed for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8 upon the order of the Commission or of a competent court. The Rate Adjustment Fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. It shall be subject to audit the same as State funds and accounts and shall be protected by the general bond given by the State Treasurer. It is considered always appropriated for the purposes of disbursements as provided in paragraphs (f) and (g) of Section 8 of this Act and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose. Within 5 days after the effective date of this amendatory Act of 1990, the Comptroller and the State Treasurer shall transfer $1,000,000 from the General Revenue Fund to the Rate Adjustment Fund. By February 15, 1991, the Comptroller and the State Treasurer shall transfer $1,000,000 from the Rate Adjustment Fund to the General Revenue Fund. The Comptroller and Treasurer are authorized to make transfers at the request of the Chairman up to a total of $19,000,000 from the Second Injury Fund, the General Revenue Fund, and the Workers' Compensation Benefit Trust Fund to the Rate Adjustment Fund to the extent that there is insufficient money in the Rate Adjustment Fund to pay claims and obligations. Amounts may be transferred from the General Revenue Fund only if the funds in the Second Injury Fund...
or the Workers' Compensation Benefit Trust Fund are insufficient to pay claims and obligations of the Rate Adjustment Fund. All amounts transferred from the Second Injury Fund, the General Revenue Fund, and the Workers' Compensation Benefit Trust Fund shall be repaid from the Rate Adjustment Fund within 270 days of a transfer, together with interest at the rate earned by moneys on deposit in the Fund or Funds from which the moneys were transferred.

Upon a finding by the Commission, after reasonable notice and hearing, that any employer has willfully and knowingly failed to pay the proper amounts into the Second Injury Fund or the Rate Adjustment Fund required by this Section or if such payments are not made within the time periods prescribed by this Section, the employer shall, in addition to such payments, pay a penalty of 20% of the amount required to be paid or $2,500, whichever is greater, for each year or part thereof of such failure to pay. This penalty shall only apply to obligations of an employer to the Second Injury Fund or the Rate Adjustment Fund accruing after the effective date of this amendatory Act of 1989. All or part of such a penalty may be waived by the Commission for good cause shown.

Any obligations of an employer to the Second Injury Fund and Rate Adjustment Fund accruing prior to the effective date of this amendatory Act of 1989 shall be paid in full by such employer within 5 years of the effective date of this amendatory Act of 1989, with at least one-fifth of such obligation to be paid during each year following the effective date of this amendatory Act of 1989. If the Commission finds, following reasonable notice and hearing, that an employer has failed to make timely payment of any obligation accruing under the preceding sentence, the employer shall, in addition to all other payments required by this Section, be liable for a penalty equal to 20% of the overdue obligation or $2,500, whichever is greater, for each year or part thereof that obligation is overdue. All or part of such a penalty may be waived by the Commission for good cause shown.

The Chairman of the Illinois Workers' Compensation Commission shall, annually, furnish to the Director of the Department of Insurance a list of the amounts paid into the Second Injury Fund and the Rate Adjustment Fund by each insurance company on behalf of their insured employers. The Director shall verify to the Chairman that the amounts paid by each insurance company are accurate as best as the Director can determine from the records available to the Director. The Chairman shall verify that the amounts paid by each self-insurer are accurate as best as the Chairman can determine from records available to the Chairman. The Chairman may require each self-
insurer to provide information concerning the total compensation payments made upon which contributions to the Second Injury Fund and the Rate Adjustment Fund are predicated and any additional information establishing that such payments have been made into these funds. Any deficiencies in payments noted by the Director or Chairman shall be subject to the penalty provisions of this Act.

The State Treasurer, or his duly authorized representative, shall be named as a party to all proceedings in all cases involving claim for the loss of, or the permanent and complete loss of the use of one eye, one foot, one leg, one arm or one hand.

The State Treasurer or his duly authorized agent shall have the same rights as any other party to the proceeding, including the right to petition for review of any award. The reasonable expenses of litigation, such as medical examinations, testimony, and transcript of evidence, incurred by the State Treasurer or his duly authorized representative, shall be borne by the Second Injury Fund.

If the award is not paid within 30 days after the date the award has become final, the Commission shall proceed to take judgment thereon in its own name as is provided for other awards by paragraph (g) of Section 19 of this Act and take the necessary steps to collect the award.

Any person, corporation or organization who has paid or become liable for the payment of burial expenses of the deceased employee may in his or its own name institute proceedings before the Commission for the collection thereof.

For the purpose of administration, receipts and disbursements, the Special Fund provided for in paragraph (f) of this Section shall be administered jointly with the Special Fund provided for in Section 7, paragraph (f) of the Workers' Occupational Diseases Act.

(g) All compensation, except for burial expenses provided in this Section to be paid in case accident results in death, shall be paid in installments equal to the percentage of the average earnings as provided for in Section 8, paragraph (b) of this Act, at the same intervals at which the wages or earnings of the employees were paid. If this is not feasible, then the installments shall be paid weekly. Such compensation may be paid in a lump sum upon petition as provided in Section 9 of this Act. However, in addition to the benefits provided by Section 9 of this Act where compensation for death is payable to the deceased's widow, widower or to the deceased's widow, widower and one or more children, and where a partial lump sum is applied for by such beneficiary or beneficiaries within 18 months after the

New matter indicated by italics - deletions by strikeout
deceased's death, the Commission may, in its discretion, grant a partial lump sum of not to exceed 100 weeks of the compensation capitalized at their present value upon the basis of interest calculated at 3% per annum with annual rests, upon a showing that such partial lump sum is for the best interest of such beneficiary or beneficiaries.

(h) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (a), (b), (c), (d) and (f) of this Section shall be increased 50%.

Nothing herein contained repeals or amends the provisions of the Child Labor Law relating to the employment of minors under the age of 16 years.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section only.

(i) Whenever the dependents of a deceased employee are aliens not residing in the United States, Mexico or Canada, the amount of compensation payable is limited to the beneficiaries described in paragraphs (a), (b) and (c) of this Section and is 50% of the compensation provided in paragraphs (a), (b) and (c) of this Section, except as otherwise provided by treaty.

In a case where any of the persons who would be entitled to compensation is living at any place outside of the United States, then payment shall be made to the personal representative of the deceased employee. The distribution by such personal representative to the persons entitled shall be made to such persons and in such manner as the Commission orders.

(Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05.)

(820 ILCS 305/8) (from Ch. 48, par. 138.8)

Sec. 8. The amount of compensation which shall be paid to the employee for an accidental injury not resulting in death is:

(a) The employer shall provide and pay the negotiated rate, if applicable, or the lesser of the health care provider's actual charges or according to a fee schedule, subject to Section 8.2, in effect at the time the service was rendered for all the necessary first aid, medical and surgical services, and all necessary medical, surgical and hospital services thereafter incurred, limited, however, to that which is reasonably required to cure or
relieve from the effects of the accidental injury. If the employer does not dispute payment of first aid, medical, surgical, and hospital services, the employer shall make such payment to the provider on behalf of the employee. The employer shall also pay for treatment, instruction and training necessary for the physical, mental and vocational rehabilitation of the employee, including all maintenance costs and expenses incidental thereto. If as a result of the injury the employee is unable to be self-sufficient the employer shall further pay for such maintenance or institutional care as shall be required.

The employee may at any time elect to secure his own physician, surgeon and hospital services at the employer's expense, or,

Upon agreement between the employer and the employees, or the employees' exclusive representative, and subject to the approval of the Illinois Workers' Compensation Commission, the employer shall maintain a list of physicians, to be known as a Panel of Physicians, who are accessible to the employees. The employer shall post this list in a place or places easily accessible to his employees. The employee shall have the right to make an alternative choice of physician from such Panel if he is not satisfied with the physician first selected. If, due to the nature of the injury or its occurrence away from the employer's place of business, the employee is unable to make a selection from the Panel, the selection process from the Panel shall not apply. The physician selected from the Panel may arrange for any consultation, referral or other specialized medical services outside the Panel at the employer's expense. Provided that, in the event the Commission shall find that a doctor selected by the employee is rendering improper or inadequate care, the Commission may order the employee to select another doctor certified or qualified in the medical field for which treatment is required. If the employee refuses to make such change the Commission may relieve the employer of his obligation to pay the doctor's charges from the date of refusal to the date of compliance.

Any vocational rehabilitation counselors who provide service under this Act shall have appropriate certifications which designate the counselor as qualified to render opinions relating to vocational rehabilitation. Vocational rehabilitation may include, but is not limited to, counseling for job searches, supervising a job search program, and vocational retraining including education at an accredited learning institution. The employee or employer may petition to the Commission to decide disputes relating to vocational rehabilitation and the Commission shall resolve any such dispute, including payment of the vocational rehabilitation program by the employer.

The maintenance benefit shall not be less than the temporary total

New matter indicated by italics - deletions by strikeout
disability rate determined for the employee. In addition, maintenance shall include costs and expenses incidental to the vocational rehabilitation program.

When the employee is working light duty on a part-time basis or full-time basis and earns less than he or she would be earning if employed in the full capacity of the job or jobs, then the employee shall be entitled to temporary partial disability benefits. Temporary partial disability benefits shall be equal to two-thirds of the difference between the average amount that the employee would be able to earn in the full performance of his or her duties in the occupation in which he or she was engaged at the time of accident and the net amount which he or she is earning in the modified job provided to the employee by the employer or in any other job that the employee is working.

Every hospital, physician, surgeon or other person rendering treatment or services in accordance with the provisions of this Section shall upon written request furnish full and complete reports thereof to, and permit their records to be copied by, the employer, the employee or his dependents, as the case may be, or any other party to any proceeding for compensation before the Commission, or their attorneys.

Notwithstanding the foregoing, the employer's liability to pay for such medical services selected by the employee shall be limited to:

(1) all first aid and emergency treatment; plus

(2) all medical, surgical and hospital services provided by the physician, surgeon or hospital initially chosen by the employee or by any other physician, consultant, expert, institution or other provider of services recommended by said initial service provider or any subsequent provider of medical services in the chain of referrals from said initial service provider; plus

(3) all medical, surgical and hospital services provided by any second physician, surgeon or hospital subsequently chosen by the employee or by any other physician, consultant, expert, institution or other provider of services recommended by said second service provider or any subsequent provider of medical services in the chain of referrals from said second service provider. Thereafter the employer shall select and pay for all necessary medical, surgical and hospital treatment and the employee may not select a provider of medical services at the employer's expense unless the employer agrees to such selection. At any time the employee may obtain any medical treatment he desires at his own expense. This paragraph shall

New matter indicated by italics - deletions by strikeout
not affect the duty to pay for rehabilitation referred to above.

When an employer and employee so agree in writing, nothing in this Act prevents an employee whose injury or disability has been established under this Act, from relying in good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof, and having nursing services appropriate therewith, without suffering loss or diminution of the compensation benefits under this Act. However, the employee shall submit to all physical examinations required by this Act. The cost of such treatment and nursing care shall be paid by the employee unless the employer agrees to make such payment.

Where the accidental injury results in the amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the employer shall furnish an artificial of any such members lost or damaged in accidental injury arising out of and in the course of employment, and shall also furnish the necessary braces in all proper and necessary cases. In cases of the loss of a member or members by amputation, the employer shall, whenever necessary, maintain in good repair, refit or replace the artificial limbs during the lifetime of the employee. Where the accidental injury accompanied by physical injury results in damage to a denture, eye glasses or contact eye lenses, or where the accidental injury results in damage to an artificial member, the employer shall replace or repair such denture, glasses, lenses, or artificial member.

The furnishing by the employer of any such services or appliances is not an admission of liability on the part of the employer to pay compensation.

The furnishing of any such services or appliances or the servicing thereof by the employer is not the payment of compensation.

(b) If the period of temporary total incapacity for work lasts more than 3 working days, weekly compensation as hereinafter provided shall be paid beginning on the 4th day of such temporary total incapacity and continuing as long as the total temporary incapacity lasts. In cases where the temporary total incapacity for work continues for a period of 14 days or more from the day of the accident compensation shall commence on the day after the accident.

1. The compensation rate for temporary total incapacity under this paragraph (b) of this Section shall be equal to 66 2/3\% of the employee's average weekly wage computed in accordance with Section 10, provided that it shall be not less than 66 2/3\% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or

New matter indicated by italics - deletions by strikeout
the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2. The compensation rate in all cases other than for temporary total disability under this paragraph (b), and other than for serious and permanent disfigurement under paragraph (c) and other than for permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e), of this Section shall be equal to 66 2/3% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2.1. The compensation rate in all cases of serious and permanent disfigurement under paragraph (c) and of permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e) of this Section shall be equal to 60% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

3. As used in this Section the term "child" means a child of the employee including any child legally adopted before the accident or whom at the time of the accident the employee was under legal obligation to support or to whom the employee stood in loco parentis, and who at the time of the accident was under 18 years of age and not emancipated.
The term "children" means the plural of "child".

4. All weekly compensation rates provided under subparagraphs 1, 2 and 2.1 of this paragraph (b) of this Section shall be subject to the following limitations:

The maximum weekly compensation rate from July 1, 1975, except as hereinafter provided, shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act, that being the wage that most closely approximates the State's average weekly wage.

The maximum weekly compensation rate, for the period July 1, 1984, through June 30, 1987, except as hereinafter provided, shall be $293.61. Effective July 1, 1987 and on July 1 of each year thereafter the maximum weekly compensation rate, except as hereinafter provided, shall be determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

The maximum weekly compensation rate, for the period January 1, 1981 through December 31, 1983, except as hereinafter provided, shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act in effect on January 1, 1981. Effective January 1, 1984 and on January 1, of each year thereafter the maximum weekly compensation rate, except as hereinafter provided, shall be determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

From July 1, 1977 and thereafter such maximum weekly compensation rate in death cases under Section 7, and permanent total disability cases under paragraph (f) or subparagraph 18 of paragraph (3) of this Section and for temporary total disability under paragraph (b) of this Section and for amputation of a member or enucleation of an eye under paragraph (e) of this Section shall be increased to 133-

New matter indicated by italics - deletions by strikeout
1/3% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

For injuries occurring on or after February 1, 2006, the maximum weekly benefit under paragraph (d)1 of this Section shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

4.1. Any provision herein to the contrary notwithstanding, the weekly compensation rate for compensation payments under subparagraph 18 of paragraph (e) of this Section and under paragraph (f) of this Section and under paragraph (a) of Section 7 and for amputation of a member or enucleation of an eye under paragraph (e) of this Section, shall in no event be less than 50% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

4.2. Any provision to the contrary notwithstanding, the total compensation payable under Section 7 shall not exceed the greater of $500,000 or 25 years.

5. For the purpose of this Section this State's average weekly wage in covered industries under the Unemployment Insurance Act on July 1, 1975 is hereby fixed at $228.16 per week and the computation of compensation rates shall be based on the aforesaid average weekly wage until modified as hereinafter provided.

6. The Department of Employment Security of the State shall on or before the first day of December, 1977, and on or before the first day of June, 1978, and on the first day of each December and June of each year thereafter, publish the State's average weekly wage in covered industries under the Unemployment Insurance Act and the Illinois Workers' Compensation Commission shall on the 15th day of January, 1978 and on the 15th day of July, 1978 and on the 15th day of each January and July of each year thereafter, post and publish the State's average weekly wage in covered industries under the Unemployment Insurance Act as last determined and published by the Department of Employment Security. The amount when so posted and published shall be conclusive and shall be applicable as the basis of computation of compensation rates until the next posting and publication as aforesaid.

7. The payment of compensation by an employer or his insurance carrier to an injured employee shall not constitute an admission of the employer's liability to pay compensation.
(c) For any serious and permanent disfigurement to the hand, head, face, neck, arm, leg below the knee or the chest above the axillary line, the employee is entitled to compensation for such disfigurement, the amount determined by agreement at any time or by arbitration under this Act, at a hearing not less than 6 months after the date of the accidental injury, which amount shall not exceed 150 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or 162 weeks (if the accidental injury occurs on or after February 1, 2006) at the applicable rate provided in subparagraph 2.1 of paragraph (b) of this Section.

No compensation is payable under this paragraph where compensation is payable under paragraphs (d), (e) or (f) of this Section.

A duly appointed member of a fire department in a city, the population of which exceeds 200,000 according to the last federal or State census, is eligible for compensation under this paragraph only where such serious and permanent disfigurement results from burns.

(d) 1. If, after the accidental injury has been sustained, the employee as a result thereof becomes partially incapacitated from pursuing his usual and customary line of employment, he shall, except in cases compensated under the specific schedule set forth in paragraph (e) of this Section, receive compensation for the duration of his disability, subject to the limitations as to maximum amounts fixed in paragraph (b) of this Section, equal to 66-2/3% of the difference between the average amount which he would be able to earn in the full performance of his duties in the occupation in which he was engaged at the time of the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident.

2. If, as a result of the accident, the employee sustains serious and permanent injuries not covered by paragraphs (c) and (e) of this Section or having sustained injuries covered by the aforesaid paragraphs (c) and (e), he shall have sustained in addition thereto other injuries which injuries do not incapacitate him from pursuing the duties of his employment but which would disable him from pursuing other suitable occupations, or which have otherwise resulted in physical impairment; or if such injuries partially incapacitate him from pursuing the duties of his usual and customary line of employment but do not result in an impairment of earning capacity, or having resulted in an impairment of earning capacity, the employee elects to waive his right to recover under the foregoing subparagraph 1 of paragraph (d) of this Section then in any of the foregoing events, he shall receive in addition

New matter indicated by italics - deletions by strikeout
to compensation for temporary total disability under paragraph (b) of this Section, compensation at the rate provided in subparagraph 2.1 of paragraph (b) of this Section for that percentage of 500 weeks that the partial disability resulting from the injuries covered by this paragraph bears to total disability. If the employee shall have sustained a fracture of one or more vertebra or fracture of the skull, the amount of compensation allowed under this Section shall be not less than 6 weeks for a fractured skull and 6 weeks for each fractured vertebra, and in the event the employee shall have sustained a fracture of any of the following facial bones: nasal, lachrymal, vomer, zygoma, maxilla, palatine or mandible, the amount of compensation allowed under this Section shall be not less than 2 weeks for each such fractured bone, and for a fracture of each transverse process not less than 3 weeks. In the event such injuries shall result in the loss of a kidney, spleen or lung, the amount of compensation allowed under this Section shall be not less than 10 weeks for each such organ. Compensation awarded under this subparagraph 2 shall not take into consideration injuries covered under paragraphs (c) and (e) of this Section and the compensation provided in this paragraph shall not affect the employee's right to compensation payable under paragraphs (b), (c) and (e) of this Section for the disabilities therein covered.

(e) For accidental injuries in the following schedule, the employee shall receive compensation for the period of temporary total incapacity for work resulting from such accidental injury, under subparagraph 1 of paragraph (b) of this Section, and shall receive in addition thereto compensation for a further period for the specific loss herein mentioned, but shall not receive any compensation under any other provisions of this Act. The following listed amounts apply to either the loss of or the permanent and complete loss of use of the member specified, such compensation for the length of time as follows:

1. Thumb-
   - 70 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
   - 76 weeks if the accidental injury occurs on or after February 1, 2006.
2. First, or index finger-
   - 40 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
   - 43 weeks if the accidental injury occurs on or after
February 1, 2006.
3. Second, or middle finger-
   35 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
   38 weeks if the accidental injury occurs on or after February 1, 2006.
4. Third, or ring finger-
   25 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
   27 weeks if the accidental injury occurs on or after February 1, 2006.
5. Fourth, or little finger-
   20 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
   22 weeks if the accidental injury occurs on or after February 1, 2006.
6. Great toe-
   35 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
   38 weeks if the accidental injury occurs on or after February 1, 2006.
7. Each toe other than great toe-
   12 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
   13 weeks if the accidental injury occurs on or after February 1, 2006.
8. The loss of the first or distal phalanx of the thumb or of any finger or toe shall be considered to be equal to the loss of one-half of such thumb, finger or toe and the compensation payable shall be one-half of the amount above specified. The loss of more than one phalanx shall be considered as the loss of the entire thumb, finger or toe. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.
9. Hand-

New matter indicated by italics - deletions by strikeout
190 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

205 weeks if the accidental injury occurs on or after February 1, 2006.

The loss of 2 or more digits, or one or more phalanges of 2 or more digits, of a hand may be compensated on the basis of partial loss of use of a hand, provided, further, that the loss of 4 digits, or the loss of use of 4 digits, in the same hand shall constitute the complete loss of a hand.

10. Arm-

235 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

253 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the amputation of an arm below the elbow, such injury shall be compensated as a loss of an arm. Where an accidental injury results in the amputation of an arm above the elbow, compensation for an additional 15 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 17 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid, except where the accidental injury results in the amputation of an arm at the shoulder joint, or so close to shoulder joint that an artificial arm cannot be used, or results in the disarticulation of an arm at the shoulder joint, in which case compensation for an additional 65 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 70 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.

11. Foot-

155 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

167 weeks if the accidental injury occurs on or after February 1, 2006.

12. Leg-

New matter indicated by italics - deletions by strikeout
200 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

215 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the amputation of a leg below the knee, such injury shall be compensated as loss of a leg. Where an accidental injury results in the amputation of a leg above the knee, compensation for an additional 25 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 27 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid, except where the accidental injury results in the amputation of a leg at the hip joint, or so close to the hip joint that an artificial leg cannot be used, or results in the disarticulation of a leg at the hip joint, in which case compensation for an additional 75 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 81 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.

13. Eye-

150 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

162 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the enucleation of an eye, compensation for an additional 10 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 11 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.

14. Loss of hearing of one ear-

50 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

54 weeks if the accidental injury occurs on or after February 1, 2006.

Total and permanent loss of hearing

New matter indicated by italics - deletions by strikeout
of both ears-

200 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

215 weeks if the accidental injury occurs on or after February 1, 2006.

15. Testicle-

50 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

54 weeks if the accidental injury occurs on or after February 1, 2006.

Both testicles-

150 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

162 weeks if the accidental injury occurs on or after February 1, 2006.

16. For the permanent partial loss of use of a member or sight of an eye, or hearing of an ear, compensation during that proportion of the number of weeks in the foregoing schedule provided for the loss of such member or sight of an eye, or hearing of an ear, which the partial loss of use thereof bears to the total loss of use of such member, or sight of eye, or hearing of an ear.

(a) Loss of hearing for compensation purposes shall be confined to the frequencies of 1,000, 2,000 and 3,000 cycles per second. Loss of hearing ability for frequency tones above 3,000 cycles per second are not to be considered as constituting disability for hearing.

(b) The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness, shall be calculated as the average in decibels for the thresholds of hearing for the frequencies of 1,000, 2,000 and 3,000 cycles per second. Pure tone air conduction audiometric instruments, approved by nationally recognized authorities in this field, shall be used for measuring hearing loss. If the losses of hearing average 30 decibels or less in the 3 frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses of hearing
average 85 decibels or more in the 3 frequencies, then the same shall constitute and be total or 100% compensable hearing loss.

(c) In measuring hearing impairment, the lowest measured losses in each of the 3 frequencies shall be added together and divided by 3 to determine the average decibel loss. For every decibel of loss exceeding 30 decibels an allowance of 1.82% shall be made up to the maximum of 100% which is reached at 85 decibels.

(d) If a hearing loss is established to have existed on July 1, 1975 by audiometric testing the employer shall not be liable for the previous loss so established nor shall he be liable for any loss for which compensation has been paid or awarded.

(e) No consideration shall be given to the question of whether or not the ability of an employee to understand speech is improved by the use of a hearing aid.

(f) No claim for loss of hearing due to industrial noise shall be brought against an employer or allowed unless the employee has been exposed for a period of time sufficient to cause permanent impairment to noise levels in excess of the following:

<table>
<thead>
<tr>
<th>Sound Level DBA</th>
<th>Hours Per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slow Response</td>
<td></td>
</tr>
<tr>
<td>90</td>
<td>8</td>
</tr>
<tr>
<td>92</td>
<td>6</td>
</tr>
<tr>
<td>95</td>
<td>4</td>
</tr>
<tr>
<td>97</td>
<td>3</td>
</tr>
<tr>
<td>100</td>
<td>2</td>
</tr>
<tr>
<td>102</td>
<td>1-1/2</td>
</tr>
<tr>
<td>105</td>
<td>1</td>
</tr>
<tr>
<td>110</td>
<td>1/2</td>
</tr>
<tr>
<td>115</td>
<td>1/4</td>
</tr>
</tbody>
</table>

This subparagraph (f) shall not be applied in cases of hearing loss resulting from trauma or explosion.

17. In computing the compensation to be paid to any employee who, before the accident for which he claims compensation, had before that time sustained an injury resulting in the loss by amputation or partial loss by amputation of any member,
including hand, arm, thumb or fingers, leg, foot or any toes, such loss or partial loss of any such member shall be deducted from any award made for the subsequent injury. For the permanent loss of use or the permanent partial loss of use of any such member or the partial loss of sight of an eye, for which compensation has been paid, then such loss shall be taken into consideration and deducted from any award for the subsequent injury.

18. The specific case of loss of both hands, both arms, or both feet, or both legs, or both eyes, or of any two thereof, or the permanent and complete loss of the use thereof, constitutes total and permanent disability, to be compensated according to the compensation fixed by paragraph (f) of this Section. These specific cases of total and permanent disability do not exclude other cases.

Any employee who has previously suffered the loss or permanent and complete loss of the use of any of such members, and in a subsequent independent accident loses another or suffers the permanent and complete loss of the use of any one of such members the employer for whom the injured employee is working at the time of the last independent accident is liable to pay compensation only for the loss or permanent and complete loss of the use of the member occasioned by the last independent accident.

19. In a case of specific loss and the subsequent death of such injured employee from other causes than such injury leaving a widow, widower, or dependents surviving before payment or payment in full for such injury, then the amount due for such injury is payable to the widow or widower and, if there be no widow or widower, then to such dependents, in the proportion which such dependency bears to total dependency.

Beginning July 1, 1980, and every 6 months thereafter, the Commission shall examine the Second Injury Fund and when, after deducting all advances or loans made to such Fund, the amount therein is $500,000 then the amount required to be paid by employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Second Injury Fund reaches the sum of $600,000 then the payments shall cease entirely. However, when the Second Injury Fund has been reduced to $400,000, payment of one-half of the amounts required by paragraph (f) of Section 7 shall be resumed, in the manner herein provided, and when the Second Injury Fund has been reduced to $300,000, payment of the full amounts required by paragraph (f) of Section 7 shall be resumed, in the manner herein provided. The Commission shall
make the changes in payment effective by general order, and the changes in payment become immediately effective for all cases coming before the Commission thereafter either by settlement agreement or final order, irrespective of the date of the accidental injury.

On August 1, 1996 and on February 1 and August 1 of each subsequent year, the Commission shall examine the special fund designated as the "Rate Adjustment Fund" and when, after deducting all advances or loans made to said fund, the amount therein is $4,000,000, the amount required to be paid by employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Rate Adjustment Fund reaches the sum of $5,000,000 the payment therein shall cease entirely. However, when said Rate Adjustment Fund has been reduced to $3,000,000 the amounts required by paragraph (f) of Section 7 shall be resumed in the manner herein provided.

(f) In case of complete disability, which renders the employee wholly and permanently incapable of work, or in the specific case of total and permanent disability as provided in subparagraph 18 of paragraph (e) of this Section, compensation shall be payable at the rate provided in subparagraph 2 of paragraph (b) of this Section for life.

An employee entitled to benefits under paragraph (f) of this Section shall also be entitled to receive from the Rate Adjustment Fund provided in paragraph (f) of Section 7 of the supplementary benefits provided in paragraph (g) of this Section.

If any employee who receives an award under this paragraph afterwards returns to work or is able to do so, and earns or is able to earn as much as before the accident, payments under such award shall cease. If such employee returns to work, or is able to do so, and earns or is able to earn part but not as much as before the accident, such award shall be modified so as to conform to an award under paragraph (d) of this Section. If such award is terminated or reduced under the provisions of this paragraph, such employees have the right at any time within 30 months after the date of such termination or reduction to file petition with the Commission for the purpose of determining whether any disability exists as a result of the original accidental injury and the extent thereof.

Disability as enumerated in subdivision 18, paragraph (e) of this Section is considered complete disability.

If an employee who had previously incurred loss or the permanent and complete loss of use of one member, through the loss or the permanent and complete loss of the use of one hand, one arm, one foot, one leg, or one eye, incurs permanent and complete disability through the loss or the permanent

New matter indicated by italics - deletions by strikeout
and complete loss of the use of another member, he shall receive, in addition
to the compensation payable by the employer and after such payments have
ceased, an amount from the Second Injury Fund provided for in paragraph (f)
of Section 7, which, together with the compensation payable from the
employer in whose employ he was when the last accidental injury was
incurred, will equal the amount payable for permanent and complete
disability as provided in this paragraph of this Section.

The custodian of the Second Injury Fund provided for in paragraph
(f) of Section 7 shall be joined with the employer as a party respondent in the
application for adjustment of claim. The application for adjustment of claim
shall state briefly and in general terms the approximate time and place and
manner of the loss of the first member.

In its award the Commission or the Arbitrator shall specifically find
the amount the injured employee shall be weekly paid, the number of weeks
compensation which shall be paid by the employer, the date upon which
payments begin out of the Second Injury Fund provided for in paragraph (f)
of Section 7 of this Act, the length of time the weekly payments continue, the
date upon which the pension payments commence and the monthly amount
of the payments. The Commission shall 30 days after the date upon which
payments out of the Second Injury Fund have begun as provided in the award,
and every month thereafter, prepare and submit to the State Comptroller a
voucher for payment for all compensation accrued to that date at the rate
fixed by the Commission. The State Comptroller shall draw a warrant to the
injured employee along with a receipt to be executed by the injured employee
and returned to the Commission. The endorsed warrant and receipt is a full
and complete acquittance to the Commission for the payment out of the
Second Injury Fund. No other appropriation or warrant is necessary for
payment out of the Second Injury Fund. The Second Injury Fund is
appropriated for the purpose of making payments according to the terms of
the awards.

As of July 1, 1980 to July 1, 1982, all claims against and obligations
of the Second Injury Fund shall become claims against and obligations of the
Rate Adjustment Fund to the extent there is insufficient money in the Second
Injury Fund to pay such claims and obligations. In that case, all references to
"Second Injury Fund" in this Section shall also include the Rate Adjustment
Fund.

(g) Every award for permanent total disability entered by the
Commission on and after July 1, 1965 under which compensation payments
shall become due and payable after the effective date of this amendatory Act,
and every award for death benefits or permanent total disability entered by the Commission on and after the effective date of this amendatory Act shall be subject to annual adjustments as to the amount of the compensation rate therein provided. Such adjustments shall first be made on July 15, 1977, and all awards made and entered prior to July 1, 1975 and on July 15 of each year thereafter. In all other cases such adjustment shall be made on July 15 of the second year next following the date of the entry of the award and shall further be made on July 15 annually thereafter. If during the intervening period from the date of the entry of the award, or the last periodic adjustment, there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act. The increase in the compensation rate under this paragraph shall in no event bring the total compensation rate to an amount greater than the prevailing maximum rate at the time that the annual adjustment is made. Such increase shall be paid in the same manner as herein provided for payments under the Second Injury Fund to the injured employee, or his dependents, as the case may be, out of the Rate Adjustment Fund provided in paragraph (f) of Section 7 of this Act. Payments shall be made at the same intervals as provided in the award or, at the option of the Commission, may be made in quarterly payment on the 15th day of January, April, July and October of each year. In the event of a decrease in such average weekly wage there shall be no change in the then existing compensation rate. The within paragraph shall not apply to cases where there is disputed liability and in which a compromise lump sum settlement between the employer and the injured employee, or his dependents, as the case may be, has been duly approved by the Illinois Workers' Compensation Commission.

Provided, that in cases of awards entered by the Commission for injuries occurring before July 1, 1975, the increases in the compensation rate adjusted under the foregoing provision of this paragraph (g) shall be limited to increases in the State's average weekly wage in covered industries under the Unemployment Insurance Act occurring after July 1, 1975.

For every accident occurring on or after July 20, 2005 but before the effective date of this amendatory Act of the 94th General Assembly (Senate Bill 1283 of the 94th General Assembly) after the effective date of this amendatory Act of the 94th General Assembly, the annual adjustments to the compensation rate in awards for death benefits or permanent total disability,

New matter indicated by italics - deletions by strikeout
as provided in this Act, shall be paid by the employer. The adjustment shall be made by the employer on July 15 of the second year next following the date of the entry of the award and shall further be made on July 15 annually thereafter. If during the intervening period from the date of the entry of the award, or the last periodic adjustment, there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the employer shall increase the weekly compensation rate proportionately by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act. The increase in the compensation rate under this paragraph shall in no event bring the total compensation rate to an amount greater than the prevailing maximum rate at the time that the annual adjustment is made. In the event of a decrease in such average weekly wage there shall be no change in the then existing compensation rate. Such increase shall be paid by the employer in the same manner and at the same intervals as the payment of compensation in the award. This paragraph shall not apply to cases where there is disputed liability and in which a compromise lump sum settlement between the employer and the injured employee, or his or her dependents, as the case may be, has been duly approved by the Illinois Workers' Compensation Commission.

The annual adjustments for every award of death benefits or permanent total disability involving accidents occurring before July 20, 2005 and accidents occurring on or after the effective date of this amendatory Act of the 94th General Assembly (Senate Bill 1283 of the 94th General Assembly) shall continue to be paid from the Rate Adjustment Fund pursuant to this paragraph and Section 7(f) of this Act.

(h) In case death occurs from any cause before the total compensation to which the employee would have been entitled has been paid, then in case the employee leaves any widow, widower, child, parent (or any grandchild, grandparent or other lineal heir or any collateral heir dependent at the time of the accident upon the earnings of the employee to the extent of 50% or more of total dependency) such compensation shall be paid to the beneficiaries of the deceased employee and distributed as provided in paragraph (g) of Section 7.

(h-1) In case an injured employee is under legal disability at the time when any right or privilege accrues to him or her under this Act, a guardian may be appointed pursuant to law, and may, on behalf of such person under legal disability, claim and exercise any such right or privilege with the same

New matter indicated by italics - deletions by strikeout
effect as if the employee himself or herself had claimed or exercised the right or privilege. No limitations of time provided by this Act run so long as the employee who is under legal disability is without a conservator or guardian.

(i) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (b), (c), (d), (e) and (f) of this Section is increased 50%.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section.

Nothing herein contained repeals or amends the provisions of the Child Labor Law relating to the employment of minors under the age of 16 years.

(j) 1. In the event the injured employee receives benefits, including medical, surgical or hospital benefits under any group plan covering non-occupational disabilities contributed to wholly or partially by the employer, which benefits should not have been payable if any rights of recovery existed under this Act, then such amounts so paid to the employee from any such group plan as shall be consistent with, and limited to, the provisions of paragraph 2 hereof, shall be credited to or against any compensation payment for temporary total incapacity for work or any medical, surgical or hospital benefits made or to be made under this Act. In such event, the period of time for giving notice of accidental injury and filing application for adjustment of claim does not commence to run until the termination of such payments. This paragraph does not apply to payments made under any group plan which would have been payable irrespective of an accidental injury under this Act. Any employer receiving such credit shall keep such employee safe and harmless from any and all claims or liabilities that may be made against him by reason of having received such payments only to the extent of such credit.

Any excess benefits paid to or on behalf of a State employee by the State Employees' Retirement System under Article 14 of the Illinois Pension Code on a death claim or disputed disability claim shall be credited against any payments made or to be made by the State of Illinois to or on behalf of such employee under this Act, except for payments for medical expenses which have already been incurred at the time of the award. The State of Illinois shall directly reimburse the State Employees' Retirement System to

New matter indicated by italics - deletions by strikeout
the extent of such credit.

2. Nothing contained in this Act shall be construed to give the employer or the insurance carrier the right to credit for any benefits or payments received by the employee other than compensation payments provided by this Act, and where the employee receives payments other than compensation payments, whether as full or partial salary, group insurance benefits, bonuses, annuities or any other payments, the employer or insurance carrier shall receive credit for each such payment only to the extent of the compensation that would have been payable during the period covered by such payment.

3. The extension of time for the filing of an Application for Adjustment of Claim as provided in paragraph 1 above shall not apply to those cases where the time for such filing had expired prior to the date on which payments or benefits enumerated herein have been initiated or resumed. Provided however that this paragraph 3 shall apply only to cases wherein the payments or benefits hereinabove enumerated shall be received after July 1, 1969.

(Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05.)

(820 ILCS 305/8.2)
Sec. 8.2. Fee schedule.

(a) Except as provided for in subsection (c), for procedures, treatments, or services covered under this Act and rendered or to be rendered on and after February 1, 2006, the maximum allowable payment for procedures, treatments, or services covered under this Act shall be 90% of the 80th percentile of charges and fees as determined by the Commission utilizing information provided by employers' and insurers' national databases, with a minimum of 12,000,000 Illinois line item charges and fees comprised of health care provider and hospital charges and fees as of August 1, 2004 but not earlier than August 1, 2002. These charges and fees are provider billed amounts and shall not include discounted charges. The 80th percentile is the point on an ordered data set from low to high such that 80% of the cases are below or equal to that point and at most 20% are above or equal to that point. The Commission shall adjust these historical charges and fees as of August 1, 2004 by the Consumer Price Index-U for the period August 1, 2004 through September 30, 2005. The Commission shall establish fee schedules for procedures, treatments, or services for hospital inpatient, hospital outpatient, emergency room and trauma, ambulatory surgical treatment centers, and professional services. These charges and fees shall be designated by geozip or any smaller geographic unit. The data shall in no way identify
or tend to identify any patient, employer, or health care provider. As used in this Section, "geozip" means a three-digit zip code based on data similarities, geographical similarities, and frequencies. A geozip does not cross state boundaries. As used in this Section, "three-digit zip code" means a geographic area in which all zip codes have the same first 3 digits. If a geozip does not have the necessary number of charges and fees to calculate a valid percentile for a specific procedure, treatment, or service, the Commission may combine data from the geozip with up to 4 other geozips that are demographically and economically similar and exhibit similarities in data and frequencies until the Commission reaches 9 charges or fees for that specific procedure, treatment, or service. In cases where the compiled data contains less than 9 charges or fees for a procedure, treatment, or service, reimbursement shall occur at 76% of charges and fees as determined by the Commission in a manner consistent with the provisions of this paragraph. The Commission has the authority to set the maximum allowable payment to providers of out-of-state procedures, treatments, or services covered under this Act in a manner consistent with this Section. Not later than September 30 in 2006 and each year thereafter, the Commission shall automatically increase or decrease the maximum allowable payment for a procedure, treatment, or service established and in effect on January 1 of that year by the percentage change in the Consumer Price Index-U for the 12 month period ending August 31 of that year. The increase or decrease shall become effective on January 1 of the following year. As used in this Section, "Consumer Price Index-U" means the index published by the Bureau of Labor Statistics of the U.S. Department of Labor, that measures the average change in prices of all goods and services purchased by all urban consumers, U.S. city average, all items, 1982-84=100.

(b) Notwithstanding the provisions of subsection (a), if the Commission finds that there is a significant limitation on access to quality health care in either a specific field of health care services or a specific geographic limitation on access to health care, it may change the Consumer Price Index-U increase or decrease for that specific field or specific geographic limitation on access to health care to address that limitation.

(c) The Commission shall establish by rule a process to review those medical cases or outliers that involve extra-ordinary treatment to determine whether to make an additional adjustment to the maximum payment within a fee schedule for a procedure, treatment, or service.

(d) When a patient notifies a provider that the treatment, procedure, or service being sought is for a work-related illness or injury and furnishes
the provider the name and address of the responsible employer, the provider shall bill the employer directly. The employer shall make payment and providers shall submit bills and records in accordance with the provisions of this Section. All payments to providers for treatment provided pursuant to this Act shall be made within 60 days of receipt of the bills as long as the claim contains substantially all the required data elements necessary to adjudicate the bills. In the case of nonpayment to a provider within 60 days of receipt of the bill which contained substantially all of the required data elements necessary to adjudicate the bill or nonpayment to a provider of a portion of such a bill up to the lesser of the actual charge or the payment level set by the Commission in the fee schedule established in this Section, the bill, or portion of the bill, shall incur interest at a rate of 1% per month payable to the provider.

(e) Except as provided in subsections (e-5), (e-10), and (e-15), a provider shall not hold an employee liable for costs related to a non-disputed procedure, treatment, or service rendered in connection with a compensable injury. The provisions of subsections (e-5), (e-10), (e-15), and (e-20) shall not apply if an employee provides information to the provider regarding participation in a group health plan. If the employee participates in a group health plan, the provider may submit a claim for services to the group health plan. If the claim for service is covered by the group health plan, the employee's responsibility shall be limited to applicable deductibles, co-payments, or co-insurance. Except as provided under subsections (e-5), (e-10), (e-15), and (e-20), a provider shall not bill or otherwise attempt to recover from the employee the difference between the provider's charge and the amount paid by the employer or the insurer on a compensable injury.

(e-5) If an employer notifies a provider that the employer does not consider the illness or injury to be compensable under this Act, the provider may seek payment of the provider's actual charges from the employee for any procedure, treatment, or service rendered. Once an employee informs the provider that there is an application filed with the Commission to resolve a dispute over payment of such charges, the provider shall cease any and all efforts to collect payment for the services that are the subject of the dispute. Any statute of limitations or statute of repose applicable to the provider's efforts to collect payment from the employee shall be tolled from the date that the employee files the application with the Commission until the date that the provider is permitted to resume collection efforts under the provisions of this Section.

(e-10) If an employer notifies a provider that the employer will pay
only a portion of a bill for any procedure, treatment, or service rendered in connection with a compensable illness or disease, the provider may seek payment from the employee for the remainder of the amount of the bill up to the lesser of the actual charge, negotiated rate, if applicable, or the payment level set by the Commission in the fee schedule established in this Section. Once an employee informs the provider that there is an application filed with the Commission to resolve a dispute over payment of such charges, the provider shall cease any and all efforts to collect payment for the services that are the subject of the dispute. Any statute of limitations or statute of repose applicable to the provider's efforts to collect payment from the employee shall be tolled from the date that the employee files the application with the Commission until the date that the provider is permitted to resume collection efforts under the provisions of this Section.

(e-15) When there is a dispute over the compensability of or amount of payment for a procedure, treatment, or service, and a case is pending or proceeding before an Arbitrator or the Commission, the provider may mail the employee reminders that the employee will be responsible for payment of any procedure, treatment or service rendered by the provider. The reminders must state that they are not bills, to the extent practicable include itemized information, and state that the employee need not pay until such time as the provider is permitted to resume collection efforts under this Section. The reminders shall not be provided to any credit rating agency. The reminders may request that the employee furnish the provider with information about the proceeding under this Act, such as the file number, names of parties, and status of the case. If an employee fails to respond to such request for information or fails to furnish the information requested within 90 days of the date of the reminder, the provider is entitled to resume any and all efforts to collect payment from the employee for the services rendered to the employee and the employee shall be responsible for payment of any outstanding bills for a procedure, treatment, or service rendered by a provider.

(e-20) Upon a final award or judgment by an Arbitrator or the Commission, or a settlement agreed to by the employer and the employee, a provider may resume any and all efforts to collect payment from the employee for the services rendered to the employee and the employee shall be responsible for payment of any outstanding bills for a procedure, treatment, or service rendered by a provider as well as the interest awarded under subsection (d) of this Section. In the case of a procedure, treatment, or service deemed compensable, the provider shall not require a payment rate, excluding the interest provisions under subsection (d), greater than the lesser
of the actual charge or the payment level set by the Commission in the fee schedule established in this Section. Payment for services deemed not covered or not compensable under this Act is the responsibility of the employee unless a provider and employee have agreed otherwise in writing. Services not covered or not compensable under this Act are not subject to the fee schedule in this Section.

(f) Nothing in this Act shall prohibit an employer or insurer from contracting with a health care provider or group of health care providers for reimbursement levels for benefits under this Act different from those provided in this Section.

(g) On or before January 1, 2010 the Commission shall provide to the Governor and General Assembly a report regarding the implementation of the medical fee schedule and the index used for annual adjustment to that schedule as described in this Section.

(Source: P.A. 94-277, eff. 7-20-05.)

820 ILCS 305/8.7

Sec. 8.7. Utilization review programs.

(a) As used in this Section:
"Utilization review" means the evaluation of proposed or provided health care services to determine the appropriateness of both the level of health care services medically necessary and the quality of health care services provided to a patient, including evaluation of their efficiency, efficacy, and appropriateness of treatment, hospitalization, or office visits based on medically accepted standards. The evaluation must be accomplished by means of a system that identifies the utilization of health care services based on standards of care or nationally recognized peer review guidelines as well as nationally recognized evidence based upon standards as provided in this Act. Utilization techniques may include prospective review, second opinions, concurrent review, discharge planning, peer review, independent medical examinations, and retrospective review (for purposes of this sentence, retrospective review shall be applicable to services rendered on or after July 20, 2005). Nothing in this Section applies to prospective review of necessary first aid or emergency treatment.

(b) No person may conduct a utilization review program for workers' compensation services in this State unless once every 2 years the person registers the utilization review program with the Department of Financial and Professional Regulation and certifies compliance with the Workers' Compensation Utilization Management standards or Health Utilization Management Standards of URAC sufficient to achieve URAC accreditation

New matter indicated by italics - deletions by strikeout
or submits evidence of accreditation by URAC for its Workers' Compensation Utilization Management Standards or Health Utilization Management Standards. Nothing in this Act shall be construed to require an employer or insurer or its subcontractors to become URAC accredited.

(c) In addition, the Secretary of Financial and Professional Regulation may certify alternative utilization review standards of national accreditation organizations or entities in order for plans to comply with this Section. Any alternative utilization review standards shall meet or exceed those standards required under subsection (b).

(d) This registration shall include submission of all of the following information regarding utilization review program activities:

(1) The name, address, and telephone number of the utilization review programs.
(2) The organization and governing structure of the utilization review programs.
(3) The number of lives for which utilization review is conducted by each utilization review program.
(4) Hours of operation of each utilization review program.
(5) Description of the grievance process for each utilization review program.
(6) Number of covered lives for which utilization review was conducted for the previous calendar year for each utilization review program.
(7) Written policies and procedures for protecting confidential information according to applicable State and federal laws for each utilization review program.

(e) A utilization review program shall have written procedures to ensure that patient-specific information obtained during the process of utilization review will be:

(1) kept confidential in accordance with applicable State and federal laws; and
(2) shared only with the employee, the employee's designee, and the employee's health care provider, and those who are authorized by law to receive the information. Summary data shall not be considered confidential if it does not provide information to allow identification of individual patients or health care providers.

Only a health care professional may make determinations regarding the medical necessity of health care services during the course of utilization review.
When making retrospective reviews, utilization review programs shall base reviews solely on the medical information available to the attending physician or ordering provider at the time the health care services were provided.

(f) If the Department of Financial and Professional Regulation finds that a utilization review program is not in compliance with this Section, the Department shall issue a corrective action plan and allow a reasonable amount of time for compliance with the plan. If the utilization review program does not come into compliance, the Department may issue a cease and desist order. Before issuing a cease and desist order under this Section, the Department shall provide the utilization review program with a written notice of the reasons for the order and allow a reasonable amount of time to supply additional information demonstrating compliance with the requirements of this Section and to request a hearing. The hearing notice shall be sent by certified mail, return receipt requested, and the hearing shall be conducted in accordance with the Illinois Administrative Procedure Act.

(g) A utilization review program subject to a corrective action may continue to conduct business until a final decision has been issued by the Department.

(h) The Secretary of Financial and Professional Regulation may by rule establish a registration fee for each person conducting a utilization review program.

(i) A utilization review will be considered by the Commission, along with all other evidence and in the same manner as all other evidence, in the determination of the reasonableness and necessity of the medical bills or treatment. Nothing in this Section shall be construed to diminish the rights of employees to reasonable and necessary medical treatment or employee choice of health care provider under Section 8(a) or the rights of employers to medical examinations under Section 12.

(j) When an employer denies payment of or refuses to authorize payment of first aid, medical, surgical, or hospital services under Section 8(a) of this Act, if that denial or refusal to authorize complies with a utilization review program registered under this Section and complies with all other requirements of this Section, then there shall be a rebuttable presumption that the employer shall not be responsible for payment of additional compensation pursuant to Section 19(k) of this Act and if that denial or refusal to authorize does not comply with a utilization review program registered under this Section and does not comply with all other requirements of this Section, then that will be considered by the Commission, along with all other evidence and
in the same manner as all other evidence, in the determination of whether the employer may be responsible for the payment of additional compensation pursuant to Section 19(k) of this Act.
(Source: P.A. 94-277, eff. 7-20-05.)

(820 ILCS 305/13.1) (from Ch. 48, par. 138.13-1)

Sec. 13.1. (a) There is created a Workers' Compensation Advisory Board hereinafter referred to as the Advisory Board. After the effective date of this amendatory Act of the 94th General Assembly, the Advisory Board shall consist of 12 members appointed by the Governor with the advice and consent of the Senate. Six members of the Advisory Board shall be representative citizens chosen from the employee class, and 6 members shall be representative citizens chosen from the employing class. The Chairman of the Commission shall serve as the ex officio Chairman of the Advisory Board. After the effective date of this amendatory Act of the 94th General Assembly, each member of the Advisory Board shall serve a term ending on the third Monday in January 2007 and shall continue to serve until his or her successor is appointed and qualified. Members of the Advisory Board shall thereafter be appointed for 4 year terms from the third Monday in January of the year of their appointment, and until their successors are appointed and qualified. Seven members of the Advisory Board shall constitute a quorum to do business, but in no case shall there be less than one representative from each class. A vacancy on the Advisory Board shall be filled by the Governor for the unexpired term.

(b) Members of the Advisory Board shall receive no compensation for their services but shall be reimbursed for expenses incurred in the performance of their duties by the Commission from appropriations made to the Commission for such purpose.

(c) The Advisory Board shall aid the Commission in formulating policies, discussing problems, setting priorities of expenditures, reviewing advisory rates filed by an advisory organization as defined in Section 463 of the Illinois Insurance Code, and establishing short and long range administrative goals. Prior to making appointments to the Commission, the Governor shall request that the Advisory Board make recommendations as to candidates to consider for appointment and the Advisory Board may then make such recommendations.
(Source: P.A. 94-277, eff. 7-20-05.)

Section 95. Construction. Nothing in this Act shall be construed to accelerate or otherwise supersede the provisions of Section 95 of Public Act 94-277 regarding the applicability of the amendatory changes to subsections

New matter indicated by italics - deletions by strikeout
(a) and (b) of Section 8 of the Workers' Compensation Act that were made by Public Act 94-277.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly November 4, 2005.
Approved November 16, 2005.
Effective November 16, 2005.

PUBLIC ACT 94-0696
(Senate Bill No. 0092)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Civil Administrative Code of Illinois is amended by changing Sections 5-15, 5-20, and 5-335 and adding Section 5-362 as follows:
(20 ILCS 5/5-15)(was 20 ILCS 5/3)
Sec. 5-15. Departments of State government. The Departments of State government are created as follows:
The Department on Aging.
The Department of Agriculture.
The Department of Central Management Services.
The Department of Children and Family Services.
The Department of Commerce and Economic Opportunity.
The Department of Corrections.
The Department of Employment Security.
The Emergency Management Agency.
The Department of Financial Institutions.
The Department of Human Rights.
The Department of Human Services.
The Department of Insurance.
The Department of Juvenile Justice.
The Department of Labor.
The Department of the Lottery.
The Department of Natural Resources.
The Department of Professional Regulation.
The Department of Public Aid.
The Department of Public Health.
The Department of Revenue.

New matter indicated by italics - deletions by strikeout
The Department of State Police.
The Department of Transportation.
The Department of Veterans' Affairs.

(Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04.)

(20 ILCS 5/5-20)(was 20 ILCS 5/4)

Sec. 5-20. Heads of departments. Each department shall have an officer as its head who shall be known as director or secretary and who shall, subject to the provisions of the Civil Administrative Code of Illinois, execute the powers and discharge the duties vested by law in his or her respective department.

The following officers are hereby created:
Director of Aging, for the Department on Aging.
Director of Agriculture, for the Department of Agriculture.
Director of Central Management Services, for the Department of Central Management Services.
Director of Children and Family Services, for the Department of Children and Family Services.
Director of Commerce and Economic Opportunity, for the Department of Commerce and Economic Opportunity.
Director of Corrections, for the Department of Corrections.
Director of Emergency Management Agency, for the Emergency Management Agency.
Director of Financial Institutions, for the Department of Financial Institutions.
Director of Human Rights, for the Department of Human Rights.
Secretary of Human Services, for the Department of Human Services.
Director of Insurance, for the Department of Insurance.

*Director of Juvenile Justice, for the Department of Juvenile Justice.*
Director of Labor, for the Department of Labor.
Director of the Lottery, for the Department of the Lottery.
Director of Natural Resources, for the Department of Natural Resources.
Director of Professional Regulation, for the Department of Professional Regulation.
Director of Public Aid, for the Department of Public Aid.
Director of Public Health, for the Department of Public Health.
Director of Revenue, for the Department of Revenue.

New matter indicated by italics - deletions by strikeout
Director of State Police, for the Department of State Police.
Secretary of Transportation, for the Department of Transportation.
Director of Veterans' Affairs, for the Department of Veterans' Affairs.
(Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04.)

(20 ILCS 5/5-335)(was 20 ILCS 5/9.11a)
Sec. 5-335. In the Department of Corrections. The Director of
Corrections shall receive an annual salary as set by the Governor from
time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of Corrections - Juvenile Division shall receive
an annual salary as set by the Governor from time to time or as set by the
Compensation Review Board, whichever is greater.

The Assistant Director of Corrections - Adult Division shall receive
an annual salary as set by the Governor from time to time or as set by the
Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-362 new)
Sec. 5-362. In the Department of Juvenile Justice. The Director of
Juvenile Justice shall receive an annual salary as set by the Governor from
time to time or as set by the Compensation Review Board, whichever is greater.

Section 6. The Children and Family Services Act is amended by
changing Section 17a-11 as follows:

(20 ILCS 505/17a-11)(from Ch. 23, par. 5017a-11)
Sec. 17a-11. Governor's Youth Services Initiative. In cooperation with
the Department of Juvenile Justice Corrections, the Department of Human
Services and the Illinois State Board of Education, the Department of
Children and Family Services shall establish the Governor's Youth Services
Initiative. This program shall offer assistance to multi-problem youth whose
difficulties are not the clear responsibility of any one state agency, and who
are referred to the program by the juvenile court. The decision to establish
and to maintain an initiative program shall be based upon the availability of
program funds and the overall needs of the service area.

A Policy Board shall be established as the decision-making body of
the Governor's Youth Services Initiative. The Board shall be composed of
State agency liaisons appointed by the Secretary of Human Services, the
Directors of the Department of Children and Family Services and the
Department of Juvenile Justice Corrections, and the State Superintendent
of Education. The Board shall meet at least quarterly.

The Department of Children and Family Services may establish a
system of regional interagency councils in the various geographic regions of
the State to address, at the regional or local level, the delivery of services to
multi-problem youth.

The Department of Children and Family Services in consultation with
the aforementioned sponsors of the program shall promulgate rules and
regulations pursuant to the Illinois Administrative Procedure Act, for the
development of initiative programs in densely populated areas of the State to
meet the needs of multi-problem youth.

(Source: P.A. 88-487; 89-507, eff. 7-1-97.)

Section 7. The Illinois Pension Code is amended by changing Section
14-110 as follows:

(40 ILCS 5/14-110)(from Ch. 108 1/2, par. 14-110)
Sec. 14-110. Alternative retirement annuity.

(a) Any member who has withdrawn from service with not less than
20 years of eligible creditable service and has attained age 55, and any
member who has withdrawn from service with not less than 25 years of
eligible creditable service and has attained age 50, regardless of whether the
attainment of either of the specified ages occurs while the member is still in
service, shall be entitled to receive at the option of the member, in lieu of the
regular or minimum retirement annuity, a retirement annuity computed as
follows:

(i) for periods of service as a noncovered employee: if
retirement occurs on or after January 1, 2001, 3% of final average
compensation for each year of creditable service; if retirement occurs
before January 1, 2001, 2 1/4% of final average compensation for
each of the first 10 years of creditable service, 2 1/2% for each year
above 10 years to and including 20 years of creditable service, and 2
3/4% for each year of creditable service above 20 years; and

(ii) for periods of eligible creditable service as a covered
employee: if retirement occurs on or after January 1, 2001, 2.5% of
final average compensation for each year of creditable service; if
retirement occurs before January 1, 2001, 1.67% of final average
compensation for each of the first 10 years of such service, 1.90% for
each of the next 10 years of such service, 2.10% for each year of such
service in excess of 20 but not exceeding 30, and 2.30% for each year
in excess of 30.

Such annuity shall be subject to a maximum of 75% of final average
compensation if retirement occurs before January 1, 2001 or to a maximum
of 80% of final average compensation if retirement occurs on or after January
These rates shall not be applicable to any service performed by a member as a covered employee which is not eligible creditable service. Service as a covered employee which is not eligible creditable service shall be subject to the rates and provisions of Section 14-108.

(b) For the purpose of this Section, "eligible creditable service" means creditable service resulting from service in one or more of the following positions:

(1) State policeman;
(2) fire fighter in the fire protection service of a department;
(3) air pilot;
(4) special agent;
(5) investigator for the Secretary of State;
(6) conservation police officer;
(7) investigator for the Department of Revenue;
(8) security employee of the Department of Human Services;
(9) Central Management Services security police officer;
(10) security employee of the Department of Corrections or the Department of Juvenile Justice;
(11) dangerous drugs investigator;
(12) investigator for the Department of State Police;
(13) investigator for the Office of the Attorney General;
(14) controlled substance inspector;
(15) investigator for the Office of the State's Attorneys Appellate Prosecutor;
(16) Commerce Commission police officer;
(17) arson investigator;
(18) State highway maintenance worker.

A person employed in one of the positions specified in this subsection is entitled to eligible creditable service for service credit earned under this Article while undergoing the basic police training course approved by the Illinois Law Enforcement Training Standards Board, if completion of that training is required of persons serving in that position. For the purposes of this Code, service during the required basic police training course shall be deemed performance of the duties of the specified position, even though the person is not a sworn peace officer at the time of the training.

(c) For the purposes of this Section:

(1) The term "state policeman" includes any title or position in the Department of State Police that is held by an individual
employed under the State Police Act.

(2) The term "fire fighter in the fire protection service of a department" includes all officers in such fire protection service including fire chiefs and assistant fire chiefs.

(3) The term "air pilot" includes any employee whose official job description on file in the Department of Central Management Services, or in the department by which he is employed if that department is not covered by the Personnel Code, states that his principal duty is the operation of aircraft, and who possesses a pilot's license; however, the change in this definition made by this amendatory Act of 1983 shall not operate to exclude any noncovered employee who was an "air pilot" for the purposes of this Section on January 1, 1984.

(4) The term "special agent" means any person who by reason of employment by the Division of Narcotic Control, the Bureau of Investigation or, after July 1, 1977, the Division of Criminal Investigation, the Division of Internal Investigation, the Division of Operations, or any other Division or organizational entity in the Department of State Police is vested by law with duties to maintain public order, investigate violations of the criminal law of this State, enforce the laws of this State, make arrests and recover property. The term "special agent" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

(5) The term "investigator for the Secretary of State" means any person employed by the Office of the Secretary of State and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

A person who became employed as an investigator for the Secretary of State between January 1, 1967 and December 31, 1975, and who has served as such until attainment of age 60, either continuously or with a single break in service of not more than 3 years duration, which break terminated before January 1, 1976, shall be entitled to have his retirement annuity calculated in accordance with subsection (a), notwithstanding that he has less than 20 years of credit for such service.

(6) The term "Conservation Police Officer" means any person employed by the Division of Law Enforcement of the Department of

New matter indicated by italics - deletions by strikeout
Natural Resources and vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. The term "Conservation Police Officer" includes the positions of Chief Conservation Police Administrator and Assistant Conservation Police Administrator.

(7) The term "investigator for the Department of Revenue" means any person employed by the Department of Revenue and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(8) The term "security employee of the Department of Human Services" means any person employed by the Department of Human Services who (i) is employed at the Chester Mental Health Center and has daily contact with the residents thereof, (ii) is employed within a security unit at a facility operated by the Department and has daily contact with the residents of the security unit, (iii) is employed at a facility operated by the Department that includes a security unit and is regularly scheduled to work at least 50% of his or her working hours within that security unit, or (iv) is a mental health police officer. "Mental health police officer" means any person employed by the Department of Human Services in a position pertaining to the Department's mental health and developmental disabilities functions who is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. "Security unit" means that portion of a facility that is devoted to the care, containment, and treatment of persons committed to the Department of Human Services as sexually violent persons, persons unfit to stand trial, or persons not guilty by reason of insanity. With respect to past employment, references to the Department of Human Services include its predecessor, the Department of Mental Health and Developmental Disabilities.

The changes made to this subdivision (c)(8) by Public Act 92-14 apply to persons who retire on or after January 1, 2001, notwithstanding Section 1-103.1.

(9) "Central Management Services security police officer" means any person employed by the Department of Central Management Services who is vested with such law enforcement

New matter indicated by italics - deletions by strikeout
duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(10) For a member who first became an employee under this Article before July 1, 2005, the term "security employee of the Department of Corrections or the Department of Juvenile Justice" means any employee of the Department of Corrections or the Department of Juvenile Justice or the former Department of Personnel, and any member or employee of the Prisoner Review Board, who has daily contact with inmates or youth by working within a correctional facility or Juvenile facility operated by the Department of Juvenile Justice or who is a parole officer or an employee who has direct contact with committed persons in the performance of his or her job duties. For a member who first becomes an employee under this Article on or after July 1, 2005, the term means an employee of the Department of Corrections or the Department of Juvenile Justice who is any of the following: (i) officially headquartered at a correctional facility or Juvenile facility operated by the Department of Juvenile Justice, (ii) a parole officer, (iii) a member of the apprehension unit, (iv) a member of the intelligence unit, (v) a member of the sort team, or (vi) an investigator.

(11) The term "dangerous drugs investigator" means any person who is employed as such by the Department of Human Services.

(12) The term "investigator for the Department of State Police" means a person employed by the Department of State Police who is vested under Section 4 of the Narcotic Control Division Abolition Act with such law enforcement powers as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(13) "Investigator for the Office of the Attorney General" means any person who is employed as such by the Office of the Attorney General and is vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. For the period before January 1, 1989, the term includes all persons who were employed as investigators by the Office of the Attorney General, without regard to social security status.
(14) "Controlled substance inspector" means any person who is employed as such by the Department of Professional Regulation and is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. The term "controlled substance inspector" includes the Program Executive of Enforcement and the Assistant Program Executive of Enforcement.

(15) The term "investigator for the Office of the State's Attorneys Appellate Prosecutor" means a person employed in that capacity on a full time basis under the authority of Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(16) "Commerce Commission police officer" means any person employed by the Illinois Commerce Commission who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act.

(17) "Arson investigator" means any person who is employed as such by the Office of the State Fire Marshal and is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. A person who was employed as an arson investigator on January 1, 1995 and is no longer in service but not yet receiving a retirement annuity may convert his or her creditable service for employment as an arson investigator into eligible creditable service by paying to the System the difference between the employee contributions actually paid for that service and the amounts that would have been contributed if the applicant were contributing at the rate applicable to persons with the same social security status earning eligible creditable service on the date of application.

(18) The term "State highway maintenance worker" means a person who is either of the following:

(i) A person employed on a full-time basis by the Illinois Department of Transportation in the position of highway maintainer, highway maintenance lead worker, highway maintenance lead/lead worker, heavy construction equipment operator, power shovel operator, or bridge mechanic; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the

New matter indicated by italics - deletions by strikeout
highways that form a part of the State highway system in serviceable condition for vehicular traffic.

(ii) A person employed on a full-time basis by the Illinois State Toll Highway Authority in the position of equipment operator/laborer H-4, equipment operator/laborer H-6, welder H-4, welder H-6, mechanical/electrical H-4, mechanical/electrical H-6, water/sewer H-4, water/sewer H-6, sign maker/hanger H-4, sign maker/hanger H-6, roadway lighting H-4, roadway lighting H-6, structural H-4, structural H-6, painter H-4, or painter H-6; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the Authority's tollways in serviceable condition for vehicular traffic.

(d) A security employee of the Department of Corrections or the Department of Juvenile Justice, and a security employee of the Department of Human Services who is not a mental health police officer, shall not be eligible for the alternative retirement annuity provided by this Section unless he or she meets the following minimum age and service requirements at the time of retirement:

(i) 25 years of eligible creditable service and age 55; or
(ii) beginning January 1, 1987, 25 years of eligible creditable service and age 54, or 24 years of eligible creditable service and age 55; or
(iii) beginning January 1, 1988, 25 years of eligible creditable service and age 53, or 23 years of eligible creditable service and age 55; or
(iv) beginning January 1, 1989, 25 years of eligible creditable service and age 52, or 22 years of eligible creditable service and age 55; or
(v) beginning January 1, 1990, 25 years of eligible creditable service and age 51, or 21 years of eligible creditable service and age 55; or
(vi) beginning January 1, 1991, 25 years of eligible creditable service and age 50, or 20 years of eligible creditable service and age 55.

Persons who have service credit under Article 16 of this Code for service as a security employee of the Department of Corrections or the Department of Juvenile Justice, or the Department of Human Services in a position requiring certification as a teacher may count such service toward

New matter indicated by italics - deletions by strikeout
establishing their eligibility under the service requirements of this Section; but such service may be used only for establishing such eligibility, and not for the purpose of increasing or calculating any benefit.

(e) If a member enters military service while working in a position in which eligible creditable service may be earned, and returns to State service in the same or another such position, and fulfills in all other respects the conditions prescribed in this Article for credit for military service, such military service shall be credited as eligible creditable service for the purposes of the retirement annuity prescribed in this Section.

(f) For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before October 1, 1975 as a covered employee in the position of special agent, conservation police officer, mental health police officer, or investigator for the Secretary of State, shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after July 31, 1987, regular interest on the amount specified in item (1) from the date of service to the date of payment.

For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before January 1, 1982 as a covered employee in the position of investigator for the Department of Revenue shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after January 1, 1990, regular interest on the amount specified in item (1) from the date of service to the date of payment.

(g) A State policeman may elect, not later than January 1, 1990, to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service.

New matter indicated by italics - deletions by strikeout
Subject to the limitation in subsection (i), a State policeman may elect, not later than July 1, 1993, to establish eligible creditable service for up to 10 years of his service as a member of the County Police Department under Article 9, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 9-121.10 and the amounts that would have been contributed had those contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(h) Subject to the limitation in subsection (i), a State policeman or investigator for the Secretary of State may elect to establish eligible creditable service for up to 12 years of his service as a policeman under Article 5, by filing a written election with the Board on or before January 31, 1992, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 5-236, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 10 years of service as a sheriff's law enforcement employee under Article 7, by filing a written election with the Board on or before January 31, 1993, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 7-139.7, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(i) The total amount of eligible creditable service established by any person under subsections (g), (h), (j), (k), and (l) of this Section shall not exceed 12 years.

(j) Subject to the limitation in subsection (i), an investigator for the
Office of the State's Attorneys Appellate Prosecutor or a controlled substance inspector may elect to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3 or a sheriff's law enforcement employee under Article 7, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (1) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6 or 7-139.8, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (2) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(k) Subject to the limitation in subsection (i) of this Section, an alternative formula employee may elect to establish eligible creditable service for periods spent as a full-time law enforcement officer or full-time corrections officer employed by the federal government or by a state or local government located outside of Illinois, for which credit is not held in any other public employee pension fund or retirement system. To obtain this credit, the applicant must file a written application with the Board by March 31, 1998, accompanied by evidence of eligibility acceptable to the Board and payment of an amount to be determined by the Board, equal to (1) employee contributions for the credit being established, based upon the applicant's salary on the first day as an alternative formula employee after the employment for which credit is being established and the rates then applicable to alternative formula employees, plus (2) an amount determined by the Board to be the employer's normal cost of the benefits accrued for the credit being established, plus (3) regular interest on the amounts in items (1) and (2) from the first day as an alternative formula employee after the employment for which credit is being established to the date of payment.

(l) Subject to the limitation in subsection (i), a security employee of the Department of Corrections may elect, not later than July 1, 1998, to establish eligible creditable service for up to 10 years of his or her service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to security employees of the Department of Corrections, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

New matter indicated by italics - deletions by strikeout
(m) The amendatory changes to this Section made by this amendatory Act of the 94th General Assembly apply only to: (1) security employees of the Department of Juvenile Justice employed by the Department of Corrections before the effective date of this amendatory Act of the 94th General Assembly and transferred to the Department of Juvenile Justice by this amendatory Act of the 94th General Assembly; and (2) persons employed by the Department of Juvenile Justice on or after the effective date of this amendatory Act of the 94th General Assembly who are required by subsection (b) of Section 3-2.5-15 of the Unified Code of Corrections to have a bachelor's or advanced degree from an accredited college or university with a specialization in criminal justice, education, psychology, social work, or a closely related social science or, in the case of persons who provide vocational training, who are required to have adequate knowledge in the skill for which they are providing the vocational training.

(Source: P.A. 94-4, eff. 6-1-05.)

Section 10. The Counties Code is amended by changing Section 3-6039 as follows:

(55 ILCS 5/3-6039)
Sec. 3-6039. County juvenile impact incarceration program.
(a) With the approval of the county board, the Department of Probation and Court Services in any county shall have the power to operate a county juvenile impact incarceration program for eligible delinquent minors. If the court finds that a minor adjudicated a delinquent meets the eligibility requirements of this Section, the court may in its dispositional order approve the delinquent minor for placement in the county juvenile impact incarceration program conditioned upon his or her acceptance in the program by the Department of Probation and Court Services. The dispositional order also shall provide that if the Department of Probation and Court Services accepts the delinquent minor in the program and determines that the delinquent minor has successfully completed the county juvenile impact incarceration program, the delinquent minor's detention shall be reduced to time considered served upon certification to the court by the Department of Probation and Court Services that the delinquent minor has successfully completed the program. If the delinquent minor is not accepted for placement in the county juvenile impact incarceration program or the delinquent minor does not successfully complete the program, his or her term of commitment shall be as set forth by the court in its dispositional order. If the delinquent minor does not successfully complete the program, time spent in the program does not count as time served against the time limits as set
(b) In order to be eligible to participate in the county juvenile impact incarceration program, the delinquent minor must meet all of the following requirements:

1. The delinquent minor is at least 13 years of age.
2. The act for which the minor is adjudicated delinquent does not constitute a Class X felony, criminal sexual assault, first degree murder, aggravated kidnapping, second degree murder, armed violence, arson, forcible detention, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse.
3. The delinquent minor has not previously participated in a county juvenile impact incarceration program and has not previously served a prior commitment for an act constituting a felony in a Department of Juvenile Justice Corrections juvenile correctional facility. This provision shall not exclude a delinquent minor who is committed to the Illinois Department of Juvenile Justice Corrections and is participating in the county juvenile impact incarceration program under an intergovernmental cooperation agreement with the Illinois Department of Juvenile Justice Corrections, Juvenile Division.
4. The delinquent minor is physically able to participate in strenuous physical activities or labor.
5. The delinquent minor does not have a mental disorder or disability that would prevent participation in the county juvenile impact incarceration program.
6. The delinquent minor is recommended and approved for placement in the county juvenile impact incarceration program in the court's dispositional order.

The court and the Department of Probation and Court Services may also consider, among other matters, whether the delinquent minor has a history of escaping or absconding, whether participation in the county juvenile impact incarceration program may pose a risk to the safety or security of any person, and whether space is available.

(c) The county juvenile impact incarceration program shall include, among other matters, mandatory physical training and labor, military formation and drills, regimented activities, uniformity of dress and appearance, education and counseling, including drug counseling if appropriate, and must impart to the delinquent minor principles of honor, integrity, self-sufficiency, self-discipline, self-respect, and respect for others.
(d) Privileges of delinquent minors participating in the county juvenile impact incarceration program, including visitation, commissary, receipt and retention of property and publications, and access to television, radio, and a library, may be suspended or restricted, at the discretion of the Department of Probation and Court Services.

(e) Delinquent minors participating in the county juvenile impact incarceration program shall adhere to all rules promulgated by the Department of Probation and Court Services and all requirements of the program. Delinquent minors shall be informed of rules of behavior and conduct. Disciplinary procedures required by any other law or county ordinance are not applicable.

(f) Participation in the county juvenile impact incarceration program by a minor adjudicated delinquent for an act constituting a misdemeanor shall be for a period of at least 7 days but less than 120 days as determined by the Department of Probation and Court Services. Participation in the county juvenile impact incarceration program by a minor adjudicated delinquent for an act constituting a felony shall be for a period of 120 to 180 days as determined by the Department of Probation and Court Services.

(g) A delinquent minor may be removed from the program for a violation of the terms or conditions of the program or if he or she is for any reason unable to participate. The Department of Probation and Court Services shall promulgate rules governing conduct that could result in removal from the program or in a determination that the delinquent minor has not successfully completed the program. Delinquent minors shall have access to these rules. The rules shall provide that the delinquent minor shall receive notice and have the opportunity to appear before and address the Department of Probation and Court Services or a person appointed by the Department of Probation and Court Services for this purpose. A delinquent minor may be transferred to any juvenile facilities prior to the hearing.

(h) If the Department of Probation and Court Services accepts the delinquent minor in the program and determines that the delinquent minor has successfully completed the county juvenile impact incarceration program, the court shall discharge the minor from custody upon certification to the court by the Department of Probation and Court Services that the delinquent minor has successfully completed the program. In the event the delinquent minor is not accepted for placement in the county juvenile impact incarceration program or the delinquent minor does not successfully complete the program, his or her commitment to the Department of Juvenile Justice Corrections, Juvenile Division, or juvenile detention shall be as set forth by
the court in its dispositional order.

(i) The Department of Probation and Court Services, with the approval of the county board, shall have the power to enter into intergovernmental cooperation agreements with the Illinois Department of Juvenile Justice Corrections, Juvenile Division, under which delinquent minors committed to the Illinois Department of Juvenile Justice Corrections, Juvenile Division, may participate in the county juvenile impact incarceration program. A delinquent minor who successfully completes the county juvenile impact incarceration program shall be discharged from custody upon certification to the court by the Illinois Department of Juvenile Justice Corrections, Juvenile Division, that the delinquent minor has successfully completed the program.

(Source: P.A. 89-302, eff. 8-11-95; 89-626, eff. 8-9-96; 89-689, eff. 12-31-96; 90-256, eff. 1-1-98.)

Section 11. The County Shelter Care and Detention Home Act is amended by changing Sections 2 and 9.1 as follows:

(55 ILCS 75/2)(from Ch. 23, par. 2682)

Sec. 2. Each county shelter care home and detention home authorized and established by this Act shall comply with minimum standards established by the Department of Juvenile Justice Corrections. No neglected or abused minor, addicted minor, dependent minor or minor requiring authoritative intervention, as defined in the Juvenile Court Act of 1987, or minor alleged to be such, may be detained in any county detention home.

(Source: P.A. 85-1209.)

(55 ILCS 75/9.1)(from Ch. 23, par. 2689.1)

Sec. 9.1. (a) Within 6 months after the effective date of this amendatory Act of 1979, all county detention homes or independent sections thereof established prior to such effective date shall be designated as either shelter care or detention homes or both, provided physical arrangements are created clearly separating the two, in accordance with their basic physical features, programs and functions, by the Department of Juvenile Justice Corrections in cooperation with the Chief Judge of the Circuit Court and the county board. Within one year after receiving notification of such designation by the Department of Juvenile Justice Corrections, all county shelter care homes and detention homes shall be in compliance with this Act.

(b) Compliance with this amendatory Act of 1979 shall not affect the validity of any prior referendum or the levy or collection of any tax authorized under this Act. All county shelter care homes and detention homes established and in operation on the effective date of this amendatory Act of

New matter indicated by italics - deletions by strikeout
1979 may continue to operate, subject to the provisions of this amendatory Act of 1979, without further referendum.

(c) Compliance with this amendatory Act of 1987 shall not affect the validity of any prior referendum or the levy or collection of any tax authorized under this Act. All county shelter care homes and detention homes established and in operation on the effective date of this amendatory Act of 1987 may continue to operate, subject to the provisions of this amendatory Act of 1987, without further referendum.

(Source: P.A. 85-637.)


(105 ILCS 5/2-3.13a)(from Ch. 122, par. 2-3.13a)

Sec. 2-3.13a. School records; transferring students.

(a) The State Board of Education shall establish and implement rules requiring all of the public schools and all private or nonpublic elementary and secondary schools located in this State, whenever any such school has a student who is transferring to any other public elementary or secondary school located in this or in any other state, to forward within 10 days of notice of the student's transfer an unofficial record of that student's grades to the school to which such student is transferring. Each public school at the same time also shall forward to the school to which the student is transferring the remainder of the student's school student records as required by the Illinois School Student Records Act. In addition, if a student is transferring from a public school, whether located in this or any other state, from which the student has been suspended or expelled for knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. 8921 et seq.), for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school, and if the period of suspension or expulsion has not expired at the time the student attempts to transfer into another public school in the same or any other school district: (i) any school student records required to be transferred shall include the date and duration of the period of suspension or expulsion; and (ii) with the exception of transfers into the Department of Juvenile Justice Corrections school district, the student shall not be permitted to attend class in the public school into which he or she is transferring until the student has served the entire period of the suspension or expulsion imposed by the school from

New matter indicated by italics - deletions by strikeout
which the student is transferring, provided that the school board may approve the placement of the student in an alternative school program established under Article 13A of this Code. A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion before being admitted into the school district. This policy may allow placement of the student in an alternative school program established under Article 13A of this Code, if available, for the remainder of the suspension or expulsion. Each public school and each private or nonpublic elementary or secondary school in this State shall within 10 days after the student has paid all of his or her outstanding fines and fees and at its own expense forward an official transcript of the scholastic records of each student transferring from that school in strict accordance with the provisions of this Section and the rules established by the State Board of Education as herein provided.

(b) The State Board of Education shall develop a one-page standard form that Illinois school districts are required to provide to any student who is moving out of the school district and that contains the information about whether or not the student is "in good standing" and whether or not his or her medical records are up-to-date and complete. As used in this Section, "in good standing" means that the student is not being disciplined by a suspension or expulsion, but is entitled to attend classes. No school district is required to admit a new student who is transferring from another Illinois school district unless he or she can produce the standard form from the student's previous school district enrollment. No school district is required to admit a new student who is transferring from an out-of-state public school unless the parent or guardian of the student certifies in writing that the student is not currently serving a suspension or expulsion imposed by the school from which the student is transferring.

(c) The State Board of Education shall, by rule, establish a system to provide for the accurate tracking of transfer students. This system shall, at a minimum, require that a student be counted as a dropout in the calculation of a school's or school district's annual student dropout rate unless the school or school district to which the student transferred (known hereafter in this subsection (c) as the transferee school or school district) sends notification to the school or school district from which the student transferred (known hereafter in this subsection (c) as the transferor school or school district) documenting that the student has enrolled in the transferee school or school district. This notification must occur within 150 days after the date the

New matter indicated by italics - deletions by strikeout
student withdraws from the transferor school or school district or the student shall be counted in the calculation of the transferor school's or school district's annual student dropout rate. A request by the transferee school or school district to the transferor school or school district seeking the student's academic transcripts or medical records shall be considered without limitation adequate documentation of enrollment. Each transferor school or school district shall keep documentation of such transfer students for the minimum period provided in the Illinois School Student Records Act. All records indicating the school or school district to which a student transferred are subject to the Illinois School Student Records Act.

(Source: P.A. 92-64, eff. 7-12-01; 93-859, eff. 1-1-05.)

(105 ILCS 5/prec. Sec. 13-40 heading)

DEPARTMENT OF JUVENILE JUSTICE CORRECTIONS SCHOOL DISTRICTS

(105 ILCS 5/13-40)(from Ch. 122, par. 13-40)

Sec. 13-40. To increase the effectiveness of the Department of Juvenile Justice Corrections and thereby to better serve the interests of the people of Illinois the following bill is presented. Its purpose is to enhance the quality and scope of education for inmates and wards within the Department of Juvenile Justice Corrections so that they will be better motivated and better equipped to restore themselves to constructive and law abiding lives in the community. The specific measure sought is the creation of a school district within the Department so that its educational programs can meet the needs of persons committed and so the resources of public education at the state and federal levels are best used, all of the same being contemplated within the provisions of the Illinois State Constitution of 1970 which provides that "A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities." Therefore, on July 1, 2006 July 1, 1972, the Department of Corrections school district shall be transferred to the Department of Juvenile Justice. It shall be responsible for the education of youth inmates and wards within the Department of Juvenile Justice and inmates age 21 or under within the Department of Corrections who have not yet earned a high school diploma or a General Educational Development (GED) certificate Corrections and the said district may establish primary, secondary, vocational, adult, special and advanced educational schools as provided in this Act. The Department of Corrections retains authority as provided for in subsection (d) of Section 3-6-2 of the Unified Code of Corrections. The Board of Education for this district shall with the aid and advice of professional
educational personnel of the Department of Juvenile Justice Corrections and the State Board of Education determine the needs and type of schools and the curriculum for each school within the school district and may proceed to establish the same through existing means within present and future appropriations, federal and state school funds, vocational rehabilitation grants and funds and all other funds, gifts and grants, private or public, including federal funds, but not exclusive to the said sources but inclusive of all funds which might be available for school purposes. The school district shall first organize a school system for the Adult Division of the Department of Corrections to go into effect July 1, 1972. A school system for the Juvenile Division shall subsequently be organized and put into effect under this school district at such time as the school board shall determine necessary.

(Source: P.A. 81-1508.)

(105 ILCS 5/13-41)(from Ch. 122, par. 13-41)

Sec. 13-41. The Board of Education for this school district shall be composed of the Director of the Department of Juvenile Justice Corrections, the Assistant Director of the Juvenile Division and the Assistant Director of the Adult Division of said Department. Of the remaining members, 2 members shall be appointed by the Director of the Department of Juvenile Justice Corrections and 4 members shall be appointed by the State Board of Education, at least one of whom shall have knowledge of, or experience in, vocational education and one of whom shall have knowledge of, or experience in, higher and continuing education. All subsequent to the initial appointments all members of the Board shall hold office for a period of 3 years, except that members shall continue to serve until their replacements are appointed. One of the initial appointees of the Director of the Department of Corrections and the State Board of Education shall be for a one-year term. One of the initial appointees of the State Board of Education shall be for a two-year term. The remaining initial appointees shall serve for a three-year term. Vacancies shall be filled in like manner for the unexpired balance of the term. The members appointed shall be selected so far as is practicable on the basis of their knowledge of, or experience in, problems of education in correctional, vocational and general educational institutions. Members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

(Source: P.A. 81-1508.)

(105 ILCS 5/13-42)(from Ch. 122, par. 13-42)

Sec. 13-42. The President of the Board of Education shall be the Director of the Department of Juvenile Justice shall be the President of the

New matter indicated by italics - deletions by strikeout
Board of Education and the Secretary of said Board of Education shall be designated at the first regular meeting of said Board of Education. The Board shall hold regular meetings upon the call of the Chairman or any 3 members at such times as they may designate so long as they meet at least 6 times a year. Public notice of meetings must be given as prescribed in Sections 2.02 and 2.03 of "An Act in relation to meetings", approved July 11, 1957, as heretofore or hereafter amended. No official business shall be transacted by the Board except at a regular or special meeting. A majority of said Board shall constitute a quorum.

The Board shall keep a record of the official acts of the Board and shall make reports as required by the State Board of Education and any reports required which shall be applicable to this type of school district and specifically shall maintain records to substantiate all district claims for State aid in accordance with regulations prescribed by the State Board of Education and to retain such records for a period of three years.

The Board of Education may have its organizational meeting at any time after July 1, 1972, then fixing a time and place for regular meetings. It shall then enter upon the discharge of its duties. However, for the purpose of planning, and organizing said District, the Department of Corrections shall have authority to act after passage and approval of this Act.

The Board shall be supplied such clerical employee or employees as are necessary for the efficient operation by the Department of Juvenile Justice.

(Source: P.A. 81-1508.)

(105 ILCS 5/13-43.8)(from Ch. 122, par. 13-43.8)

Sec. 13-43.8. To enter agreements with school districts, private junior colleges and public community colleges, and public and private colleges and universities for the purpose of providing advanced vocational training of students who desire preparation for a trade. Such program would utilize private junior college and public community college facilities with transportation to and from those facilities provided by the participating school district, or by the participating school district in conjunction with other school districts. The duration of the advanced vocational training program shall be such period as the school district may approve, but it may not exceed 2 years. Participation in the program is accorded the same credit toward a high school diploma as time spent in other courses. If a student of this school district, because of his educational needs, attends a class or school in another school district or educational facility, the Department of Juvenile Justice School District Corrections school district where he resides shall be granted the

New matter indicated by italics - deletions by strikeout
proper permit, provide any necessary transportation, and pay to the school
district or educational facility maintaining the educational facility the
proportional per capita cost of educating such student.
(Source: P.A. 82-622.)

(105 ILCS 5/13-43.11)(from Ch. 122, par. 13-43.11)
Sec. 13-43.11.
Subject to the rules and regulations of the Department of Juvenile
Justice Corrections and the laws and statutes applicable, the Board shall have
the power and the authority to assign to schools within the district and to
expel or suspend pupils for disciplinary purposes or to assign or reassign
them as the needs of the district or the pupil shall be determined best. Once
a student commences a course of training he shall attend all sessions unless
restricted by illness, a reasonable excuse or by direction of the Department
of Juvenile Justice Corrections or the facility at which he is located.
Conferences shall be held at regular periodic intervals with the ward or the
inmate and the school district authorities and facility officials shall determine
the extent the ward or inmate is benefiting from the particular program, and
shall further determine whether the said ward or inmate shall continue in the
program to which he is assigned or be dropped from the same or be
transferred to another program more suited to his needs or the school district's
needs.
(Source: P.A. 77-1779.)

(105 ILCS 5/13-43.18)(from Ch. 122, par. 13-43.18)
Sec. 13-43.18. To develop through consultation with the staff of the
Department of Juvenile Justice Corrections and the staff of the State Board
of Education educational goals and objectives for the correctional education
programs planned for or conducted by the district, along with the methods for
evaluating the extent to which the goals and objectives are or have been
achieved and to develop by July 1, 1973, a complete financial control system
for all educational funds and programs operated by the school district.
(Source: P.A. 81-1508.)

(105 ILCS 5/13-43.19)(from Ch. 122, par. 13-43.19)
Sec. 13-43.19.
To develop and annually revise an educational plan for achieving the
goals and objectives called for in Section Sec. 13-43.18 for both the Adult
and Juvenile Divisions of the Department of Juvenile Justice Corrections
with specific recommendations for inmate educational assessment, curriculum, staffing and other necessary considerations.
(Source: P.A. 77-1779.)

New matter indicated by italics - deletions by strikeout
(105 ILCS 5/13-43.20)(from Ch. 122, par. 13-43.20)

Sec. 13-43.20. To develop a method or methods for allocating state funds to the Board for expenditure within the various divisions and/or for programs conducted by the Board, and to annually determine the average per capita cost of students in the Department of Juvenile Justice Juvenile Division and the average per capita cost of students in the Department of Corrections Adult Division for education classes and/or programs required to accomplish the educational goals and objectives and programs specified in Sections 13-43.18 and 13-43.19 and recommend to the State Board of Education by July 15 of each year the per capita amount necessary to operate the Department of Juvenile Justice School District's correction school districts educational program for the following fiscal year.

(Source: P.A. 81-1508.)

(105 ILCS 5/13-44)(from Ch. 122, par. 13-44)

Sec. 13-44.

Other provisions, duties and conditions of the Department of Juvenile Justice Corrections School District are set out in Sections 13-44.1 through 13-44.5.

(Source: P.A. 77-1779.)

(105 ILCS 5/13-44.3)(from Ch. 122, par. 13-44.3)

Sec. 13-44.3. In order to fully carry out the purpose of this Act, the School District through its Board or designated supervisory personnel, with the approval of the Director of the Department of Juvenile Justice Corrections, may authorize field trips outside of the particular institution or facility where a school is established and may remove students therefrom or may with the approval of the Director of the Department of Juvenile Justice Corrections transfer inmates and wards to other schools and other facilities where particular subject matter or facilities are more suited to or are needed to complete the inmates' or wards' education. The Assistant Director of the Adult Division of the Department of Juvenile Justice Corrections or the Assistant Director of the Juvenile Division may authorize an educational furlough for an inmate or ward to attend institutions of higher education, other schools, vocational or technical schools or enroll and attend classes in subjects not available within the School District, to be financed by the inmate or ward or any grant or scholarship which may be available, including school aid funds of any kind when approved by the Board and the Director of the Department.

The Department of Juvenile Justice Corrections may extend the limits of the place of confinement of an inmate or ward under the above conditions

New matter indicated by italics - deletions by strikeout
and for the above purposes, to leave for the aforesaid reasons, the confines of such place, accompanied or unaccompanied, in the discretion of the Director of such Department by a custodial agent or educational personnel.

The willful failure of an inmate or ward to remain within the extended limits of his or her confinement or to return within the time prescribed to the place of confinement designated by the Department of Corrections or the Department of Juvenile Justice in granting such extension or when ordered to return by the custodial personnel or the educational personnel or other departmental order shall be deemed an escape from the custody of such Department and punishable as provided in the Unified Code of Corrections as to the Department of Corrections Adult Division inmates, and the applicable provision of the Juvenile Court Act of 1987 shall apply to wards of the Department of Juvenile Justice Division who might abscond.

(Source: P.A. 85-1209; 86-1475.)

(105 ILCS 5/13-44.5)(from Ch. 122, par. 13-44.5)
Sec. 13-44.5.
In all cases where an inmate or ward is to leave the institution or facility where he or she is confined for educational furloughs, vocational training, for field trips or for any other reason herein stated, authority must first be granted by the Department of Juvenile Justice Corrections and the said authority shall be discretionary with the Department of Juvenile Justice Corrections. The question of whether or not the said inmate or ward or group of inmates or wards shall be accompanied or not accompanied by security personnel, custodial agent or agents or only educational personnel shall be in the discretion of the Department of Juvenile Justice Corrections. All transfers must be approved by the Department of Juvenile Justice Corrections.

(Source: P.A. 77-1779.)

(105 ILCS 5/13-45)(from Ch. 122, par. 13-45)
Sec. 13-45.
Other provisions of this Code shall not apply to the Department of Juvenile Justice Corrections School District being all of the following Articles and Sections: Articles 7, 8, 9, those sections of Article 10 in conflict with any provisions of Sections 13-40 through 13-45, and Articles 11, 12, 15, 17, 18, 19, 19A, 20, 22, 24, 26, 31, 32, 33, 34, 35. Also Article 28 shall not apply except that this School District may use any funds available from State, Federal and other funds for the purchase of textbooks, apparatus and equipment.

(Source: P.A. 77-1779.)

(105 ILCS 5/13B-20.15)

New matter indicated by italics - deletions by strikeout
Sec. 13B-20.15. Other eligible providers of alternative learning opportunities. School districts may contract with health, mental health, or human service organizations, workforce development boards or agencies, juvenile court services, juvenile justice agencies, juvenile detention programs, programs operated by the Department of Juvenile Justice Corrections, or other appropriate agencies or organizations to serve students whose needs are not being met in the regular school program by providing alternative learning opportunities.
(Source: P.A. 92-42, eff. 1-1-02.)
(105 ILCS 5/13B-35.5)

Sec. 13B-35.5. Local governance; cooperative agreements. For an alternative learning opportunities program operated jointly or offered under contract, the local governance of the program shall be established by each local school board through a cooperative or intergovernmental agreement with other school districts. Cooperative agreements may be established among regional offices of education, public community colleges, community-based organizations, health and human service agencies, youth service agencies, juvenile court services, the Department of Juvenile Justice Corrections, and other non-profit or for-profit education or support service providers as appropriate. Nothing contained in this Section shall prevent a school district, regional office of education, or intermediate service center from forming a cooperative for the purpose of delivering an alternative learning opportunities program.
(Source: P.A. 92-42, eff. 1-1-02.)
(105 ILCS 5/13B-35.10)

Sec. 13B-35.10. Committee of Cooperative Services. The State Superintendent of Education shall convene a State-level Committee of Cooperative Services. The Committee shall include representatives of the following agencies and organizations, selected by their respective heads: the Office of the Governor, the State Board of Education, the Illinois Association of Regional Superintendents of Schools, the Chicago Public Schools, the Intermediate Service Centers, the State Teacher Certification Board, the Illinois Community College Board, the Department of Human Services, the Department of Children and Family Services, the Illinois Principals Association, the Illinois Education Association, the Illinois Federation of Teachers, the Illinois Juvenile Justice Commission, the Office of the Attorney General, the Illinois Association of School Administrators, the Administrative Office of the Illinois Courts, the Department of Juvenile Justice Corrections, special education advocacy organizations, and non-profit

New matter indicated by italics - deletions by strikeout
and community-based organizations, as well as parent representatives and child advocates designated by the State Superintendent of Education. (Source: P.A. 92-42, eff. 1-1-02.)

Section 16. The Child Care Act of 1969 is amended by changing Section 2.22 as follows:

(225 ILCS 10/2.22)

Sec. 2.22. "Secure child care facility" means any child care facility licensed by the Department to provide secure living arrangements for children under 18 years of age who are subject to placement in facilities under the Children and Family Services Act and who are not subject to placement in facilities for whom standards are established by the Department of Juvenile Justice Corrections under Section 3-15-2 of the Unified Code of Corrections and which comply with the requirements of this Act and applicable rules of the Department and which shall be consistent with requirements established for child residents of mental health facilities under the Juvenile Court Act of 1987 and the Mental Health and Developmental Disabilities Code. "Secure child care facility" also means a facility that is designed and operated to ensure that all entrances and exists from the facility, a building, or a distinct part of the building are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. (Source: P.A. 90-608, eff. 6-30-98.)

Section 17. The Illinois Public Aid Code is amended by changing Section 12-10.4 as follows:

(305 ILCS 5/12-10.4)

Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid Matching Fund. There is created in the State Treasurer the Juvenile Rehabilitation Services Medicaid Matching Fund. Deposits to this Fund shall consist of all moneys received from the federal government for behavioral health services secured by counties under the Medicaid Rehabilitation Option pursuant to Title XIX of the Social Security Act or under the Children's Health Insurance Program pursuant to the Children's Health Insurance Program Act and Title XXI of the Social Security Act for minors who are committed to mental health facilities by the Illinois court system and for residential placements secured by the Department of Juvenile Justice Corrections for minors as a condition of their parole.

Disbursements from the Fund shall be made, subject to appropriation, by the Illinois Department of Public Aid for grants to the Department of Juvenile Justice Corrections and those counties which secure behavioral

New matter indicated by italics - deletions by strikeout
Section 18. The Children's Mental Health Act of 2003 is amended by changing Section 5 as follows:

(405 ILCS 49/5)
Sec. 5. Children's Mental Health Plan.
(a) The State of Illinois shall develop a Children's Mental Health Plan containing short-term and long-term recommendations to provide comprehensive, coordinated mental health prevention, early intervention, and treatment services for children from birth through age 18. This Plan shall include but not be limited to:

1. Coordinated provider services and interagency referral networks for children from birth through age 18 to maximize resources and minimize duplication of services.

2. Guidelines for incorporating social and emotional development into school learning standards and educational programs, pursuant to Section 15 of this Act.

3. Protocols for implementing screening and assessment of children prior to any admission to an inpatient hospital for psychiatric services, pursuant to subsection (a) of Section 5-5.23 of the Illinois Public Aid Code.


5. Recommendations for State and local mechanisms for integrating federal, State, and local funding sources for children's mental health.

6. Recommendations for building a qualified and adequately trained workforce prepared to provide mental health services for children from birth through age 18 and their families.

7. Recommendations for facilitating research on best practices and model programs, and dissemination of this information to Illinois policymakers, practitioners, and the general public through training, technical assistance, and educational materials.

8. Recommendations for a comprehensive, multi-faceted public awareness campaign to reduce the stigma of mental illness and educate families, the general public, and other key audiences about
the benefits of children's social and emotional development, and how to access services.

(9) Recommendations for creating a quality-driven children's mental health system with shared accountability among key State agencies and programs that conducts ongoing needs assessments, uses outcome indicators and benchmarks to measure progress, and implements quality data tracking and reporting systems.

(b) The Children's Mental Health Partnership (hereafter referred to as "the Partnership") is created. The Partnership shall have the responsibility of developing and monitoring the implementation of the Children's Mental Health Plan as approved by the Governor. The Children's Mental Health Partnership shall be comprised of: the Secretary of Human Services or his or her designee; the State Superintendent of Education or his or her designee; the directors of the departments of Children and Family Services, Public Aid, Public Health, and Juvenile Justice Corrections, or their designees; the head of the Illinois Violence Prevention Authority, or his or her designee; the Attorney General or his or her designee; up to 25 representatives of community mental health authorities and statewide mental health, children and family advocacy, early childhood, education, health, substance abuse, violence prevention, and juvenile justice organizations or associations, to be appointed by the Governor; and 2 members of each caucus of the House of Representatives and Senate appointed by the Speaker of the House of Representatives and the President of the Senate, respectively. The Governor shall appoint the Partnership Chair and shall designate a Governor's staff liaison to work with the Partnership.

(c) The Partnership shall submit a Preliminary Plan to the Governor on September 30, 2004 and shall submit the Final Plan on June 30, 2005. Thereafter, on September 30 of each year, the Partnership shall submit an annual report to the Governor on the progress of Plan implementation and recommendations for revisions in the Plan. The Final Plan and annual reports submitted in subsequent years shall include estimates of savings achieved in prior fiscal years under subsection (a) of Section 5-5.23 of the Illinois Public Aid Code and federal financial participation received under subsection (b) of Section 5-5.23 of that Code. The Department of Public Aid shall provide technical assistance in developing these estimates and reports.

(Source: P.A. 93-495, eff. 8-8-03.)

Section 19. The Circuit Courts Act is amended by changing Section 2b as follows:

(705 ILCS 35/2b)(from Ch. 37, par. 72.2b)

New matter indicated by italics - deletions by strikeout
Sec. 2b.

In addition to the number of circuit judges authorized under Section 2 or Section 2a, whichever number is greater, one additional circuit judge shall be elected in each circuit, other than Cook County, having a population of 230,000 or more inhabitants in which there is included a county containing a population of 200,000 or more inhabitants and in which circuit there is situated one or more State colleges or universities and one or more State Mental Health Institutions and two or more State Institutions for Juvenile Offenders under the authority of the Illinois Department of Juvenile Justice Corrections, each of which institutions has been in existence for more than 20 years on the effective date of this amendatory Act of 1970.
(Source: P.A. 76-2022.)

Section 20. The Juvenile Court Act of 1987 is amended by changing Sections 5-130, 5-705, 5-710, 5-750, 5-815, 5-820, 5-901, 5-905, and 5-915 as follows:

(705 ILCS 405/5-130)
Sec. 5-130. Excluded jurisdiction.

(1) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of an offense was at least 15 years of age and who is charged with: (i) first degree murder, (ii) aggravated criminal sexual assault, (iii) aggravated battery where the minor personally discharged a firearm as defined in Section 2-15.5 of the Criminal Code of 1961, (iv) armed robbery when the armed robbery was committed with a firearm, or (v) aggravated vehicular hijacking when the hijacking was committed with a firearm.
These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (1) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the Criminal Code of 1961 on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (1) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the Criminal Code of 1961.
(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (1), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (1), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Juvenile Justice Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(2) (Blank) or an offense under the Methamphetamine Control and Community Protection Act

(3) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with a violation of the provisions of paragraph (1), (3), (4), or (10) of subsection (a) of Section 24-1 of the Criminal Code of 1961 while in school, regardless of the time of day or the time of year, or on the real property comprising any school, regardless of the time of day or the time of year. School is defined, for purposes of this Section as any public or private elementary or secondary school, community college, college, or university. These charges and all other charges arising out of the
same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (3) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (3) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (3), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (3), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Juvenile Justice Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of

New matter indicated by italics - deletions by strikeout
Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(4) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of an offense was at least 13 years of age and who is charged with first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping. However, this subsection (4) does not include a minor charged with first degree murder based exclusively upon the accountability provisions of the Criminal Code of 1961.

(b) (i) If before trial or plea an information or indictment is filed that does not charge first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, and additional charges that are not specified in paragraph (a) of this subsection, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If the minor was not yet 15 years of age at the time of the offense, and if after trial or plea the court finds that the minor committed an offense other than first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, the finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return
of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine whether the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Juvenile Justice Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the best interest of the public require sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly available to it any or all dispositions so prescribed.

(5) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who is charged with a violation of subsection (a) of Section 31-6 or Section 32-10 of the Criminal Code of 1961 when the minor is subject to prosecution under the criminal laws of this State as a result of the application of the provisions of Section 5-125, or subsection (1) or (2) of this Section. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (5), the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (5) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (5), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that

New matter indicated by italics - deletions by strikeout
offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (5), the conviction shall not invalidate the verdict or the prosecution of the minor under the criminal laws of this State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if whether the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Juvenile Justice for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(6) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who, pursuant to subsection (1); or (3) or Section 5-805; or 5-810, has previously been placed under the jurisdiction of the criminal court and has been convicted of a crime under an adult criminal or penal statute. Such a minor shall be subject to prosecution under the criminal laws of this State.

(7) The procedures set out in this Article for the investigation, arrest and prosecution of juvenile offenders shall not apply to minors who are excluded from jurisdiction of the Juvenile Court, except that minors under 17 years of age shall be kept separate from confined adults.

(8) Nothing in this Act prohibits or limits the prosecution of any minor for an offense committed on or after his or her 17th birthday even though he or she is at the time of the offense a ward of the court.

(9) If an original petition for adjudication of wardship alleges the
commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of this State, the minor, with the consent of his or her counsel, may, at any time before commencement of the adjudicatory hearing, file with the court a motion that criminal prosecution be ordered and that the petition be dismissed insofar as the act or acts involved in the criminal proceedings are concerned. If such a motion is filed as herein provided, the court shall enter its order accordingly.

(10) If, prior to August 12, 2005 (the effective date of Public Act 94-574) this amendatory Act of the 94th General Assembly, a minor is charged with a violation of Section 401 of the Illinois Controlled Substances Act under the criminal laws of this State, other than a minor charged with a Class X felony violation of the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act, any party including the minor or the court sua sponte may, before trial, move for a hearing for the purpose of trying and sentencing the minor as a delinquent minor. To request a hearing, the party must file a motion prior to trial. Reasonable notice of the motion shall be given to all parties. On its own motion or upon the filing of a motion by one of the parties including the minor, the court shall conduct a hearing to determine whether the minor should be tried and sentenced as a delinquent minor under this Article. In making its determination, the court shall consider among other matters:

(a) The age of the minor;
(b) Any previous delinquent or criminal history of the minor;
(c) Any previous abuse or neglect history of the minor;
(d) Any mental health or educational history of the minor, or both;
and
(e) Whether there is probable cause to support the charge, whether the minor is charged through accountability, and whether there is evidence the minor possessed a deadly weapon or caused serious bodily harm during the offense.

Any material that is relevant and reliable shall be admissible at the hearing. In all cases, the judge shall enter an order permitting prosecution under the criminal laws of Illinois unless the judge makes a finding based on a preponderance of the evidence that the minor would be amenable to the care, treatment, and training programs available through the facilities of the juvenile court based on an evaluation of the factors listed in this subsection (10).

(Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05; revised 8-19-05.)
(705 ILCS 405/5-705)

New matter indicated by italics - deletions by strikeout
Sec. 5-705. Sentencing hearing; evidence; continuance.

(1) At the sentencing hearing, the court shall determine whether it is in the best interests of the minor or the public that he or she be made a ward of the court, and, if he or she is to be made a ward of the court, the court shall determine the proper disposition best serving the interests of the minor and the public. All evidence helpful in determining these questions, including oral and written reports, may be admitted and may be relied upon to the extent of its probative value, even though not competent for the purposes of the trial. A record of a prior continuance under supervision under Section 5-615, whether successfully completed or not, is admissible at the sentencing hearing. No order of commitment to the Department of Juvenile Justice Corrections, Juvenile Division; shall be entered against a minor before a written report of social investigation, which has been completed within the previous 60 days, is presented to and considered by the court.

(2) Once a party has been served in compliance with Section 5-525, no further service or notice must be given to that party prior to proceeding to a sentencing hearing. Before imposing sentence the court shall advise the State's Attorney and the parties who are present or their counsel of the factual contents and the conclusions of the reports prepared for the use of the court and considered by it, and afford fair opportunity, if requested, to controvert them. Factual contents, conclusions, documents and sources disclosed by the court under this paragraph shall not be further disclosed without the express approval of the court.

(3) On its own motion or that of the State's Attorney, a parent, guardian, legal custodian, or counsel, the court may adjourn the hearing for a reasonable period to receive reports or other evidence and, in such event, shall make an appropriate order for detention of the minor or his or her release from detention subject to supervision by the court during the period of the continuance. In the event the court shall order detention hereunder, the period of the continuance shall not exceed 30 court days. At the end of such time, the court shall release the minor from detention unless notice is served at least 3 days prior to the hearing on the continued date that the State will be seeking an extension of the period of detention, which notice shall state the reason for the request for the extension. The extension of detention may be for a maximum period of an additional 15 court days or a lesser number of days at the discretion of the court. However, at the expiration of the period of extension, the court shall release the minor from detention if a further continuance is granted. In scheduling investigations and hearings, the court shall give priority to proceedings in which a minor is in detention or has

New matter indicated by italics - deletions by strikeout
otherwise been removed from his or her home before a sentencing order has been made.  (4) When commitment to the Department of Juvenile Justice Corrections, Juvenile Division, is ordered, the court shall state the basis for selecting the particular disposition, and the court shall prepare such a statement for inclusion in the record.
(Source: P.A. 90-590, eff. 1-1-99.)

(705 ILCS 405/5-710)
Sec. 5-710. Kinds of sentencing orders.
(1) The following kinds of sentencing orders may be made in respect of wards of the court:

(a) Except as provided in Sections 5-805, 5-810, 5-815, a minor who is found guilty under Section 5-620 may be:
   (i) put on probation or conditional discharge and released to his or her parents, guardian or legal custodian, provided, however, that any such minor who is not committed to the Department of Juvenile Justice Corrections, Juvenile Division under this subsection and who is found to be a delinquent for an offense which is first degree murder, a Class X felony, or a forcible felony shall be placed on probation;
   (ii) placed in accordance with Section 5-740, with or without also being put on probation or conditional discharge;
   (iii) required to undergo a substance abuse assessment conducted by a licensed provider and participate in the indicated clinical level of care;
   (iv) placed in the guardianship of the Department of Children and Family Services, but only if the delinquent minor is under 13 years of age;
   (v) placed in detention for a period not to exceed 30 days, either as the exclusive order of disposition or, where appropriate, in conjunction with any other order of disposition issued under this paragraph, provided that any such detention shall be in a juvenile detention home and the minor so detained shall be 10 years of age or older. However, the 30-day limitation may be extended by further order of the court for a minor under age 13 committed to the Department of Children and Family Services if the court finds that the minor is a danger to himself or others. The minor shall be given credit on the sentencing order of detention for time spent in detention under Sections 5-501, 5-601, 5-710, or 5-720 of this
Article as a result of the offense for which the sentencing order was imposed. The court may grant credit on a sentencing order of detention entered under a violation of probation or violation of conditional discharge under Section 5-720 of this Article for time spent in detention before the filing of the petition alleging the violation. A minor shall not be deprived of credit for time spent in detention before the filing of a violation of probation or conditional discharge alleging the same or related act or acts;

(vi) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act;

(vii) subject to having his or her driver's license or driving privileges suspended for such time as determined by the court but only until he or she attains 18 years of age;

(viii) put on probation or conditional discharge and placed in detention under Section 3-6039 of the Counties Code for a period not to exceed the period of incarceration permitted by law for adults found guilty of the same offense or offenses for which the minor was adjudicated delinquent, and in any event no longer than upon attainment of age 21; this subdivision (viii) notwithstanding any contrary provision of the law; or

(ix) ordered to undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body.

(b) A minor found to be guilty may be committed to the Department of Juvenile Justice Corrections, Juvenile Division, under Section 5-750 if the minor is 13 years of age or older, provided that the commitment to the Department of Juvenile Justice Corrections, Juvenile Division, shall be made only if a term of incarceration is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. The time during which a minor is in custody before being released upon the request of a parent, guardian or legal custodian shall be considered as time spent in detention.

(c) When a minor is found to be guilty for an offense which is a violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community

New matter indicated by italics - deletions by strikeout
Protection Act and made a ward of the court, the court may enter a disposition order requiring the minor to undergo assessment, counseling or treatment in a substance abuse program approved by the Department of Human Services.

(2) Any sentencing order other than commitment to the Department of Juvenile Justice Corrections, Juvenile Division, may provide for protective supervision under Section 5-725 and may include an order of protection under Section 5-730.

(3) Unless the sentencing order expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 5-750.

(4) In addition to any other sentence, the court may order any minor found to be delinquent to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentencing hearing" referred to in that Section shall be the sentencing hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may be ordered by the court to pay some or all of the restitution on the minor's behalf, pursuant to the Parental Responsibility Law. The State's Attorney is authorized to act on behalf of any victim in seeking restitution in proceedings under this Section, up to the maximum amount allowed in Section 5 of the Parental Responsibility Law.

(5) Any sentencing order where the minor is committed or placed in accordance with Section 5-740 shall provide for the parents or guardian of the estate of the minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. The payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the sentencing order requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) In no event shall a guilty minor be committed to the Department of Juvenile Justice Corrections, Juvenile Division for a period of time in excess of that period for which an adult could be committed for the same act.

(8) A minor found to be guilty for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 shall be ordered to perform
community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the violation or similar damage to property located in the municipality or county in which the violation occurred. The order may be in addition to any other order authorized by this Section.

(8.5) A minor found to be guilty for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 shall be ordered to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The order may be in addition to any other order authorized by this Section.

(9) In addition to any other sentencing order, the court shall order any minor found to be guilty for an act which would constitute, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse if committed by an adult to undergo medical testing to determine whether the defendant has any sexually transmissible disease including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agency of acquired immunodeficiency syndrome (AIDS). Any medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the minor's person. Except as otherwise provided by law, the results of the test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the sentencing order was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom the results of the testing may be revealed. The court shall notify the minor of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or the legal guardian, of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at the Department of Public Health facilities to all parties to whom the results of the testing are revealed. The court shall order that the cost of any test shall be paid by the county and may be taxed as costs against the minor.

New matter indicated by italics - deletions by strikeout
(10) When a court finds a minor to be guilty the court shall, before entering a sentencing order under this Section, make a finding whether the offense committed either: (a) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (b) involved a violation of subsection (a) of Section 12-7.1 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the wrongful use of a firearm. If the court determines the question in the affirmative, and the court does not commit the minor to the Department of Juvenile Justice Corrections, Juvenile Division, the court shall order the minor to perform community service for not less than 30 hours nor more than 120 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. This order shall be in addition to any other order authorized by this Section except for an order to place the minor in the custody of the Department of Juvenile Justice Corrections, Juvenile Division. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(Source: P.A. 94-556, eff. 9-11-05.)

(705 ILCS 405/5-750)

Sec. 5-750. Commitment to the Department of Juvenile Justice Corrections, Juvenile Division.

(1) Except as provided in subsection (2) of this Section, when any delinquent has been adjudged a ward of the court under this Act, the court may commit him or her to the Department of Juvenile Justice Corrections, Juvenile Division, if it finds that (a) his or her parents, guardian or legal custodian are unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor, or are unwilling to do so, and the best interests of the minor and the public will not be served by placement under Section 5-740 or; (b) it is necessary to ensure the protection of the public from the consequences of criminal activity of the delinquent.

(2) When a minor of the age of at least 13 years is adjudged
delinquent for the offense of first degree murder, the court shall declare the minor a ward of the court and order the minor committed to the Department of Juvenile Justice Corrections, Juvenile Division, until the minor's 21st birthday, without the possibility of parole, furlough, or non-emergency authorized absence for a period of 5 years from the date the minor was committed to the Department of Juvenile Justice Corrections, except that the time that a minor spent in custody for the instant offense before being committed to the Department of Juvenile Justice shall be considered as time credited towards that 5 year period. Nothing in this subsection (2) shall preclude the State's Attorney from seeking to prosecute a minor as an adult as an alternative to proceeding under this Act.

(3) Except as provided in subsection (2), the commitment of a delinquent to the Department of Juvenile Justice Corrections shall be for an indeterminate term which shall automatically terminate upon the delinquent attaining the age of 21 years unless the delinquent is sooner discharged from parole or custodianship is otherwise terminated in accordance with this Act or as otherwise provided for by law.

(4) When the court commits a minor to the Department of Juvenile Justice Corrections, it shall order him or her conveyed forthwith to the appropriate reception station or other place designated by the Department of Juvenile Justice Corrections, and shall appoint the Assistant Director of Juvenile Justice Corrections, Juvenile Division, legal custodian of the minor. The clerk of the court shall issue to the Assistant Director of Juvenile Justice Corrections, Juvenile Division, a certified copy of the order, which constitutes proof of the Director's authority. No other process need issue to warrant the keeping of the minor.

(5) If a minor is committed to the Department of Juvenile Justice Corrections, Juvenile Division, the clerk of the court shall forward to the Department:

(a) the disposition ordered;
(b) all reports;
(c) the court's statement of the basis for ordering the disposition; and
(d) all additional matters which the court directs the clerk to transmit.

(6) Whenever the Department of Juvenile Justice Corrections lawfully discharges from its custody and control a minor committed to it, the Assistant Director of Juvenile Justice Corrections, Juvenile Division, shall petition the court for an order terminating his or her custodianship. The custodianship
shall terminate automatically 30 days after receipt of the petition unless the court orders otherwise.
(Source: P.A. 90-590, eff. 1-1-99.)
(705 ILCS 405/5-815)
Sec. 5-815. Habitual Juvenile Offender.
(a) Definition. Any minor having been twice adjudicated a delinquent minor for offenses which, had he been prosecuted as an adult, would have been felonies under the laws of this State, and who is thereafter adjudicated a delinquent minor for a third time shall be adjudged an Habitual Juvenile Offender where:

1. the third adjudication is for an offense occurring after adjudication on the second; and
2. the second adjudication was for an offense occurring after adjudication on the first; and
3. the third offense occurred after January 1, 1980; and
4. the third offense was based upon the commission of or attempted commission of the following offenses: first degree murder, second degree murder or involuntary manslaughter; criminal sexual assault or aggravated criminal sexual assault; aggravated or heinous battery involving permanent disability or disfigurement or great bodily harm to the victim; burglary of a home or other residence intended for use as a temporary or permanent dwelling place for human beings; home invasion; robbery or armed robbery; or aggravated arson.

Nothing in this Section shall preclude the State's Attorney from seeking to prosecute a minor as an adult as an alternative to prosecution as an habitual juvenile offender.

A continuance under supervision authorized by Section 5-615 of this Act shall not be permitted under this Section.

(b) Notice to minor. The State shall serve upon the minor written notice of intention to prosecute under the provisions of this Section within 5 judicial days of the filing of any delinquency petition, adjudication upon which would mandate the minor's disposition as an Habitual Juvenile Offender.

(c) Petition; service. A notice to seek adjudication as an Habitual Juvenile Offender shall be filed only by the State's Attorney.

The petition upon which such Habitual Juvenile Offender notice is based shall contain the information and averments required for all other delinquency petitions filed under this Act and its service shall be according

New matter indicated by italics - deletions by strikeout
to the provisions of this Act.

No prior adjudication shall be alleged in the petition.

(d) Trial. Trial on such petition shall be by jury unless the minor demands, in open court and with advice of counsel, a trial by the court without jury.

Except as otherwise provided herein, the provisions of this Act concerning delinquency proceedings generally shall be applicable to Habitual Juvenile Offender proceedings.

(e) Proof of prior adjudications. No evidence or other disclosure of prior adjudications shall be presented to the court or jury during any adjudicatory hearing provided for under this Section unless otherwise permitted by the issues properly raised in such hearing. In the event the minor who is the subject of these proceedings elects to testify on his own behalf, it shall be competent to introduce evidence, for purposes of impeachment, that he has previously been adjudicated a delinquent minor upon facts which, had he been tried as an adult, would have resulted in his conviction of a felony or of any offense that involved dishonesty or false statement. Introduction of such evidence shall be according to the rules and procedures applicable to the impeachment of an adult defendant by prior conviction.

After an admission of the facts in the petition or adjudication of delinquency, the State's Attorney may file with the court a verified written statement signed by the State’s Attorney concerning any prior adjudication of an offense set forth in subsection (a) of this Section which offense would have been a felony or of any offense that involved dishonesty or false statement had the minor been tried as an adult.

The court shall then cause the minor to be brought before it; shall inform him of the allegations of the statement so filed, and of his right to a hearing before the court on the issue of such prior adjudication and of his right to counsel at such hearing; and unless the minor admits such adjudication, the court shall hear and determine such issue, and shall make a written finding thereon.

A duly authenticated copy of the record of any such alleged prior adjudication shall be prima facie evidence of such prior adjudication or of any offense that involved dishonesty or false statement.

Any claim that a previous adjudication offered by the State's Attorney is not a former adjudication of an offense which, had the minor been prosecuted as an adult, would have resulted in his conviction of a felony or of any offense that involved dishonesty or false statement, is waived unless duly raised at the hearing on such adjudication, or unless the State's
Attorney's proof shows that such prior adjudication was not based upon proof of what would have been a felony.

(f) Disposition. If the court finds that the prerequisites established in subsection (a) of this Section have been proven, it shall adjudicate the minor an Habitual Juvenile Offender and commit him to the Department of Juvenile Justice Corrections, Juvenile Division, until his 21st birthday, without possibility of parole, furlough, or non-emergency authorized absence. However, the minor shall be entitled to earn one day of good conduct credit for each day served as reductions against the period of his confinement. Such good conduct credits shall be earned or revoked according to the procedures applicable to the allowance and revocation of good conduct credit for adult prisoners serving determinate sentences for felonies.

For purposes of determining good conduct credit, commitment as an Habitual Juvenile Offender shall be considered a determinate commitment, and the difference between the date of the commitment and the minor's 21st birthday shall be considered the determinate period of his confinement.

(Source: P.A. 90-590, eff. 1-1-99.)

(705 ILCS 405/5-820)

Sec. 5-820. Violent Juvenile Offender.

(a) Definition. A minor having been previously adjudicated a delinquent minor for an offense which, had he or she been prosecuted as an adult, would have been a Class 2 or greater felony involving the use or threat of physical force or violence against an individual or a Class 2 or greater felony for which an element of the offense is possession or use of a firearm, and who is thereafter adjudicated a delinquent minor for a second time for any of those offenses shall be adjudicated a Violent Juvenile Offender if:

   (1) The second adjudication is for an offense occurring after adjudication on the first; and
   
   (2) The second offense occurred on or after January 1, 1995.

(b) Notice to minor. The State shall serve upon the minor written notice of intention to prosecute under the provisions of this Section within 5 judicial days of the filing of a delinquency petition, adjudication upon which would mandate the minor's disposition as a Violent Juvenile Offender.

(c) Petition; service. A notice to seek adjudication as a Violent Juvenile Offender shall be filed only by the State's Attorney.

The petition upon which the Violent Juvenile Offender notice is based shall contain the information and averments required for all other delinquency petitions filed under this Act and its service shall be according to the provisions of this Act.
No prior adjudication shall be alleged in the petition.

(d) Trial. Trial on the petition shall be by jury unless the minor demands, in open court and with advice of counsel, a trial by the court without a jury.

Except as otherwise provided in this Section, the provisions of this Act concerning delinquency proceedings generally shall be applicable to Violent Juvenile Offender proceedings.

(e) Proof of prior adjudications. No evidence or other disclosure of prior adjudications shall be presented to the court or jury during an adjudicatory hearing provided for under this Section unless otherwise permitted by the issues properly raised in that hearing. In the event the minor who is the subject of these proceedings elects to testify on his or her own behalf, it shall be competent to introduce evidence, for purposes of impeachment, that he or she has previously been adjudicated a delinquent minor upon facts which, had the minor been tried as an adult, would have resulted in the minor's conviction of a felony or of any offense that involved dishonesty or false statement. Introduction of such evidence shall be according to the rules and procedures applicable to the impeachment of an adult defendant by prior conviction.

After an admission of the facts in the petition or adjudication of delinquency, the State's Attorney may file with the court a verified written statement signed by the State's Attorney concerning any prior adjudication of an offense set forth in subsection (a) of this Section that would have been a felony or of any offense that involved dishonesty or false statement had the minor been tried as an adult.

The court shall then cause the minor to be brought before it; shall inform the minor of the allegations of the statement so filed, of his or her right to a hearing before the court on the issue of the prior adjudication and of his or her right to counsel at the hearing; and unless the minor admits the adjudication, the court shall hear and determine the issue, and shall make a written finding of the issue.

A duly authenticated copy of the record of any alleged prior adjudication shall be prima facie evidence of the prior adjudication or of any offense that involved dishonesty or false statement.

Any claim that a previous adjudication offered by the State's Attorney is not a former adjudication of an offense which, had the minor been prosecuted as an adult, would have resulted in his or her conviction of a Class 2 or greater felony involving the use or threat of force or violence, or a firearm, a felony or of any offense that involved dishonesty or false statement

New matter indicated by italics - deletions by strikeout
is waived unless duly raised at the hearing on the adjudication, or unless the State's Attorney's proof shows that the prior adjudication was not based upon proof of what would have been a felony.

(f) Disposition. If the court finds that the prerequisites established in subsection (a) of this Section have been proven, it shall adjudicate the minor a Violent Juvenile Offender and commit the minor to the Department of Juvenile Justice, Corrections, Juvenile Division, until his or her 21st birthday, without possibility of parole, furlough, or non-emergency authorized absence. However, the minor shall be entitled to earn one day of good conduct credit for each day served as reductions against the period of his or her confinement. The good conduct credits shall be earned or revoked according to the procedures applicable to the allowance and revocation of good conduct credit for adult prisoners serving determinate sentences for felonies.

For purposes of determining good conduct credit, commitment as a Violent Juvenile Offender shall be considered a determinate commitment, and the difference between the date of the commitment and the minor's 21st birthday shall be considered the determinate period of his or her confinement.

(g) Nothing in this Section shall preclude the State's Attorney from seeking to prosecute a minor as a habitual juvenile offender or as an adult as an alternative to prosecution as a Violent Juvenile Offender.

(h) A continuance under supervision authorized by Section 5-615 of this Act shall not be permitted under this Section.

(Source: P.A. 90-590, eff. 1-1-99.)

(705 ILCS 405/5-901)
Sec. 5-901. Court file.

(1) The Court file with respect to proceedings under this Article shall consist of the petitions, pleadings, victim impact statements, process, service of process, orders, writs and docket entries reflecting hearings held and judgments and decrees entered by the court. The court file shall be kept separate from other records of the court.

(a) The file, including information identifying the victim or alleged victim of any sex offense, shall be disclosed only to the following parties when necessary for discharge of their official duties:

(i) A judge of the circuit court and members of the staff of the court designated by the judge;
(ii) Parties to the proceedings and their attorneys;
(iii) Victims and their attorneys, except in cases of multiple victims of sex offenses in which case the information identifying the nonrequesting victims shall be redacted;

New matter indicated by italics - deletions by strikeout
(iv) Probation officers, law enforcement officers or prosecutors or their staff;
(v) Adult and juvenile Prisoner Review Boards.

(b) The Court file redacted to remove any information identifying the victim or alleged victim of any sex offense shall be disclosed only to the following parties when necessary for discharge of their official duties:

(i) Authorized military personnel;
(ii) Persons engaged in bona fide research, with the permission of the judge of the juvenile court and the chief executive of the agency that prepared the particular recording: provided that publication of such research results in no disclosure of a minor’s identity and protects the confidentiality of the record;
(iii) The Secretary of State to whom the Clerk of the Court shall report the disposition of all cases, as required in Section 6-204 or Section 6-205.1 of the Illinois Vehicle Code. However, information reported relative to these offenses shall be privileged and available only to the Secretary of State, courts, and police officers;
(iv) The administrator of a bonafide substance abuse student assistance program with the permission of the presiding judge of the juvenile court;
(v) Any individual, or any public or private agency or institution, having custody of the juvenile under court order or providing educational, medical or mental health services to the juvenile or a court-approved advocate for the juvenile or any placement provider or potential placement provider as determined by the court.

(3) A minor who is the victim or alleged victim in a juvenile proceeding shall be provided the same confidentiality regarding disclosure of identity as the minor who is the subject of record. Information identifying victims and alleged victims of sex offenses, shall not be disclosed or open to public inspection under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing his or her identity.

(4) Relevant information, reports and records shall be made available to the Department of Juvenile Justice Corrections when a juvenile offender has been placed in the custody of the Department of Juvenile Justice

New matter indicated by italics - deletions by strikeout
Corrections, Juvenile Division.

(5) Except as otherwise provided in this subsection (5), juvenile court records shall not be made available to the general public but may be inspected by representatives of agencies, associations and news media or other properly interested persons by general or special order of the court. The State's Attorney, the minor, his or her parents, guardian and counsel shall at all times have the right to examine court files and records.

(a) The court shall allow the general public to have access to the name, address, and offense of a minor who is adjudicated a delinquent minor under this Act under either of the following circumstances:

   (i) The adjudication of delinquency was based upon the minor's commission of first degree murder, attempt to commit first degree murder, aggravated criminal sexual assault, or criminal sexual assault; or

   (ii) The court has made a finding that the minor was at least 13 years of age at the time the act was committed and the adjudication of delinquency was based upon the minor's commission of: (A) an act in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang, (B) an act involving the use of a firearm in the commission of a felony, (C) an act that would be a Class X felony offense under or the minor's second or subsequent Class 2 or greater felony offense under the Cannabis Control Act if committed by an adult, (D) an act that would be a second or subsequent offense under Section 402 of the Illinois Controlled Substances Act if committed by an adult, (E) an act that would be an offense under Section 401 of the Illinois Controlled Substances Act if committed by an adult, or (F) an act that would be an offense under the Methamphetamine Control and Community Protection Act if committed by an adult.

(b) The court shall allow the general public to have access to the name, address, and offense of a minor who is at least 13 years of age at the time the offense is committed and who is convicted, in criminal proceedings permitted or required under Section 5-805, under either of the following circumstances:

   (i) The minor has been convicted of first degree murder, attempt to commit first degree murder, aggravated...
criminal sexual assault, or criminal sexual assault,

(ii) The court has made a finding that the minor was at least 13 years of age at the time the offense was committed and the conviction was based upon the minor's commission of: (A) an offense in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang, (B) an offense involving the use of a firearm in the commission of a felony, (C) a Class X felony offense under the Cannabis Control Act or a second or subsequent Class 2 or greater felony offense under the Cannabis Control Act, (D) a second or subsequent offense under Section 402 of the Illinois Controlled Substances Act, (E) an offense under Section 401 of the Illinois Controlled Substances Act, or (F) an offense under the Methamphetamine Control and Community Protection Act.

(6) Nothing in this Section shall be construed to limit the use of a adjudication of delinquency as evidence in any juvenile or criminal proceeding, where it would otherwise be admissible under the rules of evidence, including but not limited to, use as impeachment evidence against any witness, including the minor if he or she testifies.

(7) Nothing in this Section shall affect the right of a Civil Service Commission or appointing authority examining the character and fitness of an applicant for a position as a law enforcement officer to ascertain whether that applicant was ever adjudicated to be a delinquent minor and, if so, to examine the records or evidence which were made in proceedings under this Act.

(8) Following any adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the State's Attorney shall ascertain whether the minor respondent is enrolled in school and, if so, shall provide a copy of the sentencing order to the principal or chief administrative officer of the school. Access to such juvenile records shall be limited to the principal or chief administrative officer of the school and any guidance counselor designated by him or her.

(9) Nothing contained in this Act prevents the sharing of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and
treatment of habitual juvenile offenders.

(11) The Clerk of the Circuit Court shall report to the Department of State Police, in the form and manner required by the Department of State Police, the final disposition of each minor who has been arrested or taken into custody before his or her 17th birthday for those offenses required to be reported under Section 5 of the Criminal Identification Act. Information reported to the Department under this Section may be maintained with records that the Department files under Section 2.1 of the Criminal Identification Act.

(12) Information or records may be disclosed to the general public when the court is conducting hearings under Section 5-805 or 5-810.

(Source: P.A. 94-556, eff. 9-11-05.)

(705 ILCS 405/5-905)
Sec. 5-905. Law enforcement records.

(1) Law Enforcement Records. Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following and when necessary for the discharge of their official duties:

(a) A judge of the circuit court and members of the staff of the court designated by the judge;

(b) Law enforcement officers, probation officers or prosecutors or their staff;

(c) The minor, the minor's parents or legal guardian and their attorneys, but only when the juvenile has been charged with an offense;

(d) Adult and Juvenile Prisoner Review Boards;

(e) Authorized military personnel;

(f) Persons engaged in bona fide research, with the permission of the judge of juvenile court and the chief executive of the agency that prepared the particular recording: provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record;

(g) Individuals responsible for supervising or providing temporary or permanent care and custody of minors pursuant to orders of the juvenile court or directives from officials of the Department of Children and Family Services or the Department of Human Services who certify in writing that the information will not be disclosed to any other party except as provided under law or order

New matter indicated by italics - deletions by strikeout
of court;

(h) The appropriate school official. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested for any offense classified as a felony or a Class A or B misdemeanor.

(2) Information identifying victims and alleged victims of sex offenses, shall not be disclosed or open to public inspection under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing his or her identity.

(3) Relevant information, reports and records shall be made available to the Department of Juvenile Justice Corrections when a juvenile offender has been placed in the custody of the Department of Juvenile Justice Corrections, Juvenile Division.

(4) Nothing in this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection or disclosure is conducted in the presence of a law enforcement officer for purposes of identification or apprehension of any person in the course of any criminal investigation or prosecution.

(5) The records of law enforcement officers concerning all minors under 17 years of age must be maintained separate from the records of adults and may not be open to public inspection or their contents disclosed to the public except by order of the court or when the institution of criminal proceedings has been permitted under Section 5-130 or 5-805 or required under Section 5-130 or 5-805 or such a person has been convicted of a crime and is the subject of pre-sentence investigation or when provided by law.

(6) Except as otherwise provided in this subsection (6), law enforcement officers may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor. Any victim or parent or legal guardian of a victim may petition the court to disclose the name and address of the minor and the minor's parents or legal guardian, or both. Upon a finding by clear and convincing evidence that the disclosure is either necessary for the victim to pursue a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or property from the

New matter indicated by italics - deletions by strikeout
minor, then the court may order the disclosure of the information to the victim or to the parent or legal guardian of the victim only for the purpose of the victim pursuing a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or property from the minor.

(7) Nothing contained in this Section shall prohibit law enforcement agencies when acting in their official capacity from communicating with each other by letter, memorandum, teletype or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 17 years of age. The information provided under this subsection (7) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

(8) No person shall disclose information under this Section except when acting in his or her official capacity and as provided by law or order of court.

(Source: P.A. 90-590, eff. 1-1-99; 91-479, eff. 1-1-00.)

(705 ILCS 405/5-915)
Sec. 5-915. Expungement of juvenile law enforcement and court records.

(1) Whenever any person has attained the age of 17 or whenever all juvenile court proceedings relating to that person have been terminated, whichever is later, the person may petition the court to expunge law enforcement records relating to incidents occurring before his or her 17th birthday or his or her juvenile court records, or both, but only in the following circumstances:

(a) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court; or
(b) the minor was charged with an offense and was found not delinquent of that offense; or
(c) the minor was placed under supervision pursuant to Section 5-615, and the order of supervision has since been successfully terminated; or
(d) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult.

(2) Any person may petition the court to expunge all law enforcement records relating to any incidents occurring before his or her 17th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree

New matter indicated by italics - deletions by strikeout
murder and sex offenses which would be felonies if committed by an adult, if the person for whom expungement is sought has had no convictions for any crime since his or her 17th birthday and:

(a) has attained the age of 21 years; or
(b) 5 years have elapsed since all juvenile court proceedings relating to him or her have been terminated or his or her commitment to the Department of Juvenile Justice Corrections, Juvenile Division pursuant to this Act has been terminated; whichever is later of (a) or (b).

(2.5) If a minor is arrested and no petition for delinquency is filed with the clerk of the circuit court as provided in paragraph (a) of subsection (1) at the time the minor is released from custody, the youth officer, if applicable, or other designated person from the arresting agency, shall notify verbally and in writing to the minor or the minor's parents or guardians that if the State's Attorney does not file a petition for delinquency, the minor has a right to petition to have his or her arrest record expunged when the minor attains the age of 17 or when all juvenile court proceedings relating to that minor have been terminated and that unless a petition to expunge is filed, the minor shall have an arrest record and shall provide the minor and the minor's parents or guardians with an expungement information packet, including a petition to expunge juvenile records obtained from the clerk of the circuit court.

(2.6) If a minor is charged with an offense and is found not delinquent of that offense; or if a minor is placed under supervision under Section 5-615, and the order of supervision is successfully terminated; or if a minor is adjudicated for an offense that would be a Class B misdemeanor, a Class C misdemeanor, or a business or petty offense if committed by an adult; or if a minor has incidents occurring before his or her 17th birthday that have not resulted in proceedings in criminal court, or resulted in proceedings in juvenile court, and the adjudications were not based upon first degree murder or sex offenses that would be felonies if committed by an adult; then at the time of sentencing or dismissal of the case, the judge shall inform the delinquent minor of his or her right to petition for expungement as provided by law, and the clerk of the circuit court shall provide an expungement information packet to the delinquent minor, written in plain language, including a petition for expungement, a sample of a completed petition, expungement instructions that shall include information informing the minor that (i) once the case is expunged, it shall be treated as if it never occurred, (ii) he or she may apply to have petition fees waived, (iii) once he or she
obtains an expungement, he or she may not be required to disclose that he or she had a juvenile record, and (iv) he or she may file the petition on his or her own or with the assistance of an attorney. The failure of the judge to inform the delinquent minor of his or her right to petition for expungement as provided by law does not create a substantive right, nor is that failure grounds for: (i) a reversal of an adjudication of delinquency, (ii) a new trial; or (iii) an appeal.

(2.7) For counties with a population over 3,000,000, the clerk of the circuit court shall send a "Notification of a Possible Right to Expungement" postcard to the minor at the address last received by the clerk of the circuit court on the date that the minor attains the age of 17 based on the birthdate provided to the court by the minor or his or her guardian in cases under paragraphs (b), (c), and (d) of subsection (1); and when the minor attains the age of 21 based on the birthdate provided to the court by the minor or his or her guardian in cases under subsection (2).

(2.8) The petition for expungement for subsection (1) shall be substantially in the following form:

IN THE CIRCUIT COURT OF ......, ILLINOIS

........ JUDICIAL CIRCUIT

IN THE INTEREST OF)    NO.
)
)
)
)
)
)
)

(Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS

(705 ILCS 405/5-915 (SUBSECTION 1))

(Please prepare a separate petition for each offense)

Now comes ............... , petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner has attained the age of 17, his/her birth date being ......, or all Juvenile Court proceedings terminated as of ......, whichever occurred later. Petitioner was arrested on ...... by the ...... Police Department for the offense of ......, and: (Check One:)

( ) a. no petition was filed with the Clerk of the Circuit Court.
( ) b. was charged with ...... and was found not delinquent of the offense.
( ) c. a petition was filed and the petition was dismissed without a finding of delinquency on ......
( ) d. on ...... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully
terminated on ........
( ) e. was adjudicated for the offense, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult. Petitioner .... has .... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below:
Charge(s):

...........Arresting Agency or Agencies;
...........Disposition/Result: (choose from a. through e., above): ..... WHEREFORE, the petitioner respectfully requests this Honorable Court to 
(1) order all law enforcement agencies to expunge all records of petitioner to 
this incident, and (2) to order the Clerk of the Court to expunge all records 
concerning the petitioner regarding this incident.

.................. Petitioner (Signature)
.................. Petitioner's Street Address
.................. City, State, Zip Code
.......................... Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and 
correct, or on information and belief I believe the same to be true.

.................. Petitioner (Signature)

The Petition for Expungement for subsection (2) shall be substantially in the 
following form:

IN THE CIRCUIT COURT OF ......., ILLINOIS 
......JUDICIAL CIRCUIT
IN THE INTEREST OF) NO.
)
)
.........................
(Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS 
(705 ILCS 405/5-915 (SUBSECTION 2))
(Please prepare a separate petition for each offense)
Now comes .........., petitioner, and respectfully requests that this Honorable 
Court enter an order expunging all Juvenile Law Enforcement and Court 
records of petitioner and in support thereof states that:
The incident for which the Petitioner seeks expungement occurred before the 
Petitioner's 17th birthday and did not result in proceedings in criminal court

New matter indicated by italics - deletions by strikeout
and the Petitioner has not had any convictions for any crime since his/her 17th birthday; and
The incident for which the Petitioner seeks expungement occurred before the Petitioner's 17th birthday and the adjudication was not based upon first-degree murder or sex offenses which would be felonies if committed by an adult, and the Petitioner has not had any convictions for any crime since his/her 17th birthday.
Petitioner was arrested on ...... by the ...... Police Department for the offense of ........., and:
( Check whichever one occurred the latest:)
( ) a. The Petitioner has attained the age of 21 years, his/her birthday being ........; or
( ) b. 5 years have elapsed since all juvenile court proceedings relating to the Petitioner have been terminated; or the Petitioner's commitment to the Department of Juvenile Justice Corrections, Juvenile Division, pursuant to the expungement of juvenile law enforcement and court records provisions of the Juvenile Court Act of 1987 has been terminated. Petitioner ...has ...has not been arrested on charges in this or any other county other than the charge listed above. If petitioner has been arrested on additional charges, please list the charges below:
Charge(s):
..........Arresting Agency or Agencies:
..........Disposition/Result: (choose from a or b, above):
..........WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner related to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident.

..................
Petitioner (Signature)

..................
Petitioner's Street Address

..................
City, State, Zip Code

..................
Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true

..................

New matter indicated by italics - deletions by strikeout
Petitioner(Signature)

(3) The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of this Section, order the law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose records are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice of the petition shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 90 days of the notice of the petition, the clerk of the circuit court shall set a date for hearing after the 90 day objection period. At the hearing the court shall hear evidence on whether the expungement should or should not be granted. Unless the State's Attorney or prosecutor, the Department of State Police, or an arresting agency objects to the expungement within 90 days of the notice, the court may enter an order granting expungement. The person whose records are to be expunged shall pay the clerk of the circuit court a fee equivalent to the cost associated with expungement of records by the clerk and the Department of State Police. The clerk shall forward a certified copy of the order to the Department of State Police, the appropriate portion of the fee to the Department of State Police for processing, and deliver a certified copy of the order to the arresting agency.:

(3.1) The Notice of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ...., ILLINOIS .... JUDICIAL CIRCUIT
IN THE INTEREST OF) NO.
) )
) )
) )
(Name of Petitioner) NOTICE
TO: State's Attorney
TO: Arresting Agency

New matter indicated by italics - deletions by strikeout
TO: Illinois State Police

ATTENTION: Expungement

You are hereby notified that on ......, at ......, in courtroom ..., located at ..., before the Honorable ..., Judge, or any judge sitting in his/her stead, I shall then and there present a Petition to Expunge Juvenile records in the above-entitled matter, at which time and place you may appear

Petitioner's Signature

Petitioner's Street Address

City, State, Zip Code

Petitioner's Telephone Number

PROOF OF SERVICE

On the ...... day of ......, 20..., I on oath state that I served this notice and true and correct copies of the above-checked documents by:

(Check One:)
delivering copies personally to each entity to whom they are directed;
or
by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at

Signature

Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner:.....

Address: ................................................

Telephone Number: ...............................

(3.2) The Order of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ......, ILLINOIS

.... JUDICIAL CIRCUIT

IN THE INTEREST OF)NO.

New matter indicated by italics - deletions by strikeout
ORDER OF EXPUNGEMENT
(705 ILCS 405/5-915 (SUBSECTION 3))
This matter having been heard on the petitioner's motion and the court being fully advised in the premises does find that the petitioner is indigent or has presented reasonable cause to waive all costs in this matter, IT IS HEREBY ORDERED that:
( ) 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.
( ) 2. The Illinois State Police Bureau of Identification and the following law enforcement agencies expunge all records of petitioner relating to an arrest dated ...... for the offense of......
   Law Enforcement Agencies:
                       .................
                       .................
( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case.
   ENTER: ......................

JUDGE
DATED:
......Name:
Attorney for:
Address: City/State/Zip:
Attorney Number:

(3.3) The Notice of Objection shall be in substantially the following form:

IN THE CIRCUIT COURT OF ......, ILLINOIS
   ...................... JUDICIAL CIRCUIT
IN THE INTEREST OF) NO.
                       )
                       )
                       )
    (Name of Petitioner)
NOTICE OF OBJECTION

New matter indicated by italics - deletions by strikeout
TO:(Attorney, Public Defender, Minor)
                          .................................
                          .................................
                          .................................
                          .................................
                          .................................
                          .................................
                          .................................
                          .................................
ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:

( ) State's Attorney's Office;
( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
( ) Department of Illinois State Police; or
( ) Arresting Agency or Agencies.

The agency checked above respectfully requests that this case be continued and set for hearing on whether the expungement should or should not be granted.

DATED: ....
Name:
Attorney For:
Address:
City/State/Zip:
Telephone:
Attorney No.:

FOR USE BY CLERK OF THE COURT PERSONNEL ONLY
This matter has been set for hearing on the foregoing objection, on ...... in room ...., located at ......, before the Honorable ......, Judge, or any judge sitting in his/her stead. (Only one hearing shall be set, regardless of the number of Notices of Objection received on the same case). A copy of this completed Notice of Objection containing the court date, time, and location, has been

New matter indicated by italics - deletions by strikeout
sent via regular U.S. Mail to the following entities. (If more than one Notice of Objection is received on the same case, each one must be completed with the court date, time and location and mailed to the following entities):

( ) Attorney, Public Defender or Minor;
( ) State's Attorney's Office;
( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
( ) Department of Illinois State Police; and
( ) Arresting agency or agencies.
Date: ......
Initials of Clerk completing this section:.....

(4) Upon entry of an order expunging records or files, the offense, which the records or files concern shall be treated as if it never occurred. Law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the person.

(5) Records which have not been expunged are sealed, and may be obtained only under the provisions of Sections 5-901, 5-905 and 5-915.

(6) Nothing in this Section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the offender. This information may only be used for statistical and bona fide research purposes.

(7)(a) The State Appellate Defender shall establish, maintain, and carry out, by December 31, 2004, a juvenile expungement program to provide information and assistance to minors eligible to have their juvenile records expunged.

(b) The State Appellate Defender shall develop brochures, pamphlets, and other materials in printed form and through the agency's World Wide Web site. The pamphlets and other materials shall include at a minimum the following information:

(i) An explanation of the State's juvenile expungement process;
(ii) The circumstances under which juvenile expungement may occur;
(iii) The juvenile offenses that may be expunged;
(iv) The steps necessary to initiate and complete the juvenile expungement process; and
(v) Directions on how to contact the State Appellate Defender.

(c) The State Appellate Defender shall establish and maintain a

New matter indicated by italics - deletions by strikeout
statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement of juvenile records. The State Appellate Defender shall advertise the toll-free telephone number statewide. The State Appellate Defender shall develop an expungement information packet that may be sent to eligible persons seeking expungement of their juvenile records, which may include, but is not limited to, a pre-printed expungement petition with instructions on how to complete the petition and a pamphlet containing information that would assist individuals through the juvenile expungement process.

(d) The State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist eligible individuals through the juvenile expungement process.

(e) This Section shall be implemented from funds appropriated by the General Assembly to the State Appellate Defender for this purpose. The State Appellate Defender shall employ the necessary staff and adopt the necessary rules for implementation of this Section.

(8)(a) Except with respect to law enforcement agencies, the Department of Corrections, State's Attorneys, or other prosecutors, an expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of conviction or arrest. Employers may not ask if an applicant has had a juvenile record expunged. Effective January 1, 2005, the Department of Labor shall develop a link on the Department's website to inform employers that employers may not ask if an applicant had a juvenile record expunged and that application for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of arrest or conviction.

(b) A person whose juvenile records have been expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of expungement. This amendatory Act of the 93rd General Assembly does not affect the right of the victim of a crime to prosecute or defend a civil action for damages.

(Source: P.A. 93-912, eff. 8-12-04; revised 10-14-04.)

Section 21. The Rights of Crime Victims and Witnesses Act is amended by changing Sections 4.5, 5, 8.5, and 9 as follows:

(725 ILCS 120/4.5)
Sec. 4.5. Procedures to implement the rights of crime victims. To
afford crime victims their rights, law enforcement, prosecutors, judges and corrections will provide information, as appropriate of the following procedures:

(a) At the request of the crime victim, law enforcement authorities investigating the case shall provide notice of the status of the investigation, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation, until such time as the alleged assailant is apprehended or the investigation is closed.

(b) The office of the State's Attorney:

  (1) shall provide notice of the filing of information, the return of an indictment by which a prosecution for any violent crime is commenced, or the filing of a petition to adjudicate a minor as a delinquent for a violent crime;

  (2) shall provide notice of the date, time, and place of trial;

  (3) or victim advocate personnel shall provide information of social services and financial assistance available for victims of crime, including information of how to apply for these services and assistance;

  (4) shall assist in having any stolen or other personal property held by law enforcement authorities for evidentiary or other purposes returned as expeditiously as possible, pursuant to the procedures set out in Section 115-9 of the Code of Criminal Procedure of 1963;

  (5) or victim advocate personnel shall provide appropriate employer intercession services to ensure that employers of victims will cooperate with the criminal justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

  (6) shall provide information whenever possible, of a secure waiting area during court proceedings that does not require victims to be in close proximity to defendant or juveniles accused of a violent crime, and their families and friends;

  (7) shall provide notice to the crime victim of the right to have a translator present at all court proceedings;

  (8) in the case of the death of a person, which death occurred in the same transaction or occurrence in which acts occurred for which a defendant is charged with an offense, shall notify the spouse, parent, child or sibling of the decedent of the date of the trial of the person or persons allegedly responsible for the death;

  (9) shall inform the victim of the right to have present at all
court proceedings, subject to the rules of evidence, an advocate or other support person of the victim's choice, and the right to retain an attorney, at the victim's own expense, who, upon written notice filed with the clerk of the court and State's Attorney, is to receive copies of all notices, motions and court orders filed thereafter in the case, in the same manner as if the victim were a named party in the case; and

(10) at the sentencing hearing shall make a good faith attempt to explain the minimum amount of time during which the defendant may actually be physically imprisoned. The Office of the State's Attorney shall further notify the crime victim of the right to request from the Prisoner Review Board information concerning the release of the defendant under subparagraph (d)(1) of this Section; and

(11) shall request restitution at sentencing and shall consider restitution in any plea negotiation, as provided by law.

(c) At the written request of the crime victim, the office of the State's Attorney shall:

(1) provide notice a reasonable time in advance of the following court proceedings: preliminary hearing, any hearing the effect of which may be the release of defendant from custody, or to alter the conditions of bond and the sentencing hearing. The crime victim shall also be notified of the cancellation of the court proceeding in sufficient time, wherever possible, to prevent an unnecessary appearance in court;

(2) provide notice within a reasonable time after receipt of notice from the custodian, of the release of the defendant on bail or personal recognizance or the release from detention of a minor who has been detained for a violent crime;

(3) explain in nontechnical language the details of any plea or verdict of a defendant, or any adjudication of a juvenile as a delinquent for a violent crime;

(4) where practical, consult with the crime victim before the Office of the State's Attorney makes an offer of a plea bargain to the defendant or enters into negotiations with the defendant concerning a possible plea agreement, and shall consider the written victim impact statement, if prepared prior to entering into a plea agreement;

(5) provide notice of the ultimate disposition of the cases arising from an indictment or an information, or a petition to have a juvenile adjudicated as a delinquent for a violent crime;

(6) provide notice of any appeal taken by the defendant and

New matter indicated by italics - deletions by strikeout
information on how to contact the appropriate agency handling the appeal;

(7) provide notice of any request for post-conviction review filed by the defendant under Article 122 of the Code of Criminal Procedure of 1963, and of the date, time and place of any hearing concerning the petition. Whenever possible, notice of the hearing shall be given in advance;

(8) forward a copy of any statement presented under Section 6 to the Prisoner Review Board to be considered by the Board in making its determination under subsection (b) of Section 3-3-8 of the Unified Code of Corrections.

(d) (1) The Prisoner Review Board shall inform a victim or any other concerned citizen, upon written request, of the prisoner's release on parole, mandatory supervised release, electronic detention, work release or by the custodian of the discharge of any individual who was adjudicated a delinquent for a violent crime from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The Prisoner Review Board, upon written request, shall provide to a victim or any other concerned citizen a recent photograph of any person convicted of a felony, upon his or her release from custody. The Prisoner Review Board, upon written request, shall inform a victim or any other concerned citizen when feasible at least 7 days prior to the prisoner's release on furlough of the times and dates of such furlough. Upon written request by the victim or any other concerned citizen, the State's Attorney shall notify the person once of the times and dates of release of a prisoner sentenced to periodic imprisonment. Notification shall be based on the most recent information as to victim's or other concerned citizen's residence or other location available to the notifying authority. For purposes of this paragraph (1) of subsection (d), "concerned citizen" includes relatives of the victim, friends of the victim, witnesses to the crime, or any other person associated with the victim or prisoner.

(2) When the defendant has been committed to the Department of Human Services pursuant to Section 5-2-4 or any other provision of the Unified Code of Corrections, the victim may request to be notified by the releasing authority of the defendant's discharge from State custody.

(3) In the event of an escape from State custody, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board of the escape and

New matter indicated by italics - deletions by strikeout
the Prisoner Review Board shall notify the victim. The notification shall be based upon the most recent information as to the victim's residence or other location available to the Board. When no such information is available, the Board shall make all reasonable efforts to obtain the information and make the notification. When the escapee is apprehended, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board and the Board shall notify the victim.

(4) The victim of the crime for which the prisoner has been sentenced shall receive reasonable written notice not less than 15 days prior to the parole hearing and may submit, in writing, on film, videotape or other electronic means or in the form of a recording or in person at the parole hearing or if a victim of a violent crime, by calling the toll-free number established in subsection (f) of this Section, information for consideration by the Prisoner Review Board. The victim shall be notified within 7 days after the prisoner has been granted parole and shall be informed of the right to inspect the registry of parole decisions, established under subsection (g) of Section 3-3-5 of the Unified Code of Corrections. The provisions of this paragraph (4) are subject to the Open Parole Hearings Act.

(5) If a statement is presented under Section 6, the Prisoner Review Board shall inform the victim of any order of discharge entered by the Board pursuant to Section 3-3-8 of the Unified Code of Corrections.

(6) At the written request of the victim of the crime for which the prisoner was sentenced, the Prisoner Review Board shall notify the victim of the death of the prisoner if the prisoner died while on parole or mandatory supervised release.

(7) When a defendant who has been committed to the Department of Corrections, the Department of Juvenile Justice, or the Department of Human Services is released or discharged and subsequently committed to the Department of Human Services as a sexually violent person and the victim had requested to be notified by the releasing authority of the defendant's discharge from State custody, the releasing authority shall provide to the Department of Human Services such information that would allow the Department of Human Services to contact the victim.

(e) The officials named in this Section may satisfy some or all of their obligations to provide notices and other information through participation in
a statewide victim and witness notification system established by the
Attorney General under Section 8.5 of this Act.

(f) To permit a victim of a violent crime to provide information to the
Prisoner Review Board for consideration by the Board at a parole hearing of
a person who committed the crime against the victim in accordance with
clause (d)(4) of this Section or at a proceeding to determine the conditions of
mandatory supervised release of a person sentenced to a determinate sentence
or at a hearing on revocation of mandatory supervised release of a person
sentenced to a determinate sentence, the Board shall establish a toll-free
number that may be accessed by the victim of a violent crime to present that
information to the Board.

(Source: P.A. 93-235, eff. 7-22-03.)

(725 ILCS 120/5)(from Ch. 38, par. 1405)
Sec. 5. Rights of Witnesses.

(a) Witnesses as defined in subsection (b) of Section 3 of this Act
shall have the following rights:

(1) to be notified by the Office of the State's Attorney of all
court proceedings at which the witness' presence is required in a
reasonable amount of time prior to the proceeding, and to be notified
of the cancellation of any scheduled court proceeding in sufficient
time to prevent an unnecessary appearance in court, where possible;

(2) to be provided with appropriate employer intercession
services by the Office of the State's Attorney or the victim advocate
personnel to ensure that employers of witnesses will cooperate with
the criminal justice system in order to minimize an employee's loss
of pay and other benefits resulting from court appearances;

(3) to be provided, whenever possible, a secure waiting area
during court proceedings that does not require witnesses to be in close
proximity to defendants and their families and friends;

(4) to be provided with notice by the Office of the State's
Attorney, where necessary, of the right to have a translator present
whenever the witness' presence is required.

(b) At the written request of the witness, the witness shall:

(1) receive notice from the office of the State's Attorney of
any request for post-conviction review filed by the defendant under
Article 122 of the Code of Criminal Procedure of 1963, and of the
date, time, and place of any hearing concerning the petition for post-
conviction review; whenever possible, notice of the hearing on the
petition shall be given in advance;

New matter indicated by italics - deletions by strikeout
(2) receive notice by the releasing authority of the defendant's discharge from State custody if the defendant was committed to the Department of Human Services under Section 5-2-4 or any other provision of the Unified Code of Corrections;

(3) receive notice from the Prisoner Review Board of the prisoner's escape from State custody, after the Board has been notified of the escape by the Department of Corrections or the Department of Juvenile Justice; when the escapee is apprehended, the Department of Corrections or the Department of Juvenile Justice shall immediately notify the Prisoner Review Board and the Board shall notify the witness;

(4) receive notice from the Prisoner Review Board of the prisoner's release on parole, electronic detention, work release or mandatory supervised release and of the prisoner's final discharge from parole, electronic detention, work release, or mandatory supervised release.

(Source: P.A. 91-357, eff. 7-29-99.)

(725 ILCS 120/8.5)

Sec. 8.5. Statewide victim and witness notification system.

(a) The Attorney General may establish a crime victim and witness notification system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses under Section 4.5 of this Act as the Attorney General specifies by rule. The system shall download necessary information from participating officials into its computers, where it shall be maintained, updated, and automatically transmitted to victims and witnesses by telephone, computer, or written notice.

(b) The Illinois Department of Corrections, the Department of Juvenile Justice, the Department of Human Services, and the Prisoner Review Board shall cooperate with the Attorney General in the implementation of this Section and shall provide information as necessary to the effective operation of the system.

(c) State's attorneys, circuit court clerks, and local law enforcement and correctional authorities may enter into agreements with the Attorney General for participation in the system. The Attorney General may provide those who elect to participate with the equipment, software, or training necessary to bring their offices into the system.

(d) The provision of information to crime victims and witnesses through the Attorney General's notification system satisfies a given State or local official's corresponding obligation under Section 4.5 to provide the

New matter indicated by italics - deletions by strikeout
(e) The Attorney General may provide for telephonic, electronic, or other public access to the database established under this Section.

(f) The Attorney General shall adopt rules as necessary to implement this Section. The rules shall include, but not be limited to, provisions for the scope and operation of any system the Attorney General may establish and procedures, requirements, and standards for entering into agreements to participate in the system and to receive equipment, software, or training.

(g) There is established in the Office of the Attorney General a Crime Victim and Witness Notification Advisory Committee consisting of those victims advocates, sheriffs, State's Attorneys, circuit court clerks, Illinois Department of Corrections, the Department of Juvenile Justice, and Prisoner Review Board employees that the Attorney General chooses to appoint. The Attorney General shall designate one member to chair the Committee.

(1) The Committee shall consult with and advise the Attorney General as to the exercise of the Attorney General's authority under this Section, including, but not limited to:

(i) the design, scope, and operation of the notification system;

(ii) the content of any rules adopted to implement this Section;

(iii) the procurement of hardware, software, and support for the system, including choice of supplier or operator; and

(iv) the acceptance of agreements with and the award of equipment, software, or training to officials that seek to participate in the system.

(2) The Committee shall review the status and operation of the system and report any findings and recommendations for changes to the Attorney General and the General Assembly by November 1 of each year.

(3) The members of the Committee shall receive no compensation for their services as members of the Committee, but may be reimbursed for their actual expenses incurred in serving on the Committee.

(Source: P.A. 93-258, eff. 1-1-04.)

(725 ILCS 120/9)(from Ch. 38, par. 1408)

Sec. 9. This Act does not limit any rights or responsibilities otherwise enjoyed by or imposed upon victims or witnesses of violent crime, nor does
it grant any person a cause of action for damages or attorneys fees. Any act of omission or commission by any law enforcement officer, circuit court clerk, or State's Attorney, by the Attorney General, Prisoner Review Board, Department of Corrections, the Department of Juvenile Justice, Department of Human Services, or other State agency, or private entity under contract pursuant to Section 8, or by any employee of any State agency or private entity under contract pursuant to Section 8 acting in good faith in rendering crime victim's assistance or otherwise enforcing this Act shall not impose civil liability upon the individual or entity or his or her supervisor or employer. Nothing in this Act shall create a basis for vacating a conviction or a ground for appellate relief in any criminal case. Failure of the crime victim to receive notice as required, however, shall not deprive the court of the power to act regarding the proceeding before it; nor shall any such failure grant the defendant the right to seek a continuance.

(Source: P.A. 93-258, eff. 1-1-04.)

Section 22. The Sexually Violent Persons Commitment Act is amended by changing Sections 15 and 75 as follows:

(725 ILCS 207/15)
Sec. 15. Sexually violent person petition; contents; filing.
(a) A petition alleging that a person is a sexually violent person may be filed by:

(1) The Attorney General, at the request of the agency with jurisdiction over the person, as defined in subsection (a) of Section 10 of this Act, or on his or her own motion. If the Attorney General, after consulting with and advising the State's Attorney of the county referenced in paragraph (a)(2) of this Section, decides to file a petition under this Section, he or she shall file the petition before the date of the release or discharge of the person or within 30 days of placement onto parole or mandatory supervised release for an offense enumerated in paragraph (e) of Section 5 of this Act.

(2) If the Attorney General does not file a petition under this Section, the State's Attorney of the county in which the person was convicted of a sexually violent offense, adjudicated delinquent for a sexually violent offense or found not guilty of or not responsible for a sexually violent offense by reason of insanity, mental disease, or mental defect may file a petition.

(3) The Attorney General and the State's Attorney referenced in paragraph (a)(2) of this Section jointly.
(b) A petition filed under this Section shall allege that all of the
following apply to the person alleged to be a sexually violent person:

(1) The person satisfies any of the following criteria:
   (A) The person has been convicted of a sexually violent offense;
   (B) The person has been found delinquent for a sexually violent offense; or
   (C) The person has been found not guilty of a sexually violent offense by reason of insanity, mental disease, or mental defect.

(2) (Blank).

(3) (Blank).

(4) The person has a mental disorder.

(5) The person is dangerous to others because the person's mental disorder creates a substantial probability that he or she will engage in acts of sexual violence.

(b-5) The petition must be filed:

(1) No more than 90 days before discharge or entry into mandatory supervised release from a Department of Corrections correctional facility for a sentence that was imposed upon a conviction for a sexually violent offense, or for a sentence that is being served concurrently or consecutively with a sexually violent offense, and no more than 30 days after the person's entry into parole or mandatory supervised release; or

(2) No more than 90 days before discharge or release:
   (A) from a Department of Juvenile Justice Corrections juvenile correctional facility if the person was placed in the facility for being adjudicated delinquent under Section 5-20 of the Juvenile Court Act of 1987 or found guilty under Section 5-620 of that Act on the basis of a sexually violent offense; or
   (B) from a commitment order that was entered as a result of a sexually violent offense.

(c) A petition filed under this Section shall state with particularity essential facts to establish probable cause to believe the person is a sexually violent person. If the petition alleges that a sexually violent offense or act that is a basis for the allegation under paragraph (b)(1) of this Section was an act that was sexually motivated as provided under paragraph (e)(2) of Section 5 of this Act, the petition shall state the grounds on which the offense or act is alleged to be sexually motivated.
(d) A petition under this Section shall be filed in either of the following:

1. The circuit court for the county in which the person was convicted of a sexually violent offense, adjudicated delinquent for a sexually violent offense or found not guilty of a sexually violent offense by reason of insanity, mental disease or mental defect.

2. The circuit court for the county in which the person is in custody under a sentence, a placement to a Department of Corrections correctional facility or a Department of Juvenile Justice juvenile correctional facility, or a commitment order.

(Source: P.A. 91-227, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

(725 ILCS 207/75)
Sec. 75. Notice concerning conditional release, discharge, escape, death, or court-ordered change in the custody status of a detainee or civilly committed sexually violent person.

(a) As used in this Section, the term:

1. "Act of sexual violence" means an act or attempted act that is a basis for an allegation made in a petition under paragraph (b)(1) of Section 15 of this Act.

2. "Member of the family" means spouse, child, sibling, parent, or legal guardian.

3. "Victim" means a person against whom an act of sexual violence has been committed.

(b) If the court places a civilly committed sexually violent person on conditional release under Section 40 or 60 of this Act or discharges a person under Section 65, or if a detainee or civilly committed sexually violent person escapes, dies, or is subject to any court-ordered change in custody status of the detainee or sexually violent person, the Department shall make a reasonable attempt, if he or she can be found, to notify all of the following who have requested notification under this Act or under the Rights of Crime Victims and Witnesses Act:

1. Whichever of the following persons is appropriate in accordance with the provisions of subsection (a)(3):

   A. The victim of the act of sexual violence.

   B. An adult member of the victim's family, if the victim died as a result of the act of sexual violence.

   C. The victim's parent or legal guardian, if the victim is younger than 18 years old.

2. The Department of Corrections or the Department of **
Juvenile Justice.

(c) The notice under subsection (b) of this Section shall inform the Department of Corrections or the Department of Juvenile Justice and the person notified under paragraph (b)(1) of this Section of the name of the person committed under this Act and the date the person is placed on conditional release, discharged, or if a detainee or civilly committed sexually violent person escapes, dies, or is subject to any court-ordered change in the custody status of the detainee or sexually violent person. The Department shall send the notice, postmarked at least 7 days before the date the person committed under this Act is placed on conditional release, discharged, or if a detainee or civilly committed sexually violent person escapes, dies, or is subject to any court-ordered change in the custody status of the detainee or sexually violent person, unless unusual circumstances do not permit advance written notification, to the Department of Corrections or the Department of Juvenile Justice and the last-known address of the person notified under paragraph (b)(1) of this Section.

(d) The Department shall design and prepare cards for persons specified in paragraph (b)(1) of this Section to send to the Department. The cards shall have space for these persons to provide their names and addresses, the name of the person committed under this Act and any other information the Department determines is necessary. The Department shall provide the cards, without charge, to the Attorney General and State's Attorneys. The Attorney General and State's Attorneys shall provide the cards, without charge, to persons specified in paragraph (b)(1) of this Section. These persons may send completed cards to the Department. All records or portions of records of the Department that relate to mailing addresses of these persons are not subject to inspection or copying under Section 3 of the Freedom of Information Act.

(Source: P.A. 93-885, eff. 8-6-04.)

Section 25. The Unified Code of Corrections is amended by adding Article 2.5 to Chapter III and by changing Sections 3-1-2, 3-2-2, 3-2-5, 3-2-6, 3-3-3, 3-3-4, 3-3-5, 3-3-9, 3-4-3, 3-5-1, 3-5-3.1, 3-6-2, 3-9-1, 3-9-2, 3-9-3, 3-9-4, 3-9-5, 3-9-6, 3-9-7, 3-10-1, 3-10-2, 3-10-3, 3-10-4, 3-10-5, 3-10-6, 3-10-7, 3-10-8, 3-10-9, 3-10-10, 3-10-11, 3-10-12, 3-10-13, 3-15-2, 3-16-5, and 5-8-6 and the heading of Article 9 of Chapter III as follows:

(730 ILCS 5/3-1-2)(from Ch. 38, par. 1003-1-2)

Sec. 3-1-2. Definitions.

(a) "Chief Administrative Officer" means the person designated by the Director to exercise the powers and duties of the Department of Corrections.
in regard to committed persons within a correctional institution or facility, and includes the superintendent of any juvenile institution or facility.

(a-5) "Sex offense" for the purposes of paragraph (16) of subsection (a) of Section 3-3-7, paragraph (10) of subsection (a) of Section 5-6-3, and paragraph (18) of subsection (c) of Section 5-6-3.1 only means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961 when the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).
An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this subsection (a-5).
An offense violating federal law or the law of another state that is substantially equivalent to any offense listed in this subsection (a-5) shall constitute a sex offense for the purpose of this subsection (a-5). A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for a sex offense for the purposes of this subsection (a-5).

(b) "Commitment" means a judicially determined placement in the custody of the Department of Corrections on the basis of delinquency or
conviction.

(c) "Committed Person" is a person committed to the Department, however a committed person shall not be considered to be an employee of the Department of Corrections for any purpose, including eligibility for a pension, benefits, or any other compensation or rights or privileges which may be provided to employees of the Department.

(d) "Correctional Institution or Facility" means any building or part of a building where committed persons are kept in a secured manner.

(e) In the case of functions performed before the effective date of this amendatory Act of the 94th General Assembly, "Department" means the Department of Corrections of this State. In the case of functions performed on or after the effective date of this amendatory Act of the 94th General Assembly, "Department" has the meaning ascribed to it in subsection (f-5).

(f) In the case of functions performed before the effective date of this amendatory Act of the 94th General Assembly, "Director" means the Director of the Department of Corrections. In the case of functions performed on or after the effective date of this amendatory Act of the 94th General Assembly, "Director" has the meaning ascribed to it in subsection (f-5).

(f-5) In the case of functions performed on or after the effective date of this amendatory Act of the 94th General Assembly, references to "Department" or "Director" refer to either the Department of Corrections or the Director of Corrections or to the Department of Juvenile Justice or the Director of Juvenile Justice unless the context is specific to the Department of Juvenile Justice or the Director of Juvenile Justice.

(g) "Discharge" means the final termination of a commitment to the Department of Corrections.

(h) "Discipline" means the rules and regulations for the maintenance of order and the protection of persons and property within the institutions and facilities of the Department and their enforcement.

(i) "Escape" means the intentional and unauthorized absence of a committed person from the custody of the Department.

(j) "Furlough" means an authorized leave of absence from the Department of Corrections for a designated purpose and period of time.

(k) "Parole" means the conditional and revocable release of a committed person under the supervision of a parole officer.

(l) "Prisoner Review Board" means the Board established in Section 3-3-1(a), independent of the Department, to review rules and regulations with respect to good time credits, to hear charges brought by the Department against certain prisoners alleged to have violated Department rules with
respect to good time credits, to set release dates for certain prisoners sentenced under the law in effect prior to the effective date of this Amendatory Act of 1977, to hear requests and make recommendations to the Governor with respect to pardon, reprieve or commutation, to set conditions for parole and mandatory supervised release and determine whether violations of those conditions justify revocation of parole or release, and to assume all other functions previously exercised by the Illinois Parole and Pardon Board.

(m) Whenever medical treatment, service, counseling, or care is referred to in this Unified Code of Corrections, such term may be construed by the Department or Court, within its discretion, to include treatment, service or counseling by a Christian Science practitioner or nursing care appropriate therewith whenever request therefor is made by a person subject to the provisions of this Act.

(n) "Victim" shall have the meaning ascribed to it in subsection (a) of Section 3 of the Bill of Rights for Victims and Witnesses of Violent Crime Act.

(Source: P.A. 94-159, eff. 7-11-05.)

Sec. 3-2-2. Powers and Duties of the Department.

(1) In addition to the powers, duties and responsibilities which are otherwise provided by law, the Department shall have the following powers:

(a) To accept persons committed to it by the courts of this State for care, custody, treatment and rehabilitation, and to accept federal prisoners and aliens over whom the Office of the Federal Detention Trustee is authorized to exercise the federal detention function for limited purposes and periods of time.

(b) To develop and maintain reception and evaluation units for purposes of analyzing the custody and rehabilitation needs of persons committed to it and to assign such persons to institutions and programs under its control or transfer them to other appropriate agencies. In consultation with the Department of Alcoholism and Substance Abuse (now the Department of Human Services), the Department of Corrections shall develop a master plan for the screening and evaluation of persons committed to its custody who have alcohol or drug abuse problems, and for making appropriate treatment available to such persons; the Department shall report to the General Assembly on such plan not later than April 1, 1987. The maintenance and implementation of such plan shall be contingent...
upon the availability of funds.

(b-1) To create and implement, on January 1, 2002, a pilot program to establish the effectiveness of pupillometer technology (the measurement of the pupil's reaction to light) as an alternative to a urine test for purposes of screening and evaluating persons committed to its custody who have alcohol or drug problems. The pilot program shall require the pupillometer technology to be used in at least one Department of Corrections facility. The Director may expand the pilot program to include an additional facility or facilities as he or she deems appropriate. A minimum of 4,000 tests shall be included in the pilot program. The Department must report to the General Assembly on the effectiveness of the program by January 1, 2003.

(b-5) To develop, in consultation with the Department of State Police, a program for tracking and evaluating each inmate from commitment through release for recording his or her gang affiliations, activities, or ranks.

(c) To maintain and administer all State correctional institutions and facilities under its control and to establish new ones as needed. Pursuant to its power to establish new institutions and facilities, the Department may, with the written approval of the Governor, authorize the Department of Central Management Services to enter into an agreement of the type described in subsection (d) of Section 405-300 of the Department of Central Management Services Law (20 ILCS 405/405-300). The Department shall designate those institutions which shall constitute the State Penitentiary System.

Pursuant to its power to establish new institutions and facilities, the Department may authorize the Department of Central Management Services to accept bids from counties and municipalities for the construction, remodeling or conversion of a structure to be leased to the Department of Corrections for the purposes of its serving as a correctional institution or facility. Such construction, remodeling or conversion may be financed with revenue bonds issued pursuant to the Industrial Building Revenue Bond Act by the municipality or county. The lease specified in a bid shall be for a term of not less than the time needed to retire any revenue bonds used to finance the project, but not to exceed 40 years. The lease may grant to the State the option to purchase the structure outright.

Upon receipt of the bids, the Department may certify one or more of the bids and shall submit any such bids to the General Assembly.
Assembly for approval. Upon approval of a bid by a constitutional majority of both houses of the General Assembly, pursuant to joint resolution, the Department of Central Management Services may enter into an agreement with the county or municipality pursuant to such bid.

(c-5) To build and maintain regional juvenile detention centers and to charge a per diem to the counties as established by the Department to defray the costs of housing each minor in a center. In this subsection (c-5), "juvenile detention center" means a facility to house minors during pendency of trial who have been transferred from proceedings under the Juvenile Court Act of 1987 to prosecutions under the criminal laws of this State in accordance with Section 5-805 of the Juvenile Court Act of 1987, whether the transfer was by operation of law or permissive under that Section. The Department shall designate the counties to be served by each regional juvenile detention center.

(d) To develop and maintain programs of control, rehabilitation and employment of committed persons within its institutions.

(e) To establish a system of supervision and guidance of committed persons in the community.

(f) To establish in cooperation with the Department of Transportation to supply a sufficient number of prisoners for use by the Department of Transportation to clean up the trash and garbage along State, county, township, or municipal highways as designated by the Department of Transportation. The Department of Corrections, at the request of the Department of Transportation, shall furnish such prisoners at least annually for a period to be agreed upon between the Director of Corrections and the Director of Transportation. The prisoners used on this program shall be selected by the Director of Corrections on whatever basis he deems proper in consideration of their term, behavior and earned eligibility to participate in such program - where they will be outside of the prison facility but still in the custody of the Department of Corrections. Prisoners convicted of first degree murder, or a Class X felony, or armed violence, or aggravated kidnapping, or criminal sexual assault, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, or forcible detention, or arson, or a prisoner adjudged a Habitual Criminal shall not be eligible for selection to participate in

New matter indicated by italics - deletions by strikeout
such program. The prisoners shall remain as prisoners in the custody of the Department of Corrections and such Department shall furnish whatever security is necessary. The Department of Transportation shall furnish trucks and equipment for the highway cleanup program and personnel to supervise and direct the program. Neither the Department of Corrections nor the Department of Transportation shall replace any regular employee with a prisoner.

(g) To maintain records of persons committed to it and to establish programs of research, statistics and planning.

(h) To investigate the grievances of any person committed to the Department, to inquire into any alleged misconduct by employees or committed persons, and to investigate the assets of committed persons to implement Section 3-7-6 of this Code; and for these purposes it may issue subpoenas and compel the attendance of witnesses and the production of writings and papers, and may examine under oath any witnesses who may appear before it; to also investigate alleged violations of a parolee's or releasee's conditions of parole or release; and for this purpose it may issue subpoenas and compel the attendance of witnesses and the production of documents only if there is reason to believe that such procedures would provide evidence that such violations have occurred.

If any person fails to obey a subpoena issued under this subsection, the Director may apply to any circuit court to secure compliance with the subpoena. The failure to comply with the order of the court issued in response thereto shall be punishable as contempt of court.

(i) To appoint and remove the chief administrative officers, and administer programs of training and development of personnel of the Department. Personnel assigned by the Department to be responsible for the custody and control of committed persons or to investigate the alleged misconduct of committed persons or employees or alleged violations of a parolee's or releasee's conditions of parole shall be conservators of the peace for those purposes, and shall have the full power of peace officers outside of the facilities of the Department in the protection, arrest, retaking and reconfining of committed persons or where the exercise of such power is necessary to the investigation of such misconduct or violations.

(j) To cooperate with other departments and agencies and with local communities for the development of standards and programs for

New matter indicated by italics - deletions by strikeout
better correctional services in this State.

(k) To administer all moneys and properties of the Department.

(l) To report annually to the Governor on the committed persons, institutions and programs of the Department.

(l-5) In a confidential annual report to the Governor, the Department shall identify all inmate gangs by specifying each current gang's name, population and allied gangs. The Department shall further specify the number of top leaders identified by the Department for each gang during the past year, and the measures taken by the Department to segregate each leader from his or her gang and allied gangs. The Department shall further report the current status of leaders identified and segregated in previous years. All leaders described in the report shall be identified by inmate number or other designation to enable tracking, auditing, and verification without revealing the names of the leaders. Because this report contains law enforcement intelligence information collected by the Department, the report is confidential and not subject to public disclosure.

(m) To make all rules and regulations and exercise all powers and duties vested by law in the Department.

(n) To establish rules and regulations for administering a system of good conduct credits, established in accordance with Section 3-6-3, subject to review by the Prisoner Review Board.

(o) To administer the distribution of funds from the State Treasury to reimburse counties where State penal institutions are located for the payment of assistant state's attorneys' salaries under Section 4-2001 of the Counties Code.

(p) To exchange information with the Department of Human Services and the Illinois Department of Public Aid for the purpose of verifying living arrangements and for other purposes directly connected with the administration of this Code and the Illinois Public Aid Code.

(q) To establish a diversion program.

The program shall provide a structured environment for selected technical parole or mandatory supervised release violators and committed persons who have violated the rules governing their conduct while in work release. This program shall not apply to those persons who have committed a new offense while serving on parole or mandatory supervised release or while committed to work release.

New matter indicated by italics - deletions by strikeout
Elements of the program shall include, but shall not be limited to, the following:

1. The staff of a diversion facility shall provide supervision in accordance with required objectives set by the facility.
2. Participants shall be required to maintain employment.
3. Each participant shall pay for room and board at the facility on a sliding-scale basis according to the participant's income.
4. Each participant shall:
   A. provide restitution to victims in accordance with any court order;
   B. provide financial support to his dependents; and
   C. make appropriate payments toward any other court-ordered obligations.
5. Each participant shall complete community service in addition to employment.
6. Participants shall take part in such counseling, educational and other programs as the Department may deem appropriate.
7. Participants shall submit to drug and alcohol screening.
8. The Department shall promulgate rules governing the administration of the program.

(r) To enter into intergovernmental cooperation agreements under which persons in the custody of the Department may participate in a county impact incarceration program established under Section 3-6038 or 3-15003.5 of the Counties Code.

(r-5) (Blank).

(r-10) To systematically and routinely identify with respect to each streetgang active within the correctional system: (1) each active gang; (2) every existing inter-gang affiliation or alliance; and (3) the current leaders in each gang. The Department shall promptly
segregate leaders from inmates who belong to their gangs and allied gangs. "Segregate" means no physical contact and, to the extent possible under the conditions and space available at the correctional facility, prohibition of visual and sound communication. For the purposes of this paragraph (r-10), "leaders" means persons who:

(i) are members of a criminal streetgang;

(ii) with respect to other individuals within the streetgang, occupy a position of organizer, supervisor, or other position of management or leadership; and

(iii) are actively and personally engaged in directing, ordering, authorizing, or requesting commission of criminal acts by others, which are punishable as a felony, in furtherance of streetgang related activity both within and outside of the Department of Corrections.

"Streetgang", "gang", and "streetgang related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(s) To operate a super-maximum security institution, in order to manage and supervise inmates who are disruptive or dangerous and provide for the safety and security of the staff and the other inmates.

(t) To monitor any unprivileged conversation or any unprivileged communication, whether in person or by mail, telephone, or other means, between an inmate who, before commitment to the Department, was a member of an organized gang and any other person without the need to show cause or satisfy any other requirement of law before beginning the monitoring, except as constitutionally required. The monitoring may be by video, voice, or other method of recording or by any other means. As used in this subdivision (1)(t), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

As used in this subdivision (1)(t), "unprivileged conversation" or "unprivileged communication" means a conversation or communication that is not protected by any privilege recognized by law or by decision, rule, or order of the Illinois Supreme Court.

(u) To establish a Women's and Children's Pre-release Community Supervision Program for the purpose of providing housing and services to eligible female inmates, as determined by the Department, and their newborn and young children.

New matter indicated by italics - deletions by strikeout
(v) To do all other acts necessary to carry out the provisions of this Chapter.

(2) The Department of Corrections shall by January 1, 1998, consider building and operating a correctional facility within 100 miles of a county of over 2,000,000 inhabitants, especially a facility designed to house juvenile participants in the impact incarceration program.

(3) When the Department lets bids for medical services to be provided to persons committed to Department facilities by a health maintenance organization, medical service corporation, or other health care provider, the bid may only be let to a health care provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds are rated AAA by a bond rating organization.

(4) When the Department lets bids for contracts for food or commissary services to be provided to Department facilities, the bid may only be let to a food or commissary services provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds are rated AAA by a bond rating organization.

(Source: P.A. 92-444, eff. 1-1-02; 92-712, eff. 1-1-03; 93-839, eff. 7-30-04.)

Sec. 3-2-5. Organization of the Department of Corrections and the Department of Juvenile Justice.

(a) There shall be an Adult Division within the Department which shall be administered by an Assistant Director appointed by the Governor under The Civil Administrative Code of Illinois. The Assistant Director shall be under the direction of the Director. The Adult Division shall be responsible for all persons committed or transferred to the Department under Sections 3-10-7 or 5-8-6 of this Code.

(b) There shall be a Department of Juvenile Justice which shall be administered by a Director appointed by the Governor under the Civil Administrative Code of Illinois. The Department of Juvenile Justice shall be responsible for all persons under 17 years of age when sentenced to imprisonment and committed to the Department under subsection (c) of Section 5-8-6 of this Code, Section 5-10 of the Juvenile Court Act, or Section 5-750 of the Juvenile Court Act of 1987. Persons under 17 years of age committed to the Department of Juvenile Justice pursuant to this Code shall be sight and sound separate from adult offenders committed to the Department of Corrections. There shall be a Juvenile Division within the Department which shall be administered by an Assistant Director appointed by the Governor under The Civil Administrative Code of Illinois. The
Assistant Director shall be under the direction of the Director. The Juvenile Division shall be responsible for all persons committed to the Juvenile Division of the Department under Section 5-8-6 of this Code or Section 5-10 of the Juvenile Court Act or Section 5-750 of the Juvenile Court Act of 1987.

(c) The Department shall create a gang intelligence unit under the supervision of the Director. The unit shall be specifically designed to gather information regarding the inmate gang population, monitor the activities of gangs, and prevent the furtherance of gang activities through the development and implementation of policies aimed at deterring gang activity. The Director shall appoint a Corrections Intelligence Coordinator.

All information collected and maintained by the unit shall be highly confidential, and access to that information shall be restricted by the Department. The information shall be used to control and limit the activities of gangs within correctional institutions under the jurisdiction of the Illinois Department of Corrections and may be shared with other law enforcement agencies in order to curb gang activities outside of correctional institutions under the jurisdiction of the Department and to assist in the investigations and prosecutions of gang activity. The Department shall establish and promulgate rules governing the release of information to outside law enforcement agencies. Due to the highly sensitive nature of the information, the information is exempt from requests for disclosure under the Freedom of Information Act as the information contained is highly confidential and may be harmful if disclosed.

The Department shall file an annual report with the General Assembly on the profile of the inmate population associated with gangs, gang-related activity within correctional institutions under the jurisdiction of the Department, and an overall status of the unit as it relates to its function and performance.

(Source: P.A. 90-590, eff. 1-1-99; 91-912, eff. 7-7-00.)

(730 ILCS 5/3-2-6)(from Ch. 38, par. 1003-2-6)

Sec. 3-2-6. Advisory Boards. (a) There shall be an Adult Advisory Board within the Department of Corrections and a Juvenile Advisory Board each composed of 11 persons, one of whom shall be a senior citizen age 60 or over, appointed by the Governor to advise the Director on matters pertaining to adult and juvenile offenders respectively. The members of the Boards shall be qualified for their positions by demonstrated interest in and knowledge of adult and juvenile correctional work and shall not be officials of the State in any other capacity. The members first appointed under this amendatory Act of 1984 shall serve for a term of 6 years and shall be
appointed as soon as possible after the effective date of this amendatory Act of 1984. The members of the Boards now serving shall complete their terms as appointed, and thereafter members shall be appointed by the Governor to terms of 6 years. Any vacancy occurring shall be filled in the same manner for the remainder of the term. The Director of Corrections and the Assistant Directors, Adult and Juvenile Divisions respectively, for the 2 Boards, shall be ex-officio members of the Boards. Each Board shall elect a chairman from among its appointed members. The Director shall serve as secretary of each Board. Members of each Board shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. Each Board shall meet quarterly and at other times at the call of the chairman. At the request of the Director, the Boards may meet together.

(b) The Boards shall advise the Director concerning policy matters and programs of the Department with regard to the custody, care, study, discipline, training and treatment of persons in the State correctional institutions and for the care and supervision of persons released on parole.

(c) There shall be a Subcommittee on Women Offenders to the Adult Advisory Board. The Subcommittee shall be composed of 3 members of the Adult Advisory Board appointed by the Chairman who shall designate one member as the chairman of the Subcommittee. Members of the Subcommittee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The Subcommittee shall meet no less often than quarterly and at other times at the call of its chairman.

The Subcommittee shall advise the Adult Advisory Board and the Director on all policy matters and programs of the Department with regard to the custody, care, study, discipline, training and treatment of women in the State correctional institutions and for the care and supervision of women released on parole.

(Source: P.A. 85-624.)

(730 ILCS 5/Ch. III Art. 2.5 heading new)

**ARTICLE 2.5. DEPARTMENT OF JUVENILE JUSTICE**

(730 ILCS 5/3-2.5-1 new)

**Sec. 3-2.5-1. Short title.** This Article 2.5 may be cited as the Department of Juvenile Justice Law.

(730 ILCS 5/3-2.5-5 new)

**Sec. 3-2.5-5. Purpose.** The purpose of this Article is to create the Department of Juvenile Justice to provide treatment and services through a comprehensive continuum of individualized educational, vocational, social,
emotional, and basic life skills to enable youth to avoid delinquent futures and become productive, fulfilled citizens. The Department shall embrace the legislative policy of the State to promote the philosophy of balanced and restorative justice set forth in Section 5-101 of the Juvenile Court Act of 1987.

This amendatory Act of the 94th General Assembly transfers to the Department certain rights, powers, duties, and functions that were exercised by the Juvenile Division of the Department of Corrections before the effective date of this amendatory Act of the 94th General Assembly.

(730 ILCS 5/3-2.5-10 new)
Sec. 3-2.5-10. Definitions. As used in this Article, unless the context otherwise requires:

"Department" means the Department of Juvenile Justice.

"Director" means the Director of Juvenile Justice. Any reference to the "Assistant Director of the Juvenile Division" or of a predecessor department or agency occurring in any law or instrument shall, beginning on the effective date of this amendatory Act of the 94th General Assembly, be construed to mean the Director of Juvenile Justice.

(730 ILCS 5/3-2.5-15 new)
Sec. 3-2.5-15. Department of Juvenile Justice; assumption of duties of the Juvenile Division.

(a) The Department of Juvenile Justice shall assume the rights, powers, duties, and responsibilities of the Juvenile Division of the Department of Corrections. Personnel, books, records, property, and unencumbered appropriations pertaining to the Juvenile Division of the Department of Corrections shall be transferred to the Department of Juvenile Justice on the effective date of this amendatory Act of the 94th General Assembly. Any rights of employees or the State under the Personnel Code or any other contract or plan shall be unaffected by this transfer.

(b) Department of Juvenile Justice personnel who are hired by the Department on or after the effective date of this amendatory Act of the 94th General Assembly and who participate or assist in the rehabilitative and vocational training of delinquent youths, supervise the daily activities involving direct and continuing responsibility for the youth's security, welfare and development, or participate in the personal rehabilitation of delinquent youth by training, supervising, and assisting lower level personnel who perform these duties must be over the age of 21 and have a bachelor's or advanced degree from an accredited college or university with a specialization in criminal justice, education, psychology, social work, or a

New matter indicated by italics - deletions by strikeout
closely related social science. This requirement shall not apply to security, clerical, food service, and maintenance staff that do not have direct and regular contact with youth. The degree requirements specified in this subsection (b) are not required of persons who provide vocational training and who have adequate knowledge in the skill for which they are providing the vocational training.

(c) Subsection (b) of this Section does not apply to personnel transferred to the Department of Juvenile Justice on the effective date of this amendatory Act of the 94th General Assembly.

(d) The Department shall be under the direction of the Director of Juvenile Justice as provided in this Code.

(e) The Director shall organize divisions within the Department and shall assign functions, powers, duties, and personnel as required by law. The Director may create other divisions and may assign other functions, powers, duties, and personnel as may be necessary or desirable to carry out the functions and responsibilities vested by law in the Department. The Director shall, with the approval of the Office of the Governor, assign to and share functions, powers, duties, and personnel with the Department of Corrections or other State agencies such that administrative services and administrative facilities are provided by the Department of Corrections or a shared administrative service center. These administrative services include, but are not limited to, all of the following functions: budgeting, accounting related functions, auditing, human resources, legal, procurement, training, data collection and analysis, information technology, internal investigations, intelligence, legislative services, emergency response capability, statewide transportation services, and general office support.

(f) The Department of Juvenile Justice may enter into intergovernmental cooperation agreements under which minors adjudicated delinquent and committed to the Department of Juvenile Justice may participate in county juvenile impact incarceration programs established under Section 3-6039 of the Counties Code.

(730 ILCS 5/3-2.5-20 new)

Sec. 3-2.5-20. General powers and duties.

(a) In addition to the powers, duties, and responsibilities which are otherwise provided by law or transferred to the Department as a result of this Article, the Department, as determined by the Director, shall have, but are not limited to, the following rights, powers, functions and duties:

(1) To accept juveniles committed to it by the courts of this State for care, custody, treatment, and rehabilitation.

New matter indicated by italics - deletions by strikeout
(2) To maintain and administer all State juvenile correctional institutions previously under the control of the Juvenile and Women's & Children Divisions of the Department of Corrections, and to establish and maintain institutions as needed to meet the needs of the youth committed to its care.

(3) To identify the need for and recommend the funding and implementation of an appropriate mix of programs and services within the juvenile justice continuum, including but not limited to prevention, nonresidential and residential commitment programs, day treatment, and conditional release programs and services, with the support of educational, vocational, alcohol, drug abuse, and mental health services where appropriate.

(4) To establish and provide transitional and post-release treatment programs for juveniles committed to the Department. Services shall include but are not limited to:
   (i) family and individual counseling and treatment placement;
   (ii) referral services to any other State or local agencies;
   (iii) mental health services;
   (iv) educational services;
   (v) family counseling services; and
   (vi) substance abuse services.

(5) To access vital records of juveniles for the purposes of providing necessary documentation for transitional services such as obtaining identification, educational enrollment, employment, and housing.

(6) To develop staffing and workload standards and coordinate staff development and training appropriate for juvenile populations.

(7) To develop, with the approval of the Office of the Governor and the Governor's Office of Management and Budget, annual budget requests.

   (b) The Department may employ personnel in accordance with the Personnel Code and Section 3-2.5-15 of this Code, provide facilities, contract for goods and services, and adopt rules as necessary to carry out its functions and purposes, all in accordance with applicable State and federal law.

(730 ILCS 5/3-2.5-30 new)

New matter indicated by italics - deletions by strikeout
Sec. 3-2.5-30. Discontinued Department and office; successor agency.

(a) The Juvenile Division of the Department of Corrections is abolished on the effective date of this amendatory Act of the 94th General Assembly.

(b) The term of the person then serving as the Assistant Director of the Juvenile Division of the Department of Corrections shall end on the effective date of this amendatory Act of the 94th General Assembly, and that office is abolished on that date.

(c) For the purposes of the Successor Agency Act, the Department of Juvenile Justice is declared to be the successor agency of the Juvenile Division of the Department of Corrections.

(730 ILCS 5/3-2.5-35 new)

Sec. 3-2.5-35. Transfer of powers. Except as otherwise provided in this Article, all of the rights, powers, duties, and functions vested by law in the Juvenile Division of the Department of Corrections are transferred to the Department of Juvenile Justice on the effective date of this amendatory Act of the 94th General Assembly.

(730 ILCS 5/3-2.5-40 new)

Sec. 3-2.5-40. Transfer of personnel.

(a) Personnel employed by the school district of the Department of Corrections who work with youth under the age of 21 and personnel employed by the Juvenile Division of the Department of Corrections immediately preceding the effective date of this amendatory Act of the 94th General Assembly are transferred to the Department of Juvenile Justice on the effective date of this amendatory Act of the 94th General Assembly.

(b) The rights of State employees, the State, and its agencies under the Personnel Code and applicable collective bargaining agreements and retirement plans are not affected by this Article. Any rights of State employees affected by this Article shall be governed by the existing collective bargaining agreements.

(730 ILCS 5/3-2.5-40.1 new)

Sec. 3-2.5-40.1. Training. The Department shall design training for its personnel and shall enter into agreements with the Department of Corrections or other State agencies and through them, if necessary, public and private colleges and universities, or private organizations to ensure that staff are trained to work with a broad range of youth and possess the skills necessary to assess, engage, educate, and intervene with youth in its custody in ways that are appropriate to ensure successful outcomes for those youth and their families pursuant to the mission of the Department.
Sec. 3-2.5-45. Transfer of property. All books, records, documents, property (real and personal), unexpended appropriations, and pending business pertaining to the rights, powers, duties, and functions transferred to the Department of Juvenile Justice under this Article shall be transferred and delivered to the Department of Juvenile Justice on the effective date of this amendatory Act of the 94th General Assembly.

Sec. 3-2.5-50. Rules and standards.
(a) The rules and standards of the Juvenile Division of the Department of Corrections that are in effect immediately prior to the effective date of this amendatory Act of the 94th General Assembly and pertain to the rights, powers, duties, and functions transferred to the Department of Juvenile Justice under this Article shall become the rules and standards of the Department of Juvenile Justice on the effective date of this amendatory Act of the 94th General Assembly and shall continue in effect until amended or repealed by the Department.
(b) Any rules pertaining to the rights, powers, duties, and functions transferred to the Department under this Article that have been proposed by the Juvenile Division of the Department of Corrections but have not taken effect or been finally adopted immediately prior to the effective date of this amendatory Act of the 94th General Assembly shall become proposed rules of the Department of Juvenile Justice on the effective date of this amendatory Act of the 94th General Assembly, and any rulemaking procedures that have already been completed by the Juvenile Division of the Department of Corrections for those proposed rules need not be repeated.
(c) As soon as practical after the effective date of this amendatory Act of the 94th General Assembly, the Department of Juvenile Justice shall revise and clarify the rules transferred to it under this Article to reflect the reorganization of rights, powers, duties, and functions effected by this Article using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Department may propose and adopt under the Illinois Administrative Procedure Act such other rules as may be necessary to consolidate and clarify the rules of the agency reorganized by this Article.

New matter indicated by italics - deletions by strikeout
Department of Juvenile Justice by this Article shall be vested in and exercised by the Department subject to the provisions of this Article. An act done by the Department of an officer, employee, or agent of the Department in the exercise of the transferred rights, powers, duties, or functions shall have the same legal effect as if done by the Juvenile Division of the Department of Corrections or an officer, employee, or agent of the Juvenile Division of the Department of Corrections.

(b) The transfer of rights, powers, duties, and functions to the Department of Juvenile Justice under this Article does not invalidate any previous action taken by or in respect to the Juvenile Division of the Department of Corrections or its officers, employees, or agents. References to the Juvenile Division of the Department of Corrections or its officers, employees, or agents in any document, contract, agreement, or law shall in appropriate contexts, be deemed to refer to the Department or its officers, employees, or agents.

(c) The transfer of rights, powers, duties, and functions to the Department of Juvenile Justice under this Article does not affect any person’s rights, obligations, or duties, including any civil or criminal penalties applicable thereto, arising out of those transferred rights, powers, duties, and functions.

(d) With respect to matters that pertain to a right, power, duty, or function transferred to the Department of Juvenile Justice under this Article:

1. Beginning on the effective date of this amendatory Act of the 94th General Assembly, a report or notice that was previously required to be made or given by any person to the Juvenile Division of the Department of Corrections or any of its officers, employees, or agents shall be made or given in the same manner to the Department or its appropriate officer, employee, or agent.

2. Beginning on the effective date of this amendatory Act of the 94th General Assembly, a document that was previously required to be furnished or served by any person to or upon the Juvenile Division of the Department of Corrections or any of its officers, employees, or agents shall be furnished or served in the same manner to or upon the Department of Juvenile Justice or its appropriate officer, employee, or agent.

(e) This Article does not affect any act done, ratified, or cancelled, any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal cause before the effective date of this amendatory Act of the 94th General Assembly. Any such action...
or proceeding that pertains to a right, power, duty, or function transferred to the Department of Juvenile Justice under this Article and that is pending on that date may be prosecuted, defended, or continued by the Department of Juvenile Justice.

(730 ILCS 5/3-2.5-65 new)
Sec. 3-2.5-65. Juvenile Advisory Board.
(a) There is created a Juvenile Advisory Board composed of 11 persons, appointed by the Governor to advise the Director on matters pertaining to juvenile offenders. The members of the Board shall be qualified for their positions by demonstrated interest in and knowledge of juvenile correctional work consistent with the definition of purpose and mission of the Department in Section 3-2.5-5 and shall not be officials of the State in any other capacity. The members under this amendatory Act of the 94th General Assembly shall be appointed as soon as possible after the effective date of this amendatory Act of the 94th General Assembly and be appointed to staggered terms 3 each expiring in 2007, 2008, and 2009 and 2 of the members' terms expiring in 2010. Thereafter all members will serve for a term of 6 years, except that members shall continue to serve until their replacements are appointed. Any vacancy occurring shall be filled in the same manner for the remainder of the term. The Director of Juvenile Justice shall be an ex officio member of the Board. The Board shall elect a chair from among its appointed members. The Director shall serve as secretary of the Board. Members of the Board shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The Board shall meet quarterly and at other times at the call of the chair.

(b) The Board shall:

(1) Advise the Director concerning policy matters and programs of the Department with regard to the custody, care, study, discipline, training, and treatment of juveniles in the State juvenile correctional institutions and for the care and supervision of juveniles released on parole.

(2) Establish, with the Director and in conjunction with the Office of the Governor, outcome measures for the Department in order to ascertain that it is successfully fulfilling the mission mandated in Section 3-2.5-5 of this Code. The annual results of the Department's work as defined by those measures shall be approved by the Board and shall be included in an annual report transmitted to the Governor and General Assembly jointly by the Director and the

New matter indicated by italics - deletions by strikeout
Board.

Sec. 3-3-3. Eligibility for Parole or Release.

(a) Except for those offenders who accept the fixed release date established by the Prisoner Review Board under Section 3-3-2.1, every person serving a term of imprisonment under the law in effect prior to the effective date of this amendatory Act of 1977 shall be eligible for parole when he has served:

(1) the minimum term of an indeterminate sentence less time credit for good behavior, or 20 years less time credit for good behavior, whichever is less; or

(2) 20 years of a life sentence less time credit for good behavior; or

(3) 20 years or one-third of a determinate sentence, whichever is less, less time credit for good behavior.

(b) No person sentenced under this amendatory Act of 1977 or who accepts a release date under Section 3-3-2.1 shall be eligible for parole.

(c) Except for those sentenced to a term of natural life imprisonment, every person sentenced to imprisonment under this amendatory Act of 1977 or given a release date under Section 3-3-2.1 of this Act shall serve the full term of a determinate sentence less time credit for good behavior and shall then be released under the mandatory supervised release provisions of paragraph (d) of Section 5-8-1 of this Code.

(d) No person serving a term of natural life imprisonment may be paroled or released except through executive clemency.

(e) Every person committed to the Department of Juvenile Justice Juvenile Division under Section 5-10 of the Juvenile Court Act or Section 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of this Code and confined in the State correctional institutions or facilities if such juvenile has not been tried as an adult shall be eligible for parole without regard to the length of time the person has been confined or whether the person has served any minimum term imposed. However, if a juvenile has been tried as an adult he shall only be eligible for parole or mandatory supervised release as an adult under this Section.

(730 ILCS 5/3-3-4)(from Ch. 38, par. 1003-3-4)
Sec. 3-3-4. Preparation for Parole Hearing.

(a) The Prisoner Review Board shall consider the parole of each eligible person committed to the Adult Division at least 30 days prior to the
date he shall first become eligible for parole, and shall consider the parole of each person committed to the Department of Juvenile Justice Juvenile Division as a delinquent at least 30 days prior to the expiration of the first year of confinement.

(b) A person eligible for parole shall, in advance of his parole hearing, prepare a parole plan in accordance with the rules of the Prisoner Review Board. The person shall be assisted in preparing his parole plan by personnel of the Department of Corrections, or the Department of Juvenile Justice in the case of a person committed to that Department, and may, for this purpose, be released on furlough under Article 11 or on authorized absence under Section 3-9-4. The appropriate Department shall also provide assistance in obtaining information and records helpful to the individual for his parole hearing.

(c) The members of the Board shall have access at all reasonable times to any committed person and to his master record file within the Department, and the Department shall furnish such reports to the Board as the Board may require concerning the conduct and character of any such person.

(d) In making its determination of parole, the Board shall consider:

(1) material transmitted to the Department of Juvenile Justice by the clerk of the committing court under Section 5-4-1 or Section 5-10 of the Juvenile Court Act or Section 5-750 of the Juvenile Court Act of 1987;

(2) the report under Section 3-8-2 or 3-10-2;

(3) a report by the Department and any report by the chief administrative officer of the institution or facility;

(4) a parole progress report;

(5) a medical and psychological report, if requested by the Board;

(6) material in writing, or on film, video tape or other electronic means in the form of a recording submitted by the person whose parole is being considered; and

(7) material in writing, or on film, video tape or other electronic means in the form of a recording or testimony submitted by the State's Attorney and the victim pursuant to the Rights of Crime Victims and Witnesses Act.

(e) The prosecuting State's Attorney's office shall receive reasonable written notice not less than 15 days prior to the parole hearing and may submit relevant information in writing, or on film, video tape or other electronic means or in the form of a recording to the Board for its consideration.
consideration. The State's Attorney may waive the written notice.

(f) The victim of the violent crime for which the prisoner has been sentenced shall receive notice of a parole hearing as provided in paragraph (4) of subsection (d) of Section 4.5 of the Rights of Crime Victims and Witnesses Act.

(g) Any recording considered under the provisions of subsection (d)(6), (d)(7) or (e) of this Section shall be in the form designated by the Board. Such recording shall be both visual and aural. Every voice on the recording and person present shall be identified and the recording shall contain either a visual or aural statement of the person submitting such recording, the date of the recording and the name of the person whose parole eligibility is being considered. Such recordings, if retained by the Board shall be deemed to be submitted at any subsequent parole hearing if the victim or State's Attorney submits in writing a declaration clearly identifying such recording as representing the present position of the victim or State's Attorney regarding the issues to be considered at the parole hearing.

(Source: P.A. 92-651, eff. 7-11-02.)

(730 ILCS 5/3-3-5)(from Ch. 38, par. 1003-3-5)
Sec. 3-3-5. Hearing and Determination.

(a) The Prisoner Review Board shall meet as often as need requires to consider the cases of persons eligible for parole. Except as otherwise provided in paragraph (2) of subsection (a) of Section 3-3-2 of this Act, the Prisoner Review Board may meet and order its actions in panels of 3 or more members. The action of a majority of the panel shall be the action of the Board. In consideration of persons committed to the Department of Juvenile Justice Juvenile Division, the panel shall have at least a majority of members experienced in juvenile matters.

(b) If the person under consideration for parole is in the custody of the Department, at least one member of the Board shall interview him, and a report of that interview shall be available for the Board's consideration. However, in the discretion of the Board, the interview need not be conducted if a psychiatric examination determines that the person could not meaningfully contribute to the Board's consideration. The Board may in its discretion parole a person who is then outside the jurisdiction on his record without an interview. The Board need not hold a hearing or interview a person who is paroled under paragraphs (d) or (e) of this Section or released on Mandatory release under Section 3-3-10.

(c) The Board shall not parole a person eligible for parole if it determines that:

New matter indicated by italics - deletions by strikeout
(1) there is a substantial risk that he will not conform to reasonable conditions of parole; or
(2) his release at that time would deprecate the seriousness of his offense or promote disrespect for the law; or
(3) his release would have a substantially adverse effect on institutional discipline.

(d) A person committed under the Juvenile Court Act or the Juvenile Court Act of 1987 who has not been sooner released shall be paroled on or before his 20th birthday to begin serving a period of parole under Section 3-3-8.

(e) A person who has served the maximum term of imprisonment imposed at the time of sentencing less time credit for good behavior shall be released on parole to serve a period of parole under Section 5-8-1.

(f) The Board shall render its decision within a reasonable time after hearing and shall state the basis therefor both in the records of the Board and in written notice to the person on whose application it has acted. In its decision, the Board shall set the person's time for parole, or if it denies parole it shall provide for a rehearing not less frequently than once every year, except that the Board may, after denying parole, schedule a rehearing no later than 3 years from the date of the parole denial, if the Board finds that it is not reasonable to expect that parole would be granted at a hearing prior to the scheduled rehearing date. If the Board shall parole a person, and, if he is not released within 90 days from the effective date of the order granting parole, the matter shall be returned to the Board for review.

(g) The Board shall maintain a registry of decisions in which parole has been granted, which shall include the name and case number of the prisoner, the highest charge for which the prisoner was sentenced, the length of sentence imposed, the date of the sentence, the date of the parole, the basis for the decision of the Board to grant parole and the vote of the Board on any such decisions. The registry shall be made available for public inspection and copying during business hours and shall be a public record pursuant to the provisions of the Freedom of Information Act.

(h) The Board shall promulgate rules regarding the exercise of its discretion under this Section.

(Source: P.A. 91-798, eff. 7-9-00; 91-946, eff. 2-9-01.)

(730 ILCS 5/3-3-9)(from Ch. 38, par. 1003-3-9)
Sec. 3-3-9. Violations; changes of conditions; preliminary hearing; revocation of parole or mandatory supervised release; revocation hearing.
(a) If prior to expiration or termination of the term of parole or

New matter indicated by italics - deletions by strikeout
mandatory supervised release, a person violates a condition set by the Prisoner Review Board or a condition of parole or mandatory supervised release under Section 3-3-7 of this Code to govern that term, the Board may:

(1) continue the existing term, with or without modifying or enlarging the conditions; or

(2) parole or release the person to a half-way house; or

(3) revoke the parole or mandatory supervised release and confine the person for a term computed in the following manner:

   (i) (A) For those sentenced under the law in effect prior to this amendatory Act of 1977, the commitment shall be for any portion of the imposed maximum term of imprisonment or confinement which had not been served at the time of parole and the parole term, less the time elapsed between the parole of the person and the commission of the violation for which parole was revoked;

   (B) Except as set forth in paragraph (C), for those subject to mandatory supervised release under paragraph (d) of Section 5-8-1 of this Code, the commitment shall be for the total mandatory supervised release term, less the time elapsed between the release of the person and the commission of the violation for which mandatory supervised release is revoked. The Board may also order that a prisoner serve up to one year of the sentence imposed by the court which was not served due to the accumulation of good conduct credit;

   (C) For those subject to sex offender supervision under clause (d)(4) of Section 5-8-1 of this Code, the commitment period for violations of clauses (a)(3) through (b-1)(15) of Section 3-3-7 shall not exceed 2 years from the date of commitment.

   (ii) the person shall be given credit against the term of imprisonment or confinement for time spent in custody since he was paroled or released which has not been credited against another sentence or period of confinement;

   (iii) persons committed under the Juvenile Court Act or the Juvenile Court Act of 1987 shall be recommitted until the age of 21;

   (iv) this Section is subject to the release under supervision and the reparole and rerelease provisions of Section 3-3-10.

New matter indicated by italics - deletions by strikeout
(b) The Board may revoke parole or mandatory supervised release for violation of a condition for the duration of the term and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration. The issuance of a warrant of arrest for an alleged violation of the conditions of parole or mandatory supervised release shall toll the running of the term until the final determination of the charge, but where parole or mandatory supervised release is not revoked that period shall be credited to the term.

(b-5) The Board shall revoke parole or mandatory supervised release for violation of the conditions prescribed in paragraph (7.6) of subsection (a) of Section 3-3-7.

(c) A person charged with violating a condition of parole or mandatory supervised release shall have a preliminary hearing before a hearing officer designated by the Board to determine if there is cause to hold the person for a revocation hearing. However, no preliminary hearing need be held when revocation is based upon new criminal charges and a court finds probable cause on the new criminal charges or when the revocation is based upon a new criminal conviction and a certified copy of that conviction is available.

(d) Parole or mandatory supervised release shall not be revoked without written notice to the offender setting forth the violation of parole or mandatory supervised release charged against him.

(e) A hearing on revocation shall be conducted before at least one member of the Prisoner Review Board. The Board may meet and order its actions in panels of 3 or more members. The action of a majority of the panel shall be the action of the Board. In consideration of persons committed to the Department of Juvenile Justice Juvenile Division, the member hearing the matter and at least a majority of the panel shall be experienced in juvenile matters. A record of the hearing shall be made. At the hearing the offender shall be permitted to:

(1) appear and answer the charge; and
(2) bring witnesses on his behalf.

(f) The Board shall either revoke parole or mandatory supervised release or order the person's term continued with or without modification or enlargement of the conditions.

(g) Parole or mandatory supervised release shall not be revoked for failure to make payments under the conditions of parole or release unless the Board determines that such failure is due to the offender's willful refusal to pay.

New matter indicated by italics - deletions by strikeout
Sec. 3-4-3. Funds and Property of Persons Committed.

(a) The Department of Corrections and the Department of Juvenile Justice shall establish accounting records with accounts for each person who has or receives money while in an institution or facility of that the Department and it shall allow the withdrawal and disbursement of money by the person under rules and regulations of that the Department. Any interest or other income from moneys deposited with the Department by a resident of the Department of Juvenile Justice Juvenile Division in excess of $200 shall accrue to the individual's account, or in balances up to $200 shall accrue to the Residents' Benefit Fund. For an individual in an institution or facility of the Adult Division the interest shall accrue to the Residents' Benefit Fund. The Department shall disburse all moneys so held no later than the person's final discharge from the Department. Moneys in the account of a committed person who files a lawsuit determined frivolous under Article XXII of the Code of Civil Procedure shall be deducted to pay for the filing fees and cost of the suit as provided in that Article. The Department shall under rules and regulations record and receipt all personal property not allowed to committed persons. The Department shall return such property to the individual no later than the person's release on parole.

(b) Any money held in accounts of committed persons separated from the Department by death, discharge, or unauthorized absence and unclaimed for a period of 1 year thereafter by the person or his legal representative shall be transmitted to the State Treasurer who shall deposit it into the General Revenue Fund. Articles of personal property of persons so separated may be sold or used by the Department if unclaimed for a period of 1 year for the same purpose. Clothing, if unclaimed within 30 days, may be used or disposed of as determined by the Department.

(c) Forty percent of the profits on sales from commissary stores shall be expended by the Department for the special benefit of committed persons which shall include but not be limited to the advancement of inmate payrolls, for the special benefit of employees, and for the advancement or reimbursement of employee travel, provided that amounts expended for employees shall not exceed the amount of profits derived from sales made to employees by such commissaries, as determined by the Department. The remainder of the profits from sales from commissary stores must be used first to pay for wages and benefits of employees covered under a collective bargaining agreement who are employed at commissary facilities of the

New matter indicated by italics - deletions by strikeout
Department and then to pay the costs of dietary staff.

(d) The Department shall confiscate any unauthorized currency found in the possession of a committed person. The Department shall transmit the confiscated currency to the State Treasurer who shall deposit it into the General Revenue Fund.

(Source: P.A. 93-607, eff. 1-1-04.)

(730 ILCS 5/3-5-1)(from Ch. 38, par. 1003-5-1)

Sec. 3-5-1. Master Record File.

(a) The Department of Corrections and the Department of Juvenile Justice shall maintain a master record file on each person committed to it, which shall contain the following information:

(1) all information from the committing court;
(2) reception summary;
(3) evaluation and assignment reports and recommendations;
(4) reports as to program assignment and progress;
(5) reports of disciplinary infractions and disposition;
(6) any parole plan;
(7) any parole reports;
(8) the date and circumstances of final discharge; and any other pertinent data concerning the person's background, conduct, associations and family relationships as may be required by the respective Department. A current summary index shall be maintained on each file which shall include the person's known active and past gang affiliations and ranks.

(b) All files shall be confidential and access shall be limited to authorized personnel of the respective Department. Personnel of other correctional, welfare or law enforcement agencies may have access to files under rules and regulations of the respective Department. The respective Department shall keep a record of all outside personnel who have access to files, the files reviewed, any file material copied, and the purpose of access. If the respective Department or the Prisoner Review Board makes a determination under this Code which affects the length of the period of confinement or commitment, the committed person and his counsel shall be advised of factual information relied upon by the respective Department or Board to make the determination, provided that the Department or Board shall not be required to advise a person committed to the Department of Juvenile Justice Juvenile Division any such information which in the opinion of the Department of Juvenile Justice or Board would be detrimental to his treatment or rehabilitation.

New matter indicated by italics - deletions by strikeout
(c) The master file shall be maintained at a place convenient to its use by personnel of the respective Department in charge of the person. When custody of a person is transferred from the Department to another department or agency, a summary of the file shall be forwarded to the receiving agency with such other information required by law or requested by the agency under rules and regulations of the respective Department.

(d) The master file of a person no longer in the custody of the respective Department shall be placed on inactive status and its use shall be restricted subject to rules and regulations of the Department.

(e) All public agencies may make available to the respective Department on request any factual data not otherwise privileged as a matter of law in their possession in respect to individuals committed to the respective Department.

(Source: P.A. 89-688, eff. 6-1-97; 89-689, eff. 12-31-96.)

(730 ILCS 5/3-5-3.1)(from Ch. 38, par. 1003-5-3.1)

Sec. 3-5-3.1. As used in this Section, "facility" includes any facility of the Adult Division and any facility of the Juvenile Division of the Department of Corrections and any facility of the Department of Juvenile Justice.

The Department of Corrections and the Department of Juvenile Justice shall each, by January 1st, April 1st, July 1st, and October 1st of each year, transmit to the General Assembly a report which shall include the following information reflecting the period ending fifteen days prior to the submission of the report: 1) the number of residents in all Department facilities indicating the number of residents in each listed facility; 2) a classification of each facility's residents by the nature of the offense for which each resident was committed to the Department; 3) the number of residents in maximum, medium, and minimum security facilities indicating the classification of each facility's residents by the nature of the offense for which each resident was committed to the Department; 4) the educational and vocational programs provided at each facility and the number of residents participating in each such program; 5) the present capacity levels in each facility; 6) the projected capacity of each facility six months and one year following each reporting date; 7) the ratio of the security guards to residents in each facility; 8) the ratio of total employees to residents in each facility; 9) the number of residents in each facility that are single-celled and the number in each facility that are double-celled; 10) information indicating the distribution of residents in each facility by the allocated floor space per resident; 11) a status of all capital projects currently funded by the

New matter indicated by italics - deletions by strikeout
Department, location of each capital project, the projected on-line dates for each capital project, including phase-in dates and full occupancy dates; 12) the projected adult prison and Juvenile Division facility populations in respect to the Department of Corrections and the projected juvenile facility population with respect to the Department of Juvenile Justice for each of the succeeding twelve months following each reporting date, indicating all assumptions built into such population estimates; 13) the projected exits and projected admissions in each facility for each of the succeeding twelve months following each reporting date, indicating all assumptions built into such population estimate; and 14) the locations of all Department-operated or contractually operated community correctional centers, including the present capacity and population levels at each facility.

(Source: P.A. 85-252.)

Sec. 3-6-2. Institutions and Facility Administration.

(a) Each institution and facility of the Department shall be administered by a chief administrative officer appointed by the Director. A chief administrative officer shall be responsible for all persons assigned to the institution or facility. The chief administrative officer shall administer the programs of the Department for the custody and treatment of such persons.

(b) The chief administrative officer shall have such assistants as the Department may assign.

(c) The Director or Assistant Director shall have the emergency powers to temporarily transfer individuals without formal procedures to any State, county, municipal or regional correctional or detention institution or facility in the State, subject to the acceptance of such receiving institution or facility, or to designate any reasonably secure place in the State as such an institution or facility and to make transfers thereto. However, transfers made under emergency powers shall be reviewed as soon as practicable under Article 8, and shall be subject to Section 5-905 of the Juvenile Court Act of 1987. This Section shall not apply to transfers to the Department of Human Services which are provided for under Section 3-8-5 or Section 3-10-5.

(d) The Department shall provide educational programs for all committed persons so that all persons have an opportunity to attain the achievement level equivalent to the completion of the twelfth grade in the public school system in this State. Other higher levels of attainment shall be encouraged and professional instruction shall be maintained wherever possible. The Department may establish programs of mandatory education and may establish rules and regulations for the administration of such

New matter indicated by italics - deletions by strikeout
programs. A person committed to the Department who, during the period of his or her incarceration, participates in an educational program provided by or through the Department and through that program is awarded or earns the number of hours of credit required for the award of an associate, baccalaureate, or higher degree from a community college, college, or university located in Illinois shall reimburse the State, through the Department, for the costs incurred by the State in providing that person during his or her incarceration with the education that qualifies him or her for the award of that degree. The costs for which reimbursement is required under this subsection shall be determined and computed by the Department under rules and regulations that it shall establish for that purpose. However, interest at the rate of 6% per annum shall be charged on the balance of those costs from time to time remaining unpaid, from the date of the person's parole, mandatory supervised release, or release constituting a final termination of his or her commitment to the Department until paid.

(d-5) A person committed to the Department is entitled to confidential testing for infection with human immunodeficiency virus (HIV) and to counseling in connection with such testing, with no copay to the committed person. A person committed to the Department who has tested positive for infection with HIV is entitled to medical care while incarcerated, counseling, and referrals to support services, in connection with that positive test result. Implementation of this subsection (d-5) is subject to appropriation.

(e) A person committed to the Department who becomes in need of medical or surgical treatment but is incapable of giving consent thereto shall receive such medical or surgical treatment by the chief administrative officer consenting on the person's behalf. Before the chief administrative officer consents, he or she shall obtain the advice of one or more physicians licensed to practice medicine in all its branches in this State. If such physician or physicians advise:

(1) that immediate medical or surgical treatment is required relative to a condition threatening to cause death, damage or impairment to bodily functions, or disfigurement; and

(2) that the person is not capable of giving consent to such treatment; the chief administrative officer may give consent for such medical or surgical treatment, and such consent shall be deemed to be the consent of the person for all purposes, including, but not limited to, the authority of a physician to give such treatment.

(e-5) If a physician providing medical care to a committed person on behalf of the Department advises the chief administrative officer that the

New matter indicated by italics - deletions by strikeout
committed person's mental or physical health has deteriorated as a result of the cessation of ingestion of food or liquid to the point where medical or surgical treatment is required to prevent death, damage, or impairment to bodily functions, the chief administrative officer may authorize such medical or surgical treatment.

(f) In the event that the person requires medical care and treatment at a place other than the institution or facility, the person may be removed therefrom under conditions prescribed by the Department. The Department shall require the committed person receiving medical or dental services on a non-emergency basis to pay a $2 co-payment to the Department for each visit for medical or dental services. The amount of each co-payment shall be deducted from the committed person's individual account. A committed person who has a chronic illness, as defined by Department rules and regulations, shall be exempt from the $2 co-payment for treatment of the chronic illness. A committed person shall not be subject to a $2 co-payment for follow-up visits ordered by a physician, who is employed by, or contracts with, the Department. A committed person who is indigent is exempt from the $2 co-payment and is entitled to receive medical or dental services on the same basis as a committed person who is financially able to afford the co-payment. Notwithstanding any other provision in this subsection (f) to the contrary, any person committed to any facility operated by the Department of Juvenile Justice Juvenile Division, as set forth in subsection (b) of Section 3-2.5-15 3-2-5 of this Code, is exempt from the co-payment requirement for the duration of confinement in those facilities.

(g) Any person having sole custody of a child at the time of commitment or any woman giving birth to a child after her commitment, may arrange through the Department of Children and Family Services for suitable placement of the child outside of the Department of Corrections. The Director of the Department of Corrections may determine that there are special reasons why the child should continue in the custody of the mother until the child is 6 years old.

(h) The Department may provide Family Responsibility Services which may consist of, but not be limited to the following:

1. family advocacy counseling;
2. parent self-help group;
3. parenting skills training;
4. parent and child overnight program;
5. parent and child reunification counseling, either separately or together, preceding the inmate's release; and

New matter indicated by italics - deletions by strikeout
(6) a prerelease reunification staffing involving the family advocate, the inmate and the child's counselor, or both and the inmate.

(i) Prior to the release of any inmate who has a documented history of intravenous drug use, and upon the receipt of that inmate's written informed consent, the Department shall provide for the testing of such inmate for infection with human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS). The testing provided under this subsection shall consist of an enzyme-linked immunosorbent assay (ELISA) test or such other test as may be approved by the Illinois Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered. All inmates tested in accordance with the provisions of this subsection shall be provided with pre-test and post-test counseling. Notwithstanding any provision of this subsection to the contrary, the Department shall not be required to conduct the testing and counseling required by this subsection unless sufficient funds to cover all costs of such testing and counseling are appropriated for that purpose by the General Assembly.

(j) Any person convicted of a sex offense as defined in the Sex Offender Management Board Act shall be required to receive a sex offender evaluation prior to release into the community from the Department of Corrections. The sex offender evaluation shall be conducted in conformance with the standards and guidelines developed under the Sex Offender Management Board Act and by an evaluator approved by the Board.

(k) Any minor committed to the Department of Juvenile Justice Corrections-Juvenile Division for a sex offense as defined by the Sex Offender Management Board Act shall be required to undergo sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the Sex Offender Management Board Act.

(l) Prior to the release of any inmate, the Department must provide the inmate with the option of testing for infection with human immunodeficiency virus (HIV), as well as counseling in connection with such testing, with no copayment for the test. At the same time, the Department shall require each such inmate to sign a form stating that the inmate has been informed of his or her rights with respect to the testing required to be offered under this subsection (l) and providing the inmate with an opportunity to indicate either that he or she wants to be tested or that he or she does not want to be tested. The Department, in consultation with the Department of Public Health, shall prescribe the contents of the form. The testing provided under this subsection

New matter indicated by italics - deletions by strikeout
(l) shall consist of an enzyme-linked immunosorbent assay (ELISA) test or any other test approved by the Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered.

Prior to the release of an inmate who the Department knows has tested positive for infection with HIV, the Department in a timely manner shall offer the inmate transitional case management, including referrals to other support services.

Implementation of this subsection (l) is subject to appropriation.

(Source: P.A. 93-616, eff. 1-1-04; 93-928, eff. 1-1-05; 94-629, eff. 1-1-06.)

(730 ILCS 5/Ch. III Art. 9 heading)

ARTICLE 9. PROGRAMS OF THE DEPARTMENT OF JUVENILE JUSTICE JUVENILE DIVISION

(730 ILCS 5/3-9-1)(from Ch. 38, par. 1003-9-1)

Sec. 3-9-1. Educational Programs.

(a) The Department of Juvenile Justice, subject to appropriation and with the cooperation of other State agencies that work with children, shall establish programming, the components of which shall include, but are not limited to:

(1) Case management services.
(2) Treatment modalities, including substance abuse treatment services, mental health services, and developmental disability services.
(3) Prevocational education and career education services.
(4) Diagnostic evaluation services/Medical screening.
(5) Educational services.
(6) Self-sufficiency planning.
(7) Independent living skills.
(8) Parenting skills.
(9) Recreational and leisure time activities.
(10) Program evaluation.
(11) Medical services.

(b) All institutions or facilities housing persons of such age as to be subject to compulsory school attendance shall establish an educational program to provide such persons the opportunity to attain an elementary and secondary school education equivalent to the completion of the twelfth grade in the public school systems of this State; and, in furtherance thereof, shall utilize assistance from local public school districts and State agencies in established curricula and staffing such program.
(c) (b) All institutions or facilities housing persons not subject to compulsory school attendance shall make available programs and training to provide such persons an opportunity to attain an elementary and secondary school education equivalent to the completion of the twelfth grade in the public school systems of this State; and, in furtherance thereof, such institutions or facilities may utilize assistance from local public school districts and State agencies in creating curricula and staffing the program.

(d) The Department of Juvenile Justice Corrections shall develop and establish a suicide reduction program in all institutions or facilities housing persons committed to the Department of Juvenile Justice Juvenile Division. The program shall be designed to increase the life coping skills and self esteem of juvenile offenders and to decrease their propensity to commit self destructive acts.

(Source: P.A. 85-736.)

(730 ILCS 5/3-9-2)(from Ch. 38, par. 1003-9-2)

Sec. 3-9-2. Work Training Programs.

(a) The Department of Juvenile Justice Juvenile Division, in conjunction with the private sector, may establish and offer work training to develop work habits and equip persons committed to it with marketable skills to aid in their community placement upon release. Committed persons participating in this program shall be paid wages similar to those of comparable jobs in the surrounding community. A portion of the wages earned shall go to the Department of Juvenile Justice Juvenile Division to pay part of the committed person's room and board, a portion shall be deposited into the Violent Crime Victim's Assistance Fund to assist victims of crime, and the remainder shall be placed into a savings account for the committed person which shall be given to the committed person upon release. The Department shall promulgate rules to regulate the distribution of the wages earned.

(b) The Department of Juvenile Justice Juvenile Division may establish programs of incentive by achievement, participation in which shall be on a voluntary basis, to sell goods or services to the public with the net earnings distributed to the program participants subject to rules of the Department of Juvenile Justice.

(Source: P.A. 87-199.)

(730 ILCS 5/3-9-3)(from Ch. 38, par. 1003-9-3)

Sec. 3-9-3. Day Release.

(a) The Department of Juvenile Justice may institute day release programs for persons committed to the Department of Juvenile Justice.
Juvenile Division and shall establish rules and regulations therefor.

(b) The Department of Juvenile Justice may arrange with local schools, public or private agencies or persons approved by the Department for the release of persons committed to the Department of Juvenile Justice Juvenile Division on a daily basis to the custody of such schools, agencies or persons for participation in programs or activities.

(Source: P.A. 77-2097.)

(730 ILCS 5/3-9-4)(from Ch. 38, par. 1003-9-4)
Sec. 3-9-4. Authorized Absence.

The Department of Juvenile Justice may extend the limits of the place of confinement of a person committed to the Department of Juvenile Justice Juvenile Division so that he may leave such place on authorized absence. Whether or not such person is to be accompanied shall be determined by the chief administrative officer of the institution or facility from which such authorized absence is granted. An authorized absence may be granted for a period of time determined by the Department of Juvenile Justice and any purpose approved by the Department of Juvenile Justice.

(Source: P.A. 77-2097.)

(730 ILCS 5/3-9-5)(from Ch. 38, par. 1003-9-5)
Sec. 3-9-5. Minimum Standards.

The minimum standards under Article 7 shall apply to all institutions and facilities under the authority of the Department of Juvenile Justice Juvenile Division.

(Source: P.A. 77-2097.)

(730 ILCS 5/3-9-6)(from Ch. 38, par. 1003-9-6)
Sec. 3-9-6. Unauthorized Absence. Whenever a person committed to the Department of Juvenile Justice Juvenile Division of the Department of Corrections absconds or absents himself or herself without authority to do so, from any facility or program to which he or she is assigned, he or she may be held in custody for return to the proper correctional official by the authorities or whomsoever directed, when an order is certified by the Director of Juvenile Justice or a person duly designated by the Director, with the seal of the Department of Juvenile Justice Corrections attached. The person so designated by the Director of Juvenile Justice with such seal attached may be one or more persons and the appointment shall be made as a ministerial one with no recordation or notice necessary as to the designated appointees. The order shall be directed to all sheriffs, coroners, police officers, keepers or custodians of jails or other detention facilities whether in or out of the State of Illinois, or to any particular person named in the order.

New matter indicated by italics - deletions by strikeout
(Source: P.A. 83-346.)
(730 ILCS 5/3-9-7)(from Ch. 38, par. 1003-9-7)
Sec. 3-9-7. Sexual abuse counseling programs.
(a) The Department of Juvenile Justice Juvenile Division shall establish and offer sexual abuse counseling to both victims of sexual abuse and sexual offenders in as many facilities as necessary to insure sexual abuse counseling throughout the State.
(b) Any minor committed to the Department of Juvenile Justice Corrections Juvenile Division for a sex offense as defined under the Sex Offender Management Board Act shall be required to undergo sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed by the Sex Offender Management Board Act.
(Source: P.A. 93-616, eff. 1-1-04.)
(730 ILCS 5/3-10-1)(from Ch. 38, par. 1003-10-1)
Sec. 3-10-1. Receiving Procedures.
The receiving procedures under Section 3-8-1 shall be applicable to institutions and facilities of the Department of Juvenile Justice Juvenile Division.
(Source: P.A. 77-2097.)
(730 ILCS 5/3-10-2)(from Ch. 38, par. 1003-10-2)
Sec. 3-10-2. Examination of Persons Committed to the Department of Juvenile Justice Juvenile Division.
(a) A person committed to the Department of Juvenile Justice Juvenile Division shall be examined in regard to his medical, psychological, social, educational and vocational condition and history, including the use of alcohol and other drugs, the circumstances of his offense and any other information as the Department of Juvenile Justice may determine.
(a-5) Upon admission of a person committed to the Department of Juvenile Justice Juvenile Division, the Department of Juvenile Justice must provide the person with appropriate written information and counseling concerning HIV and AIDS. The Department of Juvenile Justice shall develop the written materials in consultation with the Department of Public Health. At the same time, the Department of Juvenile Justice also must offer the person the option of being tested, at no charge to the person, for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). The Department of Juvenile Justice shall require each person committed to the Department of Juvenile Justice Juvenile Division to sign a form stating that the person has

New matter indicated by italics - deletions by strikeout
been informed of his or her rights with respect to the testing required to be offered under this subsection (a-5) and providing the person with an opportunity to indicate either that he or she wants to be tested or that he or she does not want to be tested. The Department of Juvenile Justice, in consultation with the Department of Public Health, shall prescribe the contents of the form. The testing provided under this subsection (a-5) shall consist of an enzyme-linked immunosorbent assay (ELISA) test or any other test approved by the Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered.

Also upon admission of a person committed to the Department of Juvenile Justice Juvenile Division, the Department of Juvenile Justice must inform the person of the Department's obligation to provide the person with medical care.

Implementation of this subsection (a-5) is subject to appropriation.

(b) Based on its examination, the Department of Juvenile Justice may exercise the following powers in developing a treatment program of any person committed to the Department of Juvenile Justice Juvenile Division:

1. Require participation by him in vocational, physical, educational and corrective training and activities to return him to the community.

2. Place him in any institution or facility of the Department of Juvenile Justice Juvenile Division.

3. Order replacement or referral to the Parole and Pardon Board as often as it deems desirable. The Department of Juvenile Justice shall refer the person to the Parole and Pardon Board as required under Section 3-3-4.

4. Enter into agreements with the Secretary of Human Services and the Director of Children and Family Services, with courts having probation officers, and with private agencies or institutions for separate care or special treatment of persons subject to the control of the Department of Juvenile Justice.

(c) The Department of Juvenile Justice shall make periodic reexamination of all persons under the control of the Department of Juvenile Justice Juvenile Division to determine whether existing orders in individual cases should be modified or continued. This examination shall be made with respect to every person at least once annually.

(d) A record of the treatment decision including any modification thereof and the reason therefor, shall be part of the committed person's master

New matter indicated by italics - deletions by strikeout
record file.

(e) The Department of Juvenile Justice shall by certified mail, return receipt requested, notify the parent, guardian or nearest relative of any person committed to the Department of Juvenile Justice Juvenile Division of his physical location and any change thereof.

(Source: P.A. 94-629, eff. 1-1-06.)

(730 ILCS 5/3-10-3)(from Ch. 38, par. 1003-10-3)

Sec. 3-10-3. Program Assignment.

(a) The chief administrative officer of each institution or facility of the Department of Juvenile Justice Juvenile Division shall designate a person or persons to classify and assign juveniles to programs in the institution or facility.

(b) The program assignment of persons assigned to institutions or facilities of the Department of Juvenile Justice Juvenile Division shall be made on the following basis:

(1) As soon as practicable after he is received, and in any case no later than the expiration of the first 30 days, his file shall be studied and he shall be interviewed and a determination made as to the program of education, employment, training, treatment, care and custody appropriate for him. A record of such program assignment shall be made and shall be a part of his master record file. A staff member shall be designated for each person as his staff counselor.

(2) The program assignment shall be reviewed at least once every 3 months and he shall be interviewed if it is deemed desirable or if he so requests. After review, such changes in his program of education, employment, training, treatment, care and custody may be made as is considered necessary or desirable and a record thereof made a part of his file. If he requests a change in his program and such request is denied, the basis for denial shall be given to him and a written statement thereof shall be made a part of his file.

(c) The Department may promulgate rules and regulations governing the administration of treatment programs within institutions and facilities of the Department of Juvenile Justice.

(Source: P.A. 77-2097.)

(730 ILCS 5/3-10-4)(from Ch. 38, par. 1003-10-4)

Sec. 3-10-4. Intradivisional Transfers.

(a) The transfer of committed persons between institutions or facilities of the Department of Juvenile Justice Juvenile Division shall be under this Section, except that emergency transfers shall be under Section 3-6-2.
(b) The chief administrative officer of an institution or facility desiring to transfer a committed person to another institution or facility shall notify the Assistant Director of Juvenile Justice or his delegate of the basis for the transfer. The Assistant Director or his delegate shall approve or deny such request.

(c) If a transfer request is made by a committed person or his parent, guardian or nearest relative, the chief administrative officer of the institution or facility from which the transfer is requested shall notify the Director of Juvenile Justice Assistant Director of the Juvenile Division or his delegate of the request, the reasons therefor and his recommendation. The Assistant Director of Juvenile Justice or his delegate shall either grant the request or if he denies the request he shall advise the person or his parent, guardian or nearest relative of the basis for the denial.

(Source: P.A. 77-2097.)

(730 ILCS 5/3-10-5)(from Ch. 38, par. 1003-10-5)
Sec. 3-10-5. Transfers to the Department of Human Services.

(a) If a person committed to the Department of Juvenile Justice Juvenile Division meets the standard for admission of a minor to a mental health facility or is suitable for admission to a developmental disability facility, as these terms are used in the Mental Health and Developmental Disabilities Code, the Department may transfer the person to an appropriate State hospital or institution of the Department of Human Services for a period not to exceed 6 months, if the person consents in writing to the transfer. The person shall be advised of his right not to consent, and if he does not consent, the transfer may be effected only by commitment under paragraph (e) of this Section.

(b) The parent, guardian or nearest relative and the attorney of record shall be advised of his right to object. If an objection is made, the transfer may be effected only by commitment under paragraph (e) of this Section. Notice of the transfer shall be mailed to the person's parent, guardian or nearest relative marked for delivery to addressee only at his last known address by certified mail with return receipt requested together with written notification of the manner and time within which he may object to the transfer. Objection to the transfer must be made by the parent, guardian or nearest relative within 15 days of receipt of the notice of transfer, by written notice of the objection to the Assistant Director of Juvenile Justice or chief administrative officer of the institution or facility of the Department of Juvenile Justice where the person was confined.

(c) If a person committed to the Department under the Juvenile Court New matter indicated by italics - deletions by strikeout
Act or the Juvenile Court Act of 1987 is committed to a hospital or facility of the Department of Human Services under this Section, the Assistant Director of Juvenile Justice the Juvenile Division shall so notify the committing juvenile court.

(d) Nothing in this Section shall limit the right of the Assistant Director of Juvenile Justice the Juvenile Division or the chief administrative officer of any institution or facility to utilize the emergency admission provisions of the Mental Health and Developmental Disabilities Code with respect to any person in his custody or care. The transfer of a person to an institution or facility of the Department of Human Services under paragraph (a) of this Section does not discharge the person from the control of the Department of Juvenile Justice.

(e) If the person does not consent to his transfer to the Department of Human Services or if a person objects under paragraph (b) of this Section, or if the Department of Human Services determines that a transferred person requires admission to the Department of Human Services for more than 6 months for any reason, the Assistant Director of Juvenile Justice the Juvenile Division shall file a petition in the circuit court of the county in which the institution or facility is located requesting admission of the person to the Department of Human Services. A certificate of a clinical psychologist, licensed clinical social worker who is a qualified examiner as defined in Section 1-122 of the Mental Health and Developmental Disabilities Code, or psychiatrist, or, if admission to a developmental disability facility is sought, of a physician that the person is in need of commitment to the Department of Human Services for treatment or habilitation shall be attached to the petition. Copies of the petition shall be furnished to the named person, his parent, or guardian or nearest relative, the committing court, and to the state's attorneys of the county in which the institution or facility of the Department of Juvenile Justice Juvenile Division from which the person was transferred is located and the county from which the named person was committed to the Department of Juvenile Justice Corrections.

(f) The court shall set a date for a hearing on the petition within the time limit set forth in the Mental Health and Developmental Disabilities Code. The hearing shall be conducted in the manner prescribed by the Mental Health and Developmental Disabilities Code. If the person is found to be in need of commitment to the Department of Human Services for treatment or habilitation, the court may commit him to that Department.

(g) In the event that a person committed to the Department under the Juvenile Court Act or the Juvenile Court Act of 1987 is committed to
facilities of the Department of Human Services under paragraph (e) of this Section, the Assistant Director of Juvenile Justice shall petition the committing juvenile court for an order terminating the Assistant Director's custody.

(Source: P.A. 89-507, eff. 7-1-97.)

(730 ILCS 5/3-10-6)(from Ch. 38, par. 1003-10-6)

Sec. 3-10-6. Return and Release from Department of Human Services.

(a) The Department of Human Services shall return to the Department of Juvenile Justice any person committed to a facility of the Department under paragraph (a) of Section 3-10-5 when the person no longer meets the standard for admission of a minor to a mental health facility, or is suitable for administrative admission to a developmental disability facility.

(b) If a person returned to the Department of Juvenile Justice under paragraph (a) of this Section has not had a parole hearing within the preceding 6 months, he shall have a parole hearing within 45 days after his return.

(c) The Department of Juvenile Justice shall notify the Secretary of Human Services of the expiration of the commitment or sentence of any person transferred to the Department of Human Services under Section 3-10-5. If the Department of Human Services determines that such person transferred to it under paragraph (a) of Section 3-10-5 requires further hospitalization, it shall file a petition for commitment of such person under the Mental Health and Developmental Disabilities Code.

(d) The Department of Human Services shall release under the Mental Health and Developmental Disabilities Code, any person transferred to it pursuant to paragraph (c) of Section 3-10-5, whose sentence has expired and whom it deems no longer meets the standard for admission of a minor to a mental health facility, or is suitable for administrative admission to a developmental disability facility. A person committed to the Department of Juvenile Justice under the Juvenile Court Act of 1987 and transferred to the Department of Human Services under paragraph (c) of Section 3-10-5 shall be released to the committing juvenile court when the Department of Human Services determines that he no longer requires hospitalization for treatment.

(Source: P.A. 89-507, eff. 7-1-97.)

(730 ILCS 5/3-10-7)(from Ch. 38, par. 1003-10-7)

Sec. 3-10-7. Interdivisional Transfers. (a) In any case where a minor was originally prosecuted under the provisions of the Criminal Code of 1961, as amended, and sentenced under the provisions of this Act pursuant to
Section 2-7 of the Juvenile Court Act or Section 5-805 of the Juvenile Court Act of 1987 and committed to the Department of Juvenile Justice Juvenile Division under Section 5-8-6, the Department of Juvenile Justice Corrections shall, within 30 days of the date that the minor reaches the age of 17, send formal notification to the sentencing court and the State's Attorney of the county from which the minor was sentenced indicating the day upon which the minor offender will achieve the age of 17. Within 90 days of receipt of that notice, the sentencing court shall conduct a hearing, pursuant to the provisions of subsection (c) of this Section to determine whether or not the minor shall continue to remain under the auspices of the Department of Juvenile Justice Juvenile Division or be transferred to the Adult Division of the Department of Corrections.

The minor shall be served with notice of the date of the hearing, shall be present at the hearing, and has the right to counsel at the hearing. The minor, with the consent of his or her counsel or guardian may waive his presence at hearing.

(b) Unless sooner paroled under Section 3-3-3, the confinement of a minor person committed for an indeterminate sentence in a criminal proceeding shall terminate at the expiration of the maximum term of imprisonment, and he shall thereupon be released to serve a period of parole under Section 5-8-1, but if the maximum term of imprisonment does not expire until after his 21st birthday, he shall continue to be subject to the control and custody of the Department of Juvenile Justice, and on his 21st birthday, he shall be transferred to the Adult Division of the Department of Corrections. If such person is on parole on his 21st birthday, his parole supervision may be transferred to the Adult Division of the Department of Corrections.

(c) Any interdivisional transfer hearing conducted pursuant to subsection (a) of this Section shall consider all available information which may bear upon the issue of transfer. All evidence helpful to the court in determining the question of transfer, including oral and written reports containing hearsay, may be relied upon to the extent of its probative value, even though not competent for the purposes of an adjudicatory hearing. The court shall consider, along with any other relevant matter, the following:

1. The nature of the offense for which the minor was found guilty and the length of the sentence the minor has to serve and the record and previous history of the minor.

2. The record of the minor's adjustment within the Department of Juvenile Justice Corrections' Juvenile Division, including, but not limited to,
reports from the minor's counselor, any escapes, attempted escapes or violent or disruptive conduct on the part of the minor, any tickets received by the minor, summaries of classes attended by the minor, and any record of work performed by the minor while in the institution.

3. The relative maturity of the minor based upon the physical, psychological and emotional development of the minor.

4. The record of the rehabilitative progress of the minor and an assessment of the vocational potential of the minor.

5. An assessment of the necessity for transfer of the minor, including, but not limited to, the availability of space within the Department of Corrections, the disciplinary and security problem which the minor has presented to the Department of Juvenile Justice Juvenile Division and the practicability of maintaining the minor in a juvenile facility, whether resources have been exhausted within the Department of Juvenile Justice Juvenile Division of the Department of Corrections, the availability of rehabilitative and vocational programs within the Department of Corrections, and the anticipated ability of the minor to adjust to confinement within an adult institution based upon the minor's physical size and maturity.

All relevant factors considered under this subsection need not be resolved against the juvenile in order to justify such transfer. Access to social records, probation reports or any other reports which are considered by the court for the purpose of transfer shall be made available to counsel for the juvenile at least 30 days prior to the date of the transfer hearing. The Sentencing Court, upon granting a transfer order, shall accompany such order with a statement of reasons.

(d) Whenever the Director of Juvenile Justice or his designee determines that the interests of safety, security and discipline require the transfer to the Department of Corrections Adult Division of a person 17 years or older who was prosecuted under the provisions of the Criminal Code of 1961, as amended, and sentenced under the provisions of this Act pursuant to Section 2-7 of the Juvenile Court Act or Section 5-805 of the Juvenile Court Act of 1987 and committed to the Department of Juvenile Justice Juvenile Division under Section 5-8-6, the Director or his designee may authorize the emergency transfer of such person, unless the transfer of the person is governed by subsection (e) of this Section. The sentencing court shall be provided notice of any emergency transfer no later than 3 days after the emergency transfer. Upon motion brought within 60 days of the emergency transfer by the sentencing court or any party, the sentencing court may conduct a hearing pursuant to the provisions of subsection (c) of this subsection.
Section in order to determine whether the person shall remain confined in the Department of Corrections Adult Division.

(e) The Director of Juvenile Justice or his designee may authorize the permanent transfer to the Department of Corrections Adult Division of any person 18 years or older who was prosecuted under the provisions of the Criminal Code of 1961, as amended, and sentenced under the provisions of this Act pursuant to Section 2-7 of the Juvenile Court Act or Section 5-805 of the Juvenile Court Act of 1987 and committed to the Department of Juvenile Justice Juvenile Division under Section 5-8-6 of this Act. The Director of Juvenile Justice or his designee shall be governed by the following factors in determining whether to authorize the permanent transfer of the person to the Department of Corrections Adult Division:

1. The nature of the offense for which the person was found guilty and the length of the sentence the person has to serve and the record and previous history of the person.

2. The record of the person's adjustment within the Department of Juvenile Justice Department of Corrections' Juvenile Division, including, but not limited to, reports from the person's counselor, any escapes, attempted escapes or violent or disruptive conduct on the part of the person, any tickets received by the person, summaries of classes attended by the person, and any record of work performed by the person while in the institution.

3. The relative maturity of the person based upon the physical, psychological and emotional development of the person.

4. The record of the rehabilitative progress of the person and an assessment of the vocational potential of the person.

5. An assessment of the necessity for transfer of the person, including, but not limited to, the availability of space within the Department of Corrections, the disciplinary and security problem which the person has presented to the Department of Juvenile Justice Juvenile Division and the practicability of maintaining the person in a juvenile facility, whether resources have been exhausted within the Department of Juvenile Justice Juvenile Division of the Department of Corrections, the availability of rehabilitative and vocational programs within the Department of Corrections, and the anticipated ability of the person to adjust to confinement within an adult institution based upon the person's physical size and maturity.

(Source: P.A. 90-590, eff. 1-1-99.)

(730 ILCS 5/3-10-8)(from Ch. 38, par. 1003-10-8)

Sec. 3-10-8. Discipline.) (a) (1) Corporal punishment and disciplinary restrictions on diet, medical or sanitary facilities, clothing, bedding or mail

New matter indicated by italics - deletions by strikeout
are prohibited, as are reductions in the frequency of use of toilets, washbowls and showers.

(2) Disciplinary restrictions on visitation, work, education or program assignments, the use of toilets, washbowls and showers shall be related as closely as practicable to abuse of such privileges or facilities. This paragraph shall not apply to segregation or isolation of persons for purposes of institutional control.

(3) No person committed to the Department of Juvenile Justice Juvenile Division may be isolated for disciplinary reasons for more than 7 consecutive days nor more than 15 days out of any 30 day period except in cases of violence or attempted violence committed against another person or property when an additional period of isolation for disciplinary reasons is approved by the chief administrative officer. A person who has been isolated for 24 hours or more shall be interviewed daily by his staff counselor or other staff member.

(b) The Department of Juvenile Justice Juvenile Division shall establish rules and regulations governing disciplinary practices, the penalties for violation thereof, and the disciplinary procedure by which such penalties may be imposed. The rules of behavior shall be made known to each committed person, and the discipline shall be suited to the infraction and fairly applied.

(c) All disciplinary action imposed upon persons in institutions and facilities of the Department of Juvenile Justice Juvenile Division shall be consistent with this Section and Department rules and regulations adopted hereunder.

(d) Disciplinary action imposed under this Section shall be reviewed by the grievance procedure under Section 3-8-8.

(e) A written report of any infraction for which discipline is imposed shall be filed with the chief administrative officer within 72 hours of the occurrence of the infraction or the discovery of it and such report shall be placed in the file of the institution or facility.

(f) All institutions and facilities of the Department of Juvenile Justice Juvenile Division shall establish, subject to the approval of the Director of Juvenile Justice, procedures for disciplinary cases except those that may involve the imposition of disciplinary isolation; delay in referral to the Parole and Pardon Board or a change in work, education or other program assignment of more than 7 days duration.

(g) In disciplinary cases which may involve the imposition of disciplinary isolation, delay in referral to the Parole and Pardon Board, or a
change in work, education or other program assignment of more than 7 days
duration, the Director shall establish disciplinary procedures consistent with
the following principles:

(1) Any person or persons who initiate a disciplinary charge against
a person shall not decide the charge. To the extent possible, a person
representing the counseling staff of the institution or facility shall participate
in deciding the disciplinary case.

(2) Any committed person charged with a violation of Department
rules of behavior shall be given notice of the charge including a statement of
the misconduct alleged and of the rules this conduct is alleged to violate.

(3) Any person charged with a violation of rules is entitled to a
hearing on that charge at which time he shall have an opportunity to appear
before and address the person or persons deciding the charge.

(4) The person or persons deciding the charge may also summon to
testify any witnesses or other persons with relevant knowledge of the
incident. The person charged may be permitted to question any person so
summoned.

(5) If the charge is sustained, the person charged is entitled to a
written statement of the decision by the persons deciding the charge which
shall include the basis for the decision and the disciplinary
action, if any, to be imposed.

(6) A change in work, education, or other program assignment shall
not be used for disciplinary purposes except as provided in paragraph (a) of
the Section and then only after review and approval under Section 3-10-3.
(Source: P.A. 80-1099.)

(730 ILCS 5/3-10-9)(from Ch. 38, par. 1003-10-9)
Sec. 3-10-9. Grievances.
The procedures for grievances of the Department of Juvenile Justice
Juvenile Division shall be governed under Section 3-8-8.
(Source: P.A. 77-2097.)

(730 ILCS 5/3-10-10)(from Ch. 38, par. 1003-10-10)
Sec. 3-10-10. Assistance to Committed Persons.
A person committed to the Department of Juvenile Justice Juvenile
Division shall be furnished with staff assistance in the exercise of any rights
and privileges granted him under this Code. Such person shall be informed
of his right to assistance by his staff counselor or other staff member.
(Source: P.A. 77-2097.)

(730 ILCS 5/3-10-11)(from Ch. 38, par. 1003-10-11)
Sec. 3-10-11. Transfers from Department of Children and Family

New matter indicated by italics - deletions by strikeout
Services.

(a) If (i) a minor 10 years of age or older is adjudicated a delinquent under the Juvenile Court Act or the Juvenile Court Act of 1987 and placed with the Department of Children and Family Services, (ii) it is determined by an interagency review committee that the Department of Children and Family Services lacks adequate facilities to care for and rehabilitate such minor and that placement of such minor with the Department of Juvenile Justice Corrections, subject to certification by the Department of Juvenile Justice Corrections, is appropriate, and (iii) the Department of Juvenile Justice Corrections certifies that it has suitable facilities and personnel available for the confinement of the minor, the Department of Children and Family Services may transfer custody of the minor to the Department of Juvenile Justice Juvenile Division of the Department of Corrections provided that:

1. the juvenile court that adjudicated the minor a delinquent orders the transfer after a hearing with opportunity to the minor to be heard and defend; and
2. the Assistant Director of Juvenile Justice the Department of Corrections, Juvenile Division, is made a party to the action; and
3. notice of such transfer is given to the minor's parent, guardian or nearest relative; and
4. a term of incarceration is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent.

The interagency review committee shall include a representative from the Department of Children and Family Services, a representative from the Department of Juvenile Justice Corrections, and an educator and a qualified mental health professional jointly selected by the Department of Children and Family Services and the Department of Juvenile Justice Corrections. The Department of Children and Family Services, in consultation with the Department of Juvenile Justice Corrections, shall promulgate rules governing the operation of the interagency review committee pursuant to the Illinois Administrative Procedure Act.

(b) Guardianship of a minor transferred under this Section shall remain with the Department of Children and Family Services.

(c) Minors transferred under this Section may be placed by the Department of Juvenile Justice Corrections in any program or facility of the Department of Juvenile Justice Corrections, Juvenile Division, or any juvenile residential facility.

(d) A minor transferred under this Section shall remain in the custody of the Department of Juvenile Justice Corrections, Juvenile Division, until

New matter indicated by italics - deletions by strikeout
the Department of Juvenile Justice Corrections determines that the minor is ready to leave its program. The Department of Juvenile Justice Corrections in consultation with the Department of Children and Family Services shall develop a transition plan and cooperate with the Department of Children and Family Services to move the minor to an alternate program. Thirty days before implementing the transition plan, the Department of Juvenile Justice Corrections shall provide the court with notice of the plan. The Department of Juvenile Justice's Corrections' custodianship of the minor shall automatically terminate 30 days after notice is provided to the court and the State's Attorney.

(e) In no event shall a minor transferred under this Section remain in the custody of the Department of Juvenile Justice Corrections for a period of time in excess of that period for which an adult could be committed for the same act.

(Source: P.A. 88-680, eff. 1-1-95.)

(730 ILCS 5/3-10-12)(from Ch. 38, par. 1003-10-12)

Sec. 3-10-12.

The Director of the Department of Juvenile Justice Corrections may authorize the use of any institution or facility of the Department of Juvenile Justice Juvenile Division as a Juvenile Detention Facility for the confinement of minors under 16 years of age in the custody or detained by the Sheriff of any County or the police department of any city when said juvenile is being held for appearance before a Juvenile Court or by Order of Court or for other legal reason, when there is no Juvenile Detention facility available or there are no other arrangements suitable for the confinement of juveniles. The Director of Juvenile Justice the Department of Corrections may certify that suitable facilities and personnel are available at the appropriate institution or facility for the confinement of such minors and this certification shall be filed with the Clerk of the Circuit Court of the County. The Director of Juvenile Justice the Department of Corrections may withdraw or withhold certification at any time. Upon the filing of the certificate in a county the authorities of the county may then use those facilities and set forth in the certificate under the terms and conditions therein for the above purpose. Juveniles confined, by the Department of Juvenile Justice Corrections, under this Section, must be kept separate from adjudicated delinquents.

(Source: P.A. 78-878.)

(730 ILCS 5/3-10-13)

Sec. 3-10-13. Notifications of Release or Escape.

(a) The Department of Juvenile Justice shall establish procedures to
provide written notification of the release of any person from the Department of Juvenile Justice to the persons and agencies specified in subsection (c) of Section 3-14-1 of this Code.

(b) The Department of Juvenile Justice shall establish procedures to provide immediate notification of the escape of any person from the Department of Juvenile Justice to the persons and agencies specified in subsection (c) of Section 3-14-1 of this Code.

(730 ILCS 5/3-15-2)(from Ch. 38, par. 1003-15-2)

Sec. 3-15-2. Standards and Assistance to Local Jails and Detention and Shelter Care Facilities.

(a) The Department of Corrections shall establish for the operation of county and municipal jails and houses of correction, and county juvenile detention and shelter care facilities established pursuant to the "County Shelter Care and Detention Home Act", minimum standards for the physical condition of such institutions and for the treatment of inmates with respect to their health and safety and the security of the community.

The Department of Juvenile Justice shall establish for the operation of county juvenile detention and shelter care facilities established pursuant to the County Shelter Care and Detention Home Act, minimum standards for the physical condition of such institutions and for the treatment of juveniles with respect to their health and safety and the security of the community.

Such standards shall not apply to county shelter care facilities which were in operation prior to January 1, 1980. Such standards shall not seek to mandate minimum floor space requirements for each inmate housed in cells and detention rooms in county and municipal jails and houses of correction. However, no more than two inmates may be housed in a single cell or detention room.

When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(b) At least once each year, the Department of Corrections may inspect each adult facility for compliance with the standards established and
the results of such inspection shall be made available by the Department for public inspection. At least once each year, the Department of Juvenile Justice shall inspect each county juvenile detention and shelter care facility for compliance with the standards established, and the Department of Juvenile Justice shall make the results of such inspections available for public inspection. If any detention, shelter care or correctional facility does not comply with the standards established, the Director of Corrections or the Director of Juvenile Justice, as the case may be, shall give notice to the county board and the sheriff or the corporate authorities of the municipality, as the case may be, of such noncompliance, specifying the particular standards that have not been met by such facility. If the facility is not in compliance with such standards when six months have elapsed from the giving of such notice, the Director of Corrections or the Director of Juvenile Justice, as the case may be, may petition the appropriate court for an order requiring such facility to comply with the standards established by the Department or for other appropriate relief.

(c) The Department of Corrections may provide consultation services for the design, construction, programs and administration of detention, shelter care, and correctional facilities and services for children and adults operated by counties and municipalities and may make studies and surveys of the programs and the administration of such facilities. Personnel of the Department shall be admitted to these facilities as required for such purposes. The Department may develop and administer programs of grants-in-aid for correctional services in cooperation with local agencies. The Department may provide courses of training for the personnel of such institutions and conduct pilot projects in the institutions.

(c-5) The Department of Juvenile Justice may provide consultation services for the design, construction, programs, and administration of detention and shelter care services for children operated by counties and municipalities and may make studies and surveys of the programs and the administration of such facilities. Personnel of the Department of Juvenile Justice shall be admitted to these facilities as required for such purposes. The Department of Juvenile Justice may develop and administer programs of grants-in-aid for juvenile correctional services in cooperation with local agencies. The Department of Juvenile Justice may provide courses of training for the personnel of such institutions and conduct pilot projects in the institutions.

(d) The Department is authorized to issue reimbursement grants for counties, municipalities or public building commissions for the purpose of

New matter indicated by italics - deletions by strikeout
meeting minimum correctional facilities standards set by the Department under this Section. Grants may be issued only for projects that were completed after July 1, 1980 and initiated prior to January 1, 1987.

1. Grants for regional correctional facilities shall not exceed 90% of the project costs or $7,000,000, whichever is less.

2. Grants for correctional facilities by a single county, municipality or public building commission shall not exceed 75% of the proposed project costs or $4,000,000, whichever is less.

3. As used in this subsection (d), "project" means only that part of a facility that is constructed for jail, correctional or detention purposes and does not include other areas of multi-purpose buildings.

Construction or renovation grants are authorized to be issued by the Capital Development Board from capital development bond funds after application by a county or counties, municipality or municipalities or public building commission or commissions and approval of a construction or renovation grant by the Department for projects initiated after January 1, 1987.

(e) The Department of Juvenile Justice shall adopt standards for county jails to hold juveniles on a temporary basis, as provided in Section 5-410 of the Juvenile Court Act of 1987. These standards shall include educational, recreational, and disciplinary standards as well as access to medical services, crisis intervention, mental health services, suicide prevention, health care, nutritional needs, and visitation rights. The Department of Juvenile Justice shall also notify any county applying to hold juveniles in a county jail of the monitoring and program standards for juvenile detention facilities under Section 5-410 of the Juvenile Court Act of 1987.

(730 ILCS 5/3-16-5)

Sec. 3-16-5. Multi-year pilot program for selected paroled youthful offenders released from institutions of the Department of Juvenile Justice Juvenile Division.

(a) The Department of Juvenile Justice Corrections may establish in Cook County, DuPage County, Lake County, Will County, and Kane County a 6 year pilot program for selected youthful offenders released to parole by the Department of Juvenile Justice Juvenile Division of the Department of Corrections.

(b) A person who is being released to parole from the Department of

New matter indicated by italics - deletions by strikeout
Juvenile Justice Division under subsection (e) of Section 3-3-3 whom the Department of Juvenile Justice Division deems a serious or at risk delinquent youth who is likely to have difficulty re-adjusting to the community, who has had either significant clinical problems or a history of criminal activity related to sex offenses, drugs, weapons, or gangs, and who is returning to Cook County, Will County, Lake County, DuPage County, or Kane County may be screened for eligibility to participate in the pilot program.

(c) If the Department of Juvenile Justice establishes a pilot program under this Section, the Department of Juvenile Justice Juvenile Division shall provide supervision and structured services to persons selected to participate in the program to: (i) ensure that they receive high levels of supervision and case managed, structured services; (ii) prepare them for re-integration into the community; (iii) effectively monitor their compliance with parole requirements and programming; and (iv) minimize the likelihood that they will commit additional offenses.

(d) Based upon the needs of a participant, the Department of Juvenile Justice may provide any or all of the following to a participant:

(1) Risk and needs assessment;
(2) Comprehensive case management;
(3) Placement in licensed secured community facilities as a transitional measure;
(4) Transition to residential programming;
(5) Targeted intensive outpatient treatment services;
(6) Structured day and evening reporting programs and behavioral day treatment;
(7) Family counseling;
(8) Transitional programs to independent living;
(9) Alternative placements;
(10) Substance abuse treatment.

(e) A needs assessment case plan and parole supervision profile may be completed by the Department of Juvenile Justice Corrections before the selected eligible person's release from institutional custody to parole supervision. The needs assessment case plan and parole supervision profile shall include identification of placement requirements, intensity of parole supervision, and assessments of educational, psychological, vocational, medical, and substance abuse treatment needs. Following the completion by the Department of Juvenile Justice Corrections of the parole supervision profile and needs assessment case plan, a comprehensive parole case

New matter indicated by italics - deletions by strikeout
management plan shall be developed for each committed youth eligible and selected for admission to the pilot program. The comprehensive parole case management plan shall be submitted for approval by the Department of Juvenile Justice and for presentation to the Prisoner Review Board.

(f) The Department of Juvenile Justice may identify in a comprehensive parole case management plan any special conditions for parole supervision and establish sanctions for a participant who fails to comply with the program requirements or who violates parole rules. These sanctions may include the return of a participant to a secure community placement or recommendations for parole revocation to the Prisoner Review Board. Paroled youth may be held for investigation in secure community facilities or on warrant pending revocation in local detention or jail facilities based on age.

(g) The Department of Juvenile Justice may select and contract with a community-based network and work in partnership with private providers to provide the services specified in subsection (d).

(h) If the Department of Juvenile Justice establishes a pilot program under this Section, the Department of Juvenile Justice shall, in the 3 years following the effective date of this amendatory Act of 1997, first implement the pilot program in Cook County and then implement the pilot program in DuPage County, Lake County, Will County, and Kane County in accordance with a schedule to be developed by the Department of Juvenile Justice.

(i) If the Department of Juvenile Justice establishes a pilot program under this Section, the Department of Juvenile Justice shall establish a 3 year follow-up evaluation and outcome assessment for all participants in the pilot program.

(j) If the Department of Juvenile Justice establishes a pilot program under this Section, the Department of Juvenile Justice shall publish an outcome study covering a 3 year follow-up period for participants in the pilot program.

(730 ILCS 5/5-8-6)(from Ch. 38, par. 1005-8-6)

Sec. 5-8-6. Place of Confinement. (a) Offenders sentenced to a term of imprisonment for a felony shall be committed to the penitentiary system of the Department of Corrections. However, such sentence shall not limit the powers of the Department of Children and Family Services in relation to any child under the age of one year in the sole custody of a person so sentenced, nor in relation to any child delivered by a female so sentenced while she is so confined as a consequence of such sentence. A person sentenced for a felony
may be assigned by the Department of Corrections to any of its institutions, facilities or programs.

(b) Offenders sentenced to a term of imprisonment for less than one year shall be committed to the custody of the sheriff. A person committed to the Department of Corrections, prior to July 14, 1983, for less than one year may be assigned by the Department to any of its institutions, facilities or programs.

(c) All offenders under 17 years of age when sentenced to imprisonment shall be committed to the Department of Juvenile Justice Juvenile Division of the Department of Corrections and the court in its order of commitment shall set a definite term. Such order of commitment shall be the sentence of the court which may be amended by the court while jurisdiction is retained; and such sentence shall apply whenever the offender sentenced is in the control and custody of the Adult Division of the Department of Corrections. The provisions of Section 3-3-3 shall be a part of such commitment as fully as though written in the order of commitment. The committing court shall retain jurisdiction of the subject matter and the person until he or she reaches the age of 21 unless earlier discharged. However, the Department of Juvenile Justice Juvenile Division of the Department of Corrections shall, after a juvenile has reached 17 years of age, petition the court to conduct a hearing pursuant to subsection (c) of Section 3-10-7 of this Code.

(d) No defendant shall be committed to the Department of Corrections for the recovery of a fine or costs.

(e) When a court sentences a defendant to a term of imprisonment concurrent with a previous and unexpired sentence of imprisonment imposed by any district court of the United States, it may commit the offender to the custody of the Attorney General of the United States. The Attorney General of the United States, or the authorized representative of the Attorney General of the United States, shall be furnished with the warrant of commitment from the court imposing sentence, which warrant of commitment shall provide that, when the offender is released from federal confinement, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Department of Corrections. The court shall cause the Department to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(Source: P.A. 83-1362.)

Section 30. The Probation and Probation Officers Act is amended by
changing Sections 15 and 16.1 as follows:

(730 ILCS 110/15)(from Ch. 38, par. 204-7)

Sec. 15. (1) The Supreme Court of Illinois may establish a Division of Probation Services whose purpose shall be the development, establishment, promulgation, and enforcement of uniform standards for probation services in this State, and to otherwise carry out the intent of this Act. The Division may:

(a) establish qualifications for chief probation officers and other probation and court services personnel as to hiring, promotion, and training.

(b) make available, on a timely basis, lists of those applicants whose qualifications meet the regulations referred to herein, including on said lists all candidates found qualified.

(c) establish a means of verifying the conditions for reimbursement under this Act and develop criteria for approved costs for reimbursement.

(d) develop standards and approve employee compensation schedules for probation and court services departments.

(e) employ sufficient personnel in the Division to carry out the functions of the Division.

(f) establish a system of training and establish standards for personnel orientation and training.

(g) develop standards for a system of record keeping for cases and programs, gather statistics, establish a system of uniform forms, and develop research for planning of Probation Services.

(h) develop standards to assure adequate support personnel, office space, equipment and supplies, travel expenses, and other essential items necessary for Probation and Court Services Departments to carry out their duties.

(i) review and approve annual plans submitted by Probation and Court Services Departments.

(j) monitor and evaluate all programs operated by Probation and Court Services Departments, and may include in the program evaluation criteria such factors as the percentage of Probation sentences for felons convicted of Probationable offenses.

(k) seek the cooperation of local and State government and private agencies to improve the quality of probation and court services.

(l) where appropriate, establish programs and corresponding

New matter indicated by italics - deletions by strikeout
standards designed to generally improve the quality of probation and court services and reduce the rate of adult or juvenile offenders committed to the Department of Corrections.

(m) establish such other standards and regulations and do all acts necessary to carry out the intent and purposes of this Act. The Division shall establish a model list of structured intermediate sanctions that may be imposed by a probation agency for violations of terms and conditions of a sentence of probation, conditional discharge, or supervision.

The State of Illinois shall provide for the costs of personnel, travel, equipment, telecommunications, postage, commodities, printing, space, contractual services and other related costs necessary to carry out the intent of this Act.

(2) (a) The chief judge of each circuit shall provide full-time probation services for all counties within the circuit, in a manner consistent with the annual probation plan, the standards, policies, and regulations established by the Supreme Court. A probation district of two or more counties within a circuit may be created for the purposes of providing full-time probation services. Every county or group of counties within a circuit shall maintain a probation department which shall be under the authority of the Chief Judge of the circuit or some other judge designated by the Chief Judge. The Chief Judge, through the Probation and Court Services Department shall submit annual plans to the Division for probation and related services.

(b) The Chief Judge of each circuit shall appoint the Chief Probation Officer and all other probation officers for his or her circuit from lists of qualified applicants supplied by the Supreme Court. Candidates for chief managing officer and other probation officer positions must apply with both the Chief Judge of the circuit and the Supreme Court.

(3) A Probation and Court Service Department shall apply to the Supreme Court for funds for basic services, and may apply for funds for new and expanded programs or Individualized Services and Programs. Costs shall be reimbursed monthly based on a plan and budget approved by the Supreme Court. No Department may be reimbursed for costs which exceed or are not provided for in the approved annual plan and budget. After the effective date of this amendatory Act of 1985, each county must provide basic services in accordance with the annual plan and standards created by the division. No department may receive funds for new or expanded programs or individualized services and programs unless they are in compliance with
standards as enumerated in paragraph (h) of subsection (1) of this Section, the annual plan, and standards for basic services.

(4) The Division shall reimburse the county or counties for probation services as follows:

(a) 100% of the salary of all chief managing officers designated as such by the Chief Judge and the division.

(b) 100% of the salary for all probation officer and supervisor positions approved for reimbursement by the division after April 1, 1984, to meet workload standards and to implement intensive sanction and probation supervision programs and other basic services as defined in this Act.

(c) 100% of the salary for all secure detention personnel and non-secure group home personnel approved for reimbursement after December 1, 1990. For all such positions approved for reimbursement before December 1, 1990, the counties shall be reimbursed $1,250 per month beginning July 1, 1995, and an additional $250 per month beginning each July 1st thereafter until the positions receive 100% salary reimbursement. Allocation of such positions will be based on comparative need considering capacity, staff/resident ratio, physical plant and program.

(d) $1,000 per month for salaries for the remaining probation officer positions engaged in basic services and new or expanded services. All such positions shall be approved by the division in accordance with this Act and division standards.

(e) 100% of the travel expenses in accordance with Division standards for all Probation positions approved under paragraph (b) of subsection 4 of this Section.

(f) If the amount of funds reimbursed to the county under paragraphs (a) through (e) of subsection 4 of this Section on an annual basis is less than the amount the county had received during the 12 month period immediately prior to the effective date of this amendatory Act of 1985, then the Division shall reimburse the amount of the difference to the county. The effect of paragraph (b) of subsection 7 of this Section shall be considered in implementing this supplemental reimbursement provision.

(5) The Division shall provide funds beginning on April 1, 1987 for the counties to provide Individualized Services and Programs as provided in Section 16 of this Act.

(6) A Probation and Court Services Department in order to be eligible
for the reimbursement must submit to the Supreme Court an application containing such information and in such a form and by such dates as the Supreme Court may require. Departments to be eligible for funding must satisfy the following conditions:

(a) The Department shall have on file with the Supreme Court an annual Probation plan for continuing, improved, and new Probation and Court Services Programs approved by the Supreme Court or its designee. This plan shall indicate the manner in which Probation and Court Services will be delivered and improved, consistent with the minimum standards and regulations for Probation and Court Services, as established by the Supreme Court. In counties with more than one Probation and Court Services Department eligible to receive funds, all Departments within that county must submit plans which are approved by the Supreme Court.

(b) The annual probation plan shall seek to generally improve the quality of probation services and to reduce the commitment of adult and juvenile offenders to the Department of Corrections and to reduce the commitment of juvenile offenders to the Department of Juvenile Justice and shall require, when appropriate, coordination with the Department of Corrections, the Department of Juvenile Justice, and the Department of Children and Family Services in the development and use of community resources, information systems, case review and permanency planning systems to avoid the duplication of services.

(c) The Department shall be in compliance with standards developed by the Supreme Court for basic, new and expanded services, training, personnel hiring and promotion.

(d) The Department shall in its annual plan indicate the manner in which it will support the rights of crime victims and in which manner it will implement Article I, Section 8.1 of the Illinois Constitution and in what manner it will coordinate crime victims' support services with other criminal justice agencies within its jurisdiction, including but not limited to, the State's Attorney, the Sheriff and any municipal police department.

(7) No statement shall be verified by the Supreme Court or its designee or vouchedered by the Comptroller unless each of the following conditions have been met:

(a) The probation officer is a full-time employee appointed by the Chief Judge to provide probation services.

New matter indicated by italics - deletions by strikeout
(b) The probation officer, in order to be eligible for State reimbursement, is receiving a salary of at least $17,000 per year.

(c) The probation officer is appointed or was reappointed in accordance with minimum qualifications or criteria established by the Supreme Court; however, all probation officers appointed prior to January 1, 1978, shall be exempted from the minimum requirements established by the Supreme Court. Payments shall be made to counties employing these exempted probation officers as long as they are employed in the position held on the effective date of this amendatory Act of 1985. Promotions shall be governed by minimum qualifications established by the Supreme Court.

(d) The Department has an established compensation schedule approved by the Supreme Court. The compensation schedule shall include salary ranges with necessary increments to compensate each employee. The increments shall, within the salary ranges, be based on such factors as bona fide occupational qualifications, performance, and length of service. Each position in the Department shall be placed on the compensation schedule according to job duties and responsibilities of such position. The policy and procedures of the compensation schedule shall be made available to each employee.

(8) In order to obtain full reimbursement of all approved costs, each Department must continue to employ at least the same number of probation officers and probation managers as were authorized for employment for the fiscal year which includes January 1, 1985. This number shall be designated as the base amount of the Department. No positions approved by the Division under paragraph (b) of subsection 4 will be included in the base amount. In the event that the Department employs fewer Probation officers and Probation managers than the base amount for a period of 90 days, funding received by the Department under subsection 4 of this Section may be reduced on a monthly basis by the amount of the current salaries of any positions below the base amount.

(9) Before the 15th day of each month, the treasurer of any county which has a Probation and Court Services Department, or the treasurer of the most populous county, in the case of a Probation or Court Services Department funded by more than one county, shall submit an itemized statement of all approved costs incurred in the delivery of Basic Probation and Court Services under this Act to the Supreme Court. The treasurer may also submit an itemized statement of all approved costs incurred in the delivery of new and expanded Probation and Court Services as well as

New matter indicated by italics - deletions by strikeout
Individualized Services and Programs. The Supreme Court or its designee shall verify compliance with this Section and shall examine and audit the monthly statement and, upon finding them to be correct, shall forward them to the Comptroller for payment to the county treasurer. In the case of payment to a treasurer of a county which is the most populous of counties sharing the salary and expenses of a Probation and Court Services Department, the treasurer shall divide the money between the counties in a manner that reflects each county's share of the cost incurred by the Department.

(10) The county treasurer must certify that funds received under this Section shall be used solely to maintain and improve Probation and Court Services. The county or circuit shall remain in compliance with all standards, policies and regulations established by the Supreme Court. If at any time the Supreme Court determines that a county or circuit is not in compliance, the Supreme Court shall immediately notify the Chief Judge, county board chairman and the Director of Court Services Chief Probation Officer. If after 90 days of written notice the noncompliance still exists, the Supreme Court shall be required to reduce the amount of monthly reimbursement by 10%. An additional 10% reduction of monthly reimbursement shall occur for each consecutive month of noncompliance. Except as provided in subsection 5 of Section 15, funding to counties shall commence on April 1, 1986. Funds received under this Act shall be used to provide for Probation Department expenses including those required under Section 13 of this Act. For State fiscal years 2004, 2005, and 2006 only, the Mandatory Arbitration Fund may be used to provide for Probation Department expenses, including those required under Section 13 of this Act.

(11) The respective counties shall be responsible for capital and space costs, fringe benefits, clerical costs, equipment, telecommunications, postage, commodities and printing.

(12) For purposes of this Act only, probation officers shall be considered peace officers. In the exercise of their official duties, probation officers, sheriffs, and police officers may, anywhere within the State, arrest any probationer who is in violation of any of the conditions of his or her probation, conditional discharge, or supervision, and it shall be the duty of the officer making the arrest to take the probationer before the Court having jurisdiction over the probationer for further order.

(Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839, eff. 7-30-04; 94-91, eff. 7-1-05.)

(730 ILCS 110/16.1)
Sec. 16.1. Redeploy Illinois Program.

New matter indicated by italics - deletions by strikeout
(a) The purpose of this Section is to encourage the deinstitutionalization of juvenile offenders establishing pilot projects in counties or groups of counties that reallocate State funds from juvenile correctional confinement to local jurisdictions, which will establish a continuum of local, community-based sanctions and treatment alternatives for juvenile offenders who would be incarcerated if those local services and sanctions did not exist. The allotment of funds will be based on a formula that rewards local jurisdictions for the establishment or expansion of local alternatives to incarceration, and requires them to pay for utilization of incarceration as a sanction. This redeployment of funds shall be made in a manner consistent with the Juvenile Court Act of 1987 and the following purposes and policies:

(1) The juvenile justice system should protect the community, impose accountability to victims and communities for violations of law, and equip juvenile offenders with competencies to live responsibly and productively.

(2) Juveniles should be treated in the least restrictive manner possible while maintaining the safety of the community.

(3) A continuum of services and sanctions from least restrictive to most restrictive should be available in every community.

(4) There should be local responsibility and authority for planning, organizing, and coordinating service resources in the community. People in the community can best choose a range of services which reflect community values and meet the needs of their own youth.

(5) Juveniles who pose a threat to the community or themselves need special care, including secure settings. Such services as detention, long-term incarceration, or residential treatment are too costly to provide in each community and should be coordinated and provided on a regional or Statewide basis.

(6) The roles of State and local government in creating and maintaining services to youth in the juvenile justice system should be clearly defined. The role of the State is to fund services, set standards of care, train service providers, and monitor the integration and coordination of services. The role of local government should be to oversee the provision of services.

(b) Each county or circuit participating in the pilot program must create a local plan demonstrating how it will reduce the county or circuit's utilization of secure confinement of juvenile offenders in the Illinois
Department of Juvenile Justice Corrections or county detention centers by the creation or expansion of individualized services or programs that may include but are not limited to the following:

(1) Assessment and evaluation services to provide the juvenile justice system with accurate individualized case information on each juvenile offender including mental health, substance abuse, educational, and family information;

(2) Direct services to individual juvenile offenders including educational, vocational, mental health, substance abuse, supervision, and service coordination; and

(3) Programs that seek to restore the offender to the community, such as victim offender panels, teen courts, competency building, enhanced accountability measures, restitution, and community service. The local plan must be directed in such a manner as to emphasize an individualized approach to providing services to juvenile offenders in an integrated community-based system including probation as the broker of services. The plan must also detail the reduction in utilization of secure confinement. The local plan shall be limited to services and shall not include costs for:

(i) capital expenditures;
(ii) renovations or remodeling;
(iii) personnel costs for probation.

The local plan shall be submitted to the Department of Human Services.

(c) A county or group of counties may develop an agreement with the Department of Human Services to reduce their number of commitments of juvenile offenders, excluding minors sentenced based upon a finding of guilt of first degree murder or an offense which is a Class X forcible felony as defined in the Criminal Code of 1961, to the Department of Juvenile Justice Corrections, and then use the savings to develop local programming for youth who would otherwise have been committed to the Department of Juvenile Justice Corrections. The county or group of counties shall agree to limit their commitments to 75% of the level of commitments from the average number of juvenile commitments for the past 3 years, and will receive the savings to redeploy for local programming for juveniles who would otherwise be held in confinement. The agreement shall set forth the following:

(1) a Statement of the number and type of juvenile offenders from the county who were held in secure confinement by the Illinois Department of Juvenile Justice Corrections or in county detention the

New matter indicated by italics - deletions by strikeout
previous year, and an explanation of which, and how many, of these offenders might be served through the proposed Redeploy Illinois Program for which the funds shall be used;

(2) a Statement of the service needs of currently confined juveniles;

(3) a Statement of the type of services and programs to provide for the individual needs of the juvenile offenders, and the research or evidence base that qualifies those services and programs as proven or promising practices;

(4) a budget indicating the costs of each service or program to be funded under the plan;

(5) a summary of contracts and service agreements indicating the treatment goals and number of juvenile offenders to be served by each service provider; and

(6) a Statement indicating that the Redeploy Illinois Program will not duplicate existing services and programs. Funds for this plan shall not supplant existing county funded programs.

(d) (Blank).

(e) The Department of Human Services shall be responsible for the following:

(1) Reviewing each Redeploy Illinois Program plan for compliance with standards established for such plans. A plan may be approved as submitted, approved with modifications, or rejected. No plan shall be considered for approval if the circuit or county is not in full compliance with all regulations, standards and guidelines pertaining to the delivery of basic probation services as established by the Supreme Court.

(2) Monitoring on a continual basis and evaluating annually both the program and its fiscal activities in all counties receiving an allocation under the Redeploy Illinois Program. Any program or service that has not met the goals and objectives of its contract or service agreement shall be subject to denial for funding in subsequent years. The Department of Human Services shall evaluate the effectiveness of the Redeploy Illinois Program in each circuit or county. In determining the future funding for the Redeploy Illinois Program under this Act, the evaluation shall include, as a primary indicator of success, a decreased number of confinement days for the county's juvenile offenders.

(f) Any Redeploy Illinois Program allocations not applied for and
approved by the Department of Human Services shall be available for redistribution to approved plans for the remainder of that fiscal year. Any county that invests local moneys in the Redeploy Illinois Program shall be given first consideration for any redistribution of allocations. Jurisdictions participating in Redeploy Illinois that exceed their agreed upon level of commitments to the Department of Juvenile Justice Corrections shall reimburse the Department of Corrections for each commitment above the agreed upon level.

(g) Implementation of Redeploy Illinois.

(1) Planning Phase.

(i) Redeploy Illinois Oversight Board. The Department of Human Services shall convene an oversight board to develop plans for a pilot Redeploy Illinois Program. The Board shall include, but not be limited to, designees from the Department of Juvenile Justice Corrections, the Administrative Office of Illinois Courts, the Illinois Juvenile Justice Commission, the Illinois Criminal Justice Information Authority, the Department of Children and Family Services, the State Board of Education, the Cook County State's Attorney, and a State's Attorney selected by the President of the Illinois State's Attorney's Association.

(ii) Responsibilities of the Redeploy Illinois Oversight Board. The Oversight Board shall:

(A) Identify jurisdictions to be invited in the initial pilot program of Redeploy Illinois.

(B) Develop a formula for reimbursement of local jurisdictions for local and community-based services utilized in lieu of commitment to the Department of Juvenile Justice Corrections, as well as for any charges for local jurisdictions for commitments above the agreed upon limit in the approved plan.

(C) Identify resources sufficient to support the administration and evaluation of Redeploy Illinois.

(D) Develop a process and identify resources to support on-going monitoring and evaluation of Redeploy Illinois.

(E) Develop a process and identify resources to support training on Redeploy Illinois.

New matter indicated by italics - deletions by strikeout
(F) Report to the Governor and the General Assembly on an annual basis on the progress of Redeploy Illinois.

(iii) Length of Planning Phase. The planning phase may last up to, but may in no event last longer than, July 1, 2004.

(2) Pilot Phase. In the second phase of the Redeploy Illinois program, the Department of Human Services shall implement several pilot programs of Redeploy Illinois in counties or groups of counties as identified by the Oversight Board. Annual review of the Redeploy Illinois program by the Oversight Board shall include recommendations for future sites for Redeploy Illinois.

(Source: P.A. 93-641, eff. 12-31-03.)

Section 35. The Private Correctional Facility Moratorium Act is amended by changing Section 3 as follows:

(730 ILCS 140/3)(from Ch. 38, par. 1583)

Sec. 3. Certain contracts prohibited. After the effective date of this Act, the State shall not contract with a private contractor or private vendor for the provision of services relating to the operation of a correctional facility or the incarceration of persons in the custody of the Department of Corrections or of the Department of Juvenile Justice; however, this Act does not apply to (1) State work release centers or juvenile residential facilities that provide separate care or special treatment operated in whole or part by private contractors or (2) contracts for ancillary services, including medical services, educational services, repair and maintenance contracts, or other services not directly related to the ownership, management or operation of security services in a correctional facility.

(Source: P.A. 88-680, eff. 1-1-95.)

Section 40. The Line of Duty Compensation Act is amended by changing Section 2 as follows:

(820 ILCS 315/2) (from Ch. 48, par. 282)

Sec. 2. As used in this Act, unless the context otherwise requires:

(a) "Law enforcement officer" or "officer" means any person employed by the State or a local governmental entity as a policeman, peace officer, auxiliary policeman or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life. This includes supervisors, wardens, superintendents and their assistants, guards and keepers, correctional officers, youth supervisors, parole agents, school teachers and correctional counsellors in all facilities of both

New matter indicated by italics - deletions by strikeout
the Juvenile and Adult Divisions of the Department of Corrections and the Department of Juvenile Justice, while within the facilities under the control of the Department of Corrections or the Department of Juvenile Justice or in the act of transporting inmates or wards from one location to another or while performing their official duties, and all other Department of Correction or Department of Juvenile Justice employees who have daily contact with inmates.

The death of the foregoing employees of the Department of Corrections or the Department of Juvenile Justice in order to be included herein must be by the direct or indirect willful act of an inmate, ward, work-releasee, parolee, parole violator, person under conditional release, or any person sentenced or committed, or otherwise subject to confinement in or to the Department of Corrections or the Department of Juvenile Justice.

(b) "Fireman" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, including volunteer firemen.

(c) "Local governmental entity" includes counties, municipalities and municipal corporations.

(d) "State" means the State of Illinois and its departments, divisions, boards, bureaus, commissions, authorities and colleges and universities.

(e) "Killed in the line of duty" means losing one's life as a result of injury received in the active performance of duties as a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, or chaplain if the death occurs within one year from the date the injury was received and if that injury arose from violence or other accidental cause. In the case of a State employee, "killed in the line of duty" means losing one's life as a result of injury received in the active performance of one's duties as a State employee, if the death occurs within one year from the date the injury was received and if that injury arose from a willful act of violence by another State employee committed during such other employee's course of employment and after January 1, 1988. The term excludes death resulting from the willful misconduct or intoxication of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee. However, the burden of proof of such willful misconduct or intoxication of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee is on the Attorney General. Subject to the conditions set forth in subsection (a) with respect to inclusion under this Act of Department of Corrections and Department of Juvenile Justice.

New matter indicated by italics - deletions by strikeout
Justice employees described in that subsection, for the purposes of this Act, instances in which a law enforcement officer receives an injury in the active performance of duties as a law enforcement officer include but are not limited to instances when:

(1) the injury is received as a result of a wilful act of violence committed other than by the officer and a relationship exists between the commission of such act and the officer's performance of his duties as a law enforcement officer, whether or not the injury is received while the officer is on duty as a law enforcement officer;

(2) the injury is received by the officer while the officer is attempting to prevent the commission of a criminal act by another or attempting to apprehend an individual the officer suspects has committed a crime, whether or not the injury is received while the officer is on duty as a law enforcement officer;

(3) the injury is received by the officer while the officer is travelling to or from his employment as a law enforcement officer or during any meal break, or other break, which takes place during the period in which the officer is on duty as a law enforcement officer.

In the case of an Armed Forces member, "killed in the line of duty" means losing one's life while on active duty in connection with the September 11, 2001 terrorist attacks on the United States, Operation Enduring Freedom, or Operation Iraqi Freedom.

(f) "Volunteer fireman" means a person having principal employment other than as a fireman, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district, and includes a volunteer member of a fire department organized under the "General Not for Profit Corporation Act", approved July 17, 1943, as now or hereafter amended, which is under contract with any city, village, incorporated town, fire protection district, or persons residing therein, for fire fighting services. "Volunteer fireman" does not mean an individual who volunteers assistance without being regularly enrolled as a fireman.

(g) "Civil defense worker" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member of a civil defense work force, including volunteer civil defense work forces engaged in serving the public interest during periods of disaster, whether natural or man-made.

New matter indicated by italics - deletions by strikeout
(h) "Civil air patrol member" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member of the organization commonly known as the "Civil Air Patrol", including volunteer members of the organization commonly known as the "Civil Air Patrol".

(i) "Paramedic" means an Emergency Medical Technician-Paramedic certified by the Illinois Department of Public Health under the Emergency Medical Services (EMS) Systems Act, and all other emergency medical personnel certified by the Illinois Department of Public Health who are members of an organized body or not-for-profit corporation under the jurisdiction of a city, village, incorporated town, fire protection district or county, that provides emergency medical treatment to persons of a defined geographical area.

(j) "State employee" means any employee as defined in Section 14-103.05 of the Illinois Pension Code, as now or hereafter amended.

(k) "Chaplain" means an individual who:

(1) is a chaplain of (i) a fire department or (ii) a police department or other agency consisting of law enforcement officers; and

(2) has been designated a chaplain by (i) the fire department, police department, or other agency or an officer or body having jurisdiction over the department or agency or (ii) a labor organization representing the firemen or law enforcement officers.

(l) "Armed Forces member" means an Illinois resident who is: a member of the Armed Forces of the United States; a member of the Illinois National Guard while on active military service pursuant to an order of the President of the United States; or a member of any reserve component of the Armed Forces of the United States while on active military service pursuant to an order of the President of the United States.

(Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff. 1-18-05.)

Passed in the General Assembly November 4, 2005.

Approved November 17, 2005.

Effective June 1, 2006.

PUBLIC ACT 94-0697

(House Bill No. 3478

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2006, unless specifically provided for in this Section. The changes made by this amendatory Act of the 93rd General Assembly extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the rates taking effect on January 1, 2006 shall include an increase of 3%.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates

New matter indicated by italics - deletions by strikeout
taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1,2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department of Public Aid shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 3 years after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology.
component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect

New matter indicated by italics - deletions by strikeout
only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in

New matter indicated by italics - deletions by strikeout
providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04; 93-1087, eff. 2-28-05; 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; revised 8-9-05.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly November 4, 2005.
Approved November 21, 2005.
Effective November 21, 2005.

PUBLIC ACT 94-0698
(Senate Bill No. 0331)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Elevator Safety and Regulation Act is amended by changing Sections 5, 10, 15, 20, 25, 35, 40, 45, 50, 55, 60, 80, 90, 95, 105, 110, 120, 135, and 140 as follows:

(225 ILCS 312/5)
(Section scheduled to be repealed on January 1, 2013)
Sec. 5. Purpose. The purpose of this Act is to provide for the public safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of

New matter indicated by italics - deletions by strikeout
serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this State. Elevator personnel performing work covered by this Act shall, by documented training or experience or both, be familiar with the operation and safety functions of the components and equipment. Training and experience shall include, but not be limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Act. This Act shall establish the minimum standards for elevator personnel.

This Act is not intended to interfere with the powers of municipalities or the home rule powers of a municipality with a population over 500,000; including the power to license and regulate any profession or occupation.

The provisions of this Act are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by the Act, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/10)

(Section scheduled to be repealed on January 1, 2013)

Sec. 10. Applicability.

(a) This Act covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways (except as modified by subsection (c) of this Section):

(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between 2 or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1, ASME A17.3, ASME A18.1, and ANSI A10.4):

(A) Elevators.
(B) Platform lifts and stairway chair lifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Escalators.
(B) Moving walks.
(3) Hoisting and lowering mechanisms equipped with a car, which serves 2 or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):
   (A) Dumbwaiters.
   (B) Material lifts and dumbwaiters with automatic transfer devices.

(b) This Act covers the design, construction, operation, inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers (also see ASCE 21).

(c) This Act does not apply to the following equipment:
   (1) Material hoists.
   (2) Belt manlifts.
   (3) Mobile scaffolds, towers, and platforms, except those covered by ANSI A10.4.
   (4) Powered platforms and equipment for exterior and interior maintenance.
   (5) Conveyors and related equipment.
   (6) Cranes, derricks, hoists, hooks, jacks, and slings.
   (7) Industrial trucks.
   (8) Portable equipment, except for portable escalators.
   (9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story.
   (10) Equipment for feeding or positioning materials at machine tools, printing presses, etc.
   (11) Skip or furnace hoists.
   (12) Wharf ramps.
   (13) Railroad car lifts or dumpers.
   (14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this State.
   (15) Railway and Transit Systems.
   (16) Conveyances located in a private residence not accessible to the public.
   (17) Special purpose personnel elevators.

(d) This Act does not apply to a municipality with a population over 500,000.

New matter indicated by italics - deletions by strikeout
Sec. 15. Definitions. For the purpose of this Act:

"Administrator" means the Office of the State Fire Marshal.

"ANSI A10.4" means the safety requirements for personnel hoists, an American National Standard.

"ASCE 21" means the American Society of Civil Engineers Automated People Mover Standards.


"ASME A17.3" means the Safety Code for Existing Elevators and Escalators, an American National Standard.


"Board" means the Elevator Safety Review Board.

"Certificate of operation" means a certificate issued by the Administrator that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid as set forth in this Act. The Administrator may issue a temporary certificate of operation that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed.

"Conveyance" means any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts, stairway chairlifts and automated people movers.

"Elevator" means an installation defined as an "elevator" in ASME A17.1.

"Elevator contractor" means any person, firm, or corporation who possesses an elevator contractor's license in accordance with the provisions of Sections 40 and 55 of this Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator contractor's license" means a license issued to an elevator contractor who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining elevators or related conveyance covered by this Act. The Administrator may
issue a limited elevator contractor's license authorizing a firm or company that employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure, excluding limited to private residences.

"Elevator helper" means an individual registered with the Administrator as an elevator helper. Elevator helpers must work under the direct supervision of a licensed elevator mechanic.

"Elevator industry apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by the Administrator to perform work within the elevator industry under the direct supervision of a licensed elevator mechanic.

"Elevator inspector" means any person who possesses an elevator inspector's license in accordance with the provisions of this Act or any person who performs the duties and functions of an elevator inspector for any unit of local government with a population greater than 500,000 prior to or on the effective date of this Act.

"Elevator mechanic" means any person who possesses an elevator mechanic's license in accordance with the provisions of Sections 40 and 45 of this Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator mechanic's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator mechanic's license authorizing an individual to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure.

"Escalator" means an installation defined as an "escalator" in ASME A17.1.

"Existing installation" means an installation defined as an "installation, existing" in ASME A17.1.

"Inspector's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the
Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyance covered by this Act.

"License" means a written license, duly issued by the Administrator, authorizing a person, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, maintaining, or performing inspections of elevators or related conveyance covered by this Act.

"Material alteration" means an "alteration" as defined by the Board.

"Moving walk" means an installation as defined as a "moving walk" in ASME A17.1.

"Private residence" means a separate dwelling or a separate apartment or condominium unit in a multiple-family dwelling that is occupied by members of a single-family unit.

"Repair" has the meaning defined by the Board, which does not require a permit.

"Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed and that is permanently installed in certain structures, including, but not limited to, grain elevators, radio antenna, bridge towers, underground facilities, dams, and power plants, to provide vertical transportation of authorized personnel and their tools and equipment only.

"Temporarily dormant" means an elevator, dumbwaiter, or escalator:

1. with a power supply that has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "off" position;
2. with a car that is parked and hoistway doors that are in the closed and latched position;
3. with a wire seal on the mainline disconnect switch installed by a licensed elevator inspector;
4. that shall not be used again until it has been put in safe running order and is in condition for use;
5. requiring annual inspections for the duration of the temporarily dormant status by a licensed elevator inspector;
6. that has a "temporarily dormant" status that is renewable on an annual basis, not to exceed a one-year period;
7. requiring the inspector to file a report with the Administrator chief elevator inspector describing the current conditions; and

New matter indicated by italics - deletions by strikeout
(8) with a wire seal and padlock that shall not be removed for any purpose without permission from the elevator inspector.

(Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

(225 ILCS 312/20)

(Section scheduled to be repealed on January 1, 2013)

Sec. 20. License or registration required.

(a) After July 1, 2003 through the effective date of this amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic's license under this Act and unless he or she works under the direct supervision of a person, firm, or company having an elevator contractor's license in accordance with Section 40 of this Act or exempted by that Section. However, a licensed elevator contractor is not required for removal or dismantling of conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and where no access is permitted that would endanger the safety and welfare of a person.

(b) After July 1, 2003 through the effective date of this amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall inspect any conveyance within buildings or structures, including, but not limited, to private residences, unless he or she has an inspector's license.

(c) After January 1, 2006, a person who is not licensed under subsection (a) may not work in the jurisdiction of this State as an elevator industry apprentice or helper unless he or she is registered as an elevator industry apprentice or helper by the Administrator and works under the direct supervision of an individual licensed under this Act as an elevator mechanic. The Administrator shall set elevator industry apprenticeship and helper qualifications and registration procedure by rule.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/25)

(Section scheduled to be repealed on January 1, 2013)

Sec. 25. Elevator Safety Review Board.

(a) There is hereby created within the Office of the State Fire Marshal the Elevator Safety Review Board, consisting of 13 members. The Administrator shall appoint 3 members who shall be representatives of a fire service communities. The Governor shall appoint the remaining 10 members of the Board as follows: one representative from a major elevator

New matter indicated by italics - deletions by strikeout
manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative of the architectural design profession; one representative of the general public; one representative of an advocacy group for people with physical disabilities a municipality in this State with a population over 500,000; one representative of a municipality in this State with a population under 25,000; one representative of a municipality in this State with a population of 25,000 or over but under 50,000; one representative of a municipality in this State with a population of 50,000 or over but under 500,000; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators.

(b) The members constituting the Board shall be appointed for initial terms as follows:

(1) Of the members appointed by the Administrator, 2 shall serve for a term of 2 years, and one for a term of 4 years.

(2) Of the members appointed by the Governor, 2 shall serve for a term of one year, 2 for terms of 2 years, 2 for terms of 3 years, and 4 for terms of 4 years.

At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of 4 years each. Upon the expiration of a member's term of office, the officer who appointed that member shall reappoint that member or appoint a successor who is a representative of the same interests with which his or her predecessor was identified. The Administrator and the Governor may at any time remove any of their respective appointees for inefficiency or neglect of duty in office. Upon the death or incapacity of a member, the officer who appointed that member shall fill the vacancy for the remainder of the vacated term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. The members shall serve without salary, but shall receive from the State expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chairperson. The chairperson shall be the deciding vote in the event of a tie vote.

(Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

(225 ILCS 312/35)

(Section scheduled to be repealed on January 1, 2013)

Sec. 35. Powers and duties of the Board.

(a) The Board shall consult with engineering authorities and organizations and adopt rules consistent with the provisions of this Act for
the administration and enforcement of this Act. The Board may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall establish standards and criteria consistent with this Act for licensing of elevator mechanics, inspectors, and installers of elevators, including the provisions of the Safety Code for Elevators and Escalators (ASME A17.1), the Safety Code for Existing Elevators (ASME A17.3 A18.1), the Standard for the Qualification of Elevator Inspectors (ASME QEI-1), the Automated People Mover Standards (ASCE 21), the Safety Requirements for Personnel Hoists and Employee Elevators and the safety requirements for personnel hoists (ANSI A10.4), and the Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1).

(b) The Board shall have the authority to grant exceptions and variances from the literal requirements of applicable State codes, standards, and regulations in cases where such variances would not jeopardize the public safety and welfare. The Board shall have the authority to hear appeals, hold hearings, and decide upon such within 30 days of the appeal.

(c) The Board shall establish fee schedules for licenses, permits, certificates, and inspections. The fees shall be set at an amount necessary to cover the actual costs and expenses to operate the Board and to conduct the duties as described in this Act.

(d) The Board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

(e) The Administrator may solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(f) The Administrator may employ professional, technical, investigative, or clerical help, on either a full-time or part-time basis, as may be necessary for the enforcement of this Act.

(g) (Blank). The Board shall not have authority within municipalities with a population over 500,000 that have a municipal code that covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, and moving walks.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/40)

(Section scheduled to be repealed on January 1, 2013)

Sec. 40. Application for contractor's license.

(a) Any person, firm, or company wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State shall
make application for a license with the Administrator.

(b) All applications shall contain the following information:
   (1) if the applicant is a person, the name, residence, and business address of the applicant;
   (2) if the applicant is a partnership, the name, residence, and business address of each partner;
   (3) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;
   (4) if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;
   (5) the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;
   (6) if applying for an elevator contractor's license, the approximate number of persons, if any, to be employed by the elevator contractor applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;
   (7) satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance;
   (8) any criminal record of convictions; and
   (9) any other information as the Administrator may require.

(c) (Blank). This Section does not apply to a person, firm, or company located in a municipality with a population over 500,000 that provides for the licensure of contractors for work performed within the corporate boundaries of a municipality with a population over 500,000.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/45)
(Section scheduled to be repealed on January 1, 2013)
Sec. 45. Qualifications for elevator mechanic's license; emergency and temporary licensure.
(a) No license shall be granted to any person who has not paid the required application fee.
(b) No license shall be granted to any person who has not proven his or her qualifications and abilities.
(c) Applicants for an elevator mechanic's license must demonstrate
one of the following qualifications:

(1) an acceptable combination of documented experience and education credits consisting of: (A) not less than 3 years work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers licensed to do business in this State; and (B) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on the adopted rules, referenced codes, and standards for the equipment the licensee is authorized to install;

(2) acceptable proof that he or she has worked as an elevator constructor, maintenance, or repair person for the equipment the licensee is authorized to install; acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately preceding prior to the effective date of the initial rules adopted by the Board under Section 35 of this Act that implement this Act; the person must make application by May 1, 2006 within one year of the effective date of this Act;

(3) a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent based on the codes applicable to the type of license (elevator mechanic's license or limited elevator mechanic's license) for which the individual is applying;

(4) a certificate of completion of an elevator mechanic apprenticeship program with standards substantially equal to those of this Act and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a State apprenticeship council; or

(5) a valid license from a state having standards substantially equal to those of this State.

(d) Whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to cope with the emergency, the licensed elevator contractor shall respond as necessary to ensure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator

New matter indicated by italics - deletions by strikeout
work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 30 days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of an elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee may be charged for any emergency elevator mechanic's license or renewal thereof.

(e) A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall determine. The applicant for temporary licensure shall furnish proof of competency as the Administrator may require and for such particular elevators or geographical areas as the Administrator may designate. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders continues.

(225 ILCS 312/50)

Sec. 50. Qualifications for elevator inspector's license.

(a) No inspector's license shall be granted to any person who has not paid the required application fee.

(b) No inspector's license shall be granted to any person, unless he or she proves to the satisfaction of the Administrator that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.

(c) (Blank). Notwithstanding the provisions of subsections (a) and (b)
of this Section, the Administrator shall grant an elevator inspector's license to a person engaged in the practice of inspecting elevators in a municipality with a population over 500,000 who is engaged in business as an elevator inspector on the effective date of this Act.
(Source: P.A. 92-873, eff. 6-1-03.)
(225 ILCS 312/55)
Sec. 55. Qualifications for elevator contractor's license.
(a) No license shall be granted to any person or firm unless the appropriate application fee is paid.
(b) No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must demonstrate one of the following qualifications:
   (1) five years work experience in the elevator industry in construction, maintenance, and service or repair, as verified by such documentation as the Board may require by rule; current and previous elevator contractor's licenses to do business, or
   (1.5) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on the most recent referenced codes and standards; or
   (2) proof that the individual or firm holds a valid license from a state having standards substantially equal to those of this State.
(c) (Blank). This Section does not apply to a person or firm engaged in business as an elevator contractor in a municipality with a population over 500,000 that provides for the licensure of elevator contractors for work performed within the corporate boundaries of a municipality with a population over 500,000.
(Source: P.A. 92-873, eff. 6-1-03.)
(225 ILCS 312/60)
Sec. 60. Issuance and renewal of licenses; fees.
(a) Upon approval of an application, the Administrator may issue a license that must be renewed every 2 years biannually. The renewal fee for the license shall be set by the Board.
(b) (Blank). Whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to cope with the emergency, the licensed elevator contractor shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an

New matter indicated by italics - deletions by strikeout
acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 30 days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of a elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic's license or renewal thereof.

(c) (Blank). A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall determine. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders shall continue.

(d) The renewal of all licenses granted under the provisions of this Section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing provisions of the rules of the Elevator Safety Review Board. Such course shall consist of not less than 8 hours of instruction that shall be attended and completed within one year immediately preceding any such license renewal.

(e) The courses referred to in subsection (d) of this Section shall be taught by instructors through continuing education providers that may include, but shall not be limited to, association seminars and labor training programs. The Elevator Safety Review Board shall approve the continuing

New matter indicated by italics - deletions by strikeout
education providers. All instructors shall be approved by the Board and shall be exempt from the requirements of subsection (d) of this Section with regard to their applications for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

(f) A licensee who is unable to complete the continuing education course required under this Section prior to the expiration of his or her license due to a temporary disability may apply for a waiver from the Board. This shall be on a form provided by the Board, which shall be signed under the penalty of perjury and accompanied by a certified statement from a competent physician attesting to such temporary disability. Upon the termination of such temporary disability, the licensee shall submit to the Board a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability, at which time a waiver sticker, valid for 90 days, shall be issued to the licensee and affixed to his or her license.

(g) Approved training providers shall keep for a period of 10 years uniform records of attendance of licensees following a format approved by the Board. These records shall be available for inspection by the Board at its request. Approved training providers shall be responsible for the security of all attendance records and certificates of completion, provided that falsifying or knowingly allowing another to falsify attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this Section.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/80)

(Sec. 80. Registration of existing elevators, platform lifts, dumbwaiters, escalators, moving walks, and any other conveyance. Within 6 months after the date of the adoption of the initial rules that implement this Act appointment of the Board, the owner or lessee of every existing conveyance shall register with the Administrator each elevator, dumbwaiter, platform lift, escalator, or other device described in Section 10 of this Act and provide the type, rated load and speed, name of manufacturer, its location, the purpose for which it is used, and such additional information as the Administrator may require. Elevators, dumbwaiters, platform lifts, escalators, moving walks, or other conveyances of which construction has begun subsequent to the date of the creation of the Board shall be registered at the time they are completed and placed in service.

(Source: P.A. 92-873, eff. 6-1-03.)

New matter indicated by italics - deletions by strikeout
Sec. 90. Permits.

(a) No conveyance covered by this Act shall be erected, constructed, installed, or altered within buildings or structures within this State unless a permit has been obtained from the Administrator or a municipality or other unit of local government. If the permit is obtained from a municipality or other unit of local government, the municipality or other unit of local government that issued the permit shall keep the permit on file for a period of not less than one year from the date of issuance and send a copy to the Administrator for inspection. Where any material alteration is made, the device shall conform to applicable requirements in ASME A17.1, ASME A18.1, ASCE 21, or ANSI A10.4. No permit required under this Section shall be issued except to a person, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to this Act. A copy of the permit shall be kept at the construction site at all times while the work is in progress.

(b) The permit fee shall be as set by the Board. Permit fees collected are non-refundable.

(c) Each application for a permit shall be accompanied by applicable fees and by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building, the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members, including foundations. The applicant shall also specify all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(d) Permits may be revoked for the following reasons:

(1) Any false statements or misrepresentation as to the material facts in the application, plans, or specifications on which the permit was based.

(2) The permit was issued in error and should not have been issued in accordance with the code.

(3) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(4) The elevator contractor to whom the permit was issued fails or refuses to comply with a "stop work" order.

(5) If the work authorized by a permit is not commenced

New matter indicated by italics - deletions by strikeout
within 6 months after the date of issuance, or within a shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued.

(6) If the work is suspended or abandoned for a period of 60 days, or shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued, after the work has been started. For good cause, the Administrator or his or her representative may allow an extension of this period at his or her discretion.

(e) (Blank). This Section does not apply to conveyances located in a municipality with a population over 500,000 that provides for permits of such conveyances.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/95)

(Section scheduled to be repealed on January 1, 2013)

Sec. 95. New installations; annual inspections and registrations.

(a) All new conveyance installations regulated by this Act shall be performed by a person, firm, or company to which a license to install or service conveyances has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable Sections of this Act. Prior to any conveyance being used, the property owner or lessee must obtain a certificate of operation from the Administrator, unless the property is located within a municipality with a population greater than 500,000. A fee as authorized by Section 35 of set forth in this Act shall be paid for the certificate of operation. It shall be the responsibility of the licensed elevator contractor to complete and submit first time registration for new installations. The certificate of operation fee for newly installed platform lifts and stairway chair lifts for private residences shall be subsequent to an inspection by a licensed third party inspection firm.

(b) (Blank). The certificate of operation fee for all new and existing platform and stairway chair lifts for private residences and any renewal certificates fees shall be waived. The Administrator or his or her designee shall inspect, in accordance with the requirements set forth in this Act, all newly installed and existing platform lifts and stairway chair lifts for private residences subsequent to an inspection by a person, firm, or company to which a license to inspect conveyances has been issued, unless the private residence is located within a municipality with a population greater than 500,000.

New matter indicated by italics - deletions by strikeout
(c) A certificate of operation referenced in subsections (a) and (b) of this Section is renewable annually, except for certificates issued for platform and stairway chairlifts for private residences, which shall be valid for a period of 3 years. Certificates of operation must be clearly displayed on or in each conveyance or in the machine room for use for the benefit of code enforcement staff.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/105)

(Section scheduled to be repealed on January 1, 2013)

Sec. 105. Enforcement.

(a) It shall be the duty of the Elevator Safety Review Board to develop an enforcement program to ensure compliance with rules and requirements referenced in this Act. This shall include, but shall not be limited to, rules for identification of property locations that are subject to the rules and requirements; issuing notifications to violating property owners or operators, random on-site inspections, policies for administrative penalties, and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, firms, or companies; and assisting in development of public awareness programs.

(b) Any person may make a request for an investigation into an alleged violation of this Act by giving notice to the Administrator of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request. Upon the request of any person signing the notice, the person's name shall not appear on any copy of the notice or any record published, released, or made available.

(c) If, upon receipt of such notification, the Administrator determines that there are reasonable grounds to believe that such violation or danger exists, the Administrator shall cause to be made an investigation in accordance with the provisions of this Act as soon as practicable to determine if such violation or danger exists. If the Administrator determines that there are no reasonable grounds to believe that a violation or danger exists, he or she shall notify the party in writing of such determination.

(d) (Blank). This Section does not apply within a municipality with a population over 500,000.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/110)

(Section scheduled to be repealed on January 1, 2013)

Sec. 110. Liability.
(a) This Act shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator or other related mechanisms covered by this Act for damages to person or property caused by any defect therein, nor does the State or any unit of local government assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this Act or any acts or omissions arising under this Act.

(b) Any owner or lessee who violates any of the provisions of this Act shall be fined in an amount not to exceed $1,500 per violation, per day.

(c) Compliance with this Act is not a defense to a legal proceeding.
(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/120)

Sec. 120. Inspection and testing.

(a) It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected, at intervals determined by the Board, annually by a person, firm, or company to which a license to inspect conveyances has been issued. Subsequent to inspection, the licensed person, firm, or company must supply the property owner or lessee and the Administrator with a written inspection report describing any and all violations. Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting the violations. The Administrator shall determine whether such violations have been corrected.

(b) (Blank). It shall be the responsibility of the owner of all conveyances to have a firm or company licensed as described in this Act to ensure that the required inspection and test are performed at intervals in compliance with ASME A17.1, ASME A18.1, and ASCE 21.

(c) All tests shall be performed by a licensed elevator mechanic or licensed limited elevator mechanic who is licensed to perform work on that particular type of conveyance.
(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/135)

Sec. 135. Elevators in private residences. The owner of a conveyance located in his or her private residence may register, pay the required fee, and have his or her existing conveyance inspected. The Administrator may shall
provide notice to the owner of a the private residence information regarding where the conveyance is located with relevant information about conveyance safety requirements, including the need to have the elevator periodically and timely inspected and made safe. Any inspection performed shall be done solely at the request and with the consent of the private residence owner. No penalty provision of this Act shall apply to private residence owners. (Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/140)

(Section scheduled to be repealed on January 1, 2013)

Sec. 140. Local regulation; home rule.

(a) The Administrator may enter into contracts with municipalities or counties under which the municipalities or counties shall (i) issue construction permits and certificates of operation, (ii) provide for inspection of elevators, including temporary operation inspections, and (iii) enforce the applicable provisions of the Act. The municipality or county may choose to require inspections be performed by its own inspectors or by private certified elevator inspectors. The municipality or county may assess a reasonable fee for inspections performed by its inspectors. Each contract shall include a provision that the municipality or county shall maintain for inspection by the Administrator copies of all applications for permits issued, copies of each inspection report issued, and proper records showing the number of certificates of operation issued. Each contract shall also include a provision that each required inspection be conducted by a certified elevator inspector and any other provisions deemed necessary by the Administrator. A municipality within its corporate limits and a county within unincorporated areas within its boundaries may inspect, license, or otherwise regulate elevators and devices described in Section 10 of this Act, but any safety standards or regulations adopted by a municipality or county under this subsection must be at least as stringent as those provided for in this Act and the rules adopted under this Act. A municipality or county that inspects, licenses, or otherwise regulates elevators and devices described in Section 10 of this Act may impose reasonable fees to cover the cost of the inspection, licensure, or other regulation.

(b) Except as otherwise provided in subsection (e), a home rule unit may not regulate the inspection or licensure of, or otherwise regulate, elevators and devices described in Section 10 of this Act in a manner less restrictive than the regulation by the State of those matters under this Act. This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of

New matter indicated by italics - deletions by strikeout
powers and functions exercised by the State.

(c) (Blank). This Act does not limit the home rule powers of a municipality with a population over 500,000; and this Act shall not apply within such a municipality if that application would be inconsistent with an ordinance adopted under those home rule powers.

(Source: P.A. 92-873, eff. 6-1-03.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved November 22, 2005.
Effective November 22, 2005.

PUBLIC ACT 94-0699
(Senate Bill No. 1843)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Procurement Code is amended by changing Section 30-30 as follows:

(30 ILCS 500/30-30)

Sec. 30-30. Contracts in excess of $250,000. For building construction contracts in excess of $250,000, separate specifications shall be prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

(1) plumbing;
(2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;
(3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;
(4) electric wiring; and
(5) general contract work.

The specifications must be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof shall award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work,
provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract. A contract may be let for one or more buildings in any project to the same contractor. The specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for each or all of the buildings included in the specifications.

Until a date 2 years after the effective date of this amendatory Act of the 93rd General Assembly, the requirements of this Section do not apply to the construction of an Emergency Operations Center for the Illinois Emergency Management Agency if (i) the majority of the funding for the project is from federal funds, (ii) the bid of the successful bidder identifies the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section, and (iii) the contract entered into with the successful bidder provides that no identified subcontractor may be terminated without the written consent of the Capital Development Board.

Until a date 5 years after the effective date of this amendatory Act of the 94th General Assembly, the requirements of this Section do not apply to the Capitol Building HVAC upgrade project if (i) the bid of the successful bidder identifies the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section, and (ii) the contract entered into with the successful bidder provides that no identified subcontractor may be terminated without the written consent of the Capital Development Board.

(Source: P.A. 93-1035, eff. 9-10-04.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved November 29, 2005.
Effective November 29, 2005.

PUBLIC ACT 94-0700
(House Bill No. 0692)

AN ACT concerning motor fuel theft.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by adding Section 6-205.2 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 6-205.2. Suspension of driver's license of person convicted of theft of motor fuel. The driver's license of a person convicted of theft of motor fuel under Section 16J-15 of the Criminal Code of 1961 shall be suspended by the Secretary for a period not to exceed 6 months for a first offense. Upon a second or subsequent conviction for theft of motor fuel, the suspension shall be for a period not to exceed one year. Upon conviction of a person for theft of motor fuel, the court shall order the person to surrender his or her driver's license to the clerk of the court who shall forward the suspended license to the Secretary.

Section 10. The Criminal Code of 1961 is amended by adding Article 16J as follows:

(720 ILCS 5/Art. 16J heading new)

ARTICLE 16J. THEFT OF MOTOR FUEL

(720 ILCS 5/16J-5 new)

Sec. 16J-5. Legislative declaration. It is the public policy of this State that the substantial burden placed upon the economy of this State resulting from the rising incidence of theft of motor fuel is a matter of grave concern to the people of this State who have a right to be protected in their health, safety and welfare from the effects of this crime.

(720 ILCS 5/16J-10 new)

Sec. 16J-10. Definitions. For the purposes of this Article:

"Motor fuel" means a liquid, regardless of its properties, used to propel a vehicle, including gasoline and diesel.

"Retailer" means a person, business, or establishment that sells motor fuel at retail. "Vehicle" means a motor vehicle, motorcycle, or farm implement that is self-propelled and that uses motor fuel for propulsion.

(720 ILCS 5/16J-15 new)

Sec. 16J-15. Offense of theft of motor fuel. A person commits the offense of theft of motor fuel when he or she knowingly dispenses motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaves the premises of the establishment without making payment or the authorized charge for the motor fuel with the intention of depriving the establishment in which the motor fuel is offered for retail sale of the possession, use, or benefit of that motor fuel without paying the full retail value of the motor fuel.

(720 ILCS 5/16J-25 new)

Sec. 16J-25. Civil liability. A person who commits the offense of theft of motor fuel as described in Section 16J-15 is civilly liable to the retailer as prescribed in Section 16A-7.
(720 ILCS 5/16J-30 new)
Sec. 16J-30. Sentence.
(a) Theft of motor fuel, the full retail value of which does not exceed $150, is a Class A misdemeanor.
(b) A person who has been convicted of theft of motor fuel, the full retail value of which does not exceed $150, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools or home invasion is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.
(c) Any theft of motor fuel, the full retail value of which exceeds $150, is a Class 3 felony. When a charge of theft of motor fuel, the full value of which exceeds $150, is brought, the value of the motor fuel involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $150.

(720 ILCS 5/16J-35 new)
Sec. 16J-35. Continuation of prior law. The provisions of this Article insofar as they are the same or substantially the same as those of Article 16 of this Code shall be construed as a continuation of that Article 16 and not as a new enactment.

(720 ILCS 5/16J-40 new)
Sec. 16J-40. Severability. The provisions of this Article are severable under Section 1.31 of the Statute on Statutes.
Passed in the General Assembly October 27, 2005.
Approved December 5, 2005.
Effective June 1, 2006.

PUBLIC ACT 94-0701
(House Bill 1088)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Identification Card Act is amended by changing Section 14B as follows:

New matter indicated by italics - deletions by strikeout
(15 ILCS 335/14B)(from Ch. 124, par. 34B)
Sec. 14B. Fraudulent identification card.
(a) (Blank).
(b) It is a violation of this Section for any person:
   1. To knowingly possess, display, or cause to be displayed any fraudulent identification card;
   2. To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment;
   3. To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction;
   4. To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided;
   5. To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or device capable of defrauding another;
   6. To knowingly possess any fraudulent identification card with the intent to use the identification card to acquire any other identification document;
   7. To knowingly possess without authority any identification card making implement;
   8. To knowingly possess any stolen identification card making implement;
   9. To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card;
   10. To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card.
(c) Sentence.
   1. Any person convicted of a violation of paragraph 1 of subsection (b) of this Section shall be guilty of a Class 4 felony and shall be sentenced to a minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.

New matter indicated by italics - deletions by strikeout
2. Any person convicted of a violation of any of paragraphs 2 through 9 of subsection (b) of this Section shall be guilty of a Class 3 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 2 felony.

3. Any person who violates paragraph 10 of subsection (b) of this Section is guilty of a Class A misdemeanor.

(d) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(e) The Secretary of State may request the Attorney General to seek a restraining order in the circuit court against any person who violates paragraph 10 of subsection (b) of this Section by advertising fraudulent identification cards.

(Source: P.A. 93-895, eff. 1-1-05.)

Passed in the General Assembly October 27, 2005.
Approved December 5, 2005.
Effective June 1, 2006.

PUBLIC ACT 94-0702
(House Bill 1142)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential
buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

New matter indicated by italics - deletions by strikeout
(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by
inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented,
to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor.

New matter indicated by italics - deletions by strikeout
States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding

New matter indicated by italics - deletions by strikeout
area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

1. Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

2. Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

3. Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

4. Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

5. Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

6. Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the

New matter indicated by italics - deletions by strikeout
(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed
redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus

New matter indicated by italics - deletions by strikeout
municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the
calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually

New matter indicated by italics - deletions by strikeout
generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on

New matter indicated by italics - deletions by strikeout
which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after
issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(1) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

New matter indicated by italics - deletions by strikeout
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5.

No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment

New matter indicated by italics - deletions by strikeout
plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

New matter indicated by italics - deletions by strikeout
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
   (I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
   (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
   (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
   (L) if the ordinance was adopted in September 1988 by Sauk Village, or
   (M) if the ordinance was adopted in October 1993 by Sauk Village, or
   (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
   (O) if the ordinance was adopted in March 1991 by the City of Centreville, or
   (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
   (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
   (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
   (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
   (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
   (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
   (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
   (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
   (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
   (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
   (Z) if the ordinance was adopted on November 11,
1996 by the City of Lexington, or
   (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
   (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
   (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or
   (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
   (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
   (FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
   (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
   (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
   (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
   (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
   (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
   (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
   (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
   (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or:
   (OO) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for

New matter indicated by italics - deletions by strikeout
these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend

New matter indicated by italics - deletions by strikeout
into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of

New matter indicated by italics - deletions by strikeout
relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation.
from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

1. Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or
advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information

New matter indicated by italics - deletions by strikeout
that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial

New matter indicated by italics - deletions by strikeout
assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary
infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

   (i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

   (ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

   (iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

   (C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

   (i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

   (ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

   (iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the

New matter indicated by italics - deletions by strikeout
terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961) this amendatory Act of the 93rd General Assembly, a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary

New matter indicated by italics - deletions by strikeout
infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (i) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in

New matter indicated by italics - deletions by strikeout
occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of

New matter indicated by italics - deletions by strikeout
rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For
ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail

New matter indicated by italics - deletions by strikeout
entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes

New matter indicated by italics - deletions by strikeout
for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

New matter indicated by italics - deletions by strikeout
(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in

New matter indicated by italics - deletions by strikeout
Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest
at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or

New matter indicated by italics - deletions by strikeout
municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof; the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in
December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) (EE) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) (EE) if the

New matter indicated by italics - deletions by strikeout
ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) (EE) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) (EE) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) (EE) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) (EE) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) (EE) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) (EE) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) (EE) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) (EE) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) (DD) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law. (Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

Passed in the General Assembly October 27, 2005.
Approved December 5, 2005.
Effective June 1, 2006.
AN ACT concerning veterans.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Veterans Affairs Act is amended by changing Section 2.07 as follows:

(20 ILCS 2805/2.07) (from Ch. 126 1/2, par. 67.07)

Sec. 2.07. The Department shall employ and maintain sufficient and qualified staff at the veterans' homes to fulfill the requirements of this Act. The Department shall report to the General Assembly, by January 1 and July 1 of each year, the number of staff employed in providing direct patient care at their veterans' homes, the compliance or noncompliance with staffing standards established by the United States Department of Veterans Affairs for such care, and in the event of noncompliance with such standards, the number of staff required for compliance. For purposes of this Section, a nurse who has a license application pending with the State shall not be deemed unqualified by the Department if the nurse is in compliance with 225 ILCS 65/5-15(g) or 225 ILCS 5-15(i) of the Nursing and Advanced Practice Nursing Act.

All contracts between the State and outside contractors to provide workers to staff and service the Anna Veterans Home shall be canceled in accordance with the terms of those contracts. Upon cancellation, each worker or staff member shall be offered certified employment status under the Illinois Personnel Code with the State of Illinois. To the extent it is reasonably practicable, the position offered to each person shall be at the same facility and shall consist of the same duties and hours as previously existed under the canceled contract or contracts.

(Source: P.A. 93-597, eff. 8-26-03.)

Passed in the General Assembly October 27, 2005.

Approved December 5, 2005.

Effective June 1, 2006.

AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

   (A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

   (B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

   (C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose

New matter indicated by italics - deletions by strikeout
paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions

New matter indicated by italics - deletions by strikeout
warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective

New matter indicated by italics - deletions by strikeout
community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an
independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar

New matter indicated by italics - deletions by strikeout
materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that
the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings

New matter indicated by italics - deletions by strikeout
either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at

New matter indicated by italics - deletions by strikeout
an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.
Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the
State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following:
(a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made
for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999,
and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts

New matter indicated by italics - deletions by strikeout
which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;
(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and
(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a

New matter indicated by italics - deletions by strikeout
commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

New matter indicated by italics - deletions by strikeout
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6,
1994 by the City of Freeport, or
   (T) if the ordinance was adopted on December 22,
1986 by the City of Tuscola, or
   (U) if the ordinance was adopted on December 23,
1986 by the City of Sparta, or
   (V) if the ordinance was adopted on December 23,
1986 by the City of Beardstown, or
   (W) if the ordinance was adopted on April 27, 1981,
October 21, 1985, or December 30, 1986 by the City of Belleville, or
   (X) if the ordinance was adopted on December 29,
1986 by the City of Collinsville, or
   (Y) if the ordinance was adopted on September 14,
1994 by the City of Alton, or
   (Z) if the ordinance was adopted on November 11,
1996 by the City of Lexington, or
   (AA) if the ordinance was adopted on November 5,
1984 by the City of LeRoy, or
   (BB) if the ordinance was adopted on April 3, 1991 or
June 3, 1992 by the City of Markham, or
   (CC) if the ordinance was adopted on November 11,
1986 by the City of Pekin, or
   (DD) if the ordinance was adopted on December
15, 1981 by the City of Champaign, or
   (EE) if the ordinance was adopted on December
15, 1986 by the City of Urbana, or
   (FF) if the ordinance was adopted on December
15, 1986 by the Village of Heyworth, or
   (GG) if the ordinance was adopted on February
24, 1992 by the Village of Heyworth, or
   (HH) if the ordinance was adopted on March 16,
1995 by the Village of Heyworth, or
   (II) if the ordinance was adopted on December
23, 1986 by the Town of Cicero, or
   (JJ) if the ordinance was adopted on December
30, 1986 by the City of Effingham, or
   (KK) if the ordinance was adopted on May 9,
1991 by the Village of Tilton, or
   (LL) if the ordinance was adopted on October
20, 1986 by the City of Elmhurst, or
(MM) if the ordinance was adopted on January
19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September
21, 1998 by the City of Waukegan, or
(OO) if the ordinance was adopted on July 28, 1987
by the City of Marion, or
(PP) if the ordinance was adopted on April 23, 1990
by the City of Marion.

However, for redevelopment project areas for which bonds
were issued before July 29, 1991, or for which contracts were entered
into before June 1, 1988, in connection with a redevelopment project
in the area within the State Sales Tax Boundary, the estimated dates
of completion of the redevelopment project and retirement of
obligations to finance redevelopment project costs may be extended
by municipal ordinance to December 31, 2013. The termination
procedures of subsection (b) of Section 11-74.4-8 are not required
for these redevelopment project areas in 2009 but are required in 2013.
The extension allowed by this amendatory Act of 1993 shall not apply
to real property tax increment allocation financing under Section 11-
74.4-8.

A municipality may by municipal ordinance amend an
existing redevelopment plan to conform to this paragraph (3) as
amended by Public Act 91-478, which municipal ordinance may be
adopted without further hearing or notice and without complying with
the procedures provided in this Act pertaining to an amendment to or
the initial approval of a redevelopment plan and project and
designation of a redevelopment project area.

Those dates, for purposes of real property tax increment
allocation financing pursuant to Section 11-74.4-8 only, shall be not
more than 35 years for redevelopment project areas that were adopted
on or after December 16, 1986 and for which at least $8 million
worth of municipal bonds were authorized on or after December 19,
1989 but before January 1, 1990; provided that the municipality elects
to extend the life of the redevelopment project area to 35 years by the
adoption of an ordinance after at least 14 but not more than 30 days'
written notice to the taxing bodies, that would otherwise constitute
the joint review board for the redevelopment project area, before the
adoption of the ordinance.

New matter indicated by italics - deletions by strikeout
Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study. Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as
determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

New matter indicated by italics - deletions by strikeout
(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and
specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public
building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after

New matter indicated by italics - deletions by strikeout
November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax

New matter indicated by italics - deletions by strikeout
increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance.
under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961) this amendatory Act of the 93rd General Assembly, a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary

New matter indicated by italics - deletions by strikeout
infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for

New matter indicated by italics - deletions by strikeout
reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special
tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and

New matter indicated by italics - deletions by strikeout
very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not

New matter indicated by italics - deletions by strikeout
exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on
transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts.
State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's

New matter indicated by italics - deletions by strikeout
annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received

New matter indicated by italics - deletions by strikeout
from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or

New matter indicated by italics - deletions by strikeout
pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be

New matter indicated by italics - deletions by strikeout
deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the...
City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) (EE) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) (EE) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) (EE) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) (EE) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) (EE) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) (EE) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) (EE) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) (EE) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) (EE) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) (DD) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on July 28, 1987 by the City of Marion, or (PP) if the ordinance was adopted on April 23, 1990 by the City of Marion and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for

New matter indicated by italics - deletions by strikeout
redevelopment project costs, the municipality may, if it has followed the
procedures in conformance with this division, retire said obligations from
funds in the special tax allocation fund in amounts and in such manner as if
such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall
not be regarded as indebtedness of the municipality issuing such obligations
or any other taxing district for the purpose of any limitation imposed by law.
(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02;
92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff.
7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-
985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-
23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly October 27, 2005.
Approved December 5, 2005.
Effective December 5, 2005.

PUBLIC ACT 94-0705
(House Bill No 2459)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

Section 5. The Sexually Dangerous Persons Act is amended by adding
Section 4.03 as follows:
(725 ILCS 205/4.03 new)

Sec. 4.03. Mental disorder. "Mental disorder" means a congenital or
acquired condition affecting the emotional or volitional capacity that
predisposes a person to engage in acts of sexual violence.
Passed in the General Assembly October 27, 2005.
Approved December 5, 2005.
Effective June 1, 2006.

PUBLIC ACT 94-0706
(House Bill No. 2612)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the
General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Sex Offender Management Board Act is amended by changing Section 19 as follows:

(20 ILCS 4026/19)
Sec. 19. Sex Offender Management Board Fund.
(a) Any and all practices endorsed or required under this Act, including but not limited to evaluation, treatment, or monitoring of programs that are or may be developed by the agency providing supervision or the Department of Corrections, or the Department of Human Services shall be at the expense of the person evaluated or treated, based upon the person's ability to pay. If it is determined by the agency providing supervision or the Department of Corrections, or the Department of Human Services that the person does not have the ability to pay for practices endorsed or required by this Act, the agency providing supervision of the sex offender shall request reimbursement for services required under this Act for which the agency has provided funding. The Sex Offender Management Board shall provide the agency providing supervision or the Department of Corrections shall develop, or the Department of Human Services with factors to be considered and criteria to determine a person's ability to pay. The Sex Offender Management Board shall coordinate the expenditures of moneys from the Sex Offender Management Board Fund with any money expended by counties, the Department of Corrections or the Department of Human Services. The Board shall allocate a plan for the allocation of moneys deposited in this Fund among the agency providing supervision or the Department of Corrections, or the Department of Human Services.
(b) Up to 20% of this Fund shall be retained by the Sex Offender Management Board for administrative costs, including staff, incurred pursuant to this Act.
(c) Monies expended for this Fund shall be used to supplement, not replace offenders' self-pay, or county appropriations for probation and court services.
(d) Interest earned on monies deposited in this Fund may be used by the Board for its administrative costs and expenses.
(e) In addition to the funds provided by the sex offender, counties, or Departments providing treatment, the Board shall explore funding sources including but not limited to State, federal, and private funds.
(Source: P.A. 93-616, eff. 1-1-04.)
Passed in the General Assembly October 27, 2005.
Approved December 5, 2005.
Effective January 1, 2006.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by adding Section 16-22 as follows:
(720 ILCS 5/16-22 new)
Sec. 16-22. Tampering with a security, fire, or life safety system.
(a) A person commits the offense of tampering with a security, fire, or life safety system when he or she knowingly damages, sabotages, destroys, or causes a permanent or temporary malfunction in any physical or electronic security, fire, or life safety system or any component part of any of those systems including, but not limited to, card readers, magnetic stripe readers, Wiegand card readers, smart card readers, proximity card readers, digital keypads, keypad access controls, digital locks, electromagnetic locks, electric strikes, electronic exit hardware, exit alarm systems, delayed egress systems, biometric access control equipment, intrusion detection systems and sensors, burglar alarm systems, wireless burglar alarms, silent alarms, duress alarms, hold-up alarms, glass break detectors, motion detectors, seismic detectors, glass shock sensors, magnetic contacts, closed circuit television (CCTV), security cameras, digital cameras, dome cameras, covert cameras, spy cameras, hidden cameras, wireless cameras, network cameras, IP addressable cameras, CCTV camera lenses, video cassette recorders, CCTV monitors, CCTV consoles, CCTV housings and enclosures, CCTV pan-and-tilt devices, CCTV transmission and signal equipment, wireless video transmitters, wireless video receivers, radio frequency (RF) or microwave components, or both, infrared illuminators, video motion detectors, video recorders, time lapse CCTV recorders, digital video recorders (DVRs), digital image storage systems, video converters, video distribution amplifiers, video time-date generators, multiplexers, switchers, splitters, fire alarms, smoke alarm systems, smoke detectors, flame detectors, fire detection systems and sensors, fire sprinklers, fire suppression systems, fire extinguishing systems, public address systems, intercoms, emergency telephones, emergency call boxes, emergency pull stations, telephone entry systems, video entry equipment, annunciators, sirens, lights, sounders, control panels and components, and all associated computer hardware, computer software, control panels, wires, cables, connectors,

New matter indicated by italics - deletions by strikeout
emechanical components, electronic modules, fiber optics, filters, passive components, and power sources including batteries and back-up power supplies.

(b) Sentence. A violation of this Section is a Class 4 felony.

Passed in the General Assembly October 27, 2005.
Approved December 5, 2005.
Effective June 1, 2006.

PUBLIC ACT 94-0708
(House Bill No. 3158)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by changing Section 4.16 and by adding Section 4.26 as follows:

(5 ILCS 80/4.16)
Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:
The Respiratory Care Practice Act.
The Hearing Instrument Consumer Protection Act.
The Illinois Dental Practice Act.
The Professional Geologist Licensing Act.
The Illinois Athletic Trainers Practice Act.
The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.
The Collection Agency Act.
The Illinois Roofing Industry Licensing Act.
(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)

(5 ILCS 80/4.26 new)
Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:
The Professional Geologist Licensing Act.
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly October 27, 2005.
Approved December 5, 2005.

New matter indicated by italics - deletions by strikeout
Effective December 5, 2005.

PUBLIC ACT 94-0709
(House Bill No. 3801)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Medical School Matriculant Criminal History Records Check Act.

Section 5. Definitions.
"Matriculant" means an individual who is conditionally admitted as a student to a medical school located in Illinois, pending the medical school's consideration of his or her criminal history records check under this Act.

"Sex offender" means any person who is convicted pursuant to Illinois law or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law with any of the following sex offenses set forth in the Criminal Code of 1961:

1. Indecent solicitation of a child.
2. Sexual exploitation of a child.
3. Custodial sexual misconduct.
4. Exploitation of a child.
5. Child pornography.

"Violent felony" means any of the following offenses, as defined by the Criminal Code of 1961:

1. First degree murder.
2. Second degree murder.
3. Predatory criminal sexual assault of a child.
5. Criminal sexual assault.
7. Aggravated kidnapping.
8. Kidnapping.
9. Aggravated battery resulting in great bodily harm or permanent disability or disfigurement.

Section 10. Criminal history records check for matriculants. A medical school located in Illinois must require that each matriculant submit to a fingerprint-based criminal history records check for violent felony convictions and any adjudication of the matriculant as a sex offender.

New matter indicated by italics - deletions by strikeout
conducted by the Department of State Police and the Federal Bureau of
Investigation as part of the medical school admissions process. A medical
school shall forward the name, sex, race, date of birth, social security number,
and fingerprints of each of its matriculants to the Department of State Police
to be searched against the Statewide Sex Offender Database and the
fingerprint records now and hereafter filed in the Department of State Police
and Federal Bureau of Investigation criminal history records databases. The
fingerprints of each matriculant must be submitted in the form and manner
prescribed by the Department of State Police. The Department of State Police
shall furnish, pursuant to positive identification, records of a matriculant's
violent felony convictions and any record of a matriculant's adjudication as
a sex offender to the medical school that requested the criminal history
records check.

Section 15. Fees. The Department of State Police shall charge each
requesting medical school a fee for conducting the criminal history records
check under Section 10 of this Act, which shall be deposited in the State
Police Services Fund and shall not exceed the cost of the inquiry. Each
requesting medical school is solely responsible for payment of this fee to the
Department of State Police. Each medical school may impose its own fee
upon a matriculant to cover the cost of the criminal history records check at
the time the matriculant submits to the criminal history records check.

Section 20. Admissions decision. The information collected under this
Act as a result of the criminal history records check must be considered by
the requesting medical school in determining whether or not to officially
admit a matriculant. Upon a medical school's evaluation of a matriculant's
criminal history records check, a matriculant who has been convicted of a
violent felony conviction or adjudicated a sex offender may be precluded
from gaining official admission to that medical school; however, a violent
felony conviction or an adjudication as a sex offender shall not serve as an
automatic bar to official admission to a medical school located in Illinois.

Section 25. Civil immunity. Except for wilful or wanton misconduct,
no medical school acting under the provisions of this Act shall be civilly
liable to any matriculant for any decision made pursuant to Section 20 of this
Act.

Section 30. Applicability. This Act applies only to matriculants who
are conditionally admitted to a medical school located in Illinois on or after
the effective date of this Act.

Section 90. The Department of State Police Law of the Civil
Administrative Code of Illinois is amended by adding Section 2605-327 as

New matter indicated by italics - deletions by strikeout
follows:

(20 ILCS 2605/2605-327 new)

Sec. 2605-327. Conviction and sex offender information for medical school. Upon the request of a medical school under the Medical School Matriculant Criminal History Records Check Act, to ascertain whether a matriculant of the medical school has been convicted of any violent felony or has been adjudicated a sex offender. The Department shall furnish this information to the medical school that requested the information.

Pursuant to the Medical School Matriculant Criminal History Records Check Act, the Department shall conduct a fingerprint-based criminal history records check of the Statewide Sex Offender Database, the Illinois criminal history records database, and the Federal Bureau of Investigation criminal history records database. The Department may charge the requesting medical school a fee for conducting the fingerprint-based criminal history records check. The fee shall not exceed the cost of the inquiry and shall be deposited into the State Police Services Fund.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly November 4, 2005.
Approved December 5, 2005.
Effective December 5, 2005.

PUBLIC ACT 94-0710
(House Bill No. 4025)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 16-165 as follows:

(40 ILCS 5/16-165) (from Ch. 108 1/2, par. 16-165)

Sec. 16-165. Board; elected members; vacancies.
(a) In each odd-numbered year, there shall be elected 2 teachers who shall hold office for a term of 4 years beginning July 15 next following their election, in the manner provided under this Section.
(b) One elected annuitant trustee shall first be elected in 1987, and in every fourth year thereafter, for a term of 4 years beginning July 15 next following his or her election.
(c) The elected annuitant position created by this amendatory Act of the 91st General Assembly shall be filled as soon as possible in the manner

New matter indicated by italics - deletions by strikeout
provided for vacancies, for an initial term ending July 15, 2001. One elected
annuitant trustee shall be elected in 2001, and in every fourth year thereafter,
for a term of 4 years beginning July 15 next following his or her election.

(d) Elections shall be held on May 1, unless May 1 falls on a Saturday
or Sunday, in which event the election shall be conducted on the following
Monday. Candidates shall be nominated by petitions in writing, signed by not
less than 500 teachers or annuitants, as the case may be, with their addresses
shown opposite their names. The petitions shall be filed with the board's
Secretary not less than 90 nor more than 120 days prior to May 1. The
Secretary shall determine their validity not less than 75 days before the
election.

(e) If, for either teacher or annuitant members, the number of qualified
nominees exceeds the number of available positions, the system shall prepare
an appropriate ballot with the names of the candidates in alphabetical order
and shall mail one copy thereof, at least 10 days prior to the election day, to
each teacher or annuitant of this system as of the latest date practicable, at the
latest known address, together with a return envelope addressed to the board
and also a smaller envelope marked "For Ballot Only", and a slip for
signature. Each voter, upon marking his ballot with a cross mark in the square
before the name of the person voted for, shall place the ballot in the envelope
marked "For Ballot Only", seal the envelope, write on the slip provided
therefor his signature and address, enclose both the slip and sealed envelope
containing the marked ballot in the return envelope addressed to the board,
and mail it. Whether a person is eligible to vote for the teacher nominees or
the annuitant nominees shall be determined from system payroll records as
of March 1.

Upon receipt of the return envelopes, the system shall open them and
set aside unopened the envelopes marked "For Ballot Only". On election day
ballots shall be publicly opened and counted by the trustees or canvassers
appointed therefor. Each vote cast for a candidate represents one vote only.
No ballot arriving after 10 o'clock a.m. on election day shall be counted. The
2 teacher candidates and the annuitant candidate receiving the highest number
of votes shall be elected. The board shall declare the results of the election,
keep a record thereof, and notify the candidates of the results thereof within
30 days after the election.

If, for either class of members, there are only as many qualified
nominees as there are positions available, the balloting as described in this
Section shall not be conducted for those nominees, and the board shall
declare them duly elected.

New matter indicated by italics - deletions by strikeout
(f) A vacancy occurring in the elective membership on the board shall be filled for the unexpired term by the board with a person qualified for the vacant position if there are no more than 6 months remaining on the term. For a term with more than 6 months remaining, the Director of the Teachers' Retirement System of the State of Illinois shall institute an election in accordance with this Act to fill the unexpired term.
(Source: P.A. 91-941, eff. 2-6-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly October 27, 2005.
Approved December 5, 2005.
Effective December 5, 2005.

PUBLIC ACT 94-0711
(Senate Bill No. 0676)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.
(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.
On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

New matter indicated by italics - deletions by strikeout
(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to
window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as
having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on

New matter indicated by italics - deletions by strikeout
a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present

New matter indicated by italics - deletions by strikeout
within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.
(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.
(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.
(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.
(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.
(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located
within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and

New matter indicated by italics - deletions by strikeout
amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels

New matter indicated by italics - deletions by strikeout
of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates

New matter indicated by italics - deletions by strikeout
an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the

New matter indicated by italics - deletions by strikeout
"Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following:
(a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax
Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

New matter indicated by italics - deletions by strikeout
Public Act 94-0711

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following:
(a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to
carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the

New matter indicated by italics - deletions by strikeout
redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the
payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

New matter indicated by italics - deletions by strikeout
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or

New matter indicated by italics - deletions by strikeout
(DD) (EE) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) (EE) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) (EE) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) (EE) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(II) (EE) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) (EE) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) (EE) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) (EE) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) (EE) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) (DD) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or
(OO) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment

New matter indicated by italics - deletions by strikeout
plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds:
(a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and
(b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement

New matter indicated by italics - deletions by strikeout
of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance

New matter indicated by italics - deletions by strikeout
and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect

New matter indicated by italics - deletions by strikeout
to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to

New matter indicated by italics - deletions by strikeout
acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including

New matter indicated by italics - deletions by strikeout
reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less
than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;
(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and
(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;
(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and
(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest

New matter indicated by italics - deletions by strikeout
in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961) this amendatory Act of the 93rd General Assembly, a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this
paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the

New matter indicated by italics - deletions by strikeout
training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households.
and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units.
or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within

New matter indicated by italics - deletions by strikeout
the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the
Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended

New matter indicated by italics - deletions by strikeout
redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a

New matter indicated by italics - deletions by strikeout
municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

New matter indicated by italics - deletions by strikeout
In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the

New matter indicated by italics - deletions by strikeout
municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax...
increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) (EE) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) (EE) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) (EE) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) (EE) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) (EE) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) (EE) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) (EE) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) (EE) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) (EE) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) (DD) if the ordinance was adopted

New matter indicated by italics - deletions by strikeout
on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law. (Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; revised 1-25-05.)

Approved December 5, 2005.
Effective June 1, 2006.

PUBLIC ACT 94-0712
(Senate Bill No. 1693)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Sections 7-142.1, 7-156, 7-169, 7-172, and 7-173.1 as follows:
(40 ILCS 5/7-142.1) (from Ch. 108 1/2, par. 7-142.1)
Sec. 7-142.1. Sheriff's law enforcement employees.
(a) In lieu of the retirement annuity provided by subparagraph 1 of paragraph (a) of Section 7-142:

New matter indicated by italics - deletions by strikeout
Any sheriff's law enforcement employee who has 20 or more years of service in that capacity and who terminates service prior to January 1, 1988 shall be entitled at his option to receive a monthly retirement annuity for his service as a sheriff's law enforcement employee computed by multiplying 2% for each year of such service up to 10 years, 2 1/4% for each year of such service above 10 years and up to 20 years, and 2 1/2% for each year of such service above 20 years, by his annual final rate of earnings and dividing by 12.

Any sheriff's law enforcement employee who has 20 or more years of service in that capacity and who terminates service on or after January 1, 1988 and before July 1, 2004 shall be entitled at his option to receive a monthly retirement annuity for his service as a sheriff's law enforcement employee computed by multiplying 2.5% for each year of such service up to 20 years, 2% for each year of such service above 20 years and up to 30 years, and 1% for each year of such service above 30 years, by his annual final rate of earnings and dividing by 12.

Any sheriff's law enforcement employee who has 20 or more years of service in that capacity and who terminates service on or after July 1, 2004 shall be entitled at his or her option to receive a monthly retirement annuity for service as a sheriff's law enforcement employee computed by multiplying 2.5% for each year of such service by his annual final rate of earnings and dividing by 12.

If a sheriff's law enforcement employee has service in any other capacity, his retirement annuity for service as a sheriff's law enforcement employee may be computed under this Section and the retirement annuity for his other service under Section 7-142.

In no case shall the total monthly retirement annuity for persons who retire before July 1, 2004 exceed 75% of the monthly final rate of earnings. In no case shall the total monthly retirement annuity for persons who retire on or after July 1, 2004 exceed 80% of the monthly final rate of earnings.

(b) Whenever continued group insurance coverage is elected in accordance with the provisions of Section 367h of the Illinois Insurance Code, as now or hereafter amended, the total monthly premium for such continued group insurance coverage or such portion thereof as is not paid by the municipality shall, upon request of the person electing such continued group insurance coverage, be deducted from any monthly pension benefit otherwise payable to such person pursuant to this Section, to be remitted by the Fund to the insurance company or other entity providing the group insurance coverage.

New matter indicated by italics - deletions by strikeout
(c) A sheriff’s law enforcement employee who has service in any other capacity may convert up to 10 years of that service into service as a sheriff’s law enforcement employee by paying to the Fund an amount equal to (1) the additional employee contribution required under Section 7-173.1, plus (2) the additional employer contribution required under Section 7-172, plus (3) interest on items (1) and (2) at the prescribed rate from the date of the service to the date of payment.

(d) The changes to subsections (a) and (b) of this Section made by this amendatory Act of the 94th General Assembly apply only to persons in service on or after July 1, 2004. In the case of such a person who begins to receive a retirement annuity before the effective date of this amendatory Act of the 94th General Assembly, the annuity shall be recalculated prospectively to reflect those changes, with the resulting increase beginning to accrue on the first annuity payment date following the effective date of this amendatory Act.

(Source: P.A. 85-941.)

(40 ILCS 5/7-156) (from Ch. 108 1/2, par. 7-156)

Sec. 7-156. Surviving spouse annuities - amount.

(a) The amount of surviving spouse annuity shall be:

1. Upon the death of an employee annuitant or such person entitled, upon application, to a retirement annuity at date of death, (i) an amount equal to 1/2 of the retirement annuity which was or would have been payable exclusive of the amount so payable which was provided from additional credits, and disregarding any election made under paragraph (b) of Section 7-142, plus (ii) an annuity which could be provided at the then attained age of the surviving spouse and under actuarial tables then in effect, from the excess of the additional credits, (excluding any such credits used to create a reversionary annuity) used to provide the annuity granted pursuant to paragraph (a) (2) of Section 7-142 of this article over the total annuity payments made pursuant thereto.

2. Upon the death of a participating employee on or after attainment of age 55, an amount equal to 1/2 of the retirement annuity which he could have had as of the date of death had he then retired and applied for annuity, exclusive of the portion thereof which could have been provided from additional credits, and disregarding paragraph (b) of Section 7-142, plus an amount equal to the annuity which could be provided from the total of his accumulated additional credits at date of death, on the basis of the attained age of the surviving spouse on such date.

3. Upon the death of a participating employee before age 55, an

New matter indicated by italics - deletions by strikeout
amount equal to 1/2 of the retirement annuity which he could have had as of
his attained age on the date of death, had he then retired and applied for
annuity, and the provisions of this Article that no such annuity shall begin
until the employee has attained at least age 55 were not applicable, exclusive
of the portion thereof which could have been provided from additional credits
and disregarding paragraph (b) of Section 7-142, plus an amount equal to the
annuity which could be provided from the total of his accumulated additional
credits at date of death, on the basis of the attained age of the surviving
spouse on such date.

In the case of the surviving spouse of a person who dies before the
effective date of this amendatory Act of the 94th General Assembly, if the a
 surviving spouse is more than 5 years younger than the deceased, that portion
of the annuity which is not based on additional credits shall be reduced in the
ratio of the value of a life annuity of $1 per year at an age of 5 years less than
the attained age of the deceased, at the earlier of the date of the death or the
date his retirement annuity begins, to the value of a life annuity of $1 per year
at the attained age of the surviving spouse on such date, according to actuarial
tables approved by the Board. This reduction does not apply to the surviving
spouse of a person who dies on or after the effective date of this amendatory
Act of the 94th General Assembly.

In computing the amount of a surviving spouse annuity, incremental
increases of retirement annuities to the date of death of the employee
annuitant shall be considered.

(b) Each surviving spouse annuity payable on January 1, 1988 shall
be increased on that date by 3% of the original amount of the annuity. Each
surviving spouse annuity that begins after January 1, 1988 shall be increased
on the January 1 next occurring after the annuity begins, by an amount equal
to (i) 3% of the original amount thereof if the deceased employee was
receiving a retirement annuity at the time of his death; otherwise (ii) 0.167%
of the original amount thereof for each complete month which has elapsed
since the date the annuity began.

On each January 1 after the date of the initial increase under this
subsection, each surviving spouse annuity shall be increased by 3% of the
originally granted amount of the annuity.
(Source: P.A. 85-941.)

(40 ILCS 5/7-169) (from Ch. 108 1/2, par. 7-169)
Sec. 7-169. Separation benefits; repayments.
(a) If an employee who has received a separation benefit subsequently
becomes a participating employee, and renders at least 2 years of contributing

New matter indicated by italics - deletions by strikeout
service from the date of such re-entry, he may pay to the fund the amount of the separation benefit, plus interest at the effective rate for each year from the date of payment of the separation benefit to the date of repayment. Upon payment his creditable service shall be reinstated and the payment shall be credited to his account as normal contributions.

(b) Beginning July 1, 2004, the requirement of returning to service for at least 2 years does not apply to persons who return to service as a sheriff's law enforcement employee. This subsection applies only to persons in service on or after July 1, 2004. In the case of such a person who begins to receive a retirement annuity before the effective date of this amendatory Act of the 94th General Assembly, the annuity shall be recalculated prospectively to reflect any credits reinstated as a result of this subsection, with the resulting increase in annuity beginning to accrue on the first annuity payment date following the effective date of this amendatory Act, but not earlier than the date the repayment is received by the Fund.

(Source: P.A. 84-1028.)

(40 ILCS 5/7-172) (from Ch. 108 1/2, par. 7-172)
Sec. 7-172. Contributions by participating municipalities and participating instrumentalities.

(a) Each participating municipality and each participating instrumentality shall make payment to the fund as follows:

1. municipality contributions in an amount determined by applying the municipality contribution rate to each payment of earnings paid to each of its participating employees;
2. an amount equal to the employee contributions provided by paragraphs (a) and (b) of Section 7-173, whether or not the employee contributions are withheld as permitted by that Section;
3. all accounts receivable, together with interest charged thereon, as provided in Section 7-209;
4. if it has no participating employees with current earnings, an amount payable which, over a period of 20 years beginning with the year following an award of benefit, will amortize, at the effective rate for that year, any negative balance in its municipality reserve resulting from the award. This amount when established will be payable as a separate contribution whether or not it later has participating employees.

(b) A separate municipality contribution rate shall be determined for each calendar year for all participating municipalities together with all instrumentalities thereof. The municipality contribution rate shall be
determined for participating instrumentalities as if they were participating municipalities. The municipality contribution rate shall be the sum of the following percentages:

1. The percentage of earnings of all the participating employees of all participating municipalities and participating instrumentalities which, if paid over the entire period of their service, will be sufficient when combined with all employee contributions available for the payment of benefits, to provide all annuities for participating employees, and the $3,000 death benefit payable under Sections 7-158 and 7-164, such percentage to be known as the normal cost rate.

2. The percentage of earnings of the participating employees of each participating municipality and participating instrumentalities necessary to adjust for the difference between the present value of all benefits, excluding temporary and total and permanent disability and death benefits, to be provided for its participating employees and the sum of its accumulated municipality contributions and the accumulated employee contributions and the present value of expected future employee and municipality contributions pursuant to subparagraph 1 of this paragraph (b). This adjustment shall be spread over the remainder of the period that is allowable under generally accepted accounting principles.

3. The percentage of earnings of the participating employees of all municipalities and participating instrumentalities necessary to provide the present value of all temporary and total and permanent disability benefits granted during the most recent year for which information is available.

4. The percentage of earnings of the participating employees of all participating municipalities and participating instrumentalities necessary to provide the present value of the net single sum death benefits expected to become payable from the reserve established under Section 7-206 during the year for which this rate is fixed.

5. The percentage of earnings necessary to meet any deficiency arising in the Terminated Municipality Reserve.

(c) A separate municipality contribution rate shall be computed for each participating municipality or participating instrumentality for its sheriff's law enforcement employees.

A separate municipality contribution rate shall be computed for the sheriff's law enforcement employees of each forest preserve district that elects

New matter indicated by italics - deletions by strikeout
to have such employees. For the period from January 1, 1986 to December 31, 1986, such rate shall be the forest preserve district's regular rate plus 2%.

In the event that the Board determines that there is an actuarial deficiency in the account of any municipality with respect to a person who has elected to participate in the Fund under Section 3-109.1 of this Code, the Board may adjust the municipality's contribution rate so as to make up that deficiency over such reasonable period of time as the Board may determine.

(d) The Board may establish a separate municipality contribution rate for all employees who are program participants employed under the federal Comprehensive Employment Training Act by all of the participating municipalities and instrumentalities. The Board may also provide that, in lieu of a separate municipality rate for these employees, a portion of the municipality contributions for such program participants shall be refunded or an extra charge assessed so that the amount of municipality contributions retained or received by the fund for all CETA program participants shall be an amount equal to that which would be provided by the separate municipality contribution rate for all such program participants. Refunds shall be made to prime sponsors of programs upon submission of a claim therefor and extra charges shall be assessed to participating municipalities and instrumentalities. In establishing the municipality contribution rate as provided in paragraph (b) of this Section, the use of a separate municipality contribution rate for program participants or the refund of a portion of the municipality contributions, as the case may be, may be considered.

(e) Computations of municipality contribution rates for the following calendar year shall be made prior to the beginning of each year, from the information available at the time the computations are made, and on the assumption that the employees in each participating municipality or participating instrumentality at such time will continue in service until the end of such calendar year at their respective rates of earnings at such time.

(f) Any municipality which is the recipient of State allocations representing that municipality's contributions for retirement annuity purposes on behalf of its employees as provided in Section 12-21.16 of the Illinois Public Aid Code shall pay the allocations so received to the Board for such purpose. Estimates of State allocations to be received during any taxable year shall be considered in the determination of the municipality's tax rate for that year under Section 7-171. If a special tax is levied under Section 7-171, none of the proceeds may be used to reimburse the municipality for the amount of State allocations received and paid to the Board. Any multiple-county or consolidated health department which receives contributions from a county...
under Section 11.2 of "An Act in relation to establishment and maintenance of county and multiple-county health departments", approved July 9, 1943, as amended, or distributions under Section 3 of the Department of Public Health Act, shall use these only for municipality contributions by the health department.

(g) Municipality contributions for the several purposes specified shall, for township treasurers and employees in the offices of the township treasurers who meet the qualifying conditions for coverage hereunder, be allocated among the several school districts and parts of school districts serviced by such treasurers and employees in the proportion which the amount of school funds of each district or part of a district handled by the treasurer bears to the total amount of all school funds handled by the treasurer.

From the funds subject to allocation among districts and parts of districts pursuant to the School Code, the trustees shall withhold the proportionate share of the liability for municipality contributions imposed upon such districts by this Section, in respect to such township treasurers and employees and remit the same to the Board.

The municipality contribution rate for an educational service center shall initially be the same rate for each year as the regional office of education or school district which serves as its administrative agent. When actuarial data become available, a separate rate shall be established as provided in subparagraph (i) of this Section.

The municipality contribution rate for a public agency, other than a vocational education cooperative, formed under the Intergovernmental Cooperation Act shall initially be the average rate for the municipalities which are parties to the intergovernmental agreement. When actuarial data become available, a separate rate shall be established as provided in subparagraph (i) of this Section.

(h) Each participating municipality and participating instrumentality shall make the contributions in the amounts provided in this Section in the manner prescribed from time to time by the Board and all such contributions shall be obligations of the respective participating municipalities and participating instrumentalities to this fund. The failure to deduct any employee contributions shall not relieve the participating municipality or participating instrumentality of its obligation to this fund. Delinquent payments of contributions due under this Section may, with interest, be recovered by civil action against the participating municipalities or participating instrumentalities. Municipality contributions, other than the
amount necessary for employee contributions and Social Security contributions, for periods of service by employees from whose earnings no deductions were made for employee contributions to the fund, may be charged to the municipality reserve for the municipality or participating instrumentality.

(i) Contributions by participating instrumentalities shall be determined as provided herein except that the percentage derived under subparagraph 2 of paragraph (b) of this Section, and the amount payable under subparagraph 5 of paragraph (a) of this Section, shall be based on an amortization period of 10 years.

(j) Notwithstanding the other provisions of this Section, the additional unfunded liability accruing as a result of this amendatory Act of the 94th General Assembly shall be amortized over a period of 30 years beginning on January 1 of the second calendar year following the calendar year in which this amendatory Act takes effect, except that the employer may provide for a longer amortization period by adopting a resolution or ordinance specifying a 35-year or 40-year period and submitting a certified copy of the ordinance or resolution to the fund no later than June 1 of the calendar year following the calendar year in which this amendatory Act takes effect.

(Source: P.A. 92-424, eff. 8-17-01.)

(40 ILCS 5/7-173.1) (from Ch. 108 1/2, par. 7-173.1)

Sec. 7-173.1. Additional contribution by sheriff's law enforcement employees.

(a) Each sheriff's law enforcement employee shall make an additional contribution of 1% of earnings, which shall be considered as normal contributions. For earnings on or after July 1, 1988, the additional contribution shall be 2% of earnings. For earnings on or after the effective date of this amendatory Act of the 94th General Assembly, the additional contribution shall be 3% of earnings; this increase is intended to defray the employee's portion of the cost of the benefit increases provided by this amendatory Act of the 94th General Assembly.

This additional contribution shall be payable for retroactive service periods which the employee elects to establish and to periods of authorized leave of absence.

(b) If the employee is awarded a retirement annuity under Section 7-142 and not under Section 7-142.1, then the additional contribution required under this Section shall be refunded with interest or paid as provided in subsection (c). If the employee returns to a participating status as a sheriff's law enforcement employee, the employee may repay the amount refunded

New matter indicated by italics - deletions by strikeout
with interest and upon subsequent retirement be entitled to a recomputation of the retirement annuity under Section 7-142.1 if the total service as a sheriff's law enforcement employee meets the requirements of that Section.

(c) Instead of a refund under subsection (b), the retiring employee may elect to convert the amount of the refund into an annuity, payable separately from the retirement annuity. If the annuitant dies before the guaranteed amount has been distributed, the remainder shall be paid in a lump sum to the designated beneficiary of the annuitant. The Board shall adopt any rules necessary for the implementation of this subsection.

(Source: P.A. 90-766, eff. 8-14-98.)

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Passed in the General Assembly November 4, 2005.
Approved December 9, 2005
Effective June 1, 2006.

PUBLIC ACT 94-0713
(House Bill No. 3814)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 15-107 as follows:

(625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)

Sec. 15-107. Length of vehicles.

(a) The maximum length of a single vehicle on any highway of this State may not exceed 42 feet except the following:

(1) Semitrailers.

(2) Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers.

(a-1) A motor home as defined in Section 1-145.01 may be up to 45 feet in length, not including energy absorbing bumpers. The length limitations described in this subsection (a-1) shall be exclusive of energy-absorbing bumpers and rear view mirrors.

New matter indicated by italics - deletions by strikeout
(b) On all non-State highways, the maximum length of vehicles in combinations is as follows:

  (1) A truck tractor in combination with a semitrailer may not exceed 55 feet overall dimension.
  (2) A truck tractor-semitrailer-trailer may not exceed 60 feet overall dimension.
  (3) Combinations specially designed to transport motor vehicles or boats may not exceed 60 feet overall dimension.

  Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

  Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

  A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

  All other combinations not listed in this subsection (b) may not exceed 60 feet overall dimension.

(c) Except as provided in subsections (c-1) and (c-2), combinations of vehicles may not exceed a total of 2 vehicles except the following:

  (1) A truck tractor semitrailer may draw one trailer.
  (2) A truck tractor semitrailer may draw one converter dolly.
  (3) A truck tractor semitrailer may draw one vehicle that is defined in Chapter 1 as special mobile equipment, provided the overall dimension does not exceed 60 feet.
  (4) A truck in transit may draw 3 trucks in transit coupled together by the triple saddlemount method.
  (5) Recreational vehicles consisting of 3 vehicles, provided

  New matter indicated by italics - deletions by strikeout
the following:

(A) The total overall dimension does not exceed 60 feet.

(B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly.

(C) The second vehicle in the combination of vehicles is a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle must be properly registered and must be equipped with brakes, regardless of weight.

(D) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle.

(E) The towed vehicles may be only for the use of the operator of the towing vehicle.

(F) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in subdivision (C) of this subparagraph (5).

(6) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle:

(A) Is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

(B) Is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) Is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) Does not engage a tow exceeding 50 highway miles from the initial point of wreck or disablement to a place of repair. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this
Code.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle. For purposes of this Section, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle is considered part of the licensed vehicle and not a separate vehicle.

(7) Commercial vehicles consisting of 3 vehicles, provided the following:

(A) The total overall dimension does not exceed 65 feet.

(B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly or a goose-neck hitch ball.

(C) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer.

(D) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code.

(E) The combination of vehicles must be operated by a person who holds a commercial driver's license (CDL).

(F) The combination of vehicles must be en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(c-1) A combination of 3 vehicles is allowed access to any State designated highway if:

(1) the length of neither towed vehicle exceeds 28.5 feet;

(2) the overall wheel base of the combination of vehicles does not exceed 62 feet; and

(3) the combination of vehicles is en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(c-2) A combination of 3 vehicles is allowed access from any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of delivery or collection of one or both of the towed vehicles if:

(1) the length of neither towed vehicle exceeds 28.5 feet;

(2) the combination of vehicles does not exceed 40,000 pounds in gross weight and 8 feet 6 inches in width;

(3) there is no sign prohibiting that access;

New matter indicated by italics - deletions by strikeout
(4) the route is not being used as a thoroughfare between State designated highways; and

(5) the combination of vehicles is en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(d) On Class I highways there are no overall length limitations on motor vehicles operating in combinations provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor may not exceed 53 feet.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.

(4) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(5) Combinations of vehicles specifically designed to transport motor vehicles or boats may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(6) Stinger steered semitrailer vehicles as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

New matter indicated by italics - deletions by strikeout
Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

The length limitations described in this paragraph (d) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (d).

(e) On Class II highways there are no overall length limitations on motor vehicles operating in combinations, provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor, may not exceed 53 feet overall dimension.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) A truck tractor-semitrailer-trailer combination may not exceed 65 feet in dimension from front axle to rear axle.

(4) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.

(5) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(6) A combination of vehicles, specifically designed to transport motor vehicles or boats, may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) Stinger steered semitrailer vehicles, as defined in Chapter
1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(8) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

Local authorities, with respect to streets and highways under their jurisdiction, may also by ordinance or resolution allow length limitations of this subsection (e).

The length limitations described in this paragraph (e) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

(e-1) Combinations of vehicles not exceeding 65 feet overall length are allowed access as follows:

(1) From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:

New matter indicated by italics - deletions by strikeout
(A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.
(B) There is no sign prohibiting that access.
(C) The route is not being used as a thoroughfare between State designated highways.

(2) From any State designated highway onto any county or township highway for a distance of 5 highway miles or onto any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:
(A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.
(B) There is no sign prohibiting that access.
(C) The route is not being used as a thoroughfare between State designated highways.

(e-2) Except as provided in subsection (e-3), combinations of vehicles over 65 feet in length, with no overall length limitation except as provided in subsections (d) and (e) of this Section, are allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(2) From a Class I or Class II highway onto any State highway or any locally designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

(e-3) Combinations of vehicles over 65 feet in length operated by household goods carriers, with no overall length limitations except as provided in subsections (d) and (e) of this Section, have unlimited access to points of loading and unloading.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) On Class III and other non-designated State highways, the length limitations for vehicles in combination are as follows:

(1) Truck tractor-semitrailer combinations, must comply with either a maximum 55 feet overall wheel base or a maximum 65 feet extreme overall dimension.

(2) Semitrailers, unladen or with load, may not exceed 53 feet overall dimension.

(3) No truck tractor-semitrailer-trailer combination may
exceed 60 feet extreme overall dimension.

(4) The distance between the kingpin and the center axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 42 feet 6 inches.

(g) Length limitations in the preceding subsections of this Section 15-107 do not apply to the following:

(1) Vehicles operated in the daytime, except on Saturdays, Sundays, or legal holidays, when transporting poles, pipe, machinery, or other objects of a structural nature that cannot readily be dismembered, provided the overall length of vehicle and load may not exceed 100 feet and no object exceeding 80 feet in length may be transported unless a permit has been obtained as authorized in Section 15-301.

(2) Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties, but during night operation every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(3) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle meets the following conditions:

(A) It is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes.

(B) It is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) It is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) It does not engage in a tow exceeding 50 miles from the initial point of wreck or disablement.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle. The towing vehicle, however, may tow any disabled vehicle from the initial point of wreck or disablement to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits.

New matter indicated by italics - deletions by strikeout
For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck. Legal holidays referred to in this Section shall be specified as the day on which the following traditional holidays are celebrated:

New Year's Day;
Memorial Day;
Independence Day;
Labor Day;
Thanksgiving Day; and
Christmas Day.

(h) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper. The provisions of this subsection (h) shall not apply to any vehicle or combination of vehicles specifically designed for the collection and transportation of waste, garbage, or recyclable materials during the vehicle's operation in the course of collecting garbage, waste, or recyclable materials if the vehicle is traveling at a speed not in excess of 15 miles per hour during the vehicle's operation and in the course of collecting garbage, waste, or recyclable materials. However, in no instance shall the load extend more than 7 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper.

(i) The load upon the front vehicle of a combination of vehicles specifically designed to transport motor vehicles shall not extend more than 3 feet beyond the foremost part of the transporting vehicle and the load upon the rear transporting vehicle shall not extend more than 4 feet beyond the rear of the bed or body of the vehicle. This paragraph shall only be applicable upon highways designated in paragraphs (d) and (e) of this Section.

(j) Articulated vehicles comprised of 2 sections, neither of which exceeds a length of 42 feet, designed for the carrying of more than 10 persons, may be up to 60 feet in length, not including energy absorbing bumpers, provided that the vehicles are:

1. operated by or for any public body or motor carrier authorized by law to provide public transportation services; or
2. operated in local public transportation service by any other person and the municipality in which the service is to be provided approved the operation of the vehicle.

(j-1) (Blank).

New matter indicated by italics - deletions by strikeout
(k) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113.

(l) (Blank).

(Source: P.A. 92-417, eff. 1-1-02; 92-766, eff. 1-1-03; 92-883, eff. 1-13-03; 93-177, eff. 7-11-03; 93-1023, eff. 8-25-04.)

Passed in the General Assembly November 4, 2005.
Approved December 13, 2005.
Effective June 1, 2006.

PUBLIC ACT 94-0714
(Senate Bill No. 0293)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 10-20.21 as follows:

(105 ILCS 5/10-20.21)(from Ch. 122, par. 10-20.21)
Sec. 10-20.21. Contracts.
(a) To award all contracts for purchase of supplies, materials or work or contracts with private carriers for transportation of pupils involving an expenditure in excess of $10,000 to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, after due advertisement, except the following: (i) contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; (ii) contracts for the printing of finance committee reports and departmental reports; (iii) contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness; (iv) contracts for the purchase of perishable foods and perishable beverages; (v) contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price; (vi) contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent; (vii) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software,
or services and telecommunications and interconnect equipment, software, and services; (viii) contracts for duplicating machines and supplies; (ix) contracts for the purchase of natural gas when the cost is less than that offered by a public utility; (x) purchases of equipment previously owned by some entity other than the district itself; (xi) contracts for repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed $20,000 and not involving a change or increase in the size, type, or extent of an existing facility; (xii) contracts for goods or services procured from another governmental agency; (xiii) contracts for goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph; (xiv) where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board; and (xv) State master contracts authorized under Article 28A of this Code.

All competitive bids for contracts involving an expenditure in excess of $10,000 must be sealed by the bidder and must be opened by a member or employee of the school board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days' notice of the time and place of the bid opening. For purposes of this Section due advertisement includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district, or if no newspaper is published in the district, in a newspaper of general circulation in the area of the district. State master contracts and certified education purchasing contracts, as defined in Article 28A of this Code, are not subject to the requirements of this paragraph.

(b) To require, as a condition of any contract for goods and services, that persons bidding for and awarded a contract and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (b), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (b), the term "voting security" means a security that (1) confers upon the holder the

New matter indicated by italics - deletions by strikeout
right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

To require that bids and contracts include a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under this Section and that the bidder or contractor acknowledges that the school board may declare the contract void if the certification completed pursuant to this subsection (b) is false.

(b-5) To require all contracts and agreements that pertain to goods and services and that are intended to generate additional revenue and other remunerations for the school district in excess of $1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, to be approved by the school board. The school board shall file as an attachment to its annual budget a report, in a form as determined by the State Board of Education, indicating for the prior year the name of the vendor, the product or service provided, and the actual net revenue and non-monetary remuneration from each of the contracts or agreements. In addition, the report shall indicate for what purpose the revenue was used and how and to whom the non-monetary remuneration was distributed.

(c) If the State education purchasing entity creates a master contract as defined in Article 28A of this Code, then the State education purchasing entity shall notify school districts of the existence of the master contract.

(d) In purchasing supplies, materials, equipment, or services that are not subject to subsection (c) of this Section, before a school district solicits bids or awards a contract, the district may review and consider as a bid under subsection (a) of this Section certified education purchasing contracts that are already available through the State education purchasing entity.

(Source: P.A. 93-25, eff. 6-20-03; 93-1036, eff. 9-14-04.)

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)
Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 99. Effective date. This Act takes effect July 1, 2006.
Approved December 13, 2005.

New matter indicated by italics - deletions by strikeout
Effective June 1, 2006.

PUBLIC ACT 94-0715  
(Senate Bill No. 0319)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 5-8-1 as follows:

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Sentence of Imprisonment for Felony.

(a) Except as otherwise provided in the statute defining the offense, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, according to the following limitations:

1) for first degree murder,

   (a) a term shall be not less than 20 years and not more than 60 years, or

   (b) if a trier of fact finds beyond a reasonable doubt that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) of Section 9-1 of the Criminal Code of 1961 are present, the court may sentence the defendant to a term of natural life imprisonment, or

   (c) the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant,

      (i) has previously been convicted of first degree murder under any state or federal law, or

      (ii) is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age; or, irrespective of the defendant's age at the time of the commission of the offense, is found guilty of murdering more than one victim, or

      (iii) is found guilty of murdering a peace
when the peace officer, fireman, or emergency management worker was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer, fireman, or emergency management worker from performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer, fireman, or emergency management worker, or

(iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault,
criminal sexual assault, or aggravated kidnaping, or
(vii) is found guilty of first degree murder and
the murder was committed by reason of any person's
activity as a community policing volunteer or to
prevent any person from engaging in activity as a
community policing volunteer. For the purpose of this
Section, "community policing volunteer" has the
meaning ascribed to it in Section 2-3.5 of the Criminal
For purposes of clause (v), "emergency medical
technician - ambulance", "emergency medical technician -
intermediate", "emergency medical technician - paramedic",
have the meanings ascribed to them in the Emergency
Medical Services (EMS) Systems Act.
(d) (i) if the person committed the offense while
armed with a firearm, 15 years shall be added to the term of
imprisonment imposed by the court;
(ii) if, during the commission of the offense,
the person personally discharged a firearm, 20 years
shall be added to the term of imprisonment imposed
by the court;
(iii) if, during the commission of the offense,
the person personally discharged a firearm that
proximately caused great bodily harm, permanent
disability, permanent disfigurement, or death to
another person, 25 years or up to a term of natural life
shall be added to the term of imprisonment imposed
by the court.
(1.5) for second degree murder, a term shall be not less than
4 years and not more than 20 years;
(2) for a person adjudged a habitual criminal under Article
33B of the Criminal Code of 1961, as amended, the sentence shall be
a term of natural life imprisonment;
(2.5) for a person convicted under the circumstances described
in paragraph (3) of subsection (b) of Section 12-13, paragraph (2) of
subsection (d) of Section 12-14, paragraph (1.2) of subsection (b) of
Section 12-14.1, or paragraph (2) of subsection (b) of Section 12-14.1
of the Criminal Code of 1961, the sentence shall be a term of natural
life imprisonment;

New matter indicated by italics - deletions by strikeout
(3) except as otherwise provided in the statute defining the offense, for a Class X felony, the sentence shall be not less than 6 years and not more than 30 years;
(4) for a Class 1 felony, other than second degree murder, the sentence shall be not less than 4 years and not more than 15 years;
(5) for a Class 2 felony, the sentence shall be not less than 3 years and not more than 7 years;
(6) for a Class 3 felony, the sentence shall be not less than 2 years and not more than 5 years;
(7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

(b) The sentencing judge in each felony conviction shall set forth his reasons for imposing the particular sentence he enters in the case, as provided in Section 5-4-1 of this Code. Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such circumstances, as well as any other such factors as the judge shall set forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(c) A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide such motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, then for purposes of perfecting an appeal, a final judgment shall not be considered to have been entered until the motion to reduce a sentence has been decided by order entered by the trial court.

A motion filed pursuant to this subsection shall not be considered to have been timely filed unless it is filed with the circuit court clerk within 30 days after the sentence is imposed together with a notice of motion, which notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

(d) Except where a term of natural life is imposed, every sentence shall include as though written therein a term in addition to the term of

New matter indicated by italics - deletions by strikeout
imprisonment. For those sentenced under the law in effect prior to February 1, 1978, such term shall be identified as a parole term. For those sentenced on or after February 1, 1978, such term shall be identified as a mandatory supervised release term. Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be as follows:

(1) for first degree murder or a Class X felony except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if convicted on or after the effective date of this amendatory Act of the 94th General Assembly July 1, 2005, 3 years;

(2) for a Class 1 felony or a Class 2 felony except for the offense of criminal sexual assault if convicted on or after the effective date of this amendatory Act of the 94th General Assembly July 1, 2005, 2 years;

(3) for a Class 3 felony or a Class 4 felony, 1 year;

(4) for defendants who commit the offense convicted of predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault, on or after the effective date of this amendatory Act of the 94th General Assembly July 1, 2005, the term of mandatory supervised release shall range from a minimum of 3 years to a maximum of the natural life of the defendant;

(5) if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code.

(e) A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his sentence by the Illinois court ordered to be concurrent with the prior sentence in the other state. The court may order that any time served on the unexpired portion of the sentence in the other state, prior to his return to Illinois, shall be credited on his Illinois sentence. The other state shall be furnished with a copy of the order imposing sentence which shall provide that, when the offender is released from confinement of the other state, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of such sentence at the time of
commitment and to be provided with copies of all records regarding the sentence.

(f) A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois Circuit Court may apply to the court which imposed sentence to have his sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his Illinois sentence. Such application for reduction of a sentence under this subsection (f) shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06; revised 8-19-05.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in General Assembly November 3, 2005.
Approved December 13, 2005.
Effective December 13, 2005.

AN ACT concerning procurement.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Design-Build Procurement Act.

Section 5. Legislative policy. It is the intent of the General Assembly that the Capital Development Board be allowed to use the design-build delivery method for public projects if it is shown to be in the State's best interest for that particular project. It shall be the policy of the Capital Development Board in the procurement of design-build services to publicly announce all requirements for design-build services and to procure these services on the basis of demonstrated competence and qualifications and with due regard for the principles of competitive selection.

The Capital Development Board shall, prior to issuing requests for proposals, promulgate and publish procedures for the solicitation and award

New matter indicated by italics - deletions by strikeout
of contracts pursuant to this Act.

The Capital Development Board shall, for each public project or projects permitted under this Act, make a written determination, including a description as to the particular advantages of the design-build procurement method, that it is in the best interests of this State to enter into a design-build contract for the project or projects. In making that determination, the following factors shall be considered:

(1) The probability that the design-build procurement method will be in the best interests of the State by providing a material savings of time or cost over the design-bid-build or other delivery system.

(2) The type and size of the project and its suitability to the design-build procurement method.

(3) The ability of the State construction agency to define and provide comprehensive scope and performance criteria for the project. No State construction agency may use a design-build procurement method unless the agency determines in writing that the project will comply with the disadvantaged business and equal employment practices of the State as established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and Section 2-105 of the Illinois Human Rights Act.

The Capital Development Board shall within 15 days after the initial determination provide an advisory copy to the Procurement Policy Board and maintain the full record of determination for 5 years.

Section 10. Definitions. As used in this Act:
"State construction agency" means the Capital Development Board.
"Delivery system" means the design and construction approach used to develop and construct a project.
"Design-bid-build" means the traditional delivery system used on public projects in this State that incorporates the Architectural, Engineering, and Land Surveying Qualification Based Selection Act (30 ILCS 535/) and the principles of competitive selection in the Illinois Procurement Code (30 ILCS 500/).
"Design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.
"Design-build contract" means a contract for a public project under this Act between the State construction agency and a design-build entity to furnish architecture, engineering, land surveying, and related services as
required, and to furnish the labor, materials, equipment, and other construction services for the project. The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the State construction agency to make modifications in the project scope without invalidating the design-build contract.

"Design-build entity" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under this Act. A design-build entity and associated design-build professionals shall conduct themselves in accordance with the laws of this State and the related provisions of the Illinois Administrative Code, as referenced by the licensed design professionals Acts of this State.


"Evaluation criteria" means the requirements for the separate phases of the selection process as defined in this Act and may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors. Price may not be used as a factor in the evaluation of Phase I proposals.

"Proposal" means the offer to enter into a design-build contract as submitted by a design-build entity in accordance with this Act.

"Request for proposal" means the document used by the State construction agency to solicit proposals for a design-build contract.

"Scope and performance criteria" means the requirements for the public project, including but not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build entity to develop a proposal.

Section 15. Solicitation of proposals.

(a) When the State construction agency elects to use the design-build delivery method, it must issue a notice of intent to receive requests for proposals for the project at least 14 days before issuing the request for the

New matter indicated by italics - deletions by strikeout
The State construction agency must publish the advance notice in the official procurement bulletin of the State or the professional services bulletin of the State construction agency, if any. The agency is encouraged to use publication of the notice in related construction industry service publications. A brief description of the proposed procurement must be included in the notice. The State construction agency must provide a copy of the request for proposal to any party requesting a copy.

(b) The request for proposal shall be prepared for each project and must contain, without limitation, the following information:

(1) The name of the State construction agency.
(2) A preliminary schedule for the completion of the contract.
(3) The proposed budget for the project, the source of funds, and the currently available funds at the time the request for proposal is submitted.
(4) Prequalification criteria for design-build entities wishing to submit proposals. The State construction agency shall include, at a minimum, its normal prequalification, licensing, registration, and other requirements, but nothing contained herein precludes the use of additional prequalification criteria by the State construction agency.
(5) Material requirements of the contract, including but not limited to, the proposed terms and conditions, required performance and payment bonds, insurance, and the entity's plan to comply with the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, and with Section 2-105 of the Illinois Human Rights Act.
(6) The performance criteria.
(7) The evaluation criteria for each phase of the solicitation.
(8) The number of entities that will be considered for the technical and cost evaluation phase.

(c) The State construction agency may include any other relevant information that it chooses to supply. The design-build entity shall be entitled to rely upon the accuracy of this documentation in the development of its proposal.

(d) The date that proposals are due must be at least 21 calendar days after the date of issuance of the request for proposal. In the event the cost of the project is estimated to exceed $10 million, then the proposal due date must be at least 28 calendar days after the date of issuance of the request for proposal. The State construction agency shall include in the request for proposal.
Section 20. Development of scope and performance criteria.

(a) The State construction agency shall develop, with the assistance of a licensed design professional, a request for proposal, which shall include scope and performance criteria. The scope and performance criteria must be in sufficient detail and contain adequate information to reasonably apprise the qualified design-build entities of the State construction agency's overall programmatic needs and goals, including criteria and preliminary design plans, general budget parameters, schedule, and delivery requirements.

(b) Each request for proposal shall also include a description of the level of design to be provided in the proposals. This description must include the scope and type of renderings, drawings, and specifications that, at a minimum, will be required by the State construction agency to be produced by the design-build entities.

(c) The scope and performance criteria shall be prepared by a design professional who is an employee of the State construction agency, or the State construction agency may contract with an independent design professional selected under the Architectural, Engineering and Land Surveying Qualification Based Selection Act (30 ILCS 535/) to provide these services.

(d) The design professional that prepares the scope and performance criteria is prohibited from participating in any design-build entity proposal for the project.

Section 25. Selection Committee.

(a) When the State construction agency elects to use the design-build delivery method, it shall establish a committee to evaluate and select the design-build entity. The committee, under the discretion of the State construction agency, shall consist of 5 or 7 members and shall include at least one licensed design professional and 2 members of the public. Public members may not be employed or associated with any firm holding a contract with the State construction agency. One public member shall be nominated by associations representing the general design or construction industry and one member shall be nominated by associations that represent minority or female-owned design or construction industry businesses. The selection committee may be designated for a set term or for the particular project subject to the request for proposal.

(b) The members of the selection committee must certify for each request for proposal that no conflict of interest exists between the members and the design-build entities submitting proposals. If a conflict exists, the
member must be replaced before any review of proposals.

Section 30. Procedures for Selection.

(a) The State construction agency must use a two-phase procedure for the selection of the successful design-build entity. Phase I of the procedure will evaluate and shortlist the design-build entities based on qualifications, and Phase II will evaluate the technical and cost proposals.

(b) The State construction agency shall include in the request for proposal the evaluating factors to be used in Phase I. These factors are in addition to any prequalification requirements of design-build entities that the agency has set forth. Each request for proposal shall establish the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the State construction agency. The State construction agency must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The State construction agency shall include the following criteria in every Phase I evaluation of design-build entities: (1) experience of personnel; (2) successful experience with similar project types; (3) financial capability; (4) timeliness of past performance; (5) experience with similarly sized projects; (6) successful reference checks of the firm; (7) commitment to assign personnel for the duration of the project and qualifications of the entity's consultants; and (8) ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act. The State construction agency may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review.

The State construction agency may not consider any design-build entity for evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, including but not limited to, long-term leasehold, mutual performance, or development contracts with the State construction agency, that may give the design-build entity a financial or tangible advantage over other design-build entities in the preparation, evaluation, or performance of the design-build contract or that create the appearance of impropriety. No proposal shall be considered that does not include an entity's plan to comply with the requirements established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act.

Upon completion of the qualifications evaluation, the State

New matter indicated by italics - deletions by strikeout
construction agency shall create a shortlist of the most highly qualified design-build entities. The State construction agency, in its discretion, is not required to shortlist the maximum number of entities as identified for Phase II evaluation, provided however, no less than 2 design-build entities nor more than 6 are selected to submit Phase II proposals.

The State construction agency shall notify the entities selected for the shortlist in writing. This notification shall commence the period for the preparation of the Phase II technical and cost evaluations. The State construction agency must allow sufficient time for the shortlist entities to prepare their Phase II submittals considering the scope and detail requested by the State agency.

(c) The State construction agency shall include in the request for proposal the evaluating factors to be used in the technical and cost submission components of Phase II. Each request for proposal shall establish, for both the technical and cost submission components of Phase II, the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the State construction agency. The State construction agency must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The State construction agency shall include the following criteria in every Phase II technical evaluation of design-build entities: (1) compliance with objectives of the project; (2) compliance of proposed services to the request for proposal requirements; (3) quality of products or materials proposed; (4) quality of design parameters; (5) design concepts; (6) innovation in meeting the scope and performance criteria; and (7) constructability of the proposed project. The State construction agency may include any additional relevant technical evaluation factors it deems necessary for proper selection.

The State construction agency shall include the following criteria in every Phase II cost evaluation: the total project cost, the construction costs, and the time of completion. The State construction agency may include any additional relevant technical evaluation factors it deems necessary for proper selection. The total project cost criteria weighing factor shall be 25%.

The State construction agency shall directly employ or retain a licensed design professional to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards.

Upon completion of the technical submissions and cost submittals

New matter indicated by italics - deletions by strikeout
evaluation, the State construction agency may award the design-build contract to the highest overall ranked entity.

Section 35. Small projects. In any case where the total overall cost of the project is estimated to be less than $10 million, the State construction agency may combine the two-phase procedure for selection described in Section 30 into one combined step, provided that all the requirements of evaluation are performed in accordance with Section 30.

Section 40. Submission of proposals. Proposals must be properly identified and sealed. Proposals may not be reviewed until after the deadline for submission has passed as set forth in the request for proposals. All design-build entities submitting proposals shall be disclosed after the deadline for submission, and all design-build entities who are selected for Phase II evaluation shall also be disclosed at the time of that determination.

Proposals shall include a bid bond in the form and security as designated in the request for proposals. Proposals shall also contain a separate sealed envelope with the cost information within the overall proposal submission. Proposals shall include a list of all design professionals and other entities as defined in Section 30-30 of the Illinois Procurement Code to which any work may be subcontracted during the performance of the contract. Any entity that will perform any of the 5 subdivisions of work defined in Section 30-30 of the Illinois Procurement Code must meet prequalification standards of the State construction agency.

Proposals must meet all material requirements of the request for proposal or they may be rejected as non-responsive. The State construction agency shall have the right to reject any and all proposals.

The drawings and specifications of the proposal shall remain the property of the design-build entity.

The State construction agency shall review the proposals for compliance with the performance criteria and evaluation factors.

Proposals may be withdrawn prior to evaluation for any cause. After evaluation begins by the State construction agency, clear and convincing evidence of error is required for withdrawal.

Section 45. Award. The State construction agency may award the contract to the highest overall ranked entity. Notice of award shall be made in writing. Unsuccessful entities shall also be notified in writing. The State construction agency may not request a best and final offer after the receipt of proposals. The State construction agency may negotiate with the selected design-build entity after award but prior to contract execution for the purpose of securing better terms than originally proposed, provided that the salient

New matter indicated by italics - deletions by strikeout
features of the request for proposal are not diminished.

Section 46. Reports and evaluation. At the end of every 6 month period following the contract award, and again prior to final contract payout and closure, a selected design-build entity shall detail, in a written report submitted to the State agency, its efforts and success in implementing the entity's plan to comply with the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and the provisions of Section 2-105 of the Illinois Human Rights Act. If the entity's performance in implementing the plan falls short of the performance measures and outcomes set forth in the plans submitted by the entity during the proposal process, the entity shall, in a detailed written report, inform the General Assembly and the Governor whether and to what degree each design-build contract authorized under this Act promoted the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and the provisions of Section 2-105 of the Illinois Human Rights Act.

Section 50. Administrative Procedure Act. The Illinois Administrative Procedure Act (5 ILCS 100/) applies to all administrative rules and procedures of the State construction agency under this Act except that nothing herein shall be construed to render any prequalification or other responsibility criteria as a "license" or "licensing" under that Act.

Section 53. Federal requirements. In the procurement of design-build contracts, the State construction agency shall comply with federal law and regulations and take all necessary steps to adapt their rules, policies, and procedures to remain eligible for federal aid.

Section 90. Repealer. This Act is repealed on July 1, 2009.

Section 95. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.


PUBLIC ACT 94-0717
(Senate Bill No. 1124)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Vehicle Code is amended by changing Section 6-305 as follows:

(625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

Sec. 6-305. Renting motor vehicle to another.

(a) No person shall rent a motor vehicle to any other person unless the latter person, or a driver designated by a nondriver with disabilities and meeting any minimum age and driver's record requirements that are uniformly applied by the person renting a motor vehicle, is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the State or country of his residence unless the State or country of his residence does not require that a driver be licensed.

(b) No person shall rent a motor vehicle to another until he has inspected the drivers license of the person to whom the vehicle is to be rented, or by whom it is to be driven, and compared and verified the signature thereon with the signature of such person written in his presence unless, in the case of a nonresident, the State or country wherein the nonresident resides does not require that a driver be licensed.

(c) No person shall rent a motorcycle to another unless the latter person is then duly licensed hereunder as a motorcycle operator, and in the case of a nonresident, then duly licensed under the laws of the State or country of his residence, unless the State or country of his residence does not require that a driver be licensed.

(d) (Blank).

(e) (Blank).

(f) Subject to subsection (l), any person who rents a motor vehicle to another shall only advertise, quote, and charge a rental rate that includes the entire amount except taxes and a mileage charge, if any, which a renter must pay to hire or lease the vehicle for the period of time to which the rental rate applies. The person must provide, on the request of the renter, based on the available information, an estimated total of the daily rental rate, including all applicable taxes, fees, and other charges, or an estimated total rental charge, based on the return date of the vehicle noted on the rental agreement. Further, if the rental agreement does not already provide an estimated total rental charge, the following statement must be included in the rental agreement:

"NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN ESTIMATED TOTAL RENTAL"

New matter indicated by italics - deletions by strikeout
CHARGE, BASED ON THE VEHICLE RETURN DATE NOTED ON THIS AGREEMENT."

Such person shall not charge in addition to the rental rate, taxes, and mileage charge, if any, any fee which must be paid by the renter as a condition of hiring or leasing the vehicle, such as, but not limited to, required fuel or airport surcharges, nor any fee for transporting the renter to the location where the rented vehicle will be delivered to the renter. In addition to the rental rate, taxes, and mileage charge, if any, such person may charge for an item or service provided in connection with a particular rental transaction if the renter can avoid incurring the charge by choosing not to obtain or utilize the optional item or service. Items and services for which such person may impose an additional charge include, but are not limited to, optional insurance and accessories requested by the renter, service charges incident to the renter's optional return of the vehicle to a location other than the location where the vehicle was hired or leased, and charges for refueling the vehicle at the conclusion of the rental transaction in the event the renter did not return the vehicle with as much fuel as was in the fuel tank at the beginning of the rental.

(g) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license, if any, of said latter person, and the date and place when and where the license, if any, was issued. Such record shall be open to inspection by any police officer or designated agent of the Secretary of State.

(h) A person licensed as a new car dealer under Section 5-101 of this Code shall not be subject to the provisions of this Section regarding the rental of private passenger motor vehicles when providing, free of charge, temporary substitute vehicles for customers to operate during a period when a customer's vehicle, which is either leased or owned by that customer, is being repaired, serviced, replaced or otherwise made unavailable to the customer in accordance with an agreement with the licensed new car dealer or vehicle manufacturer, so long as the customer orally or in writing is made aware that the temporary substitute vehicle will be covered by his or her insurance policy and the customer shall only be liable to the extent of any amount deductible from such insurance coverage in accordance with the terms of the policy.

(i) This Section, except the requirements of subsection (g), also applies to rental agreements of 30 continuous days or less involving a motor vehicle that was delivered by an out of State person or business to a renter in
this State.

(j) A public airport may, if approved by its local government corporate authorities or its airport authority, impose a customer facility charge upon customers of rental car companies for the purposes of financing, designing, constructing, operating, and maintaining consolidated car rental facilities and common use transportation equipment and facilities, which are used to transport the customer, connecting consolidated car rental facilities with other airport facilities.

Notwithstanding subsection (f) of this Section, the customer facility charge shall be collected by the rental car company as a separate charge, and clearly indicated as a separate charge on the rental agreement and invoice. Facility charges shall be immediately deposited into a trust account for the benefit of the airport and remitted at the direction of the airport, but not more often than once per month. The charge shall be uniformly calculated on a per-contract or per-day basis. Facility charges imposed by the airport may not exceed the reasonable costs of financing, designing, constructing, operating, and maintaining the consolidated car rental facilities and common use transportation equipment and facilities and may not be used for any other purpose.

Notwithstanding any other provision of law, the charges collected under this Section are not subject to retailer occupation, sales, use, or transaction taxes.

(k) When a rental car company states a rental rate in any of its rate advertisements, its proprietary computer reservation systems, or its in-person quotations intended to apply to an airport rental, a company that collects from its customers a customer facility charge for that rental under subsection (j) shall do all of the following:

1. Clearly and conspicuously disclose in any radio, television, or other electronic media advertisements the existence and amount of the charge if the advertisement is intended for rentals at an airport imposing the charge or, if the advertisement covers an area with multiple airports with different charges, a range of amounts of customer facility charges if the advertisement is intended for rentals at an airport imposing the charge.

2. Clearly and conspicuously disclose in any print rate advertising the existence and amount of the charge if the advertisement is intended for rentals at an airport imposing the charge or, if the print rate advertisement covers an area with multiple airports with different charges, a range of amounts of customer facility charges.

New matter indicated by italics - deletions by strikeout
charges if the advertisement is intended for rentals at an airport imposing the charge.

(3) Clearly and conspicuously disclose the existence and amount of the charge in any telephonic, in-person, or computer-transmitted quotation from the rental car company's proprietary computer reservation system at the time of making an initial quotation of a rental rate if the quotation is made by a rental car company location at an airport imposing the charge and at the time of making a reservation of a rental car if the reservation is made by a rental car company location at an airport imposing the charge.

(4) Clearly and conspicuously display the charge in any proprietary computer-assisted reservation or transaction directly between the rental car company and the customer, shown or referenced on the same page on the computer screen viewed by the customer as the displayed rental rate and in a print size not smaller than the print size of the rental rate.

(5) Clearly and conspicuously disclose and separately identify the existence and amount of the charge on its rental agreement.

(6) A rental car company that collects from its customers a customer facility charge under subsection (j) and engages in a practice which does not comply with subsections (f), (j), and (k) commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(l) Notwithstanding subsection (f), any person who rents a motor vehicle to another may, in connection with the rental of a motor vehicle to (i) a business renter or (ii) a business program sponsor under the sponsor's business program, do the following:

(1) separately quote, by telephone, in person, or by computer transmission, additional charges for the rental; and

(2) separately impose additional charges for the rental.

(m) As used in this Section:

(1) "Additional charges" means charges other than: (i) a per period base rental rate; (ii) a mileage charge; (iii) taxes; or (iv) a customer facility charge.

(2) "Business program" means:

(A) a contract between a person who rents motor vehicles and a business program sponsor that establishes rental rates at which the person will rent motor vehicles to persons authorized by the sponsor; or

New matter indicated by italics - deletions by strikeout
(B) a plan, program, or other arrangement established by a person who rents motor vehicles at the request of, or with the consent of, a business program sponsor under which the person offers to rent motor vehicles to persons authorized by the sponsor on terms that are not the same as those generally offered by the rental company to the public.

(3) "Business program sponsor" means any legal entity other than a natural person, including a corporation, limited liability company, partnership, government, municipality or agency, or a natural person operating a business as a sole proprietor.

(4) "Business renter" means, for any business program sponsor, a person who is authorized by the sponsor to enter into a rental contract under the sponsor's business program. "Business renter" does not include a person renting as:

(A) a non-employee member of a not-for-profit organization;

(B) the purchaser of a voucher or other prepaid rental arrangement from a person, including a tour operator, engaged in the business of reselling those vouchers or prepaid rental arrangements to the general public;

(C) an individual whose car rental is eligible for reimbursement in whole or in part as a result of the person being insured or provided coverage under a policy of insurance issued by an insurance company; or

(D) an individual whose car rental is eligible for reimbursement in whole or in part as a result of the person purchasing motor vehicle repair services from a person licensed to perform those services.

(Source: P.A. 92-426, eff. 1-1-02; 93-118, eff. 1-1-04.)


PUBLIC ACT 94-0718
(Senate Bill No. 1213)

AN ACT concerning civil law.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. Exchange of real estate between the State and Central Station Development Corp.

(a) The City of Chicago desires that the State of Illinois exchange certain real estate with the Central Station Development Corporation or its assigns in furtherance of the City's Near South Redevelopment Project Area, and the State has determined that the improved real estate which will be transferred to the State will be of equal or greater value than the real estate owned by the State.

(b) Central Station Development Corp. owns the following described real estate:

PARCEL 3: THAT PART OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY IN FRACTIONAL SECTION 22, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING ON THE WESTERLY RIGHT OF WAY LINE OF SAID RAILROAD AT THE INTERSECTION OF SAID LINE WITH THE NORTHERLY LINE OF THE 23RD STREET VIADUCT, SAID NORTHERLY LINE BEING 60 FEET (MEASURED PERPENDICULARLY) NORTHERLY OF AND PARALLEL WITH THE CENTER LINE OF THE EXISTING STRUCTURE; THENCE NORTH 16°37'38" WEST ALONG SAID WES- TERY RIGHT OF WAY LINE, 1500.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 73°22'22" EAST PARALLE- L WITH SAID NORTHERLY LINE OF THE 23RD STREET VIADUCT, A DISTANCE OF 34.35 FEET; THENCE NORTHEASTERLY 119.35 FEET ALONG THE ARC OF A CIRCLE CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 333.31 FEET AND WHOSE CHORD BEARS NORTH 21°58'42" EAST 118.71 FEET; THENCE NORTH 32°14'12" EAST 54.17 FEET; THENCE NORTHWESTERLY 111.71 FEET ALONG THE ARC OF A CIRCLE CONVEX TO THE EAST, HAVING A RADIUS OF 5738.60 FEET AND WHOSE CHORD BEARS NORTH 18°37'46" WEST 111.71 FEET; THENCE NORTH 19°11'14" WEST, 42.93 FEET; THENCE NORTH 90°00'00" WEST, 50.32 FEET; THENCE SOUTH 00°00'00" WEST, 176.86 FEET; THENCE NORTH 90°00'00" WEST, 46.64 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE

New matter indicated by italics - deletions by strikeout
ILLINOIS CENTRAL RAILROAD COMPANY; THENCE SOUTH 16°42'49" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY, 76.91 FEET TO THE NORTH LINE OF VACATED EAST CULLERTON STREET; THENCE SOUTH 16°37'38" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY, AFORESAID, 64.31 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 23,621 SQUARE FEET OR 0.5423 ACRES MORE OR LESS.

(c) The State of Illinois owns the following described real estate, which is under the control of the Department of Military Affairs:

PARCEL 1: LOTS 15, 16 AND 17 AND THAT PART OF LOT 18 IN BLOCK 11 OF CULVER AND OTHERS SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL TAKEN AS A TRACT AND BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING ON THE WESTERLY LINE OF SAID LOT 18 AT A POINT 42.01 FEET NORTH OF THE NORTH LINE OF VACATED EAST CULLERTON STREET, AS MEASURED ALONG THE EAST LINE OF SOUTH CALUMET AVENUE; THENCE NORTH 00°04'52" WEST, ALONG THE EAST LINE OF SOUTH CALUMET AVENUE, 31.64 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°04'52" EAST, ALONG THE EAST LINE OF SOUTH CALUMET AVENUE, 175.27 FEET TO THE NORTHWEST CORNER OF LOT 15, AFORESAID; THENCE SOUTH 89°59'54" EAST, ALONG THE NORTH LINE OF LOT 15, AFORESAID, 53.61 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY; THENCE SOUTH 16°42'49" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY, 182.99 FEET; THENCE NORTH 90°00'00" WEST, 106.49 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 14,030 SQUARE FEET OR 0.3221 ACRES, MORE OR LESS.

(d) The Adjutant General, on behalf of the State of Illinois and the Department of Military Affairs, shall convey by quit claim deed all right, title,
and interest of the State of Illinois and the Department of Military Affairs in and to the real estate described in subsection (c) to Central Station Development Corp. upon Central Station Development Corp. conveying by quit claim deed to the State of Illinois the fee simple title in and to the real estate described in subsection (b). This conveyance is contingent, however, on the following conditions: Central Station Development Corporation has completed all required construction of the new parking lot and driveway in accordance with drawings and specifications approved by the Department of Military Affairs; the Office of the Attorney General has approved title to the property to be conveyed to the State; Central Station Development Corporation has provided a Phase I environmental report, prepared in accordance with ASTM1527 standards, which documents that its real estate contains no environmental conditions unacceptable to the State; Central Station Development Corporation has complied with all environmental requirements of the Illinois Environmental Protection Agency concerning any construction work done on the State's parcel; Central Station Development Corporation undertakes to indemnify/hold harmless the State from and against any and all damages and liabilities, including any claims or penalties under CERCLA and RCRA, resulting from or arising out of any environmental condition existing on the State's parcel at the time of Closing or which may arise after Closing; Central Station Development Corporation has ensured the property it conveys to the State is properly zoned; and all actions required concerning the above exchange will be accomplished at no cost to the State.

(e) The Adjutant General shall obtain a certified copy of this Act from the Secretary of State within 60 days after its effective date and, upon the exchange of real estate described in this Section being made, shall cause the certified document to be recorded in the office of the Recorder of Cook County, Illinois.


PUBLIC ACT 94-0719
(House Bill No. 1009)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the

New matter indicated by italics - deletions by strikeout
General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 5-167.1 as follows:

(40 ILCS 5/5-167.1) (from Ch. 108 1/2, par. 5-167.1)

Sec. 5-167.1. Automatic increase in annuity; retirement from service after September 1, 1967.

(a) A policeman who retires from service after September 1, 1967 with at least 20 years of service credit shall, upon either the first of the month following the first anniversary of his date of retirement if he is age 60 (age 55 if born before January 1, 1955) or over on that anniversary date, or upon the first of the month following his attainment of age 60 (age 55 if born before January 1, 1955) if it occurs after the first anniversary of his retirement date, have his then fixed and payable monthly annuity increased by 1 1/2% and such first fixed annuity as granted at retirement increased by an additional 1 1/2% in January of each year thereafter up to a maximum increase of 30%. Beginning January 1, 1983 for policemen born before January 1, 1930, and beginning January 1, 1988 for policemen born on or after January 1, 1930 but before January 1, 1940, and beginning January 1, 1996 for policemen born on or after January 1, 1940 but before January 1, 1945, and beginning January 1, 2000 for policemen born on or after January 1, 1945 but before January 1, 1950, and beginning January 1, 2005 for policemen born on or after January 1, 1950, and beginning January 1, 2005 for policemen born on or after January 1, 1950 but before January 1, 1955, such increases shall be 3% and such policemen shall not be subject to the 30% maximum increase.

Any policeman born before January 1, 1945 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 1996 is entitled to receive the initial increase under this subsection on (1) January 1, 1996, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by Public Act 89-12 apply beginning January 1, 1996 and without regard to whether the policeman or annuitant terminated service before the effective date of that Act.

Any policeman born before January 1, 1950 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2000 is entitled to receive the initial increase under this subsection on (1) January 1, 2000, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of the 92nd General Assembly apply without regard to whether the
policeman or annuitant terminated service before the effective date of this amendatory Act.

Any policeman born before January 1, 1955 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2005 is entitled to receive the initial increase under this subsection on (1) January 1, 2005, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of the 94th General Assembly apply without regard to whether the policeman or annuitant terminated service before the effective date of this amendatory Act.

(b) Subsection (a) of this Section is not applicable to an employee receiving a term annuity.

(c) To help defray the cost of such increases in annuity, there shall be deducted, beginning September 1, 1967, from each payment of salary to a policeman, 1/2 of 1% of each salary payment concurrently with and in addition to the salary deductions otherwise made for annuity purposes.

The city, in addition to the contributions otherwise made by it for annuity purposes under other provisions of this Article, shall make matching contributions concurrently with such salary deductions.

Each such 1/2 of 1% deduction from salary and each such contribution by the city of 1/2 of 1% of salary shall be credited to the Automatic Increase Reserve, to be used to defray the cost of the 1 1/2% annuity increase provided by this Section. Any balance in such reserve as of the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

Such deductions from salary and city contributions shall continue while the policeman is in service.

The salary deductions provided in this Section are not subject to refund, except to the policeman himself, in any case in which a policeman withdraws prior to qualification for minimum annuity and applies for refund or applies for annuity, and also where a term annuity becomes payable. In such cases, the total of such salary deductions shall be refunded to the policeman, without interest, and charged to the Automatic Increase Reserve.

(Source: P.A. 92-52, eff. 7-12-01.)

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this

New matter indicated by italics - deletions by strikeout
Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly November 4, 2005.
Approved January 1, 2006.
Effective January 1, 2006.

PUBLIC ACT 94-0720
(House Bill No. 1368)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by adding Section 10-3-3.1 as follows:

(65 ILCS 5/10-3-3.1 new)
Sec. 10-3-3.1. Distinct police and fire duties. A non-home rule municipality shall not assign a "fireman", as defined in Section 10-3-2, to perform police duties or a "policeman", as defined in Section 10-3-1, to perform firefighting duties or in any way combine the duties of a fireman or a policeman after his or her appointment from a police department or fire department register of eligibles. A non-home rule municipality shall not administer its fire department's or police department's regular work assignments in a manner inconsistent with this Section. This Section does not apply to any municipality that created a department of public safety before January 1, 1998.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly November 4, 2005.
Approved January 6, 2006.
Effective January 6, 2006.

PUBLIC ACT 94-0721
(Senate Bill No. 0852)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 19-1 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 19-1. Debt limitations of school districts.

(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in "An Act to limit the indebtedness of counties having a population of less than 500,000 and townships, school districts and other municipal corporations having a population of less than 300,000", approved February 15, 1928, as amended.

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:

New matter indicated by italics - deletions by strikeout
(1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and

(2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and

(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question

New matter indicated by italics - deletions by strikeout
approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

(c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed $4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in accordance with Section 19-3 for the purpose of increasing the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.

(2) The bonds issued by the school district as provided in
paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.

(e) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (5) of this subsection (e) may, without referendum, incur an additional indebtedness in an amount not to exceed the lesser of $5,000,000 or 1.5% of the value of the taxable property within the district even though the amount of the additional indebtedness authorized by this subsection (e), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring that additional indebtedness, causes the aggregate indebtedness of the district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that district under subsection (a):

(1) The State Board of Education certifies the school district under Section 19-1.5 as a financially distressed district.

(2) The additional indebtedness authorized by this subsection (e) is incurred by the financially distressed district during the school year or school years in which the certification of the district as a financially distressed district continues in effect through the issuance of bonds for the lawful school purposes of the district, pursuant to resolution of the school board and without referendum, as provided in paragraph (5) of this subsection.

(3) The aggregate amount of bonds issued by the financially distressed district during a fiscal year in which it is authorized to issue bonds under this subsection does not exceed the amount by which the aggregate expenditures of the district for operational purposes during the immediately preceding fiscal year exceeds the amount appropriated for the operational purposes of the district in the annual school budget adopted by the school board of the district for the fiscal year in which the bonds are issued.

New matter indicated by italics - deletions by strikeout
(4) Throughout each fiscal year in which certification of the district as a financially distressed district continues in effect, the district maintains in effect a gross salary expense and gross wage expense freeze policy under which the district expenditures for total employee salaries and wages do not exceed such expenditures for the immediately preceding fiscal year. Nothing in this paragraph, however, shall be deemed to impair or to require impairment of the contractual obligations, including collective bargaining agreements, of the district or to impair or require the impairment of the vested rights of any employee of the district under the terms of any contract or agreement in effect on the effective date of this amendatory Act of 1994.

(5) Bonds issued by the financially distressed district under this subsection shall bear interest at a rate not to exceed the maximum rate authorized by law at the time of the making of the contract, shall mature within 40 years from their date of issue, and shall be signed by the president of the school board and treasurer of the school district. In order to issue bonds under this subsection, the school board shall adopt a resolution fixing the amount of the bonds, the date of the bonds, the maturities of the bonds, the rates of interest of the bonds, and their place of payment and denomination, and shall provide for the levy and collection of a direct annual tax upon all the taxable property in the district sufficient to pay the principal and interest on the bonds to maturity. Upon the filing in the office of the county clerk of the county in which the financially distressed district is located of a certified copy of the resolution, it is the duty of the county clerk to extend the tax therefor in addition to and in excess of all other taxes at any time authorized to be levied by the district. If bond proceeds from the sale of bonds include a premium or if the proceeds of the bonds are invested as authorized by law, the school board shall determine by resolution whether the interest earned on the investment of bond proceeds or the premium realized on the sale of the bonds is to be used for any of the lawful school purposes for which the bonds were issued or for the payment of the principal indebtedness and interest on the bonds. The proceeds of the bond sale shall be deposited in the educational purposes fund of the district and shall be used to pay operational expenses of the district. This subsection is cumulative and constitutes complete authority for the issuance of bonds as provided in this subsection, notwithstanding any

New matter indicated by italics - deletions by strikeout
other law to the contrary.

(f) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds in not to exceed the aggregate amount of $5,500,000 and issued by a school district meeting the following criteria shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of education of the district shall have determined by resolution that the enrollment of students in the district is projected to increase by not less than 7% during each of the next succeeding 2 school years.

(2) The board of education shall also determine by resolution that the improvements to be financed with the proceeds of the bonds are needed because of the projected enrollment increases.

(3) The board of education shall also determine by resolution that the projected increases in enrollment are the result of improvements made or expected to be made to passenger rail facilities located in the school district.

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions of this subsection (f) prior to July 22, 2004 (the effective date of Public Act 93-799) this amendatory Act of the 93rd General Assembly may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

New matter indicated by italics - deletions by strikeout
(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.

(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than $29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $24,000,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(i) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $44,600,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996;

New matter indicated by italics - deletions by strikeout
and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(j) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $140,000,000 and a best 3 months average daily attendance for the 1995-96 school year of at least 2,800;

(ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;

(iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;

(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed $4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of indebtedness of the school district existing immediately prior to the school district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a):

(1) the school district is located in 2 counties, and a referendum to authorize the additional indebtedness was approved by a majority of the voters of the school district voting on the proposition to authorize that indebtedness;

New matter indicated by italics - deletions by strikeout
(2) the additional indebtedness is for the purpose of financing a multi-purpose room addition to the existing high school;

(3) the additional indebtedness, together with the existing indebtedness of the school district, shall not exceed 17.4% of the value of the taxable property in the school district, to be ascertained by the last assessment for State and county taxes; and

(4) the bonds evidencing the additional indebtedness are issued, if at all, within 120 days of the effective date of this amendatory Act of 1998.

(l) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 2000, a school district maintaining grades kindergarten through 8 may issue bonds up to an amount, including existing indebtedness, not exceeding 15% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the district has an equalized assessed valuation for calendar year 1996 of less than $10,000,000;

(ii) the bonds are issued for capital improvement, renovation, rehabilitation, or replacement of one or more school buildings of the district, which buildings were originally constructed not less than 70 years ago;

(iii) the voters of the district approve a proposition for the issuance of the bonds at a referendum held on or after March 17, 1998; and

(iv) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(m) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 or less than $7,700,000;

(ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and distinct school districts;

(iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level

New matter indicated by italics - deletions by strikeout
elementary school building of the school district that is not handicapped accessible at all levels and parts of which were constructed more than 75 years ago;

(iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:

(i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.

(ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.

(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the

New matter indicated by italics - deletions by strikeout
School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least $737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;

(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;

(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;

(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and

(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 2001 of at least $295,741,187 and a best 3 months' average daily attendance for the 2002-2003 school year of at least 2,394.

(ii) The bonds are issued to build and equip 3 elementary school buildings; build and equip one middle school building; and alter, repair, improve, and equip all existing school buildings in the
district.

(iii) At the time of the sale of the bonds, the board of education determines by resolution that the project is needed because of expanding growth in the school district and a projected enrollment increase.

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p-5) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community unit school district maintaining grades K through 12 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential property comprises more than 80% of the equalized assessed valuation of the district.

(ii) At least 2 school buildings that were constructed 40 or more years prior to the issuance of the bonds will be demolished and will be replaced by new buildings or additions to one or more existing buildings.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the new buildings or building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 25% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04; 93-1045, eff. 10-15-04; revised 10-22-04.)

(Text of Section after amendment by P.A. 94-234)

Sec. 19-1. Debt limitations of school districts.

(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in "An Act to limit the indebtedness of counties having a population of less than 500,000 and townships, school districts and
other municipal corporations having a population of less than 300,000", approved February 15, 1928, as amended.

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:

(1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional

New matter indicated by italics - deletions by strikeout
school sites or building facilities are required as a result of such increase in enrollment; and

(2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and

(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or,

New matter indicated by italics - deletions by strikeout
until January 1, 1983, if greater, the sum that is produced by multiplying the school district’s 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

(c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed $4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11 for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in accordance with Section 19-3 for the purpose of increasing the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.

(2) The bonds issued by the school district as provided in paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under

New matter indicated by italics - deletions by strikeout
Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.

(e) (Blank).

(f) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds in not to exceed the aggregate amount of $5,500,000 and issued by a school district meeting the following criteria shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of education of the district shall have determined by resolution that the enrollment of students in the district is projected to increase by not less than 7% during each of the next succeeding 2 school years.

(2) The board of education shall also determine by resolution that the improvements to be financed with the proceeds of the bonds are needed because of the projected enrollment increases.

(3) The board of education shall also determine by resolution that the projected increases in enrollment are the result of improvements made or expected to be made to passenger rail facilities located in the school district.

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions of this subsection (f) prior to July 22, 2004 (the effective date of Public Act 93-799) may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which

New matter indicated by italics - deletions by strikeout
together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.

(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than $29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $24,000,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(i) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $44,600,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally

New matter indicated by italics - deletions by strikeout
constructed not less than 80 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(j) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $140,000,000 and a best 3 months average daily attendance for the 1995-96 school year of at least 2,800;

(ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;

(iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;

(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed $4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of indebtedness of the school district existing immediately prior to the school district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a):

(1) the school district is located in 2 counties, and a

New matter indicated by italics - deletions by strikeout
referendum to authorize the additional indebtedness was approved by a majority of the voters of the school district voting on the proposition to authorize that indebtedness;

(2) the additional indebtedness is for the purpose of financing a multi-purpose room addition to the existing high school;

(3) the additional indebtedness, together with the existing indebtedness of the school district, shall not exceed 17.4% of the value of the taxable property in the school district, to be ascertained by the last assessment for State and county taxes; and

(4) the bonds evidencing the additional indebtedness are issued, if at all, within 120 days of the effective date of this amendatory Act of 1998.

(l) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 2000, a school district maintaining grades kindergarten through 8 may issue bonds up to an amount, including existing indebtedness, not exceeding 15% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the district has an equalized assessed valuation for calendar year 1996 of less than $10,000,000;

(ii) the bonds are issued for capital improvement, renovation, rehabilitation, or replacement of one or more school buildings of the district, which buildings were originally constructed not less than 70 years ago;

(iii) the voters of the district approve a proposition for the issuance of the bonds at a referendum held on or after March 17, 1998; and

(iv) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(m) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 or less than $7,700,000;

(ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2
(iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not handicapped accessible at all levels and parts of which were constructed more than 75 years ago;

(iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:

(i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.

(ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.

(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law,
in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least $737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;

(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;

(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;

(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and

(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 2001 of at least $295,741,187 and a best 3 months' average daily attendance for the 2002-2003 school year of at least 2,394.
(ii) The bonds are issued to build and equip 3 elementary school buildings; build and equip one middle school building; and alter, repair, improve, and equip all existing school buildings in the district.

(iii) At the time of the sale of the bonds, the board of education determines by resolution that the project is needed because of expanding growth in the school district and a projected enrollment increase.

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p-5) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community unit school district maintaining grades K through 12 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential property comprises more than 80% of the equalized assessed valuation of the district.

(ii) At least 2 school buildings that were constructed 40 or more years prior to the issuance of the bonds will be demolished and will be replaced by new buildings or additions to one or more existing buildings.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the new buildings or building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 25% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(q) A school district must notify the State Board of Education prior to issuing any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the debt limit specified in this Section or any other provision of law.

New matter indicated by italics - deletions by strikeout
Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.


PUBLIC ACT 94-0722
(Senate Bill No. 1208)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by changing Section 7-103.117 as follows:

(735 ILCS 5/7-103.117)

Sec. 7-103.117. Quick-take; City of Oakbrook Terrace. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 94th General Assembly by the City of Oakbrook Terrace for the acquisition of property for the purpose of water main construction as follows:

PART OF LOTS 3, 4 AND 5 OF LINCOLN CENTRE ASSESSMENT PLAT IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 13, 1984 AS DOCUMENT R84-091784 AND CERTIFICATE OF CORRECTION RECORDED DECEMBER 17, 1984 AS DOCUMENT R84-100375, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 02 DEGREES 23 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 30.00 FEET; THENCE SOUTH 87 DEGREES 36 MINUTES 32 SECONDS WEST 338.43 FEET; THENCE SOUTH 45 DEGREES 26 MINUTES 11 SECONDS WEST 285.17 FEET TO
A POINT ON A CURVE; THENCE NORTH W ESTERLY ALONG
THE ARC OF SAID CURVE, CONCAVE SOUTHERLY, HAVING A
RADIUS OF 260.00 FEET, A CHORD BEARING OF NORTH 88
DEGREES 48 MINUTES 28 SECONDS WEST, 461.68 FEET TO A
POINT OF TANGENCY; THENCE SOUTH 40 DEGREES 19
MINUTES 20 SECONDS WEST 46.18 FEET TO THE
NOR THEASTERLY LINE OF LOT 2 IN LINCOLN CENTRE UNIT
NO. 2; THENCE NORTH 49 DEGREES 40 MINUTES 40 SECONDS
WEST 30.00 FEET ALONG SAID NORTHEASTERLY LINE;
THENCE NORTH 40 DEGREES 19 MINUTES 20 SECONDS EAST
46.18 FEET TO A POINT OF CURVATURE; THENCE
NORTHEASTERLY ALONG THE ARC OF SAID CURVE,
CONCAVE SOUTHERLY, HAVING A RADIUS OF 290.00 FEET, A
CHORD BEARING OF NORTH 87 DEGREES 52 MINUTES 46
SECONDS EAST, 481.42 FEET; THENCE NORTH 45 DEGREES 26
MINUTES 11 SECONDS EAST 265.00 FEET; THENCE NORTH 87
DEGREES 36 MINUTES 32 SECONDS EAST 350.00 FEET TO
SAID POINT OF BEGINNING. Beginning at a point on the east line
of the southeast 1/4 of Section 21-39-11, located a distance of 520
feet north of the point of intersection of the east line of the southeast
1/4 of Section 21 with the present northerly right-of-way line of
Butterfield Road; Thence westerly along a line which forms an angle
of 90 degrees 00 minutes 00 seconds to the east line of the southeast
1/4 of Section 21, a distance of 340 feet, to an angle point; Thence
southwesterly from said angle point along a line which forms an angle
of 137 degrees 49 minutes 39 seconds as measured clockwise from
west to south, a distance of 297 feet, to a point located 30 feet
southwest and perpendicular to the south edge of the existing private
road; Thence northerly along a curved line located 30 feet south
of and parallel to the south edge of the existing private road, through
an internal angle of 101 degrees 2 minutes 40 seconds, measured
clockwise from the northeast to the northwest, a distance of
441.7 feet, to a point located 30 feet southeast and perpendicular to
the south edge of the existing private road; Thence northeasterly
along a straight line perpendicular to the existing private road, a
distance of 30 feet to a point on the south edge of the existing private
road; Thence northeasterly and southeasterly along the curved south
edge of the existing private road, a distance of 461.5 feet, to a point
on the south edge of the existing private road; Thence northeasterly

New matter indicated by italics - deletions by strikeout
along a straight line and perpendicular to the south edge of the existing private road, a distance of 277 feet, to an angle point (iron pipe); Thence easterly along a straight line, from said angle point, which forms an angle of 137 degrees 49 minutes 39 seconds as measured counterclockwise from south to east, a distance of 350 feet to a point located on the east line of the southeast 1/4 of Section 21-39-11 a distance of 30 feet to the point of beginning.

(Source: P.A. 93-1065, eff. 1-15-05.)

Approved January 6, 2006.
Effective January 6, 2006.

PUBLIC ACT 94-0723
(House Bill No. 2133)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unemployment Insurance Act is amended by changing Sections 1400 and 1402 and by adding Section 1400.2 as follows:

(820 ILCS 405/1400) (from Ch. 48, par. 550)

Sec. 1400. Payment of contributions. On and after July 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this Act, with respect to wages payable for employment occurring during the six months' period beginning July 1, 1937, and the calendar years 1938, 1939, and 1940. For the year 1941 and for each calendar year thereafter, contributions shall accrue and become payable by each employer upon the wages paid with respect to employment after December 31, 1940. Except as otherwise provided in Section 1400.2, such contributions shall become due and shall be paid quarterly on or before the last day of the month next following the calendar quarter for which such contributions have accrued; except that any employer who is delinquent in filing a contribution report or in paying his contributions for any calendar quarter may, at the discretion of the Director, be required to report and to pay contributions on a calendar month basis. Such contributions shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ. If the Director shall find that the collection of any contributions will be jeopardized by delay, he may declare the same to be

New matter indicated by italics - deletions by strikeout
immediately due and payable.

In the payment of any contributions, interest, or penalties, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

The Director may by regulation provide that if, at any time, a total amount of less than $2 is payable with respect to a quarter, including any contributions, payments in lieu of contributions, interest or penalties, such amount may be disregarded. Any amounts disregarded under this paragraph are deemed to have been paid for all other purposes of this Act. Nothing in this paragraph is intended to relieve any employer from filing any reports required by this Act or by any rules or regulations adopted by the Director pursuant to this Act.

Except with respect to the provisions concerning amounts that may be disregarded pursuant to regulation, this Section does not apply to any nonprofit organization or any governmental entity referred to in subsection B of Section 1405 for any period with respect to which it does not incur liability for the payment of contributions by reason of having elected to make payments in lieu of contributions, or to any political subdivision or municipal corporation for any period with respect to which it is not subject to payments in lieu of contributions under the provisions of paragraph 1 of Section 302C by reason of having elected to make payments in lieu of contributions under paragraph 2 of that Section, or to the State of Illinois or any of its instrumentalities.

(Source: P.A. 90-554, eff. 12-12-97.)

(820 ILCS 405/1400.2 new)

Sec. 1400.2. Annual reporting and paying; household workers. This Section applies to an employer who solely employs one or more household workers with respect to whom the employer files federal unemployment taxes as part of his or her federal income tax return, or could file federal unemployment taxes as part of his or her federal income tax return if the worker or workers were providing services in employment for purposes of the federal unemployment tax. For purposes of this Section, "household worker" has the meaning ascribed to it for purposes of Section 3510 of the federal Internal Revenue Code. If an employer to whom this Section applies notifies the Director, in writing, that he or she wishes to pay his or her contributions for each quarter and submit his or her wage and contribution reports for each quarter on an annual basis, then the due date for filing the reports and paying the contributions shall be April 15 of the calendar year immediately following the close of the quarters to which the reports and contributions

New matter indicated by italics - deletions by strikeout
apply, except that the Director may, by rule, establish a different due date for good cause.

(820 ILCS 405/1402) (from Ch. 48, par. 552)

Sec. 1402. Penalties. A. If any employer fails, within the time prescribed in this Act as amended and in effect on October 5, 1980, and the regulations of the Director, to file a report of wages paid to each of his workers, or to file a sufficient report of such wages after having been notified by the Director to do so, for any period which begins prior to January 1, 1982, he shall pay to the Director as a penalty a sum determined in accordance with the provisions of this Act as amended and in effect on October 5, 1980.

B. Except as otherwise provided in this Section, any employer who fails to file a report of wages paid to each of his workers for any period which begins on or after January 1, 1982, within the time prescribed by the provisions of this Act and the regulations of the Director, or, if the Director pursuant to such regulations extends the time for filing the report, fails to file it within the extended time, shall, in addition to any sum otherwise payable by him under the provisions of this Act, pay to the Director as a penalty a sum equal to the lesser of (1) $5 for each $10,000 or fraction thereof of the total wages for insured work paid by him during the period or (2) $2,500, for each month or part thereof of such failure to file the report. With respect to an employer who has elected to file reports of wages on an annual basis pursuant to Section 1400.2, in assessing penalties for the failure to submit all reports by the due date established pursuant to that Section, the 30-day period immediately following the due date shall be considered as one month.

If the Director deems an employer's report of wages paid to each of his workers for any period which begins on or after January 1, 1982, insufficient, he shall notify the employer to file a sufficient report. If the employer fails to file such sufficient report within 30 days after the mailing of the notice to him, he shall, in addition to any sum otherwise payable by him under the provisions of this Act, pay to the Director as a penalty a sum determined in accordance with the provisions of the first paragraph of this subsection, for each month or part thereof of such failure to file such sufficient report after the date of the notice.

For wages paid in calendar years prior to 1988, the penalty or penalties which accrue under the two foregoing paragraphs with respect to a report for any period shall not be less than $100, and shall not exceed the lesser of (1) $10 for each $10,000 or fraction thereof of the total wages for insured work paid during the period or (2) $5,000. For wages paid in calendar years after 1987, the penalty or penalties which accrue under the 2 foregoing

New matter indicated by italics - deletions by strikeout
paragraphs with respect to a report for any period shall not be less than $50, and shall not exceed the lesser of (1) $10 for each $10,000 or fraction of the total wages for insured work paid during the period or (2) $5,000. *With respect to an employer who has elected to file reports of wages on an annual basis pursuant to Section 1400.2, for purposes of calculating the minimum penalty prescribed by this Section for failure to file the reports on a timely basis, a calendar year shall constitute a single period.* For reports of wages paid after 1986, the Director shall not, however, impose a penalty pursuant to either of the two foregoing paragraphs on any employer who can prove within 30 working days after the mailing of a notice of his failure to file such a report, that (1) the failure to file the report is his first such failure during the previous 20 consecutive calendar quarters, and (2) the amount of the total contributions due for the calendar quarter of such report is less than $500.

Any employer who willfully fails to pay any contribution or part thereof, based upon wages paid prior to 1987, when required by the provisions of this Act and the regulations of the Director, with intent to defraud the Director, shall in addition to such contribution or part thereof pay to the Director a penalty equal to 50 percent of the amount of such contribution or part thereof, as the case may be, provided that the penalty shall not be less than $200.

Any employer who willfully fails to pay any contribution or part thereof, based upon wages paid in 1987 and in each calendar year thereafter, when required by the provisions of this Act and the regulations of the Director, with intent to defraud the Director, shall in addition to such contribution or part thereof pay to the Director a penalty equal to 60% of the amount of such contribution or part thereof, as the case may be, provided that the penalty shall not be less than $400.

However, all or part of any penalty may be waived by the Director for good cause shown.  
(Source: P.A. 85-956.)

Section 99. Effective date. This Act takes effect January 1, 2006.  
Passed in the General Assembly October 27, 2005.  

PUBLIC ACT 94-0724  
(House Bill No. 0230)

AN ACT concerning public employee benefits.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by adding Section 17-130.3 as follows:

(40 ILCS 5/17-130.3 new)

Sec. 17-130.3. Election of medicare coverage.

(a) The Fund shall conduct a divided medicare coverage referendum, open to teachers continuously employed by the same employer since March 31, 1986. The referendum shall be conducted in accordance with the applicable provisions of federal law and Article 21 of this Code.

(b) As used in this Section and in compliance with federal law, "referendum" means the process whereby teachers are granted the opportunity to make an irrevocable individual election to participate in the medicare program on a prospective basis.

(c) Employers shall pay the necessary employer contributions and make the necessary deductions from salary for teachers who elect to participate in the federal medicare program under this Section, as required by the System, Article 21 of this Code, and federal law.

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly November 4, 2005.
Approved January 20, 2006.
Effective January 20, 2006.

PUBLIC ACT 94-0725
(Senate Bill No. 0067)

AN ACT concerning pollution control.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Protection Act is amended by changing Sections 22.51 and 39 as follows:

(415 ILCS 5/22.51)

Sec. 22.51. Clean Construction or Demolition Debris Fill Operations.

New matter indicated by italics - deletions by strikeout
(a) No person shall conduct any clean construction or demolition debris fill operation in violation of this Act or any regulations or standards adopted by the Board.

(b)(1)(A) Beginning 30 days after the effective date of this amendatory Act of the 94th General Assembly but prior to July 1, 2008, no person shall use clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation, unless they have applied for an interim authorization from the Agency for the clean construction or demolition debris fill operation.

(B) The Agency shall approve an interim authorization upon its receipt of a written application for the interim authorization that is signed by the site owner and the site operator, or their duly authorized agent, and that contains the following information: (i) the location of the site where the clean construction or demolition debris fill operation is taking place, (ii) the name and address of the site owner, (iii) the name and address of the site operator, and (iv) the types and amounts of clean construction or demolition debris being used as fill material at the site.

(C) The Agency may deny an interim authorization if the site owner or the site operator, or their duly authorized agent, fails to provide to the Agency the information listed in subsection (b)(1)(B) of this Section. Any denial of an interim authorization shall be subject to appeal to the Board in accordance with the procedures of Section 40 of this Act.

(D) No person shall use clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation for which the Agency has denied interim authorization under subsection (b)(1)(C) of this Section. The Board may stay the prohibition of this subsection (D) during the pendency of an appeal of the Agency's denial of the interim authorization brought under subsection (b)(1)(C) of this Section.

(2) Beginning September 1, 2006, owners and operators of clean construction or demolition debris fill operations shall, in accordance with a schedule prescribed by the Agency, submit to the Agency applications for the permits required under this Section. The Agency shall notify owners and operators in writing of the due date for their permit application. The due date shall be no less than 90 days after the date of the Agency's written notification. Owners and operators who do not receive a written notification from the Agency by October 1, 2007, shall submit a permit application to the Agency by January 1, 2008. The interim authorization of owners and operators who fail to submit a permit application to the Agency by the permit application's due date shall terminate on (i) the due date established by the
Agency if the owner or operator received a written notification from the Agency prior to October 1, 2007, or (ii) or January 1, 2008, if the owner or operator did not receive a written notification from the Agency by October 1, 2007.

(3) On and after July 1, 2008, no person shall use clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation without a permit granted by the Agency for the clean construction or demolition debris fill operation or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with Board regulations and standards adopted under this Act.

(4) This subsection (b) does not apply to:

(A) the use of clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation located on the site where the clean construction or demolition debris was generated; or

(B) the use of clean construction or demolition debris as fill material in an excavation other than a current or former quarry or mine if this use complies with Illinois Department of Transportation specifications; or

(C) current or former quarries, mines, and other excavations that do not use clean construction or demolition debris as fill material.

(c) In accordance with Title VII of this Act, the Board may adopt regulations to promote the purposes of this Section. The Agency shall consult with the mining and construction industries during the development of any regulations to promote the purposes of this Section.

(1) No later than December 15, 2005, the Agency shall propose to the Board, and no later than September 1, 2006, the Board shall adopt, regulations for the use of clean construction or demolition debris as fill material in current and former quarries, mines, and other excavations. Such regulations shall include, but shall not be limited to, standards for clean construction or demolition debris fill operations and the submission and review of permits required under this Section.

(2) Until the Board adopts rules under subsection (c)(1) of this Section, all persons using clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation

New matter indicated by italics - deletions by strikeout
shall:

(A) Assure that only clean construction or demolition debris is being used as fill material by screening each truckload of material received using a device approved by the Agency that detects volatile organic compounds. Such devices may include, but are not limited to, photo ionization detectors. All screening devices shall be operated and maintained in accordance with manufacturer's specifications. Unacceptable fill material shall be rejected from the site; and

(B) Retain for a minimum of 3 years the following information:

(i) The name of the hauler, the name of the generator, and place of origin of the debris or soil;
(ii) The approximate weight or volume of the debris or soil; and
(iii) The date the debris or soil was received.

(d) This Section applies only to clean construction or demolition debris that is not considered "waste" as provided in Section 3.160 of this Act.

(e) For purposes of a clean construction or demolition debris fill operation:

(1) The term "operator" means a person responsible for the operation and maintenance of a clean construction or demolition debris fill operation.

(2) The term "owner" means a person who has any direct or indirect interest in a clean construction or demolition debris fill operation or in land on which a person operates and maintains a clean construction or demolition debris fill operation. A "direct or indirect interest" does not include the ownership of publicly traded stock. The "owner" is the "operator" if there is no other person who is operating and maintaining a clean construction or demolition debris fill operation.

(Source: P.A. 94-272, eff. 7-19-05.)

(415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

Sec. 39. Issuance of permits; procedures.

(a) When the Board has by regulation required a permit for the construction, installation, or operation of any type of facility, equipment, vehicle, vessel, or aircraft, the applicant shall apply to the Agency for such permit and it shall be the duty of the Agency to issue such a permit upon proof by the applicant that the facility, equipment, vehicle, vessel, or aircraft

New matter indicated by italics - deletions by strikeout
will not cause a violation of this Act or of regulations hereunder. The Agency shall adopt such procedures as are necessary to carry out its duties under this Section. In making its determinations on permit applications under this Section the Agency may consider prior adjudications of noncompliance with this Act by the applicant that involved a release of a contaminant into the environment. In granting permits, the Agency may impose reasonable conditions specifically related to the applicant's past compliance history with this Act as necessary to correct, detect, or prevent noncompliance. The Agency may impose such other conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with the regulations promulgated by the Board hereunder. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit under this Section, the Agency shall transmit to the applicant within the time limitations of this Section specific, detailed statements as to the reasons the permit application was denied. Such statements shall include, but not be limited to the following:

(i) the Sections of this Act which may be violated if the permit were granted;

(ii) the provision of the regulations, promulgated under this Act, which may be violated if the permit were granted;

(iii) the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and

(iv) a statement of specific reasons why the Act and the regulations might not be met if the permit were granted.

If there is no final action by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued; except that this time period shall be extended to 180 days when (1) notice and opportunity for public hearing are required by State or federal law or regulation, (2) the application which was filed is for any permit to develop a landfill subject to issuance pursuant to this subsection, or (3) the application that was filed is for a MSWLF unit required to issue public notice under subsection (p) of Section 39. The 90-day and 180-day time periods for the Agency to take final action do not apply to NPDES permit applications under subsection (b) of this Section, to RCRA permit applications under subsection (d) of this Section, or to UIC permit applications under subsection (e) of this Section.

The Agency shall publish notice of all final permit determinations for development permits for MSWLF units and for significant permit

New matter indicated by italics - deletions by strikeout
modifications for lateral expansions for existing MSWLF units one time in a newspaper of general circulation in the county in which the unit is or is proposed to be located.

After January 1, 1994 and until July 1, 1998, operating permits issued under this Section by the Agency for sources of air pollution permitted to emit less than 25 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and regulations promulgated hereunder. Such operating permits shall expire 180 days after the date of such a request. The Board shall revise its regulations for the existing State air pollution operating permit program consistent with this provision by January 1, 1994.

After June 30, 1998, operating permits issued under this Section by the Agency for sources of air pollution that are not subject to Section 39.5 of this Act and are not required to have a federally enforceable State operating permit shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and its rules. Such operating permits shall expire 180 days after the date of such a request. Before July 1, 1998, the Board shall revise its rules for the existing State air pollution operating permit program consistent with this paragraph and shall adopt rules that require a source to demonstrate that it qualifies for a permit under this paragraph.

(b) The Agency may issue NPDES permits exclusively under this subsection for the discharge of contaminants from point sources into navigable waters, all as defined in the Federal Water Pollution Control Act, as now or hereafter amended, within the jurisdiction of the State, or into any well.

All NPDES permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act.

The Agency may issue general NPDES permits for discharges from categories of point sources which are subject to the same permit limitations and conditions. Such general permits may be issued without individual applications and shall conform to regulations promulgated under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended.

The Agency may include, among such conditions, effluent limitations and other requirements established under this Act, Board regulations, the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance

New matter indicated by italics - deletions by strikeout
therewith at the earliest reasonable date.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of NPDES permits, and which are consistent with the Act or regulations adopted by the Board, and with the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

The Agency, subject to any conditions which may be prescribed by Board regulations, may issue NPDES permits to allow discharges beyond deadlines established by this Act or by regulations of the Board without the requirement of a variance, subject to the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

(c) Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, no permit for the development or construction of a new pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of the facility has been approved by the County Board of the county if in an unincorporated area, or the governing body of the municipality when in an incorporated area, in which the facility is to be located in accordance with Section 39.2 of this Act.

In the event that siting approval granted pursuant to Section 39.2 has been transferred to a subsequent owner or operator, that subsequent owner or operator may apply to the Agency for, and the Agency may grant, a development or construction permit for the facility for which local siting approval was granted. Upon application to the Agency for a development or construction permit by that subsequent owner or operator, the permit applicant shall cause written notice of the permit application to be served upon the appropriate county board or governing body of the municipality that granted siting approval for that facility and upon any party to the siting proceeding pursuant to which siting approval was granted. In that event, the Agency shall conduct an evaluation of the subsequent owner or operator's prior experience in waste management operations in the manner conducted under subsection (i) of Section 39 of this Act.

Beginning August 20, 1993, if the pollution control facility consists of a hazardous or solid waste disposal facility for which the proposed site is located in an unincorporated area of a county with a population of less than 100,000 and includes all or a portion of a parcel of land that was, on April 1, 1993, adjacent to a municipality having a population of less than 5,000, then the local siting review required under this subsection (c) in conjunction with any permit applied for after that date shall be performed by the governing

New matter indicated by italics - deletions by strikeout
body of that adjacent municipality rather than the county board of the county in which the proposed site is located; and for the purposes of that local siting review, any references in this Act to the county board shall be deemed to mean the governing body of that adjacent municipality; provided, however, that the provisions of this paragraph shall not apply to any proposed site which was, on April 1, 1993, owned in whole or in part by another municipality.

In the case of a pollution control facility for which a development permit was issued before November 12, 1981, if an operating permit has not been issued by the Agency prior to August 31, 1989 for any portion of the facility, then the Agency may not issue or renew any development permit nor issue an original operating permit for any portion of such facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved by the appropriate county board or municipal governing body pursuant to Section 39.2 of this Act.

After January 1, 1994, if a solid waste disposal facility, any portion for which an operating permit has been issued by the Agency, has not accepted waste disposal for 5 or more consecutive calendar years, before that facility may accept any new or additional waste for disposal, the owner and operator must obtain a new operating permit under this Act for that facility unless the owner and operator have applied to the Agency for a permit authorizing the temporary suspension of waste acceptance. The Agency may not issue a new operation permit under this Act for the facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved or re-approved by the appropriate county board or municipal governing body under Section 39.2 of this Act after the facility ceased accepting waste.

Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, and except for new pollution control facilities governed by Section 39.2, and except for fossil fuel mining facilities, the granting of a permit under this Act shall not relieve the applicant from meeting and securing all necessary zoning approvals from the unit of government having zoning jurisdiction over the proposed facility.

Before beginning construction on any new sewage treatment plant or sludge drying site to be owned or operated by a sanitary district organized under the Metropolitan Water Reclamation District Act for which a new permit (rather than the renewal or amendment of an existing permit) is required, such sanitary district shall hold a public hearing within the

New matter indicated by italics - deletions by strikeout
municipality within which the proposed facility is to be located, or within the nearest community if the proposed facility is to be located within an unincorporated area, at which information concerning the proposed facility shall be made available to the public, and members of the public shall be given the opportunity to express their views concerning the proposed facility.

The Agency may issue a permit for a municipal waste transfer station without requiring approval pursuant to Section 39.2 provided that the following demonstration is made:

(1) the municipal waste transfer station was in existence on or before January 1, 1979 and was in continuous operation from January 1, 1979 to January 1, 1993;
(2) the operator submitted a permit application to the Agency to develop and operate the municipal waste transfer station during April of 1994;
(3) the operator can demonstrate that the county board of the county, if the municipal waste transfer station is in an unincorporated area, or the governing body of the municipality, if the station is in an incorporated area, does not object to resumption of the operation of the station; and
(4) the site has local zoning approval.

(d) The Agency may issue RCRA permits exclusively under this subsection to persons owning or operating a facility for the treatment, storage, or disposal of hazardous waste as defined under this Act.

All RCRA permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith as soon as possible. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a RCRA permit.

In the case of a permit to operate a hazardous waste or PCB incinerator as defined in subsection (k) of Section 44, the Agency shall require, as a condition of the permit, that the operator of the facility perform such analyses of the waste to be incinerated as may be necessary and appropriate to ensure the safe operation of the incinerator.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of RCRA permits, and which are

New matter indicated by italics - deletions by strikeout
consistent with the Act or regulations adopted by the Board, and with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(e) The Agency may issue UIC permits exclusively under this subsection to persons owning or operating a facility for the underground injection of contaminants as defined under this Act. All UIC permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a UIC permit.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of UIC permits, and which are consistent with the Act or regulations adopted by the Board, and with the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection, all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(f) In making any determination pursuant to Section 9.1 of this Act:

(1) The Agency shall have authority to make the determination of any question required to be determined by the Clean Air Act, as now or hereafter amended, this Act, or the regulations of the Board, including the determination of the Lowest Achievable
Emission Rate, Maximum Achievable Control Technology, or Best Available Control Technology, consistent with the Board's regulations, if any.

(2) The Agency shall, after conferring with the applicant, give written notice to the applicant of its proposed decision on the application including the terms and conditions of the permit to be issued and the facts, conduct or other basis upon which the Agency will rely to support its proposed action.

(3) Following such notice, the Agency shall give the applicant an opportunity for a hearing in accordance with the provisions of Sections 10-25 through 10-60 of the Illinois Administrative Procedure Act.

(g) The Agency shall include as conditions upon all permits issued for hazardous waste disposal sites such restrictions upon the future use of such sites as are reasonably necessary to protect public health and the environment, including permanent prohibition of the use of such sites for purposes which may create an unreasonable risk of injury to human health or to the environment. After administrative and judicial challenges to such restrictions have been exhausted, the Agency shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.

(h) A hazardous waste stream may not be deposited in a permitted hazardous waste site unless specific authorization is obtained from the Agency by the generator and disposal site owner and operator for the deposit of that specific hazardous waste stream. The Agency may grant specific authorization for disposal of hazardous waste streams only after the generator has reasonably demonstrated that, considering technological feasibility and economic reasonableness, the hazardous waste cannot be reasonably recycled for reuse, nor incinerated or chemically, physically or biologically treated so as to neutralize the hazardous waste and render it nonhazardous. In granting authorization under this Section, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and are consistent with this Act and regulations promulgated by the Board hereunder. If the Agency refuses to grant authorization under this Section, the applicant may appeal as if the Agency refused to grant a permit, pursuant to the provisions of subsection (a) of Section 40 of this Act. For purposes of this subsection (h), the term "generator" has the meaning given in Section 3.205 of this Act, unless: (1) the hazardous waste is treated, incinerated, or partially recycled for reuse prior to disposal, in which case the last person who treats,
incinerates, or partially recycles the hazardous waste prior to disposal is the
generator; or (2) the hazardous waste is from a response action, in which case the 
person performing the response action is the generator. This subsection (h) does not apply 
to any hazardous waste that is restricted from land disposal under 35 Ill. Adm. Code 728.

(i) Before issuing any RCRA permit, any permit for a waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, waste incinerator, or any waste-transportation operation, or any permit or interim authorization for a clean construction or demolition debris fill operation, the Agency shall conduct an evaluation of the prospective owner's or operator's prior experience in waste management operations and clean construction or demolition debris fill operations. The Agency may deny such a permit, or deny or revoke interim authorization, if the prospective owner or operator or any employee or officer of the prospective owner or operator has a history of:

(1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites or clean construction or demolition debris fill operation facilities or sites; or

(2) conviction in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or conviction in this or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition; or

(3) proof of gross carelessness or incompetence in handling, storing, processing, transporting or disposing of waste or clean construction or demolition debris, or proof of gross carelessness or incompetence in using clean construction or demolition debris as fill.

(i-5) Before issuing any permit or approving any interim authorization for a clean construction or demolition debris fill operation in which any ownership interest is transferred between January 1, 2005, and the effective date of the prohibition set forth in Section 22.52 of this Act, the Agency shall conduct an evaluation of the operation if any previous activities at the site or facility may have caused or allowed contamination of the site. It shall be the responsibility of the owner or operator seeking the permit or interim authorization to provide to the Agency all of the information necessary for the Agency to conduct its evaluation. The Agency may deny a permit or interim authorization if previous activities at the site may have caused or allowed

New matter indicated by italics - deletions by strikeout
contamination at the site, unless such contamination is authorized under any permit issued by the Agency.

(j) The issuance under this Act of a permit to engage in the surface mining of any resources other than fossil fuels shall not relieve the permittee from its duty to comply with any applicable local law regulating the commencement, location or operation of surface mining facilities.

(k) A development permit issued under subsection (a) of Section 39 for any facility or site which is required to have a permit under subsection (d) of Section 21 shall expire at the end of 2 calendar years from the date upon which it was issued, unless within that period the applicant has taken action to develop the facility or the site. In the event that review of the conditions of the development permit is sought pursuant to Section 40 or 41, or permittee is prevented from commencing development of the facility or site by any other litigation beyond the permittee's control, such two-year period shall be deemed to begin on the date upon which such review process or litigation is concluded.

(l) No permit shall be issued by the Agency under this Act for construction or operation of any facility or site located within the boundaries of any setback zone established pursuant to this Act, where such construction or operation is prohibited.

(m) The Agency may issue permits to persons owning or operating a facility for composting landscape waste. In granting such permits, the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with applicable regulations promulgated by the Board. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit pursuant to this subsection, the Agency shall transmit to the applicant within the time limitations of this subsection specific, detailed statements as to the reasons the permit application was denied. Such statements shall include but not be limited to the following:

(1) the Sections of this Act that may be violated if the permit were granted;
(2) the specific regulations promulgated pursuant to this Act that may be violated if the permit were granted;
(3) the specific information, if any, the Agency deems the applicant did not provide in its application to the Agency; and
(4) a statement of specific reasons why the Act and the regulations might be violated if the permit were granted.

New matter indicated by italics - deletions by strikeout
If no final action is taken by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued. Any applicant for a permit may waive the 90 day limitation by filing a written statement with the Agency.

The Agency shall issue permits for such facilities upon receipt of an application that includes a legal description of the site, a topographic map of the site drawn to the scale of 200 feet to the inch or larger, a description of the operation, including the area served, an estimate of the volume of materials to be processed, and documentation that:

1. The facility includes a setback of at least 200 feet from the nearest potable water supply well;
2. The facility is located outside the boundary of the 10-year floodplain or the site will be floodproofed;
3. The facility is located so as to minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence, and in the case of a facility that is developed or the permitted composting area of which is expanded after November 17, 1991, the composting area is located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility);
4. The design of the facility will prevent any compost material from being placed within 5 feet of the water table, will adequately control runoff from the site, and will collect and manage any leachate that is generated on the site;
5. The operation of the facility will include appropriate dust and odor control measures, limitations on operating hours, appropriate noise control measures for shredding, chipping and similar equipment, management procedures for composting, containment and disposal of non-compostable wastes, procedures to be used for terminating operations at the site, and recordkeeping sufficient to document the amount of materials received, composted and otherwise disposed of; and
6. The operation will be conducted in accordance with any applicable rules adopted by the Board.

The Agency shall issue renewable permits of not longer than 10 years in duration for the composting of landscape wastes, as defined in Section 3.155 of this Act, based on the above requirements.

The operator of any facility permitted under this subsection (m) must submit a written annual statement to the Agency on or before April 1 of each year.

New matter indicated by italics - deletions by strikeout
year that includes an estimate of the amount of material, in tons, received for composting.

(n) The Agency shall issue permits jointly with the Department of Transportation for the dredging or deposit of material in Lake Michigan in accordance with Section 18 of the Rivers, Lakes, and Streams Act.

(o) (Blank.)

(p) (1) Any person submitting an application for a permit for a new MSWLF unit or for a lateral expansion under subsection (t) of Section 21 of this Act for an existing MSWLF unit that has not received and is not subject to local siting approval under Section 39.2 of this Act shall publish notice of the application in a newspaper of general circulation in the county in which the MSWLF unit is or is proposed to be located. The notice must be published at least 15 days before submission of the permit application to the Agency. The notice shall state the name and address of the applicant, the location of the MSWLF unit or proposed MSWLF unit, the nature and size of the MSWLF unit or proposed MSWLF unit, the nature of the activity proposed, the probable life of the proposed activity, the date the permit application will be submitted, and a statement that persons may file written comments with the Agency concerning the permit application within 30 days after the filing of the permit application unless the time period to submit comments is extended by the Agency.

When a permit applicant submits information to the Agency to supplement a permit application being reviewed by the Agency, the applicant shall not be required to reissue the notice under this subsection.

(2) The Agency shall accept written comments concerning the permit application that are postmarked no later than 30 days after the filing of the permit application, unless the time period to accept comments is extended by the Agency.

(3) Each applicant for a permit described in part (1) of this subsection shall file a copy of the permit application with the county board or governing body of the municipality in which the MSWLF unit is or is proposed to be located at the same time the application is submitted to the Agency. The permit application filed with the county board or governing body of the municipality shall include all documents submitted to or to be submitted to the Agency, except trade secrets as determined under Section 7.1 of this Act. The permit application and other documents on file with the county board or governing body of the municipality shall be made available for public inspection during regular business hours at the office of the county board or the governing body of the municipality and may be copied upon payment of

New matter indicated by italics - deletions by strikeout
the actual cost of reproduction.
(Source: P.A. 93-575, eff. 1-1-04; 94-272, eff. 7-19-05.)
Passed in the General Assembly November 4, 2005.
Approved January 20, 2006.
Effective June 1, 2006.

PUBLIC ACT 94-0726
(Senate Bill No. 0158)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 3. The State Finance Act is amended by changing Section 8h as follows:

(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.
(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the

New matter indicated by italics - deletions by strikeout
Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year. The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.

(c) This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

Section 5. The Podiatric Medical Practice Act of 1987 is amended by changing Section 19 as follows:

(225 ILCS 100/19)(from Ch. 111, par. 4819)

Sec. 19. Disciplinary Fund. All fees and fines received by the Department under this Act shall be deposited in the Illinois State Podiatric Disciplinary Fund, a special fund created hereunder in the State Treasury. Of the moneys deposited into the Illinois State Podiatric Disciplinary Fund, during each 2-year renewal period, $200,000 ±5% of the money received from the payment of renewal fees shall be used for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act and the remainder shall be appropriated to the Department for expenses of the Department and of the Podiatric Medical Licensing Board and for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

Money in the Illinois State Podiatric Disciplinary Fund may be invested and reinvested in investments authorized for the investment of funds of the State Employees' Retirement System of Illinois.

All earnings received from such investments shall be deposited in the

New matter indicated by italics - deletions by strikeout
Illinois State Podiatric Disciplinary Fund and may be used for the same purposes as fees deposited in such fund.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

Moneys set aside for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act, as provided for in this Section, may not be transferred under Section 8h of the State Finance Act.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act which includes an audit of the Illinois State Podiatric Disciplinary Fund, the Department shall make the audit open to inspection by any interested person.

(Source: P.A. 90-76, eff. 12-30-97; 90-372, eff. 7-1-98; 91-239, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly November 2, 2005.
Approved January 20, 2006.
Effective January 20, 2006.
INDEX
2005 JOINT RESOLUTIONS
(Printed Alphabetically)

American Eagle Day SJR 14
Autism Awareness Month HJR 3
Commemoration of Lt Garlin Murl Conner HJR 10
Department of Defense Impact Aid SJR 41
Diabetes Awareness Month (November) SJR 90
Illinois Main Street Day SJR 10
In Memory of Deceased William C. Harris SJR 11
James “Pate” Philip State Park SJR 38
John A. Logan Highway HJR 19
Joint Gang-Drug Task Force HJR 11
Joint Task Force on Rural Healthcare HJR 5
Medical Liability Insurance SJR 3
National Aeronautics and Space Administration Research / Development HJR 2
Penny Lee Severns Memorial Highway HJR 42
Pregnancy and Infant Loss Remembrance Day SJR 35
Rock Island Parkway HJR 34
Rural Water Infrastructure Task Force HJR 4
Task Force on Dropouts HJR 54
Tinley Park Mental Health Center SJR 9
Transatlantic Slave Trade Commission SJR 31
Veterans Memorial Bridge at Carr’s Crossing SJR 6
Waiver of School Code Mandates SJR 45
Waiver of School Code Mandates - 2nd SJR 52
William G. Stratton - Thomas A. Bolger Lockard Dam HJR 13
WHEREAS, The State of Illinois recognizes certain dates of the year for honoring specific patriotic, civic, cultural and historic persons, activities, symbols, or events; and

WHEREAS, On June 20, 1782, the American eagle was designated as the National Emblem of the United States when the Great Seal of the United States was adopted, and is the living symbol of the United States' freedoms, spirit and strength; in December 1818, shortly after the Illinois Territory gained statehood, the bald eagle became part of the Great Seal of the State of Illinois; and

WHEREAS, Found only in North America and once on the endangered species list, the bald eagle population is now growing again, especially along the western border of Illinois; while the natural domain of bald eagles is from Alaska to California, and Maine to Florida, the great State of Illinois provides a winter home for thousands of these majestic birds as they make their journey northwards to the upper Midwest and Canada for spring nesting; and

WHEREAS, From December through February, Illinois is home to the largest concentration of wintering bald eagles in the Continental United States; eagle-watching has become a thriving hobby and form of State tourism in at least 27 Illinois counties; many organizations and municipalities across the State host annual eagle viewing and educational events and celebrations; and

WHEREAS, Illinois is home to two major waterways; our treasured Illinois River as it connects Lake Michigan to the Mississippi River, and the mighty Mississippi River as it flows along the western border, perfect habitats for eagles who must live near large bodies of open water where there are fish to eat and tall trees for nesting and roosts; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we recognize the fourth Saturday in January as American Eagle Day in Illinois and encourage public and private entities of the State to celebrate these magnificent birds and strive to keep them flying free.

Adopted by the Senate, May 20, 2005.
JOINT RESOLUTIONS

AUTISM AWARENESS MONTH
(House Joint Resolution. 3)

WHEREAS, The Autism Society of America, Cure Autism Now, the National Alliance for Autism Research, Unlocking Autism, the Autism Society of Illinois, Giant Steps of Illinois, and numerous other organizations commemorate April as National Autism Awareness Month; and

WHEREAS, Autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others; and

WHEREAS, Autism affects an estimated 1 in every 250 children in America; and

WHEREAS, Autism is 4 times more likely in boys than in girls, and can affect anyone, regardless of race, ethnicity, or other factors; and

WHEREAS, The cost of specialized treatment in a developmental center for people with autism is approximately $80,000 per individual per year; and

WHEREAS, The cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year; and

WHEREAS, The cost nationally of caring for persons affected by autism is estimated at more than $90,000,000,000 per year; and

WHEREAS, Despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

WHEREAS, Public and private entities including Giant Steps of Illinois provide educational and therapeutic services to enable children with autism to achieve their maximum potential and strive to improve a child's ability to interact, communicate, and develop academic and daily life skills; the group works cooperatively with local school districts to reintegrate students with autism into their home school on a full-time or part-time basis based on the individual needs of the student; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HERElN, that we name the month of April 2005 as Autism Awareness Month in the State of Illinois, and we recognize and commend the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs
of children with autism and for absorbing significant financial costs for specialized education and support services; and be it further.

RESOLVED, That we support the goal of increasing federal, State, and private funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treatment, expand programs for individuals with autism across their lifespan, and promote understanding of the special needs of people with autism; and be it further.

RESOLVED, That a suitable copy of this resolution be presented to the Autism Society of Illinois and Giant Steps of Illinois.

Adopted by the House of Representatives on March 15, 2005.
Concurred in by the Senate on May 20, 2005.

COMMEMORATION OF LT GARLIN MURL CONNER
(House Joint Resolution. 10)

WHEREAS, First Lieutenant Garlin Murl Conner was a native of Clinton County, Kentucky, who served with distinction and valor in the United States Army during World War II; and
WHEREAS, Kentucky Congressman Ed Whitfield introduced H.R. 327 in the 108th Congress to authorize the President to award a Medal of Honor posthumously to Lieutenant Garlin Murl Conner; and
WHEREAS, Lieutenant Garlin Murl Conner is Kentucky's most decorated war hero, who served on the front lines for over eight hundred days in eight major campaigns; he was wounded seven times but returned to combat and continued to fight on the front lines after each wound; and
WHEREAS, During World War II, over forty 3rd Division soldiers received Medals of Honor, more than any other Division; however, Lieutenant Garlin Murl Conner was not awarded the Medal of Honor due to an oversight and failure to process the paperwork; and
WHEREAS, Lieutenant Conner served in the 3rd Infantry Division with Audie L. Murphy, America's most decorated hero of all wars; as compared to Audie L. Murphy, Lieutenant Conner was awarded more Silver Stars for acts of valor, fought in more campaigns, served on the front lines longer, and was wounded more times; he was awarded many honors, including the Distinguished Service Cross, the Silver Star with three Oak Leaf Clusters, the Bronze Star, the Purple Heart with six Oak Leaf Clusters, and other medals; and
WHEREAS, On June 20, 1945, Lieutenant Conner was awarded the Croix de Guerre, the French Medal of Honor, that was also awarded to Sergeant Alvin C. York, America's most decorated World War I soldier,
who was a friend of Lieutenant Conner and lived a few miles from Lieutenant Conner's home on the Kentucky-Tennessee border; and

WHEREAS, Major General Lloyd B. Ramsey (Ret.), who was Lieutenant Conner's battalion commander during combat in World War II, is still living and has signed the necessary documents for awarding the Medal of Honor to Lieutenant Conner; in 1945, Major General Ramsey wrote that Lieutenant Conner was "one of the outstanding soldiers of this war, if not the outstanding....I've never seen a man with as much courage and ability as he has"; and

WHEREAS, Stephen Ambrose, America's foremost World War II historian, founder of the D-Day Museum in New Orleans, Louisiana, and author of many books, wrote on November 11, 2000, "I am in complete support of the effort to make Lieutenant Garlin M. Conner a Medal of Honor recipient. What Lieutenant Conner did in stopping the German assault near Houssen, France in January 1945 was far above the call of duty. I've met and talked at length with many Medal of Honor recipients and am sure they would all agree that Lieutenant Conner more than deserves the honor of joining them"; and

WHEREAS, On April 3, 2001, 3rd Infantry Division leaders named the new EAGLE BASE in Bosnia-Herzegovina after Lieutenant Conner because of his gallantry in World War II and because "It's a company-grade forward operating base named after a soldier with a company-grade rank"; and

WHEREAS, Richard Chilton, a former Green Beret from Genoa City, Wisconsin, has been on a mission since 1996 to have the Medal of Honor awarded to Lieutenant Conner; his research has documented that Lieutenant Conner is one of the great combat heroes of World War II, equal in every way to Audie L. Murphy; Chilton has made presentations to dozens of schools about Lieutenant Conner's war record and has copies of over 2,500 letters written by students to President George W. Bush requesting the Medal of Honor be awarded; after reviewing Chilton's information, a host of former war veterans have written Congress requesting passage of H.R. 327 to award the Medal of Honor to one of America's greatest citizen soldiers, Lieutenant Garlin Murl Conner; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the United States Congress to enact legislation authorizing the President to award a Medal of Honor posthumously to First Lieutenant Garlin Murl Conner; and be it further
RESOLVED, That copies of this resolution be delivered to: the Chairman of the Armed Services Committee; the Clerk of the House of Representatives of the United States; the Clerk of the Senate of the United States; each member of the Illinois Congressional Delegation; and the widow of First Lieutenant Garlin Murl Conner, Mrs. Pauline W. Conner, Route 1, Box 208, Albany, Kentucky 42602.

Adopted by the House of Representatives on March 15, 2005.
Concurred in by the Senate on May 20, 2005.

DEPARTMENT OF DEFENSE IMPACT AID
(Senate Joint Resolution No. 41)

WHEREAS, Members of the United States Armed Forces and their families are stationed at various military installations throughout the United States; and

WHEREAS, The children of those military families attend local schools operated by local public school districts; and

WHEREAS, The presence of a federal military activity in a school district increases enrollment in the district but also reduces the local tax base by removing property from the tax rolls; and

WHEREAS, School districts also lose tax revenues (i) through the provisions granted military personnel by the Soldiers and Sailors Civil Relief Act of 1940 and (ii) as a result of military families shopping in commissaries and exchanges and thus not paying local sales taxes; and

WHEREAS, Congress enacted Impact Aid legislation establishing the federal government's responsibility to provide financial assistance to school districts on which the government places a financial burden; and

WHEREAS, Impact Aid payments are provided from the federal Department of Education to local public school districts that educate "federally connected" students, and approximately 40% of those Impact Aid funds go to districts educating the children of military families; and

WHEREAS, Impact Aid supplements are made available from the Department of Defense to help school districts with significant concentrations of military students deal with the consequences of an inadequate local funding base, challenges associated with base closures and realignments, deteriorating families, and inadequate Impact Aid funding; and

WHEREAS, The Department of Defense Impact Aid supplement is needed to provide military children with the level of educational opportunity available to children in neighboring, non-federally impacted school districts; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge Congress to take all steps necessary, by means of substantive legislation and by means of appropriation, to provide adequate Impact Aid and Impact Aid supplement funding to the Department of Education and the Department of Defense to ensure that the children of military families attending local public schools receive the same level of educational opportunity available to children in neighboring, non-federally impacted school districts; and be it further
RESOLVED, That suitable copies of this Resolution be sent to the President of the United States Senate, the Minority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, and each member of the Illinois congressional delegation.
Adopted by the Senate, May 20, 2005.

DIABETES AWARENESS MONTH
(Senate Joint Resolution No. 90)

WHEREAS, Diabetes is the sixth leading cause of death in Illinois, and it is the number one cause of heart disease, stroke, blindness, amputation, and kidney disease; and
WHEREAS, Diabetes is more prevalent in underserved populations; African Americans and Hispanics have nearly twice the incidence of diabetes as whites; in Illinois, diabetes is more prevalent among persons 45 years of age and older than it is in the United States overall; and
WHEREAS, In Illinois, diabetes costs for Fiscal Year 2004 will exceed $6.5 billion; a savings of over $2 billion can be achieved by improving diabetes control through education and proper treatment; and
WHEREAS, Diabetes self-management and awareness about the disease are necessary elements in keeping diabetes under control and reducing complications; and
WHEREAS, Through increased knowledge of diabetes and improved patient care of those diagnosed, the lives of individuals living with a disease that has no cure can be improved; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we proclaim and recognize November as Diabetes Month in Illinois.
Adopted by the Senate, November 17, 2004.
Concurred in by the House of Representatives, January 10, 2005.

ILLINOIS MAIN STREET DAY
(Senate Joint Resolution No. 10)

WHEREAS, For more than 200 years downtown districts have served as the heart and soul of our communities; they are the site of parades, passionate speeches, and public gathering places; and
WHEREAS, The words "main street" conjure up images of a friendly place to greet your neighbors and friends, shop for unique gifts or supplies, and enjoy an evening of good food and entertainment; and
WHEREAS, Downtown businesses have provided stable incomes to millions of Illinois residents, paid billions of tax dollars for city and State services, and provided countless sponsorships for activities that contribute to a community's quality of life; and
WHEREAS, The Illinois Main Street program is a nationally recognized model for preserving the historic integrity and economic vitality of downtowns and neighborhood business districts; and
WHEREAS, The Office of the Lieutenant Governor for the State of Illinois successfully implemented the Main Street program beginning in 1993 using the proven National Main Street Center's comprehensive model for downtown revitalization - the Four Point Approach®: Organization, Promotion, Design, and Economic Restructuring; and
WHEREAS, Fifty-eight Illinois communities are actively participating in the Illinois Main Street program, and consequently, more than $418 million has been invested in their downtown districts, nearly 5,000 new jobs have been created and more than 1,300 businesses have sprung up or expanded in the State; and
WHEREAS, The programs associated with Illinois Main Street will certainly continue to restore, restructure, and revitalize the soul of their community with successful results; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HERElN, that we recognize the first Saturday in June as Illinois Main Street Day in Illinois.
Adopted by the Senate, April 21, 2005.
IN MEMORY OF DECEASED WILLIAM C. HARRIS  
(Senate Joint Resolution No. 11)

WHEREAS, William "Bill" C. Harris of Pontiac, a longtime state lawmaker, former President of the Illinois Senate, and former Illinois Commissioner of Banks and Trust Companies, died on December 30, 2004; and

WHEREAS, He was born May 7, 1921, in Pontiac, the son of Raleigh J. and Bernadine (Cullen) Harris; he graduated from Pontiac Grade School and Pontiac Township High School; he entered Michigan State University in the fall of 1941, and in December 1941, he enlisted in the U.S. Navy; while at Great Lakes, he was named honor man out of a class of 750 in the naval program; during World War II, he served as aviation chief ordinance man in the South Pacific; he was honorably discharged in December of 1945 after serving four years; after returning to Pontiac, he joined the R.J. Harris Funeral Home as a partner; on May 31, 1947, he married Jeanne Turck in Pontiac at the original Grace Episcopal Church on the square; and

WHEREAS, In May 1948, he became the charter president of Pontiac Jaycees; he was also a charter member of the Saint James Hospital advisory board, a member of the Moose, Pontiac Elks Lodge, Lions Club, Veterans of Foreign Wars, American Legion, and the Voiture 8 et 8 in Pontiac; and

WHEREAS, William Harris was a public official who was committed to serving the people of Illinois; first elected to the Illinois House of Representatives in 1954 at the age of 33, he was the House Whip during his six years of service in that body; in 1960, he was elected to the Senate, and during his 16 years of service, he held the position of assistant majority leader and was elected the first president of the Senate, a position created under the 1970 Illinois Constitution; Senator Harris was elected "Most Effective Senator" three successive years; in 1977, he was appointed by then Governor Jim Thompson as Illinois Commissioner of Banks and Trust Companies; he held that position until he retired in January 1991; and

WHEREAS, William Harris was a delegate to the Republican National Convention in Miami in 1968; he served as trustee of the Humiston Haven Nursing Home, trustee of the Appolos Camp, Bennet Humiston Trust since 1975, and trustee on the Floyd and Alta Byrne Trust; he served as a senior vice president of Cole Taylor Bank, as a board member of the Community Bank of Pittsfield, and as ambassador at-large to the Community Bankers of Illinois; he was chairman of the World Trade Association of Illinois for two years, a board member of the Cradle
in Evanston for many years, and then was an Emeritus Member of the Cradle Board; he was a member of Grace Episcopal Church in Pontiac; and

WHEREAS, A staunch Republican, he was well-respected regardless of one's political persuasion and was a man who saw his strength as getting people to see others' viewpoints and in being able to make accommodations to solve problems in this unique and diverse State; he will be remembered as a legislator who was truly committed to making Illinois a better place to live for all its citizens, and he was known to "reach across the political aisle" and was a great people person who positively impacted the lives of many people whose lives he touched; and

WHEREAS, On the statewide scene, the City of Pontiac was synonymous with Bill Harris; he was a part of the history and depth of Pontiac and of Illinois history, serving when the State government was undergoing major reforms from biennial budgets to annual budgets, from six-month legislative sessions every two years to annual sessions; he worked at making the legislative branch an equal branch of government, engaging in the efforts to implement many provisions of the 1970 Illinois Constitution; and

WHEREAS, Many remember Bill Harris as always having a smile and an upbeat, can-do attitude; and

WHEREAS, He was preceded in death by his mother, Bernadine Harris, his father, Raleigh J. Harris, his sister, Helen Elizabeth Harris, and his brother, Raleigh J. Harris, Jr.; and

WHEREAS, The passing of William C. Harris will be felt by all who knew and loved him, especially his wife Jeanne; his two children, Barbara A. Harris and Charles M. (Robin) Harris; and his two grandchildren, Lindsey J. Schrof and Jenna Harris; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we mourn the passing of William C. Harris and we extend to his family our thoughts and prayers during this difficult time; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to his family as an expression of our deepest sympathy.

Adopted by the Senate, February 17, 2005.
Concurred in by the House of Representatives, May 25, 2005.
WHEREAS, The General Assembly takes pride in recognizing the accomplishments and contributions of Illinois officials and citizens; and

WHEREAS, Senator James Peyton "Pate" Philip became Senate President in 1993; and

WHEREAS, Senator Philip started his political career in 1965 as York Township Auditor, was elected to the Illinois House of Representatives in 1966, and served there until 1974, when he was elected to the Illinois Senate; in the Senate, he served as Minority Leader from 1981 until he was elected Senate President in 1993, and he was re-elected Senate President in 1995, 1997, 1999, and 2001; and

WHEREAS, Senator Philip served as Chairman of the DuPage County Republican Central Committee for just under 34 years; and

WHEREAS, Senator Philip is recognized for his work to increase public access to the legislative process, improve our schools, streamline government, hold the line on taxes, and improve the State's job climate; and

WHEREAS, Senator Philip ably served the changing needs of DuPage County through three decades of public service as farmland and woodlands became subdivisions and bustling commercial centers; and

WHEREAS, Senator Philip brought the concerns of DuPage County and his constituents to the legislature, bringing water system improvements, flood control, and other infrastructure projects to the suburbs; and

WHEREAS, Senator Philip protected DuPage County, his constituents, and other suburban counties from the burden of excessive property tax increases; and

WHEREAS, Senator Philip is a lifelong resident of DuPage County, where he is active in numerous civic and charitable organizations; and

WHEREAS, In 1989, the Illinois General Assembly appropriated $10 million to the Illinois Department of Natural Resources for the acquisition of Tri-County State Park, where the goal was to blend the forest, marshland, and grasslands of DuPage County's Pratt's Wayne Woods Forest Preserve to the south with the newly purchased conservation lands to the north; and

WHEREAS, In 1991, the Illinois Department of Natural Resources developed the Tri-County State Park Native Vegetation Restoration Plan to guide preliminary restoration activities at the site; and
WHEREAS, In 1995, plans began for the construction of the new Region 2 Illinois Department of Natural Resources headquarters and the Tri-County State Park Visitor Center; construction began in the fall of 2000, and the park opened to the public in April of 2003; and

WHEREAS, Senator Philip is an avid outdoorsman, whose support for conservation and love of outdoor sports and recreation is legendary; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we rename the Tri-County State Park located in DuPage, Kane, and Cook counties, with its headquarters at 3 South 580 Naperville Road in Wheaton, in honor of James "Pate" Philip; and in implementing this honor, we designate the park as the James "Pate" Philip State Park and designate the park's visitor's center as the James "Pate" Philip State Park Visitor Center; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to Senator James "Pate" Philip, the Director of the Department of Natural Resources, the President of the Forest Preserve District of DuPage County, and the Board of Commissioners of the Forest Preserve District of DuPage County.

Adopted by the Senate, May 27, 2005.

JOHN A. LOGAN HIGHWAY
(House Joint Resolution. 19)

WHEREAS, John A. Logan was born February 9, 1826, in what is now Murphysboro, Illinois; raised in a home that was a center of political activity, he came to love politics at an early age; and

WHEREAS, In the 1850s, Mr. Logan began a political career that led from county clerk to U.S. Congressman; and

WHEREAS, At the onset of the Civil War, the formerly pro-Southern John Logan decided that "the Union must prevail"; he fought at Bull Run as a civilian; he then returned home, where his speech at Marion put southern Illinois during the Civil War strongly in the Union camp; and

WHEREAS, He volunteered for the war and rose from colonel to major general; fighting in eight major campaigns, he distinguished himself at Vicksburg and commanded the entire Union forces at the Battle of Atlanta; at the war's end, he saved Raleigh, North Carolina, from being
burned by angry Union troops; many historians consider him the premier volunteer general of the Civil War; and

WHEREAS, After the war, he returned to Congress; his concern for veterans led him to take part in Illinois' first organized veterans memorial services at Woodlawn Cemetery in Carbondale in 1866; in 1868, he helped found Memorial Day as a national holiday; and

WHEREAS, In 1871 and again in 1874, John Logan was elected to the U.S. Senate; throughout his political career, he was a strong advocate for public education; in 1884, he was James G. Blaine's vice-presidential running mate; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the portion of Illinois Route 13 lying between Murphysboro and the Kentucky border be designated the John A. Logan Highway; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State regulations, appropriate plaques or signs giving notice of the name; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Mayor of Murphysboro, Illinois and to the Secretary of the Illinois Department of Transportation.

Adopted by the House of Representatives on March 15, 2005.
Concurred in by the Senate on May 27, 2005.

JOINT GANG-DRUG TASK FORCE
(House Joint Resolution. 11)

WHEREAS, Communities across the State have local organizations that attempt to combat gang and drug crimes; and

WHEREAS, Some of these organizations see moderate to significant success and some see minimal or no success; and

WHEREAS, Most communities with significant gang and drug problems do not have the resources to combat these problems; and

WHEREAS, There is no statewide, comprehensive effort to help local communities with gang and drug problems; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Joint Gang-Drug Task Force is created; the Task Force shall consist of 6 members, one each appointed by the following: the Speaker of the House of Representatives; the Minority Leader of the House of Representatives;
the President of the Senate; the Minority Leader of the Senate; the Governor; and the Director of State Police; and be it further

RESOLVED, That the Task Force shall meet as necessary to examine gang and drug problems throughout the State and to find ways that the State can help communities combat gang and drug problems; and be it further

RESOLVED, That the Task Force shall report its findings back to the House of Representatives and the Senate no later than January 1, 2006; and be it further

RESOLVED, That copies of this resolution be presented to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Governor, and the Director of State Police.

Adopted by the House of Representatives on March 15, 2005.
Concurred in by the Senate on May 27, 2005.

JOINT TASK FORCE ON RURAL HEALTH
(House Joint Resolution. 5)

WHEREAS, The percentage of Illinoisans without health care coverage has generally been rising for the last 15 years, growing from 9.7% in 1987 to 14.1% in 2002 and nationally the proportion of the population that is uninsured grew by 17.8% between 1987 and 2002, but it grew by 45.5% in Illinois; and

WHEREAS, Residents of rural areas face a difficult time in accessing health care due to geographic isolation, lack of transportation, economic disparity, and seasonal challenges which create obstacles for rural health care consumers; and

WHEREAS, More than 20% of the U.S. population, over 65 million people, live in rural areas, and yet, only 9% of physicians practice in rural areas; and

WHEREAS, Rural health care providers face financial barriers, including lower wages and reimbursement rates compared to urban counterparts, lower patient volumes, and fewer economies of scale; and

WHEREAS, The elderly are disproportionately represented in rural areas, with approximately 18.4% of all rural residents being elderly, and Medicare is the dominant source of health care reimbursements for rural hospitals, accounting for approximately 47% of patient care in rural areas, compared to 36% in urban areas; and

WHEREAS, In rural areas persons with disabilities and others who need specialized care must overcome the added difficulties of lack of
public transportation, long distance to health care providers, and limited support services; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREBIN, that the Joint Task Force on Rural Health is hereby created comprised of 8 members as follows: 2 members of the Senate appointed by the Senate President, 2 members of the Senate appointed by the Senate Minority Leader, 2 members of the House of Representatives appointed by the Speaker of the House and 2 members of the House of Representatives appointed by the House Minority Leader, with one member appointed by the Senate President serving as co-chairperson and one member appointed by the Speaker of the House serving as co-chairperson; and be it further

RESOLVED, That the Task Force shall meet to study issues of importance for improving access to quality, affordable health care for all residents of Illinois, particularly those that reside in a rural setting; and be it further

RESOLVED, That the Task Force shall study issues related to the best practices which ensure that an adequate and well-trained workforce is available to deliver health care services to Illinois residents living in rural communities; and be it further

RESOLVED, That the Task Force shall present its findings and recommendations on how best to improve health care in rural communities to the President of the Senate and the Speaker of the House no later than January 1, 2006.

Adopted by the House of Representatives on March 15, 2005.
Concurred in by the Senate on May 20, 2005.

MEDICAL LIABILITY INSURANCE
(Senate Joint Resolution No. 3)

WHEREAS, The increasing cost of medical liability insurance results in increased financial burdens upon physicians and hospitals; and
WHEREAS, Various groups have cited data to support the contention that frivolous medical malpractice suits and excessive medical malpractice judgments are the cause of this crisis; and
WHEREAS, Other groups have cited other data in support of their claims that medical malpractice suits and judgments are not the cause of the crisis but that the medical liability insurance industry is actually at the root of the crisis; and
WHEREAS, The collection of information in court records can play an important role in helping the citizens of this State determine the
degree to which the legal system and the cost of medical liability insurance are related; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREBIN, that we request the Supreme Court to modify its administrative orders to provide for specific medical malpractice case recordkeeping by circuit court clerks and reporting of this information to the public and the Department of Financial and Professional Regulation; and be it further

RESOLVED, That we request the Supreme Court to order a new case designation of "MM" to be used in medical malpractice cases filed in the circuit court; and be it further

RESOLVED, That a copy of this resolution be delivered to the Chief Justice of the Illinois Supreme Court.

Adopted by the Senate, May 20, 2005.
Concurred in by the House of Representatives, May 31, 2005.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION RESEARCH / DEVELOPMENT
(House Joint Resolution. 2)

WHEREAS, The United States is a nation of explorers, and exploration and discovery have been especially important to the American experience, providing vision, hope, and economic stimulus from new world explorers and American pioneers to the Apollo program; and

WHEREAS, Just as Lewis and Clark could not have predicted the settlement of the American west within a hundred years of the start of their famous 19th century expedition, the total benefits of a single exploratory undertaking or discovery cannot be predicted in advance; the desire to explore is part of our character, and history has shown that space exploration benefits all humankind through new technologies for everyday application, new jobs across the entire economic enterprise, economic contributions through new markets and commercial products, education and inspiration, United States leadership, increased security, and a legacy for future generations; and

WHEREAS, New technologies and commercial spin-offs from the advancements made through the National Aeronautics and Space Administration (NASA) programs have provided economic expansion and improved life quality to residents not only within the United States but worldwide, and some of these technologies include the following:

(1) Image processing used in CT scanners and MRI technology came from technology
developed to computer-enhance pictures of the moon for the Apollo program;

(2) Kidney dialysis machines were developed as a result of a NASA-developed chemical process, and insulin pumps were based on technology used on the Mars Viking spacecraft;

(3) Programmable heart pacemakers were first developed in the 1970's using NASA satellite electrical systems;

(4) Fetal heart monitors were developed from technology originally used to measure airflow over aircraft wings;

(5) Surgical probes used to treat brain tumors resulted from special lighting technology developed for plant growth experiments on space shuttle missions; and

(6) Infrared hand-held cameras used to observe atmospheric gas plumes in space from the space shuttles have helped firefighters point out hotspots in wild fires; and

WHEREAS, Our nation's new vision for space exploration charts a new building block strategy to explore destinations across our solar system with robots and humans which will significantly help the United States protect its technological leadership, economic vitality, and security; and

WHEREAS, Implementation of the space exploration vision will require private industry to have a larger presence in space operations and the creation of a space-based industry; and

WHEREAS, The talent, technology, and infrastructure exist in Illinois to provide resources that will be key to implementing the vision and carrying out NASA's future missions; the State of Illinois has long played a leading role in America's exploration initiatives, especially in our nation's aeronautics and space program; Illinois is home to 15 active and former astronauts, including Eugene Sernan and Mae Johnson, the first black woman in space; the State of Illinois is a leader in science and technological research, hosting federal laboratories such as Argonne National Labs and Fermi National Accelerator Laboratory, and academic research institutions such as the University of Chicago, Northwestern University, and the University of Illinois; and

WHEREAS, NASA has invested over $100 million in direct funding to businesses and academic institutions in the State of Illinois over the past 5 years; and

WHEREAS, NASA funds the NASA Illinois Commercialization Center that, alone, has had a $23 million economic benefit to the Illinois
business community over the past 3 years by assisting private industry in
the development and commercialization of space-based technologies; and

WHEREAS, NASA's proposed vision has the potential to expand
NASA's economic impact in the State of Illinois, becoming a catalyst for
innovation and discovery in support of the vision that will contribute to
local and national economic growth; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF
THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF
ILLINOIS, THE SENATE CONCURRING HEREIN, That the State of
Illinois support the continuation of research and development programs in
space science missions in order to take full advantage of the previous
investments made in the space stations and other NASA infrastructure,
support NASA's goal of returning to the moon as well as conducting
excursions to Mars and beyond, and encourage the United States Congress
to enact and fully fund the proposed Vision for Space Exploration
Program as submitted to the Congress in the federal 2005 fiscal year
budget, to enable the United States and the State of Illinois, in particular,
to remain a leader in the exploration and development of space; and be it

RESOLVED, That the clerk transmit copies of this Resolution to
the President and Vice President of the United States, to the Speaker of the
House of Representatives of the Congress of the United States, to the
Majority Leader of the Senate of the Congress of the United States, and to
each Senator and Representative from the State of Illinois in the Congress
of the United States.

Adopted by the House of Representatives on March 15, 2005.
Concurred in by the Senate on May 20, 2005.

PENNY LEE SEVERNS MEMORIAL HIGHWAY
(House Joint Resolution. 42)

WHEREAS, Penny Lee Severns and her identical twin sister,
Patty, were born on January 21, 1952 in Decatur, Illinois, the daughters of
Donald Severns, Sr. and Helen Severns; and

WHEREAS, In 1972, Penny Severns was an alternate at-large
delegate to the Democratic National Convention, the then-youngest
delegate ever elected; later in the year Penny was elected to one of six
spots from Illinois on the Democratic National Committee; in 1974 she
graduated from Southern Illinois University in Carbondale with a
Bachelor of Arts degree in political science with a concentration in
international relations; and
WHEREAS, In 1977, Penny moved to Washington D.C. where she
was appointed to a prominent post with the United States State
Department; Penny served for two years as a Special Assistant to the
Administrator of the Agency for International Development; Penny
traveled to Thailand, Nepal, and India, where she evaluated and audited
the United States' mission in those countries; and

WHEREAS, While working for the Agency for International
Development, Penny was given the opportunity to be a part of history
when she served as the Agency's Representative during negotiations of the
Camp David Peace Accords; Penny was in attendance on the day the
historic document was signed; and

WHEREAS, While in Washington, Penny Severns was a Resident
Associate at the Smithsonian Institution, where she met and talked with
some of the world's great architects and master builders; Penny was fond
of Frank Lloyd Wright and his work, and is remembered as someone who
helped in the preservation of his work, particularly with the Dana-Thomas
House in Springfield; and

WHEREAS, Penny Severns resigned from the State Department in
1979; she returned to Decatur and took a job with Archer Daniels
Midland; in 1980, Penny ran an unsuccessful campaign for United States
Congress against United States Representative Edward Madigan; even
though she lost the election, the campaign gave Penny the opportunity to
meet many of the citizens of Central Illinois, and her increased visibility
helped her in future elections; in 1981, she worked as an Administrative
Assistant to the State Comptroller; in 1983, Penny Severns won a seat on
the Decatur City Council with the largest number of votes in the history of
Decatur; and

WHEREAS, Penny Severns won the 51st District Senate seat in
1986; while serving her District, Senator Severns held the position of
Minority Caucus Whip, was a top budget negotiator, and was minority
spokesperson of the Revenue Committee; she also served on the Executive
Committee and the Legislative Audit Commission; as a State Senator,
Penny worked tirelessly on behalf of the constituents in her district and
was known as a champion for the rights of working families, women, and
children throughout all Illinois; and

WHEREAS, In 1989, Senator Severns was selected from a
nationwide group of state and local lawmakers to participate as a Fellow at
Harvard University's Kennedy School of Government; the intensive
program focused on the study of public policy; her hard work earned her a
position as a Toll Fellow to study public policy with the National Council
of State Legislatures in Lexington, Kentucky; she was also selected as a
Delegate by the German Marshall Fund to study job training and
vocational education programs in Germany and Denmark; in 1994, Penny
was the Democratic nominee for Lieutenant Governor of Illinois; and

WHEREAS, Penny Severns spent the final months of her life not
only fighting cancer, but fighting for the people of Illinois as a candidate
for Secretary of State; and

WHEREAS, Penny Severns is also remembered through the Penny
Severns Summer Family Literacy program and the Penny Severns Breast
and Cervical Cancer Research Fund; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF
THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF
ILLINOIS, THE SENATE CONCURRING HEREIN, that the portion of
Interstate 72 lying between Springfield and Decatur be designated as the
Penny Severns Memorial Highway; and be it further

RESOLVED, That the Illinois Department of Transportation is
requested to erect at suitable locations, consistent with State and federal
regulations, appropriate plaques or signs giving notice of the name; and be
it further

RESOLVED, That suitable copies of this resolution be presented to the
Secretary of U.S. Department of Transportation; the Secretary of the
Illinois Department of Transportation; and the family of Senator Penny
Severns.

Adopted by the House of Representatives on May 31, 2005.
Concurred in by the Senate on October 26, 2005.

PREGNANCY AND INFANT LOSS REMEMBRANCE DAY
(Senate Joint Resolution No. 35)

WHEREAS, According to a 1996 study by the Centers of Disease
Control, 16% of over 6,000,000 pregnancies ended in either a miscarriage
or stillbirth, which is almost 1,000,000 perinatal losses; and

WHEREAS, Of those over six million pregnancies, 62%, or
3,720,000, ended in live births, and 26,784 of those births ended in deaths
of infants 11 months and younger; and

WHEREAS, The availability of information and support is of the
utmost importance to the families who suffer from pregnancy and infant
loss to better help them cope; and

WHEREAS, A public that is informed and educated about
pregnancy and infant loss can better learn how to respond with
compassion to affected families; and

WHEREAS, Professionals who come in contact with families who
have suffered pregnancy or infant loss, such as physicians, clergy,
emergency medical technicians, funeral directors, police officers, public
health nurses, and employers, can better serve families if they have special training and better knowledge of pregnancy and infant loss; and

WHEREAS, If a Pregnancy and Infant Loss Remembrance Day is created to recognize the grief of the families and to remember all of the pregnancies and infants lost, it will help to heal and comfort the families in a time of pain and heartache and give the families hope for the future; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that October 15, 2005, be named as Pregnancy and Infant Loss Remembrance Day to recognize the grief of the families and to remember all of the pregnancies and infants lost, to help to heal and comfort the families in a time of pain and heartache, and to give the families hope for the future.

Adopted by the Senate, May 20, 2005.
Concurred in by the House of Representatives, May 31, 2005.

ROCK ISLAND PARKWAY

(House Joint Resolution. 34)

WHEREAS, The city of Rock Island has developed a plan to establish, identify, promote, and improve the corridor of the city known as the Rock Island Parkway, running from the border with Moline on the east to U.S. Route 67 in the southwest portion of Rock Island; and

WHEREAS, The city of Rock Island is seeking official designation of the Illinois Route 92 segment of that corridor, now known as the Centennial Expressway, as the Rock Island Parkway; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the portion of Illinois Route 92, in the city of Rock Island, extending from 46th Street to Andalusia Road be designated the Rock Island Parkway; and be it further

RESOLVED, That the Secretary of State is directed to indicate, on maps of the State of Illinois, that the portion of Illinois Route 92, in the city of Rock Island, extending from 46th Street to Andalusia Road is designated the Rock Island Parkway; and be it further

RESOLVED, That the Illinois Department of Transportation is directed to erect, at suitable locations consistent with State and federal regulations, appropriate plaques or signs giving notice of the name; and be it further
RESOLVED, That suitable copies of this resolution be delivered to
the Mayor of Rock Island, the Illinois Secretary of State, and the Illinois
Secretary of Transportation.

Adopted by the house of Representatives on May 29, 2005.
Concurred in by the Senate on October 26, 2005.

RURAL WATER INFRASTRUCTURE TASK FORCE

(Original Resolution. 4)

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF
THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF
ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created
the Rural Water Infrastructure Task Force consisting of 13 members
appointed as follows: one member appointed by the Director of the
Environmental Protection Agency, 2 members appointed by the Director
of Commerce and Economic Opportunity, one of whom represents the
interests of local governments, one member appointed by the Executive
Director of the Illinois Finance Authority, 2 members appointed by the
President of the Senate, 2 members appointed by the Minority Leader of
the Senate, 2 members appointed by the Speaker of the House of
Representatives, 2 members appointed by the Minority Leader of the
House of Representatives, and one member appointed by the Chair of the
Governor's Rural Affairs Council; and be it further
RESOLVED, That the Task Force shall study ways to improve
access to rural water infrastructure funds and shall report its findings to
the General Assembly on or before December 31, 2005; and be it further
RESOLVED, That a copy of this resolution be presented to the
Director of the Environmental Protection Agency, the Director of
Commerce and Economic Opportunity, the Executive Director of the
Illinois Finance Authority, the President of the Senate, the Minority
Leader of the Senate, the Speaker of the House of Representatives, the
Minority Leader of the House of Representatives, and the Chair of the
Governor's Rural Affairs Council.

Adopted by the House of Representatives on March 15, 2005.
Concurred in by the Senate on May 15, 2005.

TASK FORCE ON DROPOUTS

(Original Resolution. 54)

WHEREAS, According to a recent study by the Center for Labor
Market Studies at Northeastern University, there are 174,168 Illinois
youth ages 16 to 24 years old and 98,908 youth ages 16 to 21 years old who are high school dropouts; and

WHEREAS, This study outlines that in Illinois, of the 174,168 youth who are high school dropouts, 50,877 are White, 74,645 are Hispanic, 42,294 are Black, and 6,352 are listed as other; and

WHEREAS, The vast majority of Chicago area and downstate Illinois high school dropouts come from lower income areas; and

WHEREAS, Illinois employers are experiencing a shortage of skilled workers, and high school dropouts could provide the needed addition to the workforce needs of the Illinois economy and Illinois businesses; and

WHEREAS, Eighty percent of prison inmates are high school dropouts and, as such, can pose a problem in terms of crime and public safety to the general public in their communities and neighborhoods; and

WHEREAS, High school dropouts earn $516,000 less over their lifetimes than people who have a high school diploma and some college education; and

WHEREAS, The benefit to Illinois taxpayers is $340,000 over the lifetime of a high school dropout who returns to school and earns a high school diploma in terms of that person paying more taxes on his or her increased earnings, as well as the reduced social costs in terms of his or her utilizing welfare services, mental health services, and other dependency services and being less likely to enter prison or incur other related costs to crime; and

WHEREAS, There is significant research and program experience to draw on and use to develop successful programs to re-enroll, teach, and graduate dropouts from high schools; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created the Task Force on Dropouts to examine and develop ways to address the issue of youth who have dropped out of school; and be it further

RESOLVED, That the purpose of the Task Force is to examine policies, programs, and other issues related to developing a variety of successful approaches using best program practices to re-enroll, teach, and graduate high school dropouts and, in doing so, improve community safety and the Illinois economy; and be it further

RESOLVED, That the Task Force shall be composed of the following members: 4 legislators, one of whom shall be appointed by the President of the Senate, one of whom shall be appointed by the Speaker of the House, one of whom shall be appointed by the House Minority Leader, and one of whom shall be appointed by the Senate Minority Leader; one
representative of the State Board of Education appointed by the State Superintendent of Education; one representative of the Department of Human Services appointed by the Secretary of Human Services; one representative of the Department of Children and Family Services appointed by the Director of Children and Family Services; one representative of the Department of Commerce and Economic Opportunity appointed by the Director of Commerce and Economic Opportunity; one representative of the Illinois Community College Board appointed by the Chairperson of the Illinois Community College Board; 2 representatives from the public appointed by the Governor, with one of these public representatives serving as chairperson of the Task Force; and 2 additional representatives from the public, one of whom shall be appointed by State Democratic Party leadership and one of whom shall be appointed by State Republican Party leadership; and be it further

RESOLVED, That the duties of the Task Force shall include conducting a series of public hearings throughout the State to discuss the impact of high school dropouts on various regions of the State, completing a review of dropout data that allows for a comparison of Illinois rates both nationally and with other states in the region, and producing a final report with recommendations to the Governor and the General Assembly on ways and means to address the challenge of re-enrolling students who have dropped out of school; and be it further

RESOLVED, That the Task Force shall report its findings to the Governor and the General Assembly no later than January 10, 2006; and be it further

RESOLVED, That upon filing this report, the Task Force is dissolved.

Adopted by the House of Representatives on May 29, 2005.
Concurred in by the Senate on October 26, 2005.

TINLEY PARK MEDICAL HEALTH CENTER
(Senate Joint Resolution No. 9)

WHEREAS, Tinley Park Mental Health Center (MHC) is an essential element in the network of mental health care providers serving Chicago's south side, south suburban Cook County, and Will, Grundy, and Kankakee counties; and

WHEREAS, Community-based agencies in this region provide outpatient therapy, housing assistance, and case management for many thousands of individuals with mental illness; and

WHEREAS, Tinley Park MHC effectively functions as a safety net for community-based agencies that can refer mentally ill individuals to
Tinley Park MHC when they are in crisis and represent a danger to themselves or others or are in need of more intensive psychiatric services; and

WHEREAS, Tinley Park MHC is a nationally accredited, highly regarded treatment center which offers an exceptional and comprehensive range of medical, social, and psychiatric supports to clients in acute phases of their illness; and

WHEREAS, Tinley Park MHC also functions as an essential alternative to incarceration for individuals with mental illness who engage in anti-social behavior that brings them into contact with law enforcement officials; and

WHEREAS, The communities served by Tinley Park MHC already suffer from a shortage of affordable, accessible mental health services; and

WHEREAS, With over 140 beds, Tinley Park MHC is the largest inpatient psychiatric treatment center in the region, with more than 2,000 admissions annually; and

WHEREAS, Tinley Park MHC has excelled at stabilizing individuals in crisis and aiding them to return to independent lives in their communities, with an average length of inpatient treatment of just ten days; and

WHEREAS, Tinley Park MHC maintains close working relationships with community-based mental health agencies and services, jointly developing discharge plans, linking patients with community resources, and providing transition services; and

WHEREAS, Those private hospitals in the region that do have inpatient psychiatric units frequently refer their poorest and most difficult patients to Tinley Park MHC and few have the comprehensive level of services that Tinley Park MHC offers; and

WHEREAS, As a State-operated facility, Tinley Park MHC treats patients who have no insurance or who have exhausted their mental health coverage and is the only mental health resource in the region that reliably provides inpatient treatment to those who cannot pay; and

WHEREAS, The costs at Tinley Park MHC are more than 50% below those of comparable private hospitals in the area; and

WHEREAS, Although the Department of Human Services' (DHS) FY05 budget includes full-year funding for Tinley Park MHC, the budget narrative states that the budget is premised on the "closure and sale of the Tinley Park mental health facility"; and

WHEREAS, DHS has established a Metro South Planning Task Force to develop the best possible network of services for the Chicago "Southland" region; and
WHEREAS, The Cook County Board and more than two dozen Southland elected officials, as well as professional and advocacy organizations, have spoken out against closing Tinley Park MHC; and

WHEREAS, This broad consensus makes clear that closing down the Southland region's only public inpatient mental health center would violate the will of the affected communities; and

WHEREAS, Tinley Park MHC has a dedicated and skilled workforce with a unique body of experience in treating the most severely mentally ill; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that Chicago's South Side, South Suburban Cook County, Will County, Kankakee County, and Grundy County, all of which are now served by Tinley Park MHC, must continue to have a public inpatient mental health facility that can appropriately serve the most severely mentally ill; and be it further

RESOLVED, That if the Metro Task Force determines that the current Tinley Park MHC facility cannot continue to meet the needs of these communities, a new facility should be purchased or built; and be it further

RESOLVED, That Tinley Park MHC should remain open at its current location unless and until a new DHS-operated inpatient mental health center is opened in the Southland region; and be it further

RESOLVED, That the Department of Human Services maintain its full admission and service capacity at the Tinley Park MHC; and be it further

RESOLVED, That the Department of Human Services should continue to work to foster a comprehensive array of services throughout the region; and be it further

RESOLVED, That a copy of this resolution be delivered to the Secretary of Human Services.

Adopted by the Senate, April 21, 2005.

TRANSATLANTIC SLAVE TRADE COMMISSION
(Senate Joint Resolution No. 31)

WHEREAS, Approximately 4,000,000 Africans and their descendants were enslaved in the United States and colonies that became the United States from 1619 to 1865; and
WHEREAS, The institution of slavery was constitutionally and statutorily sanctioned by the Government of the United States from 1789 through 1865; and

WHEREAS, The slavery that flourished in the United States constituted an immoral and inhumane deprivation of Africans' life, liberty, African citizenship rights, and cultural heritage, and denied them the fruits of their own labor; and

WHEREAS, Sufficient inquiry has not been made into the effects of the institution of slavery on living African-Americans and society in the United States; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there is established the Commission to Study the Transatlantic Slave Trade and its Past and Present Effects on African-Americans (hereinafter referred to as the Commission); and be it further

RESOLVED, That the Commission shall perform the following duties:

(1) Examine the institution of slavery which existed within the United States and the colonies that became the United States from 1619 through 1865; the Commission's examination shall include an examination of:

(A) the capture and procurement of Africans;

(B) the transport of Africans to the United States and the colonies that became the United States for the purpose of enslavement, including their treatment during transport;

(C) the sale and acquisition of Africans as chattel property in interstate and intrastate commerce; and

(D) the treatment of African slaves in the colonies and the United States, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families;

(2) Examine the extent to which the Federal and State governments of the United States supported the institution of slavery in constitutional and statutory provisions, including the extent to which such governments prevented, opposed, or restricted efforts of freed African slaves to repatriate to their homeland;

(3) Examine Federal and State laws that discriminated against freed African slaves and their descendants during the period between the end of the Civil War and the present;
(4) Examine other forms of discrimination in the public and private sectors against freed African slaves and their descendants during the period between the end of the Civil War and the present;

(5) Examine the lingering negative effects of the institution of slavery and the matters described in paragraphs (1), (2), (3), and (4) on living African-Americans and on society in the United States;

(6) Recommend appropriate ways to educate the general public of the Commission's findings;

(7) Examine whether African-Americans still suffer from the lingering effects of the matters described in paragraphs (1), (2), (3), and (4); and be it further

RESOLVED, That the members of the Commission shall include the President of the Senate or his or her designee and the Speaker of the House of Representatives or his or her designee, each serving as co-chairpersons, the Governor or his or her designee, one vice-chairperson appointed by each of the co-chairpersons, and 25 appointed members, with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives appointing 5 members each; and be it further

RESOLVED, That the appointed members shall be from diverse backgrounds so as to reflect the diverse citizenry of Illinois working together, and that their individual qualifications shall include varying educational, professional, and civic experiences that bring different perspectives and cooperative outlooks to the Commission; and be it further

RESOLVED, That the Commission shall broaden outreach by using established channels, including publicly supported media and electronic, computer-assisted communication systems, and elicit voluntary assistance from educational, legal, civic, and professional organizations and institutions as well as notable individuals; and be it further

RESOLVED, That no later than December 1, 2006, the Commission shall report to the General Assembly, the Governor, and the general public on its activities, accomplishments, and recommendations; and that the Commission shall be dissolved after the filing of this report; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Governor of the State of Illinois.

Adopted by the Senate, May 20, 2005.
Concurred in by the House of Representatives, May 31, 2005.
VETERAN'S MEMORIAL BRIDGE AT CARR’S CROSSING  
(Senate Joint Resolution No. 6)

WHEREAS, The bridge that the Illinois Department of Transportation is now constructing over the Rock River to connect the cities of Rock Island and Moline to the Milan Beltway and the village of Milan will aid the flow of traffic in the Illinois Quad-Cities; and
WHEREAS, The bridge connecting Milan with Rock Island and Moline is expected to make that area grow in population, businesses, and homes; and
WHEREAS, A newspaper poll of suggested names resulted in the selection of "Carr's Crossing"; and
WHEREAS, The name "Veteran's Memorial Bridge" was suggested as a tribute to those who are currently serving our country in the military and to those who served in the past; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the bridge being constructed over the Rock River to connect the cities of Rock Island and Moline with the village of Milan be designated the Veteran's Memorial Bridge at Carr's Crossing; and be it further
RESOLVED, That copies of this resolution be delivered to the mayors of the cities of Rock Island and Moline, to the president of the Village of Milan, and to the Illinois Secretary of Transportation.
Adopted by the Senate, April 21, 2005.
Concurred in by the House of Representatives, May 31, 2005.

WAIVER OF SCHOOL CODE MANDATES  
(Senate Joint Resolution No. 45)

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated April 29, 2005, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request as summarized in the report filed by the State Board of Education is disapproved:
WAIVER OF SCHOOL CODE MANDATES - 2\textsuperscript{ND}
(Senate Joint Resolution No. 52)

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated September 30, 2005, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HERELN, that each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request as summarized in the report filed by the State Board of Education is disapproved:

(1) Clay City CUSD 10 - Clay, WM100-3605, physical education; and
WHEREAS, The Thomas A. Bolger family for years proudly owned the land where the William G. Stratton Lock and Dam on the Fox River currently controls the water flow of the Fox River; and

WHEREAS, In 1938 and 1939, during the Great Depression, the William G. Stratton Lock and Dam was constructed through labor provided by members of the Civilian Conservation Corps, who used boulders donated by the Bolger family in the construction of the Lock and the Dam; and

WHEREAS, Thomas A. Bolger was a proud and distinguished member of the McHenry community and was dedicated to serving the interests of the people of that community; as a man who valued education, he was instrumental in forming School District 156; he was first elected as an Illinois State Representative in 1930 and faithfully served the People of the State of Illinois for eleven consecutive terms; and

WHEREAS, We wish to permanently commemorate the Bolger family's contributions to the people and places of the City of McHenry and the State of Illinois and their historic role in the construction of this important Lock and Dam on Illinois' Fox River; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the William G. Stratton Lock and Dam shall hereafter be known as the William G. Stratton - Thomas A. Bolger Lock and Dam; and be it further

RESOLVED, That the Illinois Department of Natural Resources is requested to erect appropriate plaques or signs giving notice of the William G. Stratton - Thomas A. Bolger Lock and Dam; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Secretary of the United States Department of the Interior, the Director of the Illinois Department of Natural Resources, and the Stratton and Bolger families.

Adopted by the House of Representatives on March 15, 2005.
Concurred in by the Senate on May 20, 2005.
## INDEX
### 2005 EXECUTIVE ORDERS

<table>
<thead>
<tr>
<th>Executive Order</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order On Collective Negotiation By Day Care Home Providers.</td>
<td>2005-1</td>
</tr>
<tr>
<td>Executive Order To Reorganize Agencies By The Transfer Of Certain Healthcare Procurement And Administrative Functions Primarily Of The Department Of Central Management Services To The Newly Renamed Department Of Healthcare and Family Services.</td>
<td>2005-3</td>
</tr>
<tr>
<td>Executive Order On Lane-Use Planning and Military Installation Compatibility.</td>
<td>2005-4</td>
</tr>
<tr>
<td>Executive Order On A Sweatshop Free Procurement Policy.</td>
<td>2005-5</td>
</tr>
<tr>
<td>Executive Order Creating The Illinois Regenerative Institute For Stem Cell Research.</td>
<td>2005-6</td>
</tr>
<tr>
<td>Executive Order Creating The Governor’s Commission on Discrimination and Hate Crimes.</td>
<td>2005-8</td>
</tr>
<tr>
<td>Executive Order To Establish The Broadband Deployment Council.</td>
<td>2005-9</td>
</tr>
<tr>
<td>Executive Order Creating New Americans Immigrant Policy Council.</td>
<td>2005-10</td>
</tr>
</tbody>
</table>
WHEREAS, day care homes provide essential services to Illinois children and families in need as part of the State’s child care assistance program administered by the Department of Human Services under 305 ILCS 5/9A-11 and 89 Ill. Admin. Code 50.210 et seq.; and

WHEREAS, the State Department of Human Services has adopted as priority goals: fully implementing a child care assistance system that enables all Illinois families to access quality care; supporting quality child care through a system of adequate base rates and financial incentives for implementing progressively higher quality standards; and supporting a child care workforce dedicated to providing the highest quality care;

WHEREAS, there is a continuing need to expand access to quality child care including that provided by day care home providers and low reimbursement rates have contributed to the decreasing numbers of licensed homes and the difficulties of parents in finding adequate care;

WHEREAS, there is a need to stabilize the day care home workforce which includes licensed and license exempt home providers;

WHEREAS, it is important to preserve freedom of choice for parents in selecting appropriate day care services for their children and to do so, the State must be able to ensure the availability of quality child care services on terms that will attract and retain sufficient numbers of licensed and license exempt day care home providers in the State’s child care assistance program; and

WHEREAS, individual families receiving services through the State’s child care assistance program do not control all the economic terms of the delivery of services and therefore cannot effectively address concerns common to day care home providers; and

WHEREAS, day care home providers are located throughout the State and therefore may not be able to effectively voice their common concerns about the State’s child care assistance program, their role in the program, or the terms and conditions of their provision of services under the program without representation; and

WHEREAS, it is essential for the State to receive input from the day care home providers in order to improve the delivery of services under the State’s child care assistance program; and

WHEREAS, the Department of Human Services would benefit from a system of representation for day care home providers in implementing its goals for improvement of the State’s child care assistance program and in particular the delivery of quality day care home
services; and

WHEREAS, a system of representation for providers should provide for a fair election, instituted by a reasonable percentage of providers, given the 70% provider turnover every year, and held promptly in accordance with nationally recognized standards for consent elections; and

WHEREAS, the Department of Human Services, subject to my constitutional authority to ensure the faithful execution of the laws, has plenary authority to determine the terms and conditions under which day care services are provided in the State’s child care assistance program, including setting rates and other compensation and devising a process for ensuring that those rates are fair and reasonable; and

WHEREAS, day care home providers are not State employees for the purposes of eligibility to receive statutory benefits because the State does not hire, supervise or terminate their services.

THEREFORE, I hereby order the following:

I. The State shall recognize a representative designated by a majority of day care home licensed and license exempt providers, voting in a mail ballot election, as the exclusive representative of day care home providers that participate in the State’s child care assistance program, accord said representative the same rights and duties granted to employee representatives by the Illinois Labor Relations Act, 5 ILCS 315/1 et seq., and engage in collective negotiations with said representative concerning all terms and conditions of the provision of services for day care home providers under the State’s child care assistance program that are within the State’s control. Any organization that can show that at least 10% of providers wish to be represented by it may participate in such an election, which shall be held within 42 days of a request for an election.

II. In according the day care home providers and their selected representative these rights, the State intends that the “State action exemption” to application of the federal antitrust laws be fully available to the State, day care home providers and their selected representative to the extent that their activities are authorized pursuant to this Executive Order.
III. This Executive Order is not intended to and will not alter in any way either (1) the role of parents in selecting, directing and terminating the services of day care home providers under the State’s child care assistance program nor (2) the fact that the providers are not state employees.

This Executive Order #1 shall take effect upon filing with the Secretary of State.

Issued by the Governor February 18, 2005.
Filed by the Secretary of State February 18, 2005.

2005-2
EXECUTIVE ORDER REGARDING THE GREEN ILLINOIS GOVERNMENT COORDINATING COUNCIL

WHEREAS, there exists, by previous Order, a Green Illinois Government Coordinating Council;

WHEREAS, the purpose of the Green Illinois Government Coordinating Council is to incorporate pollution prevention and resource conservation practices into government management and operations;

WHEREAS, the State should be a model for the responsible stewardship of our environment;

WHEREAS, the Office of the Lieutenant Governor is charged with leadership in the responsible stewardship of our environment, including the Lieutenant Governor’s role as Chairman of the Special Task Force on the Condition and Future of the Illinois Energy Infrastructure, Chairman of the Illinois River Coordinating Council, and Chairman of the Illinois delegation of the bi-national Great Lakes Commission;

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Constitution of the State of Illinois, I hereby order the following:

1. From the effective date of this order, the Lieutenant Governor shall be chair of the Green Illinois Government Coordinating Council (“the Council”).

2. The Office of the Lieutenant Governor shall provide administrative support to the Council.

3. The Directors of the Environmental Protection Agency and the Department of Central Management Services shall no longer share the responsibility of chairing the Council, but shall remain as members of the Council.

This order shall take effect immediately upon its adoption.

Issued by the Governor March 15, 2005.
EXECUTIVE ORDERS

Filed by the Secretary of State March 15, 2005.

2005-3
EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN HEALTHCARE PROCUREMENT AND ADMINISTRATIVE FUNCTIONS PRIMARILY OF THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES TO THE NEWLY RENAMED DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15 (the “Act”), provides that “Reorganization” includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, Section 4 of the Act provides that any executive order proposing reorganization may change the name of any agency affected by a reorganization; and

WHEREAS, the Department of Central Management Services (“CMS”), the Department of Corrections (“DoC”), the Department of Human Services (“DHS”), the Department of Veterans’ Affairs (“DVA”) and the Department of Public Aid (“DPA”) are all executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived primarily from 20 ILCS 405 et seq., 730 ILCS 5/III et seq., 20 ILCS 1305 et seq., 20 ILCS 2805 et seq. and 20 ILCS 2205 et seq., respectively; and

WHEREAS, streamlining and consolidating certain functions of agencies into other agencies offers the opportunity to eliminate redundancy, simplify the organizational structure of the executive branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, CMS currently conducts procurement and contract administration functions concerning health care services and employee
health insurance for various state agencies, and DoC, DHS and DVA each currently conduct procurement and contract administration functions concerning health care services for individuals resident in facilities operated by such agencies (referred to collectively as “State Healthcare Purchasing”); and

WHEREAS, DPA has developed and maintains substantial institutional knowledge and expertise regarding unique aspects of health care procurement, purchasing and contract administration developed through its extensive work in administering the state’s Medicaid program; and

WHEREAS, the aforementioned benefits of transfer and consolidation can be achieved by transferring all State Healthcare Purchasing from CMS, DoC, DHS and DVA to DPA; and

WHEREAS, renaming DPA as the Department of Healthcare and Family Services (“HFS”) more accurately reflects the functions, goals and mission of that agency.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. RENAMING

Effective July 1, 2005, DPA shall be renamed the “Department of Healthcare and Family Services”. Except as otherwise indicated in this Executive Order, the powers, duties, rights and responsibilities formerly vested in or associated with DPA shall not be affected by the renaming of the agency to HFS.

II. TRANSFER

A. Effective July 1, 2005 or as soon thereafter as practicable, the respective powers, duties, rights and responsibilities related to State Healthcare Purchasing shall be transferred from CMS, DoC, DHS and DVA to HFS. The statutory powers, duties, rights and responsibilities of CMS, DoC, DHS and DVA associated with State Healthcare Purchasing derive primarily from 5 ILCS 375 et seq., 20 ILCS 405 et seq., Public Act 93-18, Public Act 93-1036, 730 ILCS 5/III et seq., 20 ILCS 1305 et seq. and 20 ILCS 2805 et seq., respectively. The functions associated with State Healthcare Purchasing intended to be transferred hereby include, without limitation, rate development and negotiation with hospitals, physicians and managed care providers; health care procurement development; contract implementation and fiscal monitoring; contract amendments; payment processing; and purchasing aspects of health care plans administered by the state on behalf of
(i) state employees, including the quality care health plan, managed care health plan, vision plan, pharmacy benefits plan, dental plan, behavioral health plan, employee assistance plan, utilization management plan, SHIPs and various subrogation arrangements, as well as purchasing and administration of flu shots, hepatitis B vaccinations and tuberculosis tests, (ii) non-state employees, including the retired teachers’ health insurance plan, the local government health insurance plan, the community colleges health insurance plan, the Senior Citizen and Disabled Person Pharmacy Drug Discount program and the active teacher prescription program, and (iii) residents of state-operated facilities, including DoC correctional and youth facilities, DHS mental health centers and developmental centers and DVA veterans homes.

B. Excluded from the functions transferred hereby is the administration and management of employee benefits, such as premium collections, employee services, eligibility review and benefits determinations, member claims analysis, reviews and appeals, and COBRA and the provision of mental health and developmental services by DHS at its mental health and developmental centers, respectively.

C. Whenever any provision of an executive order or any statute or section thereof transferred by this Executive Order provides for membership of the respective Director of any of CMS, DoC, DHS or DVA on any council, commission, board or other entity relating to State Healthcare Purchasing, the Director of HFS or his or her designee(s) shall serve in that place. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of HFS shall so serve.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities vested in or associated with State Healthcare Purchasing shall not be affected by this Executive Order, except that all management and staff support or other resources necessary to the operations of State Healthcare Purchasing shall be provided by HFS.

A. Unless otherwise provided pursuant to Section III.G below, CMS, DoC, DHS and DVA personnel serving under the Personnel Code who are engaged in the performance of
State Healthcare Purchasing shall continue their service within HFS, and the status and rights of employees of CMS, DoC, DHS and DVA employees engaged in the performance of the functions of State Healthcare Purchasing shall not be affected by the transfer. The rights of employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order.

B. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to State Healthcare Purchasing and transferred by this Executive Order to HFS, including without limitation material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to HFS; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints.

C. All unexpended appropriations and balances and other funds available for use in connection with State Healthcare Purchasing shall be transferred for use by HFS for State Healthcare Purchasing pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE
A. The powers, duties, rights and responsibilities related to State Healthcare Purchasing and transferred from CMS, DoC, DHS and DVA by this Executive Order shall be vested in and shall be exercised by HFS. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the relevant transferring agency or its divisions, officers or employees.

B. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the relevant transferring agency or its divisions, officers or employees.

C. Every officer of HFS shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any
officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon CMS, DoC, DHS or DVA in connection with any of the functions of State Healthcare Purchasing transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon HFS.

E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding State Healthcare Purchasing before this Executive Order takes effect; such actions or proceedings may be defended, prosecuted and continued by HFS.

F. Any rules of CMS, DoC, DHS or DVA that relate to the State Healthcare Purchasing which are in full force on the effective date of this Executive Order and have been duly adopted by any such agency shall become the rules of HFS for State Healthcare Purchasing. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by CMS, DoC, DHS or DVA that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by HFS. As soon as practicable hereafter, to the extent necessary or prudent, HFS shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Executive Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. HFS may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by HFS.

G. To the extent necessary or prudent to fully implement the intent of this Executive Order, CMS, DoC, DHS and DVA and HFS may enter into one or more interagency agreements to ensure the full and appropriate transfer of all
features of State Healthcare Purchasing transferred pursuant to this Executive Order.

IV SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor April 1, 2005.
Filed by the Secretary of State April 1, 2005.

2005-4
EXECUTIVE ORDER ON LAND-USE PLANNING AND MILITARY INSTALLATION COMPATIBILITY

WHEREAS, Illinois is proud to be the host of five outstanding military installations: Scott Air Force Base, Great Lakes Naval Training Center, the Rock Island Arsenal, and the Springfield and Peoria Air National Guard Bases; and

WHEREAS, since their inception, Illinois military installations have played a significant role in our nation’s security; and

WHEREAS, Illinois military installations contribute significantly to the economic well-being of our State as a whole, all of its respective regions, and all the cities, counties, and other local governments within the State; and

WHEREAS, Illinois has invested vast amounts of land, labor, and capital in the infrastructure to support its military installations; and

WHEREAS, Illinois military installations have also made a significant contribution to the scientific and technical resources of our State; and

WHEREAS, the Department of Defense has announced a Base Realignment and Closure round in 2005; and

WHEREAS, "Military Value" will be the main criteria by which our military installations are evaluated, and

WHEREAS, Military Value includes "the availability and condition of land, facilities and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas);" and

WHEREAS, land-use planning by State agencies and all relevant local governments in coordination with our military installations can assist in preserving available land for military readiness, and otherwise enhance
the overall Military Value of Illinois’ military installations;

NOW THEREFORE, I Rod Blagojevich, Governor of the State of Illinois, by virtue of the authority vested in me by the Constitution and the laws of the State of Illinois do hereby order:

(1) All appropriate and relevant State agencies involved with land use planning to ensure development that is compatible with or enhances the Military Value of Illinois’ military installations;

(2) Further, I encourage all local governments that adopt land-use plans and enforce zoning regulations to ensure that planned development is compatible with or enhances the Military Value of military installations, and that they consider the impact of new growth on Military Value when preparing zoning ordinances or designating land uses for land adjacent to military facilities or other parcels of land which are in proximity to military installations.

THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as the Governor rescinds it.

Issued by the Governor April 5, 2005.
Filed by the Secretary of State April 5, 2005.

2005-5
EXECUTIVE ORDER ON A SWEATSHOP FREE PROCUREMENT POLICY

WHEREAS, each year the State spends millions of dollars contracting with the private sector for the purchase, rental, and laundering of apparel and textile products;

WHEREAS, the prudent expenditure of public dollars requires that the State’s procurement process leads to the selection of qualified and responsible contractors who have the ability to perform the contract;

WHEREAS, the State of Illinois has long supported the premise that employers should fairly compensate employees, that the health and safety of workers should be protected, and that no form of discrimination or abuse should be tolerated;

WHEREAS, occasionally, laws and regulations designed to safeguard basic tenets of ethical business practice are disregarded in some workplaces, commonly referred to as “sweatshops”; and

WHEREAS, the State’s procurement interests are served by doing
business with contractors who make a good faith effort to ensure that they and their subcontractors shun sweatshop practices and adhere to Illinois workplace standards;

THEREFORE, I hereby order the following:

I. Affidavit Requirement
Seeking to protect these interests, the State requires that all contractors subject to this Administrative Order sign an affidavit stating that they and, to the best of their knowledge, their subcontractors will comply with the standards set forth in this Order.

II. Definitions.
The following definitions shall apply to this Order:
1. “Contract” means an agreement to procure or launder apparel and textile products and related supplies to the State. Contract includes, but is not limited to, the procurement and laundering of garments, uniforms, footwear, related accessories, and textile products.
2. “Contractor”, “Vendor”, or “Bidder” means a person, partnership, corporation or other entity which has a contract or seeks to have a contract with the State.
3. “Procurement” means State purchasing, renting, leasing or laundering of apparel and textile products and related goods, including allowance and voucher programs.
4. “Subcontractor” means a person, partnership, corporation or other entity which enters into a contract with a contractor for performance of some or all of the State contracted work.

III. Scope
This Order applies to all apparel and textile products procured by or laundered for all departments, agencies, boards and commissions under the jurisdiction of the Governor. All other agencies, boards, commissions, authorities, universities, and other state institutions are urged to adopt similar procedures. This Order applies to contractors who enter into contracts with a value in excess of $25,000.

IV. Substantive Standards
All apparel and textiles procured by the State of Illinois must be manufactured and laundered (if applicable) in facilities that meet the following requirements:
1. Provide working conditions that meet or exceed the International Labor Organization (ILO) Conventions’
standards, including the ILO Declaration on Fundamental Principles and Rights at Work, governing freedom of association, forced labor, child labor, and nondiscrimination, as well as payment of wages, hours of work, occupational health, occupational safety, and that are in compliance with all applicable local, county, and state laws of the locality of manufacture, except where such a condition is preempted by federal or state law.

2. Employees are paid a “non-poverty” level of wages & benefits at least equivalent to the U.S. federal poverty line for a family of three. For manufacturing operations in countries other than the U.S., the wage shall be comparable to the wage for domestic manufacturers as defined above, adjusted to reflect the country’s level of economic development.

3. Employees are not terminated for other than just cause and have access to a mediator to resolve workplace disputes that fall outside of the jurisdiction of the National Labor Relations Board.

4. Employees shall have at least one day off in every seven-day period and at least 40 hours of paid time off per year, and all overtime hours shall be worked voluntarily.

5. There shall be no discrimination in employment - including in hiring, salary, benefits, advancement, discipline, termination or retirement - on the basis of gender, race, religion, age, disability, sexual orientation, or nationality. Workers are not subjected to sexual, psychological or verbal harassment, abuse or corporal punishment, nor are they subjected to forced use of contraceptives or pregnancy tests by their employer.

6. Maintenance of verifiable wage and hour records for each worker that shall be provided to each worker.

V. Information/Compliance by Bidders & Vendors
For every bid and contract for the procurement of apparel and textile goods by the state agency or authority, whether for purchase, lease, or laundering, each bidder, vendor, or contractor must submit the following information to the state or procuring agency (CMS):

! A list of each proposed facility to be utilized in the manufacturing, distribution, and laundering (if applicable) of the goods, including any subcontractors, with business name, address and
phone number, and the average wage paid to workers for each facility.

! An affidavit that each of the proposed facilities, including any subcontractors, meets all of the substantive standards defined above.

! This information will be made available to the public as soon as possible, but in no case less than 30 days before a decision is made to award a contract to a particular vendor. Any changes to the submitted information during the term of a contract must be reported by the vendor to the procuring agency.

VI. Violations & Enforcement:
CMS will establish an oversight process with an “Apparel Procurement Advisory Board” to receive and assess evidence of non-compliance by bidders, contractors, or vendors, and to consider issues relating to implementation and enforcement of this Order and to make recommendations to address such issues. The Board may coordinate with an independent non-profit organization to investigate allegations of non-compliance with this Order. A vendor’s, bidder’s, or contractor’s refusal to allow an independent non-profit organization access to its facilities to investigate alleged violations of this Order shall itself constitute a violation of this Order.

The Apparel Procurement Advisory Board shall be composed of:

1. Four individuals selected by the Governor, including 2 from agencies that employ uniformed personnel and one from the Department of Labor;

2. Three individuals selected by the Governor representing uniformed unions of employees of the State.

Upon determining that a bidder, contractor, or vendor has not complied with the terms of this policy, including failure to provide truthful information, the state or authorized procurement officer of the state may:

! require immediate corrective action by the bidder or vendor to come into compliance;

! terminate an existing apparel contract;

! bar the vendor or bidder from receiving pending or subsequent contracts.

VII. Waiver
Specific requirements of this Order may be waived if it is determined by the public body that there is no vendor able to meet those specific requirements. In such event, the public body shall take every reasonable measure to contract with a vendor who is able to satisfy most closely the requirements of this section. The provisions of this order may be waived by express waiver in a bona fide collective bargaining agreement.

VIII. Severability
If any provision of this Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

IX. Effective Date
This Executive Order shall become effective upon filing with the Secretary of State.
Issued by the Governor April 22, 2005.
Filed by the Secretary of State April 22, 2005.

2005-6
EXECUTIVE ORDER CREATING THE ILLINOIS REGENERATIVE INSTITUTE FOR STEM CELL RESEARCH

WHEREAS, millions of Illinoisans and their families suffer through debilitating diseases and injuries, and these conditions place enormous emotional and financial stress on the people afflicted and all those who care for them; and

WHEREAS, in August 2001, the President announced a policy limiting federal funding for research on embryonic stem cell lines; and

WHEREAS, several states have taken their own independent action in pursuit of developing better treatments and finding cures by implementing or proposing public funding initiatives for the development of embryonic stem cell research in their states; and

WHEREAS, the State of Illinois should maximize the use of state research funds by giving priority to stem cell research that has the greatest potential for therapies and cures that cannot or are unlikely to receive sufficient federal funding; and

WHEREAS, medical research advances that lead to better treatments of diseases and ultimately cures will help reduce long-term health care costs on Illinois taxpayers; and

THEREFORE, I HEREBY ORDER THE FOLLOWING:
Illinois Department of Public Health (Grant program/Rulemaking)
The Director of the Illinois Department of Public Health shall develop an Illinois Regenerative Medicine Institute (IRMI) program within the
department that will provide for the awarding of grants to medical research facilities for the development of finding treatments and cures from stem cell research. The Department of Public Health shall adopt rules for the issuance and administration of grants authorized by this Executive Order. All eligible grant recipients shall comply with all terms and conditions of the Department prior to acceptance of such awards.

Stem Cell Research Policy & IRMI Functions
All rules adopted by the Department shall be consistent with the policies and functions of the Illinois Regenerative Medicine Institute (IRMI) program as set forth below:

1) The Department of Public Health shall establish the IRMI program to make grants and loans for stem cell research to study therapies, protocols, medical procedures, possible cures for, and potential mitigations of, major diseases, injuries, and orphan diseases; to support all stages of the process of developing cures, from laboratory research through successful clinical trials; to establish the appropriate regulatory standards and oversight bodies for research and facilities development.

2) The IRMI program shall provide funding for stem cell research that involves adult stem cells, cord blood stem cells, pluripotent stem cells, totipotent stem cells, progenitor cells, the product of somatic cell nuclear transfer or any combination of those cells.

3) No funds authorized or made available under the IRMI program shall be used for research involving the reproductive cloning of a human being, fetuses from induced abortions or to create embryos through the combination of gametes solely for the purpose of research. As used in this Executive Order, "cloning of a human being" means asexual human reproduction by implanting or attempting to implant the product of nuclear transplantation into a woman's uterus to initiate a human pregnancy.

4) No funds shall be awarded to any person who knowingly, for valuable consideration, purchases or sells embryonic or cadaveric fetal tissue for research purposes. For the purposes of this paragraph, payment of customary medical charges for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of the tissue does not constitute valuable consideration. This paragraph does not prohibit reimbursement for removal, storage, or transportation of embryonic fetal tissue for research purposes pursuant to this Executive Order.

5) The Department shall issue an annual report to the Governor, and the appropriate appropriations committee of the General Assembly that sets forth grants awarded, grants in progress, research accomplishments, and
future program directions.

Grantee Requirements & Conditions

Medical and scientific accountability standards.

All eligible grantees shall comply with all terms and conditions of the Department rules which shall include, but not be limited to, the specific requirements and conditions as set forth below prior to acceptance of any such grant awards.

(1) Informed consent. Standards for obtaining the informed consent of research donors, patients, or participants initially shall be generally based on the requirements at 45 CFR 46.116 for all research funded by the National Institutes of Health and consistent with the Guidelines for Human Embryonic Stem Cell Research issued by the National Academies of Sciences.

(2) Controls on research involving humans. Standards for the review of research involving human subjects shall be generally based on the policies adopted at 45 CFR 46 for all research funded by the National Institutes of Health.

(3) Limitations on payments for cells. Department rules shall limit payments for the purchase of stem cells or stem cell lines to reasonable payment for removal, processing, disposal, preservation, quality control, storage, transplantation, implantation, or legal transaction or other administrative costs associated with these medical procedures and shall specifically include any required payments for medical or scientific technologies, products, or processes for royalties, patent, licensing fees, or other costs for intellectual property. Department rules shall be consistent with the Guidelines for Human Embryonic Stem Cell Research issued by the National Academies of Sciences.

(4) Patient privacy laws. Standards shall ensure compliance with State and federal patient privacy laws.

(5) Time limits for obtaining cells. Standards shall set a limit on the time during which cells may be extracted from blastocysts, which shall initially be 8 to 12 days after cell division begins, not counting any time during which the blastocysts or cells have been stored frozen.

(6) All grants and loan awards issued by the institute shall include intellectual property provisions that provide protections and incentives to encourage both the discovery and development of new knowledge and its transfer for the public benefit. It is the policy and objective of the institute to promote the utilization of intellectual property arising from program-supported research or development; to promote collaboration between commercial concerns and nonprofit organizations, including universities; to ensure that intellectual property is used in a manner to promote free competition and enterprise without unduly encumbering future research
EXECUTIVE ORDER ESTABLISHING A STATE MILITARY DECORATION HONORING THOSE WHO SERVE IN THE GLOBAL WAR ON TERRORISM

WHEREAS, President Abraham Lincoln personally embodied the militia spirit and served as a member of the Illinois Militia during the Blackhawk War;

WHEREAS, members of the Illinois Army and Air National Guard are performing meritorious service for the Nation in support of the Global War on Terrorism;

WHEREAS, this service reflects great credit upon the Illinois Army and Air National Guard and the State of Illinois; and

WHEREAS, it is appropriate for the State of Illinois to recognize the service and sacrifices of Illinois Army and Air National Guard members in support of the Global War on Terrorism;

WHEREAS, it is within my authority as Commander-in-Chief of the Illinois National Guard to establish military honors;

THEREFORE, I hereby order the Adjutant General of the State of Illinois through the Illinois Department of Military Affairs to establish the ABRAHAM LINCOLN MEDAL OF FREEDOM to recognize the service of members of the Illinois Army and Air National Guard who are mobilized in support of the Global War on Terrorism.

I. Military Department

The Illinois Department of Military Affairs will establish
the criteria and process by which award of the ABRAHAM LINCOLN MEDAL OF FREEDOM is made to members of the Illinois Army and Air National Guard as determined by appropriate regulation issued by The Adjutant General as Director of the Department of Military Affairs.

II. Scope
This Order applies to all members of the Illinois National Guard under the jurisdiction of the Governor.

III. Severability
If any provision of this Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

This Executive Order Number Seven shall take effect upon filing with the Secretary of State.
Issued by the Governor August 17, 2005.
Filed by the Secretary of State August 17, 2005.

2005-8
EXECUTIVE ORDER CREATING THE GOVERNOR'S COMMISSION ON DISCRIMINATION AND HATE CRIMES

WHEREAS, the population and demographic makeup of the State of Illinois makes the appreciation, tolerance and acceptance of diverse cultures imperative;

WHEREAS, no person or group of people should have to live in fear because of their race, ethnicity, culture, sexual orientation or religious beliefs;

WHEREAS, the manifestation of discrimination in the form of violence has a negative impact not only on the victim, but his or her community, and can have a lasting adverse effect on our society;

WHEREAS, stereotypical thinking and biases still plague our society;

WHEREAS, Illinois has a strong tradition of combating discrimination and hate-based violence by statutorily addressing crimes such as aggravated battery, theft, criminal trespassing, disorderly conduct and telephone harassment committed because of the victim's race, color, creed, religion, ancestry, gender, sexual orientation or disability; and

WHEREAS, we must continue to work to build a society that is bias and hate free so that our children are protected against discrimination, punishment and violence that is based on race, ethnicity, color, creed, religious belief, sexual orientation or social status.

THEREFORE, I, Rod R. Blagojevich, order the following:
I. ESTABLISHMENT
There shall be established the Governor's Commission on Discrimination and Hate Crimes.

II. PURPOSE
The purpose of the Commission shall include, but not be limited to, the following:

a. To work in partnership with community leaders, educators, religious leaders, social service agencies, elected officials and the public to identify and uproot sources of discrimination and bias at the source.

b. To work with local governments, law enforcement officials including prosecutors, educators and community organizations by assisting with the development of resources, training and information that allows for a swift and efficient response to hate motivated crimes and incidents.

c. To work with educators throughout Illinois on issues confronting discrimination and hate, teaching acceptance and embracing diversity at academic institutions.

d. To help ensure that the state's laws addressing discrimination and hate-related violence are widely known and applied correctly to help eradicate and prevent crimes based on discrimination and intolerance.

e. To make recommendations to the Governor and the General Assembly for statutory and programmatic changes necessary to eliminate discrimination and hate-based violence.

f. To help implement recommendations by working with the Governor's agencies, the General Assembly, the business community, the social service community and other organizations.

III. MEMBERSHIP
a. The Commission shall consist of a chairperson and at least twenty but not more than thirty additional members, all appointed by the Governor to serve at the pleasure of the Governor.

b. Members may include, but are not limited to, persons who are active in and knowledgeable about the following areas: law enforcement, the criminal and civil justice system, education, human rights, business and industry, arts and culture, social services and religion.

c. Members shall serve without compensation, but may be
reimbursed for expenses.

d. The Commission will be provided assistance and necessary staff support services by the Office of the Governor and the agencies of state government involved in the issues to be addressed by it.

e. The Commission shall submit an annual report to the Governor and the General Assembly by March 30 of each year.

IV. SAVINGS CLAUSE

Nothing in this Executive Order shall be construed to contravene any state or federal law.

V. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

VI. EFFECTIVE DATE

This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

Issued by the Governor August 29, 2005.

Filed by the Secretary of State August 29, 2005.

2005-9

EXECUTIVE ORDER TO ESTABLISH THE BROADBAND DEPLOYMENT COUNCIL

WHEREAS, the State of Illinois has historically been a leader in computer technology and applications, including University of Illinois Urbana-Champaign’s role in the development of the Internet and the World Wide Web;

WHEREAS, the State of Illinois is an important hub of global information transfer;

WHEREAS, the future economic vitality of the State of Illinois depends on continued participation in the growing global information economy;

WHEREAS, the near future will bring further convergence of critical information and communications services and blur distinctions between such services as telephone, Internet, and television;

WHEREAS, telecommunications services in rural and low-income areas are not comparable to those available in our state’s urban centers;
WHEREAS, the objective of universal, competitive, and affordable advanced telecommunications services will be achieved when public, private, and non-profit groups work together toward this goal;

WHEREAS, it is therefore necessary that state agencies work together to encourage and help coordinate the spread of universal, competitive, and affordable advanced telecommunications services;

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Constitution of the State of Illinois, I hereby order the following:

I. Creation of the Illinois Broadband Deployment Council
   (a) There is created the Illinois Broadband Deployment Council ("the Council"). The purpose of the Council is to ensure that as soon as possible, advanced telecommunications services, including bidirectional communications transfer speeds of at least one megabit per second (1 mbps), are made available to the citizens of Illinois on a universal, competitive, and affordable basis.

   (b) The Council shall be governed by an Executive Committee composed of the following persons or their designees:

      (1) The Lieutenant Governor, who shall also serve as the Executive Committee’s Chairman;
      (2) the Director of the Department of Commerce and Economic Opportunity;
      (3) the Chairman of the Illinois Commerce Commission;
      (4) the Secretary of the Illinois Department of Transportation;
      (5) the Chairman of the Illinois State Toll Highway Authority;
      (6) the Chairman of the Illinois Finance Authority;
      (7) the State Superintendent of the Illinois State Board of Education;
      (8) the Chairman of the Illinois Board of Higher Education;
      (9) the Director of the Department of Central Management Services;
      (10) at least ten individuals appointed by the Governor. These appointments shall be made with consideration of the diversity of the State, including members representing rural areas, underserved urban areas, consumer interests, community interests, and commercial interests including
Incumbent and Competitive Local Exchange Carriers, and other entities providing communications or information services but not classified as Local Exchange Carriers.

(c) The Council shall meet at least quarterly.
(d) Appointed members of the Executive Committee shall serve two-year terms.


The Council shall be responsible for the following duties:

(a) To identify those portions of the telecommunications infrastructure owned by agencies of the State of Illinois that can be made available for lease to commercial ventures, non-profit agencies, and local governments; and to establish standard procedures and pricing for lease of such infrastructure;

(b) To ensure where possible that any infrastructure improvement undertaken by an agency of the State of Illinois includes the installation of underground conduit that can be made available on a non-discriminatory basis to public, private, and non-profit entities interested in running fiber-optic lines for communications or information services through such conduit;

(c) To encourage and facilitate the coordination of private and public telecommunications deployment, including local and regional efforts and public-private partnerships;

(d) To be a clearinghouse for information about available state, federal, and private funding for private and public telecommunications deployment. This shall include working with the Illinois Finance Authority to develop loan, grant, and/or bond products suitable for telecommunications deployment projects;

(e) To make recommendations to the General Assembly regarding telecommunications initiatives that require legislative approval, including the creation of a state entity that handles distribution of funds for private and public telecommunications projects;

(f) To act as a liaison between any telecommunications deployment project and any entity controlling rights of way and other easements necessary for such project;

(g) To foster competition among all entities providing commercial communications or information services;

(h) To continually assess and catalog the telecommunications
infrastructure of the state of Illinois for the purpose of determining the present and future needs of the state with respect to realizing the goals of competition, affordability, universal service, and securing the state’s telecommunications and economic future.

This order shall take effect immediately upon its adoption.
Issued by the Governor September 6, 2005.
Filed by the Secretary of State September 6, 2005.

2005-10
EXECUTIVE ORDER CREATING NEW AMERICANS IMMIGRANT POLICY COUNCIL

WHEREAS, 12% of Illinois’ population are immigrants and 20% of the state’s population is either an immigrant or children of immigrants;
WHEREAS, immigrants contribute to the economic, social, and political vitality of the United States and Illinois;
WHEREAS, immigration policy is set at the federal level, but the actual benefits and challenges of immigration are felt at the state and local levels;
WHEREAS, a proactive policy for New Americans at the state level will maximize the benefits immigrants bring to the state and its municipalities, while helping immigrants overcome the challenges they face;
WHEREAS, it is beneficial for new immigrants, the host communities, the state, and the nation for immigrants to quickly adjust to life in Illinois, learn English, become citizens, buy homes, start businesses, send their children to college, and thrive economically;
WHEREAS, the State of Illinois plays a vital role in building upon the strengths of immigrants, enabling their speedy transition to self-sufficiency;
WHEREAS, the State of Illinois has historically been a national leader in creating innovative state initiatives that assist immigrants in integrating into life in the United States;
NOW THEREFORE, I, Rod Blagojevich, by virtue of the authority vested in me as Governor, do hereby order as follows:
1. The State of Illinois shall develop a New Americans Immigrant Policy that builds upon the strengths of immigrants, their families, and their institutions, and expedites their journey towards self-sufficiency. This policy shall enable State government to more effectively assist immigrants in overcoming barriers to success, and to facilitate host communities’ ability to capitalize on the
assets of their immigrant populations.
2. The Governor shall appoint a 15-person New Americans Immigrant Policy Council comprised of the chairs of the Joint Legislative Immigrant and Refugee Policy Task Force, a representative of the Illinois Coalition for Immigrant and Refugee Rights, and other appropriate parties. Representatives from the Governor’s office and state agencies may participate on the Council, but they may not constitute a voting majority.
3. The New Americans Immigrant Policy Council shall consult broadly with immigrant leaders and host communities; identify “best practices”; make recommendations to the Governor on policies and programs of state government to equip immigrants with the necessary tools to become full contributing state residents; and assist state agencies in developing plans to assist immigrants and their host communities. The Council shall identify key policy areas for focus and “best practices” models and make initial recommendations to the Governor by January 1, 2007.
4. The Illinois Department of Human Services (DHS) and the Illinois Department of Employment Security (DES) shall jointly lead the initiative and shall develop best practices, policies, and procedures and make recommendations for statewide policy and administrative changes. The Council shall advise DHS and DES and shall assist and guide subsequent state agencies as they develop plans.
5. State agencies shall develop New Americans plans that incorporate effective training and resources, ensure culturally and linguistically competent and appropriate services, and include administrative practices that reach out to and reflect the needs of the immigrant and Limited English Proficient population. State agencies shall consider the New Americans Immigrant Policy Council’s recommendations in creating the agencies’ plans. Agency plans should be submitted to the Governor for approval. All agencies’ plans shall be tendered no later than September 1, 2007.
EFFECTIVE DATE
This Executive Order shall be in full force and effect upon its filing with the Secretary of State.
Issued by the Governor November 19, 2005.
Filed by the Secretary of State November 21, 2005.
## INDEX
### 2005 PROCLAMATIONS

<table>
<thead>
<tr>
<th>Proclamation</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Wild&quot; Bill Holden Day</td>
<td>2005-231</td>
</tr>
<tr>
<td>4-H Day</td>
<td>2005-068</td>
</tr>
<tr>
<td>5-A-Day Month</td>
<td>2005-288</td>
</tr>
<tr>
<td>84th Infantry Division Days</td>
<td>2005-253</td>
</tr>
<tr>
<td>A Day For Hearts: Congenital Heart Defect Awareness Day</td>
<td>2005-028</td>
</tr>
<tr>
<td>A Day Of Mourning For Pope John Paul II</td>
<td>2005-101</td>
</tr>
<tr>
<td>A Day Of Support And Compassion For All Israeli Families Who Have Lost Loved Ones To Acts Of Terror</td>
<td>2005-032</td>
</tr>
<tr>
<td>Abraham Lincoln Centre Day</td>
<td>2005-335</td>
</tr>
<tr>
<td>Access Living Day</td>
<td>2005-211</td>
</tr>
<tr>
<td>Acts Of Kindness Day</td>
<td>2005-268</td>
</tr>
<tr>
<td>Adler Planetarium &amp; Astronomy Museum Day</td>
<td>2005-143</td>
</tr>
<tr>
<td>Adult Day Services Week</td>
<td>2005-158</td>
</tr>
<tr>
<td>Affordable Housing Week</td>
<td>2005-044</td>
</tr>
<tr>
<td>African American History Month</td>
<td>2005-011</td>
</tr>
<tr>
<td>African-American Veterans Recognition Day</td>
<td>2005-024</td>
</tr>
<tr>
<td>Alpha-1 Awareness Month</td>
<td>2005-160</td>
</tr>
<tr>
<td>Als Awareness Month</td>
<td>2005-171</td>
</tr>
<tr>
<td>Alzheimer's Disease Awareness Day</td>
<td>2005-008</td>
</tr>
<tr>
<td>Alzheimer's Disease Awareness Month</td>
<td>2005-360</td>
</tr>
<tr>
<td>Amateur Radio Awareness Month</td>
<td>2005-220</td>
</tr>
<tr>
<td>Amber Alert Awareness Day</td>
<td>2005-014</td>
</tr>
<tr>
<td>Ambucs Visibility Month</td>
<td>2005-001</td>
</tr>
<tr>
<td>America On The Move Day Of Action</td>
<td>2005-326</td>
</tr>
<tr>
<td>American Ex-Prisoners Of War Recognition Day</td>
<td>2005-075</td>
</tr>
<tr>
<td>American League Champion Chicago White Sox Day</td>
<td>2005-344</td>
</tr>
<tr>
<td>American Red Cross Week</td>
<td>2005-050</td>
</tr>
<tr>
<td>Americans With Disabilities Act Day</td>
<td>2005-240</td>
</tr>
<tr>
<td>Anesthesia Technologist And Technician Day</td>
<td>2005-074</td>
</tr>
<tr>
<td>Armenian Martyrs Day</td>
<td>2005-071</td>
</tr>
<tr>
<td>Arts In Education Spring Celebration Months</td>
<td>2005-065</td>
</tr>
<tr>
<td>Asian American Coalition Day</td>
<td>2005-002</td>
</tr>
<tr>
<td>Asian Longhorned Beetle Awareness Day</td>
<td>2005-121</td>
</tr>
<tr>
<td>Assisted Living And Shared Housing Establishment Week</td>
<td>2005-154</td>
</tr>
<tr>
<td>Association Week</td>
<td>2005-195</td>
</tr>
<tr>
<td>Asthma Awareness Day</td>
<td>2005-149</td>
</tr>
<tr>
<td>Autism Awareness Month</td>
<td>2005-076</td>
</tr>
<tr>
<td>PROCLAMATIONS</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td></td>
</tr>
<tr>
<td>Bataan Day And National Former Prisoner Of War Recognition Day</td>
<td>2005-087</td>
</tr>
<tr>
<td>Better Speech And Hearing Month</td>
<td>2005-144</td>
</tr>
<tr>
<td>Black Caucus Of The American Library Association Day</td>
<td>2005-207</td>
</tr>
<tr>
<td>Black History Awards Day</td>
<td>2005-048</td>
</tr>
<tr>
<td>Boy Scouts Of America Day</td>
<td>2005-127</td>
</tr>
<tr>
<td>Brain Awareness Week</td>
<td>2005-072</td>
</tr>
<tr>
<td>Brain Injury Awareness Day</td>
<td>2005-091</td>
</tr>
<tr>
<td>Breast Cancer Awareness Month And National Mammography Day</td>
<td>2005-316</td>
</tr>
<tr>
<td>Breastfeeding Promotion Month</td>
<td>2005-263</td>
</tr>
<tr>
<td>Building Safety Week</td>
<td>2005-165</td>
</tr>
<tr>
<td>Campus Fire Safety Month</td>
<td>2005-289</td>
</tr>
<tr>
<td>Captive Nations Week</td>
<td>2005-238</td>
</tr>
<tr>
<td>Car Care Month</td>
<td>2005-131</td>
</tr>
<tr>
<td>Career And Technical Organizations Week</td>
<td>2005-332</td>
</tr>
<tr>
<td>Caribbean/African Festival Days</td>
<td>2005-278</td>
</tr>
<tr>
<td>Center On Halsted Day</td>
<td>2005-067</td>
</tr>
<tr>
<td>Central Illinois Braggin Rights BBQ State Championship Days</td>
<td>2005-237</td>
</tr>
<tr>
<td>Certified Government Financial Manager Month</td>
<td>2005-189</td>
</tr>
<tr>
<td>Cervical Cancer Awareness Month</td>
<td>2005-396</td>
</tr>
<tr>
<td>Cesarean Awareness Month</td>
<td>2005-113</td>
</tr>
<tr>
<td>Chamber Of Commerce Week</td>
<td>2005-233</td>
</tr>
<tr>
<td>Chicago Business Opportunity Days</td>
<td>2005-051</td>
</tr>
<tr>
<td>Chicago Defender Charities Bud Billiken Day</td>
<td>2005-256</td>
</tr>
<tr>
<td>Chicago Defender Day</td>
<td>2005-167</td>
</tr>
<tr>
<td>Chicago International Children's Film Festival Days</td>
<td>2005-307</td>
</tr>
<tr>
<td>Chicago Music Awards Day</td>
<td>2005-390</td>
</tr>
<tr>
<td>Chief Justice William Rehnquist</td>
<td>2005-294</td>
</tr>
<tr>
<td>Child Abuse Prevention Month</td>
<td>2005-080</td>
</tr>
<tr>
<td>Child Support Awareness Month</td>
<td>2005-255</td>
</tr>
<tr>
<td>Childhood Cancer Awareness Month</td>
<td>2005-266</td>
</tr>
<tr>
<td>Childhood Stroke Awareness Day</td>
<td>2005-084</td>
</tr>
<tr>
<td>Children's Book Week</td>
<td>2005-320</td>
</tr>
<tr>
<td>Children's Memorial Flag Day</td>
<td>2005-128</td>
</tr>
<tr>
<td>Chiropractic Healthcare Month</td>
<td>2005-321</td>
</tr>
<tr>
<td>Chronic Obstructive Pulmonary Disease Awareness Month</td>
<td>2005-361</td>
</tr>
<tr>
<td>City Year Chicago Day</td>
<td>2005-315</td>
</tr>
<tr>
<td>Coalition For The Remembrance Of Elijah Muhammad Day</td>
<td>2005-034</td>
</tr>
<tr>
<td>Event</td>
<td>Proclamation No.</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>College Savings Month</td>
<td>2005-286</td>
</tr>
<tr>
<td>Conservation Day</td>
<td>2005-133</td>
</tr>
<tr>
<td>Constitution Week</td>
<td>2005-269</td>
</tr>
<tr>
<td>Converting Machinery And Materials Days</td>
<td>2005-036</td>
</tr>
<tr>
<td>Cornelia De Lange Syndrome</td>
<td>2005-170</td>
</tr>
<tr>
<td>Correctional Officers Week</td>
<td>2005-124</td>
</tr>
<tr>
<td>Courageous Kid Recognition Week (Revised)</td>
<td>2005-379</td>
</tr>
<tr>
<td>Cover The Uninsured Week</td>
<td>2005-147</td>
</tr>
<tr>
<td>Crime Stoppers Of Lake County</td>
<td>2005-398</td>
</tr>
<tr>
<td>Critical Care Nurses Week</td>
<td>2005-382</td>
</tr>
<tr>
<td>Dance Marathon Weekend</td>
<td>2005-064</td>
</tr>
<tr>
<td>Danica Patrick Day</td>
<td>2005-209</td>
</tr>
<tr>
<td>Day Of Remembrance</td>
<td>2005-114</td>
</tr>
<tr>
<td>Days Of Remembrance For The South Asian Tsunami Victims</td>
<td>2005-003</td>
</tr>
<tr>
<td>Days Of Remembrance For The South Asian Tsunami Victims (Revised)</td>
<td>2005-003</td>
</tr>
<tr>
<td>Days Of Remembrance</td>
<td>2005-145</td>
</tr>
<tr>
<td>Delta Sigma Theta 48th Annual Ebony Fashion Show Day</td>
<td>2005-275</td>
</tr>
<tr>
<td>Desert Storm Remembrance Day</td>
<td>2005-033</td>
</tr>
<tr>
<td>Desert Storm Remembrance Day (Revised)</td>
<td>2005-033</td>
</tr>
<tr>
<td>Diabetes Awareness Month</td>
<td>2005-359</td>
</tr>
<tr>
<td>Different Religions Week</td>
<td>2005-234</td>
</tr>
<tr>
<td>Disaster Area - State of Illinois</td>
<td>2005-006</td>
</tr>
<tr>
<td>Disaster Area - State of Illinois</td>
<td>2005-007</td>
</tr>
<tr>
<td>Disaster Area - State of Illinois</td>
<td>2005-018</td>
</tr>
<tr>
<td>Diversity Employment Day</td>
<td>2005-061</td>
</tr>
<tr>
<td>Domestic Violence Awareness Month</td>
<td>2005-313</td>
</tr>
<tr>
<td>Drinking Water Week</td>
<td>2005-104</td>
</tr>
<tr>
<td>Dyslexia Awareness Month</td>
<td>2005-322</td>
</tr>
<tr>
<td>Dystonia Awareness Week</td>
<td>2005-200</td>
</tr>
<tr>
<td>Electrical Safety Month</td>
<td>2005-138</td>
</tr>
<tr>
<td>Emergency Medical Services For Children Day</td>
<td>2005-179</td>
</tr>
<tr>
<td>Emergency Medical Services Week</td>
<td>2005-178</td>
</tr>
<tr>
<td>Emmett Till And Mamie Till Mobley Day</td>
<td>2005-251</td>
</tr>
<tr>
<td>Emmett Till And Mamie Till Mobley Day (Revised)</td>
<td>2005-251</td>
</tr>
<tr>
<td>Energy Star Change A Light, Change The World Day</td>
<td>2005-334</td>
</tr>
<tr>
<td>Engineers Week</td>
<td>2005-042</td>
</tr>
<tr>
<td>Enqutatash Day</td>
<td>2005-295</td>
</tr>
<tr>
<td>Entertainment Ratings And Labeling Awareness Month</td>
<td>2005-225</td>
</tr>
<tr>
<td>Esther O'Halloran Day</td>
<td>2005-280</td>
</tr>
<tr>
<td>Event</td>
<td>Proclamation Number</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Estonian Independence Day</td>
<td>2005-040</td>
</tr>
<tr>
<td>Extended Care And Long-Term Recovery Day</td>
<td>2005-206</td>
</tr>
<tr>
<td>Extension Living Well Week</td>
<td>2005-056</td>
</tr>
<tr>
<td>Faith In Action Day</td>
<td>2005-088</td>
</tr>
<tr>
<td>Family Day - A Day To Eat Dinner With Your Children</td>
<td>2005-284</td>
</tr>
<tr>
<td>Family Day - A Day To Eat Dinner With Your Children (Revised)</td>
<td>2005-284</td>
</tr>
<tr>
<td>Federal Employee Of The Year Day</td>
<td>2005-089</td>
</tr>
<tr>
<td>Federation Of Women Contractors Day</td>
<td>2005-129</td>
</tr>
<tr>
<td>Fetal Alcohol Syndrome Awareness Day</td>
<td>2005-296</td>
</tr>
<tr>
<td>FFA Week</td>
<td>2005-026</td>
</tr>
<tr>
<td>Fighting Illini Day</td>
<td>2005-102</td>
</tr>
<tr>
<td>Financial Aid/Admissions Awareness Month</td>
<td>2005-025</td>
</tr>
<tr>
<td>Financial Aid/Admissions Awareness Month (Revised)</td>
<td>2005-025</td>
</tr>
<tr>
<td>Financial Planning Week</td>
<td>2005-331</td>
</tr>
<tr>
<td>Fitness Day</td>
<td>2005-168</td>
</tr>
<tr>
<td>Flags At Half-Staff For Military Recognition</td>
<td>2005-059</td>
</tr>
<tr>
<td>Folic Acid Awareness Week</td>
<td>2005-012</td>
</tr>
<tr>
<td>Foster Grandparents Month</td>
<td>2005-310</td>
</tr>
<tr>
<td>Foster Grandparents Month (Revised)</td>
<td>2005-310</td>
</tr>
<tr>
<td>Foster Grandparents Month (Revised 2)</td>
<td>2005-310</td>
</tr>
<tr>
<td>Foster Parent Appreciation Month</td>
<td>2005-130</td>
</tr>
<tr>
<td>Four Chaplains Sunday</td>
<td>2005-015</td>
</tr>
<tr>
<td>Geography Awareness Week and Geographic Information Science Day</td>
<td>2005-377</td>
</tr>
<tr>
<td>German-American Day</td>
<td>2005-333</td>
</tr>
<tr>
<td>GFWC Illinois Junior Women's Club Week</td>
<td>2005-338</td>
</tr>
<tr>
<td>Girls On The Run Day</td>
<td>2005-369</td>
</tr>
<tr>
<td>Giving Illinois Day</td>
<td>2005-383</td>
</tr>
<tr>
<td>Gloria Dryden Bryant Day</td>
<td>2005-372</td>
</tr>
<tr>
<td>Great American Weigh In Day</td>
<td>2005-052</td>
</tr>
<tr>
<td>Gubernatorial Proclamation-Hurricane Katrina</td>
<td>2005-292</td>
</tr>
<tr>
<td>Gynecologic Cancer Awareness Month</td>
<td>2005-261</td>
</tr>
<tr>
<td>Harold Washington Day</td>
<td>2005-103</td>
</tr>
<tr>
<td>Health Care Month</td>
<td>2005-229</td>
</tr>
<tr>
<td>Health Care Workers Day</td>
<td>2005-115</td>
</tr>
<tr>
<td>Helping Citizens With Developmental Disabilities Days</td>
<td>2005-136</td>
</tr>
<tr>
<td>HIV Testing Day</td>
<td>2005-228</td>
</tr>
<tr>
<td>Home Education Week</td>
<td>2005-035</td>
</tr>
<tr>
<td>House Music Unity Day</td>
<td>2005-257</td>
</tr>
<tr>
<td>Human Resources Management Association Of Chicago Professional Day</td>
<td>2005-142</td>
</tr>
</tbody>
</table>
Human Rights Day 2005-376
Human Rights Day 2005-353
Human Rights Day (Revised) 2005-353
Human Rights Watch Day 2005-380
Hurricane Katrina Observance 2005-293
Illinois Arts Education Week 2005-031
Illinois Arts Week 2005-039
Illinois Association Of Rehabilitation Facilities Day 2005-273
Illinois Community Colleges 2005-230
Illinois Department of Veterans’ Affairs Day 2005-371
Illinois Department Of Veterans' Affairs Day (Revised) 2005-371
Illinois Electric and Telephone Cooperatives Youth Day 2005-099
Illinois Governmental Internship Program Day 2005-184
Illinois Lulac Month 2005-022
Illinois Medical Coders Day 2005-176
Illinois Museum Day 2005-063
Illinois News Broadcasters Association Day 2005-004
Illinois Nurse Anesthetists Week 2005-016
Illinois PTA Week 2005-135
Illinois River System Management Month 2005-197
Illinois State Day At Washington National Cathedral 2005-055
Illinois State Geological Survey Week 2005-137
Illinois State Historical Society Markers Awareness Week 2005-045
Illinois Wine Month 2005-287
Illinois' Safe Schools Week 2005-342
Infant Immunization Awareness Week 2005-110
International Children's Day 2005-188
International Education Week 2005-378
International Hispanic/Latino Mental Health Week 2005-329
Italian Heritage Month And Christopher Columbus Day 2005-325
Jack And Ellen Lewis Day 2005-282
Jack Licata Day 2005-134
Jazz Appreciation Month 2005-078
Jewish Sports Heritage Day 2005-060
John H. Johnson Day 2005-265
Junior League Of Kane And DuPage Counties, Incorporated Day 2005-005
Kaskaskia College Day 2005-224
Kawasaki Disease Awareness Day 2005-164
Keep The Beat Day 2005-291
Kevin Olchawa Day 2005-389
Kids Day America/International
Kids Day America/International
Kids Day America/International
Kids In Danger's Best Friends Day
Kindergarten Day
Lake County Chamber of Commerce Day
Land Surveyors' Month
Landscape Architecture Month
La Raza Day
Let Freedom Ring Day
Leukemia, Lymphoma & Myeloma Awareness Month
Life Insurance Awareness Month
Lights On Afterschool Day
Linc-Telacu Scholars Day
Lincoln Trail Hike Day
Lions And Lioness Tootsie Pop Day
Lions Candy Day
Lions Candy Day (Revised)
Live For Change: Stop Sex Violence Week
Long-Term Care Nurses Week
Lung Cancer Awareness Month
Lymphoma Research Foundation Day
and Lymphomathon Day
Make A Difference Day
Make-A-Wish Foundation Of Illinois Day
Manufacturing Week
Marc Center Day
March For Meals Month
Marine Week
McDonald's Day
MDA Firefighter Appreciation Month
Medical Assistants Week
Medical Laboratory Week
Medicalert Foundation International Day
Memorial Day 2005
Michael Finley Day
Michael Finley Day (Revised)
Michael Finley Day (Revised 2)
Millions More Movement Day
Minnie Tippett Martin Day
Minnie Vautrin Day
Minority Business Expo Week
Minority Health Month 2005-077
Missing Children's Day 2005-194
Money Smart Week 2005-049
Montford Point Marine Association Day 2005-219
Mothers Of Multiples Week 2005-314
Mount Sinai Deaf Access Program Day 2005-243
Multiple Chemical Sensitivity/Toxic Injury Awareness And Education Month 2005-139
Municipal Clerks Week 2005-118
Muscular Dystrophy Month 2005-277
Muscular Dystrophy Month (Revised) 2005-277
Museum Of Science And Industry U-505 Submarine Month 2005-193
Music Education Day 2005-041
Myasthenia Gravis Awareness Month 2005-227
Nascar Day 2005-192
National Adoption Awareness Month and National Adoption Day 2005-357
National Adult Day Services Week 2005-309
National Alcohol And Drug Addiction Recovery Month 2005-254
National Aquatic Week 2005-235
National Association Of Women Business Owners Day 2005-053
National Athletic Trainers Month and Certified Athletic Trainers Days 2005-062
National Baton Twirling Week 2005-236
National Black Police Association Days 2005-081
National Charter Schools Week 2005-148
National Credit Education Week 2005-111
National Cyber Security Awareness Month 2005-317
National Day Of Prayer 2005-082
National Disability Employment Awareness Month 2005-302
National Drunk And Drugged Driving Prevention Month 2005-395
National Environmental Education Week 2005-109
National Family Storytelling Day 2005-327
National Family Week 2005-381
National Foreign Language Week 2005-030
National Fraud Awareness Week 2005-092
National Garden Week 2005-204
National Gymnastics Day 2005-250
National Gymnastics Day (Revised) 2005-250
National Historic Preservation Month 2005-174
National Internet Safety Month 2005-241
National Kidney Foundation Of Illinois
Kidneymobile Day  2005-366
National Lead Poisoning Prevention Week  2005-349
National Maritime Day  2005-183
National Martial Arts Day  2005-341
National Melanoma/Skin Cancer Detection And Prevention Week  2005-186
National Men's Health Week  2005-217
National Month Of The Military Child  2005-122
National Nurses Week  2005-159
National Nursing Home Week  2005-156
National Parent Leadership Month  2005-013
National Payroll Week  2005-267
National Peer Helpers Association Day  2005-212
National Physical Therapy Month  2005-324
National Pow/Mia Recognition Day  2005-303
National Primary Care Week  2005-319
National Public Health Week  2005-100
National Public Works Week  2005-169
National Sobriety Day  2005-388
National Sobriety Day (Revised)  2005-388
National Surgical Technologist Week  2005-272
National Temporary Help Week  2005-311
National Tinnitus Awareness Week  2005-107
National Transportation Week  2005-172
National Trio Day  2005-029
National Van Lines Days  2005-298
National Volunteer Week  2005-058
National Water Safety Week  2005-208
National Women's Health Week  2005-161
Native American Day  2005-264
Night Of 100 Stars  2005-021
North American Occupational Safety And Health Week  2005-146
Northwest Water Commission  2005-276
Norwegian Constitution Day  2005-173
Nursing Assistants' Week  2005-157
Nutrition Month  2005-047
Older Americans Month  2005-153
One Church One Child Day  2005-175
One Church One School Community Partnership Days  2005-345
Operation Snowball Month  2005-221
Order Sons Of Italy/Alzheimer’s Association
"Partners In Progress" Day 2005-182
Ovarian Cancer Awareness 2005-260
Pain Awareness Month 2005-290
Paralegal Day 2005-373
Paralyzed Veterans Of America Awareness Week 2005-105
Parents' Day 2005-214
Parkinson's Disease Awareness Month 2005-108
Partnership Walk Day 2005-249
Partnership Walk Day (Revised) 2005-249
Peace Corps Week 2005-038
Pearl Harbor Remembrance Day 2005-385
Peoria Fall Festival And Ribfest Illinois State Championship Days 2005-205
Peru Day 2005-252
Pete and Donna Vonachen Day 2005-244
Playground Safety Week 2005-126
Pope John Paul II 2005-094
Poppy Days 2005-190
Postpartum Depression Awareness Month 2005-066
Prematurity Awareness Month and Prematurity Awareness Day 2005-336
Principals Week and Principals Day 2005-304
Prom And Graduation Safety Months 2005-106
Prostate Cancer Awareness 2005-185
Prostate Cancer Awareness Month 2005-285
Provident Foundation Day 2005-023
Provider Appreciation Day 2005-163
Public Health Week 2005-097
Public Lands Day 2005-297
Put The Brakes On Fatalities Day 2005-337
Quebec Week 2005-222
Radiologic Technology Week 2005-116
Radon Action Month 2005-399
Rate Your Future Week 2005-180
Reflex Sympathetic Dystrophy/Complex Regional Pain Syndrome Awareness Month 2005-308
Respiratory Care Week 2005-351
Reverend Dr. Johnnie Colemon Day 2005-347
Richard Mulcahey Day 2005-363
Ride For Kids Day 2005-093
Roger Ebert Day 2005-218
Ronald Reagan Day 2005-037
PROCLAMATIONS

Rosa Parks Memorial Day 2005-358
Rosa Parks Week 2005-354
Salvation Army Adult Rehabilitation Center Day 2005-242
Salvation Army Week 2005-166
Save A Life Month 2005-258
Save Abandoned Babies Day 2005-083
School Counselor Week 2005-181
School Health Center Awareness Month 2005-043
School Psychology Awareness Week 2005-367
School Social Work Week 2005-020
School Social Work Week (Revised) 2005-020
Science Teacher Days 2005-375
Seed Month 2005-070
Senator Margaret Smith Day 2005-198
Senior Resource Day 2005-199
Sexual Assault Awareness Month 2005-079
Sharefest Day 2005-279
Ship Week 2005-283
Sigma Gamma Rho Sorority Recognition Day 2005-090
Slovenian Day 2005-203
Small Business Week 2005-213
Smiles Tag Days 2005-281
Solar Energy Day 2005-374
Solar Energy Day (Revised) 2005-374
Specialty Crops Month 2005-201
State Employee Recognition Day 2005-150
State Honor Day For The National Forest System 2005-196
Sudden Infant Death Syndrome Awareness Month 2005-323
Summer Learning Day 2005-239
Taiwanese American Heritage Week 2005-162
Take A Loved One For A Checkup Day 2005-306
Take Our Daughters And Sons to Work Day 2005-132
Tartan Day 2005-098
Teen Appreciation Week 2005-232
Teen Appreciation Week (Revised) 2005-232
Telecommunications Week 2005-095
The 18th Annual Rita Hayworth Gala Benefiting The Alzheimer's Association Day 2005-085
The Chicago Farmers Day 2005-387
The Chorale In Italy Days 2005-112
The Honorable Emil Jones, Jr. Day 2005-340
The Month Of The Young Adolescent 2005-312
<table>
<thead>
<tr>
<th>Event</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>The World's Largest Ice Cream Cake Social Day</td>
<td>2005-123</td>
</tr>
<tr>
<td>Tobacco Free Week</td>
<td>2005-141</td>
</tr>
<tr>
<td>Tom Petersen Day</td>
<td>2005-397</td>
</tr>
<tr>
<td>Tom Petersen Day (Revised)</td>
<td>2005-397</td>
</tr>
<tr>
<td>U.S.S. St. Lo Day</td>
<td>2005-350</td>
</tr>
<tr>
<td>Ukrainian Independence Day</td>
<td>2005-271</td>
</tr>
<tr>
<td>United Hellenic American Congress Day</td>
<td>2005-368</td>
</tr>
<tr>
<td>Universal Newborn Hearing Screening Day</td>
<td>2005-086</td>
</tr>
<tr>
<td>Veterans Day</td>
<td>2005-356</td>
</tr>
<tr>
<td>Veterans Day (Revised)</td>
<td>2005-356</td>
</tr>
<tr>
<td>Veterans Day At Leo High School</td>
<td>2005-370</td>
</tr>
<tr>
<td>Village Of Gays Day</td>
<td>2005-223</td>
</tr>
<tr>
<td>Volunteer Blood Donor Month</td>
<td>2005-009</td>
</tr>
<tr>
<td>Waukegan Swedish Glee Club Day</td>
<td>2005-210</td>
</tr>
<tr>
<td>We Remember, We Care For Indigent Persons Day</td>
<td>2005-187</td>
</tr>
<tr>
<td>Week Of The Classroom Teacher</td>
<td>2005-330</td>
</tr>
<tr>
<td>Week Of The Classroom Teacher (Revised)</td>
<td>2005-330</td>
</tr>
<tr>
<td>Women Business Owners Day</td>
<td>2005-391</td>
</tr>
<tr>
<td>Women Veterans Recognition Day</td>
<td>2005-364</td>
</tr>
<tr>
<td>Women Veterans Recognition Month</td>
<td>2005-054</td>
</tr>
<tr>
<td>Women's Business Development Day</td>
<td>2005-248</td>
</tr>
<tr>
<td>Women’s Healthy Heart Month</td>
<td>2005-027</td>
</tr>
<tr>
<td>Women's Healthy Heart Month (Revised)</td>
<td>2005-027</td>
</tr>
<tr>
<td>Work Zone Safety Week</td>
<td>2005-096</td>
</tr>
<tr>
<td>World Aids Day</td>
<td>2005-386</td>
</tr>
<tr>
<td>World Champion Chicago White Sox Day</td>
<td>2005-355</td>
</tr>
<tr>
<td>World Food Day</td>
<td>2005-343</td>
</tr>
<tr>
<td>World TB Day</td>
<td>2005-069</td>
</tr>
<tr>
<td>World War II Veterans Recognition Day</td>
<td>2005-226</td>
</tr>
<tr>
<td>Y-Me Illinois Day</td>
<td>2005-299</td>
</tr>
<tr>
<td>Yellow Ribbon Day</td>
<td>2005-191</td>
</tr>
<tr>
<td>Yellow Ribbon Suicide</td>
<td>2005-270</td>
</tr>
<tr>
<td>Youth Soccer Month</td>
<td>2005-262</td>
</tr>
</tbody>
</table>
2005-1

AMBUCS VISIBILITY MONTH

WHEREAS, AMBUCS is a national service organization composed of a diverse group of men and women dedicated to creating opportunities for people with disabilities to become more independent; and

WHEREAS, there are currently more than 6,000 members of AMBUCS, spanning fifteen states, who work diligently to provide important programs such as AMBUCS Scholars – Scholarships for Therapists and AmBility; and

WHEREAS, since its inception, the AMBUCS Scholars program has provided over $6 million to educate physical and occupational therapists; and

WHEREAS, AmBility is a program that focuses on providing AmTryke® therapeutic bicycles to children with disabilities and building ramps to make homes and businesses more accessible to disabled citizens; and

WHEREAS, there are fifteen AMBUCS organizations in the state of Illinois who partner with such organizations as the Special Olympics and Easter Seals to expand on their excellent programs and services; and

WHEREAS, National AMBUCS, Incorporated has set aside February as National AMBUCS Visibility Month to recognize the hard work accomplished by AMBUCS organizations across the country:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2005 as AMBUCS VISIBILITY MONTH in Illinois, and encourage all citizens to recognize AMBUCS for the excellent programs they provide for people with disabilities.

Issued by the Governor January 03, 2005.
Filed by the Secretary of State January 03, 2005.

2005-2

ASIAN AMERICAN COALITION DAY

WHEREAS, the Asian American Coalition of Chicago exists to organize and promote equal opportunity in government, education, economic development, and international affairs in order to advance the integration of all Asian Americans into the mainstream of society; and

WHEREAS, Asian Americans comprise over 3 percent of the total population of the State of Illinois; and

WHEREAS, the 22nd Annual Asian American Conference on Education and Lunar New Year Celebration is sponsored by the Asian American Coalition of Chicago; and

WHEREAS, each year, a different Asian community hosts the
celebration, and this year’s prestigious ceremony will be hosted by the Vietnamese American community, who welcomes The Year of the Rooster, 4708; and

WHEREAS, individuals and community-based agencies who have dedicated themselves to providing excellent service to the Asian American communities will be honored and awarded during this year’s celebration; and

WHEREAS, just as previous years, this annual event will promote the value of having Asian Americans in a leadership role. The theme for this year is, “Asian Americans 2005: Preparing Our Future Leaders”:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 5, 2005 as ASIAN AMERICAN COALITION DAY in Illinois, and encourage all citizens to be appreciative of the impact that Asian Americans have on our country, while taking the opportunity to learn about their rich heritage.

Issued by the Governor January 03, 2005.
Filed by the Secretary of State January 03, 2005.

2005-3
DAYS OF REMEMBRANCE FOR THE SOUTH ASIAN TSUNAMI VICTIMS

WHEREAS, on Sunday, December 26, 2004, tragedy struck when a tsunami hit South Asia, taking the lives of over 100,000 people, and leaving hundreds of thousands without food, safe water and shelter; and

WHEREAS, in the wake of this terrible natural disaster, numerous nations, including the United States of America, along with various international organizations and charities have begun massive relief efforts to assist the victims and prevent further damage; and

WHEREAS, as we stand as a world united, joining together to restore peace and solace in the hearts of South Asians, we must remember all the innocent lives that were taken in this tsunami, and take time to mourn with the victims’ families and loved ones; and

WHEREAS, by Executive Proclamation, President George W. Bush has declared that for the week of January 3, 2005, all federal facilities will fly their flags at half-staff in honor of those that perished in the South Asian tsunami; and

WHEREAS, the State of Illinois joins with President Bush in mourning the tsunami victims, and in accordance with his proclamation, will fly flags at all state facilities at half-staff during this week:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 3 – 7, 2005 as DAYS OF REMEMBRANCE FOR THE SOUTH ASIAN TSUNAMI VICTIMS, and order all state
facilities to fly their flags at half-staff for the duration of this week. Additionally, I encourage all Illinoisans to join in this observance, and to do what they can to assist the relief efforts in South Asia.

Issued by the Governor January 03, 2005.
Filed by the Secretary of State January 03, 2005.

2005-3 (REVISED)
DAYS OF REMEMBRANCE FOR THE SOUTH ASIAN TSUNAMI VICTIMS

WHEREAS, on Sunday, December 26, 2004, tragedy struck when a tsunami hit South Asia, taking the lives of over 100,000 people, and leaving hundreds of thousands without food, safe water and shelter; and
WHEREAS, in the wake of this terrible natural disaster, numerous nations, including the United States of America, along with various international organizations and charities have begun massive relief efforts to assist the victims and prevent further damage; and
WHEREAS, as we stand as a world united, joining together to restore peace and solace in the hearts of South Asians, we must remember all the innocent lives that were taken in this tsunami, and take time to mourn with the victims’ families and loved ones; and
WHEREAS, by Executive Proclamation, President George W. Bush has declared that for the week of January 3, 2005, all federal facilities will fly their flags at half-staff in honor of those that perished in the South Asian tsunami; and
WHEREAS, the State of Illinois joins with President Bush in mourning the tsunami victims, and in accordance with his proclamation, will fly flags at all state facilities at half-staff during this week:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 3 – 7, 2005 as DAYS OF REMEMBRANCE FOR THE SOUTH ASIAN TSUNAMI VICTIMS, and order all state facilities to fly their flags at half-staff for the duration of this week. Additionally, I encourage all Illinoisans to join in this observance, and to do what they can to assist the relief efforts in South Asia.
Issued by the Governor January 03, 2005.
Filed by the Secretary of State January 03, 2005.

2005-4
ILLINOIS NEWS BROADCASTERS ASSOCIATION DAY

WHEREAS, the Illinois News Broadcasters Association (INBA) is made up of broadcast journalists, educators and students from all across the
state of Illinois; and
WHEREAS, since its inception a half-century ago, the INBA has provided a forum for students to learn from and network with professional journalists; and
WHEREAS, in addition to their educational and networking efforts, the INBA also works in conjunction with the INBA Foundation to offer scholarships to deserving broadcast journalism students; and
WHEREAS, the INBA, and its members, continue to display strong commitment to fair and accurate journalism through the association’s Code of Ethics. They also serve as a vocal and active proponent of First Amendment press freedoms; and
WHEREAS, the Board of Directors of the INBA will mark its 50th anniversary on January 22, 2005, with a meeting at the Leland Building (Leland Hotel) in Springfield, where the Association’s very first meeting was held on the same date in 1955:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 22, 2005 as ILLINOIS NEWS BROADCASTERS ASSOCIATION DAY in Illinois, and encourage all citizens to join in celebrating the INBA’s terrific contributions to the broadcasting profession in this state over the past 50 years.
Issued by the Governor January 03, 2005.
Filed by the Secretary of State January 03, 2005.

2005-5
JUNIOR LEAGUE OF KANE AND DUPAGE COUNTIES, INCORPORATED DAY

WHEREAS, the Junior League of Kane and DuPage Counties, Incorporated is a group of dedicated women volunteers who strive to better the lives of their fellow citizens through education and community service; and
WHEREAS, this organization is committed to developing the potential of women and increasing their commitment to helping others. Through the help of the Junior League, these women become trained volunteers, ready to help others in the community; and
WHEREAS, the Junior League also strives to help all children, specifically those who are from economically disadvantaged backgrounds. Through their many partnerships with other non-profit organizations, the Junior League reaches out to the community on a number of levels; and
WHEREAS, the volunteer efforts of the Junior League of Kane and DuPage Counties, Incorporated have brought hope to at-risk children, giving them the tools they need to work diligently towards a bright future:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 12, 2005 as JUNIOR LEAGUE OF KANE AND DUPAGE COUNTIES, INCORPORATED DAY in Illinois, and encourage all citizens to recognize the valiant efforts put forth by this group of dedicated women to better their communities.

Issued by the Governor January 03, 2005.
Filed by the Secretary of State January 03, 2005.

2005-6
DISASTER AREA - STATE OF ILLINOIS

Severe storms with heavy rain produced tornadoes and high winds in central Illinois on July 13, 2004. These storms damaged or destroyed homes, businesses, industrial buildings and farm operations. Hundreds of trees were uprooted resulting in the scattering of debris in both urban and rural areas.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists Champaign, Woodford and Vermilion counties, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

The gubernatorial proclamation of disaster will allow the Illinois Emergency Management Agency in aiding the impacted local governments in debris removal and other emergency response and recovery efforts.

Issued by the Governor January 06, 2005.
Filed by the Secretary of State January 06, 2005.

2005-7
DISASTER AREA - STATE OF ILLINOIS

A severe winter storm occurred on December 21-25, 2004 causing hardships and threatening the health and safety of the public in several counties within the State of Illinois. Record and near-record snowfall in southern Illinois, combined with blowing and drifting snow and frigid temperatures resulted in hazardous travel conditions, road closures, school closings, and have taxed State and local snow removal resources.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare a disaster exists in Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Johnson, Lawrence, Massac, Pope, Richland, Saline, Union, Wabash, White, and Williamson counties, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).
This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to assist local governments and makes possible a request for Federal snow assistance in accordance with 44 CFR 206.227.

Issued by the Governor January 06, 2005.
Filed by the Secretary of State January 06, 2005.

2005-8
ALZHEIMER’S DISEASE AWARENESS DAY

WHEREAS, Alzheimer’s Disease is a condition where the affected individual begins to lose control of the part of their brain that regulates thought, memory, and language. The disease usually begins to appear in individuals over the age of 60, and the risk of acquiring it increases with age; and

WHEREAS, approximately 4.5 million Americans suffer from Alzheimer’s Disease, including approximately 211,000 Illinoisans. Although it appears in older individuals, Alzheimer’s is a condition in itself, and is not a normal part of the aging process; and

WHEREAS, although scientists do not fully understand what brings Alzheimer’s to fruition, they have come to find that there are many possible causes. Circumstances such as family history and genetics can partially explain a person’s increased risk for the disease; and

WHEREAS, the National Institute on Aging sponsors many ongoing studies to find the cause, and subsequent treatment for Alzheimer’s. Scientists are working diligently every day to try and better understand the disease in an effort to eventually find a cure; and

WHEREAS, it is imperative that critical Alzheimer’s research continues. With that in mind, there are several organizations in the United States, such as the Alzheimer’s Association, that are working to raise money for research as well as increase awareness of Alzheimer’s among the general public:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 8, 2005 as ALZHEIMER’S DISEASE AWARENESS DAY in Illinois, and encourage all citizens to become cognizant of this debilitating disease, and to learn about ways in which they can improve the lives of loved ones who are currently afflicted.

Issued by the Governor January 06, 2005.
Filed by the Secretary of State January 06, 2005.
2005-9
VOLUNTEER BLOOD DONOR MONTH

WHEREAS, in the span of a given year, approximately four million patients in the United States receive blood transfusions; and
WHEREAS, the demand for blood remains at high levels throughout the year even though the volume of blood donations may vary. Approximately eight million volunteers donate each year, however the high demand for blood makes it necessary to continually recruit more donors; and
WHEREAS, donated blood has a shelf life of only 42 days, making donations even more valuable. Additionally, people are able to donate blood only once every eight weeks, and only two usable units of blood are taken from the body at any given time; and
WHEREAS, January is traditionally recognized as Volunteer Blood Donor Month, as it is generally a difficult time to recruit donors. This year’s theme, “Give Blood…..The Gift of Life,” highlights the critical importance of donating blood to patients in need:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2005 as VOLUNTEER BLOOD DONOR MONTH in Illinois, and encourage all citizens to open their hearts this month by donating blood.

Issued by the Governor January 06, 2005.
Filed by the Secretary of State January 06, 2005.

2005-10
KINDERGARTEN DAY

WHEREAS, enrollment in pre-primary education in the United States has increased significantly since 1991. According to the National Center for Education Statistics, from 1991 – 2001, pre-primary enrollment of children between the ages of three and five increased by twenty percent; and
WHEREAS, during the kindergarten years, children often make considerable gains in reading and math. In addition, they begin to develop advanced social skills from the constant interaction that they have with one another; and
WHEREAS, those different skills and abilities that kindergarteners acquire lay the foundation for success at future grade levels. History has shown that in many cases, these children go on to become more competent learners, and are less likely to be held back in school; and
WHEREAS my administration is committed to improving education in Illinois at all levels. Since taking office, significant increases have been made by my administration for K-12 spending and per-student state aid
funding. With these efforts, we are aiming to not only enhance the educational experiences of current students, but also to continue increasing enrollment in pre-school and kindergarten programs in this state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the second Tuesday of September as KINDERGARTEN DAY in Illinois, and encourage all parents to enroll their children in kindergarten to enhance their abilities, and provide them with better chances to succeed later in life.

Issued by the Governor January 06, 2005.
Filed by the Secretary of State January 06, 2005.

2005-11
AFRICAN AMERICAN HISTORY MONTH

WHEREAS, Dr. Carter G. Woodson, a noted intellectual of his time, founded the Association for the Study of Afro-American Life and History (ASALH) in 1915. He created Negro History Week in 1926 to pay tribute to the many contributions made by American citizens to the overall betterment of American life; and

WHEREAS, Dr. Woodson chose the second week in February for Negro History Week, because it marks the birthdays of two very influential men – Frederick Douglass and Abraham Lincoln. Several decades later, in 1976, ASALH expanded the celebration to encompass the entire month of February; and

WHEREAS, several milestone events in the African American community have occurred in February, such as the passage of the 15th Amendment in 1870, which granted African Americans the right to vote, the inauguration of the first African American Senator, Hiram Revels, also in 1870, and the founding of the National Association for the Advancement of Colored People in 1909; and

WHEREAS, throughout African American History Month, many organizations celebrate and educate by holding various different events such as seminars, plays, concerts, art shows, films, dance performances, family workshops and other expressions of creativity and pride:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2005 as AFRICAN AMERICAN HISTORY MONTH in Illinois, and encourage all citizens to learn about the important contributions that African Americans have made to our society.

Issued by the Governor January 07, 2005.
Filed by the Secretary of State January 07, 2005.
2005-12
FOLIC ACID AWARENESS WEEK

WHEREAS, each year, approximately 3,000 babies in the United States are born with serious birth defects of the brain and spine; and
WHEREAS, folic acid, an essential vitamin for good health, plays an important role in the prevention of serious birth defects; and
WHEREAS, research shows that folic acid can reduce a woman’s risk of having her pregnancy affected by neural tube defects, which are among the most common birth defects, by up to 70 percent if taken before she becomes pregnant and during the first few weeks of her pregnancy; and
WHEREAS, in addition, folic acid may decrease the occurrence of abnormalities such as cleft lip, cleft palate and heart defects, as well as cardiovascular disease, colon, cervical and breast cancers and Alzheimer’s disease; and
WHEREAS, The Illinois Folic Acid Council is devoted to increasing knowledge and awareness of the benefits of folic acid throughout the state; and
WHEREAS, the annual observance of Folic Acid Awareness Week is intended to increase knowledge and consumption of folic acid at local, state and national levels:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 24 – 30, 2005 as FOLIC ACID AWARENESS WEEK in Illinois, and strongly encourage all women of reproductive age to take 400 micrograms a day of folic acid to promote overall good health, and to help ensure a future in which the children of Illinois will be born healthy.

Issued by the Governor January 07, 2005.
Filed by the Secretary of State January 07, 2005.

2005-13
NATIONAL PARENT LEADERSHIP MONTH

WHEREAS, being a parent can mean many things to many people. The role of parent, whether it is paternal, maternal, foster, or adoptive is a cherished contribution to our community; and
WHEREAS, parents play a critical role in their child’s upbringing. Thus, meaningful Parent Leadership with the necessary knowledge and skills allows parents to function with a “parent voice” in shaping the direction of their families, programs and communities; and
WHEREAS, Parents Anonymous Inc., an organization committed to child abuse prevention, has conducted innovative ethnographic research resulting in a conceptual framework consisting of 10 significant steps to
WHEREAS, national research studies confirm the effectiveness of Parents Anonymous in diminishing the impact of risk factors while dramatically increasing the resiliency of parents and children. In turn, this results in the prevention of child abuse and neglect; and

WHEREAS, Parent Leadership is successfully achieved when parents wholly commit themselves to the essential methods that occur before the implementation of policies and programs aimed at affecting families and communities; and

WHEREAS, the State of Illinois recognizes the vital importance of partnering with parents and assist public systems and private organizations, policymakers and other key stakeholders to effectively implement parent leadership strategies:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois do hereby declare February 2005 as NATIONAL PARENT LEADERSHIP MONTH in Illinois, and encourage all citizens to recognize, honor and celebrate parents for the vital leadership roles they hold in their homes as well as in local, state, national and international arenas.

Issued by the Governor January 10, 2005.
Filed by the Secretary of State January 11, 2005.

2005-14
AMBER ALERT AWARENESS DAY

WHEREAS, the AMBER Alert System is an early warning system created and instituted after the tragic abduction and murder of nine-year-old Amber Hagerman, who was kidnapped while riding her bicycle in Arlington, Texas in January of 1996; and

WHEREAS, along with paying tribute to Amber Hagerman’s memory, AMBER is also an acronym, standing for America’s Missing: Broadcast Emergency Response; and

WHEREAS, since 2002, 176 children, or 80 percent of the total number of all successful recoveries of abducted children in this country, have occurred as a result of the AMBER Alert System’s presence in 49 of our 50 states. Thus, this successful collaboration of law enforcement professionals, broadcasters and transportation representatives has formed a critical chain of communication to more effectively recover missing children; and

WHEREAS, the coordinated efforts at local, state and national levels are continuing to see significant improvements in the management and communication operations of the AMBER Alert System. As a result, a greater number of citizens are being educated about the AMBER Alert System, how it works, and how they can get involved in helping to further its
efforts; and

WHEREAS, here in the State of Illinois, we are proud to join in the national fight to search for missing children by raising public awareness of this tremendous program:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 13, 2005 as AMBER ALERT AWARENESS DAY in Illinois, and encourage all citizens to actively participate in safely recovering our nation’s abducted children.

Issued by the Governor January 11, 2005.
Filed by the Secretary of State January 11, 2005.

2005-15
FOUR CHAPLAINS SUNDAY

WHEREAS, on February 3, 1943, four United States Army Chaplains, Reverend George L. Fox, Rabbi Alexander D. Goode, Reverend Clark V. Poling and Reverend John P. Washington, sacrificed their lives in one of the most inspiring acts of heroism during World War II; and

WHEREAS, on what is now remembered as “Four Chaplains Sunday,” the four Chaplains remained onboard the sinking U.S.A.T. Dorchester, handing out life jackets to the soldiers; and

WHEREAS, when no life jackets remained, they removed their own and gave them away, so that four more soldiers would have a chance at survival; and

WHEREAS, they then sank with the ship in the North Atlantic, their arms linked together while they prayed; and

WHEREAS, this year’s memorial program is being hosted by the Polish Legion of American Veterans, Department of Illinois, and is annually sponsored by the Combined Veterans Association of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 6, 2005 as FOUR CHAPLAINS SUNDAY in Illinois to commemorate the brave Chaplains who served God and their country with selflessness, bravery and dedication, and made the ultimate sacrifice to save the lives of others.

Issued by the Governor January 12, 2005.
Filed by the Secretary of State January 12, 2005.

2005-16
ILLINOIS NURSE ANESTHETISTS WEEK

WHEREAS, Certified Registered Nurse Anesthetists (CRNAs) are anesthesia specialists who administer approximately 65% of the 26 million
anesthetics given to patients in the United States each year; and

WHEREAS, nurse anesthetists are a part of a very specialized profession, as they are required to attend an accredited nurse anesthesia education program where they learn both inside the classroom and in a clinical setting. Upon graduation, potential nurse anesthetists must pass a national certification exam in order to practice; and

WHEREAS, nurse anesthesia has been in existence for over 100 years and was the first clinical nursing specialty. Today, there is a critical shortage of nurse anesthetists, resulting in many rural areas only having one per hospital; and

WHEREAS, The Illinois Association of Nurse Anesthetists provides guidance, training, mentoring and support for the more than 1200 nurse anesthetists that work in Illinois today:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 23 – 29, 2005 as ILLINOIS NURSE ANESTHETISTS WEEK in Illinois, and encourage all citizens to be cognizant of the important service these workers provide for the healthcare industry, and for the people of Illinois.

Issued by the Governor January 14, 2005.

Filed by the Secretary of State January 18, 2005.

2005-17
MEDICAL ASSISTANTS WEEK

WHEREAS, the health and well-being of our citizens depends upon educated minds and skilled hands; and

WHEREAS, the health services industry is expanding due to technological advances in medicine and a growing population; and

WHEREAS, medical assistants provide the necessary support and assistance needed to keep the offices of physicians, podiatrists, chiropractors, and other health practitioners running smoothly; and

WHEREAS, in addition, many medical assistants continually seek to improve their knowledge and skills, through educational programs offered by professional organizations such as the American Association of Medical Assistants, for the benefit of patients and professional colleagues. This involvement helps to ensure that our citizens receive the highest quality of healthcare possible; and

WHEREAS, we should commend medical assistants for their dedication to the care and well-being of all people as valuable members of medical teams:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois do hereby declare October 17 – 21, 2005 as MEDICAL ASSISTANTS
WEEK in Illinois, and encourage all citizens to recognize the dedicated men and women who endeavor to improve and save the lives of those in need of medical attention.

Issued by the Governor January 19, 2005.
Filed by the Secretary of State January 19, 2005.

2005-18

DISASTER AREA - STATE OF ILLINOIS

Historic snowfall and continued heavy rains in Southeastern Illinois during late December, 2004 and January, 2005 has damaged homes, businesses, and roadways.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in Clark, Crawford, Lawrence, Wabash, White, Gallatin, Hardin, Pope and Massac counties, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

The gubernatorial proclamation of disaster will allow the Illinois Emergency Management Agency in aiding the impacted local governments in emergency response and recovery efforts. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor January 20, 2005.
Filed by the Secretary of State January 20, 2005.

2005-19

LAND SURVEYORS’ MONTH

WHEREAS, the profession of land surveying is one of the oldest technical services associated with our society. Each year, our complex civilization depends more and more on land surveyors’ skills and accuracy to determine property rights, method of design and construction; and

WHEREAS, the skills of George Washington, as a land surveyor, had a considerable influence on his job as Commander-in-Chief of our Revolutionary Forces, as the winning our nation’s independence depended heavily on his planning of military operations and choice of selected battle sites; and

WHEREAS, more than 80 years later, when the states were threatened by a cruel division, another great President and former land surveyor, Abraham Lincoln, also used his land surveying skills to direct the war that preserved our nation; and

WHEREAS, it is important that we recognize the two “Land Surveyor
Presidents,” George Washington and Abraham Lincoln whose birthdays are observed this month; and

WHEREAS, during the month of February, the Illinois Professional Land Surveyors Association will be celebrating their 77th Anniversary of representing the profession of land surveying in the State of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2005 as LAND SURVEYORS’ MONTH in Illinois, and encourage all citizens to understand the impact that the land surveying profession has had on our nation’s history.

Issued by the Governor January 20, 2005.
Filed by the Secretary of State January 20, 2005.

2005-20
SCHOOL SOCIAL WORK WEEK

WHEREAS, education provides the necessary skills that serve as a foundation for people to become productive members of today’s society; and

WHEREAS, the State of Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and

WHEREAS, school social workers provide services to parents, children, and schools that are vital to the overall educational mission of the State of Illinois. These services include: group counseling; academic support; assessment; crisis intervention; conflict resolution; and coordination of school and community mental health resources; and

WHEREAS, school social workers serve as a link between school, home, and community by establishing relationships with parents, whom teachers have not been able to reach through normal channels, and helping them understand and meet their children’s social and emotional needs; and

WHEREAS, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 6 – 12, 2005 as SCHOOL SOCIAL WORK WEEK in Illinois, and encourage all citizens to recognize and support the men and women who perform this noble service to ensure a bright future for all children.

Issued by the Governor January 21, 2005.
Filed by the Secretary of State January 21, 2005.
2005-20 (REVISED)
SCHOOL SOCIAL WORK WEEK

WHEREAS, education provides the necessary skills that serve as a foundation for people to become productive members of today’s society; and
WHEREAS, the State of Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and
WHEREAS, school social workers provide services to parents, children, and schools that are vital to the overall educational mission of the State of Illinois. These services include: group counseling; academic support; assessment; crisis intervention; conflict resolution; and coordination of school and community mental health resources; and
WHEREAS, school social workers serve as a link between school, home, and community by establishing relationships with parents, whom teachers have not been able to reach through normal channels, and helping them understand and meet their children’s social and emotional needs; and
WHEREAS, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 6 – 12, 2005 as SCHOOL SOCIAL WORK WEEK in Illinois, and encourage all citizens to recognize and support the men and women who perform this noble service to ensure a bright future for all children.

Issued by the Governor January 25, 2005.
Filed by the Secretary of State January 25, 2005.

2005-21
NIGHT OF 100 STARS

WHEREAS, the DuSable Museum of African American History, the oldest independent institution of its kind in the country, is dedicated to the collection, preservation, interpretation and dissemination of the history and culture of Americans of African descent; and
WHEREAS, in 1992, the DuSable Museum culminated the celebration of its 30th Anniversary by instituting the African American HistoryMakers Awards; and
WHEREAS, the HistoryMakers Awards salute African American Chicagoans for their outstanding contributions to society through their
professions and civic responsibilities. Honorees are inducted into theDuSable Museum’s “Chicago African American HistoryMakers Gallery ofGreats”; and

WHEREAS, this year’s HistoryMakers include: Chuck Barksdale, founding member of the legendary R&B group, The Dells; Don Cornelius, creator of “Soul Train” and “The Soul Train Awards”; Valerie Norman- Gammon, an award winning television producer and President & CEO of Amethyst Entertainment; Irma P. Hall, an actress with appearances in such films as “Soul Food,” “Collateral,” and “The Lady Killers”; Quincy Jones, award winning musician, producer, and author; T’Keyah Crystal Kemah, a television actress with shows such as “In Living Color,” “Cosby,” and “That’s So Raven” to her credit; KoKo Taylor, a Grammy Award winning Blues artist; and Malcolm Jamal Warner, an actor who starred in “The Cosby Show” as well as “Malcolm and Eddie”; and

WHEREAS, the 2005 Chicago African American HistoryMakers will be honored on February 19, 2005, during the “Night of 100 Stars – Chicago African American HistoryMakers Awards” gala:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 19, 2005 as the NIGHT OF 100 STARS in Illinois, and encourage all citizens to join in honoring this year’s HistoryMakers.

Issued by the Governor January 25, 2005.

Filed by the Secretary of State January 25, 2005.

2005-22

ILLINOIS LULAC MONTH

WHEREAS, the League of United Latin American Citizens (LULAC) is one of the oldest and most widely respected Hispanic civil rights organizations in the United States; and

WHEREAS, since its inception on February 17, 1929 in Corpus Christi, Texas, the founders of LULAC have taken a proactive approach by creating an organization that empowers its members to create and develop opportunities where they are needed most; and

WHEREAS, LULAC has developed a comprehensive set of nationwide programs fostering educational attainment, job training, housing, scholarships, new technology, economic development, citizenship, and voter registration. In addition, they have adopted a legislative platform that promotes humanitarian relief for immigrants, increases educational opportunities for our young adults and youth, and seeks equal treatment for all Hispanics in the United States and its territories including the Commonwealth of Puerto Rico; and
WHEREAS, LULAC will implement its SBC Foundation/LULAC Illinois partnership initiative “Empower Hispanic America with Technology,” where Hispanic leaders will come together to promote New Technology for Hispanics; and

WHEREAS, this year, the League of United Latin American Citizens will celebrate its seventy-sixth year of increasing educational opportunities and improving the quality of life for Hispanic Americans in Illinois, and across the country:

THEREFORE, I, Rod Blagojevich, Governor of Illinois, do hereby proclaim February 2005 as ILLINOIS LULAC MONTH, and encourage all citizens to join the LULAC membership in commemorating their seventy-six years of outstanding service to this state.

Issued by the Governor January 26, 2005.
Filed by the Secretary of State January 27, 2005.

2005-23

PROVIDENT FOUNDATION DAY

WHEREAS, in 1891, Dr. Daniel Hale Williams founded the Provident Hospital and Nursing Training School in Chicago, Illinois; and

WHEREAS, at the time of its inception, Provident Hospital was one of the only hospitals in the nation where African-American doctors and nurses were allowed to learn and practice medicine, as well as one of the few places where African-American and poverty-stricken patients could receive medical treatment; and

WHEREAS, the Provident Foundation was established in 1995 to perpetuate the legacy of the historic Provident Hospital and the contributions of founder, Dr. Daniel Hale Williams; and

WHEREAS, the Provident Foundation continues Provident Hospital’s tradition of community service by offering scholarships and mentoring programs to future health care professionals who agree to work in underserved communities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2, 2005 as PROVIDENT FOUNDATION DAY in Illinois, and encourage all citizens to acknowledge and appreciate the trailblazing work of Dr. Daniel Hale Williams, and all those who showed an unwavering commitment to practicing medicine by working at Provident Hospital, despite the racism and discrimination so many of them faced.

Issued by the Governor January 27, 2005.
Filed by the Secretary of State January 27, 2005.
2005-24
AFRICAN-AMERICAN VETERANS RECOGNITION DAY

WHEREAS, despite the great challenges they have encountered, African-American men and women have displayed a history of patriotism by courageously serving in the various branches of the United States Armed Forces; and

WHEREAS, African-American men and women have served and distinguished themselves in times of peace as well as during every major conflict since the birth of our nation; and

WHEREAS, certain African-American groups such as: Company E, 4th United States Colored Infantry; the Tuskegee Airmen; the Montford Point Marines; the 555th Airborne Battalion; the 761st Tank Battalion; and the “Golden Thirteen” have become historical icons in American military history; and

WHEREAS, African-American men and women continue to bravely serve in all branches of the United States Armed Forces and carry on a great legacy of patriotism; and

WHEREAS, the State of Illinois is proud to participate in the “Salute to African-American Veterans” on February 12, 2005, to acknowledge the numerous accomplishments made by these brave men and women who have served their country through military service:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 12, 2005 as AFRICAN-AMERICAN VETERANS RECOGNITION DAY in Illinois, and encourage all citizens to honor those veterans who have courageously served their country.

Issued by the Governor January 27, 2005.
Filed by the Secretary of State January 27, 2005.

2005-25
FINANCIAL AID/ADMISSIONS AWARENESS MONTH

WHEREAS, the State of Illinois places great emphasis on the importance of educating our young people. With that in mind, students who choose to further their education through secondary schooling are amongst the State’s highest priorities; and

WHEREAS, the Illinois Student Assistance Commission (ISAC) was created in 1957 to enable students in Illinois to realize their dreams of attending an institution of higher education, without having to worry about related financial burdens; and

WHEREAS, ISAC offers a comprehensive array of assistance, outreach, and informational programs that educate parents and students alike
on the different kinds of assistance the state of Illinois offers; and

WHEREAS, one of their most popular financial aid programs is the Monetary Award Program (MAP) which offers grants to Illinois students that demonstrate financial need. ISAC also offers the College Illinois! program which allows parents to prepay tuition at current tuition rates; and

WHEREAS, throughout the month of February, ISAC will be holding several workshops that will focus on simplifying the financial aid process for current and prospective students. Counselors will be available to help fill out forms for a myriad of financial aid including the Free Application for Federal Student Aid (FAFSA), federal Pell Grants, and Illinois MAP grants; and

WHEREAS, my administration has taken great steps toward making tuition for higher education affordable for everyone, and we are proud to join ISAC in that ongoing mission. In 2003, I signed a law which made state universities lock in tuition rates for entering Illinois freshmen. This allows families to pay the same rate for all four years of college helping to keep the cost of higher education manageable:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2005 as FINANCIAL AID/ADMISSIONS AWARENESS MONTH in Illinois, and encourage students and parents to take advantage of the great services ISAC provides to the people of Illinois.

Issued by the Governor January 27, 2005.
Filed by the Secretary of State January 27, 2005.

2005-26

FFA WEEK

WHEREAS, agriculture is Illinois’ largest and most productive industry, and is vital to the economic success and future prosperity of the State; and

WHEREAS, agricultural education prepares students for careers in agriculture, with hands-on learning experiences in science, business and technology; and

WHEREAS, FFA is the largest career and technical student organization in the Illinois, preparing students for premier leadership, personal growth and career success; and

WHEREAS, the 16,000 members of the Illinois Association FFA are prepared to “Learn, Lead and Succeed” in their communities and careers; and

WHEREAS, the 2004-2005 state theme, “Illinois Association FFA – the Magic Formula,” is a fitting tribute to the FFA’s terrific efforts within Illinois and across the country; and

WHEREAS, a week in February has been designated as National FFA Week throughout the United States, Puerto Rico and the Virgin Islands, and
Illinois proud to join in this spirited observance:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of February 19-26, 2005 as FFA WEEK in Illinois, and encourage citizens to recognize and encourage agricultural education programs and students in Illinois, and support the ideals of the Illinois Association FFA.

Issued by the Governor January 31, 2005.
Filed by the Secretary of State January 31, 2005.

2005-27
WOMEN’S HEALTHY HEART MONTH

WHEREAS, cardiovascular diseases are the number one cause of death for women in the United States, claiming the lives of more than half a million women per year. In Illinois alone, the year 2002 saw 21,700 women lose their battles with heart disease; and

WHEREAS, widely misconceived to be primarily a male disorder, women represent 54 percent of cardiovascular disease deaths in this state. Nationwide, heart disease affects one in five, or 20 percent of all women; and

WHEREAS, it is critical that we, as a country and as a state, work to empower women and increase their awareness of the many things they can do to reduce their risk of heart disease; and

WHEREAS, February of each year is nationally recognized as American Heart Month, and this year in Illinois, we want to give special emphasis to women’s heart health by declaring that February 2005 be Women’s Healthy Heart Month; and

WHEREAS, in addition, on February 4, 2005, we are proud to be joining various heart health organizations across the country in encouraging people to wear red in support of the continued efforts to raise awareness of cardiovascular diseases among women in Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the month of February 2005 as WOMEN’S HEALTHY HEART MONTH in Illinois, and urge all citizens, especially women, to familiarize themselves with the signs, symptoms and treatments for cardiovascular disease, as well as the steps they can take to ensure themselves good heart health.

Issued by the Governor February 01, 2005.
Filed by the Secretary of State February 01, 2005.
2005-28
A DAY FOR HEARTS: CONGENITAL HEART DEFECT AWARENESS DAY

WHEREAS, Congenital Heart Defects, the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide, occur during early pregnancy when a baby’s heart fails to form properly, resulting in structural abnormalities; and

WHEREAS, each year, approximately 40,000 babies in the United States are born with Congenital Heart Defects. As a result, over a million families across America are facing the challenges and hardships of raising children with this birth defect; and

WHEREAS, in 1999, Jeanne Imperati, a Connecticut mother of a child with a Congenital Heart Defect, concluded that there should be an annual observance day intended to raise awareness of these disorders. Ms. Imperati began encouraging those affected either personally or professionally by these disorders to urge their respective governor to declare February 14, 2000 as A Day for Hearts: Congenital Heart Defect Awareness Day in their state; and

WHEREAS, Last year, well over 100 hospitals, practices and organizations throughout the world participated in activities related to Congenital Heart Defect Awareness Day in hopes of reducing the number of childhood deaths and increasing funding for research into possible causes and cures:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 14, 2005 as A DAY FOR HEARTS: CONGENITAL HEART DEFECT AWARENESS DAY in Illinois, and encourage all citizens to increase their awareness of Congenital Heart Defects, and to honor the dedicated health professionals who strive to deliver the best medical care possible so that children and adults with birth defects may lead longer and more active lives.

Issued by the Governor February 02, 2005.
Filed by the Secretary of State February 02, 2005.

2005-29
NATIONAL TRIO DAY

WHEREAS, a large majority of United States citizens need developmental course work, tutoring and counseling to succeed in secondary school and in postsecondary freshman-level courses due to their various backgrounds and aspirations; and

WHEREAS, TRIO programs, which were established by the federal
government in 1965, are educational opportunity programs designed to motivate and support students from disadvantaged backgrounds; and

WHEREAS, TRIO programs provide outreach services targeted to assist low-income, first-generation college students, and students with disabilities to progress from middle school to post-baccalaureate programs and enhance their prospects of achieving academic excellence; and

WHEREAS, the TRIO program strives to increase college retention and graduation rates for eligible students, and to foster a supportive climate through activities such as tutoring, counseling, and study skill enhancement; and

WHEREAS, Illinois has 112 TRIO Projects which offer services to over 30,000 residents located throughout the state on college campuses and in community agencies:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 26, 2005 as NATIONAL TRIO DAY in Illinois, and encourage all citizens to recognize the positive impact these programs have on the educational system in Illinois, and across the country.

Issued by the Governor February 02, 2005.
Filed by the Secretary of State February 02, 2005.

2005-30
NATIONAL FOREIGN LANGUAGE WEEK

WHEREAS, all citizens live and participate in an increasingly interdependent global community; and

WHEREAS, boundaries between countries are being dissolved by new technology, making foreign language study increasingly important as people begin to experience and enjoy the growing social, cultural, and economic ties between all nations; and

WHEREAS, in order to compete on a global scale, many employers are now seeking individuals proficient in foreign languages who are able to operate and adapt in the culturally diverse international marketplace; and

WHEREAS, recent studies show that the study of foreign languages contributes to improved academic performance and a greater understanding of people from different language and cultural backgrounds; and

WHEREAS, foreign language educators in Illinois urge the public to recognize the importance of foreign language study and its ability to expand the cultural and literary horizons of all people:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 7 – 13, 2005 as NATIONAL FOREIGN LANGUAGE WEEK in Illinois, and encourage all citizens to recognize and appreciate the value that foreign language study brings to our society.
2005-31
ILLINOIS ARTS EDUCATION WEEK

WHEREAS, arts education, which includes dance, drama, music and visual arts, plays an essential role in the education of all students; and
WHEREAS, recent studies show that students who receive visual and musical arts training as a regular part of classroom studies exhibit improved reading skills, and were significantly ahead in math skills in comparison to students who did not receive such training; and
WHEREAS, the arts serve to enrich the lives of all children by fostering discipline, creativity, imagination, self-expression, and problem solving skills. All of these attributes are essential to students’ potential success in school as well as in any future endeavors; and
WHEREAS, arts education develops a heightened appreciation of beauty and cross-cultural understanding; and
WHEREAS, many national and state professional education associations hold celebrations in the month of March focused on students’ participation in the arts. These celebrations give Illinois schools the opportunity to focus on the value of the arts for all students:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 14 – 20, 2005 as ILLINOIS ARTS EDUCATION WEEK, and encourage all citizens to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Issued by the Governor February 02, 2005.
Filed by the Secretary of State February 02, 2005.

2005-27 (REVISED)
WOMEN’S HEALTHY HEART MONTH

WHEREAS, cardiovascular diseases are the number one cause of death for women in the United States, claiming the lives of more than half a million women per year. In Illinois alone, the year 2002 saw 21,700 women lose their battles with heart disease; and
WHEREAS, widely misconceived to be primarily a male disorder, women represent 54 percent of cardiovascular disease deaths in this state. Nationwide, heart disease affects one in five, or 20 percent of all women; and
WHEREAS, it is critical that we, as a country and as a state, work to empower women and increase their awareness of the many things they can
do to reduce their risk of heart disease; and

WHEREAS, February of each year is nationally recognized as American Heart Month, and this year in Illinois, we want to give special emphasis to women’s heart health by declaring that February 2005 be Women’s Healthy Heart Month; and

WHEREAS, in addition, today, February 4, 2005, we are proud to join various heart health organizations across the country in encouraging people to wear red in support of the continued efforts to raise awareness of cardiovascular diseases among women in Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the month of February 2005 as WOMEN’S HEALTHY HEART MONTH and February 4, 2005 as NATIONAL WEAR RED DAY in Illinois, and urge all citizens, especially women, to familiarize themselves with the signs, symptoms and treatments for cardiovascular disease, as well as the steps they can take to ensure themselves good heart health.

Issued by the Governor February 03, 2005.

Filed by the Secretary of State February 03, 2005.

2005-32
A DAY OF SUPPORT AND COMPASSION FOR ALL ISRAELI FAMILIES WHO HAVE LOST LOVED ONES TO ACTS OF TERROR

WHEREAS, acts of terrorism have become increasingly frequent in recent years. Everyday, more innocent citizens are killed or injured because of those who are willing to take the lives of others in defense of their beliefs; and

WHEREAS, the dispute between Israel and Palestine has been ongoing for many decades. Throughout the dispute, many innocent lives have been taken through acts of violence and terror, posing a threat to those who wish to live their lives in peace; and

WHEREAS, the last five years have seen an escalation in the tensions between the two groups. Although there has been sincere efforts from both sides to achieve peace, there are still several who resist the idea of compromise; and

WHEREAS, there are many grieving families throughout the region of conflict who have lost loved ones in this ongoing battle. Those families join us in standing up for peace and promoting its message to people all throughout the world:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 14, 2005 as A DAY OF SUPPORT AND COMPASSION FOR ALL ISRAELI FAMILIES WHO HAVE LOST
LOVED ONES TO ACTS OF TERROR in Illinois, and encourage all citizens to spread the message of tolerance for all people in the effort to live as world citizens in peace and harmony.

Issued by the Governor February 03, 2005.
Filed by the Secretary of State February 03, 2005.

2005-33
DESER T STORM REMEMBRANCE DAY

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country’s ideals of freedom and democracy; and

WHEREAS, fourteen years ago, over 600,000 members of the United States Armed Forces risked their lives in the Persian Gulf to liberate Kuwait during Operation Desert Storm, some making the ultimate sacrifice for their country; and

WHEREAS, the men and women who served in the United States Armed Forces during Operation Desert Storm have earned the gratitude and respect of their nation; and

WHEREAS, the observance of the 14th anniversary of Operation Desert Storm allows citizens throughout Illinois, and across the country, the opportunity to honor those who served during this conflict for their valor and selflessness:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 18, 2005 as DESERT STORM REMEMBERANCE DAY in Illinois, and urge all citizens to honor those veterans who courageously served their country during Operation Desert Storm.

Issued by the Governor February 03, 2005.
Filed by the Secretary of State February 03, 2005.

2005-34
COALITION FOR THE REMEMBERANCE OF ELIJAH
MUHAMMAD DAY

WHEREAS, the Coalition for the Remembrance of Elijah Muhammad (C.R.O.E.) is celebrating their 18th Anniversary Founders’ Day on February 13, 2005; and

WHEREAS, founded in 1987 by Halif Muhammad, Shahid Muslim and Munir Muhammad, all of whom still serve the organization, C.R.O.E. exists to pay tribute to The Honorable Elijah Muhammad, and ensure that his accomplishments and ideas are not forgotten; and
WHEREAS, the Coalition for the Remembrance of Elijah Muhammad continues to be an invaluable institution and an important voice in both the African-American community and among the general public:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 13, 2005 as COALITION FOR THE REMEMBRANCE OF ELIJAH MUHAMMAD DAY in Illinois, and encourage citizens to recognize the organization’s eighteen years of service to Illinois citizens and their ongoing commitment to ensuring the legacy of this influential African-American leader.

Issued by the Governor February 03, 2005.
Filed by the Secretary of State February 03, 2005.

2005-35
HOME EDUCATION WEEK

WHEREAS, the growth and development of school age children is of paramount importance in Illinois, and across the country; and

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and

WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and

WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children’s individual needs; and

WHEREAS, studies show that students who are educated at home typically score at or above the national average on standardized tests. Studies also confirm that children who are educated at home exhibit self-confidence and good citizenship, and are fully prepared academically to meet the challenges of today’s society:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17 – 23, 2005 as HOME EDUCATION WEEK in Illinois, and encourage all citizens to recognize the important role that home education plays in educating our children.

Issued by the Governor February 03, 2005.
Filed by the Secretary of State February 03, 2005.
2005-36
CONVERTING MACHINERY AND MATERIALS DAYS

WHEREAS, in 1978, converting suppliers launched the Converting Machinery and Materials International Conference and Exposition in an effort to attract converting industry professionals in search of the latest and best equipment, materials, and services that could make their operations more successful; and

WHEREAS, today, the biennial Converting Machinery and Materials International Conference and Exposition is the world’s largest showcase and education forum for the global converting and package printing industry; and

WHEREAS, Converting Machinery and Materials International is known for having the most comprehensive, leading-edge program of any show in the industry, with hundreds of companies displaying their latest products and technology; and

WHEREAS, this year, the show’s conference program will include dozens of topics ranging from critical management issues to technical sessions; and

WHEREAS, more than 22,000 converting professionals from over 70 countries are expected to attend the 2005 conference and exposition, to be held at historic McCormick Place in Chicago:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 21, 2005 as CONVERTING MACHINERY AND MATERIALS DAYS in Illinois, and encourage citizens to recognize the value of this industry to our state’s economy.

Issued by the Governor February 03, 2005.
Filed by the Secretary of State February 03, 2005.

2005-33 (REVISED)
DESERT STORM REMEMBRANCE DAY

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country’s ideals of freedom and democracy; and

WHEREAS, fourteen years ago, over 600,000 members of the United States Armed Forces risked their lives in the Persian Gulf to liberate Kuwait during Operation Desert Storm, some making the ultimate sacrifice for their country; and

WHEREAS, the men and women who served in the United States Armed Forces during Operation Desert Storm have earned the gratitude and respect of their nation; and

WHEREAS, the observance of the 14th anniversary of Operation
Desert Storm allows citizens throughout Illinois, and across the country, the opportunity to honor those who served during this conflict for their valor and selflessness:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28, 2005 as DESERT STORM REMEMBRANCE DAY in Illinois, and urge all citizens to honor those who courageously served their country during Operation Desert Storm.

Issued by the Governor February 03, 2005.

Filed by the Secretary of State February 07, 2005.

2005-37
RONALD REAGAN DAY

WHEREAS, Ronald Wilson Reagan was born on February 6, 1911 in Tampico, Illinois. He attended high school in Dixon, Illinois and went on to earn a degree in economics and sociology from Eureka College, where he also played on the football team and acted in theatre productions; and

WHEREAS, Reagan began his career as a radio sports announcer, calling games for the University of Iowa, and later for the Chicago Cubs. In 1937, a screen test won him a contract in Hollywood and over the next two decades, he would appear in 53 feature films; and

WHEREAS, Reagan’s success as an actor, coupled with his strong leadership abilities, earned him the opportunity to serve as President of the Screen Actors Guild. It was in that role that Reagan got his first taste of political life; and

WHEREAS, in 1966, Reagan was elected Governor of California by a one million vote margin and was re-elected to serve a second term in 1970; and

WHEREAS, with eight years of governorship under his belt, Ronald Reagan won the Republican Presidential nomination in 1980 and in November of that year, he went on to defeat incumbent President Jimmy Carter in the General Election to earn the Presidency; and

WHEREAS, on January 20, 1981, Reagan was sworn in as the 40th President of the United States and was re-elected to a second term in 1984. In his eight years in office, President Reagan worked to stimulate economic growth, curb inflation, increase employment, and strengthen national defense. He also made foreign policy a top priority and sought to achieve “peace through strength,” improving relations with the Soviet Union by conducting several meetings with Soviet leader Mikhail Gorbachev, and eventually negotiating a treaty that would eliminate intermediate range nuclear missiles; and

WHEREAS, President Reagan’s great charisma and people skills
allowed him to connect with the nation and earned him the title of “The Great Communicator;” and
WHEREAS, in November of 1994, Reagan publicly announced that he had Alzheimer’s disease. Almost ten years later, on June 5, 2004, he passed away at the age of 93; and
WHEREAS, President Reagan is remembered as a strong and confident leader. He left behind a legacy that will clearly resonate in this country and throughout the world for centuries to come:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 6, 2005 as RONALD REAGAN DAY in Illinois, and encourage all citizens to join in celebrating the life of this accomplished Illinois native on what would have been his 94th birthday.

Issued by the Governor February 04, 2005.
Filed by the Secretary of State February 07, 2005.

2005-38

PEACE CORPS WEEK

WHEREAS, in 1961, President John F. Kennedy established the Peace Corps in hopes of promoting world peace and friendship through volunteer work in developing countries; and
WHEREAS, since it’s inception, more than 170,000 men and women from across the United States, including over six thousand from Illinois, have served as Peace Corps volunteers in 138 different countries; and
WHEREAS, Peace Corps volunteers have made significant contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS, and the environment, and have improved the lives of individuals and communities around the world; and
WHEREAS, Peace Corps volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries; and
WHEREAS, Peace Corps volunteers, enriched by their experiences overseas, have brought to their communities throughout the United States a deeper understanding of other cultures and traditions; and
WHEREAS, the Peace Corps has become an enduring symbol of our nation’s commitment to encouraging progress, creating opportunity, and expanding development at the grass-roots level across the globe:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28 through March 6, 2005 as PEACE CORPS WEEK in Illinois, and encourage all citizens to recognize and appreciate the significant and lasting impact that that these volunteers have made across the
WHEREAS, the arts are the embodiment of all things beautiful and entertaining in the world; and
WHEREAS, the arts enhance every aspect of life in Illinois, improving our economy, enriching our civic life and exerting a profound influence on the education of our children; and
WHEREAS, arts education research shows that the arts help to foster discipline, creativity, imagination, self-expression, and problem solving skills while also helping to develop a heightened appreciation of beauty and cross-cultural understanding; and
WHEREAS, the arts summon the talents and creativity of all citizens, while also serving as a catalyst for economic growth and tourism; and
WHEREAS, since 1978, the Illinois Arts Council has partnered with artists and organizations to show support and encouragement of the arts through a weeklong celebration, while also heightening awareness of the intrinsic role the arts play in our lives:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 16 – 22, 2005 as ILLINOIS ARTS WEEK and urge all citizens to demonstrate their appreciation for the arts and the rich cultural experience it provides for our state.
Issued by the Governor February 10, 2005.
Filed by the Secretary of State February 10, 2005.

2005-40
ESTONIAN INDEPENDENCE DAY

WHEREAS, the Republic of Estonia gained independence in 1918 after withstanding centuries of Danish, Swedish, German and Russian rule, approving the country’s first constitution in 1920; and
WHEREAS, joining the League of Nations in 1921, Estonia strived to maintain good relations with all nations, while dealing with numerous domestic issues, including an attempted coup d’etat by the Russian Bolsheviks and the gradual introduction of authoritarian rule; and
WHEREAS, despite declaring themselves neutral at the outbreak of World War II, Estonia was forced to sign a mutual assistance pact with Moscow in 1939. At the end of the war, 282,000 Estonians had either died
in combat, fled the country or been deported, reducing their population by a full quarter; and

WHEREAS, in 1940, Estonia was forcibly integrated into the Soviet Union, only to be occupied briefly by Germany during World War II, before the Soviets resumed control in 1944; and

WHEREAS, this forced occupation led to decades of repression, in which Estonians struggled to maintain their national identity, before finally coming to an end in 1991 with the collapse of the Soviet Union; and

WHEREAS, on September 2, 1991, the United States of America officially recognized Estonia’s independence, and, by the end of 1991, approximately one hundred nations had also done so. However, it was not until 1994 that the last of the Russian troops evacuated the country, leaving Estonia free to re-establish their diplomatic relations with the world; and

WHEREAS, Americans of Estonian descent are exemplary citizens, who continue to uphold their rich cultural traditions, take pride in their history, promote human rights and seek self-determination for their homeland:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 24, 2005 as ESTONIAN INDEPENDENCE DAY in Illinois in recognition of the country’s 87th Anniversary of Independence.

Issued by the Governor February 14, 2005.
Filed by the Secretary of State February 14, 2005.

2005-41
MUSIC EDUCATION DAY

WHEREAS, music education plays an essential role in the education of students of all ages; and

WHEREAS, music education programs enhance intellectual development and enrich the academic environment for all students. Studies show that students who participate in school music programs are less likely to be involved with drugs, gangs, or alcohol and have better attendance in school; and

WHEREAS, music education programs enrich the lives of all children by fostering discipline, creativity, imagination, self-expression, and problem solving skills. All of these attributes are essential to students’ potential success in school as well as in their future endeavors; and

WHEREAS, the State of Illinois recognizes music education as an essential part of the learning process and supports the existence of this basic art form in the curricula of schools throughout Illinois; and

WHEREAS, Music Education Day at the Capitol is a special
opportunity for all citizens, from students to legislators, to join in support of music education programs in our schools and communities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim, March 2, 2005 as MUSIC EDUCATION DAY in Illinois, and encourage all citizens to recognize the important role that school music programs play in the academic and social development of children.

Issued by the Governor February 16, 2005.
Filed by the Secretary of State February 16, 2005.

2005-42
ENGINEERS WEEK

WHEREAS, according to the Illinois Department of Professional Regulation, there are approximately 20,700 registered professional engineers and 2,300 registered structural engineers in Illinois; and

WHEREAS, the engineering community in Illinois provides the people of this state and across the nation with a wealth of innovations in all fields, including agriculture, transportation, construction and education; and

WHEREAS, engineers are vital to allowing our society to function efficiently, particularly in the areas of public safety, health, welfare, transportation, water, power, communications, structures and environmental engineering; and

WHEREAS, we must depend upon the professional men and women in the field of engineering to find technological solutions to the problems we currently face, and those we might face in the future; and

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 20 – 26, 2005 as ENGINEERS WEEK in Illinois, and encourage all citizens to recognize and appreciate the countless benefits that engineers bring to this state, and to this country as a whole.

Issued by the Governor February 16, 2005.
Filed by the Secretary of State February 16, 2005.

2005-43
SCHOOL HEALTH CENTER AWARENESS MONTH

WHEREAS, the growth and development of school age children is of paramount importance in Illinois, and across the country; and

WHEREAS, Illinois values its children and recognizes the need to provide them with the primary and preventative health care services necessary for their overall well-being; and

WHEREAS, approximately one in seven teenagers has no health insurance, and private health insurance plans often place restrictions on
services for teens; and

WHEREAS, in 1982, school health centers began to emerge in Illinois as a way to provide health services to children and adolescents who would not otherwise have access to those services; and

WHEREAS, today, there are over forty school health centers in Illinois providing accessible, affordable and quality health care and health education to school aged children; and

WHEREAS, research has shown that school health centers contribute to fewer school absences, higher compliance with required immunizations and physical exams, decreased smoking of tobacco and marijuana, fewer hospitalizations and emergency room visits, lower school drop-out rates and a decline in teen pregnancy:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2005 as SCHOOL HEALTH CENTER AWARENESS MONTH in Illinois, and urge all citizens to recognize the role of local school-based and school-linked health centers in improving the lives of young people and their families.

Issued by the Governor February 18, 2005.
Filled by the Secretary of State February 18, 2005.

2005-44

AFFORDABLE HOUSING WEEK

WHEREAS, access to safe and affordable housing is one of the basic necessities of life; and

WHEREAS, over a quarter of all home owners in Illinois pay in excess of thirty percent of their income on housing. This illustrates a housing affordability problem that often results in homelessness; and

WHEREAS, all citizens require stable and affordable housing in order to achieve individual and family success, and it is essential that we have a full range of quality housing options available and accessible to meet the needs of all income groups and special needs populations in communities across the state; and

WHEREAS, recognizing that housing is not just about bricks and mortar, it is crucial that grassroots organizations, non-profit housing professionals, financial institutions, elected officials, state agencies and others join forces to guide and promote affordable housing as fundamental to community and economic health; and

WHEREAS, the talents and efforts of grassroots organizations, non-profit housing professionals, financial institutions, elected officials, state agencies and others must be combined to address the challenge of increasing the amount of affordable housing:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 13 – 19, 2005 as AFFORDABLE HOUSING WEEK in Illinois, and encourage all citizens to recognize and appreciate the need for reasonably priced housing and its impact on our communities.

Issued by the Governor February 18, 2005.
Filed by the Secretary of State February 18, 2005.

2005-45
ILLINOIS STATE HISTORICAL SOCIETY MARKERS AWARENESS WEEK

WHEREAS, history shapes the way we view the present and helps us to understand our place in the world; and
WHEREAS, there are many places in Illinois which are significant sites of local, state, national and world history; and
WHEREAS, visitors to these sites are presented with information regarding historical people, ideas and events that lead to a deeper appreciation of history; and
WHEREAS, increasing visitations at historic sites stimulates beautification, preservation, conservation, tourism and business in Illinois communities, and particularly in the counties where these sites are located; and
WHEREAS, the Illinois State Historical Society, established by the Illinois General Assembly in 1899, has already placed markers at more than four hundred locations around the state to inform residents and tourists of the historical significance of these sites; and
WHEREAS, the Illinois General Assembly, in conjunction with the Illinois State Historical Society, seek to heighten the historical awareness of Illinois residents and visitors by calling attention to these markers and historic sites throughout the state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28 through March 6, 2005 as ILLINOIS STATE HISTORICAL SOCIETY MARKERS AWARENESS WEEK in Illinois, and encourage all citizens to learn about and appreciate the rich history of our state.

Issued by the Governor February 18, 2005.
Filed by the Secretary of State February 18, 2005.

2005-46
MEDICAL LABORATORY WEEK

WHEREAS, the health and well-being of all citizens depends upon
the hard work of individuals with educated minds and skilled hands; and

WHEREAS, medical laboratory professionals, which include pathologists, medical technologists, cytotechnologists, histotechnologists, medical laboratory technicians, histologic technicians, phlebotomists, and other related professionals play a critical role in providing patients with the best possible health care; and

WHEREAS, the role of medical laboratory professionals is to perform and evaluate medical laboratory tests to detect, diagnose, monitor treatment, and help prevent diseases. In addition, they perform tests to identify and detect biohazardous substances; and

WHEREAS, the tireless efforts of these dedicated health care professionals have helped to save countless lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24 – 30, 2005 as MEDICAL LABORATORY WEEK in Illinois, and encourage all citizens to recognize the dedicated men and women who have made a vital contribution to the quality of health care in our state and across the United States.

Issued by the Governor February 18, 2005.

Filed by the Secretary of State February 18, 2005.

2005-47
NUTRITION MONTH

WHEREAS, the problems of obesity and food insecurity are growing issues in Illinois and across the country; and

WHEREAS, it is crucial that we as a state do our part to promote good health and nutrition by encouraging all citizens to practice sound eating habits; and

WHEREAS, according to the Illinois Behavioral Risk Factor Surveillance System, over 37 percent of all Illinois citizens are overweight. At the same time, nearly 8 percent of the state’s population does not have routine access to adequate amounts of food; and

WHEREAS, it is important that people eat neither too much nor too little of any food or nutrient in order to help maintain a healthy lifestyle. Overindulgence in food can result in excess weight and related health complications, while eating too little can lead to numerous nutrient deficiencies and low body mass; and

WHEREAS, the Illinois Department of Human Services, along with the Illinois Interagency Nutrition Council, are joining forces with nutrition professionals in Illinois and throughout the United States to promote good nutrition during the month of March. The theme of this year’s awareness campaign is “Providing Nutrition Education and Improving Access to Food”:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2005 as NUTRITION MONTH in Illinois, and encourage all citizens to support food programs and establish healthy eating habits in hopes of reducing the risk for obesity and preventing hunger.

Issued by the Governor February 18, 2005.
Filed by the Secretary of State February 18, 2005.

2005-48
BLACK HISTORY AWARDS DAY

WHEREAS, throughout the history of the United States, African Americans have made many significant sacrifices, achievements, and contributions to society; and

WHEREAS, in 1976, February was designated as African American History Month in order to honor and promote the history of African Americans. Illinois is proud to celebrate the heritage and achievements of African Americans during this month, as well as throughout the calendar year; and

WHEREAS, on February 28, 1999, Black History Awards Day was established in Memphis, Tennessee as a way to conclude African American History Month and honor the achievements of African Americans from each state, both past and present:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28, 2005 as BLACK HISTORY AWARDS DAY in Illinois and encourage all citizens to learn about the important contributions that African Americans have made to our society.

Issued by the Governor February 22, 2005.
Filed by the Secretary of State February 22, 2005.

2005-49
MONEY SMART WEEK

WHEREAS, the economic progress of our country is dependent upon the financial well-being of its citizens; and

WHEREAS, citizens have many choices on how they may manage their financial affairs, making it important that they educate themselves on the best options available; and

WHEREAS, becoming financially literate can be a long-term process that demands much discipline and intuition. Therefore, many people find it helpful to seek assistance outside of their own home; and

WHEREAS, educational and financial institutions, government entities and community-based organizations can work together to help
consumers make informed choices about their personal finances; and
WHEREAS, improved financial literacy results in a higher standard of living for individuals, and greater community stability:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 23 – 28, 2005 as MONEY SMART WEEK in Illinois, and encourage all citizens to make an effort to increase their financial literacy.
Issued by the Governor February 24, 2005.
Filed by the Secretary of State February 24, 2005.

2005-50
AMERICAN RED CROSS MONTH

WHEREAS, in 1881, the efforts of Clara Barton led to the establishment of the American Red Cross as an organization focused on providing compassionate humanitarian care to all people; and
WHEREAS, since its inception, the American Red Cross has grown into an organization which is uniquely chartered by the United States Congress to act in times of need by providing assistance to persons afflicted by local, state, national or international disasters, as well as to assist American Military personnel and their families; and
WHEREAS, American Red Cross chapters in Illinois train residents on how to prepare for and respond to natural and man-made disasters by teaching the use of First Aid, CPR, and Automated External Defibrillators; and
WHEREAS, the American Red Cross is committed to assuring a safe and adequate blood supply for Illinois and the entire nation by performing blood drives where volunteers are asked to donate so that blood is readily available when needed by members of our communities; and
WHEREAS, through its work, the American Red Cross, an enduring American institution, restores hope at home and throughout the world every day. Furthermore, the vital services of this humanitarian organization would not be possible without generous contributions from the American people:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2005 as AMERICAN RED CROSS MONTH in Illinois, and encourage all Illinois citizens to support the noble efforts of the American Red Cross by giving their time, money, or blood donations to this worthy organization so that it may continue to help our communities in time of need.
Issued by the Governor February 24, 2005.
Filed by the Secretary of State February 24, 2005.
2005-51

CHICAGO BUSINESS OPPORTUNITY DAYS

WHEREAS, the 38th Annual Chicago Business Opportunity Fair will be held March 29-31, 2005; and
WHEREAS, this fair provides minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and
WHEREAS, the fair also assists in advancing the year-round efforts of its sponsor, the Chicago Minority Business Development Council, Inc., an organization devoted to stimulating minority purchasing in Chicago; and
WHEREAS, by promoting opportunities in business, the Chicago Business Opportunity Fair is playing a major role in revitalizing Illinois’ economy; and
WHEREAS, the Minority Business Committee of the Chicago Minority Business Development Council will hold its 27th Annual Awards Program on March 29, 2005, in honor of representatives from both the public and private sector who have contributed significantly to the growth and development of minority suppliers:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 29 - 31, 2005 as CHICAGO BUSINESS OPPORTUNITY DAYS in Illinois, and encourage all citizens to recognize the importance of supplier diversity in today’s global business arena.

Issued by the Governor February 25, 2005.
Filed by the Secretary of State February 25, 2005.

2005-52

GREAT AMERICAN WEIGH IN DAY

WHEREAS, obesity is one of the nation’s fastest rising public health problems; and
WHEREAS, according to the Illinois Behavioral Risk Factor Surveillance System, over 37 percent of all Illinois citizens are overweight; and
WHEREAS, obesity has been linked to heart disease and diabetes for many years. Now, the American Cancer Society has found that obesity can also lead to an increased risk of cancer; and
WHEREAS, Weight Watchers International and the American Cancer Society joined forces in 2003 to establish the Great American Weigh In as a way to encourage people to eat healthy, become more active, and maintain a healthy weight to reduce their risk of obesity and cancer; and
WHEREAS, this year’s Great American Weigh In will take place on
March 2, at Weight Watchers locations nationwide. On this day, body mass index screenings and information on cancer prevention and weight control will be offered free of charge to the public:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2, 2005 as GREAT AMERICAN WEIGH IN DAY in Illinois, and encourage all citizens to learn about the benefits of regular exercise and a healthy diet.

Issued by the Governor February 25, 2005.
Filed by the Secretary of State February 25, 2005.

2005-53
NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY

WHEREAS, the National Association of Women Business Owners (NAWBO) maintain more than 90 chapters in the United States; and

WHEREAS, the Chicago Area Chapter is among the largest with more than 600 members representing businesses in all major industrial, service, and retail sectors; and

WHEREAS, since 1978, Chicago NAWBO has provided women business owners with leadership, education, procurement, and networking opportunities. It also serves as a voice for its members on economic, social, and public policy issues; and

WHEREAS, currently, there are over 450,000 women business owners in Illinois, with 70 percent of these businesses in the Chicagoland area; and

WHEREAS, NAWBO is an organization with a customer first philosophy that: strengthens the wealth creating capacity of its members and promotes economic development, creates innovative and effective changes in the business culture, builds strategic alliances, coalitions and affiliations, and transforms public policy and influences opinion makers; and

WHEREAS, NAWBO represents and gives women opportunities to expand and excel in the business world:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 21, 2005 as the NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY in Illinois, and encourage all citizens to commemorate its 27 years of service to all women entrepreneurs.

Issued by the Governor February 25, 2005.
Filed by the Secretary of State February 25, 2005.
2005-54
WOMEN VETERANS RECOGNITION MONTH

WHEREAS, throughout history, women have displayed their patriotism by courageously serving in the various branches of the United States Armed Forces; and
WHEREAS, although women did not officially receive permanent military status until President Harry Truman signed the Women’s Armed Services Integration Act in 1948, they have served and distinguished themselves in times of peace as well as during every major conflict since the birth of our great nation; and
WHEREAS, prior to 1948, women served in numerous support roles both on and off the battlefields in such capacities as nurses, saboteurs, cooks, mechanics, clerks, telephone operators, and drivers; and
WHEREAS, today, there are approximately 350,000 women, or almost 15 percent of the active duty, reserve and guard units, enlisted in the various branches of the United States Armed Forces; and
WHEREAS, the State of Illinois is proud to participate in the “Salute to Women Veterans” throughout the month of March, to acknowledge the numerous sacrifices and accomplishments made by the brave women who have served their country through military service:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2005 as WOMEN VETERANS RECOGNITION MONTH in Illinois, and encourage all citizens to honor those women veterans who have courageously served their country.
Issued by the Governor February 25, 2005.
Filed by the Secretary of State February 25, 2005.

2005-25 (REVISED)
FINANCIAL AID/ADMISSION AWARENESS MONTH

WHEREAS, the State of Illinois places great emphasis on the importance of educating our young people. With that in mind, students who choose to further their education through secondary schooling are amongst the State’s highest priorities; and
WHEREAS, the Illinois Student Assistance Commission (ISAC) was created in 1957 to enable students in Illinois to realize their dreams of attending an institution of higher education, without having to worry about related financial burdens; and
WHEREAS, ISAC offers a comprehensive array of assistance, outreach, and informational programs that educate parents and students alike on the different kinds of assistance the state of Illinois offers; and
WHEREAS, one of their most popular financial aid programs is the Monetary Award Program (MAP) which offers grants to Illinois students that demonstrate financial need. ISAC also offers the College Illinois! program which allows parents to prepay tuition at current tuition rates; and

WHEREAS, ISAC, the Illinois Association of Student Financial Aid Administrators, Inc., and the Illinois Association for College Admission Counseling are conducting a series of informational programs to boost awareness, among both parents and students, concerning college admissions and financial aid resources. Throughout the month of February, these groups will be holding workshops that will focus on simplifying the financial aid process for current and prospective students. Counselors will be available to help fill out forms for a myriad of financial aid including the Free Application for Federal Student Aid (FAFSA), federal Pell Grants, and Illinois MAP grants; and

WHEREAS, my administration has taken great steps toward making tuition for higher education affordable for everyone, and we are proud to join ISAC in that ongoing mission. In 2003, I signed a law that made state universities lock in tuition rates for entering Illinois freshmen. This allows families to pay the same rate for all four years of college helping to keep the cost of higher education manageable:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2005 as FINANCIAL AID/ADMISSIONS AWARENESS MONTH in Illinois, and encourage students and parents to take advantage of the great services ISAC provides to the people of Illinois.

Issued by the Governor February 28, 2005.
Filed by the Secretary of State February 28, 2005.

2005-55
ILLINOIS STATE DAY AT WASHINGTON NATIONAL CATHEDRAL

WHEREAS, on September 29, 1907, construction began on what was to become one of the largest and most immaculate cathedrals in the United States. Although it opened for operation just a few years after the foundation was laid, it was not until 83 years later to the day that the final touches were put on the west towers, marking the official completion of the Washington National Cathedral; and

WHEREAS, the Washington National Cathedral was officially opened for services in 1912, and since then, daily services have been held for citizens in and around the nation’s capitol, and for travelers from all across the globe; and

WHEREAS, since it’s inception, the Washington National Cathedral
has opened its doors to people of all faiths as they have gathered to worship and pray, to mourn the passing of world leaders, and to confront the pressing moral and social issues of the day; and

WHEREAS, some significant events that have taken place at Washington National Cathedral throughout the years include: Reverend Dr. Martin Luther King’s final Sunday sermon in 1968; President Dwight D. Eisenhower’s funeral in 1969; and President George W. Bush’s National Prayer and Remembrance service in 2001 honoring the victims of the September 11 terrorist attacks; and

WHEREAS, each month, the Washington National Cathedral takes time to pay tribute to the people and elected leadership of a particular state. This celebration affords all citizens the opportunity to recognize the many contributions the people of that state have made to the continued prosperity of the Cathedral, and to the nation as a whole; and

WHEREAS, for the month of March 2005, Illinois has been selected as the honored state, and on March 6, 2005, Illinois State Day will be held at the Cathedral to officially kick off the commemoration; and

WHEREAS, we here in Illinois are proud to be recognized by the Washington National Cathedral in this special way, and we are honored to join the National Cathedral Association in recognizing all of the great Illinoisans throughout history who have made significant contributions to this country in a wide variety of arenas:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 6, 2005 as ILLINOIS STATE DAY AT WASHINGTON NATIONAL CATHEDRAL, and encourage all citizens in Illinois and across the country to join in this vibrant and spirited celebration.

Issued by the Governor February 28, 2005.
Filed by the Secretary of State February 28, 2005.

2005-56
EXTENTION LIVING WELL WEEK

WHEREAS, the health and well-being of the family unit is vitally important to the functioning of the nation in providing adults and youth the necessary skills and knowledge to help them achieve the best quality of life possible; and

WHEREAS, the University of Illinois Extension is part of the nationwide Cooperative Extension educational system of university researchers, educators, and staff dedicated to the education of all people; and

WHEREAS, Illinois Extension Association of Family and Consumer Sciences (IEAFCS) members provide educational programs in nutrition, healthy lifestyles, food safety, family life, parenting, financial well-being,
and environmental health, which help enable Illinois citizens to lead full and productive lives; and

WHEREAS, proclaiming a week to honor IEAFCS professionals is a fitting tribute to the hard work and dedication of these men and women who provide education that is critical to the quality of life of the adults, youth, and families of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 13 – 19, 2005 as EXTENSION LIVING WELL WEEK in Illinois, and encourage all citizens to take advantage of the educational opportunities that University of Illinois Extension researchers, educators and staff offer throughout the state.

Issued by the Governor February 28, 2005.
Filed by the Secretary of State February 28, 2005.

2005-57
LET FREEDOM RING DAY

WHEREAS, for centuries, great occasions have been marked by the ringing of bells; and

WHEREAS, when America's Independence was proclaimed in Philadelphia in 1776, the Liberty Bell rang to summon the citizenry for the first public reading of the Declaration of Independence; and

WHEREAS the adoption of this historic document marked the birth of the United States of America as a free and independent nation; and

WHEREAS, in 1963, the Congress of the United States resolved that the anniversary of the signing of the Declaration of Independence should be observed each year by the ringing of bells throughout the United States at 2 o’clock in the afternoon, eastern standard time, on the 4th day of July; and

WHEREAS, Illinois is proud to participate in this nationwide bell ringing ceremony to celebrate the freedoms granted to all citizens by our founding fathers:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 4, 2005 as LET FREEDOM RING DAY in Illinois, and encourage citizens throughout our state to participate in the observance of the national bell ringing ceremony.

Issued by the Governor March 03, 2005.
Filed by the Secretary of State March 03, 2005.

2005-58
NATIONAL VOLUNTEER WEEK

WHEREAS, the hard work and determination of American citizens
continue to be among our nation’s greatest resources; and
WHEREAS, one person can effect a positive change with just a single volunteer action, no matter how big or small; and
WHEREAS, the basis for a safe and productive nation is the willingness of citizens to work together, without prejudice, to find solutions to the everyday struggles of our society; and
WHEREAS, the United States is blessed with men and women who selflessly dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and
WHEREAS, in Illinois, my Commission on Volunteerism and Community Service strives to improve our communities by supporting volunteer and community service efforts throughout the state; and
WHEREAS, the annual observance of National Volunteer Week allows all citizens the opportunity to recognize and thank the compassionate and caring nature of our citizens:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17 – 23, 2005, as NATIONAL VOLUNTEER WEEK in Illinois, and urge all citizens to promote the spirit of volunteerism in our families and communities by expressing their gratitude to the noble volunteers across our state.

Issued by the Governor March 03, 2005.
Filed by the Secretary of State March 03, 2005.

2005-59
FLAGS AT HALF-STAFF FOR MILITARY RECOGNITION

WHEREAS, due to our current military conflicts, the brave men and women of the United States Armed Forces are working diligently overseas to ensure our national security and make our world a safer place to live; and
WHEREAS, it is a great tragedy when a member of the Armed Forces is killed in the line of duty, and therefore it is important that we, as a state, pay tribute to the soldiers from Illinois who have paid the ultimate sacrifice for their country; and
WHEREAS, under Paragraph (a) of Section 2 of Article XII of the Illinois Constitution, the Governor is commander-in-chief of Illinois’ organized militia; and
WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 USC 7, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the Governor may proclaim that the flag of the United States of America be flown at half-staff:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
do hereby order from this day forward that all state facilities fly the flag of the United States of America at half-staff on the day of the funeral of every Illinois National Guard member and every Illinois resident serving in the United States Armed Forces that is killed in the line of duty, and that the flags be raised back to full-staff on the following day.

Issued by the Governor March 04, 2005.
Filed by the Secretary of State March 04, 2005.

2005-60
JEWSHERITAGE DAY

WHEREAS, throughout our nation’s history, sports have served as a forum for combating prejudice and racism by illustrating the ability of men and women from different backgrounds to come together and work toward a common goal; and

WHEREAS, the Jewish Sports Hall of Fame is dedicated to honoring the long list of Jewish sports legends who have helped dissolve social stereotypes and prejudice through their accomplishments in the athletic world; and

WHEREAS, the Jewish Sports Hall of Fame focuses public attention on the outstanding contributions of Jewish men and women in professional sports; and

WHEREAS, Illinois joins with the directors of the Jewish Sports Hall of Fame in expressing our great admiration for the contributions made by Jewish men and women in professional sports throughout the country:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 3, 2005 as JEWISH SPORTS HERITAGE DAY in Illinois, and encourage all citizens to recognize Jewish athletes, coaches, broadcasters, and executives who have distinguished themselves in the world of sports and earned the respect of a nation.

Issued by the Governor March 04, 2005.
Filed by the Secretary of State March 04, 2005.

2005-61
DIVERSITY EMPLOYMENT DAY

WHEREAS, a diverse workplace, where all employees are ensured equal opportunities for success, is an economic necessity; and

WHEREAS, the communities of Illinois look to do business with and support those organizations that best reflect their diversity; and

WHEREAS, the Diversity Employment Day Career Fair for Chicago and Illinois will bring together Illinois’ major employers with thousands of
qualified diversity professionals; and

WHEREAS, the Diversity Employment Day Career Fair will offer employment opportunities and career guidance for professionals in accounting, administration, healthcare, hardware and software engineering, finance, information technology, law enforcement, management, marketing, sales, network, data and telecommunications; and

WHEREAS, this annual event will feature a ribbon cutting ceremony that coincides with the presentation of the “Diversity Spirit Achievement Award” to three outstanding supporters of diversity in government, community, the corporate world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 8, 2005 as DIVERSITY EMPLOYMENT DAY in Illinois, and congratulate all participants for recognizing the business and social value in employing a diverse workforce.

Issued by the Governor March 04, 2005.
Filed by the Secretary of State March 04, 2005.

2005-62
NATIONAL ATHLETIC TRAINERS MONTH AND CERTIFIED ATHLETIC TRAINERS DAYS

WHEREAS, quality health care is vital for all individuals involved in physical activity; and

WHEREAS, certified athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on knowledge and skills acquired through their nationally regulated educational processes; and

WHEREAS, these educated and responsible men and women’s duties include the prevention, evaluation, treatment, and rehabilitation of injuries caused during athletic activities; and

WHEREAS, due to the proven success rates of certified athletic trainers in Illinois, more people are partaking in physical activities with the knowledge that if they do become injured, there are quality trainers who can assist with rehabilitation; and

WHEREAS, for their continued commitment to providing quality care and injury prevention to the physically active, the State of Illinois recognizes certified athletic trainers as an integral part of our health care system:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2005 as NATIONAL ATHLETIC TRAINERS MONTH and March 10 – 19, 2005 as CERTIFIED ATHLETIC TRAINERS DAYS in Illinois, and encourage all citizens to learn more about
2005-63
ILLINOIS MUSEUM DAY

WHEREAS, museums have long been places where cultural and natural history have been preserved for all people to appreciate; and
WHEREAS, museums provide unique educational opportunities because they serve as portals to the past by preserving and studying important artifacts and providing special programs, exhibits and activities which enhance the public knowledge of history, the arts, science, and industry. This allows people of all ages to learn about the past, examine the present and look to the future; and
WHEREAS, Illinois museums serve as economic engines for our state by providing employment for thousands of our citizens and attracting tourists from across the country; and
WHEREAS, on March 9th, museums from across the state will set up exhibits in the capitol rotunda to raise awareness of the important role museums play in our society:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 9, 2005 as ILLINOIS MUSEUM DAY and encourage all citizens to recognize the importance of preserving these valuable institutions.
Issued by the Governor March 08, 2005.
Filed by the Secretary of State March 08, 2005.

2005-64
DANCE MARATHON WEEKEND

WHEREAS, Northwestern University’s Dance Marathon is one of the largest student-run philanthropic groups in the world, where dancers raise money starting in the fall and the fundraising efforts culminate with thirty hours of dancing in March; and
WHEREAS, in its 31st year, Dance Marathon 2005 is primarily benefiting the Juvenile Diabetes Research Foundation, and in the past, primary beneficiaries have received nearly half a million dollars; and
WHEREAS, twelve committees work all year to prepare for the five hundred dancers who participate during the big weekend; and
WHEREAS, carnivals, a 5K run along Lake Michigan, pageants, and other related activities also take place during Dance Marathon, attracting 15,
000 visitors to Norris University Center:

THEREFORE, I Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4 – 6, 2005, as DANCE MARATHON WEEKEND in the State of Illinois and applaud the dedication of each dancer.

Issued by the Governor March 09, 2005.
Filed by the Secretary of State March 09, 2005.

2005-65
ARTS IN EDUCATION SPRING CELEBRATION MONTHS

WHEREAS, arts are the personification of beauty in the world, and help to preserve our cultural heritage; and

WHEREAS, the State of Illinois declares that arts education, which includes dance, drama, music and visual arts, plays an essential role in the education of all students, providing them with a balanced education that will aid in developing their full potential; and

WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and furthermore, they are committed to supporting the development and promotion of fine and applied arts programs; and

WHEREAS, the Arts in Education Spring Celebration, an annual event, is held at the Peoria County Courthouse Plaza and provides a venue for students in grades pre-Kindergarten through 12 to showcase their works and talents; and

WHEREAS, this year, the Arts in Education Spring Celebration will be held April 18th through May 27th and will mark the 20th anniversary of this event; and

WHEREAS, the State of Illinois resolutely supports events such as the Arts in Education Spring Celebration, and commends the students and teachers who work to bring the beauty of art to this great state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April and May 2005 as ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois and encourage all citizens to recognize the benefits of arts programs in our schools.

Issued by the Governor March 10, 2005.
Filed by the Secretary of State March 10, 2005.
2005-66
POSTPARTUM DEPRESSION AWARENESS MONTH

WHEREAS, the birth of a baby can be one of the biggest and happiest events in a woman's life. However, at the same time, life with a new baby can be hard and stressful; and
WHEREAS, women experience many physical and emotional changes while pregnant and after giving birth. These changes can leave new mothers feeling sad, anxious, afraid, or confused; and
WHEREAS, the “baby blues” is an extremely common reaction occurring in women during the first few days after delivery, which results in sudden mood swings, sadness, and anxiety. Usually appearing suddenly on the third or fourth day, it can affect up to 80 percent of women who have just given birth and can last only a few hours or as long as one to two weeks; and
WHEREAS, problems arise when women who have recently given birth experience reactions that exceed that of “baby blues.” Postpartum depression, which has symptoms similar to the “baby blues” only stronger, may affect a woman’s ability to function. Postpartum psychosis, an even more serious reaction to childbirth, is a very serious mental illness that can cause women to lose touch with reality; and
WHEREAS, treatment varies for disorders associated with depression after delivery, depending on the type and severity of symptoms. A woman experiencing any of the symptoms described should immediately contact a health care professional:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as POSTPARTUM DEPRESSION AWARENESS MONTH in Illinois, and encourage all citizens to become cognizant of the symptoms and the seriousness of this disorder.

Issued by the Governor March 10, 2005.
Filed by the Secretary of State March 10, 2005.

2005-67
CENTER ON HALSTED DAY

WHEREAS, this is the 16th year of the Human First gala celebration; and
WHEREAS, Center on Halsted will be a multi-purpose, multi-functional facility for the lesbian, gay, bisexual, and transgender (LGBT) community of Chicago and the Midwest; and
WHEREAS, all the historical perspective of a successful 32-year-old social services agency (Horizons Community Services) is being brought to bear as the Center celebrates a new board of directors, expanded staffing, and
an increased program focus in three major areas – youth, mental health, and community programming; and

WHEREAS, in a safe and nurturing environment, Center on Halsted will serve as a catalyst that links and provides community resources and enriches life experiences; and

WHEREAS, the Center will empower individuals to live full, healthy, and integrated lives, and will help to strengthen the community by respecting all differences, celebrating diversity and fostering collaborative responses to community needs; and

WHEREAS, the life-saving dream of the Center on Halsted is being realized through the generosity of the City, the community, and the neighborhood:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2005, as CENTER ON HALSTED DAY in Illinois, and encourage citizens to join in recognizing the terrific efforts that the Center on Halsted puts forth in service to the LGBT community of Chicago and the Midwest.

Issued by the Governor March 10, 2005.
Filed by the Secretary of State March 10, 2005.

2005-68
4-H DAY

WHEREAS, in the late 1890’s and early 1900’s, 4-H programs began to form across the United States to provide the youth of our country with a strong agricultural education; and

WHEREAS, throughout the years, the overall objectives of 4-H have remained the same: the development of youth as individuals and as responsible and productive citizens; and

WHEREAS, the 4-H program makes an effort to complement the formal education, experiences, and skills that young people have already acquired through their homes, schools, and religious organizations, with action-oriented and practical educational experiences; and

WHEREAS, more than 25,000 caring, nurturing adults work together with 4-H youth in family and community environments to create real life learning laboratories that help youth practice skills they need today and will continue to use in the future; and

WHEREAS, today, 4-H is the largest youth organization in the State of Illinois, challenging nearly 300,000 Illinois youth and adults with unique “hands on” learning each year; and

WHEREAS, many Illinois 4-H members and their parents will attend Legislative Connection IX, an all-day event geared towards educating 4-H
youth on the legislative process:
   THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 16, 2005 as 4-H DAY in Illinois, and urge the citizens of Illinois to salute the rich traditions of Illinois 4-H club work and the outstanding accomplishments of Illinois 4-H members and leaders.
   Issued by the Governor March 10, 2005.
   Filed by the Secretary of State March 10, 2005.

2005-69
WORLD TB DAY

   WHEREAS, one-third of the world’s population is infected with tuberculosis (TB), an airborne communicable disease; and
   WHEREAS, 10 percent of those infected with tuberculosis will develop TB disease in their lifetime; and
   WHEREAS, each year, more than 8 million people around the world will develop TB disease and more than 2 million will die from the disease; and
   WHEREAS, in Illinois, TB disease affects more than 5 of every 100,000 people, a rate slightly lower than the national average due to aggressive TB control programs at state and local health department levels; and
   WHEREAS, those at higher risk for progressing from TB infection to disease are individuals with HIV and other medical conditions that comprise the immune system, persons recently infected with the TB bacillus, those with a history of inadequately treated TB, and persons who inject illicit drugs; and
   WHEREAS, World TB Day commemorates the discovery of the TB bacillus by Dr. Robert Koch in 1882 and focuses attention on the fact that TB is a highly curable disease that still affects millions of people worldwide:
   THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 24, 2005, as WORLD TB DAY in Illinois, and urge all citizens to increase their awareness and understanding of TB infection and disease and to join the global effort to stop the spread of this disease.
   Issued by the Governor March 10, 2005.
   Filed by the Secretary of State March 10, 2005.

2005-70
SEED MONTH

   WHEREAS, the abundance of Illinois’ crops rely on fertile soil,
diligent farmers, and high quality seeds; and

WHEREAS, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and

WHEREAS, agriculture and the seed industry significantly contribute to our state’s economy with value-added products marketed throughout the world; and

WHEREAS, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, which is the state’s official seed-certifying agency, and an independent, nonprofit organization; and

WHEREAS, in cooperation with educational and regulatory agencies, the Illinois Seed (Trade) Association has sustained an informed membership, the latest research developments, the production of high-quality seed, and has developed an effective seed program advocating pertinent legislation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as SEED MONTH in Illinois in appreciation of the seed industry’s contribution to supplying food and fiber to the world through the production of Illinois crops.

Issued by the Governor March 11, 2005.

Filed by the Secretary of State March 11, 2005.

2005-71

ARMENIAN MARTYRS DAY

WHEREAS, the Armenian community, as well as the global community, remembers the Armenian Genocide, which occurred 90 years ago; and

WHEREAS, during this tragic historical period between the years of 1915 and 1923, Armenians were forced to witness the genocide of their loved ones, and the loss of their ancestral homelands; and

WHEREAS, this extermination and forced relocation of over 1.5 million Armenians by the Ottoman Turks is recognized every year; and

WHEREAS, Armenians continue to be a people full of hope, courage, faith and pride in their heritage, working together to rebuild a firm foundation for Armenia; and

WHEREAS, many of the fifteen-thousand Armenian-Americans in Illinois are descendents or survivors of the Armenian genocide, and have been forthright in their efforts to preserve their culture, heritage and language, while contributing much to our state and our nation’s diverse society and economy; and
WHEREAS, both recognition and education concerning past atrocities such as the Armenian Genocide is crucial in the prevention of future crimes against humanity:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24, 2005 as ARMENIAN MARTYRS DAY in Illinois, in honor of the 90th Anniversary of the Armenian Genocide.

Issued by the Governor March 11, 2005.
Filed by the Secretary of State March 11, 2005.

2005-72
BRAIN AWARENESS WEEK

WHEREAS, each year, millions of Americans are affected by diseases and conditions of the brain and nervous system; and

WHEREAS, in Illinois, thousands of people are diagnosed with devastating disorders of the brain each year. These disorders include: Alzheimer’s, schizophrenia, autism and communication disorders, all of which cause considerable pain, suffering, and loss of quality of life for those afflicted as well as their families; and

WHEREAS, currently, we are reaching a new era of discovery based on the rapid progress that is being made in the study of the brain and the powerful new tools available to neuroscientists. These technological advances promise relief to Illinois citizens suffering from devastating brain disorders; and

WHEREAS, organizations including scientific institutions, patient advocacy groups, universities, teaching hospitals, government agencies, service groups, and schools have joined together in a unique partnership to raise public awareness of the benefits of brain research:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 14 – 20, 2005 as BRAIN AWARENESS WEEK, and encourage all citizens to recognize the importance of brain research to the quality of life of all men and women.

Issued by the Governor March 15, 2005.
Filed by the Secretary of State March 15, 2005.

2005-73
MARCH FOR MEALS MONTH

WHEREAS, it is imperative that we as a nation do our part to promote good health and nutrition by encouraging all citizens to practice sound eating habits; and

WHEREAS, in March 1972, the reauthorization of the federal Older
Americans Act funded a system to provide nutrition services to the elderly citizens of our nation; and

WHEREAS, since that time, senior nutrition programs in Illinois and throughout the United States have provided healthy, nutritious meals to literally millions of seniors; and

WHEREAS, senior nutrition programs strive to provide nutrition services to the elderly, whether they can travel to a designated location or require home delivery of their meals; and

WHEREAS, senior nutrition programs are community-based and rely on the support of the community and the community’s resources, both human and financial, in order to achieve their goals; and

WHEREAS, the number of individuals in need of senior nutrition services is increasing as the size of our elderly population grows, making community support of senior nutrition programs crucial in order to meet the increase in demand; and

WHEREAS, senior nutrition programs across Illinois and throughout the United States are participating in a national March for Meals campaign in order to increase public awareness of the work and needs of senior nutrition programs. The campaign is also designed to raise funds and recruit volunteers to assist in the delivery of meals and other nutrition services:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2005 as MARCH FOR MEALS MONTH in Illinois, and encourage all citizens to recognize and support the vital services that senior nutrition plans provide the elderly citizens of our state.

Issued by the Governor March 15, 2005.
Filed by the Secretary of State March 15, 2005.

2005-74
ANESTHESIA TECHNOLOGIST AND TECHNICIAN DAY

WHEREAS, the health and well-being of our citizens depends upon educated minds and skilled hands; and

WHEREAS, anesthesia technologists and technicians are valuable members of medical teams that assist in the formulation and implementation of an anesthesia care plan for patients; and

WHEREAS, these dedicated professionals may provide support by assisting in the preparation and maintenance of patient equipment and anesthesia delivery systems before and during anesthesia. In addition, they may also clean, sterilize, disinfect, stock, order and maintain the routine anesthesia equipment; and

WHEREAS, we should commend anesthesia technologists and technicians for their commitment to the care and well-being of all people
through the vital service they provide:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 31, 2005 as ANESTHESIA TECHNOLOGIST AND TECHNICIAN DAY in Illinois, and encourage all citizens to be cognizant of the important service these workers provide for the healthcare industry, and for the people of Illinois.

Issued by the Governor March 15, 2005.
File by the Secretary of State March 15, 2005.

2005-75
AMERICAN EX-PRISONERS OF WAR RECOGNITION DAY

WHEREAS, since the birth of this great nation, America has been blessed with a population of brave men and women who courageously answered the call to defend their country’s ideals of freedom and democracy; and

WHEREAS, many of the brave Americans who answered their countries call to service were captured by hostile forces or listed as missing while performing their duties; and

WHEREAS, despite strict rules and regulations set forth by international codes, American Prisoners of War have often suffered unconscionable treatment and many have died as a result of cruel and inhumane acts by their enemy captors; and

WHEREAS, these heroic soldiers have demonstrated their love and convictions in the people and freedoms of this country by enduring these tragedies, and in some unfortunate cases by making the ultimate sacrifice; and

WHEREAS, the State of Illinois is proud to acknowledge and commend the sacrifices of America’s prisoners of war and their families for displaying remarkable courage in the face of horrific adversity:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2005 as AMERICAN EX-PRISONERS OF WAR RECOGNITION DAY in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered the hardships of enemy captivity.

Issued by the Governor March 16, 2005.
File by the Secretary of State March 16, 2005.

2005-76
AUTISM AWARENESS MONTH

WHEREAS, autism, a developmental disorder, is the third most
common developmental disability in the United States, affecting nearly half a million people; and

WHEREAS, autism is a spectrum disorder where symptoms and characteristics may present themselves in a variety of combinations, from mild to severe. This complex and lifelong developmental disability can result in significant impairment of an individual’s ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and

WHEREAS, autism is the result of a neurological disorder that affects the normal functioning of the brain, and generally manifests during the first 3 years of life. The disorder is four times more likely in males than in females, but can affect anyone, regardless of race or ethnicity; and

WHEREAS, although autism was first identified in 1943, it remains a relatively unknown disability. A majority of the public, including many professionals in the medical, educational, and vocational fields are still unaware of the best methods to diagnose and treat the disorder; and

WHEREAS, although there is no cure for autism at this time, doctors, therapists, and educators can help children and adults with autism overcome or adjust to many difficulties. Accurate, early diagnosis and the resulting appropriate education and intervention are vital to the future growth and development of individuals afflicted with this disorder; and

WHEREAS, Illinois is honored to take part in the annual observance of Autism Awareness Month in order raise public awareness of autism in the hope that it will lead to a better understanding of the disorder:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as AUTISM AWARENESS MONTH in Illinois, and encourage all citizens to work together to ensure that individuals with autism are accurately diagnosed and appropriately treated throughout their lives.

Issued by the Governor March 16, 2005.
Filed by the Secretary of State March 16, 2005.

MINORITY HEALTH MONTH

WHEREAS, it is important that the United States has a strong and successful health care system that benefits all citizens equally regardless of race, gender, and ethnicity; and

WHEREAS, significant health disparities, including differences in the incidence, prevalence, and mortality rate exist among minority groups for preventable health conditions and diseases like cancer, cardiovascular disease, stroke, diabetes, HIV/AIDS, and infant mortality; and
WHEREAS, although the health status of all Illinois citizens has improved over the last decade, there is still work to be done to ensure that all men and women receive the care necessary to eliminate health disparities among our minority populations; and

WHEREAS, in 2000, the Surgeon General proposed 10-year health objectives for the nation entitled Healthy People 2010, which included a focus on the elimination of health disparities among different segments of the population. As a result of these objectives, National Minority Health Month was created to raise public awareness of the need to eliminate health disparities in our nation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as MINORITY HEALTH MONTH in Illinois, and encourage all citizens to be cognizant of the need to improve the health and well being of all citizens.

Issued by the Governor March 17, 2005.
Filed by the Secretary of State March 17, 2005.

2005-78
JAZZ APPRECIATION MONTH

WHEREAS, music transcends time and provides a soundtrack to our lives, helping to spark memories of past events and past emotions; and

WHEREAS, no single musical genre defines the United States better than Jazz. The United States is known as a cultural melting pot because the American identity was forged from the influences of its diverse population. Jazz music, a unique musical form that combined tribal African drum beats and Western European musical structure, illustrates the interaction of cultures in our society; and

WHEREAS, jazz has produced some of America’s leading creative artists and ranks as one of America’s greatest exports to the world; and

WHEREAS, jazz has inspired dancers, choreographers, poets, novelists, filmmakers, classical composers, and musicians in many other kinds of music; and

WHEREAS, America’s jazz heritage deserves to be appreciated as broadly as possible and should be part of the education of both America’s children and adults; and

WHEREAS, the State of Illinois honors and recognizes the outstanding work of jazz artists, educators, and enthusiasts throughout the state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as JAZZ APPRECIATION MONTH in Illinois, and encourage all citizens to pay tribute to jazz as both a historic and
living art form.
Issued by the Governor March 17, 2005.
Filed by the Secretary of State March 17, 2005.

2005-79
SEXUAL ASSAULT AWARENESS MONTH

WHEREAS, sexual assault is one of the most horrendous crimes in our society today, with victims often suffering lifelong pain from physical injury and serious emotional trauma; and
WHEREAS, nationwide, one in three girls and one in six boys will become a victim of some form of sexual abuse before the age of 18; and
WHEREAS, in Illinois, 5,853 sexual assaults were reported to law enforcement in 2003. However, in reality the number of assaults is higher because it is estimated that less then half are reported; and
WHEREAS, it is important to recognize the dedication and contributions of the individuals who provide services to victims of sexual abuse and work to increase the public understanding of this problem; and
WHEREAS, education about the crimes of sexual assault, sexual abuse, sexual harassment and their impact is essential to end sexual violence and advance equality, safety, and respect among all individuals:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as SEXUAL ASSAULT AWARENESS MONTH in Illinois, and encourage all citizens to join together to prevent sexual assault and ensure a life free from harm for the residents of our state.
Issued by the Governor March 17, 2005.
Filed by the Secretary of State March 17, 2005.

2005-80
CHILD ABUSE PREVENTION MONTH

WHEREAS, no child should have to endure mistreatment or abuse, especially at the hands of an adult. However, the unfortunate truth is that far too often children are abused and neglected by the very people that should protect and care for them; and
WHEREAS, studies show that child abuse and neglect can ruin children’s lives by making them more likely to drop out of school, suffer from drug and alcohol abuse, and ultimately become abusers themselves; and
WHEREAS, discovering solutions to child abuse and neglect requires the involvement and collaboration of citizens, organizations, and government throughout Illinois; and
WHEREAS, it is important that society learns to recognize the
warning signs that a child might be abused or neglected. These include: nervousness around adults; aggression toward children or adults; frequent or unexplained bruises or injuries; low self-esteem; and poor hygiene; and

WHEREAS, in Illinois, effective child abuse prevention programs have contributed to a decline in reports of child abuse and neglect, from 139,720 reports in Fiscal Year 1995 to 104,258 reports in Fiscal Year 2004; and

WHEREAS, child abuse prevention programs in Illinois are effective because of partnerships created by the Illinois Department of Children and Family Services, Prevent Child Abuse-Illinois, Parents Share & Care of Illinois, and other government entities, social service agencies, schools, religious organizations, law enforcement agencies, businesses and individual citizens:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as CHILD ABUSE PREVENTION MONTH in Illinois, and encourage all citizens to support child abuse prevention programs and report suspected cases of abuse to the Illinois Child Abuse Hotline at 1 (800) 25-ABUSE.

Issued by the Governor March 17, 2005.
Filed by the Secretary of State March 17, 2005.

2005-81
NATIONAL BLACK POLICE ASSOCIATION DAYS

WHEREAS, every man and woman in the United States deserves fair, just, and effective treatment from the criminal justice system; and

WHEREAS, in November 1972, the National Black Police Association (NBPA) was chartered as a not-for-profit corporation in the State of Illinois; and

WHEREAS, the NBPA serves as a mechanism to recruit minority police officers on a national scale and strives to improve the relationship between Police Departments as institutions and the community as a whole; and

WHEREAS, the NBPA also is focused on reforming the criminal justice system in order to eliminate police corruption, police brutality, and racial discrimination; and

WHEREAS, the State of Illinois applauds the NBPA’s efforts to improve law enforcement agencies in the state by pursuing reform and educating police officers on how to perform their duties professionally and compassionately:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 21 – 23, 2005 as NATIONAL BLACK POLICE
ASSOCIATION DAYS in Illinois, and encourage all citizens to be cognizant of the National Black Police Association’s work to improve our community as a whole.

Issued by the Governor March 21, 2005.
Filed by the Secretary of State March 21, 2005.

2005-82
NATIONAL DAY OF PRAYER

WHEREAS, in times of peril both at home and abroad, many American citizens turn to prayer for help and guidance; and
WHEREAS, millions of men and women across the nation gratefully continue the tradition of prayer in churches, synagogues, temples, mosques, and other houses of worship across our country; and
WHEREAS, established in 1952 by an act of Congress, the National Day of Prayer is now observed nationally every year on the first Thursday in May; and
WHEREAS, the National Day of Prayer is a celebration of American citizens' freedom of religion, set forth in the First Amendment. Americans treasure their religious freedom, which embraces the many diverse communities of faith that have infused our society and our cultural heritage over more than two centuries; and
WHEREAS, the theme for the National Day of Prayer 2005 is God Shed His Grace on Thee, inspired by the passage found in Hebrews 4:16: “…let them approach the throne of grace with confidence, so that we may receive mercy and find grace to help us in our time of need”;

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 5, 2005 as NATIONAL DAY OF PRAYER in Illinois.

Issued by the Governor March 21, 2005.
Filed by the Secretary of State March 21, 2005.

2005-83
SAVE ABANDONED BABIES DAY

WHEREAS, signed into law in August 2001, the Illinois Abandoned Newborn Protection Act allows parents to relinquish a newborn infant to personnel at a local hospital, police station, fire station, or emergency medical facility anonymously and free from prosecution; and
WHEREAS, relinquished babies then may become custody of the state and are placed in a responsible and nurturing safe haven; and
WHEREAS, the Illinois Abandoned Newborn Protection Act
provides a safe alternative to abandonment for Illinois parents who feel they cannot cope with the responsibility of caring for a newborn baby; and

WHEREAS, it is the hope of the State of Illinois that as awareness of this Act increases, it will stop the abandonment of newborn infants, a practice that has led to healthy babies being found harmed, deceased or in unsafe places; and

WHEREAS, the Illinois Abandoned Newborn Protection Act is a critical statute in the State of Illinois, as it affords the chance of a better life for abandoned newborn babies:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 11, 2005 as SAVE ABANDONED BABIES DAY in Illinois, and encourage all citizens to recognize the importance of protecting abandoned infants and giving them the proper care they deserve.

Issued by the Governor March 21, 2005.
Filed by the Secretary of State March 21, 2005.

2005-84
CHILDHOOD STROKE AWARENESS DAY

WHEREAS, a stroke is a serious condition that occurs when the blood supply to part of the brain is suddenly interrupted or when a blood vessel in the brain bursts, resulting in cell death and loss of brain function; and

WHEREAS, while strokes are generally thought of as affecting an older population, the unfortunate truth is that children can also suffer strokes; and

WHEREAS, childhood strokes occur more frequently in children less than 2 years of age. Strokes occur at a rate of one in every 4,000 births, and affect six out of every 100,000 children, with 12 percent dying due to the stroke; and

WHEREAS, signs of stroke in children can include headaches, speech difficulties, seizures, eye movement problems, and numbness; and

WHEREAS, more than half of the children who have a stroke will have serious, long-term neurological disabilities, including hemiplegia (paralysis of one side of the body), seizures, speech and vision problems, and learning difficulties; and

WHEREAS, little is known about the cause, treatment, and prevention of childhood stroke. Only through medical research can effective treatment and prevention strategies for pediatric stroke be identified and developed; and

WHEREAS, early diagnosis and treatment of pediatric stroke greatly improves chances for recovery and reduces the likelihood of recurrence; and
WHEREAS, organizations like the Children’s Hemiplegia and Stroke Association and Parents’ Association for Children with Hemiplegia and/or Stroke look to create a greater public awareness of the presence of these disorders in children:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7, 2005 as CHILDHOOD STROKE AWARENESS DAY in Illinois and urge all citizens to support the efforts, programs, services, and advocacy of those who strive to enhance awareness and treatment of childhood stroke.

Issued by the Governor March 25, 2005.
Filed by the Secretary of State March 25, 2005.

2005-85
THE 18TH ANNUAL RITA HAYWORTH GALA
BENEFITING THE ALZHEIMER’S ASSOCIATION DAY

WHEREAS, Alzheimer’s disease is a complex, progressive disease where the affected individual begins to lose control of the part of their brain that regulates thought, memory, and language. The disease usually begins to appear in individuals over the age of 60, and the risk of acquiring it increases with age; and

WHEREAS, approximately 4.5 million Americans suffer from Alzheimer’s Disease, including approximately 222,000 Illinoisans. Although it appears in older individuals, Alzheimer’s is a condition in itself, and is not a normal part of the aging process; and

WHEREAS, established in 1980, the Alzheimer’s Association is the leading national health organization dedicated to advancing Alzheimer’s research and aid; and

WHEREAS, since its inception, the Alzheimer’s Association has been the largest private sponsor of Alzheimer research, providing more than $165 million in funding for hundreds of research studies; and

WHEREAS, the Alzheimer’s Association is a proven authority on the issues that affect citizens with Alzheimer’s disease and their families, serving as a voice for them in the capitals of every state, hundreds of U.S. congressional offices, and even the White House; and

WHEREAS, the Rita Hayworth Galas, held annually in New York and Chicago, are crucial fund-raising events that the Alzheimer’s Association relies heavily on for financial support; and

WHEREAS, since 1985, the Rita Hayworth Galas have raised more than $40 million in funds, with one hundred percent going directly to the Alzheimer’s Association; and

WHEREAS, Princess Yasmin Aga Khan, the general chair of the Rita
Hayworth Gala and the daughter of the late Rita Hayworth, has worked tirelessly over the years in supporting the advancement of critical Alzheimer’s research. Her efforts have touched the lives of countless people throughout the country; and

WHEREAS, the Chicago Rita Hayworth Gala celebrates and honors medical research into the causes, treatment, prevention, and eventual cure of Alzheimer’s disease:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7, 2005 as THE 18th ANNUAL RITA HAYWORTH GALA BENEFITING THE ALZHEIMER’S ASSOCIATION DAY in Illinois and encourage all citizens to recognize the importance of continued research on this devastating disease.

Issued by the Governor March 25, 2005.
Filed by the Secretary of State March 25, 2005.

2005-86
UNIVERSAL NEWBORN HEARING SCREENING DAY

WHEREAS, each day in the United States, it is estimated that sixty babies are born with moderate to severe hearing loss; and

WHEREAS, early detection is the single most important factor in successful treatment of hearing loss. Recent studies suggest that intervention within the first six months of a hard of hearing infant’s life is crucial to them reaching their speech, language, and learning potential; and

WHEREAS, in Illinois, nearly five-hundred children are born with congenital hearing loss each year; and

WHEREAS, to better deal with congenital hearing loss, the Illinois Hearing Screening for Newborns Act, passed in July of 1999, required all birthing hospitals in the state to implement universal newborn hearing screening and reporting. The Universal Newborn Hearing Screening program was established to implement and administer the provisions of the act; and

WHEREAS, the Universal Newborn Hearing Screening program is a joint effort of three state agencies: the Department of Human Services, the Department of Public Health, and the University of Illinois at Chicago's Division of Specialized Care for Children. These agencies, along with hospital personnel, healthcare professionals, and community-based organizations, strive to ensure that parents of babies who have a hearing loss receive follow-up diagnostic testing and information regarding communication options and other services for their children; and

WHEREAS, the State of Illinois realizes the importance of universal newborn hearing screening and its impact on not only the lives of our children but their families and communities as well:
THEREFORE, I, Rob Blagojevich, Governor of the State of Illinois, do hereby proclaim April 5, 2005 as UNIVERSAL NEWBORN HEARING SCREENING DAY in Illinois, and urge all citizens to become cognizant of the role that early detection plays in the successful treatment of hearing loss.

Issued by the Governor March 25, 2005.
Filed by the Secretary of State March 25, 2005.

2005-87
BATAAN DAY AND NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

WHEREAS, since the birth of this great nation, America has been blessed with a population of brave men and women who have courageously answered the call to defend their country’s ideals of freedom and democracy. Many of the brave Americans who have answered their country’s call to service were captured by hostile forces or listed as missing while performing their duties; and

WHEREAS, the harsh conditions of enemy captivity are an unfortunate reality that many of our brave soldiers and their allies have experienced first hand. During World War II, American and Filipino prisoners of war who fought in the Philippines experienced some of the cruelest treatment. They were forced by Japanese captors to participate in what has come to be known as the Bataan Death March and the survivors were put into forced labor camps; and

WHEREAS, American and Filipino former prisoners of war are national heroes whose service to our country will never be forgotten. These brave men and women fought for America and endured cruelties and deprivation as prisoners of war that no man or women should ever have to experience; and

WHEREAS, during World War II, the Korean War, Vietnam, the 1991 Gulf War, Operation Iraqi Freedom, and other conflicts, our service men and women have sacrificed much to secure freedom, defend the ideals of our nation, and free the oppressed. Each of these individuals should be honored for their strength of character and for the difficulties they and their families endured. By answering the call of duty and risking their lives to protect others, these proud patriots continue to inspire us today as we work with our allies to extend peace, liberty, and opportunity to people around the world; and

WHEREAS, as we honor our former POWs, we must also recognize and honor all soldiers who remain unaccounted for, as well as those currently enlisted in the United States military who, like so many before them, proudly serve their country in an effort to advance peace throughout the world:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2005 as BATAAN DAY AND NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered the hardships of enemy captivity while courageously serving their country.

Issued by the Governor March 28, 2005.
Filed by the Secretary of State March 28, 2005.

2005-88
FAITH IN ACTION DAY

WHEREAS, throughout the history of our nation, the spirit of volunteerism has been reflected in neighbors helping neighbors to overcome obstacles; and

WHEREAS, in 1993, Faith in Action was established, with support from the Robert Wood Johnson Foundation, as a program to provide volunteer care for people with long-term health needs such as arthritis, diabetes, cancer, Alzheimer's, and HIV/AIDS; and

WHEREAS, Faith in Action programs are coalitions of local religious congregations, health care providers, community organization s and service providers who work together to provide those in need with non-medical assistance; and

WHEREAS, through Faith in Action, Americans of every faith including Catholics, Hindus, Jews, Muslims, and Protestants, work together to help members of their community, with long-term health needs, maintain their independence for as long as possible; and

WHEREAS, there are thirty-seven active Faith in Action programs in Illinois where volunteers assist those in need by performing duties such as shopping for groceries, providing rides to medical appointments, cooking meals, doing light housework, running errands, and providing companionship:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17, 2005 as FAITH IN ACTION DAY in Illinois, and urge all citizens to promote the spirit of volunteerism in our families and communities by expressing their gratitude to the noble volunteers across our state.

Issued by the Governor March 28, 2005.
Filed by the Secretary of State March 28, 2005.
2005-89
FEDERAL EMPLOYEE OF THE YEAR DAY

WHEREAS, the hard work and dedication of men and women across the United States have been instrumental in making our nation strong and prosperous; and

WHEREAS, a special day is set aside each year to recognize the outstanding service of dedicated federal employees; and

WHEREAS, this year, the 48th Annual Federal Employee of the Year Awards Luncheon will be held on May 4th at Chicago’s Navy Pier. The theme for this year’s ceremony is “Federal Employees – Stamp of Approval”; and

WHEREAS, at this prestigious ceremony, federal employees who have dedicated themselves to giving superior service to the American public will be honored; and

WHEREAS, twenty-six federal agencies have submitted a total of 386 nominations for consideration in such categories as: Outstanding Community Service Employee, Outstanding Law Enforcement Employee, and Outstanding Secretarial/Clerical Employee.

WHEREAS, in conjunction with the ceremony, college scholarships will be awarded to two graduate students attending the University of Illinois at Chicago’s College of Urban Planning and Public Affairs:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 4, 2005 as FEDERAL EMPLOYEE OF THE YEAR DAY in Illinois, and encourage all citizens to join in honoring these hard working individuals, and to recognize the exceptional services they provide for our society.

Issued by the Governor March 28, 2005.
Filed by the Secretary of State March 28, 2005.

2005-90
SIGMA GAMMA RHO SORORITY RECOGNITION DAY

WHEREAS, Sigma Gamma Rho Sorority, Incorporated was organized on November 12, 1922, in Indianapolis, Indiana, by seven young students how had chosen teaching as their profession: Mary Lou Allison Little, Dorothy Hanley Whiteside, Vivian White Marbury, Nannie Mae Gahn Johnson, Hattie Mae Dulin Redford, Bessie M. Downey Martin, and Cubena McClure; and

WHEREAS, on December 30, 1929, Sigma Gamma Rho Sorority became an incorporated national collegiate sorority and has since become an international service organization; and
WHEREAS, Sigma Gamma Rho Sorority, Incorporated is a non-profit, collegiate organization dedicated to the encouragement and promotion of high scholastic attainment, community service, and the improvement of our society as a whole; and

WHEREAS, local chapters of Sigma Gamma Rho, Incorporated award annual scholarships to deserving students, regardless of race, gender, or nationality. In addition, Sigma Gamma Rho’s National Education Fund was established in 1984 to provide funds for students pursuing their academic goals. In addition to the scholarship program, the fund encourages and supports research in education, health and other related fields; and

WHEREAS, Sigma Gamma Rho Sorority, Incorporated has over 400 chapters in the United States, Bermuda, the Virgin Islands, Bahamas, and Germany, with its international headquarters located in Chicago. These chapters carry on the tradition of organization’s founders by striving to improve the quality of life for all mankind:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2, 2005 as SIGMA GAMMA RHO SORORITY RECOGNITION DAY in Illinois, and encourage all citizens to recognize the positive contributions made by past and present members of the organization to our communities.

Issued by the Governor March 28, 2005.

Filed by the Secretary of State March 28, 2005.

2005-91

BRAIN INJURY AWARENESS DAY

WHEREAS, traumatic brain injury is largely preventable, yet it is among the nation’s most significant public health concerns, currently affecting at least 5.3 million Americans; and

WHEREAS, 1,400,000 traumatic brain injuries occur each year in the United States, over 400,000 of which occur in children 14 years of age and younger, and 1.1 million of those injuries are serious enough to require treatment in hospital emergency rooms; and

WHEREAS, an estimated 80,000 to 90,000 Americans with traumatic brain injury experience permanent disability from their injury; and

WHEREAS, traumatic brain injury often results in significant impairment of an individual’s physical, cognitive and psychosocial functioning, impacting their ability to return to school and/or work; and

WHEREAS, a substantial portion of individuals with traumatic brain injury and their families do not have access to appropriate support and services, and remain unserved or underserved. The lack of public awareness is so vast that traumatic brain injury is known in the disability community as
the “silent epidemic;” and
WHEREAS, in Illinois, there are more than a quarter of a million people living with disabilities resulting from brain injury; and
WHEREAS, the Brain Injury Association of Illinois is an organization dedicated to creating a better future through brain injury prevention, research, education and advocacy; and
WHEREAS, in partnership with the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Defense and Veterans Brain Injury Center, the Brain Injury Association of America and the Brain Association of Illinois strive to increase brain injury awareness, thus helping to decrease the number of brain injuries each year; and
WHEREAS, the Brain Injury Association of America has recognized March as Brain Injury Awareness Month, and here in Illinois, we are pleased to join in this important campaign:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 31, 2005 as BRAIN INJURY AWARENESS DAY in Illinois, and encourage all citizens to join in the efforts to spread knowledge of this critical health issue.

Issued by the Governor March 29, 2005.
Filed by the Secretary of State March 29, 2005.

2005-92
NATIONAL FRAUD AWARENESS WEEK

WHEREAS, identity theft is the Number One consumer complaint of American consumers and the fastest growing crime in the United States; and
WHEREAS, the residents of Illinois lodged 14,766 fraud complaints and 11,138 identity theft complaints with the Federal Trade Commission in the Year 2004; and
WHEREAS, Illinois bankers feel strongly about their responsibility to the consumers of this state, by adhering to numerous state and federal laws and regulations, and striving toward knowing their customers to help protect them from becoming victims of identity theft; and
WHEREAS, the bankers of Illinois and the Illinois Bankers Association embrace efforts to curb identity theft; and are marking the annual observance of National Fraud Awareness Week in Illinois, July 10-15, 2005; and
WHEREAS, Illinois bankers and the Illinois Bankers Association are partnering with the Association of Certified Fraud Examiners and other leading public and private sector organizations to spearhead efforts to educate businesses and consumers about how to detect, report and deter
fraud; and

WHEREAS, July 11th marks the anniversary of the introduction of FRAUD-NET in the state of Illinois and a collaborative effort to share information on fraudulent bank activity between banks and law enforcement agencies on a real-time online network; and

WHEREAS, the Illinois Bankers Association, along with Illinois banks have developed an Identity Theft campaign to aid consumers throughout the state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of July 10-15, 2005 as NATIONAL FRAUD AWARENESS WEEK in Illinois, and encourage all citizens to take due note of the observance.

Issued by the Governor March 30, 2005.
Filed by the Secretary of State March 30, 2005.

2005-93
RIDE FOR KIDS DAY

WHEREAS, each July, participants in the Annual Chicagoland Ride for Kids meet in the Village of Northbrook to raise money and awareness for the Pediatric Brain Tumor Foundation; and

WHEREAS, Ride for Kids is the motorcycling community’s way of showing their support and compassion for individuals afflicted with brain tumors and their families; and

WHEREAS, last year, more than 2,700 motorcycles and more than 3,000 riders participated in the 16th Annual Chicagoland Ride for Kids; and

WHEREAS, over $368,000 were raised by last year’s event to help benefit the Pediatric Brain Tumor Foundation of the United States, a non-profit organization working diligently to find the cause and cure of childhood brain tumors; and

WHEREAS, during the 16 years that the Chicagoland area has participated in this event, over $2 million have been raised in total for the Pediatric Brain Tumor Foundation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 17, 2005 as RIDE FOR KIDS DAY in Illinois, and encourage all citizens to support this worthy cause.

Issued by the Governor March 31, 2005.
Filed by the Secretary of State March 31, 2005.
WHEREAS, Pope John Paul II, born Karol Jozef Wojtyla and known by family and friends as Lolek, came into this world on May 18, 1920 in Wadowice, Poland. He was the second son of Emilia Kaczmorska Wojtyla, a schoolteacher of Lithuanian descent, and Karol Wojtyla, Sr., a retired army officer and tailor; and

WHEREAS, as a schoolboy in Poland, Wojtyla was not only an excellent student, but was also a talented athlete who often skied, swam, kayaked, and played soccer. It was, however, during his childhood that he first learned about suffering, enduring the deaths of his mother, his brother, and his infant sister; and

WHEREAS, in 1946, Karol Jozef Wojtyla was ordained into the priesthood, and over the next few years, he would earn two masters degrees and a doctorate before taking up priestly duties as an assistant pastor in Krakow in 1949; and

WHEREAS, as a priest, Wojtyla took on many endeavors, including a professorship at the Catholic University of Lublin, and the founding of a service to address marital problems and family planning issues. In 1958, his ascent through the church hierarchy was accelerated when he was named the auxiliary bishop of Krakow, and then acting archbishop in 1962 when the incumbent passed away; and

WHEREAS, throughout the next two decades, Wojtyla, through his hard work and compassion, earned the respect and admiration of the Catholic Church and of countless people across the globe. In 1978, following the passing of Pope John Paul I, Karol Jozef Wojtyla was selected as the next pope of the Catholic Church. He chose the same name as his predecessor, and from that day forward, was known to this world as Pope John Paul II; and

WHEREAS, Pope John Paul II, through his intelligence, charisma, strong faith, and amazing spiritual leadership, has become, among both Catholics and non-Catholics, one of the most beloved figures in history. He is universally praised for: visiting over one hundred countries to promote non-violent revolution against oppressive regimes; attempting to build greater understanding between Judaism, Islam and Christianity; and most notably for his contributions to the fall of communism and the spread of democracy across Europe and the Soviet Union; and

WHEREAS, on Saturday, April 02, 2005, Pope John Paul II passed away at the age of 84 at his home in Vatican City. As billions of people throughout the world gather to mourn this tremendous loss to humanity, the State of Illinois is humbled to join in honoring the life of this amazing man
who touched the lives of countless souls during his years on this earth:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois

do hereby order all state facilities to fly their flags at half-staff effective immediately, and not raise them back to full-staff until the interment of Pope John Paul II.

Issued by the Governor April 02, 2005.
Filed by the Secretary of State April 04, 2005.

2005-95
TELECOMMUNICATIONS WEEK

WHEREAS, public safety telecommunicators, specialists in operating state-of-the-art radio and computer systems, are a cornerstone of the public safety community; and

WHEREAS, using state-of-the-art radio and computer systems, telecommunications professionals help to save countless lives by responding to emergency 9-1-1 calls, dispatching emergency professionals and equipment, and providing moral support to citizens in distress; and

WHEREAS, telecommunications professionals display poise under pressure, use critical decision making skills and offer aid and compassion in times of crisis; and

WHEREAS, these dedicated men and women effectively and efficiently perform their duties to help ensure the safety and protection of life, property, and individual rights of all people in Illinois; and

WHEREAS, one of the most important duties of telecommunications professionals is operation of the Illinois Amber Alert System, which allows storm warnings, abduction cases, and any other emergency messages to be immediately distributed to broadcasters, and in turn, to all citizens of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 10-16, 2005 as TELECOMMUNICATIONS WEEK in Illinois, in recognition of the vital contributions telecommunications professionals make to the safety and well-being of our citizens.

Issued by the Governor April 04, 2005.
Filed by the Secretary of State April 05, 2005.

2005-96
WORK ZONE SAFETY WEEK

WHEREAS, the first week of April is considered by many to be the traditional beginning of the highway construction season in Illinois; and

WHEREAS, it is vitally important that we protect the health and
safety of Illinois’ construction workers and contractors as they work diligently to improve both the safety and quality of the state’s roadways; and
WHEREAS, according to provisional data from 2004, 39 people were killed in work zones last year, two of them being workers. In 2003, 44 people were killed in work zones, with 5 being workers.
WHEREAS, last year, I signed new legislation into law designed to target drivers who endanger the well-being of workers and fellow motorists by ignoring posted work zone speed limits; and
WHEREAS, these tough new laws will hit first-time work zone speeders, including those caught on camera, with a fine of $375, with $125 of that sum going to pay off-duty State Troopers to provide added enforcement in construction or maintenance zones. Two-time offenders are subject to a $1,000 fine, including a $250 surcharge to hire Troopers, and the loss of their license for 90 days. In addition, drivers who hit a worker are subject to a fine of up to $10,000 and 14 years in prison; and
WHEREAS, starting in July, State Troopers will deploy specially equipped vans to take photographs of drivers speeding in Illinois Department of Transportation and Illinois Tollway construction and maintenance zones. Drivers who violate the posted work zone speed limit and are caught on film will be issued tickets through the mail; and
WHEREAS, work zone deaths and injuries can be greatly reduced if motorists simply obey posted work zone speed limits and proceed through construction areas with increased caution regardless of whether or not workers are present:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 3 – 9, 2005 as WORK ZONE SAFETY WEEK in Illinois, and encourage all citizens to be cognizant of highway construction and obey posted work zone speed limits.
Issued by the Governor April 04, 2005.
Filed by the Secretary of State April 05, 2005.

2005-97
PUBLIC HEALTH WEEK IN ILLINOIS

WHEREAS, public health advancements and new treatment options are enabling Americans to live longer and healthier lives; and
WHEREAS, the average life expectancy in the United States is now 74 years for men and 78 years for women. With that in mind, this year’s theme for Public Health Week is, Empowering Americans to Live Stronger, Longer!; and
WHEREAS, this observation is a cooperative effort of the state and local health departments, academic institutions, allied organizations,
community groups, and professional and trade associations which have joined together to promote a common interest in public health and a population-focused, community prevention approach to better health care; and

WHEREAS, the State of Illinois has created and expanded public health initiatives to improve the life expectancy and quality of life for citizens of all ages; and

WHEREAS, the Illinois Public Health Association is a voluntary professional society whose members strive to improve the health of Illinois residents through leadership in and advancement of the practice of public health:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 4 – 10, 2005 as PUBLIC HEALTH WEEK in Illinois, and encourage all citizens to recognize the men and women that dedicate themselves to improving our country’s public health care system.

Issued by the Governor April 04, 2005.
Filed by the Secretary of State April 05, 2005.

2005-98
TARTAN DAY

WHEREAS, the links between Scotland and America, both historic and contemporary, run deep and remain strong; and

WHEREAS, the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320 and over 450 years later, the American Declaration of Independence was modeled in part on that inspirational document; and

WHEREAS, nearly half of the signers of the Declaration of Independence as well as the governors of nine of the original 13 states were of Scottish ancestry, and those dedicated Scottish Americans have played a critical role in the founding and success of our nation; and

WHEREAS, according to the 2000 census, there are approximately 5 million American’s of Scottish descent and these men and women, as well as their ancestors have made significant contributions in the fields of science, technology, medicine, government, politics, economics, architecture, literature, and visual and performing arts; and

WHEREAS, Woodrow Wilson once stated, “Every line of strength in American history is a line coloured with Scottish blood.” For this reason, the State of Illinois would like to express its appreciation for the extraordinary and rich contributions that Scottish Americans have made throughout history:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
do hereby proclaim April 6, 2005 as TARTAN DAY in Illinois, and encourage all citizens to become cognizant of the significant influence of Scottish heritage, traditions, and culture on our nation.

Issued by the Governor April 04, 2005.
Filed by the Secretary of State April 05, 2005.

2005-99
ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY

WHEREAS, for the past 46 years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour of Washington, D.C., for approximately 60 outstanding Illinois high school students; and
WHEREAS, the selection criteria for students to participate includes essay and youth leadership contests that are sponsored by member cooperatives; and
WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their federal government in action during the “Youth to Washington” tour taking place on June 17 – 24, 2005; and
WHEREAS, in an effort to provide a broader educational experience for students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our state capitol April 13, 2005 for 300 contest finalists; and
WHEREAS, these hard-working young men and women are the future of our state and country, and deserve to be commended for their achievements and their desire to learn more about their nation’s governing bodies:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 13, 2005 as ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois, and encourage all citizens to support youth programs that assist those interested in learning about the United States government.

Issued by the Governor April 04, 2005.
Filed by the Secretary of State April 05, 2005.

2005-100
NATIONAL PUBLIC HEALTH WEEK

WHEREAS, the week of April 4-10, 2005, has been identified as National Public Health Week; and
WHEREAS, public health efforts save lives and improve the quality
of air, water and food. They also help to build and maintain healthy neighborhoods and communities; and

WHEREAS, the University of Illinois at Chicago (UIC) School of Public Health; National Black Leadership Initiative on Cancer at UIC; Chicago Project for Violence Prevention at UIC; Nutrition & Wellness Center at UIC; TCA Inc; Gift of Hope, National Sarcoidosis Network Foundation, Chicago Chapter of the Black Nurses Association, Chicago Network of Black Professional Organizations, African American Health Care Council; Ambulatory and Community Health Network of Cook County; Chicago Department of Public Health, U.S. Department of Health and Human Services, Office of Public Health and Science, Office of Minority Health Region V; Rush-Presbyterian St. Luke’s Medical Center, Department of Preventive Medicine; U.S. Environmental Protection Agency, Midwest Latino Health Research Training and Policy Center; Illinois Department of Public Health, Cook County Department of Public Health, Health Consortium of Illinois and Chicago Public Schools have all worked together as partners in addressing disease prevention and health care issues in Illinois populations; and

WHEREAS, public health agencies working hand in hand have affected every major community in the city, thereby ensuring effective public health policy, effective health promotion, and disease and injury prevention using innovative methods; and

WHEREAS, public health partners continually capitalize on emerging opportunities for community outreach and public service, integrating public health practice and community service throughout the city; and

WHEREAS, thousands of lives have been positively affected within the state of Illinois as a result of public health efforts.

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 4-10, 2005 as PUBLIC HEALTH WEEK in Illinois and encourage all citizens to recognize the men and women that dedicate themselves to improving our country’s health care system.

Issued by the Governor April 04, 2005.
Filed by the Secretary of State April 05, 2005.

2005-101

A DAY OF MOURNING FOR POPE JOHN PAUL II

WHEREAS, the Holy Father, Pope John Paul II, left this world on Saturday, April 2, 2005. As the Pope lived out his final hours, millions of people in Vatican City, and billions across the globe gathered to mourn this tremendous loss to humanity, and to celebrate the life of this amazing man; and
WHEREAS, in the days leading up to his passing, Pope John Paul II displayed the same level of dignity, perseverance, and strong convictions of faith and morals that characterized his long and accomplished Papacy; and

WHEREAS, here in Illinois, citizens are mourning this sad occasion. However, we can all find comfort in knowing that Pope John Paul II has now returned home to his maker, and will live in peace for the rest of eternity; and

WHEREAS, on Friday, April 8, 2005, official services will be held in Vatican City to mourn the death of Pope John Paul II. In accordance with this day of mourning, bells will be tolled in Chicago at 12:00 pm, and a special mass will be held at 5:15 pm, where a representative from every Chicago parish will attend; and

WHEREAS, the State of Illinois proudly and faithfully joins the Catholic Church and the Archdiocese of Chicago in this very sad and poignant memorial:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim Friday, April 8, 2005 as A DAY OF MOURNING FOR POPE JOHN PAUL II, and encourage all citizens, both Catholics and non-Catholics, to join in commemorating the life of one of the most beloved human beings, and one of the most accomplished popes that this world has ever seen.

Issued by the Governor April 05, 2005.
Filed by the Secretary of State April 05, 2005.

2005-102
FIGHTING ILLINI DAY

WHEREAS, the 2004/2005 season for the University of Illinois Men’s Basketball team is one to remember. Earning the country’s number one ranking after upsetting Wake Forest in the season’s fifth game, the Fighting Illini played their entire campaign at a level that most teams can only dream of; and

WHEREAS, after defeating all but one team they faced during the regular season, the Fighting Illini entered the Big Ten Tournament, and on March 13, 2005, they beat Wisconsin 54-43 to become Big Ten Champions; and

WHEREAS, now officially the premier team in their conference, the Illini set their sights on the NCAA Tournament, where they would continue their winning ways. After defeating Farleigh Dickinson in the Tournament’s first round, Nevada in the second round, Wisconsin-Milwaukee in the Sweet 16, and Arizona in the Elite Eight, the Fighting Illini made it to the coveted Final Four; and

WHEREAS, on April 2, 2005, Illinois defeated Louisville in their
Final Four match-up by a score of 72-57. This victory marked a significant milestone for the Illini, as never before in school history had they made it to the Championship Game; and

WHEREAS, the Fighting Illini finished their 2004/2005 campaign just one win short of a national title. Their overall record of 37 wins, paired with just two 2 losses, ties an all-time NCAA record for most wins in a season; and

WHEREAS, because of his hard work and tremendous leadership, Bruce Weber, Head Coach of the Fighting Illini, was named by the Associated Press as Coach of the Year; and

WHEREAS, this State is extremely proud of Coach Weber and the University of Illinois Fighting Illini Men’s Basketball Team for their exquisite season, their tremendous post-season and for their all-around efforts to become one of the elite college basketball teams in the United States. This celebration today is a gesture of congratulations and gratitude to the Fighting Illini and everyone who was involved in the great success they achieved this year:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim Tuesday, April 5, 2005 as FIGHTING ILLINI DAY in Illinois, and encourage all citizens to join in “Painting the State Orange” in recognition of the University of Illinois Men’s Basketball team, and their stellar and truly memorable 2004/2005 season.

Issued by the Governor April 05, 2005.
Filed by the Secretary of State April 05, 2005.

2005-103
HAROLD WASHINGTON DAY

WHEREAS, Harold Washington was born on April 15, 1922 in Chicago, Illinois. Upon his graduation from DuSable High School, he took a position with the Civilian Conservation Corps, and then after honorably serving his country in United States Army, he went on to earn a Bachelor’s degree from Roosevelt University (then called Roosevelt College) in 1949, and a law degree from Northwestern University School of Law in 1952; and

WHEREAS, after law school, Washington began practicing law and took a job as an Assistant City Prosecutor in 1958, and then became an arbitrator for the Illinois Industrial Commission in 1960. It was during these years that Washington became politically active, getting his first taste of government life when he followed in his father’s footsteps by becoming a Precinct Captain of Chicago’s 3rd Ward; and

WHEREAS, Washington’s political career reached a new level when, in 1964, he took office in the Illinois General Assembly, where he would
serve in the House until 1976, and then in the Senate until 1980. He later was elected to the United States Congress, where he represented Illinois’ 1st District from 1981 – 1983; and

WHEREAS, on April 12, 1983, the face of Chicago government was forever changed when Harold Washington was elected as the city’s 42nd mayor, and the first African American to hold the position. He was elected to serve a second mayoral term in 1987; and

WHEREAS, during his tenure as Mayor of Chicago, Washington had a long list of accomplishments, including: creating the Chicago Ethics Commission; increasing minority business contracts; leading the fight for Ward redistricting, which created more African American and Hispanic representation; enhancing the vibrancy of city life by encouraging neighborhood festivals and projects; and fighting for equal provision of public services; and

WHEREAS, on November 25, 1987, just seven months after being elected to his second mayoral term, Harold Washington passed away in Chicago. He is remembered by everyone as a kindhearted man, a strong advocate for the advancement of African Americans and other minorities, and an exceptional leader who always advocated for the best interests of Chicago residents. He left a legacy behind in Chicago that will clearly resonate for centuries to come, and his contributions to the well-being of this City are felt every day and in every community; and

WHEREAS, it is important that we, the citizens of Illinois, take time to pay tribute to the late Harold Washington on the anniversary of his 82nd year of birth:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15, 2005 as HAROLD WASHINGTON DAY in Illinois, and encourage all citizens to join in celebrating the life and achievements of this great man and dedicated public servant.

Issued by the Governor April 07, 2005.
Filed by the Secretary of State April 07, 2005.

2005-104

DRINKING WATER WEEK

WHEREAS, safe drinking water is essential to life; and

WHEREAS, Illinois residents have traditionally relied on the state’s abundant surface, and groundwater resources for drinking water; and

WHEREAS, protection of drinking water sources was among the first community projects undertaken by settlers moving into the Illinois territory two centuries ago; and

WHEREAS, dedicated water treatment operators in ensuing
generations have worked to protect existing drinking water. Their efforts help to improve the quantity and quality of drinking water sources not only for Illinois residents, but also its millions of visitors; and

WHEREAS, there are 3,968 dedicated men and women currently certified as drinking water operators in Illinois, with another 530 professional men and women certified by the Illinois Department of Public Health to serve in water supply operations classified as non-community public water supplies; and

WHEREAS, Illinois citizens can confidently look forward to safe, clean drinking water delivered in amounts satisfactory to meet everyday human needs as well as the demands of thriving industries:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 - 8, 2005 as DRINKING WATER WEEK in Illinois and encourage all citizens to recognize that they live in a state that provides safe and clean drinking water, helping to keep their lives healthy and refreshed.

Issued by the Governor April 07, 2005.
File by the Secretary of State April 07, 2005.

2005-105
PARALYZED VETERANS OF AMERICA AWARENESS WEEK

WHEREAS, as citizens of the United States of America, we are deeply indebted to our veterans, who have courageously defended this country throughout its history, in times of war and peace; and

WHEREAS, thousands of Illinois citizens have served as members of the Armed Forces, and in doing so honored our nation with exemplary dedication; and

WHEREAS, courageous service to our nation does not come without a cost, as illustrated by the approximately 35,000 disabled veterans in Illinois. It is important that the dedication and sacrifices made by Illinois’ veterans who are paralyzed is recognized and appreciated; and

WHEREAS, Illinois’ paralyzed veterans embody the highest ideals: service to country, sacrifice of self, and perseverance in overcoming adversity; and

WHEREAS, the stories of Illinois’ paralyzed veterans are ones of hardship and triumph, and the strong will and spirit which they exhibit provide life-affirming lessons for us all:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 10 – 16, 2005 as PARALYZED VETERANS OF AMERICA AWARENESS WEEK in Illinois, and urge all citizens to reflect upon the sacrifices endured by our many brave veterans who have, in
numerous cases, endured permanent injury in service to their country.
Issued by the Governor April 07, 2005.
Filed by the Secretary of State April 07, 2005.

2005-106
PROM AND GRADUATION SAFETY MONTHS

WHEREAS, protecting the health and well-being of our nation’s youth should be a paramount concern to all citizens of the United States; and
WHEREAS, alcohol-related traffic fatalities among the youth of our nation are heartbreaking, and unfortunately there are still citizens that ignore the potentially horrible consequences of drunk driving; and
WHEREAS, recent statistics provided by the National Highway Traffic Safety Administration show that in the year 2003, there were 2,834 alcohol-related traffic fatalities in the United States amongst youth under the age of 21; and
WHEREAS, among those 2,902 fatalities, 749 of them occurred in April, May and June of 2003. This number is indicative of the many social and school events occurring during these months, including proms and graduations; and
WHEREAS, The Century Council, a not-for-profit organization funded by America’s leading distillers and committed to fighting drunk driving and underage drinking, has planned a series of initiatives aimed at educating students, parents, teachers, and lawmakers; and
WHEREAS, Illinois is working to enlist support to reduce the potential for alcohol-related fatalities by increasing public awareness on the dangers of drinking and driving:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May and June 2005 as PROM AND GRADUATION SAFETY MONTHS in Illinois, and encourage all citizens to support the work of organizations trying to put an end to drunk driving, especially among our youth.
Issued by the Governor April 07, 2005.
Filed by the Secretary of State April 07, 2005.

2005-107
NATIONAL TINNITUS AWARENESS WEEK

WHEREAS, tinnitus is the medical term used to describe the perception of sound, including ringing, hissing, and roaring in the ears and head, when no external sound is present; and
WHEREAS, it is estimated that over 50 million Americans are
WHEREAS, approximately 12 million Americans suffer from such debilitating symptoms from their tinnitus that they are forced to seek medical attention. Of these 12 million patients, around 2 million are so seriously debilitated by their condition that they cannot function on a “normal” day to day basis; and

WHEREAS, at this time, there is no cure for tinnitus and many of the men and women suffering from the condition feel that the only solution to their condition is to learn to live with it; and

WHEREAS, although there is no cure for tinnitus, in may cases, simple hearing protection and awareness of risk would help protect people from hearing loss or further damage to their hearing; and

WHEREAS, three basic rules can be taught to help protect good hearing: turn down the volume when it’s too loud, use earplugs or earmuffs in noisy environments, and walk away from noises that are too loud; and

WHEREAS, the American Tinnitus Association is a nonprofit organization dedicated to silencing tinnitus through education, advocacy, research, and support. Although the organization is a yearlong advocate on behalf of people suffering from tinnitus, there is something special about having one week when the energy and urgency of a cause is amplified:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 21 – 28, 2005 as NATIONAL TINNITUS AWARENESS WEEK in Illinois, and urge all citizens to support the American Tinnitus Association’s efforts to silence this condition that effects the lives of men and women throughout our nation.

Issued by the Governor April 07, 2005.
Filed by the Secretary of State April 07, 2005.

2005-108
PARKINSON’S DISEASE AWARENESS MONTH

WHEREAS, Parkinson’s disease is a progressive disorder of the central nervous system, affecting more than one million people in the United States; and

WHEREAS, approximately 1.5 million Americans are currently afflicted with Parkinson’s disease and it is estimated that 60,000 new cases are diagnosed each year; and

WHEREAS, Parkinson’s disease affects both men and women in almost equal numbers. It shows no social, ethnic, economic or geographic boundaries; and

WHEREAS, in 1961, The American Parkinson Disease Association, Inc. was founded to provide patient and family support for those afflicted by
this devastating disorder. The association also supports and funds ongoing research in the hope of finding a cure; and

WHEREAS, the State of Illinois recognizes the efforts of the Midwest Chapter of the American Parkinson Disease Association to increase funds and promote awareness to fight Parkinson’s disease, thereby improving the quality of life for those living with the disease:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as PARKINSON’S DISEASE AWARENESS MONTH in Illinois, and encourage all citizens to recognize the indispensable services of the American Parkinson Disease Association, Inc. to the residents of our state.

Issued by the Governor April 07, 2005.
Filed by the Secretary of State April 07, 2005.

2005-109
NATIONAL ENVIRONMENTAL EDUCATION WEEK

WHEREAS, environmental education bolsters core environmental literacy in our k-12 students by featuring actual grade-appropriate “e-literacy” goals and content standards. It also encourages schools to partner with local museums, nature centers, zoos, science centers, aquariums, and local parks; and

WHEREAS, National Environmental Education Week, created as a full week of educational preparation for Earth day, involves many k-12 classrooms, university campuses, and informal settings such as nature centers, zoos, aquariums, and museums; and

WHEREAS, collaborative efforts will increase the amount of environmental education taking place in America’s classrooms prior to Earth Day, while drawing educator attention to the larger opportunities and value of environmental education for both education and environmental stewardship; and

WHEREAS, also during this week, the professional environmental education community will have an opportunity to annually feature its accomplishments with the nation’s educational leaders; and

WHEREAS, National Environmental Education Week, coordinated by the National Environmental Education & Training Foundation in cooperation with hundreds of outstanding environmental education organizations, education associations, and agencies, with support from Cannon U.S.A., Inc., will become an annually anticipated event for local participation in schools and various education centers in this state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 10 - 16, 2005 as NATIONAL ENVIRONMENTAL
EDUCATION WEEK in Illinois and encourage all citizens to recognize the importance of our environment by participating in the week’s festivities in preparation for Earth Day 2005.

Issued by the Governor April 07, 2005.
Filed by the Secretary of State April 07, 2005.

2005-110
INFANT IMMUNIZATION AWARENESS WEEK

WHEREAS, vaccines were named among the 20th Century’s most successful and cost-effective public health tools available for preventing disease and death; and
WHEREAS, immunizations are one of the most important ways parents can protect their children against serious diseases; and
WHEREAS, children need a series of vaccinations, starting at birth, to be fully protected against 12 potentially serious diseases; and
WHEREAS, national immunization levels are at or near record highs for most vaccines and most vaccine-preventable diseases have been reduced by 99 percent or more since the introduction of vaccines; and
WHEREAS, National Infant Immunization Week (NIIW) focuses local and national attention on the importance of timely and proper immunization for infants and toddlers 24 months and under; and
WHEREAS, in the eleven years since its inception, NIIW has served as a call to parents, caregivers, and healthcare providers to participate in activities and events to increase the awareness of immunizing children before their 2nd birthday; and
WHEREAS, the Illinois Department of Public Health has partnered with local health departments, the Illinois Chapter of American Academy of Pediatrics, local child health coalitions, the Chicago Area Immunization Campaign and the Illinois Health Education Consortium to promote and support immunization activities throughout the state; and
WHEREAS, the week of April 24 – 30, 2005 has been declared National Infant Immunization Week to help ensure that children receive all recommended vaccinations by the age of 2:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of April 24 – 30, 2005 as INFANT IMMUNIZATION AWARENESS WEEK in Illinois, and encourage all citizens to spread the immunization message throughout their communities, and urge public and private health care providers, parents, and children’s caregivers in Illinois to advance the health of children by ensuring early and on-time immunization against preventable childhood diseases.

Issued by the Governor April 07, 2005.
2005-111
NATIONAL CREDIT EDUCATION WEEK

WHEREAS, the use of credit has become increasingly important to the American consumer and to the nation’s economy, evidenced by the fact that consumer installment purchases have more than doubled in the past decade; and

WHEREAS, along with this new trend also comes the need for the American consumer to be more financially responsible. While most consumers are aware of mistakes that should be avoided when dealing with personal finances, they are less likely to actually follow these rules; and

WHEREAS, the Association of Credit and Collection Professionals International, in conjunction with the Illinois Student Assistance Commission, will sponsor National Credit Education Week; and

WHEREAS, National Credit Education Week is a public service campaign intended to help consumers develop good money management habits, including using credit with caution and paying bills promptly:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 23, 2005 as NATIONAL CREDIT EDUCATION WEEK in Illinois and urge all Illinoisans to educate themselves on ways to become better informed consumers.

Issued by the Governor April 11, 2005.
Filed by the Secretary of State April 11, 2005.

2005-112
THE CHORALE IN ITALY DAYS

WHEREAS, the CHORALE, a community choral ensemble in Champaign-Urbana, has been selected to represent the State of Illinois in a major 2005 international music festival in Italy, honoring its rich musical and cultural heritage; and

WHEREAS, the CHORALE, under the direction of its founding director, Julie Beyler, was selected on the basis of high recommendations, an audition process and its past music achievements in the area of choral music in the community; and

WHEREAS, this honor exemplifies the dedication of choral singers from eleven East-Central Illinois communities who join together in their mission “to provide ongoing choral opportunities for singers and audiences to enjoy quality choral literature and to support music education”; and

WHEREAS, the CHORALE will perform concerts and participate in
masses in some of the finest venues, churches and cathedrals in Rome, Florence, Venice and Milan, between June 2-11, 2005. Throughout this time, the CHORALE’s participation in this event will enrich participants’ understanding and appreciation for the dynamic cultural present and past of Italy; and

WHEREAS, the CHORALE will bring folk music of the United States and other countries’ sacred classics and a mass of peace in the hopes of promoting a greater understanding through music:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2 - 11, 2005 as THE CHORALE IN ITALY DAYS in Illinois, and urge all citizens to recognize the wonderful music that this choral ensemble performs, and wish them the best for their upcoming trip to Italy.

Issued by the Governor April 13, 2005.
Filed by the Secretary of State April 13, 2005.

2005-113
CESAREAN AWARENESS MONTH

WHEREAS, in 2005, approximately one in four babies born in the State of Illinois will be born surgically via cesarean section; and

WHEREAS, a cesarean can be lifesaving for both mother and baby in the right circumstances; and

WHEREAS, unnecessary cesareans can be avoided if childbearing families are properly educated about their choices in managing labor and delivery; and

WHEREAS, the United States Department of Health and Human Services Healthy People 2010 goals strive toward a reduction in the cesarean rate to 15 percent among low risk first time mothers and 63 percent for women with prior cesareans; and

WHEREAS, women who do undergo cesarean births have a longer recovery time and are subject to increased complications, including complications with their future reproductive life. Such complications can mean increased rates of unexplained stillbirth, placental abnormalities and uterine rupture; and

WHEREAS, maternal-child health is improved by preventing unnecessary cesareans through education, providing support for cesarean recovery, and promoting normal birth after cesarean; and

WHEREAS, Illinois women have the right to full and complete information on the risks and benefits of natural and cesarean birth and the corresponding right to make informed choice about their health care:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim April 2005 as CESAREAN AWARNESS MONTH, and encourage all citizens to become educated about the effects both natural and cesarean births have on women and children.

Issued by the Governor April 13, 2005.
Filed by the Secretary of State April 13, 2005.

2005-114
DAY OF REMEMBRANCE

WHEREAS, the Holocaust was the state sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and
WHEREAS, during this sad time in history, six million were murdered, while many others were forced into grievous oppression and death under Nazi tyranny for racial, ethnic or national reasons; and
WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and
WHEREAS, the people of the State of Illinois also should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny. In addition, we should actively rededicate ourselves to the principles of individual freedom in a just society; and
WHEREAS, the Days of Remembrance have been set aside for the people of the state of Illinois to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and
WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of victims of the Holocaust to be Sunday, April 18 through Sunday, April 25, 2004, including the International Day of Remembrance known as Yom Hashoah, April 17:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17, 2005 as a DAY OF REMEMBRANCE in Illinois, in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and urge all citizens to collectively and individually strive to overcome bigotry, hatred and indifference through learning, tolerance and remembrance.

Issued by the Governor April 13, 2005.
Filed by the Secretary of State April 13, 2005.
2005-115
HEALTH CARE WORKERS DAY

WHEREAS, the health and well-being of our citizens is a major concern of Illinois health care professionals; and
WHEREAS, the Chicago area is recognized as a preeminent medical resource and its commitment to the community is evident in its health care organizations; and
WHEREAS, a health care team, as a vital component in the provision of modern health care, consists of nurses, allied health professionals, support staff, financial services personnel, administrative staff, physicians and volunteers, and each of those individuals serve a vital role in the success of the team as a whole; and
WHEREAS, health care employees make much-needed contributions in every health care facility and help increase the greater Chicagoland area’s reputation for health care excellence; and
WHEREAS, the 145 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council honor health care workers for their many contributions to the health and well-being of the people in their communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20, 2005 as HEALTH CARE WORKERS DAY in Illinois, and urge all citizens to recognize all the devoted health care workers in this state.

Issued by the Governor April 13, 2005.
Filed by the Secretary of State April 13, 2005.

2005-116
RADIOLOGIC TECHNOLOGY WEEK

WHEREAS, the health and well-being of our citizens is a major concern of Illinois health care professionals; and
WHEREAS, qualified practitioners who specialize in the use of medical radiation and imaging technology to aid in the diagnosis and treatment of disease, share a commitment to creating for the people of this state a safer and more compassionate environment; and
WHEREAS, professionals in the radiologic sciences continually maintain their highest standard of professionalism through education, lifelong learning, credentialing and personal commitment; and
WHEREAS, Radiologic Technology Week, in conjunction with the 70th Annual Illinois State Society of Radiologic Technologists (ISSRT) Conference, will focus on the safe, medical radiation environment provided
through the skilled and conscientious efforts of radiologic technologists:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 - 22, 2005 as RADIOLOGIC TECHNOLOGY WEEK in Illinois, and urge all citizens to recognize the importance of radiologic technology to the health industry.

Issued by the Governor April 13, 2005.
Filied by the Secretary of State April 13, 2005.

2005-117
LINC-TELACU SCHOLAR DAY

WHEREAS, the TELACU Scholarship Program was created in 1983 to help raise the promise, performance and potential of Latino Students dedicated to continuing their education; and

WHEREAS, in 1991, the TELACU Education Foundation was established to expand the TELACU Scholarship Program in an effort to provide a comprehensive program of counseling, mentoring and advancement opportunities; and

WHEREAS, in 2000, TELACU expanded its educational efforts on a national level with the creation of Latino Initiative for the New Century (LINC); and

WHEREAS, LINC-TELACU Scholarships have impacted many lives, supporting more than 600 students each year through a unique collaboration of business and colleges and universities; and

WHEREAS, the LINC-TELACU Education Foundation has an established record of success, with one hundred percent of all high school and college senior award recipients completing graduation; and

WHEREAS, this year’s LINC-TELACU Scholarship Award Recipients are to be commended for their outstanding record of achievement, dedication to their community, and hard work in meeting higher academic goals; and

WHEREAS, on October 7, 2005, the LINC-TELACU Education Foundation will honor its talented scholarship recipients and celebrate its accomplishments and lasting contributions to society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 7, 2005, as LINC-TELACU SCHOLARS DAY in Illinois, and urge all citizens to recognize LINC-TELACU for their great efforts in the academic advancement of Latino students.

Issued by the Governor April 13, 2005.
Filied by the Secretary of State April 13, 2005.
2005-118
MUNICIPAL CLERKS WEEK

WHEREAS, the Office of Municipal Clerk is a time-honored and vital part of local government in countries throughout the world that exists to provide a professional link between citizens, local governing bodies, and agencies of government at other levels, while serving as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, the Illinois Municipal Clerks, an organization dedicated to pursuing state legislation that upgrades the professional and educational opportunities of the Municipal Clerk and representing the interests of Illinois’ Municipal Clerks, is celebrating their 40th Anniversary this year:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1 – May 7, 2005 as MUNICIPAL CLERKS WEEK in Illinois, and extend my gratitude to all Municipal Clerks for the vital services they perform, and their exemplary dedication to the communities they represent.

Issued by the Governor April 13, 2005.
Filed by the Secretary of State April 13, 2005.

2005-119
MCDONALD’S DAY

WHEREAS, it was in 1954 that Ray Kroc, then 52 years of age, walked into a small hamburger restaurant in San Bernadino, California and laid the foundation for a business relationship with the restaurant’s two owners, Dick and Mac McDonald. From that day forward, the face of the food service industry across the globe would be forever changed; and

WHEREAS, in Des Plaines, Illinois on April 15, 1955, Ray Kroc’s first McDonalds restaurant opened its doors. Rather than change a successful format, Kroc retained the McDonald brothers’ formula of a limited menu, quality food, an assembly line production system, fast, friendly service, and a high standard for cleanliness; and

WHEREAS, McDonald’s was immediately successful, but it wasn’t until he began franchising that Ray Kroc’s business really took off. At the end of 1956, McDonald’s 14 restaurants reported sales of $1.2 million and had served about 50 million hamburgers. Just four years later, there were 228 restaurants reporting $37.6 million in sales, and the company had sold its 400
millionth hamburger mid-way through 1960; and
WHEREAS, over the next several years, McDonald’s continued to grow and develop into the giant company that it is today. At the time of Ray Kroc’s passing in 1984, they boasted over 6,000 restaurants in more than 27 countries, generating sales of $6.2 billion; and
WHEREAS, since their inception, billions of people throughout the world, both children and adults, have enjoyed the food and atmosphere of McDonald’s restaurants. Through their involvement in a wide-array of charitable endeavors, McDonald’s has also had a positive impact on numerous communities both nationally and internationally. It’s safe to say that the great success they have achieved is simply unprecedented; and
WHEREAS, this year, the McDonald's Corporation is celebrating the 50th anniversary of its founding, and will mark this milestone occasion with a celebration on April 15. Illinois, the state in which the very first McDonald’s restaurant was located, is proud to join each and every McDonald’s employee of the past and present in celebrating such a wonderful achievement for such a terrific company:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15, 2005 as Mc Donald’S DAY in Illinois, and encourage all citizens to join in commemorating the significant achievements of this global institution.

Issued by the Governor April 13, 2005.
Filed by the Secretary of State April 13, 2005.

2005-120
KIDS IN DANGER’S BEST FRIENDS DAY

WHEREAS, there are millions of children’s products on the market today, and it is extremely important to ensure the safety of those products before they are used by our children; and
WHEREAS, each year, an estimated 61,000 children under the age of five are treated in hospital emergency rooms for injuries from children’s products, and more than 50 children die annually in incidents associated with nursery products; and
WHEREAS, Kids In Danger (KID) is a non-profit organization founded in Chicago, Illinois in 1998 with the mission of protecting children by improving children’s product safety; and
WHEREAS, Illinois led the country in adopting the Children’s Product Safety Act in 1999, which prohibits the sale and use among childcare professionals of dangerous or recalled children’s products; and
WHEREAS, the State of Michigan, encouraged by then-Attorney General Jennifer M. Granholm, became the second state to put this protection
in place; and
WHEREAS, Michigan Governor Granholm is now being honored by Kids In Danger with their 2005 Best Friend Award; and
WHEREAS, the State of Illinois recognizes the great work performed by KID each day and by their Best Friends, including Michigan Governor Jennifer M. Granholm and it is fitting that we take the time to recognize their dedicated efforts to keep children safe:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 19, 2005 as KIDS IN DANGER’S BEST FRIENDS DAY in Illinois, and encourage all citizens to become cognizant of the safety of children’s products to ensure that our youth are not unnecessarily harmed.

Issued by the Governor April 14, 2005.
Filed by the Secretary of State April 15, 2005.

2005-121

ASIAN LONGHORNED BEETLE AWARENESS DAY

WHEREAS, the Asian Longhorned Beetle is an invasive species that originated in Asia and poses a tremendous threat to the trees and forest resources of North America; and
WHEREAS, the Asian Longhorned Beetle was first detected in the United States in New York City and has also been found in Illinois and New Jersey; and
WHEREAS, infested trees numbering 1,770 have been found and removed from Northeastern Illinois and over 2,682 non-host trees have been replanted; and
WHEREAS, over the last several years, potential host trees have been treated with insecticide as a protective measure against infestation development, with 91,644 trees being treated in 2004 alone; and
WHEREAS, various groups and organizations including the United States Department of Agriculture’s Animal & Plant Health Inspection Service, the Illinois Department of Agriculture, the City of Chicago, and other towns and villages in Northeastern Illinois have worked tremendously well together to detect, control and possibly eradicate this pest from our state; and
WHEREAS, two quarantined areas referred to as Summit and Addison were deregulated in 2004 and several other quarantined areas known as Kilbourne Park, Park Ridge, Bensenville and Loyola have experienced over two years of negative beetle survey results and are being deregulated by the State of Illinois’ Director of Agriculture on April 21, 2005:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim April 21, 2005 as ASIAN LONGHORNED BEETLE AWARENESS DAY in Illinois, and urge all citizens to recognize the tremendous work put forth by these groups involved and to join their efforts in the complete eradication of this pest.

Issued by the Governor April 15, 2005.

Filed by the Secretary of State April 15, 2005.

2005-122

NATIONAL MONTH OF THE MILITARY CHILD

WHEREAS, when parents serve in the United States Armed Forces, their children serve as well. At the present time, there are more than one million school-aged children throughout this great country who have one or both of their parents currently serving active military duty; and

WHEREAS, it is important that those many military children have the help and guidance that they need to achieve happiness and success in their young lives; and

WHEREAS, in 2004, Tricia Johnson, the spouse of an Army reservist, founded Kids Serve Too with assistance from a team of other military spouses and volunteers. The program’s mission is to honor, support and thank military children; and

WHEREAS, being the first program of its kind in the United States, Kids Serve Too has set forth the goals of: fostering community awareness about the personal struggles and challenges American military children are facing; sponsoring activities and events for military children to demonstrate our country’s appreciation; providing informational tools and web-based resources for military families and the communities that support them; and building support systems in school districts not located on military installations; and

WHEREAS, this month, Kids Serve Too joins friends and supporters all over the country in celebrating National Month of the Military Child to pay tribute to America’s military children for their courage and their commitment; and

WHEREAS, here in Illinois, we are proud to recognize the many military children who live throughout the state, and join in observing this special commemorative month:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as NATIONAL MONTH OF THE MILITARY CHILD in Illinois, and encourage all citizens to recognize the efforts of Kids Serve Too as they fulfill their mission of serving our nation’s military children.

Issued by the Governor April 18, 2005.
2005-123
THE WORLD'S LARGEST ICE CREAM CAKE SOCIAL DAY

WHEREAS, the Make-A-Wish Foundation was established in 1980 when they helped a little boy named Chris Greicius realize his heartfelt wish to become a police officer; and
WHEREAS, throughout their 25 years of existence, the Make-A-Wish Foundation has continued to fulfill their noble mission with the motto, “We grant the wishes of children with life-threatening medical conditions to enrich the human experience with hope, strength, and joy;” and
WHEREAS, there is a network of more than 25,000 volunteers giving their time to the Make-A-Wish Foundation in an effort to serve these children with life-threatening conditions. The volunteers serve as wish granters, fund raisers, special events assistants, as well as in many other functions; and
WHEREAS, more than 127,000 children worldwide have been able to experience their wishes because of the many efforts put forth by the volunteers of the Make-A-Wish Foundation; and
WHEREAS, the State of Illinois is pleased to join the Cold Stone Creamery, who is assisting the Make-A-Wish Foundation with a large-scale fund-raising effort, and on April 25, 2005 they will host “The World’s Largest Ice Cream Cake Social” with one hundred percent of the donations going toward the Make-A-Wish Foundation:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1 – 7, 2005 as THE WORLD’S LARGEST ICE CREAM CAKE SOCIAL DAY in Illinois, and encourage all citizens to recognize the wonderful efforts put forth by the Make-A-Wish Foundation, as they gather for this exciting charitable event.
Issued by the Governor April 20, 2005.
Filed by the Secretary of State April 20, 2005.

2005-124
CORRECTIONAL OFFICERS WEEK

WHEREAS, every day, the men and women who work in our state and county correctional facilities face great risks and in many cases, put their safety on the line as they perform their duties; and
WHEREAS, correctional officers are skilled professionals who must act as counselors, communicators and experts at crisis intervention. In addition, they must preserve the safety of our lives and property, and maintain their professional demeanor while often facing hostile, aggressive
and intimidating behavior from prison inmates; and
WHEREAS, these officers must possess the intuitive sense to resolve conflicts and save lives, while also possessing the physical ability to restrain persons representing a danger to themselves and others; and
WHEREAS, we could not operate Illinois’ prisons, correctional camps, halfway houses and county facilities without the hard work and sacrifices made each day by our correctional officers; and
WHEREAS, the State of Illinois is pleased to join with the International Association of Correctional Officers in celebrating Correctional Officers Week, and in recognizing correctional officers for playing an integral role in this state by working hard to ensure the safety of inmates and of citizens in our communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1 – 7, 2005 as CORRECTIONAL OFFICERS WEEK in Illinois, and encourage all citizens to pay special tribute to these men and women who serve so faithfully, often with little thanks or recognition, in serving to protect others.

Issued by the Governor April 20, 2005.
Filed by the Secretary of State April 20, 2005.

2005-125
LINCOLN TRAIL HIKE DAY

WHEREAS, in 1926, R. Allan Stephens, a former Boy Scout Commissioner of Springfield, Illinois, developed the idea that Boy Scouts would acquire a greater appreciation of the obstacles that Abraham Lincoln overcame in his rise to the presidency if they walked the same 20-mile route that he followed from New Salem to Springfield; and
WHEREAS, this walk is known as the Lincoln Trail Hike, and Boy Scouts that successfully complete the trail are given a special award honoring their perseverance, with it also considered as a mark of respect to President Lincoln; and
WHEREAS, the 20-mile route is located closely to the roadways of Lincoln’s New Salem days, keeping hikers on secondary roads, byways and trails; and
WHEREAS, beginning in 1995, in commemoration of the 25th Anniversary of the first Earth Day, the Illinois Environmental Protection Agency teamed up with the Abraham Lincoln Council of the Boy Scouts of America to support litter collection along the Lincoln Trail, in order to further Earth stewardship and promote environmental consciousness among the scouts; and
WHEREAS, Illinois Environmental Protection Agency employees
support the goals of the Lincoln Trail Hike by volunteering their services to assisting the scouts during the hike; and

WHEREAS, in 2005, approximately 1,300 scouts will walk the Lincoln Trail Hike, and maintain the 60th Annual Lincoln Pilgrimage:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23, 2005 as LINCOLN TRAIL HIKE DAY in Illinois, and encourage all citizens to recognize all the committed scouts paying tribute to one of Illinois’ greatest historical figures.

Issued by the Governor April 20, 2005.
Filed by the Secretary of State April 20, 2005.

2005-126

PLAYGROUND SAFETY WEEK

WHEREAS, the safety and well being of children is a priority of this state; and

WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year equaling an average of one playground-related emergency room visit every two-and-one-half minutes; and

WHEREAS, the National Program for Playground Safety was created at the University of Northern Iowa to help inform the nation about playground injuries, and possible ways to reduce them; and

WHEREAS, The National Program for Playground Safety has identified key areas that could help substantially reduce the number of playground injuries and keep our children SAFE – providing: proper Supervision, Age appropriate equipment, materials to soften Falls to the surface, and Equipment maintenance; and

WHEREAS, spring is often a time that children head to the playground, as a result, a large percentage of playground injuries occur in the months of April through June; and

WHEREAS, it is essential that we take the time to inspect, repair, and sustain the many playgrounds that provide our children with much needed exercise and enjoyment; and

WHEREAS, the State of Illinois is committed to the notion that no child should play on an unsafe playground:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 25 – 29, 2005 as PLAYGROUND SAFETY WEEK in Illinois, and encourage all citizens to help to keep our children safe on community playgrounds.

Issued by the Governor April 20, 2005.
Filed by the Secretary of State April 20, 2005.
2005-127
BOY SCOUTS OF AMERICA DAY

WHEREAS, the Boy Scouts of America was incorporated on February 8, 1910 and chartered by Congress in 1916, with the mission of providing a program for community organizations that offers effective character development, citizenship, and personal fitness training for youth; and

WHEREAS, thousands of scouts are able to develop as youth while serving the community because of more than one million volunteers dedicating their time and efforts; and

WHEREAS, with over 300 local councils across the United States offering quality youth programs, scouts are able to provide an average of 48 million hours of service in communities throughout the country each year; and

WHEREAS, this year commemorates the 95th anniversary of the Boy Scouts of America, as well as the 75th anniversary of Cub Scouting; and

WHEREAS, my administration is working diligently to do what we can in the state to foster youth accountability. Therefore, we are pleased to recognize the programs put forth by the Boy Scouts of America for helping children learn the values and responsibilities of becoming good citizens:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14, 2005 as BOY SCOUTS OF AMERICA DAY in Illinois, and encourage all citizens to recognize the great efforts put forth by this nearly century-old American institution.

Issued by the Governor April 20, 2005.
Filed by the Secretary of State April 20, 2005.

2005-128
CHILDREN’S MEMORIAL FLAG DAY

WHEREAS, approximately 3 million children are reported abused and neglected in this country each year; and

WHEREAS, the negative effects of child abuse are felt in every state and in every community in this country, and therefore it is important that these issues are addressed on a national level; and

WHEREAS, the Child Welfare League of America has promoted the Children’s Memorial Flag as a way of memorializing the thousands of children and teenagers in the United States who die violently every year from child abuse; and

WHEREAS, the Children’s Memorial Flag has become a recognizable symbol of the need to remain diligent in the mission of
protecting children from abuse; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

WHEREAS, it is essential that as a country, we become more aware of the negative effects of child abuse and its prevention within our communities, and become involved in supporting parents to raise their children in a safe and nurturing environment:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 22, 2005 as CHILDREN’S MEMORIAL FLAG DAY in Illinois, and encourage all citizens to memorialize the thousands of children across the country who die from child abuse each year, and furthermore, ask all citizens to increase their participation in efforts to prevent child abuse.

Issued by the Governor April 21, 2005.
Filed by the Secretary of State April 22, 2005.

2005-129

FEDERATION OF WOMEN CONTRACTORS DAY

WHEREAS, there has been a continuous struggle in our society for women to receive the same rights as their male counterparts. Equally as pervasive is their struggle for equality in the workplace; and

WHEREAS, males continue to have a seat at the decision-making table, especially in fields historically dominated by men, such as the construction industry; and

WHEREAS, the Federation of Women Contractors (FWC), created in 1989, is “committed to the advancement of entrepreneurial women in the construction industry;” and

WHEREAS, through educational, social and professional efforts, FWC has provides an arena for its more than 100 members to have a voice; and

WHEREAS, the breadth of their message reaches far beyond the FWC membership, joining in alliance with other associations in the industry and other professional women’s organizations to make a difference:

Therefore, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 12, 2005 FEDERATION OF WOMEN CONTRACTORS DAY in Illinois, and join FWC in celebration of their 15th Anniversary and 13th Annual Awards Reception.

Issued by the Governor April 22, 2005.
Filed by the Secretary of State April 22, 2005.
2005-130

FOSTER PARENT APPRECIATION MONTH

WHEREAS, to foster means to nourish, cherish and encourage, which is what foster parents do for children whose natural parents can no longer provide them with care; and

WHEREAS, foster parents meet a very special need in our society by ensuring that these children receive attention, respect, love, understanding, compassion, and health and educational services; and

WHEREAS, thousands of caring adults in Illinois have opened their hearts as well as their homes to provide loving and stable environments for more than 18,000 children; and

WHEREAS, the contributions of Illinois foster parents to the welfare of these children are incalculable and irreplaceable; and

WHEREAS, Illinois has remained a national leader in adoptions, primarily due to the commitment shown by the state’s licensed foster parents and relative foster parents, who are responsible for the vast majority of adoptions of the Illinois Department of Children and Family Services’ (DCFS) wards; and

WHEREAS, foster parents throughout the state helped DCFS become the nation’s first state child welfare agency to earn re-accreditation by the Council on Accreditation for Children and Family Services; and

WHEREAS, there remains a great demand for additional caring adults in Illinois to consider opening their homes to older children in need of foster care; and

WHEREAS, Illinois foster parents deserve our gratitude and respect for the work they do everyday to ensure that our children receive the support they need throughout their maturing process:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as FOSTER PARENT APPRECIATION MONTH in Illinois, and encourage all citizens to recognize and support the gracious and loving foster parents in their communities.

Issued by the Governor April 22, 2005.
Filed by the Secretary of State April 22, 2005.

2005-131

CAR CARE MONTH

WHEREAS, neglected maintenance on vehicles leads to more than 2,600 deaths, nearly 100,000 disabling injuries and more than $2 billion in lost wages, medical expenses and property damage in this country each year;
and
WHEREAS, more than 70 percent of the vehicles on the road today are in need of some type of preventative maintenance; and
WHEREAS, according to the U.S. Environmental Protection Agency, 30 percent of vehicles are responsible for the majority of pollution emanating from motor vehicles; and
WHEREAS, through proper maintenance, a 10-year-old car can produce less emissions than a poorly maintained 5-year old vehicle; and
WHEREAS, disabled vehicles are a major cause of highway congestion that is avoidable with proper maintenance of critical vehicle systems; and
WHEREAS, proper maintenance of key safety systems such as brakes, air bags and lights will help the state reduce accidents and the accompanying injuries and fatalities; and
WHEREAS, proper maintenance will reduce fuel usage by cars and therefore save car owners money while also reducing the emissions of greenhouse gases; and
WHEREAS, proper maintenance of the state’s vehicle fleet will reduce long term operating costs and the need to purchase new vehicles:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as CAR CARE MONTH in Illinois, and urge all citizens who have vehicles to inspect and perform necessary maintenance in order to ensure their vehicle is operating in a safe, efficient and clean manner.

Issued by the Governor April 22, 2005.
Filed by the Secretary of State April 22, 2005.

2005-132
TAKE OUR DAUGHTERS AND SONS TO WORK DAY

WHEREAS, the Ms. Foundation for Women launched Take Our Daughters And Sons to Work Day in 2003 to help our nation’s daughters and sons reach their full potential in school, in family life, in the community, and in their future work lives; and
WHEREAS, this program designs and promotes activities that encourage girls and boys to think about how their dreams for the future, both for their work and family lives, can be realized; and
WHEREAS, through this educational experience, girls and boys begin to see how studied subjects like math, English, and science are applied in “real” world settings. As a result, girls and boys are given the opportunity to explore the workplace and apply the experience to their everyday studies; and
WHEREAS, Take Our Daughters and Sons to Work Day offers girls and boys a chance to observe a wealth of job possibilities and future opportunities, while also maintaining its commitment to ensuring that all our nation’s daughters and sons have a chance to participate in the program. They will see the faces of engineers, doctors, professors, and executives that could be of any gender, race, or background; and

WHEREAS, the Ms. Foundation for Women has created this public education program that amplifies the voices of girls and boys, shares the vision of our nation’s daughters and sons for a better future, and works to help girls and boys make their vision of today their reality of tomorrow:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 28, 2005 as TAKE OUR DAUGHTERS AND SONS TO WORK® DAY in Illinois, and encourage all citizens to recognize this wonderful opportunity to teach our nation’s sons and daughters the value of work through a hands-on experience.

Issued by the Governor April 22, 2005.
Filed by the Secretary of State April 22, 2005.

2005-133
CONSERVATION DAY

WHEREAS, the Natural Resources Conservation Service strives to protect Illinois’ soil resources, improve water quality, preserve wildlife habitat, and secure open space and prime farmland; and

WHEREAS, conservationists across our beautiful state work hand in hand with the citizens of Illinois to conserve natural resources in order to create a healthier land; and

WHEREAS, along with Illinois and federal conservation agencies and districts, leadership for the conservation of natural resources on private lands is provided by the Natural Resources Conservation Service of the U.S. Department of Agriculture; and

WHEREAS, the Natural Resources Conservation Service and its predecessor, the Soil Conservation Service, have been helping agricultural landowners in Illinois meet their conservation goals since 1935; and

WHEREAS, the Natural Resources Conservation Service has established an important conservation partnership with Illinois’ private landowners and producers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 27, 2005 as CONSERVATION DAY in Illinois, and encourage all citizens to recognize the 70th Anniversary of the Natural Resources Conservation Service, and their contributions to this state, so as to increase awareness among Illinois’ citizens about the importance of
WHEREAS, Jack Licata faithfully served the people of Franklin County, Illinois for 32 years as the County Highway Superintendent, prior to his death on February 17, 2005; and

WHEREAS, before his appointment as Franklin Highway Superintendent, Jack Licata also served the people of Illinois as an engineer with the Illinois Department of Transportation; and

WHEREAS, during his tenure as County Highway Superintendent, Jack Licata supervised the repaving of over 130 miles and the reconstruction of 190 bridges on county and township roads in Franklin County. He also participated in the reconstruction of 12 railroad bridges; and

WHEREAS, in addition to his duties as County Highway Superintendent, Jack Licata also served for 21 years as a member of the Board of Education of Du Quoin Community Unit School District No. 300; and

WHEREAS, Jack Licata exhibited the highest standards of public service, professional competence and integrity throughout his entire career as a civil engineer; and

WHEREAS, the Franklin County Board has voted to re-name the West Frankfort Lake Bridge, located on New Lake Road, in honor of Jack Licata at a dedication ceremony to be held on Friday, May 6, 2005:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Friday, May 6, 2005 as JACK LICATA DAY in Illinois, and do further express to the family and friends of Mr. Licata the gratitude and good wishes of the people of this state as you gather to dedicate the “Jack Licata Bridge.”

Issued by the Governor April 26, 2005.
Filed by the Secretary of State April 26, 2005.

2005-135
ILLINOIS PTA WEEK

WHEREAS, on May 30, 1900, just three years after the inception of the National Congress, the Illinois Congress of Mothers, now called the Illinois PTA, was founded in Evanston, Illinois with the mission of addressing child-related crises; and
WHEREAS, since that time, the Illinois PTA has put forth tremendous efforts to, among other things, bridge the gap between parent and teacher, and represent the interests of students with the goal of positively impacting their educational development; and

WHEREAS, the eight primary objectives of the PTA are: 1. to support and speak on behalf of the children and youth in the schools, in the community and before governmental bodies and other organizations that make decisions affecting children; 2. to assist parents in developing the skills they need to raise and protect their children; 3. to encourage parent and public involvement in the public schools of this nation; 4. to promote the welfare of children and youth in home, school, community and place of worship; 5. to raise the standards of home life; 6. to secure adequate laws for the care and protection of children and youth; 7. to bring into closer relations the home and the school, so that parents and teachers may cooperate in the education of children and youth; and 8. to develop between educators and the general public such united efforts as will secure for all children and youth the highest advantages in physical, mental, social and spiritual education; and

WHEREAS, in their almost 105 years of existence, the Illinois PTA has accomplished a great deal. With a current membership of 200,000, they continue to be a strong voice for the advocacy of children and youth, working with the Illinois State Board of Education, along with cooperating agencies in the fields of health, safety, environmental concerns, juvenile protection, cultural arts, and community outreach, and other governmental bodies, in the continuing mission of ensuring a better future for our children; and

WHEREAS, my administration is proud to recognize the Illinois PTA for their wonderful presence in this State for over 100 years, and looks forward to their great work in the years to come:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 29 – May 6, 2005 as ILLINOIS PTA WEEK, and encourage all citizens to recognize the great work of the PTA, and to join in their efforts to enhance the educational experience of every young person in Illinois.

Issued by the Governor April 26, 2005.
Filed by the Secretary of State April 26, 2005.

2005-136
HELPING CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS

WHEREAS, a “developmental disability” is defined as a disorder caused by mental retardation, cerebral palsy, epilepsy, autism, or any other condition which results in impairment similar to that of mental retardation.
A developmental disability originates before the age of 18 and is expected to continue indefinitely; and,

WHEREAS, approximately 1.5 percent of the U.S. population is afflicted with a developmental disability or mental retardation. Due to the early onset and debilitating nature of these disorders, many more children are affected than adults; and

WHEREAS, one of the main purposes of the Knights of Columbus, a fraternal order with 1.6 million members around the world, is to support various charitable causes that seek to make our families and communities stronger. It has donated $1 billion and volunteered 400 million hours of service in the past decade; and

WHEREAS, the Illinois State Council of the Knights of Columbus will hold their 35th Annual Fund Drive for the Mental Retardation / Learning Disabilities Program from September 17-19, 2004, distributing the funds they raise to more than 300 organizations throughout Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 16-18, 2005 as HELPING CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS in Illinois, and encourage all citizens to contribute what they can to assist the people that are afflicted with these terrible disorders.

Issued by the Governor April 28, 2005.
Filed by the Secretary of State April 28, 2005.

2005-137

ILLINOIS STATE GEOLOGICAL SURVEY WEEK

WHEREAS, on May 12, 1905, Governor Charles S. Deneen signed legislation authorizing the creation of the Illinois State Geological Survey to study, inventory, and report on the geology and mineral resources of this state; and

WHEREAS, during the past one hundred years, the Illinois State Geological Survey has published hundreds of maps, scientific articles, reports and educational materials that have established the agency’s reputation as one of the premier geological research and scientific service institutions in North America; and

WHEREAS, economic studies have demonstrated that each dollar invested in producing detailed geological maps by the Illinois State Geological Survey and making them available to the public has returned between twenty-five and thirty-nine dollars to the economy of the state through reduced costs for environmental cleanups, exploring for earth resources and safe siting of waste disposal facilities, industries and critical infrastructure; and
WHEREAS, the geologists at the Illinois State Geological Survey are continuing to serve the people of Illinois by creating detailed geological maps of the complexly layered glacial deposits in rapidly urbanizing areas of the state where the needs are greatest, and by creating interpretive maps and computerized, three-dimensional models of the geologic deposits to help local officials locate and protect groundwater aquifers, find the best sites for industrial development, properly plan necessary urban and suburban growth, route highways and other modes of transportation, and build other infrastructure; and

WHEREAS, the scientific experts at the Illinois State Geological Survey are developing new technologies and studying the state’s geology in order to make the State of Illinois the recognized leader in “cradle-to-grave” management of fossil fuel resources so that our citizens, and the nation, may ultimately enjoy the possibility of using the state’s abundant coal, oil and gas resources in a pollution-free manner; and

WHEREAS, on May 12, 2005, the Illinois State Geological Survey is beginning a year-long celebration of its one hundred years of service to the people of Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 12 – 18, 2005 as ILLINOIS STATE GEOLOGICAL SURVEY WEEK in Illinois in honor of the beginning of the year-long celebration, and encourage all citizens to support and participate in the many events arranged during the coming year to recognize the Centennial Celebration.

Issued by the Governor April 28, 2005.
Filed by the Secretary of State April 28, 2005.

2005-138
ELECTRICAL SAFETY MONTH

WHEREAS, hundreds of people die, and thousands are injured each year in electrical accidents; and

WHEREAS, based on reports by the U. S. Consumer Product Safety Commission, an estimated 500 people are killed and more than 5,000 are injured annually due to residential electrical-related fires; and

WHEREAS, property damage, due to electrical-related fires amounts to nearly $1.6 billion each year; and

WHEREAS, following basic electrical safety precautions can help prevent injury or death to thousands of people each year; and

WHEREAS, citizens are encouraged to check their homes and workplaces for possible electrical hazards to help protect their lives and their property; and
WHEREAS, Underwriters Laboratories Incorporated (UL) is an independent, not-for-profit product safety testing and certification organization, testing products for public safety for more than a century; and

WHEREAS, the efforts of the Electrical Safety Foundation International and the UL serve to educate the public about the importance of respecting electricity, and practicing electrical safety in the home, school and workplace; and

WHEREAS, UL is actively helping to move this effort forward in order to reduce the number of electrical injuries and deaths from electrical hazards:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as ELECTRICAL SAFETY MONTH in Illinois, and encourage all citizens to recognize the importance of practicing electrical safety habits in the home, school and workplace to decrease electrical hazards.

Issued by the Governor April 28, 2005.
File by the Secretary of State April 28, 2005.

2005-139
MULTIPLE CHEMICAL SENSITIVITY/TOXIC INJURY AWARENESS AND EDUCATION MONTH

WHEREAS, toxic injury, also known as multiple chemical sensitivity or MCS, is a chronic debilitating condition for which there is no known cure; and

WHEREAS, this condition is characterized by heightened sensitivity to very small amounts of air pollution, petrochemicals and other toxins found in the environments of our homes, schools, and work places; and

WHEREAS, symptoms of toxic injury vary, but may include: flu like symptoms, severe headaches, chronic fatigue, a metallic taste in the mouth, or difficulty breathing and concentrating. Once sensitized, our bodies react more easily to a greater number of substances; and

WHEREAS, getting rid of all aerosol products, disposing of all scented products, eliminating permanent press sheets and clothing, and drinking, eating and storing food items in glass, ceramic, or stainless steel, are steps that can be taken to better protect toxic injury sufferers; and

WHEREAS, the “MCS” Beacon of Hope Foundation was established in July 2000 to raise awareness and educate the public on this growing health issue:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as MULTIPLE CHEMICAL SENSITIVITY/TOXIC INJURY AWARENESS AND EDUCATION MONTH.
MONTH in Illinois, and encourage all citizens to become conscientious of the toxic hazards that plague our environment.

Issued by the Governor April 28, 2005.
Filed by the Secretary of State April 28, 2005.

2005-140
LANDSCAPE ARCHITECTURE MONTH

WHEREAS, landscape architecture is a diverse profession that blends elements from architecture, civil engineering and urban planning to form aesthetic relationships between people and the land; and
WHEREAS, landscape architects use design skills and aesthetic sense to enhance and add beauty to our surroundings; and
WHEREAS, the work of landscape architects increases the quality of life in our communities; and
WHEREAS, landscape architects plan the communities, public spaces and infrastructure that will support our housing, commercial and transportation needs; and
WHEREAS, the State of Illinois and the City of Chicago continue to benefit from the skills of landscape architects who create and preserve our parks, local schoolyards, and commercial streetscapes:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as LANDSCAPE ARCHITECTURE MONTH in Illinois, and encourage all citizens to recognize the legacy of landscape architects and their important contributions to the State of Illinois.

Issued by the Governor April 28, 2005.
Filed by the Secretary of State April 28, 2005.

2005-141
TOBACCO FREE WEEK

WHEREAS, nearly 23 percent of Illinois adults smoke and are at risk of tobacco-related diseases including cancer, heart disease, stroke and other serious and costly health problems; and
WHEREAS, tobacco use is the leading cause of preventable deaths and, on average, men who smoke cut their lives short by 13.2 years and female smokers lose 14.5 years; and
WHEREAS, smoking causes more deaths than AIDS, alcohol, motor vehicle accidents, homicide, illicit drugs, and suicide combined; and
WHEREAS, more than 16,500 Illinoisans die due to tobacco-related illnesses annually and the state economic impact of smoking amounts to $6.7 billion each year in direct medical costs and lost productivity; and
WHEREAS, more than 29 percent of high school students, more than 7 percent of middle school students and 12 percent of pregnant women are current smokers; and

WHEREAS, 71 percent of adults want smoking to be banned in all areas in the workplace and more than 53 percent of adults want smoking to be banned in all indoor dining areas of restaurants; and

WHEREAS, the Illinois Department of Public Health, Illinois Tobacco Free Communities and other health care professionals throughout Illinois are raising awareness about the dangers of tobacco use, encouraging people not to use tobacco, motivating users to quit and promoting tobacco free environments:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 – 6, 2005 as TOBACCO FREE WEEK in Illinois, and encourage all citizens to live healthy lifestyles by choosing not to use tobacco products in order to achieve optimum health.

Issued by the Governor April 29, 2005.

Filed by the Secretary of State April 29, 2005.

2005-142
HUMAN RESOURCES MANAGEMENT ASSOCIATION OF CHICAGO PROFESSIONAL DAY

WHEREAS, the management of human resources plays an integral role in the work of Illinois companies who are committed to excellence; and

WHEREAS, the management of human resources is a vitally important focus for companies in Illinois as they face greater demand for high-skilled workers, increasing cost pressures on employee and retiree benefits, and greater scrutiny from regulators, shareholders and investors; and

WHEREAS, the management of human resources is essential in today’s marketplace as companies face competition and the impact of global expansion; and

WHEREAS, human resource practices have adapted to the changing needs of businesses and families in Chicago throughout the last century, from the days of the Chicago stockyards to the current era of an increasingly high-tech economy and diverse workforce; and

WHEREAS, human resource professionals partner with business leaders to design and deliver workforce strategies that drive superior business performance; and

WHEREAS, the Human Resources Management Association of Chicago has established a unique, regionally-based, independent and company-focused organization and has provided discussion and networking
forums for ninety (90) years to strengthen the city and region’s economic growth through the development of people:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 13, 2005 as HUMAN RESOURCES MANAGEMENT ASSOCIATION OF CHICAGO PROFESSIONAL DAY in Illinois, and encourage all citizens to join in recognizing the accomplishments of HRMAC on the occasion of their 90th anniversary.

Issued by the Governor April 29, 2005.
Filed by the Secretary of State April 29, 2005.

2005-143
ADLER PLANETARIUM & ASTRONOMY MUSEUM DAY

WHEREAS, in 1930, the Adler Planetarium & Astronomy Museum was founded as the first planetarium in the Western Hemisphere, providing the opportunity for people all across the country to experience human space exploration and discovery; and

WHEREAS, the Adler Planetarium converted light from the star Arcturus into electrical signals that turned on the lights for the opening ceremonies of the 1933 Century of Progress Exposition (World’s Fair); and

WHEREAS, partnering with the National Science Foundation since 1964, the Adler Planetarium offers the Astro-Science Workshop, a challenging program for Chicago area high school students demonstrating exceptional aptitude for science; and

WHEREAS, the Adler Planetarium houses one of the world’s finest collections of astronomical artifacts dating from the 12th century, including the world’s oldest known window sundial from 1529, and a telescope made by William Herschel, the astronomer who discovered Uranus; and

WHEREAS, the Adler Planetarium is providing Chicago schools with greater access to its exhibits and astronomers through videoconferencing, a dedicated website for teachers and their students, and the piloting of new distance learning instruction techniques. This pilot will advance the national canon of knowledge concerning distance learning’s impact and effectiveness; and

WHEREAS, NASA has selected the Adler Planetarium as its education partner for the Interstellar Boundary Explorer mission to be launched in 2008. This mission will examine the characteristics of the boundary between the solar system and deep space that protects Earth from cosmic radiation; and

WHEREAS, this state is proud of the Adler Planetarium’s presence in Chicago and Illinois, as well as their accomplishments in the field of astronomy:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 12, 2005 as ADLER PLANETARIUM & ASTRONOMY MUSEUM DAY in Illinois, and encourage all citizens to join in celebrating the 75th anniversary of this Chicago institution.

Issued by the Governor April 29, 2005.
Filed by the Secretary of State April 29, 2005.

2005-144

BETTER SPEECH AND HEARING MONTH

WHEREAS, the Illinois Speech-Language-Hearing Association (ISHA) is a non-profit organization representing licensed speech-language pathologists and audiologists; and
WHEREAS, speech-language pathologists identify communication or swallowing problems that pre-exist, and determine the best treatment solutions; and
WHEREAS, audiologists specialize in the prevention, identification, and evaluation of hearing disorders; and
WHEREAS, founded in 1960, ISHA has three goals: to make the public aware of services available to persons with speech, language and hearing disorders; to advocate for quality hearing services throughout the state; and to support the scientific study of human communication and its disorders; and
WHEREAS, forty-six million Americans are affected by communicative disorders, including 28 million individuals with hearing loss and 16 million individuals with speech, voice or language disorders; and
WHEREAS, forty-five percent of individuals reported to have a chronic speech-language disorder are under the age of 18:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as BETTER SPEECH AND HEARING MONTH in Illinois and encourage all citizens to be aware of the help that is available to those individuals with a language or hearing problem.

Issued by the Governor April 29, 2005.
Filed by the Secretary of State April 29, 2005.

2005-145

DAYS OF REMEMBRANCE

WHEREAS, the Holocaust was the state sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and
WHEREAS, during this sad time in history, six million were
murdered, while many others were forced into grievous oppression and death under Nazi tyranny for racial, ethnic or national reasons; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, the people of the State of Illinois also should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny. In addition, we should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the state of Illinois to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980), the United States Holocaust Memorial Council designates the Days of Remembrance of victims of the Holocaust to be Sunday, May 1 through Sunday, May 8, 2005, including the International Day of Remembrance known as Yom Hashoah on May 6:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1 – May 8, 2005 as DAYS OF REMEMBRANCE in Illinois, in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and urge all citizens to collectively and individually strive to overcome bigotry, hatred and indifference through learning, tolerance and remembrance.

Issued by the Governor April 29, 2005.
Filed by the Secretary of State April 29, 2005.

2005-146
NORTH AMERICAN OCCUPATIONAL
SAFETY AND HEALTH WEEK

WHEREAS, safety and health hazards in the workplace include: contact with harmful chemicals, unsafe electrical outlets, fires, bacteria-related diseases, cuts, prolonged exposure to excessive heat or cold, and many more. They are extremely dangerous and often result in serious injuries, and in some cases, death; and

WHEREAS, millions of people go to work and return home safely everyday, due in part to the efforts of occupational safety, health and environmental practitioners who work hard to identify hazards, implement safe practices, and prevent fatalities and illnesses in all industries and workplaces; and

WHEREAS, it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury
in the workplace, and understand the many procedures that make prevention possible; and

WHEREAS, strictly following safety guidelines, minimizing possible workplace risk factors, and providing accessible, and thorough first aid kits for employees are all ways citizens can cut down workplace injuries and hazards; and

WHEREAS, the more than 30,000 members of the non-profit organization, the American Society of Safety Engineers, work to protect people, property, and the environment each and everyday; and

WHEREAS, during the week of May 1 through May 7, 2005, members of the American Society of Safety Engineers will work to raise public awareness on prevention and safety measures, and hope that their involvement will save lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1 – 7, 2005 as NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK in Illinois, and encourage all citizens to become cognizant of safety procedures in the workplace.

Issued by the Governor April 29, 2005.

Filed by the Secretary of State April 29, 2005.

2005-147

COVER THE UNINSURED WEEK

WHEREAS, rising health care costs in the United States continually make it difficult for individuals, businesses and state governments to purchase quality, affordable health care coverage; and

WHEREAS, uninsured children and adults usually experience poorer health and have shorter life-expectancies than insured individuals; and

WHEREAS, here in Illinois, we are making great progress in the mission of providing health insurance to those that are currently lacking coverage; and

WHEREAS, since the beginning of my administration in 2003, over 300,000 more children and working parents now have health coverage through the KidCare and FamilyCare programs. Because of this accomplishment, Illinois was recognized in 2004 by the Kaiser Foundation as the nation’s leader in providing health care to low-income families; and

WHEREAS, through an innovative new program called I-SAVE Rx, Illinoisans, along with citizens in Kansas, Missouri, Wisconsin and Vermont, can now save up to 50% on the cost of their prescription drugs by purchasing them from safe and credible pharmacies in Canada, the United Kingdom and Ireland. Additionally, Illinois senior citizens who may not qualify for I-
SAVE Rx can join the Illinois Rx Buying Club, and save an average of 24% on all of their medications at over 2,000 pharmacies in this state; and

WHEREAS, Illinois’ commitment to providing health coverage to the greatest number of people possible does not stop with KidCare, FamilyCare and prescription drugs. We have also launched plans to: offer low-income women who are leaving Medicaid the informational tools necessary to avoid unwanted pregnancies and have successful transitions from welfare to work; expand funding for breast and cervical cancer screenings and AIDS prevention; and various other programs and initiatives aimed at ensuring the health and well-being of all citizens; and

WHEREAS, this year, the week of May 1 – 8 has been nationally designated as Cover The Uninsured Week to bring attention to the many people throughout the United States who are currently living without health insurance, and the need to assist those people in obtaining coverage. Illinois is proud to join in this important observance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1 – 8, 2005 as COVER THE UNINSURED WEEK in Illinois, and encourage all citizens to support efforts, both statewide and nationally, that help individuals and families gain access to quality, affordable health care.

Issued by the Governor April 29, 2005.
Filed by the Secretary of State April 29, 2005.

2005-148
NATIONAL CHARTER SCHOOLS WEEK

WHEREAS, in 1996, the Illinois Legislature enacted a statute that would “create new, innovative and more flexible ways of educating children within the public school system,” allowing for the creation of charter schools; and

WHEREAS, these schools would allow students and their parents to choose a school based on the school’s individual options; and

WHEREAS, during 2003-2004, there were 23 charter schools in operation in Illinois, serving approximately 13,000 students, 1,047 being students with disabilities; and

WHEREAS, the State of Illinois is committed to providing a solid education to all students. In 2004, my administration, with cooperation from the Illinois General Assembly, provided $400 million in new funds for elementary and secondary education:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 –6, 2005 as NATIONAL CHARTER SCHOOLS WEEK in Illinois and encourage all citizens to support the
faculty, staff, and administrators of all schools across the state as they educate our future world leaders.

Issued by the Governor May 02, 2005.
Filed by the Secretary of State May 02, 2005.

2005-149
ASTHMA AWARENESS DAY

WHEREAS, asthma is a chronic disease in which the airways of the lungs constrict, causing wheezing, breathlessness, chest tightness, and coughing. Also, this disease is associated with significant morbidity and mortality; and

WHEREAS, asthma has reached epidemic proportions, affecting about 20 million people in the United States, 700,000 of which are in Illinois; and

WHEREAS, asthma is the leading cause of childhood hospitalizations, long-term illness, and school absenteeism, accounting for more than 14 million missed school days each year in the United States; and

WHEREAS, in 2002, the estimated cost of all asthma expenditures in Illinois was approximately $1.4 billion, of which asthma inpatient charges accounted for more than $187 million; and

WHEREAS, exposure to allergens and irritants such as dust mites, mold, cockroaches, pet dander, and secondhand smoke can bring on an asthma episode; and

WHEREAS, preventive health interventions and health education can effectively help control asthma and reduce its occurrence; and

WHEREAS, the Illinois Department of Public Health, the Illinois Asthma Partnership and Asthma Coalitions throughout the state are collaborating on World Asthma Day, May 3, 2005, and throughout the month of May to both raise awareness and reduce the negative health impacts of asthma; and

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 3, 2005 as ASTHMA AWARENESS DAY in Illinois, and encourage all citizens to educate themselves about the health risks of asthma.

Issued by the Governor May 02, 2005.
Filed by the Secretary of State May 02, 2005.

2005-150
STATE EMPLOYEE RECOGNITION DAY

WHEREAS, throughout Illinois, state employees dedicate their
careers to enhancing the lives of people in this state; and

WHEREAS, Illinois’ state employees perform a variety of challenging and important tasks, including preserving public safety and protecting the health of our citizens, working to ensure clean air and water, caring for crime victims and the economically disadvantaged, rehabilitating and counseling people in need, attracting and supporting commerce, building and maintaining our highways, schools, and other infrastructure, administering justice, protecting citizens’ rights, inspecting our food, licensing our cars, educating our children, and striving to advance medicine, science, and technology for the benefit of our residents; and

WHEREAS, with the current budgetary struggles that Illinois is facing, these dedicated servant leaders have assumed additional responsibilities and extra duties with compassion, professionalism and a commitment to those they serve, while continually seeking ways to cut costs and use taxpayer resources wisely; and

WHEREAS, the 2005 observance of Illinois State Employee Recognition Day provides a special time to express our appreciation and gratitude to our state employees for their hard work and dedication to our continued well-being and quality of life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 4, 2005 as STATE EMPLOYEE RECOGNITION DAY in Illinois, and encourage all citizens to recognize state employees for their hard work, sacrifices, and dedication to the people of Illinois.

Issued by the Governor May 02, 2005.
Filed by the Secretary of State May 02, 2005.

2005-151
LIONS AND LIONESS TOOTSIE POP DAY

WHEREAS, the Lions and Lioness Clubs of Illinois tirelessly donate their time to ongoing efforts to help the blind, visually impaired, deaf, and hearing impaired; and

WHEREAS, the Lions and Lioness Clubs of Illinois are sponsoring Lions and Lioness Tootsie Pop Day for Sight and Sound throughout our State May 6, 2005; and

WHEREAS, Tootsie Pop Day is being held under the auspices of the Lions and Lioness of Illinois Foundation, a nonprofit organization that raises money for worthwhile projects through Tootsie Pop sales; and

WHEREAS, the proceeds from Tootsie Pop Day will help to provide detection treatment and rehabilitation programs for the blind, visually impaired, deaf, and hearing impaired residents of Illinois:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6, 2005 as LIONS AND LIONESS TOOTSIE POP DAY in Illinois, and encourage all citizens to support this noble endeavor aimed at creating a better and more independent life for the blind, visually impaired, deaf, and hearing impaired of our communities.

Issued by the Governor May 02, 2005.
Filed by the Secretary of State May 02, 2005.

2005-152
LIONS CANDY DAY

WHEREAS, the Lions Club was founded in 1917 by Melvin Jones. His goal was to create an organization of businesses who shared a common goal of bettering the community; and
WHEREAS, Lions Club International has grown to incorporate 1.4 million members who participate in 46,000 clubs in 193 countries across the globe; and
WHEREAS, the Lions Club of Illinois has raised an unprecedented amount of money for those who are visually and hearing impaired over the years through events such as Candy Day; and
WHEREAS, Candy Day allows the Illinois citizens to contribute to an organization that will in turn, give back to the public. The candy they receive is a token of appreciation from the Lions Club for their donation; and
WHEREAS, all proceeds made from Candy Day will go to the programs the Lions Club of Illinois promotes to continue to help the visually and hearing impaired:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 8, 2005 as LIONS CANDY DAY in Illinois, and applaud the Lions Club for so nobly serving the public for close to 90 years.

Issued by the Governor May 02, 2005.
Filed by the Secretary of State May 02, 2005.

2005-153
OLDER AMERICANS MONTH

WHEREAS, the State of Illinois is home to more than 1,900,000 citizens aged 60 years or older; and
WHEREAS, the older Americans of the State of Illinois are a vital part of our nation’s demographic makeup; and
WHEREAS, older citizens are members of our community entitled to dignified, independent lives free from fears, myths, and misconceptions
about aging; and
WHEREAS, each community in the United States must strive to recognize the contributions of our older citizens, understand and address their evolving needs, and support their caregivers; and
WHEREAS, our society is dependent upon intergenerational cooperation and support, and benefits from our collective efforts to serve older Americans and the people who love and care for them; and
WHEREAS, this year marks the 40th anniversary of the passage of the Older Americans Act by the United States Congress:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as OLDER AMERICANS MONTH in Illinois, and encourage all citizens to recognize the significant impact older Americans have made on the State of Illinois.

Issued by the Governor May 02, 2005.
Filed by the Secretary of State May 02, 2005.

2005-154
ASSISTED LIVING AND SHARED HOUSING
ESTABLISHMENT WEEK

WHEREAS, Assisted Living and Shared Housing Establishment Week begins on Grandparents Day; and
WHEREAS, Illinois recognizes the importance of assisted living and shared housing establishments in the continuum of long-term care services available to the citizens of Illinois; and
WHEREAS, assisted living and shared housing establishments are dedicated to providing care to many elderly citizens; and
WHEREAS, is dedication has been demonstrated by the commitment of assisted living and shared housing establishments to become upgrade standards of care and improve service in order to become licensed under state law; and
WHEREAS, the Illinois Center for Assisted Living is contributing to activities in observance of Assisted Living and Shared Housing Establishment Week.

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 11-17, 2005 as ASSISTED LIVING AND SHARED HOUSING ESTABLISHMENT WEEK in Illinois, and encourage all citizens to recognize the benefits provided by assisted living and shared housing establishments.

Issued by the Governor May 02, 2005.
Filed by the Secretary of State May 02, 2005.
2005-155
LONG-TERM CARE NURSES WEEK

WHEREAS, Long-Term Care Nurses have committed themselves to providing the highest quality care to the young, old and disabled; and
WHEREAS, Long-Term Care Nurses are faced with ever increasing medical demands to rehabilitate and provide the best possible quality of life for their residents; and
WHEREAS, more than 1,000 licensed and extended care facilities look to Long-Term Care Nurses for support and leadership; and
WHEREAS, the Illinois Health Care Association, representing more than 420 Illinois long-term care providers, along with the Long Term Care Nurses Association, declares May 6-12, 2005, as Illinois’ Long-Term Care Nurses Week, and the State of Illinois is proud to join in this observance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6-12, 2005 as LONG-TERM CARE NURSES WEEK in Illinois, and encourage all citizens to recognize Long-Term Care Nurses in their communities for their accomplishments, and dedication, to the health and well-being of all people.

Issued by the Governor May 02, 2005.
Filed by the Secretary of State May 02, 2005.

2005-156
NATIONAL NURSING HOME WEEK

WHEREAS, Taking Center Stage is this year's theme for National Nursing Home Week; and
WHEREAS, during this week, we recognize all of the people that play unique parts leading to the success story for the quality care performed at nursing facilities; and
WHEREAS, the elderly and developmentally challenged residents of long-term care facilities have led exceptional and extraordinary lives which have helped enhance the quality of life in this great state; and
WHEREAS, the long-term care facilities in Illinois are dedicated to providing the finest in health care and rehabilitation for our convalescent, aged and developmentally challenged citizens; and
WHEREAS, this dedication has been forcefully demonstrated through continual striving to upgrade standards of care and improve service; and
WHEREAS, National Nursing Home Week is an opportunity to bring into the limelight the celebration of this focus on quality with residents, staff, families, volunteers and members of our communities, and
WHEREAS, the Illinois Health Care Association is contributing to
activities in observance of National Nursing Home Week beginning May 8, 2005:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 8-14, 2005 as NATIONAL NURSING HOME WEEK in Illinois, and encourage all citizens to recognize all the individuals who have continually committed themselves to quality care and service in our state’s long-term care facilities.

Issued by the Governor May 02, 2005.
Filed by the Secretary of State May 02, 2005.

2005-157
NURSING ASSISTANTS’ WEEK

WHEREAS, Illinois has more than 200,000 Nursing Assistants; and
WHEREAS, Nursing Assistants working in long-term care facilities provide compassionate care for residents and their families; and
WHEREAS, Nursing Assistants provide nearly 90 percent of the direct nursing care given to residents in long-term care facilities; and
WHEREAS, Nursing Assistants care for tens of thousands of frail and elderly citizens of Illinois; and
WHEREAS, Nursing Assistants help restore residents to their highest functioning level:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 9-16, 2005 as NURSING ASSISTANTS’ WEEK in Illinois, and encourage all citizens to recognize the dedicated efforts put forth by nursing assistants in caring for our state’s weak and elderly residents.

Issued by the Governor May 02, 2005.
Filed by the Secretary of State May 02, 2005.

2005-158
ADULT DAY SERVICES WEEK

WHEREAS, adult day centers are structured, comprehensive programs that offer a variety of support services for the purpose of providing personal attention, and promoting social, physical and emotional well-being in a supportive setting; and
WHEREAS, the adult day service centers in Illinois provide these services with professional and compassionate care; and WHEREAS, through this service, functionally and cognitively impaired adults are able to receive needed care and services in a community environment; and
WHEREAS, adult day centers offer participants an opportunity for
enriching, educational, therapeutic and social experiences outside the home; and

WHEREAS, these centers provide much-needed assistance and counseling to caregivers, including anyone involved and dedicated to this noble service; and

WHEREAS, the State of Illinois proudly joins the Illinois Adult Day Service Association in designating May 8 – 14, 2005 as Adult Day Services Week:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 8 – 14, 2005 as ADULT DAY SERVICES WEEK in Illinois, and encourage all citizens to honor and celebrate these noble caregivers and the communities they enrich.

Issued by the Governor May 04, 2005.
Filed by the Secretary of State May 05, 2005.

2005-159
NATIONAL NURSES WEEK

WHEREAS, the more than 2 million nurses in the United States comprise our nation’s largest health care profession; and

WHEREAS, there are over 148,000 registered nurses in the state of Illinois; and

WHEREAS, the depth and extensiveness of the registered nursing profession meets the diverse, and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality care of hospitalized patients; and

WHEREAS, currently, there is a nursing shortage in the State of Illinois, as well as across the United States, and therefore it is important that we work to encourage people to take up this noble line of work; and

WHEREAS, the future will bring a great demand for registered nursing services due to a large, aging American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will no doubt become an even more important component to the U.S. health care system in the years to come:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6-12, 2005 as NATIONAL NURSES WEEK in Illinois, and encourage all citizens to recognize and honor nurses in their communities, for the hard work, and invaluable services they provide
for citizens.

Issued by the Governor May 05, 2005.
Filed by the Secretary of State May 05, 2005.

2005-160
ALPHA-1 AWARENESS MONTH

WHEREAS, one of the most common serious hereditary disorders in the world, Alpha-1 Antitrypsin Deficiency, also referred to as Alpha-1, affects 100,000 children and adults in the United States; and
WHEREAS, Alpha-1 is characterized by low levels of Alpha 1-antitrypsin, a protein found in the blood; and
WHEREAS, this deficiency is usually manifested in three forms: lung disease (which is the most common), liver disease, or a skin condition called panniculitis; and
WHEREAS, less than 10 percent of those predicted to have Alpha-1 have been diagnosed. It often takes an average of three doctors and seven years, from the time symptoms first appear, before proper diagnosis is made; and
WHEREAS, lung disease is the most frequent cause of disability and early death among affected persons, and also a major reason for lung transplants; and
WHEREAS, it is extremely important for someone who has been diagnosed with Alpha-1 to immediately stop smoking and drinking. Smoking and excessive alcohol consumption can speed up the progression of lung and liver damage:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as ALPHA-1 AWARENESS MONTH in Illinois and encourage all citizens to become educated on the seriousness of this disease, and the negative impact it has on our communities.

Issued by the Governor May 05, 2005.
Filed by the Secretary of State May 05, 2005.

2005-161
NATIONAL WOMEN’S HEALTH WEEK

WHEREAS, it is important that women take responsibility for their own health based on their individual backgrounds and risk factors; and
WHEREAS, it may be believed that all women’s health can be viewed one dimensionally, but this is far from true. For instance, heart disease is the number one killer among women in general, but cancer ranks
WHEREAS, when it comes to lung cancer, Caucasian women have the highest mortality rate, while African American women have the highest mortality rate from heart disease; and
WHEREAS, there are five health habits that can contribute to the betterment of women’s health, including maintaining regular check ups, exercising, maintaining a healthy diet, not smoking, and following general safety rules; and
WHEREAS, the Office of Women’s Health (OWH) was created in 1991 and looks “to redress inequities in research, health care services, and education that have historically placed the health of women at risk;” and
WHEREAS, being led by OWH, National Women’s Health Week will be celebrated from May 8 – 14, 2005. A key focus of this week is raising women’s awareness on ways in which they can improve their health; and
WHEREAS, as part of the kickoff for National Women’s Health Week, National Women’s Checkup Day has been instituted to encourage women to visit their health care professionals for regular checkups:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 8 – 14, 2005 as NATIONAL WOMEN’S HEALTH WEEK in Illinois, and encourage all women, during this week, to renew their commitment to their health and well-being.

Issued by the Governor May 05, 2005.
Filed by the Secretary of State May 05, 2005.

2005-162
TAIWANESE AMERICAN HERITAGE WEEK

WHEREAS, in 1992, President Bush signed legislation that designates May of each year as a month of national celebration and commemoration of the innumerable contributions that Asians and Pacific Islanders have made to American life; and
WHEREAS, this law (HR5572) proclaiming "Asian Pacific American Heritage Month" was passed unanimously by both the House of Representatives and the Senate; and
WHEREAS, in 1999, President Bill Clinton and Congress specifically designated one week in May as Taiwanese-American Heritage Week. The Heritage Week is dedicated to recognizing and appreciating aspects of Taiwanese-American heritage in the United States; and
WHEREAS, the United States have been continually enriched by the many different people who choose to come here and become citizens, therefore bringing a part of their heritage and traditions to American culture; and
WHEREAS, the State of Illinois is proud to recognize Americans of Taiwanese descent for their rich culture and their vital role in the continued growth of our great nation. From business to the arts, academia and other fields, they have strengthened our nation and enriched our cultural heritage:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7 – 15, 2005 as TAIWANESE AMERICAN HERITAGE WEEK in Illinois, and encourage all citizens to learn more about the traditions and cultural heritage of the Taiwanese community.

Issued by the Governor May 05, 2005.
Filed by the Secretary of State May 05, 2005.

2005-163
PROVIDER APPRECIATION DAY

WHEREAS, early childhood is the most critical developmental period for all children; and
WHEREAS, 2.8 million people earn a living by teaching and caring for young children or by working in jobs directly related to this field; and
WHEREAS, of the 21 million children under age six in America, 13 million are in child care at least part time. An additional 24 million school-age children are in some form of child care outside of school time; and
WHEREAS, seeing the need for a day to appreciate and recognize child care providers, a group of volunteers in New Jersey started Provider Appreciation Day in 1996; and
WHEREAS, by calling attention to the importance of high quality child care services for all children and families in our state, these provider groups hope to improve the quality and availability of such services:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6, 2005 as PROVIDER APPRECIATION DAY in Illinois and urge all citizens to join me in recognizing Illinois’ child care providers for their commitment and dedication to our children.
Issued by the Governor May 05, 2005.
Filed by the Secretary of State May 05, 2005.

2005-164
KAWASAKI DISEASE AWARENESS DAY

WHEREAS, Kawasaki Disease (Mucocutaneous Lymph Node Syndrome) is an acute febrile illness with inflammation of small and medium-sized blood vessels throughout the body, in particular, the coronary arteries; and
WHEREAS, Kawasaki Disease is named for Dr. Tomisaku Kawasaki, a Japanese physician, who first described the illness in 1967; and
WHEREAS, Kawasaki Disease mainly affects children under the age of four years, but can affect any age child or adult. In the United States, Kawasaki Disease affects people in all racial and ethnic groups, with approximately 3,000-4,000 children diagnosed with this illness each year; and
WHEREAS, an accurate diagnosis and timely treatment are important with Kawasaki Disease as the leading cause of acquired heart disease in children; and
WHEREAS, due to the rarity of Kawasaki Disease and the lack of awareness of the illness and its dangerous effects, children are often diagnosed late or misdiagnosed:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 5, 2005 as KAWASAKI DISEASE AWARENESS DAY in Illinois, and encourage all parents and medical personnel to become educated of this potentially fatal illness and its effects.

Issued by the Governor May 05, 2005.
Filed by the Secretary of State May 05, 2005.

2005-165
BUILDING SAFETY WEEK

WHEREAS, building safety affects many aspects of American life. Because of building safety code enforcement, citizens enjoy the comfort of buildings that are safe and structurally sound; and
WHEREAS, building safety and fire prevention officials work with citizens to address building safety and fire prevention concerns everyday; and
WHEREAS, the dedicated members of the International Code Council, including building safety and fire prevention officials, architects, engineers, and others in the construction industry, develop and enforce the codes that safeguard Americans in the buildings where people live, work, play and learn; and
WHEREAS, the International Codes, the most widely adopted building safety and fire prevention codes in the nation, are used by most U. S. cities, counties and states; and
WHEREAS, building safety codes provide safeguards to protect the public from natural disasters that can occur all across the country, such as snowstorms, hurricanes, tornadoes, wild land fires, and earthquakes. Building safety codes also work to minimize other potential building catastrophes; and
WHEREAS, Building Safety Week, sponsored by the International Code Council Foundation, is an opportunity to educate and increase public
awareness of the hard work put forth by building safety and fire prevention officials, local and state building departments, and federal agencies; and

WHEREAS, this year’s theme, “You Can Be a Part of Building Safety Week,” encourages all Americans to raise their awareness of building safety, and to take appropriate steps to ensure that the places where they live, work, play and learn are safe. Countless lives have been saved because of the building safety codes adopted and enforced by local and state agencies; and

WHEREAS, this year, while observing Building Safety Week, we ask all Illinoisans to recognize the local building safety and fire prevention officials and the important role that they play in public safety:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 8 – 14, 2005 as BUILDING SAFETY WEEK in Illinois, and encourage all citizens to recognize the importance of improving building safety in this state.

Issued by the Governor May 05, 2005.
Filed by the Secretary of State May 05, 2005.

2005-166

SALVATION ARMY WEEK

WHEREAS, over 125 years ago, the Salvation Army marched into the United States battling poverty, hunger, disease, abuse, loneliness and other evils of society; and

WHEREAS, to this day, the Salvation Army continues its crusade to restore hope to countless men, women and children who have nowhere else to turn; and

WHEREAS, the Salvation Army serves as a symbol of compassion, but more so as an active participant in the provision of services to thousands of Illinois men, women and children across the country; and

WHEREAS, the Salvation Army provides its services to people in need without regard to race, color, creed, sex, or age; and

WHEREAS, the Salvation Army in Illinois provides much more than spiritual counseling and basic human necessities to the needy and hurting on a daily basis. Moreover, the countless hours given to the community have touched the lives of many in immeasurable ways; and

WHEREAS, the State of Illinois proudly recognizes the Salvation Army and everyone who is involved in their invaluable work that so greatly benefits our communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 9-15, 2005 as SALVATION ARMY WEEK in Illinois, and encourage all citizens to celebrate and honor the dedicated men and women who work or volunteer for this noble
CHICAGO DEFENDER DAY

WHEREAS, founded by Robert Sengstacke Abbott in 1905 with an initial investment of 25 cents, the Chicago Defender was first published on May 5 of that same year as a four-page handbill. It has since become one of Chicago’s most widely-read newspapers, being continually published for 100 amazing years; and

WHEREAS, in the Chicago Defender’s early years, Mr. Abbott himself was a reporter and distributor, gathering news from other publications, but also giving the paper a community oriented structure by talking with his fellow citizens throughout the neighborhoods of Chicago and reporting on issues that were important them and their families; and

WHEREAS, from the very beginning, the Chicago Defender has been outspoken on matters of civil rights and equal opportunities for African Americans, tackling such controversial issues as lynching and Jim Crow Laws; and

WHEREAS, the Chicago Defender grew in popularity as the years went on. Despite being banned in several cities, mostly in the southern part of the country, it became the first Black newspaper to reach a circulation in excess of 100,000 copies, and was widely read aloud in barbershops and churches throughout the United States; and

WHEREAS, as World War I began, the Chicago Defender became the nation’s most influential Black newspaper, with Abbott and the Defender single-handedly setting into motion the “Great Migration,” of African Americans to Chicago. By 1918, nearly 110,000 people migrated to Chicago, which almost tripled the city’s African American population; and

WHEREAS, Robert Sengstacke Abbott passed away in 1940, and his nephew, John H.H. Sengstacke took over the reigns to become Editor and Publisher. In 1956, the Chicago Defender began publishing on a daily basis, and in 1965, three papers, the Pittsburgh Courier, the Michigan Chronicle and the Tri State Defender, joined the Sengstacke newspaper chain; and

WHEREAS, the Chicago Defender and its affiliated papers are now owned by Real Times, Incorporated, which is the largest African American owned and operated newspaper chain in the United States. To this day, the Chicago Defender continues to be a strong voice for African Americans in Chicago and throughout the country, and my administration is honored to join in commemorating their milestone 100th anniversary:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 5, 2005 as CHICAGO DEFENDER DAY in Illinois, and encourage all citizens to recognize the outstanding achievements of this Chicago institution over the last 100 years.

Issued by the Governor May 05, 2005.
Filed by the Secretary of State May 05, 2005.

2005-168
FITNESS DAY

WHEREAS, physical fitness is vital to a healthy lifestyle. During Fitness Day, we highlight the importance of integrating exercise in our daily routines and encourage all citizens to live more active lives; and

WHEREAS, physical fitness benefits both the body and the mind. Regular exercise, along with healthy eating habits, helps prevent serious health problems, improves productivity, and promotes better sleep and relaxation. Maintaining an active lifestyle reduces the risk of chronic diseases such as obesity, diabetes, asthma, heart disease, and certain cancers. Americans can improve their health and well-being by dedicating a small part of each day to physical activity; and

WHEREAS, as children grow, athletic activities teach them important life lessons and help prepare them for the opportunities ahead. Sports are a way for young Americans to meet new friends, discover the value of teamwork, discipline, and patience, and learn to win and lose with respect for others. From baseball to mountain biking to swimming, sports and physical fitness activities can be a great chance to get outdoors and enjoy memorable experiences with family and friends; and

WHEREAS, my administration is proud to join the Department of Public Health in raising the awareness of the benefits of physical fitness, and urging all Americans to set aside time to improve their health through physical fitness, as well as to encourage individuals to help motivate their family and friends to get out and exercise. By contributing to a culture of health and well-being in America, citizens help demonstrate the strength and character of our great state, and country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18, 2005 as FITNESS DAY in Illinois, and encourage all citizens to recognize the importance of physical fitness in maintaining a healthy lifestyle.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.
2005-169
NATIONAL PUBLIC WORKS WEEK

WHEREAS, public works infrastructure, facilities and services are of vital importance to the health, safety and well being of the people of Illinois, and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, and administrators, representing state and local units of government, who are responsible for and must design, build, operate, and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to serving our citizens; and

WHEREAS, it is in the public interest for the citizens and civic leaders of this country to gain knowledge of, and to maintain a progressive interest in public works needs and programs of their respective communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 15-21, 2005 as NATIONAL PUBLIC WORKS WEEK in Illinois, and encourage all citizens to recognize the benefit of public works in our state.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.

2005-170
CORNELIA DE LANGE SYNDROME AWARENESS DAY

WHEREAS, Cornelia de Lange Syndrome (CdLS) is a congenital syndrome, meaning it is present from birth. Most of the signs and symptoms may be recognized at birth or shortly thereafter; and

WHEREAS, children with CdLS are usually born with low birth weight and develop at a slower rate, both mentally and physically, and possess other physical complications. Presently, many dedicated medical professionals are involved in valuable research and education activities to explore new possibilities and to offer hope; and

WHEREAS, as with other syndromes, individuals with CdLS strongly resemble one another. Common characteristics include: low birthweight (often under five pounds), slow growth and small stature, and small head size (microcephaly). Typical facial features include thin eyebrows which frequently meet at midline (synophrys), long eyelashes, short upturned nose and thin, downturned lips; and

WHEREAS, other frequent findings include excessive body hair (hirsutism), small hands and feet, partial joining of the second and third toes,
incurved fifth fingers, gastroesophageal reflux, seizures, heart defects, cleft palate, bowel abnormalities, feeding difficulties, and developmental delay. Limb differences, including missing limbs or portions of limbs, usually fingers, hands or forearms, are also found in some individuals; and

WHEREAS, the State of Illinois is pleased to join the Cornelia de Lange Syndrome Foundation, a non-profit family support organization, in promoting a special celebration which seeks to raise awareness of Cornelia de Lange Syndrome, designed to have a positive and productive impact on the lives of people with CdLS and their caregivers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14, 2005 as CORNELIA DE LANGE SYNDROME AWARENESS DAY in Illinois, and encourage all citizens to recognize this rare birth defect in order to create awareness and hope for those who have CdLS.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.

2005-171
ALS AWARENESS MONTH

WHEREAS, amyotrophic lateral sclerosis (ALS), most commonly known as Lou Gehrig’s Disease, is a “progressive fatal neurodegenerative disease that attacks the motor neurons making even the simplest movements – walking, speaking, gesturing- nearly impossible;” and

WHEREAS, named after former New York Yankees first baseman Lou Gehrig, an ALS sufferer who was forced to prematurely retire from the game of baseball in 1939, ALS is a debilitating disease, generally resulting in paralysis; and

WHEREAS, approximately 15 new cases of ALS are diagnosed every day, with a person losing their battle with the disease every 90 minutes; and

WHEREAS, the ALS Association (ALSA) estimates that at any given time, 994 people in Illinois are afflicted with ALS; and

WHEREAS, ALSA is the only national not-for-profit voluntary health organization dedicated solely to the fight against ALS; and

WHEREAS, in May 2000, ALSA launched a new research initiative, The Lou Gehrig Challenge: Cure ALS Research Program, designed to identify and fund new research initiatives; and

WHEREAS, last year through their national signature event, Walk to D’feet ALS, as well as through memorial contributions, grants, partnerships and the United Way, ALSA raised $600,000 to support new research and programs:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim May 2005 as ALS AWARENESS MONTH in Illinois, and urge all citizens to support the efforts of ALSA and other organizations dedicated to ending this ravishing disease.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.

2005-172
NATIONAL TRANSPORTATION WEEK

WHEREAS, our transportation system not only gives us freedom and mobility, allowing us to move from place to place, but it also boosts the nation’s economy, and strengthens our nation’s security; and

WHEREAS, advancing knowledge of the transportation industry and increasing public awareness on the significant nature transportation plays in the nation’s economy, are two goals the National Defense Transportation Association (NDTA) has set forth for National Transportation Week; and

WHEREAS, the first National Transportation Week was observed in 1953 with the help of the Women’s Transportation Club of Houston. This group originally set up a scholarship program benefiting transportation degree students at the University of Houston, but with no interested applicants; and

WHEREAS, seeing that the students and the public were virtually unaware and uninterested in the transportation industry, attempts were then made to sway past Presidents of the United States to proclaim National Transportation Week as a way of promoting the transportation industry, though their efforts weren’t officially honored until 1962; and

WHEREAS, the annual National Transportation Week Conference and Expo will culminate the week’s events:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 15 – 21, 2005 as NATIONAL TRANSPORTATION WEEK in Illinois, and commend the outstanding accomplishments of the men and women who keep our transportation systems going, whether they be the distributors that transport goods, or the laborers of our highways.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.

2005-173
NORWEGIAN CONSTITUTION DAY

WHEREAS, this year commemorates the 189th Anniversary of the signing of the Norwegian Constitution on May 17, 1814; and
WHEREAS, on this day, Norway established its own constitution under a joint monarchy with Sweden, ending centuries of discontentment as a dependent country; and
WHEREAS, known as Norway’s national day or day of liberation, May 17th has been celebrated since the 1820’s; and
WHEREAS, founded in 1899, NNL is the umbrella organization for all Norwegian groups in the Chicagoland area; and
WHEREAS, the Norwegian National League (NNL) will sponsor this year’s Norwegian Constitution Day celebration and parade; and
WHEREAS, former prime minister and parliamentary leader of the committee of foreign affairs, Torbjorn Jagland, will be the Honorary Grand Marshal at the parade in Park Ridge, just one of the many activities being held to celebrate this event:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 17, 2005 as NORWEGIAN CONSTITUTION DAY in Illinois, and join the Norwegian-American community in honoring this day of community pride and unity.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.

2005-174
NATIONAL HISTORIC PRESERVATION MONTH

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and
WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and
WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and
WHEREAS, the theme for National Historic Preservation Month 2005 is “Restore America: Communities at a Crossroads,” cosponsored by the Historic Preservation Foundation and the National Trust for Historic Preservation:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as NATIONAL HISTORIC PRESERVATION MONTH in Illinois, and encourage all citizens of Illinois to recognize and participate in this special observance.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.
WHEREAS, the One Church One Child program is a model for foster and adoptive family recruitment, advocacy and mentorship; and
WHEREAS, to foster means to nourish, cherish and encourage, which is what foster parents do for children whose natural parents cannot provide them with care; and
WHEREAS, in 1980, One Church One Child was conceptualized when Father George Clements was made aware of the crisis among African-American Children in the welfare system. Father Clements, along with a coalition of ministers and child welfare administrators, set out to spread the word that there was a dire need for adoptive families for African-American children; and
WHEREAS, in 1993, P.A. 87-1148 created the One Church One Child Advisory Board. The primary purpose of the board is to advise the Illinois Department of Children and Family Services on the placement of children by encouraging African-American churches to help find permanent homes for African-American children waiting to be adopted. Currently, the advisory board consists of 25 Ecumenical ministers located throughout the state; and
WHEREAS, from an astonishing high of 50,000 children needing homes to the current 18,500 level, the One Church One Child Adoption Advocacy Program has been instrumental in reducing those numbers. With that said, forty percent of the children in care are in the 13-20 year old age group. While the specific goals of these children have changed from permanency to independence, the One Church One Child program focus is once again centered on adoption permanency. To fulfill this goal the mission of the program is “to find one family in each church to adopt or provide foster care to at least one child”; and
WHEREAS, my administration proudly joins One Church One Child in accomplishing their important goals. Since the beginning of my administration in 2003, we have worked hard to improve the quality of life and enhance opportunities for young people in Illinois. Fine programs such as One Church One Child are instrumental in that ongoing mission:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Monday, May 17, 2005 as ONE CHURCH ONE CHILD DAY in Illinois, and encourage all citizens to recognize the great things that this fine program does for the children in this state.
Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.
2005-176
ILLINOIS MEDICAL CODERS DAY

WHEREAS, medical coders succeed by identifying and addressing patterns of disease, illness and injury in populations, as well as by identifying the trends and patterns in the procedures and services they provide by reviewing all tests, diagnoses, results, medications and translating them to a numerical value; and

WHEREAS, the use of medical codes for disease and injury prevention has contributed to understanding correlations in illness and injury to treatment, including heart disease, stroke, viral infections, infectious diseases, and motor vehicle and workplace injuries; and

WHEREAS, medical coders help preserve the history of communities through the abstracting of information from birth and death records; and

WHEREAS, over the past decade, medical coders have achieved significant milestones in the sophistication of their profession through extensive education and training; and

WHEREAS, the need for qualified medical coders continues to increase nationally in physician offices, outpatient and hospital settings; and

WHEREAS, the integrity and high standards of medical coders have contributed to the U.S. Department of Health and Human Services’ campaign against fraud and abuse in medical reimbursement; and

WHEREAS, my administration is proud to recognize medical coders for all their hard work in this state, and throughout the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18, 2005 as ILLINOIS MEDICAL CODERS DAY in Illinois, and encourage all citizens to recognize and honor the medical coders for their hard work in our communities.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.

2005-177
KIDS DAY AMERICA/INTERNATIONAL

WHEREAS, Kids Day America/International is a special day that Chiropractors’ offices around the world host every year to teach kids about health, safety and the environment; and

WHEREAS, Kids Day America/International offers children a fun atmosphere where they can not only learn, but also win prizes and enjoy recreational activities; and

WHEREAS, the day’s educational safety activities includes local police and fire officials teaching children proper bicycle helmet safety and
fire and smoke safety; and  

WHEREAS, during Kids Day America/International, kids also learn about healthy eating and exercise habits, as well as the negative effects that drugs and alcohol can have on a person’s health. Additionally, children can get a free spinal health examination from local Chiropractors; and  

WHEREAS, additionally, this event teaches children about pollution control, and how they can help the environment by recycling and performing other environmentally conscious activities; and  

WHEREAS, with the aid of local police and sheriff’s departments, every child that attends Kids Day America/International has the opportunity to complete their very own Child Safety ID Card, which is an important measure in keeping our children safe; and  

WHEREAS, this year’s Kids Day America/International in Illinois is being held on May 14, 2005 in Peoria. It will provide children with information on vital issues in our society, and help to make them safer, healthier and more environmentally conscious citizens of Illinois:  

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14, 2005 as KIDS DAY AMERICA/INTERNATIONAL in Illinois, and encourage all citizens to support events that help the children of Illinois to become better educated, and more well-rounded individuals.  

Issued by the Governor May 10, 2005.  

Filed by the Secretary of State May 10, 2005.  

2005-178  

EMERGENCY MEDICAL SERVICES WEEK  

WHEREAS, the members of emergency medical services teams devote their time and energy to providing lifesaving care to those in need 24 hours a day, seven days a week; and  

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and  

WHEREAS, emergency medical services teams consist of emergency physicians, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and  

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and  

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills:  

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim May 15 – 21, 2005 as EMERGENCY MEDICAL SERVICES WEEK in Illinois, and encourage all citizens to recognize the dedication and lifesaving work that the men and women of emergency medical services teams provide to the communities of this state.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.

2005-179
EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY

WHEREAS, Emergency Medical Services for Children (EMSC) focuses on the specific attention that children need in medical and traumatic emergencies; and
WHEREAS, EMSC supports a specialized approach to pediatric care; and
WHEREAS, EMSC endorses the high-level emergency care given by emergency medical services providers, with pediatric emergency skills, who are prepared to respond, and restore, sick or injured children to an optimum level of health; and
WHEREAS, EMSC espouses the tenets and practices of family-centered and culturally competent care for children and their families; and
WHEREAS, EMSC assists in training with advanced technical equipment and services in preparation to save the life of a child; and
WHEREAS, EMSC works with physicians, nurses, social workers, psychologists, emergency medical technicians, paramedics, firefighters, educators, administrators and others to identify and address issues surrounding pediatric care; and
WHEREAS, EMSC assists in the development of training programs and guidelines for emergency care providers, so that children with special health care needs get timely, appropriate care; and
WHEREAS, the State of Illinois proudly recognizes these dedicated men and women of EMSC for aiding and saving the lives of Illinois’ children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18, 2005 as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois, and encourage all citizens to commend those that use their advanced training and talents to help children in times of crisis.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.
2005-180
RATE YOUR FUTURE WEEK

WHEREAS, in the knowledge-based economy of the future, all good jobs will require education, skills and training that go beyond high school; and

WHEREAS, young adults going to college or beginning a career must leave high school with a solid foundation for success; and

WHEREAS, America’s high schools have not undergone a thorough re-examination in more than a century; and

WHEREAS, the National Governors Association’s chairman’s initiative has focused on “Redesigning the American High School” to ensure that every high school student graduates prepared for college or a high-skilled job; and

WHEREAS, students are an important voice in the debate about overhauling high school, and their input should frame the redesign discussion; and

WHEREAS, the National Governors Association is promoting an online survey encouraging American high school students to rate their high school experience at www.rateyourfuture.org; and

WHEREAS, final results of the survey will be shared with the nation’s governors this summer at the NGA Annual Meeting; and

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16 - 20, 2005 as RATE YOUR FUTURE WEEK in Illinois, and encourage all citizens to support and promote these efforts to enhance the success of young people in Illinois, and across the country.

Issued by the Governor May 12, 2005.
Filed by the Secretary of State May 12, 2005.

2005-181
SCHOOL COUNSELOR WEEK

WHEREAS, school counselors offer support and guidance for many middle and high school aged children in regular and special education settings, working tirelessly to help adolescents realize their potential, both academically and socially; and

WHEREAS, by providing opportunities for students to develop leadership skills, to apply for scholarships, to develop special interests, and to understand their strengths and weaknesses, school counselors are helping students develop skills that are necessary for a successful future; and

WHEREAS, in addition to their work with the students, school
counselors help teachers and administrators provide curricula which stresses developmental and career goals, providing the youth with a smooth transition from student life to professional life; and

WHEREAS, school counselors work closely with parents and outside agencies to ensure that the best interests of each child is being met:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 23 – 27, 2005 as SCHOOL COUNSELOR WEEK in Illinois, and encourage all citizens to recognize the efforts of the school counselors in this state who are helping to shape and mold the minds of our future leaders.

Issued by the Governor May 12, 2005.

Filed by the Secretary of State May 12, 2005.

2005-182
ORDER SONS OF ITALY/ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY

WHEREAS, the Order Sons of Italy in America (OSIA) was established in the Little Italy neighborhood of New York City on June 22, 1905, by Vincenzo Sellaro, M.D., and five other Italian immigrants who came to the United States during the great Italian migration (1880-1923); and

WHEREAS, their aim was to create a support system for all Italian immigrants that would assist them in becoming U.S. citizens, and providing their health/death benefits and educational opportunities; and

WHEREAS, over the years, the OSIA has achieved much success in their goals of serving the public. Not only have they established free schools and centers to teach immigrants English and to help them become citizens, but they have also instituted orphanages and homes for the elderly, and helped to raise money for those in need; and

WHEREAS, to date, OSIA members have given more than $83 million to educational programs, disaster relief, cultural advancement and medical research; and

WHEREAS, the National Council of the Order Sons of Italy in America has adopted Alzheimer’s disease as one of its primary charities, and plans to support this cause by implementing a fund raising campaign throughout the nation; and

WHEREAS, joining their cause will be the Alzheimer’s Association, a group that provides services to Alzheimer’s patients and their families; and

WHEREAS, together, they will be holding the Illinois portion of this benevolent fundraiser on May 21, 2005. Members of the Order, along with other volunteers, will be collecting donations to help the 2.5 million Americans affected by this debilitating disease:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 21, 2005 as ORDER SONS OF ITALY/ALZHEIMER’S ASSOCIATION “PARTNERS IN PROGRESS” DAY in Illinois, and encourage all citizens to recognize and aid in the charitable work these organizations carry out for the benefit of others.
Issued by the Governor May 12, 2005.
Filed by the Secretary of State May 12, 2005.

2005-183
NATIONAL MARITIME DAY

WHEREAS, first observed in 1933, National Maritime Day commemorates the first voyage of a steamship across the Atlantic Ocean; and
WHEREAS, the S. S. Savannah departed, for what eventually became a 29-day journey, on May 22, 1819, sailing from Savannah, Georgia to Liverpool, England; and
WHEREAS, this historic voyage marked the beginning of the steamship age in maritime history; and
WHEREAS, according to information provided by the U.S. Department of Transportation’s Maritime Administration, in March 2004, more than 80 percent of the military cargo shipped to the Middle East in support of the United States Armed Forces during the Iraqi conflict arrived via U.S. flag commercial or government vessels; and
WHEREAS, we pay tribute to the men and women of the United States Merchant Marines, serving the country with valor and strength, who have contributed significantly to the strength and economic growth of our nation; and
WHEREAS, we salute the countless number of seamen who have lost their lives in World Wars I and II and other conflicts that have taken place throughout the history of our country:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 22, 2005 as NATIONAL MARITIME DAY in Illinois, and encourage all citizens to recognize the important roles the Merchant Marines play in ensuring the safety and economic prosperity of our great nation.
Issued by the Governor May 12, 2005.
Filed by the Secretary of State May 12, 2005.

2005-184
ILLINOIS GOVERNMENTAL INTERNSHIP PROGRAM DAY

WHEREAS, for more than twenty-five years, the Illinois
Governmental Internship Program (IGIP) has provided over 1,400 students with a most significant educational experience; and

WHEREAS, students in IGIP become more self-confident and aware of their own skills and abilities as they explore their career interests while working in a professional setting; and

WHEREAS, IGIP interns develop a better understanding of government and its interaction with the public; and

WHEREAS, one of the most valuable things IGIP participants gain is real world experience. There is responsibility and independence involved, and interns are treated as adults with the expectations of adult behavior; and

WHEREAS, students often gain direction through the IGIP experience. Many go on to college with a much better understanding of the day to day activity of the career field they wish to pursue; and

WHEREAS, as a means of applying their IGIP experience to their future personal and professional aspirations, interns are required to develop performance goals identifying areas of anticipated academic and personal growth:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14, 2005 as ILLINOIS GOVERNMENTAL INTERNSHIP PROGRAM DAY in Illinois, and encourage all citizens to recognize the important role that IGIP plays in the educational and personal development of talented young adults.

Issued by the Governor May 12, 2005.

Filed by the Secretary of State May 12, 2005.

2005-185
PROSTATE CANCER AWARENESS

WHEREAS, Prostate Cancer disproportionately affects the African American community, killing African American men at twice the rate of their white counterparts, and

WHEREAS, the Prostate Awareness Project was undertaken in July 2004 by the Broadcast Ministers Alliance Coalition (BMAC), in concert with the State of Illinois’ effort to improve prostate health in targeted communities throughout the state, and

WHEREAS, the purpose of the BMAC Prostate Awareness Project is to identify men, boys and family members within the African American community who are at a greater risk than their Caucasian counterparts for contracting poor prostate health, and for doing so at an earlier age, and

WHEREAS, the BMAC Prostate Awareness Project believes that a cultural change is part of the solution, to move toward a decrease in the higher death rate among African American males, using health care
education/awareness as a tool, and

WHEREAS, the BMAC, under the leadership of the Reverend Clay Evans, has done an exemplary job of educating the general public and the African American community through outreach, networking and partnerships:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize and commend Reverend Clay Evans and the members of the Broadcast Ministers Coalition of Chicago for their tireless efforts in the area of community health education and Prostate Cancer Awareness.

Issued by the Governor May 12, 2005.
Filed by the Secretary of State May 12, 2005.

2005-186
NATIONAL MELANOMA/SKIN CANCER DETECTION AND PREVENTION MONTH

WHEREAS, skin cancer is the world’s most commonly diagnosed cancer; and

WHEREAS, sources of skin cancer typically develop from external environmental factors such as overexposure to the sun and to ultraviolet rays, therefore suggesting that it is preventable; and

WHEREAS, skin cancer incidence is on the rise, affecting more than 1 million Americans annually; and

WHEREAS, the Cancer Crusaders Organization, a non-profit cancer-health education facility, is the proud home of the national Skin Cancer Awareness ribbon symbol; and

WHEREAS, Cancer Crusaders Organization has launched a five-year international campaign, “Only Skin Deep?” to implement effective skin cancer prevention education curriculum for young adults and college students and hence, empower people to combat this preventable disease; and

WHEREAS, my administration is proud to join the Cancer Crusaders Organization in raising awareness of ways in which we can prevent skin cancer from affecting our lives, and the lives of our families:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as NATIONAL MELANOMA/SKIN CANCER DETECTION AND PREVENTION MONTH in Illinois, and encourage all citizens to be aware of the importance of skin cancer prevention, early detection and treatment.

Issued by the Governor May 16, 2005.
Filed by the Secretary of State May 17, 2005.
2005-187

WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY

WHEREAS, the world of an indigent person is accompanied by many mental, emotional, psychological and physical stresses that can affect them for the rest of their lives. Depression runs rampant, living conditions are meager at best, and social isolation is common; and

WHEREAS, the plight of the needy, homeless, and less fortunate has become everyone’s problem, not just their own. For many years, this devastating existence has been overlooked; and

WHEREAS, the State of Illinois, along with private organizations, are making attempts to remedy these situations, creating programs that deal with the immediate and long term problems associated with the indigent population. These social service programs have been created as a way to help them help themselves by providing multidimensional assistance; and

WHEREAS, the Departments of Public Aid and Human Services lead the way in providing valuable assistance to qualified persons in the state of Illinois. My administration continues to support the social service organizations that improve the quality of life of this special population:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 25, 2005 as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois, and encourage all citizens to be mindful of the silent struggles many members of our state have to endure, including poverty, disability, and abandonment.

Issued by the Governor May 16, 2005.
Filed by the Secretary of State May 17, 2005.

2005-188

INTERNATIONAL CHILDREN’S DAY

WHEREAS, there is a strong need for us to take action and ensure that the children of this state are being provided a healthy start. It is with this need in mind that we dedicate this day as International Children’s Day and celebrate children in Illinois and around the world; and

WHEREAS, International Children’s Day was first celebrated in 1925 in Geneva, Switzerland, during the “World Conference for the Well-Being of Children.” This conference focused on issues relating to the child welfare, including poverty, prevention of child labor, and education; and

WHEREAS, there are many health and social problems associated with childhood that can continue to haunt children into adulthood; and

WHEREAS, it is important that families and educational systems work together to replace our children’s fears with a sense of hope; and
WHEREAS, the celebration of International Children’s Day serves to bring joy to children and to draw the attention of society to critical children’s issues that are facing families in the 21st Century; and

WHEREAS, here in Illinois, we place the utmost value on the safety and welfare of our children, and we are in support of programs designed to advocate for their best interests:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 1, 2005 as INTERNATIONAL CHILDREN’S DAY in Illinois, and encourage all citizens to use this day as a catalyst to strengthen the relationship between you and a special child in your life.

Issued by the Governor May 16, 2005.
Filed by the Secretary of State May 17, 2005.

2005-189
CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH

WHEREAS, the Chicago and Quad Cities Chapters of the Association of Government Accountants (AGA) is a professional organization, belonging to the Association of Government Accountants, which has more than 15,000 members in 90 chapters throughout the United States and around the world; and

WHEREAS, there are approximately 210 active members representing state, federal, municipal and private sector accountants, auditors, and financial managers in Illinois; and

WHEREAS, AGA Chicago and Quad Cities Chapter members have responded to AGA’s mission of Advancing Government Accountability, as it continues its broad education efforts with emphasis on high standards of conduct, honor, and character in its Code of Ethics; and

WHEREAS, the AGA Chicago and Quad Cities chapter are making significant advances both in professional ability and in service to the citizens of Illinois by mastering increasingly technical and complex requirements; and

WHEREAS, the Certified Government Financial Manager (CGFM) program of AGA provides a means of demonstrating professionalism and competency by requiring CGFM candidates to have appropriate educational and employment history and to pass a 3-part examination requiring expertise in the Government Environment, Governmental Financial Management and Control, and Governmental Accounting, Financial Reporting and Budgeting, and requires each CGFM holder to maintain certification by completing comprehensive training sessions totaling 80 hours over a 2-year period:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim May 2005 as CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH in Illinois, and encourage all citizens to recognize the hard work put forth by financial managers in our communities.

Issued by the Governor May 18, 2005.
Filed by the Secretary of State May 18, 2005.

2005-190
POPpy DAtes

WHEREAS, America is the land of freedom. That freedom has been preserved and protected by the brave men and women of the United States Armed Forces, who in times of distress have fought valiantly for their country; and

WHEREAS, in their efforts to keep their country free, millions who have answered the call to arms, have died on the battlefield; and

WHEREAS, intrigued by the small red flowers that grew in a field in France after a battle in the first World War, Canadian Colonel John McCrae wrote his famous poem, In Flander’s Fields; and

WHEREAS, the poem paralleled the battlefield tombs of the honorable soldiers that died there with the red poppy flowers that grew on top of them, thus immortalizing an image in our history that we must never forget; and

WHEREAS, throughout the years, the red poppy flower has become an international symbol of the lives that have been lost in war; and

WHEREAS, displaying a small poppy flower is considered a proper tribute to those who have made the ultimate sacrifice in the name of freedom; and

WHEREAS, both the American Legion and American Legion Auxiliary have pledged to remind America annually of this sacrifice through the distribution of the memorial flower during their Memorial Day fundraising campaign to help disabled veterans:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 26 – 28, 2005 as POPPY DAYS in Illinois, and encourage all citizens to join the American Legion and American Legion Auxiliary in honoring our fallen heroes by wearing the Memorial Poppy on these days.

Issued by the Governor May 18, 2005.
Filed by the Secretary of State May 18, 2005.
WHEREAS, due to our current military conflicts overseas, the brave men and women of the United States Armed Forces are working diligently to ensure our national security and make our world a safer place to live; and
WHEREAS, two Illinois residents, Kathy Williams and her daughter, Amy Oxford, have coordinated a non-profit organization “SI (Southern Illinois) Yellow Ribbon” with the purpose of sending cards, letters and packages to our deployed military and lend support to their families left behind; and
WHEREAS, through the wonderful efforts of this mother and daughter, momentum has continually increased with support from many individuals, community organizations and businesses from across the state to help send items in care packages; and
WHEREAS, my administration is proud to recognize Kathy Williams and Amy Oxford for their amazing efforts through “SI Yellow Ribbon” in supporting our troops:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20, 2005 as YELLOW RIBBON DAY in Illinois, and encourage all citizens to recognize the “SI Yellow Ribbon’s” wonderful efforts and join in supporting our troops who are serving honorably to keep America safe.

Issued by the Governor May 18, 2005.
Filed by the Secretary of State May 18, 2005.

WHEREAS, May 20, 2005 is the second annual NASCAR Day, a one-day celebration of the NASCAR spirit; and
WHEREAS, the mission of NASCAR Day is to encourage individuals and corporations involved in NASCAR to join together and support NASCAR-related charities; and
WHEREAS, NASCAR Day is an opportunity for fans across the country to show their appreciation for the sport they love and help worthwhile causes such as Victory Junction Gang Camp, a designated Proud Charity of NASCAR, established to provide fun and memorable camping experiences to chronically ill children; and
WHEREAS, on this day, NASCAR fans everywhere are encouraged to wear NASCAR clothing, and those who make a donation to the Victory Junction Gang will receive a special NASCAR Day lapel pin they can wear
to show their support; and

WHEREAS, observing this day provides an opportunity to reach out to the less fortunate and provide assistance for children in need, as well as to celebrate NASCAR for organizing this effort:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20, 2005 as NASCAR DAY in Illinois, and encourage all citizens to join me in honoring the spirit and accomplishments of this great organization.

Issued by the Governor May 18, 2005.
Filed by the Secretary of State May 18, 2005.

2005-193
MUSEUM OF SCIENCE AND INDUSTRY U-505
SUBMARINE MONTH

WHEREAS, during World Wars I and II, 55,000 American sailors lost their lives in battles in the Atlantic Ocean, many as a result of German U-boat attacks. Frighteningly, many of those attacks occurred in close proximity to the United States; and

WHEREAS, one such U-boat, the U-505, was single-handedly responsible for sinking three American ships, along with two ships from Britain, one from Norway, one from the Netherlands and one from Columbia; and

WHEREAS, in 1943, the Allied Forces devised a plan to defeat the U-boats. Led by a Chicagoan, Navy Captain Daniel Gallery, a task force of six ships set out to capture a German U-boat in the Atlantic; and

WHEREAS, on June 4, 1944, Gallery’s Task Force was successful in the first phase of its mission, making sonar contact with the submerged U-505, only 600 yards away. The Americans began their attack, and in the ensuing minutes and hours, the U-505 surfaced, the crew surrendered, and the Americans bravely boarded the sinking submarine to secure its capture; and

WHEREAS, more than just a trophy of war, the U-505 and its seizure were instrumental in helping the Allies understand German technology and codes, as well as halting the destruction of Allied ships; and

WHEREAS, after the war, Gallery was determined to bring this amazing artifact from Portsmouth, New Hampshire to Chicago, and in 1954, he was successful in that effort. On September 3rd of that year, more than 15,000 people gathered to witness the U-505 come ashore to it’s new home, Chicago’s Museum of Science and Industry; and

WHEREAS, over the last 50 years, an estimated 24 million people have toured the inside of the U-505 at the Museum, learning about what life
was like on a submarine and how the capture took place. In April 2004, after more than seven years of planning, restoration, relocation and construction, the U-505 was moved to an underground exhibit hall for a brand new exhibit to open on June 5, 2005 that will enrich and educate visitors about the story of America’s entry into World War II, the events surrounding the Battle for the Atlantic, the daring plan to seize a German war vessel on the high seas and the technological benefits we have derived from the submarine’s capture; and

WHEREAS, the U-505 not only teaches us about the history of World War II, and specifically, about warfare on the Atlantic Ocean, but it also gives us the opportunity to commemorate the lives of all the brave Americans who have given the ultimate sacrifice for their countries in both World Wars, and throughout all American conflicts. My administration is proud to congratulate the Museum of Science of Industry as they open this historic exhibit:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2005 as MUSEUM OF SCIENCE AND INDUSTRY U-505 SUBMARINE MONTH in Illinois, and encourage all citizens to visit the exhibit and to actively participate in commemorating this significant part of American and World history.

Issued by the Governor May 19, 2005.
Filed by the Secretary of State May 19, 2005.

2005-194
MISSING CHILDREN’S DAY

WHEREAS, as of May 1, 2005, there are 2,347 pending missing children under the age of 18 in the state of Illinois, which represents only a small percentage of the children that are estimated to be missing nationwide as reported through a national study conducted by the United States Department of Justice; and

WHEREAS, there are four different categories that classify missing children. The largest number of missing children are runaways, followed by those that have been abducted by family members, those that are lost, injured, or otherwise missing, and the smallest category, but the one in which the child is at the greatest risk of injury or death, are those that have been abducted by non-family members; and

WHEREAS, locating and safely returning missing children to their homes is a statewide, national, and international objective; and

WHEREAS, on August 29, 1985 in Chicago, Illinois, Governors from the states of Illinois, Indiana, Iowa, Kentucky, Missouri and Wisconsin signed the “Interstate Agreement on Missing and Exploited Children,” and
since then, the states of Ohio, Kansas, Michigan, Minnesota, North Dakota, South Dakota and Nebraska have also joined in the initiative. This agreement was the beginning of the development of an interstate network established to improve the process of identifying and recovering missing children in our communities; and

WHEREAS, the Illinois State Police have implemented the America’s Missing: Broadcast Emergency Response (AMBER) Alert Notification Plan. AMBER Alert was developed as a quick and efficient way to notify the public and any city, town, village, county, or state law enforcement agency in Illinois, of specific information regarding the abduction of a child whose life may be in danger; and

WHEREAS, teaching your children to run away from danger, never letting your children go places alone, knowing where and with whom your children are at all times, talking openly with your children about safety and having a list of family members who can be contacted in case of an emergency, are among the list of preventative tips that will help keep your children safe from kidnapping and abductions:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 25, 2005 as MISSING CHILDREN’S DAY in Illinois, and strongly encourage all citizens to be supportive of the efforts this state is making to reduce the number of missing children reported each year.

Issued by the Governor May 19, 2005.
Filed by the Secretary of State May 19, 2005.

2005-195
ASSOCIATION WEEK

WHEREAS, the Association Forum of Chicagoland represents CEOs and executives from associations located in Chicago, and its surrounding communities; and

WHEREAS, the associations that the Association Forum serves generate more than three billion dollars annually for Chicago’s economy and employ 33,000 professionals in various capacities; and

WHEREAS, the Association Forum represents institutions such as the American Bar Association, the American Medical Association, the American Hospital Association and many others; and

WHEREAS, Chicago is home to the second most association headquarters in America, and ranks first for healthcare-related organizations; and

WHEREAS, the Association Forum will celebrate the first Association Week from June 20 – 24, 2005, with the theme Education,
Recognition and Celebration; and
WHEREAS the contributions of associations and their employees will be recognized this week through such events as the Association All-Star Day, and the first ever Forum Honors Gala:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 20 – 24, 2005 as ASSOCIATION WEEK in Illinois, and encourage all citizens to recognize and celebrate the innumerable contributions that Illinois headquartered associations make to the health, education and overall well-being of the people of this great state.

Issued by the Governor May 19, 2005.
Filed by the Secretary of State May 19, 2005.

2005-196
STATE HONOR DAY FOR THE NATIONAL FOREST SYSTEM

WHEREAS, the National Forest System oversees 191 million acres of national forests, national grasslands and a national tallgrass prairie; and
WHEREAS, the Shawnee National Forest, the only national forest in our state, was established in 1933 and spans nearly 280,000 acres; and
WHEREAS, Midewin National Tallgrass Prairie, the nation’s first national tallgrass prairie, was established in 1996 and includes almost 20,000 acres; and
WHEREAS, the Shawnee National Forest and Midewin National Tallgrass Prairie provide Illinois citizens with natural resources and vast, beautiful recreation areas; and
WHEREAS, the Shawnee National Forest and Midewin National Tallgrass Prairie work hand-in-hand with the Illinois Department of Natural Resources as partners in protecting our state’s beautiful landscape; and
WHEREAS, 2005 marks the centennial of the Forest Service and May 3, 2005 is National Honor Day for the National Forest System:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 3, 2005 as STATE HONOR DAY FOR THE NATIONAL FOREST SYSTEM and urge all citizens to share, protect and enjoy our national forests in the spirit of the multiple-use philosophy under which they were created.

Issued by the Governor May 19, 2005.
Filed by the Secretary of State May 19, 2005.

2005-197
ILLINOIS RIVER SYSTEM MANAGEMENT MONTH

WHEREAS, the Illinois River System is a critical component of our
WHEREAS, many attributes are threatened as a result of the cumulative effects of human activities that have significantly altered the Illinois River system; and

WHEREAS, our state is embracing an integrated approach to large river management and is working in a coordinated and continuous manner for this river; and

WHEREAS, the implementation of the Illinois River Coordinating Council, the Conservation Reserve Enhancement Program, the Illinois Conservation 2000 Program, Illinois Rivers 2020, and the Open Lands Trust Fund are important milestones in efforts to protect the resources of the Illinois River; and

WHEREAS, the theme for the 2005 Conference on the Management of the Illinois River System is “The Illinois River: Progress and Promise”; and

WHEREAS, the conference will be taking place October 4 – 6 at the Holiday Inn City Centre in Peoria, Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as ILLINOIS RIVER SYSTEM MANAGEMENT MONTH in Illinois, and encourage all citizens to recognize the economic, recreational, social and environmental benefits of conserving to properly utilize the resources of the Illinois River.

Issued by the Governor May 19, 2005.

Filed by the Secretary of State May 19, 2005.

2005-198

SENATOR MARGARET SMITH DAY

WHEREAS, Senator Margaret Smith was a faithful servant to the people of Illinois for 22 years. Being elected to the House of Representatives in 1980, she served only one term before joining the Senate in 1982, where she would be re-elected six times before her retirement in 2002; and

WHEREAS, throughout her tenure in the Illinois General Assembly, Senator Smith was a strong and confident leader who represented her constituency with great passion and wisdom. Her accomplishments as a legislator were numerous, but most notable was her commitment to addressing health care issues affecting women and children in Illinois. It was because of her dedication in this area that Senator Smith received the “Legislator of the Year Award” from every major health care organization in the state; and

WHEREAS, Senator Smith was also a staunch advocate of promoting African-American history in Illinois. It was her legislation that
commissioned the sculpture of statues of Adelbert H. Roberts, Dr. Martin Luther King Jr. and her late husband, Fred J. Smith; and

WHEREAS, on Monday, May 16, 2005, Senator Margaret Smith passed away at the age of 82, and a memorial service will be held on May 20 in her honor. She is remembered not only as an exemplary legislator, but also as a truly wonderful person who really brought “style” to the Illinois General Assembly. She was loved and respected by all who knew her, and her death creates a void in this State that can never be replaced. Her amazing legacy will clearly resonate in Illinois for centuries to come:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20, 2005 as SENATOR MARGARET SMITH DAY in Illinois, and encourage all citizens to join in mourning on this sad occasion, and paying tribute to the life of this great woman who forever changed Illinois government with her outstanding leadership.

Issued by the Governor May 20, 2005.
Filed by the Secretary of State May 20, 2005.

---

2005-199

SENIOR RESOURCE DAY

WHEREAS, the bringing together of resources helps to restore the community and the visible connection between state services and the people served; and

WHEREAS, the State of Illinois responds to its citizens, encouraging ordinary people and civic leaders to call upon state resources to form a united service resource; and

WHEREAS, Senior Resource Day will grow and become a valuable, dependable community foundation of response to the needs of our seniors; and

WHEREAS, Senior Resource Day symbolizes the respect that this community and this state holds for each and every senior; and

WHEREAS, Senior Resource Day will continue to show seniors respect for yesterday, support for today and a plan for tomorrow; and

WHEREAS, the first Senior Resource Conference is the result of cooperation between citizens in need, civic activists, religious leaders and the responsiveness of state agencies:

THEREFORE, I Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 25, 2005 as SENIOR RESOURCE DAY in Illinois, in recognition of the cooperation and valuable role that state resources play in the lives of elderly citizens of this State.

Issued by the Governor May 24, 2005.
Filed by the Secretary of State May 24, 2005.
WHEREAS, Dystonia is a neurological movement disorder characterized by involuntary muscle contractions which force certain parts of the body into abnormal, sometimes painful movements or postures; and
WHEREAS, Dystonia can affect any part of the body including the arms, legs, trunk, neck, eyelids, face and vocal cords; and
WHEREAS, although Dystonia affects approximately 300,000 people in North America, little is known about the disorder, and to date, there is still no cure, nor any known cause; and
WHEREAS, the Dystonia Medical Research Foundation exists to support Dystonia patients and their loved ones, as well as to serve as a powerful informational resource about the disorder; and
WHEREAS, providing better information about recognizing and understanding Dystonia to Illinois citizens and medical professionals will provide countless benefits to those who are affected by the disorder:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 4 - 11, 2005 as DYSTONIA AWARENESS WEEK in Illinois, and urge all citizens to be aware of the causes and effects of Dystonia and to support those who are currently suffering from the disorder.

Issued by the Governor May 24, 2005.
Filed by the Secretary of State May 24, 2005.

2005-201

SPECIALTY CROPS MONTH

WHEREAS, direct marketing of farm products through farmers markets continues to be an important sales outlet for agricultural producers nationwide, with approximately 19,000 farmers selling their produce only at these venues; and
WHEREAS, farmers markets are a vital part of the urban/farm connection, providing fresh, affordable foods and promoting nutrition education; and
WHEREAS, there are more than 3,700 farmers markets in the United States and more than one hundred in Illinois, providing Illinois citizens with nutritious, fresh, locally produced fruits and vegetables; and
WHEREAS, there are more than 117,000 acres in Illinois devoted to the production of fresh and processed specialty crops, which result in $136,664,000 in specialty crop sales for Illinois farmers; and
WHEREAS, farmers markets support economic development in
villages, towns and cities throughout the State:

THEREFORE, I Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2005 as SPECIALTY CROPS MONTH in Illinois, and encourage all citizens to visit their local farmers markets and support the State’s specialty crop growers by “Buying Fresh & Buying Local.”

Issued by the Governor May 24, 2005.
Filed by the Secretary of State May 24, 2005.

2005-202
MEMORIAL DAY 2005

WHEREAS, throughout the history of this great country, millions of brave men and women have answered their call to duty and served in the United States Armed Forces in times of war and peace. Sadly, many of those soldiers have paid the ultimate sacrifice; and
WHEREAS, it is a great tragedy when a member of the Armed Forces is killed in the line of duty; and
WHEREAS, in May of each year, a commemoration of Memorial Day gives Americans the opportunity to remember the soldiers that have lost their lives in the name of freedom and democracy; and
WHEREAS, through every American conflict, Illinoisans have served in the Armed Forces with great honor and distinction. Those who have died will be forever remembered as true American Heroes, and Illinois is proud to recognize each and every one of those individuals on this Memorial Day 2005:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize MEMORIAL DAY 2005 as a chance for all citizens to honor our fallen heroes, and to reflect on the great sacrifices they have made to protect our freedom and spread democracy across the globe.

Issued by the Governor May 27, 2005.
Filed by the Secretary of State May 27, 2005.

2005-203
SLOVENIAN DAY

WHEREAS, the Slovenian culture has existed for over 1500 years, persisting through the rule of numerous European empires and conquerors; and
WHEREAS, Slovenians fought bravely for their independence against both the Axis powers during World War II and Slobodan Milosevic’s Yugoslavia in 1991; and
WHEREAS, the Republic of Slovenia gained its independence from Yugoslavia on July 17, 1991; and
WHEREAS, thousands of Slovenian Americans live in Illinois and have contributed much to the progress and development of the state; and
WHEREAS, on June 11th of this year, Slovenians in Illinois and around the world will commemorate the 14th anniversary of independence by celebrating Slovenian Day, which highlights Slovenian literature, artists, folklore, singing, dancing, music, and crafts:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 11, 2005 as SLOVENIAN DAY in Illinois, and encourage all citizens to join in celebration of the rich Slovenian culture and heritage.

Issued by the Governor May 27, 2005.
Filed by the Secretary of State May 27, 2005.

2005-204
NATIONAL GARDEN WEEK

WHEREAS, the Garden Clubs of Illinois, in cooperation with the National Garden Clubs, Inc., is promoting National Garden Week in Illinois; and
WHEREAS, Garden Week involves setting aside a special week to strengthen communities by encouraging citizens of all ages to work toward common goals; and
WHEREAS, among Garden Week activities are educational programs, environmental cleanup, community beautification, flower shows, garden walks, youth activities and workshops; and
WHEREAS, the Garden Clubs of Illinois is a non-profit organization with more than 9,500 members and 195 clubs throughout Illinois; and
WHEREAS, the members are concerned citizens willing to devote their time and talents to the conservation, preservation, and beautification of our state’s natural treasures and to expand and share our knowledge for the betterment of the environment:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 5 – 11, 2005 as NATIONAL GARDEN WEEK in Illinois, and encourage all citizens to recognize and celebrate the importance of our state’s natural wonders.

Issued by the Governor May 27, 2005.
Filed by the Secretary of State May 27, 2005.
2005-205
PEORIA FALL FESTIVAL AND RIBFEST ILLINOIS STATE CHAMPIONSHIP DAYS

WHEREAS, on September 9 and 10, 2005, the Peoria Area Community Events (PACE) will sponsor eight city-wide events, which includes the “Fall Festival and Ribfest”; and

WHEREAS, 25 years ago, this Ribfest started in the City Hall parking lot with six competitors. Last year, this event grew to more than 50 teams, comprised of local and Kansas City Barbeque Society (KCBS) teams, competing on the riverfront; and

WHEREAS, the Peoria Fall Festival and Ribfest, as an Illinois State Championship, allows teams to qualify for the KCBS Invitational BBQ Competition, which only invites teams that have won a state championship; and

WHEREAS, the festival will provide entertainment and music, including the United States Air Force Band, local bands, and the Blooze Brothers, who will perform “A Tribute to the Blues Brothers”; and

WHEREAS, the State of Illinois is proud to recognize the many talented individuals who are putting their barbeque grilling skills to the test during this two-day event:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 9 – 10, 2005 as the PEORIA FALL FESTIVAL AND RIBFEST ILLINOIS STATE CHAMPIONSHIP DAYS in Illinois, and encourage all citizens to recognize and participate in this entertaining event that will undoubtedly showcase a variety of tasty barbeque recipes.

Issued by the Governor May 27, 2005.
Filed by the Secretary of State May 27, 2005.

2005-206
EXTENDED CARE AND LONG-TERM RECOVERY DAY

WHEREAS, substance abuse is a major public health problem that affects millions of Americans of all ages, races, and ethnic backgrounds and in all communities; and

WHEREAS, substance abuse is a treatable disease, and research has shown that recovery programs are an effective way of treating alcohol and drug abuse and improving the health of individuals both during and after care; and

WHEREAS, alcohol and other drug treatment programs provide financial benefits to citizens through reduced crime, emergency health care
and social services; and

WHEREAS, state-sponsored prevention, treatment, counseling, and recovery services have helped hundreds of thousands of Illinoisans live productive and sober lives; and

WHEREAS, recovery from addiction is possible thanks to the efforts of local and statewide organizations such as the National Association of Halfway House Alcoholism Programs of North America, Inc: 

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 3, 2005 as EXTENDED CARE AND LONG-TERM RECOVERY DAY in Illinois, and encourage all citizens to be supportive of those individuals who have undergone successful alcohol and drug treatment, and to honor those individuals who have dedicated their lives to helping people recover from addiction.

Issued by the Governor June 02, 2005.
Filed by the Secretary of State June 02, 2005.

2005-207
BLACK CAUCUS OF THE AMERICAN LIBRARY ASSOCIATION DAY

WHEREAS, the Black Caucus of the American Library Association (BCALA) was organized in 1970 to address issues of racial impparity in libraries as well as in the American Library Association. In addition, the BCALA was formed to address the effects of institutional racism, poverty, and limited education, employment, and promotional opportunities for African-Americans and other people of color; and

WHEREAS, there are more than 1,000 members of the Black Caucus of the American Library Association, serving library users and local communities, in both public and private institutions throughout the United States of America and in countries abroad; and

WHEREAS, the membership, consisting of librarians and information professionals, recognizes that equitable access to information and technology plays a vital role in the economic, political, and social well-being of our nation and world. Therefore, members advocate fair access for everyone, regardless of race, ethnicity, gender, or socio-economic status; and

WHEREAS, the Black Caucus of the American Library Association has endorsed resolutions in support of racial and sexual parity in library staffing (1971); African American representation on library governing boards (1971); fair employment practices by libraries in hiring suppliers and purchasing goods and services (1971); and has been the primary initiator, developer, and supporter for the Equity at Issue policy (1986) and the ALA Minority Concerns Policy (1988); and
WHEREAS, the Black Caucus of the American Library Association recognizes outstanding contributions by African American librarians through the Trailblazers’ Award (1990-) and DEMCO/ALA Black Caucus Award for Excellence in Librarianship (1994-). Since 1994, through its Literary Awards program, the BCALA has promoted an awareness of African-American literature by recognizing excellence in adult fiction and nonfiction written by African-American authors. In addition, they promote the development of public and school library programs featuring African American children’s literature through the work of its Committee on Services to Children and Families of African Descent:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 24, 2005 as BLACK CAUCUS OF THE AMERICAN LIBRARY ASSOCIATION DAY in Illinois, and encourage all citizens to join in celebrating this association’s 35th anniversary.

Issued by the Governor June 02, 2005.
Filed by the Secretary of State June 02, 2005.

2005-208
NATIONAL WATER SAFETY WEEK

WHEREAS, water safety education plays a vital role in preventing drownings and recreational water-related injuries; and
WHEREAS, by taking proactive steps learned through water-safety education, people can ensure healthy practices when enjoying water recreation. These healthy practices, for example, can prevent water-borne illnesses; and
WHEREAS, trained and certified aquatics professionals who develop water-safety rules allow for water recreation activities to be both fun and safe at the same time; and
WHEREAS, the safest aquatic recreational activities are in treated-water facilities; and
WHEREAS, effective water-safety programs are one of the best ways to prevent water-related injuries and drownings:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 6 – 12, 2005 as NATIONAL WATER SAFETY WEEK in Illinois, and encourage all citizens to support and promote the importance of practicing safety in water recreation.

Issued by the Governor June 02, 2005.
Filed by the Secretary of State June 02, 2005.
2005-209
DANICA PATRICK DAY

WHEREAS, on Sunday, May 29, 2005, former Roscoe, Illinois resident, Danica Patrick, became the first woman to ever lead in the Indianapolis 500, and is now the highest-finishing woman in the history of the race; and

WHEREAS, Danica led the 2005 Indianapolis 500 at three different times during the race, for a total of 19 laps. She was ahead as late as Lap 193 of the 200 lap race, but was passed on Lap 194 by winner, Dan Wheldon; and

WHEREAS, Danica’s history-making performance at the Indianapolis 500 extended even further, as she also achieved the all-time highest finish by an Indy rookie driver at fourth place overall; and

WHEREAS, thus far in her professional endeavors, Danica Patrick’s accomplishments have been impressive, highlighted by, among other things, her third-place finish in the 2004 Toyota Atlantic Championship final season standings. Her stellar performance in this year’s Indianapolis 500 is another indication of what promises to be a truly outstanding career; and

WHEREAS, as a woman of only 23 years of age, Danica Patrick has already made her mark on history with her sparkling achievements as a professional driver. Illinois, being the state where Danica was raised, is extremely proud of her recent success, and is pleased to join in honoring her on this occasion:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Sunday, June 5, 2005 as DANICA PATRICK DAY in Illinois, and encourage all citizens to join in recognition of Danica’s fourth place finish in the 2005 Indianapolis 500, and look forward to a bright future for this highly-talented young driver.

Issued by the Governor June 03, 2005.
Filed by the Secretary of State June 03, 2005.

2005-210
WAUKEGAN SWEDISH GLEE CLUB DAY

WHEREAS, on December 8, 2005, the Waukegan Swedish Glee Club will mark its 100th year as an organization; and

WHEREAS, this chorus of male singers has been true to its purpose, which is to: maintain a male chorus, promote Swedish song, foster and disseminate Scandinavian culture, and sponsor social activities; and

WHEREAS, over the course of these 100 years, the Swedish Glee Club has, on occasion, brought fame to the great city of Waukegan, has provided for its citizens who love to sing an opportunity to do so, has
performed countless concerts at places like churches and nursing homes, and has held special celebrations for numerous citizens who love to hear choral music; and

WHEREAS, today, the Swedish Glee Club continues to offer the opportunity for any man, regardless of race or origin, to sing in the chorus:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 8, 2005 as WAUKEGAN SWEDISH GLEE CLUB DAY in Illinois, and encourage all citizens to join in recognition of the 100th anniversary of this terrific organization.

Issued by the Governor June 03, 2005.
Filed by the Secretary of State June 03, 2005.

**2005-211**

ACCESS LIVING DAY

WHEREAS, since it’s founding in 1980, Access Living has admirably served Chicago’s more than 500,000 disabled citizens, ensuring their civil rights and advocating for supportive policies and programs; and

WHEREAS, Access Living fosters the dignity, pride and self-esteem of people with disabilities by offering peer-oriented independent living services, public education programs and individual systemic advocacy; and

WHEREAS, on June 20, 2005, elected officials, corporate leaders, representatives from the disabled community and citizens from throughout Chicago will celebrate Access Living’s 25th Anniversary 2005 Annual Gala; and

WHEREAS, the 25th Anniversary Annual Gala aims to involve Chicago’s corporate community in disability issues, promote public understanding and awareness of people with disabilities and reinforce positive and accurate images of the disabled community:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 20, 2005 as ACCESS LIVING DAY in Illinois, and encourage all citizens to recognize Access Living for all of their wonderful contributions to the community as they celebrate their 25th anniversary.

Issued by the Governor June 03, 2005.
Filed by the Secretary of State June 03, 2005.

**2005-212**

NATIONAL PEER HELPERS ASSOCIATION DAY

WHEREAS, the National Peer Helpers Association is an organization of adults who have joined together to encourage, promote and improve peer
helping programs; and

WHEREAS, peer helpers help young people in Illinois and throughout the world mobilize to address the academic and social needs of fellow students and have emerged as a recognized and dynamic force in the ever-changing field of peer helping; and

WHEREAS, the National Peer Helpers Association devotes much effort to promoting peer helpers internationally and is committed to establishing and disseminating a collection of materials to encourage and improve all peer helping programs; and

WHEREAS, the National Peer Helpers Association remains dedicated to being recognized as a leading authority on peer helping and is an active advocate of change in how youth relate and interact in their most formative years within the formal structures of society; and

WHEREAS, the National Peer Helpers Association is an example of how service to others is a foundation for creating a culture of people helping people; and

WHEREAS, the nineteenth annual conference of the National Peer Helpers Association is being held in Chicago, Illinois from June 24 to June 26, 2005:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 25, 2005 as NATIONAL PEER HELPERS ASSOCIATION DAY in Illinois, and encourage all citizens to recognize the National Peer Helpers Association for their dedicated service upon the occasion of their nineteenth annual conference.

Issued by the Governor June 03, 2005.
Filed by the Secretary of State June 03, 2005.

2005-213
SMALL BUSINESS WEEK

WHEREAS, small businesses make tremendous contributions to the economic makeup of our nation, accounting for 75 percent of the new jobs added to the economy; and

WHEREAS, Illinois agencies play a significant role in the development of small businesses within the state. The Illinois Secretary of State’s office is responsible for incorporating such businesses, while the Illinois Department of Commerce and Economic Opportunity assists new and existing small businesses with various matters including: providing business counseling, assisting with the development of business plans, and providing business education and training opportunities; and

WHEREAS, the State of Illinois Department of Commerce and Economic Opportunity (DCEO) has continued a long term partnership with
the U.S. Small Business Administration (SBA) supporting the Illinois Small Business Development Center and the newly created Illinois Entrepreneurship Network (IEN); and

WHEREAS, the DCEO and SBA partnership has resulted in assistance being provided to over 516,000 entrepreneurs and small businesses; and

WHEREAS, the State of Illinois is proud to recognize that there are 589,000 small businesses in Illinois, and they employ nearly 3 million people:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 12 – 18, 2005 as SMALL BUSINESS WEEK in Illinois and encourage all citizens to recognize the contributions these businesses make to our society.

Issued by the Governor June 03, 2005.
Filed by the Secretary of State June 03, 2005.

2005-214
PARENTS’ DAY

WHEREAS, no other job is more rewarding, challenging, or important as that of raising a child. The maternal and paternal, foster, adoptive, and relative parents that provide for the needs of children are truly a special gift to our society; and

WHEREAS, parents play a critical role in their child’s upbringing, instilling core values such as respect and integrity, that the child will eternalize for the rest of their lives; and

WHEREAS, research has found that a strong parent-child relationship increases the likelihood that a child will be able to resist peer pressure, become more academically and economically successful, and decrease the chances that they will become involved with youth violence; and

WHEREAS, in 1994, the United States Congress unanimously passed Public Law 103-362, creating a national observance for parents. On October 14 of that year, President Bill Clinton signed the bill into law, thereby establishing National Parents’ Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 24, 2005 as PARENTS’ DAY in Illinois, and encourage all citizens to honor the individuals who have provided our children with positive guidance, and who have been strong parental figures in their lives.

Issued by the Governor June 09, 2005.
Filed by the Secretary of State June 09, 2005.
2005-215
LIFE INSURANCE AWARENESS MONTH

WHEREAS, life insurance provides families and loved ones of deceased individuals with monetary compensation to help them emotionally and financially deal with their losses; and

WHEREAS, ownership of life insurance has been declining for decades because many people feel they cannot afford it. A recent study of widows and widowers whose spouses suffered untimely deaths found that one in four wished their spouse had better coverage; and

WHEREAS, life insurance professionals provide a valuable service to the community by counseling individuals in financial matters, preparing them for retirement, and helping them plan their estates; and

WHEREAS, insurance professionals are trusted financial advisors and important contributors to the economic and social stability of their communities; and

WHEREAS, the Illinois Association of Insurance and Financial Advisors (IAIFA), in partnership with the National Association of Insurance and Financial Advisors (NAIFA), are promoting Life Insurance Awareness Month to encourage citizens to purchase a life insurance package that will benefit them and their families the most; and

WHEREAS, the IAIFA is hosting several events through the month of September such as the South Cook Financial Services Expo, which will help the IAIFA make its presence known throughout the state and help to educate people about the importance of owning life insurance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as LIFE INSURANCE AWARENESS MONTH in Illinois, and encourage citizens to learn about life insurance and its benefits.

Issued by the Governor June 09, 2005.
Filed by the Secretary of State June 09, 2005.

2005-216
MINORITY BUSINESS EXPO WEEK

WHEREAS, small businesses serve as drivers of the American entrepreneurial spirit, and are necessary for maintaining the vitality of this country’s economy; and

WHEREAS, small businesses provide an important means of advancement for minority populations, allowing for more expedient hands-on business experience and greater independence; and

WHEREAS, as of 2003, small businesses in Illinois accounted for
48.4 percent of the state’s non-farm sector employees, with 2.5 million workers. There are currently 110,300 minority-owned businesses in the state; and

WHEREAS, since January 2003, my administration has been active in giving small businesses the boost they need to grow and expand in Illinois. Through programs such as Opportunity Returns, we are working to make a positive economic impact on some of Illinois’ most underserved areas; and

WHEREAS, the Minority Business Expo 2005, which is open to all businesses, will be held Saturday, June 17, at the Holiday Inn in Matteson. It will provide a chance for businesses to network, share creative talents, and form beneficial cooperative ventures:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 13 – 17, 2005 as MINORITY BUSINESS EXPO WEEK in Illinois, and encourage all citizens to support the goal of improving opportunities for all who own or seek to start a small business.

Issued by the Governor June 09, 2005.
Filed by the Secretary of State June 09, 2005.

2005-217
NATIONAL MEN’S HEALTH WEEK

WHEREAS, in 1994, the Men’s Health Network worked with Congress to develop National Men’s Health Week, as a special campaign to help educate men and their families about preventable health problems, and encourage early detection and treatment of disease among men and boys; and

WHEREAS, it is fundamental that men view their health as an issue of utmost importance, as it effects not only themselves, but also the well-being of their families; and

WHEREAS, men who are educated about the value of preventative health will be more likely to participate in health screenings, and take on healthy eating habits, with regular exercise regimens; and

WHEREAS, during Men’s Health Week, men should focus on implementing healthier life choices, and ask their doctors about a range of common men’s health issues, including heart disease; diabetes; prostate, testicular and colon cancer; and

WHEREAS, early detection of male health problems will result in reducing rates of mortality from disease, and offer men a chance at more fulfilling and energetic lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 13 – 19, 2005 as NATIONAL MEN’S HEALTH WEEK in Illinois, and encourage all men to make a conscious effort to undergo health screenings, and to make a commitment to a healthy
lifestyle for themselves, and for their families.
Issued by the Governor June 09, 2005.
Filed by the Secretary of State June 09, 2005.

2005-218
ROGER EBERT DAY

WHEREAS, Roger Ebert began his career in journalism at the age of 15, working as a sports writer for the Champaign-Urbana News Gazette. He would then go on to serve as editor of the Daily Illini at the University of Illinois from 1963-64; and
WHEREAS, in 1966, Roger Ebert was hired by the Chicago Sun Times, and only six months later, he was appointed the Sun Times’ film critic. It is in this role that Ebert has gained the international notoriety and acclaim that makes him one of this world’s foremost cinematic experts; and
WHEREAS, in September 1975, Ebert transitioned his journalistic career to the medium of television, when he was paired up with the late Gene Siskel to co-host “Siskel & Ebert” on ABC. For 23 years Siskel and Ebert worked together, and in that time, millions of homes across the country tuned in each week to get their informed opinions about new theatrical releases. Upon Siskel’s untimely passing, Ebert teamed up with fellow Sun Times columnist Richard Roeper, and the “Ebert & Roeper” show is now shown on more than 200 stations across the United States; and
WHEREAS, Roger Ebert has been a lecturer on film since 1970 at the University of Chicago Fine Arts program, and is an adjunct professor of cinema and media studies at the University of Illinois Urbana-Champaign. He is also known for holding sessions conducting shot-by-shot analysis of films at the Universities of Colorado, Virginia and Chicago, the Smithsonian Institution and the Canadian Center for the Advanced Study of Film; and
WHEREAS, in the international film world, Ebert serves as a jury member of the Sundance, Montreal, Chicago, Hawaii, Karlovy Vary and Venice Film Festivals. He has also attended Cannes for more than 25 years, and each year, he is a co-host of the Independent Film Channel’s live coverage of the Festival; and
WHEREAS, Roger Ebert is the author of 17 books, and throughout his distinguished career, he has earned numerous honors and awards for his contributions to cinema, journalism, broadcasting and publishing, including being the first ever movie critic to receive the Pulitzer Prize for arts criticism in 1975, and earning the prestigious Order of Lincoln Award from the State of Illinois. He has also received Honorary Doctorates of Fine Arts from the American Film Institute, the School of the Art Institute of Chicago and the University of Colorado; and
WHEREAS, on June 23, 2005, Roger Ebert will earn his own star on the prestigious Hollywood Walk of Fame. On this day, thousands will gather in Los Angeles, California to congratulate Roger on this well-deserved honor, and to recognize the outstanding career of a truly accomplished man and proud Illinoisan:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 23, 2005 as ROGER EBERT DAY in Illinois, and encourage all citizens to join in appreciation of Ebert’s many years of dedication to entertaining, educating and enlightening people all across the globe.

Issued by the Governor June 14, 2005.
Filed by the Secretary of State June 16, 2005.

2005-219
MONTFORD POINT MARINE ASSOCIATION DAY

WHEREAS, in 1942, President Franklin D. Roosevelt established a presidential directive giving African Americans an opportunity to be recruited into the Marine Corps. Between 1942 and 1949, approximately 20,000 African American Marines, from all states, were sent to basic training at Montford Point, a facility at Camp Lejeune, North Carolina; and

WHEREAS, the Montford Point Marine Association is a nonprofit Veterans’ organization, established to perpetuate the legacy of the first African Americans who entered the United States Marine Corps from 1942 to 1949; and

WHEREAS, membership in the Association is open to veterans and active members of all branches of the U. S. Armed Forces regardless of race, creed, or national origin; and

WHEREAS, the purpose of the Association is to support educational assistance programs, veterans programs, and promotion of community services. The Association works to improve the social conditions of our veterans, local families, youth and the growing population of senior citizens; and

WHEREAS, Montford Point Marine Association also consists of a Ladies Auxiliary. In the Ladies Auxiliary, membership is open to wives, daughters, sisters, and mothers of members or former members of the United States Armed Forces; and

WHEREAS, with 28 chapters across the United States, the Montford Point Marine Association continually fosters and promotes the principles of American freedom and democracy:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 16, 2005 as MONTFORD POINT MARINE
ASSOCIATION DAY in Illinois, and encourage all citizens to join in recognizing this noble association as they convene for their 40th Convention in Chicago, Illinois.

Issued by the Governor June 15, 2005.
Filed by the Secretary of State June 16, 2005.

2005-220
AMATEUR RADIO AWARENESS MONTH

WHEREAS, the Federal Communications Commission (FCC) defines the Amateur Radio Service as a voluntary, noncommercial communication service, used by persons interested in radio technique as a hobby, and not for reasons of financial gain or broadcast; and
WHEREAS, there are approximately 675,000 amateur radio operators in the United States, and more than 22,000 in the state of Illinois; and
WHEREAS, amateur radio operators, also known as ham radio operators, use radio technology mostly as a form of personal enjoyment, however, amateur radio is also a vital asset in the field of emergency communications, and has been formally recognized by a number of national relief organizations; and
WHEREAS, during natural disasters, normal telephone and cell phone systems are disrupted creating a need for amateur radio operators to step in and coordinate their communication efforts with disaster relief teams; and
WHEREAS, amateur radio operators have played a significant role in aiding relief workers in national emergencies, including the Oklahoma City Bombing in April 1995, the terrorist attacks on September 11, 2001, and the tornadoes that ravaged Illinois communities in April 2004; and
WHEREAS, this year’s Amateur Radio Field Days will take place on June 25 - 26, 2005:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2005 as AMATEUR RADIO AWARENESS MONTH in Illinois, and encourage all citizens to recognize the services this state’s amateur radio operators provide in keeping our communities safe.

Issued by the Governor June 15, 2005.
Filed by the Secretary of State June 16, 2005.

2005-221
OPERATION SNOWBALL MONTH

WHEREAS, Operation Snowball is a program that encourages kids
to stay substance-free by providing them with interactive group sessions; and
   WHEREAS, over 50,000 kids participate in Operation Snowball, which is partnered with the Illinois Alcoholism and Drug Dependence Association. Operation Snowball currently has 150 chapters and is continually expanding; and
   WHEREAS, the program focuses on prevention messages that aim primarily at the high school age because many students of this age understand the idea behind prevention. Group learning sessions present facts about drug and alcohol use and help students to develop their own ideas about substances before they are faced with situations in their future lives; and
   WHEREAS, Operation Snowball is continually expanding to include people of all ages into their program by creating Snowflakes for junior high students and Snowflurries for elementary students. These programs teach kids the importance of living a substance-free lifestyle at an early age. There is also Segues for college students and Blizzards for families, helping to serve as role models for the younger children; and
   WHEREAS, Operation Snowball gives young adults the opportunity to enhance their leadership skills as well as maintain their substance-free lifestyle by mentoring younger children and motivating them to live by the same standards:

   THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as OPERATION SNOWBALL MONTH and encourage all youth and young adults to maintain a healthy, substance-free lifestyle.

   Issued by the Governor June 15, 2005.
   Filed by the Secretary of State June 16, 2005.

   2005-222
   QUEBEC WEEK

   WHEREAS, the links between Illinois and Quebec are numerous and stretch back centuries to the French-speaking missionaries and voyageurs who left Quebec City and Montreal to explore le pays des Illinois and eventually to settle here; and
   WHEREAS, in 1969, Quebec established its delegation in the city of Chicago, due to the business and cultural preeminence of the city; and
   WHEREAS, Quebec is active, along with Illinois, in both the Council of Great Lakes Governors and the Great Lakes Commission as an associate member; and
   WHEREAS, trade between Illinois and Quebec exceeded $3.6 billion Canadian in 2004; and
WHEREAS, the staff of the Quebec Delegation in Chicago has established commercial links between Illinois and Quebec companies, and has brought Quebec performing artists, intellectuals, and writers to the theatres and universities of this state; and

WHEREAS, the Quebec Delegation in Chicago seeks to broaden the economic, cultural, educational and tourism links between Quebec and the Midwest; and

WHEREAS, on June 24, 2005, Quebec celebrates its National Holiday, La Saint-Jean, which is the feast day of St. John the Baptist:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 19-25, 2005 as QUEBEC WEEK in Illinois, and encourage all citizens to join in this vibrant and spirited commemoration.

Issued by the Governor June 22, 2005.
Filed by the Secretary of State June 22, 2005.

2005-223
VILLAGE OF GAYS DAY

WHEREAS, the Village of Gays is celebrating its 150th anniversary in 2005; and

WHEREAS, the Village of Gays was originally known as Summit. Railroad officials named the village Summit because it was the highest point on the Indianapolis and St. Louis railroad between Terre Haute, Indiana, and St. Louis Missouri. In 1881, the name was changed due to postal service confusion in mail delivery; there were two towns in Illinois named Summit, so the name of Gays was selected; and

WHEREAS, the Gays Mutual Telephone Company was incorporated in 1904. Then, in 1905, the Village was officially organized and an election was held with 26 votes cast for town officials; a bank was started, but was liquidated as a result of the bank moratorium in 1934; a fire in 1912 destroyed six building and dwellings near the business district; because there was no fire department, a bucket brigade was formed to control the flames; and

WHEREAS, since its beginning, the Village of Gays has had restaurants, grocery stores, shoe repair shops, tile and brick yards, meat markets, blacksmithing and wagon making, hardwire stores, feed mills, a cream station, garages, a filling station, beauty shops, radio repairs shops, a bulk plant, and bottle gas retail; in its early days, there was a succession of several doctors; the Village also has a two-story outhouse, and visitors from all over come just to see the novelty; and

WHEREAS, the State of Illinois is proud to recognize the Village of Gays and its residents on the occasion of the 150th anniversary of its
founding:

THEREFORE, I, Rød R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 16, 2005 as VILLAGE OF GAYS DAY in Illinois, in honor of this village’s sesquicentennial.

Issued by the Governor June 22, 2005.
Filed by the Secretary of State June 22, 2005.

2005-224
KASKASKIA COLLEGE DAY

WHEREAS, Kaskaskia College, located in Centralia, became the first comprehensive community college in Illinois under the Community College Act passed in 1965; and
WHEREAS, Kaskaskia College, first known as Centralia Junior College, began serving Illinois residents during 1940; and
WHEREAS, Kaskaskia college has experienced remarkable growth. In fact, over the past four years, Kaskaskia has become the fastest growing institution in the State of Illinois with an enrollment growth of 89.8%; and
WHEREAS, In Community College Week, a national publication, Kaskaskia was recognized as the fourth fastest growing community college in the nation. Last year, Kaskaskia enrolled 11,000 students on their main campus and other education centers; and
WHEREAS, more than 100,000 students have graduated from Kaskaskia College since its founding; and
WHEREAS, the first day of classes for Kaskaskia College was on September 9, 1940, and this date will be marking its 65th anniversary this year:

THEREFORE, I, Rød R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 9, 2005 as KASKASKIA COLLEGE DAY in Illinois, in honor of the 65th anniversary of Illinois’ fastest growing college.

Issued by the Governor June 22, 2005.
Filed by the Secretary of State June 22, 2005.

2005-225
ENTERTAINMENT RATINGS AND LABELING AWARENESS MONTH

WHEREAS, members of the Digital Media Association (DiMA), Interactive Entertainment Merchants Association (IEMA), the National Association of Recording Merchandisers (NARM), the National Association of Theatre Owners (NATO), and the Video Software Dealers Association
(VSDA) have joined together to create a coalition known as Coalition of Entertainment Retail Trade Associations (CERTA); and

WHEREAS, one of the missions of CERTA is to raise awareness and educate America’s parents and consumers about the entertainment ratings and labeling system; and

WHEREAS, it is the ultimate responsibility of parents to monitor the content of entertainment viewed by their children in their homes, and it is important that they be empowered with knowledge to help them make the best entertainment choices; and

WHEREAS, throughout the month of June, motion picture theaters, music stores, online music providers, video stores, video game retail stores and other entertainment retailers will be conducting a national campaign on entertainment ratings and labeling systems; and

WHEREAS, this campaign will allow participating trade organizations to encourage retailers and exhibitors to review their ratings and labeling education programs and policies to ensure that they comply with industry standards Furthermore, it will provide written information for customers about the movie and video game rating systems and music labeling systems as well as encourage their customers to utilize the ratings and labeling system; and

WHEREAS, along with CERTA’s noble mission in educating the public on the video games, my administration launched a website in December of 2004 for parents, www.safegamesIllinois.org, where they can learn about the effects of violent and sexually explicit video games, report inappropriate video games, and report Illinois retailers that are selling such games to minors; and

WHEREAS, CERTA, representing more than 2,000 retailers and exhibitors across the nation, has declared June 2005 to be “Entertainment Ratings and Labeling Awareness Month” to promote awareness and utilization of existing movie and video game ratings and music labels:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2005 as ENTERTAINMENT RATINGS AND LABELING AWARENESS MONTH in Illinois, and encourage all citizens to become familiar with the entertainment ratings and labeling system and the effects that music, videos and video games have on our children.

Issued by the Governor June 22, 2005.

Filed by the Secretary of State June 22, 2005.
2005-226

WORLD WAR II VETERANS RECOGNITION DAY

WHEREAS, more than 16 million people served in the United States Armed Forces during World War II. Known as one of the deadliest wars in the history of our world, more than 400,000 Americans died while fighting for our country; and

WHEREAS, on all accounts, World War II was a multifaceted event with supplemental events like Adolf Hitler’s rise as dictator of Germany and the Japanese attack on Pearl Harbor, only helping to complicate the issue and raise the stakes of the war; and

WHEREAS, it has been 60 years since World War II ended in September 1945. In honor of the men and women who perished during their fight, the families at home who were praying for the safe return of the soldiers and for the restoration of peace, a 60th Commemoration Anniversary will be held at the Millenium Park in Chicago, Illinois on Saturday July 23, 2005 to honor the World War II heroes; and

WHEREAS, those who were around during this time will never be able to forget the spirit, sacrifice, and commitment of the American people during these years. Those of us who did not witness these events offer our gratitude, as we are recipients of the freedom that was won because of our ancestors’ sacrifices:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 23, 2005 as WORLD WAR II VETERANS RECOGNITION DAY in Illinois, and encourage all citizens to honor all veterans on this World War II 60th Commemoration Anniversary by taking a few moments to reflect upon the sacrifices that have been made over the years to ensure our freedom and democracy.

Issued by the Governor June 22, 2005.
Filed by the Secretary of State June 22, 2005.

2005-227

MYASTHENIA GRAVIS AWARENESS MONTH

WHEREAS, Myasthenia Gravis (MG) is a chronic disorder characterized by weakness and rapid muscle fatigue; and

WHEREAS, MG is the result of nerve impairments in which antibodies block or destroy the nerve-muscle junctions in certain parts of the body, causing weakness in muscles that aren’t receiving the proper nerve signals; and

WHEREAS, those afflicted by MG may experience difficulties with speech, chewing, swallowing and breathing, as well as drooping eyelids and
double vision; and

WHEREAS, although there is currently no known cause or cure for MG, it may be controlled with early diagnosis and proper medical treatment; and

WHEREAS, the Myasthenia Gravis Foundation of Illinois, Incorporated, is a voluntary health agency that has been aiding patients and their families for 32 years through counseling and education about MG; and

WHEREAS, in their quest to help those with MG achieve productive and rewarding lives, the Myasthenia Gravis Foundation of Illinois, Incorporated, stresses the importance of public awareness on this disorder, in order to increase the likelihood of early detection:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2005 as MYASTHENIA GRAVIS AWARENESS MONTH in Illinois, and encourage all citizens to become cognizant of this debilitating ailment, and support groups such as the Myasthenia Gravis Foundation of Illinois, Incorporated, who work hard to improve the lives of people living with the disorder.

Issued by the Governor June 22, 2005.
File by the Secretary of State June 22, 2005.

2005-228
HIV TESTING DAY

WHEREAS, the prevention of HIV and AIDS necessitates a worldwide effort to increase communication and education, and empower people to take action within their communities; and

WHEREAS, the Joint United Nations Program on HIV/AIDS (UNAIDS) estimates that over 42 million people worldwide are currently living with HIV/AIDS; and

WHEREAS, the American Association for World Health is encouraging a better understanding of the challenge of HIV/AIDS nationally as it recognizes that the number of people diagnosed with HIV and AIDS in the United States continues to increase, with nearly 1 million people in the United States now infected, and more than 30,000 currently infected in Illinois; and

WHEREAS, the HIV and AIDS case rates among African Americans are the highest among all racial and ethnic groups in Illinois; and

WHEREAS, African Americans and Hispanics represent less than a third of the state’s population, yet they comprise more than 60 percent of those diagnosed with AIDS and 61 percent of all HIV cases; and

WHEREAS, minority communities are urged to increase their awareness of the risk of HIV/AIDS for themselves, their partners, and their
children, and to use their influence with their families, friends and communities to help stem the tide of the HIV/AIDS epidemic; and

WHEREAS, in order to stop the spread of the disease, we must encourage at-risk citizens to get tested, and we must continue to increase funds for research and outreach. With that in mind, my administration is committed to fighting this disease with a budget of $66 million for HIV/AIDS outreach and research for FY06, which is an $4.3 million increase from last year; and

WHEREAS, HIV Testing Day provides an opportunity to focus our society’s attention on HIV and AIDS and to disseminate information on how to prevent the spread of the disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 27, 2005, as HIV TESTING DAY in Illinois, and urge all citizens to use the day to recommit themselves to the fight against HIV/AIDS in our communities.

Issued by the Governor June 27, 2005.

Filed by the Secretary of State June 27, 2005.

2005-229

HEALTH CARE MONTH

WHEREAS, every citizen in Illinois deserves to have access to quality, affordable health care; and

WHEREAS, since the beginning of my administration in 2003, 313,000 more men women and children have received health care through the KidCare and FamilyCare programs – at a time when most states are not only not providing more coverage for the working poor, but also kicking people off of Medicaid or significantly reducing their benefits. This year’s budget included funding to add another 56,000 men, women and children. Because of our success in this area, the Kaiser Foundation has ranked Illinois the best state in the nation for providing health care to people who need it the most; and

WHEREAS, this spring, the Illinois General Assembly passed the Leave No Senior Behind Act, which is Illinois’ response to the federal Medicare Rx drug benefit. Because of the major holes in the federal program, this plan fills in the gaps so Illinois seniors will not suffer the same fate as seniors in other states; and

WHEREAS, to ensure that every Illinois woman receives sufficient health care coverage, my administration created the Illinois Healthy Women program. To date, the program has served more than 90,000 women who would have otherwise gone without health care; and

WHEREAS, in conjunction with the Chicagoland Chamber of
Commerce, my administration is developing a small business health insurance program that will help small businesses reduce their costs by 10-15% and provide more health care for their employees. Illinois will be the first state in the nation to create a pool where businesses of 50 employees or less can join, saving money on the negotiated rate, administrative costs and broker fees; and

WHEREAS, through an innovative new program called I-SAVE Rx, Illinois became the first state to allow its citizens to purchase prescription drugs from Europe and Canada. Nearly 10,000 people have enrolled in the last few months alone to take advantage of lower prices (25-50% less) for over 120 name brand prescription drugs, and other states have since joined in this effort; and

WHEREAS, along with the aforementioned initiatives, Fiscal Year 2006 will see great improvements in the way we ensure the health and well-being of Illinoisans. These include: enhancing access to pharmacy services and dental care; increasing awareness of Chronic Kidney Disease; expanding funding for Diabetes research; and reducing the nursing shortage in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2005 as HEALTH CARE MONTH in Illinois, and encourage all citizens to learn about the ways in which they can improve the health of themselves and their families by taking advantage of the many exciting new programs in this state.

Issued by the Governor June 28, 2005.
Filed by the Secretary of State June 28, 2005.

2005-230
ILLINOIS COMMUNITY COLLEGES

WHEREAS, Illinois’ Community College Act was signed into law on July 15, 1965, creating the Illinois Community College System; and

WHEREAS, the Illinois Community College System comprises 39 Districts containing 48 colleges that provide education to more than one million people per year; and

WHEREAS, the Illinois Community College System is the third largest system of community colleges in the nation; and

WHEREAS, each of the 48 colleges are unique since each school’s mission is to shape their curriculum based on community need. With that said, they all share a common mission: to provide high quality, affordable, accessible, higher education to all of Illinois’ citizens; and

WHEREAS, every citizen in Illinois is served by a community college district, and

WHEREAS, since the Illinois Community College System’s
inception in 1965, more than 18 million students have passed through community college doors on their way to a more profitable, more enlightened and more fulfilling life; and

WHEREAS, the average earnings of someone with an Associate Degree is 34 percent higher than one with just a High School Diploma, and

WHEREAS, the Illinois Community College System is a comprehensive educational experience, providing instruction in college credit, adult education, and workforce development; and

WHEREAS, this year, the State of Illinois celebrates the contributions from its Community College System for 40 amazing years:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize ILLINOIS COMMUNITY COLLEGES for providing 40 years of quality, affordable higher education to the people of this state.

Issued by the Governor June 28, 2005.
Filed by the Secretary of State June 28, 2005.

2005-231
“WILD” BILL HOLDEN DAY

WHEREAS, “Wild” Bill Holden, a school teacher from Elgin, Illinois, earned his teaching degree from Southern Illinois University and has worked in the public school system for the past 32 years. Since relocating to Arizona several years ago, Bill has been instrumental in helping and teaching diabetic children on Indian reservations; and

WHEREAS, a die-hard fan of the Chicago Cubs, Bill attended his first game at Wrigley Field in 1957 and has followed the team ever since. To this day, one of his favorite Chicago Cubs remains 9-time All-Star third baseman, #10, Ron Santo; and

WHEREAS, on New Years Eve, 2005, Bill received as a gift from his son, a copy of the film “This Old Cub,” which tells the inspiring story of Ron Santo’s great successes in the game of baseball while faced with the adversity of living with juvenile diabetes. Bill was so moved by the film that he decided to fulfill his longtime desire to contribute significantly in the ongoing mission of finding a cure for the disease; and

WHEREAS, on Tuesday, January 11, 2005, Bill set out on an historic journey. Dubbed as “Wild Bill’s Walk the Walk,” Bill departed from Camp Verde, Arizona with the intention of walking 2,100 miles to Chicago. Along the way, he would stop in various American towns to create awareness of juvenile diabetes, and to raise funds for the Juvenile Diabetes Research Foundation (JDRF); and

WHEREAS, on Friday, July 1, Bill Holden’s mission will be
complete, as he will arrive at Wrigley Field and be part of a pre-game ceremony at the Cubs-Nationals game, as well as throw out the first pitch and join Ron in singing “Take Me Out To The Ballgame” during the seventh inning stretch. He will also present a check to the JDRF in the amount of $250,000; and

WHEREAS, the State of Illinois is extremely proud of Bill Holden for his tremendous efforts on behalf of juvenile diabetes research, and we commend him for the outstanding dedication he’s displayed over the past six months. With that in mind, I am proud to be signing House Bill 1581 in conjunction with Bill’s arrival, which creates an Income Tax check-off to fund diabetes research, and requires the Department of Human Services to make grants to public or private entities in Illinois that fund diabetes research, with at least 50 percent of those funds going to entities that conduct research for juvenile diabetes:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Friday, July 1, 2005 as “WILD” BILL HOLDEN DAY in Illinois, and encourage all citizens to join in recognizing Bill’s exceptional work to help find a cure for diabetes.

Issued by the Governor July 01, 2005.
Filed by the Secretary of State July 01, 2005.

2005-232
TEEN APPRECIATION WEEK

WHEREAS, teenagers in this state and across the country play a variety of important roles in families and communities; and

WHEREAS, throughout the teenage years, a person undergoes transitional stages in human development between childhood and adulthood; and

WHEREAS, during these transitions, teenagers need and deserve the community’s understanding, guidance, and support; and

WHEREAS, the creativity, energy, and passion of adolescents often help to refresh our culture and constructively challenge our ideas in a way that benefits our society; and

WHEREAS, negative publicity about teenagers often overshadows community awareness of their overwhelming accomplishments and positive contributions to the life of our community and society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 8 – 14, 2005 as TEEN APPRECIATION WEEK in Illinois, and encourage all citizens to join in recognizing the great impact teenagers have on our communities.

Issued by the Governor July 06, 2005.
2005-233
CHAMBER OF COMMERCE WEEK

WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms, encourage new businesses and individuals to invest locally, and act as liaisons with government and the larger business community; and
WHEREAS, Illinois is home to international chambers of commerce, the Great Lakes Region of the U.S. Chamber of Commerce, the Illinois Chamber of Commerce, and more than 450 local chambers of commerce; and
WHEREAS, this year marks the 86th anniversary of the Illinois Chamber of Commerce, which represents businesses throughout the state; and
WHEREAS, during the week of September 12–16, various local chambers of commerce in Illinois will be hosting open houses, business expos, business of the year awards, and other promotional events in order to promote their involvement in the local economy:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 12-16, 2005 as CHAMBER OF COMMERCE WEEK in Illinois, and encourage all citizens to recognize the important role that chambers of commerce play in the economic well being of their communities.

Issued by the Governor July 06, 2005.
Filed by the Secretary of State July 06, 2005.

2005-234
DIFFERENT RELIGIONS WEEK

WHEREAS, the World Christian Encyclopedia estimates that there are approximately 10,000 active religions in the world; and
WHEREAS, here in the United States, one of our basic rights, as Americans, is the freedom to practice any religion that we may choose. With that in mind, it is important that people in this country, and across the globe, respect and tolerate others for their religious beliefs; and
WHEREAS, throughout history, religious violence has been the cause of innumerable suffering for countless people; and
WHEREAS, religious violence continues to pervade our society today. In all continents, including North America, people are senselessly harmed or killed every day because of their preferences of religion; and
WHEREAS, Different Religions Week was first observed on July 11-
18, 2003. The purpose of the week is to encourage individuals to attend a religious service of a faith other than their own, so that they may be exposed to a broader spectrum of spiritual belief; and

WHEREAS, Different Religions Week serves as a multi-purpose commemoration. Not only does it give us the opportunity to celebrate the great religious diversity in this country and throughout the world, but it also helps to create a level of understanding and tolerance that will hopefully lead to reduced incidents of religious violence:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 15 - 22, 2005 as DIFFERENT RELIGIONS WEEK in Illinois, and encourage all citizens to embrace the thousands of faiths that make up our world’s population, and join in the efforts to eradicate religious violence from this planet.

Issued by the Governor July 06, 2005.
Filed by the Secretary of State July 06, 2005.

2005-235
NATIONAL AQUATIC WEEK

WHEREAS, people of almost all ages and conditions can enjoy swimming; and

WHEREAS, the physical exercise of swimming provides lasting health benefits, including improved cardiovascular fitness, stronger muscles, and greater flexibility; and

WHEREAS, swimming is an especially beneficial means of exercise for pregnant women, the overweight, and those rehabilitating from physical injuries; and

WHEREAS, swimming and aquatic-related facilities provide a valuable source of recreation for the whole family and are ideal places for relieving stress; and

WHEREAS, the state of Illinois’ many lakes and rivers, along with countless local swimming facilities, provide the opportunity for all of our residents to receive the great benefits of swimming:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 17-23, 2005 as NATIONAL AQUATIC WEEK in Illinois, and encourage all citizens to recognize the role that swimming plays in improving the physical and mental health of people in this state and throughout the country.

Issued by the Governor July 06, 2005.
Filed by the Secretary of State July 06, 2005.
2005-232 (REVISED)
TEEN APPRECIATION WEEK

WHEREAS, teenagers in this state and across the country play a variety of important roles in families and communities; and
WHEREAS, throughout the teenage years, a person undergoes transitional stages in human development between childhood and adulthood; and
WHEREAS, during these transitions, teenagers need and deserve the community’s understanding, guidance, and support; and
WHEREAS, the creativity, energy, and passion of adolescents often help to refresh our culture and constructively challenge our ideas in a way that benefits our society; and
WHEREAS, negative publicity about teenagers often overshadows community awareness of their overwhelming accomplishments and positive contributions to the life of our community and society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 7 – 13, 2005 as TEEN APPRECIATION WEEK in Illinois, and encourage all citizens to join in recognizing the great impact teenagers have on our communities.

Issued by the Governor July 12, 2005.
Filed by the Secretary of State July 12, 2005.

2005-236
NATIONAL BATON TWIRLING WEEK

WHEREAS, the art of baton twirling positively affects the lives of nearly one-half million young Americans; and
WHEREAS, baton twirling can build the confidence of these young girls and boys, and the dedication learned in training for and practicing the sport is beneficial to many situations in life; and
WHEREAS, baton twirling is one of the largest nationwide beneficial movements for today’s young girls; and
WHEREAS, baton twirling is used in children’s hospitals as a unique and effective method of physical therapy; and
WHEREAS, baton twirlers provide inspiration and wholesome entertainment in our communities; and
WHEREAS, baton twirlers from all over the United States will gather at the University of Notre Dame July 19-23, 2005, to conduct a colorful pageant entitled “America’s Youth On Parade”:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim July 17-23, 2005 as NATIONAL BATON TWIRLING WEEK in Illinois, and encourage our citizens to appreciate and support the colorful and beneficial youth movement of baton twirling.

Issued by the Governor July 12, 2005.
Filed by the Secretary of State July 12, 2005.

2005-237
CENTRAL ILLINOIS BRAGGIN RIGHTS BBQ
STATE CHAMPIONSHIP DAYS

WHEREAS, on October 7 and 8, 2005, the Arthur Association of Commerce will host the “Second Annual Central Illinois Bragging Rights Competition Barbeque”; and
WHEREAS, the “Second Annual Central Illinois Bragging Rights Competition Barbeque,” as an Illinois State Championship, allows teams to qualify for national level barbeque competitions; and
WHEREAS, like previous years, this event, a Kansas City Barbecue Society (KCBS) sanctioned event, is held in conjunction with the Chet Kingery Memorial Bluegrass Jam. During this event, hundreds of bluegrass lovers gather in Arthur, Illinois to enjoy great music and tasty barbeque; and
WHEREAS, the State of Illinois is proud to recognize the many talented individuals who are putting their barbeque grilling skills to the test during this two-day event:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 7–8, 2005 as the CENTRAL ILLINOIS BRAGGIN RIGHTS BBQ STATE CHAMPIONSHIP DAYS in Illinois, and encourage all citizens to recognize and participate in this entertaining event that will undoubtedly showcase a variety of tasty barbeque recipes.

Issued by the Governor July 12, 2005.
Filed by the Secretary of State July 12, 2005.

2005-238
CAPTIVE NATIONS WEEK

WHEREAS, Captive Nations Week has been recognized for 45 years during the third week of July, originating from U.S. Public Law 86-90, a joint resolution of the 86th Congress; and
WHEREAS, Captive Nations, Incorporated focuses international attention on the plight and struggle of captive nations to rid themselves of oppressive rulers by organizing and unifying these country’s voices of freedom; and
WHEREAS, although several former Captive Nations have been
liberated from devastating and militaristic rule, the United States and the international community must remain cognizant of those countries still straining for freedom under precarious regimes; and

WHEREAS, this week should serve as a time of reflection and remembrance for all of the millions of people tragically lost to genocide and other forms of persecution under these cruel governments; and

WHEREAS, the 47th Annual Captive Nations week will highlight the struggle for freedom around the world in occupied territories:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois do hereby proclaim July 17-24, 2005 as CAPTIVE NATIONS WEEK in Illinois, and encourage all citizens to join in observance of this important week.

Issued by the Governor July 12, 2005.
Filed by the Secretary of State July 12, 2005.

2005-239
SUMMER LEARNING DAY

WHEREAS, the education of America’s youth is of critical importance, and the summer is as good a time as any for children to further their pursuit of information and knowledge; and

WHEREAS, a wide array of public agencies, non-profit organizations, schools, universities, museums, libraries and summer camps across the country will celebrate the annual Summer Learning Day on July 14, 2005; and

WHEREAS, Summer Learning Day is an opportunity to reflect on the importance of high-quality summer learning opportunities in the lives of young people and their families; and

WHEREAS, Summer Learning Day is designed to highlight the need for more young people to be engaged in learning activities over the summer and to support local summer programs that benefit children, families and communities; and

WHEREAS, for this year’s Summer Learning Day here in Illinois, the Center for Summer Learning has teamed up with the JCPenney Afterschool Fund and the YMCA of the USA to host an event for the purpose of: sending young people back to school ready to learn; supporting working families; and keeping children safe and healthy. The event will feature 500 children from YMCAs throughout Metropolitan Chicago who will be participating in a special field trip to the Museum of Science and Industry, and will include a donation of BrainQuest educational games by the JCPenney Afterschool Fund to over 9,000 Illinois children who are participating in summer learning programs; and
WHEREAS, Illinois is proud to join with the Center for Summer Learning at Johns Hopkins University and the Staples Foundation for Learning, along with the JCPenney Afterschool Fund and the YMCA of the USA, in promoting learning activities for our young people:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 14, 2005 as SUMMER LEARNING DAY in Illinois, and encourage all citizens to learn about the many educational programs available to children during the summer months here in this state.
Issued by the Governor July 12, 2005.
Filed by the Secretary of State July 12, 2005.

2005-240
AMERICANS WITH DISABILITIES ACT DAY

WHEREAS, the Americans with Disabilities Act (ADA), passed by Congress in 1990, established a “clear and comprehensive prohibition of discrimination on the basis of disability,” with a disability being defined as “a physical or mental impairment that substantially limits one or more of the major life activities” of an individual; and
WHEREAS, the passage of the ADA represented a major step toward protecting civil rights and improving the quality of life for disabled persons, who had previously not only lacked federal protection, but were also often subjected to discrimination and even ridicule of the most flagrant kind; and
WHEREAS, the year 2005 marks the 15th anniversary of the ADA’s civil rights guarantee for individuals with disabilities; and
WHEREAS, Illinois has a long history of commitment to protecting the rights of disabled persons, going back 25 years to the passage of the Illinois Human Rights Act, which made discrimination against any person with a “physical or mental handicap” illegal; and
WHEREAS, an estimated 1.5 million citizens of Illinois are classified as having a disability; and
WHEREAS, the State of Illinois and its agencies are committed to continuing efforts to ensure that citizens with disabilities are able to fully participate in employment, transportation, education, communication, and community opportunities; and
WHEREAS, during the month of July 2005, the Illinois Department of Human Services, in cooperation with numerous other state agencies, councils, and consumers, will celebrate the anniversary of the ADA with special events in Springfield and Chicago:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 21, 2005 as AMERICANS WITH DISABILITIES ACT DAY in Illinois, and encourage all citizens to
recognize the historical significance of the ADA, and in turn, do their part to ensure that people with disabilities live happy and productive lives.

Issued by the Governor July 12, 2005.
Filed by the Secretary of State July 12, 2005.

**2005-241**
**NATIONAL INTERNET SAFETY MONTH**

WHEREAS, the Internet has revolutionized communications and become an integral part of our daily lives; and
WHEREAS, the Internet provides people and businesses with new ways to interact and connect with one another; and
WHEREAS, unfortunately, the wealth of information and ease of use on the Internet have made new forms of criminal activity possible; and
WHEREAS, youth in Illinois are accessing the Internet at higher rates every year, experiencing the new educational and recreational opportunities, but also exposing themselves to potential online youth victimization; and
WHEREAS, education is critical to protecting our youth online; and
WHEREAS, I-SAFE America, a non-profit Internet safety education foundation, has organized local communities to promote online safety for Illinois youth:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2005 as NATIONAL INTERNET SAFETY MONTH in Illinois, and encourage all citizens to be aware of the dangers that exist online and to become educated on how to be responsible and accountable in cyber space.

Issued by the Governor July 12, 2005.
Filed by the Secretary of State July 12, 2005.

**2005-242**
**SALVATION ARMY ADULT REHABILITATION CENTER DAY**

WHEREAS, over 125 years ago, the Salvation Army marched into the United States battling poverty, hunger, disease, abuse, loneliness and other evils of society; and
WHEREAS, to this day, the Salvation Army continues its crusade to restore hope to countless men, women and children who have nowhere else to turn; and
WHEREAS, the Salvation Army serves as a symbol of compassion, but more so as an active participant in the provision of services to thousands of Illinois men, women and children across the country; and
WHEREAS, the Salvation Army provides its services to people in
need without regard to race, color, creed, sex, or age; and
WHEREAS, there are 119 Salvation Army Adult Rehabilitation Centers (ARC) operating throughout the United States with these essential services: housing, clothing, food, counseling, education, work ethic development, socialization skills training, spiritual guidance, vocational development and recreational activities; and
WHEREAS, the State of Illinois proudly recognizes all of the Salvation Army Adult Rehabilitation Centers, especially the Springfield facility as they rededicate their center on July 17, 2005. Their exemplary commitment to service has made vital contributions to the community:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 17, 2005 as SALVATION ARMY ADULT REHABILITATION CENTER DAY in Illinois, and encourage all citizens to celebrate and honor the dedicated men and women who work or volunteer for this noble organization.

Issued by the Governor July 13, 2005.
Filed by the Secretary of State July 13, 2005.

2005-243
MOUNT SINAI DEAF ACCESS PROGRAM DAY

WHEREAS, according to the U.S. Census Bureau, there are approximately 500,000 persons in Illinois who currently suffer from hearing loss; and
WHEREAS, there are more than 40,000 deaf and hard of hearing individuals in the Chicago area struggling to find health providers with whom they can communicate; and
WHEREAS, Mount Sinai Hospital’s Deaf Access Program (DAP) is one of the few programs in the state that meets the needs of deaf and hard of hearing adults; and
WHEREAS, DAP offers a broad range of medical, mental health, and support services for deaf and hard of hearing patients; and
WHEREAS, DAP is the largest program for the deaf and hard of hearing individuals in the United States with satellite clinics on Chicago’s North and South sides; and
WHEREAS, DAP will have a 1000th Patient Celebration on July 16, 2005 at Mount Sinai Hospital’s Glasser Auditorium:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 16, 2005 as MOUNT SINAI DEAF ACCESS PROGRAM DAY in Illinois, and encourage all citizens to recognize the significance of this important program.

Issued by the Governor July 13, 2005.
2005-244
PETE AND DONNA VONACHEN DAY

WHEREAS, Harold A. “Pete” Vonachen was born in Peoria on August 31, 1925 to Dr. and Mrs. Harold A. Vonachen. He graduated from St. Bernard's Grade School and Spalding Institute, participated in the V-12 Program at the University of Notre Dame and received his bachelor's degree in business administration and physical education from Bradley University in 1949; and

WHEREAS, on May 12, 1957, Pete married Donna Hurst, and together they had five children: Mary Michele, Harold A. III, Gregory, Daniel, and Mark; and

WHEREAS, Pete Vonachen has served notably in many roles. From January 4, 1944 until May 6, 1946, he served his country as a member of the United States Navy. Also, he was the manager of the Fall Food Concession for Bradley University Fieldhouse, a Peoria area salesman of dairy products for Soldwedel Dairy (now Bordens), and manager of the Original Murphy's Restaurant; he built and organized Vonachen's Junction; he was General Manager and Investor in Vonachen's Hyatt Lodge, general partner, developer, and Chief Executive Officer of the Days Inn Motel of Peoria, and President of Peoria Blacktop, Inc.; and

WHEREAS, in 1983, Pete Vonachen formed the Peoria Chiefs Professional Baseball Club; this corporation was an affiliate of the Chicago Cubs; he sold the franchise in 1988; Meinen Field was rebuilt in 1992 for $2.2 million and was renamed Pete Vonachen Stadium; he repurchased the Peoria Chiefs in 1994 and served as President; he was named Chairman of the Board in 1998; and

WHEREAS, Pete and Donna Vonachen have earned the respect and admiration of this state for their devotion to the community and to their family and friends. They are indeed worthy of this special honor:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 31, 2005 as PETE AND DONNA VONACHEN DAY in Illinois, and encourage all citizens to pay tribute to Pete and Donna Vonachen for their many contributions to the State of Illinois and its citizens.

Issued by the Governor July 13, 2005.
Filed by the Secretary of State July 13, 2005.
2005-245

MDA FIREFIGHTER APPRECIATION MONTH

WHEREAS, firefighters are our unsung heroes - each day risking their lives to save the lives of others; and
WHEREAS, when these heroes are not battling life-threatening situations, they are unselfishly contributing to their communities in other ways, including raising money for local charities and volunteering with agencies such as the Muscular Dystrophy Association (MDA); and
WHEREAS, the Illinois Firefighters, who have pledged their lives in saving lives of others, have also pledged their efforts to help find cures for the devastating diseases by supporting MDA’s fights against neuromuscular diseases; and
WHEREAS, the State of Illinois is proud to recognize Illinois Firefighters as they conduct Fundraising projects in our state for the MDA:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2005 as MDA FIREFIGHTER APPRECIATION MONTH in Illinois, and encourage all citizens to acknowledge the ongoing contributions of these brave men and women.

Issued by the Governor July 13, 2005.
Filed by the Secretary of State July 13, 2005.

2005-246

LEUKEMIA, LYMPHOMA & MYELOMA AWARENESS MONTH

WHEREAS, blood cancers currently afflict more than 700,000 Americans with an estimated 110,000 new cases diagnosed each year; and
WHEREAS, leukemia, lymphoma and myeloma will kill an estimated 60,500 people in the United States this year; and
WHEREAS, the Leukemia & Lymphoma Society, through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and supporting those that suffer from them; and
WHEREAS, the Leukemia & Lymphoma Society maintains offices in Chicago and Normal, Illinois to support patients with these diseases and their family members in the State of Illinois; and
WHEREAS, the State of Illinois is similarly committed to the eradication of these diseases and supports the treatment of its citizens that suffer from them; and
WHEREAS, the State of Illinois encourages private efforts to enhance research funding and education programs that address these diseases:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim September 2005 as LEUKEMIA, LYMPHOMA & MYELOMA AWARENESS MONTH in Illinois, and encourage all citizens to improve their understanding of blood related cancers and participate in voluntary activities that support education programs, as well as help fund research programs dedicated to finding a cure.

Issued by the Governor July 13, 2005.
Filed by the Secretary of State July 13, 2005.

2005-247
MICHAEL FINLEY DAY

WHEREAS, Michael Finley, a Melrose Park native, has led a distinguished career in the National Basketball Association and generously donates his time helping Illinois youth attain their goals and dreams; and

WHEREAS, selected by the Phoenix Suns as the twenty-first overall pick in the 1995 National Basketball Association Draft, Michael Finley became only the third rookie in Suns’s history to score over 1,000 points in his rookie season; and

WHEREAS, in 1997, Michael Finley was traded to the Dallas Mavericks, and in the following season, he led the team in scoring, assists and steals. He has since served many years with distinction in the sport of basketball; and

WHEREAS, in addition to his great athletic achievements, Michael Finley also serves the community by contributing his time and financial support; such as offering free basketball clinics, including lunch and gifts, to hundreds of young and aspiring children in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 15, 2005 as MICHAEL FINLEY DAY in Illinois, and encourage all citizens to follow his example of leadership and charity.

Issued by the Governor July 14, 2005.
Filed by the Secretary of State July 14, 2005.

2005-247 (REVISED)
MICHAEL FINLEY DAY

WHEREAS, Michael Finley, a Melrose Park native, has led a distinguished career in the National Basketball Association and generously donates his time helping Illinois youth attain their goals and dreams; and

WHEREAS, selected by the Phoenix Suns as the twenty-first overall pick in the 1995 National Basketball Association Draft, Michael Finley became only the third rookie in Suns’s history to score over 1,000 points in
his rookie season; and

WHEREAS, in 1997, Michael Finley was traded to the Dallas Mavericks, and the following season, he led the team in scoring, assists and steals. He has since served many years with distinction in the sport of basketball; and

WHEREAS, in addition to his great athletic achievements, Michael Finley also serves the community by contributing his time and financial support; such as offering free basketball clinics, including lunch and gifts, to hundreds of young and aspiring children in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 15, 2005 as MICHAEL FINLEY DAY in Illinois, and encourage all citizens to follow his example of leadership and charity.

Issued by the Governor July 14, 2005.
Filed by the Secretary of State July 14, 2005.

2005-248
WOMEN'S BUSINESS DEVELOPMENT DAYS

WHEREAS, the Women's Business Development Center (WBDC) is a nationally-recognized nonprofit women's business assistance organization, devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and

WHEREAS, the Women's Business Development Center will hold its 19th Annual Entrepreneurial Woman's Conference on September 13 & 14, 2005 at Chicago’s Navy Pier; and

WHEREAS, this Conference marks the continuation of the second decade of the WBDC's commitment to the demands of women entrepreneurs for greater opportunities in business ownership and development; and

WHEREAS, the WBDC has, in response, put forth creative and innovative approaches to empowering women and their families, striving to influence the larger political and economic environment in a way that encourages and supports women's economic empowerment; and,

WHEREAS, the WBDC was founded in 1986 by S. Carol Dougal and Hedy M. Ratner and since then, more than 50,000 women business owners have used its programs and services: one-on-one counseling; workshops; entrepreneurial training; the Women's Business Finance Program; the Women's Business Enterprise Certification Program; Procurement and Technical Assistance Program and Child Care Business Initiative and Program; and Women’s Venture Program; and

WHEREAS, there are now over 10.6 million women-owned
businesses in the U.S., employing over 19.1 million workers, and over 350,000 of those businesses are in Illinois. Minority-owned businesses are growing faster than all firms, and 1 in 5 women-owned firms in the U.S. is owned by a woman of color. Women-owned businesses nationally generate over $2.46 trillion in sales:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 13-14, 2005 as WOMEN'S BUSINESS DEVELOPMENT DAYS in Illinois, in recognition of the Women's Business Development Center's 19th Annual Entrepreneurial Woman's Conference, and in celebration of nearly two decades of the WBDC's outstanding advocacy and service to women business owners.

Issued by the Governor July 15, 2005.
Filed by the Secretary of State July 15, 2005.

2005-249
PARTNERSHIP WALK DAY

WHEREAS, citizens in Illinois and across the country expect certain basic rights, such as quality education, adequate living conditions, and a safe, healthy environment. Many in other parts of the world can only dream of having such rights; and

WHEREAS, the Aga Khan Development Network is a group of private, international non-denominational agencies dedicated to fostering long-term socio-economic development in impoverished regions Asia and Africa; and

WHEREAS, Aga Khan Foundation U.S.A., an agency of the Aga Khan Development Network, sponsors Partnership Walk in major cities across the U.S. to promote awareness about alleviating global poverty and to raise financial support for development projects that promote self-reliance; and

WHEREAS, Partnership Walk celebrates its 10th Anniversary and this year’s theme “Investing in People” highlights the Foundation’s long-term commitment to helping poor communities find sustainable solutions that lift them out of poverty and provide greater opportunity and hope for millions of children and families:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 25, 2005 as PARTNERSHIP WALK DAY in Illinois to recognize the goodwill of the Aga Khan Development Network and to encourage others to join Aga Khan Foundation U.S.A. in their mission of ensuring everyone the same basic rights that the citizens of this state enjoy and expect.

Issued by the Governor July 20, 2005.
WHEREAS, gymnastics is a great way to engage Illinois children in healthy activities while teaching them valuable personal and social skills such as teamwork, commitment, and sportsmanship; and

WHEREAS, USA Gymnastics, whose mission it is to encourage participation and the pursuit of excellence in sports, established National Gymnastics Day in 1999 to promote physical fitness and healthy lifestyles; and

WHEREAS, in support of National Gymnastics Day, nearly 4,000 clubs across the country organized activities at venues such as gyms, malls, and sporting events last year; and

WHEREAS, this year marks the 6th Annual National Gymnastics Day, the proceeds of which will benefit the Children’s Miracle Network, a non-profit organization dedicated to raising funds for 170 children’s hospitals, including four in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 6, 2005 as NATIONAL GYMNASTICS DAY in Illinois to encourage citizens of the state to support the worthy and charitable efforts of USA Gymnastics.

Issued by the Governor July 21, 2005.
Filed by the Secretary of State July 21, 2005.

2005-249 (REVISED)
PARTNERSHIP WALK DAY

WHEREAS, citizens in Illinois and across the country expect certain basic rights, such as quality education, adequate living conditions, and a safe, healthy environment. Many in other parts of the world can only dream of having such rights; and

WHEREAS, the Aga Khan Development Network is a group of private, international non-denominational agencies dedicated to fostering long-term socio-economic development in impoverished regions Asia and Africa; and

WHEREAS, Aga Khan Foundation U.S.A., an agency of the Aga Khan Development Network, sponsors Partnership Walk in major cities across the U.S. to promote awareness about alleviating global poverty and to raise financial support for development projects that promote self-reliance; and
WHEREAS, Partnership Walk celebrates its 10th Anniversary and this year’s theme “Investing in People” highlights the Foundation’s long-term commitment to helping poor communities find sustainable solutions that lift them out of poverty and provide greater opportunity and hope for millions of children and families:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 25, 2005 as PARTNERSHIP WALK DAY in Illinois to recognize the goodwill of the Aga Khan Development Network and to encourage others to join Aga Khan Foundation U.S.A. in their mission of ensuring everyone the same basic rights that the citizens of this state enjoy and expect.

Issued by the Governor July 22, 2005.
Filed by the Secretary of State July 22, 2005.

2005-250 (REVISED)
NATIONAL GYMNASTICS DAY

WHEREAS, gymnastics is a great way to engage Illinois children in healthy activities while teaching them valuable personal and social skills such as teamwork, commitment, and sportsmanship; and

WHEREAS, USA Gymnastics, whose mission it is to encourage participation and the pursuit of excellence in sports, established National Gymnastics Day in 1999 to promote physical fitness and healthy lifestyles; and

WHEREAS, in support of National Gymnastics Day, nearly 4,000 clubs across the country organized activities at venues such as gyms, malls, and sporting events last year; and

WHEREAS, this year marks the 6th Annual National Gymnastics Day, the proceeds of which will benefit the Children’s Miracle Network, a non-profit organization dedicated to raising funds for 170 children’s hospitals, including four in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 6, 2005 as NATIONAL GYMNASTICS DAY in Illinois to encourage citizens of the state to support the worthy and charitable efforts of USA Gymnastics.

Issued by the Governor July 22, 2005.
Filed by the Secretary of State July 22, 2005.

2005-251
EMMETT TILL AND MAMIE TILL MOBLEY DAY

WHEREAS, August 28, 2005 marks the 50th anniversary of the
brutal murder of Emmett Till, a Chicago native; and

WHEREAS, while visiting his uncle during the summer of 1955, Emmett Till, only 14, was whisked away in the dead of night by white men who tortured and killed him because he was black; and

WHEREAS, returned to Chicago for burial, Mamie Till Mobley, Emmett Till’s mother, insisted the public see what her 14-year-old son’s killers did, despite the severe disfigurement of his body. Accordingly, his post-mortem photographs circulated around the country; and

WHEREAS, the effect of Mamie Till Mobley’s courageous defiance sent shockwaves of grief and outrage across the nation, and enflamed racial tensions that sparked the Civil Rights Movement to extend equal protection of the law to black men and women; and

WHEREAS, the cruel and selfish slaying of Emmett Till still haunts Americans and continues to inspire social justice today:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 28, 2005 as EMMETT TILL AND MAMIE TILL MOBLEY DAY in Illinois in honor and remembrance of them.

Issued by the Governor July 22, 2005.
Filed by the Secretary of State July 22, 2005.

2005-252
PERU DAY

WHEREAS, July 28, 1821 marks the beginning of Peruvian independence from Spanish rule, led by liberator Jose de San Martin; and

WHEREAS, this day is internationally recognized as Peruvian Independence Day, and 2005 marks the 184th Anniversary of Peruvian independence; and

WHEREAS, there are approximately 50,000 Peruvians currently living in the state of Illinois, more than 15,000 of which live in the Chicagoland area; and

WHEREAS, the Peruvian community is active and successful, with only a 2 percent unemployment rate, and over 75% of the population earning more than $20,000 annually; and

WHEREAS, Peruvian-Americans have greatly added to the rich cultural diversity of Chicago through their vibrant presence in the Little Village Neighborhood, and their many art exhibitions throughout city museums and galleries; and

WHEREAS, Peruvians have a strong and organized presence in the city of Chicago with eleven ethnic organizations including the Peruvian American Medical Society, the Peruvian Chamber of Commerce, and the
Peruvian Arts Society among others:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 28, 2005 as PERU DAY in Illinois, and I encourage all citizens to join in celebrating the great contributions of Peruvian-Americans to the State of Illinois.

Issued by the Governor July 22, 2005.
Filed by the Secretary of State July 22, 2005.

2005-247 (REVISED 2)
MICHAEL FINLEY DAY

WHEREAS, Michael Finley, a Maywood native, has led a distinguished career in the National Basketball Association and generously donates his time helping Illinois youth attain their goals and dreams; and
WHEREAS, selected by the Phoenix Suns as the twenty-first overall pick in the 1995 National Basketball Association Draft, Michael Finley became only the third rookie in Suns’s history to score over 1,000 points in his rookie season; and
WHEREAS, in 1997, Michael Finley was traded to the Dallas Mavericks, and the following season, he led the team in scoring, assists and steals. He has since served many years with distinction in the sport of basketball; and
WHEREAS, in addition to his great athletic achievements, Michael Finley also serves the community by contributing his time and financial support; such as offering free basketball clinics, including lunch and gifts, to hundreds of young and aspiring children in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 15, 2005 as MICHAEL FINLEY DAY in Illinois, and encourage all citizens to follow his example of leadership and charity. understand the impact that the land surveying profession has had on our nation’s history.

Issued by the Governor July 14, 2005.
Filed by the Secretary of State July 26, 2005.

2005-253
84th INFANTRY DIVISION DAYS

WHEREAS, this year, the United States Army’s distinguished 84th Infantry Division celebrates their 60th Annual Reunion at the Crown Plaza Hotel in Springfield, Illinois; and
WHEREAS, organized in Springfield during the dark days of the Second World War, when the fate of democracy and freedom were in the
throes of destructive forces in Europe, Africa, and the Pacific Coast, the 84th was nicknamed the Railsplitters after Illinois’s favorite son, Abraham Lincoln, who also served during a time of grave peril; and

WHEREAS, the Railsplitters arrived in Europe in November of 1944 and were immediately sent to the front. There they helped check and push back the Nazi advance, seized a number of towns, captured more than 70,000 prisoners, and liberated thousands of enslaved ethnic minorities; and

WHEREAS, in the process, the 84th Railsplitters, like their namesake before them, valiantly helped preserve and protect democracy for future generations to cherish and enjoy; but

WHEREAS, sadly, the success of the 84th came with terrible costs. The Railsplitters suffered more than 9,800 casualties, with 1,235 of those soldiers being killed in the line of duty:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 27-30, 2005 as 84TH INFANTRY DIVISION DAYS in Illinois in honor and remembrance of the sacrifices and achievements of the 84th Railsplitters as they meet in Springfield for their 60th Annual Reunion.

Issued by the Governor July 27, 2005.
Filed by the Secretary of State July 27, 2005.

2005-254
NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

WHEREAS, millions of Americans and thousands of Illinoisans are addicted to alcohol and drugs; and

WHEREAS, alcohol and drug addiction is a grave disorder that destroys individual lives, rips families apart, and strains local communities; and

WHEREAS, to combat the devastating effects of alcohol and drug addiction, National Alcohol and Drug Addiction Recovery Month was launched in 1990 as an annual observance held every September to promote the personal and community benefits of treatment and support; and

WHEREAS, this year, the theme of National Alcohol and Drug Addiction Recovery Month, “Join the Voices for Recovery: Healing Lives, Families, and Communities”, emphasizes the vital role of friends, families, and communities in alcohol and drug treatment and support:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH in Illinois to promote the treatment of alcohol and drug addiction and to encourage support by all
citizens of the state.

Issued by the Governor July 29, 2005.
Filed by the Secretary of State July 29, 2005.

2005-255
CHILD SUPPORT AWARENESS MONTH

WHEREAS, all children deserve to be raised in a caring and nurturing environment where they will be challenged to grow into successful, productive members of society; and

WHEREAS, consequently, it is of the utmost importance that we invest all of our available resources to fulfilling this essential responsibility; and

WHEREAS, the Illinois Department of Healthcare and Family Services strives to improve the lives of our children by ensuring their parental support; and

WHEREAS, a number of methods are used by the Department of Healthcare and Family Services to collect unpaid child support, including: intercepting state and federal tax refunds, suspending Illinois professional licenses, placing liens on real and personal property, collaborating with private collection agencies, reporting the debt to credit reporting agencies, and now posting photos and debt amounts of deadbeat parents online; and

WHEREAS, in just one year, collections rose 7.9 percent, from 39.1 percent in federal fiscal year 2002 to 47 percent in 2003, and the number of support orders enforced rose 5.9 percent, from 40.8 percent to 46.7 percent; and

WHEREAS, with the assistance of the Departments of Human Services, Public Health, Children and Family Services, Corrections, Aging, Revenue, other state and county agencies, and community groups, the Department of Healthcare and Family Services has helped more children receive aid and assistance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2005 as CHILD SUPPORT AWARENESS MONTH in Illinois to promote the importance of child support and to affirm the continued commitment of my administration to helping our children receive the love and care that is vital to their success and the future welfare of Illinois.

Issued by the Governor July 29, 2005.
Filed by the Secretary of State July 29, 2005.
2005-152 (REVISED)
LIONS CANDY DAY

WHEREAS, the Lions Club was founded in 1917 by Melvin Jones. His goal was to create an organization of businesses who shared a common goal of bettering the community; and
WHEREAS, Lions Club International has grown to incorporate 1.4 million members who participate in 46,000 clubs in 193 countries across the globe; and
WHEREAS, the Lions Club of Illinois has raised an unprecedented amount of money for those who are visually and hearing impaired over the years through events such as Candy Day; and
WHEREAS, Candy Day allows the Illinois citizens to contribute to an organization that will in turn, give back to the public. The candy they receive is a token of appreciation from the Lions Club for their donation; and
WHEREAS, all proceeds made from Candy Day will go to the programs the Lions Club of Illinois promotes to continue to help the visually and hearing impaired:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 14, 2005 as LIONS CANDY DAY in Illinois, and applaud the Lions Club for so nobly serving the public for close to 90 years.

Issued by the Governor May 02, 2005.
Filed by the Secretary of State August 01, 2005.

2005-256
CHICAGO DEFENDER CHARITIES BUD BILLIKEN DAY

WHEREAS, Chicago Defender Charities has a long tradition of helping Illinoisans in need through charitable aid, such as financial assistance and scholarships to students and gift baskets to public housing residents during the holiday season; and
WHEREAS, Chicago Defender Charities also sponsors the annual Bud Billiken Parade, which, for 75 years, has provided free, wholesome, and fun entertainment for hundreds of thousands of children and parents; and
WHEREAS, this year, the Bud Billiken Parade celebrates its 76th anniversary, and the theme, “Education: A Family Affair”, emphasizes the important role of parents in the education of their children; and
WHEREAS, organizations and events such as Chicago Defender Charities and the Bud Billiken Parade promote community service and unity, which is vital to the strength and success of Illinois communities:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim August 13, 2005 as CHICAGO DEFENDER CHARITIES BUD BILLIKEN DAY in Illinois in recognition of Chicago Defender Charities’s goodwill and to encourage all citizens of the State to support their noble efforts.

Issued by the Governor August 01, 2005.
Filed by the Secretary of State August 01, 2005.

2005-257
HOUSE MUSIC UNITY DAY

WHEREAS, music has a singular power to influence emotions and thought; and
WHEREAS, House Music is a unique style of music that characteristically promotes positive messages of world peace and unity; and
WHEREAS, since its birth in the 1980’s, House Music has helped spawn a world renaissance in music and is a mainstream form of entertainment today; and
WHEREAS, one of House Music’s early pioneers, TRAX Records, will be hosting a celebration on August 10th, where musicians and fans will observe the 21st anniversary of House Music with performances in Chicago’s Grant Park; and
WHEREAS, by bringing the community together to commemorate House Music and its positive messages, the celebration will advance noble values of tolerance, understanding, and charity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 10, 2005 as HOUSE MUSIC UNITY DAY in Illinois, and encourage all citizens to join in celebrating the 21st anniversary of House Music, while reflecting on its positive message.

Issued by the Governor August 01, 2005.
Filed by the Secretary of State August 01, 2005.

2005-258
SAVE A LIFE MONTH

WHEREAS, countless lives can be saved in Illinois with proper training in the use of basic first aid skills and life-saving equipment available today; and
WHEREAS, the United States Department of Homeland Security has declared September 2005 as National Preparedness Month to encourage Americans to prepare for emergencies in their homes, businesses, and schools; and
WHEREAS, as a member of the Department of Homeland Security’s
Citizen Corp, the Save A Life Foundation, a national not-for-profit organization founded in 1993 and based outside of Chicago, Illinois, works with state governments, municipal leaders, and emergency response personnel to prepare the general public, particularly schoolchildren, to respond effectively and safely to life-threatening events before paramedics arrive; and

WHEREAS, the Save A Life Foundation, which provides free training to public schools with help from state and federal funding and donors, has trained nearly one million children in the use of first aid skills, such as Cardiopulmonary-Resuscitation and the Heimlich maneuver, and life-saving equipment, such as the Automated External Defibrillator; and

WHEREAS, thanks to the help of organizations like Save A Life Foundation, thousands of lives have been saved in Illinois by good Samaritans:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 SAVE A LIFE MONTH in Illinois to promote training in the use of first aid and to encourage citizens of the State to support the worthy efforts of the Save A Life Foundation.

Issued by the Governor August 03, 2005.
Filed by the Secretary of State August 03, 2005.

2005-259
MINNIE VAUTRIN DAY

WHEREAS, the Japanese army’s occupation of Nanking, China during the 1937 Sino-Japanese War is known as “the Rape of Nanking”. Approximately 300,000 men, women, and children were killed by the invaders, and more than 20,000 were raped, with some estimates as high as 80,000; and

WHEREAS, despite the risks to her personal safety and security, Minnie Vautrin defied the Japanese, and in the process, sheltered and protected 10,000 Chinese women and children refugees, which made her a legend among those she saved; and

WHEREAS, born and raised in Secor, Illinois, a small town with a meager population of 389, Minnie Vautrin was a Midwestern farm girl; and

WHEREAS, having found her calling in missionary service, Minnie Vautrin devoted her life to promoting women’s education and helping the poor; and

WHEREAS, Minnie Vautrin spent more than 20 years educating women at Ginling College in Nanking, which she used as her sanctuary for the thousands she rescued, who praised her as “the American Goddess of Mercy”; and
WHEREAS, this year, Minnie Vautrin’s birthday, September 27, will be celebrated in Saint Louis, Missouri and Nanking, China; and

WHEREAS, one of Illinois’s favorite sons, the late Senator Paul Simon, said in tribute to the Illinois native, “People with ideals who are willing to work hard for those ideals, like Minnie Vautrin, can change the course of history;”

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 27, 2005 as MINNIE VAUTRIN DAY in Illinois in honor and remembrance of Minnie Vautrin, and to encourage citizens of the State to follow her example of leadership and charity.

Issued by the Governor August 03, 2005.
Filed by the Secretary of State August 03, 2005.

2005-260
OVARIAN CANCER AWARENESS MONTH

WHEREAS, approximately 1 in every 55 women will be diagnosed with ovarian cancer in their lifetime. More than 26,000 will be diagnosed this year alone; and

WHEREAS, an estimated 14,600 women, including more than 650 from Illinois, will die of ovarian cancer this year, making ovarian cancer the deadliest gynecological cancer; and

WHEREAS, the cause of ovarian cancer is unknown, and there may be no symptoms, or only mild ones in the early stages of the disease. Later symptoms include loss of appetite, feeling of fullness after a light meal, abdominal discomfort, nausea, and other digestive problems, excessive weight loss or gain, and abnormal bleeding in the vaginal area; and

WHEREAS, the risk of developing ovarian cancer may be reduced by cutting the amount of fat in a diet, breast feeding, using birth control pills and other methods of minimizing the number of ovulations, and surgical procedures, such as a hysterectomy, ovary removal, and tubal ligation; and

WHEREAS, raising awareness of the precautions, symptoms, and scope of ovarian cancer can save lives by increasing the chances of early detection and treatment:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as OVARIAN CANCER AWARENESS MONTH in Illinois, and encourage citizens of the State to take preventative and proactive measures to ensure the health and safety of themselves and their families.

Issued by the Governor August 04, 2005.
Filed by the Secretary of State August 04, 2005.
2005-261

GYNECOLOGIC CANCER AWARENESS MONTH

WHEREAS, approximately 10 women are diagnosed with gynecologic cancer in America every hour. More than 82,000 will be diagnosed this year alone; and

WHEREAS, gynecologic cancer accounts for 11 percent of all cancer deaths and is the fourth largest cancer killer of women in the United States; and

WHEREAS, in Illinois, 12 percent of all cancer victims are diagnosed with gynecologic cancer, which accounts for 10 percent of all cancer deaths in the state; and

WHEREAS, the Society of Gynecologic Oncologists, whose doctors first train as obstetricians and gynecologists and then receive three to four years of additional training as cancer specialists, is the only United States medical society dedicated to the prevention, detection, and cure of gynecologic cancers; and

WHEREAS, based out of Chicago, the Gynecologic Cancer Foundation, founded by the Society of Gynecologic Oncologists in 1991, raises funds in support of programs that assist women at risk of developing gynecologic cancer, as well as those currently living with the disease; and

WHEREAS, during the month of September, the Gynecologic Cancer Foundation works with over 3,000 physicians, community partners, and the media to provide women with potentially life-saving information about gynecologic cancer; and

WHEREAS, my administration is committed to supporting and raising awareness in the critical fight against gynecologic cancer. Women in Illinois can receive assistance through such programs as the Illinois Breast and Cervical Cancer Program, which is sponsored by the Illinois Department of Public Health and provides free breast and cervical cancer screenings to women between the ages of 35 and 64 who have limited financial resources and/or are without health insurance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as GYNECOLOGIC CANCER AWARENESS MONTH in Illinois, and encourage citizens of the State to support the worthy efforts of the Society of Gynecologic Oncologists and Gynecologic Cancer Foundation.

Issued by the Governor August 04, 2005.

Filed by the Secretary of State August 04, 2005.
2005-262
YOUTH SOCCER MONTH

WHEREAS, soccer is one of the fastest growing sports in the United States. More than 19 million children, including 80,000 Illinois youth, play soccer; and
WHEREAS, soccer is a great way to engage Illinois children in a healthy activity while teaching them valuable personal and social skills such as teamwork, commitment, and sportsmanship; and
WHEREAS, the United States Youth Soccer Organization, Soccer Federation, and President’s Council on Physical Fitness and Sport commemorates September as Youth Soccer Month to celebrate and raise awareness about the benefits of playing soccer; and
WHEREAS, Illinois Youth Soccer, a member of the United States Youth Soccer Organization, supports Youth Soccer Month and will sponsor celebrations and special events throughout the month at games and tournaments in Illinois; and
WHEREAS, this year marks the Third Annual Youth Soccer Month, and inner city, special needs, recreational, and elite soccer programs will all benefit from the exposure:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as YOUTH SOCCER MONTH in Illinois, and encourage citizens of the State to support the worthy efforts of all the sponsoring organizations, as well as to join in promoting the sport of soccer in this state and across the country.

Issued by the Governor August 04, 2005.
Filed by the Secretary of State August 04, 2005.

2005-263
BREASTFEEDING PROMOTION MONTH

WHEREAS, human milk provides infants with the nutrients necessary for optimum growth and development, protects them against infections and allergies, reduces the risk of later obesity, and enhances cognitive development; and
WHEREAS, breastfeeding is an important part of preventive health care, providing nursing mothers with short- and long-term benefits, including decreased risk of osteoporosis and breast and ovarian cancers; and
WHEREAS, medical organizations and health professionals recognize the importance of educating, counseling and supporting breastfeeding mothers before, during, and after delivery; and
WHEREAS, governments and communities have the moral duty to
protect the health of women and children; and
WHEREAS, during the month of August, the Illinois Department of Human Services will collaborate with local groups to educate, support, and help women continue to breastfeed for two years and beyond in accordance with the American Academy of Pediatrics guidelines:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2005 as BREASTFEEDING PROMOTION MONTH in Illinois to promote breastfeeding and its benefits of lower health care costs for infants, a healthier workforce, stronger family bonds, and less waste.

Issued by the Governor August 05, 2005.
Filed by the Secretary of State August 05, 2005.

2005-264
NATIVE AMERICAN DAY

WHEREAS, long before the arrival of Europeans to North American shores, Native Americans settled and lived throughout the United States, including the State of Illinois; and
WHEREAS, Native Americans established loose bands of tribes and confederations with sophisticated agricultural and hunting economies and social and political systems, which were designed to secure domestic peace and comfort within their communities; and
WHEREAS, after the arrival of Europeans, many Native Americans aided European colonization, especially by instructing European migrants in vital farming techniques and methods unique to the land; and
WHEREAS, sadly, European civilizations displaced many Native American communities, and many Native Americans were forced to assimilate into the new culture. Despite that, Native Americans have faithfully and heroically served in all American wars to defend democracy and freedom; and
WHEREAS, some Native American communities are beginning to thrive again thanks to the creativity, innovation, and above all, indomitable spirit of Native Americans:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 1, 2005 as NATIVE AMERICAN DAY in Illinois in honor and remembrance of those Native Americans who preceded us, without whom the success of European civilization would not have been possible, and in recognition of the contributions Native Americans have made to the United States, State of Illinois, and their own success.

Issued by the Governor August 08, 2005.
Filed by the Secretary of State August 08, 2005.
WHEREAS, Chicagoan John H. Johnson, founder, publisher and chairman of Johnson Publishing Company, Inc., which includes such publications and products as EBONY and JET magazines, Fashion Fair Cosmetics and EBONY Fashion Fair, passed away on August 8, 2005 at the age of 87; and

WHEREAS, Mr. Johnson began his incredible career with an initial investment of $500. From there, he went on to become the first nationally recognized African-American business person, and is known by many as the founder of the African-American consumer market; and

WHEREAS, this year, EBONY magazine celebrates its 60th anniversary of existence. Amazingly, through each of those 60 years, EBONY has been the biggest African-American owned magazine in the country; and

WHEREAS, because of his outstanding dedication and tremendous entrepreneurial spirit, Mr. Johnson received numerous awards and honors throughout his career, including the Presidential Medal of Freedom, the Magazine Publisher’s Association Publisher of the Year Award, and the Advertising Hall of Fame Award. In 2003, Howard University in Washington, D.C. established the John H. Johnson School of Communications in his honor; and

WHEREAS, coming from the humblest of backgrounds, and going on to achieve remarkable success, John H. Johnson is a prime example of how one can truly accomplish anything if they work hard and remain committed to their chosen endeavor. His “rags to riches” story should serve as an inspiration not only for other African-Americans, but for all people who dare to dream big, and dedicate their lives to realizing those dreams; and

WHEREAS, John H. Johnson’s passing creates a void in this City and State that will never be filled. Illinois is humbled to join his wife, Eunice W. Johnson, his daughter, Linda Johnson Rice, and all of the countless people who have known and loved him over the years, in mourning this great loss to humanity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Monday, August 15, 2005 as JOHN H. JOHNSON DAY in Illinois, and encourage all citizens to join in celebrating the life of this highly accomplished and influential man.

Issued by the Governor August 15, 2005.

Filed by the Secretary of State August 15, 2005.
2005-266

CHILDHOOD CANCER AWARENESS MONTH

WHEREAS, approximately 12,500 children and adolescents are diagnosed with cancer every year in the United States and Illinois. That is the equivalent of two average size classrooms diagnosed each school day; and

WHEREAS, leukemias, tumors of the brain and nervous system, the lymphatic system, and kidneys, bones and muscles, are the most common childhood cancers; and

WHEREAS, collectively, the cancers of children, adolescents, and young adults to age 20 are the sixth most common cancers in the United States; and

WHEREAS, sadly, cancer claims the lives of more children than any other disease, including asthma, diabetes, cystic fibrosis, and AIDS combined; but

WHEREAS, less than 10 percent of children diagnosed with cancer were cured in the 1950s; fortunately, nearly 80 percent of childhood cancer patients become long-term survivors today if they are referred to established childhood cancer treatment and research centers; and

WHEREAS, the member hospitals of the Children’s Oncology Group have been responsible for much of the research that has achieved spectacular advances in the survival and cure rates for childhood cancers during the past several decades; and

WHEREAS, the shared vision of the CureSearch National Childhood Foundation and the Children’s Oncology Group is to reach the day when every child with cancer can be guaranteed a cure:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as CHILDHOOD CANCER AWARENESS MONTH in Illinois to raise awareness about childhood cancer, and to encourage citizens of the State to support the worthy efforts of the CureSearch National Childhood Foundation and the Children’s Oncology Group.

Issued by the Governor August 16, 2005.

Filed by the Secretary of State August 16, 2005.

2005-267

NATIONAL PAYROLL WEEK

WHEREAS, more than 140 million Americans, including approximately 12.5 million Illinoisans, contribute millions of dollars to federal and state treasuries through payroll taxes each year; and

WHEREAS, payroll taxes help subsidize vital civic programs and
projects, such as education, Medicare, parks, roads, and Social Security; and
WHEREAS, by paying and reporting worker wages and collecting and paying employment taxes, which account for 66 percent of United States Treasury revenue from workers, payroll professionals perform an essential role in supporting the country; and
WHEREAS, the American Payroll Association, and its Diamond Sponsor, Automatic Data Processing, conducts a nationwide public awareness campaign that explains the payroll withholding system, promotes the benefits of payroll, and pays tribute to American workers and payroll professionals; and
WHEREAS, September 5 is Labor Day, a national holiday in honor of the contributions hardworking Americans have made and continue to make to the strength, prosperity, and well-being of our country; and
WHEREAS, during the week of September 5, the Chicago Chapter of the American Payroll Association will sponsor a tax forum, presentations at local high schools, and other activities focused on payroll education:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 5-9, 2005 as NATIONAL PAYROLL WEEK in Illinois in recognition of all the hardworking Americans in this state, and in support of the worthy efforts of the American Payroll Association and their Chicago Chapter.
Issued by the Governor August 16, 2005.
Filed by the Secretary of State August 16, 2005.

2005-268
ACTS OF KINDNESS DAY

WHEREAS, December 7, 1941, November 22, 1963, and now September 11, 2001, are a few days that all Americans remember and know just where they were and what they were doing; and
WHEREAS, on that horrific September day in 2001, terrorists not only attacked the World Trade Center and the Pentagon, they also attacked fundamental principles that all Americans and Illinoisans cherish and value, including democracy, equality, freedom, and justice; and
WHEREAS, the terrorists failed to break the indomitable American spirit; instead, their heinous and criminal acts strengthened American commitment to those fundamental principles, which are essential to securing peace and prosperity for all; and
WHEREAS, the brave and courageous firemen and good Samaritans, who risked and sacrificed their lives to rescue and save defenseless victims on September 11, 2001, did far more to advance the righteous cause of peace and prosperity than the terrorists:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 11, 2005 as ACTS OF KINDNESS DAY in Illinois in remembrance of those lost on September 11, 2001, and to promote peace and prosperity by encouraging acts of kindness in our communities, as the firemen and good Samaritans best exemplified on that unforgettable day in September 2001.

Issued by the Governor August 16, 2005.
Filed by the Secretary of State August 16, 2005.

2005-269
CONSTITUTION WEEK

WHEREAS, the Second Continental Congress declared independence of the United States from Great Britain in 1776, and asserted their inalienable rights, including life, liberty, and the pursuit of happiness; and
WHEREAS, in 1787, a convention of delegates from 12 of the original 13 states met in Philadelphia and framed the United States Constitution, which was ratified in 1788 and replaced the Articles of Confederation the following year as the supreme law of the land; and
WHEREAS, two years later, 10 amendments, commonly referred to as the Bill of Rights, were adopted to establish and protect certain individual rights, such as freedom of speech and exercise of religion; and
WHEREAS, since that time, more than 10,000 amendments to the Constitution have been proposed, yet only 27 have been adopted; and today, the Constitution is the oldest living government covenant in the world; and
WHEREAS, in accord with Public Law 915, the President of the United States issues a proclamation designating September 17-23 as Constitution Week every year; and
WHEREAS, this year, we celebrate the 218th birthday of the Constitution of the United States, under which Illinois became the 21st state in 1818:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 17-23, 2005 as CONSTITUTION WEEK in Illinois in tribute to the enduring greatness of the United States Constitution.

Issued by the Governor August 16, 2005.
Filed by the Secretary of State August 16, 2005.
2005-270
YELLOW RIBBON SUICIDE AWARENESS AND PREVENTION WEEK

WHEREAS, suicide is a devastating problem among American youths, families, and communities today; and
WHEREAS, more than 30,000 Americans commit suicide every year, and suicide is now the fastest growing killer of youth. Among youth between the ages of 15 and 24 in the United States, suicide is the third leading cause of death; and
WHEREAS, research shows that almost all youth suicides are preventable, and there are a number of resources available to help those contemplating suicide; and
WHEREAS, for these reasons, one of the main goals of the Yellow Ribbon Suicide Prevention Program is to combat the stigma that prevents people from seeking the help they need; and
WHEREAS, the Yellow Ribbon Suicide Prevention Program has been working for years with the endorsement of many counties, mental health organizations, education departments, and Safe and Drug Free School Programs; and many schools, churches, and youth groups are using the program to help save lives:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 18-24, 2005 as YELLOW RIBBON SUICIDE AWARENESS AND PREVENTION WEEK in Illinois to raise awareness about suicide, and to encourage citizens of the State to support the worthy efforts of the Yellow Ribbon Suicide Prevention Program.
Issued by the Governor August 17, 2005.
Filed by the Secretary of State August 17, 2005.

2005-271
UKRAINIAN INDEPENDENCE DAY

WHEREAS, on August 24, 1991, the Parliament of Ukraine formally declared its independence from the Soviet Union; and
WHEREAS, in the aftermath, the economy and quality of life in Ukraine suffered; and although they were independent, Ukrainians were not free. During his two-five year terms, President Leonid Kuchma created an authoritarian administrative machine; and
WHEREAS, in response, the Ukrainian people showed their unity and desire to live in a democratic society by organizing a non-violent uprising throughout Ukraine, known as the Orange Revolution, that resulted in the free and fair election of Viktor Yushchenko as Ukraine’s new president last...
December; and

WHEREAS, today, Ukraine is gradually progressing toward its goal of joining the World Trade Organization, a valuable short-term goal for Ukraine’s pro-Western government that will help position Ukraine into the global market economy and spur much needed foreign investment and the improvement of living standards for its 48 million citizens; and

WHEREAS, Americans have a vital interest in the success of democracy and freedom in Ukraine, and Ukrainians around the world, including those in the United States and the State of Illinois, anxiously await their progress:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 24, 2005 as UKRAINIAN INDEPENDENCE DAY in Illinois in celebration of Ukrainian Independence, and in support of their worthy efforts to establish a stable and prospering republic.

Issued by the Governor August 17, 2005.
Filed by the Secretary of State August 17, 2005.

2005-272
NATIONAL SURGICAL TECHNOLOGIST WEEK

WHEREAS, surgical technologists in Illinois play a vital role in the care and health of surgical patients; and

WHEREAS, surgical technologists, also called scrubs and surgical or operating room technicians, are members of operating room teams, which most commonly include surgeons, anesthesiologists, and circulating nurses; and under the supervision of surgeons, registered nurses, or other surgical personnel, surgical technicians assist medical operations in a number of capacities; and

WHEREAS, today, all major hospitals in Illinois employ surgical technologists to work with surgeons in the operating room to provide quality patient care; and

WHEREAS, as the baby boomer generation, which accounts for a large percentage of the general population, approaches retirement age, and technological advances, such as fiber optics and laser technology, permit new surgical procedures that surgical technologists often operate, employment of surgical technicians is expected to grow faster than the average for all occupations; and

WHEREAS, encouragingly, the Illinois community college system currently has 16 programs that graduate top quality students each year; and

WHEREAS, the Association of Surgical Technologists annually designates a week in September as National Surgical Technologist Week to
celebrate and promote the profession:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 18-24, 2005 as NATIONAL SURGICAL TECHNOLOGIST WEEK in Illinois in honor of the outstanding service surgical technologists perform for surgical patients, and in support of the Association of Surgical Technologists’s efforts to raise public awareness about the profession.

Issued by the Governor August 19, 2005.
Filed by the Secretary of State August 19, 2005.

2005-273

ILLINOIS ASSOCIATION OF REHABILITATION FACILITIES DAY

WHEREAS, the Illinois Association of Rehabilitation Facilities was incorporated on August 15, 1975 by nine original members who believed that community disability service organizations needed a greater voice in matters of public policy; and

WHEREAS, the mission of the Illinois Association of Rehabilitation Facilities is the improvement of services provided by community disability service organizations through timely and accurate dissemination of information and the development of progressive methods of effective service; and

WHEREAS, the Illinois Association of Rehabilitation Facilities advances their cause by advocating on behalf of more than 90 agencies that serve and support those living with disabilities in Illinois; and

WHEREAS, today, the Illinois Association of Rehabilitation Facilities is just as dedicated to its original mission and committed to providing the best network of services for those with disabilities and their families:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 15, 2005 as ILLINOIS ASSOCIATION OF REHABILITATION FACILITIES DAY in Illinois on the 30th anniversary of the Illinois Association of Rehabilitation Facilities and in support of their worthy efforts.

Issued by the Governor August 19, 2005.
Filed by the Secretary of State August 19, 2005.
WHEREAS, lymphoma is a type of cancer that results when abnormal lymphocyte cells are created. These cells can grow in many parts of the body, including the lymph nodes, bone marrow, or spleen. There are two types of cancer of the lymphatic system: Hodgkin’s disease and non-Hodgkin’s lymphoma; and

WHEREAS, symptoms of lymphoma come in several forms, but are hard to detect because they are generally the same as those of the common cold. A very persistent cold or respiratory infection may be a sign of lymphoma; and

WHEREAS, of the nearly 500,000 Americans that have lymphoma, 332,000 have Non-Hodgkin’s lymphoma. Approximately 54,370 new cases are diagnosed and 19,410 Americans die from the disease each year. Treatment for the disease comes in three different manners – chemotherapy, radiation therapy, and biologic therapy. These treatments, or combinations thereof, can put the cancer in remission for years; and

WHEREAS, approximately 168,000 people with lymphoma have Hodgkin’s disease. This form of lymphoma has a much higher survival rate – 84 percent over five years. Each year 7,880 new cases are diagnosed and 1,320 Americans die from the disease. Those treated receive some form of chemotherapy or radiation therapy or a combination of the two; and

WHEREAS, the Lymphoma Research Foundation (LRF) was created to seek funding that will help researchers find a cure. The Foundation is the nation’s largest organization dedicated to funding lymphoma research. The research done with this funding helps to provide those afflicted by the disease, along with healthcare professionals, with critical information and may someday lead to a cure. To date, LRF has funded over $24 million for cancer research: and

WHEREAS, the LRF will be hosting LYMPHOMAthon, a 5K walk to help raise money for the cause. This walk will begin at Montrose Harbor on Lake Michigan:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 28, 2005 as LYMPHOMA RESEARCH FOUNDATION DAY and LYMPHOMATHON DAY in Illinois, and encourage all citizens to join in supporting the search for a cure to this life-threatening disease.

Issued by the Governor August 23, 2005.
Filed by the Secretary of State August 23, 2005.
DELTA SIGMA THETA 48TH ANNUAL EBONY FASHION SHOW DAY

WHEREAS, serving as host now for the 30th consecutive year, the Joliet Area South Suburban Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated, is proud to welcome the 48th Annual Premier Showing of the Ebony Fashion Fair to Illinois on September 7, 2005; and

WHEREAS, Delta Sigma Theta Sorority, Incorporated was founded in 1913 with and emphasis on sisterhood, education and scholarship, public service, economic development and political and international awareness; and

WHEREAS, Delta Sigma Theta Sorority, Incorporated is comprised of over 200,000 women around the world, of which 5,000 are active in the State of Illinois; and

WHEREAS, the Joliet Area South Suburban Alumnae Chapter remains committed to today’s youth, and the 48th Annual Ebony Fashion Show will provide scholarships to deserving kids, as well as promote the chapter’s continuous involvement within the community:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 7, 2005 as DELTA SIGMA THETA 48th ANNUAL EBONY FASHION SHOW DAY in Illinois, and encourage all citizens to join in recognizing the continued efforts of this fine organization.

Issued by the Governor August 23, 2005.
Filed by the Secretary of State August 23, 2005.

EMMETT TILL AND MAMIE TILL MOBLEY DAY

WHEREAS, August 28, 2005 marks the 50th anniversary of the brutal murder of Emmett Till, a Chicago native; and

WHEREAS, while visiting his uncle during the summer of 1955, Emmett Till, only 14, was whisked away in the dead of night by white men who tortured and killed him only because he was an African American; and

WHEREAS, returned to Chicago for burial, Mamie Till Mobley, Emmett Till’s mother, insisted the public see what her 14-year-old son’s killers did, despite the severe disfigurement of his body. Accordingly, his post-mortem photographs circulated around the country; and

WHEREAS, the effect of Mamie Till Mobley’s courageous defiance sent shockwaves of grief and outrage across the nation, and enflamed racial tensions that sparked the Civil Rights Movement to extend equal protection...
of the law to black men and women; and
WHEREAS, the cruel and selfish slaying of Emmett Till still haunts Americans and continues to inspire social justice today:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 28, 2005 as EMMETT TILL AND MAMIE TILL MOBLEY DAY in Illinois in honor and remembrance of this dark day in history, and in recognition of all those that have used this tragic incident to teach others that violence, intolerance, and racial prejudice are the true evils of society and can never be accepted.

Issued by the Governor August 25, 2005.
Filed by the Secretary of State August 25, 2005.

2005-276
NORTHWEST WATER COMMISSION

WHEREAS, the Northwest Water Commission desires to provide Federal Old Age, Survivors, Disability and Health Insurance (Social Security) coverage to its employees, in addition to the simplified employee pension plan; and
WHEREAS, a referendum must be conducted in accordance with the Federal Social Security Act and Illinois Pension Code, Article 21, as amended, which requires that each eligible employee who is a participant in the Northwest Water Commission's retirement plan be given the opportunity to register his/her personal choice by written ballot as to whether he/she elects Social Security coverage; and
WHEREAS, the referendum procedure requires that each eligible employee shall be given a detailed description of the two choices available to him/her and allowed 90 days notice prior to the exercise of his/her right to choose; and
WHEREAS, I hereby designate the Executive Secretary of the State Employees' Retirement System and the Executive Director of the Northwest Water Commission as the officials who are jointly responsible for the distribution of the details of the proclamation pursuant to the provisions of the Federal Social Security Act and the Illinois Pension Code, Article 21, as amended. I hereby confer upon such officials the authority to jointly certify the results of the referendum to be conducted as herein proclaimed in accordance with said statutes; to allocate their other duties under this proclamation among themselves; and to delegate such other duties to others as they shall deem appropriate:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim a period of at least 90 days notice between the dates of September 1, 2005 through November 30, 2005 to eligible
employees of the Northwest Water Commission that their choice shall be expressed by written ballot in conformity with the referendum procedure under the Federal Social Security Act and the Illinois Pension Code. The ballots shall be returned to the Executive Director and the referendum concluded not later than November 30, 2005.

Issued by the Governor August 26, 2005.
Filed by the Secretary of State August 26, 2005.

2005-277
MUSCULAR DYSTROPHY MONTH

WHEREAS, more than one million Americans suffer from neuromuscular diseases, such as muscular dystrophy, amyotrophic lateral sclerosis, myasthenia gravis, and spinal muscular atrophy; and
WHEREAS, the Muscular Dystrophy Association is a voluntary health agency committed to conquering neuromuscular diseases; and
WHEREAS, since its founding in 1950, the Muscular Dystrophy Association has provided comprehensive medical services to tens of thousands of Americans with neuromuscular diseases at more than 200 hospital-affiliated clinics across the country. In Illinois, more than 4,000 families receive medical care at one of eight Muscular Dystrophy Association supported clinics every year; and
WHEREAS, the Muscular Dystrophy Association also sponsors research in neuromuscular diseases, raises awareness of their effects, and sends more than 300 Illinois children afflicted by them to Muscular Dystrophy Association summer camps each year at no charge to their families; and
WHEREAS, most of this is done through the financial support of private contributors, and the largest Muscular Dystrophy Association fundraising event is their annual telethon hosted by their national chairman and renowned entertainer, Jerry Lewis; and
WHEREAS, last year, the Muscular Dystrophy Association Telethon raised nearly $60 million nationally, including approximately $2 million from Illinois, and hopefully they will raise more during their telethon this year from September 4 to September 5:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as MUSCULAR DYSTROPHY MONTH in Illinois, and encourage citizens of the State to support the Muscular Dystrophy Association and their worthy cause to combat neuromuscular diseases.

Issued by the Governor August 26, 2005.
Filed by the Secretary of State August 26, 2005.
2005-278
CARIBBEAN/AFRICAN FESTIVAL DAYS

WHEREAS, just as the landscapes of America and Illinois are
electic, so too are its people; and
WHEREAS, our democratic institutions have demonstrated that
diverse peoples can pursue their dreams while living together peacefully and
building strong communities; and
WHEREAS, this year, Martin’s Inter-Culture, the Foss Park District,
and the North Chicago Chamber of Commerce will host Caribbean/African
Festival Days in Illinois from September 10 to September 11 in North
Chicago to bring Americans of different cultures, ethnicities, and
nationalities together in celebration of diversity and to promote peace and
unity; and
WHEREAS, the Caribbean/African Festival will feature a variety of
music, including blues, calypso, gospel, highlife, hip-hop, pop, rap, rock,
reggae, rhythm and blues, salsa, and spoken words; and
WHEREAS, the Caribbean/African Festival will also feature
exhibitors from around the country who will showcase an assortment of
cultural attire, crafts, and food from Africa and the Caribbean:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim September 10-11, 2005 as
CARIBBEAN/AFRICAN FESTIVAL DAYS in Illinois in support of
Caribbean/African Days and in tribute to American multiculturalism.

Issued by the Governor August 26, 2005.
Filed by the Secretary of State August 26, 2005.

2005-279
SHAREFEST DAY

WHEREAS, helping those in need is both a moral responsibility and
personally rewarding; and
WHEREAS, for the past two years, ShareFest in McLean County of
Illinois has brought members from all parts of the community together,
including civic organizations, the local media, and religious groups, to help
their neighbors in need; and
WHEREAS, ShareFest collects non-perishable food and goods, such
as diapers, paper towels, school supplies, and toilet paper, for distribution to
McLean County organizations and schools; and
WHEREAS, ShareFest also sponsors service projects, such as
landscaping and home repair, with materials donated by the volunteers
involved in the projects; and
WHEREAS, additionally, ShareFest conducts a weeklong blood drive that begins the week leading up to the event; and
WHEREAS, this year, as ShareFest celebrates their Third Anniversary from September 9 to September 10, they hope to complete 40 service projects and, with support from State Farm, to collect 750 units of blood; and
WHEREAS, thanks to the kindness and goodwill of Illinois residents throughout McLean County, ShareFest has provided aid and assistance to thousands in the community:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 9-10, 2005 as SHAREFEST DAY in Illinois in recognition and support of ShareFest’s service to those in need.

Issued by the Governor August 29, 2005.
Filed by the Secretary of State August 29, 2005.

2005-280

ESTHER O’HALLORAN DAY

WHEREAS, born September 13, 1898, Esther O’Halloran will celebrate her 107th birthday this year; and
WHEREAS, Esther has spent her entire life living in the Clark County area and has dedicated a number of those years to educating children in a variety of subjects in a one-room schoolhouse; and
WHEREAS, Esther has eight brothers and sisters, and describes her childhood as happy. When she became old enough to work, it was her responsibility to clean and refill all of the oil lamps in her house; and
WHEREAS, Esther married in her 20’s but had no children, which is one of her greatest regrets. Esther’s greatest memory, however, was a three-month trip traveling abroad; and
WHEREAS, today, Esther resides at Simple Blessings, an assisted-living facility owned by Petersen’s Health Care, and attributes her longevity to a good nutritional diet from years of living in the country, where her family ate healthy food they raised themselves; and
WHEREAS, Esther’s life has spanned many years and many historical events, including the rise of globalism, the television age, the end of the Cold War, and the digital revolution:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 13, 2005 as ESTHER O’HALLORAN DAY in Illinois to recognize Esther O’Halloran’s amazing milestone as she celebrates her 107th birthday and with wishes of many more.

Issued by the Governor August 29, 2005.
WHEREAS, all Americans and Illinoisans deserve to live decent and quality lives, including those living with developmental disabilities; and
WHEREAS, the Little City Foundation was founded in 1956 by a group of parents who sought an alternative to the conventional services then available for their developmentally disabled children. The result was an organization unlike any other, one committed to providing unconditional love and support for their children and others like them; and
WHEREAS, fourteen years later, the parents created and established another initiative with the same fervor and passion that prompted them to begin the Little City Foundation. That year, hundreds of volunteers walked the streets of Chicago to collect and raise money for the Little City Foundation’s programs as part of an annual fundraiser called Smiles for Little City; and
WHEREAS, throughout its history, the Smiles for Little City campaign has raised more than $3 million that has been used to offer highly individualized occupational, recreational, residential, and therapeutic programs that enable the more than 1,000 children and adults the Little City Foundation annually serves to lead meaningful, productive, and most importantly, dignified lives; and
WHEREAS, this year, the Little City Foundation is celebrating their 31st Smiles for Little City drive, which will be held from September 15 to September 18:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 15-18, 2005 as SMILES TAG DAYS in Illinois to recognize the Little City Foundation for their meritorious service to those living with developmental disabilities, and to encourage all citizens of the State to support them and their Smiles for Little City program.

Issued by the Governor August 29, 2005.
Filed by the Secretary of State August 29, 2005.

2005-282
JACK AND ELLEN LEWIS DAY

WHEREAS, on September 16, Immaculate Conception High School, located in Elmhurst of Dupage County Illinois, will rename their baseball, football, and soccer field as Lewis Stadium at Plunkett Field in memory of Jack and Ellen Lewis; and
WHEREAS, Jack Lewis served as the athletic director and head football coach at Immaculate Conception High School from 1969 to 1991; and
WHEREAS, Dupage County named Jack Coach of the Year for 1971, 1974, and 1978, and in 1987, he was inducted into the Illinois High School Football Coaches Hall of Fame; and
WHEREAS, two years later, Jack was inducted into the Chicago Catholic League Hall of Fame, and in 1992, he was presented with the Notre Dame Club of Chicago Frank Leahy Prep Coach Award; and
WHEREAS, Ellen Lewis served as a receptionist at the Immaculate Conception Parish from 1983 to 1994 and is the mother of three children; and
WHEREAS, just last year, Ellen passed away, four years after her husband, but their memory will live on at Immaculate Conception High School in Elmhurst:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 16, 2005 as JACK AND ELLEN LEWIS DAY in Illinois in honor and remembrance of Jack and Ellen Lewis.

Issued by the Governor August 29, 2005.
Filed by the Secretary of State August 29, 2005.

2005-283
SHIP WEEK

WHEREAS, Illinois’ senior and disabled populations will have new choices and challenges in dealing with changes in the Medicare program; and
WHEREAS, Senior Health Insurance Program (SHIP) volunteers are essential to the efforts of the Illinois Department of Financial and Professional Regulation, Division of Insurance, in educating and assisting Medicare beneficiaries; and
WHEREAS, SHIP volunteers will provide much needed advice and assistance to Medicare recipients about their options under the new federal and state health care programs; and
WHEREAS, since the Program’s inception, more than 2,800 volunteers have contributed nearly 205,000 hours to assist over 176,000 clients, thereby saving Illinois’ citizens more than $14.6 million; and
WHEREAS, SHIP volunteers are valuable citizens who contribute both their time and talents to improve the lives of Illinois’ Medicare beneficiaries:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim September 5-9, 2005, as SHIP WEEK in Illinois, and join in support of this worthwhile program that is highly beneficial to Illinois’ older populations.
WHEREAS, belonging to family is important for the health and well-being of all children; and
WHEREAS, children are more likely to develop behavioral and social problems without the care and love of their family; and
WHEREAS, one great way for families with children to prevent behavioral and social problems is by eating dinner together; and
WHEREAS, research by The National Center on Addiction and Substance Abuse (CASA) at Columbia University has consistently found that children are less likely to smoke, drink alcohol, and use illegal drugs the more their families eat together; and
WHEREAS, additionally, other research shows that children who eat dinner with their families are less prone to dangerous and violent activities and more likely to have positive peer relationships and to excel in school; and
WHEREAS, for the second year, TV Land, Nick at Nite, and CASA have teamed up to declare the fourth Monday in September Family Day in recognition of the importance of family and to encourage families with children to eat together:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 26, 2005 as FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN in Illinois in support of the commendable campaign by TV Land, Nick at Nite, and CASA to promote family and the health and well-being of children.
Issued by the Governor August 30, 2005.
Filed by the Secretary of State August 30, 2005.
Substance Abuse (CASA) at Columbia University has consistently found that children are less likely to smoke, drink alcohol, and use illegal drugs the more their families eat together; and

WHEREAS, additionally, other research shows that children who eat dinner with their families are less prone to dangerous and violent activities and more likely to have positive peer relationships and to excel in school; and

WHEREAS, for the second year, TV Land, Nick at Nite, and CASA have teamed up to declare the fourth Monday in September Family Day – A Day To Eat Dinner With Your Children in recognition of the importance of family and to encourage families with children to eat dinner together:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 26, 2005 as FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN in Illinois in support of the commendable campaign by TV Land, Nick at Nite, and CASA to promote family and the health and well-being of children.

Issued by the Governor August 30, 2005.
Filed by the Secretary of State August 31, 2005.

2005-285
PROSTATE CANCER AWARENESS MONTH

WHEREAS, prostate cancer is the most commonly diagnosed non-skin cancer in men in the United States. One in six males are at risk of developing prostate cancer during their lifetime, and this year, approximately 9,140 men in Illinois will learn that they have prostate cancer; and

WHEREAS, sadly, prostate cancer is the second leading cause of death among men with cancer in Illinois, and an estimated 1,230 men in Illinois will die from prostate cancer in 2005; and

WHEREAS, it is known that about one third of prostate cancer diagnoses occur among men under the age of 65; and

WHEREAS, additionally, black men in the United States are disproportionately affected by the disease. African-Americans have the highest incidence of prostate cancer in the world, and as a result, they are twice as likely to die of the disease than other men; and

WHEREAS, the good news is that awareness and early diagnosis and treatment of prostrate cancer can reduce the risk of prostate cancer mortality:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as PROSTATE CANCER AWARENESS MONTH in Illinois to raise awareness about prostate cancer, and to urge all men, especially those over the age of 50, to speak with their physicians about the risks and appropriate screening.
2005-286
COLLEGE SAVINGS MONTH

WHEREAS, one dream of many Illinois parents is to send their children to college; and
WHEREAS, unfortunately, the cost of higher education is progressively rising, even outpacing the rate of inflation; and
WHEREAS, for that reason, the earlier parents begin to prepare for the costs of college education, the easier it will be for them to manage their finances when the time comes to send their children off to school; and
WHEREAS, Section 529 plans have become the most popular option for saving money for college. There are several types of plans, including college savings plans and prepaid tuition plans, and the State of Illinois administers both; and
WHEREAS, Bright Star Savings allows parents to save money while accruing interest on their savings through certificates of deposit or money market ventures, and the College Illinois! Prepaid Tuition Program allows parents to lock in current tuition rates at in-state public colleges; and
WHEREAS, by saving as opposed to borrowing against the future, parents will ease the financial burden on them and their children:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as COLLEGE SAVINGS MONTH in Illinois to encourage parents to begin saving money so they can make their dream of a college education for their children a reality.

Issued by the Governor August 31, 2005.
Filed by the Secretary of State August 31, 2005.

2005-287
ILLINOIS WINE MONTH

WHEREAS, wine production is a flourishing industry in the State of Illinois; and
WHEREAS, over the past eight years, the number of Illinois wineries has exploded from 12 to nearly 60; and
WHEREAS, Illinois wineries now produce more than 500,000 gallons of wine each year, and vineyards have blossomed from 140 acres in 1997 to almost 1,000 acres today. Furthermore, the state ranks fifth nationally in the number of bottles consumed; and
WHEREAS, annually, the Illinois wine industry generates $20
million in tourism, and by 2010, it has been predicted that Illinois wineries will create hundreds of new jobs and have an annual economic impact of $60 million; and

WHEREAS, to encourage this growth, $550,000 has been granted by my administration to the Illinois Grape Growers and Vintners Association to continue their efforts to expand awareness and further the development of the state’s wine industry; and

WHEREAS, in September, retailers and wineries throughout the state will sponsor special events, such as grape stomps, Oktoberfests, and wine tastings, as part of a coordinated campaign to showcase Illinois wine, and to educate Illinois residents and neighboring Midwesterners about this growing industry in our state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as ILLINOIS WINE MONTH, and proudly join in the campaign to promote the growth of the wine industry in Illinois.

Issued by the Governor August 31, 2005.
Filed by the Secretary of State August 31, 2005.

2005-288
5-A-DAY MONTH

WHEREAS, in Illinois, heart disease is the leading cause of death, and the prevention of cancer, heart disease, and obesity are three of the most urgent health challenges today; and

WHEREAS, the Illinois Departments of Human Services and Public Health recommend that everyone increase their consumption of fruits and vegetables and physical fitness every day to help reduce the risk of cancer, heart disease, and obesity; and

WHEREAS, only 23.1 percent of Illinoisans eat the recommended daily allowance of five or more fruits and vegetables, and only 43.7 percent of Illinoisans exercise 30 minutes every day as suggested; and

WHEREAS, the National Cancer Institute has launched the 5-A-Day for Better Health national disease prevention and health promotion program to encourage the increased consumption of fruits and vegetables and physical fitness; and

WHEREAS, the Departments of Human Services and Public Health support the 5-A-Day goal and will observe September as 5-A-Day Month, the theme of which is “Energize and Mobilize – Eat Fruits, Vegetables and Be Active:”

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as 5-A-DAY MONTH in
Illinois to raise awareness about and promote the 5-A-Day initiative, which is essential to the health and well-being of all citizens.

Issued by the Governor August 31, 2005.
Filed by the Secretary of State August 31, 2005.

2005-289
CAMPUS FIRE SAFETY MONTH

WHEREAS, fire education and prevention is vital to ensuring the safety of Americans and Illinoisans; and
WHEREAS, college students living on their own for the first time are particularly susceptible to the danger posed by fires; and
WHEREAS, since January of 2000, more than 75 children, students, and parents throughout the country have died in student housing fires, and over three-fourths of those deaths occurred in off-campus occupancies where the majority of students live unsupervised; and
WHEREAS, most fires can be avoided by practicing some simple commonsense behaviors and routines, such as checking and turning off the oven and stove before going to sleep or leaving home; not overloading electrical circuits; safely stowing all dangerous and hazardous materials; keeping any electrical devices clear of water; checking and maintaining alarm and sprinkler systems; and noting the location of fire extinguishers to use in the event of an emergency; and
WHEREAS, education significantly helps minimize the risk of fire by raising awareness about those behaviors and routines, but many students do not receive effective fire safety education during their college career when they are generally most at risk:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as CAMPUS FIRE SAFETY MONTH in Illinois to encourage educators to provide educational programs on the dangers and prevention of fire as students begin and return to college.

Issued by the Governor August 31, 2005.
Filed by the Secretary of State August 31, 2005.

2005-290
PAIN AWARENESS MONTH

WHEREAS, today, 50 to 75 million Americans and Illinoisans live with chronic pain caused by a variety of diseases and disorders, and nearly 25 million suffer from acute pain every year; and
WHEREAS, medical technology can help relieve and reduce most pain, yet many who suffer from pain are improperly treated, undertreated, or
not treated at all; and
WHEREAS, the Northern Illinois Pain Resource Nurse Consortium, American Pain Foundation, and American Alliance of Cancer Pain Initiatives have teamed up to prepare a “Power Over Pain” campaign for the month of September to raise awareness about pain, and to encourage those living with pain to become their own best advocates; and
WHEREAS, as part of the “Power Over Pain” campaign, community events throughout Northern Illinois will educate medical professionals and the public about the undertreatment of pain, inadequate access to pain care, and barriers to pain management:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 PAIN AWARENESS MONTH in Illinois in support of the “Power Over Pain” campaign and efforts to improve and promote the management and treatment of pain.

Issued by the Governor August 31, 2005.
Filed by the Secretary of State August 31, 2005.

2005-291
KEEP THE BEAT DAY

WHEREAS, heart attacks claim the lives of approximately 335,000 Americans every year; and
WHEREAS, only about 5 percent of heart attack victims survive because aid and assistance is not provided early enough; and
WHEREAS, Medtronic Incorporated, the world’s leading maker of life-saving automated external defibrillators, is conducting a nationwide campaign called Keep the Beat to raise awareness about heart attacks and the benefits of early defibrillation; and
WHEREAS, as part of their promotion, Medronic is teaming up with singer-songwriter James Taylor during his Summer’s Here 2005 concert series to bring the Keep the Beat campaign to 33 cities around the United States, including Chicago; and
WHEREAS, during their tour, funds will be raised to help local communities install automatic external defibrillators in schools, where 20 percent of Americans and Illinoisans can be found on any given day; and
WHEREAS, on September 2, Medtronic will join James Taylor at Allstate Arena in Rosemont, Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2, 2005 as KEEP THE BEAT DAY in Illinois in support of the Keep the Beat campaign to educate the public and save lives.

Issued by the Governor September 01, 2005.
File by the Secretary of State September 01, 2005.

2005-292
GUBERNATORIAL PROCLAMATION - HURRICANE KATRINA

As a result of the ongoing impact of Hurricane Katrina that occurred on August 29, 2005, in the states of Alabama, Louisiana and Mississippi, the State of Illinois anticipates the arrival of thousands of displaced storm victims. Tens of thousands of Gulf Coast residents have lost their homes or do not have access to their homes. There is no estimate of the duration that the displaced storm victims may need emergency shelter and mass care.

In the interest of aiding those in need of emergency assistance and to assist State agencies, units of local government and private non-profit organizations charged with ensuring public health and safety, I hereby proclaim that a disaster emergency exists in the State of Illinois pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will authorize the full execution of the Illinois Emergency Operations Plan by all State agencies and make possible the request for supplemental federal assistance to offset the costs incurred to provide emergency shelter and mass care.

Issued by the Governor September 04, 2005.
Filed by the Secretary of State September 04, 2005.

2005-293
HURRICANE KATRINA OBSERVANCE

WHEREAS, on August 29, 2005, the Gulf Coast was ravaged by Hurricane Katrina, leaving thousands of people without homes and taking the lives of thousands more. Although the number of people killed is not yet known, it is feared that the total loss of life will be catastrophic; and

WHEREAS, in the wake of this terrible tragedy, states throughout the Union, including Illinois, as well as nations across the world are providing much needed assistance for the relief, recovery and cleanup operations. There has also been a tremendous outpouring of support from individuals who are providing financial donations and volunteering their time to the affected region; and

WHEREAS, here in Illinois, we express our deepest sorrow to the families of those that have lost their lives during this disaster. As we unify as a nation to get through this difficult time, we join in honoring those many innocent victims; and

WHEREAS, on September 4, 2005, President George W. Bush issued
an official proclamation ordering the flag of the United States of America to be flown at half-staff at the White House and on all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, Tuesday, September 20, 2005 in honor of the victims of Hurricane Katrina. Illinois joins the President in this somber observance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order that all state facilities fly the flag of the United States of America at half-staff until sunset on September 20, 2005 in mournful remembrance of the lives lost on the Gulf Coast.

Issued by the Governor September 06, 2005.
Filed by the Secretary of State September 06, 2005.

2005-294

CHIEF JUSTICE WILLIAM REHNQUIST

WHEREAS, born October 1, 1924 in Milwaukee, Wisconsin, William Hubbs Rehnquist was an American attorney, jurist, and political figure who served on the United States Supreme Court from 1972 until his death in 2005; and

WHEREAS, William Rehnquist served as a law clerk for Supreme Court Justice Robert H. Jackson and as Assistant Attorney General during the administration of President Richard Nixon; and

WHEREAS, in 1971, Richard Nixon nominated William Rehnquist to the United States Supreme Court as an Associate Justice. In 1986, President Ronald Reagan elevated him to the position of Chief Justice. Chief Justice William Rehnquist went on to preside over the court in this capacity for 19 years, making him the fourth-longest-serving Chief Justice after Melville Weston Fuller, Roger B. Taney, and John Marshall; and

WHEREAS, after a long bout with thyroid cancer, which he had publicly announced in October of 2004, Chief Justice Rehnquist passed away on September 3. He is survived by his three children, and among his many legacies, he will be remembered for helping to broaden the scope of state powers and establishing more governmental leniency towards state aid for religion; and

WHEREAS, on September 4, 2005, President George W. Bush issued an official proclamation ordering the flag of the United States of America to be flown at half-staff at the White House and on all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, Tuesday,
September 13, 2005 in commemoration of Chief Justice Rehnquist’s life and career. Illinois joins the President in this somber observance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order that all state facilities fly the flag of the United States of America at half-staff until sunset on Tuesday, September 13, 2005 in accordance with President Bush’s proclamation and in honor and remembrance of Chief Justice William Rehnquist.

Issued by the Governor September 06, 2005.
Filed by the Secretary of State September 06, 2005.

2005-295
ENQUTATASH DAY

WHEREAS, in America, everyone has the opportunity to seek a better life, and when refugees arrive in Illinois from Africa, the Ethiopian Community Association of Chicago is there to greet and welcome them with open hearts and helping hands; and

WHEREAS, the Ethiopian Community Association was founded by five refugees who fled civil war in their homeland. Their goal was to bring together the scattered community of Ethiopian refugees and immigrants living in Chicago, with the hope that mutual aid and cooperation would ease the difficult adjustments they encountered while moving to the United States; and

WHEREAS, today, the Ethiopian Community Association is a thriving resettlement agency serving over 2,500 refugees and immigrants per year; and

WHEREAS, the Ethiopian Community Association offers a multitude of programs and services for refugees, including citizenship and civic education, community health outreach, employment counseling and training, financial and computer literacy training, housing assistance, and youth and family development. Furthermore, community members and staff work together to organize events that celebrate and promote Ethiopian culture; and

WHEREAS, one of those cultural events commemorates Enqutatash, the Ethiopian New Year, which falls on September 10:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 10, 2005 as ENQUTATASH DAY in tribute to the Ethiopian Community Association in Chicago, and to offer best wishes for happiness and success to all those they serve who came to our state in search of a better life.

Issued by the Governor September 06, 2005.
Filed by the Secretary of State September 06, 2005.
2005-296
FETAL ALCOHOL SYNDROME AWARENESS DAY

WHEREAS, Fetal Alcohol Syndrome (FAS) is one of the most preventable causes of mental retardation and birth defects. Sadly, as many as 40,000 infants are still born every year in the United States with fetal alcohol effects; and

WHEREAS, FAS is a lifelong, mentally and physically disabling condition caused by mothers who drink during pregnancy; and

WHEREAS, research has found that even minimal drinking during pregnancy can kill developing brain cells and result in brain damage, facial deformities, and growth abnormalities. Heart, kidney, and liver defects are also common; and

WHEREAS, those with FAS typically have difficulty communicating, learning, and memorizing. Consequently, they have trouble in school and are often deficient in interpersonal skills; and

WHEREAS, unfortunately, there is no cure for FAS. However, with early detection and diagnosis, children with FAS can receive services that increase their chance for a better life; and

WHEREAS, since 1999, September 9 has been observed as International FAS Day to encourage expecting mothers to abstain from alcohol during their nine months of pregnancy:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 9, 2005 as FETAL ALCOHOL SYNDROME AWARENESS DAY in Illinois to raise awareness about Fetal Alcohol Syndrome, and to urge all expecting mothers to take extra precautions while pregnant for the health and well-being of their children.

Issued by the Governor September 07, 2005.

Filed by the Secretary of State September 07, 2005.

2005-297
PUBLIC LANDS DAY

WHEREAS, state treasures such as Lake Michigan, the Cahokia Mountains, and the Great Mississippi River ought to be preserved and protected for all of us, our children, and future generations to share and enjoy; and

WHEREAS, for that reason, Americans throughout the country will team up to celebrate Public Lands Day on September 24; and

WHEREAS, this innovative event attracts volunteers of all ages to give their time restoring and enhancing America’s federal, state, and local public lands, including forests, lakes, parks, recreation areas, refuges, and
wildlife habitats; and
WHEREAS, the National Environmental Education and Training Foundation works with local, state, and federal land management agencies to coordinate Public Lands Day; and
WHEREAS, this year, it is anticipated that more than 80,000 Americans will volunteer and more than $11 million in needed improvements will be completed at over 600 sites throughout the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 24, 2005 as PUBLIC LANDS DAY in Illinois in support of the worthy efforts to preserve and protect the beauty and splendor of nature, which we share with all living creatures and life-forms.

Issued by the Governor September 07, 2005.
Filed by the Secretary of State September 07, 2005.

2005-298
NATIONAL VAN LINES DAYS

WHEREAS, founded in 1929 and incorporated by the State of Illinois in 1934, National Van Lines was founded in Chicago by Frank J. McKee; and
WHEREAS, National Van Lines was Frank’s second attempt to establish his vision of a successful transportation business; and
WHEREAS, his dreams had once been dashed by a fire that destroyed all but one of the vans of his flourishing company; and
WHEREAS, with only one truck and $500, Frank J. McKee and his son Frank L. McKee built up National Van Lines. Today, it is one of the most successful transportation businesses in the United States; and
WHEREAS, although they are no longer living, the McKees left a long, rich, and innovative history and tradition. Frank L. McKee developed the first multiple sleeper truck and trailer, and National Van Lines is also credited with beginning one of the first flatbed container trucking services, used today by all of the major van lines to move household goods; and
WHEREAS, Maureen Beal, daughter and granddaughter of the McKees, is now the president and chief executive officer, and this year, National Van Lines will celebrate their 75th anniversary at a convention in Chicago from September 28 to October 1:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 28 to October 1, 2005 as NATIONAL VAN LINES DAYS in Illinois during their 75th anniversary in honor and remembrance of Frank J. McKee and his son, and in recognition of the great strides the company has made to revolutionize the transportation industry.
WHEREAS, breast cancer is the second most common type of cancer in women, and approximately 211,000 women in the United States will be diagnosed with breast cancer this year; and

WHEREAS, in 1978, the Y-ME National Breast Cancer Organization was founded by two breast cancer patients, Mimi Kaplan and Ann Marcou, for the purpose of ensuring that no one confronts breast cancer alone; and

WHEREAS, Y-ME accomplishes their mission by raising awareness and providing peer support, and Y-ME Illinois has a multitude of programs and services available to support those afflicted with breast cancer here in this state; and

WHEREAS, open door support groups, teen and adult education workshops, the Gerry Weinberg Resource Library, the IlliNOISy Advocacy Network, the Sharon Rose Wig and Prosthesis Salon, and the 24-Hour Y-ME National Breast Cancer Hotline, are all offered without expense. Y-ME Illinois also issues a newsletter called In Touch to present the latest news on breast cancer issues; and

WHEREAS, these programs and services are only possible with the aid and support of the community, and the annual Y-ME Fashion Show is their major fundraiser; and

WHEREAS, this year, the Y-ME National Breast Cancer Organization celebrates the 25th anniversary of the Fashion Show, and Y-ME Illinois will celebrate their 5th Fashion Show on October 29:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 29, 2005 as Y-ME ILLINOIS DAY in recognition of the meritorious service Y-ME and Y-ME Illinois provides to those with cancer, and to encourage citizens of the State to support their worthy efforts.

Issued by the Governor September 09, 2005.
Filed by the Secretary of State September 09, 2005.

2005-300
KIDS DAY AMERICA/INTERNATIONAL
(BLAIR FAMILY CHIROPRACTIC)

WHEREAS, a child’s welfare is the foremost concern of every parent in and around the world; and
WHEREAS, for that reason, Kids Day America/International was established by Chiropractors to educate families and communities throughout the world about social issues that concern children’s welfare, including health, safety, and the environment. Chiropractors achieve that by addressing drug and health issues, bicycle and fire safety, recycling, and many other important topics; and

WHEREAS, additionally, with the help and support of thousands of local dentists, county sheriff and police personnel, and photographers who all volunteer their time, every child that attends Kids Day has the opportunity to create and complete a Child Safety ID Card; and

WHEREAS, to date, more than 2,000 communities, and nearly 3 million children and their parents, have participated in this event; and

WHEREAS, this year, the Blair Family Chiropractic is the official chiropractic office representing the 11th annual Kids Day event in Columbia, Illinois on September 17, which will benefit the Special Olympics:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 17, 2005 as KIDS DAY AMERICA/INTERNATIONAL in Illinois in support of the commendable campaign by Kids Day and the Blair Family Chiropractic to protect our children so they can grow and succeed as all parents dream.

Issued by the Governor September 09, 2005.
Filed by the Secretary of State September 09, 2005.

2005-301
KIDS DAY AMERICA/INTERNATIONAL
(WALTON CLINIC OF CHIROPRACTIC)

WHEREAS, a child’s welfare is the foremost concern of every parent in and around the world; and

WHEREAS, for that reason, Kids Day America/International was established by Chiropractors to educate families and communities throughout the world about social issues that concern children’s welfare, including health, safety, and the environment. Chiropractors achieve that by addressing drug and health issues, bicycle and fire safety, recycling, and many other important topics; and

WHEREAS, additionally, with the help and support of thousands of local dentists, county sheriff and police personnel, and photographers who all volunteer their time, every child that attends Kids Day has the opportunity to create and complete a Child Safety ID Card; and

WHEREAS, to date, more than 2,000 communities, and nearly 3 million children and their parents, have participated in this event; and

WHEREAS, this year, the Walton Clinic of Chiropractic is the
official chiropractic office representing the 11th annual Kids Day event in Springfield, Illinois on September 17, which will benefit the Mini O’Beirne Crisis Nursery:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 17, 2005 as KIDS DAY AMERICA/INTERNATIONAL in Illinois in support of the commendable campaign by Kids Day and the Walton Clinic to protect our children so they can grow and succeed as all parents dream.

Issued by the Governor September 09, 2005.
Filed by the Secretary of State September 09, 2005.

2005-302
NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

WHEREAS, most of those with disabilities in Illinois live in poverty at a rate roughly three times the state average; and

WHEREAS, Illinoisans with disabilities also have an unemployment rate of nearly 70 percent, even though 7 out of 10 of those with disabilities who are working-age and unemployed indicate that they prefer to work; and

WHEREAS, for those reasons, numerous tax credits and deductions are offered to encourage Illinois employers to hire and provide accommodations to qualified workers with disabilities; and

WHEREAS, last year, the Illinois Department of Human Services Division of Rehabilitation Services helped more than 6,500 Illinoisans with disabilities find quality employment. They also helped increase the average earnings of those successfully employed; found more jobs that included health insurance as a benefit; reduced the time it takes to achieve employment; and expanded vocational services to those with the most significant disabilities; and

WHEREAS, in 1945, National Employ the Physically Handicapped Week was initiated by President Harry Truman to promote employment for those with disabilities. In 1988, Congress expanded the week and renamed it National Disability Employment Awareness Month; and

WHEREAS, one of the goals of the Department of Human Services is to promote fulltime employment and reduced reliance on government benefits such as social security disability payments. Consequently, the Division of Rehabilitation Services will present numerous statewide events during National Disability Employment Awareness Month to promote the employment of those with disabilities and to thank employers who have excelled in employing workers with disabilities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as NATIONAL DISABILITY
EMPLOYMENT AWARENESS MONTH in Illinois, and reaffirm the commitment of my administration to helping those with disabilities.

Issued by the Governor September 13, 2005.
Filed by the Secretary of State September 13, 2005.

2005-303
NATIONAL POW/MIA RECOGNITION DAY

WHEREAS, throughout American history, thousands of American soldiers have been captured and gone missing during war. To this day, hundreds are still imprisoned or unaccounted for; and
WHEREAS, despite that, many families still hold out hope that their loved ones will be found or recovered; and
WHEREAS, the National League of Families of American Prisoners and Missing in Southeast Asia has been representing the families of those veterans not yet returned since 1970; and
WHEREAS, because of their efforts, and the efforts of countless others, the United States government has taken active measures to find the answers to the many questions families of prisoners of war and missing in action have; and
WHEREAS, today, the United States government is cooperating with the governments of Cambodia, China, Laos, North Korea, Russia, Vietnam, and other countries to expedite the process of finding our soldiers; and
WHEREAS, in honor of those still imprisoned and missing and their families, the President of the United States, the United States Secretary of Defense, and the National League of Families of American Prisoners and Missing in Southeast Asia will observe September 16 as National POW/MIA Recognition Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 16, 2005 as NATIONAL POW/MIA RECOGNITION DAY in Illinois, and encourage all citizens of our state to remember those who have selflessly fought and served for our country.

Issued by the Governor September 16, 2005.
Filed by the Secretary of State September 16, 2005.

2005-304
PRINCIPALS’ DAY AND WEEK

WHEREAS, principals play an important role in the education of our children in elementary, middle, and secondary schools all across the State of Illinois; and
WHEREAS, principals are responsible for promoting education and
working with parents and teachers to ensure that each child receives services that meet their needs to excel in the classroom; and

WHEREAS, the Illinois Principals Association, which represents 4,000 principals statewide, believes that learning is a lifelong process and that the education of our children is the highest priority; and

WHEREAS, for that reason, the Illinois Principals Association is dedicated to the improvement of elementary and secondary education in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of October 16-22, 2005 as PRINCIPALS WEEK and October 21, 2005 as PRINCIPALS DAY in Illinois to recognize principals and the Illinois Principals Association for all that they do to help our children learn and succeed.

Issued by the Governor September 16, 2005.

Filed by the Secretary of State September 16, 2005.

2005-305
MANUFACTURING WEEK

WHEREAS, the FABTECH International and AWS Welding Show, which will be hosted in Chicago at McCormick Place from November 13 to 16, 2005, is the largest metal forming, fabricating, and welding exposition and conference in North America; and

WHEREAS, the show will combine two previously independent expositions that for decades have brought millions of buyers and sellers from around the world together in an environment that facilitates and accelerates business relationships; and

WHEREAS, held concurrently with the exposition, the world-class conference will feature programs on a variety of forming, fabricating, and welding technologies, processes, and related business topics; and

WHEREAS, as a significant Chicago trade event, the show is expected to attract nearly 800 exhibitors and 20,000 attendees:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 13-19, 2005 as MANUFACTURING WEEK in Illinois to celebrate the FABTECH International and AWS Welding Show and the contributions they make to the development of the manufacturing industry, which is vital to the strength and prosperity of our state.

Issued by the Governor September 16, 2005.

Filed by the Secretary of State September 16, 2005.
2005-306
TAKE A LOVED ONE FOR A CHECKUP DAY

WHEREAS, there is a significant health disparity between racial and ethnic minority populations and the general public in the United States; and
WHEREAS, African Americans, Asian Americans, Hispanic Americans, and Native Americans are just some of those that suffer from disparities in health; and
WHEREAS, some of those major health disparities include cancer, diabetes, heart disease, HIV and AIDS, and infant mortality; and
WHEREAS, prevention, early detection, and prompt referral to quality healthcare are essential for the elimination of these and other disparities; and
WHEREAS, that is why my administration supports the United States Department of Health and Human Services national “Closing the Health Gap” campaign to encourage healthy lifestyles and visitations to a healthcare professional; and
WHEREAS, as part of that effort, the Secretary of Health and Human Services has declared September 20 as Take A Loved One For A Checkup Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 20, 2005 as TAKE A LOVED ONE FOR A CHECKUP DAY in Illinois to raise awareness about the disparities in health, and to promote healthier lifestyles and annual or regular checkups and physicals by a healthcare professional.

Issued by the Governor September 16, 2005.
Filed by the Secretary of State September 16, 2005.

2005-307
CHICAGO INTERNATIONAL CHILDREN’S FILM FESTIVAL DAYS

WHEREAS, 2005 marks the 22nd annual Chicago International Children’s Film Festival (CICFF); and
WHEREAS, CICFF is a project of Facets Multi-Media, a nonprofit organization dedicated to the exhibition and distribution of foreign, independent, and classic films; and
WHEREAS, Facets Multi-Media has received support for CICFF and other children’s programs from over 50 corporations and businesses, national and international organizations, and print and broadcast media; and
WHEREAS, although they only receive about 700 entries, CICFF operates a dynamic market for domestic and foreign buyers, distributors, and
festival programmers, as well as representatives from over 20 international media organizations; and

WHEREAS, additionally, CICFF is the only children’s film festival to be named by the Academy of Motion Picture Arts and Sciences as an Academy Qualifying Festival; and

WHEREAS, this year, CICFF will be held from October 27 to November 6, and more than 24,000 Chicago children, adults, and educators are expected to attend the screenings, in addition to more than 150 celebrities and filmmakers from around the world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 27 to November 6, 2005 as CHICAGO INTERNATIONAL CHILDREN’S FILM FESTIVAL DAYS in Illinois in celebration of the Chicago International Children’s Film Festival, which has become an annual tradition anticipated by citizens from all around the state.

Issued by the Governor September 16, 2005.
Filed by the Secretary of State September 16, 2005.

2005-308
REFLEX SYMPATHETIC DYSTROPHY/COMPLEX REGIONAL PAIN SYNDROME AWARENESS MONTH

WHEREAS, millions of men and women in the United States are afflicted by Reflex Sympathetic Dystrophy Syndrome (RSDS), also known as Complex Regional Pain Syndrome (CRPS); and

WHEREAS, RSDS/CRPS is a nerve disorder that causes chronic pain. It can strike at any age, even as early as the age of three, and affects one of the arms, feet, hands, or legs; and

WHEREAS, the pain often spreads to include the entire arm or leg, and typical characteristics of RSDS/CRPS include dramatic changes in the color and temperature of the skin over the affected limb or body part, accompanied by intense burning pain, skin sensitivity, sweating, and swelling; and

WHEREAS, although RSDS/CRPS occurs especially after injuries from high-velocity impacts such as those from bullets or shrapnel, doctors are uncertain what causes it. Furthermore, there is no cure; and

WHEREAS, treatment can relieve painful symptoms, but the prognosis varies from person to person; and

WHEREAS, today, the National Institute of Neurological Disorders and Stroke (NINDS) and other institutes of the National Institutes of Health (NIH) are conducting research relating to RSDS/CRPS in laboratories at NIH. They also support additional research through grants to major medical institutions across the country; and
WHEREAS, additionally, NINDS-supported scientists are studying new approaches to treat RSDS/CRPS and intervene more aggressively after traumatic injury to lower the chances of developing the disorder; and

WHEREAS, all this research is encouraging to all that hope RSDS/CRPS will one day be eliminated:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as REFLEX SYMPATHETIC DYSTROPHY / COMPLEX REGIONAL PAIN SYNDROME AWARENESS MONTH in Illinois to raise awareness about RSDS/CRPS, and in support of the effort to combat this disorder that affects so many throughout the country and our state.

Issued by the Governor September 16, 2005.

Filed by the Secretary of State September 16, 2005.

2005-309
NATIONAL ADULT DAY SERVICES WEEK

WHEREAS, adult day service centers in Illinois provide professional and compassionate services for functionally and cognitively impaired adults; and

WHEREAS, adult day service centers offer an array of services, including restorative and functional maintenance rehabilitation, skilled and preventative care, individual and group activities; and

WHEREAS, adult day service centers also offer participants an opportunity for educational, therapeutic, and social enrichment outside the home; and

WHEREAS, thanks to their services, adult day service centers have helped thousands of adults receive needed care and services in a community setting. Furthermore, these centers have provided much needed assistance and counseling for caregivers and loved ones; and

WHEREAS, in recognition of adult day service centers, the National Adult Day Services Association has designated September 18 to 24 as Adult Day Services Week:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 18 to 24, 2005 as NATIONAL ADULT DAY SERVICES WEEK in Illinois to join the National Adult Day Services Association in recognizing adult day service centers, which help so many men and women in our state.

Issued by the Governor September 16, 2005.

Filed by the Secretary of State September 16, 2005.
2005-310

FOSTER GRANDPARENTS MONTH

WHEREAS, the care and nurturing of our children is essential to their success, as well as one of our greatest responsibilities; and
WHEREAS, over the past 40 years, the Illinois Department of Aging Foster Grandparent Program has been helping our children by tutoring, mentoring, and guiding those with special needs; and
WHEREAS, just last year, foster grandparents contributed thousands of hours of volunteer service to special needs children; and
WHEREAS, thanks to their goodwill and generosity, the Foster Grandparent Program has built, and continues to build, stronger and safer communities; and
WHEREAS, this year, the Foster Grandparent Program will celebrate their service to our communities during the month of October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as FOSTER GRANDPARENTS MONTH in Illinois in recognition of foster grandparents who, through the Department of Aging Grandparent Program, have graciously given their time over the past 40 years to ensure the care and nurturing of our children.

Issued by the Governor September 19, 2005.
Filed by the Secretary of State September 19, 2005.

2005-311

NATIONAL TEMPORARY HELP WEEK

WHEREAS, the temporary help industry provides an important and essential service in the United States and State of Illinois; and
WHEREAS, by staffing businesses and companies, temp agencies help relieve their manpower shortages while providing men and women with paying jobs that often include benefits; and
WHEREAS, on average, 2.6 million temporary workers were employed everyday last year. Furthermore, temporary workers received approximately $15.8 billion in wages that they could use to support their families and contribute to the national and state economies; and
WHEREAS, in addition to serving as a link between employers and employees, temp agencies also serve as a bridge between part- and full-time positions for temporary workers who are often offered more permanent positions; and
WHEREAS, this year, the temporary help industry will celebrate National Temporary Help Week from October 17 to 23:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim October 17 to 23, 2005 as NATIONAL TEMPORARY HELP WEEK in Illinois, and join the temporary help industry in celebrating their significant and crucial service to temporary workers and their families, businesses and companies, and the national and state economies.

Issued by the Governor September 19, 2005.
Filed by the Secretary of State September 19, 2005.

2005-312
THE MONTH OF THE YOUNG ADOLESCENT

WHEREAS, the early years of adolescence are usually some of the most difficult in our lives; and
WHEREAS, during early adolescence, we undergo extensive mental and physical changes that often create behavioral problems; and
WHEREAS, common characteristics of social behavior include irritability, mood swings, depression, and combativeness; and
WHEREAS, by raising awareness, we can help young adolescents and others avoid the pitfalls that only aggravate those and other behavioral problems that develop during the sensitive, yet formative years of early adolescence; and
WHEREAS, while early adolescence can be a time of great trial, it is also a period of tremendous growth. The mistakes made then can be valuable lessons learned that lead to maturity; and
WHEREAS, as part of an effort to raise awareness, the National and Illinois Associations of Middle-Level Schools annually observes October as The Month of the Young Adolescent:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as THE MONTH OF THE YOUNG ADOLESCENT in Illinois, and join the National and Illinois Associations of Middle-Level Schools in promoting education about early adolescence.

Issued by the Governor September 19, 2005.
Filed by the Secretary of State September 19, 2005.

2005-310 (REVISED)
FOSTER GRANDPARENTS MONTH

WHEREAS, the care and nurturing of our children is essential to their success, as well as one of our greatest responsibilities; and
WHEREAS, over the past 40 years, the Illinois Department of Aging Foster Grandparent Program has been helping our children by tutoring,
mentoring, and guiding those with special needs; and
WHEREAS, just last year, foster grandparents contributed thousands of hours of volunteer service to special needs children; and
WHEREAS, thanks to their goodwill and generosity, the Foster Grandparent Program has built, and continues to build, stronger and safer communities; and
WHEREAS, this year, the Foster Grandparent Program will celebrate their service to our communities during the month of October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as FOSTER GRANDPARENTS MONTH in Illinois in recognition of foster grandparents who, through the Department of Aging Foster Grandparent Program, have graciously given their time over the past 40 years to ensure the care and nurturing of our children.

Issued by the Governor September 20, 2005.
Filed by the Secretary of State September 20, 2005.

2005-310 (REVISED 2)
FOSTER GRANDPARENTS MONTH

WHEREAS, the care and nurturing of our children is essential to their success, as well as one of our greatest responsibilities; and
WHEREAS, over the past 40 years, the Illinois Department on Aging Foster Grandparent Program has been helping our children by tutoring, mentoring, and guiding those with special needs; and
WHEREAS, just last year, foster grandparents contributed thousands of hours of volunteer service to special needs children; and
WHEREAS, thanks to their goodwill and generosity, the Foster Grandparent Program has built, and continues to build, stronger and safer communities; and
WHEREAS, this year, the Foster Grandparent Program will celebrate their service to our communities during the month of October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as FOSTER GRANDPARENTS MONTH in Illinois in recognition of foster grandparents who, through the Department on Aging Foster Grandparent Program, have graciously given their time over the past 40 years to ensure the care and nurturing of our children.

Issued by the Governor September 20, 2005.
Filed by the Secretary of State September 20, 2005.
2005-313
DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, domestic violence is a significant and serious problem that wrecks and destroys the lives of many people in our communities; and
WHEREAS, a women is beaten every 15 seconds in the United States, and more than 300,000 women are victims of domestic violence every year just in the State of Illinois; and
WHEREAS, in 2003, domestic violence programs in Illinois responded to over 201,249 hotline calls and provided 702,664 hours of service to victims. These same programs also spent more than 12,677 hours sponsoring prevention and outreach activities that reached thousands in communities all across the state; and
WHEREAS, agencies within my administration have been working tirelessly to eliminate the threat of domestic violence and to educate citizens on why it is wrong and what can be done to prevent it from happening in the future; and
WHEREAS, many bills have been passed and signed into law to protect citizens from domestic violence and help victims, including recent laws designed to prevent criminals convicted of domestic violence from receiving their surrendered firearms and to reimburse victims who must relocate for safety reasons; and
WHEREAS, despite that, more must be done. That is why as part of that effort, domestic violence service providers throughout Illinois will be hosting events during the month of October to raise awareness about domestic violence:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as DOMESTIC VIOLENCE AWARENESS MONTH in Illinois to reaffirm my commitment to eliminating and education about domestic violence, and in support of those who work to prevent and help victims of this terrible malady that affects the lives of so many.

Issued by the Governor September 20, 2005.
Filed by the Secretary of State September 20, 2005.

2005-314
MOTHERS OF MULTIPLES WEEK

WHEREAS, according to the United States Census Bureau, expecting mothers have a 1 in 32 chance of delivering twins; and
WHEREAS, there are two kinds of twins: fraternal twins develop from two separate eggs that are fertilized at the same time, while identical
twins develop from one fertilized egg that splits into two separate eggs; and
WHEREAS, twins and their mothers share a special bond, but often, twins can bring about unforeseen challenges and lifestyle adjustments; and
WHEREAS, for that reason, the Illinois Organization of Mothers of Twins Clubs was formed in 1962 to provide assistance and support to mothers of twins; and
WHEREAS, every third week of October, the Illinois Organization of Mothers of Twins Clubs hosts a convention that brings mothers of twins throughout the state together to share new information and engage in networking opportunities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 9-15, 2005 as MOTHERS OF MULTIPLES WEEK in Illinois to recognize mothers of twins for the care and love they, like all mothers, provide to our children, and in support of the Illinois Organization of Mothers of Twins Clubs for all of their valuable work in this state.

Issued by the Governor September 20, 2005.
Filed by the Secretary of State September 20, 2005.

2005-315
CITY YEAR CHICAGO DAY

WHEREAS, in 1961, President John F. Kennedy issued a bold call to Americans when he declared, “Ask not what your country can do for you; ask what you can do for your country;” and
WHEREAS, since that time, millions of Americans have taken up that call through a number of organizations and programs, such as the Peace Corps, AmeriCorps, and City Year; and
WHEREAS, founded in 1988, City Year established programs in cities across the country, including Chicago, for the purpose of encouraging and providing community service as a means for building a stronger democracy; and
WHEREAS, City Year Chicago primarily does that by promoting literacy. Thanks to them, children receive intense, one-on-one literacy tutoring during the school day; and
WHEREAS, City Year Chicago also offers an after-school program and Saturday community service and leadership development program for 6th through 8th graders, which they plan on expanding to include high school students beginning the fall of 2006; and
WHEREAS, on September 30 of this year, City Year Chicago will host an Opening Day celebration in downtown Chicago to kickoff the year of service for their new corps members:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 30, 2005 as CITY YEAR CHICAGO DAY in Illinois in recognition of City Year Chicago and all their corps members for generously and selflessly giving themselves to help communities in our state.

Issued by the Governor September 22, 2005.
Filed by the Secretary of State September 22, 2005.

**2005-316**

**BREAST CANCER AWARENESS MONTH AND NATIONAL MAMMOGRAPHY DAY**

WHEREAS, breast cancer is the most common and second deadliest cancer among women in the United States today; and
WHEREAS, sadly, it is projected that more than 9,000 women from Illinois and 200,000 women nationwide will be diagnosed with breast cancer just this year; and
WHEREAS, early detection and treatment of cancer can significantly improve a woman’s chances of survival. Furthermore, mammography screenings are a woman’s best chance for detecting breast cancer early; and
WHEREAS, for more than two decades, government agencies, national public service organizations, and professional medical associations have promoted National Breast Cancer Awareness Month to educate women about breast cancer and the importance of detecting the disease in its earliest stages; and
WHEREAS, this October marks the 21st anniversary of National Breast Cancer Awareness Month; and
WHEREAS, since 1993, the third Friday in October has also been observed as National Mammography Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as BREAST CANCER AWARENESS MONTH and October 21, 2005 as NATIONAL MAMMOGRAPHY DAY in Illinois to raise awareness about breast cancer and the importance of early detection.

Issued by the Governor September 27, 2005.
Filed by the Secretary of State September 27, 2005.

**2005-317**

**NATIONAL CYBER SECURITY AWARENESS MONTH**

WHEREAS, today, the Internet provides access to a wealth of information and services throughout the world; but
WHEREAS, despite the many wonderful advantages and benefits of the Internet, it also poses many significant dangers and threats. The Internet is used by many predators to prey on our children and steal our identity; and

WHEREAS, that is why we must take great precautions when using the Internet. By using web browser privacy features and common sense practices, we can minimize the risks and help protect children and ourselves; and

WHEREAS, last year, National Cyber Security Awareness Month was launched for the purpose of encouraging and empowering Americans, businesses, government, and schools to improve their Internet security; and

WHEREAS, the Multi-State Information Sharing and Analysis Center (MS-ISAC), the National Cyber Security Alliance (NCSA), and the United States Department of Homeland Security will promote National Cyber Security Awareness Month once again this October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as NATIONAL CYBER SECURITY AWARENESS MONTH in support of the campaign by MS-ISAC, NCSA, and Homeland Security to raise awareness about Internet security.

Issued by the Governor September 27, 2005.

Filed by the Secretary of State September 27, 2005.

2005-318

MAKE-A-WISH FOUNDATION OF ILLINOIS DAY

WHEREAS, dreams can come true, and it is the mission of the Make-A-Wish Foundation of Illinois to fulfill dreams of children between the ages of 2 ½ and 18 with life-threatening medical conditions; and

WHEREAS, today, more than 840 children are diagnosed with a life-threatening medical condition every year in just the State of Illinois; and

WHEREAS, many parents and medical professionals agree that wishes are a strong medicine for those children, who often endure lengthy medical treatments and uncertainty about their future; and

WHEREAS, since 1985, more than 6,200 children in Illinois have been granted wishes thanks to the Make-A-Wish Foundation of Illinois; and

WHEREAS, by granting wishes, the Make-A-Wish Foundation of Illinois not only fulfills dreams, they also enrich the lives of children and their families:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3, 2005 as MAKE-A-WISH FOUNDATION OF ILLINOIS DAY in recognition of the Make-A-Wish Foundation of Illinois for all the goodwill and small miracles they have
provided over the past 20 years to thousands of children and their families.
Issued by the Governor September 27, 2005.
Filed by the Secretary of State September 27, 2005.

2005-319
NATIONAL PRIMARY CARE WEEK

WHEREAS, launched in 1999, National Primary Care Week was created in response to the healthcare shortage in America, as well as in recognition and promotion of careers in primary care; and
WHEREAS, the United States Department of Health and Human Services Bureau of Health Professions has reported a shortage of healthcare professionals in more than 150 areas in just the State of Illinois. Consequently, a staggering number of Americans cannot receive the medical care they need even if they can afford it; and
WHEREAS, primary care physicians, also known as general practitioners, often offer the most cost-effective healthcare choices to patients. Furthermore, there are many career opportunities for primary care physicians throughout Illinois; and
WHEREAS, this year, the theme of National Primary Care Week is Breaking Down Barriers: Health Literacy in Community Health:”

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 16-22, 2005 as NATIONAL PRIMARY CARE WEEK in Illinois in support and encouragement of primary care careers and the collaboration of healthcare professionals, which is vital to the care and well-being of all citizens in this state.
Issued by the Governor September 27, 2005.
Filed by the Secretary of State September 27, 2005.

2005-320
CHILDREN’S BOOK WEEK

WHEREAS, although we frequently hear that “reading is fundamental,” the true meaning of that phrase is often taken for granted; and
WHEREAS, in recent years, literacy rates in the United States have been decreasing, and an increasingly greater number of students are failing to pass basic reading proficiency exams; and
WHEREAS, reading is important because it helps us develop comprehension and critical-thinking skills that are essential and vital in all professions; and
WHEREAS, in addition to the utility of reading, books allow us to immerse and project ourselves in other fascinating cultures, historical
periods, and imaginative worlds; and

WHEREAS, for those reasons, the Children’s Book Council annually promotes Children’s Book Week as part of their campaign to encourage reading among children; and

WHEREAS, this year, the Children’s Book Council will celebrate the 86th anniversary of Children’s Book Week from November 14 to 20:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 14-20, 2005 as CHILDREN’S BOOK WEEK in Illinois in support of the worthy efforts by the Children’s Book Council to introduce children to the world of books and, in so doing, help ensure their future success.

Issued by the Governor September 27, 2005.
Filed by the Secretary of State September 27, 2005.

2005-321
CHIROPRACTIC HEALTH CARE MONTH

WHEREAS, every year, more than 30 million Americans throughout the country, including 2 million in Illinois, visit a chiropractor, who locate and help correct joint and spinal problems; and

WHEREAS, our nervous system, consisting of the brain, spinal cord, and all the nerves of the body, controls every cell, tissue, and organ; and

WHEREAS, vertebrae, which are bones that cover our spine, can irritate and choke delicate nerve tissue, which affects cells, tissues, and organs; and

WHEREAS, chiropractors treat those problems without drugs and surgery. Instead, they work to release the body’s inborn healing ability; and

WHEREAS, this safe and conservative approach to relief and wellness makes chiropractic care the most popular form of natural healthcare in the world; and

WHEREAS, this October, chiropractic organizations, such as the Illinois Chiropractic Society, will sponsor events for chiropractors to meet and learn about the best techniques and practices in the profession today:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as CHIROPRACTIC HEALTHCARE MONTH in Illinois to raise awareness about chiropractic care, and to promote chiropractors as a vital part of the health and well-being of citizens.

Issued by the Governor September 27, 2005.
Filed by the Secretary of State September 27, 2005.
WHEREAS, millions of Americans throughout the country, including the State of Illinois, have dyslexia, which is a language-based neurological disorder that affects their ability to read, write, and spell proficiently; and
WHEREAS, dyslexia occurs among all groups regardless of age, ethnicity, race, socio-economic background, and sex. Furthermore, the disorder is not related to one’s level of intelligence or desire to learn; and
WHEREAS, although the degree of dyslexia varies from person to person, both children and adults can overcome the disorder with proper diagnosis and treatment. Today, many dedicated professionals work in homes and schools to help those with dyslexia; and
WHEREAS, the International Dyslexia Association is also dedicated to helping those with dyslexia. They and their state branches, including the Illinois Branch, promote literacy through research, education, and advocacy; and
WHEREAS, last year, state branches of the International Dyslexia Association offered more than 30 free and successful events about dyslexia to educators, parents, and the public during Dyslexia Awareness Month, which they plan to repeat again this October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as DYSLEXIA AWARENESS MONTH in support of the campaign by the International Dyslexia Association and their state branches to raise awareness about this disorder and to help those afflicted with it.

Issued by the Governor September 27, 2005.
Filed by the Secretary of State September 27, 2005.

2005-323
SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH

WHEREAS, Sudden Infant Death Syndrome (SIDS) is the leading cause of death among young infants. Approximately 2,500 infants die from SIDS every year; and
WHEREAS, SIDS is the unexpected death of an infant under the age of one that remains unexplained after a complete examination is performed, including an autopsy, death scene examination, and review of clinical history; and
WHEREAS, most victims of SIDS are younger than 6 months. Furthermore, Native-American infants are at the greatest risk, while African-American infants are the second greatest at-risk group; and
WHEREAS, although there is no scientific explanation for SIDS, many scientists agree that it is triggered when infants sleep on their stomachs; and

WHEREAS, for that reason, the Back to Sleep campaign was launched in 1994 to encourage laying infants on their backs; and

WHEREAS, according to the National Institutes of Health, the death rate of SIDS has declined more than 40 percent since the inception of this campaign. However, SIDS is still the leading cause of death among young infants:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH in Illinois to raise awareness about Sudden Infant Death Syndrome, and to encourage risk-reducing precautions so that no parent will have to endure the tragedy of their child dying of SIDS.

Issued by the Governor September 27, 2005.

Filed by the Secretary of State September 27, 2005.

2005-324

NATIONAL PHYSICAL THERAPY MONTH

WHEREAS, millions of Americans throughout the country, including the State of Illinois, are able to live active lives and participate in regular exercise with more mobility and less pain thanks to the care of physical therapists; and

WHEREAS, physical therapists treat a multitude of conditions, including ankle, back, knee, neck, and shoulder pain and injuries. They also provide rehabilitation services for those recovering from a variety of surgeries; and

WHEREAS, there are many different techniques utilized by physical therapists, such as gait training, joint and soft tissue mobilization, and therapeutic exercise; and

WHEREAS, while the immediate objective of treatment is to maximize function and reduce pain, the ultimate goal of physical therapy is to teach patients how to take care of themselves; and

WHEREAS, every October, physical therapists across Illinois take the time to celebrate their accomplishments and to educate the public about their profession:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as NATIONAL PHYSICAL THERAPY MONTH in Illinois to raise awareness about physical therapy, and to promote physical therapists as a vital part of the health and well-being of citizens.
2005-325
ITALIAN HERITAGE MONTH AND
CHRISTOPHER COLUMBUS DAY

WHEREAS, the first Italian to set foot in this hemisphere was an explorer named Christopher Columbus. Daring to find a western route to Asia, Columbus set sail in 1492 and stumbled upon the Caribbean that same year; and

WHEREAS, today, there are more than 15 million Italian-Americans living in just the United States. Of them, nearly 750,000 live in the State of Illinois; and

WHEREAS, Italian-Americans have made significant contributions to American life. From sciences to the arts, their influences can be clearly seen throughout the country; and

WHEREAS, in 1976, President Jimmy Carter issued a proclamation to recognize the many achievements and successes of Italian-Americans. Since then, every October has been designated the official month to celebrate Italian-American heritage; and

WHEREAS, the second Monday of every October is also designed as a national holiday in honor of Christopher Columbus. In commemoration, the Joint Civic Committee of Italian Americans hosts an annual Columbus Day Parade in Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as ITALIAN HERITAGE MONTH and October 10, 2005 as CHRISTOPHER COLUMBUS DAY in Illinois in recognition of Italian-American heritage, and in remembrance of Christopher Columbus.

Issued by the Governor September 27, 2005.
Filed by the Secretary of State September 27, 2005.

2005-326
AMERICA ON THE MOVE DAY OF ACTION

WHEREAS, today, more than a quarter of all American adults are physically inactive and 65 percent are overweight. Furthermore, poor diet and lack of physical activity contribute to the premature deaths of 600,000 Americans every year; and

WHEREAS, tragically, our unhealthy lifestyles are dooming an entire generation. That is why the National Governors Association is leading a
Healthy America initiative to improve the health and wellness of Americans; and

WHEREAS, the primary objective of Healthy America is to highlight the simple yet specific behavioral and lifestyle change necessary for sustainable long-term health for children, teenagers, adults, and seniors; and

WHEREAS, Healthy America will do that by educating Americans on the need for lifestyle changes, showing them how to change, and offering incentives for implementing those changes in their daily life; and

WHEREAS, additionally, Healthy America will marshal the public and private sectors to make our communities, schools, and workplaces healthier for Americans; and

WHEREAS, to kickoff Healthy America, the National Governors Association will promote September 28 as America on the Move Day of Action to encourage Americans to take small steps in improving their health and wellness by reducing their food intake by 100 calories and taking an additional 2,000 steps:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 28, 2005 as AMERICA ON THE MOVE DAY OF ACTION in Illinois in support of the campaign by the National Governors Association to educate and convince Americans about the importance of changing their behavior and lifestyle so they eat right and become physically active.

Issued by the Governor September 28, 2005.
Filed by the Secretary of State September 28, 2005.

2005-277 (REVISED)
MUSCULAR DYSTROPHY ASSOCIATION MONTH

WHEREAS, more than one million Americans suffer from neuromuscular diseases, such as muscular dystrophy, amyotrophic lateral sclerosis, myasthenia gravis, and spinal muscular atrophy; and

WHEREAS, the Muscular Dystrophy Association is a voluntary health agency committed to conquering neuromuscular diseases; and

WHEREAS, since its founding in 1950, the Muscular Dystrophy Association has provided comprehensive medical services to tens of thousands of Americans with neuromuscular diseases at more than 200 hospital-affiliated clinics across the country. In Illinois, more than 4,000 families receive medical care at one of eight Muscular Dystrophy Association supported clinics every year; and

WHEREAS, the Muscular Dystrophy Association also sponsors research in neuromuscular diseases, raises awareness of their effects, and sends more than 300 Illinois children afflicted by them to Muscular
Dystrophy Association summer camps each year at no charge to their families; and

WHEREAS, most of this is done through the financial support of private contributors, and the largest Muscular Dystrophy Association fundraising event is their annual telethon hosted by their national chairman and renowned entertainer, Jerry Lewis; and

WHEREAS, last year, the Muscular Dystrophy Association Telethon raised nearly $60 million nationally, including approximately $2 million from Illinois, and hopefully they will raise more during their telethon this year from September 4 to September 5:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as MUSCULAR DYSTROPHY ASSOCIATION MONTH in Illinois, and encourage citizens of the State to support the Muscular Dystrophy Association and their worthy cause to combat neuromuscular diseases.

Issued by the Governor August 26, 2005.
Filed by the Secretary of State September 30, 2005.

2005-327
NATIONAL FAMILY STORYTELLING DAY

WHEREAS, for the third consecutive year, the National Parents Association is promoting the first Sunday in October as National Family Storytelling Day; and

WHEREAS, National Family Storytelling Day highlights the importance of dinner together as a time for family bonding and teaching children life skills such as reading, writing, and storytelling; and

WHEREAS, research has shown that eating dinner together is also one great way for families with children to prevent behavioral and social problems; and

WHEREAS, the National Center on Addiction and Substance Abuse (CASA) at Columbia University has consistently found that children are less likely to smoke, drink alcohol, and use illegal drugs the more their families eat together; and

WHEREAS, additionally, other research shows that children who eat dinner with their families are less prone to dangerous and violent activities and more likely to have positive peer relationships and to excel in school:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2, 2005 as NATIONAL FAMILY STORYTELLING DAY in Illinois, and encourage all citizens in the state to take part in this opportunity to promote family and the health and well-being of children.
WHEREAS, 683,000 women are forcibly raped in the United States every year. Furthermore, one in three girls and one in six boys are sexually victimized before the age of 18; and

WHEREAS, clearly, sex violence is a serious issue throughout the country. That is why the Ally Foundation is committed to addressing this grave problem; and

WHEREAS, the Ally Foundation promotes awareness, research, and reforms that will prevent opportunities for sexual violence by fostering hope and changes in culture, attitude, and legal policy; and

WHEREAS, the Ally Foundation’s national campaign, Live for Change: Stop Sex Violence, targets all Americans, businesses, legal professionals, and public officials to advocate and encourage changes that significantly reduce sexual violence; and

WHEREAS, this year, the Ally Foundation will provide aid and assistance for local Live for Change: Stop Sex Violence activities during the week of October 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2-8, 2005 as LIVE FOR CHANGE: STOP SEX VIOLENCE WEEK in Illinois to raise awareness about sex violence, and in support of the worthy efforts by the Ally Foundation to end this abomination that harms so many Americans.

WHEREAS, Hispanics and Latinos are among the greatest at-risk groups in the United States for mental health problems such as anxiety, depression, and substance abuse; and

WHEREAS, consequently, International Hispanic/Latino Mental Health Week was launched in Chicago in 1992 to educate Hispanics and Latinos in America about mental health issues and prevention; and

WHEREAS, the Latino Family Institute hosts a conference every year during the week for community residents and professionals with workshops
on a variety of topics, including depression, domestic violence, substance abuse, and suicide; and

WHEREAS, a number of agencies, institutions, and organizations also offer free mental health lectures and screenings throughout the Chicago-land area; and

WHEREAS, this year, International Hispanic/Latino Mental Health Week begins October 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2-8, 2005 as INTERNATIONAL HISPANIC/LATINO MENTAL HEALTH WEEK in Illinois to raise awareness about mental health issues among Hispanics and Latinos in the country, and specifically in our state.

Issued by the Governor September 30, 2005.

Filed by the Secretary of State September 30, 2005.

2005-330

WEEK OF THE CLASSROOM TEACHER

WHEREAS, the education of our children is critical to their future success. For that reason, teaching is one of the most important professions; and

WHEREAS, throughout Illinois, we entrust the care of our children to thousands of classroom teachers who work with parents and administrators to ensure that each child learns the skills they need to succeed; and

WHEREAS, that is not easy when there are many distractions. In addition to contending with personal and family problems that have always accompanied children, classroom teachers now have to compete with technology such as cell phones, computers, and television; and

WHEREAS, indeed, it is more difficult to engage children in the classroom today than ever. Consequently, teachers must work harder than ever to educate children; and

WHEREAS, in acknowledgment and recognition of their outstanding service, the Association of Childhood Education International annually designates a week in honor of classroom teachers; and

WHEREAS, this year, the Week of the Classroom Teacher will begin October 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2-8, 2005 as WEEK OF THE CLASSROOM TEACHER in Illinois, and join the Association of Childhood Education International to honor and thank classroom teachers for their commitment and dedication to teaching our children.

Issued by the Governor September 30, 2005.
2005-331
FINANCIAL PLANNING WEEK

WHEREAS, financial planning today is essential to meeting our needs and realizing our dreams for tomorrow; and
WHEREAS, whether saving to buy a car or house, sending our children to college, or living comfortably during retirement, financial planning helps us develop and set reasonable financial goals to achieve our financial objectives; and
WHEREAS, everyone can benefit from financial planning, and there are thousands of financial planning professionals throughout the country, trained to help people map out their futures; and
WHEREAS, many financial planning professionals are members of the Financial Planning Association, whose 29,000 members and nationwide network of chapters are dedicated to supporting the financial planning process; and
WHEREAS, this year, the Financial Planning Association will promote the importance of financial planning during the week of October 3. Furthermore, their Illinois chapter will work with local libraries to organize an event designed to disseminate practical information for achieving financial objectives:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3-9, 2005 as FINANCIAL PLANNING WEEK in Illinois in support of the campaign by the Financial Planning Association and their Illinois chapter to encourage financial planning.

Issued by the Governor September 30, 2005.
Filed by the Secretary of State September 30, 2005.

2005-332
CAREER AND TECHNICAL ORGANIZATIONS WEEK

WHEREAS, career and technical education, also known as vocational education, complement formal education programs by providing students with an opportunity to gain hands-on experience in their future profession or trade; and
WHEREAS, in addition to the hands-on experience that vocational education affords students, there are a number of career and technical student organizations in Illinois that also build character and foster leadership skills essential to their future success; and
WHEREAS, for more than 27 years, the Illinois Coordinating Council
PROCLAMATIONS

for Career and Technical Student Organizations (ICCCTSO) has promoted career and technical student organizations as an integral part of the educational curriculum; and

WHEREAS, the ICCCTSO also supports other career and technical education initiatives such as ones sponsored by the Illinois State Board of Education and the Illinois Association for Career and Technical Educators; and

WHEREAS, this year, the ICCCTSO will recognize career and technical organizations during the week of October 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2-8, 2005 as CAREER AND TECHNICAL ORGANIZATIONS WEEK in Illinois to raise awareness about the value of those organizations to the educational experiences of our young people.

Issued by the Governor September 30, 2005.
Filed by the Secretary of State September 30, 2005.

2005-330
WEEK OF THE CLASSROOM TEACHER (REVISED)

WHEREAS, the education of our children is critical to their future success. For that reason, teaching is one of the most important professions; and

WHEREAS, throughout Illinois, we entrust the care of our children to thousands of classroom teachers who work with parents and administrators to ensure that each child learns the skills they need to succeed; and

WHEREAS, that is not easy when there are many distractions. In addition to contending with personal and family problems that have always accompanied children, classroom teachers now have to compete with technology such as cell phones, computers, and television; and

WHEREAS, indeed, it is more difficult to engage children in the classroom today than ever. Consequently, teachers must work harder than ever to educate children; and

WHEREAS, in acknowledgment and recognition of their outstanding service, the Association for Childhood Education International annually designates a week in honor of classroom teachers; and

WHEREAS, this year, the Week of the Classroom Teacher will begin October 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2-8, 2005 as WEEK OF THE CLASSROOM TEACHER in Illinois, and join the Association for Childhood Education International to honor and thank classroom teachers for
their commitment and dedication to teaching our children.

Issued by the Governor September 30, 2005.
Filed by the Secretary of State October 04, 2005.

2005-333
GERMAN AMERICAN DAY

WHEREAS, Germans first immigrated to our shores during early American colonial history. Among the first group to immigrate were 13 Mennonite families from Krefeld who landed in Philadelphia on October 6, 1683 and founded Germantown, Pennsylvania later that year; and

WHEREAS, today, there are more than 45 million German-Americans in the United States. Of them, nearly 2.5 million live in the State of Illinois; and

WHEREAS, in Illinois, German-Americans have been influential in every field from sciences to the arts, including government. Elected in 1892, John Altgeld served as the first German-born Governor of Illinois; and

WHEREAS, in 1987, President Ronald Reagan issued a proclamation to recognize the many achievements and successes of German-Americans. Since then, German-American Day has been celebrated every year; and

WHEREAS, this year, German-Americans in our state and throughout the country will celebrate their heritage on October 6:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 6, 2005 as GERMAN-AMERICAN DAY in Illinois to recognize the heritage of German-Americans, who have made significant and valuable contributions to American culture and life since first arriving more than 300 years ago.

Issued by the Governor October 04, 2005.
Filed by the Secretary of State October 04, 2005.

2005-334
ENERGY STAR CHANGE A LIGHT, CHANGE THE WORLD DAY

WHEREAS, energy efficiency is important to our State, because it saves consumers and businesses money, and helps protect the environment, because it lessens greenhouse gas emissions and reduces air pollution; and

WHEREAS, along with all the nation’s Governors, my administration is committed to maintaining secure, safe and affordable energy resources for citizens of our State; and

WHEREAS, by taking the ‘ENERGY STAR Change a Light Pledge’ – Illinois citizens have the opportunity to both save energy and help to
voluntarily reduce greenhouse gas emissions by switching to energy efficient lighting products in their homes; and

WHEREAS, if every household in Illinois pledges to replace one light bulb with an ENERGY STAR certified compact fluorescent bulb, the change would save more than $31 million in energy costs and prevent more than 513 million pounds of greenhouse gas emissions, equivalent to taking nearly 47,000 cars off the road; and

WHEREAS, Illinois is proud to join 24 other states in doing our part for this nationwide effort, celebrating this day – ENERGY STAR Change a Light Day – to promote energy efficiency and environmental stewardship in every household, by changing a single light:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby accept this Pledge and proclaim October 5, 2005 as ENERGY STAR CHANGE A LIGHT, CHANGE THE WORLD DAY in Illinois to encourage all Illinoisans to make this important change.

Issued by the Governor October 05, 2005.
Filed by the Secretary of State October 05, 2005.

2005-335
ABRAHAM LINCOLN CENTRE DAY

WHEREAS, the Abraham Lincoln Centre celebrates 100 years of service to the community this year; and

WHEREAS, founded in 1905 as a local outreach ministry of the All Souls Unitarian Church, the organization has grown into a multi-faceted, non-profit community service center that helps thousands of Chicagoans throughout the greater Southside communities; and

WHEREAS, in the early years, organization activities focused on the masses of European immigrants who settled in the area. Immigrants could meet fellow countrymen and learn American customs and the English language; and

WHEREAS, during the Second World War, while mothers worked in factories, the organization opened one of the first daycare centers in the country. They also opened one of the first federally funded Head Start programs during the Civil Rights Era and have the distinction of being one of only a handful that has continued service uninterrupted; and

WHEREAS, in 1964, after staff observed that many of the families who needed help had children who were mentally challenged, the organization began a small group home program for these children. Six years later, the state and city jointly funded an educational program for 45 developmentally challenged children that sparked an expansion of their services for those with special needs; and
WHEREAS, a few years ago, when Congress passed legislation that severely curtailed benefits to Americans and families receiving public assistance, the organization responded to their overwhelming need of training for employment; and

WHEREAS, although they have grown into a much larger organization, the Abraham Lincoln Centre is still just as passionate about helping Chicagoans today and will celebrate their 100th anniversary on October 7:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 7, 2005 as ABRAHAM LINCOLN CENTRE DAY in Illinois in recognition of the Abraham Lincoln Centre for their long and rich history and tradition of aiding and assisting Chicagoans.

Issued by the Governor October 06, 2005.
Filed by the Secretary of State October 06, 2005.

2005-336
PREMATURITY AWARENESS MONTH & DAY

WHEREAS, prematurity is the leading cause of death among babies in the United States; and those that do survive are susceptible to lifelong disabilities such as chronic lung disease, blindness, and cerebral palsy. Prematurity also costs families and communities billions of dollars every year in care and treatment; and

WHEREAS, sadly, the number of premature births has risen approximately 27 percent nationally over the last two decades. Today, nearly 500,000 babies are prematurely born in the United State every year; and

WHEREAS, of them, there are more than 22,500, or about one out of eight premature births in the State of Illinois. Clearly, prematurity is a significant and alarming problem; and

WHEREAS, in response, the March of Dimes is leading a national campaign to save babies from premature birth by funding research to find the causes and by aiding local programs that provide assistance to families with babies that are prematurely born; and

WHEREAS, this November, the March of Dimes will coordinate activities throughout the country with help from many local healthcare professionals and government agencies and departments to call attention to premature birth and to offer hope to families affected by it:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as PREMATURITY AWARENESS MONTH and November 15, 2005 as PREMATURITY AWARENESS DAY in Illinois in support of the worthy efforts by the March of Dimes to prevent and raise awareness about this problem that plagues so
many babies, families, and communities.
Issued by the Governor October 06, 2005.
Filed by the Secretary of State October 06, 2005.

2005-337
PUT THE BRAKES ON FATALITIES DAY

WHEREAS, more than 42,000 Americans are killed in automobile accidents every year; and
WHEREAS, although some of the accidents are caused by mechanical failures, many are tragically caused by human error. Some of the contributing factors of accidents include drinking, speeding, and general reckless driving; and
WHEREAS, driving is not a game. It is a dangerous activity that has taken the lives of countless brothers, sisters, moms, dads, relatives, and friends; and
WHEREAS, for that reason, it is the obligation of each and every one of us to drive responsibly. Furthermore, we ought to drive with vigilance for our own protection; and
WHEREAS, it is important for drivers to focus on the road and observe speed limits. Just following these two safety precautions will significantly lower the risks of an automobile accident; and
WHEREAS, some additional tips for safe driving include performing routine car maintenance, watching for blind spots, and wearing a seatbelt. It is also imperative that drivers never operate an automobile while under the influence of alcohol or other mind-altering drugs; and
WHEREAS, not only is it wrong to drive in such a state, it is also against the law. Our state fully prosecutes anyone caught driving under the influence; and
WHEREAS, on October 10, several events will be held throughout Illinois to address how critically important it is to always drive safely and alertly and the consequences of not doing so:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 10, 2005 as PUT THE BRAKES ON FATALITIES DAY in Illinois, and urge all citizens to adopt safe driving habits in an effort to reduce automobile accidents that kill thousands every year in our state and throughout the country.
Issued by the Governor October 07, 2005.
Filed by the Secretary of State October 07, 2005.
2005-338

GFWC ILLINOIS JUNIOR WOMEN’S CLUB WEEK

WHEREAS, the General Federation of Women’s Clubs (GFWC) is a worldwide service organization that also supports a variety of important community issues such as the arts, education, and civic responsibility; and
WHEREAS, today, the GFWC has 6,000 clubs and approximately 220,000 volunteers throughout the United States, including the State of Illinois; and
WHEREAS, the GFWC Illinois Junior Women’s Club has served Illinois for more than 60 years and presently has 73 clubs and more than 2,000 volunteers across the state; and
WHEREAS, just last year, Illinois members volunteered 273,000 hours of their time to 5,025 different projects. Furthermore, their clubs donated over $1.8 million to a variety of charitable organizations such as the Children’s Research Foundation, which they have supported for the past 26 years; and
WHEREAS, the Illinois Junior Women’s Club also supports initiatives like Advocates for Children, Literacy and Safety for Older Americans, and Prevention of Child Abuse: A Safe Place for Every Child. The current director is promoting a special initiative to help the families of deployed soldiers and Veterans Affairs facilities; and
WHEREAS, this year, the GFWC Illinois Junior Women’s Club will celebrate their 60th anniversary during the week of October 9-15:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of October 9-15, 2005 as GFWC ILLINOIS JUNIOR WOMEN’S CLUB WEEK in Illinois in recognition of them for all the good work they do in local communities and neighborhoods across our state.

Issued by the Governor October 07, 2005.
Filed by the Secretary of State October 07, 2005.

2005-339

MILLIONS MORE MOVEMENT DAY

WHEREAS, ten years ago, nearly two million men gathered in our nation’s capital for the Million Man March. The march was one of the largest demonstrations in Washington history, surpassing the historic gathering of 250,000 for the March on Washington in 1963; and
WHEREAS, while the March on Washington promoted civil rights, the Million Man March encouraged African American men to take responsibility for their own actions and to help develop their own
communities. In response, 13,000 applications were filed for adoption of African American children, and 1.5 million African American men registered to vote; and

WHEREAS, despite the progress that has resulted from the Million Man March, 10 years later, many African American men are still trapped in a cycle of perpetual poverty and crime. Sadly, 1 in 4 African American males are unemployed, and compared to white men, an unacceptably disproportionate number of African American men are incarcerated; and

WHEREAS, clearly, much work remains to be done to address the social disparities that threaten the security and well-being of countless African Americans throughout the United States, including the State of Illinois; and

WHEREAS, once again, African American men will gather in Washington, D.C. on October 15 as part of the Millions More Movement to commemorate the 10 year anniversary of the Million Man March and to demonstrate their continued commitment to personal responsibility and national unity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 15, 2005 as MILLIONS MORE MOVEMENT DAY in Illinois in support of the important and vital campaign to heighten our consciousness of issues affecting African Americans, and the desperate need to address them for the future welfare of our country.

Issued by the Governor October 12, 2005.
Filed by the Secretary of State October 12, 2005.

2005-340
THE HONORABLE EMIL JONES, JR. DAY

WHEREAS, the Honorable Emil Jones, Jr., President of the Illinois Senate, was born on October 18, 1935 in Chicago. This year, he celebrates his 70th birthday; and

WHEREAS, a graduate of Chicago’s Tilden Technical High School and Loop Junior College, Jones also attended Roosevelt University, where he majored in Business Administration and received the Doctorate of Humane Letters Honoris Causa Degree in 2004; and

WHEREAS, Jones first took office in the Illinois House of Representatives in 1973, where he served until his election to the Illinois Senate in 1982. On January 12, 2005, he received the unanimous support of the Senate Democratic Caucus for Senate President in the 94th General Assembly, marking his second term as the Senate’s chief presiding officer; and
WHEREAS, among his many accomplishments in the Illinois Legislature, President Jones has been a staunch supporter of education issues, and has always worked hard to ensure that all Illinois children have the best possible opportunities for success. He is also a strong advocate for working families, and was instrumental in the passage of legislation in 1998 to double the personal exemption on the state income tax; and

WHEREAS, President Jones is active in his Chicago Southside community as a member of Holy Name of Mary Church, the Morgan Park Civic League, the Knights of St. Peter Claver, and the 111th Street YMCA Board of Directors. He is also involved with the National Black Caucus of State Legislators, the National Conference of State Legislators, and the Board of Directors of the State Legislative Leaders Foundation; and

WHEREAS, for both his legislative and community endeavors, President Jones has received numerous honors and awards throughout his career from various educational, business, labor, and civic organizations across the country; and

WHEREAS, on this joyous occasion, as Senate President Emil Jones, Jr. celebrates his milestone 70th birthday, I am proud to recognize his exemplary service to the State of Illinois for over 30 years, and I join his family and friends in commemorating this special day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 18, 2005 as THE HONORABLE EMIL JONES, JR. DAY in Illinois.

Issued by the Governor October 14, 2005.
Filed by the Secretary of State October 14, 2005.

2005-341
NATIONAL MARTIAL ARTS DAY

WHEREAS, martial arts teaches and instills important and valuable skills and lessons not only for self-defense, but also for self-confidence, self-control, and self-discipline; and

WHEREAS, these skills and lessons are the basis and foundation for good character and future success in all aspects of life such as social relationships and career choices; and

WHEREAS, in addition to personal development and enrichment, martial arts also provides a healthy emotional outlet for relieving stress and a safe social environment for children; and

WHEREAS, this year, the National Association of Professional Martial Artists and Project Action Foundation will celebrate October 15 as National Martial Arts Day to promote the positive benefits of martial arts on October 15; and
WHEREAS, martial arts schools throughout the United States, including the State of Illinois, will also sponsor charitable fundraisers, parties, performances, open houses, and other activities to mark the occasion:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 15, 2005 as NATIONAL MARTIAL ARTS DAY in Illinois to join the National Association of Professional Martial Artists and Project Action Foundation in recognizing martial arts.

Issued by the Governor October 14, 2005.
Filed by the Secretary of State October 14, 2005.

2005-342
ILLINOIS’ SAFE SCHOOLS WEEK

WHEREAS, every day, millions of parents throughout the United States, including the State of Illinois, send their children off to schools for an education; and

WHEREAS, while parents should not have to worry about the safety and security of their children, events such as Columbine dramatically demonstrate that dangers and threats to them are real. Consequently, our first priority is to ensure that they are not exposed to violence; and

WHEREAS, there are other menaces to our children at schools, including bullying, drugs, and theft. Accordingly, it is also our responsibility to ensure that our children are safe and secure from these and other threats and dangers; and

WHEREAS, it is not the responsibility of our educational institutions alone to address these serious issues. The safety and security of our children also depends on the active collaboration and cooperation of law enforcement and government; and

WHEREAS, only by working together can we avert violence, end bullying, minimize the proliferation of drugs, reduce theft, and resolve other problems. That is why I urge our educators, law enforcement authorities, and government leaders to collectively assess the dangers and threats to our children and then develop and implement plans and procedures to deal with them:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 16-22, 2005 as ILLINOIS’ SAFE SCHOOLS WEEK to promote efforts to protect our children so that no parent has to worry about their well-being while they are learning.

Issued by the Governor October 14, 2005.
Filed by the Secretary of State October 14, 2005.
WHEREAS, millions around the world are starving, and sadly, more than 16,000 children die from hunger-related causes every day; and
WHEREAS, the facts are even more startling when considering the millions of dollars in food that is wasted every year; and
WHEREAS, the problem is not a shortage of food, but poverty. No one should starve simply because they cannot afford to eat; and
WHEREAS, eating is a necessity, not a luxury to living. Consequently, access to food should be a basic human right; and
WHEREAS, the United States National Committee for World Food Day will promote October 16 as World Food Day to raise awareness about the pervasive and age-old problem of hunger; and
WHEREAS, by making charitable contributions to organizations committed and dedicated to addressing this important issue, we can save countless lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 16, 2005 as WORLD FOOD DAY to raise awareness about this needless and tragic problem, and to encourage all citizens to support relief efforts so that no one is a victim of hunger.

Issued by the Governor October 14, 2005.
Filed by the Secretary of State October 14, 2005.

2005-344
AMERICAN LEAGUE CHAMPION CHICAGO WHITE SOX DAY

WHEREAS, the 2005 season was one to remember for the Chicago White Sox. After establishing themselves as a championship caliber team early in the season, they finished out their campaign with an outstanding 99-63 record – the best in the American League; and
WHEREAS, the White Sox clinched the American League Central Division on September 29 to secure their first playoff appearance since 2000; and
WHEREAS, the reigning World Champion Boston Red Sox were their opponents in the American League Division Series. Up to the challenge, the White Sox defeated last year’s champs in quick and impressive fashion, sweeping the first three games of the best of five series; and
WHEREAS, for the Championship Series, the White Sox matched up against the Los Angeles Angels of Anaheim. Taking only four out of ten contests from the Angels during the regular season, this series would be a true test for the Sox; and
WHEREAS, after losing the first game of the Championship Series to the Angels, the White Sox caught fire, taking the next four consecutive games to win the best of seven series and earn the American League Pennant, marking their first trip to the World Series since 1959. Their amazing Championship Series victory was highlighted by great defense, timely hitting, and four superb, complete-game pitching performances by starters Mark Buehrle, Jon Garland, Freddy Garcia and Jose Contreras; and

WHEREAS, the State of Illinois is proud to congratulate the White Sox players, along with Chairman Jerry Reinsdorf, General Manager Ken Williams, Manager Ozzie Guillen, and all the coaches and front office staff, on a truly stellar season and a remarkable post-season. Whichever National League team they may face in the Fall Classic, hopes are high across Chicagoland and throughout Illinois that they will bring home a World Championship:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Tuesday, October 18, 2005 as AMERICAN LEAGUE CHAMPION CHICAGO WHITE SOX DAY in Illinois, to congratulate the White Sox on winning the Pennant, and to thank them for bringing championship baseball to the great city of Chicago in 2005.

Issued by the Governor October 18, 2005.
Filed by the Secretary of State October 18, 2005.

2005-345

ONE CHURCH ONE SCHOOL COMMUNITY PARTNERSHIP DAYS

WHEREAS, all children are extremely impressionable, which is why our encouragement and support is critically important for their growth and development; and

WHEREAS, without our encouragement and support, children are unlikely to succeed in school and become productive and valuable members of the community. That is why we are all responsible for their care; and

WHEREAS, One Church One School is a community partnership program based in Chicago that believes we must work together for our children’s welfare. Since 1992, they have taken a comprehensive approach to child development; and

WHEREAS, members and participants of One Church One School have formed child-centered community partnerships that support issues such as education and non-violence in schools; and

WHEREAS, this year, One Church One School will host a two day conference in Oak Lawn from October 20-21 that is expected to draw between 300 and 500 students, parents, and community leaders. The 10th
Annual Partnership Conference will include student seminars, plenary sessions, and dynamic workshops:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 20-21, 2005 as ONE CHURCH ONE SCHOOL COMMUNITY PARTNERSHIP DAYS in Illinois in support of their comprehensive approach to child development, and to promote the encouragement and support of all children.

Issued by the Governor October 19, 2005.
Filed by the Secretary of State October 19, 2005.

2005-346
LIGHTS ON AFTER SCHOOL DAY

WHEREAS, the education of our children is critically important to their future success. The skills they learn and develop today will prepare them for their careers tomorrow; and

WHEREAS, that is why it is critically important that children have access to all the resources they need to succeed. Head Start and afterschool programs are just two terrific opportunities available for improving the academic achievement of students; and

WHEREAS, in addition to supporting their education, afterschool programs also keep our children off the streets and out of trouble. In Illinois, nearly 65 percent of parents with school-age children work outside their home; and more than 14 million students in the United States have no place to go after school; and

WHEREAS, thanks to afterschool programs, many parents do not have to worry about where their children are, who they are associating with, and what they are doing. Indeed, by providing students a safe and healthy environment for them to learn and helping working parents, afterschool programs strengthen our communities; and

WHEREAS, on October 20, communities all across Illinois will celebrate Lights on Afterschool, a nationwide event organized each year by the Afterschool Alliance to recognize afterschool programs and promote their benefits:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 20, 2005 as LIGHTS ON AFTERSCHOOL DAY in support of afterschool programs, which are essential and vital to so many children, parents, and communities in our state.

Issued by the Governor October 19, 2005.
Filed by the Secretary of State October 19, 2005.
2005-347
REVEREND DR. JOHNNIE COLEMON DAY

WHEREAS, in 1956, Reverend Dr. Johnnie Colemon founded Christ Universal Temple, where she serves as minister today; and
WHEREAS, Christ Universal Temple is a teaching ministry geared toward helping change man’s thoughts about God. Christ Universal Temple teaches the fatherhood of God and the brotherhood of man, and recognizes that all people are children of God and all humanity is one family; and
WHEREAS, today, Christ Universal Temple serves more than 20,000 members, with about 4,000 gathering every Sunday and throughout the week; and
WHEREAS, Reverend Colemon’s other organizations include the Universal Foundation for Better Living, the Johnnie Colemon Institute, and the Johnnie Colemon Academy; and
WHEREAS, this year, Christ Universal Church celebrates 49 years of nondenominational teaching, and congregants, friends, and family will honor Reverend Colemon with a special tribute on October 30:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 30, 2005 as REVEREND DR. JOHNNIE COLEMON DAY in Illinois.
Issued by the Governor October 20, 2005.
Filed by the Secretary of State October 20, 2005.

2005-348
MAKE A DIFFERENCE DAY

WHEREAS, we have the power to save lives and considerably improve the quality of life of others, and there are many ways we can make a difference; and
WHEREAS, just by donating pop tops and recycling, we help amputees get economical and affordable artificial limbs, and reduce environmental waste so that our children have a safer and healthier habitat to play and grow in; and
WHEREAS, there are also many wonderful activities and events committed and dedicated to helping others, including Make A Difference Day. Last year on that day, more than 3 million Americans gave their time and support for thousands of projects in hundreds of towns throughout the country; and
WHEREAS, in just Illinois, thousands of citizens, civic organizations, companies, religious groups, and schools contributed to projects such as the collection and delivery of supplies to needy students and food and clothing
drives for homeless shelters; and

WHEREAS, created by USA WEEKEND Magazine, Make A Difference Day has grown into a substantial vehicle for volunteerism and community service. This year, the 15th Annual Make A Difference Day will be held on October 22:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 22, 2005 as MAKE A DIFFERENCE DAY in Illinois in support of this marvelous day for helping others, and to encourage citizens of our state to make a difference.

Issued by the Governor October 21, 2005.

Filed by the Secretary of State October 21, 2005.

2005-349
NATIONAL LEAD POISONING PREVENTION WEEK

WHEREAS, approximately 310,000 children 1 to 5 years of age in the United States have blood lead levels greater than the United States Centers for Disease Control and Prevention’s recommended level of 10 micrograms per deciliter of blood; and

WHEREAS, even though lead-based paints were banned in 1978, the major source of lead poisoning in children is chipped or peeling lead paint and lead-contaminated paint dust found in about 38 million homes, or 40 percent of all housing; and

WHEREAS, lead poisoning can affect nearly every system in the body and causes learning disabilities, impaired hearing, behavioral problems, decreased stature and growth, and in extreme circumstances, seizure, coma, and even death; and

WHEREAS, lead poisoning also affects children from all socioeconomic levels. Minorities and children of low-income families are disproportionately affected since they are more likely to live in pre-1978 housing with lead paint; and

WHEREAS, today, Illinois has the highest number of children identified as lead poisoned of any state in the nation. Accordingly, we must make a concerted effort to prevent lead poisoning in children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 23-29, 2005 as NATIONAL LEAD POISONING PREVENTION WEEK in Illinois in support of this important annual campaign by healthcare professionals and agencies to raise awareness about this serious health issue, and to urge all citizens of our state to take precautions for minimizing their children’s exposure to lead.

Issued by the Governor October 21, 2005.

Filed by the Secretary of State October 21, 2005.
WHEREAS, there are many amazing and incredible stories from the Second World War, including the sinking of the U.S.S. St. Lo; and
WHEREAS, originally named the U.S.S. Midway, the ship was launched on August 17, 1943 and commissioned on October 23 of that same year with Captain Francis J. McKenna in command; and
WHEREAS, in June of 1944, the Midway joined the invasion of the Marianas (Guam, Saipan and Tinian) and the "Marianas Turkey Shoot," a huge Japanese air attack in which many enemy planes were shot down by ship antiaircraft fire and fighter aircraft; and
WHEREAS, after repairs and resupply, the Midway sailed to Seeadler harbor at Manus Island in the Southwest Pacific (off New Guinea), and was soon in action again providing air cover for the invasion of Morotai in the Moluccas island group. Morotai was the closest island to the Philippines and was needed to provide land-based air cover for the coming invasion of Leyte; and
WHEREAS, upon returning to Manus, the news was received that on October 10, 1944, the name would be changed to St. Lo to free the name of Midway for a giant new aircraft carrier, and to commemorate the victory by American forces at St. Lo in France; and
WHEREAS, preparations were then made for the invasion of the Philippines at Leyte on October 20, 1944, and after providing air cover for the Army for five days, on the morning of October 25, 1944, while steaming off the island of Samar, the crew of St. Lo awakened to an alarming and desperate situation; and
WHEREAS, faced with 4 Japanese battleships--one of which was the Yamato, the largest battleship ever built, with 18-inch guns--they did not expect to live more than a short time. Miraculously, they managed to fight them off, but their fortune soon changed; and
WHEREAS, while retrieving and landing planes, a Zeke (code name for a Zero) entered the landing pattern and crashed into the flight deck, his bombs penetrating into the hangar deck where they were refueling and rearming planes. They were not aware of it at the time, but the St. Lo was the first of a long chain of ships sunk by a Kamikaze; and
WHEREAS, in the aftermath, the survivors were scattered to the four corners of the globe, rarely to see each other until the 1980's when they began organizing reunions. This year, the U.S.S. St. Lo CVE 63/VC 65 Association will meet for a reunion in Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 25, 2005 as U.S.S. ST. LO DAY in
Illinois in honor and remembrance of all the heroes who served and fought on that fateful day 61 years ago, and in tribute to the U.S.S. St. Lo CVE 63/VC 65 Association as their members meet in Chicago.

Issued by the Governor October 21, 2005.
Filed by the Secretary of State October 21, 2005.

2005-351

RESPIRATORY CARE WEEK

WHEREAS, respiratory diseases are a major health problem in the United States. Unfortunately, the causes of some respiratory diseases are unknown, and many have no known cure; and

WHEREAS, despite that, appropriate therapy can often slow the progress of respiratory disease, relieve symptoms, reduce the extent of permanent lung damage and respiratory disability, and avert or delay the onset of life-threatening complications; and

WHEREAS, today, there are educational programs for patients and their families, as well as a variety of treatments for respiratory disease such as the administration of life-supporting oxygen, drug therapy, and lung rehabilitation; and

WHEREAS, to inform the public about the respiratory care profession and promote lung health, the American Association for Respiratory Care and their affiliate organizations, including the Illinois Society for Respiratory Care, annually sponsors Respiratory Care Week the last week in October; and

WHEREAS, respiratory therapy centers throughout the country participate by hosting educational screenings, programs, and fundraisers for asthma camps for kids, patients in need of assistance, and other worthy causes; and

WHEREAS, this year, the American Association and Illinois Society for Respiratory Care will observe Respiratory Care Week from October 23-29:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 23-29, 2005 as RESPIRATORY CARE WEEK in Illinois in support of the notable efforts by the American Association and Illinois Society for Respiratory Care to raise awareness about respiratory diseases that affect the lives of many citizens of our State.

Issued by the Governor October 21, 2005.
Filed by the Secretary of State October 21, 2005.
WHEREAS, the MARC Center has been helping the developmentally disabled and their families in McLean County since November 18, 1955; and
WHEREAS, at that time, children with developmental disabilities were excluded from the public school system. Consequently, families of children with developmental disabilities began the McLean County Association for Mentally Retarded Children to provide support to them and their children; and
WHEREAS, although they changed their name in 1980, they continue to be a leading provider of support to those with developmental disabilities and their families; and
WHEREAS, initially, MARC taught 5 students in a classroom setting. By 1972, their services expanded to include 36 students between 5 different classrooms and teachers; and
WHEREAS, although a federal court ruling in 1979 required school districts to provide appropriate programs for children with developmental disabilities, MARC has continued to help families of children through advocacy, support, and graduation transition planning; and
WHEREAS, the same year as the landmark court decision, MARC began providing community residential alternatives. Today, they have 13 homes in the Bloomington-Normal area from which those with developmental disabilities can choose to live and remain close to their families; and
WHEREAS, MARC also began a Supported Employment Program in 1991 to help those with developmental disabilities find and keep jobs in the community; and
WHEREAS, since their founding in 1955, MARC has grown into a significant and vital multi-functional center that currently helps more than 350 children and adults with developmental disabilities, as well as their families:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 18, 2005 as MARC CENTER DAY in Illinois in honor of them as they celebrate 50 years of service to those with developmental disabilities and their families in McLean County.

Issued by the Governor October 24, 2005.

Filed by the Secretary of State October 24, 2005.
WHEREAS, if we accept that we do not choose who we are born as, then we must accept the basic idea that all humans are entitled to the same opportunities regardless of age, citizenship, ethnicity, gender, race, religion, and sexual orientation; and

WHEREAS, indeed, equality is a birthright affirmed by our nation’s founders who declared: “We hold these truths to be self-evident, that all men are created equal.” Although that promise went unfulfilled for too many Americans for far too long, those words speak a truth that we all hold dear; and

WHEREAS, we have a rich legacy we all can be proud of. Although our nation’s history is wrought with shameful acts and deeds, it is also filled with wonderful moments of hope and triumph such as the abolition of slavery, the nineteenth amendment that guaranteed all women the right to vote, and the Civil Rights Acts of 1964 and 1965; and

WHEREAS, here in Illinois, we embrace that legacy and our contributions to it. It was our favorite son, Abraham Lincoln, who guided us through the nation’s greatest crisis and with a masterful stroke of his pen emancipated 4 million slaves; and

WHEREAS, ever since then, Illinois has progressively expanded human rights, and in 1980, instituted a comprehensive human rights act that prohibits discrimination in employment, housing, credit transactions, and public accommodations based on age, citizenship, ethnicity, gender, race, and religion; and

WHEREAS, just this year, we took a monumental step in human rights by amending the Illinois Human Rights Act to include sexual orientation. Whether gay, lesbian, bi-sexual, transgender or straight, we are all entitled to the same opportunities for success and advancement; and

WHEREAS, legislation by itself will not prevent discrimination. That is why the Illinois Department of Human Rights and the Illinois Human Rights Commission are invested with full authority to investigate and adjudicate all violations of human rights; and

WHEREAS, we have a long road ahead of us before the human rights of all are protected, but as we celebrate the 25th anniversary of the Illinois Human Rights Act, we have much to be proud of in our state’s and our nation’s history:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 16, 2005 as HUMAN RIGHTS DAY in Illinois to reaffirm the noble truths so eloquently proclaimed by our founders and articulated by our favorite son, to honor the remarkable heritage
of human rights in our state, and to thank all those that have contributed to
the pursuit of equality in Illinois.
Issued by the Governor October 24, 2005.
Filed by the Secretary of State October 24, 2005.

2005-353 (REVISED)
HUMAN RIGHTS DAY

WHEREAS, if we accept that we do not choose who we are born as,
then we must accept the basic idea that all humans are entitled to the same
opportunities regardless of age, citizenship, ethnicity, gender, race, religion,
and sexual orientation; and
WHEREAS, indeed, equality is a birthright affirmed by our nation’s
founders who declared: “We hold these truths to be self-evident, that all men
are created equal.” Although that promise went unfulfilled for too many
Americans for far too long, those words speak a truth that we all hold dear;
and
WHEREAS, we have a rich legacy we all can be proud of. Although
our nation’s history is wrought with shameful acts and deeds, it is also filled
with wonderful moments of hope and triumph such as the abolition of
slavery, the nineteenth amendment that guaranteed all women the right to
vote, and the Civil Rights Acts of 1964 and 1965; and
WHEREAS, here in Illinois, we embrace that legacy and our
contributions to it. It was our favorite son, Abraham Lincoln, who guided us
through the nation’s greatest crisis and with a masterful stroke of his pen
emancipated 4 million slaves; and
WHEREAS, ever since then, Illinois has progressively expanded
human rights, and in 1980, instituted a comprehensive human rights act that
prohibits discrimination in employment, housing, credit transactions, and
public accommodations based on age, citizenship, ethnicity, gender, race, and
religion; and
WHEREAS, just this year, we took a monumental step in human
rights by amending the Illinois Human Rights Act to include sexual
orientation. Whether or not one is gay, lesbian, bi-sexual, or transgender, we
are all entitled to the same opportunities for success and advancement; and
WHEREAS, legislation by itself will not prevent discrimination. That
is why the Illinois Department of Human Rights and the Illinois Human
Rights Commission are invested with full authority to investigate and
adjudicate all violations of human rights; and
WHEREAS, we have a long road ahead of us before the human rights
of all are protected, but as we celebrate the 25th anniversary of the Illinois
Human Rights Act, we have much to be proud of in our state’s and our
nation’s history:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 16, 2005 as HUMAN RIGHTS DAY in Illinois to reaffirm the noble truths so eloquently proclaimed by our founders and articulated by our favorite son, to honor the remarkable heritage of human rights in our state, and to thank all those that have contributed to the pursuit of equality in Illinois.

Issued by the Governor October 24, 2005.

Filed by the Secretary of State October 26, 2005.

2005-354

ROSA PARKS WEEK

WHEREAS, most historians consider December 1, 1955 the beginning of the modern Civil Rights Movement in the United States. That was the day when an unknown African-American seamstress named Rosa Parks refused to give up her bus seat for a white passenger; and

WHEREAS, born on February 4, 1913 in Tuskegee, Alabama as Rosa Louise McCauley, Mrs. Parks was the daughter of James McCauley, a carpenter, and Leona McCauley, a teacher; and

WHEREAS, at the age of 11, Mrs. Parks began school at the Montgomery Industrial School for Girls, a private school founded by liberal-minded women. While there, Mrs. Parks’ mother encouraged her daughter to “take advantage of the opportunities, no matter how few they were;” and

WHEREAS, after attending Alabama State Teachers College, Mrs. Parks settled in Montgomery with her husband, Raymond Parks. There, the couple joined the local chapter of the NAACP, where Mrs. Parks served as Secretary, and they both worked quietly for many years to improve life for African-Americans in the segregated South; and

WHEREAS, then, on that fateful December day in 1955, Mrs. Parks was arrested and fined for violating a city ordinance. The bus incident led to the formation of the Montgomery Improvement Association, led by a young pastor of the Dexter Avenue Baptist Church, Dr. Martin Luther King, Jr.; and

WHEREAS, the Association called for a boycott of the city-owned bus company, which lasted an unprecedented 381 days and broke only after the Supreme Court struck down the city ordinance that Mrs. Parks so bravely and courageously defied. Subsequently, a general movement led to the desegregation of the South; and

WHEREAS, ever since then, Mrs. Parks has been a remarkable American icon, and an inspiration to people throughout the world who cherish freedom and liberty. Her death on October 24 is a great loss to all of us, but we will always remember her dignity and the magnanimous spirit that
she shared with everyone:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 25-31, 2005 as ROSA PARKS WEEK in Illinois in honor and remembrance of Rosa Parks and her incredible contributions to human liberty and freedom.

Issued by the Governor October 25, 2005.
Filed by the Secretary of State October 26, 2005.

2005-355
WORLD CHAMPION CHICAGO WHITE SOX DAY

WHEREAS, after winning 99 games in the regular season and capturing their first American League Central Division crown since 2000, the 2005 Chicago White Sox dispatched their first two playoffs opponents, the Boston Red Sox and the Los Angeles Angels of Anaheim, in quick fashion, losing only one contest among the two series and clinching their first World Series berth since 1959. Their World Series opponent would be the National League Champion Houston Astros; and

WHEREAS, boasting one of the best pitching staffs in the National League, the Astros presented a sizeable challenge for the White Sox, but the Sox were unfazed, winning 5-3 in game one on the heels of good pitching by starter Jose Contreras and relievers Neil Cotts and Bobby Jenks, and RBIs by Jermaine Dye, Joe Crede, A.J. Pierzynski, Juan Uribe, and Scott Podsednik; and

WHEREAS, in game two of the World Series, after being outscored 4-2 through the first six and a half innings, the White Sox scored four runs in the seventh inning on Paul Konerko’s grand slam, and won the game in the bottom of the ninth on a walk-off homerun by an unlikely hero, leadoff hitter Scott Podsednik, to capture a 2-0 lead in the Series and send it to Houston for game three; and

WHEREAS, after playing 14 innings, lasting five hours and forty-one minutes, which made game three the longest World Series game ever, the White Sox came out victorious on a solo homerun by backup infielder and former Astro, Geoff Blum in the top of the 14th. With a commanding 3-0 lead in the Series, the Sox were just one win away from their first World Championship since 1917; and

WHEREAS, ready to complete the second World Series sweep by an American League team in as many years, the White Sox again won in dramatic fashion in game four, with both teams going scoreless through the first seven innings, and the Sox jumping out on top in the eighth on an RBI single by Jermaine Dye. One inning later, closer Bobby Jenks nailed down the save and the Chicago White Sox became the World Champions of
baseball for the first time in 88 years. Their eight consecutive victories dating back to the American League Championship Series tied a postseason record set by last year’s Boston Red Sox. Dye was named Most Valuable Player of the Series after hitting .438 with one homerun and three RBIs, and playing a solid defensive right field; and

WHEREAS, the State of Illinois could not be prouder of all the White Sox players, along with Chairman Jerry Reinsdorf, General Manager Ken Williams, Manager Ozzie Guillen, and all the coaches and front office staff, for winning the 2005 World Series. A true team effort all season led to their stunning and momentous victory, and this achievement is proof of their commitment to baseball excellence:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Friday, October 28, 2005 as WORLD CHAMPION CHICAGO WHITE SOX DAY in Illinois, and join the City of Chicago and the rest of the State in congratulating the Sox on their remarkable championship season.

Issued by the Governor October 27, 2005.
Filed by the Secretary of State October 27, 2005.

2005-356
VETERANS DAY

WHEREAS, throughout American history, countless men and women have risked their lives to defend liberty; and
WHEREAS, from Bunker Hill, Gettysburg, and D-Day, to Saratoga, Appomattox, and V-J Day, millions of Americans have bravely and courageously preserved and protected our freedom; and
WHEREAS, today, there are more than 1,000,000 veterans living in Illinois. The Illinois Department of Veterans’ Affairs was created to serve their needs, as well as the needs of their families and loved ones; and
WHEREAS, that is the least we can do to honor our veterans for their devotion to duty and service. Originally a remembrance of those who fought in the First World War, Armistice Day was renamed Veterans Day in 1954 by President Eisenhower so that we would always remember the sacrifices and contributions of veterans from all American wars; and
WHEREAS, our veterans have kept our country safe and free, and Veterans Day is an excellent opportunity to celebrate all the past achievements of these valiant men and women to whom we are deeply indebted:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2005 as VETERANS DAY in Illinois in recognition of all veterans, and to thank the loyal soldiers of our
state who have gallantly and nobly fought for our liberty and freedom.
Issued by the Governor October 28, 2005.
Filed by the Secretary of State October 28, 2005.

2005-356 (REVISED)
VETERANS DAY

WHEREAS, throughout American history, countless men and women have risked their lives to defend liberty; and
WHEREAS, from Bunker Hill, Gettysburg, and D-Day, to Yorktown, Appomattox, and V-J Day, millions of Americans have bravely and courageously preserved and protected our freedom; and
WHEREAS, today, there are more than 1,000,000 veterans living in Illinois. The Illinois Department of Veterans’ Affairs was created to serve their needs, as well as the needs of their families and loved ones; and
WHEREAS, that is the least we can do to honor our veterans for their devotion to duty and service. Originally a remembrance of those who fought in the First World War, Armistice Day was renamed Veterans Day in 1954 by President Eisenhower so that we would always remember the sacrifices and contributions of veterans from all American wars; and
WHEREAS, our veterans have kept our country safe and free, and Veterans Day is an excellent opportunity to celebrate all the past achievements of these valiant men and women to whom we are deeply indebted:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2005 as VETERANS DAY in Illinois in recognition of all veterans, and to thank the loyal soldiers of our state who have gallantly and nobly fought for our liberty and freedom.
Issued by the Governor October 28, 2005.
Filed by the Secretary of State October 28, 2005.

2005-357
NATIONAL ADOPTION AWARENESS MONTH
AND NATIONAL ADOPTION DAY

WHEREAS, all children deserve the love and care of others, which is vital for their successful development. That is why it is important that children live in stable family environments; and
WHEREAS, today, there are thousands of children living in foster care throughout Illinois. Too many of these children move from foster home to foster home and live in overcrowded conditions; and
WHEREAS, these experiences are extremely stressful and difficult
for children. Accordingly, children in foster care need homes with permanent families, and a number of organizations are committed and dedicated to helping find homes with permanent families for children; and

WHEREAS, November is National Adoption Awareness Month. Furthermore, every Saturday before Thanksgiving is recognized as National Adoption Day, when thousands of judges, adoption professionals, volunteer lawyers, and child advocates finalize and celebrate the adoptions of children in hundreds of communities across the country; and

WHEREAS, on that day last year, 3,300 children were adopted. This year, National Adoption Day falls on November 19:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as NATIONAL ADOPTION AWARENESS MONTH and November 19, 2005 as NATIONAL ADOPTION DAY in Illinois to raise awareness about children in foster care, and to encourage citizens of our state to consider adoption.

Issued by the Governor October 28, 2005.
Filed by the Secretary of State October 28, 2005.

2005-358
ROSA PARKS MEMORIAL DAY

WHEREAS, most historians consider December 1, 1955 the beginning of the modern Civil Rights Movement in the United States. That was the day when an unknown African-American seamstress named Rosa Parks refused to give up her bus seat for a white passenger; and

WHEREAS, born on February 4, 1913 in Tuskegee, Alabama as Rosa Louise McCauley, Mrs. Parks was the daughter of James McCauley, a carpenter, and Leona McCauley, a teacher; and

WHEREAS, at the age of 11, Mrs. Parks began school at the Montgomery Industrial School for Girls, a private school founded by liberal-minded women. While there, Mrs. Parks’ mother encouraged her daughter to “take advantage of the opportunities, no matter how few they were;” and

WHEREAS, after attending Alabama State Teachers College, Mrs. Parks settled in Montgomery with her husband, Raymond Parks. There, the couple joined the local chapter of the NAACP, where Mrs. Parks served as Secretary, and they both worked quietly for many years to improve life for African-Americans in the segregated South; and

WHEREAS, then, on that fateful December day in 1955, Mrs. Parks was arrested and fined for violating a city ordinance. The bus incident led to the formation of the Montgomery Improvement Association, led by a young pastor of the Dexter Avenue Baptist Church, Dr. Martin Luther King, Jr.; and

WHEREAS, the Association called for a boycott of the city-owned
bus company, which lasted an unprecedented 381 days and broke only after the Supreme Court struck down the city ordinance that Mrs. Parks so bravely and courageously defied. Subsequently, a general movement led to the desegregation of the South; and

WHEREAS, ever since then, Mrs. Parks has been a remarkable American icon, and an inspiration to people throughout the world who cherish freedom and liberty. Her death on October 24 is a great loss to all of us, but we will always remember her dignity and the magnanimous spirit that she shared with everyone:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2, 2005 as ROSA PARKS MEMORIAL DAY in Illinois, and order all State facilities to fly their flags at half-staff from sunrise until sunset on this day, the day of her interment, in honor and remembrance of her incredible contributions to human freedom and liberty.

Issued by the Governor October 28, 2005.
Filed by the Secretary of State October 28, 2005.

2005-359
DIABETES AWARENESS MONTH

WHEREAS, diabetes has reached epidemic proportions in the United States. In the State of Illinois alone, more than 567,000 adults are currently diagnosed with diabetes. It is also estimated that an additional 3 million adults in Illinois are at an increased risk for developing diabetes due to age, obesity, and an inactive lifestyle; and

WHEREAS, there are two types of diabetes, and together they account for a staggering $7.3 billion of direct and indirect healthcare costs in our state every year. Furthermore, the direct healthcare costs for those with either types of diabetes is about 4.3 times higher than those without it; and

WHEREAS, according to some studies, improved diabetes self-care can reduce total healthcare costs for a patient with type 2 diabetes by up to $950 per year; and type 2 diabetes can even be prevented by those at high risk with changes in lifestyle, such as an improved diet, increased physical activity, and modest weight loss; and

WHEREAS, numerous studies support that those with either types of diabetes can prevent or delay the progression of complications by practicing goal-oriented management of blood glucose, lipids, and blood pressure, receiving diabetes self-management education, ensuring proper food intake and physical activity to help achieve target values, maintaining a healthy body weight, and receiving recommended eye and foot examinations; and

WHEREAS, one in four with diabetes will develop a foot ulcer in
their lifetime. Proper foot care, regular examinations by a physician or podiatrist, and early detection and treatment of possible ulcers may prevent amputations. Those with diabetes under the care of podiatrists or multidisciplinary healthcare professionals have fewer deep ulcers; and

WHEREAS, retinopathy, a disease of the small blood vessels in the retina, is also a common problem for those with diabetes, who have a higher risk of blindness than those without diabetes. Consequently, those with diabetes should get regular eye examinations from an eye-care professional. Early detection and treatment of retinopathy may prevent further damage and blindness; and

WHEREAS, although diabetes is a grave health issue today, by practicing healthy habits and receiving routine examinations, we can turn the rising epidemic around:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as DIABETES AWARENESS MONTH in Illinois to raise awareness about diabetes, and to urge citizens of our state to take precautions for their own health and safety.

Issued by the Governor October 31, 2005.
Filed by the Secretary of State October 31, 2005.

2005-360
ALZHEIMER’S DISEASE AWARENESS MONTH

WHEREAS, today, more than 4 million Americans are living with Alzheimer’s throughout the United States. In the State of Illinois, there are more than 210,000 adults currently afflicted by the disease; and

WHEREAS, a progressive, degenerative disease of the brain, Alzheimer’s is the most common form of dementia. It results in impaired memory, thinking, and behavior, and usually begins gradually, causing a person to forget recent events and to have difficulty performing familiar tasks; and

WHEREAS, 1 in 10 adults over the age of 65, and nearly half of those over the age of 85 have Alzheimer’s, as well as a small percentage of young adults in their 30’s and 40’s; and

WHEREAS, those who have Alzheimer’s live an average of 20 years from the onset of symptoms, and only an average of 8 to 10 years after diagnosis; and

WHEREAS, unfortunately, there is no form of prevention or known cure for Alzheimer’s, and unless any are found, it is estimated that 14 million Americans will have the disease by the year 2050:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as ALZHEIMER’S DISEASE
AWARENESS MONTH in Illinois to raise awareness about Alzheimer’s, and in support of efforts to combat this debilitating disease that affects so many families in our state.

Issued by the Governor October 31, 2005.
Filed by the Secretary of State October 31, 2005.

2005-361
CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

WHEREAS, Chronic Obstructive Pulmonary Disease (COPD) is the fourth leading cause of death in the United States. In 2001 alone, there were more than 12 million diagnosed cases of COPD in adults over the age of 25; and

WHEREAS, COPD encompasses a group of lung diseases that cause blockages to airflow and breathing-related problems, including chronic bronchitis, emphysema, and some extreme cases of asthma; and

WHEREAS, COPD has a variety of causes, but the primary source of the disease is cigarette smoking. Most COPD patients are smokers or former smokers, however, breathing other irritants on a regular basis such as air pollution or chemical fumes can also trigger the disease; and

WHEREAS, COPD causes the loss of elasticity and swelling of airways, as well as the erosion of air sac walls. Consequently, these problems obstruct airflow in and out of the lungs and the supply of oxygen to the body; and

WHEREAS, unfortunately, there is no treatment for COPD. Damage done to the airways is irreversible, but avoiding cigarette smoke, air pollution, and chemical fumes is the best way a COPD patient can minimize their risk; and

WHEREAS, this year, a number of organizations committed and dedicated to addressing COPD will raise awareness about the disease in November:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH in Illinois to call attention to the devastating problem of COPD, and in support of efforts by organizations to combat this terrible disease that affects so many Americans in this country and our state.

Issued by the Governor October 31, 2005.
Filed by the Secretary of State October 31, 2005.
2005-362
LUNG CANCER AWARENESS MONTH

WHEREAS, lung cancer is the leading cause of cancer death in the United States. This year alone, lung cancer will claim the lives of more than 163,000 Americans, including 6,840 from the State of Illinois; and
WHEREAS, lung cancer takes the lives of more Americans than breast, prostate, colon, liver, and kidney cancers combined. Clearly, lung cancer is a serious health issue; and
WHEREAS, despite that, there is currently no standard screening for lung cancer; and funding for lung cancer research is significantly less than funding for research of other less fatal diseases; and
WHEREAS, sadly, 70 percent of lung cancer patients are diagnosed in a late stage with only a 15 percent five-year survival rate. However, with early and regular checkups and exams, lung cancer can be diagnosed in an early stage when the chance of survival is as high as 85 percent; and
WHEREAS, this year, the Lung Cancer Alliance, a national patient advocacy group for lung cancer, and other organizations throughout the country will raise awareness about the disease this November:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2005 as LUNG CANCER AWARENESS MONTH in Illinois to call attention to the devastating problem of lung cancer, and in support of efforts by organizations such as the Lung Cancer Alliance to combat this terrible disease that affects so many families in our state.

Issued by the Governor October 31, 2005.
Filed by the Secretary of State October 31, 2005.

2005-363
RICHARD MULCAHEY DAY

WHEREAS, born in Rockford on March 22, 1935, Richard Mulcahey made a career of serving his community, his state, and his country; and
WHEREAS, as a young man, Richard joined the Marine Corps and served in Korea after the war; and
WHEREAS, after returning, Richard taught American history and government in high school. He also coached high school baseball and football teams; and
WHEREAS, in 1975, Richard was elected to the Illinois General Assembly, where he served with distinction in the State House for 18 years; and
WHEREAS, during that time, Richard was a strong advocate for the
“Freeport Bypass” and tax reform to lower the burden on those who own property; and

WHEREAS, of all his accomplishments, Richard’s son Marty considers his father’s commitment to education his greatest legacy. In the General Assembly, Richard served as chairman of the House Elementary and Secondary Education Committee for several terms; and

WHEREAS, throughout his tenure, Richard got along with and earned the respect of everyone, regardless of ideology; and

WHEREAS, Richard Mulcahey has six children with his wife Anna, and together they will celebrate the dedication of the US 20 bypass north of Freeport as the Dick Mulcahey Bypass on November 8:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 8, 2005 as RICHARD MULCAHEY DAY in Illinois in honor and tribute to Richard Mulcahey for his lifelong devotion to public service.

Issued by the Governor October 31, 2005.
Filed by the Secretary of State October 31, 2005.

2005-364
WOMEN VETERANS RECOGNITION DAY

WHEREAS, throughout American history, women have displayed their patriotism by courageously serving in the various branches of the United States Armed Forces; and

WHEREAS, although women did not officially receive permanent military status until President Harry Truman signed the Women’s Armed Services Integration Act in 1948, they have served and distinguished themselves in times of peace, as well as during every major conflict since the establishment of the United States; and

WHEREAS, prior to 1948, women served both on and off the battlefields in numerous support roles such as nurses, saboteurs, cooks, mechanics, clerks, telephone operators, and drivers; and

WHEREAS, today, there are approximately 350,000 women enlisted in the various branches of the Armed Forces, which is about 15 percent of active duty, reserve, and guard units; and

WHEREAS, the sacrifices and accomplishments made by all the brave and courageous women who have served their country through military service will be recognized at the LaSalle Veterans Home in Illinois on November 9:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 9, 2005 as WOMEN VETERANS RECOGNITION DAY in Illinois in honor and remembrance of women
veterans, and to thank the loyal women of our state who have gallantly and nobly served in the Armed Forces.

Issued by the Governor October 31, 2005.
Filed by the Secretary of State October 31, 2005.

2005-365
MARINE WEEK

WHEREAS, the United States Marine Corps has guarded our country and protected American freedom and liberty for the past 230 years; and

WHEREAS, ever since the creation of the Marine Corps in 1775, Marines have served and fought in every American conflict from the Revolutionary War in the 18th century to the War on Terrorism today; and

WHEREAS, Marines are trained to always be faithful to “God, Country, and Corps,” to stand ready to fight anytime and anywhere the President or Congress may designate, and to hold their ground against all odds; and

WHEREAS, thanks to that training, the Marine Corps is one of the most elite and capable fighting forces in the world; and the devotion of Marines to duty has helped keep us and our country safe and free; and

WHEREAS, for those reasons, Marines have rightfully earned a reputation for courage and military efficiency. They have a rich tradition of excellence, and this year they celebrate 230 years of commitment and dedication to service:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 6-13, 2005 as MARINE WEEK in Illinois in recognition of the Marine Corps, and to thank the loyal Marines of our state who have gallantly and nobly fought for our liberty and freedom.

Issued by the Governor October 31, 2005.
Filed by the Secretary of State October 31, 2005.

2005-366
NATIONAL KIDNEY FOUNDATION OF ILLINOIS
KIDNEYMOBILE DAY

WHEREAS, a preventable healthcare crisis is sweeping through Illinois and the entire country; and

WHEREAS, today, approximately one in nine adults, or 20 million Americans have Chronic Kidney Disease. In just our state, about one million adults are afflicted with the illness; and

WHEREAS, 28 percent, or nearly one third of the population of Illinois have the greatest risk of contracting Chronic Kidney Disease. Among
that group, African Americans and Latinos are disproportionately affected by the illness due to untreated hypertension and diabetes; and

WHEREAS, this year, the National Kidney Foundation of Illinois is officially launching the nation’s first free mobile Chronic Kidney Disease preventative screening and education program in rural and urban communities across our state on November 7:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 7, 2005 as NATIONAL KIDNEY FOUNDATION OF ILLINOIS KIDNEYMOBILE DAY, and commemorate the official launch of a critical public health prevention campaign that will significantly improve the health of many Illinois residents.

Issued by the Governor November 02, 2005.
Filed by the Secretary of State November 02, 2005.

2005-367
SCHOOL PSYCHOLOGY AWARENESS WEEK

WHEREAS, throughout the country, school psychologists work diligently in our schools and school district offices to improve learning and behavior strategies among students, and to enhance classroom management and parenting skills; and

WHEREAS, school psychologists have specialized training in both psychology and education, and team with educators, parents, and other mental health professionals to ensure that every child learns in a safe, healthy, and supportive environment; and

WHEREAS, school psychologists demonstrate their ability to meet the varying needs of students through a wide-range of approaches such as consultation, assessment, intervention, prevention, and education; and

WHEREAS, in addition to assisting students on a day-to-day basis, school psychologists also facilitate research to generate new knowledge about learning and behavior. Furthermore, they evaluate the effectiveness of current academic programs in order to contribute needed planning for school-wide reform and restructuring; and

WHEREAS, the Illinois School Psychologists Association, an affiliate of the National Association of School Psychologists, is a not-for-profit professional association representing school psychologists in the State of Illinois. This year, they will recognize school psychologists in our state for their valuable service during the second week in November:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 7-11, 2005 as SCHOOL PSYCHOLOGY AWARENESS WEEK in Illinois, and commend school psychologists for their outstanding dedication to furthering the education and emotional well-
being of our children.
   Issued by the Governor November 02, 2005.
   Filed by the Secretary of State November 02, 2005.

**2005-368**

**UNITED HELLENIC AMERICAN CONGRESS DAY**

WHEREAS, the United Hellenic American Congress will celebrate its 30th anniversary as a civic, educational, and cultural organization that champions Hellenic-American causes at its annual banquet on November 12 at the Fairmont Hotel; and

WHEREAS, the United Hellenic American Congress will honor Ambassador John D. Negroponte, a career diplomat and former Ambassador to Iraq who has made many positive contributions to both national and international communities. He has also represented his country with valor, pride, and commitment to democratic principles, encompassing all of the positive traits of Hellenism and American virtue; and

WHEREAS, the United Hellenic American Congress, which was founded in 1975, serves as the umbrella and unifying organization for Greek Americans; organizes functions on local, regional, and national levels to promote the Hellenic heritage and culture; safeguards the human and religious rights of Hellenes in the Diaspora; enhances relations between the United States, Greece, and Cyprus; and improves communications and unity between Greek and fellow Americans:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 12, 2005 as UNITED HELLENIC AMERICAN CONGRESS DAY in Illinois, and commend Ambassador John D. Negroponte for his devotion and duty to his country, dedication to his Hellenic heritage, and upholding of both Hellenic and American principles.

Issued by the Governor November 02, 2005.
Filed by the Secretary of State November 02, 2005.

**2005-369**

**GIRLS ON THE RUN DAY**

WHEREAS, child obesity has reached epidemic proportions in the United States. Approximately one in three children are overweight or at risk of becoming overweight, compared to about one in nine children just 25 years ago; and

WHEREAS, poor nutritional diets and lack of exercise mostly account for the rise in child obesity. Subsequently, by eating right and exercising regularly, we can turn the rising epidemic around; and

...
WHEREAS, today, there are many organizations dedicated to improving the health and well-being of children throughout the country, including Girls on the Run. A national organization, Girls on the Run combines training for a 3.1 mile running event with self-esteem enhancing lessons that encourage healthy behaviors and habits among 8 to 13 year-old girls; and

WHEREAS, the Chicago chapter of Girls on the Run, one of the largest in the country, has programs in Cook, Lake, and DuPage counties that encompass the city of Chicago and many of its surrounding communities. Each program site allows up to twenty girls to participate in their running inspired curriculum twice a week, over an eight-week period; and

WHEREAS, this year, Girls on the Run—Chicago has programs in more than 65 Chicago area schools and community centers, including 35 in lower-income areas, and supports more than 1,000 girls. In celebration of their programs and running event, Girls on the Run—Chicago will host an annual Go Girl Gala on November 18:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 18, 2005 as GIRLS ON THE RUN DAY in Illinois in recognition of them, and in support of the worthy campaign by their Chicago chapter to improve the health and well-being of girls in our state.

Issued by the Governor November 02, 2005.
Filed by the Secretary of State November 02, 2005.

2005-370

VETERANS DAY AT LEO HIGH SCHOOL

WHEREAS, throughout American history, countless men and women have risked their lives to defend liberty; and

WHEREAS, from Bunker Hill, Gettysburg, and D-Day, to Yorktown, Appomattox, and V-J Day, millions of Americans have bravely and courageously preserved and protected our freedom; and

WHEREAS, today, there are more than 1,000,000 veterans living in Illinois. The Illinois Department of Veterans’ Affairs was created to serve their needs, as well as the needs of their families and loved ones; and

WHEREAS, that is the least we can do to honor our veterans for their devotion to duty and service. Originally a remembrance of those who fought in the First World War, Armistice Day was renamed Veterans Day in 1954 by President Eisenhower so that we would always remember the sacrifices and contributions of veterans from all American wars; and

WHEREAS, our veterans have kept our country safe and free, and Veterans Day is an excellent opportunity to celebrate all the past
achievements of these valiant men and women to whom we are deeply indebted; and

WHEREAS, to celebrate Veterans Day, a program at Leo High School in Chicago will honor veterans from Illinois and the contributions they have made on November 4:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 4, 2005 as VETERANS DAY AT LEO HIGH SCHOOL in Illinois in recognition of the school’s commitment to honoring our nation’s past and present heroes.

Issued by the Governor November 04, 2005.
Filed by the Secretary of State November 04, 2005.

2005-371
ILLINOIS DEPARTMENT OF VETERANS’ AFFAIRS DAY

WHEREAS, 30 years ago, the Illinois General Assembly created the Illinois Department of Veterans’ Affairs. Their mission, to aid and assist Illinois veterans and their families; and

WHEREAS, since then, the Department of Veterans’ Affairs has helped countless veterans and families obtain a variety of benefits and services, including education, employment, housing, medical treatment, pensions, prescription drugs, and burials with military honors; and

WHEREAS, many Illinois veterans have put their lives on the line and fought in combat to protect our liberties and freedoms. The least we can do is care for and support them and their families in return; and

WHEREAS, that is why the objective of the Department of Veterans’ Affairs is to ensure that all our veterans and their families receive the dignity and respect due to them for their sacrifices; and

WHEREAS, by helping our veterans and their families, we also pay tribute to all those less fortunate, men and women who served for noble causes but did not survive and return to their families; and

WHEREAS, whatever needs our veterans and their families have, the Department of Veterans’ Affairs will be there to serve them. That was the promise made upon their creation, and the promise they intend to keep; and

WHEREAS, we can never repay or thank our veterans and their families enough for their sacrifices, but the Department of Veterans’ Affairs works hard to provide them with the assistance they deserve:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 8, 2005 as ILLINOIS DEPARTMENT OF VETERANS’ AFFAIRS DAY as they celebrate 30
years of commitment and dedication to serving the veterans in our state.
Issued by the Governor November 04, 2005.
Filed by the Secretary of State November 04, 2005.

2005-372
GLORIA DRYDEN BRYANT DAY

WHEREAS, on November 5, Gloria Dryden Bryant will be honored for more than 38 years of distinguished service in the Cook County, Ford Heights, and South Suburban Chicago communities; and
WHEREAS, a native of St. Charles, Missouri, Gloria moved to the south suburbs of Chicago at the age of 10 with her mother and family. There Gloria attended Cottage Grove Elementary School and Bloom High School. She is also an alumnus of Prairie State College and Governors State University; and
WHEREAS, throughout her career, Gloria has demonstrated excellence in the areas of administration and development of public service; project implementation and management; and short- and long-term planning. Furthermore, she is known throughout Ford Heights and the South Suburban Chicago communities for her commitment and dedication to community service; and
WHEREAS, for the last 15 years, Gloria has served as the executive director of the Community Service Organization, where she has administered many essential and vital programs in the community, including career development and training, economic development, and senior and youth services; and
WHEREAS, prior to her service there, Gloria worked for the Ministerial Alliance of Chicago Heights and Vicinity, the Board of Education for School District 169, the County of Cook/Oak Forest Hospital, and the Ford Heights Community Health Center; and
WHEREAS, Gloria began her career in 1968 for what was then the East Chicago Heights Community Service Center. Mrs. Bryant and her late husband volunteered for fundraising efforts. She was hired on later that year and has the distinction of being their first and only female executive director; and
WHEREAS, since then, Gloria has also had the distinction of being the first administrator of a full service community based healthcare facility in Ford Heights, the first coordinator of three freestanding outpatient medical clinics in South Cook County, and the first female mayor of Ford Heights; and
WHEREAS, Gloria is retiring this year, and her services in the community will undoubtedly be missed by countless residents of Suburban
Chicago whose lives she has immeasurably improved:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 5, 2005 as GLORIA DRYDEN BRYANT DAY in Illinois, in recognition of Mrs. Bryant and her achievements, and to wish Gloria and her family health and happiness in her retirement.

Issued by the Governor November 04, 2005.
Filed by the Secretary of State November 04, 2005.

2005-373
PARALEGAL DAY

WHEREAS, paralegals provide essential and vital legal support for many organizations, including law firms, corporate legal departments, and government offices; and
WHEREAS, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and significance for the operation of American organizations and the application of American law. According to the United States Bureau of Labor Statistics, the paralegal profession will experience greater than average growth through the year 2012; and
WHEREAS, created in 1972, the Illinois Paralegal Association represents more than 1,500 paralegals in our state. The association is one of the oldest and largest statewide organizations that supports paralegals; and
WHEREAS, the purpose of the Illinois Paralegal Association is to promote the paralegal profession and communication among paralegals, the legal community, and civic and professional organizations, as well as encourage the continuing education of paralegals:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 9, 2005 as PARALEGAL DAY in Illinois as the Illinois Paralegal Association meets for an annual conference, and to commend paralegals in our state for their contributions to our communities.

Issued by the Governor November 04, 2005.
Filed by the Secretary of State November 04, 2005.

2005-371 (REVISED)
ILLINOIS DEPARTMENT OF VETERANS’ AFFAIRS DAY

WHEREAS, 60 years ago, the Illinois General Assembly created the Illinois Veterans’ Commission. Renamed the Illinois Department of Veterans’ Affairs in 1975, they were empowered to aid and assist Illinois
veterans and their families; and

WHEREAS, since then, the Department of Veterans’ Affairs has helped countless veterans and families obtain a variety of benefits and services, including education, employment, housing, medical treatment, pensions, prescription drugs, and burials with military honors; and

WHEREAS, many Illinois veterans have put their lives on the line and fought in combat to protect our liberties and freedoms. The least we can do is care for and support them and their families in return; and

WHEREAS, that is why the mission and objective of the Department of Veterans’ Affairs is to ensure that all our veterans and their families receive the dignity and respect due to them for their sacrifices; and

WHEREAS, by helping our veterans and their families, we also pay tribute to all those less fortunate, men and women who served for noble causes but did not survive and return to their families; and

WHEREAS, whatever needs our veterans and their families have, the Department of Veterans’ Affairs will be there to serve them. That was the promise made upon their creation, and the promise they intend to keep; and

WHEREAS, we can never repay or thank our veterans and their families enough for their sacrifices, but the Department of Veterans’ Affairs works hard to provide them with the assistance they deserve:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 8, 2005 as ILLINOIS DEPARTMENT OF VETERANS’ AFFAIRS DAY as they celebrate 60 years of commitment and dedication to serving the veterans in our state.

Issued by the Governor November 04, 2005.
Filed by the Secretary of State November 07, 2005.

2005-374
SOLAR ENERGY DAY

WHEREAS, rising fossil fuel prices are driving up energy costs. As oil and natural gas prices soar, Americans are paying more and more to fuel their cars and heat their homes; and

WHEREAS, emissions from the combustion of fossil fuels threatens human health and the environment and failing to reduce these emissions will continue to exact financial and environmental costs; and

WHEREAS, harnessing clean, renewable homegrown energy sources such as solar power can reduce pollution, protect public health and improve our energy independence; and

WHEREAS, on November 9, the Social Security Administration will celebrate the completion of one of the Midwest’s largest solar energy projects, celebrate the benefits of clean, state-of-the-art renewable
technologies and kick off a meeting of the Million Solar Roofs Initiative and the Chicago Solar Partnership; and

WHEREAS, according to the United States Environmental Protection Agency, this solar project will displace more than four million pounds of carbon dioxide and will save the equivalent of nearly 6,000 barrels of oil:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 9, 2005 as SOLAR ENERGY DAY to promote the use of alternative energy sources that are consumer and environmentally friendly.

Issued by the Governor November 08, 2005.
Filed by the Secretary of State November 08, 2005.

2005-375
SCIENCE TEACHER DAYS

WHEREAS, science is an essential and vital field of study. It helps answer critical questions such as how we think and behave, what happened in the past, and what comprises the universe; and

WHEREAS, as these are complex questions, it is no surprise that science is a complex subject. Consequently, teaching science is a difficult task that requires devotion and continual study of the latest developments in the profession; and

WHEREAS, this year, approximately 5,000 science teachers from around the country will converge on Chicago for the National Science Teachers Association Convention from November 10-12; and

WHEREAS, at the convention, science teachers will learn more about their profession and the latest research and technology in their fields. They will also learn new teaching skills and techniques that will maximize student comprehension and understanding of science; and

WHEREAS, in addition to those professional benefits, science teachers will have a wonderful opportunity to network with their colleagues and build relationships beyond their own classrooms, buildings, and local school districts that will help them become better professionals:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 10-12, 2005 as SCIENCE TEACHER DAYS in Illinois as they meet in Chicago for the National Science Teachers Association Convention, and in recognition of their contributions to human knowledge and education.

Issued by the Governor November 08, 2005.
Filed by the Secretary of State November 08, 2005.
2005-374
SOLAR ENERGY DAY (REVISED)

WHEREAS, rising fossil fuel prices are driving up energy costs. As oil and natural gas prices soar, Americans are paying more and more to fuel their cars and heat their homes.

WHEREAS, emissions from the combustion of fossil fuels threatens human health and the environment and failing to reduce these emissions will continue to exact financial and environmental costs.

WHEREAS, harnessing clean, renewable homegrown energy sources such as solar power can reduce pollution, protect public health and improve our energy independence; and

WHEREAS, on November 9, the Social Security Administration will celebrate the completion of one of the Midwest’s largest solar energy projects, celebrate the benefits of clean, state-of-the-art renewable technologies and kick off a meeting of the Million Solar Roofs Initiative and the Chicago Solar Partnership; and

WHEREAS, according to the United States Environmental Protection Agency, this solar project will displace more than four million pounds of carbon dioxide and will save the equivalent of nearly 6,000 barrels of oil.

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 9, 2005 as SOLAR ENERGY DAY in Illinois to promote the use of alternative energy sources that are consumer and environmentally friendly.

Issued by the Governor November 08, 2005.
Filed by the Secretary of State November 09, 2005.

2005-376
HUMAN RIGHTS DAY

WHEREAS, all people are entitled to the same opportunities regardless of age, citizenship, ethnicity, gender, race, religion, disability or sexual orientation; and

WHEREAS, equality is a birthright affirmed by our nation’s founders who declared: “We hold these truths to be self-evident, that all men are created equal.” Although that promise went unfulfilled for too many Americans for far too long, those words speak a truth that we all hold dear; and

WHEREAS, we have a rich legacy we all can be proud of. Although our nation’s history is wrought with shameful acts and deeds, it is also filled with wonderful moments of hope and triumph such as the abolition of slavery, the nineteenth amendment that guaranteed all women the right to
vote, and the Civil Rights Acts of 1964 and 1965; and

WHEREAS, here in Illinois, we embrace that legacy and our contributions to it. It was our favorite son, President Abraham Lincoln, who guided us through the nation’s greatest crisis and with a masterful stroke of his pen emancipated four million slaves; and

WHEREAS, ever since then, Illinois has progressively expanded human rights, and in 1979, we passed a comprehensive human rights act to prohibit discrimination in employment, housing, credit transactions, and public accommodations based on age, citizenship, ethnicity, gender, race, disability and religion; and

WHEREAS, just this year, we took a monumental step in human rights by amending the Illinois Human Rights Act to include sexual orientation. Regardless of sexual orientation, we are all entitled to the same opportunities for success and advancement; and

WHEREAS, legislation by itself will not prevent discrimination. That is why the Illinois Department of Human Rights and the Illinois Human Rights Commission are vested with full authority to investigate and adjudicate all violations of human rights; and

WHEREAS, we have a long road ahead of us before the human rights of all are protected, but as we celebrate the 25th anniversary of the Illinois Human Rights Act, we have much to be proud of in our state’s and our nation’s history:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 16, 2005 as HUMAN RIGHTS DAY in Illinois to reaffirm the noble truths so eloquently proclaimed by our founders and articulated by our favorite son, to honor the remarkable heritage of human rights in our state, and to thank all those who have contributed to the pursuit of equality in Illinois.

Issued by the Governor November 10, 2005.

Filed by the Secretary of State November 10, 2005.

2005-377

GEографY AWARENESS WEEK AND GEOGRAPHIC INFORMATION SCIENCE DAY

WHEREAS, the study of geography is a significant component of a well-rounded education, allowing students to appreciate and understand the world around them; and

WHEREAS, technological innovations such as map making, socioeconomic analyses, and navigational aids have increased the usage and applicability of geography in academics, business, and everyday life; and

WHEREAS, in an effort to promote geographic literacy in schools,
communities, and organizations, the National Geographic Society established Geography Awareness Week in 1987 with the support of President Ronald Reagan; and

WHEREAS, during Geographic Awareness Week, geographic information systems vendors and users meet with schools, businesses, and the general public on Geographic Information Science Day, a grassroots event to showcase real-world applications of this important technology; and

WHEREAS, this year, Geography Awareness Week is from November 13-19, and Geographic Information Science Day falls on November 16:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 13-19, 2005 as GEOGRAPHY AWARENESS WEEK and November 16, 2005 as GEOGRAPHIC INFORMATION SCIENCE DAY in Illinois to raise awareness about the benefits of studying geography.

Issued by the Governor November 10, 2005.
Filed by the Secretary of State November 10, 2005.

2005-378
INTERNATIONAL EDUCATION WEEK

WHEREAS, international education is critical for our future welfare. By studying, learning, and exchanging experiences, we develop a greater appreciation and respect for other people and their cultures, and breakdown barriers to understanding and cooperation, which are vital to peace and prosperity; and

WHEREAS, foreign student exchange programs are just one wonderful opportunity to learn about other people and cultures. Approximately 600,000 international students study in the United States every year; and

WHEREAS, International Education Week is from November 14-18, and the United States Departments of State and Education are teaming up to promote similar efforts during that week that enrich our comprehension of international education; and

WHEREAS, in the past, schools throughout the country have invited Americans who have lived or traveled overseas and international residents or visitors who are currently living in their communities to share personal stories and experiences. Cultural fairs have also been a terrific way for students to learn about other places and their history; and

WHEREAS, indeed, there are many creative events and activities that engage our children during International Education Week. This year, students from a local school will work with the staff at the Johnson Space Center on
a downlink with the crew of the International Space Station, and an exhibition at the Department of Education will feature visual art and writing of children from around the world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 14-18, 2005 as INTERNATIONAL EDUCATION WEEK in Illinois, and join the campaign by the United States Departments of State and Education to encourage international education.

Issued by the Governor November 10, 2005.
Filed by the Secretary of State November 10, 2005.

2005-379
COURAGEOUS KID RECOGNITION WEEK

WHEREAS, cancer claims the lives of more children in the United States than any other disease, including asthma, diabetes, cystic fibrosis, and AIDS combined. An estimated 12,500 children and adolescents are diagnosed with cancer every year; and

WHEREAS, fortunately, there have been many spectacular strides in research. While less than 10 percent of children diagnosed with cancer were cured in the 1950s, nearly 80 percent of childhood cancer patients become long-term survivors today thanks to the help of a number of institutions and organizations; and

WHEREAS, indeed, there are many wonderful institutions and organizations committed and dedicated to helping children with cancer and their families. The American Cancer Fund for Children and Kids Cancer Connection are just two of them; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at the University of Chicago Medical Center’s Comer Children’s Hospital, as well as participating hospitals throughout the country; and

WHEREAS, through its uniquely sensitive and comforting Magical Caps for Kids program, Kids Cancer Connection distributes thousands of beautifully handmade caps and decorated baseball caps for children to wear following the trauma of chemotherapy, surgery, and radiation treatments; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor award ceremonies and hospital celebrations in recognition of courageous children battling childhood cancer:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 14-21, 2005 as COURAGEOUS KID RECOGNITION WEEK in Illinois to raise awareness of childhood cancer, and in support of efforts by institutions and organizations such as the
American Cancer Fund for Children and Kids Cancer Connection to help children with cancer and their families.

Issued by the Governor November 10, 2005.
Filed by the Secretary of State November 10, 2005.

2005-379 (REVISED)
COURAGEOUS KID RECOGNITION WEEK

WHEREAS, cancer claims the lives of more children in the United States than any other disease, including asthma, diabetes, cystic fibrosis, and AIDS combined. An estimated 12,500 children and adolescents are diagnosed with cancer every year; and

WHEREAS, fortunately, there have been many spectacular strides in research. While less than 10 percent of children diagnosed with cancer were cured in the 1950s, nearly 80 percent of childhood cancer patients become long-term survivors today thanks to the help of a number of institutions and organizations; and

WHEREAS, indeed, there are many wonderful institutions and organizations committed and dedicated to helping children with cancer and their families. The American Cancer Fund for Children and Kids Cancer Connection are just two of them; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at the University of Chicago Comer Children’s Hospital, as well as participating hospitals throughout the country; and

WHEREAS, through its uniquely sensitive and comforting Magical Caps for Kids program, Kids Cancer Connection distributes thousands of beautifully handmade caps and decorated baseball caps for children to wear following the trauma of chemotherapy, surgery, and radiation treatments; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor award ceremonies and hospital celebrations in recognition of courageous children battling childhood cancer, and will honor children at Comer Children’s Hospital during the week of November 14:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 14-21, 2005 as COURAGEOUS KID RECOGNITION WEEK in Illinois to raise awareness of childhood cancer, and in support of efforts by institutions and organizations such as the American Cancer Fund for Children and Kids Cancer Connection to help children with cancer and their families.

Issued by the Governor November 10, 2005.
WHEREAS, we are all entitled to certain human rights. Despite consensus among the international community however, there are many violations of even the most basic rights; and

WHEREAS, for that reason, we must guard our rights with vigilance. Fortunately, there are many wonderful organizations around the world committed to protecting human rights, including Human Rights Watch; and

WHEREAS, Human Rights Watch has more than 150 dedicated professionals around the world who track developments in more than 70 countries; and

WHEREAS, women’s rights, children’s rights, and the flow of arms to abusive forces are some of the issues that concern them. Other issues include academic freedom, the human rights responsibilities of corporations, international justice, prisons, drugs, and refugees; and

WHEREAS, any and all parties may find themselves the target of Human Rights Watch, which has a distinguished record of exposing abuses by governments and rebels; and

WHEREAS, Human Rights Watch has come a long way since they first monitored compliance of the human rights provisions of the Helsinki Accords by the Soviet bloc countries in 1978. Today, Human Rights Watch is considered one of the leading defenders of human rights; and

WHEREAS, the hallmark and pride of Human Rights Watch is the evenhandedness and accuracy of their reporting. To maintain their independence, they do not accept financial support from any government or government-funded agency. They depend entirely on contributions from private foundations and individuals; and

WHEREAS, this year, Human Rights Watch will celebrate the valor of individuals who risk their lives to defend the dignity and rights of others during their annual dinner, which will be held in Chicago for the first time on November 17:


Issued by the Governor November 16, 2005.

Filed by the Secretary of State November 16, 2005.
2005-381
NATIONAL FAMILY WEEK

WHEREAS, families are important for our health and well-being. They bring us joy and pleasure in moments of triumph, as well as comfort and solace during times of tragedy; and

WHEREAS, families are also the base and foundation of every community. Consequently, the success of our communities depends upon the strength of families; and

WHEREAS, for that reason, it is in the interest of everyone to promote and support families. By doing so, we can improve the communities we all live and work in; and

WHEREAS, Thanksgiving is a special time of year we spend with our families. Since 1968, that week has been commemorated as National Family Week; and

WHEREAS, last year, more than 200 communities throughout the country celebrated National Family Week, as well as organizations from all around our state, including the Child Care Association of Illinois and the 32nd Degree Scottish Rite Masons; and

WHEREAS, this year, Thanksgiving falls on November 24, and National Family Week is from November 20-26:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 20-26, 2005 as NATIONAL FAMILY WEEK in Illinois to recognize the importance of families, and in support of efforts by organizations such as the Child Care Association of Illinois and the 32nd Degree Scottish Rite Masons to promote family unity.

Issued by the Governor November 17, 2005.
Filed by the Secretary of State November 17, 2005.

2005-382
CRITICAL CARE NURSES WEEK

WHEREAS, critically ill patients have specific needs that are met by a particular group of registered professional nurses, distinctively known as critical care nurses, who have advanced knowledge of psychosocial, physiological and therapeutic issues; and

WHEREAS, the cost-effective, safe and quality healthcare services provided by critical care nurses is indispensable for the health and well-being of critically ill patients; and

WHEREAS, today, demand for critical care nursing is growing because of the aging of the Baby Boomer generation and the continuing expansion of life-sustaining technology; and
WHEREAS, to keep up with the needs of their profession, the American Association of Critical Care Nurses (AACN) offers continual development and training programs and workshops for their members. Currently, the AACN has approximately 65,000 members nationwide, including more than 1,180 critical care nurses in Illinois; and

WHEREAS, last year, nearly 700 members from 16 states attended an annual Midwest development and training conference. This year, the Northwest Chicago Area Chapter of AACN will host the 32nd Midwest Conference during the week of March 12:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 12-18, 2006 as CRITICAL CARE NURSES WEEK in Illinois in recognition of critical care nurses for their service to critically ill patients.

Issued by the Governor November 18, 2005.
Filed by the Secretary of State November 18, 2005.

2005-383
GIVING ILLINOIS DAY

WHEREAS, providing charitable support to those in need has always been an important part of the American tradition, especially during the holiday season; and

WHEREAS, the holiday season ought to be a festive occasion—a time of year for reflection of all we have to be grateful for, and for celebration of the New Year; and

WHEREAS, sadly, the holiday season is a time of deep despair for many families who are struggling to support themselves and get by. In this land of abundant resources, however, we have the ability to help ensure that families do not have to choose between putting food on the table and paying the bills; and

WHEREAS, there are many wonderful ways to help others in need during the holiday season, as well as throughout the year, including: donating money or time to local or national causes, working with a foundation to raise money, or serving on a non-profit board; and

WHEREAS, my administration is committed to helping those less fortunate and sponsors various programs for underprivileged citizens during the holidays. For the third consecutive year, we have launched the Keep Our Kids Warm and Safe campaign, which collects winter clothing and car seats for families who cannot afford them; and

WHEREAS, helping those in need generates a wonderful sense of fulfillment and brings communities closer together. At the very least, we should be mindful of those who need our assistance and lend a helping hand.
however we can so that every family can enjoy the holiday season:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 25, 2005 as GIVING ILLINOIS DAY in Illinois to promote philanthropy during the holiday season and throughout the year.

Issued by the Governor November 18, 2005.
Filed by the Secretary of State November 18, 2005.

2005-384
LAKE COUNTY CHAMBER OF COMMERCE DAY

WHEREAS, on December 1, the Lake County Chamber of Commerce will celebrate 90 years of service to businesses in Lake County, Illinois. According to their records, they are the oldest chamber of commerce to serve Lake County businesses; and

WHEREAS, the Lake County Chamber of Commerce was established in 1915 as an all-volunteer organization called the Waukegan Commercial Association. In 1917, they changed their name to the Waukegan Chamber of Commerce; and

WHEREAS, as they grew and expanded over the years, the organization underwent additional name changes to reflect its changing membership, including the Waukegan/North Chicago Chamber of Commerce in 1946 and the Waukegan/Lake County Chamber of Commerce in 1975, before adopting their current name during the mid-90’s; and

WHEREAS, today, the Lake County Chamber of Commerce has more than 400 members and is the parent association of three affiliate organizations: the Gurnee, Hispanic, and Waukegan Chambers of Commerce; and

WHEREAS, each affiliate organization helps the businesses within their area, while the Lake County Chamber of Commerce provides opportunities that benefit businesses throughout the county; and

WHEREAS, their educational programs and seminars, networking events such as the Lake County Power Breakfast and Business Luncheon series, and promotional resources such as newsletters and websites have helped countless businesses boost sales and succeed:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 1, 2005 as LAKE COUNTY CHAMBER OF COMMERCE DAY in Illinois in recognition of them as they celebrate 90 years of commitment and dedication to businesses in Lake County.

Issued by the Governor November 23, 2005.
Filed by the Secretary of State November 23, 2005.
WHEREAS, December 7, 1941 is one of the most memorable dates of the 20th century. On that day, Japanese bombers attacked unsuspecting American sailors and soldiers stationed at Pearl Harbor; and
WHEREAS, more than 2,000 Americans were killed, including 50 servicemen from Illinois, and another 1,000 were wounded during the bombardment, which outraged Americans like few other events in our nation’s history; and
WHEREAS, President Franklin Roosevelt and Congress promptly declared war against Japan and her allies, and our sailors and soldiers performed superbly on all fronts. Together, a Grand Coalition of French, English, Russian, and American servicemen conducted mass campaigns and operations in the Pacific, African, and European theaters; and
WHEREAS, on May 7, 1945 Germany surrendered, which was swiftly followed by Japan’s surrender on August 14 of that same year; and
WHEREAS, during the war, more American sailors and soldiers were mobilized than at any other time in our history. By war’s end, more than 8 million Americans were serving in just the Army; and
WHEREAS, thanks to the Grand Coalition, our servicemen, and all those at home who contributed to the war effort, the world was made safer for liberty and freedom, the right of all peoples everywhere, which the aggressions of Germany and Japan endangered; and
WHEREAS, this year marks the 60th anniversary of the end of the Second World War. Although we can never repay all those who faithfully and honorably served during the war, we will always remember what they did and fought for:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2005 as PEARL HARBOR REMEMBRANCE DAY in Illinois in memory of all the heroes who died from the attack, and in tribute to all the men and women whose sacrifices made the world safer for liberty and freedom.

Issued by the Governor November 28, 2005.
Filed by the Secretary of State November 28, 2005.

2005-386
WORLD AIDS DAY

WHEREAS, HIV infections and AIDS are major problems that have reached epidemic proportions. In just our state, there have been nearly 31,000 AIDS cases, and more than 54 percent of those with AIDS have died as a
consequence of the disease; and

WHEREAS, AIDS, acquired immune deficiency syndrome, is a condition caused by a virus called HIV, which attacks the immune system. Today, the World Health Organization estimates that 40 million men, women, and children have HIV and AIDS worldwide; and

WHEREAS, every year, the World Health Organization designates December 1 as World AIDS Day in an effort to promote HIV and AIDS education and prevention; and

WHEREAS, this year, the theme of World AIDS Day, “Stop AIDS. Keep the Promise,” urges individuals to hold government leaders and policymakers accountable for their pledges and promises of funding for HIV and AIDS education and prevention; and

WHEREAS, World AIDS Day is commemorated by a number of events throughout our state, including the dimming of lights atop the Illinois State Capitol dome in Springfield and at the James R. Thompson Center in Chicago during evening hours to coincide with the dimming of lights at the White House in tribute to those afflicted with HIV and AIDS:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 1, 2005 as WORLD AIDS DAY in Illinois to raise awareness about this devastating disease that affects the lives of so many men, women, and children in our state and around the world.

Issued by the Governor November 29, 2005.
Filed by the Secretary of State November 29, 2005.

2005-387
THE CHICAGO FARMERS DAY

WHEREAS, this year is the 70th anniversary of The Chicago Farmers, an agricultural and agribusiness organization established in 1935 for the purpose of advancing production agriculture and agribusiness; and

WHEREAS, today, there are more than 200 members of The Chicago Farmers, which sponsors a variety of programs, meetings, and seminars throughout the year for the benefit of their eclectic membership; and

WHEREAS, some members are employed in the industry as farmland owners, commodity traders, agribusiness leaders, and farm management professionals. Other members just share their interest for agribusiness and the promotion of agriculture; and

WHEREAS, through a series of regularly scheduled events, members and guests have the opportunity to exchange ideas. Topics for discussion range from economic and policy issues, commodity trading and prices, land values, environmental and agricultural interaction technology, and tax issues; and
WHEREAS, The Chicago Farmers also maintain a working relationship with nearby land-grant colleges that offer full-day education on-site field trips. Members are invited to participate in visits to foreign agricultural centers as well; and
WHEREAS, these and other resources, including a quarterly publication, have helped Chicago farmers remain competitive over the years, and The Chicago Farmers will celebrate their years of service on December 12:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 12, 2005 as THE CHICAGO FARMERS DAY in Illinois in recognition of them on their 70th anniversary.

Issued by the Governor November 30, 2005.
Filed by the Secretary of State November 30, 2005.

2005-388
NATIONAL SOBRIETY DAY

WHEREAS, alcohol abuse is a grave problem that can destroy individual lives, rip families apart, and strain local communities; and
WHEREAS, alcohol abuse also causes staggering economic costs. Billions of dollars are spent for property damage and healthcare every year as a direct result of alcohol abuse; and
WHEREAS, today, the terrible consequences of alcohol abuse are widely acknowledged, and the government and private sector are actively engaged in efforts to combat both the causes and symptoms of the problem; and
WHEREAS, the focus on the negative consequences of alcohol abuse, however, reflects only one side of the issue. Equally important is the positive side; and
WHEREAS, sobriety allows us to be fully active and engaged in life. By choosing sobriety, we can fully enjoy all activities and events; and
WHEREAS, National Sobriety Day, commemorated in December each year, is about celebrating that side of the issue. This year, thousands of adults all around the state will celebrate National Sobriety Day on December 11:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 11, 2005 as NATIONAL SOBRIETY DAY in Illinois to raise awareness about alcohol abuse, and to promote the benefits of sobriety.

Issued by the Governor December 02, 2005.
Filed by the Secretary of State December 02, 2005.
2005-389
KEVIN OLCHAWA DAY

WHEREAS, on Saturday, December 10, the Kevin Olchawa Benefit will be held at The Apartment at 2251 North Lincoln Avenue in Chicago; and
WHEREAS, without warning, Kevin was diagnosed with an aggressive form of colorectal cancer in May of 2003. The acceptance of this cancer changed his life forever; and
WHEREAS, suddenly, Kevin faced a battle he did not choose, and surrendering was out of the question for him. Consequently, Kevin had surgery in October of 2003 to remove the cancerous tumors; and
WHEREAS, unfortunately, after surgeons removed every trace of the tumors, the cancer spread over time to his chest and abdomen walls; and
WHEREAS, although Kevin’s fight for survival has been difficult, he continues to approach every day with a strong spirit; and
WHEREAS, today, Kevin’s unremitting illness is controlled through weekly chemotherapy treatment and other colorectal cancer medications that he may have to rely on for the rest of his life; and
WHEREAS, as a cancer patient, Kevin appreciates the time he has with his family, including his 6 month-old baby boy, Gavin, who provides him with unconditional love; and
WHEREAS, Kevin also lives with purpose, laughs harder, and teaches his friends and family about what is most important; and
WHEREAS, the Kevin Olchawa Benefit will help cover mounting medical costs, as well as honor a man whose determination to live and overcome odds is truly inspirational:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 10, 2005 as KEVIN OLCHAWA DAY in Illinois in recognition of him for his courage and compassion for others.

Issued by the Governor December 06, 2005.
Filed by the Secretary of State December 06, 2005.

2005-390
CHICAGO MUSIC AWARDS DAY

WHEREAS, the Chicago Music Awards is an annual event that exhibits and recognizes Illinois entertainers in various music genres, including blues, country western, dance classical, gospel, jazz, Latin, opera, polka, pop, rhythm and blues, reggae, and rock; and
WHEREAS, the Chicago Music Awards was founded in 1981 to honor reggae and other world-beat music artists. Today, the awards
ceremony honors artists of all music genres performed in Illinois; and

WHEREAS, in addition to exhibiting and recognizing the best entertainers in our state, the Chicago Music Awards also encourages and promotes high standards of conduct, performance, and professionalism; and

WHEREAS, this year, Martin’s Inter-Culture will present the 25th Annual Chicago Music Awards in association with several sponsors at the Museum of Science and Industry in Chicago on December 10:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 10, 2005 as CHICAGO MUSIC AWARDS DAY in Illinois, and recognize the commitment and dedication of Martin’s Inter-Culture to supporting Illinois artists and entertainers.

Issued by the Governor December 06, 2005.
Filed by the Secretary of State December 06, 2005.

2005-391
WOMEN BUSINESS OWNERS DAY

WHEREAS, the National Association of Women Business Owners (NAWBO) is the voice of America's 10.6 million women-owned businesses. Since 1975, NAWBO has helped women evolve their businesses by sharing resources and providing a single voice to shape economic and public policy; and

WHEREAS, NAWBO started as an informal meeting of women business owners in the Washington, D.C. area who met to trade information about federal contracts, bank credit, and other business issues; and

WHEREAS, every few weeks, more women began attending the group and it became clear that there was a great need for a formal organization devoted to helping women business owners, so NAWBO was created; and

WHEREAS, today, the organization has more than 8,000 members and chapters throughout the country, including three in Illinois. On February 8, 2006, all three Illinois chapters will meet in Springfield in honor of the Springfield Chapter’s 20th anniversary to address with state representatives issues important to women business owners; and

WHEREAS, “Step Up To The Plate” is the theme of the event, which will be the first time all three Illinois chapters gather to discuss economic and public policy issues at the state level:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 8, 2006 as WOMEN BUSINESS OWNERS DAY in Illinois in commemoration of the National Association of Women Business Owners for their commitment and dedication to helping thousands of women who are actively making a difference in business, and
in recognition of their Springfield Chapter as they celebrate 20 years of service to local women business owners.

Issued by the Governor December 09, 2005.
Filed by the Secretary of State December 09, 2005.

2005-392
MEDICALERT FOUNDATION INTERNATIONAL DAY

WHEREAS, access to medical records and history can mean the difference between life and death during a medical emergency. Fortunately, wonderful organizations such as MedicAlert Foundation International help provide this critical information to medical personnel; and
WHEREAS, MedicAlert was founded as a non-profit organization by a physician in 1956 for the purpose of saving lives. Today, MedicAlert serves more than 4 million people worldwide, including more than 112,000 in Illinois; and
WHEREAS, to date, an estimated 80,000 lives have been saved in just the United States thanks to MedicAlert. Through the use of their identification bracelets and computerized medical files that provide critical medical information between patients, providers, payers, and first responders 24-hours a day anywhere in the world, countless others have been saved as well; and
WHEREAS, in addition to the protection MedicAlert affords, they also enable members to manage their personal health records while maintaining security, privacy, and confidentiality. Members direct management of their health records helps prevent misdiagnosis and mistreatment due to unknown medical conditions; and
WHEREAS, MedicAlert Foundation International is clearly an invaluable service to their members and the medical community:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 26, 2006 as MEDICALERT FOUNDATION INTERNATIONAL DAY in Illinois in recognition of them as they celebrate 50 years of commitment and dedication to saving lives.

Issued by the Governor December 13, 2005.
Filed by the Secretary of State December 13, 2005.

2005-388 (REVISED)
NATIONAL SOBRIETY DAY

WHEREAS, alcohol abuse is a grave problem that destroys individual lives, rips families apart, and strains local communities; and
WHEREAS, alcohol abuse also causes staggering economic costs.
Billions of dollars are spent for property damage and healthcare every year as a direct result of alcohol abuse; and

WHEREAS, today, the terrible consequences of alcohol abuse are widely acknowledged, and the government and private sector are actively engaged in efforts to combat both the causes and symptoms of the problem; and

WHEREAS, the focus on the negative consequences of alcohol abuse, however, reflects only one side of the issue. Equally important is the positive side; and

WHEREAS, sobriety allows us to be fully active and engaged in life. By choosing sobriety, we can fully enjoy all activities and events; and

WHEREAS, National Sobriety Day, commemorated in December each year, is about celebrating that side of the issue. This year, thousands of adults all around the state will celebrate National Sobriety Day on December 11:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 11, 2005 as NATIONAL SOBRIETY DAY in Illinois to raise awareness about alcohol abuse, and to promote the benefits of sobriety.

Issued by the Governor December 02, 2005.
Filed by the Secretary of State December 15, 2005.

2005-393
MINNIE TIPPET MARTIN DAY

WHEREAS, at 109, Minnie Tippett Martin is one of the oldest living citizens in our state; and

WHEREAS, one of three children, Minnie was born in October of 1896 to sharecroppers in Brooksville, Mississippi. She had one brother and one sister who have both passed on; and

WHEREAS, Minnie had three children of her own. At an early age, she moved to Washington, D.C. where she met her husband, William Martin; and

WHEREAS, together, Mr. and Mrs. Martin moved to St. Louis and eventually settled across the Mississippi River in East St. Louis; and

WHEREAS, Minnie retired 30 years ago after working as a housekeeper and nanny for a family in Ladue, Missouri for 48 years. Today, Minnie lives in a nursing home, and one of the children she cared for calls monthly to check on her; and

WHEREAS, Minnie’s family is continually growing and now includes one grandchild, three great-grandchildren, and two great, great-grandchildren with one more on the way, due on or around December 23:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 23, 2005 as MINNIE TIPPETT MARTIN DAY in Illinois to recognize Minnie’s amazing milestone as she awaits another addition to her family.

Issued by the Governor December 15, 2005.
Filed by the Secretary of State December 15, 2005.

2005-394
LA RAZA DAY

WHEREAS, this year marks the 35th anniversary of La Raza. Alfredo Torres de Jesus founded La Raza in 1970 with the intent of publishing a newspaper that would reflect the achievements and concerns of the Hispanic community in Chicago; and

WHEREAS, La Raza first hit the streets on March 10, 1970 with a modest circulation of 5,000. Today, La Raza has a circulation of more than 186,000 and is the most read Spanish-language newspaper in Chicago; and

WHEREAS, the credit for La Raza’s success belongs to a number of men and women. Among them are Cesar Dovalina, Walter Briceno, Luis Rossi, and Robert Armband, whom have spearheaded the newspaper to an ever growing success and relevance; and

WHEREAS, all the journalists and editors of La Raza have made significant contributions as well. Humberto Perales Leven, Fernando Prieto, Julio Cesar Montoya, Inocencio Reyes, and Alicia Santelices are just some of the names of journalists and editors whose contributions have graced the newspaper over the years; and

WHEREAS, thanks to the entire team of the newspaper, La Raza has been recognized by the National Association of Hispanic Publications as the “Best Spanish Language Weekly” five times over the past decade. Furthermore, Editor & Publisher recently named La Raza as one of “Ten That Do It Right”; and

WHEREAS, this year, the staff at La Raza will celebrate the holiday season with a company party on December 20:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 20, 2005 as LA RAZA DAY in Illinois in recognition of the newspaper for 35 years of commitment and dedication to the Hispanic community.

Issued by the Governor December 15, 2005.
Filed by the Secretary of State December 15, 2005.
NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH

WHEREAS, driving under the influence of mind-altering drugs is a grave problem that destroys individual lives, rips families apart, and strains local communities; and

WHEREAS, last year, more than 16,500 Americans were killed in alcohol-related automobile accidents, including more than 600 men, women, and children in Illinois; and

WHEREAS, alcohol-related automobile accidents accounted for nearly 40 percent of all traffic-related deaths in the United States during 2004. Furthermore, drugs other than alcohol are involved in about 18 percent of automobile driver deaths; and

WHEREAS, driving under the influence of alcohol and drugs also causes staggering economic costs. Billions of dollars are spent for property damage and healthcare every year as a direct result of alcohol- and drug-related automobile accidents; and

WHEREAS, today, the terrible consequences of driving under the influence of mind-altering drugs is widely acknowledged, and the government and private sector are actively engaged in campaigns to address the problem; and

WHEREAS, the December holiday season is traditionally one of the most deadly times of the year for alcohol-impaired driving. Consequently, communities and organizations all across our state and throughout the country will promote responsible driving throughout the month:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 2005 as NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH in Illinois, and urge all citizens to drive responsibly so that no one else becomes a victim of drunk or drugged driving.

Issued by the Governor December 16, 2005.
Filed by the Secretary of State December 16, 2005.

CERVICAL CANCER AWARENESS MONTH

WHEREAS, every year, approximately 10,500 women in the United States are diagnosed with cervical cancer, and there are approximately 3,500 deaths from the disease; and

WHEREAS, in 2006, an estimated 630 women will be diagnosed with cervical cancer in just the State of Illinois, and it is estimated that 220
Illinois women will die from the disease; and

WHEREAS, a sexually transmitted virus causes most cases of cervical cancer, which begins in the cervix, the part of the uterus or womb that opens to the vagina; and

WHEREAS, before doctors started using the Pap test in the 1950s, cervical cancer was the leading cause of death from cancer in women. Today, 70 percent of women diagnosed with cervical cancer who take the Pap test survive the disease; and

WHEREAS, recent advances in screening and work on a vaccine will also help prevent cervical cancer death. Until then, however, it is important to get regular Pap tests because cervical cancer often has no signs or symptoms; and

WHEREAS, throughout January, organizations all across the country will promote education about cervical cancer screenings, treatment, and causes:

THEREFORE I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2006 as CERVICAL CANCER AWARENESS MONTH in Illinois to raise awareness about cervical cancer, and to encourage all women to get tested regularly before they fall victim to the disease.

Issued by the Governor December 16, 2005.
Filed by the Secretary of State December 16, 2005.

2005-397
TOM PETERSON DAY

WHEREAS, the name Tom Peterson is synonymous with WGN, and those that have been fortunate enough to listen to WGN Radio over the past 20+ years know Tom to be one of the best voices, and one of the finest newsmen in Chicago; and

WHEREAS, Tom has worked in broadcasting for more than 45 years. Early in his career, he worked as a disc jockey, a news anchor, and as news director at a Minnesota radio station; and

WHEREAS, after his stint in Minnesota, Tom left radio for TV, but only for a ten year period, working as an anchor and news director at a television station in Iowa. He joined the WGN team in October of 1982; and

WHEREAS, Tom has been with WGN ever since, building an unshakable reputation for being a credible news reporter and an engaging on-air personality. Looking back over his career, his tenure at WGN has been remarkable, serving as a reporter, program host, anchor, and news director; and
WHEREAS, Tom has worked every WGN news shift with literally hundreds of talk show hosts. Today, he is very well-respected within his profession and by people all throughout Chicagoland and across the country; and

WHEREAS, this year, Tom Peterson is retiring from WGN. He will undoubtedly be greatly missed by peers and colleagues, as well as friends and fans, but we are all very proud of him as he prepares to open up a new chapter in his life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 30, 2005 as TOM PETERSON DAY in Illinois in recognition of Tom’s commitment and dedication to broadcasting and reporting the news with accuracy and integrity, which has made him a greatly admired member of the WGN family and the Chicago community.

Issued by the Governor December 20, 2005.
Filed by the Secretary of State December 20, 2005.

2005-398

CRIME STOPPERS OF LAKE COUNTY MONTH

WHEREAS, Crime Stoppers of Lake County is an excellent program that encourages collaboration and cooperation between concerned citizens, law enforcement agencies, media organizations, and the general public to prevent crime and protect the community; and

WHEREAS, Crime Stoppers does that by offering cash rewards to anyone who provides information that leads to the arrest of felony crime offenders or the capture of felony fugitives. Informants always remain anonymous, and cash rewards are funded primarily by private contributions; and

WHEREAS, thanks to Crime Stoppers, there have been more than 4,600 criminal arrests throughout Lake County, Northern Illinois, and Wisconsin since the program’s inception in 1983. Altogether, more than $17 million worth of contraband and stolen property has been seized; and

WHEREAS, the success of Crime Stoppers would not be possible without the support of everyone in the community. Consequently, Crime Stoppers also promotes the importance of reporting suspicious behavior and criminal activity; and

WHEREAS, to support their wonderful mission, Crime Stoppers of Lake County will raise money and sponsor events designed to raise awareness during the month of January:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2006 as CRIME STOPPERS OF
LAKE COUNTY MONTH in Illinois in recognition of their terrific program, and encourage all citizens to help keep their communities safe and free of crime.

Issued by the Governor December 21, 2005
Filed by the Secretary of State December 21, 2005

2005-397 (REVISED)
TOM PETERSEN DAY

WHEREAS, the name Tom Petersen is synonymous with WGN, and those that have been fortunate enough to listen to WGN Radio over the past 20+ years know Tom to be one of the best voices, and one of the finest newsmen in Chicago; and

WHEREAS, Tom has worked in broadcasting for more than 45 years. Early in his career, he worked as a disc jockey, a news anchor, and as news director at a Minnesota radio station; and

WHEREAS, after his stint in Minnesota, Tom left radio for TV, but only for a ten year period, working as an anchor and news director at a television station in Iowa. He joined the WGN team in October of 1982; and

WHEREAS, Tom has been with WGN ever since, building an unshakable reputation for being a credible news reporter and an engaging on-air personality. Looking back over his career, his tenure at WGN has been remarkable, serving as a reporter, program host, anchor, and news director; and

WHEREAS, Tom has worked every WGN news shift with literally hundreds of talk show hosts. Today, he is very well-respected within his profession and by people all throughout Chicagoland and across the country; and

WHEREAS, this year, Tom Petersen is retiring from WGN. He will undoubtedly be greatly missed by peers and colleagues, as well as friends and fans, but we are all very proud of him as he prepares to open up a new chapter in his life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 30, 2005 as TOM PETERSEN DAY in Illinois in recognition of Tom’s commitment and dedication to broadcasting and reporting the news with accuracy and integrity, which has made him a greatly admired member of the WGN family and the Chicago community.

Issued by the Governor December 20, 2005.
Filed by the Secretary of State December 22, 2005.
WHEREAS, radon is a colorless, odorless, tasteless, radioactive gas that is released from the decay of uranium in soil and can seep into homes and buildings up to dangerous levels; and

WHEREAS, just this year, the United States Surgeon General issued a national health advisory warning Americans that indoor radon is the second-leading cause of lung cancer in the country. According to the United States Environmental Protection Agency, more than 21,000 lung cancer deaths every year are related to radon; and

WHEREAS, in just the State of Illinois, as many as 900 men and women are at risk of developing lung cancer every year. The health risks, however, are completely preventable; and

WHEREAS, radon can be detected with a simple test and fixed through well-established venting techniques. Since 2002, more than 50,000 measurements have been taken in our state, and homes that exceed the Environmental Protection Agency’s Radon Action Level of 4.0 pCi/L have been corrected; and

WHEREAS, it is also important that homes are tested for radon every two years. Consequently, the Illinois Emergency Management Agency and the American Lung Association of Illinois are partnering to provide radon information and guidance to families in our state about testing their homes regularly to find out how much radon they might be breathing; and

WHEREAS, in addition to the Emergency Management Agency and the American Lung Association, many organizations throughout the country will raise awareness about the health risks posed by radon during the month of January:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2006 as RADON ACTION MONTH in Illinois, and urge all the citizens of our state to test their homes for radon and reduce their risk of developing lung cancer by taking corrective actions when necessary.

Issued by the Governor December 22, 2005.

Filed by the Secretary of State December 22, 2005.
## Compiled Statutes Amended

<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>+ 5 ILCS 70/1.36</td>
<td>HB0984</td>
<td>0559</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 80/4.16</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 80/4.16</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 80/4.16</td>
<td>HB3158</td>
<td>0708</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 80/4.16</td>
<td>HB1177</td>
<td>0414</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 80/4.16</td>
<td>SB0139</td>
<td>0523</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 80/4.16</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 80/4.16</td>
<td>HB0298</td>
<td>0246</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 80/4.16</td>
<td>HB0561</td>
<td>0254</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 80/4.16</td>
<td>SB0450</td>
<td>0527</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 80/4.26</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 80/4.26</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 80/4.26</td>
<td>HB3158</td>
<td>0708</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 80/4.26</td>
<td>HB1177</td>
<td>0414</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 80/4.26</td>
<td>SB0139</td>
<td>0523</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 80/4.26</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 80/4.26</td>
<td>HB0298</td>
<td>0246</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 80/4.26</td>
<td>HB0561</td>
<td>0254</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 80/4.26</td>
<td>SB0450</td>
<td>0527</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 100/5-45</td>
<td>HB1197</td>
<td>0048</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 100/10-65</td>
<td>SB0123</td>
<td>0040</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 120/2.02</td>
<td>SB0226</td>
<td>0028</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 120/2.06</td>
<td>SB0226</td>
<td>0028</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 120/2.06</td>
<td>SB1857</td>
<td>0542</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 140/7</td>
<td>SB0052</td>
<td>0508</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 140/7</td>
<td>SB2082</td>
<td>0664</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 140/7</td>
<td>HB4050</td>
<td>0280</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 220/3.6</td>
<td>HB1395</td>
<td>0144</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 220/6</td>
<td>HB0911</td>
<td>0685</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 230/</td>
<td>SB1623</td>
<td>0389</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 230/1</td>
<td>SB1623</td>
<td>0389</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 230/5</td>
<td>SB1623</td>
<td>0389</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 230/10</td>
<td>SB1623</td>
<td>0389</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 230/15</td>
<td>SB1623</td>
<td>0389</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 308/</td>
<td>HB1589</td>
<td>0620</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 308/1</td>
<td>HB1589</td>
<td>0620</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 308/5</td>
<td>HB1589</td>
<td>0620</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 308/10</td>
<td>HB1589</td>
<td>0620</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 308/15</td>
<td>HB1589</td>
<td>0620</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 308/99</td>
<td>HB1589</td>
<td>0620</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 315/2.5</td>
<td>HB2260</td>
<td>0098</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 315/3</td>
<td>HB2260</td>
<td>0098</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>5 ILCS 315/3</td>
<td>SB0143</td>
<td>0320</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 315/4</td>
<td>HB2260</td>
<td>0098</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 315/6</td>
<td>SB0274</td>
<td>0472</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 315/7</td>
<td>SB0143</td>
<td>0320</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 315/20</td>
<td>HB1313</td>
<td>0067</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 327/20</td>
<td>HB0324</td>
<td>0033</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 340/3</td>
<td>SB0780</td>
<td>0537</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 365/4</td>
<td>SB1750</td>
<td>0541</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 375/3</td>
<td>HB0116</td>
<td>0032</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 375/3</td>
<td>HB0731</td>
<td>0082</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 375/7</td>
<td>HB0521</td>
<td>0095</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 375/8</td>
<td>HB0521</td>
<td>0095</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 375/8</td>
<td>SB1442</td>
<td>0109</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 410/20</td>
<td>SB2043</td>
<td>0597</td>
</tr>
<tr>
<td>5</td>
<td>5 ILCS 420/4A-106</td>
<td>HB2455</td>
<td>0603</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 460/85</td>
<td>HB0847</td>
<td>0257</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 460/90</td>
<td>HB0847</td>
<td>0257</td>
</tr>
<tr>
<td>5</td>
<td>+ 5 ILCS 490/83</td>
<td>HB0020</td>
<td>0443</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/1-8</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/1A-16</td>
<td>HB0715</td>
<td>0492</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/1A-16</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/1A-17</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/1A-18</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/1A-25</td>
<td>HB1971</td>
<td>0136</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/1A-25</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/1A-30</td>
<td>HB0715</td>
<td>0492</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/3-5</td>
<td>HB0114</td>
<td>0637</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/4-6.2</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/4-8</td>
<td>HB1971</td>
<td>0136</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/4-16</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/4-105</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/5-7</td>
<td>HB1971</td>
<td>0136</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/5-16.2</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/5-23</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/5-105</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/6-9</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/6-11</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/6-35</td>
<td>HB1971</td>
<td>0136</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/6-50.2</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/6-54</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/6-74</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/6-105</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-7</td>
<td>HB1968</td>
<td>0645</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>10 ILCS 5/7-8</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-10</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-15</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-34</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-56</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-56</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-58</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-59</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-60</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-60.1</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-61</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-63</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/7-100</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/8-8</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/9-1.4</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/9-1.14</td>
<td>HB2564</td>
<td>0461</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/9-1.14</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/9-3</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/9-7.5</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/9-9.5</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/9-10</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/10-9</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/12-1</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/Art. 12A</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/12A-2</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/12A-5</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/12A-10</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/12A-15</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/12A-35</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/12A-40</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/12A-45</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/12A-50</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/12A-55</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/13-2.5</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/14-4.5</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/17-8</td>
<td>HB1125</td>
<td>0288</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/17-9</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/17-11</td>
<td>HB1125</td>
<td>0288</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/17-14</td>
<td>HB1315</td>
<td>0025</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/17-15</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/17-23</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/17-100</td>
<td>HB1968</td>
<td>0645</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>10 ILCS 5/18-5</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/18-100</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/18A-5</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/18A-15</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/19-1</td>
<td>HB0114</td>
<td>0637</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/19-2</td>
<td>HB0114</td>
<td>0637</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/19-2.1</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/19-4</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/19-5</td>
<td>HB0114</td>
<td>0637</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/19-8</td>
<td>HB0115</td>
<td>0557</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/19-10</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/19-13</td>
<td>HB0203</td>
<td>0018</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/Art. 19A</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-5</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-10</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-15</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-20</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-25</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-25.5</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-30</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-35</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-40</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-45</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-50</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-55</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-60</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-65</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-70</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/19A-75</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/20-4</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/20-8</td>
<td>HB0115</td>
<td>0557</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-1</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-1</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>- 10 ILCS 5/22-1.2</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-5</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-7</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-8</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-8</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-9</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-9</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-9.1</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-12</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>- 10 ILCS 5/22-14</td>
<td>HB2417</td>
<td>0647</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>10 ILCS 5/22-15</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-15</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-15.1</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-17</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-17</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/22-18</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/23-15.1</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/23-23</td>
<td>HB2417</td>
<td>0647</td>
</tr>
<tr>
<td>10</td>
<td>+ 10 ILCS 5/23-50</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/24A-10</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/24A-10.1</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/24A-15.1</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/24A-22</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/24B-10</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/24B-10.1</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/24B-15.1</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/24C-2</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/24C-12</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/24C-13</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/24C-15</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/25-2</td>
<td>SB0465</td>
<td>0529</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/28-2</td>
<td>SB1637</td>
<td>0030</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/28-2</td>
<td>SB0599</td>
<td>0578</td>
</tr>
<tr>
<td>10</td>
<td>10 ILCS 5/28-5</td>
<td>SB0599</td>
<td>0578</td>
</tr>
<tr>
<td>15</td>
<td>15 ILCS 205/4</td>
<td>HB1321</td>
<td>0291</td>
</tr>
<tr>
<td>15</td>
<td>15 ILCS 205/6.5</td>
<td>HB1321</td>
<td>0291</td>
</tr>
<tr>
<td>15</td>
<td>15 ILCS 335/14</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>15</td>
<td>15 ILCS 335/14B</td>
<td>HB1088</td>
<td>0701</td>
</tr>
<tr>
<td>15</td>
<td>15 ILCS 505/18</td>
<td>HB3544</td>
<td>0513</td>
</tr>
<tr>
<td>15</td>
<td>15 ILCS 520/22.5</td>
<td>SB0023</td>
<td>0079</td>
</tr>
<tr>
<td>15</td>
<td>+ 15 ILCS 520/22.6</td>
<td>SB0023</td>
<td>0079</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 5/5-15</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 5/5-20</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 5/5-335</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 5/5-362</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 105/4.02</td>
<td>HB3851</td>
<td>0269</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 105/4.02</td>
<td>HB2461</td>
<td>0336</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 105/4.02</td>
<td>HB1197</td>
<td>0048</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 105/4.02e</td>
<td>HB2527</td>
<td>0421</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 205/205-450</td>
<td>HB3526</td>
<td>0553</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 215/5.5</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 235/2</td>
<td>HB1575</td>
<td>0216</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 235/1</td>
<td>HB1575</td>
<td>0216</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>+ 20 ILCS 235/5</td>
<td>HB1575</td>
<td>0216</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 235/10</td>
<td>HB1575</td>
<td>0216</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 235/15</td>
<td>HB1575</td>
<td>0216</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 235/20</td>
<td>HB1575</td>
<td>0216</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 235/25</td>
<td>HB1575</td>
<td>0216</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 235/30</td>
<td>HB1575</td>
<td>0216</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 235/95</td>
<td>HB1575</td>
<td>0216</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 235/99</td>
<td>HB1575</td>
<td>0216</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 301/5-10</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 301/40-5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 301/50-35</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 310/310-5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 405/405-5</td>
<td>HB1656</td>
<td>0295</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 405/405-20</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 405/405-120</td>
<td>SB2043</td>
<td>0597</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 405/405-125</td>
<td>SB2043</td>
<td>0597</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 405/405-270</td>
<td>HB1656</td>
<td>0295</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 405/405-270</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 405/405-272</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 405/405-292</td>
<td>HB3770</td>
<td>0139</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 405/405-293</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 405/405-315</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 505/5</td>
<td>HB1548</td>
<td>0215</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 505/5.25</td>
<td>HB0759</td>
<td>0034</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 505/6.5</td>
<td>HB3531</td>
<td>0554</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 505/17a-11</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 505/22.2</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 605/605-55</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 605/605-75</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 605/605-215</td>
<td>SB1354</td>
<td>0674</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 605/605-323</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 605/605-332</td>
<td>SB1814</td>
<td>0065</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 605/605-417</td>
<td>HB1569</td>
<td>0097</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 605/605-600</td>
<td>HB0211</td>
<td>0077</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 605/605-607</td>
<td>HB1529</td>
<td>0437</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 605/605-685</td>
<td>HB0361</td>
<td>0598</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 605/605-707</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 605/605-425</td>
<td>SB1699</td>
<td>0279</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 655/5.5</td>
<td>SB1814</td>
<td>0065</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 665/8a</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 700/1004</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>- 20 ILCS 700/4005</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 801/1-17</td>
<td>SB0123</td>
<td>0040</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>20 ILCS 805/805-305</td>
<td>HB2550</td>
<td>0313</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 1105/9</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 1205/4</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 1205/6</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1305/10-8</td>
<td>HB0018</td>
<td>0442</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1305/10-8</td>
<td>HB1581</td>
<td>0107</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1325/</td>
<td>SB0328</td>
<td>0035</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1325/1</td>
<td>SB0328</td>
<td>0035</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1325/5</td>
<td>SB0328</td>
<td>0035</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1325/10</td>
<td>SB0328</td>
<td>0035</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1325/15</td>
<td>SB0328</td>
<td>0035</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1325/80</td>
<td>SB0328</td>
<td>0035</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1325/90</td>
<td>SB0328</td>
<td>0035</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1325/99</td>
<td>SB0328</td>
<td>0035</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 1605/2</td>
<td>SB0001</td>
<td>0120</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 1605/2</td>
<td>HB3472</td>
<td>0585</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 1605/20</td>
<td>SB0001</td>
<td>0120</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 1605/20</td>
<td>HB3472</td>
<td>0585</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1605/21.5</td>
<td>SB0001</td>
<td>0120</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1605/21.6</td>
<td>HB3472</td>
<td>0585</td>
</tr>
<tr>
<td>20</td>
<td>- 20 ILCS 1705/18.1</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 1705/18.4</td>
<td>SB0662</td>
<td>0058</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1705/72</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1805/13.5</td>
<td>SB1776</td>
<td>0581</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 1805/22-10</td>
<td>HB0593</td>
<td>0162</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 1805/28.6</td>
<td>HB0415</td>
<td>0251</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 1805/28.6</td>
<td>HB0518</td>
<td>0359</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 1805/28.9</td>
<td>HB0518</td>
<td>0359</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2105/2105-5</td>
<td>HB0900</td>
<td>0452</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2105/2105-15</td>
<td>HB0900</td>
<td>0452</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2105/2105-15</td>
<td>HB2577</td>
<td>0462</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2105/2105-75</td>
<td>SB1876</td>
<td>0543</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2105/2105-300</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2215/4-2</td>
<td>HB2343</td>
<td>0027</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2305/7.5</td>
<td>HB2480</td>
<td>0372</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2310/2310-33</td>
<td>HB2344</td>
<td>0501</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2310/2310-145</td>
<td>HB3819</td>
<td>0308</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2310/2310-252</td>
<td>HB0523</td>
<td>0641</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2310/2310-280</td>
<td>SB2091</td>
<td>0545</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2310/2310-321</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2310/2310-339</td>
<td>SB1461</td>
<td>0081</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2310/2310-347</td>
<td>SB0001</td>
<td>0120</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2310/2310-350</td>
<td>HB3564</td>
<td>0119</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
### Compiled Statutes Amended

<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>+ 20 ILCS 2310/2310-359</td>
<td>SB0061</td>
<td>0649</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2310/2310-376</td>
<td>HB0595</td>
<td>0406</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2310/2310-399</td>
<td>SB0133</td>
<td>0142</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2310/2310-403</td>
<td>HB2470</td>
<td>0141</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2310/2310-612</td>
<td>HB0395</td>
<td>0602</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2313/</td>
<td>HB4067</td>
<td>0467</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2313/1</td>
<td>HB4067</td>
<td>0467</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2313/5</td>
<td>HB4067</td>
<td>0467</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2313/10</td>
<td>HB4067</td>
<td>0467</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2405/3</td>
<td>HB0438</td>
<td>0252</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2405/5</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2435/45</td>
<td>HB1511</td>
<td>0418</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2505/2505-680</td>
<td>SB1799</td>
<td>0041</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2505/2505-745</td>
<td>SB1935</td>
<td>0633</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2605/2605-5</td>
<td>HB2241</td>
<td>0145</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2605/2605-211</td>
<td>HB3532</td>
<td>0555</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2605/2605-212</td>
<td>HB3531</td>
<td>0554</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2605/2605-327</td>
<td>HB3801</td>
<td>0709</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2605/2605-375</td>
<td>HB2241</td>
<td>0145</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2605/2605-555</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2605/2605-575</td>
<td>HB0181</td>
<td>0481</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2610/12.5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2610/14</td>
<td>HB2242</td>
<td>0217</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2620/7</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2620/8</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2630/2.1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2630/3</td>
<td>HB2580</td>
<td>0480</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2630/5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2635/3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2635/8</td>
<td>HB1151</td>
<td>0365</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2705/2705-200</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2705/2705-275</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2705/2705-305</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2705/2705-317</td>
<td>HB0744</td>
<td>0493</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2805/2</td>
<td>SB0040</td>
<td>0167</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2805/2.01</td>
<td>HB4058</td>
<td>0588</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2805/2.07</td>
<td>HB1716</td>
<td>0703</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2805/4.5</td>
<td>HB0497</td>
<td>0446</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 2805/7</td>
<td>HB0756</td>
<td>0448</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2905/1</td>
<td>HB0748</td>
<td>0178</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2905/2</td>
<td>HB0748</td>
<td>0178</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 2905/2.5</td>
<td>HB0610</td>
<td>0175</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 3105/10.04</td>
<td>SB0250</td>
<td>0573</td>
</tr>
</tbody>
</table>

(+ indicates new ILCS entry.  - indicates repealed ILCS entry.)
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>20 ILCS 3305/4</td>
<td>HB2250</td>
<td>0334</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 3305/5</td>
<td>HB2250</td>
<td>0334</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3405/22</td>
<td>HB0383</td>
<td>0285</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 3501/801-40</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 3501/805-15</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>- 20 ILCS 3501/825-15</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3501/825-80</td>
<td>HB3757</td>
<td>0221</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 3901/15</td>
<td>SB2087</td>
<td>0682</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3901/17</td>
<td>SB2087</td>
<td>0682</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 3901/20</td>
<td>SB2087</td>
<td>0682</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 3918/50</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>- 20 ILCS 3921/25</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3927/25</td>
<td>SB1438</td>
<td>0008</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 3933/5</td>
<td>HB0210</td>
<td>0124</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3934/</td>
<td>HB2345</td>
<td>0646</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3934/1</td>
<td>HB2345</td>
<td>0646</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3934/5</td>
<td>HB2345</td>
<td>0646</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3934/10</td>
<td>HB2345</td>
<td>0646</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3934/15</td>
<td>HB2345</td>
<td>0646</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3934/99</td>
<td>HB2345</td>
<td>0646</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/1</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/5</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/10</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/15</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/20</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/25</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/30</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/35</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/40</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/45</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/50</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/55</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/60</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/90</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/97</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3948/99</td>
<td>HB4053</td>
<td>0388</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 3956/10</td>
<td>SB0350</td>
<td>0427</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3956/10.5</td>
<td>SB0350</td>
<td>0427</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 3960/3</td>
<td>SB1651</td>
<td>0342</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 3970/5</td>
<td>SB0768</td>
<td>0230</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3986/</td>
<td>HB0062</td>
<td>0244</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3986/1</td>
<td>HB0062</td>
<td>0244</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>+ 20 ILCS 3986/5</td>
<td>HB0062</td>
<td>0244</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3986/10</td>
<td>HB0062</td>
<td>0244</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3986/15</td>
<td>HB0062</td>
<td>0244</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3986/20</td>
<td>HB0062</td>
<td>0244</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3986/25</td>
<td>HB0062</td>
<td>0244</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 3986/99</td>
<td>HB0062</td>
<td>0244</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 4026/19</td>
<td>HB2612</td>
<td>0706</td>
</tr>
<tr>
<td>20</td>
<td>20 ILCS 4040/10</td>
<td>HB0128</td>
<td>0611</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 4050/</td>
<td>HB2509</td>
<td>0648</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 4050/1</td>
<td>HB2509</td>
<td>0648</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 4050/5</td>
<td>HB2509</td>
<td>0648</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 4050/7</td>
<td>HB2509</td>
<td>0648</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 4050/10</td>
<td>HB2509</td>
<td>0648</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 4050/15</td>
<td>HB2509</td>
<td>0648</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 4050/20</td>
<td>HB2509</td>
<td>0648</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 4050/25</td>
<td>HB2509</td>
<td>0648</td>
</tr>
<tr>
<td>20</td>
<td>+ 20 ILCS 4050/90</td>
<td>HB2509</td>
<td>0648</td>
</tr>
<tr>
<td>25</td>
<td>25 ILCS 5/3.1</td>
<td>HB2487</td>
<td>0565</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 5/3-2</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.33</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.110</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.161</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.219</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.222</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.225</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.265</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.272</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.303</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.319</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.341</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/5.362</td>
<td>HB3564</td>
<td>0119</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.373</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.444</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.469</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.494</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.499</td>
<td>SB1932</td>
<td>0436</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.513</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.517</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/5.568</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/5.570</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/5.595</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/5.595</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.625</td>
<td>SB0133</td>
<td>0142</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB0395</td>
<td>0602</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB2509</td>
<td>0648</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB3472</td>
<td>0585</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>SB0001</td>
<td>0120</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>SB1815</td>
<td>0069</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>SB0635</td>
<td>0535</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>SB0061</td>
<td>0649</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB2470</td>
<td>0141</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB2593</td>
<td>0373</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB3504</td>
<td>0550</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>SB1932</td>
<td>0436</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB1581</td>
<td>0107</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB2408</td>
<td>0262</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB1575</td>
<td>0216</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>SB0010</td>
<td>0507</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB0018</td>
<td>0442</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>SB0328</td>
<td>0035</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.640</td>
<td>HB1391</td>
<td>0686</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.650</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/5.700</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/6z-14</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/6z-26</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/6z-27</td>
<td>HB3576</td>
<td>0505</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/6z-32</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/6z-40</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/6z-63</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/6z-64</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/6z-65</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/6z-65.5</td>
<td>SB1815</td>
<td>0069</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/6z-66</td>
<td>SB1815</td>
<td>0069</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/6z-67</td>
<td>SB1815</td>
<td>0069</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/6z-68</td>
<td>SB0635</td>
<td>0535</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8.3</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8.12</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8.27</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>- 30 ILCS 105/8.29</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8.33</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 105/8.44</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8c</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8f</td>
<td>SB0661</td>
<td>0091</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>30 ILCS 105/8g</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8g</td>
<td>SB0662</td>
<td>0058</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8h</td>
<td>SB0158</td>
<td>0726</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8h</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8h</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8h</td>
<td>HB2509</td>
<td>0648</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8h</td>
<td>SB0635</td>
<td>0535</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8h</td>
<td>SB0001</td>
<td>0120</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8h</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8h</td>
<td>HB1391</td>
<td>0686</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8h</td>
<td>HB3272</td>
<td>0691</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8h</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/8j</td>
<td>HB1391</td>
<td>0686</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 105/15a</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 120/9</td>
<td>HB2407</td>
<td>0261</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 120/12</td>
<td>HB2407</td>
<td>0261</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 120/13</td>
<td>HB2407</td>
<td>0261</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 120/14</td>
<td>HB2407</td>
<td>0261</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 120/16</td>
<td>HB2407</td>
<td>0261</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 120/17</td>
<td>HB2407</td>
<td>0261</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 120/18</td>
<td>HB2407</td>
<td>0261</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 120/20</td>
<td>HB2407</td>
<td>0261</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 150/4</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 155/4</td>
<td>HB0669</td>
<td>0516</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 167/15</td>
<td>SB0417</td>
<td>0575</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 167/20</td>
<td>SB0417</td>
<td>0575</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 167/25</td>
<td>SB0417</td>
<td>0575</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 167/30</td>
<td>SB0417</td>
<td>0575</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 167/35</td>
<td>SB0417</td>
<td>0575</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 230/2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 265/10</td>
<td>SB1645</td>
<td>0395</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 265/20</td>
<td>SB1645</td>
<td>0395</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 425/2</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 500/25-70</td>
<td>HB1071</td>
<td>0413</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 500/30-30</td>
<td>SB1843</td>
<td>0699</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 500/Art. 33</td>
<td>SB0518</td>
<td>0532</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 500/33-5</td>
<td>SB0518</td>
<td>0532</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 500/33-10</td>
<td>SB0518</td>
<td>0532</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 500/33-15</td>
<td>SB0518</td>
<td>0532</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 500/33-20</td>
<td>SB0518</td>
<td>0532</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 500/33-25</td>
<td>SB0518</td>
<td>0532</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 500/33-30</td>
<td>SB0518</td>
<td>0532</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 500/33-35</td>
<td>SB0518</td>
<td>0532</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>+ 30 ILCS 500/33-40</td>
<td>SB0518</td>
<td>0532</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 500/33-45</td>
<td>SB0518</td>
<td>0532</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 500/33-50</td>
<td>SB0518</td>
<td>0532</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 500/33-55</td>
<td>SB0518</td>
<td>0532</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 517/5</td>
<td>SB1723</td>
<td>0540</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 517/10</td>
<td>SB1723</td>
<td>0540</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 517/15</td>
<td>SB1723</td>
<td>0540</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 517/25</td>
<td>SB1723</td>
<td>0540</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 517/30</td>
<td>SB1723</td>
<td>0540</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/1</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/5</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/10</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/15</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/20</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/25</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/30</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/35</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/40</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/45</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/46</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/50</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/53</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/90</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/95</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 537/99</td>
<td>SB0766</td>
<td>0716</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 540/7</td>
<td>SB0013</td>
<td>0672</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 584/1</td>
<td>HB2460</td>
<td>0264</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 584/5</td>
<td>HB2460</td>
<td>0264</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 584/10</td>
<td>HB2460</td>
<td>0264</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 584/99</td>
<td>HB2460</td>
<td>0264</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 605/1.02</td>
<td>HB0325</td>
<td>0405</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 608/5-10</td>
<td>HB2528</td>
<td>0688</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 705/13</td>
<td>HB3742</td>
<td>0465</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 740/2-2.02</td>
<td>HB2222</td>
<td>0070</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 740/2-2.04</td>
<td>HB2222</td>
<td>0070</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 740/2-2.05</td>
<td>HB2222</td>
<td>0070</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 740/2-3</td>
<td>HB2222</td>
<td>0070</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 740/2-5.1</td>
<td>HB2222</td>
<td>0070</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 740/2-6</td>
<td>HB2222</td>
<td>0070</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 740/2-7</td>
<td>HB2222</td>
<td>0070</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 750/8-3</td>
<td>SB0661</td>
<td>0091</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>30 ILCS 750/9-3</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 750/9-4.2</td>
<td>SB0015</td>
<td>0392</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 750/9-4.2</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 750/9-4.2a</td>
<td>SB0015</td>
<td>0392</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 750/9-4.7</td>
<td>SB0323</td>
<td>0485</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 750/9-5.2</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>30 ILCS 750/10-3</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 780/5-50</td>
<td>HB2408</td>
<td>0262</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 780/5-55</td>
<td>HB2408</td>
<td>0262</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>SB1693</td>
<td>0712</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>HB0230</td>
<td>0724</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>HB1009</td>
<td>0719</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>SB0293</td>
<td>0714</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>HB0227</td>
<td>0612</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>SB0021</td>
<td>0624</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>SB0502</td>
<td>0576</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>HB0212</td>
<td>0354</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>HB0312</td>
<td>0478</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>HB0908</td>
<td>0210</td>
</tr>
<tr>
<td>30</td>
<td>+ 30 ILCS 805/8.29</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/213</td>
<td>SB1965</td>
<td>0171</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/214</td>
<td>HB0603</td>
<td>0046</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/304</td>
<td>HB0310</td>
<td>0247</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 5/507EE</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 5/507EE</td>
<td>HB0395</td>
<td>0602</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 5/507EE</td>
<td>SB0133</td>
<td>0142</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 5/507EE</td>
<td>SB0061</td>
<td>0649</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 5/507EE</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 5/507EE</td>
<td>HB0018</td>
<td>0442</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 5/507EE</td>
<td>HB1581</td>
<td>0107</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 5/507EE</td>
<td>HB2470</td>
<td>0141</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/509</td>
<td>HB0395</td>
<td>0602</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/509</td>
<td>SB0133</td>
<td>0142</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/509</td>
<td>SB0061</td>
<td>0649</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/509</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/509</td>
<td>HB0018</td>
<td>0442</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/509</td>
<td>HB1581</td>
<td>0107</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/509</td>
<td>HB2470</td>
<td>0141</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>35 ILCS 5/510</td>
<td>HB0395</td>
<td>0602</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/510</td>
<td>SB0133</td>
<td>0142</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/510</td>
<td>SB0061</td>
<td>0649</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/510</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/510</td>
<td>HB0018</td>
<td>0442</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/510</td>
<td>HB1581</td>
<td>0107</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/510</td>
<td>HB2470</td>
<td>0141</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/601</td>
<td>HB0310</td>
<td>0247</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 5/901</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 15/10</td>
<td>SB1965</td>
<td>0171</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 15/15</td>
<td>SB1965</td>
<td>0171</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 15/20</td>
<td>SB1965</td>
<td>0171</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 15/30</td>
<td>SB1965</td>
<td>0171</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 15/43</td>
<td>SB1965</td>
<td>0171</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 15/45</td>
<td>SB1965</td>
<td>0171</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 15/90</td>
<td>SB1965</td>
<td>0171</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 120/1p</td>
<td>SB0572</td>
<td>0546</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 130/2</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 130/29</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/9-230</td>
<td>HB1427</td>
<td>0417</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/15-165</td>
<td>HB0270</td>
<td>0310</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/18-177</td>
<td>HB3763</td>
<td>0296</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/20-115</td>
<td>HB0973</td>
<td>0412</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/20-120</td>
<td>HB0973</td>
<td>0412</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/20-165</td>
<td>HB0973</td>
<td>0412</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/21-15</td>
<td>HB0551</td>
<td>0312</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/21-20</td>
<td>HB0551</td>
<td>0312</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/21-25</td>
<td>HB0551</td>
<td>0312</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/21-30</td>
<td>HB0551</td>
<td>0312</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/21-295</td>
<td>HB0973</td>
<td>0412</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/21-310</td>
<td>SB2053</td>
<td>0662</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/21-310</td>
<td>HB0551</td>
<td>0312</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/21-315</td>
<td>SB2053</td>
<td>0662</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/21-330</td>
<td>HB0829</td>
<td>0362</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/22-5</td>
<td>SB0309</td>
<td>0380</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/22-10</td>
<td>SB0309</td>
<td>0380</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/23-20</td>
<td>HB0504</td>
<td>0558</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 200/27-87</td>
<td>HB2595</td>
<td>0689</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 200/31-25</td>
<td>HB2462</td>
<td>0489</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 405/3</td>
<td>HB1570</td>
<td>0419</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 505/13</td>
<td>SB1233</td>
<td>0654</td>
</tr>
<tr>
<td>35</td>
<td>+ 35 ILCS 515/2.2</td>
<td>HB0515</td>
<td>0358</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 515/3</td>
<td>SB0485</td>
<td>0606</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>35 ILCS 515/11</td>
<td>HB0515</td>
<td>0358</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 516/60</td>
<td>HB0828</td>
<td>0019</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 516/235</td>
<td>HB0973</td>
<td>0412</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 516/275</td>
<td>HB0829</td>
<td>0362</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 516/395</td>
<td>HB0515</td>
<td>0358</td>
</tr>
<tr>
<td>35</td>
<td>35 ILCS 516/402</td>
<td>HB0515</td>
<td>0358</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/1-104.2</td>
<td>SB0529</td>
<td>0229</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/1-109.1</td>
<td>SB0253</td>
<td>0471</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/1-110.5</td>
<td>SB0023</td>
<td>0079</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/1-119</td>
<td>SB1446</td>
<td>0657</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/1A-201</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/2-124</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/2-134</td>
<td>SB0763</td>
<td>0536</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/2-134</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/2-162</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/3-110</td>
<td>HB0373</td>
<td>0356</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/3-110.8</td>
<td>HB0373</td>
<td>0356</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/4-121</td>
<td>HB1403</td>
<td>0317</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/5-167.1</td>
<td>HB1009</td>
<td>0719</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/5-174</td>
<td>SB0021</td>
<td>0624</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/7-139</td>
<td>HB0373</td>
<td>0356</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/7-139.11</td>
<td>HB0373</td>
<td>0356</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/7-141.1</td>
<td>HB1527</td>
<td>0456</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/7-142.1</td>
<td>SB1693</td>
<td>0712</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/7-156</td>
<td>SB1693</td>
<td>0712</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/7-169</td>
<td>SB1693</td>
<td>0712</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/7-172</td>
<td>SB1693</td>
<td>0712</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/7-173.1</td>
<td>SB1693</td>
<td>0712</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/8-152</td>
<td>HB0227</td>
<td>0612</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/8-152.1</td>
<td>HB0227</td>
<td>0612</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-301</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-302</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-305</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-306</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-308</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-309</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-310</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-314</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-402</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-403</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-502</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-601</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/13-603</td>
<td>HB2379</td>
<td>0621</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>40 ILCS 5/13-706</td>
<td>HB2379</td>
<td>0621</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/14-104</td>
<td>HB0227</td>
<td>0612</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/14-108.3</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/14-108.6</td>
<td>SB1442</td>
<td>0109</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/14-110</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/14-110</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/14-130</td>
<td>HB1383</td>
<td>0455</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/14-131</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/14-135.08</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/14-152.1</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/15-125</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/15-129</td>
<td>SB0529</td>
<td>0229</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/15-136</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/15-155</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/15-158.4</td>
<td>HB1384</td>
<td>0415</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/15-165</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/15-198</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-128</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-133</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-133.2</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-133.3</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-149</td>
<td>SB1660</td>
<td>0539</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-149.1</td>
<td>SB1660</td>
<td>0539</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-149.2</td>
<td>SB1660</td>
<td>0539</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/16-149.6</td>
<td>SB1660</td>
<td>0539</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-150.1</td>
<td>HB0741</td>
<td>0129</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-152</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-158</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-163</td>
<td>HB3258</td>
<td>0423</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-165</td>
<td>HB3258</td>
<td>0423</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-165</td>
<td>HB4025</td>
<td>0710</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/16-165</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/16-203</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/17-106.1</td>
<td>HB0165</td>
<td>0514</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/17-116.1</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/17-130.3</td>
<td>HB0230</td>
<td>0724</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/17-139</td>
<td>HB0165</td>
<td>0514</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/17-151.1</td>
<td>HB3740</td>
<td>0425</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/18-131</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>40 ILCS 5/18-140</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>40</td>
<td>+ 40 ILCS 5/18-169</td>
<td>SB0027</td>
<td>0004</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 20/4a</td>
<td>HB0330</td>
<td>0355</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 105/1</td>
<td>HB0668</td>
<td>0617</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
Compiled Statutes Amended

<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>+ 50 ILCS 135/12</td>
<td>HB1338</td>
<td>0316</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 205/3a</td>
<td>HB3742</td>
<td>0465</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 525/5</td>
<td>HB2533</td>
<td>0460</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 610/1</td>
<td>HB1310</td>
<td>0024</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 705/10</td>
<td>SB0189</td>
<td>0103</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 705/10.2</td>
<td>SB0189</td>
<td>0103</td>
</tr>
<tr>
<td>50</td>
<td>+ 50 ILCS 705/10.4</td>
<td>SB0189</td>
<td>0103</td>
</tr>
<tr>
<td>50</td>
<td>+ 50 ILCS 705/10.7</td>
<td>HB0212</td>
<td>0354</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 705/10.10</td>
<td>HB2241</td>
<td>0145</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 710/1</td>
<td>SB0189</td>
<td>0103</td>
</tr>
<tr>
<td>50</td>
<td>+ 50 ILCS 710/2.5</td>
<td>SB0189</td>
<td>0103</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 710/3</td>
<td>SB0189</td>
<td>0103</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 720/2</td>
<td>SB0189</td>
<td>0103</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 720/3</td>
<td>SB0189</td>
<td>0103</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 720/4</td>
<td>SB0189</td>
<td>0103</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 725/3.4</td>
<td>SB1669</td>
<td>0344</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 745/2</td>
<td>HB1402</td>
<td>0188</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 745/3.2</td>
<td>HB1402</td>
<td>0188</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 748/</td>
<td>HB0594</td>
<td>0599</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 748/1</td>
<td>HB0594</td>
<td>0599</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 748/3</td>
<td>HB0594</td>
<td>0599</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 748/5</td>
<td>HB0594</td>
<td>0599</td>
</tr>
<tr>
<td>50</td>
<td>50 ILCS 748/20</td>
<td>HB0594</td>
<td>0599</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/2-3007</td>
<td>SB0489</td>
<td>0273</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/3-3034</td>
<td>HB2689</td>
<td>0422</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/3-5018</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/3-6039</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/4-12002</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/5-1049.1</td>
<td>HB0027</td>
<td>0401</td>
</tr>
<tr>
<td>55</td>
<td>+ 55 ILCS 5/5-1062.2</td>
<td>SB1910</td>
<td>0675</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/5-1097.5</td>
<td>HB1333</td>
<td>0496</td>
</tr>
<tr>
<td>55</td>
<td>+ 55 ILCS 5/5-1097.7</td>
<td>HB1333</td>
<td>0496</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/5-1103</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/5-1120</td>
<td>SB1884</td>
<td>0154</td>
</tr>
<tr>
<td>55</td>
<td>+ 55 ILCS 5/5-1127</td>
<td>HB2250</td>
<td>0334</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/5-12001</td>
<td>SB0966</td>
<td>0303</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/5-25012</td>
<td>HB1574</td>
<td>0457</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/5-41020</td>
<td>HB0655</td>
<td>0616</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 5/6-1002.5</td>
<td>HB0832</td>
<td>0644</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 75/2</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 75/9.1</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>55</td>
<td>55 ILCS 85/4</td>
<td>HB0909</td>
<td>0259</td>
</tr>
<tr>
<td>60</td>
<td>+ 60 ILCS 1/15-17</td>
<td>SB0465</td>
<td>0529</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>60 ILCS 1/15-30</td>
<td>SB0465</td>
<td>0529</td>
</tr>
<tr>
<td>60</td>
<td>60 ILCS 1/30-20</td>
<td>HB3651</td>
<td>0692</td>
</tr>
<tr>
<td>60</td>
<td>60 ILCS 1/30-95</td>
<td>HB1311</td>
<td>0453</td>
</tr>
<tr>
<td>60</td>
<td>60 ILCS 1/85-30</td>
<td>SB1882</td>
<td>0435</td>
</tr>
<tr>
<td>60</td>
<td>60 ILCS 1/115-10</td>
<td>HB2613</td>
<td>0622</td>
</tr>
<tr>
<td>60</td>
<td>60 ILCS 1/115-20</td>
<td>HB2613</td>
<td>0622</td>
</tr>
<tr>
<td>60</td>
<td>+ 60 ILCS 1/115-66</td>
<td>SB0171</td>
<td>0469</td>
</tr>
<tr>
<td>60</td>
<td>60 ILCS 1/120-10</td>
<td>HB2613</td>
<td>0622</td>
</tr>
<tr>
<td>60</td>
<td>60 ILCS 1/125-10</td>
<td>HB2613</td>
<td>0622</td>
</tr>
<tr>
<td>60</td>
<td>+ 60 ILCS 1/125-12</td>
<td>HB2613</td>
<td>0622</td>
</tr>
<tr>
<td>60</td>
<td>60 ILCS 1/125-15</td>
<td>HB2613</td>
<td>0622</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/1-2-1.2</td>
<td>HB0887</td>
<td>0111</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/1-2,1-5</td>
<td>HB0655</td>
<td>0616</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/1-2.2-20</td>
<td>HB0655</td>
<td>0616</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/2-3-5a</td>
<td>HB1157</td>
<td>0023</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/3,1-10-50</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/3.1-30-10</td>
<td>HB0413</td>
<td>0250</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/4-5-11</td>
<td>SB1882</td>
<td>0435</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/4-5-16</td>
<td>HB3742</td>
<td>0465</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/5-5-1</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/7-1-1</td>
<td>HB0720</td>
<td>0361</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/7-1-5.3</td>
<td>HB0720</td>
<td>0361</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/7-1-13</td>
<td>SB1826</td>
<td>0396</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/8-9-1</td>
<td>SB1882</td>
<td>0435</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/8-11-1.1</td>
<td>SB0272</td>
<td>0679</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/8-11-1.3</td>
<td>SB0272</td>
<td>0679</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/8-11-1.4</td>
<td>SB0272</td>
<td>0679</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/8-11-1.5</td>
<td>SB0272</td>
<td>0679</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/10-1-7</td>
<td>HB1500</td>
<td>0135</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/10-1-16</td>
<td>HB1458</td>
<td>0483</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/10-1-4</td>
<td>HB1500</td>
<td>0135</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/10-2.1-6</td>
<td>SB0528</td>
<td>0029</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/10-2.1-14</td>
<td>HB0003</td>
<td>0281</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/10-3-3.1</td>
<td>HB1368</td>
<td>0720</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-12-9</td>
<td>HB2611</td>
<td>0374</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-13-1</td>
<td>SB0966</td>
<td>0303</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/A.11 Div. 15.2</td>
<td>HB2500</td>
<td>0266</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/11-15.2-1</td>
<td>HB2500</td>
<td>0266</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-20-8</td>
<td>SB0169</td>
<td>0572</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/11-42-10.2</td>
<td>HB0027</td>
<td>0401</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-65-9</td>
<td>HB3742</td>
<td>0465</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-67-9</td>
<td>HB3742</td>
<td>0465</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-3</td>
<td>SB0676</td>
<td>0711</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-3</td>
<td>SB0833</td>
<td>0302</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-3</td>
<td>HB1142</td>
<td>0702</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-3</td>
<td>HB1731</td>
<td>0704</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-3</td>
<td>HB1571</td>
<td>0260</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-3</td>
<td>HB3066</td>
<td>0268</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-3</td>
<td>HB3850</td>
<td>0297</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/11-74.4-3.1</td>
<td>SB0572</td>
<td>0546</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-7</td>
<td>HB1142</td>
<td>0702</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-7</td>
<td>HB1731</td>
<td>0704</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-7</td>
<td>SB0676</td>
<td>0711</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-7</td>
<td>HB1571</td>
<td>0260</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-74.4-7</td>
<td>HB3850</td>
<td>0297</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/11-74.4-7</td>
<td>SB0833</td>
<td>0302</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/11-117-12.2</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/11-117-13</td>
<td>HB3742</td>
<td>0465</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/Art. 11 Div. 117.1</td>
<td>HB2580</td>
<td>0480</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/11-117.1-1</td>
<td>HB2580</td>
<td>0480</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-122-5</td>
<td>HB3742</td>
<td>0465</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-123-14</td>
<td>HB3742</td>
<td>0465</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/11-135-3.5</td>
<td>HB0015</td>
<td>0123</td>
</tr>
<tr>
<td>65</td>
<td>+ 65 ILCS 5/11-141-10.1</td>
<td>SB0834</td>
<td>0475</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 5/11-149-1</td>
<td>SB2085</td>
<td>0544</td>
</tr>
<tr>
<td>65</td>
<td>65 ILCS 20/21-28</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 5/3.1</td>
<td>HB3843</td>
<td>0466</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 200/240-20</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 210/10</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 215/3</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 215/8</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 405/6</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 410/5</td>
<td>HB0668</td>
<td>0617</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 410/6</td>
<td>HB1323</td>
<td>0454</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 410/13</td>
<td>HB0668</td>
<td>0617</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 410/15</td>
<td>HB0668</td>
<td>0617</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 410/18.5</td>
<td>HB0668</td>
<td>0617</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/1</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/5</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/10</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/15</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/20</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/25</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/30</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/35</td>
<td>HB0690</td>
<td>0203</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/40</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/45</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/55</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/60</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/65</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/70</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 506/999</td>
<td>HB0690</td>
<td>0203</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 518/20</td>
<td>HB0509</td>
<td>0613</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 518/25</td>
<td>HB0509</td>
<td>0613</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 518/45</td>
<td>HB0509</td>
<td>0613</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 705/16d</td>
<td>HB3831</td>
<td>0337</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 705/16.13b</td>
<td>HB1500</td>
<td>0135</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 805/3c</td>
<td>HB0668</td>
<td>0617</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 805/13</td>
<td>HB0668</td>
<td>0617</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 805/13.1</td>
<td>HB0668</td>
<td>0617</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 805/13.1a</td>
<td>HB0668</td>
<td>0617</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 1205/6-4</td>
<td>SB2054</td>
<td>0628</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1205/8-1.1</td>
<td>SB1826</td>
<td>0396</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 1205/8-23</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 1505/16a-5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/1</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/5</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/10</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/15</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/20</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/25</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/30</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/35</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/40</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/45</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/50</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/55</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/60</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/65</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/70</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1707/99</td>
<td>HB3121</td>
<td>0510</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 1830/20.2</td>
<td>HB1679</td>
<td>0562</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 1860/7.5</td>
<td>HB1679</td>
<td>0562</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 2105/4a</td>
<td>SB0299</td>
<td>0064</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 2605/4.11</td>
<td>SB0288</td>
<td>0680</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 2605/9e</td>
<td>SB0341</td>
<td>0474</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 2605/294</td>
<td>HB3800</td>
<td>0223</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>70</td>
<td>+ 70 ILCS 2605/297</td>
<td>SB0022</td>
<td>0569</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 2605/300</td>
<td>SB0502</td>
<td>0576</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 2905/5-4</td>
<td>HB0488</td>
<td>0445</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 3605/28b</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>70</td>
<td>+ 70 ILCS 3615/2.30</td>
<td>HB1663</td>
<td>0370</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 3615/3A.08</td>
<td>HB1663</td>
<td>0370</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 3615/3A.09</td>
<td>HB1663</td>
<td>0370</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 3615/3A.10</td>
<td>HB1663</td>
<td>0370</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 3615/4.01</td>
<td>HB1663</td>
<td>0370</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 3615/4.09</td>
<td>HB1663</td>
<td>0370</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 3615/4.11</td>
<td>HB1663</td>
<td>0370</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 3705/9</td>
<td>HB0509</td>
<td>0613</td>
</tr>
<tr>
<td>70</td>
<td>70 ILCS 3705/14</td>
<td>HB3742</td>
<td>0465</td>
</tr>
<tr>
<td>75</td>
<td>75 ILCS 5/2-2</td>
<td>SB0847</td>
<td>0681</td>
</tr>
<tr>
<td>75</td>
<td>75 ILCS 5/5-5</td>
<td>SB1882</td>
<td>0435</td>
</tr>
<tr>
<td>75</td>
<td>+ 75 ILCS 16/15-82</td>
<td>SB0847</td>
<td>0681</td>
</tr>
<tr>
<td>75</td>
<td>75 ILCS 16/40-45</td>
<td>SB1882</td>
<td>0435</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/1A-8</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/1A-11</td>
<td>HB3531</td>
<td>0554</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/1B-8</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/1E-25</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/1E-35</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/1F-20</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/1F-62</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.12</td>
<td>SB0383</td>
<td>0225</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.13a</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.25a</td>
<td>HB3678</td>
<td>0666</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.25d</td>
<td>HB3678</td>
<td>0666</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.25g</td>
<td>SB0088</td>
<td>0198</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.25g</td>
<td>SB1493</td>
<td>0432</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 5/2-3.34</td>
<td>SB0463</td>
<td>0108</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.64</td>
<td>SB1815</td>
<td>0069</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.64</td>
<td>HB0678</td>
<td>0642</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.71</td>
<td>HB3822</td>
<td>0506</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.71a</td>
<td>HB3822</td>
<td>0506</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.89</td>
<td>HB3822</td>
<td>0506</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.120</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 5/2-3.121</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.123</td>
<td>SB0003</td>
<td>0196</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/2-3.127a</td>
<td>SB1815</td>
<td>0069</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 5/2-3.129</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.131</td>
<td>SB1815</td>
<td>0069</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/2-3.136</td>
<td>HB2589</td>
<td>0566</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/2-3.137</td>
<td>SB0383</td>
<td>0225</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/2-3.137</td>
<td>SB0010</td>
<td>0507</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/2-3.137</td>
<td>SB0162</td>
<td>0199</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/2-3.137</td>
<td>HB1541</td>
<td>0190</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/3-11</td>
<td>SB0058</td>
<td>0197</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/3-14.20</td>
<td>SB0383</td>
<td>0225</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/3-14.21</td>
<td>SB0383</td>
<td>0225</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/3-15.12</td>
<td>SB0463</td>
<td>0108</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/3A-15</td>
<td>SB0767</td>
<td>0153</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/5-1b</td>
<td>SB1493</td>
<td>0432</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/5-2.1</td>
<td>SB1493</td>
<td>0432</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-1</td>
<td>SB1638</td>
<td>0231</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-10</td>
<td>SB1638</td>
<td>0231</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-20.12b</td>
<td>HB0156</td>
<td>0309</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-20.21</td>
<td>SB0293</td>
<td>0714</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 5/10-20.22</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 5/10-20.23</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 5/10-20.32</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-21.9</td>
<td>HB3451</td>
<td>0219</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-21.9</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-21.12</td>
<td>HB1324</td>
<td>0213</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-22.3a</td>
<td>HB0881</td>
<td>0410</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-22.22</td>
<td>HB1324</td>
<td>0213</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-22.22b</td>
<td>HB1324</td>
<td>0213</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-23.8b</td>
<td>SB0427</td>
<td>0201</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/10-27.1B</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/prec. Sec. 13-40</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-40</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-41</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-42</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-43.8</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-43.11</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-43.18</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-43.19</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-43.20</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-44</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-44.3</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-44.5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13-45</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13B-20.15</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13B-35.5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/13B-35.10</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/14-7.02</td>
<td>HB0728</td>
<td>0177</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>105</td>
<td>105 ILCS 5/14-8.01</td>
<td>SB1815</td>
<td>0069</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/14-8.02</td>
<td>SB0087</td>
<td>0376</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/Art. 14A</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/Art. 14A</td>
<td>HB0881</td>
<td>0410</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-5</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-10</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-10</td>
<td>HB0881</td>
<td>0410</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-15</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-20</td>
<td>HB0881</td>
<td>0410</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-20</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-25</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-25</td>
<td>HB0881</td>
<td>0410</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-30</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-30</td>
<td>HB0881</td>
<td>0410</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-35</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-35</td>
<td>HB0881</td>
<td>0410</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-40</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-40</td>
<td>HB0881</td>
<td>0410</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-45</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-45</td>
<td>HB0881</td>
<td>0410</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-50</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-50</td>
<td>HB0881</td>
<td>0410</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-55</td>
<td>SB0223</td>
<td>0151</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/14A-55</td>
<td>HB0881</td>
<td>0410</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/14C-12</td>
<td>SB1851</td>
<td>0441</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/17-1</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/17-2.2d</td>
<td>HB3095</td>
<td>0690</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/17-2A</td>
<td>HB0676</td>
<td>0176</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/17-2C</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/17-3</td>
<td>HB3092</td>
<td>0052</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/18-8.05</td>
<td>HB0404</td>
<td>0438</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/18-8.05</td>
<td>SB1815</td>
<td>0069</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/19-1</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/19-1</td>
<td>SB0852</td>
<td>0721</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/19-1.5</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/19-8</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/20-2</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/20-3</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/20-5</td>
<td>SB1853</td>
<td>0234</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/21-1a</td>
<td>HB0384</td>
<td>0208</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/21-23a</td>
<td>SB0562</td>
<td>0556</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>105</td>
<td>105 ILCS 5/21-25</td>
<td>SB1676</td>
<td>0105</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/21-27</td>
<td>SB1676</td>
<td>0105</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/24-5</td>
<td>SB1626</td>
<td>0350</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/24-6</td>
<td>SB1626</td>
<td>0350</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/26-1</td>
<td>SB1626</td>
<td>0350</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-6</td>
<td>HB1540</td>
<td>0189</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-6</td>
<td>SB0088</td>
<td>0198</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-6</td>
<td>SB0211</td>
<td>0200</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-7</td>
<td>HB1540</td>
<td>0189</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-7</td>
<td>SB0211</td>
<td>0200</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-12</td>
<td>HB1336</td>
<td>0187</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-20.3</td>
<td>HB0312</td>
<td>0478</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-20.4</td>
<td>HB0383</td>
<td>0285</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-22</td>
<td>SB0575</td>
<td>0676</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-23</td>
<td>SB0069</td>
<td>0426</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-23.3</td>
<td>SB0064</td>
<td>0014</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-24.4</td>
<td>SB0297</td>
<td>0525</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-24.4</td>
<td>SB1734</td>
<td>0440</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27-24.5</td>
<td>SB1734</td>
<td>0440</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 5/27-26</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/27A-5</td>
<td>HB3451</td>
<td>0219</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/29-3</td>
<td>HB3680</td>
<td>0439</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/32-3.5</td>
<td>SB1638</td>
<td>0231</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/33-1</td>
<td>SB1638</td>
<td>0231</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/34-3</td>
<td>SB1638</td>
<td>0231</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/34-18.5</td>
<td>HB3451</td>
<td>0219</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/34-18.5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 5/34-18.19</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 5/34-18.32</td>
<td>HB2004</td>
<td>0137</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 5/34-84b</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 45/1-25</td>
<td>SB1931</td>
<td>0235</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 45/1-30</td>
<td>SB1931</td>
<td>0235</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 55/10</td>
<td>SB0479</td>
<td>0227</td>
</tr>
<tr>
<td>105</td>
<td>105 ILCS 55/20</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 120/</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 120/0.01</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 120/1</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 120/2</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 120/3</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>- 105 ILCS 127/2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/1</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/5</td>
<td>HB2693</td>
<td>0600</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/10</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/15</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/20</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/25</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/30</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/35</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/40</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/910</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/990</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 128/999</td>
<td>HB2693</td>
<td>0600</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 302/</td>
<td>SB0574</td>
<td>0534</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 302/1</td>
<td>SB0574</td>
<td>0534</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 302/5</td>
<td>SB0574</td>
<td>0534</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 302/10</td>
<td>SB0574</td>
<td>0534</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 302/15</td>
<td>SB0574</td>
<td>0534</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 302/20</td>
<td>SB0574</td>
<td>0534</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 433/</td>
<td>HB3646</td>
<td>0220</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 433/1</td>
<td>HB3646</td>
<td>0220</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 433/5</td>
<td>HB3646</td>
<td>0220</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 433/10</td>
<td>HB3646</td>
<td>0220</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 433/15</td>
<td>HB3646</td>
<td>0220</td>
</tr>
<tr>
<td>105</td>
<td>+ 105 ILCS 433/99</td>
<td>HB3646</td>
<td>0220</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 20/1</td>
<td>HB3821</td>
<td>0195</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 47/10</td>
<td>HB0056</td>
<td>0204</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 47/15</td>
<td>HB0056</td>
<td>0204</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 57/</td>
<td>HB3801</td>
<td>0709</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 57/1</td>
<td>HB3801</td>
<td>0709</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 57/5</td>
<td>HB3801</td>
<td>0709</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 57/10</td>
<td>HB3801</td>
<td>0709</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 57/15</td>
<td>HB3801</td>
<td>0709</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 57/20</td>
<td>HB3801</td>
<td>0709</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 57/25</td>
<td>HB3801</td>
<td>0709</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 57/30</td>
<td>HB3801</td>
<td>0709</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 57/35</td>
<td>HB3801</td>
<td>0709</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 57/99</td>
<td>HB3801</td>
<td>0709</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 205/9.30</td>
<td>HB2515</td>
<td>0420</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 215/2</td>
<td>HB3488</td>
<td>0193</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 215/4</td>
<td>HB3488</td>
<td>0193</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 215/5.5</td>
<td>HB3488</td>
<td>0193</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 305/30</td>
<td>SB0445</td>
<td>0226</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 305/35</td>
<td>HB3724</td>
<td>0587</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 520/8i</td>
<td>HB2435</td>
<td>0479</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>110</td>
<td>110 ILCS 520/16</td>
<td>SB0445</td>
<td>0226</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 520/20</td>
<td>HB3724</td>
<td>0587</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 660/5-75</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 660/5-125</td>
<td>SB0445</td>
<td>0226</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 660/5-130</td>
<td>HB3724</td>
<td>0587</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 665/10-75</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 665/10-125</td>
<td>SB0445</td>
<td>0226</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 665/10-130</td>
<td>HB3724</td>
<td>0587</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 670/15-75</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 670/15-125</td>
<td>SB0445</td>
<td>0226</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 670/15-130</td>
<td>HB3724</td>
<td>0587</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 675/20-75</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 675/20-125</td>
<td>SB0445</td>
<td>0226</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 675/20-130</td>
<td>HB3724</td>
<td>0587</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 680/25-75</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 680/25-125</td>
<td>SB0445</td>
<td>0226</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 680/25-130</td>
<td>HB3724</td>
<td>0587</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 685/30-75</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 685/30-135</td>
<td>SB0445</td>
<td>0226</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 685/30-140</td>
<td>HB3724</td>
<td>0587</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 690/35-75</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 690/35-130</td>
<td>SB0445</td>
<td>0226</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 690/35-135</td>
<td>HB3724</td>
<td>0587</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 805/2-1</td>
<td>SB2112</td>
<td>0157</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 805/2-2</td>
<td>SB2112</td>
<td>0157</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 805/2-16.03</td>
<td>SB1932</td>
<td>0436</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 805/2-16.04</td>
<td>SB1932</td>
<td>0436</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 805/2-16.09</td>
<td>SB1932</td>
<td>0436</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 805/2-21</td>
<td>SB0463</td>
<td>0108</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 805/2-22</td>
<td>SB0463</td>
<td>0108</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 805/3-21</td>
<td>HB3724</td>
<td>0587</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 805/3-26.5</td>
<td>HB3724</td>
<td>0587</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 805/3-60</td>
<td>SB0445</td>
<td>0226</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 922/</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 922/1</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 922/5</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 922/10</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 922/15</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 922/20</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 922/25</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 922/30</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 922/35</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 922/40</td>
<td>HB1051</td>
<td>0133</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
# Compiled Statutes Amended

<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>110</td>
<td>- 110 ILCS 922/99</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 923/</td>
<td>HB1343</td>
<td>0497</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 923/1</td>
<td>HB1343</td>
<td>0497</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 923/5</td>
<td>HB1343</td>
<td>0497</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 923/10</td>
<td>HB1343</td>
<td>0497</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 923/15</td>
<td>HB1343</td>
<td>0497</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 923/20</td>
<td>HB1343</td>
<td>0497</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 923/25</td>
<td>HB1343</td>
<td>0497</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 923/30</td>
<td>HB1343</td>
<td>0497</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 947/40</td>
<td>HB0815</td>
<td>0583</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 947/45</td>
<td>HB0815</td>
<td>0583</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 947/50</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 947/52</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>110 ILCS 947/65.15</td>
<td>HB1051</td>
<td>0133</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 947/65.27</td>
<td>HB0060</td>
<td>0205</td>
</tr>
<tr>
<td>110</td>
<td>- 110 ILCS 947/72</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 949/</td>
<td>HB1522</td>
<td>0368</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 949/1</td>
<td>HB1522</td>
<td>0368</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 949/5</td>
<td>HB1522</td>
<td>0368</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 949/10</td>
<td>HB1522</td>
<td>0368</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 949/15</td>
<td>HB1522</td>
<td>0368</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 949/20</td>
<td>HB1522</td>
<td>0368</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 949/25</td>
<td>HB1522</td>
<td>0368</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 949/30</td>
<td>HB1522</td>
<td>0368</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 949/35</td>
<td>HB1522</td>
<td>0368</td>
</tr>
<tr>
<td>110</td>
<td>+ 110 ILCS 949/99</td>
<td>HB1522</td>
<td>0368</td>
</tr>
<tr>
<td>115</td>
<td>115 ILCS 5/11</td>
<td>HB0908</td>
<td>0210</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 5/48</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 5/48.1</td>
<td>HB1301</td>
<td>0495</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 105/3-8</td>
<td>HB1301</td>
<td>0495</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 105/7-19.1</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 205/4013</td>
<td>HB1301</td>
<td>0495</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 305/10</td>
<td>HB1301</td>
<td>0495</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 305/12</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 305/13</td>
<td>SB0173</td>
<td>0150</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 305/42</td>
<td>SB0173</td>
<td>0150</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 305/47</td>
<td>SB0173</td>
<td>0150</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 305/70</td>
<td>SB0173</td>
<td>0150</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 405/6</td>
<td>SB1629</td>
<td>0538</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 510/0.05</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 657/93</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 670/21</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 705/</td>
<td>HB2404</td>
<td>0458</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>205</td>
<td>205 ILCS 705/1</td>
<td>HB2404</td>
<td>0458</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 705/5</td>
<td>HB2404</td>
<td>0458</td>
</tr>
<tr>
<td>205</td>
<td>205 ILCS 705/10</td>
<td>HB2404</td>
<td>0458</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 5/10d</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 9/70</td>
<td>HB0700</td>
<td>0256</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 9/75</td>
<td>HB0700</td>
<td>0256</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 9/75</td>
<td>SB0026</td>
<td>0570</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 9/76</td>
<td>SB1220</td>
<td>0429</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 9/90</td>
<td>HB0700</td>
<td>0256</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 9/160</td>
<td>HB1005</td>
<td>0021</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 30/6.2</td>
<td>SB0849</td>
<td>0428</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 30/10</td>
<td>SB0849</td>
<td>0428</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 35/11</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 45/1-113</td>
<td>SB1651</td>
<td>0342</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 45/1-114.01</td>
<td>HB2062</td>
<td>0163</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 45/1-116.5</td>
<td>HB1430</td>
<td>0026</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 45/2-110</td>
<td>HB2062</td>
<td>0163</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 45/2-201.5</td>
<td>HB2062</td>
<td>0163</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 45/2-213</td>
<td>SB1220</td>
<td>0429</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 45/2-216</td>
<td>HB2062</td>
<td>0163</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 45/3-202.3</td>
<td>HB2062</td>
<td>0163</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 45/3-202.4</td>
<td>HB2062</td>
<td>0163</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 45/3-610</td>
<td>HB1430</td>
<td>0026</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 50/3.10</td>
<td>HB4014</td>
<td>0568</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 50/3.50</td>
<td>HB3033</td>
<td>0504</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 50/3.133</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/1</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/1.01</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/2</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/2.03a</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/2.08</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/2.09</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/2.10</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/2.11</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/2.12</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/3.3</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/3.7</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/4</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/6.3</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/6.5</td>
<td>SB1220</td>
<td>0429</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/6.7</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/7</td>
<td>SB0159</td>
<td>0379</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>210</td>
<td>210 ILCS 55/8</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/9.01</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/9.02</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/9.03</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/9.04</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/10.01</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>+ 210 ILCS 55/10.05</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/12</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 55/14</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 60/2</td>
<td>SB0026</td>
<td>0570</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 60/3</td>
<td>SB0026</td>
<td>0570</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 60/4</td>
<td>SB0026</td>
<td>0570</td>
</tr>
<tr>
<td>210</td>
<td>+ 210 ILCS 60/4.5</td>
<td>SB0026</td>
<td>0570</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 60/5</td>
<td>SB0026</td>
<td>0570</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 60/8</td>
<td>SB0026</td>
<td>0570</td>
</tr>
<tr>
<td>210</td>
<td>+ 210 ILCS 60/8.5</td>
<td>SB0026</td>
<td>0570</td>
</tr>
<tr>
<td>210</td>
<td>+ 210 ILCS 60/8.10</td>
<td>SB0026</td>
<td>0570</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 60/9</td>
<td>SB0026</td>
<td>0570</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 62/15</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 85/6.09</td>
<td>HB2453</td>
<td>0335</td>
</tr>
<tr>
<td>210</td>
<td>+ 210 ILCS 85/6.14f</td>
<td>HB1350</td>
<td>0671</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 85/7</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>210</td>
<td>+ 210 ILCS 85/10.9</td>
<td>SB0201</td>
<td>0349</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 86/25</td>
<td>SB1862</td>
<td>0275</td>
</tr>
<tr>
<td>210</td>
<td>210 ILCS 135/6</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/155.18</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 5/155.18a</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/155.19</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/205.1</td>
<td>HB0316</td>
<td>0248</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 5/224.05</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/356g</td>
<td>SB0012</td>
<td>0121</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/356u</td>
<td>SB0521</td>
<td>0122</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/370c</td>
<td>HB0059</td>
<td>0402</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/370c</td>
<td>HB2190</td>
<td>0584</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/408.3</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/500-77</td>
<td>HB0316</td>
<td>0248</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/511.111</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/1204</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 5/1204</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 97/5</td>
<td>HB2375</td>
<td>0502</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 97/50</td>
<td>HB2375</td>
<td>0502</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 97/60</td>
<td>HB2375</td>
<td>0502</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 105/7</td>
<td>HB0197</td>
<td>0017</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>215</td>
<td>215 ILCS 106/30</td>
<td>HB1197</td>
<td>0048</td>
</tr>
<tr>
<td>215</td>
<td>215 ILCS 125/4-6.1</td>
<td>SB0012</td>
<td>0121</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 157/22</td>
<td>HB0265</td>
<td>0245</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/1</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/5</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/10</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/15</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/20</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/25</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/30</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/35</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/40</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/45</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/50</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/55</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/60</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/65</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/90</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/97</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/98</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>215</td>
<td>+ 215 ILCS 170/99</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>220</td>
<td>220 ILCS 5/4-101</td>
<td>HB2580</td>
<td>0480</td>
</tr>
<tr>
<td>220</td>
<td>+ 220 ILCS 5/8-201.5</td>
<td>SB0260</td>
<td>0635</td>
</tr>
<tr>
<td>220</td>
<td>220 ILCS 5/9-220</td>
<td>SB0090</td>
<td>0063</td>
</tr>
<tr>
<td>220</td>
<td>220 ILCS 5/13-1200</td>
<td>SB0096</td>
<td>0076</td>
</tr>
<tr>
<td>220</td>
<td>220 ILCS 50/2</td>
<td>HB3755</td>
<td>0623</td>
</tr>
<tr>
<td>220</td>
<td>220 ILCS 50/2.2</td>
<td>HB3755</td>
<td>0623</td>
</tr>
<tr>
<td>220</td>
<td>220 ILCS 50/2.3</td>
<td>HB3755</td>
<td>0623</td>
</tr>
<tr>
<td>220</td>
<td>+ 220 ILCS 50/2.9</td>
<td>HB3755</td>
<td>0623</td>
</tr>
<tr>
<td>220</td>
<td>+ 220 ILCS 50/2.10</td>
<td>HB3755</td>
<td>0623</td>
</tr>
<tr>
<td>220</td>
<td>+ 220 ILCS 50/2.11</td>
<td>HB3755</td>
<td>0623</td>
</tr>
<tr>
<td>220</td>
<td>220 ILCS 50/4</td>
<td>HB3755</td>
<td>0623</td>
</tr>
<tr>
<td>220</td>
<td>220 ILCS 50/6</td>
<td>HB3755</td>
<td>0623</td>
</tr>
<tr>
<td>220</td>
<td>220 ILCS 50/10</td>
<td>HB3755</td>
<td>0623</td>
</tr>
<tr>
<td>220</td>
<td>220 ILCS 50/11</td>
<td>HB3755</td>
<td>0623</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 2/117</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 2/135</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 5/3</td>
<td>HB0298</td>
<td>0246</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 5/4</td>
<td>HB0298</td>
<td>0246</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 5/6</td>
<td>HB0298</td>
<td>0246</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 5/9</td>
<td>HB0298</td>
<td>0246</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 5/10</td>
<td>HB0298</td>
<td>0246</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>225</td>
<td>225 ILCS 5/13</td>
<td>HB0298</td>
<td>0246</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 5/16</td>
<td>HB0298</td>
<td>0246</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 5/16.5</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 5/17.5</td>
<td>HB0298</td>
<td>0246</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 5/34</td>
<td>HB0298</td>
<td>0246</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 5/34.1</td>
<td>HB0298</td>
<td>0246</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 7/2</td>
<td>HB1005</td>
<td>0021</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 7/3</td>
<td>HB1005</td>
<td>0021</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 7/6</td>
<td>HB1005</td>
<td>0021</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 7/7</td>
<td>HB1005</td>
<td>0021</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 10/2</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 10/2.05</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 10/2.08</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 10/2.22</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/2.24</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/2.25</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/2.26</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/2.27</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 10/4</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 10/4.2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 10/7</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/7.4</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/7.5</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/7.6</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/7.7</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/7.8</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/7.9</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 10/8</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/8.3</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/8.4</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/9.1a</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/9.1b</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 10/11</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 10/11.1</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 10/12</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/14.6</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 10/14.7</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 15/15.1</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 20/19.5</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 25/4</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 25/7</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 25/9</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 25/11</td>
<td>HB0875</td>
<td>0409</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>225</td>
<td>225 ILCS 25/16</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 25/16.1</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 25/19</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 25/23c</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 25/24</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 25/25</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 25/25.1</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 25/50</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 25/54.2</td>
<td>HB0875</td>
<td>0409</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 46/5</td>
<td>HB2531</td>
<td>0665</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 46/10</td>
<td>HB2531</td>
<td>0665</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 46/15</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 46/15</td>
<td>SB0026</td>
<td>0570</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 46/15</td>
<td>HB2531</td>
<td>0665</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 46/25</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 46/25</td>
<td>HB2531</td>
<td>0665</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 46/30</td>
<td>HB2531</td>
<td>0665</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 46/40</td>
<td>HB2531</td>
<td>0665</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 46/70</td>
<td>HB2531</td>
<td>0665</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 50/18.5</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 51/77</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 55/87</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 60/7</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 60/22</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 60/22</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 60/22.5</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 60/23</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 60/24</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 60/24.1</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 60/36</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 63/113</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 63/123</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 65/10-30</td>
<td>SB2064</td>
<td>0352</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 65/10-37</td>
<td>SB1842</td>
<td>0351</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 65/15-10</td>
<td>HB0876</td>
<td>0348</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 65/20-13</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 65/20-75</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 75/19.17</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 80/24.5</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 80/26.1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 84/93</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 85/3</td>
<td>HB2451</td>
<td>0459</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 85/14</td>
<td>HB1031</td>
<td>0084</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>225</td>
<td>225 ILCS 85/15</td>
<td>HB1031</td>
<td>0084</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 85/18</td>
<td>HB1031</td>
<td>0084</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 85/30.5</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 85/41</td>
<td>HB2451</td>
<td>0459</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/1</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/6</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/8</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/8.1</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/12</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/15</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 90/17.5</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/19</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/20</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/22</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/23</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/25</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/26</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/27</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 90/29</td>
<td>SB0930</td>
<td>0651</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 95/21.5</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 100/19</td>
<td>SB0158</td>
<td>0726</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 100/24.5</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 100/41</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 106/10</td>
<td>SB0139</td>
<td>0523</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 106/15</td>
<td>SB0139</td>
<td>0523</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 106/20</td>
<td>SB0139</td>
<td>0523</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 106/35</td>
<td>SB0139</td>
<td>0523</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 106/50</td>
<td>SB0139</td>
<td>0523</td>
</tr>
<tr>
<td>225</td>
<td>- 225 ILCS 106/55</td>
<td>SB0139</td>
<td>0523</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 106/95</td>
<td>SB0139</td>
<td>0523</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 106/97</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 107/83</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 110/3</td>
<td>SB0451</td>
<td>0528</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 110/4</td>
<td>SB0451</td>
<td>0528</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 110/5</td>
<td>SB0451</td>
<td>0528</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 110/7.1</td>
<td>SB0451</td>
<td>0528</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 110/8</td>
<td>SB0451</td>
<td>0528</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 110/16.3</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 115/25.16</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 120/55</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 120/170</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 125/107</td>
<td>SB0538</td>
<td>0577</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>225</td>
<td>+ 225 ILCS 130/77</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/10</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/15</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/20</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/25</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/30</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/40</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/50</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/55</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/60</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/65</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>- 225 ILCS 135/70</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 135/73</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/75</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/85</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/95</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 135/97</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 135/180</td>
<td>SB2012</td>
<td>0661</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 210/2001</td>
<td>SB0926</td>
<td>0385</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 225/5b</td>
<td>HB3048</td>
<td>0138</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 227/1</td>
<td>SB0926</td>
<td>0385</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 227/5</td>
<td>SB0926</td>
<td>0385</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 227/5</td>
<td>SB1821</td>
<td>0658</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 227/10</td>
<td>SB0926</td>
<td>0385</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 227/30</td>
<td>SB0926</td>
<td>0385</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 227/35</td>
<td>SB0926</td>
<td>0385</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 227/50</td>
<td>SB0926</td>
<td>0385</td>
</tr>
<tr>
<td>225</td>
<td>+ 225 ILCS 227/57</td>
<td>SB0926</td>
<td>0385</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 227/65</td>
<td>SB0926</td>
<td>0385</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 227/75</td>
<td>SB0926</td>
<td>0385</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 227/90</td>
<td>SB0926</td>
<td>0385</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 305/13</td>
<td>SB1876</td>
<td>0543</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 305/20</td>
<td>SB1876</td>
<td>0543</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 305/22</td>
<td>SB1876</td>
<td>0543</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 305/23.5</td>
<td>SB1876</td>
<td>0543</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/5</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/10</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/15</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/20</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/25</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/35</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/40</td>
<td>SB0331</td>
<td>0698</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>225</td>
<td>225 ILCS 312/45</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/50</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/55</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/60</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/80</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/90</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/95</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/105</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/110</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/120</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/135</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 312/140</td>
<td>SB0331</td>
<td>0698</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 317/10</td>
<td>HB1445</td>
<td>0367</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 317/15</td>
<td>HB1445</td>
<td>0367</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 320/2</td>
<td>HB3045</td>
<td>0101</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 320/2.5</td>
<td>HB3045</td>
<td>0101</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 320/13.1</td>
<td>SB0311</td>
<td>0055</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 320/13.1</td>
<td>HB0872</td>
<td>0258</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 320/18</td>
<td>HB0930</td>
<td>0132</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 320/29.5</td>
<td>HB3045</td>
<td>0101</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 320/37</td>
<td>HB0930</td>
<td>0132</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 325/9</td>
<td>HB0900</td>
<td>0452</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 335/5</td>
<td>HB0561</td>
<td>0254</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 335/7</td>
<td>HB0561</td>
<td>0254</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 335/11.5</td>
<td>HB0561</td>
<td>0254</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 407/30-15</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/1-4</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/1-7</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/2-1</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/2-7</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/2A-7</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3-1</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3-2</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3-4</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3-6</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3-7</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3A-1</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3A-3</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3A-5</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3B-10</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3B-11</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3B-13</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3B-15</td>
<td>HB0866</td>
<td>0451</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>225</td>
<td>225 ILCS 410/3C-1</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3C-2</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3C-3</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>- 225 ILCS 410/3C-4</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>- 225 ILCS 410/3C-5</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3C-9</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/3D-5</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/4-1</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>- 225 ILCS 410/4-1.5</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 410/4-2</td>
<td>HB0866</td>
<td>0451</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 425/2.02</td>
<td>HB1177</td>
<td>0414</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 425/2.04</td>
<td>HB1177</td>
<td>0414</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 425/3</td>
<td>HB1177</td>
<td>0414</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 425/4.5</td>
<td>HB1177</td>
<td>0414</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 425/5</td>
<td>HB1177</td>
<td>0414</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 425/6a</td>
<td>HB1177</td>
<td>0414</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 425/9</td>
<td>HB1177</td>
<td>0414</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 441/25-5</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 454/25-25</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 454/25-30</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 454/25-37</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 458/25-5</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 510/3</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>225</td>
<td>225 ILCS 510/4</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>230</td>
<td>230 ILCS 5/28</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>230</td>
<td>230 ILCS 5/28</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>230</td>
<td>230 ILCS 10/7</td>
<td>HB1919</td>
<td>0667</td>
</tr>
<tr>
<td>230</td>
<td>230 ILCS 10/12</td>
<td>SB0316</td>
<td>0673</td>
</tr>
<tr>
<td>230</td>
<td>230 ILCS 10/13</td>
<td>SB0316</td>
<td>0673</td>
</tr>
<tr>
<td>235</td>
<td>235 ILCS 5/6-2</td>
<td>HB1285</td>
<td>0289</td>
</tr>
<tr>
<td>235</td>
<td>235 ILCS 5/6-2</td>
<td>SB0406</td>
<td>0381</td>
</tr>
<tr>
<td>235</td>
<td>235 ILCS 5/6-2</td>
<td>SB0945</td>
<td>0005</td>
</tr>
<tr>
<td>235</td>
<td>235 ILCS 5/6-15</td>
<td>HB3022</td>
<td>0463</td>
</tr>
<tr>
<td>235</td>
<td>235 ILCS 5/6-15</td>
<td>SB0327</td>
<td>0300</td>
</tr>
<tr>
<td>235</td>
<td>- 235 ILCS 5/6-15</td>
<td>SB0478</td>
<td>0382</td>
</tr>
<tr>
<td>235</td>
<td>235 ILCS 5/9-2b</td>
<td>HB0048</td>
<td>0282</td>
</tr>
<tr>
<td>240</td>
<td>240 ILCS 40/10-25</td>
<td>HB0942</td>
<td>0211</td>
</tr>
<tr>
<td>240</td>
<td>240 ILCS 40/20-20</td>
<td>SB0214</td>
<td>0054</td>
</tr>
<tr>
<td>240</td>
<td>240 ILCS 40/25-20</td>
<td>SB0214</td>
<td>0054</td>
</tr>
<tr>
<td>240</td>
<td>240 ILCS 40/30-5</td>
<td>SB0214</td>
<td>0054</td>
</tr>
<tr>
<td>240</td>
<td>240 ILCS 40/30-15</td>
<td>SB0214</td>
<td>0054</td>
</tr>
<tr>
<td>240</td>
<td>240 ILCS 40/35-5</td>
<td>SB0214</td>
<td>0054</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/1-10</td>
<td>SB0562</td>
<td>0556</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>305</td>
<td>305 ILCS 5/5-2</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5-5.01a</td>
<td>SB1651</td>
<td>0342</td>
</tr>
<tr>
<td>305</td>
<td>+ 305 ILCS 5/5-5.04</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5-5.4</td>
<td>SB0063</td>
<td>0085</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5-5.4</td>
<td>HB1197</td>
<td>0048</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5-5.4</td>
<td>HB3478</td>
<td>0697</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5-5.12</td>
<td>HB1197</td>
<td>0048</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5-11</td>
<td>HB1197</td>
<td>0048</td>
</tr>
<tr>
<td>305</td>
<td>+ 305 ILCS 5/5-25</td>
<td>HB1133</td>
<td>0328</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5A-1</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5A-2</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5A-3</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5A-4</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5A-5</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5A-7</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5A-8</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5A-10</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>+ 305 ILCS 5/5A-12.1</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5A-13</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/5A-14</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/6-1.7</td>
<td>SB0519</td>
<td>0533</td>
</tr>
<tr>
<td>305</td>
<td>+ 305 ILCS 5/8A-3.5</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>305</td>
<td>+ 305 ILCS 5/8A-3.6</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/9A-4</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/9A-11</td>
<td>SB0143</td>
<td>0320</td>
</tr>
<tr>
<td>305</td>
<td>+ 305 ILCS 5/9A-15</td>
<td>HB2421</td>
<td>0371</td>
</tr>
<tr>
<td>305</td>
<td>+ 305 ILCS 5/9A-15</td>
<td>SB0519</td>
<td>0533</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/10-1</td>
<td>SB0452</td>
<td>0090</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/10-4</td>
<td>SB0955</td>
<td>0092</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/10-10</td>
<td>HB0785</td>
<td>0088</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/10-16.5</td>
<td>SB0452</td>
<td>0090</td>
</tr>
<tr>
<td>305</td>
<td>+ 305 ILCS 5/10-28</td>
<td>HB0785</td>
<td>0088</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/11-8</td>
<td>SB0232</td>
<td>0524</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/11-22</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/11-22a</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/11-22b</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/11-22c</td>
<td>HB0806</td>
<td>0693</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/12-4.4</td>
<td>SB0519</td>
<td>0533</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/12-4.11</td>
<td>HB0760</td>
<td>0669</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/12-4.25</td>
<td>HB2490</td>
<td>0265</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/12-4.35</td>
<td>HB1197</td>
<td>0048</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/12-4.201</td>
<td>HB2892</td>
<td>0267</td>
</tr>
<tr>
<td>305</td>
<td>+ 305 ILCS 5/12-4.202</td>
<td>HB2892</td>
<td>0267</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>305</td>
<td>305 ILCS 5/12-5</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/12-10.4</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/12-13.05</td>
<td>HB1406</td>
<td>0416</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 5/12-13.4</td>
<td>SB1680</td>
<td>0433</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 40/20</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 40/55</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/Art. 5</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/5-1</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/5-5</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/5-10</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/5-15</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/5-90</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/Art. 10</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/Art. 90</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/90-5</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/90-10</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/90-15</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/90-97</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>305</td>
<td>305 ILCS 55/90-99</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 10/8.1a</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 50/2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 67/15</td>
<td>SB0966</td>
<td>0303</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 67/25</td>
<td>SB0966</td>
<td>0303</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 67/30</td>
<td>SB0966</td>
<td>0303</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 67/50</td>
<td>SB0966</td>
<td>0303</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 67/60</td>
<td>SB0966</td>
<td>0303</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 67/70/4</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 105/</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 105/1</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 105/5</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 105/7</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 105/10</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 105/15</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 105/20</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 105/25</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 105/85</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 105/90</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>310</td>
<td>310 ILCS 105/99</td>
<td>SB0075</td>
<td>0118</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 20/14</td>
<td>SB1489</td>
<td>0431</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 25/4</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 40/10</td>
<td>HB1197</td>
<td>0048</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 40/15</td>
<td>HB1197</td>
<td>0048</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>320</td>
<td>320 ILCS 42/20</td>
<td>SB1651</td>
<td>0342</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 42/25</td>
<td>SB1967</td>
<td>0236</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 42/35</td>
<td>SB2062</td>
<td>0031</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/1</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/5</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/10</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/15</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/17</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/20</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/25</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/30</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/30</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/35</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/35</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/40</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/45</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/50</td>
<td>SB0973</td>
<td>0086</td>
</tr>
<tr>
<td>320</td>
<td>320 ILCS 55/65</td>
<td>HB2461</td>
<td>0336</td>
</tr>
<tr>
<td>325</td>
<td>325 ILCS 2/75</td>
<td>HB0175</td>
<td>0207</td>
</tr>
<tr>
<td>325</td>
<td>325 ILCS 5/3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>325</td>
<td>325 ILCS 5/7.14</td>
<td>HB0172</td>
<td>0160</td>
</tr>
<tr>
<td>325</td>
<td>325 ILCS 57/</td>
<td>HB2445</td>
<td>0484</td>
</tr>
<tr>
<td>325</td>
<td>325 ILCS 57/1</td>
<td>HB2445</td>
<td>0484</td>
</tr>
<tr>
<td>325</td>
<td>325 ILCS 57/5</td>
<td>HB2445</td>
<td>0484</td>
</tr>
<tr>
<td>325</td>
<td>325 ILCS 57/99</td>
<td>HB2445</td>
<td>0484</td>
</tr>
<tr>
<td>330</td>
<td>330 ILCS 25/3</td>
<td>HB2566</td>
<td>0099</td>
</tr>
<tr>
<td>330</td>
<td>330 ILCS 25/5</td>
<td>HB2566</td>
<td>0099</td>
</tr>
<tr>
<td>330</td>
<td>330 ILCS 25/6</td>
<td>HB2566</td>
<td>0099</td>
</tr>
<tr>
<td>330</td>
<td>330 ILCS 25/7</td>
<td>HB2566</td>
<td>0099</td>
</tr>
<tr>
<td>330</td>
<td>330 ILCS 60/4.5</td>
<td>HB0593</td>
<td>0162</td>
</tr>
<tr>
<td>330</td>
<td>330 ILCS 105/1</td>
<td>SB2032</td>
<td>0106</td>
</tr>
<tr>
<td>405</td>
<td>405 ILCS 5/3-606</td>
<td>SB0559</td>
<td>0202</td>
</tr>
<tr>
<td>405</td>
<td>405 ILCS 5/3-801</td>
<td>HB3812</td>
<td>0521</td>
</tr>
<tr>
<td>405</td>
<td>405 ILCS 5/3-801.5</td>
<td>HB3812</td>
<td>0521</td>
</tr>
<tr>
<td>405</td>
<td>405 ILCS 30/4.3</td>
<td>SB0159</td>
<td>0379</td>
</tr>
<tr>
<td>405</td>
<td>405 ILCS 30/4.4</td>
<td>HB1345</td>
<td>0498</td>
</tr>
<tr>
<td>405</td>
<td>405 ILCS 30/4.5</td>
<td>HB1345</td>
<td>0498</td>
</tr>
<tr>
<td>405</td>
<td>405 ILCS 49/5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>405</td>
<td>405 ILCS 90/</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>405 ILCS 90/1</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>405 ILCS 90/5</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>405 ILCS 90/10</td>
<td>HB0399</td>
<td>0347</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>405</td>
<td>+ 405 ILCS 90/15</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>+ 405 ILCS 90/20</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>+ 405 ILCS 90/25</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>+ 405 ILCS 90/30</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>+ 405 ILCS 90/35</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>+ 405 ILCS 90/40</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>+ 405 ILCS 90/900</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>+ 405 ILCS 90/905</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>+ 405 ILCS 90/910</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>+ 405 ILCS 90/915</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>405</td>
<td>+ 405 ILCS 90/999</td>
<td>HB0399</td>
<td>0347</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 2/</td>
<td>HB2380</td>
<td>0634</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 2/1</td>
<td>HB2380</td>
<td>0634</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 2/5</td>
<td>HB2380</td>
<td>0634</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 2/10</td>
<td>HB2380</td>
<td>0634</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 2/15</td>
<td>HB2380</td>
<td>0634</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 2/20</td>
<td>HB2380</td>
<td>0634</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 2/25</td>
<td>HB2380</td>
<td>0634</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 18/15</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 25/5</td>
<td>HB0055</td>
<td>0283</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 37/</td>
<td>HB0043</td>
<td>0042</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 37/1</td>
<td>HB0043</td>
<td>0042</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 37/5</td>
<td>HB0043</td>
<td>0042</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 37/10</td>
<td>HB0043</td>
<td>0042</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 37/15</td>
<td>HB0043</td>
<td>0042</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 37/20</td>
<td>HB0043</td>
<td>0042</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 37/99</td>
<td>HB0043</td>
<td>0042</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 39/</td>
<td>HB0834</td>
<td>0450</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 39/1</td>
<td>HB0834</td>
<td>0450</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 39/5</td>
<td>HB0834</td>
<td>0450</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 39/10</td>
<td>HB0834</td>
<td>0450</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 39/15</td>
<td>HB0834</td>
<td>0450</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 39/20</td>
<td>HB0834</td>
<td>0450</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 39/99</td>
<td>HB0834</td>
<td>0450</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 48/</td>
<td>HB2572</td>
<td>0100</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 48/1</td>
<td>HB2572</td>
<td>0100</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 48/5</td>
<td>HB2572</td>
<td>0100</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 48/10</td>
<td>HB2572</td>
<td>0100</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 48/15</td>
<td>HB2572</td>
<td>0100</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 48/20</td>
<td>HB2572</td>
<td>0100</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 48/25</td>
<td>HB2572</td>
<td>0100</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 48/30</td>
<td>HB2572</td>
<td>0100</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 48/35</td>
<td>HB2572</td>
<td>0100</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>410</td>
<td>+ 410 ILCS 48/99</td>
<td>HB2572</td>
<td>0100</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 51/</td>
<td>HB0511</td>
<td>0614</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 51/1</td>
<td>HB0511</td>
<td>0614</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 51/5</td>
<td>HB0511</td>
<td>0614</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 51/10</td>
<td>HB0511</td>
<td>0614</td>
</tr>
<tr>
<td>410</td>
<td>410 ILCS 70/5</td>
<td>SB1878</td>
<td>0434</td>
</tr>
<tr>
<td>410</td>
<td>410 ILCS 80/2</td>
<td>HB0672</td>
<td>0517</td>
</tr>
<tr>
<td>410</td>
<td>410 ILCS 80/11</td>
<td>HB0672</td>
<td>0517</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 100/</td>
<td>HB0615</td>
<td>0447</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 100/1</td>
<td>HB0615</td>
<td>0447</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 100/5</td>
<td>HB0615</td>
<td>0447</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 100/10</td>
<td>HB0615</td>
<td>0447</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 100/15</td>
<td>HB0615</td>
<td>0447</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 100/20</td>
<td>HB0615</td>
<td>0447</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 100/25</td>
<td>HB0615</td>
<td>0447</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 100/30</td>
<td>HB0615</td>
<td>0447</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 100/35</td>
<td>HB0615</td>
<td>0447</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 201/</td>
<td>SB1698</td>
<td>0632</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 201/1</td>
<td>SB1698</td>
<td>0632</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 201/5</td>
<td>SB1698</td>
<td>0632</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 201/10</td>
<td>SB1698</td>
<td>0632</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 201/15</td>
<td>SB1698</td>
<td>0632</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 201/20</td>
<td>SB1698</td>
<td>0632</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 201/25</td>
<td>SB1698</td>
<td>0632</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 201/30</td>
<td>SB1698</td>
<td>0632</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 201/35</td>
<td>SB1698</td>
<td>0632</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 201/99</td>
<td>SB1698</td>
<td>0632</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 212/</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 212/1</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 212/5</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 212/10</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 212/15</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 212/20</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 212/25</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 212/90</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 212/95</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 212/99</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>- 410 ILCS 220/</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>- 410 ILCS 220/1</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>- 410 ILCS 220/2</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>- 410 ILCS 220/3</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>- 410 ILCS 220/4</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>- 410 ILCS 220/5</td>
<td>HB0612</td>
<td>0407</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>410</td>
<td>- 410 ILCS 220/6</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>- 410 ILCS 220/6a</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>- 410 ILCS 220/7</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>- 410 ILCS 220/8</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 223/</td>
<td>HB0480</td>
<td>0631</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 223/1</td>
<td>HB0480</td>
<td>0631</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 223/5</td>
<td>HB0480</td>
<td>0631</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 223/10</td>
<td>HB0480</td>
<td>0631</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 223/15</td>
<td>HB0480</td>
<td>0631</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 223/20</td>
<td>HB0480</td>
<td>0631</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 223/25</td>
<td>HB0480</td>
<td>0631</td>
</tr>
<tr>
<td>410</td>
<td>410 ILCS 225/7</td>
<td>HB0612</td>
<td>0407</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 260/</td>
<td>SB0506</td>
<td>0228</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 260/1</td>
<td>SB0506</td>
<td>0228</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 260/5</td>
<td>SB0506</td>
<td>0228</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 260/10</td>
<td>SB0506</td>
<td>0228</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 260/15</td>
<td>SB0506</td>
<td>0228</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 260/20</td>
<td>SB0506</td>
<td>0228</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 260/25</td>
<td>SB0506</td>
<td>0228</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 260/30</td>
<td>SB0506</td>
<td>0228</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 260/99</td>
<td>SB0506</td>
<td>0228</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/1</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/5</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/10</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/15</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/20</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/25</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/30</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/35</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/90</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/92</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/94</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/95</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 303/99</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>410</td>
<td>410 ILCS 305/9</td>
<td>HB3420</td>
<td>0102</td>
</tr>
<tr>
<td>410</td>
<td>410 ILCS 310/</td>
<td>HB3420</td>
<td>0102</td>
</tr>
<tr>
<td>410</td>
<td>410 ILCS 310/1</td>
<td>HB3420</td>
<td>0102</td>
</tr>
<tr>
<td>410</td>
<td>410 ILCS 310/2</td>
<td>HB3420</td>
<td>0102</td>
</tr>
<tr>
<td>410</td>
<td>410 ILCS 310/3</td>
<td>HB3420</td>
<td>0102</td>
</tr>
<tr>
<td>410</td>
<td>410 ILCS 310/4</td>
<td>HB3420</td>
<td>0102</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 413/</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 413/1</td>
<td>HB0788</td>
<td>0073</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
## Compiled Statutes Amended

<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>410</td>
<td>+ 410 ILCS 413/5</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 413/10</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 413/15</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 413/20</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 413/25</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 413/30</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 413/35</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 413/99</td>
<td>HB0788</td>
<td>0073</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 522/</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 522/Art. 5</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 522/Art. 10</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 522/10-1</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 522/10-5</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 522/10-10</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 522/10-15</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-20</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-25</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-30</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-35</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-40</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-45</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-50</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-90</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-90-5</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-90-10</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-90-15</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-90-97</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 10-90-99</td>
<td>SB0157</td>
<td>0242</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 535/18</td>
<td>HB1350</td>
<td>0671</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 535/25.1</td>
<td>SB0568</td>
<td>0007</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 607/</td>
<td>HB0991</td>
<td>0670</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 607/1</td>
<td>HB0991</td>
<td>0670</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 607/5</td>
<td>HB0991</td>
<td>0670</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 607/10</td>
<td>HB0991</td>
<td>0670</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 607/99</td>
<td>HB0991</td>
<td>0670</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 620/24</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 642/</td>
<td>HB0130</td>
<td>0638</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 642/1</td>
<td>HB0130</td>
<td>0638</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 642/5</td>
<td>HB0130</td>
<td>0638</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 642/10</td>
<td>HB0130</td>
<td>0638</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 642/15</td>
<td>HB0130</td>
<td>0638</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 642/20</td>
<td>HB0130</td>
<td>0638</td>
</tr>
<tr>
<td>410</td>
<td>+ 410 ILCS 642/25</td>
<td>HB0130</td>
<td>0638</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>410</td>
<td>+ 410 ILCS 642/99</td>
<td>HB0130</td>
<td>0638</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/3.135</td>
<td>SB1909</td>
<td>0066</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/3.160</td>
<td>SB0431</td>
<td>0272</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/3.330</td>
<td>HB0414</td>
<td>0094</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/3.330</td>
<td>HB0406</td>
<td>0249</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/3.458</td>
<td>HB0523</td>
<td>0641</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/21</td>
<td>HB0414</td>
<td>0094</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/21.3</td>
<td>SB0431</td>
<td>0272</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/22.2d</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/22.15</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/22.15a</td>
<td>SB0431</td>
<td>0272</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/22.44</td>
<td>SB0431</td>
<td>0272</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/22.50</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/22.50</td>
<td>SB0431</td>
<td>0272</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/22.50</td>
<td>HB1149</td>
<td>0518</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/22.51</td>
<td>SB0431</td>
<td>0272</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/22.51</td>
<td>SB0067</td>
<td>0725</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/22.52</td>
<td>SB0431</td>
<td>0272</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/25b-3</td>
<td>SB1701</td>
<td>0580</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/25b-4</td>
<td>SB1701</td>
<td>0580</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/Tit. VI-D</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/25d-1</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/25d-2</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/25d-3</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/25d-4</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/25d-5</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/25d-6</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/25d-7</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/25d-8</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/25d-9</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/25d-10</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/34</td>
<td>SB0431</td>
<td>0272</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/39</td>
<td>SB0431</td>
<td>0272</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/39</td>
<td>SB0067</td>
<td>0725</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/39.2</td>
<td>HB0918</td>
<td>0591</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/39.5</td>
<td>SB1701</td>
<td>0580</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/42</td>
<td>SB1701</td>
<td>0580</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/42</td>
<td>SB0431</td>
<td>0272</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/44</td>
<td>HB0433</td>
<td>0286</td>
</tr>
<tr>
<td>415</td>
<td>- 415 ILCS 5/52.2</td>
<td>SB1701</td>
<td>0580</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/56.1</td>
<td>HB0523</td>
<td>0641</td>
</tr>
<tr>
<td>415</td>
<td>+ 415 ILCS 5/56.7</td>
<td>HB0523</td>
<td>0641</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/57.2</td>
<td>SB1787</td>
<td>0274</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>415</td>
<td>415 ILCS 5/57.10</td>
<td>SB2040</td>
<td>0276</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/58.8</td>
<td>SB0241</td>
<td>0314</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 5/58.8</td>
<td>SB0431</td>
<td>0272</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 20/6</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 60/13</td>
<td>HB0295</td>
<td>0060</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 120/10</td>
<td>HB0931</td>
<td>0062</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 120/30</td>
<td>HB0931</td>
<td>0062</td>
</tr>
<tr>
<td>415</td>
<td>415 ILCS 120/31</td>
<td>HB0931</td>
<td>0062</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 20/13</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 25/</td>
<td>HB3622</td>
<td>0194</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 25/0.01</td>
<td>HB3622</td>
<td>0194</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 25/1</td>
<td>HB3622</td>
<td>0194</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 25/2</td>
<td>HB3622</td>
<td>0194</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 25/3</td>
<td>HB3622</td>
<td>0194</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 25/4</td>
<td>HB3622</td>
<td>0194</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 25/5</td>
<td>HB3622</td>
<td>0194</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/4</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/5</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/6</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/7</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/7a</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/9</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/10</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/11</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/11.5</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/12</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/13</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/14</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/15</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/16</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/17</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/18</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/19</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/20</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/21</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/22</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/23</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/24</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/24.5</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/24.7</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/25</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/25.1</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/25.2</td>
<td>SB1483</td>
<td>0104</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>420</td>
<td>420 ILCS 40/26</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/27</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/28</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/29</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/30</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/31</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/32</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/33</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/34</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/35</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/36</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/37</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/38</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/39</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/40</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/43</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/44</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/45</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 40/49</td>
<td>SB1483</td>
<td>0104</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 42/15</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 42/40</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/5</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/10</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/15</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/20</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/25</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/30</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/35</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/45</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/50</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/55</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/60</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/65</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>420</td>
<td>420 ILCS 44/70</td>
<td>HB1549</td>
<td>0369</td>
</tr>
<tr>
<td>425</td>
<td>425 ILCS 35/1</td>
<td>SB1821</td>
<td>0658</td>
</tr>
<tr>
<td>425</td>
<td>425 ILCS 35/2</td>
<td>SB1821</td>
<td>0658</td>
</tr>
<tr>
<td>425</td>
<td>425 ILCS 35/2.1</td>
<td>SB1821</td>
<td>0658</td>
</tr>
<tr>
<td>425</td>
<td>425 ILCS 35/2.2</td>
<td>SB1821</td>
<td>0658</td>
</tr>
<tr>
<td>425</td>
<td>425 ILCS 35/2.3</td>
<td>SB1821</td>
<td>0658</td>
</tr>
<tr>
<td>425</td>
<td>425 ILCS 35/4.1</td>
<td>SB1821</td>
<td>0658</td>
</tr>
<tr>
<td>425</td>
<td>425 ILCS 35/5</td>
<td>SB1821</td>
<td>0658</td>
</tr>
<tr>
<td>425</td>
<td>425 ILCS 55/1.5</td>
<td>SB0046</td>
<td>0630</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 55/3</td>
<td>HB0729</td>
<td>0096</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>430</td>
<td>430 ILCS 65/</td>
<td>SB1962</td>
<td>0006</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/1</td>
<td>SB1962</td>
<td>0006</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/1.1</td>
<td>SB1333</td>
<td>0353</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/1.1</td>
<td>SB1962</td>
<td>0006</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/2</td>
<td>SB1962</td>
<td>0006</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/3</td>
<td>SB1333</td>
<td>0353</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/3</td>
<td>SB1962</td>
<td>0006</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/3</td>
<td>SB0053</td>
<td>0571</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/3</td>
<td>HB0132</td>
<td>0284</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/3a</td>
<td>SB1333</td>
<td>0353</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/3.1</td>
<td>SB1333</td>
<td>0353</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/3.1</td>
<td>SB1962</td>
<td>0006</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/3.3</td>
<td>HB0348</td>
<td>0125</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/5</td>
<td>SB1333</td>
<td>0353</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 65/10</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 125/10</td>
<td>SB0526</td>
<td>0011</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 125/15</td>
<td>SB0526</td>
<td>0011</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 125/17</td>
<td>SB0526</td>
<td>0011</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 125/20</td>
<td>SB0526</td>
<td>0011</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 125/25</td>
<td>SB0526</td>
<td>0011</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 125/26</td>
<td>SB0526</td>
<td>0011</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 125/27</td>
<td>SB0526</td>
<td>0011</td>
</tr>
<tr>
<td>430</td>
<td>430 ILCS 125/30</td>
<td>SB0526</td>
<td>0011</td>
</tr>
<tr>
<td>505</td>
<td>505 ILCS 5/5</td>
<td>HB0229</td>
<td>0444</td>
</tr>
<tr>
<td>505</td>
<td>505 ILCS 130/12</td>
<td>HB0601</td>
<td>0061</td>
</tr>
<tr>
<td>505</td>
<td>505 ILCS 130/13</td>
<td>HB0601</td>
<td>0061</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/2.04a</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/2.05a</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/2.11a</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/2.11b</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/2.11c</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/2.16</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/2.19a</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/3</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/5</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/8</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/9</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/10</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/11</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/13</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/15</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/15.1</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>510 ILCS 5/26</td>
<td>HB0315</td>
<td>0639</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.    - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>510</td>
<td>+ 510 ILCS 5/30</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 5/35</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/1</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/5</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/10</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/15</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/20</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/25</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/30</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/35</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/40</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/45</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/905</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/910</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/915</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/920</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/995</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>510</td>
<td>+ 510 ILCS 92/999</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>515</td>
<td>+ 515 ILCS 5/1-53</td>
<td>HB1181</td>
<td>0592</td>
</tr>
<tr>
<td>515</td>
<td>515 ILCS 5/1-55</td>
<td>HB1181</td>
<td>0592</td>
</tr>
<tr>
<td>515</td>
<td>515 ILCS 5/1-75</td>
<td>HB1074</td>
<td>0010</td>
</tr>
<tr>
<td>515</td>
<td>515 ILCS 5/1-125</td>
<td>HB1181</td>
<td>0592</td>
</tr>
<tr>
<td>515</td>
<td>515 ILCS 5/10-100</td>
<td>HB1181</td>
<td>0592</td>
</tr>
<tr>
<td>515</td>
<td>515 ILCS 5/20-35</td>
<td>HB3785</td>
<td>0222</td>
</tr>
<tr>
<td>515</td>
<td>515 ILCS 5/20-35</td>
<td>HB1181</td>
<td>0592</td>
</tr>
<tr>
<td>515</td>
<td>+ 515 ILCS 5/20-47</td>
<td>HB2550</td>
<td>0313</td>
</tr>
<tr>
<td>515</td>
<td>515 ILCS 5/20-70</td>
<td>HB1181</td>
<td>0592</td>
</tr>
<tr>
<td>520</td>
<td>520 ILCS 5/1.2m</td>
<td>HB1074</td>
<td>0010</td>
</tr>
<tr>
<td>520</td>
<td>520 ILCS 5/2.26</td>
<td>HB1074</td>
<td>0010</td>
</tr>
<tr>
<td>520</td>
<td>+ 520 ILCS 5/3.1-4</td>
<td>HB2550</td>
<td>0313</td>
</tr>
<tr>
<td>520</td>
<td>520 ILCS 5/3.5</td>
<td>HB3785</td>
<td>0222</td>
</tr>
<tr>
<td>520</td>
<td>+ 520 ILCS 5/3.16a</td>
<td>HB1314</td>
<td>0212</td>
</tr>
<tr>
<td>520</td>
<td>520 ILCS 5/3.19</td>
<td>HB1314</td>
<td>0212</td>
</tr>
<tr>
<td>520</td>
<td>520 ILCS 5/3.20</td>
<td>HB1314</td>
<td>0212</td>
</tr>
<tr>
<td>525</td>
<td>525 ILCS 35/3</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>605</td>
<td>605 ILCS 5/6-116</td>
<td>SB0489</td>
<td>0273</td>
</tr>
<tr>
<td>605</td>
<td>605 ILCS 5/6-116</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>605</td>
<td>605 ILCS 5/6-201.7</td>
<td>SB1882</td>
<td>0435</td>
</tr>
<tr>
<td>605</td>
<td>605 ILCS 5/6-205</td>
<td>SB1649</td>
<td>0059</td>
</tr>
<tr>
<td>605</td>
<td>605 ILCS 5/6-410</td>
<td>SB1649</td>
<td>0059</td>
</tr>
<tr>
<td>605</td>
<td>+ 605 ILCS 5/6-620</td>
<td>HB3651</td>
<td>0692</td>
</tr>
<tr>
<td>605</td>
<td>605 ILCS 5/9-107</td>
<td>SB1649</td>
<td>0059</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.   - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>605</td>
<td>605 ILCS 5/9-127</td>
<td>SB1235</td>
<td>0476</td>
</tr>
<tr>
<td>605</td>
<td>605 ILCS 10/10</td>
<td>SB1964</td>
<td>0636</td>
</tr>
<tr>
<td>605</td>
<td>605 ILCS 10/11</td>
<td>SB1964</td>
<td>0636</td>
</tr>
<tr>
<td>605</td>
<td>+ 605 ILCS 10/16.2</td>
<td>SB1964</td>
<td>0636</td>
</tr>
<tr>
<td>605</td>
<td>+ 605 ILCS 10/16.3</td>
<td>SB1964</td>
<td>0636</td>
</tr>
<tr>
<td>605</td>
<td>605 ILCS 10/23</td>
<td>SB1964</td>
<td>0636</td>
</tr>
<tr>
<td>605</td>
<td>605 ILCS 10/27.1</td>
<td>SB1964</td>
<td>0636</td>
</tr>
<tr>
<td>610</td>
<td>+ 610 ILCS 107/</td>
<td>HB2449</td>
<td>0318</td>
</tr>
<tr>
<td>610</td>
<td>+ 610 ILCS 107/1</td>
<td>HB2449</td>
<td>0318</td>
</tr>
<tr>
<td>610</td>
<td>+ 610 ILCS 107/5</td>
<td>HB2449</td>
<td>0318</td>
</tr>
<tr>
<td>610</td>
<td>+ 610 ILCS 107/10</td>
<td>HB2449</td>
<td>0318</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/1-101.5</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/1-105</td>
<td>HB2250</td>
<td>0334</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/1-115.3</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/2-105</td>
<td>HB1968</td>
<td>0645</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/2-111</td>
<td>HB1316</td>
<td>0619</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/2-115</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/2-123</td>
<td>SB0459</td>
<td>0056</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/2-128</td>
<td>SB0248</td>
<td>0470</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-113</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-114</td>
<td>HB0947</td>
<td>0411</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-401</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-412</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-412</td>
<td>HB2351</td>
<td>0564</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-416</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/Ch. 3 Art. VI</td>
<td>HB2351</td>
<td>0564</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-609.1</td>
<td>SB1666</td>
<td>0343</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-616</td>
<td>HB1316</td>
<td>0619</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-623</td>
<td>HB0386</td>
<td>0093</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-623</td>
<td>SB1666</td>
<td>0343</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-628</td>
<td>SB1666</td>
<td>0343</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-634</td>
<td>HB0577</td>
<td>0322</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-642</td>
<td>SB1666</td>
<td>0343</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-653</td>
<td>HB0315</td>
<td>0639</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/3-663</td>
<td>HB2351</td>
<td>0564</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-704</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-704</td>
<td>HB1316</td>
<td>0619</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-802</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-803</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-806.4</td>
<td>HB0544</td>
<td>0311</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-806.4</td>
<td>SB1666</td>
<td>0343</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/3-806.6</td>
<td>HB2467</td>
<td>0503</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>625</td>
<td>625 ILCS 5/3-808.1</td>
<td>HB1316</td>
<td>0619</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-818</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>- 625 ILCS 5/3-822</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/3-1001</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/4-203</td>
<td>SB0066</td>
<td>0522</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/4-208</td>
<td>SB0501</td>
<td>0650</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/5-501</td>
<td>HB0956</td>
<td>0287</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-103</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/6-103.1</td>
<td>SB0301</td>
<td>0473</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-106.1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-107</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-107</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-110</td>
<td>HB1077</td>
<td>0075</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-117</td>
<td>HB1077</td>
<td>0075</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-201</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-204</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-205</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/6-205.2</td>
<td>HB0692</td>
<td>0700</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-206</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-206</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-206.1</td>
<td>HB0396</td>
<td>0357</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-206.1</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-301.2</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-303</td>
<td>HB0888</td>
<td>0112</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-305</td>
<td>SB1124</td>
<td>0717</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-306.5</td>
<td>HB1597</td>
<td>0294</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-306.6</td>
<td>HB0769</td>
<td>0618</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-306.7</td>
<td>HB2348</td>
<td>0218</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-500</td>
<td>HB2250</td>
<td>0334</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-500</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-507</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-508</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-508</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-509</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-510</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-513</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-514</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-518</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/6-523</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/7-315</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/7-316.1</td>
<td>SB0302</td>
<td>0224</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>625</td>
<td>625 ILCS 5/7-318</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/7-503</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/7-702.1</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/8-101</td>
<td>HB2510</td>
<td>0319</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-208.3</td>
<td>HB1597</td>
<td>0294</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-208.5</td>
<td>HB0887</td>
<td>0111</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-401</td>
<td>HB1351</td>
<td>0115</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-501</td>
<td>HB0657</td>
<td>0110</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-501</td>
<td>HB1471</td>
<td>0329</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-501</td>
<td>SB1495</td>
<td>0609</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-501</td>
<td>HB1081</td>
<td>0113</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-501</td>
<td>HB1132</td>
<td>0114</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-501</td>
<td>HB3816</td>
<td>0116</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-501.1</td>
<td>HB1351</td>
<td>0115</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-501.8</td>
<td>SB1825</td>
<td>0307</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-1202</td>
<td>HB1387</td>
<td>0519</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-1301.3</td>
<td>HB1316</td>
<td>0619</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-1301.5</td>
<td>HB1316</td>
<td>0619</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-1301.6</td>
<td>HB1316</td>
<td>0619</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-1426.1</td>
<td>SB0025</td>
<td>0298</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/11-1427.3</td>
<td>HB1182</td>
<td>0047</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-208</td>
<td>SB0127</td>
<td>0299</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-215</td>
<td>HB0996</td>
<td>0143</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-215</td>
<td>HB1550</td>
<td>0331</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-215</td>
<td>SB0054</td>
<td>0270</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-401</td>
<td>HB1316</td>
<td>0619</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-503</td>
<td>HB2351</td>
<td>0564</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-601.2</td>
<td>HB2593</td>
<td>0373</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-603.1</td>
<td>SB0229</td>
<td>0241</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-603.1</td>
<td>HB1565</td>
<td>0239</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-604</td>
<td>HB0960</td>
<td>0185</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-604.1</td>
<td>HB0960</td>
<td>0185</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-610.1</td>
<td>SB0210</td>
<td>0240</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-610.5</td>
<td>SB1119</td>
<td>0304</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-613</td>
<td>SB1221</td>
<td>0594</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-705.1</td>
<td>HB0112</td>
<td>0346</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-715</td>
<td>SB1221</td>
<td>0594</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/12-815.2</td>
<td>HB1387</td>
<td>0519</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/13B-55</td>
<td>HB2348</td>
<td>0218</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/13B-99</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/Ch. 13C</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/13C-1</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/13C-5</td>
<td>SB0397</td>
<td>0526</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-10</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-15</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-20</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-25</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-30</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-35</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-40</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-45</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-50</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-55</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-60</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/13C-75</td>
<td>SB0397</td>
<td>0526</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/15-101</td>
<td>HB3814</td>
<td>0713</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/15-107</td>
<td>HB3738</td>
<td>0464</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/15-111</td>
<td>HB1386</td>
<td>0049</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/16-102</td>
<td>HB0887</td>
<td>0111</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/18a-300</td>
<td>SB0501</td>
<td>0650</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/18b-105</td>
<td>HB1387</td>
<td>0519</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/18b-106.2</td>
<td>HB1411</td>
<td>0001</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/18b-107</td>
<td>HB1387</td>
<td>0519</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/18c-2102</td>
<td>HB1358</td>
<td>0499</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 5/18c-2106</td>
<td>HB1358</td>
<td>0499</td>
</tr>
<tr>
<td>625</td>
<td>+ 625 ILCS 5/18c-7406</td>
<td>SB1119</td>
<td>0304</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 25/4b</td>
<td>SB0229</td>
<td>0241</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 27/15</td>
<td>HB1562</td>
<td>0332</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 40/5-7</td>
<td>HB1339</td>
<td>0214</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 40/10-3</td>
<td>HB1339</td>
<td>0214</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 45/3-2</td>
<td>HB0445</td>
<td>0045</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 45/5-16</td>
<td>HB1339</td>
<td>0214</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 45/6-1</td>
<td>HB1339</td>
<td>0214</td>
</tr>
<tr>
<td>625</td>
<td>625 ILCS 45/11A-5</td>
<td>HB1339</td>
<td>0214</td>
</tr>
<tr>
<td>705</td>
<td>- 705 ILCS 22/5</td>
<td>HB0337</td>
<td>0003</td>
</tr>
<tr>
<td>705</td>
<td>+ 705 ILCS 22/6</td>
<td>HB0337</td>
<td>0003</td>
</tr>
<tr>
<td>705</td>
<td>- 705 ILCS 22/10</td>
<td>HB0337</td>
<td>0003</td>
</tr>
<tr>
<td>705</td>
<td>+ 705 ILCS 22/11</td>
<td>HB0337</td>
<td>0003</td>
</tr>
<tr>
<td>705</td>
<td>- 705 ILCS 22/20</td>
<td>HB0337</td>
<td>0003</td>
</tr>
<tr>
<td>705</td>
<td>+ 705 ILCS 22/21</td>
<td>HB0337</td>
<td>0003</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 35/2b</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 35/2f-9</td>
<td>HB0337</td>
<td>0003</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 70/1</td>
<td>HB2260</td>
<td>0098</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 70/3</td>
<td>HB2260</td>
<td>0098</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 70/4</td>
<td>HB2260</td>
<td>0098</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>705</td>
<td>705 ILCS 70/4.1</td>
<td>HB2260</td>
<td>0098</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 70/5</td>
<td>HB2260</td>
<td>0098</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 70/6</td>
<td>HB2260</td>
<td>0098</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 70/7</td>
<td>HB2260</td>
<td>0098</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 70/8</td>
<td>HB2260</td>
<td>0098</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 70/8.1</td>
<td>HB2260</td>
<td>0098</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 75/4</td>
<td>HB2260</td>
<td>0098</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 105/27.3a</td>
<td>SB1443</td>
<td>0595</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 105/27.3c</td>
<td>SB1444</td>
<td>0596</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 105/27.6</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 105/27.10</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 205/1</td>
<td>SB1883</td>
<td>0659</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 305/10.3</td>
<td>SB0517</td>
<td>0391</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 320/</td>
<td>HB1095</td>
<td>0186</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 320/1</td>
<td>HB1095</td>
<td>0186</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 320/5</td>
<td>HB1095</td>
<td>0186</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 320/10</td>
<td>HB1095</td>
<td>0186</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 320/15</td>
<td>HB1095</td>
<td>0186</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 320/300</td>
<td>HB1095</td>
<td>0186</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/1-5</td>
<td>SB0292</td>
<td>0271</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/1-7</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/1-8</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/2-10</td>
<td>HB3415</td>
<td>0604</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/2-10.1</td>
<td>HB3415</td>
<td>0604</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-130</td>
<td>SB0283</td>
<td>0574</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-130</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-130</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-170</td>
<td>SB1953</td>
<td>0345</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-401.5</td>
<td>SB0072</td>
<td>0117</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-601</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-615</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-705</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-710</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-710</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-715</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-750</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-805</td>
<td>SB0283</td>
<td>0574</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-805</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-810</td>
<td>SB0283</td>
<td>0574</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-815</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-820</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-821</td>
<td>SB0283</td>
<td>0574</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-901</td>
<td>SB0562</td>
<td>0556</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>705</td>
<td>705 ILCS 405/5-901</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-905</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>705</td>
<td>705 ILCS 405/5-915</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/Art. 1</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/Art. 3</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/Art. 4</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/401</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/405</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/410</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/415</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/495</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/Art. 9</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/995</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>710</td>
<td>+ 710 ILCS 45/999</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/1-6</td>
<td>HB2700</td>
<td>0051</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/1-6</td>
<td>HB0780</td>
<td>0179</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/2-6.6</td>
<td>SB0190</td>
<td>0243</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/2-6.6</td>
<td>HB0596</td>
<td>0323</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/3-5</td>
<td>HB0885</td>
<td>0487</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/3-6</td>
<td>HB0457</td>
<td>0253</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/8-2</td>
<td>HB0923</td>
<td>0184</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/9-3.3</td>
<td>HB1109</td>
<td>0560</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/9-3.3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/Art. 10A</td>
<td>HB1469</td>
<td>0009</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/10A-5</td>
<td>HB1469</td>
<td>0009</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/10A-10</td>
<td>HB1469</td>
<td>0009</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/10A-15</td>
<td>HB1469</td>
<td>0009</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/10A-20</td>
<td>HB1469</td>
<td>0009</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/11-9.1</td>
<td>SB1898</td>
<td>0140</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/11-9.3</td>
<td>HB0023</td>
<td>0158</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/11-9.3</td>
<td>HB2077</td>
<td>0164</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/11-9.3</td>
<td>SB0100</td>
<td>0170</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/11-19.2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/11-20.1</td>
<td>HB1173</td>
<td>0366</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/11-21</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-2</td>
<td>HB1432</td>
<td>0482</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-2</td>
<td>SB0190</td>
<td>0243</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-3.2</td>
<td>HB3449</td>
<td>0148</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-4</td>
<td>HB0864</td>
<td>0363</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-4</td>
<td>HB1588</td>
<td>0333</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-4</td>
<td>HB1432</td>
<td>0482</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-4</td>
<td>SB0190</td>
<td>0243</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.    - indicates repealed ILCS entry.
### Compiled Statutes Amended

<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>720</td>
<td>720 ILCS 5/12-4</td>
<td>HB1106</td>
<td>0327</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-4.2</td>
<td>SB0190</td>
<td>0243</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-4.2-5</td>
<td>SB0190</td>
<td>0243</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 5/12-4.10</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 5/12-4.10</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 5/12-4.11</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-7.1</td>
<td>SB0287</td>
<td>0080</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-10</td>
<td>HB0029</td>
<td>0684</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-10.1</td>
<td>HB0029</td>
<td>0684</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/12-18</td>
<td>HB0701</td>
<td>0397</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12-21.7</td>
<td>SB1960</td>
<td>0012</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/Art. 12A</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12A-1</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12A-5</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12A-10</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12A-15</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12A-20</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12A-25</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/Art. 12B</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12B-1</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12B-5</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12B-10</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12B-15</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12B-20</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12B-25</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12B-30</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/12B-35</td>
<td>HB4023</td>
<td>0315</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/14-2</td>
<td>HB0884</td>
<td>0183</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/14-3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/15-10</td>
<td>HB1434</td>
<td>0134</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/16-1</td>
<td>HB1434</td>
<td>0134</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16-22</td>
<td>HB2943</td>
<td>0707</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16A-3.5</td>
<td>HB0816</td>
<td>0449</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/16A-10</td>
<td>HB0816</td>
<td>0449</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/16G-10</td>
<td>HB2697</td>
<td>0038</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16G-14</td>
<td>HB2697</td>
<td>0038</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/16G-15</td>
<td>HB2699</td>
<td>0039</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/16G-20</td>
<td>HB2699</td>
<td>0039</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/Art. 16J</td>
<td>HB0780</td>
<td>0179</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/Art. 16J</td>
<td>HB0692</td>
<td>0700</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-5</td>
<td>HB0780</td>
<td>0179</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-5</td>
<td>HB0692</td>
<td>0700</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-10</td>
<td>HB0780</td>
<td>0179</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-10</td>
<td>HB0692</td>
<td>0700</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-15</td>
<td>HB0780</td>
<td>0179</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-15</td>
<td>HB0692</td>
<td>0700</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-20</td>
<td>HB0780</td>
<td>0179</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-25</td>
<td>HB0780</td>
<td>0179</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-25</td>
<td>HB0692</td>
<td>0700</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-30</td>
<td>HB0692</td>
<td>0700</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-35</td>
<td>HB0692</td>
<td>0700</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/16J-40</td>
<td>HB0692</td>
<td>0700</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/17-2</td>
<td>HB1559</td>
<td>0548</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/17-3</td>
<td>HB2404</td>
<td>0458</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/17-6</td>
<td>SB1491</td>
<td>0486</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/17-29</td>
<td>HB0381</td>
<td>0126</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/19-5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/20-1.1</td>
<td>SB0104</td>
<td>0393</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/20-1.1</td>
<td>HB0444</td>
<td>0127</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 5/20-1.4</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 5/20-1.5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/20-2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/21-1</td>
<td>HB0120</td>
<td>0509</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 5/21-1.5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/21-3</td>
<td>HB2441</td>
<td>0263</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/21-3</td>
<td>HB4020</td>
<td>0512</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/21-3</td>
<td>HB0120</td>
<td>0509</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/21-5</td>
<td>HB2441</td>
<td>0263</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/21-7</td>
<td>HB2441</td>
<td>0263</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/21-7</td>
<td>HB0349</td>
<td>0547</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/21-7</td>
<td>HB1559</td>
<td>0548</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/21-8</td>
<td>HB2441</td>
<td>0263</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/21-9</td>
<td>HB2441</td>
<td>0263</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-1</td>
<td>HB0524</td>
<td>0072</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-1</td>
<td>HB0132</td>
<td>0284</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-1.1</td>
<td>HB0524</td>
<td>0072</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-1.1</td>
<td>HB0132</td>
<td>0284</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-1.1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-1.2</td>
<td>SB0190</td>
<td>0243</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-1.2-5</td>
<td>SB0190</td>
<td>0243</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-1.6</td>
<td>HB0524</td>
<td>0072</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-1.6</td>
<td>HB0132</td>
<td>0284</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-1.6</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/24-1.7</td>
<td>HB1039</td>
<td>0398</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-3</td>
<td>HB0132</td>
<td>0284</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/24-3</td>
<td>SB1962</td>
<td>0006</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>720</td>
<td>720 ILCS 5/24-3.1</td>
<td>HB0132</td>
<td>0284</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/24-9.5</td>
<td>SB1832</td>
<td>0390</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/29B-1</td>
<td>HB1002</td>
<td>0364</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/29B-1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/29D-10</td>
<td>HB0053</td>
<td>0068</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/31-9</td>
<td>SB0190</td>
<td>0243</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/31A-1.1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/31A-1.2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/32-4</td>
<td>HB1095</td>
<td>0186</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/32-5.2-5</td>
<td>SB1230</td>
<td>0341</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/32-5.4</td>
<td>HB0596</td>
<td>0323</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/32-5.5</td>
<td>HB0596</td>
<td>0323</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/32-5.6</td>
<td>HB0596</td>
<td>0323</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/32-5.7</td>
<td>HB0596</td>
<td>0323</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/33-3</td>
<td>HB3874</td>
<td>0338</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/33-7</td>
<td>HB3874</td>
<td>0338</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/33A-3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/36-1</td>
<td>HB1471</td>
<td>0329</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/37-1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/44-2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/44-3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 5/46-1</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 5/46-6</td>
<td>SB0538</td>
<td>0577</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 375/</td>
<td>HB0873</td>
<td>0020</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 375/0.01</td>
<td>HB0873</td>
<td>0020</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 375/1</td>
<td>HB0873</td>
<td>0020</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 375/1.5</td>
<td>HB0873</td>
<td>0020</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 525/1</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 525/2</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 525/3</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 525/4</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 525/4.1</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 525/4.9</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 550/10</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 550/10.2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 550/16.2</td>
<td>HB0804</td>
<td>0180</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/102</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/211</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/212</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/216</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 570/218</td>
<td>SB0102</td>
<td>0339</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/304</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/312</td>
<td>SB0273</td>
<td>0694</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>720</td>
<td>720 ILCS 570/401</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/401.1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/401.5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/402</td>
<td>HB0763</td>
<td>0324</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/402</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/405.2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/405.3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/406.1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/407</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/410</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/411</td>
<td>HB0529</td>
<td>0172</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/411.3</td>
<td>HB3507</td>
<td>0551</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/411.3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 570/413</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 600/2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/10</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/15</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/20</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/25</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/30</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/35</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/40</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/45</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/50</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/55</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/60</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/65</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/70</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/75</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/80</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/85</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/90</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/95</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/100</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/105</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/110</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/901</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/902</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/905</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>720 ILCS 646/910</td>
<td>SB0562</td>
<td>0556</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/915</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/920</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/925</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/926</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/930</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/935</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/940</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/945</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/950</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/955</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/960</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/965</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/970</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/975</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/980</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/985</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/990</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/995</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1000</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1005</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1010</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1015</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1020</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1025</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1030</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1035</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1040</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1045</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1050</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1055</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1056</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1060</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1065</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1066</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1070</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1075</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1080</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1085</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1090</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1095</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1100</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1105</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1110</td>
<td>SB0562</td>
<td>0556</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1115</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/1120</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 646/9999</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 647/</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 647/1</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 647/10</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 647/15</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 647/20</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 647/25</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 647/30</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 647/35</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 647/40</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 647/45</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>- 720 ILCS 648/</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/1</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/5</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/10</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/15</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/20</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/25</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/30</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/35</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/40</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/45</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/50</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/55</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/900</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/905</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>720</td>
<td>+ 720 ILCS 648/999</td>
<td>SB0273</td>
<td>0694</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/103-2.1</td>
<td>SB0072</td>
<td>0117</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>725</td>
<td>725 ILCS 5/104-20</td>
<td>HB1587</td>
<td>0191</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/108B-3</td>
<td>SB0074</td>
<td>0468</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/108B-3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/110-5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/110-6</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/110-6.1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/110-7</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/110-10</td>
<td>HB0892</td>
<td>0590</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/110-10</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/111-8</td>
<td>HB0793</td>
<td>0325</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/114-8</td>
<td>HB0215</td>
<td>0668</td>
</tr>
<tr>
<td>725</td>
<td>+ 725 ILCS 5/115-1.5</td>
<td>SB1953</td>
<td>0345</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/115-10.2</td>
<td>SB0078</td>
<td>0053</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/115-10.4</td>
<td>SB0078</td>
<td>0053</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/115-10.5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 5/115-15</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 105/10</td>
<td>SB0469</td>
<td>0340</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 120/3</td>
<td>SB0292</td>
<td>0271</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 120/4.5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 120/5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 120/8.5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 120/9</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 124/5</td>
<td>SB0469</td>
<td>0340</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 124/10</td>
<td>SB2082</td>
<td>0664</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 124/15</td>
<td>SB2082</td>
<td>0664</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 150/2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 150/3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 150/5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 150/6</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 150/7</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 150/9</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 150/9</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 150/15</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 150/33</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>725</td>
<td>+ 725 ILCS 205/4.03</td>
<td>HB2459</td>
<td>0705</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 205/9</td>
<td>HB0245</td>
<td>0404</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 207/15</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 207/40</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 207/75</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 210/4.01</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 215/3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>725</td>
<td>725 ILCS 225/5</td>
<td>SB0045</td>
<td>0149</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-1-2</td>
<td>HB0121</td>
<td>0159</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-1-2</td>
<td>SB0092</td>
<td>0696</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>730</td>
<td>730 ILCS 5/3-2-2</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-2-5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-2-6</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2-11</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/Ch. III Art. 2.5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-1</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-10</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-15</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-20</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-30</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-35</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-40</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-40.1</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-45</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-50</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-60</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-2.5-65</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-1</td>
<td>HB2386</td>
<td>0165</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-2</td>
<td>HB2386</td>
<td>0165</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-3</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-4</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-7</td>
<td>HB0121</td>
<td>0159</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-7</td>
<td>HB0350</td>
<td>0161</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-9</td>
<td>HB2386</td>
<td>0165</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-9</td>
<td>HB0350</td>
<td>0161</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-9</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-10</td>
<td>HB2386</td>
<td>0165</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-4</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-3-5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-5-3.1</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-6-2</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-6-2</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-6-3</td>
<td>HB1039</td>
<td>0398</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-6-3</td>
<td>HB0527</td>
<td>0491</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-6-3</td>
<td>HB0611</td>
<td>0128</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-6-3</td>
<td>SB2090</td>
<td>0156</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-6-3</td>
<td>HB0035</td>
<td>0071</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-6-8</td>
<td>HB0611</td>
<td>0128</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-7-2</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-7-2.5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-8-2</td>
<td>HB2578</td>
<td>0629</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>730</td>
<td>730 ILCS 5/Ch. III Art. 9</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-9-1</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-9-2</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-9-3</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-9-4</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-9-5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-9-6</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-9-7</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-1</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-2</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-2</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-3</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-4</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-6</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-7</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-8</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-9</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-10</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-11</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-12</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-10-13</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-14-1</td>
<td>HB2062</td>
<td>0163</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-14-2</td>
<td>HB0350</td>
<td>0161</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-14-2.5</td>
<td>HB2386</td>
<td>0165</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-15-2</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/3-16-5</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/Ch. III Art. 17</td>
<td>HB2411</td>
<td>0549</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/Ch. III Art. 17</td>
<td>SB0554</td>
<td>0383</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/Ch. III Art. 17</td>
<td>HB0350</td>
<td>0161</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-17-1</td>
<td>HB0350</td>
<td>0161</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-17-5</td>
<td>HB2411</td>
<td>0549</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-17-5</td>
<td>SB0554</td>
<td>0383</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-17-5</td>
<td>HB0350</td>
<td>0161</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-17-10</td>
<td>HB2411</td>
<td>0549</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-17-10</td>
<td>SB0554</td>
<td>0383</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-17-15</td>
<td>SB0554</td>
<td>0383</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-17-20</td>
<td>SB0554</td>
<td>0383</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/3-17-25</td>
<td>SB0554</td>
<td>0383</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 5/5-1-3.5</td>
<td>HB0121</td>
<td>0159</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-4-1</td>
<td>SB2090</td>
<td>0156</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-4-1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-4-3</td>
<td>HB0992</td>
<td>0016</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-3</td>
<td>HB0524</td>
<td>0072</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-3.2</td>
<td>HB3648</td>
<td>0375</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-3.2</td>
<td>HB0767</td>
<td>0131</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-3.2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6</td>
<td>HB0701</td>
<td>0397</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6</td>
<td>HB3449</td>
<td>0148</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6-1</td>
<td>HB1483</td>
<td>0330</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6-1</td>
<td>SB1897</td>
<td>0169</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6-1</td>
<td>HB3648</td>
<td>0375</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6-2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6-3</td>
<td>HB0121</td>
<td>0159</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6-3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6-3</td>
<td>HB0350</td>
<td>0161</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6-3</td>
<td>HB0121</td>
<td>0159</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6-3</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-6-4</td>
<td>HB0350</td>
<td>0161</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-8-1</td>
<td>SB0190</td>
<td>0243</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-8-1</td>
<td>HB2386</td>
<td>0165</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-8-1</td>
<td>SB0319</td>
<td>0715</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-8-4</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-5-8-6</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-9-1</td>
<td>SB1180</td>
<td>0652</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-9-1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-9-1.1</td>
<td>HB3504</td>
<td>0550</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-9-1.1</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-9-1.1-5</td>
<td>HB3504</td>
<td>0550</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-9-1.2</td>
<td>HB3504</td>
<td>0550</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-9-1.2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 5/5-9-1.4</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 110/12</td>
<td>HB2062</td>
<td>0163</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 110/15</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 110/15</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 110/15.1</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 110/16.1</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 110/16.2</td>
<td>HB0350</td>
<td>0161</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 125/5</td>
<td>SB1509</td>
<td>0678</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 125/17</td>
<td>HB0920</td>
<td>0494</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 125/17.10</td>
<td>HB2578</td>
<td>0629</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 140/3</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/2</td>
<td>SB1234</td>
<td>0168</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/2</td>
<td>HB4030</td>
<td>0166</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>730</td>
<td>730 ILCS 150/3</td>
<td>SB1234</td>
<td>0168</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/3</td>
<td>HB4030</td>
<td>0166</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/4</td>
<td>SB1234</td>
<td>0168</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/5</td>
<td>SB1234</td>
<td>0168</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/5-5</td>
<td>SB1234</td>
<td>0168</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/6</td>
<td>SB1234</td>
<td>0168</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/6</td>
<td>HB4030</td>
<td>0166</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/6-5</td>
<td>SB1234</td>
<td>0168</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/7</td>
<td>SB1234</td>
<td>0168</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/7</td>
<td>HB4030</td>
<td>0166</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/8</td>
<td>HB4030</td>
<td>0166</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 150/10</td>
<td>SB1234</td>
<td>0168</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 152/120</td>
<td>SB1234</td>
<td>0168</td>
</tr>
<tr>
<td>730</td>
<td>730 ILCS 152/120</td>
<td>HB0350</td>
<td>0161</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 152/121</td>
<td>HB0121</td>
<td>0159</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 152/121</td>
<td>SB1234</td>
<td>0168</td>
</tr>
<tr>
<td>730</td>
<td>+ 730 ILCS 166/40</td>
<td>HB3515</td>
<td>0552</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/2-402</td>
<td>SB1893</td>
<td>0582</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/2-622</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/2-1001</td>
<td>SB0516</td>
<td>0531</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/2-1009A</td>
<td>SB0661</td>
<td>0091</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/2-1105</td>
<td>HB0174</td>
<td>0206</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/2-1402</td>
<td>HB1523</td>
<td>0293</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/2-1402</td>
<td>SB1752</td>
<td>0306</td>
</tr>
<tr>
<td>735</td>
<td>+ 735 ILCS 5/2-1704.5</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>735</td>
<td>+ 735 ILCS 5/2-1706.5</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>735</td>
<td>+ 735 ILCS 5/7-103.113</td>
<td>SB1968</td>
<td>0660</td>
</tr>
<tr>
<td>735</td>
<td>+ 735 ILCS 5/7-103.113</td>
<td>HB0870</td>
<td>0408</td>
</tr>
<tr>
<td>735</td>
<td>+ 735 ILCS 5/7-103.117</td>
<td>SB1208</td>
<td>0722</td>
</tr>
<tr>
<td>735</td>
<td>+ 735 ILCS 5/8-802.3</td>
<td>HB0598</td>
<td>0174</td>
</tr>
<tr>
<td>735</td>
<td>+ 735 ILCS 5/8-803.5</td>
<td>HB1079</td>
<td>0022</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/8-1901</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/8-2001</td>
<td>SB1907</td>
<td>0155</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/8-2501</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>735</td>
<td>+ 735 ILCS 5/9-107.10</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/9-118</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>735</td>
<td>+ 735 ILCS 5/9-218</td>
<td>HB0328</td>
<td>0002</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-109</td>
<td>SB0452</td>
<td>0090</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-705</td>
<td>HB1523</td>
<td>0293</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-803</td>
<td>SB1752</td>
<td>0306</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-805</td>
<td>SB1752</td>
<td>0306</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-808</td>
<td>SB1752</td>
<td>0306</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-901</td>
<td>HB1523</td>
<td>0293</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>735</td>
<td>735 ILCS 5/12-903.5</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-904</td>
<td>HB1523</td>
<td>0293</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-906</td>
<td>HB1523</td>
<td>0293</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-909</td>
<td>HB1523</td>
<td>0293</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-910</td>
<td>HB1523</td>
<td>0293</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-911</td>
<td>HB1523</td>
<td>0293</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-912</td>
<td>HB1523</td>
<td>0293</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/12-1001</td>
<td>HB1523</td>
<td>0293</td>
</tr>
<tr>
<td>735</td>
<td>735 ILCS 5/21-103</td>
<td>HB2920</td>
<td>0147</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 20/2</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 20/4</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 20/6</td>
<td>SB0562</td>
<td>0556</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 22/213</td>
<td>HB0617</td>
<td>0360</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 22/214</td>
<td>HB0617</td>
<td>0360</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 22/216</td>
<td>HB0617</td>
<td>0360</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 45/2</td>
<td>HB1134</td>
<td>0399</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 45/2</td>
<td>SB0416</td>
<td>0400</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 45/2</td>
<td>SB0529</td>
<td>0229</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 45/6.1</td>
<td>HB2389</td>
<td>0192</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 110/9.2</td>
<td>HB0808</td>
<td>0182</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 115/5</td>
<td>HB0766</td>
<td>0130</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 130/5</td>
<td>SB2103</td>
<td>0387</td>
</tr>
<tr>
<td>740</td>
<td>740 ILCS 170/4</td>
<td>SB1751</td>
<td>0305</td>
</tr>
<tr>
<td>745</td>
<td>745 ILCS 10/1-206</td>
<td>HB3595</td>
<td>0424</td>
</tr>
<tr>
<td>745</td>
<td>745 ILCS 49/20</td>
<td>HB0950</td>
<td>0083</td>
</tr>
<tr>
<td>745</td>
<td>745 ILCS 49/30</td>
<td>SB0475</td>
<td>0677</td>
</tr>
<tr>
<td>745</td>
<td>745 ILCS 49/72</td>
<td>HB1318</td>
<td>0290</td>
</tr>
<tr>
<td>745</td>
<td>745 ILCS 65/1</td>
<td>SB0251</td>
<td>0625</td>
</tr>
<tr>
<td>745</td>
<td>745 ILCS 65/2</td>
<td>SB0251</td>
<td>0625</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/205</td>
<td>SB0529</td>
<td>0229</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/212</td>
<td>SB0529</td>
<td>0229</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/303</td>
<td>SB0529</td>
<td>0229</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/504</td>
<td>SB0095</td>
<td>0089</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/505</td>
<td>SB0452</td>
<td>0090</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/506</td>
<td>HB0360</td>
<td>0640</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/507</td>
<td>HB0785</td>
<td>0088</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/517</td>
<td>HB0785</td>
<td>0088</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/601.5</td>
<td>SB0098</td>
<td>0377</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/602</td>
<td>SB0098</td>
<td>0377</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/602</td>
<td>HB0712</td>
<td>0643</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/602.1</td>
<td>SB0098</td>
<td>0377</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/607</td>
<td>SB0529</td>
<td>0229</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/608</td>
<td>HB0360</td>
<td>0640</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>750</td>
<td>+ 750 ILCS 5/609.5</td>
<td>HB0712</td>
<td>0643</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/610</td>
<td>HB0712</td>
<td>0643</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/705</td>
<td>HB0785</td>
<td>0088</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 5/709</td>
<td>HB0785</td>
<td>0088</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 16/20</td>
<td>SB0452</td>
<td>0090</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 16/23</td>
<td>SB0452</td>
<td>0090</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 16/25</td>
<td>HB0785</td>
<td>0088</td>
</tr>
<tr>
<td>750</td>
<td>+ 750 ILCS 27/</td>
<td>HB0783</td>
<td>0087</td>
</tr>
<tr>
<td>750</td>
<td>+ 750 ILCS 27/1</td>
<td>HB0783</td>
<td>0087</td>
</tr>
<tr>
<td>750</td>
<td>+ 750 ILCS 27/5</td>
<td>HB0783</td>
<td>0087</td>
</tr>
<tr>
<td>750</td>
<td>+ 750 ILCS 27/10</td>
<td>HB0783</td>
<td>0087</td>
</tr>
<tr>
<td>750</td>
<td>+ 750 ILCS 27/99</td>
<td>HB0783</td>
<td>0087</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 28/15</td>
<td>SB0452</td>
<td>0090</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 28/20</td>
<td>HB0173</td>
<td>0043</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 30/3-3</td>
<td>SB0529</td>
<td>0229</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 45/20.7</td>
<td>SB0452</td>
<td>0090</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 45/21</td>
<td>HB0785</td>
<td>0088</td>
</tr>
<tr>
<td>750</td>
<td>+ 750 ILCS 45/28</td>
<td>HB0785</td>
<td>0088</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/1</td>
<td>SB0529</td>
<td>0229</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/1</td>
<td>HB1870</td>
<td>0563</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/4.1</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/7</td>
<td>SB0511</td>
<td>0530</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/8</td>
<td>SB0511</td>
<td>0530</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/18.04</td>
<td>HB0582</td>
<td>0173</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/18.05</td>
<td>SB1458</td>
<td>0430</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/18.05</td>
<td>HB0582</td>
<td>0173</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/18.06</td>
<td>HB0582</td>
<td>0173</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/18.1</td>
<td>HB0582</td>
<td>0173</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/18.1a</td>
<td>HB0582</td>
<td>0173</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/18.1b</td>
<td>HB0582</td>
<td>0173</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/18.2</td>
<td>HB0582</td>
<td>0173</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/18.3</td>
<td>HB0582</td>
<td>0173</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/18.3a</td>
<td>HB0582</td>
<td>0173</td>
</tr>
<tr>
<td>750</td>
<td>750 ILCS 50/21</td>
<td>HB3628</td>
<td>0586</td>
</tr>
<tr>
<td>755</td>
<td>755 ILCS 5/2-2</td>
<td>SB0529</td>
<td>0229</td>
</tr>
<tr>
<td>755</td>
<td>755 ILCS 5/11-3</td>
<td>SB0658</td>
<td>0579</td>
</tr>
<tr>
<td>755</td>
<td>755 ILCS 5/11a-5</td>
<td>SB0658</td>
<td>0579</td>
</tr>
<tr>
<td>755</td>
<td>755 ILCS 5/25-1</td>
<td>SB0460</td>
<td>0057</td>
</tr>
<tr>
<td>755</td>
<td>755 ILCS 45/2-7.5</td>
<td>HB2341</td>
<td>0500</td>
</tr>
<tr>
<td>755</td>
<td>755 ILCS 50/5-20</td>
<td>HB1077</td>
<td>0075</td>
</tr>
<tr>
<td>755</td>
<td>755 ILCS 50/5-40</td>
<td>HB1077</td>
<td>0075</td>
</tr>
<tr>
<td>755</td>
<td>755 ILCS 50/5-45</td>
<td>HB1077</td>
<td>0075</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/</td>
<td>HB1517</td>
<td>0561</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/1</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/5</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/10</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/15</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/20</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/25</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/30</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/35</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/40</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/45</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/50</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>755</td>
<td>+ 755 ILCS 65/300</td>
<td>HB1517</td>
<td>0561</td>
</tr>
<tr>
<td>765</td>
<td>+ 765 ILCS 77/Art. 1</td>
<td>HB4050</td>
<td>0280</td>
</tr>
<tr>
<td>765</td>
<td>+ 765 ILCS 77/Art. 2</td>
<td>HB4050</td>
<td>0280</td>
</tr>
<tr>
<td>765</td>
<td>+ 765 ILCS 77/Art. 3</td>
<td>HB4050</td>
<td>0280</td>
</tr>
<tr>
<td>765</td>
<td>+ 765 ILCS 77/70</td>
<td>HB4050</td>
<td>0280</td>
</tr>
<tr>
<td>765</td>
<td>+ 765 ILCS 77/72</td>
<td>HB4050</td>
<td>0280</td>
</tr>
<tr>
<td>765</td>
<td>+ 765 ILCS 77/74</td>
<td>HB4050</td>
<td>0280</td>
</tr>
<tr>
<td>765</td>
<td>+ 765 ILCS 77/76</td>
<td>HB4050</td>
<td>0280</td>
</tr>
<tr>
<td>765</td>
<td>+ 765 ILCS 77/Art. 4</td>
<td>HB4050</td>
<td>0280</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 605/9.2</td>
<td>SB0764</td>
<td>0384</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 605/18.4</td>
<td>SB0764</td>
<td>0384</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 605/18.5</td>
<td>SB0764</td>
<td>0384</td>
</tr>
<tr>
<td>765</td>
<td>+ 765 ILCS 605/30.5</td>
<td>SB1219</td>
<td>0386</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 705/1</td>
<td>HB0237</td>
<td>0601</td>
</tr>
<tr>
<td>765</td>
<td>+ 765 ILCS 705/3</td>
<td>HB0328</td>
<td>0002</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/.01</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/1</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/1</td>
<td>SB1210</td>
<td>0608</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/2</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/3</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/4</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/5</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/5a</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/8</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/9</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/10</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/12</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/13</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/14</td>
<td>HB0264</td>
<td>0044</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 835/16</td>
<td>HB3749</td>
<td>0520</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 910/2</td>
<td>HB1428</td>
<td>0050</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 910/4</td>
<td>HB1428</td>
<td>0050</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>765</td>
<td>+ 765 ILCS 910/15</td>
<td>HB1428</td>
<td>0050</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 1025/2</td>
<td>HB0583</td>
<td>0255</td>
</tr>
<tr>
<td>765</td>
<td>+ 765 ILCS 1025/3a</td>
<td>HB1391</td>
<td>0686</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 1025/11</td>
<td>HB1391</td>
<td>0686</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 1025/12</td>
<td>HB1391</td>
<td>0686</td>
</tr>
<tr>
<td>765</td>
<td>765 ILCS 1025/17</td>
<td>HB2689</td>
<td>0422</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 23/5</td>
<td>HB0190</td>
<td>0403</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/1</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>- 770 ILCS 60/1.1</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/2</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/3</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/5</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/7</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/11</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/13</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/21</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/21</td>
<td>HB0566</td>
<td>0615</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/21.01</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/21.02</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/22</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/24</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/25</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/26</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/28</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/30</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/32</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 60/35</td>
<td>SB1930</td>
<td>0627</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 105/1</td>
<td>HB0566</td>
<td>0615</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 105/2</td>
<td>HB0566</td>
<td>0615</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 105/3</td>
<td>HB0566</td>
<td>0615</td>
</tr>
<tr>
<td>770</td>
<td>+ 770 ILCS 105/4.1</td>
<td>HB0566</td>
<td>0615</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 105/5</td>
<td>HB0566</td>
<td>0615</td>
</tr>
<tr>
<td>770</td>
<td>+ 770 ILCS 105/5.1</td>
<td>HB0566</td>
<td>0615</td>
</tr>
<tr>
<td>770</td>
<td>770 ILCS 105/6</td>
<td>HB0566</td>
<td>0615</td>
</tr>
<tr>
<td>775</td>
<td>+ 775 ILCS 5/3-105.1</td>
<td>HB0917</td>
<td>0078</td>
</tr>
<tr>
<td>775</td>
<td>775 ILCS 5/7A-102</td>
<td>HB2547</td>
<td>0146</td>
</tr>
<tr>
<td>775</td>
<td>775 ILCS 5/7A-102</td>
<td>HB0823</td>
<td>0326</td>
</tr>
<tr>
<td>775</td>
<td>775 ILCS 5/7B-102</td>
<td>HB0823</td>
<td>0326</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 5/7.05</td>
<td>SB1251</td>
<td>0655</td>
</tr>
<tr>
<td>805</td>
<td>+ 805 ILCS 5/7.90</td>
<td>SB0533</td>
<td>0394</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 5/9.05</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 5/9.20</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 5/12.45</td>
<td>SB0468</td>
<td>0605</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
| Ch. | I LCS | Bill No. | PA 94-
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>805</td>
<td>805 ILCS 5/12.56</td>
<td>SB0533</td>
<td>0394</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 5/13.60</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 105/105.10</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 105/112.45</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 105/113.60</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 105/114.05</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 105/115.10</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 180/1-35</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>+ 805 ILCS 180/1-36</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>+ 805 ILCS 180/1-37</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 180/35-40</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>+ 805 ILCS 180/37-40</td>
<td>SB0504</td>
<td>0607</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 180/45-65</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 180/50-10</td>
<td>SB0504</td>
<td>0607</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 180/50-10</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>805</td>
<td>805 ILCS 180/50-15</td>
<td>SB0468</td>
<td>0605</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/Art. 1</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/1-1</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/1-5</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/1-10</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/1-15</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/Art. 2</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-5</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-7</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-10</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-15</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-17</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-20</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-25</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-30</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-35</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-40</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-45</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-50</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-55</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/2-60</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/Art. 3</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/3-3</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/3-5</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/3-10</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/Art. 4</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/4-5</td>
<td>HB1100</td>
<td>0013</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/4-10</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/4-15</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/4-20</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/4-25</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/4-30</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/4-35</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/4-40</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/4-45</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/4-50</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/Art. 90</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/Art. 99</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 122/99</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 205/4</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 205/4</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 205/4.05</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 301/</td>
<td>SB0101</td>
<td>0378</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 301/1</td>
<td>SB0101</td>
<td>0378</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 301/5</td>
<td>SB0101</td>
<td>0378</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 301/10</td>
<td>SB0101</td>
<td>0378</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 301/15</td>
<td>SB0101</td>
<td>0378</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 301/20</td>
<td>SB0101</td>
<td>0378</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 301/25</td>
<td>SB0101</td>
<td>0378</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 301/30</td>
<td>SB0101</td>
<td>0378</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 301/35</td>
<td>SB0101</td>
<td>0378</td>
</tr>
<tr>
<td>815</td>
<td>815 ILCS 325/3</td>
<td>HB0805</td>
<td>0181</td>
</tr>
<tr>
<td>815</td>
<td>- 815 ILCS 325/4</td>
<td>HB0805</td>
<td>0181</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 325/5</td>
<td>HB0805</td>
<td>0181</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 325/6</td>
<td>HB0805</td>
<td>0181</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 505/2Z</td>
<td>HB0450</td>
<td>0280</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 505/2Z</td>
<td>HB1344</td>
<td>0292</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 505/2Z</td>
<td>HB1633</td>
<td>0036</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 505/2Z</td>
<td>HB1100</td>
<td>0013</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 505/2AA</td>
<td>SB0233</td>
<td>0238</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 505/2MM</td>
<td>HB1058</td>
<td>0074</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 505/2VV</td>
<td>HB2696</td>
<td>0037</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 505/2VV</td>
<td>HB2853</td>
<td>0567</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 513/15</td>
<td>HB2594</td>
<td>0490</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 513/15.1</td>
<td>HB2594</td>
<td>0490</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 513/30</td>
<td>HB2594</td>
<td>0490</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 530/</td>
<td>HB1633</td>
<td>0036</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 530/1</td>
<td>HB1633</td>
<td>0036</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 530/5</td>
<td>HB1633</td>
<td>0036</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 530/10</td>
<td>HB1633</td>
<td>0036</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>815</td>
<td>+ 815 ILCS 530/15</td>
<td>HB1633</td>
<td>0036</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 530/20</td>
<td>HB1633</td>
<td>0036</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 530/900</td>
<td>HB1633</td>
<td>0036</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/1</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/5</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/10</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/15</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/900</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/902</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/905</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/910</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/915</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/920</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/925</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 633/999</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>+ 815 ILCS 636/37</td>
<td>SB2060</td>
<td>0635</td>
</tr>
<tr>
<td>815</td>
<td>815 ILCS 645/2</td>
<td>HB2525</td>
<td>0687</td>
</tr>
<tr>
<td>815</td>
<td>815 ILCS 645/2</td>
<td>SB2072</td>
<td>0663</td>
</tr>
<tr>
<td>815</td>
<td>815 ILCS 645/8</td>
<td>HB2525</td>
<td>0687</td>
</tr>
<tr>
<td>815</td>
<td>815 ILCS 645/8</td>
<td>SB2072</td>
<td>0663</td>
</tr>
<tr>
<td>815</td>
<td>815 ILCS 645/9</td>
<td>HB2525</td>
<td>0687</td>
</tr>
<tr>
<td>815</td>
<td>815 ILCS 710/4</td>
<td>HB0956</td>
<td>0287</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 5/1.2</td>
<td>HB1480</td>
<td>0321</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 5/1.3</td>
<td>HB1480</td>
<td>0321</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 5/1.4</td>
<td>HB1480</td>
<td>0321</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 5/1.5</td>
<td>HB1480</td>
<td>0321</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 130/5</td>
<td>HB0188</td>
<td>0515</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 130/6</td>
<td>HB1370</td>
<td>0488</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 130/11</td>
<td>HB1370</td>
<td>0488</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 130/11a</td>
<td>HB1370</td>
<td>0488</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 130/11b</td>
<td>HB1370</td>
<td>0488</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 140/3.1</td>
<td>HB3485</td>
<td>0593</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 149/</td>
<td>HB0324</td>
<td>0033</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 149/1</td>
<td>HB0324</td>
<td>0033</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 149/3</td>
<td>HB0324</td>
<td>0033</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 149/5</td>
<td>HB0324</td>
<td>0033</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 149/10</td>
<td>HB0324</td>
<td>0033</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 149/15</td>
<td>HB0324</td>
<td>0033</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 151/</td>
<td>SB1627</td>
<td>0589</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 151/1</td>
<td>SB1627</td>
<td>0589</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 151/5</td>
<td>SB1627</td>
<td>0589</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 151/10</td>
<td>SB1627</td>
<td>0589</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>820</td>
<td>+ 820 ILCS 151/15</td>
<td>SB1627</td>
<td>0589</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 151/20</td>
<td>SB1627</td>
<td>0589</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 151/25</td>
<td>SB1627</td>
<td>0589</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 151/30</td>
<td>SB1627</td>
<td>0589</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 151/99</td>
<td>SB1627</td>
<td>0589</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 175/2</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/5</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/10</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 175/12</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/15</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/20</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/25</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/30</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/35</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/40</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/45</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/50</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/55</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/70</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/75</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 175/85</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 175/90</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 175/95</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 175/97</td>
<td>HB3471</td>
<td>0511</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 220/.02</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 220/2</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 220/2.1</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 220/2.2</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 220/2.3</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 220/2.4</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 220/2.5</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 220/2.6</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 220/2.7</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 220/2.8</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 220/2.9</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 220/2.10</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 225/2</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 225/4</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 225/4.1</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 225/4.2</td>
<td>SB1267</td>
<td>0477</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/4</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/7</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/7</td>
<td>SB1283</td>
<td>0695</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry. - indicates repealed ILCS entry.
<table>
<thead>
<tr>
<th>Ch.</th>
<th>ILCS</th>
<th>Bill No.</th>
<th>PA 94-</th>
</tr>
</thead>
<tbody>
<tr>
<td>820</td>
<td>820 ILCS 305/8</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/8</td>
<td>SB1283</td>
<td>0695</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 305/8.2</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/8.2</td>
<td>SB1283</td>
<td>0695</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 305/8.3</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 305/8.7</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/8.7</td>
<td>SB1283</td>
<td>0695</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/12</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/13</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/13.1</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/13.1</td>
<td>SB1283</td>
<td>0695</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/14</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/16</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 305/19</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 305/25.5</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 310/12</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 310/19</td>
<td>HB2137</td>
<td>0277</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 315/2</td>
<td>SB0092</td>
<td>0696</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 405/235</td>
<td>SB0411</td>
<td>0301</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 405/1300</td>
<td>SB2066</td>
<td>0237</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 405/1400</td>
<td>HB2133</td>
<td>0723</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 405/1400.2</td>
<td>HB2133</td>
<td>0723</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 405/1402</td>
<td>HB2133</td>
<td>0723</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 405/1403</td>
<td>SB1771</td>
<td>0233</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 405/1500</td>
<td>SB0411</td>
<td>0301</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 405/1502.1</td>
<td>SB0426</td>
<td>0152</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 405/1506.1</td>
<td>SB0411</td>
<td>0301</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 405/1506.3</td>
<td>SB0411</td>
<td>0301</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 405/1507</td>
<td>SB0411</td>
<td>0301</td>
</tr>
<tr>
<td>820</td>
<td>+ 820 ILCS 405/1507.1</td>
<td>SB0411</td>
<td>0301</td>
</tr>
<tr>
<td>820</td>
<td>820 ILCS 405/2103.1</td>
<td>SB1770</td>
<td>0232</td>
</tr>
</tbody>
</table>

+ indicates new ILCS entry.  - indicates repealed ILCS entry.
INDEX

ADMINISTRATIVE PROCEDURE
AERONAUTICS AND AIR TRANSPORTATION
AGING
AGRICULTURE
ALTERNATIVE DISPUTE RESOLUTION
  see: labor relations
ANIMALS, FISH, AND WILDLIFE
ANTITRUST
  see: civil law
APPROPRIATIONS
ATHLETICS
  see: sports
BANKING AND FINANCIAL REGULATION
BOARDS AND COMMISSIONS
BUSINESS ORGANIZATIONS
BUSINESS TRANSACTIONS
CEMETERIES
CHILDREN
CIVIC CENTERS
  see: special districts
CIVIL ADMINISTRATIVE CODE
  see: executive branch of state government
  see: executive officers of state government
CIVIL IMMUNITIES
  see: civil law
CIVIL LAW
CIVIL LIABILITIES
COMMERCIAL CODE
COMPUTER TECHNOLOGY
  see: technology
CONSERVATION AND NATURAL RESOURCES
CONSTITUTION
CONSUMER PROTECTION
CONTROLLED SUBSTANCES AND LIQUOR REGULATION
CORRECTIONS
  see: criminal law
COUNTIES
  see: local government
COURTS AND THE JUDICIARY
CRIMINAL LAW
CRIMINAL PROCEDURE
  see: criminal law

See topic headings on page 5954
INDEX

DEPARTMENTS OF STATE GOVERNMENT
  see: executive branch of state government
DISABLED PERSONS
ECONOMIC DEVELOPMENT
EDUCATION
ELECTIONS
EMERGENCY SERVICES AND PERSONNEL
EMPLOYMENT
ENTERPRISE ZONES
  see: economic development
ENVIRONMENT AND ENERGY
ESTATES
ETHICS
EXECUTIVE BRANCH OF STATE GOVERNMENT
EXECUTIVE OFFICERS OF STATE GOVERNMENT
EXECUTIVE ORDERS
FAIRS
FAMILIES
FINANCE
FIRE SAFETY
FIREARMS
FOREST PRESERVES
  see: special districts
FUELS
FOOD
GAMING
GANGS
GENERAL ASSEMBLY
  see: legislature
HEALTH CARE
HEALTH FACILITIES
  see: health care
HIGHER EDUCATION
HISTORIC PRESERVATION
HOUSING
HUMAN RIGHTS
HUMAN SERVICES
INFORMATION - MEETINGS - RECORDS
INSURANCE
INTERSTATE COMPACTS
LABOR RELATIONS
LAW ENFORCEMENT

See topic headings on page 5954
INDEX

LEGISLATURE

LIBRARIES
LIENS
LOCAL GOVERNMENT
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES Act - See:
   SPECIAL DISTRICTS
MILITARY AFFAIRS
   see: veterans and the military
MOBILE HOMES
MUNICIPALITIES
   see: local government
NEW ACTS
NUCLEAR SAFETY
OFFICERS AND EMPLOYEES
PARKS AND PARK DISTRICTS
PENSIONS
PORT DISTRICTS
   see: special districts
PROFESSIONS AND OCCUPATIONS
PROPERTY
PUBLIC AID
   see: human services
PUBLIC HEALTH AND SAFETY
REPEALED ACTS
RESOLUTIONS
   see: “Table of Contents”
REVENUE - EXCISE TAXES
   see: taxation
REVENUE - INCOME TAXES
REVENUE - OCCUPATION AND USE TAXES
REVENUE - PROPERTY TAXES
SANITARY DISTRICTS
   see: special districts
SCHOOLS
SPECIAL DISTRICTS
SPORTS
STATE DESIGNATIONS
   see: state government
STATE GOVERNMENT
STATUTES
TAXATION
TECHNOLOGY

See topic headings on page 5954
INDEX

TERRORISM

TOBACCO PRODUCTS
TOWNSHIPS
   see: local government
TRADE AND TOURISM
TRANSPORTATION AND MOTOR VEHICLES
TRUSTS AND FIDUCIARIES
UNIFORM LAWS
URBAN REVITALIZATION
UTILITIES
VICTIMS AND WITNESSES
VETERANS AND MILITARY
WAREHOUSES
WATERWAYS
WEAPONS
WILDLIFE
   see: animals, fish, and wildlife
ADMINISTRATIVE PROCEDURE
Administrative Procedure Act
FY2006 budget implementation, 94-0048
licenses, use of social security number, 94-0040

AERONAUTICS AND AIR TRANSPORTATION
Airport Authorities Act
boards of commissioners
appointment, 94-0466
county board chairman, limits powers concerning Authority appropriation ordinance, 94-0466
technical, 94-0562

AGING
Aging, Illinois Act on the
adult day service, 94-0421
care services vendors, 94-0048
Community Care Program Advisory Committee, 94-0269
FY06 Budget Implementation, 94-0048
institutionalization alternatives, 94-0269
routine training of case managers and case manager supervisors, 94-0336
technical, 94-0145

All-Inclusive Care for the Elderly Act
definitions
frail elderly, 94-0048
PACE, 94-0048

Elder Abuse and Neglect Act
volunteers; recruiting, 94-0431

Family Caregiver Act
adults over 18 who are disabled, 94-0336

NEW ACTS
Arthritis Prevention, Control, and Cure Act, 94-0634

Older Adult Services Act
affordable housing unit plan; goals, 94-0236
Older Adult Services Advisory Committee, 94-0031
supportive living facilities program, 94-0342

Senior Citizens and Disabled Persons Prescription Drug Discount Program Act
Illinois Citizens Prescription Drug Discount Program, 94-0091
manufacturer rebate agreements, 94-0091
Prescription Drug Discount Program Act, changes name to, 94-0086
program eligibility, 94-0091

Senior Pharmaceutical Assistance Act
technical, 94-0086

See topic headings on page 5954
INDEX

AGRICULTURE
Agricultural Areas Conservation and Protection Act
 designation; agricultural area, 94-0444
Agricultural Fair Act
distribution formula for premiums to county fairs, 94-0261
reimbursements for making insurance and rehabilitation expenditures, 94-0261
Aquaculture Development Act
 Aquaculture Cooperative, 94-0091
 Fund, 94-0091
NEW ACTS
 AgrAbility Act, Illinois, 94-0216
 Soybean Marketing Act
 adds members to board of directors, 94-0061
ALTERNATIVE DISPUTE RESOLUTION
Health Care Arbitration Act - See: LABOR RELATIONS
Labor Arbitration Services Act - See: LABOR RELATIONS
Not-For-Profit Dispute Resolution Center Act, Illinois - See: LABOR RELATIONS
See: LABOR RELATIONS
ANIMALS, FISH, AND WILDLIFE
Animal Control Act
 registration of dogs & cats, requires, 94-0639
Fish and Aquatic Life Code
 aquatic life dealers, 94-0592
 defines "resident" to mean permanent abode, 94-0010
 indigenous species, 94-0592
 minnow, 94-0592
 taxidermy
 violations, 94-0222
NEW ACTS
 Anna Cieslewicz Act, 94-0639
Wildlife Code
 hunting season time limits; weapons allowable, 94-0010
 military members allowed to camp and hunt without paying fees, 94-0313
 non-resident fur buyer permit, must obtain to deal in green hides at auction, 94-0212
 taxidermy
 violations, 94-0222
ANTITRUST
See: CIVIL LAW
APPROPRIATIONS
Departments of State Government
 Aging, 94-0015
 Agriculture, 94-0015

See topic headings on page 5954
### APPROPRIATIONS-Cont

- Children and Family Services, 94-0015
- Corrections, 94-0015
- Human Services, 94-0015
- Natural Resources, 94-0015
- State Police, 94-0015
- Transportation, 94-0015
- General Assembly, 94-0015

### ATHLETICS

See: SPORTS

### BANKING AND FINANCIAL REGULATION

Banking Act, Illinois
- Bank and Trust Company Fund, 94-0091
  - financial exploitation; elderly or disabled person, 94-0495
  - technical, 94-0138
- Consumer Installment Loan Act, 94-0013
  - technical, 94-0101
- Credit Union Act, Illinois
  - contributions, 94-0150
  - financial exploitation; elderly, 94-0495
  - loan applications, 94-0150
- Currency Exchange Act
  - bond;condition, amount, 94-0538
- Financial Institutions Code, 94-0013
- Financial Institutions Electronic Documents and Digital Signature Act
  - Financial Institutions Electronic Documents and Digital Signature Act, 94-0458
  - substitute check, 94-0458

### NEW ACTS

- Payday Loan Reform Act, 94-0013
- Personal Information Protection Act, 94-0036
- Social Security Numbers Limited Use Act, 94-0226

Pawnbroker Regulation Act
- FY06 Budget Implementation, 94-0091
- Professions Indirect Cost Fund, 94-0091

Savings and Loan Act of 1985, Illinois
- financial exploitation; elderly, 94-0495
- FY06 Budget Implementation, 94-0091
- Savings and Residential Finance Regulatory Fund, 94-0091

Savings Bank Act
- financial exploitation; elderly, 94-0495

Transmitters of Money Act
- Consumer Protection Fund, 94-0091

See topic headings on page 5954
INDEX

BANKING AND FINANCIAL REGULATION - Cont
   FY06 Budget Implementation, 94-0091
   TOMA Consumer Protection Fund, 94-0091

BOARDS AND COMMISSIONS
Addison Creek Restoration Commission Act
   loans and advances; levy taxes; borrow money, 94-0682
Amistad Commission
   creates, 94-0285
Building Commission Act, Illinois
   fees, 94-0091
   Illinois Building Commission, 94-0091
Capital Development Board Act
   LEED green building rating system, 94-0573
Capital Punishment Reform Study Committee Act
   technical, 94-0699
Council on Responsible Fatherhood Act, 94-0008
Illinois Early Learning Council Act
   nutrition, nutrition education, and physical activity, 94-0124
Interagency Coordinating Council Act
   comprehensive plan to increase the availability of school personnel in this State,
   94-0230

NEW ACTS
   Local Government Consolidation Commission Act, 94-0244
   Social Security Number Protection Task Force Act
      additional member to represent courts, 94-0611
      changes date to present findings, 94-0611

BUSINESS ORGANIZATIONS
Business Corporation Act of 1983
   articles of incorporation/ application for authority, 94-0605
   open Board meetings, 94-0655
   shareholder rights, 94-0655, 94-0394
   technical, 94-0655
Cemetery Association Act
   articles of incorporation/ application for authority, 94-0605
Co-operative Act
   articles of incorporation/ application for authority, 94-0605
General Not For Profit Corporation Act of 1986
   articles of incorporation/ application for authority, 94-0605
Limited Liability Company Act
   change address of its registered office, 94-0605
   operating agreement; powers and duties, 94-0607

NEW ACTS
   Global Partnership Act, Illinois, 94-0388
   International Business Council Act, Illinois, 94-0388

See topic headings on page 5954
BUSINESS ORGANIZATIONS - Cont
   Personal Information Protection Act, 94-0036
   Social Security Numbers Limited Use Act, 94-0226
Professional Service Corporation Act
   articles of incorporation/ application for authority, 94-0605
Revised Uniform Limited Partnership Act
   administrative dissolution of a limited partnership, 94-0605
   dissolution, cancellation, statements of correction, activities that do not constitute
   transaction of business, 94-0605
Uniform Partnership Act
   statements of correction and activities that do not constitute the transaction of
   business, 94-0605
BUSINESS TRANSACTIONS
Consumer Fraud and Deceptive Business Practices Act
   Automotive Collision Repair Act, 94-0292
   cell phone billing, 94-0567
   immigration assistance services, 94-0238
   predatory lending database pilot program, 94-0280
   victim of identity theft; deny credit or public utility service, 94-0037
Copper Purchase Registration Law
   copper purchase, 94-0181
   repeals, 94-0181
Home Repair and Remodeling Act
   must advise consumer availability of arbitration to settle disputes, 94-0490
Interest Act
   Payday Loan Reform Act, 94-0013
   rates
   service members, 94-0635
Motor Vehicle Leasing Act, 94-0635
NEW ACTS
   Payday Loan Reform Act, 94-0013
   Personal Information Protection Act, 94-0036
   Social Security Numbers Limited Use Act, 94-0226
Telephone Solicitations Act
   technical, 94-0567
CEMETERIES
Cemetery Care Act - See: TRUSTS AND FIDUCIARIES
Cemetery Protection Act - See: PROPERTY
Crematory Regulation Act - See: PUBLIC HEALTH AND SAFETY
Funeral or Burial Funds Act, Illinois - See: PROFESSIONS AND OCCUPATIONS
Grave and Cemetery Restoration Act - See: LOCAL GOVERNMENT
Pre-Need Cemetery Sales Act, Illinois - See: BUSINESS TRANSACTIONS

See topic headings on page 5954
cemeteries - cont
Public Graveyards Act - See: LOCAL GOVERNMENT

children
Abandoned Newborn Infant Protection Act
  repeals only the provision authorizing entire Act's repeal, **94-0207**
Abused and Neglected Child Reporting Act
  identifying information; reports; retained until case is closed, **94-0160**
Child Care Act of 1969
  adoption services, **94-0586**
  adoption-only homes, **94-0586**
  child welfare agency; published advertisement, **94-0586**
  creates the Department of Juvenile Justice from the Juvenile Division of the
    Department of Corrections, **94-0696**
  licensure, **94-0586**
  tax-exempt organization, **94-0586**
  unlicensed pre-adoptive and adoptive home, **94-0586**
Children and Family Services Act
  creates the Department of Juvenile Justice from the Juvenile Division of the
    Department of Corrections, **94-0696**
  funding, grants, **94-0215**
  mental health services, **94-0034**
  methamphetamine protocol, **94-0554**
Children's Product Safety Act
  definitions; recall requirements, violations, and penalties, **94-0011**

new acts
  Asthma Inhalers at Recreational Camps Act, **94-0670**
  Child Support Payment Act, **94-0087**
  Children's Environmental Health Office Act, **94-0467**
  Covering ALL KIDS Health Insurance Act, **94-0693**
  Find Our Children Act, **94-0484**
  Helping Heroes Child Care Program Act, **94-0035**
  Newborn Eye Pathology Act, **94-0631**
  Shaken Baby Prevention Act, **94-0228**
  State Prohibition of Goods from Child Labor Act, **94-0264**

civic centers
See: SPECIAL DISTRICTS

Civil Administrative Code
See: EXECUTIVE BRANCH OF STATE GOVERNMENT
See: EXECUTIVE OFFICERS OF STATE GOVERNMENT

Civil Immunities
Local Governmental and Governmental EmployeesTort Immunity Act - See: CIVIL
  LAW
See: CIVIL LAW

See topic headings on page 5954
CIVIL LAW

Civil No Contact Order Act
changes what a "no contact" order may contain, 94-0360
emergency civil no contact, 94-0360

Code of Civil Procedure
civ. practice-judgment
   child support judgments, 94-0090
civ. practice-trial
   substitution of a judge, 94-0531
disclosure; union agent and a bargaining unit membe, 94-0022
discovery, 94-0582
eminent domain
   quick take: Bloomington and Normal Water Reclamation District, 94-0408
   quick-take: DeWitt County, 94-0408
   quick-take: City of Oak Brook Terrace, 94-0722
   quick-take: Lake County, 94-0408
   quick-take: Williamson County, 94-0660
exemptions
   estate of homestead property used as a residence; increases, 94-0293
informants privacy privilege, defines, 94-0174
judgments-enforcement
   home possession; military personnel, 94-0635
jury; claims for damages $50,000 and less, 94-0206
Mandatory Arbitration Fund, 94-0091
medical liability, makes numerous changes, 94-0677
medical malpractice, 94-0677
name change; notice by publication, 94-0147
patient records, availability, 94-0155
Rent payments at business office, 94-0002
technical, 94-0147, 94-0660
wage deductions, 94-0306

Good Samaritan Act
dental clinics, 94-0083
engineer, architect, land surveyor, exempt if providing services in response to
natural disaster, 94-0290
immunity for damages from services performed without compensation, 94-0677
immunity for services without compensation at free med clinics, applies to
physicians, 94-0677

Sorry Works! Pilot Program Act, 94-0677

Local Governmental and Governmental EmployeesTort Immunity Act
injury resulting from the use of a firearm by any qualified retired law enforcement
officer; exempts liability, 94-0103

See topic headings on page 5954
INDEX

CIVIL LAW-Cont
local public entity, 94-0424, 94-0103

NEW ACTS
Restroom Access Act, 94-0450
Social Security Numbers Limited Use Act, 94-0226

Parental Responsibility Law
damage caused by minor, 94-0130

Premises Liability Act
firerarm range owner or operator immunities, 94-0387

Recreational Use of Land and Water Areas Act
courages owners of land to make land and water areas available to public, 94-0625
technical, 94-0625

Wage Assignment Act, Illinois
minimum wage collected for work week, 94-0305

CIVIL LIABILITIES
See: CIVIL LAW

COMPUTER TECHNOLOGY
See: TECHNOLOGY

CONSERVATION AND NATURAL RESOURCES
Conservation District Act
conservation district boundaries; abolishment, 94-0617
contracts; bidding, 94-0454
debt, 94-0617

Downstate Forest Preserve District Act
conservation district boundaries; abolishment, 94-0617

Open Space Lands Acquisition and Development Act
FY06 Budget Implementation, 94-0091
Open Space Lands Acquisition and Development Fund, 94-0091

River Conservancy Districts Act
referenda be approved by a majority of the electors voting on the question, 94-0578
trustee removal in Franklin & Jefferson counties, 94-0064

Soil and Water Conservation Districts Act
powers and duties, 94-0091

CONSUMER PROTECTION
Consumer Fraud and Deceptive Business Practices Act, 94-0036, 94-0378
security freeze on credit report, may be placed by victim of identity theft, 94-0074
social security number on insurance card, removes section prohibiting, 94-0226
technical, 94-0036

NEW ACTS
Assistive Technology Protection Act, 94-0378
Payday Loan Reform Act, 94-0013

See topic headings on page 5954
CONSUMER PROTECTION - Cont
Social Security Numbers Limited Use Act, 94-0226

CONTROLLED SUBSTANCES AND LIQUOR REGULATION
Cannabis Control Act
preserve evidence, 94-0180
Controlled Subst. Act, Illinois
controlled substance analog, 94-0324
ephedrine, over-the-counter sales restrictions, 94-0339
methamphetamine manufacture, delivery, and possession, removes provision prohibiting, 94-0556
Methamphetamine Precursor Control Act, 94-0694
methamphetamine restitution, 94-0551
sentencing
violation; presence of minor, 94-0172

Liquor Control Act of 1934
licenses
limited liability company, 94-0381
public officials, 94-0289, 94-0282
specific special event retailer's license, 94-0282
Village of Apple River, 94-0463
North Campus Parking Deck at 1201 W. Univ. Ave., allows alcohol sales, 94-0300
public officials, direct interests, 94-0005
sales, delivery, possession
Pavilion Facility at the University of Illinois at Chicago, 94-0382
technical, 94-0463, 94-0381, 94-0005

Methamphetamine Manufacturing Chemical Retail Sale Control Act
photo identification, 94-0550
pseudoephedrine, 94-0550

NEW ACTS
Methamphetamine Control and Community Protection Act, 94-0556

COUNTIES
See: LOCAL GOVERNMENT

COURTS AND THE JUDICIARY
Attorney Act
unlicensed activities, 94-0659

Circuit Courts Act
creates the Department of Juvenile Justice from the Juvenile Division of the Department of Corrections, 94-0696

Clerks of Courts Act
fees
automation fee, 94-0595

See topic headings on page 5954
INDEX

COURTS AND THE JUDICIARY - Cont
  document fee, 94-0596
  littering penalties; Clean Communities Recycling Fund, 94-0272
Corporation Practice of Law Prohibition Act, 94-0659
Court Reporter Transcript Act
  collective bargaining, court reporters, 94-0098
Court Reporters Act
  collective bargaining, court reporters, 94-0098
Jury Act
  jury duty, excused
    breast feeding, 94-0391
Juvenile Court Act of 1987
  creates the Department of Juvenile Justice from the Juvenile Division of the
    Department of Corrections, 94-0696
  delinquent minors (Art. 5)
    counsel assistance, 94-0345
  parent-child visiting plan, 94-0215, 94-0604
  videotaping of custodial interrogations in cases involving controlled substances, 94-0117
NEW ACTS
  Judicial Subcircuits Act of 2005, 94-0003
  Juror Protection Act, 94-0186
CRIMINAL LAW
Adoption Compensation Prohibition Act
  fees, wages, salaries, or other compensation, 94-0586
Capital Crimes Litigation Act
  capital litigation expenses, 94-0664
  court appointed counsel; death penalty, 94-0340
Code of Criminal Procedure of 1963
  authorization for the interception of private communication, 94-0468
  charging an offense
    tattooing, body piercing, or oral cavity piercing; under 18 years of age, 94-0684
  confiscated weapons, 94-0590
  death penalty, 94-0664
  Death Penalty Review Committee, 94-0664
  minors under 18 rather than under 17, 94-0684
  minors; counsel assistance, 94-0345
  order of protection, 94-0325
  rights of accused
    fitness progress report, 94-0191
    technical, 94-0163, 94-0117
  trial
    motion for severance, 94-0668
See topic headings on page 5954
CRIMINAL LAW-Cont

witnesses
  deceased witness statements, 94-0053
  prior statements; reluctant witness, 94-0053

County Jail Act
  Arrestee's Medical Costs Fund, 94-0494
  cost of maintaining prisoners; DOC to pay county, 94-0494
  HIV/AIDS outreach program, 94-0629
  technical, 94-0678

Crime Victims Compensation Act
  child born out of wedlock; lawful child, 94-0229
  pecuniary loss, 94-0399, 94-0400

Criminal Code of 1961, 94-0186
  aggravated assault/battery within a stadium or event, 94-0482
  anhydrous ammonia equipment tampering, removes provision prohibiting, 94-0556
  arson
    aggravated arson; correctional officer present, 94-0127, 94-0393
  bodily harm
    aggravated kidnapping, 94-0184
    agrvtd. assault or battery on DHS employees in control of sexually dangerous
      or violent persons; resisting or obstructing peace officer, 94-0363
    agrvtd. battery: state or municipal employee, 94-0333
    battery; persons 60 years and older, 94-0327
    criminal sexual assault, 94-0683
    domestic battery in presence of minor, 94-0148
    emergency management worker, 94-0243
    first degree murder, 94-0184
    leaving scene of accident; failing to give information, 94-0487
  child pornography, 94-0366
  child sex offender
    prohibits contact with persons 18 years of age and younger, 94-0158
    creates the Department of Juvenile Justice from the Juvenile Division of the
      Department of Corrections, 94-0696
  criminal trespass to restricted landing area of airport, Class 4 felony, 94-0547
  criminal trespass, presenting false documents to enter restricted areas, 94-0263
  damage and trespass to property
    agricultural facility, 94-0509
    criminal damage to farm equipment or immovable items of agricultural
      production, 94-0509
  damages for land entered with motor vehicle, 94-0512
  deadly weapons

See topic headings on page 5954
CRIMINAL LAW-Cont
acquisition, possession, transportation, storage, purchase, sale, or other dealing in rifles and shotguns, and ammunition, components, accessories, and accoutrements of rifles and shotguns, 94-0284
aggravated unlawful use of a weapon; mandatory sentence of imprisonment, 94-0284
armed habitual criminal, 94-0398, 94-0715
mandatory sentence for certain violations, 94-0072
sale, sell, or transfer a handgun to a person not licensed under the federal Gun Control Act of 1968, 94-0390
stun gun or taser, 94-0006
unlawful possession of firearms and firearm ammunition, 94-0284
unlawful sale of firearms, 94-0284
decession
acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
aggravated identity theft, 94-0039, 94-0051
false airman, airline employee, airport employee, or contractor at an airport ID or badge, 94-0548
identity theft, 94-0039, 94-0051
sale of a yo-yo waterball, 94-0012
State benefits fraud, 94-0486
eavesdropping
exempt: employee of a penal institution, 94-0183
governmental property, defines and establishes penalties, 94-0134
hate crimes, 94-0080
homicide
drug-induced, unlawful delivery of controlled substance, (club drugs, Ecstasy), (Kelley's Law), 94-0560
reckless; excessive rate of speed, 94-0131
identification information; no copy, 94-0038
impersonation of a firefighter, felony, 94-0323
insurance fraud or recipient fraud, 94-0577
involuntary servitude, 94-0009
knowingly produces, sells, or distributes a law enforcement badge, 94-0341
minority, female, and persons with a disability owned businesses; fraudulent contracts with governmental units, 94-0126
money laundering
transactions meant to further unlawful activity, 94-0364
official misconduct
misconduct by a public official or public employee, 94-0338, 94-0683
Patrick Leahy Law, 94-0683
CRIMINAL LAW-Cont
See topic headings on page 5954
CRIMINAL LAW-Cont

possessio of firearm by felon, each firearm and ammunition a separate offense, 94-0284

property forfeiture
  driving under influence; no valid drivers license; not covered by liability insurance, 94-0329

reckless assault of a child, 94-0228

restitution; sentencing, 94-0397

sex offender, loitering within 1,000 feet of school, prohibits, 94-0164, 94-0170

sex offenders, 94-0161

sex offenses
  aggravated criminal sexual assault, 94-0184
  predatory criminal sexual assault, 94-0184
  sexual exploitation of a child, 94-0140
  sexual servitude of a minor, 94-0009

Sexually Explicit Video Games Law, 94-0315

shaken baby syndrome, Class 2 felony, 94-0228

tampering with a security, fire, or life safety system, 94-0707

technical, 94-0164, 94-0707, 94-0341, 94-0683

terrorism
  endangering the food supply/water supply; Class X felony, 94-0068

theft
  electronic fencing, 94-0179
  identity theft, 94-0253
  motor fuel, 94-0700
  online sale of stolen property, 94-0179
  theft by emergency exit, 94-0449

trafficking of persons for forced labor and services, 94-0009

treason, 94-0184

videotaping of custodial interrogations in cases involving controlled substances, 94-0117

Violent Video Games Law, 94-0315

Criminal Justice Information Act
  reentry programs, 94-0383

Drug Court Treatment Act
  drug court program, 94-0552

Juvenile Court Act of 1987
  adult prosecution minors, 94-0574
  hearings; exceptions, 94-0271

NEW ACTS

Child Support Payment Act, 94-0087

Juror Protection Act, 94-0186

See topic headings on page 5954
CRIMINAL LAW-Cont

Medical School Matriculant Criminal History Records Check Act, 94-0709
Methamphetamine Control and Community Protection Act, 94-0556
Methamphetamine Precursor Control Act, 94-0694
Pretrial Services Act, 94-0091
Probation and Court Services Fund, 94-0091
Probation and Probation Officers Act
Fund, 94-0091
must verify multiple sex offenders are not residing together, 94-0161
powers and duties, 94-0091
pretrial services fees, 94-0091
Rights of Crime Victims and Witnesses
crime victim; define, 94-0271
Sex Offender and Child Murderer Community Notification Law
holiday special alert list; information of registered sex offenders, 94-0159
sex offender registration data check, 94-0219
transitional housing, 94-0161
Sex Offender Management Board Act
Sex Offender Management Board Fund, 94-0706
Sex Offender Registration Act
offenders
registration periods; extension, 94-0166
offenses
custodial sexual misconduct, 94-0168
sexual predator, 94-0168
registration; extends, 94-0168
Sexually Dangerous Persons Act
defines "mental disorder", 94-0705
recovery; examination and hearing, 94-0404
Ticket Scalping Act
Internet auction listing services, 94-0020
technical, 94-0694, 94-0696
ticket holder sales, 94-0020
Ticket Sale and Resale Act; renames, 94-0020, 94-0694, 94-0696
Unified Code of Corrections
annual review of maximum fees for processing requests for conviction
information, removes, 94-0365
Department of Juvenile Justice; creates, 94-0696
DNA sample, requires of those incarcerated, 94-0016
DOC-institutions, facilities, programs
good conduct-denies, 94-0491
good conduct-denies pending completion of alcohol or controlled substance
treatment program, 94-0156

See topic headings on page 5954
CRIMINAL LAW-Cont
  good conduct-educational credits, 94-0128
  good conduct: armed habitual criminal, 94-0398, 94-0715
  good conduct: domestic battery, 94-0184
  model "honors" program, 94-0390
  reentry programs, 94-0383
  DOC-parole and after-care
    conditions, 94-0159
    mandatory supervised release; criminal sexual assault, 94-0715
  sex offender probation; participation in holidays events involving children, 94-0159
  fines
    fees, 94-0652
  HIV/AIDS outreach program, 94-0629
  littering penalties; Clean Communities Recycling Fund, 94-0272
  Methamphetamine Abusers Pilot Program at the Franklin County Juvenile Detention Center, 94-0549
  Methamphetamine Law Enforcement Fund, 94-0550
  minor under age 18 rather than under 16, 94-0148
  sentencing
    assault; emergency management worker, 94-0243
    domestic battery in presence of a child, 94-0148
    felony offenses involving firearms, 94-0072
    good conduct credit; aggravated discharge of a firearm, 94-0071
    life sentence; sex offenses involving children, 94-0165
    mandatory sentence, 94-0072
    mandatory supervised release; criminal sexual assault, 94-0715
    possession or delivery of cannabis or possession or delivery of a controlled substance; additional fine, 94-0550
    reckless homicide; Illinois Vehicle Code, 94-0375
    supervision, 94-0330, 94-0165
  Sex Offender Registration Act
    transitional housing, 94-0161
    sex offenders not allowed to reside where other offenders also known to reside, 94-0161
    sexual exploitation of a child; no supervision sentence, 94-0169
    technical, 94-0652, 94-0574
    waiver of evaluations on release of sexually motivated criminals, 94-0706
  Uniform Criminal Extradition Act
    person incarcerated in any federal facility; release to officers of a foreign state, 94-0149

See topic headings on page 5954
CRIMINAL PROCEDURE
See: CRIMINAL LAW

DEPARTMENTS OF STATE GOVERNMENT
See: EXECUTIVE BRANCH OF STATE GOVERNMENT

ECONOMIC DEVELOPMENT
NEW ACTS
  Eastern Illinois Economic Development Authority Act, 94-0203
  Intermodal Facilities Development Act, Illinois, 94-0546
Southeastern Illinois Economic Development Authority Act
  territorial jurisdiction
    Irvington Township, 94-0613

EDUCATION
NEW ACTS
  College and Career Success for All Students Act, 94-0534
  Lifelong Learning Act, 94-0069
  Social Security Numbers Limited Use Act, 94-0226

ELECTIONS
Election Code
  absentee voting
    confinement or detention in a jail or prison pending acquittal or conviction of
    a crime, 94-0637
    hospital, nursing home, or rehabilitation hospital admission, 94-0018
  ballots
    back door referendum question, 94-0578
    counting, SBE uniform standards; recounts;, 94-0557
  block and seal the address of a judicial candidate, 94-0637
  campaign contributions and expenditures
    campaign finance disclosure reports; non-political committees, 94-0645
  candidates
    township officer; coterminal township, 94-0529
    court-ordered recounts in contested elections, 94-0647
  disabled voter, must not state if disability is permanent, 94-0025
  electronic centralized statewide voter registration list, 94-0136
  labor and its members communication, exempt, 94-0461
  local canvassing boards, 94-0647
  obituaries, may be used to purge voter rolls, 94-0025
  referendum, establishes guidelines, 94-0030
  registration
    residence; college students, 94-0492
State Board of Elections
  certificate of the results of the election; transmit by electronic means, 94-0647
  technical, 94-0645, 94-0136, 94-0578
ELECTIONS - Cont
voters
   kids in voting booths, 94-0288

EMERGENCY SERVICES AND PERSONNEL
Emergency Management Agency Act, Illinois
   HazMat and technical rescue teams, 94-0334
Emergency Telephone System Act
   maximum monthly surcharge; increases, 94-0076

EMPLOYMENT
Day and Temporary Labor Services Act
   recordkeeping, retaliation, private rights of action, and severability, 94-0511
technical, 94-0477
Employee Benefit Contribution Act
   technical, 94-0277
NEW ACTS
   Construction Site Temporary Restroom Facility Act, 94-0042
   Employee Blood Donation Leave Act, 94-0033
   Home Care Consumer and Worker Protection Act, 94-0379
   Lifelong Learning Act, 94-0069
   Truth in Employment Act, 94-0277
One Day Rest in Seven Act
   breaks
      hotel room attendant, 94-0593
Prevailing Wage Act
   penalties and damages, 94-0488
   public works
      certified payroll, 94-0515
Unemployment Insurance Act
   active duty in the Illinois National Guard; employer service, 94-0152
   contribution rate for transfers, 94-0301
   Employment Security Administrative Fund remaining funds transferred to clearing account, 94-0232, 94-0233
   federal unemployment tax, 94-0723
   technical, 94-0723, 94-0301
   wages
      income tax deducted and withheld, 94-0237
Workers' Compensation Act, 94-0277
   compensation
      accidental injuries, 94-0695
      annual adjustments; compensation rate; awards for death benefits or permanent total disability, 94-0695
   fee schedules, 94-0695

See topic headings on page 5954
INDEX

EMPLOYMENT- Cont
Rate Adjustment Fund; changes, 94-0695
retrospective review of health care services, 94-0695
technical, 94-0695
Workers' Compensation Advisory Board, 94-0695

ENVIRONMENT AND ENERGY
Alternate Fuels Act
fuel cost differential rebate; domestic renewable fuel, 94-0062

Energy Conservation and Coal Development Act
Illinois Industrial Coal Utilization Program, 94-0091

Environmental Protection Act
"potential route" definitions, 94-0580
clean combustion by-product; CCB, 94-0066
compliance management system, 94-0580

Computer Equipment Disposal and Recycling Commission, 94-0518
construction or demolition debris, 94-0094, 94-0725
contaminant release, 94-0314
land pollution and refuse disposal
asbestos, 94-0286
non-hazardous waste transfer station, 94-0249
waste incinerator, 94-0249
methamphetamine protocol, 94-0555
permits
sharps collection station, 94-0641
waste-storage, waste-treatment, or waste-disposal, 94-0094, 94-0725
pollution control facility, 94-0249, 94-0094
solid waste disposal site, 94-0591

Solid Waste Management Fund; fees, 94-0091
technical, 94-0591, 94-0274, 94-0276, 94-0526, 94-0272
Title on Petroleum Underground Storage Tanks, 94-0274

Groundwater Protection Act, Illinois
contaminant release, 94-0314

Litter Control Act
Clean Communities Recycling Fund, 94-0272
littering penalties, 94-0272

NEW ACTS
Children's Environmental Health Office Act, 94-0467

Pesticide Act, Illinois
pesticide dealers; non-restricted use pesticides, 94-0060

Solid Waste Management Act
FY06 Budget Implementation, 94-0091
powers and duties, 94-0091

Uranium and Thorium Mill Tailings Control Act, 94-0091

See topic headings on page 5954
ESTATES
Illinois Anatomical Gift Act
First Person Consent organ and tissue donor registry, 94-0075
Power of Attorney Act
complaint of financial exploitation; agent records, 94-0500
Probate Act of 1975
child born out of wedlock; lawful child, 94-0229
minors
   guardian; sex offender database, 94-0604
public administrators, guardians and conservators
   guardians, convicted of felony; best interest of minor or disabled person, 94-0579
small estates
   affidavits, 94-0057
ETHICS
Governmental Ethics Act, Illinois
statement of economic interest examined, do not have to be notified, 94-0603
EXECUTIVE BRANCH OF STATE GOVERNMENT
Civil Administrative Code
   creates the Department of Juvenile Justice from the Juvenile Division of the
   Department of Corrections, 94-0696
State Budget Law
   technical, 94-0535
   technical, 94-0295, 94-0217, 94-0334
Department of Commerce and Economic Opportunity
Business park certification program, 94-0598
Illinois Steel Development Board, creates, 94-0279
Department of Juvenile Justice Law, 94-0696
Dept. of Agriculture
   grants, programs, studies
      anhydrous ammonia, 94-0553
Dept. of Central Management Services
   bulk long distance telephone services; military personnel, 94-0635
   FY2006 Budget Implementation, 94-0091
Hispanic Employment Plan, 94-0597
   powers and duties, 94-0295, 94-0091
   savings realized by DOT transferred into Construction Fund, 94-0139
State properties
   leasing, 94-0091
Dept. of Children and Family Services
   FY06 Budget Implementation, 94-0091
Dept. of Commerce and Economic Opportunity, 94-0388

See topic headings on page 5954
INDEX

EXECUTIVE BRANCH OF STATE GOVERNMENT - Cont
Feed Illinois Fund, 94-0109
Feed Illinois' Children and Families Fund, 94-0109
FY06 Budget Implementation, 94-0091
grants, programs, studies
   gasification facilities, 94-0065
   international standardization organization, 94-0097
   Military Reservist Business Assistance Loan Program, 94-0485
   new electric generating facilities; financial assistance, 94-0065
Illinois Enterprise Zone Act
   gasification facilities, 94-0065
   new electric generating facility, 94-0065
Illinois Food Systems Policy Council, 94-0077
International Tourism Program, 94-0091
Keep Illinois Beautiful Program, 94-0091
Military Base Support and Economic Development Committee; creates, 94-0674
Rural Microbusiness Loan Program, 94-0392
   small manufacturers; awareness, 94-0437
   technical, 94-0109
   Technology Advancement and Development Act, 94-0091
Dept. of Employment Security, 94-0277
Dept. of Financial Institutions
   retired; defines, 94-0452
Dept. of Human Services
   grants, programs, studies
      Autism Research, 94-0442
      Diabetes Research Checkoff Fund, 94-0107
Dept. of Natural Resources
   licenses and permits
      free hunting licenses for military members, 94-0313
      hunting or fishing license; customer identification number, 94-0040
      military members allowed to camp and hunt without paying fees, 94-0313
Dept. of Professional Regulation
   assess the costs incurred in the prosecution of authorized disciplinary actions, 94-0462
   design professionals designated employees, 94-0543
   FY2006 Budget Implementation, 94-0091
   license denied if failed to file tax return or pay tax due, 94-0462
   retiree; defines, 94-0452

See topic headings on page 5954
EXECUTIVE BRANCH OF STATE GOVERNMENT-Cont
Dept. of Public Aid
  Illinois Health Finance Reform Act
    Consumer Guide to Health Care, 94-0027
    health finance reform, 94-0027
    hospitals and ambulatory surgical centers; billing data, 94-0027
Dept. of Public Health
  billing procedures, 94-0501
  Cervical, Breast, and Ovarian Cancer Elimination Task Force, 94-0119
  clinical trials, 94-0545
  grants, programs, studies
    Autism Research Fund, 94-0442
    blindness prevention, 94-0602
    Childhood Health Promotion Program, 94-0407
    educational materials on meningitis for distribution in elementary and
    secondary schools, 94-0697
    high colon cancer mortality rates; community awareness, 94-0142
  HIV/AIDS outreach program, African-American communities, 94-0629
  migrant labor camp on a backstretch, 94-0103
  patient data; electronic access, 94-0275
  powers and duties
    Chronic Kidney Disease Awareness, Testing, Diagnosis and Treatment
    Program, 94-0081
    Hepatitis C prevention and awareness, 94-0406
    registry of all active and retired health care professionals to be accessed in the
    event of an act of bioterrorism, 94-0308
    sarcoidosis research grants, permits, 94-0141
    shall make grants for research of brain tumors, 94-0649
    sharps collection station, 94-0641
    Vince Demuzio Memorial Colon Cancer Fund, 94-0142
    Vince Demuzio Memorial Colon Cancer Research Fund, 94-0142
  technical, 94-0372
  Ticket For The Cure Board, 94-0120
Dept. of Revenue
  annual report listing all revenue and fee collections and distributions and all
  expenditures, 94-0633
  missing children, must maintain program of information on, 94-0484
  social security number theft, requires notification if believed to have occurred, 94-
  0041
Dept. of State Police
  complaints; State Police Officer, 94-0217
  fingerprints; children; rentention; parental authorization, 94-0481

See topic headings on page 5954
EXECUTIVE BRANCH OF STATE GOVERNMENT-Cont
  furlough of inmates to State agencies for research; repeals, 94-0693
  gross remediation of clandestine laboratory sites, 94-0555
  Medical School Matriculant Criminal History Records Check Act, 94-0709
  methamphetamine protocol, 94-0554, 94-0555
  sex offender registration data check, 94-0219
  statewide missing senior alert system, requires, 94-0145
Dept. of Transportation
  FY06 Budget Implementation, 94-0091
  grants, programs, studies
    grants for airport facilities, 94-0091
    mass transportation, 94-0091
  Safe Routes to School Construction Program, establishes, 94-0493
Dept. of Veterans Affairs
  admission; veterans homes, 94-0588
  annual review comparing benefits to other states, requires, 94-0167
  grants, programs, studies
    veterans service organizations; grants, 94-0446
  hire unlicensed practical and professional nurses who are awaiting nursing exam
  results under certain conditions, 94-0703
  service officer positions, 94-0446
  veterans homes
    Spanish American War or World War One, removes provision, 94-0588
    War on Terrorism, eligible, 94-0588
  Veterans' Memorial Commission, 94-0448
Governor's Office of Management and Budget
  sale or transfer of eligible student loans and origination of service rights, 94-0693
Illinois Finance Authority
  Authority; members; duties, 94-0091
  bond funding, 94-0091
  fire truck revolving loan program, 94-0221
  Industrial Project Insurance Fund, 94-0091
  outstanding bonds, limits, 94-0091
  powers and duties, 94-0091
EXECUTIVE OFFICERS OF STATE GOVERNMENT
Attorney General
  Attorney General Act
    provision authorizing Office of Public Counsel to represent State in all
    proceedings pertinent to utilities, removes, 94-0291
  Office of Public Counsel, 94-0291
Comptroller
  technical, 94-0537
Secretary of State
  Identification Card Act, Illinois

See topic headings on page 5954
EXECUTIVE OFFICERS OF STATE GOVERNMENT - Cont
fictitious or fraudulent ID card or driver's license, 94-0701, 94-0239
missing children, must maintain program of information on, 94-0484

State Treasurer
automatic teller machine services at any location under the control of a State
agency; contracts, 94-0513

FAMILIES
Adoption Act
Adoption Registry and Medical Information Exchange, Illinois, 94-0173
adoption/surrender records file, 94-0173, 94-0430
child born out of wedlock; lawful child, 94-0229
confidential intermediary, 94-0173
counsel or surrender; notice, 94-0173, 94-0530
Information Exchange Authorization or a Denial of Information Exchange, 94-
0173
notice; adoption proceedings, 94-0530
parental rights termination
lack of progress; 9-month period, 94-0563
public information campaign, 94-0173
Registration Identification Form, 94-0173
technical, 94-0563

Emancipation of Minors Act
child born out of wedlock; lawful child, 94-0229

Income Withholding for Support Act
social security numbers; children, 94-0043
support
child support judgments, 94-0090

Marriage and Dissolution of Marriage Act
child born out of wedlock, 94-0229
child support enforcement, 94-0088
child support judgments, 94-0090
child support, interest on past due amounts, 94-0089
counseling, requires court to determine if necessary, 94-0640
custody
custody, visitation; best interest of the child, 94-0377
guardian ad litem; training and duties, 94-0377
custody and visitation, 94-0643
marriage
notification of remarriage; sex offender, 94-0643

NEW ACTS
Child Support Payment Act, 94-0087
Family Case Management Act, Illinois, 94-0407

See topic headings on page 5954
FAMILIES-Cont

Family Military Leave Act, 94-0589
Non-Support Punishment Act
  child support enforcement, 94-0088
  child support judgments, 94-0090
Parentage Act of 1984, Illinois
  child support judgments, 94-0090
  support
    child support enforcement services, 94-0088

FINANCE

Build Illinois Act
  loans for rural micro-businesses, 94-0392
  Military Reservist Business Assistance Loan Program, 94-0485
  powers and duties, 94-0091
Build Illinois Bond Act
  authorization, changes amounts, 94-0091
  bonds; issuance and sale, 94-0091
Deposit of State Moneys Act
  mandatory rejection of certain proposals; Sudan, 94-0079
  prohibited investments, foreign countries, 94-0079
Digital Divide Law
  Computer Investment Program, 94-0262
Downstate Public Transportation Act
  participants
    nonurbanized area local mass transit district, 94-0070
Illinois Grant Funds Recovery Act, 94-0465
Illinois Non-Game Wildlife Protection Act
  Wildlife Preservation Fund, 94-0516
Local Government Debt Reform Act
  governmental unit, 94-0562
  lease and installment contracts, 94-0562
  proceeds of bonds, 94-0562
  referenda for bonds, 94-0562

NEW ACTS

Design-Build Procurement Act, 94-0716

NEW FUNDS

AgrAbility Act Fund, Illinois, 94-0216
Blindess Prevention Fund, 94-0602
Brain Tumor Research Fund, Illinois, 94-0649
Computer Investment Program Fund, 94-0262
Fund for Child Care for Deployed Military Personnel, 94-0035
Hospital Basic Services Preservation Act, 94-0648
Public Health and Safety Animal Population Control Fund, Illinois, 94-0639
Regional Epilepsy Center Grants-in-Aid Fund, 94-0073

See topic headings on page 5954
FINANCE-Cont
   Sarcoidosis Research Fund, 94-0141
   Ticket For The Cure Fund, 94-0120
   Truth in Employment Fund, 94-0277
Procurement Code, Illinois
   Capital Development Board, 94-0532
       construction contracts, sets procedures for, 94-0091
       construction management services, procedures, 94-0532
       construction contract bids; exempts the Capitol Building HVAC upgrade project, 94-0699
       electronic mail service; spam free, 94-0413
       technical, 94-0091
Procurement of Domestic Products Act
   manufactured in the United States labeling, 94-0540
   technical, 94-0540
Public Funds Investment Act
   Fed. National Mortgage Assoc. obligations, authorizes public agency investments, 94-0562
       investments; short term obligations, 94-0562
Rural Economic Development Act
   technical, 94-0091
State Auditing Act, Illinois
   audits; mental health and developmental disabilities facilities, 94-0347
   technical, 94-0058
State Finance Act, 94-0010
   Agricultural Premium Fund, requires transfers into, 94-0261
   Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund, 94-0011
   Audit Expense Fund, transfers from various funds, 94-0505
   Bank and Trust Company Fund, 94-0091
   Blindness Prevention Fund, 94-0602
   Clean Communities Recycling Fund, 94-0272
   Communications Revolving Fund, 94-0091
   Conservation 2000, 94-0091
   Demutualization Trust Fund, 94-0686
   Diabetes Research Checkoff Fund, 94-0107
   Energy Independence Fund, 94-0346
   Facilities Management Revolving Fund, 94-0091
   Fair and Exposition Fund, 94-0261
   federal government funding, 94-0058
   Feed Illinois Fund, 94-0109
   Feed Illinois' Children and Families Fund, 94-0109

See topic headings on page 5954
INDEX

FINANCE-Cont
Financial Literacy Fund, 94-0439
FY2006 Budget Implementation, 94-0091
Health and Human Services Medicaid Trust Fund, 94-0242
Home Care Services Agency Licensure Fund, 94-0379
Hospital Basic Services Prevention Fund, 94-0091
Hospital Provider Fund, 94-0242
ICCB Instructional Development and Enhancement Applications Revolving Fund, 94-0436
Illinois Capital Revolving Loan Fund, 94-0091
Illinois Equity Investment Revolving Fund, 94-0091
Illinois Prescription Drug Discount Program Fund, 94-0091
Illinois State Podiatric Disciplinary Fund, 94-0726
Illinois Veterans Assistance Fund, 94-0585
Intercity Passenger Rail Fund, 94-0535
Methamphetamine Law Enforcement Fund, 94-0550
National Center for Education Statistics Fund, 94-0069
Natural Heritage Endowment Trust Fund, 94-0091
Natural Heritage Fund, 94-0091
Parental Participation Pilot Project Fund, 94-0507
Private Sewage Disposal Program Fund, 94-0094
Professional Services Fund, 94-0091
Provider Inquiry Trust Fund, 94-0091
Public Pension Regulation Fund, 94-0091
Regional Epilepsy Center Grants-in-Aid Fund, 94-0073
Road Fund, 94-0091
Department of State Police, 94-0091
Rural Microbusiness Loan Program Administrative Fund, 94-0392
SBE Department of Health and Human Services Fund, 94-0069
SBE Department of Labor Federal Trust Fund, 94-0069
SBE Federal Agency Services Fund, 94-0069
SBE Federal Department of Agriculture Fund, 94-0069
SBE Federal Department of Education Fund, 94-0069
SBE Federal National Community Service Fund, 94-0069
Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund, 94-0086
Sorry Works! Fund, 94-0677
Special Events Revolving Fund, 94-0091
special fund transfers, 94-0091
State Board of Education Special Purpose Trust Fund, 94-0069
State Pension Fund, 94-0091
technical, 94-0691

See topic headings on page 5954
FINANCE-Cont
Ticket For The Cure Fund, 94-0120
Traffic Control Signal Preemption Devices for Ambulances Fund, 94-0373
transfer to General Revenue Fund, 94-0691, 94-0091
transfers from various funds
   FY06 Budget Implementation, 94-0091
   State Police Vehicle Fund, 94-0499
   Statistical Services Revolving Fund, 94-0091
   Teacher Health Insurance Security Fund; exempts, 94-0691
Video Conferencing User Fund; repeals, 94-0436
Workers' Compensation Revolving Fund, 94-0091
State Mandates Act
exempt, 94-0719, 94-0354, 94-0612, 94-0724, 94-0600, 94-0478, 94-0639, 94-0210, 94-0712, 94-0624, 94-0004, 94-0714, 94-0226, 94-0576
State Prompt Payment Act
payments to subcontractors and material suppliers; vouchers, 94-0672
Tobacco Product Manufacturers' Escrow Act
registration of agents by non-participating manufacturers, 94-0575
reporting of information, 94-0575
FIRE SAFETY
Fire Protection District Act
   back door referendum question; approved by a majority of the electors voting, 94-0578
disconnection; annexation, 94-0337
paramedic probation, 94-0135
Fire Sprinkler Contractor Licensing Act
layout drawing of sprinkler systems, 94-0367
Firemen's Disciplinary Act
   suspension periods, 94-0188
Fireworks Use Act
   definitions, 94-0658
   permit requirements, 94-0658
Public Building Egress Act
   stairwells in buildings greater than 4 stories, regulations, 94-0630
State Fire Marshal Act, 94-0178
equipment exchange program, 94-0175
FIREARMS
NEW ACTS
   Firearms Act, 94-0353
FOREST PRESERVES
SEE: SPECIAL DISTRICTS

See topic headings on page 5954
INDEX

GAMING
Horse Racing Act of 1975, Illinois
  privilege taxes, 94-0091
Lottery Law, Illinois
  instant scratch-off game; Illinois veterans, 94-0585
  Ticket For The Cure, 94-0120
Riverboat Gambling Act
  admission tax; fees, 94-0673
  admission, increases, 94-0673
  licenses
    docking, any Mississippi River community, 94-0667
  taxes
    rate schedule for the privilege tax, 94-0673
    technical, 94-0667
GANGS
GENERAL ASSEMBLY
See: LEGISLATURE
HEALTH CARE
Abused and Neglected Long Term Care Facility Residents Reporting Act
  Inspector General, 94-0428
  technical, 94-0504
Acupuncture Practice Act
  acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
Ambulatory Surgical Treatment Center Act
  Illinois Adverse Health Care Events Reporting Law of 2005, 94-0242
Assisted Living and Shared Housing Act
  a comprehensive hospice program or volunteer hospice program, 94-0570
  medical administration; injections, 94-0256
  vaccination against influenza, 94-0429
Clinical Psychologist Licensing Act
  acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
Clinical Social Work and Social Work Practice Act
  acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
Dental Practice Act, Illinois
  acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
licensing

See topic headings on page 5954
HEALTH CARE-Cont
    education requirements, 94-0409
    specialty license, 94-0409
Emergency Medical Services (EMS) Act
    active military duty; education requirements, 94-0504
    acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
    non-emergency medical services, 94-0568
    register of eligibles; EMS; preference, 94-0281
Family Caregiver Act
    routine training of case managers and case manager supervisors, 94-0336
Health Care Finance Reform Act, Illinois
    Home Health, Home Services, and Home Nursing Agency Licensing Act, 94-0379
Health Care Worker Background Check Act
    a comprehensive hospice program or volunteer hospice program, 94-0570
    Centers for Medicare and Medicaid Services (CMMS) grant, 94-0665
    fingerprint-based criminal history records check, 94-0665
    health care employer, direct access to clients, patients, or residents who have been convicted of committing or attempting to commit specified offenses, 94-0665
    technical, 94-0385
Health Facilities Planning Act
    supportive living facilities program, 94-0342
Hearing Instrument Consumer Protection Act
    acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
Home Health Agency Licensing Act
    Home Health, Home Services, and Home Nursing Agency Licensing Act, 94-0379
    vaccination against influenza, 94-0429
Home Medical Equipment and Services Provider License Act
    acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
Hospital Licensing Act
    Illinois Adverse Health Care Events Reporting Law of 2005, 94-0242
    overtime, can't be required except in emergency, 94-0349
    palliative care, 94-0570
    standards, 94-0570
    video presentation; shaken baby syndrome, 94-0228

See topic headings on page 5954
HEALTH CARE-Cont
Hospital Report Card Act
   nosocomial infection rates for certain clinical procedures, 94-0275
   overtime, 94-0349
Marriage and Family Therapy Licensing Act
   acts of insurance fraud or recipient fraud, unauthorized use of medical assistance,
   or vendor fraud in relation to medical assistance under the Illinois Public Aid
   Code, 94-0577
Medical Practice Act of 1987
   acts of insurance fraud or recipient fraud, unauthorized use of medical assistance,
   or vendor fraud in relation to medical assistance under the Illinois Public Aid
   Code, 94-0577
   insurance fraud or recipient fraud, 94-0577
   Medical Disciplinary Board, 2 public voting members, 94-0677
Naprapathic Practice Act
   acts of insurance fraud or recipient fraud, unauthorized use of medical assistance,
   or vendor fraud in relation to medical assistance under the Illinois Public Aid
   Code, 94-0577
NEW ACTS
   African-American HIV/AIDS Response Act, 94-0629
   Arthritis Prevention, Control, and Cure Act, 94-0634
   Assistive Technology Protection Act, 94-0378
   Asthma Inhalers at Recreational Camps Act, 94-0670
   Autism Spectrum Disorders Reporting Act, 94-0632
   Covering ALL KIDS Health Insurance Act, 94-0693
   Electronic Medical Records Taskforce Act, 94-0646
   Epilepsy Disease Assistance Act, 94-0073
   Fiscal Year 2006 Hospital Assessment Act, 94-0242
   Health Care Setting Violence Prevention Act, 94-0347
   Health Care Workplace Violence Prevention Act, 94-0347
   Home Care Consumer and Worker Protection Act, 94-0379
   Home Health and Hospice Drug Dispensation and Administration Act, 94-0638
   Hospital Basic Services Preservation Act, 94-0648
   Illinois Adverse Health Care Events Reporting Law of 2005, 94-0242
   Loan Repayment Assistance for Physicians Act, 94-0368
   Mercury-Free Vaccine Act, 94-0614
   Newborn Eye Pathology Act, 94-0631
   Railroad Employees Medical Treatment Act, 94-0318
   Reduction of Racial and Ethnic Health Disparities Act, 94-0447
   Sorry Works! Pilot Program Act, 94-0677

See topic headings on page 5954
INDEX

5989

HEALTH CARE-Cont
Nursing and Advanced Practice Nursing Act
acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
continuing education, 94-0348
licensing
applicants licensed in other jurisdictions, 94-0352
multiple graduate degrees, 94-0348
qualifications, 94-0352
nurse internship permit; pilot program, 94-0351
technical, 94-0351, 94-0352
Nursing Home Care Act
registered sex offender; resident, 94-0163
supportive living facilities program, 94-0342
vaccination against influenza, 94-0429
Occupational Therapy Practice Act, Illinois
acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
Optometric Practice Act of 1987
acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
Organ Donor Leave Act
donation of blood platelets, 94-0033
Orthotics, Prosthetics, and Pedorthics Practice Act
acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
Perfusionist Practice Act
acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
Pharmacy Practice Act of 1987
acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
current usual and customary retail price, 94-0459
Division VI license, 94-0084
technical, 94-0084

See topic headings on page 5954
HEALTH CARE-Cont

Physical Fitness Services Act
  contract for physical fitness services, 94-0663
  optional physical fitness services, 94-0663
  relocation of a customer's residence, 94-0687
  technical, 94-0663

Physical Therapy Act, Illinois
  acts of insurance fraud or recipient fraud, unauthorized use of medical assistance,
  or vendor fraud in relation to medical assistance under the Illinois Public Aid
  Code, 94-0577
  advanced practice nurse; physician assistant, 94-0651
  Physical Therapy Licensing and Disciplinary Board, 94-0651
  Physical Therapy Licensing and Disciplinary Committee, 94-0651
  physical therapy aides, 94-0651

Physician Assistant Practice Act of 1987
  acts of insurance fraud or recipient fraud, unauthorized use of medical assistance,
  or vendor fraud in relation to medical assistance under the Illinois Public Aid
  Code, 94-0577

Podiatric Medical Practice of 1987
  acts of insurance fraud or recipient fraud, unauthorized use of medical assistance,
  or vendor fraud in relation to medical assistance under the Illinois Public Aid
  Code, 94-0577
  Illinois State Podiatric Disciplinary Fund
    scholarships, residency programs, 94-0726

Prenatal and Newborn Care Act, 94-0407

Professional Counselor and Clinical Professional Counselor Licensing Act
  acts of insurance fraud or recipient fraud, unauthorized use of medical assistance,
  or vendor fraud in relation to medical assistance under the Illinois Public Aid
  Code, 94-0577

Registered Surgical Assistant and Registered Surgical Technologist Title Protection
Act
  acts of insurance fraud or recipient fraud, unauthorized use of medical assistance,
  or vendor fraud in relation to medical assistance under the Illinois Public Aid
  Code, 94-0577

Respiratory Care Practice Act
  acts of insurance fraud or recipient fraud, unauthorized use of medical assistance,
  or vendor fraud in relation to medical assistance under the Illinois Public Aid
  Code, 94-0577
  cardiorespiratory care, 94-0523
  licensure, 94-0523
  polysomnographic technologists, 94-0523
  respiratory care, 94-0523
  respiratory practitioners; unlicensed persons, 94-0523

See topic headings on page 5954
HEALTH CARE-Cont
Speech-Language Pathology and Audiology Practice Act
acts of insurance fraud or recipient fraud, unauthorized use of medical assistance, or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
balance testing, 94-0528
Board of Speech-Language Pathology and Audiology, 94-0528 licensure, 94-0528

HEALTH FACILITIES
Hospital Licensing Act
discharge regulations, 94-0335
motor vehicle or power window of a motor vehicle accidents with minor, must report to trauma registry, 94-0671

NEW ACTS
Clinical Laboratory Science Practice Act, 94-0367
Electronic Medical Records Taskforce Act, 94-0646
Fiscal Year 2006 Hospital Assessment Act, 94-0242

NEW ACTS - Cont
Health Care Setting Violence Prevention Act, 94-0347
Health Care Workplace Violence Prevention Act, 94-0347
Home Health and Hospice Drug Dispensation and Administration Act, 94-0638
Hospital Basic Services Preservation Act, 94-0648
Loan Repayment Assistance for Physicians Act, 94-0368
Medical School Applicant Criminal Background Check Act, 94-0709
Mercury-Free Vaccine Act, 94-0614
Reduction of Racial and Ethnic Health Disparities Act, 94-0447

Nursing Home Care Act
employee theft or missappropriation of resident property, must report, 94-0026

HIGHER EDUCATION
Board of Higher Education Act
course transferability program, 94-0420
Child Development Teacher Scholarship Act
repealed, 94-0133

College Student Immunization Act
on-campus housing, must have to be considered post-secondary educational institution, 94-0195

CSU Law
ing engineering facilities, 94-0091
FY06 Budget Implementation, 94-0091
social security number on any card or other document, prohibits, 94-0226
students called to military service; guidelines, 94-0587

See topic headings on page 5954
INDEX

HIGHER EDUCATION-Cont

EIU Law
social security number on any card or other document, prohibits, 94-0226
students called to military service; guidelines, 94-0587

Fire Sprinkler Dormitory Act
fire extinguisher, 94-0204
Fire Sprinkler Dormitory Revolving Loan Fund, 94-0204

GSU Law
engineering facilities, 94-0091
FY06 Budget Implementation, 94-0091
social security number on any card or other document, prohibits, 94-0226
students called to military service; guidelines, 94-0587

Health Services Education Grants Act
non-profit health service educational institutions, 94-0193

Higher Education Student Assistance Act
sale or transfer of eligible student loans and origination of service rights, 94-0693

scholarships
Illinois Future Teacher Corps Scholarship program, 94-0133
Illinois National Guard, 94-0583
Minority Teachers of Illinois Scholarship Program, 94-0133
special education teacher scholarships, 94-0133
veteran scholarships, 94-0583
Teach Illinois Scholarship Program, 94-0205

ISU Law
engineering facilities, 94-0091
FY06 Budget Implementation, 94-0091
social security number on any card or other document, prohibits, 94-0226
students called to military service; guidelines, 94-0587

NEIU Law
engineering facilities, 94-0091
FY06 Budget Implementation, 94-0091
social security number on any card or other document, prohibits, 94-0226
students called to military service; guidelines, 94-0587

NEW ACTS
Child Welfare Student Loan Forgiveness Act, 94-0497
College and Career Success for All Students Act, 94-0534
Loan Repayment Assistance for Physicians Act, 94-0368
Medical School Applicant Criminal Background Check Act, 94-0709
Medical School Matriculant Criminal History Records Check Act, 94-0709
Social Security Numbers Limited Use Act, 94-0226

See topic headings on page 5954
HIGHER EDUCATION-Cont

NIU Law

FY06 Budget Implementation, 94-0091
social security number on any card or other document, prohibits, 94-0226
students called to military service; guidelines, 94-0587

Public Community College Act

AFDC Opportunities Fun, 94-0436
back door referendum question; approved by a majority of the electors voting, 94-0578
Board
appointed by Governor; faculty member, 94-0157
powers and duties; high school equivalency testing; Illinois Community
College Board, 94-0108

ICCB Instructional Development and Enhancement Applications Revolving Fund, 94-0436
money transferred between funds, 94-0436
social security number on any card or other document, prohibits, 94-0226
Video Conferencing User Fund; repeals, 94-0436

SIU Management Act
military service, may complete courses at later date, no penalties, 94-0587
programs
Vince Demuzio Legislative Internship Program, 94-0479
social security number on any card or other document, prohibits, 94-0226
students called to military service; guidelines, 94-0587

U of I Act
military service, may complete courses at later date, no penalties, 94-0587
social security number on any card or other document, prohibits, 94-0226
students called to military service; guidelines, 94-0587

WIU Law
FY06 Budget Implementation, 94-0091
military service, may complete courses at later date, no penalties, 94-0587
social security number on any card or other document, prohibits, 94-0226
students called to military service; guidelines, 94-0587

HISTORIC PRESERVATION

Hist. Pres. Agency Act
Amistad Commission, 94-0285

HOUSING

Affordable Housing Planning and Appeal Act
creation and preservation of affordable housing, 94-0303

Housing Authorities Act
technical, 94-0303

See topic headings on page 5954
INDEX

HOUSING-Cont
Housing Development Act, Illinois
program to certify proposed affordable housing development projects, 94-0489

NEW ACTS
Rental Housing Support Program Act, 94-0118

HUMAN RIGHTS
Human Rights Act, Illinois
credibility questions during investigation, removes provision, 94-0146
housing discrimination, 94-0078
notice of default, 94-0326

HUMAN SERVICES
Abuse of Adults with Disabilities Intervention Act
temporary substitute guardians, appointment when guardian alleged abuser, 94-0418

Disabled Persons Rehabilitation Act
gifts/donations, 94-0091
home services eligibility standards, 94-0252
Homelessness Prevention Act, 94-0091

Human Services 211 Collaboration Board Act
Board, 94-0427
technical, 94-0427

NEW ACTS
Autism Spectrum Disorders Reporting Act, 94-0632
Child Welfare Student Loan Forgiveness Act, 94-0497
Epilepsy Disease Assistance Act, 94-0073
Family Case Management Act, Illinois, 94-0407
Public Health Program Beneficiary Employer Disclosure Law, 94-0242
Reduction of Racial and Ethnic Health Disparities Act, 94-0447
Rental Housing Support Program Act, 94-0118

Nursing Home Grant Assistance Program, 94-0091

Public Aid Code, Illinois
acts of insurance fraud or recipient fraud, unauthorized use of medical assistance,
or vendor fraud in relation to medical assistance under the Illinois Public Aid Code, 94-0577
asthma, initiative to prevent in children, 94-0328
child and day care home providers, 94-0320
child support judgments, 94-0090, 94-0092
Covering ALL KIDS Health Insurance Act, 94-0693
creates the Department of Juvenile Justice from the Juvenile Division of the
Department of Corrections, 94-0696
data warehouse, 94-0267

Data Warehouse Inter-Agency Coordination of Client Care Task Force, 94-0267

See topic headings on page 5954
HUMAN SERVICES-Cont
  funeral and burial expenses; increase minimum reimbursement amount, 94-0669
  FY06 Budget Implementation, 94-0091
  hospital provider assessments, 94-0242
  Medicaid
    medical services; noncitizens, 94-0048
    nursing home expenditures, 94-0048
    payments, 94-0048, 94-0265, 94-0242
    pharmacy payments, 94-0048
    rates for nursing homes, 94-0048
  medical assistance
    insurance fraud or recipient fraud, 94-0577
    Medicaid, payment rates for nursing homes, 94-0697
  minimum wage, use Fed or State, whichever is higher to calculate participation
    hours, 94-0533
  notification of a support obligation, 94-0092
  prohibitions against eligibility for cash assistance under the Code do not apply to
    an individual who has tested positive for HIV, 94-0629
  Public Aid Committees; Cook County Township Public Aid Committee, 94-0524
  review and analysis of policies and procedures concerning applications and
determinations of eligibility for cash assistance, food stamps, and medical
  assistance; task force, 94-0533
  support
    child support enforcement services, standardizes usage; DPA party in child
    support proceedings; health insurance coverage; prioritizes withholding, 94-
    0088
    rules; repeals, 94-0416
  supportive living facilities program, 94-0342
  TANF education, training and employment program
    post-secondary education degree assistance, 94-0371
  TANF, materials & resources on nutritional health, etc., 94-0433
  technical, 94-0267, 94-0092
  transition period for new MDS payment methodology may not exceed 3 yrs., 94-
  0085

INFORMATION - MEETINGS - RECORDS
Freedom of Information Act
exemptions
  "trade secrets" (i.e. public pension funds, investment information), 94-0508
  defense budgets and petitions for certification and expenses for court
  appointed trial counsel, 94-0664
  predatory lending database pilot program, 94-0280
  technical, 94-0098

See topic headings on page 5954
INDEX

INFORMATION - MEETINGS – RECORDS-Cont

NEW ACTS
  Electronic Medical Records Taskforce Act, 94-0646

Open Meetings Act
  closed meetings, minutes requirements, presiding officer certification, 94-0542
  meetings, definition, quorum, 94-0542
  website information; post, 94-0028

INSURANCE

Children's Health Insurance Program Act
  health benefits waiver program; cost sharing requirements, 94-0048

Comprehensive Health Insurance Plan Act (CHIP)
  eligibility, 94-0017, 94-0677

Health Insurance Portability and Accountability Act
  coverage
    discontinuation, 94-0502
    definitions, 94-0502

Health Maintenance Organization Act
  coverage
    mammograms, 94-0121

Insurance Code, Illinois
  coverage
    mammograms, 94-0121
    mental health parity, 94-0402
    post-traumatic stress disorder, 94-0584
    serious mental illness, 94-0584
    surveillance tests for ovarian cancer, 94-0122
  definitions
    serious mental illness, 94-0584
  file reports with the Secretary of Financial and Professional Regulation, 94-0277

Insurance Financial Regulation Fund, 94-0091

Insurance Producer Administration Fund, 94-0091

life
  military personnel, 94-0635
  medical liability insurance rates and regulations, makes numerous changes, 94-0677
  Policyholder information and exclusive, 94-0248
  technical, 94-0584, 94-0245, 94-0248

NEW ACTS
  Covering ALL KIDS Health Insurance Act, 94-0693
  State Employees Group Insurance Act of 1971 -- See: STATE GOVERNMENT
  hospital provider, redefined as unit of local goverment, 94-0082
INSURANCE- Cont
Use of Credit Information in Personal Insurance Act
  credit information to underwrite or rate risks; renewal policies, 94-0245
  use of credit information; automobile insurance policy, 94-0245

LABOR RELATIONS
Educational Labor Relations Act, Illinois
  bargaining agreement; fair share clause, 94-0210
Labor Dispute Act
  picketing, 94-0321
Public Labor Relations Act, Illinois
  collective bargaining, court reporters, 94-0098
  exclusive bargaining representative; public employee list, 94-0472
  fire protection districts that employ fewer than 5 people, removes application, 94-0067
  public employees
    child and day care home providers, 94-0320
    technical, 94-0320

LAW ENFORCEMENT
Criminal Identification Act
  information pertaining to the identification of any person for the purpose of
determining whether that person may be granted or denied access to municipal
utility facilities, 94-0480

NEW ACTS
  Find Our Children Act, 94-0484
  Medical School Applicant Criminal Background Check Act, 94-0709

LEGISLATURE
General Assembly Organization Act
  reports to the General Assembly; provided to LRU; electronic format, 94-0565
Intergovernmental Cooperation Act
  public entities, joint self-insurance pools, 94-0685
  special districts; merge into townships, 94-0144
Legislative Commission Reorganization Act of 1984
  Legislative Research Unit
    reports to the General Assembly; provided to LRU; electronic format, 94-0565

LIBRARIES
Library Incorporation Act
  articles of incorporation/ application for authority, 94-0605
Local Library Act, Illinois
  competitive bidding, 94-0435
Public Library District Act of 1991
  disconnection ordinance, 94-0681
  technical, 94-0681

See topic headings on page 5954
LIENS
Health Care Services Lien Act
definition
   health care provider, 94-0403
Mechanics Lien Act
   agreement to waive any right to enforce or claim any lien, 94-0627
   notice requirements for an owner-occupied single-family residence, 94-0627
   subordination of a subcontractor's lien, 94-0627
   technical, 94-0627
Sale of Unclaimed Property Act
technical, 94-0626
Tool and Die Lien Act, 94-0615
LOCAL GOVERNMENT
Counties Code
   adult entertainment facility, 94-0496, 94-0401
   annual budget, 94-0644
   back door referendum question; approved by a majority of the electors voting, 94-0578
   board members, must reside within county; exceptions, 94-0457
   county boards, powers and duties
      licensure and regulation, 94-0401
      ordinance enforcement, fines and penalties, 94-0616
   creates the Department of Juvenile Justice from the Juvenile Division of the Department of Corrections, 94-0696
   creation and preservation of affordable housing, 94-0303
   governing bodies
      leases; public safety purposes, 94-0401
   HazMat and technical rescue teams, 94-0334
   juvenile delinquency programs, 94-0154
   officers and employees
      coroner; unclaimed human remains, 94-0422
      local government officers, 94-0273
   Rental Housing Support Program, 94-0118
   Special County Occupation Tax For Public Safety or Transportation Law, 94-0644
   stormwater management plan, 94-0675
technical, 94-0401, 94-0675
   zoning authority; AM broadcast towers and facilities, 94-0616
County Shelter Care and Detention Home Act
   creates the Department of Juvenile Justice from the Juvenile Division of the Department of Corrections, 94-0696
Fire Department Promotion Act
technical, 94-0302
See topic headings on page 5954
LOCAL GOVERNMENT-Cont
Intergovernmental Law Enforcement Officer's In-Service Training Act
annual training certification of retired law enforcement officers, 94-0103
Local Governmental Employees Political Rights Act
political activities; fire department, 94-0316
Local Records Act
references to accountants, 94-0465
Municipal Code, Illinois
annexed territory
agreements, 94-0396
drainage district, 94-0266, 94-0544
park districts, 94-0396
sewerage system, 94-0475
shared territory; boundaries, 94-0396
audits, 94-0465
back door referendum question; approved by a majority of the electors voting, 94-0578
bulk long distance telephone services, 94-0635
commission form of municipal government; contracts, 94-0435
creation and preservation of affordable housing, 94-0303
extermination of pests, 94-0572
incorporated territory; consent, 94-0023
jurisdictional boundary line agreement, 94-0374
Non-Home Rule Municipal Retailers' Occupation Tax Act, 94-0679
non-home rule municipalities may not assign fireman to police duties and vice versa, 94-0720
Non-home rule municipalities; imposition of taxes, 94-0679
officers and employees
age, firemen and policemen, 94-0029
deputy clerks, 94-0250
military preference, 94-0483
municipal clerk, 94-0250
paramedic probation, 94-0135
restriction on firefighter and police work assignments, 94-0720
ordinance violation, 94-0616
ordinance violation; litigation and witness fees, 94-0111
pests, defines, 94-0572
technical, 94-0475
territory
annexation; former railroad right-of-way, 94-0361
terrorism prevention division, 94-0480
TIF (Tax Increment Allocation Redevelopment Act)

See topic headings on page 5954
INDEX

LOCAL GOVERNMENT-Cont
Mount Prospect, TIF redevelopment project, extends, 94-0702, 94-0616
municipality; definition, 94-0268
Oglesby; TIF redevelopment project; extends, 94-0297, 94-0302
Ottawa, TIF redevelopment project, extends, 94-0297
Sullivan, TIF redevelopment project, extends, 94-0260
technical, 94-0702, 94-0260
Village of Gardner; redevelopment project, 94-0266
Village of Woodhull; TIF redevelopment project; extends, 94-0711
water commissions, 94-0123

NEW ACTS
Consular Identification Document Act, 94-0389
Intermodal Facilities Development Act, Illinois, 94-0546
Local Government Consolidation Commission Act, 94-0244
Regional Planning Act, 94-0510
Peace Officer Firearm Training Act
annual range qualification, 94-0103
annual training certification of retired law enforcement officers, 94-0103
Police Training Act, Illinois
annual range qualification, 94-0103
annual training certification of retired law enforcement officers, 94-0103
Law Enforcement Training Standards Board, Illinois
police chief and deputy police chief; training, 94-0354
retired peace officers, exempt from concealed carry prohibition, 94-0103
statewide emergency alert system for missing endangered seniors, 94-0145
Public Building Commission Act
commission; resolution, 94-0355
Public Graveyards Act
vested control by county, 94-0024
Public Officer Prohibited Activities Act
holding other office
conservation district, 94-0617
Public Officer Simultaneous Tenure Act
technical, 94-0370
Public Works Contract Change Order Act
change order, 94-0460
Revised Cities and Villages Act of 1941
recounts, office of alderman in the City of Chicago, 94-0647
Township Code
officers and employees
township from which territory is disconnected, 94-0529
open space
petitions, 94-0622

See topic headings on page 5954
LOCAL GOVERNMENT-Cont
poultry running at large, power to regulate, 94-0453
surplus for maintenance and operation of open spaces, 94-0469
Uniform Peace Officers' Disciplinary Act
officer interrogations, notice, 94-0344
Volunteer Firefighter Job Protection Act
application of, 94-0599
changes title to Volunteer Emergency Worker Job Protection Act, 94-0599
Wireless Emergency Telephone Safety Act
surcharges and taxes
maximum monthly surcharge; increases, 94-0076
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES Act - See:
SPECIAL DISTRICTS
Children's Mental Health Act of 2003
creates the Department of Juvenile Justice from the Juvenile Division of the
Department of Corrections, 94-0696
MHDD Administrative Act
budget and funding allocations, 94-0058
community-based residential program, 94-0048
individualized behavioral support plan, 94-0048, 94-0693
recovery-oriented system for delivering State-funded and State-operated services
to persons with mental illness, 94-0521
MHDD Code
admission, transfer, discharge procedures
peace officer custody; reasonable grounds, 94-0202
voluntary admission, 94-0521
MHDD Confidentiality Act
disclosure
prisons, 94-0182
MILITARY AFFAIRS
See: VETERANS AND THE MILITARY
MOBILE HOMES
Mobile Home Local Services Tax Enforcement Act
interest payment funds, 94-0362
notice for application of judgment and sale of tax-delinquent mobile homes, 94-
0019
MUNICIPALITIES
See: LOCAL GOVERNMENT
NEW ACTS
African-American HIV/AIDS Response Act, 94-0629
AgrAbility Act, Illinois, 94-0216
Anna Cieslewicz Act, 94-0639

See topic headings on page 5954
NEW ACTS-Cont
Arthritis Prevention, Control, and Cure Act, 94-0634
Assistive Technology Protection Act, 94-0378
Asthma Inhalers at Recreational Camps Act, 94-0670
Autism Spectrum Disorders Reporting Act, 94-0632
Brominated Flame Retardant Prevention Act, 94-0100
Child Support Payment Act, 94-0087
Child Welfare Student Loan Forgiveness Act, 94-0497
Children's Environmental Health Office Act, 94-0467
Clinical Laboratory Science Practice Act, 94-0367
College and Career Success for All Students Act, 94-0534
Construction Site Temporary Restroom Facility Act, 94-0042
Consular Identification Document Act, 94-0389
Covering ALL KIDS Health Insurance Act, 94-0693
Design-Build Procurement Act, 94-0716
Disposition of Remains Act, 94-0561
Eastern Illinois Economic Development Authority Act, 94-0203
Electronic Medical Records Taskforce Act, 94-0646
Employee Blood Donation Leave Act, 94-0033
Epilepsy Disease Assistance Act, 94-0073
Family Case Management Act, Illinois, 94-0407
Family Military Leave Act, 94-0589
Find Our Children Act, 94-0484
Firearms Act, 94-0353
Fiscal Year 2006 Hospital Assessment Act, 94-0242
FY2006 Budget Implementation Act, 94-0069, 94-0091
Global Partnership Act, Illinois, 94-0388
Health Care Setting Violence Prevention Act, 94-0347
Health Care Workplace Violence Prevention Act, 94-0347
Helping Heroes Child Care Program Act, 94-0035
Home Care Consumer and Worker Protection Act, 94-0379
Home Health and Hospice Drug Dispensation and Administration Act, 94-0638
Hospital Basic Services Preservation Act, 94-0648
Human Voice Contact Act, 94-0620
Illinois Adverse Health Care Events Reporting Law of 2005, 94-0242
Illinois Public Health and Safety Animal Population Control Act, 94-0639
Intermodal Facilities Development Act, Illinois, 94-0546
International Business Council Act, Illinois, 94-0388
Judicial Subcircuits Act of 2005, 94-0003
Juror Protection Act, 94-0186
Land Conveyance Act of 2005, 94-0656
Lifelong Learning Act, 94-0069

See topic headings on page 5954
NEW ACTS-Cont

Loan Repayment Assistance for Physicians Act, 94-0368
Local Government Consolidation Commission Act, 94-0244
Medical School Applicant Criminal Background Check Act, 94-0709
Medical School Matriculant Criminal History Records Check Act, 94-0709
Mercury-Free Vaccine Act, 94-0614
Methamphetamine Control and Community Protection Act, 94-0556
Methamphetamine Precursor Control Act, 94-0694
Military Personnel Cellular Phone Contract Termination Act, 94-0635
Newborn Eye Pathology Act, 94-0631
Patriot Plan, Illinois, 94-0635
Payday Loan Reform Act, 94-0013
Personal Information Protection Act, 94-0036
Public Health Program Beneficiary Employer Disclosure Law, 94-0242
Railroad Employees Medical Treatment Act, 94-0318
Reduction of Racial and Ethnic Health Disparities Act, 94-0447
Regional Planning Act, 94-0510
Rental Housing Support Program Act, 94-0118
Residential Real Property Homestead Exemptions Disclosure Act, 94-0489
Restroom Access Act, 94-0450
School Safety Drill Act, 94-0600
Shaken Baby Prevention Act, 94-0228
Social Security Numbers Limited Use Act, 94-0226
Sorry Works! Pilot Program Act, 94-0677
State Prohibition of Goods from Child Labor Act, 94-0264
Truth in Employment Act, 94-0277
Vocational Academies Act, 94-0220

NUCLEAR SAFETY

Low-Level Radioactive Waste Management Act, Illinois
waste fees, 94-0091
Personnel Radiation Monitoring Act
repeals, 94-0194
Radiation Protection Act of 1990
Illinois Emergency Management Agency, changes reference from Dept. of Nuclear Safety to, 94-0104
Radon Industry Licensing Act
grounds for disciplinary action for failure to pay child support, 94-0369
Illinois Emergency Management Agency, changes references from Dept. of Nuclear Safety to, 94-0369
licensing violations, fines, hearings, 94-0369

See topic headings on page 5954
OFFICERS AND EMPLOYEES
Organ Donor Leave Act, 94-0033

PARKS AND PARK DISTRICTS
NEW ACTS
   Asthma Inhalers at Recreational Camps Act, 94-0670
Park District Code
   annexation by a municipality; consent, 94-0396
   refunding bonds, 94-0628

PENSIONS
Illinois Pension Code
   Advisory Commission on Pension Benefits for New Employees, 94-0004
calculation and certification of required State contributions, 94-0004
child born out of wedlock; lawful child, 94-0229
future benefit increase, 94-0004
investment of assets, requirements, 94-0471
QILDRO, 94-0657
recertification, 94-0004
technical, 94-0423, 94-0657
Pen Cd-02-General Assembly (GARS)
   Board
certify to the Governor on or before December 15 (was, November 15), 94-0536
Pen Cd-03-Downstate Police
   service credit
   transfer credit; IMRF, downstate police fund, 94-0356
Pen Cd-04-Downstate Firefighters
   Board
   board of trustees for fire protection districts, 94-0317
Pen Cd-05-Chicago Police
   contributions; certain employments in police department, 94-0624
   retirement
   annual increase, people born in certain years, 94-0719
Pen Cd-06-Chicago Firefighters
   retirement
   annuity, 94-0624
   exempt position, 94-0624
Pen Cd-07-Illinois Municipal (IMRF)
   retirement
   return to employment, 94-0456
   service credit
   transfer credit; IMRF, downstate police fund, 94-0356
   SLEP formula (sheriff’s law enforcement employee), 94-0712

See topic headings on page 5954
PENSIONS-Cont
Pen Cd-08-Chicago Municipal
survivor's annuity, 94-0612, 94-0004
technical, 94-0536
Pen Cd-14-State Employees (SERS)
accelerated amortization provision; 2002 ERO, 94-0004
alternative formula (State Police)
DOC; eligibility of new employees, 94-0004
alternative retirement cancellation payment, 94-0109
retirement
alternative retirement cancellation payment, 94-0109
repay refund, 94-0455
service credit
visually handicapped vendor program participants, 94-0612
Pen Cd-15-State Universities (SURS)
contributions
Comptroller; money purchase formula; rate, 94-0004
divided medicare coverage referendum, 94-0415
employer contribution; retirement annuity, 94-0004
money-purchase formula; eliminates, 94-0004
Pen Cd-16-Downstate Teachers
accelerated amortization provision; 2002 ERO, 94-0004
Board
active teacher, 94-0423
elected members; vacancies, 94-0710
disability benefits, 94-0539
early retirement without discount option, 94-0004
participation
employer contribution; retirement annuity, 94-0004
money-purchase formula; eliminates, 94-0004
payment of benefits; schedule; installments, 94-0004
retirement
return to teaching, 94-0129
Pen Cd-17-Chicago Teachers
Board of Trustees, 94-0514, 94-0425
divided medicare coverage referendum, authorizes, 94-0724
early retirement without discount option, 94-0004

PORT DISTRICTS
See: SPECIAL DISTRICTS
PROFESSIONS AND OCCUPATIONS
Architecture Practice Act of 1989
continuing education, 94-0452, 94-0543

See topic headings on page 5954
INDEX

PROFESSIONS AND OCCUPATIONS-Cont
licensure, 94-0452, 94-0543
technical, 94-0543
Auction License Act
Auction Regulation Administration Fund, 94-0091
FY06 Budget Implementation, 94-0091
Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985
license
sets forth qualifications under act, 94-0451
technical, 94-0698
Collection Agency Act, 94-0414
Genetic Counselor Licensing Act
licensure, 94-0661
Home Inspector License Act
FY06 Budget Implementation, 94-0091
Home Inspector Administration Fund, 94-0091
NEW ACTS
Brominated Flame Retardant Prevention Act, 94-0100
Clinical Laboratory Science Practice Act, 94-0367
Construction Site Temporary Restroom Facility Act, 94-0042
Covering ALL KIDS Health Insurance Act, 94-0693
Disposition of Remains Act, 94-0561
Global Partnership Act, Illinois, 94-0388
Health Care Setting Violence Prevention Act, 94-0347
Health Care Workplace Violence Prevention Act, 94-0347
Home Care Consumer and Worker Protection Act, 94-0379
Home Health and Hospice Drug Dispensation and Administration Act, 94-0638
Hospital Basic Services Preservation Act, 94-0648
International Business Council Act, Illinois, 94-0388
Loan Repayment Assistance for Physicians Act, 94-0368
Mercury-Free Vaccine Act, 94-0614
Payday Loan Reform Act, 94-0013
Railroad Employees Medical Treatment Act, 94-0318
Social Security Numbers Limited Use Act, 94-0226
Truth in Employment Act, 94-0277
Notary Public Act
immigration assistance service; fees, 94-0238
Plumbing License Law, Illinois
general liability and workers compensation insurance coverage, 94-0258
irrigation contractors regulation, 94-0101
permits, 94-0132
registrations; applications, 94-0055

See topic headings on page 5954
PROFESSIONS AND OCCUPATIONS-Cont
Private Sewage Disposal Licensing Act
  portable toilet units, 94-0138
Professional Engineering Practice Act of 1989
  Software Engineering; licensure; examinations, 94-0452
Public Accounting Act, Illinois
  technical, 94-0708
Pyrotechnic Operator Licensing Act
  changes the short title to the Pyrotechnic Distributor and Operator Licensing Act, 94-0385
    Division 1.3G explosives, 94-0658, 94-0385
    division 1.4 explosives, 94-0385
    licensure requirements, 94-0385
Real Estate Appraiser Licensing Act
  Appraisal Administration Fund, 94-0091
  FY06 Budget Implementation, 94-0091
  Professions Indirect Cost Fund, 94-0091
Real Estate License Act of 2000
  FY06 Budget Implementation, 94-0091
  Professions Indirect Cost Fund, 94-0091
  Real Estate Research and Education Fund, 94-0091
Roofing Industry Licensing Act, Illinois
  licensure; display; advertising, 94-0254
  repeals, 94-0661
PROPERTY
Cemetery Protection Act
  abandoned cemetery, presumptions, 94-0044
  multiple interment rights, ownership, heirship, 94-0520
  violation; offenses, 94-0608
Condominium Property Act
  Board
    powers and duties, 94-0384
    conversion to condominium units, 94-0386
    fees pertaining to, 94-0384
    technical, 94-0653
Conveyances Act
  technical, 94-0722
  conveyances, easements, transfers, exchanges
    Board of Trustees of the University of Illinois
      certain land in Cook County to the City of Chicago, 94-0405, 94-0626
    Department of Mental Health, 94-0610

See topic headings on page 5954
PROPERTY - Cont
Department of Military Affairs
    City of Chicago, 94-0405, 94-0718
Dept. of Human Services
    Illinois Department of Natural Resources, 94-0405
    real property in Cook County near the Chicago Read Mental Health Center, 94-0405, 94-0653
    United Cerebral Palsy Association of Greater Chicago, 94-0278
    Village of Tinley Park, 94-0278
Dept. of Natural Resources
    Peoria County, Princeville Family Health Center, 94-0209
Kane County, 94-0610
    restorations: DOT and Counties of Kendall, Woodford, Grundy, Macoupin, Lawrence; 94-0656
Secretary of Transportation, 94-0656
    DaimlerChrysler Corporation, 94-0610
    Village of Elwood, 94-0722
    technical, 94-0610
Landlord and Tenant Act
    liability exemptions, 94-0601
    Rent payments at business office, 94-0002
Mortgage Escrow Account Act
    mortgage lender, 94-0050
NEW ACTS
    Land Conveyance Act of 2005, 94-0656
    Michael, Gene, conveys certain lands in Vermilion County to, 94-0405
    Residential Real Property Homestead Exemptions Disclosure Act, 94-0489
Residential Real Property Disclosure Act
    predatory lending database pilot program, 94-0280
    technical, 94-0280, 94-0718
Uniform Disposition of Unclaimed Property Act
    abandoned property, demutualization of insurance company, 94-0686
    Demutualization Trust Fund, 94-0686
    unclaimed human remains, 94-0422
PUBLIC AID
See: HUMAN SERVICES
PUBLIC HEALTH AND SAFETY
AIDS Confidentiality Act
AIDS Registry Act
    HIV/AIDS Registry; renames, 94-0102
    disclosure, 94-0102
Clean Indoor Air Act, Illinois
    regulate smoking in public places, 94-0517

See topic headings on page 5954
PUBLIC HEALTH AND SAFETY - Cont
Community Services Act
  funding reduction, 94-0498
Crematory Regulation Act
  priority list for authorizing agents for the cremation of remains, repeals, 94-0561
Elevator Safety and Regulation Act
  elevator industry apprentice or a helper by the Office of the State Fire Marshal, 94-0698
  elevator mechanic's license, 94-0698
  licensure as an elevator contractor, 94-0698
  limited elevator contractor's license, 94-0698
  residential accessibility license, 94-0698
Environmental Barriers Act, 94-0283
Firearm Owners Identification Card Act
  ammunition purchases from out-of-state, requires certain forms of ID, 94-0571
  denial of attempted firearm purchase, must report name to State Police, 94-0125
Firearm Transfer Inquiry Program, 94-0353
  firearms
      record of transfer, 94-0284
  FOID card
      stun gun or taser, 94-0006
Hazardous Material Emergency Response Reimbursement Act
definitions, 94-0096
Health and Safety Act, 94-0477
NEW ACTS
  African-American HIV/AIDS Response Act, 94-0629
  Anna Cieslewicz Act, 94-0639
  Arthritis Prevention, Control, and Cure Act, 94-0634
  Asthma Inhalers at Recreational Camps Act, 94-0670
  Brominated Flame Retardant Prevention Act, 94-0100
  Consular Identification Document Act, 94-0389
  Covering ALL KIDS Health Insurance Act, 94-0693
  Disposition of Remains Act, 94-0561
  Mercury-Free Vaccine Act, 94-0614
  Methamphetamine Control and Community Protection Act, 94-0556
  Shaken Baby Prevention Act, 94-0228
  Safety Inspection and Education Act, 94-0477
  Sexual Assault Survivors Emergency Treatment Act
      emergency hospital services, 94-0434
  Vital Records Act
      death records

See topic headings on page 5954
PUBLIC HEALTH AND SAFETY - Cont
"deceased" shall not appear on certificate if child dies within 3 months of birth, 94-0007
motor vehicle backing over a child or power window accident, must send death certificate to DCFS, 94-0671

REPEALED ACTS
Board and Care Home Registration Act, 94-0021
Fire Drill Act, 94-0600
Methamphetamine Precursor Retail Sale Control Act, 94-0694
Personal Radiation Monitoring Act, 94-0194
Physical Therapy Act, Illinois, 94-0651

RESOLUTIONS - COMMISSIONS, COMMITTEES AND BOARDS

REVENUE - EXCISE TAXES
See: TAXATION

REVENUE - INCOME TAXES
See: TAXATION

REVENUE - OCCUPATION AND USE TAXES
See: TAXATION

REVENUE - PROPERTY TAXES
See: TAXATION

SANITARY DISTRICTS
See: SPECIAL DISTRICTS

SCHOOLS
Education for Homeless Children Act
   Homeless Children Committee, eliminates, 94-0235
   McKinney-Vento Homeless Assistance Act, 94-0235
   transportation, 94-0235
Fire Drill Act
   repeals, 94-0600

NEW ACTS
   College and Career Success for All Students Act, 94-0534
   I-Connect Computer Technology Act, 94-0220
   School Safety Drill Act, 94-0600

School Code
   academic early warning and watch status, 94-0666
   age/attendance/enrollment/school term
   compilation of average daily attendance, 94-0438
   bilingual education program; transitional program, 94-0642
   Chicago/Cook County
   Healthy Kids - Healthy Minds Expanded Vision Program, 94-0137
   Child Nutrition Advisory Committee, 94-0407
SCHOOLS-Cont
Children with Disabilities Article
adequate yearly progress, 94-0666
administrative expenses, reimbursable, 94-0177
identification, evaluation and placement of children; hearing and visually
impaired, 94-0376
transition specialist certificate, 94-0230
County school units, 94-0432
courses of instruction / curriculum / programs
Black History, 94-0285
character education, 94-0187
driver education; fee, 94-0426
financial literacy, 94-0439
genocide study, 94-0478
Giant Steps Autism Center for Excellence program, 94-0196
high school course requirements, 94-0676
interscholastic athletic programs, 94-0014
parental participation pilot project, 94-0507
physical education, 94-0189, 94-0200
steroid abuse prevention education, 94-0014
writing, 94-0069

creates the Department of Juvenile Justice from the Juvenile Division of the
Department of Corrections, 94-0696
deactivation of an elementary school, 94-0213
debt limitation - bonds, 94-0721
Downstate School Finance Authority, 94-0234
Driver Education Act
proficiency examinations, 94-0525
reimbursement to school, 94-0440
education programs for gifted and talented children, 94-0410, 94-0151
examinations concerning physical fitness & sick leave, 94-0350
fingerprint-based criminal history records checks, 94-0219
funding
aggregate IDEA Part B discretionary funds, 94-0069
St. aid, average daily attendance, 94-0438
St.aid-foundation level of support, 94-0069
St.aid-increases levels, 94-0069
St.aid-supp., foundation level of support, 94-0069
St.aid-supp., minimum grant amount, 94-0069
State Board of Education Special Purpose Trust Fund, 94-0069
State Urban Education Partnership Grants, 94-0069
temporary relocation expense and emergency replacement purposes, 94-0690

See topic headings on page 5954
SCHOOLS-Cont

transfer of moneys from specified funds; time period, 94-0176
grants for early childhood education, 94-0506
K-3 class reduction grant program, school board shall determine use, 94-0566
mandate waivers
  physical education, 94-0198
  spring mandate waiver report, 94-0198
Master Certificate for guidance counselors, 94-0105
methamphetamine protocol, 94-0554
Prairie State Achievement Exam, 94-0438, 94-0069
referenda be approved by a majority of the electors voting on the question, 94-0578
regional superintendents
  legal counsel, 94-0153
residence requirements, 94-0309
rules for documentation of school plan reviews and inspections of school facilities, 94-0225
school boards
  free transportation; safety hazards, 94-0439
  group health insurance program, 94-0410
  student appointment, 94-0231
  stipend; compensation, 94-0234
school districts
  elementary school districts; withdraw and transfer, 94-0432
  investigation of the district's financial condition, 94-0234
  reclassification of principals; districts other than the Chicago school district, 94-0201
  taxes, ability to levy, 94-0052
  transitional bilingual education; reimbursement, 94-0666, 94-0441
sex offender registration data check, 94-0219
State Board of Education
  powers and duties; high school equivalency testing; Illinois Community College Board, 94-0108
  school health recognition program, 94-0190
  wellness policy, 94-0199
student health
  physical education, 94-0189
Teacher Certification Article
  approved teacher preparation program, 94-0208
  ban on student teaching before passing subject matter test, removes provision, 94-0208

See topic headings on page 5954
SCHOOLS-Cont
teachers' institute may include First Aid training, 94-0197
technical, 94-0137, 94-0052, 94-0690, 94-0432, 94-0069, 94-0235, 94-0106, 94-0534, 94-0676, 94-0721
technology
non-public school access, 94-0091
Trustees of Schools, 94-0432
vendor contracts, 94-0714
School Construction Law
project labor agreement, 94-0714
School Employee Benefit Act
prescription drug benefits; programs, 94-0091
school district, 94-0227
SPECIAL DISTRICTS
Civic Center Code
state office building expenditures; Rockford, 94-0091
Fair and Exposition Authority Reconstruction Act
bonds; issuance, 94-0091
FY06 Budget Implementation, 94-0091
Kaskaskia Regional Port District Act
money borrowing authorization, 94-0562
Metro-East Sanitary District of 1974
bidding, 94-0445
Metropolitan Pier and Exposition Authority
powers and duties, 94-0091
Metropolitan Water Reclamation District Act
annexation, 94-0223
district enlargement, 94-0569, 94-0576
officers and employees
assistant director of personnel, 94-0680
General Superintendent, 94-0680
Stormwater Working Cash Fund, 94-0474
North Shore Sanitary District Act
referenda be approved by a majority of the electors voting on the question, 94-0578
Public Water District Act
annexation; territory of district, 94-0613
audits, 94-0465
Surface Water Protection District Act
referenda be approved by a majority of the electors voting on the question, 94-0578

See topic headings on page 5954
SPECIAL DISTRICTS-Cont
Tri-City Regional Port District Act
authorizes the District board to borrow moneys from a bank or other financial
institution without a time limit for repayment, 94-0562

SPORTS
Athletic Trainers Practice Act, Illinois
acts of insurance fraud or recipient fraud, unauthorized use of medical assistance,
or vendor fraud in relation to medical assistance under the Illinois Public A id
Code, 94-0577
definitions
athletic injury, 94-0246
athletic training aide, 94-0246
licensed athletic trainer, 94-0246
licensure, Athletic Training Board, emergency care violations, 94-0246
technical, 94-0651

STATE DESIGNATIONS
See: STATE GOVERNMENT

STATE GOVERNMENT

NEW ACTS
Consular Identification Document Act, 94-0389
Design-Build Procurement Act, 94-0716
Find Our Children Act, 94-0484
Human Voice Contact Act, 94-0620
State Prohibition of Goods from Child Labor Act, 94-0264
State Commmemorative Dates Act
Alzheimer's Awareness Month, November, 94-0443
State Designations Act
State amphibian, Eastern Tiger Salamander, 94-0257
State reptile, Painted Turtle, 94-0257
State Employees Group Insurance Act of 1971
group life insurance, 94-0095
health benefits program
opt-out option; re-enrollment conditions, 94-0109
participation
active duty military personnel; dependent; school enrollment, 94-0032
human service providers, 94-0248
State Employment Records Act
bilingual employment plan, 94-0597
Hispanic employment plan, 94-0597
State Facilities Closure Act
recommendations for closure and public hearings, 94-0688
State Property Control Act
excludes certain property from definition of "property", 94-0405

See topic headings on page 5954
STATE GOVERNMENT-Cont
State Salary and Annuity Withholding Act
withholding of labor union fringe benefits under certain conditions, 94-0541
Voluntary Payroll Deductions Act of 1983
qualified organizations, designation forms, use of employee or annuitant social
security number, 94-0537

STATUTES
Regulatory Sunset Act
Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985; extends
repeal, 94-0451
Illinois Roofing Industry Licensing Act, 94-0661
Professional Geologist Licensing Act, 94-0708
sunset schedule, changes
Collection Agency Act, 94-0414
Hearing Instrument Consumer Protection Act, 94-0527
Illinois Athletic Trainers Practice Act, 94-0246
Illinois Dental Practice Act, 94-0409
Illinois Roofing Industry Licensing Act; extends repeal, 94-0254
Respiratory Care Practice Act, 94-0523

Statute on Statutes
born-alive infants, 94-0559

TAXATION
Cigarette Tax Act
imposition of tax
increases, 94-0091
County Economic Development Project Area Property Tax Allocation Act
economic development project; Grundy County, 94-0259
Economic Development for a Growing Economy Tax Credit Act
review of applications, 94-0598
Estate and Generation-Skipping Transfer Tax Act, Illinois
state tax credit, defines, 94-0419
Film Production Services Tax Credit Act
labor expenditures, 94-0171
review of applications for accredited production certificates, 94-0171
technical, 94-0171
Income Tax Act, Illinois, 94-0277
base income
nonresident individual who is a member of a professional athletic team, 94-
0247
checkoffs
Autism Research Fund, 94-0442
Blindness Prevention Fund, 94-0602

See topic headings on page 5954
TAXATION-Cont

Brain Tumor Research Fund, 94-0649
Regional Epilepsy Center Grants-in-Aid, 94-0073
Sarcoidosis Research Fund, 94-0141
Vince Demuzio Memorial Colon Cancer Research Fund, 94-0142

credits
affordable housing, 94-0046
film production services tax credit, 94-0171
Lifelong Learning Act, 94-0069

deductions
interinsurer or reciprocal insurer to an attorney-in-fact, 94-0673

funds
Income Tax Refund Fund, 94-0091
FY06 Budget Implementation, 94-0091
technical, 94-0673, 94-0711

Mobile Home Local Services Tax Act
abandoned mobile home, 94-0358
annual tax to the county treasurer, 94-0606

Mobile Home Local Services Tax Enforcement Act
reimbursement of municipality before issuance of tax certificate of title, 94-0358
tax certificate of title, 94-0358

Motor Fuel Tax Law
imposition of tax
sale of motor fuel, 94-0346
refunds
undyed diesel fuel claims, grounds, 94-0654

Property Tax Code
abatements for leased, low-rent housing, 94-0296, 94-0711
assessment officials
county board, 94-0417
county board; books and records, 94-0417
delinquent taxes; members of the military, 94-0312
exemptions
disabled veterans, 94-0310
disabled veterans assessment freeze homestead exemption, 94-0310
notice of payments, 94-0050
report of taxes collected; electronic format, 94-0412

Special Service Area Tax Law
may be imposed by municipality to protect people in building, 94-0689
tax collection
property tax refunds, 94-0558

See topic headings on page 5954
TAXATION-Cont

tax sale and redemption rights, 94-0362, 94-0662, 94-0380

technical, 94-0704, 94-0662, 94-0711

Retailers' Occupation Tax Act

exemptions

Intermodal Facilities Development Act, Illinois, 94-0546

livestock management facility or a livestock waste handling facility, 94-0061

program to certify proposed affordable housing development projects, 94-0489

Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act

pharaceutical assistance program, requirements, covered drugs, rebates, 94-0086

Service Occupation Tax Act

exemptions

livestock management facility or a livestock waste handling facility, 94-0061

Service Use Tax Act

exemptions

livestock management facility or a livestock waste handling facility, 94-0061

Tax Increment Allocation Redevelopment Act

technical, 94-0268

Use Tax Act

exemptions

livestock management facility or a livestock waste handling facility, 94-0061

program to certify proposed affordable housing development projects, 94-0489

TECHNOLOGY

NEW ACTS

Assistive Technology Protection Act, 94-0378

TERRORISM

NEW ACTS

Consular Identification Document Act, 94-0389

TOWNSHIPS

SEE: LOCAL GOVERNMENT

TRANSPORTATION AND MOTOR VEHICLES

Boat Registration and Safety Act

fees

non-motorized paddle boat, 94-0045

Child Passenger Protection Act

children under 18, child restraint system or seat belts, 94-0241

Highway Code, Illinois

competitive bidding

highway commissioner of a road district; contracts, 94-0435

local government officers, 94-0273

road district treasurer, 94-0059

See topic headings on page 5954
TRANSPORTATION AND MOTOR VEHICLES-Cont

State highways
  affidavit of maintenance, 94-0476
  vacate a highway or part of a highway established by common law dedication, 94-0476
  technical, 94-0510
  township and district roads
  tax levies, 94-0692

NEW ACTS
  Railroad Employees Medical Treatment Act, 94-0318
  Railroad Terminal Authority Act
    technical, 94-0546
  Regional Transportation Authority Act
    paratransit services coordination, 94-0370
  Renter's Financial Responsibility and Protection Act
    collision damage waiver charges, limits; rental company and rental agreements, 90 days, 94-0332

Toll Highway Act
  Authority
    electronic collections, 94-0636

Vehicle Code, Illinois
  all-terrain vehicles and off-highway motorcycles
    DNR; administrative rules, 94-0047
  blue oscillating light, driver must carry identification if vehicle not owned by fire dept., 94-0331
  cellular phone usage; instructional permit; prohibits, 94-0240
  certificates of title and registration of vehicles
    judicial driving permit, 94-0357
    transfer of title, 94-0411
    unlawful use of identification card, 94-0239
  commercial vehicle, 94-0713
    abandoned, lost, stolen, or unclaimed vehicle, 94-0650
    license disqualification, 94-0307
    relocation, 94-0650
  contract carrier; transporting employees, 94-0319
  diesel powered vehicles; biodiesel fuel, 94-0346
  disabled parking spot, increases penalties for using, 94-0619
  domestic violence victim, provides for new license plates, 94-0503
  DUI while transporting child under 16yrs, increases penalties, 94-0110
  DUI: probable cause, 94-0375
  DUI: sentencing, 94-0113, 94-0116, 94-0609
TRANSPORTATION AND MOTOR VEHICLES-Cont

DUI; increases penalties, 94-0114, 94-0329, 94-0111, 94-0609

electric vehicles, 94-0298

emergency vehicles, municipal and county
fire chief; oscillating, rotating, or flashing lights, 94-0143
HazMat and technical rescue teams, 94-0334
equipment
amber oscillating, rotating, or flashing lights, 94-0270
antique vehicles, blue rear light, 94-0299
children under 18, child restraint system or seat belts, 94-0241
radar or laser jamming devices, 94-0594
registration plate covers, 94-0304
tinted windows, 94-0564

First Person Consent organ and tissue donor registry, 94-0075
FY06 Budget Implementation, 94-0091
Illinois Commerce Commission, 94-0304
Illinois Commerce Commission hearings regarding motor carriers and airports,
participation, 94-0499
imposition of tax, 94-0091
leaving scene of accident involving death or injury, subject to chemical testing,
94-0115
liability insurance coverage, 94-0329
license-cancellation, suspension, revocation
disqualification of commercial driving privileges; certified mail, 94-0218
license-issue, expiration, renewal
alternative licensing requirements, 94-0307
disqualification, 94-0307
nonresident; driving privileges revoked in another state, 94-0473
nonresident; restoration of driving or registration privileges, 94-0224
license-violations
driving on revoked license, 94-0112
failure to pay outstanding fines; prohibit renewal, reissue, or reinstatement,
94-0618
litter control; Clean Communities Recycling Fund, 94-0272
motor carrier safety regulations
drug, alcohol, and controlled substances testing, 94-0519
financial responsibility, 94-0519
training requirements, 94-0519
transportation of hazardous materials, 94-0519
new or used trailers; sale, 94-0713
notice of penalties and opportunities for hearing, sent to last known address, 94-0294

See topic headings on page 5954
TRANSPORTATION AND MOTOR VEHICLES-Cont

permits
  continuous limited operation, 94-0049
  exceed wheel and axle load limits, 94-0049
privately owned emergency vehicles may be equipped with necessary lights, 94-0270
railroads
  closure of an at-grade railroad crossing to public use, 94-0304
  first aid or medical treatment for an injury suffered in the course of employment, 94-0318
reckless driving, 94-0375
reckless driving resulting in death or serious injury; DUI testing, 94-0375
reckless homicide, 94-0375
removal of motor vehicles or other vehicles; towing or hauling away, 94-0331, 94-0241, 94-0522
school buses
  school bus noise; railroads, 94-0519
Secretary of State
  standard license plate feasibility study, 94-0470
  vehicle or driver data; electronic format or computer processible medium, 94-0056
seizure of vehicle used to flee police, found after the fact, 94-0609
seizure of vehicles, no license/insurance; DUI; no valid driver's license, 94-0329
snow and ice removal equipment, 94-0270
special plates
  Gold Star recipients, 94-0311
  Pet Friendly, 94-0639
  Purple Heart, 94-0093, 94-0343
technical, 94-0001, 94-0070, 94-0304, 94-0717, 94-0470
theft of motor fuel, 94-0700
traffic control signal preemption device, authorized on emergency vehicles, 94-0373
utility service interruption emergency, 94-0001
Vehicle Emissions Inspection Law of 2005, 94-0526
vehicle rental, 94-0717
visual media technology, may not be operated if visiable from drivers seat, 94-0185
weight and axle limits; highways, 94-0464

TRUSTS AND FIDUCIARIES
Cemetery Care Act
  technical, 94-0608
UNIFORM LAWS
Uniform Act for the Extradition of Persons of Unsound Mind - See: MENTAL HEALTH
Uniform Anatomical Gift Act - See: ESTATES
Uniform Arbitration Act - See: LABOR RELATIONS
Uniform Child Custody Jurisdiction Act (UCCJA) - See: FAMILIES
Uniform Commercial Code - See: COMMERCIAL CODE
Uniform Conviction Information Act, Illinois -- See: LAW ENFORCEMENT
Uniform Deceptive Trade Practices Act - See: BUSINESS TRANSACTIONS
Uniform Disposition of Unclaimed Property Act - See: PROPERTY
Uniform Interstate Family Support Act - See: FAMILIES
Uniform Partnership Act - See: BUSINESS ORGANIZATIONS
Uniform Peace Officers' Disciplinary Act - See: LOCAL GOVERNMENT
Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act - See: CRIMINAL LAW

UTILITIES
Illinois Underground Utility Facilities Damage Prevention Act
   defines "business day", 94-0623
   flags and markings, 94-0623
Public Utilities Act
   public utility; definition, 94-0076
   rates
      rate changes based on changes in fuel costs, 94-0063
      synthetic natural gas, 94-0063
   security policy for critical infrastructure, 94-0480
   technical, 94-0063, 94-0076
Telecommunications Article
   extends repeal, 94-0076
   utility service; military personnel, 94-0635

VETERANS AND MILITARY
Children of Deceased Veterans Act
   education-related benefits, 94-0106
   home school education benefits, 94-0106
Military Code of Illinois
   funeral honors duty; allowance, 94-0251, 94-0359
   Governor's Regiment
      creates, 94-0581
   reemployment benefits, 94-0162

NEW ACTS
Family Military Leave Act, 94-0589
Helping Heroes Child Care Program Act, 94-0035
Military Personnel Cellular Phone Contract Termination Act, 94-0635

See topic headings on page 5954
VETERANS AND MILITARY-Cont
   Patriot Plan, Illinois, 94-0635
Service Men's Employment Tenure Act
   scheduled-to-begin employment, returning to following active military service, 94-0162
Veterans' Employment Act
   technical, 94-0703
   transfers various duties between agencies, 94-0099
VICTIMS AND WITNESSES
Crime Victims Compensation Act
   posttraumatic stress disorder, qualifies, 94-0192
WAREHOUSES
Grain Code
   Asset Preservation Account, 94-0054
   price later contract forms in electronic document format, 94-0054
   warehouse receipts in electronic form, 94-0211
WEAPONS
WILDLIFE
See: ANIMALS, FISH, AND WILDLIFE
<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Public Act 93-</th>
<th>Effective Date</th>
<th>Public Act 93-</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/01/2005</td>
<td>0045</td>
<td>06/21/2005</td>
<td>0064</td>
</tr>
<tr>
<td>05/23/2005</td>
<td>0001</td>
<td>06/21/2005</td>
<td>0065</td>
</tr>
<tr>
<td>05/31/2005</td>
<td>0002</td>
<td>06/22/2005</td>
<td>0068</td>
</tr>
<tr>
<td>05/31/2005</td>
<td>0003</td>
<td>06/22/2005</td>
<td>0070</td>
</tr>
<tr>
<td>06/01/2005</td>
<td>0004</td>
<td>06/23/2005</td>
<td>0071</td>
</tr>
<tr>
<td>06/03/2005</td>
<td>0005</td>
<td>06/23/2005</td>
<td>0073</td>
</tr>
<tr>
<td>06/06/2005</td>
<td>0007</td>
<td>06/24/2005</td>
<td>0076</td>
</tr>
<tr>
<td>06/06/2005</td>
<td>0008</td>
<td>06/27/2005</td>
<td>0080</td>
</tr>
<tr>
<td>06/07/2005</td>
<td>0010</td>
<td>06/28/2005</td>
<td>0084</td>
</tr>
<tr>
<td>06/08/2005 *</td>
<td>0011</td>
<td>06/28/2005</td>
<td>0085</td>
</tr>
<tr>
<td>06/13/2005</td>
<td>0016</td>
<td>06/30/2005</td>
<td>0087</td>
</tr>
<tr>
<td>06/14/2005</td>
<td>0018</td>
<td>06/30/2005</td>
<td>0092</td>
</tr>
<tr>
<td>06/14/2005</td>
<td>0019</td>
<td>07/01/2005 *</td>
<td>0015</td>
</tr>
<tr>
<td>06/14/2005</td>
<td>0020</td>
<td>07/01/2005</td>
<td>0048</td>
</tr>
<tr>
<td>06/14/2005</td>
<td>0023</td>
<td>07/01/2005</td>
<td>0069</td>
</tr>
<tr>
<td>06/14/2005</td>
<td>0024</td>
<td>07/01/2005</td>
<td>0091</td>
</tr>
<tr>
<td>06/14/2005</td>
<td>0027</td>
<td>07/01/2005</td>
<td>0094</td>
</tr>
<tr>
<td>06/14/2005</td>
<td>0029</td>
<td>07/01/2005</td>
<td>0095</td>
</tr>
<tr>
<td>06/14/2005</td>
<td>0030</td>
<td>07/01/2005</td>
<td>0098</td>
</tr>
<tr>
<td>06/14/2005</td>
<td>0031</td>
<td>07/01/2005</td>
<td>0100</td>
</tr>
<tr>
<td>06/15/2005</td>
<td>0032</td>
<td>07/01/2005</td>
<td>0103</td>
</tr>
<tr>
<td>06/15/2005</td>
<td>0035</td>
<td>07/01/2005</td>
<td>0104</td>
</tr>
<tr>
<td>06/16/2005</td>
<td>0037</td>
<td>07/01/2005</td>
<td>0105</td>
</tr>
<tr>
<td>06/16/2005</td>
<td>0038</td>
<td>07/01/2005</td>
<td>0106</td>
</tr>
<tr>
<td>06/16/2005</td>
<td>0039</td>
<td>07/01/2005</td>
<td>0107</td>
</tr>
<tr>
<td>06/16/2005</td>
<td>0041</td>
<td>07/01/2005</td>
<td>0108</td>
</tr>
<tr>
<td>06/17/2005</td>
<td>0042</td>
<td>07/01/2005</td>
<td>0109</td>
</tr>
<tr>
<td>06/17/2005</td>
<td>0044</td>
<td>07/05/2005</td>
<td>0117</td>
</tr>
<tr>
<td>06/17/2005</td>
<td>0046</td>
<td>07/05/2005</td>
<td>0118</td>
</tr>
<tr>
<td>06/17/2005</td>
<td>0052</td>
<td>07/06/2005</td>
<td>0120</td>
</tr>
<tr>
<td>06/17/2005</td>
<td>0053</td>
<td>07/06/2005</td>
<td>0121</td>
</tr>
<tr>
<td>06/17/2005</td>
<td>0055</td>
<td>07/07/2005</td>
<td>0127</td>
</tr>
<tr>
<td>06/17/2005</td>
<td>0056</td>
<td>07/07/2005</td>
<td>0128</td>
</tr>
<tr>
<td>06/17/2005</td>
<td>0057</td>
<td>07/07/2005</td>
<td>0129</td>
</tr>
<tr>
<td>06/17/2005</td>
<td>0058</td>
<td>07/07/2005</td>
<td>0130</td>
</tr>
<tr>
<td>06/17/2005</td>
<td>0059</td>
<td>07/07/2005</td>
<td>0131</td>
</tr>
<tr>
<td>06/20/2005</td>
<td>0060</td>
<td>07/07/2005</td>
<td>0132</td>
</tr>
<tr>
<td>06/20/2005</td>
<td>0062</td>
<td>07/07/2005</td>
<td>0133</td>
</tr>
<tr>
<td>06/21/2005</td>
<td>0063</td>
<td>07/07/2005</td>
<td>0135</td>
</tr>
</tbody>
</table>

* - Generally effective this date, some sections other dates
<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Public Act 93-</th>
<th>Effective Date</th>
<th>Public Act 93-</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/07/2005</td>
<td>0136</td>
<td>07/12/2005</td>
<td>0200</td>
</tr>
<tr>
<td>07/07/2005</td>
<td>0138</td>
<td>07/12/2005</td>
<td>0202</td>
</tr>
<tr>
<td>07/07/2005</td>
<td>0139</td>
<td>07/13/2005</td>
<td>0203</td>
</tr>
<tr>
<td>07/07/2005</td>
<td>0140</td>
<td>07/14/2005</td>
<td>0204</td>
</tr>
<tr>
<td>07/08/2005</td>
<td>0146</td>
<td>07/14/2005</td>
<td>0208</td>
</tr>
<tr>
<td>07/08/2005</td>
<td>0150</td>
<td>07/14/2005</td>
<td>0210</td>
</tr>
<tr>
<td>07/08/2005</td>
<td>0151</td>
<td>07/14/2005</td>
<td>0211</td>
</tr>
<tr>
<td>07/08/2005</td>
<td>0152</td>
<td>07/14/2005</td>
<td>0213</td>
</tr>
<tr>
<td>07/08/2005</td>
<td>0153</td>
<td>07/14/2005</td>
<td>0216</td>
</tr>
<tr>
<td>07/08/2005</td>
<td>0154</td>
<td>07/14/2005</td>
<td>0219</td>
</tr>
<tr>
<td>07/08/2005</td>
<td>0156</td>
<td>07/14/2005</td>
<td>0220</td>
</tr>
<tr>
<td>07/08/2005</td>
<td>0157</td>
<td>07/14/2005</td>
<td>0221</td>
</tr>
<tr>
<td>07/11/2005</td>
<td>0158</td>
<td>07/14/2005</td>
<td>0222</td>
</tr>
<tr>
<td>07/11/2005</td>
<td>0159</td>
<td>07/14/2005</td>
<td>0223</td>
</tr>
<tr>
<td>07/11/2005</td>
<td>0160</td>
<td>07/14/2005</td>
<td>0225</td>
</tr>
<tr>
<td>07/11/2005</td>
<td>0161</td>
<td>07/14/2005</td>
<td>0231</td>
</tr>
<tr>
<td>07/11/2005</td>
<td>0162</td>
<td>07/14/2005</td>
<td>0232</td>
</tr>
<tr>
<td>07/11/2005</td>
<td>0163</td>
<td>07/14/2005</td>
<td>0233</td>
</tr>
<tr>
<td>07/11/2005</td>
<td>0165</td>
<td>07/14/2005</td>
<td>0234</td>
</tr>
<tr>
<td>07/11/2005</td>
<td>0170</td>
<td>07/14/2005</td>
<td>0235</td>
</tr>
<tr>
<td>07/11/2005</td>
<td>0171</td>
<td>07/14/2005</td>
<td>0236</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0175</td>
<td>07/14/2005</td>
<td>0238</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0176</td>
<td>07/15/2005</td>
<td>0240</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0177</td>
<td>07/18/2005</td>
<td>0242</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0179</td>
<td>07/19/2005</td>
<td>0244</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0180</td>
<td>07/19/2005</td>
<td>0248</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0182</td>
<td>07/19/2005</td>
<td>0249</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0184</td>
<td>07/19/2005</td>
<td>0250</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0187</td>
<td>07/19/2005</td>
<td>0254</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0188</td>
<td>07/19/2005</td>
<td>0256</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0189</td>
<td>07/19/2005</td>
<td>0258</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0190</td>
<td>07/19/2005</td>
<td>0260</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0191</td>
<td>07/19/2005</td>
<td>0264</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0193</td>
<td>07/19/2005</td>
<td>0267</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0194</td>
<td>07/19/2005</td>
<td>0268</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0195</td>
<td>07/19/2005</td>
<td>0269</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0196</td>
<td>07/19/2005</td>
<td>0272</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0197</td>
<td>07/19/2005</td>
<td>0275</td>
</tr>
<tr>
<td>07/12/2005</td>
<td>0199</td>
<td>07/20/2005</td>
<td>0277</td>
</tr>
</tbody>
</table>

* Generally effective this date, some sections other dates.
<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Public Act 93-</th>
<th>Effective Date</th>
<th>Public Act 93-</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/20/2005</td>
<td>0278</td>
<td>07/29/2005</td>
<td>0353</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0282</td>
<td>07/29/2005</td>
<td>0356</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0284</td>
<td>07/29/2005</td>
<td>0358</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0285</td>
<td>07/29/2005</td>
<td>0362</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0286</td>
<td>07/29/2005</td>
<td>0363</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0291</td>
<td>07/29/2005</td>
<td>0364</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0295</td>
<td>07/29/2005</td>
<td>0365</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0296</td>
<td>07/29/2005</td>
<td>0366</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0297</td>
<td>07/29/2005</td>
<td>0368</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0299</td>
<td>07/29/2005</td>
<td>0369</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0300</td>
<td>07/29/2005</td>
<td>0370</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0302</td>
<td>07/29/2005</td>
<td>0372</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0303</td>
<td>07/29/2005</td>
<td>0374</td>
</tr>
<tr>
<td>07/21/2005 *</td>
<td>0304</td>
<td>07/29/2005</td>
<td>0376</td>
</tr>
<tr>
<td>07/21/2005</td>
<td>0305</td>
<td>07/29/2005</td>
<td>0377</td>
</tr>
<tr>
<td>07/22/2005</td>
<td>0308</td>
<td>07/29/2005</td>
<td>0380</td>
</tr>
<tr>
<td>07/25/2005</td>
<td>0309</td>
<td>07/29/2005</td>
<td>0381</td>
</tr>
<tr>
<td>07/25/2005</td>
<td>0310</td>
<td>07/29/2005</td>
<td>0382</td>
</tr>
<tr>
<td>07/25/2005</td>
<td>0312</td>
<td>07/29/2005</td>
<td>0385</td>
</tr>
<tr>
<td>07/25/2005</td>
<td>0313</td>
<td>07/29/2005</td>
<td>0386</td>
</tr>
<tr>
<td>07/25/2005</td>
<td>0314</td>
<td>07/29/2005</td>
<td>0387</td>
</tr>
<tr>
<td>07/25/2005</td>
<td>0316</td>
<td>07/29/2005</td>
<td>0388</td>
</tr>
<tr>
<td>07/25/2005</td>
<td>0317</td>
<td>08/01/2005</td>
<td>0392</td>
</tr>
<tr>
<td>07/26/2005</td>
<td>0324</td>
<td>08/01/2005</td>
<td>0393</td>
</tr>
<tr>
<td>07/26/2005</td>
<td>0326</td>
<td>08/01/2005</td>
<td>0394</td>
</tr>
<tr>
<td>07/26/2005</td>
<td>0328</td>
<td>08/01/2005</td>
<td>0395</td>
</tr>
<tr>
<td>07/26/2005</td>
<td>0333</td>
<td>08/01/2005</td>
<td>0396</td>
</tr>
<tr>
<td>07/26/2005</td>
<td>0335</td>
<td>08/02/2005</td>
<td>0398</td>
</tr>
<tr>
<td>07/26/2005</td>
<td>0336</td>
<td>08/02/2005</td>
<td>0401</td>
</tr>
<tr>
<td>07/26/2005</td>
<td>0339</td>
<td>08/02/2005</td>
<td>0402</td>
</tr>
<tr>
<td>07/26/2005</td>
<td>0342</td>
<td>08/02/2005</td>
<td>0405</td>
</tr>
<tr>
<td>07/26/2005</td>
<td>0345</td>
<td>08/02/2005</td>
<td>0406</td>
</tr>
<tr>
<td>07/28/2005</td>
<td>0346</td>
<td>08/02/2005</td>
<td>0407</td>
</tr>
<tr>
<td>07/28/2005</td>
<td>0347</td>
<td>08/02/2005</td>
<td>0408</td>
</tr>
<tr>
<td>07/28/2005</td>
<td>0348</td>
<td>08/02/2005</td>
<td>0410</td>
</tr>
<tr>
<td>07/28/2005</td>
<td>0349</td>
<td>08/02/2005</td>
<td>0412</td>
</tr>
<tr>
<td>07/28/2005</td>
<td>0350</td>
<td>08/02/2005</td>
<td>0415</td>
</tr>
<tr>
<td>07/28/2005</td>
<td>0351</td>
<td>08/02/2005</td>
<td>0417</td>
</tr>
<tr>
<td>07/28/2005</td>
<td>0352</td>
<td>08/02/2005</td>
<td>0418</td>
</tr>
</tbody>
</table>

* - Generally effective this date, some sections other dates
<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Public Act 93-</th>
<th>Effective Date</th>
<th>Public Act 93-</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/02/2005</td>
<td>0419</td>
<td>08/05/2005</td>
<td>0479</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0420</td>
<td>08/08/2005</td>
<td>0483</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0421</td>
<td>08/08/2005</td>
<td>0484</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0422</td>
<td>08/08/2005</td>
<td>0485</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0423</td>
<td>08/08/2005</td>
<td>0489</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0424</td>
<td>08/08/2005</td>
<td>0491</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0425</td>
<td>08/08/2005</td>
<td>0493</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0428</td>
<td>08/08/2005</td>
<td>0494</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0429</td>
<td>08/08/2005</td>
<td>0495</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0430</td>
<td>08/08/2005</td>
<td>0498</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0431</td>
<td>08/08/2005</td>
<td>0500</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0432</td>
<td>08/08/2005</td>
<td>0501</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0435</td>
<td>08/08/2005</td>
<td>0502</td>
</tr>
<tr>
<td>08/02/2005</td>
<td>0436</td>
<td>08/08/2005</td>
<td>0504</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0438</td>
<td>08/08/2005</td>
<td>0505</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0439</td>
<td>08/08/2005</td>
<td>0506</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0440</td>
<td>08/08/2005</td>
<td>0507</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0441</td>
<td>08/09/2005</td>
<td>0509</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0442</td>
<td>08/09/2005</td>
<td>0510</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0448</td>
<td>08/10/2005</td>
<td>0514</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0449</td>
<td>08/10/2005</td>
<td>0515</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0450</td>
<td>08/10/2005</td>
<td>0516</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0454</td>
<td>08/10/2005</td>
<td>0518</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0455</td>
<td>08/10/2005</td>
<td>0519</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0456</td>
<td>08/10/2005</td>
<td>0520</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0458</td>
<td>08/10/2005</td>
<td>0522</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0460</td>
<td>08/10/2005</td>
<td>0524</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0461</td>
<td>08/10/2005</td>
<td>0528</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0462</td>
<td>08/10/2005</td>
<td>0529</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0463</td>
<td>08/10/2005</td>
<td>0532</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0465</td>
<td>08/10/2005</td>
<td>0533</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0468</td>
<td>08/10/2005</td>
<td>0535</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0469</td>
<td>08/10/2005</td>
<td>0536</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0470</td>
<td>08/10/2005</td>
<td>0537</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0471</td>
<td>08/10/2005</td>
<td>0539</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0474</td>
<td>08/10/2005</td>
<td>0542</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0475</td>
<td>08/10/2005</td>
<td>0543</td>
</tr>
<tr>
<td>08/04/2005</td>
<td>0476</td>
<td>08/10/2005</td>
<td>0544</td>
</tr>
<tr>
<td>08/05/2005</td>
<td>0478</td>
<td>08/11/2005</td>
<td>0548</td>
</tr>
</tbody>
</table>

* - Generally effective this date, some sections other dates.
<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Public Act 93-</th>
<th>Effective Date</th>
<th>Public Act 93-</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/12/2005</td>
<td>0552</td>
<td>08/18/2005</td>
<td>0623</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0553</td>
<td>08/18/2005</td>
<td>0624</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0555</td>
<td>08/18/2005</td>
<td>0625</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0557</td>
<td>08/18/2005</td>
<td>0626</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0564</td>
<td>08/19/2005</td>
<td>0631</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0569</td>
<td>08/19/2005</td>
<td>0632</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0570</td>
<td>08/19/2005</td>
<td>0633</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0571</td>
<td>08/22/2005</td>
<td>0635</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0572</td>
<td>08/22/2005</td>
<td>0636</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0574</td>
<td>08/22/2005</td>
<td>0638</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0575</td>
<td>08/22/2005</td>
<td>0639</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0576</td>
<td>08/22/2005</td>
<td>0641</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0578</td>
<td>08/22/2005</td>
<td>0644</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0579</td>
<td>08/22/2005</td>
<td>0645</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0580</td>
<td>08/22/2005</td>
<td>0646</td>
</tr>
<tr>
<td>08/12/2005</td>
<td>0581</td>
<td>08/22/2005</td>
<td>0649</td>
</tr>
<tr>
<td>08/15/2005</td>
<td>0583</td>
<td>08/22/2005</td>
<td>0652</td>
</tr>
<tr>
<td>08/15/2005</td>
<td>0584</td>
<td>08/22/2005</td>
<td>0653</td>
</tr>
<tr>
<td>08/15/2005</td>
<td>0585</td>
<td>08/22/2005</td>
<td>0654</td>
</tr>
<tr>
<td>08/15/2005</td>
<td>0586</td>
<td>08/22/2005</td>
<td>0656</td>
</tr>
<tr>
<td>08/15/2005</td>
<td>0587</td>
<td>08/22/2005</td>
<td>0660</td>
</tr>
<tr>
<td>08/15/2005</td>
<td>0588</td>
<td>08/23/2005</td>
<td>0666</td>
</tr>
<tr>
<td>08/15/2005</td>
<td>0589</td>
<td>08/23/2005</td>
<td>0667</td>
</tr>
<tr>
<td>08/15/2005</td>
<td>0591</td>
<td>08/23/2005</td>
<td>0669</td>
</tr>
<tr>
<td>08/15/2005</td>
<td>0593</td>
<td>08/23/2005</td>
<td>0670</td>
</tr>
<tr>
<td>08/16/2005</td>
<td>0600</td>
<td>08/23/2005</td>
<td>0671</td>
</tr>
<tr>
<td>08/16/2005</td>
<td>0601</td>
<td>08/23/2005</td>
<td>0673</td>
</tr>
<tr>
<td>08/16/2005</td>
<td>0602</td>
<td>08/23/2005</td>
<td>0674</td>
</tr>
<tr>
<td>08/16/2005</td>
<td>0603</td>
<td>08/23/2005</td>
<td>0675</td>
</tr>
<tr>
<td>08/16/2005</td>
<td>0606</td>
<td>08/24/2005</td>
<td>0676</td>
</tr>
<tr>
<td>08/16/2005</td>
<td>0607</td>
<td>08/25/2005</td>
<td>0677</td>
</tr>
<tr>
<td>08/16/2005</td>
<td>0608</td>
<td>09/11/2005</td>
<td>0556</td>
</tr>
<tr>
<td>08/16/2005</td>
<td>0610</td>
<td>09/30/2005</td>
<td>0307</td>
</tr>
<tr>
<td>08/18/2005</td>
<td>0611</td>
<td>10/01/2005</td>
<td>0149</td>
</tr>
<tr>
<td>08/18/2005</td>
<td>0612</td>
<td>11/02/2005</td>
<td>0685</td>
</tr>
<tr>
<td>08/18/2005</td>
<td>0613</td>
<td>11/02/2005</td>
<td>0686</td>
</tr>
<tr>
<td>08/18/2005</td>
<td>0617</td>
<td>11/02/2005</td>
<td>0690</td>
</tr>
<tr>
<td>08/18/2005</td>
<td>0621</td>
<td>11/02/2005</td>
<td>0691</td>
</tr>
<tr>
<td>08/18/2005</td>
<td>0622</td>
<td>11/03/2005</td>
<td>0680</td>
</tr>
</tbody>
</table>

* - Generally effective this date, some sections other dates
<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Public Act 93-</th>
<th>Effective Date</th>
<th>Public Act 93-</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/03/2005</td>
<td>0681</td>
<td>01/01/2006</td>
<td>0050</td>
</tr>
<tr>
<td>11/03/2005</td>
<td>0682</td>
<td>01/01/2006</td>
<td>0051</td>
</tr>
<tr>
<td>11/03/2005</td>
<td>0687</td>
<td>01/01/2006</td>
<td>0054</td>
</tr>
<tr>
<td>11/03/2005</td>
<td>0692</td>
<td>01/01/2006</td>
<td>0061</td>
</tr>
<tr>
<td>11/09/2005</td>
<td>0683</td>
<td>01/01/2006</td>
<td>0066</td>
</tr>
<tr>
<td>11/16/2005</td>
<td>0695</td>
<td>01/01/2006</td>
<td>0067</td>
</tr>
<tr>
<td>11/21/2005</td>
<td>0697</td>
<td>01/01/2006</td>
<td>0072</td>
</tr>
<tr>
<td>11/22/2005</td>
<td>0698</td>
<td>01/01/2006</td>
<td>0074</td>
</tr>
<tr>
<td>11/29/2005</td>
<td>0699</td>
<td>01/01/2006</td>
<td>0075</td>
</tr>
<tr>
<td>12/05/2005</td>
<td>0704</td>
<td>01/01/2006</td>
<td>0077</td>
</tr>
<tr>
<td>12/05/2005</td>
<td>0708</td>
<td>01/01/2006</td>
<td>0078</td>
</tr>
<tr>
<td>12/05/2005</td>
<td>0709</td>
<td>01/01/2006</td>
<td>0081</td>
</tr>
<tr>
<td>12/05/2005</td>
<td>0710</td>
<td>01/01/2006</td>
<td>0082</td>
</tr>
<tr>
<td>12/06/2005</td>
<td>0013</td>
<td>01/01/2006</td>
<td>0083</td>
</tr>
<tr>
<td>12/13/2005</td>
<td>0715</td>
<td>01/01/2006</td>
<td>0086</td>
</tr>
<tr>
<td>12/13/2005</td>
<td>0716</td>
<td>01/01/2006</td>
<td>0088</td>
</tr>
<tr>
<td>12/19/2005</td>
<td>0717</td>
<td>01/01/2006</td>
<td>0089</td>
</tr>
<tr>
<td>12/30/2005</td>
<td>0718</td>
<td>01/01/2006</td>
<td>0090</td>
</tr>
<tr>
<td>12/31/2005</td>
<td>0409</td>
<td>01/01/2006</td>
<td>0093</td>
</tr>
<tr>
<td>12/31/2005</td>
<td>0414</td>
<td>01/01/2006</td>
<td>0096</td>
</tr>
<tr>
<td>12/31/2005</td>
<td>0451</td>
<td>01/01/2006</td>
<td>0097</td>
</tr>
<tr>
<td>12/31/2005</td>
<td>0527</td>
<td>01/01/2006</td>
<td>0099</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0006</td>
<td>01/01/2006</td>
<td>0102</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0009</td>
<td>01/01/2006</td>
<td>0110</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0012</td>
<td>01/01/2006</td>
<td>0111</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0014</td>
<td>01/01/2006</td>
<td>0112</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0017</td>
<td>01/01/2006</td>
<td>0113</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0021</td>
<td>01/01/2006</td>
<td>0114</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0022</td>
<td>01/01/2006</td>
<td>0115</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0025</td>
<td>01/01/2006</td>
<td>0116</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0026</td>
<td>01/01/2006</td>
<td>0119</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0028</td>
<td>01/01/2006</td>
<td>0122</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0033</td>
<td>01/01/2006</td>
<td>0123</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0034</td>
<td>01/01/2006</td>
<td>0124</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0036</td>
<td>01/01/2006</td>
<td>0125</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0040</td>
<td>01/01/2006</td>
<td>0126</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0043</td>
<td>01/01/2006</td>
<td>0134</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0047</td>
<td>01/01/2006</td>
<td>0137</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0049</td>
<td>01/01/2006</td>
<td>0141</td>
</tr>
</tbody>
</table>

* Generally effective this date, some sections other dates.
<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Public Act 93-</th>
<th>Effective Date</th>
<th>Public Act 93-</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/01/2006</td>
<td>0142</td>
<td>01/01/2006</td>
<td>0241</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0143</td>
<td>01/01/2006</td>
<td>0243</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0144</td>
<td>01/01/2006</td>
<td>0246</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0145</td>
<td>01/01/2006</td>
<td>0247</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0147</td>
<td>01/01/2006</td>
<td>0251</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0148</td>
<td>01/01/2006</td>
<td>0252</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0155</td>
<td>01/01/2006</td>
<td>0253</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0164</td>
<td>01/01/2006</td>
<td>0255</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0166</td>
<td>01/01/2006</td>
<td>0257</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0167</td>
<td>01/01/2006</td>
<td>0259</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0168</td>
<td>01/01/2006</td>
<td>0261</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0169</td>
<td>01/01/2006</td>
<td>0262</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0172</td>
<td>01/01/2006</td>
<td>0263</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0173</td>
<td>01/01/2006</td>
<td>0265</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0174</td>
<td>01/01/2006</td>
<td>0266</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0178</td>
<td>01/01/2006</td>
<td>0270</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0181</td>
<td>01/01/2006</td>
<td>0271</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0183</td>
<td>01/01/2006</td>
<td>0273</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0185</td>
<td>01/01/2006</td>
<td>0274</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0186</td>
<td>01/01/2006</td>
<td>0276</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0192</td>
<td>01/01/2006</td>
<td>0279</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0198</td>
<td>01/01/2006</td>
<td>0280</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0201</td>
<td>01/01/2006</td>
<td>0281</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0205</td>
<td>01/01/2006</td>
<td>0283</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0206</td>
<td>01/01/2006</td>
<td>0287</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0207</td>
<td>01/01/2006</td>
<td>0288</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0209</td>
<td>01/01/2006</td>
<td>0289</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0212</td>
<td>01/01/2006</td>
<td>0290</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0214</td>
<td>01/01/2006</td>
<td>0292</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0215</td>
<td>01/01/2006</td>
<td>0293</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0217</td>
<td>01/01/2006</td>
<td>0294</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0224</td>
<td>01/01/2006</td>
<td>0298</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0226</td>
<td>01/01/2006</td>
<td>0301</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0227</td>
<td>01/01/2006</td>
<td>0306</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0228</td>
<td>01/01/2006</td>
<td>0311</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0229</td>
<td>01/01/2006</td>
<td>0315</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0230</td>
<td>01/01/2006</td>
<td>0318</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0237</td>
<td>01/01/2006</td>
<td>0319</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0239</td>
<td>01/01/2006</td>
<td>0320</td>
</tr>
</tbody>
</table>

* - Generally effective this date, some sections other dates
<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Public Act 93-</th>
<th>Effective Date</th>
<th>Public Act 93-</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/01/2006</td>
<td>0321</td>
<td>01/01/2006</td>
<td>0416</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0322</td>
<td>01/01/2006</td>
<td>0426</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0323</td>
<td>01/01/2006</td>
<td>0427</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0325</td>
<td>01/01/2006</td>
<td>0433</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0327</td>
<td>01/01/2006</td>
<td>0434</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0329</td>
<td>01/01/2006</td>
<td>0437</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0330</td>
<td>01/01/2006</td>
<td>0443</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0331</td>
<td>01/01/2006</td>
<td>0444</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0332</td>
<td>01/01/2006</td>
<td>0445</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0334</td>
<td>01/01/2006</td>
<td>0446</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0337</td>
<td>01/01/2006</td>
<td>0447</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0338</td>
<td>01/01/2006</td>
<td>0452</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0340</td>
<td>01/01/2006</td>
<td>0453</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0341</td>
<td>01/01/2006</td>
<td>0457</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0343</td>
<td>01/01/2006</td>
<td>0459</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0344</td>
<td>01/01/2006</td>
<td>0464</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0354</td>
<td>01/01/2006</td>
<td>0466</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0355</td>
<td>01/01/2006</td>
<td>0467</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0357</td>
<td>01/01/2006</td>
<td>0472</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0360</td>
<td>01/01/2006</td>
<td>0473</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0361</td>
<td>01/01/2006</td>
<td>0477</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0367</td>
<td>01/01/2006</td>
<td>0480</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0371</td>
<td>01/01/2006</td>
<td>0481</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0373</td>
<td>01/01/2006</td>
<td>0482</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0375</td>
<td>01/01/2006</td>
<td>0486</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0378</td>
<td>01/01/2006</td>
<td>0487</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0379</td>
<td>01/01/2006</td>
<td>0488</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0383</td>
<td>01/01/2006</td>
<td>0490</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0384</td>
<td>01/01/2006</td>
<td>0492</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0389</td>
<td>01/01/2006</td>
<td>0496</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0390</td>
<td>01/01/2006</td>
<td>0497</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0391</td>
<td>01/01/2006</td>
<td>0499</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0397</td>
<td>01/01/2006</td>
<td>0503</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0399</td>
<td>01/01/2006</td>
<td>0508</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0400</td>
<td>01/01/2006</td>
<td>0511</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0403</td>
<td>01/01/2006</td>
<td>0512</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0404</td>
<td>01/01/2006</td>
<td>0513</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0411</td>
<td>01/01/2006</td>
<td>0517</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0413</td>
<td>01/01/2006</td>
<td>0521</td>
</tr>
</tbody>
</table>

* - Generally effective this date, some sections other dates.
<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Public Act 93-</th>
<th>Effective Date</th>
<th>Public Act 93-</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/01/2006</td>
<td>0523</td>
<td>01/01/2006</td>
<td>0525</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0526</td>
<td>01/01/2006</td>
<td>0530</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0531</td>
<td>01/01/2006</td>
<td>0534</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0538</td>
<td>01/01/2006</td>
<td>0541</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0545</td>
<td>01/01/2006</td>
<td>0546</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0547</td>
<td>01/01/2006</td>
<td>0549</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0550</td>
<td>01/01/2006</td>
<td>0551</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0554</td>
<td>01/01/2006</td>
<td>0558</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0559</td>
<td>01/01/2006</td>
<td>0560</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0561</td>
<td>01/01/2006</td>
<td>0562</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0563</td>
<td>01/01/2006</td>
<td>0565</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0566</td>
<td>01/01/2006</td>
<td>0567</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0568</td>
<td>01/01/2006</td>
<td>0573</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0577</td>
<td>01/01/2006</td>
<td>0582</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0590</td>
<td>01/01/2006</td>
<td>0592</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0594</td>
<td>01/01/2006</td>
<td>0595</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0596</td>
<td>01/01/2006</td>
<td>0597</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0598</td>
<td>01/01/2006</td>
<td>0599</td>
</tr>
<tr>
<td>01/01/2006</td>
<td>0604</td>
<td>01/01/2006</td>
<td>0605</td>
</tr>
</tbody>
</table>

* - Generally effective this date, some sections other dates
<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Public Act 93-</th>
<th>Effective Date</th>
<th>Public Act 93-</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/19/2006</td>
<td>0723</td>
<td>01/20/2006</td>
<td>0724</td>
</tr>
<tr>
<td>01/20/2006</td>
<td>0726</td>
<td>01/27/2006</td>
<td>0079</td>
</tr>
<tr>
<td>06/01/2006</td>
<td>0696</td>
<td>06/01/2006</td>
<td>0700</td>
</tr>
<tr>
<td>06/01/2006</td>
<td>0701</td>
<td>06/01/2006</td>
<td>0702</td>
</tr>
<tr>
<td>06/01/2006</td>
<td>0703</td>
<td>06/01/2006</td>
<td>0705</td>
</tr>
<tr>
<td>06/01/2006</td>
<td>0706</td>
<td>06/01/2006</td>
<td>0707</td>
</tr>
<tr>
<td>06/01/2006</td>
<td>0711</td>
<td>06/01/2006</td>
<td>0712</td>
</tr>
<tr>
<td>06/01/2006</td>
<td>0713</td>
<td>06/01/2006</td>
<td>0725</td>
</tr>
<tr>
<td>07/01/2006</td>
<td>0218</td>
<td>07/01/2006</td>
<td>0245</td>
</tr>
<tr>
<td>07/01/2006</td>
<td>0359</td>
<td>07/01/2006</td>
<td>0657</td>
</tr>
<tr>
<td>07/01/2006</td>
<td>0693</td>
<td>07/01/2006</td>
<td>0714</td>
</tr>
<tr>
<td>01/01/2007</td>
<td>0620</td>
<td>01/01/2008</td>
<td>0101</td>
</tr>
</tbody>
</table>

* - Generally effective this date, some sections other dates.
State of Illinois  
) ss.  
United States of America, )

Office of the Secretary of State.

I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that the foregoing Public Acts and Joint Resolutions of the Ninety-Fourth General Assembly of the State of Illinois and the Executive Orders and Proclamations of the Governor, are true and correct copies of the originals now on file in the office of the Secretary of State.

IN WITNESS WHEREOF, I hereto set my hand and affix the Great Seal of the State of Illinois, at the city of Springfield, this 12th day of May 2006.

(SEAL)

JESSE WHITE
Secretary of State